

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY 18 AUGUST 2015

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 18 AUGUST 2015.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

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

WARD

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

3. IN ATTENDANCE

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

At the commencement of the meeting there were 11 members of the public and no members from the Press in the Public Gallery.

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

Cr C Robartson – Bull Creek/Leeming Ward

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 Ms E Nicholson, Applecross**Question 1

I refer to the clause from the LOCAL GOVERNMENT ACT 1995 - Section 3.59.

In relation to the proposed major land transaction that is the land swap, demolition of the Civic Library and the building of a new Cultural Centre, why isn't the CEO/City of Melville following the requirements of the Local Government Act?

In particular, by:

- providing a full business plan (including financials as detailed out in sub-clause 3.59 3(c)
(" ... its expected financial effect on the local government;") and
- advertising the proposed major land transaction to the public as detailed out in sub-clause 3.59 4(a)

Response

Mr Hitchcock advised that the proposed land swap has a value that falls within Section 3.58 of the *Local Government Act 1995* and the land that the Council is proposing to swap does not fall within the parameters of section 3.59 of the *Local Government Act 1995*.

6. QUESTION TIME (Continued)**6.2 Mr M McLerie, Bicton**Question 1

What is Council's response to the following statements?

- a. *Had the adjoining landowner not lodged a complaint with the Building Commission Bellagio would likely have constructed a wall that did not comply with the building permit, including not being structurally certified and encroaching onto adjoining land.*
- b. *It is the function, and duty, of the City to enforce compliance with building permits to preventing such situations as outlined above.*
- c. *The 5 February 2015 retrospective building approval certificate the City issued to Bellagio did not have certified structural engineering drawings; it is reasonable to expect that the City should have been able to make an assessment of the application and undertaken further due diligence to clarify the validity of the purported structural certification.*
- d. *Structurally inadequate buildings and incidental structures pose a threat to public safety.
The Act and the City's building approval processes are designed to minimize such risks. In this instance it appears those processes failed.*

Question 2

Since the Act was brought into force:

- a. *How many complaints has the City received from adversely affected adjoining land owners, or other concerned individuals, relating to a builder or owner builder's failure to comply with the Act, e.g. including any issue dealt with in Part 6 of the Act.*
- b. *Of those complaints received how many were investigated.*
- c. *Of those investigated how many related to a builder or an owner builder; not complying with a building permit, including the approved plans; and a breach of the Act, specifically Part 6.*
- d. *Of those investigated how many resulted in: written requests to comply; notices of proposed building orders; a building order being made.*
- e. *How many adversely affected adjoining landowners independently pursued building complaints via the Building Commission in lieu of the City taking action pursuant to the Act.*

6. QUESTION TIME (Continued)

6.2 Mr M McLerie, Bicton (Continued)

Question 3

Why did the City refuse to act on the adjoining landowners October 2013 and subsequent complaints?

Question 4

Why has the City's CEO not responded to requests from the affected adjoining land owner to meet in relation to the City's failure to perform its Permit Authority function?

Question 5

Why is the Mayor refusing requests from the affected adjoining landowner to meet to review the details of concerns in relation to the City's failure to adequately perform the Permit Authority function more generally?

Question 6

Why is the City not taking further action in relation to other breaches of the Act identified in the complaint?

Question 7

What is the City doing to capture lessons learnt from this specific incident and implement corrective action to improve its processes and performance?

At the meeting the questions were taken on notice.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF THE COUNCIL – 21 JULY 2015**
Minutes 21 July 2015**COUNCIL RESOLUTION**

At 6:44pm Cr Schuster moved, seconded Cr Willis –

That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 21 July 2015, be confirmed as a true and accurate record.

At 6:44pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (11/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 4 AUGUST 2015
Notes 4 August 2015**COUNCIL RESOLUTION**

At 6:44pm Cr Aubrey moved, seconded Cr Phelan –

That the Notes of the Agenda Briefing Forum held on Tuesday, 4 August 2015, be received.

At 6:44pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (11/0)

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

- Mayor Aubrey - P15/3652 - Final Adoption of Amendment No. 78 to Community Planning Scheme No. 5 – Canning Bridge Structure Plan
- Mayor Aubrey - P15/3650 – Approval of Land Exchange and Development Agreements with AMP Capital

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

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

That the application for new leave of absence submitted by Cr Barton on 18 August 2015 be granted.

At 6:46pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (11/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

P15/3650 – Approval of Land Exchange and Development Agreements with AMP Capital

12. PETITIONS

Nil.

13. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6:46pm the Mayor requested that item P15/3648 be brought forward for discussion.

P15/3648 - REVIEW OF COUNCIL POLICY CP-049: CHILD MINDING CENTRES AND FAMILY DAY CARE (REC) (ATTACHMENT)

Ward	:	All
Category	:	Policy
Application Number	:	Not applicable
Property	:	Not applicable
Proposal	:	Review of CP-049: Child Minding Centres and Family Day Care
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	:	P14/3456 – Review of Council Policy CP-049: Child Minding Centres - Ordinary Meeting of Council 18 February 2014
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

P15/3648 - REVIEW OF COUNCIL POLICY CP-049: CHILD MINDING CENTRES AND FAMILY DAY CARE (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.
- 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.
- CP-049 was originally adopted by the Planning and Development Services Committee in 1996 and has been reviewed a number of times since this date. Since its adoption, the City has routinely applied the policy in the assessment of Child Minding Centres.
- As a result of discussions with representatives from City of Cockburn Family Day Care Service which operates across the City of Melville as part of the Commonwealth Children's Services Program, a minor amendment to the policy is considered necessary.
- The change relates to the area of a dwelling that a Family Day Care centre can occupy at any one time. It is proposed to relax this restriction.
- It is recommended that the Council resolve to adopt the revised policy for the purposes of public consultation in accordance with Clause 9.6 of CPS5.

BACKGROUND

Council Policy 049: Child Minding Centres and Family Day Care was originally adopted by the Planning and Development Services Committee in 1996 and has since been reviewed in 2000, 2010, 2013 and 2014. The objective of the policy states:

To provide for the establishment of child minding centres and family day care premises within the City of Melville, whilst ensuring that their location, siting and design is compatible with, and avoids significant adverse amenity impacts.

DETAIL

The City does not regularly receive applications for the establishment of Child Minding Centres or Family Day Care; however this policy provides the assessment criteria when we do receive one.

Recently, the City was approached by representatives from the City of Cockburn Family Day Care Service which operates across the Cities of Cockburn, Melville, Fremantle and the Town of East Fremantle, to discuss the existing policy and how to further promote the operation of Family Day Care in the City of Melville.

As part of this discussion it was identified that the existing policy provision restricting the operation of Family Day Care to 20m² of the dwelling is not practical, given the use generally utilises lounge, kitchen, bathroom, bedroom and outdoor space. Consequently, it is recommended that this restriction be relaxed.

[3648 CP 049 Child Minding Centres Policy](#)

P15/3648 - REVIEW OF COUNCIL POLICY CP-049: CHILD MINDING CENTRES AND FAMILY DAY CARE (REC) (ATTACHMENT)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Pursuant to Clause 9.6(b) of CPS5, should the Council resolve to adopt the revised policy, it will be advertised via a notice in the local newspaper and on the City's website for a period of 21 calendar days.

II. 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 affect the interests of the WAPC. The proposed modifications do not have regional significance; therefore the WAPC need not be consulted.

STATUTORY AND LEGAL IMPLICATIONS

The regular review of the Council's policies improves their validity in review situations by the State Administrative Tribunal. Once finally adopted by the Council, the reviewed policy will carry similar weight to CPS5.

FINANCIAL IMPLICATIONS

There are no financial implications for the City as a result of the proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

It is noted that City Officers in the drafting of Local Planning Scheme (LPS) No. 6 proposed to exempt Family Day Care premises from the requirement to obtain planning approval, however this exemption was removed by the Western Australian Planning Commission in their review of the document. Accordingly, upon gazettal of LPS6, Family Day Care premises will still require approval.

POLICY IMPLICATIONS

Once adopted, the revised policy will provide a sound basis for the assessment and determination of planning applications.

P15/3648 - REVIEW OF COUNCIL POLICY CP-049: CHILD MINDING CENTRES AND FAMILY DAY CARE (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council could elect not to adopt the revised policy and continue to rely upon the existing policy. This is not however recommended for the reasons outlined above.

Council also has the ability to modify the amended policy prior to advertising.

CONCLUSION

The proposed changes are considered to be minor and are recommended in order to make compliance with the policy easier for people wanting to run Family Day Care businesses within the City of Melville.

OFFICER RECOMMENDATION (3648)**ADOPTION**

At 6.48pm Cr Schuster moved, seconded Cr Phelan –

That the Council:

- 1 Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 resolves to adopt the revised Council Policy 049: Child Minding Centres and Family Day Care as attached 3648 CP 049 Child Minding Centres Policy and for the purposes of public consultation advertise the revised Policy for a period of no less than 21 calendar days.**
- 2 Where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 049: Child Minding Centres and Family Day Care be approved by the Chief Executive Officer.**

Amendment

That the words “as amended” be inserted after the words “Council Policy 049: Child Minding Centres and Family Day Care as attached 3648 CP 049 Child Minding Centres Policy”

With the agreement of the mover and seconder, the amendment was incorporated into the recommendation.

P15/3648 - REVIEW OF COUNCIL POLICY CP-049: CHILD MINDING CENTRES AND FAMILY DAY CARE (REC) (ATTACHMENT)**COUNCIL RESOLUTION (3648)****ADOPTION****That the Council:**

- 1 Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 resolves to adopt the revised Council Policy 049: Child Minding Centres and Family Day Care as attached [3648 CP 049 Child Minding Centres Policy as amended](#) and for the purposes of public consultation advertise the revised Policy for a period of no less than 21 calendar days.**
- 2 Where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 049: Child Minding Centres and Family Day Care be approved by the Chief Executive Officer.**

At 6:49 pm the Mayor submitted the substantive motion as amended, which was declared
CARRIED UNANIMOUSLY (11/0)

Reasons for Amendment

At the Agenda Briefing Forum it was raised that a Council Policy cannot amend a statutory provision of the Town Planning Scheme. In that context, the policy text has been amended to remove reference to the definition of home occupation being varied to enable family Day Care Home Occupation proposals to operate with a floor area in excess of the 20m².

**P15/3649 – REVIEW OF COUNCIL POLICY 045: EXHIBITION / DISPLAY HOMES (REC)
(ATTACHMENT)**

Ward : All
 Category : Policy
 Application Number : Not applicable
 Property : Not applicable
 Proposal : Review of Council Policy 045: Exhibition / Display Homes
 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 : P13/3378 – Final Adoption of Council Policy CP – 45: Exhibition / Display Homes - Ordinary Meeting of Council 16 April 2013
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

**P15/3649 – REVIEW OF COUNCIL POLICY 045: EXHIBITION / DISPLAY HOMES (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.
- 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.
- Council policy CP-045 was last reviewed by the Council on 16 April 2013 and is therefore due for review.
- The subject policy has been reviewed and found not to require any modification. As no modifications are proposed, public consultation is not required.
- It is recommended that the Council re-adopt the existing policy.

BACKGROUND

Council Policy – 045: Exhibition / Display Homes was originally adopted by the Planning and Development Services Committee in April 1992. Since this time, the policy has been reviewed in June 2000 and April 2013.

The objective of the policy states:

To address specific standards and controls for the development of exhibition/display home(s).

The policy includes assessment criteria for the temporary use of residential properties as display homes.

Since the last review of the policy in April 2013, the City has assessed five applications for the temporary operation of display homes within the City of Melville.

DETAIL

The existing policy has been reviewed taking into account consistency with existing legislation and other City of Melville policies.

In addition, the five applications the City has received for the operation of display homes since April 2015 has been undertaken and found that there were no issues raised as to the interpretation or administration of the policy.

On this basis, no modifications are considered to be required.

[3649 CP 045 Exhibition and Display Homes Council Policy](#)

**P15/3649 – REVIEW OF COUNCIL POLICY 045: EXHIBITION / DISPLAY HOMES (REC)
(ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

As no changes are proposed to the policy, it will not require public consultation pursuant to Clause 9.6 of CPS5 prior to re-adoption.

II. OTHER AGENCIES / CONSULTANTS

Not required.

STATUTORY AND LEGAL IMPLICATIONS

The regular review of Council's policies improves their validity in review situations by the State Administrative Tribunal. Once re-adopted by Council, the reviewed policy will carry similar weight to CPS5.

FINANCIAL IMPLICATIONS

There are no financial implications for the City which result from this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Once re-adopted, the policy will continue to provide a sound basis for the assessment and determination of planning applications within the City.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council has the ability to undertake modifications to the existing policy. Any modifications will require public consultation to be undertaken pursuant to Clause 9.6 of CPS5.

CONCLUSION

It is recommended that Council re-adopt the subject policy to allow its continued use in the assessment of applications for the operation of exhibition or display homes.

**P15/3649 – REVIEW OF COUNCIL POLICY 045: EXHIBITION / DISPLAY HOMES (REC)
(ATTACHMENT)**

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3649) ADOPTION

That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to re-adopt Council Policy 045: Exhibition / Display Homes as attached [3649 CP 045 Exhibition and Display Homes Council Policy](#)

At 9.25pm the Deputy Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

P15/3651 – REVIEW OF COUNCIL POLICY 093: OUTDOOR ADVERTISEMENTS AND SIGNAGE (REC) (ATTACHMENT)

Ward	:	All
Category	:	Policy
Application Number	:	Not applicable
Property	:	Not applicable
Proposal	:	Review of Council Policy 090: Outdoor Advertisements and Signage
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	:	P11/3210 – Stage Four Review of Urban Planning Policies - Ordinary Meeting of Council 17 May 2011 P13/3371 - Adoption of Outdoor Advertisements and Signage Policy For Public Consultation - Ordinary Meeting of Council 19 February 2013 P15/3617 – Adoption of Outdoor Advertisements and Signage Policy for Public Consultation - Ordinary Meeting of Council 17 March 2015
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

P15/3651 – REVIEW OF COUNCIL POLICY 093: OUTDOOR ADVERTISEMENTS AND SIGNAGE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows the Council to prepare and adopt planning policies.
- Planning policies supplement CPS5.
- Council Policy CP-093 was last reviewed by the Council at the Ordinary Meeting held 17 March 2015. At this meeting, the Council resolved to adopt the policy for the purposes of public consultation. In addition, the Council also resolved that where no submissions were received during the public consultation period that the Chief Executive Officer (CEO) be permitted to finally adopt the Policy.
- The Policy was the subject of public consultation for a period of 21 days in accordance with Clause 9.6 of CPS5 and no submissions were received. Accordingly, on 11 May 2015, the CEO approved its final adoption.
- This policy has subsequently been the topic of an Elected Member Information Session on 28 July 2015 at which it was recommended that clarification in relation to temporary signage be provided. The policy has been updated accordingly.
- It is recommended that Council resolve to adopt the revised policy for the purposes of public consultation in accordance with Clause 9.6 of CPS5. In addition, where no submissions in opposition to the policy are received, that the CEO be authorised to finalise the adoption of the policy.

BACKGROUND

Council Policy – 093: Outdoor Advertisements and Signage was considered at the Ordinary Meeting of Council on 17 March 2015. At this meeting, Council resolved as follow:

- 1 *In the heading of Clause 6 the words “Prohibited Signs” be deleted and replaced with “Signs needing specific approval in each instance”; and the first paragraph under Clause 6 commencing with the words “The following signs --- “be deleted and replaced with the following words “The following signs are only permitted in the City of Melville after specific consideration of the proposed sign against provisions of Clause 8 of this policy titled “Variations”.*
- 2 *Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5, resolves to adopt the Outdoor Advertisements and Signage Policy as amended, for the purposes of public consultation for a period of no less than 21 calendar days.*
- 3 *Where no submissions in objection are received in response to the consultation undertaken the decision on the final adoption of the policy to be taken under delegation by Chief Executive Officer.*

The draft Policy (incorporating the abovementioned changes) was the subject of public consultation for a period of 21 days in accordance with Clause 9.6 of CPS5 and no submissions were received. The CEO subsequently approved the final adoption of the Policy on 11 May 2015.

