

MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

20 NOVEMBER 2012

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 20 NOVEMBER 2012.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr Bruce Taylor, Manager Information, Technology & Support read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor R A 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 D Macphail (Deputy Mayor)
Cr A Nicholson
Cr C Robartson, Cr R Willis
Cr N Pazolli, Cr P Reidy
Cr S Taylor-Rees, Cr J Barton
Cr R Hill,
Cr N Foxton, Cr M Reynolds

WARD

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

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms C Young	Director Community Development
Mr J Christie	Director Technical Services
Mr S Cope	Director Urban Planning
Ms K Johnson (From 8.52pm – 9.22pm)	Executive Manager Organisational Development
Mr E Kania	A/Executive Manager Legal Services
Mr P Prendergast	Manager Planning & Development Services
Mr B Taylor	Manager Information, Technology & Support
Ms E Boyd (From 6.47pm – 6.48pm)	Project Officer Customer Service
Mr N Fimmano	A/Governance & Compliance Program Manager
Ms D Beilby	Minute Secretary

At the commencement of the meeting there were 13 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 B Kinnell, Palmyra/Melville/Willagee Ward

4.2 APPROVED LEAVE OF ABSENCE

Nil.

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

Nil.

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

Nil.

6. QUESTION TIME**6.1 Mr J Gianfrancesco, Bicton**

At the Agenda Briefing Forum held on 6 November 2012, Mr J Gianfrancesco submitted five questions relating to Item P12/3348 - Change of Use to Liquor Store and Additions and Alterations to the Existing Building on Lot 210 (378) Canning Highway, Bicton. At the meeting, the Director Urban Planning responded to Question 1. Questions 2 to 5 were taken on notice. A written response has been forwarded to Mr Gianfrancesco from Mr S Cope, Director Urban Planning and the information included in the response is provided below -

Question 1

"In the 6 November, 2012 Agenda the Planning Section has recommended approval of the new plans. These new plans are not on the internet. Can you please provide me with a copy for viewing?"

Response

The Director Urban Planning responded by saying that it is not the City's practice to make copies of plans available via the Internet. Plans are made available for viewing during business hours.

Question 2

"I have no doubt that 19 meter long semi-trailers are intended to be used for loading/unloading at the proposed Dan Murphys. What route do the semi-trailers intend to use? As they are all restricted to entry/exit at the corner of Canning Highway and Murray Road (as Coles trucks are)."

Response

Medium to Heavy Commercial vehicles up to Class 9 (semi-trailer 19m long) are permitted to access any local road as they are termed "As of right" vehicles. Any other Heavy Vehicle requires a permit from Main Roads WA and is not permitted to travel on local roads.

Previous advice from the applicant advised that "Service trucks in use are Scania P280 rigid trucks with an overall length of 9.71m. In addition, there will on occasion be smaller vans/light commercial vehicles directly from suppliers but major servicing from Company Warehousing will be using the Scania 9.71m rigid trucks". This falls into the category of a medium commercial vehicle (about the size of a bus).

Service vehicles are expected to access the Murray Road loading dock in a similar manner to the previous use of the site.

6. QUESTION TIME (Continued)**6.2 Mr J Gianfrancesco, Bicton (Continued)**Question 3

“Also where does Dan Murphys intend to turn around the semi – trailers on Murray Road? The road is not 19 meters wide, and with the vehicles, trucks and semi-trailer traffic coming from both directions of Canning Highway, Fifth St, Murray Rd, Kanimbla Rd, two car park exits at Coles/Old IGA and Coles loading bay. Isn't this a DISASTER WAITING FOR A PLACE TO HAPPEN? I don't believe Dan Murphy's will use small 8 wheeler trucks to fill a space 1296 square meters x10 meters high, and keep it full, would queue up small trucks from Melville to Kewdale. Now there is a good example for the traffic impact study.”

Response

It is doubtful that semi-trailers will access the site – refer to the response in the previous dot point that Scania P280 rigid trucks will be used. The following advice was received from the applicant regarding Turning and Access arrangements to the loading bay.

“Porter Consulting Engineers have modelled the truck path requirements to access the loading dock”. “The loading dock is little changed from the previous supermarket use”.

The Consulting Engineers made the following comments regarding the swept path of the Scania P280:

- *“The screen wall will need to be shortened at the northern end.*
- *The northern crossover should be widened/redesigned to accommodate the truck sweep*
- *Existing dock loading areas and steps are redundant to the proposed dock loading area and will be removed enabling additional truck manoeuvre space.”*

Dan Murphy's is a specialist store and whilst the initial stocking of the store may require a number of deliveries, it is anticipated that shelves would be filled at night. Once the store is opened, the applicant advised that “The Service Truck (P280) numbers are low at an average of 1.5 – 2 trips (2 in/2 out) a day. These will occur at different times during the trading day.”

There will be fewer deliveries than when the site was an IGA supermarket which would have generated far more deliveries, more frequently and coinciding with other deliveries e.g. Tip Top Bakery deliveries coinciding with Brownes Milk deliveries.

6. QUESTION TIME (Continued)**6.3 Mr J Gianfrancesco, Bicton (Continued)**Question 4

“Has a traffic impact study been done of this current BLACK SPOT area? What were the findings and recommendations, as I could not see them in the agenda?”

Response

Porter Consulting Engineers undertook a Traffic Assessment for Mitchell Goff & Associates on behalf of Woolworths. This report and safety and manoeuvrability of the access to the loading dock and carpark was further reviewed by an independent Consulting Engineering Company, Shawmac.

The recommendations from the report have been identified in the dot point above. Plans have been modified to demonstrate how the swept path of the Scania P280 rigid trucks is accommodated.

Any reference to the intersection of Murray Rd and Canning Highway being a Blackspot site should be addressed by Main Roads WA as Canning Highway comes under their care and control.

Question 5

“ Besides there being insufficient room to fit a semi trailer in the old IGA loading bay (as confirmed by Centre, Operations Supervisor, Dennis Smith, any truck on Murray Rd (even though they wont fit into the loading bay(s)). How does Dan Murphy’s intend to address this problem?”

Response

The Centro Operations Supervisor is not privy to details or the sized commercial vehicles as supplied by Porter Consulting Engineers who undertook the Traffic Assessment for Mitchell Goff & Associates on behalf of Woolworths. Technical Services is satisfied that the swept path of the Scania P280 rigid trucks can be accommodated on Murray Road.

6. QUESTION TIME (Continued)**6.2 Ms M Taliangis, Attadale**Question 1

Regarding boundary wall 13 Moreing Road, are the Elected Members aware that the applicant amended its original application to lower the boundary wall consistent with the existing wall to address the neighbours' objection and to obtain approval under Delegated Authority?

Response

The Manager Planning and Development Services responded by saying that officers were certainly aware of that, and Elected members had been made aware during the process of reporting to Council on this matter.

6.3 Ms P Johnson, BictonQuestion 1

Is it possible for the public and community to view the proposed road, street and path alterations as discussed in points 12, 13, 14, 15, 16B and 16C in the Minutes of the Ordinary Meeting of Council, 20 November 2012?

Response

The Director Urban Planning responded by saying that the plans had been made available for viewing as part of the consultation exercise undertaken.

Question 2

Can the public and community comment on these proposals.

Response

The Director Urban Planning responded by saying that the public were invited to comment of the Development Application, but that as the matter was now presented to the Council for determination, there was limited time available to receive any further comments.

6. QUESTION TIME (Continued)

6.3 Ms P Johnson, Bicton (Continued)

Question 3

There seems to be no inclusion noted of the impact of the significant increase of traffic on Canning Highway, as well as Kanimbla Road in the summary of submission. Has this been considered by the City, and has it been included in the applicant's traffic impact assessment report available for view and comment from the public?

Response

The Manager Planning and Development Services responded by saying that traffic matters had been taken into consideration, and details of the Development Application were considered by Technical Services officers as part of the assessment process undertaken by the City.

Question 4

Will the City make representation to the Department of Racing, Gambling and Liquor again expressing it's concerns to the granting of such a licence and request it's refusal?

Response

The Director Urban Planning responded by saying that included within the recommendation in respect of the item was a proposed resolution to direct the Chief Executive Officer to make representations to any application to the Department of Racing Gaming and Liquor, for a Liquor Licence linked to the proposed Liquor Store.

7. AWARDS AND PRESENTATIONS

7.1 International Customer Service Standard Certification

At the Customer Service Institute of Australia (CSIA) 2012 Australian Service Excellence Awards, the City of Melville received the State Award for Service Excellence in the Local Government Category, followed up by winning the National Award for Local Government. The Chief Executive Officer, Dr Shayne Silcox, was awarded the Customer Service Chief Executive Officer of the Year for Western Australia.

At 6.47pm His Worship the Mayor called forward Ms Elizabeth Boyd, Customer Service Project Officer to receive the CSIA 2012 Australian Service Excellence Award on behalf of the City of Melville.

At 6.48pm Ms Boyd returned to the public gallery.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF COUNCIL – 16 OCTOBER 2012**
Min 16 October 2012**COUNCIL RESOLUTION**

At 6.49pm Cr Willis moved, seconded Cr Macphail -

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 16 October 2012, be confirmed as a true and accurate record.

At 6.49pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 6 NOVEMBER 2012
Notes 6 November 2012**COUNCIL RESOLUTION**

At 6.49pm Cr Hill moved, seconded Cr Foxtton -

That the Notes of the Agenda Briefing Forum held on Tuesday, 6 November 2012, be received.

At 6.49pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

8.3 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (FMARCC) – 12 NOVEMBER 2012**COUNCIL RESOLUTION**

At 6.50pm Cr Willis moved, seconded Cr Reynolds -

That the Minutes of the Financial Management, Audit, Risk & Compliance Committee Meeting held on Monday 12 November 2012 be noted.

NB:

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

At 6.51pm the Mayor submitted the motion, which was declared

CARRIED (10/2)

His Worship the Mayor requested that the votes be recorded –

For: Mayor R Aubrey, Cr Barton, Cr Foxtton, Cr Hill, Cr Macphail, Cr Robartson, Cr Reidy, Cr Reynolds, Cr Taylor-Rees, Cr Willis.
Against: Cr Nicholson, Cr Pazolli.

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

P12/3348 – Cr Pazolli – Financial Interest
P12/3348 – Cr Nicholson – Financial Interest
C12/6001 – Mr M Tieleman – Financial Interest

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.52pm Cr Robartson moved, seconded Cr Foxton -

That the application for new leave of absence submitted by Cr Pazolli on 20 November 2012 be granted.

At 6.52pm the Mayor submitted the motion which was declared

CARRIED (12/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

12. PETITIONS**12.1 Petition by Residents in respect of the planned Chain Link Fence to replace the current “Log Barrier” along south side of Len Shearer Reserve – adjacent to Ambulance Centre and in respect of the “Log Barrier” itself.**

A petition signed by 111 residents was received by the City of Melville on Tuesday 13 November 2012. Subsequently a further 10 signatures to the petition were received on Monday 19 November 2012 from the lead petitioner. The petition reads as follows –

*“We the undersigned, all being Electors of the City of Melville, do humbly pray that –
The City of Melville will not install the planned chain link style fence on or adjacent to the stone retaining wall which parallels Hatfield Way next to the Ambulance Centre, but will consult nearby residents on the need for such a barrier and the form of such barrier (if it is deemed necessary or desirable.”*

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

At 6.52pm Cr Macphail moved, seconded Cr Nicholson -

That the petition bearing 121 signatures be received and acknowledged in writing to the lead petitioner.

At 6.53pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

13. REPORTS OF THE CHIEF EXECUTIVE OFFICER

13.1 ITEMS FROM FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE – 12 NOVEMBER 2012

The following items from the Financial Management, Audit, Risk and Compliance Committee meeting of 12 November 2012 require consideration by the Council.

C12/6052 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2011/2012 (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	City of Melville Annual Financial Statements
Customer Index	:	Not Applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this Annual Financial Statements has a declarable interest in this matter.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officers	:	Khris Yeoh Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

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

**C12/6052 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2011/2012
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report presents the 2011/2012 Annual Financial Statements and the Independent External Auditor's unqualified report in respect of those Financial Statements.
- The overall surplus for 2011/2012 includes the \$1,800,000 carried forward surplus from the 2010/2011 financial year, which was identified during the 2011/2012 mid year budget review.
- The overall unrestricted cash amount carried forward into 2012/2013 as per the Rate Setting Statement, after taking into account capital expenditure and Reserve transfers for the 2011/2012 financial year was \$5,679,453. Of this, \$3,355,210 was pre-identified to be used in the 2012/2013 Budget to reduce the need to further raise rates.
- This leaves an available unrestricted cash opening balance of \$2,324,243 to be applied at the direction of Council at the mid year budget review.

BACKGROUND

In accordance with Section 5.53(1) of the Local Government Act 1995 (the Act), a local government is required to prepare an Annual Report for each financial year. Section 5.54 of the Act requires that the Annual Report (which includes the financial report for the year) be accepted by the Local Government no later than 31 December for the previous financial year. Section 5.27 requires the Annual Report be accepted prior to the Annual Meeting of Electors. The Draft Community Annual Report, excluding the Annual Financial Statements, was presented to Council at the Ordinary Council Meeting held on Tuesday 16 October 2012 and the Council resolved as follows:

“That the text component of the City of Melville 2011-2012 Annual Report be approved.”

The Council is required to accept the full Annual Financial Statements as per Section 6.4(2) of the Act. Electors will be made aware that in addition to the Community Annual Report, which includes the abbreviated set of the Annual Financial Statements, the complete Annual Financial Statements will be available on request.

The Community Annual Report for 2011/2012 (including the Annual Financial Statements) requires acceptance by the Council prior to the Annual General Meeting of Electors to be held on Wednesday, 5 December 2012. The completed publishable document, which is currently being reformatted by the City's graphic designers, will be presented to the Council at the Ordinary Council Meeting to be held on Tuesday 20 November 2012.

**C12/6052 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2011/2012
(REC) (ATTACHMENT)****DETAIL**

Section 5.53 of the Act requires the Annual Report to contain, among other things, the financial report for the financial year under review.

This financial report which is titled City of Melville 2011/2012 Annual Financial Statements has been prepared and includes the following:

1. Variance Report on Rate Setting Statement [6052A](#)
2. Audited Annual Financial Statements (including):
[6052 Annual Financial Statements 2011-12](#)
 - a. Statement by the Chief Executive Officer
 - b. Independent Auditor's Report
 - c. Management Representation Letter
 - d. Statements of Comprehensive Income by Nature or Type
 - e. Statements of Comprehensive Income by Program
 - f. Statement of Financial Position
 - g. Statement of Changes in Equity
 - h. Statement of Cash Flows
 - i. Rate Setting Statement
 - j. Notes to and Forming Part of the Annual Financial Statements

The 2011/2012 Annual Financial Statements shows a healthy end of year financial situation of \$5,679,453 closing balance of unexpended funds, due to the strong performance of major revenue streams over the course of 2011/2012 and significant savings achieved in the operating budgets due to prudent financial management by budget responsible officers. An analysis of the significant variances which contributed to this positive position is included in the Variance Report on Rate Setting Statement Attachment [6052A](#).

The financial outcomes for the year are specified in the Audited Annual Financial Statements and are summarised in the Financial Implications section of this report.

The Independent Auditor's Report provides an unqualified audit opinion in respect to the 2011/2012 Annual Financial Statements.

PUBLIC CONSULTATION/COMMUNICATION

No external public consultation has been carried out.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The Council's independent external auditors Macri Partners have audited the 2011/2012 Annual Financial Statements.

**C12/6052 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2011/2012
(REC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

Section 5.53 of the Act headed "Annual reports" specifies that:-

- "(1) The local government is to prepare an annual report for each financial year and that.*
(2) The annual report is to contain... (f) the financial report for the financial year; ..."

Section 5.54 of the Act headed "Acceptance of annual reports" specifies that the Annual Report for the financial year is to be accepted by the Local Government no later than 31 December after that financial year.

Section 5.27 of the Act specifies that a General Meeting of Electors is to be held within fifty-six (56) days after the local government accepts the Annual Report for the previous financial year.

Section 5.94 of the Act provides that "a person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government and whether or not it is current at the time of inspection — ... (c) any annual report;"

Section 6.4 of the Act headed "Financial report" specifies that:-

- "(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
(2) The financial report is to —
(a) be prepared and presented in the manner and form prescribed; and
(b) contain the prescribed information.
(3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
(a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
(b) the annual financial report of the local government for the preceding financial year."

The Annual Financial Statements have been prepared in accordance with all relevant legal requirements and accounting standards.

FINANCIAL IMPLICATIONS

The net result for the 2011/2012 financial year was an operating surplus of \$19.3 million on total operating revenues of \$95.1 million, operating expenses of \$86.2 million, non operating revenues of \$2.7 million, gain on sale of the City's CDO (Collateralised Debt Obligations) and ADI (Authorised Deposit Taking Institutions) investments of \$1.95 million, increase in equity from the City's joint venture with Southern Metropolitan Regional Council of \$3.5 million and a decrease in revaluation of non current asset values by \$2.4 million.

**C12/6052 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2011/2012
(REC) (ATTACHMENT)**

The Rate Setting Statement however reveals an overall unrestricted cash amount / surplus available to be carried forward of \$5,679,453, after taking into account capital expenditures, Reserve transfers and the reversal of non cash items such as asset depreciation. This amount includes the \$1,800,000 carried forward funds from the 2010/2011 financial year which was identified during the 2011/12 mid year budget review. \$3,355,210 was pre-identified to be used to help fund the 2012-2013 Budget, to reduce the need to further raise rates. This leaves an available unrestricted cash opening balance of \$2,324,243 which can be applied at the direction of Council during the mid year budget review.

The balance of the City's cash/investment backed reserve accounts (i.e. after deducting the impaired value of investments) for 30 June 2012 was \$53,344,296, which represent an increase of \$9,130,520 over 2010/2011 levels. Unexpended Capital Works and Specific Purpose Grants Reserve, which will be expended in the 2012/2013 financial year decreased by \$759,853. The net effect is that the cash/investment backed value of the City's longer term reserve accounts increased by \$9,890,369, from \$37,106,131 to \$46,996,500.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

CP - 025 Accounting Policy – defines the policy relating to the preparation of the Annual Financial Statements.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The 2011/2012 Annual Financial Statements have been completed and a short form version will be included in the Community Annual Report for 2011/2012, with the full set of financial statements being made available on the City's web-site, at it's five libraries, the Civic Centre and in printed form upon request.

An unqualified auditor's report was received following the final audit, and the 2011/2012 Annual Financial Statements will be presented to the Council for acceptance.

The Annual Financial Statements is presented to the Committee for noting and for recommendation to Council for acceptance (along with the publishable Community Annual Report for 2011/2012 which will be submitted to the Council) by absolute majority decision.

**C12/6052 - CITY OF MELVILLE ANNUAL FINANCIAL STATEMENTS FOR 2011/2012
(REC) (ATTACHMENT)****OFFICER RECOMMENDATION & COMMITTEE RESOLUTION (6052) APPROVAL**

1. That the Financial Management, Audit, Risk and Compliance Committee note the City of Melville 2011/2012 Annual Financial Statements and the Independent External Auditor's Unqualified Report.
2. That the Financial Management, Audit, Risk and Compliance Committee recommend to the Council -

That Council, by Absolute Majority Decision, accepts the City of Melville 2011/2012 Annual Financial Statements and the Independent External Auditor's Unqualified Report.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (6052) APPROVAL

At 6.53pm Cr Macphail moved, seconded Cr Reidy -

That Council, by Absolute Majority Decision, accepts the City of Melville 2011/2012 Annual Financial Statements and the Independent External Auditor's Unqualified Report.

