

MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

17 MAY 2011

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 17 MAY 2011.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Cr M Reynolds (Deputy Mayor)
Cr C Robartson, Cr R Subramaniam
Cr N Pazolli, Cr P Reidy
Cr A Nicholson, Cr A Ceniviva
Cr G Wieland (from 6.38pm)
Cr J Barton
Cr C Halton, Cr B Kinnell
Cr N Foxton

WARD

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

3. IN ATTENDANCE

Dr S Silcox (Until 8.15pm)	Chief Executive Officer
Mr M Tieleman (Until 8.15pm)	Director Corporate Services
Ms C Young (Until 8.15pm)	Director Community Development
Mr S Cope (Until 8.15pm)	Director Urban Planning
Mr J Christie	Director Technical Services
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast (Until 8.15pm)	Manager Planning and Development Services
Ms K Johnson (From 8.15pm)	Executive Manager Organisational Development
Ms A Lake (From 8.15pm)	Anne Lake Consultancy
Mr B Taylor (Until 8.15pm)	Manager Information, Technology & Support
Mr J Clark	Governance & Compliance Program Manager
Ms C Rourke (Until 8.15pm)	Minute Secretary

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

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

Cr Wieland – Arrived at 6.38pm

4.2 APPROVED LEAVE OF ABSENCE

Nil

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

Nil

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

Nil

6. QUESTION TIME

6.1 L Evans & A Foley, Melville

Question 1

“We understand that the lease of the café at Point Walter is due to expire shortly. Can the Council inform us of its intentions with regard to this lease. Will there be a tendering process as previously for a new lease, and if so, will this be advertised to the public or should we make an approach directly to Council?”

Response

The City of Melville is negotiating the terms of a new lease with the current lessee. In the event that the negotiations are unsuccessful, the City will then consider a tender. If a tender process is to be undertaken, an advertisement will be placed in the West Australian Newspaper and a newspaper circulating in the district.

7. AWARDS AND PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 **ORDINARY MEETING OF COUNCIL – 19 APRIL 2011** **Min 19 April 2011**

COUNCIL RESOLUTION

At 6.35pm Cr Robartson moved, seconded Cr Foxton –

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 19 April 2011 be confirmed as a true and accurate record subject to the following alterations to Item 16.1 of the Minutes of the Ordinary Meeting of Council held on 19 April 2011 - Review of Waste Disposal Options.

Delete “Cr Pazolli” as being the mover of the motion and replace with “Cr Subramaniam” as being the mover of the motion.

Amend the Council Resolution to delete the word “currently” so that the adopted resolution reads as follows -

“That the Chief Executive Officer prepare a report that examines the total costs, risks and environmental outcomes of undertaking municipal waste disposal and recyclables at the Southern Metropolitan Regional Council’s Regional Resource Recovery Centre versus other disposal mechanisms available to the City.”

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

CARRIED (13/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 3 MAY 2011

Notes 3 May 2011

COUNCIL RESOLUTION

At 6.39pm Cr Subramaniam moved, seconded Cr Ceniviva -

That the Notes of Agenda Briefing Forum held on Tuesday, 3 May 2011 be received.

At 6.39pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

8.3 GOVERNANCE COMMITTEE – 14 APRIL 2011

COUNCIL RESOLUTION

At 6.39pm Cr Reidy moved, seconded Cr Halton –

That the Minutes of the Governance Committee Meeting held on Thursday 14 April 2011 be noted.

NB: Minutes to be confirmed at next Governance Committee Meeting.

At 6.39pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

At 6.40pm Cr Reynolds left the meeting.

9. DECLARATIONS OF INTEREST

The Members' and Officers' attention is drawn to the following provisions of the Local Government Act 1995 regarding disclosures of interest;

9.1 FINANCIAL INTERESTS

- P11/3210 Cr Robartson
- M11/5175 Dr S Silcox

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

- Cr Robartson

At 6.42pm Cr Reidy moved, seconded Cr Kinnell –

That the application for new leave of absence submitted by Cr Robartson on 17 May 2011 be granted.

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

CARRIED (12/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- M11/5175 City of Melville – Chief Executive Officer Performance Review

It should be noted that in accordance with section 5.23(2) (a), (c) & (d) of the Local Government Act 1995 any discussion regarding Item M11/5175 – City of Melville Chief Executive Officer Performance Review, would need to be discussed confidentially behind closed doors.

12. PETITIONS

Nil

13. GOVERNANCE COMMITTEE – 14 APRIL 2011

The following item was presented by the Presiding Member of the Governance Committee and the Mayor advised the meeting that this item would be discussed at the end of the Agenda.

- M11/5175 City of Melville – Chief Executive Officer Performance Review

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 a part of 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. This on its part requires the application of the relevant facts to the appropriate statutory regime.

P11/3208 - SECOND STOREY ADDITION TO THE EXISTING SINGLE STOREY DWELLING AT 89B HARRIS STREET, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

At 6.43pm Cr Ceniviva moved, seconded Cr Robartson –

That the Additional Information from the Agenda Briefing Forum of 3 May 2011 relating to Item P11/3208 3208 Tabled Information be tabled, in accordance with Clause 9.11 Tabling of Documents of the Standing Orders, to be included in the Minutes of this meeting.

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

CARRIED BY ABSOLUTE MAJORITY (12/0)

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2011-273
Property	:	89B Harris Street, Bicton WA 6157
Proposal	:	Second Storey Addition
Applicant	:	Broadview Design
Owner	:	Quadra Pty Ltd
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	None applicable
Responsible Officer	:	Peter Prendergast Manager Planning and Development Services

AUTHORITY / DISCRETION

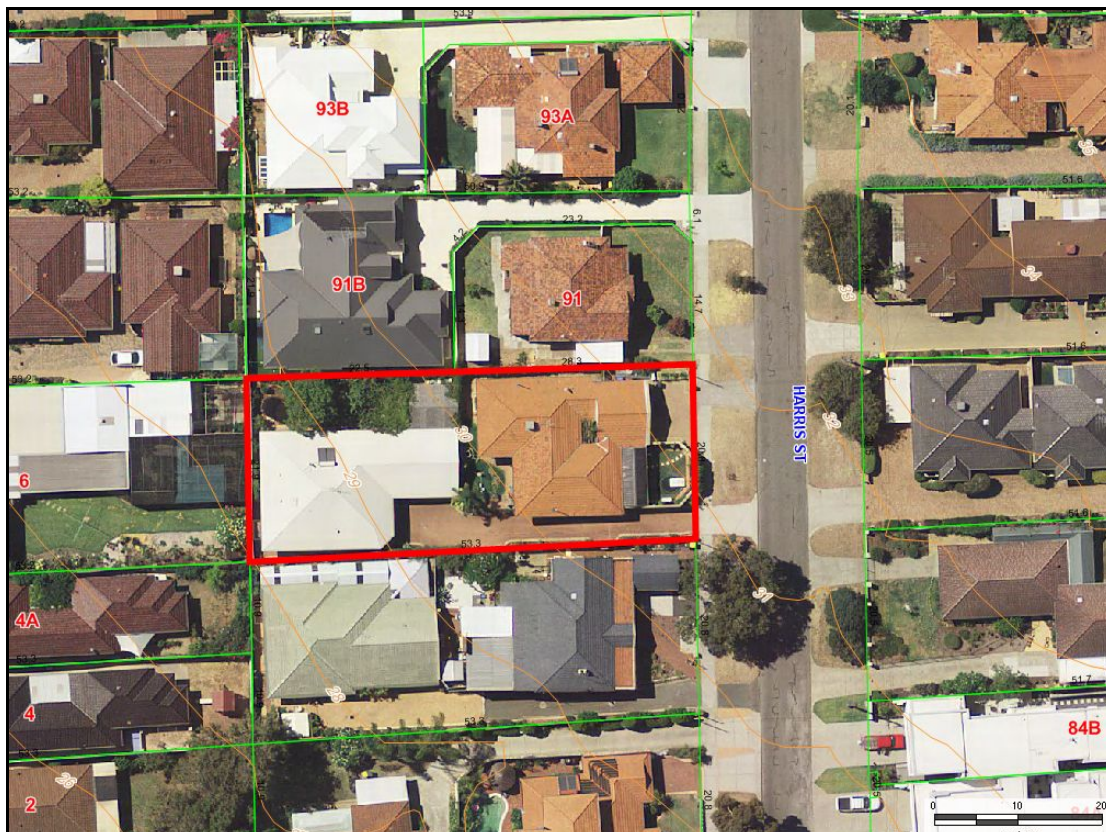
DEFINITION

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

P11/3208 - SECOND STOREY ADDITION TO THE EXISTING SINGLE STOREY DWELLING AT 89B HARRIS STREET, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for the construction of a second storey addition to an existing single house on the subject battle-axe lot.
- The lot is located within the Living Area Precinct – BC1. Community Planning Scheme No. 5 (CPS5) contains provisions for development on battle-axe lots within this precinct. The application does not satisfy the battle-axe provisions and as such, requires a Special Majority decision of the Council to approve.
- The proposal is fully compliant with the Acceptable Development provisions of the Residential Design Codes (R-Codes).
- The proposed dwelling will not result in any significant adverse impacts upon the amenity of occupiers of neighbouring residential properties.
- Variations to the battle-axe provisions in CPS5 require a Special Majority decision of the Council.
- The application was considered by Development Advisory Unit (DAU) at its meeting of 12 April 2011. The DAU recommend that planning approval be granted subject to a Special Majority decision of the Council.



P11/3208 - SECOND STOREY ADDITION TO THE EXISTING SINGLE STOREY DWELLING AT 89B HARRIS STREET, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**BACKGROUND**

The subject lot is located within the 'Living Area – BC1' Precinct. Community Planning Scheme No. 5 (CPS5) contains development requirements for the development of battle-axe lots within this precinct above those specified in the R-Codes.

The Council has previously approved a number of developments with variations to the CPS5 battle-axe development requirements where they were in compliance with the Acceptable Development and/or Performance Criteria of the R-Codes and in November 2010 resolved to initiate Amendment 60 to CPS5 to delete the battle-axe development provisions within the Precincts for the following reasons:

- The R-Codes, coupled with the amenity provisions contained within Clause 7.8 of CPS5, provide the necessary controls to manage the impacts of two storey (or more) development on battle-axe lots.
- The provisions apply to two storey development on battle-axe lots, but do not apply to two storey developments on rear survey strata lots. This creates an anomaly.

At this meeting, Council also resolved to revoke the Living Area Precinct policies applicable to Attadale and Applecross which also contained battle-axe lot development provisions.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area – BC1
R-Code	:	R17.5
Use Type	:	Residential
Use Class	:	P – Permitted

Site Details

Lot Area	:	1135sqm
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc.)	:	Not Applicable
Site Details	:	See photo above

[3208 Site and Elevation Plan 89B Harris Street Bicton](#)

P11/3208 - SECOND STOREY ADDITION TO THE EXISTING SINGLE STOREY DWELLING AT 89B HARRIS STREET, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Rear Setback	4m	1.9m	Does not comply	Council	
Consistency with developments on neighbouring lots	Two storey (or more) development shall only be permitted where two abutting lots already have two storey development.	Only one abutting lot has two stories.	Does not comply	Council	

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Variation to CPS5
 Support/Object: 1 objection

Affected Property	Summary of Submission	Support/ Objection	Officer's Comment	Action (Uphold / Not Uphold)
6 First Street, BICTON	Increased building bulk due to reduced setback	Objection	The proposed setback, height and length of the addition are not considered to result in significant amenity impacts of building bulk on the neighbouring properties.	Not uphold
	Reduced solar access from the east.	Objection	The proposed setback, orientation and positioning of the addition allows adequate direct sun and ventilation to both the subject site and neighbouring properties;	Not uphold
	Reduction in property value for our potential rear future battleaxe block.	Objection	Not a material planning consideration	Not uphold

P111/3208 - SECOND STOREY ADDITION TO THE EXISTING SINGLE STOREY DWELLING AT 89B HARRIS STREET, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No referrals to government agencies were 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 in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no anticipated financial implications.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no anticipated strategic, risks or environmental management implications. The recommendation is consistent with a number of similar applications that the Council has approved in the past and is also consistent with the Council's decision to initiate an Amendment to CPS5 to remove from the Scheme, the battle-axe lot development provisions.

POLICY IMPLICATIONS

There are no applicable policies relating to this development.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Approval of this application requires a Special Majority decision of the Council. The Development Advisory Unit (DAU) recommends that approval is granted.

The Council may determine that the proposed development is refused, although this course of action is not recommended as the details of the proposed development are considered to satisfy the relevant Acceptable Development provisions and Performance Criteria of the R-Codes and Clause 7.8 of CPS5.

Furthermore, as outlined above, the Council has approved other developments with similar CPS5 variations relative to battle-axe lot development and has initiated Amendment 60 to CPS5 to delete these provisions.

P11/3208 - SECOND STOREY ADDITION TO THE EXISTING SINGLE STOREY DWELLING AT 89B HARRIS STREET, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**COMMENTS**

The proposal satisfies all of the relevant provisions within CPS5, the R-Codes and the Council Policy with the exception of the matters addressed below.

Rear Setback

CPS5 requires the upper floor level to be setback a minimum of 4m from the rear (western) boundary. The proposed setback is 1.9m.

Under the R-Codes the required setback is 1.2m. The proposed development therefore satisfies the relevant development criteria of the R-Codes in respect of setback requirements in that:

- Adequate direct sun and ventilation to both the subject site and neighbouring properties is provided;
- The proposed setback, height and length of the addition are not considered to result in any significant amenity impacts of building bulk on the neighbouring properties; and
- The proposed western elevation is adjacent to a large outbuilding on the adjoining property and is to be located approximately 32m away from the dwelling on this property. As such, the proposed reduced setback will not have an adverse impact upon access to sunlight to major openings and outdoor living areas on the adjoining site.

Consistency with Neighbouring Development

CPS5 states that two storey (or more) developments are permitted where two abutting lots already have two storey development. In this case there is only one two storey development abutting 89B Harris Street, although other examples of two storey development are evident in close proximity.

The proposed two storey addition is of modest scale and satisfies the R-Code requirements relating to visual privacy and overshadowing. As this is a battle axe lot, the development will be screened from Harris Street by the development that occupies the front lot. As such, any adverse impact on either the streetscape or directly towards individual properties is minimised.

CONCLUSION

It is considered that the application suitably addresses the provisions and requirements of CPS5 and the Residential Design Codes. Despite the variations sought to the Council's battleaxe development provisions, it is concluded that approval of the development would be consistent with previous determinations and resolutions of the Council. As such, it is recommended that the application to be referred to the Council for Special Majority approval in accordance with Clause 4.3 of CPS5.

P11/3208 - SECOND STOREY ADDITION TO THE EXISTING SINGLE STOREY DWELLING AT 89B HARRIS STREET, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3208)
SPECIAL MAJORITY APPROVAL**

At 6.44pm Cr Wieland moved, seconded Cr Ceniviva –

That the application for a second storey addition to a single dwelling on 89B Harris Street, Bicton be approved by a Special Majority of the Council pursuant to Clause 4.3 of Community Planning Scheme No. 5 subject to the following conditions:

- 1. Roofing materials shall not be highly reflective (e.g. Zinc, white or Surfmist coloured metal roofing may only be permitted through separate planning consent).**
- 2. The materials and finishes of the development to complement the existing building to the satisfaction of the Manager of Planning and Development Services.**
- 3 All stormwater generated on site is to be retained on site. Details of the on site drainage system are to be submitted to and approved by the City prior to the issue of a building licence.**

At 6.44pm the Mayor submitted the motion, which was declared

CARRIED BY SPECIAL MAJORITY (12/0)

P11/3209 - HOME OCCUPATION (CHILD FAMILY CARE CENTRE) ON LOT 531 (30) MORPHETT CRESCENT, BATEMAN (AMREC) (CONFIDENTIAL ATTACHMENT)

Ward : City
 Category : Operational
 Application Number : HO-HLT-312
 Property : 30 Morphett Crescent, BATEMAN WA 6150
 Proposal : Home Occupation (Family Day Care)
 Applicant : Shaheen Jayasena
 Owner : Mrs Shaheen Jayasena and Mr Vijaya Jayasena
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : None applicable
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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KEY ISSUES / SUMMARY

- Approval is sought to undertake a Home Occupation at 30 Morphett Crescent, Bateman. The Home Occupation is for the purposes of a Child Family Care Centre.
- The application is compliant with the Clause 5.6 of the City of Melville's Community Planning Scheme No.5 (CPS5) with the exception of the maximum number of children, the number of car parking bays provided on site and the area of the property to be utilised for the Home Occupation.
- In accordance with Clause 5.6 (e) (ii) of CPS5, an Absolute Majority Decision of the Council is required for the variation to the number of customers.
- Neighbours comments have been sought, with no objections received.
- It is considered that the proposed Home Occupation will not have a detrimental effect on the locality and that associated vehicles can be accommodated within the existing driveway or on the street.
- The matter is referred to the Council for an Absolute Majority Decision, with a recommendation from the DAU that approval be granted

**P11/3209 - HOME OCCUPATION (CHILD FAMILY CARE CENTRE) ON LOT 531 (30)
MORPHETT CRESCENT, BATEMAN (AMREC) (CONFIDENTIAL ATTACHMENT)**



BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area (BN1 – Bateman)
R-Code	:	R20
Use Type	:	Home Occupation
Use Class	:	Not applicable

Site Details

Lot Area	:	697m ²
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	No
Street Furniture (drainage pits etc.)	:	Not Applicable
Site Details	:	See aerial photo above

**P11/3209 - HOME OCCUPATION (CHILD FAMILY CARE CENTRE) ON LOT 531 (30)
MORPHETT CRESCENT, BATEMAN (AMREC) (CONFIDENTIAL ATTACHMENT)**

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Car parking	Two bays for the existing dwelling, plus one bay per customer.	Two bays for the existing dwelling, with space on the driveway for further parking. Overspill parking can also be accommodated within the street without detriment to the free flow of traffic and without prejudice to highway safety.	Does not comply.	MPDS	
Customers	Not more than one customer at any one time.	Maximum five children at any one time.	Does not comply.	Absolute Majority of Council, as per Clause 5.6 (e)(ii)	
Area	Not to occupy an area greater than 38 square metres	Approximately 139 square metres in total.	Does not comply.	MPDS	

**P11/3209 - HOME OCCUPATION (CHILD FAMILY CARE CENTRE) ON LOT 531 (30)
MORPHETT CRESCENT, BATEMAN (AMREC) (CONFIDENTIAL ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
Neighbour's Comment Supplied: Yes – six neighbours consulted.
Reason: Variation to CPS5.
Support/Object: Six comments of support received.