P15/3651 – REVIEW OF COUNCIL POLICY 093: OUTDOOR ADVERTISEMENTS AND SIGNAGE (REC) (ATTACHMENT)

The objectives of the Policy are:

- *To encourage good quality, well considered advertising signage within the City of Melville.*
- *To maintain and enhance levels of visual amenity through the control of advertisement clutter.*
- *To ensure signage does not present a hazard or obstruction to pedestrians or motorists.*
- *To ensure all commercial signage is designed to be consistent with, and appropriate to, the location and function of the site it serves.*
- *To protect the significant characteristics of buildings, streetscapes and the general amenity of the area.*

The Policy includes assessment criteria for the installation of all signage within the City of Melville.

The Policy was the subject of an Elected Member Information Session on 28 July 2015.

DETAIL

Amendments to the existing policy have been undertaken to provide greater clarity around the installation of temporary signage.

[3651 CP 093 Outdoor Advertising and Signage Policy](#)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The Policy is presented to Council to note. No changes are proposed. Consequently, public consultation is not required pursuant to Clause 9.6 of CPS5.

II. OTHER AGENCIES / CONSULTANTS

Not required.

STATUTORY AND LEGAL IMPLICATIONS

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.

FINANCIAL IMPLICATIONS

There are no financial implications for the City which result from this report.

P15/3651 – REVIEW OF COUNCIL POLICY 093: OUTDOOR ADVERTISEMENTS AND SIGNAGE (REC) (ATTACHMENT)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

POLICY IMPLICATIONS

This Policy provides a sound basis for the assessment and determination of planning applications within the City.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council has the ability to undertake modifications to the existing Policy. Any modifications will require public consultation to be undertaken pursuant to Clause 9.6 of CPS5.

CONCLUSION

It is recommended that Council note the subject Policy.

OFFICER RECOMMENDATION (3651)**APPROVAL**

At 6:50pm Cr Reynolds moved, seconded Cr Foxtton –

That the Council:

- 1. Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 resolves to adopt the revised Council Policy 093: Outdoor Advertisements and Signage as attached 3651 CP 093 Outdoor Advertising and Signage Policy and for the purposes of public consultation advertise the revised Policy for a period of no less than 21 calendar days.**
- 2. Where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 093: Outdoor Advertisements and Signage be approved by the Chief Executive Officer.**

At 6:55pm Mr Clark left the meeting and returned at 6:59pm
At 7:25pm Ms Reid left the meeting and returned at 7:27pm
At 7:35pm Cr Macphail left the meeting and returned at 7:37pm

P15/3651 – REVIEW OF COUNCIL POLICY 093: OUTDOOR ADVERTISEMENTS AND SIGNAGE (REC) (ATTACHMENT)

Amendment 1

At 7:06pm Cr Schuster moved, seconded Cr Willis –

The draft Policy CP-093 (Outdoor Advertisements and Signage) as presented to the Council be amended as follows:

- 1. Within “Policy Scope” reword the fourth dot point from “traffic signs” to “traffic and safety signs”;*
- 2. In Clause 2.2 remove the words “must be maintained” at the end of the Clause;*
- 3. Amend Clause 2.4 by including the words “except safety signs” in brackets after the words “Illuminated signage”;*
- 4. In Clause 4.3 (Pylon Signage) add the following zones as Permitted Precincts – City Centre, District Centre, Mixed Business Frame and Commercial Centre Frame;*
- 5. In Clause 4.4 (Monolith Signage) add the following zone as a Permitted Precinct – City Centre;*
- 6. In Clause 5 (Temporary Signage) add the words “ controlled by the City” in brackets after the word “thoroughfare” in the first line of the Note to the Clause; and,*
- 7. In Clause 5.4 (Election Signage) add the phrase “,in the front garden or courtyard where one exists,” after the words “dwelling/building” in Clause 5.4. (c).*

At 7:13pm the Mayor submitted the amendment, which was declared

CARRIED UNANIMOUSLY (11/0)

It was agreed that the proposed amendments in amendment 2 be voted on separately.

Amendment 2

At 7:13pm Cr Schuster moved, seconded Cr Willis –

The Council amends the draft Policy CP -093 as follows:

- 1. In the section “Policy Scope” in the 7th dot point after “ –not exceeding 1.8m2 in area” add the words “except as allowed under Clause 5.3”;**
- 3. In Clause 5.3 (Real Estate Signage) within the sub Clause “Standards” in the first sentence , after the words “—in area” delete the “full stop”, add a comma, and the words “or 3m2 in the City Centre, District Centre, Industrial, Community Centres, Commercial Centre Frames, Mixed Business and Mixed Business Frame zones.” Also delete reference to “1.8m² in area” and substitute with the words “these dimensions”.**

At 7.38pm the Mayor submitted the amendment, which was declared

CARRIED (6/5)

P15/3651 – REVIEW OF COUNCIL POLICY 093: OUTDOOR ADVERTISEMENTS AND SIGNAGE (REC) (ATTACHMENT)

At 7.38pm Cr Schuster moved, seconded Cr Willis –

2. **In Clause 4.5 (Window Signage) delete sub clause (a) and substitute the following: “Where such window signage is in-permeable in nature, no more than 20% of the surface area of each window/door within the tenancy shall be covered”**

At 7.41pm the Mayor submitted the amendment, which was declared

LOST (2/9)

At 7.41pm Cr Schuster moved, seconded Cr Willis –

4. **Add a new Clause 4.10 titled “Above Awning Signage” as follows:
Signage fixed to the upper side of an awning or verandah**
Standards
 - (a) Signage is limited to one sign per tenancy with street frontage;
 - (b) Not to exceed 2 metres in length or the width of the awning or verandah directly associated with the tenancy to which it is attached (whichever is less);
 - (c) Not to be within 2 metres of another Above Awning Sign;
 - (d) The above awning sign can be two sided but the total length can be no more than 2 metres (as per Clause 4.10 (b));**Permitted Precincts**
City Centre; District Centre;
5. **Delete Clause 6.4 (Above Awning Sign) and re number Clauses 6.5 and 6.6 to 6.4 and 6.5 respectively; and,**

At 7.41pm the Mayor submitted the amendment, which was declared

LOST (3/8)

P15/3651 – REVIEW OF COUNCIL POLICY 093: OUTDOOR ADVERTISEMENTS AND SIGNAGE (REC) (ATTACHMENT)**COUNCIL RESOLUTION (3651)****APPROVAL****That the Council:**

1. Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 resolves to adopt the revised Council Policy 093: Outdoor Advertisements and Signage as attached [3651 CP 093 Outdoor Advertising and Signage Policy](#) and for the purposes of public consultation advertise the revised Policy for a period of no less than 21 calendar days subject to the following amendments -
 1. Within "Policy Scope" reword the fourth dot point from "traffic signs" to "traffic and safety signs";
 2. In Clause 2.2 remove the words "must be maintained" at the end of the Clause;
 3. Amend Clause 2.4 by including the words "except safety signs" in brackets after the words "Illuminated signage";
 4. In Clause 4.3 (Pylon Signage) add the following zones as Permitted Precincts – City Centre, District Centre, Mixed Business Frame and Commercial Centre Frame;
 5. In Clause 4.4 (Monolith Signage) add the following zone as a Permitted Precinct – City Centre;
 6. In Clause 5 (Temporary Signage) add the words " controlled by the City" in brackets after the word "thoroughfare" in the first line of the Note to the Clause; and,
 7. In Clause 5.4 (Election Signage) add the phrase ",in the front garden or courtyard where one exists," after the words "dwelling/building" in Clause 5.4. (c).
 8. In the section "Policy Scope" in the 7th dot point after " –not exceeding 1.8m² in area" add the words "except as allowed under Clause 5.3";
 9. In Clause 5.3 (Real Estate Signage) within the sub Clause "Standards" in the first sentence , after the words "—in area" delete the "full stop", add a comma, and the words "or 3m² in the City Centre, District Centre, Industrial, Community Centres, Commercial Centre Frames, Mixed Business and Mixed Business Frame zones." Also delete reference to "1.8m² in area" and substitute with the words "these dimensions".
2. Where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 093: Outdoor Advertisements and Signage be approved by the Chief Executive Officer.

At 7.45pm the Mayor submitted the substantive motion as amended which was declared

CARRIED (10/1)

P15/3651 – REVIEW OF COUNCIL POLICY 093: OUTDOOR ADVERTISEMENTS AND SIGNAGE (REC) (ATTACHMENT)Reasons for Amendment 1

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

1. At the Agenda Briefing Forum on 4 August I asked several questions effectively seeking reasons for amending the policy – this proposed Amendment deals with those suggestions I made that it seemed, the City staff agreed with;
2. The proposals here in reality, tidy up some wording and in a couple of cases add additional commercial and business related Precincts where certain signs, suitable only for Commercial Precincts, are dealt with;
3. These proposals have been subsequently consulted with the City staff involved and as I understand it are agreed in principle, subject to Council consideration; and,
4. I will suggest other Amendments on my own account that are either more contentious or on which views differ and I do not seek to limit how officers might respond to questions in that regard.

Reasons for Amendment 2

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

1. This proposed set of Amendments represent the comments I made at the ABF on 4th August where it appeared to me there may not have been total support;
2. Points 8 and 9 relate in my view to the reality that real estate signs (either for lease or sale) in commercial areas seem generally to be much larger than signs in residential areas (most of which I have measured are around the 1.8m² size). In my view a 3m² sign in a Commercial or industrial zone is not out of keeping with the building size and streetscapes generally present –if proponents want a larger sign than this then the policy allows for approval to be sought;

At 7.46pm, Mayor Aubrey having declared an Interest in item P15/3652 – Final Adoption of Amendment No. 78 to Community Planning Scheme No.5 – Canning Bridge Structure Plan vacated the Chair and left the meeting.

At 7.46pm Deputy Mayor, Cr Foxton assumed the Chair.

P15/3652 - FINAL ADOPTION OF AMENDMENT NO. 78 TO COMMUNITY PLANNING SCHEME NO. 5 – CANNING BRIDGE STRUCTURE PLAN (REC)

Disclosure of Interest

Item No.	P15/3652
Member	Mayor R Aubrey
Type of Interest	Financial Interest in accordance with the Act
Nature of Interest	The Mayor owns a property in the affected area
Request	To leave the meeting
Decision of Council	Not Applicable

Ward	: Applecross/Mount Pleasant
Category	: Policy
Application Number	: N/A
Property	: All properties in area of Canning Bridge Structure Plan
Proposal	: N/A
Applicant	: City of Melville
Owner	: Various
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item P09/3103 Advertising of The Canning Bridge Rail Station Precinct Draft Long Term Vision, 15 December 2009; Item P10/3159 Canning Bridge Precinct Vision, 19 October 2010; Item P14/3520 Request for Advertising of Canning Bridge Structure Plan, 16 September 2014; P15/3607 – Final Canning Bridge Structure Plan and Report on Submissions, 17 March 2015.
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

P15/3652 - FINAL ADOPTION OF AMENDMENT NO. 78 TO COMMUNITY PLANNING SCHEME NO. 5 – CANNING BRIDGE STRUCTURE PLAN (REC)

AUTHORITY / DISCRETION

DEFINITION

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

P15/3652 - FINAL ADOPTION OF AMENDMENT NO. 78 TO COMMUNITY PLANNING SCHEME NO. 5 – CANNING BRIDGE STRUCTURE PLAN (REC)

KEY ISSUES / SUMMARY

- Council at its meeting 17 March 2015 resolved to adopt the Canning Bridge Structure Plan and consider the associated Scheme Amendment at a future meeting.
- The adopted structure plan is now operational. However, the structure plan does not automatically change the underlying zoning of the land, hence the need for proposed Scheme Amendment No. 78.
- The proposed Scheme Amendment No. 78 implements the density codes and zonings that were adopted in the Canning Bridge Structure Plan.
- The proposed Scheme Amendment No. 78 was advertised for 42 days. There were no objections to the proposed amendment. Two service agencies made neutral comments.
- It is recommended that Council adopt Amendment No. 78.



BACKGROUND

Council approved the Canning Bridge Structure Plan at its Ordinary Meeting held on 17 March 2015. One of the key implementation actions is to rezone all lots in the structure plan area in accordance with the recommendations of the structure plan and update relevant sections of Community Planning Scheme No. 5 (CPS 5). The purpose of this report is to detail the proposed amendments to CPS 5 and the scheme map.

P15/3652 - FINAL ADOPTION OF AMENDMENT NO. 78 TO COMMUNITY PLANNING SCHEME NO. 5 – CANNING BRIDGE STRUCTURE PLAN (REC)

A structure plan for the Canning Bridge precinct was required for the following reasons:

- Activity centre structure plans are required to be prepared for activity centres as per the Western Australian Planning Commission's (WAPC) *State Planning Policy 4.2: Activity Centres for Perth and Peel* (SPP 4.2);
- There has been a significant amount of planning and community engagement work undertaken for the area. There is a need to finalise this work and adopt a plan for the future of the centre;
and,
- To provide certainty for developers, landowners, businesses, residents and Council regarding the future plans for the centre.

Structure plans inform the future local planning framework for an area and provide direction on matters such as: zoning, building form and height; land use, access and transport. A structure plan is an important document that will guide the future redevelopment of the area.

Canning Bridge Structure Plan

The Canning Bridge Structure Plan was prepared with reference to SPP 4.2 and the Structure Plan Preparation Guidelines. Part 1 of the structure plan provides the detailed statutory provisions, including the proposed precincts and future land use and development requirements. Part 2 of the draft structure plan provides the aspirations and ideas behind the plan and the explanatory text.

Following considerable community engagement, the Structure Plan provides for the implementation of the Canning Bridge Precinct Vision which was endorsed by City of South Perth, City of Melville and the Western Australian Planning Commission (WAPC) in 2011.

The Canning Bridge Structure Plan is at the forefront of planning for the future in the Metropolitan Area. The Structure plan has considered the demands to achieve additional dwellings by 2031 but has also considered the longer term and extended the planning for the area to 2051.

A report produced in 2014 by the Conservation Council WA and Property Council of Australia titled "What Perth Wants" found that:

- There is very strong support for more medium & higher density apartment-style developments around transport hubs (71% support) and in inner areas (68% support)
- 3 in 5 inner city residents are likely to move house in the next 5 years and 73% would consider living in medium density housing and 50% in higher density housing
- The majority of respondents (69%) do not consider low density living in detached single housing to be a more affordable option

Lifestyle expectations are changing in Perth and in the City. There has been a lot of anecdotal feedback, particularly from seniors, that they would like to downsize and remain in their local area, but there is a lack of suitable housing choices to downsize to. The City's *Age Friendly Directions from Seniors 2013-2017* reports that seniors would like more accessible multi-level apartments with elevators, which are close to public transport.

P15/3652 - FINAL ADOPTION OF AMENDMENT NO. 78 TO COMMUNITY PLANNING SCHEME NO. 5 – CANNING BRIDGE STRUCTURE PLAN (REC)

The City of Melville has a lot more larger dwellings than smaller dwellings. The 2011 Census data indicates that 15% of dwellings in the City were one or two bedroom dwellings (i.e. smaller dwellings); while 81% were three bedrooms or larger (i.e. larger dwellings) yet 57% of households had only one or two persons.

Promoting greater housing diversity will provide for more housing choice. Some of those currently living in a larger house may choose to move into a smaller apartment or town house freeing up the larger house for families. Providing more housing choice gives the opportunity for a greater mix of population allowing more young people to move into the City; more families to move in and more retirees to remain in the area.