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

CARRIED (10/2)

His Worship the Mayor requested that the votes be recorded –

**For: Mayor R Aubrey, Cr Barton, Cr Foxtton, Cr Hill, Cr Macphail,
 Cr Robartson, Cr Reidy, Cr Reynolds, Cr Taylor-Rees, Cr Willis.**
Against: Cr Nicholson, Cr Pazolli.

13.2 REPORTS OF THE CHIEF EXECUTIVE OFFICER

The Presiding Member is 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.

P12/3348 - CHANGE OF USE TO LIQUOR STORE AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)Disclosure of Interest

Item No.	P12/3348
Member	Cr E Nicholson
Type of Interest	Financial Interest in Accordance with the Act
Nature of Interest	Self Managed Superannuation Fund owns small parcel of Woolworths Shares
Request	Stay & Observe
Decision of Council	Stay & Observe

Disclosure of Interest

Item No.	P12/3348
Member	Cr N Pazolli
Type of Interest	Financial Interest in Accordance with the Act
Nature of Interest	Superannuation Fund Shareholding in Woolworths
Request	Leave
Decision of Council	Not Applicable

At 6.59pm, having declared an interest in this item, Cr Pazolli left the meeting.

At 6.59pm, having declared an interest in this item, Cr Nicholson left the meeting whilst the Council voted on her request to Stay and Observe.

At 7.00pm Cr Barton moved, seconded Cr Taylor-Rees -

That in accordance with Section 5.68 (1) of the Local Government Act 1995 Cr Nicholson be allowed to stay and observe.

At 7.01pm the Mayor submitted the motion, which was declared

CARRIED (10/0)

At 7.02pm Cr Nicholson returned to the meeting.

At 7.02pm a deputation was heard from Mr J Gianfrancesco of Bicton.

At 7.10pm Mr Gianfrancesco returned to the public gallery.

P12/3348 - CHANGE OF USE TO LIQUOR STORE AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2012-542
 Property : Lot 210 (378) Canning Highway, Bicton
 Proposal : Change of Use to Liquor Store
 Applicant : MGA Town Planning Consultants
 Owner : Matax Pty Ltd and Birmingham Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P09/3106: Ordinary Meeting of Council SAT Matter DR 501 of 2009
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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

P12/3348 - CHANGE OF USE TO LIQUOR STORE AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of Council in December 2009, Council refused an application for a change of use to Liquor Store at 378 Canning Highway on the basis of traffic and amenity concerns.
- A subsequent appeal to the State Administrative Tribunal (SAT) was allowed, and the Council's decision to refuse the development was overturned by a decision of the SAT dated 22 October 2010.
- Since then, the Applicant has, without success, attempted to secure a Liquor Licence from the Department of Racing, Gaming and Liquor.
- Due to the difficulties associated with securing a Liquor Licence, the approval issued by the SAT expired on 21 October 2012.
- This fact has resulted in the submission of the subject planning application, which effectively seeks approval for the renewal of the previous consent.
- The application has been advertised and 44 submissions, one multi-signatory letter and one petition have been received, all citing concerns relating to anti-social behaviour, traffic increase, parking, oversupply of liquor and SAT ignoring the community's concerns.
- In common with the officer recommendation at the time of Council's initial consideration of this proposal in 2009/2010, the current application is also recommended for approval
- This recommendation is reached on the basis that the use is proposed within a District Centre Precinct where retail related uses such as this are generally most appropriately located.
- In addition, as there have been no change to the planning framework that existed at the time of the initial SAT consideration and determination in 2010, there is no reason, in planning terms, to deviate from the decision reached by the SAT at that time
- In that regard there have been no amendments to Community Planning Scheme No. 5 (CPS5) or Council Policy since the date of the SAT determination which has a bearing on the assessment of the application. Furthermore, there have been no significant changes within the surrounding area which would have an impact upon the assessment of the application.

P12/3348 - CHANGE OF USE TO LIQUOR STORE AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)



BACKGROUND

As stated, at the Ordinary Meeting of Council in December 2009, Council refused to grant approval for a change of use of the premises from a Shop to a Liquor Store at 378 Canning Highway, on the grounds of traffic and amenity concerns.

A subsequent appeal to the SAT resulted in the Council's decision to refuse being set aside in favour of an approval, issued by the SAT in a decision dated 22 October 2010.

Since then, the applicant has, without success, sought to obtain a liquor licence from the Department of Racing, Gaming and Liquor. This process culminated recently with the decision of the Supreme Court of Western Australia not to overturn that of the Liquor Commission, who resisted the grant of such a licence on the grounds that to do so would be contrary to the public interest.

It is noted that at the time of the application for a Liquor Licence, the City made representations to the Dept of Racing, Gaming and Liquor, expressing its concerns to the grant of such a licence, and requesting its refusal.

As the Applicant has been unable to obtain a liquor licence to date, the SAT approval has not been substantially commenced within the required two year time period, expiring on 22 October 2012.

P12/3348 - CHANGE OF USE TO LIQUOR STORE AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	District Centre
R-Code	:	R60
Use Type	:	Liquor Store
Use Class	:	'S' Use – use is not permitted unless Council grants approval following advertising

Site Details

Lot Area	:	7,445 sqm
Retention of Existing Vegetation	:	No, new vegetation is proposed in place
Street Tree(s)	:	Retained
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	See aerial photo above

[3348 Change of Use To Liquor-Store 378 Canning Highway SAT Report](#)
[3348 Change of Use to Liquor Store 378 Canning Highway Elevation Parking Bay Area Plans](#)

DETAIL**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required:	Yes – The proposal was advertised in accordance with Clause 7.5 (d) of CPS5 via site notice, advertisement in a local newspaper, and letters to property owners and occupiers within a 100m radius of the site.
Neighbour's Comment Supplied:	Yes
Reason:	Discretionary 'S' use under CPS5 provisions.
Support/Object:	44 submissions were received, 4 in support and 40 in objection. One multi-signature letter with 41 signatures and one petition with 38 signatures.

Given the number of submissions received in response to the consultation exercise undertaken, the table below provides a summary of the issues raised rather than a full analysis.

P12/3348 - CHANGE OF USE TO LIQUOR STORE AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

Submission (Issue)	Summary of Submission	Support/ Objection	Officer's Comment	Action Uphold / Not Uphold
1.	<p><u>Anti-social behaviour</u></p> <p>Local surrounding residents have expressed concerns for their safety and the potential increase in antisocial behaviour such as public drunkenness; crime and a higher level of underage drinking as result of the proposed use.</p>	Objection	<p>Concerns such as these are common in respect of developments of this nature. The SAT was not satisfied that the proposed development would in this case result in an increase in anti-social behaviour. Despite this conclusion, it is the case that matters such as anti social behaviour can be taken into consideration by the Department of Racing Gaming and Liquor, at the Liquor Licence application stage.</p>	Not Uphold
2.	<p><u>Increase in traffic</u></p> <p>The proposal will result in a significant increase in traffic along Fifth Street / Murray Road and have an impact on traffic safety.</p>	Objection	<p>The applicants have submitted a traffic impact assessment report which concludes that whilst traffic will increase, the increase can be accommodated without detriment to road safety. Refer to comments section below for further discussion.</p>	Not Uphold
3.	<p><u>Oversupply</u></p> <p>Given there are many liquor stores within a 10km radius of the subject site, there will be an oversupply of liquor outlets in the locality.</p>	Objection	<p>Market competition is not a relevant material planning consideration. Such matters are taken into consideration by the Department of Racing Gaming and Liquor at the Liquor Licence application stage.</p>	Not Uphold

P12/3348 - CHANGE OF USE TO LIQUOR STORE AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

4	<u>Parking</u> Insufficient car parking bays are provided.	Objection	The number of car parking bays provided complies with Council Policy.	Not Uphold
5	The community's concerns have been ignored by the SAT.	Objection	The community were represented at the previous SAT hearing and all of the relevant planning matters were addressed.	Not Uphold
6	<u>Competition</u> The Dan Murphy liquor store would give consumers more choice.	Support	The availability and/or existence of multiple liquor outlets is not a material planning consideration.	Not Uphold

STATUTORY AND LEGAL IMPLICATIONS

As outlined above, the current application is identical to that previously considered and approved by the SAT on 22 October 2010 with the exception of some changes to the development plans in order to satisfy some of the conditions of approval imposed by the SAT.

In view of this and as since the SAT decision, there has been no change to the planning framework that exists to guide planning decision making, it is concluded that there is no reason to deviate from the decision reached by the SAT at the time of their previous consideration. There have been no amendments to CPS5 or Council Policies as they affect the site, and no significant changes have occurred within the immediate surrounding area such that a departure from the SAT's previous position would be warranted.

As such, should Council resolve to refuse the application, contrary to the stated views of the SAT, it is likely that the matter will once again revert to the SAT, at which time unless there are clear and overriding circumstances to support a decision contrary to the SAT's previous conclusion, the Applicant may seek to obtain the costs incurred by them in defending the matter at the SAT once again.

A similar matter has previously been considered by the SAT in *Tran and Town of Vincent* (WASAT 123) in 2009, where the Town of Vincent refused an application for planning approval which was identical to an application previously approved by the SAT in 2006. In this case, the SAT upheld the Applicant's appeal and conditionally approved the application. The SAT also awarded costs against the Town of Vincent.

P12/3348 - CHANGE OF USE TO LIQUOR STORE AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

As noted, should Council resolve to refuse to grant planning approval for the development, the Applicant will have a right of appeal to the SAT. If this matter does progress to the SAT, and in view of the officer recommendation that the application be approved, the City will be required to engage the services of Planning Consultants to defend its decision and represent its interests at any appeal to the SAT. The possibility of costs being awarded against the City cannot be discounted. It is not possible to quantify the potential costs at this stage.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no anticipated strategic, risks or environmental management implications associated with this proposal.

POLICY IMPLICATIONS

The application has been assessed against relevant Council policies. It is concluded that in land use planning terms, the proposed use can operate from the subject site without prejudice to these policy provisions.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could refuse to grant consent, however, as outlined above, this course of action is not recommended as it would be inconsistent with SAT's previous determination. As outlined above, a refusal may result in an appeal being lodged with the SAT, at which an application for costs could be sought by the applicant.

COMMENTS

As outlined above, the current application is identical to that previously considered and approved by the SAT on 22 October 2010, with the exception of some changes to the development plans in order to satisfy some of the conditions of approval imposed by the SAT.

Full details of the SAT's previous consideration of this matter are appended as an attachment to this report. This includes the following summary:

P12/3348 - CHANGE OF USE TO LIQUOR STORE AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

“The two issues that fell to be determined in the matter were:

- 1) *Amenity; and*
- 2) *Orderly and proper planning.*

In respect of amenity, the City of Melville raised concerns that undesirable behaviour in the area might get worse if the development was allowed. However, the Tribunal found that there was no evidence to support such a contention.

In respect of orderly and proper planning, the City of Melville suggested that a different use may be more appropriate, and that the size of the proposed use was too big. The Tribunal, however, was not satisfied that there were good planning reasons to refuse the application and the application for review was allowed, subject to conditions.”

The details of the application have been assessed against the relevant provisions of CPS5 and Council's policy framework. There have been no relevant amendments to this assessment framework since the date of SAT decision in October 2010. In addition, no significant changes have occurred within the surrounding area such that an alternative decision to that reached by the SAT would be warranted. As such, the development is recommended for conditional planning approval.

The intent of the conditions imposed by the SAT previously have been replicated within the Officer recommendation, however some of the conditions which have been addressed by amendments to the plans and others which covered matters which are dealt with by other legislation have not been included.

CONCLUSION

The proposal currently being considered is identical to that previously considered by the SAT in 2010. As no fundamental changes to the assessment framework or site context have occurred since this date, the planning application is recommended for approval.

The City is aware that the previous SAT decision in respect of an identical planning application for the change of use of the premises to a liquor store concluded that adverse amenity impacts caused by the proliferation and sale of alcohol were not material to the planning decision reached at that time. On that basis, concerns regarding the proliferation and sale of alcohol from the premises are not treated as material planning considerations in respect of the current planning application.

The City is accordingly constrained to recommend approval to the Council, and suggests that part of the resolution of Council may be to direct the CEO, in the event that this approval results in an application to the Department of Racing Gaming and Liquor for a Liquor Licence linked to the premises, to make representations to the Department highlighting the Council's concerns regarding the adverse impacts that the granting of a Liquor Licence, and the resultant sale of alcohol, in the manner and on the scale proposed by the applicant, would have on the community.

P12/3348 - CHANGE OF USE TO LIQUOR STORE AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3348)

APPROVAL

At 7.12pm Cr Taylor-Rees moved, seconded Cr Macphail -

That the Council:

A) Approve the application for a Change of Use to Liquor Store and Additions and Alterations to the Existing Building on Lot 210 (378) Canning Highway, Bicton subject to the following conditions:

- 1 Prior to the initial occupation of the building, and in order that cross movement of vehicles within the northern car parking area is avoided, concrete kerbing is to be installed through the main parking area between the parking bays along the north/south orientation as marked with an 'ARROW' on the approved Site Plan. This requirement is to be met to the satisfaction of the Manager Planning and Development Services.**
- 2 Prior to the commencement of the development, amended plans are to be submitted detailing the following:**
 - (a) The improved delineation of the loading area including an upgrade to the Murray Road streetscape, and the provision of safety and visual amenity improvements.**
 - (b) A new crossover off Murray Road for delivery vehicles entering the loading/service area. This must be of sufficient width to accommodate the swept path of a delivery vehicle approaching the loading/service area from the north.**
- 3. The amended plans shall be approved in writing to the satisfaction of the Manager Planning and Development Services and the development constructed in accordance with those approved plans.**
- 4. Prior to the initial occupation of the development, 132 parking bays, (included three disabled bays in accordance with Australian Standard AS2890.6) manoeuvring areas, driveway/s and points of ingress and egress shall be laid out and provided in accordance with the approved plans to the satisfaction of the Manager Planning and Development Services. The bay/s shall thereafter be retained and maintained in perpetuity.**

P12/3348 - CHANGE OF USE TO LIQUOR STORE AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

5 Prior to commencement of the development, a detailed landscaping and reticulation plan for the subject site shall be submitted to and approved in writing by the Manager Planning and Development Services. The landscaping plan is to include details of (but not limited to):

- (a)** The location of existing trees which are to be retained;
- (b)** The provision of three additional trees to those shown on the approved Site Plan within the car park area;
- (c)** Planting around the perimeter of the car park on Fifth Street and Murray Road.

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

6 Prior to the initial occupation of the development, external lighting is to be designed, installed and maintained to the satisfaction of the Manager Planning and Development Services as follows:

- (a)** Lighting to all pedestrian paths and crossing within the site in accordance with AS1158 'Lighting for Roads and Public Spaces'.
- (b)** Lighting to all car parking areas within the site, and the exterior entrance to all buildings in accordance with AS1158.3.1 (Cat P); and
- (c)** All external lighting is to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences in accordance with AS4282 Control of Obtrusive Effects of Outdoor Lighting.

7 All external building plant, including air conditioner units are not to exceed the maximum height of 13.5m from natural ground level and shall be appropriately screened to the satisfaction of the Manager Planning and Development Services.

8 All new security alarm devices are to be 'silent monitored' systems to the satisfaction of the Manager Planning and Development Services.

9 Bin store areas are not to be accessed before 7am or after 9pm and are to be screened from public view to the satisfaction of the Manager Planning and Development Services.

10 No service delivery vehicles are to visit the site outside the hours of 7am to 7pm Monday to Saturday, and 9am to 7pm Sunday.

11 All stormwater generated on site is to be retained on site.

P12/3348 - CHANGE OF USE TO LIQUOR STORE AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

- 12 Prior to the initial occupation of the development, the proposed new crossovers to Fifth Street and Murray Road are to be kerbed, sealed, line marked and appropriate signage installed, to the satisfaction of the Manager Planning and Development Services. All work to comply with Australian Standard 1742.
 - 13 Prior to the initial occupation of the development, the developer is to extend the existing footpath on the western side of Murray Road (from the North Western corner of the intersection of Murray Road and Kanimbla Street) by 10 metres to allow pedestrians to cross Murray Road north of the proposed crossover, without conflict from turning vehicles. These works are to be undertaken to the satisfaction of the Manager Planning and Development Services.
 - 14 Prior to the initial occupation of the development, the footpath on Murray Road (Eastern side) is to be reinstated at the point where the existing crossover is removed to the satisfaction of the Manager Planning and Development Services.
 - 15 Prior to the initial occupation of the development, a Waste Management Strategy shall be submitted to and approved in writing by the Manager Planning and Development Services. This Strategy must detail how waste generated by the use is to be stored, managed and collected. The recommendations outlined within the Waste Management Strategy shall be implemented in accordance with the requirements of the Waste Management Strategy.16 the façade of the building and walls are to be treated with non-sacrificial anti-graffiti agent.
 - 16 All unused crossovers are to be removed and the kerbing and verge reinstated at the applicant/owner's full expense prior to initial occupation of the building to the satisfaction of the Manager Planning and Development Services.
- B) Instruct the Chief Executive Officer, in the event that this approval results in an application to the Department of Racing Gaming and Liquor for a Liquor Licence linked to the premises, to make representations to the Department highlighting the Council's concerns regarding the adverse impacts that the granting of a Liquor Licence, and the resultant sale of alcohol, in the manner and on the scale proposed by the applicant, would have on the community.
- C) To advise the parties who made a submission on the application and the lead petitioners in writing of A) above

ADVICE NOTES

- 1 A separate application for planning approval and signs licence is required for all signage.

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

CARRIED (7/3)

P12/3348 - CHANGE OF USE TO LIQUOR STORE AND ADDITIONS AND ALTERATIONS TO THE EXISTING BUILDING ON LOT 210 (378) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

Cr Barton requested that the votes be recorded –

For: Mayor R Aubrey, Cr Foxton, Cr Macphail, Cr Robartson, Cr Reidy, Cr Reynolds, Cr Willis.

Against: Cr Barton, Cr Hill, Cr Taylor-Rees.

Cr Nicholson did not vote due to her Disclosure of Interest.

At 7.49pm Cr Pazolli returned to the meeting.

P12/3349 - RETROSPECTIVE APPROVAL TO INCREASE THE HEIGHT OF AN APPROVED BOUNDARY WALL AT LOT 801 (13) MOREING ROAD, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

Ward : Bicton - Attadale
 Category : Operational
 Application Number : DA-2011-850A
 Property : Lot 801 (No.13) Moreing Road, Attadale
 Proposal : Retrospective approval to increase the height of an approved boundary wall
 Applicant : Brian Burke Homes
 Owner : Mr S Panton and Ms R Panton
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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

**P12/3349 - RETROSPECTIVE APPROVAL TO INCREASE THE HEIGHT OF AN APPROVED BOUNDARY WALL AT LOT 801 (13) MOREING ROAD, ATTADALE (REC)
(CONFIDENTIAL ATTACHMENT)**

KEY ISSUES / SUMMARY

- Retrospective planning approval is sought to increase the height of an approved boundary wall at 13 Moreing Road, Attadale.
- The proposal represents a variation to the acceptable development provisions of the Residential Design Codes (R-Codes) in relation to boundary setbacks.
- One objection was received relating to the potential reduction in sunlight into the unroofed area on the northern side of the objectors property.
- The application was referred to the Development Advisory Unit (DAU) of 25 September, as a result of which a call up request from the third party objector was received.
- The proposed development has been assessed against, and is deemed to satisfy, the relevant Performance Criteria of the R-Codes.
- The proposed development is recommended for conditional approval.