Affected Property	Summary Submission of	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Submission 1	No objection from owner occupier.	Support	No comment.	Uphold.
Submission 2	No objection from owner occupier.	Support	No comment.	Uphold.
Submission 3	No objection from owner occupier.	Support	No comment.	Uphold.
Submission 4	No objection from owner occupier.	Support	No comment.	Uphold.
Submission 5	No objection from occupier.	Support	No comment.	Uphold.
Submission 6	No objection from occupier.	Support	No comment.	Uphold.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

Should the Council refuse the application for planning approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

**P11/3209 - HOME OCCUPATION (CHILD FAMILY CARE CENTRE) ON LOT 531 (30)
MORPHETT CRESCENT, BATEMAN (AMREC) (CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATIONS**

In accordance with the Council policy CP - 044: the DAU has considered the application and has recommended that it be approved by the Council subject to an Absolute Majority decision.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council may refuse the proposal based upon the number of clients, shortfall in on-site car parking or as the area of the dwelling to be occupied by the Home Occupation exceeds the maximum area specified by CPS5, however such a decision is not recommended as it is considered that notwithstanding the variations sought, the proposal satisfies the requirements of CPS5, and a refusal could give rise to an appeal to the SAT.

COMMENTS

The applicant proposes to care for a maximum of five children (under the age of 11) at any one time, generally within the hours of 7am to 7pm daily. Drop-off times will be between 7am and 10am and pick-up times will generally be between 4pm and 7pm. Occasional overnight care will also be provided should it be required. .

The Applicant is to be the only carer and no other persons are to be employed as part of the business.

The proposal satisfies the requirements of Clause 5.6 of CPS5, with the exception of the following:

Number of customers / clients

Clause 5.6(e) (ii) of CPS5 states that approval can be granted for a home occupation involving more than three clients subject to an absolute majority decision of the Council being made and provided that the Council is satisfied the increase to the number of clients can be accommodated without detriment to the amenity of the local area.

The subject property is located within a residential area, located between two other residential properties. The area of the dwelling to be utilised for the home occupation is separated from the neighbouring dwellings by three metres (northern neighbour) and thirteen metres (western neighbour). Whilst it is acknowledged that a use involving the care of children may be noisy at times, the impact of that use will be no greater than that which would result from any residential property where children are resident.

In view of the latter, and as the details of this particular use involve the provision of overnight accommodation, no restriction on operating hours is proposed.

It is considered that the proposed home occupation can be accommodated without prejudice to the amenity of occupiers of surrounding residential properties. The fact that all those consulted are in support of the proposal adds further weight to this position.

**P11/3209 - HOME OCCUPATION (CHILD FAMILY CARE CENTRE) ON LOT 531 (30)
MORPHETT CRESCENT, BATEMAN (AMREC) (CONFIDENTIAL ATTACHMENT)**Car parking

CPS5 requires the provision of one on-site parking bay for the client/customer in addition to the domestic requirements on site. In this case two parking bays are required for the existing residential use, which are provided within an existing car port. To the front of the car port, on the existing driveway/crossover, there is ample space for the parking of two more vehicles. The availability of these car parking bays will satisfy the car parking requirements of customers to the premises. In addition to this, the opportunity exists within the street for occasional on street parking, which, given the fact the subject property is located at the head of a cul-de-sac, can occur without detriment to the free flow of traffic in the street, and without prejudice to road safety.

As outlined above, the Applicant has stated that drop-off times will be between 7am and 10am and pick-up times will generally be between 4pm and 7pm. The Applicant has also stated that the pick up and drop off times of the clients will be staggered so that it would be unlikely that more than one vehicle relating to the home occupation would require parking at any one time. This will minimise any disruption to the occupiers of neighbouring properties.

Floor Area

CPS5 stipulates that the Council may only grant approval for a home occupation where it does not occupy an area greater than 38 square metres.

The nature of the use proposed is such that the children being cared for cannot be readily contained within one area. Rather, they will utilise an extended area within the property in the same way that resident children would. This is considered acceptable in the current context, particularly as the impact of the use will be no different in principle to that of a traditional residential use.

Clause 7.8 of CPS No 5

The proposed Home Occupation has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5. It is concluded that the details of the proposal are acceptable in this context, notwithstanding the variations sought.

CONCLUSION

It is concluded that the proposed Home Occupation can be accommodated from the subject premises and in the manner proposed, without detriment to residential amenity. Conditional approval is therefore recommended.

**P11/3209 - HOME OCCUPATION (CHILD FAMILY CARE CENTRE) ON LOT 531 (30)
MORPHETT CRESCENT, BATEMAN (AMREC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3209)
ABSOLUTE MAJORITY APPROVAL**

At 6.45pm Cr Kinnell moved, seconded Cr Subramaniam –

That the application for Home Occupation approval (Child Family Care Centre) at Lot 531 (30) Morphett Crescent, Bateman, be approved by an Absolute Majority Decision of the Council pursuant to Clause 5.6(e) (ii) of Community Planning Scheme No. 5 subject to the following conditions:

SPECIAL CONDITIONS:

- 1. The maximum number of children being cared for at any one time cannot exceed five.**

STANDARD CONDITIONS:

- 1. This Licence is valid for a period of twelve months from the date of approval. If the Home Occupation activity is to continue beyond this twelve month period, an application for its renewal is required.**
- 2. The applicant must permanently live on the premises.**
- 3. No employees other than the members of the occupying family of the dwelling being employed in the operation of the business.**
- 4. Not more than one sign, bearing the name of the business only and not exceeding an area of 0.2 square metres, shall be erected on the property with regard to the Home Occupation.**
- 5. This approval may not be transferred to any other person or property.**

ADVICE NOTES

- 1. The proposed business is to be undertaken in compliance with the following legislation (as amended):**
 - a. City of Melville Health Local Laws 1997;**
 - b. Any Licenses or Authorities requirements determined by other legislation relevant to this industry.**
- 2. If in the opinion of the Council, the Home Occupation is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood the Council may revoke its approval.**

At 6.45pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

At 6.46pm Cr Reynolds returned to the meeting.

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

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)**

At 6.46pm Cr Ceniviva moved, seconded Cr Reynolds –

That the Additional Information from the Agenda Briefing Forum of 3 May 2011 relating to Item P11/3210 3210 Tabled Information be tabled, in accordance with Clause 9.11 Tabling of Documents of the Standing Orders, to be included in the Minutes of this meeting

At 6.46pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

The Presiding Member advised the meeting that Officers had submitted and updated 'Outdoor Advertisements and Signage' Policy which had been circulated to Elected Members prior to the meeting and requested that the updated policy be tabled.

At 6.46pm Cr Ceniviva moved, seconded Cr Reynolds –

That the updated 'Outdoor Advertisements and Signage' Policy Updated Outdoor Advertisement & Signage Policy be tabled, in accordance with Clause 9.11 Tabling of Documents of the Standing Orders, to be included in the Minutes of this meeting.

At 6.46pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

Disclosure of Interest

Item No.	P11/3210
Elected Member/Officer	Cr C Robartson
Type of Interest	Financial Interest
Nature of Interest	Resides at the RAAFA Estate
Request	To leave the meeting
Decision of Council	Not Applicable

At 6.46pm Cr Robartson, having declared an interest in this Item, left the meeting.

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)**

Ward : All
 Category : Policy
 Application Number : Not applicable
 Subject Index : Policy and Policy Development
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item C10/5106 Ordinary Meeting of Council held 20 April 2010 – Review of Urban Planning Policies 2010
 Item P10/3152 Ordinary Meeting of Council held 17 August 2010 – Adoption of Advertised Urban Planning Policies
 Item P10/3170 Ordinary Meeting of Council held 19 October 2010 – Amendment 43 to CPS5 – Former Carawatha Primary School site
 Item P10/3178 Special Meeting of Council held 9 November 2010 – Second Stage Review of Urban Planning Policies,
 Item P11/3188 Ordinary Meeting of Council held 15 March 2011 – Final Adoption of Urban Planning Policies (Stage 2)
 Item P11/3195 Ordinary Meeting of Council held 19 April 2011 – Stage 3 Review of Urban Planning Policies
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows the Council to prepare and adopt planning policies and undertake regular policy reviews.
- Planning policies supplement CPS5 provisions and the requirements of the Residential Design Codes (R-Codes).
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when under review in the State Administrative Tribunal.
- This report relates to the fourth stage of the Urban Planning Policy Review.
- It is recommended that the Council adopt two new policies related to 'Outdoor Advertisements and Signage' and 'Amenity' and three modified policies related to 'Street Numbering', the 'Royal Australian Air Force Association (RAAFA) Master Plan' and the 'Architectural and Urban Design Advisory Panel'. It is recommended that these policies be advertised in accordance with Clause 9.6(b) of CPS5 for a period of 21 days.
- It is also recommended that pursuant to Clause 9.6(e) of CPS5, the Council resolve to revoke four existing policies: PL 06-020 Signs and Hoardings, PL 06-032 Temporary Screening Signage at Construction Sites, PL 27-011 Advertising Signs on Public Land, Street and Park Furniture and CP-043 Inflatable Advertising Devices.
- It is also recommended that the Council resolve to finally adopt the proposed Design Guidelines for the former Carawatha Primary School site. These Guidelines will comprise a planning policy pursuant to Clause 9.6 of CPS5.

BACKGROUND

CPS5 allows the Council to prepare and adopt planning policies to supplement CPS5 provisions and the requirements of the R-Codes.

Planning policies which address technical planning issues need to be adopted under CPS5 and require formal advertising for public comment for 21 days. Following consultation, the policies need to be adopted by the Council.

The Council initiated the first stage of a review of the existing urban planning policies on 20 April 2010 and following a 21 day consultation period, resolved on 17 August 2010 to adopt the advertised policies (with minor modifications).

The Council initiated the second stage of the Urban Policy Review on 9 November 2010 and following the 21 day advertising period, resolved on 15 March 2011 to adopt the advertised policies with the exception of the Crime Prevention Through Environmental Design Policy which was to be deferred at the request of Officers to be included within the third stage of the review.

At its Ordinary Meeting on April 19 2011, the Council resolved to initiate the third stage of the Urban Policy Review.

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)**Carawatha Design Guidelines

On 19 October 2010 the Council resolved to adopt Amendment 43 to CPS5 which related to the rezoning of the former Carawatha Primary School site located at Lot 300 (10) Archibald Street, Willagee. This Amendment has since been endorsed by the Minister for Planning on 1 March 2011.

At the October 2010 meeting the Council also resolved to adopt the associated design guidelines for public consultation. The design guidelines were advertised for a period of 21 days and no submissions were received.

RAAFA Master Plan

On 22 September 2004 the Council adopted a Master Plan for the redevelopment of the RAAFA site at 2-10 Bull Creek Drive, Bull Creek. This was supplemented by Amendment 37 to CPS5 which was endorsed by the Minister for Planning on 20 February 2007. This amendment stated that the adopted Master Plan is to be employed by the Council as a planning policy to guide future development of the site.

The 2004 Master Plan was subsequently amended by the Council in September 2006 to allow the retention of the aviation museum on the site. This adopted Master Plan detailed the following:

- Relocation of the aviation museum to the northeast corner of the property.
- Construction of 11 apartment buildings ranging in height between 4-6 storeys.
- Construction of a 2-3 storey Residential Care Facility / Assisted Living Units along the eastern boundary.
- Retention of the existing Club House and Administration buildings.
- Associated landscaping.

One of the apartment buildings is currently under construction and another is under consideration at the present time.

DETAILCommunity Planning Scheme No. 5 Requirements

Clause 9.6(g) of CPS5 requires the Council to review planning policies adopted under CPS5 on an annual basis. Since the gazettal of CPS5 in 1999, various policies have been adopted and up to three reviews (of some policies) have taken place.

Whilst annual reviews have not always been undertaken in accordance with CPS5, legal advice indicates that the unreviewed policies remain applicable, although the weight that can be attached to them in the decision making process, including that associated with an appeal to the State Administrative Tribunal, may be reduced.

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)**Residential Design Code (R-Code) Requirements

The Residential Design Codes contain provisions which deal with the adoption of Local Planning Policies as follows:

“5.1 Local planning policies consistent with codes

Subject to 5.3, a local planning policy that affects residential development shall be consistent with the provisions of the codes and may not provide for greater or lesser requirements than the codes unless expressly permitted under the codes.

5.2 Pre-existing local planning policies

If a properly adopted local planning policy which came into effect prior to the gazettal of the R-Codes is inconsistent with the R-Codes, the R-Codes prevail over the policy to the extent of the inconsistency.

5.3 Scope of local planning policies

5.3.1 Local planning policies may contain provisions that:

- a) vary or replace the following acceptable development provisions set out in the codes:*

*streetscape (design element 6.2 A1-A6);
building design (design element 6.2 A7-A9);
boundary walls (design element 6.3 A2);
site works (design element 6.6 A1.4);
building height (design element 6.7 A1);
external fixtures (design element 6.10 A2.3-A2.54);
special purpose dwelling requirements or aged or dependent person's dwelling) part 7.1.2 A2 ii);
mixed use development (part 7.2) and
inner city housing (part 7.3); or*

- b) augment the codes by providing additional performance criteria and acceptable development provisions for any aspect of residential development that is not provided for in the codes.*

5.3.2 Despite clause 5.3.1, a council may, with the approval of the WAPC, vary any other acceptable development provisions within the codes by means of a local planning policy where it can be demonstrated to the satisfaction of the WAPC that there is a need specific to a particular region that warrants such a variation.”

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)**Policy Review

This report outlines the introduction of two new Council Planning Policies, one new set of Design Guidelines, modifications to three other existing Policies and the revocation of four existing Policies.

Details of the new and modified Policies, together with comments on each, are referred to elsewhere in this report (Refer to comments section). Copies of the draft policies proposed for advertising, as well as those proposed to be revoked, are included as attachments to this report.

New policies:

- Outdoor Advertisements and Signage.
- Amenity

[3210 Outdoor Advertisements and Signage](#)

[3210 Amenity Policy](#)

Modifications to existing policies:

- RAAFA Master Plan
- Street Numbering
- Architectural and Urban Design Advisory Panel

[3210 Existing RAAFA Master Plan](#)

[3210 Proposed RAAFA Master Plan](#)

[3210 Street Numbering](#)

[3210 Architectural and Urban Design Advisory Panel](#)

Revocation of existing policies:

- Temporary Screening Signage at Construction Sites
- Advertising Signs on Public Land, Street and Park Furniture
- Signs and Hoardings
- Inflatable Advertising Devices

[3210 Temporary Screening at Construction Sites](#)

[3210 Advertising Signs on Public Land Street and Park Furniture](#)

[3210 Signs and Hoardings](#)

[3210 Inflatable Advertising Devices](#)

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)***Final Adoption of Carawatha Design Guidelines*

This report also seeks approval for the final adoption of the Design Guidelines for the former Carawatha Primary School site. These Design Guidelines have previously been advertised for public comment.

[3210 Design Guidelines For The Development Of The Former Carawatha Primary School Site](#)

PUBLIC CONSULTATION/COMMUNICATION

Public consultation is required for all Council Non-Statutory Planning Policies which are non-operational in nature in accordance with Clause 9.6 of CPS5.

New and Modified Policies

The new and modified Council Policies will, subject to Council resolution, be advertised pursuant to Clause 9.6(b) of CPS5, via a notice in a local newspaper.

In addition to the notice in the local newspaper, it is proposed to consult with all of the owners/occupiers of the properties which abut the RAAFA site on Clifford Way, Bull Creek. This will be in the form of mailed correspondence.

Revoked Policies

Clause 9.6(e) of CPS5 states that where the Council resolves to revoke an existing policy a formal notice of revocation is to be displayed in a local newspaper. Should the Council resolve to revoke the five existing policies mentioned above, a notice will be displayed in the local newspaper.

Final Adoption

The Design Guidelines for the former Carawatha Primary School site were adopted by the Council on 19 October 2010 for advertising. The Design Guidelines were subsequently advertised for a period of 21 days and no submissions were received.

Pursuant to Clause 9.6(b) of CPS5, should the Council resolve to finally adopt the proposed Design Guidelines for the former Carawatha Primary School site, notification of the adoption will be published in the local newspaper.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Clause 9.6(b) (ii) of CPS5 requires the Council to advise the Western Australian Planning Commission (WAPC) of any policy proposal which affects the interests of the WAPC. The proposed policies and modification do not have regional significance therefore the WAPC need not be consulted.

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)**

STATUTORY AND LEGAL IMPLICATIONS

The review of the Council's policies will improve the validity of the policies in review situations by the State Administrative Tribunal. Once finally adopted by the Council, the reviewed policies in effect carry the power and weight of CPS5.

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The implication of this and subsequent reports relating to the Policy Review is that the Council will have a revised set of Planning and Building Policies to firmly guide future development in the City.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council could elect not to adopt the proposed Policy changes and initiatives for public consultation or modify the presented Policies.

The Council may also resolve not to revoke the subject Policies proposed for revocation.

It is inappropriate not to review the Policies as their relevance in the consideration of development matters would be diminished over time.

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)****COMMENTS**New Policies*Outdoor Advertising and Signage Policy*

At present the City has four planning policies pertaining to the assessment of signage applications. These include:

- Signs and Hoardings,
- Temporary Screening Signage at Construction Sites,
- Advertising Signs on Public Land, Street and Park Furniture
- Inflatable Advertising Devices.

It is proposed to revoke all four of these policies and combine the relevant criteria of each into a single policy against which all applications for signage will be assessed.

The policy provides different criteria for the assessment of signage on Residential properties, Commercial and Mixed Use properties and on Public Land.

At present it is considered that signage located within commercial areas is often ad-hoc, dominant and can be detrimental to the streetscape. The intention of the proposed policy is to encourage the display of good quality advertising, which is designed to relate well in terms of scale and visual impact to the use, or activity it will serve and support. The policy will encourage the rationalisation of existing signage and will limit the number and size of signs capable of being displayed.

Where the standards of the policy are not met, performance criteria are provided in Part 8 which are to be considered in the determination of the planning approval.

The proposed policy also allows the City to request the submission of a Signage Strategy where planning approval is sought for the construction of a commercial building or substantial additions are being undertaken to an existing commercial building. This will allow the City to undertake a considered approach to the display of signage over the entire site and all subsequent applications for the display of signage on the site will be required to be in accordance with the approved signage strategy.

Amenity Policy

This policy initiative was originally included within Stage 3 of the policy review however it was resolved at the Ordinary Meeting of Council on 19 April 2011 to defer its consideration until Stage 4 to allow the consideration of legal advice received relating to the policy.

The proposed policy builds upon the provisions contained within Clause 7.8 of CPS5 pertaining to the assessment of the potential impacts developments have on both adjoining properties and the surrounding area. This policy incorporates and builds upon the provisions contained within the existing PL-06-035 Aesthetics Policy. The Council resolved to revoke the existing Aesthetics Policy at its April 2011 Meeting as part of the Stage 3 Policy review.

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)**

All planning applications require an assessment of the potential amenity impacts arising from a proposed development. In particular, a number of Performance Criteria within the Residential Design Codes (R-Codes) require the assessment of amenity in relation to the impacts of a proposed departure from the Acceptable Development criteria. In addition, Clause 7.8 of CPS5 includes a more general consideration of amenity which all development applications must satisfy if they are to be approved.

The proposed policy outlines that where departures from the Acceptable Development criteria of the R-Codes are proposed, or in cases of variations to the provisions contained within CPS5 or Council policy, the City may require the Applicant to provide written justification in the form of an Amenity Impact Statement.

The Policy also provides criteria to guide Applicants and Council Officers as to what is important when an assessment of potential amenity impact is undertaken.

