



MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY 17 FEBRUARY 2015

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 17 FEBRUARY 2015.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

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

WARD

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

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms C Young	Director Community Development
Mr J Christie	Director Technical Services
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast	Manager Statutory Planning
Ms T Hirst	A/Manager Organisational Development
Mr N Fimmano	A/Governance & Compliance Program
	Manager
Ms G Healey-Burgess	Minute Secretary

At the commencement of the meeting there were 26 members of the public and nil members from the Press in the Public Gallery.

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

Nil

4.2 APPROVED LEAVE OF ABSENCE

Nil

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

Nil

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

Nil

6. QUESTION TIME

Nil

7. DEPUTATIONS

- M15/5406 - Mr Gary Crawford, resident of Attadale

8. AWARDS AND PRESENTATIONS

Nil

9. CONFIRMATION OF MINUTES**9.1 ORDINARY MEETING OF THE COUNCIL – 9 DECEMBER 2014**
Minutes 9 December 2014**COUNCIL RESOLUTION**

At 6:37pm Cr Aubrey moved, seconded Cr Hill –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 9 December 2014, be confirmed as a true and accurate record.

At 6:37pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

9.2 NOTES OF AGENDA BRIEFING FORUM – 3 FEBRUARY 2015
Notes 3 February 2015**COUNCIL RESOLUTION**

At 6:37pm Cr Willis moved, seconded Cr Foxton –

That the Notes of the Agenda Briefing Forum held on Tuesday, 3 February 2015, be received.

At 6:37pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

9.3 ANNUAL GENERAL MEETING OF ELECTORS – 2 DECEMBER 2014
Minutes 2 December 2014**COUNCIL RESOLUTION**

At 6:37pm Cr Aubrey moved, seconded Cr Schuster –

That the Minutes of the Annual General Meeting of Electors held on Tuesday, 2 December 2014, be confirmed as a true and accurate record.

At 6:37pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

9.4 SPECIAL MEETING OF THE COUNCIL – 18 DECEMBER 2014
Minutes 18 December 2014**COUNCIL RESOLUTION**

At 6:35pm Cr Foxton moved, seconded Cr Aubrey –

That the Minutes of the Ordinary Meeting of the Council held on Thursday, 18 December 2014, be confirmed as a true and accurate record.

At 6:37pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

10. DECLARATIONS OF INTEREST**10.1 FINANCIAL INTERESTS**

- P15/3593 – Cr Pazolli

10.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- T15/3584 – Cr Schuster – Code of Conduct

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.40pm moved Cr Schuster, seconded Cr Taylor – Rees

That the application for a new leave of absence submitted by Cr Barton on 17 February 2015 be granted.

At 6:40pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- Confidential Item T15/3584 - Request For 'In Principle" Support for Further Investigation for the Proposed Sale or Lease of the Southern Metropolitan Regional Council's Materials Recovery Facility at the Regional Resource Recovery Centre

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.

13. PETITIONS**13.1 Petition - Request for Bicton Park to be Formally Recognised as "Parks and Recreation" in Local Planning Scheme 6**

A petition signed by 41 residents was received by the City of Melville on Friday 16 January 2015. The petition reads as follows –

We, the undersigned, all being Electors of the City of Melville, do humbly pray that the City of Melville acknowledge residents concerns with regard to the property located at 58 – 60 Murray Road and 24 – 26 Fifth Street (known locally as Bicton Park) and request that in consideration of community consultation on Local Planning Scheme 6, Bicton Park be formally recognised as "Parks and Recreation". Presently designated as "Residential R20" we ask due regard be given to the purpose for which the land was purchased by the City of Melville and for which the land has been reserved.

13. PETITIONS (Continued)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

At 6:41pm Cr Barton moved, seconded Cr Taylor-Rees

That the petition bearing 41 signatures be acknowledged in writing to the lead petitioner with the advice that the petition will be considered as a submission to the advertising of the Local Planning Strategy and Local Planning Scheme No 6. All submissions will be collated and presented to the Council and the Western Australian Planning Commission as part of a report on submissions. Each submission will be considered on its merits and, together with all submissions received, in light of State, Regional and Local Strategic Planning and Policy.

That the lead petitioner be notified of the implications of the report on Submissions after it has been considered by both Local and State Governments.

At 6:41pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

13.2 Petition – Request to Rezone the Properties within Marmion Street (Between Redwood Crescent and Hornsby Street in Melville) from “Residential R20” to “Residential R40”

A petition signed by 13 residents was received by the City of Melville on Monday 19 January 2015. The petition reads as follows –

We, the undersigned, all being Electors of the City of Melville, do humbly pray that the Council, as part of its Town Planning Scheme review, rezones the properties within Marmion Street (between Redwood Crescent and Hornsby Street in Melville) from “Residential R20” to “Residential R40”, as shown on the attached map. The purpose of the rezoning is to match the zoning proposed in neighbouring portions of Marmion Street in order to maintain a consistent future streetscape and remain consistent with the City’s Local Planning Strategy, which designates Marmion Street as being medium density (ie R40).

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

At 6:41pm Cr Schuster moved, seconded Cr Phelan –

That the petition bearing 13 signatures be acknowledged in writing to the lead petitioner with the advice that the petition will be considered as a submission to the advertising of the Local Planning Strategy and Local Planning Scheme No 6. All submissions will be collated and presented to the Council and the Western Australian Planning Commission as part of a report on submissions. Each submission will be considered on its merits and, together with all submissions received, in light of State, Regional and Local Strategic Planning and Policy.

That the lead petitioner be notified of the implications of the report on Submissions after it has been considered by both Local and State Governments.

At 6:41pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (13/0)

13. PETITIONS (Continued)**13.3 Petition – Zoning Tweeddale Road Applecross**

A petition signed by 34 residents was received by the City of Melville on Tuesday, 20 January 2015. The petition reads as follows –

"We, the undersigned, all being Electors of the City of Melville, do humbly pray that the Zoning for Tweeddale Road, Applecross where it is R15 is returned to R20 thus affording the same development opportunities to the current owners as has been afforded to owners of the already developed blocks which make up over 50% of the street."

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION

At 6:42pm Cr Schuster moved, seconded Cr Pazolli –

That the petition bearing 34 signatures be acknowledged in writing to the lead petitioner with the advice that the petition will be considered as a submission to the advertising of the Local Planning Strategy and Local Planning Scheme No 6. All submissions will be collated and presented to the Council and the Western Australian Planning Commission as part of a report on submissions. Each submission will be considered on its merits and, together with all submissions received, in light of State, Regional and Local Strategic Planning and Policy.

That the lead petitioner be notified of the implications of the report on Submissions after it has been considered by both Local and State Governments.

At 6:42 pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6.44pm the Mayor requested that item P15/3599 be brought forward for discussion.

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

Ward	: Applecross/Mt Pleasant
Category	: Operational
Application Number	: DA-2014-1169
Property	: Lot 899 (18A) Tweeddale Road, Applecross
Proposal	: Three Storey (with Undercroft) Multiple Dwelling Development (Three Units)
Applicant	: Dynamic Planning and Developments Pty Ltd
Owner	: T and P The
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P12/3308 – Three Storey Dwelling at Lot 899 (18A) Tweeddale Road, Applecross – Ordinary Meeting of Council 15 May 2012 P12/3329 – Confidential Item – Reconsideration of Three-Storey with Undercroft Multiple Dwelling at Lot 899 (18A) Tweeddale Road, Applecross - Ordinary Meeting of Council 18 September 2012 P12/3347 – Late and Confidential Item – Reconsideration of Three Storey with Undercroft Multiple Dwelling at Lot 899 (18A) Tweeddale Road, Applecross - Ordinary Meeting of Council 16 October 2012 P14/3454 – Amendment to Approved Plans for a Three Storey (With Undercroft) Multiple Dwelling Development at Lot 899 (18A) Tweeddale Road, Applecross – Ordinary Meeting of Council 18 February 2014
Responsible Officer	: Peter Prendergast Manager Statutory Planning

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☐	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>
☐	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
☐	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
☒	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>
☐	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

- Planning approval is sought for the construction of a three storey (with undercroft) Multiple Dwelling development (three units) at 18A Tweeddale Road, Applecross.
- A previous development application (reference DA-2011-439) for a broadly identical proposal was approved by the Council on 16 October 2012. This decision was reached after the Council's previous decision to refuse consent for the development was appealed by the applicant to the State Administrative Tribunal (SAT).
- The SAT ordered the City to reconsider its decision to refuse the initial planning application after a process of mediation had concluded. The mediation involved officers, the applicant, Elected Members and the Mayor. The Council reconsidered the DA at its meeting in September 2012, and subsequently at its meeting of October 2012. The approval issued after the October 2012 Council Meeting lapsed on 15 October 2014.
- The current development proposal is broadly similar to that previously approved, but as it is a new application, a complete re-assessment has been undertaken.
- The revised proposal requires an exercise of judgement in respect of the maximum building height, plot ratio, and boundary setbacks.
- In accordance with CPS5, Council Policy, and the R-Codes, the application was advertised via a sign on site and individual letters to adjoining property owners. Two submissions have been received outlining concerns in relation to height and building bulk.
- Despite the objections received, it is considered that the development is acceptable when assessed against the relevant Design Principles of the R-Codes.

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

- The proposed building height requires an Absolute Majority decision of Council whilst the plot ratio variation requires a Special Majority decision.
- It is recommended that the Council grant approval subject to conditions.



P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

The expired planning approval DA-2011-439 was originally refused at the Ordinary Meeting of Council held on 15 May 2012 for the following reason:

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

An appeal was subsequently lodged with the State Administrative Tribunal (SAT), and the matter proceeded to mediation.

As a result of the mediation process, the parties agreed that the applicant would amend the plans and reduce the overall height of the development by 300mm. In addition it was also agreed that the balustrades to the rear balconies would be amended to include obscure glazing.

Revised plans were subsequently prepared and submitted to the City for consideration which reduced the maximum height by 372mm and included the obscure glazing panels to the rear balconies.

The revised plans were considered by Council at its Ordinary Meeting held 18 September 2012 in accordance with Section 31 of the *State Administrative Tribunal Act 2004*. The Council refused the application for the following reason:

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

However, at the same meeting of Council, item P12/3340 – Three Storey Single House at Lot 899 (18A) Tweeddale Road, Applecross was approved. The design of the approved Single House was almost identical to the Multiple Dwelling development which was refused.

Following this meeting, SAT issued a further consent order for Council to again reconsider its decision.

On 16 October 2012, the Council granted approval to the development.

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

The development as approved included the following variations to CPS5, the R-Codes and Council Policy:

- Building height – 10.13m in lieu of 9.0m
- Plot ratio – 0.94 in lieu of 0.5
- Storage facilities – 1.2m minimum dimension in lieu of 1.5m
- Various setbacks to the eastern and western boundaries

On 18 February 2014, Council granted an amended planning approval (DA-2011-439/B) which permitted minor increases to building height and plot ratio.

The amended application as approved included the following variations to CPS5, the R-Codes and Council Policy:

- Building height – 10.29m in lieu of 9.0m
- Plot ratio – 1 in lieu of 0.5
- Various setbacks to the eastern and western boundaries

Further amendments to the original planning approval (DA-2011/439/C) were approved on 9 May 2014. The amendments included a minor reconfiguration of several internal and external walls. The application did not propose an increase to height or plot ratio and therefore did not require the determination of Council.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area A3 – Applecross
R-Code	: R30
Use Type	: Residential
Use Class	: P - Permitted

Site Details

Lot Area	: 613 sqm
Street Tree(s)	: Not Applicable
Street Furniture (drainage pits etc)	: Not Applicable
Site Details	: Refer to photo above.

[3599 Site and Elevation Plans](#)

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

DETAIL

CPS5 and Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Plot Ratio	0.5	1	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Special Majority decision of the Council
Building Height	9m	11.2m	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Absolute Majority Decision of the Council

R-Codes Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Eastern Setbacks	Second Floor - 3m - 4.5m	Second Floor - 2m - 4m	Requires assessment against design principles of Clause 5.1.3(P3.1) of the R-Codes	Manager Statutory Planning
Western Setbacks	First Floor - 3.3m Second Floor - 3m - 1.5m - 4.5m	First Floor - 2m - 4m Second Floor - 1.6m - 1.2m - 2.5m	Requires assessment against design principles of Clause 5.1.3(P3.1) of the R-Codes	Manager Statutory Planning

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1.	- The proposed 2.2m additional building height will result in an inconsistent streetscape, for which there is no precedent on the northern side of Tweeddale Road. - The proposed ground level has been artificially raised. The dwelling is not consistent with the existing and future form of the neighbourhood. - An increased noise level and reduced privacy reduces the amenity of adjoining property. - Any further visiting and parking traffic will further inhibit traffic flow and seriously inhibit, if not prevent access to emergency vehicles.	Objection	- There are a number of examples of existing buildings, particularly on the southern side of Tweeddale Road which are greater than 10.5m in height. The proposed development is considered to be comparable in scale to the adjoining eastern dwelling. - The natural ground level for this lot was approved in December 2008, under DA-2008-1557, which approved retaining walls. - The site is actually located within the proposed Canning Bridge Structure Plan area. - The development as proposed will provide necessary levels of off street car parking. This is a residential development which is acceptable in principle in land use terms in this location.	Not Uphold

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

2.	- The proposed height and plot ratio variation will result in a substantial loss of amenity and property values for the nearby homes. - The extra 2.2m to the permitted height requirements will have significant impact on river views.	Objection	- The plot ratio as proposed has been treated on its merits taking account of the previous planning approval. - Property value is not a material planning consideration. The revised development the subject of this report is not 2.2m higher than the development that was previously approved by Council. In actual fact, the previous proposal included a maximum building height of 10.29m at the front of the building where it is closest to Tweeddale Road. The revised height of building in the same position is now proposed at 10.51m, a very marginal increase of 22cm's. In addition there is a 4.5m difference in ground levels between the subject lot and the objector's property, which will provide some mitigation to any perceived height impacts that might otherwise result.	Not uphold
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P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

II. OTHER AGENCIES / CONSULTANTS

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

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

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There is no anticipated strategic, risk or environmental management implications associated with this proposal.

POLICY IMPLICATIONS

The proposal seeks to vary the building height provisions within Part 4 of CPS5 as guided by Council Policy CP-066: Height of Buildings.

The objective of Policy CP-066 is:

“...to provide guidance regarding the interpretation and application of building height controls throughout the City, in order to ensure that the height of buildings is consistent with the desired character of the locality, in the interests of residential and visual amenity”.

Further justification in relation the height variation sought is contained under the Comment section below.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

A Special Majority decision of the Council is required in respect of the approval of this application. Council could refuse to grant consent on the grounds that the amendments would result in the development being contrary to the orderly and proper planning of the locality. However, this course of action is not recommended for reasons detailed in support of the application below. Should the application be refused, the Applicant will have a right of appeal to the SAT.

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**COMMENT**

Planning approval is sought for the construction of a three storey Multiple Dwelling development (three units) including undercroft at 18A Tweeddale Road, Applecross.

The key differences proposed by the current development proposal are as follows:

- Internal changes to the configuration of the stairs/lift and lobby spaces;
- Internal changes to the configuration of the entry and study on each level;
- Reconfiguration of basement parking and store rooms;
- Provision of mechanical plant room;
- Minor changes to the positioning of several windows;
- Conversion of minor balcony to floor area of the dining/living room for Units 2 and 3; and
- Provision of a services balcony on the western side of Units 2 and 3.

The proposal has been assessed against all of the relevant provisions of CPS5, the R-Codes and the applicable Council Policies. As stated an exercise of judgement is sought in respect of plot ratio, building height, and boundary setbacks. This is consistent with the previous grants of planning approval, in that each sought approval for variations to plot ratio, building height, and boundary setbacks.

Building Height

The development was previously approved with a maximum height of 10.29m in lieu of 9m. Since the determination of that planning application, it is noted that the actual maximum height was 10.82m. This discrepancy was brought to the attention of the City taking into account the siting of the proposed building relative to the natural ground levels that were approved in 2008. Irrespective, the current proposal seeks to increase the maximum building height to 11.2m.

This additional building height has been assessed in accordance with Clause 7.8 of CPS5, the objectives of Council Policy CP-066: Height of Buildings, and the relevant Design Principle of the R-Codes. The additional building height is considered to be acceptable and is recommended for support for the following reasons:

- The scale of the increase, from the previously approved 10.29m (actually 10.82m), to 11.2m is minor in the context of the three storey building proposed, and actually only applies to the rear most portion of the proposed building at the point on the lot where the natural ground level slopes down by 1.05m.
- There are a number of examples of existing buildings, particularly on the southern side of Tweeddale Road which are greater than 10.5m in height. It is however noted that properties to the south are zoned 'Canning Bridge Frame' and as such, are subject to higher building height provisions when compared to the north side of Tweeddale Road, which is zoned Living Area R30 under the current CPS5 provisions.

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

- Whilst concerns expressed in relation to building height, are acknowledged, the impact that might otherwise accrue from the additional building height is mitigated via the provision of rear setbacks which exceed the relevant R-Code acceptable development provisions by approximately 2m to 10m across all floors. Furthermore, the dwellings to the immediate north of the application site are orientated to the north, away from the subject site.
- The proposed dwelling is in character with the surrounding area and is considered to be comparable in scale to the adjoining eastern dwelling which has a maximum building height of 10.5m, albeit to the roof pitch.
- The building height variation does not result in any adverse overshadowing impact to that otherwise allowed under the Deemed-to-Comply provisions of the R-Codes.
- It is considered that adverse bulk impacts towards the Tweeddale Road streetscape are mitigated by the design of the proposed development which includes the use of varied setbacks, door and window openings, architectural articulation, and a varied palette of building materials.
- In terms of access to views of significance, it is recognised that residential occupiers of buildings within the immediate vicinity will not have their river and/or City views compromised to the extent that would warrant the refusal of the development as now proposed. The area of the proposed development that is at its highest is restricted to a portion of the building in the north east corner, brought about by the difference in approved sand pad levels that characterises the lot from south to north. In effect, this means that the front elevation of the building masks any adverse impact that might otherwise result from the maximum height portion towards the rear.
- Due to the natural contours of the area, ground levels of lots to the south are significantly higher than the subject site.
- It is also acknowledged that the site falls within the boundaries of the future Canning Bridge Structure Plan.

Plot Ratio

While the proposed plot ratio is consistent with what was previously approved, the variation needs to be reconsidered in the context of the current application. The development proposes a plot ratio of 1 in lieu of 0.5.

The proposed plot ratio has been assessed in accordance with the relevant Design Principle of the R-Codes and is supported for the following reasons:

- Plot ratio restrictions do not, in isolation, provide a good mechanism for the control of building bulk. In this regard, development standards relating to setbacks and building height have a direct impact on building bulk. As the setbacks comply with, or otherwise meet the Design Principles of the R-Codes and building height is also considered to be acceptable, the plot ratio variation is similarly considered acceptable.

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

- With regard to potential bulk impact to residents to the west, the likely future development of 18b Tweeddale Road as a three storey multiple dwelling development will effectively screen the development at 18a from the west.
- With regard to the bulk concerns towards the residence located to the east, it is noted that the existing property is of a similar bulk and scale to that of the proposal. The proposal presents greater setbacks to the eastern neighbour in comparison to the substantial use of boundary walls by the adjoining dwelling.
- An almost identical development to that proposed has previously been approved (DA-2011-439/C) by the City.

Setback Variations

The development proposes several setback variations to the eastern and western boundaries. The proposal has subsequently been assessed in accordance with the relevant Design Principle of the R-Codes and the variations sought are recommended for support on the basis that:

- There will be no impact with respect to overshadowing on adjoining lots.
- Adequate levels of ventilation are assured by the existence of adequate setbacks which are provided elsewhere along sections of each façade. Setbacks to the eastern boundary range from a minimum of 1.5m to a maximum of 7.2m and setbacks to the western boundary range from 1.2m to 2.5m. This allows for sufficient ventilation to both the subject property, and adjoining existing dwellings.
- As discussed above, bulk impact to the eastern neighbour is addressed through the fact that the proposal presents greater setbacks to the boundary than the adjoining dwelling. The eastern façade of the proposed development is designed and articulated such that any adverse bulk impacts are suitably mitigated. This is achieved via the use of staggered setbacks, openings on all floors and the use of a varied palette of materials and colours.

CONCLUSION

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

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

OFFICER RECOMMENDATION (3599)**SPECIAL MAJORITY APPROVAL**

That the application for a Three Storey (With Undercroft) Multiple Dwelling Development (Three Units) at Lot 899 (No. 18A) Tweeddale Road, Applecross be approved by Special Majority decision of the Council subject to the following conditions:

1. All stormwater generated on site is to be retained on site.
2. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m and 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. Any street walls and fences (including the height of any retaining walls) constructed within the front setback shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 6.2.2 C2 of the Residential Design Codes to the satisfaction of the Manager Statutory Planning.
4. No development (including fencing, letter boxes or any other structure) or landscaping over 0.6m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the Manager Statutory Planning.
5. Prior to the initial occupation of the development, parking bay/s (including visitor bays, loading bays and universal access bays), manoeuvring areas, driveway/s and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the Manager Statutory Planning. The bay/s shall thereafter be retained in perpetuity.
6. Prior to the initial occupation of the development, the surface finish of the boundary walls shall be of a clean finish in accordance with the approved plans to the satisfaction of the Manager Statutory Planning.
7. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) prior to the initial occupation of the development to the satisfaction of the Manager Statutory Planning.
8. All external clothes drying facilities and air conditioning units where located on balconies shall be screened from view from the primary and secondary streets to the satisfaction of the Manager Statutory Planning.

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

9. Prior to commencement of the development, a detailed landscaping and reticulation plan for the subject site and the road verge(s) adjacent to the site shall be submitted to and approved in writing by the Manager Statutory Planning. The landscaping plan is to include details of (but not limited to):

- (a) The location, number and type of proposed trees and shrubs including size and planting density;
- (b) Any lawns to be established;
- (c) Any existing vegetation and/or landscaped areas to be retained; and
- (d) Any verge treatments

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

10. Prior to the commencement of the development, a scheme for the provision of Public Art shall be submitted to and approved in writing by the Manager Statutory Planning. The Public Art shall be provided in accordance with CP – 085: Provision of Art in Development Proposals policy to the satisfaction of the Manager Statutory Planning. Alternatively, the public art contribution may be satisfied by cash-in-lieu at the same rate, made prior to the commencement of the development.
11. Prior to the commencement of works, details of the exterior colours, materials and finishes are to be submitted and approved in writing to the satisfaction of the Manager Statutory Planning. Once approved, the development is constructed in accordance with those details.
12. Prior to the initial occupation of the development, a Waste Management Plan shall be prepared in accordance with Council Policy – Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments and submitted in writing for the approval of the Manager Statutory Planning. Once approved, the development is to be constructed and operated in accordance with the Waste Management Plan to the satisfaction of the Manager Statutory Planning.

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

13. A Construction Management Plan is to be prepared by the Applicant and submitted to the Manager Statutory Planning for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:

- public safety and site security;
- hours of operation,
- noise and vibration controls;
- air and dust management;
- stormwater, groundwater and sediment control;
- waste and material disposal;
- traffic management plans for the various phases of the construction, including any proposed road closures;
- the parking arrangements for contractors and sub-contractors;
- on-site delivery times and access arrangements;
- the storage of materials and equipment on site (no storage of materials on the verge will be permitted) ; and
- any other matters likely to impact upon the surrounding properties or road reserve.

Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the Manager Statutory Planning.

14. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the Manager Statutory Planning and are to be removed prior to initial occupation of the development.

P15/3599 - THREE STOREY (WITH UNDERCROFT) MULTIPLE DWELLING DEVELOPMENT (THREE UNITS) AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

PROCEDURAL MOTION

At 6:46pm Cr Schuster moved, seconded Cr Pazolli –

That the item be deferred to enable further assessment of the property by Council Officers.

At 6:48 the Mayor submitted the Procedural Motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Vote Result Summary	
Yes	13
No	0

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

At 6.48pm the Mayor requested that item M15/5406 be brought forward for discussion.

From 6:48pm to 7:00pm a deputation was heard from Mr Crawford, resident of Attadale.

M15/5406 – MOTIONS PASSED AT THE GENERAL MEETING OF ELECTORS (REC)

Ward	:	All
Category	:	Operational
Application Number	:	Not Applicable
Subject Index	:	Annual General Meeting
Customer Index	:	Mr G Crawford, Mr N Williams
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not Applicable
Responsible Officer	:	Jeff Clark Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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>
☐	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
☐	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
☐	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>
☐	Information	<i>For the Council/Committee to note.</i>

M15/5406 – MOTIONS PASSED AT THE GENERAL MEETING OF ELECTORS (REC)**KEY ISSUES / SUMMARY**

- There were six motions passed at the Annual General Meeting of Electors.
- Officers have provided comment on the substance of each motion to inform Elected Members.
- Recommendations for each motion are referred for consideration of the Council.

BACKGROUND

The Annual General Meeting of Electors held on 2 December 2014 passed six motions that the Council is required to consider. Officers have provided comment on each motion to inform Elected Members of any matter associated with the motion held within the City of Melville.

DETAIL

The following motions were passed by electors present at the Annual General Meeting of Electors held on 2 December 2014. Officers have been requested to provide comment to inform Elected Members.

Motion 1:

That the City of Melville establishes and commits to a Schedule for the delivery of a Parks Management Plan for each major City park commencing with delivery by December 2015, of a management plan for Troy Park and associated areas through to Page Street.

Issues: The City of Melville schedules park maintenance based on prioritisation of the park (based on frequency and type of usage, location etc) but does not create management plans for each reserve in the City. The City has the Parks and Environmental Asset Management Plan (2010-2029) that provides detail of the parks and reserves management practices for the whole of the City and the City's annual maintenance plan determines the frequency and type of maintenance for reserves. Service levels are set for these areas and staffing and budgets managed as per the service levels. In addition capital works programs and major projects are planned for reserves on a medium term basis and are determined by the City's asset management system. The City has 330 hectares of reserves and 187 individual parks. There are 14 major active reserves within the City which require a high level of service and maintenance. The City has four premier passive reserves (eg Heathcote, Piney Lakes, Pt Walter, Kadidjini) which also require a high level of service and maintenance.

Costs: The cost of implementing a management plan for all 18 major reserves (including community consultation) would be approximately \$112,000.

M15/5406 – MOTIONS PASSED AT THE GENERAL MEETING OF ELECTORS (REC)**Recommendation 1:** That the Council;

- 1 Note the motion and acknowledge the interest of the mover, and
- 2 Advise the mover in writing that the City's current management plans meet the requirements of the City.

Motion 2:

This plan to involve input from the Friends of Attadale Foreshore, the Friends of Attadale Parks and Amenity Areas, residents, ratepayers and City of Melville community groups who make use of the park areas.

Issues: Ratepayers and Friends groups regularly have input into parks management and upgrades through community consultation, Elected Member requests, meetings and surveys with sporting clubs and direct liaison with City staff in line with the City of Melville's Stakeholder Engagement Strategy.

Costs: Incorporated into the City of Melville's operating and capital budgets.

Recommendation 2: That the Council;

- 1 Note the motion and acknowledge the interest of the mover, and
- 2 Advise the mover in writing that the City's current stakeholder management plan involving Friends and community groups provides valued input and that input is expected to continue.

Motion 3:

The Swan Estuary Reserves Action Group as a consequence of its actions to be excluded from participating in the development of this plan.

Issues: The Swan Estuary Reserves group is supported by the City of Melville and undertakes valuable environmental restoration work on both City land and Department of Parks and Wildlife land. To exclude this group would be to dismiss the concerns of an active part of the community who have made significant financial and environmental contributions in the area over the past five years. The City remains supportive of this group and the work it undertakes on the Attadale Foreshore and will continue to consult with them in line with the City of Melville's Stakeholder Engagement Strategy.

Costs: The Swan Estuaries Reserve Action Group has raised \$130,089 in grant funding for environmental projects in both City of Melville and Department of Parks and Wildlife land over the past four years. In the past year the group has contributed 2,450 hours in on ground works amounting to \$73,470 in worked hours towards environmental conservation in the area.

Recommendation 3: That the Council;

- 1 Note the motion and acknowledge the interest of the mover, and
- 2 Advise the mover in writing that the City's current inclusive practice towards all stakeholders will continue.

M15/5406 – MOTIONS PASSED AT THE GENERAL MEETING OF ELECTORS (REC)**Motion 4:**

That the City of Melville immediately suspends any engagement with the Swan Estuary Reserves Action Group pending a formal independent investigation by the State Ombudsman Office or the like regarding the poisoning of the grassed entry to the Alfred Cove Nature Reserve and adjacent Swan Estuary Marine Park.

