

MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

16 AUGUST 2011

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 16 AUGUST 2011.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr J Clark the Governance and Compliance Program Manager read aloud the Disclaimer and then the Deputy Mayor, Councillor M Reynolds, read aloud the Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Deputy Mayor Cr M Reynolds
Cr C Robartson
Cr N Pazolli, Cr P Reidy
Cr A Nicholson, Cr A Ceniviva
Cr J Barton, Cr G Wieland
Cr C Halton, Cr B Kinnell
Cr N Foxtan

WARD

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

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms C Young	Director Community Development
Mr S Cope	Director Urban Planning
Mr J Christie	Director Technical Services
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast	Manager Planning & Development Services
Mr G Ponton	Manager Strategic Urban Planning
Mr I Davis	Manager Parks & Environment
Mr J Cameron (Until 7.43pm)	Executive Engineer
Mr P Camilleri	Senior Strategic Urban Planner
Mr R Bailey (Until 7.43pm)	Special Projects Officer
Mr J Clark	Governance & Compliance Program Manager
Ms D Beilby	Minute Secretary

At the commencement of the meeting there were 21 members of the public and two 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

Cr Subramaniam – Bull Creek/Leeming Ward

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

Nil.

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

Nil.

6. QUESTION TIME

6.1 Save Bicton Park Community Action Group

"We refer to the motions proposed by Councillor June Barton at the Council Meeting on 19/7/2011 regarding the Western Power owned site in Bicton. The motions were passed by Council."

Question 1

"Please advise what action the Council has taken to follow up these motions?"

Response

The City of Melville has previously been provided with a written undertaking (September 2004) from Western Power that the City of Melville will be offered first refusal on the land in question should they decide at a later date that they no longer have a need for the land. The City has contacted Western Power and confirmed that this is still the current status.

Question 2

"Who is the officer responsible for overseeing/following up this matter?"

Response

The Director of Technical Services is currently overseeing this issue.

Question 3

"Who is the City of Melville contact person for resident enquiries regarding this matter?"

Response

As there are both technical and planning matters relating to this issue any queries should be made by calling 1300 635 845 and the query will be forwarded to the appropriate officer.

6.2 Mr R Allen, Bicton

Question 1

"We have family property next to the Western Power owned parkland in Fifth Street, Bicton."

The City of Melville owns the Murray Street Property directly behind ours.

We understand that the City of Melville is looking at purchasing the property from Western Power so that the property can be retained as a public open space.

6. QUESTION TIME (Continued)

As we are looking at selling our property in approximately four months we would like to know if the City is interested in purchasing our property? The two properties i.e. City owned Murray Street property and our property in Fifth Street would potentially give the Council additional parkland if it proceeds in acquiring the land off Western Power. Alternatively it would provide the City with good development potential owning 2 properties adjoining each other."

Response

Western Power has indicated that the land at 58-60 Murray Road, Bicton is intended to be developed as a sub station. The City is continuing to liaise with Western Power regarding opportunities for the sub station to be located elsewhere to enable consideration of different long term uses for the land. The question as to whether the City would be interested in purchasing the adjoining property at 28 Fifth Street, Bicton is dependent upon a range of factors including determination of the future use of the Western Power land.

The invitation for the City to give consideration to the purchase of the property at 28 Fifth Street is appreciated. At this point in time, however, any decisions regarding acquisition of land would require further clarification of Western Power's position regarding the land at 58-60 Murray Road and determination as to whether or not acquisition would be beneficial to the provision of public open space in the area. The City will be in contact with you should clarification on these matters be available within the four month time frame indicated in your letter .

6.3 Mr B James, ApplecrossQuestion 1

"What has happened to the ideas of the Applications Committee for the Centenary Celebrations in 2012?"

Response

All ideas that were presented were considered on their merits.

Question 2

"Why have the volunteers from the community on the Applications Committee been excluded from consultation since February 2011?"

Response

The original Wireless Hill Centenary Working Group (including sub-committees) was disbanded in June 2010 due to low numbers and limited progress. It's role was changed from a Working group to a Reference group as internal officers were now coordinating the centenary events. The reference group meets as required. All previous input from community members has been considered in the development to the Centenary event celebrations.

6. QUESTION TIME (Continued)Question 3

“Why have the four sub-committees with community volunteers, that were assisting with the Centenary celebrations, been disbanded?”

Response

Due to low numbers and limited progress of these groups they were disbanded in June 2010 and this was communicated to all groups. Some members are now part of the Reference Group.

Question 4

“Will the process of audit and review of items (refer section 3.1.2 of the Plan) involve experienced professionals and experienced volunteers?”

Response

The Concept and Museum Plan does outline that professional staff will be involved in the audit and review of museum items – this will include working with volunteers who have specific expertise. The audit will follow prescribed National Museum Standards

Question 5

“Council Officers have previously advised me that nothing will be disposed of until all the objects, materials and documents have been audited and catalogued. Please confirm that this policy has not changed? If it has changed please advise why and how it has changed?”

Response

This is correct, all objects, materials and documents are required to be audited using the prescribed National Museum Standards

Question 6

“Has the Concept and Museum Plan (the Plan) been reviewed by the Heritage Council? If not when will this be done?”

Response

The Heritage Council of WA was involved in the development of the Interpretation Plan for Wireless Hill (March 2011). This Plan also incorporates recommendations from the Conservation Plan for Wireless Hill which the Heritage Council has endorsed. Both these Plans form the basis for the Concept and Museum Plan.

6. QUESTION TIME (Continued)Question 7

“What has been done to seek funding from other sources (both internationally e.g. NASA, and nationally, e.g. Telstra, local businesses) for the Centenary Celebrations in 2012 (and for development of the Wireless Hill Project)?”

Response

Funding investigations were undertaken by community members with limited results through the Wireless Hill Centenary Working Group.

Officers obtained funding from Lotterywest for the Wireless Hill Interpretation Plan, and also for the current Significant Assessment of museum items commencing next month. Further discussions are continuing with Lotterywest regarding the celebration activities, and possible future funding applications for the museum exhibition space.

Question 8

“How will local volunteers and professionals be invited, involved, consulted with, and kept informed of progress relating to the further development and implementation of the Wireless Hill Project – and in particular with respect to activities over the next 12 months until the Centenary Celebrations of Wireless Hill in Sept 2012?”

Response

The Wireless Hill Reference Group will be updated as required. An event coordinator has now been appointed for the Centenary Celebrations, and Officers will develop a communication plan regarding the Centenary celebrations, and the Wireless Hill Project Plan pending the outcome of the item going to Council tonight.

Mr James is welcome to contact the Director Community Development for any further information.

7. AWARDS AND PRESENTATIONS

Injury Control Council WA (ICCWA) “Outstanding Achievement Award”

His Worship the Mayor presented the ICCWA Outstanding Achievement Award to the Director Community Development.

The City of Melville ‘Senior Safety Series’ has been awarded with the “ICCWA Outstanding Achievement Award” for the Senior Safety Series 2011”.

Neighbourhood Development’s Senior Safety Series were held during April and May 2011, bringing seven sessions to smaller neighbourhood settings on a diversity of safety topics. Included in the series were sessions on driving safely for seniors partnering with the RAC, mistreatment of older people, legal rights & support, how to be a safe consumer of goods and services including on-line shopping and a practical participatory session on how to safely catch buses and trains with Transperth including station safety features.

The sessions were a response to feedback provided by our Seniors on what they felt were affecting their wellbeing, either perceived or in fact and were part of our Age-Friendly Melville, Directions for Seniors strategy. The workshops were very well attended and received great feedback from the participants. The Award is excellent recognition of the Neighbourhood Development’s efforts in this area.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF COUNCIL – 19 JULY 2011**
[Min 19 July 2011](#)**COUNCIL RESOLUTION**

At 6.50pm Cr Wieland moved, seconded Cr Ceniviva-

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 19 July 2011, be confirmed as a true and accurate record subject to the following alteration to the resolution relating to Item P11/3225 – Final Adoption of Urban Planning Policies (Stage 3 Review).

On page 48, delete “Carried 12/0” and insert “Carried 11/1”.

At 6.50pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 2 AUGUST 2011
[Notes 2 August 2011](#)**COUNCIL RESOLUTION**

At 6.50pm Cr Reynolds moved, seconded Cr Foxtton -

That the Notes of Agenda Briefing Forum held on Tuesday, 2 August 2011, be received.

At 6.50pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

8.3 SPECIAL MEETING OF COUNCIL – 9 AUGUST 2011
[Min 9 August 2011](#)**COUNCIL RESOLUTION**

At 6.50pm Cr Foxtton moved, seconded Cr Kinnell -

That the Minutes of the Special Meeting of Council held on Tuesday, 9 August 2011 be confirmed as a true and accurate record.

At 6.50pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

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

Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- P11/3230 Cr Pazolli – Applecross/Mount Pleasant Ward

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

- Mayor R A Aubrey
- Cr P Reidy
- Cr B Kinnell

At 6.51pm Cr Robartson moved, seconded Cr Halton -

That the applications for new leaves of absence submitted by His Worship the Mayor R A Aubrey, Cr Reidy and Cr Kinnell on 16 August 2011 be granted.

At 6.51pm the Mayor submitted the motion which was declared

CARRIED (12/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- P11/3230 Confidential Item - Purchase of Water Corporation Land Bounded by Clive Street, Baldwin Avenue and Ogilvie Road Mt Pleasant

The above matter is confidential in accordance with Section 5.23 (c) & (h) of the Local Government Act 1995, and Local Government (Administration) Regulations 1996 Clause 4A relating to the sale or purchase of property.

12. PETITIONS

Nil.

13. DEPUTATIONS

- Item T11/3229 Mr L Semmens, Greg Rowe & Associates
Mr L Tassell, Applecross Resident

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6.53pm His Worship the Mayor requested that Item T11/3229 be brought forward for discussion.

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)

From 6.53pm to 7.07pm a Deputation was heard from Mr Semmens from Greg Rowe & Associates and Mr Tassell of Applecross.

At 7.13pm Cr Kinnell left the meeting.

At 7.15pm following questions from Elected Members, Mr Semmens and Mr Tassell returned to the Public Gallery.

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

Ward	:	Applecross/Mt Pleasant
Category	:	Operational
Subject Index	:	Applecross Foreshore
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item 1052 Tompkins park Public Toilet Ordinary Meeting of Council held August 1988 Item 1052 Tompkins Park Public Toilets Ordinary Meeting of Council held November 1988 Item T10/3122 Proposed Installation of Self Cleaning Toilet Facilities, Applecross Foreshore, Tompkins Park- Ordinary Meeting of Council held 20 April 2010 Item T10/3165-Proposed Installation of Self Cleaning Toilet Facilities, Applecross Foreshore Ordinary Meeting of Council held 21 September 2010
Works Programme	:	Future Capital Works Program
Funding	:	\$120,000 – Budget 2010/2011
Responsible Officer	:	John Cameron Executive Engineer Design

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

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

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Council resolved in September 2010 to locate the proposed toilet in the vicinity of the Water Corporation building on the Applecross Foreshore, at the discretion of the Chief Executive Officer (CEO).
- A preliminary assessment from the Swan River Trust in response to an application for the installation of a toilet on the Applecross Foreshore, expressed an alternate preference in reference to the location of a toilet.
- This report assesses the feasibility of four locations and proposes a location for the toilet, identified as Site 4 in the report. The recommendation in this report requires a rescission motion of the previous Council decision.

BACKGROUND

The proposal to install a public toilet on the Applecross Foreshore was presented to the Council in 1988 and since that time has been the subject of frequent requests from the community, including a more recent petition that the City install a public toilet facility on the Applecross Foreshore.

Following the receipt of a petition requesting that a toilet be installed on the Applecross Foreshore, an Item (*T10/3122 - Proposed Installation Of Self Cleaning Toilet Facilities, Applecross Foreshore, Tompkins Park*) was presented to the Council in April 2010, in relation to the site location 2 of this current report. Recommendations adopted from that report included:

2. That residents within a four hundred (400) metre radius of the proposed public toilet on Tompkins Park Reserve in the vicinity of Cunningham Street and Dunkley Avenue be surveyed for comment."

3. That an information display board detailing the proposal and inviting comment from users of the foreshore be erected in the car park opposite the intersection of Melville Beach Road and Cunningham Street Applecross."

The results from the survey indicated an overwhelming support of ninety two percent of the respondents were in favour of the installation of a toilet on the Applecross Foreshore. Fifteen percent of the respondents, who were in favour of the proposal, suggested that alternative locations on the Applecross Foreshore should be considered. The alternative locations suggested were;

- in the vicinity of the car park/playground opposite Cunningham Street, Site 4 of the current report and;
- in the vicinity of the Water Corporation pumping station, Site 1 of the current report.

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)

A multi-signature letter was presented to the City of Melville that opposed the installation of a toilet anywhere on the Dunkley Avenue/Melville Beach Road Foreshore.

A further Item (T10/3165 - *Proposed Installation of Self Cleaning Toilet Facilities, Applecross Foreshore*) was presented to Council in September 2010, detailing the findings of the survey consultation.

The Council recommendation arising from the September 2010 item was:

"That a self cleaning toilet be installed at the Chief Executive Officer's discretion in the immediate vicinity of the Water Corporation pumping station on the Applecross Foreshore subject to all necessary approvals being obtained".

This location is identified as Site 1 in this report.

Following the recommendation of the Ordinary Council Meeting, September 2010, an approval application was made to the Swan River Trust for the installation of a toilet in the vicinity of the Water Corporation pump station.

An interim response was received from the Swan River Trust of a "preliminary assessment" of the application.

In the letter, the Swan River Trust expressed a preference for the toilet to be located between the car park and the playground, in the vicinity of Site 3 as detailed in this report, on the basis that this location *"would seem to best serve community needs"*.

In addition to this, the Swan River Trust also noted that the proposed location in the vicinity of the Water Corporation building in the vicinity of Site 1 as detailed in this report, had not been specifically subject to community consultation.

A later email from Swan River Trust provided clarification of the consultation requirements relevant to Section 74 of the Swan and Canning Rivers Management Act.

DETAIL

During earlier investigations in locating suitable sites for the toilet, advice was sought from a licensed plumber on the feasibility of sewer connections for a future toilet. The advice suggested that all the sites being considered at that time should not present any difficulties in reference to a sewer connection. However subsequently, further investigations by officers directly with the Water Corporation have revealed that some of the locations being considered would present significant challenges.

Due to the comments received from the Swan River Trust and the advice from Water Corporation in reference to sewer connections, it is considered that the site adjacent to the Water Corporation pump station, should be reassessed against other possible locations.

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)

In carrying out this reassessment, the following factors have been taken into consideration in determining the most appropriate location:-

- CPTED Principles (Crime Prevention Through Environmental Design).
- Proximity to service connections-sewer, electricity, water.
- Ease of access for users.
- Impact on nearby properties

An aerial photograph of the four sites that are being considered forms an attachment to this report.

3229 Aerial of Alternative Sites**CPTED Principles**

When considering the most appropriate location for the toilet, a major factor is the CPTED principles. As a result, comments were received from a major manufacturer and installer of self cleaning toilets throughout Australia and overseas. Their advice relating to CPTED is detailed below:

- *The distance from the playground should be between 10 and 30 metres.*
- *The toilet should have clear lines of sight from as many angles as possible.*
- *The toilet should face a monitored communal area – passers-by or the playground.*
- *The toilet should be seen by someone who is normally in the area – resident or shopkeeper.*
- *The toilet door should be facing a used pathway.*
- *There should not be a drinking fountain or bike rack etc next to the toilet – This will guard against loiterers.*
- *Ensure that adequate lighting on all sides of the toilet.*

Proximity to Service Connections

An engineering consultant was engaged to prepare a report that assesses the merits of the four sites selected, in reference to connection to the services required for the functioning of the toilet.

The report from Porter Engineering provides an indicative cost for the four sites. The estimated costs include for the following works:

- Establishment and Survey
- Clearing and Disposal
- Sewer Servicing
- Water Servicing
- Power Servicing
- Footpaths
- Professional Fees
- Water Corporation Headworks
- Contingency Sum

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)

Indicative Costs for Each Site;

Site 1 - \$55,007

Site 2 - \$33,787

Site 3 - \$36,887

Site 4 - \$27,187

All costs are exclusive of GST.

The costs detailed above do not include for the cost of the toilet, installation and possible additional cost such as Department of Indigenous Affairs Heritage and Culture Section 18 approval.

Ease of Access for Users

It is considered that the toilet should be located convenient for users and in particular the needs of the elderly and children and people with disabilities should form part of that consideration.

Impact on Nearby Properties

The various sites considered for selection should consider the impact on nearby residences and what measures can be taken to ameliorate the impact on residents.

The four sites have been considered for their suitability in reference to the four factors listed above.

Discussion of Locations:**SITE 1**CPTED Principles

Site 1 is located in the vicinity of the Water Corporation building. In respect to CPTED principles, the following comments are provided by the City of Melville's Manager Neighbourhood Amenity as follows:

The proposed location (Water Corporation Pump Station) of the self cleaning toilet is not desirable from a CPTED perspective for the following reasons:

- *There is no lighting surrounding the proposed location.*
- *There is not sufficient activity surrounding the location.*

A better suited location would be closer to the car park, bbq's and playground located on the same reserve at the bottom of Cunningham Street.

- *This area is better used (windsurfing, bbq's, playground users, walkers, cyclists, etc) so there would be sufficient activity surrounding the toilet providing passive surveillance.*
- *The toilet would also be more visible to residents and users of Dunkley Avenue therefore improving natural surveillance.*

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)Proximity to Service Connections

The following comments are extracted from the Porter Engineering report in reference to sewer connection implications for the various sites.

“Internal plumbing is required to service all sites. The Water Corporation do not allow a service connection off their main sewers. Sites 2, 3 and 4 are in close proximity to the 150 diameter gravity sewer and can be serviced by internal plumbing.

Site 1 will require a sewer mains extension to allow a sewer service. A consulting engineer will be required to document these works.”

“Dewatering and acid sulphate soil treatment has the potential to impose considerable costs to this project. Proximity to the existing 150 diameter gravity sewer and depth of servicing affect the risk associated with this. Shallower works that are close to the existing sewer provide the lowest risk.

The indicative development costs suggest Site 1 will be the dearest to construct. It is also the furthest away from the carpark and playground facilities and presents the greatest risk for dewatering and acid sulphate treatment.”

The indicative development cost for Site 1 is \$55,007.

Ease of Access for Users

The site is located approximately 210 metres from the centre of the car park opposite Cunningham Street and approximately 120 metres from the playground/barbeques.

The activities that generate the most public usage are focused around the car park, playground and barbeques. For this reason, the distance from these activities to Site 1 may present difficulties for the elderly, people with disabilities and young children.

Impact on Nearby Properties

The proposed location for Site 1 would be in the vicinity of the Water Corporation building, located north-west of an existing tree that would provide a degree of screening to properties directly in the line of view. However, to achieve this would require locating the toilet closer to the river which may present significant engineering problems.

Residents overlooking this location have voiced their opposition to this location. It should be noted that Swan River Trust has also expressed concerns in reference to this location.

**T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS
FORESHORE (AMREC) (ATTACHMENT)****SITE 2**CPTED Principles

The site has good natural surveillance from both the road and from the foreshore footpath. There is high level of pedestrian activity and would generally satisfy the CPTED principles detailed previously in this report.

Proximity to Service Connections

The following comments are extracted from the Porter Engineering report in reference to sewer connection implications for the various sites.

“Internal plumbing is required to service all sites. The Corporation do not allow a service connection off their main sewers. Sites 2, 3 and 4 are in close proximity to the 150 diameter gravity sewer and can be serviced by internal plumbing.”

“The indicative development costs for sites 2 and 4 are comparative. Sites 2 and 4 are the closest to the existing 150 diameter gravity sewer. Site 2 will involve shallower excavation however Site 4 requires a shorter length of trenching.”

The indicative development cost for Site 2 is \$33,787.

Ease of Access for Users

Site 2 is located approximately 35 metres from barbeque/playground area and approximately 124 metres from the centre of the car park.

It is considered that this location will provide a suitable access for users including the elderly, people with disabilities and young children.

Impact on Nearby Properties

Of all the sites being considered, this site provides the least opportunity in terms of existing features to provide a degree of screening. However, this can be achieved through the introducing some design elements to soften the appearance of the toilet and by landscaping to the rear of the toilet that provides some screening, whilst not compromising CPTED principles.

It should be noted that this location was the subject of public consultation in July/August 2010. The result of that survey indicated strong support for a toilet at this location. Subsequently, residents overlooking this location have voiced their opposition to this location.

Included in the responses to the mailed survey are the 20 emails received in response to the signage erected on site which invited users of the foreshore to make comment on the proposal. The total number of responses from both sources was 128.

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)

The comments provided with the responses can be broadly defined into the following categories:

- Fully supporting the proposal - 90 responses.
- Supporting the proposal but would prefer to see the toilet located behind the existing Water Corporation structure, approximately 120m south-west of the proposed location - 19 responses.
- Supporting the proposal but would prefer to see the toilet located closer to the car park opposite Cunningham Street - 10 responses.
- Do not support any aspect of the proposal - 7 responses.

The results of the survey indicate that of the 128 responses received, 90 were in full support of the location at Site 2, giving a percentage support of 70%.

Comments from some respondents were that the location provides a high degree of shade for picnickers and it is in an open space suitable for passive ball games.

SITE 3**CPTED Principles**

The site has good natural surveillance from both the road and from the foreshore footpath. There is high level of pedestrian activity and would generally satisfy the CPTED criteria as detailed previously in this report.

Proximity to Service Connections

The following comments are extracted from the Porter Engineering report in reference to sewer connection implications for the various sites.

“Internal plumbing is required to service all sites. The Corporation do not allow a service connection off their main sewers. Sites 2, 3 and 4 are in close proximity to the 150 diameter gravity sewer and can be serviced by internal plumbing.”

“The indicative development costs for sites 2 and 4 are comparative. Sites 2 and 4 are the closest to the existing 150 diameter gravity sewer. Site 2 will involve shallower excavation however Site 4 requires a shorter length of trenching.”

“Site 3 is located in between the carpark and playground facilities, however presents a moderate risk for dewatering and acid sulphate treatment due to its distance to the Ø150VC gravity sewer.”

The indicative development cost for Site 2 is \$36,887.

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)Ease of Access for Users

Of the four sites under consideration, Site 3 is located closest to the barbeque/playground area and is approximately 75 metres from the centre of the car park.

It is considered that this location will provide a suitable access for users including the elderly, people with disabilities and young children.

Impact on Nearby Properties

It is proposed that the toilet will be located to take advantage of a stand of existing trees that will reduce the visual impact from properties on Dunkley Avenue. However, residents directly overlooking this location have voiced their opposition to this site.

The site is located in an area that is currently utilised by picnickers.

SITE 4CPTED Principles

The site has good natural surveillance from both the road and from the foreshore footpath. There is high level of pedestrian activity and would generally satisfy the CPTED criteria as detailed previously in this report.

Proximity to Service Connections

The following comments are extracted from the Porter Engineering report in reference to sewer connection implications for the various sites.

“Internal plumbing is required to service all sites. The Corporation do not allow a service connection off their main sewers. Sites 2, 3 and 4 are in close proximity to the Ø150VC gravity sewer and can be serviced by internal plumbing.”

“The indicative development costs for Sites 2 and 4 are comparative. Sites 2 and 4 are the closest to the existing Ø150VC gravity sewer. Site 2 will involve shallower excavation however, Site 4 requires a shorter length of trenching.”

The indicative development cost for Site 4 is \$27,187. It should be noted that this location is the least expensive for development costs largely due to it's proximity to the sewer connection.

Impact on Nearby Properties

Site 4 is located opposite Cunningham Street and is not directly in front of any specific property, however it will be visible from nearby properties.