P12/3349 - RETROSPECTIVE APPROVAL TO INCREASE THE HEIGHT OF AN APPROVED BOUNDARY WALL AT LOT 801 (13) MOREING ROAD, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R-Code	:	R12.5
Use Classes	:	Residential
Use Permissibility	:	'P' - Permitted

Site Details

Lot Area	:	947sqm
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer to photo above

[3349 13 Moreing Road Elevation Roof Site Plans](#)

Development approval was granted for the construction of a two storey dwelling with undercroft at 13 Moreing Road, Attadale on 25 August 2011 subject to conditions.

The approved design included a 5.8m length of boundary wall located along the southern boundary with a maximum height of 3.518m. The maximum height of this boundary wall was designed to be consistent with the height of the existing boundary fence located between 13 and 15A Moreing Road.

Retrospective planning approval is now sought to increase the height of the boundary wall by 0.7m to a maximum height of 4.2m. The additional 0.7m boundary wall height is to be set back from the boundary by approximately 0.2m.

The application was considered by the Development Advisory Unit (DAU) on 25 September 2012. The DAU recommended approval of the application subject to conditions. The persons who made a submission on the application requested the application be called-up for the consideration of Council, on the basis that the potential impacts upon their amenity had not been adequately addressed by the DAU report. This call up request was accepted by the Chief Executive Officer.

DETAIL

The proposal is considered to satisfy all of the requirements of Community Planning Scheme No. 5 (CPS5), the Residential Design Codes (R-Codes) and Council policy with the exception of the setback of the boundary wall.

P12/3349 - RETROSPECTIVE APPROVAL TO INCREASE THE HEIGHT OF AN APPROVED BOUNDARY WALL AT LOT 801 (13) MOREING ROAD, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

Setbacks

Wall	Required	Proposed	Comments	Delegation to Approve	Plan Notation
Side (South)	1m	Nil	Does not comply	MPDS	

PUBLIC CONSULTATION / COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Variation to R-Codes
 Support/Object: One objection received

Submission	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	The increased height of the boundary wall will reduce sunlight and ventilation into the rear outdoor living area.	Objection	The proposed additional height will exceed the height of the existing 1.6m high dividing fence by 0.7m. This additional height now proposed will not result in further overshadowing above and beyond that which will occur as a result of the main two storey portion of the proposed dwelling. Whilst the increase to the boundary wall height may prejudice access to ventilation from the north, there will remain access to ventilation from the east, west, and south, in accordance with R Code requirements.	Not Uphold

P12/3349 - RETROSPECTIVE APPROVAL TO INCREASE THE HEIGHT OF AN APPROVED BOUNDARY WALL AT LOT 801 (13) MOREING ROAD, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no anticipated financial implications resulting from this application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no anticipated strategic, risk or environmental management implications as a result of this proposal.

POLICY IMPLICATIONS

The subject application has been assessed against, and is considered to comply with, the provisions of Council Policy CP-067 Amenity.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council may refuse the application, however this course of action is not recommended as the proposal is considered to satisfy the requirements of CPS5, the R-Codes and Council Policy.

COMMENT

As outlined above, the proposal satisfies all of the relevant requirements contained within CPS5, the R-Codes and Council policy with the exception of the Acceptable Development requirements of the R-Codes relating to boundary walls.

The R-Codes do not prescribe Acceptable Development criteria for boundary walls within the R12.5 zone. As such, all applications for boundary walls within this zone require assessment against the Performance Criteria. This assessment was effectively undertaken prior to the initial grant of planning approval under delegated authority in August 2011, at which time the proposed boundary wall was accepted on its merits.

The issue for the current application is not whether the boundary wall can be accepted in principle, but rather, whether the additional height now proposed is considered acceptable and in accordance with the relevant performance criteria of the R-Codes.

**P12/3349 - RETROSPECTIVE APPROVAL TO INCREASE THE HEIGHT OF AN APPROVED BOUNDARY WALL AT LOT 801 (13) MOREING ROAD, ATTADALE (REC)
(CONFIDENTIAL ATTACHMENT)**

The Performance Criteria of Clause 6.3.2 of the R Codes acknowledge that buildings can be built up to boundaries, in order to make effective use of space, enhance privacy, or otherwise enhance the amenity of the development whilst not having any significant adverse effect on the amenity of the adjoining property and ensuring that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

The additional height now proposed to the boundary wall has no bearing on the extent to which the wall makes effective use of the available space on the subject site, neither will it impact adversely on levels of privacy for occupiers of the adjoining dwelling as there are no window or door openings proposed to be incorporated within the wall.

With respect to access to sunlight, the main two storey portion of the dwelling is setback 1.5m from the common boundary, and as such will cast a greater shadow than the additional height boundary wall.

Whilst the wall itself will be seen against the backdrop of the proposed two storey dwelling, it is noted that the additional wall height now proposed will be set back from the common boundary by 0.2m. This will provide additional architectural articulation to the wall.

On that basis, the additional wall height is supported in principle in planning terms.

Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined by Clause 7.8 of CPS5 and Council Policy CP-067: Amenity. It is considered that the details of the proposal are acceptable in this context notwithstanding the variations sought.

CONCLUSION

It is considered that the proposed development, subject to the imposition of appropriate conditions satisfies the provisions and requirements of CPS5, the R-Codes and Council Policy. Accordingly, it is recommended that the proposal be approved subject to conditions.

**P12/3349 - RETROSPECTIVE APPROVAL TO INCREASE THE HEIGHT OF AN APPROVED BOUNDARY WALL AT LOT 801 (13) MOREING ROAD, ATTADALE (REC)
(CONFIDENTIAL ATTACHMENT)**

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3349)

APPROVAL

At 7.50pm Cr Barton moved, seconded Cr Robartson -

That the Council

- A) Approve the proposed development on Lot 801 (13) Moreing Road, Attadale subject to the following condition:**
- 1. The external face of the parapet wall is to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute, the wall is to be finished to the satisfaction of the Manager Planning and Development Services.**
- B) Advise the parties who submitted objections in respect of the proposal in writing of A) above.**

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

CARRIED (7/5)

P12/3350 - CHANGE OF USE FROM SHOP TO USE NOT LISTED (SMALL BAR) AND ALTERATIONS TO THE EXISTING SHOPFRONT ON LOT 1 (901A) CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2012-698
 Property : Lot 1 (901A) Canning Highway, Applecross
 Proposal : Change of use from 'Shop' to 'Use Not Listed' (Small Bar) and alterations to the existing shopfront
 Applicant : Glen O'Brien
 Owner : Twincreek Holdings Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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

P12/3350 - CHANGE OF USE FROM SHOP TO USE NOT LISTED (SMALL BAR) AND ALTERATIONS TO THE EXISTING SHOPFRONT ON LOT 1 (901A) CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Approval is sought to change the use of an existing 'Shop' to 'Use Not Listed' (Small Bar) and undertake alterations to the existing shopfront at 901A Canning Highway, Applecross.
- A 'Use Not Listed' under the provisions of Community Planning Scheme No. 5 (CPS5) is a 'D' use within the District Centre Precinct, which means the use is not permitted unless the Council exercises discretion and grants approval.
- The application was advertised in accordance with CPS5. No submissions were received.
- The subject lot contains three separate tenancies; these presently contain a take away outlet, an accountant and the tenancy previously occupied by Bikini Girls. This application specifically relates to the tenancy previously occupied by Bikini Girls.
- Whilst the proposed land use is considered appropriate within the District Centre Precinct, it does result in an on-site car parking shortfall.
- It is considered that the car parking shortfall can be accepted in this case due to the accessibility of public parking and parking stations in the immediate locality, the availability of high frequency public transport choices including buses which are readily accessible from Canning Highway, and trains, equally accessible given the proximity of the application site to the Canning Bridge Train Station.
- The proposal is recommended for conditional support, which in view of the variation sought to the City's car parking requirements, requires an Absolute Majority decision of Council.



P12/3350 - CHANGE OF USE FROM SHOP TO USE NOT LISTED (SMALL BAR) AND ALTERATIONS TO THE EXISTING SHOPFRONT ON LOT 1 (901A) CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban and Primary Regional Roads Reservation
CPS 5 Zoning	:	District Centre
R-Code	:	R60
Use Type	:	Use Not Listed (Small Bar)
Use Class	:	D use – use not permitted unless Council exercises discretion and grants approval

Site Details

Lot Area	:	463sqm
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer photo above

[3350 901 Canning Highway Change of Use to Small Wine Bar Site Elevation Plans](#)

DETAIL

The proposal is considered to satisfy all of the relevant provisions contained within CPS5 and Council policy with the exception of the number of car parking bays.

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Car parking	<i>Small Bar</i> 13.75 (14) bays <i>Existing Office</i> 2 bays <i>Existing Take Away Outlet</i> 7 bays <i>Total</i> 23 bays	4 bays	Does not comply	MPDS	

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	Yes
Neighbour's Comment Supplied:	No comments received
Reason:	'Use Not Listed' in CPS5
Support/Object:	No submissions received

P12/3350 - CHANGE OF USE FROM SHOP TO USE NOT LISTED (SMALL BAR) AND ALTERATIONS TO THE EXISTING SHOPFRONT ON LOT 1 (901A) CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Required: Yes
Reason: Abuts Category 3 'Primary Regional Roads' Reservation
Support/Object: Conditional support

Agency	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold / Not Uphold)
Main Roads WA	The Department has no objection to the change of use and minor building modifications.	Support	Noted. Advice notes included in recommendation.	Condition

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications for Council to consider as part of this application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The subject site is within the locality known as the Canning Bridge Precinct. This Precinct is designated a District Centre Activity Centre under the WA Planning Commission strategic document Directions 2031 and Beyond. The City has been working in partnership with the City of South Perth and the WA Planning Commission since 2008 to prepare the Canning Bridge Precinct Vision (CBPV).

The Canning Bridge Precinct Vision seeks to provide a future plan for the Canning Bridge locality (which the subject site is located within), to revitalise the area. The vision states:

"The Canning Bridge precinct will evolve to become a unique, vibrant, creative community centred on the integrated transport node of the Canning Bridge rail station. The precinct will be recognised by its unique location, its integrated mix of office, retail, residential, recreational and cultural uses that create areas of excitement, the promotion of its local heritage and as a pedestrian friendly enclave that integrates with the regional transport networks while enhancing the natural attractions of the Swan and Canning Rivers."

P12/3350 - CHANGE OF USE FROM SHOP TO USE NOT LISTED (SMALL BAR) AND ALTERATIONS TO THE EXISTING SHOPFRONT ON LOT 1 (901A) CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)

In supporting the CBPV in October 2010 Council of the City of Melville resolved in part that:

In supporting the modified Vision for further testing and review, Council does not intend that the Vision have any status as policy or be taken as a guide to decision-making on development applications but rather as simply a stage in the process towards the preparation of an Activity Centre Structure Plan.”

The CBPV was publicly released by the Minister for Planning in June 2011. The City of Melville, the City of South Perth and the WA Planning Commission have since commenced preparation of an Activity Centre Structure Plan for the Canning Bridge Precinct in accordance with SPP 4.2 – Activity Centres Policy. The effect of the City’s resolution of October 2010 is that any development applications for development within the CBP project area must be assessed under the City’s Community Planning Scheme 5 without placing reliance on the Canning Bridge Precinct Vision.

POLICY IMPLICATIONSPolicy CP-079 – Car Parking (Non-Residential)

This policy exists to control the provision of non-residential car parking throughout the City of Melville and is of relevance in the consideration of this proposal.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Approval of this proposal requires an Absolute Majority decision of the Council. Council may refuse to grant planning consent for the proposed development, in which case the applicant may exercise their appeal rights to the SAT.

COMMENTS

Approval is sought for a change of use from ‘Shop’ to ‘Use Not Listed’ (Small Bar) and alterations to the existing shopfront at 901A Canning Highway, Applecross.

The subject tenancy is one of three tenancies within an existing commercial building. The subject tenancy was previously occupied by Bikini Girls but this business has ceased operating. The remaining two tenancies are occupied by an accountant and a pizza take away outlet.

The bar is proposed to operate from 12pm to 12am, each day and a maximum of 47 patrons and two staff are proposed.

P12/3350 - CHANGE OF USE FROM SHOP TO USE NOT LISTED (SMALL BAR) AND ALTERATIONS TO THE EXISTING SHOPFRONT ON LOT 1 (901A) CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)Land Use

The subject site is located within the 'District Centre' Precinct. Under the provisions of CPS5, a Small Bar is a 'Use Not Listed' which is classed as a 'D' use within the District Centre Precinct. A 'D' use means the use is not permitted unless Council exercises discretion and grants approval.

A Small Bar at this location is considered to be consistent with the intent of the 'District Centre' Precinct which is outlined as follows:

"Primarily retail shopping, tourist facilities, motel/hotel, offices, and licensed premises, with residential use encouraged. Access to the car parking areas on Lots 1, 2 and 3 Canning Highway and Lot 6 Sleat Road over Lot 5 Sleat Road, shall be maintained at all times. The Council may prepare urban design guidelines for the precinct."

It is noted that the subject site is surrounded by established commercial land uses including a number of licenced restaurants (i.e. Thai Corner, Clancy's Fish Pub, and Beethoven German European Cuisine).

Car Parking

Four on-site car parking bays are provided to the rear of the existing building for the three existing tenancies.

Under the provisions of Council Policy CP-079: Car Parking (Non-Residential), 14 on-site car parking bays are required for the proposed Small Bar use, in addition to the nine car parking bays (two for the Office and seven for the Take Away Outlet) required under the Policy for the two existing tenancies.

From the above assessment, it is clear that the subject site is currently operating with a significant shortfall in on-site car parking. Whilst the proposed change of use does not improve the existing parking situation in that the existing car parking shortfall is increased, it is pertinent to consider the proposal with respect to its 'District Centre' location, proximity to services and the nature of the business. Notwithstanding the shortfall, the variation is supported for the following reasons:

- The subject site is located within the District Centre Precinct which contains a number of uses which are complementary to the proposed Small Bar use.
- Within 200m of the subject site, there are a significant number of time restricted, high turnover car parking bays located within the road reserve on Sleat Road, Ogilvie Road, Kishorn Road and Moreau Mews, and a City of Melville paid parking station in Moreau Mews which are all available to the public. This car parking is well used, particularly during the daytime trading period.

P12/3350 - CHANGE OF USE FROM SHOP TO USE NOT LISTED (SMALL BAR) AND ALTERATIONS TO THE EXISTING SHOPFRONT ON LOT 1 (901A) CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)

- The range of land uses within the District Centre Precinct, with their varying characteristics and peak time trading periods mean that patrons of the centre can effectively share the public car parking bays that exist within the area, at differing times throughout the day. For example, the peak hours of operation for a Small Bar and other licensed premises is likely to be between 5pm and 9pm, or later, at which time the majority of Office and Retail uses are closed for trading. In this way, the paid and non paid car parking provision within the locality can be used by shoppers during the morning trading period, and by those seeking eating and drinking options later on, and without compromise.
- The subject site is located within 35m of a high frequency bus stop and approximately 800m of the Canning Bridge train station. This portion of Canning Highway is one of the most serviced locations in Perth with regard to regular access to public transport.
- A lack of onsite car parking will encourage patrons of the premises to frequent it using public transport (i.e. bus, taxi, train), walk or have a designated driver (thus reducing parking demand) given the alcohol focus of the business. With an emphasis on minimising the incidence of 'drink driving' on a National level, the availability of limited parking on-site may encourage local residents and other patrons to utilise other modes of transport than private vehicle.

Council's Non Residential Car Parking Policy does include provisions to require cash in lieu, where car parking requirements cannot be met on site in accordance with the prescribed standards of the Policy. In practice however, these cash in lieu provisions have not been used, mainly because there is no clear strategy to govern the acquisition or spending of cash received in this way.

This situation will be potentially addressed in the short term via the development of a Car Parking Strategy, an initiative that is at the development stage at the present time, with consultants appointed to consider the issues and report to the Council in due course. In the meantime, where a development is proposed that results in a shortfall of on site car parking bays, the application is treated on its merits. For the reasons stated it is considered, that the car parking shortfall that will result from the subject development, can be accepted.

Alterations

It is proposed to undertake a number of minor alterations to the external fabric of the building to facilitate its change of use from shop to small bar. These include:

- A replacement bi-fold window opening and a new entry door, to the front elevation,
- The removal of glass block openings to the south side elevation,
- The modification to an existing glass block opening on the north side elevation.

These modifications are minor in nature, and serve to enhance the appearance of the building, particularly the front elevation with its enhanced fenestration through the addition of bi-fold windows that have the ability to open the interior up to the street.

P12/3350 - CHANGE OF USE FROM SHOP TO USE NOT LISTED (SMALL BAR) AND ALTERATIONS TO THE EXISTING SHOPFRONT ON LOT 1 (901A) CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)

Amenity

The proposed development has been assessed in accordance with the amenity provisions of Clause 7.8 of CPS5 and those of Council Policy CP-067 'Amenity'. It is considered that the proposed change of use will not detract from amenity levels, and the proposed development is supported on that basis.

CONCLUSION

It is recommended that planning approval for the change of use of the premises to a Use Not Listed (Small Bar) be granted.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3350)

ABSOLUTE MAJORITY

At 8.18pm Cr Macphail moved, seconded Cr Willis -

That the Council approve by absolute majority, the application for change of use from 'Shop' to 'Use Not Listed' (Small Bar) and alterations to the existing shopfront at Lot 1 (901A) Canning Highway, Applecross subject to the following conditions:

CONDITIONS:

- 1. No more than 47 patrons to occupy the premises at any one time.**
- 2. No service delivery vehicles to visit the premises except between the hours of 7.00am and 7.00pm daily.**
- 3. The hours of operation of the Small Bar are limited to 12pm to 12am daily.**
- 4. A rubbish storage area is to be provided and screened from public view to the satisfaction of Manager Planning and Development Services prior to initial occupation.**

ADVICE NOTES

- 1. A separate application for Planning Approval and a Signs Licence is required for all signage.**
- 2. All noise from the premises must comply with the assigned levels of the *Environmental Protection (Noise) Regulations 1997*.**

P12/3350 - CHANGE OF USE FROM SHOP TO USE NOT LISTED (SMALL BAR) AND ALTERATIONS TO THE EXISTING SHOPFRONT ON LOT 1 (901A) CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)

- 3. This property is affected by land reserved in the Metropolitan Regions Scheme as shown on the enclosed extract of Main Roads drawing 1.11927/1 and will be required for road widening purposes at some time in the future. This section of Canning Highway is under further review by the Department of Planning and Main Roads Western Australia. A copy of the preliminary design shows that there may be some slight reduction in the land requirement. However, this further review is not finalised at this stage.**

- 4. The project for the upgrading/widening of Canning Highway is not in Main Roads Western Australia's current four year forward estimated construction program and all projects not listed are considered long term. Be aware that timing information is subject to change and that Main Roads Western Australia assumes no liability whatsoever for the information provided.**

At 8.18pm Cr Nicholson left the meeting and returned at 8.20pm.

