

**MINUTES**

**OF THE**

**ORDINARY MEETING OF COUNCIL**

**HELD ON**

**TUESDAY 15 JULY 2014**

**AT 6.30PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 15 JULY 2014.**

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**1. OFFICIAL OPENING**

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

**Affirmation of Civic Duty and Responsibility**

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

**2. PRESENT**

His Worship the Mayor, Russell Aubrey

**COUNCILLORS**

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

**WARD**

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

**3. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr B Dawkins	A/Director Community Development
Mr J Christie	A/Director Corporate Services
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast	Manager Statutory Planning
Ms D Whyte	A/Manager Financial Services
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano	Governance & Property Officer
Ms S Tranchita	Minutes Secretary
Ms G Healey-Burgess	Corporate Administration Officer

At the commencement of the meeting there were 20 members of the public and one member from the Press in the Public Gallery.

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

Nil.

**4.2 APPROVED LEAVE OF ABSENCE**

Cr M Reynolds (Deputy Mayor) University Ward

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

Nil.

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

Nil.

**6. QUESTION TIME****6.1 E Nicholson, Booragoon**Question 1

*I refer to the Public Relations Policy approved by Council at its June Ordinary Council Meeting.*

*Does the policy stipulate that City of Melville Elected Members will be barred from making statements in any media publication, including the City's own Mosaic magazine, if the statements don't align with the City's views or could potentially be damaging to the City's image, even if true?*

Question 2

*Can Elected Members make statements to the media if true and if it is stated that the views are solely those of the Elected Member and not the City's view nor the Council's view?*

Response

The Chief Executive Officer advised that the *Local Government Act 1995*, the City's Code of Conduct and Council Policies determine what Councillors can and can't say.

**6.2 G Harcombe, Leeming**Question 1

*Has there been a District Water Management Strategy prepared? This is needed to support region scheme rezoning. Has this been factored into the proposals? 18 months to 2 years of water monitoring would be required.*

Response

Detailed investigations, such as a district water management strategy, are proposed in the next stage of the project. It is noted that extensive data exists from ongoing monitoring of ground water in association with contamination issues at John Connell Reserve.

Question 2

*Has a study been completed to examine what impact further urban development would have on existing services?*

**6. Question Time (Continued)****6.2 G Harcombe, Leeming (Continued)**Response

Preliminary research associated with the preparation of the concept plan has indicated available capacity in utility services. In some instances, there is an identified capacity limit in some essential services within the Leeming area, such limits would require infrastructure upgrades to be implemented in order for any such development to take place. Where service and infrastructure upgrades have been identified for upgrade, these upgrade costs have been included as project costs to the Concepts applicable. The detailed investigation stage of the project will further confirm any need for services upgrades.

Question 3

*Has a traffic study been undertaken to determine if there is a capacity within the existing road network to accommodate additional urban development?*

Response

Preliminary research associated with the preparation of the concept plan has indicated that the existing road network has capacity to accommodate the proposed additional urban development. Detailed traffic studies would form part of the next stages of the project.

Question 4

*How does the reduction of the area of reserve impact on the broader provision of open space? Has the City prepared a public open space strategy to ensure the reduction of recreational open space will not compromise open space provision City-wide*

Response

It is not possible at this stage to determine the extent of open space that will be generated from any proposal until further studies are completed, and the land use for various areas within the precinct have been recommended. The provision of open space within any future Concept Plan submitted to the Council will be included within the documentation.

The City's Local Open Space Strategy indicates that the Leeming B precinct achieves the 10% open space target.

**6. Question Time (Continued)****6.2 G Harcombe, Leeming (Continued)**Question 5

*Would Council please explain why the redevelopment of MCGC is still under consideration when:*

- a. Residents rejected the proposal at two community panel meetings in April 2013;*
- b. 208 residents signed a petition in 2013 objecting to the redevelopment;*
- c. Three community focus groups held on 28th, 29th and 30th April 2014 unanimously objected to the redevelopment proposal;*
- d. In April 2014, an online survey of residents overwhelmingly objected to the proposed rezoning;*
- e. During 2013-14, a significant number of MCC residents expressed their opposition to the redevelopment on the MCC's ' We Are Listening' website.*

Response

The item to Council seeks consideration as to whether or not the project should be progressed to a detailed planning stage. The feedback from stakeholders, including the outcomes of items (a) to (e) above has informed the reports recommendation with respect to progressing the project. The proposed detailed planning stage is intended to accurately determine if elements of the concept plan can be progressed having regard to the items raised during the community engagement phases of the project.

Question 6

*Would Council please provide written evidence from residents of Leeming and affected community groups supporting the redevelopment of MGCC and JCR?*

Response

Details of the results of the community engagement are summarised in the report to Council.

Question 7

*Would Council please explain why community meetings, including Council meetings regarding the proposed redevelopment, have been:*

- a. scheduled to occur at or around public holidays (Easter 2013 & 14); and*
- b. during school holidays when many residents are away (July 2012 & 2014).*

**6. Question Time (Continued)****6.2 G Harcombe, Leeming (Continued)**Response

Community engagement programs are scheduled, where possible, to avoid school holidays and public holidays. It is noted that the community planning workshop held on 30 July 2012 and the focus groups held 28-30 April 2014 were held outside of school holidays. Council meetings are not ordinarily scheduled to avoid school holidays, although meetings are generally not held in January. It is noted that residents may ask questions in writing in advance of Council meetings.

Question 8

*Is the scheduling of community meetings during public holidays and school holidays part of Council's strategy to ensure the least public input possible into the proposed redevelopment?*

Response

To provide the best opportunity for input, community engagement programs are scheduled, where possible, to avoid school holidays and public holidays.

Question 9

*Why hasn't Council approached the State Government for compensation over the Government's rejection of the redevelopment of Ken Hurst Park now that Leeming residents have rejected the redevelopment of MGGC and JCR?*

Response

The direction of Master Planning for Melville Glades Golf Course and John Connell Reserve is yet to be determined. Regardless of the progress on the Master Plan, the City will continue its discussions with the State Government surrounding the rezoning of Ken Hurst Park and potential compensation opportunities.

Question 10

*When will Council properly and transparently undertake community consultation on what Leeming residents would like to see happen on JCR?*

Response

The Master Planning project has included engagement with the community on the future of the study area. The initial design workshop in particular provided residents with an opportunity to indicate what they would like to see happen.

**6. Question Time (Continued)****6.2 G Harcombe, Leeming (Continued)**Question 11

*During the period when JCR was used as a landfill site, what happened to any reserve monies set aside to make good this site for future use by surrounding residents?*

- a. How much was set aside and where is it now?*
- b. Were there any a requirements / conditions of use stated by the State Government during this period that MCC make good this site?*

Response

The City has established a Refuse Facilities Reserve. The Reserve is established for purposes associated with refuse facilities generally and includes rehabilitation works of former refuse tip sites operated by the City of Melville. The estimated reserve balance at 1 July 2014 is \$2,890,432. This amount relates to all refuse facilities within the City, with no specific breakdown for John Connell Reserve.

Question 12

*Would Council please provide written evidence from the DER that the landfill site on JCR must be rehabilitated if used for passive recreation only.*

Response

Differing views on the need for rehabilitation and the level of remediation required for John Connell Reserve emerged during the later stages of the community engagement. The question of whether or not the reserve needs to be rehabilitated if used for passive recreation only will be answered during the proposed next stage of detailed investigations.

The City has not suggested that John Connell was subject to a current order from DER that it required immediate rehabilitation however during the course of this project, the City has been requested by DER to immediately respond to contamination issues at John Connell Reserve.

Question 13

*Does Council believe it is fair and equitable to sell a public asset, such as portion of MGGC, to fund the relocation of 6 fairways and a new MGGC clubhouse?*

**6. Question Time (Continued)****6.2 G Harcombe, Leeming (Continued)**Response

The concept plan for the study area is exploring opportunities to develop uncontaminated land on portions of the current Melville Glades Golf Course. For this to occur, existing uses would need to be relocated or replaced. The next stage of the project, the detailed investigations phase, will examine the merits, feasibility and practicalities of this approach. At that stage, the City would be in a better position to comment on the fairness and equity of the plan.

Question 14

*Is Council aware of any historical records from either the State Government or consultants engaged by MCC during the period when JCR was used as a landfill site?*

- a. Was there any State Government general or specific conditions for use of the land fill site?*
- b. Has MCC staff contacted previous senior staff about the operating conditions which may have needed to be complied with over the 16 years JCR was used as a landfill site?*

Response

The City is currently reviewing historical records with respect to the operation of the landfill site. The option of contacting former staff will be considered.

Question 15

*Would Council please confirm that, if the proposal to redevelop the public asset of JCR and MGGC proceeds, contrary to residents' wishes, this would enable:*

- a. the extinguishment of approximately \$2,000,000 debt which the MGGC owes the MCC;*
- b. provision of a new clubhouse and storage facility at no cost to MGGC;*
- c. development of 6 new fairways at no cost to MGGC; and*
- d. provision of new irrigation and landscaping to the whole golf course.*

Response

These are matters which are to be the subject of detailed investigations, proposed in the next stage of the master planning project.

**6. Question Time (Continued)****6.2 G Harcombe, Leeming (Continued)**

The City is well aware that the Melville Glades Golf Club will desire certain outcomes from this project, these like all aspects included within the Opportunities Plan have to be considered in further detailed and each considered on their own relative merits. The City has not committed to, neither has the Melville Glades Golf Club sought commitment from the City in respect to any of the benefits indicated in the question, and any consideration of these individual benefits are only relevant if the findings from further studies concludes that such works are required or should be undertaken.

**6.3 P Dennis, Leeming**Question 1

*Focus Group Meeting – Of the 3 concepts presented to meetings the attendees were asked to advise on which concept they preferred. Notably absent was the ability to voice a “no” vote against all presented concepts. Why?*

Response

The Focus Groups were not conducted on the basis of an either or proposal, and no attendee was obliged to support one concept over another, or any at all. The Focus Groups provided the opportunity for attendees to discuss elements contained within all or any of the Concept Designs and discuss what they liked, what they didn't, what they would prefer and what changes to the elements within the Concept Designs they felt were required.

Through this process the City was able to better clarify the specific concerns that some residents had with the elements within the Concept Designs, concerns that are now proposed to be further studied so that a more thorough response to these issues can be presented to Council.

The resultant Opportunities Plan, as included in the Council Agenda does not seek to validate any of the Concept Designs; it merely identifies the issues as identified with respect to each of the elements contained within all of the Concept Designs and seeks to gain authority from the Council to conduct further studies and research.

Question 2

*Resident awareness and the consultation process – Recently, Council via letter drops, advised residents of expressing an opinion on the opening of Bainton Road and Dimond Court. P33 of the report states that 4,500 letters were distributed to residents within a 800m catchment of the study area in July 2012 calling them to attend a design workshop. Given the progression of this matter and the importance to Leeming residents of the proposal for the redevelopment of MGGC is it not reasonable to expect something similar could have been done for the Focus Group Meetings or preferably now, holding one community meeting in a suitable venue [with plenty of notice] giving the community an opportunity to voice their opinion?*

**6. Question Time (Continued)****6.3 P Dennis, Leeming (Continued)**Response

*It is proposed that further updates will be provided to all residents within the 800 metre catchment as part of this stage of the planning process, the City has used various forms of communication throughout the last 2 years including editorials within local newspapers, articles in City of Melville publications as well as the continued publication of all information on the City of Melville website. This on line content alone has been reviewed by almost 600 people.*

*The focus groups were initially established through advertisements in local newspapers, when it was clear that this was not generating the number of nominees expected, the City called those people who had attended the original design workshops in the hope that this would encourage greater participation, this however only increased attendees by 2-3 people.*

*When further studies have been completed, a more thorough proposal will be generated, and at that time the City will be in a position to consider a range of consultation processes including a public meeting.*

Question 3

*Report – P62/63 under the heading “Conclusion” summarises the many problems associated with the concepts and still falls back on the line that the concepts arose initially not by the Council but via “the community feedback received during this process [that is, the July 2012 design workshop]”. I have asked the question before as to who were these people that came up with these “ideas”; it seems that no minutes, no list of attendees were taken. The question therefore still remains; the origin for the “ideas” must have come from an instigation from someone, why was the initial meeting called in July 2012 and what was presented to those present?*

Response

The genesis for the master planning process is provided within the report as tabled at Council, however it is not fair to state that a list of attendees was not recorded at the design workshop held. 125 people attended the design workshop, from an initial distribution of approximately 4500 letters. The names and contacts of all attendees at that design workshop were recorded, as attendees were asked to sign in as they arrived.

Formal minutes of the design workshop were not taken, as this was not conducted as a traditional meeting, and people attending were encouraged to move around throughout the evening and discuss different ideas with other attendees.

The content of all presentations, information and feedback was provided by the City on its website immediately after the design workshops were held, and the letter to residents encouraged residents to access this information if they were unable to attend the design workshop.

**6. Question Time (Continued)****6.3 P Dennis, Leeming (Continued)**Question 4

*Costs of rehabilitation - Does the Council feel it is reasonable that local residents in Leeming will pay a price for the rehabilitation of the old waste tip which was previously available for all Melville ratepayers and, were not funds set aside for this purpose?*

Response

It was never proposed that the residents of Leeming would have to pay for the costs associated with John Connell Reserve, however neither was it considered fair to ask all residents of the City of Melville if they were happy with a substantial rate rise to cover these costs, or if they preferred alternate options to be considered, such as development to offset these costs.

The Council was well aware that asking residents who have no relationship to this area and no desire to see a rate rise, would unfairly impact on the residents of Leeming. This is why the master planning and every part of the consultation process to date has focused on the Leeming area only.

The Concept Designs simply reflect the range of feedback received from the entire community during this process, the Council recognises that not every person will agree with every part of every Concept proposed, that is the basis of democracy, however equally it is unfair for the residents of Leeming to make decisions on behalf of the over 100,000 residents of the City unless they are willing to let those people have their say on the proposals.

The City, like many other local governments in the State incurred a liability as result of the Contaminated Sites legislation being created by the State Government some years ago. There are of course a large number of former tip sites both in Melville and across the State and the costs associated with their rehabilitation are borne by the respective local governments. Given the size of the City's rate base, it is not feasible to cash back this liability for all such sites in the City without this having a substantial impact on general rates for all residents and businesses. The Master Planning at John Connell Reserve as seen as an alternative to simply raising the rates, and passing this cost onto ratepayers, however this of course remains an alternate option to the City, one that it is hoped we can avoid, both for John Connell Reserve as well as for other contaminated sites in the district.

Question 5

*Proposal budget – has a proper budget/costing been prepared for the overall project showing expected income/expenditure and if so has this been made available to ratepayers for review? The financial analysis shown on P35 is only a summary.*

**6. Question Time (Continued)****6.3 P Dennis, Leeming (Continued)**Response

Each of the Concept Designs arising from the design workshops was subject to detailed financial assessment to determine, which if any, could be achieved and what the potential costs of achieving the Concepts would be. Independent valuers were engaged to provide content to these draft financial reviews and costings were obtained from a variety of sources to validate the financial conclusions as made. The City has maintained throughout this project that full financials for any Concept is still required prior to the Council being able to consider any Concept for endorsement, however at this stage, no Concept has been endorsed in preference to any other, and further studies are required to enable the City to arrive at any conclusions.

**6.4 L Delahaunty, Leeming**Question 1

*Does the Council agree the proposed concepts to shift golf course holes onto John Connell Reserve will substantially reduce the public open space available in the Leeming area and greatly restrict public access to a large part of the John Connell Reserve? Especially at a time when the Council predicts a gross shortage of POS in the City to meet future demands*

Response

The concept plans identify an opportunity to locate golf holes onto portion of John Connell Reserve. The portion of reserve is currently unusable due to its previous use for landfill and as it has not been remediated. It is not possible at this stage to determine the extent of open space that will be generated from any proposal until further studies are completed, and the land use for various areas within the precinct have been recommended. The provision of open space within any future Concept Plan submitted to the Council will be included within the documentation.

Question 2

*The use of recreation reserves for residential development is unheard of in Local Government circles and the selling off of assets to meet operational costs is considered a bad business practice. Does the Council accept that this project places the Council in an unsavoury position with an obvious conflict of interest becoming a developer, while remaining the statutory planning and legislative enforcement authority, (on Crown Land only vested with the City for its care and control*

6. Question Time (Continued)
- 6.4 L Delahaunty, Leeming (Continued)

Response

The concept plan explores opportunities to enhance the wider area of Leeming and to respond to obligations with respect to the decontamination of a former landfill site. This approach is considered to be a sound business practice. Further, any conflict of interest at the master planning stage is avoided as any progress on the project is subject to many layers of State Government approval. Changes to the tenure of the land, environmental legislation and amendments to the Metropolitan Region Scheme and local planning schemes are all dependent upon independent approval by the State Government.

The properties in question are not assets of the Council as they are owned by the State Government and as such the Council is not intending to sell off its assets to fund operational costs.

There are number of local governments within the State who have successfully acquired previously reserved land for other land uses as part of a strategic review of properties or as a catalyst to regeneration projects.

Question 3

*The Council resolved at its meeting held 3<sup>rd</sup> April 2013:-*

***“Request the CEO develop an engagement process for this phase of community engagement that appropriately explains each of the concept designs as advertised and explains the relative benefits and disbenefits of each proposal.***

***Reconsiders these concept designs, and all submissions received following the completion of this community consultation.”***

*Does the Council believe that two meetings of a small consultative committee (abandoned by staff for not providing the purpose desired), three Focus Groups with a total of 14 preselected participants and a restricted survey on the Councils website; (all reported to be overwhelmingly against the concepts presented), has met the community engagement intended in the resolution.*

*Also the resulting report to this meeting, accurately presents the facts of this Community engagement outcome?*

*That the report actually submits a new concept plan, which is not authorised and only serves to confuse the issue further?*

Response

The results of the second phase of community engagement are outlined in the report for Council's consideration. Importantly, the second phase of engagement was intended to further explore the earlier feedback provided with respect to particular elements of the different concepts. This objective was achieved and enabled the preparation of a further opportunities/concept plan. As outlined in the report, this opportunities/concept plan is not final and will be used to further investigate merits of the proposal and in particular to establish if particular elements of the plan are achievable having regard to the items raised during community engagement.

**6. Question Time (Continued)****6.4 L Delahaunty, Leeming (Continued)**

It is not intended that this report to Council concludes the community consultation process, if the Council deems that further consultation is required, it merely provides an update on the status of the project following the most recent consultation process and seeks Council approval to initiate detailed studies required in order to make a fully informed decision.

Question 4

*Does the Council believe the report presented to the Council adequately meets the Legislative and policy requirements for considering the legal petition (received by the Council at its meeting held 17<sup>th</sup> September 2013 consisting of 208 signatories) requesting:-*

***“THE MASTER PLANNING OF THESE RESERVES BEING UNDERTAKEN BY THE CITY, BE CONFINED TO THE JOHN CONNELL RESERVE ONLY, AND THE GOLF CLUB RESERVE REMAIN IN ITS CURRENT FORM, WITH NO PROPOSAL TO INTRODUCE RESIDENTIAL DEVELOPMENT”?***

Response

The report notes and deals with the petition in accordance with the City’s Standing Orders.

Question 5

*Does the Council advise that a petition made under the Local Government Act requesting a Special Electors Meeting is the **only** way local community residents of Leeming will see a public meeting convened to have the objectives and ramifications of this project explained and allow questions and views to be expressed openly?*

Response

A petition requesting a Special Electors Meeting is one option to provide for the convening of a public meeting on this project. Community engagement on this project in the future may include opportunities for a public meeting.

**6. Question Time (Continued)****6.4 L Delahaunty, Leeming (Continued)**Question 6

*Why have the reports presented to the Council on this project only commence in 2009, failing to provide accurate information on the true background of these reserves including:-*

- *Original conditions imposed by the State Government when approval was given for the use of John Connell Reserve for landfill in September 1972.*
- *Details on the actual costs to remediate the landfill site and how these may vary depending on the intended future uses proposed for the site, thus affecting likely remediation costs.*
- *The original reason the Council purchased the Ken Hurst Park and how these intentions were changed over the years, thus affecting the City's right to claim compensation from the State government under the "Bush Forever Scheme".*
- *The Councils previous adopted Master Plan for the John Connell Reserve and consultation with the local community.*
- *The Councils records monitoring of the landfill site, including contaminants, gas emissions, and ground water contamination and movement.*

Response

The reporting to Council examines opportunities for the future of John Connell Reserve and the Melville Glades Golf Course. Investigations into the history of the use of the site for landfill, relationship between Ken Hurst Park, monitoring of contamination and cost of remediation have informed the current master plan preparations and details have been provided to Council via Elected Member Information Sessions, Agenda Briefing Forums and Council Meetings. The proposed next phase of the project will involve further detailed investigation of the opportunities identified in the concept plan. This next phase will involve additional testing of the identified opportunities in response to matters raised by the community, statutory compliance and financial feasibility. Additional reporting of the above elements will form part of this next phase of the project.

Whilst the prior Master Plan developed in 1996 is acknowledged and was directly responsible for many of the changes to parts of John Connell Reserve, this plan is now almost 20 years of age, during which time there has been a considerable change in the residents now residing in this area. This project has simply allowed for the review of the current land uses in this area and the identification of potential alternate land uses.

Further investigations are required before any conclusions can be drawn with respect to these land uses. The types and locations of such land uses within the Opportunities Plan as provided to the Council are simply to indicate hypothetical locations subject to further analysis and investigation. They should not be taken to mean and neither are they intended to indicate if such land uses will be recommended, where such land uses will be located, or if the overall objectives of the master plan can be achieved.

**6. Question Time (Continued)****6.4 L Delahaunty, Leeming (Continued)**Question 7

*Does the Council agree that the remediation costs of the landfill site which was used for the whole of City Waste disposal should be met by the whole of City; not just selling off Public Open Space in the Leeming area?*

Response

John Connell Reserve is one of a number of former landfill sites subject to remediation requirements. Remediation of these former landfill sites is a responsibility for the whole of the City to address. Different initiatives will be progressed across the City to respond to the remediation obligations at different locations. Costs and/or revenue from these projects are spread across the entire City.

The Council recognises that a substantial increase in rates for all residents across the entire district is an option that could be used to fund the remediation of John Connell Reserve and other contaminated sites in the district. This option, along with all other information will be considered once further investigations in respect to the Opportunities Plan have been completed.

The Council is also aware that such a proposal would have a financial impact on all residents in the City of Melville, and appropriately their opinion in respect to any such proposal should be sought.

To date this option has not been proposed to the broader community, and consultation has focused on the residents and other stakeholders of Leeming, on the basis that the precinct in question has more of a relationship with that locality.

**6.5 A Brown, Leeming**Question 1

**COMMENT:** In Western Australia, the Forest Red-tailed Black Cockatoo is listed on Schedule

(Forest Black Cockatoo, Baudin's Cockatoo *Calyptorhynchus baudinii* and Forest Red-tailed Black Cockatoo *Calyptorhynchus banksii naso* Recovery Plan – WA Dept of Environment and Conservation) – Fauna that is rare or likely to become extinct pursuant to the Western Australian Wildlife Conservation Act 1950. It is listed as Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The Forest Red-tailed Black Cockatoo fits the International Union for Conservation of Nature [IUCN] (2001) Red List Categories and Criteria for Vulnerable because of a projected or suspected decline in the population of 30 per cent or more within the next 10 years or three generations, whichever is the longer (up to a maximum of 100 years).

**6. Question Time (Continued)****6.5 A Brown, Leeming (Continued)**

**QUESTION:** If this redevelopment of MGGC proceeds, how will Council ensure that the north-west corner of MGGC, a recognised roosting habitat for the Forest Red-Tailed cockatoos, as verified by the Black-Cockatoo Conservation Officer, Tamara Kabat, and evidence of Quenda living in the understory, is not removed, destroyed or in anyway disturbed so that it remains as is for the benefit of endangered and rare wildlife?

Response

The last phase of the community consultation clearly indicated community concerns with respect to the quality of the natural habitat in the North West portion of the current Melville Glades Golf Course. This issue has been identified as requiring immediate investigation as part of any further studies. Investigations would include an examination of impacts on flora and fauna and liaison with State agencies as applicable. Independent expertise would be engaged by the City as required to clarify these issues and these would form part of any future consideration of the matter by the Council.

Question 2

Will Council please explain what conditions or stipulations were required by the State Government of MCC upon granting access to JCR to be used as a landfill site, and was MCC required by the State Government to set a budget for the remediation of JCR upon its closure? If so, how much and why is it now not used to remediate JCR?