This site has not been subject to public comment and based on feedback received to date, it is clear that residents overlooking any of the sites proposed would be objecting to this location.

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)Ease of Access for Users

Site 4 is located convenient to the area of most activity such as the playground, barbeques and the car park. A disadvantage is the need for users from the playground and barbeque area, will need to cross the footpath to gain access.

The toilet could be located within the car park as indicated on the aerial photo, which forms an attachment to this report. This will reduce the impact on sight distances for both pedestrians and cyclists. Other measures including appropriate path signage will further reduce the risk to pedestrians and cyclists.

An aerial of the detailed location of Site 4 forms an attachment to this report.

[3229 Aerial of Site 4 Detail](#)**PUBLIC CONSULTATION/COMMUNICATION**

Consultation was previously been undertaken in July/August 2010 with the proposed location being Site 2 which is being considered in this report.

As stated previously in the report, the survey revealed strong support for the toilet as presented in that survey.

Should the recommendation from this report be that Site 4 is the chosen location, then it is proposed that residents in the original survey be informed of the proposal to install a public toilet at Site 4 and in addition, a sign will be erected advising details of the proposal.

In consultation with the City of Melville's Manager Neighbourhood Development, it is considered that as the previous consultative process identified considerable support for the installation of a toilet on the Applecross Foreshore and that further engagement will be informative in line with the City's policy.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Should the proposal to install a public toilet on the Applecross Foreshore proceed, then the approval of the Swan River Trust and the Department for Indigenous Affairs may be required.

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

There is no apparent legal obligation for a Local Authority to provide a public toilet in a situation similar to the one that is proposed.

FINANCIAL IMPLICATIONS

It is estimated that the total cost of installing a self cleaning toilet with associated service connections, additional pathway and approvals, is estimated between \$187,187 - \$215,007, depending on the site selected for the toilet.

It is anticipated that in addition to Swan River Trust approval, a Section 18 approval of the Aboriginal Heritage Act 1972 may also be required by the Department of Indigenous Affairs, due to the location on the foreshore.

It should be noted that the costing allows for all situations associated with a proposal, as a result the final cost may be less than that shown below.

Currently \$120,000 has been allocated to the installation of the toilet on the Applecross Foreshore. Additional funding would need to be sought during 2011/2012 financial year if the project is to proceed.

The breakdowns of the estimated costs are as follows:

Supply and installation of an automated public toilet	\$120,000
Indicative Development costs	\$27,187- \$55,007
Architectural Modifications to toilet	\$15,000
Section 18 Aboriginal Heritage Act 1972 (if required)	\$25,000
Total	<u>\$187,187- \$215,007</u>

“Whole of life cost” for a nominal twenty year useful life for a typical self cleaning toilet:

Depreciation on capital outlay on supply and installation of automated public toilet \$120,000/20 = \$6,000 PA	\$120,000
Two Re-furbishments at \$10,000.	\$20,000
Annual maintenance and cleaning contract at \$6,000 for twenty years.	\$120,000
Supply of power and water	\$20,000
Total	<u>\$260,000</u>

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)

STRATEGIC, RISK & ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Vandalism	Moderate	A maintenance program is available at \$6,000 per annum. The maintenance program includes provision for vandalism such as graffiti. The toilet would be situated in accordance with CPTED principles.
The possibility of an occupant collapsing or becoming unwell whilst in the toilet.	Moderate	Safeguards are built into the toilet such that if after a given time interval and no movement is detected then the doors will automatically open. In addition to this, a duress alarm can also be fitted.
Anti-Social Activities	Moderate	The proposed location has a high level of natural surveillance which will discourage anti-social attention. In addition to this the operating times of the toilet can be controlled.
No toilet at a foreshore location causing distress and inconvenience to users of the foreshore	Moderate	Installation of a self cleaning toilet on the Applecross Foreshore as requested by a high number of requests from the public.

POLICY IMPLICATIONS

There is no formal policy for the provision of public toilets on recreational reserves.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Option 1: The Council could resolve not to install a self cleaning toilet on the Applecross Foreshore. However, it is clear from the recent and previous requests from the community and the increasing usage of the foreshore, that a public toilet is required.

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)

Option 2 - Site 1: This site was the recommendation from the September 2010 report. The Swan River Trust has expressed a preference for a site closer to the playground/carpark. The report from Porter Engineering states that this site has the greatest risk for dewatering and acid sulphate treatment, that if required will add considerably to the cost.

This site is the most expensive of the four options being considered

Option 3 – Site 2: This site was the subject of the original community survey. Comments received from respondents to the survey included comments that this location provided a lot of shade for picnickers and was a valuable area of public open space for ball games etc.

This site is the most exposed of any of the sites, with no potential to use existing vegetation to provide screening from nearby properties.

Option 4 – Site 3: This site was previously considered however due to the existing sewer locations this site, would require a greater length of sewer connection than either Site 2 or Site 4. It is also located in an area currently used by picnickers.

Option 4 – Site 4: This site is located within the car park opposite Cunningham Street. It is conveniently located to a sewer line and it is estimated to be the least expensive to install. Concerns over the hazard presented by the interaction between cyclists and pedestrians crossing the path to access the toilet, will need to be addressed through signage and or additional infrastructure.

This site is not located directly opposite any residences but is over looked by nearby residences.

CONCLUSION

The installation of a self cleaning toilet on the Applecross Foreshore Reserve, in the vicinity of the intersection of Cunningham Street and Melville Beach Road, will provide a much needed facility to the many recreational users of the foreshore at this particular location.

There has been overwhelming support for a toilet on the Applecross Foreshore location.

When deliberating the four sites, Sites 1, 3 and 2 present as being less suitable when assessed against Site 4, for the reasons as detailed in the report.

It is clear from the feedback received to date, that residents in the immediate vicinity or overlooking the proposed location will be opposed to any decision by Council, to locate a toilet opposite their residences.

This likely opposition needs to be balanced against the demonstrated need and overall community support for a public toilet to be installed on the Applecross Foreshore.

Officers believe that given the comments from the Swan River Trust, the application of CPTED principles and the feasibility of sewer connections, that Site 4 is the preferred location for the toilet.

**T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS
FORESHORE (AMREC) (ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3229)****ABSOLUTE MAJORITY**

At 7.15pm Cr Ceniviva moved, seconded Cr Barton -

1. **That the Council Resolution of 21 September 2010, relating to Item T10/3165 - Proposed Installation of Self Cleaning Facilities, Applecross Foreshore;**

“That a self cleaning toilet be installed at the Chief Executive Officer’s discretion in the immediate vicinity of the Water Corporation pumping station on the Applecross Foreshore subject to all necessary approvals being obtained”

be rescinded

At 7.16pm Cr Kinnell returned to the meeting.

At 7.17pm Mr B Taylor left the meeting and returned at 7.19pm.

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

CARRIED BY ABSOLUTE MAJORITY (10/2)

At 7.29pm Cr Ceniviva moved, seconded Cr Barton -

OFFICER RECOMMENDATION**ABSOLUTE MAJORITY**

2. **That the proposed Self Cleaning Toilet be located at Site 4 within the Cunningham Street car park as indicated on the 3229 Aerial of Site 4 Detail, subject to all necessary approvals.**
3. **That the community be advised of the proposal to install a self cleaning toilet on the Applecross Foreshore in accordance with Swan River Trust requirements and City of Melville Strategic Relationship Guidelines.**
4. **That recipients of the original community survey be advised in writing of the Council decision to locate the toilet within the Cunningham Street car park.**
5. **That the additional funding required be considered as part of the mid year budget process or the 2012/2013 budget process.**

T11/3229 - PROPOSED INSTALLATION OF SELF CLEANING TOILET, APPLECROSS FORESHORE (AMREC) (ATTACHMENT)Amendment

At 7.35pm Cr Pazolli moved, seconded Cr Nicholson that Part 2 and 4 of the Officer Recommendation be amended to read -

2. **That the proposed Self Cleaning Toilet be located at Site 3 between the car park and the playground as indicated on the Aerial of Alternative Sites [3229 Aerial of Alternative Sites](#), subject to all necessary approvals.**
4. **That recipients of the original community survey be advised in writing of the Council decision to locate the toilet at Site 3 between the carpark and the playground**

At 7.40pm the Mayor submitted the amendment, which was declared

CARRIED (8/4)

At 7.40pm the Mayor submitted the substantive motion as amended –

2. **That the proposed Self Cleaning Toilet be located at Site 3 between the car park and the playground as indicated on the Aerial of Alternative Sites [3229 Aerial of Alternative Sites](#), subject to all necessary approvals.**
3. **That the community be advised of the proposal to install a self cleaning toilet on the Applecross Foreshore in accordance with Swan River Trust requirements and City of Melville Strategic Relationship Guidelines.**
4. **That recipients of the original community survey be advised in writing of the Council decision to locate the toilet at Site 3 between the carpark and the playground.**
5. **That the additional funding required be considered as part of the mid year budget process or the 2012/2013 budget process.**

At 7.41pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (12/0)

At 7.42pm Cr Reynolds left the meeting.

At 7.42pm the meeting reverted to the normal order of the Agenda.

At 7.43pm Mr J Cameron and R Bailey left the meeting.

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.

P11/3233 ADDITIONS AND ALTERATIONS TO THE EXISTING DWELLING AT 8 SIXTH AVENUE, APPLECROSS (REC) (ATTACHMENT)

Ward	:	Applecross/Mt Pleasant
Category	:	Operational
Application Number	:	DA-2011-391
Property	:	8 Sixth Avenue, Applecross
Proposal	:	Additions and alterations
Applicant	:	Rhoda Kirk
Owner	:	Rhoda Kirk
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 Planning and Development Services

AUTHORITY / DISCRETION

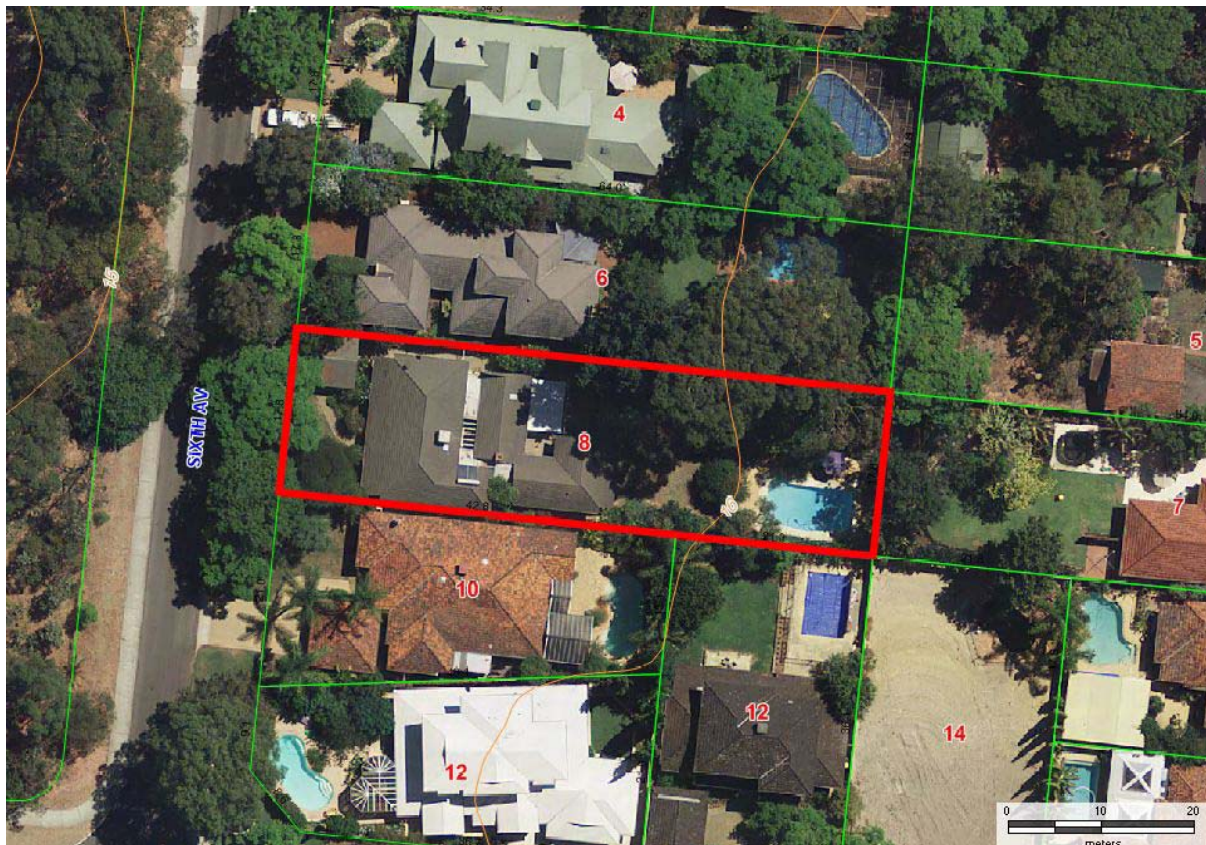
DEFINITION

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

P11/3233 - ADDITIONS AND ALTERATIONS TO THE EXISTING DWELLING AT 8 SIXTH AVENUE, APPECROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for the construction of additions and alterations to the existing dwelling at 8 Sixth Avenue, Applecross.
- The proposal satisfies the acceptable development provisions of the Residential Design Codes (R-Codes) with the exception of a boundary wall variation.
- The variation was advertised to one affected adjoining landowner, further to which one objection was received.
- The proposed development has been assessed against the Performance Criteria of the R-Codes relating to boundary walls and is considered to satisfy those criteria.
- The proposal is recommended for conditional approval.



P11/3233 - ADDITIONS AND ALTERATIONS TO THE EXISTING DWELLING AT 8 SIXTH AVENUE, APPECROSS (REC) (CONFIDENTIAL ATTACHMENT)**BACKGROUND**

The application was considered by the Development Advisory Unit (DAU) on 14 June 2011 and recommended for approval. The matter was called up to Council at the request of Councillor Pazolli, and on the following grounds:

"The objector at (name and address removed for privacy), has contacted me claiming that the following reason given in the DAU report as demonstrating compliance with the Performance Criteria 6.3.2 is factually incorrect and therefore the Performance Criteria should be assessed as not being satisfied:

"The adjoining property has existing dense vegetation adjacent to the proposed location of the boundary wall which will mitigate any potential impacts with regard to building bulk and amenity."

Scheme Provisions

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

Site Details

Lot Area	:	1,142m ²
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	See aerial photo above

[3233 Site and Elevation Plans 8 Sixth Avenue Applecross](#)

DETAIL

The proposal satisfies all of the applicable provisions contained within Community Planning Scheme No. 5 (CPS5), the R-Codes and Council policy with the exception of those matters listed below.

P11/3233 ADDITIONS AND ALTERATIONS TO THE EXISTING DWELLING AT 8 SIXTH AVENUE, APPECROSS (REC) (CONFIDENTIAL ATTACHMENT)

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Wall on Boundary	There are no acceptable development standards in respect of boundary walls within areas coded R15.	7.2m length, 3.3-3.5m height.	Does not comply	MPDS	

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: R-Code variation
 Support/Object: Object

Submission From	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Sixth Avenue, Applecross	The wall is unacceptable as it does not meet the acceptable standards as stipulated by the R-Codes	Objection	It is acknowledged that the proposal does not satisfy the relevant Acceptable Development criteria of the R-Codes. It does however, as outlined in the Comment section below, satisfy the relevant Performance Criteria of the R-Codes.	Not Uphold

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

There are no referral requirements to external agencies.

P11/3233 ADDITIONS AND ALTERATIONS TO THE EXISTING DWELLING AT 8 SIXTH AVENUE, APPECROSS (REC) (CONFIDENTIAL ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

Should Council refuse the application, the applicant will have the right to appeal the decision in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

None applicable

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

None applicable

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The DAU recommendation is for Council to approve the development proposal, including its variations. Should the application be refused, the matter may be the subject of an Application for Review at the State Administrative Tribunal (SAT).

COMMENT

Planning approval is sought to undertake additions and alterations to the existing dwelling at 8 Sixth Avenue, Applecross. These works include the removal of the existing carport, construction of a double garage, conversion of an internal courtyard into a study and other minor internal alterations.

The proposal satisfies all of the relevant provisions contained within CPS5, the R-Codes and Council policy with the exception of the Acceptable Development criteria relating to boundary walls. The R-Codes do not provide any Acceptable Development criteria for the construction of boundary walls on R15 properties. Therefore boundary walls in such areas always require assessment against the Performance Criteria.

The proposed boundary garage wall, notwithstanding the objection received is considered to satisfy Performance Criteria 6.3.2 for the following reasons:

- The proposed boundary wall makes effective use of the available space to the front of the existing dwelling.
- The proposed garage is to be setback further from the street boundary than the existing carport therefore having a positive impact upon the streetscape.
- The adjoining property has existing dense vegetation adjacent to the proposed location of the boundary wall which will mitigate any potential impacts with regard to building bulk and amenity.

P11/3233 ADDITIONS AND ALTERATIONS TO THE EXISTING DWELLING AT 8 SIXTH AVENUE, APPECROSS (REC) (CONFIDENTIAL ATTACHMENT)

- Due to the existing dense vegetation in this location and the location of the boundary wall up to the adjacent property's southern boundary, no significant impact upon solar access into the adjoining property will result.

In respect of the concerns expressed by the objector, concerns that are relied upon by Cr Pazolli in informing his call up request in respect of this planning application, it is noted that there does exist extensive and varied vegetation within the area immediately adjacent to the proposed garage boundary wall. This belt of planting has obvious screening benefits, and despite what the objector states, it will provide mitigation for any impact that the boundary wall may have.

Notwithstanding the existence of vegetation, it is clear that the impact that the proposed boundary wall will have upon the amenity levels currently enjoyed by the occupiers of the adjoining property will be little different from the relationship that currently exists between the two properties. This is because there is an existing car port in the broad location of the proposed double garage, and this car port incorporates a 1.9m high limestone boundary wall along the boundary line between the two properties.

Clause 7.8 Amenity Considerations

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5. The proposal is considered acceptable in this context, notwithstanding the variation sought.

CONCLUSION

It is considered that the application satisfies the requirements of CPS5 and the R-Codes. Accordingly, it is recommended that the application be conditionally approved.

P11/3233 ADDITIONS AND ALTERATIONS TO THE EXISTING DWELLING AT 8 SIXTH AVENUE, APPECROSS (REC) (CONFIDENTIAL ATTACHMENT)**OFFICER RECOMMENDATION (3233)****APPROVAL**

At 7.43pm Cr Pazolli moved, seconded Cr Reidy -

That the application for the construction of additions and alterations to the existing dwelling at 8 Sixth Avenue, Applecross be approved subject to the following conditions:

1. The external face of the parapet wall to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute, is to be finished to the satisfaction of the Manager Planning and Development Services.
2. All stormwater generated on site is to be retained on site.

At 7.44pm Cr Cenviva left the meeting.

At 7.44pm Cr Reynolds returned to the meeting.

At 7.46pm Cr Cenviva returned to the meeting.

Amendment

At 7.46pm Cr Pazolli moved, seconded Cr Reidy -

That the Officer recommendation be amended by the inclusion of:

A That the amended plans submitted and dated on 11 August 2011 being 3233 Elevation Plan No. 4 and 3223 Elevation Plan No. 5 be tabled."

That the text

That the application for the construction of additions and alterations to the existing dwelling at 8 Sixth Avenue, Applecross be approved subject to the following conditions:

Be deleted and replaced with:

B That the amended plans submitted 11 August 2011 for the construction of additions and alterations to the existing dwelling at 8 Sixth Avenue, Applecross be approved subject to the following conditions:

That Condition 3 be added to the recommendation as follows:

3 Prior to commencement of the development amended plans are to be submitted to the satisfaction of the Manager Planning Services which allow for the retention of the existing boundary wall.

At 7.49pm the Mayor submitted the amendment, which was declared

CARRIED (12/0)

P11/3233 ADDITIONS AND ALTERATIONS TO THE EXISTING DWELLING AT 8 SIXTH AVENUE, APPECROSS (REC) (CONFIDENTIAL ATTACHMENT)Reasons for Amendment

An Elected Member site visit was held Wednesday 10 August regarding the application.

Following the discussion at the site visit the Applicant submitted amended plans on 11 August reducing the height of the proposed boundary wall by 0.3m to 3-3.2m.

It is proposed that the amended plans be tabled and considered by Council.

It was also noted at the site visit that there is a difference in ground level between the subject site and the adjoining property to the north by approximately 0.4m. Consequently, the height of the proposed (amended) boundary wall as viewed from the adjoining property to the north will be 2.6-2.8m.

On Monday 15 August, the Applicant advised the City that he had met with the adjoining property owners and an amicable agreement had been met. This agreement involved a reduction in the boundary wall height by approximately 300mm in line with the amended plans which were submitted to the City on 11 August. It was also agreed that the existing boundary wall would be retained and the garage built hard up against the wall.

The City did not receive the amended plans detailing the retention of the existing boundary wall in adequate time to allow for this Notice of Motion to be prepared, therefore Condition 3 is proposed to be added to the Officer Recommendation to require that the amended plan be prepared and submitted prior to commencement of works on site to the satisfaction of the City.

The assessment outlined within the Officer report relating to Performance Criteria 6.3.2: Buildings on Boundaries is still considered applicable with regard to the amended plans, however it is acknowledged that the proposed reduced height of the boundary wall will further ameliorate impacts relating to access to light and ventilation to the adjoining property and the impacts of bulk.

COUNCIL RESOLUTION (3233)**APPROVAL**

At 7.49pm the Mayor submitted the substantive motion as amended -

- A** *That the amended plans submitted and dated on 11 August 2011 being 3233 Elevation Plan No. 4 and 3233 Elevation Plan No. 5 be tabled.*
- B** *That the amended plans submitted 11 August 2011 for the construction of additions and alterations to the existing dwelling at 8 Sixth Avenue, Applecross be approved subject to the following conditions:*
- 1.** *The external face of the parapet wall to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute, is to be finished to the satisfaction of the Manager Planning and Development Services.*
 - 2.** *All stormwater generated on site is to be retained on site.*
 - 3.** *Prior to commencement of the development amended plans are to be submitted to the satisfaction of the Manager Planning Services which allow for the retention of the existing boundary wall.*

At 7.49pm the Mayor declared motion

CARRIED (12/0)

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

**P11/3228 - REVIEW OF POLICY CP-044 DEVELOPMENT ADVISORY UNIT (REC)
(ATTACHMENT)**

Ward : All
 Category : Policy
 Application Number : Not Applicable
 Subject Index : Policy and Policy Development.
 Customer Index : City of Melville
 Property : Not Applicable
 Proposal : Amendment to Policy CP-044 "Development Advisory Unit"
 Applicant : Not Applicable
 Owner : Not Applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P10/3178 Stage 2 Review of Urban Planning Policies. 9 November 2010.
 Responsible Officer : Shayne Silcox
 Chief Executive Officer

AUTHORITY / DISCRETION

DEFINITION

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

**P11/3228 - REVIEW OF POLICY CP-044 DEVELOPMENT ADVISORY UNIT (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Council Policy CP-044 Development Advisory Unit sets out the parameters within which the City's Development Advisory Unit operates.
- The Policy contains reference to the mechanisms via which applications under the consideration of the DAU may be called up to Council for decision.
- There is concern that the interests of Elected Members may be inadvertently prejudiced by their own actions in seeking the call up of matters to Council where there is no justifiable planning reason to do so.
- In addition, and in that context, there is a concern that the actions of individual Elected Members in seeking the call up of matters to Council, may prejudice the interests of applicants, owners or other stakeholders engaged with the planning process, particularly where no justifiable planning reason exists to support such call up requests.
- To address these concerns it is proposed to amend the provisions of the DAU Policy in respect of Elected Member call up requests to require the support of at least four Elected Members before the call up request can be sanctioned.
- In addition the opportunity is taken to ensure that the DAU Policy accurately reflects current practice, and to remove the need for certain application categories to be reported through the DAU Process.

