

MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

TUESDAY 17 JUNE 2014

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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CONTENTS PAGE

	Item Description	Page Number
ITEM FROM FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE 26 MAY 2014		
M14/5366	Strategic Risk Assessment Report	9
URBAN PLANNING		
P14/3509	Two Storey Dwelling With Undercroft at Lot 299 (No. 9) Stoke Street, Mount Pleasant	24
P14/3499	Final Adoption of 2014 Local Government Inventory and Community Planning Scheme No. 5 Heritage List	36
P14/3501	Final Adoption of the Riseley Centre Structure Plan	42
P14/3502	City of Melville Car Parking Strategy	61
P14/3507	Review and Amalgamation of Four Existing Council Policies (CP-042: Development Approvals, CP-044: Development Advisory Unit, CP-054: Community Planning Scheme No. 5 and Residential Design Code Development Advertising Procedures And CP-056: Planning Process and Decision Making)	78
TECHNICAL SERVICES		
T14/3511	Intersection of Leach Highway and Winthrop Drive – Access Into Primewest Shopping Complex	86
COMMUNITY DEVELOPMENT		
Nil		
MANAGEMENT SERVICES		
M14/5000	Common Seal Register	94
M14/5369	Review of City of Melville Delegated Authority Manual	100
M14/5370	Policy Review – Organisational Development	110
M14/5371	Chief Executive Officer Contract	136
CORPORATE SERVICES		
C14/6000	Investment Statements For April 2014	116
C14/6001	Schedule of Accounts Paid for April 2014	124
C14/6002	Statements of Financial Activity for April 2014	128
MOTION WITHOUT NOTICE		
18.1	BCR0186 – Attadale Pre-Primary	134



MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 17 JUNE 2014.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

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

WARD

University
City
Bull Creek/Leeming
Applecross/Mount Pleasant
Bicton/Attadale

3. IN ATTENDANCE

Dr S Silcox (until 9.18pm)	Chief Executive Officer
Mr M Tieleman (until 9.23pm)	Director Corporate Services
Ms L Reid (until 9.23pm)	A/Director Community Development
Mr J Christie (until 9.23pm)	Director Technical Services
Mr S Cope (until 9.23pm)	Director Urban Planning
Mr P Prendergast (until 8.36pm)	Manager Statutory Planning
Mr J Clark	A/Executive Manager Legal Services
Mrs K Johnson (from 8.20pm)	Executive Manager Organisational Development
Mr G Ponton (until 8.15pm)	Manager Strategic Urban Planning
Mr W Schaefer (until 8.15pm)	Strategic Urban Planner
Mr D Cracknell (until 8.15pm)	Senior Strategic Urban / Prop Planner
Mr N Fimmano (until 9.23pm)	A/Governance & Compliance Program Manager
Ms S West (until 9.23pm)	Property & Governance Officer
Ms J Paparella (until 9.23pm)	Minute Secretary

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

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Cr P Phelan – Palmyra/Melville/Willagee Ward

4.2 APPROVED LEAVE OF ABSENCE

Cr R Hill – Palmyra/Melville/Willagee Ward
Cr M Reynolds (Deputy Mayor) - University

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS

5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.

Nil.

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

Nil.

6. QUESTION TIME**6.1 E Nicholson, Applecross**Question

“Is it true that Elected Members will be barred from making statements in any media publication, including the City’s own Mosaic magazine, if the statements don’t align with the City’s views?”

Response

The CEO responded by saying that what Councillors can and cannot say is determined by the Act, Regulations, Code of Conduct and Council Policies.

6.2 W GreenQuestion

“Mr Mayor are you aware of the high regard that the people of the City of Melville have for the Council? I would like an opportunity to speak to this if you deem fit.”

Response

The Mayor advised that unfortunately he could not give Mr Green that opportunity this evening, The Mayor asked Mr Green to take the opportunity another time maybe at the Annual General Meeting of Electors at the end of the year.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF COUNCIL – 20 MAY 2014**
Minutes 20 May 2014**COUNCIL RESOLUTION**

At 6.42pm Cr Macphail moved, seconded Cr Robartson –

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 20 May 2014, be confirmed as a true and accurate record.

The Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (10/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 3 JUNE 2014
Notes 3 June 2014

The Mayor advised that the following question of privilege was raised at the Agenda Briefing Forum:

Question of Privilege

“I request that Cr Pazolli withdraws his accusation of disrespect (relating to the “point of order”) he called at the Council Meeting held on the 20 May 2014. I will require a full apology and also ask that he explain why he felt it necessary to make that call, argue when an accurate explanation was given, and to waste meeting time. I make the point that failure to comply with this reasonable request will lead to the commencement of grievance procedures against Cr Pazolli.”

Cr Pazolli advised as follows:

“My statement is that quite simply the intent of my point of order was correct, Councillor Reynolds had made a statement which implied that a previous statement, which referred to a statement I had made and he should have used the title in making that statement in all intents and purposes, my point of order was correct.

The Mayor, the presiding member did not rule on the point of order, as far as I remember and as far as I recall, my request to have my point of order recorded in the minutes has failed to be carried out so I don’t see there is a problem and I don’t have any compunction. and I’m quite happy with what I said”.

COUNCIL RESOLUTION

At 6.46pm Cr Schuster moved, seconded Cr Willis –

That the Notes of the Agenda Briefing Forum held on Tuesday, 3 June 2014, be received.

The Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (10/0)

**8.3 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE
COMMITTEE MEETING – 26 MAY 2014****COUNCIL RESOLUTION**

At 6.48pm Cr Macphail moved, seconded Cr Willis –

That the Minutes of the Financial Management, Audit, Risk and Compliance Committee Meeting held on Monday 26 May 2014 be noted.

The Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (10/0)

NB:

Minutes to be confirmed at next Financial Management, Audit, Risk and Compliance Committee Meeting

At 6.49pm M Tieleman left the meeting and returned at 6.51pm.

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

- M14/5371 – Dr S Silcox – Financial Interest in accordance with the Act
- P14/3509 – Cr N Pazolli – Proximity Interest in accordance with the Act

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- M14/5366 - Mayor R Aubrey - Interest under the Code of Conduct
- M14/5366 - Cr R Aubrey - Interest under the Code of Conduct
- M14/5366 - Cr J Barton - Interest under the Code of Conduct
- M14/5366 - Cr N Foxton - Interest under the Code of Conduct
- M14/5366 - Cr N Pazolli - Interest under the Code of Conduct
- M14/5366 - Cr C Schuster - Interest under the Code of Conduct
- M14/5366 - Cr S Taylor-Rees - Interest under the Code of Conduct
- M14/5366 - Cr R Willis - Interest under the Code of Conduct
- P14/3501 – Cr C Schuster – Interest under the Code of Conduct

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.54pm Cr Schuster moved, seconded Cr Robartson -

That the application for new leave of absence submitted by Mayor Aubrey on 17 June 2014 be granted.

At 6.54pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (10/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

M14/5371 Chief Executive Officer Contract

12. PETITIONS

Nil.

13. DEPUTATIONS

Nil.

14. ITEM FROM FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE – 26 MAY 2014

The following item from the Financial Management, Audit, Risk and Compliance Committee meeting of 26 May 2014 requires consideration by the Council.

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)Disclosure of Interest

Item No.	M14/5366
Member	Mayor R Aubrey
Type of Interest	Interest under the Code of Conduct
Nature of Interest	The Mayor has Patronage of a number of not for profit groups
Request	Not Applicable
Decision of Council	Not Required

Disclosure of Interest

Item No.	M14/5366
Member	Cr R Aubrey
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Not for profit groups supported my election campaign
Request	Not Applicable
Decision of Council	Not Required

Disclosure of Interest

Item No.	M14/5366
Member	Cr J Barton
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Patron of Melville Cares
Request	Not Applicable
Decision of Council	Not Required

Disclosure of Interest

Item No.	M14/5366
Member	Cr N Foxtton
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Association with non-profit groups
Request	Not Applicable
Decision of Council	Not Required

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)

Disclosure of Interest

Item No.	M14/5366
Member	Cr N Pazolli
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of the Alchera Board – Not for profit
Request	Not Applicable
Decision of Council	Not Required

Disclosure of Interest

Item No.	M14/5366
Member	Cr C Schuster
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of several not for profit groups
Request	Not Applicable
Decision of Council	Not Required

Disclosure of Interest

Item No.	M14/5366
Member	Cr S Taylor-Rees
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of friends group
Request	Not Applicable
Decision of Council	Not Required

Disclosure of Interest

Item No.	M14/5366
Member	Cr R Willis
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of friends group Bullcreek
Request	Not Applicable
Decision of Council	Not Required

Ward	: All
Category	: Policy
Subject Index	: Risk Management
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: M13/5365 Strategic Risk Assessment Report – FMARC Committee 20 March 2014
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Lee Wilson Risk Management Coordinator

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (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 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

- 35 strategic risks and eight opportunities have been identified against the City's five Goals. Two of these strategic risks are additional recommendations and are included for consideration.
- The 35 strategic risks detailed within the report are comprised of two EXTREME risks, five HIGH risks, 26 MEDIUM risks and two LOW risks.
- Two risks have amended wording for consideration by the Financial, Management, Audit, Risk and Compliance Committee.

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)**BACKGROUND**

The City of Melville is committed to a culture of risk management, where risk is considered at three levels; strategic, operational and project. Operational level risks are currently being documented in the City's central risk register and are reviewed on an annual basis as part of the Business Planning process. Project level risks are handled by all staff when conducting day-to-day operations, and where relevant are documented within specific Service Areas.

Strategic level risks consider the long-term strategic objectives of the City. As part of Business Planning and the Corporate Plan Review processes, a strategic risk assessment is undertaken. The Executive Management Team (EMT), Organisation Management Team (OMT) and Elected Members are the key stakeholders for this process with each of those teams being involved in the risk assessment process. This process requires consideration of the threat and opportunity factors affecting the City of Melville, in areas that include political, economic, societal, technological, environmental and legal.

The 2013/2014 risk assessment was undertaken against the five City Goals: A City for People; Lead by Example; Economic Prosperity; Environmental Responsibility; and Business Excellence.

35 Strategic Level risks and eight opportunities were identified as part of this process. All risks with existing controls were provided to EMT, OMT and Elected Members to determine a risk rating. These risk ratings were compiled by the Risk Management Coordinator who finalised the risk rating for each risk.

In compliance with the City's Risk Management Framework, all EXTREME and HIGH rated risks are reported to this Committee with any amendments or significant changes to be endorsed for submission to be approved by Council.

DETAIL

As at 12 May 2014, there are:

- 2 EXTREME risks
- 5 HIGH risks
- 26 MEDIUM risks
- 2 LOW risks

Updates on the EXTREME and HIGH risks are detailed below.

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)

R1.5			
Ref.	Risk Statement	Existing Controls	Risk Rating
R1.5	Loss of local amenity through an increase in traffic congestion, volume and speed	<ul style="list-style-type: none"> • Travelsmart program (including household and workplace travel plans, Bike Plan) • Asset Management Planning • Pedestrian Network • Lobbying state government agencies for an increase in public transport options and decentralisation of agencies • Parking Management Strategy • Functional road hierarchy • Focus development growth around Activity Centres and Key Transport Corridors • Structure / Place planning process • Traffic monitoring and traffic counts • Lobbying federal and state government for funding for Roe 8 • Spoken to Department of Transport about funding options 	HIGH
R1.5 Risk Update			
<p>The City is maximising the existing controls but without State and Federal government intervention in highway, freeway and public transport, Rapid Bus Transit (RBT), the congestion will continue within the City road network. Additionally, higher density living and population growth will eventually lead to attitudinal change and increased acceptance of increases in traffic flows and travel times. A recent announcement regarding Federal Government funding for the proposed extension of Roe Highway to Stock Road indicates that mitigation strategies may have been effective.</p>			

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)

R2.7			
Ref.	Risk Statement	Existing Controls	Risk Rating
R2.7	Infrastructure provision by State Government (e.g. delay in Roe Highway Extension) fails to match increasing demand leads to loss of amenity and economic loss	<ul style="list-style-type: none"> • Demonstration of the economic benefits of infrastructure • Involvement in the approval process • Lobbying state and federal government agencies • South West Group alliance • Murdoch Cost and Benefits Report (MACRO Plan) • South West Group Congestion and Transport Study • Murdoch Strategic Precinct Group • Lobbying federal and state government for funding for Roe 8 • Spoken to Department of Transport about funding options • Increased dialogue by state/federal government about Roe 8 	EXTREME
R2.7 Risk Update			
<p>At initial rating, this risk was identified as HIGH. With the announcement of preliminary environmental approval but no funding from State or Federal government to support the building of Roe Highway at the time of the assessment. Non-building of the asset will have an increased impact on traffic congestion in the City which may in turn have an impact on injury/accident statistics, high media and service disruptions. Additionally, announcement of the Jandakot ALDI distribution centre, and inability for the City to impact on planning within the Commonwealth lands will further impact the Melville amenity. The lack of infrastructure at Kewdale Freight Terminal will also further force traffic through the City's roads. The City is constrained in what can be done to mitigate this risk and has notified the State government.</p>			

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)

R3.3			
Ref.	Risk Statement	Existing Controls	Risk Rating
R3.3	Failure to identify and treat contaminated sites may result in contamination affecting surrounding properties	<ul style="list-style-type: none"> • Continued investigation and management of legacy contaminated sites • Budget allocation and reserve holdings in the Long Term Financial Plan • Environmental Improvement Plan (EIP) • Contaminated site register • ISO14001 Accreditation • Budget allocation for contaminated sites • Budget request 2014/2015 for monitoring • Public advertising for John Connell Reserve Concept Plans • Management Plan for John Connell Reserve developed with Department of Health 	EXTREME
R3.3 Risk Update			
<p>The EMT have reviewed the wording of the risk statement and are recommending to this Committee their suggested amendment for endorsement and submission to Council for approval. The previous wording was:</p> <p><i>Failure to identify and treat contaminated sites may result in pollution.</i></p> <p>At initial rating, this risk was identified as MEDIUM. Results have been received from a consultant for the testing of John Connell Reserve for contamination. The Department of Environment Regulation (DER) and the Department of Health (DoH) have reviewed the Detailed Site Investigation (DSI) for the site and, based on the information provided in the report, have re-classified the site as Contamination – Remediation Required. This notification was received on 5 September 2013. This relates to areas of insufficient cap layer, some asbestos remediation and ground water management. The City is implementing a project team to review the report on the testing and work with a consultant to develop a Remediation Plan. The Plan is estimated to be completed by August 2014.</p>			

R3.4			
Ref.	Risk Statement	Existing Controls	Risk Rating
R3.4	Failure to adequately fund and resource natural environment (e.g. foreshore rehabilitation and maintenance) results in environmental damage and threatens the integrity of City assets and infrastructure	<ul style="list-style-type: none"> • Asset Management planning • Natural Area Asset Management Plan (NAAMP) • Foreshore Management Plan • Long Term Financial Plan • ISO 14001 Accreditation • Relocation of bike path at Point Walter for managed retreat 	HIGH
R3.4 Risk Update			
<p>At initial rating, this risk was identified as MEDIUM. The likelihood of the risk has increased due to dieback in natural bush areas, bushland degradation, foreshore erosion, increased storm events linked to climate change, issues with funding in State government and Local government reform. The City is considering an increase in resources in environmental areas.</p>			

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)

R4.4			
Ref.	Risk Statement	Existing Controls	Risk Rating
R4.4	Service provision leads to an identified risk resulting in the death or significant injury of a resident or staff member	<ul style="list-style-type: none"> • Occupational Health and Safety Policies • Safety Representatives and Cross functional safety committee • Safety Management System AS4801 • Safety perception surveys • Opportunities for Improvement system (Risk Mitigation Index) • Strong safety culture – safety is a priority for the City • Risk Management Framework • Monthly reporting on safety data including Medical Expense Only (MEO) and Lost Time Injury Frequency Rate (LTIFR) • Oversight through FMARCC • Encouragement of all incident reporting • Asbestos Management Plan • Asset Management planning • Organisational risk register • Health, Safety, Legal and Environment risk register • Reversing cameras and / or sensors on vehicles • Job Hazard Analysis documents across the organisation • Take 5's • Wellbeing program • Fit for Work Policy • Staff Awareness / Education through Toolbox and Team Brief • People Framework • Effective employment services controls and staff assistance programs • Duress alarms in at risk areas • Workforce Planning (aging workforce management) • Education sessions for staff on Fit for Work • Clinical psychologist critical incident report • Stress management training • SSS conducted 	HIGH

R4.4 Risk Update

The consequence of this risk is deemed to be at a catastrophic level whilst the likelihood remains unlikely which, as per our risk matrices, results in a HIGH rated risk. It is not anticipated that this will reduce further. The City highlights in 2013 the City received the lowest Lost Time Injury Frequency Rate (LTIFR) since it had been recording this data which is an indication that its actions are having a positive impact on this risk.

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)

R4.7			
Ref.	Risk Statement	Existing Controls	Risk Rating
R4.7	Complexity and length of the tender process results in inefficient operations of the City, missed opportunities and / or customer dissatisfaction	<ul style="list-style-type: none"> • Standard templates for tenders • Tenders Continuous Improvement Team and framework • Contract Management Continuous Improvement Team and framework • Use of WALGA and state government panel contracts • Enhancement of software / system development • Ensuring sufficient staff resources are available including agility of team members – movement between teams and directorates where needs arise • Customer Satisfaction surveys and Delsurvs • Complaints management process • Internal and external ombudsman reviews • Internal Customer Service Standards and Charters • Assessment against CSIA International Standards • Use of data performance indicators • Expiring Tender Register • Internal Audit Reviews • Development of the progress indicator on tenders • Interim Compliance Audit reported to FMARCC 	HIGH
R4.7 Risk Update			
<p>The City has increased the resources working to improve the tender process and is exploring opportunities for improvement with the Continuous Improvement Teams (CITs). An internal resource has been identified who has previous tender and contract drafting experience. This staff member has been working with Responsible Officers to improve the strength of contract clauses and the quality of technical specifications. This resource is also working with the CIT to reduce the length and complexity of elements of the tender process. At this time, the risk remains HIGH.</p>			

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)

Ref.	Risk Statement	Existing Controls	Risk Rating
R5.3	Lack of cohesive Council / staff interaction results in suboptimal outcomes and reputational damage	<ul style="list-style-type: none"> • Code of Conduct • Advice and assistance from the Department of Local Government • Clear and comprehensive policy base encourages consistency of decision making • Ongoing effective communication • Elected Member Information Sessions • Pre-candidate information sessions • Elected Member induction and orientation • Elected Member training • Annual Elected Member survey • Elected Member requests • Training and facilitation • Elected Member Bulletin and Pathway system • Local Government Act and Regulations • Media Index Monitoring • Agenda Briefing and Council processes • Contact protocols • Cultural survey • Standing orders • Public Relations Policy • Code of Conduct review • Councillor team work effectiveness workshops • Recording of voting • Clinical psychologist critical incident report • Stress management training 	HIGH
<p>R5.3 Risk Update There has been a recent review of the Code of Conduct, facilitated sessions with Elected Members and the EMT on Occupational Health and Safety requirements and terms of engagement. This risk remains HIGH.</p>			

In addition to the risk updates for HIGH and EXTREME rated risks, a six monthly review was conducted on all identified risks with the EMT. There was an additional minor change recommended to the wording of the risk statement for Risk R2.6, The EMT have reviewed the wording of the risk statement and are recommending to this Committee their suggested amendment for endorsement and submission to Council for approval. The previous wording was:

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)

Changing expectations relating to the environment may result in increasing costs

R2.6			
Ref.	Risk Statement	Existing Controls	Risk Rating
R2.6	Changing expectations relating to the environment may result in increasing costs not offset by revenue	Natural Areas Asset Management Plans (NAAMP) • Foreshore Management Plan • Continued effective water management • Engagement of key stakeholders	MEDIUM

Two new risks were suggested to be added to the list of 35 strategic risks. The EMT have developed the wording of the risk statements, identified existing controls and determined risk ratings, and are recommending to this Committee their suggested addition for endorsement and submission to Council for approval. The risks are would be added to the categories of Business Excellence and Environmental Responsibility.

R5.9			
Ref.	Risk Statement	Existing Controls	Risk Rating
R5.9	Friends groups becoming action groups operating against the City objectives and outcomes rather than a volunteer 'friend' group	• Council policies • Council's Integrated Planning Processes • Budgetary Processes • Long Term Financial Plan	LOW

R3.5			
Ref.	Risk Statement	Existing Controls	Risk Rating
R3.5	Local Government Reform impacts on the Regional Resource Recovery Centre (RRRC)	SMRC Establishment Agreement and Project Participants Agreement in place for the Regional Resource Recovery Centre	LOW

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No external engagement has been carried out.

II. OTHER AGENCIES / CONSULTANTS

No external engagement has been carried out.

STATUTORY AND LEGAL IMPLICATIONS

No direct statutory or legal implications arising from this report.

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)**FINANCIAL IMPLICATIONS**

Risk management may involve mitigation strategies which can attract financial implications. Until risks have been analysed and evaluated and mitigation strategies determined, it is not possible to ascertain what, if any financial implications there will be.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

All risks required to be reported to this Committee that were identified during the preparation of this report are detailed in the content above.

POLICY IMPLICATIONS

No direct policy implications are associated with this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No alternate options are presented as part of this report.

CONCLUSION

No risk ratings have changed since the last report. The current number and level of risks include:

- 2 EXTREME risks;
- 5 HIGH risks;
- 26 MEDIUM risks; and
- 2 LOW risks.

Existing controls continue to be implemented to mitigate these risks and the City undertakes regular reviews. All HIGH and EXTREME rated risks will continue to be reported to this Committee.

The City of Melville remains committed to a culture of risk management and continuous improvement.

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)**COMMITTEE RECOMMENDATION (5366)**

At 6.55pm Cr Macphail moved, seconded Cr Robartson –

That the Financial Management, Audit, Risk and Compliance Committee recommend that the Council:

- 1. Endorse the amendment to the wording of the risk statement for R2.6 from “Changing expectations relating to the environment may result in increasing costs” to “Changing expectations relating to the environment may result in increasing costs not offset by revenue” for submission to Council for approval.**
- 2. Endorse the amendment to the wording of the risk statement for R3.3 from “Failure to identify and treat contaminated sites may result in pollution” to “Failure to identify and treat contaminated sites may result in contamination affecting surrounding properties” for submission to Council for approval.**
- 3. Endorse the addition of a new risk “Friends groups becoming action groups operating against the City objectives and outcomes rather than a volunteer ‘friend’ group” for submission to Council for approval.**
- 4. Endorse the addition of a new risk “Local Government Reform impacts on the Regional Resource Recover Centre (RRRC)” for submission to Council for approval.**

Amendment

At 6.57pm Cr Schuster moved, seconded Cr Foxton –

- 1. That under “Risk Statement” in Risk Assessment Item R 5.9 the words “Friends groups becoming action groups operating against the City’s objectives and outcomes rather than a volunteer “friend” group”, be deleted and; Replaced with “not for profit groups operating outside their charter, and are hence contrary to the City’s objectives. (Note: This in no way seeks to constrain public discussion on objectives and outcomes.)”***
- 2. That point 3 of the Officer Recommendation be amended to read:
“Endorse the addition of a new risk “not for profit groups operating outside their charter, and are hence contrary to the City’s objectives. (Note: This in no way seeks to constrain public discussion on objectives and outcomes.)” for submission to Council for approval.”***

At 6.58pm the Mayor submitted the amendment, which was declared

CARRIED (6/4)

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

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)Reasons

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

The existing wording to my mind seeks to achieve the objective represented by my proposed wording but perhaps suggests a broader purpose than the people conducting the risk assessment may have had in mind.

I was uncomfortable with the existing words and was considering suggesting an amendment, when I read the recent e mail from the CEO to a resident (and copied to all Councillors) who queried the item. That e mail clearly clarified the officer's intent so I have suggested this amendment which I believe is in line with the policy position put in the e mail.