Issues: The poisoning of the grassed area was funded as part of a grant application for work in the area. The work was approved by the Parks and Environment Service Area at the City of Melville. Subsequent to commencing these works it was discovered that this parcel of land, that the City had been managing (mowing and general maintenance) for many years as parkland, is in fact Department of Parks and Wildlife land. This error was only discovered after the project had commenced and Department of Parks and Wildlife was notified of the works. There is therefore no need for an independent investigation into the matter or a suspension of the working relationship the City has with the Swan Estuary Reserve Action Group.

Costs: None

Recommendation 4: That the Council;

- 1 Note the motion and acknowledge the interest of the mover, and
- 2 Advise the mover in writing that the matter has been explained and does not warrant referral to other agencies for investigation or the City's discontinuation of engagement with the Swan Estuary Reserves Action Group.
- 3 Advise the Swan Estuary Reserves Action Group in writing of point 2 above.

Motion 5:

Do the people in attendance agree that both Moolyeen/Reynolds Roads are particularly dangerous roads?

Issues: This motion was carried without further comment from the electors present at the meeting.

Recommendation 5: That the Council note the motion.

Motion 6:

That the Council be requested to put funding towards the commencement of a plan for the whole length of the road to increase traffic calming in the next five years.

M15/5406 – MOTIONS PASSED AT THE GENERAL MEETING OF ELECTORS (REC)

Issues: The City is continually reviewing the number of crashes, traffic speeds and volumes of traffic on Reynolds Road and Moolyean Road and has installed traffic calming measures in strategic locations as needed.

The major roads intersecting Reynolds Road are treated with roundabouts to improve safety at these intersections, regulate traffic movements and restrict the speed of traffic. Currently roundabouts exist on Reynolds Road at the intersections with:

- Canning Avenue
- Coomoorra Road
- Queens Road
- Coogee Road
- Bombard Road

The section of Reynolds Road between Coomoorra Road and Central Avenue is treated with central median islands with trees at some islands to enhance the landscape of the street and to restrict the speed of traffic.

A 1 metre wide cycle lane was also introduced on both sides of Reynolds Road between Central Avenue and Canning Highway to reduce the traffic lane, thereby reducing speeds and to encourage on road cycling.

Pre-deflection islands have been installed on the Canning Avenue roundabout and the Coomoorra Road roundabout to further reduce the speed of vehicles and improve safety.

50 km/h advisory speed signs to remind motorists of the legal traffic speed are located on Reynolds Road north of Crest Avenue and south of Hawkins Street.

M15/5406 – MOTIONS PASSED AT THE GENERAL MEETING OF ELECTORS (REC)

A summary of the traffic volumes and speeds that the City has collected for Reynolds Road is provided below. Traffic data is collected over a one to two week period.

Location	2014			2012			Pre-2012		
	Traffic Volume	Mean Speed (km/h)	85th Speed (km/h)	Traffic Volume	Mean Speed (km/h)	85th Speed (km/h)	Traffic Volume	Mean Speed (km/h)	85th Speed (km/h)
Reynolds Rd, 40m south of Kishorn Rd (No 5)	-	-	-	594	41	48	851	-	62
Reynolds Rd, 80m north of Canning Hwy (No 28)	-	-	-	2056	36	41	2196	-	64
Reynolds Rd, 150m south of Canning Hwy (No 45)	5240	39	45	5766	46	54	6019	52	63
Reynolds Rd, 50m north of Gibson St (No 58)	-	-	-	5367	51	58	6652	-	63
Reynolds Rd, 140m north of Coogee Rd (No 90)	5404	48	55	-	-	-	6317	54	61
Reynolds Rd, 160m south of Coogee Rd (No 127)	6184	51	57	-	-	-	7765	54	60
Reynolds Rd, 110m north of Queens Rd (No 144)	7498	52	57	-	-	-	4439	56	62
Reynolds Rd, 50m south of Queens Rd (No 151)	8353	40	45	-	-	-	8288	46	52
Reynolds Rd, 120m south of Queens Rd (No 161)	5244	49	55	-	-	-	9402	-	66
Reynolds Rd, 80m north of Coomoora Rd (No 169)	-	-	-	-	-	-	8125	-	58
Reynolds Rd, 170m south of Coomoora Rd (No 189)	8282	49	56	-	-	-	7452	-	59
Reynolds Rd, 50m south of Darnell Ave (No 197)	5551	50	57	9646	52	61	8914	53	61

The 85th percentile speed is the speed at which 85% of vehicles are travelling at or below under free flowing conditions.

M15/5406 – MOTIONS PASSED AT THE GENERAL MEETING OF ELECTORS (REC)

Reynolds Road currently is classified as a local distributor road in the Metropolitan Road Hierarchy adopted by Main Roads WA and it caters for traffic volume of up to 7,000 vehicles per day. The legal speed limit on Reynolds Road is 50km/h.

As shown on the table above the speed of traffic recorded on some sections of Reynolds Road are above the legal traffic speed, however the speed of traffic recorded on Reynolds Road is similar to many other streets within the City. The installation of roundabouts at the intersections mentioned above and the central median islands have significantly reduced the speed of traffic on Reynolds Road.

The existing driveways on Reynolds Road on both sides of the road prevent the installation of further traffic management devices without restricting access to driveways. Restricting access to driveways can have a negative impact on safety when people take risky manoeuvres to access their driveways. Speed plateaus/humps are also not recommended due to the high volumes of traffic on using the road and the noise they would produce.

To remind drivers that Reynolds Road is a 50km/h road, the City will arrange for the installation of additional "Remember 50km/h in built up areas" advisory signs on Reynolds Road near the intersections with Canning Highway and Queens Road.

The Police are the appropriate authority for the control of vehicles on the roads. The latest traffic data will be forwarded to the Police to arrange targeted enforcement.

Taking into consideration the above information the installation of further traffic management devices is not recommended.

Recommendation 6: That the Council;

- 1 Note the motion and acknowledge the interest of the mover, and
- 2 Advise the mover in writing that the City of Melville will install additional advisory signs and inform the WA Police of current traffic data on Reynolds Road.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No consultation with community groups is required.

II. OTHER AGENCIES / CONSULTANTS

No consultation with external agencies is required.

STATUTORY AND LEGAL IMPLICATIONS

The Council is required by the *Local Government Act 1995* Section 5.33 to consider any decisions made at a General Meeting of Electors if possible, at the first meeting of the Council after the General Meeting of Electors. Any decision made by the Council, will be recorded in the minutes of the Council meeting.

M15/5406 – MOTIONS PASSED AT THE GENERAL MEETING OF ELECTORS (REC)**FINANCIAL IMPLICATIONS**

There will be financial implications should the Council resolve to require management plans for all of the City's major parks. The provision of additional speed advisory signs will be included in the City's operational expenditure.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk and environmental management implications with this report. There may be environmental management implications should the Council resolve to change the City's current practices.

POLICY IMPLICATIONS

The following Council Policies relate to this report:
Environmental Policy CP-030
Stakeholder Engagement Policy CP-002

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council may resolve to require a management plan for each major park and expend an estimated \$112,000 to achieve this outcome. This is not recommended as the City has established and tested parks and reserves documents and management practices.

The Council may resolve that any additional speed advisory signage is not warranted. As this suggestion is a relatively minor cost and the traffic data indicates drivers may not be aware of the 50km/h limit, it is recommended that the installation of signage is supported.

CONCLUSION

The Council is required to consider any decisions made at a General Meeting of Electors and any decision made, will be recorded in the minutes of the Council meeting. The decisions made at the General Meeting of Electors have officer comment provided to inform Elected Members of the context and issues associated with each motion. This report supports no further action be taken for motions 1-5 other than to advise the mover of the motions of the Council's resolution and that additional traffic awareness signage be installed as a consequence of motion 6..

M15/5406 – MOTIONS PASSED AT THE GENERAL MEETING OF ELECTORS (REC)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5406) APPROVAL

At 7:09pm Cr Schuster moved, seconded Cr Willis –

Recommendation 1: That the Council:

1. **Notes the motion:**
“That the City of Melville establishes and commits to a Schedule for the delivery of a Parks Management Plan for each major City park commencing with delivery by December 2015, of a management plan for
Troy Park and associated areas through to Page Street.” and acknowledge the interest of the mover, and
2. **Advises the mover in writing that the City's current management plans meet the requirements of the City.**

At 7.09pm the Mayor submitted the motion which was declared

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

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

M15/5406 – MOTIONS PASSED AT THE GENERAL MEETING OF ELECTORS (REC)

At 7.12pm Cr Pazolli moved, seconded Cr Barton –

Recommendation 2: That the Council;

1. **Notes the motion:**
“This plan to involve input from the Friends of Attadale Foreshore, the Friends of Attadale Parks and Amenity Areas, residents, ratepayers and City of Melville community groups who make use of the park areas.” and acknowledge the interest of the mover, and
2. **Advises the mover in writing that the City’s current stakeholder management plan involving Friends and community groups provides valued input and that input is expected to continue.**

AMENDMENT

At 7.13pm Cr Schuster moved, seconded Cr Aubrey –

That item two be amended as follows –

- **delete “full stop” at end of the word continue and replace with a “comma” and include, “including the Friends of Attadale parks and Amenities area should it wish to do so.”**

At 7.24pm the Mayor submitted the amendment which was declared

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

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

M15/5406 – MOTIONS PASSED AT THE GENERAL MEETING OF ELECTORS (REC)

Recommendation 2: That the Council;

1. **Notes the motion:**
“This plan to involve input from the Friends of Attadale Foreshore, the Friends of Attadale Parks and Amenity Areas, residents, ratepayers and City of Melville community groups who make use of the park areas.” and acknowledge the interest of the mover, and
2. **Advises the mover in writing that the City’s current stakeholder management plan involving Friends and community groups provides valued input and that input is expected to continue, including the Friends of Attadale parks and Amenities area should it wish to do so.**

At 7.26pm the Mayor submitted the recommendation as amended which was declared
CARRIED (12/1)

Vote Result Summary	
Yes	12
No	1

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

At 7.27pm Cr Schuster moved, seconded Cr Aubrey -

Recommendation 3: That the Council;

1. **Notes the motion;**
“The Swan Estuary Reserves Action Group as a consequence of its actions to be excluded from participating in the development of this plan”, and acknowledge the interest of the mover, and
2. **Advises the mover in writing that the City’s current inclusive practice towards all stakeholders will continue.**

At 7.27pm the Mayor submitted the motion which was declared
CARRIED (12/1)

M15/5406 – MOTIONS PASSED AT THE GENERAL MEETING OF ELECTORS (REC)

Vote Result Summary	
Yes	12
No	1

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

At 7.29pm Cr Aubrey moved, seconded Cr Schuster –

Recommendation 4: That the Council;

- 1** Notes the motion;
“That the City of Melville immediately suspends any engagement with the Swan Estuary Reserves Action Group pending a formal independent investigation by the State Ombudsman Office or the like regarding the poisoning of the grassed entry to the Alfred Cove Nature Reserve and adjacent Swan Estuary Marine Park.” and acknowledge the interest of the mover, and
- 2** Advises the mover in writing that the matter has been explained and does not warrant referral to other agencies for investigation or the City's discontinuation of engagement with the Swan Estuary Reserves Action Group.
- 3** Advises the Swan Estuary Reserves Action Group in writing of point 2 above.

At 7.31pm the Mayor submitted the motion which was declared

CARRIED (12/1)

Vote Result Summary	
Yes	12
No	1

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

M15/5406 – MOTIONS PASSED AT THE GENERAL MEETING OF ELECTORS (REC)

At 7:31pm Cr Schuster moved, seconded, Cr Foxton

Recommendation 5: That the Council notes the motion.

At 7.33pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (13/0)

Vote Result Summary	
Yes	13
No	0

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

At 7:33pm moved Cr Schuster, seconded Cr Robartson

Recommendation 6: That the Council;

- 1 Notes the motion and acknowledge the interest of the mover, and**
- 2 Advises the mover in writing that the City of Melville will install additional advisory signs in consultation with Main Roads WA and inform the WA Police of current traffic data on Reynolds Road.**

At 7.38pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (13/0)

Vote Result Summary	
Yes	13
No	0

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

At 7.39pm the Mayor requested that item P15/3604 be brought forward for discussion.

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2014-647
Property	:	33-35 Davidson Road, Attadale
Proposal	:	New Church, Associated Works & Change of Use of Existing Church to Multi-Purpose Hall
Applicant	:	EIW Architects
Owner	:	St Joseph Pignatelli Church
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P07/3012 – Additions to Mel Maria Catholic School – Ordinary Meeting of Council 19 June 2007
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☐	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>
☐	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
☐	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
☒	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>
☐	Information	<i>For the Council/Committee to note.</i>

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning Approval is sought for the construction of a new Church, associated works and Change of Use of existing Church to a Multi-Purpose Hall.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No.5 (CPS5) and applicable Council Policies.
- In accordance with Clause 7.5 of CPS No.5, the application was advertised via letters to adjacent land owners and notices on site. Twelve submissions and one petition, all opposing the development, were received raising concerns in respect to traffic, parking, the loss of existing tennis courts, and noise pollution.
- In view of the submissions received opposing the proposed development, the details of the application were considered by the Development Advisory Unit (DAU) at its meeting of 6 January 2015. The DAU recommended that the development be conditionally approved. In accordance with Council Policy CP-056 Planning Process and Decision Making, the final decision on the application has been called up to Council at the request of Ward Councillors Barton and Taylor-Rees.
- Notwithstanding the objections received, the development is considered to satisfy all of the relevant provisions contained under CPS5 and Council Policy and as such it is recommended that approval be granted subject to conditions.



P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)

BACKGROUND

The details of this application were referred through the DAU process on 6 January 2015. On the basis that the development as proposed was fully compliant with City's development requirements, the recommendation of the DAU was that approval should be granted for the development subject to a number of planning conditions.

The report of the DAU was placed on the City's web site in accordance with the DAU process. The process allows for a period of up to 10 days within which requests can be made from either interested third parties, the applicant, or Elected members, for the final decision on the application to be referred to a meeting of the Council.

In the subject case, a request was received for the application to be called up for Council consideration by Cr Barton and Cr Taylor Rees. This call up request was accepted in accordance with DAU Policy provisions. Since then, the City also received a request from an interested third party that the application be referred to a meeting of the Council for a final decision. On the basis that the Elected Member call up request had already been accepted, the third party has been advised accordingly.

The grounds for the call up request as provided by Cr Barton and Taylor Rees are as follows:

Cr Barton commented that:

"Having read the DAU Submission, I wish to call up this item for further discussion by full Council. I believe that the level of detail provided in the Officers' Recommendation is insufficient to address the specific objections in submissions made both formally to Council and informally to Cr Taylor-Rees and myself by nearby residents including those concerning street parking and traffic control.

Prior to going on leave in December I was still receiving enquiries from concerned neighbours and parents of attending both the Church school and the adjacent state Attadale Primary School".

Cr Taylor Rees commented that:

"I support her (Cr Barton) request for the Call Up for similar reasons, in particular the car parking requirements, inclusive of cars, motor bikes.

Throughout 2014 I received many concerns on the impacts this proposed development may have on surrounding streets and the schools on both sides".

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)

In respect of the call up request, it is noted that the justification offered for the call up request relates to the management of traffic arriving and departing the site, and concerns regarding car parking levels. The published report of the DAU states that in planning terms the proposed development is fully compliant when judged against the development requirements of CPS 5 and Council Policy. The DAU report also states that a Traffic Impact Assessment (TIA) was prepared and assessed by the City's Engineering staff, who concurred with its conclusions in that the development could function effectively in terms of traffic generation, management (including car parking), and movement, without detriment to road safety, or residential amenity.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area
R-Code	: R15
Use Type	: Residential
Use Class	: "S"

Site Details

Lot Area	: 2,484sqm
Retention of Existing Vegetation	: N/A
Street Tree(s)	: N/A
Street Furniture (drainage pits etc.)	: N/A
Site Details	: See Photo Above

[3604 Davidson Road Plan And Elevations](#)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Advertising Required: Yes
Neighbour's Comment Supplied: Yes
Reason: Public Worship is an "S" use under CPS5
Support/Object: Objection

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)

Twelve Submissions Received	Summary of all Submissions	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
	That the proposed development will exacerbate traffic problems in Wichmann Rd.	Objection	A Transport Statement and Car Parking Management Plan was submitted as part of the application. This addresses the impacts of the development in the context of both car parking and traffic generation. The Transport Statement was assessed by officer's of the City's Technical Services Directorate raised no objection to the proposal in principle.	Not Uphold
	The development will result in the loss of the Pignatelli Tennis Club.	Objection	As the tennis courts and the Tennis Club that operates from the courts are essentially private enterprises, operated on land owned by the Church, their loss is not a material planning consideration.	Not uphold

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)

	The development will result in noise and air pollution.	Objection	Given that the proposed Church is designed to replace an existing Church, with a similar congregation size and a similar number of associated vehicle movements, it is unlikely that additional noise and air pollution will result.	Not Uphold
	The development will involve a lengthy construction process that will affect residential amenity levels.	Objection	A Construction Management Plan is a recommended condition of approval which will require the applicant to have appropriate safety measures in place for the duration of the construction period.	Not Uphold
	The development will result in the vacation of the existing Church building, and there is concern as to how this building will be subsequently used, and the impacts that will result from that additional use.	Objection	It is proposed that the existing Church building will assume the role of a multipurpose hall. In the absence of any change of use, the use of the building will be restricted to activities that are ancillary to either the Church use, or the Primary School use, both of which operate legitimately from this site. The use of the building for a separate commercial use will require the benefit of planning approval for a change of use.	Not Uphold

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)

	Concern is expressed that the revised Transport Statement and Car Parking Management Plan includes data that is inaccurate.	Objection	The concerns expressed are not shared by the City's Technical Services officers who have assessed the Transport Statement and Car Parking Management Plan on its merit, and conclude that its findings are supportive of the development proceeding without prejudice to the free flow of traffic, and without compromise to traffic safety.	Not Uphold
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II. OTHER AGENCIES / CONSULTANTS

Department of Education

The Department raised no objection to the proposal.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The application has been assessed against all of the relevant Council Policies, including CP-079: Car Parking and Access. It is considered that the development meets the objectives of Council Policy in all respects.

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

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

COMMENT

The subject site is currently occupied by Mel Maria Catholic School, St Joseph Pignatelli Catholic Church (including the Priests residence) and Pignatelli Tennis Club. The site has benefited previously from a number of planning approvals with the most recent for the extension of Mel Maria Catholic School approved by Council at its Ordinary Meeting on 19 June 2007.

The proposal seeks to construct a new Church adjacent to the existing car parking area on the northern boundary of the lot and will replace the existing tennis courts.

The proposal also seeks to construct a new car parking area comprising 19 car parking bays adjacent to the Church which will connect to the existing parking areas accessed from Galloway Street and Wichmann Road. It is also proposed to utilise the existing Church building located on the south east boundary of the lot as a Multi-Purpose Hall to the benefit of the existing educational and religious uses of the site.

In accordance with CPS5, Public Worship (Church) is an 'S' use when located within the Living Area Precinct, which is a discretionary use subject to Council approval after advertising has taken place. The Statement of Intent for the Living Area Precinct – Attadale Precinct States:

"Primarily low density residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are not developed to such an intensity that they disturb the Precinct or are out of character with it. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6".

The proposed Church development and the ancillary use of the existing Church building by the Church and/or school is consistent with the existing religious and educational use that occurs on site. These types of uses are expected to occur within a residential community such as this, and are therefore considered to be acceptable in principle in land use terms on that basis.

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The existing Church is located within the south east portion of the lot, close to the point where Davidson Road intersects with Money Road. The proposed new Church building is located closer to Wichmann Road, within the northern portion of the lot, with access to the car park being taken from Wichmann Road directly and Galloway Street close to its intersection with Wichmann Road. This new location will result in the focus for traffic visiting

the Church to shift from the residential side streets such as Davidson Road and Money Road, to Wichmann Road, thereby improving levels of residential amenity for owners and occupiers of properties located on those residential side streets.

The single storey design of the Church is considered to be well articulated, and with its non-traditional roof design, varied materials, setbacks as well as architectural features, it will complement the existing built form of the subject site and locality. It is considered that the proposed design satisfies the relevant provisions within CPS5 and Council Policy.

The location of the proposed Church will result in the loss of the existing tennis courts on site which have been considered a valuable asset to the community for a number of years. The loss of the tennis courts and the Tennis Club is regrettable, however it must be noted that as courts are located on private land the City has no direct control over their retention. On that basis, the loss of the Tennis Club and courts is not material in the consideration of the Church redevelopment proposal.

The proposal will accommodate 92 parking spaces in total over the entire site. This represents a surplus of 16 car parking bays when assessed under the current Car Parking and Access Policy (CP-079) for both religious and educational uses on site. It is also considered that the proposal site will be able to accommodate the required number of bicycle bays and motorcycle bays for both existing land uses on site to ensure compliance with Council policy and will be achieved via planning condition.

The Parking Management Plan submitted in support of the application details the number and availability of car parking areas/bays across the site. This allows for the effective use of all available car parking bays, particularly during peak periods when demand will be at its greatest for both church and school uses.

As stated, access to the proposed Church car parking areas will utilise existing crossovers on Galloway Street and Wichmann Road. This will enable vehicles to access both streets enabling safe movement of vehicles in the vicinity. The City's Technical Services Department has reviewed the submitted Transport Statement and Parking Management Plan and have raised no objection to the proposal in that respect.

It is also proposed that the existing Church building will assume the role of a multi-purpose hall. This use will be restricted to activities that are ancillary to either the Church use, or the Primary School use, both of which operate legitimately from this site and will be most likely utilised on an incidental basis. The use of the building for a separate commercial use will require the benefit of planning approval for a change of use.

In light of the above information it is considered that the proposal satisfies all of the relevant provisions within CPS5 and Council Policy and is therefore recommended that approval be granted subject to conditions.

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**CONCLUSION**

As the proposed development is considered to be appropriate in land use terms, as necessary levels of off street car parking provision are included, as the design and external appearance of the proposed building is acceptable, and as the new development can occur without prejudice to traffic safety and the free flow of traffic in and around the site, it is recommended that conditional planning approval is granted.

At 8.46pm Cr Phelan left the meeting.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3604) APPROVAL

At 7:44pm Cr Robartson moved, seconded Cr Macphail –

That the application for the erection of a new Church and associated facilities including the ancillary use of the existing Church building for church and/or school use at Lot 100 (33-35) Davidson Road, Attadale be approved subject to the following conditions:

- 1. All stormwater generated on site is to be retained on site.**
- 2. Prior to the commencement of the development, a revised plan shall be submitted to and approved in writing by the Manager Statutory Planning. The revised plan shall depict :**
 - (a) 92 parking bay/s, all manoeuvring areas, driveway/s and points of ingress and egress;**
 - (b) Bicycle parking facilities for 26 bicycles in accordance with Australian Standard AS2890.3; and**
 - (c) Motorcycle / scooter parking facilities for eight motorcycles / scooters.**

The revised car parking and access layout plan shall, once approved, be fully implemented prior to occupation of the development, to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained for the life of the development.

- 3. The use of the car parking areas located across the whole site shall be undertaken in accordance with the recommendations of the approved Car Parking Management Plan, to the ongoing satisfaction of the Manager Statutory Planning.**
- 4. External lighting is to be designed, installed and maintained to the satisfaction of the Manager Statutory Planning as follows:**
 - (a) Lighting to all pedestrian paths and crossing within the site in accordance with AS1158 'lighting for roads and public spaces'.**
 - (b) Lighting to all car parking areas within the site, and the exterior entrance to all buildings in accordance with AS1158.3.1 (Cat P); and**

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)

- (c) All external lighting is to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences in accordance with AS4282 Control Of Obtrusive Effects Of Outdoor Lighting.
- 5. Prior to commencement of works, a detailed Landscaping and Reticulation Plan for the subject site and/or the road verges adjacent to the site shall be submitted to and approved in writing by the Manager Statutory Planning. The landscaping plan is to include details of (but not limited to):
 - (a) the location, number and type of proposed trees and shrubs including planter size and planting density;
 - (b) any lawns to be established;
 - (c) any existing vegetation and/or landscaped areas to be retained; and
 - (d) any verge treatments

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

- 6. Prior to the initial occupation of the development, a Waste Management Plan shall be prepared in accordance with Council Policy CP090– Waste And Recyclables Collection For Multiple Dwellings, Mixed Use Developments And Non-Residential Developments and submitted in writing for the approval of the Manager Statutory Planning. Once approved, the development is to be constructed and operated in accordance with the Waste Management Plan to the satisfaction of the Manager Statutory Planning.
- 7. Prior to the commencement of works, a scheme for the provision of public art shall be submitted to and approved in writing by the Manager Statutory Planning in consultation with the City's Public Art Panel. Once approved, the public art shall be provided in accordance with council Policy – 085: Provision Of Art In Development Proposals prior to the initial occupation of the development to the satisfaction of the Manager Statutory Planning. Alternatively, the public art contribution may be satisfied by a cash-in-lieu payment at the same rate, made prior to the commencement of works.

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)

8. A Construction Management Plan is to be prepared by the applicant and submitted to the Manager Statutory Planning for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:

- Public safety and site security;**
- Hours of operation;**
- Noise and vibration controls;**
- Air and dust management;**
- Stormwater, groundwater and sediment control;**
- Waste and material disposal;**
- Traffic management plans for the various phases of the construction, including any proposed road closures;**
- The parking arrangements for contractors and sub-contractors;**
- On-site delivery times and access arrangements;**
- The storage of materials and equipment on site (no storage of materials on the verge will be permitted) ; and**
- Any other matters likely to impact upon the surrounding properties or road reserve.**

Once approved, the development is to be constructed in accordance with the construction management plan to the satisfaction of the Manager Statutory Planning.

9. The Multi-Purpose Hall shall only be operated as incidental to the approved Church and School uses on the site.

AMENDMENT

At 8:20pm moved Cr Taylor-Rees, seconded Cr Barton

That prior to the commencement of the development, a revised plan be submitted to the Manager Statutory Planning for comment and thereafter be brought before Council for approval.

The revised plan shall depict :

- (a) 92 parking bay/s, all manoeuvring areas, driveway/s and points of ingress and egress;**
- (b) Bicycle parking facilities for 26 bicycles in accordance with Australian Standard AS2890.3; and**
- (c) Motorcycle / scooter parking facilities for eight motorcycles / scooters.**

The revised car parking and access layout plan shall, once approved, be fully implemented prior to occupation of the development, to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained for the life of the development.

At 8:29pm the Mayor submitted the motion which was declared

LOST (4/9)

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)

Vote Result Summary	
Yes	4
No	9

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

Motion of Dissent with the Presiding Member's Ruling

At 8:42pm Cr Pazolli moved, seconded Cr Barton – the following Procedural Motion in accordance with Clause 11.1(f) of Standing Orders Local Law 2003 -

That the ruling of the Presiding Member relating to a Point of Order by Cr Aubrey be disagreed with.

At 8:46pm The Mayor submitted the motion, which was declared

LOST (5/8)

Vote Result Summary	
Yes	5
No	8

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

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)

COUNCIL RESOLUTION (3604)

APPROVAL

That the application for the erection of a new Church and associated facilities including the ancillary use of the existing Church building for church and/or school use at Lot 100 (33-35) Davidson Road, Attadale be approved subject to the following conditions:

1. All stormwater generated on site is to be retained on site.
2. Prior to the commencement of the development, a revised plan shall be submitted to and approved in writing by the Manager Statutory Planning. The revised plan shall depict :
 - (d) 92 parking bay/s, all manoeuvring areas, driveway/s and points of ingress and egress;
 - (e) Bicycle parking facilities for 26 bicycles in accordance with Australian Standard AS2890.3; and
 - (f) Motorcycle / scooter parking facilities for eight motorcycles / scooters.

The revised car parking and access layout plan shall, once approved, be fully implemented prior to occupation of the development, to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained for the life of the development.

