

MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

20 DECEMBER 2011

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 20 DECEMBER 2011.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Deputy Mayor Cr C Robartson
Cr R Willis
Cr N Pazolli, Cr P Reidy
Cr A Nicholson, Cr D Macphail
Cr J Barton, Cr S Taylor-Rees
Cr B Kinnell, Cr Hill
Cr N Foxton, Cr M Reynolds

WARD

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

3. IN ATTENDANCE

Ms C Young	A/Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms L Hartill	A/Director Community Development
Mr S Cope	Director Urban Planning
Mr J Christie	Director Technical Services
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast	Manager Planning & Development Services
Mr G Ponton	Manager Strategic Urban Planning
Mr J Clark	Governance & Compliance Program Manager
Ms D Beilby	Minute Secretary

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

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

Nil.

4.2 APPROVED LEAVE OF ABSENCE

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 A Pollard, Mount Pleasant

Question 1

Currently under the 'Street Tree Policy, Our Commitment, Section 5' it states that 'where trees are authorised for removal as part of a development application, the City will require the applicant to fund the full cost of removal and two replacement trees'.

But under new 'Section 4' it is stated that 'for every tree removed from a verge, the City will require a replacement tree to be planted back on the same verge (space permitting)'.

These seem to be pretty much the same situation, so why in Section 5 must two replacement trees be planted?

Response

Section 5 relates to a healthy tree that is being removed to make way for redevelopment. The City believes that all of its street trees are valuable assets and therefore if a healthy tree is removed to make way for a new crossover then it is reasonable to ask the developer to pay for the cost of removal and replacement. Given that in most instances the trees are mature, it is also reasonable to replace one large tree with 2 smaller ones. Often there may not be room to replant on the same verge so they may be planted elsewhere in the City.

Section 4 relates to existing verge trees that are removed predominantly due to safety. For example if a tree is removed as a result of it being dead, dying, diseased or structurally unsafe the City will, as a matter of course, automatically replace it on the same verge.

Question 2

Under the 'Street Tree Policy Scope' it states 'This policy covers the City's approach in protecting and maintaining street trees whilst maintaining public safety'. It was also stated in a recent council meeting that anything planted beyond your letterbox on council verge property is the council's property.

Now many people have planted trees, low level shrubs and gardens that run all the way up to the street verge. This stops pedestrians walking along the street verge and forces pedestrians being adults, children and pets onto roads to pass various peoples properties.

Does the council have a policy on these 'garden to verge' hazards?

If 'No', perhaps it could be asked for residents to clear back gardens the width of a public path?

Response

There is a requirement for all gardens on verges to comply with the City's verge treatment guidelines which includes a 2 metre cleared strip extending from the kerb towards the property to allow pedestrian access. The following 3 metres beyond the initial 2 metres should not have any vegetation growth exceeding 600 mm in height, with the exception of a street tree. This height restriction is to allow clear sight lines for vehicles entering onto the road via the crossover. There are a number of properties that do not comply with these guidelines. The current practice is that the City will write to residents requesting compliance generally after receiving a complaint. The City's verge guidelines are currently being reviewed and will be presented to Council in February 2012.

7. AWARDS AND PRESENTATIONS

Disability Services Commission Dr Louisa Alessandri Award for Excellence

Ms Kristy Arnott, Community Development Officer and Mr Shane Tonkin, Reserve Maintenance Coordinator accepted the Disability Services Commission Dr Louisa Alessandri Award for Excellence on behalf of the City of Melville.

WA Council of the Defence Reserves Support Council (DRSC) - WA Reserve and Employer Excellence Awards 2011

Ms Leanne Hartill, A/Director Community Development accepted the WA Reserve and Employer Excellence award on behalf of the City of Melville.

8. CONFIRMATION OF MINUTES

8.1 **ORDINARY MEETING OF COUNCIL – 15 NOVEMBER 2011**

Min 15 November 2011

COUNCIL RESOLUTION

At 6.44pm Cr Macphail moved, seconded Cr Reynolds -

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 15 November 2011, be confirmed as a true and accurate record.

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

CARRIED (13/0)

Advice Note

Item 12.1 Petition - Paving of the Council Verge at 49 Leichhardt Street, Bull Creek

At the November 2011 Council Meeting the above petition was received and the resolution requested a report was to be presented to the December 2011 meeting of Council for consideration. Following the meeting it was found that further investigation was required and the report will be presented to the February 2012 Meeting of the Council. The lead petitioner has been advised accordingly."

8.2 **NOTES OF AGENDA BRIEFING FORUM – 6 DECEMBER 2011**

Notes 6 December 2011

COUNCIL RESOLUTION

At 6.44pm Cr Reidy moved, seconded Cr Robartson -

That the Notes of Agenda Briefing Forum held on Tuesday, 6 December 2011, be received.

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

CARRIED (13/0)

8.3 SPECIAL MEETING OF COUNCIL – 22 NOVEMBER 2011
Min 22 November 2011**COUNCIL RESOLUTION**

At 6.44pm Cr Willis moved, seconded Cr Hill -

That the Minutes of the Special Meeting of Council held on Tuesday, 22 November 2011, be confirmed as a true and accurate record.

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

CARRIED (13/0)

8.4 ANNUAL GENERAL MEETING OF ELECTORS – 8 DECEMBER 2011
Min 8 December 2011**COUNCIL RESOLUTION**

At 6.45pm Cr Reidy moved, seconded Cr Robartson -

That the Minutes of the Annual General Meeting of Electors held on Thursday, 8 December 2011, be confirmed as a true and accurate record.

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

CARRIED (13/0)

QUESTIONS TAKEN ON NOTICE

At the Annual General Meeting of Electors held on Thursday, 8 December 2011 the following questions were taken on notice. Questions 8.2 (2) and (6) and Question 9 were taken on notice. Question 9 will be responded to in writing to Mr J McMillan-Brown and Mr K McMillan Brown and a copy of the response is provided below. Responses to Questions 8.2 (2) and (6) will be provided in writing and will be included in the Agenda and Minutes of the Ordinary Meeting of Council to be held in February 2012.

8.2 Mr J McMillan-Brown and Mr K McMillan-Brown – Property Owners
Ogilvie Road/Helm Street and Kishorn Road, Mount PleasantQuestion 2

14/8/2001

Submission to Council for equity in planning in Canning Bridge Frame. Requested to be treated in the same manner as other developers. This was presented to the Chief Executive Officer (CEO) Mr J McNally. There has been no response by Council.

Response

The City will review City records. The intended commencement of detailed planning and preparation of a structure plan for the Canning Bridge Precinct will examine the frame area and include community engagement in arriving at options.

Taken on Notice

QUESTIONS TAKEN ON NOTICE – ANNUAL GENERAL MEETING OF ELECTORS – 8 DECEMBER 2011 (Continued)Question 6

How many studies of the Canning Bridge area have been carried out since 1975? As property owners we have attended three, as well as numerous meetings with the Council Officers and GHD Consultants.

Response

This information is not readily available and will be taken on notice and a further response provided. It is noted that outcomes from recent studies have been taken into consideration in the preparation of the Canning Bridge Precinct Vision.

Taken on NoticeQuestion 9

Can Council advise why the Orica building on Ogilvie Road was permitted to go to five storeys and the building opposite (Pinnacle House) was only permitted to go to two storeys

The Mayor advised that a response to this question that had been taken on notice at the Annual General Meeting will be provided in writing to Mr J McMillan Brown and Mr K McMillan Brown and read out the following response -

Response

The site at 15 Ogilvie Road is zoned DC1 (R60) allowing generally six storeys but up to a maximum of 28 metres and plot ratio of 1.0. The site at 16 Ogilvie is in the Canning Bridge Frame (R50) which allows a maximum height to eaves of 11 metres and 13.5 to the roof ridge with a plot ratio of 0.6.

8.5 GOVERNANCE COMMITTEE – 12 DECEMBER 2011**COUNCIL RESOLUTION**

At 6.45pm Cr Reidy moved, seconded Cr Robartson –

That the Minutes of the Governance Committee Meeting held on Monday, 12 December 2011 be noted.

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

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

CARRIED (11/2)

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

- P11/3274 Cr N Pazolli – Financial Interest in Accordance with the Act
- P11/3274 Cr M Reynolds – Financial Interest in Accordance with the Act
- P11/3274 Cr J Barton – Financial Interest in Accordance with the Act
- T11/3279 Cr E Nicholson – Proximity Interest in Accordance with the Act
- T11/3279 M Tieleman - Proximity Interest in Accordance with the Act

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- P11/3382 Late and Confidential Item – Sale of Property Located at 410 Canning Highway or Purchase of 412 Canning Highway and 168 Stock Road, Attadale

The above matter is confidential in accordance with Section 5.23 (2) (c) & (h) of the Local Government Act 1995, and Local Government (Administration) Regulations 1996 Clause 4A relating to the sale or purchase of property.

12. PETITIONS

Nil.

13. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2011-1022
Property	:	Lot 1 (408) Canning Highway, Bicton
Proposal	:	Two storey mixed use development with basement parking
Applicant	:	Mr E J Balshaw
Owner	:	E J & Z F Balshaw
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Peter Prendergast Manager Planning and Development Services
Previous Items	:	Not Applicable.

AUTHORITY / DISCRETION

DEFINITION

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

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for the construction of a two-storey mixed-use development at the corner Canning Highway and Stock Road, Bicton, a site currently occupied by Balshaws Florist.
- The proposed development will comprise two 'Shops' and an 'Office' tenancy on the ground floor and four Multiple Dwellings on the first floor.
- Given site constraints, a number of variations are sought to the R-Codes and Community Planning Scheme No. 5 (CPS5). These relate to plot ratio, car parking, setbacks landscaping and a minor variation to the visual privacy requirements.
- The proposed variations are supported or can otherwise be made to be acceptable via the imposition of suitable conditions of approval.
- The proposed development has been designed in response to its siting at the corner of Canning Highway and Stock Road. To that end the building both turns and holds the corner, and in doing so makes a positive contribution to the desired urban streetscape and built form in this location.
- The application is recommended for conditional approval, which in this case, and given the plot ratio variation being sought, will require a Special Majority decision of Council.



P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**BACKGROUND**

The subject lot is at present occupied by a somewhat dated flat roofed single storey building, and is home to the long standing Balshaw's Florist Shop.

The lot is located on the north-western corner of the signalised and controlled intersection of Canning Highway and Stock Road. By virtue of this, the site enjoys a highly prominent and visible location.

The lot is located within a wider parcel of land bounded by Canning Highway to the south, Stock Road to the east, Waddell Road to the west, and a development of two storey town houses to the north.

This wider land parcel incorporates a varied mix of residential, commercial, and retail land uses, including a Petrol Filling Station, a recently constructed four storey mixed use apartment and office building, another recently constructed mixed use retail and residential complex facing Waddell Road, and a development of two storey town houses along its northern boundary adjacent to an existing Right of Way (ROW).

The rear of the application site is serviced by the ROW. This is itself freehold land, part of a deceased estate and now in the ownership and control of the Public Trustee. The application site has a legal right of access over the ROW.

Scheme Provisions

MRS Zoning	:	'Urban' and 'Primary Regional Roads' Reservation
CPS 5 Zoning	:	District Centre
R-Code	:	R60
Use Type	:	Shop, Office and Residential
Use Class	:	Office: 'P' – permitted Shop: 'P' – permitted Residential: 'D' – not permitted unless Council exercises discretion and grants planning approval.

Site Details

Lot Area	:	722.47sqm
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer photo above

[3272 Site and Undercroft Plan and Elevations 408 Canning Highway](#)

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)
DETAIL
Development Requirements

The proposal satisfies all of the relevant provisions of CPS5, the R-Codes and Council Policies with the exception of those matters listed below:

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Plot Ratio	0.8	1.46	Does not comply	Special Majority decision of Council	
Landscaping	25% (180.6sqm)	1.6% (11.9sqm)	Does not comply	MPDS	
Car parking Office Shop Residential	2.32 bays 17.1 bays 4 bays ----- Total: 24 bays	19 on-site	Does not comply	Absolute Majority decision of Council	

Western Boundary Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
FF - Balcony to Study	1.5m	Nil	Does not Comply	MPDS	
FF - WIR & Bed 2	1.3m	Nil	Does not Comply	MPDS	
FF – Bed 1 and 2	7.7m	1.26m	Does not Comply	MPDS	

(FF – First Floor)

Visual Privacy Setbacks

Development Requirement	Required	Proposed	Comments	Delegation to approve variation	Plan Notation
Balconies Units F & G – Rear	7.5m	7m (including 5 metre ROW width)	Minor variation to which no objection has been raised and is supported in this case.	MPDS	

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

PUBLIC CONSULTATION / COMMUNICATION

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

Submissions received from	Summary of Submissions	Support / Objection	Officer's Comment	Action (Uphold / Not Uphold)
Stock Road	There is already a deficiency in car parking in the area.	Object	The proposed development is within an Activity Centre (District Centre under the provisions of CPS5), where informal reciprocal car parking can occur with ease, and where access to high frequency public transport is readily available.	Not Uphold
	The proposal will increase congestion within the laneway.	Object	The proposed development is considered to be consistent with that envisaged for the site under the provisions of CPS5. The use of the ROW rather than access via Stock Road is preferred from a traffic safety perspective.	Not uphold
	The development will create a traffic hazard.	Object	An easement has been provided as part of the application detail, the objective of which is to increase the width of the ROW which will in turn enhance safety levels for those who use it.	Not Uphold
	How can continued rights of access be guaranteed over the ROW?	Object	The subject site has a right of carriageway over the ROW, which guarantees access in perpetuity irrespective of ownership.	Not Uphold

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Main Roads

Required: Main Roads WA
Reason: Abuts 'Primary Regional Roads' reservation
Support/Object: Supported.

Agency	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Main Roads WA	No objection in principle subject to the imposition of a condition in respect of the entry and exit curb lines to Stock Road.	Support	Noted. This requirement is now addressed by the plans as amended..	Condition

In addition, it is noted that the development proposal has been designed to take into account the potential road widening of Canning Highway as denoted by the Primary Regional Roads reservation.

Architectural and Urban Design Advisory Panel

The details of the application were considered by the City's Architectural and Urban Design Advisory Panel at its meeting of 16 September 2011.

Whilst there was general support for the redevelopment of this important corner site in the manner proposed, a number of concerns in respect of design deficiencies were identified. These included;

- *"Concern that the development was not designed to take into account the location of the subject lot at the corner of a busy intersection.*
- *Concern that the proposed building did not "turn the corner" in any adequate way, nor did it hold or define the corner in any meaningful way.*
- *Concern that the internal layout of the proposed residential accommodation was convoluted."*

In view of these concerns, negotiations with the applicant followed, the result of which is a modified proposal which:

- Delivers an improved building design, the elements of which address the busy corner location in a much more definitive manner, and
- Incorporates a more definite and prominent design feature to define the corner and ensure that the resultant building will contribute in a more positive sense to the urban form that is so desired at this important urban location.
- The latter is achieved, through the incorporation of columns either side of the entrance point, increased overall building height at the corner, and the installation of an awning to wrap around the corner.

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**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 associated with this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS**Council Policy No. CP 079 – Car Parking (Non Residential)**

This policy stipulates non-residential car parking requirements relative to individual land uses. The policy prescribes the following parking ratio relative to these uses:

- 'Shop' (District Centre) - seven bays per 100sqm NLA (Net Lettable Area); and,
- 'Office' – one bay per 40sqm NLA.

Specific details relative to the car parking requirements for this development are further detailed in the comments section below.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is recommended for approval by Council. Council could refuse to grant consent on the grounds that the variations sought are contrary to the proper and orderly planning of the area, although this course of action is not recommended in this particular case. Should the application be refused, the matter may be the subject of an Application for Review at the State Administrative Tribunal.

COMMENT

Given site constraints, a number of variations are sought to the R-Codes and Community Planning Scheme No. 5 (CPS5). These relate to plot ratio, car parking, setbacks landscaping and a minor variation to the visual privacy requirements.

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)Plot Ratio

The proposal presents a total plot ratio of 1.46 (1,057sqm) in lieu of 0.8 (577.97sqm) permitted under the provisions of CPS5. This variation requires a Special Majority decision of the Council to approve.

The variation is in this case supported for the following reasons:

- The subject site is located on the corner of Canning Highway and Stock Road. This is a busy intersection, highly prominent in the local context, and deserving of a building of such a scale and bulk at the junction. The entry to the District Centre is defined in a more meaningful and definitive way.
- The proposal presents an opportunity for the Council to secure major built form improvements at this busy intersection, improvements that will not be readily achieved with reliance on a reduced plot ratio figure available as standard.
- The development will result in the demolition and removal of an existing structure, the continued existence of which does little to contribute to the streetscape, nor to define the urban form in any positive way.
- The proposal incorporates a mixture of uses which will activate the Canning Highway and Stock Road junction in a much more positive way than is achieved at present.
- The development will not adversely impact the amenity of the adjoining neighbours or those residents within the surrounding locality, particularly as it is no more than two storeys in height.

Boundary Setbacks

As outlined above, three variations are proposed to the first floor level along the western elevation. These variations have been assessed using the relevant performance criteria of the R Codes, and are supported as:

- the adjoining property to the west is a single storey commercial property which is constructed up to its eastern boundary where it abuts the application site, and is laid out with car parking to the rear. As such, the use of the property is not susceptible to the adverse impacts that can result from overshadowing, lack of ventilation, or building bulk.
- In this particular case, the western elevation of the proposed development is articulated through the use of varying setbacks and openings which act to further mitigate any adverse building bulk impacts.

On that basis it is concluded that the proposed development satisfies the Performance Criteria of the R-Codes in respect of boundary setbacks and boundary walls, and is supported on that basis.

Landscaping

Under the provisions of CPS5, the landscaping requirement for the site equates to 25% of the total site area. In reality only very limited landscaping is proposed on site, as well as some verge tree planting along the Canning Highway and Stock Road road reserves and this represents a departure from the development requirements of CPS5.

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

Given the very urban context of the application site, and the desire that the urban form in this location is bolstered and reinforced via an appropriate urban form and design, the CPS5 landscaping requirement of 25% of total site area is considered to be onerous, and in this case, unnecessary.

The applicant has indicated that the continued operation of the Balshaws Florist business from the principal retail unit at the corner of Canning Highway and Stock Road will provide an attractive aspect to the street with large window displays of a floral nature. In addition, the applicant has indicated a willingness to offer an incidental food and beverage facility within the revamped retail offer, incorporating a small number of alfresco seats and tables. These will be set within planters and verge trees, which will assist in further activating the corner and enhancing the relationship that the built form will have with the street. This is in accordance with sound urban planning and design principles.

Notwithstanding the latter, the existing development of the subject and adjoining lots is hard edged to Canning Highway and Stock Road and does not provide the desired 25% landscaping sought by the Scheme provisions.

It is concluded that on this basis, the landscaping variation sought is acceptable.

Visual Privacy

Balconies are proposed to the two upper floor residential apartments located to the rear of the building, these are proposed to be setback 7m from the adjoining property at 165 Stock Road in lieu of the required 7.5m under the Acceptable Development provisions of the R-Codes. This variation in privacy distance is minor as the existing opposing balconies located within the two storey town house development to the north are themselves setback only 1.5m from the ROW. As the evolving built context is a mixed use higher density urban residential environment, the variation in question can be accepted.

Car Parking

In accordance with the Council Policy CP 079 – Car Parking (Non Residential), the proposed development requires the provision of 24 off street car parking bays, whereas 19 are provided in this case.

Sixteen car parking bays are proposed to be located within the basement car parking area, with a further three covered bays provided to the rear of the building accessed from the ROW.

A shortfall of five on-site car parking bays is proposed, the impact of which has been assessed in accordance with a performance based approach which takes into account the following:

- The fact that the subject site is located within a 'District Centre' Precinct which contains a number of uses which complement one another, in both land use terms and in terms of their likely customer patronage. In this way, it is anticipated that patrons of the proposed retail and office tenancies will also patronise other retail venues within the area and vice versa, thereby reducing the actual overall demand for parking bays that exists on this specific development, and throughout the wider District Centre area.

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

- The site is located within 100m of a high frequency bus stop. This portion of Canning Highway is well serviced by high frequency bus routes which provide transport to Canning Bridge Train Station as well as Perth and Fremantle City Centres.
- The fact that the applicant proposes to construct 12 bicycle racks within the basement for the use of the residents of the apartments, customers and staff of the commercial tenancies. The provision of bicycle parking and end-of-trip facilities provides the ability for residents of the apartments as well as staff and customers of the ground floor tenancies, to avail themselves of alternative, more sustainable transport options.

In view of this, it is concluded that the variation to the car parking requirements can be supported in this instance.

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 concluded that the proposal will enhance rather than detract from the amenity of the adjoining properties and surrounding area and as such, the proposed development is supported on that basis.

CONCLUSION

The adoption of an analytical, pragmatic and site specific approach to the assessment and determination of planning applications of this nature is an appropriate response to contemporary land use and built form demands, particularly in the context of the ongoing development and improvement of District Centres such as this at the Melville District Centre Precinct.

It is considered that the improved built form outcome, and the land use activation, that will result from this development far outweigh any concerns with regard to car parking and plot ratio variations.

The proposal is therefore recommended for planning approval on that basis.

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**OFFICER RECOMMENDATION (3272)****SPECIAL MAJORITY DECISION**

At 6.48pm His Worship the Mayor called for a mover and seconder to the Officer Recommendation inclusive of the Amendment.

At 6.48pm Cr Reynolds moved, seconded Cr Robartson -

- A) That the application for Two Storey Mixed Use Building with Basement Parking on Lot 1 (408) Canning Highway, Bicton be approved subject to the following Special and Standard Conditions:**

SPECIAL CONDITIONS:

- 1. Prior to the initial occupation of any of the development hereby approved, an Easement in Gross is to be registered on the Certificate of Title of Lot 1 (No. 408) Canning Highway over the area indicated on the Site and Undercroft Plan. This Easement in Gross is required to secure rights of carriageway access in favour of the City of Melville, with all costs associated with the registration and preparation of documentation to be borne by the applicant. Documentation to demonstrate compliance with the requirements of this condition shall be provided to the City, in writing, subject to the satisfaction of the Manager Planning and Development Services.**
- 2. Prior to the initial occupation of the development , the 19 on-site parking bays (including one Accessible Parking Bay), manoeuvring areas, driveway/s and points of ingress and egress are to be designed, constructed, drained and marked in accordance with Australian Standard AS 2890.1 to the satisfaction of the Manager Planning and Development Services. The bay/s shall thereafter be retained in perpetuity.**
- 3. Prior to the initial occupation of the development , the Accessible Parking Bay must be provided and clearly marked out in accordance with AS2890.6. The bay shall thereafter be retained in perpetuity to the satisfaction of the Manager Planning and Development Services.**
- 4. Prior to the initial occupation of the development, one loading bay within the road reserve is to be provided in accordance with the approved Site and Undercroft Plan . This service bay must be designed, constructed, drained and marked in accordance with Australian Standard AS 2890.1 to the satisfaction of the Manager Planning and Development Services. The bay shall thereafter be retained in perpetuity.**
- 5. All stormwater and drainage run off to be contained on site.**
- 6. The approved basement bicycle racks shall be constructed, installed, and made available for use, prior to the occupation of the building and thereafter maintained at all times to the satisfaction of the Manager Planning and Development Services.**

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

7. Prior to the initial occupation of the development, the façade of the building is to be treated with a non-sacrificial anti-graffiti agent to the satisfaction of the Manager Planning and Development Services.
8. Prior to initial occupation, the northern elevation of the balconies for Units F & G (as marked in RED on the approved plans) must have installed fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of Clause 6.8.1 (A1) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Planning and Development Services.
9. Prior to the commencement of works, a signage strategy is to be submitted and approved by the Manager Planning and Development Services. The strategy is to detail the location and size of future signage on the façade of the building. Once approved, the strategy is to inform the future assessment of applications for signage on the building.
10. Prior to the initial occupation of the development, the existing street tree is to be removed and replaced with four street trees as shown on the approved plans to the satisfaction of the Manager Planning and Development Services. The cost of the removal, replacement trees and all work undertaken is to be at the owner's expense.

STANDARD CONDITIONS:

11. Prior to the initial occupation of the development all unused crossovers are to be removed and the kerbing and verge reinstated at the owner's full expense to the satisfaction of the Manager Planning and Development Services.
12. The external face of the parapet wall(s) to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute to be finished to the satisfaction of the Manager Planning and Development Services.

ADVICE NOTES:

1. The *Environmental Protection (Noise) Regulations 1997* must be complied with at all times. These regulations stipulate allowable noise levels which if breached constitute unreasonable noise for the purposes of the *Environmental Protection Act 1986*. These regulations can be obtained from www.slp.wa.gov.au
2. The applicant be advised that in the interests of visual amenity, roof mounted or freestanding plant or equipment must be located and/or screened so as not to be visible from public view within the surrounding streets.

- B) That those who made submissions on the application be notified in writing of A) above.

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)Amendment

That Special Condition 8 of the Officer Recommendation be deleted and Special Conditions 9 and 10 and Standard Conditions 11 and 12 be renumbered accordingly.

Reasons for Amendment

Special Condition 8 of the Officer Recommendation states as follows:

“Prior to initial occupation, the northern elevation of the balconies for Units F & G (as marked in RED on the approved plans) must have installed fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of Clause 6.8.1 (A1) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Planning and Development Services.”

The amendment recommends that this condition be deleted as the minor visual privacy variation from the rear balconies is supported as outlined in the ‘Comment’ section of the report. This condition was inserted in error.

COUNCIL RESOLUTION (3272)**SPECIAL MAJORITY DECISION**

At 7.10pm Cr Reynolds moved, seconded Cr Robartson -

- A) That the application for Two Storey Mixed Use Building with Basement Parking on Lot 1 (408) Canning Highway, Bicton be approved subject to the following Special and Standard Conditions:**

SPECIAL CONDITIONS:

- 1. Prior to the initial occupation of any of the development hereby approved, an Easement in Gross is to be registered on the Certificate of Title of Lot 1 (No. 408) Canning Highway over the area indicated on the Site and Undercroft Plan. This Easement in Gross is required to secure rights of carriageway access in favour of the City of Melville, with all costs associated with the registration and preparation of documentation to be borne by the applicant. Documentation to demonstrate compliance with the requirements of this condition shall be provided to the City, in writing, subject to the satisfaction of the Manager Planning and Development Services.**
- 2. Prior to the initial occupation of the development , the 19 on-site parking bays (including one Accessible Parking Bay), manoeuvring areas, driveway/s and points of ingress and egress are to be designed, constructed, drained and marked in accordance with Australian Standard AS 2890.1 to the satisfaction of the Manager Planning and Development Services. The bay/s shall thereafter be retained in perpetuity.**
- 3. Prior to the initial occupation of the development, the Accessible Parking Bay must be provided and clearly marked out in accordance with AS2890.6. The bay shall thereafter be retained in perpetuity to the satisfaction of the Manager Planning and Development Services.**

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

4. Prior to the initial occupation of the development, one loading bay within the road reserve is to be provided in accordance with the approved Site and Undercroft Plan . This service bay must be designed, constructed, drained and marked in accordance with Australian Standard AS 2890.1 to the satisfaction of the Manager Planning and Development Services. The bay shall thereafter be retained in perpetuity.
5. All stormwater and drainage run off to be contained on site.
6. The approved basement bicycle racks shall be constructed, installed, and made available for use, prior to the occupation of the building and thereafter maintained at all times to the satisfaction of the Manager Planning and Development Services.
7. Prior to the initial occupation of the development, the façade of the building is to be treated with a non-sacrificial anti-graffiti agent to the satisfaction of the Manager Planning and Development Services.
8. Prior to the commencement of works, a signage strategy is to be submitted and approved by the Manager Planning and Development Services. The strategy is to detail the location and size of future signage on the façade of the building. Once approved, the strategy is to inform the future assessment of applications for signage on the building.
9. Prior to the initial occupation of the development, the existing street tree is to be removed and replaced with four street trees as shown on the approved plans to the satisfaction of the Manager Planning and Development Services. The cost of the removal, replacement trees and all work undertaken is to be at the owner's expense.