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

CARRIED BY ABSOLUTE MAJORITY (12/0)

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

P12/3352 - ADOPTION OF PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS POLICY FOR ADVERTISING (REC) (ATTACHMENT

Ward : All
 Category : Policy
 Application Number : Not applicable
 Subject Index : Policy and Policy Development
 Customer Index : City of Melville
 Proposal : Adoption of Provision of Public Art in Development Proposals policy for advertising
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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

P12/3352 - ADOPTION OF PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS POLICY FOR ADVERTISING (REC) (ATTACHMENT**KEY ISSUES / SUMMARY**

- The City previously imposed a requirement on development approvals for the provision of public art under Council Policy 25-PL-002: Arts and Culture policy. However, as this policy was not adopted under the provisions of Community Planning Scheme No. 5 (CPS5), the State Administrative Tribunal (SAT) deemed that the imposition of this requirement was unlawful.
- It is now proposed to adopt a new Percent for Art policy for advertising in accordance with Clause 9.6 of CPS5.
- The proposed policy requires that developers provide public art as part of multiple dwelling, mixed use or non-residential development (or alterations, additions or extensions to these developments). The public art is to have a value of no less than 1% of the cost of the development.

BACKGROUND

Council Policy 25-PL-002: Arts and Culture was moved to an Operational Policy OP-010 by Council in December 2009. This policy requires that 1% of the construction value of developments be allocated to the provision of public art.

Pursuant to this policy, the City previously required the provision of public art as part of the development approval process. However, this practice was brought into question by the SAT during the course of an appeal, as the Arts and Culture policy was not adopted in accordance with the requirements of Clause 9.6 of CPS5. Since this finding, the City has been unable to require the provision of public art, unless the Applicant has provided their approval.

Scheme Provisions

Not applicable.

Site Details

Not applicable.

DETAIL

It is proposed to adopt the draft Percent for Art policy for advertising pursuant to Clause 9.6 of CPS5.

[3352 Provision of Public Art in Development Proposals Policy](#)

P12/3352 - ADOPTION OF PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS POLICY FOR ADVERTISING (REC) (ATTACHMENT**PUBLIC CONSULTATION/COMMUNICATION**

Public consultation is required for all planning policies which are non-operational in nature in accordance with Clause 9.6 of CPS5. Should Council resolve to adopt the draft Public Art in Development Proposals policy, it will be advertised via a notice in a newspaper circulating within the District and on the City's website.

The four Neighbourhood Plans suggest the community values the sense of vibrancy which public art contributes to neighbourhood environments. The City's Cultural Vitality Plan, which was developed with community input, also supports public art as a means to enhancing places and neighbourhoods.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The advertising, and later the final adoption, of the proposed Public Art in Development Proposals policy pursuant to Clause 9.6 of CPS5 will enable the City to require public art as part of the development approval process.

FINANCIAL IMPLICATIONS

Where a developer elects and Council agrees, the public art contribution can be paid as cash-in-lieu into the City of Melville Capital Arts Budget.

Where cash-in-lieu is provided, these funds are to be expended by the City on public art located within the district

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The main implication of the draft policy is that the City will be able to require the provision of public art as part of the development approval process.

P12/3352 - ADOPTION OF PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS POLICY FOR ADVERTISING (REC) (ATTACHMENT**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council could elect not to adopt the proposed policy for public consultation. The implication of this action is that the City will not be able to impose a requirement to provide public art (or cash-in-lieu of public art) without the agreement of the developer.

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

Not adopting the proposed policy also fails to recognise community interest captured through Neighbourhood Plans and the Cultural Vitality Plan.

COMMENT

There are many benefits of integrating art into the public realm. Public art can contribute to the sense of place and unique identity of a locality through a reflection of the local environmental, cultural and historical values and can also act as a landmark. Public art is a critical way to enhance place making strategies.

The City of Melville has a Capital Arts Budget which allows for the procurement of art to be installed within the public realm. However, the provision of public art by the City could be supplemented by developers incorporating art into their developments or providing additional funds to the City to add to the existing budget for public art within public spaces.

The draft policy requires that developers provide public art as part of multiple dwelling, mixed use or non-residential development proposal (or alterations, additions or extensions to these developments). The public art must be valued at a minimum of 1% of the construction cost of the development.

As an alternative, developers can elect to provide cash-in-lieu. These funds would be paid into the City's Capital Arts Budget and would be spent by the City on art located within the district.

A number of criteria are provided within the draft policy against which Council officers can assess proposals for public art installations. These specify that the artwork is required to be original, of high quality, low maintenance, is not to detract from the safety of an area and is to be responsive to the site context.

CONCLUSION

Overall, it is considered that the provision of public art will add to the vibrancy and amenity of the City of Melville, enable the creation of important landmarks and contribute to the sense of place of the area. It is therefore recommended that Council resolve to adopt the Public Art in Development Proposals policy for advertising pursuant to Clause 9.6 of CPS5.

P12/3352 - ADOPTION OF PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS POLICY FOR ADVERTISING (REC) (ATTACHMENT**OFFICER RECOMMENDATION (3352)****ADOPTION**

At 8.21pm Cr Robartson moved, seconded Cr Reidy -

That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the draft Provision of Public Art in Development Proposals Policy 3352 Provision of Public Art in Development Proposals Policy for public consultation via notice in a local newspaper for a period of 21 days.

Amendment

At 8.25pm Cr Nicholson moved, seconded Cr Pazolli -

That points (j) and (l) be added to the Policy as follows -

- (j) That the public art be functional where appropriate*
- (l) Be resistant as possible to vandalism.*

At 8.30pm the Mayor submitted the amendment, which was declared

CARRIED (11/1)

His Worship the Mayor requested that his name be recorded as voting against the amendment.

COUNCIL RESOLUTION (3352)**ADOPTION**

At 8.31pm the Mayor submitted the substantive motion as amended -

That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the draft Provision of Public Art in Development Proposals Policy 3352 Provision of Public Art in Development Proposals Policy for public consultation via notice in a local newspaper for a period of 21 days subject to the following amendments -

That points (j) and (l) be added to the Policy as follows

- (j) That the public art be functional where appropriate*
- (l) Be resistant as possible to vandalism.*

At 8.31pm the Mayor declared the motion

CARRIED (12/0)

P12/3354 – DEDICATION OF PRIVATE ROAD (HOPGOOD STREET, MELVILLE) AND PRIVATE RIGHT-OF-WAY IN FRONT OF 6 AND 6A HOPGOOD STREET, MELVILLE AS PUBLIC ROAD (REC) ATTACHMENT)

Ward : Palmyra/Melville/Willagee
 Category : Operational
 Application Number : Not applicable
 Property : ROW 100 on Plan 6148 and ROW 66 on DIA 22927
 Proposal : Dedication of private road (Hopgood Street, Melville) and private right-of-way in front of 6 and 6A Hopgood Street, Melville, as a public road
 Applicant : City of Melville
 Owner : None living
 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 reviews decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

P12/3354 – DEDICATION OF PRIVATE ROAD (HOPGOOD STREET, MELVILLE) AND PRIVATE RIGHT-OF-WAY IN FRONT OF 6 AND 6A HOPGOOD STREET, MELVILLE AS PUBLIC ROAD (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Two anomalies regarding the status of land comprising Hopgood Street in Melville have come to the attention of the City.
- Hopgood Street is not a public street but a private right-of-way (ROW). Due to an historical subdivision anomaly the owners of 6 & 6A Hopgood Street are not legally entitled to access Hopgood Street. Questions of road use by the public, liability and road management also ought to be resolved.
- A small, obsolete, privately-owned right-of-way (ROW 66) exists in front of 6 & 6A Hopgood Street. There are questions of land use by the public, liability and land management regarding this parcel of land also.
- Notwithstanding the above, the City of Melville has been managing Hopgood Street/ROW 66 for some decades as though they were already combined in a normal Gazetted road.
- It is recommended that the Council initiate action to have Hopgood Street and the small, private ROW dedicated and Gazetted as a public road so that the City may continue with their management.



P12/3354 – DEDICATION OF PRIVATE ROAD (HOPGOOD STREET, MELVILLE) AND PRIVATE RIGHT-OF-WAY IN FRONT OF 6 AND 6A HOPGOOD STREET, MELVILLE AS PUBLIC ROAD (REC) (ATTACHMENT)

BACKGROUND

Landgate has requested that the City initiate action to dedicate an obsolete, privately-owned ROW in Hopgood Street, Melville (ROW 66, shown on the plan above) as part of the public road reserve.

The existence of ROW 66 is an historical anomaly which came to the attention of Landgate during an audit of the Conversion of Strata Plan 6169 (6 and 6A Hopgood Street) to a Survey-Strata Scheme, when it was noted that an implied access easement under section 167A of the *Transfer of Land Act 1893* applied to a small, private ROW in front of the two properties.

The implied easement means that the owners of 6 and 6A Hopgood Street do not have absolute rights to access their own properties over the privately-owned ROW 66, which appears prima facie to be the verge and part of Hopgood Street. Whilst the original owner of ROW 66 has passed away and few practical problems are likely to occur under the implied easement arrangement, it is considered far simpler to correct the anomaly and ensure the private ROW has the status of a normally Gazetted road.

While investigating the issue, the City of Melville has determined that Hopgood Street itself is not in fact a Gazetted road, but a private road or ROW officially designated ROW 100. Notwithstanding its status as a private ROW, the City has maintained Hopgood Street for decades (probably since its creation).

It is recommended that the anomaly be corrected by the dedication of Hopgood Street as a public road. Gazettal of the road is especially important as, even without the access obstacle of ROW 66, the properties at 6 & 6A Hopgood Street were subdivided in such a way that neither property is legally entitled to use of the road at present.

Scheme Provisions

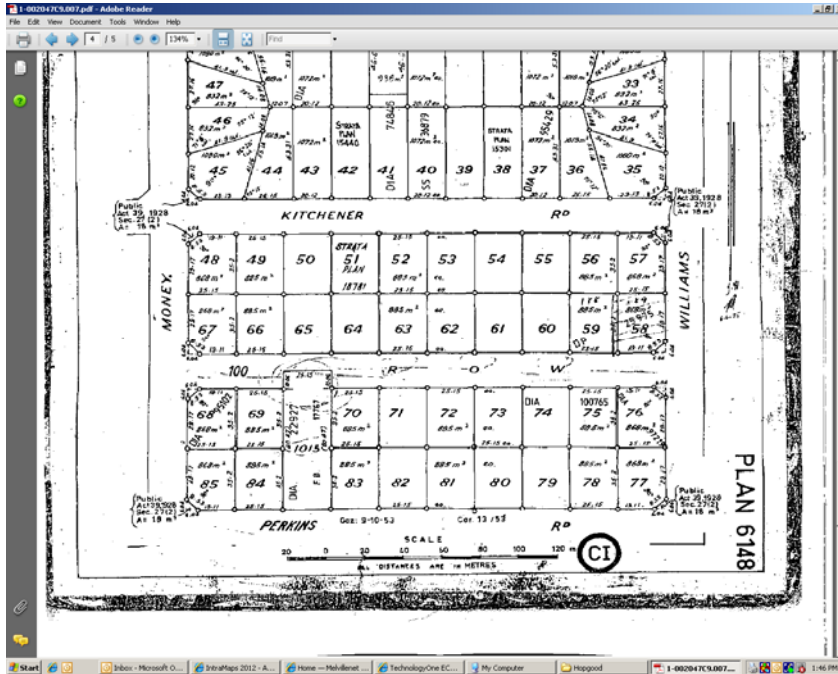
MRS Zoning	:	Urban
CPS 5 Zoning	:	Not applicable
R-Code	:	Not applicable
Use Type	:	Not applicable
Use Class	:	Not applicable

Site Details

Lot Area	:	ROW 100: 4,882m ² ROW 66: 253m ²
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Not applicable

[3354 6 Hopgood Street Melville Landgate Letter and Site Diagrams](#)

P12/3354 – DEDICATION OF PRIVATE ROAD (HOPGOOD STREET, MELVILLE) AND PRIVATE RIGHT-OF-WAY IN FRONT OF 6 AND 6A HOPGOOD STREET, MELVILLE AS PUBLIC ROAD (REC) (ATTACHMENT)

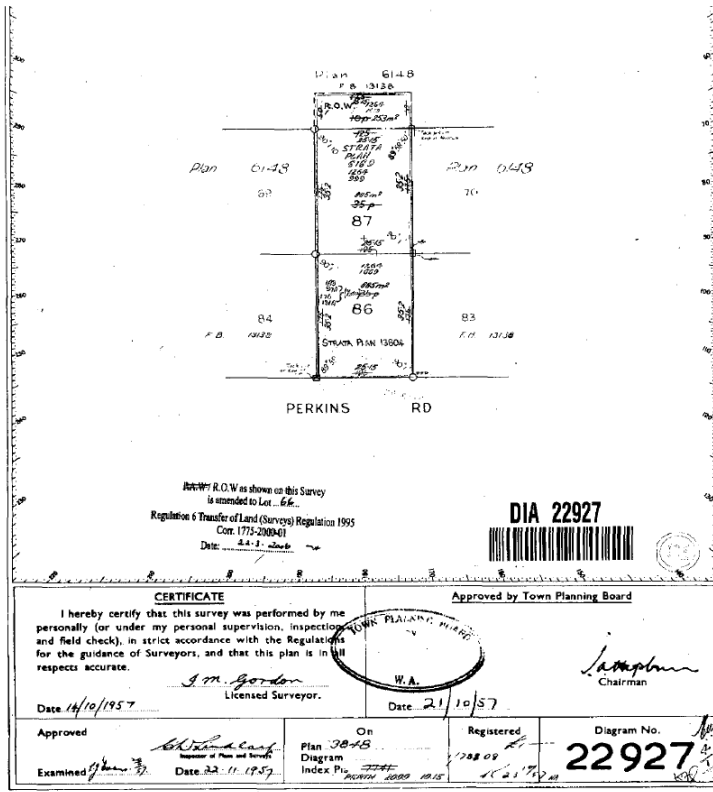


All the Lots created on Plan 6148 which abut ROW 100 have a right to access it by virtue of section 167A of the *Transfer of Land Act 1893*. Landgate has advised that since Lot 1015 was not created as part of Plan 6148, the lot owners have no right of access to ROW 100.

This lack of legal access to ROW 100 would not have originally presented any obvious problems because Lot 1015 had full access across its southern boundary from Perkins Road.

P12/3354 – DEDICATION OF PRIVATE ROAD (HOPGOOD STREET, MELVILLE) AND PRIVATE RIGHT-OF-WAY IN FRONT OF 6 AND 6A HOPGOOD STREET, MELVILLE AS PUBLIC ROAD (REC) (ATTACHMENT)

It wasn't until 1957, when Lot 1015 was subdivided into Lots 86, 87 and ROW 66 on Diagram 22927 that the lack of legal access from newly created Lot 87 to Hopgood Street (still known as ROW 100) became fixed.



Present Scenario

Duplexes were constructed on Lot 87 in the late 1970s. In 2010 the dual-dwelling situation was more formally recognised by Survey-Strata Plan 6169, which created survey-strata Lots 1 and 2 on Lot 87. Both these lots have inherited the lack of legal access to Hopgood Street, and are only able to enter ROW 66 by virtue of an implied easement.

It is noted that while ROW 100 on Plan 6148 is labelled "Hopgood Street," the whole street is actually still a privately owned ROW.

ROW 66

Landgate and the Commonwealth Electoral Commission confirm that the small, private ROW (ROW 66) above Lot 87 was/is owned by a party who has long passed away. Research suggests that there are no heirs and successors of the owner, and that claims to the land are therefore unlikely. The lot can never be developed in any event.

It is clear on the Strata Plan and Certificates of Title for 6 and 6A Hopgood Street that there is no connection between them and the title of ROW 66. This means the owners of 6 and 6A Hopgood Street have no claim to the land either.

P12/3354 – DEDICATION OF PRIVATE ROAD (HOPGOOD STREET, MELVILLE) AND PRIVATE RIGHT-OF-WAY IN FRONT OF 6 AND 6A HOPGOOD STREET, MELVILLE AS PUBLIC ROAD (REC) (ATTACHMENT)

It is therefore in the interests of the owners of 6 and 6A Hopgood Street to have ROW 66 and Hopgood Street dedicated as public road.

Private Road (ROW 100 or Hopgood Street)

It is not clear who owns ROW 100, but Landgate suggests that similar parcels of land are normally owned by the companies that originally owned and subdivided the surrounding areas. These companies are usually defunct. At any rate the land can never be developed.

Although it is likely that the City of Melville has been responsible for the maintenance of ROW 100 since its creation, the City has been formally committed to the maintenance of Hopgood Street since at least 1987 when the name was submitted to Landgate for recording.

Under section 56 of the *Land Administration Act 1997*, the City is able to request the Minister to dedicate the land ie Hopgood Street, as a road. Section 56(1) states –

“s. 56 Dedication of roads

- (1) *If in the district of a local government -*
(c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.”

As Hopgood Street and ROW 66 clearly meet the above definition, it is considered appropriate to commence action and request dedication.

The City must make the request in accordance with regulation 8 of the *Land Administration Regulations 1998* and section 56 of the *Land Administration Act 1997*. This report will ensure that officers are able to comply with the above Act and Regulations.

P12/3354 – DEDICATION OF PRIVATE ROAD (HOPGOOD STREET, MELVILLE) AND PRIVATE RIGHT-OF-WAY IN FRONT OF 6 AND 6A HOPGOOD STREET, MELVILLE AS PUBLIC ROAD (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

The dedication is a process that is being initiated at the behest of Landgate to formalise the City's care, control and management of the road reserve area. Dedication would not negatively impact on the adjoining lots as it in effect enshrines the City's ability to carry out maintenance works, street sweeping and so on just as it would on any other public road. Dedication would also allow the City to manage the road and verge areas with local laws including parking controls. The *Land Administration Act 1997* sets out the dedication process undertaken by the Minister which includes consultation and communication with residents and property owners.

The owners of properties abutting Hopgood Street were contacted by letter from the City and invited to make comment on the dedication. No written comment regarding the dedication was received.

The owners of 6 and 6A Hopgood Street were also contacted by letter from the City and invited to make comment. The letter received by these owners gave more detail about the beneficial legal implications of the dedication. No written comment was received.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

City officers have liaised with Landgate on this matter. The dedication is being undertaken at Landgate's behest.

STATUTORY AND LEGAL IMPLICATIONS

The dedication of a private ROW and a private road to a public road is dealt with by Section 56 of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*.

FINANCIAL IMPLICATIONS

Section 56 of the *Land Administration Act 1997* states that the City is required to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request. There are no additional direct financial implications relating to the dedication of Hopgood Street as a road under the care, control and management of the City, as the City is already maintaining Hopgood Street as a public road.

P12/3354 – DEDICATION OF PRIVATE ROAD (HOPGOOD STREET, MELVILLE) AND PRIVATE RIGHT-OF-WAY IN FRONT OF 6 AND 6A HOPGOOD STREET, MELVILLE AS PUBLIC ROAD (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no anticipated strategic, risks or environmental management implications associated with the dedication, which would only formalise the City's current management of Hopgood Street.

The proposal does not contemplate physical changes of any kind to Hopgood Street and the environmental impacts of the dedication are therefore likely to be low.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Residents of Hopgood Street elect not to support dedication	Minor consequences which are unlikely, resulting in a Low level of risk.	Upfront consultation with all affected property owners, especially owners of 6 and 6A Hopgood Street.
Minister elects not to support dedication	Minor consequences which are unlikely, resulting in a Low level of risk.	Continued liaison with Landgate.

POLICY IMPLICATIONS

Dedication would allow Council Policy and Local Laws relating to public road reserve areas to be applicable to Hopgood Street.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

If Hopgood Street were to remain a private ROW, then Lot 87 (6 and 6A) Hopgood Street would not have legal access to any road.

Administrative issues would arise if Local Laws and Council Policy matters could not be applied to Hopgood Street, and road maintenance and road reserve management needs were not addressed.

The non-dedication of Hopgood Street would also raise questions in relation to the general public using the road, as well as maintenance and liability issues.