3. The use of the car parking areas located across the whole site shall be undertaken in accordance with the recommendations of the approved Car Parking Management Plan, to the ongoing satisfaction of the Manager Statutory Planning.
4. External lighting is to be designed, installed and maintained to the satisfaction of the Manager Statutory Planning as follows:
 - (a) Lighting to all pedestrian paths and crossing within the site in accordance with AS1158 'lighting for roads and public spaces'.
 - (b) Lighting to all car parking areas within the site, and the exterior entrance to all buildings in accordance with AS1158.3.1 (Cat P); and
 - (c) All external lighting is to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences in accordance with AS4282 Control Of Obtrusive Effects Of Outdoor Lighting.
5. Prior to commencement of works, a detailed Landscaping and Reticulation Plan for the subject site and/or the road verges adjacent to the site shall be submitted to and approved in writing by the Manager Statutory Planning. The landscaping plan is to include details of (but not limited to):
 - (a) the location, number and type of proposed trees and shrubs including planter size and planting density;
 - (b) any lawns to be established;
 - (c) any existing vegetation and/or landscaped areas to be retained; and
 - (d) any verge treatments

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)

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

6. Prior to the initial occupation of the development, a Waste Management Plan shall be prepared in accordance with Council Policy CP090– Waste And Recyclables Collection For Multiple Dwellings, Mixed Use Developments And Non-Residential Developments and submitted in writing for the approval of the Manager Statutory Planning. Once approved, the development is to be constructed and operated in accordance with the Waste Management Plan to the satisfaction of the Manager Statutory Planning.
7. Prior to the commencement of works, a scheme for the provision of public art shall be submitted to and approved in writing by the Manager Statutory Planning in consultation with the City's Public Art Panel. Once approved, the public art shall be provided in accordance with council Policy – 085: Provision Of Art In Development Proposals prior to the initial occupation of the development to the satisfaction of the Manager Statutory Planning. Alternatively, the public art contribution may be satisfied by a cash-in-lieu payment at the same rate, made prior to the commencement of works.
8. A Construction Management Plan is to be prepared by the applicant and submitted to the Manager Statutory Planning for approval at least 30 days prior to the commencement of works. The Construction Management Plan shall detail how the construction of the development will be managed including the following:
 - Public safety and site security;
 - Hours of operation;
 - Noise and vibration controls;
 - Air and dust management;
 - Stormwater, groundwater and sediment control;
 - Waste and material disposal;
 - Traffic management plans for the various phases of the construction, including any proposed road closures;
 - The parking arrangements for contractors and sub-contractors;
 - On-site delivery times and access arrangements;
 - The storage of materials and equipment on site (no storage of materials on the verge will be permitted) ; and
 - Any other matters likely to impact upon the surrounding properties or road reserve.

Once approved, the development is to be constructed in accordance with the construction management plan to the satisfaction of the Manager Statutory Planning.

9. The Multi-Purpose Hall shall only be operated as incidental to the approved Church and School uses on the site.

P15/3604 - CONSTRUCTION OF NEW CHURCH, ASSOCIATED WORKS AND CHANGE OF USE OF EXISTING CHURCH TO MULTI-PURPOSE HALL AT LOT 100 (NO. 33-35) DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)

At 8:47pm The Mayor submitted the motion which was declared

CARRIED (9/3)

Vote Result Summary	
Yes	9
No	3

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

At 8.48pm Cr Phelan returned to the meeting.

**P15/3606 - ROAD DEDICATIONS MURDOCH DRIVE AND SOUTH STREET, MURDOCH
(REC)**

Ward : City
University
Category : Operational
Application Number : Part of DA 2012-913
Property : Portions of Reserves 39780, 36508 and 41761
Proposal : Road Reserve Dedication Concurrence, Murdoch Drive and South Street, Murdoch
Applicant : Main Roads Western Australia
Owner : Crown/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 : P13-3391 (21 May 2013)
Responsible Officer : Gavin Ponton
Manager Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

☒	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
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☐	Information	<i>For the Council/Committee to note.</i>

**P15/3606 - ROAD DEDICATIONS MURDOCH DRIVE AND SOUTH STREET, MURDOCH
(REC)**

KEY ISSUES / SUMMARY

- Main Roads WA (MRWA) wishes to dedicate several portions of land (portions of Reserves 39780, 36508 and 41761) as road reserve to formalise the recent upgrade to the intersection of Murdoch Drive and South Street, Murdoch.
- The dedication process is the same as that recently undertaken for a portion of Murdoch University (see Item P13-3391). MRWA is requesting that the Council give formal concurrence to the road reserve dedications.
- The intersection upgrade was approved by the Western Australian Planning Commission (WAPC) in November 2012. Comments from all affected parties including the City were invited prior to approval and there were no significant issues raised.
- The portions of land in question are already being used as if they were part of the road reserve. Dedication will make no difference to the appearance of the intersection.
- The dedications do not alter the intersection design and Council's concurrence is a formality only. MRWA will progress the dedications and indemnify the City against all costs and charges.



BACKGROUND

In August 2012 Main Roads Western Australia (MRWA) applied to the City for an upgrade to the intersection of South Street and Murdoch Drive.

For most upgrades the affected land is road reserve which is under the jurisdiction of the Western Australian Planning Commission (WAPC). In this case however some of the affected land is under the care and control of the City of Melville, and the City was obliged to receive an application and make comment prior to the WAPC issuing its approval.

**P15/3606 - ROAD DEDICATIONS MURDOCH DRIVE AND SOUTH STREET, MURDOCH
(REC)**

The City suggested conditions regarding lighting, wetland protection, vegetation retention, retaining walls, and cyclist/pedestrian safety which were incorporated into the WAPC's conditions of approval, issued 21 November 2012. Comments and reports were also received from the Department of Environment and Conservation, the Department of Water, Murdoch University, the Department of Transport and the Department of Indigenous Affairs.

At the Ordinary Meeting of the Council 21 May 2013 the Council concurred to a similar dedication of land which was managed by Murdoch University.

Once the dedications are accepted by Landgate, the land will be ceded to the Crown for public purposes as part of the road reserve.

Scheme Provisions

MRS Zoning	:	Reserves 39780 and 36580: Urban
		Reserve 41761: Public Purposes (Hospital)
CPS 5 Zoning	:	Reserve 39780: Living Area
		Reserve 36508: Local Scheme Reserve (Local Open Space)
R-Code	:	N/A
Use Type	:	N/A
Use Class	:	N/A

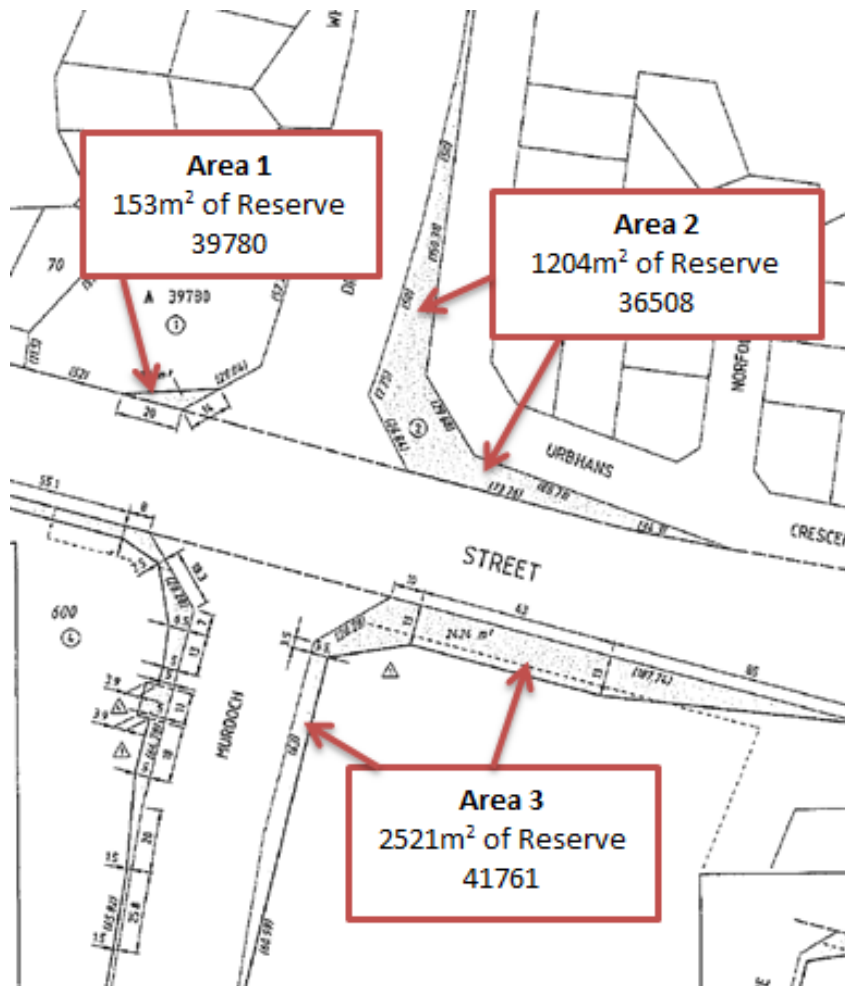
Site Details

Lot Area	:	Area 1 (Portion of Reserve 39780): 153m ²
		Area 2 (Portion of Reserve 36508): 1,204m ²
		Area 3 (Portion of Reserve 41761): 2,521m ²
Street Tree(s)	:	Already cleared as required
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	N/A

DETAIL

The areas of land required to be dedicated are shown as follows:

**P15/3606 - ROAD DEDICATIONS MURDOCH DRIVE AND SOUTH STREET, MURDOCH
(REC)**



Works on the intersection were completed in mid 2013. The areas proposed to be taken by MRWA have been cleared and revegetated as required and are already in use as though they formed part of the road reserve.

The Council is not being asked to comment on the detail of the upgrade.

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

**P15/3606 - ROAD DEDICATIONS MURDOCH DRIVE AND SOUTH STREET, MURDOCH
(REC)**



Image 1 – Affected portion of Reserve 39780 (sand behind retaining)



Image 2 – Affected portion of Reserve 36508

**P15/3606 - ROAD DEDICATIONS MURDOCH DRIVE AND SOUTH STREET, MURDOCH
(REC)**



Image 3 – Affected portion of Reserve 41761 (roughly corresponds to mulched area)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

There is no requirement for consultation.

II. OTHER AGENCIES / CONSULTANTS

As the initiators of the road dedications, MRWA is responsible for consultation with relevant agencies / consultants. Extensive consultation was carried out in 2012 prior to the approval of the road works by the WAPC. Comments and reports were received from the Department of Environment and Conservation, the Department of Water, Murdoch University, the Department of Transport and the Department of Indigenous Affairs.

STATUTORY AND LEGAL IMPLICATIONS

The concurrence requested by MRWA is simply a formality under Section 56 of the *Land Administration Act 1997*. MRWA will indemnify Council against costs and charges.

FINANCIAL IMPLICATIONS

There are no anticipated costs to the City. MRWA will indemnify the City against all costs and charges relating to the road dedication.

**P15/3606 - ROAD DEDICATIONS MURDOCH DRIVE AND SOUTH STREET, MURDOCH
(REC)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risk or environmental management implications with this application. Specific environmental implications associated with the road widening were dealt with in the previous development application regarding the road widening and appropriate conditions to alleviate environmental impacts were recommended to the WAPC. MRWA is proceeding with a WAPC approved upgrade and is assuming risk appropriately.

POLICY IMPLICATIONS

There are no policy implications associated with this proposal.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

It would be possible for the City to refuse to concur with the road dedication. Under the *Land Administration Act 1997*, MRWA would not be able to proceed with the dedication and would be required to either amend its proposal so that no land was required to be dedicated, or continue negotiations with the City to achieve concurrence. The first alternative would see unnecessary delays incurred by a public authority reliant on public money. In addition, service pipes and cables would not be located in the road reserve but on land under the management of the City. The second alternative may result in traffic problems once Fiona Stanley Hospital is fully operational.

CONCLUSION

Concurrence with the proposed road dedications will enable MRWA to finalise the upgrade of the Murdoch Drive/South Street intersection.

The improved intersection is vital for traffic flow through the hospital precinct. Concurrence with the dedication is recommended.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3606)**APPROVAL****That the Council**

- 1. Concur with the dedication of the land, the portions of Reserves 39780, 36508 and 41761, as road reserve under Section 56 of the *Land Administration Act 1997*.**
- 2. Request the Chief Executive Officer to advise Main Roads Western Australia accordingly.**

At 8:48pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

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

P15/3588 - HOME OCCUPATION (SETTLEMENT AGENT) (RETROSPECTIVE) AT LOT 94 (10) HARRISON STREET, WILLAGEE (AMREC) (ATTACHMENT)

Ward	:	Palmyra/Melville/Willagee
Category	:	Operational
Application Number	:	DA-2014-1012
Property	:	Lot 94 (No. 10) Harrison Street, Willagee
Proposal	:	Home Occupation (Settlement Agent) (Retrospective)
Applicant	:	K Cosgriff
Owner	:	K Cosgriff
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

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☐	Information	<i>For the Council/Committee to note.</i>

**P15/3588 HOME OCCUPATION (SETTLEMENT AGENT) (RETROSPECTIVE) AT LOT 94
(10) HARRISON STREET, WILLAGEE (AMREC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Retrospective planning approval is sought for a Home Occupation (Settlement Agent) at 10 Harrison Street, Willagee.
- The existing Home Occupation is small in scale and in principle in land use terms satisfies all of the requirements of Community Planning Scheme No. 5 (CPS5).
- The business sign that has been erected is larger than that anticipated by the City's Draft Signage Policy, and as such requires assessment against the performance criteria contained within the Draft Policy.
- The discretion sought to the signage requirements of CPS5 is supported as it is minor in nature and acceptable within the locality.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that retrospective planning approval for the Home Occupation be granted.



BACKGROUND

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

**P15/3588 HOME OCCUPATION (SETTLEMENT AGENT) (RETROSPECTIVE) AT LOT 94
(10) HARRISON STREET, WILLAGEE (AMREC) (ATTACHMENT)****Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area Precinct
R-Code	: R20
Use Type	: Residential
Use Class	: 'P' – permitted

Site Details

Lot Area	: 760m ²
Street Tree(s)	: Yes, all retained
Street Furniture (drainage pits etc.)	: None applicable
Site Details	: Refer to aerial photo above

[3588 Site Plan](#)**DETAIL****CPS5 and Policy Requirements**

No requirements noted.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Home Occupations are a 'D' – discretionary use within the Living Area Precinct. Due to the small scale nature of the subject business, public consultation was not considered necessary in line with Council Policy CP-056: Planning Process and Decision Making, as the proposal does not result in any impacts which affect the amenity of the adjoining or surrounding properties.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

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

**P15/3588 HOME OCCUPATION (SETTLEMENT AGENT) (RETROSPECTIVE) AT LOT 94
(10) HARRISON STREET, WILLAGEE (AMREC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

Retrospective planning approval is sought for the continued operation of a Home Occupation (Settlement Agent) at 10 Harrison Street, Willagee.

The operational characteristics of the business are as follows:

- There is one employee who resides on the premises,
- The business operates between the hours of 9am – 5pm (Monday – Friday),
- Approximately five clients each month come to the residence,
- There are no deliveries to the premises.

The use therefore operates in accordance with the expectations for Home Occupations as set out in CPS5. The business activity associated with the Home Occupation in this case is very low key, with little or no opportunity for residential amenity to be compromised. The development is supported for retention on that basis. .

CONCLUSION

Approval of the Home Occupation is supported on the grounds that the requirements of CPS5 are satisfied. As such, it is recommended that the application be approved via an Absolute Majority decision of the Council pursuant to Clause 7.14(a) of CPS5.

**P15/3588 HOME OCCUPATION (SETTLEMENT AGENT) (RETROSPECTIVE) AT LOT 94
(10) HARRISON STREET, WILLAGEE (AMREC) (ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3588)
ABSOLUTE MAJORITY APPROVAL**

At 8:48pm Cr Robartson moved, seconded Cr Hill –

That the Council by Absolute Majority decision, approve the retrospective planning application for a Home Occupation (Settlement Agent) at Lot 94 (10) Harrison Street, Willagee subject to the following condition:

- 1. Planning approval for the Home Occupation is issued only to the Applicant to which the approval is granted and is not transferable to another person or property.**
- 2. No retail sale, display or hire of goods of any nature is to occur.**
- 3. No non-resident employees are permitted to be employed by the business.**
- 4. The Home Occupation shall not occupy an area greater than 20m² at any time.**
- 5. No sign of greater than 0.2m² shall be displayed at the premises.**
- 6. A maximum of one client at any one time is permitted to visit the property.**

At 8:48pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

**P15/3589 – PATIO ADDITION TO EXISTING DWELLING (RETROSPECTIVE) AT LOT 63,
34B LATHAM STREET, ALFRED COVE (AMREC) (ATTACHMENT)**

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2014-1210
Property	:	Lot 63 (34B) Latham St, Alfred Cove
Proposal	:	Patio Addition to Existing Dwelling (Retrospective)
Applicant	:	Thomas Roofing
Owner	:	C. Tolcon
Disclosure of any Interest	:	Officer involved in the preparation of this report has no declarable interest in this matter.
Previous Items	:	Nil.
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

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☐	Information	<i>For the Council to note.</i>

**P15/3589 – PATIO ADDITION TO EXISTING DWELLING (RETROSPECTIVE) AT LOT 63,
34B LATHAM STREET, ALFRED COVE (AMREC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Retrospective planning approval is sought for the retention of a patio.
- The patio is located within the side garden area of the existing property at 34B Latham St, Alfred Cove.
- The patio has been assessed against the Design Principles of the R-Codes, the policy provisions of Community Planning Scheme No 5 (CPS5), and the requirements of Council Policy CP-078 Residential Development.
- The patio satisfies the relevant Design Principle as it does not prejudice the existing streetscape, and adequate levels of privacy and open space are available.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that retrospective planning approval for the existing patio be granted.



BACKGROUND

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

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area Precinct
R-Code	: R20
Use Type	: Residential
Use Class	: 'P' – permitted
Lot Area	: 514.2 m ²
Street Tree(s)	: Yes, all retained
Street Furniture (drainage pits etc.)	: None applicable
Site Details	: Refer to aerial photo above

**P15/3589 – PATIO ADDITION TO EXISTING DWELLING (RETROSPECTIVE) AT LOT 63,
34B LATHAM STREET, ALFRED COVE (AMREC) (ATTACHMENT)**

DETAIL

R-Code Requirements

Development Requirement	Required	Proposed	Comments	Delegation to approve variation
Primary Street Setback – Patios	4.5m	3.5m	Requires assessment using Design Principles of the R-Codes	Absolute Majority decision of Council

[3589 Site and Elevation Plan](#)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The application was not required to be the subject of public consultation pursuant to Part 4 of the R-Codes.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

**P15/3589 – PATIO ADDITION TO EXISTING DWELLING (RETROSPECTIVE) AT LOT 63,
34B LATHAM STREET, ALFRED COVE (AMREC) (ATTACHMENT)**

POLICY IMPLICATIONS

The application has been assessed against all of the relevant Council Policies, including CP-078: Residential Development, which particularly applies.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

Retrospective planning approval is sought to retain a patio at 34B Latham St, Alfred Cove. The patio is 8.7m in length x 3.68m in width. It has a wall height of 2.18m with a ridge height of 3.5m. The patio is located within the side garden area of the residence.

The development complies with the provisions of CPS5, the R-Codes and Council Policy, with the exception of the setback to the primary street which is 3.5m. Council policy states that planning approval is not required for such structures when they are set back 4.5m from the primary street.

The main issue for consideration in this case relates to whether the patio can be retained without compromise to the Kitchener Road streetscape, towards which the subject site has its primary frontage.

As stated, under the provisions of Council Policy CP-078, a patio such as this may be set back 4.5m from the lot frontage. Whilst this requirement is generally straightforward to administer, in the case of the subject site, the existing residence itself is sited closer to the primary frontage than the requisite 4.5m, in which case the setback of the patio behind that of the residence itself must be acceptable in principle, in planning terms.

Given this, coupled with the fact that the patio is a well designed and constructed open sided structure, it is considered that it may be retained in its existing position without compromise to the integrity of the Kitchener Road streetscape.

The application is recommended for support on that basis.

CONCLUSION

The retention of the patio is supported on the grounds that the requirements of CPS5, the R-Codes and Council Policies, are not compromised. As such it is recommended that the application be approved via an Absolute Majority decision of the Council pursuant to Clause 7.14(a) of CPS5.

**P15/3589 – PATIO ADDITION TO EXISTING DWELLING (RETROSPECTIVE) AT LOT 63,
34B LATHAM STREET, ALFRED COVE (AMREC) (ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3589)
ABSOLUTE MAJORITY APPROVAL**

At 8:49pm Cr Foxton moved, seconded Cr Willis –

**That the Council, by Absolute Majority decision, approve the retrospective application
for the construction of a unauthorised patio at Lot 63, 34B Latham St, Alfred Cove
subject to the following condition:**

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

At 8:49 pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

**P15/3590 - FRONT FENCE (RETROSPECTIVE) AT LOT 1 (70B) HOLMAN STREET,
ALFRED COVE (AMREC) (ATTACHMENT)**

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2014-1269
Property	:	Lot 1 (70B) Holman Street, Alfred Cove
Proposal	:	Front Fence (Retrospective)
Applicant	:	A Underwood & J Venturini
Owner	:	A Underwood & J Venturini
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

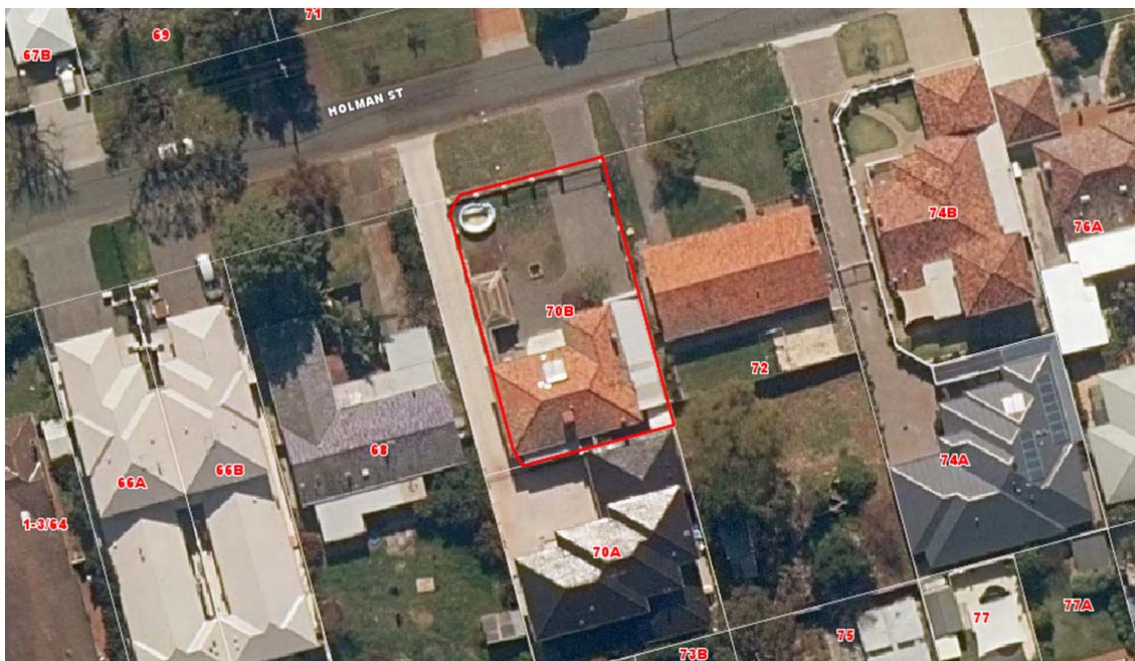
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☐	Information	<i>For the Council to note.</i>

**P15/3590 - FRONT FENCE (RETROSPECTIVE) AT LOT 1 (70B) HOLMAN STREET,
ALFRED COVE (AMREC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- Retrospective planning approval is sought to retain a fence that is located on the front boundary at 70B Holman Place, Alfred Cove.
- The fence has been assessed against the requirements of Community Planning Scheme No. 5 (CPS5), the Residential Design Codes (R-Codes) and Council Policy, and is deemed to be acceptable in that respect.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that retrospective planning approval for the existing fencing be granted.



BACKGROUND

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

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area Precinct
R-Code	: R20
Use Type	: Residential
Use Class	: 'P' – permitted

**P15/3590 - FRONT FENCE (RETROSPECTIVE) AT LOT 1 (70B) HOLMAN STREET,
ALFRED COVE (AMREC) (ATTACHMENT)**

Site Details

Lot Area : 472 sqm
Retention of Existing Vegetation : n/a
Street Tree(s) : n/a
Street Furniture (drainage pits etc.) : n/a
Site Details : Refer to site photo above.

[3590 Site Plan and Fence Specifications](#)

DETAIL

CPS5 and Policy Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
CP-78: Residential Development Part 3 Street walls and fences	Front fences within the primary street setback area that are visually permeable above 1.2 m of natural ground level, measured from the primary street side of the front fence.	The timber slats do not meet the definition of visually permeable as per R-Codes.	Requires assessment against Design Principles of the R-Codes	Absolute Majority decision of Council

PUBLIC CONSULTATION/COMMUNICATION

No consultation required.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

The application was not required to be the subject of public consultation pursuant to Part 4 of the R-Codes.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

**P15/3590 - FRONT FENCE (RETROSPECTIVE) AT LOT 1 (70B) HOLMAN STREET,
ALFRED COVE (AMREC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this application.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

Retrospective planning approval is sought for retention of a front fence at 70B Holman Place, Melville.

The existing fence is located on the front boundary. It is of solid construction to a height of 0.7 m, with timber slatted panels above to a maximum height of 1.7m.

The development has been assessed against all of the relevant provisions of CPS5, the R-Codes and Council Policy. An exercise of judgement is required in accordance with the R Codes Design Principle 5.2.4: Street walls and fences, and Council Policy CP-078: Residential Development Policy.

P15/3590 - FRONT FENCE (RETROSPECTIVE) AT LOT 1 (70B) HOLMAN STREET, ALFRED COVE (AMREC) (ATTACHMENT)

It is considered that the fence is well designed and constructed using materials that complement the dwelling. Although the timber slatted panels are less permeable than the R Code requirement, it is considered that the design, coupled with the open element that has been incorporated with the front gates, ensures an outcome that is not of detriment to residential or visual amenity, and does not detract from the streetscape. In addition, the fence serves to add privacy to the outdoor living area of the residence which is located within the front setback area.

CONCLUSION

The retention of the front fence is supported on the grounds that the requirements of CPS5, the R-Codes and Council Policies, are not compromised. As such it is recommended that the application be approved via an Absolute Majority decision of the Council pursuant to Clause 7.14(a) of CPS5.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3590)
ABSOLUTE MAJORITY APPROVAL**

At 8:49pm Cr Schuster moved, seconded Cr Aubrey –

That the Council by Absolute Majority decision approve the retrospective planning application for the front fence at Lot 1 (70B) Holman Street, Alfred Cove, subject to the following conditions:

- 1. All stormwater generated on site is to be retained on site.**
- 2. No development (including fencing, letter boxes or any other structure) or landscaping over 0.6m in height is to be located within the 1.5m x 1.5m sightline truncation where the vehicle access point meets the road reserve to the satisfaction of the Manager Statutory Planning.**

At 8:50pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

P14/3591 - PARTIAL CHANGE OF USE FROM WAREHOUSE TO 'USE NOT LISTED (MANUAL MOTOR VEHICLE WASH AND DETAIL)' AND ASSOCIATED SIGNAGE (RETROSPECTIVE) AT LOT 215 (40) MCCOY STREET, MYAREE (AMREC) (ATTACHMENT)

Ward	: City
Category	: Operational
Application Number	: DA-2014-1197
Property	: Lot 215 (No. 40) McCoy Street Myaree
Proposal	: Partial Change of Use from 'Warehouse' to 'Use Not Listed (Manual Motor Vehicle Wash and Detail)' and Associated Signage (Retrospective)
Applicant	: Panaknama Bandula Yatawara
Owner	: Melmoss Pty Ltd
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: None applicable
Responsible Officer	: Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☐	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>
☐	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
☐	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
☒	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>
☐	Information	<i>For the Council/Committee to note.</i>

P14/3591 - PARTIAL CHANGE OF USE FROM WAREHOUSE TO 'USE NOT LISTED (MANUAL MOTOR VEHICLE WASH AND DETAIL) AND ASSOCIATED SIGNAGE (RETROSPECTIVE) AT LOT 215 (40) MCCOY STREET, MYAREE (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Retrospective planning approval is sought for the continued use of the premises as a 'Use Not Listed' (Manual Motor Vehicle Wash and Detailing) and associated signage at Lot 215 (No. 40) McCoy Street in Myaree.
- The proposal is for a partial change of use only as the applicant operates from half of the commercial premises, with the balance remaining as warehouse/storage (currently vacant).
- The use is an 'S' – Discretionary use in the Mixed Business Frame and as such required public consultation in accordance with Clause 7.5 of CPS5. No objections were received.
- The existing awning fascia sign and one A-Frame sign are considered acceptable against Council's draft Outdoor Advertising and Signage Policy as they are not considered to have an adverse impact upon the amenity of the surrounding area and as such satisfy the requirements of Part 8 of the policy.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority Decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that the retrospective partial change of use and associated signage be conditionally approved.



