

MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

16 OCTOBER 2012

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

CONTENTS PAGE

	Item Description	Page Number
URBAN PLANNING		
P12/3341	Change of Use: Residential to Consulting Room, and Signage and Additions to Existing Building on Lot 36 (1) Shea Grove, Leeming	12
P12/3342	Closure of Portion of Pedestrian Accessway Adjacent to 11 Brian Avenue and the Kwinana Freeway, Mount Pleasant	24
P12/3343	Finalisation 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	35
P12/3344	Murdoch Activity Centre Draft Structure Plan – Consultation Phase	61
TECHNICAL SERVICES		
Nil		
COMMUNITY DEVELOPMENT		
Nil		
MANAGEMENT SERVICES		
M12/5255	City of Melville Annual Report 2011-2012	70
CORPORATE SERVICES		
C12/5246	Appointment of External Member of Financial Management, Audit, Risk and Compliance Committee	76
C12/5249	Policy Review – Severance Policy	82
C12/5254	Recording Council Meetings	88
C12/6049	Ardross West Underground Power Project Service Charge Concessions for 13 Properties in Hickey Street, Ardross	99
C12/6050	Attadale South Underground Power Project Specified Area Rate Request for Concessions for the Commercial Properties in Hislop Road-Ince Road Commercial Centre	104
C12/5000	Common Seal Register	112
C12/6000	Investment Statements	115
C12/6001	Schedule of Accounts August 2012	126
C12/6002	Financial Statements August 2012	130



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, 16 OCTOBER 2012.

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 & Compliance Program Manager read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor R A Aubrey, read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Cr C Robartson, Cr R Willis
Cr N Pazolli
Cr A Nicholson, Cr D Macphail
Cr S Taylor-Rees, Cr J Barton
Cr R Hill, Cr B Kinnell
Cr N Foxtton

WARD

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

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms C Young	Director Community Development
Mr J Christie	Director Technical Services
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast	Manager Planning & Development Services
Mr B Taylor	Manager Information, Technology & Support
Mr G Ponton (From 8.07pm to 8.28pm)	Manager Strategic Urban Planning
Ms L Hartill (From 6.57pm to 6.59pm)	Manager Neighbourhood Development
Mr R de Silva (From 6.57pm to 6.59pm)	Coordinator Social Sustainability Governance & Compliance Program
Mr J Clark	Manager
Ms D Beilby	Minute Secretary

At the commencement of the meeting there were 37 members of the public and two members from the Press in the Public Gallery.

4. ELECTION OF DEPUTY MAYOR 2012/2013

Acknowledging that the provisions of the Local Government Act 1995 allow the person elected to occupy the position for a period of 24 months, City of Melville Elected Members have previously indicated their desire to elect the Deputy Mayor for a period of only 12 months to give as many Councillors as possible exposure to and experience that this role provides. Past protocol has established that Candidates after 12 months stand down (resign) from the position and allow another ballot to be conducted in October 2012.

Cr Robartson has tendered his resignation in writing as Deputy Mayor to take effect from 16 October 2012 when his 12 month tenure of Office concludes.

At 6.38pm His Worship the Mayor invited nominations for the Office of Deputy Mayor for the 2012/2013 period.

Nominations were received from Cr Barton and Cr Macphail.

At 6.39pm His Worship the Mayor closed the nominations.

At 6.49pm, following a secret ballot, Cr Macphail was declared Deputy Mayor to October 2013.

4. ELECTION OF DEPUTY MAYOR 2012/2013 (Continued)**DECLARATION**

The Chief Executive Officer requested the newly elected Deputy Mayor make the **DECLARATION OF OFFICE**, in accordance with Section 2.29 of the Local Government Act 1995, which was duly signed by the Deputy Mayor and the Mayor.

5. APOLOGIES AND APPROVED LEAVE OF ABSENCE**5.1 APOLOGIES**

Nil.

5.2 APPROVED LEAVE OF ABSENCE

Cr P Reidy
Cr M Reynolds

Applecross/Mount Pleasant Ward
University Ward

6. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS**6.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Nil.

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

Nil.

7. QUESTION TIME

Questions Taken on Notice at the Ordinary Meeting of Council held on 18 September 2012

7.1 Mr M Norman, Booragoon

At the Ordinary Meeting of Council held on the 18 September 2012 Mr M Norman submitted two questions relating to the Len Shearer Reserve. At the meeting the questions were taken on notice. A response in writing was provided to Mr Norman from Ms Christine Young, Director Community Development and the details contained in that response are recorded below:

Question 1

In response to my question at the August 21st Ordinary Meeting of Council the following statement was made:

“the City has been proactive in working with the clubs to modify training and competition programs to shift training across the whole reserve rather than just at goal mouths and centre spots to further assist in preventing wear and tear in high usage areas..”

In light of the following pictures taken within last 3 weeks, could our council please explain why their plan is not working and high wear areas are still receiving excessive use?