BACKGROUND

Council at its Special Meeting on 9 November 2010 resolved to adopt the current Development Advisory Unit (DAU) policy. The DAU policy contains provisions in respect of the 'call up' processes to be followed by Elected Members. For the avoidance of doubt and in an attempt to make the DAU Policy more transparent and robust, it is proposed to modify the Elected Member 'call up' provisions. In addition, the opportunity is also taken to bring the DAU policy provisions up-to-date with current practice, and to remove the need to refer certain categories of applications through the DAU reporting process.

DETAIL

This report refers to a number of amendments to Council Policy CP-044 "Development Advisory Unit".

[3228 Revised Policy CP-044 Development Advisory Unit](#)**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required:	No
Neighbour's Comment Supplied:	NA
Reason:	Not required in the context of operational policies such as this.
Support/Object:	NA

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

**P11/3228 - REVIEW OF POLICY CP-044 DEVELOPMENT ADVISORY UNIT (REC)
(ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

Not applicable.

FINANCIAL IMPLICATIONS

There are no financial implications which result from this report

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The existence of Operational Council Policies, such as the Development Advisory Unit Policy, provides clarity in respect of Council's decision making processes.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

None applicable

COMMENTS

Council Policy CP-044 "Development Application Unit" (DAU Policy) was adopted in its current form at a Special Meeting of Council held on 9 November 2010.

The DAU Policy sets out how the DAU Process, adopted for use by Council as part of its decision making framework associated with the determination of planning and associated applications.

The DAU Policy sets out in clear terms how the DAU process will operate, including reference to the timetable of meetings, meeting membership, the types of applications that should be referred to the DAU, the procedures that should be followed, and so on.

**P11/3228 - REVIEW OF POLICY CP-044 DEVELOPMENT ADVISORY UNIT (REC)
(ATTACHMENT)**

In respect of the latter, the DAU Policy outlines the basis via which decisions may be called up to a meeting of Council for consideration and determination. Under the provisions of Part 5 of the DAU Policy, the options for Elected Member call up, and those in respect of third party call up requests, are outlined. The Policy states as follows:

“5. REFERRAL OF MATTERS TO COUNCIL

(1) Matters may be referred to Council by the Presiding Member based on the following circumstances.

a. Where the Chief Executive Officer has received a request from an applicant or adjoining property owner objecting to the application and that party raises a ‘relevant planning matter (or matters)’ as determined by Clauses 3(3) and 3(4) above, the Chief Executive Officer may, following consideration of Subclauses 5(2)b and 5(2)c as follows and advice from the Director Urban Planning, request that the matter be referred to Council for determination

b. Where an Elected Member advises the Chief Executive Officer that the matter be referred to Council for determination provided that the Elected Member raises a relevant ‘planning matter (or matters)’ as determined by Clauses 3(3) and 3(4) above”

Clauses 3(3) and 3(4) of the DAU Policy outline what would constitute a “relevant planning matter (or matters)” as follows:

“(3) For the purposes of this Policy, the following matters are a ‘relevant planning matter (or matters)’:

- a. Matters to be considered by Council under Clause 7.8 of Community Planning Scheme No. 5;
- b. Any development standard or requirement in Community Planning Scheme No. 5;
- c. Any design element in the Residential Design Codes – whether the proposed development is compliant or not; or
- d. Any clarification in a Planning Policy adopted under the requirements of Community Planning Scheme No. 5

**P11/3228 - REVIEW OF POLICY CP-044 DEVELOPMENT ADVISORY UNIT (REC)
(ATTACHMENT)**

(4) For the purposes of this Policy the following matters are not a 'relevant planning matter (or matters)':

- a. Impacts on property price;
- b. Matters that are usually dealt with under a building licence;
- c. Matters of personal hardship or compassionate issues unrelated to amenity impact and orderly and proper planning; or
- d. Incorrect assumptions on technical planning matters"

Whilst the existing DAU Policy provides a reasonable degree of surety in respect of the determination of planning applications placed before the DAU itself, there is concern that Elected Members should not exercise their discretion to call a matter up to Council unless they are wholly satisfied that there is a relevant planning matter (or matters) at stake that have failed to be satisfactorily addressed by the DAU in the report published by the DAU to the City's website.

There is a risk that matters that are called up to Council by Elected Members may not, strictly speaking, meet the "relevant planning matter" requirements of the DAU Policy, as expressed by Clause 3(3) of the Policy. This risk is particularly felt where the matters cited by the Elected Member in their call up request has already been addressed by the DAU report published. In the case of the latter, there is no value to be added to the decision making process merely by having the decision made by Council itself.

Where the latter is the case, there is a concern that the actions of Elected Members to have matters referred to Council for consideration could cause applications for planning approval to be unnecessarily delayed. In this context Elected Members are reminded of their obligations in respect of the interests of applicants and property owners, as well as those of third party objectors. All such stakeholders are customers of the City, many of them long standing residents, and unless the discretion to call up matters to Council is exercised with due regard for the provisions of Councils DAU Policy, the outcome for certain stakeholders could be seen to be prejudiced by Elected Members actions.

The current DAU process operated at the City acts as a half way house between the delegated decision making of the Chief Executive Officer (CEO), and the decision making that takes place by Elected Members at Council. It provides the ability for the City to deliver timely decision making that is well considered, governed by robust processes, transparent, fair, and above all capable of scrutiny.

Unless there are sound and justified planning reasons for doing so, the referral of matters to Council from the DAU can be seen to undermine the DAU process, and undermine the interests of applicants and property owners who are engaged with it. Unless there are material planning considerations that dictate otherwise, and provided the DAU process operates in accordance with the DAU Policy, then there is no reason to assume that the process will deliver anything less than sound planning decisions.

**P11/3228 - REVIEW OF POLICY CP-044 DEVELOPMENT ADVISORY UNIT (REC)
(ATTACHMENT)**

In view of these concerns, it is proposed to amend the provisions of Clause 5(1)b of the DAU Policy to require that in giving notice to the CEO that a matter is to be called up to Council for its consideration and decision, an Elected Member must demonstrate that there is additional support for the call up request from at least three other Elected Members of the Council.

It is recommended that a Notice of Call Up Request form should be signed by all Elected Members in favour of the call up motion, and provided to the CEO in writing, by midday of the second Monday following the publication of the DAU report on the City's website, or in the event that the DAU Report is published to the City's website on the Monday following the DAU meeting, the deadline will be the following Monday at midday.

In common with the existing requirement, any call up request must be substantiated in accordance with the provisions of Clause 3(3) of the DAU Policy.

Other changes that are proposed to the DAU Policy are as follows:

1. To remove the need to refer all non residential planning application proposals through the DAU process. At present, under the provisions of Clause 2(1)b of the DAU Policy, all such applications are referred through the DAU reporting process, even though their impact may be negligible or very limited. Any such impacts can be readily managed via the imposition of suitable planning conditions, and the requirements for such can be readily imposed by officers acting under delegation from the CEO. Furthermore, where proposals are fully compliant with the development provisions of CPS5 and Council Policies, there is no additional value gained in having decisions taken on such applications by the DAU. The introduction of this change will assist in the delivery of timely decisions, and is in the interests of improved customer service.
2. It is also proposed that the requirement under Clause 2(1)f for all applications that require a Special Majority or Absolute Majority decision of the Council to be referred through the DAU before being reported through the Council reporting process, be removed. As it stands this requirement results in double reporting, which is considered overly time consuming, and does not deliver any additional benefit to the decision making process. Such applications will still be reported to Elected Members through the Council reporting process, and as such the transparency and accountability for the decisions taken in respect of such proposals remains intact.
3. Under the provisions of Clause 1(2) of the DAU Policy, the DAU meets every two weeks, or as determined by the presiding member. In practice the DAU convenes on a weekly basis each Tuesday, and the Policy will be revised to reflect this practice.
4. It is proposed to amend Clause 3(5) of the Policy to state that Elected Members will be provided with an electronic version of the DAU Minutes, by email, by close of business on Monday following the Tuesday DAU meeting. Hard copies of attachments to the DAU report will continue to be provided to those Elected Members that expressed a desire to receive them as such.

**P11/3228 - REVIEW OF POLICY CP-044 DEVELOPMENT ADVISORY UNIT (REC)
(ATTACHMENT)**

5. It is proposed to amend Clause 3(6) of the Policy to state that reports will be published to the City's website by close of business Monday after the Tuesday DAU meeting. In recent months the practice of the Statutory Planning Team has been to publish the DAU Minutes to the City's website on Friday following the meeting of the DAU on Tuesday. This allows Elected Members to consider the details of the Minutes items over at least two weekends, and to consider the needs of their constituents accordingly.
6. Under the provisions of Clause 4(1) of the DAU Policy, a decision may be taken on any agenda item by the following Friday after the publication of the report to the City's website. It has been the practice of the Statutory Planning Team to defer any decision until midday on the Monday week after the publication of the Minutes to the City's website. This allows at least one weekend for Elected Members to consider call up requests and so on. Similarly third party call up requests are accepted until the Monday midday deadline. As such the provisions of Clause 4(1) will be amended to reflect current practice.

A copy of the Draft Amended DAU Policy is attached.

[3228 Revised Policy CP044 Development Advisory Unit](#)

CONCLUSION

The changes identified to Council Policy CP-044 Development Advisory Unit are recommended for Council approval.

It is considered that the amendments to the Policy identified will ensure the continued delivery of a robust and transparent decision making framework for the City in respect of its DAU process.

This requirement will make the DAU call up processes more robust, and will assist Elected Members in ensuring that only those matters that warrant the discussion of the full Council forum are referred as such.

OFFICER RECOMMENDATION (3228)**APPROVAL**

That the Council resolve to adopt the revised and updated Council Policy CP-044 Development Advisory Unit, as attached

[3228 Revised Policy CP-044 Development Advisory Unit](#)

**P11/3228 - REVIEW OF POLICY CP-044 DEVELOPMENT ADVISORY UNIT (REC)
(ATTACHMENT)**Reject & Replace

At 7.50pm Cr Pazolli moved, seconded Cr Barton -

That the revised and updated Council Policy CP-044 Development Advisory Unit, as attached, be referred to a future Elected Member Information Session for further discussion by the Elected Members.

Cr Ceniviva foreshadowed a motion that should the motion to reject and replace be lost the following motion would be presented -

That the Officer Recommendation be supported and that clause 5.(1) b dot point 2 of CP-44 Development Advisory Unit policy, be deleted and be replaced with:

***The call up request be supported by the two Ward councillors for the Ward that the matter relates to, or
The Mayor, or in his or her absence, the deputy Mayor and at least one Ward Councillor that the matter relates to.***

At 7.53pm Cr Halton left the meeting and returned at 7.57pm

At 8.28pm the Mayor submitted the reject and replace motion, which was declared

LOST (5/7)

Reasons for Reject & Replace

That the proposed Development Advisory Unit (DAU) policy amendment requiring the signature of four Elected Members to call-up a DAU recommendation before the full Council seriously compromises the authority of the Elected Council to decide Development Applications. It is the authority of the Elected Council that is delegated to the DAU in the first place and the DAU does not have that authority unless an Elected Member fails to call up the DAU report to be considered by the full Council.

Of the approximately two thousand Planning Applications each year only about 100 Development Applications (DA) come before the DAU and of these less than 10 DA's are called up by Elected Members. This is not a significant workload on Council or Council Officers, but it provides objectors to a DA with their one and only opportunity to present their objection in the public forum of their elected Council and see the Council debate and decide the DA. This is an important added value of the current DAU call-up process and should not be restricted in any manner.

**P11/3228 - REVIEW OF POLICY CP-044 DEVELOPMENT ADVISORY UNIT (REC)
(ATTACHMENT)****OFFICER RECOMMENDATION (3228)****APPROVAL**

At 8.29pm Cr Robartson moved, seconded Cr Nicholson -

**That the Council resolve to adopt the revised and updated Council Policy CP-044
Development Advisory Unit, as attached
3228 Revised Policy CP-044 Development Advisory Unit**

Amendment

At 8.29pm Cr Ceniviva moved, seconded Cr Reynolds that should the motion to reject and replace be lost the following motion is foreshadowed:

That clause 5.(1) b dot point 2 of CP-44 Development Advisory Unit policy, be deleted and be replaced with:

The call up request be supported by the two Ward councillors for the Ward that the matter relates to, or

The Mayor, or in his or her absence, the deputy Mayor and at least one Ward Councillor that the matter relates to.

At 8.37pm Ms C Young left the meeting and returned at 8.39pm.

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

CARRIED (10/2)

**P11/3228 - REVIEW OF POLICY CP-044 DEVELOPMENT ADVISORY UNIT (REC)
(ATTACHMENT)**Reasons for Amendment

The requirement that four Elected Members support the referral is too onerous and will require substantial discussion amongst Elected Members.

The Ward Councilors should both know the issue.

Due regard should be given to all Elected Members who are required to vote on a matter to be referred to Council as it will involve additional duties in site visits and discussions.

Having the two Ward Councilors make the decision to refer the matter will introduce some checks and balances to the process.

At 8.47pm Dr S Silcox left the meeting and returned at 8.48pm.

COUNCIL RESOLUTION (3228)**APPROVAL**

At 9.02pm the Mayor submitted the substantive motion as amended –

That the Council resolve to adopt the revised and updated Council Policy CP-044 Development Advisory Unit, as attached and subject to the following change to Clause 5.(1) b dot point 2 -
3228 Revised Policy CP-044 Development Advisory Unit

That clause 5.(1) b dot point 2 of CP-44 Development Advisory Unit policy, be deleted and be replaced with:

***The call up request be supported by the two Ward councillors for the Ward that the matter relates to, or
The Mayor, or in his or her absence, the deputy Mayor and at least one Ward Councillor that the matter relates to.***

At 9.02pm the Mayor declared the motion

CARRIED (10/2)

Cr Pazolli requested that the votes be recorded –

**For: Mayor R Aubrey, Cr Barton, Cr Ceniviva, Cr Foxton, Cr Halton, Cr Kinnell,
Cr Reidy, Cr Reynolds, Cr Robartson, Cr Wieland**
Against: Cr Pazolli, Cr Nicholson

At 9.03pm His Worship the Mayor moved, seconded Cr Wieland

That the meeting be adjourned for a comfort break.

At 9.03pm the Mayor submitted the motion which was declared

CARRIED (12/0)

At 9.09pm the meeting recommenced.

At 9.09pm His Worship the Mayor requested that Item T11/3231 be brought forward for discussion.

**T11/3231 – WIRELESS HILL PROJECT BUSINESS CASE APPROVAL (REC)
(ATTACHMENT)**

Ward : Applecross – Mt Pleasant Ward
 Category : Operational / Strategic
 Subject Index : Wireless Hill Reserve
 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 : Not applicable
 Works Programme : Capital Works Program 2011/1014
 Funding : \$1,911,516 (exc GST) staged over three years
 Responsible Officer : Laya Baker, Project and Contract Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

**T11/3231 – WIRELESS HILL PROJECT BUSINESS CASE APPROVAL (REC)
(ATTACHMENT)**

KEY ISSUES / SUMMARY

- From 2007 to 2009 the City undertook a series of extensive internal and external stakeholder engagement processes to develop a strategic vision for Wireless Hill. This process culminated in a vision document produced by the City in 2009, “Wireless Hill Vision 2020 – Key Themes and Objectives for the Future of Wireless Hill”.
- Following the creation of Wireless Hill Vision 2020 the City conducted a variety of planning sessions to develop possible cost scenarios to implement the vision. Some of the suggestions were included into service area business plans, but essentially the Wireless Hill Vision 2020 currently remains unrealised.
- To achieve the 2020 vision for Wireless Hill a project has been developed utilising the City’s project management framework. Project development is now complete and the project business case is attached as [3231 Wireless Hill Project Business Case July 2011](#)
- This report seeks Council’s endorsement to proceed with the set-up and implementation of the proposed staged Wireless Hill Project as set out in the attached business case and supporting documents.
- The endorsement is for a three year staged implementation of the project with funding being allocated for each year of the project as set out in the table below.

Budget Year	2011/12 (Stage 1)	2012/13 (Stage 2)	2013/14 (Stage 3)	Total Project Implementation Cost
Recommended Allocated Funding for Project Implementation	\$753,445	\$806,071	\$352,000	\$1,911,516

BACKGROUND

The park contains approximately 38 hectares of remnant bushland surrounding two hectares of parkland, including a Telecommunications Museum, caretaker’s cottage and several other built structures which are of recognised heritage significance. It is bound by Canning Highway to the north and Davy Street to the south, McCallum Crescent to the east and Barnard Street to the west and predominately surrounded by residential development.

The park was ‘vested’ to the City in 1969 and since then the City have worked to protect, maintain and enhance its environmental, cultural heritage, natural heritage, recreational and aesthetic values.

From 2007 to 2009 the City undertook a series of extensive internal and external stakeholder engagement meetings to develop a strategic vision for Wireless Hill. This process culminated in a vision document produced by the City in 2009, “Wireless Hill Vision 2020 – Key Themes and Objectives for the Future of Wireless Hill”.

**T11/3231 – WIRELESS HILL PROJECT BUSINESS CASE APPROVAL (REC)
(ATTACHMENT)**

In developing and endorsing the Wireless Hill Vision 2020, the City made a commitment to the community and in particular key stakeholders of Wireless Hill with regards to following through on the vision. With extensive stakeholder interest and the long anticipated Wireless Hill Centenary Celebrations set to begin September 2012, it is timely to formalise the vision into a staged holistic implementation plan and ensure the first stage prepares the site in time for the 2012 Celebrations commencing 29 September 2012.

DETAIL

In mid 2010 the project was prioritised as one of the top ten major capital works projects, a key consideration being readiness for the 2012 Wireless Hill centenary celebrations. A cross functional project team was formed in late 2010 to develop the Wireless Hill Project, adhering to the 2020 Vision, and preparing the site for the 2012 celebrations. The attached business case documents the Wireless Hill Project being proposed to Council.

In late 2010 Malloway Studio and Paul Kloeden were engaged by the City to prepare an interpretation plan for Wireless Hill. The interpretation plan was finalised in March 2011 providing a framework for managing visitors and providing them with a memorable enriching experience while also upholding the cultural, natural and heritage values of Wireless Hill.

The Interpretation Plan provides unique and invaluable information for the development of this project, suggesting possibilities for the site that integrate both cultural and natural heritage values, providing opportunities for an enhanced visitor experience and increasing the viability and accessibility of the museum. The Interpretation Plan was used to inform the Concept and Museum Plan and some of the recommended interpretive strategies were incorporated. The Interpretation Plan is attached as [3231 Wireless Hill Interpretation Plan March 2011](#).

Utilising the 2020 Vision objectives and the Interpretation Plan themes and potential strategies, the City developed a Museum and Concept Plan for Wireless Hill, which was presented to Directors, Operational Managers and Elected Members in May 2011. The plan contains both landscape design and a museum strategy, as these aspects are complementary and need to be addressed holistically within the project.

The Wireless Hill Museum and Concept Plan was presented as a series of stories/visitor experiences to enable implementation to be staged in a logistical and meaningful way. Feedback on the plan was utilised to make amendments and adjustments, culminating in the final copy of the Museum and Concept Plan being presented as an attachment to this business case. The plan also provides cost estimates for individual items for each story/experience and is attached as [3231 Wireless Hill Concept and Museum Plan July 2011](#).

For further background and detail for the project please refer to the attached business case.

PUBLIC CONSULTATION/COMMUNICATION

For project stakeholder and communications management see Section 7 of the business case.

**T11/3231 – WIRELESS HILL PROJECT BUSINESS CASE APPROVAL (REC)
(ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

All the buildings on the site are listed in the City of Melville Municipal Heritage Inventory, the State Heritage Register, and classified by the National Trust and on the Registry of the National Trust - this includes the former staff quarters on Hickey Street.

The Applecross Wireless Station (former) Wireless Hill Park Ardross Conservation Plan developed in 1998 states in the executive summary:

'As the place is entered in the Register of Heritage Places, all future works to the place will be guided by the Heritage Council. To ensure the protection of the heritage value of the place, the onus falls on City of Melville, not any lessees, to refer such works to the Heritage Council for its comment. In the event an area is leased, in recognition of the place's heritage value, a commitment to protecting the cultural heritage significance of the place is to be included in any leasing arrangement.'

Page 107 of the Applecross Wireless Station (former) Wireless Hill Park Ardross Conservation Plan states in section 6.4.2 Statutory Requirements:

'Health & Safety Regulations, Building Code and other restraints by the City of Melville and the Authorities apply to this site. Any new development including the adaptive re-use of buildings will be influenced by these requirements.'

As the place is entered in the Register of Heritage Places, heritage values may in some instances be considered to override statutory requirement. Where a conflict arises between the two, an appropriate decision should be based on consideration of means by which the aims underlying the statutory requirements may be fulfilled with minimum compromise to the heritage value of the place. Discretionary decisions should be made in consultation between City of Melville and the Heritage Council of Western Australia

It is essential to the conservation of Applecross Wireless Station (former), that a management strategy be established which enables a consistent approach to its maintenance and conservation be achieved.'

FINANCIAL IMPLICATIONS

The works involved at each project implementation stage below, have been carefully selected utilising feedback from Operational Managers, Directors and Elected Members as well as considering project management logistics. The implementation approach is staged to be financially achievable and improve project success, but also to deliver a sufficient community impact for the centenary celebrations in September 2012. The table below shows the total project costs (2010-14) including detailed design costs where relevant.

**T11/3231 – WIRELESS HILL PROJECT BUSINESS CASE APPROVAL (REC)
(ATTACHMENT)**

Project Development		Item Cost	Sub Total
	Interpretation Plan	\$29,820	
Total Project Development (completed)			\$29,820
Project Implementation			
Stage 1	Communication & Marketing Plan Implementation	\$5,000	
	Way finding	\$93,437	
	Creating the hub	\$322,250	
	Park furniture upgrade	\$137,172	
	Preparing museum – review, audit, de-accession & new display	\$127,091	
Total Stage 1 (\$684,950 plus 10% project contingency)			\$753,445
Stage 2	Communication & Marketing Plan Implementation	\$5,000	
	Walking Trails Experience	\$215,180	
	Mast and Anchor Block Story	\$258,742	
	Themed Play Experience	\$169,070	
	Lighting	\$84,800	
Total Stage 2 (\$732,792 plus of 10% project contingency)			\$806,071
Stage 3	Communication & Marketing Plan Implementation	\$5,000	
	Future New Multi-Use Museum Exhibition	\$315,000	
Total Stage 3 (\$320,000 plus 10% project contingency)			\$352,000
Overall Total Project Costs 2010-2014			\$1,941,336

For detailed financial implications for the project please refer to Section 5 of the business case.

Sourcing Funding for Stage 1 Implementation in the 2011-12 Financial Year

A portion of funding has already been sourced and allocated to the 2011-12 budget for project implementation stage 1 works, but not enough to deliver the pre-centennial impact desired. The achievement of stage 1 project implementation in the 2011-12 financial year requires the commitment of funds from the Community Facilities Reserve (for the section of stage 1 that relates directly to the purpose of this fund) and a small budget increase at budget review to subsidise the current \$200,000 Technical Services allocation to the project. The Community Facilities Reserve is to be used for the provision of new, renewed or upgraded community facilities owned by the City of Melville.

**T11/3231 – WIRELESS HILL PROJECT BUSINESS CASE APPROVAL (REC)
(ATTACHMENT)**

Funding of Project Implementation Stage 1 (2011-12)	
City of Melville Municipal Budget 2011/12 (Budgeted)	\$344,121
Funding to be requested from the Community Facilities Reserve (To be approved)	\$322,250
Additional Funding to be requested in Technical Services 2011/12 Capital Budget at Budget Review (To be approved)	\$87,074
Total Cost Stage 1	\$753,445

As shown in the table above, the proposed Stage 1 Implementation requires the approval to;

- utilise the currently allocated \$344,121 City of Melville Municipal funds
- allocate \$322,250 from the Community Facilities Reserve for 'Creating the Hub'
- seek an additional \$87,074 in Technical Services 2011/12 Capital Budget at Budget Review.