P14/3591 - PARTIAL CHANGE OF USE FROM WAREHOUSE TO 'USE NOT LISTED (MANUAL MOTOR VEHICLE WASH AND DETAIL) AND ASSOCIATED SIGNAGE (RETROSPECTIVE) AT LOT 215 (40) MCCOY STREET, MYAREE (AMREC) (ATTACHMENT)

BACKGROUND

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

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Mixed Business Frame
R-Code	: R20
Use Type	: 'Use Not Listed (Manual Motor Vehicle Wash and Detail)'
Use Class	: S - Discretionary

Site Details

Lot Area	: 1,830sqm
Street Tree(s)	: None applicable
Street Furniture (drainage pits etc.)	: None applicable
Site Details	: Refer to aerial photo above

[3591 Site Floor Plan and Signage](#)

DETAIL

Not applicable.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes - 1
Reason:	In accordance with Clause 7.5 of CPS5
Support/Object:	No objections received

P14/3591 - PARTIAL CHANGE OF USE FROM WAREHOUSE TO 'USE NOT LISTED (MANUAL MOTOR VEHICLE WASH AND DETAIL) AND ASSOCIATED SIGNAGE (RETROSPECTIVE) AT LOT 215 (40) MCCOY STREET, MYAREE (AMREC) (ATTACHMENT)

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1.	Resident stated in their submission that they would be in opposition to the proposal if it involved spray painting/panel beating as they were concerned about fumes/odours impacting upon them.	Neither	Proposal does not involve any motor vehicle repair, i.e. panel beating or spray painting.	Not uphold

II. OTHER AGENCIES / CONSULTANTS

None 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 application

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The continued use of the premises for the purpose outlined has been assessed against the provisions of Council Policy CP-079: Car Parking and Access. The development satisfies the provisions of this policy.

The proposed signage has been assessed against the provisions of the draft Outdoor Advertisements and Signage policy. This is addressed in the Comment section of this report.

P14/3591 - PARTIAL CHANGE OF USE FROM WAREHOUSE TO 'USE NOT LISTED (MANUAL MOTOR VEHICLE WASH AND DETAIL) AND ASSOCIATED SIGNAGE (RETROSPECTIVE) AT LOT 215 (40) MCCOY STREET, MYAREE (AMREC) (ATTACHMENT)

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

The application was lodged with the City on 26 September 2014. Retrospective planning approval is sought for the partial change of use of the unit from 'Warehouse' to 'Use Not Listed (Manual Motor Vehicle Wash and Detail) at Lot 215 (No. 40) McCoy Street Myaree.

The subject business: Sunshine Car Wash and Detailing cleans and details motor vehicles. The main customer base for the business comes from the many local car dealerships and service centres within the Myaree precinct. However the business also caters to the needs of individual customers.

The manual car wash operates Monday to Friday 7:30am to 5pm, 8am to 1pm Saturday and 9am to 1pm Sunday. The business operates with five service bays (two washing stations and three detailing stations) and a maximum of seven staff at any one time.

Retrospective planning approval is also sought for an awning fascia sign, two A-Frame signs and various portable signage on site:

- I. A 2.5m x 1.4m awning fascia sign;
- II. Two A-frame signs 1.4m x 0.9m each; and
- III. Picketed flags located on the verge.

Land Use

The ongoing use of the premises for the purposes of vehicle wash and detail is considered to be appropriate in principle in land use terms given the location of the site in a mixed business frame precinct. It is noted that the wash and detailing areas of the business are housed within the building itself, and as such any potential for adverse noise impacts from the use are mitigated. This safeguards the residential amenity levels of occupiers of residential properties that abut the lot to the rear.

As the development is undertaken accordance with the development requirements of CPS5 and Council policy, it is considered appropriate in land use terms that the use be authorised and allowed to continue operating from the site.

P14/3591- PARTIAL CHANGE OF USE FROM WAREHOUSE TO 'USE NOT LISTED (MANUAL MOTOR VEHICLE WASH AND DETAIL) AND ASSOCIATED SIGNAGE (RETROSPECTIVE) AT LOT 215 (40) MCCOY STREET, MYAREE (AMREC) (ATTACHMENT)

Car Parking

As the proposed use is Use Not Listed, there is no prescriptive car parking requirement in either the CPS or Council Policy. In view of this, an assessment of the car parking needs of the development has been undertaken, taking into account the nature of the use, and its own particular operational characteristic's, and the following rationale adopted.

The business operates with seven staff. In accordance with accepted practice in respect of similar business activities, the City's Car Parking and Access Policy applies a ratio of 0.5 bays per staff member. This equates to the need for four staff only bays based on the maximum number of staff at the business being seven.

A total of 13 bays are available to the business, which results in the provision of nine bays for customers and/or vehicle storage. This level of provision is deemed acceptable and in accord with Council policy, particularly as a high proportion of the business comes from local car dealerships and the applicant operates a pick up and drop of service to those customers.

The remaining half of the commercial building (being warehouse/storage) requires six bays in accordance with Council Policy. There are ten bays available on site for their use.

Signage

The existing signage has been assessed under the provisions of the draft Outdoor Advertising and Signage Council Policy. The awning fascia sign is modest in comparison to the fascia to which it is attached.

The retention of one of the two existing A-frame signs is considered to comply with the draft policy provided the sign is displayed within the lot boundary only.

Subsequently the abovementioned signage to be retained is considered to satisfy the provisions contained under Part 8 of the draft Council Policy Outdoor Advertisements on the grounds that:

- The signage is clear, simple and concise.
- The signage is compatible with existing signage on the site and within the surrounding Mixed Business Precinct and do not obscure signage on adjacent tenancies or properties.
- The signage does not result in an unacceptable level of visual clutter within the area.

The second A-frame sign and picketed flags on the verge are considered a proliferation of signage and as such their retention is not supported. A condition of planning approval is recommended to ensure their removal.

P14/3591- PARTIAL CHANGE OF USE FROM WAREHOUSE TO 'USE NOT LISTED (MANUAL MOTOR VEHICLE WASH AND DETAIL) AND ASSOCIATED SIGNAGE (RETROSPECTIVE) AT LOT 215 (40) MCCOY STREET, MYAREE (AMREC) (ATTACHMENT)

CONCLUSION

Based on the above, the proposed use and associated signage are considered to satisfy all of the relevant provisions within CPS5 and Council Policy. As a result, the retrospective application is recommended for conditional approval pursuant to Clause 7.14(a) of CPS5.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3591) ABSOLUTE MAJORITY APPROVAL

At 8:50pm Reynolds moved, seconded Cr Aubrey –

That the Council by Absolute Majority decision, approve the retrospective planning application for the partial change of use from 'Warehouse/Storage' to 'Use Not Listed (Manual Motor Vehicle Wash and Detail)' and Associated Signage at Lot 215 (No. 40) McCoy Street, Myaree subject to the following conditions:

- 1. All stormwater generated on site is to be retained on site.**
- 2. A maximum of seven full time staff (or the equivalent) are permitted on site at any one time.**
- 3. The hours of operation for the business are limited to:**
 - 7:30am to 5pm Monday to Friday**
 - 8am to 1pm Saturday**
 - 9am to 1pm Sunday**
- 4. Any signage other than that approved as part of this application is to be removed within seven days of the date of this determination.**

At 8:50pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

**P15/3592 - RETENTION OF TEMPORARY STRUCTURE (SEA CONTAINER)
(RETROSPECTIVE) AT LOT 164 (16) SOLOMON STREET PALMYRA (AMREC)
(ATTACHMENT)**

Ward : Palmyra/Melville/Willagee
Category : Operational
Application Number : DA-2014-1250
Property : Lot 164 (16) Solomon Street Palmyra
Proposal : Retention of Temporary Structure (Sea Container)
(Retrospective)
Applicant : Mr M. Jensen
Owner : Mr M. Jensen
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

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☐	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
☒	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
☐	Information	<i>For the Council/Committee to note.</i>

**P15/3592 - RETENTION OF TEMPORARY STRUCTURE (SEA CONTAINER)
(RETROSPECTIVE) AT LOT 164 (16) SOLOMON STREET PALMYRA (AMREC)
(ATTACHMENT)**

KEY ISSUES / SUMMARY

- Retrospective planning approval is sought for the retention of a sea container. The sea container is located at the rear of the property and is in use by the owner of the property to store business equipment.
- Approval is sought to retain the structure until 30 June 2015.
- The siting of a sea container in this position on the lot satisfies all of the requirements of the Community Planning Scheme No. 5 (CPS5) and Council Policy.
- In accordance with Clause 7.14(a) of CPS5 an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that the application for the temporary structure be conditionally approved pursuant to Clause 7.14(a) of CPS5, subject to its expiry on 30 June 2105.



BACKGROUND

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

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area
R-Code	: R20
Use Type	: Residential
Use Class	: 'P'- Permitted

**P15/3592 - RETENTION OF TEMPORARY STRUCTURE (SEA CONTAINER)
(RETROSPECTIVE) AT LOT 164 (16) SOLOMON STREET PALMYRA (AMREC)
(ATTACHMENT)**

Site Details

Lot Area	: 1,075m ²
Street Tree(s)	: One street tree- unaffected
Street Furniture (drainage pits etc.)	: None applicable
Site Details	: Refer to aerial photo above

[3592 Site Plan Temporary Structures Containers](#)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required:	Yes
Neighbour's Comment Supplied:	None received.
Reason:	Pursuant to CPS5 provisions.
Support/Object:	Not Applicable

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The application has been assessed against the provisions of Council Policy CP-051: Temporary Structures. The proposal satisfies all of the relevant provisions within this Policy.

**P15/3592 - RETENTION OF TEMPORARY STRUCTURE (SEA CONTAINER)
(RETROSPECTIVE) AT LOT 164 (16) SOLOMON STREET PALMYRA (AMREC)
(ATTACHMENT)**

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENTS

Retrospective planning approval is sought for the retention of a temporary structure (sea container) at 16 Solomon Street Palmyra.

The sea container is located in the rear of the property and is approximately 6m long x 2.4m wide (20 foot) and 2.6m high. The sea container is being used for the temporary storage of equipment for the applicant's business. It is proposed that the container will be removed from the site by 30 June 2015.

The sea container is located towards the rear (southern) boundary of the lot. Its retention has been assessed in accordance with the provisions of CPS5 and Council Policy CP-051: Temporary Structures, which outlines the criteria against which planning applications for temporary structures such as sea containers are considered. The Policy states that the placement of temporary structures such as sea containers is acceptable where the temporary structure is:

- In place for no longer than 12 months;
- Limited to one per property;
- Located so not to obstruct vehicle sight lines;
- Setback from property boundaries in accordance with CPS5, the R-Codes (where relevant) and Council Policy;
- Effectively screened from view of the street or any adjacent public space; and
- Will not obstruct any on-site car parking bays or vehicular manoeuvring area which are required to be provided for the approved use(s) of the property.

In the case of the subject sea container, it is noted that:

- It will be located on the property for less than 12 months;
- It is located entirely within the property boundaries;
- Its siting does not obstruct vehicle sightlines;
- It is not visible from the street;
- It is setback from the lot boundaries in accordance with Table 2 of the R-Codes,
- It does not obstruct any on-site car parking bays or vehicular manoeuvring areas on site;
- It does not have an unacceptable adverse impact on residential amenity levels for owners and/or occupiers of adjoining residential properties.

**P15/3592 - RETENTION OF TEMPORARY STRUCTURE (SEA CONTAINER)
(RETROSPECTIVE) AT LOT 164 (16) SOLOMON STREET PALMYRA (AMREC)
(ATTACHMENT)**

On that basis, it is recommended that the sea container be allowed to remain in situ for a temporary period not exceeding 30 June 2015.

CONCLUSION

The retention of the subject sea container is considered to satisfy the requirements of Council Policy CP-051: Temporary Structures Policy. It is considered that the position and size of the sea container does not prejudice the streetscape or adversely affect the amenity of any adjoining owners or occupiers. As such, it is recommended that the application be approved via an Absolute Majority decision of the Council pursuant to Clause 7.14(a) of CPS5.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3592)
ABSOLUTE MAJORITY APPROVAL**

At 8:50pm Cr Robartson moved, seconded Cr Hill –

That the Council by Absolute Majority decision, approve the retrospective planning application for the temporary placement of a sea container at Lot 164 (No. 16) Solomon Street, Palmyra subject to the following condition:

This planning approval is only valid until 30 June 2015. After this date, the sea container shall be removed from the site, and the ground reinstated to its former condition, to the satisfaction of the Manager Statutory Planning.

At 8:50pm The Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

P15/3594 – CHANGE OF USE FROM FACTORY UNIT TO EDUCATIONAL ESTABLISHMENT AND RETENTION OF SIGNAGE (RETROSPECTIVE) AT LOT 2 (UNIT 10/24) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)

Ward	: City
Category	: Operational
Application Number	: DA-2014-1001
Property	: Lot 2 (Unit 10/24) Shields Crescent, Booragoon
Proposal	: Change of Use from Factory Unit to Educational Establishment and Retention of Signage (Retrospective)
Applicant	: Dynamic Planning and Developments
Owner	: Ayurveda Awareness Centre 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

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

P15/3594 – CHANGE OF USE FROM FACTORY UNIT TO EDUCATIONAL ESTABLISHMENT AND RETENTION OF SIGNAGE (RETROSPECTIVE) AT LOT 2 (UNIT 10/24) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Retrospective planning approval is sought for the continued use of the premises as an 'Educational Establishment' (plus retained business signage) at 10/24 Shields Crescent, Booragoon.
- The use is a 'P' – Permitted use in the Mixed Business Precinct and as such its continued use is considered appropriate in principle in land use terms.
- The existing business signage is similarly considered to be acceptable, as it is not considered to have an adverse impact upon the amenity of the surrounding area and as such satisfies the requirements of Part 8 of the City's draft Outdoor Advertisements and Signage policy.
- The approval of the application requires an Absolute Majority decision of the Council pursuant to Clause 7.14(a) of CPS5.
- It is recommended that the application be approved.



BACKGROUND

There are no records of previous planning proposals for the site.

P15/3594 – CHANGE OF USE FROM FACTORY UNIT TO EDUCATIONAL ESTABLISHMENT AND RETENTION OF SIGNAGE (RETROSPECTIVE) AT LOT 2 (UNIT 10/24) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)**Scheme Provisions**

MRS Zoning	: Industrial
CPS 5 Zoning	: Mixed Business Precinct
R-Code	: Not applicable
Use Type	: Educational Establishment
Use Class	: P - Permitted

Site Details

Lot Area	: 3,710m ²
Street Tree(s)	: Yes
Street Furniture (drainage pits etc.)	: None applicable
Site Details	: Refer to aerial photo above

[3594 Site Plans Floor Plan and Signage](#)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

None required.

II. OTHER AGENCIES / CONSULTANTS

None 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 application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

P15/3594 – CHANGE OF USE FROM FACTORY UNIT TO EDUCATIONAL ESTABLISHMENT AND RETENTION OF SIGNAGE (RETROSPECTIVE) AT LOT 2 (UNIT 10/24) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)**POLICY IMPLICATIONS**

The continued use of the premises for the purpose outlined has been assessed against the provisions of Council Policy CP-079: Car Parking and Access. The development satisfies the provisions of this policy given there is a surplus of car parking bays across the site, and the peak demands for car parking by the various businesses that operate from the complex, provide flexibility for users

The existing signage has been assessed against the provisions of the City's draft Outdoor Advertisements and Signage policy. (Refer to Comment Section of this report)

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

The subject application was received by the City on 21 August 2014. Retrospective planning approval is sought for the change of use of the premises from a 'Factory Unit' to an 'Educational Establishment'. Retrospective approval is also sought for associated business signage.

The subject business: 'Project Management Vision' is a registered training organisation offering nationally recognised training qualifications in Instrumentation and Electrical and Hazardous Areas.

The core business undertaken at the subject site is workforce training. The business generally operates Monday to Friday between 7.30am-5pm, with training days held once a month on either a Saturday or Sunday, subject to student availability. For the majority of the time therefore, the business operates with its administrative staff only.

A maximum of eight students attend classes which are held between 9am-5pm. A maximum of 12 people will be on site at any one time (eight students, one trainer and three administrative staff).

The existing sign is a 2.4m x 1.2m wall sign which is displayed on the front façade of the premises.

P15/3594 – CHANGE OF USE FROM FACTORY UNIT TO EDUCATIONAL ESTABLISHMENT AND RETENTION OF SIGNAGE (RETROSPECTIVE) AT LOT 2 (UNIT 10/24) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)

The business operates from a commercial unit located within a Mixed Business Precinct. Under the provisions of CPS5, an Educational Use such as this is a 'P' (Permitted) Use within the Mixed Business Precinct, and as such its continued use is acceptable in principle in land use terms.

The retention of the use has been assessed against the provisions of Council Policy CP - 079: "Car Parking and Access". Four car parking bays are required to be made available for the use. The applicant has demonstrated that the business has the requisite bays, as a communal car parking and vehicle circulation area comprising 26 bays is available for the group of businesses located on this site. On that basis, the business may continue to operate from the premises without compromise to the City's car parking requirements.

The existing wall sign has been assessed against the provisions of the City's Draft Outdoor Advertisements and Signage policy. The sign is a fascia sign erected on the front wall of the premises. It is concluded that the sign as erected is acceptable on the basis that it is clear and concise, appropriate in terms of its scale, and does not detract from the amenity of the area.

CONCLUSION

The grant of retrospective planning approval is considered appropriate in this case given the use is acceptable in land use terms, adequate car parking is provided, and the existing sign complies with draft Council policy. It is recommended therefore that retrospective planning approval be granted pursuant to clause 7.14(a) of CPS5.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3594)
ABSOLUTE MAJORITY APPROVAL**

At 8:50pm Cr Reynolds moved, seconded Cr Foxton –

That the Council by Absolute Majority decision approve the retrospective planning application for a change of use from Factory Unit to Educational Establishment and Retention of Signage at Lot 2 (No. 10/24) Shields Crescent, Booragoon.

At 8:51pm The Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

P15/3595 – CHANGE OF USE FROM FACTORY UNIT TO EDUCATIONAL ESTABLISHMENT (RETROSPECTIVE) AT LOT 2 (UNIT 8/22-24) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)

Ward : City
 Category : Operational
 Application Number : DA-2014-1200
 Property : Lot 2 (Unit 8/22-24) Shields Crescent, Booragoon
 Proposal : Change of use from Factory Unit to Educational Establishment (retrospective)
 Applicant : Mr Terrence Newton
 Owner : Mr Terrence Newton
 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

☐	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☐	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>
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☒	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
☐	Information	<i>For the Council/Committee to note.</i>

P15/3595 – CHANGE OF USE FROM FACTORY UNIT TO EDUCATIONAL ESTABLISHMENT (RETROSPECTIVE) AT LOT 2 (UNIT 8/22-24) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Retrospective planning approval is sought for the continued use of the premises as an 'Educational Establishment' at 8/22-24 Shields Crescent, Booragoon.
- The use is a 'P' – Permitted use in the Mixed Business Precinct and as such its continued use is considered appropriate in principle.
- The approval of the application requires an Absolute Majority decision of the Council pursuant to Clause 7.14(a) of CPS5.
- It is recommended that the application be approved.



P15/3595 – CHANGE OF USE FROM FACTORY UNIT TO EDUCATIONAL ESTABLISHMENT (RETROSPECTIVE) AT LOT 2 (UNIT 8/22-24) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)**BACKGROUND***Planning History*

The applicant submitted an application for a change of use in 1998. For reasons that are unclear in the City's records, that application was withdrawn prior to determination. Notwithstanding this withdrawal, the use has operated from the premises since November 1998.

Scheme Provisions

MRS Zoning	: Industrial
CPS 5 Zoning	: Mixed Business Precinct
R-Code	: Not applicable
Use Type	: Educational Establishment
Use Class	: P - Permitted

Site Details

Lot Area	: 3,710m ²
Street Tree(s)	: Yes
Street Furniture (drainage pits etc.)	: None applicable
Site Details	: Refer to aerial photo above

[3595 Floor Plans](#)

P15/3595 – CHANGE OF USE FROM FACTORY UNIT TO EDUCATIONAL ESTABLISHMENT (RETROSPECTIVE) AT LOT 2 (UNIT 8/22-24) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

None required.

II. OTHER AGENCIES / CONSULTANTS

None 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 application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The continued use of the premises for the purpose outlined has been assessed against the provisions of Council Policy CP-079: Car Parking and Access. The development satisfies the provisions of this policy, subject to imposition of a condition requiring that all on site car parking be made available to the entire site and not exclusively for the subject tenancy.

**P15/3595 – CHANGE OF USE FROM FACTORY UNIT TO EDUCATIONAL ESTABLISHMENT AT LOT 2 (UNIT 8/22-24) SHIELDS CRESCENT, BOORAGOON
(AMREC) (ATTACHMENT)****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, conditions may be imposed.

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

COMMENT

The retrospective planning application was lodged with the City on 30 September 2014. The nature of the use is that of music tuition, with individual and group music lessons being operated. A children's group lesson has a maximum group size of between 5-8 pupils with adult music lessons up to a maximum of eight pupils.

The business operates between 9am-7pm Monday to Friday and 9am to 1pm on Saturday from a commercial unit located within a Mixed Business Precinct. Under the provisions of CPS5, an Educational Use such is classed as a 'P' (Permitted) Use within the Mixed Business Precinct, and as such its continued use is acceptable in principle in land use terms.

The retention of the use has been assessed against the provisions of Council Policy CP - 079: "Car Parking and Access", under which three car parking bays are required to be made available for the use. The applicant has demonstrated that the business has the requisite three bays, and on that basis, the business may continue to operate from the premises without compromise to the City's car parking requirements.

CONCLUSION

The grant of retrospective planning approval is considered appropriate in this case given the use is acceptable in land use terms, and adequate car parking is provided. It is recommended therefore that retrospective planning approval be granted pursuant to clause 7.14(a) of CPS5.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3595)
ABSOLUTE MAJORITY APPROVAL**

At 8:51pm Cr Reynolds moved, seconded Cr Foxton –

That the Council by Absolute Majority decision approve the retrospective planning application for a Change of Use from Factory Unit to Educational Establishment at Lot 2 (8/24) Shields Crescent, Booragoon.

At 8:51pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

P15/3596 – CHANGE OF USE FROM FACTORY UNIT TO DOG GROOMING AND RETENTION OF SIGNAGE (RETROSPECTIVE) AT LOT 2 (UNIT 4/10) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)

Ward	:	City
Category	:	Operational
Application Number	:	DA-2014-1526
Property	:	Lot 2 (Unit 4/10) Shields Crescent, Booragoon
Proposal	:	Change of use from Factory Unit to Dog Grooming and Retention of Signage (Retrospective)
Applicant	:	Mr Max Bridges
Owner	:	Lopes Holdings
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

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☐	Information	<i>For the Council/Committee to note.</i>

P15/3596 – CHANGE OF USE FROM FACTORY UNIT TO DOG GROOMING AND RETENTION OF SIGNAGE (RETROSPECTIVE) AT LOT 2 (UNIT 4/10) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Retrospective planning approval is sought for the continued use of the premises for the purposes of Dog Grooming at Unit 4/10 Shields Crescent, Booragoon.
- The activity has been operating from the premises without the benefit of planning approval for a period in excess of 18 years.
- A Dog Grooming business is classed as a Use Not Listed by Community Planning Scheme No 5 (CPS5), which is a 'D' – Discretionary Use in the Mixed Business Precinct within which the premises are located. It is considered that the continued use of the premises for this purpose is appropriate in principle.
- As this is a retrospective planning proposal, the approval of the application requires an Absolute Majority decision of the Council pursuant to Clause 7.14(a) of CPS5.
- It is recommended that the application be approved.



BACKGROUND

The City granted planning approval in July 1982 for the business to operate from Unit 2 No. 14 – 20 Shields Crescent. The business operated from those premises until approximately 1997, at which time it was transferred into the subject unit.

P15/3596 – CHANGE OF USE FROM FACTORY UNIT TO DOG GROOMING AND RETENTION OF SIGNAGE (RETROSPECTIVE) AT LOT 2 (UNIT 4/10) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)**Scheme Provisions**

MRS Zoning	: Industrial
CPS 5 Zoning	: Mixed Business Precinct
R-Code	: Not applicable
Use Type	: Use Not Listed
Use Class	: D - Discretion

Site Details

Lot Area	: 3,710m ²
Street Tree(s)	: Yes
Street Furniture (drainage pits etc.)	: None applicable
Site Details	: Refer to aerial photo above

[3596 Floor Plan Site Plan Signage](#)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

None required.

II. OTHER AGENCIES / CONSULTANTS

None 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 application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

P15/3596 – CHANGE OF USE FROM FACTORY UNIT TO DOG GROOMING AND RETENTION OF SIGNAGE (RETROSPECTIVE) AT LOT 2 (UNIT 4/10) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)**POLICY IMPLICATIONS**

The continued use of the premises for the purpose outlined has been assessed against the provisions of Council Policy CP -079: Car Parking and Access. The development satisfies the provisions of this policy subject to the imposition of a condition of approval requiring that all on site car parking be made available to the entire site and not exclusively for the subject tenancy.

The existing unauthorised signage has been assessed against the provisions of the draft Outdoor Advertisements and Signage policy. Further commentary in this respect is provided in the Comment section of the report.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

The subject application was lodged with the City on 1 December 2014. The business, Bee Jay Dog Grooming, operates in the following way:

- Hours of operation – Tuesday – Friday and alternate Saturdays between 8am-5pm;
- Staff - one full time staff member and one part time staff member;
- Maximum of 10 customers per day. Dogs are dropped off in the morning by the customer and collected in the afternoon.

The unauthorised signage being considered as part of this retrospective planning application consists of a 2.4m x 1.4m size sign installed on the front façade of the premises.

The business operates from a commercial unit located within a Mixed Business Precinct. Under the provisions of CPS5, a Dog Grooming business is classed as a 'D' (Discretionary) Use within the Mixed Business Precinct, and as such its continued use is acceptable in principle in land use terms.

The retention of the use has been assessed against the provisions of Council Policy CP - 079: "Car Parking and Access". Given the small scale nature of the Dog Grooming activity in this case, two car parking bays are required to be made available for the use. The applicant has demonstrated that the business has the requisite two dedicated car parking bays, and on that basis, the business may continue to operate from the premises without compromise to the City's car parking requirements.

P15/3596 – CHANGE OF USE FROM FACTORY UNIT TO DOG GROOMING AND RETENTION OF SIGNAGE (RETROSPECTIVE) AT LOT 2 (UNIT 4/10) SHIELDS CRESCENT, BOORAGOON (AMREC) (ATTACHMENT)

The existing wall sign has been assessed against the provisions of the City's Draft Outdoor Advertisements and Signage policy. The sign is a fascia sign erected on the front wall of the premises. It is concluded that the sign as erected is acceptable on the basis that it is clear and concise, appropriate in terms of its scale, and does not detract from the amenity of the area.

CONCLUSION

The grant of retrospective planning approval is considered appropriate in this case given the use is acceptable in land use terms, adequate car parking is provided, and the existing sign complies with draft Council policy. It is recommended therefore that retrospective planning approval be granted pursuant to clause 7.14(a) of CPS5.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3596)**ABSOLUTE MAJORITY APPROVAL**

At 8:52pm Cr Robartson moved, seconded Cr Phelan –

That the Council by Absolute Majority decision approve the retrospective planning application for a Change of Use from Factory Unit to Dog Grooming together with retained business signage at Lot 2 (4/10) Shields Crescent, Booragoon.

At 8:52pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

**P15/3597 – OUTBUILDING ADDITION TO DWELLING (RETROSPECTIVE) AT LOT 197
(NO. 2) BILLINGS WAY, WINTHROP (AMREC) (ATTACHMENT)**

Ward	:	University
Category	:	Operational
Application Number	:	DA-2014-1420
Property	:	Lot 197 (No.2) Billings Way, Winthrop
Proposal	:	Outbuilding Addition to Dwelling (Retrospective)
Applicant	:	T Sullivan
Owner	:	T Sullivan
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	None applicable
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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☐	Information	<i>For the Council/Committee to note.</i>

**P15/3597 – OUTBUILDING ADDITION TO DWELLING (RETROSPECTIVE) AT LOT 197
(NO. 2) BILLINGS WAY, WINTHROP (AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Retrospective planning approval is sought for an outbuilding located in the north eastern corner of the property at 2 Billings Way, Winthrop.
- The outbuilding was constructed approximately six years ago without the benefit of planning approval.
- The existing outbuilding requires an exercise of judgement against the Design Principles of the R-Codes relating to the northern boundary setback and external wall height of the structure.
- Notwithstanding the exercise of judgement required, it is considered that the outbuilding does not have an adverse impact upon the amenity of the adjoining properties or the streetscape and as such is recommended for support on that basis. In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that retrospective planning approval for the existing outbuilding be granted.