Response

John Connell Reserve is vested in the care, control and management of the City of Melville. Operation of the landfill site was subject to the relevant health and planning legislation applicable at the time. The vesting of John Connell Reserve in the City of Melville was not conditional on any funds being set aside for the remediation of the site by the City of Melville. This situation was not uncommon in such tip sites operating from the 1970's onwards and the Contaminated Sites legislation did not come into force until 1996. An objective of the current Master Planning project is to explore opportunities to fund the remediation obligations associated with the former landfill site.

Question 3

If research on the concepts is to proceed, will a traffic and environmental impact study be conducted? And ensure that:

- the studies are carried out by independent bodies?
- are transparent at all times?
- inform local residents of Leeming that they are to be carried out?
- invite the local residents to have input?
- inform local residents by letter of the results?
- allow feedback on the results?

**6. Question Time (Continued)****6.5 A Brown, Leeming (Continued)**Response

It is proposed in accordance with the recommendation to the Council, that further studies be conducted in respect to both environmental issues and traffic management issues arising from any proposal to redevelop either the Melville Glades or John Connell Reserves. The means by which such studies will be conducted is not yet confirmed, however the Council has previously used the services of independent expertise in respect to this project and it is anticipated that a similar methodology would be employed with respect to such future studies.

The contents of the studies as engaged would be the subject of further reports to Council, the contents of which would be readily available to members of the public to consider. The means of communicating the outcome of further studies with the community would need to be resolved as there have been requests for public meetings, letters to residents and other methods to be employed. All such options would be need to be considered further to ensure that the greatest proportion of residents have the opportunity to consider these matters.

It is not usual practice for independent experts in the fields of environmental science and traffic management to have their reports subject to input by local residents, however a thorough understanding of the issues as raised by the community is considered to be important in any such studies being undertaken, and the community would be invited to attend any public meetings held or make comments on matters arising from these studies once complete and as part of any future deliberation of this matter.

Question 4

If Council were to proceed with a Concept:

- will they inform local residents of Leeming by letter of the fact?
- will they inform local residents of Leeming by letter of how the next phase will proceed?
- will they inform local residents of Leeming by letter of the consultation opportunities?
- invite local residents of Leeming to participate in the consultation process?
- will Council ensure a transparent and open process will follow?

Response

The Council is yet to determine what consultation process would be used for any future stage of this project, however it is recognised that further consultation would be required and expected by the community.

The previous consultation processes have shown that engaging with a wide cross section of the community during the whole life of this project has presented challenges, and the City would be reviewing the options available to make the process and the information available to all residents. Letters to residents is one option available, and this would be considered at the appropriate time along with a range of options designed to encourage greater participation.

**6. Question Time (Continued)****6.5 A Brown, Leeming (Continued)**

The Council has no intention of endorsing any Concept for this precinct until further studies are complete, further information is provided to the community and the issues as raised from the previous consultation processes have been considered and responded to.

**7. AWARDS AND PRESENTATIONS****Institute of Public Administration Australia (WA) Achievement Awards 2014**

On Friday, 27 June 2014, the City of Melville was recognised for best practice with three awards from the Institute of Public Administration Australia (WA).

The City of Melville's Lifewise Resource Project was awarded for Best Practice for Health and Wellbeing. The project involved a series of four cutting edge educational resources to assist young people navigate the challenges of adolescence.

The City's Project Robin Hood was awarded for Best Practice in Corporate Social Values. This participatory budgetary project was led by the City's Youth Advisory Council with support from Neighbourhood Development and a cross organisational team.

In addition, the City of Melville's Chief Executive Officer, Dr Shayne Silcox, was awarded Local Government Leader of the Year.

**8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF COUNCIL – 17 JUNE 2014**  
**Minutes 17 June 2014****RECOMMENDATION**

At 7:19 pm Cr Schuster moved, seconded Cr Robartson -

**That the Minutes of the Ordinary Meeting of Council held on Tuesday, 17 June 2014, be confirmed as a true and accurate record.**

**Amendment**

At 7.19pm Cr Schuster with the agreement of the seconder, Cr Robartson, agreed to incorporate the amendment into the recommendation.

***That the Minutes of the 17 June 2014 Ordinary Meeting of the Council be amended by the insertion of the names of Elected Members after the substantive motion vote of report M14/5371 – Chief Executive Officer Contract, to read:***

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

**Reason for Amendment**

The voting numbers were recorded but Elected Member's names were omitted.

**COUNCIL RESOLUTION**

**That the Minutes of the Ordinary Meeting of Council held on Tuesday, 17 June 2014, be confirmed as a true and accurate record subject to the following amendment -**

***That the Minutes of the 17 June 2014 Ordinary Meeting of the Council be amended by the insertion of the names of Elected Members after the substantive motion vote of report M14/5371 – Chief Executive Officer Contract, to read:***

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

At 7.20pm the Mayor declared the motion

**CARRIED UNANIMOUSLY (12/0)**

**8. CONFIRMATION OF MINUTES (Continued)****8.2 NOTES OF AGENDA BRIEFING FORUM – 1 JULY 2014**  
**Notes 1 July 2014****COUNCIL RESOLUTION**

At 7.20pm Cr Willis moved, seconded Cr Aubrey –

**That the Notes of the Agenda Briefing Forum held on Tuesday, 1 July 2014, be received.**

At 7.20pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

**8.3 SPECIAL MEETING OF COUNCIL – 24 JUNE 2014**  
**Minutes 24 June 2014****COUNCIL RESOLUTION**

At 7.21pm Cr Macphail moved, seconded Cr Hill –

**That the Minutes of the Special Meeting of Council held on Tuesday, 24 June 2014, be confirmed as a true and accurate record.**

At 7.21pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

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

CD14/8061 – Cr Barton – Proximity Interest in Accordance with the Act  
CD14/8061 – Cr Taylor-Rees – Proximity Interest in Accordance with the Act

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

P14/3519 - Mayor R Aubrey – Interest under the Code of Conduct  
P14/3519 - Cr R Willis – Interest under the Code of Conduct

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

At 7.23pm Cr Schuster moved, seconded Cr Pazolli -

**That the applications for new leaves of absence submitted by Cr Barton, Cr Macphail and Cr Taylor-Rees on 15 July 2014 be granted.**

At 7.23pm the Mayor submitted the motion which was declared  
**CARRIED UNANIMOUSLY (12/0)**

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

Nil.

**12. PETITIONS**

Nil.

**13. DEPUTATIONS**

P14/3513 A Tomley, S Tomley and M Nicholson.

At 7.23pm Cr Macphail left the meeting and returned at 7.25pm  
At 7.28pm Cr Schuster left the meeting and returned at 7:31pm

#### 14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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

#### **P14/3513 - CHANGE OF USE FROM RESIDENTIAL TO BED AND BREAKFAST ACCOMMODATION AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)**

From 7:24pm to 7:31pm a deputation was heard from A Tomley, S Tomley and M Nicholson.

At 7:33pm Ms Tomley, Mr Tomley and Mr Nicholson returned to the public gallery.

Ward	:	Bull Creek/Leeming
Category	:	Operational
Application Number	:	DA 2014-413
Property	:	No. 37 Hillock Circle, Leeming
Proposal	:	Change of Use from Residential to Bed and Breakfast Accommodation
Applicant	:	Mr and Mrs K G Ellis
Owner	:	Mr and Mrs K G Ellis
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not Applicable
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

**P14/3513 - CHANGE OF USE FROM RESIDENTIAL TO BED AND BREAKFAST  
ACCOMMODATION AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC)  
(CONFIDENTIAL ATTACHMENT)**

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P14/3513 - CHANGE OF USE FROM RESIDENTIAL TO BED AND BREAKFAST  
ACCOMMODATION AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC)  
(CONFIDENTIAL ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought for the change of use of 37 Hillock Circle, Leeming from 'Residential' to 'Bed and Breakfast Accommodation'.
- The subject dwelling is a four bedroom, two bathroom home and is it is proposed to have a maximum of six guests at any one time. The Applicant anticipates that the facility would be well placed given its proximity to Murdoch University and both Fiona Stanley and St John of God Hospitals.
- The application has been advertised in accordance with Council Policy 050: Bed and Breakfast Accommodation. Two objections were received.
- The main concerns raised were in relation to the impact of strangers coming into a quiet and established street and the potential impacts this will have on security, noise and traffic. The proposal satisfies all of the provisions within existing Council Policy 050 – Bed and Breakfast Accommodation; however, in accordance with this policy, the application requires referral to the Council for determination via a Special Majority decision.
- At the Ordinary Meeting of Council on 20 May 2014, the Council resolved to adopt a revised Council Policy 050: Bed and Breakfast Accommodation for the purposes of public consultation. The proposal has been assessed against the provisions within the revised policy and is considered to be in accordance with the policy.
- Notwithstanding the objections received, the proposal is considered to meet the objectives of the Council policy with respect to residential amenity.
- It is recommended that the proposed Bed and Breakfast be approved subject to a Special Majority decision of the Council.



**P14/3513 - CHANGE OF USE FROM RESIDENTIAL TO BED AND BREAKFAST ACCOMMODATION AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)****BACKGROUND**

At the Ordinary Meeting of Council on 20 May 2014, the Council resolved to adopt the revised Council Policy 050: Bed and Breakfast Accommodation for the purposes of advertising. Council resolved as follows:

- 1 *That Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the amended Council Policy 050: Bed and Breakfast Accommodation policy for the purposes of public consultation for a period of no less than 21 calendar days.*
- 2 *Where no submissions in objection are received in response to the consultation undertaken, the decision on the final adoption of the policy can be taken under delegation by the Chief Executive Officer*

The review of the existing policy included the following changes:

- The requirement for a caretaker to reside on the property.
- Further information as to the characteristics of appropriate locations for bed and breakfast accommodation in Living Area precincts.
- A reminder that all advertising signs larger than 0.2 square metres require planning approval.
- A clause allowing the City to limit the approval timeframe to allow the City to adequately monitor the impacts of the use.

This policy is currently the subject of consultation in accordance with Clause 9.6 of Community Planning Scheme No. 5 from 24 June 2014 until 18 July 2014.

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area Precinct
R-Code	: R20
Use Type	: Use Not Listed
Use Class	: "S" – discretionary use subject to advertising in accordance with Clause 7.5 of CPS5.

**Site Details**

Lot Area	: 946m <sup>2</sup>
Street Tree(s)	: None applicable
Street Furniture (drainage pits etc)	: None applicable
Site Details	: Refer to aerial photo above

[3513 Site Plans 37 Hillock Circle Leeming](#)

**P14/3513 - CHANGE OF USE FROM RESIDENTIAL TO BED AND BREAKFAST ACCOMMODATION AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)**

**DETAIL**

Planning approval is sought to change the approved use of 37 Hillock Circle, Leeming from 'Residential' to 'Bed and Breakfast Accommodation' (B&B).

The proposal has been assessed against both the existing Council Policy 050: Bed and Breakfast Accommodation and the revised policy which was adopted by Council for public advertising at the Ordinary Meeting of Council on 20 May 2014.

The proposal is considered to satisfy the objectives and requirements of the existing policy and the revised draft policy. However, in accordance with the existing policy, the proposal requires referral to Council for determination, and a Special Majority decision.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: CP – 050; Bed and Breakfast Accommodation  
 Support/Object: Two objections

Issue	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Traffic	The proposal will result in increased traffic along the street and implications upon traffic safety.	Objection	Due to the restriction on the number of people to be accommodated in the B&B to six at any one time, no significant increase in traffic is anticipated as a result of the proposal.	Not Uphold
Noise	The proposal will result in increased noise.	Objection	Notwithstanding the proposed change of use, the property will remain subject to the same noise requirements under the <i>Environmental Protection (Noise) Regulations 1997</i> as all other uses in the area.	Not Uphold

**P14/3513 - CHANGE OF USE FROM RESIDENTIAL TO BED AND BREAKFAST ACCOMMODATION AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)**

<p>Privacy, Safety and Security</p>	<p>The strangers staying at the B&amp;B will compromise the privacy, safety and security of the area.</p>	<p>Objection</p>	<p>The existing dwelling complies with the privacy requirements of the Residential Design Codes, and this will remain the case once the change of use, if approved, is implemented. As the use of the premises as a bed and breakfast is essentially a residential use, the safety or security of local residents is unlikely to be compromised.</p>	<p>Not Uphold</p>
<p>Use</p>	<p>The use does not fit in with the neighbourhood. This is not a tourist area.</p>	<p>Objection</p>	<p>CPS5 and Council Policy 050 allow B&amp;B accommodation to be operated within the Living Area Precinct provided neighbourhood amenity is maintained. As the maximum number of occupants is limited and there is a requirement for a caretaker to reside on site, it is not anticipated that residential amenity will be adversely impacted. Furthermore, the site's proximity to major transport routes, the Murdoch hospitals and Murdoch University, enhances the suitability of the proposed land use terms.</p>	<p>Not Uphold</p>

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**P14/3513 - CHANGE OF USE FROM RESIDENTIAL TO BED AND BREAKFAST ACCOMMODATION AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies / consultants is required.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposal complies with Council Policy 050: Bed and Breakfast Accommodation and the revised draft policy adopted by Council for advertising at the Ordinary Meeting of Council on 20 May 2014.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

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

**P14/3513 - CHANGE OF USE FROM RESIDENTIAL TO BED AND BREAKFAST ACCOMMODATION AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)**

**COMMENT**

As outlined above, the proposal is considered to satisfy all of the objectives and requirements of both the existing Council Policy 050: Bed and Breakfast Accommodation and the revised draft policy recently adopted by Council for the purposes of public consultation, in that:

- The subject site is located adjacent to public open space (Phillip Jane Park), in close proximity to Banksia Park Primary School and the Canning Vale industrial area. It is also located approximately three kilometres away from the Murdoch Activity Centre which contains Fiona Stanley Hospital, St John of God Hospital and Murdoch University.
- The subject property is located adjacent to (though not accessed directly via) South Street, which is well serviced via a footpath and public transport.
- The maximum number of occupants proposed is six (recommended condition).
- That there is capacity for a caretaker (recommended condition).
- Five on-site car parking bays are proposed, four within the existing double carport and garage and another to be constructed adjacent to the existing garage (recommended condition),
- No signage is proposed as part of the application, however an advice note is recommended.

On this basis, it is recommended that Council approve the proposed change of use for a temporary period of 12 months to allow the potential impacts of the proposed use to be adequately monitored.

**CONCLUSION**

As the application is considered to satisfy the requirements of CPS5 and Council Policy 050: Bed and Breakfast Accommodation (including the revised policy adopted by Council recently for the purposes of advertising). The proposal is recommended for approval via Special Majority subject to conditions.

**P14/3513 - CHANGE OF USE FROM RESIDENTIAL TO BED AND BREAKFAST ACCOMMODATION AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC) (CONFIDENTIAL ATTACHMENT)**

At 7.58pm Ms Tranchita left the meeting and returned at 8:03pm

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3513)  
SPECIAL MAJORITY APPROVAL**

At 7:33pm Cr Schuster moved, seconded Cr Aubrey –

**That the Council by Special Majority decision approve the application for the change of use from ‘Residential’ to ‘Bed and Breakfast Accommodation’ at Lot 154 (No.37) Hillock Circle, Leeming subject to the following conditions:**

1. A caretaker is required to reside on the property at all times the bed and breakfast premises is operational.
2. There shall be no more than six paying guests accommodated on the premises at any one time.
3. Prior to the change of use to bed and breakfast becoming operational, the additional off street car parking bay as shown on the approved plans shall be provided and fully available for use to the satisfaction of the Manager Statutory Planning. The car parking bay shall thereafter be retained in perpetuity.
4. This planning approval is valid for a period of 12 months only. Should an additional time period be required, further planning approval will be required.

**Advice Notes**

1. Any advertising signs larger than 0.2 square metres require a separate planning approval.

At 8:07pm the Mayor submitted the motion, which was declared

**LOST (5/7)**

Vote Result Summary	
Yes	5
No	7

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

**P14/3513 - CHANGE OF USE FROM RESIDENTIAL TO BED AND BREAKFAST ACCOMMODATION AT LOT 154 (NO. 37) HILLOCK CIRCLE, LEEMING (SMREC)  
(CONFIDENTIAL ATTACHMENT)**

Reason for Rejection

The proposed development would by virtue of its location and type of use proposed, compromise the residential amenity levels of the locality contrary to the provisions of Clause 7.8 (c) of Community Planning Scheme No. 5 (CPS 5).

At 8.08pm Item P14/3519 was brought forward for discussion.

At 8.08pm Cr Taylor-Rees, Cr Robartson and Cr Pazolli, left the meeting

At 8.09pm Cr Macphail and Cr Phelan left the meeting

At 8.09pm Cr Taylor-Rees and Cr Robartson returned to the meeting

At 8.10pm Cr Macphail and Cr Phelan returned to the meeting

At 8.12pm Cr Pazolli returned to the meeting

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

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS - MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**

Disclosure of Interest

Item No.	P14/3519
Member	Mayor R Aubrey
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Patron of Melville Glades Golf Club
Request	Not Applicable
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P14/3519
Member	Cr R Willis
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of Melville Glades Golf Club
Request	Not Applicable
Decision of Council	Not Applicable

Ward	: Bull Creek/Leeming
Category	: Strategic
Application Number	: Not applicable
Property	: Reserve 28600, Beasley Road, Leeming and Reserve 24826 Dimond Court, Leeming
Proposal	: Consideration of community feedback in respect to Master Planning Concept Designs resulting from community based master planning of subject properties.
Applicant	: City of Melville
Owner	: State Government of Western Australia, properties vested in the City of Melville for the care, control and management of the subject properties.
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P11/3185 - Melville Glades Golf Club (Inc.) - Memorandum of Understanding – Ordinary Meeting of the Council - February 2011. : P13/3384 - Master Planning Outcomes – Melville Glades Golf Course and John Connell Reserve Date of Special Council Meeting (April 2013?)
Responsible Officer	: Gavin Ponton Manager, Strategic Urban Planning

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**

**AUTHORITY / DISCRETION**

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

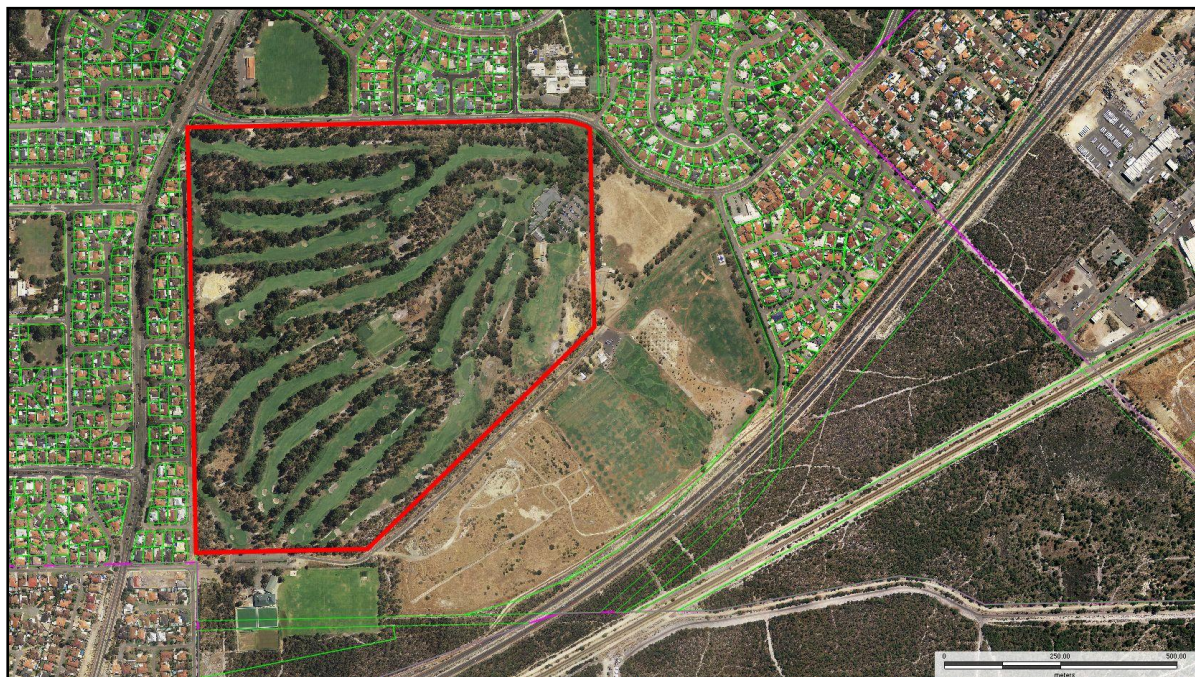
**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- In January 2011 the City of Melville and the Melville Glades Golf Club (Inc.) entered into a Memorandum of Understanding (MoU).
- This MoU provided that both the City of Melville and the Melville Glades Golf Club (MGGC) were *“interested in discussing potential development options for the Properties”*.
- The MoU further provided that both parties agreed *“to enter into such discussions with good faith and without prejudice to any outcomes that might occur as a result of such discussions”*
- In October 2011 the City of Melville engaged Cardno as the master planning consultant to this project. Cardno were engaged to facilitate public engagement processes and design suitable design options for the properties that were reflective of the community feedback following completion of the community consultation.
- A community engagement strategy was developed to ensure that all identified stakeholders were appropriately engaged.
- Engagement initially involved direct meetings with all local community and sporting groups, followed by a public design workshop at which 125 members of the community provided information and design elements for the redevelopment of the subject area.
- Meetings were held with the board of the MGGC throughout this process and the outcomes of the public design workshop were presented to a meeting of members of the MGGC once collated.
- Following the initial engagement phase Cardno collated all feedback received.
- The feedback was used to develop six concept designs. These designs were considered to be reflective of the overall feedback received during the community engagement process as undertaken.
- Once the six concept designs were completed, each concept was then subject to a financial assessment to ascertain if these concepts could be delivered and what adjustments (if any) would be required to enable such delivery to take place.
- Each of the concept designs (where variation to the existing MGGC layout was proposed) was also subject to review and variation by a golf course architect to ensure that the conceptual layout indicated by the concept design would function as a new golf course.
- The final version of the six concept designs, the supporting financial information and all other relevant information was presented to Council at its Special Council Meeting of 3 April 2013.
- Council resolved to endorse 3 of the 6 Concept Designs as proposed for further public engagement. At the Council Meeting on 17 September 2013, a petition containing 208 signatories was received. The petition requested that the Master Planning project be restricted to John Connell Reserve, with no relocation of the golf course and no residential development. In response to the petition, Council resolved to advise the lead petitioner that the matters raised in the petition would be considered in a future report to Council.
- This report considers the outcomes of that public engagement including the matters raised in the abovementioned petition, and identifies the strategies and actions required to enable further detailed design for this project to be carried out.

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**



*Diagram 1 - General study area – comprising Reserves 28600 and 24826*



*Diagram 2 - Reserve 28600 – Melville Glades Golf Club.*

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**



*Diagram 3 - Reserve 24826 – John Connell Reserve*

**BACKGROUND**

In 2009 the City's Executive Management Team identified the need for an innovative solution to the reclamation of the legacy tip site at John Connell Reserve. The Executive Management Team also recognised that any solution needed to have minimal impact on ratepayers whilst delivering better amenity outcomes for the area. With this understanding the City started discussions with the Lessee of the MGGC to seek their views on the matter.

During these initial discussions, Golf WA expressed an interest in establishing a Golf Centre of Excellence on the site of the Melville Glades Golf Club. The MGGC was broadly supportive of the Golf Centre of Excellence proposal subject to further assessment and consideration of the members of the MGGC. In initial discussions between Golf WA and the City of Melville it became apparent however that whilst the City may have supported any formal request from the MGGC to consider the development of such a facility, Golf WA advised that it had a preference for such facilities be developed on freehold land rather than on vested reserves (as is the case with this property). This meant that even though both the City of Melville and the MGGC were generally supportive of the concept of a Golf Centre of Excellence, the proposal could not be considered any further as assurance could not be provided that freehold land would be available for the proposed development because the land on which the MGGC is located is crown reserve vested in the City of Melville to care, control and manage.

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**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**

Whilst the initial discussions in respect to the Golf WA proposal did not result in any significant outcomes that could be taken to Council for consideration, those discussions provided the catalyst by which the MGGC and the City of Melville began to discuss the long term aspirations of each party with respect to the reserves in this precinct.