Overall Funding for Project Implementation (Stages 1, 2 and 3)

Project Implementation Stages 1, 2 and 3 require a total of **\$1,911,516** to be funded within the 2011-14 financial years, as indicated in the table below. It is proposed that funding be sourced from a combination of both, City of Melville Municipal funds and external funding sources. There may be other external funding sources which become available during the course of the project and the project team will be proactive in identifying and applying for any relevant funding opportunities

Budget Year	2011/12 (Stage 1)	2012/13 (Stage 2)	2013/14 (Stage 3)	Total Project Implementation Cost
Recommended Allocated Funding for Project Implementation	\$753,445	\$806,071	\$352,000	\$1,911,516

Maintenance Costs

The park was vested to the City in 1969 and since then the City have worked to protect, maintain and enhance its environmental, cultural heritage, natural heritage, recreational and aesthetic values.

Maintenance responsibilities for the reserve are distributed across both Community Services and Technical Services directorates. Maintenance includes property, museum, reserve/parks, bushland, facilities and asset maintenance. Current reserve maintenance for Wireless Hill is based on a visit once every three weeks. This may require a change to be more inline with premier reserves visitation; i.e. a visit every two weeks.

**T11/3231 – WIRELESS HILL PROJECT BUSINESS CASE APPROVAL (REC)
(ATTACHMENT)**

In estimating any ongoing maintenance impact from implementing the proposed Wireless Hill project there are multiple factors to consider. Firstly, a high proportion of project items are upgrade, maintenance and/or renewal of existing infrastructure. (see the **Wireless Hill Concept and Museum Plan July 2011**) These items therefore would not create any additional ongoing maintenance costs.

There are also new items/assets included in the project that will require additional ongoing annual maintenance costs. The following table provides a summary of additional annual estimated maintenance costs required for new project assets when considering the project stages. At each detailed design stage of the project, the estimated maintenance cost impact will be updated and revised.

Budget Year	2012/13	2013/14	2014/15	2015/16	2016/17
Additional estimated annual maintenance costs for new assets	\$7,330	\$41,505	\$43,580	\$45,759	\$48,046

For further explanation of the estimated maintenance cost rationale see Section 5.4 of the business case.

STRATEGIC, RISK, AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

For risk and environmental implications for the project please refer to Section 6.1 of the business case.

For project risk implications please refer to Section 6.2 of the business case.

For strategic implications please refer to Section 4.4 of the business case.

POLICY IMPLICATIONS

The Applecross Wireless Station (former) Wireless Hill Park Ardross Conservation Plan developed in 1998 states in the executive summary:

‘The conservation of Applecross Wireless Station (former) is to be carried out in accordance with the principles outlined in The Burra Charter (Australia ICOMOS).’

The project will also adhere to the following City of Melville operational policies:

- Museums and Local History Wireless Hill Telecommunications museum and collections policy (March 2011)
- Museums and Local History Wireless Hill Deaccession and Disposal Policy (March 2011).

**T11/3231 – WIRELESS HILL PROJECT BUSINESS CASE APPROVAL (REC)
(ATTACHMENT)**

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Project Phase		2010	2011				2012				2013				2014	
		Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun
Project Development	Concept															
	Options															
	Business Case															
Project Execution	Set Up															
	Stage 1															
	Stage 2															
	Stage 3															
	Close Out															

The Wireless Hill Business Case provides a staged approach to prepare for the 2012 centenary celebration and achieve the Wireless Hill 2020 Vision. The implementation has been staged to be financially achievable and improve project success, but also to deliver a sufficient community impact for the centenary celebrations in September 2012.

Stage 1 will design and implement stage one landscape works, de-accession of identified museum items and prepare the museum space with a temporary exhibition. This stage also provides the site and museum space for the 2012 centenary celebration.

Stage 2 will design and implement the remaining stage two works envisioned for the site as documented in the attached [3231 Wireless Hill Concept & Museum Plan July 2011](#). It is expected that these works would be carried out after the Centenary celebrations are complete.

Stage 3 will achieve the internal redesign and refurbishment of the museum building as a future multi-use educational and exhibition facility.

It is important to understand that the Concept and Museum Plan for Wireless Hill has been designed to facilitate flexible implementation options and stages. When it comes to the business case costing though, a staged approach has been recommended and cost estimates calculated for the preferred approach.

There are other possible options for implementation that would reduce the scope of works or increase the number of stages. Options that could be considered are;

1. If the Council do not wish to allocate the \$322,250 from the Community Facilities Reserve in the 2011-12 financial year for 'Creating the Hub', they may recommend that 'Creating the Hub' be allocated to Stage 2 or 3 works. This will however significantly reduce the impact expressed by the community for the Centenary Celebrations.
2. The 'Themed Play Experience' that has been incorporated into Stage 2 works, can be postponed until 2018, when the playground is due for replacement. Although this would reduce current project expenditure, it will mean that the project scope would not deliver a play experience that tells the story of the site.

**T11/3231 – WIRELESS HILL PROJECT BUSINESS CASE APPROVAL (REC)
(ATTACHMENT)****CONCLUSION**

Wireless Hill has a rich and diverse cultural heritage and over the years there have been a number of attempts to develop the park to highlight this heritage. In the main these attempts at development have failed to capture the diversity of the aboriginal, communications and environmental aspects as they have been fragmented in their approach.

Following on from the intensive community consultation, the development of the “Wireless Hill Vision 2020 – Key Themes and Objectives for the Future of Wireless Hill” has been an integrated approach to the development of a holistic plan for park. This has been realized in the Interpretation plan developed to provide visitors with a memorable experience that brings together all three elements of the story of Wireless Hill Park.

The Business case that has been developed allows the development of Wireless Hill over a staged period that will provide a level of development that will satisfy the requirements for the 2012 Centennial celebrations while culminating in a fully developed project that will raise the profile and visitor experience of the Park into the future.

**T11/3231 – WIRELESS HILL PROJECT BUSINESS CASE APPROVAL (REC)
(ATTACHMENT)**

OFFICER RECOMMENDATION (3231)

APPROVAL

That the Council:

At 9.09pm Cr Halton moved, seconded Cr Reidy -

1. **Endorse the Concept and Museum Plan for Wireless Hill, shown attached as 3231 Wireless Hill Concept and Museum Plan July 2011, as the basis for the future development of the site.**
2. **Endorse the staged implementation of the project over three financial years (2011-2014) at a total cost of \$1,911,516. This amount is to be allocated over the following three financial years and included in the City of Melville’s Long Term Financial Plan.**

Budget Year	2011/12 (Stage 1)	2012/13 (Stage 2)	2013/14 (Stage 3)	Total Project Implementation Cost
Recommended Allocated Funding for Project Implementation	\$753,445	\$806,071	\$352,000	\$1,911,516

3. **Endorse the proposed Stage 1 implementation works with approval to:**
 - a) **utilise the currently allocated \$344,121 City of Melville Municipal funds**
 - b) **allocate \$322,250 from the Community Facilities Reserve for ‘Creating the Hub’**
 - c) **request an additional \$87,074 in Technical Services 2011/12 Capital Budget at the mid year budget review.**
4. **Endorse the following increase in annual overall maintenance costs for Wireless Hill Reserve from 2012/13.**

Budget Year	2012/13	2013/14	2014/15	2015/16	2016/17
Additional estimated annual maintenance costs for new assets	\$7,330	\$41,505	\$43,580	\$45,759	\$48,046

**T11/3231 – WIRELESS HILL PROJECT BUSINESS CASE APPROVAL (REC)
(ATTACHMENT)**

Amendment

At 9.10pm Cr Nicholson moved, seconded Cr Pazolli -

1. That the following be added to Officer Recommendation 1 after the word “site”; *with the exception of the Themed Play Experience as outlined in pages 8,9 and 26 of the Wireless Hill Concept and Museum Plan July 2011.*
2. That the table in Officer Recommendation 2 is amended to reflect the withdrawal of \$169,070 in stage 2 and the Total Project Implementation costs to change accordingly.

Budget Year		2011/12 (Stage 1)	2012/13 (Stage 2)	2013/14 (Stage 3)	Total Project Implementation Cost
Recommended Funding Implementation	Allocated for Project	\$753,445	\$637,001	\$352,000	\$1,742,446

3. That the table in Officer Recommendation 4 be changed to reflect the reduction in the additional maintenance funding that will be required as a result of the withdrawal of the Themed Playground Experience.

Budget Year	2012/13	2013/14	2014/15	2015/16	2016/17
Additional estimated annual maintenance costs for new assets	\$7,330	\$36,305	\$38,120	\$40,026	\$42,028

At 9.27pm the Mayor submitted the amendment, which was declared

LOST (2/10)

Reasons for Amendment

The aim of the Wireless Hill plan, on paper, looks very good. However, it is a lot of money to spend at a time when the world’s economic and financial situation is uncertain and volatile.

It may not be prudent to spend such a large amount of money on the Plan: an estimated cost of \$2 million.

The themed playground segment, in particular, is not a necessary part of the overall concept. The decision whether to construct the playground should correctly be included in the analysis of the City of Melville’s playground analysis currently in progress. If from the results of that analysis, it’s deemed that the City needs/requires another playground at Wireless Hill, then at least a proper evaluation has been conducted prior to construction.

Eliminating the playground cost equates to a saving of at least \$159,000 - funds that could readily be employed elsewhere by the City to meet ratepayers’ needs.

**T11/3231 – WIRELESS HILL PROJECT BUSINESS CASE APPROVAL (REC)
(ATTACHMENT)**

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3231)

APPROVAL

At 9.37pm the Mayor submitted the Officer Recommendation -

That the Council:

1. **Endorse the Concept and Museum Plan for Wireless Hill, shown attached as [3231 Wireless Hill Concept and Museum Plan July 2011](#), as the basis for the future development of the site.**
2. **Endorse the staged implementation of the project over three financial years (2011-2014) at a total cost of \$1,911,516. This amount is to be allocated over the following three financial years and included in the City of Melville's Long Term Financial Plan.**

Budget Year	2011/12 (Stage 1)	2012/13 (Stage 2)	2013/14 (Stage 3)	Total Project Implementation Cost
Recommended Allocated Funding for Project Implementation	\$753,445	\$806,071	\$352,000	\$1,911,516

3. **Endorse the proposed Stage 1 implementation works with approval to:**
 - d) **utilise the currently allocated \$344,121 City of Melville Municipal funds**
 - e) **allocate \$322,250 from the Community Facilities Reserve for 'Creating the Hub'**
 - f) **request an additional \$87,074 in Technical Services 2011/12 Capital Budget at the mid year budget review.**
4. **Endorse the following increase in annual overall maintenance costs for Wireless Hill Reserve from 2012/13.**

Budget Year	2012/13	2013/14	2014/15	2015/16	2016/17
Additional estimated annual maintenance costs for new assets	\$7,330	\$41,505	\$43,580	\$45,759	\$48,046

At 9.37pm the Mayor declared the motion

CARRIED (12/0)

At 9.37pm the meeting reverted to the normal order of the Agenda.

P11/3234 - NAMING OF THE SLIP ROAD ACCESSED FROM GARLING STREET, WILLAGEE (REC)

Ward : Palmyra/Melville/Willagee
 Category : Operational
 Application Number : DA-2011-60
 Properties : 155 – 169 North Lake Road
 Proposal : Street Naming of Slip Road
 Applicant : City of Melville
 Owner : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Mr Peter Prendergast
 Manager Planning and Development Services
 Previous Items : Not Applicable.

AUTHORITY / DISCRETION

DEFINITION

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

**P11/3234 NAMING OF SLIP ROAD ACCESSED FROM GARLING STREET, WILLAGEE
(REC)**

KEY ISSUES / SUMMARY

- It is proposed to initiate public consultation of the naming of the existing slip road accessed from Garling Street which is currently addressed as part of North Lake Road.
- No's 155-169 North Lake Road are all accessed via the existing slip road.
- Landgate has given indicative approval of four possible names: Smout, Danube, Hartree and Carawatha.
- At the EMIS held 29 March 2011, Elected Members suggested the names Williams, Jeffries, and Robartson, be considered in naming the slip road.
- These three names were forwarded to the Geographic Names Committee of Landgate, who commented that Williams was overused within the City of Melville, Jeffries is already in use elsewhere in Leeming, and Robartson is intended to be used to recognise the work of Cr Robartson, a current living member of the Council. As such the use of Robartson is not supported by the Committee.
- It is recommended that the Council resolve to adopt 'Hartree' as the preferred street name and initiate public advertising for a period of 21 days.



BACKGROUND

Ward Councillors and residents of the area have previously requested that Council undertake a significant upgrade of the existing infrastructure along the slip road as a result of the very limited space that exists within the road reserve at that point. As part of the discussions that followed in respect of this upgrade, residents outlined concerns relating to their address, highlighting the difficulties that they experience given that despite being accessed off Garling Street, they have North Lake Road addresses. This results in confusion for access, particularly in respect of visitors, delivery and service vehicles, taxis and emergency services.

**P11/3234 - NAMING OF SLIP ROAD ACCESSED FROM GARLING STREET, WILLAGEE
(REC)****DETAIL**

It is proposed that the slip road be re-named, providing the occupiers of properties located within it with a new identity, and removing the difficulties associated with their current North Lake Road address.

PUBLIC CONSULTATION/COMMUNICATION

Should Council resolve to initiate advertising of the preferred street name, public consultation will be undertaken for a period of 21 days and will involve a mail out to all properties accessed via the slip road and a public notice in a newspaper circulating in the district.

REFERRALS TO GOVERNMENT AGENCIES

The Geographic Names Committee of Landgate has published the Principles, Guidelines and Procedures Associated with Naming Roads and Reserves within Western Australia. The City has conducted preliminary consultation with Landgate in relation to the proposed names and has received support pending Council's endorsement of the proposed name.

The Melville Historical Society was also consulted.

STATUTORY AND LEGAL IMPLICATIONS

None applicable

FINANCIAL IMPLICATIONS

The financial implications of the proposed naming of the slip road to the Council are the costs of creating and installing the new street sign.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management issues applicable to this application.

POLICY IMPLICATIONS

There are no Policy implications applicable to this application.

**P11/3234 - NAMING OF SLIP ROAD ACCESSED FROM GARLING STREET, WILLAGEE
(REC)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The Council may elect to propose alternative names for the road. Should this occur, the alternative name will be referred to Landgate for their preliminary approval prior to advertising.

The Council could refuse to re-name the slip road. There are no rights of appeal in respect of such a decision.

COMMENTS

A number of possible street names have been identified during the course of consultation with Landgate, the Melville Historical Society, Community Services officers and the Elected Members during Elected Member Information Sessions.

These names, including Williams, Jeffries, and Robartson, as specifically suggested for use by Elected Members at the EMIS held 29 March 2011, have been referred to and considered for use by Landgate who concluded that:

- Williams was overused within the City of Melville
- Jeffries has been used elsewhere within the City, in Leeming, and its use should not be repeated within 10km's of the existing use.
- Robartson refers to the name of a living person, in this case a current Elected member of the Council. The use of names of living persons is specifically excluded by Landgate.

It would appear that whilst the use of names of living persons is not endorsed by Landgate for use in road or street naming, or in the naming of reserves, the naming of buildings after living persons is not precluded as such as Landgate exercises no jurisdiction in that regard.

Four other possible street names were however identified for which Landgate have indicated their preliminary approval. These are:

Smout

Smout is the name of a past prominent Melville Ratepayer.

Danube

This name is in memory of the German speaking, Austrian migrants who built pre-fabricated houses in Willagee.

Carawatha

An aboriginal name which is the name of the former primary school located in Willagee.. Carawatha means "near the pines" or "whispering pine". Although considered to be suitable for the Willagee area, 'Carawatha' is not recommended in this instance as it is considered that this name should be reserved for such a time as the former Carawatha Primary School site is redeveloped.

**P11/3234 - NAMING OF SLIP ROAD ACCESSED FROM GARLING STREET, WILLAGEE
(REC)***Hartree*

"Hartree Court" was adopted as a street name in 2001 however the name had to be archived as the proposed road for which it was adopted was never constructed. Hartree appears to be a prominent name within the area as there is a Dudley Hartree Park in Leeming and there was a Wallace Dudley Hartree who was a former Councillor who is said to have passed away on the 7 April 1987.

Based on the above, and given the lack of support for the use of Smout and Danube, and the decision that Carawatha be reserved for use in the redevelopment of the former Carawatha Scholl site, it is recommended that 'Hartree' be adopted as the preferred name for the slip road as this is considered to be a significant name to the Willagee area and has previously been identified as a suitable street name for Willagee.

Should Council resolve to adopt 'Hartree', 'Hartree Close' will be the subject of public consultation for a period of 21 days.

CONCLUSION

It is recommended that Council support the advertising of 'Hartree Close' as the preferred street name for the slip road accessed via Garling Street.

OFFICER RECOMMENDATION (3234)**ADOPTION**

- A That the Council resolve to adopt 'Hartree Close' as the preferred street name for the existing slip road accessed via Garling Street.**
- B That the preferred street name be advertised for a period of 21 days via mail out to all properties accessed via the slip road and a notice in a newspaper circulating within the district.**
- C That subsequent street numbering be undertaken in accordance with the Council Draft Street Numbering Policy.**

At 9.37pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

**D11/8039 – THE FREMANTLE CHRISTIAN BROTHERS AMATEUR FOOTBALL CLUB
SELF SUPPORTING LOAN REQUEST (AMREC) (ATTACHMENT)**

Ward : University Ward
 Category : Operational
 Subject Index : Loans – Self Supporting
 Customer Index : The Fremantle Christian Brothers Amateur Football Club
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item D11/8036 – Community Sport and Recreation Facilities Funding (Small Grants Round) – Ordinary Meeting of Council 15 March 2011.
 Works Programme : Not Applicable
 Funding : \$30,000
 Responsible Officer : Michael Doyle
 Community Recreation Coordinator

AUTHORITY / DISCRETION

		DEFINITION
<input type="checkbox"/>	Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when 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>

**D11/8039 – THE FREMANTLE CHRISTIAN BROTHERS AMATEUR FOOTBALL CLUB
SELF SUPPORTING LOAN REQUEST (AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The purpose of this report is to consider a request from the Fremantle Christian Brothers Amateur Football Club to take out a \$30,000 Self Supporting Loan over 10 years with the City of Melville to cover the costs of installing match play floodlighting at the Morris Buzacott Reserve.
- The report recommends approval with conditions.

BACKGROUND

At the Ordinary Meeting of Council of 15 March 2011 Agenda Item D11/8036 was considered and the floodlighting project for the Fremantle Christian Brothers Amateur Football Club was supported. It was resolved:

That the Council;

1. **By absolute majority decision provide the Fremantle Christian Brothers College Amateur Football Club a one third contribution up to \$30,223 from the City of Melville towards the upgrade of the flood lights at Morris Buzacott Reserve subject to;**
 - a. **the Fremantle Christian Brothers College Amateur Football Club agreeing to pay any additional cost of replacing the globes over and above the standard provision by the City.**
 - b. **the Fremantle Christian Brothers College Amateur Football Club attaining the remaining funds required to complete the project.**
 - c. **appropriate planning approvals.**

**D11/8039 – THE FREMANTLE CHRISTIAN BROTHERS AMATEUR FOOTBALL CLUB
SELF SUPPORTING LOAN REQUEST (AMREC) (ATTACHMENT)**

Support was subject to the Fremantle Christian Brothers Amateur Football Club gaining a grant as part of the, Department of Sport and Recreation, Community Sport and Recreation Facilities Funding round. On 20 June 2011 the Minister for Sport and Recreation; Racing and Gaming announced that the Fremantle Christian Brothers Amateur Football Club was successful in gaining a grant of \$23,334.

The Fremantle Christian Brothers Amateur Football Club is based at the Morris Buzacott Reserve in Kardinya. The funding will be used to replace the top brackets of the existing light poles and replace them with a new bracket and higher performing lights to improve lighting levels at the reserve. The project will see the existing lighting brackets removed and replaced with efficient and cost effective lighting system. The existing poles and infrastructure will remain.

In the Agenda Item D11/8036 it was the intention of the Fremantle Christian Brothers College Amateur Football Club to request a self supporting loan arrangement with the City of Melville if their funding request was successful and the City of Melville were advised that such a request would form a separate agenda item at a future meeting of Council. The nature of this Self Supporting Loan request allows the Fremantle Christian Brothers College Amateur Football Club to attain the remaining funds required to complete the project.

Not only has this project received support through grant funding (\$23,334) from the Department of Sport and Recreation it has also received a \$10,000 grant from the Western Australian Football Commission.

DETAIL

The pre-season meetings held with the City of Melville's community recreation team and all sporting groups are used to advise sporting groups on the environmental issues facing the City of Melville in providing quality facilities. This includes the lack of water and spreading the wear and tear on reserves. The Fremantle Christian Brothers College Amateur Football Club has been very proactive by introducing a number of initiatives that are assisting in lessening the wear and tear on the Morris Buzacott Reserve. These initiatives include:

- Sourcing the use of a school playing field for all of Club pre-season training.
- Financing the improvements to the Reserve to accommodate the Club.
- Line marking a centre bounce down practice area off the main oval and pitch.
- Adjusting some floodlighting to allow Club training sessions to occur off the main playing surface.

**D11/8039 – THE FREMANTLE CHRISTIAN BROTHERS AMATEUR FOOTBALL CLUB
SELF SUPPORTING LOAN REQUEST (AMREC) (ATTACHMENT)**

The lighting project further complements these initiatives, allows for an opportunity to upgrade aged floodlight fittings and globes and provides for current day floodlighting standards. All of these actions assist the City in the management of the reserve.

Previous self supporting loan requests have required community sport and recreation groups to implement a range of initiatives that satisfies the City of Melville and that the loan will be regularly reviewed by the applicant club. It is a requirement that the City of Melville is regularly updated by applicant clubs of on the progress of the loan repayments. Additionally, should the applicant club wish to apply for facilities that are not generally provided by the City of Melville, the applicant club needs to agree to fund any additional costs involved.

The City of Melville provides floodlighting to training standards only. The request from the Fremantle Christian Brothers College Amateur Football Club provides for match play lighting purposes. The Fremantle Christian Brothers College Amateur Football Club has provided agreement to pay any additional cost of replacing the globes over and above the standard provision by the City.

Whilst the Fremantle Christian Brothers College Amateur Football Club will be the main beneficiary of the lighting project, there will be some added benefits to the following groups that use the reserve:

- Kardinya Junior Football Club
- Melville Districts Tee Ball Club
- South Fremantle Women's Football Team
- The Fremantle Christian Brothers College Amateur Football Club Intellectually Disabled Team

Club surveys indicate that the collective membership of the Fremantle Christian Brothers College Amateur Football Club, Kardinya Junior Football Club and the Melville Districts Tee Ball Club totals 600 (477 Juniors and 123 Seniors) of which 90% are City of Melville Residents.

Specific to the Fremantle Christian Brothers College Amateur Football Club, from their statement of Registration for 2011 the Club has 148 members of which 93% are City of Melville Residents.

The Fremantle Christian Brothers College Amateur Football Club is requesting a loan for a 10 year period and intends to hold a range of Club functions to pay of the loan as soon as is possible. Confirmation has been provided from the Fremantle Christian Brothers College Amateur Football Club for their contribution to a sinking fund to ensure it is in a position to fund the cost of the replacement globes over and above the standard globe provision by the City.