As requested at the Agenda Briefing Forum on 5 April 2011 the proposed policy has been reviewed by the City's solicitors. This advice suggested deleting or amending the wording of Clause 2.1 and providing additional criteria to Clause 2.2 of the proposed policy. These recommended amendments have been made to the draft policy.

With regard to the request at the Agenda Briefing Forum to provide an alternative or additional definition of 'amenity' other than the Model Scheme Text (MST) definition, the City's solicitors have advised that the MST definition is most suitable in that it is both general and consistent with the current approach taken in case law. Any definition more prescriptive than the MST definition would be impracticable and restrictive. Accordingly, the definition of 'amenity' has not been amended in the draft policy.

Modified Policies

Street Numbering Policy

The City's current Street Numbering policy essentially reiterates the provisions contained within the current Australian Standard AS/NZS 4819:2003: Geographic Information – Rural and Urban Addressing.

It is understood that Landgate are revising the above standard and have recently released a draft Standard: AS/NZS 4819 Rural and Urban Addressing for public comment with the submission period closing 10 June 2011.

As the Australian Standards are considered best practice in terms of street numbering, the existing policy has been amended to require that applications for street numbering or for the re-numbering of properties be assessed in accordance with the current Australian Standard (or any subsequent standard), rather than reiterating the provisions outlined within the standard.

The policy requires that street numbering, whether it be in respect of new development or in respect of changes to the existing sequence of street numbering within a street, be undertaken in a logical and sequential manner.

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)**

The proposed policy also now specifies the situations when the City will not consider a request for a change in street numbering. The inclusion of this criteria will deter the submission of applications for street re-numbering which are not soundly based.

RAAFA Master Plan Policy

As outlined above, in September 2006 the Council adopted a revised Master Plan for the RAAFA site as a planning policy to guide future development of the site. Although the Master Plan is to be treated as a planning policy under CPS5, there is no written policy document which accompanies the Master Plan. All of the assessment provisions against which any planning application received for the site are assessed against, are included within CPS5, the R-Codes and relevant Council policies as well as the adopted Master Plan.

The purpose of the RAAFA Master Plan is to provide an indicative plan of the redevelopment of the RAAFA site and is a guiding document rather than a site plan which details the precise location and design of all future development.

Any future planning applications for the construction of buildings within the RAAFA site are assessed against the requirements of CPS5, the R-Codes, the applicable Council policies as well as the adopted Master Plan. The details of the design and exact location of the proposed buildings are assessed at the time of planning approval.

A request has now been received to amend the adopted Master Plan to incorporate the following amendments:

- Relocation of the future Residential Care Facility / Assisted Living Units from adjacent to Bull Creek Drive to along the southern boundary.
- Retention of the aviation museum in its current location rather than relocating the museum to a new building contained within the northeast corner of the site.
- Decrease in the total number of apartment buildings within the site from 11 to 10.
- Potential increase in the height of three apartment blocks located in the northern half of the site from 4 storeys to 4-6 storeys.
- Redevelopment of the Club House building which was not previously detailed to be redeveloped. It is proposed to redevelop the Club House building to incorporate residential above. The height of this building is to be 4-6 storeys.
- Reduced setbacks for the buildings adjacent to the southern boundary from approximately 48m to 18-35m to maximise view corridors to the City and the internal lake.

The amendments to the adopted Master Plan are proposed as the existing Residential Care Facility known as Deans Lodge is in poor condition and in need of replacement. To expedite the construction of the new facility and to minimise the displacement of the residents of the site, it is proposed to build in the existing Deans Lodge location rather than constructing adjacent to Bull Creek Drive.

With regard to height, CPS5 prescribes a 6 storey (20m) height limit across the site having regard to the adopted Master Plan. The proposed Master Plan is in accordance with this CPS5 provision.

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)**

As outlined above, should the Council resolve to adopt the revised Master Plan for public consultation, advertising shall be undertaken in the form of a letter drop to residents within a four hundred (400) metre radius of the site, two (2) newspaper advertisements (The West Australian and Melville Times), advertising on the Council website and plans available for inspection at the Civic Centre and Bull Creek Library.

Architectural and Urban Design Advisory Panel Policy

The existing Architectural and Urban Design Advisory Panel policy has been modified to update the status, membership, terms of reference and procedure for the operation of the Panel. It is intended that in the 2011/2012 financial year the Panel will start to meet on a monthly basis to provide advice to the City in the assessment of planning applications which have the potential to have a significant impact.

Revoked Policies*Signs and Hoardings*

It is proposed to revoke this policy and incorporate the applicable provisions within the new Advertising Signs policy outlined above.

Temporary Screening Signage at Construction Sites

It is proposed to revoke this policy and incorporate the applicable provisions within the new Advertising Signs policy outlined above.

Advertising Signs on Public Land, Street and Park Furniture

It is proposed to revoke this policy and incorporate the applicable provisions within the new Advertising Signs policy outlined above.

Inflatable Advertising Devices

Although this policy was previously reviewed as part of Stage 1 of the Urban Planning Policy Review in August 2010, it is considered that all of the assessment criteria for applications pertaining to signage should be incorporated into one planning policy for ease of assessment and to avoid confusion. As such, it is proposed to revoke this policy and incorporate the applicable provisions within the new Advertising Signs policy outlined above.

Final Adoption*Design Guidelines for the Development of the Former Carawatha Primary School site*

As outlined above, the Council resolved to adopt the design guidelines for the development of the former Carawatha Primary School site (10 Archibald Street, Willagee) in October 2010 for public consultation. The design guidelines were advertised for a period of 21 days and no submissions were received. Given that no submissions were received, it is recommended that the Council proceed to formally adopt the policy in accordance with Clause 9.6(b) of CPS5.

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)**

It should be noted that a number of minor changes have been made to the policy since it was considered by the Council in October 2010. These minor changes include the deletion of the provisions which are already contained within CPS5 now that the Minister for Planning has approved Amendment 43 to CPS5, as well as wording and formatting changes. These changes do not alter the intention of any of the policy provisions and are minor in nature.

CONCLUSION

In view of the above in relation to the fourth stage of the Urban Planning Policy review it is recommended that:

- 1 The two new Policy initiatives: Outdoor Advertisements and Signage and Amenity and the two modified Policies: Street Numbering and Architectural and Urban Design Advisory Panel be advertised via a notice in the local newspaper for a period of 21 days in accordance with Clause 9.6(b) of CPS5.
- 2 The modified Policy: RAAFA Master Plan be advertised via a notice in the local newspaper and letters sent to all owners and occupiers of the properties abutting the RAAFA site accessed off Clifford Way for a period of 21 days in accordance with Clause 9.6(b) of CPS5.
- 3 That a notice be placed in a local newspaper to advise of the revocation of the following four Policies: PL 06-020 Signs and Hoardings, PL 06-032 Temporary Screening Signage at Construction Sites, PL 27-011 Advertising Signs on Public Land, Street and Park Furniture and CP-043 Inflatable Advertising Devices in accordance with Clause 9.6(e) of CPS5.
- 4 That the Council adopt the Design Guidelines for the Development of the Former Carawatha Primary School site pursuant to Clause 9.6(b) of CPS5.

OFFICER RECOMMENDATION (3210)**APPROVAL**

At 6.46pm Cr Subramaniam moved, seconded Cr Halton –

1. That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the following Draft Council Policies for public consultation and a notice be placed in a local newspaper for a period of 21 days:
 - (i) Outdoor Advertisements and Signage
 - (ii) Amenity
 - (iii) Street Numbering
 - (iv) Architectural and Urban Design Advisory Panel
2. That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the following Draft Council Policy for public consultation and a notice be placed in a local newspaper and letters be sent to the adjoining owners and occupiers requesting submissions within a period of 21 days:
 - (i) RAAFA Master Plan

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)**

3. That the Council resolves pursuant to Clause 9.6(e) of Community Planning Scheme No. 5, that a notification be placed in a local newspaper to advise that the following Policies have been revoked:
 - (i) PL 06-020 Signs and Hoardings
 - (ii) PL 06-032 Temporary Screening Signage at Construction Sites
 - (iii) PL 27-011 Advertising Signs on Public Land, Street and Park Furniture
 - (iv) CP-043 Inflatable Advertising Devices

4. That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the following policy:
 - (i) Design Guidelines for the Development of the Former Carawatha Primary School Site

5. That a notification be placed in a local newspaper circulating within the City in relation to the final adoption of the policy in 4) above pursuant to Clause 9.6(b)(iv) of Community Planning Scheme No. 5.

Amendment 1

At 6.49pm Cr Pazolli moved, seconded Cr Nicholson -

That the draft Street Numbering Policy be amended to include an additional Clause 4.3 stating:

“4.3 The requirements of the CP-044 Development Advisory Unit policy shall apply to street renumbering applications. This provides the opportunity for applicants or objectors to the street renumbering proposal to have the decision reviewed by the full Council.”

At 6.59pm the Mayor submitted the amendment, which was declared

CARRIED (9/3)

Reasons for Amendment

The current draft of the Renumbering Policy does not explicitly state that applicants or objectors to the Council officer renumbering decision have the opportunity to have that decision reviewed through the existing Development Advisory Unit call-up process. Ratepayers will read the policy and need to be able to read in the policy document that there is a process of review available to them.

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)**Amendment 2

At 7.03pm Cr Halton moved, seconded Cr Wieland that in relation to the draft policy at Point 4 (i) Design Guideline for the Development of the Former Carawatha Primary School Site: -

That the Design Guidelines for the Development of the Former Carawatha Primary School Site be referred to the next Ordinary Meeting of Council for consideration.

At 7.06pm the Mayor submitted the amendment which was declared

CARRIED (12/0)

Amendment 3

At 7.07pm Cr Pazolli moved, seconded Cr Barton -

That the draft Street Numbering Policy be amended by replacing Clause 4.2 with the following:

'Any submissions received will be taken into account in the determination of the application, however the City is not obliged to support the views contained within the submissions and the determination of the application is to be consistent with the objectives of the policy.'

At 7.07pm the Mayor submitted the amendment which was declared

CARRIED (12/0)

Reasons for Amendment

As discussed at the Elected Members Information Session held 10 May 2011, the abovementioned amendments to the draft policies are proposed for the following reasons:

Street Numbering

It was requested at the Agenda Briefing Forum held 3 May 2011 that Clause 4.2 be amended to remove reference to 'right of veto' and 'third party appeal rights'. This clause has been amended to remove these references and clarify that Council is not bound by the views contained within submissions.

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)****COUNCIL RESOLUTION (3120)****APPROVAL**

At 7.08pm the Mayor submitted the substantive motion as amended -

1. That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the following Draft Council Policies for public consultation and a notice be placed in a local newspaper for a period of 21 days:
 - (i) **Outdoor Advertisements and Signage**
(Updated Outdoor Advertisement & Signage Policy)
 - (ii) **Amenity**
 - (iii) **Street Numbering**
That the draft Street Numbering Policy be amended by replacing Clause 4.2 with the following:

'Any submissions received will be taken into account in the determination of the application, however the City is not obliged to support the views contained within the submissions and the determination of the application is to be consistent with the objectives of the policy.'

That the draft Street Numbering Policy be amended to include an additional Clause 4.3 stating:

"4.3 The requirements of the CP-044 Development Advisory Unit policy shall apply to street renumbering applications. This provides the opportunity for applicants or objectors to the street renumbering proposal to have the decision reviewed by the full Council."
 - (iv) **Architectural and Urban Design Advisory Panel**
2. That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the following Draft Council Policy for public consultation and a notice be placed in a local newspaper and letters be sent to the adjoining owners and occupiers requesting submissions within a period of 21 days:
 - (i) **RAAFA Master Plan**
3. That the Council resolves pursuant to Clause 9.6(e) of Community Planning Scheme No. 5, that a notification be placed in a local newspaper to advise that the following Policies have been revoked:
 - (i) **PL 06-020 Signs and Hoardings**
 - (ii) **PL 06-032 Temporary Screening Signage at Construction Sites**
 - (iii) **PL 27-011 Advertising Signs on Public Land, Street and Park Furniture**
 - (iv) **CP-043 Inflatable Advertising Devices**
4. *That the Design Guidelines for the Development of the Former Carawatha Primary School Site be referred to the next Ordinary Meeting of Council for consideration.*

**P11/3210 - STAGE FOUR REVIEW OF URBAN PLANNING POLICIES (REC)
(ATTACHMENT)**

- 5. That a notification be placed in a local newspaper circulating within the City in relation to the final adoption of the policy in 4) above pursuant to Clause 9.6(b)(iv) of Community Planning Scheme No. 5.**

At 7.13pm the Mayor declared the motion

CARRIED (11/1)

At 7.14pm Cr Robartson returned to the meeting.

P11/3211 - PREPARATION OF LOCAL PLANNING SCHEME NO. 6 FOR THE CITY OF MELVILLE (REC) (ATTACHMENT)

Ward : All
 Category : Strategic
 Application Number : N/A
 Subject Index : Local Planning Strategy/Scheme
 Customer Index : Department of Planning
 Property : N/A
 Proposal : Preparation of Local Planning Scheme No.6 for the City of Melville
 Applicant : City of Melville
 Owner : N/A
 Disclosure of any Interest : No.
 Previous Items : N/A
 Responsible Officer : Martin Spencer
 Senior Strategic Urban Planner

AUTHORITY / DISCRETION

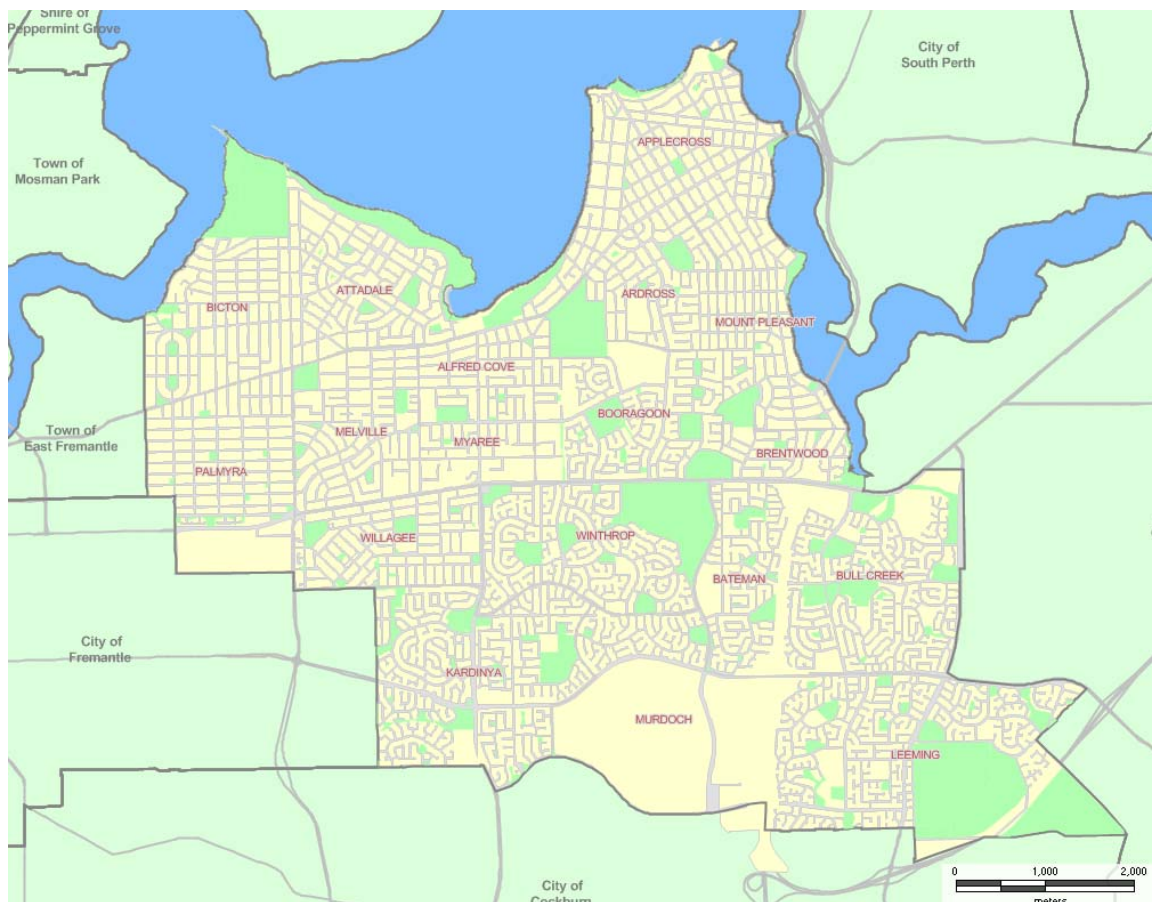
DEFINITION

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

P11/3211 - PREPARATION OF LOCAL PLANNING SCHEME NO. 6 FOR THE CITY OF MELVILLE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The Planning and Development Act 2005 (the Act) provides for the review of a planning scheme, either by consolidation or by preparation of a new scheme in the fifth year following gazettal of the Scheme.
- Consolidation is likely to be considered when there is little need for strategic or land use changes to the current scheme with the main aim being to comply with the five year scheme time frame, as outlined in the Act.
- A new scheme is generally required when there is a need to update the current scheme in terms of strategic direction, involving changes to land use, zoning, environmental or other provisions or practices, and to review the prospects for future growth and development in the area.
- *The Town Planning Regulations 1967* provide a procedure for informing the Western Australian Planning Commission of the resolution by the Council to prepare a new scheme.
- The Council is requested to consider formal resolution not to prepare a consolidation of Community Planning Scheme No. 5 (CPS5) and to prepare Local Planning Scheme No. 6 (LPS 6) in substitution for that Scheme.
- Completion of the formal resolution to prepare a new Scheme will enable the draft Scheme to be presented to the Council for adoption (scheduled for June 2011).



P11/3211 - PREPARATION OF LOCAL PLANNING SCHEME NO. 6 FOR THE CITY OF MELVILLE (REC) (ATTACHMENT)**BACKGROUND**

The Community Planning Scheme No. 5 was gazetted in 1999.

The City of Melville's Plan for the Future 2008- 2012 lists gazettal of Local Planning Scheme No.6 – review of the Scheme as one of the top 10 priorities.

The process of review of the Community Planning Scheme No. 5 had originally begun as a “consolidation” of the existing Scheme. It has become clear in reviewing the scheme that the process of changing the Scheme to reflect the Model Scheme Text is in itself justification for a new Scheme to be prepared rather than a consolidation.

In discussions with the Department for Planning it has been confirmed that the review process undertaken by the City of Melville constitutes a “new scheme” as opposed to a “consolidation”. The preparation of a new Scheme, as opposed to a consolidation, triggers an administrative requirement for the Council to formally resolve to prepare a new Scheme.

Scheme Provisions

MRS Zoning	: N/A
CPS 5 Zoning	: N/A
R-Code	: N/A
Use Type	: N/A
Use Class	: N/A

Site Details

Lot Area	: N/A
Retention of Existing Vegetation	: N/A
Street Tree(s)	: N/A
Street Furniture (drainage pits etc)	: N/A
Site Details	: N/A

[3211 Letter to WAPC Stating Aims and Objectives of the Scheme.](#)

[3211 Scheme Area Map](#)

[3211 Form](#)

DETAIL

N/A

PUBLIC CONSULTATION/COMMUNICATION

The ongoing review of the Scheme has been widely publicised. The process of formally resolving to prepare a new Scheme does not require any advertising.