STANDARD CONDITIONS:

10. Prior to the initial occupation of the development all unused crossovers are to be removed and the kerbing and verge reinstated at the owner's full expense to the satisfaction of the Manager Planning and Development Services.
11. The external face of the parapet wall(s) to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute to be finished to the satisfaction of the Manager Planning and Development Services.

ADVICE NOTES:

1. The *Environmental Protection (Noise) Regulations 1997* must be complied with at all times. These regulations stipulate allowable noise levels which if breached constitute unreasonable noise for the purposes of the *Environmental Protection Act 1986*. These regulations can be obtained from www.slp.wa.gov.au
2. The applicant be advised that in the interests of visual amenity, roof mounted or freestanding plant or equipment must be located and/or screened so as not to be visible from public view within the surrounding streets.

P11/3272 - TWO STOREY MIXED USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)

- B) That those who made submissions on the application be notified in writing of A) above.**

At 7.10pm the Mayor submitted the motion, which was declared

LOST (8/5) DUE TO LACK OF SPECIAL MAJORITY – DEEMED REFUSAL

Reasons for Refusal

The proposed development is contrary to development provisions of Community Planning Scheme No. 5 (CPS5) in terms of -

- (a) Plot Ratio
- (b) Car Parking
- (c) Landscaping
- (d) Provisions for on site rubbish collection

and is considered to be prejudicial to the amenity provisions of CPS5.

At 7.11pm Cr Macphail left the meeting and returned at 7.13pm.

**P11/3273 - TWO-STOREY ADDITION TO THE EXISTING SINGLE HOUSE AT LOT 230 (22)
MILLINGTON STREET, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

Ward : Mount Pleasant/Applecross
 Category : Operational
 Application Number : DA-2011- 990
 Property : Lot 230 (22) Millington Street, Ardross
 Proposal : Second Storey Addition to the Existing Single House
 Applicant : Mathews Architecture
 Owner : S and G Sheppard
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services
 Previous Items : None applicable

AUTHORITY / DISCRETION

DEFINITION

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

**P11/3273 - TWO STOREY ADDITION TO THE EXISTING SINGLE HOUSE AT LOT 230 (22)
MILLINGTON STREET, ADDRESS (SMREC) (CONFIDENTIAL ATTACHMENT)**

KEY ISSUES / SUMMARY

- Development approval is sought for the construction of a two-storey addition to the existing single house.
- The proposal is generally compliant with the Acceptable Development Provisions of the Residential Design Codes (R-Codes) with the exception of a maximum building height variation of 9.64m in lieu of the permitted 9m and a variation to visual privacy requirements.
- The variation was advertised to the adjoining neighbours and one submission in support was received.
- The impact of the visual privacy variation has been assessed under the relevant performance criteria of the R Codes, as a result of which a condition of planning approval is recommended to ensure compliance with standard visual privacy requirements.
- The height variation has been assessed in accordance with the performance criteria associated with the R Codes and the provisions of the Council's Building Height Policy, and is supported on that basis. The final decision taken on this matter requires a Special Majority decision of the Council.



**P11/3273 - TWO STOREY ADDITION TO THE EXISTING SINGLE HOUSE AT LOT 230 (22)
MILLINGTON STREET, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Living Area – AR1
 R-Code : R20
 Use Class : Residential
 Use Permissibility : P - permitted

Site Details

Lot Area : 1,011.78sqm
 Retention of Existing Vegetation : Not applicable
 Street Tree(s) : Retained
 Street Furniture (drainage pits etc) : Not applicable
 Site Details : Refer to photo above

[3273 Elevation Plans 22 Millington Street Ardross](#)

DETAIL

The proposal satisfies all of the relevant provisions contained within Community Planning Scheme No. 5 (CPS5), the R-Codes and Council policy with the exception of those matters addressed below.

Development Requirements

Development Requirement	Allowed/ Required	Proposed	Comments	Delegation to approve variation	Plan Notation
Maximum wall height for buildings with flat or concealed roofs	9m	9.64m	Does not comply	Council	
Visual Privacy Northern elevation of Studio/Spare Bed	6m	3.5m	Does not comply	MPDS	

**P11/3273 - TWO STOREY ADDITION TO THE EXISTING SINGLE HOUSE AT LOT 230 (22)
MILLINGTON STREET, ADDRESS (SMREC) (CONFIDENTIAL ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Variation to building height
 Support/Object: Support

Submission	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Millington Street	No objection to the height variation provided the same dispensation is granted to them if they seek it in the future.	No objection (Conditional)	Condition not upheld as all planning applications are assessed on their individual merit. As such, the impact of a variation to the development requirements on the adjoining lot will be assessed if, and when, a development proposal for that lot is under consideration.	Not Uphold

REFERRALS TO GOVERNMENT AGENCIES

None required by this application.

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 none applicable in respect of this application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

**P11/3273 - TWO STOREY ADDITION TO THE EXISTING SINGLE HOUSE AT LOT 230 (22)
MILLINGTON STREET, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATIONS**

Council Policy CP - 066: Height of Buildings is of relevance to the subject application. As outlined above, the proposed dwelling does not satisfy the requirements of the policy and is therefore presented to Council for consideration.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is recommended for approval by Council. Council could refuse to grant consent, however this action is not recommended as the proposed height variation is considered to satisfy the relevant Performance Criteria of the R-Codes and only relates to a minor portion of the proposed building.

COMMENTSBuilding Height

This application is referred to the Council for consideration and determination on the grounds that a variation to the maximum height provisions of Community Planning Scheme No 5 (CPS5) is proposed, the approval of which requires a Special Majority decision of the Council.

Council Policy CP-066 "Height of Buildings", outlines the approach that is taken by the City to the measurement of building height. The Policy provides:

- guidance in respect of natural ground level, and
- sets out a differentiated approach to eave and wall height dependent on the style and design of the built form being proposed.

The overriding objective of the Policy is to provide guidance regarding building height controls with the purpose of ensuring that the height of buildings within a given locality is consistent with the desired character of that locality, in the interests of residential and visual amenity.

The Policy provides an explanation as to how the maximum height provisions of the various Precinct development areas across the City, as depicted by the provisions of CPS5, are interpreted.

To that end, where a building is proposed with a concealed, skillion or non-traditional pitched roof design, as is the case with the subject proposal, the maximum wall height for such developments is to be no more than 1.0m higher than the maximum eave height set out in CPS5 for the Precinct within which the development is proposed to be located.

In this case, the maximum height for buildings within the Ardross AR1 Precinct area is 8.0m to eave height. As such, and as the proposed development is designed to incorporate a concealed (or flat) roof design, the maximum permissible height under the provisions of Council Policy, is 9.0m.

In the subject case, a portion of the proposed upper floor addition exceeds 9.0m in height, it being a maximum of 9.6m. The specific area of the proposed addition which exceeds 9m in height is limited to the stairwell area and is 5.05m in length and ranges in height from 0 - 0.6m due to the sloping site.

**P11/3273 - TWO STOREY ADDITION TO THE EXISTING SINGLE HOUSE AT LOT 230 (22)
MILLINGTON STREET, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

The variations to the Council's maximum height provisions have been assessed in accordance with the objectives of the Council's Height of Buildings Policy and the Performance Criteria provided within the R-Codes. An assessment has been made in respect of the extent to which, if any, the variation proposed will conflict with the desired character of the locality, and whether it will prejudice the levels of residential and/or visual amenity enjoyed by residents of the immediate local area.

It is concluded that the variation to building height in this case will not prejudice the desired character of the locality, nor will it prejudice the amenity of occupiers of neighbouring properties, as:

- The portion of the addition which exceeds 9m in height is of small scale and primarily results from the sloping topography of the site.
- The portion of dwelling which exceeds the 9m height is located within the centre of the site, away from adjoining properties.
- The bulk and scale of the proposed additions is consistent with other two storey developments in the street and within the surrounding area.
- The overheight portion enables the creation of an architectural feature within the front elevation, and this acts to articulate the front elevation within the streetscape, in the interests of visual amenity.
- The proposal satisfies the Acceptable Development Provisions of the R-Codes in respect of overshadowing.
- The proposed addition will not have an adverse impact upon views obtained from surrounding properties.

Other Development Variations

The proposed development also includes a variation to the Acceptable Development Provisions of the R-Codes relating to visual privacy.

The Studio / Spare room contains a major opening approximately 3.5 metres in distance from the northern boundary. A condition of approval is recommended to require that this opening be modified to comply with the Acceptable Development Provisions of the R-Codes.

Amenity

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

CONCLUSION

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

**P11/3273 - TWO STOREY ADDITION TO THE EXISTING SINGLE HOUSE AT LOT 230 (22)
MILLINGTON STREET, ARDROSS (SMREC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3273)
SPECIAL MAJORITY APPROVAL**

At 7.13pm Cr Pazolli moved, seconded Cr Reidy -

- A) That the application for a Two-Storey Addition to the Existing Single House at Lot 230 (22) Millington Street be approved subject to a Special Majority decision of the Council, and subject to the following conditions:**

SPECIAL CONDITIONS:

- 1. All stormwater generated on site is to be retained on site.**
- 2. Prior to initial occupation, the opening along the Northern side of the Studio/Spare Room (as marked in RED on the approved plan reference DA02 Rev A) must have installed fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of Clause 6.8.1 (A1) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Planning and Development Services.**

STANDARD CONDITIONS:

- 3. In accordance with the provisions of Council Policy “Highly Reflective Roofing Materials”, the materials proposed for use on the development hereby approved must not be highly reflective. The use of Zinalume, white or surfmist coloured metal roofing may only be permitted through the grant of a separate planning approval.**

- B) That those who made submissions on the application be notified in writing of A) above.**

At 7.13pm the Mayor submitted the motion, which was declared

CARRIED BY SPECIAL MAJORITY (13/0)

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

P11/3274- INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5 – REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO ‘COMMUNITY CENTRE BS’ PRECINCT (REC)

Disclosure of Interest

Item No.	P11/3274
Member	Cr J Barton
Type of Interest	Financial Interest in Accordance with the Act
Nature of Interest	Board Member of Alchera that owns land in proximity to the subject site
Request	Leave
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P11/3274
Member	Cr N Pazolli
Type of Interest	Financial Interest in Accordance with the Act
Nature of Interest	Board Member of Alchera Living that owns property across the road of the subject sites
Request	Leave
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P11/3274
Member	Cr M Reynolds
Type of Interest	Financial Interest in Accordance with the Act
Nature of Interest	Board Member of Alchera that owns land in proximity to the subject site
Request	Leave
Decision of Council	Not Applicable

At 7.14pm Crs Barton, Pazolli and Reynolds, having declared an interest in this item, left the meeting.

**P11/3274 - INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5
– REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO
‘COMMUNITY CENTRE BS’ PRECINCT (REC)**

Ward : Palmyra/Melville/Willagee
 Category : Strategic
 Application Number : CPS 5 – 66
 Property : Lots 1-5 (88-96) Bawdan Street, Willagee
 Proposal : Initiation of Amendment No. 66 to amend CPS5
 by rezoning from ‘Living Area W1’ Precinct to
 ‘Community Centre BS’ Precinct.
 Applicant : City of Melville
 Owner : 88 Bawdan – Nelson Home Incorporated
 90 Bawdan – Ian Marshall Nominees Pty Ltd
 92 Bawdan - D Kaesehagen & S Woollett
 94 Bawdan – A Duff
 96 Bawdan - T Farrell & ATF Farrell Family Trust
 Disclosure of any Interest : No Officer involved in the preparation of this
 report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services
 Previous Items : Nil

AUTHORITY / DISCRETION

DEFINITION

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

**P11/3274 - INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5
– REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO
‘COMMUNITY CENTRE BS’ PRECINCT (REC)****KEY ISSUES / SUMMARY**

- It is proposed to initiate an amendment to Community Planning Scheme No. 5 (CPS5) to rezone 88-96 Bawdan Street, Willagee from ‘Living Area W1’ to ‘Community Centre BS’ Precinct.
- The subject site has traditionally operated as a small neighbourhood shopping centre, and was zoned on that basis under the provisions of previous City of Melville Town Planning Schemes.
- Despite this, and upon the gazettal of Community Planning Scheme No 5 (CPS5) in 1999, the parade of shops was rezoned ‘Living Area’.
- Under the provisions of the Use Classes Table of CPS5, a shop located within a Living area precinct is an “X” Use, i.e. not permissible under the Scheme provisions.
- In practice this has meant that uncertainty has been created for owners and potential purchasers of the properties, as the current zoning removes the ability for businesses located within the small centre to change from one commercial use to another.
- In addition, under the current Scheme provisions, the vacation of an existing retail use for a period of six months or more is classed as the use being abandoned, and no longer capable of being re-implemented. For these reasons, a number of the existing premises are vacant and unused at present.
- The proposed rezoning to CCR Precinct would remove the anomaly that has been created since the inception of CPS5. It would re-introduce a zoning that is consistent with, and supportive of, the actual land uses that have traditionally operated from these lots, the re-use of which for retail or other commercial purpose will act as a catalyst for urban renewal in the interests of the local community.
- The proposed Scheme Amendment is recommended for initiation.

**P11/3274 - INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5
- REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM 'LIVING AREA W1' TO
'COMMUNITY CENTRE BS' PRECINCT (REC)**



**P11/3274 - INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5
– REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO
‘COMMUNITY CENTRE BS’ PRECINCT (REC)**

BACKGROUND

Prior to the adoption of the previous TPS3, a commercial development strategy for Willagee was developed. This strategy endorsed the creation of one small “Neighbourhood Centre” within the Willagee area (Archibald Street) and a number of “Local Centres” (including the Bawdan Street local centre).

At the time of the gazettal of CPS5, the Bawdan Street local centre was rezoned “Living Area” as it was considered that the viability of the Archibald Street Neighbourhood Centre was being threatened by the existence of smaller local centres such as that provided at Bawdan Street.

It is more likely however, that the success of the Archibald Street Neighbourhood Centre was compromised by the emergence and establishment of a commercial centre in Myaree. Whatever the reason, it is now accepted that the benefits that will accrue from the re-establishment of the Bawdan Street local centre as a local convenience shopping facility, outweigh any disadvantages that may occur.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area Precinct – W1
R-Code	: R20
Use Type	: Not applicable
Use Class	: Not applicable

Site Details

Lot Area	: Lot 1 (96) Bawdan Street – 423sqm Lot 2 (94) Bawdan Street – 323sqm Lot 3 (92) Bawdan Street – 323sqm Lot 4 (90) Bawdan Street – 323sqm Lot 5 (88) Bawdan Street – 307sqm
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: Not applicable
Street Furniture (drainage pits etc)	: Not applicable
Site Details	: Refer to aerial photo above

DETAIL

As stated, it is proposed to amend CPS5 to rezone 88-96 Bawdan Street, Willagee from ‘Living Area W1’ to ‘Community Centre BS’ Precinct.

**P11/3274 - INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5
– REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO
‘COMMUNITY CENTRE BS’ PRECINCT (REC)**

PUBLIC CONSULTATION/COMMUNICATION

Should Council resolve to initiate the Amendment, it will require formal advertising in accordance with the procedures outlined in Western Australian Planning Commission (WAPC) Planning Bulletin No. 29.

REFERRALS TO GOVERNMENT AGENCIES

There are no referrals to Government Agencies required prior to initiation of the Scheme Amendment. However, following initiation, the Amendment will require referral to the Environmental Protection Authority and WAPC prior to advertising.

STATUTORY AND LEGAL IMPLICATIONS

Part 5 of the *Planning and Development Act 2005* allows Council to initiate amendments to planning schemes. Once initiated, Council must advertise the Amendment, consider submissions and forward the proposal to the Minister for Planning (the Minister) for determination.

FINANCIAL IMPLICATIONS

There are no financial implications of note with this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk and environmental management implications for Council relative to this application.

POLICY IMPLICATIONS

None applicable to the proposed Amendment.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could choose to refuse to initiate the subject Amendment on the grounds that the proposal is not consistent with proper and orderly planning. This course of action is not recommended in this case.

**P11/3274 - INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5
– REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO
‘COMMUNITY CENTRE BS’ PRECINCT (REC)**

COMMENTS

As outlined above, the proposed Amendment seeks to rezone Lot 1-5 (No's. 88-96) Bawdan Street, Willagee from 'Living Area W1' to 'Community Centre BS'.

Up until the gazettal of CPS5 in 1999, the subject lots were in use for commercial land use activities, the parade of shops collectively providing a local neighbourhood shopping facility within the Willagee suburb.

Upon gazettal of CPS5, the subject lots were re-zoned "Living Area", and the Scheme text provided that retail uses, such as those that occupied the various premises at that time, were no longer accepted uses within the living area precinct. This change meant that the retail uses operated from the lots could continue to exist, but they effectively became classed as non conforming uses. Under the non conforming use provisions of CPS5, whilst the uses could continue to operate as such, the ability for individual premises to change from one commercial or retail activity to another was removed.

This lack of flexibility has meant in practice that upon the cessation of uses and given the inability for the City to endorse any alternative change of use, the premises have become vacant and incapable of future viable commercial use. Premises which were vacated for more than six months lost the ability for the land uses to be re-instated, as land use rights were extinguished after that length of time.

This situation has been frustrated further by an inability for individual lot owners to develop their lots for residential purposes, as at less than 330 sq m's, the lot sizes do not support residential re-use at the R20 density code, where a minimum lot size of 450 sq m's is required.

This constraint has resulted in the current situation whereby only two commercial uses are authorised to operate, with the remaining three being vacant. The vacant buildings are unable to now be utilised for most commercial purposes, as a result of which owners have been unable to rent or sell them. The vacant buildings have also become targets for graffiti, vandalism and other antisocial behaviour.

To address this issue, and in response to concerns expressed by land owners, it is proposed to rezone the subject sites 'Community Centre Precinct - BS'. This will enable the re-use of buildings, subject to the planning approval of the City, for a variety of commercial activities. Any development undertaken will be judged against the following development parameters:

**P11/3274 - INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5
– REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO
‘COMMUNITY CENTRE BS’ PRECINCT (REC)**

Zoning and Precinct Development Requirements

A new ‘Community Centre (BS – Bawdan Street)’ Precinct is proposed, which, under the provisions of the Scheme Amendment will be assigned specific development provisions. These provisions will assist in guiding future development within the centre, ensuring that it takes place in accordance with the City’s expectations.

“COMMUNITY CENTRE PRECINCT

BS – BAWDAN STREET

Statement of Intent

To provide for a limited range of retail, personal and commercial services to meet the daily needs of local residents.

Development Requirements

R Code	R40, in accordance with Clauses 5.1, 5.2
Minimum Lot Area	As per R-Codes
Maximum Plot Ratio (Non-residential)	1.0
Setbacks	Front Setbacks to be in accordance with ‘main-street’ design principles and compatible with adjoining developments. Side and Rear setbacks nil.
Maximum Building Height	8.0 metres to eaves, 10.5m maximum, having regard to Council Policy.
Minimum Car Parking	
- Residential	As per R-Codes
- Non-residential	Numbers of bays shall be determined by the Council, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Tower and roof signs are prohibited. At the discretion of Council other signs may be approved in accordance with Clause 5.10 and Council Policy.

**P11/3274 - INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5
– REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO
‘COMMUNITY CENTRE BS’ PRECINCT (REC)**

Land Use Permissibility

It is proposed that land use permissibility within the ‘Community Centre’ (BS – Bawdan Street) Precinct is the same as that provided for under the ‘Community Centre’ (CCR) Precinct. This includes the following permissible (P) uses:

- Child Minding Centre
- Recreation
- Consulting Rooms
- Convenience Store
- Corner Store
- Garden Centre
- Lunch Bar
- Office
- Restaurant
- Service Station
- Shop
- Veterinary Clinic

On the whole, the proposed rezoning of the subject sites from ‘Living Area’ to ‘Community Centre BS’ Precinct is supported for the following reasons:

- The rezoning would be consistent with the previous and existing commercial uses of the subject site and will ensure the retention and longevity of these uses, which have established themselves into the urban fabric and heritage of the area.
- The rezoning will provide greater certainty for the owners of the sites and hopefully provide a catalyst for the redevelopment of the existing buildings.
- The subject lots are under-size and of difficult shape to adequately develop for residential purposes at the current R20 density.
- The proposed R40 density under the Community Centre Precinct zoning is consistent with the surrounding area which is characterised by medium density development and would encourage the construction of mixed use developments.
- The sites are located centrally within a medium density housing area which includes an established Aged Persons and Retirement Village. The continued commercial use of these sites would provide a valuable amenity to the surrounding residents and convenient commercial facilities for persons who maybe mobility impaired.
- Due to the size and shape of the lots it is considered that the sites will be utilised predominantly for convenience retailing and small offices which serve the local community, as well as health, welfare and community facilities.
- The subject site is readily accessible by bus. The subject site is located in close proximity to bus routes 502, 140 and 160.
- It is considered that the Willagee area in the City, has less Neighbourhood and Local Centres relative to other areas of the City.
- The rezoning supports resident walkability to local facilities, noting that the car ownership rate in Willagee is the lowest within the City.

**P11/3274 - INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5
– REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO
‘COMMUNITY CENTRE BS’ PRECINCT (REC)**

CONCLUSION

Based on the above, it is recommended that the proposed Amendment be initiated on the basis that the rezoning does not compromise the intent of CPS5 and the levels of residential amenity enjoyed by residents of adjoining properties.

OFFICER RECOMMENDATION (3274)

INITIATION

At 7.14pm His Worship the Mayor called for a mover and seconder to the Officer Recommendation inclusive of the amendment.

At 7.14pm Cr Macphail moved, seconded Cr Reidy -

A That pursuant to Part 5 of the Planning and Development Act 2005, the Council resolve to initiate Amendment No. 66 to Community Planning Scheme No. 5 as follows:

- 1. Amending Part 4 of Community Planning Scheme No. 5 by adding the following new Precinct – ‘Community Centre’ (BS – Bawdan Street) Precinct and associated Precinct Development requirements:**

5 COMMUNITY CENTRE PRECINCT

BS – BAWDAN STREET

Statement of Intent

To provide for a limited range of retail, personal and commercial services to meet the daily needs of local residents.

Development Requirements

R Code R40, in accordance with Clauses 5.1, 5.2

Minimum Lot Area As per R-Codes

Maximum Plot Ratio (Non-residential) 1.0

Setbacks Front Setbacks to be in accordance with ‘main-street’ design principles and compatible with adjoining developments.
Side and Rear setbacks nil.

Maximum Building Height 8.0 metres to eaves, 10.5m maximum, having regard to Council Policy.

**P11/3274 - INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5
– REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO
‘COMMUNITY CENTRE BS’ PRECINCT (REC)**

Minimum Car Parking	
Residential	As per R-Codes
Non-residential	Numbers of bays shall be determined by the Council, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Tower and roof signs are prohibited. At the discretion of Council other signs may be approved in accordance with Clause 5.10 and Council Policy.

2. **Inclusion of a new Precinct under ‘Community Centre Precincts’ in Clause 4.1 (5) of the City of Melville Community Planning Scheme No. 5 as follows:**

BS Bawden Street

3. **Amend the Scheme map by:**

- (i) **Adding the Community Centre’ (BS) Precinct to the map legend.**
- (ii) **Rezoning the lots shown on the Scheme Amendment No. 66 map from ‘Living Area W1’ Precinct to ‘Community Centre (BS)’ Precinct.**

B That His Worship the Mayor and the Chief Executive Officer be authorised to endorse the Amendment document.

C That the City of Melville forward a copy of the Amendment documentation to:

- a) **The Environmental Protection Authority in accordance with *Section 81* of the *Planning and Development Act 2005*; and,**
- b) **The Western Australian Planning Commission for information.**

D That on receipt of advice from the Environmental Protection Authority under *Section 48A* of the *Environmental Protection Act 1986* indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for not less than 42 days.

Amendment

That Section 4 be inserted into Part A of the Officer Recommendation as follows:

- 4. *Deletion of Additional Use No. 14 within Schedule 3 of Community Planning Scheme No. 5 pertaining to 90-96 Bawdan Street, Willagee.***

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

CARRIED (10/0)

**P11/3274 - INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5
– REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO
‘COMMUNITY CENTRE BS’ PRECINCT (REC)**

Reasons for Amendment

Additional Use No. 14 within Schedule 3 of Community Planning Scheme No. 5 (CPS5) states as follows:

No.	Address	Additional Uses	Special Conditions
14	L1 (96), L2 (94), L4 (90), L5 (88) Bawdan Street, Willagee	Retail (Christian Book Shop) Butcher Op Shop Retail (Furniture)	

Should Council resolve to initiate the proposed Scheme Amendment to CPS5 to rezone the properties from ‘Living Area’ to ‘Community Centre’ Precinct, the above Additional Uses will no longer be required and it is therefore recommended that they be deleted.

The abovementioned Additional Uses are very specific and have resulted in the property owners being very restricted as to the uses which can occupy the tenancies.

COUNCIL RESOLUTION (3274)

INITIATION

At 7.15pm the Mayor submitted the substantive motion as amended –

A That pursuant to Part 5 of the Planning and Development Act 2005, the Council resolve to initiate Amendment No. 66 to Community Planning Scheme No. 5 as follows:

- 1. Amending Part 4 of Community Planning Scheme No. 5 by adding the following new Precinct – ‘Community Centre’ (BS – Bawdan Street) Precinct and associated Precinct Development requirements:**

5 COMMUNITY CENTRE PRECINCT

BS – BAWDAN STREET

Statement of Intent

To provide for a limited range of retail, personal and commercial services to meet the daily needs of local residents.