Figure 1 - Use of highly worn area when other large fully grassed areas are available



Figure 2 - Use of highly worn area when other large fully grassed areas are available

7. QUESTION TIME (Continued)



Figure 3 - Training goal posts on high wear centre line

Response

While proactive management of high wear areas has reduced the amount of reurfing required at the end of each winter season at Len Shearer Reserve, it is acknowledged that there is further progress that can be made. Proactive management of Clubs usage of playing fields is an ongoing commitment of the City particularly given the transient nature of club committee members and officials.

Figure 1: This photograph shows children stretching on a highly worn area; whilst not ideal this will not contribute any further to wear in this area.

Figure 2: Whilst these soccer players are training in/next to a highly worn area this is off the active playing surface which is preferable to use of the highly worn areas contained in the active playing surface. The turf in the foreground is also quite highly worn.

Figure 3: The line depicted is not an area of excessive wear; the majority of the reserve experiences wear patterns similar to this.

Question 2

In response to my question at the August 21st Ordinary Meeting of Council the following statement was made:

“Synthetic turf on the other hand, does not support any biological processes, but neither does it use water or require chemical inputs in its maintenance.”

Could our council please explain how Synthetic turf does not support any biological processes and requires no chemical input, in light of:

- a) *Synthetic structures that come in contact with water in an open and non-sterile environment will support biological process, and*
- b) *Synthetic Turf manufacturers recommend - “use of anti-algae remedies is a must. As the run off from most surfaces ends up in the storm water system you should check with your local council or water board about the use of chemicals on your surface”*

7. QUESTION TIME (Continued)

How will our council fully ensure it understands the full long-term impact of any proposition to install Synthetic Turf at Len Shearer Reserve to users, residents and the environment?

Response

Our information is that algae in synthetic turf may be an issue if the surface is continually wet down, as is the case for hockey pitches and/or where the turf may be continually shaded and wet. In a long pile multi-use surface, such as the one proposed for Len Shearer, if the sub-base is constructed correctly and the surface camber is designed to cater for adequate runoff then the synthetic profile (including the shockpad) will be well drained and dry out readily at all times of the year. There are a number of construction methods available that also improve the air flow beneath the shockpad thus allowing even better drainage and therefore algae resistant conditions. We have spoken to two major suppliers and they do not recommend algacide treatment as a "must" when considering regular maintenance.

7.2 Ms J Hargreaves, Booragoon

At the Ordinary Meeting of Council held on the 18 September 2012 Ms J Hargreaves submitted a question relating to the Len Shearer Reserve. At the meeting the question was taken on notice. A response in writing was provided to Ms Hargreaves from Ms Christine Young, Director Community Development and the details contained in that response are recorded below:

Question

“Regarding the maintenance costs of Synthetic Turf on Len Shearer Reserve does the Council realise that the “indicative” figure provided in a recent feasibility study by ABV was in fact a single manufacturer (STIs) estimate (as stated on page 6 of Appendix 2 of their report SYNTHETIC SPORTS SURFACES FEASIBILITY STUDY UPDATE)?

Given this figure is considerably less than the estimate of the WA Department of Sport and Recreation and feedback from organisations with similar synthetic turf pitches, will rate payers or sports clubs be left paying for the shortfall?

Response

Yes it is understood that the cost estimate for maintenance of \$10,000 was obtained from STI as part of the feasibility study. The City understands that maintenance requirements for synthetic turf will vary from site to site and for the purposes of the preliminary business case have used the figure quoted by the supplier. If there are further cost implications then the opportunities for funding will need to be considered through the Council's budget process and/or fee structure for use of City reserves.

7.3 Ms J Hargreaves, BooragoonQuestion 1

“Regarding the attached article in the Melville City Herald this week could Dr Silcox please explain how the proposed installation of synthetic turf at Len Shearer Reserve will address the overuse and shortfall of facilities being acutely felt by Bicton Attadale Cricket Club, when it will not be able to be used for many of the summer months by anyone due to the heat it generates? It would appear that the determination of the City of Melville to install synthetic turf on Len Shearer will in fact reduce the use of it in summer (including a possible relocation of the Little Athletics club) adding to the shortfall of facilities. In addition the space will not be usable by local residents due to the additional security required and the heat generated by it. “

Response

The Chief Executive Officer responded by saying that the reason for the review is to get more utilisation out of the City reserves, minimise rates and provide long term sustainability for the City.

Question 2

“How does the council propose to cool the area for use by other sports clubs if they lose the current water allocation?

The locals are “deeply opposed “ to the proposal of synthetic turf on Len Shearer reserve because it offers one sports group (soccer) a pitch with greater wear in the winter months at the expense of all summer sport and recreational use by local residents. “

Response

The Chief Executive Officer responded by saying that the issue of heat, which is one of the issues raised by the community, is under investigation by City of Melville Officers and we will wait for the Officers’ report.