Simultaneous to these discussions with the MGGC, the City had been considering its options with respect to Ken Hurst Park. This property is owned in freehold title by the City of Melville and was originally purchased for the purposes of development and was subsequently identified by the State as having high environmental value.

Through this process the State initially classified the property as a Bush Forever Site, requiring any development of the site proposed by the City to respond to this classification within its conditions of development approval. Subsequently the State decided to change the zoning status of the property from its former zoning (that provided development options) to Parks and Recreation Reserve in accordance with the Metropolitan Region Planning Scheme.

This change to the zoning status of the property effectively eroded any commercial value that Ken Hurst Park held and removed any potential for the City to either to develop the property (as was originally intended) or to sell the property to a third party to recover its cost.

The City sought and received legal confirmation that compensation could be sought by the City. Whilst the *Planning and Development Act 2005* provides provision for the City to seek compensation for the loss of value attributed to Ken Hurst Park, as a result of the State's decision to reserve the property, it was recognised that the process of seeking compensation was likely to be somewhat combative and may not benefit either the City or the State in respect to ongoing relationships.

The City recognised that any decision to commission Master Planning over Reserve 28600 and 24826 did not prevent the City from seeking a compensation claim in respect to Ken Hurst Park. It was also considered that the Master Planning process may provide an outcome that would benefit all parties including the community through improved amenity, facilities and the restoration of John Connell Reserve.

Given these prevailing issues, the desire of the City to resolve the reinstatement issues associated with the former tip site at John Connell Reserve, the desire of the Melville Glades Golf Club to consider alternate options for the design of their golf course and the City's preference only to initiate a compensation claim for the loss of value of Ken Hurst Park if no other options were available, it was agreed that Master Planning would be initiated in respect to both Reserve 28600 – Melville Glades Golf Course Reserve and 24826 – John Connell Reserve.

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Reserve 28600 – Melville Glades Golf Course.

Reserve 28600 is a crown reserve vested in the City of Melville for the purposes of Parks and Recreation. The reserve is subject to a long term lease expiring in 2028 between the City of Melville and the Melville Glades Golf Club Inc. who operate the golf course as a member's only facility.

Whilst the MGGC. has been the recipient of several awards in respect to the standard and quality of its golf course and facilities, the MGGC had identified the need to plan for the future of its Golf Club and if possible to seek the development of a golf course layout that would both provide a yet higher quality golf course for its members as well as considering the potential for development and activity that would assist in securing the financial future of the Club.

Reserve 24826 – John Connell Reserve

John Connell Reserve is a Parks and Recreation reserve, vested in the City of Melville. The reserve is used partially for recreation service delivery particularly in the south west and eastern portions of the site.

John Connell Reserve is however identified as a contaminated site in accordance with the *Contaminated Sites Act 2003*.

It is known that portions of John Connell Reserve previously served as a land-fill site and in accordance with the City's responsibilities under the *Contaminated Sites Act 2003*, the City has for some time been undertaking on site and downstream water monitoring processes (as determined by the Department of Environmental Regulation) to identify the extent (if any) of contamination arising from this property.

Whilst this water monitoring will satisfy the City's requirements in respect to the prevailing Contaminated Sites legislation, this provided no meaningful data in respect to the ability of the Reserve (or any part of the Reserve) to sustain development and if so, to what level of intensity.

Until early 2011 the records of the City of Melville and relevant State agencies had not been sufficient to make qualified conclusions in respect to the extent of prior land uses undertaken and as such the City required scientific conclusions in respect to this Reserve and the extent of landfill activity that may have occurred.

In order to validate its opinions in respect to this matter, the City engaged the services of SKM Environmental Scientists to undertake on site testing and soil sampling to ascertain the extent of land fill that occurred on the reserve, what portions of the reserve were impacted upon by this former land fill activity and conversely what portions of the site could be considered for more intensive forms of development.

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SKM Environmental Scientists – Findings John Connell Reserve

Initial site information compiled by SKM indicated that;

- Perth Groundwater Atlas indicates that the water table is between 6-8m below ground level.
- This water table flows in a generally North Westerly direction.
- The property has a moderate to low risk of Acid Sulphate soils within three metres of natural ground level.
- Historical information indicates that the northern portion of the property was subject to filling from approximately 1970 until shortly before 1985 (15 years).
- The South West portion of the site does not appear to have been subject to filling over this same period.

The SKM assessment involved the excavation of 14 test pits at various locations across the reserve. From these 14 test pits 45 test samples were taken of which 21 were scientifically tested (with the balance used as controls).

In order to create a base line for 'acceptable contamination' levels, land uses of proposed residential and existing golf course were used for the purposes of health investigation levels (HIL's).

These HIL's then provide the levels acceptable for a range of substances that may be found during testing. Residential land uses were used for HIL levels as these provide for lower levels of acceptable material and would therefore provide a more accurate baseline of data from which assessment could be made.



*Diagram 4 - Approximate location of test sites – SKM Environmental*

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As can be seen from the diagram provided, test sites were undertaken in locations where they would provide the least amount of disruption to existing land users. Whilst the data collected as result of these locations may be subject to further variation once samples are taken from other locations within the reserve, SKM were engaged on the basis of;

- Initial site assessment identifying location and types of material
- Further detailed analysis to confirm the ability of the property to sustain development as proposed by the master planning process.

By using this methodology, the City could avoid unnecessary expenditure associated with environmental assessment until the outcomes of the master planning process were complete.

Of the 14 test sites used for the collection of samples, the following was identified;

- a) Only one site (TP2) was found to have a concentration of substances (zinc) higher than accepted HIL
- b) Two sites tested (TP1 and TP13) did not record any uncontrolled fill. Whilst both sites were located within the area commonly accepted to be an area in which land fill had occurred, this result may simply be indicative of the exact location of the test pit used rather than being indicative of no land fill activity occurring in this area of the reserve.
- c) The 12 remaining sites recorded levels of uncontrolled fill to various levels. Landfill material discovered during scientific analysis was consistent with inert fill such as concrete, steel, plastic, wood and asbestos (in one TP location)
- d) Test pits indicated that the uncontrolled fill had been placed over the natural ground level and then capped with clean fill. Chemical analysis of the capped layer did not indicate high levels of concentration of substances, perhaps indicating that the capping has worked as an effective barrier. Chemical analysis of the soil below the capped layer also did not indicate high levels of concentration of substances, perhaps indicating that these have leached further (perhaps into the water table)

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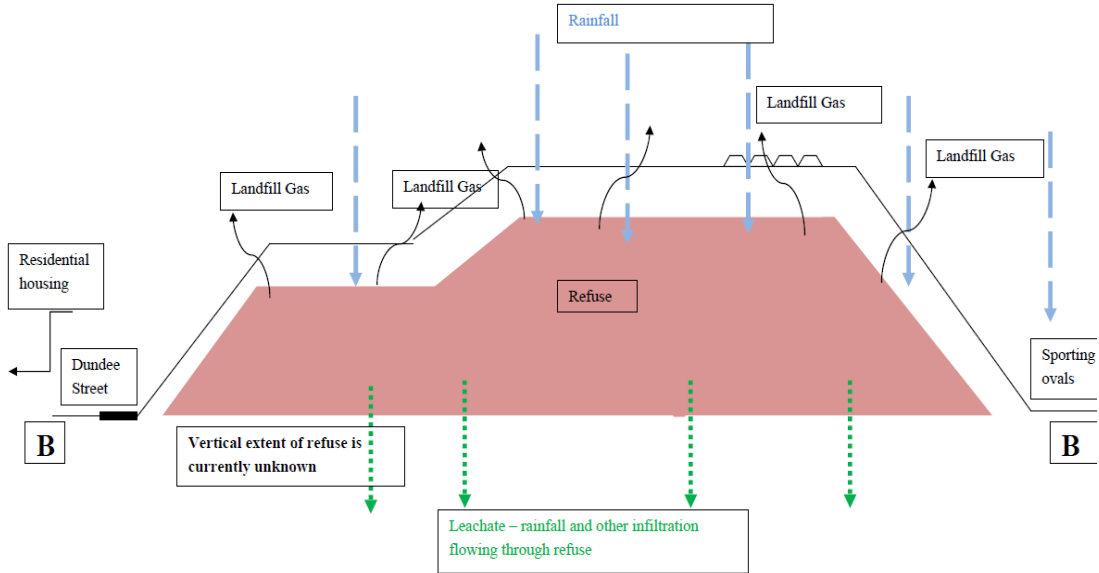


Figure 5.2: Conceptual Site Model – Cross Section Northeast to Southwest

Diagram 5 – Site model for fill, north east to south west area of reserve

Preliminary Assessment of Potential Former Landfill

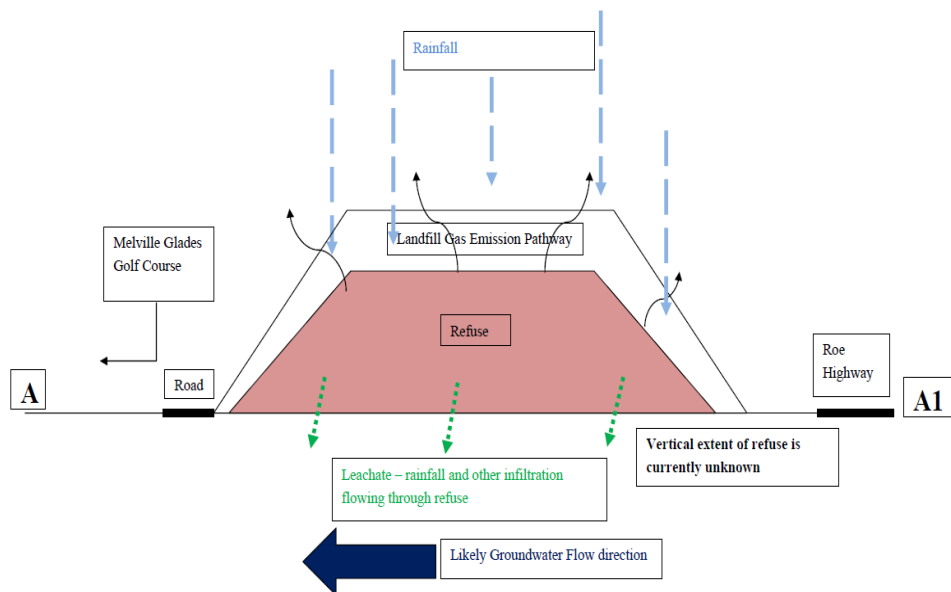


Figure 5.1: Conceptual Site Model Southeast – Northwest Cross Section

Diagram 5 – Site model for fill, North West area of reserve

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SKM's final report concluded that;

- The confirmation of uncontrolled fill over most of the property indicates that it is not currently suitable for residential use.
- Use of a capping system may allow the current site to be used for open space, parkland or similar uses (subject to a site management plan).
- Use of the site for uses such as residential may be accommodated through the use of;
  - Excavation and offsite removal of waste material,
  - Excavation and onsite relocation of waste material,
  - Placement of an engineered cap across the proportion of the property.

The report further concluded that;

- If structures are to be placed on the property;
  - Excavation and replacement of uncontrolled fill will be required if shallow foundations are to be used,
  - Deep foundation systems could be used providing that a floating floor slab is incorporated.

Use of the property for intensive development would encourage higher levels of traffic resulting in vertical settlement of the land, this would affect essential services. The land may still be suitable for golf course uses or similar as these are not subject to the same level of ground movements as more intensive land uses.

Following receipt of this report the conclusions were presented to Elected Members at an Elected Members Information Session (EMIS). At this session Councillors were advised that pending the appointment of a master planning consultant for the broader review of land uses with the two reserves, SKM may be engaged further to provide a more detailed analysis of land uses and site contamination prior to any advance design work taking place.

### **Master Planning**

For a number of years the City had considered the development options for Reserve 24826 given its proximity to both the Golf Club, residential developments, major transport corridors and Ken Hurst Park (owned in freehold title by the City of Melville but set aside as a Bush Forever site and previously subject to rezoning in accordance with the Metropolitan Region Scheme to Parks and Recreation).

Whilst improvement works had taken place on parts of John Connell Reserve, most particularly those related to the open space area to the east of the site and the public driving range and Supa-golf facility in the centre of the reserve, significant portions of the reserve remain undeveloped as a result of previous land fill activities.

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Following the presentation to Elected Members a master planning process was initiated over the Melville Glades and John Connell Reserves. Cardno consultants were appointed to undertake this master planning process and an internal working group was established to guide the project and approve the community engagement strategy.

In addition a MoU was signed between the MGGC and the City of Melville to outline common objectives. A Project Management Group was formed comprising representatives of the two parties to work collaboratively and guide the project.

The terms of reference for the master planning engagement were established as follows;

- Regenerate parts of John Connell Reserve.
- Respond to contamination issues at John Connell Reserve (registered contaminated site).
- Assist Melville Glades Golf Club in developing a sustainable facility for the future.
- Possible integration of other uses into MGGC land.
- Transfer of freehold titles from Ken Hurst Park to MGGC land in lieu of compensation claim for MRS amendment to create developable land (if identified)
- If possible, to make this project entirely self-funded.

#### Community Engagement Strategy

The community engagement strategy identified a range of stakeholders and methods of engagement for each stakeholder group;

#### Stakeholders

- State
  - Local Members of Parliament
  - Department of Planning
  - Department of Regional Development and Lands
- Regional
  - City of Canning
  - City of Cockburn
- Local
  - Sporting Groups
  - MGGC
  - Local Community

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Means of Engagement;

- State
  - Meetings with Local Members of Parliament and State Departments
- Regional
  - Meetings with City of Canning and City of Cockburn
- Local
  - Meetings with Local Sporting/Community Groups – located in immediate vicinity
  - Meetings with Local Sporting/Community Groups – located on John Connell Reserve
  - Meeting with MGGC Board
  - Meeting with MGGC Members
  - Public visioning meetings for local community
  - Website engagement process (active and passive)
  - Letters to residents and owners within 800 metres of the study area.

Over several weeks, meetings were held with local members of Parliament, the City of Cockburn and the City of Canning and information evenings were held with all local sporting and community organisations located both on the reserves as well as in the immediate vicinity of the study area.

A presentation was provided to the board of the MGGC and both the City of Canning and the City of Cockburn were requested to provide a list of ratepayers within an 800m catchment of the subject area to enable community engagement of their affected residents to take place.

#### Design Workshop

The public engagement strategy had been designed to incorporate a design workshop format, during which attendees would be asked to create hypothetical designs of the reserves, taking into consideration their own opinions, the issues discussed during the course of the evening and the opinions of other attendees.

Over 4,500 letters were distributed to residents within an 800m catchment of the study area and advertisements were placed on the City of Melville website and in City of Melville publications inviting residents to attend the design workshops, held at the MGGC.

Over 120 residents attended the design workshop and through a series of questions and strategies, the master planning consultants worked with attendees to create a range of concept designs and feedback on various design proposals and options.

During the engagement phase, participants were advised that the feedback would result in design concepts being created, and once endorsed for advertising by the Council, some or all of these concepts would be subject to further public advertising and consultation.

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**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)****Concept Designs**

Once the initial public engagement phase was complete, Cardno was requested to compile the data and feedback from the various workshops and meetings and create as many designs as were required to reflect the range of feedback received.

This process resulted in six concept designs being created. Each concept was designed so as to be evolutionary in that elements contained in Concept Design one became the starting point for concept design two, with each design showing progressively greater development and activity over the reserves.

The six concept designs were reflective of the total feedback received during the consultation phase, and whilst some of the designs resulted in proposals that did not meet the core objectives of the project, or meet either the needs of the City of Melville or the MGGC they were created so as to reflect the range of community and stakeholder feedback received.

**Golf Course Architecture**

Whilst the concept designs reflected the extent of feedback received, as interpreted by the master planning consultant, the concept designs were artistic in their foundation and did not consider whether the land which remained following any proposed development, provided residual land sufficient to enable the development (or retention) of an 18 hole championship golf course (as is the current situation with the Melville Glades Golf Course).

In order to clarify this design element the golf course architect to the MGGC, Mr Phil Jacobs, was invited to work with Cardno to assess each of the designs and to ascertain if the residual land could accommodate an 18 hole golf course layout.

Several iterations were considered as part of this process with the golf course architect. The resultant designs were subsequently altered to ensure that both the golf course could be accommodated and that the amount of vegetation lost as consequence of re-alignment of fairways was minimised.

**Financial Analysis**

In order to accurately consider each of the Design Concepts a financial analysis of each Concept and each of the elements contained within each Concept was undertaken.

In order to provide a higher level of independent financial rigor, LMW Hegneys was engaged to review the concept designs and to provide assistance with estimates of values with respect to costs and income anticipated from developable land.

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Additional information was also sought from within the City of Melville (relating to costs of infrastructure, facilities and equipment based on known examples) and service agencies (relating to the upgrades required for essential services and the proposed undergrounding of power). The financial information relating to each Concept Design is provided as Attachment 4 to this report.

Best case scenarios were used for financial assumptions based on information available and limitations in respect to the Concept Designs. Significant assumptions were made in respect to a number of these elements due to the fact that the Design Concepts were simply conceptual.

It was indicated that more accurate information could be ascertained in respect to each Concept Design however, this would require detailed designs to be commissioned for each Concept, at significant cost to the Council.

Given that it was anticipated that only one Concept design would be endorsed by the Council as the preferred option following further public consultation, it was considered that undertaking detailed design work on the additional five Concepts would not be the most cost effective methodology to follow.

It was advised that once a final preferred Concept had been endorsed by the Council detailed design work would need to be commissioned as well as an independent financial analysis of available information to ascertain the validity of the estimates presented to the Council previously.

The summary of the financial analysis for each Design Concept as originally presented to the Council in April 2013 was as follows;

		<b>Concept</b>	<b>Concept</b>	<b>Concept</b>	<b>Concept</b>	<b>Concept</b>	<b>Concept</b>
<b>Details</b>	<b>Notes</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
Financial Statements - Closing Position		<b>4,535,015</b>	<b>2,305,015</b>	<b>607,365</b>	<b>3,025,560</b>	<b>6,424,441</b>	<b>11,328,441</b>
Further Liabilities							
Site Contamination - John Connell Reserve	Note 1	10,000,000					
Relocation of MGGC Clubhouse	Note 2		3,025,000				
Development of Country Club	Note 3		2,500,000				
Total Liabilities		10,000,000	5,525,000	-	-	-	-
<b>Final Assumed Financial Position</b>		<b>5,464,985</b>	<b>3,219,985</b>	<b>607,365</b>	<b>3,025,560</b>	<b>6,424,441</b>	<b>11,328,441</b>

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Of the six Concept Designs presented to the Council, three were endorsed for further public engagement. **Concept Design 1**

This design was a minimalist approach to the project and does not support development within any part of the existing MGGC footprint. Development was however proposed on the eastern portion of the site, in order to activate the local centre and provide a centre of local community activity within this area.

Concept 1 considers John Connell Reserve only as an opportunity to re-vegetate the area and proposed significant landscaping and re-vegetation of this in conjunction with a strengthened 'green belt' along the southern boundary of John Connell Reserve as the connection to Roe Highway.

Improvements were also proposed to the existing open space area to the east of the site (including an amphitheatre and larger playground facility) as well as an extension to the Leeming Sports Association land holding to the south west of the site (in recognition of the Leeming Sports Association desire for additional playing fields and capacity).

One of the fundamentals identified through the community based master planning process was the need to improve the sense of community within the area and to support the retention of local services where possible. The retail centre located on the eastern boundary of the precinct was identified by participants as being in need of additional support and activation.

This fundamental principle resulted in a central hub of activity being located in the eastern portion of the precinct.

This central hub concept would be further enhanced through the inclusion of proposed rezoning of land around the eastern portion of the precinct. This rezoning would only need to be sufficient to encourage redevelopment of existing lots (R25 or R30) however would enable the development of alternate accommodation and housing types within the area and enable long standing residents to redevelop their properties and to remain within the suburb in an alternate housing product should they wish.

**Ability of Concept to meet the needs of the City of Melville**

This concept does not meet the needs of the City of Melville as it provides no resolution of issues relating to the contamination of John Connell Reserve. Works associated with John Connell Reserve would be limited to re-profiling the contours of the land, removal of waste as required and capping the property with sufficient fill to provide opportunity for landscaping.

Whilst landscaping and re-vegetation of the contaminated area is proposed, this has no material impact on the contaminants below the surface. Proposals to re-vegetate this area of land may be difficult to accommodate without further analysis being undertaken of the depth of contaminants at this location and their impact on any proposed re-vegetation of this area.

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The failure of this Concept to respond to site contamination creates a potential future liability to the City of Melville that should be brought into financial consideration. Additionally, the concept could not be completed at cost neutral or better for the City of Melville.

#### Impact of the Concept on the Melville Glades Golf Club

Concept 1 had no detrimental impact to the MGGC in that all development proposed was proposed outside the boundaries of the existing Melville Glades Golf Course Reserve.

The proposed development activity to the east of the site would result in residential development closer to that portion of the golf course than that which currently exists, however this would also have no immediate or obvious detrimental impact to Golf Club operations.

#### Concept Design 3

Concept Design 3 takes all the elements from Concept Design 1 but in addition, considers development within the existing MGGC reserve. This Concept Design proposes development to the North West of the reserve which necessitates the relocation of five golf holes from the existing reserve to John Connell Reserve.

The financial implications for this Concept indicated that in relocating these holes this required the reinstatement of this portion of John Connell Reserve and the removal of a significant quantity of contaminated fill (and replacement with clean fill).

The relocation of the golf holes to John Connell Reserve also assumes that the batter between the exiting John Connell Reserve and the Southern boundary of the Melville Glades Golf club will be removed creating a single reserve that rises slowly towards Roe Highway.

This Concept also proposed that the Golf Course Clubhouse was relocated to an area towards the Eastern portion of the site.

This was considered advantageous in that it utilised the proposed road required for the residential area to the east of the site and further supports the development of a community hub concept towards the eastern portion of the site, further supporting the existing retail centre and creating a more community focused outcome.

Under this Concept the driving range currently at the MGGC would be amalgamated with the public driving range currently located on John Connell Reserve, removing unnecessary duplication.

The relocation of the club house enabled the land currently occupied by the club house and driving range at the MGGC to be incorporated into the residential development area to the east of the site. This additional development area required that an additional local open space area be developed towards the north east of the residential area, as the southern portion of the site will retain a direct relationship with the open space in the south eastern portion of the reserve.

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The relocation of the clubhouse and driving range also requires the relocation of a further sixth golf hole from the existing golf course layout onto John Connell Reserve.

As this Concept required moving players on the Golf Course under the existing 330KVa power line to access the proposed new holes on John Connell Reserve it was proposed to underground the 330KVa power line and create a power line easement over the property. This undergrounding of power was proposed to occur between the western and eastern boundaries of John Connell Reserve.

The concept of undergrounding the 330KVa power line in this area also provided the opportunity to remove the power line from its current close proximity to the existing open space area to the east of the precinct.

Concept 3 also identified a streetscaping area around the precinct (indicated by the blue line on designated streets).

Through this streetscaping plan it was proposed that improvements would be made to street furniture, street trees and plantings, signage and other improvements to signify that this area is part of the golf course estate.

This was considered as an opportunity to improve the general amenity of this area and provide additional benefit to local residents within the precinct.

**Ability of Concept to Meet the Needs of the City of Melville**

This concept met the needs of the City of Melville as it resolved issues relating to the contamination of John Connell Reserve. This work was proposed as result of the relocation of six golf holes from the existing golf course layout.

The Concept was also shown to be able to be completed at cost neutral or better for the City of Melville.

**Ability of Concept to Meet the Needs of the Melville Glades Golf Club**

Concept 3 also met the needs of the MGGC due to the relocation of six golf holes to John Connell Reserve to provide an opportunity to redesign the golf course

Discussions with the President and Chief Executive Officer of the MGGC had identified that Concept 3 represented an appropriate outcome for the golf club for this project.

**Concept Design 4**

Concept Design 4 took all the elements from Concept Design 3.

The only variation between Concept Design 4 and Concept Design 3 is the additional proposed residential development towards the south west corner of the reserve.

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This development was proposed so as to provide further activation and passive surveillance over this area of the reserve following reports from the Leeming Sports Association that the facilities had been the target of several break ins and other anti-social behavior.

Given that Concept Design 3 proposed the closure of the access road from the south west corner of the site, the amount of traffic (and passive surveillance within this area) would actually decrease.