The intent of my amendment is to make it clear that the risk identified is the volunteer groups doing something on Council land or in a project that is not in accord with a policy or an agreed plan for the land or project – it is clearly not about constraining free speech.

At 7.02pm L Reid left the meeting and returned at 7.06pm.

COUNCIL RESOLUTION (5366)

At 7.58pm the Mayor submitted the substantive motion as amended –

That the Council:

1. **Endorse the amendment to the wording of the risk statement for R2.6 from “Changing expectations relating to the environment may result in increasing costs” to “Changing expectations relating to the environment may result in increasing costs not offset by revenue” for submission to Council for approval.**
2. **Endorse the amendment to the wording of the risk statement for R3.3 from “Failure to identify and treat contaminated sites may result in pollution” to “Failure to identify and treat contaminated sites may result in contamination affecting surrounding properties” for submission to Council for approval.**
3. **“Endorse the addition of a new risk “not for profit groups operating outside their charter, and are hence contrary to the City’s objectives. (Note: This in no way seeks to constrain public discussion on objectives and outcomes.)” for submission to Council for approval.”**
4. **Endorse the addition of a new risk “Local Government Reform impacts on the Regional Resource Recovery Centre (RRRC)” for submission to Council for approval.**

At 7.58pm the Mayor submitted the motion, which was declared

CARRIED (7/3)

M14/5366 – STRATEGIC RISK ASSESSMENT REPORT (REC)

Vote Result Summary	
Yes	7
No	3

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

15. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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

At 7.55pm J Paparella left the meeting and returned at 7.57pm
At 7.59pm Cr Pazolli left the meeting having declared an interest in this item.

P14/3509 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 299 (NO. 9) STOKE STREET, MOUNT PLEASANT (AMREC) (CONFIDENTIAL ATTACHMENT)

Disclosure of Interest

Item No	M14/5366
Member	Cr N Pazolli
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of the Alchera Board – Not for profit
Request	Not Applicable
Decision of Council	Not Required
Ward	: Applecross/Mt Pleasant
Category	: Operational
Application Number	: DA-2013-1580
Property	: Lot 299 (No. 9) Stoke Street, Mount Pleasant
Proposal	: Two Storey Dwelling with Undercroft Garage
Applicant	: Linfilcon Pty Ltd
Owner	: Mr Abraham Emile Roufail and Ms Rawaa Gerges Roufail
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Nil
Responsible Officer	: Peter Prendergast Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

<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>

4/3509 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 299 (NO. 9) STOKE STREET, MOUNT PLEASANT (AMREC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for the construction of a two storey dwelling with undercroft at 9 Stoke Street, Mount Pleasant.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No. 5 (CPS5), the Deemed-to-Comply provisions of the Residential Design Codes (R-Codes) and applicable Council Policies, with the exception of building height, boundary setbacks, open space and visual privacy.
- The application was advertised to surrounding neighbours and three submissions were received in objection to the proposal. The objections primarily related to building height and bulk, however other concerns relating to privacy and overshadowing were also raised.
- In response to these submissions, amended plans have been submitted which have reduced the overall height and increased the boundary setbacks of the proposed development.
- Approval of the proposal requires an Absolute Majority decision of Council due to the building height variation.
- Whilst the objections are acknowledged, the amended proposal is considered to satisfy the requirements of Clause 7.8 of CPS5, the relevant Design Principles of of the R-Codes and Council Policy.
- It is recommended that the application be approved subject to conditions.



P14/3509 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 299 (NO. 9) STOKE STREET, MOUNT PLEASANT (AMREC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: River Foreshore Living Area Precinct
R-Code	: R12.5
Use Type	: Residential
Use Class	: 'P' – Permitted use

Site Details

Lot Area	: 1,015sqm
Street Tree(s)	: None applicable
Street Furniture (drainage pits etc)	: None applicable
Site Details	: Refer to aerial photo above

DETAIL

[3509 Elevation Plans](#)

[3509 Site Plans](#)

Planning approval is sought for the construction of a two storey dwelling with undercroft at 9 Stoke Street, Mount Pleasant.

The proposal has been assessed against all of the relevant provisions of CPS5, 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 and Policy Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Building Height	9m (concealed/flat roof)	9.9m maximum (south eastern corner at the Stoke Street frontage)	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Absolute Majority decision of Council

P14/3509 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 299 (NO. 9) STOKE STREET, MOUNT PLEASANT (AMREC) (CONFIDENTIAL ATTACHMENT)

R-Code Requirements

Development Requirement	Acceptable Development	Proposed	Comments	Delegation to approve variation
Ground Floor Alfresco Rear Boundary Setback (west)	6m	2m	Requires assessment using Design Principles	Manager Statutory Planning (MSP)
First Floor Boundary Setback (south)	4.6m	4.5m	Requires assessment using Design Principles	MSP
Open Space*	55%	49%	Requires assessment using Design Principles	MSP
Site Works	Cut and fill behind street setback and within 1m of boundary not more than 0.6m above natural ground level (NGL)	Excavation of up to 1.6m Fill of up to 1.0m along the northern boundary	Requires assessment using Design Principles	MSP
Visual Privacy*	Major openings to bedrooms studies with a finished floor level (FFL) 0.5m above natural ground level (NGL) setback 4.5m from the boundary	Study window (east facing) setback 3.2m from the northern boundary	Approval is conditioned to require screening.	MSP
	Balconies and outdoor living areas raised more than 0.5m above NGL, setback 7.5m from the boundary.	Northern elevation of Balcony 1 (First Floor) - 2.2m Southern elevation of Balcony 2 (Second Floor) - 6.8m	Approval is conditioned to require screening.	MSP

*Note: Commentary in this report is confined to building height, boundary setbacks and site works only as these are the matters on which submitters raised objections. The remainder of the abovementioned variations were assessed against the relevant Design Principles and are considered to comply, or alternatively conditions of approval are recommended in order to satisfy the Deemed to Comply provisions.

P14/3509 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 299 (NO. 9) STOKE STREET, MOUNT PLEASANT (AMREC) (CONFIDENTIAL ATTACHMENT)

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes – three received
 Reason: In accordance with Clause 7.5 of CPS5 and Part 4 of the R-Codes
 Support/Object: Object

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1.	The proposed height of the building in conjunction with the shape and reduced setbacks will add to the bulk impact on the adjoining property.	Object	The height variation is contained within the south eastern corner of the building only. Amended plans received have significantly reduced the overall height of the building.	Not Uphold
	The significant setback variations sought to the ground floor, first floor and second floor will have a detrimental impact on the adjoining property's amenity due to the impact of building bulk, access to direct sun and overlooking.	Object	Amended plans were submitted to reduce the impact of the development on adjoining properties. The development complies with the Deemed to Comply requirements of the R-Codes relating to boundary setbacks with the exception of the Master Suite (second floor south) and rear ground floor Alfresco (west).	Not Uphold

P14/3509 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 299 (NO. 9) STOKE STREET, MOUNT PLEASANT (AMREC) (CONFIDENTIAL ATTACHMENT)

	Reduced balcony setbacks will allow overlooking into the adjoining property.	Object	Amended plans were submitted to address privacy concerns. Where the development is not considered to comply with the Deemed to Comply requirements of the R-Codes relating to visual privacy, a condition of planning approval is recommended to provide screening.	Uphold
	The reduced setback and overall height of the retaining wall will compromise the Design Principles in relation to building bulk impacts, privacy and retention of natural ground level as viewed from the street.	Object	The overall height of the retaining walls has been stepped to follow the natural ground level along the southern boundary.	Not Uphold
2.	Fenestration of northern elevation of building is very plain and not in keeping with the streetscape.	Object	Fenestration is not considered to be relevant planning matter. Amended plans were submitted which incorporated increased setbacks to the northern adjoining property.	Not Uphold
	The retaining wall needs to be constructed correctly. Any damage to the adjoining property will need to be the responsibility of the owner.	Object	Potential damage during construction is not considered a relevant planning matter. Amended plans were submitted to address the stepping of the retaining walls on the northern and southern elevations of the development.	Not Uphold

P14/3509 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 299 (NO. 9) STOKE STREET, MOUNT PLEASANT (AMREC) (CONFIDENTIAL ATTACHMENT)

3.	The existing building has been built up to a higher level during the construction of the existing dwelling.	Object	The current levels are a result of authorised existing development.	Not Uphold
	Potential for overlooking from the first and second floors to the western adjoining property.	Object	All major openings facing to the rear comply with the Deemed to Comply requirements of the R-Codes.	Not Uphold
	The building height is excessive, specifically due to the ceiling height of the undercroft garage. The building should be made to comply with height requirements.	Object	Amended plans have been received which significantly reduce the overall height of the building. A minor variation to the height requirements is proposed at the south eastern corner of the building. The height of the remainder of the building complies.	Not Uphold
	The potential glare from the roofing material will impact on adjoining properties.	Object	This is not considered to be a relevant planning matter.	Not Uphold
	The development does not satisfy sustainability requirements.	Object	This is not considered a relevant planning matter.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

P14/3509 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 299 (NO. 9) STOKE STREET, MOUNT PLEASANT (AMREC) (CONFIDENTIAL ATTACHMENT)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

POLICY IMPLICATIONS

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

The objective of Policy CP-066 is

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

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

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

COMMENT**Building Height**

The proposed development has been designed with a concealed roof. The maximum height of the concealed roof is 9.9m in the south eastern corner of the development. The remainder of the development complies with the height provisions of CPS5.

Council Policy - 066 Height of Buildings prescribes a maximum wall height of 9m for concealed roofs. Consequently, approval of the application requires an Absolute Majority decision of Council.

The variation is supported for the following reasons:

- The subject site is considered to be constrained by its topography as it slopes down from west to east by 6m and also down from north to south by 2m.
- The designer of the dwelling has endeavoured to address the topography of the site and it is noted that a large area of the proposed dwelling is below natural ground level.

P14/3509 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 299 (NO. 9) STOKE STREET, MOUNT PLEASANT (AMREC) (CONFIDENTIAL ATTACHMENT)

- The original design submitted has been extensively redesigned to address concerns raised by the submitters with regard to privacy, bulk and site works thus reducing the number of variations sought.
- The area which exceeds the 9m wall height relates to a small portion of the second floor balcony in the south eastern corner of the development. The height variation is not considered to significantly impact on the adjoining neighbours to the north, south and west.
- The area of the balcony which exceeds the 9m wall height requirement is setback between 6m – 7.12m from the front boundary.
- The elevations of the proposed dwelling are well articulated through the use of staggered facades, varied materials, windows and curved walls.

Boundary Setbacks*Second Floor – Southern Elevation*

The reduced second floor setback applies to a small section of the southern elevation. The reduced setback is a result of the fall in the topography of the site. The variation is considered to meet the relevant Design Principles of the R-Codes for the following reasons:

- The proposed variation is 0.1m and it is considered that access to direct sun and ventilation to the adjoining lot will be maintained.
- The design of the dwelling incorporates varied openings and a reduced wall length to the second floor in order to mitigate the impact of building bulk on the neighbouring property;
- The proposed dwelling satisfies the Deemed to Comply provisions of the R-Codes in relation to overshadowing; and
- The privacy of the adjoining dwelling will be maintained as the major opening is setback in accordance with the Deemed to Comply provisions of the R-Codes.

Rear Western Setback

With regard to the proposed rear setback variation sought, this is considered to meet the relevant Design Principles of the R-Codes for the following reasons:

- The variation relates to the Alfresco area on the ground floor of the development which is an open structure and it is considered that this would have a minimal impact on the adjoining property;
- The rear adjoining dwelling is elevated by approximately 1m above the subject site, further reducing any potential impact.

P14/3509 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 299 (NO. 9) STOKE STREET, MOUNT PLEASANT (AMREC) (CONFIDENTIAL ATTACHMENT)Site Works

The site works associated with the construction of the dwelling do not satisfy the Deemed to Comply provisions of the R-Codes in relation to the extent of excavation that has been undertaken within 3m of the street boundary and the level of fill within the southern boundary of the property.

On this basis, the site works require assessment against the applicable Design Principles which state:

P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.

P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.

The land within the area is sloping down from west to east with a fall of approximately 6m across the subject site. The site works that have occurred as a result of the existing dwelling make it difficult to determine an equal cut and fill due to the variations in finished floor levels.

The excavation that has occurred within the front portion of the property has enabled the garage to be lower in height along the street boundary, thereby mitigating its impact within the streetscape.

As a result of the above assessment, the proposal is considered to satisfy both Design Principles P7.1 and P7.2 above.

CONCLUSION

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

P14/3509 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 299 (NO. 9) STOKE STREET, MOUNT PLEASANT (AMREC) (CONFIDENTIAL ATTACHMENT)

At 8.00pm Cr Macphail left the meeting and returned at 8.02pm.

At 8.00pm L Reid left the meeting and returned at 8.05pm.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3509)
ABSOLUTE MAJORITY APPROVAL**

At 8.00pm Cr Schuster moved, seconded Cr Robartson –

That the application for a Two Storey Dwelling with Undercroft at Lot 299 (No. 9) Stoke Street, Mount Pleasant be approved by Absolute Majority decision of the Council subject to the following conditions:

- 1. All stormwater generated on site is to be retained on site.**
- 2. 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.**
- 3. The development shall be serviced by a concrete or brick paved vehicle crossover with a maximum width of 6m and constructed prior to the initial occupation of the development in accordance with the Council's specification to the satisfaction of the Manager Statutory Planning.**
- 4. Prior to the initial occupation of the development, northern elevation of the first floor balcony (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**
- 5. Prior to the initial occupation of the development, southern elevation of the second floor balcony (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.6 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**
- 6. Prior to the initial occupation of the development, the eastern facing opening of the Study (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of C1.1 or C1.2 of Clause 5.4.1 (for Single Houses or Grouped Dwellings) or C1.1 or C1.2 of Clause 6.4.1 (for Multiple Dwellings) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Statutory Planning.**

P14/3509 - TWO STOREY DWELLING WITH UNDERCROFT AT LOT 299 (NO. 9) STOKE STREET, MOUNT PLEASANT (AMREC) (CONFIDENTIAL ATTACHMENT)

- 7. Any street walls and fences (including the height of any retaining walls) constructed within the front setback shall be visually permeable 1.2m above natural ground level and are to satisfy Clause 5.2.4 C4 of the Residential Development policy to the satisfaction of the Manager Statutory Planning.**

At 8.08pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (8/1)

Vote Result Summary	
Yes	8
No	1

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

At 8.09pm Cr Pazolli returned to the meeting.

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

P14/3499 - FINAL ADOPTION OF 2014 LOCAL GOVERNMENT INVENTORY AND COMMUNITY PLANNING SCHEME No. 5 HERITAGE LIST (REC) (ATTACHMENT)

Ward : All
 Category : Policy & Strategic
 Application Number : N/A
 Property : Various
 Proposal : Final Adoption of 2014 Local Government Inventory and Community Planning Scheme No. 5 Heritage List
 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 : N/A
 Responsible Officer : Gavin Ponton
 Manager Strategic Urban Planning

AUTHORITY / DISCRETION

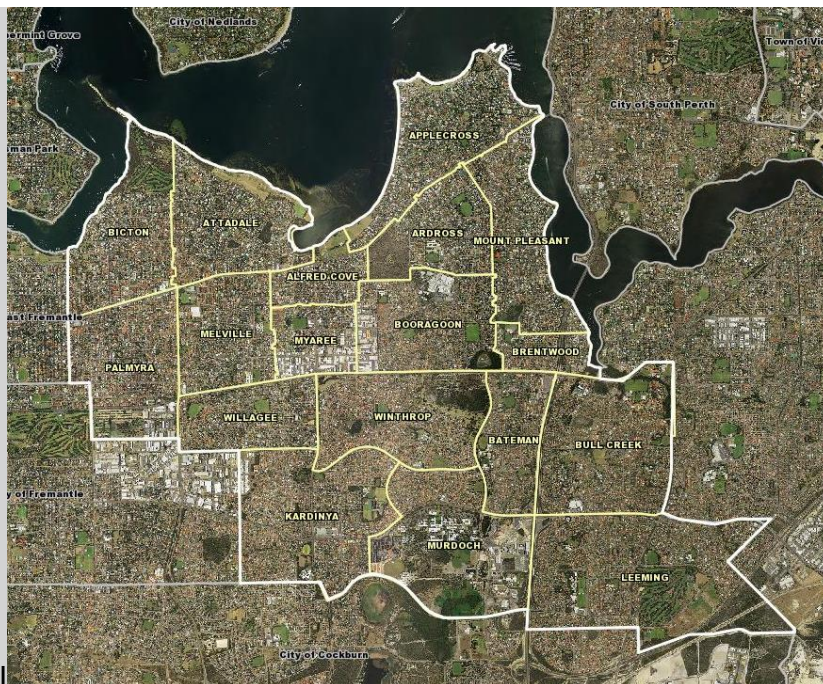
DEFINITION

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

P14/3499 - FINAL ADOPTION OF 2014 LOCAL GOVERNMENT INVENTORY AND COMMUNITY PLANNING SCHEME No. 5 HERITAGE LIST (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Every local government in Western Australia is required under section 45 of the *Heritage Act 1990* (Act) to prepare a list of places of local heritage significance. These lists have been known as Municipal Inventories (MIs), Municipal Heritage Inventories (MHIs), and more recently Local Government Inventories (LGIs).
- The Act also requires that LGIs be updated every four years. The City's LGI has not been reviewed since 2004.
- Schedule 2 of Community Planning Scheme No. 5 contains a heritage list (referred to as the Heritage List) that has also required review. The Heritage List is a separate document from the LGI, comprising only the places within Melville deemed most worthy of protection.
- In 2009 heritage expert Ron Bodycoat was engaged to comprehensively overhaul the City's LGI and Heritage List. A draft LGI was presented to Council at an EMIS on 11 September 2013 and the proposed final version was presented at an Elected Member Information Session (EMIS) on 27 May 2014.
- Affected owners were contacted by the City and the draft LGI was advertised for public comment from late October 2013 to 5 December 2013. A public information session was also held by the City on 18 November 2013.
- 18 submissions were received. There is strong support for the draft.
- It is recommended that the Council consider the submissions and adopt the draft LGI and the Heritage List



BACKGROUND

In response its obligations under s. 45 of the *Heritage Act 1990*, the City engaged Hocking Planning and Architecture Pty Ltd to compile its first inventory in 1993. The inventory comprised nominations from the public which were then assessed and graded according to significance.

P14/3499 - FINAL ADOPTION OF 2014 LOCAL GOVERNMENT INVENTORY AND COMMUNITY PLANNING SCHEME No. 5 HERITAGE LIST (REC) (ATTACHMENT)

In keeping with the heritage trends of the time, the inventory focussed on larger, more impressive places such as Heathcote Hospital, the Wireless Hill buildings, the Tivoli Theatre/Applecross District Hall and some grand private residences, although a few heritage sites were included. By current standards the detail was minimal, no more than a few sentences and one photograph for each place. Expectations of place protection were low. Nevertheless the general principle of a record of places of cultural heritage significance was upheld. The inventory was adopted by Council in 1995.

In the meantime, in 1999 a list of 38 places was adopted under Schedule 2 of Community Planning Scheme No. 5. Known as the Heritage List, the places in Schedule 2 were the cream of the inventory. As inventories normally have no legal substance and therefore no implications for developers, it was hoped that the higher status of a Scheme listing would enable more effective heritage management. This proved not to be the case.

An informal review of the LGI and Heritage List in 2002 added around 20 places. The informal review did not involve the community or any specialised heritage advice.

In 2003 a formal review was begun in recognition of the changing circumstances (e.g. demolitions/alterations) and the need to incorporate additional listings. This time the community was involved in the review and professional heritage advice was sought for some of the more complex assessments. An inventory of 72 (up from 54) places was adopted in March 2004.

It is the 2004 LGI and the 2002 Heritage List that are currently being reviewed.

Scheme Provisions

MRS Zoning	:	Various – mostly Urban and Reserve: Parks & Recreation
CPS 5 Zoning	:	Various – mostly Living Area and Reserve: Local Open Space
R-Code	:	N/A
Use Type	:	N/A
Use Class	:	N/A

Site Details

Lot Area	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc.)	:	N/A
Site Details	:	N/A

[3499 2014 Local Government Inventory and Heritage List](#)

[3499 2014 LGI and HL Submissions Analysis](#)

[3499 2014 LGI Place Records Merged](#)

P14/3499 - FINAL ADOPTION OF 2014 LOCAL GOVERNMENT INVENTORY AND COMMUNITY PLANNING SCHEME No. 5 HERITAGE LIST (REC) (ATTACHMENT)

DETAIL

The purpose of the review is to produce a comprehensive, up-to-date LGI that is consistent with the best practice guidelines set out by the State Heritage Office (SHO).

The new LGI is also required to guide developers and officers more effectively than previous LGIs. This idea is important; as redevelopment and infill become more common, heritage places are becoming rarer and increasingly recognised by the community as valuable. Officers of the future will need detailed guidance if commercially realistic, heritage-sensitive development is to be achieved.

The 2014 LGI is up-to-date and comprehensive. Where the 1995 and 2004 inventories contain a few sentences and one photograph for any place, the 2014 LGI gives several pages of detailed research and colour photographs for each. In addition, the statements of significance for each listing – crucial to the effective management of local heritage – have been expanded.

Overall the size of the LGI has not greatly changed, (69 entries, compared with 72 for the 2004 LGI), but the 2014 LGI is more refined due to deletions and consolidations.

The Heritage List has also been refined from 38 places to 35.

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
Comments Supplied: Yes

All affected owners were written to directly and invited to comment. Advertisements in local papers were run for five weeks, from October 2013 to 5 December 2013. Notices were posted in the City's museums, libraries and community centres, and on the City's website. A public information session was held in the Civic Centre on 18 November 2013.

A total of 18 written comments concerning 14 different places were received from the community. A summary is below:

Category of comment	Number of places
Places for which owners are supportive of proposed listing/de-listing	9
Suggestions which did not meet listing thresholds	2
Suggestions which did meet listing thresholds	2
Places which owners want removed from LGI and Scheme	1

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The SHO was consulted several times for guidance during the compilation of the LGI, and have endorsed the Draft LGI.

The Department of Aboriginal Affairs was invited to comment on the Draft LGI as well. No comment about the draft in general was received, though there have been several instances of advice in relation to scar trees that were proposed early on for listing.

P14/3499 - FINAL ADOPTION OF 2014 LOCAL GOVERNMENT INVENTORY AND COMMUNITY PLANNING SCHEME No. 5 HERITAGE LIST (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

An up-to-date inventory is a legal requirement for the City under section 45 of the *Heritage Act 1990*.

There are no statutory implications for LGI listings.

Part 7 of Draft Local Planning Scheme No 6 (soon to be advertised) will aid in the management of places on the Heritage List. As 18 of the 35 places proposed for the Heritage List are owned by the City, implications for private owners are low.

FINANCIAL IMPLICATIONS

The LGI Review has cost approximately \$36,000 including GST. These expenses have been acquitted.

Apart from rare instances of site-specific future development where expert heritage advice will be needed, no funding is required for the ongoing maintenance of the LGI or Heritage List.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

With their focus on parks and reserves, the 2014 LGI and the Heritage List will help preserve the City's natural environment in accordance with Environmental Policy CP-030.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of outrage from owners listed against wishes	Rare likelihood of insignificant consequences, resulting in low level of risk	Upfront liaison with affected owners, ongoing education and dialogue.
Risk of neglecting to list important places	Unlikely likelihood of insignificant consequences, resulting in low level of risk	Public advertising of LGI review, liaison with museums and local history groups. Involvement of local history officers in project.
Risk of inconsistency with SHO or other listings	Unlikely likelihood of insignificant consequences, resulting in low level of risk	Engagement of well-known heritage expert for LGI review, direct consultation with SHO and Department of Aboriginal Affairs

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could also choose not to adopt the 2014 LGI and Heritage List. Doing so would mean the City has not fulfilled its obligations under section 45 of the *Heritage Act 1990*.