The impact on use by local residents has not been concluded as we are not aware of any other Councils having issues with heat with synthetic turf.

7. QUESTION TIME (Continued)

7.3 Ms J Hargreaves, Booragoon (Continued)

impact on rates.
"I'm cognisant of the fact that the council has made a decision, but that doesn't diminish the

...on a long-term project he said.
A report to the council by sports consultants Coffey Sport

new mega-complex is slated to replace required a \$494,000 top-up from the council this financial year.

Cricketers chuck a fit



•Club president Mark Holt and local MP Janet Woollard having a bat. Photo by Jeremy Dixon.

by DAVID BELL

THE Bicton Attadale Cricket Club says Melville council has tried to pull the wool over its eyes while denying it a home ground.

Club president Mark Holt says his members, who mostly live in Melville, have to drive 20 minutes to crack the willow at a Fremantle park. The club has applied several times since 2009 to get their hands on picturesque Troy Park by the banks of Alfred Cove in Attadale but keeps getting knocked back.

President Mark Holt says the council keeps telling them the pitch is kept free in case another local club was unable to use its own. But when the Herald asked how often it was needed for emergencies, the response was that it had been used on just two Saturdays last year.

"The oval is not currently utilised at all on Saturday afternoons during the summer sporting season," Mr Holt says.

Alfred Cove MP Janet Woollard says the club's been shamefully treated by the council.

"BACC is not seeking any more than it should be entitled to as an incorporated sporting body serving members of the local community," Dr Woollard says.

"It is unreasonable for the city officers to keep shifting the goal posts every time the club tries to make concessions to fit in with council reasons for withholding permission.

"A casual observer might be forgiven for thinking the city has it in for the cricket club."

Ward councillors Susanne Taylor-Rees and June Barton also support the club's pleas.

Melville CEO Shayne Silcox says: "It should be noted there are currently eight existing senior cricket clubs with allocations on City of Melville reserves and not all their requests for grounds have been met.

"The Bicton Attadale Cricket Club have an allocated playing field in Fremantle and a move to Melville would place an additional burden on highly utilised facilities."

He says water restrictions forced the council to close some reserves in the past year and Troy Park needs to be free so those other clubs can "continue with their seasons with minimal inconvenience".

Dr Silcox says the council has plans to deal with the overuse and shortfall of facilities, including installing synthetic fields (which, while deeply unpopular with the locals, won't wear as badly as grass in dry years), and as a last resort they may convert passive parklands into more sports fields.

BAR Free

8. AWARDS AND PRESENTATIONS

International Association for Public Participation Australasia (IAP2) IAP2 Australasian Core Values Awards – Melbourne

Last Thursday at the IAP2 Australasian Core Values Awards in Melbourne – the City of Melville was proudly named Organisation of the Year with the City of Adelaide as runner up.

The Award recognises the City's "ongoing and robust commitment to embedding public participation throughout an organisation", with the City's application being assessed as "an honest appraisal of the complexities of grappling with engagement in local government".

A substantial number of applicants for the Award were received with New Zealand and every state and territory of Australia being represented.

This recognition is a result of the commitment by many people across the organisation and Elected Members who have endorsed our Stakeholder Relationships Policy.

What the recognition does not mean is that the community will always be pleased with outcomes for particular projects – rather that a consistent process is applied that we can continue to improve and enhance over time.

At 6.57pm His Worship the Mayor invited Leanne Hartill, Manager of Neighbourhood Development and Ray de Silva, Coordinator Social Sustainability to receive the Award.

At 6.59pm Ms Hartill and Mr de Silva returned to the Public Gallery.

9. CONFIRMATION OF MINUTES**9.1 ORDINARY MEETING OF COUNCIL – 18 SEPTEMBER 2012**
Min 18 September 2012**COUNCIL RESOLUTION**

At 6.59pm Cr Robartson moved, seconded Cr Foxton-

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 18 September 2012, be confirmed as a true and accurate record.

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

CARRIED (11/0)

9.2 NOTES OF AGENDA BRIEFING FORUM – 2 OCTOBER 2012
Notes 2 October 2012**COUNCIL RESOLUTION**

At 7.00pm Cr Willis moved, seconded Cr Hill -

That the Notes of the Agenda Briefing Forum held on Tuesday, 2 October 2012, be received.

At 7.00pm the Mayor submitted the motion, which was declared

CARRIED (11/0)

10. DECLARATIONS OF INTEREST**10.1 FINANCIAL INTERESTS**

Nil.

10.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 7.00pm Cr Kinnell moved, seconded Cr Hill -

That the applications for new leaves of absence submitted by Cr Barton and Cr Robartson on 16 October 2012 be granted.