P11/3211 - PREPARATION OF LOCAL PLANNING SCHEME NO. 6 FOR THE CITY OF MELVILLE (REC) (ATTACHMENT)**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

A resolution to prepare a Scheme is required to be forwarded to the Western Australian Planning Commission. After receiving notification from the Western Australian Planning Commission the local authority is then required to publish in the Government Gazette and a local newspaper a notice of the resolution, and forward a copy to any adjoining local government, the Water Corporation, the Department of Environment and Conservation, the Department of Water and every other public authority likely to be affected by the Scheme with a request to forward matters to be taken into considered in preparation of the Scheme.

STATUTORY AND LEGAL IMPLICATIONS

A resolution to prepare a Scheme is a requirement of the Planning and Development Act 2005. It has been confirmed that the Scheme under preparation in the current review process is beyond a “consolidation” and procedurally requires a Council resolution supporting preparation of a new Scheme.

Under Regulations pursuant to the Planning and Development Act 2005, a local government resolving to prepare a Scheme is required within 28 days of that resolution to forward the following to the Western Australian Planning Commission:

- (a) *a copy of the resolution certified by the Chief Executive Officer;*
- (b) *a map marked “Scheme Area Map”, signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and*
- (c) *a statement setting forth —*
 - (i) *the objects and intentions of the Scheme; and*
 - (ii) *the anticipated format of the Scheme.*

With respect to these requirements of the Planning Regulations:

- (a) A copy of the “Form 1” resolution to be signed by the Chief Executive Officer is attached to this report.
- (b) The proposed Scheme covers the entire municipality of the City of Melville as depicted in the attached map.
- (c) The objects and intentions of the Scheme are identified in the objectives of the draft Local Planning Strategy and the aims of the draft Scheme, which are attached to the report. The format of the scheme follows that established by the Western Australian Planning Commissions’ Model Scheme Text.

FINANCIAL IMPLICATIONS

The review of the Community Planning Scheme has been included in the Budget for 2010/11 and previous years.

P11/3211 - PREPARATION OF LOCAL PLANNING SCHEME NO. 6 FOR THE CITY OF MELVILLE (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are substantial strategic implications relating to this item. Formal resolution to prepare a Scheme is a procedural pre-requisite to the Council considering adoption of a new Scheme.

The Risk Assessment relates to the resolution to prepare a Scheme only, not to the actual scheme itself which will be a separate item to the Council in the near future.

The preparation of a new Scheme will enable incorporation of the latest sustainable development and environmental practices into the new scheme, including better integration of land use and transport,

Risk Statement	Level of Risk	Risk Mitigation Strategy
As a result of not resolving to prepare a new Scheme, the Minister may order the preparation of a new scheme.	Extreme	The City of Melville's Plan for the Future which has the endorsement of Council recognises the need to review the current Community Planning Scheme No. 5 as the current Scheme is over 10 years old and is not completely consistent with the Model Scheme Text.

POLICY IMPLICATIONS

Any Local Planning Policy must be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail. While a Local Planning Policy is not part of the Scheme and shall not bind the Council in respect of any application for Planning Approval, the Council must have due regard to the provisions of any Policy and the objectives which the Policy is designed to achieve before making its decision.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

If there is no resolution, as required by legislation, to prepare a new Scheme there is likely to be an order from the Minister to prepare a new Scheme. This will delay the process of review which was considered a top priority by the Council.

P11/3211 - PREPARATION OF LOCAL PLANNING SCHEME NO. 6 FOR THE CITY OF MELVILLE (REC) (ATTACHMENT)**CONCLUSION**

The process to review the Community Planning Scheme No. 5 has been underway for several years. Presentation of the draft Scheme for adoption for the purposes of advertising is scheduled for June 2011. The act of bringing the Scheme into the format required under the Model Scheme Text has been established to be sufficient to take the process beyond that of a “consolidation” of the Scheme. Therefore the process being undertaken by the Council is technically considered to be the preparation of a new Local Planning Scheme and accordingly under planning legislation requires a specific resolution by the Council. Adoption of a resolution to prepare the Scheme and submission of applicable documentation to the Western Australian Planning Commission is recommended.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3211)**APPROVAL**

- 1. That the Council in pursuance of Section 88(3) of the Planning and Development Act 2005 resolve not to prepare a consolidation of Community Planning Scheme No. 5 and prepare Local Planning Scheme No. 6 in substitution for that Scheme.**
- 2. That in pursuance of Section 72 of the Planning and Development Act 2005 the Council resolves to prepare the Local Planning Scheme No. 6 with reference to an area situated wholly within the City of Melville and enclosed within the inner edge of the blue border on the plan attached.**
- 3. That the resolution be formally submitted to the Western Australian Planning Commission under the required Form 1 with the required attachments identified under the Planning Regulations and signed by the Chief Executive Officer of the City of Melville.**

At 7.14pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

**T11/3204 - INTERSECTION OF RISELEY STREET AND KEARNS CRESCENT,
ARDROSS – BLACK SPOT PROJECT 2009/2010 (REC) (ATTACHMENT)**

At 7.14pm Cr Ceniviva moved, seconded Cr Reynolds –

That the Additional Information from the Agenda Briefing Forum of 3 May 2011 relating to Item P11/3204 3204 Tabled Information be tabled, in accordance with Clause 9.11 Tabling of Documents of the Standing Orders, to be included in the Minutes of this meeting.

At 7.14pm the Mayor submitted the motion which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

Ward	: Applecross/Mt Pleasant
Category	: Operational
Subject Index	: Traffic, Black Spot Program 2009/2010
Customer Index	: Main Roads WA
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: T05/1021, T06/1021
Works Programme	: Capital Works - 2009/2010
Funding	: Capital Works - 2009/2010 (\$220,000)
Responsible Officer	: John Cameron Executive Engineer Design

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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T11/3204 - REPORT - INTERSECTION OF RISELEY STREET AND KEARNS CRESCENT, ARDROSS – BLACK SPOT PROJECT 2009/2010 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The report provides the history/background of improving traffic conditions at the intersection of Riseley Street/Kearns Crescent including the various solutions explored to improve road safety and traffic conditions at the intersection. The City was awarded a National Black Spot grant totalling \$220,000 for the installation of traffic signal controls at the intersection.
- During the course of developing the signals design a number of design and site constraints became apparent. This called into question the feasibility of the traffic signal installation. A second Road Safety Audit was commissioned to address those concerns.
- The findings of the second Road Safety Audit conducted at the intersection of Riseley Street and Kearns Crescent are detailed in this report.
- Based on the Audit findings it is appropriate for the Council to reconsider the project and based on that decision, return the grant monies to Main Roads WA.
- It is recommended that the appropriate timing of the intersection modifications and the installation of the traffic signals would be when the outcomes of the Riseley Centre Precinct Study and a comprehensive traffic study are carried out for the whole precinct.

BACKGROUND

In 1995, a Road Safety Audit was undertaken by PLT Consultants for the whole length of Riseley Street. One of the concerns regarding the intersection of Riseley Street/Kearns Crescent was the 53 reported crashes, the majority involving right angle crashes. The recommendation at that time was the installation of Traffic Signals.

In 2005, following concern regarding the performance of the intersection, the City's Engineering officers proposed the closure of the median opening at the intersection. Public consultation was undertaken in August 2005 following the Council's resolution of 2 August 2005 (inter alia);

"3. that Riseley Street/Kearns Crescent, Ardross – extend median through intersection proposal be recommitted for further consideration and possible redesign options, including consultation with local businesses".

The Council, in making this resolution, was mindful of the feedback from the business community who had concerns that a continued median would sever the interaction between east and west Kearns Crescent, despite the fact the treatment would reduce the number of crashes to zero, albeit with a loss of intersection functionality.

In July 2006, following traffic signal modelling, a Black Spot funding application was submitted for the 2007/2008 Black Spot Programme for the installation of traffic signals and both right turn lanes to be extended. At meeting of 15 August 2006, the Council resolved;

"that subject to Main Roads WA and Public Consultation, traffic signals at the intersection of Kearns Crescent and Riseley Street, Ardross be considered as an option for the improvement of Road Safety at this intersection".

T11/3204 - REPORT - INTERSECTION OF RISELEY STREET AND KEARNS CRESCENT, ARDROSS – BLACK SPOT PROJECT 2009/2010 (REC) (ATTACHMENT)

“Agreement in Principle” was sought from Main Roads WA in the beginning of March 2007. In response, Main Roads WA identified that the modelling failed;

“to clearly demonstrate that the proposed traffic signals can be coordinated to operate satisfactorily without adversely affecting traffic flow and the safe operation of the intersection of Canning Highway, Riseley Street and Kearns Crescent.”

Main Roads WA recommended that the City of Melville consider the following treatments:

- *“full or partial road closure of the Riseley Street median and restricting Kearns Crescent traffic to left in left out to reduce the potential conflicts.*
- *Reduce the carriageway width on Riseley Street to improve access for pedestrians and provide additional on street parking adjacent to the southbound carriageway.”*

These were both options that the City had previously explored and rejected. The suggestion to restrict Riseley Street to one lane each way would have an adverse impact on the performance of Riseley Street and the Canning Highway/Riseley Street intersection. This would generate longer queues and force unnecessary circulation of traffic onto Canning Highway

In October 2007 and following further traffic modelling of the proposed new traffic signals using a sophisticated modelling programme known as PARAMICS, Main Roads WA concluded that;

“there would be no significant adverse affects on traffic flow on Canning Highway or Riseley Street during the modelled period”.

Accordingly, the City was granted “Agreement in Principle” from Main Roads WA for traffic signals at the intersection of Riseley Street and Kearns Crescent and subsequently was granted Black Spot funding for the installation of signals.

DETAIL

The City applied for traffic signals under the 2008/2009 Black Spot Programme, due to the high number of right angle and right turn through crashes, and to improve pedestrian safety.

A Black Spot application was supported by a Road Safety Audit (completed in May 2008 by Traffic and Transport Solutions) which identified 15 road safety issues. These related to:

- Widening the right turn lane in Riseley Street (northbound) into Kearns Crescent east;
- Modifying the intersection geometry to accommodate the ‘diamond’ right turning vehicles;
- Pedestrian crossing facilities;
- Improving the site visibility interrupted by provisions for ‘al-fresco’ dining;
- Improve access for pedestrians and provide safety barrier protection of cafe patrons on the footpath;
- Vehicle queues in Riseley Street would extend back from the Canning Highway set of traffic signals beyond the Kearns Crescent intersection;

T11/3204 - REPORT - INTERSECTION OF RISELEY STREET AND KEARNS CRESCENT, ARDROSS – BLACK SPOT PROJECT 2009/2010 (REC) (ATTACHMENT)

Main Roads WA carried out a further review of the traffic modelling of the signals, particularly relating to the sequencing of the new signals with the existing signals at Canning Highway in April 2010.

In June 2010, the City was successful in its National Black Spot funding application for the 2010/11 year with a fully funded grant totalling \$220,000 for traffic signal installation.

A draft geometric concept design incorporating the abovementioned Road Safety Audit recommendations was sent to Main Roads WA for approval in June 2010. In developing the design drawing for the National Black Spot Grant, the City was faced with some differences of opinion expressed with Main Roads WA as to the geometric standards of kerb radii, proximity of parking and possible overlap of opposing right hand turn movements of trucks exiting from Kearns Crescent.

These impediments prevented the City from gaining design approval for the works from Main Roads WA. Following a request from the City to break this deadlock, Main Roads WA advised the City to undertake an independent road safety audit to address any potential safety issues that may arise.

The Road Safety Audit was undertaken by the City on 24 August 2010 with an independent team of auditors. The main recommendations were:

- The design of the intersection needed *“to incorporate a traffic island in Kearns Crescent on either side of Riseley Street”* to *“separate the opposing vehicle movements, enhancing road safety”*. Traffic signal pedestals and aspects are to be located in the traffic islands in the centre of each approach in Kearns Crescent. This *“will provide approaching drivers with an uninterrupted view of the signal aspects”*.
- *“The design of Riseley Street at the Kearns Crescent intersection”* is to be modified *“to incorporate wider kerbside traffic lanes and on-road cycle lanes to comply with”* various Austroads and Main Roads WA’s standards.
- *“To maintain an approaching driver’s view of the traffic signal, any trees or branches are to be removed”* and *“the shop-front awnings and enclosure for the al-fresco dining area on the north-eastern corner of the intersection”* are to be modified
- *“The level difference between the road pavement and the al-fresco dining area on the north-eastern corner is”* to be *“minimal”* so that it *“is not a roadside hazard”*. *“The al-fresco dining area on the south-eastern corner of the Riseley Street/Kearns Crescent intersection is to be protected against errant vehicles.”*
- The bus stops on both the west and east side sides of Riseley Street, are to be relocated into embayments, with the possibility of losing car parking embayments north of Kearns Crescent.
- *“The type and location of the stormwater gullies (grates and side-entry pits) are to be well located to effectively collect and dispose of the stormwater run-off from the roads”*.

T11/3204 - REPORT - INTERSECTION OF RISELEY STREET AND KEARNS CRESCENT, ARDROSS – BLACK SPOT PROJECT 2009/2010 (REC) (ATTACHMENT)

- Street light poles and lamps are to be re-located to provide illumination levels compliant with AS/NZS 1158.1.3:1997 *Vehicular traffic (Category V) lighting – Guide to design, installation, operation and maintenance* for the Riseley Street/Kearns Crescent intersection.
- The phasing and timing of the traffic signal operation for the Canning Highway/Riseley Street intersection is to be linked with that of the Riseley Street/Kearns Crescent signals so that vehicle queues do not extend into either intersection.

Most importantly, the Audit Report concluded that;

“It is IMPERATIVE that if the road safety issues identified are not satisfactorily addressed and resolved, the proposed installation of traffic signals at the Riseley Street/Kearns Crescent should NOT proceed”.

A copy of the Audit Report forms part of the attachments.

[3204 Riseley Kearns RSA2 F](#)**Officer Comment**

Part of the Road Safety Audit process requires the asset owner (in this case the City of Melville) to respond to a Corrective Action Report (CAR) based on all the recommendations by the Auditors. A copy of the officers' response to the CAR forms part of the attachments.

[3204 Riseley Kearns CAR V1 16 01 2010](#)

By responding in some detail to the issues raised in the road safety audit CAR, it became clear that the original design drawings needed to be substantially amended to:

- provide sufficient median space to fit the traffic signals,
- widen Kearns Crescent either side of Riseley Street to accommodate the proposed new central islands,
- adjust the corners of the intersection so that the swept path or turning path of larger vehicles does not over run the kerb line,
- remove or modify the existing kerb lines, shop front awnings, parking embayments, trees and planter boxes and drainage pits need to be removed and modified.

It was apparent that this additional widening requirement would significantly compromise the space and function of the 'al-fresco' areas on at least two corners of the intersection and if they remained in place, then crash tested safety bollards would need to be installed to protect café patrons from any errant vehicles. Each of these bollards costs in the order of \$1,800 and given that a minimum of at least 10 would be required at both the north-eastern corner and south-eastern corner, this alone would cost at least \$36,000 - \$40,000.

The audit identified the need for the kerb line on the north eastern corner to be modified, which would reduce the available space for the 'al-fresco' area and pedestrian access and would require the shop-front awnings to be modified, changing the entire character of the intersection surrounds.

T11/3204 - REPORT - INTERSECTION OF RISELEY STREET AND KEARNS CRESCENT, ARDROSS – BLACK SPOT PROJECT 2009/2010 (REC) (ATTACHMENT)

In addressing each of the recommendations and finding safer solutions, it became apparent that costs would escalate and some tasks would be beyond the City's cost capabilities, and beyond the City's commitment for funding. It would also have a negative impact on the amenity and commercial viability of the location.

The relocation of the existing bus stop (northbound) from south of Kearns Crescent to north of the intersection would mean the loss of existing parking embayments with exhaust fumes affecting diners at the open air restaurant in that location.

It should be noted that despite previous Main Roads WA modelling and their comments, current modelling indicates that the traffic along Canning Highway would be favoured, thereby placing the performance of the proposed traffic signals and the roundabout at Riseley Street and Willcock in question. It is anticipated that any lengthy delays could result in drivers taking alternative routes through residential areas in the surrounding road network and exacerbate circulation around Canning Highway, Kearns Crescent, Willcock Street and Riseley Street.

PUBLIC CONSULTATION/COMMUNICATION

Previous consultation has been undertaken with the business community and nearby residents, not only as part of any proposed modification to the intersection, but also as part of the Place Planning process of the Riseley Centre. The installation of traffic signals at the Riseley/Kearns intersection was not received favourably at the consultation forums and signal installation was not a recommended treatment in the final report.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Consultation has been carried out in conjunction with GHD, who were the lead consultant for the Riseley Centre Precinct Study and with ongoing consultation with Main Roads WA.

STATUTORY AND LEGAL IMPLICATIONS

The Black Spot Programme is aimed at reducing the social and economic costs of road trauma by improving road safety.

The City actively pursues Black Spot funding with the same aim of reducing the social and economic costs of road trauma by improving road safety and undertaking Road Safety Audits in accordance with the Council Policy to determine that the projects the City undertakes meet the objectives of road safety for all road users.

FINANCIAL IMPLICATIONS

The amount of \$220,000 had been allocated as part of the 2009/2010 Black Spot Programme and fully funded as part of the 'Nation Building' National Black Spot Programme.

T11/3204 - REPORT - INTERSECTION OF RISELEY STREET AND KEARNS CRESCENT, ARDROSS – BLACK SPOT PROJECT 2009/2010 (REC) (ATTACHMENT)

Whilst the City has flagged potential cost increases in the project, the principle issue is the appropriateness of traffic signals at this location, their affect on the amenity of the area, the opposition expressed from businesses in the area and the inability of Main Roads WA to agree with the concept plans previously submitted. If the project is not undertaken, the Black Spot grant of \$220,000 would be lost.

The City's Design Section is currently assessing the design further and preparing a detailed cost breakdown of the intersection changes required as a result of the traffic signal installation.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

By accepting the recommendation of the Road Safety Audit that;

"It is IMPERATIVE that if the road safety issues identified are not satisfactorily addressed and resolved, the proposed installation of traffic signals at the Riseley Street/Kearns Crescent should NOT proceed",

and based on the technical design advice of officers, the City is accepting that a viable traffic signal option is not possible at this time and should not proceed. However, it should be noted that the original suggestion to install traffic signals was to reduce the number of right angle crashes and improve pedestrian access. Reviews of the crash data indicated that in 1990 – 1994 there were 54 reported crashes at the intersection. In the five year period, 2002 – 2006, there were 27 crashes, the majority being 'property damage only'. In the five year period, 2003 – 2007, the number of crashes was reduced to 25, with injuries also being reduced and the majority of the crashes being property damage only. A review of the latest crash data from 2005 – 2009, there were 22 crashes the majority of which were property damage only.