P14/3499 - FINAL ADOPTION OF 2014 LOCAL GOVERNMENT INVENTORY AND COMMUNITY PLANNING SCHEME No. 5 HERITAGE LIST (REC) (ATTACHMENT)**CONCLUSION**

The 2014 City of Melville Local Government Inventory is considered to be a substantial improvement over the previous versions. The 2014 LGI is Comprehensive, up-to-date and in line with the State Heritage Office's best practice guidelines, the document records the chief places of cultural heritage significance to Melville and will guide heritage-sensitive development for many more years.

The 2014 Heritage List will assist in the management of the more valuable places in the 2014 LGI. Part 7 of Draft Local Planning Scheme No 6 will ensure in the future that officers are given the opportunity to discuss proposed changes with owners prior to demolition. As the City owns most of these places the number of affected private properties is small.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3499)**APPROVAL**

1. **That the 69 places and the list of Reserves and Small Parks comprising the 2014 Local Government Inventory be adopted as the City of Melville Local Government Inventory**
[3499 2014 Local Government Inventory and Heritage List](#)
2. **That the 35 places and the list of Reserves and Small Parks comprising the 2014 Scheme Heritage List be adopted under Schedule 2 of Community Planning Scheme No.5.**
3. **That the 2014 Local Government Inventory and Heritage List be made available to the public and forwarded to the State Heritage Office for their information.**
4. **That submitters be advised in writing of the Council's decision.**

At 8.09pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (10/0)

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN (REC)
(ATTACHMENT)**Disclosure of Interest

Item No.	P14/3501
Member	Cr Schuster
Type of Interest	Interest under the Code of Conduct
Nature of Interest	A good friend and client owns two properties in Kearns Crescent. Cr Schuster's personal work only extends to meeting there.
Request	Not Applicable
Decision of Council	Not Required

Ward	: Applecross/Mt Pleasant
Category	: Strategic
Application Number	: Not applicable
Property	: All properties within the structure plan area
Proposal	: Final adoption of the Riseley Centre Structure Plan
Applicant	: City of Melville
Owner	: There are various landowners within study area
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: P13/3406 – Riseley Centre Structure Plan Initial Concept Design – Approval for Advertising – July 2013 P13/3450 – Public Advertising of the Riseley Centre Structure Plan – December 2013
Responsible Officer	: Gavin Ponton Manager Strategic Urban Planning

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN (REC)
(ATTACHMENT)**

AUTHORITY / DISCRETION

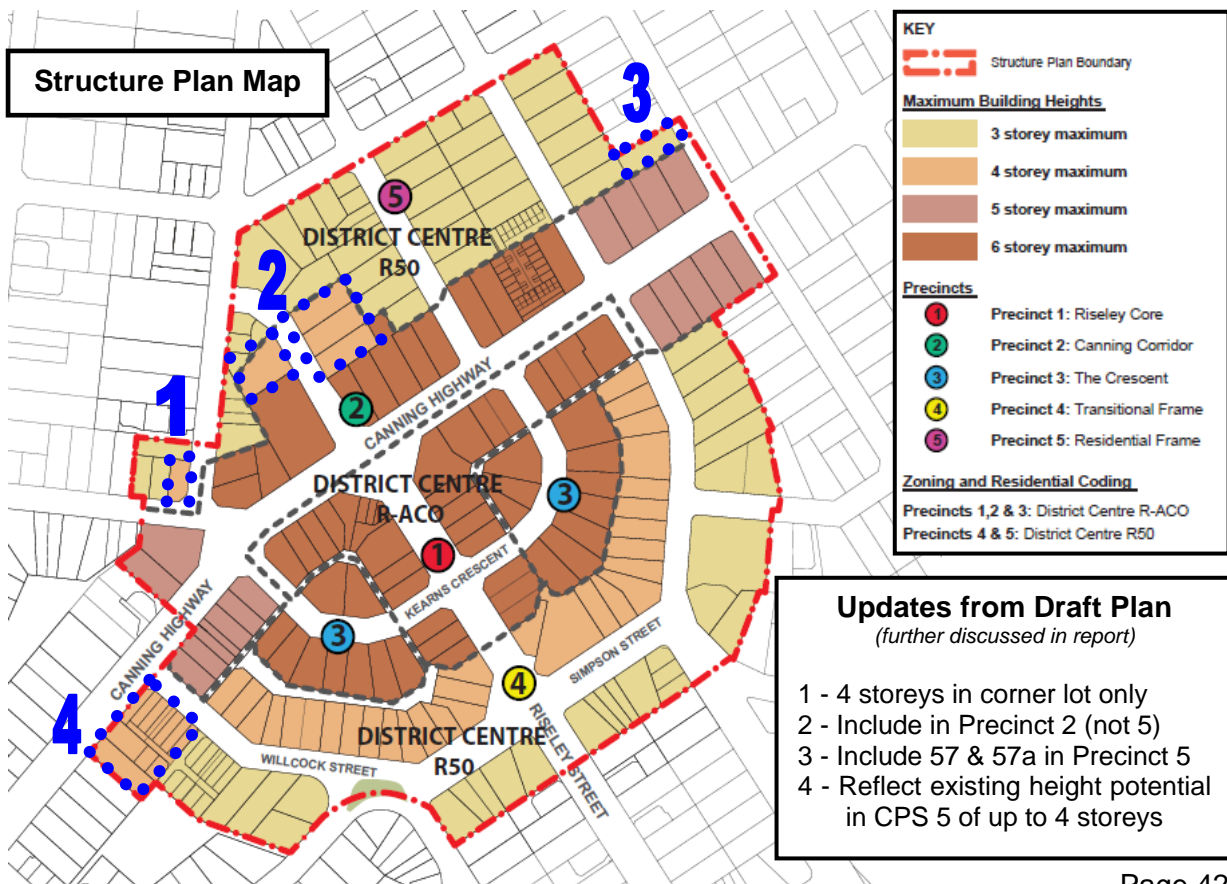
DEFINITION

<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>

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN (REC)
(ATTACHMENT)**

KEY ISSUES / SUMMARY

- A key objective of the City's Local Planning Strategy is to concentrate population growth and development in activity centres and along transport corridors. This strategy limits the need to change suburban residential areas.
- The purpose of the Riseley Centre Structure Plan is to set out a clear vision and town planning requirements for the future development of the Riseley Activity Centre.
- The draft structure plan was publicly advertised and there was high level of community support for the vision for the future of the Centre and the structure plan requirements.
- A total of 64 submissions were received, with 32 (50%) supporting the structure plan, six (9%) objecting to the structure plan and 26 (41%) commenting on the structure plan
- The structure plan has been updated to better address some of the feedback received.
- Traffic and parking were the issues/concerns most frequently mentioned in this project.
- Concentrating development and population growth in activity centres is a way to begin to address traffic issues and car dependency. This is the basis of the Western Australian Planning Commission's (WAPC) Directions 2031 strategy and the City's Local Planning Strategy.
- Parking issues are recommended to be addressed by:
 - Adopting a City-wide Car Parking Strategy (refer to a separate report on this agenda);
 - Preparing a detailed Parking Management Plan for the Centre;
 - Reviewing the current Council Policy CP-079 - Car Parking (Non Residential); and
 - Improving the method for collecting cash in lieu of car parking contributions.
- The plan strikes a balance between the aspirations of the WAPC, landowners and the City and community and stakeholder feedback.
- It is recommended that the Council adopt the updated structure plan and initiate a scheme amendment to rezone the lots within the structure plan area.



**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN (REC)
(ATTACHMENT)****BACKGROUND**

The City began planning for the Riseley Centre in 2008. This included community visioning, stakeholder surveys, forums and workshops, a planning analysis, an economic analysis and the preparation of a Draft Vision for the Riseley Centre.

The Council considered a report on the Draft Vision at its Ordinary Meeting held on 19 June 2012. Whilst noting the community's generally supportive responses to the Draft Vision, the Council considered that the proposed height limits required further review, resolved not to adopt the Draft Vision and resolved to support the preparation of an Activity Centre Structure Plan.

Council resolved to endorse the public advertising of four Concept Plans for the future of the Centre at its meeting of 16 July 2013. There was an excellent response to the community engagement program in August 2013 with substantial feedback gathered through the three community workshops and two pop up information booths in particular. A total of 70 submissions were received on the four Concept Plans.

In summary, the key issues to be addressed in the structure plan from the community's perspective are:

1. Building height;
2. Traffic and parking;
3. 'Look and feel' of the area (building appearance and streetscapes);
4. Personal and pedestrian safety; and
5. Land use.

The publicly advertised draft structure plan was based on a reassessment of all previous work and in particular, by feedback received from the community as part of the advertising of four Concept Plans.

The outcomes of the project will be an endorsed structure plan and the rezoning of the Centre in accordance with the structure plan (the City will be responsible for preparing and managing the future town planning scheme amendment).

DETAIL**Requirement to Prepare a Structure Plan for the Activity Centre**

A structure plan for the centre is 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 Centre. There is a need to finalise this work and adopt a plan for the future of the Centre; and
- There is a need 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.

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

Detailed matters such as: the design of individual buildings, the exact location of buildings, detailed sustainability measures and the design of car parking areas would be addressed at the detailed design/development application stage.

Structure Plan

The 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.

[3501 Attachment 1](#)[3501 Attachment 2](#)[3501 Attachment 3](#)

The publicly advertised plan was informed by community feedback, including:

- Limiting building heights to six storeys (a reduction from the indicative up to 10 storey heights shown in the previous Vision document);
- Concentrating taller building heights in the 'core' of the Centre bounded by Canning Highway and Willcock Street;
- Limiting changes west of Willcock Street in consideration of community comments from residents and landowners in that area;
- Limiting major changes north of Canning Highway in consideration of community comments from residents and landowners in that area; and
- Reducing the target number of residential dwellings to 300 new dwellings in the structure plan area by 2031.

High Quality Building Design

There was very strong support for the requirement for high quality development. Part 1 Sections 9 and 10 specify mandatory development standards which apply to all new development across the structure plan area. The intent of these mandatory standards is to ensure that all new development enhances streetscapes, public spaces and the amenity of the area. The minimum development standards are intended to 'lift the bar' and clearly articulate the expectations of the City for future development.

Building Heights

A key objective of the City is to concentrate population growth and development in activity centres and along major transport corridors, which limits the need to change suburban residential areas.

Taller building heights of up to five or six storeys are considered appropriate for the core of the Centre along Canning Highway, Kearns Crescent and Riseley Street, which reduces to four storeys on the north side of Willcock Street and three storeys on the south of Willcock Street and north of Canning Highway. Many lots in the Centre can currently build to 13.5 metres or approximately three to four storeys under Community Planning Scheme No. 5.

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

The upper floors of buildings in some precincts are also proposed to be set back from the property line to reduce the perceived impact of height and bulk. It is notable that upper floor facades along Canning Highway are not required to be setback as the road reserve is much wider and it is considered that taller buildings may help reinforce the urban nature of the place and assist with slowing down vehicle speeds (sometimes referred to as “edge friction”).

Residential Densities

The plan proposes to have no specified maximum residential densities in Precincts 1, 2 and 3 as most of the future dwellings are expected to be multiple dwellings built above commercial uses. There are no specified residential densities for multiple dwellings as per Part 6 of the *Residential Design Codes*. Precincts 4 and 5 are proposed to be coded R50. Most of the lots in Precinct 5 are already coded R50.

Residential densities in the Centre are proposed to be controlled through built form, height, setback and other such controls. A transition of building heights and intensities is proposed from the core of the Centre to the edge of the Centre. The proposed zonings would provide incentives for developers to invest in the Centre rather than in suburban areas and make it easier to include a variety of dwelling sizes and types.

Ecologically Sustainable Development

The plan strongly encourages the application of green building principles and resource conservation. These principles would mainly be applied through the development application and building licence process.

STAKEHOLDER ENGAGEMENT

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes – summarised in Attachment 4
Reason:	The structure plan would inform the future planning framework for the Centre
Support/Object:	Summarised in Attachment 4 and discussed below

I. COMMUNITY

The City involved the local community and stakeholders in the preparation of the draft structure plan, in particular through the development and feedback on the four Concept Plans for the future of the Centre in 2013.

In accordance with the City's Stakeholder Engagement Policy CP-002, the structure plan was advertised for community comment and feedback. On the IAP2 Spectrum of Public Participation, the level of communication for this stage of the project was “Community Consultation”.

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

The feedback received from the community is further discussed below.

II. OTHER AGENCIES / CONSULTANTS

Required: Yes
Reason: Provide the opportunity for external agencies to comment on the draft structure plan
Support/Object: Summarised in Attachment 4

Council resolved to endorse the public advertising of the draft structure plan at a Special Meeting held on 9 December 2013.

The draft structure plan was advertised for a period of 29 days between 5 February 2014 to 5 March 2014. The 29 day advertising period exceeded the standard statutory public advertising period of 21 days.

Community engagement on the draft structure plan included:

- Meetings and discussions with local residents and landowners;
- Two public information sessions held on 13 and 18 February 2014;
- A pop up information booth outside the Applecross Post Office at the Riseley Centre on 11 February 2014;
- Information and a copy of the draft structure plan and all the technical documents available from the City's website, 'We're Listening Melville', Civic Centre and Civic Square Library;
- Emails sent to the project update database;
- Letters sent to landowners and residents within the structure plan area;
- Over 2,000 letters sent to all residents and absentee landowners within approximately 800 metres of the centre;
- Letters to relevant government agencies;
- Articles in the 'About Melville' section of the local newspaper; and
- An article in the City's Mosaic magazine in February 2014.

A total of 64 submissions were received on the draft structure plan, which can be briefly summarised as follows:

Response	Number	Percentage
Support structure plan	32	50%
Object to structure plan	6	9%
Comments/suggestions	26	41%
TOTAL	64	100%

A summary of the submissions received is provided in Attachment 4.

[3501 Attachment 4](#)

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)****Feedback from the Community and Recommended Responses**

Five main items were raised by the community regarding the draft plan:

1. Lots on corner of Conon Road and Macleod Road;
2. Submissions requesting greater building height potential in the centre;
3. Minor updates to structure plan map, boundary and building heights;
4. Traffic and parking; and
5. Road and streetscape improvements.

The above items and recommended responses are further discussed below.

Item 1 – Lots on Corner of Conon Road and Macleod Road (No. 89-91 Macleod Road)

Lots 72-75, No. 89 and 91 Macleod Road were included in the structure plan area for a number of reasons:

- The lots are located close to Canning Highway and currently face R50 zonings to the east and south across the street;
- They are located on a busy street corner with visible exposure to Canning Highway;
- They are currently vacant and ready for development;
- They could help transition intensity and building height and form a buffer between development along Canning Highway and residential areas to the north; and
- The structure plan would provide more stringent design controls to guide future development proposals on the site.

The advertised draft structure plan proposed that these lots be part of Precinct 5: Residential Frame with a density code of R50 and a three storey building height limit.

Four submissions were received either recommending that the zoning and height proposed in the draft structure plan be retained or raising concerns about future development on this site.

The landowner requested that the structure plan be amended to allow for greater development potential. The submission suggested that the lots should be part of Precinct 2: Canning Corridor with a height limit of five or six storeys.

It is not considered appropriate that five or six storeys be developed on the site given that lower density residential abuts the site. But a four storey element on the corner of Conon and Macleod Roads would be appropriate and would present little impact on surrounding residential lots. The possible four storey element would be around 25 to 30 metres away from adjoining residential properties. A taller corner element would also better frame (enclose) the busy corner of Conon Road and Macleod Road from an urban design perspective.

The current building height for the subject and adjoining residential lots is 10.5m (2 or 3 storeys).

It is recommended that Lots 72, 73, 74 and 75 Macleod Road corner Conon Road retain the 'District Centre R50' zoning in Precinct 5 – Residential Frame with three storey height limit, with the exception of Lot 75, No. 91 Macleod Road (corner lot) having a four storey maximum height limit. This would allow for a taller corner element to address the corner while minimising potential impacts on adjoining lots.

Item 2 – Submissions Requesting Increased Building Heights and Development Potential

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

A total of 17 submissions were made suggesting that building heights and/or development potential in the Centre should be increased beyond what was proposed in the draft plan. There were other submissions that recommended that development potential be reduced and building heights capped at between two and four storeys.

The Riseley Centre is a 'District Centre', which means that it is a place intended to accommodate additional growth, development and population. The City's Local Planning Strategy seeks to focus population growth and development in vibrant activity centres and along busy public transport routes. One of the major benefits of this approach is that residential areas can remain similar or the same in to the future without the need to significantly increase densities in these areas. Concentrating growth in specific areas has a range of transport, environmental, social and economic benefits.

It is not recommended that building heights be significantly increased in the structure plan area. The community has generally provided a strong level of support for the plan and it would not be appropriate to significantly change building heights across the Centre at this point of the project. The proposed building heights allow for high quality mixed use development.

Equally it is not recommended that building heights and development potential be reduced. Existing development does not necessarily reflect the building height permitted in the town planning scheme as many lots have only one or two storey buildings on them. Community Planning Scheme No. 5 (CPS 5) currently allows building heights of up to 13.5 metres (three or four storeys depending on design) across most lots in the Centre. Increasing building heights from the current permitted heights to five or six storeys is not considered to be a major change in an activity centre context.

It is also not recommended that the existing height and density provisions be retained as they have not provided sufficient development potential to allow mixed use developments to be economically developed. The evidence for this is that there have been no such proposals for the Centre even though the current zoning and building heights have been in place for many years.

It is considered that the proposed building heights and development potential strike an appropriate balance between the aspirations of the WAPC noted in Directions 2031 and SPP 4.2, the aspirations of the City and community and stakeholder feedback.

Item 3 – Minor Updates to Structure Plan Map, Boundary and Building Heights

It is not recommended that the structure plan area be significantly changed. One submission (No. 64) suggested that the structure plan area should be extended further west. This has been assessed, but is not considered necessary or appropriate from a planning perspective as it would constitute a major change to the publicly advertised plan and is therefore not supported.

One of the important considerations in the structure plan is to carefully manage the interface between the structure plan area and the residential lots outside the structure plan area. There were no significant detailed interface issues raised, with the exception of No. 59 and 59a Tain Street. These lots are somewhat unique in that they were subdivided and developed in to single storey dwellings on long narrow lots facing roughly east to west.

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

Two submissions were received which, while not objecting to the structure plan per se, raised concerns about future development of the adjoining lots along Canning Highway. The structure plan provides for buildings up to five storeys in height on these lots (compared with an existing 13.5 metre height limit in CPS 5, which is three or four storeys).

In order to better address these concerns, the structure plan has been specifically updated to reduce potential impacts on these lots. A new clause 10.15.3 has been added to Part One to require any development over two storeys on the adjacent Canning Highway lots to be setback a minimum of eight metres from the rear boundary (the eight metre setback previously applied to development over three storeys in the advertised draft plan). A minimum three metre rear setback requirement also applies to these lots. These setback requirements are well in excess of R-Codes setbacks requirements.

Development of the lots along Canning Highway under the current provisions up to 13.5 metres (three or four storeys) may actually impact more as they could be built much closer to the boundary than would be permitted under the proposed structure plan.

Development of the lots along Canning Highway would also need to comply with the standard R-Codes requirements for overshadowing and visual privacy (the structure plan maintains current R-Codes requirements).

It is therefore considered that the structure plan has struck an appropriate balance between allowing suitable redevelopment of the lots along Canning Highway whilst mitigating potential impacts on No. 59 and 59a Tain Street.

Part One (statutory section) of the structure plan text has been updated where required to:

- Add further clarity on the required details to be provided in future development applications for transport, waste management and access;
- Add a definition of “building height” given that heights will be controlled by storeys in the structure plan area. This has been proposed to better align with the City’s expectation that all new development will be of a high quality; and
- Add a requirement that all new signage use high quality materials and be unobtrusive, elegant and complement building designs.

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

The structure plan map has been updated as follows.

No.	Update to Structure Plan Map	Rationale
1	Change Lot 75, No. 91 Macleod Road (corner lot only) to having a four storey maximum height limit. This would allow for a taller corner element to address the corner while minimising potential impacts on adjoining lots.	As previously discussed in Item 1 in the report above.
2	Change Numbers 3, 4, 6 and 8 Riseley Street from Precinct 5: Residential Frame to Precinct 2: Canning Corridor with a building height limit of four storeys.	<p>It is recommended that the structure plan be modified to include these lots in Precinct 2 – Canning Corridor, but with a four storey height limit for the following reasons:</p> <ul style="list-style-type: none"> • The lots currently contain or have plans for commercial uses rather than residential uses; • They are within 70 metres of the major intersection of Riseley Street and Canning Highway (a key focus point for the structure plan); • This section of Riseley Street is relatively busy with existing commercial traffic and uses; • The Precinct 2: Canning Corridor development requirements provide for greater setbacks from adjoining residential lots than the current standards (minimum of 4m setback for commercial developments and 8m for levels over three storeys) • They are located on the south side of residential properties (no overshadowing issues) • The four storey height limit would form a transition area between taller buildings along Canning Highway and residential areas; • The lots could be important mixed use or commercial development sites in the future, adding further activity and land use intensity for the centre; and • Providing a four storey development potential would encourage mixed use development to be provided in appropriate location very close to public transport services, whilst limiting impacts. <p><i>Table continued on next page</i></p>

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

No.	Update to Structure Plan Map	Rationale
3	<p>The owners of 57 and 57a Tain Street jointly applied for the structure plan area to be amended to include their lots within Precinct 5.</p> <p>This request is supported and the map has been amended to include these lots inside the structure plan area as part of Precinct 5: Residential Frame R50.</p>	<p>This request has been carefully considered and it is recommended that the structure plan area be amended to include these lots as:</p> <ul style="list-style-type: none"> • The adjoining lots along Canning Highway are likely to be redeveloped in future, which may potentially impact on the subject lots; • The lots can currently be developed to a maximum height of 13.5 metres (three to four storeys) • Including the lots in Precinct 5 would not increase the height of potential development (a three storey height limit would apply), but would allow medium density development in an appropriate location adjoining the activity centre and close to public transport.
4	<p>Lots on the corner of Canning Highway and Willcock Street (as discussed in the comments on Submission 64 in attachment 4 to this report) be retained in Precinct 4: Transitional Frame with a height limit of four storeys (rather than the advertised three storeys advertised).</p>	<ul style="list-style-type: none"> • It is recommended that the height limit on the lots be amended to four storeys to better reflect the existing height limit under CPS 5 (which allows up 13.5m or three to four storeys) • The advertised three storey height limit, upon further analysis, would constitute an unwarranted reduction in development potential • The proposed four storey limit would be consistent with the existing height limit and therefore is not considered to be a major change to the plan

Item 4 – Traffic and Parking

Traffic and parking were the issues/concerns most frequently raised over the course of this project. They are key areas of concern for the community and the City acknowledges this.

Traffic and Traffic Modelling

The vast majority of the traffic moving through the Riseley Centre is regional traffic. Local traffic travelling to/from/within the Centre would constitute only a small percentage of vehicle movements through the Centre. The structure plan cannot by itself address wider regional traffic network issues.

Work has already been undertaken or is currently being progressed to address regional traffic and transport issues:

- Main Roads WA (MRWA) has modeled traffic in the region to 2031 based on the City of Melville's required goal of accommodating an additional 11,000 dwellings. The structure plan targets 300 dwellings of the 11,000 dwellings to be located at the Riseley Centre. The structure plan is consistent with the regional traffic modeling already completed.
- There are three major studies which are currently examining in more detail than would be possible in this structure plan the regional road modeling and analysis (and which include data on the redevelopment of the Riseley Centre):
 - Melville City Centre Structure Plan Transport Report and Model
 - Canning Bridge Structure Plan Transport Report and Model
 - MRWA is preparing a regional model of traffic projections to 2050 for the region

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

- The Department of Transport (DoT) is currently investigating future roadway designs along Canning Highway including potential bus lanes.