Australian Bureau of Statistics data also suggests that the City of Melville has the fourth highest percentage of single houses when compared to other local authorities in the Central Metropolitan Perth sub-region. In terms of semi-detached, row or terraced houses the City is middle of the group and in flats, units and apartments the City is second lowest in terms of percentage. Looking forward to anticipated development to 2031, with the Canning Bridge Structure Plan and other activity centre structure plans in place the figures would likely have the effect of significantly increasing the City's proportion of flats, units and apartments. The Canning Bridge Structure Plan proposes to address this in part through a transit oriented development of the district centre.

Previous Public Advertising and Engagement of the Plan

The Canning Bridge Precinct Vision was endorsed by the Councils of the City of South Perth and City of Melville in October 2010, endorsed by the WAPC and released in July 2011. The partnership that was formed to prepare the vision for the precinct between the City of Melville, the City of South Perth and the Western Australian Planning Commission (through the Department of Planning) was extended to include the transport portfolios of State Government including Main Roads WA, Department of Transport and the Public Transport Authority. Members of the partnership met monthly or as required to ensure the progress towards the Structure Plan for this Activity Centre.

There has been considerable engagement with the community as part of the development of the Activity Centre Structure Plan. Three workshops were held with residents, owners and stakeholders from both City of Melville and City of South Perth. These were held at the City of South Perth Civic Centre, the City of Melville Civic Centre and the Manning Senior Citizens Centre.

Surveys were conducted at key locations and with key groups in order to engage with those groups who were under represented at workshops specifically younger couples, young people, visitors and workers.

P15/3652 - FINAL ADOPTION OF AMENDMENT NO. 78 TO COMMUNITY PLANNING SCHEME NO. 5 – CANNING BRIDGE STRUCTURE PLAN (REC)

The Canning Bridge Structure Plan was advertised for 46 days from Monday 27 October 2014 to Friday 12 December 2014, with late submissions received up until 23 December. A total of 49 submissions were received. A summary of submissions is provided below.

Support structure plan	31	64%
Object to structure plan	4	8%
Comments/suggestions	7	14%
Government	7	14%
TOTAL	49	100%

Advertising methods included:

- an advertorial in local paper,
- press releases,
- email to those who have been involved previously,
- letters to landowners and residents in the study area,
- Facebook, and
- notices in Libraries and the Civic Centre.

An information day was also held on Saturday 8 October at the Canning Bridge Library Lounge and Courtyard. This consisted of rolling power points, static displays of maps and stations where members of the working group and other experts were available to answer questions. This was well attended by over 100 people.

In conclusion, there was high level of overall community support for the vision for the future of the centre and the structure plan.

Scheme Provisions

- MRS Zoning : Urban
- CPS 5 Zoning : - Living Area (precincts A1, A3, CH and MP2)
- Canning Bridge Frame (CBF)
- District Centre (DC1)
- R-Code : Various
- Use Type : Various
- Use Class : Various

P15/3652 - FINAL ADOPTION OF AMENDMENT NO. 78 TO COMMUNITY PLANNING SCHEME NO. 5 – CANNING BRIDGE STRUCTURE PLAN (REC)**DETAIL**

As stated it is proposed to amend CPS5 to formalise the provisions contained under the Canning Bridge Structure Plan. The amendments include:

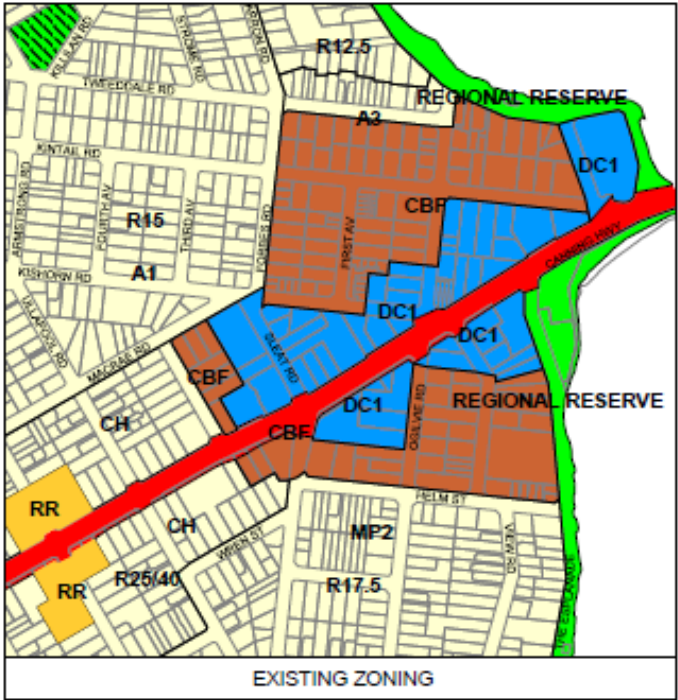
1. Deleting the words “CBF Canning Bridge Frame” from Clause 4.1, Part 4 of Community Planning Scheme No. 5
2. Deleting all words including “CBF – Canning Bridge Frame” from the Commercial Centre Frame Precincts section of Community Planning Scheme No. 5
3. Deleting the sentences following “Statement of Intent” from “DC1 – Canning Bridge Centre” in the District Centre Precincts section of Community Planning Scheme No. 5 and replacing with

Primarily mixed use including offices, retail and recreational uses and may include residential, civic and cultural uses

4. Deleting all words following “Development Requirements” under “DC1 – Canning Bridge Centre” in the District Centre Precincts section of Community Planning Scheme No. 5 and replacing with “In accordance with the Canning Bridge Structure Plan”
5. Rezoning all the lots in the structure plan area in accordance with the proposed scheme amendment map

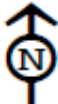
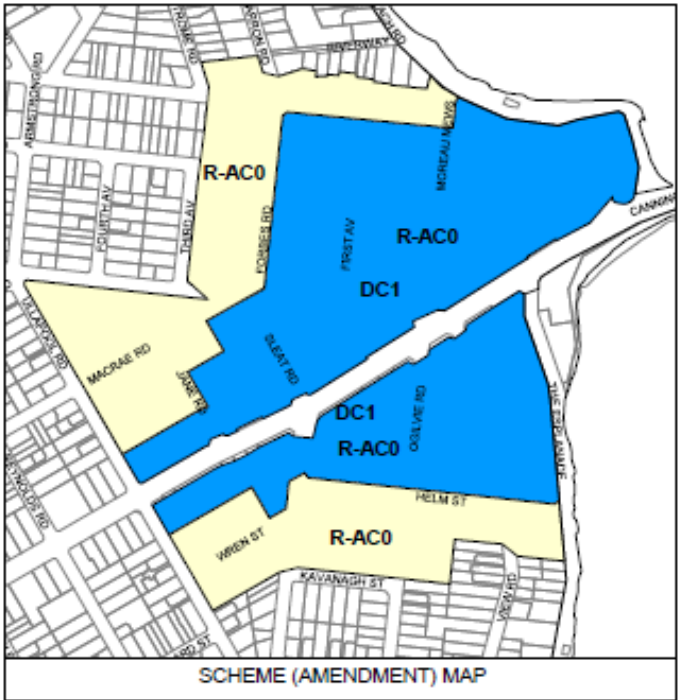
P15/3652 - FINAL ADOPTION OF AMENDMENT NO. 78 TO COMMUNITY PLANNING SCHEME NO. 5 – CANNING BRIDGE STRUCTURE PLAN (REC)

City of Melville
Community Planning Scheme No. 5
Planning and Development Act 2005



SCHEME LEGEND

- REGIONAL RESERVES**
- Primary Regional Road █
- Parks & Recreation █
- LOCAL RESERVES**
- Local Open Space ▨
- PRECINCTS**
- Living Areas █
- Riseley Frame █
- District Centre █
- Community Centre █
- OTHER**
- Precinct Code █ DC1
- Code Density █ R-AC0



SCALE 1:6000
DATE 11.03.2015

Canning Bridge Scheme Amendment

P15/3652 - FINAL ADOPTION OF AMENDMENT NO. 78 TO COMMUNITY PLANNING SCHEME NO. 5 – CANNING BRIDGE STRUCTURE PLAN (REC)

STAKEHOLDER ENGAGEMENT

Advertising Required: Yes

I. COMMUNITY

As discussed in the Background section of this report, considerable stakeholder engagement was undertaken through the structure plan process.

Scheme Amendment 78 was advertised for more than 42 days (from Tuesday 9 June 2015 until Friday 24 July 2015 via the following methods:

- An advertisement in the *Melville Times* on Tuesday 9 June 2015
- Letters sent to all service agencies
- Information available for viewing at the Civic Centre
- Information available on the City's website.

A total of two (2) submissions were received as noted below.

Category of Submission	Number of Submissions
Statements of no objection from service authorities	2
TOTAL	2

No written objections to the scheme amendment were received.

A summary of the submissions is included below.

Name of Submitter	Comment	Officer's comment
Western Power	No comment to make in respect of proposed text changes. Western Power would appreciate being informed of large scale projects in future.	Noted
Water Corporation	Assessed. No comments.	Noted

II. OTHER AGENCIES / CONSULTANTS

Information on Amendment 78 was sent to all relevant government agencies.

Required: Yes
Reason: As per *Town Planning Regulations 1967*
Support/Object: No objections received as noted above

P15/3652 - FINAL ADOPTION OF AMENDMENT NO. 78 TO COMMUNITY PLANNING SCHEME NO. 5 – CANNING BRIDGE STRUCTURE PLAN (REC)

STATUTORY AND LEGAL IMPLICATIONS

Pursuant to Part 5 of the Planning and Development Act 2005, should the Council resolve to adopt the proposed scheme amendment following public advertising, the proposal is to be forwarded to the Minister for Planning, Culture and the Arts, Environment and Youth (the Minister) for determination.

If/when approved by the Minister, the amendment will be officially gazetted and the zoning and textual changes will take effect.

FINANCIAL IMPLICATIONS

There are not considered to be financial implications associated with this proposed Scheme Amendment.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Environmental Management Implications

There are not considered to be environmental management implications associated with this proposed Scheme Amendment.

Risk Implications

Generally there are not considered to be risk implications with this amendment noting that the structure plan is already operational. The amendment is largely an administrative requirement.

Nevertheless there have been recent concerns with car parking in the Canning Bridge area. A risk assessment on this item is below:

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Risk of new developments impacting negatively on parking situation	Moderate consequences which are possible, resulting in a medium level of risk	Parking impact studies to be prepared by applicants when required, as per Clause 11 in Officer Recommendation

* As derived from using the Risk Assessment Matrix

Strategic Implications

The Canning Bridge Structure Plan is at the forefront of planning for the future in the Metropolitan Area. The Structure Plan has considered the demands to achieve additional dwellings by 2031 but has also considered the longer term and extended the planning for the area to 2051.

P15/3652 - FINAL ADOPTION OF AMENDMENT NO. 78 TO COMMUNITY PLANNING SCHEME NO. 5 – CANNING BRIDGE STRUCTURE PLAN (REC)

The Canning Bridge Structure Plan and its associated Scheme Amendment also align with most of the aspirations under the City of Melville's community plan *People, Places, Participation 2012-2022*. Some of the strategic objectives of the community strategy include:

- A livable and connected urban environment
- A built environment that reflects and enhances our sense of identity
- A diverse range of quality housing to meet the current and future needs of communities
- An integrated, sustainable and efficient transport system that connects our communities and our city
- A transport system that supports strong economic activity
- A prosperous city with access to a range of businesses and services
- Safe, attractive places where people want to live, work and participate
- Communities leading active healthy lifestyles (with urban environments designed and built to support such lifestyles)

POLICY IMPLICATIONS

There are no policy implications identified in respect of the Canning Bridge Structure Plan Scheme Amendment.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council could elect not to progress the amendment, which would prevent the density code and zoning details of the Canning Bridge Structure Plan from being implemented.

The Council could then amend the density codes and zoning details of the Canning Bridge Structure Plan, and consider either a separate amendment to CPS 5 or an amendment to LPS 6 after its Gazettal.

COMMENT

As outlined above, the proposed Amendment seeks to formalise the Canning Bridge Structure Plan. Following final adoption of the Structure Plan by Council on 17 March 2015, much of the plan already has the force and effect of a Council Policy. The focus of the Scheme Amendment is to give statutory effect to the new density codes and zonings proposed within the Structure Plan.

Advertising of the Scheme Amendment has not attracted objection from the community or servicing agencies.

P15/3652 - FINAL ADOPTION OF AMENDMENT NO. 78 TO COMMUNITY PLANNING SCHEME NO. 5 – CANNING BRIDGE STRUCTURE PLAN (REC)**CONCLUSION**

The proposed Scheme Amendment is consistent with the Council resolution of 17 March 2015, in which the Canning Bridge Structure Plan was finally adopted. In adopting the Structure Plan Council noted the need to prepare an associated Scheme Amendment to give effect to components of the Structure Plan.

Accordingly, it is recommended that Council resolve to adopt Amendment No. 78 to Community Planning Scheme No. 5, to give statutory effect to the density codes and zoning detail of the Canning Bridge Structure Plan.

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

[3652 Addendum](#)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3652)**APPROVAL**

At 7:47pm Cr Pazolli moved, seconded Cr Schuster –

- A. That the Council pursuant to Part 5 of the Planning and Development Act 2005, resolves to adopt Amendment No. 78 to Community Planning Scheme No. 5 as follows:**
- 1. Deleting the words “CBF Canning Bridge Frame” from Clause 4.1, Part 4 of Community Planning Scheme No. 5**
 - 2. Deleting all words including “CBF – Canning Bridge Frame” from the Commercial Centre Frame Precincts section of Community Planning Scheme No. 5**
 - 3. Deleting the sentences following “Statement of Intent” from “DC1 – Canning Bridge Centre” in the District Centre Precincts section of Community Planning Scheme No. 5 and replacing with *Primarily mixed use including offices, retail and recreational uses and may include residential, civic and cultural uses***
 - 4. Deleting all words following “Development Requirements” under “DC1 – Canning Bridge Centre” in the District Centre Precincts section of Community Planning Scheme No. 5 and replacing with “In accordance with the Canning Bridge Structure Plan”**
 - 5. Rezoning all the lots in the structure plan area in accordance with the proposed scheme amendment map**
- B. That His Worship the Mayor and the Chief Executive Officer be authorised to execute the Amendment document and have the Common Seal affixed.**

P15/3652 - FINAL ADOPTION OF AMENDMENT NO. 78 TO COMMUNITY PLANNING SCHEME NO. 5 – CANNING BRIDGE STRUCTURE PLAN (REC)

- C. That the Amendment document be forwarded to the Minister for Planning for final approval along with the advice that the Environmental Protection Authority raised no objection to the proposed Amendment.**

At 7:49pm the Deputy Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (10/0)

At 7.49pm Mayor Aubrey returned to the meeting and assumed the Chair.

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

At 8.07pm Cr Willis left the meeting, and returned at 8.09pm.