At 7.02pm the Mayor submitted the motion which was declared

CARRIED (11/0)

12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- P12/3347 Confidential Item - Reconsideration of Three-Storey with Undercroft Multiple Dwelling at Lot 899 (18A) Tweeddale Road, Applecross

The above matter is confidential in accordance with Section 5.23 (2) (d) of the Local Government Act 1995 relating to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

13. PETITIONS

13.1 Petition – Reject Current and Future Applications Relating to Shop at 378 Canning Highway, Biction Being Approved as a Liquor Outlet

A petition signed by 34 residents and four non residents was received by the City of Melville on Friday, 12 October 2012. The petition reads as follows –

“We, the undersigned, all being Electors of the City of Melville, do humbly pray that the current application and any future applications relating to the shop located at 378 Canning Highway, Biction being approved as a liquor outlet, be rejected. We are aware that applications previously made regarding this property and the sale of liquor, have been made, and rejected several times by the City of Melville. We thank you for these decisions. We are also aware an application regarding liquor and this property has also previously been rejected by the State Administrative Tribunal. We applaud this decision.

With the inappropriate consumption of alcohol being acknowledged as a serious problem in the community, especially amongst our young people, another liquor outlet is neither required, nor desired in our community. Within walking distance of the proposed site, there are six liquor outlets, not including the Leopold Hotel.”

COUNCIL RESOLUTION

At 7.03pm Cr Barton moved, seconded Cr Taylor-Rees -

That the petition bearing 38 signatures be received and acknowledged in writing to the lead petitioner with the advice that it is anticipated that a report on an application for approval of a liquor outlet may be presented to the November 2012 meeting of the Council and the concerns noted in the petition will be considered.

At 7.04pm the Mayor submitted the motion, which was declared

CARRIED (11/0)

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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

P12/3341 - CHANGE OF USE: RESIDENTIAL TO CONSULTING ROOM, AND SIGNAGE AND ADDITIONS TO EXISTING BUILDING ON LOT 36 (1) SHEA GROVE, LEEMING (REC) (CONFIDENTIAL ATTACHMENT)

Ward : Bull Creek/Leeming
 Category : Operational
 Application Number : DA-2012-715
 Property : 1 Shea Grove, Leeming
 Proposal : Change Of Use: Residential To Consulting Room, and Signage and Additions To Existing Building
 Applicant : Archetype Design Studio Pty Ltd
 Owner : Swami Krupa Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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

P12/3341 - CHANGE OF USE: RESIDENTIAL TO CONSULTING ROOM, AND SIGNAGE AND ADDITIONS TO EXISTING BUILDING ON LOT 36 (1) SHEA GROVE, LEEMING (REC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for a change of use of the existing residential premises to a 'Consulting Room'. Minor additions to the property are also proposed, as is business related signage.
- A 'Consulting Room' use is an 'S' use within the Living Area Precinct, and as such is not permitted unless the Council exercises discretion and grants approval after advertising in accordance with Clause 7.5 (d) of the City's Community Planning Scheme No.5 (CPS5).
- Consultation was undertaken in accordance with the provisions of Clause 7.5 in the form of letters to adjoining property owners, a notice in the local newspaper, and the erection of a sign on each frontage of the subject property for a period of 21 days.
- Individual submissions from 33 property owners and a petition signed by 108 people, were received in response to this consultation exercise, all of which oppose the development.
- Whilst the concerns raised by objectors are acknowledged, it is considered that the proposed development is acceptable at the scale proposed in this location, in accordance with the provisions of CPS5 and is supported in principle, on that basis.
- The application was referred to the Development Advisory Unit on 28 August 2012, and is now presented to Council for consideration at the request of Ward Councillors Robartson and Willis, who have requested the matter be called up to Council for final decision in accordance with the call up provisions of Council Policy CP-044 Development Advisory Unit, citing community concerns in respect of traffic generation, access to the premises by public transport, and potential amenity impacts on the residential area.
- The application is recommended for conditional approval.



P12/3341 - CHANGE OF USE: RESIDENTIAL TO CONSULTING ROOM, AND SIGNAGE AND ADDITIONS TO EXISTING BUILDING ON LOT 36 (1) SHEA GROVE, LEEMING (REC) (ATTACHMENT)**BACKGROUND**

The application was referred to and recommended for approval by the Development Advisory Unit (DAU) on 28 August 2012. As a result of this, and in accordance with the procedure set out by Council Policy CP-044 Development Advisory Unit, the matter has been called up to Council at the request of Councillors Robartson and Willis, Elected Members of the Bull Creek/Leeming Ward.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area (L1 - Leeming)
R-Code	:	R20
Use Type	:	Consulting Rooms
Use Class	:	"S" – discretionary use not permitted unless Council exercises discretion and grants approval after advertising in accordance with Clause 7.5 (d)

Site Details

Lot Area	:	1,049m ²
Retention of Existing Vegetation	:	Yes, substantial vegetation within the property boundary adjacent to Shea Grove and Westminster Road is to be retained.
Street Tree(s)	:	Removal of some smaller existing vegetation proposed see 'Comment' section below.
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer to photo above

[3341 1 Shea Grove Signage](#)
[3341 1 Shea Grove Elevations](#)
[3341 1 Shea Grove Site Plan](#)

DETAIL

The proposal satisfies all of the relevant development requirements of CPS5 and Council Policies

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	Yes – The proposal was advertised in accordance with Clause 7.5 (d) of CPS5.
Neighbour's Comment Supplied:	Yes
Reason:	'S' use as per Table 1 of CPS5.
Support/Object:	33 objections received, as well as a petition with 108 signatures.