Evidence from Australia and around the world suggests that traffic problems can not be readily solved by building more roads (or road capacity) as this only induces more demand, which generally leads to roads that are just as busy as before. It is also very expensive to extend roads in urban areas and the return, as measured by improvements to travel times, is minimal in the medium term.

Town planning of previous decades tended to separate land uses (e.g. commercial from residential). The more that land uses are separated, the greater the travel required to get from point A to point B. Land use separation can help exacerbate traffic issues.

Concentrating development in activity centres and along public transport routes can reduce the need for car travel by reducing the distance between different land uses and services. Promoting development in places such as Riseley Centre can help reduce vehicle congestion and car parking demand. Clustering houses, businesses and services together allows local residents and visitors to access a range of goods and services in one multi purpose trip that is closer to home.

No significant issues have been raised by the DoT or MRWA. While they would prefer that regional transport studies are completed before finalising the plan, the timeframe for completing these studies is unknown at this point. It is not considered that regional transport investigations would have a major impact on the structure plan, which principally addresses development and land use on private land. It is noted that the structure plan can be updated in future if unforeseen issues arise during ongoing or future regional transport investigations.

Additional local traffic studies can be progressed in the future following the completion of regional transport studies and in association with the proposed upgrades noted in the Melville City Centre Structure Plan for the Canning Highway / Riseley Street intersection.

Concentrating development and population growth in activity centres is a way to address traffic issues and car dependency. This is the basis of the WAPC's Directions 2031 strategy for the future of the metropolitan area.

Parking

The draft Car Parking Strategy contains a number of important principles, which can help guide decision-making on car parking issues, including:

- Focus on people access not necessarily vehicle access;
- Car parking is never free. In fact it is expensive to provide car parking;
- The "right" amount of parking for an area depends on its context and circumstances;
- Shared parking is more effective, efficient and cheaper rather than private parking on each lot; and
- It is more effective, easier and cheaper to better manage parking rather than attempting to satisfy parking demand.

The traditional approach to car parking has been that motorists should nearly always be able to easily find convenient, free parking at every destination. Under this 'predict and provide' approach, parking planning has been based on the premise that a 'parking problem' means 'inadequate supply'.

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

However, this approach drives new demands for more convenient, free parking at every destination. The City will not be able to provide enough free parking to satisfy insatiable demand, particularly given how expensive it is to provide car parking areas.

Current car parking issues can broadly be categorised in terms of supply or management:

- **Parking supply issues** are centred on the perception that too few parking spaces are available and the expectation that a public or private organisation must provide more parking spaces to meet maximum demand.
- **Parking management issues** relate to the existing parking facilities not being used efficiently nor effectively.

Research and data indicates that parking issues and complaints in City are predominantly management rather than supply related.

Car parking is commonly perceived to be “free” as motorists don’t usually need to pay a direct cost to park their car. However, car parking is never free as governments or businesses must pay for the cost of providing and maintaining car parks as well as absorbing the opportunity costs for the land required to provide parking.

The direct costs of parking are included in everyday expenses such as higher development costs, higher consumer prices and/or high taxes and rates. These higher prices subsidise car parking and encourage higher parking demand. They also mean that people who don’t drive subsidise people who do drive. Car parking is expensive to provide as shown below.

Estimated Costs to Provide Car Parking in City of Melville Activity Centres

Type of parking	Land per bay	Land cost per m ² - \$2,000	Floor area per bay	Construction cost per bay	Estimated total cost per bay
On-street surface	15 m ²	\$0	N/A	\$3,500	\$3,500
Off-street surface	35 m ²	\$70,000	35 m ²	\$3,500	\$73,500
Deck – 2 level	16 m ²	\$32,000	32 m ²	\$31,000	\$63,000
Deck – 4 level	8 m ²	\$16,000	32 m ²	\$34,000	\$50,000
Basement – 2 level	8 m ²	\$16,000	32 m ²	\$44,000	\$60,000

It is easier, more efficient and less expensive to better manage use of car parking facilities rather than attempting to satisfy parking demand by providing more car parking.

There are a wide variety of actions that could be considered to better manage car parking in the centre. Many these actions may also require the involvement and cooperation of landowners, businesses, residents and visitors.

Parking issues in the Riseley Centre are proposed to be addressed by:

- Finalising a Car Parking Strategy for the City. The Strategy would provide a strategic framework to guide decision-making on and the management of car parking;
- Prepare a detailed Parking Management Plan for the Riseley Centre. The Management Plan would address issues such as staff parking, park and ride, parking for customers and management of parking;

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

- Review the City's current Car Parking Policy – CP-079 and the current car parking standards to ensure they reflect the desired character and amenity of the Riseley Centre, available transport options and current and future mix of land uses; and
- Review the current approach to collecting and using cash in lieu of car parking contributions.

Item 5 – Road and Streetscape Improvements

A significant amount of feedback was provided that walking and cycling to/from/around the Centre needs to be improved. The structure plan recommends that non-vehicle movement needs to be improved and prioritised where possible, particularly in the heart of the Centre along Kearns Crescent.

The structure plan recommends that vehicle speeds be reduced in the Centre to encourage walking and cycling.

There was also feedback that line markings and other improvements are required on streets such as Mitchell Street.

Summary of Feedback

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

It is considered that the structure plan will:

- Provide a clear vision and expectations for the future of the Centre to assist Council, City staff, landowners, businesses and residents in future decisions and actions;
- Help to create an attractive and sustainable activity centre that is a vibrant, desirable and safe place to live, work and socialise;
- Facilitate viable, enduring and high quality development with a mix of land uses;
- Enhance the character, streetscapes and public spaces in the activity centre;
- Promote a mix of housing choices;
- Encourage local employment and business opportunities; and
- Provide certainty to enable investment decisions to be made with reasonable confidence.

Next Steps

The next steps for the project are:

- Report to Council on submissions and community feedback received during the public advertising process (current step);
- Council to consider the final adoption of the structure plan (current step). Once adopted, that will mark the completion of this project;
- When the structure plan is adopted, a town planning scheme amendment will be required to rezone the properties in accordance with the structure plan. The structure plan provides guidance on all other matters, but cannot change the underlying zoning of the land. It is recommended that Council initiate this scheme amendment to begin this process;
- The WAPC is not required to give final approval to structure plan following the Council's decision;
- The structure plan provides recommendations on future upgrades to streetscapes and public spaces improvements. It is suggested that the recommendations could be considered in future budget and project discussions; and

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

- One of the key recommended actions is to prepare a detailed Parking Management Plan to investigate and address car parking issues in the centre. This is recommended as a high priority action.

STATUTORY AND LEGAL IMPLICATIONS

The provisions, standards and requirements specified under Part One of the structure plan if and when adopted would have the same force and effect as if they were a provision, standard or requirement of the Scheme.

In the event of inconsistencies between the Scheme or the Residential Design Codes and the structure plan, the Scheme or the Residential Design Codes prevail unless the structure plan specifically varies the relevant requirements.

FINANCIAL IMPLICATIONS

There are no financial implications at this stage of the project. However, it is recommended that the City consider upgrading streetscapes, footpaths and cycling network in and around the centre in future years. Investment in activity centres by the City is likely to stimulate new private development.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Community and stakeholder opposition to the structure plan	Moderate consequences which are likely, resulting in an High level of risk	<ul style="list-style-type: none"> • Acknowledge and understand that there will be different opinions • Be open and transparent • Ensure correct process is followed • Ensure correct information is provided to developers and the community

POLICY IMPLICATIONS

The provisions, standards and requirements specified under Part One of the Structure Plan if and when adopted would have the same force and effect as if they were a provision, standard or requirement of the Scheme.

In the event of inconsistencies between the Scheme or the Residential Design Codes and the structure plan, the Scheme or the Residential Design Codes prevail unless the structure plan specifically varies the relevant requirements.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

As per CPS 5 Amendment 67, which proposes to introduce a new Part 10 in to the Scheme and provide structure plan scheme provisions (endorsed at Council's Ordinary Meeting held on 20 August 2013 and currently being assessed by the WAPC), the Council may:

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

1. Adopt the proposed structure plan, with or without modifications; or
2. Refuse to adopt the proposed structure plan and give reasons for the decision to affected landowners. In this case, the City is responsible for preparing the structure plan.

It is recommended in this instance that the Council adopt the updated structure plan as shown in Attachment 2. [3501 Attachment 2](#)

CONCLUSION

A key objective of the City's Local Planning Strategy is to concentrate population growth and development in activity centres and along transport corridors, which limits the need to change suburban residential areas. The Riseley Centre is one of the better places to promote population growth and redevelopment in the City as it is strategically located, has a mix of land uses and has existing public transport connections.

The structure plan provides a clear vision and expectations for the future of the centre. It will help create an attractive and sustainable activity centre that is a vibrant, desirable and safe place to live, work and socialise.

A total of 64 submissions were received on the publicly advertised draft structure plan, which can be briefly summarised as follows:

Response	Number	Percentage
Support structure plan	32	50%
Object to structure plan	6	9%
Comments/suggestions	26	41%
TOTAL	64	100%

There was high level of community support for the vision for the future of the Centre and the structure plan requirements.

The plan strikes an appropriate balance between the aspirations of the WAPC noted in Directions 2031 and SPP 4.2, the aspirations of the City and community and stakeholder feedback.

It is recommended that the Council adopt the updated structure plan and initiate an amendment to CPS 5 to rezone the lots within the structure plan area.

The WAPC is not required to give final approval to structure plan following the Council's decision in accordance with statutory requirements and advice from the WAPC.

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

At 8.13 Cr Aubrey left the meeting and returned at 8.15pm.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3501) APPROVAL

At 8.10pm Cr Schuster moved, seconded Cr Pazolli –

That the Council:

1. Note the submissions received from stakeholders and the community during the public advertising of the draft Riseley Centre Structure Plan.
2. Resolve, pursuant to Section 9.6 of Community Planning Scheme No. 5, to adopt the updated Riseley Centre Structure Plan as shown in Attachment 2. [3501 Attachment 2](#)
3. Advocate to the Department of Planning, Department of Transport and Public Transport Authority that public transport services be improved to, from and between major activity centres including the Melville City Centre, Murdoch, the Riseley Centre and Canning Bridge.
4. Advise all submitters in writing of the Council's resolution.
5. Note that the adopted structure plan can be updated in future to address any issues that may arise.
6. Pursuant to Part 5 of the *Planning and Development Act 2005*, the Council resolve to initiate Amendment No. 73 to Community Planning Scheme No. 5 to rezone the area in accordance with the Riseley Centre Structure Plan as follows:
 - A. Amendment documentation be prepared in accordance with the direction and recommendations provided in the Riseley Centre Structure Plan.
 - B. That His Worship the Mayor and the Chief Executive Officer be authorised to endorse the amendment document.
 - C. That the City forward a copy of the amendment documentation to:
 - I. The Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*; and,
 - II. The Western Australian Planning Commission for information.
 - D. That on receipt of advice from the Environmental Protection Authority under Section 48a of the *Environmental Protection Act 1986* indicating that the amendment need not be subject to an environmental assessment, the amendment be advertised in accordance with the Town Planning Regulations for not less than 42 days.

At 8.15pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (10/0)

**P14/3501 – FINAL ADOPTION OF THE RISELEY CENTRE STRUCTURE PLAN
(REC) (ATTACHMENT)**

Vote Result Summary	
Yes	10
No	0

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

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

Ward : All
 Category : Strategic
 Application Number : Not applicable
 Property : Not applicable
 Proposal : A high-level Car Parking Strategy for the City of Melville
 Applicant : City of Melville
 Owner : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not applicable
 Responsible Officer : Gavin Ponton
 Manager Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Car parking is one of the most commonly cited issues/concerns raised by residents, visitors, landowners and businesses.
- Parking is currently dealt with on an operational basis without an overall strategic direction.
- Parking issues are likely to grow in the future unless the City proactively plans for and better manages car parking.
- The Strategy is considered to be required in order to provide:
 - Strategic framework to guide future decisions on parking issues;
 - Cross-functional organisational approach to managing parking; and
 - Focus on proactively managing parking rather than relying on a reactive approach.
- The Strategy is a high level document. It is considered that detailed parking issues are better addressed through the recommended priority actions such as policy reviews and preparation of detailed Parking Management Plans for particular areas.
- Parking issues can broadly be categorised in terms of supply or management. Research and data indicates that parking issues and complaints in City are predominantly management rather than supply related.
- The traditional approach to car parking has been that motorists should nearly always be able to easily find convenient parking at every destination. Under this approach, parking planning has been based on the premise that a 'parking problem' means 'inadequate supply'.
- Car parking is not free however as governments or businesses must pay for the cost of providing and maintaining car parks as well as absorbing the opportunity costs for the land required to provide parking. It is expensive to provide car parking, particularly off-street car parking which includes land and construction costs.
- It is more effective, easier and cheaper to better manage parking rather than attempting to satisfy demand for parking facilities.
- It is recommended that Council adopt the Car Parking Strategy including the proposed guiding principles in order to guide decision-making and improve the management of car parking across the City.

BACKGROUNDParking Issues

Car parking is an important land use as most cars are parked for most of the day often across various locations. Parking issues are becoming more evident and are likely to grow in the future unless the City proactively plans for and better manages car parking.

The traditional approach to car parking has been that motorists should nearly always be able to easily find convenient parking at every destination. Under this 'predict and provide' approach, planning for parking has been based on the premise that a 'parking problem' means 'inadequate supply'. However, this approach drives new demands for more convenient, free parking at every destination. The City will not be able to provide "enough" free parking to satisfy insatiable parking demand, particularly given the expense of providing car parking areas.

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

Current car parking issues can broadly be categorised in terms of supply or management:

- **Parking supply issues** are centred on the perception that too few parking spaces are available and the expectation that a public or private organisation must provide more parking spaces to meet maximum demand.
- **Parking management issues** relate to the existing parking facilities not being used efficiently nor effectively.

Research indicates that parking issues and complaints in City are predominantly management rather than supply related.

Need for a Car Parking Strategy

The Strategy is considered to be necessary as:

- Car parking is one of the most commonly cited issues/concerns raised by residents, visitors, landowners and businesses;
- Parking is currently dealt with on an operational basis without an overall strategic direction. Parking issues require a proactive management approach;
- Within the City administration all of the City's directorates have some involvement with car parking with no single directorate having overall or principal responsibility. This highlights the need for a cross-functional approach to parking management. The current situation is summarised below:

City of Melville Directorate	Current Responsibilities
Urban Planning	<ul style="list-style-type: none"> • Strategic planning for the future of particular activity centres and areas • Chair and administer Strategic Property Management Group (cross-divisional working group for the City's strategic landholdings) • Prepare and administer car parking policies including car parking standards and cash in lieu of car parking requirements • Process development applications • Process building licence applications
Management Services	<ul style="list-style-type: none"> • Property management services
Technical Services	<ul style="list-style-type: none"> • Design of car parks on the City's land and on-street car bays • Install car parking signage • Investigate car parking schemes • Provide technical input on development applications and site designs
Community Development	<ul style="list-style-type: none"> • Car parking enforcement and issuing of fines • Administer and enforce private parking agreements on private land • Responsible for car parking meter technology • Manage income from parking fees and fines

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

- Parking issues are likely to grow in activity centres in the future unless action is taken. The City's Local Planning Strategy is seeking to concentrate development and population growth in activity centres;
- Car parking is very expensive to provide, but perceived to be "free";
- The current policy approach treats activity centres and suburban areas as being the same even though they are very different environments;
- The current approach to cash in lieu of car parking could be improved; and
- It is more effective, easier and cheaper to better manage parking rather than attempting to satisfy demand for parking facilities.

There are also broader issues driving the need for a Parking Strategy, including:

- Traffic congestion is a growing issue. Traffic and parking issues are inextricably linked. Parking is an essential element of the overall transportation system and not a stand-alone service. Parking issues therefore cannot be dealt with in isolation from the broader issues of traffic, car use and sustainable transport;
- Physical health issues are growing in the community. The way streets are designed influences behaviour and particularly walking and cycling. Many people do not walk or cycle because of safety concerns or they are not perceived to be easy or pleasant activities; and
- Environmental issues are becoming increasingly evident, particularly climate change, urban pollution and resource use.

The Strategy recognises that if no action is taken to better manage parking resources and issues, motorists will continue to expect they have a right to unlimited free parking and consequently, more and more parking will be demanded. This approach cannot be sustained economically or environmentally and will constrain the development potential of major activity centres in the City.

The City-wide Strategy is based on research, best practice principles and recommendations made in a Technical Report on Car Parking provided to the City by consultants from Luxmoore Parking and Safety in 2013.

The Strategy is also consistent with the Western Australian Planning Commission's approach to proactively managing parking. The Murdoch Activity Centre (MAC) Access and Parking Policy was prepared in conjunction with the City and Council. Some of the adopted principles of the MAC Parking Policy include:

- A recognition that traffic and parking issues are inextricably linked;
- Parking is key to influencing travel behaviour;
- Less available parking overall would help reduce traffic congestion pressures;
- A cap (maximum limit) on parking in the MAC;
- No minimum parking requirements for new developments;
- Parking needs to be proactively managed; and
- A comprehensive approach is needed to guide the sustainable development of the MAC precinct to ensure its ongoing viability and attractiveness to users and visitors without placing excessive demands on the road network.

The background to car parking issues and the ideas in the Strategy were the subject of a presentation by the consultant to an Elected Member Information Session held on 23 April 2013. An update on the Strategy was presented to a Special Elected Member Information Session held on 22 May 2014.

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

The management of car parking requires an integrated cross-divisional approach. The Strategy has been discussed and prepared by an internal working group comprising officers from Urban Planning, Technical Services and Community Development with Executive Management Team (EMT) oversight.

DETAIL

The purpose of the Strategy is to provide a high-level strategic framework to guide decision-making on and the management of car parking. The Strategy is not intended to cover and provide detail on all aspects of parking. The bottom line is that the current approach to managing parking can and should be improved.

The Strategy is provided in Attachment 1.

[3502 Attachment 1](#)

The objectives of the Strategy are to:

1. Recognise that car parking is an integral part of the transportation system rather than a separate issue;
2. Focus on people access not private vehicle access;
3. Understand that it is easier, more efficient and less expensive to better manage car parking rather than attempting to satisfy parking demand;
4. Promote shared or publicly available parking in preference to single user parking;
5. Acknowledge that car parking is never “free” and is actually very expensive to provide;
6. Update car parking standards to align with town planning and transport strategies and objectives;
7. Determine an appropriate cash in lieu of car parking contribution and allow flexibility in how the resulting funds are best spent to benefit the relevant place; and
8. Improve walking, cycling and public transport access to high activity centres and areas.

Current Parking Issues

Parking is one of the most commonly cited concerns raised with the City by residents, visitors, landowners and businesses. Taking no action will exacerbate existing issues and problems and:

- Discourage investment and redevelopment in activity centres and where land values are high. This would contradict the strategic direction provided by the City’s Local Planning Strategy and the various activity centre structure plans
- Encourage commercial development in suburban locations, where land values are lower and development sites are often larger
- Cause more frustration and complaints from residents, motorists and local businesses
- Not address one of the main causes of traffic congestion
- Result in a potential oversupply of car parking in some areas. This would affect streetscapes, character, pedestrian safety and amenity and encourage unacceptable levels of traffic
- Discourage the use of alternative modes of transport
- Restrict investment in areas where accessibility is poor
- Not address existing and likely future issues

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

Cost of Car Parking

Car parking is commonly perceived to be “free” where motorists don’t always need to pay a direct cost to park their car. However, car parking is never free as governments or businesses must pay for the cost of providing and maintaining car parks as well as absorbing the opportunity costs for the land required to provide parking. For example, a number of the car parks operated by the City are located on freehold land assets.

The direct costs of parking are included in everyday expenses such as higher development costs, higher costs of goods or services to the consumer and/or high taxes and rates. These higher costs subsidise car parking and encourage higher parking demand. This also means that people who don’t drive subsidise people who do drive.

Table 1: Estimated Costs to Provide Car Parking in City of Melville Activity Centres

Type of parking	Land per bay	Land cost per m ² - \$2,000	Floor area per bay	Construction cost per bay	Estimated total cost per bay
On-street surface	15m ²	\$0	N/A	\$3,500	\$3,500
Off-street surface	35 m ²	\$70,000	35 m ²	\$3,500	\$73,500
Deck – 2 level	16 m ²	\$32,000	32 m ²	\$31,000	\$63,000
Deck – 4 level	8 m ²	\$16,000	32 m ²	\$34,000	\$50,000
Basement – 2 level	8 m ²	\$16,000	32 m ²	\$44,000	\$60,000

Source: Technical Report on Car Parking provided by Luxmoore Parking and Safety 2013

Table 1 above shows that it is significantly cheaper to provide on-street car parking compared with off-street car parking as land costs and construction costs are minimised.

Each on-street car bay is estimated to be between \$46,500 and \$70,000 cheaper per car bay compared with providing a new off-street car bay. So the City could provide between 14 and 21 on-street car bays for the same price as one off-street bay.

It may not be possible to provide on-street parking in every context, but where it is possible, on-street parking should be prioritised.

It is more effective, easier and cheaper to better manage use of car parking facilities rather than attempting to satisfy parking demand by providing more car parking.

Key Issues Driving Change and Guiding Principles

There are a broad range of issues driving the need to improve the approach to how car parking is thought about and managed by local governments. These issues include economic, amenity, transport, environmental, social and community feedback. The key issues driving changes and proposed guiding principles for action are summarised below.

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

On-street car parking can also provide other benefits, such as:

- More efficient use of land
- Reduce development costs, particularly where land values are high such as in activity centres
- Reducing vehicle speeds through so-called ‘edge friction’. Safety for vehicles can actually be increased when motorists perceive the driving risks to be higher than what the risks actually are (such as in busy town centres where there is a lot of activity)
- Provide a solid barrier between pedestrians and passing traffic

Table 2: Key Issues Driving Changes to Management of Car Parking and Guiding Principles

Key Issues Driving Changes	Guiding Principles
<ol style="list-style-type: none"> 1. Traffic congestion is a rising concern 2. Physical health issues are increasing 3. Environmental issues need to be better addressed 4. The availability of car parking is a frequently mentioned problem for the community 5. Providing more car parking is seen as the answer to car parking problems (demand satisfaction) 6. Parking areas are not currently being appropriately managed 7. Car parking issues are most commonly identified in activity centres, where the City is encouraging more development 8. Car parking is very expensive to provide, but perceived to be “free” 9. The current car parking ratios treat activity centres and suburban areas the same way, even though they are very different environments 10. The current cash in lieu of car parking approach can be improved 11. There is a lack of accurate information and data on the supply and use of existing parking areas 	<ol style="list-style-type: none"> 1. Car parking is an integral part of the transportation system. Parking needs to be addressed in conjunction with other transport and access issues. 2. Focus on people access not vehicle access. 3. Car parking is never free. In fact, it is expensive to provide parking. 4. It is easier, more efficient and less expensive to better manage car parking demand rather than attempting to satisfy parking demand. 5. A ‘User Pays’ approach to car parking is fairer, less expensive and will help encourage more sustainable transport choices. 6. The “right” amount of car parking for a particular area depends on many factors, such as the local context, the vision for an area, the density of development and surrounding land uses, accessibility for pedestrians and alternative transport options available (such as public transport or cycling). 7. An appropriate balance needs to be found. Too much car parking can be as detrimental as too little car parking 8. Shared public car parking is more efficient and cost-effective compared with small exclusive car parking areas provided on each lot. 9. Car parking standards should reflect where and how car parking is provided: <ol style="list-style-type: none"> a. Less on-site car parking is required: <ol style="list-style-type: none"> i. In activity centres or close to high frequency public transport routes; ii. Where car parking areas are shared (i.e. available to all users).

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

Key Issues Driving Changes	Guiding Principles
	<ul style="list-style-type: none"> b. A higher level of on-site car parking provision is required: <ul style="list-style-type: none"> i. Outside activity centres or away from high frequency public transport routes; ii. Where the use of the bays is exclusive or reserved for particular parking users. 10. On-street car parking is much cheaper to provide than off-street parking, helps slows traffic speeds and better protects pedestrians from passing vehicles. 11. Accurate information and data on car parking can help inform car parking management and decision-making 12. Car parking management can and should be improved in the City of Melville

The proposed guiding principles noted above will help inform and guide future decision-making on car parking issues and future detailed parking management plans.