It was not known if this reduction in traffic in this area of the reserve as proposed by Concept 3 would detrimentally impact upon the Leeming Sports Association, however the introduction of residential land uses was considered as a means by which this potential issue could be responded to more effectively.

The siting of residential development in the south west corner of the reserve also required the development of an additional golf hole between the existing Melville Glades Reserve and John Connell Reserve.

Ability of Concept to meet the needs of the City of Melville

This concept met the needs of the City of Melville as it resolved issues relating to the contamination of John Connell Reserve. This work was proposed as result of the relocation of six golf holes from the existing golf course layout.

The Concept was also shown to be able to be completed at cost neutral or better for the City of Melville.

Ability of Concept to meet the needs of the Melville Glades Golf Club

Concept 4 also met the needs of the MGGC due to the relocation of six golf holes to John Connell Reserve to provide an opportunity to redesign the golf course

Discussions with the President and Chief Executive Officer of the MGGC had revealed that the MGGC would likely support Concept 4 as an appropriate outcome for this project.

The three Concept Designs as endorsed by the Council (Concepts 1, 3 and 4) for further public advertising are attached to this Agenda Item as Attachment 1

**[Attachment 1: Council Agenda Item - P13/3384 - Master Planning Outcomes – Melville Glades Golf Course and John Connell Reserve](#)**

**Community Engagement**

Following Council's resolution of April 3, 2014 the City established a working group to determine the means by which further community consultation could take place.

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## Community Committee

As the Ordinary Meeting of April 3 had generated significant comment including from those opposed to the project, it was considered that direct engagement of these residents and submitters would assist the City in designing the engagement process for the whole community.

The City placed an advertisement in the local newspaper and contact was made with individuals who had been active in the process to date.

An initial meeting was held with a range of community members at which the intent of the City to work with these residents to develop the consultation process was outlined.

The engagement meetings did not achieve the outcomes anticipated and achieved little towards developing an engagement strategy. Following the second meeting of this group, no further meetings of the community committee were arranged.

## Petition

Council at its meeting on 17 September 2013, received a petition containing 208 signatures in relation to the master planning project. The petition reads as follows –

*“We, the undersigned, all being Electors of the City of Melville, do humbly pray that the Council, as our decision-making body take direction from the community surrounding Reserves 28600 (Melville Glades Golf Club) Beasley Road, Leeming and Reserve 24826 (John Connell Reserve) Dimond Court, Leeming, that the Master Planning of these Reserves being undertaken by the City, be confined to the John Connell Reserve only and the Golf Club Reserve remain in its current form with no proposal to introduce residential development. We wish to voice our disapproval with the lack of community consultation undertaken by the City on this proposal and request that the City revert back to its undertaking made on the completion of John Connell Reserve as a landfill site and restrict the Master Plan proposal to this reserve only.”*

**Attachment 2 – Petition Received**

In receiving the petition, Council resolved to advise the lead petitioner that a report considering the matters raised in the petition would be presented to a future meeting of Council.

The matters raised in the petition have been incorporated into the community feedback received throughout the second phase of engagement and given consideration in the progress of the master planning project.

## Concerns about Community Engagement

The three shortlisted concepts endorsed by Council for further community engagement, were themselves prepared as a result of community input outlined above. A second phase of engagement has been completed since the receiving the petition and details of this process are outline below.

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Request to Limit the Master Plan to John Connell Reserve and No Residential Development:

The option of no residential development in the master plan area, together with support for concepts which do not include relocation of the golf course have been well represented in the feedback from the community engagement undertaken. The second phase of engagement has allowed the City to further explore the background to these preferences and to establish if there may be designs which can address specific concerns raised. This approach is expanded upon below. In short, the recommended next steps are to undertake detailed studies to determine if the master plan concepts can be further progressed in a manner which suitably responds to the concerns raised.

#### Use of On Line Feedback System

Throughout the project, the City had maintained an on line representation of the information for the project and invited feedback through the “We’re Listening” website.

Whilst this feedback process did not allow for direct communication with individuals in respect to the project, it did allow for presentation of Concept Designs and supporting material upon which members of the community could provide comment and feedback.

One of the issues that the working group identified was that whilst the concept designs illustrated various design outcomes and elements, thus far the City had not been able to conduct any meaningful dialogue with the community in respect to each of these elements and to identify where opportunities existed for elements to be changed, varied or altered to better reflect community expectations, instead the consultation had centred around seeking an endorsement for one or more of the Concept Designs, over another.

In order to create meaningful dialogue, the concept of creating an on line feedback system was identified as an ideal means of further community engagement. The preferred system would be capable of discussing each of the elements within each of the concept designs as well as indicating to residents the financial effect of each of the elements (and any changes made to these) as they were altered, deleted or expanded within each of the Concept Designs

A concept feedback system was designed and financials created for each of the Concept Designs that allowed for elements to be added, deleted or altered and showed the financial effect of each of the decisions as made. Considerable work was undertaken towards the design of this system and the financials to support the feedback system, however software limitations prevented this system being implemented in an on line environment.

#### Focus Groups

Following the difficulties experienced with the development of an on line communication system the working group considered what other options existed to create meaningful dialogue with the community.

After discussion, it was decided that a focus group system would be used, where small groups of residents would have the opportunity to attend meetings and discuss ideas and the Concept Designs and provide feedback direct to the City.

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This idea was also considered advantageous in that it would allow for differing opinions to be present in each of the focus groups enabling all attendees to see alternate points of view.

Advertisements were placed in local papers to encourage nominations however following a small number of nominations being received direct contact was then made with the residents who attended the initial design workshops at the MGGC.

As a result of this contact being made, three focus groups meetings were able to be arranged.

An independent facilitator was engaged by the City to facilitate each of the focus groups and technical advice was provided through the use of a consultant to the project, who had been involved in the project since its inception.

#### Feedback Received

The feedback received during this second phase of consultation process was derived from two primary sources;

- The Focus groups held at the Blue Gum Community Centre between Monday 28 and Wednesday 30 April, and
- The feedback received through the “We’re Listening” website

A copy of the report as received from the facilitator engaged for the focus groups is provided as Attachment 2 to this report.

#### [Attachment 3 – Focus Group Outcomes Report](#)

The content of the “We’re Listening” website is provided as Attachment 3 to this report.

#### [Attachment 4 – We’re Listening Engagement Outcome Report](#)

#### Focus Group Feedback

The focus group feedback was presented in relation to the questions asked during the course of the meetings. Whilst most focus groups answered all questions, in some instances this did not occur;

*Whilst it was intended to record the answers from each of the Focus groups to all three questions, not all groups covered all three questions. For example, Focus Group 3, held on Wednesday 30 April, was the largest group with the nine participants.*

*This group did not discuss and respond to Question 3: about possible Trade-offs. More time during this session was spent listening to and recording some participants express their distrust of and critical feedback of the consultation process.*

The following information is taken directly from the report as received from the independent facilitator; Andrew Huffer and Associates.

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## Elements of the Concept Plans that were Supported

The responses of each focus group are recorded in a separate table.

Most of those participants who expressed their thoughts at the meetings on the three Concept Plans indicated that they preferred Concept Plan 1. This was because of their stated preferences:

- To retain existing bushland and wildlife values by protecting as much as possible of the existing vegetation for its wildlife value. (E.g. Carnabys' Cockatoo, as this is a threatened species.)
- For neighbouring and nearby residents to the MGGC and John Connell Reserve to continue to overlook trees and other vegetation. Many participants distinguished the key value of established vegetation over new plantings in this regard,
- To keep the amenity of the area - by being able to continue to use the Public Open Space, along the power line alignment for walking and also using Area 1 and Area 2 on the maps for Active recreation.
- To upgrade the local shopping centre.

Concepts 2 and 3 were less popular with the groups, however findings from focus group 1 and 2 showed that some of these participants were willing to trade some things off to preserve these values more, rather than accept the proposed changes in Concept 2 and Concept 3.

Some participants stated that the status quo was the only situation which worked for them. Sometimes different participants of the focus groups reported information which conflicted with one another. For example, at one focus group a participant reported that there were frequent changes in business ownership at the local shopping centre, whilst another participant reported that that local business were in great shape.

It is difficult to check the validity of these opinions, without reference to some of the local business owners themselves. None of the focus group members identified themselves as owning or managing a business in the local shopping centre. It seemed that the main point of view being represented through the focus group process was largely neighbouring and nearby residents.

## Elements of the Concept Plans suggested as needing refinement

Of those who considered refining some of the elements of Concept 1, 2 and 3, values which needed refining included;

- Providing wider landscape buffers around proposed residential areas than those on current map proposals, and these would include walk paths inside these buffers.
- Reducing the placement and extent of any proposed residential development, in the north-west and north east area of the area. Any final area of proposed new housing needs to maintain access to roosting and feeding sites for the threatened Carnabys' Cockatoo at MGGC and John Connell Reserve under the guidance of the appropriate environmental and planning.

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- There seemed little support for the concept of the small residential area (of 15 to 20 dwellings) proposed opposite Leeming Sports Association, south west corner. Some of the discussion questioned the idea that this development could address anti-social behaviour occurring out of hours at the Leeming Sports Association grounds.
- Public access to the MGGC by residents - particularly along the power line alignment - needs to be maintained.
- The ongoing provision of a functioning site for the Bowmen of Melville and the Pigeon Club needs to be addressed in conjunction with representatives from these user groups to ensure their needs are met adequately.
- Traffic flow issues are a significant concern for residents. Any proposed change - such as increasing housing zone densities or land use changes - needs to anticipate the potential to affect traffic flow and to plan to reduce these.

**Possible Trade Offs Within the Concept Plans**

Discussion in two of the three focus groups supported trading off the idea of an amphitheatre for other values.

At least one participant in Focus Group 2 supported rate increases right across the City of Melville, increased stepwise over a number of years at up to a 20% increase to meet the shortfall in funding the cost of remediating John Connell Reserve.

Of the 17 participants, there was at least 25% who demonstrated that they were position - focussed rather than interest focussed. That is they appeared to have a pre-determined position on the project as opposed to being open to wider community interest matters. It was noted that some of these participants were very vocal about their rejection of any elements of the three proposed Concepts.

**Summary of Findings****Role of the Focus Groups**

The focus group process provided an opportunity for the City of Melville to gather feedback from a group of local stakeholders on the three proposed concept plans for the MGGC and John Connell Reserve. It also helped to gauge the level of support for re development.

**The need for further clarification on Concept Plan Elements**

Participants asked for clarification of information about the planning and engagement process, about the concept plans themselves and they expressed their concerns about possible environmental, aesthetic, social and financial impacts of the proposals.

With 35 clarifications recorded from participants in this focus group process, it is clear that more detailed information would assist in building a clear shared understanding of this local planning proposal.

Some clarifications were made during the focus groups, others will require City of Melville staff to compose and communicate answers to those questions in a number of ways which are widely and quickly accessible to the full range of stakeholders.

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#### Remediation of John Connell Reserve

There were numerous questions about the need for remediation of John Connell Reserve.

These questions included the need to address the uncertainty surrounding John Connell Reserve classification as a Contaminated Site needing urgent remediation. The focus groups also identified a need to clarify the implications of the 'Notice to Remediate' letter sent to the City of Melville in 2013.

#### Seek input from other stakeholders

The point of view with greatest participant representation at the focus group was that of neighbouring and nearby residents; 65% of the participants clearly identified themselves as representing this point of view.

Two representatives came from the Bowmen of Melville, another four participants identified themselves as individually representing the MGGC, the Pigeon Club, as a parent of children at the Banksia Park Primary School and the local Member of Parliament.

#### Financial Implications

All City of Melville ratepayers could be contacted regarding the cost to remediate John Connell Reserve. Potential costs and the options to achieve remediation could be laid out for ratepayers to review.

#### Zoning Changes

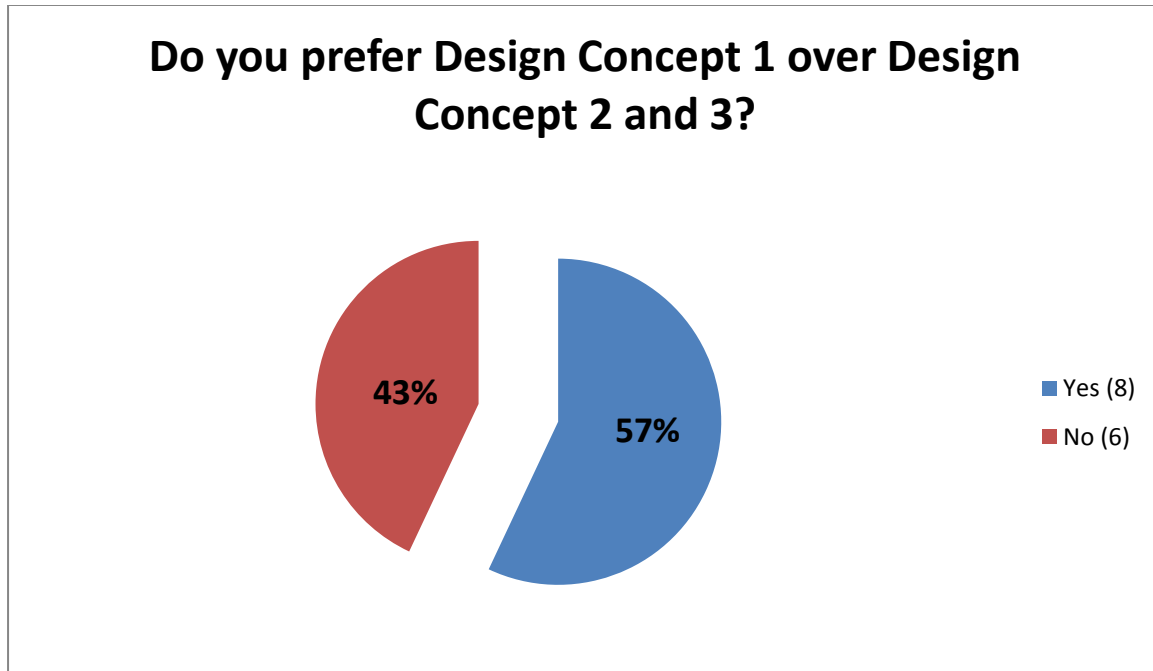
A clear plan for future zoning needs to be developed and shared with interested parties. This plan can outline changes to zoning use and mix of housing density options (e.g. R codes - R 30 or R 40 etc.).

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**We're Listening Feedback**

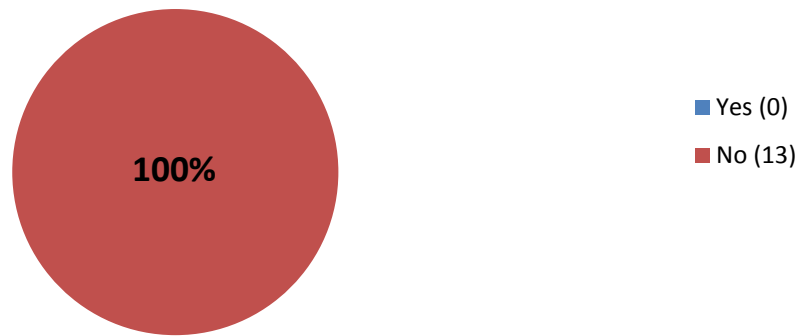
The opportunity for the community to provide feedback via the City's web based We're Listening site was promoted in a series of advertorials in the Community Newspaper and via the City's web-site. The We're Listening survey results are interesting in that whilst 494 people viewed the information contained within the website, only 14 of these or 2.8% felt strongly enough to provide feedback in respect to the project. The limited proportion of people viewing the website who then chose to provide on-line feedback is perhaps indicative of a level of general support for the concepts.

Of the 14 people who provided feedback, the summary of their feedback is represented as follows;

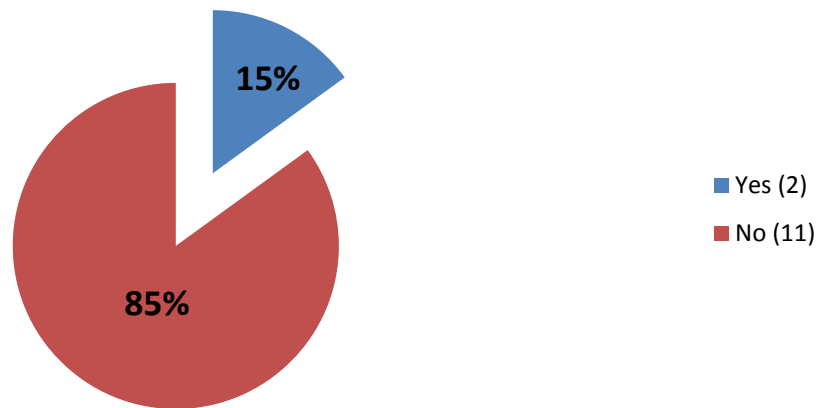


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**Do you prefer Design Concept 2 over Design Concept 1 and 3?**



**Do you prefer Design Concept 3 over Design Concept 1 and 2?**



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In addition, the following comments were extracted from the feedback as received (no priority is given in respect to order in which these comments are reproduced);

- Objection to using public land to benefit the MGGC,
- Increased traffic congestion from further development,
- Reduction in property values from further development,
- Destruction of the natural environment,
- Loss of views of the golf course,
- Additional residents will place pressure on other facilities (recreation, public transport, retail etc.)
- Reduction in recreational areas,
- Preference for rate increases to offset cost of rehabilitating John Connell Reserve.
- Only supported if housing is not developed for State Housing purposes,
- Loss of flora and fauna habitat,
- Future uses should be restricted to recreation only,
- Poor community consultation to date,
- Introduction of housing lots will provide income to improve the area through additional rates,
- Prefer buffer from proposed residential development on Beasley Road,
- Area is perfectly suitable as is.

Whilst the “We’re Listening” site provides further feedback and comments, it is difficult to know what level of duplication exists between the respondents through the “We’re Listening” site and the same feedback being received from the same people during the Focus Group process.

As such priority has not been placed on either feedback process and instead the key issues raised during the two independent processes have been collated without assuming any duplication to provide the following overview.

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The following Elements as contained within the three endorsed Concept Designs have been listed along with the feedback received, and the nature of the concerns (where appropriate) as held;

Upgrades to Open Space – Eastern Portion of the Precinct, limited feedback was received in respect to this proposal, however there was no demonstrated support for the amphitheatre proposed.

#### John Connell Rehabilitation

Much of the discussion in respect to John Connell Reserve centred around the need to retain the golf holes on the current MGGC rather than relocating them to John Connell Reserve, in response to concerns with the NW residential development. It was widely supported that improvements to John Connell Reserve were required, however there were concerns with respect to the level of rehabilitation actually required at the site and if a full rehabilitation was justified.

#### Retail Centre

There were conflicting views in respect to the need for regeneration of the retail centre and it is suggested that further discussion with the retail centre owners may be appropriate.

#### Rezoning of areas surrounding retail centre

Feedback in respect to the rezoning of areas in this section of the precinct centred on the area depicted for rezoning, what this rezoning indicated in terms of development outcomes and if opportunities existed for this to be extended further along Beasley Road.

#### Residential Development – East of the Precinct

The residential development to the east of the precinct raised the following key issues;

- Need for buffer along the edge of the development area
- Loss of recreation space and impact on existing clubs using this site (Pigeon Club and Bowmen of Melville)

#### Development of Clubhouse

This proposal generated limited comment. Most comments received related to concerns associated with the relocation of the golf course, stimulated by residential development proposals.

#### Extension of Leeming Sports Association

This was widely supported throughout the consultation process.

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Residential Development – North West of the Precinct

Feedback in respect to the residential development to the North West raised the following key issues;

- Loss of habitation and natural vegetation, loss of flora and fauna and impact on Black Cockatoo breeding habitat
- Loss of amenity to adjacent residential areas and view corridors.
- Increased traffic causing congestion and safety issues.

Landscape Buffer to Southern Boundary of John Connell Reserve

This was widely supported throughout the consultation process.

Streetscaping

This was widely supported throughout the consultation process.

Residential Development - South West of the Precinct

The residential development to the south west of the site raised the following key issues;

- Loss of amenity to adjacent residential areas and view corridors.
- Opportunities to improve passive surveillance through other means (CCTV cameras etc.)

Whilst there were issues raised relating to the manner in which community consultation has taken place, the role of MGGC in this project and the benefits that they receive from the proposal, and the use of public land for uses other than recreation, these are considered not to be related to specific Elements of the Design Concepts and instead are more broadly associated with the Master Planning process in its entirety.

**Revising the Concept Designs Following Engagement**

Following the completion of the focus group meetings and collation of the “We’re Listening” feedback, the concept designs were reviewed with the intention of providing the Council with a preferred concept design which responded to the feedback received.

It was however evident from the feedback received that the issues raised in respect to elements contained within the concept designs did not allow for greater certainty in respect to some of these elements and instead required further clarification and research to be conducted before detailed design could be commissioned.

It was also evident that whilst most people were supportive of enhancement to services, facilities, improvements and benefits, less were supportive of anything that required ‘giving something up’. This is not uncommon within master planning and particularly in non-green field areas, however as a result some of the elements are intrinsically connected to others in the concept designs and should not be considered for implementation on a stand-alone basis without greater consideration of the implications.

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The revised concept design is provided as Attachment 4 to this report. Each of the design elements that contribute to this concept design are numbered and the issues relating to those elements and the additional research required is as listed below;

**Attachment 5 – Revised/Preferred Concept**

The following information is provided in support of the design concept as attached. The information provided reflects the range of feedback received during the several community consultation phases for this project and the additional information required to be obtained to determine each of the design elements proposed;

**1. Public Open Space Improvements**

Whilst the initial concept designs proposed both general improvements to the open space area including the installation of additional playground infrastructure and facilities, the concept designs additionally proposed the development of an amphitheatre within the open space area.

The development of an amphitheatre was not supported at any level by the second phase of consultation and has subsequently been deleted from this Concept. It is proposed that the redevelopment of this open space area would therefore be limited to additional infrastructure, footpaths and active/passive open space areas.

**2. John Connell Reserve (Southern Portion)**

The development of the southern portion of John Connell Reserve is dependent upon the outcomes of Element 9 and any requirement to relocate golf holes from the existing MGCC to accommodate any development proposed. As Element 9 will be influenced by other issues, the number of golf holes that would need to be relocated at this stage is not known.

The proposed undergrounding of the 330Kva power line (element 14) and location of the Dual Use Path will also have a direct impact on the number of golf holes that can be accommodated within this portion of John Connell Reserve.

**3. Regeneration of the Retail Centre**

Whilst the need for the design to provide support for the retail centre was strongly supported during the initial design workshops, subsequent consultation suggested (in part) that the retail centre did not require regeneration and was adequate in its current form.

It is considered that this remains a fundamental part of the project and whilst the retail centre may be performing well currently, the lack of pedestrian movement in this area and the history of the centre may indicate that the current success of the centre may not be sustainable without other influences being initiated.

**4. Rezoning – Eastern Portion of Precinct**

The proposed rezoning of the eastern portion of the precinct (existing residential area) is designed so as to provide further support to the regeneration of the retail centre, provide stronger pedestrian connections to the clubhouse and community facilities (Elements 1 and 7) as well as providing opportunity for diversity of housing types within this area.

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The specific boundaries of the rezoning area have not been defined as yet and will require consideration of matters including housing yields, urban design outcomes, pedestrian connections and walkability.

**5. Rezoning – Western Portion of Precinct**

Whilst not initially proposed by the concept designs, during the second phase of consultation interest was received in respect to the expansion of the rezoning area further along Beasley Road to include the existing residential land between the Primary School and Beasley Oval.

Whilst this rezoning area does not support the regeneration of the retail centre and cannot be reasonably suggested to improve walkability to the open space and other community facilities, there is merit in this principle if it provides further housing diversity in the area and is introduced as part of the redevelopment of the north west portion of the golf course (Element 9) proceeds.

**6. Residential Development – Eastern Portion of John Connell Reserve**

The residential development in the eastern portion of John Connell Reserve is proposed both to provide greater activity in this area, to further support and provide passive surveillance over the adjacent open space area, provide connection to the proposed clubhouse (Element 7) provide greater diversity of housing (assuming that there will be delays in such diversity being created through the rezoning of existing areas - Elements 4 and 5) and to support the regeneration of the retail centre.

The area designated for potential development is indicative only and requires further detailed analysis. Issues that may affect the development of this area include the costs associated with the restoration of the contaminated site located at this property and issues relating to traffic movement and amenity to existing residential areas.