P15/3647 – FOUR STOREY MIXED USE DEVELOPMENT COMPRISING TWO OFFICES & FIVE MULTIPLE DWELLINGS AT LOT 2 (NO. 323) CANNING HIGHWAY, PALMYRA (SMREC) (CONFIDENTIAL ATTACHMENT)

Ward : Palmyra/Melville/Willagee
 Category : Operational
 Application Number : DA-2015-423
 Property : Lot 2 (No. 323) Canning Highway, Palmyra
 Proposal : Four storey mixed use development comprising two office tenancies and five multiple dwellings
 Applicant : Resolve Group
 Owner : Serenity Now Group Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : None applicable
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

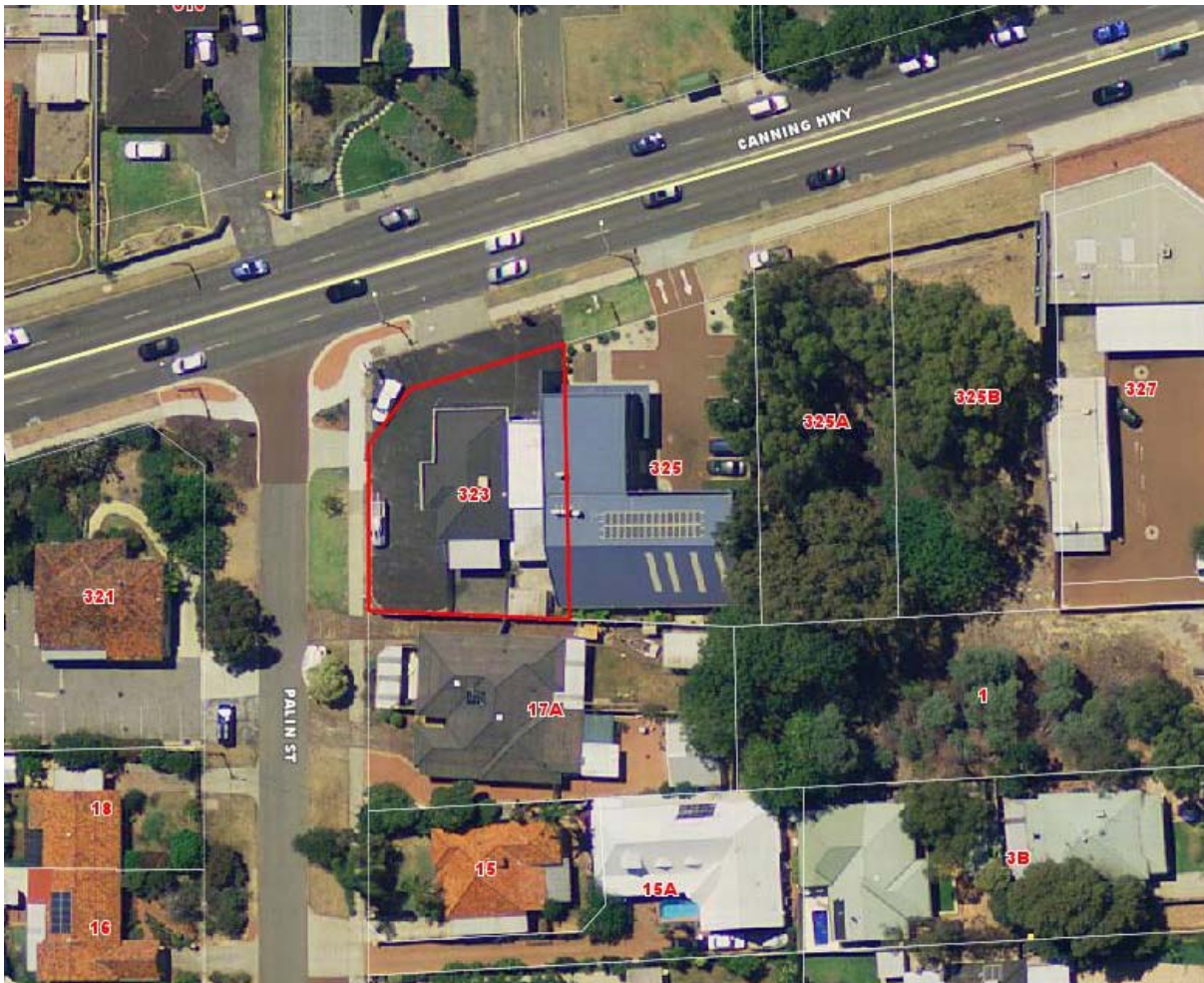
DEFINITION

<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 operates as a review authority on decisions made by Officers for appeal purposes.</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>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

P15/3647 – FOUR STOREY MIXED USE DEVELOPMENT COMPRISING TWO OFFICES & FIVE MULTIPLE DWELLINGS AT LOT 2 (NO. 323) CANNING HIGHWAY, PALMYRA (SMREC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for the construction of a four storey mixed use development including two Offices and five Multiple Dwellings at Lot 2 (No.323) Canning Highway, Palmyra.
- The application site is located within the Melville District Centre Precinct of Community Planning Scheme No.5.
- The proposed development has been assessed against the requirements of Community Planning Scheme No. 5 (CPS5), draft Local Planning Scheme No. 6 (LPS6), the Residential Design Codes (R-Codes) and Council Policy and requires additional assessment in relation to plot ratio and building height.
- Overall, the proposed development is considered to satisfy the relevant Design Principles of the R-Codes and objectives of CPS5 in relation to plot ratio and building height.
- The approval of the application requires a Special Majority decision of Council by virtue of the proposed plot ratio and an Absolute Majority decision in relation to building height.
- The application is recommended for conditional approval.



P15/3647 – FOUR STOREY MIXED USE DEVELOPMENT COMPRISING TWO OFFICES & FIVE MULTIPLE DWELLINGS AT LOT 2 (NO. 323) CANNING HIGHWAY, PALMYRA (SMREC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: District Centre Precinct
R-Code	: R60
Use Type	: Office and Residential
Use Class	: Office – P (permitted) Residential – D (discretionary)

Site Details

Lot Area	: 705m ²
Street Tree(s)	: Yes – to remain
Street Furniture (drainage pits etc)	: None applicable
Site Details	: See below

[3647 Site and Elevation Plans](#)

DETAIL

Planning approval is sought for the construction of a four storey mixed use development at 323 Canning Highway, Palmyra.

The proposal has been assessed against all of the relevant development requirements of CPS5; draft LPS6, the Deemed to Comply provisions of the R-Codes and applicable Council Policies. The proposal satisfies all of the relevant provisions with the exception of those outlined below.

CPS5 Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Plot Ratio	CPS5 - 0.8 Draft LPS6 – 1.2	1.13	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Special Majority Decision of Council
Building Height	CPS5 - 12m (Non Traditional Roof) Draft LPS6 – 16m (External Wall)	13.1m	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Absolute Majority Decision of Council

P15/3647 – FOUR STOREY MIXED USE DEVELOPMENT COMPRISING TWO OFFICES & FIVE MULTIPLE DWELLINGS AT LOT 2 (NO. 323) CANNING HIGHWAY, PALMYRA (SMREC) (CONFIDENTIAL ATTACHMENT)

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
2.	Concerned about new occupants parking on Palin Street and also the parking issues that may arise as part of the construction of the development.	Objection	A two bay surplus is proposed; therefore the on-site parking will be able to cater for tenant parking. A condition of approval is recommended requiring submission of a Construction Management Plan. This will detail parking needs during construction.	Condition

II. OTHER AGENCIES / CONSULTANTS

The proposal was referred to Main Roads Western Australia who have stated that they support the closure of the crossover on Canning Highway and the relocation of the existing crossover on Palin Street away from the intersection. Accordingly, the proposed development is acceptable to Main Roads subject to the imposition of a number of conditions which have been included within the Officer recommendation below.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

As detailed above, the application has been assessed against the requirements of draft LPS6 given that LPS6 is now considered a seriously entertained document. The proposed development satisfies all of the relevant requirements of LPS6.

P15/3647 – FOUR STOREY MIXED USE DEVELOPMENT COMPRISING TWO OFFICES & FIVE MULTIPLE DWELLINGS AT LOT 2 (NO. 323) CANNING HIGHWAY, PALMYRA (SMREC) (CONFIDENTIAL ATTACHMENT)**POLICY IMPLICATIONS**

The proposal has been assessed against all of the relevant Council Policy provisions and satisfies all with the exception of Council Policy 066: Height of Buildings.

Council Policy CP-066: Height of Buildings guides the assessment of developments which have non-traditional pitched roofs such as flat roofs.

The objective of Policy CP-066 is

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

In this instance, the maximum building height applicable is 12m, whereas a maximum height of 13.1m is proposed. Refer to “Comment” section of this report for further commentary in respect of this.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

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

COMMENT

As stated, the proposal requires assessment against the relevant Design Principles of the R-Codes and Clause 7.8 of CPS5 in relation to plot ratio and building height. These two matters relate to building bulk and are therefore interrelated.

Under CPS5, the subject site is located at the intersection of a number of different Precincts and R-Coding's, each of which have differing development provisions.

P15/3647 – FOUR STOREY MIXED USE DEVELOPMENT COMPRISING TWO OFFICES & FIVE MULTIPLE DWELLINGS AT LOT 2 (NO. 323) CANNING HIGHWAY, PALMYRA (SMREC) (CONFIDENTIAL ATTACHMENT)

The subject site itself and those along Canning Highway to the east are located within the Melville District Centre Precinct which has an R-Code of R60, however other properties within the surrounding area are zoned as follows:

- The area to the northeast of the site is within the Melville Commercial Centre Frame Precinct with an R-Code of R50.
- The area to the north, west and south of the site is within the Canning Highway Living Area Precinct and has an R-Code of R25/40.

It is noted that existing development to the north, west and southwest is typically single and two storey single and grouped housing, whilst development to the north east and east is more typically characterised by single and two storey commercial buildings of varying heights.

The proposed development has been designed to be sited within the northern portion of the site so to have a dominant frontage on to Canning Highway to signify the start of the Melville District Centre and to mitigate the potential building bulk and overshadowing impacts on to the adjoining property to the south.

In addition, it is considered that the development presents a well designed built form which includes the use of varied setbacks, door and window openings, architectural articulation, and a varied palette of building materials. Together with porticos provided on Canning Highway and Palin Street, the proposed development presents well to both streetscapes and will compliment the existing built form in this location.

Furthermore, the proposal is compliant with the draft LPS6 plot ratio and height requirements and as such is considered to complement the future desired built form for the area.

It is therefore considered the proposal respects the existing character of the area, does not impact on the amenity of neighbouring properties and is consistent with the future built form for the area under the draft LPS6.

CONCLUSION

Based on the above, the application is considered to adequately satisfy the objectives of CPS5, draft LPS6, the R-Codes and Council planning policies. It is considered that the proposed development can be accommodated without detriment to neighbouring residential amenity. For these reasons, the proposal is recommended for conditional planning approval.

P15/3647 – FOUR STOREY MIXED USE DEVELOPMENT COMPRISING TWO OFFICES & FIVE MULTIPLE DWELLINGS AT LOT 2 (NO. 323) CANNING HIGHWAY, PALMYRA (SMREC) (CONFIDENTIAL ATTACHMENT)

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3647)
SPECIAL MAJORITY APPROVAL**

At 7:53pm Cr Phelan moved, seconded Cr Foxtton –

That the Council by Special Majority decision approves the application for a four storey mixed use development comprising two office tenancies and five multiple dwellings subject to the following conditions:

- 1. No earthworks shall encroach in to the Canning Highway road reservation.**
- 2. All stormwater generated on site is to be retained on site.**
- 3. Prior to the initial occupation of the development, all unused crossover(s) shall be removed and the kerbing and road verge reinstated at the owners cost to the satisfaction of the Manager Statutory Planning.**
- 4. Prior to the initial commencement of the development the Applicant is required to undertake a Transport Noise Assessment in accordance with the guidelines of the Western Australian Planning Commissions State Planning Policy 5.4 “Road and Rail Transport Noise and Freight Considerations in Land Use Planning” and submit a copy to the Manager Statutory Planning for approval. Once approved, the development is to be constructed in accordance with the report (including any recommendations made within the report) to the satisfaction of the Manager Statutory Planning.**
- 5. Prior to the initial occupation of the development, 14 parking bay/s (including two visitor bays and one universal bay), manoeuvring areas, driveway/s and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the Manager Statutory Planning. The bay/s shall thereafter be retained for the life of the development.**
- 6. Prior to the initial occupation of the development, bicycle parking facilities for a minimum of six bicycles (two residential, three office and one visitor) shall be provided in accordance with Australian Standard AS 2890.3 to the satisfaction of the Manager Statutory Planning. The facilities shall thereafter be retained for the life of the development.**
- 7. The development shall be serviced by a concrete vehicle crossover with a maximum width of 6m and located a minimum of 2m away from the outside of the trunk of any street tree. The crossover is to be constructed prior to the initial occupation of the development in accordance with the City’s specifications to the satisfaction of the Manager Statutory Planning.**

P15/3647 – FOUR STOREY MIXED USE DEVELOPMENT COMPRISING TWO OFFICES & FIVE MULTIPLE DWELLINGS AT LOT 2 (NO. 323) CANNING HIGHWAY, PALMYRA (SMREC) (CONFIDENTIAL ATTACHMENT)

8. Prior to the initial occupation of the development, the surface finish of the boundary walls are to be finished externally to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.
9. Any roof mounted or freestanding plant or equipment shall be located and/or screened so as not to be visible from the surrounding street(s) to the satisfaction of the Manager Statutory Planning.
10. Prior to the commencement of the development, details of the exterior colours, materials and finishes of the proposed development are to be submitted and approved in writing to the satisfaction of the Manager Statutory Planning. Once approved, the development is to be constructed in accordance with those details.
11. Prior to the initial occupation of the development, the external surface of any retaining walls which are visible from adjoining properties are to be finished to the same standard as the rest of the development to the satisfaction of the Manager Statutory Planning.
12. The removal of, or permanent covering of the ground floor office windows and openings is not permitted. The windows at ground floor level are to remain visually permeable at all times.
13. Reflective or heavily tinted glazing at ground floor level is not permitted.
14. Prior to the commencement of works, the street tree is to be protected through the installation of a Tree Protection Zone (TPZ). The TPZ is to be installed as per Australian Standard AS4970-2009 and in accordance with the following criteria to the satisfaction of the Manager Statutory Planning:
 - A free-standing mesh fence erected around each street tree with a minimum height of 1.8m and a 2m minimum radius measured from the outside of the trunk of each tree.
 - If an approved crossover, front fence, footpath, and road or similar is located within the 2m radius, the TPZ fencing shall be amended to be the minimum distance necessary to allow the works to be completed.
 - Fixed signs are to be provided on all visible sides of the TPZ fencing clearly stating 'Tree Protection Zone – No Entry'.
 - The following actions shall not be undertaken within any TPZ:
 - Storage of materials, equipment fuel, oil dumps or chemicals
 - Servicing and refuelling of equipment and vehicles
 - Attachment of any device to any tree (including signage, temporary service wires, nails, screws, winches or any other fixing device)
 - Open-cut trenching or excavation works (whether or not for laying of services)
 - Changes to the natural ground level of the verge
 - Location of any temporary buildings including portable toilets
 - The unauthorised entry by any person, vehicle or machinery

P15/3647 – FOUR STOREY MIXED USE DEVELOPMENT COMPRISING TWO OFFICES & FIVE MULTIPLE DWELLINGS AT LOT 2 (NO. 323) CANNING HIGHWAY, PALMYRA (SMREC) (CONFIDENTIAL ATTACHMENT)

- No unauthorised pruning of the canopy or roots of any Street Tree is permissible under the City of Melville's Street Tree Policy CP-029. Pruning may only be undertaken by the City's approved contractors following a written submission to and approval by the City.
 - Once erected to the required standard, the TPZ shall be maintained in good condition to the satisfaction of the Manager Statutory Planning and may only be removed upon occupation of the development.
15. All external clothes drying facilities shall be screened from view of the primary street to the satisfaction of the Manager Statutory Planning.
16. A permanent enclosed storage area shall be provided for each dwelling of at least four square metres (minimum dimension of 1.5m) to satisfy Clause 6.4.6 C6.1 of the Residential Design Codes. The storage area shall be provided prior to the initial occupation of the development to the satisfaction of the Manager Statutory Planning.
17. Prior to the commencement of works, a signage strategy shall be submitted to and approved in writing by the Manager Statutory Planning. The strategy shall demonstrate how the future signage requirements for the office tenancies are to be accommodated. Once approved, the signage strategy will inform the future assessment of applications for signage on the development.
18. Prior to commencement of works, a detailed landscaping and reticulation plan for the subject site and the road verges adjacent to the site shall be submitted to and approved in writing by the Manager Statutory Planning. The landscaping plan is to include details of (but not limited to):
- (a) The location, number and type of proposed trees and shrubs including planter size and planting density;
 - (b) Any lawns to be established;
 - (c) Any existing vegetation and/or landscaped areas to be retained; and
 - (d) Any verge treatments

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

P15/3647 – FOUR STOREY MIXED USE DEVELOPMENT COMPRISING TWO OFFICES & FIVE MULTIPLE DWELLINGS AT LOT 2 (NO. 323) CANNING HIGHWAY, PALMYRA (SMREC) (CONFIDENTIAL ATTACHMENT)

19. Prior to the initial occupation of the development, the bin compound(s) as shown on the approved plans are to be constructed and maintained in perpetuity to the satisfaction of the Manager Statutory Planning. The bin compound(s) are to be constructed to satisfy the following requirements:
 - (a) Provided with a tap and connected to an adequate supply of water. The tap is to be located in a position so that it will not be susceptible to being damaged by the bins being removed for collection.
 - (b) Constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness;
 - (c) Having walls not less than 1.8 metres in height and having an access point of not less than one metre in width for resident/tenants to access the area and fitted with a self-closing gate;
 - (d) Access point for collection is to be of suitable size for the size of the bins used and the collection method proposed.
 - (e) Containing a smooth and impervious floor of not less than 75 millimetres in thickness; and provided with adequate and appropriate drainage to sewer. This pertains to commercial properties where approval is required from the Water Corporation for discharge of liquid waste.
 - (f) Where located within a building, the bin compound is to be ventilated in accordance with Australian Standard 1668.2: The Use of Ventilation and Air Conditioning in Buildings (as amended).
 - (g) Not readily accessible by the public.