**P12/3341 - CHANGE OF USE: RESIDENTIAL TO CONSULTING ROOM, AND SIGNAGE AND ADDITIONS TO EXISTING BUILDING ON LOT 36 (1) SHEA GROVE, LEEMING
(REC) (CONFIDENTIAL ATTACHMENT)**

A total of 33 submissions were received in response to the advertising of the application. A summary of the submissions received, and the main concerns raised, are outlined in the table below.

Submission Number (not applicable in this case)	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
	Commercial developments are not appropriate / should not be permitted in residential areas and in R20 zoned areas.	Objection	CPS5 allows for some types of non-residential uses (including consulting rooms) to operate, in principle, within Living Area Precincts, irrespective of the density code provisions that apply within those residential precincts.	Not Uphold
	Concerns are expressed regarding insufficient car parking and the likely on-street parking which will arise from the proposed use.	Objection	The subject proposal is fully compliant with the City's Car-Parking (Non-Residential) Policy CP-079.	Not Uphold
	Concerns are expressed that adverse traffic impacts will result, caused by greater traffic volumes and congestion.	Objection	The scale of the development is commensurate with that expected by CPS5, there being two consultants and one other staff member involved. Traffic generated by the proposed use will be modest in nature, and readily accommodated within the adjacent road network without detriment to the free flow of traffic, and without prejudice to highway safety.	Not Uphold

**P12/3341 - CHANGE OF USE: RESIDENTIAL TO CONSULTING ROOM, AND SIGNAGE AND ADDITIONS TO EXISTING BUILDING ON LOT 36 (1) SHEA GROVE, LEEMING
(REC) (CONFIDENTIAL ATTACHMENT)**

Submission Number (not applicable in this case)	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
	Concerns are expressed that the commercial nature of the proposed use will result in an increase in criminal activity and anti-social behaviour in the area.	Objection	The location of a commercial use in a residential area can result in a mutually beneficial relationship, as passive surveillance from the commercial use is seen to take place during the daytime trading period, for the benefit of residential uses and from the residential uses in favour of the commercial activity in the evening and at weekend. The applicant proposes to install several security measures in an attempt to deter anti-social behaviour. The applicant has also indicated that no drugs will be kept at the premises.	Not Uphold
	The proposed use should be located on Farrington Road, near similar uses, or be located closer to St. John of God Hospital and Fiona Stanley Hospital.	Objection	The City must assess the proposal on the basis that CPS5 is supportive, in principle of consulting room development within residential areas, subject to specific operational criteria being met. Given the scale of the development proposed it is considered that these criteria are met by the development in this case.	Not Uphold

**P12/3341 - CHANGE OF USE: RESIDENTIAL TO CONSULTING ROOM, AND SIGNAGE AND ADDITIONS TO EXISTING BUILDING ON LOT 36 (1) SHEA GROVE, LEEMING
(REC) (CONFIDENTIAL ATTACHMENT)**

Submission Number (not applicable in this case)	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
	Concerns about noise not being residential in nature	Objection	The proposed use will be required to operate within the noise limitations imposed by virtue of the Noise Regulations. In practice, noise generated by the proposed development will likely be limited to vehicle noise, which is readily accommodated in a location such as this. The applicant has ensured that car parking bays are located away from adjoining residential properties as far as is practical, thereby minimizing the likelihood of adverse noise impacts from vehicle movements occurring.	Not Uphold
	Concerns about the practice expanding over time.	Objection	A condition of approval is recommended limiting the operation of the Consulting Rooms to two consultants and one staff member.	Condition
	Concerns about the devaluation of property.	Objection	This is not a material Planning consideration.	Not Uphold

**P12/3341 - CHANGE OF USE: RESIDENTIAL TO CONSULTING ROOM, AND SIGNAGE AND ADDITIONS TO EXISTING BUILDING ON LOT 36 (1) SHEA GROVE, LEEMING
(REC) (CONFIDENTIAL ATTACHMENT)**