**7. Clubhouse facility**

Whilst proposed as two separate facilities (the MGGC Clubhouse and Country Club) within the initial concept designs this Concept has further refined the development to suggest a single facility, with perhaps two sections to accommodate both MGGC and general public uses.

It is suggested that public facilities such as restaurants, cafes, gyms or similar would be ideally located at this site, assuming the development of the residential area (Element 6).

This element is predicated on the decision to relocate the existing MGGC clubhouse and driving range to accommodate the extension of the residential development (Element 6) over this area or the relocation of both the existing clubhouse and driving range to reduce duplication (driving range) or to enable the golf course to function appropriately if extended to include portions of John Connell Reserve (Element 2).

The scale, design and function of this facility is yet to be determined, and will be given greater consideration once other elements are resolved that have a direct influence on this proposal.

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The Extension of the Leeming Sports Association identified in the previous design concepts is proposed as unchanged within this revised design.

The extension into the uncontaminated portion of John Connell Reserve at the eastern boundary of the current Leeming Sport Association has been determined (by Council officers) to be sufficient to enable an increase in playing grounds for a range of sports at the Association and better accommodation of increasing senior and junior membership of sporting organisations at this Association.

**9. Residential Development – North West portion of MGGC**

The residential development area in the North West portion of the Melville Glades Golf Course prompted more response than any other element within the Design Concepts.

Whilst there were broad concerns with respect to this development, the content of the objections relating to specific issues including;

- Loss of amenity for existing residential uses on Beasley Road and Bainton Road.
- Loss of vegetation and black cockatoo breeding habitat, required if the area was cleared for development
- Traffic management and traffic access/agrees points

It is evident that further research will be required in respect to these issues (also related to Element 10) and the extent to which development can be contemplated, if at all, at this location.

As such, the boundaries of both Element 9 and Element 10 are indicative and will be further defined following clarification of these issues.

**10. Vegetated Strip – North West and Western portion of MGGC**

The vegetated strips shown as Element 10 were also indicated in two of the three design concepts that suggested development in the North West portion of the Melville Glades Golf Course.

The principle of this vegetated strip was to protect existing residential areas from a loss of amenity as result of any proposed development of this area of the MGGC and to increase native vegetation in these areas to offset (in part) the loss of native vegetation associated with development.

During consultation it became apparent that the extent of these vegetated strips was a cause of some concern and as such, further investigations are required in respect to sight lines currently existing within this area and from existing residential uses.

It is anticipated that the investigation and mapping of existing sight lines and vegetation quality will provide clarification as to the extent of the vegetated strips required, the level of revegetation required and how this impacts on the developable portions of the MGGC (Element 9).

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Whilst not indicated within the concept designs, the inclusion of a vegetated strip to provide a visual buffer to existing residential uses from the proposed Element 6 of the project was suggested.

Whilst there are issues with the introduction of this vegetated strip including loss of direct connection with the retail centre and the residential area (if rezoned) it is felt that this should be further explored to ascertain the extent of this impact and if this has any merits.

**12. Vegetated Strip – Southern Boundary of John Connell Reserve**

This vegetated strip was indicated on all [prior Concept Designs and was further supported by the second phase of community consultation. It is intended that this strip would provide a visual and sound attenuation buffer between John Connell Reserve and any uses of the southern portion of this reserve with Roe Highway.

**13. Streetscaping – Roads Surrounding the Melville Glades Golf Course**

The concept of streetscaping to support the redevelopment of the precinct was generally supported during the second phase of the community engagement, whilst it was outlined that the details of any such streetscaping were yet to be determined, including;

- Street lights
- Median strips
- Street trees
- Footpaths
- Signage
- Street furniture, and
- Other aspects

The concept of theming of this area to differentiate it as part of the broader Melville Glades Golf Course precinct was endorsed.

**14A. Undergrounding of Power**

Whilst the undergrounding of power was indicated within two of the three former concept designs, concerns were raised during subsequent public consultation in respect to the costs associated with this element, the extent of this work (whether this should be extended to include residential areas to the north east of the precinct) and if such a proposal would be supported by Western Power.

Further research is required to respond to these issues, however given the proximity of the open space area to this high voltage overhead power line, and the proposed development of Element 6, Element 7 and Element 2, it is suggested that the undergrounding of this high voltage power line remains a high priority.

If this cannot be accommodated, then consideration should be given to other issues and a determination made as to what impact, if any, this has upon other Elements proposed by the concept design.

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The protection of the existing pedestrian connection between Bainton Road and Dundee Street was further endorsed by the second phase of community consultation.

The proposed relocation of golf holes to John Connell Reserve (Element 2) will require consideration to be given in respect to the interface of different users at this DUP, however this is not considered to be insurmountable given the number of current examples of pedestrian and golf course users jointly using single footpaths and other access ways elsewhere in Australia and in Perth.

**Summary**

The resultant concept design has been developed in such a way so as to indicate what is possible within the context of Master Planning for this precinct. The boundaries for any proposed development areas, sites for specific facilities or rezoning of adjacent residential land has been deliberately left indicative and unconfirmed.

It is considered that the feedback received and the issues raised in respect to the content of the initial concept designs, requires greater clarification. Additional examination of the issues raised needs to be further explored to establish whether or not concerns can be suitably responded to. This additional analysis will be required before it is possible to confirm the final content and extent of development depicted in the concept plan.

By using this methodology it is felt that the Council will be better able to respond to community issues raised during consultation, directly indicate research in respect to such issues and demonstrate design outcomes that respond to these issues and the further research as required.

Whilst this methodology will delay detailed design of the proposed Master Plan, it must also be recognised that any redevelopment of Reserve 28600 or Reserve 24826 will require the express support and approval of both the Minister for Lands, Minister for Planning and most likely Cabinet approval as part of any submitted Business Case for approval.

Given these approvals yet required, it is considered imperative that the City is able to demonstrate a full and proper assessment of all applicable issues relating to the elements proposed and a full and proper consideration of the matters raised by the community during the public engagement process.

It is felt that without this additional research being undertaken, the City is highly unlikely to gain support for this project from the State Government and the project will not proceed in any form.

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)****Process Moving Forward**

This report seeks Council approval to progress additional research in respect to the favoured concept design emerging following public engagement. It is anticipated that through this research issues relating to the concern of the loss of public open space, concerns about loss of flora and fauna habitat, Black Cockatoo breeding areas, alternate forms of passive surveillance, issues relating to traffic management and movements, suitable rezoning areas for residential property within the precinct, site corridors and protection of residential amenity, the forms and types of streetscaping appropriate, means by which the 330KVa power line can be redirected or placed underground and a number of other issues can be resolved.

Once resolved the findings from this research will enable, accurate locations for the boundaries of developments proposed and improvements intended to be shown on the master plan, which will then be submitted to the Council for final approval. A higher level of detail will also enable additional examination and modelling of the financial feasibility of various options and allow for an independent verification. This information will further assist Council in decision making with respect to future direction of the project.

Given that the reserves are both Crown land, vested in the City of Melville for their care, control and management, the following is estimated to be the best case time frame for this project moving forward in the event that a final master plan is both endorsed by the Council, and that it indicates changes that require the following steps to be carried out;

- Council endorsement of final design – September 2013
- Final negotiation with State Government. for acquisition of land – April 2014
- Rezoning of developable land – April 2015.

**Role of the State Government in this Project**

The costs of acquiring developable land within the precinct (assuming a Council endorsed concept) have not been factored into the overall costs for the project.

These have been omitted due to the fact that the City is able to seek compensation from the State Government as a result of the State's previous Metropolitan Region Scheme amendment to Ken Hurst Park from a development site to a reservation for Regional Parks and Recreation. In preference to seeking such compensation, the City initiated this master planning process as a less adversarial approach to resolve this problem.

If the Council at some stage in the future was to endorse a final concept, then negotiation with the State with respect to this Master Plan will centre on the issue by the State government of freehold title over the developable portions of the reserves.

Such granting is intended to be in compensation for the rezoning of Ken Hurst Park and may require the City to transfer Ken Hurst Park to the State as a protected Bush Forever site.

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**

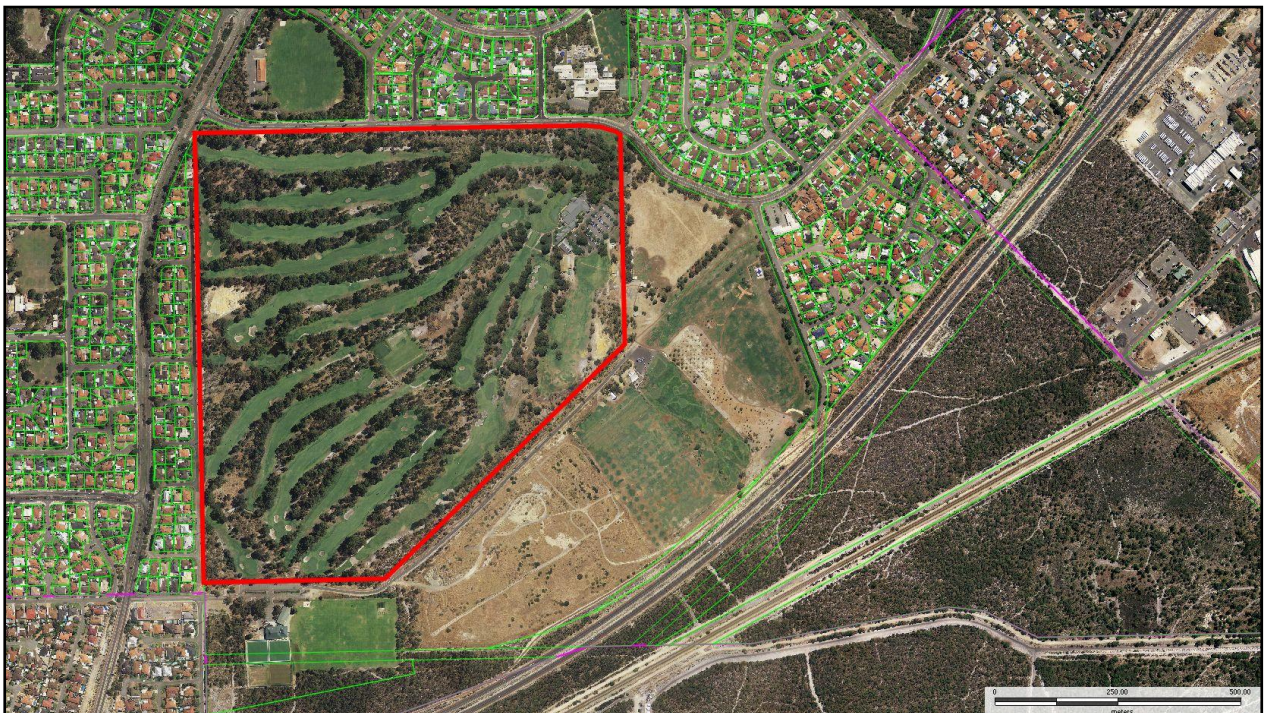
This transfer would enable Ken Hurst Park to be created as a Crown reserve, which in due course could then be vested to the City of Melville for care and management.

**Scheme Provisions**

MRS Zoning : Parks and Recreation  
 CPS 5 Zoning : Parks and Recreation  
 R-Code : Not applicable

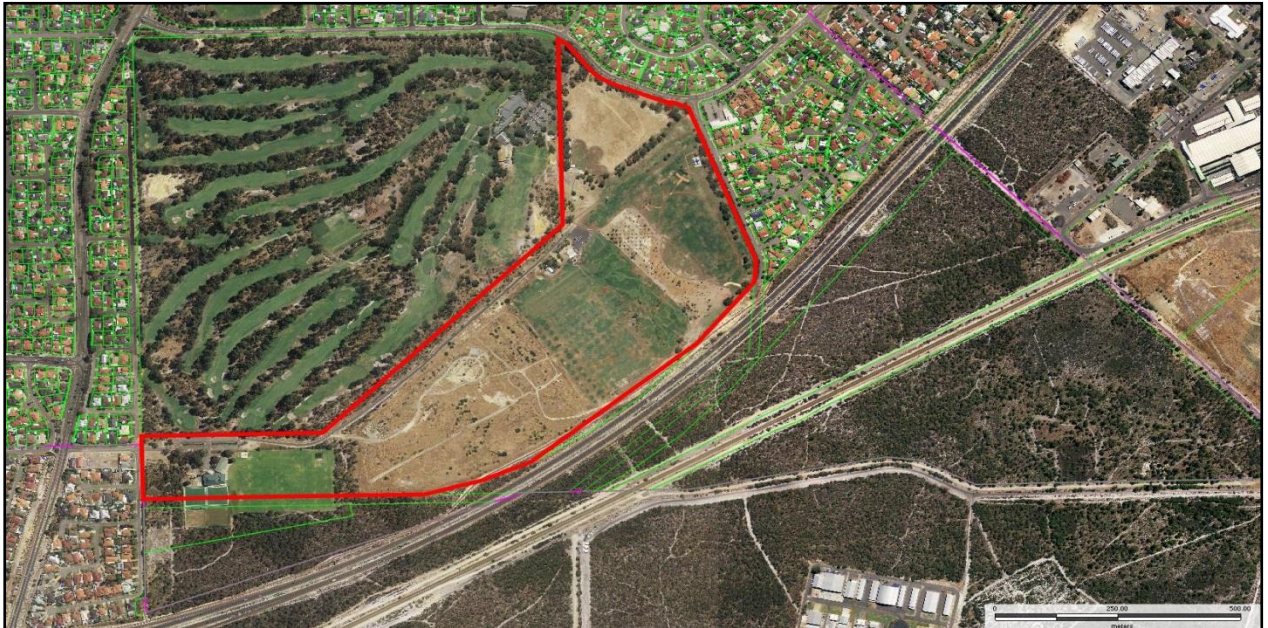
**Site Details**

Lot Area : 677,630 sq.m – Reserve 28600  
 454,645 sq.m – Reserve 24826  
 Retention of Existing Vegetation : Significant vegetation on Reserve 28600  
 Street Tree(s) : Not applicable  
 Street Furniture (drainage pits etc) : Not applicable  
 Site Details : Reserve 28600, Lots 453, 492, 3371, Deposited Plan 188242, 51 Beasley Road, Leeming  
 Reserve 24826, Lot 300, Deposited Plan 301022, 2 Dundee Street, Leeming



*Reserve 28600 – Melville Glades Golf Club.*

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**



*Diagram 3 - Reserve 24826 – John Connell Reserve*

## **STAKEHOLDER ENGAGEMENT**

Master Planning associated with this project has involved an extensive public consultation process including;

- State
  - Meetings with Local Members of Parliament and State Departments
- Regional
  - Meetings with City of Canning and City of Cockburn
- Local
  - Meetings with Local Sporting/Community Groups – located in immediate vicinity
  - Meetings with Local Sporting/Community Groups – located on John Connell Reserve
  - Meeting with MGGC Board
  - Meeting with MGGC Members
  - Public visioning meetings for local community
  - Website engagement process (active and passive)

In excess of 4,500 letters were distributed to residents within an 800 metre catchment of the subject reserves during this project and over 120 residents and ratepayers attended a community driven design workshop during this process.

The City has maintained an on line communication strategy in respect to this project since its inception.

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**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**

Thus far this has resulted in the on-line information being accessed and reviewed by almost 500 residents.

Focus groups were recently held, independently facilitated which provided yet further detailed submissions and input from members of the community.

Further discussions are also being held with local Members of Parliament in respect to the status of this project subject to Council endorsement of the resolution within this report.

**OTHER AGENCIES / CONSULTANTS**

Required:	Yes
Reason:	Identified as key stakeholders to this project at its inception Further consultation will be required in respect to essential services, town planning variations and environmental issues arising from this proposal.
Support/Object:	Support not sought at this stage

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**

<b>Agency</b>	<b>Summary of Submission</b>	<b>Support/ Objection</b>	<b>Officer's Comment</b>	<b>Action (Condition/ Uphold/ Not Uphold)</b>
Department of Lands	General understanding of this project and intent of the City to master plan for this area.	Not sought	Further consultation with this agency will occur once a preferred Concept is endorsed by the Council.	Not applicable
Department of Planning	General understanding of this project and intent of the City to master plan for this area.	Not sought	Further consultation with this agency will occur once a preferred Concept is endorsed by the Council.	Not applicable
City of Cockburn	General understanding of this project and intent of the City to master plan for this area.	Support	Further consultation with this agency will occur once a preferred Concept is endorsed by the Council.	Not applicable
City of Canning	General understanding of this project and intent of the City to master plan for this area.	Support	Further consultation with this agency will occur once a preferred Concept is endorsed by the Council.	Not applicable
All local Members of Parliament	General understanding of this project and intent of the City to master plan for this area.	Support – subject to community engagement	Regular contact is being made with local Members to keep them updated with progress on this project. Further consultation with all local Members of Parliament will occur if a preferred Concept is endorsed by the Council.	Not applicable

**STATUTORY AND LEGAL IMPLICATIONS**

At this stage of this Master Planning project, no statutory or legal implications apply to this project.

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**

Should the Council endorse a final preferred concept and the City makes application to acquire portions of Reserve 28600 or 24826, then such acquisition, development or sale would be subject to the provisions of Section 3.58 and Section 3.59 of the *Local Government Act 1995* and associated Regulations.

**FINANCIAL IMPLICATIONS**

1. All costs associated with the master planning process thus far completed in respect to this project were provided for within the Council's 2012/2013 and 2013/2014 annual budgets.
2. Limited funding is available as part of the City's Property Rationalisation project for initial costs associated with further research/investigations.
3. Costs associated with the delivery of this project (if endorsed by the Council and supported by the State Government) will be subject to further detailed financial analysis and approval of Council.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
The Council does not progress this project following the completion of this stage of public consultation.	<b>Low</b> risk although substantial funds may be required to be raised to reclaim the legacy tip site.	In conjunction with the Council identify any issues that need to be addressed to enable further research into elements contained with the master plan to be carried out.
The Council progresses this proposal to a business case submission to Cabinet for approval.	<b>High</b> risk	As such application would be highly unlikely to be successful at this stage; it is not considered that any risk mitigation strategies exist.

**POLICY IMPLICATIONS**

Council Policy CP-005 titled Property Retention and Disposal relates to the acquisition and disposal of property.

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**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

In preference to the recommendation provided, the Council may not support the continuance of this project in any form.

Whilst it is evident that there are significant community concerns with respect to this project, it is also considered that the concerns as raised have been reasonably outlined within the body of this report.

These concerns and the issues as raised during the public consultation phases requires further deliberation to be made and additional research to be conducted prior to a final Master Plan being presented to Council for consideration.

The premise of this Master Planning process is that it would endeavour to;

- Respond to issues relating to the site contamination of John Connell Reserve R24826,
- Enable the City to work collaboratively with the MGGC to identify any opportunities for redevelopment of the golf course to enable it to become more sustainable for the future, and
- Identify issues relating to the undeveloped portions of John Connell Reserve.
- Resolve issues relating to the State's rezoning of Ken Hurst Park and the City's right to claim compensation for loss of value.

The status of all of these issues is that they remain unresolved at this point in time. As such any decision by the Council to conclude this project at this stage will require alternate resolution of these issues and a strategy for the restoration (in whole or in part) of John Connell Reserve.

**CONCLUSION**

The master planning process undertaken in respect to Reserve 28600 and Reserve 24826 has involved a substantial level of community engagement and analysis to create an initial six concept designs that were considered to be reflective of the wide array of feedback received during this process.

Council then approved three of these initial six designs for further public engagement.

This engagement stage has revealed that there are concerns with a number of the elements proposed by the concept designs. Concerns were also raised in a petition received by Council in September 2013. The further engagement phase has however allowed these concerns to be explored and to consider whether a design response in the master plan is capable of suitably responding to the issues raised. Answering this question will require further research into how concerns may be mitigated and whether or not a practical design outcome is still achievable.

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**

Master planning on non-green field sites is inherently complex and in the case of this particular area is further complicated by key issues that do not always apply to other locations, such as;

- Site contamination of John Connell Reserve,
- Significant proportion of the site being used exclusively by one single user (Melville Glades Golf Club),
- Potential impact of development proposed to adjacent residential uses,
- Presence of 330KV power line within immediate proximity of existing open space and traversing the study area,
- Existing mature vegetation and the potential loss of native flora and fauna habitat
- Issues associated with revegetation of the contaminated site at John Connell Reserve

The methodology employed as part of this master planning process was significantly different from many such projects in that it did not commence with a preconceived design, however commenced only with maps of the subject area and identified issues that the City of Melville were seeking to resolve through this process.

The initial six concept designs were considered to be indicative not of the opinion of the City of Melville or its officers, but of the community feedback received during this process and the consultant's ability to interpret (where appropriate) this feedback into a diagrammatical form.

Whilst each of the concepts reflects the range of opinions received, it is shown through this report that issues remain with respect to the concept designs and the level of development proposed.

Many of the issues raised during this last stage of public consultation require additional research to resolve, and many of these will have a direct bearing on how any resultant draft master plan is developed for Council consideration. Some of the issues as raised may well prove to be so substantial that elements of the master plan cannot be considered for inclusion, or the costs associated with commissioning such elements may be prohibitive.

It must also be considered that ultimately, the City will not make the final decision in respect to this project and at most will only endorse a concept design for submission to the State Government for consideration and final approval.

It is therefore considered critical that the research required in order to both qualify and quantify the elements within the Master Plan is completed and that any resultant Master Plan has been prepared fully cognisant of the prevailing issues and costs involved in this project.

An Addendum to this report is provided as an attachment to the Minutes.

[3519 Addendum to Council Report 15 July 2014](#)

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**

At 8:38pm Cr Aubrey left the meeting and returned at 8:41pm

At 8:55pm Cr Robartson left the meeting and returned at 8:57pm

**OFFICER RECOMMENDATION (3519)****APPROVAL**

At 8:12pm Cr Macphail moved, seconded Cr Schuster (withdrawn) seconded Cr Phelan –

**That the Council;**

1. Resolves to use the revised master plan, attached to this report, as the basis for further research and analysis. Attachment 5 – Revised/Preferred Concept
2. Requests the Chief Executive Officer to commission suitable research and analysis with respect to the elements contained within this master plan so as to:
  - i. Identify the issues, impacts and opportunities associated with each of these elements, having regard to the matters raised during public consultation and in the petition received by Council in September 2013.
  - ii. Having regard to 2(i) above, provide for the refinement of the master plan to a level of detail suited to feasibility testing, independent financial verification and progression to the State Government approval phase.
3. Resolves that the refined master plan arising from the research and analysis outlined above, inclusive of independent financial verification, be presented to Council for consideration prior to progression to the State Government approval phase.
4. Advise the lead petitioner of the petition bearing 208 signatures and raising concerns with respect to the Melville Glades Golf Course and John Connell Reserve master planning project as received by Council on 17 September 2013, in writing of items 1, 2 and 3 above.

Amendment 1 (withdrawn)

At 8:31pm Cr Schuster moved, seconded by Cr Robartson -

***That in item 1 delete the word “endorse” and change to “use”***

***Add Item 5***

***“Requests the CEO to report to the August 2014 Council meeting as a late item if need be with a plan for further community consultation on this process, while this research and analysis is proceeding”***

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**

Amendment 2

At 8:57pm Cr Schuster moved, seconded Cr Robartson –

*That in item 1 delete the word “endorse” and change to “use”*

*That recommendation 3 be amended by removing all wording after Council and replacing with  
“For consideration for advertising for public comment prior to final adoption of a master plan by Council for progression through the State Government approval phase.”*

At 9.29pm the Mayor submitted the Amendment 2, which was declared

**CARRIED UNANIMOUSLY (12/0)**

Vote Result Summary	
Yes	12
No	0

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

At 9.00pm the meeting was adjourned for a comfort break and reconvened at 9:05pm.