20. Prior to the commencement of works, a scheme for the provision of Public Art shall be submitted to and approved in writing by the Manager Statutory Planning in consultation with the City's Public Art Panel. Once approved, the Public Art shall be provided in accordance with Council Policy – 085: Provision of Art in Development Proposals prior to the initial occupation of the development to the satisfaction of the Manager Statutory Planning. Alternatively, the public art contribution may be satisfied by a cash-in-lieu payment at the same rate, made prior to the commencement of works.

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

At 8:06pm Cr Willis left the meeting and returned at 8:08pm

P15/3647 – FOUR STOREY MIXED USE DEVELOPMENT COMPRISING TWO OFFICES & FIVE MULTIPLE DWELLINGS AT LOT 2 (NO. 323) CANNING HIGHWAY, PALMYRA (SMREC) (CONFIDENTIAL ATTACHMENT)

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

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

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

Advice Notes

- i. This property is affected by land reserved in the Metropolitan Region Scheme as shown on Main Roads drawing 1.5103/2 and will be required for road purposes at some time in the future.
- ii. The project for the upgrading/widening of Canning Highway is not in Main Roads current four year forward estimated construction program and all projects not listed are considered long term. The applicant to be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.
- iii. The Applicant must obtain approval from Main Roads before any works are undertaken within the Canning Highway Road Reserve. The applicant seeking access to the Main Roads network will be required to submit an application as outlined in the “Application Kit” for State Roads.
- iv. In relation to Condition 20 above, it is recommended that public art be considered for the portion of the boundary wall along the eastern boundary which protrudes above the roof line of the adjoining development to the east.

At 8:15pm the Mayor submitted the motion, which was declared

LOST AS THE REQUIREMENTS OF ASPECIAL MAJORITY WERE NOT ACHIEVED (7/4)

P15/3647 – FOUR STOREY MIXED USE DEVELOPMENT COMPRISING TWO OFFICES & FIVE MULTIPLE DWELLINGS AT LOT 2 (NO. 323) CANNING HIGHWAY, PALMYRA (SMREC) (CONFIDENTIAL ATTACHMENT)

Reasons for Refusal

The Proposed Development would by virtue of its height, plot ratio and lack of sufficient landscaping, be detrimental to residential amenity contrary to the provisions of Clause 7.8 of the City of Melville Community Planning Scheme No. 5.

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

M15/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 26 June 2015 up to and including 20 July 2015 and recommends that the information be noted and endorsed.

M15/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Party	Description	ECM Reference
1040	The City of Melville and Melville Theatre Company-Roy Edinger Hall	Renewal of the Management Licence for three years commencing 1 July 2015 and expiring 30 June 2018. Location: Stock Road Palmyra	3499366
1084	The City of Melville and Melville Turf Inc	Management Licence – Between the City of Melville and Melville Turf Inc for a further five years commencing 1 September 2015 and expiring August 2020 Location: Morris Buzacott Reserve, Kardinya (Turf Area)	3569783
1111	The City of Melville and the owners of Queens Road Apartments, Strata Plan 63141	Deed related to the development that has been constructed at 21 Queens Road. Mt Pleasant. The Deed is to ensure the provision of public toilets and indemnification and maintenance of encroachments on the road reserve where it directly abuts the development	3628463
1113	The City of Melville and Landmark Settlements regarding 21 Queens Road Mount Pleasant	The City of Melville as caveator Under Caveat M834416 consents to the lodgement of the Management Statement by Landmark Settlements	3635697

M15/5000 – COMMON SEAL REGISTER (REC)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

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

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

FINANCIAL IMPLICATIONS

There are no financial implications in this report other than that held in the contracts advised above.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There is no strategic, risk or environmental management implications in this report.

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

M15/5000 – COMMON SEAL REGISTER (REC)**CONCLUSION**

This is a standard report for Elected Members' information.

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

That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the document listed under the Common Seal of the City of Melville from 26 June 2015 up to and including 20 July 2015.

At 9.25pm the Deputy Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

C15/6000 - PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2015 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the preliminary investment statements for the year ending 30 June 2015 for the Council's information and noting.

Investment figures are yet to be finalised awaiting transfers between accounts as part of the end of financial year process.

C15/6000 – PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2015 (REC)

BACKGROUND

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

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

DETAIL

Preliminary summary details of investments held as at 30 June 2015 are shown in the tables below.

CITY OF MELVILLE	
STATEMENT OF INVESTMENTS	
FOR THE PERIOD ENDING 30 JUNE 2015	
SUMMARY BY FUND	
	AMOUNT \$
MUNICIPAL	\$ 23,942,382
RESERVE	\$ 85,747,392
TRUST	\$ 272,939
CITIZEN RELIEF	\$ 204,517
	\$ 110,167,230
SUMMARY BY INVESTMENT TYPE	
	AMOUNT \$
11AM	\$ 5,920,431
31DAYS AT CALL	\$ 1,000,000
60DAYS AT CALL	\$ 1,000,000
TERM DEPOSIT	\$ 96,016,153
BOND	\$ 2,000,000
FRTD	\$ 4,000,000
UNITS (Local Govt Hse)	\$ 230,645
	\$ 110,167,230
SUMMARY BY CREDIT RATING	
	AMOUNT \$
AA	\$ 6,000,000
AA-	\$ 78,036,585
A+	\$ 12,000,000
A	\$ 2,900,000
A-	\$ 11,000,000
BBB+	\$ -
UNITS (Local Govt Hse)	\$ 230,645
	\$ 110,167,230

C15/6000 - PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2015 (REC)

The following preliminary statements detail the investments held by the City for the year ending 30 June 2015.

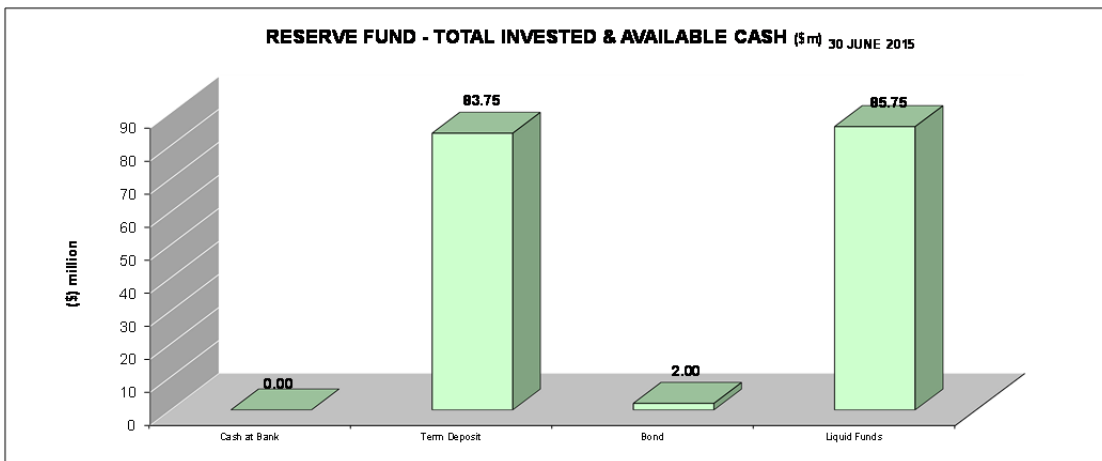
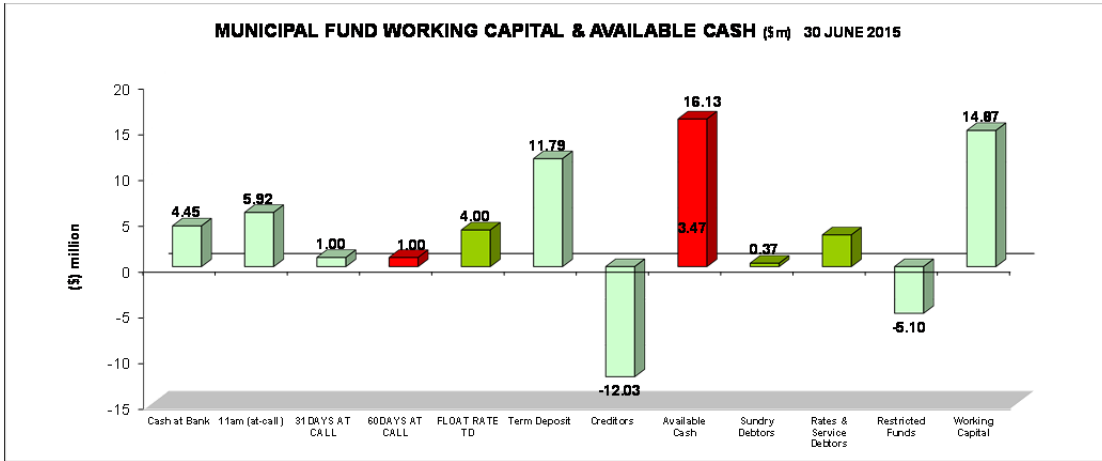
STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 JUNE 2015						
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.50%	AA-	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	1.70%	AA-	\$4,600,000	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	1.95%	AA-	\$308,078	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	1.95%	AA-	\$1,012,353	On call
					\$5,920,431	
WESTPAC (31DAYS AT CALL)	Very Low	31DAYS AT CALL	3.00%	AA-	\$1,000,000	On call
					\$1,000,000	
WESTPAC (60DAYS AT CALL)	Very Low	60DAYS AT CALL	3.10%	AA-	\$1,000,000	On call
					\$1,000,000	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$5,000,000	Various
BANKWEST (TERM)	Very Low	TERM	Various	AA-	\$8,500,000	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$1,000,000	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$10,225,369	Various
COMMONWEALTH BANK (TERM)	Very Low	TERM	Various	AA-	\$14,000,000	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$4,000,000	Various
ANZ BANK (TERM)	Very Low	TERM	Various	AA-	\$5,000,000	Various
ING BANK (TERM)	Very Low	TERM	Various	A-	\$5,000,000	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$2,900,000	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$21,290,784	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$4,000,000	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$2,100,000	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$8,000,000	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$5,000,000	Various
					\$96,016,153	
WESTPAC (FRTD)	Very Low	FRTD	3.42%	AA-	\$4,000,000	Various
					\$4,000,000	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.79%	AA	\$2,000,000	20-Dec-15
					\$2,000,000	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	NA
TOTAL FUNDS INVESTED					\$110,167,230	
CREDIT RISK COMPARISON						
CREDIT RISK	AMOUNT \$	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments		
AA	\$6,000,000	5%	80%			
AA-	\$78,036,585	71%	80%			
A+	\$12,000,000	11%	50%			
A	\$2,900,000	3%	50%			
A-	\$11,000,000	10%	50%			
BBB+	\$0	0%	20%			
UNITS IN LOCAL GOVT: HOUSE	\$230,645	0%	0.1%			Council Decision
TOTAL	\$110,167,230	100%				
DIVERSIFICATION RISK						
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT \$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION
ANZ BANK (TERM)	TERM	AA-	5,000,000	4.54%	4.54%	20%
AMP BANK (TERM)	TERM	A+	4,000,000	3.63%	3.63%	15%
BANKWEST (11AM)	11AM	AA-	-	0.00%	-	20%
BANKWEST (TERM)	TERM	AA-	8,500,000	7.72%	7.72%	20%
BANK OF QUEENSLAND (TERM)	TERM	A-	5,000,000	4.54%	4.54%	15%
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	1,000,000	0.91%	0.91%	15%
CITIBANK (TERM)	TERM	AA-	10,225,369	9.28%	9.28%	20%
COMMONWEALTH BANK (TERM)	TERM	AA-	14,000,000	12.71%	-	20%
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%	-	20%
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.82%	-	20%
COMMONWEALTH BANK (FRN)	FRN	AA	-	0.00%	14.52%	20%
ING BANK (TERM)	TERM	A-	5,000,000	4.54%	4.54%	15%
MACQUARIE BANK (TERM)	TERM	A	2,900,000	2.63%	2.63%	15%
NAB (TERM)	TERM	AA-	21,290,784	19.33%	19.33%	20%
RABODIRECT (TERM)	TERM	AA	4,000,000	3.63%	3.63%	15%
ST GEORGE BANK (TERM)	TERM	AA-	2,100,000	1.91%	1.91%	20%
SUNCORP METWAY LTD (TERM)	TERM	A+	8,000,000	7.26%	7.26%	15%
WESTPAC (MAXI BONUS 1)	11AM	AA-	308,078	0.28%	-	20%
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,012,353	0.92%	-	20%
WESTPAC (MAXI DIRECT)	11AM	AA-	4,600,000	4.18%	-	20%
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	1,000,000	0.91%	-	
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	1,000,000	0.91%	-	
WESTPAC (FRTD)	FRTD	AA-	4,000,000	3.63%	-	20%
WESTPAC (TERM)	TERM	AA-	5,000,000	4.54%	15.36%	20%
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.21%	-	
			110,167,230	100%	100%	

C15/6000 - PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2015 (REC)

MATURITY COMPARISON			
TERM to MATURITY	AMOUNT	\$	ACTUAL PROPORTION
			MAX. % IN ANY ONE YEAR
MUNICIPAL & TRUST FUNDS			
< 1 year	23,984,676		100%
	23,984,676		100%
RESERVE FUNDS			
< 1 year	85,747,392		100%
	85,747,392		100%

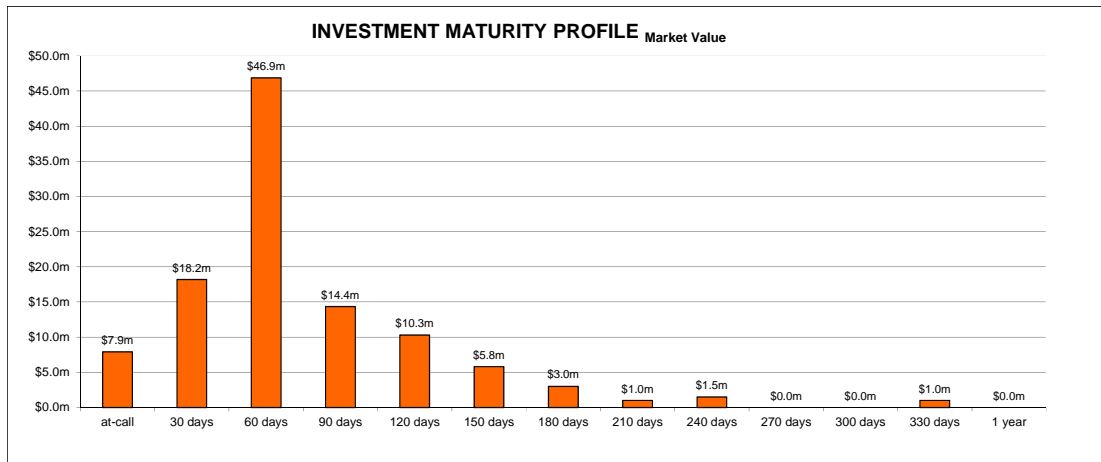
Net Funds Held

The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation as at 30 June 2015.