CONCLUSION

The dedication of ROW 66 and ROW 100 as a public road will resolve two anomalies that have the potential to raise road use, management and liability issues. Dedication would also grant the owners of 6 & 6A Hopgood Street full access to a road.

It is recommended that Council resolve to request the Minister for Lands to dedicate the private right-of-way immediately abutting 6 and 6A Hopgood Street, Melville, and the private road, Hopgood Street, Melville, as a public road.

P12/3354 – DEDICATION OF PRIVATE ROAD (HOPGOOD STREET, MELVILLE) AND PRIVATE RIGHT-OF-WAY IN FRONT OF 6 AND 6A HOPGOOD STREET, MELVILLE AS PUBLIC ROAD (REC) (ATTACHMENT)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3554)

APPROVAL

That the Council request the Minister for Lands to initiate action to dedicate -

- 1. The Right-of-Way created on Diagram 22927, being the private Right-of-Way immediately abutting 6 and 6A Hopgood Street, and**
- 2. The Right-of-Way created on Plan 6148, being the private road, Hopgood Street, Melville,**

as a public road in accordance with Section 56 of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*.

At 8.32pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

T12/3346 – PETITION LIGHTING IN RIC VOSPER PARK REDDINGTON WAY AND THE PUBLIC ACCESS WAY BETWEEN REDDINGTON WAY AND BATEMAN ROAD, BRENTWOOD (REC) (ATTACHMENT)

Ward : City
 Category : Operational
 Subject Index : Petition Ric Vosper Reddington Way Brentwood
 Customer Index : Ms Doris Horko
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Petitions 12.2 Ordinary Council Meeting 17 April 2012
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Jeff Bird
 Manager Parks and Environment

AUTHORITY / DISCRETION

DEFINITION

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

T12/3346 – PETITION LIGHTING IN RIC VOSPER PARK REDDINGTON WAY AND THE PUBLIC ACCESS WAY BETWEEN REDDINGTON WAY AND BATEMAN ROAD, BRENTWOOD (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- A petition was presented to Council on 17 April 2012 to conduct an investigation for additional lighting at Ric Vosper Reserve (Reserve No. 25303) and the public access way between Reddington Way and Bateman Road, Brentwood.
- The purpose of this report is to provide information on the viability of the installation of lighting at Ric Vosper Reserve and the public access way between Reddington Way and Bateman Road, Brentwood.
- Based on the information gathered during the reporting process it is recommended that no additional lighting be installed at this location.

BACKGROUND

A petition signed by 130 residents was received by the City of Melville on Wednesday, 28 March 2012.

At the Ordinary Meeting of Council held 17 April 2012, Council received the following:

“To the Mayor & Councillors of the City of Melville. We, the undersigned, all being Electors of the City of Melville, do humbly pray that-

The City of Melville provide adequate lighting in the communal park in Reddington Way, Brentwood and lighting in the laneway which links Reddington Way and Bateman Road.

We ask for this to provide safety and security to residents due to the increase in burglaries in the area, anti social activities in the park and laneway at night and vandalism.

As residents, ratepayers and voters, we have the right to feel safe and secure in our homes during both the day and night and request the City of Melville to provide us with appropriate lighting.

At 6.48pm Cr Nicholson moved, seconded Cr Reidy -

That the petition bearing 130 signatures be received and acknowledged in writing to the lead petitioner with the advice that further investigation into the viability of lighting in this area is required and a report will be presented to a future meeting of Council.

At 6.48pm the Mayor submitted the motion, which was declared

CARRIED (13/0)”

T12/3346 – PETITION LIGHTING IN RIC VOSPER PARK REDDINGTON WAY AND THE PUBLIC ACCESS WAY BETWEEN REDDINGTON WAY AND BATEMAN ROAD, BRENTWOOD (REC) (ATTACHMENT)**DETAIL**

Ric Vosper Reserve is a 1.32 hectare passive reserve bordered by Madden Way, Rivett Way and Reddington Way, Brentwood. The reserve contains a playground, half court basketball, colourbond fenced sump, footpaths and park furniture. The public access way between Reddington Way and Bateman Road is paved and approximately 95m in length.

Currently there are no lights within Ric Vosper Reserve, however there are street lights on Madden Way, Rivett Way and Reddington Way which provide light spill into the reserve. The public access way has street lighting at each end of the path. A map of Ric Vosper Reserve and public access way forms part of the attachments to this item with existing light locations highlighted in red.

[3346 Ric Vosper Reserve Street Lighting & Pedestrian Pathway](#)

The City has conducted a number of minor improvements in Ric Vosper Reserve over the past 12 months including landscaping, sump fence works, footpaths, drink fountain and park furniture replacement. In addition the City will be installing new bollards and additional trees. These works have been funded through the Parks Operational 2012/2013 financial year budget.

As outlined in the petition, there is resident concern in regard to safety and security in the area. A search of the City's customer request system (Pathway) indicated that from 1 January 2010 to date there have been 33 customer requests regarding Ric Vosper Reserve. There have been no reported customer service requests regarding the public access way between Reddington Way and Bateman Road.

The below is a breakdown of Ric Vosper Reserve requests:

- Park Maintenance -19
- Dog related enquiries - 6
- Waste/Bins - 4
- Sump Maintenance - 2
- Antisocial activity - 1
- Hot spot patrol request - 1

The "Hot Spot Patrol Request" was lodged on 29 October 2010 which was a request from adjacent residents to increase the patrols in the area in order to move youths on from the reserve. The "Antisocial Activity" request on 1 May 2012 was in relation to school aged children throwing stones around the sump area and resulted in a nearby resident's house window being broken.

In addition City staff have reported minor vandalism occurring to the panels of the colourbond sump fence at Ric Vosper Reserve. This occurred between June 2011 and March 2012. The fence has been repaired and in September 2012 the City installed steel fencing on one side of the fence to assist in reducing vandalism.

The City also contacted the Police who have advised that on Madden Way, Rivett Way and Reddington Way there have been five reported burglaries so far this calendar year. Of the five burglaries, three occurred during night-time hours. There has been no requests for police to attend any incident in the park itself or the public access way.

T12/3346 – PETITION LIGHTING IN RIC VOSPER PARK REDDINGTON WAY AND THE PUBLIC ACCESS WAY BETWEEN REDDINGTON WAY AND BATEMAN ROAD, BRENTWOOD (REC) (ATTACHMENT)

The chart below represents data received from the Police on the number of reported burglaries over the past two years in Brentwood and surrounding suburbs.

Suburb	2010	2011
Brentwood	40	43
Bateman	33	51
Bull Creek	51	97
Mt Pleasant	80	101

Although there have been five burglaries this calendar year along Madden Way, Rivett Way and Reddington Way, the past two years data indicates that Brentwood has had a slight increase in incidents when compared to surrounding suburbs.

In general, the City provides lighting in larger active parks to support the playing of sports and does on occasion provide passive lighting in smaller parks. The justification as to why some smaller parks have passive lighting would have been based on their own merits at the time.

The City has 322 public access ways and of those 77 are illuminated. Lighting is provided within those access ways where there is no street light at the end of a public access way or where there is a change in direction and the whole length of the access way cannot be seen. In this location the public access way is short and straight and light spill is provided by the street lights.

PUBLIC CONSULTATION/COMMUNICATION

There has been no formal communication or public consultation regarding this issue.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

There has been no consultation with other agencies.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications in relation to this report.

FINANCIAL IMPLICATIONS

A quote was obtained from the City's Electrical Contractor to light the footpath and playground in Ric Vosper Reserve and upgrade the street lights at either end of the public access way. The breakdown of these costs is as follows;

T12/3346 – PETITION LIGHTING IN RIC VOSPER PARK REDDINGTON WAY AND THE PUBLIC ACCESS WAY BETWEEN REDDINGTON WAY AND BATEMAN ROAD, BRENTWOOD (REC) (ATTACHMENT)

	Cost
Supply and installation of 7 x 30 watt LED lights including light poles	\$27,000
Supply and install stronger streetlight globes to illuminate the public access way if agreed to by Western Power	\$2,000
Total capital expenditure	\$29,000

In addition to the initial capital outlay it is estimated that ongoing annual costs would include:

	Cost
Electrical consumption	\$5,000
Repair and maintenance	\$2,000
Total annual operating cost	\$7,000

Currently the City's operational and capital programs have no funding allocated to fund these works.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
The decision to not upgrade lighting is made, which may result in community discontent.	Moderate customer complaints resulting in a MEDIUM risk.	Inform lead petitioner of the decision to not progress lighting upgrades.
Installation of lighting may increase light spill into residential properties resulting in complaints to the City.	Moderate customer complaints resulting in a MEDIUM risk.	Consult with residents prior to upgrading lighting.
The City's Environmental Improvement Plan aims to reduce carbon emissions and energy use; the installation of new lighting will increase carbon emissions and therefore must be considered carefully against the need for additional lighting in reserves. There is a risk that increasing lighting will impact on the City's ability to comply with corporate goals to decrease carbon emissions.	Additional lighting will increase emissions resulting in a MEDIUM risk.	Installation of energy efficient globes in lighting.

POLICY IMPLICATIONS

There are no policy implications in relation to this report.

T12/3346 – PETITION LIGHTING IN RIC VOSPER PARK REDDINGTON WAY AND THE PUBLIC ACCESS WAY BETWEEN REDDINGTON WAY AND BATEMAN ROAD, BRENTWOOD (REC) (ATTACHMENT)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The Council could resolve to install lighting at Ric Vosper Reserve and the public access way this financial year with funding provided by accessing funds from the 2012/2013 Parks & Environment operational budget and adjust accordingly as part of the mid year budget review. There is the option to seek funding for a lighting upgrade in the next financial year either through the operational budget or capital works budget process.

Officers could discuss with Western Power the possibility of increasing the luminescence of the two street lights.

CONCLUSION

Ric Vosper Reserve is a passive park with limited infrastructure intended to be utilised in the daylight hours, however pedestrian traffic does occur through the night due to the proximity of the Bull Creek Transit station. There are a number of street lights in the surrounding streets that provide some light spill into the Reserve increasing the visibility for those accessing the park at night.

Data from the City's customer service system indicates a very low number of antisocial incidents and requests for additional security patrols since 1 January 2010 being reported at either the Reserve or public access way.

Feedback from the police indicated that five burglaries occurred this calendar year in the streets surrounding the Reserve, however it must be noted two of those occurred in daylight hours which indicates that criminals are opportunistic regardless if an area is well lit or not. It is difficult to determine that if lighting was present in the park that the three night-time incidents would have deterred criminals from conducting the burglaries.

The financial implication associated with installing lighting at this location is estimated to be \$29,000, an amount which has not been budgeted for in the current financial year.

For the above reasons it is not recommended that additional lighting in Ric Vosper Reserve and the public access way between Reddington Way and Bateman Road be installed.

T12/3346 – PETITION LIGHTING IN RIC VOSPER PARK REDDINGTON WAY AND THE PUBLIC ACCESS WAY BETWEEN REDDINGTON WAY AND BATEMAN ROAD, BRENTWOOD (REC) (ATTACHMENT)

At 8.32pm Cr Foxtan left the meeting and returned at 8.33pm.
At 8.32pm Cr Reynolds left the meeting and returned at 8.33pm.

OFFICER RECOMMENDATION (3346)**APPROVAL**

That the Council:

1. **Not provide additional lighting to Ric Vosper Reserve (Reserve No. 25303), Brentwood or the Public Access Way between Reddington Way and Bateman Road.**
2. **Instruct the Chief Executive Officer to advise the lead petitioner in writing of Point 1 above.**

Reject & Replace

At 8.33pm Cr Pazolli moved, seconded Cr Nicholson -

That the Officer Recommendation be rejected and replaced with -

1. *That the Council provide additional lighting to Ric Vosper Reserve (Reserve No. 25303), Brentwood or the Public Access Way between Reddington Way and Bateman Road in the form of two LED lighting structures appropriately located by the Officers.*
2. **Instruct the Chief Executive Officer to advise the lead petitioner in writing of Point 1 above.**

At 8.34pm Mr Prendergast left the meeting and returned at 8.36pm.

At 8.45pm Cr Robartson foreshadowed the following motion -

That should the Officer Recommendation and Cr Pazolli's Reject and Replace Motion be lost, the item be placed on the December 2012 Ordinary Council Meeting Agenda.

At 8.45pm Cr Reynolds moved a recommittal motion in accordance with Clause 11.1 (h) of the Standing Orders Local Law for the item to be referred to a later meeting of the Council.

COUNCIL RESOLUTION**APPROVAL**

At 8.45pm Cr Reynolds moved, seconded Cr Macphail -

That item T12/3346 – Petition Lighting In Ric Vosper Park Reddington Way and the Public Access Way Between Reddington Way and Bateman Road, Brentwood be recommitted to a future meeting of the Council.

At 8.47pm Mr Tieleman left the meeting and returned at 8.49pm.

At 8.51pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

**M12/5258 – ADOPTION OF THE CITY OF MELVILLE CORPORATE PLAN 2012–2016
(AMREC) (ATTACHMENT)**

At 8.52pm Ms K Johnson entered the meeting.

Ward	:	All
Category	:	Strategic
Subject Index	:	Strategic Planning
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	:	C11/5153 – Adoption of City of Melville Plan for the Future (15/2/2011)
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 reviews decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**M12/5258 – ADOPTION OF THE CITY OF MELVILLE CORPORATE PLAN 2012–2016
(AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The proposed Corporate Plan 2012 – 2016 is the long term Corporate Plan that activates the Strategic Community Plan 2012-2022: People, Places, Participation; and related Informing Plans such as Neighbourhood Plans; Directions from Seniors; and Directions from Young People.
- Council is required under the Local Government Act 1995 (the Act) to adopt by absolute majority decision the proposed Corporate Plan 2012 - 2016, which will replace the Plan for the Future 2011-2015.
- The Corporate Plan 2012 – 2016 contains the organisational vision, values, goals, strategies, actions and informing documents for the period 1 July 2012 to 30 June 2016

BACKGROUND

The Department of Local Government has implemented a Framework for Integrated Planning and Reporting, highlighting the role of a Strategic Community Plan, Corporate Plan and Annual Budget for a Local Government, along with Informing Strategies such as Finance, Workforce and Assets. Relevant legislation in the Local Government Act 1995 has been amended to reinforce the requirement of these documents, and the City of Melville already meets these requirements and has in place an existing Strategic Community Plan, Corporate Business Plan and Annual Budget.

The key statutory requirement of the Corporate Business Plan is to —

- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
- (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
- (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*

The Strategic Community Plan 2012-2022: People, Places, Participation was adopted by Council on 15 May 2012 and has resulted in a review of the Corporate Plan to ensure alignment of community aspirations and corporate actions.

**M12/5258 – ADOPTION OF THE CITY OF MELVILLE CORPORATE PLAN 2012–2016
(AMREC) (ATTACHMENT)****DETAIL**

In accordance with the Local Government (Administration) Regulations 1996, Section 19DA the City of Melville is required to prepare a corporate business plan for the future of its district. Further requirements detailed within that Section are outline below;

- *“A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- *A corporate business plan for a district is to —*
 - *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
 - *govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
 - *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- *A local government is to review the current corporate business plan for its district every year.*
- *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
- *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
 - **Absolute majority required.*
- *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.”*

The City of Melville has a current Corporate Plan for the Future 2011 – 2015 document. Following extensive dialogue with City of Melville residents and stakeholders in the review and development of the Strategic Community Plan 2012-2022: People, Places, Participation, it has been important to then review the Corporate Plan to ensure effective alignment.

The Corporate Plan review takes into account a broad range of consultation and Informing Plans such as the Cultural Vitality Plan, and various activity centre planning processes. It also reflects the additional recent feedback such as the resident and business perception survey results.

As part of the Corporate Plan Review process an extensive range of background documents were prepared and provided to Elected Members. Formal review sessions were held to discuss the goals, strategies, Informing Plans and actions to be identified for the next four years. Integration with Informing Plans such as Asset Management, Workforce and Long Term Financial Plans has been a key objective in the discussion and review.

**M12/5258 – ADOPTION OF THE CITY OF MELVILLE CORPORATE PLAN 2012–2016
(AMREC) (ATTACHMENT)**

On a strategic level, this Plan needs to be aligned with Integrated Planning Requirements and identify how the City incorporates strategic community medium and long-term views, visions and values into Council planning processes, including corporate planning, and addresses asset and financial management strategies, planning scheme development and priority infrastructure planning.

The purpose of the Corporate Plan is to clarify and communicate organisational priorities, which will guide operational business planning processes. The identified goals, strategies and actions are focussed on achieving the vision of 'working together to achieve community wellbeing for today and tomorrow'.

The Corporate Plan 2012 – 2016 [5258 Corporate Plan 2012 2016](#) has been structured to align with the key areas identified in the Strategic Community Plan and has five key goals:

- A City for People
- Economic Prosperity
- Environmental Responsibility
- Lead by Example
- Business Excellence

Aspects of the Corporate Plan 2012-2016 such as format, colour and layout will be finalised by professional proof readers and graphic designers once the content has been adopted by Council. Upon adoption, actions that require resourcing and budgeting will be detailed in the organisational annual business planning process. Reporting against the Corporate Plan 2012-2016 will occur annually through to stakeholders via the Annual Report.

PUBLIC CONSULTATION/COMMUNICATION

The Corporate Plan has been developed using, as background information, a range of consultation and communication activities with the public. This includes extensive dialogue with City of Melville residents and stakeholders in the review and development of the Strategic Community Plan 2012-2022: People, Places, Participation. The Corporate Plan review takes into account a broad range of consultation and Informing Plans such as the Cultural Vitality Plan, and various activity centre planning processes. It also reflects the additional recent feedback such as the resident and business perception survey results.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Consultation has occurred with the Department of Local Government to understand the Integrated Planning Framework and associated legislative requirements.

STATUTORY AND LEGAL IMPLICATIONS

The statutory requirements have been outlined in detail in this report.

**M12/5258 – ADOPTION OF THE CITY OF MELVILLE CORPORATE PLAN 2012–2016
(AMREC) (ATTACHMENT)**

FINANCIAL IMPLICATIONS

The development of the Corporate Plan 2012 – 2016 document is within operational budgets for 2012/2013. Financial implications of the Corporate Plan actions were discussed in the Corporate Plan review sessions with Elected Members in the context of potential impacts on the Long Term Financial Plan, and will be detailed further when the Long Term Financial Plan and annual budget processes are presented to Council.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
That the Corporate Plan does not comply with legislative requirements	Moderate consequences which are unlikely , resulting in a LOW level of risk	Utilisation of the Department of Local Government Integrated Planning and Reporting Framework during the review of the Plan for the Future

POLICY IMPLICATIONS

There is no Council Policy that relates to developing or revising the Corporate Plan.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Development of the Corporate Plan has been achieved through a number of structured workshops and information session with Elected Members and senior staff. The report in Attachment [5258 Corporate Plan 2012 2016](#) is the consensus outcome from the various sessions and it is not evident what possible changes could be proposed.

CONCLUSION

The Corporate Plan 2012-2016 outlines organisational goals, strategies and actions listed against five Key Result Areas. It has incorporated the consultation associated with the Strategic Community Plan review, and other mechanisms into its development. The Corporate Plan looks forward four years and must be reviewed annually. The Corporate Plan aligns with the City's Informing Plans, such as, Workforce Planning, Asset Management, Long Term Financial Plans and Service Area Business Plans and details the goals, strategies and actions to achieve the vision of 'working together to achieve community wellbeing for today and tomorrow'.