At 9.05pm Mr Christie left the meeting and returned at 9.07pm

At 9.06pm Cr Barton left the meeting and returned at 9.08pm

At 9:41pm Cr Schuster left the meeting and returned at 9:43pm

At 9:58pm Mr Fimmano left the meeting and returned at 10.00pm

At 10:13pm Mr Prendergast left the meeting

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**

Amendment 3

At 9:29pm moved by Cr Willis and seconded by Cr Schuster

*That in item 4 of the recommendation, delete the word “Lead” after the words “Advise the” and insert the word “all”. Delete the word “petitioner” and insert the word “petitioners. The recommendation to read – Advise all the petitioners of the petition bearing 208 signatures and raising concerns with respect to the Melville Glades Golf Course and John Connell Reserve master planning project as received by Council on 17 September 2013, in writing of items 1, 2 and 3 above.*

At 9.34pm the Mayor submitted the Amendment 3, which was declared

**CARRIED (10/2)**

Vote Result Summary	
Yes	10
No	2

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

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)****COUNCIL RESOLUTION (3519)****APPROVAL**

At 10.17pm the Mayor submitted the substantive motion as amended –

**That the Council;**

1. Resolves to *use* the revised master plan, attached to this report, as the basis for further research and analysis. [Attachment 5 – Revised/Preferred Concept](#)
2. Requests the Chief Executive Officer to commission suitable research and analysis with respect to the elements contained within this master plan so as to;
  - iii. Identify the issues, impacts and opportunities associated with each of these elements, having regard to the matters raised during public consultation and in the petition received by Council in September 2013.
  - iv. Having regard to 2(i) above, provide for the refinement of the master plan to a level of detail suited to feasibility testing, independent financial verification and progression to the State Government approval phase.
3. Resolves that the refined master plan arising from the research and analysis outlined above, inclusive of independent financial verification, be presented to *Council for consideration for advertising for public comment prior to final adoption of a master plan by Council for progression through the State Government approval phase.*
4. Advise *all the petitioners* of the petition bearing 208 signatures and raising concerns with respect to the Melville Glades Golf Course and John Connell Reserve master planning project as received by Council on 17 September 2013, in writing of items 1, 2 and 3 above.

At 10.17pm the Mayor declared the motion

**CARRIED (8/4)**

**P14/3519 - MASTER PLANNING OUTCOMES – CONSIDERATION OF COMMUNITY ENGAGEMENT PROCESS MELVILLE GLADES GOLF COURSE AND JOHN CONNELL RESERVE (REC) (ATTACHMENT)**

<b>Vote Result Summary</b>	
Yes	8
No	4

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

At 10.18pm the meeting returned to the normal order of the Agenda.

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

**P14/3515 - TWO STOREY MEDICAL CENTRE WITH UNDERCROFT AT LOT 388 (NO. 4) ANTONY STREET, PALMYRA (AMREC) (ATTACHMENT)**

Ward : Palmyra/Melville/Willagee  
 Category : Operational  
 Application Number : DA-2014-65  
 Property : Lot 883 (No. 4) Antony Street, Palmyra  
 Proposal : Proposed Two Storey Medical Centre with Undercroft  
 Applicant : Bilton Group  
 Owner : Crosstown Holdings  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**P14/3515 - PROPOSED TWO STOREY MEDICAL CENTRE WITH UNDERCROFT AT LOT 388 (NO. 4) ANTONY STREET, PALMYRA (AMREC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought to construct a new Medical Centre building at 4 Antony Street Palmyra to be occupied by up to six practitioners and three support staff at any one time.
- The proposal has been assessed against the relevant provisions of Community Planning Scheme No. 5 (CPS5) and applicable Council Policies. The proposal satisfies all of these requirements with the exception of car parking, building height and landscaping.
- The application was the subject of public advertising and no submissions were received.
- The proposed development is considered to satisfy the intent and objectives of CPS5 and Council Policy and is therefore recommended for approval.
- An Absolute Majority decision of Council is required by virtue of the proposed car parking and building height variations.



**P14/3515 - PROPOSED TWO STOREY MEDICAL CENTRE WITH UNDERCROFT AT LOT 388 (NO. 4) ANTONY STREET, PALMYRA (AMREC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Commercial Centre Frame – Petra Frame
R-Code	:	R50
Use Type	:	Medical Centre
Use Class	:	S - discretionary use following advertising in accordance with Clause 7.5 of CPS5

**Site Details**

Lot Area	:	911sqm
Street Tree(s)	:	No street trees
Street Furniture (drainage pits etc.)	:	None applicable
Site Details	:	Refer to aerial photo above

[3515 Site And Elevation Plans 4 Antony Street Palmyra](#)

[3515 Landscape Documentation 4 Antony Street Palmyra](#)

The subject site was cleared in 2012, including the demolition of the former residential property.

The subject site is located opposite the raised parking deck associated with the Petra Street commercial centre. Both commercial properties adjoining the site along Antony Street are used for medical purposes (Consulting Rooms to the north and a Medical Centre to the south). The remaining adjoining lots to the east and south east are occupied for residential purposes.

**DETAIL**

Planning approval is sought to construct a two storey Medical Centre building with an undercroft carpark at 4 Antony Street in Palmyra.

The proposed building is to be occupied by up to six medical practitioners and three support staff.

The proposal has been assessed against all of the relevant prescriptive development requirements of CPS5, the R-Codes and Council Policy and is considered to satisfy these provisions with the exception of those listed below:

**P14/3515 - PROPOSED TWO STOREY MEDICAL CENTRE WITH UNDERCROFT AT LOT 388 (NO. 4) ANTONY STREET, PALMYRA (AMREC) (ATTACHMENT)**

**CPS5 and Policy Requirements**

<b>Development Requirement</b>	<b>Required/ Allowed</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Landscaping	25%	22.5%	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Manager Statutory Planning (MSP)
Building Height	9m (concealed roof)	9.9m max	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Absolute Majority Decision of Council
Car Parking	27 bays + 1 Service Bay	25 bays + 1 service bay	Requires performance based assessment against Section 7 (Variations to Standards) of CP-079 Car Parking (Non-Residential)	Absolute Majority Decision of Council

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

The application was advertised in accordance with Clause 7.5 of CPS5 and no submissions were received.

**II. OTHER AGENCIES / CONSULTANTS**

The application was referred to the City's Architectural and Urban Design Panel who provided the following comments on the design of the proposed development:

<b>Panel Comment</b>	<b>Applicant's response</b>	<b>Officer comment</b>
No issue with overall development design / appearance	Noted	Noted
Relocate service bay within the front setback area.	Amended plans provided indicating service bay within the front setback area.	The relocation of the service bay allowed the undercroft level to be reduced in height.

**P14/3515 - PROPOSED TWO STOREY MEDICAL CENTRE WITH UNDERCROFT AT LOT 388 (NO. 4) ANTONY STREET, PALMYRA (AMREC) (ATTACHMENT)**

<b>Panel Comment</b>	<b>Applicant's response</b>	<b>Officer comment</b>
Landscape around the relocated service bay or partially landscaped to improve streetscape (grasscrete)	Landscaping plan showing the service bay to be of permeable paving.	Noted. The remainder of the front setback area is also proposed to be landscaped.
Confirm universal access ramp gradient and width of car bay	Complies with the relevant Australian Standards.	The proposal has been reviewed by the City's Technical Services who are satisfied with the proposed ramp gradient and car parking layout.
The building envelope is appropriate and would have minimal impact on street and adjoining properties	Noted	Noted
Potential to landscape along rear boundary to ameliorate impact of building to rear adjoining properties	Landscaping plan provided detailing landscaping along the boundaries of the site which adjoin residential properties.	The proposed landscaping along the eastern and a portion of the southern boundary will soften the impact of the building as viewed from these adjoining properties. Furthermore, a planter is proposed along the rear elevation of the first floor balcony which will enhance the privacy and amenity of the proposed development.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**P14/3515 - PROPOSED TWO STOREY MEDICAL CENTRE WITH UNDERCROFT AT LOT 388 (NO. 4) ANTONY STREET, PALMYRA (AMREC) (ATTACHMENT)****POLICY IMPLICATIONS**

The proposal satisfies all the relevant provisions of applicable Council Policies with the exception of CP-079 Car Parking (Non-Residential) and CP-066 Height of Buildings. These matters are assessed in the Comment section below.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

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

**COMMENT***Land Use*

The CPS5 Statement of Intent for the Commercial Centre Frame – Petra Frame states:

*Primarily residential but may include small-scale offices and medical practitioners where privacy of neighbours is respected and design has a residential character. Buildings shall not use reflective or mirror glass externally. Shops, open-air display of goods and vehicles, service stations, restaurants and the like are prohibited.*

The proposed development is considered to be consistent with the above Statement of Intent and is further supported by the fact that on three of its four boundaries, it is flanked by medical uses or commercial uses of a greater intensity.

*Car parking*

As stated, 27 car parking bays and one service bay are required for the proposed development. In practice a total of 24 car parking bays are provided within the undercroft area, including one ACROD bay. In addition a service bay is provided within the front setback area. This means that there is a shortfall of three car parking bays when judged against the City's Car Parking requirements.

**P14/3515 - PROPOSED TWO STOREY MEDICAL CENTRE WITH UNDERCROFT AT LOT 388 (NO. 4) ANTONY STREET, PALMYRA (AMREC) (ATTACHMENT)**

In accordance with Clause 7.3 of CP-079 Car Parking Policy (Non Residential), the Applicant has compensated for two of this three bay shortfall by providing 12 bike racks. As a recognised employment centre, the substitution of bike bays for car bays is considered valid. In view of this bike bay provision, it is concluded that the proposal represents a one car parking bay reduction against the City's standard requirements. This one car parking bay shortfall is considered to be acceptable for the following reasons:

- The subject site is located 70m away from Canning Highway which has a high frequency bus route that will provide good public transport connectivity to the site.
- The subject site is located across from the Petra Street commercial centre. Consequently, clients visiting the medical practice may also patronise the businesses within the commercial centre, and utilise the car parking facilities that exist within that centre.
- The car parking ratio under Council Policy 079 for Medical Centres is three car parking bays per practitioner in addition to staff/practitioner parking. This level of car parking provision assumes that the medical consultants within the practice will always juggle three patients at any one time, a scenario that is unlikely to eventuate.
- No submissions in opposition to the proposed development were received.

On this basis, the proposed one car parking bay shortfall is supported.

*Building Height*

The subject site slopes down from west to east (front to rear) by approximately four metres. This fall across the site is a direct constraint on development.

Due to this slope, the second storey of the proposed development exceeds the maximum height provisions of CPS5 and Council Policy by up to 0.9m. The proposed height is considered acceptable for the following reasons:

- The height of the proposed building as viewed from Antony Street is well below the maximum height limit and has the appearance of a two storey commercial building.
- The lots to the rear will not be impacted by the proposed height variation as the maximum height is setback more than 20m from the rear boundary and vegetative screening along the rear boundary is also proposed to soften the impact of the building as viewed from the residential neighbours.
- The subject lot abuts two lots to the south, one a commercial development with no north-facing openings (and itself over height), and the other, a group of strata residential units. The proposed development has been designed so that the majority of the over height portion of the development abuts the adjoining commercial building, with only a 1.5m length abutting the adjoining residential development.

**P14/3515 - PROPOSED TWO STOREY MEDICAL CENTRE WITH UNDERCROFT AT LOT 388 (NO. 4) ANTONY STREET, PALMYRA (REC) (ATTACHMENT)**

- The proposed height is supported by the City's Architectural and Urban Design Advisory Panel as it will have minimal impact upon the streetscape and the adjoining properties.
- No submissions in opposition to the proposed development were received.

*Landscaping*

CPS5 requires 25% of the subject lot to be landscaped and 22.5% is proposed.

The scale of the proposed variation is considered minor and is considered acceptable, as a landscaping plan has been submitted with the application which is considered to address the landscaping requirements in Council Policy 087: Non-Residential Development as it will soften the bulk impact of the building within the streetscape and from the view of the adjoining residential properties.

In addition, a condition of approval is recommended to require the Applicant to pay for the provision of a street tree within the verge outside the subject property. This further ameliorates the minor variation proposed.

**CONCLUSION**

It is considered that, notwithstanding the variations proposed, the proposed development satisfies the intent and objectives of CPS5 and Council Policies and it is not anticipated that any significant impacts upon the streetscape or the adjoining properties will result. As such, it is recommended that the Council approve the proposed development subject to an Absolute Majority decision.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3515)****ABSOLUTE MAJORITY APPROVAL**

At 10:17pm Cr Schuster moved, seconded Cr Hill –

**That the Council by Absolute Majority approve the application to construct the Two Storey Medical Centre with Undercroft at Lot 388 (No. 4) Antony Street, Palmyra subject to the following conditions:**

- 1. No more than six practitioners and three support staff shall occupy the premises at any given time.**
- 2. Prior to the initial occupation of the development, the applicant is required to provide bicycle parking facilities for a minimum of twelve (12) bicycles in accordance with the approved plans and in compliance with Australian Standard AS 2890.3 to the satisfaction of the Manager of Statutory Planning. The facilities shall thereafter be retained in perpetuity.**

**P14/3515 - PROPOSED TWO STOREY MEDICAL CENTRE WITH UNDERCROFT AT LOT 388 (NO. 4) ANTONY STREET, PALMYRA (REC) (ATTACHMENT)**

3. The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the Manager Statutory Planning. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in accordance with the City's requirements.
4. Prior to the initial occupation of the development, 24 parking bays (including one loading bay and one disabled bay), manoeuvring areas, driveways and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the Manager Statutory Planning. The bays shall thereafter be retained in perpetuity.
5. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) prior to the initial occupation of the development to the satisfaction of the Manager Statutory Planning.
6. Prior to the initial occupation of the development, the rubbish storage area as shown on the approved plans is to be constructed and maintained in perpetuity to the satisfaction of the Manager Statutory Planning.
7. Prior to the commencement of the development, a scheme for the provision of Public Art shall be submitted to and approved in writing by the Manager Statutory Planning. The Public Art shall be provided in accordance with CP – 085: Provision of Art in Development Proposals policy to the satisfaction of the Manager Statutory Planning. Alternatively, the public art contribution may be satisfied by cash-in-lieu payment at the same rate, made prior to the commencement of the development.
8. All stormwater generated on site is to be retained on site.
9. Prior to the initial occupation of the development, the unused crossover shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Manager Statutory Planning.
10. The development shall be serviced by a concrete vehicle crossover with a maximum width of 6m and constructed prior to the initial occupation of the development in accordance with the Council's specification to the satisfaction of the Manager Statutory Planning.
11. Prior to the initial occupation of the development, a street tree shall be planted within the Antony Street road reserve in accordance with Street Tree Policy CP-029 to the satisfaction of the Manager Statutory Planning. The cost of all work undertaken is to be at the owner's expense.

At 10.19pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)**

**P14/3515 - PROPOSED TWO STOREY MEDICAL CENTRE WITH UNDERCROFT AT  
LOT 388 (NO. 4) ANTONY STREET, PALMYRA (REC) (ATTACHMENT)**

<b>Vote Result Summary</b>	
Yes	12
No	0

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

At 10.20pm Cr Foxtton left the meeting and returned at 10.21pm

At 10.21pm, having declared an interest in item CD14/8061, Cr Barton and Cr Taylor-Rees left the meeting.

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

**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)**

Disclosure of Interest

Item No.	CD14/8061
Member	Cr J Barton
Type of Interest	Proximity Interest in Accordance with the Act
Nature of Interest	Live opposite Point Walter Reserve
Request	To leave the meeting
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	CD14/8061
Member	Cr S Taylor-Rees
Type of Interest	Proximity Interest in Accordance with the Act
Nature of Interest	Reside adjacent to Point Walter Golf Course
Request	To leave the meeting
Decision of Council	Not Applicable

Ward	: All
Category	: Operational
Subject Index	: Animal Control
Customer Index	: Department of Local Government and Communities
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not applicable
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Brodie Dawkins Manager Neighbourhood Amenity

CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)****KEY ISSUES / SUMMARY**

- From 1 November 2013, the *Dog Amendment Act* removed a local government's ability to make local laws to establish dog exercise areas, or prohibit dogs absolutely from areas under the local government's controls.
- To relieve local governments from having to remove these provisions from their local laws (by following the local law making process set out in Section 3.12 of the *Local Government Act 1995*) the Dog Regulations provide a sunset date (**31 July 2014**) for the operation of those clauses.
- Instead a Council resolution is required to establish exercise areas or specify places where dogs are prohibited and these are currently identified in the City of Melville Local Law relating to dogs.
- The Council is required to give 28 days public notice of its intention to specify dog prohibited areas or dog exercise areas.

**BACKGROUND**

The Department of Local Government and Communities has advised all Local Governments in a circular of the *Dog Amendment Regulations 2014* published in the Government Gazette on 20 May 2014.

The amendments require action by the Council by 31 July 2014.

From 1 November 2013, the *Dog Amendment Act* removed a local government's ability to make local laws to establish dog exercise areas, or prohibit dogs absolutely from areas under the local government's control.

Instead a Council resolution is required to establish exercise areas or specify places where dogs are prohibited. These are currently identified in the City of Melville Local law relating to Dogs.

This means that any future changes to dog exercise areas or prohibited areas will only require a resolution of Council rather than following the Local Law making process.

Due to the immediacy of the requirement to pursue a Council resolution Officers are recommending to use what is listed in the current Dog Local Law. A comprehensive review of all dog prohibited and exercise areas will be completed and presented to Council prior to December 2015.

Using what is listed in the current Dog Local Law also ensures the legality of terms are able to be applied in the enforcement of the Council resolution.

The Council is required to give 28 days public notice of its intention to specify dog prohibited areas or dog exercise areas.

Dogs required as support for people with disabilities are exempt from the prohibitive conditions.

**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)****DETAIL**

The City of Melville Local Law relating to Dogs currently specifies the following areas as Dog Prohibited areas:

**Places where dogs are prohibited totally- (Clause 5.1)**

- (a) *A public building;*
- (b) *Shop or business premises, other than a shop or business premises where Dogs are sold or treated for illness or injury;*
- (c) *An area set aside by a wall, fence, sandpit or other softfall surface as a children's playground and;*
- (d) *In all the areas prescribed in Schedule 4 as follows:*

*Please note that clause 5.1 does not apply to assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2).*

**1. Jeff Joseph Reserve – Applecross**

*Reserve No. 27327:*

- *That portion of Reserve 27327 (Swan Location 7840) depicted as bounded on the north*
- *by the district boundary;*
- *On the east by the prolongation of the eastern boundary of the Applecross Tennis Club tennis courts;*
- *On the south by the nearest made portion of the adjoining carriageway of Ardross Street.*

*Reserve No. 29604:*

- *Certificate of Title Vol. 640 Folio 120 Lot 260, 261, 262, 263, 264.*

**2. Deep Water Point Reserve – Mount Pleasant**

- *Vol. 1225 Folio 215. Part Canning Location 61 Diagram 12675 being Lots 54, 55, 56, 57, 58, 59, 60.*
- *Part Swan Location 56 Diagram 61266 being Lots 61 – Part 10 and 12.*
- *Foreshore Reserve No A30732.*

**3. Point Walter Reserve and Golf Course**

*Reserve No 4813.*

**4. Bicton Reserve**

*Reserve A No 33997.*

**5. Foreshore Area**

*The foreshore and adjoining reserve of total foreshore area on the left banks of the Swan and Canning Rivers on the north boundary of the district for the east boundary of the district in a direction generally north then generally west on the north boundary to the west boundary of the district but excluding those areas as specified in Clause 5.2 and prescribed in the Fifth Schedule of these Local Laws.*

**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)**

6. **The footway of timber boards or boardwalk which extends into the Booragoon Lake on the Booragoon Lake Reserve No. 25318, Aldridge Road, Booragoon.**
7. **Oz Park, corner Aurelian and Justinian Streets, Palmyra.**
8. **Heathcote Heritage Precinct, 56 Duncraig Road, Applecross.**
9. (a) **The Northern Bushland on Piney Lakes Reserve, Murdoch (Number 46648) bounded by the pathway adjacent to Paterson Gardens to the west, Leach highway to the north and Murdoch Drive to the east and including the Western and Eastern core conservation areas and central natural lake but excluding sealed pathways within the reserve/area; and**  
(b) **the children's sensory playground and two man-made lakes.**
10. **Blackwall Reach Reserve (R45541).**
11. **The playground, sandpits and other softfall surfaces located at Lot 201 P53096, CT – 2679/995 located at 70-72 Curtis Road known as the Old Melville Primary School site (Kadidjiny Park).**

The City of Melville Local Law relating to Dogs currently specifies the following areas as Dog Restricted areas (on which dogs must be controlled in accordance with section 31 (1) of the Dog Act 1976).

**Areas in which dogs must be under control-(Schedule 5):**

1. **Wireless Hill Reserve**  
Reserve No A 29813.
2. **Tompkins Park Reserve**
  - Certificate of Title Vol. 1103 Folio 189 Swan 74 Diagram 12674.
  - Certificate of Title Vol. 1185 Folio 584 Lot 39 Swan Diagram 74 17693.
  - 14, 15, 16, 17 Swan 74 Diagram 6262 6464 Plan 6129.
  - Certificate of Title Vol. 1251 Folio 21 Lot Part 31 Swan 74 Plan 7210.
3. **Civic Centre Complex**
  - Certificate of Title Vol. 1652 Folio 038 Lot 52 Location 356 formerly Land Title Office Diagram 36592.
  - Reserve No. 33422.
4. **Foreshore Areas**
  - (i) *That portion of the foreshore of the Canning River and adjoining reserve on the north boundary of the district from the prolongation of the southern alignment of Flanagan Street generally south to the downstream side of Canning Bridge.*
  - (ii) *That portion of the foreshore of the Canning River and the adjoining reserve on the north boundary of the district from the prolongation of the northern alignment of Cranford Avenue being the intersection of The Esplanade and Pulo Road, Mt Pleasant.*

**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)**

5. **Melville Reserve**  
*Certificate of Title Vol. 1071 Folio 107 Part 878 to Part 889.*
6. **Booragoon Lake Reserve**  
*(Number 25318) – Booragoon (being Canning Location 1672 and 2306.)*
7. **Blue Gum Reserve**  
*(Number 25562) – Mount Pleasant (being Canning Location 1694 and 2423).*
8. **Marmion Reserve** *(that portion west of the eastern edge of the Marmion Street Car Park) and being portion of Swan Location 73, Lots 3 and 4, Part of Lot 2 on diagram 9833 Volume Number 1100, Folio Number 759).*
9. (a) **The triangular portion of Piney Lakes Reserve** *(Number 46648) south of the walkway and bounded by Sinclair Crescent, Murdoch Drive and including Moss Park; and*  
(b) *All sealed pathways within the reserve.*
10. **Attadale Bushland Conservation Area** *bordered by the western boundary of the Water Corporation Reserve opposite Roberts Road, west along Burke Drive to a point opposite the boundary of numbers 32 and 34 Burke Drive. The shared use path on the northern edge defines the boundary between the Swan River Marine Estuary and adjoining Nature Reserve.*
11. **Ern Stapleton Reserve** *number 24063.*
12. **Wal Hughes Reserve** *number 31525.*
13. **Harry Sandon Reserve** *number 30697.*
14. **Apex Park Reserve** *number 26811.*
15. *All areas other than the children's playground, sandpits and other softfall surfaces (where dogs are prohibited totally) the remainder of Lot 201 P53096, CT – 2679/995 located at 70-72 Curtis Road known as **the Old Melville Primary School site. (Kadidjiny Park).***

The City of Melville Local Law relating to Dogs currently specifies the following areas as Dog Exercise areas:

**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)*****Dog Exercise Areas***

*For the purposes of sections 31 and 32 of the Dog Act, a public place, being a place that is under the care, control and management of the Council, is a dog exercise area unless that public place:*

- (a) is a place described in Clause 5.1;*
- (b) is being used for an organised function or event attended by people;*
- (c) is land which has been set apart as a children's playground is a thoroughfare or pathway; and*
- (d) is listed in Schedule 5.*

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

The Council is required to give 28 days public notice of its intention to specify dog prohibited areas or dog exercise areas.

**II. OTHER AGENCIES / CONSULTANTS**

Liaison has taken place with the Department of Local Government and Communities in accordance with Circular No 18-2014.

**STATUTORY AND LEGAL IMPLICATIONS**

In accordance with the *Dog Amendment Regulations 2014*, a Council resolution is required by 31 July 2014 to establish exercise areas or specify places where dogs are prohibited. These are currently identified in the City of Melville Local Law relating to dogs.

**FINANCIAL IMPLICATIONS**

There are no direct up front financial implications as a result of this item.

There are no direct on-going financial implications as a result of this item.

**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
There is a risk that if the Council has a local law containing clauses which establish dog exercise areas, or prohibit dogs absolutely from areas that the clauses will be inoperable from 31 July 2014.	Major consequences which are likely, resulting in a <b>High</b> level of risk.	A Council resolution to establish dog exercise areas and specify places where dogs are prohibited is required (By absolute majority).

**POLICY IMPLICATIONS**

There is no Council Policy that relates to this item.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are no alternate options in relation to this item.