C15/6000 - PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2015 (REC)

The graph below summarise the maturity profile of the City's investments at market value as at 30 June 2015.



STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

FINANCIAL IMPLICATIONS

For the year ending 30 June 2015 preliminary investment earnings on:

- Municipal and Trust Funds were \$856,110 against a year-to-date budget of \$1,220,000 representing a \$363,890 negative variance. The weighted average interest rate for Municipal and Trust Fund investments as at 30 June 2015 was 3.26% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.15%.
- Reserve accounts were \$3,314,103 against a year-to-date budget of \$2,750,000 representing a \$564,103 positive variance. The weighted average interest rate for Reserve account investments as at 30 June 2015 was 3.33% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.15%.

C15/6000 - PRELIMINARY INVESTMENT STATEMENTS FOR JUNE 2015 (REC)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

The interest rate risk is high due to the short-term nature of the City's investments and the inability, due to legislative restrictions, to lock into longer dated investments which attract higher interest rates and help reduce exposure to reductions in interest rates.

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

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The City's investment portfolio is invested in highly secure investments that are returning low investment returns. These return's however commensurate with the low level of risk of the portfolio.

Future investment earnings are expected to continue to decrease when compared to previous years as interest rates continue to decrease, restrictions put on banks by the regulators and the legislative restrictions that have been implemented by the State Government limiting term deposits to a maximum term of 12 months, resulting in the City not being able to invest in term deposits with the higher interest rates that are available on longer term investments.

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

That the Preliminary Investment Report for the month of June 2015 be noted.

At 9.25pm the Deputy Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2015 (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Statement and Investments
Customer Index	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not Applicable
Funding	:	2014/2015 Budget
Responsible Officer	:	Bruce Taylor – Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the month of June 2015 and recommends that the Schedule of Accounts Paid be noted.

C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2015 (REC) (ATTACHMENT)

BACKGROUND

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

DETAIL

The Schedule of Accounts Paid for the month ending 30 June 2015 ([6001 June 2015](#)), including Payment Registers numbers, Cheques 465 to 472 and Electronic Funds Transfers batches 367 to 370 was distributed to the Elected Members of Council on 31 July 2015.

Payments in excess of \$25,000 for the month of June 2015 are detailed as follows:

Supplier Name	Remittance Number	Remittance Details	Amount
Access without Barriers	E044685	Progress claim for Wireless Hill Refurbishment	\$99,137.21
Adshell	E044989	Relocation of 2 bus shelters Canning Highway	\$45,062.27
Amcom Telecommunications	E045093	Telecommunications	\$82,612.07
Apace Aid Incorporated	E045005	Environmental Conservation	\$29,595.50
Arborwest Tree Farm	E044553, E044807 & E045023	Tree Supplier	\$37,004.00
Asphaltech Pty Ltd	E044645 & E045105	Progress claim 1 for road resurfacing Brockman Avenue, and Progress claim 4 road resurfacing Calley Drive	\$194,886.65
Asset Infrastructure Management Pty Ltd	E044670, E044890 & E045129	Consulting services	\$79,497.00
Australia Post Perth	E044544 & E045017	Mail	\$34,304.22
Bucher Municipal Pty Ltd	E044477, E044747 & E044943	Engineering equipment	\$52,255.45
Calibre Coatings Pty Ltd	E044519 & E044786	Painting at John Connell Reserve Clubrooms & Heathcote Canning House	\$30,508.00
Cardno (WA) Pty Ltd	E044576, E044821 & E045039	Consultancy services	\$27,414.75
Carringtons Traffic Services WA	E044720, E044927 & E045180	Traffic Management services	\$62,015.46
City of Cockburn	E044737 & E044936	Tip fees for May and June 2015	\$119,865.45
Crabclaw Holdings Pty Ltd (ESMO) Maintenance	E044541, E044799 & E045013	Building maintenance	\$154,999.73
Dickies Tree Service	E044469, E044739 & E044938	Tree lopping services	\$192,236.00
Downer EDI Works Pty Ltd	E044605, E044845 & E045064	Road resurfacing at Rhyder Court and Davis Road, and Progress claim 2 road resurfacing at Rigby Street	\$197,545.11
Dowsing Concrete	E044929 & E045183	Concrete works	\$183,878.48
Earthcare Australia Pty Ltd	E044822	50% Final claim for works at Kardinya Park	\$25,982.68
Ellenby Tree Farm Pty Ltd	E044971	Garden management	\$34,210.00

C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2015 (REC) (ATTACHMENT)

Supplier Name	Remittance Number	Remittance Details	Amount
Fire & Emergency Services Authority WA	E044631 & E045092	ESL Remittance for May and June 2015	\$137,316.55
Flexi Staff	E044496, E044771 & E044964	Temporary employment	\$155,323.59
Forestvale Trees	E044630, E044865 & E045090	Tree supplier	\$36,773.00
GHD Pty Ltd	E044603, E044842 & E045061	Contamination sites investigation and design for Heathcote and Jeff Joseph reserve foreshore	\$74,130.10
Goodyear & Dunlop Tyres (Aust) Pty Ltd T/AS Beaufort Myaree	E044565 & E045032	Tyres	\$35,228.34
Greenspan – MCE	E044503, & E044774 & E044970	Replace controllers and wire cards	\$40,202.25
Hays Specialised Recruitment	E044644, E044872 & E045104	Temporary employment	\$32,874.32
Hydroquips Pumps	E044507, E044776 & E044977	Reticulation	\$90,813.14
Infor Global Solutions	E044828 & E045046	Software and support service	\$164,014.41
JMG Air Conditioning & Electrical Services	E044627, E044863 & E045088	Air conditioning services	\$76,251.41
Landmark Engineering & Design Pty Ltd T/A Exteria	E044760 & E0 44952	Park furniture	\$83,267.80
Main Road WA	E044804 & E045019	Road regulation	\$264,644.48
Malachi Aister Yaip	Chq 062322	Sculpture artist	\$33,000.00
Mcleods (Barristers and Solicitors)	E044540, E044798 & E045012	Legal services	\$30,553.16
Melville Holden	E044517 & E044784	Holden Cruze Wagon Cdi.8lt	\$25,084.90
MMM WA Pty Ltd	E044581, E044825 & E045042	Drainage upgrade and installation of piping	\$137,350.29
Natural Area Management & Services	E044716, E044923 & E045175	Parks & Reserves weed management	\$49,567.10
NS Projects Pty Ltd	E044686 & E045140	Final claim for Library and Culture Centre, and Consultancy for new Library and Culture Centre	\$53,723.45
Rhysco Electrical Services	E044600, E044838 & E045058	Electrical services	\$146,770.34
Roads 2000 Pty Ltd	E044646, E044873 & E045106	Asphalt to Leach Highway	\$178,998.32
Southern Metropolitan Regional Council	E044559, E044812 & E045026	RRRC loan repayment for June 2015, MSW gate fee for May 2015, and Green waste and MSW gate fees for June 2015	\$1,826,625.36
Synergy	E044495, E044770 & E044963	Electricity billing	\$484,096.79
TJS Cleaning Services Perth Pty Ltd	E044664, E044885 & E045120	Cleaning services	\$52,305.26
Tree Amigos Tree Surgeons	E044598, E044837 & E045056	Tree lopping services	\$132,468.76
Triton Electrical Contractors Pty Ltd	E044635 & E045096	Electrical contractors	\$28,812.06
Turfmaster	E044490, E044764 & E044956	Turf supplies	\$34,098.90
Water Corporation	Chq's 062008, 062204 & 062310	Water usage	\$40,323.89
West Coast Turf	E044984	Turf laying	\$41,437.00

C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2015 (REC) (ATTACHMENT)

Supplier Name	Remittance Number	Remittance Details	Amount
Western Australian Local Government Association	E044562, E044813 & E045028	Subscriptions, advertising and training	\$33,313.19
Western Educating Service	E044536, E044796 & E045007	Industrial cleaning	\$25,256.00
Western Power	E044492, E044767 & E044959	Electricity maintenance	\$847,670.55
Young Plumbing & Gas Service Pty Ltd	E044579, E044823 & E045041	Plumbing	\$54,960.07

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Procurement of Products and Services is conducted in accordance with Council Policy CP-023 and Systems Procedure SP-019 Purchasing and Procurement.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C15/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2015 (REC) (ATTACHMENT)**CONCLUSION**

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

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

That the Council notes the Schedule of Accounts paid for the month ending 30 June 2015 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 June 2015](#)

At 9.25pm the Deputy Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

**C15/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2015
(AMREC) (ATTACHMENTS)**

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents:

- The Preliminary Statements of Financial Activity for the year ending 30 June 2015 and recommends that they be noted by the Council. The audited figures for 2014/2015 are yet to be finalised.
- Budget amendments for the period ending 30 June 2015 and recommends that they be adopted by Absolute Majority decision of the Council.
- The preliminary variances for the year ending 30 June 2015 and recommends that they be noted by the Council.

**C15/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2015
(AMREC) (ATTACHMENTS)**
BACKGROUND

The Preliminary Statements of Financial Activity for the year ending 30 June 2015 have been prepared and tabled in accordance with the *Local Government (Financial Management) Regulations 1996*.

DETAIL

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

For the year ending 30 June 2015, preliminary net operating positive variances of \$10.046m and net capital positive variances of \$12.156m were recorded.

Variances

A preliminary summary of variances and comments are provided in attachment [6002H June 2015](#).

Revenue

\$77.812m in Rates was raised to 30 June 2015. This is compared with a revised year to date budget of \$77.635m, resulting in a positive variance of \$177K.

CITY OF MELVILLE STATEMENT OF VARIANCES IN EXCESS OF \$50,000 FOR THE PERIOD ENDED 30 JUNE 2015							
	May Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
Revenues							
Governance	5,086	1,500	132,321	130,821	8721%	5,001,500	1,500
General Purpose Funding	1,956,544	12,148,405	14,288,680	2,140,275	18%	12,112,400	12,148,405
Community Amenities	920,078	3,202,574	3,542,573	340,000	11%	2,996,434	3,202,574
Transport	194,047	4,760,902	4,057,764	(703,138)	-15%	2,748,799	4,760,902
Economic Services	108,518	2,919,748	2,784,270	(135,478)	-5%	3,016,930	2,919,748
Other Property and Services	281,096	2,242,859	1,763,295	(479,564)	-21%	3,624,453	5,162,607
	4,401,071	36,672,475	38,055,395	903,356	4%	37,998,637	36,672,475
Expenses							
Governance	(400,825)	(4,260,632)	(3,358,103)	902,529	-21%	(9,301,704)	(4,133,129)
General Purpose Funding	(735,074)	(4,930,787)	(4,226,063)	704,724	-14%	(4,929,697)	(4,930,787)
Law, Order, Public Safety	(378,735)	(3,682,263)	(3,452,405)	229,858	-6%	(3,769,136)	(3,682,263)
Education & Welfare	(279,608)	(2,749,879)	(2,689,248)	60,631	-2%	(2,721,231)	(2,749,879)
Community Amenities	(2,723,087)	(24,300,583)	(22,110,132)	2,190,451	-9%	(23,726,645)	(24,300,583)
Recreation and Culture	(2,994,369)	(28,460,499)	(27,294,417)	1,166,082	-4%	(27,471,098)	(28,460,499)
Transport	(1,280,301)	(8,943,253)	(8,396,616)	546,637	-6%	(9,555,129)	(8,943,253)
Other Property and Services	(1,885,905)	(19,872,012)	(19,453,628)	418,384	-2%	(18,430,499)	(20,006,031)
	(10,799,673)	(98,187,688)	(91,932,305)	9,447,100	-6%	(100,895,064)	(98,194,204)
Capital Revenue & Expenditure							
Purchase of Furniture & Equipment	(166,536)	(2,077,973)	(958,403)	1,119,570	-54%	(1,643,524)	(2,077,973)
Purchase of Plant & Equipment	(22,701)	(8,052,604)	(4,681,619)	3,370,985	-42%	(4,702,747)	(8,052,604)
Purchase of Land & Buildings	(216,381)	(3,984,559)	(1,850,911)	2,133,649	-54%	(2,034,000)	(3,984,559)
Purchase of Infrastructure Assets	(2,059,443)	(21,023,632)	(14,826,484)	6,197,148	-29%	(16,075,081)	(21,023,632)

**C15/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2015
(AMREC) (ATTACHMENTS)****Money Expended in an Emergency and Unbudgeted Expenditure**

Not applicable for June 2015.

Budget Amendments

Details of Budget Amendments requested for the month of June 2015 are shown in attachment [6002J June 2015](#). Below are the four budget amendment journals greater than \$50,000 that were processed in June 2015.

- \$55,000 – New Budget for Hayward and Harris Street drainage works.
- \$60,500 – Additional budget for Norma Road and Environmental drainage projects transferred from savings in other drainage projects.
- \$342,910 – Additional budget for other capital projects from savings in other projects.
- \$419,502.17 – Depreciation adjustment to align Budget with Actuals.

Rates Collections and Debtors

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$803,423 were collected over the course of the month. Rates collection progress for the month of June is 0.8% below target which represents a dollar value of \$686,085. As at 30 June, 97.2% of 2014/2015 rates had been collected. This was 0.4% less than collected for the same time last year.

Total sundry debtor balances increased by \$15,837 over the course of the month from \$392,269 to \$408,106. The 90+ day's debtor balance increased by \$1,683 from \$23,953 to \$25,636.

Granting of concession or writing off debts owed to the City

Delegation DA-032 empowers the Chief Executive Officer (CEO) to grant concessions and write off monies owing to the City to a limit of \$10,000 for any one item. The CEO has partially on-delegated this to the Director Corporate Services to write off debts or grant concessions to a value of \$5,000.

No debts were written off under delegated authority in the month of June 2015.

**C15/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2015
(AMREC) (ATTACHMENTS)**

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

DESCRIPTION	LINK
Rate Setting Statement June 2015	6002A June 2015
Statement of Financial Activity – June 2015	6002B June 2015
Representation of Net Working Capital – June 2015	6002E June 2015
Reconciliation of Net Working Capital – June 2015	6002F June 2015
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – June 2015	6002H June 2015
Details of Budget Amendments requested – June 2015	6002J June 2015
Summary of Rates Debtors – June 2015	6002L June 2015
Graph Showing Rates Collections – June 2015	6002M June 2015
Summary of General Debtors aged 90 Days Old or Greater – June 2015	6002N June 2015

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

Local Government (Financial Management) Regulation 1996 Part 4 – Financial Reports Regulation 34 requires that:

**C15/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2015
(AMREC) (ATTACHMENTS)****34. Financial activity statement report — s. 6.4**

(1A) In this regulation — **committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown —

- (a) according to nature and type classification; or
- (b) by program; or
- (c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- (b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

The variance adopted by the Council is 10% or \$50,000 whichever is greater.

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

FINANCIAL IMPLICATIONS

Preliminary variances are dealt with in attachment [6002H June 2015](#) (Notes on Statement of Preliminary Variances in excess of \$50,000).

**C15/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2015
(AMREC) (ATTACHMENTS)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no identifiable strategic, risk and environmental management implications arising from this report.