It should be noted that the number of crashes have reduced along with the number of injuries. Some of this can be contributed to increased queue lengths and congestion in peak periods on Riseley Street, for motorists wishing to turn right onto Canning Highway.

Risk Statement	Level of Risk	Risk Mitigation Strategy
There are no additional risks identified resulting either from the proposed intersection works or with deferral of the works.	Status quo remains.	Not applicable.

POLICY IMPLICATIONS

Not Applicable

T11/3204 - REPORT - INTERSECTION OF RISELEY STREET AND KEARNS CRESCENT, ARDROSS – BLACK SPOT PROJECT 2009/2010 (REC) (ATTACHMENT)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Whilst other traffic treatment options for this intersection could be considered, the issue here is the appropriateness of the signal installation and whether or not it should proceed, given the information contained in this report.

The Riseley Precinct Study carried out by GHD foreshadows a number of treatment options for the public and private spaces in this area. Rather than dealing with a traffic signal intersection option at this time and in isolation to the other principle recommendations of this study, it is recommended that a holistic approach be adopted and that the intersection treatment be considered in conjunction with the wider implications of that study.

CONCLUSION

The traffic modelling undertaken by Main Roads WA of the traffic signals at both the intersections of Canning Highway/Riseley Street and Riseley Street/Kearns Crescent, indicates that phasing of the traffic signals would always favour traffic conditions on Canning Highway. This would exacerbate queuing on Riseley Street well beyond Kearns Crescent all the time and would encourage additional traffic onto nearby Willcock Street and Simpson Street in order to avoid lengthy delays and congestion.

As the most recent Audit Report concluded that;

“It is IMPERATIVE that if the road safety issues identified are not satisfactorily addressed and resolved, the proposed installation of traffic signals at the Riseley Street/Kearns Crescent should NOT proceed”

and as the proposed design of the traffic signals may introduce more unsafe situations than it resolves and cost substantially more than the Black Spot funds applied for, it is recommended that these funds be returned to Main Roads WA with a copy of the Corrective Action Report that outlines the reasons that the City is unable to satisfactorily address and resolve the installation of the traffic signals at the Riseley Street/Kearns Crescent intersection.

It is suggested that the appropriate timing of addressing any major changes to the Riseley Street/Kearns Crescent intersection is when the proposed revitalisation foreshadowed in the Riseley Centre Precinct Study for the Riseley Street/Kearns Crescent Centre occurs. This would ensure that safety for all the road users including pedestrians and cyclists, is accommodated. Future planning may see the advent of multi story buildings in this area which would allow for pedestrian connectivity to buildings possibly via an overpass/underpass and/or the provision of underground parking linking the eastern side of Kearns Crescent to the western side of Kearns Crescent. It is suggested that this intersection not be treated in isolation, but as part of the overall planning for the Riseley Centre Precinct.

T11/3204 - REPORT - INTERSECTION OF RISELEY STREET AND KEARNS CRESCENT, ARDROSS – BLACK SPOT PROJECT 2009/2010 (REC) (ATTACHMENT)

Therefore the following is recommended:

1. Maintain the 'status quo' and not proceed with the installation of traffic signals at the Riseley Street/Kearns Crescent intersection at this time.
2. Return the Black Spot funds (less Road Safety Audit Costs incurred to date) to Main Roads WA outlining the City's responses to the Corrective Action Report and its inability to satisfactorily address and resolve the difficulties of installing the traffic signals at Riseley Street/Kearns Crescent intersection as being the catalyst for the return of the funding.
3. Ensure that at the time of the proposed renewal of the Riseley Street/Kearns Crescent Centre, the intersection undergoes major changes that will accommodate the safe passage of all road users as part of the future visioning and traffic planning study planned to be carried out for this Precinct.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3204)**APPROVAL****That the Council:**

1. **Note the information regarding the difficulty in satisfactorily addressing and resolving the road safety issues surrounding the installation of the traffic signals at the intersection of Riseley Street/Kearns Crescent, Ardross.**
2. **Maintain the 'status quo' and not proceed with the installation of the proposed traffic signals at the intersection of Riseley Street/Kearns Crescent, Ardross, at this time.**
3. **Return the remaining Black Spot funding to Main Roads WA explaining the difficulty in satisfactorily addressing and resolving the road safety issues surrounding the installation of the traffic signals at the intersection of Riseley Street/Kearns Crescent, Ardross.**
4. **Consider the future precinct changes recommended in the GHD report that would safely accommodate all road users at the intersection of Riseley Street/Kearns Crescent, Ardross once the Riseley Street/Kearns Crescent Precinct Centre Study recommendations are progressed.**

At 7.15pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

T11/3206 – IN PRINCIPLE SUPPORT OF THE DRAFT PRIORITY PLAN FOR INVESTMENT IN THE SWAN CANNING CATCHMENT (REC) (ATTACHMENT)

Ward : All
 Category : Strategic
 Subject Index : Environmental Management
 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 : Not Applicable
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Ben Kelly
 Environmental Coordinator

AUTHORITY / DISCRETION

DEFINITION

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

T11/3206 – IN PRINCIPLE SUPPORT OF THE DRAFT PRIORITY PLAN FOR INVESTMENT IN THE SWAN CANNING CATCHMENT (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The Draft Priority Plan for Investment in the Swan and Canning Catchment (The Plan) has been developed by the Western Australian Local Government Association (WALGA) on behalf of the Swan Canning Policy Forum.
- WALGA and members of the Swan Canning Policy Forum have identified the need for an integrated, funded strategy to improve water quality, quantity and infrastructure of waterways throughout the Swan Canning catchment. The objective of the Plan is to recommend a preferred funding mechanism and institutional arrangements.
- The proposed model is an expansion of the current Water Corporation drainage rate collection system but will also ensure that funding is allocated to water quality management solutions and asset management.
- The Swan Canning Policy Forum is encouraging all metropolitan Councils to give in principle support to the Plan to assist with future advocacy campaigns.

BACKGROUND

The Western Australian Local Government Association (WALGA), through its Swan Canning Policy Forum has developed the Draft Priority Plan for Investment in the Swan Canning Catchment (the Plan).

[3206 Draft Priority Plan for Investment in the Swan Canning Catchment](#)

The Plan was first released to Swan Canning Policy Forum members in September 2010 and a subsequent version was released for comment to all metropolitan Local Governments and key stakeholders in November 2010. Over the total comment period, twelve Local Governments provided submissions and three Councils formally endorsed the Plan.

The Swan Canning Policy Forum has now endorsed a final draft of the Plan which was presented to the WALGA State Council on 6 April 2011. The Forum is encouraging all metropolitan Councils to give in principle support to the Plan to assist with future advocacy campaigns.

The Swan Canning Policy Forum was created in response to continuing water quality decline, asset and foreshore degradation in and along the river system. There are significant infrastructure backlog issues associated with shoreline protection and public amenity assets and insufficient investment from the State to address these issues. Through the Policy Forum, Local Governments have united on this critical issue, calling for a commitment to the protection and sustainable management of the river system.

T11/3206 – IN PRINCIPLE SUPPORT OF THE DRAFT PRIORITY PLAN FOR INVESTMENT IN THE SWAN CANNING CATCHMENT (REC) (ATTACHMENT)**DETAIL**

The pressures on the Swan Canning river system are likely to worsen as development increases, generating more pollution and demand for access to and use of the rivers. Contaminants including pesticides, heavy metals and hydrocarbons as well as nutrients from the catchment are entering the system at an unacceptable rate via stormwater drains and groundwater leaching. The impact of this water quality decline was realised in 2009 with the death of six resident dolphins, as well as on-going algal blooms and frequent fish deaths. As the major land manager in the catchment, Local Government has the opportunity to improve the quality of water reaching the river.

There is currently no strategic, coordinated and costed strategy to address these issues. The lack of a coordinated approach to this problem has resulted in ad-hoc projects, inadequate resource allocation and funding which has led to the vast backlog of projects now urgently required to restore river and catchment health and infrastructure.

WALGA and members of the Swan Canning Policy Forum have identified the need for an integrated, funded strategy to improve water quality, quantity and infrastructure of waterways throughout the Swan Canning catchment. The objective of the Plan is to recommend a preferred funding mechanism and institutional arrangements that will result in:

- Improved water quality in the rivers, waterways and groundwater.
- Improved condition of built and natural foreshore areas through implementation of best practice.
- Improved stormwater management to best practice standards.
- Increased community awareness about the water quality issues in the Catchment.
- Behaviour change influenced to reduce nutrients and contaminants reaching waterways.
- Water quality considerations integrated into land use planning processes.
- Current and future development maintaining or improving water quality.
- Increased trust, collaboration and understanding between key stakeholders.
- Improved river resilience to manage climate change impacts.
- Clarity on the roles and responsibilities of relevant stakeholders.

The Plan investigates a number of revenue streams, proposing a “Healthy Catchments Rate” as one solution to overcome the current stagnant investment streams. The Plan also includes an overall framework for expending this revenue that includes improvements to asset management.

The proposed sustainable funding mechanism is an expansion of the current revenue collected by the Water Corporation for its drainage rate, which would be deposited into and managed by a central independent board comprising of the Department of Water, Water Corporation, Swan River Trust, WALGA and other relevant organisations to distribute and expend the funds.

The Trust would be independently chaired by a Government appointee. Funds raised would then be used to address identified priorities for the catchment.

T11/3206 – IN PRINCIPLE SUPPORT OF THE DRAFT PRIORITY PLAN FOR INVESTMENT IN THE SWAN CANNING CATCHMENT (REC) (ATTACHMENT)

The recommendations of the Plan are detailed below.

1. The State Government work with key statutory stakeholders to develop an equitable and on-going funding mechanism to improve the health of the Swan Canning Catchment and river assets.
2. Local Government develop stormwater quality management plans to improve asset management and implement current best practice for integrated water management.
3. Water Corporation develop stormwater quality management plans and report on water quality within main drains and capital works programs and implement current best practice for integrated water management.
4. The State Government increase funding for the Swan River Trust in future State budgets.
5. A partnership agreement is signed by all statutory stakeholders to commit to water quality improvement and to clarify roles and responsibilities.
6. Water quality targets/guidelines are established for new development and enforced through the planning system or Department of Water.
7. A compulsory nutrient offset scheme is developed.
8. The State water reform agenda include water quality management provisions for drainage service providers and mechanisms to reduce transfer of nutrients and contaminants to water bodies.
9. Expand the Infill Sewerage Program to include industrial areas and currently unsewered urban areas.

The Plan addresses Recommendation 1 in length. Recommendations 2-7 are seen as important components of the overall strategy that need further development and consideration. There is recognition that implementation of Recommendation 1 alone is not considered adequate to address all the issues currently associated with waterway health in the Swan and Canning catchment.

The proposed model is an expansion of the current Water Corporation drainage rate collection system but will also ensure that funding is allocated to water quality management solutions and asset management. It is similar to other models adopted around Australia, such as in Queensland, NSW, Victoria and internationally.

The model is based on the principle that the community should share in the responsibility for protecting high value receiving environments (in this instance the Swan Canning river system). It also tries to bridge the gap in the current model in Western Australia where no single organisation has responsibility for managing water quality depositing into waterways and river systems and as a result, treating the ensuing problems has been ineffective in the past. This Healthy Catchments Rate will ensure greater accountability and also manage water quality as a catchment concern rather than as a localised, isolated issue. It will also provide considerably more funding for foreshore infrastructure renewal.

T11/3206 – IN PRINCIPLE SUPPORT OF THE DRAFT PRIORITY PLAN FOR INVESTMENT IN THE SWAN CANNING CATCHMENT (REC) (ATTACHMENT)**Costing Structure**

The proposed costing model for the Healthy Catchments Rate is an area based charge based on land use zonings (residential, commercial and industrial), with each category tiered on land area. The Water Corporation currently levies \$36 million from 40% of the metropolitan area for its main drainage network. The rate is currently a minimum of \$75 per residence. This proposal aims to expand the extent of this levy to 100% of the Metropolitan Regional Scheme (MRS) area and importantly, extend this expenditure to include water quality management. Currently, the Water Corporation is only responsible for the management of water *quantity* in its main drains.

Using existing information on the drainage rate, it is estimated that an expanded Healthy Catchments Rate could generate over \$90 million per year. Currently the Swan River Trust, as the lead statutory body for management and protection of the Swan Canning River system, receives just \$13 million per year, which is only a fraction of the current recognised level of investment required to improve infrastructure and water quality. The powers of the Trust are also limited to the Riverpark area when the problem needs to be addressed at the catchment scale.

Partnership Agreement

The Plan considers relationships between organisations and clearly demonstrates levels of responsibility in the draft Partnership Agreement between the Swan River Trust, the Department of Water, the Water Corporation and WALGA (on behalf of the affected Local Governments) within the catchment.

This agreement outlines proposed accountabilities for each party involved in the delivery of the Healthy Catchments model through a Memorandum of Understanding (MOU). This MOU will ensure that stormwater management is addressed and engenders a commitment to improving urban stormwater quality, the uptake of best practice in integrated water cycle management and the moving of Perth towards being a water sensitive city.

Funding allocations

The Plan contains an indicative allocation of funds by program. The final investment model would be based around a rigorous scientific modelling framework which would identify priorities and key target areas. Activities likely to be undertaken include the following:

- Stormwater and catchment management.
- Shoreline protection works (natural and built assets).
- Ecological and water quality monitoring.
- Scientific research and development.
- Water sensitive urban design implementation.
- Community education.
- Investigation and remediation of legacy landfill sites.

T11/3206 – IN PRINCIPLE SUPPORT OF THE DRAFT PRIORITY PLAN FOR INVESTMENT IN THE SWAN CANNING CATCHMENT (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

The Plan was first released to Swan Canning Policy Forum members in September 2010 and a subsequent version was released for comment to all metropolitan Local Governments and key stakeholders in November 2010. Over the total comment period, twelve Local Governments provided submissions and three Councils formally endorsed the Plan.

There has been no formal public or community consultation regarding the Plan.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

As detailed above.

STATUTORY AND LEGAL IMPLICATIONS

The endorsement of the Plan does not bring with it specific legal nor statutory implications.

FINANCIAL IMPLICATIONS

There are no direct financial implications for the City in endorsing the Plan.

The Plan suggests the creation of a State Government rate to fund crucial asset management and waterway health programs in a more equitable, transparent and sustainable manner and provides opportunities for Local Government and other agencies to adequately resource drainage and catchment issues impacting on the health of the Swan Canning river system.

The proposed model bears little additional cost to government, although there is an expectation that Local Government will continue current levels of investment to the programs developed. An increase in the Community Service Obligation payment to the Water Corporation would be required, which is estimated to be an additional \$3.1 million per year.

Once established, the program is self funding and provides a sustainable funding mechanism to ensure this iconic river system is restored to a healthy condition to be enjoyed by current and future generations.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Through endorsing in principle support of the Plan, City of Melville is exposed to potential negative reputational concerns from the public regarding the proposed funding model.	Minor + Possible = MEDIUM	Under the auspices of the Swan Canning Forum, leverage the reputational risk as awareness raising for the need for further funding and distribution of current resources.

T11/3206 – IN PRINCIPLE SUPPORT OF THE DRAFT PRIORITY PLAN FOR INVESTMENT IN THE SWAN CANNING CATCHMENT (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

There are no policy implications relating to the Plan. The Plan could be seen as supporting the intent of CP-030 Environmental Policy regarding the City's commitment to the '*protection and enhancement of biodiversity*'.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

CONCLUSION

A dedicated Healthy Catchments Rate for stormwater management across all metropolitan Local Governments is a significant step forward in helping the long term management of the Swan Canning river system. This has been proven to work well in other parts of Australia.

The Draft Priority Plan for investment in the Swan Canning Catchment is a means to actively generate a coordinated management approach to helping the long term management of the river system and presents a united response from Local Government who are advocating for further investment and commitment.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3206)**APPROVAL**

At 7.17pm Cr Robartson moved, seconded Cr Subramaniam –

That the Council provides in principle support for the Draft Priority Plan for Investment in the Swan and Canning Catchment.

At 7.32pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

C11/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied and recommends that the information be noted.

C11/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Party	Description	File Reference
505	City of Melville	Adoption of Fences Amendment Local Law 2011	2421638

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

Section 9.49. Documents, how authenticated.

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

FINANCIAL IMPLICATIONS

Not applicable.

C11/5000 – COMMON SEAL REGISTER (REC)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members information.

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

That the action of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville, be noted.

At 7.32pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C11/6000 - INVESTMENT STATEMENTS (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of March 2011 and recommends that the information detailed in the attachments be noted.
- No new credit events were recorded in relation to the Council's Collateralised Debt Obligation (CDO) investments in March 2011.
- When compared to the valuations used as at 30 June 2010, valuations obtained from Denison Financial Advisory as at 31 March 2011 show that:
 - Authorised Deposit-taking Institutions (ADIs) have increased in value by \$102K.
 - CDOs have increased in value by \$3.47m.

C11/6000 - INVESTMENT STATEMENTS (REC)

BACKGROUND

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

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

DETAIL

Summary details of investments held at 31 March 2011 are shown in the table below.

**CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 MARCH 2011**

SUMMARY BY FUND	PURCHASE PRICE \$	ESTIMATED BOOK VALUE 30/06/2010 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL RESERVE	\$ 47,253,591	\$ 47,253,591	\$ 47,253,591	\$ -	0.00%
TRUST	\$ 42,797,583	\$ 24,616,326	\$ 28,188,195	\$ 3,571,869	8.35%
CRF	\$ 504,947	\$ 504,947	\$ 504,947	\$ -	0.00%
	\$ 175,988	\$ 175,988	\$ 175,988	\$ -	0.00%
	\$ 90,732,109	\$ 72,550,852	\$ 76,122,721	\$ 3,571,869	3.94%

SUMMARY BY FUND	PURCHASE PRICE \$	ESTIMATED BOOK VALUE 30/06/2010 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
ADI	\$ 5,000,000	\$ 4,830,905	\$ 4,933,335	\$ 102,430	2.05%
CDO	\$ 19,720,000	\$ 1,707,838	\$ 5,177,277	\$ 3,469,439	17.59%
BOND	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
FRTD	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
TERM DEPOSIT	\$ 61,262,543	\$ 61,262,543	\$ 61,262,543	\$ -	0.00%
11AM	\$ 518,921	\$ 518,921	\$ 518,921	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 90,732,109	\$ 72,550,852	\$ 76,122,721	\$ 3,571,869	3.94%

SUMMARY BY FUND	PURCHASE PRICE \$	ESTIMATED BOOK VALUE 30/06/2010 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 20,680,935	\$ 20,680,935	\$ 20,680,935	\$ -	0.00%
AA-	\$ 35,800,529	\$ 35,782,799	\$ 35,791,589	\$ 8,790	0.02%
A+	\$ 5,300,000	\$ 5,300,000	\$ 5,300,000	\$ -	0.00%
A	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ -	0.00%
A-	\$ 2,500,000	\$ 2,379,555	\$ 2,452,555	\$ 73,000	2.92%
BBB+	\$ 3,000,000	\$ 2,983,880	\$ 2,992,970	\$ 9,090	0.30%
CCC	\$ 1,500,000	\$ 76,950	\$ 633,900	\$ 556,950	37.13%
CCC-	\$ 3,600,000	\$ 376,140	\$ 980,100	\$ 603,960	16.78%
NR	\$ 15,120,000	\$ 1,739,948	\$ 4,060,027	\$ 2,320,079	15.34%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 90,732,109	\$ 72,550,852	\$ 76,122,721	\$ 3,571,869	3.94%

C11/6000 - INVESTMENT STATEMENTS (REC)

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

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 MARCH 2011											
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Current Interest Rate %	S & P RATING	PROPORTION	MAX. PER INSTITUTION	FACE VALUE \$	BOOK VALUE AT 30/6/2010 \$	CURRENT EST MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/6/10 \$	
BANKWEST (11AM)		11AM	4.70%	AA	1%	20%	\$518,392	\$518,392	\$518,392	\$0	
WESTPAC (MAXI DIRECT)		11AM	4.80%	AA-	0%	20%	\$0	\$0	\$0	\$0	
WESTPAC (MAXI BONUS 1)		11AM	5.20%	AA-	0%	20%	\$529	\$529	\$529	\$0	
WESTPAC (MAXI BONUS 2)		11AM	5.20%	AA-	0%	20%	\$0	\$0	\$0	\$0	
							\$518,921	\$518,921	\$518,921	\$0	
BANKWEST (TERM)		TERM	5.85%	AA	8%	20%	\$7,162,543	\$7,162,543	\$7,162,543	\$0	
COMMONWEALTH BANK (TERM)		TERM	5.68%	AA	12%	20%	\$11,000,000	\$11,000,000	\$11,000,000	\$0	
SUNCORP METWAY LTD (TERM)		TERM	6.17%	A+	6%	20%	\$5,300,000	\$5,300,000	\$5,300,000	\$0	
ING BANK		TERM	6.21%	A	3%	20%	\$3,000,000	\$3,000,000	\$3,000,000	\$0	
NAB		TERM	6.09%	AA	15%	20%	\$13,500,000	\$13,500,000	\$13,500,000	\$0	
ST GEORGE BANK (TERM)		TERM	5.70%	AA-	10%	20%	\$9,500,000	\$9,500,000	\$9,500,000	\$0	
WESTPAC (TERM)		TERM	5.81%	AA-	13%	20%	\$11,800,000	\$11,800,000	\$11,800,000	\$0	
							\$61,262,543	\$61,262,543	\$61,262,543	\$0	
COMMONWEALTH BANK (BOND)		BOND	6.00%	AA	2%	20%	\$2,000,000	\$2,000,000	\$2,000,000	\$0	
							\$2,000,000	\$2,000,000	\$2,000,000	\$0	
BANK OF QUEENSLAND (FLOAT RATE TD)		FRTD	6.42%	BBB+	2%	20%	\$2,000,000	\$2,000,000	\$2,000,000	\$0	
							\$2,000,000	\$2,000,000	\$2,000,000	\$0	
ADELAIDE BANK	Very Low	ADI	5.28%	BBB+	1%	10%	\$1,000,000	\$983,880	\$992,970	\$9,090	
ELDERS RURAL BANK	Very Low	ADI	5.62%	BBB	1%	0%	\$500,000	\$485,200	\$496,750	\$11,550	
MACQUARIE BANK	Very Low	ADI	5.32%	A-	2%	15%	\$1,500,000	\$1,410,105	\$1,461,285	\$51,180	
SUNCORP METWAY LTD	Very Low	ADI	5.20%	A-	1%	15%	\$1,000,000	\$969,450	\$991,270	\$21,820	
WESTPAC BANK	Very Low	ADI	5.19%	AA-	1%	20%	\$1,000,000	\$982,270	\$991,060	\$8,790	
APHEX (GLENELG)	High	CDO	6.57%	NR	2%	0%	\$2,000,000	\$125,600	\$770,000	\$644,400	
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	0.00%	NR	2%	0%	\$2,000,000	\$1	\$0	-\$1	
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	0%	0%	\$450,000	\$1	\$0	-\$1	
CORSAIR (CAYMAN) KAKADU	High	CDO	6.24%	CCC	2%	0%	\$1,500,000	\$76,950	\$633,900	\$556,950	
CORSAIR (CAYMAN) TORQUAY	Very High	CDO	6.55%	NR	2%	0%	\$1,885,000	\$23,000	\$269,932	\$246,932	
ETHICAL LIMITED GREEN	High	CDO	5.84%	NR	1%	0%	\$1,000,000	\$11,000	\$324,100	\$313,100	
HELIUM CAPITAL (ESPERANCE)	High	CDO	6.54%	CCC-	2%	0%	\$1,800,000	\$355,140	\$980,100	\$624,960	
HELIUM CAPITAL (SCARBOROUGH)	High	CDO	6.83%	CCC-	2%	0%	\$1,800,000	\$21,000	\$0	-\$21,000	
MAGNOLIA FLINDERS	Moderate	CDO	6.34%	NR	2%	20%	\$2,000,000	\$988,139	\$1,730,000	\$741,861	
MANAGED ACES CLASS 11A PARKES	Very High	CDO	8.14%	NR	1%	0%	\$1,000,000	\$3,000	\$14,000	\$11,000	
MANAGED ACES CLASS 1A PARKES	High	CDO	6.47%	NR	1%	0%	\$1,050,000	\$10,500	\$117,600	\$107,100	
OMEGA CAPITAL CLASS A HENLEY	Moderate	CDO	5.80%	NR	0%	0%	\$385,000	\$82,506	\$337,645	\$255,139	
STARTS (CAYMAN) BLUE GUM	Defaulted	CDO	#N/A	NR	0%	0%	\$0	\$0	\$0	\$0	
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	0.00%	NR	2%	0%	\$1,500,000	\$9,300	\$0	-\$9,300	
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	0.00%	NR	1%	0%	\$500,000	\$1,700	\$0	-\$1,700	
ZIRCON FINANCE MIAMI	Early Term.	CDO	0.00%	NR	1%	0%	\$850,000	\$1	\$0	-\$1	
							\$24,720,000	\$6,538,743	\$10,110,612	\$3,571,869	
UNITS IN LOCAL GOVT HOUSE		UNITS	0.00%				\$230,645	\$230,645	\$230,645	\$0	
TOTAL FUNDS INVESTED					100%		\$90,732,109	\$72,550,852	\$76,122,721	\$3,571,869	

DIVERSIFICATION / CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AAA	\$0	\$0	0%	100%	
AA	\$34,180,935	\$34,180,935	45%	80%	
AA-	\$22,300,529	\$22,291,589	29%	80%	
A+	\$5,300,000	\$5,300,000	7%	50%	
A	\$3,000,000	\$3,000,000	4%	50%	
A-	\$2,500,000	\$2,452,555	3%	50%	
BBB+	\$3,000,000	\$2,992,970	4%	20%	
BBB	\$500,000	\$496,750	1%	0%	
BBB-	\$0	\$0	0%	0%	
BB+	\$0	\$0	0%	0%	
B+	\$0	\$0	0%	0%	
B	\$0	\$0	0%	0%	Purchased Prior To Policy Change
CCC+	\$0	\$0	0%	0%	
CCC	\$1,500,000	\$633,900	1%	0%	
CCC-	\$3,600,000	\$980,100	1%	0%	
C	\$0	\$0	0%	0%	
NR	\$14,620,000	\$3,563,277	5%	0%	
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
TOTAL	90,732,109	76,122,721	100%		

C11/6000 - INVESTMENT STATEMENTS (REC)
DIVERSIFICATION RISK

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
BANKWEST (11AM)	11AM	AA	518,392	0.68%		20%	
BANKWEST (TERM)	TERM	AA	7,162,543	9.41%	10.09%	20%	
COMMONWEALTH BANK (TERM)	TERM	AA	11,000,000	14.45%		20%	
COMMONWEALTH BANK (BOND)	BOND	AA	2,000,000	2.63%	17.08%	20%	
MACQUARIE BANK	ADI	A-	1,461,285	1.92%		15%	
MACQUARIE BANK (TERM)	TERM	AAA	-	0.00%	1.92%	20%	
NAB	TERM	AA	13,500,000	17.73%	17.73%	20%	
ING BANK	TERM	A	3,000,000	3.94%	3.94%	20%	
ST GEORGE BANK (TERM)	TERM	AA-	9,500,000	12.48%	12.48%	20%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	529	0.00%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	-	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	-	0.00%		20%	
WESTPAC (TERM)	TERM	AA-	11,800,000	15.50%		20%	
WESTPAC BANK	ADI	AA-	991,060	1.30%	16.80%	20%	
ADELAIDE BANK	ADI	BBB+	992,970	1.30%	1.30%	10%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	BBB+	2,000,000	2.63%	2.63%	10%	
ELDERS RURAL BANK	ADI	BBB	496,750	0.65%	0.65%	10%	
SUNCORP METWAY LTD (TERM)	TERM	A+	5,300,000	6.96%		15%	
SUNCORP METWAY LTD	ADI	A-	991,270	1.30%	8.26%	15%	
CDO - Various	CDO		5,177,277	6.80%	6.80%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	UNITS		230,645	0.30%	0.30%		
			\$76,122,721	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	47,527,893	100%	100%	
< 2 years	-	0%	10%	
< 3 years	-	0%	10%	
< 4 years	-	0%	0%	
< 5 years	-	0%	0%	
> 5 years	-	0%	0%	
	47,527,893	100%		
RESERVE FUNDS				
< 1 year	16,800,553	60%	100%	
< 2 years	1,317,745	5%	80%	
< 3 years	3,227,932	11%	80%	
< 4 years	770,000	3%	40%	
< 5 years	2,131,600	8%	40%	
> 5 years	3,940,365	14%	20%	Purchased Prior To Policy Change
	28,188,195	100%		

C11/6000 - INVESTMENT STATEMENTS (REC)

The values ascribed to Authorised Deposit Taking Institutions (ADIs) by the Council's independent financial advisers are based on current market evidence. Positive improvements in the market since 30 June 2010 are evident by an increase in market valuations. These valuations assume that the City will be required to sell these investments prior to maturity. The City is however a holder to maturity of these investments as there is no need to sell ADIs. There is therefore no reason to expect that any losses will be incurred. Recent repurchases by the issuing banks at their full value supports this view. The City expects that further ADIs will be repurchased by the issuing banks as they reach their call dates over the next 18 months. Since 30 June 2009 \$12,500,000 worth of ADIs have been repurchased by the issuing banks. These had been written down in previous financial years, to a book value of \$12,288,900. A book profit of \$211,100 has therefore been realised.

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

Monthly valuations shown for 31 March 2011 were provided by the Council's independent financial adviser Denison Financial Advisory. This supports the current positive improvements in the market, evident by the increase in valuations of the Council ADIs and CDOs investments. When compared to the valuations used as at 30 June 2010, valuations obtained from Denison as at 31 March 2011 show that:

- ADIs have increased in value by \$102,430.
- CDOs have increased in value by \$3.47 million.

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

It should be noted that the CDOs are structured in such a manner so as to provide for a level of defaults of a number of the entities referenced by the CDOs before there is loss of value at maturity of the CDOs themselves. In light of the extreme downturn experienced in many world economies the risk of defaults of corporations referenced by CDOs owned by the City, has increased significantly.

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

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

There were no credit events in March that affected the Council's CDO investments.

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

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

A portion (approximately \$1.5m as at 30 June 2010) of the Risk Management Reserve was created to fund losses arising from the Council's investment activities. Where losses exceed the available funds, these will be prorated and deducted across the Council's other Reserve Funds excluding the Leave Entitlement and the remainder of the Risk Management Reserve. These Reserve funds are restricted to the payment of employee entitlements and contingent Workers Compensation Insurance Claims.

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

C11/6000 - INVESTMENT STATEMENTS (REC)

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

C11/6000 - INVESTMENT STATEMENTS (REC)

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

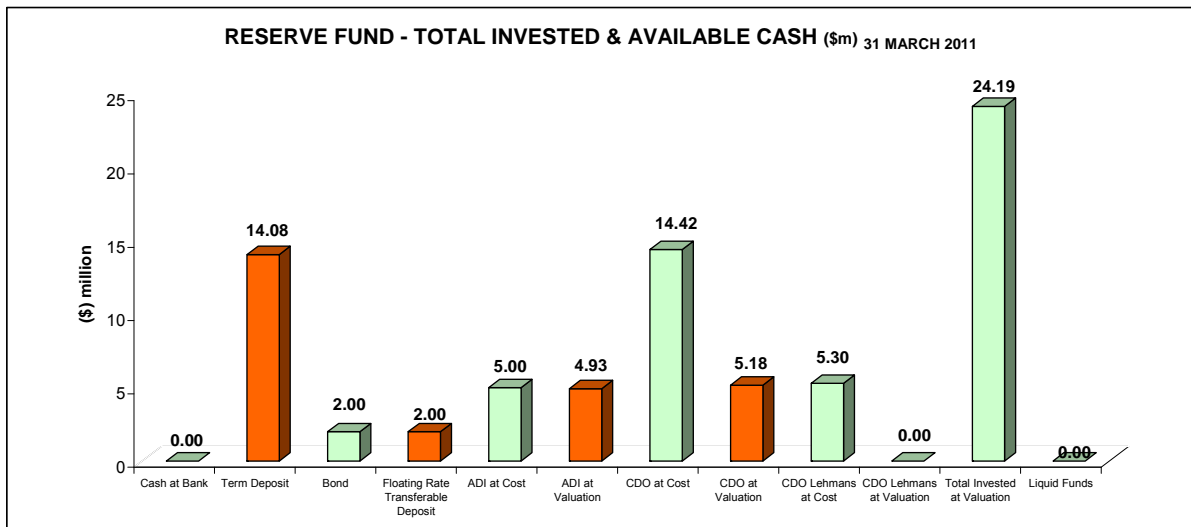
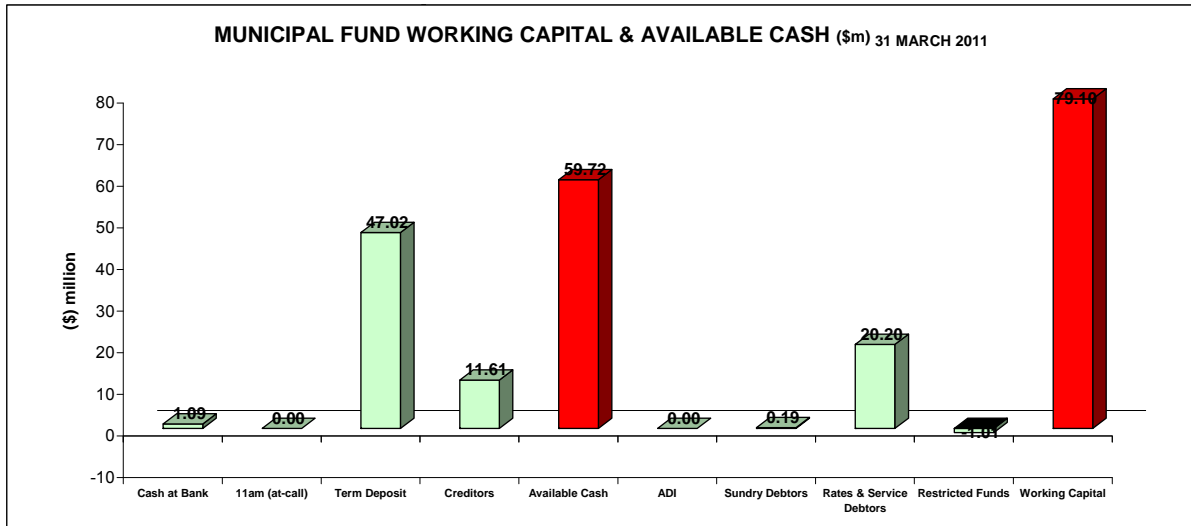
C11/6000 - INVESTMENT STATEMENTS (REC)

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

C11/6000 - INVESTMENT STATEMENTS (REC)

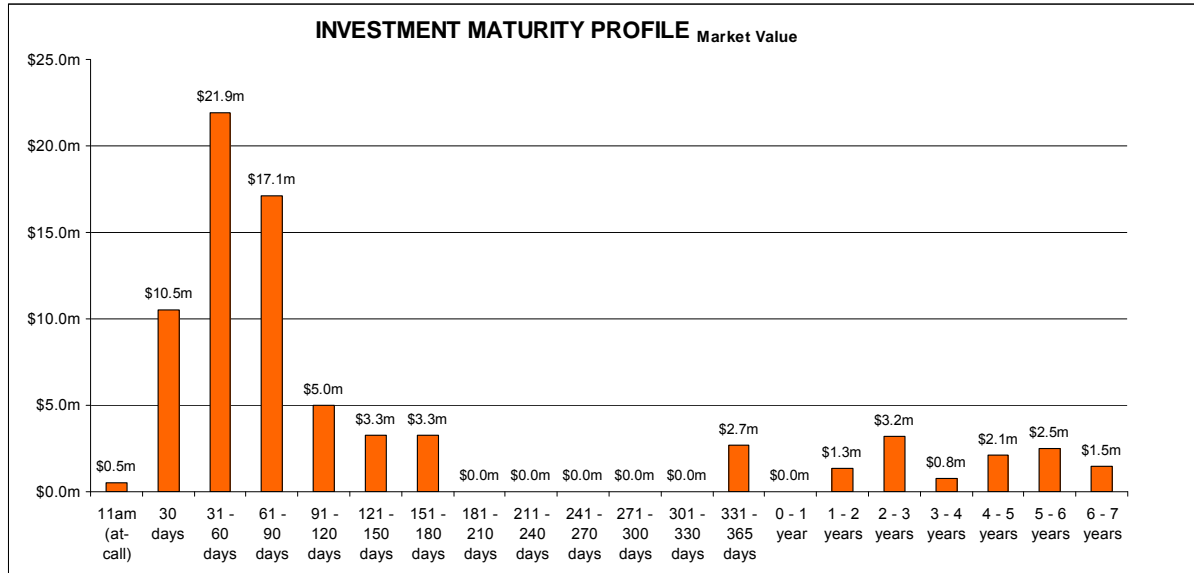
Net Funds Held

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



C11/6000 - INVESTMENT STATEMENTS (REC)

The graph below summarise the maturity profile of the Council's investments at market value as at 31 March 2011.



PUBLIC CONSULTATION/COMMUNICATION

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

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

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

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

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

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

The following legislation is relevant to this report:

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

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

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

Legal actions are taking place between the United Kingdom (UK) and United States (US) courts as to whose laws should be applied in respect of the Lehman Brothers arranged CDOs, which is subject of an early termination. Lehman Brothers was successful in gaining the right to appeal the current UK judgement in favour of investors to the Supreme Court of England and Wales. This is the highest possible court whose decision will bring finality to the legal process in the UK. A hearing date has been set down for March 2011, one month in the future. It is therefore likely that the legal process will continue for at least another year as the US court has not yet issued its first judgement, which is almost certain to be appealed.

FINANCIAL IMPLICATIONS

In light of positive movements in interest rates, the Council has revised its investment earnings upwards for the 2010/11 mid year budget review. The new investment earnings budget for Municipal and Trust funds are \$2.2m and Reserve Funds are \$1.5m.