The integration of asset, service and financial plans means the City's resource capabilities are matched to our community's needs. This integrated approach to planning will help the City of Melville improve how it identifies and meets the requirements of the local community.

**M12/5258 – ADOPTION OF THE CITY OF MELVILLE CORPORATE PLAN 2012–2016
(AMREC) (ATTACHMENT)****OFFICER RECOMMENDATION (5258)****ABSOLUTE MAJORITY**

At 8.52pm Cr Macphail moved, seconded Cr Reidy -

That the Council adopts by absolute majority the revised Corporate Plan 2012-2016 as contained in attachment 5258 Corporate Plan 2012 2016.

Amendment 1

At 8.53pm Cr Willis moved, seconded Cr Hill -

That the attachment “5258 Corporate Plan 2012 2016” be deleted and replaced with “5258 The City of Melville Corporate Plan 2012 2016”

At 8.53pm the Mayor submitted the amendment, which was declared

CARRIED (12/0)**Amendment 2**

At 8.54pm Cr Pazolli moved, seconded Cr Nicholson -

That the Officer Recommendation be amended by the addition of the following to the end of the recommendation –

“ with the addition of the following Action to the Business Excellence Goal under the “Ensure Effective Strategy and Planning” strategy:

“Develop strategies to mitigate the financial risks resulting from the Council’s involvement in the SMRC including consideration of alternative waste management strategies that will reduce the cost of the waste management service to the City of Melville ratepayers”.

During debate on Amendment 2, Cr Robartson foreshadowed Amendment 3 -

Delete the words “including consideration of alternative waste management strategies that will reduce the cost of the waste management service to the City of Melville ratepayers”.

At 9.16pm the Mayor submitted Amendment 2, subject to Amendment 3 being considered, which was declared

CARRIED (9/3)

Cr Pazolli requested that the votes be recorded –

For: Cr Barton, Cr Foxton, Cr Hill, Cr Nicholson, Cr Pazolli, Cr Robartson, Cr Reidy, Cr Taylor-Rees, Cr Willis.

Against: Mayor R Aubrey, Cr Macphail, Cr Reynolds.

**M12/5258 – ADOPTION OF THE CITY OF MELVILLE CORPORATE PLAN 2012–2016
(AMREC) (ATTACHMENT)**Amendment 3

At 9.00pm Cr Robartson moved, seconded Cr Willis -

Delete the words “including consideration of alternative waste management strategies that will reduce the cost of the waste management service to the City of Melville ratepayers”.

At 9.16pm the Mayor submitted the amendment, which was declared

CARRIED (8/4)

Reasons for Amendment

Cr Pazolli provided the following reasons in support of the Amendment.

“Waste Management represents a significant component of the Council’s operational costs and over 36% of the average general rate level charged to Melville Ratepayers. In addition the SMRC have outstanding loans of about \$46 million at 30/6/12) of which the City of Melville acts as a guarantor for an estimated \$15.5 million (estimated at 30/6/12) This is one of the largest financial liabilities that attaches to the City of Melville.

Therefore, it is important that the City mitigates this significant risk by actively developing appropriate risk management strategies to manage this financial risk.

The proposed Corporate Plan as presented does not directly address this financial risk. In fact, the SMRC is only mentioned twice in the current document (once as an informing document to an environmental goal and once as an example of a strategic relationship).

This amendment aims to ensure that the City of Melville actively develops risk management strategies with respect to the SMRC and waste management processes as befits the large financial liability that the SMRC represents.”

COUNCIL RESOLUTION (5258)**ABSOLUTE MAJORITY**

At 9.22pm the Mayor submitted the substantive motion as amended -

That the Council adopts by absolute majority the revised Corporate Plan 2012-2016 as contained in attachment [5258 The City of Melville Corporate Plan 2012 2016](#), with the addition of the following Action to the Business Excellence Goal under the “Ensure Effective Strategy and Planning” strategy:

“Develop strategies to mitigate the financial risks resulting from the Council’s involvement in the SMRC”.

At 9.22pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (12/0)

At 9.22pm Ms Johnson returned to the public gallery.

C12/5256 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2013 (AMREC)

Ward : All
 Category : Operational
 Subject Index : Elections
 Customer Index : Western Australian Electoral Commission
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item C10/5141 Ordinary Meeting of Council held 16 November 2010 – City of Melville 2011 Local Government Elections
 Works Programme : Not Applicable
 Funding : Budgeted in 2013/2014
 Responsible Officer : Bruce Taylor
 Manager Information, Technology & Support

AUTHORITY / DISCRETION

DEFINITION

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

C12/5256 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2013 (AMREC)**KEY ISSUES / SUMMARY**

- The local government elections will be held on 19 October 2013 in accordance with the Local Government Act 1995.
- The Local Government Act 1995 requires that prior to formally requesting the Electoral Commissioner to conduct the City of Melville election, the Council must approve by absolute majority;
 - a) the Electoral Commissioner being responsible for the elections and;
 - b) the election being conducted as a postal election.
- This report recommends that the Western Australian Electoral Commissioner conduct the City of Melville 2013 election and for the election to be held as a postal election.

BACKGROUND

The last local government election was held on 15 October 2011 and was conducted by postal voting organised by the Western Australian Electoral Commission.

Prior to requesting the Electoral Commissioner to conduct the City of Melville elections in October 2013, there is a requirement under the Local Government Act 1995 to appoint the Electoral Commissioner and confirm the elections are to be conducted by the postal method.

DETAIL

The City of Melville has successfully undertaken eight postal elections (in 1997, 1999, 2001, 2003, 2005, 2007, 2009 and 2011), and has found postal elections to elicit greater voter response. The voter response in 2011 achieved 34.85% of enrolled persons compared to a State average of 30.96%.

PUBLIC CONSULTATION/COMMUNICATION

Not required

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City of Melville has received a written quotation from the Western Australian Electoral Commission (WAEC) to conduct the 2013 ordinary elections as postal elections.

STATUTORY AND LEGAL IMPLICATIONS

In accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner must agree to be responsible for the conduct of a postal election. Councils can request the Electoral Commission to conduct the election following the passing of two motions by absolute majority;

C12/5256 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2013 (AMREC)

1. Declare in accordance with section 4.20(4) of the Local Government Act 1995 that the Electoral Commissioner be responsible for the conduct of the 2013 ordinary elections with any other elections or polls which may also be required; and
2. Decide in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

According to the Local Government Act 1995 Section 4.20 (2),(3) and (4), the last day for agreement of the Electoral Commissioner to conduct a postal election is eighty days prior to the election (i.e. 30 July 2013).

FINANCIAL IMPLICATIONS

The Western Australian Electoral Commission (WAEC) has quoted \$185,000 including GST to conduct the City of Melville October 2013 elections. This is an estimate only, and has been based on the following assumptions;

- 67,000 electors
- Response rate of approximately 35%
- Six vacancies (six Ward Councillor elections) and
- Count to be conducted at the premises of the City of Melville.

The WAEC is required by the Local Government Act 1995 to conduct the local government elections on a full cost recovery basis, therefore the final cost may vary. The WAEC charge all materials at cost and a margin only on staff time.

There will also be additional costs incurred directly by the City of Melville (for salary costs, non statutory advertising and potential legal expenses). These additional costs have been provisionally estimated at \$16,000.

An allocation for these funds will need to be included in the 2013/14 budget submission.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The risk of an election being conducted by the Western Australian Electoral Commission and having significant problems is assessed to be low. The risk of an election conducted by the Chief Executive Officer as Returning Officer is increased by the two year cycle of elections that do not allow skill levels of many staff to be maintained to the same level as those of the Electoral Commission. The risk of reduced voter participation for an in-person election is acknowledged from previous results.

There are no Strategic and Environmental Implications.

Risk Statement	Level of Risk	Risk Mitigation Strategy
That a postal election conducted by WAEC being deemed invalid.	Minor consequences which are unlikely, resulting in a Low level of risk	Close liaison with WAEC to ensure all facilities and staffing provided by the City meet the WAEC requirements.

C12/5256 - CITY OF MELVILLE LOCAL GOVERNMENT ELECTIONS 2013 (AMREC)**POLICY IMPLICATIONS**

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There is an alternate option of the Chief Executive Officer conducting the election as Returning Officer. The election would be an in-person election (i.e. requiring votes to be cast in person). This may result in a lower cost but experience has indicated also lower voter participation. Should any issues arise in the election period, there is a potential for the future working relationship of the Chief Executive Officer and Elected Members to be affected.

CONCLUSION

The effectiveness and acceptance of a postal election by the community demonstrated by the ongoing greater elector participation supports a continuation of a postal election. It is recommended that the Western Australian Electoral Commissioner conduct the City of Melville 2013 election and for the election to be held as a postal election.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5256)**ABSOLUTE MAJORITY**

At 9.23pm Cr Macphail moved, seconded Cr Robartson -

That the Council:

- 1. By absolute majority decision and in accordance with Section 4.20(4) of the Local Government Act 1995, declare that the Western Australian Electoral Commissioner be responsible for the conduct of the 2013 Ordinary Elections together with any other elections or polls which may also be required.**
- 2. By absolute majority decision and in accordance with Section 4.61(2) of the Local Government Act 1995, declare that the method of conducting the election will be as a postal election.**

At 9.23pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

C12/5257 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Schedule of Meetings
 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 : C11/5211 – Council Meeting Cycle – December 2011 – Ordinary Meeting of Council
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Jeff Clark
 Governance & Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

C12/5257 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report summarises the monthly Ordinary Meetings of Council cycle to commence in February 2013.
- The report recommends adoption of the proposed meeting schedule.

BACKGROUND

The Council Meeting Cycle was reviewed in December 2011 and it was resolved to continue a monthly meeting cycle whereby the Agenda Briefing Forum would be scheduled for the first Tuesday of each month and the Ordinary Meeting of Council held on the third Tuesday of every month except in January when Council is in recess.

It was also resolved that the Ordinary Meeting of Council and the Council Agenda Briefing Forums would be rescheduled in October of each Local Government Election year. The rescheduling of the October meetings allows the meeting cycle to be completed prior to the commencement of the newly Elected Members. Due to the date of the election being 19 October there will be no need to change the meeting dates as the Agenda Briefing Forum and Council Meeting will occur before the election date.

The Ordinary Meeting of Council and the Council Agenda Briefing Forum are both open to the public with decision making by Council only taking place at the Ordinary Meeting of Council.

DETAIL

An attachment showing the proposed meeting cycle has been prepared to inform Elected Members [5257 Meeting Cycle Calendar](#) of the proposed meeting schedule.

The meeting dates for December 2013 have been brought forward to allow completion of the meeting cycle on the second Tuesday of December as is the practice in 2012.

PUBLIC CONSULTATION/COMMUNICATION

The City informs the public of the dates that meetings will be held through the media, press releases and notices at the Civic Centre, Libraries and website. When adopted, the meeting schedule for the 2013 year will be advertised in a local newspaper.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Whilst no direct consultation has taken place with other agencies the views of the Department of Local Government as expressed in the Local Government Operational Guideline Number 05 relating to Council Forums, Operations and Procedures has been taken into account in the preparation of this report

C12/5257 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

The Local Government Act 1995, Section 5.3 - Ordinary and Special Council Meetings provides that:-

*“(1) A Council is to hold ordinary meetings and may hold special meetings.
(2) Ordinary meetings are to be held not more than three months apart.”*

Council must formally resolve to provide its meeting schedule for the next 12 months and advertise the times and date for future meetings of the Council and the Ordinary Meeting of Council Agenda Briefing Forum. Should Council resolve to adopt the proposed meeting cycle, Section 5.25(1) (g) of the Local Government Act 1995 requires that local public notice of meetings is provided.

The Local Government (Administration) Regulations 1996 require at Regulation 12(2), that the Local Government give local public notice of any change to advertised meetings date, time or place.

FINANCIAL IMPLICATIONS

A provision for the cost of advertising is held in an operational budget cost centre.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Matters will be brought to the Council on 11 occasions and where required, a Special Meeting of Council will be held to resolve urgent matters or those matters that will absorb a full Council agenda. There are no risk or environmental management implications in this report.

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The current model provides for 11 scheduled meetings per annum with a provision to call Special Meetings of Council where a matter requires urgent attention.

There is an option to revert to a prior model which provided for 12 meetings of Council from February to December. A more frequent cycle of Ordinary Meeting of Council will have the effect of increasing the amount of decision making opportunities for Council, increase the timeliness of responses to customers awaiting Council decisions but additional staff resources would be required to service the increased frequency of meetings.

C12/5257 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)**CONCLUSION**

The current monthly Council meetings cycle was adopted with the intention of providing a stable meeting date for all Ordinary Meetings of Council and Ordinary Meetings of Council Agenda Briefing Forums. The current model has been successful in achieving the requirements of Council and it is recommended that it be maintained.

OFFICER RECOMMENDATION (5257)**APPROVAL**

At 9.24pm Cr Robartson moved, seconded Cr Reidy -

That the Council:

1. **Approve the Ordinary Meetings of Council to be held on the third Tuesday of each month commencing in February to November 2013 and on the second Tuesday of December 2013.**
2. **Approve the Ordinary Meeting of Council Agenda Briefing Forums to be held on the first Tuesday of each month from February to November 2013 and on 26 November 2013 and be chaired by the Mayor or his/her delegate.**
3. **Go into recess in January 2013 and neither the Ordinary Meeting of Council nor an Ordinary Meeting of Council Agenda Briefing Forum will be held.**
4. **Endorse that Elected Member Information Sessions occur as required on any Tuesday evenings that are not required for Ordinary Meetings of Council, Ordinary Meetings of Council Agenda Briefing Forums or meetings of Standing Committees.**
5. **Request the Chief Executive Officer to advertise the Schedule of Council Meetings in order to inform the community of the Council Meeting dates.**

Amendment

At 9.25pm Cr Taylor-Rees moved, seconded Cr Willis -

That the Agenda Briefing Forum programmed for Tuesday, 2 April 2013 be deferred to Tuesday, 9 April 2013 and the Elected Members Information Session scheduled for Tuesday, 9 April 2013 be brought forward to Tuesday, 2 April 2013.

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

CARRIED (12/0)

C12/5257 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)**COUNCIL RESOLUTION (5257)****APPROVAL**

At 9.27pm the Mayor submitted the substantive motion as amended

That the Council:

1. **Approve the Ordinary Meetings of Council to be held on the third Tuesday of each month commencing in February to November 2013 and on the second Tuesday of December 2013.**
2. **Approve the Ordinary Meeting of Council Agenda Briefing Forums to be held on the first Tuesday of each month from February to November 2013 and on 26 November 2013 and be chaired by the Mayor or his/her delegate.**
3. **Go into recess in January 2013 and neither the Ordinary Meeting of Council nor an Ordinary Meeting of Council Agenda Briefing Forum will be held.**
4. **Endorse that Elected Member Information Sessions occur as required on any Tuesday evenings that are not required for Ordinary Meetings of Council, Ordinary Meetings of Council Agenda Briefing Forums or meetings of Standing Committees.**
5. **Request the Chief Executive Officer to advertise the Schedule of Council Meetings in order to inform the community of the Council Meeting dates.**
6. ***That the Agenda Briefing Forum programmed for Tuesday, 2 April 2013 be deferred to Tuesday, 9 April 2013 and the Elected Members Information Session scheduled for Tuesday, 9 April 2013 be brought forward to Tuesday, 2 April 2013.***

At 9.28pm the Mayor declared the motion

CARRIED (12/0)

C12/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 18 September 2012 up to and including 19 October 2012 and recommends that the information be noted.

C12/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Party	Description	File Reference
647	Deed of licence	Deed of Licence between City of Melville and Melville Athletics Club Inc	2309740
649	Deed of licence	Deed of Licence between City of Melville and Guides WA Inc 1st Melville	2309902
664	Deed of Lease	Deed of Lease between City of Melville and the Scout Association of Australia – Bull Creek/Leeming group	2662561
707	City of Melville	Removal of Section 70A Notification	2772621
721	City of Melville	Loan Agreement – Mt Pleasant Bowling Club Inc	2815654
723	Deed of Lease	Deed of Lease between the City of Melville and Minister for Education – Attadale Pre Primary	2844340
724	Deed of Lease	Deed of Lease between the City of Melville and Minister for Education – Palmyra Pre Primary	2844533

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

C12/5000 – COMMON SEAL REGISTER (REC)**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members information.

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

That the action of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 18 September 2012 up to and including 19 October 2012, be noted.

At 9.29pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

C12/6000 - INVESTMENT STATEMENTS (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	:	Khris Yeoh – Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of September 2012 and recommends that the information detailed in the report be noted.
- The Reserve Bank of Australia (RBA) continues to cut the cash rate which is impacting on the City's investment earnings.
- Monthly valuations for Collateralised Debt Obligations (CDOs) shown for September 2012 are based on valuations obtained from CPG Research and Advisory as at 30 September 2012. When compared to the valuations used as at 30 June 2012 CDOs have increased in value by \$3,560,831.
- Two of the City's CDOs investments were sold in the September.

C12/6000 - INVESTMENT STATEMENTS (REC)
BACKGROUND

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

The investment of cash holdings is undertaken in accordance with 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 September 2012 are shown in the tables below.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2012						
SUMMARY BY FUND	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %	
MUNICIPAL RESERVE TRUST CRF	\$ 42,026,681 \$ 62,582,549 \$ 472,723 \$ 189,399	\$ 42,026,681 \$ 54,825,134 \$ 472,723 \$ 189,399	\$ 42,026,681 \$ 58,385,965 \$ 472,723 \$ 189,399	\$ - \$ 3,560,831 \$ - \$ -	0.00% 5.69% 0.00% 0.00%	
	\$ 105,271,353	\$ 97,513,938	\$ 101,074,768	\$ 3,560,831	3.38%	
SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %	
CDO BOND FRN FRTD TERM DEPOSIT 11AM UNITS (Local Govt Hse)	\$ 7,850,000 \$ 2,000,000 \$ 4,000,000 \$ 3,500,000 \$ 84,877,019 \$ 2,813,689 \$ 230,645	\$ 92,584 \$ 2,000,000 \$ 4,000,000 \$ 3,500,000 \$ 84,877,019 \$ 2,813,689 \$ 230,645	\$ 3,653,415 \$ 2,000,000 \$ 4,000,000 \$ 3,500,000 \$ 84,877,019 \$ 2,813,689 \$ 230,645	\$ 3,560,831 \$ - \$ - \$ - \$ - \$ - \$ -	45.36% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00%	
	\$ 105,271,353	\$ 97,513,938	\$ 101,074,768	\$ 3,560,831	3.38%	
SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %	
AA AA- A+ A A- BBB+ NR UNITS (Local Govt Hse)	\$ 4,000,000 \$ 68,190,708 \$ 7,600,000 \$ 8,100,000 \$ 7,300,000 \$ 2,000,000 \$ 7,850,000 \$ 230,645	\$ 4,000,000 \$ 68,190,708 \$ 7,600,000 \$ 8,100,000 \$ 7,300,000 \$ 2,000,000 \$ 92,584 \$ 230,645	\$ 4,000,000 \$ 68,190,708 \$ 7,600,000 \$ 8,100,000 \$ 7,300,000 \$ 2,000,000 \$ 3,653,415 \$ 230,645	\$ - \$ - \$ - \$ - \$ - \$ - \$ 3,560,831 \$ -	0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 45.36% 0.00%	
	\$ 105,271,353	\$ 97,513,938	\$ 101,074,768	\$ 3,560,831	3.38%	

C12/6000 - INVESTMENT STATEMENTS (REC)

The following statements detail the investments held by the City. Marketable investments are shown at their estimated market value.