POLICY IMPLICATIONS

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

CONCLUSION

The attached preliminary financial reports reflect a positive financial position of the City of Melville for the year ending 30 June 2015.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY

At 8:20pm Cr Willis moved, seconded Cr Aubrey –

That the Council:

- Note the Preliminary Rate Setting Statement and Preliminary Statements of Financial Activity for the year ending 30 June 2015 as detailed in the following attachments:**

DESCRIPTION	LINK
Rate Setting Statement June 2015	<u>6002A June 2015</u>
Statement of Financial Activity – June 2015	<u>6002B June 2015</u>
Representation of Net Working Capital – June 2015	<u>6002E June 2015</u>
Reconciliation of Net Working Capital – June 2015	<u>6002F June 2015</u>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – June 2015	<u>6002H June 2015</u>
Details of Budget Amendments requested – June 2015	<u>6002J June 2015</u>
Summary of Rates Debtors – June 2015	<u>6002L June 2015</u>
Graph Showing Rates Collections – June 2015	<u>6002M June 2015</u>
Summary of General Debtors aged 90 Days Old or Greater – June 2015	<u>6002N June 2015</u>

**C15/6002 – PRELIMINARY STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2015
(AMREC) (ATTACHMENTS)**

- 2. By Absolute Majority Decision adopt the budget amendments, as listed in the Budget Amendment Reports for June 2015, as detailed in attachment [6002J June 2015](#).**

At 8:20pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

BEHIND CLOSED DOORS

At 8.21pm Cr Barton moved, seconded Cr Phelan–

***That the meeting be closed to the public to permit discussion on a confidential matter (P15/3650 – Approval of Land Exchange and Development Agreements with AMP Capital) covered under section 5.23 (2) (c) of the Local Government Act 1995, a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
(e) a matter that if disclosed would reveal – information that has commercial value to a person; ...where the trade secret or information is held by, or is about, a person other than the local government;...***

At 8.21pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (11/0)

At 8.21, Mayor Aubrey having declared an Interest in item P15/3650 - Approval of Land Exchange and Development Agreements with AMP Capital, vacated the Chair and left the meeting.

At 8.21pm Deputy Mayor, Cr Foxtan assumed the Chair.

**P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS
WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)**

Disclosure of Interest

Item No.	P15/3650
Member	Mayor R Aubrey
Type of Interest	Proximity Interest in Accordance with the Act
Nature of Interest	The Mayor owns a property across Davy Street
Request	To leave the meeting
Decision of Council	Not Applicable

Ward	: City
Category	: Strategic
Application Number	: N/A
Property	: 10 Almondbury Road and 125-133 Riseley Street, Booragoon
Proposal	: Melville City Centre Land Exchange with AMP Capital Investors
Applicant	: City of Melville and AMP Capital Investors
Owner	: City of Melville and AMP Capital Investors
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P15-3627 – Melville City Centre Land Exchange – Ordinary Meeting of Council 12 May 2015 P14-3582 – Melville City Centre Redevelopment – Special Meeting of Council 18 December 2014
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

**P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS
WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)**

AUTHORITY / DISCRETION

DEFINITION

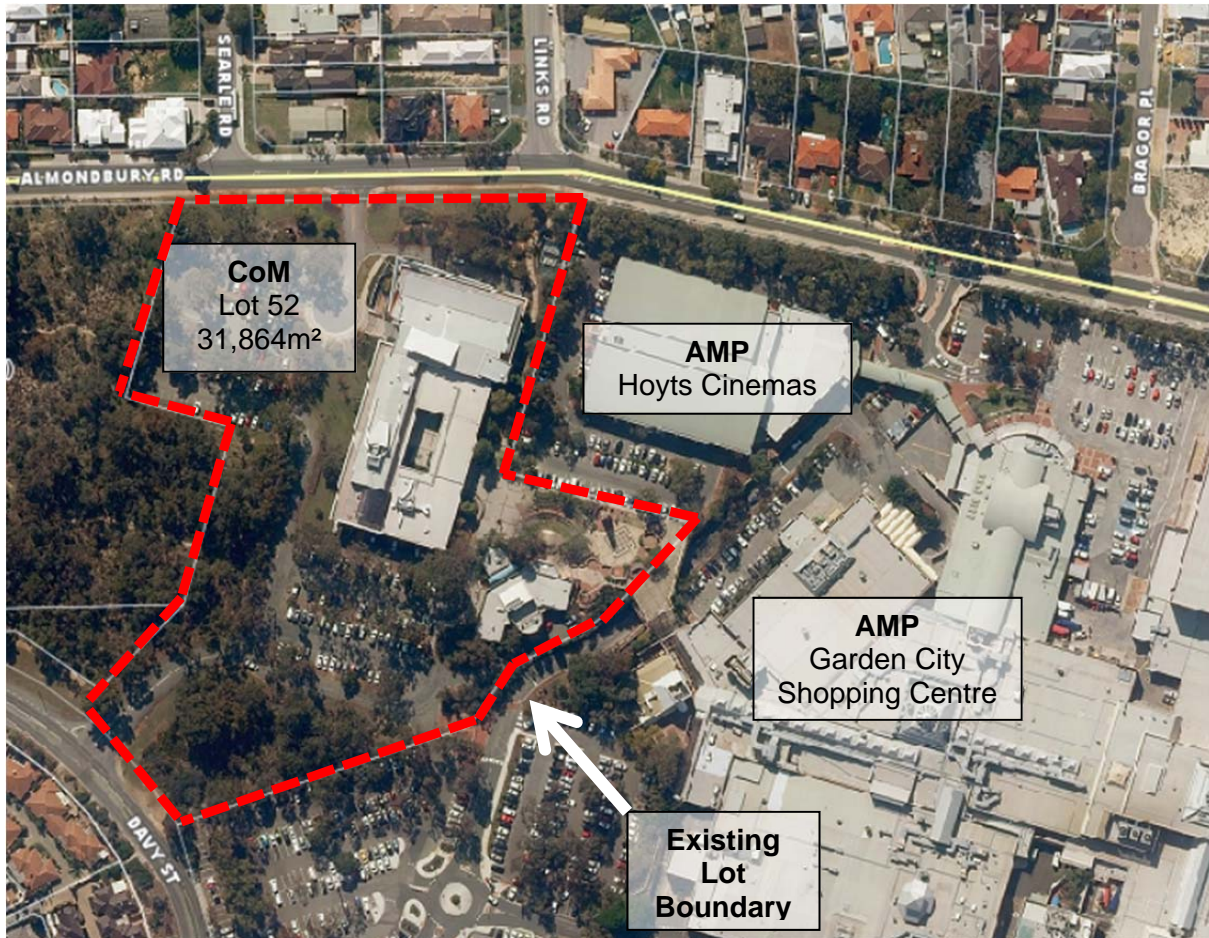
<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and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

**P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS
WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Melville City Centre Structure Plan envisages the creation of a vibrant, pedestrian-friendly, double-sided high street between the City's Civic Centre and the Garden City Shopping Centre.
- The existing lot boundary is irregular and should be realigned in order to facilitate the redevelopment of the new high street and surrounding buildings.
- The Council supported a proposed land exchange at its Ordinary Meeting held on 12 May 2015 and authorised the Chief Executive Officer to progress the next steps in the process, which included preparation of a Land Exchange Agreement and a Development Agreement
- The Land Exchange Agreement provides details of the proposed land transaction
- The Development Agreement provides details of the redevelopment of the High Street Precinct and the funding to be given by AMP Capital Investors (AMP) towards the new War Memorial to be located on Wireless Hill and towards the development of a new Library Cultural Centre.
- The Agreements have been prepared by the City's Executive Manager Legal Services and the City's Solicitors
- The benefits for the community provided in the Agreements are considerable and include (but are not limited to):
 - Significant funding from AMP towards the development of the new proposed Library Cultural Centre and new War Memorial on Wireless Hill
 - A vibrant new pedestrian-friendly High Street to be constructed and maintained by AMP
 - A much improved public realm with shade, water, high quality materials and amenity
- The Agreements have been executed, subject to approval by the Council, by the City's Executive and are presented to Council for final approval in accordance with Council's resolution of 12 May 2015.

**P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS
WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)**

Aerial View of Site



BACKGROUND

The City owns Lot 52, 10 Almondbury Road, Booragoon in freehold title, which includes the Civic Centre and Civic Square Library. The lot has an area of 31,864m² and is zoned 'City Centre' in Community Planning Scheme No. 5 (CPS5) with no maximum residential density.

The Melville City Centre Structure Plan was adopted by Council at a Special Meeting held on 9 December 2013. The Western Australian Planning Commission (WAPC) adopted the Structure Plan on 22 April 2014.

The Melville City Centre Structure Plan provides the vision for the redevelopment of the City Centre and the relevant development requirements. The zonings recommended by the adopted Structure Plan are being progressed through Scheme Amendment 76 to CPS5. The Council approved Amendment 76 at a Special Meeting held on 5 March 2015 following public advertising. It has been referred to the WAPC for final approval and gazettal.

The Structure Plan provides for a new High Street and high quality public spaces to be created between the existing Garden City Shopping Centre and Civic Centre. The new High Street Precinct is expected to be a vibrant, pleasant and commercially successful place.

**P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS
WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)**

The Council considered a report on the proposed land exchange and resolved as follows at its Ordinary Meeting held on 12 May 2015:

1. *Notes the one (1) submission received during the Local Public Notice process, which has been duly considered prior to making its decision.*
2. *Supports the proposed land exchange with AMP Capital Investors as shown in Attachment 1 for the following reasons:*
 - a. *The existing lot boundary is irregular and would constrain the development of a High Street Precinct as recommended by the Melville City Centre Structure Plan*
 - b. *The development of a High Street Precinct is critical to the development of the Melville City Centre as a whole*
 - c. *The land exchange will provide the City with a long frontage to the new High Street and facilitate redevelopment of the City's landholdings*
 - d. *It supports the proper and orderly planning of the Melville City Centre*
3. *Authorises the Chief Executive Officer to progress the proposed land exchange via:*
 - a. *A Land Swap Agreement with AMP Capital Investors providing details of the land transaction*
 - b. *An Implementation (or Development) Agreement*
 - c. *A subdivision/amalgamation application*
 - d. *Agreements in clauses 3a and 3b be referred to Council for approval.*
4. *Notes that the proposed land exchange will not occur unless:*
 - a. *A Development Approval has been granted for the Garden City Shopping Centre major redevelopment and those works have been substantially commenced*
 - b. *The Land Swap Agreement has been agreed and executed by both parties*
 - c. *An Implementation (or Development) Agreement has been agreed and executed by both parties.*
 - d. *A subdivision/boundary realignment application has been approved and any relevant conditions fulfilled*

The Council specifically requested in point 3(d) above that the Agreements be referred back for final approval.

The Council also resolved to progress the proposed new Library / Cultural Centre at its Special Meeting held on 24 June 2015.

Scheme Provisions

MRS Zoning	: Urban
CPS5 Zoning	: City Centre
R-Code	: N/A
Use Type	: N/A
Use Class	: N/A

Site Details

Lot Area	: 31,864m ²
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**P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS
WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)****DETAIL**

The City has been in discussions with AMP about the future development of the proposed High Street Precinct and a proposed land transaction to facilitate redevelopment of the area. The proposed land transaction would realign the existing lot boundaries, which would otherwise constrain redevelopment.

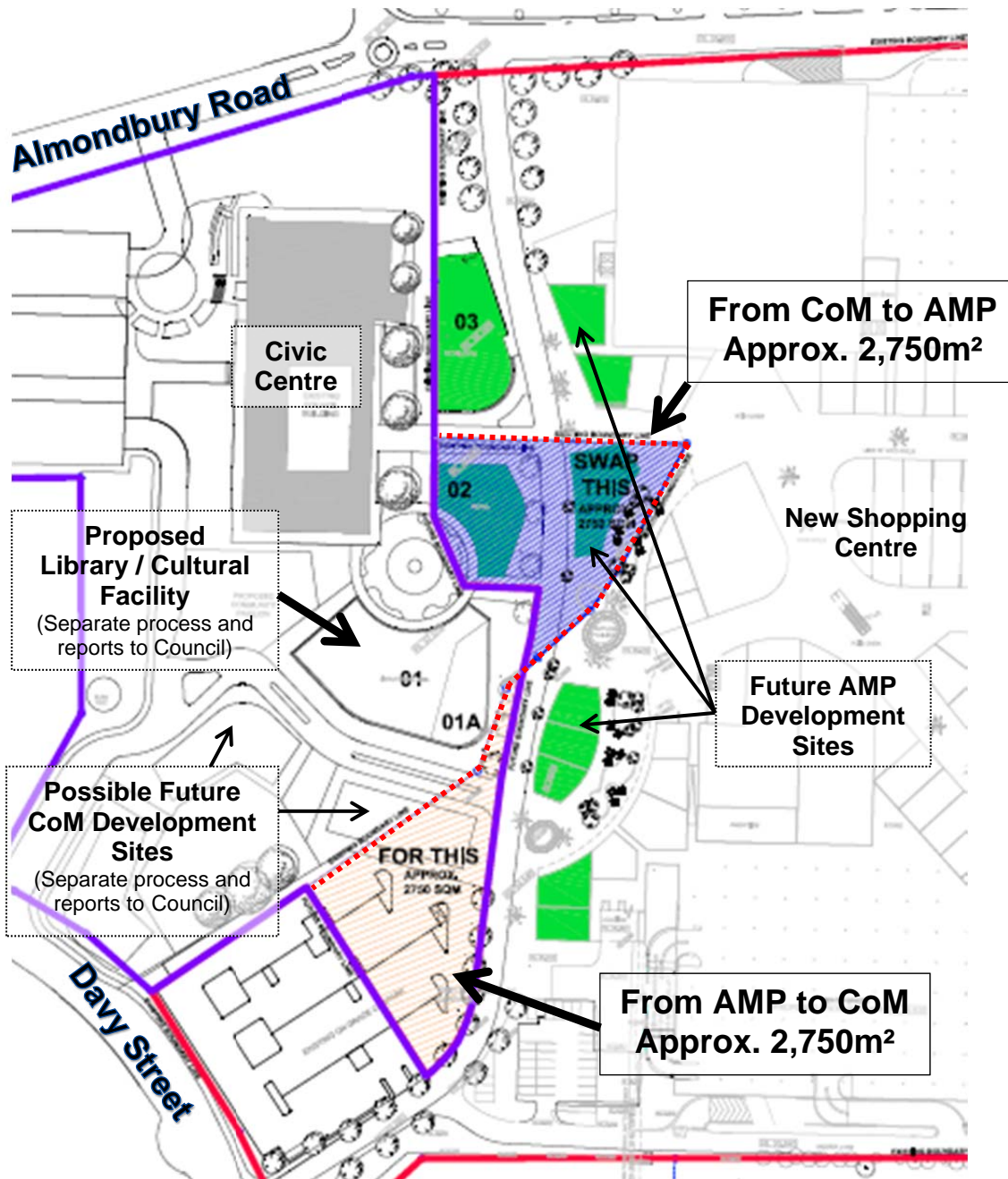
The key starting point is the design concept plan for the High Street Precinct. The design concept plan will inform the potential land transaction/boundary realignment and form the basis for the development application for the expansion of the shopping centre.

The latest thinking on the design concept plan is shown on the next page. The key points are:



- An active, double-sided high street is the most important outcome sought by both parties. The high street environment would be pedestrian friendly and have slow vehicle speeds;
- The shopping centre would have retail, café and restaurant uses fronting the street, along with two major entrances to the centre and the entrance to the new cinema;
- AMP would have two major tenancies on the west side of the street. This is positive and will help deliver the double-sided high street in Stage 1 of the development;
- Rather than having one piazza area as originally envisaged, the configuration of the buildings would help form a range of different public spaces;
- The proposed Library / Cultural Facility would be located to the south of the Civic Centre, with a major entrance close to the high street. It would also front a new street to be built on the City's land;
- The new street would assist with the future redevelopment of the City's land to the south of the Civic Centre.

P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)

High Street Precinct Design Concept Plan



Key

-  Existing lot boundary
-  Proposed future City of Melville lot boundary

Notes

- An independent valuation provided by Colliers values both parcels of land as being equal with a market valuation of \$6,550,000.
- The exact boundaries have been surveyed by a licensed land surveyor.

P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)

The City is not required to formally endorse the design concept plan. It informs the development application to be lodged by AMP and is the basis of the proposed land transaction. Notwithstanding, the City's officers broadly support the proposed concept plan. However refinements to the plan may be required through further discussions with AMP.