Cash in Lieu of Car Parking

Cash in lieu of car parking refers to a payment made “in lieu” of providing the minimum number of on-site car parking spaces specified in a parking policy. The City could use the funds generated from cash in lieu payments to construct additional shared public parking for a particular area or fund Travelsmart initiatives, new footpaths, cycling infrastructure, improved public transport or other appropriate community benefits.

The City’s current cash in lieu of car parking approach is often not financially viable for applicants. It requires the full cost recovery of providing land for a new car bay plus construction costs. It is also calculated based on parking ratios that should be reviewed. This means that it is often not economically feasible for applicants to pay the required amounts. Cash in lieu of parking is consequently not being applied through the development application process.

For example, the upfront cash in lieu of parking payment required may be well in excess of the total cost of the whole development in some cases (particularly for change of use applications). This highlights again that car parking is never free. Someone has to pay the high costs of providing parking, which is inevitably passed on to end users (the community) whether they use the parking or not. The people who don’t drive, but pay the same prices as motorists, effectively subsidise people who do drive. The current approach encourages traffic and more parking demand.

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

A more effective and efficient cash in lieu of parking approach is required. It is recommended that cash in lieu of car parking contributions be based on three variables:

1. The full cost of providing a new car bay in a multi-deck car park (which is \$50,000);
2. The shortfall in the number of on-site car bays proposed in the application; and
3. An applicable percentage as determined by the City, which is recommended to be 20%.

This approach recognises that the additional parking to be funded from cash in lieu contributions or the other community benefits will be shared by all users rather than just being reserved exclusively for the payer of the cash in lieu contribution. It is therefore fair that the contributor pay a proportion of the total cost rather than the total cost.

This approach also recognises that the most appropriate community benefits may not be a new multi-deck car park (which would cost \$50,000 per car bay). The greatest benefits may be providing new on-street car parking bays (14 on-street car bays would cost the same as one off-street car bay), improved footpaths or a Travelsmart program, which are all considerably cheaper to provide and potentially more effective.

Requiring full cost recovery would constrain development in activity centres, require expensive investments by the City in large new car parks to justify the contributions required and may not provide the most appropriate benefits for the place or the community.

The 20% figure provides a balance between raising sufficient funding to provide community benefits and what may be considered realistic and fair from an applicant's perspective.

The total cash in lieu of car parking contribution for a particular application is recommended to be determined using the following formula:

$$\begin{array}{c}
 \boxed{\text{\$50,000}} \\
 \text{(which is the full cost} \\
 \text{of providing a new} \\
 \text{car bay in a multi-} \\
 \text{deck car park)}
 \end{array}
 \times
 \begin{array}{c}
 \boxed{\text{Shortfall in}} \\
 \boxed{\text{the number}} \\
 \boxed{\text{of car bays}} \\
 \text{(based on the} \\
 \text{assessment of the} \\
 \text{application)}
 \end{array}
 \times
 \boxed{20\%}
 =
 \boxed{\text{Total cash in}} \\
 \boxed{\text{lieu of car}} \\
 \boxed{\text{parking}} \\
 \boxed{\text{payment}}$$

This would effectively mean that the following requirement would apply:

$$\$50,000 \text{ per car bay} \times 20\% \text{ of the on-site car parking shortfall} = \$10,000 \text{ per car bay}$$

Once properly implemented, the City should consistently apply the recommended cash in lieu of parking approach.

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

Revenue raised through cash in lieu should be paid in to separate geographic accounts, so that the money raised in a particular area is spent on providing community benefits in that area. This is consistent with the Western Australian Planning Commission’s Developer Contribution Policy and the principles of “need” and “nexus” for levying of developer contributions. It would not be appropriate to levy cash in lieu of parking funds in one area and spend it in a distant location.

The recommended changes to improve the approach to cash in lieu of parking contributions are recommended as immediate actions which the City could complete quickly through a review of the existing policy.

Community Benefits of Better Parking Management

The goal of efficient and effective parking management in high demand areas is to optimise the use of available parking facilities. Better managing parking will have multiple benefits for the City, motorists, local businesses and the community as briefly summarised below.

Table 3: Community Benefits of Better Managing Car Parking

Area	Benefits of Better Managing Car Parking
Amenity and streetscapes	<ul style="list-style-type: none"> The character, amenity and streetscapes of activity centres is improved by carefully managing the location, design and size of car parking areas
Economic	<ul style="list-style-type: none"> Recognition that car parking is never “free” will help drive behaviour changes Redevelopment and investment is encouraged in appropriate locations The feasibility and affordability of the use and development of land is improved Existing car parking areas are used more efficiently The need for additional small, inefficient car parking areas on each separate lot is reduced. <p><u>City of Melville-specific economic benefits</u></p> <ul style="list-style-type: none"> The need for the City to purchase additional land and to construct extra car parking facilities is reduced, which saves the City money Better management of parking facilities could provide income for more resources to better manage parking facilities (through fees and/or fines) Future potential charges for car parking could provide the City with significant new ongoing revenue streams A viable and sustainable cash in lieu of car parking policy would generate additional revenue for the City to improve accessibility <p><i>Table continued on next page</i></p>

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

Table 3: Community Benefits of Better Managing Car Parking *(continued)*

Environmental	<ul style="list-style-type: none"> • A more sustainable urban form is promoted • Better managing car parking will help encourage more sustainable transport choices • Effective subsidies for driving are reduced, which will help lower vehicle pollution and greenhouse gas emissions
Governance	<ul style="list-style-type: none"> • The underlying causes of the apparent issues begin to be addressed rather than treating the symptoms • A user pays system is more equitable and reduces the subsidies paid by people who do not drive to those that do drive • The Car Parking Strategy will align with the City's Local Planning Strategy and draft Local Planning Scheme No. 6 • Car parking policies and requirements will align with broader strategic goals
Social	<ul style="list-style-type: none"> • Better information and wayfinding makes it easier for drivers to find available car parks • The amenity and vibrancy of activity centres is improved
Transport	<ul style="list-style-type: none"> • Car parking is acknowledged as an integral part of the transportation system leading to a more holistic approach • Traffic congestion is reduced (more parking = more traffic) • Access for walking, cycling and public transport is prioritised
Health	<ul style="list-style-type: none"> • Physical activity is encouraged as it is comparatively easier, more pleasant and cheaper to walk and cycle to/from/around activity centres

Parking as a Revenue Source

Introducing direct costs for car parking users is one of the most effective ways of influencing parking demand, alternative transport choices and traffic congestion. There is clear evidence that pay parking reduces demand for parking by single-user vehicles and increases cycling, walking and public transport use.

As pay parking generally results in reductions in car use and traffic congestion among other environmental benefits, it is one of the essential transport measures necessary to ensure the long-term viability of the City's activity centres.

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

Pay parking increases social equity by charging users (user pays) for their parking costs and by reducing the parking costs imposed on non-drivers. At public workshops undertaken in the Perth metropolitan area in the past 2 years, most attendees indicated expansion of pay parking areas as an acceptable method of management of scarce parking facilities (source: Luxmoore Parking and Safety 2013).

A 'user pays' approach to car parking is fairer, less expensive and will help encourage more sustainable transport choices. The City's ratepayers are predominantly paying for any free parking provided, regardless of whether they utilise it. A 'user pays' system is considered a more equitable arrangement, similar to the user pays system for public transport.

The introduction of pay parking is a large potential future revenue source for the City, as demonstrated in other local government areas. Rather than being a cost, effective parking management could provide an ongoing revenue source for the City.

The introduction of pay parking in particular locations should be investigated as part of detailed Parking Management Plans. It is important that pay parking be introduced strategically as simply imposing parking fees may shift problems elsewhere and cause unintended parking pressures on suburban residential streets for example.

However, the implementation of parking fees and restrictions should not be perceived primarily as a revenue raiser for the City. The principal benefit provided is better control and management of car parking. Money raised should be given back to the community to improve access with the provision of additional services in the area where the funds were raised, including the implementation of public transport initiatives and improvement of the City's footpaths and cycleways.

Recommended Priority Actions to Better Manage Car Parking

There are a wide variety of actions that could be considered to better manage car parking. It is recognised that this Strategy represents a major cultural change (a paradigm shift). Therefore changes should be made incrementally over time rather than in one step. The following list provides very high priority immediate, short-term, medium term and long term actions, which are recommended to better manage car parking.

Table 4: Recommended Actions to Better Manage Car Parking in the City of Melville

No.	Action	Rationale
Immediate Actions Within Next 12 Months		
1	<p>Prepare a detailed Parking Management Plan for the Riseley Activity Centre</p> <p><i>Suggested Project Lead:</i> Strategic Urban Planning</p>	<ul style="list-style-type: none"> • Parking was identified as a major issue to be addressed by local businesses and the community • The Riseley Centre Structure Plan recommends that a Parking Management Plan be prepared as a high priority to address existing and future parking issues in the centre.

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

No.	Action	Rationale
2	<p>Review Policy No. CP-079 - Car Parking (Non-Residential) and update the required car parking ratios</p> <p><i>Suggested Project Lead:</i> Urban Planning</p>	<ul style="list-style-type: none"> The Car Parking Technical Report identified issues with the existing policy and car parking ratios and recommend this be reviewed Car parking ratios should encourage shared, publicly available parking, with different standards for exclusive or parking reserved for particular users in activity centres
3	<p>Review the existing approach to cash in lieu of car parking and update the amounts to be paid to be viable and effective</p> <p><i>Suggested Project Lead:</i> Urban Planning</p>	<ul style="list-style-type: none"> The Car Parking Technical Report identified issues with the existing approach to cash in lieu of providing car parking A new formula for determining cash in lieu payments is recommended by the Strategy, which is considered to be more viable and effective than the existing approach
Immediate Actions Within Next 12 Months		
4	<p>Establish separate cash in lieu of car parking accounts for each activity centre</p> <p><i>Suggested Project Lead:</i> Financial Accounting</p>	<ul style="list-style-type: none"> The cash in lieu of car parking amounts raised in a particular centre or area should be spent to improve accessibility or provide community benefits within the vicinity. This provides some tangible benefit to the area subject to the development
5	<p>Prepare and Implement a Communications and Engagement Plan for the Car Parking Strategy</p> <p><i>Suggested Project Lead:</i> Strategic Urban Planning</p>	<ul style="list-style-type: none"> Once the Strategy has been adopted, it will be important to communicate effectively with stakeholders on what it is, why it is required and the benefits of better managing parking This may also involve Travelsmart information and initiatives
Short Term Actions Within Next Three Years		
6	<p>Provide an accurate count of all private and public car parking bays within each activity centre</p> <p><i>Suggested Project Lead:</i> Technical Services</p>	<ul style="list-style-type: none"> It is difficult to make informed decisions when there is no accurate data on the existing situation. Car parking is fragmented in most activity centres and is not being managed properly An accurate count of all existing bays would provide important data to help inform decision making and management of parking issues

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

No.	Action	Rationale
7	<p>Survey the use of all private and public car parking bays within each activity centre</p> <p><i>Suggested Project Lead:</i> Technical Services</p>	<ul style="list-style-type: none"> Car bays are used by different users at different times of the day. It is important that accurate information is collected to help inform decision making and management of parking issues The surveys should be updated every two or three years
8	<p>Prepare detailed Parking Management Plans for other major activity centres</p> <p><i>Suggested Project Lead:</i> Internal Project Working Group(s)</p>	<ul style="list-style-type: none"> Structure Plans for these centres recommend that a Parking Management Plan be prepared to address existing and future parking issues The activity centres would include: Canning Bridge, Melville City Centre, Murdoch and around Bull Creek train station
Short Term Actions Within Next Three Years		
9	<p>Prepare detailed Parking Management Plans for other high parking demand sites</p> <p><i>Suggested Project Lead:</i> Technical Services / Neighbourhood Amenity</p>	<ul style="list-style-type: none"> Parking Management Plans should be prepared to address existing and future parking issues The high parking demand sites could include: Deepwater Point, Heathcote and Point Walter
10	<p>Consider Specified Area Rates and/or Differential Rating in particular areas</p> <p><i>Suggested Project Lead:</i> Financial Services</p>	<ul style="list-style-type: none"> Specified Area Rates and/or Differential Rating could be investigated for some areas to help fund car parking management and implementation. It could also fund upgrades to streetscapes, improving walking and cycling options and potentially enhanced public transport.
11	<p>Better information provided to public on car parking</p> <p><i>Suggested Project Lead:</i> Technical Services / Neighbourhood Amenity / Marketing and Communications</p>	<ul style="list-style-type: none"> Provide easy to use, detailed information about public car parking facilities, hours of operation, fees, time restrictions and alternatives

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

No.	Action	Rationale
12	<p>Research and Consider Alternative Approaches to Managing Car Parking</p> <p><i>Suggested Project Lead:</i> Internal Project Working Group(s)</p>	<ul style="list-style-type: none"> • Management of car parking issues is the best way to address car parking issues as highlighted in this Strategy. • There are various ways that parking could be managed, including in house or even outsourced. This should be further investigated to consider which option is best for the City • If the City would prefer to manage parking internally, sufficient resources need to be allocated to ensure that car parking issues are appropriately managed
Medium Term Actions Within Next 5 Years		
13	<p>Prepare detailed Parking Management Plans for other activity centres</p> <p><i>Suggested Project Lead:</i> Internal Project Working Group(s)</p>	<ul style="list-style-type: none"> • Parking Management Plans should be prepared to address existing and future parking issues in other activity centres, including Melville District Centre (Canning Highway), Petra Street District Centre, Kardinya District Centre and Bull Creek District Centre

There are other actions that the City could consider in the future following the implementation of the above priority actions.

STAKEHOLDER ENGAGEMENT

Advertising Required: No
Neighbour's Comment Supplied: N/A
Reason: N/A
Support/Object: N/A

I. COMMUNITY

Stakeholder engagement is not proposed for the Car Parking Strategy. It is a high level document that identifies the issues, guiding principles and best practice approaches for the City to better manage car parking.

Stakeholder engagement will occur on the recommended priority actions such as the detailed Parking Management Plans for particular centres and areas and policy reviews. Stakeholder engagement will help inform these detailed plans and policies.

II. OTHER AGENCIES / CONSULTANTS

Required: No
Reason: N/A
Support/Object: N/A

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)Next Steps

The next steps for the project are:

- Report to Council on the proposed City-wide Car Parking Strategy (current step);
- Council to consider the adoption of the Car Parking Strategy; and
- Implementing the priority actions recommended in the Strategy.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications at this stage.

FINANCIAL IMPLICATIONS

There are no financial implications at this stage.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications at this stage.

POLICY IMPLICATIONS

The Strategy recommends that the existing Policy No. CP-079 - Car Parking (Non-Residential) be reviewed along with the approach to levying cash in lieu of parking contributions.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council may not wish to adopt the proposed Car Parking Strategy.

However taking no action would mean that the existing issues are not addressed. These issues may become worse in the future if not addressed.

The Council may wish to increase the supply of free car parking for motorists. Whilst possible, this is a very expensive option when the real costs of providing free car parking are calculated. Ratepayers fund this subsidised car parking whether they use the parking areas or not.

CONCLUSION

The purpose of the Strategy is to provide a strategic framework to guide decision-making on and the management of car parking across the City. It is a high level document and does not go in to detail on what can be a very complicated issue. Detailed parking issues are better addressed through detailed Parking Management Plans for particular areas or priority implementation actions.

P14/3502 – CITY OF MELVILLE CAR PARKING STRATEGY (REC) (ATTACHMENT)

Current car parking issues can broadly be categorised in terms of parking supply or parking management. Research and data indicates that parking issues and complaints in City are predominantly parking management rather than parking supply related.

It is expensive to provide car parking. Off-street car parking costs between \$50,000 and \$73,500 per car bay including land and construction costs. On-street car parking costs around \$3,500 as there are no land or opportunity costs. This means that 14 and 21 on-street car parking bays could be provided for the same cost as one off-street bay. Other approaches to better manage access may be cheaper and more effective than providing large off-street car parks.

It is more effective, easier and cheaper to better manage car parking rather than attempting to satisfy parking demand.

It is recommended that the Council adopt the Car Parking Strategy including the proposed objectives and guiding principles in order to guide decision-making and improve the management of car parking across the City.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3502) APPROVAL

That the Council adopt the City of Melville Car Parking Strategy as provided in Attachment 1 [3502 Attachment 1](#) as a guide to future decision-making and management of car parking issues.

At 8.15pm the Mayor submitted the motion, which was declared.

CARRIED UNANIMOUSLY EN BLOC (10/0)

P14/3507 - REVIEW AND AMALGAMATION OF FOUR EXISTING COUNCIL POLICIES (CP-042: DEVELOPMENT APPROVALS, CP-044: DEVELOPMENT ADVISORY UNIT, CP-054: COMMUNITY PLANNING SCHEME NO. 5 AND RESIDENTIAL DESIGN CODE DEVELOPMENT ADVERTISING PROCEDURES AND CP-056: PLANNING PROCESS AND DECISION MAKING) (REC) (ATTACHMENT)

Ward	:	All
Category	:	Policy
Application Number	:	None applicable
Property	:	None applicable
Proposal	:	Review and amalgamation of four existing Council Policies (CP-042: Development Approvals, CP-044: Development Advisory Unit, CP-054: Community Planning Scheme No. 5 and Residential Design Code Development Advertising Procedures and CP-056: Planning Process and Decision Making)
Applicant	:	None applicable
Owner	:	None applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	P00/1004 - Special Planning and Development Services Committee - 27 June 2000 P07/1006 – Consideration of Draft Revised Policy on the Function and Role of the Development Advisory Unit - Ordinary Meeting of Council 19 June 2007 P10/3152 – Final Adoption of Advertised Urban Planning Policies - Ordinary Meeting of Council 17 August 2010 P10/3178 – Second Stage Review of Urban Planning Policies - Special Meeting of Council 9 November 2010 P11/3228 – Review of Policy CP-044 Development Advisory Unit - Ordinary Meeting of Council 16 August 2011
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

P14/3507 - REVIEW AND AMALGAMATION OF FOUR EXISTING COUNCIL POLICIES (CP-042: DEVELOPMENT APPROVALS, CP-044: DEVELOPMENT ADVISORY UNIT, CP-054: COMMUNITY PLANNING SCHEME NO. 5 AND RESIDENTIAL DESIGN CODE DEVELOPMENT ADVERTISING PROCEDURES AND CP-056: PLANNING PROCESS AND DECISION MAKING) (REC) (ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

P14/3507 - REVIEW AND AMALGAMATION OF FOUR EXISTING COUNCIL POLICIES (CP-042: DEVELOPMENT APPROVALS, CP-044: DEVELOPMENT ADVISORY UNIT, CP-054: COMMUNITY PLANNING SCHEME NO. 5 AND RESIDENTIAL DESIGN CODE DEVELOPMENT ADVERTISING PROCEDURES AND CP-056: PLANNING PROCESS AND DECISION MAKING) (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Community Planning Scheme No. 5 (CPS5) allows the Council to prepare and adopt planning policies and undertake regular policy reviews.
- Planning policies supplement CPS5 provisions and the requirements of the Residential Design Codes (R-Codes).
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when a decision made by a decision maker on a development proposal is under review in the State Administrative Tribunal.
- Council policies CP-042, CP-054 and CP-056 were last reviewed by the Council on 9 November 2010 and CP-044 was last reviewed by the Council on 16 August 2011.
- A review of the four policies has identified that they all relate to procedural and operational aspects of the planning assessment process. For this reason it was considered to be of benefit that the provisions be amalgamated into one policy for ease of understanding and application, for officers, applicants, submitters and Elected Members alike.
- The revised policy covers all aspects of the planning assessment process for all of the different types of planning applications the City considers and includes details of statutory timeframes, advertising, the content and consideration of submissions.
- The revised policy expands upon the provisions contained within the existing four policies and in many cases explains the City's processes and procedures in writing for the benefit of applicants and submitters, where these are currently undocumented.
- It is recommended that the Council resolve to adopt the draft policy for the purposes of public consultation in accordance with Clause 9.6 of CPS5.

BACKGROUND

Development Approvals

Council Policy 042: Development Approvals was initially adopted by the Planning and Development Services Committee on 19 March 1991. The policy has been further reviewed by Council on 27 June 2000 and again on 17 August 2010.

The objective of this policy states:

To address specific aspects of Planning Approval relative to provisions of Community Planning Scheme No. 5 and other Development and Building Control Policies relating to approval of amended plans, development bonds, time limitations on Development Approvals, land adjoining Council property, applications for development on Council land, tree retention relative to Development Approvals.

This policy contains provisions relating to the amendment of approved plans, the administration of development bonds, approval timeframes, the determination of applications on land adjoining Council property and tree retention.

[3507 CP 042 Development Approvals Current Policy](#)

P14/3507 - REVIEW AND AMALGAMATION OF FOUR EXISTING COUNCIL POLICIES (CP-042: DEVELOPMENT APPROVALS, CP-044: DEVELOPMENT ADVISORY UNIT, CP-054: COMMUNITY PLANNING SCHEME NO. 5 AND RESIDENTIAL DESIGN CODE DEVELOPMENT ADVERTISING PROCEDURES AND CP-056: PLANNING PROCESS AND DECISION MAKING) (REC) (ATTACHMENT)

Development Advisory Unit (DAU)

Council Policy 044: Development Advisory Unit was initially adopted by the Planning and Development Services Committee on 21 July 1998. Since this time the policy has been further reviewed on 27 June 2000, 19 June 2007, 17 August 2010, 9 November 2010 and 16 August 2011.

The objective of this policy states:

To define the role and process of the Development Advisory Unit.

This policy outlines the membership and administration of the DAU.

[3507 CP 044 Development Advisory Unit Current Policy](#)

CPS5 and R-Code Development Advertising Procedures

Council Policy 054: Community Planning Scheme No. 5 and Residential Design Code Development Advertising Procedures was first adopted by the Planning and Development Services Committee on 8 February 2000. Since this time, the policy has been reviewed by Council on 27 June 2000 and 9 November 2010.

The objective of this policy states:

To provide guidelines as to when and how to advertise Planning Applications in accordance with Community Planning Scheme No. 5, Residential Design Codes and Council Policy.

As outlined within the objective, the policy covers the public consultation requirements and timeframes for some of the different types of planning applications the City receives.

[3507 CP 054 Community Planning Scheme 5 Development Advertising Current Policy](#)

Planning Process and Decision Making

Council Policy 056: Planning Process and Decision Making was adopted by Council on 19 June 2007. Since this time, the policy was reviewed on 9 November 2010.

The objective of this policy is as follows:

To establish a transparent process for the assessment of planning matters and decision making (both approvals and refusals) taking into account the Quasi-Judicial processes.

This policy outlines the delegation in relation to the determination of different kinds of planning applications.

[3507 CP 056 Planning Process and Decision Making Current Policy](#)

[3507 New Planning Process and Decision Making Policy](#)

P14/3507 - REVIEW AND AMALGAMATION OF FOUR EXISTING COUNCIL POLICIES (CP-042: DEVELOPMENT APPROVALS, CP-044: DEVELOPMENT ADVISORY UNIT, CP-054: COMMUNITY PLANNING SCHEME NO. 5 AND RESIDENTIAL DESIGN CODE DEVELOPMENT ADVERTISING PROCEDURES AND CP-056: PLANNING PROCESS AND DECISION MAKING) (REC) (ATTACHMENT)

DETAIL

A review of the four abovementioned policies has identified that they all relate to procedural and operational aspects of the planning assessment process. For this reason it was considered to be of benefit that the provisions be amalgamated into one policy for ease of understanding and application for officers, applicants, submitters and Elected Members.

In many cases, the revised policy expands upon the provisions contained within the existing four policies.