**BACKGROUND**

Building permit BA-2007-2573 was approved on 9 November 2007 for a rear patio addition to the dwelling. The patio development satisfied the permitted development provisions of CPS5 and did not require planning approval.

**P15/3597 – OUTBUILDING ADDITION TO DWELLING (RETROSPECTIVE) AT LOT 197
(NO. 2) BILLINGS WAY, WINTHROP (AMREC) (ATTACHMENT)**

Scheme Provisions

MRS Zoning : Urban
CPS 5 Zoning : Living Area
R-Code : R17.5
Use Type : Residential
Use Class : 'P'- Permitted

Site Details

Lot Area : 700m²
Street Tree(s) : Yes, all retained
Street Furniture (drainage pits etc.) : None applicable
Site Details : Refer to aerial photo above

[3597 Elevations and Floor Plan](#)

DETAIL

R-Code Requirements

Development Requirement	Required	Proposed	Comments	Delegation to approve variation
Wall Height – North	2.4m	2.5m	Minor variation which requires assessment using Design Principles of the R-Codes	Absolute Majority decision of Council
Boundary Setback - North	1.0m	0.750m	Requires assessment using Design Principles of the R-Codes	Absolute Majority decision of Council

**P15/3597 – OUTBUILDING ADDITION TO DWELLING (RETROSPECTIVE) AT LOT 197
(NO. 2) BILLINGS WAY, WINTHROP (AMREC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The application was not required to be the subject of public consultation pursuant to Part 4 of the R-Codes.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The application has been assessed against all of the relevant Council Policies, including CP-078: Residential Development. The development satisfies all of these policy requirements.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

**P15/3597 – OUTBUILDING ADDITION TO DWELLING (RETROSPECTIVE) AT LOT 197
(NO. 2) BILLINGS WAY, WINTHROP (AMREC) (ATTACHMENT)****COMMENT**

Retrospective planning approval is sought for the construction of an outbuilding at 2 Billings Way, Winthrop. The outbuilding is located in the north eastern corner of the property and is 6m in length x 3.6m in width with a maximum eave height of 2.5m.

The outbuilding is setback approximately 0.75m from the northern boundary and approximately 1m from the eastern boundary.

The outbuilding was constructed approximately six years ago.

The retention of the outbuilding has been assessed against the provisions of the R-Codes and Council Policy. Assessment is required against the Design Principles of the R-Codes in relation to the wall height and the northern boundary setback of the outbuilding.

The outbuilding is not visible from Billings Way as it is located in the rear north eastern corner of the site. The outbuilding is screened to an extent by existing dividing fences between the subject and adjoining properties.

In this instance Design Principle 5.4.3 of the R-Codes is satisfied in relation to the proposed outbuilding as the development does not detract from the streetscape, or the visual amenity of residents of adjoining properties.

CONCLUSION

The retention of the outbuilding is supported on the grounds that the requirements of CPS5, the R-Codes and Council Policies are satisfied. As such it is recommended that the application be approved via an Absolute Majority decision of Council pursuant to Clause 7.14(a) of CPS5.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3597)**ABSOLUTE MAJORITY APPROVAL**

At 8:52pm Cr Willis moved, seconded Cr Reynolds –

That the Council by Absolute Majority decision approve the retrospective planning application for an outbuilding addition at Lot 197, 2 Billings Way, Winthrop, subject to the following condition:

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

At 8:52pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

**P15/3598 – SINGLE STOREY DETACHED ADDITION TO DWELLING
(RETROSPECTIVE) AT LOT 63 (NO. 1) TOWNSON PLACE, LEEMING (AMREC)
(ATTACHMENT)**

Ward : Bull Creek/Leeming
Category : Operational
Application Number : DA-2014-1558
Property : Lot 63 (No. 1) Townson Place, Leeming
Proposal : Single Storey Detached Addition to Dwelling
(Retrospective)
Applicant : R Whittle
Owner : R Whittle & M Tonnochy
Disclosure of any Interest : No Officer involved in the preparation of this
report has a declarable interest in this matter.
Previous Items : None applicable
Responsible Officer : Peter Prendergast
Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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☐	Information	<i>For the Council/Committee to note.</i>

**P15/3598 – SINGLE STOREY DETACHED ADDITION (RETROSPECTIVE) AT LOT 63
(NO. 1) TOWNSON PLACE, LEEMING (AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Retrospective planning approval is sought for a single storey detached addition (used as an art studio by the current occupiers) at 1 Townson Place, Leeming.
- The detached addition was constructed approximately two years ago without the benefit of planning approval.
- The addition has been assessed against the Design Principles of the R-Codes in respect of the setback to the northern boundary.
- The Design Principle of the R Codes is satisfied as the development is minor in nature (single storey) and the relationship that it has with the adjoining dwelling to the north is such that no adverse impact results.
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that retrospective planning approval for the existing detached addition be granted.

**BACKGROUND**

Subdivision of the subject property was conditionally approved by the Western Australian Planning Commission on 8 October 2012. The addition in question does not compromise the conditional subdivision approval.

Planning approval DA-2014-876 was granted on 3 September 2014 for a garage addition and alterations to the dwelling at the subject property. It was during the assessment of this proposal that the unauthorised art room addition structure was brought to the City's attention. If and when this garage addition is constructed, it will be sited such that any view of the art room addition from Envall Street will be removed.

**P15/3598 – SINGLE STOREY DETACHED ADDITION (RETROSPECTIVE) AT LOT 63
(NO. 1) TOWNSON PLACE, LEEMING (AMREC) (ATTACHMENT)**

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area Precinct
R-Code	: R20
Use Type	: Residential
Use Class	: 'P' – permitted

Site Details

Lot Area	: 574 m ²
Street Tree(s)	: Yes, all retained
Street Furniture (drainage pits etc.)	: None applicable
Site Details	: Refer to aerial photo above

[3598 Site Plan Elevations and General Notes](#)

DETAIL

R-Code Requirements

Development Requirement	Deemed to Comply	Proposed	Comments	Delegation to approve variation
Lot Boundary Setback – Northern	1.5m	1.0m	Requires assessment against Design Principles of the R-Codes	Absolute Majority decision of the Council

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

In accordance with Part 4 of the R Codes, no consultation was undertaken.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

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

**P15/3598 – SINGLE STOREY DETACHED ADDITION (RETROSPECTIVE) AT LOT 63
(NO. 1) TOWNSON PLACE, LEEMING (AMREC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The application has been assessed against all of the relevant Council Policies, including CP-078: Residential Development. The development satisfies all of these policy requirements.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

Retrospective planning approval is sought for the retention of a detached addition at 1 Townson Place, Leeming. The addition is 5.7m in length x 3.6m in width, with a maximum eave height of 3.1m at the northern elevation.

The detached addition is setback approximately 1m from the northern boundary and is located adjacent to a carport and kitchen of the northern adjoining property. The addition is setback approximately 9m from the secondary street boundary (Envall Way).

The retention of the detached addition has been assessed against the provisions of the R-Codes and Council Policy. The addition satisfies all of the Deemed to Comply requirements of the R-Codes with the exception of the setback to the northern boundary which has been assessed against the relevant design principle of the R Codes.

**P15/3598 – SINGLE STOREY DETACHED ADDITION (RETROSPECTIVE) AT LOT 63
(NO. 1) TOWNSON PLACE, LEEMING (AMREC) (ATTACHMENT)**

In this instance, Design Principle 5.1.3 of the R-Codes is satisfied in relation to lot boundary setback requirements, as the detached addition provides adequate direct sunlight and ventilation to the site and northern adjoining property. Furthermore, the addition is considered to be minor in nature in terms of its size and scale, and does not result in any unacceptable adverse bulk impact toward the adjoining property.

On that basis, it is recommended that the addition may be retained without prejudice to residential and/or visual amenity.

CONCLUSION

The retention of the detached addition is supported on the grounds that the requirements of CPS5, the R-Codes and Council Policies are satisfied. As such it is recommended that the application be approved via an Absolute Majority decision of the Council pursuant to Clause 7.14(a) of CPS5.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3598)
ABSOLUTE MAJORITY APPROVAL**

At 8:52pm Cr Willis moved, seconded Cr Robartson –

That the Council by Absolute Majority decision, approve the retrospective application for the construction of single storey detached addition at No.1 Townson Place, Leeming subject to the following condition:

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

At 8:52pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

**P15/3600 - SIGNAGE (RETROSPECTIVE) AT LOT 544 (NO. 11) RISELEY STREET,
ARDROSS (AMREC) (ATTACHMENT)**

Ward	:	Applecross/Mt Pleasant
Category	:	Operational
Application Number	:	DA-2014-634
Property	:	Lot 544 (No. 11) Riseley Street, Ardross
Proposal	:	Signage (Retrospective)
Applicant	:	M R Kumar
Owner	:	Starke Nominees 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

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

**P15/3600 - SIGNAGE (RETROSPECTIVE) AT LOT 544 (NO. 11) RISELEY STREET,
ARDROSS (AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City is in receipt of a retrospective planning application for an awning fascia sign, below-awning sign, two above-awning signs, window signage and ground based sign associated with 'Rangoli Indian Restaurant' at Lot 544, 11 Riseley Street, Ardross.
- The subject signage has been assessed against the provisions of the Community Planning Scheme No. 5 (CPS5) and the draft Outdoor Advertisements and Signage policy.
- The awning fascia sign, below-awning sign and window signage are considered to satisfy the requirements of Part 4 of the City's draft Outdoor Advertisements and Signage policy. These signs are therefore recommended for approval.
- The above-awning signage, in conjunction with the other signage on the building, is considered to result in an unacceptable level of visual clutter, contrary to the City's Draft policy. As such, it is recommended that the above awning signage be refused, and the applicant be requested to remove it within 28 days of the date of the decision being taken.
- An existing ground based sign (freestanding double sided 'A Frame' sign is located outside the lot boundary, on the footway to the front of the premises, on land outside of the applicant's control. This sign should also be removed. In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that the below awning signage be approved and that the above awning signage is removed within 28 days of the date of written notification of the decision.

**P15/3600 - SIGNAGE (RETROSPECTIVE) AT LOT 544 (NO. 11) RISELEY STREET,
ARDROSS (AMREC) (ATTACHMENT)**



BACKGROUND

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

Scheme Provisions

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

**P15/3600 - SIGNAGE (RETROSPECTIVE) AT LOT 544 (NO. 11) RISELEY STREET,
ARDROSS (AMREC) (ATTACHMENT)**

Site Details

Lot Area : 613sqm
Street Tree(s) : None applicable
Street Furniture (drainage pits etc.) : None applicable
Site Details : Refer to aerial photo above

3600 Signage

DETAIL

CPS5 and Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Above-Awning Sign (x2)	Restricted	Two 3m ² signs	Requires assessment against the provisions of Part 8 of the City's Outdoor Advertisements and Signage policy.	Absolute Majority decision of the Council
Ground Based Signage (Double sided freestanding 'A' Frame sign)	Restricted	One ground based sign	Requires assessment against the provisions of Part 8 of the City's Outdoor Advertisements and Signage policy.	Absolute Majority decision of the Council

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Public consultation was not required by CPS5 or Council Policy.

II. OTHER AGENCIES / CONSULTANTS

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

**P15/3600 - SIGNAGE (RETROSPECTIVE) AT LOT 544 (NO. 11) RISELEY STREET,
ARDROSS (AMREC) (ATTACHMENT)**

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 application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal has been assessed against the provisions of the City's draft Outdoor Advertisements and Signage policy. This is addressed in the Comment section below.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

Retrospective planning approval is sought for the installation of one awning fascia sign, one below-awning sign, two above awning signs, window signage and a ground based sign.

The awning fascia sign, below-awning sign and window signage comply with the requirements of Part 4 of the City's draft Outdoor Advertisements and Signage policy. The retention of those signs is supported on that basis.

The above-awning signs are however classed as restricted signage under the provisions of the City's draft Outdoor Advertisements and Signage policy. The retention of these signs requires consideration against the performance standards contained within Part 8 of the City's Draft Policy.

**P15/3600 - SIGNAGE (RETROSPECTIVE) AT LOT 544 (NO. 11) RISELEY STREET,
ARDROSS (AMREC) (ATTACHMENT)**

The above-awning signage is not supported for the following reasons:

- The signs are considered to result in an unacceptable level of visual clutter both on the building, and within the area, to the detriment of the visual amenity.
- The signs detract from the architectural style of the building.
- The display of excessive levels of signage in this location may result in driver distraction, and as such compromise public safety.

The subject ground based sign (marked in RED on the attached plans) is also not supported due to it being located outside of the lot boundary. (Clause 4.2 of the City's draft Outdoor Advertisements and Signage policy refers).

CONCLUSION

Based on the above, the awning fascia sign, below-awning sign and window signage are considered to satisfy the requirements of the City's draft Outdoor Advertisements and Signage policy, and are supported for retention on that basis. The above-awning and ground based signage does not, and this should therefore be removed.

As a result, the awning fascia sign, below-awning sign and window signage are recommended for approval pursuant to Clause 7.14(a) of CPS5.

A condition of approval is recommended requiring the removal of the above-awning and ground based signage.

OFFICER RECOMMENDATION (3600)**ABSOLUTE MAJORITY APPROVAL**

At 8:53pm Cr Reynolds moved, seconded Cr Willis –

That the Council by Absolute Majority decision approve the retrospective planning application for a business signage at Lot 554, 11 Riseley Street, Ardross. Subject to the following condition:

- 1. The above-awning and ground based signage (as marked in RED on the attached approved plans) are hereby refused planning approval, these signs do not form part of this approval.**

AMENDMENT

At 8:53pm Cr Schuster moved, seconded Cr Pazolli -

- 1. That in item 1 remove the words "above awning and "and delete the word "are" and replace it with the word "is".**

At 9:05pm the Mayor submitted the amendment which was declared

CARRIED (8/5)

P15/3600 - SIGNAGE (RETROSPECTIVE) AT LOT 544 (NO. 11) RISELEY STREET, ARDROSS (AMREC) (ATTACHMENT)

Vote Result Summary	
Yes	8
No	5

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

COUNCIL RESOLUTION (3600)

ABSOLUTE MAJORITY APPROVAL

That the Council by Absolute Majority decision approve the retrospective planning application for a business signage at Lot 554, 11 Riseley Street, Ardross. Subject to the following condition:

- 1. The ground based signage (as marked in RED on the attached approved plans) is hereby refused planning approval; these signs do not form part of this approval.**

At 9:05pm the Mayor submitted the motion, as amended which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

P15/3601 - MINOR BUILDING (CUBBY HOUSE) (RETROSPECTIVE) AT LOT 256, 12 TAMAR STREET, PALMYRA (AMREC) (ATTACHMENT)

Ward : Palmyra/Melville/Willagee
 Category : Operational
 Application Number : DA-2014-1499
 Property : Lot 256 (12) Tamar Street, Palmyra
 Proposal : Minor Building (Cubby House) (Retrospective)
 Applicant : T J V Drake
 Owner : T J V Drake
 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

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☐	Information	<i>For the Council/Committee to note.</i>

P15/3601 - MINOR BUILDING (CUBBY HOUSE) (RETROSPECTIVE) AT LOT 256, 12 TAMAR STREET, PALMYRA (AMREC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Retrospective planning approval is sought to retain a minor building (cubby house) which is located within the rear garden area of the existing single dwelling at 12 Tamar Street, Palmyra.
- The existing cubby house satisfies all of the requirements of Community Planning Scheme No. 5 (CPS5).
- In accordance with Clause 7.14(a) of CPS5, an Absolute Majority decision of the Council is required for the approval of all retrospective planning applications.
- It is recommended that the application for the minor building be conditionally approved pursuant to Clause 7.14(a) of CPS5.



P15/3601 - MINOR BUILDING (CUBBY HOUSE) (RETROSPECTIVE) AT LOT 256, 12 TAMAR STREET, PALMYRA (AMREC) (ATTACHMENT)**BACKGROUND**

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

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area Precinct
R-Code	: R20
Use Type	: Residential
Use Class	: 'P' Permitted

Site Details

Lot Area	: 1,075sqm
Street Tree(s)	: Yes, all retained
Street Furniture (drainage pits etc.)	: None applicable
Site Details	: Refer to aerial photo above

[3601 Site and Construction Plan](#)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The application is not required to be the subject of public consultation pursuant to Part 4 of the R-Codes.

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the Council refuse the application for a 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 application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

**P15/3601 - MINOR BUILDING (CUBBY HOUSE) (RETROSPECTIVE) AT LOT 256, 12
TAMAR STREET, PALMYRA (AMREC) (ATTACHMENT)****POLICY IMPLICATIONS**

There are no policy implications associated with this application.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT

Retrospective planning approval is sought to retain a minor building (cubby house) at 12 Tamar Street, Palmyra. The cubby house is located within the rear garden area.

The cubby house has been constructed around an existing mature tree and is constructed of treated pine and jarrah.

Under the provisions of the R Codes, a cubby house is excluded from the definition of building, and as such is generally exempted from planning control. Under the provisions of Schedule 5: Development Conditions of Exemption, of CPS5 however, a cubby house is classed as a minor building for which the prior planning approval of the City is required, as the height of the structure exceeds 2.4m above natural ground level.

As the height of the cubby house exceeds 2.4m, its retention must be assessed against the general amenity provisions of Clause 7.8 of CPS5.

In that respect, the height of the cubby house reaches a maximum of 4.2m. Despite this, and given its design and siting on the lot, wrapped around a mature tree, with setbacks of 3.1m from the rear and side (south and east) boundaries, the impact that the cubby house has on amenity levels of owners and occupiers of adjoining properties, is negligible.

In view of this, it is concluded that the amenity provisions of CPS5 are not compromised, and the development is considered to be acceptable on that basis.

CONCLUSION

Approval of the minor building is supported on the grounds that the requirements of CPS5 and Council Policy are satisfied. As such it is recommended that the application be approved via an Absolute Majority decision of the Council pursuant to Clause 7.14(a) of CPS5.

**P15/3601 - MINOR BUILDING (CUBBY HOUSE) (RETROSPECTIVE) AT LOT 256, 12
TAMAR STREET, PALMYRA (AMREC) (ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3601)
ABSOLUTE MAJORITY APPROVAL**

At 9:06pm Cr Hill moved, seconded Cr Foxton –

**That the Council by Absolute Majority decision approves the retrospective planning
application for the construction of a minor building (cubby house) at Lot 256 (No. 12)
Tamar Street, Palmyra subject to the following condition:**

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

At 9:06pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

At 9:07pm the Mayor adjourned the meeting for a comfort break.

At 9:15pm the meeting reconvened.

**P15/3593 - ADDITIONS AND ALTERATIONS TO RETAIL SHOP TO FACILITATE
MEDICAL CENTRE AND CHEMIST SHOP DEVELOPMENT AT LOT 1 (UNIT 1/60)
ARCHIBALD STREET WILLAGEE (SMREC) (ATTACHMENT)**

Disclosure of Interest

Item No.	P15/3593
Member	Cr N Pazolli
Type of Interest	Financial Interest
Nature of Interest	On the board of Alchera Living
Decision of Council	Leave
Ward	: Palmyra/Melville/Willagee
Category	: Operational
Application Number	: DA-2014-1399
Property	: Lot 1 (Unit 1/60) Archibald Street Willagee
Proposal	: Additions and alterations to retail shop to facilitate Medical Centre and Chemist Shop Development.
Applicant	: K. Dethlefsen
Owner	: K. Dethlefsen
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

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☐	Information	<i>For the Council/Committee to note.</i>

P15/3593 - ADDITIONS AND ALTERATIONS TO RETAIL SHOP TO FACILITATE MEDICAL CENTRE AND CHEMIST SHOP DEVELOPMENT AT LOT 1 (UNIT 1/60) ARCHIBALD STREET WILLAGEE (SMREC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Planning approval is sought for additions and alterations to an existing shop to facilitate a Medical Centre and Chemist shop development.
- The subject premises is currently vacant but was last used as a Butchers Shop. It is planned that the existing Chemist Shop located in the adjoining premises at 62 Archibald Street will relocate to the subject premises, which is proposed to be extended on the ground floor, with a second storey addition to create an upper floor.
- The ground floor will accommodate the Chemist Shop, whilst the upper floor will house the proposed Medical Centre.
- The application site is located within the Archibald Hub Commercial Sector of the recently adopted Willagee Structure Plan.
- As Community Planning Scheme No. 5 (CPS5) does not currently contain provisions for the creation and implementation of structure plans, the status of the Structure Plan as adopted is akin to that of a Local Planning Policy the provisions of which do not over-ride the provisions of CPS5.
- A Scheme Amendment process is currently in motion to introduce the provisions within CPS5 to enable the creation and implementation of Structure Plans. This will then mean that the provisions of any adopted structure plan will over-ride Scheme provisions where applicable.
- In this case, the proposed development has been assessed against the development provisions of the Structure Plan, in its capacity as a Local Planning Policy. In that vein, the details of the development are fully compliant with the provisions of the structure plan, including plot ratio, building height, and car parking.
- The Structure Plan references a plot ratio provision of 2.0 and in that context the development as proposed, with a plot ratio of 0.933 is acceptable. However, as the Structure Plan provisions do not over-ride the Scheme provisions, which advocate a plot ratio of 0.3, the decision making clauses of CPS5 continue to apply (Clause 4.2).
- This means that to ensure any decision taken to approve this development is a fully legitimate one in the context of CPS5, a Special Majority decision of the Council is required.
- The application has been the subject of consultation in accordance with Scheme requirements, in response to which no submissions were received.
- The proposed development is recommended for conditional approval.

P15/3593 - ADDITIONS AND ALTERATIONS TO RETAIL SHOP TO FACILITATE MEDICAL CENTRE AND CHEMIST SHOP DEVELOPMENT AT LOT 1 (UNIT 1/60) ARCHIBALD STREET WILLAGEE (SMREC) (ATTACHMENT)



BACKGROUND

There is no relevant planning history for the property. The premises is currently vacant, it previously being used as a 'Shop' (Butcher).

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: CCR- Community Centre Precinct
Willagee Structure Plan	: Archibald Hub Commercial Sector
R-Code	: R40
Use Type	: Shop/Medical Centre
Use Class	: P-Permitted/S-Discretionary

Site Details

Lot Area	: 382.5m ² (incl. share common property)
Street Tree(s)	: Not applicable
Street Furniture (drainage pits etc.)	: Not applicable
Site Details	: Refer to photo above

[3593 Site Floor Plans and Elevation Plan](#)

P15/3593 - ADDITIONS AND ALTERATIONS TO RETAIL SHOP TO FACILITATE MEDICAL CENTRE AND CHEMIST SHOP DEVELOPMENT AT LOT 1 (UNIT 1/60) ARCHIBALD STREET WILLAGEE (SMREC) (ATTACHMENT)

DETAIL

The primary issue in respect of this application is linked to the status of the adopted Willagee Structure Plan provisions, relative to the provisions of CPS5. Under normal circumstances, a Structure Plan would over-ride the provisions of a Local Planning Scheme. In the case of the Willagee Structure Plan Council has adopted this as a Local Planning Policy.

This decision was taken as there are no provisions within the existing CPS5 that enable the City to adopt Structure Plans in the traditional sense, as outlined in the *Planning and Development Act 2005*. In view of this, the City has prepared an amendment to CPS5 which will introduce such provisions, but until this is gazetted, the existing Scheme provisions take precedence over the Structure Plan provisions.

The status of the Structure Plan provisions in terms of development standards and guidelines are legitimately capable of use in the assessment and determination of planning applications for development sites located within its boundaries. The current application has been assessed against the development guidelines advocated by the Structure Plan. This is a legitimate approach as Clause 9.6 of CPS5 'Non Statutory Planning Policies' provides for the introduction of policies, and states that when such Local Planning Policies are introduced, the Council will have due regard to their content in its associated decision making.

Legal advice received does suggest however, that the Special and Absolute Majority decision making clauses of CPS5 continue to apply, as would the associated consultation requirements. This is the case as the Structure Plan provisions cannot be construed as superseding the decision making or consultation provisions of CPS5 whilst its status is that of a Local Planning Policy only.

In this context, the decision making clauses of CPS5 do not provide delegation for decision making where a plot ratio variation is sought. In such cases, a Special Majority decision of the Council is required before an approval can be given for a development that involves any plot ratio variation. It is also noted that the application was duly advertised in accordance with the consultation requirements of the Scheme (Clause 7.5).

With the subject development, the proposed plot ratio is acceptable when judged against the Structure plan provisions. However, legally, and in order that the decision taken on this application is beyond legal challenge, a Special Majority decision of the Council is necessary.

**P15/3593 - ADDITIONS AND ALTERATIONS TO RETAIL SHOP TO FACILITATE
MEDICAL CENTRE AND CHEMIST SHOP DEVELOPMENT AT LOT 1 (UNIT 1/60)
ARCHIBALD STREET WILLAGEE (SMREC) (ATTACHMENT)**

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required:	Yes
Neighbour's Comment Supplied:	No
Reason:	In accordance with Clause 7.5 of CPS5
Support/Object:	No comments received

II. OTHER AGENCIES / CONSULTANTS

None 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 application

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposal is considered to satisfy all of the relevant provisions of the Willagee Structure Plan and the Council's policies. Exercise of judgement is sought for the elements of the development mentioned above which have been assessed against the objectives of the Willagee Structure Plan and the Council's Policies and addressed by the imposition of conditions where required.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

P15/3593 - ADDITIONS AND ALTERATIONS TO RETAIL SHOP TO FACILITATE MEDICAL CENTRE AND CHEMIST SHOP DEVELOPMENT AT LOT 1 (UNIT 1/60) ARCHIBALD STREET WILLAGEE (SMREC) (ATTACHMENT)**COMMENT**

This application is presented to the Council for determination, as despite being acceptable when judged against the development provisions of the Willagee Structure Plan, the status of the Structure Plan is that of a Local Planning Policy. Subsequently, the provisions contained under the Willagee Structure Plan do not over-ride the decision making provisions of CPS5.

In view of this, and in order that a fully legitimate decision is taken in respect of this planning application, a Special Majority approval is required in accordance with the provisions of Clause 4.2 of CPS5.

This is necessary as the plot ratio provisions of the Scheme continue to apply until such time that Structure Plan provisions are added to the Scheme text as an amendment to CPS5. When this occurs, the provisions of the adopted Willagee Structure Plan, which includes an increase to plot ratio requirements, will over-ride the Scheme provisions.

Land Use

The proposed development involves two different land uses, a 'Shop' (Pharmacy) to the ground floor and a 'Medical Centre' located within the proposed first floor addition.

The proposed pharmacy business on the ground floor is relocating from an existing pharmacy within the Willagee Activity Centre complex. The relocation of the pharmacy is consistent with the existing approved 'Shop' use of the ground floor.

A Medical Centre is a discretionary use under the provisions of the Willagee Structure Plan. The proposed Medical Centre is acceptably located in land use terms within the Archibald Commercial Hub, and will complement the range of services that are available for the local community from that centre.

The development proposes that the Medical Centre will be located on the upper floor. A total of four doctors and associated support staff will operate from the facility.

Landscaping

The application does not involve any landscaping. The applicant has been encouraged to maintain a nil street setback in keeping with the other commercial shops. With parapeted side boundaries the only 'onsite' landscaping that would be possible would be for the applicant to reduce the depth of the development and provide some landscaping abutting the proposed rear common property laneway. This would not serve the public interest and would not be visible from the public realm.

In order to address the nil provision of landscaping on site, a condition of approval requiring the planting of a street tree will be required at the discretion of the City's Street Tree Officer at the owner's expense. This is considered to be an acceptable outcome and meet the landscaping requirements contained under the Willagee Structure Plan.

P15/3593 - ADDITIONS AND ALTERATIONS TO RETAIL SHOP TO FACILITATE MEDICAL CENTRE AND CHEMIST SHOP DEVELOPMENT AT LOT 1 (UNIT 1/60) ARCHIBALD STREET WILLAGEE (SMREC) (ATTACHMENT)**CONCLUSION**

Based on the above, the application is considered to satisfy the objectives of CPS5, the Willagee Structure Plan and the Council's Policies. The development will ensure the availability of important medical services for the local community, in an accessible location, and will contribute to the vitality and viability of the Archibald Hub precinct. For these reasons, the proposal is recommended for planning approval with conditions subject to a Special Majority decision of the Council.

At 9:15pm Cr Pazolli left the meeting having declared a financial interest in item P15/3593.