**D11/8039 – THE FREMANTLE CHRISTIAN BROTHERS AMATEUR FOOTBALL CLUB
SELF SUPPORTING LOAN REQUEST (AMREC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

Planning and Building approvals have been gained. (DA-2010-60 and BA-2011-505).

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The Fremantle Christian Brothers College Amateur Football Club has discussed the project with other member clubs of the Kardinya Sporting Association and has gained support from them. The Fremantle Christian Brothers College Amateur Football Club has discussed the project and received financial support from the City of Melville, the Department of Sport and Recreation and the Western Australian Amateur Football League. They have also received letter of support from the Hon Christian Porter MLA State Member for Bateman.

STATUTORY AND LEGAL IMPLICATIONS

Should the Self Supporting Loan be approved a period of 30 days public advertising is required under Section 6.20 (2) Local Government Act 1995.

FINANCIAL IMPLICATIONS

8039 FCBCFC Indicative Schedule provides the indicative loan repayment schedule for the Self Supporting Loan over a 10 year period and includes 20 semi annual repayments of *\$1,999,97. (*\$3,999.94 per annum). * *The interest rate quoted on the new loan is based on rates applying as at 4 July 2011 and may change dependant on the rate on the day the new loan is taken out.*

8039 FCBC cash flow is the independently reviewed 10 year projected cash flow analysis which reflects a conservative view of the future financial position of the club. This has been reviewed by the City of Melville's Senior Financial Accountant who believes that it reflects an accurate and conservative view of the future financial position of the club. This decision is based on the audit confirmation letter received from Fremantle Christian Brothers College Amateur Football Club.

As part of this Self Supporting Loan request the Fremantle Christian Brothers College Amateur Football Club have agreed to contribute to the sinking fund on an annual basis to ensure that enough funds are set aside to contribute to the replacement costs of the match playing globes.

**D11/8039 – THE FREMANTLE CHRISTIAN BROTHERS AMATEUR FOOTBALL CLUB
SELF SUPPORTING LOAN REQUEST (AMREC) (ATTACHMENT)**

In the Agenda Item D11/8036 the costing of the floodlighting project was as follows:

Club funds (Possible SSL)	\$ 20,223
Western Australian Football Commission	\$ 10,000
CSRFF	\$ 30,222
City of Melville	<u>\$ 30,223</u>
Total	<u>\$ 90,668</u>

These estimated cost included an 8% contingency and a 6% City of Melville Project Management Fee. However the Department of Sport and Recreation did not cover the contingency or project management fees. Therefore the Fremantle Christian Brothers College Amateur Football Club will be conducting the floodlighting project itself closely monitored by the City of Melville Parks Services.

Therefore the costing for the floodlighting project is now as follows:

Self Supporting Loan	\$ 30,000
Club funds	\$ 332
Western Australian Football Commission	\$ 10,000
CSRFF	\$ 23,334
City of Melville	<u>\$ 23,334</u>
Total	<u>\$ 87,000</u>

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Confirmation has been provided by the Fremantle Christian Brothers College Amateur Football Club that demonstrates a commitment to lessen the risk of defaulting on the loan by agreeing to:

- An annual meeting with the financial section of the City of Melville to discuss the Fremantle Christian Brothers College Amateur Football Club audited annual reports and overall financial position for the duration of the loan.
- An agenda item be included at each of the club's Executive Committee meetings to discuss the club's progress in regards to meeting their loan commitments sinking funds for the replacement of globes and a commitment to taking any action necessary to ensure compliance with council's requirements.
- Minute the discussions of the Executive Committee meetings and forward a copy to the City of Melville.
- Meeting the requirements and associated costs of councils self supporting loan policy CP - 010.
- Entering into a loan agreement with the City of Melville at its own costs.
- Noting that the City of Melville will not support any further Self Supporting Loan for any purpose until such time 60% of all loans are repaid or within a five year period (August 2016).

**D11/8039 – THE FREMANTLE CHRISTIAN BROTHERS AMATEUR FOOTBALL CLUB
SELF SUPPORTING LOAN REQUEST (AMREC) (ATTACHMENT)**

Risk Statement	Level of Risk	Risk Mitigation Strategy
<p>A moderate financial exposure should the Fremantle Christian Brothers College Amateur Football Club not be in a position to honour its financial commitment to the City of Melville</p>	<p>Insignificant consequence which is possible, resulting in a Low level of risk</p>	<p>Establish an agenda item for the clubs executive meetings reporting back to the City of Melville on a monthly and annual bases</p>
<p>The Fremantle Christian Brothers College Amateur Football Club not being in a position to offer its members adequate lighting for training or night games.</p>	<p>Moderation consequences which are possible, resulting in a Medium level of risk</p>	<p>Approve request for Self Supporting Loan.</p>
<p>Risk of local residents being impacted by the higher standard of lighting and the commencement of evening games resulting in impact to amenity</p>	<p>Minor consequences which are unlikely resulting in Low risk.</p>	<p>Ensure Australian Standards are incorporated into the lighting design and approved through the Planning and Building approval process. Require the Club to notify the City of any evening games and an event management plan to be produced by the Club for major events.</p>
<p>Increase in environmental impact with increased energy usage</p>	<p>Moderate consequences which are possible, resulting in a Medium level of risk</p>	<p>The upgrade of lights to a more efficient lighting form will mean increased energy usage will be minimal</p> <p>The upgrade of lighting will ensure more efficient use of the playing fields through spreading wear and tear, and may contribute to less overall maintenance of the fields.</p>

**D11/8039 – THE FREMANTLE CHRISTIAN BROTHERS AMATEUR FOOTBALL CLUB
SELF SUPPORTING LOAN REQUEST (AMREC) (ATTACHMENT)****POLICY IMPLICATIONS**

Policy CP - 010 Self Supporting Loan, states that *“Approval will only be considered where the club or organisation can adequately demonstrate, by provision of forward financial plans covering the life of the loan, a capacity to meet the loan repayment. The financial plans are to be certified by an independent Certified Practising, Chartered or similarly qualified and experienced Accountant”*.

Policy CP – 030 Environmental Policy states that *“The City of Melville is committed to the protection and enhancement of biodiversity and the creation a sustainable urban environment. The City will actively promote and support sustainable growth and develop policies and implement programs that protect, preserve and enhance the environment and the quality of life of its citizens”*.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternative is not to support this application for a self supporting loan. However this project has received wide ranging support from State and Local Government as well as the Western Australian Football Commission.

CONCLUSION

The Fremantle Christian Brothers College Amateur Football Club has provided an independently reviewed 10 year projected cash flow analysis which demonstrates the Club’s ability to repay the loan.

Whilst this is the first time the Fremantle Christian Brothers College Amateur Football Club has taken out a self supporting loan with the City, the Club has demonstrated good management through the structure of its Executive Committee and has provided confirmation of their commitments in relation to the proposed loan as identified within this report.

The Fremantle Christian Brothers College Amateur Football Club has received grants from the Department of Sport and Recreation, the Western Australian Football Commission and the City of Melville to assist in funding this project.

**D11/8039 – THE FREMANTLE CHRISTIAN BROTHERS AMATEUR FOOTBALL CLUB
SELF SUPPORTING LOAN REQUEST (AMREC) (ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8039)
ABSOLUTE MAJORITY**

At 9.40pm Cr Reynolds moved, seconded Cr Ceniviva -

1. That by Absolute Majority Decision of the Council the Fremantle Christian Brothers College Amateur Football Club is granted approval for a Self Supporting Loan of \$30,000 repayable over 10 years with the following conditions:
 - a. That the City of Melville will not support any further Self Supporting Loans from Fremantle Christian Brothers College Amateur Football Club for any purpose until such time 60% of all loans are repaid or within a five year period (October 2017).
 - b. The Fremantle Christian Brothers College Amateur Football Club accumulates a minimum of \$5,000 to a sinking fund to enable the Club to contribute the difference in the replacement cost between training and match play lighting and ongoing maintenance.
 - c. The Fremantle Christian Brothers College Amateur Football Club provides the City of Melville the Club's audited annual reports and overall financial position.
 - d. The Fremantle Christian Brothers College Amateur Football Club as part of the agenda at each of the Club's Executive Committee meetings list and discuss the Club's progress in regards to meeting their loan and sinking fund commitments and take any action necessary to ensure compliance with the City's requirements.
 - e. The Fremantle Christian Brothers College Amateur Football Club to minute the discussions of the Executive Committee meetings and forward a copy to the City of Melville.
 - f. The Fremantle Christian Brothers College Amateur Football Club meet the requirements and associated costs of Councils Self Supporting Loan policy CP - 010.
 - g. The Fremantle Christian Brothers College Amateur Football Club enter into a loan agreement with the City of Melville at its own costs.

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

CARRIED BY ABSOLUTE MAJORITY (12/0)

D11/8040 - COMMUNITY SPORTING AND RECREATION FACILITIES FUND – SMALL GRANTS (REC)

Ward : All
 Category : Operational
 Subject Index : CSRFF
 Customer Index : CSRFF
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : N/A
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Michael Doyle
 Community Recreation Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

D11/8040 - COMMUNITY SPORTING AND RECREATION FACILITIES FUND – SMALL GRANTS (REC)**KEY ISSUES / SUMMARY**

- This report seeks Council support, priority and ranking for three Small Grant applications as part of the Community Sporting and Recreation Facilities Fund facilitated by the Department of Sport and Recreation.

BACKGROUND

The purpose of the Community Sporting and Recreation Facilities Fund program is to provide Western Australian Government financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation.

The program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.

Through Community Sporting and Recreation Facilities Fund, the State Government invests \$20 million annually towards the development of high-quality physical environments in which people can enjoy sport and recreation.

Priority will be given to projects that lead to facility sharing and rationalisation. Multi-purpose facilities reduce infrastructure required to meet similar needs and increase sustainability. Applicants must be either a Local Government Authority, not for profit sport, recreation or community organisation and incorporated under the WA Associations Incorporation Act 1987. Clubs must demonstrate equitable access to the public on a short-term and casual basis.

All applicants must liaise with their Local Government Authority regarding the planning and building approvals pertinent to their project. A requirement of the funding round is that the Local Government Authority has an opportunity to consider all relevant applications and to provide each application with a ranking and priority order for the City of Melville.

For the purpose of this report the ranking and priorities for the City of Melville are identified within the recommendations of this report.

D11/8040 - COMMUNITY SPORTING AND RECREATION FACILITIES FUND – SMALL GRANTS (REC)**DETAIL****City of Melville - Additional Floodlighting at Tompkins Park.**

Six of the City's twenty active reserves do not have lighting for training purposes and a significant portion of the training lighting currently available only lights a section of the sporting field. Partial lighting of reserves results in excessive wear and tear in that area and does not allow the full reserve to be used to its full capacity.

In 2010 and 2011 the City of Melville has needed to close two of its major reserves being Shirley Strickland and Len Shearer due to the unseasonal high temperatures, reduced rainfall and limitations on the water allocation to these reserves. Additionally Len Shearer has suffered from extreme over use by growing clubs.

Having to relocate over 1600 participants through the closure of the reserves highlighted the lack of over flow grounds with flood lights for training. All of the City of Melville reserves that are floodlit are at capacity except John Connell Reserve which only has partial lighting. Increasing the floodlighting at Tompkins Park would provide officers with additional flexibility when allocating use of grounds to clubs and provide additional options should reserves need to be closed in the future.

Good lighting allows clubs to maximise use of their facilities and playing surfaces through providing more opportunities to train and play, supporting year round activity and encouraging more people to participate.

In 2010 the City of Melville engaged consultancy services to prepare a twenty year strategic plan for the future provisions of active reserves. The study title is *Strategic Provisions of Active Reserves* and assesses the current and future active reserves needs for each of the current sports played within the City and provides potential scenarios for better utilisation and distribution of clubs on the City's reserves and facilities. It strongly supports the City of Melville and Department of Sport and Recreations shared use philosophy. While the study is still being assessed by officers it is clearly evident through the key findings that the City will need to develop an Active Reserves Flood Lighting Strategy for the future development and management of flood lighting on active reserves.

It should be noted that increasing the floodlighting at Tompkins Park is the first step in floodlighting all active reserves.

Western Australian Cricket Association – Synthetic Cricket Wickets

The Western Australian Cricket Association is establishing a cricket training centre in collaboration with the Murdoch University within the grounds of the University. Whilst the training centre is predominately grassed turf facilities there is a need to establish synthetic practice wickets to complement the match play facilities.

The draft *Strategic Provisions of Active Reserves* study commissioned reveals a potential shortfall of five cricket pitches by 2031. It recommends that the City installs additional cricket pitches by 2013, 2017, 2021, 2025 and 2029. The installation of these cricket wickets at Murdoch University may assist in meeting the projected shortfall within the City of Melville if an agreement for community use is established.

D11/8040 - COMMUNITY SPORTING AND RECREATION FACILITIES FUND – SMALL GRANTS (REC)**Melville Lakers Netball Club – Resurfacing Netball Courts**

The Melville Lakers Netball Club has applied to resurface the Netball Playing courts at Marmion Reserve. They wish to provide three coats of *Rebound Ace Synpave* which is an acrylic hard court surface available in ten different colours. The City of Melville does not provide *Rebound Ace Synpave* on any of its other netball courts throughout the City. It is therefore likely that should the City of Melville support the request from the Melville Lakers Netball Club other Netball Clubs throughout the City may apply for similar playing surfaces. Additionally Netball Clubs throughout the City of Melville only use their courts for training purposes only.

There is a risk that providing these types of playing surfaces for Netball clubs that the City may experience an increase in operational expenditure due to vandalism and inappropriate use of the community facility. In principle support towards this project would be given subject to:

- The Melville Lakers Netball Club sourcing funds to fully fund the resurfacing project,
- The Melville Lakers Netball Club agreeing to fund the ongoing maintenance and repairs of the surface and fully funding its eventual replacement.

The current surface provides for public use and is in good condition. It is estimated that it will need to be replaced in eight to ten years. The main reason for the application is that members comment that the existing asphalt surface is difficult to play on especially in wet conditions. The acrylic surface provides more grip, dries more rapidly when wet and lessens the chances of surface wounds when players fall on elbows or knees.

The Melville Lakers Netball Club indicate that membership currently stands at 200 (160 Juniors and 40 Seniors) of which 65.5% are City of Melville residents.

PUBLIC CONSULTATION/COMMUNICATION

The City of Melville floodlighting applications will be required to meet Planning and Building approvals. As part of this process the project will be advertised locally for public comment.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Floodlighting of active reserves has been identified in the *Strategic Provisions of Active Reserves Study* as a means to effectively managing the use of sporting reserves.

The construction of cricket practice nets have been discussed with the Murdoch University, the Western Australian Cricket Association and the City of Melville.

The resurfacing of the netball courts have been discussed with Marmion Sporting Association which represents the user clubs at the reserve.

All of the above applications have been discussed with the Department of Sport and Recreation.

D11/8040 - COMMUNITY SPORTING AND RECREATION FACILITIES FUND – SMALL GRANTS (REC)**STATUTORY AND LEGAL IMPLICATIONS**

The floodlighting applications will be required to meet Planning and Building approvals. As part of this process the project will be advertised locally for public comment. There are no planning or building approvals required for the cricket practice net installations or the Netball Courts resurfacing.

FINANCIAL IMPLICATIONS**City of Melville - Additional Floodlighting at Tompkins Park.**

Additional lights at Tompkins Park will be less than \$150,000 and this fits within the small grants category of the Community Sporting and Recreation Facilities Fund hence ranking and approval is sought in an attempt to get funding from the State Government to assist in the additional lighting of this reserve.

Western Australian Cricket Association – Synthetic Cricket Wickets

The application from the Western Australian Cricket Association does not seek any financial support from the City of Melville. However it is a requirement of the Community Sporting and Recreation Facilities Fund process that all application for funding are assessed, ranked and prioritised by the Local Government Authority prior to being submitted to the Department of Sport and Recreation for funding consideration.

Melville Lakers Netball Club – Resurfacing Netball Courts

Each year \$50,000 is set aside for community sport and recreation facility development. The Melville Lakers Netball Club is seeking a full one third contribution from the City of Melville as part of their Community Sporting and Recreation Facilities Fund application.

However officers consider that there are a number of risks associated with supporting this project and believe the current playing surface is adequate for training purposes. Because of this it is recommended that the City does not financially support this application from the Melville Lakers Netball Club.

D11/8040 - COMMUNITY SPORTING AND RECREATION FACILITIES FUND – SMALL GRANTS (REC)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
<p>Risk of future closure of reserves due to water and over use issues resulting in increased turf restoration costs, community being unable to participate in sports and community outrage.</p>	<p>Moderation consequences which are likely, resulting in a High level of risk</p>	<p>Support the installation of additional flood lighting at Tompkins Park and develop an Active Reserve Flood Light Strategy.</p>
<p>Increase in environmental impact with increased energy usage</p>	<p>Moderate consequences which are possible, resulting in a Medium level of risk</p>	<p>The upgrade of lights to a more efficient lighting form will mean increased energy usage will be minimal</p> <p>The upgrade of lighting will ensure more efficient use of the playing fields through spreading wear and tear, and may contribute to less overall maintenance of the fields.</p>
<p>The risk of the Western Australian Cricket Association not being able to provide practice facilities in its new centre of excellence at the Murdoch University.</p>	<p>Minor consequences which are unlikely, resulting in a Low level of risk</p>	<p>While there is a low risk to the City, supporting may assist in catering for the future demand of cricket in the City of Melville.</p>
<p>Risk of increased ongoing maintenance expenses due to proposed changes in playing surface for Netball.</p>	<p>Minor consequences which are possible, resulting in a Medium level of risk</p>	<p>Any future approval by the City for The Melville Lakers Netball Club to resurface the courts be subject to the Club agreeing to fund the ongoing maintenance, repairs of the surface and fully funding its eventual replacement.</p>

D11/8040 - COMMUNITY SPORTING AND RECREATION FACILITIES FUND – SMALL GRANTS (REC)**POLICY IMPLICATIONS**

Operational Policy (OP – 006) Community Sport and Recreation Group Use of Community Facilities and Reserves states that *The City strongly encourages the joint use of community, sport and recreation facilities. It will therefore give preference to those community, sport and recreation clubs who form multi-group associations for the joint management and use of buildings or facilities.*

Environmental Policy CP-030 *outlines the City of Melville's commitment to the protection and enhancement of biodiversity and the creation of a sustainable urban environment. Consideration of potential environmental impacts (both positive and negative) should be addressed in this section. This includes direct impacts from the proposed action / project and broader, longer term impacts (20+ years).*

ALTERNATE OPTIONS AND THEIR IMPLICATIONS**City of Melville - Additional Floodlighting at Tompkins Park.**

The Council could consider to not support additional floodlighting at its reserves; however it could be faced with similar issues as recently experienced at the Winthrop Park. Having no alternative floodlit venues present a risk for the City should future closure of reserves be required.

Melville Lakers Netball Club – Resurfacing Netball Courts

The alternative for the Netball Courts is to support a higher ranking; however the surface proposed is not consistent with the City standard provision. The current surface is suitable and will not require resurfacing for another eight to ten years.

CONCLUSION

Increasing the floodlighting at Tompkins Park will provide safer training/play conditions, allow for the wear and tear of the reserve to be more evenly spread and provide much needed additional floodlighting capacity in cases of reserve closure.

The installation of cricket wickets at Murdoch University may assist in meeting the projected shortfall within the City of Melville if an agreement for community use is established.

The surface proposed by the Melville Lakers Netball Club is not consistent with the City standard provision and the current surface is suitable and will not require resurfacing for another eight to ten years.

The Cricket and Netball projects are also considered to improve or complement the provision of sporting and recreation facilities within the City of Melville.

D11/8040 - COMMUNITY SPORTING AND RECREATION FACILITIES FUND – SMALL GRANTS (REC)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8040)****APPROVAL**

1. That the projects submitted for the August 2011 Small Grants round of the Community Sporting and Recreation Facilities Fund be prioritised and ranked as follows:

- a. City of Melville.

- Floodlighting Tompkins Park.

Project Ranking	1
Project Priority	A

- b. The Western Australian Cricket Association

- Construction Cricket Practice Nets

Project Ranking	2
Project Priority	B

- c. Melville Lakers Netball Club

- Resurfacing Netball Courts at Marmion Reserve.

Project Ranking	3
Project Priority	C

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

CARRIED EN BLOC (12/0)

C11/5189 - PROPOSED AMENDMENTS TO THE CITY OF MELVILLE LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010 (REC) (ATTACHMENT)

At 9.40pm the Governance & Compliance Program Manager read aloud the Purpose and Effect of the Local Law.

The purpose of the proposed local law is to amend the City of Melville's Local Government Property Local Law 2010 in accordance with the requirements made by the Joint Standing Committee on Delegated Legislation.

The effect of this local law is to amend the local law.

Ward	:	All
Category	:	Operational
Subject Index	:	Acts, Statutes and Local Laws
Customer Index	:	Joint Standing Committee on Delegated Legislation
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	C10/5133 Adoption of the Proposed City of Melville Local Government Property Local Law 2010, 21 December 2010, C11/5186 Amendments to the City Of Melville Local Government Property Local Law 2010, 21 June 2011.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Jeff Clark Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

C11/5189 - PROPOSED AMENDMENTS TO THE CITY OF MELVILLE LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- On 21 June 2011, the Council at its ordinary meeting resolved to give an undertaking to the Joint Standing Committee on Delegated Legislation to make the amendments requested by that Committee to the City's Local Government Property Local Law 2010. The amendments are now tabled before the Council for its consideration.

BACKGROUND

On 16 May 2011, the Joint Standing Committee on Delegated Legislation met to consider the City of Melville's Local Government Property Local Law 2010. The Committee requested the City make a number of minor amendments to the local law. On 21 June 2011, Council resolved to give an undertaking to the Joint Standing Committee on Delegated Legislation to make the amendments required. It is these amendments that Council must now consider.

DETAIL

The proposed City of Melville Local Government Property Local Law 2010 Amendment Local Law 2011 is attached [5189 Proposed Amendment Local Law](#)

These proposed amendments are in accordance with the City's undertaking made on 21 June 2011.

1. *Clause 1.6 – Superfluous definition*

In clause 1.6 the definition of surf riding equipment is proposed to be deleted as the term is not used in the body of the local law. The Committee recommended that the term be removed to avoid confusion and the amendment reflects this recommendation.

2. *Clause 3.13 - Permits*

Clause 3.13 is amended by deleting subclauses (1)(s) and (t) and amending subclause (1)(u).

Firstly, with regard to subclause 3.13(1)(s), the Committee noted that the term "animal" was not defined in the local law. In the Committee's view the clause was considered vague and uncertain as it was not clear what animal may or not be taken onto local government property. Due to the possible inconsistency with the Dog Act 1976, the Committee deemed the subclause invalid in the context. As the subclause does not affect the efficacy of the local law, it was deemed appropriate to delete the subclause rather than define the term animal and cause possible confusion as to what animal is or is not covered.

C11/5189 - PROPOSED AMENDMENTS TO THE CITY OF MELVILLE LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010 (REC) (ATTACHMENT)

Secondly, subclause 3.13(1)(t). The Committee was of the view that the subclause relating to kite surfing was vague and uncertain and the local law did not define “kite surfing”. It was the Committee’s view that requiring a person to obtain a permit to engage in kite surfing was not within the “general function of a local government to provide for the good government of persons in its district” as required by section 3.1 of the Local Government Act 1995 (the Act). The Committee’s view was that requiring a person to obtain a permit to engage in kite surfing goes beyond the accepted notions of local government, and that it is neither necessary nor convenient for the City to perform its functions under the Act. While it was envisaged that the subclause would not extend beyond the high water mark, the subclause can be read as attempting to regulate activity beyond the local government’s boundary, and is therefore ultra vires. As the City is unable to regulate the use, including the rigging up of the kite surf on local government property through a permit system, the City must await the outcome of the Department of Transport and Swan River Trust Aquatic Use Review to see if a determination is made in relation to the use. In the interim, the City is not estopped from placing signs on local government property prohibiting the launching or retrieval of kite surfing in areas where there is an inconsistent use. It is proposed that subclause (1)(t) be deleted.