War Memorial

The City's land to be exchanged with AMP accommodates the Applecross RSL's and City's War Memorial, which is planned to be decommissioned late in 2015. A project is underway for the design and installation of a new War Memorial at Wireless Hill scheduled to be completed by Anzac Day 2016. A time capsule is also located on this land and will be removed late in 2015 and relocated to City land in this vicinity. Public art installations located on this land likewise will be removed and relocated.

Negotiating the Agreements

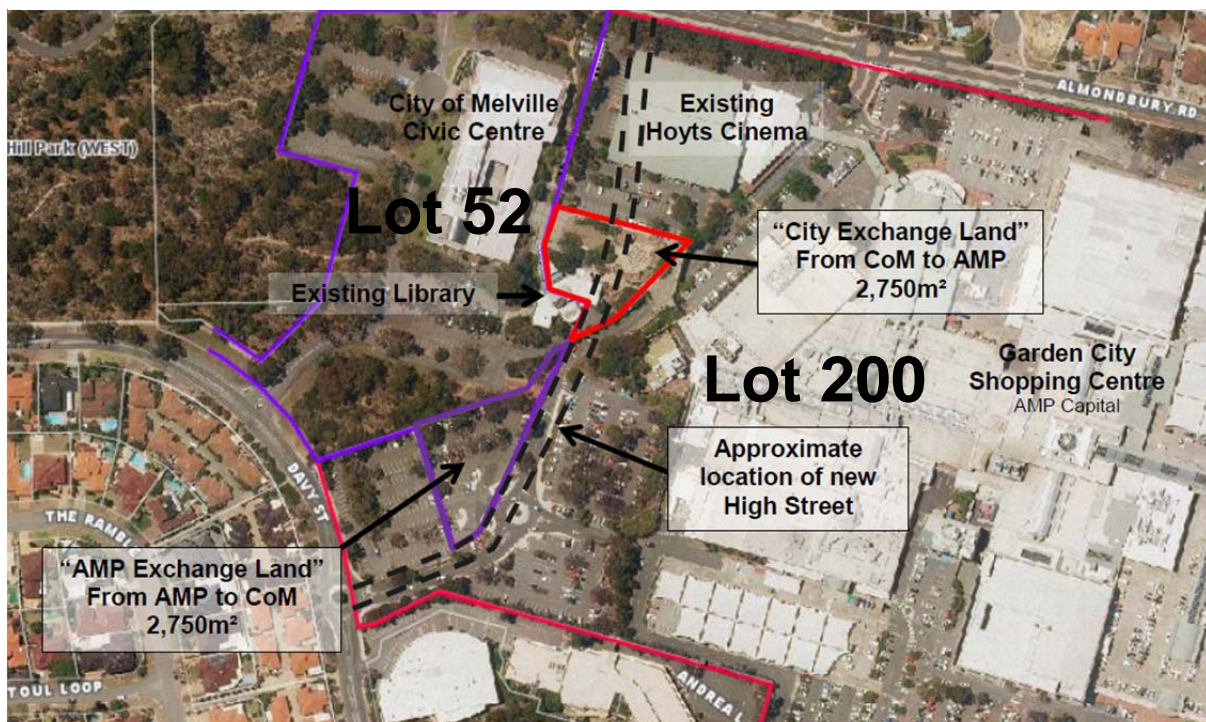
The parties have negotiated the agreements in good faith and in accordance with the outcomes sought in the Structure Plan. The agreements have been executed by the City's Executive, but are subject to a 60 day due diligence period during which all relevant approvals are required to be provided by AMP as well as Council approving the agreements before they take effect. An overview of the two agreements is provided below.

Land Exchange Agreement

If AMP proceeds with the Garden City Shopping Centre Redevelopment, the parties have agreed to exchange and transfer to each other the "City Exchange Land" and the "AMP Exchange Land". The purpose of the land exchange is to facilitate the development of the High Street in accordance with the objectives of the Structure Plan.

The Proposed Land Exchange Agreement Confidential Attachment 1 was distributed to Elected Members on Friday 31 July 2015 under confidential cover.

Aerial View of Proposed Land Exchange



**P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS
WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)**

The key points to be aware of in the Land Exchange Agreement are:

1. There are Conditions Precedent (Clause 2.2), which mean that the Land Exchange is conditional upon:
 - a. Completion by each party of any relevant due diligence
 - b. Formal approvals being provided by each party;
 - c. The completion of a subdivision/amalgamation process;
 - d. AMP receiving development approval from the Metro Central Joint Development Assessment Panel
 - e. The redevelopment and High Street works being substantially commenced by AMP (which is the reason for the land transaction).
2. Most of the Agreement is legal in nature and provides a clear agreement of what needs to happen and when.

High Street Precinct Development Agreement

The Development Agreement provides a mutually-agreed legal arrangement for the development of the proposed High Street and the respective commitments and rights of each party.

The Proposed High Street Precinct Development Agreement Confidential Attachment 2 was distributed to Elected Members on Friday 31 July 2015 under confidential cover.

If an approval is granted for the Garden City Shopping Centre Redevelopment and AMP proceeds with the works:

1. AMP will be responsible for and will pay for the construction and maintenance of the High Street;
2. Following construction of the High Street, AMP will grant a public access easement over the High Street to allow public access;
3. AMP will pay to the City the funding towards:
 - a. a new War Memorial on Wireless Hill as agreed with the Returned and Services League; and
 - b. The construction of the proposed new Library Cultural Centre;
4. The City will decommission and AMP will (once the existing War Memorial is fully decommissioned and the new War Memorial is commissioned) demolish the existing War Memorial;
5. AMP will demolish the Civic Square Library; and
6. The City will construct the new Library Cultural Centre.

**P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS
WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)**

The key points to be aware of in the Development Agreement are:

1. There are Conditions Precedent (Clause 2.1), which mean that the Development Agreement is conditional upon:
 - a. Formal approvals being provided by each party;
 - b. AMP providing the agreed funding to the City;
 - c. AMP receiving development approval from the Metro Central Joint Development Assessment Panel
 - d. The redevelopment and High Street works being substantially commenced. AMP has the right to not proceed with the works if the economic situation, for example, is not conducive.
2. Most of the Agreement is legal in nature and provides a clear agreement of what needs to happen, when and by which party.

STAKEHOLDER ENGAGEMENT

Advertising Required:	No – the requirements of the <i>Local Government Act 1995</i> have previously been fulfilled
Neighbour's Comment Supplied:	N/A
Reason:	N/A
Support/Object:	N/A

I. COMMUNITY

The City's Stakeholder Engagement Policy CP-002 outlines the different levels of public consultation and communication required depending on complexity, risk, political sensitivity and the impact on the community.

In this case, a Local Public Notice was previously advertised in accordance with Section 3.58 (3) and (4) of the *Local Government Act 1995*.

The detail of the agreements are commercial in confidence and would not be publicly available.

II. OTHER AGENCIES / CONSULTANTS

No engagement was required with external agencies or consultants as part of the negotiations to prepare the Agreements.

**P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS
WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**Statutory Requirements

The City has legislative requirements to meet in addition to standard property practices. The City previously advertised a Local Public Notice in accordance with the *Local Government Act 1995* and the Council resolved to support the proposed land transaction. All statutory processes have therefore previously been completed.

Legal Implications

The Agreements would legally bind the parties. The City has been assisted throughout the process by its solicitors, who have ensured that the City's interests are protected and risks are minimised.

An important legal implication for the Council to be aware of is that the Agreement commits the City to:

“use reasonable endeavours to ensure that the new Library Cultural Facility is operational on the official opening of the Garden City Shopping Centre Redevelopment to members of the public.”

It is unclear as to exactly when the redeveloped shopping centre would be officially opened, but it is assumed that it may be some time in mid-2019. If/when the Council approves the proposed Library and Cultural Centre, the City will need to prioritise the project to ensure that it is completed in accordance with the Agreement.

The Agreements also state that the City is obliged to comply with all relevant statutory obligations and the Agreements in no way fetters the discretion of the City in the lawful exercise of any of its functions or powers as a local government.

FINANCIAL IMPLICATIONSLand Exchange Agreement

The Land Exchange Agreement has no major financial implications as it formalises a “like for like” exchange of land with a \$0 balance. The City would be responsible for paying half of the costs of preparing the survey plans, subdivision application and obtaining the deposited plans, which is considered to be reasonable in the circumstances. It is expected that the City's share of the costs may be in the order of \$20,000.

The City would also be responsible for fulfilling any costs associated with complying with subdivision conditions that relate to the AMP Exchange Land (the car park). It is not anticipated that there would be any significant costs for the City in order to comply with the subdivision conditions as there are no structures to demolish or services to relocate.

AMP will be responsible for demolishing the existing Civic Square Library when it has been vacated by the City. A temporary library facility would need to be developed to provide services prior to the proposed new facility opening to the public.

**P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS
WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)**Development Agreement

The Development Agreement has significant positive financial implications for the City as AMP will be required to pay for the new War Memorial at Wireless Hill and contribute to the construction of the new Library and Cultural Centre as per the amounts listed in the Schedule. The funding contributions are Conditions Precedent to the Agreement, which means that the agreement would not proceed if the funding is not paid.

The funding contributions can only be used for the new War Memorial and the new Library and Cultural Centre.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The Agreements would help deliver on some of the City's key Corporate Plan strategies, including:

- Enable a vibrant and connected community
- Provide high quality public places
- Facilitate vibrant and diverse commercial centres
- Long term asset sustainability

There are no strategic, risk or environmental management implications for the City as most of the risks would be borne by AMP or would be borne by the City in separate projects such as the development of the new Library Cultural Centre.

The City's interests are also protected in the Agreements through mechanisms such as:

- The Conditions Precedent need to be satisfied before the Agreements takes effect. For example, the land exchange will not occur unless:
 - The subdivision process has been successfully completed, which would include the demolition of the Civic Square Library (which his to be paid and managed by AMP);
 - AMP has paid 100% of its funding contribution for the new Library Cultural Centre before they start demolition of the existing Civic Square Library
 - AMP has received development approval; and
 - AMP has substantially commenced the High Street and shopping centre redevelopment works.
- AMP would be required to undertake most of the demolition and construction works, including the High Street and shopping centre redevelopment works as noted above.

POLICY IMPLICATIONS

There are no policy implications.

**P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS
WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council may decide to not endorse the Agreements in which case the High Street Precinct would either not proceed or would proceed elsewhere on AMP's land. This option is not recommended as it would have significant social and financial costs for the City and its residents.

CONCLUSION

The Council supported a proposed land exchange at its Ordinary Meeting held on 12 May 2015 and authorised the Chief Executive Officer to progress the next steps in the process, which included preparation of a Land Exchange Agreement and a Development Agreement.

The purpose of the Land Exchange Agreement is to formalise the proposed land transaction and facilitate the development of the High Street in accordance with the objectives of the Structure Plan.

The Development Agreement provides details of the redevelopment of the High Street Precinct and the funding to be made by AMP towards the new War Memorial to be located on Wireless Hill and development of the proposed new Library Cultural Centre.

There are significant benefits for the community arising from the Agreements, including (but not limited to):

- Significant funding from AMP towards the development of the new proposed Library Cultural Centre and new War Memorial on Wireless Hill
- A vibrant new pedestrian-friendly, double-sided High Street to be constructed and maintained by AMP
- A much improved public realm with greenery, shade, water, high quality materials and amenity

The Agreements help pave the way for the Garden City Shopping Centre development application and will help stimulate further investment in the City Centre by other private landowners and the City.

The Agreements have been drafted by the City's solicitors and have been executed by the City's Executive and are presented to Council for final approval as provided for in the agreements. The endorsement of the Agreements would mark the end of the proposed Land Exchange process, which would then be implemented in accordance with the Agreements.

It is recommended that the Council endorse the two Agreements to help deliver a vibrant, pedestrian-friendly High Street as envisaged in the Melville City Centre Structure Plan.

At 8:36pm Cr Barton left the meeting and returned at 8:39pm
At 9:00pm P Prendergast left the meeting and returned at 9:08 pm

P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)

OFFICER RECOMMENDATION (3650)

APPROVAL

At 8:23pm Cr Macphail moved, seconded Cr Aubrey –

That the Council approves the Land Exchange Agreement and High Street Precinct Development Agreement with AMP Capital Investors, and the execution thereof by the City’s Executive, as contained in Confidential Attachments 1 and 2 in order to develop the proposed High Street Precinct as recommended by the Melville City Centre Structure Plan.

Amendment

That the Council inserts additional Points 2 and 3 to the Council Resolution as follows:

- 1. Notes that the City has satisfactorily completed the Due Diligence process mentioned in Clause 2.2 (a) of the Land Exchange Agreement.***
- 2. Authorises the Chief Executive Officer to appoint a suitably qualified consultant to investigate the “AMP Exchange Land” to obtain geotechnical data, test for the presence of hydrocarbons and inform the future use and development of the site.***

With the agreement of the mover and seconder, the amendment was incorporated into the recommendation.

PROCEDURAL MOTION - MOTION BE PUT

At 8.48pm Cr Aubrey moved, seconded Cr Phelan the following procedural motion in accordance with Clause 11.1(d) of Standing Orders Local Law 2003 –

That the question be now put.

At 8.50pm the Deputy Mayor submitted the motion which was declared

LOST (4/6)

Vote Result Summary	
Yes	4
No	6

Cr Aubrey	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Barton	No
Cr Foxtton	No
Cr Pazolli	No
Cr Schuster	No
Cr Taylor-Rees	No
Cr Willis	No

P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)

COUNCIL RESOLUTION (3650)

APPROVAL

That the Council

- 1. Approves the Land Exchange Agreement and High Street Precinct Development Agreement with AMP Capital Investors, and the execution thereof by the City's Executive, as contained in Confidential Attachments 1 and 2 in order to develop the proposed High Street Precinct as recommended by the Melville City Centre Structure Plan.**
- 2. Notes that the City has satisfactorily completed the Due Diligence process mentioned in Clause 2.2 (a) of the Land Exchange Agreement.**
- 3. Authorises the Chief Executive Officer to appoint a suitably qualified consultant to investigate the "AMP Exchange Land" to obtain geotechnical data, test for the presence of hydrocarbons and inform the future use and development of the site.**

At 9:21pm the Deputy Mayor submitted the substantive motion as amended and declared the motion

CARRIED (7/3)

Vote Result Summary	
Yes	7
No	3

Cr Aubrey	Yes
Cr Foxton	Yes
Cr Macphail	Yes
Cr Phelan	Yes
Cr Reynolds	Yes
Cr Schuster	Yes
Cr Willis	Yes
Cr Barton	No
Cr Pazolli	No
Cr Taylor-Rees	No

At 9.23pm Cr Reynolds moved, seconded Cr Aubrey –

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

At 9.24pm the Deputy Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (10/0)

**P15/3650 - APPROVAL OF LAND EXCHANGE AND DEVELOPMENT AGREEMENTS
WITH AMP CAPITAL (REC) (CONFIDENTIAL ATTACHMENT)**Reason for Amendment

A request was made by an Elected Member at the Elected Member Information Session held on 11 August 2015 that the City consider investigating the “AMP Exchange Land” involved in the land exchange with AMP to test for the presence of hydrocarbons given that the site has been used as a car park for approximately 30 years. The tests can be carried out in conjunction with geotechnical investigations to inform future potential development of the site. The investigations are considered to be separate from the formal Due Diligence process given the low level of risk for the future development of the site.

At 9.24pm Mayor Aubrey returned to the meeting and assumed the Chair.

14. EN BLOC ITEMS

At 9:25pm Cr Schuster moved, seconded Cr Macphail –

That the recommendations for items, P15/3649, M15/5000, C15/6000 and C15/6001 be carried En Bloc.

At 9:25pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (10/0)

15. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

16. CLOSURE

There being no further business to discuss the Mayor declared the meeting closed at 9:25pm.