Development Requirements

R Code R40, in accordance with Clauses 5.1, 5.2

Minimum Lot Area As per R-Codes

**Maximum Plot Ratio
(Non-residential)** 1.0

**P11/3274 - INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5
– REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO
‘COMMUNITY CENTRE BS’ PRECINCT (REC)**

Setbacks	Front Setbacks to be in accordance with ‘main-street’ design principles and compatible with adjoining developments. Side and Rear setbacks nil.
Maximum Building Height	8.0 metres to eaves, 10.5m maximum, having regard to Council Policy.
Minimum Car Parking Residential Non-residential	As per R-Codes Numbers of bays shall be determined by the Council, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	Tower and roof signs are prohibited. At the discretion of Council other signs may be approved in accordance with Clause 5.10 and Council Policy.

2. **Inclusion of a new Precinct under ‘Community Centre Precincts’ in Clause 4.1 (5) of the City of Melville Community Planning Scheme No. 5 as follows:**

BS Bawden Street

3. **Amend the Scheme map by:**

- (i) Adding the Community Centre’ (BS) Precinct to the map legend.**
- (ii) Rezoning the lots shown on the Scheme Amendment No. 66 map from ‘Living Area W1’ Precinct to ‘Community Centre (BS)’ Precinct.**

4. ***Deletion of Additional Use No. 14 within Schedule 3 of Community Planning Scheme No. 5 pertaining to 90-96 Bawdan Street, Willagee.***

B That His Worship the Mayor and the Chief Executive Officer be authorised to endorse the Amendment document.

C That the City of Melville forward a copy of the Amendment documentation to:

- a) The Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005; and,**
- b) The Western Australian Planning Commission for information.**

**P11/3274 - INITIATION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO.5
– REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO
‘COMMUNITY CENTRE BS’ PRECINCT (REC)**

- D That on receipt of advice from the Environmental Protection Authority under *Section 48A of the Environmental Protection Act 1986* indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for not less than 42 days.**

At 7.16pm the Mayor declared the motion

CARRIED (10/0)

At 7.17pm Crs Barton and Pazolli returned to the meeting.

At 7.19pm Cr Reynolds returned to the meeting.

P11/3275 - INITIATION OF AMENDMENT NO. 63 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF LOTS 146 (844), 145 (846), 4 (848), 368 (855), 369 (857), 500 (859), 1 (861) CANNING HIGHWAY & LOTS 1 (34 & 34A), 208 (35), 1 (37-39), 372 (41) REYNOLDS ROAD, MOUNT PLEASANT FROM ‘LIVING AREA (CH)’ PRECINCT TO ‘COMMUNITY CENTRE (RR)’ PRECINCT (REC) (ATTACHMENT)

Ward : Applecross – Mount Pleasant
 Category : Strategic
 Application Number : CPS 5 – 63
 Property : Lots 146 (844), 145 (846), 4 (848), 368 (855), 369 (857), 500 (859), 1 (861) Canning Highway; Lots 1 (34 & 34A), 208 (35), 1 (37-39), 372 (41) Reynolds Road
 Proposal : Initiation of Amendment No. 63 to amend CPS5 – rezoning of from ‘Living Area (CH)’ Precinct to ‘Community Centre (RR)’ Precinct
 Applicant : Tuscom Subdivision Consultants Pty Ltd
 Owner/s : Various
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services
 Previous Items : Nil

AUTHORITY / DISCRETION

DEFINITION

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

P11/3275 - INITIATION OF AMENDMENT NO. 63 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF LOTS 146 (844), 145 (846), 4 (848), 368 (855), 369 (857), 500 (859), 1 (861) CANNING HIGHWAY & LOTS 1 (34 & 34A), 208 (35), 1 (37-39), 372 (41) REYNOLDS ROAD, MOUNT PLEASANT FROM ‘LIVING AREA (CH)’ PRECINCT TO ‘COMMUNITY CENTRE (RR)’ PRECINCT (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- A Scheme Amendment application has been received to rezone 855 and 857 Canning Highway and 37-39 and 41 Reynolds Road, Mount Pleasant from Living Area Precinct to Community Centre Precinct.
- The proposed rezoning will effectively consolidate a number of existing commercial uses that are located within the area defined by the junction of Canning Highway and Reynolds Road. At present the existence of these commercial uses is legitimised by virtue of the additional use provisions of Schedule 3 of Community Planning Scheme No. 5 (CPS5) by established non conforming uses.
- In total it is proposed to rezone eleven individual lots.
- The creation of a more readily identifiable Community Centre zone in this location is to a large extent, pre-empted by the existence of a large number of non residential land use activities.
- However, the rezoning proposed by this Scheme Amendment will enable some flexibility in respect of how the existing non residential uses are provided, providing the option for changes of use to occur, and/or site redevelopment for alternative, or upgraded, commercial purposes to take place.
- The proposed Amendment is recommended for initiation.



P11/3275 - INITIATION OF AMENDMENT NO. 63 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF LOTS 146 (844), 145 (846), 4 (848), 368 (855), 369 (857), 500 (859), 1 (861) CANNING HIGHWAY & LOTS 1 (34 & 34A), 208 (35), 1 (37-39), 372 (41) REYNOLDS ROAD, MOUNT PLEASANT FROM ‘LIVING AREA (CH)’ PRECINCT TO ‘COMMUNITY CENTRE (RR)’ PRECINCT (REC) (ATTACHMENT)

BACKGROUND

At present, the lots included within the proposed Scheme Amendment area are used as follows:

- 844 Canning Highway – Additional Use No. 46 for ‘Office’.
- 846 Canning Highway – Additional Use No. 33 for ‘Office’.
- 848 Canning Highway – Additional Use No. 34 for ‘Convenience Store’.
- 855 Canning Highway – Non-Conforming Use of ‘Medical Centre’.
- 857 Canning Highway – Additional Use No. 41 for ‘Medical Centre’.
- 37-39 Reynolds Road – Additional Use No. 42 for ‘Medical Centre’ and ‘Office’.

With the exception of 846 Canning Highway, all of these uses have restrictions placed upon them to control the way they operate, and to limit redevelopment opportunities.

These restrictions were put in place as being located within a Living Area precinct, additional controls were considered necessary in order that the specific commercial activities could be accommodated there.

These restrictions effectively act to stifle the ability for the various business premises to be used for alternative commercial purposes. In addition, potential wholesale redevelopment proposals are similarly constrained as the continued existence of the non residential uses is as it stands, solely reliant on those uses continuing to operate as they are at present in accordance with the provisions outlined by the additional use criteria or the non conforming use criteria of CPS5.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: ‘Living Area (CH – Canning Highway)’ Precinct
R-Code	: R25 / 40
Use Type	: Various
Use Class	: Various

Site Details

Lot Area	: 15,048.48sqm (combined)
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: There are existing street trees in the locality
Street Furniture (drainage pits etc)	: There is existing infrastructure in the locality

[3275 Amendment 63 Map](#)

**P11/3275 - INITIATION OF AMENDMENT NO. 63 TO COMMUNITY PLANNING SCHEME NO. 5
– REZONING OF LOTS 146 (844), 145 (846), 4 (848), 368 (855), 369 (857), 500 (859), 1 (861)
CANNING HIGHWAY & LOTS 1 (34 & 34A), 208 (35), 1 (37-39), 372 (41) REYNOLDS ROAD,
MOUNT PLEASANT FROM ‘LIVING AREA (CH)’ PRECINCT TO ‘COMMUNITY CENTRE (RR)’
PRECINCT (REC) (ATTACHMENT)**

DETAIL

As stated it is proposed to amend CPS5 to rezone lots located at the intersection of Canning Highway and Reynolds Road, Mount Pleasant from Living Area Precinct to Community Centre Precinct.

PUBLIC CONSULTATION/COMMUNICATION

If supported, the proposed Amendment will require formal advertising in accordance with procedures outlined in the Western Australian Planning Commission Bulletin No. 29.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

There are no referrals to Government Agencies required in this case.

STATUTORY AND LEGAL IMPLICATIONS

Part 5 of the *Planning and Development Act 2005* provides for Council to initiate amendments to Town Planning Schemes. Once initiated, Council must advertise the Amendment, consider submissions and forward the proposal to the Hon. Minister for Planning, Culture and the Arts, Environment and Youth (the Minister) for determination.

Under Section 75 of the *Planning and Development Act 2005*, should Council resolve not to initiate the amendment, the Applicant will have the ability to ask the Minister to order the City to undertake the amendment. This can only occur where the Applicant can prove that the City has failed to adopt an amendment that ought to be adopted in terms of proper and orderly planning.

FINANCIAL IMPLICATIONS

There are no financial implications of note in respect of this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Management Implications

There are no risk management implications for Council to consider as part of the Amendment.

Strategic Management Implications

The Amendment as presented has due regard for the future intended zoning and development requirements of Draft Local Planning Scheme No. 6.

At this stage, there are no strategic management implications envisaged.

P11/3275 - INITIATION OF AMENDMENT NO. 63 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF LOTS 146 (844), 145 (846), 4 (848), 368 (855), 369 (857), 500 (859), 1 (861) CANNING HIGHWAY & LOTS 1 (34 & 34A), 208 (35), 1 (37-39), 372 (41) REYNOLDS ROAD, MOUNT PLEASANT FROM ‘LIVING AREA (CH)’ PRECINCT TO ‘COMMUNITY CENTRE (RR)’ PRECINCT (REC) (ATTACHMENT)

Environmental Management Implications

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

POLICY IMPLICATIONS

Council Policy CP-071: Reynolds Road Local Area Policy is of relevance in this case. The provisions of this Policy are not prejudiced by the Scheme Amendment, which on the contrary can be said to complement it.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could choose to refuse to initiate the Scheme Amendment, but as stated should this be the case then the applicant can seek redress from the Minister, who may intervene on behalf of the applicant to ensure initiation takes place.

In addition, should Council refuse to initiate the Amendment, the Applicant will have the ability to make a submission during the consultation stage of the Draft Local Planning Scheme No. 6.

COMMENTS

Since receiving the initial request for this Scheme Amendment, the opportunity has been taken to include a number of additional lots within the Amendment proposal, above and beyond those initially included by the applicant.

This decision has been taken as it will result in a more definitive rounding off the existing de facto commercial area at this intersection.

Amendment No. 63 will formalise the established commercial land-uses located at the intersection of Canning Highway and Reynolds Road and acknowledge the importance of the area as a specialist local centre. In this regard, the Amendment recognises the range of facilities and services already available in the area, which includes a range of specialist medical businesses (i.e. pathology, physiotherapy, general practitioner, chiropractic and speech pathology), as well as service station with convenience store and small-scale offices.

In recognition of the hierarchy of centres as advocated by State Planning Policy, 4.2 ‘Activity Centres’ this centre will be classed as a low order activity centre, with development provisions that reflect that status. This ensures that higher order centres such as Riseley and Canning Bridge, can continue to operate at their higher order level.

**P11/3275 - INITIATION OF AMENDMENT NO. 63 TO COMMUNITY PLANNING SCHEME NO. 5
– REZONING OF LOTS 146 (844), 145 (846), 4 (848), 368 (855), 369 (857), 500 (859), 1 (861)
CANNING HIGHWAY & LOTS 1 (34 & 34A), 208 (35), 1 (37-39), 372 (41) REYNOLDS ROAD,
MOUNT PLEASANT FROM ‘LIVING AREA (CH)’ PRECINCT TO ‘COMMUNITY CENTRE (RR)’
PRECINCT (REC) (ATTACHMENT)**

Zoning and Precinct Development Requirements

A new ‘Community Centre (RR – Reynolds Road)’ Precinct is proposed, which, under the provisions of the Scheme Amendment will be assigned specific development provision. These provisions will assist in guiding future development within the centre, ensuring that it takes place in accordance with the City’s expectations.

The introduction of a new Community Centre Precinct has a number of benefits. These include:

- the formalisation of existing commercial uses within the area
- a reduction in the number of additional uses contained under Schedule 3 of CPS5,
- the introduction of specific development provisions which will provide greater certainty for land owners and will encourage the redevelopment of sites, many of which at present contain aging, dated buildings.
- the ability to introduce new non-residential development provisions, which will enable the deletion of the various Special Conditions contained under Schedule 3 of CPS5, and their replacement by a consolidated set of requirements to ensure coherent and orderly future development.
- the introduction of non residential development provisions also provide the means via which a retail hierarchy between the Community Centre Precincts and the higher-order District Centre zones (i.e. Riseley and Canning Bridge Centres), can be maintained. The larger District Centres are more readily suited to accommodate larger scale development proposals including more intensive retail and office developments. This is achieved through the implementation of more stringent plot ratio, setback and retail floor space limitations, which will form part of the CPS5 provisions as detailed below.

“COMMUNITY CENTRE PRECINCT

RR – REYNOLDS ROAD

Statement of Intent

To provide for a limited range of retail, personal and commercial services to meet the daily needs of local residents.

**P11/3275 - INITIATION OF AMENDMENT NO. 63 TO COMMUNITY PLANNING SCHEME NO. 5
– REZONING OF LOTS 146 (844), 145 (846), 4 (848), 368 (855), 369 (857), 500 (859), 1 (861)
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MOUNT PLEASANT FROM ‘LIVING AREA (CH)’ PRECINCT TO ‘COMMUNITY CENTRE (RR)’
PRECINCT (REC) (ATTACHMENT)**

Development Requirements

R Code R40, in accordance with Clauses 5.1, 5.2

Minimum Lot Area As per R-Codes

Maximum Plot Ratio

(Non-residential) 1.0, having regard to any relevant Local Planning Policy

Note: The achievable maximum plot ratio floorspace will depend on the type and mix of uses, the form of building and the resultant requirement and design of car parking. With a mix of shops, offices and other uses, based on shared use of car parking, it should be possible to develop up to the maximum plot ratio. However, the achievable plot ratio may be limited if a mix of uses is not proposed. Shopping floorspace will also be limited in accordance with the Local Commercial Strategy.

Setbacks Front Setbacks to be in accordance with ‘main-street’ design principles and compatible with adjoining developments.

Side Setbacks as per the R-Codes
Rear Setback a minimum of 6m

Minimum Landscaping

- Residential As per R-Codes
- Non-residential 10% of site area and in accordance with Clause 5.9, providing that this may be reduced to 5% where the verge is landscaped, reticulated and maintained to the specification and satisfaction of the City of Melville.

Maximum Building height 11.0 metres to eaves, 13.5m maximum, having regard to Council Policy.

Minimum Car Parking

- Residential As per R-Codes
- Non-residential Numbers of bays shall be determined by the Council, in accordance with Clause 5.8 and having regard to Council Policy.

P11/3275 - INITIATION OF AMENDMENT NO. 63 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF LOTS 146 (844), 145 (846), 4 (848), 368 (855), 369 (857), 500 (859), 1 (861) CANNING HIGHWAY & LOTS 1 (34 & 34A), 208 (35), 1 (37-39), 372 (41) REYNOLDS ROAD, MOUNT PLEASANT FROM ‘LIVING AREA (CH)’ PRECINCT TO ‘COMMUNITY CENTRE (RR)’ PRECINCT (REC) (ATTACHMENT)

Land Use Permissibility

It is proposed that land use permissibility within the ‘Community Centre’ (RR – Reynolds Road) Precinct is the same as that provided for under the ‘Community Centre’ (CCR) Precinct. This includes the following permissible (P) uses:

- Child Minding Centre
- Conservation/Recreation
- Consulting Rooms
- Convenience Store
- Corner Store
- Garden Centre
- Lunch Bar
- Office
- Restaurant
- Service Station
- Shop
- Veterinary Clinic

Public Transport / Bicycle Access

The Amendment area is situated at the intersection of Canning Highway and Reynolds Road which is readily accessible by bus. The subject sites are located in close proximity to approximately ten bus stops within a 200m radius which provide connection to the Canning Bridge Train Station as well as Fremantle and Perth City Centres.

Reynolds Road is classified as a ‘Medium Road Riding’ Environment under the Department of Transport Perth Bike Map Series. Specifically, dedicated cycle lanes are marked along both north and south bound lanes. A ‘Good Road Riding’ Environment is otherwise provided to access Reynolds Road from the Canning Bridge Train Station via The Esplanade through Helm and Wren Streets.

CONCLUSION

Based on the above, it is recommended that the proposed Amendment be initiated for the following reasons:

- There will be a reduction in the amount of Additional Uses in Schedule 3 of CPS5.
- The proposal will formalise the established commercial land uses and deliver improved specialist commercial opportunities to the local community.
- The Amendment will encourage redevelopment.
- The proposed zoning will provide an opportunity for the development of mixed use and medium density residential which will benefit from high accessibility to public transport and services.

P11/3275 - INITIATION OF AMENDMENT NO. 63 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF LOTS 146 (844), 145 (846), 4 (848), 368 (855), 369 (857), 500 (859), 1 (861) CANNING HIGHWAY & LOTS 1 (34 & 34A), 208 (35), 1 (37-39), 372 (41) REYNOLDS ROAD, MOUNT PLEASANT FROM ‘LIVING AREA (CH)’ PRECINCT TO ‘COMMUNITY CENTRE (RR)’ PRECINCT (REC) (ATTACHMENT)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3275)**INITIATION**

At 7.23pm Cr Reidy moved, seconded Cr Macphail -

A That pursuant to Part 5 of the *Planning and Development Act 2005*, the Council resolves to initiate Amendment No. 63 to Community Planning Scheme No. 5 as follows:

- 1. Amending Part 4 of Community Planning Scheme No. 5 by adding the following new Precinct – ‘Community Centre’ (RR – Reynolds Road) Precinct and associated Precinct Development requirements:**

5. COMMUNITY CENTRE PRECINCT**RR – REYNOLDS ROAD****Statement of Intent**

To provide for a limited range of retail, personal and commercial services to meet the daily needs of local residents.

Development Requirements

R Code R40, in accordance with Clauses 5.1, 5.2

Minimum Lot Area as per R-Codes

Maximum Plot Ratio

(Non-residential) 1.0, having regard to any relevant Local Planning Policy.

Note: *The achievable maximum plot ratio floorspace will depend on the type and mix of uses, the form of building and the resultant requirement and design of car parking. With a mix of shops, offices and other uses, based on shared use of car parking, it should be possible to develop up to the maximum plot ratio. However, the achievable plot ratio may be limited if a mix of uses is not proposed. Shopping floorspace will also be limited in accordance with the Local Commercial Strategy.*

Setbacks

Front Setbacks to be in accordance with ‘main-street’ design principles and compatible with adjoining developments.

Side Setbacks as per the R-Codes

Rear Setback a minimum of 6m

**P11/3275 - INITIATION OF AMENDMENT NO. 63 TO COMMUNITY PLANNING SCHEME NO. 5
– REZONING OF LOTS 146 (844), 145 (846), 4 (848), 368 (855), 369 (857), 500 (859), 1 (861)
CANNING HIGHWAY & LOTS 1 (34 & 34A), 208 (35), 1 (37-39), 372 (41) REYNOLDS ROAD,
MOUNT PLEASANT FROM ‘LIVING AREA (CH)’ PRECINCT TO ‘COMMUNITY CENTRE (RR)’
PRECINCT (REC) (ATTACHMENT)**

Minimum Landscaping

- Residential As per R-Codes
- Non-residential 10% of site area and in accordance with Clause 5.9, providing that this may be reduced to 5% where the verge is landscaped, reticulated and maintained to the specification and satisfaction of the City of Melville.

Maximum Building height 11.0 metres to eaves, 13.5m maximum, having regard to Council Policy.

Minimum Car Parking

- Residential As per R-Codes
- Non-residential Numbers of bays shall be determined by the Council, in accordance with Clause 5.8 and having regard to Policy.

Bicycle facilities End-of-trip bicycle facilities may be required having regard to relevant Council Policy.

Note: End-of-trip bicycle facilities for Local Centres will be at the discretion of Council, and may vary depending on the size and composition of the particular centre and the nature of the development in respect of which the requirement is to be applied.

- Retail Floor Space**
- (a) Retail shopping floorspace should not exceed that identified for the relevant centre in the Local Commercial Strategy, which has been approved by the Council;
 - (b) Floor space other than retail may be approved at the discretion of the Council, having regard to relevant Council Policy and co-locational benefits.
 - (c) Individual office tenancies should generally not exceed 150 square metres NLA, in order to provide for a diversity of businesses and avoid domination by large establishments more located within District Centres.

Note: Floor space allocated a mix of land uses can improve local employment self-sufficiency and provide a more vibrant mix of uses. Such development can also make use of facilities in respect of which there may be spare capacity outside peak shopping times, e.g. car parking.

P11/3275 - INITIATION OF AMENDMENT NO. 63 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF LOTS 146 (844), 145 (846), 4 (848), 368 (855), 369 (857), 500 (859), 1 (861) CANNING HIGHWAY & LOTS 1 (34 & 34A), 208 (35), 1 (37-39), 372 (41) REYNOLDS ROAD, MOUNT PLEASANT FROM ‘LIVING AREA (CH)’ PRECINCT TO ‘COMMUNITY CENTRE (RR)’ PRECINCT (REC) (ATTACHMENT)

Advertising Control **Tower and roof signs are generally not supported. At the discretion of Council other signs may be approved in accordance with Clause 5.10 and Council Policy.**

Additional Requirements **Having regard to Council Policy.**

- 2. Inclusion of a new Precinct under ‘Community Centre Precincts’ in Clause 4.1 (5) of the City of Melville Community Planning Scheme No. 5 as follows:**

RR Reynolds Road

- 3. Amend the Scheme map by:**

- (i) Adding the Community Centre’ (RR) Precinct to the map legend.**
- (ii) Rezoning the lots shown on the Scheme Amendment No. 63 map from ‘Living Area’ Precinct to ‘Community Centre (RR)’ Precinct.**

B That His Worship the Mayor and the Chief Executive Officer be authorised to endorse the Amendment document.

C That the City of Melville forward a copy of the Amendment documentation to:

- a) The Environmental Protection Authority in accordance with *Section 81* of the *Planning and Development Act 2005*; and,**
- b) The Western Australian Planning Commission for information.**

D That on receipt of advice from the Environmental Protection Authority under *Section 48A* of the *Environmental Protection Act 1986* indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for not less than 42 days.

At 7.23pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

P11/3276- INITIATION OF THE PROPOSED RE-NAMING OF A PORTION OF DAVIS ROAD, ATTADALE (REC)

Ward : Bicton - Attadale
 Category : Operational
 Property : Portion of Davis Road between Waddell Road and Moreing Road.
 Proposal : Re-Naming of a Portion of Davis Road, Attadale
 Applicant : City of Melville
 Owner : Not Applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services
 Previous Items : Not Applicable.

AUTHORITY / DISCRETION

DEFINITION

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

**P11/3276- INITIATION OF THE PROPOSED RE-NAMING OF A PORTION OF DAVIS ROAD,
ATTADALE (REC)**

KEY ISSUES / SUMMARY

- It is proposed to re-name a portion of the existing Davis Road comprising the two northern-most blocks bounded by Waddell Road to the west and Moreing Road to the east.
- New, sequential street numbering can then be allocated to all those properties that front on to the newly named road.
- This exercise in re-naming and the resultant re-numbering is proposed as the current arrangement in respect of street naming and numbering no longer provides the best option in readily identifying properties that front that portion of the road. This situation has been brought about after the subdivision and redevelopment of a number of lots within the locality.
- Three potential street names have been identified, all of which are of local historical significance and all of which are acceptable to Landgate. These are Lutey, Hammer and Dewing
- In the absence of any objection to the contrary, it is recommended that 'Lutey Road' be the preferred street name.
- Should the Council resolve to initiate the re-naming process, the proposed name and new street numbers will be advertised to affected properties for a period of 21 days, after which the matter will be referred back to Council for final consideration and endorsement.



P11/3276- INITIATION OF THE PROPOSED RE-NAMING OF A PORTION OF DAVIS ROAD, ATTADALE (REC)**BACKGROUND**

An application was received to re-number 100A Waddell Road, Bicton to a Davis Road address. This request is considered acceptable in principle as the property in question has a frontage to Davis Road, not Waddell Road.

In practice however, a Davis Road street number is not available to facilitate the request. In view of this, and in order that a Davis Road street number can be allocated, there are two options open to the City.

- 1 Renumber the entire length of Davis Road (50+ properties), or
- 2 Re-name the northern-most portion of Davis Road.

For the purposes of this report, the second option is considered the best one to pursue, given it will deliver the outcome of appropriately numbering residential properties within the street on which they are actually located.

Scheme Provisions

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

DETAIL

It is proposed to re-name a portion of Davis Road to facilitate a subsequent re-numbering exercise.

PUBLIC CONSULTATION/COMMUNICATION

Should the Council resolve to initiate the proposed street re-naming, and subsequent street numbering, the proposal will be advertised to the affected property owners for a period of 21 days.

REFERRALS TO GOVERNMENT AGENCIES

The Geographic Names Committee of Landgate has published the *Principles, Guidelines and Procedures Associated with Naming Roads and Reserves within Western Australia*. The City has conducted preliminary consultation with Landgate in relation to the proposed street name and has received support pending Council's endorsement of it.

Following advertising should the Council resolve to support the proposed street name, the recommendation will be referred to the Geographic Names Committee of Landgate for its final approval.

**P11/3276- INITIATION OF THE PROPOSED RE-NAMING OF A PORTION OF DAVIS ROAD,
ATTADALE (REC)****STATUTORY AND LEGAL IMPLICATIONS**

There are no Statutory and Legal Implications applicable to this application.

FINANCIAL IMPLICATIONS

There are no financial implications applicable to the initiation of the proposal with the exception of the cost of advertising.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management issues applicable to this application.

POLICY IMPLICATIONS

There are no Policy implications applicable to this application.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council may elect to propose alternative names for the road. Should this occur, the alternative names will need to be referred to Landgate for their preliminary approval prior to advertising.

Council can refuse to re-name the portion road. There are no rights of appeal in respect of such a decision. However, this option may result in the need to impose new street numbers along the entire length of Davis Road.

COMMENTSStreet Naming

As stated, the re-naming of the northern-most portion of Davis Road is preferred for the following reasons:

- Davis Road is broken up in alignment by the roundabout which serves Davis Road, Moreing Road and Lawlor Road, at which point it deviates to the southeast. The roundabout therefore provides the obvious point at which the western portion of the road can be severed and re named; and
- The re-naming of this section of Davis Road would allow the City to issue more appropriate street numbers to those properties that currently front Davis Road, yet are unable to be provided with a Davis Road street number. This includes 100A Waddell Road as well as other properties located along this particular length.

P11/3276- INITIATION OF THE PROPOSED RE-NAMING OF A PORTION OF DAVIS ROAD, ATTADALE (REC)

The following three names have been identified which are of local significance and have preliminary approval from Landgate:

- LUTEY - First President of the Bicton Palmyra RSL Ladies Auxiliary (1949).
- HAMMER - First Greengrocer on Canning Road, Bicton (1920's).
- DEWING - First Headmaster, Attadale Primary School (1953-54).