**CONCLUSION**

A Council resolution is required to establish exercise areas or specify places where dogs are prohibited which are currently identified in the City of Melville Local law relating to Dogs by 31 July 2014.

A comprehensive review of all dog prohibited and exercise areas will be completed and presented to Council prior to December 2015.

**OFFICER RECOMMENDATION (8061)**

**ABSOLUTE MAJORITY**

At 10.22pm Cr Schuster moved, seconded Cr Phelan –

**That the Council**, by absolute majority decision, advertise for public comment the following areas as dog prohibited and dog exercise areas for a period of 28 days:

**Places where dogs are prohibited totally:**

- (a) A public building;
- (b) Shop or business premises, other than a shop or business premises where dogs are sold or treated for illness or injury;
- (c) An area set aside by a wall, fence, sandpit or other softfall surface as a children's playground and;
- (d) In all the areas prescribed in Schedule 4 as follows:

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**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)****1. Jeff Joseph Reserve – Applecross**

Reserve No. 27327:

- That portion of Reserve 27327 (Swan Location 7840) depicted as bounded on the north by the district boundary;
- on the east by the prolongation of the eastern boundary of the Applecross Tennis Club tennis courts;
- on the south by the nearest made portion of the adjoining carriageway of Ardross Street.

Reserve No. 29604:

- Certificate of Title Vol. 640 Folio 120 Lot 260, 261, 262, 263, 264.

**2. Deep Water Point Reserve – Mount Pleasant**

- Vol. 1225 Folio 215. Part Canning Location 61 Diagram 12675 being Lots 54, 55, 56, 57, 58, 59, 60.
- Part Swan Location 56 Diagram 61266 being Lots 61 – Part 10 and 12.
- Foreshore Reserve No A30732.

**3. Point Walter Reserve and Golf Course**

Reserve No 4813.

**4. Bicton Reserve**

Reserve A No 33997.

**5. Foreshore Area**

The foreshore and adjoining reserve of total foreshore area on the left banks of the Swan and Canning Rivers on the north boundary of the district for the east boundary of the district in a direction generally north then generally west on the north boundary to the west boundary of the district but excluding those areas as specified in Clause 5.2 and prescribed in the Fifth Schedule of these Local Laws.

**6. The footway of timber boards or boardwalk which extends into the Booragoon Lake** on the Booragoon Lake Reserve No. 25318, Aldridge Road, Booragoon.**7. Oz Park**, corner Aurelian and Justinian Streets, Palmyra.**8. Heathcote Heritage Precinct**, 56 Duncraig Road, Applecross

9. (a) **The Northern Bushland on Piney Lakes Reserve, Murdoch** (Number 46648) bounded by the pathway adjacent to Paterson Gardens to the west, Leach highway to the north and Murdoch Drive to the east and including the Western and Eastern core conservation areas and central natural lake but excluding sealed pathways within the reserve/area; and
- (b) the children's sensory playground and two man-made lakes.

**10. Blackwall Reach Reserve** (R45541).

11. The playground, sandpits and other softfall surfaces located at Lot 201 P53096, CT – 2679/995 located at 70-72 Curtis Road known as **the Old Melville Primary School Site (Kadidjiny Park)**.

**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)****Areas in which dogs must be under control:**

- 1. Wireless Hill Reserve**  
Reserve No A 29813.
- 2. Tompkins Park Reserve**
  - Certificate of Title Vol. 1103 Folio 189 Swan 74 Diagram 12674.
  - Certificate of Title Vol. 1185 Folio 584 Lot 39 Swan Diagram 74 17693.
  - 14, 15, 16, 17 Swan 74 Diagram 6262 6464 Plan 6129.
  - Certificate of Title Vol. 1251 Folio 21 Lot Part 31 Swan 74 Plan 7210.
- 3. Civic Centre Complex**
  - Certificate of Title Vol. 1652 Folio 038 Lot 52 Location 356 formerly Land Title Office.
  - Diagram 36592.
  - Reserve No. 33422.
- 4. Foreshore Areas**
  - (i) That portion of the foreshore of the Canning River and adjoining reserve on the north boundary of the district from the prolongation of the southern alignment of Flanagan Street generally south to the downstream side of Canning Bridge.
  - (ii) That portion of the foreshore of the Canning River and the adjoining reserve on the north boundary of the district from the prolongation of the northern alignment of Cranford Avenue being the intersection of The Esplanade and Pulo Road, Mt Pleasant.
- 5. Melville Reserve**  
Certificate of Title Vol. 1071 Folio 107 Part 878 to Part 889.
- 6. Booragoon Lake Reserve** (Number 25318) – Booragoon (Being Canning Location 1672 and 2306).
- 7. Blue Gum Reserve** (Number 25562) – Mount Pleasant (being Canning Location 1694 and 2423).
- 8. Marmion Reserve** (that portion west of the eastern edge of the Marmion Street Car Park) and being portion of Swan Location 73, Lots 3 and 4, Part of Lot 2 on diagram 9833 Volume Number 1100, Folio Number 759).
- 9.**
  - (a) **The triangular portion of Piney Lakes Reserve** (Number 46648) south of the walkway and bounded by Sinclair Crescent, Murdoch Drive and including Moss Park; and
  - (b) All sealed pathways within the reserve.
- 10. Attadale Bushland Conservation Area** bordered by the western boundary of the Water Corporation Reserve opposite Roberts Road, west along Burke Drive to a point opposite the boundary of numbers 32 and 34 Burke Drive. The shared use path on the northern edge defines the boundary between the Swan River Marine Estuary and adjoining Nature Reserve.

**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)**

11. **Ern Stapleton Reserve** number 24063.
12. **Wal Hughes Reserve** number 31525.
13. **Harry Sandon Reserve** number 30697.
14. **Apex Park Reserve** number 26811.
15. All areas other than the children's playground, sandpits and other softfall surfaces (where dogs are prohibited totally) the remainder of Lot 201 P53096, CT – 2679/995 located at 70-72 Curtis Road known as **the Old Melville Primary School site (Kadidjiny Park)**.

**Dog Exercise Areas**

For the purposes of sections 31 and 32 of the *Dog Act 1976*, a public place, being a place that is under the care, control and management of the Council, is a dog exercise area unless that public place:

- (a) is a prohibited place as described above;
- (b) is being used for an organised function or event attended by people;
- (c) is land which has been set apart as a children's playground;
- (d) is a thoroughfare or pathway; and
- (e) is an area under which dogs must be under control as described above.

This resolution is subject to any written law and any law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2).

Amendment

At 10:22pm Cr Schuster, with the agreement of the seconder, Cr Phelan, agreed to incorporate the amendment into the recommendation -

***That the first sentence of the Officer Recommendation be amended by deleting the words "advertise for public comment the following areas as dog prohibited and dog exercise areas for a period of 28 days", following the word "decision" in the first line, and replace the words with "adopt the following areas as dog prohibited and dog exercise areas":***

Reasons for Amendment

The Department of Local Government and Communities has advised that as public notice would have been given at the time that the original local laws were made (when the local law making process would have been followed), provided that no change is being made to the exercise or prohibited areas that were previously consulted on, no additional notice is required prior to the Council resolution.

**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)****COUNCIL RESOLUTION (8061)****ABSOLUTE MAJORITY**

At 10.24pm the Mayor submitted the substantive motion as amended -

**That the Council**, by absolute majority decision, *adopt the following areas as dog prohibited and dog exercise areas:*

**Places where dogs are prohibited totally:**

- (a) A public building;
- (b) Shop or business premises, other than a shop or business premises where dogs are sold or treated for illness or injury;
- (c) An area set aside by a wall, fence, sandpit or other softfall surface as a children's playground and;
- (e) In all the areas prescribed in Schedule 4 as follows:

**1. Jeff Joseph Reserve – Applecross**

Reserve No. 27327:

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- on the east by the prolongation of the eastern boundary of the Applecross Tennis Club tennis courts;
- on the south by the nearest made portion of the adjoining carriageway of Ardross Street.

Reserve No. 29604:

- Certificate of Title Vol. 640 Folio 120 Lot 260, 261, 262, 263, 264.

**3. Deep Water Point Reserve – Mount Pleasant**

- Vol. 1225 Folio 215. Part Canning Location 61 Diagram 12675 being Lots 54, 55, 56, 57, 58, 59, 60.
- Part Swan Location 56 Diagram 61266 being Lots 61 – Part 10 and 12.
- Foreshore Reserve No A30732.

**3. Point Walter Reserve and Golf Course**

Reserve No 4813.

**4. Bicton Reserve**

Reserve A No 33997.

**5. Foreshore Area**

The foreshore and adjoining reserve of total foreshore area on the left banks of the Swan and Canning Rivers on the north boundary of the district for the east boundary of the district in a direction generally north then generally west on the north boundary to the west boundary of the district but excluding those areas as specified in Clause 5.2 and prescribed in the Fifth Schedule of these Local Laws.

**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)**

6. **The footway of timber boards or boardwalk which extends into the Booragoon Lake** on the Booragoon Lake Reserve No. 25318, Aldridge Road, Booragoon.
7. **Oz Park**, corner Aurelian and Justinian Streets, Palmyra.
8. **Heathcote Heritage Precinct**, 56 Duncraig Road, Applecross
9. (a) **The Northern Bushland on Piney Lakes Reserve, Murdoch** (Number 46648) bounded by the pathway adjacent to Paterson Gardens to the west, Leach highway to the north and Murdoch Drive to the east and including the Western and Eastern core conservation areas and central natural lake but excluding sealed pathways within the reserve/area; and  
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**Areas in which dogs must be under control:**

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3. **Civic Centre Complex**
  - Certificate of Title Vol. 1652 Folio 038 Lot 52 Location 356 formerly Land Title Office.
  - Diagram 36592.
  - Reserve No. 33422.
4. **Foreshore Areas**
  - (i) That portion of the foreshore of the Canning River and adjoining reserve on the north boundary of the district from the prolongation of the southern alignment of Flanagan Street generally south to the downstream side of Canning Bridge.
  - (ii) That portion of the foreshore of the Canning River and the adjoining reserve on the north boundary of the district from the prolongation of the northern alignment of Cranford Avenue being the intersection of The Esplanade and Pulo Road, Mt Pleasant.
5. **Melville Reserve**  
Certificate of Title Vol. 1071 Folio 107 Part 878 to Part 889.

**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)**

6. **Booragoon Lake Reserve** (Number 25318) – Booragoon (Being Canning Location 1672 and 2306).
7. **Blue Gum Reserve** (Number 25562) – Mount Pleasant (being Canning Location 1694 and 2423).
8. **Marmion Reserve** (that portion west of the eastern edge of the Marmion Street Car Park) and being portion of Swan Location 73, Lots 3 and 4, Part of Lot 2 on diagram 9833 Volume Number 1100, Folio Number 759).
9. (a) **The triangular portion of Piney Lakes Reserve** (Number 46648) south of the walkway and bounded by Sinclair Crescent, Murdoch Drive and including Moss Park; and  
(b) All sealed pathways within the reserve.
10. **Attadale Bushland Conservation Area** bordered by the western boundary of the Water Corporation Reserve opposite Roberts Road, west along Burke Drive to a point opposite the boundary of numbers 32 and 34 Burke Drive. The shared use path on the northern edge defines the boundary between the Swan River Marine Estuary and adjoining Nature Reserve.
11. **Ern Stapleton Reserve** number 24063.
12. **Wal Hughes Reserve** number 31525.
13. **Harry Sandon Reserve** number 30697.
14. **Apex Park Reserve** number 26811.
15. All areas other than the children's playground, sandpits and other softfall surfaces (where dogs are prohibited totally) the remainder of Lot 201 P53096, CT – 2679/995 located at 70-72 Curtis Road known as **the Old Melville Primary School site (Kadidjiny Park)**.

**Dog Exercise Areas**

For the purposes of sections 31 and 32 of the *Dog Act 1976*, a public place, being a place that is under the care, control and management of the Council, is a dog exercise area unless that public place:

- (a) is a prohibited place as described above;
- (b) is being used for an organised function or event attended by people;
- (c) is land which has been set apart as a children's playground;
- (d) is a thoroughfare or pathway; and
- (e) is an area under which dogs must be under control as described above.

**CD14/8061- DOG AMENDMENT REGULATIONS - LOCAL LAWS (AMREC)**

This resolution is subject to any written law and any law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2).

At 10.24pm the Mayor declared the motion

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

<b>Vote Result Summary</b>	
Yes	10
No	0

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Foxtton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Pazolli	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

At 10.25pm Cr Barton and Cr Taylor-Rees returned to the meeting.

**M14/5000 – COMMON SEAL REGISTER (REC)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report details the documents to which the City of Melville Common Seal has been applied for the period from 22 May 2014 up to an including 19 June 2014 and recommends that the information be noted and endorsed.

**M14/5000 – COMMON SEAL REGISTER (REC)**

**BACKGROUND**

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

**DETAIL**

<b>Register Reference</b>	<b>Party</b>	<b>Description</b>	<b>ECM Reference</b>
896	The City of Melville and Canning Bridge Senior Citizens Club	Management Licence agreement for one year commencing from 1 July 2014 - 30 June 2015	3229238
897	The City of Melville and Community First International	Deed of Lease agreement for a period of one year from the 1 July 2014 to 30 June 2015	3231256
898	The City of Melville and Kids are Kids Therapy & Education Centre Inc.	Management Licence - for five years from 1 July 2014 to 30 June 2019	3231747
909	The City of Melville and HUB Connection Pty Ltd	Deed of Variation to Licence to change payment method Deed of Licence will expire on 21 March 2016	3264479
913	The City of Melville and Melville Bridge Club	Deed of Lease – for a further five years period from 16 September 2014 to 15 September 2019	3250095

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**M14/5000 – COMMON SEAL REGISTER (REC)****STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

(a) *the mayor or president; and*

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

**FINANCIAL IMPLICATIONS**

Not applicable.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Not applicable.

**POLICY IMPLICATIONS**

Not applicable.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

This is a standard report for Elected Members' information.

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

**That the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 22 May 2014 up to and including 19 June 2014, be noted and endorsed.**

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

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

- This report presents the investment statements for the period ending 31 May 2014 for the Council's information and noting.

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

**BACKGROUND**

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

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

**DETAIL**

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

<b>CITY OF MELVILLE</b>	
<b>STATEMENT OF INVESTMENTS</b>	
<b>FOR THE PERIOD ENDING 31 MAY 2014</b>	
<b>SUMMARY BY FUND</b>	
	<b>AMOUNT</b>
	<b>\$</b>
MUNICIPAL	\$ 17,723,501
RESERVE	\$ 85,064,356
TRUST	\$ 390,234
CITIZEN RELIEF	\$ 200,623
	<b>\$ 103,378,714</b>
<b>SUMMARY BY INVESTMENT TYPE</b>	
	<b>AMOUNT</b>
	<b>\$</b>
11AM	\$ 2,651,508
TERM DEPOSIT	\$ 97,446,561
BOND	\$ 2,000,000
CDO	\$ 1,050,000
UNITS (Local Govt Hse)	\$ 230,645
	<b>\$ 103,378,714</b>
<b>SUMMARY BY CREDIT RATING</b>	
	<b>AMOUNT</b>
	<b>\$</b>
AA	\$ 4,500,000
AA-	\$ 60,198,069
A+	\$ 19,500,000
A	\$ 3,900,000
A-	\$ 14,000,000
BBB+	\$ -
NR	\$ 1,050,000
UNITS (Local Govt Hse)	\$ 230,645
	<b>\$ 103,378,714</b>

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

The following statements detail the investments held by the City for the period ending 31 May 2014.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 MAY 2014						
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.50%	AA-	\$1,331	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$2,650,000	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$70	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$108	On call
					<b>\$2,651,508</b>	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$3,500,000	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$3,100,000	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$15,459,233	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$13,800,000	Various
ING BANK (TERM)	Very Low	TERM	Various	A-	\$7,400,000	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$3,900,000	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$21,287,328	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$2,500,000	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$8,200,000	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$5,700,000	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$12,600,000	Various
					<b>\$97,446,561</b>	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.70%	AA	\$2,000,000	20-Dec-15
					<b>\$2,000,000</b>	
MANAGED ACES CLASS 1A PARKES	Very High	CDO	4.24%	NR	\$1,050,000	20-Jun-15
-Face Value					\$1,050,000	
-Written Down (Book) Value (30 June 2009)					\$9,874	
-Estimated Market Value					\$299,880	
					<b>\$1,050,000</b>	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	NA
<b>TOTAL FUNDS INVESTED</b>					<b>\$103,378,714</b>	
<b>CREDIT RISK COMPARISON</b>						
CREDIT RISK		AMOUNT \$	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments	
AA		\$4,500,000	4%	80%		
AA-		\$60,198,069	58%	80%		
A+		\$19,500,000	19%	50%		
A		\$3,900,000	4%	50%		
A-		\$14,000,000	14%	50%		
BBB+		\$0	0%	20%		
NR		\$1,050,000	1%			<b>Purchased Prior To Policy Change</b>
UNITS IN LOCAL GOVT: HOUSE		\$230,645	0%	0.1%		<b>Council Decision</b>
<b>TOTAL</b>		<b>103,378,714</b>	<b>100%</b>			

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

<b>DIVERSIFICATION RISK</b>							
<b>INSTITUTION</b>	<b>INVESTMENT TYPE</b>	<b>S &amp; P RATING</b>	<b>AMOUNT \$</b>	<b>ACTUAL PROPORTION</b>	<b>INSTITUTION PROPORTION</b>	<b>MAX. % WITH ANY ONE INSTITUTION</b>	<b>Comments</b>
ANZ BANK (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
AMP BANK (TERM)	TERM	A+	13,800,000	13.35%	13.35%	15%	
BANKWEST (11AM)	11AM	AA-	1,331	0.00%		20%	
BANKWEST (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
BANK OF QUEENSLAND (TERM)	TERM	A-	3,500,000	3.39%		15%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	A-	-	0.00%	3.39%	15%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	3,100,000	3.00%	3.00%	15%	
CITIBANK (TERM)	TERM	AA-	15,459,233	14.95%	14.95%	20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.93%	1.93%	20%	
ING BANK (TERM)	TERM	A-	7,400,000	7.16%	7.16%	15%	
MACQUARIE BANK (TERM)	TERM	A	3,900,000	3.77%	3.77%	15%	
NAB (TERM)	TERM	AA-	21,287,328	20.59%	20.59%	20%	
RABODIRECT (TERM)	TERM	AA	2,500,000	2.42%	2.42%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	8,200,000	7.93%	7.93%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	5,700,000	5.51%	5.51%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	70	0.00%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	108	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	2,650,000	2.56%		20%	
WESTPAC (TERM)	TERM	AA-	12,600,000	12.19%	14.75%	20%	
MANAGED ACES CLASS 1A PARKES UNITS IN LOCAL GOVT HOUSE	CDO		1,050,000	1.02%	1.02%		Purchased Prior To Policy Change
	NA	NA	230,645	0.22%	0.22%		
			<b>103,378,714</b>	<b>100%</b>	<b>100%</b>		
<b>MATURITY COMPARISON</b>							
<b>TERM to MATURITY</b>	<b>AMOUNT \$</b>	<b>ACTUAL PROPORTION</b>	<b>MAX. % IN ANY ONE YEAR</b>	<b>Comments</b>			
<b>MUNICIPAL &amp; TRUST FUNDS</b>							
< 1 year	17,883,090	100%	100%				
	<b>17,883,090</b>	<b>100%</b>					
<b>RESERVE FUNDS</b>							
< 1 year	82,014,356	96%	100%				
< 2 years	3,050,000	4%	80%				Purchased Prior To Policy
< 3 years	-	0%	80%				
< 4 years	-	0%	40%				
< 5 years	-	0%	40%				
> 5 years	-	0%	20%				
	<b>85,064,356</b>	<b>100%</b>					

The City's sole remaining Collateralised Debt Obligation (CDO) (MAS Parkes 1A), which has a final maturity date of 20 June 2015, has suffered an erosion of credit support and therefore underlying principal of 41.9%. It continues to pay interest at the reduced principal rate.

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

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

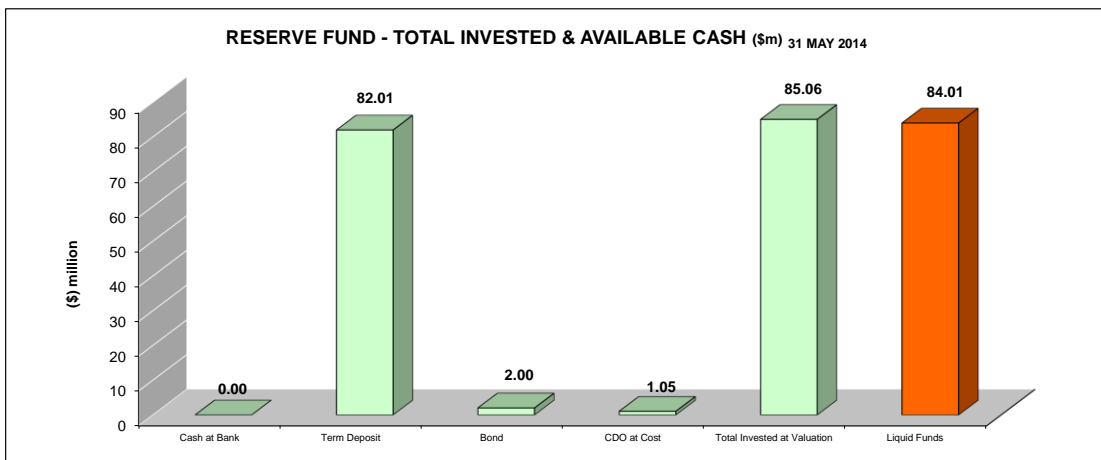
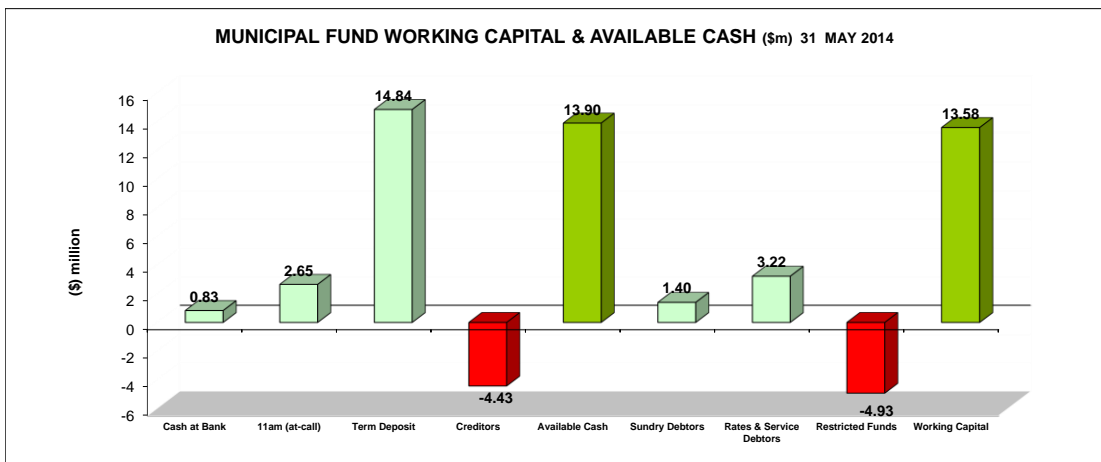
The City has earned approximately \$5 million from CDO investments since 1 July 2007.

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

CDO Name Arranger Face Value & Maturity Date	No. of Credit Events	Remaining Credit Support before <b>FIRST</b> Loss of Principal	Remaining Credit Support before <b>TOTAL</b> Loss of Principal	Comments
<b>Managed Aces Class Parkes 1A</b> Arranger: Morgan Stanley <b>\$1.05 million</b> <b>Maturing 20/6/2015</b>	<b>10 credit events:</b> ResCap, AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, CIT Group & PMI Group.	-0.8	1.1	Partial loss 41.9% (\$0.44 million) of principal has occurred. Very high likelihood of total default.