At 9:15pm Cr Barton left the meeting.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3593)
SPECIAL MAJORITY APPROVAL**

At 9:15pm Cr Phelan moved, seconded Cr Schuster –

That the Council by Special Majority decision approve this application subject to the following conditions:

- 1. All stormwater generated on site is to be retained on site.**
- 2. Prior to the commencement of the development, a shortfall cash-in-lieu payment of \$70,000 (being for seven car parking bays) is to be paid to the City of Melville. Alternatively, a written lease agreement is to be presented to the City detailing the perpetual leasing of a minimum seven car bays from an appropriately located contiguous lot.**

All lease bays are to comply with Australian Standards AS 2890.1 and the lease agreement is to be to the satisfaction of the Manager Statutory Planning. These bays are to be utilised by the staff of the proposed development. In the event that the lease agreement is terminated by either party, the planning approval is considered to be null and void.

- 3. Prior to the initial occupation of the development, bicycle parking facilities for a minimum of five bicycles shall be provided within the surrounding road reserve in accordance with Australian Standard AS2890.3 to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained for the life of the development.**
- 4. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) to the satisfaction of the Manager Statutory Planning.**
- 5. Prior to the commencement of the development, amended plans are to be submitted including details of a permanent enclosed bin storage area in accordance with the City's 'Waste and Recyclables Collection for Multiple Dwellings, Mixed Use Developments and Non-Residential Developments'.**

P15/3593 - ADDITIONS AND ALTERATIONS TO RETAIL SHOP TO FACILITATE MEDICAL CENTRE AND CHEMIST SHOP DEVELOPMENT AT LOT 1 (UNIT 1/60) ARCHIBALD STREET WILLAGEE (SMREC) (ATTACHMENT)

The amended plans shall be approved in writing to the satisfaction of the Manager Statutory Planning and the development shall thereafter be constructed in accordance with those approved plans.

6. Prior to the initial occupation of the development, security or flood lighting is to be installed to illuminate the adjacent laneway to the north to the satisfaction of the Manager Statutory Planning.
7. Prior to the initial occupation of the development, a street tree shall be planted within the road reserve adjacent to the subject property in accordance with the provisions of Council Policy CP-029 "Street Tree Policy". The specific location of the street tree is to be determined by the City's Arboriculturalist. All costs associated with this planting are to be borne by the applicant.
8. No more than four Doctors shall practice from the Medical Centre at any one time.
9. Prior to construction, the applicant is to provide and maintain a \$20 million public liability insurance policy ('the Policy') with a reputable public insurance office to the satisfaction of the Manager Statutory Planning for the encroachment of the proposed verandah into the road reserve.

At 9:17 pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY SPECIAL MAJORITY (11/0)

Vote Result Summary	
Yes	11
No	0

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

At 9.18pm Cr Pazolli and Cr Barton returned to the meeting.

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

P15/3602 - FINAL ADOPTION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' ON LOTS 800-801 (NO.S 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)

Ward	: Applecross/Mt Pleasant
Category	: Strategic
Application Number	: DA-2014-418
Property	: Lots 800-801 (No's 12-14) Forbes Road, Lots 802-804 (No's 40A-40C) Kishorn Road and Lot 88 (No. 42) Kishorn Road, Applecross
Proposal	: Amendment No. 72 to Community Planning Scheme No. 5 to allow an Additional Use of 'Restaurant' at Lots 800-801 (No's 12-14) Forbes Road, Lots 802-804 (No's 40A-40C) Kishorn Road
Applicant	: Dynamic Planning & Development
Owner	: Forbes 88 Pty Ltd
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item P14/3522: Initiation of Amendment No. 72 to Community Planning Scheme No. 5 to allow an Additional Use of 'Restaurant' and 'Small Bar' at Lots 800-801 (No's 12-14) Forbes Road, Lots 802-804 (No's 40A-40C) Kishorn Road. Ordinary Meeting of Council 19 August 2014
Responsible Officer	: Peter Prendergast Manager Statutory Planning

P15/3602 - FINAL ADOPTION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' ON LOTS 800-801 (NO.S 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)

AUTHORITY / DISCRETION

DEFINITION

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

P15/3602 - FINAL ADOPTION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' ON LOTS 800-801 (NO.S 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)

KEY ISSUES / SUMMARY

- At the Ordinary meeting of the Council held on 19 August 2014, the Council resolved to initiate for the purpose of advertising, Scheme Amendment No 72 to Community Planning Scheme No 5 (CPS5).
- The Scheme Amendment will allow an Additional Use of 'Restaurant' at Lots 800-801 (No's 12-14) Forbes Road, Lots 802-804 (No's 40A-40C), and Lot 88 (No 42) Kishorn Road Applecross.
- In resolving to initiate the Scheme Amendment, it was noted that the subject lots to which the amendment will pertain are located adjacent to the Canning Bridge District Centre, on a prominent and busy corner, where a restaurant use would be consistent with the existing commercial nature of the area.
- It was also noted that the subject sites are located within the Canning Bridge Vision area. The draft Canning Bridge Structure Plan was advertised during December 2014-January 2015, and once the Structure Plan is finally adopted by the Western Australian Planning Commission (WAPC), it will take precedence over CPS5 in relation to land uses.
- Pursuant to the Council's resolution, the Scheme Amendment was advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*, concluding on 23 December 2014. No submissions were been received.
- It is recommended that the Council adopts the Amendment for finalisation and that the Amendment documentation be forwarded to the Minister for Planning for finalisation and gazettal.

P15/3602 - FINAL ADOPTION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' ON LOTS 800-801 (NO.S 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)



BACKGROUND

Council at its Ordinary Meeting of 19 August 2014 resolved to initiate the proposed amendment to Community Planning Scheme No. 5 (CPS5) to allow an Additional Use of 'Restaurant' and at Lots 800-801 (No's 12-14) Forbes Road, and Lots 802-804 (No's 40A-40C) and Lot 88 (No42) Kishorn Road, Applecross.

The proposed Additional Use of 'Restaurant' is considered acceptable on the basis of the location of the site adjacent to the Canning Bridge District Centre, the subject site being located on a prominent and busy corner and the restaurant use being consistent with the existing commercial nature of the area.

It is noted that the subject sites are located within the Canning Bridge Vision area. The draft Canning Bridge Structure Plan was advertised during December 2014-January 2015. Once the Structure Plan is finally adopted by the WAPC, it will take precedence over CPS5 in relation to land uses.

The Amendment was advertised for a period of 42 days in accordance with the Town Planning Regulations 1967, concluding on 23 December 2014. No submissions have been received.

P15/3602 - FINAL ADOPTION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' ON LOTS 800-801 (NO.S 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)

It is recommended that the Council adopts the Amendment for finalisation and that the Amendment documentation be forwarded to the Minister for Planning for finalisation and gazettal.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Commercial Centre Frame – Canning Bridge
R-Code	: R50
Use Type	: Restaurant
Use Class	: X – Use Not Permitted

Site Details

Lot Area	: 12 Forbes Road, Applecross (comprising No's 12-14 Forbes Road and No's 40A-40C Kishorn Road) – 1,011m ² 42 Kishorn Road, Applecross – 503m ²
Street Tree(s)	: Five existing street trees adjacent to the properties along Kishorn Road
Street Furniture (drainage pits etc.)	: None applicable
Site Details	: Refer to aerial photo above

DETAIL

The City received an application to amend CPS5 on 9 April 2014 to allow an Additional Use of 'Restaurant' and 'Small Bar' at 12 Forbes Road, Applecross. The matter was considered by the Council at its Ordinary Meeting of 19 August 2014, at which it was resolved to initiate the Scheme Amendment with the additional use of restaurant only, on the basis that a 'Small Bar' use could already operate from the premises subject to the discretion of the City.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Amendment No. 72 to CPS5 was advertised for public comment for a period of 42 days in accordance with the *Town Planning Regulations 1967*.

Advertising of Scheme Amendment No. 72 took the form of:

- Signage on site;
- An advertisement placed in the local newspaper;
- A notice on the City of Melville website; and
- Letters to affected landowners and tenants.

No submissions were received during the advertising period.

P15/3602 - FINAL ADOPTION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' ON LOTS 800-801 (NO.S 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)

II. OTHER AGENCIES / CONSULTANTS

In accordance with Council resolution a copy of the Scheme Amendment No. 72 was sent to the Western Australian Planning Commission and the Environmental Protection Authority. Both Agencies have supported the advertising of the Amendment.

STATUTORY AND LEGAL IMPLICATIONS

Council must forward the proposal to the Minister for determination. The final decision in respect of the initiation of a Scheme Amendment ultimately rests with the Minister. At this stage however, the Council has the discretion to recommend approval, refusal or request modifications on this matter.

FINANCIAL IMPLICATIONS

There are no direct financial implications which will result from this Amendment other than a potential improvement in the land values and related rates revenue resulting from redevelopment and general amenity improvements within the area.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no Policy implications associated with this Scheme Amendment.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

It is recommended that Amendment 72 to CPS5 be finally adopted by the Council and that this recommendation be forwarded to the Minister for his approval. Council could refuse to finally adopt the Amendment or further modifications could be made. Depending on the extent of the modifications, re-advertising may be required.

COMMENTS

As stated, the Council resolved to initiate Scheme Amendment No. 72 to CPS5 to include 'Restaurant' use as Additional Use within Schedule 3 of CPS5 for Lots 800-801 (No's 12-14) Forbes Road, Lots 802-804 (No's 40A-40C) (referenced hereafter as 12 Forbes Road, Applecross) and Lot 88 (No 42) Kishorn Road, Applecross.

P15/3602 - FINAL ADOPTION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' ON LOTS 800-801 (NO.S 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)

In accordance with the Council Resolution, the Amendment was advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*, concluding on 23 December 2014. No submissions have been received.

In view of this it is recommended that Amendment No. 72 to CPS5 be endorsed for finalisation.

CONCLUSION

The additional use of 'Restaurant' to the subject properties may be acceptably accommodated in land use terms, without compromising the intent of CPS5 or having a detrimental impact on residential amenity. The proposal is also considered consistent with the intent and objectives of the proposed draft Canning Bridge Structure Plan.

Therefore it is recommended that Amendment No. 72 to CPS5 be endorsed for finalisation to provide the Additional Use of 'Restaurant' at the subject properties.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3602)

APPROVAL

1. That pursuant to Part 5 of the Planning and Development Act 2005, that Amendment No. 72 to Community Planning Scheme No. 5 - Lots 800-801 (No's 12-14) Forbes Road, Lots 802-804 (No's 40A-40C) Kishorn Road and Lot 88 (No. 42) Kishorn Road, Applecross - Additional Use of "Restaurant" be adopted for final approval without modification.
2. That Amendment No. 72 to Community Planning Scheme No. 5 documents be executed by His Worship the Mayor and Chief Executive Officer and have the Common Seal affixed.
3. That Amendment No. 72 to Community Planning Scheme No. 5 documents be forwarded to the Minister for Planning for final approval along with the advice that the Environmental Protection Authority has no objection to the amendment.

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

CARRIED UNANIMOUSLY EN BLOC (13/0)

**P15/3603 - FINAL ADOPTION OF AMENDMENT NO.74 TO COMMUNITY PLANNING
SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED
EXISTING DEVELOPMENTS (REC)**

Ward	: All
Category	: Strategic
Application Number	: Not applicable
Property	: Not applicable
Proposal	: Finalisation of Amendment No. 74 to Community Planning Scheme No. 5 to Amend Clause 7.14(a) Relating to Unauthorised Existing Developments
Applicant	: City of Melville
Owner	: Not applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P02/1000 – Special Majority and Absolute Majority – Relative to Community Planning Scheme No.5 – Development and Neighbourhood Amenity Committee 12 March 2002 P02/1000 – Special Majority and Absolute Majority – Relative to Community Planning Scheme No.5 – Ordinary Meeting of Council 19 March 2002 P04/5001 – Final Approval of Amendment No. 22 to Community Planning Scheme No. 5 – Special Majority and Absolute Majority – Development and Neighbourhood Amenity Committee 13 April 2004 P14/3561 - Initiation of Amendment No. 74 to Community Planning Scheme No. 5 to amend Clause 7.14(a) - Special Meeting of Council 22 September 2014
Responsible Officer	: Peter Prendergast Manager Statutory Planning

P15/3603 - FINAL ADOPTION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC)

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- Clause 7.14(a) of Community Planning Scheme No. 5 (CPS5) relates to the consideration of applications for unauthorised existing developments (retrospective planning applications).
- Clause 7.14(a) requires that all retrospective planning applications be approved by an Absolute Majority decision of the Council, a practice that until recently has not been followed.
- It is considered that the amendment of CPS5 to remove Clause 7.14(a) would benefit planning response rates and result in time saving for Officers and Elected Members without compromise to planning outcomes.
- Council at its Special Meeting of 22 September 2014 resolved to initiate Amendment 74 to amend Clause 7.14(a) relating to unauthorised existing developments.
- The Amendment was advertised for a period of 42 days, commencing on 11 November 2014 and concluding on 23 December 2014. No submissions were received during the advertising period.
- It is recommended that the Council resolve to finally adopt the Amendment and that the Amendment documentation is forwarded to the Minister for Planning (Minister) for finalisation and gazettal.

P15/3603 - FINAL ADOPTION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC)**BACKGROUND**

At the Special Meeting of Council held 22 September 2014, the Council resolved to initiate Amendment 74. This Amendment proposed that Clause 7.14(a) of CPS5 be amended to read as follows:

'For the control of unauthorised existing developments:

- (a) The Council may grant planning approval to a development already commenced or carried out regardless of when it was commenced or carried out, provided that in the opinion of the Council the development is not detrimental to the orderly and proper planning or the preservation of the amenity of the area. The determination of these applications shall be made in accordance with Clauses 4.2 and 4.3 of Community Planning Scheme No. 5 and any relevant Council Policies.'*

The Amendment was subsequently advertised for a period of 42 days, commencing on 11 November 2014 and concluding on 23 December 2014. No submissions were received during the advertising period.

It is recommended that the Council adopts the Amendment for finalisation and that the Amendment documentation be forwarded to the Minister for Planning for finalisation and gazettal.

DETAIL

It is proposed that Clause 7.14(a) of CPS5 be amended to remove the requirement for retrospective planning applications to be referred to the Council, whilst still acknowledging that some will require the Council or the Development Advisory Unit (DAU) consideration. This is recommended as the existing requirement to refer all retrospective planning applications to the Council for Absolute Majority approval does not add value to the process, and results in an additional and unnecessary workload for Elected Members and Officers alike.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Amendment No. 74 to CPS5 was advertised for public comment for a period of 42 days commencing 11 November 2014, and concluding on 23 December 2014 in accordance with the *Town Planning Regulations 1967*.

P15/3603 - FINAL ADOPTION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC)

Advertising of Scheme Amendment No. 74 took the form of:

- An advertisement placed in the local newspaper; and
- a notice on the City of Melville website.

No submissions were received during the advertising period.

II. OTHER AGENCIES / CONSULTANTS

The Amendment proposal was referred to the Environmental Protection Authority (EPA) in accordance with Section 81 of the *Planning and Development Act 2005*. The EPA advised that the original Amendment did not require assessment under Part IV Division 3 of the *Environmental Protection Act 1986* and that it is not necessary to provide any advice or recommendations.

STATUTORY AND LEGAL IMPLICATIONS

The Council must forward the proposal to the Minister for determination. The final decision in respect of the initiation of a Scheme Amendment ultimately rests with the Minister. At this stage however, the Council has the discretion to recommend approval, refusal or request modifications.

Should the proposed Scheme Amendment proceed and be finally adopted by the Council, an amendment to Delegated Authority 020: Planning and Related Matters may be required to specify the delegations that apply to the determination of retrospective planning applications.

FINANCIAL IMPLICATIONS

There are no financial implications for the City associated with this Scheme Amendment with the exception of the costs associated with the advertising and gazettal of the amendment.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications for the Council to consider as part of this proposal.

P15/3603 - FINAL ADOPTION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

It is recommended that Amendment 74 to CPS5 be finally adopted by the Council and that this recommendation be forwarded to the Minister for approval. The Council could refuse to finally adopt the Amendment or further modifications could be made. Depending on the extent of the modifications, re-advertising may be required.

COMMENTS

As outlined above, the Council resolved to initiate Scheme Amendment No. 74 to CPS5 to amend Clause 7.14(a) of CPS5. The amendment will remove the requirement for all retrospective planning applications to be referred to the Council for determination, whilst still acknowledging that some items will require the Council or DAU consideration, as part of the standard decision making process.

This adoption of the Scheme Amendment is recommended as the existing requirement to refer all retrospective planning applications to the Council for Absolute Majority approval does not add value to the process, and results in an additional and unnecessary workload for Elected Members and Officers alike.

As outlined above, the Amendment was advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*, concluding on 23 December 2014. No submissions have been received.

Subsequently, it is recommended that Amendment No. 74 to CPS5 be endorsed for finalisation.

CONCLUSION

It is concluded that Amendment 74 to CPS5 as is now proposed, be finalised and the documentation referred to the Minister for Planning for finalisation and gazettal.

P15/3603 - FINAL ADOPTION OF AMENDMENT NO.74 TO COMMUNITY PLANNING SCHEME NO. 5 TO AMEND CLAUSE 7.14(A) RELATING TO UNAUTHORISED EXISTING DEVELOPMENTS (REC)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3603) APPROVAL

At 9:20pm Cr Schuster moved, seconded Cr Robartson –

1. That pursuant to Part 5 of the *Planning and Development Act 2005*, the Council adopt Amendment No. 74 to Community Planning Scheme No. 5 by:

Amending Clause 7.14(a) to state:

The Council may grant planning approval to a development already commenced or carried out regardless of when it was commenced or carried out, provided that in the opinion of the Council the development is not detrimental to the orderly and proper planning or the preservation of the amenity of the area. The determination of these applications shall be made in accordance with Clauses 4.2 and 4.3 of Community Planning Scheme No. 5 and any relevant Council Policies.

2. That His Worship the Mayor and the Chief Executive Officer be authorised to execute the Amendment document and have the Common Seal affixed.
3. That the Amendment No. 74 to Community Planning Scheme No. 5 documents be forwarded to the Minister for Planning for final approval along with the advice that the Environmental Protection Authority raised no objection to the proposed Amendment.

At 9:31pm the Mayor submitted the motion, which was declared

CARRIED (10/3)

Vote Result Summary	
Yes	10
No	3

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

At 9.33pm Mr Tieleman left the meeting and returned at 9.36pm.

P15/3608 - FINAL ADOPTION OF THE NAMING OF THE PARK LOCATED ON THE FORMER CARAWATHA PRIMARY SCHOOL SITE (10 ARCHIBALD STREET, WILLAGEE) (REC)

Ward	: Palmyra/Melville/Willagee
Category	: Strategic
Property	: Portion of the former Carawatha Primary School (10 Archibald Street, Willagee)
Proposal	: Final adoption of the naming of the park located on the former Carawatha Primary School site.
Applicant	: Not applicable
Owner	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P14/3568 – Initiation of the naming of the park located on the former Carawatha Primary School Site (10 Archibald Street, Willagee)
Responsible Officer	: Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

☒	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☐	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>
☐	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
☐	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
☐	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>
☐	Information	<i>For the Council/Committee to note.</i>

P15/3608 - FINAL ADOPTION OF THE NAMING OF THE PARK LOCATED ON THE FORMER CARAWATHA PRIMARY SCHOOL SITE (10 ARCHIBALD STREET, WILLAGEE) (REC)

KEY ISSUES / SUMMARY

- The new park that is constructed on a portion of the former Carawatha Primary School site in Willagee is proposed to be named.
- A shortlist of appropriate names, including the preferred option of 'Carawatha Park' was presented to the Ordinary Meeting of Council on 18 November 2014.
- In resolving to initiate the adoption of the preferred park name 'Carawatha Park', it was noted that the proposed name is a Historic and Indigenous Site-Specific Name and was recommended as a result of a consultation exercise undertaken by Technical Services for the design concept of the park.
- Pursuant to Council's resolution, the proposed name for the park was advertised for a period of 14 days in accordance with the Geographic Names Committee (GNC) of Landgate *Principles, Guidelines and Procedures Associated with Naming Roads and Reserves within Western Australia*, which closed on 8 December 2014.
- No submissions were received.
- It is recommended that the Council adopt the preferred name option for the park for endorsement by the GNC of Landgate.



P15/3608 - FINAL ADOPTION OF THE NAMING OF THE PARK LOCATED ON THE FORMER CARAWATHA PRIMARY SCHOOL SITE (10 ARCHIBALD STREET, WILLAGEE) (REC)**BACKGROUND**

The former Carawatha Primary School site is located at 10 Archibald Street, Willagee.

The Carawatha Primary School commenced operating in the late 1950s and ceased operation in 2004 when students were relocated to Willagee Primary School. The City purchased the site in 2006 and the buildings which were located on the site were demolished in 2012.

Approximately one third of the site (13,200 square metres) has been designated as Local Open Space. The remainder of the site is designated for future mixed use development.

Officers from the City's Technical Services Directorate undertook preliminary consultation between 29 October and 20 November 2012 on a proposed design concept of the park.

The construction of the park is nearing completion.

DETAIL

It is proposed to adopt the preferred name 'Carawatha Park' for the park constructed on a portion of the former Carawatha Primary School site at 10 Archibald Street, Willagee.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The proposed name 'Carawatha Park' was advertised for public comment for a period of 14 days in accordance with the GNC of Landgate *Principles, Guidelines and Procedures Associated with Naming Roads and Reserves within Western Australia*.

Advertising of the proposal took the form of:

- Signage on site;
- An advertisement placed in *The West Australian* newspaper;
- A notice on the City of Melville website; and
- Letters to affected landowners and tenants.

No submissions were received during the advertising period.

P15/3608 - FINAL ADOPTION OF THE NAMING OF THE PARK LOCATED ON THE FORMER CARAWATHA PRIMARY SCHOOL SITE (10 ARCHIBALD STREET, WILLAGEE) (REC)**II. OTHER AGENCIES / CONSULTANTS**

The GNC has published the *Principles, Guidelines and Procedures Associated with Naming Roads and Reserves within Western Australia*. The City has undertaken preliminary consultation with Landgate in relation to the shortlisted names and the City has received confirmation that the preferred name is suitable for consideration, subject to final endorsement by the Council.

STATUTORY AND LEGAL IMPLICATIONS

The GNC is the official body charged with allocating official names to streets, roads and geographical features. It has delegated authority for all official naming for topographic and cultural features from the Minister for Lands. Official naming of features is governed by:

- *Land Administration Act 1997*
- *Land Information Authority Regulations 2007*
- AS/NZS 4819:2011 Rural and Urban Addressing
- *The Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia*

The Council's role in the adoption of any new park is to make recommendations only.

Following final Council endorsement, the adopted name will be referred to the GNC for final approval.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The City adopted its first Reconciliation Action Plan (RAP) in March 2013 and is a plan of action for three years (2013 – 2016) describing the City's journey to reconciliation. Reconciliation is about building better relationships between Aboriginal and Torres Strait Islander people and the wider Australian community for the benefit of all Australians. The RAP lists a range of actions under three theses of Respect, Relationships and Opportunities.

Action 2.7 is of relevance to the proposed park naming and states:

- 2.7 *Investigate the feasibility of adopting a dual-naming strategy for community spaces, public places and natural features within the City of Melville.*

P15/3608 - FINAL ADOPTION OF THE NAMING OF THE PARK LOCATED ON THE FORMER CARAWATHA PRIMARY SCHOOL SITE (10 ARCHIBALD STREET, WILLAGEE) (REC)

As outlined above, the City's Community Development Services have undertaken research and preliminary consultation in relation to possible indigenous names for the park. The recommended name for the former Carawatha Primary School site - 'Carawatha Park' is an indigenous name and therefore is consistent with the objectives of the RAP.

POLICY IMPLICATIONS

There are no policy implications applicable to this report.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council can refuse to name the park or to endorse the preferred name for final adoption. There are no rights of appeal in respect of either decision. However, this option is not recommended as the park is currently without an official name.

The Council may also nominate an alternative name however the name would need to be referred to the GNC for comment prior to undertaking an additional round of public consultation. This option is not recommended as the preferred name has already been advertised to the community for comment and the construction of the park is complete.

CONCLUSION

This project is considered to be a successful example of the City collaborating with the community. Based on the community's feedback, it is recommended that the Council adopt the name 'Carawatha Park' for final adoption of the park recently constructed on a portion of the former Carawatha Primary School site at 10 Archibald Street, Willagee.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3608)**APPROVAL****That the Council:**

- 1. Adopt the name 'Carawatha Park' for the park located on a portion of the former Carawatha Primary School site at 10 Archibald Street, Willagee.**
- 2. Request that the Geographic Names Committee of Landgate endorse the above recommended name for the park located on a portion of the former Carawatha Primary School site at 10 Archibald Street, Willagee.**

At 9.33pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

**M15/5404 - NOMINATION OF CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS
FOR JOINT DEVELOPMENT ASSESSMENT PANELS (REC)**

Ward : All
 Category : Operational
 Application Number : Not Applicable
 Subject Index : Joint Development Assessment Panels
 Customer Index : Department of Planning
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : C13/5269 Nomination of City of Melville Local Government Members for Joint Development Assessment Panels – Ordinary Meeting of the Council – 19 February 2013
 Responsible Officer : Jeff Clark
 Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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>
☐	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
☐	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
☐	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>
☐	Information	<i>For the Council/Committee to note.</i>

**M15/5404 - NOMINATION OF CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS
FOR JOINT DEVELOPMENT ASSESSMENT PANELS (REC)****KEY ISSUES / SUMMARY**

- Joint Development Assessment Panels (JDAPs) commenced on 1 July 2011.
- The City of Melville's Nominated Local JDAP Members are Councillors Foxton and Reynolds with Councillors Pazolli and Robartson being nominated as Alternate Local Government representatives.
- The terms of appointment will expire on 26 April 2015.
- The Department of Planning will provide training for all new JDAP members following their nomination.

BACKGROUND

The *Approval and Related Reforms (No. 4) (Planning) Act 2010* was passed by Parliament in August 2010 which provided for the commencement of JDAPs in WA.

JDAPs are to be independent decision making bodies comprised of technical experts and elected local government representatives.

JDAPs commenced on 1 July 2011. The City of Melville is part of a joint JDAP named the Metro Central JDAP (JDAP) along with the local governments of Bassendean, Bayswater, Belmont, Canning, South Perth and Victoria Park.

At the Ordinary Meeting of Council held 19 February 2013, Councillors Foxton and Reynolds were nominated as the Local Government representatives and Councillors Pazolli and Robartson were nominated as Alternative Local Government representatives.

The above nominated Local Government JDAP Member's and Alternate Member's terms expire on 26 April 2015.

DETAIL

The terms of office will expire shortly and the Department of Planning has requested that the City provide nominations for two Members and two Alternate Members to serve for a two year term. The Minister of Planning will consider all applications and appoint all nominees for a term of up to two years expiring on 26 April 2017.

It is a mandatory requirement, pursuant to the JDAP regulations, that all JDAP members attend training before they can sit on JDAP and determine applications. Local Government representatives who have previously received training will not be required to attend further training.

Local government elections may result in a change to local JDAP membership if current Elected Members, who are JDAP members, are not re-elected. In this instance, the deputy local JDAP members will take the place of the former local JDAP members. If both local and alternate (deputy) local members are not re-elected, the local government will need to re-nominate for the Minister's consideration of appointment. The Council has been requested to consider these matters in selecting nominees as local JDAP members.

**M15/5404 - NOMINATION OF CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS
FOR JOINT DEVELOPMENT ASSESSMENT PANELS (REC)**

Elected Members who are nominated by the City will be required to provide contact and employment details together with their curriculum vitae for consideration by the Minister.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Advertising of the JDAP local government nominations is not required under the *Development Assessment Regulations 2011*.

II. OTHER AGENCIES / CONSULTANTS

No consultation with external agencies is required.

STATUTORY AND LEGAL IMPLICATIONS

JDAPs are to make decisions based upon the existing planning framework of the municipality within which the application site is located.

Where an application to review a decision made by a JDAP is lodged with the State Administrative Tribunal (SAT), members of the JDAP who made the decision may be called upon to represent the JDAP at the SAT.

FINANCIAL IMPLICATIONS

The sitting fee for local government JDAP members determining applications is \$400. Local Government JDAP members will also be paid \$400 upon the completion of the required training and \$400 where they attend proceedings at the SAT in relation to a JDAP decision.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The Minister for Planning must remove a JDAP member if they cease to hold a position or qualification which made them eligible to sit as a JDAP member.

JDAP members are bound by similar requirements regarding behaviour and conflict of interest as Elected Members are, such as:

- Declare direct or indirect interest in a matter
- Not to disclose or make improper use of information acquired as a member
- Not accepting "prohibited" gifts
- Comply with the Code of Conduct
- Not to make any statement regarding the competence or honesty of a local government employee or public sector employee.