Submission Number (not applicable in this case)	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
	Concerns that if the proposal is supported, it will set a precedent and invite similar ad hoc applications for changes of use to commercial within the area and result in a change to the residential character of the area.	Objection	The ability to change the use of residential premises within the Living Area Precinct to consulting rooms has been available since the inception of CPS5 in 1999. Planning applications for a change of use from residential premises to consulting room uses will be treated on their merit, having due regard to the provisions of the Scheme and any supporting policy provisions.	Partly Uphold
	Consideration is not being given to long-term planning.	Objection	CPS5 is the guiding local planning scheme document against which the subject planning application must be assessed.	Not Uphold
	The proposal is not in keeping with the objectives detailed in Clause 2.1 (and sub-clauses 2.3.1, 2.3.5, and 2.4.1) of CPS5.	Objection	The application has been assessed in accordance with these provisions, in addition to the over-riding objectives of CPS5 for determining amenity impacts (primarily detailed in Clause 7.8 of CPS5).	Not Uphold

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

P12/3341 - CHANGE OF USE: RESIDENTIAL TO CONSULTING ROOM, AND SIGNAGE AND ADDITIONS TO EXISTING BUILDING ON LOT 36 (1) SHEA GROVE, LEEMING (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental management implications that will result from the development proposed by this application.

POLICY IMPLICATIONS

The proposal has been assessed against and is compliant with the provisions of Council Policies CP-067: Amenity and CP-079: Car Parking (Non-Residential).

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council may choose to refuse the subject proposal, however such a decision is not recommended as it is considered that the proposal satisfies the requirements of CPS5, and a refusal could give rise to an appeal to the State Administrative Tribunal.

COMMENTS

Planning approval is sought to change the use of the subject dwelling house to 'Consulting Rooms'. A Consulting room is defined by CPS5 as "land or buildings, other than a hospital, used by not more than two health consultants and one staff member, for the investigation or treatment of human injuries or ailments, and for general patient care."

In this case it is proposed to establish a Urology Practice, a facility that conforms with the definition of consulting room as outlined being that it involves the treatment of a human ailment. The Urology Practice will be staffed by two consultants, assisted by one staff member. This is also consistent with the definition as outlined.

In the case of the proposed Urology Practice, pre and post operative patient interviews only will occur on site. No medical procedures will be performed on the premises. The consultants will not necessarily both work from the premises at the same time, and overall it is estimated that an average of 16 patients per day will visit the premises, particularly as both consultants have surgery and post operative home visit commitments, all of which occur off site.

P12/3341 - CHANGE OF USE: RESIDENTIAL TO CONSULTING ROOM, AND SIGNAGE AND ADDITIONS TO EXISTING BUILDING ON LOT 36 (1) SHEA GROVE, LEEMING (REC) (ATTACHMENT)

It is proposed to operate the practice between 9.00am and 5.00pm, Monday to Friday. Attendance will be via prior appointment only, with consultations likely to be between 30 to 40 minutes in length for new patients and 15 to 20 minutes for follow-up visits.

Land Use

A Consulting Room use is an “S” use within the Living Area Precinct. This means that the use is permissible in principle. The Statement of Intent for the Living Area Precinct states:

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

The Consulting Rooms as proposed are not expected to result in any significant adverse impacts upon the adjoining properties or surrounding area due to the limited number of consultants proposed and the low number of patients anticipated each day.

Furthermore, the proposed development is compliant when assessed against the City’s standard development criteria for developments of this nature. (CPS 5 and relevant policies)

As such it is concluded that in land use terms, the use of the premises for Consulting Room purposes is acceptable in principle.

Traffic and Parking Considerations

The subject property is located on the corner of Shea Grove and Westminster Road, Leeming. Shea Grove is a ‘T’-shaped cul-de-sac, and the subject property is located at the entrance to the cul-de-sac.

Shea Grove is classed as a Local Access Road, and Westminster Road is classed as a Local Distributor Road on the City’s Functional Road Hierarchy. The most recent traffic volume count for Westminster Road (2007) was between 2,000 and 2,500 vehicles per day, which is less than the 3,000 to 6,000 vehicles per day range considered acceptable for a Local Distributor road. The most recent traffic volume count for Shea Grove conducted in 2000 found an average of 260 vehicles access the Grove per weekday, significantly less than the 3,000 vehicles per day range considered acceptable for this category of road. Given the low traffic volumes anticipated by the proposed use, traffic generation along Shea Grove and Westminster Road is not likely to be significantly impacted.

Two separate car parking areas are provided, one accessed from Shea Grove and the other from Westminster Road. Together they satisfy the Council’s requirements for off street car parking provision. In addition, it is concluded that access and egress to each of the car parking areas is acceptable and in accordance with Australian standards. It is proposed by the applicant that the car parking area accessed from Westminster Road be used by staff of the Practice, thereby minimising the number of vehicle movements into and out of that car park in the interests of road safety.