For the financial year ending 31 March 2011, interest earned on the Municipal and Trust Funds was \$2,081,043 against a revised budget of \$1,859,875. This represents a \$221,169 positive variance. Reserve Fund interest earned for the year ending 31 March 2011 was \$1,638,607 against a revised budget of \$1,300,000. This represents a positive variance of \$338,607.

Investment earnings received in respect to CDO investments since 1 July 2007 has been \$4.04m and \$2.79m in respect to ADIs.

In accordance with the Council's revised Investment Policy any surplus investment returns derived, as a result of investing in ADIs & CDOs when compared to Bank Bills or Term Deposits, will be transferred to the Risk Management Reserve.

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

C11/6000 - INVESTMENT STATEMENTS (REC)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The Council's investment policy was constructed to minimise credit risk through investing in highly rated securities and diversification. The policy also incorporates mechanisms that protect the Council's investments from undue volatility risk as well as the risk to reputation as a result of investments that may be perceived as unsuitable by the Community.

No other identifiable strategic, risk and environmental management implications.

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

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

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

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

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds.

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

C11/6000 - INVESTMENT STATEMENTS (REC)

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

The City also expects that the remainder of the ADIs will be repurchased by the issuing banks as they reach their call dates over the next 18 months.

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

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

At 7.32pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

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

Ward : All
 Category : Operational
 Subject Index : Financial Statement and Investments
 Customer Index : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Standard Item
 Works Programme : Not Applicable
 Funding : 2010/2011 Budget
 Responsible Officer : Khris Yeoh
 Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

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

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

KEY ISSUES / SUMMARY

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

BACKGROUND

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

DETAIL

The Schedule of Accounts for the period ending 31 March 2011, [6001 March 2011](#) including Payment Registers numbers Cheques **216 to 219** and Electronic Funds Transfers **191 to 195** were distributed to the Members of the Council on 17 May 2011.

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

Supplier Name	Remittance Number	Remittance Details	Amount
Boral Construction	E023336 & E023529	Road Resurfacing	\$211,883.79
City of Cockburn	E023534 & E23341	Tip Fees for February 2011	\$56,433.39
Cranetech	E023708	Purchase of Crane	\$27,981.30
Dickies Tree Service	E023343 & E023537	Tree Lopping Services	\$99,266.20
Fire & Emergency Services Authority WA	E023467	ESL Remittance for February 2011	\$217,889.49
Flexi Staff	E023567 & E023366	Staff Hire	\$95,444.96
Forpark Australia	E023346 & E023539	Replacement of Playground Items	\$37,975.30
GHD Pty Ltd	E023461 & E023656	Construction Document for Community Care	\$27,329.50
Main Road WA	E023418	Installation of Traffic Signals	\$85,050.50
Maxwell Robinson & Phelps	E023443 & E023635	Chemical Spraying	\$34,698.40
Perth Engineering & Maintenance WA Pty Ltd	E023618	Gate Fees for February 2011	\$93,569.83
Playground Solutions	E023556	Replace Playground Equipment	\$27,720.00

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

Supplier Name	Remittance Number	Remittance Details	Amount
Programme Maintenance Services	E023566	Painting & Repairs to Tompkins On Swan	\$55,921.58
Robinson Buildtech	E023546 & E023355	Various Building Maintenance Jobs	\$75,930.71
Southern Metropolitan Regional Council	E023522 & E023623	MSW Gate Fees February 2011 & RRRC Loan Repayment March 2011	\$995,898.48
Synergy	Chqs 042755 & 042600	Electricity Supply	\$104,854.95
Telstra (Melbourne)	Chqs 042856 & 042714	Phone Billing	28,126.72
Titan Ford	E023584 & E023391	Ford FG Falcon Utility	\$29,783.05
Total Eden	E023392 & E023585	Watering System Services	\$26,545.35
T-Quip Turf Equipment Solutions	E023548 & E023357	Toro Workman HDX-D 2WS	\$59,119.52
Tree Amigos Tree Surgeons	E023651	Tree Pruning	\$52,320.40
Western Australian Local Government Association	E023625	Advertising Fees For February 2011	\$33,068.73
Western Australian Planning Commission	Chq 042712	Financial Contribution For Murdoch Structure Plan	\$77,000.00
Western Power	Chq 042787	Electricity Supply	\$158,844.00

C11/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2010/2011 Budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

No other identifiable strategic, risk and environmental management implications.

POLICY IMPLICATIONS

Management Procedure 1.8 - Certification of Accounts.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a regular monthly report for Elected Members information.

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

That the Schedule of Accounts for the period ended 31 March 2011 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 March 2011](#) be noted.

At 7.32pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- This report presents the financial statements for the period ending March 2011 and recommends that they be noted by the Council.
- A major budget amendment has been included with respect to the use of the 2009/2010 Financial Year available surplus, in excess of what was anticipated in the 2010/2011 Budget. The amendment recommends transferring the surplus to the Community Facilities Reserve Account with the funds then being used to partially fund the redevelopment of the Melville Aquatic Fitness Centre Facility and associated purchase of additional equipment required for the enlarged facilities.

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

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

DETAIL

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

To the end of March 2011, a net operating positive variance of \$4.71m was recorded. A net positive variance of \$5.23m was recorded against capital. A mid year budget review took place and a surplus of \$1.4m was identified.

Variations

An analysis of the significant variations is included below.

	March Actual \$	YTD Revised Budget \$	YTD Actual \$	Current Commitments \$	Variance \$	Variance %	Annual Adopted Budget \$	Annual Revised Budget \$
Revenues								
General Purpose Funding	600,538	5,644,124	6,191,728	-	547,604	10%	5,479,500	6,899,000
Community Amenities	85,872	14,761,500	14,978,150	-	216,650	1%	14,910,850	14,964,850
Recreation and Culture	542,873	5,719,147	5,776,305	(1,793)	55,366	1%	8,184,936	8,123,136
Transport	173,853	5,151,859	4,460,609	(523)	(691,772)	-13%	5,578,277	5,942,017
Other Property and Services	79,276	889,165	581,613	-	(307,552)	-35%	483,487	493,506
	1,654,013	36,673,069	36,486,234	(2,825)	(189,660)	-1%	39,722,733	41,597,985
Expenses								
Governance	(1,206,998)	(11,749,019)	(10,841,510)	(436,964)	470,545	-8%	(15,011,328)	(15,156,353)
General Purpose Funding	(44,045)	(4,925,167)	(3,168,849)	(869,178)	887,140	-36%	(5,025,000)	(4,995,000)
Law, Order, Public Safety	(368,865)	(2,595,641)	(2,505,152)	(24,423)	66,066	-3%	(3,497,119)	(3,532,961)
Health	(74,956)	(728,213)	(627,336)	(14,814)	86,064	-14%	(912,131)	(965,721)
Education & Welfare	(543,102)	(4,255,626)	(3,880,036)	(109,547)	266,042	-9%	(5,854,237)	(5,748,220)
Community Amenities	(2,109,635)	(13,412,044)	(12,143,531)	(758,954)	509,559	-9%	(17,809,560)	(17,776,715)
Recreation and Culture	(2,547,102)	(18,360,105)	(17,581,072)	(714,843)	64,190	-4%	(24,325,221)	(24,508,885)
Transport	(909,170)	(6,981,792)	(5,975,097)	(375,631)	631,064	-14%	(9,478,996)	(9,325,077)
Other Property and Services	(166,503)	(2,501,796)	(2,266,351)	(64,219)	171,227	-9%	(3,024,740)	(3,021,519)
	(7,983,138)	(65,667,654)	(59,106,652)	(3,379,757)	3,181,244	-10%	(85,123,815)	(85,215,935)

Revenue

\$51.53m in Rates have been raised to 31 March 2011. This is compared with a year to date budget of \$51.32m, resulting in a positive variance of \$0.21m.

- General Purpose Funding: 10% positive variance, due to increases in investment earnings and rates instalment interests. The Council continues to receive above average returns from its investments.
- Community Amenities: 1% positive variance, due to increases in building licence fees.
- Recreation & Culture: 1% positive variance, due to minor increases across various areas.
- Transport: 13% negative variance, due to incorrectly phased income for Waste Services and various other Road Grant funded projects.
- Other Property & Services: 35% negative variance, due to incorrect phasing on Fleet disposal income.

C11/6002 – FINANCIAL STATEMENTS FOR MARCH 2011 (AMREC) (ATTACHMENT)**Expenditure**

- Governance: 8% positive variance, due mainly to higher insurance recoups and lower expenditures across various other administrative costs.
- General Purpose Funding: 36% positive variance, due to incorrectly phased expenditure for the Attadale South Underground Power project.
- Law, Order, Public Safety: 3% positive variance, due to lower expenditures in Swimming Pools and the Safer City program.
- Health: 14% positive variance, due mainly to lower expenditures in Inspections and Binge Drinking Awareness projects.
- Education & Welfare: 9% positive variance, due mainly to lower expenditures in various Community Development projects.
- Community Amenities: 9% positive variance, due to lower expenditures in Waste services and various other Strategic Urban Planning projects.
- Recreation & Culture: 4% positive variance, due to lower expenditures in Point Walter Golf and Reserve and the Vandalism & Graffiti project.
- Transport: 14% positive variance, due to lower expenditures in Street Tree Pruning, Footpath Maintenance, Road Maintenance and various other projects.
- Other Property & Services: 9% positive variance, due to lower expenditures in Fleet costs.

Budget Amendments

Details of Budget Amendments requested during the month of March 2011 are shown in attachment [6002J March 2011](#). Minor amendments have been carried out to adjust the Streetscape budget and the creation of new budgets for two minor grant funded projects.

In addition to the above a major amendment is recommended with respect to the use of the 2009/2010 Financial Year available surplus brought forward, in excess of what was anticipated in the 2010/2011 Budget.

The Rate Setting Statement shown on page 7 of the Audited City of Melville Financial Statements for the year ended 30 June 2010 shows a cash surplus of \$4,585,133. To reconcile this to the \$6,563,145 shown in the 2010/2011 Budget, the impact of carry forward funds of \$4,916,420 must be removed from the budget. This leaves an untied cash surplus of \$1,646,725 which was used in the 2010/2011 Budget to offset the need to raise rates. When compared to the actual audited net result for 2009/2010 of \$4,585,133 it is evident that an additional surplus of \$2,938,408 is available for distribution.

The 2010/2011 Budget contained a budgetary provision of \$5.055 million for the redevelopment of the Melville Aquatic Fitness Centre Facility (MAFC). \$533,000 was to be funded by State Government Department of Sports & Recreation Grants and \$4.522 million by transfer from the City's Community Facilities Reserve Account. Funding of \$2.522 million was sought from the Federal Government's Regional and Local Community Infrastructure Grant Program (RCLIP) with the objective of replacing the need to use Reserve Account funding. Whilst the \$533,000 grant from the State Government has been secured to help fund the solar water heating component of the project, the City was not successful in attracting RCLIP funding for this project. The net project funding of \$4.522 million is therefore required to come from City's Community Facilities Reserve Account. In addition to the cost of the redevelopment, a sum of \$200,000 will be required in the 2011/2012 budget to fit out the expanded MAFC Health Club. Recent engineering consultancy advice received in respect to the solar water heating solution proposed in the initial plans for the MAFC redevelopment has shown a significant discrepancy in the water heating capacity of the proposed solar solution.

C11/6002 – FINANCIAL STATEMENTS for MARCH 2011 (AMREC) (ATTACHMENT)

The City is seeking further advice in respect to this issue and a fresh comparison between the cost benefits of solar water heating as opposed to geothermal water heating is being prepared. Geothermal water heating has a significantly higher initial capital cost however may be a more effective solution in terms of whole of life costs and efficiency of heating. Should the results of the further advice being sought reveal that a geothermal solution is the better option, additional funding of approximately \$1m would be required.

In consideration of the above it is recommended that the full \$2.94m available surplus from 2009/2010 be transferred to the Community Facilities Reserve. As progress payments are made during the course of the MAFC redevelopment project and fit out, funds will be transferred from the Community Facilities Reserve Account to the Municipal Fund. In addition should the cost of water heating prove to be greater than budgeted, the use of funds in the Community Facilities Reserve would be recommended.

Rates Collections and Debtors

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

Rates, Refuse & FESA levy revenues increased by \$29k and payments totalling \$6.25m were received over the course of the month. The fourth rate instalment notices was due in March 2011. Rate collection progress for March was 1.0% below target.

The total sundry debtors balance decreased by \$159k over the course of the month. The 90+ day's debtor balance decreased \$71k.

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

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

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

Delegation DA-032 empowers the Chief Executive Officer (CEO) to grant concessions and rates off monies owing to the City to a limit of \$10,000 for any one item. The CEO has partially on-delegated this to the Director Corporate Services to write off debts or grant concessions to a value of \$5,000. The delegation is conditioned on the basis that a quarterly report detailing any debts written off is to be submitted to the Council.

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

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

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

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

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

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

FINANCIAL IMPLICATIONS

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

A \$1.4m surplus has been identified as a result and the purpose to which this surplus is to be utilised will be determined at the end of the financial year. The City's Long Term Financial Plan identifies that a surplus of \$2m will be required at the conclusion of the 2010/2011 to help balance the 2011/2012 budget. When reviewing the income and expenditure year to date trends it is anticipated that, in the absence of any unforeseen emergencies, this level of surplus will be achieved.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

No identifiable strategic, risk and environmental management implications.

POLICY IMPLICATIONS

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

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Should the Council not be in favour of applying the additional 2009/2010 surplus to funding the costs of the Melville Aquatic Fitness Centre redevelopment other sources of revenue such as Rates or Loan Borrowings would be required to meet the identified shortfall in funding due to not attracting Federal Government RCLIP Grants.

CONCLUSION

The attached reports reflect a positive financial position of the City of Melville for March 2011.

At 7.28pm Cr Reidy left the meeting and returned at 7.30pm.

OFFICER RECOMMENDATION (6002)

ABSOLUTE MAJORITY

At 7.34pm Cr Ceniviva moved, seconded Cr Reynolds –

1. That the Statements of Financial Activity and the Operating Statements for the period ending March 2011 as detailed in the following attachments be noted:

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

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

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

3. That by Absolute Majority Decision the \$2,938,408 additional available surplus arising from the 2009/2010 financial year be transferred to the Community Facilities Reserve Account and be applied for the project costs associated with the redevelopment, water heating and fit out of the Melville Aquatic Fitness Centre Facility and any remaining funds be applied towards the funding of other projects that meet the objectives of that Reserve in the 2011/2012 Financial Year.

Amendment

At 7.36pm Cr Pazolli moved, seconded Cr Nicholson-

That Item 3 of the Officer Recommendation be amended with the following:

That the funding for the allocation of the 2009/2010 financial year surplus be referred to the June 2011 Ordinary Meeting of Council.

At 7.44pm the Mayor submitted the motion which was declared

LOST (2/11)

Cr Pazolli requested that the votes be recorded.

For: Cr Nicholson, Cr Pazolli

Against: His Worship the Mayor, Cr Barton, Cr Halton, Cr Ceniviva, Cr Foxton, Cr Kinnell, Cr Reidy, Cr Reynolds, Cr Robartson, Cr Subramaniam, Cr Wieland,

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY

At 7.46pm the Mayor submitted the Officer Recommendation -

1. That the Statements of Financial Activity and the Operating Statements for the period ending March 2011 as detailed in the following attachments be noted:

DESCRIPTION	LINK
Statement Of Financial Activity – March 2011	6002A March 2011
Operating Statements By Program – March 2011	6002B March 2011
Representation Of Working Capital – March 2011	6002E March 2011
Reconciliation Of Net Working Capital – March 2011	6002F March 2011
Notes On Operating Statements Reporting On Variances Of 10% Or Greater – March 2011	6002H March 2011
Details of Budget Amendments requested – March 2011	6002J March 2011

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

Summary Of Rates Debtors – March 2011	<u>6002L March 2011</u>
Graph Showing Rates Collections – March 2011	<u>6002M March 2011</u>
Summary Of General Debtors Aged 90 Days Old Or Greater – March 2011	<u>6002N March 2011</u>
Detail of Debts Written Off – March 2011	<u>Not Applicable</u>

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

3. That by Absolute Majority Decision the \$2,938,408 additional available surplus arising from the 2009/2010 financial year be transferred to the Community Facilities Reserve Account and be applied for the project costs associated with the redevelopment, water heating and fit out of the Melville Aquatic Fitness Centre Facility and any remaining funds be applied towards the funding of other projects that meet the objectives of that Reserve in the 2011/2012 Financial Year.

At 7.47pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/2)

**C11/6041 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (REC)
(ATTACHMENT)**

Ward	:	All
Category	:	Operational
Subject Index	:	Fees & Charges
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	:	Nil
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Debbie Whyte Senior Management Accountant

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- This report presents the proposed Fees & Charges Schedule for the 2011/2012 financial year. The Fees and Charges for 2011/2012 will be adopted by Council at the budget meeting.

**C11/6041 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (REC)
(ATTACHMENT)****BACKGROUND**

In accordance with the Section 6.16 of the Local Government Act 1995, the Schedule of Fees and Charges must be incorporated as part of the annual budget.

The proposed Schedule of Fees and Charges for the 2011/2012 Financial Year [6041 Fees and Charges 2011 2012](#), forms part of the Attachments to the Agenda.

This document contains details of the Fees and Charges for the current year (2010/2011) and those proposed Fees and Charges for the next financial year (2011/2012).

Proposed adjustments to the Fees and Charges Schedule are highlighted throughout the document and new charges can be identified by the comment “New for 2011/2012” shown in the 10/11 fee column.

DETAIL

The majority of changes are to increase fees in line with the Consumer Price Index and other identified cost increases.

The significant amendments to the Fees and Charges Schedule include:

Hire of Community Centres

Hire fees for various community centres have been restructured to more accurately reflect the current use of the facilities and programs run within.

Community Development

Fees for Melville HACC Services have been discontinued as these services will be transferred to an external service provider from 1 July 2011

Other fees have been increased to keep charges aligned with other providers in the region.

Lifestyle Services

Group membership rates with 15% discount for group bookings of 10 or more have been introduced for 2011/2012.

**C11/6041 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (REC)
(ATTACHMENT)****Waste Fees**

At the time of writing, the City of Melville had not received costings from the Southern Metropolitan Regional Council (SMRC) in respect to Garbage and Recycling costs for 2011/2012. Consequently these items are noted in the attached schedule of fees and charges as “Awaiting SMRC prices”.

Fleet Fees

Fleet and Mechanical services and Plant and Vehicle hire will no longer be offered from 1 July 2011. This service provides no net financial benefit to the City and it is not considered appropriate to subsidise this service with resources that could more effectively be applied in other parts of the organisation.

PUBLIC CONSULTATION/COMMUNICATION

In accordance with the Local Government Act 1995, fees and charges adopted as part of the Budget process are not required to be separately advertised.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Local Government Act 1995:

The imposition of fees and charges reference in the Act is quoted below:

6.16. *Imposition of fees and charges*

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

**Absolute majority required.*

**C11/6041 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (REC)
(ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS** *continued*

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.
- *Absolute majority required.