Lutey is considered the most suitable name as it is not duplicated elsewhere in the City, is short, and it acknowledges a former significant local female resident of the area.

Street Numbering

Should Council resolve to rename the proposed portion of road, new street numbers will need to be allocated to each of the properties that have, or have the potential to have, a frontage to the road. The renumbering is proposed as follows:

Existing Address	Proposed Street Address
102 Waddell Road	1 Lutey Road
100 Waddell Road	2 Lutey Road
102B Waddell Road	3 Lutey Road
100A Waddell Road	4 Lutey Road
107 Stock Road	5 Lutey Road
1/107 Stock Road	7 Lutey Road
106A Stock Road	11 Lutey Road
2/109 Stock Road	6 Lutey Road
3/109 Stock Road	8 Lutey Road
1 Davis Road	13 Lutey Road
2 Davis Road	12 Lutey Road
2A Davis Road	14 Lutey Road
2B Davis Road	16 Lutey Road

CONCLUSION

It is recommended that Council support the advertising of 'Lutey Road' as the preferred street name for the portion of Davis Road located between Waddell Road and Moreing Road. It is also recommended that the proposed street numbers be advertised to the affected properties for comment.

P11/3276- INITIATION OF THE PROPOSED RE-NAMING OF A PORTION OF DAVIS ROAD, ATTADALE (REC)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3276)

INITIATION

- A** That the Council resolve to adopt 'Lutey Road' as the preferred street name for the two northern-most blocks of Davis Road between Waddell Road and Moreing Road.
- B** That the preferred street name be advertised for a period of 21 days via mail out to all properties with frontage onto the subject portion of road and a notice in a newspaper circulating within the district.
- C** That the proposed new street numbers be advertised for a period of 21 days via mail out to all properties with frontage on to the subject portion of road as follows:

Existing Address	Proposed Street Address
102 Waddell Road	1 Lutey Road
100 Waddell Road	2 Lutey Road
102B Waddell Road	3 Lutey Road
100A Waddell Road	4 Lutey Road
107 Stock Road	5 Lutey Road
1/107 Stock Road	7 Lutey Road
106A Stock Road	11 Lutey Road
2/109 Stock Road	6 Lutey Road
3/109 Stock Road	8 Lutey Road
1 Davis Road	13 Lutey Road
2 Davis Road	10 Lutey Road
2A Davis Road	12 Lutey Road
2B Davis Road	14 Lutey Road

- D** That on completion of advertising the matter be referred to the Council for further consideration and determination prior to final referral to Landgate.

At 7.23pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

P11/3277 - PROPOSED AMENDMENT NO. 64 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20 TO LIVING AREA R40/60 (REC)

Ward : City Ward
 Category : Strategic
 Application Number : CPS5-64
 Property : Lot 10 (94) Kitchener Road, Alfred Cove
 Proposal : Rezoning 94 Kitchener Road from 'Living Area R20' to 'Living Area R40/60'
 Applicant : Tuscom Subdivision Consultations
 Owner : TTO Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services
 Previous Items : Not applicable

AUTHORITY / DISCRETION

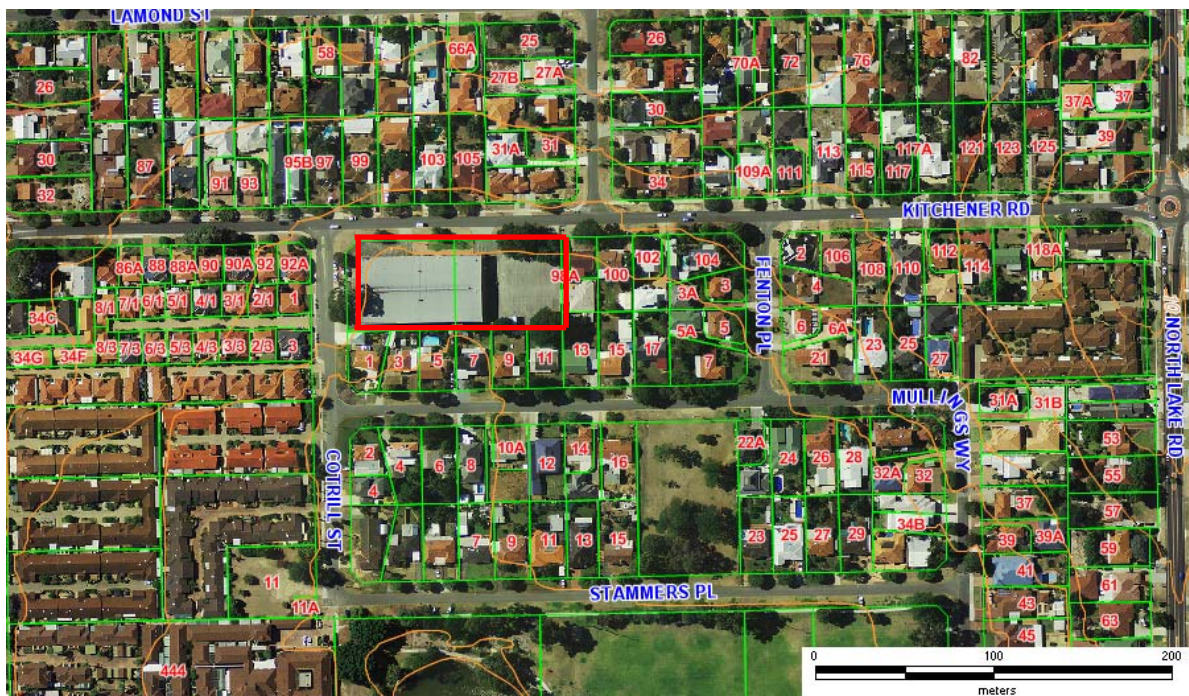
DEFINITION

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

P11/3277 - PROPOSED AMENDMENT NO. 64 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20 TO LIVING AREA R40/60 (REC)

KEY ISSUES / SUMMARY

- An application has been received to rezone 94 Kitchener Road, Alfred Cove from 'Living Area R20' to 'Living Area R40/60'.
- Should initiation of the Scheme Amendment proceed and ultimately be finalised, a new Precinct – ML2 – Melville 2 will be created, and this will include a set of Development Requirements which will set out the parameters for development within the zone thereafter.
- The subject site is currently occupied by a warehouse building which has been converted to an indoor sports complex, known as Striker.
- The proposed rezoning is supported in principle in land use terms as the residential redevelopment of the site represents the optimum land use for it once the existing recreational use ceases to exist.
- In terms of detail, the opportunity is presented to maximise development options on the lot via the introduction of a higher residential density code, considered acceptable in principle in view of the proximity of the site to existing centres and public transport options.
- It is recommended that Council initiate the proposed Amendment for advertising.



BACKGROUND

In March 2011 a proposal to rezone the subject site from 'Living Area R20' to 'Living Area R60/80' was submitted. Following a number of discussions with the Applicant the Scheme Amendment proposal has been amended to propose a new zoning of 'Living Area R40/60'.

P11/3277 - PROPOSED AMENDMENT NO. 64 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20 TO LIVING AREA R40/60 (REC)**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area Precinct – ML1 Melville
R-Code	:	R20
Current Use Type	:	Recreation
Use Class	:	“P” Use permitted

Site Details

Lot Area	:	6,053sqm
Retention of Existing Vegetation	:	To be retained where possible
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer to aerial photo above

The subject site is currently occupied by a warehouse building which has been converted to an indoor sports complex, currently known as Striker. A significant portion of the site is currently laid out as a car parking area. This area includes a number of mature trees.

The site abuts existing residential properties on all sides, actually sharing a boundary with existing dwellings to the south and east.

DETAIL

As stated, it is proposed to amend Community Planning Scheme No. 5 (CPS5) to rezone lot 94 Kitchener Road, Alfred Cove from Living Area Precinct R20 to Living Area Precinct R40/60.

PUBLIC CONSULTATION/COMMUNICATION

If supported, the proposed Amendment will require formal advertising to seek public comment in accordance with the procedures outlined by the Western Australian Planning Commission Planning Bulletin No. 29.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTSGovernment Agencies

There are no referrals to Government Agencies required prior to initiation of the Scheme Amendment.

**P11/3277 - PROPOSED AMENDMENT NO. 64 TO COMMUNITY PLANNING SCHEME NO. 5 –
REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20 TO
LIVING AREA R40/60 (REC)**Architectural and Urban Design Advisory Panel

At its meeting of 16 September 2011 the Scheme Amendment proposal was the subject of consideration by the panel, who concluded that the proposal to increase residential density levels on the site should be supported in principle. A number of other specific development recommendations were made, and these will be taken into consideration as and when specific development proposals are under consideration, after the Scheme Amendment process has been finalised.

STATUTORY AND LEGAL IMPLICATIONS

Part 5 of the *Planning and Development Act 2005* provides the ability for Council to initiate amendments to Town Planning Schemes. Once initiated, Council must advertise the Amendment, consider submissions and forward the proposal to the Hon. Minister for Planning, Culture and the Arts, Environment and Youth (the Minister) for determination.

Under Section 75 of the *Planning and Development Act 2005*, should Council resolve not to initiate the amendment, the Applicant will have the ability to ask the Minister to order the City to undertake the amendment. This can only occur where the Applicant can prove that the City has failed to adopt an amendment that ought to be adopted in terms of proper and orderly planning.

FINANCIAL IMPLICATIONS

There are no financial implications of note in respect of this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk and environmental management implications.

POLICY IMPLICATIONS

There are no policy implications associated with this proposal.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could choose to refuse to initiate the Scheme Amendment, but as stated should this be the case then the applicant can seek redress from the Minister, who may intervene on behalf of the applicant to ensure initiation takes place.

In addition, should Council refuse to initiate the Amendment, the Applicant will have the ability to make a submission during the consultation stage of the Draft Local Planning Scheme No. 6.

**P11/3277 - PROPOSED AMENDMENT NO. 64 TO COMMUNITY PLANNING SCHEME NO. 5 –
REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20 TO
LIVING AREA R40/60 (REC)**

COMMENTS

The proposed rezoning is supported in principle for the following reasons:

- The rezoning will encourage the redevelopment of the subject site for residential purposes that is preferred given the residential character that currently prevails within the immediate area.
- The proposed medium density coding is consistent with the principles of Directions 2031 and State Planning Strategy; and
- The proposed rezoning is consistent with the draft intentions of Local Planning Scheme No. 6.
- The site has good access to public transport, shopping centres (both local and Garden City), restaurants, educational institutions and Public Open Space in particular, Marmion Reserve.
- Given the State Government objective of accommodating additional dwelling numbers on brownfield sites within existing urban areas, the development of this site for medium density residential use is particularly appropriate.

Despite this in principle support, it is considered prudent that the split density code R40/R60 be set aside in this case and replaced with a density code of R40 across the whole site. This view is reached taking into consideration the likely development outcomes that would result from development at the higher R60 density and the impact that this will have on the levels of residential amenity currently enjoyed by occupiers of existing residences that flank the site, all of which have been developed in accordance with the more stringent development provisions of an R20 density.

It is considered that development at the R40 density across the whole site will deliver a density and standard of development that meets the expectations of the applicant, the City, and the residents of the locality.

An R40 density will assure the ability for development to occur in multi unit housing form, thereby maintaining the potential for this site to deliver a range of varied housing options to suit the differing demands of the local demographic.

P11/3277 - PROPOSED AMENDMENT NO. 64 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20 TO LIVING AREA R40/60 (REC)

Precinct Development Requirements

Should this Scheme Amendment proposal be accepted, a new Precinct – ML2 – Melville 2 will be created within Community Planning Scheme No. 5 (CPS5), and this will outline specific Development Requirements for the Precinct as follows:

R Code	R40 in accordance with Clauses 5.1, 5.2
Minimum Lot Area	As per R-Codes
Maximum Plot Ratio	(non-residential) 0.4.
Setbacks	Minimum Front Setback 4 metres, as per R Codes. Minimum Side and Rear Setbacks as per R Codes and subject to Clause 5.7
Minimum Landscaping	
- Residential	As per R-Codes
- Non-residential	33.3% of the site area and in accordance with Clause 5.9
Maximum Building Height	8 metres to eaves, 10.5m maximum, having regard to Council Policy.
Minimum Car Parking	
- Residential	As per R-Codes
- Non-residential	One bay per 10 square metres gross lettable area, in accordance with Clause 5.8 and having regard to Council Policy.
Advertising Control	In accordance with Council Policy

Land Use Permissibility

It is proposed that land use permissibility within the 'Living Area' (ML2 – Melville 2) Precinct is the same as that provided for under the 'Living Area (ML1 – Melville 1) precinct. This endorses residential and recreation uses as permissible (P) uses:

P11/3277 - PROPOSED AMENDMENT NO. 64 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20 TO LIVING AREA R40/60 (REC)

CONCLUSION

The proposed increase to the applicable residential density code for this site is supported in principle, particularly given that the impacts of development at that density can be managed as part of the standard planning application process.

On that basis, it is recommended that the Amendment be initiated for advertising.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3277)

INITIATION

A That pursuant to Part 5 of the *Planning and Development Act 2005*, Council resolves to initiate Amendment No. 64 to Community Planning Scheme No. 5 as follows:

- 1. Amending Part 4 of Community Planning Scheme No. 5 by adding the following new Precinct – ‘ML2’ (Melville 2) Precinct and associated Precinct Development requirements:**

- 1. LIVING AREA PRECINCTS**

- ML2 – MELVILLE 2**

Statement of Intent

Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and not developed to such intensity that they disturb the Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.

Development Requirements

R Code	R40 in accordance with Clauses 5.1, 5.2
Minimum Lot Area	As per R-Codes
Maximum Plot Ratio	(non-residential) 0.4
Setbacks	Minimum Front Setback 4 metres, as per R Codes. Minimum Side and Rear Setbacks As per R Codes and subject to Clause 5.7

P11/3277 - PROPOSED AMENDMENT NO. 64 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20 TO LIVING AREA R40/60 (REC)

Minimum Landscaping

- Residential As per R-Codes
- Non-residential 33.3% of the site area and in accordance with Clause 5.9

Maximum Building Height 8 metres to eaves, 10.5m maximum, having regard to Council Policy.

Minimum Car Parking

- Residential As per R-Codes
- Non-residential One bay per 10 square metres gross lettable area, in accordance with Clause 5.8 and having regard to Council Policy.

Advertising Control

Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising in accordance with Clause 7.5.

2. Inclusion of a new Precinct under 'Living Area Precincts' in Clause 4.1 (1) of the City of Melville Community Planning Scheme No. 5 as follows:

ML2 Melville 2

3. Amend the Scheme map by:

- (i) Adding the 'Melville 2' (ML2) Precinct to the map legend.
- (ii) Rezoning the lots shown on the Scheme Amendment No. 64 map from 'Living Area R20' to 'Living Area R40).

- B That His Worship the Mayor and the Chief Executive Officer be authorised to endorse the Amendment document.**

P11/3277 - PROPOSED AMENDMENT NO. 64 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20 TO LIVING AREA R40/60 (REC)

- C That the City of Melville forward a copy of the Amendment documentation to:**
- a) The Environmental Protection Authority in accordance with *Section 81* of the *Planning and Development Act 2005*; and,**
 - b) The Western Australian Planning Commission for information.**
- D That on receipt of advice from the Environmental Protection Authority under *Section 48A* of the *Environmental Protection Act 1986* indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for not less than 42 days.**

At 7.24pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

**T11/3278 - ATTADALE NORTH AND ARDROSS WEST UNDERGROUND POWER PROJECTS
(REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant
Bicton/Attadale

Category : Strategic

Subject Index : State Underground Power Program

Customer Index : Western Power

Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.

Previous Items : No previous items directly related to this report

Works Programme : Not applicable

Funding : To be considered in the 2012-2013 budget submission

Responsible Officer : John Cameron
Executive Engineer Design

AUTHORITY / DISCRETION

DEFINITION

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

**T11/3278 - ATTADALE NORTH AND ARDROSS WEST UNDERGROUND POWER PROJECTS
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Attadale North and Ardross West have been selected to be included in the State Underground Power program.
- Community surveys were undertaken in both Attadale North and Ardross West to determine the level of support amongst property owners. A high level of support has been received.
- The report seeks Council approval to proceed with the Attadale North (April 2012) and Ardross West (July 2012) underground power projects subject to final design and cost estimates being provided by the Office of Energy.
- The arrangements for the recovery of 50% of the costs from ratepayers in the areas covered by these projects will be subject to future budgetary consideration as part of the 2012/2013 budget.

BACKGROUND

The City of Melville has been a major player in the State Underground Power Program since its inception. The State Underground Power Program was introduced following a storm in 1994 that caused severe damage to the overhead distribution system which left many thousands of household without power for several days.

Five pilot projects were undertaken in 1996, one of which was the Applecross project. Following the completion of the pilot projects, the State Underground Power Program was set up in 1998.

The stated aim of the underground power program was to have half of the Perth metropolitan area on underground power by 2010. This was to be achieved by a combination of the State Underground Power Program and new property sub-divisions that have to build in underground power as part of the development conditions. It is understood that the aim of the program has been achieved and is currently continuing past the original target.

The City of Melville has been successful in having several projects included in the program. Areas that have been included in the program are:

- Applecross (Pilot Project)
- Booragoon (part of)
- Bicton (part of)
- Mount Pleasant
- Attadale South (under construction)

Currently, the City of Melville has approximately 53% of underground power. This figure includes sub-divisions within suburbs that had underground power installed as part of their development.

Following the invitation from the Office of Energy in November 2009, for local authorities to prepare submissions for projects to be considered for Round 5 of the State Underground Power Program, the City of Melville presented nine submissions.

**T11/3278 - ATTADALE NORTH AND ARDROSS WEST UNDERGROUND POWER PROJECTS
(REC) (ATTACHMENT)**

The submissions were for the following areas:-

- Ardross West
- Ardross East
- Attadale North
- Bicton North
- Bicton South
- Melville North/Alfred Cove West
- Melville South
- Melville Central
- Alfred Cove East

The selection of the areas was largely based on information provided by Western Power on the outages experienced throughout City of Melville's suburbs. The selected suburbs were then broken down into project size, as determined by the Office of Energy (i.e., number of lots).

Using a set of criteria, the Office of Energy, with input from Western Power, selected five of the City of Melville projects to be subject to survey consultation to determine the level of support amongst property owners in the proposal areas.

The criteria used include several factors such as:

- Age of the existing infrastructure
- Reliability of the existing network
- Level of support from property owners within the proposed area

It should be noted that the selection method allows for the inclusion of proposals within lower socio-economic areas where different funding models may be applied.

The submissions selected for survey were, Ardross West, Ardross East, Bicton North, Melville Central and Melville North. In total the Office of Energy selected twenty proposals from throughout the Perth metropolitan area to be surveyed. The City of Melville's proposals represented twenty five percent of the total.

DETAIL

The Office of Energy has advised the City that two of its submissions for underground power have been selected to be included in the program and have progressed to the design stage. As the two projects result from different rounds of the program, they will be dealt with separately in this report.

Attadale North

A submission for Attadale North was prepared for Round 4 of the State Underground Power Program. The submission was initially unsuccessful however the submission was listed as a reserve project. It should be noted that Mount Pleasant was selected for inclusion in Round 4 and has been completed successfully.

Subsequently, due to a project in the northern suburbs not proceeding, the Office of Energy expressed an interest in including Attadale North in the program, subject to a survey being undertaken of property owners in the Attadale North project.

**T11/3278 - ATTADALE NORTH AND ARDROSS WEST UNDERGROUND POWER PROJECTS
(REC) (ATTACHMENT)**

The results of the survey were that 90% of respondents supported the proposal to underground power in Attadale North, whilst 83.6% supported the proposal and were prepared to contribute financially. The demonstrated level of support is considered to be very strong and subsequently the project has entered the Design Phase. A copy of the report from the survey forms an attachment to this item

[3278 Attadale North Underground Power Survey Report May 2011.](#)

The project boundary is bounded by Wichmann Road to the south, Burke Drive to the north, Hislop Road to the east and Stock Road to the west and includes a small number of properties in Bicton. An aerial of the project area forms an attachment to this item [3278 Attadale North](#).

Ardross West

Following the survey consultation undertaken by the Office of Energy of the 20 metro wide proposals selected for survey, the Office of Energy announced that Ardross West was selected to be included in the State Underground Power Program.

Results from the survey showed that 80.4% of respondents supported the proposal and are prepared to contribute financially.

The project area is defined as that portion of Ardross, west of Riseley Street. An aerial of the project area forms an attachment to this report [3278 Ardross West](#).

Process

During the Design Phase of the project, consultation is undertaken with property owners who are directly adjacent to proposed locations of transformer and or switchgear cabinets.

On completion of the design and subject to the budget being similar to the original estimate, an Agreement is prepared for the signatories for the project being State Government, Western Power and the City of Melville. At this point the project becomes a legally binding contract between the three parties.

PUBLIC CONSULTATION/COMMUNICATION

Since Round 5 of the State Underground Power Program, consultation has become the responsibility of the Office of Energy. The Office of Energy engaged a marketing consultant to undertake consultation with property owners in the 20 metro wide proposals that were selected to be surveyed. The City of Melville, as previously mentioned had five proposals included in the 20.

Attadale North was selected as a Round 4 proposal and as such the survey of property owners was undertaken by the City of Melville and Western Power, in line with the previous guidelines. The City engaged a marketing consultant to receive and collate the responses and provide a report detailing the findings.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Consultation with both the Office of Energy and Western Power is an on-going aspect of the project management of these underground power projects.

**T11/3278 - ATTADALE NORTH AND ARDROSS WEST UNDERGROUND POWER PROJECTS
(REC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

- Provision by the City of Melville to the Office of Energy of a Letter of Intent.
- Agreement signed by the Minister for Energy, City of Melville and Western Power.
- There will be statutory and legal implications as they apply to Western Power and other State bodies.
- Local Government Act 1995, Section 6.37 Specified Area Rates -
“(1) A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area
 - (a) have benefited or will benefit from;*
 - (b) have access to or will have access to; or*
 - (c) have contributed or will contribute to the need for, that work, service or facility.”*
- Local Government Act 1995, Section 6.38 Service Charges -
“(1) A local government may impose on —
 - (a) owners; or*
 - (b) occupiers,**of land within the district or a defined part of the district a service charge for a financial year to meet the cost of providing a prescribed service in relation to the land.”*
- Local Government (Financial Management) Regulations 1996 –
“54. Service charge — prescribed services — s. 6.38(1)
For the purposes of section 6.38(1), the services for which a local government may impose a service charge are the provision of —
 - (c) underground electricity;*

FINANCIAL IMPLICATIONS

The program is funded jointly by the State Government 25%, Western Power 25% and the City of Melville 50%. The City of Melville is invoiced on a regular basis by Western Power by way of cash calls.

The City of Melville recovers its costs from property owners in the project area who receive underground power. To date, the City has used the Gross Rental Value (GRV) of properties to determine the level of contribution from various property owners.

Following a request from State Treasury, the Economic Regulation Authority (ERA) prepared an interim report into the current funding model of the State Underground Power Program and the Minister for Energy has asked the Office of Energy to conduct a review of the overall program and its direction beyond Round 5 and incorporate the ERA report. Both Attadale North and Ardross West will be funded under the current model and will not be affected by any future changes resulting from the Office of Energy review.

**T11/3278 - ATTADALE NORTH AND ARDROSS WEST UNDERGROUND POWER PROJECTS
(REC) (ATTACHMENT)**

The initial estimates provided by Western Power for the projects are Attadale North, \$12,349,000 and Ardross West, \$6,421,206. Western Power are currently finalising the design and costing for the two projects. The recommendations from this report will be subject to there being no significant change to the estimates.

The Director of Corporate Services will present a report to Council at a later date, outlining the final costing and the cost recovery methodology that is to be selected.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The City of Melville's Plan for the Future: 2008-2012.

Goal: Ensure citizens feel safe and secure in the City of Melville.

Strategy: Prevent crime and reduce the fear of crime in Melville.

Action: Increase street lighting to the Australian standard and at the same time lobby for future underground power installations.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of injury to members of the public during undergrounding of power and removal of existing overhead infrastructure.	Medium level risk	Western Power and their contractors to project manage such that members of the public are not exposed to risk.
Risk of dissatisfied residents due to Western Power and their contractors actions	Medium level risk	Western Power and their contractors to ensure that a high level of communication is maintained with the community. City of Melville client liaison officers will act as conduit between residents and the contractors where necessary.
Risk of final costs being in excess of those outlined to property owners in the survey.	Medium level of risk	The estimated cost was derived from current underground power projects. Western Power are confident that costs provided will not result in a significant difference in cost to that quoted in the survey. However, should this be the case, then consideration would need to be given for a re-survey of the property owners in the area.

**T11/3278 - ATTADALE NORTH AND ARDROSS WEST UNDERGROUND POWER PROJECTS
(REC) (ATTACHMENT)****POLICY IMPLICATIONS**

No current policy deals directly with the implementation of underground power.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The only alternative option to underground power is to retain the existing overhead power supply infrastructure. This will not address the aims of providing the benefits of underground power including; a more reliable electricity supply, improved streetscape, better street lighting etc.

CONCLUSION

The survey has demonstrated that there is strong majority support for the undergrounding of power in the Attadale North and Ardross West project area. The benefit of underground power to the community has been recognised by the City of Melville and the support for the program within the broader community has become evident as the program continues.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3278)**APPROVAL**

1. That following a 83.6% resident acceptance rate for the installation of underground power in the Attadale North area, the Council of the City of Melville supports the further progression of the State Underground Power Program Round 4 Project for Attadale North.
2. That following a 80.4% resident acceptance rate for the installation of underground power in the Ardross West area, the Council of the City of Melville also supports the further progression of the State Underground Power Program Round 5 Project for Ardross West.
3. That the residents and home owners in the project areas are advised by a newsletter of the outcomes of the surveys and anticipated start dates for the projects.
4. That a further report regarding the cost recovery methodology be submitted to the Council following the receipt of the final design and costing for the adoption of budget objectives for the State Underground Power Program Round 4 Attadale North project and Round 5 Ardross West project.
5. That subject to there being no significant increase in the estimated costs provided by Western Power, the Mayor and the Chief Executive Officer be authorised to sign the Agreement with the State Government and Western Power.
6. That the Office of Energy be advised in writing of the Council's resolutions in relation to the Attadale North and Ardross West Underground Power Projects.

At 7.25pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)Disclosure of Interest

Item No.	T11/3279
Member	Cr E Nicholson
Type of Interest	Proximity Interest in Accordance with the Act
Nature of Interest	Resides across the road from Booragoon Lake
Request	Stay, Discuss and Vote
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	T11/3279
Member	Mr M Tieleman
Type of Interest	Proximity Interest in Accordance with the Act
Nature of Interest	Resides across the road from Blue Gum Reserve
Request	Stay and Observe
Decision of Council	Not Applicable

At 7.26pm Cr Nicholson, having declared an interest in this item, left the meeting whilst the Council voted on her request to Stay, Discuss and Vote.