Finally, it is proposed that subclause 3.13(1)(u) be amended. The Committee was of the view that the subclause was uncertain as to what aspect of “circuses” that the clause was attempting to regulate. It was requested that the subclause be amended to read “operate circuses”. The proposed amendment reflects this request.

3. Clause 3.14 – Permit to Camp

The Committee requested the deletion of the reference to the making of a determination about camping on local government property. The proposed amendment reflects this request.

4. Schedule 1 – Prescribed Offences

The Western Australian Local Government Association (WALGA) model on which the local law is based, had additional prescribed offences related to jetties. These prescribed offences are –

7.8	Mooring when not ready to load or discharge cargo, at times not permitted or for longer than permitted	125
7.9	Unlawful storing of goods on jetty	125
7.10	Removing goods from jetty during other than permitted hours	125
7.11	Failure to remove cargo on jetty on direction of authorised person	125
7.12	Unauthorised deposit of bulk cargo on jetty	125

They may now be included in the schedule and provide authorised persons with the ability to issue modified penalties for these offences.

C11/5189 - PROPOSED AMENDMENTS TO THE CITY OF MELVILLE LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010 (REC) (ATTACHMENT)*Local Law making Process*

Under the *Local Government Act 1995*, s. 3.12 sets out the process in order to make a local law. Council should note that commencement of this part of the process does not bind them to adopt the local law but only starts the process and allows for public comment to be made concerning the proposed adoption of the amendment local law.

At the meeting the Presiding Member is to give notice of the purpose and effect of the proposed local law.

The purpose of the proposed local law is to amend the City of Melville's Local Government Property Local Law 2010 in accordance with the requirements made by the Joint Standing Committee on Delegated Legislation.

The effect of this local law is to amend the local law.

Under s. 3.12(3) a local government is required to give state wide public notice that the local government proposes to make a local law.

The notice is to include:

- (a) the purpose and effect of the local law;
- (b) advice that copies of the proposed local law can be obtained from the local government; and
- (c) is to invite submissions for a period of six weeks.

Regulatory Impact Assessment (RIA)

Advice from the Department of Local Government is *"that only new proposed legislation that is to be submitted to the State Governments Cabinet and subsidiary legislation to the Government's Executive Council has to undergo the RIA process, that is, proposed new "Acts" and proposed new "Regulations", including proposed amendments to existing Acts and Regulations. Proposed "Local Laws" are NOT presented to the Government's Cabinet nor Executive Council for approval or endorsement. The RIA process is intended for proposed legislation at State level, not at local level where the Council makes decisions by absolute majority resolutions to make local laws."*

The amendments in question do not need to obtain the approval from the Government's Cabinet or Executive Council to be made law. The amendments, other than those to the Schedule, have been requested by the Joint Standing Committee on Delegated Legislation. Failure to make the amendments may result in the City's local law being disallowed. The amendment to the Schedule is to align the local law with the WALGA model.

PUBLIC CONSULTATION/COMMUNICATION

The City is required to provide state wide and local public notice and advertise the amendment in accordance with s. 3.12(3) of the Act.

C11/5189 - PROPOSED AMENDMENTS TO THE CITY OF MELVILLE LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010 (REC) (ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The proposed amendments are as a result of a request by the Joint Standing Committee on Delegated Legislation.

STATUTORY AND LEGAL IMPLICATIONS

Section 3.12 of the *Local Government Act 1995* outlines the procedure that a Local Government must follow for making a Local Law.

FINANCIAL IMPLICATIONS

The cost implications are for the costs associated with advertising and gazetting the local law.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The amendments will ensure that the local law is in accordance with the requirements of Parliament and therefore provides regulation of activities within legitimate parameters.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of not making the amendments may result in the local law being disallowed.	High consequences which are almost certain, resulting in a High level of risk	Make the amendments in accordance with the Council undertaking.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

If the City does not make the proposed amendments within the six month period there is the possibility that the Joint Standing Committee may recommend to Parliament that the clauses be disallowed or that the local law be disallowed. The City of Melville resolved at 21 June 2011 Council Meeting to give an undertaking to the Joint Standing Committee on Delegated Legislation that it would make the amendments. To refrain from making these now would require a rescission motion on behalf of the Council.

C11/5189 - PROPOSED AMENDMENTS TO THE CITY OF MELVILLE LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010 (REC) (ATTACHMENT)**CONCLUSION**

The amendments proposed are relatively minor. The amendments must go to public consultation and after it has been adopted by the Council, it is the role of the Joint Standing Committee to determine whether the amendment will or will not be allowed.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5189)**APPROVAL**

That the Council approve the advertising of the proposed City of Melville Local Government Property Local Law 2010 Amendment Local Law 2011 as contained in [5189 Proposed Amendment Local Law](#) for public comment, in accordance with the requirements of Section 3.12(3) of the Local Government Act 1995.

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

CARRIED EN BLOC (12/0)

C11/5000 – COMMON SEAL REGISTER (REC)

Ward : All
 Category : Operational
 Subject Index : Common Seal Register
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Standard Item
 Works Programme : Not applicable
 Funding : Not applicable
 Responsible Officer : Bruce Taylor - Manager Information, Technology & Support

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 24 June 2011 up to and including 19 July 2011 and recommends that the information be noted.

C11/5000 – 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 by the Chief Executive Officer, and the Mayor and the Chief Executive Officer attest the affixing of the seal.

DETAIL

Register Reference	Party	Description	File Reference
512	City of Melville & Brolo Nominees Pty Ltd & Hسلup Pty Ltd	Deed of Access City of Melville and Brolo Nominees Pty Ltd and Hسلup Pty Ltd	2508213
532	Guides Western Australia	Deed of Lease - City of Melville and Guides Western Australia	2438249
549	Grant of Easement City of Melville	Easement in Gross-Lot 54 (61) McCoy Street	2507425
550	City of Melville	Withdrawal of Caveat placed by City of Melville on 13/13A Bateman Road, Mount Pleasant	2413816
560	Section 70 A Notification	Legal Notification as per condition 2 of the Planning Approval	2505179

C11/5000 – COMMON SEAL REGISTER (REC)**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 2.5(2) of the Local Government Act 1995.

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

Section 9.49. Documents, how authenticated.

A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members information.

C11/5000 – COMMON SEAL REGISTER (REC)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5000)****NOTING**

That the action 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 24 June 2011 up to and including 19 July 2011, be noted.

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

CARRIED EN BLOC (12/0)

C11/6000 - INVESTMENT STATEMENTS (REC)

Ward	: All
Category	: Operational
Subject Index	: Financial Investments and Statements
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	: Khris Yeoh - Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of June 2011 and recommends that the information detailed in the report be noted.
- No credit events were recorded in relation to the Council's Collateralised Debt Obligation (CDO) investments in June 2011.
- A BBB rated Elders Rural Bank and an A+ rated Suncorp Bank Authorised Deposit Taking Institution (ADI) investments with book and face values of \$500,000 and \$1,000,000 respectively, were recalled/repaid at the 1st call date for their full face value plus interest earned for the quarter.
- When compared to the valuations used as at 30 June 2010, valuations obtained from Denison Financial Advisory as at 30 June 2011 show that:
 - Authorised Deposit-taking Institutions (ADIs) have increased in value by \$85K.
 - CDOs have increased in value by \$5.96m.

C11/6000 - INVESTMENT STATEMENTS (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 the Council's Investment of Funds Policy CP-009, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

Summary details of investments held at 30 June 2011 are shown in the table below.

**CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 30 JUNE 2011**

SUMMARY BY FUND	PURCHASE PRICE \$	ESTIMATED BOOK VALUE 30/06/2010 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 40,277,505	\$ 40,277,505	\$ 40,277,505	\$ -	0.00%
RESERVE	\$ 37,797,583	\$ 19,661,676	\$ 25,707,338	\$ 6,045,662	15.99%
TRUST	\$ 504,947	\$ 504,947	\$ 504,947	\$ -	0.00%
CRF	\$ 178,313	\$ 178,313	\$ 178,313	\$ -	0.00%
	\$ 78,758,348	\$ 60,622,441	\$ 66,668,103	\$ 6,045,662	7.68%

SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	ESTIMATED BOOK VALUE 30/06/2010 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
ADI	\$ 3,500,000	\$ 3,376,255	\$ 3,460,825	\$ 84,570	2.42%
CDO	\$ 19,720,000	\$ 1,707,838	\$ 7,668,930	\$ 5,961,092	30.23%
BOND	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
FRTD	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
TERM DEPOSIT	\$ 48,589,096	\$ 48,589,096	\$ 48,589,096	\$ -	0.00%
11AM	\$ 2,718,607	\$ 2,718,607	\$ 2,718,607	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 78,758,348	\$ 60,622,441	\$ 66,668,103	\$ 6,045,662	7.68%

SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	ESTIMATED BOOK VALUE 30/06/2010 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 15,278,313	\$ 15,278,313	\$ 15,278,313	\$ -	0.00%
AA-	\$ 29,729,390	\$ 29,711,660	\$ 29,724,000	\$ 12,340	0.04%
A+	\$ 5,300,000	\$ 5,300,000	\$ 5,300,000	\$ -	0.00%
A	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ -	0.00%
A-	\$ 2,500,000	\$ 2,393,985	\$ 2,466,215	\$ 72,230	2.89%
BBB+	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ -	0.00%
CCC	\$ 1,500,000	\$ 76,950	\$ 594,900	\$ 517,950	34.53%
CCC-	\$ 3,600,000	\$ 376,140	\$ 1,034,280	\$ 658,140	18.28%
NR	\$ 14,620,000	\$ 1,254,748	\$ 6,039,750	\$ 4,785,002	32.73%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 78,758,348	\$ 60,622,441	\$ 66,668,103	\$ 6,045,662	7.68%

C11/6000 - INVESTMENT STATEMENTS (REC)

The following statements detail the investments held by the City. Marketable investments are shown at their estimated market value (Estimated Market Value).

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 JUNE 2011											
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Current Interest Rate %	S & P RATING	PROPORTION	MAX. PER INSTITUTION	FACE VALUE \$	BOOK VALUE AT 30/6/2010 \$	CURRENT EST MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/6/10 \$	
BANKWEST (11AM)		11AM	4.70%	AA	1%	20%	\$1,013,445		\$1,013,445	\$1,013,445	
WESTPAC (MAXI BONUS 1)		11AM	5.20%	AA-	2%	20%	\$1,705,161		\$1,705,161	\$1,705,161	
WESTPAC (MAXI BONUS 2)		11AM	5.20%	AA-	0%	20%	\$0		\$0	\$0	
							\$2,718,607		\$2,718,607	\$2,718,607	
BANKWEST (TERM)		TERM	5.90%	AA	7%	20%	\$5,764,868		\$5,764,868	\$5,764,868	
COMMONWEALTH BANK (TERM)		TERM	5.78%	AA	8%	20%	\$6,500,000		\$6,500,000	\$6,500,000	
SUNCORP METWAY LTD (TERM)		TERM	6.17%	A+	7%	20%	\$5,300,000		\$5,300,000	\$5,300,000	
IMB LTD	Govt. Gua.	TERM	6.10%	BBB+	1%	10%	\$1,000,000		\$1,000,000	\$1,000,000	
ING BANK		TERM	6.21%	A	4%	20%	\$3,000,000		\$3,000,000	\$3,000,000	
NAB		TERM	6.09%	AA	13%	20%	\$10,000,000		\$10,000,000	\$10,000,000	
ST GEORGE BANK (TERM)		TERM	5.89%	AA-	12%	20%	\$9,500,000		\$9,500,000	\$9,500,000	
WESTPAC (TERM)		TERM	5.85%	AA-	10%	20%	\$7,524,228		\$7,524,228	\$7,524,228	
							\$48,589,096		\$48,589,096	\$48,589,096	
COMMONWEALTH BANK (BOND)		BOND	5.97%	AA	3%	20%	\$2,000,000		\$2,000,000	\$2,000,000	
							\$2,000,000		\$2,000,000	\$2,000,000	
BANK OF QUEENSLAND (FLOAT RATE TD)		FRTD	6.42%	BBB+	3%	10%	\$2,000,000		\$2,000,000	\$2,000,000	
							\$2,000,000		\$2,000,000	\$2,000,000	
ADELAIDE BANK	Very Low	ADI	5.35%	A-	1%	15%	\$1,000,000	\$983,880	\$996,500	\$12,620	
MACQUARIE BANK	Very Low	ADI	5.37%	A-	2%	15%	\$1,500,000	\$1,410,105	\$1,469,715	\$59,610	
WESTPAC BANK	Very Low	ADI	5.16%	AA-	1%	20%	\$1,000,000	\$982,270	\$994,610	\$12,340	
APHEX (GLENELG)	High	CDO	6.68%	NR	3%	0%	\$2,000,000	\$125,600	\$681,200	\$555,600	
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	0.00%	NR	3%	0%	\$2,000,000	\$1	\$1,200,000	\$1,199,999	
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	1%	0%	\$450,000	\$1	\$270,000	\$269,999	
CORSAIR (CAYMAN) KAKADU	High	CDO	6.39%	CCC	2%	0%	\$1,500,000	\$76,950	\$594,900	\$517,950	
CORSAIR (CAYMAN) TORQUAY	Very High	CDO	6.64%	NR	2%	0%	\$1,885,000	\$23,000	\$238,453	\$215,453	
ETHICAL LIMITED GREEN	High	CDO	5.99%	NR	1%	0%	\$1,000,000	\$11,000	\$300,100	\$289,100	
HELIUM CAPITAL (ESPERANCE)	High	CDO	6.69%	CCC-	2%	0%	\$1,800,000	\$355,140	\$870,300	\$515,160	
HELIUM CAPITAL (SCARBOROUGH)	High	CDO	6.83%	CCC-	2%	0%	\$1,800,000	\$21,000	\$163,980	\$142,980	
MAGNOLIA FLINDERS	Moderate	CDO	6.49%	NR	3%	0%	\$2,000,000	\$988,139	\$1,743,972	\$755,833	
MANAGED ACES CLASS 11A PARKES	Very High	CDO	8.29%	NR	1%	0%	\$1,000,000	\$3,000	\$22,000	\$19,000	
MANAGED ACES CLASS 1A PARKES	High	CDO	6.62%	NR	1%	0%	\$1,050,000	\$10,500	\$141,750	\$131,250	
OMEGA CAPITAL CLASS A HENLEY	Moderate	CDO	5.78%	NR	0%	0%	\$385,000	\$82,506	\$352,275	\$269,769	
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	0.00%	NR	2%	0%	\$1,500,000	\$9,300	\$600,000	\$590,700	
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	0.00%	NR	1%	0%	\$500,000	\$1,700	\$150,000	\$148,300	
ZIRCON FINANCE MIAMI	Early Term.	CDO	0.00%	NR	1%	0%	\$850,000	\$1	\$340,000	\$339,999	
							\$23,220,000	\$5,084,093	\$11,129,755	\$6,045,662	
UNITS IN LOCAL GOVT HOUSE		UNITS	0.00%				\$230,645	\$230,645	\$230,645	\$0	
TOTAL FUNDS INVESTED					100%		\$78,758,348	\$5,314,738	\$66,668,103	\$61,353,365	

DIVERSIFICATION / CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AAA	\$0	\$0	0%	100%	
AA	\$25,278,313	\$25,278,313	38%	80%	
AA-	\$19,729,390	\$19,724,000	30%	80%	
A+	\$5,300,000	\$5,300,000	8%	50%	
A	\$3,000,000	\$3,000,000	4%	50%	
A-	\$2,500,000	\$2,466,215	4%	50%	
BBB+	\$3,000,000	\$3,000,000	4%	20%	
BBB	\$0	\$0	0%	0%	Purchased Prior To Policy Change
BBB-	\$0	\$0	0%	0%	
BB+	\$0	\$0	0%	0%	
B+	\$0	\$0	0%	0%	
B	\$0	\$0	0%	0%	
CCC+	\$0	\$0	0%	0%	
CCC	\$1,500,000	\$594,900	1%	0%	
CCC-	\$3,600,000	\$1,034,280	2%	0%	
C	\$0	\$0	0%	0%	
NR	\$14,620,000	\$6,039,750	9%	0%	
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
TOTAL	78,758,348	66,668,103	100%		

C11/6000 - INVESTMENT STATEMENTS (REC)

DIVERSIFICATION RISK

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
BANKWEST (11AM)	11AM	AA	1,013,445	1.52%		20%	
BANKWEST (TERM)	TERM	AA	5,764,868	8.65%	10.17%	20%	
COMMONWEALTH BANK (TERM)	TERM	AA	6,500,000	9.75%		20%	
COMMONWEALTH BANK (BOND)	BOND	AA	2,000,000	3.00%	12.75%	20%	
MACQUARIE BANK	ADI	A-	1,469,715	2.20%	2.20%	15%	
NAB	TERM	AA	10,000,000	15.00%	15.00%	20%	
IMB LTD	TERM	BBB+	1,000,000	1.50%	1.50%	10%	
ING BANK	TERM	A	3,000,000	4.50%	4.50%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	9,500,000	14.25%	14.25%	20%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	1,705,161	2.56%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	-	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	-	0.00%		20%	
WESTPAC (TERM)	TERM	AA-	7,524,228	11.29%		20%	
WESTPAC BANK	ADI	AA-	994,610	1.49%	15.34%	20%	
ADELAIDE BANK	ADI	A-	996,500	1.49%	1.49%	15%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	BBB+	2,000,000	3.00%	3.00%	10%	
SUNCORP METWAY LTD (TERM)	TERM	A+	5,300,000	7.95%	7.95%	15%	
CDO - Various	CDO		7,668,930	11.50%	11.50%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	UNITS		230,645	0.35%	0.35%		
			\$66,668,103	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	40,551,807	100%	100%	
< 2 years	-	0%	10%	
< 3 years	-	0%	10%	
< 4 years	-	0%	0%	
< 5 years	-	0%	0%	
> 5 years	-	0%	0%	
	40,551,807	100%		
RESERVE FUNDS				
< 1 year	13,670,330	53%	100%	
< 2 years	1,258,753	5%	80%	
< 3 years	3,058,980	12%	80%	
< 4 years	2,914,950	11%	40%	
< 5 years	2,000,000	8%	40%	
> 5 years	2,804,325	11%	20%	Purchased Prior To Policy Change
	25,707,338	100%		

C11/6000 - INVESTMENT STATEMENTS (REC)

The values ascribed to Authorised Deposit Taking Institutions (ADIs) by Council's independent financial advisers are based on current market evidence. Positive improvements in the market since 30 June 2010 are evident by an increase in market valuations. These valuations assume that the City will be required to sell these investments prior to maturity. The City is however a holder to maturity of these investments as there is no need to sell ADIs. There is therefore no reason to expect that any losses will be incurred. Recent repurchases by the issuing banks at their full value supports this view.

Two ADIs, one an Elders Rural Bank (BBB rated) and the other a Suncorp Bank (A+ rated) with book and face values of \$500,000 and \$1,000,000 respectively, were recalled/repaid at the 1st call date for their full face value plus interest earned for the quarter. Since 30 June 2009 \$14,000,000 worth of ADIs has been repurchased by the issuing banks. These had been written down in previous financial years, to a book value of \$13,743,550. A book profit of \$256,450 has therefore been realised. The City expects that further ADIs will be repurchased by the issuing banks as they reach their call dates over the next 12 months.

Due to the absence of an active market for CDOs and the ongoing uncertainty in financial markets, the City adopted a very conservative approach when valuing its CDOs for year end reporting purposes.

Monthly valuations shown for 30 June 2011 were provided by the Council's independent financial adviser Denison Financial Advisory. This supports the current positive improvements in the market, evident by the increase in valuations of the Council ADIs and CDOs investments. When compared to the valuations used as at 30 June 2010, valuations obtained from Denison as at 30 June 2011 show that:

- ADIs have increased in value by \$84,570.
- CDOs have increased in value by \$5.96 million.

Lehman Brothers arranged CDOs have experienced a substantial increase, as heightened investor expectations of a favourable ruling in the courts grew which will result in an early termination and Council gaining access to the collateral representing the Council's original investments which are held by the Trustees.

All other non Lehman Brothers arranged CDOs continue to pay coupon payments (albeit some at reduced levels due to the erosion of credit support and therefore underlying principal) and this is expected to continue. Based on independent advice from a number of sources, the City's policy has been to continue to hold these investments to maturity unless opportunities to sell at realistic values are presented. No realistic offers have been received to date.

It should be noted that CDOs are structured in such a manner so as to provide for a level of defaults of a number of the entities referenced by the CDOs before there is loss of value at maturity of the CDOs themselves.

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

C11/6000 - INVESTMENT STATEMENTS (REC)**Credit Ratings and Credit Events**

There were no credit events or defaults in June that affected the Council's CDO investments.

Twenty credit events impacting the Council's CDO investments have now been recorded to date. The Companies involved are AMBAC Financial, Takefuji, AMBAC Assurance, AIFUL, Tribune, Thomson, Financial Guaranty Insurance Company (FGIC), XL Capital Assurance, Bank TuranAlem, Idearc, Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), Lehman Brothers, WaMu, Glitnir, Kaupthing, Landsbanki, Chemtura, Abitibi and CIT Group. This has resulted in a loss of \$3.486m to date, as detailed below:

- The total loss (\$1.5m) of the Starts Cayman Blue Gum CDO with a face value of \$1.5m.
- The partial loss (\$0.924m) of the Corsair Cayman Torquay CDO with a face value of \$1.885m.
- The partial loss (\$0.592m) of the Helium Capital Scarborough CDO with a face value of \$1.8m.
- The partial loss (\$0.47m) of the Managed Aces Class Parkes IIA CDO with a face value of \$1.0m.

A portion (approximately \$1.5m as at 30 June 2010) of the Risk Management Reserve was created to fund losses arising from Council's investment activities. \$1.5m has since been applied against this Reserve, from the total loss of the Starts Cayman Blue Gum CDO.

Where losses exceed the available funds, these will be prorated and deducted across the Council's other Reserve Funds excluding the Leave Entitlement and the remainder of the Risk Management Reserve. These Reserve funds are restricted to the payment of employee entitlements and contingent Workers Compensation Insurance Claims.

The impact of these credit events on each of the Council's CDOs is shown below.