As well the procedures and practices in relation to the various types of planning applications the City considers are contained within a multitude of documents ranging from legislation, CPS5, state planning policy and various other procedure manuals. Hence an underlying aim of the policy is to summarise this information in one document. It is intended that the policy will act not only as a procedural policy, but also as a source of information for both applicants and submitters, so as to enhance their understanding of the planning process.

The objectives of the revised policy are as follows:

- *To promote a consistent approach by the City in the assessment and public advertising of development applications.*
- *To facilitate community input into the decision making process.*
- *To provide information to both applicants and submitters regarding the planning application assessment process.*

The revised policy covers all aspects of the planning assessment process for all of the different types of planning applications the City considers and includes details of:

- Approval requirements
- Timeframes for determination
- What is involved in the assessment of an application for planning approval
- Advertising procedures
- Submissions and petitions
- Procedures relating to subdivision proposals and clearance of subdivision conditions
- Advertising of Council Policies
- The Scheme Amendment process
- Pedestrian Access Way closure proposals
- Street numbering assessment
- Naming and re-naming of parks and roads
- Consideration of applications to remove or vary restrictive covenants
- The relevant decision maker in respect of different types of applications
- Amendments to approvals
- Refusals
- DAU practices and procedures
- The Council process
- Development Assessment Panels
- Applications for review

P14/3507 - REVIEW AND AMALGAMATION OF FOUR EXISTING COUNCIL POLICIES (CP-042: DEVELOPMENT APPROVALS, CP-044: DEVELOPMENT ADVISORY UNIT, CP-054: COMMUNITY PLANNING SCHEME NO. 5 AND RESIDENTIAL DESIGN CODE DEVELOPMENT ADVERTISING PROCEDURES AND CP-056: PLANNING PROCESS AND DECISION MAKING) (REC) (ATTACHMENT)

It should be noted that although the provisions within the existing DAU policy have been simplified and made more succinct, the functioning of the DAU including its delegation and call up procedures remain exactly the same.

In the review of the four existing policies, the majority of the provisions have been covered by the content within the new proposed policy, with the exception of two sections of the existing CP-042: Development Approvals. These two sections relate to the administration of development bonds as part of the subdivision and development process and the retention of trees on private properties.

From time to time, the City takes a bond (or deed of agreement) to enable the completion of a condition of planning approval to be delayed for a specific period of time. This commonly relates to the delaying of the construction of a common driveway until all of the lots are developed or sometimes to delay the required amalgamation of lots. Consequently, development bonds are not considered a matter for a policy, as it does not involve the assessment or application of discretion.

Part 5 of the existing CP-042: Development Approvals policy reflects Clause 6.5 of CPS5 in allowing the City to consider the minimisation of disturbance of existing vegetation and/or the protection of existing trees on a development site. These provisions are matters of assessment and are not considered suited to the re-drafted policy which relates only to planning processes.

In addition, the City has previously considered the matter of requiring the retention of existing vegetation on private properties in detail and has determined that this practice would be problematic for the City from a risk and liability point of view.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

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

P14/3507 - REVIEW AND AMALGAMATION OF FOUR EXISTING COUNCIL POLICIES (CP-042: DEVELOPMENT APPROVALS, CP-044: DEVELOPMENT ADVISORY UNIT, CP-054: COMMUNITY PLANNING SCHEME NO. 5 AND RESIDENTIAL DESIGN CODE DEVELOPMENT ADVERTISING PROCEDURES AND CP-056: PLANNING PROCESS AND DECISION MAKING) (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The proposed policy does not result in any strategic, risk or environmental management implications for the Council.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

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

CONCLUSION

The revised policy expands upon the provisions contained within the four existing policies and in many cases explains the City's processes and procedures in writing for the benefit of applicants and submitters.

It is recommended that Council resolve to adopt the draft policy for the purposes of public consultation in accordance with Clause 9.6 of CPS5.

P14/3507 - REVIEW AND AMALGAMATION OF FOUR EXISTING COUNCIL POLICIES (CP-042: DEVELOPMENT APPROVALS, CP-044: DEVELOPMENT ADVISORY UNIT, CP-054: COMMUNITY PLANNING SCHEME NO. 5 AND RESIDENTIAL DESIGN CODE DEVELOPMENT ADVERTISING PROCEDURES AND CP-056: PLANNING PROCESS AND DECISION MAKING) (REC) (ATTACHMENT)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3507) ADOPTION

- 1 That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the amended Council Policy 056: Planning Process and Decision Making for the purposes of public consultation for a period of no less than 21 calendar days.
[3507 New Planning Process and Decision Making Policy](#)**

- 2 Where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 056: Planning Process and Decision Making and subsequent revocation of CP-042: Development Approvals, CP-044 Development Advisory Unit and CP-054: Community Planning Scheme No. 5 and Residential Design Code Development Advertising Procedures be approved by the Chief Executive Officer.**

At 8.17pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (10/0)

T14/3511 – INTERSECTION OF LEACH HIGHWAY AND WINTHROP DRIVE – ACCESS INTO PRIMEWEST SHOPPING COMPLEX (REC)

Ward : University
 Category : Operational
 Subject Index : Traffic Management
 Customer Index : Primewest/Main Roads WA
 Disclosure of any Interest : N/A
 Previous Items : U05/0140 and P05/3045
 Works Programme : N/A
 Funding : N/A
 Responsible Officer : Kimberly Brosztl
 Manager Engineering Design

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 checked="" 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>

T14/3511 – INTERSECTION OF LEACH HIGHWAY AND WINTHROP DRIVE – ACCESS INTO PRIMEWEST SHOPPING COMPLEX (REC)**KEY ISSUES / SUMMARY**

- The Council received a petition containing 44 signatures on 5 September 2013, which read *“We the citizens of Melville and surrounding areas petition the council to create easier traffic access into Primewest Shopping Complex – 276 Leach Hwy, at the Winthrop Drive lights. This will minimise huge traffic delays and congestion, and will also eliminate the many traffic accidents which have been occurring directly outside the complex”*. *“We strongly believe that access into Primewest off Leach Hwy westbound at the Winthrop Drive lights will alleviate these problems”*.
- Direct access to the shopping complex from the Leach Highway and Winthrop Drive Traffic Signals would be difficult due to the significant level differences on the site. Bulk earthworks, shoring, service adjustments and major design changes would be required, which is estimated to cost in excess of \$3 million.
- Although access at the traffic signals was investigated in the development of the site, it was not installed due to approval and cost issues.
- Regardless of the petition and based on residents’ complaints regarding the performance of the existing traffic signals at the intersection of Leach Highway and Winthrop Drive, further discussion with Main Roads WA is required to investigate how best to improve the intersection. Coupled with this issue, is the right turn access into Norma Road and the Myaree Light Industrial Area.
- It is recommended that further investigations are made into improving the performance of the intersection of Leach Highway and Winthrop Drive, and Leach Highway and Norma Road.
- It is recommended that Council notes that due to significant site restrictions and cost implications the modifications requested by the petitioners to the intersection of Leach Highway and Winthrop Drive cannot be progressed at this time.
- It is recommended that Council requests the Chief Executive Officer to write to Main Roads WA requesting that further investigations and an Existing Road Stage Road Safety Audit be undertaken at the intersection of Leach Highway and Winthrop Drive and at the intersection of Leach Highway and Norma Road to identify solutions to improving the performance and safety of these intersections.
- It is recommended that the lead petitioner is notified in writing of the Council’s decision.

BACKGROUND

Two issues that are interlinked, are presented in this report. They are:

- (i) The request by petitioners to provide an opening into the Primewest Shopping Centre; and
- (ii) The performance of the intersection of Leach Highway and Winthrop Drive.

T14/3511 – INTERSECTION OF LEACH HIGHWAY AND WINTHROP DRIVE – ACCESS INTO PRIMEWEST SHOPPING COMPLEX (REC)**(i) The Petition**

The Council received a petition containing 44 signatures on 5 September 2013, which read:

“We the citizens of Melville and surrounding areas petition the council to create easier traffic access into Primewest Shopping Complex – 276 Leach Hwy, at the Winthrop Drive lights. This will minimise huge traffic delays and congestion, and will also eliminate the many traffic accidents which have been occurring directly outside the complex”. “We strongly believe that access into Primewest off Leach Hwy westbound at the Winthrop Drive lights will alleviate these problems”.

Of the signatories, only 41% reside within the City of Melville with the remainder coming from suburbs as far as Karrinyup, Ellenbrook, Dawesville and Secret Harbour.

It is noted that even though the petition was received in September 2013, the majority of the signatures were dated from 8 February 2013 to 27 March 2013, with five signatures signed in April/May 2013 and two signatures obtained in June 2013.

The February/March dates coincided with detours throughout the suburb of Winthrop as part of Main Roads WA roadworks for the South Street/Murdoch Drive intersection upgrade. Motorists wanting to access Leach Highway via Murdoch Drive were to follow detours via Robson Way, Johanson Promenade and Somerville Boulevard and then back onto Murdoch Drive. Instead, many motorists chose to continue along Somerville Boulevard and access Winthrop Drive, thereby contributing to congestion and delays at the intersection of Leach Highway and Winthrop Drive.

(ii) Intersection of Leach Highway and Winthrop Drive

During this time, numerous complaints regarding the congestion at the intersection of Leach Highway and Winthrop Drive were received by the City, with many motorists claiming that Saturdays were the worst for exiting out of Winthrop Drive, onto Leach Highway in order to turn right into Norma Road to access Myaree Light Industrial Area. It was claimed that the queue for this right turn movement into Norma Road extends beyond the traffic signals at the intersection of Leach Highway and Winthrop Drive.

As a result of the numerous complaints regarding the performance of the traffic signals at Leach Highway and Winthrop Drive, officers wrote to Main Roads WA requesting that a video survey of the performance of the intersection be undertaken, well in advance of the petition being received.

Main Roads WA advised at that time, a complete review on the efficiency performance of all the traffic signals on Leach Highway was being conducted. Traffic signal phasing was adjusted so that traffic, inclusive of Heavy Vehicles, was provided more ‘Green’ time on Leach Highway.

T14/3511 – INTERSECTION OF LEACH HIGHWAY AND WINTHROP DRIVE – ACCESS INTO PRIMEWEST SHOPPING COMPLEX (REC)**DETAIL****(i) The Petition**

The petitioners' request to provide direct access into the Primewest Shopping Complex was reviewed and would mean the creation of a four-way signalised intersection. Given the significant level difference between the Leach Highway road reserve and the existing car park on the southern side of 274-280 Leach Highway (Primewest Shopping Complex site), a direct access to the shopping complex would be difficult as bulk earthworks, shoring, service adjustments and major design changes would be needed. It is estimated that this would cost in excess of \$3 million.

Suggestions by others to facilitate the four-way signalised intersection at Leach Highway and Winthrop Drive, would be to utilise Robert Crawford Park (West) by converting the park into Road Reserve and providing connectivity to the northern car park of the complex and Pitt Way at the rear of the site. Currently Robert Crawford Park (West) Public Open Space is reserved under CPS No 5 and provides a green belt buffer between the residential area and the Myaree Light Industrial Area. A road would remove this buffer.

Further investigation identified that at the time of the approvals for the Development Application for the site at 274-280 Leach Highway, U05/0140 Council Report dated 29 June 2005 identified the following:

“Main Roads Western Australia (MRWA) have advised that the existing opening in the Leach Highway median (currently provides right hand turn into the development site) will be closed. That being the case, there will be no right hand turn from Leach Highway into the development site. The applicant has indicated to the City of Melville that the development is not viable without a right hand turn from Leach Highway.

This leaves the applicant with the only option of accessing the site using the intersection of Winthrop Drive and Leach Highway. They propose that the intersection will be upgraded and in order for this to occur part of the existing public open space site will be required to be used to provide access through the upgraded intersection and into the development site. The public open space site is reserved for local open space under the Community Planning Scheme No. 5.

The Council could resolve to sell the land required to the applicant and the proceeds from that sale will be collected by the State Treasury Department. Should the Council resolve to sell the portion of the existing public open space site, the developer should compensate the Council accordingly for the loss of public open space. The sale of this portion of land is subject to approval of the appropriate Minister.

T14/3511 – INTERSECTION OF LEACH HIGHWAY AND WINTHROP DRIVE – ACCESS INTO PRIMEWEST SHOPPING COMPLEX (REC)

The classification of Leach Highway under the Metropolitan Region Scheme is proposed to be upgraded from Category 2 to Category 1. A Category 1 road is not permitted to have frontage access to Leach Highway. With a development application on both the development site and the adjoining site to the west, there is opportunity to create an access network using roads other than Leach Highway to access the development site and the adjoining site to the west. This can be achieved through linking the two sites together using the car parking areas in front of the buildings on both lots.”

Council Report P05/3045 of the Council meeting held on 8 November 2005, recommended the following condition:

“2. The left turning slip lane (notated as deceleration lane) being constructed at the applicant’s expense and to the satisfaction of Main Roads Western Australia. Compliance with this condition of planning approval being obtained by the applicant prior to the issuing of a certificate of classification for the approved development and compliance being achieved in the form of a letter from Main Roads Western Australia confirming that the left turning slip lane has been constructed to the satisfaction of Main Roads Western Australia.”

Based on this condition and advice from Main Roads WA that it would not permit a right turn into the development and that the three proposed crossovers were to be reduced to two crossovers, the development proceeded to be constructed with left turn in and left turn out movements permitted onto Leach Highway. This is the current access arrangement to the shopping complex.

(ii) Intersection of Leach Highway and Winthrop Drive

A number of motorists leaving the Primewest Shopping Centre via the two crossovers cross three lanes of traffic to access the right turn lane into Winthrop Drive and then undertake an illegal U-turn at the traffic signals so that they can proceed in a westerly direction. As a result, WA Police have attended the intersection on numerous occasions and issued infringements to deter this illegal manoeuvre.

This issue has been followed up with Main Roads WA whereby one of the possible solutions would be to adjust the traffic signal phasing so that a U-turn was permitted, but at the same time, prevent the left turn out of Winthrop Drive. This would require the installation of traffic signals for the left turn out of Winthrop Drive. Another solution would be to construct a “U” turn facility on Leach Highway east of Winthrop Drive.

The original statement by Primewest that it required a right turn movement from Leach Highway into the site or at the very least that the intersection of Leach Highway and Winthrop Drive be upgraded using the public open space, was never acted upon. Consequently, the opportunity to upgrade the intersection into a four way to provide access to the development can no longer be achieved.

T14/3511 – INTERSECTION OF LEACH HIGHWAY AND WINTHROP DRIVE – ACCESS INTO PRIMEWEST SHOPPING COMPLEX (REC)

Regardless of the petition and based on residents' complaints about the performance of the existing traffic signals at the intersection of Leach Highway and Winthrop Drive, further extensive liaison with Main Roads WA is needed to investigate how best to improve the intersection. Coupled with this issue, is the right turn access into Norma Road and the Myaree Light Industrial Area.

Main Roads WA and City Officers are currently reviewing the two intersections of Leach Highway with Winthrop Drive and Norma Road and are evaluating a number of options including U-Turn facilities at Winthrop Drive and the possibility of full or half signalisation at Norma Road. Main Roads WA has also been implementing congestion management strategies along Leach Highway.

Signal phasing has been adjusted to favour vehicles on Leach Highway to provide a faster trip with less traffic signal stoppages. Main Roads WA are now looking at improvements that can be made to individual intersections to reduce congestion.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No external consultation is will be carried out until further investigations are conducted and improvements are proposed.

II. OTHER AGENCIES / CONSULTANTS

Other than informal discussions and written correspondence with the Traffic Services Officers of Main Roads WA, no other consultation with other agencies has taken place.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications associated with this report.

FINANCIAL IMPLICATIONS

The proposal put forward by the petitioners for *"the council to create easier traffic access into Primewest Shopping Complex – 276 Leach Hwy, at the Winthrop Drive lights"* would require access via Robert Crawford Park (West) Public Open Space; at an estimated cost in excess of \$3 million.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Any access into the site via Robert Crawford Park (West) Public Open Space will have an impact on the residents on eastern side of the reserve, but would alleviate some of the existing queuing that occurs on Leach Highway right turn lane into Norma Road. It should be noted, that much of this traffic is not localised but is regional given the type of businesses located in the Myaree Light Industrial Area.

T14/3511 – INTERSECTION OF LEACH HIGHWAY AND WINTHROP DRIVE – ACCESS INTO PRIMEWEST SHOPPING COMPLEX (REC)

Regional issues of this nature on Primary Distributor roads are the responsibility of Main Roads WA and therefore resolution of regional issues should be resolved by the State Government agencies.

As part of the review for the performance of the intersection, the crash history at the intersection of Leach Highway and Winthrop Drive was examined. 121 crashes occurred during the five year period from 1 January 2008 to 31 December 2012, with rear end crashes being significantly over-represented and right turn crashes being significantly under-represented. 27% of the crashes resulted in injuries.

Risk Statement	Level of Risk	Risk Mitigation Strategy
The current road configuration remains unchanged.	Moderate/Likely High	Continue to monitor the intersection and keep lobbying MRWA and the State Government.
Risk of increased crashes and illegal U-turns whilst waiting for MRWA to resolve congestion issues.	Moderate/Likely High	Review and liaise with Main Roads WA to investigate and find an alternative safer turning facility.
Increase in congestion and rear end crashes if issues are not resolved at Leach Highway and Norma Road.	Moderate/Likely High	Review and liaise with Main Roads WA regarding improvements to the design of Leach Highway and Norma Road.

The proposal put forward by the petitioners would require access via Robert Crawford Park (West) Public Open Space and would therefore reduce the size of the open space available in the area.

POLICY IMPLICATIONS

The most significant Policy Implications are from the Road Safety Audit Policy and the Stakeholder Policy, namely:

- CP-034 Road Safety Audit Policy states that a Road Safety Audit to be undertaken “for existing intersections or road sections where there is a traffic management or road safety concern”. It is recommended that a Road Safety Audit be undertaken as part of the further investigations.
- Where appropriate, involve and consult with the community and key stakeholders such as Main Roads WA on determining levels of service required for easing congestion at the intersection of Leach Highway and Winthrop Drive as per Council Stakeholder Policy CP-002.

T14/3511 – INTERSECTION OF LEACH HIGHWAY AND WINTHROP DRIVE – ACCESS INTO PRIMEWEST SHOPPING COMPLEX (REC)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Both the petitioners' request and the ongoing complaints regarding congestion and motorists' inability to travel in a westerly direction when exiting from the Primewest site, need to be considered equally.

- The 'Do Nothing' option will allow the situation to escalate with an increase in infringements, crashes and motorists frustrations.
- By undertaking a comprehensive investigation study into the performance of the intersection, several options and their associated costs can be explored:
 - (i) Liaise with Main Roads WA for the construction of a "U" turn facility on Leach Highway east of Winthrop Drive
 - (ii) Review and liaise with Main Roads WA the performance of Leach Highway and Norma Road to improve the turning movements at the intersection
 - (iii) Recommend to Main Roads WA that a Road Safety Audit should be conducted on Leach Highway and Winthrop Drive intersection, and Leach Highway and Norma Road.

The last two points will ensure that an extensive investigation will be undertaken and prepare for any future changes to that section of Leach Highway between Winthrop Drive and Norma Road.

CONCLUSION

Prior to the receipt of the petition, tentative discussions with Main Roads WA and City Officers have indicated a possible solution to some of the other traffic issues at the signalised intersection of Leach Highway and Winthrop Drive. Suggestions included further investigations into the possibility of two left turn lanes out of Winthrop Drive onto Leach Highway, incorporating a left turn phase being added to the signals. This would clear any queuing on Winthrop Drive and allow U-turns to be undertaken when the right turn/green through phase on Leach Highway into Winthrop Drive was activated. Another option was the installation of a U-turn facility on Leach Highway to the east of Winthrop Drive. These scenarios need to be further investigated by Main Roads WA and the City, looking at signal phasing and its associated Level of Service by undertaking a comprehensive investigation, prior to any commitment to upgrade this intersection.

It should be noted that at the time the petition was signed by the majority of the signatories, road works/road closures at the intersection of South Street and Murdoch Drive were taking place and much of the traffic was detoured through Winthrop, thereby exacerbating queuing and delays at the intersection. The access requested by the petitioners is not a viable alternative due to the excessive cost, significant level differences and the need for Primewest and Main Roads WA to approve and partially fund the access.

Whilst further improvements to the signalised intersection of Leach Highway and Winthrop Drive and improvements to Leach Highway and Norma Road need to be pursued, the provision of a fourth access into 274-280 Leach Highway (Primewest site) is not an option that can be funded by the City in the immediate, foreseeable future.

T14/3511 – INTERSECTION OF LEACH HIGHWAY AND WINTHROP DRIVE – ACCESS INTO PRIMEWEST SHOPPING COMPLEX (REC)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3511)****APPROVAL****That the Council:**

- 1. Notes that due to significant site restrictions and cost implications the modifications requested by the petitioners to the intersection of Leach Highway and Winthrop Drive cannot be progressed at this time.**
- 2. Requests the Chief Executive Officer to write to Main Roads WA requesting that further investigations and an Existing Road Stage Road Safety Audit be undertaken at the intersection of Leach Highway and Winthrop Drive and at the intersection of Leach Highway and Norma Road to identify solutions to improving the performance and safety of these intersections.**
- 3. Requests the Chief Executive Officer to notify the Lead petitioner in writing of the points above.**

At 8.18pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (10/0)

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

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 Programme : Not applicable
 Funding : Not applicable
 Responsible Officer : Jeff Clark – Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 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 24 April 2014 up to and including 22 May 2014 and recommends that the information be noted and endorsed.
- This month's report also includes a specific resolution to authorise the affixing of the Common Seal to a new Master Lending Agreement between the Western Australian Treasury Corporation (WATC) and the City.

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

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.

This month's report includes as an attachment a new [5000 Master Lending Agreement](#) between the WATC and the City which, as requested by the WATC, is to have the Common Seal applied following a specific resolution of Council.

DETAIL

Register Reference	Party	Description	ECM Reference
894	City of Melville and Guides West Australia 1st Melville	Lease agreement - Guides West Australia 1st Melville for five years commencing 1 July 2014 and expiring 30 June 2019	3231587
895	City of Melville and Guides- West Australia 1st Applecross	Lease agreement – Guides - West Australia 1st Applecross for three years commencing 1 July 2014 and expiring 30 June 2017	3231380
903	City of Melville and Mount Pleasant Baptist Church Auskick	Management Licence - Mount Pleasant Baptist Church Auskick for two years from 1 July 2014 expiring 30 June 2016.	3231777
906	City of Melville and Applecross Mount Pleasant Sportsman Association	Deed of Lease - Applecross Mount Pleasant Sportsman Association of Shirley Strickland Reserve Applecross for five years commencing 1 June 2014	3229159
926	City of Melville and Department of Local Government	Grant Agreement for Metropolitan Local Government Reform Program 2013-2014 Round 2	3278199
Seal not yet applied	City of Melville and Western Australian Treasury Corporation	Local Government Master Lending Agreement between Western Australian Treasury Corporation and City of Melville dated as of 30 May 2014	3293096

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

The WATC have requested a specific Council resolution authorising the affixing of the Common Seal to a new Local Government Master Lending Agreement (LGMLA) to be entered into between them and the City. They advise that the LGMLA sweeps all existing loans under the LGMLA and facilitates future borrowings under the one agreement, thereby removing the need for individual loan agreements to be executed under seal each time the City of Melville borrows from the WATC

It should be noted that the decision to borrow can only be made by the Council and in accordance with section 5.43 of the *Local Government Act 1995* titled "Limits on delegations to CEO" which states "A local government cannot delegate to the CEO any of the following powers or duties - ... (f) borrowing money on behalf of the local government;" The CEO or their delegate are however permitted to be appointed as an authorised signatory to sign documentation, or to give instructions as to borrowing arrangements, provided that the borrowing has been approved by the Council.