At 7.26pm Cr Pazolli moved, seconded Cr Macphail -

That in accordance with Section 5.68 (1) of the Local Government Act 1995 Cr Nicholson be allowed to Stay, Discuss and Vote.

At 7.26pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

At 7.28pm Cr Nicholson returned to the meeting.

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Environment
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not applicable
 Works Programme : 2011/2012 and ongoing
 Funding : To be considered in 2012-2013 budget submission
 Responsible Officer : Ian Davis
 Manager Parks and Environment

AUTHORITY / DISCRETION

DEFINITION

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

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report was developed in response to a specific Notice of Motion from the Council Meeting held 19 April 2011 which requested a report be prepared and presented to the Council on what the City of Melville needs to do to advance work being done on the City's Wetlands.
- This report outlines the existing management activities being carried out in these reserves and includes recommendations as to future management activities required.
- Budget implications for the additional resources required to enable the wetlands to become self-sustaining functional ecosystems are identified.
- The potential involvement of the State and Federal governments in the management of the City's wetlands is discussed and a major recent development which has the potential to greatly enhance the capacity of the City to manage the wetlands within the Bull Creek Catchment outlined.

BACKGROUND

This report was developed in response to a Notice of Motion raised on 19 April 2011 in which officers were asked:

1. ***That a report be prepared by Council (sic) staff and presented to the Council on what the City of Melville needs to do to advance work being done on the Council's (sic) Wetlands in accordance with existing management plans together with the sum of the said work.***
2. ***That as these are bush forever sites, enquiries be made of the State Government and other agencies if financial assistance is available for any identified remediation of these vital wetlands.***

There are 11 identified natural wetlands within the City of Melville and all except one (Douglas Freeman Reserve ranked as a Priority 3) have been identified as Very High Value Wetlands in the Natural Areas Asset Management Plan (NAAMP).

The Very High Value Wetlands are:

- Bateman Reserve
- Blue Gum Reserve
- Booragoon Lake
- Bull Creek Wetland
- Ken Hurst Reserve
- Piney Lakes
- Quenda Wetland
- Reg Bourke Reserve
- Richard Lewis Reserve
- Trevor Gribble Park.

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)

Prior to the development of the NAAMP, each major wetland had an individual management plan containing various management recommendations. There have been some concerns raised over the existing condition of these wetlands and the effectiveness of these management recommendations. This report provides a summary of the management activities carried out to date and provides a recommendation for the future management of these wetlands.

The potential involvement of the State and Federal governments in the management of the City's wetlands is also considered. There have been some very promising developments in this area recently which has the potential to greatly enhance the capacity of the City to manage its wetlands.

DETAIL

Responses to the Notice of Motion raised are addressed separately as follows:

- 1. That a report be prepared by Council (sic) staff and presented to the Council on what the City of Melville needs to do to advance work being done on the Council's (sic) Wetlands in accordance with existing management plans together with the sum of the said work.***

Specific Restoration Based Activities

Each of the 11 Wetlands within the City have had individual management plans developed for them in the past. Five of these wetlands are considered to be major wetlands (Blue Gum Lake Reserve, Booragoon Lake Reserve, Piney Lakes Reserve, Bull Creek Wetland and Quenda Wetland) with four forming part of the Beeliar Regional Park Chain of Wetlands.

The management recommendations from each of the plans, excluding Bull Creek Wetlands have been reviewed and the results of this review are contained in [3279 Attachment A Management Action Report for Wetland Reserves](#). The status of the management actions in terms of completion are tracked with comments included. Future plans for Bull Creek Wetland are outlined later in the report.

The management plans are now due for review with several opportunities for improvement identified, including:

- The allocation of specified capital and human and financial resources to complete the required management actions;
- More descriptive scope, of actions required;
- Project plans for implementation of actions;
- Collection of data to measure success.

The development of the Natural Areas Asset Management Plan was a necessary step in addressing the management of natural areas within the City. The approach taken by the NAAMP is to:

- Identify and prioritise the asset, e.g., the wetlands;
- Identify threats and prioritise them according to their potential impact on the asset, e.g., what threat a particular weed species poses to a natural area; and
- Develop and implement guidelines and strategies to manage these threats.

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)

In the NAAMP, all of the City's natural wetlands except one (Douglas Freeman Reserve) have been identified as Very High Value wetland assets with the following threats identified as impacting on wetlands:

- Introduced flora;
- Introduced fauna;
- Diseases and pathogens;
- Physical disturbance;
- Illegal dumping and vandalism;
- Water quality decline;
- Acid sulphate soils;
- Habitat loss; and
- Climate Change

All threats (with the exception of Climate Change which is out of the City of Melville's direct control) are being considered as part of the management actions. Further assessment by the City's Environmental Team regarding management of additional threats aims to ensure restoration of each of the wetlands to self-sustaining, functioning natural ecosystems.

Wetlands are unique and by their very nature, being wetter than the majority of areas and are more prone to weed invasion. This means that in general, introduced flora species pose one of the biggest threats to wetland areas. The table below highlights the specific actions, along with the necessary resources for Year One, which would need to be allocated in order to achieve restoration of these wetlands to a higher standard.

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)
Reserve Specific Actions (Table 1)

ACTIVITY REQUIRED	Total Hours	ACTIVITY REQUIRED	Total Hours
21071 Piney Lakes Res		21283 Quenda Wetland	
Perennial Veldt Grass Control	59.5	Perennial Veldt Grass Control	8.5
Annual Grass Control	25.5	Annual Grass control	17
Pelargonium control	85	Euphorbia removal	17
Euphorbia Removal	42.5	Fumaria control	8
Southern Corner Revegetation Planting (6000 seedlings)	51	Black flag control	9
Mulching	85	Gladioli control	8
Watering	32	Pine removal	8.5
Firebreaks	17	Pelargonium control	8
Woody weed control	42.5	Solanum control	9
Lachenalia Control	85	Watering	32
Gladioli Control	42.5	Planting (2,000 seedlings)	17
Ripping and direct seeding	25.5	Dieback control	25.5
Pelargonium Control	42.5	Bridal Creeper Control	4
			0
TOTAL	635.5	TOTAL	171.5
21225 Blue Gum Reserve Bushland		21287 Booragoon Lake Reserve Bushland	
Perennial Veldt Grass Control	42.5	Bridal Creeper & Cornflag Control	17
Annual Grass Control	25.5	Woody Weed Control	170
Fumaria control	25.5	Annual Grasses, running grass control	59.5
Acacia saligna removal	85	Annual Herbs & Bulbs Weed control	59.5
Solanum & Turnip removal	34	Broadleaf weed control	51
Euphorbia control	8.5	Arum Lilly control	17
Couch & kikuyu control	51	Typha Control	34
Watering & monitoring	32	Bracken Control	17
Japanese Pepper Removal	51	Euphorbia removal (hand weed)	17
Casuarina Removal	25.5	Pampas Grass removal	25.5
Pelargonium Control	17	Planting (8000 seedlings (1/3 of density))	68
Freesia, Black flag control	8.5	Ripping and direct seeding in dryland area	25.5
Lachenalia control	17	Fencing Direct Seeding area	42.5
Gladioli Control	25.5		
Planting (5,000 seedlings)	42.5		
Fencing	68		
Ripping and direct seeding	34		
TOTAL	592	TOTAL	603.5

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)

Wetlands would be prioritised utilising the NAAMP, with priority given to National recognised issues, then State, Regional and finally local. Due to the extensive amount of restorative work required in each wetland, it is only feasible for four of the City's wetlands to receive focus annually. Priority actions would be determined by the NAAMP and the level of threats faced by each wetland. As a result it is recommended that the first years work be focussed on the City's major wetlands (Blue Gum Lake Reserve, Booragoon Lake Reserve, Piney Lakes Reserve and Quenda Wetland) as they form part of a Regional linkage.

In total, there are more than 2,100 hours of additional natural area restoration activities required to further improve the ecological health of four of the eleven wetlands. The majority of this time is dedicated to weed control in Year One. This equates to more than an additional full-time, on ground team of two staff (approx 1,780 hours).

The activities listed in the table do not take into account the 580 hours of natural area restoration activities and general maintenance (such as litter removal, safety audits, dead wood removal, etc) currently being carried out within the wetlands by the City's existing Environmental Maintenance Teams. While the nature of management activities currently being implemented is a start, the time being allocated to each wetland is not sufficient given the Very High Priority of these areas as identified in the NAAMP. Degradation of the wetlands will continue to occur unless additional resources are allocated to tip the balance and allow the wetlands to become relatively self-sufficient ecosystems that are more resilient to the impacts of threats faced, such as weed invasion.

The most cost effective solution is to engage a permanent dedicated two-person team, to restore the City's wetlands. The team would commence restoration based activities in only four of the City's wetlands. As a result, their condition would be greatly improved so that they eventually develop into self-sufficient ecosystems thereby allowing the City's environmental maintenance teams to continue preservation work. In the second year the proposed Restoration Team would move onto the next four wetlands and commence a concentrated restoring program.

It should be acknowledged that the activities outlined above are related only to the management of the native vegetation surrounding the wetlands, the completion of which will result in an overall improvement in ecosystem health and the protection of local flora and fauna. This in turn will improve local water quality, however, does not address issues such as contaminant inputs from external sources.

The following solution has been identified to directly address these impacts.

- 2. That as these are bush forever sites, enquiries be made of the State Government and other agencies if financial assistance is available for any identified remediation of these vital wetlands.***

Water Quality Improvement Plan

Through the Healthy Rivers Action Plan (HRAP), the Swan River Trust (SRT) has committed to preparing Water Quality Improvement Plans (WQIP) for eight priority catchments contributing the greatest nutrient loads to the Swan and Canning Rivers. The Trust has also signalled its intention to invest up to \$125,000 in each priority catchment. To date, local WQIP's have been developed for seven of the priority catchments and investment in most of these is well underway.

The final WQIP was to be developed for the South Belmont Main Drain Catchment as this was a priority catchment within the HRAP, however reassessment of priority catchments has recommended that the final WQIP be developed for the Bull Creek Catchment. After a recent meeting with the Swan River Trust (SRT) this final WQIP has been offered to the City of Melville.

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)

The Water Quality Improvement Plan will aim to develop water quality objectives and targets to protect identified environmental values. It also seeks to identify the most environmentally, socially, and economically effective management actions to achieve water quality targets. WQIP's trace nutrient and pollutant pathways through catchments from their source to the discharge point and identifies all stakeholders who are responsible for water quality improvement actions.

The steps involved in developing an WQIP include:

- Looking at existing activities (What we are currently doing to improve water quality)
- Looking at condition (What are the water quality issues faced in the catchment)
- Setting values, objectives and targets (The water quality improvements that we would like to achieve in the catchment)
- Implementation Plan (How we achieve the water quality targets)
- Monitoring and review

The Bull Creek Catchment that will be covered in this WQIP incorporates tributaries, drains and wetlands which lead into the Bull Creek wetland system including wetlands such as Booragoon Lake, Piney Lakes and Blue Gum Lake.

The attached map [3279 Attachment C Bull Creek Map](#) demonstrates the entire area covered in this WQIP. The completed Canning Plain Catchment WQIP, [3279 Attachment D LWQIP Canning Plain](#), will give an indication of what the completed Bull Creek Catchment WQIP will look like.

Additional Funding Opportunities

In recent years, one of the largest sources of funding available for Natural Resource Management (NRM) in Australia has been the Australian Government Caring for Country Program. This is a \$2 billion funding program to support projects that improve biodiversity in natural areas and promote sustainable farm practices. There are six National Priority Areas for funding that have been determined by the Federal Government. It is widely recognised that the Perth Metropolitan Region has received very little funding support from this program, predominantly because the Perth Metropolitan Region does not satisfy the criteria outlined for the National Priority Areas. However, with the development of the WQIP, the Bull Creek Catchment will be recognised as a priority area and the City will therefore be eligible to apply for a share of the funding from the Australian Government Caring for Country funding program.

There are various other sources of grant funding available for the management and maintenance of urban natural areas. These include Swan River Trust (SRT) Riverbank Grants, Department of Environment and Conservation (DEC) – Environmental Community Grants, Australian Government Caring for Country funding and Department of Planning Coast West Grants.

The City of Melville secured approximately \$92,000 in grant funding between 2009 – 2010, including a \$50,000 Swan River Trust Riverbank Grant (Point Walter Foreshore Restoration Project and Design), a \$30,000 Department for Environment and Conservation (DEC) Community Grant (procurement and installation of wetland sedges) and a \$12,000 Landcare / Holden Sponsorship Grant (foreshore restoration). In addition, seven community groups applied for and/or secured funding and support for various projects such as the Friends of Wireless Hill Swan Alcoa Landcare Program weed control project (\$11,530 and the Friends of Attadale Foreshore revegetation project (\$5,450. The City's Environmental Officer provides support for many of these grant applications and also manages and acquits grant funding on behalf of those groups that are not incorporated or those that do not have the facilities to manage funds.

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)

This year, the City has been able to secure a \$229,295 SRT Riverbank grant to support the Point Walter Foreshore Restoration Project. The City also supported the following grant applications:

Friends Group	Grant	Amount	Date	Successful
Bicton Environmental Action Group	DEC Community Environmental Grant	\$6,650.00	Apr 2011	No
Bicton Environmental Action Group	Caring for Country Community Action Grant	\$8,400.00	Aug 2011	TBA
Bicton Environmental Action Group	Alcoa Foundation	\$3,000.00	Oct 2011	Yes
Friends of Booragoon/Blue Gum Lakes	State NRM Community Grant	\$22,450.00	Sep 2011	TBA
Friends of Bull Creek	Caring for Country Community Action Grant	\$19,950.00	Aug 2011	TBA
Friends of Ken Hurst	DEC Community Environmental Grant	\$14,410.00	Jul 2011	Yes
Friends of Wireless Hill	DEC Community Environmental Grant	\$29,054.00	Apr 2011	No
Swan Estuary Reserves Action Group*	DEC Community Environmental Grant	\$29,920.00	Jul 2011	Yes
Swan Estuary Reserves Action Group*	State NRM Community Grant	\$32,785.00	Jul 2011	Yes
Swan Estuary Reserves Action Group*	Swan River Trust and Alcoa Landcare Program	\$2,280.00	Jun 2011	TBA

* Funding was secured for Alfred Cove Nature Reserve but some works are also being done in Attadale Foreshore Reserve.

Community groups are eligible to apply for the Caring for Country Community Action Grants (one of the six National Priority Areas) for amounts of between \$5,000 - \$20,000 for specific projects to take action towards protecting and conserving their natural areas. This grant program closed on 1 August 2011 and, whilst local governments are ineligible to apply, the City supported and assisted with two applications from local groups and will continue to manage and auspice grants as required.

PUBLIC CONSULTATION/COMMUNICATION

Consultation with the community took place during the development of the NAAMP and there is ongoing communication with the 14 Friends Groups. Further opportunities for community involvement are supported and identified on an ongoing basis within the Neighbourhoods.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Consultation has occurred with both the South East Regional Centre of Urban Landcare Western Australia and the Swan River Trust regarding the development of the WQIP.

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

Australian Federal Legislation and Policy
Environment Biodiversity Protection Act 1999

Western Australian Legislation and Policy
Wildlife Conservation Act 1950
Aboriginal Heritage Act 1972
Agriculture and Related Resources Act 1976
Heritage of western Australia Act 1990
Bush Forever WAPC Policy 2000

FINANCIAL IMPLICATIONS

The cost involved for the engagement of a dedicated two-person Environmental Restoration Team, solely for the purpose of restoring the City's wetlands detailed below, would be an operating expenditure of approximately \$200,000 per annum including overheads together with an initial \$59,900 for the capital purchase of associated Fleet & Plant. A detailed breakdown is included in the attached Business Case, [3279 Attachment B Business Case Wetland Management](#).

Cost Comparison Internal and External Labour (Table 2)

Per person rate	City of Melville Staff Member	Contractor Labour only	Contractor Including Herbicide
Hourly Rate	\$ 24	\$ 62	\$ 82
Overhead (115%)	\$ 27	\$ -	\$ -
Plant & Equip	\$ 10		
TOTAL	\$ 61	\$ 62	\$ 82

Team rate (Two people)	City of Melville	Contractor Labour only	Contractor Including Herbicide
Hourly Rate	\$ 47	\$ 124	\$ 164
Overhead (115%)	\$ 54	\$ -	\$ -
Plant & Equip	\$ 10	\$ -	\$ -
TOTAL	\$ 111	\$ 124	\$ 164

Table 2 identifies a comparison in costs between an in-house team and contractors. The advantages of an in-house team are that they can be tasked project work; are more flexible in what they are able to do on a daily basis; are available all year; are more cost-effective and, if required, can be tasked to working in other areas. The advantage of contractors is that they can be engaged to conduct all or part of the work outlined for a time specified period with no additional costs required by the City for plant and equipment.

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)

The assessment of required resources does not take into account the hours put in by the Friends groups that are currently working at each wetland. The engagement of a dedicated Environmental Restoration Team would provide an opportunity for the Friends groups to become more actively involved in on-ground activities by working alongside the new team. This is already occurring with the existing Environmental Maintenance Teams but there an opportunity for collaborative working partnerships to be enhanced in this area. Currently two of the City's Environmental Maintenance Teams are carrying out threat management activities (or coordinating external contractors to do so) in some capacity across a total of 55 bushland reserves throughout the City.

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)

Operating Costs: Additional Operating & Maintenance Costs

(\$000s):	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	10 yr Total	Ongoing	Cost Account
	y1	y2	y3	y4	y5	y6	y7	y8	y9	y10			
ADDITIONAL OPERATING COSTS													
Salaries	83,600	86,600	89,900	93,500	97,000	100,400	104,000	107,500	111,600	115,500	989,600	YES	
Wages													
Overheads	96,300	99,600	103,200	107,000	111,000	115,000	119,000	123,000	127,400	132,000	1,133,500	YES	
Materials													
Fleet & Plant	18,400	19,000	19,300	19,300	19,500	19,500	19,700	19,700	20,000	20,000	194,400	YES	
Services													
Total	198,300	205,200	212,400	219,800	227,500	234,900	242,700	250,200	259,000	267,500	2,317,500	3.5%	

New Capital Request for Environmental Maintainers - Associated Fleet and Plant	
Ute 4x4 D/Cab	\$40,000
Trailer	\$10,000
Brushcutter x 2	\$2,000
Chainsaw	\$600
Polesaw	\$700
Blower	\$600
Spray Tank	\$2,000
Billy Goat Mower	\$4,000
TOTAL	\$59,900

Operational Plant Costs	
Utility 18908	13,000
Box Trailer 87306	700
Deutscher Mower 55606	1,800
Sthil Blower 80806	400
Sthil Brushcutter 68010	380
Sthil Brushcutter 68010	760
Sthil Polesaw 76410	530
200Lt Spray Tank 99410	500
Sthil Chainsaw 77010	330
Total	\$18,400

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

In the City of Melville's Plan for the Future 2011 – 2015, within the Environmental Responsibilities Area, lists the goal of "Preserving and enhancing natural areas". The Strategy suggested as part of this report will work towards this goal.

Risk Statement	Level of Risk	Risk Mitigation Strategy
As a result of continuing to maintain the City's wetlands at the current standard, further degradation will occur resulting in loss of biodiversity and habitat	Moderate consequences which are likely, resulting in a High level of risk	Development and implementation of WQIP for Bull Creek Catchment. The engagement of an additional Environmental Restoration Team to carry out additional threat management.

POLICY IMPLICATIONS

Environmental Policy CP-030 outlines the City of Melville's commitment to the protection and enhancement of biodiversity and the creation of a sustainable urban environment.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could resolve to leave the budget and maintenance activities at existing levels of 580 hours per annum and risk the consequences listed above. Current resources are not sufficient to maintain the City's wetlands to the level required in the NAAMP. Further degradation in the condition of the wetlands will continue to occur unless additional resources are allocated.

CONCLUSION

This report has identified an excellent opportunity to advance works being undertaken in the City's wetlands. The engagement of an additional Environmental Restoration Team to undertake the threat management activities outlined in the above table will result with improvement of water quality through the restoration of the wetlands to enable self-sustaining, functioning ecosystems. It would also provide an opportunity for the Friends groups to become more actively involved in on-ground activities by working alongside the new team. This is already occurring with the existing Environmental Maintenance Teams but there is scope for expansion in this area.

The development of the Bull Creek Catchment WQIP will assist in improving the water quality of the drainage network leading into these wetlands and to the Swan/Canning Estuary and will also assist the City in successfully applying for Federal funding opportunities which, as outlined previously, are currently unavailable to the City.

T11/3279 – WETLAND MANAGEMENT (REC) (ATTACHMENT)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3279)****APPROVAL**

At 7.35pm Cr Nicholson moved, seconded Cr Willis -

That the Council:

- 1. Note additional resources are required in order to advance work on the wetlands in accordance with the Natural Areas Asset Management Plan.**
- 2. Endorse inclusion in the 2012/3013 budget submission a total amount of \$258,200 being an initial \$59,900 for the capital purchase of associated Fleet and Plant and operating expenses of \$198,300 being additional staff resources to specifically target the City's wetlands to assist them in becoming self-sustaining, functioning ecosystems.**
- 3. Endorse supporting the Swan River Trust in its development of the Bull Creek Water Quality Improvement Plan to improve the water quality within the Bull Creek Catchment and enhance the City's ability to attract additional funding towards wetland conservation.**

At 7.35pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

**T11/3280 – 360L BIN TRIAL – INTRODUCTION OF THE 360 LITRE RECYCLING BIN
(AMREC) (ATTACHMENT)**

Ward : All
 Category : Operational
 Subject Index : Waste
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : \$1.92m over four years
 Responsible Officer : Phillip Adams
 Manager of Operations

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

**T11/3280 – 360L BIN TRIAL – INTRODUCTION OF THE 360 LITRE RECYCLING BIN
(AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Encourage Melville residents to increase their recycling behaviours in order to help reduce net volumes being taken to landfill.
- To provide an increase in recycling collection capacity to facilitate residents increasing their recycling, and decreasing their Municipal Solid Waste (MSW) disposal, subsequently providing a reduction in the net disposal costs for domestic waste.
- Provide an increased level of service to City of Melville residents for minimal additional costs.
- To decrease the net tonnages of domestic waste being disposed of at landfill as aligned to the State Government's Zero Waste to Landfill intent and increase the associated environmental benefits.
- Increase our Level of Service to our residents for minimal additional costs.
- Migrate domestic waste volumes from MSW to recycling in order to provide savings in disposal costs.
- Increase our economic responsibility and reduce ecological and carbon footprint.
- Initial fee to customers that opt in for the provision of the 360 Litre bin is \$25. This charge is half of the difference between the costs of the two bins (240 Litre - \$50, 360 Litre - \$90) and is comparable to other Local Government Authority's.
- It is recommended that the Council approve a four year staged implementation of the 360 litre recycling bins.

BACKGROUND

The City previously conducted a 360 litre bin trial of 586 households across four months from December 2010 to March 2011. The outcomes of this trial resulted in a 30% increase in recyclable volumes (yellow top bin), matched to an 18% decrease in Municipal Solid Waste (MSW) volumes (green top bin). This was matched by an overwhelming positive response from participating residents, with over 80% of participants supportive of the 360 litre bins.

The identified shift in waste volumes equates to an estimated annual saving of up to \$790,000 per annum, post financial year 2012/2013, if results are replicated across the City.

The feedback from the trial suggests that a likely uptake across the City would involve the replacement of an estimated 21,160 recycling bins, at a cost of \$1.92m. The proposed deployment plan allows for a staged deployment to limit the initial bin purchase to small (5,000) lots as to allow the City to gauge the acceptance and uptake by the residents.

In addition to having a financial benefit, the adoption of such a proposal would see the City of Melville stay at the forefront of environmentally responsible domestic waste disposal and will help strategically position the City as it moves closer to the State Government's Zero Waste to Landfill objective by 2020.

**T11/3280 – 360L BIN TRIAL – INTRODUCTION OF THE 360 LITRE RECYCLING BIN
(AMREC) (ATTACHMENT)****DETAIL**

The City's Waste Services undertook a four month trial of 360 litre recycling bins across 586 residents to determine if this additional volume would help increase recycling volumes whilst decreasing MSW volumes.

The results from the trial, as presented to the Elected Members Information Session on 31 May 2011, identified possible waste volume migration and an 18% decrease in MSW and a 30% increase in recycling. This equates, to a potential saving in the magnitude of \$760,000 per annum, and this may increase to \$1.24m per annum as a result of future landfill levy and gate fee increases.

The proposed 360 litre bins required no additional equipment or modifications to existing waste collection trucks and apart from the capital purchase cost of the 360 litre bins, the proposed changes have limited exposure to additional costs. This project provides a long term effective solution to increase our level of service to our residents for minimal additional costs. The migration of domestic waste volumes from MSW to recycling to provide savings in disposal costs and to encourage Melville residents to increase their recycling behaviours, will help reduce net volumes of residual waste being disposed in landfill.

As part of this project, there will be accompanying advertising and education plans intended to both promote the 360 litre bin availability as well as help to educate the community in both the benefits of recycling and what can be recycled. This education is critical for long term change with minimisation of landfill volumes and associated disposal costs.

It is expected that as part of helping the community change their recycling habits, the provision of increased capacity in their fortnightly recycling will help facilitate a greater level of domestic recycling. This in turn will continue to generate savings with the costs of disposal of recyclables currently 50% lower than the cost to dispose of MSW. This could increase further as the commodity market recovers post Global Financial Crisis (GFC). The City is currently in the process of retendering for recyclable disposal along with the City of Fremantle, City of Cockburn and the Town of East Fremantle and it is expected that there could be a further reduction in the cost per tonne.

Furthermore, an overall decrease in contamination of MSW was identified to below 23%, in comparison with like municipalities, this is low.

PUBLIC CONSULTATION/COMMUNICATIONCommunity Consultation

As part of the trial, extensive consultation was undertaken. The City asked both the participating members and the wider community for feedback on the proposed 360 litre bins. The City received over 200 responses, with over 80% of all feedback being positive. It is noted from the feedback that the majority of the positive feedback was from families who all identified that the increase in capacity permitted them to deposit larger recycling volumes, whilst the majority of the negative complaints stemmed from single households or multi-residential blocks where either the bin was too large and/or the capacity was not needed.

**T11/3280 – 360L BIN TRIAL – INTRODUCTION OF THE 360 LITRE RECYCLING BIN
(AMREC) (ATTACHMENT)**

Communication with Key Stakeholders

Key stakeholders have been consulted/communicated with throughout the project trial. The table below shows the list of stakeholders and whether they have already received communication regarding the project.