P12/3341 - CHANGE OF USE: RESIDENTIAL TO CONSULTING ROOM, AND SIGNAGE AND ADDITIONS TO EXISTING BUILDING ON LOT 36 (1) SHEA GROVE, LEEMING (REC) (ATTACHMENT)

Signage

A sign is proposed to be located on the corner truncation of the property. The signage is 0.7sqm in area and complies with CPS5. The signage is considered minor in nature and its display will not likely result in the creation of any adverse visual amenity impacts.

Front and Secondary Street Fencing

In order to maintain the residential character of the property, it is considered that the solid fencing panels which are proposed to be located adjacent to the vehicle bays on the Shea Grove and Westminster Road frontages be made visually permeable. Whilst the solid panels would provide screening of the vehicles to be parked at the property, it is considered that the continuation of the visually permeable fencing will provide adequate screening as well as enhancing the surveillance of the property.

Street Trees

The proposal was referred to the City's Arboricultural Team in respect of the proposed removal of two existing small verge trees along Westminster and the location of the proposed crossovers.

The proposed development was subsequently amended to allow for a 1.8 metre clearance between the existing large tree on the Westminster Road verge and the proposed crossover. Removal of the other existing street trees has been supported by Technical Services subject to replacements being provided in accordance with the City's Street Tree Policy CP-029.

Amenity

The development has been assessed in accordance with the amenity provisions of Clause 7.8 of CPS5 and those of Council Policy CP-067 'Amenity'. In accordance with the Amenity Policy, the applicant has demonstrated measures intended to mitigate adverse impacts within the locality, including the location of car bays well away from adjoining residences, fencing to aid noise attenuation, screening of car bays, security measures and additional landscaping to enhance visual amenity. In addition, the existing dwelling will retain its residential appearance and existing vegetation and landscaping acts as a buffer between the adjoining properties. It is therefore concluded that the proposal will have minimal impact on, and enhance rather than detract from, the amenity of the adjoining properties and surrounding area. The proposed development is supported on that basis.

**P12/3341 - CHANGE OF USE: RESIDENTIAL TO CONSULTING ROOM, AND SIGNAGE AND ADDITIONS TO EXISTING BUILDING ON LOT 36 (1) SHEA GROVE, LEEMING
(REC) (ATTACHMENT)****CONCLUSION**

It is considered that the proposed Consulting Room use can be accommodated on the subject site and in the manner proposed, without detriment to residential amenity. It is also considered to be a Use which will provide benefit to the wider community. As such, it is recommended that conditional planning approval be granted.

OFFICER RECOMMENDATION (3341)**APPROVAL**

That the Council:

- A) Approve the application for change of use from 'Residential to 'Consulting Room, and Signage and Minor Additions to the Existing Building on Lot 36 (1) Shea Grove, Leeming subject to the following conditions:
1. All proposed front and secondary street brick screen walls as marked in red on the approved plans are required to be a maximum height of 1.8 metres from the natural ground level of the subject lot and to be visually permeable above 1.2 metres as per the City's Residential Development Policy CP-078 to the satisfaction of the Manager Planning and Development Services.
 2. A 1.8m clearance between the proposed crossover and the existing street tree within the Westminster Road verge (as marked in RED on the approved plans) is to be provided to the satisfaction of the Manager Planning and Development Services.
 3. Prior to the initial occupation of the development, the two street trees within the proposed crossover off Westminster Road (as marked in GREEN on the approved plans) shall be removed and replaced with two trees in accordance with Street Tree Policy CP-029 to the satisfaction of the Manager Planning and Development Services. All costs associated with this are to be borne by the applicant and/or owner.
 4. Not more than two practitioners and one support staff member are to operate from the premises at any one time.
 5. Prior to the initial occupation of the consulting room use, the façade of the front fences are to be treated with non-sacrificial anti-graffiti agent.
 6. Prior to the initial occupation of the consulting room use, lighting is to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting is to be hooded and oriented so that the light source does not detract from visual and/or residential amenity, to the satisfaction of the Manager Planning and Development Services.

P12/3341 - CHANGE OF USE: RESIDENTIAL TO CONSULTING ROOM, AND SIGNAGE AND ADDITIONS TO EXISTING BUILDING ON LOT 36 (1) SHEA GROVE, LEEMING (REC) (ATTACHMENT)

7. Prior to the initial occupation of the development, nine parking bay/s (including one disabled bay), manoeuvring areas, driveway/s and points of ingress and egress shall be provided in accordance with the approved plans to the satisfaction of the Manager Planning and Development Services. The bay/s shall thereafter be retained in perpetuity.
 8. Prior to the initial occupation of the consulting room use, all unused crossover(s) are to be removed and the kerbing and verge reinstated at the applicant/owner's full expense to the satisfaction of the Manager Planning and Development Services.
 9. All stormwater generated on site is to be retained on site.
- B) Request the Chief Executive Officer to advise the lead petitioner and the residents who made individual submissions of A above.