The LGMLA has been reviewed by City officers and is considered to contain appropriate provisions. Whilst the only outstanding loans of the City relate to Self Supporting loans for sporting clubs, the LGMLA would still provide the benefit of streamlining the documentation associated with undertaking borrowings on their behalf. It will also assist streamline processes should the City need to undertake any borrowings on it's own behalf.

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

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.

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

Section 5.43 of the *Local Government Act 1995* as noted earlier in the report.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

CP-024 Asset Financing and Borrowings

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternative of not sealing the Local Government Master Lending Agreement would mean that the City would be unlikely to be able to undertake further borrowings from the WATC who currently provide the lowest interest rates for borrowings available to local government.

CONCLUSION

This is a standard report for Elected Members' information.

M14/5000 – COMMON SEAL REGISTER (REC) (ATTACHMENT)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000)****NOTING/APPROVAL**

1. That the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 24 April 2014 up to and including 22 May 2014, be noted and endorsed.
2. The City of Melville hereby RESOLVES:
 - I. That the City of Melville enters into a Master Lending Agreement with Western Australian Treasury Corporation as per the document tabled at this meeting.
 - II. To approve the affixation of the Common Seal of the City of Melville to the said Master Lending Agreement in the presence of the Mayor or President and the Chief Executive Officer or an Agent or a Senior Employee of the City of Melville authorised by the Chief Executive Officer each of whom shall sign the document to attest the affixation of the Common Seal thereto; and
 - III. That the Chief Executive Officer, Agent or any one of the Senior Employees of the City of Melville authorised by the Chief Executive Officer from time to time is authorised to sign schedule documents under the Master Lending Agreement and or to give instructions thereunder on behalf of the City of Melville.

At 8.18pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (10/0)

**M14/5369 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)**

Ward	:	All
Category	:	Strategic
Subject Index	:	Delegated Authority
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	:	C13/5291 - Review of City of Melville Delegated Authority Manual – Ordinary Meeting of Council 21 May 2013
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Jeff Clark Governance & Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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<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 to note.</i>

**M14/5369 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)****KEY ISSUES / SUMMARY**

This report seeks the Council's consideration in reviewing and adopting certain delegations of authority that permit officers to perform functions within a prescribed parameter.

BACKGROUND

The *Local Government Act 1995* (The Act) provides for the delegation of certain powers and duties to certain Committees (Sections 5.16 & 5.17) and the Chief Executive Officer (Sections 5.42 & 5.43). The Chief Executive Officer may, unless prohibited by the Council's instrument of delegation, further on-delegate powers and duties to employees (Section 5.44).

The Act also provides for a delegations register to be maintained and reviewed each financial year (Section 5.46). Council Officers have reviewed the delegations and this report requests the Council to undertake a review of the reviewed delegations as submitted by the Officers.

DETAIL

It is necessary to review all current delegations to ensure, in the first instance, that they are consistent with the legislation and secondly, that they are, still necessary. Although the provisions of the *Local Government Act 1995* do not affect delegations made under other legislation, it is also considered an appropriate time to review those delegations.

"Delegated Authority" refers only to those powers or duties required by legislation and are often referred to as statutory delegations. Generally, these delegated authorities will be made to the Chief Executive Officer who may then on-delegate to such person or persons as he feels appropriate.

[5369 Delegated Authority Manual](#) The City of Melville Delegated Authority Manual is attached. This attachment provides specific detail as to the extent of each delegation.

All delegations have been reviewed by officers and suggestions have been included in delegations for changes to descriptions and sub-delegations to or from positions. The review process was undertaken by all Directors and their suggestions have been noted on each delegation.

**M14/5369 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)**

It was apparent to Officers that due to the extensive work on the Delegation Authority Manual over the past years, the main amendments recommended are fine tuning of the existing delegations. A listing of all Council Delegations is provided as an attachment with notes identifying any specific change to a delegation.

[5369 Listing of Council Delegations](#)

Minor Amendments to Delegations.

There are instances where delegations have been amended to note the change of officer position titles, also due to a restructure in the Corporate and Management sections, several delegations have been moved from the Director Corporate Services to the Executive Manager Legal Services, these amendments do not change the nature of the delegation. Minor amendments have also been made to various delegations to reflect changes to the enabling legislation.

The following delegations have amendments identified:

Delegation DA 004C Rates or Service Charge Payment Agreements - the Manager Financial Services as been added under Sub - Delegation

Delegation DA-008 Disposition of Land and Other Assets - the Manager Financial Services as been added under Sub - Delegation

Delegation DA-010 Representation on Raffles Waterfront Strata Company – the Governance and Property Officer has been added under Sub – Delegation.

Delegation DA-020 Planning and Related Matters - substantial review undertaken to be in line with the draft Planning Process and Decision Making policy

Delegation DA-032 Granting of a Concession or Writing off Debts Owing to Council – the Manager Financial Services as been added under Sub - Delegation

Delegation DA-068 Prosecutions, Legal Proceedings, Health Act 1911 S26 – Added the Health Services Coordinator, Senior Environmental Health Officer and Environmental Health Officer under Sub - Delegation.

Delegation DA-078 Authority to Sanction Major Sporting Recreation and Leisure Events within the City of Melville - The Manager Health & Lifestyle Services has been added under Sub-Delegation.

Delegation DA-099 Building Orders –The Senior Building Surveyor has been deleted from under Sub - Delegation.

Delegation DA-100 Notice of Proposed Building Orders – the Senior Building Surveyor has been added under Sub – Delegation.

**M14/5369 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)**

Delegation DA-105 Prosecution Orders and Legal Proceedings – Building Matters – Have added Director Urban Planning & Manager Building Services under Sub - Delegation

New Delegations

There were no new delegations approved during 2013/2014.

Deletions

Delegation DA-018 Planning Applications on Land adjoining Council Property is recommended for deletion as this delegation is the same as that provided under DA-020 Planning Related Matters.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No external public consultation has been carried out as these delegations are considered to be an internal matter requiring only the Council's consideration.

II. OTHER AGENCIES / CONSULTANTS

The City of Melville Delegated Authority Manual has been modelled on the Department of Local Governments guidelines introduced in the February 2007. These guidelines were prepared in collaboration between Department of Local Government staff, McLeods Barristers & Solicitors, and officers from various local governments including the City of Melville.

STATUTORY AND LEGAL IMPLICATIONS

The following are the key issues under the The Act affecting delegated authority:

Delegations (to Committees and the Chief Executive Officer) must be made by an absolute majority decision [s.5.16(1) and s.5.42(1)].

- Delegations (whether to Committees or the Chief Executive Officer) must be in writing, and may be general or as otherwise provided in the instrument of delegation [s.5.16(2), s.5.42(2) and s.5.44(2)].
- All delegations will have effect for the period of time specified in the delegation, or if not specified, indefinitely. Any decision to amend or revoke a delegation must be by absolute majority [s.5.16(3)].

**M14/5369 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)**

- Any of the Council powers or duties under The Act can be delegated to a Committee comprising Council members only, EXCEPT any power or duty requiring absolute or special majority decisions; or any other power or duty as prescribed [s.5.17(1)(a)].
- Delegations **CANNOT** be made to Committees comprised of “other persons” only [s.5.9(2)(f)] (i.e. with no council members or employees). Following from this, delegations cannot be made to a committee comprised of employees only [such a committee cannot exist by virtue of s.5.9(2)].

A Local Government may delegate to the Chief Executive Officer, by absolute majority, any of its powers or duties under The Act [s.5.42(1)], EXCEPT those identified in s.5.43 as listed below:

- (a) *any power or duty that requires an absolute or special majority decision or seventy five percent (75%) majority of the Local Government;*
 - (b) *accepting a tender which exceeds an amount determined by the Local Government;*
 - (c) *appointing of an auditor;*
 - (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government;*
 - (e) *any powers under s.5.98 (fees for Council Members), s.5.99 (annual fee for Council Members in lieu of fees for attending meetings), or s.5.100 (payments for certain Committee Members);*
 - (f) *borrowing money on behalf of the local government;*
 - (g) *hearing or determining an objection of a kind referred to in s9.5*
 - (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the Local Government*
 - (h) *any power or duty requiring the approval of the Minister or the Governor;*
 - (i) *such other powers or duties as may be prescribed.*
- Any powers or duties which can be delegated to the Chief Executive Officer in accordance with s.5.42 and s.5.43, can be delegated to a Committee comprising Council members and employees [s.5.17(1)(b)]. Further, the Chief Executive Officer may delegate to any employee any of these powers or duties (other than the power of delegation) [s.5.44(1)]

**M14/5369 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)**

- Any powers or duties that are necessary or convenient for the proper management of the City of Melville’s property or related to an event in which the City of Melville is involved, can be delegated to the following types of Committee:
 - (i) comprised of council members, employees and other persons
 - (ii) comprised of council members and other persons
 - (iii) comprised of employees and other persons [s.5.17(1)(c)]
- Registers must be kept of all delegations made to Committees, the Chief Executive Officer and employees, and such delegations are to be reviewed at least once every financial year. [s.5.18, s.5.46(1) & (2)]
- The Chief Executive Officer and any other employee who has been delegated a power or duty under The Act is required to keep a written record of:
 - (i) how and when the power was exercised or the duty discharged
 - (ii) the persons or classes of persons directly affected (other than Council or Committee members, or employees) by the use of the delegation [s.5.46(3) and Reg. 19].

FINANCIAL IMPLICATIONS

Should the Council choose not to delegate authority to its officers, additional financial cost will be incurred in the extra administrative resources that would need to be applied in order to prepare reports seeking authorisation for individual actions from the Council.

STRATEGIC, ENVIRONMENT AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
An issue arises that requires urgent attention of officers to ensure public safety.	Moderate consequences which are almost certain, resulting in a High level of risk.	Implementation of delegation of power to authorise officers to enter site to make a situation safe.
That Officers exercise a delegation that results in a decision being made that is contrary to the wishes of the Council	Moderate consequences which are unlikely resulting in a Medium level of risk.	Clear Council policy is established to guide delegated Officers/committees in the exercise of the delegation.

**M14/5369 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)****POLICY IMPLICATIONS**

A number of Council policies adopted by the Council have enabling delegation to the Chief Executive Officer who in turn may on delegate to other Officers.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

All delegations are subject to the discretion of the Council and can be removed at any time. The Council may choose to remove delegations which in turn will then require formal consideration of relevant matters or items at the next available meeting of the Council.

Should delegations to Officers not be granted, customers would experience increased delay in obtaining approvals and authorisations.

CONCLUSION

It is important to note that the provision of delegations to officers enables a quick response to many matters that are primarily administrative. The responses are made in a manner that is consistent with Council policies. In addition whilst many decisions may be procedural, circumstances may make a decision contentious and therefore it may be referred onto the Council for formal decision despite the enabling delegation.

OFFICER RECOMMENDATION (5369)**ABSOLUTE MAJORITY**

At 8.18pm Cr Willis moved, seconded Cr Macphail –

That the Council:

1. **By Absolute Majority Decision, adopt the City of Melville Delegated Authority Manual as attached 5369 Delegated Authority Manual.**
2. **Delete Delegation DA-018 “Planning Applications on Land Adjoining Council Property”, as attached 5369 Delegation DA-018**

**M14/5369 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)**

Amendment 1

At 8.19pm Cr Schuster moved, seconded Cr Robartson –

That Delegation Number DA-042 [Inquiry Report] be amended by the inclusion of the words;

“except in the case where the Inquiry involves either the Chief Executive Officer or one of the City’s designated Senior Officers, in which case the matter will be referred to the Council to determine the required actions”.

in the line “Delegated To” after the words “Chief Executive Officer”.

At 8.20pm the Mayor submitted the amendment, which was declared

CARRIED UNANIMOUSLY (10/0)

Vote Result Summary	
Yes	10
No	0

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

**M14/5369 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)**

Amendment 2

At 8.21pm Cr Robartson moved, seconded Cr Schuster –

“That Delegation Number DA-020 (Planning and Related Matters) be amended by the deletion of columns entitled “Council” and “DAU” and the row entitled “Developments which require Absolute or Special Majority of Council under Clause 4.2 of CPS5”.

At 8.22pm the Mayor submitted the amendment which was declared

CARRIED UNANIMOUSLY (10/0)

Vote Result Summary	
Yes	10
No	0

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

**M14/5369 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL
(AMREC) (ATTACHMENTS)**

COUNCIL RESOLUTION (5369)

ABSOLUTE MAJORITY

At 8.22pm the Mayor submitted the substantive motion as amended –

That the Council:

1. **By Absolute Majority Decision, adopt the City of Melville Delegated Authority Manual as attached 5369 Delegated Authority Manual as amended.**
2. **Delete Delegation DA-018 “Planning Applications on Land Adjoining Council Property”, as attached 5369 Delegation DA-018. Amend Delegation Number DA-042 [Inquiry Report] by the inclusion of the words;

“except in the case where the Inquiry involves either the Chief Executive Officer or one of the City’s designated Senior Officers, in which case the matter will be referred to the Council to determine the required actions”.

in the line “Delegated To” after the words “Chief Executive Officer”.**
4. **Amend Delegation Number DA-020 (Planning and Related Matters) by the deletion of columns entitled “Council” and “DAU” and the row entitled “Developments which require Absolute or Special Majority of Council under Clause 4.2 of CPS5.**

At 8.25pm the Mayor declared the motion as amended

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (10/0)

Vote Result Summary	
Yes	10
No	0

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

M14/5370 – POLICY REVIEW – ORGANISATIONAL DEVELOPMENT (REC)
(ATTACHMENT)

Ward : All
 Category : Policy
 Subject Index : Corporate Policy
 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 : Numerous items have been provided to Council for either review or amendment of current policies.
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Kylie Johnson
 Executive Manager Organisational Development

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>

**M14/5370 - POLICY REVIEW – ORGANISATIONAL DEVELOPMENT (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The policies within the responsibility of the Executive Manager Organisational Development have been examined and brought forward with amendments for consideration and adoption.
- Three Council policies require minor change; Quality Policy, Severance Policy and Public Relations Policy. The Employee Appointments Policy has also been reviewed and does not require any change.
- Policies that are defined as Council Policy require the approval of Council whereas Operational Policies are approved by the Chief Executive Officer.

BACKGROUND

The City of Melville has Council Policies coordinated by Organisational Development which have been reviewed. These policies are now presented with proposed amendments to Council for consideration.

DETAIL

All policies are held under one of two categories being, Council Policies or Operational Policies. The policies that are required to be approved by the Council relate to:

- Strategic Positioning of Council
- Executive Functions
- Legislative Functions
- Chief Executive Officer and Senior Officer Appointments
- Termination payments in excess of contracts of employment or Award provisions.

All other Policies are considered to be operational in nature and have therefore been designated as Operational Policies. Operational policies are those which are made in relation to the functions of the Chief Executive Officer (CEO) as prescribed by Section 5.41 of the *Local Government Act 1995* (The Act) as follows –:

- Management of the day to day operations of the local government;
- The employment, management supervision, direction and dismissal of other employees (subject to Section 5.37(2) in relation to senior employees.
- Ensuring that records and documents of the local government are properly kept for the purposes of The Act and any other written law: and
- Policy on powers and duties delegated by Council within the limitations as set by Section 5.43 of The Act.

Where applicable procedures will be prepared for some policies to define a sequence of activities, tasks or steps that when undertaken in the sequence laid down produces the described result, product or outcome.

**M14/5370 - POLICY REVIEW – ORGANISATIONAL DEVELOPMENT (REC)
(ATTACHMENT)**

This report provides comment on policies from the Organisational Development Service Areas.

Of the four policies reviewed by the Executive Manager Organisational Development:

No change: One – as shown below
Minor change: Three – as shown below

CP-026 Employee Appointments

No change.

CP-027 Severance Policy

Minor change in providing further clarification of policy and external legislative requirements.

CP-039 Quality Policy

Minor changes to include reference to an integrated Business Management System, and to reference the Safety Management and Environmental Management Standards.

CP-003 Public Relations

Minor change to reinforce the Code of Conduct expectations in corporate communication.

Further minor changes include reference to the Code of Conduct in the list of Supporting Documents, and replacing Advertising and Publications Guidelines with the Marketing and Communications Framework.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

The Severance Policy was also reviewed by our industrial relations advisory service through Western Australian Local Government Association Workplace Solutions.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

This review of policies has particularly included references to legislation to support the policy position. The policies are consistent with the current *Local Government Act 1995* and relevant Regulations.

**M14/5370 - POLICY REVIEW – ORGANISATIONAL DEVELOPMENT (REC)
(ATTACHMENT)**

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

All Council Policies are reviewed to ensure effectiveness.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There are no financial implications associated with this report.

CONCLUSION

The individual policies have been reviewed by senior officers and their amendments are consistent with the current provisions of the Local Government Act 1995 and Regulations.

At 8.27pm Cr Foxtan left the meeting and returned at 8.29pm.

At 8.36pm P Prendergast left the meeting.

At 8.36pm Cr Willis left the meeting and returned at 8.38pm.

**M14/5370 - POLICY REVIEW - ORGANISATIONAL DEVELOPMENT (REC)
(ATTACHMENT)**

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5370) APPROVAL

At 8.26pm Cr Schuster moved, seconded Cr Robartson –

That the Council approve the four policies reviewed by the Executive Manager Organisational Development as contained in the following attachments;

[5370 CP 026 Employee Appointments](#)

[5370 CP 027 Severance Policy](#)

[5370 CP 039 Quality Policy](#)

[5370 CP 003 Public Relations Policy](#)

Amendment

At 8.27pm Cr Pazolli moved, seconded Cr Taylor-Rees –

That CP_003 Public Relations Policy be amended by deleting item 1c of the policy.

At 8.48pm the Mayor submitted the amendment, which was declared

LOST (4/6)

Vote Result Summary	
Yes	4
No	6

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

**M14/5370 - POLICY REVIEW - ORGANISATIONAL DEVELOPMENT (REC)
(ATTACHMENT)**

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5370) APPROVAL

That the Council approve the four policies reviewed by the Executive Manager Organisational Development as contained in the following attachments;

[5370 CP 026 Employee Appointments](#)

[5370 CP 027 Severance Policy](#)

[5370 CP 039 Quality Policy](#)

[5370 CP 003 Public Relations Policy](#)

At 8.48pm the Mayor submitted the motion, which was declared

CARRIED (8/2)

Vote Result Summary	
Yes	8
No	2

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

C14/6000 - INVESTMENT STATEMENTS FOR APRIL 2014 (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Statements and Investments
Customer Index	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not applicable
Funding	:	Not applicable
Responsible Officer	:	Bruce Taylor – Acting 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 investment statements for the period ending 30 April 2014 for Councils information and noting;
- The low 'Cash' rate and legislative restrictions, continues to result in low returns being achieved on the City's investment earnings.

C14/6000 - INVESTMENT STATEMENTS FOR APRIL 2014 (REC)

BACKGROUND

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

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

DETAIL

Summary details of investments held as at 30 April 2014 are shown in the tables below.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 APRIL 2014	
SUMMARY BY FUND	AMOUNT \$
MUNICIPAL	\$ 39,494,032
RESERVE	\$ 67,260,336
TRUST	\$ 390,234
CITIZEN RELIEF	\$ 200,388
	\$ 107,344,991
SUMMARY BY INVESTMENT TYPE	AMOUNT \$
11AM	\$ 1,651,505
TERM DEPOSIT	\$ 102,412,840
BOND	\$ 2,000,000
CDO	\$ 1,050,000
UNITS (Local Govt Hse)	\$ 230,645
	\$ 107,344,991
SUMMARY BY CREDIT RATING	AMOUNT \$
AA	\$ 4,500,000
AA-	\$ 63,164,346
A+	\$ 19,500,000
A	\$ 3,900,000
A-	\$ 15,000,000
BBB+	\$ -
NR	\$ 1,050,000
UNITS (Local Govt Hse)	\$ 230,645
	\$ 107,344,991

C14/6000 - INVESTMENT STATEMENTS FOR APRIL 2014 (REC)

The following statements detail the investments held by the City for the period ending 30 April 2014.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 APRIL 2014						
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.50%	AA-	\$1,328	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$1,650,000	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$70	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$108	On call
					\$1,651,505	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$3,500,000	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$4,100,000	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$15,425,512	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$13,800,000	Various
ING BANK (TERM)	Very Low	TERM	Various	A-	\$7,400,000	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$3,900,000	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$21,287,328	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$2,500,000	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$12,200,000	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$5,700,000	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$12,600,000	Various
					\$102,412,840	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.70%	AA	\$2,000,000	20-Dec-15
					\$2,000,000	
MANAGED ACES CLASS 1A PARKES	Very High	CDO	4.24%	NR	\$1,050,000	20-Jun-15
-Face Value					\$1,050,000	
-Written Down (Book) Value (30 June 2009)					\$9,874	
-Estimated Market Value					\$299,880	
					\$1,050,000	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	NA
TOTAL FUNDS INVESTED					\$107,344,991	

CREDIT RISK COMPARISON

CREDIT RISK	AMOUNT \$	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$4,500,000	4%	80%	
AA-	\$63,164,346	59%	80%	
A+	\$19,500,000	18%	50%	
A	\$3,900,000	4%	50%	
A-	\$15,000,000	14%	50%	
BBB+	\$0	0%	20%	
NR	\$1,050,000	1%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	0%	0.1%	Council Decision
TOTAL	107,344,991	100%		

C14/6000 - INVESTMENT STATEMENTS FOR APRIL 2014 (REC)
DIVERSIFICATION RISK

INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT \$	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
AMP BANK (TERM)	TERM	A+	13,800,000	12.86%	12.86%	15%	
BANKWEST (11AM)	11AM	AA-	1,328	0.00%		20%	
BANKWEST (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
BANK OF QUEENSLAND (TERM)	TERM	A-	3,500,000	3.26%		15%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	A-	-	0.00%	3.26%	15%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	4,100,000	3.82%	3.82%	15%	
CITIBANK (TERM)	TERM	AA-	15,425,512	14.37%	14.37%	20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.86%	1.86%	20%	
ING BANK (TERM)	TERM	A-	7,400,000	6.89%	6.89%	15%	
MACQUARIE BANK (TERM)	TERM	A	3,900,000	3.63%	3.63%	15%	
NAB (TERM)	TERM	AA-	21,287,328	19.83%	19.83%	20%	
RABODIRECT (TERM)	TERM	AA	2,500,000	2.33%	2.33%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	12,200,000	11.37%	11.37%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	5,700,000	5.31%	5.31%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	70	0.00%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	108	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	1,650,000	1.54%		20%	
WESTPAC (TERM)	TERM	AA-	12,600,000	11.74%	13.28%	20%	
MANAGED ACES CLASS 1A PARKES	CDO		1,050,000	0.98%	0.98%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.21%	0.21%		
			107,344,991	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	AMOUNT \$	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	39,653,621	100%	100%	
	39,653,621	100%		
RESERVE FUNDS				
< 1 year	64,210,336	95%	100%	
< 2 years	3,050,000	5%	80%	Purchased Prior To Policy Change
< 3 years	-	0%	80%	
< 4 years	-	0%	40%	
< 5 years	-	0%	40%	
> 5 years	-	0%	20%	
	67,260,336	100%		

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

The sole remaining value of this CDO as at 30 April 2014 was:

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

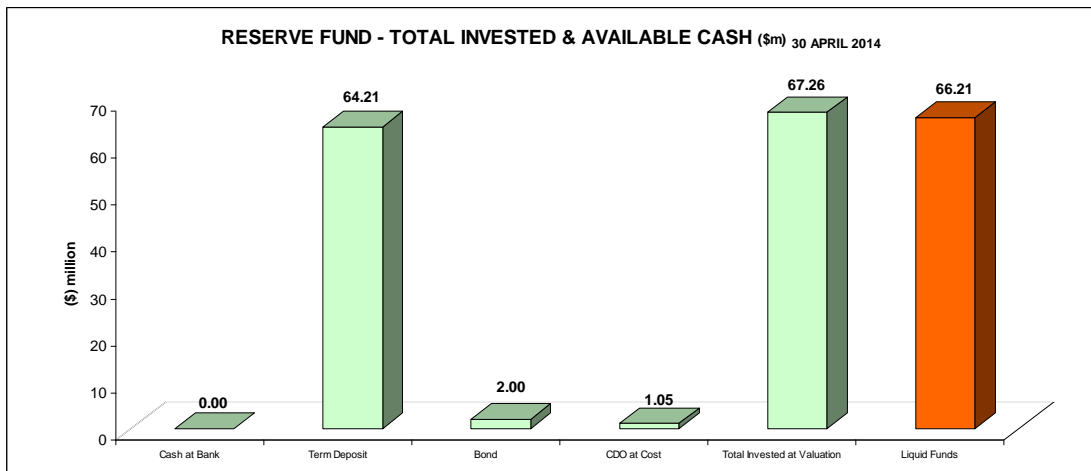
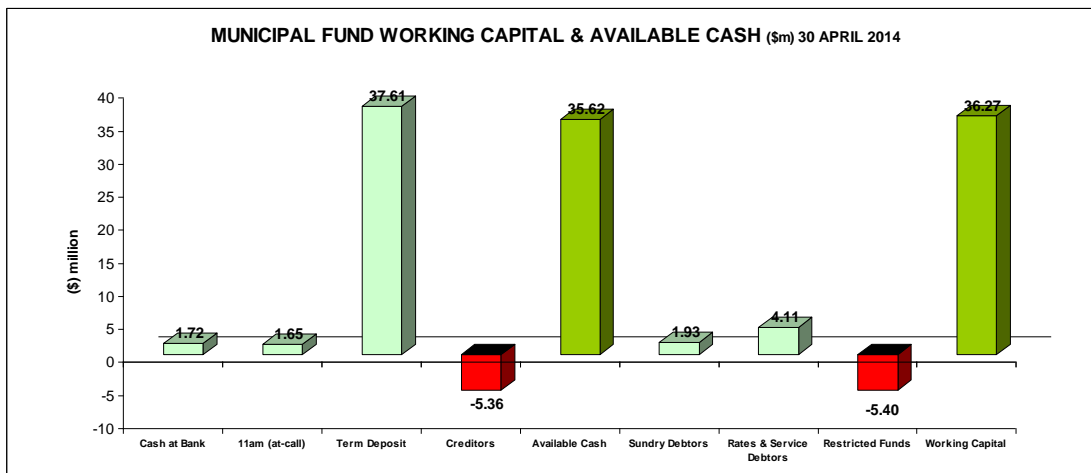
The City has earned approximately \$5 million from CDO investments since 1 July 2007.