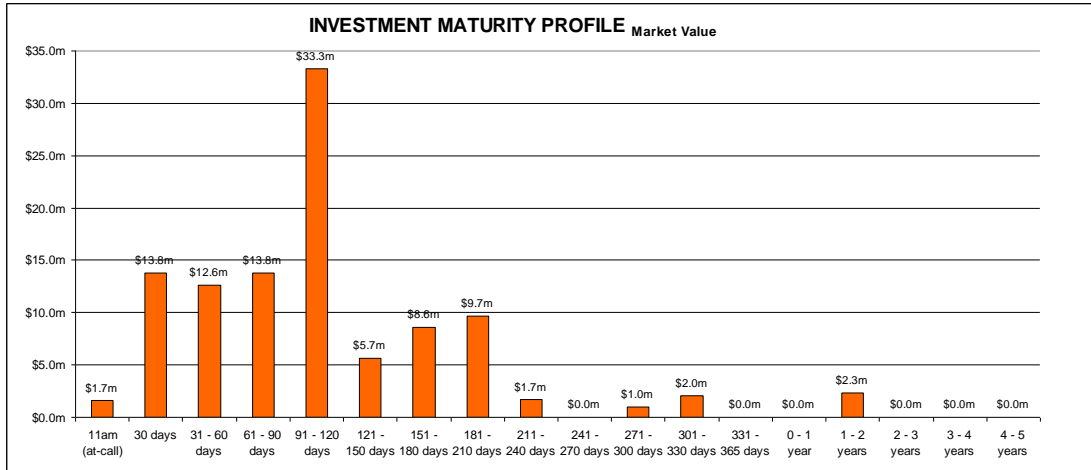
**Net Funds Held**

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



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

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



**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

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

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

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

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

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

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

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

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

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

**FINANCIAL IMPLICATIONS**

For the period ending 31 May 2014:

- Investment earnings on Municipal and Trust Funds were \$1,231,603 against a budget of \$1,302,583 representing a \$70,980 negative variance.
- Investment earnings on Reserve accounts were \$2,925,843 against a budget of \$2,108,333. This represents a \$817,509 positive variance and is due to the higher level of Reserve account balances than anticipated at budget preparation time.

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

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

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

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

Council Policy CP-009 – Investment of Funds.

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

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

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

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

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

At 10.26pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report presents the details of payments made under delegated authority to suppliers for the month of May 2014 and recommends that the Schedule of Accounts be noted.

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

**BACKGROUND**

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

**DETAIL**

The Schedule of Accounts Paid for the month ending 31 May 2014 ([6001 May 2014](#)), including Payment Registers numbers, Cheques 408 to 411 and Electronic Funds Transfers batches 332 to 334 was distributed to the Members of Council on 27 June 2014.

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

<b>Supplier Name</b>	<b>Remittance Number</b>	<b>Remittance Details</b>	<b>Amount</b>
Asphaltech Pty Ltd	E039102	Road resurfacing at Ullapool Road and civil works at Mapstone Gardens	\$474,014.22
Belgravia Leisure	E039227	Point Walter subsidy for March and April	\$44,000.00
Bibliotheca RFID Library Systems Australia Pty Ltd	E039290	RFID Smartgate 400 smart serve kiosks	\$40,579.00
Boral Construction Materials	E039162	Road base for road resurfacing	\$27,445.22
Catalyse	E039146	70% of fees for Community and Business Perceptions survey	\$30,800.00
Christou Design Group Pty Ltd	Chq 058100	Architectural services for LeisureFit Melville and AH Bracks Library	\$29,150.00
City of Cockburn	E038952 & E039166	Tip fees for March and April	\$117,475.24
City of Kwinana	Chq 058101	Advisory consulting support	\$27,089.13
Complete Tyre Solutions	E039046 & E039238	Tyre renewal	\$40,636.75
Crabclaw Holdings Pty Ltd	E039029 & E039222	Building maintenance	\$31,870.72
Dickies Tree Service	E038953 & E039167	Tree lopping services	\$172,880.95
Downer EDI Works Pty Ltd	E039071	Road resurfacing at Farrington Road	\$44,931.65
Dowsing Concrete	E039152 & E039322	Concrete works	\$44,740.30
Flexi Staff	E038979 & E039191	Temporary employment	\$39,141.35
GHD Pty Ltd	E039068	Progress claim for renewable pool heating at Melville Aquatic Fitness Centre, Melville Foreshore restoration strategy and for site management plan at John Connell Reserve	\$45,465.20
Greenspan – MCE	E039195	Irrigation controllers at various locations	\$101,920.50
MMM WA Pty Ltd	E039053 & E039245	Drainage installation at Melville Beach Road & remedial works to retaining wall at Majestic Boardwalk	\$89,165.26
Natural Area Management & Services	E039142 & E039314	Dieback mapping, sampling and treatment to Reserves & retention amounts for Point Walter Foreshore restoration project	\$41,421.15
Programmed Maintenance Services	E038978	Painting at Tompkins Park	\$64,118.47
Rhysco Electrical Services	E039066 & E039259	Electrical services at various locations	\$65,830.44

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

<b>Supplier Name</b>	<b>Remittance Number</b>	<b>Remittance Details</b>	<b>Amount</b>
Roads 2000 Pty Ltd	E039103	Road resurfacing at Melville Beach Road	\$77,828.44
Robinson Buildtech	E038962 & E039178	Building maintenance	\$77,065.00
Sercul	E039154	Removal of salvinia at Marmion Lake	\$25,247.20
Southern Metropolitan Regional Council	E039042 & E039231	Recyclable gate fees for January, March and April, MSW gate fees for March and April and green waste gate fees for March and April	\$1,581,541.05
Swan River Trust	Chq 057836	Design and implementation of Brentwood main drain living stream at Bateman Park	\$33,000.00
Synergy	E038977 & E039190	Electricity charges	\$325,742.90
TJS Cleaning Services Pty Ltd	Chq 058143	Cleaning of LeisureFit Booragoon for February and April and cleaning of LeisureFit Melville for March and April	\$44,695.43
Total Eden	E039007 & E039210	Reticulation parts	\$68,405.58
Tree Planting & Watering	E039100 & E039284	Street tree watering	\$62,624.80
Water Corporation	Chq's 057816 & 058114	Water charges	\$37,244.85
Western Power	E039187	Powder coating for Attadale North lights installed as part of Underground Power Project	\$32,470.16

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR MAY 2014 (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

Not applicable.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

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

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

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

At 10.26pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

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

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report presents:

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

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

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

**DETAIL**

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

For the period ending 31 May 2014, net operating positive variances of \$7,288,857 and net capital positive variances of \$12,650,387 were recorded.

**Variations**

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

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 31 MAY 2014							
	May Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
<b>Revenues</b>							
Governance	488,607	1,679,496	2,122,303	442,807	26%	1,561,852	1,821,151
General Purpose Funding	847,645	7,126,207	10,055,742	2,929,536	41%	8,731,000	7,894,687
Law, Order, Public Safety	11,649	2,634,413	2,766,329	131,916	5%	2,575,492	2,661,859
Recreation and Culture	597,482	9,221,962	9,277,995	56,033	1%	9,702,781	10,129,756
Transport	240,724	4,540,972	3,248,226	(1,292,746)	-28%	5,476,094	5,185,713
Other Property and Services	548	2,734,719	316,975	(2,417,744)	-88%	401,476	2,194,237
	2,282,005	45,532,308	45,467,722	(64,586)	0%	46,106,554	47,572,376
<b>Expenses</b>							
Governance	(714,296)	(10,010,584)	(9,132,022)	878,562	-9%	(11,760,677)	(11,474,192)
Law, Order, Public Safety	(295,494)	(3,474,377)	(3,306,388)	167,988	-5%	(3,900,624)	(3,905,491)
Health	(66,924)	(861,418)	(800,578)	60,840	-7%	(957,517)	(950,215)
Education & Welfare	(429,434)	(5,116,072)	(4,801,892)	314,180	-6%	(5,473,488)	(5,631,107)
Community Amenities	(1,439,780)	(17,733,361)	(17,606,258)	127,103	-1%	(19,616,325)	(20,089,819)
Recreation and Culture	(2,417,503)	(26,732,528)	(25,610,752)	1,121,776	-4%	(28,264,446)	(28,995,930)
Transport	(840,064)	(9,237,493)	(8,359,679)	877,814	-10%	(10,246,696)	(10,155,595)
Economic Services	(28,021)	(98,807)	(157,943)	(59,136)	60%	(107,789)	(116,789)
Other Property and Services	(583,876)	(7,592,327)	(6,981,447)	610,880	-8%	(11,028,916)	(10,107,154)
	(6,961,166)	(83,179,705)	(79,038,767)	4,140,938	-5%	(93,615,109)	(93,773,142)
<b>Adjustments for Cash Budget Requirements</b>							
<b>Non-Cash Revenue &amp; Expenditure</b>							
(Profit)/Loss on Asset Disposals	29,339	(2,317,132)	144,307	2,461,439	-106%	(6,050)	(1,764,041)
Depreciation on Assets	1,192,523	12,680,635	12,527,975	(152,660)	-1%	15,922,137	15,347,681
Movement in Deferred Rates	10,931		116,602	116,602	100%	-	-
	1,232,792	10,611,203	13,059,101	2,295,238	23%	16,186,305	13,853,858
<b>Capital Revenue &amp; Expenditure</b>							
Purchase of Furniture & Equipment	(105,915)	(2,804,294)	(1,645,102)	1,159,193	-41%	(2,145,769)	(2,941,704)
Purchase of Plant & Equipment	(1,370)	(4,501,364)	(1,168,015)	3,333,349	-74%	(2,630,957)	(4,501,364)
Purchase of Land & Buildings	(125,920)	(3,263,395)	(1,569,364)	1,694,031	-52%	(2,466,100)	(4,155,418)
Purchase of Infrastructure Assets	(1,214,663)	(18,107,093)	(9,800,194)	8,306,899	-46%	(15,788,547)	(19,737,946)

**Revenue**

\$56.057m in Rates was raised to 31 May 2014. This is compared with a year to date budget of \$56.104m, resulting in a negative variance of \$47K (-0.08%).

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

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

Not applicable for May 2014

**Budget Amendments**

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

**Rates Collections and Debtors**

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$940,231 were collected over the course of the month. Rates collection progress for the month of May was 0.8% above target. As at 31 May 2014, 96.8% of 2013/2014 rates had been collected. This is 0.7% higher than collected for the same time last year.

Total sundry debtor balances decreased by \$533,985 over the course of the month. The 90+ day's debtor balance decreased by \$2,108.

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

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

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

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

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

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

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

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

**CONCLUSION**

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

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

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

At 10.26pm Cr Schuster moved, seconded Cr Robartson –

**That the Council:**

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

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

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

At 10.26pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)**

Vote Result Summary	
Yes	12
No	0

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

**M14/5372 - SALARIES AND WAGES TRIBUNAL – ELECTED MEMBER FEES, EXPENSES AND ALLOWANCES - (AMREC)**

Ward	:	All
Category	:	Policy
Subject Index	:	Fees and Allowances
Customer Index	:	Salaries and Allowances Tribunal
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	M13/5306 – Salaries and Wages Tribunal – Elected Members Fees and Allowances (August 2013)
Works Programme	:	Not Applicable
Funding	:	2014/2015 Budget
Responsible Officer	:	Jeff Clark Governance & Compliance Program Manager

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**M14/5372 - SALARIES AND WAGES TRIBUNAL – ELECTED MEMBER FEES, EXPENSES AND ALLOWANCES - (AMREC)****KEY ISSUES / SUMMARY**

- The Salary and Wages Tribunal has concluded its second inquiry of fees, expenses and allowances payable to local government Elected Members with its determination being issued on 18 June 2014 and taking effect from 1 July 2014.
- This report provides highlights of the issues considered by the Tribunal as part of the determination process.
- The determination provides for a 3% increase to both the Annual Meeting Attendance Allowance and the Annual Allowance (Mayor and Deputy Mayor).
- It should be noted that the determination provides for the inclusion of meetings of a prescribed nature as defined in Regulation 30(3A) of the *Local Government (Administration) Regulations 1996* (the Regulations) in the Annual Meeting Attendance Allowance.
- It should be noted that in future years the Salary and Wages Tribunal will, as part of the inquiry process, request local governments provide the actual figures associated with reimbursement of expenses to Elected Members.
- It should also be noted that the Policy CP- 013 Elected Member Allowances, Claims for Expenses and Conference Attendance is currently undergoing a comprehensive review and that items from the 2014 Salary and Wages Tribunal determination will be included in that review.
- It is recommended that Council approve the 3% increase to the Annual Meeting Attendance Allowance and the Annual Allowance (Mayor and Deputy Mayor).
- 

**BACKGROUND**

In February 2013, the *Salaries and Allowances Act 1975* and the *Local Government Act 1995* were amended in order to empower the Salaries and Allowances Tribunal to determine the fees, allowances and reimbursements payable to local government Elected Members from 1 July 2013.

The intention behind this move was to extricate the allowances payable to Elected Members from regulations and for them to be determined by an independent body in an effort to meet best practice and to modernise Elected Member remuneration in Western Australia.

At the Ordinary Meeting of Council held 20 August 2013, Council resolved to increase the Annual Meeting Attendance Fees, the Annual Allowances and the Child Care expenses and to introduce the Information, Communication and Technology Allowance in lieu of other similar allowances, in accordance with the Salaries and Allowances Tribunal's determination.

**DETAIL**

In accordance with Section 8(d) of the *Salaries and Allowances Act 1975*, the Tribunal is to ensure that not more than a year elapses between one determination made under section 7B(2) and another and therefore, adjustments to the fees, expenses and allowances will be made on an annual basis under the new legislation.

**M14/5372 - SALARIES AND WAGES TRIBUNAL – ELECTED MEMBER FEES,  
EXPENSES AND ALLOWANCES - (AMREC)**

In undertaking the determination, the Tribunal considered a range of issues and these are outlined below:

- Range of fees versus a set amount

Following requests from several local governments, the Tribunal again considered whether it should determine specific amounts of fees, expenses and allowances, or if it should continue determining minimum and maximum ranges. The Tribunal acknowledged that determining specific amounts may depoliticise payments and protect Elected Members from being accused of self-interest, however the Tribunal continues to believe that individual local and regional governments are best placed to assess their own financial capacity to pay in consideration of the workloads and responsibilities of their Elected Members.

- Training for elected council members

As part of the 2013 Tribunal inquiry, the Minister for Local Government requested that consideration be given to the possibility of providing incentives for Elected Members who participate in training programs in an effort to increase the capacity of their local government to successfully deliver services to the community. The Department of Local Government and Communities has provided advice that as part of the Royalties for Region Program, funding had been received to enable the delivery of training to non-metropolitan local governments via pilot programs. As this determination was undertaken prior to the completion of those pilot programs, the Tribunal considered that it was not appropriate to provide incentive or rewards for completion of training as part of this determination, however it will monitor the situation with a view to developing a means to reward completion of training as part of this framework of fees, expenses and allowances.

- Annual Attendance fees

Several requests were made for the annual attendance fee in lieu of council and committee meetings to also include meetings of a prescribed nature as defined in Regulation 30(3A) of the Regulations. Data collected from the questionnaire did not identify any elected council members who received a per meeting fee for attendance at prescribed meetings in addition to the annual allowance for council and committee meetings. Nevertheless, the Tribunal considers that the inclusion of prescribed meetings within the annual attendance fee is warranted to enhance consistency and clarification in the provision of annual attendance fees.

- Committee meeting and prescribed meeting attendance fees

The Tribunal's 2013 determination did not differentiate between committee meeting and prescribed meeting fees for Elected Members of the Mayor/Chairperson. The inquiry process found that a number of local governments had made this differentiation and determined one fee for Elected Members and another for the Mayor/Chairperson. Whilst it was not the Tribunal's intent for different fees to be set, it acknowledges that Councils should have the discretion to reward attendance in consideration of the particular representative's role, responsibilities, knowledge and experience.

**M14/5372 - SALARIES AND WAGES TRIBUNAL – ELECTED MEMBER FEES, EXPENSES AND ALLOWANCES - (AMREC)**

- Metropolitan local government reform

The Tribunal's Statutory Advisor has provided information that the Minister for Local Government will consider the recommendations for metropolitan reform made by the Local Government Advisory Board over the coming months with all new district changes becoming effective 1 July 2015 and that where Commissioners are appointed, local government elections will be held in October 2015. Accordingly, the Tribunal will be reviewing the classifications of local government impacted by an amalgamation or boundary change in due course.

- Labour market and economic data

The Tribunal considered relevant labour market and economic data as well as the State Government's economic forecast in order to determine an economically sustainable adjustment to current payments or reimbursements to Elected Members.

In concluding its inquiry, the Tribunal has determined a 3% increase to the maximum ranges of council meeting fees, committee meeting and prescribed meeting fees, annual attendance fees in lieu of council and committee meeting fees and the annual allowance for mayors, presidents and chairpersons. All adjustments to the maximum ranges have been rounded to the nearest dollar and are effective from 1 July 2014.

The Tribunal considers that an increase of 3% is sufficient given the current economic climate and the substantial increases awarded in the 2013 determination. The Tribunal's decision also takes into account the information provided by local government and regional local governments as part of the inquiry process and maintains the understanding that there is a recognised element of community service associated with the role of an Elected Member.

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

There has not been consultation conducted with the Community as this is a matter for the Council to decide.

**II. OTHER AGENCIES / CONSULTANTS**

The Salary and Wages Tribunal, as part of its determination process has:

- Advertised for public submissions, with a total of 10 submissions being received.
- Written, via email, to local government and regional local governments inviting them to raise any comments or issues relevant to the determination of fees, expenses and allowances. The City of Melville participated in this survey.
- Sought information from local governments and regional government regarding the fees, expenses and allowances paid to Elected Members in consideration of the 2013 determination.

**M14/5372 - SALARIES AND WAGES TRIBUNAL – ELECTED MEMBER FEES, EXPENSES AND ALLOWANCES - (AMREC)**

- Considered relevant labour market and economic data.
- Sought advice from the Statutory Advisor, Ms Jennifer Mathews, Director General, Department of Local Government and Communities.

**STATUTORY AND LEGAL IMPLICATIONS**

Section 7B(2) of the *Salaries and Allowances Act 1975* requires the Tribunal determine the fees, allowances payable and expenses reimbursable to local government Elected Members.

Section 5.98 to 5.99A of the *Local Government Act 1995* authorises the payment of fees and allowances and the reimbursement of expenses to Elected Members.

Section 5.63 of the *Local Government Act 1995* advises that Elected Members do not need to make a declaration in respect to an interest relating to a fee, reimbursement of an expense or an allowance specified under sections 5.98, 5.98A, 5.99 and 5.99A of the Act.

**FINANCIAL IMPLICATIONS**

Should Council resolve to adopt the recommendation contained in this report, the financial implications are as follows:

	Current	Proposed	Increase
Mayor			
Annual Meeting Attendance	\$45,000	\$46,350	\$1,350
Elected Members (x12)			
Annual Meeting Attendance	\$30,000	\$30,900	\$900
Mayor			
Annual Allowance	\$85,000	\$87,550	\$2,550
Deputy Mayor			
Annual Allowance	\$21,250	\$21,888	\$638
<b>Overall Annual Cost</b>	<b>\$511,250</b>	<b>\$526,588</b>	<b>\$15,338</b>

The adopted 2014/2015 Budget provides for \$511,250 for the Mayor and Elected Member Meeting Attendance allowance and for the Mayor and Deputy Mayor allowances, the 3% increase determined by the Salaries and Wages Tribunal due to come into effect as of 1 July 2014, if adopted, will mean a shortfall of \$15,388 and would need to be addressed as part of the 2014/2015 Mid-Year Budget Review.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no identifiable strategic, risk or environmental implications.

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**M14/5372 - SALARIES AND WAGES TRIBUNAL – ELECTED MEMBER FEES,  
EXPENSES AND ALLOWANCES - (AMREC)****POLICY IMPLICATIONS**

Existing Council Policy **CP-013 Elected Members Allowances, Claims for Expenses and Conference Attendance** is currently undergoing a comprehensive revision and redrafted to provide clarity and clear guidance on payments and reimbursements to Elected Members. Following the Tribunal 2013 determination and an interim policy has been put in place reflecting those changes.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council could determine not to increase the Meeting Attendance Allowances and Mayor/Deputy Mayor Annual Allowances at this time, however that would mean that as a one of the largest metropolitan local governments in Western Australia, and a Band 1 local authority as determined by the Salary and Wages Tribunal, based on size, complexity and unique features, the City of Melville would no longer pay its Elected Members at the maximum amounts determined.

**CONCLUSION**

This is the second year that the Salary and Wages Tribunal has made a determination on fees, expenses and allowances for local government Elected Members.

The Tribunal will continue to refine the determination around fees, expenses and allowances for local government Elected Members, with future inquiries requesting actual figures relating to reimbursement of expenses. This component was not included this year as a full financial year had not elapsed since the introduction of the 2013 determination.

In recognising that the City of Melville is one of the largest metropolitan local governments, and retains its Band 1 status, it is recommended that the fees and allowances paid to Elected Members be increased by the 3% as determined by the Salary and Wages Tribunal.

The current review of Policy CP-013 Elected Members Allowances, Claims for Expenses and Conference Attendance include the additional items of relevance from the 2014 Salary and Wages Tribunal determination, in particular the inclusion of meetings of a prescribed nature as defined in Regulation 30(3A) of the Regulations in the Annual Meeting Attendance Allowance

**M14/5372 - SALARIES AND WAGES TRIBUNAL – ELECTED MEMBER FEES,  
EXPENSES AND ALLOWANCES - (AMREC)**

At 10.30pm Mr Dawkins left the meeting and returned at 10.31pm

**OFFICER RECOMMENDATION (5372)****ABSOLUTE MAJORITY APPROVAL**

That the Council by absolute majority decision, approve an increase of 3% to the Annual Meeting Attendance Fees and Annual Allowances as follows effective from 1 July 2014 as determined by the Salary and Wages Tribunal:

**Annual Meeting Attendance Allowance**

Mayor	\$46,350
Elected Members	\$30,900

**Annual Allowance**

Mayor	\$87,550
Deputy Mayor	\$21,888

**REJECT AND REPLACE**

At 10:27pm Cr Foxtan moved, seconded Cr Schuster –

**That the Council does not approve an increase of 3% to the Annual Meeting Attendance Fees and Annual Allowances effective from 1 July 2014, instead making no changes, thereby maintaining all fees and allowances at their current levels.**

**Amendment**

At 10.29pm Cr Macphail moved, seconded Cr Phelan -

**That following the word “instead”, Remove “Making no changes thereby maintaining all fees and allowances at their current levels”**

**and replace with**

**“Defer further consideration of any increase until the mid-year budget review, to allow determination as to whether sufficient residual funds are available within the 2014/2015 budget cycle”**

At 10:45pm the Mayor submitted the amendment, which was declared

**LOST (5/7)**

**M14/5372 - SALARIES AND WAGES TRIBUNAL – ELECTED MEMBER FEES, EXPENSES AND ALLOWANCES - (AMREC)**

<b>Vote Result Summary</b>	
Yes	5
No	7

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

Procedural Motion

At 10.54 Cr Robartson moved, seconded by Cr Pazolli the following Procedural Motion in accordance with Clause 11.1(b) of Standing Orders Local Law 2003 -

**That the question be put.**

At 10.54pm the Mayor submitted the motion, which was declared

**CARRIED (10/2)**

<b>Vote Result Summary</b>	
Yes	10
No	2

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

At 10:55 pm the Mayor submitted the motion, which was declared

**CARRIED BY ABSOLUTE MAJORITY (8/4)**

**M14/5372 - SALARIES AND WAGES TRIBUNAL – ELECTED MEMBER FEES, EXPENSES AND ALLOWANCES - (AMREC)**

<b>Vote Result Summary</b>	
Yes	8
No	4

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

Reasons for Reject and Replace

Cr Foxtton provided the following reasons in support of the Reject and Replace –

1. Council accepted a significant increase in fees and allowances last year, which was considered reasonable at the time as changes were necessary in order to ensure that strong candidates are attracted to elected positions. Following such a large increase last year, it is deemed that an increase this year is not required.
2. Changes to local government boundaries will soon be made, and post the decision, the new or modified local governments formed in the process will need to make decisions about payments to elected members. Therefore it is considered unnecessary that a decision regarding fees and allowances is made at this point in time.
3. There is no reason why the City of Melville needs to have the highest paid elected members. Councillors and the mayor nominate themselves in order to serve the community, not for financial gain, and it is important that our community understand the motives of their representatives.

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

Nil.

**16. EN BLOC ITEMS**

At 10:55pm Cr Schuster moved, seconded Cr Willis –

**That the recommendations for items M14/5000, C14/6000 and C14/6001 be carried En Bloc.**

At 10.56 pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

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

Nil.

**18. CLOSURE**

There being no further business to discuss the Mayor declared the meeting closed at 10.57pm.