Stakeholder	Has Consultation and Communication been undertaken? (Yes/No)
Elected Members	Yes
City of Melville key staff	Yes
SMRC	Yes
City of Melville staff	Yes
Local residents	Yes

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

There was consultation with the SMRC, who expressed a preference for the City to implement weekly recycling rather than introduce the 360 litre bin.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications.

FINANCIAL IMPLICATIONS

[3280 360L Business Case Revised 1 December 2011](#)

The overall estimated projects costs are based upon the recommendations made at the Elected Member Information Session of 31 May 2011 in relation to the proposed deployment of the 360 litre bins.

The project will have impacts on the following accounts codes within the Waste (430) area; 430-25000, 430-25100 and 430-25003 and all figures are exclusive of GST.

Project Development is complete therefore the costs shown below are projected expenditure amounts.

**T11/3280 – 360L BIN TRIAL – INTRODUCTION OF THE 360 LITRE RECYCLING BIN
(AMREC) (ATTACHMENT)**

Project Costs Breakdown

Project Phase and Tasks	2010/11	2011/12	2012/13	2013/14	2014/15	Sub Totals
	Y0	Y1	Y2	Y3	Y4	
Project Trial						
Purchase of trial 360l bins	\$71,250					
Cost of Deployment	\$2,862					
Public Information & Comment	\$7,290					
Sub Total - Development	\$81,402					\$81,402
Project Deployment						
Preparation Phase						
Marketing Campaign		\$10,000	\$5,000	\$5,000	\$5,000	\$25,000
Deployment Phase						
Year 1 purchase (5040 bins)		\$455,616				\$455,616
Year 2 purchase (5040 bins)			\$455,616			\$455,616
Year 3 purchase (5040 bins)				\$455,616		\$455,616
Year 4 purchase (5040 bins)					\$455,616	\$455,616
Close out						
Sub Total – Set Up						\$81,402
Sub Total - Implementation		465,616	460,616	460,616	460,616	1,928,866
Estimated Project Costs (without contingency)	\$81,402	\$465,616	\$460,616	\$460,616	\$460,616	\$1,928,866

NOTE: This is assuming that a total of 20,160 bins will be required, subsequent purchases (after initial first delivery) can be evaluated based upon demand from residents.

Current Sources of Project Funding

The City of Melville currently operates a Refuse Bin Reserve which is maintained and managed to provide funding to replace domestic bins across the Community. There is currently approximately \$405,000 within this Reserve account at 30 June 2011 with a further transfer of \$170,000 budgeted to be transferred in by 30 June 2012 . It is recommended that these monies be made available to fund the initial year 1 purchase of the 360 litre bins, with potential funding from other funds required if a second year purchase is undertaken. It would be then expected that these funds are returned via a combination of the associated bin charge (\$25) for each 360 litre bin + potential savings to the Waste Disposal budget identified from the usage of the 360 litre bins. It is then expected that the combination of the recovery of the bin charge and identified savings in disposal costs will fund the purchase of the proposed four year roll out of the 360 litre bins.

There is currently funding available from the Refuse Bins Reserve for the initial bin purchase of 5,040 bins, and we would expect to see additional funding become available in future years with the recovery, via the waste charge, and the \$25 residential contribution for those taking a 360 litre bin, plus additional savings realised from the savings made as a result from the movement of volumes from the domestic MSW to domestic recycling waste disposal collections.

**T11/3280 – 360L BIN TRIAL – INTRODUCTION OF THE 360 LITRE RECYCLING BIN
(AMREC) (ATTACHMENT)**

Sources of Initial Funding

Proposed Funding Sourced	Purpose	2010/11	2011/12	2012/13	2013/14	2014/15
		Y0	Y1	Y2	Y3	Y4
Waste Reserve	Trial Funding	\$81,402				
Refuse Bins Reserve	Initial Yr 1 Purchase (5040 bins)		\$455,616			
Waste Operating Budget	Marketing Campaign		\$10,000	\$5,000	\$5,000	\$5,000
Refuse Facilities Reserve	Potential Yr 2 Second Bin Purchase (5040 bins)			\$455,616		
	Potential Yr 3 Bin Purchase (5040 bins)				\$455,616	
	Potential Yr 4 Bin Purchase (5040 bins)					\$455,616
		\$81,402	\$465,616	\$460,616	\$460,616	\$460,616

Monies expended from both the Waste Bin Reserve and the Refuse Facilities Reserve would then be recovered by increasing the subsequent Reserve transfer amounts in subsequent years. It is expected that this increase in reserve transfer will be wholly funded by the expected income and savings identified by the 360 litre roll out and subsequent waste volume migration.

**T11/3280 – 360L BIN TRIAL – INTRODUCTION OF THE 360 LITRE RECYCLING BIN
(AMREC) (ATTACHMENT)**

Proposed Income and Savings

Potential Income Source	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
	Y0	Y1	Y2	Y3	Y4	Y5
Residential 360l Bin charge recovered by Rates	\$0	\$125,000	\$125,000	\$125,000	\$125,000	\$0
Potential Savings in Waste Disposal Costs	\$0	\$70,000	\$395,000	\$592,000	\$790,000	\$790,000
POTENTIAL INCOME	\$0	\$195,000	\$520,000	\$717,000	\$915,000	\$790,000

Details of 'Value for Money'

It is expected that the rollout of the 360 litre bins will provide an ongoing saving to the residents of the City of Melville. With an estimated return of \$790,000 per annum from FY13/14 onwards, assuming 20,000+ bins are in the community.

Details of the funding requirements verses the potential income capacity highlights that a return on investment shall be achieved within 4 years, assuming a full take up of four rounds of 360 litre bin purchases (total 4 x 5040 = 20,160 bins).

Funding Vs Income

	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
	Y0	Y1	Y2	Y3	Y4	Y5
Identified Funding Requirements	\$81,402	\$465,616	\$460,616	\$460,616	\$460,616	\$0
Identified Income capacity	\$0	\$195,000	\$520,000	\$717,000	\$915,000	\$790,000
Potential Budget Implications	\$81,402	\$270,616	-\$59,384	-\$256,384	-\$454,384	-\$790,000
Cumulative Budget Totals	\$81,402	\$352,018	\$292,634	\$36,250	-\$418,134	-\$1,208,134

Sensitivity Analysis

The Return on Investment is based upon the assumption of a complete uptake by the community, i.e. purchasing 20,160 360 litre bins. It is identified that there is a subsequent risk that this may not occur, with only a partial uptake of the 360 litre bins being achieved. Part of the mitigation against this is the staged purchase of bins, and a Return on Investment for the four key purchases has also been completed.

**T11/3280 – 360L BIN TRIAL – INTRODUCTION OF THE 360 LITRE RECYCLING BIN
(AMREC) (ATTACHMENT)**

Return on Investment 5,040 bins

	2010/11	2011/12	2012/13	2013/14	2014/15
	Y0	Y1	Y2	Y3	Y4
Identified Funding Requirements for a single bin purchase	\$80,000	\$460,616	\$0	\$0	\$0
Identified Income capacity for 5040 bins	\$0	-\$17,000	-\$224,000	-\$148,000	-\$197,000
Potential Budget Implications	\$80,000	\$443,616	-\$224,000	-\$148,000	-\$197,000
Cumulative Budget Totals	\$80,000	\$523,616	\$299,616	\$151,616	-\$45,384

In the case of a single bin order of 5,040 bins with eventual uptake of all bins, the Return on Investment may take up to four years.

Summary of Return on Investment Times

	5040 Bins	10080 Bins	15,120 Bins	20,160 Bins
Outlay (\$m)	\$0.54	\$1,03	\$1.50	\$1.92
Years for a Return on Investment	4 years	4 years	4 years	4 years
Ongoing Identified Savings (\$/pa)	\$197,000	\$395,000	\$592,000	\$790,000

Maintenance Costs

The longer term maintenance costs for the 360 litre bins are expected to be similar to that of the currently deployed 240l bins. We do however expect a reduction in maintenance requirements as the bins will be replacing older 240 litre stock, and we would expect that they will require a reduced level of maintenance than their older 240 litre counterparts.

Details of Additional Capital and Maintenance Costs

We would not expect that the conversion of 240 litre to 360 litre bins will require any additional capital or maintenance costs across the project life. The 360 litre bins are designed such that the current trucks are able to service them with their current attachments and settings, and the larger weights of the bins will still be controlled by the safety devices upon the trucks which prevent the arms from lifting a bin weight that may cause damage.

The returned 240 litre bins may also be then either recycled into the commercial business, or if in poor condition, returned for recycling as per the current process for any old or damaged 240l bin. The City's Waste Services currently fund an annual bin replacement program. A component of the budget allocation will be redirected to the upkeep of the 360 litre bins. As the provision of the 360 litre bin is as a replacement for their 240 litre counterparts, it is not expected that the net long term holding of bin assets by the City will increase, beyond the short term operational needs associated with the replacement of the 240 litre with 360 litre during the roll out period.

**T11/3280 – 360L BIN TRIAL – INTRODUCTION OF THE 360 LITRE RECYCLING BIN
(AMREC) (ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Project Risks

The second risk assessment provides a preliminary assessment of risks throughout the project. As part of project setup, a detailed project plan will be developed that includes a complete project risk assessment and the controls in place to ensure all known risks are mitigated.

Identified Risk	Risk Level	Risk Mitigation
That the project will not achieve the desired long-term cost benefits	Medium	<ul style="list-style-type: none"> • Limit the volume ordered to restrict possible financial exposure • Include advertising/marketing campaign to increase awareness • Initial Residential contributions to be used to refund Waste Reserve prior to be used as off sets for Domestic Waste Charge
That the project will not achieve the desired environmental outcomes	Low	<ul style="list-style-type: none"> • Encouragement for large uptake across community to help see migration of waste from MSW to Recycling • Education campaign to be included to educate the public in what can be recycled and the impacts of contamination
The City will not recover investment costs for the purchase of bins	Low	<ul style="list-style-type: none"> • As the bin purchase is planned to be completed in stages, the volume of bins purchased can be controlled to ensure that additional bins are only purchased once existing stock has been delivered to residents

L – Low M – Medium H – High E - Extreme

POLICY IMPLICATIONS

This report is consistent with the CP-036 Waste Minimisation Policy

**T11/3280 – 360L BIN TRIAL – INTRODUCTION OF THE 360 LITRE RECYCLING BIN
(AMREC) (ATTACHMENT)**

ALTERNATE OPTIONS & THEIR IMPLICATIONS

1. Council could resolve to continue with the current 240 Litre bins and maintain the fortnightly collections, however this would not reduce MSW volumes and contamination of this waste stream would continue.
2. Council could resolve to commence weekly recycling collections which will incur additional costs for the provision of increased servicing at an estimated cost of \$2M. This additional cost would result in the purchase of two waste collection vehicles, two additional staff, and ongoing maintenance costs. Furthermore this option will increase the carbon footprint due to the additional waste collection vehicles and subsequent consumption of fuel, oils and ongoing maintenance consumables.
3. Council could resolve to provide the 360 Litre bins at no charge, however there would be a reduction in revenue of approximately \$500,000 based on 21,160 bins at \$25.00 per bin.
4. Council could resolve to implement the proposal over a shorter timeframe, which would have a greater impact upon the budget. For example if the proposal was to be implemented over a two year period instead of a four year period then the cost per annum would be approximately \$900,000 instead of \$450,000.

CONCLUSION

Recommended Four Year Staged Project Implementation

It is recommended that project implementation be staged over four years. The reasoning for the 4 year staged approach for project implementation is to:

- Allow the City of Melville to fund the initial purchase of the 5040 bins, utilising available funds from the Refuse Bins Reserve.
- Allow the City of Melville to ensure that there is adequate demand for subsequent purchases of 360 litre bins
- Allow the City of Melville to realise potential disposal cost savings as identified within the 360 litre trial

The Project Funding required to achieve the Project Implementation is as follows:

Budget Year	2010/11	2011/12	2012/13	2013/14	2014/15	Project Implementation Total
Recommended Allocated Funding for Project Implementation	\$81,402	\$465,616	\$460,616	\$460,616	\$460,616	\$1,928,866.00

**T11/3280 – 360L BIN TRIAL – INTRODUCTION OF THE 360 LITRE RECYCLING BIN
(AMREC) (ATTACHMENT)**Reasoning for Four Year Implementation

The results of the completed trial and the corresponding feedback from the broader community indicate that there is a desire for improved recycling capacity. Alternate options such as weekly recycling are seen as too cost prohibitive and not economically or environmentally responsible. However, it is realised that the trial and feedback was only from a relatively small portion of the wider Melville residential group, and that whilst all feedback does indicate that this is strongly desired, it is a substantial investment without any guarantees.

The intent of the staged roll out is that it will allow the City of Melville to gauge the acceptance of the 360 litre bins during deployment and will allow the City the ability to continue to increase or reduce our commitment depending upon the feedback/uptake of the residents. This is seen as the most prudent form of deployment and minimises the financial risk to the City of Melville, whilst still achieving a positive for those in the community who want to take a personnel role in reducing landfill and combating climate change and land fill issues.

OFFICER RECOMMENDATION (3280)**ABSOLUTE MAJORITY**

That the Council -

1. Approve the replacement of the 240 litre recycling bin with the 360 litre recycling bin on a selective opt in basis.
2. Approve the staged implementation of the 360 litre Recycling Bins over a four year period.
3. By absolute majority decision approve the imposing of a fee being a one off charge of \$25 to the residents who chose to take up the offer of the 360 litre bin.
4. Approve the initial purchase of 5,040 bins.

COUNCIL RESOLUTION (3280)**APPROVAL**Reject and Replace

At 7.36pm Cr Robartson moved, seconded Cr Willis that -

The Officer Recommendation (3280) be rejected and replaced with -

1. That the report further investigate the benefits and financial implications of a weekly pick up of the existing 240 litre recycling bin:
2. That a further report be brought to the Council in early 2012.

At 8.16pm the Mayor submitted the motion, which was declared

CARRIED (11/2)

**T11/3280 – 360L BIN TRIAL – INTRODUCTION OF THE 360 LITRE RECYCLING BIN
(AMREC) (ATTACHMENT)**Reasons for Reject and Replace

A neighbouring local government has recently moved to a weekly pick up of 240 litre recycling bins that has resulted in an increase in recyclables collected and a decrease in Municipal Solid Waste (MSW) volumes.

The Southern Metropolitan Regional Council conducted a trial in 2006 that indicated a significant increase in recyclable products with a reduction in volume of MSW was achieved through a weekly pick up.

Indications are that the gate fees for the Material Recovery Plant are expected to decrease on completion of the reconstructed Material Recovery Plant at Canning Vale.

T11/3281– TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Subject Index : BMS – Council Policies
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : John Christie
 Director Technical Services

AUTHORITY / DISCRETION

DEFINITION

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

T11/3281 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The policies within the responsibility of the Director Technical Services have been reviewed and brought forward with amendments for consideration and adoption.
- Policies that are defined as Council Policy require the approval of Council whereas Operational Policies are approved by the Chief Executive Officer.

BACKGROUND

A two year review cycle has been implemented to ensure all Council Policies remain current.

The Policies presented in this report have been reviewed by staff and minor changes made.

DETAIL

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

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

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

Management of the day to day operations of the local government:

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

T11/3281 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)

This report provides comment on policies from the area of responsibility of the Director Technical Services and includes:

- [CP – 029 - Street Tree Policy](#)
- [CP – 031 - Asset Management Policy](#)
- [CP – 032 - Streetscape Policy](#)
- [CP – 033 - Path Policy](#)
- [CP – 034 - Road Safety Audit Policy](#)
- [CP – 035 - School Parking Policy](#)
- [CP – 036 - Waste Minimisation Policy](#)

Changes in the Policies are highlighted in red text.

CP-030 Environmental Policy was reviewed and approved at the Ordinary Meeting of Council held on 15 November 2011

Comment is provided on the policies with amendments as follows.

CP – 029 - Street Tree Policy

Minor changes made. These include strengthening the reasons trees will not be pruned or removed and adding an item regarding street tree accessories.

CP – 031 - Asset Management Policy

The policy objective has been rewritten to better encompass what the City is trying to achieve in relation to asset management outcomes. Continuous improvement has been added as a commitment as has the development of industry standard asset management plans.

CP – 032 - Streetscape Policy

Very minor changes.

CP – 033 - Path Policy

The difference between renewal and maintenance is better defined and we are also now using the same priority tool on both types of works.

CP – 034 - Road Safety Audit Policy

Additional point added to acknowledge the need to audit Black Spot projects over the value of \$150,000.

CP – 035 - School Parking Policy

Minor adjustment to the wording relating to the criteria to be applied when agreeing to modify or provide new school parking.

T11/3281 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)

CP – 036 - Waste Minimisation Policy

The Policy owner has been changed from the Waste Coordinator to the Manager Operations. Minor typographical changes have been made. The Policy continues to reflect the City's position and commitment to minimising waste.

PUBLIC CONSULTATION/COMMUNICATION

Not Applicable

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not Applicable

STATUTORY AND LEGAL IMPLICATIONS

The policies are consistent with the current Local Government Act 1995 and relevant Regulations.

FINANCIAL IMPLICATIONS

Policies set out various strategic positions of Council. The commitments of Council as identified in Council Policies will be reflected in future Capital and Operation Programmes which will be presented as part of the formal budget setting process.

STRATEGIC, ENVIRONMENT AND RISK MANAGEMENT IMPLICATIONS

The process of policy review will serve to minimise both strategic and risk management implications by ensuring policies are consistent with current legislation.

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

T11/3281 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

Should Council resolve to adopt the policies as presented within this report, then these will replace the previous policies.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

CONCLUSION

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

OFFICER RECOMMENDATION (3281)**APPROVAL**

That the seven policies reviewed by the Director Technical Services as contained in the following attachments be approved.

CP – 029 - Street Tree Policy
CP – 031 - Asset Management Policy
CP – 032 - Streetscape Policy
CP – 033 - Path Policy
CP – 034 - Road Safety Audit Policy
CP – 035 - School Parking Policy
CP – 036 - Waste Minimisation Policy

T11/3281 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)

At 8.17pm Cr Reidy left the meeting.

COUNCIL RESOLUTION (3281)**APPROVAL****Reject and Replace**

At 8.17pm Cr Willis moved, seconded Cr Robartson that the Officer Recommendation be rejected and replaced with the following -

That the five policies reviewed by the Director Technical Services as contained in the following attachments be approved.

[CP – 031 - Asset Management Policy](#)

[CP – 033 - Path Policy](#)

[CP – 034 - Road Safety Audit Policy](#)

[CP – 035 - School Parking Policy](#)

[CP – 036 - Waste Minimisation Policy](#)

That two policies reviewed by the Director Technical Services as contained in the following attachments be recommitted to enable them to be presented and discussed at the next available Elected Members Information Session.

[CP – 029 - Street Tree Policy](#)

[CP – 032 - Streetscape Policy](#)

At 8.19pm Cr Reidy returned to the meeting.

At 8.23pm the Mayor submitted the motion, which was declared

CARRIED (12/1)**Reasons for Reject and Replace**

The Street Tree Policy and the Streetscape Policy are continually being challenged by residents.

To include a review process should a ratepayer disagree with an officer proposal. The review to be undertaken by the Director Technical Services

An Elected Members Information Session will enable case studies to be presented and understood.

An opportunity to consider further improvements to the policies.

The need to carry out Road Safety Audits when sight distance is restricted to reduce the council's liability and to respond to a resident's concerns.

The Street Policy has changed many times. At one time you could purchase a street tree for \$1 to plant it on your property as long as you could see it from the street and was watered and maintained by the resident.

Now we have more streets with underground power there may be new opportunities to be considered as trees are pruned less and grow to their natural height.

T11/3281 – TECHNICAL SERVICES POLICY REVIEW (REC) (ATTACHMENT)

Streetscapes proposing new street trees have been restricted when residents objected to a tree being planted on “their” front verge. These policies appear to be more about maintaining existing street trees rather than planting more trees in the street.

D11/8042 - POLICY REVIEW – COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Subject Index : Community Development Policy
 Customer Index : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Numerous items have been provided to Council for either review or amendment of current policies. C09/5097 - Policy Review – Ordinary Meeting of the Council - November 2009
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Christine Young
 Director Community 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 review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

D11/8042 - POLICY REVIEW – COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The policies within the responsibility of the Director Community Development have been examined and brought forward with amendments for consideration and adoption.
- Policies that are defined as Council Policy require the approval of Council whereas Operational Policies are approved by the Chief Executive Officer.

BACKGROUND

The City of Melville has Council Policies which for Community Development were previously reviewed in November 2009. Officers have again reviewed all Community Development policies in 2011 and have now brought the reviewed policies with proposed amendments to Council for consideration. A two yearly review cycle has been implemented to ensure all policies remain current.

DETAIL

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

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

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

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

D11/8042 - POLICY REVIEW – COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)

This report provides comment on policies from the Director Community Development. All policies referred to in this report are provided as:

[8042 CP 028 Physical Activity Policy](#)

[8042 CP 040 Public Health Wellbeing Policy](#)

[8042 CP 038 Discretionary Services Policy](#)

[8042 CP 037 Neighbourhood Development Policy](#)

[8042 CP new Stakeholder Relationships Policy \(replaces CP-002 Stakeholder Consultation\)](#)

Of the five policies reviewed by the Director Community Development:

Minor change:	4
Replacement/New Policy:	1

Comment is provided on the policies with amendments as follows.

CP-038 Discretionary Services Policy

Minor changes include reference to Stakeholder Relationship Management and Engagement and also Social Return on Investment under the Policy Statement. Addition of the Scope to reflect updated Policy template requirements.

CP-037 Neighbourhood Development Policy

Minor changes in text under the Policy Statement that reflect changes made in the Corporate Plan. Addition of the Scope to reflect updated Policy template requirements.

CP-040 Public Health and Wellbeing Policy

Minimal changes with addition of the Scope to reflect updated Policy template requirements.

CP-028 Physical Activity

Minimal changes with addition of the Scope to reflect updated Policy template requirements.

CP-002 Stakeholder Consultation

Replaced with new Council Policy Stakeholder Relationships Policy.

CP- Stakeholder Relationships Policy

New Council Policy that replaces outdated CP – 002. The Stakeholder Relationship Policy outlines key requirements for conducting stakeholder relationships in general, with an emphasis on stakeholder engagement. It makes reference to the Stakeholder Relationship Management Framework and to recent changed expectations from the Department for Local Government.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

D11/8042 - POLICY REVIEW – COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Cost of staff time spent on reviewing the policies.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The process of policy review will serve to minimize both strategic and risk management implications by ensuring the policies are consistent with current legislation and practice.

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

POLICY IMPLICATIONS

All Council Policies are being reviewed and a significant number will be amended as a consequence of the review.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Each policy may be subject to various options which would be associated with a range of different options.

D11/8042 - POLICY REVIEW – COMMUNITY DEVELOPMENT (REC) (ATTACHMENT)**CONCLUSION**

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

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8042)**APPROVAL**

That the five policies reviewed by the Director Community Development as contained in the following attachments be approved.

[8042 CP 028 Physical Activity Policy](#)

[8042 CP 040 Public Health Wellbeing Policy](#)

[8042 CP 038 Discretionary Services Policy](#)

[8042 CP 037 Neighbourhood Development Policy](#)

[8042 CP new Stakeholder Relationships Policy \(replaces CP-002 Stakeholder Consultation\)](#)

At 8.23pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C11/5000 – 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 review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

KEY ISSUES / SUMMARY

- This report details the documents to which the City of Melville Common Seal has been applied for the period from 21 October 2011 up to and including 24 November 2011 and recommends that the information be noted.

C11/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Party	Description	File Reference
572	City of Melville and Scouts Willagee	Deed of lease City of Melville and the Scout Association of Australia WA Branch 1st Willagee Branch	2507988
585	City of Melville and Department for Communities	Renewal of Lease Department for Communities Leeming Family Centre	2533734
595	City of Melville	Community Planning Scheme No 5 Amendment No 47	2510010
603	City of Melville and 25 Ainslie Court, Kardinya - Section 70a Sign off	WAPC Subdivision Approval contains a condition relating to the use of the dwelling	2602525
610	City of Melville and Fremantle CBC Amateur Football Club	Self Supporting Loan for the Fremantle Football Club	2580573

C11/5000 – COMMON SEAL REGISTER (REC)**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

Section 9.49. Documents, how authenticated.

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

FINANCIAL IMPLICATIONS

Not applicable.

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.

C11/5000 – COMMON SEAL REGISTER (REC)**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 21 October 2011 up to and including 24 November 2011, be noted.

At 8.23pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C11/5209 - ADOPTION OF THE PROPOSED AMENDMENTS TO THE CITY OF MELVILLE LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010 (AMREC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Acts, Statutes and Local Laws
Customer Index	:	Joint Standing Committee on Delegated Legislation
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	C10/5133 Adoption of the Proposed City of Melville Local Government Property Local Law 2010, 21 December 2010, C11/5186 Amendments to the City Of Melville Local Government Property Local Law 2010, 21 June 2011, C11/1589 Proposed Amendments to the City of Melville Local Government Property Local Law 2010.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Jeff Clark Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

C11/5209 - ADOPTION OF THE PROPOSED AMENDMENTS TO THE CITY OF MELVILLE LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010 (AMREC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This item is to adopt the Proposed Amendments to the City of Melville Local Government Property Local Law 2010. The matter came before the Council at its meeting on 16 August 2011 where it was resolved to advertise the proposed local law.
- Council is now required to resolve by absolute majority to either make the proposed local law or not.

BACKGROUND

At its Ordinary Council Meeting held on 16 August 2011, Council considered the proposed Amendments to the City of Melville *Local Government Property Local Law 2010* and resolved –

That the Council approve the advertising of the proposed City of Melville Local Government Property Local Law 2010 Amendment Local Law 2011 as contained in 5189 Proposed Amendment Local Law for public comment, in accordance with the requirements of Section 3.12(3) of the Local Government Act 1995.

CARRIED EN BLOC (12/0)

The Local Law was advertised in the West Australian on 27 August 2011 and in the Melville Times on 30 August 2011. A copy of the local law was sent to the Minister on 2 September 2011.

One submission was received from the Department of Local Government. No other public submissions were received.

DETAIL***Department of Local Government***

The Department of Local Government under cover of an e-mail dated 14 October 2011 commented on the proposed local law. The Department made suggestions in respect of drafting improvements to ensure standardising the format for Acts and Regulations for purposes of uniformity, consistency and functionality. As such the Department made suggested improvements to the drafting of the local law in accordance with this standardised format. The Department did not make any amendments to the content of the local law. The amendments include amendment to the title of the local law; the consolidation of the amendments to s. 3.13 in one clause; and the inclusion of the modified penalties in a table.

The City in adopting the proposed local law is not making significant changes to the proposed local law compared to the one that was originally proposed.

C11/5209 - ADOPTION OF THE PROPOSED AMENDMENTS TO THE CITY OF MELVILLE LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010 (AMREC) (ATTACHMENT)

Council is now required to make the local law as proposed or make a local law that is not significantly different from what was proposed. If Council decides to make a local law that is significantly different from what is proposed than under section 3.12(4), the local law-making process must be started again.