The primary risk is that the City does not nominate representatives. There are no other risks associated with this report.

**M15/5404 - NOMINATION OF CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS
FOR JOINT DEVELOPMENT ASSESSMENT PANELS (REC)****POLICY IMPLICATIONS**

There is no Council Policy that relates to the nomination of JDAP members.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Should the Council fail to nominate replacement representatives, the Minister for Planning has the ability to appoint community representatives to represent the City of Melville on the JDAP. The community representatives would be selected from residents within the local government area who are considered to have relevant knowledge or experience which will enable them to represent the interests of their local community. The implication of this option is that the City of Melville and its interests will not be represented in the determination of applications by the JDAP.

A JDAP member may resign from office at any time by forwarding a written resignation to the Minister for Planning. The Minister can also grant a leave of absence to a JDAP member.

CONCLUSION

It is recommended that the Council nominate two JDAP members and two Alternate JDAP members. Nominations are required to be forwarded to the Director General by 13 March 2015.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5404)**APPROVAL****That the Council:**

- 1. Nominates Councillor Reynolds and Councillor Foxton as the Local Joint Development Assessment Panel Members for the City of Melville for a term from April 2015 to April 2017.**
- 2. Nominates Councillor Schuster and Councillor Aubrey as the Local Joint Development Assessment Panel Alternate Members for the City of Melville for a term from April 2015 to April 2017.**
- 3. Directs the Chief Executive Officer to forward the advice of the City of Melville nominees for the Local Joint Development Assessment Panel to the Minister for Planning.**

At 9.45pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

**M15/5405 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE
REVIEW (REC) (ATTACHMENT)**

Ward : All
 Category : Operational
 Subject Index : Personnel file
 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 : Item M14/5358 – Chief Executive Officer Performance Review – Ordinary Meeting of Council – April 2014
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Dean McAuliffe
 Employee Services Coordinator

AUTHORITY / DISCRETION

DEFINITION

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☐	Review	<i>When the Council reviews decisions made by Officers.</i>
☐	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>
☐	Information	<i>For the Council/Committee to note.</i>

**M15/5405 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE
REVIEW (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- In the last Chief Executive Officer (CEO) performance review in April 2014 Council resolution (5358) carried the recommendation of the Governance Committee to enter in to a further five year contract with the CEO.
- A new five year contract was finalised with the CEO, effective 20 March 2014.
- The annual CEO performance review process is ultimately the determination of the Council. The operational management of the process is through the direction of the Mayor, on behalf of Council and the Governance Committee. The Governance Committee has been determined through Council to be the reviewers of the CEO performance.
- The Governance Committee will discuss the CEO performance, future expectations performance criteria, performance development plan and review the salary package, for recommendation to Council.
- A defined process is proposed for the CEO performance review, as detailed in the agenda item.
- The attached process incorporates enhancements on previous processes, as identified by the Council. The attached process includes suggestions by Elected Members for a separate workshop on the survey tool, which was first incorporated in to the 2014 process.

BACKGROUND

On 20 March 2008 Dr Shayne Silcox commenced in the role of Chief Executive Officer (CEO) at the City of Melville. The last performance review was finalised in April 2014 and in 2014 a new five year contract was finalised with the Chief Executive Officer, and made effective from 20 March 2014 in accordance with Council resolution (5358).

Clause 7 of the CEO contract details that there needs to be a review of remuneration on an annual basis at a time that is no later than three months after the anniversary of the commencement date.

DETAIL

The Chief Executive Officer performance review process that is attached has indicative estimated dates, and will commence once the Council has approved the stages to be followed, as per attachment: [5405 Chief Executive Officer Performance Review](#). The attached process incorporates enhancements on previous processes, as identified by the Council, such as a separate workshop on the survey tool, facilitated by the Performance Review Consultant, which was introduced in 2014.

The overall process is ultimately the determination of the Council. The operational management of the process is through the direction of the Mayor, on behalf of Council and the Governance Committee, and is supported administratively by the Employee Services Coordinator, who acts under the Mayor's guidance.

M15/5405 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

There are no public consultation/communication aspects relating to this item.

II. OTHER AGENCIES / CONSULTANTS

There has been no consultation with any other agencies/consultants at this stage, although there will be future involvement with respect to appointment of a consultant as identified in the proposed process of the CEO review.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.16(1) of the *Local Government Act 1995*, states that "*Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than this power of delegation*" Absolute majority required.

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

Section 5.39 (7) of the *Local Government Act 1995* requires a report from the Salaries and Allowances Tribunal with a recommendation as to the remuneration to be paid or provided to a CEO, to be taken into account by the local government before entering into, or renewing a contract of employment with a CEO. Although this section of the *Local Government Act 1995* does not include salary reviews this information has been included in the comparative salary data for consideration by the Council when assessing salary.

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

FINANCIAL IMPLICATIONS

The cost of a facilitator to assist with the Performance Review process is within the current operational budget.

M15/5405 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
That the performance criteria for the next twelve months are not determined	Low	Defined process that includes this stage

POLICY IMPLICATIONS

There are no policy implications applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternate option is that in accordance with section 5.16 of the *Local Government Act 1995*, the Council delegates to the Governance Committee all the powers, functions and duties necessary to select and appoint an external consultant to facilitate the performance review process of the Chief Executive Officer.

The implication of this option is that the Governance Committee meetings would require public notice so that the public are invited to attend the meeting. The current proposal is that the Committee formally recommend the Consultant and the authority for appointment remains an operational authority of the Employee Services Coordinator.

CONCLUSION

The CEO performance review process provides feedback opportunities to the Council and Chief Executive Officer on performance over the past twelve months, and clarifies future expectations, which are to be reflected in the performance criteria of the Chief Executive Officer's Contract and the Performance Development Plan.

An outcome of the process is resolution by the Council in relation to the Performance Criteria, Performance Development Plan and Salary Review for the Chief Executive Officer.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5405)

APPROVAL

That the Council approve the process detailed in Attachment 5405 Chief Executive Officer Performance Review for the Chief Executive Officer performance review.

At 9.46pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (13/0)

M15/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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☒	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 11 November 2014 up to and including 19 January 2015 and recommends that the information be noted and endorsed.

M15/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Party	Description	ECM Reference
992	Kardinya Tennis Club and City of Melville	Kardinya Tennis Club Management Licence Renewal to 2019.	3422084
1002	Lodged by McLeods	Request for Consent to Temporary Withdrawal of Caveat to Permit Mortgage - Lots 24 and 25 (No 21 and 23 Queens Road, Mount Pleasant.	3426340
1003	Lodged by McLeods	Request for Consent to Modification of Restrictive Covenant - 9 The Strand , Applecross. DA-2011-1118	3426341
1004	Lodged by McLeods	Request for Consent to Caveat - Lots 20 and 21 (No 5 and 5A) Melville Beach Road Applecross.	3427183
1012	Commissioners of the Presbyterian Church of Western Australia	Notification Under Section 70A (Required as Condition of Subdivision Approval DA-2014-282)	3473046
1018	Melville Toy Library and City of Melville	Renewal of the Management Licence - Melville Toy Library	3487072
1020	City of Melville and Manta Services	Deed of Extension to Lease Deepwater Point Cafe - Manta Services	3486260

M15/5000 – COMMON SEAL REGISTER (REC)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

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

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

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

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

This is a standard report for Elected Members' information.

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

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 11 November 2014 up to and including 19 January 2015.

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

CARRIED UNANIMOUSLY EN BLOC (13/0)

C15/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2014 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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☒	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 30 November 2014 for the Council's information and noting.

C15/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2014 (REC)

BACKGROUND

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

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

DETAIL

Summary details of investments held as at 30 November 2014 are shown in the tables below.

CITY OF MELVILLE	
STATEMENT OF INVESTMENTS	
FOR THE PERIOD ENDING 30 NOVEMBER 2014	
SUMMARY BY FUND	AMOUNT \$
MUNICIPAL	\$ 51,313,280
RESERVE	\$ 77,370,240
TRUST	\$ 272,939
CITIZEN RELIEF	\$ 204,517
	\$ 129,160,976
SUMMARY BY INVESTMENT TYPE	AMOUNT \$
11AM	\$ 5,904,331
TERM DEPOSIT	\$ 118,026,000
BOND	\$ 2,000,000
FRTD	\$ 3,000,000
UNITS (Local Govt Hse)	\$ 230,645
	\$ 129,160,976
SUMMARY BY CREDIT RATING	AMOUNT \$
AA	\$ 9,000,000
AA-	\$ 72,230,331
A+	\$ 14,500,000
A	\$ 1,900,000
A-	\$ 31,300,000
BBB+	\$ -
UNITS (Local Govt Hse)	\$ 230,645
	\$ 129,160,976

C15/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2014 (REC)

The following statements detail the investments held by the City for the period ending 30 November 2014.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2014						
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.50%	AA-	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$4,600,000	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$304,322	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$1,000,009	On call
					\$5,904,331	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$1,500,000	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$9,500,000	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$16,935,216	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$10,500,000	Various
ING BANK (TERM)	Very Low	TERM	Various	A-	\$20,300,000	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$1,900,000	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$26,290,784	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$7,000,000	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$4,100,000	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$4,000,000	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$9,000,000	Various
					\$118,026,000	
WESTPAC (FRTD)	Very Low	FRTD	3.42%	AA-	\$3,000,000	Various
					\$3,000,000	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.72%	AA	\$2,000,000	20-Dec-15
					\$2,000,000	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	NA
TOTAL FUNDS INVESTED					\$129,160,976	

CREDIT RISK COMPARISON					
CREDIT RISK	AMOUNT \$	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments	
AA	\$9,000,000	7%	80%		
AA-	\$72,230,331	56%	80%		
A+	\$14,500,000	11%	50%		
A	\$1,900,000	1%	50%		
A-	\$31,300,000	24%	50%		
BBB+	\$0	0%	20%		
UNITS IN LOCAL GOVT: HOUSE	\$230,645	0%	0.1%	Council	Decision
TOTAL	129,160,976	100%			

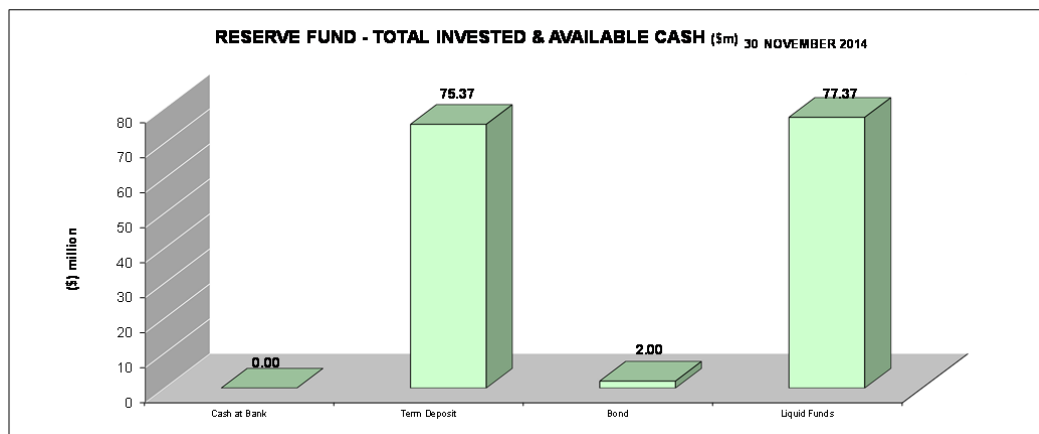
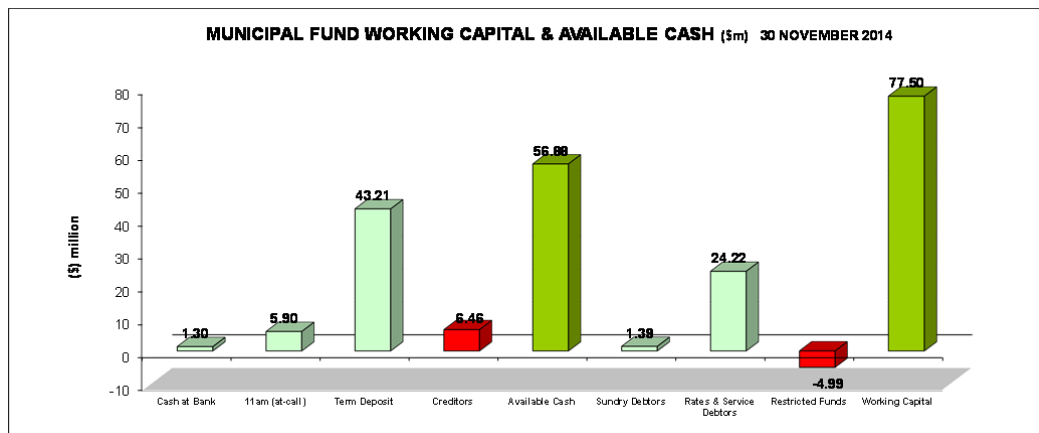
DIVERSIFICATION RISK						
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT \$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION
ANZ BANK (TERM)	TERM	AA-	5,000,000	3.87%	3.87%	20%
AMP BANK (TERM)	TERM	A+	10,500,000	8.13%	8.13%	15%
BANKWEST (11AM)	11AM	AA-	-	0.00%		20%
BANKWEST (TERM)	TERM	AA-	2,000,000	1.55%	1.55%	20%
BANK OF QUEENSLAND (TERM)	TERM	A-	1,500,000	1.16%	1.16%	15%
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	9,500,000	7.36%	7.36%	15%
CITIBANK (TERM)	TERM	AA-	16,935,216	13.11%	13.11%	20%
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.55%	1.55%	20%
ING BANK (TERM)	TERM	A-	20,300,000	15.72%	15.72%	15%
MACQUARIE BANK (TERM)	TERM	A	1,900,000	1.47%	1.47%	15%
NAB (TERM)	TERM	AA-	26,290,784	20.36%	20.36%	20%
RABODIRECT (TERM)	TERM	AA	7,000,000	5.42%	5.42%	15%
ST GEORGE BANK (TERM)	TERM	AA-	4,100,000	3.17%	3.17%	20%
SUNCORP METWAY LTD (TERM)	TERM	A+	4,000,000	3.10%	3.10%	15%
WESTPAC (MAXI BONUS 1)	11AM	AA-	304,322	0.24%		20%
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,000,009	0.77%		20%
WESTPAC (MAXI DIRECT)	11AM	AA-	4,600,000	3.56%		20%
WESTPAC (FRTD)	FRTD	AA-	3,000,000	2.32%		20%
WESTPAC (TERM)	TERM	AA-	9,000,000	6.97%	13.86%	20%
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.18%	0.18%	
			129,160,976	100%	100%	

C15/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2014 (REC)

MATURITY COMPARISON				
TERM to MATURITY	AMOUNT \$	ACTUAL PROPORTIO N	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	51,355,574	100%	100%	
	51,355,574	100%		
RESERVE FUNDS				
< 1 year	75,370,240	97%	100%	
< 2 years	2,000,000	3%	80%	Purchased Prior To Policy
	77,370,240	100%		

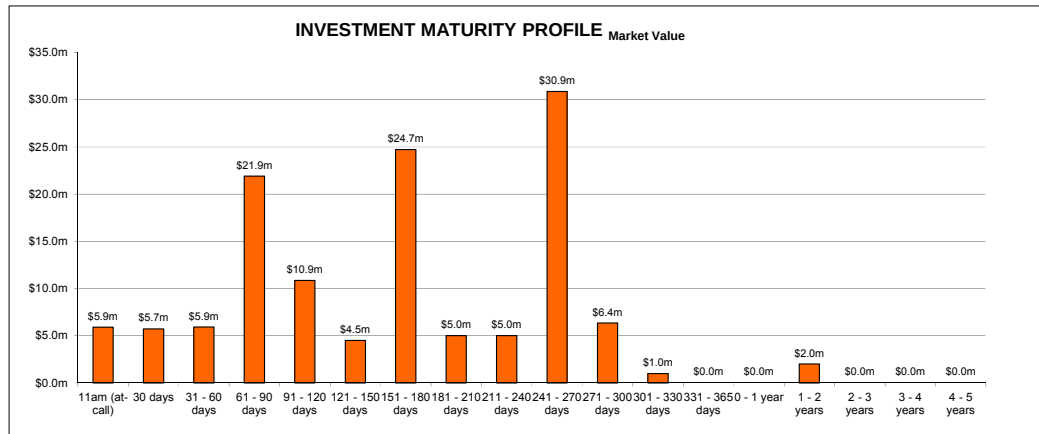
Net Funds Held

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 30 November 2014.



C15/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2014 (REC)

The graph below summarise the maturity profile of the City's investments at market value as at 30 November 2014.



C15/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2014 (REC)

On 3 and 21 December 2012 and 25 March 2013, Justice Rares made the Common Issues Orders (which determine a number of common questions and answers binding on the Applicants, LBA and Group Members). On 25 March 2013, Justice

Rares granted the Declaratory Relief declaring, amongst other things, the amounts for which the Applicants are entitled to be admitted to prove in the liquidation of LBA.

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

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

The City has earned approximately \$5.12 million from CDO investments since 1 July 2007.

FINANCIAL IMPLICATIONS

For the period ending 30 November 2014:

- Investment earnings on Municipal and Trust Funds were \$537,953 against a budget of \$612,500 representing a \$74,547 negative variance.
- Investment earnings on Reserve accounts were \$1,354,697 against a budget of \$1,041,667 representing \$313,030 positive variance.

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

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

C15/6000 - INVESTMENT STATEMENTS FOR NOVEMBER 2014 (REC)**POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds.

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

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

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

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

CARRIED UNANIMOUSLY EN BLOC (13/0)

C15/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2014 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☐	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>
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☐	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
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☒	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents the investment statements for the period ending 31 December 2014 for the Council's information and noting.

C15/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2014 (REC)

BACKGROUND

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

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

DETAIL

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

CITY OF MELVILLE	
STATEMENT OF INVESTMENTS	
FOR THE PERIOD ENDING 31 DECEMBER 2014	
SUMMARY BY FUND	AMOUNT \$
MUNICIPAL	\$ 46,006,959
RESERVE	\$ 80,259,577
TRUST	\$ 272,939
CITIZEN RELIEF	\$ 204,517
	\$ 126,743,992
SUMMARY BY INVESTMENT TYPE	AMOUNT \$
11AM	\$ 8,807,182
TERM DEPOSIT	\$ 112,706,165
BOND	\$ 2,000,000
FRTD	\$ 3,000,000
UNITS (Local Govt Hse)	\$ 230,645
	\$ 126,743,992
SUMMARY BY CREDIT RATING	AMOUNT \$
AA	\$ 9,000,000
AA-	\$ 69,813,347
A+	\$ 14,500,000
A	\$ 1,900,000
A-	\$ 31,300,000
BBB+	\$ -
UNITS (Local Govt Hse)	\$ 230,645
	\$ 126,743,992

C15/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2014 (REC)

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

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 DECEMBER 2014						
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.50%	AA-	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$7,500,000	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$304,987	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$1,002,196	On call
					\$8,807,182	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$1,500,000	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$9,500,000	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$15,915,381	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$10,500,000	Various
ING BANK (TERM)	Very Low	TERM	Various	A-	\$20,300,000	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$1,900,000	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$24,290,784	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$7,000,000	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$4,100,000	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$4,000,000	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$6,700,000	Various
					\$112,706,165	
WESTPAC (FRTD)	Very Low	FRTD	3.42%	AA-	\$3,000,000	Various
					\$3,000,000	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.72%	AA	\$2,000,000	20-Dec-15
					\$2,000,000	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	NA
TOTAL FUNDS INVESTED					\$126,743,992	

CREDIT RISK COMPARISON					
CREDIT RISK	AMOUNT \$	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments	
AA	\$9,000,000	7%	80%		
AA-	\$69,813,347	55%	80%		
A+	\$14,500,000	11%	50%		
A	\$1,900,000	1%	50%		
A-	\$31,300,000	25%	50%		
BBB+	\$0	0%	20%		
UNITS IN LOCAL GOVT: HOUSE	\$230,645	0%	0.1%	Council Decision	
TOTAL	126,743,992	100%			

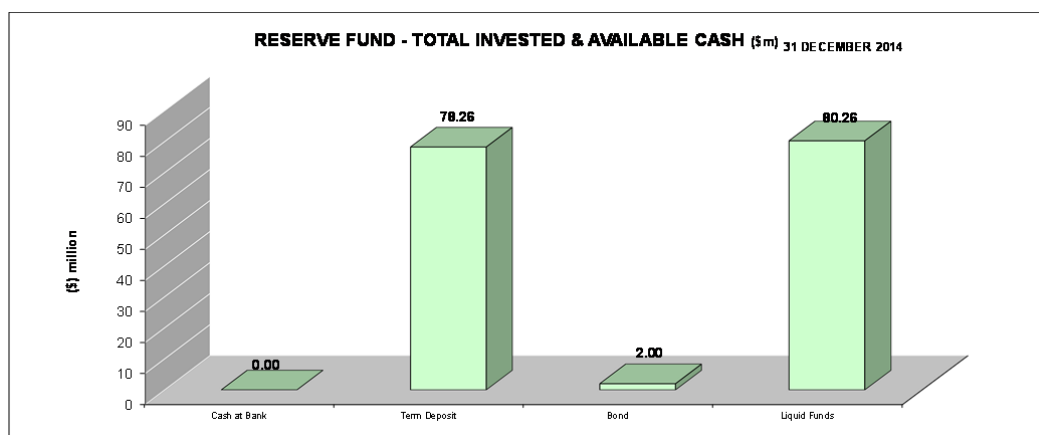
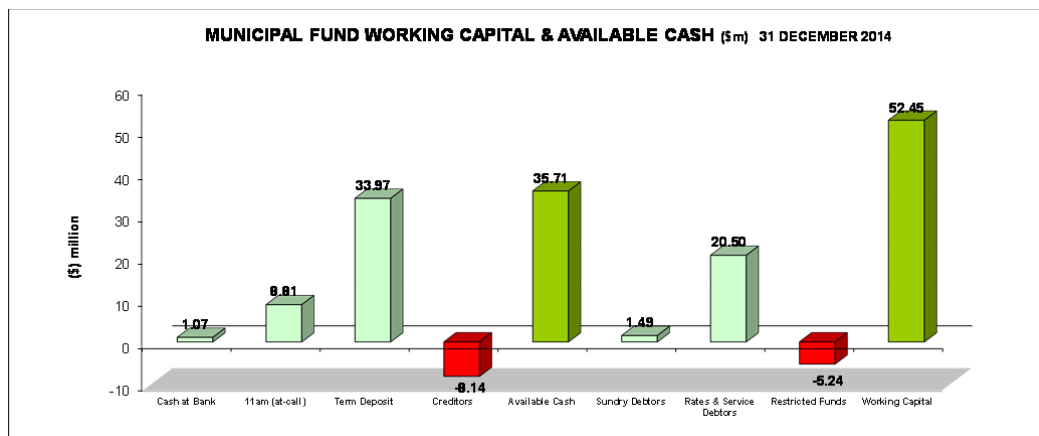
DIVERSIFICATION RISK							
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT \$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	5,000,000	3.94%	3.94%	20%	
AMP BANK (TERM)	TERM	A+	10,500,000	8.28%	8.28%	15%	
BANKWEST (11AM)	11AM	AA-	-	0.00%		20%	
BANKWEST (TERM)	TERM	AA-	2,000,000	1.58%	1.58%	20%	
BANK OF QUEENSLAND (TERM)	TERM	A-	1,500,000	1.18%	1.18%	15%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	9,500,000	7.50%	7.50%	15%	
CITIBANK (TERM)	TERM	AA-	15,915,381	12.56%	12.56%	20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.58%	1.58%	20%	
ING BANK (TERM)	TERM	A-	20,300,000	16.02%	16.02%	15%	
MACQUARIE BANK (TERM)	TERM	A	1,900,000	1.50%	1.50%	15%	
NAB (TERM)	TERM	AA-	24,290,784	19.17%	19.17%	20%	
RABODIRECT (TERM)	TERM	AA	7,000,000	5.52%	5.52%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	4,100,000	3.23%	3.23%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	4,000,000	3.16%	3.16%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	304,987	0.24%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,002,196	0.79%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	7,500,000	5.92%		20%	
WESTPAC (FRTD)	FRTD	AA-	3,000,000	2.37%		20%	
WESTPAC (TERM)	TERM	AA-	6,700,000	5.29%	14.60%	20%	
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.18%			
			126,743,992	100%	100%		

C15/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2014 (REC)

MATURITY COMPARISON				
TERM to MATURITY	AMOUNT \$	ACTUAL PROPORTIO N	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	46,049,253	100%	100%	
	46,049,253	100%		
RESERVE FUNDS				
< 1 year	80,259,577	100%	100%	
< 2 years	-	0%	80%	Purchased Prior To Policy
	80,259,577	100%		

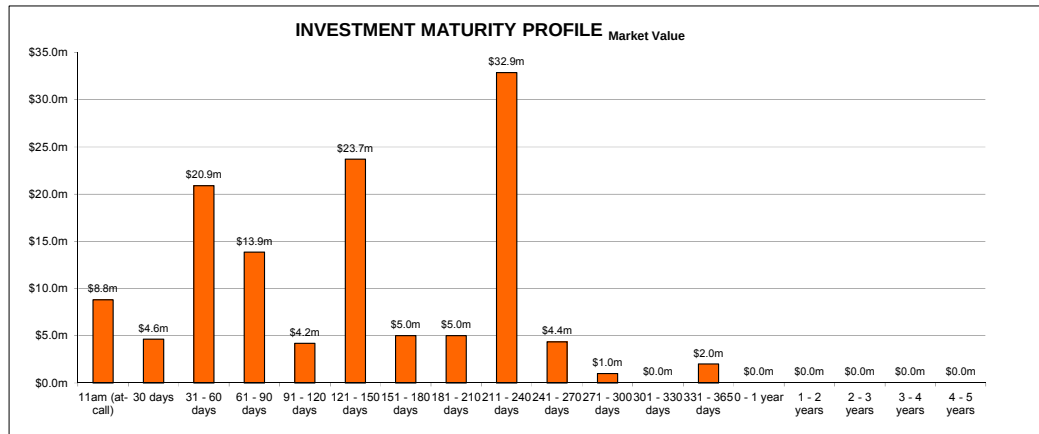
Net Funds Held

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 December 2014.



C15/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2014 (REC)

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



STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

In conjunction with approximately 71 local government authorities, charities and other entities, (The Applicants) the City of Melville engaged litigation funder IMF (Australia) Ltd. to seek recovery of losses arising out of the CDO investments 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.

C15/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2014 (REC)

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

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

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

The City has earned approximately \$5.12 million from CDO investments since 1 July 2007.

FINANCIAL IMPLICATIONS

For the period ending 31 December 2014:

- Investment earnings on Municipal and Trust Funds were \$610,545 against a budget of \$735,000 representing a \$124,455 negative variance.
- Investment earnings on Reserve accounts were \$1,673,414 against a budget of \$1,250,000 representing \$423,414 positive variance.

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

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

C15/6000 - INVESTMENT STATEMENTS FOR DECEMBER 2014 (REC)**POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds.

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

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

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

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

CARRIED UNANIMOUSLY EN BLOC (13/0)

C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2014 (REC)
(ATTACHMENT)

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

AUTHORITY / DISCRETION

DEFINITION

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☒	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

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

C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2014 (REC)
(ATTACHMENT)

BACKGROUND

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

DETAIL

The Schedule of Accounts Paid for the month ending 30 November 2014 ([6001](#) [2014](#)), including Payment Registers numbers, Cheques 433 to 435 and Electronic Funds Transfers batches 352 to 354 was distributed to the Elected Members of Council on 30 January 2015.