C11/6000 - INVESTMENT STATEMENTS (REC)

CDO Arranger Face Value	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Aphex Glenelg Arranger: Nomura International \$2.0m	6 credit events: Takefuji, AIFUL, Tribune, Thomson, Lehman's, Landsbanki & CIT Group.	3	3.8	
Beryl Finance Global Bank Note Arranger: Lehman Brothers \$2.45m	Nil credit events:	1	N/A	Being terminated due to trustee taking control of underlying security.
Corsair Cayman Kakadu Arranger: J.P. Morgan Australia \$1.5m	9 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, Kaupthing & CIT Group.	3	5	
Corsair Cayman Torquay Arranger: J.P. Morgan Australia \$1.885m	8.5 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Idearc, Freddie Mac, Lehman, WaMu, Glitnir, Kaupthing & CIT Group.	0 (-0.39)	1	Partial loss (49%) of principal has occurred. Very high likelihood of total default.
Ethical Limited Green Arranger: J.P. Morgan Australia \$1.0m	7.5 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Idearc, Lehman's, WaMu, Glitnir, Kaupthing & CIT Group.	0.6	1.9	High likelihood of total default.
Helium Capital Esperance Arranger: Merrill Lynch International \$1.80m	2.5 credit events: Idearc, Tribune, Thomson, Lehman's & CIT Group.	1.5	3.2	

C11/6000 - INVESTMENT STATEMENTS (REC)

CDO Arranger Face Value	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Helium Capital Scarborough Arranger: Merrill Lynch \$1.8m	7.0 credit events: AMBAC Financial, AIFUL, Idearc, Freddie Mac, Fannie Mae, Tribune, Lehman's, Kaupthing & Landsbanki.	-0.5	1	Partial loss (32.9%) of principal has occurred. Very High likelihood of total default.
Magnolia Flinders Arranger: Credit Suisse First Boston \$2.0m	Nil CDO defaults:	N/A	N/A	A "CDO-squared" of four individual standard CDOs.
Managed Aces Class Parkes 1A Arranger: Morgan Stanley \$1.05m	8.0 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu & CIT Group.	1	3	High likelihood of total default.
Managed Aces Class Parkes 11A Arranger: Morgan Stanley \$1.0m	9.0 credit events: AMBAC Assurance, AIFUL, FGIC, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu & CIT Group.	0 (-0.5)	1	Partial loss (47%) of principal has occurred. Very high likelihood of total default.
Omega Capital Class A Henley Arranger: BNP Paribas \$0.385m	6.0 credit events: AMBAC Assurance, Freddie Mac, Fannie Mae, Thomson, Lehman's & CIT Group.	5	5.9	
Starts Cayman Blue Gum Arranger: HSBC Bank USA \$1.50m	10.0 credit events: AMBAC Financial, Bank TuranAlem, Freddie Mac, Fannie Mae, Lehman's, WaMu, Glitnir, Kaupthing, Landsbanki & CIT Group.	Defaulted	Defaulted	Total loss of principal and investment CDO has defaulted.

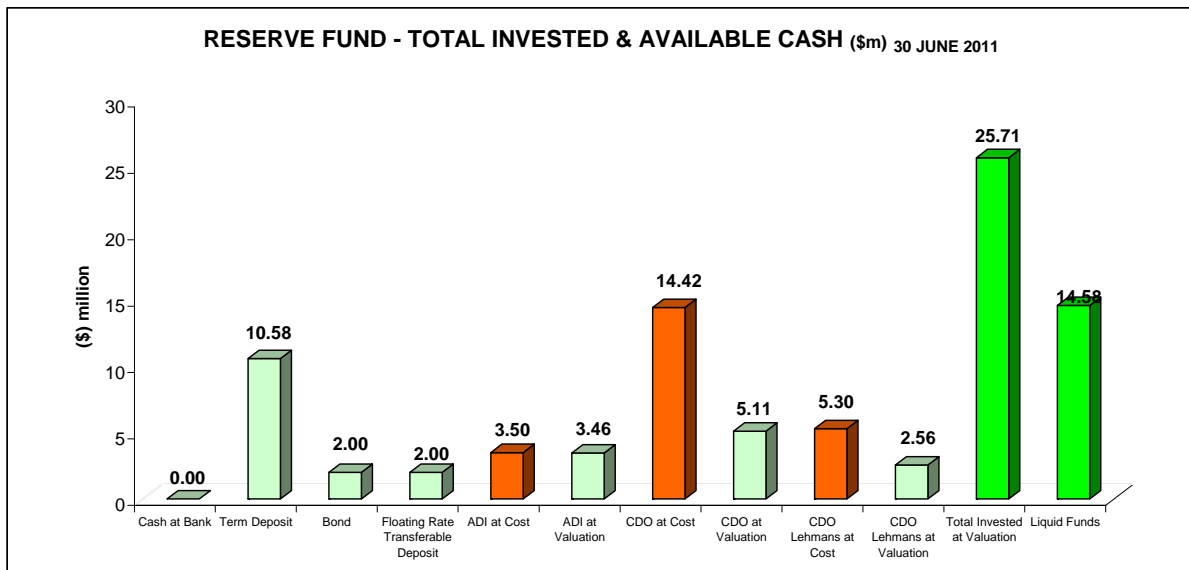
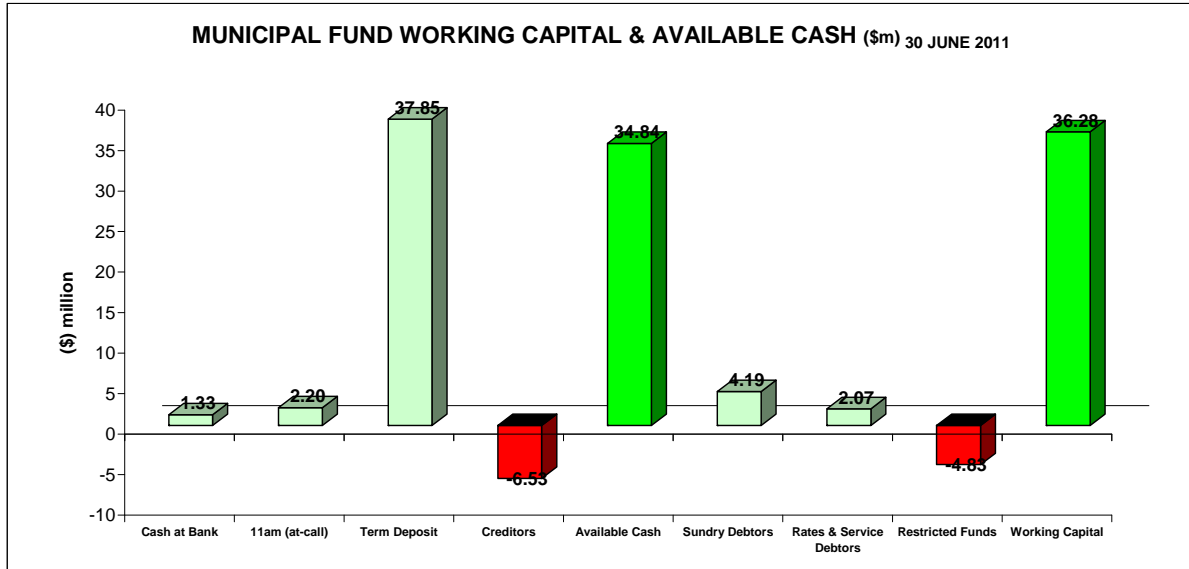
C11/6000 - INVESTMENT STATEMENTS (REC)

CDO Arranger Face Value	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Zircon Finance Coolangatta Arranger: Lehman Brothers \$1.50m	8.0 credit events: Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group.	4.7	6.5	Being terminated due to trustee taking control of underlying security.
Zircon Finance Merimbula A Arranger: Lehman Brothers \$0.50m	8.0 credit events: Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group.	2.9	3.7	Being terminated due to trustee taking control of underlying security.
Zircon Finance Miami Arranger: Lehman Brothers \$0.85m	7.0 credit events: Ambac Assurance, Aiful, Thomson, Freddie Mac, Fannie Mae, Abitibi & CIT Group.	8.4	10.1	Being terminated due to trustee taking control of underlying security.

C11/6000 - INVESTMENT STATEMENTS (REC)

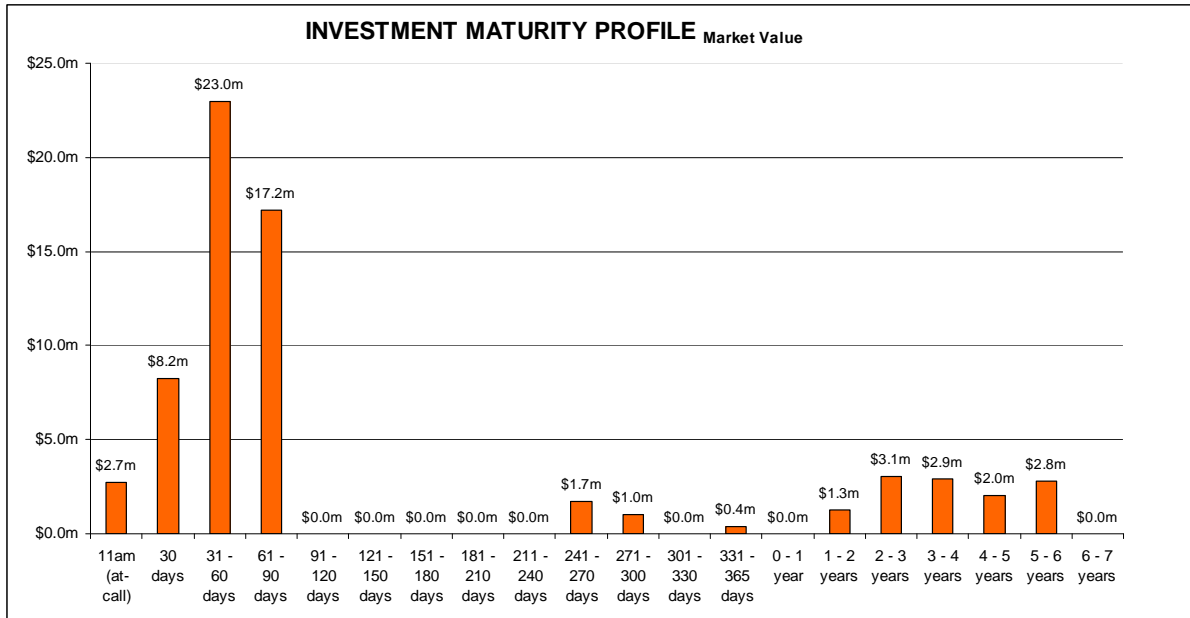
Net Funds Held

The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation, for June 2011.



C11/6000 - INVESTMENT STATEMENTS (REC)

The graph below summarise the maturity profile of the Council's investments at market value as at 30 June 2011.



PUBLIC CONSULTATION/COMMUNICATION

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

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

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Denison Financial Advisory, the City's current investment Advisor, has reviewed the current investment portfolio and we will continue to work with them to review the City's investment strategy going forward.

In 2007 Price Waterhouse Coopers (PWC) were engaged to provide advice in regards to the appropriateness of the City's investment strategy in light of the recent volatility in the credit markets. Following the receipt of their report and further clarification, a revised investment policy was adopted.

The Department of Local Government and Regional Development issued Investment Policy Guidelines during 2008, well after the global financial crisis, and the Council's investment policy has been amended in December 2009 to give effect to the guidelines.

C11/6000 - INVESTMENT STATEMENTS (REC)**STATUTORY AND LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

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

The legal firm Piper Alderman have been engaged to seek recovery of any losses that may eventually be realised and to seek early termination of the Lehman arranged CDOs, so that the Council gains access to the more valuable collateral representing the Council's original investments which are held by Trustees for the Lehman Brothers arranged CDOs.

In conjunction with approximately 72 other corporations and local government authorities the City of Melville has engaged litigation funder IMF Australia to seek recovery of book losses from Lehman Brothers Australia. Whilst the decisions taken by the various courts have been positive for the City the legal process is lengthy and it will still be some time before certainty is achieved.

Legal actions are taking place between the United Kingdom (UK) and United States (US) courts as to whose laws should be applied in respect of the Lehman Brothers arranged CDOs, which is subject of an early termination. Lehman Brothers was successful in gaining the right to appeal the current UK judgement in favour of investors to the Supreme Court of England and Wales. This is the highest possible court whose decision will bring finality to the legal process in the UK. It is therefore likely that the legal process will continue for at least another year as the US court has not yet issued its first judgement, which is almost certain to be appealed.

As previously mentioned, the likelihood of this happening can be demonstrated by the recent upward valuations in these CDOs over the past months.

FINANCIAL IMPLICATIONS

In light of the positive movements in interest rates, Council revised its investment earnings upwards during the 2010/11 mid year budget review.

For the 2010/11 financial year, preliminary interest earned on the Municipal and Trust Funds was \$2,330,053 against a revised budget of \$2,240,000. This represents a \$90,053 positive variance. Preliminary Reserve Funds interest earned for the year was \$2,043,268 against a revised budget of \$1,500,000. This represents a positive variance of \$543,268. These figures will increase once Reserve transfers are finalised and accrued interest applied.

Investment earnings received in respect to CDO investments since 1 July 2007 has been \$4.28m and \$2.79m in respect to ADIs.

In accordance with the Council's Investment Policy, any surplus investment returns derived as a result of investing in ADIs, CDOs, Bonds, Floating Rate Notes and Term Deposits when compared to the average 90 day Bank Bill rate, will be transferred to the Risk Management Reserve.

C11/6000 - INVESTMENT STATEMENTS (REC)

Due to Lehman Brothers entering into Chapter 11 bankruptcy proceedings, the City has not received interest payments on the \$5.3m face value of Lehman Brothers arranged CDOs. At this time we understand that interest on the underlying collateral is being retained by the trustee who has taken control of that collateral.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The Council's investment policy was constructed to minimise credit risk through investing in highly rated securities and diversification. The policy also incorporates mechanisms that protect the Council'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.

No other identifiable strategic, risk and environmental management implications.

Due to the continuing credit market concerns, the risks associated with the Council's investment portfolio also increased to levels which are of concern. Whilst the Council continues to earn and be paid interest from its non Lehman arranged CDOs, the reassessment by the major rating agencies of their credit risk models used to assess the credit ratings associated with CDO portfolios, has resulted in significant downgrading of CDO investments to credit rating levels that do not meet the Council's investment policy.

Due however to the lack of an active market for CDOs, these investments must continue to be held.

The risk of loss due to the default of some of the CDOs is very high whilst the risk of loss due to the default of deposits with banks or ADIs is considered extremely low.

In response to the current market conditions, funds are currently being invested for short periods and/or only with highly credit rated Australian banking institutions.

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds.

The Investment Policy was reviewed and readopted at the Ordinary Meeting of Council held on 15 December 2009 and is considered to represent a low risk approach to investing.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C11/6000 - INVESTMENT STATEMENTS (REC)**CONCLUSION**

Whilst the situation regarding the CDO investments remains tenuous with the loss of one and the partial default/loss of three other CDO investments, the full impact of the book value devaluation of these investments was accounted for in the previous financial years. Due to the return to more normal credit market conditions, no further material devaluations are expected over the course of the current and future financial years.

Council officers in conjunction with Denison's will continue to monitor the situation regarding CDO investments and report on a monthly basis. Based on independent advice from Denisons, the City's policy is to continue to hold these investments to maturity unless opportunities to sell at realistic values are presented. No realistic offers have been received to date.

The City also expects that the remaining three ADIs with a total face value of \$3.5m, will be repurchased by the issuing banks as they reach their call dates over the next 10 months.

As a result of improved book values of previously written down investments, continuing cost savings/efficiencies, alternative revenue generation projects and the strong investment returns that have been realised over the past years, the value of Council's Reserve funds have been restored to in excess of pre global financial crisis levels.

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

At 9.42pm Cr Robartson moved, seconded Cr Halton -

That the Investment Report for the month of June 2011 be noted.

At 9.42pm the Mayor submitted the motion, which was declared

CARRIED (9/3)

C11/6001 – SCHEDULE OF ACCOUNTS (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 : 2010/2011 Budget
 Responsible Officer : Khris Yeoh
 Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when 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>

C11/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

This report presents details of the payments made to suppliers for the provision of goods and services for the month of June 2011 and recommends that the Schedule of Accounts be noted.

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 Administration) 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 for the period ending June 2011, [6001 June 2011](#) including Payment Registers numbers Cheques **230 to 233** and Electronic Funds Transfers **203 to 206** were distributed to the Members of Council on the 16 August 2011.

Payments in excess of \$25,000 in the month are as follows:-

Supplier Name	Remittance Number	Remittance Details	Amount
Advanced Traffic Management	E024973, E024770 & E024571	Traffic Management	\$42,984.90
Alinta Gas	Chqs 043848, 044097 & 044236	Gas Supplies	\$40,080.05
Badge Construction	E024613	Melville Aquatic Centre Redevelopment	\$148,274.50
Belgravia Leisure	E024555, Chqs 044246 & 044112	Point Walter Green Fees for May 2011	\$38,592.59
Boral Construction	E024676 & E024860	Road Resurfacing	\$814,325.41
BSP Construction Consultants	E024611	Asbestos Inspections	\$33,177.00
CA Technology	E024852	Software Licence Fee	\$25,914.57
Catalyse	E024656 & E025062	Community Wellbeing Survey	\$28,600.00
City of Cockburn	E024865	Tip Fees for May & June 2011	\$533,664.11
Complete Tyre Solutions	E024573 & E024976	Tyres	\$37,216.40
Dickies Tree Service	E024471, E024867 & E024682	Tree Lopping Services	\$302,910.90
Downer EDI Works	E025015, E024799, E024855 & E024608	Road Works	\$1,086,467.84
Dowsing Concrete	E025066, E024857 & E024663	Concrete Works	\$107,196.54
Earthcare Australia Pty Ltd	E024580	Progress Claim 2 for Slide Embankment	\$64,811.30

C11/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

Supplier Name	Remittance Number	Remittance Details	Amount
Ellenby Tree Farm Pty Ltd	E024504	Trees	\$42,113.50
Finesse Flooring	E024728 & E024922	Replace Carpet at Melville Recreation Centre & Melville Civic Centre Lift. Removal of Asbestos at Melville Civic Centre	\$39,926.70
Fire & Emergency Services Authority WA	E025026 & E024619	ESL Remittance for May & June 2011	\$187,348.71
Flexi Staff	E024498, E024712 & E024898	Staff Hire	\$101,391.27
Forpark Australia	E024474 & E024869	Playground Equipment	\$137,679.50
Jako Industries	E025027, E024807 & E024622	Service Air Conditioning	\$26,526.01
Landgate	E024933, E024739 & E024534	GRV General Valuations	\$410,701.05
Landmark Engineering & Design	E024886 & E024703	Park Furniture	\$51,968.40
MacDonald Johnston Engineering	E024478, E024873 & E024692	Engineering Equipment for Waste Trucks	\$26,131.42
Miracle Recreation Equipment	E024512	Replace Playground Equipment at Tompkins Park	\$38,500.00
Natural Area Management & Services	E025057, E024654 & E024836	Environmental Weed Control	\$25,487.55
OCE-Australia Ltd	Chq 044277	Printer & Scanner	\$65,615.00
Optus Billing Service Pty Ltd	Chqs 044183, 044046 & 043792	Phone Billing	\$41,591.64
Pearmans Electrical & Mechanical Service	Chqs 043872, 044267 & 044124	Electrical Supply	\$28,615.87
Perth Engineering & Maintenance WA Pty Ltd	E024960 & E024559	Recycling Material Gate Fees for May & June 2011	\$187,987.90
Play Right Australia Pty Ltd	Chqs 044218, 043830 & 044062	Playground Equipment	\$41,519.48
Programmed Maintenance Service	E024897 & E024711	Exterior Restoration at Heathcote & Building Works to Shirley Strickland Reserve Changerooms	\$48,502.97
Rhysco Electrical Services	E024600, E024794 & E025004	Electrical Services	\$100,847.92
Robinson Buildtech	E024483, E024698 & E024880	Various Building Maintenance Jobs	\$244,907.97
Sinclair Knight Merz	Chqs 044123 & 043870	Consultancy for Environmental Assessment at John Connell Reserve	\$29,491.06
Southern Metropolitan Regional Council	E024969, E024565 & E024766	MSW Disposal Fees for June 2011, MSW Gate Fees for May 2011 & RRRC Loan Repayment for June 2011	\$1,525,582.50
Synergy	Chqs 044186, 044050 & 043794	Electricity Supply	\$366,413.84
Technology One Ltd	E024664, E025067 & E024844	Annual Support & Maintenance Fee	\$64,469.23

C11/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

Titan Ford	E024927, E024730 & E024525	Ford SZ Territory TS Wagon (DCS)	\$52,717.84
Tree Amigos Tree Surgeons	E024594, E025000 & E024789	Various Street Tree Pruning Jobs	\$183,523.89
Western Australian Local Government Association	E024971 & E024767	Advertisements	\$38,596.83
Western Power	Chq 044049	Attadale Project Cash Call 6	\$800,000.00

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2010/2011 Budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

No other identifiable strategic, risk and environmental management implications.

POLICY IMPLICATIONS

Management Procedure 1.8 - Certification of Accounts.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a regular monthly report for Elected Members information.

C11/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6001)****NOTING**

That the Schedule of Accounts for the period ended June 2011 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 June 2011](#) be noted.

At 9.42pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

C11/6002 – FINANCIAL STATEMENTS FOR JUNE 2011 (AMREC) (ATTACHMENT)

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	:	Khris Yeoh - Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- This report presents the preliminary financial statements for the year ending 30 June 2011 and recommends that they be noted by the Council.
- This report presents budget amendments for the year ending 30 June 2011 and recommends that they be adopted by Absolute Majority.
- Money expended in an emergency:
 - As a result of a recent fire at the Civic Centre, unbudgeted expenditure of \$145,625 was expended from Municipal funds.
- The two major variances are the sale of land to Alchera for \$4.5m and the unexpended capital budget for the Melville Aquatic Centre redevelopment of \$4.1m, which will be carried forward to the 2011/12 financial year.
- Determination of accrued income and expenditure for 2010/11 is still in the process of being finalised and as such, it is anticipated that it will have an impact on the overall final result for the year ending 30 June 2011.

C11/6002 – FINANCIAL STATEMENTS FOR JUNE 2011 (AMREC) (ATTACHMENT)
BACKGROUND

The preliminary Financial Statements for the year ending 30 June 2011 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996 as amended.

DETAIL

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

To 30 June 2011, a net operating positive variance of \$12.89m was recorded. A net positive variance of \$14.59m was recorded against capital. Accrued income and expenditure for 2010/11 are still in the process of being finalised and as such, it is anticipated that it will have an impact on the overall final result for the year ending 30 June 2011. This will be tabled to Council when the final audited financial report is completed.

Variations

An analysis of the significant variations is included below.

	June Actual \$	YTD Revised Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Revised Budget \$
Revenues							
Governance	137,974	1,443,387	1,646,678	203,291	14%	1,380,850	1,443,387
General Purpose Funding	799,050	6,899,000	8,256,707	1,357,707	20%	5,479,500	6,899,000
Community Amenities	94,744	14,964,850	15,289,242	324,392	2%	14,910,850	14,964,850
Recreation and Culture	728,060	8,133,619	7,826,767	(306,852)	-4%	8,184,936	8,133,619
Transport	161,768	5,942,017	5,115,777	(826,240)	-14%	5,578,277	5,942,017
Other Property and Services	(454,593)	497,506	64,880	(432,626)	-87%	483,487	497,506
	1,524,339	41,624,468	41,962,281	337,813	1%	39,722,733	41,624,468
Expenses							
Governance	(1,164,340)	(15,054,353)	(13,583,701)	1,470,652	-10%	(15,011,328)	(15,054,353)
General Purpose Funding	(825,924)	(5,097,000)	(4,893,416)	203,584	-4%	(5,025,000)	(5,097,000)
Law, Order, Public Safety	(668,755)	(3,550,961)	(3,721,984)	(171,023)	5%	(3,497,119)	(3,550,961)
Health	(77,830)	(965,721)	(846,040)	119,681	-12%	(912,131)	(965,721)
Education & Welfare	(613,817)	(5,713,220)	(5,351,478)	361,742	-6%	(5,854,237)	(5,713,220)
Community Amenities	(1,676,892)	(17,776,715)	(16,672,173)	1,104,543	-6%	(17,809,560)	(17,776,715)
Recreation and Culture	(2,090,845)	(24,554,368)	(23,292,206)	1,262,162	-5%	(24,325,221)	(24,554,368)
Transport	(1,253,408)	(9,325,077)	(8,708,518)	616,559	-7%	(9,478,996)	(9,325,077)
Other Property and Services	(181,151)	(3,045,337)	(2,507,495)	537,842	-18%	(3,024,740)	(3,014,739)
	(8,564,878)	(85,268,236)	(79,781,333)	5,486,903	-6%	(85,123,815)	(85,237,638)

Revenue

\$51.34m in Rates has been raised to 30 June 2011. This is compared with an annual revised budget of \$51.38m, resulting in a negative variance of \$0.04m.