After Council has made the local law, the local government is required to publish it in the Government Gazette and submit a copy of it to the Minister for Local Government. After the local law has been published in the Gazette, the local government is to give State-wide public notice:

- stating the title of the local law;
- summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
- advising that copies of the local law may be inspected or obtained from the local government's office.

Once the local law has appeared in the Government Gazette, the local government is also required to send an explanatory memorandum and copies of the local law to the Joint Standing Committee on Delegated Legislation.

PUBLIC CONSULTATION/COMMUNICATION

As required under s. 3.12(3) of the *Local Government Act 1995*, the City of Melville advertised the proposed local law in the West Australian Newspaper and the Melville Times.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The proposed amendment was sent to the Minister for Local Government on 2 September 2011.

STATUTORY AND LEGAL IMPLICATIONS

S. 3.12(4), (5), (6) and (7) of the *Local Government Act 1995* (WA).

FINANCIAL IMPLICATIONS

Advertisement costs for the adoption notice and the gazettal fee for the proposed *Local Government Property Local Law*.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The adoption of the proposed amendment Local Law will have implications for the City. Adequate local laws allow for protection of members of the community through the regulation of activities in controlled parameters. It is therefore a requirement, that local laws are relevant, easy to understand and adequate.

C11/5209 - ADOPTION OF THE PROPOSED AMENDMENTS TO THE CITY OF MELVILLE LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010 (AMREC) (ATTACHMENT)

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of not making the amendments may result in the local law being disallowed.	High consequences which are almost certain, resulting in a High level of risk	Make the amendments in accordance with the Council undertaking.

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

If the City does not make the proposed amendments within the six month period there is the possibility that the Joint Standing Committee may recommend to Parliament that the clauses in the principal local law be disallowed or that the local law be disallowed. The Council resolved at 21 June 2011 Council Meeting to give an undertaking to the Joint Standing Committee on Delegated Legislation that it would make the amendments. To refrain from making these now would require a rescission motion on behalf of the Council.

CONCLUSION

The proposed local law will, if Council resolves to adopt it, be gazetted in the Government Gazette and become law 14 days there from.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5209)
ABSOLUTE MAJORITY**

At 8.27pm Cr Foxtan moved, seconded Cr Willis -

1. **That by an absolute majority in accordance with section 3.12(4) of the *Local Government Act 1995*, the Council adopts the *City of Melville Local Government Property Amendment Local Law 2011* as amended and contained in attachment [5209 Local Government Property Amendment Local Law 2011](#) and affixes the Common Seal; and**
2. **That the Council approves the progression of the remaining actions to finalise the publication of the Local Law in accordance with sections 3.12 and 3.15 of the *Local Government Act 1995*.**

At 8.27pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

C11/5211 - 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 : C10/5150 – Council Meeting Cycle – December 2010 – 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 review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

C111/5211 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY:**

- This report summarises the monthly Ordinary Meeting of Council cycle to commence in February 2012.

BACKGROUND

The Council Meeting Cycle was reviewed in December 2010 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.

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 [5211 Council Meeting Cycle](#) of the proposed meeting schedule.

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 cycle for the 2012 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.

C111/5211 - COUNCIL MEETING CYCLE (REC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

The Local Government Act 1995 at 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.

It 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.

C111/5211 - 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 (5211)**APPROVAL**

At 8.27pm His Worship the Mayor called for a mover and seconder of the Officer Recommendation inclusive of the amendment.

At 8.27pm His Worship the Mayor moved, seconded Cr Robartson -

That:

1. **The Ordinary Meeting of Council be held on the third Tuesday of each month commencing in February 2012.**
2. **The Ordinary Meeting of Council Agenda Briefing Forums be held on the first Tuesday of each month and be chaired by the Mayor or his/her delegate.**
3. **The Council will be in recess in January 2012 and neither the Ordinary Meeting of Council nor an Ordinary Meeting of Council Agenda Briefing Forum will be held.**
4. **Elected Member Information Sessions be scheduled to 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. **In order to inform the community, the Schedule of Council Meetings be advertised.**

Amendment

That Item 1 be amended to include the words after "February 2012." "with the exception of December 2012 where the Ordinary Meeting of Council will be held on 11 December 2012."

That Item 2 be amended to include the words after "each month." "with the exception of December 2012 where the Ordinary Meeting of Council Agenda Briefing Forum will be held on 27 November 2012"

At 8.28pm the Mayor submitted the motion, which was declared

CARRIED (12/1)

Reasons for Amendment

By bringing the December Ordinary Meeting of the Council forward by one week, it will allow Officers to complete the tasks from the December meeting prior to the Christmas break.

COUNCIL RESOLUTION (5211)**APPROVAL**

At 8.29pm the Mayor submitted the substantive motion as amended -

That:

1. **The Ordinary Meeting of Council be held on the third Tuesday of each month commencing in February 2012 *with the exception of December 2012 where the Ordinary Meeting of Council will be held on 11 December 2012.***
2. **The Ordinary Meeting of Council Agenda Briefing Forums be held on the first Tuesday of each month *with the exception of December 2012 where the Ordinary Meeting of Council Agenda Briefing Forum will be held on 27 November 2012 and be chaired by the Mayor or his/her delegate.***
3. **The Council will be in recess in January 2012 and neither the Ordinary Meeting of Council nor an Ordinary Meeting of Council Agenda Briefing Forum will be held.**
4. **Elected Member Information Sessions be scheduled to 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. **In order to inform the community, the Schedule of Council Meetings be advertised.**

At 8.29pm the Mayor declared the motion

CARRIED (12/1)

C11/6000 - 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 review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of October 2011 and recommends that the information detailed in the report be noted.
- No credit events were recorded in relation to the City's Collateralised Debt Obligation (CDO) investments in October 2011.
- Valuations for October have been provided by the ANZ bank, the City's investment custodians for Authorised Deposit Taking Institutions (ADIs) and CDOs.

C11/6000 - INVESTMENT STATEMENTS (REC)

BACKGROUND

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

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

DETAIL

Summary details of investments held at 30 October 2011 are shown in the table below.

CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 OCTOBER 2011

SUMMARY BY FUND	PURCHASE PRICE \$	ESTIMATED BOOK VALUE 30/06/2010 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 56,469,648	\$ 56,469,648	\$ 56,469,648	\$ -	0.00%
RESERVE	\$ 55,176,991	\$ 37,041,084	\$ 41,157,626	\$ 4,116,542	7.46%
TRUST	\$ 505,818	\$ 505,818	\$ 505,818	\$ -	0.00%
CRF	\$ 180,738	\$ 180,738	\$ 180,738	\$ -	0.00%
	\$ 112,333,195	\$ 94,197,288	\$ 98,313,830	\$ 4,116,542	3.66%

SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	ESTIMATED BOOK VALUE 30/06/2010 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
ADI	\$ 3,500,000	\$ 3,376,255	\$ 3,492,979	\$ 116,724	3.33%
CDO	\$ 19,720,000	\$ 1,707,838	\$ 5,707,656	\$ 3,999,818	20.28%
BOND	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
FRN	\$ 5,999,920	\$ 5,999,920	\$ 5,999,920	\$ -	0.00%
FRTD	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ -	0.00%
TERM DEPOSIT	\$ 74,767,293	\$ 74,767,293	\$ 74,767,293	\$ -	0.00%
11AM	\$ 3,615,338	\$ 3,615,338	\$ 3,615,338	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 112,333,195	\$ 94,197,288	\$ 98,313,830	\$ 4,116,542	3.66%

SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	ESTIMATED BOOK VALUE 30/06/2010 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 27,930,658	\$ 27,930,658	\$ 27,930,658	\$ -	0.00%
AA-	\$ 51,651,892	\$ 51,634,162	\$ 51,650,505	\$ 16,342	0.03%
A+	\$ 7,800,000	\$ 7,800,000	\$ 7,800,000	\$ -	0.00%
A	\$ 500,000	\$ 500,000	\$ 500,000	\$ -	0.00%
A-	\$ 2,500,000	\$ 2,393,985	\$ 2,494,366	\$ 100,381	4.02%
BBB+	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
CCC	\$ 1,500,000	\$ 76,950	\$ 315,095	\$ 238,145	15.88%
CCC-	\$ 3,600,000	\$ 376,140	\$ 268,912	\$ 107,228	-2.98%
NR	\$ 14,620,000	\$ 1,254,748	\$ 5,123,649	\$ 3,868,901	26.46%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 112,333,195	\$ 94,197,288	\$ 98,313,830	\$ 4,116,542	3.66%

C11/6000 - INVESTMENT STATEMENTS (REC)

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

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

INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Current Interest Rate %	S & P RATING	PROPORTION	MAX. PER INSTITUTION	FACE VALUE \$	BOOK VALUE AT 30/6/2010 \$	CURRENT EST MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/6/10 \$
BANKWEST (11AM)		11AM	4.70%	AA	1%	20%	\$1,263,445	\$1,263,445	\$1,263,445	\$0
WESTPAC (MAXI DIRECT)		11AM	4.80%	AA-	1%	20%	\$1,350,000	\$1,350,000	\$1,350,000	\$0
WESTPAC (MAXI BONUS 1)		11AM	5.20%	AA-	1%	20%	\$1,001,892	\$1,001,892	\$1,001,892	\$0
WESTPAC (MAXI BONUS 2)		11AM	5.20%	AA-	0%	20%	\$0	\$0	\$0	\$0
							\$3,615,338		\$3,615,338	\$0
BANKWEST (TERM)		TERM	5.80%	AA	12%	20%	\$13,467,293	\$13,467,293	\$13,467,293	\$0
COMMONWEALTH BANK (TERM)		TERM	5.55%	AA	8%	20%	\$9,200,000	\$9,200,000	\$9,200,000	\$0
SUNCORP METWAY LTD (TERM)		TERM	6.00%	A+	6%	15%	\$6,300,000	\$6,300,000	\$6,300,000	\$0
ING BANK		TERM	5.95%	A	0%	15%	\$500,000	\$500,000	\$500,000	\$0
NAB (TERM)		TERM	5.82%	AA	14%	20%	\$16,200,000	\$16,200,000	\$16,200,000	\$0
ST GEORGE BANK (TERM)		TERM	5.88%	AA-	15%	20%	\$16,300,000	\$16,300,000	\$16,300,000	\$0
RABODIRECT (TERM)		TERM	6.00%	A+	1%	15%	\$1,500,000	\$1,500,000	\$1,500,000	\$0
WESTPAC (TERM)		TERM	5.87%	AA-	11%	20%	\$11,800,000	\$11,800,000	\$11,800,000	\$0
							\$75,267,293		\$75,267,293	\$0
COMMONWEALTH BANK (BOND)		BOND	6.05%	AA	2%	20%	\$2,000,000	\$2,000,000	\$2,000,000	\$0
							\$2,000,000		\$2,000,000	\$0
BANK OF QUEENSLAND (FLOAT RATE TD)		FRTD	6.42%	BBB+	2%	15%	\$2,000,000	\$2,000,000	\$2,000,000	\$0
							\$2,000,000		\$2,000,000	\$0
COMMONWEALTH BANK (FRN)		FRN	6.10%	AA	2%	20%	\$1,999,920	\$1,999,920	\$1,999,920	\$0
NAB (FRN)		FRN	5.94%	AA	4%	20%	\$4,000,000	\$4,000,000	\$4,000,000	\$0
							\$5,999,920		\$5,999,920	\$0
ADELAIDE BANK	Very Low	ADI	5.35%	A-	1%	10%	\$1,000,000	\$983,880	\$1,002,579	\$18,699
ELDERS RURAL BANK	Very Low	ADI	#N/A	BBB	0%	0%	\$0	\$0	\$0	\$0
MACQUARIE BANK	Very Low	ADI	5.22%	A-	1%	15%	\$1,500,000	\$1,410,105	\$1,491,788	\$81,683
SUNCORP METWAY LTD	Very Low	ADI	#N/A	A-	0%	15%	\$0	\$0	\$0	\$0
WESTPAC BANK	Very Low	ADI	4.99%	AA-	1%	20%	\$1,000,000	\$982,270	\$998,612	\$16,342
APHEX (GLENELG)	High	CDO	6.68%	NR	2%	0%	\$2,000,000	\$125,600	\$403,784	\$278,184
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	0.00%	NR	2%	0%	\$2,000,000	\$1	\$1,200,000	\$1,199,999
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	0%	0%	\$450,000	\$1	\$270,000	\$269,999
CORSAIR (CAYMAN) KAKADU	High	CDO	6.39%	CCC	1%	0%	\$1,500,000	\$76,950	\$315,095	\$238,145
CORSAIR (CAYMAN) TORQUAY	Very High	CDO	6.64%	NR	2%	0%	\$1,885,000	\$23,000	\$6,952	-\$16,048
ETHICAL LIMITED GREEN	High	CDO	5.99%	NR	1%	0%	\$1,000,000	\$11,000	\$104,614	\$93,614
HELIUM CAPITAL (ESPERANCE)	High	CDO	6.69%	CCC-	2%	0%	\$1,800,000	\$355,140	\$243,000	-\$112,140
HELIUM CAPITAL (SCARBOROUGH)	High	CDO	6.56%	CCC-	2%	0%	\$1,800,000	\$21,000	\$25,912	\$4,912
MAGNOLIA FLINDERS	Moderate	CDO	6.49%	NR	2%	20%	\$2,000,000	\$988,139	\$1,757,931	\$769,792
MANAGED ACES CLASS 11A PARKES	Very High	CDO	8.29%	NR	1%	0%	\$1,000,000	\$3,000	\$6,213	\$3,213
MANAGED ACES CLASS 1A PARKES	High	CDO	6.62%	NR	1%	0%	\$1,050,000	\$10,500	\$8,522	-\$1,978
OMEGA CAPITAL CLASS A HENLEY	Moderate	CDO	5.55%	NR	0%	0%	\$385,000	\$82,506	\$275,633	\$193,127
STARTS (CAYMAN) BLUE GUM	Defaulted	CDO	#N/A	NR	0%	0%	\$0	\$0	\$0	\$0
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	0.00%	NR	1%	0%	\$1,500,000	\$9,300	\$600,000	\$590,700
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	0.00%	NR	0%	0%	\$500,000	\$1,700	\$150,000	\$148,300
ZIRCON FINANCE MIAMI	Early Term.	CDO	0.00%	NR	1%	0%	\$850,000	\$1	\$340,000	\$339,999
							\$23,220,000	\$5,084,093	\$9,200,635	\$4,116,542
UNITS IN LOCAL GOVT HOUSE		UNITS	0.00%				\$230,645	\$230,645	\$230,645	\$0
TOTAL FUNDS INVESTED					100%		\$112,333,195	\$5,314,738	\$98,313,830	\$4,116,542

DIVERSIFICATION / CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AAA	\$0	\$0	0%	100%	
AA	\$48,130,658	\$48,130,658	49%	80%	
AA-	\$31,451,892	\$31,450,505	32%	80%	
A+	\$7,800,000	\$7,800,000	8%	50%	
A	\$500,000	\$500,000	1%	50%	
A-	\$2,500,000	\$2,494,366	3%	50%	
BBB+	\$2,000,000	\$2,000,000	2%	20%	
CCC	\$1,500,000	\$315,095	0%	0%	Purchased Prior To Policy Change
CCC-	\$3,600,000	\$268,912	0%	0%	
C	\$0	\$0	0%	0%	
NR	\$14,620,000	\$5,123,649	5%		
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
TOTAL	112,333,195	98,313,830	100%		

C11/6000 - INVESTMENT STATEMENTS (REC)
DIVERSIFICATION RISK

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
BANKWEST (11AM)	11AM	AA	1,263,445	1.29%		20%	
BANKWEST (TERM)	TERM	AA	13,467,293	13.70%	14.98%	20%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	BBB+	2,000,000	2.03%	2.03%	15%	
COMMONWEALTH BANK (TERM)	TERM	AA	9,200,000	9.36%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	1,999,920	2.03%		20%	
COMMONWEALTH BANK (BOND)	BOND	AA	2,000,000	2.03%	13.43%	20%	
MACQUARIE BANK	ADI	A-	1,491,788	1.52%		15%	
MACQUARIE BANK (TERM)	TERM	AAA	-	0.00%	1.52%	20%	
NAB (FRN)	FRN	AA	4,000,000	4.07%		20%	
NAB (TERM)	TERM	AA	16,200,000	16.48%	20.55%	20%	
ING BANK	TERM	A	500,000	0.51%	0.51%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	16,300,000	16.58%	16.58%	20%	
RABODIRECT (TERM)	TERM	A+	1,500,000	1.53%	1.53%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	1,001,892	1.02%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	-	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	1,350,000	1.37%		20%	
WESTPAC (TERM)	TERM	AA-	11,800,000	12.00%		20%	
WESTPAC BANK	ADI	AA-	998,612	1.02%	15.41%	20%	
ADELAIDE BANK	ADI	A-	1,002,579	1.02%	1.02%	10%	
SUNCORP METWAY LTD (TERM)	TERM	A+	6,300,000	6.41%	6.41%	15%	
CDO - Various	CDO		5,707,656	5.81%	5.81%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	UNITS		230,645	0.23%	0.23%		
			\$98,313,830	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	56,744,821	100%	100%	
< 2 years	-	0%	10%	
< 3 years	-	0%	10%	
< 4 years	-	0%	0%	
< 5 years	-	0%	0%	
> 5 years	-	0%	0%	
	56,744,821	100%		
RESERVE FUNDS				
< 1 year	24,993,214	61%	100%	
< 2 years	2,399,953	6%	80%	
< 3 years	4,515,620	11%	80%	
< 4 years	418,518	1%	40%	
< 5 years	5,999,920	15%	40%	
> 5 years	2,830,400	7%	20%	Purchased Prior To Policy Change
	41,157,626	100%		

C11/6000 - INVESTMENT STATEMENTS (REC)

The values ascribed to Authorised Deposit Taking Institutions (ADIs) by the City's independent financial advisers are based on current market evidence. Positive improvements in the market since 30 June 2010 are evident by an increase in market valuations. These valuations assume that the City will be required to sell these investments prior to maturity. The City is however a holder to maturity of these investments as there is no need to sell ADIs. There is therefore no reason to expect that any losses will be incurred. Recent repurchases by the issuing banks at their full value supports this view.

Since 30 June 2009 \$14,000,000 worth of ADIs has been repurchased by the issuing banks. These had been written down in previous financial years, to a book value of \$13,743,550. A book profit of \$256,450 has therefore been realised. The City expects that further ADIs will be repurchased by the issuing banks as they reach their call dates over the next seven months.

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

Monthly valuations for ADIs and CDOs shown for 31 October 2011 have been provided by the ANZ bank, the City's investment custodians. When compared to the valuations used as at 30 June 2010, valuations obtained from the ANZ bank as at 31 October 2011 show that:

- ADIs have increased in value by \$116,724.
- CDOs have increased in value by \$3.99 million.

Values for October have dropped again from \$5.72m when compared to values as at 31 July. This was a result of the recent turmoil in the US and the subsequent downgrade by Standard & Pours (D&P) of the US credit rating.

Lehman Brothers arranged CDOs have experienced an increase, as heightened investor expectations of a favourable ruling in the courts grew which will 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.

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

It should be noted that CDOs are structured in such a manner so as to provide for a level of defaults of a number of the entities referenced by the CDOs before there is loss of value at maturity of the CDOs themselves. Further investment in CDOs is specifically excluded under the City's current Investment Policy.

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

There were no credit events or defaults in October that affected the City's CDO investments.

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

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

Actual losses incurred will be in the first instance funded from the Risk Management Reserve to the extent that funds are available in that Reserve account. Where losses exceed the available funds, these will be prorated and deducted across the City's other Reserve Funds excluding the Leave Entitlement and the remainder of the Risk Management Reserve. These Reserve funds are restricted to the payment of employee entitlements and contingent Workers Compensation Insurance Claims.

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

C11/6000 - INVESTMENT STATEMENTS (REC)

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

C11/6000 - INVESTMENT STATEMENTS (REC)

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

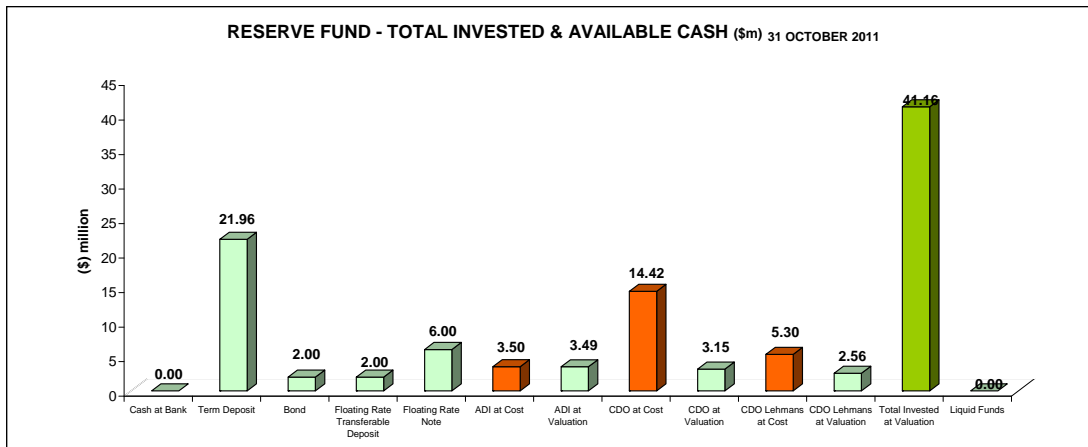
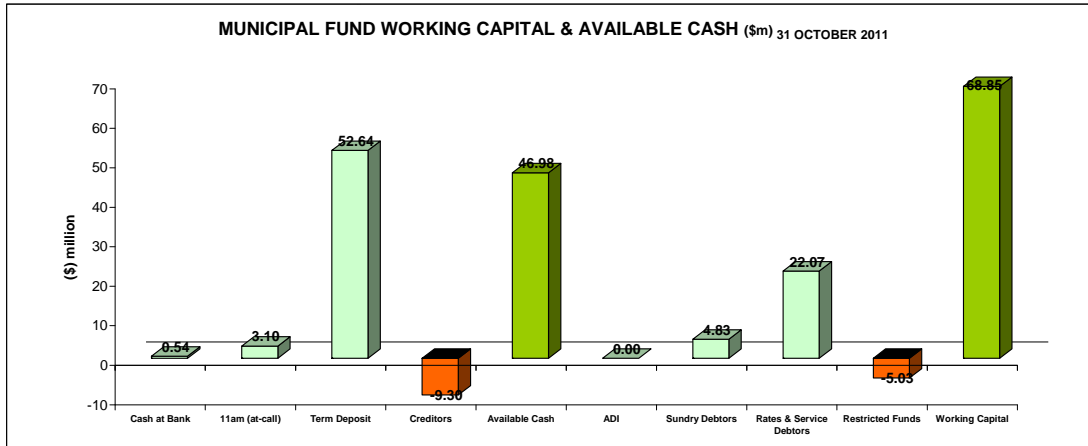
C11/6000 - INVESTMENT STATEMENTS (REC)

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

C11/6000 - INVESTMENT STATEMENTS (REC)

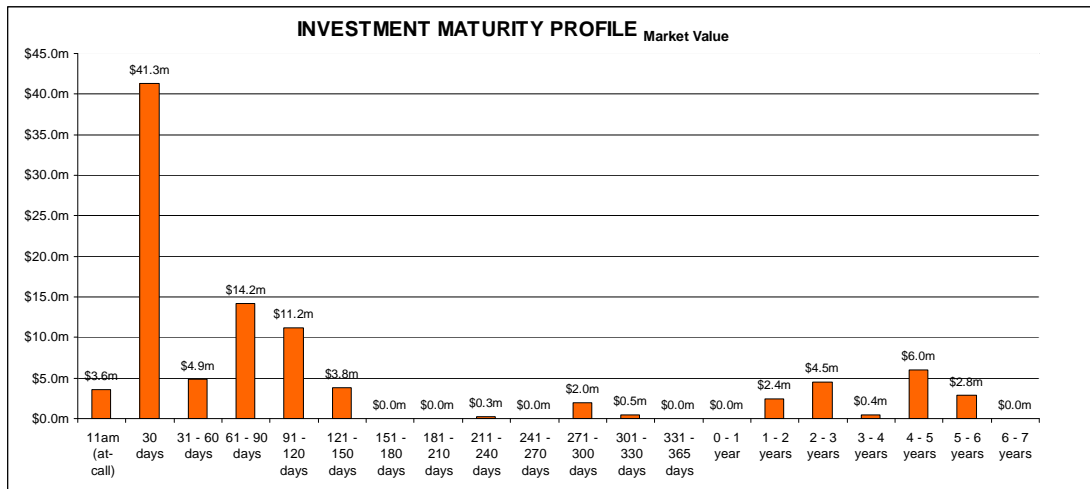
Net Funds Held

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



C11/6000 - INVESTMENT STATEMENTS (REC)

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



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

Denison Financial Advisory, the City's outgoing investment advisor, reviewed the current investment portfolio and we will continue to work with the City's new independent investment advisor to review the City's investment strategy going forward.

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

The Department of Local Government and Regional Development issued Investment Policy Guidelines during 2008, well after the global financial crisis.

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

The following legislation is relevant to this report:

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

The legal firm Piper Alderman have been engaged to seek recovery of any losses that may eventually be realised and to seek early termination of the Lehman arranged CDOs, so that the 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 72 other corporations and local government authorities the City of Melville has engaged litigation funder IMF Australia to seek recovery of book losses from Lehman Brothers Australia. Whilst the decisions taken by the various courts have been positive for the City the legal process is lengthy and it will still be some time before certainty is achieved.

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

As previously mentioned, the likelihood of this happening can be demonstrated by the upward valuations in these CDOs over the past months.

FINANCIAL IMPLICATIONS

For the period ending 31 October 2011, interest earned on:

- Municipal and Trust Funds was \$995,799 against a year to date budget of \$776,789. This represents a \$219,560 positive variance.
- Reserve Funds was \$844,793 against a year to date budget of \$406,288. This represents a \$438,505 positive variance.

Investment earnings received in respect to CDO investments since 1 July 2007 has been \$4.47m and \$2.84m in respect to ADIs.

In accordance with the Council's Investment Policy, any surplus investment returns derived as a result of investing in ADIs, CDOs, Bonds, Floating Rate Notes, Floating Rate Transferable Deposit and Term Deposits when compared to the cash rate will be transferred to the Risk Management Reserve.

C11/6000 - INVESTMENT STATEMENTS (REC)

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Council's investment policy was constructed to minimise credit risk through investing in highly rated securities and diversification. The policy also incorporates mechanisms that protect the 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 the continuing credit market concerns overseas, the risks associated with the City's investment portfolio in CDOs also increased to levels which are of concern. Whilst the City continues to earn and be paid interest from its non Lehman arranged CDOs, the reassessment by the major rating agencies of their credit risk models used to assess the credit ratings associated with CDO portfolios, has resulted in significant downgrading of CDO investments to credit rating levels that do not meet the Council's investment policy.