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

Supplier Name	Remittance Number	Remittance Details	Amount
Action Asbestos Removals	E041381 & E041591	Asbestos removal	\$115,203.00
Asphaltech Pty Ltd	E041434	Road resurfacing	\$376,043.67
City of Cockburn	E041292	Tip fees for October 2014	\$174,057.63
Construction Equipment Australia	E041659	Construction loader telehandler JCB527-55	\$101,744.50
Dickies Tree Service	E041294 & E041503	Gardening service	\$39,505.53
DVG Mountway Melville Hyundai	E041525	Hyundai i30 Wagon	\$25,103.64
Fire & Emergency Services Authority WA	E041635	ESL Remittance for October 2014	\$1,389,793.89
Flexi Staff	E041319 & E041529	Temporary employment	\$82,279.06
Forpark Australia	E041298	Replaced playground equipment Winthrop Park	\$35,336.40
Hays Specialised Recruitment	E041433 & E041640	Temporary employment	\$38,907.71
Hydroquip Pumps	E041327	Reticulation	\$155,065.90
Integral Project Creation Pty Ltd	E041451 & E041650	Property & project management services	\$30,144.51
JMG Air Conditioning & Electrical Services	E041426 & E041632	Air conditioning services	\$73,495.50
LGIS Liability	E041326	Insurance	\$975,403.88
MMM WA PTY LTD	E041382 & E041594	Drainage works at 6A Strain Street	\$56,129.13
Mulloway Studio	E041406	Design consultancy	\$33,396.00
Natural Area Management & Services	E041489 & E041680	Weed control	\$33,786.35
Reino International Pty Ltd	E041484 & E041675	Parking meters	\$119,776.80
Rhysco Electrical Services	E041398 & E041605	Electrical services	\$67,228.70
Roads 2000 Pty Ltd	E041435	Asphalt & civil works	\$775,864.98
Robinson Buildtech	E41305 & E041515	Building maintenance	\$59,893.44
Southern Metropolitan Regional Council	E041369 & E041578	Recyclable gate fees for October 2014 & MSW gate fees for October 2014	\$592,879.28

**C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2014 (REC)
(ATTACHMENT)**

Supplier Name	Remittance Number	Remittance Details	Amount
Titan Ford	E041340 & E041547	Ford PX Rangers & Ford Focus Trend Hatch	\$98,989.05
Synergy	E041318 & E041528	Electricity billing	\$430,314.54
TJS Cleaning Services Perth Pty Ltd	E041448	Cleaning services	\$25,199.99
Tree Amigos Tree Surgeons	E041396	Tree pruning	\$40,483.30
Water Corporation	Chqs 059896 & 060069	Water usage	\$25,028.46
Western Power	E041315	Electricity design fee Marcus Ave & Cash Call No. one for Ardross East underground power project.	\$664,997.56

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

**C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR NOVEMBER 2014 (REC)
(ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

CONCLUSION

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001) NOTING

That the Council note the Schedule of Accounts paid for the month ending 30 November 2014 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 November 2014](#)

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

CARRIED UNANIMOUSLY EN BLOC (13/0)

C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2014 (REC)
(ATTACHMENT)

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

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DEFINITION

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☒	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

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

C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2014 (REC)
(ATTACHMENT)

BACKGROUND

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

DETAIL

The Schedule of Accounts Paid for the month ending 31 December 2014 ([6001 December 2014](#)), including Payment Registers numbers, Cheques 436 to 439 and Electronic Funds Transfers batches 355 to 356 was distributed to the Elected Members of Council on 30 January 2015.

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

Supplier Name	Remittance Number	Remittance Details	Amount
Asphaltech Pty Ltd	E042161	Road resurfacing at Westminster Road, Clifford Way and North Lake Road	\$381,857.18
AV Truck Services Pty Ltd	E042147 & E042314	Purchase of Dennis Eagle Waste Tipper Truck and licence fees	\$367,216.04
Brendan & Margaret Lance	Chq 060683	Purchase of portion of land at 203 The Esplanade for road widening	\$30,000.00
Canon Australia Pty Ltd	E042044 & E042277	Photocopy charges	\$90,028.87
Carringtons Traffic Services WA	E042234	Traffic management services	\$32,841.11
City of Cockburn	E041977	Tip fees for November	\$123,009.58
Dickies Tree Service	E041979	Tree lopping services	\$65,857.22
Fire & Emergency Services Authority WA	E042151	ESL remittance for November	\$284,983.58
Flexi Staff	E042020 & E042266	Temporary employment	\$47,753.12
GHD Pty Ltd	E042112 & E042302	Structure plan for Canning Bridge Activity Centre and progress claim for Heathcote Reserve and Jeff Joseph Reserve foreshore restorations	\$36,306.60
Glad Commercial Cleaning	E042116	Cleaning services	\$48,413.19
Hays Specialised Recruitment	E042160 & E042320	Temporary employment	\$32,463.90
I.D Informed Decisions	E042237 & E042342	Subscriptions	\$39,600.00
Jim's Trees Willetton T/A Westarbor Trust	E042156	Tree lopping services	\$32,897.11
Landscape Elements Pty Ltd	E042015 & E042264	Progress claim four and five for Carawatha Park	\$210,744.57
Melville Mazda	E042211	Purchase of Mazda CX5 Sport Wagon	\$40,987.98
Robinson Buildtech	E041997	Building maintenance	\$29,758.18
Sifting Sands	E042236 & E042341	Maintenance to sand pits	\$45,717.42

C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2014 (REC)
(ATTACHMENT)

Supplier Name	Remittance Number	Remittance Details	Amount
Southern Metropolitan Regional Council	E042079 & E042286	MSW gate fees for November, RRRC loan repayment for December quarter, recyclable gate fees for November, over compaction charges for November and green waste gate fees for November	\$1,131,935.28
Synergy	E042018	Electricity charges	\$37,997.90
TJS Cleaning Services Perth Pty Ltd	E042178	Cleaning services	\$25,199.99
Tree Amigos Tree Surgeons	E042106	Tree lopping services	\$46,896.30
Tree Planting & Watering	E042158 & E042319	Street tree watering	\$56,884.80
Triton Electrical Contractors Pty Ltd	E042154 & E042317	Electrical services	\$54,818.08
Western Australian Local Government Association	E042081 & E042287	Subscriptions, advertising and training fees	\$33,837.02
Western Power	E042013 & E042263	Cash call two for Ardross East, relocation of street lights at Tweeddale Road and design fee for South Street	\$657,696.00

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR DECEMBER 2014 (REC)
(ATTACHMENT)**POLICY IMPLICATIONS**

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

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

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

CARRIED UNANIMOUSLY EN BLOC (13/0)

C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2014 (AMREC)
(ATTACHMENTS)

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

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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>
☐	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
☐	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
☐	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>
☐	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity for the period ending 30 November 2014 and recommends that they be noted by the Council.
- The variances for the month of November 2014 and recommends that they be noted by the Council.
- Budget amendments for the period ending 30 November 2014 and recommends that they be adopted by Absolute Majority decision of the Council.

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2014 (AMREC)
(ATTACHMENTS)**
BACKGROUND

The Statements of Financial Activity for the period ending 30 November 2014 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

DETAIL

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

For the period ending 30 November 2014, net operating positive variances of \$6.697m and net capital positive variances of \$2.433m were recorded.

Variances

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

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2014							
	November Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
Revenues							
Governance	110,812	739,336	1,000,959	261,622	35%	6,495,230	6,632,842
General Purpose Funding	1,280,899	7,811,098	8,325,867	514,769	7%	12,112,400	12,112,400
Transport	103,659	3,072,375	2,528,400	(543,975)	-18%	4,231,564	5,477,478
	2,449,615	19,785,269	20,116,459	331,189	2%	37,998,637	39,275,502
Expenses							
Governance	(1,112,988)	(5,198,506)	(4,496,115)	702,391	-14%	(16,642,685)	(16,588,703)
General Purpose Funding	(36,556)	(1,959,885)	(1,046,472)	913,413	-47%	(4,501,714)	(4,501,714)
Law, Order, Public Safety	(269,462)	(1,621,249)	(1,427,042)	194,207	-12%	(4,105,440)	(4,088,887)
Education & Welfare	(396,334)	(2,290,358)	(1,974,668)	315,691	-14%	(5,637,590)	(5,647,126)
Community Amenities	(1,356,135)	(8,904,597)	(7,760,247)	1,144,350	-13%	(21,193,172)	(21,604,898)
Recreation and Culture	(2,468,799)	(12,602,952)	(11,727,474)	875,477	-7%	(29,964,882)	(30,339,798)
Transport	(919,472)	(4,518,532)	(3,965,292)	553,241	-12%	(11,348,408)	(11,362,478)
Other Property and Services	(1,112,246)	(3,951,657)	(3,783,878)	167,780	-4%	(8,524,746)	(8,975,056)
	(7,738,137)	(41,512,242)	(36,651,634)	4,860,608	-12%	(103,021,227)	(104,211,168)
Adjustments for Cash Budget Requirements							
Non-Cash Revenue & Expenditure							
(Profit)/Loss on Asset Disposals	103,683	0	41,106	41,106	0%	-	-
Depreciation on Assets	1,255,252	6,658,910	6,263,682	(395,228)	-6%	14,256,544	14,929,786
Plant Capital Charge	23,984	119,921	119,921	-	0%	287,811	287,811
Movement in Deferred Rates	2,234	-	35,398	35,398	100%	-	-
	1,385,153	6,778,832	6,460,108	(713,952)	-5%	14,544,355	15,217,597
Capital Revenue & Expenditure							
Purchase of Furniture & Equipment	(143,404)	(699,558)	(270,539)	429,019	-61%	(1,593,524)	(2,023,585)
Purchase of Plant & Equipment	(276,193)	(5,271,675)	(3,734,241)	1,537,434	-29%	(4,702,747)	(8,016,944)
Purchase of Land & Buildings	(190,610)	(777,353)	(695,394)	81,959	-11%	(2,034,000)	(3,898,632)
Purchase of Infrastructure Assets	(1,658,121)	(5,603,706)	(4,689,501)	914,205	-16%	(16,125,081)	(21,330,059)

Revenue

\$77.664m in Rates was raised to 30 November 2014. This is compared with a year to date budget of \$76.822m, resulting in a positive variance of \$842K.

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2014 (AMREC)
(ATTACHMENTS)**

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for November 2014

Budget Amendments

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

Rates Collections and Debtors

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$1.86m were collected over the course of the month. Rates collection progress for the month of November is on target. As at 30 November 2014, 76% of 2014/2015 rates had been collected. This was 0.1% less than collected for the same time last year.

Total sundry debtor balances decreased by \$397K over the course of the month. The 90+ day's debtor balance increased by \$5,022.

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.

One bad debt of \$97.35 was written off under delegated authority in the month of November 2014, as all debt collection actions have been exhausted and was uneconomical to pursue further.

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

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

C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2014 (AMREC)
(ATTACHMENTS)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s. 6.4

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

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

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

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

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

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

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

C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2014 (AMREC)
(ATTACHMENTS)

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 November 2014.

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR NOVEMBER 2014 (AMREC)
(ATTACHMENTS)**

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY

At 9.48pm Cr Schuster moved, seconded Cr Macphail –

That the Council:

- Note the Rate Setting Statement and Statements of Financial Activity for the month ending 30 November 2014 as detailed in the following attachments:**

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

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

At 9.49pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2014 (AMREC)
(ATTACHMENTS)

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

AUTHORITY / DISCRETION

DEFINITION

☐	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
☒	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>
☐	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
☐	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
☐	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>
☐	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 December 2014 and recommends that they be noted by the Council.
- Budget amendments for the period ending 31 December 2014 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of December 2014 and recommends that they be noted by the Council.

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2014 (AMREC)
(ATTACHMENTS)**
BACKGROUND

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

DETAIL

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

For the period ending 31 December 2014, net operating positive variances of \$7.140m and net capital positive variances of \$3.991m were recorded.

Variances

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

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2014							
	December Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
Revenues							
Governance	174,643	872,157	1,175,601	303,445	35%	6,495,230	6,632,842
General Purpose Funding	405,766	8,231,627	8,731,675	500,047	6%	12,112,400	12,112,400
Recreation and Culture	749,644	5,090,389	5,022,928	(67,460)	-1%	10,147,119	10,148,119
Transport	105,978	3,346,996	2,634,378	(712,618)	-21%	4,231,564	5,486,569
Other Property and Services	71,716	153,878	207,420	53,542	35%	395,143	275,880
	1,640,640	21,612,365	21,757,141	144,776	1%	37,998,637	39,296,530
Expenses							
Governance	(1,021,846)	(7,162,111)	(5,518,004)	1,644,107	-23%	(16,642,685)	(16,602,619)
General Purpose Funding	(671,590)	(1,984,146)	(1,718,062)	266,084	-13%	(4,501,714)	(4,501,714)
Law, Order, Public Safety	(403,823)	(1,998,962)	(1,830,865)	168,097	-8%	(4,105,440)	(4,088,571)
Education & Welfare	(514,216)	(2,800,228)	(2,488,883)	311,344	-11%	(5,637,590)	(5,652,199)
Community Amenities	(2,188,891)	(11,010,046)	(9,949,138)	1,060,908	-10%	(21,193,172)	(21,601,954)
Recreation and Culture	(2,430,851)	(15,332,684)	(14,158,324)	1,174,360	-8%	(29,964,882)	(30,387,289)
Transport	(872,561)	(5,474,883)	(4,837,853)	637,030	-12%	(11,348,408)	(11,462,577)
Economic Services	(41,742)	(58,718)	(111,763)	(63,045)	90%	(117,436)	(117,436)
Other Property and Services	(877,895)	(4,757,433)	(4,661,773)	95,660	-2%	(8,524,746)	(9,067,374)
	(9,091,266)	(51,080,683)	(45,742,942)	5,337,741	-10%	(103,021,227)	(104,466,790)
Adjustments for Cash Budget Requirements							
Non-Cash Revenue & Expenditure							
(Profit)/Loss on Asset Disposals	(10,678)	0	30,429	30,429	0%	-	-
Depreciation on Assets	1,289,331	8,014,088	7,553,013	(461,074)	-6%	14,256,544	15,076,471
Plant Capital Charge	23,984	143,906	143,906	-	0%	287,811	287,811
Movement in Deferred Rates	2,345		37,743	37,743	100%	-	-
	1,304,983	8,157,993	7,765,090	(853,977)	-5%	14,544,355	15,364,282
Capital Revenue & Expenditure							
Purchase of Furniture & Equipment	(113,728)	(729,057)	(384,267)	344,790	-47%	(1,593,524)	(2,035,585)
Purchase of Plant & Equipment	(370,126)	(5,665,570)	(4,104,367)	1,561,203	-28%	(4,702,747)	(8,016,944)
Purchase of Land & Buildings	(20,924)	(1,218,635)	(716,318)	502,317	-41%	(2,034,000)	(3,900,291)
Purchase of Infrastructure Assets	(1,165,816)	(8,053,499)	(5,855,317)	2,198,182	-27%	(16,125,081)	(21,337,491)

Revenue

\$77.693m in Rates was raised to 31 December 2014. This is compared with a year to date budget of \$76.844m, resulting in a positive variance of \$849K.

C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2014 (AMREC)
(ATTACHMENTS)**Money Expended in an Emergency and Unbudgeted Expenditure**

Not applicable for December 2014

Budget Amendments

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

Rates Collections and Debtors

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$3.9m were collected over the course of the month. Rates collection progress for the month of December is 0.1% above target. As at 31 December 2014, 80.1% of 2014/2015 rates had been collected. This was 0.2% more than collected for the same time last year.

Total sundry debtor balances increased by \$103,270 over the course of the month. The 90+ day's debtor balance increased by \$18,302.

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 December 2014.

C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2014 (AMREC)
(ATTACHMENTS)

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

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

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2014 (AMREC)
(ATTACHMENTS)**34. Financial activity statement report — s. 6.4**

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

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

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

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

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

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

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

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

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

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

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

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

FINANCIAL IMPLICATIONS

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

**C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2014 (AMREC)
(ATTACHMENTS)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

CONCLUSION

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY

At 9:49pm Cr Schuster moved, seconded Macphail –

That the Council:

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

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

C15/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR DECEMBER 2014 (AMREC)
(ATTACHMENTS)

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

At 9:49pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1 Council Support for the Roe Highway (Stage 8) as part of Perth Freight Network

The Presiding Member invited Cr Schuster to speak on the motion that he had presented regarding the Council's support for the Roe Highway (Stage 8) as part of Perth Freight Network.

COUNCIL RESOLUTION

At 9:50pm Cr Schuster moved, seconded Cr Phelan –

- 1. That the Council again reiterates its support for the construction of the Roe Highway (Stage 8) to Stock Road as an integral part of the Perth Freight Network and congratulates the Federal and State Governments on the announcement of funding for this work on 17 December 2014; and,**
- 2. The Chief Executive Officer is requested to convey this motion to the Hon Colin Barnett MLA, Premier of Western Australia; the Hon Dean Nalder MLA, Minister for Transport in Western Australia; the Hon Senator Mathias Cormann, Commonwealth Minister for Finance, Hon Warren Truss MP, Deputy Prime Minister and Minister for Infrastructure and Regional Development and the Members for Alfred Cove, Bateman, Riverton, Jandakot and Willagee in the Western Australian Legislative Assembly.**

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

CARRIED (10/3)

Vote Result Summary	
Yes	10
No	3

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

15.1 Council Support for the Roe Highway (Stage 8) as part of Perth Freight Network (Continued)Reasons for Motion

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

1. Elected Members may recall I attempted to raise this motion (without notice) at the Special Council Meeting on 18 December 2014, but Standing Orders did not allow for it to be considered;
2. The City of Melville and many of its Elected Members (past and present) has been a strong and consistent supporter of the construction of Roe Highway Stage 8 for at least a decade, and in my view the recent announcement is a very important step for the improved amenity and social cohesion of many residents and businesses in the City of Melville;
3. Roe 8 is controversial in the southern suburbs, mostly of course with people who don't live in the City and hence have to contend with the (in my view) flawed decision to terminate Roe Highway at the Kwinana Freeway – almost every example of traffic congestion on the surrounding roads can be laid at the feet of that decision or are in turn caused by traffic trying to avoid the Kwinana/Roe intersection;
4. Opponents of Roe 8 often say that putting all goods on rail and the introduction of much enhanced public transport would obviate the need for Roe 8 (and by inference the Perth Freight Network) – both are worthy public policy aims, but inter alia the traffic history of Perth post World War 2, our level of car ownership and the geographic spread of the metropolitan area and consequently low population densities all conspire against those ends. In fact if the existing freight rail network to Fremantle Port were to expand greatly, given its very close proximity in Fremantle to residential areas, entertainment areas and restaurants, playgrounds and public parks and a number of road and pedestrian crossings on the freight railway I suspect that there would be some form of public outcry against such an expansion – that is for another time to debate, but already in South Fremantle one sees the start of a campaign against railway noise;
5. Modern road design and construction methodologies are very capable of allowing major roads to be constructed in such a way that issues such as traffic noise can be ameliorated for surrounding communities, such as Bibra Lake, North Lake and Coolbellup in this instance – this road reserve has existed on the Metropolitan Region Scheme for the best part of 50 years so when development was allowed adjacent to it the State effectively took on the responsibility for ensuring the road and adjacent developments could live in harmony;

15.1 Council Support for the Roe Highway (Stage 8) as part of Perth Freight Network (Continued)

6. The Roe 8 highway is also opposed on the grounds that it will irreparably damage the ecosystem of part of the Beeliar Nature Reserve – again it is true that the actual alignment of the road will remove some vegetation, but the design of the road (at some cost) and the large environmental offset the State is required to provide elsewhere will ensure a proper public policy balance is maintained. Even in my limited travels elsewhere in the world one can see almost endless examples of roads (and railways) being built in much more difficult conditions and in harmony with the broader environment; and,
7. The benefits to the City's residents and businesses and those travelling through our City from the building of the Roe 8 highway are manifest, while the dis-benefits to communities and the environment are relatively small and capable of being managed. I respectfully seek the support of the Council in reaffirming our strong support for this important piece of public infrastructure.

15.2 Proposed Motion to 2015 WALGA Conference Financial Limits for Tenders

The Presiding Member invited Cr Schuster to speak on the motion that he had presented regarding the 2015 WALGA Conference Financial Limits for Tenders.

COUNCIL RESOLUTION

At 10:27pm Cr Schuster moved, seconded Cr Robartson –

That the Council;

1. Resolves to put the following motion forward to the 2015 Western Australian Local Government Association Conference;
"That the *Local Government (Functions and General) Regulations 1996* (as amended from time to time) be amended so that the minimum threshold for the purchase of a good or service, be altered to match the threshold level from time to time gazetted under the State Supply Policies for State Government Departments and instrumentalities."
2. Requests the Western Australian Local Government Association consider the motion within its zone structures prior to the Western Australian Local Government Association Conference.

At 10.35pm the Mayor submitted the motion, which was declared

CARRIED (11/2)

**15.2 Proposed Motion to 2015 WALGA Conference Financial Limits for Tenders
(Continued)**

Vote Result Summary	
Yes	11
No	2

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

Reasons for Motion

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

1. The current financial threshold levels under these Regulations require Local Governments to use an open tender process for the purchase of goods or services with a value of over \$100,000. This threshold level has existed since February 2007 when it was changed from \$50,000 by an Amendment to these Regulations;
2. Until December 2014 the City of Melville was generally, through internal policies, using \$50,000 as the minimum threshold for open tender in most cases, although at the December 2014 meeting Elected Members will recall the Council adopted a policy [CP 023] requiring open tenders for purchases over \$100,000. Purchases under this level remain covered by our purchasing policies and processes such as competitive quoting. Elected Members will recall that it was this debate that prompted me to prepare this Notice of Motion;
3. The City of course also avails itself of the WALGA Contract Panels which allow quotations for work above \$100,000 to be sought from contractors and suppliers who have pre qualified for the Contract Panels through an open public process that satisfies the requirements of the Regulations;

15.2 Proposed Motion to 2015 WALGA Conference Financial Limits for Tenders (Continued)

4. With respect to State Government Departments and instrumentalities whose purchasing activities are generally covered under the *State Supply Commission Act 1991* and its subsidiary legislation (with a plan for this to be eventually subsumed by the Department of Finance) the minimum threshold for open tenders is a value of \$150,000, and this is varied from time to time by policies issued under the State supply legislation;
5. The proposed motion simply links local governments to State Government Departments where similar processes and controls over purchasing practice exist, and then suggests that the Regulations be amended to simply link the Local Government threshold to the one in force from time to time for State Government Departments.

15.3 Retention of Bicton and Palmyra within the City of Melville

The Presiding Member invited Cr Barton to speak on the motion that she had presented regarding the Retention of Bicton and Palmyra within the City of Melville.

COUNCIL RESOLUTION

At 10:42pm Cr Barton moved, seconded Cr Taylor Rees that the following motion lay on the table

In view of the result of the Fremantle-East Fremantle merger poll, the Council resolves to request the Chief Executive Officer to evaluate strategies that would enable the suburbs of Bicton and Palmyra to remain within the City of Melville, and to report back to the March Ordinary Meeting of Council with a preferred course of action.

At 10:43pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Vote Result Summary	
Yes	13
No	0

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

15.3 Retention of Bicton and Palmyra within the City of Melville (Continued)Reasons for Motion

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

1. As stated in the City of Melville response to LGAB Proposal 10 of August 2014 (page 61), Bicton and Palmyra attract a revenue of nearly \$7m/yr in rates, Bicton provides a major City events facility and recreational area, as well as a public golf course.
2. Following the advertisement by the LGAB of the proposals to separate Bicton and Palmyra from the rest of Melville, the residents strongly expressed their opposition by means of petitions and submissions. Their reasons included the following:
 - Bicton and Palmyra were the birthplace of what has grown to become the City of Melville. This history is very important to older members of these communities, and they are upset that its significance is being disregarded by Melville.
 - Swan foreshore environmental management is simplified if a single authority is responsible from the western end of Blackwall Reach all the way through Melville Water to the Canning River. The Friends groups protecting the Point Walter foreshore cooperate in working on both the Blackwall Reach and Attadale foreshore sides of Point Walter with no distinction between them, and there is a strong argument for this practice to continue.
 - The northern section of Stock Rd (unlike the divided highway further south) is not a natural division but rather serves to connect the suburbs on either side of it.
 - Residents of Bicton and Palmyra spend much more of their time in the City of Melville than in the City of Fremantle, so the transfer of the suburbs would be stressful for many, particularly the elderly and the young families who have chosen to buy in Bicton because it is in the City of Melville.
 - Residents of Bicton and Palmyra do much more of their shopping in the City of Melville (particularly at Garden City) than in Fremantle, and it is likely that this would gradually change if the suburbs were transferred, to the disadvantage of Melville residents associated with its retail activities.
 - Small business owners in Bicton and Palmyra who have previously operated in Fremantle are worried about the prospect of a shift to a jurisdiction that is less business-friendly, particularly if they have relocated because of that experience.

16. EN BLOC ITEMS

At 11:07 pm Cr Schuster moved, seconded Cr Willis –

That the recommendations for items, P15/3606, P15/3602, P15/3608, M15/5404, M15/5405, M15/5000, C15/6000 (November 2014) C15/6000 (December 2014) C15/6001 (November 2014) and C15/6001 (December 2014) be carried En Bloc.

At 11:09pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Vote Result Summary	
Yes	13
No	0

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

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL
NIL

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

At 10:42pm Cr Willis moved, seconded Cr Reynolds -

That the meeting be closed to the public to permit discussion on a confidential matter (Item T15/3584 Confidential Item – Request for “In Principle” Support for Further Investigation for the Proposed Sale or Lease of the Southern Metropolitan Regional Council’s Materials Recovery Facility at the Regional Resource Recovery Centre) covered under Section 5.23(2)(c) and (e) of the *Local Government Act 1995*.

At 10.42pm the Mayor submitted the motion, which was declared carried

CARRIED UNANIMOUSLY (13/0)

CONFIDENTIAL ITEM T15/3584 - REQUEST FOR ‘IN PRINCIPLE’ SUPPORT FOR FURTHER INVESTIGATION FOR THE PROPOSED SALE OR LEASE OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL’S MATERIALS RECOVERY FACILITY AT THE REGIONAL RESOURCE RECOVERY CENTRE

Disclosure of Interest

Item No.	T15/3584
Member	Cr C Schuster
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Chairperson of the SMRC
Decision of Council	Stay and Discuss

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3584)

APPROVAL

At 10:43pm Cr Schuster moved, seconded Cr Aubrey –

That the Council:

- 1. Provides “in principle” support to the Southern Metropolitan Regional Council to further investigate the potential sale or lease of the Materials Recovery Facility located at the Regional Resource Recovery Centre, Bannister Road in Canning Vale.**
- 2. Is prepared “in principle” to commit all recyclable materials collected from the yellow topped bin for a period of up to 10 years subject to suitable terms and conditions being negotiated with any future private operator of the Materials Recovery Facility at the Regional Resource Recovery Centre in Canning Vale.**
- 3. Insists that future processing of recyclable materials at the Materials Recovery Facility at the Regional Resource Recovery Centre in Canning Vale must be processed in accordance with all relevant Occupational Safety and Health Legislation and Labour Employment Standards, including relevant International Conventions and State Laws in respect to the transportation of waste materials.**
- 4. Is prepared “in principle” to enter into a lease period of between 15-20 years to ensure sufficient tenure to allow any future private operator to amortise their investment subject to suitable terms and conditions being negotiated.**

5. Notes that any future decision on the sale or lease of the facility will be the subject of a future report to the Council that considers any terms and conditions pertaining to any sale or lease of the Materials Recovery Facility at the Regional Resource Recovery Centre, Bannister Road in Canning Vale.
6. Requests the Chief Executive Officer to inform the Chief Executive Officer of the Southern Metropolitan Regional Council in writing of points 1 to 4 above.

Motion be put

At 11.08pm Cr Pazolli moved, seconded Cr Macphail –

That the motion be now put

At 11:08pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Vote Result Summary	
Yes	13
No	0

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

COUNCIL RESOLUTION (3584)

APPROVAL

That the Council:

- Provides “in principle” support to the Southern Metropolitan Regional Council to further investigate the potential sale or lease of the Materials Recovery Facility located at the Regional Resource Recovery Centre, Bannister Road in Canning Vale.**
- Is prepared “in principle” to commit all recyclable materials collected from the yellow topped bin for a period of up to 10 years subject to suitable terms and conditions being negotiated with any future private operator of the Materials Recovery Facility at the Regional Resource Recovery Centre in Canning Vale.**
- Insists that future processing of recyclable materials at the Materials Recovery Facility at the Regional Resource Recovery Centre in Canning Vale must be processed in accordance with all relevant Occupational Safety and Health Legislation and Labour Employment Standards, including relevant International Conventions and State Laws in respect to the transportation of waste materials.**
- Is prepared “in principle” to enter into a lease period of between 15-20 years to ensure sufficient tenure to allow any future private operator to amortise their investment subject to suitable terms and conditions being negotiated.**

5. Notes that any future decision on the sale or lease of the facility will be the subject of a future report to the Council that considers any terms and conditions pertaining to any sale or lease of the Materials Recovery Facility at the Regional Resource Recovery Centre, Bannister Road in Canning Vale.
6. Requests the Chief Executive Officer to inform the Chief Executive Officer of the Southern Metropolitan Regional Council in writing of points 1 to 4 above.

At 11:09pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 11:09pm Cr Schuster moved, seconded Cr Aubrey –

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

At 11:09pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

19. CLOSURE

There being no further business to discuss the Mayor declared the meeting closed at 11:10pm.