CITY OF MELVILLE									
STATEMENT OF INVESTMENTS									
FOR THE PERIOD ENDING 30 SEPTEMBER 2012									
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Current Interest Rate %	S & P RATING	FACE VALUE \$	BOOK VALUE AT 30/6/2012 \$	CURRENT ESTIMATED MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/6/12 \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	3.50%	AA-	\$1,007,971	\$1,007,971	\$1,007,971	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	3.75%	AA-	\$1,800,000	\$1,800,000	\$1,800,000	\$0	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	4.10%	AA-	\$2,859	\$2,859	\$2,859	\$0	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	4.10%	AA-	\$2,859	\$2,859	\$2,859	\$0	On call
					\$2,813,689	\$2,813,689	\$2,813,689	\$0	
ANZ BANK (TERM)	Very Low	TERM	6.00%	AA-	\$2,400,000	\$2,400,000	\$2,400,000	\$0	23-Oct-12
BANKWEST (TERM)	Very Low	TERM	Various	AA-	\$13,677,019	\$13,677,019	\$13,677,019	\$0	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	5.00%	A-	\$7,300,000	\$7,300,000	\$7,300,000	\$0	5-Nov-12
COMMONWEALTH BANK (TERM)	Very Low	TERM	Various	AA-	\$8,000,000	\$8,000,000	\$8,000,000	\$0	Various
ING BANK (TERM)	Very Low	TERM	Various	A	\$6,600,000	\$6,600,000	\$6,600,000	\$0	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$10,800,000	\$10,800,000	\$10,800,000	\$0	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$16,000,000	\$16,000,000	\$16,000,000	\$0	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$7,600,000	\$7,600,000	\$7,600,000	\$0	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$12,500,000	\$12,500,000	\$12,500,000	\$0	Various
					\$84,877,019	\$84,877,019	\$84,877,019	\$0	
BANK OF QUEENSLAND (FLOAT RATE TD)	Very Low	FRTD	4.87%	BBB+	\$2,000,000	\$2,000,000	\$2,000,000	\$0	30-Sep-13
ING BANK (FLOAT RATE TD)	Very Low	FRTD	5.13%	A	\$1,500,000	\$1,500,000	\$1,500,000	\$0	10-Sep-13
					\$3,500,000	\$3,500,000	\$3,500,000	\$0	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	5.26%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
COMMONWEALTH BANK (FRN)	Very Low	FRN	4.76%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	2-Aug-16
NAB (FRN)	Very Low	FRN	4.55%	AA-	\$2,000,000	\$2,000,000	\$2,000,000	\$0	21-Jun-16
					\$6,000,000	\$6,000,000	\$6,000,000	\$0	
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	0.00%	NR	\$2,000,000	\$1	\$1,400,000	\$1,399,999	20-Sep-14
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	\$450,000	\$1	\$315,000	\$314,999	20-Sep-14
CORSAIR (CAYMAN) KAKADU	Very High	CDO	4.78%	NR	\$1,500,000	\$72,363	\$491,468	\$419,105	20-Mar-14
MANAGED ACES CLASS 1A PARKES	Very High	CDO	5.01%	NR	\$1,050,000	\$9,874	\$21,947	\$12,073	20-Jun-15
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	0.00%	NR	\$1,500,000	\$8,745	\$750,000	\$741,255	20-Sep-14
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	0.00%	NR	\$500,000	\$1,599	\$250,000	\$248,401	20-Jun-13
ZIRCON FINANCE MIAMI	Early Term.	CDO	0.00%	NR	\$850,000	\$1	\$425,000	\$424,999	20-Mar-17
					\$7,850,000	\$92,584	\$3,653,415	\$3,560,831	
UNITS IN LOCAL GOVT HOUSE	N/A	UNITS	N/A	N/A	\$230,645	\$230,645	\$230,645	\$0	N/A
TOTAL FUNDS INVESTED					\$105,271,353	\$97,513,938	\$101,074,768	\$3,560,831	

CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$4,000,000	\$4,000,000	4%	80%	
AA-	\$68,190,708	\$68,190,708	67%	80%	
A+	\$7,600,000	\$7,600,000	8%	50%	
A	\$8,100,000	\$8,100,000	8%	50%	
A-	\$7,300,000	\$7,300,000	7%	50%	
BBB+	\$2,000,000	\$2,000,000	2%	20%	
NR	\$7,850,000	\$3,653,415	4%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
TOTAL	105,271,353	101,074,768	100%		

C12/6000 - INVESTMENT STATEMENTS (REC)
DIVERSIFICATION RISK

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	2,400,000	2.37%	2.37%	20%	
BANKWEST (11AM)	11AM	AA-	1,007,971	1.00%		20%	
BANKWEST (TERM)	TERM	AA-	13,677,019	13.53%	14.53%	20%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	BBB+	2,000,000	1.98%	1.98%	10%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	7,300,000	7.22%	7.22%	15%	
COMMONWEALTH BANK (TERM)	TERM	AA-	8,000,000	7.91%		20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.98%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	2,000,000	1.98%	11.87%	20%	
ING BANK (TERM)	TERM	A	6,600,000	6.53%		15%	
ING BANK (FLOAT RATE TD)	FRTD	A	1,500,000	1.48%	8.01%	15%	
MACQUARIE BANK	ADI	A	-	0.00%	0.00%	15%	
NAB (FRN)	FRN	AA-	2,000,000	1.98%		20%	
NAB (TERM)	TERM	AA-	10,800,000	10.69%	12.66%	20%	
RABODIRECT (TERM)	TERM	AA	-	0.00%	0.00%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	16,000,000	15.83%	15.83%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	7,600,000	7.52%	7.52%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	2,859	0.00%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	2,859	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	1,800,000	1.78%		20%	
WESTPAC (TERM)	TERM	AA-	12,500,000	12.37%	14.15%	20%	
CDO - Various	CDO		3,653,415	3.61%	3.61%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	UNITS		230,645	0.23%	0.23%		
			101,074,768	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	42,268,759	100%	100%	
	42,268,759	100%		
RESERVE FUNDS				
< 1 year	48,982,549	84%	100%	
< 2 years	2,956,468	5%	80%	
< 3 years	21,947	0%	80%	
< 4 years	6,000,000	10%	40%	
< 5 years	425,000	1%	40%	
> 5 years	-	0%	20%	
	58,385,965	100%		

Due to the continuing volatility in credit markets worldwide the risks associated with the City's investment portfolio in CDOs remains elevated.

Monthly valuations for CDOs shown for September are based on valuations obtained from CPG Research and Advisory (CPG) as at 30 September 2012 who in turn have obtained them from the arranging banks. When compared to the valuations used as at 30 June 2012, valuations obtained from CPG as at 30 September 2012 show that CDOs have increased in value by \$3,560,831.

Former Lehman Brothers arranged CDOs have experienced an increase in trading level indications, as heightened investor expectations of a favourable ruling in the courts grows, which would result in an early termination and the City gaining access to the collateral representing the City's original investments which are held by the Trustees. It is noted that favourable rulings increase the prospects of a favourable negotiated outcome along the lines of the Mahogany CDOs. This is still under legal proceedings in the United States (US) and United Kingdom (UK) Courts and negotiations between the Lehman estate and the Belmont Group's lawyers. The City in conjunction with CPG will monitor and report on the developments. The values of Lehman Brothers arranged CDOs held as at 30 September 2012 were:

- Face Value	\$ 5,300,000
- Written Down (Book) Value (30 June 2012)	\$ 10,347
- Estimated Market Value (30 September 2012)	\$ 3,140,000

C12/6000 - INVESTMENT STATEMENTS (REC)

The Corsair Kakadu CDO continues to pay coupon payments based on the full face value whilst the MAS Parkes 1A CDO has suffered an erosion of credit support and therefore underlying principal and pays interest at a reduced rate depending on the extent of the principal loss experienced. The City has earned approximately \$5 million from CDO investments since 1 July 2007.

At its Ordinary Meeting held on Tuesday 18 September 2012 the Council decided to sell some of the CDO investments as opportunities to sell at realistic values were presented. The following two CDOs were sold in September 2012:

- Helium Capital Esperance with a written down value as at 30 June 2012 of \$333,970.53, sold for \$910,048.13, resulting in a realised book profit of \$576,077.60.
- Aphex Gelnelg with a written down value as at 30 June 2012 of \$118,113.13, sold for \$761,114.89, resulting in a realised book profit of \$643,001.76.

The remaining values of non Lehman Brothers arranged CDOs held as at 30 September 2012 were:

- Face Value	\$ 2,550,000
- Written Down (Book) Value (30 June 2012)	\$ 82,237
- Estimated Market Value (30 September 2012)	\$ 513,415

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

Credit Ratings and Credit Events

Twenty two credit events impacting the City's CDO investments have now been recorded to date. The Companies involved are ResCap, PMI Group, AMBAC Financial, Takefuji, AMBAC Assurance, AIFUL, Tribune, Thomson, Financial Guaranty Insurance Company (FGIC), XL Capital Assurance, Bank TuranAlem, Idearc, Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), Lehman Brothers, WaMu, Glitnir, Kaupthing, Landsbanki, Chemtura, Abitibi and CIT Group.

C12/6000 - INVESTMENT STATEMENTS (REC)

Council's Remaining CDO Investments

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
Corsair Cayman Kakadu Arranger: J.P. Morgan Australia \$1.5 million Maturing 20/3/14	12 credit events: ResCap, AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, Kaupting, CIT Group, Anglo Irish Bank & PMI Group	-0.1	1.8	Partial loss 10.6% (\$0.159 million) of principal has occurred. Very high likelihood of total default.
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.

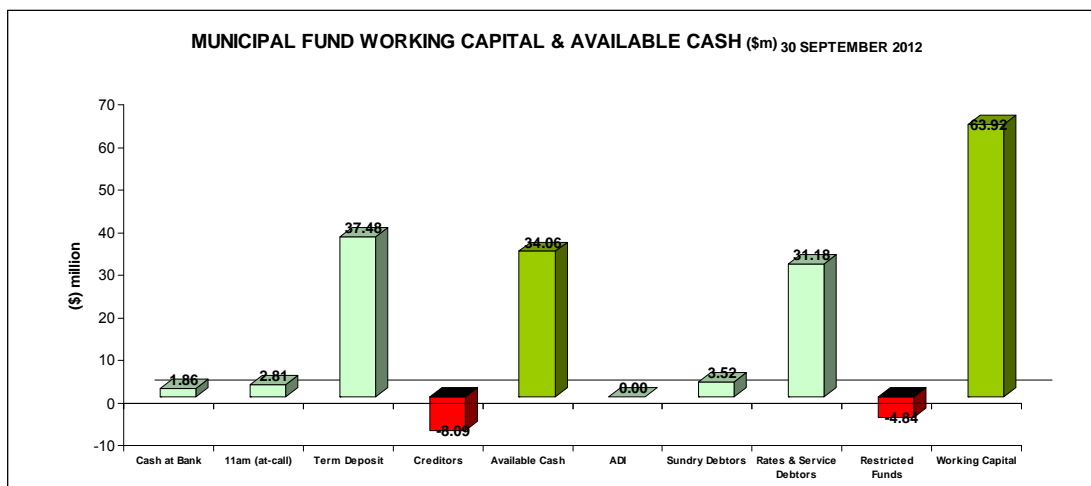
C12/6000 - INVESTMENT STATEMENTS (REC)

Terminated Lehman Brothers Arranged CDO Investments

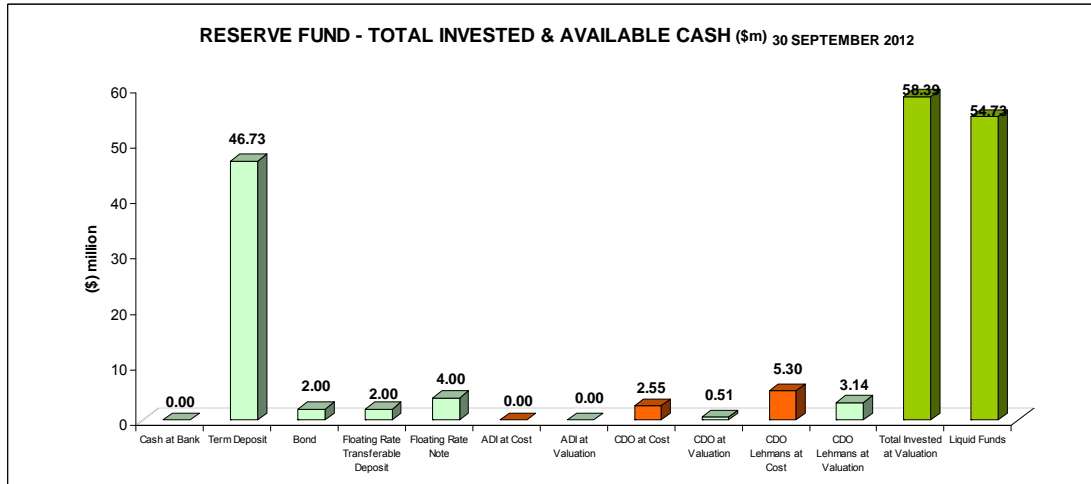
CDO Name Face Value & Maturity Date	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Beryl Finance Global Bank Note \$2.45 million Terminated (20/9/14)	Nil credit events:	1	N/A	Terminated due to Lehman bankruptcy – In legal dispute re collateral. However, a suitable settlement is being pursued.
Zircon Finance Coolangatta \$1.50 million Terminated (20/9/14)	8.0 credit events: Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group.	4.7	6.5	
Zircon Finance Merimbula A \$0.50 million Terminated (20/6/13)	8.0 credit events: Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group.	2.9	3.7	
Zircon Finance Miami \$0.85 million Terminated (20/3/17)	7.0 credit events: Ambac Assurance, Aiful, Thomson, Freddie Mac, Fannie Mae, Abitibi & CIT Group.	8.4	10.1	

Net Funds Held

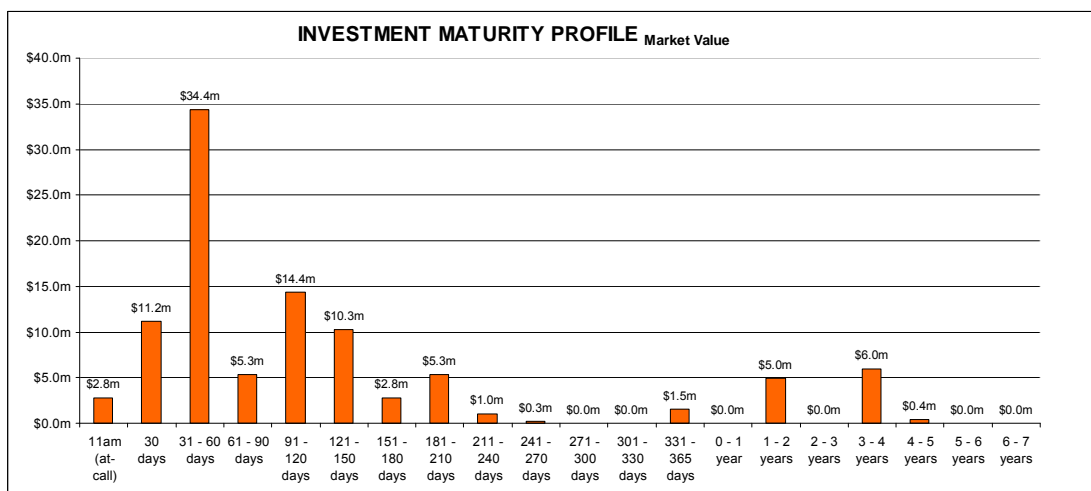
The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation, at 30 September 2012.



C12/6000 - INVESTMENT STATEMENTS (REC)



The graph below summarise the maturity profile of the City's investments at market value as at 30 September 2012.



PUBLIC CONSULTATION/COMMUNICATION

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.

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

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

City officers are in regular contact with the City's investment advisors, CPG Research and Advisory.

C12/6000 - INVESTMENT STATEMENTS (REC)**STATUTORY AND LEGAL IMPLICATIONS**

The following legislation is relevant to this report:

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

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

In conjunction with approximately 71 other corporations and local government authorities the City of Melville has engaged litigation funder IMF Australia to seek recovery of losses from Lehman Brothers Australia. Whilst the decisions taken by the various courts have been positive for the City the legal process is lengthy and it will still be some time before certainty is achieved. A decision was handed down on the 21 September 2012 in favour of the City and 71 others against Lehman Brother's Australia.

A stand-off is taking place between the UK and US courts as to which countries laws should be applied in respect of the Lehman Brothers arranged CDOs, which are the subject of early termination. Lehman Brothers was unsuccessful in its appeal to the current UK judgement in favour of investors to the Supreme Court of England and Wales. This is the highest possible court in the UK and the decision during the year brought finality to the legal process in that jurisdiction. It is likely however that the legal process will continue for at least another year as the US Bankruptcy Court judgement is almost certain to be appealed.

FINANCIAL IMPLICATIONS

For the period ending 30 September 2012, interest earned on:

- Municipal and Trust Funds was \$574,937 against a revised budget of \$747,614. This represents a \$172,677 negative variance. The full year investment earnings budget for Municipal Funds is \$2.325 million.
- Reserve Funds was \$639,270 against a revised budget of \$512,293. This represents a \$126,977 positive variance. The full year investment earnings budget for Reserve Accounts is \$2.1 million.

The City's revenue from investment earnings is expected to decrease and not meet budget in the foreseeable future, as the RBA continues to cut the cash rate and the new restrictions that have been placed by regulation that limits the type of investments in which the City is permitted to invest.

Due to Lehman Brothers entering into Chapter 11 bankruptcy proceedings, the City has not received interest payments on the \$5.3 million face value of Lehman Brothers arranged CDOs. At this time it is understood that interest on the underlying collateral is being retained by the Trustee who has taken control of that collateral and whether or not it will eventually be received by the City will depend on the outcomes of legal action or negotiated settlement agreements.

C12/6000 - INVESTMENT STATEMENTS (REC)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Council's Investment of Funds policy is constructed 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.

Due to continuing credit market volatility the risks associated with the City's investment portfolio in CDOs is high. Whilst the City continues to earn and be paid interest from its non Lehman Brothers arranged CDOs, the reassessment by the major rating agencies of their credit risk models used to assess the credit ratings associated with CDO portfolios, has resulted in significant downgrading of CDO investments to credit rating levels that do not meet the Council's investment policy. As opportunities to sell at realistic values have been presented, the Council has decided to sell two of the CDO investments.

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

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

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The investment report highlights that, except for the legacy CDO investments of 2007, the City's investment portfolio is invested in highly secure investments and is returning market competitive investment returns commensurate with the level of risk of the portfolio. It highlights however that Municipal Fund earnings are currently and expected to continue to be below the budget due to reduced interest rates and investment opportunities. The remaining legacy CDO investments are being closely monitored by officers in conjunction with the City's investment advisors.

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

That the Investment Report for the month of September 2012 be noted.

At 9.29pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

C12/6001 – SCHEDULE OF ACCOUNTS FOR SEPTEMBER 2012 (REC) (ATTACHMENT)

Disclosure of Interest

Item No.	C12/6001
Member	Mr M Tieleman
Type of Interest	Financial Interest in Accordance with the Act
Nature of Interest	Recipient of Payment Number E031083 - \$76.10 represents a payment to Mr Tieleman for Sustenance Allowance
Request	Stay & Observe
Decision of Council	Not Applicable
Ward	: All
Category	: Operational
Subject Index	: Financial Statement and Investments
Customer Index	: Not applicable
Disclosure of any Interest	: DCS Payment No. E031083. No other Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Standard Item
Works Programme	: Not Applicable
Funding	: 2012/2013 Budget
Responsible Officer	: Khris Yeoh Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

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

C12/6001 – SCHEDULE OF ACCOUNTS FOR SEPTEMBER 2012 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

This report presents details of the payments made in the month of September 2012 to suppliers for the provision of goods and services and recommends that the Schedule of Accounts be noted.