- Governance: 14% positive variance, due to higher DCS insurance recoups. These recoups will be transferred to the Risk Management Reserve to provide for future contingent workers compensation insurance liabilities.
- General Purpose Funding: 20% positive variance, due to the advance FAG grant payment received, increase in investment earnings and rates instalment interests. The FAG grant will be transferred to the Land and Property Reserve.
- Community Amenities: 2% positive variance, due to increase activity in building licence fees.

C11/6002 – FINANCIAL STATEMENTS FOR JUNE 2011 (AMREC) (ATTACHMENT)

- Recreation & Culture: 4% negative variance, due to grant funding for the Melville Aquatic Fitness Centre not received. This is to be carried forward into the 2011/12 financial year.
- Transport: 14% negative variance, due to various Road Grant funded projects not received by 30 June 2011.
- Other Property & Services: 87% negative variance, due to the book loss on sale of land to Alchera of \$300K.

Expenditure

- Governance: 10% positive variance, due to lower expenditures across various administration cost centres and the CEO special projects account.
- General Purpose Funding: 4% positive variance, due to lower expenditure in the Attadale South Underground Power Project.
- Law, Order, Public Safety: 5% negative variance, due to a refund that was made to the City of Cockburn for their portion of security patrols for the 2009/10 financial year. This will be offset by a transfer from the Community Surveillance & Security Service Reserve.
- Health: 12% positive variance, due mainly to lower expenditures in Inspections and Binge Drinking Awareness projects.
- Education & Welfare: 6% positive variance, due to lower expenditures in various Community Development projects.
- Community Amenities: 6% positive variance, due mainly to lower expenditures in Waste services and various other Strategic Urban Planning projects.
- Recreation & Culture: 5% positive variance, due mainly to lower expenditures at Point Walter Golf and Reserve and the Vandalism & Graffiti project.
- Transport: 7% positive variance, due mainly to lower expenditures in Street Tree Pruning, Footpath Maintenance, Road Maintenance and various other projects.
- Other Property & Services: 18% positive variance, due to lower expenditures in Fleet costs.

Money Expended in an Emergency

As a result of a recent fire at the Civic Centre, unbudgeted expenditure of \$145,625 has been expended from Council's Municipal funds to date. This is expected to increase as officers accrue expenditure for work that was completed prior to 30 June. It is anticipated that the majority of these costs will be recouped from our insurers in the 2011/12 financial year.

Some of the major expenditure items include:

- The removal of fire damaged items : \$29K
- Fire damage repairs to date : \$43K
- Purchase of a new scanner/printer : \$60K

Officers will continue to report to Council, on the progress of expenditures.

C11/6002 – FINANCIAL STATEMENTS FOR JUNE 2011 (AMREC) (ATTACHMENT)

Budget Amendments

Details of Budget Amendments requested during the month of June 2011 are shown in attachment [6002J June 2011](#). Some amendments have been carried out to reflect the appropriate responsible officers, correction of account numbers and the creation of new budgets for new grant funding.

Mid Year Budget Review Budget versus Actual Opening Surplus

The Annual Financial Report for the year ending 30 June 2010 that was presented to Council for adoption on the 9th of November 2010 at a Special Meeting of Council, revealed an overall surplus of \$4,585,133. To reconcile this to the \$6,563,145 surplus shown in the 2010-2011 Budget requires removal of the impact of carry forward project funds of \$4,916,420 included in the Budget. This leaves an untied cash surplus of \$1,646,725 which was budgeted to help fund the 2010-2011 Budget and hence decrease the need to raise rates. This leaves an overall available surplus of \$2,938,408 that was submitted to Council during the mid year budget review for direction, as to the use of these funds.

Rates Collections and Debtors

Details of Rates and Sundry debtors are shown in attachment 6002L, 6002M and 6002N.

Rates, Refuse & FESA payments totalling \$790K, were collected over the course of the month. Rate collection progress for the month of June was 0.2% above target. 97.2% of the 2010/11 rates was collected as at 30 June 2011.

The total sundry debtors balance decreased by \$1K over the course of the month. The 90+ day's debtor balance decreased from \$43K to \$46K.

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

DESCRIPTION	LINK
Statement of Financial Activity – June 2011	6002A June 2011
Operating Statements by Program – June 2011	6002B June 2011
Representation of Working Capital – June 2011	6002E June 2011
Reconciliation of Net Working Capital – June 2011	6002F June 2011
Notes on Operating Statements reporting on variances of 10% or greater – June 2011	6002H June 2011
Details of Budget Amendments requested – June 2011	6002J June 2011
Summary of Rates debtors – June 2011	6002L June 2011
Graph showing Rates collections – June 2011	6002M June 2011
Summary of general debtors aged 90 days old or greater – June 2011	6002N June 2011
Detail of Debts Written Off for the Month – June 2011	Not Applicable

C11/6002 – FINANCIAL STATEMENTS FOR JUNE 2011 (AMREC) (ATTACHMENT)**Granting Of Concession Or Writing Off Debts Owed To The Council**

Delegation DA-032 empowers the Chief Executive Officer (CEO) to grant concessions and rates 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. The delegation is conditioned on the basis that a quarterly report detailing any debts written off is to be submitted to the Council.

No debts were written off, for the period of June 2011.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

Local Government (Financial Regulations) 1996 Part 4 – Financial Reports
Regulation 34 of the Local Government (Financial Management) Regulations 1996 as amended in March 2005, requires that:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, 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 sub-regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

C11/6002 – FINANCIAL STATEMENTS FOR JUNE 2011 (AMREC) (ATTACHMENT)

- (3) The information in a statement of financial activity may be shown-
- (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be-
- (a) presented to the Council-
 - (i) at the next ordinary meeting of Council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of Council after that meeting;
 - 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 AAS 5, to be used in statements of financial activity for reporting material variances.

The variance adopted by the Council at its meeting held on 22 June 2010, which also adopted the 2010/11 Budget, was 10% or \$50,000 whichever is greater.

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

FINANCIAL IMPLICATIONS

A mid year budget review took place whereby Budget responsible officers were given the opportunity to review their operations and identify material permanent positive or negative variances like savings or operational efficiencies and increases in income or expenditure.

As a result, a \$1.4m surplus was identified and it was budgeted that this surplus was to be used to help fund the 2011/12 budget. The City's Long Term Financial Plan identified a surplus of \$1.86m that will be required. It is anticipated that this level of surplus will be achieved for 30 June 2011.

Accrued income and expenditure for 2010/11 are still in the process of being finalised and as such, it is anticipated that it will have an impact on the overall final result for the year ending 30 June 2011.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

No identifiable strategic, risk and environmental management implications.

POLICY IMPLICATIONS

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

C11/6002 – FINANCIAL STATEMENTS FOR JUNE 2011 (AMREC) (ATTACHMENT)

CONCLUSION

The attached reports reflect a positive financial position of the City of Melville for 30 June 2011. This final audited financial report will be tabled to Council when it is completed.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY

At 9.42pm Cr Robartson moved, seconded Cr Ceniviva -

1. That the Preliminary Statements of Financial Activity and the Preliminary Operating Statements for the year ending 30 June 2011 as detailed in the following attachments be noted:

DESCRIPTION	LINK
Preliminary Statement Of Financial Activity – June 2011	<u>6002A June 2011</u>
Preliminary Operating Statements By Program – June 2011	<u>6002B June 2011</u>
Preliminary Representation Of Working Capital – June 2011	<u>6002E June 2011</u>
Preliminary Reconciliation Of Net Working Capital – June 2011	<u>6002F June 2011</u>
Notes On Operating Statements Reporting On Variances Of 10% Or Greater – June 2011	<u>6002H June 2011</u>
Details of Budget Amendments requested – June 2011	<u>6002J June 2011</u>
Summary Of Rates Debtors – June 2011	<u>6002L June 2011</u>
Graph Showing Rates Collections – June 2011	<u>6002M June 2011</u>
Summary Of General Debtors Aged 90 Days Old Or Greater – June 2011	<u>6002N June 2011</u>
Detail of Debts Written Off – June 2011	<u>Not Applicable</u>

2. That by Absolute Majority Decision the budget amendments, as listed in the Budget Amendment Reports for June 2011, as detailed in attachment [6002J June 2011](#), be adopted.

At 9.42pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

15. EN BLOC ITEMS

At 9.42pm Cr Wieland moved, seconded Cr Foxtton -

That the recommendations for items P11/3234, D11/8040, C11/5189, C11/5000 and C11/6001 be carried En Bloc.

At 9.42pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL****18. MATTERS FOR WHICH THE MEETING MAY BE CLOSED****COUNCIL RESOLUTION**

At 9.43pm Cr Pazolli moved, seconded Cr Barton -

That the meeting be closed to the public to permit discussion on the Confidential Attachment to Item P11/3235 – Draft Vision for the Riseley Centre Precinct covered under Section 5.23 (2)(e) of the Local Government Act 1995 and Item P11/3230 Confidential Item - Purchase of Water Corporation Land Bounded by Clive Street, Baldwin Avenue and Ogilvie Road Mt Pleasant covered under Section 5.23 (2)(c) & (h) of the Local Government Act 1995, and Local Government (Administration) Regulations 1996 Clause 4A relating to the sale or purchase of property.

At 9.43pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

At 9.43pm Seven members of the public and two members of the press left the meeting.

P11/3235 - DRAFT VISION FOR THE RISELEY CENTRE PRECINCT (REC)
(CONFIDENTIAL ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Strategic
 Application Number : N/A
 Property : N/A
 Proposal : N/A
 Applicant : N/A
 Owner : N/A
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : N/A
 Responsible Officer : Gavin Ponton
 Manager Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

P111/3235 - DRAFT VISION FOR THE RISELEY CENTRE PRECINCT (REC)
(CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

- The City of Melville commissioned a planning study of the Riseley District Centre in 2008.
- The purpose of the planning study was to review the land uses and activities of the Riseley Centre in the context of emerging metropolitan frameworks such as *Directions 2031 and Beyond* and the *State Planning Policy 4.2 Activity Centres for Perth and Peel*.
- Councillors were briefed on the *Planning Analysis of the Riseley Centre* at the Elected Members Information Session of 23 February 2010.
- Councillors were also briefed on the Vision for the Riseley Centre at an Elected Members Information Session on 12 July 2011.
- The Draft *Vision for the Riseley Centre* was developed from the *Planning Analysis of the Riseley Centre*.
- The Draft Vision provides an outline of proposed changes to the Riseley Centre for the purpose of facilitating community information and feed-back.
- This report presents the Draft *Vision for the Riseley Centre* for Council's information prior to its release to the community.
- Once the community's feed-back on the Draft Vision is considered, project planning for more detailed studies will proceed, leading to the development of a District Centre structure plan for the Riseley Centre.

**P11/3235 - DRAFT VISION FOR THE RISELEY CENTRE PRECINCT (REC)
(CONFIDENTIAL ATTACHMENT)****DETAIL****Key Elements of the Vision**

The Draft *Vision for the Riseley Centre* proposes the following key elements:

Land use

The Draft Vision aims to expand the Frame to incorporate both sides of Willcock Street and the areas either side of Willcock Street along Canning Highway, up to Tain Street (east) and to Collier Street (west).

Built Form

The Draft Vision focuses on the two core areas on either side of Riseley Street, bounded by Canning Highway (north), Kearns Crescent and Willcock Street (west) and Kearns Crescent, Willcock, Simpson and Tain Streets (east).

The two central core areas would remain at two-three storeys maintaining the open 'village' feel of the Centre. These core areas are the focus of activity within the Riseley Centre and maintaining a lower built form with enhanced streetscapes would regenerate the precinct's heart in a vibrant pedestrian and community space.

Taller buildings would line Canning Highway and Kearns Crescent with a graduated reduction in building heights along Willcock Street and immediately adjacent to residential areas.

Overall the built form would be characterised by a cascade of graduated building heights, merging with the existing residential built form on the gradually rising topography abutting the southern boundary of Willcock Street.

Streetscapes

Enhanced pedestrian permeability and streetscape amenity would consolidate the Riseley Centre's existing open and tree-lined village feel, achieved, in part, by a focus on pedestrian and cyclist safety through road and path design, efficient use of vegetation, public furniture and art, and a kerb-less environment.

Design guidelines would support street frontages that contribute to greater interaction between businesses, clients and passing pedestrians, increasing the attractiveness and diversity of pedestrian-based interactions within the precinct.

Parking

The stakeholder survey, focus groups and information forum noted parking as one of the main issues to be addressed within the Riseley Centre.

Detailed analysis leading to a precinct-wide parking strategy will be an essential component of planning studies leading to the development of a structure plan for the Riseley District Activity Centre.

Traffic

Detailed analysis leading to a precinct-wide traffic study will similarly be an essential component of planning studies leading to a structure plan for the Centre.

**P11/3235 - DRAFT VISION FOR THE RISELEY CENTRE PRECINCT (REC)
(CONFIDENTIAL ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION****Community information and feed-back on the Vision for the Riseley Centre**

A community information and feed-back forum will be held later this year at which the project consultants will present the main issues identified in the *Planning Analysis of the Riseley Centre*.

A summary overview of the next stages such as specific studies and the structure planning process will also be presented.

The community will have the opportunity to ask questions, and lodge submissions on the Vision. The community will also be invited to submit comments through the City's web site or by mail.

Comments submitted will be collated and integrated into the next phase of the project, being the commencement of detailed technical studies and the preparation of a structure plan.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Consultation and ongoing project liaison with planning, services and utilities agencies will be required as the detail of specific studies and of the structure planning process are formulated and implemented.

STATUTORY AND LEGAL IMPLICATIONS

There are no immediate statutory or legal implications at this stage of the project.

FINANCIAL IMPLICATIONS

Project planning estimates identify a timeline of approximately twelve to eighteen months for the completion of the detailed planning and structure planning process, with \$60,000 allocated in the 2011/2012 budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no immediate strategic risk, or environmental management implications at this stage of the project.

P11/3235 - DRAFT VISION FOR THE RISELEY CENTRE PRECINCT (REC)
(CONFIDENTIAL ATTACHMENT)

POLICY IMPLICATIONS

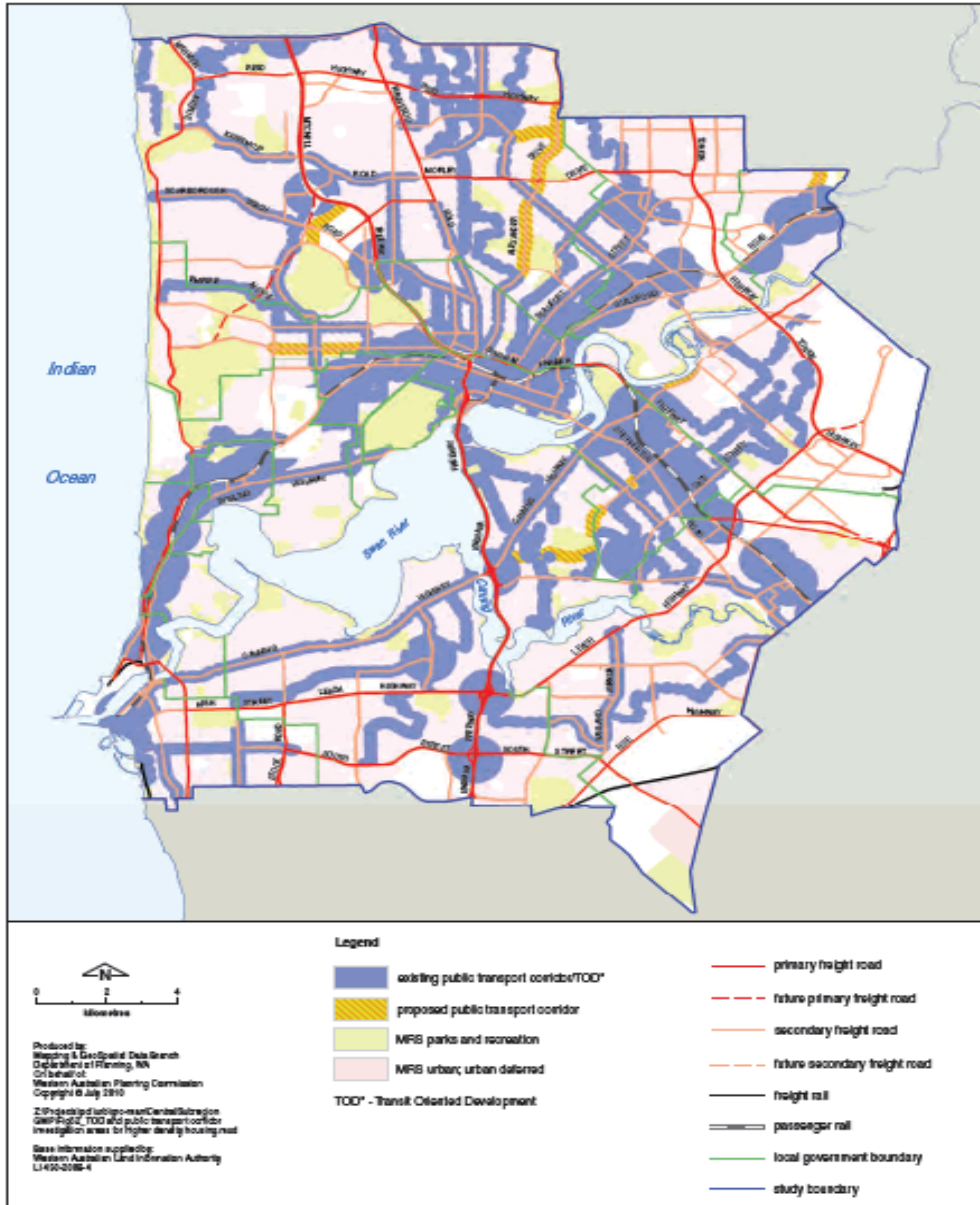


Figure 52: Transit oriented development and public transport corridor investigation areas for higher density housing

Directions 2031 and Beyond and the draft *Central Metropolitan Perth Sub-Regional Policy*, indicate a focus of growth in higher residential densities along public transport corridors and within Activity Centres.

Canning Highway is one such public transport corridor and the City of Melville’s draft Local Planning Strategy will guide the implementation of these policies at the local level.

The City of Melville has been working in partnership with the City of South Perth and the Department of Planning with respect to development opportunities for the Canning Bridge Precinct.

**P11/3235 - DRAFT VISION FOR THE RISELEY CENTRE PRECINCT (REC)
(CONFIDENTIAL ATTACHMENT)**

The Riseley Centre is a designated District Centre in the Western Australian Planning Commission's (WAPC) *State Planning Policy 4.2 Activity Centres for Perth and Peel*.

State Planning Policy 4.2 requires that where retail floorspace (net lettable area) exceeds 20,000 sq metres, a Structure plan must be prepared for the approval of the WAPC.

The Riseley Precinct Plan proposes 21,000 sq metres of such retail floorspace, and over 100,000 sq metres of commercial floorspace, and as such a Structure Plan is required to be prepared.

The *Vision for the Riseley Centre* is a first step in reviewing planning options and proceeding in a staged approach to developing the Riseley Centre's potential as a transit oriented District Centre.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The *Vision for the Riseley Centre* represents a first step in the integrated structure planning process required for the revitalisation of activity centres.

Detailed studies and analysis of key issues will test and determine the practicality of the concepts contained in the Vision document, and inform traffic and parking strategies, urban design and built form guidelines, and pedestrian, streetscape and CPTED guidelines.

The *Vision for the Riseley Centre* will be released to the community so as to introduce a general concept for revitalising the Riseley Centre.

A facilitated community information forum will be scheduled for the latter part of 2011 providing an opportunity for the surrounding community to express comments on key issues.

Once the community's views have been collated their comments will contribute to the more detailed study stages and the planning processes leading to the development of a District Centre Structure Plan for the Riseley Centre.

**P11/3235 - DRAFT VISION FOR THE RISELEY CENTRE PRECINCT (REC)
(CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3225)****APPROVAL**

At 9.53pm Cr Pazolli moved, seconded Cr Robartson -

1. That Council note the preparation of the Draft Vision for the Riseley Centre Precinct.
2. That Council approve the advertising of the Draft Vision for the Riseley Centre Precinct, for the purpose of community information and feedback. Following the advertising process, and the review of submissions, feedback received will be taken into consideration.
3. That it be noted that the Draft Vision for the Riseley Centre Precinct is proposed as a non statutory concept document for further review and testing via the detailed studies associated with the preparation of a District Centre Structure Plan.
4. That the Draft Vision for the Riseley Centre Precinct report remain confidential until the commencement of the proposed public consultation period.

At 9.58pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

CONFIDENTIAL ITEM P11/3230 - PURCHASE OF WATER CORPORATION LAND BOUNDED BY CLIVE STREET, BALDWIN AVENUE AND OGILVIE ROAD MT PLEASANT (REC)Disclosure of Interest

Item No.	P11/3230
Member	Cr Pazolli
Type of Interest	Interest under Code of Conduct
Nature of Interest	Residence within 130 – 170 metres of Park
Request	Stay, Discuss & Vote
Decision of Council	Not Applicable

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3230)**APPROVAL**

At 9.59pm Cr Pazolli moved, seconded Cr Reidy -

That the Council;

In respect to the following properties:

- Lot 18 (70) Ogilvie Road, Mt Pleasant being Certificate of Title Volume 1279 Folio 199
 - Lot 9 (72) Ogilvie Road, Mt Pleasant being Certificate of Title Volume 1225 Folio 836, and
 - Lot 10 (3) Clive Street, Mt Pleasant being Certificate of Title Volume 1225 Folio 837 -
1. Resolves to authorise the Chief Executive Officer to formally offer to acquire the subject lots from the Water Corporation in accordance with the recently concluded negotiations between the Chief Executive Officer and the Water Corporation as follows;
 - a) Purchase price of \$3.3 million plus GST.
 - b) Payment schedule to be as follows;
 - I. \$1million on settlement of property
 - II. \$500,000 to be paid by the City of Melville to the Water Corporation of Western Australia each year (at a time to be mutually agreed between the parties) until such time as the balance of \$2.3million plus GST is fully paid.
 - c) City of Melville to cede that portion of Lot 10(3) Clive Street, Certificate of Title 1225/837 to the State of Western Australia to enable the constructed portion of Baldwin Avenue Mt Pleasant to be dedicated as a road reserve.
 - d) The Water Corporation to provide all intellectual property arising as a result of their previously approved subdivisional application for the subject lots to enable the City to comply with Clause 1(c) of this resolution.
 - e) The Water Corporation to provide a single connection for all essential services on one of the subject properties to enable the City to develop the property as Local Open Space.

CONFIDENTIAL ITEM P11/3230 - PURCHASE OF WATER CORPORATION LAND BOUNDED BY CLIVE STREET, BALDWIN AVENUE AND OGILVIE ROAD MT PLEASANT (REC)

2. Retains the properties, following acquisition, in freehold title and with the current prevailing zoning of Residential R12.5 so as protect the City's asset value in these properties.
3. Acknowledges the Chief Executive Officer's contribution in reaching this negotiation with the Water Corporation of Western Australia on behalf of the City of Melville.
4. In the event that the Water Corporation accepts the offer from the City to acquire the subject land, the lead petitioner and adjacent landowners be advised of the outcome.
5. That the Chief Executive Officer be directed to bring forward a report for Council consideration on development contributions to mitigate future community infrastructure costs across the City caused by development.
6. That the Chief Executive Officer prepare a budget submission for the 2012/2013 financial year, linked to the Long Term Financial Plan, for the development and ongoing maintenance of the site.

At 10.01pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

COUNCIL RESOLUTION

At 10.02pm Cr Pazolli moved, seconded Cr Barton –

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

At 10.02pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

Seven members of the public and no members of the Press returned to the meeting and the Mayor advised the public of the resolutions from the items that were discussed behind closed doors.

19. CLOSURE

There being no further business to discuss, His Worship the Mayor declared the meeting closed at 10.04pm.