Due however to the lack of an active market for CDOs, these investments must continue to be held unless opportunities to sell at realistic values are presented.

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

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

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

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds.

The Investment Policy was reviewed and readopted at the Ordinary Meeting of Council held on 15 November 2011.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C11/6000 - INVESTMENT STATEMENTS (REC)**CONCLUSION**

Whilst the situation regarding the CDO investments remains tenuous with the loss of one and the partial default/loss of three other CDO investments, the full impact of the book value devaluation of these investments was accounted for in the previous financial years. No further material devaluations are expected over the course of the current and future financial years.

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

The City also expects that the remaining three ADIs with a total face value of \$3.5m, will be repurchased by the issuing banks as they reach their call dates over the next seven months.

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

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

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

At 8.29pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

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

Ward : All
 Category : Operational
 Subject Index : Financial Statement and Investments
 Customer Index : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Standard Item
 Works Programme : Not Applicable
 Funding : 2011/2012 Budget
 Responsible Officer : Khris Yeoh
 Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

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

C11/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

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

BACKGROUND

Delegated Authority DA-035 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been on-delegated to the Director Corporate Services. In accordance with Regulation 13.2 and 13.3 of the Local Government (Financial Administration) Regulations 1996, where this power has been delegated, a list of payments for each month is to be compiled and presented to 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 31 October 2011, [6001 October 2011](#) including Payment Registers numbers Cheques **249 to 253** and Electronic Funds Transfers **217 to 221** were distributed to the Members of Council on 2 December 2011.

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

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

Supplier Name	Remittance Number	Remittance Details	Amount
Advanced Traffic Management	E026107 & E026327	Traffic Management	\$25,036.38
Amcom Telecommunications	E026167	Telecommunications	\$107,086.81
Audi Centre Perth	E026154	Vehicle Purchase	\$68,562.93
Badge Constructions (WA) Pty Ltd	E026360	Progress Claim 6 for Melville Aquatic Fitness Redevelopment	\$531,757.93
Boral Construction	E026003 & E026233	Road Resurfacing	\$887,999.52
City of Cockburn	E026236	Tip Fees for September 2011	\$116,976.71
CPD Group	E026190 & E026391	Progress Claim 2 & 3 for Kardinya Park Hall Renewal	\$72,751.25
Crabclaw Holdings Pty Ltd	E026078, E026215 & E026306	Various Building Maintenance Jobs	\$31,161.62
Dickies Tree Service	E026008 & E026240	Tree Lopping Services	\$106,883.90
Dowsing Concrete	E026198, E026227 & E026397	Road Works	\$148,438.95
Fire & Emergency Services Authority WA	E026166 & E026362	ESL Remittance for August and September 2011	\$4,801,090.42
Flexi Staff	E026034 & E026265	Labour Hire	\$67,055.88
Forpark Australia	E026207	Equipment maintenance	\$43,732.70
LGIS Liability	E026043	Public Liability Insurance	\$288,948.00
LGIS Property	E026081	Property Insurance 2nd instalment	\$214,621.52
LGIS Workcare	E026178	Workers compensation insurance	\$344,459.50
Maxwell Robinson & Phelps	E026119 & E026219	Chemical Spraying	\$67,522.69
MMM WA Pty Ltd	E026335	Installation of Drainage to Bull Creek & Bateman	\$92,321.32
Passive Lighting	E026156	Led Solar Lights at Blackwall Reach car park	\$26,367.00
Public Transport Authority	E026109 & E026328	Bus Shelters	37,147.77
Perth Engineering & Maintenance	E026317	Recycling Disposal Fees for September 2011	\$94,214.63
RBM Drilling	E026281	Bore Replacement Marmion Reserve	\$40,885.90
Rhysco Electrical Services	E026137, E026222 & E026346	Electrical Services	\$26,871.79
Robinson Buildtech	E026020 & E026253	Building Maintenance	\$98,006.98
Sanpoint Pty Ltd T/A LD Total	Chq 045546	Supply & Installation of Irrigation	\$74,537.22
Sirsi Dynix Pty Ltd	E026263	Software	\$27,195.74
South West Group	E026283	Council Contributions	\$38,000.00
Southern Metropolitan Regional Council	E026102, E026217 & E026323	MSW Gate Fees for September 2011, Green Waste Disposal Fees for August & September 2011, Annual Membership for September 2011	\$980,199.84
Synergy	Chqs 045287 & 045481	Electricity Supply	\$236,115.75
Total Eden	E026058 & E026286	Watering System Services	\$64,277.36
Western Power	Chq 045285	Electricity Supply	\$800,000.00
Water Corporation	Chqs 045308 & 045516	Water Supply	\$35,594.55
Yarnell Pty Ltd	E026155	Melville Beach Rd Revetment Works	\$54,142.00

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

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2011/2012 Budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Not Applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C11/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)**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 31 October 2011 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 October 2011](#) be noted.

At 8.29pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

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

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

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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 review decisions made by Officers.</i>
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KEY ISSUES / SUMMARY

- This report presents the financial statements for the period ending 31 October 2011 and recommends that they be noted by the Council.
- This report presents budget amendments for the period ending 31 October 2011 and recommends that they be adopted by Absolute Majority.
- Money expended in an emergency:
 - As a result of the fire at the Civic Centre, unbudgeted expenditure of \$225,237 has been expended and \$165,168 committed since the day of the fire from Municipal funds. The majority of these funds are expected to be recovered from the insurance claim.

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

The Financial Statements for the period ending 31 October 2011 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996 as amended.

DETAIL

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

To 31 October 2011, a net operating positive variance of \$2.36m was recorded. A net positive variance of \$2.62m was recorded against capital.

Variations

A summary of variations is included below.

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2011								
	October Actual \$	YTD Budget \$	YTD Actual \$	Current Commitments \$	Variance \$	Variance %	Annual Budget \$	Annual Revised Budget \$
Revenues								
Governance	234,299	435,172	574,728	-	139,556	32%	1,410,890	1,415,890
General Purpose Funding	512,725	3,059,382	3,733,714	-	674,332	22%	8,068,771	8,038,771
Transport	73,574	2,063,263	2,360,349	(1,412)	295,674	14%	4,379,770	4,816,255
Other Property and Services	15,713	4,400,834	4,227,273	-	(173,562)	-4%	491,281	3,641,306
	1,932,563	30,727,868	31,813,472	(1,594)	1,084,010	4%	41,010,932	45,150,877
Expenses								
Governance	(1,146,142)	(6,604,783)	(5,617,894)	(566,866)	420,023	-15%	(15,632,267)	(15,813,180)
Law, Order, Public Safety	(276,099)	(1,253,621)	(1,060,745)	(61,918)	130,958	-15%	(3,598,560)	(3,668,586)
Health	(67,929)	(312,240)	(303,928)	(20,461)	(12,149)	-3%	(937,833)	(947,833)
Education & Welfare	(409,381)	(1,785,050)	(1,568,728)	(68,852)	147,471	-12%	(5,460,056)	(5,467,565)
Community Amenities	(1,574,957)	(6,245,467)	(5,420,242)	(426,285)	398,940	-13%	(18,233,961)	(18,528,991)
Recreation and Culture	(2,009,879)	(8,913,214)	(7,625,779)	(1,004,634)	282,801	-14%	(25,508,929)	(25,569,083)
Transport	(1,094,237)	(3,355,231)	(2,737,254)	(353,938)	264,039	-18%	(9,924,356)	(9,924,356)
Other Property and Services	253,789	(1,937,499)	(1,806,848)	(314,970)	(184,318)	-7%	(3,109,231)	(3,085,892)
	(6,392,927)	(32,484,774)	(28,171,068)	(2,884,152)	1,429,554	-13%	(85,495,791)	(86,106,085)

Revenue

\$50.9m in Rates has been raised to 31 October 2011. This is compared with a year to date budget of \$50.79m, resulting in a positive variance of \$0.11m.

Money Expended in an Emergency

As a result of a recent fire at the Civic Centre, unbudgeted expenditure of \$225,237 has been expended and \$165,168 committed since the day of the fire from the City's Municipal funds. It is anticipated that the costs incurred, less the City's \$10,000 insurance excess and any betterment, will be recouped from our insurers in the 2011/12 financial year. Officers will continue to report to Council, on the progress of expenditures.

Some of the major expenditure items include:

- Fire damage repairs to date : \$129K
- Purchase of a new scanner/printer : \$94K
- Committed Expenditure : \$165K

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

Quotations for the balance of works to be undertaken have been accepted by the City's insurers and the works commenced in October and expected to be completed by mid December 2011.

The majority of the funds expended (less insurance excess of \$10,000 and betterment costs if assessed) is expected to be recovered via an insurance claim on the City's property insurers.

Budget Amendments

Details of Budget Amendments requested during the month of October 2011 are shown in attachment [6002J October 2011](#). Some of these amendments have been carried out to reflect the appropriate responsible officers, correction of account numbers and the creation of budgets for new grant funding.

Rates Collections and Debtors

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

Rates, Refuse & FESA payments totalling \$7.46 million, were collected over the course of the month. Rate collection progress for the month of October was 2.0% above target, and 73.0% of the 2011/12 rates was collected as at 31 October 2011 which compares favourably to the 69.1% collected at the same time last year with the improvement being attributed to the earlier issue of rate notices this year.

The total sundry debtors balance increased by \$180k over the course of the month. The 90+ day's debtor balance increased by \$19k.

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

DESCRIPTION	LINK
Statement of Financial Activity – October 2011	6002A October 2011
Operating Statements by Program – October 2011	6002B October 2011
Representation of Working Capital – October 2011	6002E October 2011
Reconciliation of Net Working Capital – October 2011	6002F October 2011
Notes on Operating Statements reporting on variances of 10% or greater – October 2011	6002H October 2011
Details of Budget Amendments requested – October 2011	6002J October 2011
Summary of Rates Debtors – October 2011	6002L October 2011
Graph Showing Rates Collections – October 2011	6002M October 2011
Summary of General Debtors aged 90 Days Old or Greater – October 2011	6002N October 2011
Detail of Debts Written Off for the Month – October 2011	Not Applicable

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

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

No debts were written off, for the month of October 2011.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

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

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

The variance adopted by the Council at its meeting held on 28 June 2011, which also adopted the 2011/12 Budget, was 10% or \$50,000 whichever is greater.

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

FINANCIAL IMPLICATIONS

The majority of variances identified for the period ending 31 October 2011 are a result of minor phasing issues.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

No identifiable strategic, risk and environmental management implications.

POLICY IMPLICATIONS

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

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

CONCLUSION

The attached reports reflect a positive financial position of the City of Melville as at 31 October 2011.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY

At 8.29pm Cr Robartson moved, seconded Cr Kinnell -

1. That the Statements of Financial Activity and the Operating Statements for the financial year to date ending 31 October 2011 as detailed in the following attachments be noted:

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

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

At 8.29pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

LATE ITEM - T11/3283 - ENDORSEMENT OF ELECTED MEMBER REPRESENTATION ON THE SOUTH WEST REFERENCE GROUP (REC)

Ward	: All
Category	: Policy
Subject Index	: Representation on Occasional and Advisory Committees
Customer Index	: Elected Members Profile
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Item C11/5198 of the November 2011 Ordinary Meeting of Council – Election of Representatives to Occasional, Advisory, Local Government and Community Committees.
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Ian Davis Manager Parks and Environment

AUTHORITY / DISCRETION

DEFINITION

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

**LATE ITEM - T11/3283 - ENDORSEMENT OF ELECTED MEMBER REPRESENTATION
ON THE SOUTH WEST REFERENCE GROUP (REC)****KEY ISSUES / SUMMARY**

- This Item addresses the incorrect nomination of a Councillor to the South West Corridor Environment and Services Committee at the November 2011 Council Meeting as the nomination should have been to the South West Reference Group
- The South West Reference Group has been established by Perth Region Natural Resource Management (NRM), which is a community based organisation established to deliver NRM activities in the Perth Metropolitan Region.
- The South West Reference Group has replaced the function of the South West Corridor Environment and Services Committee previously administered by the South West Group.
- The South West Reference Group has the same member Council representation as the South West Group being the Cities of Melville, Cockburn, Fremantle and Rockingham and Towns of East Fremantle and Kwinana.
- Each member Council has been requested to nominate a Councillor to be represented on the South West Reference Group.

BACKGROUND

At the November 2011 Ordinary Meeting of the Council the Officer Report presented the following information in relation to the South West Reference Group – Perth Region NRM

- “1.3.7 [SOUTH WEST REFERENCE GROUP – PERTH REGION NRM](#)
(Meets at 12.30 - 3.30pm, six times a year, Thursday, date to be agreed.)

Function - to support the South West Group in establishing a strategic direction, vision and business plan for local governments, community and industry to achieve landscape scale benefits and integrated land use planning for the South West.

The 2009/2011 delegates to the previous South West Corridor Environment and Services Committee were Cr N Foxtton and Cr J Barton with the Director Community Development and Director Technical Services as deputies.

Cr C Robartson has been nominated to the Perth Region NRM South West Reference Group through his long association with the Perth NRM Local Government Reference Group

The Perth Region NRM South West Reference Group representatives consist of -
One representative from the six member Local Government Agencies of the South West Group
South West Group Director

LATE ITEM - T11/3283 - ENDORSEMENT OF ELECTED MEMBER REPRESENTATION ON THE SOUTH WEST REFERENCE GROUP (REC)

Committee Representation

One (1) Nominee (Elected Members and/or Staff Members)

REPRESENTATIVES 2011/2013	DEPUTIES
	Manager Parks and Environment
	Director Technical Services

“

The Officer Recommendation and subsequent Council Resolution incorrectly recorded the resolution for Item 1.3.7 as being to the “South West Corridor Environment and Services Committee” and not the “South West Reference Group” -

“1.3.7 SOUTH WEST CORRIDOR ENVIRONMENT AND SERVICES COMMITTEE

REPRESENTATIVES 2011/2013	DEPUTIES
Cr Nicholson	

“

This Item corrects this error and further seeks to formally nominate Cr Robartson as the Councillor representative to the South West Reference Group. The South West Reference Group formally reports to the Perth Region NRM Board, noting that recommendations with resource and/or financial implications for South West Group member Councils are considered by the South West Group Board and referred to member Councils as required.

As advised in the November Officer Report Cr C Robartson had been nominated to the Perth Region NRM South West Reference Group through his long association with the Perth NRM Local Government Reference Group. Cr Robartson has now been appointed to the Chair of the Group and it is appropriate that he also be appointed as the Council representative.

The South West Group Environmental Committee has advised Cr Nicholson who was appointed to the Committee that “The South West Corridor Environment and Services Committee has been phased out ...”

DETAIL

The South West Reference Group has been established by Perth Region Natural Resource Management (NRM), which is a community based organisation established to deliver NRM activities in the Perth Metropolitan Region. The South West Reference Group has replaced the function of the South West Corridor Environment and Services Committee that was previously administered by the South West Group.

The South West Reference Group has the same member Council representation as the South West Group being the Cities of Melville, Cockburn, Fremantle and Rockingham and Towns of East Fremantle and Kwinana. Each member Council has been requested to nominate a Councillor to be represented on the South West Reference Group.

LATE ITEM - T11/3283 - ENDORSEMENT OF ELECTED MEMBER REPRESENTATION ON THE SOUTH WEST REFERENCE GROUP (REC)

The representation of Councillors on the South West Reference Group is essential to ensure transparency and inclusiveness. Environmental and/or Sustainability Officers have also been put forward by the South West Group member Councils or have been invited to attend meetings as observers and provide technical input into items discussed.

The South West Reference Group is in the process of preparing a Regional NRM Strategy and is working with the participating Councils to ensure that current and future activities of the Local Governments are incorporated into the business plan and Regional NRM Strategy.

Cr Robartson fulfilled the role of interim Chair during the establishment of the South West Reference Group in 2011 and was nominated Chair at the 8 December 2011 meeting of the South West Reference Group.

It is relevant to note that the representation of Councillors on the South West Reference Group is essential to ensure transparency and inclusiveness. Environmental and/or Sustainability Officers have also been put forward by the South West Group member Councils or have been invited to attend meetings as observers and provide technical input into items discussed.

PUBLIC CONSULTATION/COMMUNICATION

Consultation and communication with Local Government regarding the South West Reference Group has been mainly managed by the Perth Region NRM, with the South West Group working closely with the member Councils regarding Local Government input into the Regional NRM Strategy.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Organisations and Government agencies are also represented on the South West Reference Group including:

- Western Trade Coast/Kwinana Industries Council
- Cockburn Sound Management Council
- Department of Environment and Conservation
- Rockingham Kwinana Development Office

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications for this item.

FINANCIAL IMPLICATIONS

The financial implications associated with Local Government involvement in the South West Reference Group will need to be considered by each member Local Government and mainly relate to attendance at meetings and officer involvement in contributing to the development of a Regional NRM Strategy.

LATE ITEM - T11/3283 - ENDORSEMENT OF ELECTED MEMBER REPRESENTATION ON THE SOUTH WEST REFERENCE GROUP (REC)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Environmental Policy CP-030 outlines the City of Melville's commitment to the protection and enhancement of biodiversity and the creation of a sustainable urban environment. The City of Melville has a well developed environmental program, which complements the work associated with a Regional NRM Strategy. Active involvement with the South West Reference Group will assist participating Local Governments in accessing Federal and State Government funding for regional scale projects that involve two or more Local Governments (e.g. Beeliar Regional Park, groundwater dependent ecosystems, sustainable industries and cleaner production initiatives).

POLICY IMPLICATIONS

Under the provisions of the Code of Conduct Clause 2.7 "APPOINTMENTS TO COMMITTEES";

1. As part of their representative role Elected Members are often asked to represent the Council on external organisations. It is important that Elected Members –
 - (a) clearly understand the basis of their appointment; and
 - (b) provide regular reports on the activities of the organisation to which they have been appointed.
 - (c) understand that in the event of a conflict arising between the City of Melville and the external organisation that:
 - i. The interest of the Elected Member rests with the City of Melville;
 - ii. Consequent on the above, the Elected Members will not need to recuse themselves from any meeting of Council or a Committee of Council dealing with the issue of conflict.
 - iii. The Elected Members would recuse themselves from the meetings of the external organisation as the choice of recusal should a conflict arise.
2. Officials will be bound by the same provisions of this Clause should they represent the City of Melville on the boards or committees external organisations.

Council Policy Number CP-021 Advisory and Management Committees requires that the number of Elected Members on Advisory Committees should be restricted to no more than one-third of the total number of members of the committee. This does not prevent other Elected Members from attending as Observers.

A review of Advisory and Management Committees will be conducted at least once every four years and a report presented to Council on the outcomes of the review and recommendations.

The report will outline the objectives, roles, terms of reference, membership and achievements or benefits of each Advisory and Management Committee and recommend that the Committee either continue without change, continue but with amended objectives, terms of reference or membership or combine with another Committee or be disbanded.

LATE ITEM - T11/3283 - ENDORSEMENT OF ELECTED MEMBER REPRESENTATION ON THE SOUTH WEST REFERENCE GROUP (REC)

The performance and role will be assessed by Council and a determination made on which Advisory and Management Committees will continue.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

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

CONCLUSION

The South West Reference Group, established by the Perth Region NRM, seeks Councillor nominations as part of its governance requirements. Cr Robartson has informally represented the City of Melville on the during 2011 and is now seeking formal nomination by Council to this external committee.

At 8.28pm Mr Tieleman left the meeting and returned at 8.30pm

OFFICER RECOMMENDATION (3283)**APPROVAL**

At 8.29pm Cr Willis moved, seconded Cr Kinnell inclusive of the Amendment -

That Councillor Robartson be nominated as the Councillor representative on the South West Reference Group of the Perth Region Natural Resource Management Board.

Amendment

That the words “and Cr Foxton as the Deputy” be inserted after the word “representative”

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

CARRIED (13/0)**COUNCIL RESOLUTION**

At 8.32pm the Mayor submitted the substantive motion as amended –

That Councillor Robartson be nominated as the Councillor representative and Cr Foxton as the Deputy on the South West Reference Group of the Perth Region Natural Resource Management Board.

At 8.32pm the Mayor declared the motion

CARRIED (13/0)

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.1 National Disability Insurance Scheme (NDIS)

His Worship the Mayor invited Cr Hill to speak on the motion that he had presented regarding the National Disability Insurance Scheme (NDIS).

BACKGROUND

This motion is to support the proposed National Disability Insurance Scheme (NDIS) which has been recommended by the Productivity Commission.

On August 10 2011, Prime Minister Julia Gillard told Australians she “shared the vision” of a NDIS and committed the Government to its introduction. Soon after - on August 19 - all State and Territory leaders joined with the PM as the Council of Australian Governments (COAG) approved the development of a NDIS.

The NDIS will provide a secure pool of funding to ensure that Australians with a disability can access the care and support they need to live as productively and as independently as possible and participate in the social and economic life of the nation.

As a Council who support, encourage and acknowledge an inclusive and diverse community life for people with all abilities, support of this motion tonight means we understand and recognise the value the NDIS will provide to Australian families.

COUNCIL RESOLUTION

At 8.33pm Cr Hill moved, seconded Cr Reynolds -

That the Council -

- 1. Formally support the introduction of a national disability insurance scheme that will deliver increased resources and greater certainty for people with disabilities, families and carers.**
- 2. Requests the Chief Executive Officer to write to Prime Minister Ms Julia Gillard and the Leader of the Opposition Mr Tony Abbott advising the Council's support of a national scheme that will (1) deliver increased resources and greater certainty for people with disabilities, families and carers and (2) build upon the positive features of the existing disability services systems rather than creating a big new national bureaucracy to run disability services.**
- 3. Calls upon the 'Every Australian Counts' campaign to seek a direct response from the Australian Government to the question: Will the Australian Government allocate the funding required to establish and maintain a national disability insurance scheme.**

At 8.41pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

14.1 National Disability Insurance Scheme (NDIS) (Continued)

Reasons

The NDIS will revolutionise the way people with a disability, their families and carers are supported in this country.

The NDIS will be a new support system for people with a disability, their families and carers. It will transform the way services are funded and delivered, ensuring people are better supported and enabling them to have greater choice and control.

The NDIS will reframe support as investment rather than charity. Timely interventions, appropriate aids and equipment, training and development would become investment in individual capacity rather than welfare. The scheme will therefore lead to more positive results for people with a disability, their families and carers as well as being fiscally responsible.

14.2 Appointment to the Beeliar Regional Park Community Advisory Committee

His Worship the Mayor invited Cr Nicholson to speak on the motion that she had presented regarding the appointment of a Council representative to the Beeliar Regional Park Community Advisory Committee.

Reasons

Cr Nicholson advised that she would like to be a member of the Beeliar Regional Park Community Advisory Committee in order to continue their good work.

COUNCIL RESOLUTION

At 8.42pm Cr Robartson moved, seconded Cr Reidy -

- 1. That Council endorse the appointment of Councillor Nicholson as the City of Melville's representative on the Beeliar Regional Park Community Advisory Committee and that Cr Kinnell be nominated as the Deputy Member.**
- 2. That Council endorse the City's Environmental Coordinator or his/her nominee as the officer representative on the Beeliar Regional Park Community Advisory Committee.**

At 8.42pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

15. EN BLOC ITEMS

At 8.42pm Cr Robartson moved, seconded Cr Reynolds -

That the recommendations for items P11/3276, P11/3277, T11/3278, D11/8042, C11/5000, C11/6000 and C11/6001 be carried En Bloc.

At 8.42pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

16. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil

17. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

At 8.43pm Cr Barton moved, seconded Cr Reidy –

That the meeting be closed to the public to permit discussion on Item P11/3282 - Sale of Property Located at 410 Canning Highway or Purchase of 412 Canning Highway and 168 Stock Road, Attadale covered under Section 5.23 (2) (c) & (h) of the Local Government Act 1995, and Local Government (Administration) Regulations 1996 Clause 4A relating to the sale or purchase of property.

At 8.43pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

At 8.43pm the last member of the public left the meeting.

LATE AND CONFIDENTIAL ITEM - P11/3282 - SALE OF PROPERTY LOCATED AT 410 CANNING HIGHWAY OR PURCHASE OF 412 CANNING HIGHWAY AND 168 STOCK ROAD, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

OFFICER RECOMMENDATION (3282)

APPROVAL

At 8.45pm Cr Robartson moved, seconded Cr Barton –

That the Council authorise the Chief Executive Officer to take the actions identified in Confidential Attachment “A” to this report with respect to the sale of property located at 410 Canning Highway Attadale, or purchase of 412 Canning Highway Attadale and 168 Stock Road, Attadale.

At 8.56pm Mr A Smith, a consultant engaged by the City of Melville entered the meeting.

Amendment

At 9.03pm Cr Nicholson moved, seconded Cr Pazolli that the following amendment be added to the Officer Recommendation -

That the Independent Financial Analysis commissioned by the City of Melville be distributed under confidential cover immediately to all Elected Members when it is available.

At 9.04pm the Mayor submitted the amendment, which was declared

CARRIED (11/2)

LATE AND CONFIDENTIAL ITEM - P11/3282 - SALE OF PROPERTY LOCATED AT 410 CANNING HIGHWAY OR PURCHASE OF 412 CANNING HIGHWAY AND 168 STOCK ROAD, ATTADALE (REC) (CONFIDENTIAL ATTACHMENT)

COUNCIL RESOLUTION (3282)

APPROVAL

At 9.06pm the Mayor submitted the substantive motion as amended –

That the Council authorise the Chief Executive Officer to take the actions identified in Confidential Attachment “A” to this report with respect to the sale of property located at 410 Canning Highway Attadale, or purchase of 412 Canning Highway Attadale and 168 Stock Road, Attadale.

That the Independent Financial Analysis commissioned by the City of Melville be distributed under confidential cover immediately to all Elected Members when it is available.

At 9.10pm the Mayor declared the motion

CARRIED (13/0)

At 9.10pm Cr Reidy moved, seconded Cr Foxtan -

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

At 9.10pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

At 9.10pm Mr A Smith returned to the public gallery.

No members of the public or the press returned to the meeting.

His Worship the Mayor took the opportunity to recognise and express his gratitude for the hard work of the Elected Members and Staff of the City of Melville and wished Elected Members, Staff and their families the very best wishes for Christmas and the New Year.

Deputy Mayor Cr Robartson thanked the Mayor for his leadership and wished Elected Members and Staff and their families best wishes for Christmas and the New Year. Cr Robartson asked that his thanks be passed to the Mayoress in recognition of her support to the demanding role of the Mayor. Cr Robartson thanked the Acting Chief Executive Officer and Staff for their excellent work.

18. CLOSURE

There being no further business to discuss, His Worship the Mayor declared the meeting closed at 9.14pm.