BACKGROUND

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

DETAIL

The Schedule of Accounts for the month ending 30 September 2012, [6001 September 2012](#) including Payment Registers numbers Cheques **313 to 315** and Electronic Funds Transfers **259 to 264** were distributed to the Members of Council on 2 November 2012.

C12/6001 – SCHEDULE OF ACCOUNTS FOR SEPTEMBER 2012 (REC) (ATTACHMENT)

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

Supplier Name	Remittance Number	Remittance Details	Amount
Alinta Gas	Chq's 050619 & 050757	Gas supply	\$26,789.56
Badge Constructions (WA) Pty Ltd	E031151	Progress claim 14 for redevelopment of Melville Aquatic Fitness Centre	\$75,318.40
Beacon Equipment	E030986 & E031183	Arboriculture equipment	\$27,875.70
Blue Gum Park Tennis Club	E031020	Self supporting loan	\$130,000.00
Boral Construction	E030822 & E031023	Road resurfacing	\$128,249.05
Boya Equipment	E031080	Purchase of 2012 Kubota 100HP Cab Tractor	\$115,060.00
Brajkovich Demolition Pty Ltd	E031099	Removal of asbestos	\$30,800.00
City of Cockburn	E030825	Waste disposal fees for July	\$65,748.24
Dickies Tree Service	E030827 & E031028	Tree lopping services	\$83,426.20
Dowsing Concrete	E030817, E031010 & E031206	Concrete works	\$305,590.36
ERC Consultants Pty Ltd	Chq 050655	Asbestos investigation	\$35,637.90
Fire & Emergency Services Authority WA	E031167	ESL remittance for May, June, July & August 2012	\$5,705,751.81
Flexi Staff	E030852 & E031053	Temporary employment	\$69,414.31
GHD Pty Ltd	E030945 & E031138	Canning Bridge Structure Plan & Monitoring of John Connell Reserve water quality	\$108,609.26
Hydroquip Pumps	E031062	Repairs to bore pumps	\$56,586.20
Melville Mazda	E030991	Purchase of Mazda Classic Wagon	\$40,450.00
Mountway Melville Hyundai	E030847 & E031048	Purchase of Hyundai Santa Fe DSL & Hyundai Santa Fe Wagon	\$86,071.37
Mt Pleasant Bowling Club	E031019	Self supporting loan	\$98,982.47
Natural Area Management & Services	E031002 & E031196	Point Walter restoration project, State NRM grant for Booragoon Lake & grass weed control	\$247,044.25
Phase 3 Landscape Construction Pty Ltd	E030972	Progress claim two for Wireless Hill Park	\$183,639.86
Programmed Maintenance Services	E030851 & E031052	Building maintenance	\$80,501.36
Quayclean Australia Pty Ltd	E030942 & E031134	Cleaning of Melville Aquatic Fitness Centre, Melville Recreation Centre & AH Bracks Library for August 2012	\$29,472.89
Robinson Buildtech	E030805, E030838 & E031039	Building maintenance	\$71,522.45
Sifting Sands	E031009 & E031203	Maintenance to playground sandpits	\$49,975.35
Sirsi Dynix Pty Ltd	E031050	Annual subscription & maintenance to library software	\$29,072.18
Southern Metropolitan Regional Council	E030810, E030915 & E031113	Greenwaste disposal fees for July & August, RRRC loan repayment, Recyclable fees for August & MSW gate fees for August	\$935,059.66
Synergy	Chq's 050599 & 050735	Electricity supply	\$357,067.80
Technology One Ltd	E031208	Annual maintenance fee	\$59,644.99
Titan Ford	E030871 & E031076	Purchase of three Ford PK Ranger Super Cabs & purchase of Ford Falcon G6 Sedan	\$129,210.56
Water Corporation	Chq's 050620 & 050758	Water supply	\$37,896.75
Western Power	Chq 050598	Cash call 2 for Attadale North project & Attadale West project	\$1,100,000.00

C12/6001 – SCHEDULE OF ACCOUNTS FOR SEPTEMBER 2012 (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2012/2013 Budget and Budget Review.

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.

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

That the Schedule of Accounts for the month ending 30 September 2012, as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 September 2012](#) be noted.

At 9.30pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (12/0)

C12/6002 – FINANCIAL STATEMENTS FOR SEPTEMBER 2012 (AMREC)
(ATTACHMENTS)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- This report presents the Financial Statements for the financial year to date ending 30 September 2012 and recommends that they be noted by the Council.
- This report presents the budget amendments for the month of September and recommends that they be adopted by Absolute Majority of the Council.
- This report presents the variances for the month of September and recommends that they be noted by the Council.
- Money expended in an emergency:
 - A settlement offer was received and accepted from the Local Government Insurance Services, as a result of the fire at the Civic Centre in 2011.

C12/6002 – FINANCIAL STATEMENTS FOR SEPTEMBER 2012 (AMREC)
(ATTACHMENTS)

BACKGROUND

The Financial Statements for the financial year to date ending 30 September 2012 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 1 July 2012 to 30 September 2012, a net operating positive variance of \$5,528,226 and a net capital positive variance of \$3,188,655 were recorded.

Variances

A summary of variances and comments are provided in attachment [6002H September 2012](#).

	September Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Current Commitments \$	Annual Budget \$	Annual Rev. Budget \$
Revenue								
Governance	196,651	327,310	418,711	91,402	28%	(576)	1,309,100	1,309,100
General Purpose Funding	968,260	8,304,115	8,426,788	122,673	1%	-	13,844,420	13,844,420
Law, Order, Public Safety	5,858	2,197,622	2,325,250	127,628	6%	-	2,511,781	2,512,281
Health	11,332	98,195	206,820	108,625	111%	-	215,106	215,106
Recreation and Culture	719,952	2,409,483	2,254,732	(154,751)	-6%	-	8,840,659	9,050,669
Transport	1,594,582	3,718,788	2,900,613	(818,175)	-22%	-	4,897,541	5,109,070
	3,890,919	33,285,666	32,691,762	(640,348)	-2%	(576)	48,956,270	49,751,080
Expenses								
Governance	(978,233)	(4,355,286)	(3,643,019)	712,267	-16%	(846,997)	(16,062,578)	(16,258,331)
General Purpose Funding	1,272,517	(2,567,899)	(1,018,566)	1,549,333	-60%	(83,687)	(6,575,980)	(6,575,980)
Law, Order, Public Safety	(267,823)	(912,713)	(810,322)	102,391	-11%	(65,221)	(3,723,487)	(3,774,123)
Education & Welfare	(417,145)	(1,449,565)	(1,290,234)	159,331	-11%	(183,729)	(5,463,762)	(5,583,302)
Community Amenities	(1,874,458)	(5,318,652)	(4,466,509)	852,143	-16%	(681,716)	(19,172,687)	(19,791,341)
Recreation and Culture	(2,212,742)	(7,027,050)	(5,925,301)	1,101,749	-16%	(1,291,588)	(26,840,555)	(27,082,856)
Transport	(663,131)	(2,331,930)	(1,924,418)	407,512	-17%	(597,600)	(10,003,523)	(9,919,808)
Other Property and Services	(158,335)	(1,752,019)	(1,446,016)	306,004	-17%	(189,337)	(3,193,363)	(3,297,226)
	(5,375,364)	(25,975,302)	(20,769,040)	8,163,348	-20%	(3,972,546)	(92,121,667)	(93,339,143)

Revenue

\$52.3m in Rates has been raised to 30 September 2012. This is compared with a year to date budget of \$52.3m, resulting in no variance.

Money Expended in an Emergency and Unbudgeted Expenditure

The fire at the Civic Centre in 2011 resulted in unbudgeted expenditure of \$443,115 being expended from the City's Municipal funds. On 24 September 2012 a settlement offer was received from Local Government Insurance Services offering \$436,086. This offer has been accepted and the difference being the insurance excess amount will need to be met from the Risk Management Reserve.

Budget Amendments

Details of Budget Amendments requested during the month of September 2012 are shown in attachment [6002J September 2012](#). These amendments have been carried out to reflect the appropriate responsible officers and the correction of account numbers.

**C12/6002 – FINANCIAL STATEMENTS FOR SEPTEMBER 2012 (AMREC)
(ATTACHMENTS)**

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 payments totalling \$3,598,498 were collected over the course of the month. Rates collection progress for the month of September was 2.7% below target. As at 30 September 2012, 61.3% of 2012/2013 rates had been collected which compares unfavourably to the 63.9% collected this same time last year.

Total sundry debtor balances increased by \$5,482 over the course of the month. The 90+ day's debtor balance increased by \$29,904.

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 concessions were granted or amounts written off under delegated in the month of September 2012.

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

DESCRIPTION	LINK
Rate Setting Statement – September 2012	6002A September 2012
Statement of Financial Activity – September 2012	6002B September 2012
Representation of Net Working Capital – September 2012	6002E September 2012
Reconciliation of Net Working Capital – September 2012	6002F September 2012
Notes on Rate Setting Statements reporting on variances of 10% or greater – September 2012	6002H September 2012
Details of Budget Amendments requested – September 2012	6002J September 2012
Summary of Rates Debtors – September 2012	6002L September 2012
Graph Showing Rates Collections – September 2012	6002M September 2012
Summary of General Debtors aged 90 Days Old or Greater – September 2012	6002N September 2012

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

C12/6002 – FINANCIAL STATEMENTS FOR SEPTEMBER 2012 (AMREC)
(ATTACHMENTS)**STATUTORY AND LEGAL IMPLICATIONS**

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

Local Government (Financial Regulations) 1996 Part 4 – Financial Reports Regulation 34 of the Local Government (Financial Management) Regulations 1996 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.

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

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

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

The variance adopted by the Council at its Special meeting held on 26 June 2012 to adopt the 2012/2013 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.

**C12/6002 – FINANCIAL STATEMENTS FOR SEPTEMBER 2012 (AMREC)
(ATTACHMENTS)**

FINANCIAL IMPLICATIONS

Variances are dealt with in attachment 6002H (Notes on Operating Statements 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 Financial Statements as presented to the Council and the reporting of significant variances is undertaken in accordance with the Council's Accounting Policy CP-025.

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 September 2012.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)

At 9.30pm Cr Robartson moved, seconded Cr Reynolds -

That the Council: ABSOLUTE MAJORITY APPROVAL

- Note the Rate Setting Statement and Statements of Financial Activity for the financial year ending 30 September 2012 as detailed in the following attachments:**

DESCRIPTION	LINK
Rate Setting Statement – September 2012	6002A September 2012
Statement of Financial Activity – September 2012	6002B September 2012
Representation of Net Working Capital – September 2012	6002E September 2012
Reconciliation of Net Working Capital – September 2012	6002F September 2012
Notes on Rate Setting Statements reporting on variances of 10% or greater – September 2012	6002H September 2012
Details of Budget Amendments requested – September 2012	6002J September 2012
Summary of Rates Debtors – September 2012	6002L September 2012
Graph Showing Rates Collections – September 2012	6002M September 2012
Summary of General Debtors aged 90 Days Old or Greater – September 2012	6002N September 2012

**C12/6002 – FINANCIAL STATEMENTS FOR SEPTEMBER 2012 (AMREC)
(ATTACHMENTS)**

- 2. Adopt by Absolute Majority Decision the budget amendments, as listed in the Budget Amendment Reports for September 2012, as detailed in attachment [6002J September 2012](#).**

At 9.31pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

**LATE ITEM - M12/5255 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT
(INCLUDING SUMMARY ANNUAL FINANCIAL STATEMENTS) 2011-2012 (AMREC)
(ATTACHMENT)**

Ward	:	All
Category	:	Operational
Subject Index	:	City of Melville Community Annual Report City of Melville Annual Financial Statements
Customer Index	:	Not Applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item M12/5255 City of Melville Annual Report 2011-2012 of the Ordinary Meeting of Council of 16 October 2012 Item C12/6052 City of Melville Annual Financial Statements on the Agenda of the Financial Management, Audit, Risk and Compliance Committee meeting held on Monday 12 November 2012
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officers	:	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>
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<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council reviews decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**LATE ITEM - M12/5255 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT
(INCLUDING SUMMARY ANNUAL FINANCIAL STATEMENTS) 2011-2012 (AMREC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- This report presents the combined Community Annual Report 2011-2012 including the summary Financial Statements and the independent auditor's unqualified report in respect of those Statements, for Council's final acceptance.
- Council has already approved the Draft Text of the 2011-2012 at its Ordinary Council Meeting held on Tuesday 16 October 2012.
- Financial Management, Audit, Risk and Compliance Committee (FMARCC) has considered the full set of the Annual Financial Statements 2011-2012 and recommended that they be accepted by the Council.

BACKGROUND

In accordance with Section 5.53(1) of the Local Government Act 1995 (The Act), a local government is required to prepare an Annual Report for each financial year. Section 5.54 of The Act requires that the Annual Report (which includes the financial report for the year) be accepted by the Local Government no later than 31 December for the previous financial year. Section 5.27 requires the Annual Report be accepted prior to the Annual Meeting of Electors.

The Draft Community Annual Report, excluding the Annual Financial Statements, was presented to Council at the Ordinary Council Meeting held on Tuesday 16 October 2012 and the Council resolved as follows:

That the text component of the City of Melville 2011-2012 Annual Report [5255 City of Melville Community Annual Report](#) be approved subject to that on page 10 of the City of Melville Annual Report in the net domestic waste collected area that the actual amount recycled be included.

Since the October meeting of the Council in response to the above resolution, the actual amount recycled has been included in the Community Annual Report and has now been subject to graphic design, photos have been included, it has been professionally typeset and minor typographical changes have been made to it, following proof reading. The summary Financial Statements for 2011-2012 have also been included along with the Independent Auditors Report. This completed document appears as ([Attachment 5255 City of Melville Community Annual Report](#))

Electors will be made aware that in addition to the Community Annual Report that the complete Annual Financial Statements are also available ([Attachment 6052 City of Melville Annual Financial Statements](#)).

**LATE ITEM - M12/5255 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT
(INCLUDING SUMMARY ANNUAL FINANCIAL STATEMENTS) 2011-2012 (AMREC)
(ATTACHMENT)**

The Community Annual Report for 2011-2012 (including the summary Annual Financial Statements) requires acceptance by the Council prior to the Annual General Meeting of Electors to be held on Wednesday, 5 December 2012.

DETAIL

Section 5.53 of The Act requires the Annual Report contain the following:

- a report from the mayor or president;
- a report from the CEO;
- an overview of the plan for the future including major initiatives that are proposed to commence or to continue in the next financial year;
- the financial report for the financial year;
- such information as may be prescribed in relation to the payments made to employees;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
- details of entries made under section 5.121 regarding complaints against Council Members;
- such other information as may be prescribed. (No other matters have been prescribed at this time).

The Governance and Compliance Program Manager has completed an audit of the text against the specific legislative requirements and confirmed relevant requirements have been addressed.

The text portion of the 2011-2012 Annual Report has been prepared and includes the following:

3. The Mayoral Report.
4. Report by the Chief Executive Officer.
5. Report on major strategies in the Corporate Plan
6. All other non-financial requirements of The Act.

This Annual Report is designed to report directly on the goals and strategies detailed in the document "The City of Melville Corporate Plan 2011 – 2015".

The text of this Annual Report was developed from information gathered from all areas of the organisation from end-of-year reports, information requested directly from employees and various corporate documents.

This text was reviewed by the Operational Management Team (OMT) and the Executive Management Team (EMT).

**LATE ITEM - M12/5255 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT
(INCLUDING SUMMARY ANNUAL FINANCIAL STATEMENTS) 2011-2012 (AMREC)
(ATTACHMENT)**

The text was edited to present a simple language report aimed at providing succinct and relevant information to the community. The final published report featuring this text and the summary Financial Statements is known as the 'Community Annual Report 2011-2012'. The full Financial Statements will not be part of the final publication but will be available on request.

The Council is required to accept the 'complete' version, which is the 'Community Annual Report' plus the Full Financial Statement as per Section 6.4(2) of the Local Government Act 1995, and electors will be made aware that the full version of the Annual Report, including the Full Financial Statement, is available on request and on the City's website.

The complete Annual Report requires acceptance by the Council prior to the General Meeting of Electors.

PUBLIC CONSULTATION/COMMUNICATION

No external public consultation has been carried out as the Annual Report is a report on the business activities of the City of Melville.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants has been carried out.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.27 of the Local Government Act 1995 specifies that a general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the Annual Report for the previous financial year.

Section 5.53 of the Local Government Act 1995 specifies requirements for information to be included in the Annual Report as noted previously.

Section 5.54 of the Local Government Act 1995 specifies that the Annual Report for the financial year is to be accepted by the Local Government no later than 31 December after that financial year.

Section 5.55 of the Local Government Act 1995 specifies that the Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by the local government.

LATE ITEM - M12/5255 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT (INCLUDING SUMMARY ANNUAL FINANCIAL STATEMENTS) 2011-2012 (AMREC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

Funds have been provided in the 2012-2013 budget to enable proof-reading, graphic design, publication, promotion and distribution of the Annual Report. As per the previous year, minimal hard copy of the Annual Report will be published and more environmentally responsible distribution methods such as through CD Rom and access via the intranet will be utilised.

STRATEGIC RISK, AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Not publishing an Annual Report in accordance with all relevant legal requirements and accounting standards would result in non-compliance with required legislative and regulatory requirements.	Moderate consequences which are likely, resulting in a High level of risk	Ensure the Annual Report conforms to all requirements through assessment by the Governance and Compliance Program Manager.

POLICY IMPLICATIONS

CP - 025 Accounting Policy – defines the policy relating to the preparation of the Annual Financial Statements.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There are no alternate options as the production of an Annual Report and acceptance by Council is a legislative requirement.

CONCLUSION

This Annual Report is a comprehensive and accurate reflection of the activities undertaken by the City of Melville in 2011-2012, and has been prepared in accordance with legislative and regulatory requirements.

The 2011-2012 Annual Financial Statements have been completed and an unqualified auditor's report was received following the final audit. A summary version is included in the Community Annual Report for 2011-2012, with the full set of financial statements being made available on the City's web-site, at its five libraries, the Civic Centre and in printed form upon request. The finalised Community Annual Report is presented to the Council for acceptance by absolute majority decision.

**LATE ITEM - M12/5255 - CITY OF MELVILLE COMMUNITY ANNUAL REPORT
(INCLUDING SUMMARY ANNUAL FINANCIAL STATEMENTS) 2011-2012 (AMREC)
(ATTACHMENT)**

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5255) APPROVAL

At 9.32pm Cr Robartson moved, seconded Cr Willis -

That Council, by Absolute Majority Decision, accepts the City of Melville 2011-2012 Community Annual Report including the summary Annual Financial Statements [5255 City of Melville Community Annual Report](#) and the full set of the Annual Financial Statements 2011-2012 as recommended by the Financial Management, Audit, Risk and Compliance Committee at it's meeting held on Monday 12 November 2012.

At 9.32pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15. EN BLOC ITEMS

At 9.33pm Cr Willis moved, seconded Cr Macphail -

That the recommendations for items P12/3354, C12/5000, C12/6000 and C12/6001 be carried En Bloc.

At 9.33pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

16. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

17. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

18. CLOSURE

There being no further business to discuss, His Worship the Mayor declared the meeting closed at 9.33pm.