6.17. Setting the level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
- (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
- (a) under section 5.96;
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

**C11/6041 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (REC)
(ATTACHMENT)**

STATUTORY AND LEGAL IMPLICATIONS *continued*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

FINANCIAL IMPLICATIONS

Income estimates are to be included in the 2011/2012 Budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
If no increases in Fees or Charges are prescribed for a service which the Council provides this may result in a budget deficit.	Moderate	Fees and Charges to be increased to cover CPI and other cost increases and thus ensure cost recovery is maintained so far as is possible.

POLICY IMPLICATIONS

There is no Council policy which relates to the setting of Fees and Charges.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The proposed Schedule of Fees & Charges has been compiled after careful examination by the responsible officers of the costs associated with delivery the product or service for which the fees and charges are imposed. Officers have reviewed charge out rates in relation to the proposed fees and charges and feel confident that the schedule submitted fairly reflects the increased costs and adjustments for the services provided.

**C11/6041 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (REC)
(ATTACHMENT)**

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6041) APPROVAL

That the proposed Fees & Charges Schedule for 2011/2012, as documented in attachment [6041 Fees and Charges 2011 2012](#) be noted for inclusion in the Budget Report for implementation from 1 July 2011.

At 7.47pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

LATE ITEM P11/3215 - NOMINATION OF AN ADDITIONAL CITY OF MELVILLE LOCAL GOVERNMENT MEMBER FOR DEVELOPMENT ASSESSMENT PANELS (REC)

Ward : All
 Category : Operational
 Application Number : Not applicable
 Subject Index : Development Assessment Panels
 Customer Index : Department for Planning
 Property : Not applicable
 Proposal : Nomination of Local Government Members for Development Assessment Panels
 Applicant : Not applicable
 Owner : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not applicable
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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

LATE ITEM P11/3215 - NOMINATION OF AN ADDITIONAL CITY OF MELVILLE LOCAL GOVERNMENT MEMBER FOR DEVELOPMENT ASSESSMENT PANELS (REC)**KEY ISSUES / SUMMARY**

- Development Assessment Panels (DAPs) will commence on 1 July 2011.
- The City of Melville will be part of a Joint DAP together with Bassendean, Bayswater, Belmont, Canning, South Perth and Victoria Park.
- Training will be provided to DAP members by the Department of Planning prior to the operation of the DAPs (expected top be late June 2011).
- On 19 April 2011 Council resolved to nominate Councillors Halton and Foxtton as DAP members and Councilor Pazolli as a deputy DAP member.
- The Department of Planning has now requested that local governments nominate two DAP members and two deputies.
- It is recommended that Council nominate one additional DAP deputy member and that this nomination be forwarded to the Minister for Planning.

BACKGROUND

The *Approval and Related Reforms (No. 4) (Planning) Act 2010* was passed by Parliament in August 2010 which allows the commencement of DAPs in WA.

DAPs are to be independent decision making bodies comprised of technical experts and elected local government representatives.

DAPs will become operational from 1 July 2011, with a total of 15 Panels being established in WA. Melville is to be part of a joint DAP called the Metro Central JDAP along with the local governments of Bassendean, Bayswater, Belmont, Canning, South Perth and Victoria Park.

The Department for Planning anticipates that there will be approximately 140 DAP applications each year in WA and that DAPs will meet on a monthly basis.

On 19 April 2011 Council resolved to nominate Councillors Halton and Foxtton as DAP members and Councillor Pazolli as a deputy DAP member.

The Department of Planning has now requested that local governments nominate two DAP members and two deputies.

DETAIL

Each DAP will contain a total of five members. Of the five members, three are to be Specialist members who will have suitable qualifications and experience in development related professions such as architecture, town planning, and urban design. A Presiding Member will be selected from one of the three Specialist members.

The remaining two members of the DAP are local government representatives, nominated by the local government from its pool of Elected Members.

In nominating the local government DAP members, the Department for Planning had previously stated that two DAP members and one deputy DAP member are to be nominated.

LATE ITEM P11/3215 - NOMINATION OF AN ADDITIONAL CITY OF MELVILLE LOCAL GOVERNMENT MEMBER FOR DEVELOPMENT ASSESSMENT PANELS (REC)

On 19 April 2011 Council resolved to nominate Councillors Halton and Foxton as DAP members and Councillor Pazolli as a deputy DAP member. However the Department for Planning has now requested that local governments nominate two DAP members and two deputy DAP members.

The deputy DAP members will be called upon if an issue of a quorum arises or when a local government DAP member is unable to act due to illness, absence or other cause.

The Minister will appoint the local government representatives in accordance with the local government's nomination.

All DAP members are appointed for a two year term and at the expiration of this term the application and nomination process will be undertaken again. Members who previously sat on DAP's will be eligible to be appointed for a further term.

DAP members cannot sit on a DAP until they have completed the training sessions provided by the Department for Planning. The Department of Planning has advised that these training sessions are to be held in late June.

It is recommended that Council nominate on additional deputy DAP member.

PUBLIC CONSULTATION/COMMUNICATION

Advertising of the DAP local government nominations is not required under the *Development Assessment Regulations 2011*.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with external agencies is required.

STATUTORY AND LEGAL IMPLICATIONS

DAPs are to make decisions based upon the existing planning framework of the municipality within which the application site is located.

Where an application to review a decision made by a DAP is lodged with the State Administrative Tribunal (SAT) members of the DAP who made the decision may be called upon to represent the DAP at the SAT.

FINANCIAL IMPLICATIONS

The sitting fee for local government DAP members determining applications is \$400. Local government DAP members will also be paid \$400 upon the completion of the required training and \$400 where they attend proceedings at the SAT in relation to a DAP decision.

LATE ITEM P11/3215 - NOMINATION OF AN ADDITIONAL CITY OF MELVILLE LOCAL GOVERNMENT MEMBER FOR DEVELOPMENT ASSESSMENT PANELS (REC)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The Minister for Planning must remove a DAP member if they cease to hold a position or qualification which made them eligible to sit as a DAP member.

DAP members are bound by similar requirements regarding behaviour and conflict of interest as Elected Members are, such as:

- Declare direct or indirect interest in a matter
- Not to disclose or make improper use of information acquired as a member
- Not accepting "prohibited" gifts
- Comply with the Code of Conduct
- Not to make any statement regarding the competence or honesty of a local government employee or public sector employee.

POLICY IMPLICATIONS

There is no Council Policy that relates to the nomination of DAP members.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Should Council fail to nominate DAP representatives, the Minister for Planning has the power to appoint community representatives to represent Melville on the DAP. The community representatives would be selected from residents within the local government area who are considered to have relevant knowledge or experience which will enable them to represent the interests of their local community. The implications of this option is that the City of Melville and its interests will not be represented in the determination of applications by the DAP.

A DAP member may resign from office at any time by forwarding a written resignation to the Minister for Planning. The Minister can also grant a leave of absence to a DAP member.

CONCLUSION

It is recommended that Council nominate one additional deputy DAP member.

At 7.47pm Cr Pazolli left the meeting.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3215)**APPROVAL**

At 7.48pm Cr Subramaniam moved, seconded Cr Foxtan -

That the Council nominate Cr Reynolds to represent the City of Melville as one of two Deputy Local Government Development Assessment Panel members.

At 7.48pm the Mayor submitted the motion, which was declared

CARRIED (11/1)

At 7.48pm Cr Pazolli returned to the meeting.

**LATE ITEM C11/5181 - NOMINATION OF CHAIR FOR JANDAKOT AIRPORT
COMMUNITY CONSULTATION GROUP (REC) (ATTACHMENT)**

Ward : All
 Category : Strategic
 Subject Index : Strategic Urban Planning
 Customer Index : Jandakot Airport Consultative Committee
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : None
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Jeff Clark
 Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

- The purpose of this report is to respond to a request from Jandakot Airport to provide a nomination for the position of Chair for the Jandakot Airport Community Aviation Consultation Group (CACG).

**LATE ITEM C11/5181 - NOMINATION OF CHAIR FOR JANDAKOT AIRPORT
COMMUNITY CONSULTATION GROUP (REC) (ATTACHMENT)****BACKGROUND**

The City has two representatives on the CACG being Cr Robartson and Cr Reidy as deputy. The function of the Committee is to provide a forum for discussion of all aspects of Airport planning and operations.

The Committee consists of Representatives from –

- City of Melville
- Civil Aviation Authority
- Trades & Labour Council
- Ministry for Planning
- City of Cockburn
- City of Canning
- Aviation Industry

Officers in Attendance

- Manager Health & Lifestyle Services
- Director Technical Services
- Director Urban Planning

DETAIL

The Chair of the CACG has resigned and a request has been received for the City of Melville to nominate an independent person to be considered for this position. The letter from Jandakot Airport Holdings (JAH) advised that "The chair must be an independent person who can work with JAH to build effective and open relationships with key parties including the Cities of Canning, Cockburn and Melville and the aviation industry". The letter requested that a response be provided by 31 May 2011.

The CACG Guidelines published in February 2011 provide the following comment on the role and position of the Independent Chair:

[5181 CACG Guidelines](#)

"The Group should be convened by a person who is independent of the airport and able to manage the deliberations of the Group in an impartial manner.

Those airports that do not already have an independent chair in place should work closely with neighbouring local authorities and others to identify and engage an appropriate person for this role.

For subsequent appointments, the Group itself should be involved in the selection process where feasible.

The independent conduct of the Chair is critical for the effective functioning of the Group. An independent Chair will:

- *ensure the input of the full membership is sought as to agenda items;*
- *ensure adequate discussion time is devoted to issues of significance;*
- *allow for discussion of unanticipated 'other business' at Group meetings;*
- *ensure agenda materials and papers are meaningful and facilitate effective engagement of members in Group discussions;*
- *encourage open discussion and a frank exchange of views; and*
- *monitor effective follow-up of action items.*

**LATE ITEM C11/5181 - NOMINATION OF CHAIR FOR JANDAKOT AIRPORT
COMMUNITY CONSULTATION GROUP (REC) (ATTACHMENT)**

Any interests, arrangements or associations of the Chair which might reasonably give rise to perceptions of a conflict of interest should be disclosed to the group.”

The CACG Guidelines have been provided as a attachment by email to Elected Members. They provide an overview of the expectations and matters that may be brought to the CACG and identify the main issues that will require resolution.

The Department of Infrastructure and Transport have advised that it proposes to hold a meeting of CACG Chairs from around Australia in Canberra on 7 June 2011. Consequently, the request for a response by 31 May of nominations will only provide a short time for any subsequent elections by the CACG.

PUBLIC CONSULTATION/COMMUNICATION

There has not been any public consultation on this matter.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Information has been provided by the Department of Infrastructure and Transport on the guidelines of the CACG and role of Chair.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications in this matter.

FINANCIAL IMPLICATIONS

There are no financial implications in nominating a person for the role of Chair.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The role of Independent Chair of the CACG is removed from Strategic, Risk and Environmental implications for the City.

Risk Statement	Level of Risk	Risk Mitigation Strategy
The risk that the position remains vacant and leadership is absent from the CACG	Minor consequences which are likely, resulting in a Medium level of risk	The appointment of an Independent Chair will facilitate resolution of complex matters associated with a busy and expanding airport facility.

**LATE ITEM C11/5181 - NOMINATION OF CHAIR FOR JANDAKOT AIRPORT
COMMUNITY CONSULTATION GROUP (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

There is no Council Policy that relates to this matter.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council may decline to provide a nomination.

CONCLUSION

The effectiveness of the CACG will affect the residents of the City who reside close to the Jandakot flight lines and along the major access roads. The City of Melville has the opportunity to nominate a capable and independent person to fulfil the role of Chair of the CACG.

At 7.51pm Cr Nicholson left the meeting and returned at 7.53pm.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5181)**APPROVAL**

At 7.48pm Cr Reynolds moved, seconded Cr Reidy –

That the City of Melville nominate Cr Robartson for the position of Chair of the Jandakot Airport Community Aviation Consultation Group.

At 7.57pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

15. EN BLOC ITEMS

At 7.57pm Cr Reynolds moved, seconded Cr Foxtan -

That the recommendations for C11/5000, C11/6000 and C11/6001, P11/3211, T11/3204, C11/6041 be carried En Bloc.

At 7.58pm the Mayor submitted the motion which was declared

CARRIED (13/0)

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16.1 Constitutional Recognition of Local Government****COUNCIL RESOLUTION**

At 7.58pm Cr Subramaniam moved, seconded Cr Reidy -

That Cr Robartson be permitted to present to Council a Motion Without Notice relating to Constitutional Recognition of Local Government.

At 7.59pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

The Presiding Member invited Cr Robartson to speak on the motion that he had presented regarding the Australian Local Government Association (ALGA).

Reason

A campaign by the Australian Local Government Association (ALGA) to achieve Constitutional recognition of local government has been developed. It is the intention of ALGA to submit a Constitutional Declaration for Councils for signature by council representatives at the conclusion of the 2011 National General Assembly of Local Government on 22 June 2011.

ALGA's objective is that all councils will be in a position to sign the Declaration supporting financial recognition at that time.

At 8.00pm Cr Ceniviva left the meeting and returned at 8.01pm.

16.1 Constitutional Recognition of Local Government Continued.**COUNCIL RESOLUTION****APPROVAL**

At 8.00pm Cr Robartson moved, seconded Cr Subramaniam -

That the City of Melville:

- 1. Declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.**
- 2. Writes to all West Australian State Politicians who represent the community of the City of Melville advising of the Council's support for Constitutional Recognition and requesting their support for a referendum on this important matter.**

At 8.11pm the Mayor submitted the motion, which was declared

CARRIED (12/1)

At 8.11pm Cr Nicholson left the meeting.

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil

18. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

At 8.12pm Cr Subramanian moved, seconded Cr Reidy –

That the meeting be closed to officers and the public to permit discussion on a confidential matter - Item M11/5175 which relates to the City of Melville Chief Executive Officer Performance Review covered under Section 5.23 (2) (b) of the Local Government Act 1995.

At 8.12pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

At 8.13pm Ms K Johnson, Executive Manager Organisational Development and Ms A Lake, Anne Lake Consultancy, joined the meeting.

At 8.13pm His Worship the Mayor adjourned the meeting for a comfort break and for those not participating in the Item to leave the meeting.

At 8.15pm M Tieleman, Director Corporate Service, S Cope, Director Urban Planning, J Christie, Director Technical Services, C Young, Director Community Development, P Prendergast, Manager Building & Planning, B Taylor, Manager Information Technology and Support and C Rourke, Minute Secretary, left the meeting and did not return.

At 8.16pm Cr Nicholson returned to the meeting.

At 8.20pm the meeting resumed.

M11/5175 – City of Melville Chief Executive Officer Performance Review

Disclosure of Interest

Item No.	M11/5175
Member	Dr S Silcox
Type of Interest	Financial Interest in accordance with the Act
Nature of Interest	Potential modification to salary
Request	To leave the meeting
Decision of Council	Not Applicable

At 8.13pm Dr S Silcox, having declared an interest in this item, left the meeting.

COMMITTEE RECOMMENDATION (5175)

APPROVAL

At 8.21pm Cr Robartson moved, seconded Cr Reidy –

1. That the Performance Criteria for the Chief Executive Officer be amended as recommended by the Governance Committee, to reflect agreed changes, and the revised criteria be provided to Council as Attachment 5175 Performance Criteria G.
2. That the base salary component for the Chief Executive Officer be amended as recommended by the Governance Committee, and the revised base salary change as indicated in confidential Attachment F (Consultant's letter - recommendation 2), to take effect from 20 March 2011.
3. That Council undertake discussion with the Chief Executive Officer regarding entering into a contract for a further five years as recommended by the Governance Committee to take effect from 20 March 2011.

Reject and Replace

At 8.22pm Cr Nicholson moved, seconded Cr Pazolli -

That Point 3 of the Governance Committee Recommendation be rejected and replaced with the following:

3. *That the consideration whether or not to renew the Chief Executive Officer's contract of employment with the City of Melville two years prior to the current contract conclusion, for a further five years as recommended by the Governance Committee, be referred to the next meeting of the Governance Committee.*

M11/5175 – City of Melville Chief Executive Officer Performance Review Continued.

Reasons for Reject and Replace

There is still approximately two years left of the Chief Executive Officer's five-year contract with the City.

There is plenty of time for Councillors to discuss whether the City should renew the Chief Executive Officer's contract and under what terms.

The Governance Committee's main duty is to monitor the Chief Executive Officer's performance and contract details so it is the ideal forum for this discussion. Due to unforeseen circumstances, this discussion has not taken place yet.

Such an important decision in deciding who is to be at the helm of the City of Melville for the next five years, is not a decision to be taken lightly.

Our ratepayers want to be sure that the Chief Executive Officer the City employs is the best custodian of ratepayers' interests.

Discussion took place regarding the status of the documents submitted by the consultant Ms Lake to His Worship the Mayor dated 11 April 2011 that related to the Chief Executive Officer's salary review performance. The Mayor ruled that the document provided was a "letter" and not a "report", which was confirmed as being the intention and understanding of the consultant, Ms Lake.

At 8.23pm a Procedural Motion relating to Standing Orders 11.1 (f) took precedence, Cr Pazolli moved, seconded Cr Nicholson

That the ruling of the presiding Member be disagreed with.

At 8.35pm the Mayor submitted the Procedural Motion, which was declared
LOST (3/10)

Debate on the Reject and Replace motion before the Council continued.

At 8.35pm the Mayor submitted the amendment, which was declared
LOST (3/10)

Cr Ceniviva requested that the votes be recorded.

For: Cr Barton, Cr Nicholson, Cr Pazolli
Against: His Worship the Mayor, Cr Halton, Cr Ceniviva, Cr Foxton,
Cr Kinnell, Cr Reidy, Cr Reynolds, Cr Robartson,
Cr Subramaniam, Cr Wieland

***M11/5175 – City of Melville Chief Executive Officer Performance Review
Continued.***

COUNCIL RESOLUTION (5175)

APPROVAL

At 9.11pm the Mayor submitted the substantive motion -

- 1. That the Performance Criteria for the Chief Executive Officer be amended as recommended by the Governance Committee, to reflect agreed changes, and the revised criteria be provided to Council as Attachment [5175 Performance Criteria G](#).**
- 2. That the base salary component for the Chief Executive Officer be amended as recommended by the Governance Committee, and the revised base salary change as indicated in confidential Attachment F (Consultant's letter - recommendation 2), to take effect from 20 March 2011.**
- 3. That Council undertake discussion with the Chief Executive Officer regarding entering into a contract for a further five years as recommended by the Governance Committee to take effect from 20 March 2011.**

At 9.12pm the Mayor submitted the motion, which was declared

CARRIED (10/3)

Cr Ceniviva requested that the votes be recorded.

For: His Worship the Mayor, Cr Halton, Cr Ceniviva, Cr Foxton,
Cr Kinnell, Cr Reidy, Cr Reynolds, Cr Robartson, Cr Subramaniam,
Cr Wieland

Against: Cr Barton, Cr Nicholson, Cr Pazolli

At 9.13pm Cr Subramaniam moved, seconded Cr Kinnell –

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

At 9.13pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

No members of the public returned to the meeting.

19. CLOSURE

There being no further business to discuss, His Worship the Mayor declared the meeting closed at 9.13pm.