C14/6000 - INVESTMENT STATEMENTS FOR APRIL 2014 (REC)

CDO Name Arranger Face Value & Maturity Date	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Managed Aces Class Parkes 1A Arranger: Morgan Stanley \$1.05 million Maturing 20/6/15	10 credit events: ResCap, AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, CIT Group & PMI Group.	-0.8	1.1	Partial loss 41.9% (\$0.44 million) of principal has occurred. Very high likelihood of total default.

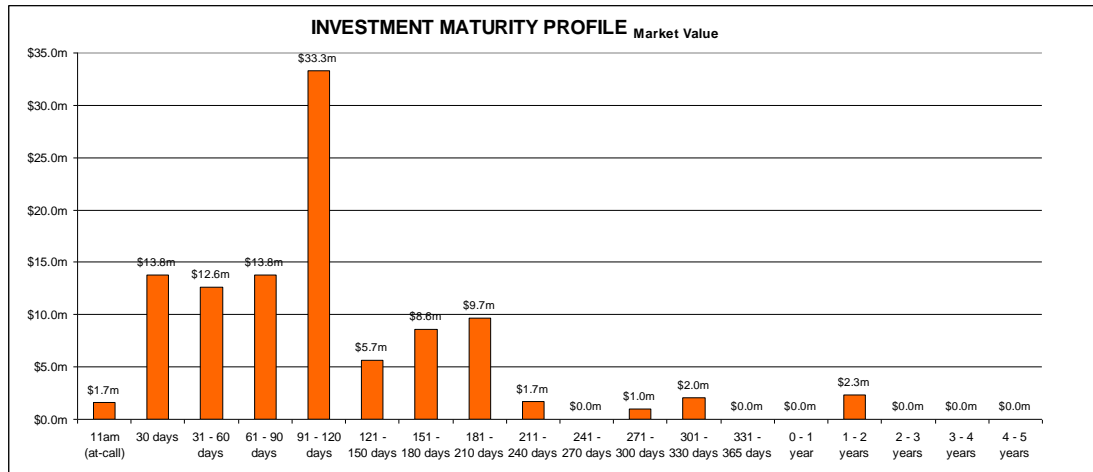
Net Funds Held

The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation at 30 April 2014.



C14/6000 - INVESTMENT STATEMENTS FOR APRIL 2014 (REC)

The graph below summarise the maturity profile of the City's investments at market value as at 30 April 2014.



STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

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

C14/6000 - INVESTMENT STATEMENTS FOR APRIL 2014 (REC)

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

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

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

FINANCIAL IMPLICATIONS

For the period ending 30 April 2014:

- Investment earnings on Municipal and Trust Funds were \$1,173,231 against a budget of \$1,184,167 representing a \$10,936 negative variance.
- Investment earnings on Reserve accounts were \$2,649,369 against a budget of \$1,916,667. This represents a \$732,702 positive variance and is due to the higher level of Reserve account balances than anticipated at budget preparation time.

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

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

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

Council Policy CP-009 – Investment of Funds.

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

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

That the Investment Report for the month of April 2014 be noted.

At 8.49pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (10/0)

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

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

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR APRIL 2014 (REC) (ATTACHMENT)
BACKGROUND

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

DETAIL

The Schedule of Accounts Paid for the month ending 30 April 2014 ([6001 April 2014](#)), including Payment Registers numbers, Cheques 405 to 407 and Electronic Funds Transfers batches 330 to 331 was distributed to the Members of Council on 17 June 2014.

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

Supplier Name	Remittance Number	Remittance Details	Amount
Airey Taylor Consulting	Chq 057738	Piles & Boardwalk repair at Majestic Boardwalk	\$45,342.00
Ashphaltech Pty Ltd	E038915	Road resurfacing at Ullapool Rd & Marcus Avenue	\$687,198.00
Carringtons Traffic Services WA	E038821 & E038940	Traffic Control at Melville Beach Road	\$28,999.02
City of Cockburn	E038605 & E038834	Tip fees for February 2014	\$67,032.97
Dickies Tree Service	E038606 & E038835	Tree lopping	\$39,140.20
Downer EDI Works Pty Ltd	E038732 & E038897	Road resurfacing at Aulberry Pde	\$151,572.42
Dowsing Concrete	E038823 & E038942	Concrete works	\$30,828.82
Ecosol Pty Ltd	E038822	Gross Pollutant Traps	\$96,607.50
Fire & Emergency Services Authority WA	E038910	ESL remittance for March 2014	\$1,107,024.64
Flexi Staff	E038634 & E038851	Temporary employment	\$29,197.78
Forrest Hills Spraying Services	E038779	Pest & weed control	\$50,160.00
GHD Pty Ltd	E038727 & E038895	Structure plan Canning Bridge, Site analysis Deep Water Point & Restoration strategy at Melville foreshore	\$57,182.40
Gymcare	E038647	Gym Equipment	\$198,306.24
JMG Air Conditioning & Electrical Services	E038754 & E038909	Maintenance & repairs to air conditioners	\$49,845.14
Mastec Australia Pty Ltd	Chq 057581	Mobile garbage bags & bins	\$114,048.00
MMM WA Pty Ltd	E038705 & E038888	Drainage upgrade & installations	\$41,878.12
Mountway Melville Hyundai	E038627	Jeep Grand Cherokee & Hyundai service	\$50,946.21
Natural Area Management & Services		Construction of rock revetment at Jeff Joseph Reserve	\$29,244.85
Phase 3 Landscape Con P/L	E038762	Progress Claim for Wireless Hill Stage 2	\$74,030.41
Quayclean Australia Pty Ltd	E038719	Cleaning services	\$40,221.66
RBM Drilling	E038658 & E038861	Irrigation Bore	\$66,352.00
Robinson Buildtech	E038619 & E038844	Building maintenance	\$175,220.31
Supreme Heating	E038780	Progress payment solar heating at MAFC	\$25,602.66
Synergy	E038633 & E038850	Electricity charges	\$329,062.10
Titan Ford	E038659 & E038862	Ford Focus Hatch & service	\$25,864.47
Tree Amigos Tree Surgeons	E038718	Street trees pruning	\$37,648.60
Tree Planting & Watering	E038766 & E038913	Hire of water trucks	\$45,847.55

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

Supplier Name	Remittance Number	Remittance Details	Amount
Water Corporation	Chq's 057551& 057716	Water charges	\$32,292.32
Western Australian Local Government Association	E038692 & E038882	Advertisement charges	\$29,812.33

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

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001)

NOTING

That the Schedule of Accounts paid for the month ending 30 April as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 April 2014](#) be noted.

At 8.49pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (10/0)

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY for APRIL 2014 (AMREC)
(ATTACHMENT)**

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 – Acting Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents:

- The Statements of Financial Activity for the period ending 30 April 2014 and recommends that they be noted by the Council.
- Budget amendments for the period ending 30 April 2014 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of April 2014 and recommends that they be noted by the Council.

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

The Statements of Financial Activity for the period ending 30 April 2014 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996.

DETAIL

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

For the period ending 30 April 2014, net operating positive variances of \$6,870,955 and net capital positive variances of \$11,973,877 were recorded.

Variations

A summary of variances and comments are provided in attachment [6002H April 2014](#).

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 30 APRIL 2014							
	April Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
Revenues							
Governance	91,350	1,570,312	1,633,696	63,384	4%	1,561,852	1,821,151
General Purpose Funding	508,979	6,805,047	9,208,046	2,402,999	35%	8,731,000	7,978,119
Law, Order, Public Safety	37,478	2,631,967	2,754,679	122,712	5%	2,575,492	2,661,859
Community Amenities	106,576	16,888,241	16,939,921	51,681	0%	17,008,375	17,020,766
Recreation and Culture	1,038,256	8,543,190	8,607,181	63,991	1%	9,700,557	10,001,532
Transport	139,715	4,486,466	3,080,833	(1,405,633)	-31%	5,478,318	5,313,937
Other Property and Services	(45,057)	2,653,951	206,718	(2,447,233)	-92%	401,476	2,194,237
	1,902,109	44,189,486	43,075,957	(1,113,529)	-3%	46,106,554	47,655,808
Expenses							
Governance	(278,045)	(9,387,504)	(8,415,405)	972,099	-10%	(11,760,677)	(11,474,192)
General Purpose Funding	(46,895)	(2,377,300)	(2,104,233)	273,067	-11%	(2,208,200)	(2,417,415)
Law, Order, Public Safety	(288,081)	(3,168,692)	(3,010,746)	157,946	-5%	(3,900,624)	(3,905,491)
Health	(65,143)	(788,481)	(733,653)	54,828	-7%	(957,517)	(950,215)
Education & Welfare	(412,575)	(4,702,746)	(4,372,367)	330,379	-7%	(5,473,488)	(5,631,107)
Community Amenities	(1,309,807)	(16,306,463)	(16,166,442)	140,021	-1%	(19,616,325)	(20,089,819)
Recreation and Culture	(2,265,947)	(24,460,406)	(23,123,300)	1,337,107	-5%	(28,262,846)	(28,900,180)
Transport	(766,168)	(8,434,490)	(7,550,503)	883,987	-10%	(10,248,296)	(10,251,345)
Other Property and Services	(580,068)	(6,688,301)	(6,397,490)	290,811	-4%	(11,028,916)	(9,986,154)
	(6,024,528)	(76,442,008)	(72,035,866)	4,406,142	-6%	(93,615,109)	(93,767,727)
Adjustments for Cash Budget Requirements							
Non-Cash Revenue & Expenditure							
(Profit)/Loss on Asset Disposals	66,374	(2,263,044)	114,968	2,378,012	-105%	(6,050)	(1,764,041)
Depreciation on Assets	1,157,375	11,518,729	11,335,452	(183,277)	-2%	15,922,137	15,347,681
Movement in Deferred Rates	11,603		105,672	105,672	100%	-	-
	1,235,352	9,480,866	11,826,310	2,345,449	25%	16,186,305	13,853,858
Capital Revenue & Expenditure							
Purchase of Furniture & Equipment	(324,601)	(2,680,385)	(1,471,795)	1,208,589	-45%	(2,145,769)	(2,941,704)
Purchase of Plant & Equipment	(84,387)	(4,501,364)	(1,166,645)	3,334,719	-74%	(2,630,957)	(4,501,364)
Purchase of Land & Buildings	(105,400)	(2,724,061)	(1,443,444)	1,280,617	-47%	(2,466,100)	(4,155,418)
Purchase of Infrastructure Assets	(1,742,278)	(16,650,770)	(8,584,900)	8,065,871	-48%	(15,788,547)	(19,737,946)

Revenue

\$56.058m in Rates was raised to 30 April 2014. This is compared with a year to date budget of \$56.083m, resulting in a negative variance of \$25K.

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

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for April 2014

Budget Amendments

Details of Budget Amendments requested for the month of April 2014 are shown in attachment [6002J April 2014](#). These amendments have been carried out to reflect the appropriate responsible officers and the correction of account numbers.

Rates Collections and Debtors

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$1,010,374 were collected over the course of the month. Rates collection progress for the month of April was 0.7% above target. As at 30 April 2014, 95.7% of 2013/2014 rates had been collected. This is 0.3% higher than collected for the same time last year.

Total sundry debtor balances increased by \$311,728 over the course of the month. The 90+ day's debtor balance increased by \$1,861.

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 April 2014.

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

DESCRIPTION	LINK
Rate Setting Statement April 2014	6002A April 2014
Statement of Financial Activity – April 2014	6002B April 2014
Representation of Net Working Capital – April 2014	6002E April 2014
Reconciliation of Net Working Capital – April 2014	6002F April 2014
Notes on Rate Setting Statement reporting on variances of 10% or greater – April 2014	6002H April 2014
Details of Budget Amendments requested – April 2014	6002J April 2014
Summary of Rates Debtors – April 2014	6002L April 2014
Graph Showing Rates Collections – April 2014	6002M April 2014
Summary of General Debtors aged 90 Days Old or Greater – April 2014	6002N April 2014

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR APRIL 2014 (AMREC)
(ATTACHMENTS)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s. 6.4

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

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

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

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

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

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

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

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

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

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

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

The variance adopted by the Council at its Special meeting held on 26 June 2013 to adopt the 2013/2014 Budget, was 10% or \$50,000 whichever is greater.

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

FINANCIAL IMPLICATIONS

Variances are dealt with in attachment [6002H April 2014](#) (Notes on Rate Setting Statement reporting on variances of 10% or greater).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 April 2014.

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

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6002)
ABSOLUTE MAJORITY**

At 8.49pm Cr Willis moved, seconded Cr Schuster –

That the Council:

- 1. Note the Rate Setting Statement and Statements of Financial Activity for the month ending 30 April 2014 as detailed in the following attachments:**

DESCRIPTION	LINK
Rate Setting Statement April 2014	6002A April 2014
Statement of Financial Activity – April 2014	6002B April 2014
Representation of Net Working Capital – April 2014	6002E April 2014
Reconciliation of Net Working Capital – April 2014	6002F April 2014
Notes on Rate Setting Statement reporting on variances of 10% or greater – April 2014	6002H April 2014
Details of Budget Amendments requested – April 2014	6002J April 2014
Summary of Rates Debtors – April 2014	6002L April 2014
Graph Showing Rates Collections – April 2014	6002M April 2014
Summary of General Debtors aged 90 Days Old or Greater – April 2014	6002N April 2014

- 2. By Absolute Majority Decision adopt the budget amendments, as listed in the Budget Amendment Reports for April 2014, as detailed in attachment [6002J April 2014](#).**

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

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (10/0)

18. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

At 8.49pm Cr Barton moved, seconded Cr Taylor-Rees -

That the Council accept the Motion without Notice submitted by Cr Barton.

At 8.58pm the Mayor submitted the motion, which was declared

CARRIED (7/3)

Vote Result Summary	
Yes	7
No	3

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

At 8.58pm Cr Barton moved, seconded Cr Taylor-Rees -

That the Council:

Defers project code BCR0186 – Attadale Pre-Primary – Demolition from the proposed 2014/2015 Capital Works Program to allow for a strategic reviews of this site to be undertaken.

At 9.17pm the Mayor submitted the motion, which was declared

CARRIED (9/1)

Vote Result Summary	
Yes	9
No	1

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

At 8.52 Dr S Silcox left the meeting and returned at 8.55pm.

At 9.17pm Dr S Silcox having declared an interest in item M14/5371 left the meeting.

At 9.18pm Cr Schuster moved, seconded Cr Willis –

That the meeting be closed to the public to permit discussion on a confidential matter (Item M14/53781 which relates to Chief Executive Officer Contract covered under Section 5.23 (2) (c) of the Local Government Act 1995.

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

CARRIED UNANIMOUSLY (10/0)

At 9.18pm Cr Macphail left the meeting and returned at 9.20pm.

At 9.23 Mr M Tieleman, Ms L Reid, Mr J Christie, Mr S Cope, Mr N Fimmano, Ms S West and Ms J Paparella left the meeting

M14/5371 – CHIEF EXECUTIVE OFFICER CONTRACT (AMREC) (CONFIDENTIAL ATTACHMENT)

Disclosure of Interest

Item No. M14/5371
 Member Dr S Silcox
 Type of Interest Financial Interest in accordance with the Act
 Nature of Interest Contract relates directly to Dr Silcox
 Request Leave
 Decision of Council Not Required

Ward : All
 Category : Operational
 Subject Index : Personnel file
 Customer Index : Personnel file
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : M14/5358 – City of Melville – Chief Executive Officer Performance Review – Council 15 April 2014
 M14/5359 – City of Melville – Chief Executive Officer Performance Review – Council 15 April 2014
 Works Programme : Not applicable
 Funding : Not applicable
 Responsible Officer : Kylie Johnson
 Executive Manager Organisational Development

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>

M14/5371 – CHIEF EXECUTIVE OFFICER CONTRACT (AMREC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

- The Chief Executive Officer (CEO) performance review resolution (M14/5358) of Council on 15 April 2014 includes the following: "That Council undertake discussion with the Chief Executive Officer regarding entering into a contract for a further five years as recommended by the Governance Committee to take effect from 20 March 2014".
- To facilitate completion of the resolution this item presents a draft 'without prejudice' contract under confidential cover (Confidential Attachment "A") for consideration of the Council. If the draft contract is adopted the Officer recommendation is that the Mayor be delegated authority to finalise the contract with the CEO. If the discussions involve any alteration to the values within the contract, the matter will need to be presented to Council again for determination before finalisation of the contract can occur.
- The draft contract uses the Local Government Managers Australia CEO contract template, which was developed through the legal firm McLeods, and reflects the intent of the conditions and contract values within the current CEO employment contract.
- The current CEO employment contract and subsequent contract variations are also attached under confidential cover (Confidential Attachment "B"). This attachment also outlines the key proposed amendments to the contract.

BACKGROUND

On 20 March 2008 Dr Shayne Silcox commenced in the role of Chief Executive Officer (CEO) at the City of Melville. In 2011 a new five year contract was adopted by Council, and in accordance with Clause 4.2 of the CEO contract there is a Performance Review every 12 months.

During the recent annual performance review process, at the Council meeting held on 15 April 2014, an extension of the term of employment for the CEO was discussed. The determination of Council at the meeting on 15 April 2014 included within resolution (M14/5358) the following: "That Council undertake discussion with the Chief Executive Officer regarding entering into a contract for a further five years as recommended by the Governance Committee to take effect from 20 March 2014".

DETAIL

A number of documents are provided under confidential cover. They include the CEO's original contract of employment, effective from 20 March 2011, subsequent contract variations, and the 'without prejudice' draft CEO employment contract, effective from 20 March 2014 for consideration of Council.

M14/5371 – CHIEF EXECUTIVE OFFICER CONTRACT (AMREC) (CONFIDENTIAL ATTACHMENTS)

The draft CEO employment contract uses the Local Government Managers Australia CEO contract template, which was developed through the legal firm McLeods, and reflects the current contract values for the CEO. In this context the term 'value' includes the associated value of particular employment conditions within the contract. It is noted that the only elements of the 'without prejudice' draft CEO contract which vary from the previous contract clauses or determinations of Council are shown as tracked changes. The explanation of these tracked changes is included in confidential attachment B.

Given the term of the current contract is until 20 March 2016 the actual extension period of the term of employment is in effect three years as the draft contract will take the term of employment up to 20 March 2019.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

Local Government Act 1995 - Division 4 - Local government employees -

Section 5.36.- Local government employees requires that:

- (1) *A local government is to employ —*
 - (a) *a person to be the CEO of the local government; and*
 - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*
- (2) *A person is not to be employed in the position of CEO unless the council —*
 - (a) *believes that the person is suitably qualified for the position; and*
 - (b) *is satisfied* with the provisions of the proposed employment contract.*

** Absolute majority required.*

Section 5.39 Contracts for CEO and senior employees requires that:

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
 - (1a) *Despite subsection (1) —*
 - (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
 - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

M14/5371 – CHIEF EXECUTIVE OFFICER CONTRACT (AMREC) (CONFIDENTIAL ATTACHMENTS)

- (2) *A contract under this section —*
 - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
 - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless —*
 - (a) *the expiry date is specified in the contract;*
 - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
 - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975 , containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.*

Within the *Local Government (Administration) Regulations 1996* the following requirement is stated: **18B. Matters to be included in contracts for CEO's and senior employees —**

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) *the value of one year's remuneration under the contract; or*
- (b) *the value of the remuneration that the person would have been entitled to had the contract not been terminated.*

FINANCIAL IMPLICATIONS

Given that the draft contract does not represent any additional benefits beyond what the CEO currently is entitled to receive, there are no financial implications.

M14/5371 – CHIEF EXECUTIVE OFFICER CONTRACT (AMREC) (CONFIDENTIAL ATTACHMENTS)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
That the employment contract is inadequate	Low	Utilising template from LGMA and McLeods.

POLICY IMPLICATIONS

There are no identified Policy implications.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The draft contract of employment is for consideration of the Council and if adopted will need to be discussed with the CEO. The Officer recommendation is that His Worship the Mayor be authorised to discuss and finalise the contract with the CEO within the value of the draft contract. This has the effect of ensuring that if the discussion between His Worship the Mayor and CEO involves any matters that will alter the value of the draft employment contract, the matter will need to be referred to Council again for determination on the finalisation of the contract.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5371)**ABSOLUTE MAJORITY**

At 9.19pm Cr Schuster moved, seconded Cr Willis –

- 1. That by absolute majority decision the draft five year Chief Executive Officer Employment Contract, provided as Confidential Attachment “A” be adopted.**
- 2. That His Worship the Mayor be authorised to finalise the adopted Contract with the Chief Executive Officer.**

At 9.37pm Cr Robartson moved a procedural motion, seconded Cr Foxtton –

That the question be put.

At 9.38pm the Mayor submitted the procedural motion, which was declared

CARRIED 8/2)

For: Cr Aubrey, Cr Barton, Cr Foxtton, Cr Macphail, Cr Pazolli, Cr Robartson
Cr Schuster, Cr Willis.

Against: Mayor Aubrey, Cr Taylor-Rees.

At 9.39pm the Mayor submitted the substantive motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (8/2)

At 9.39pm Cr Schuster moved, seconded Cr Macphail -

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

At 9.39pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (10/0)

No members of the public returned to the meeting.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. EN BLOC ITEMS

At 9.41pm Cr Robartson moved, seconded Cr Willis –

That the recommendations for items P14/3499, P14/3502, P14/3507, T14/3511, M14/5000, C14/6000 and C14/6001 be carried En Bloc.

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

CARRIED UNANIMOUSLY (10/0)

19. CLOSURE

There being no further business to discuss the Mayor declared the meeting closed at 9.41pm.