COUNCIL RESOLUTION (3341)

At 7.04pm Cr Willis moved, seconded Cr Robartson –

Reject & Replace

That the Council refuse the application for the change of use from Residential to Consulting Room and Signage and Minor Additions to the existing building on Lot 36 (1) Shea Grove, Leeming.

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

CARRIED (11/0)

Reasons for Reject and Replace Motion

Cr Willis provided the following reason in support of the Reject and Replace Motion –
“Proposed consulting room does not add to the improvement of the quality of life and services for residents and detracts from the amenity of the existing residential area of Leeming.”

Reasons for Refusal

The development would, by virtue of the highly specialist medical nature of the practice, detract from the character of the existing residential area, and result in a loss of residential amenity to local residents, contrary to the amenity provisions of Clause 7.8 of the City of Melville Community Planning Scheme No. 5, namely;

- Part b, whereby it would not be consistent with the orderly and proper planning for the area,
- Part c, whereby it would prejudice the existing and likely future amenity of the area,
- Part e, whereby the use would be considered to be contrary to the provisions of adopted State Planning Policy, and
- Part k, whereby approval would be inconsistent with relevant planning submissions received in respect of the proposed development.

P12/3342 - CLOSURE OF PORTION OF PEDESTRIAN ACCESSWAY ADJACENT TO 11 BRIAN AVENUE AND THE KWINANA FREEWAY, MOUNT PLEASANT (SMREC) (ATTACHMENT)

Ward	:	City
Category	:	Operational
Application Number	:	Not Applicable
Properties	:	Lot 163 D/P 5014 (2) (11 Brian Avenue) and a portion of Lot 24 D/P 15583 (Pedestrian Access Way)
Proposal	:	Proposed closure of a portion of the Pedestrian Access Way adjacent to 11 Brian Avenue and the Kwinana Freeway, Mount Pleasant
Applicant	:	Mr Kesera Elangasinghe (owner of 11 Brian Avenue, Mount Pleasant)
Owner	:	State of Western Australia
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	U03/0079 – Closure of Portions of Pedestrian Access way Adjacent to Kwinana Freeway, Mount Pleasant – Development Advisory Unit 19 March 2003)
		P03/3041 – Proposed Closure of Portions of Pedestrian Access Way, Four (4) Portions off Regent and Brian Street, Mount Pleasant - Ordinary Council Meeting 19 August 2003
Responsible Officer	:	Gavin Ponton Manager Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

P12/3342 - CLOSURE OF PORTION OF PEDESTRIAN ACCESSWAY ADJACENT TO 11 BRIAN AVENUE AND THE KWINANA FREEWAY, MOUNT PLEASANT (SMREC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The Council at its Ordinary Meeting of 19 March 2003, resolved to initiate advertising for the permanent closure of four portions of Pedestrian Access Ways (PAWs). These triangular portions of the PAWs were located between Cranford Road and Shirley Avenue adjacent to the Kwinana Freeway.
- At its meeting held 12 August 2003 the Council resolved to request the Minister for Lands to close the four portions of the Public Access Way (PAW) off Regent and Brian Street.
- On 19 April 2004 the Western Australian Planning Commission (WAPC) advised that it was prepared to endorse the proposed amalgamation subject to satisfactory closure of the PAW.
- Subsequently, an offer was made by the City to the then owners of 11 Brian Avenue for the purchase of a portion of the PAW adjacent to their property (which is the subject of this report) this was not pursued by the owner at that time.
- The current owner has recently expressed interest in purchasing the subject portion of the PAW.
- The partial closure only involves land that is surplus to requirements. The PAW effectively remains open and functional.
- To progress this request and in accordance with the Western Australian Planning Commission's *Procedure for the Closure of Pedestrian Access Ways; Planning Guidelines (October 2009)* infrastructure providers have been notified of the proposed closure of the PAW, and an objection has been received from the Water Corporation (Watercorp).
- The Watercorp require existing infrastructure to remain in situ and to have unrestricted access. This steel pressure main owned by the Watercorp is situated mainly under the PAW that is not subject to this proposed closure. As such, the potential exists for the closure to occur without preventing access and maintenance of the Watercorp infrastructure.
- It is recommended that Council support the proposed PAW closure and allow the preparation of a closure report for the WAPC review and subsequent approval.
- On receipt of the WAPC's endorsement the request for closure will be referred to the Department of Regional Development and Lands (RDL) State Land Services for processing.

P12/3342 - CLOSURE OF PORTION OF PEDESTRIAN ACCESSWAY ADJACENT TO 11 BRIAN AVENUE AND THE KWINANA FREEWAY, MOUNT PLEASANT (SMREC) (ATTACHMENT)



BACKGROUND

The Council at its meeting held 19 March 2003 regarding the closure of portions of the Pedestrian Access Way (PAW) adjacent to Kwinana Freeway, Mount Pleasant resolved the following:

“That advertising be commenced for the closure of the four portions of the pedestrian access way, being 285m², 209m², 472m² and 227m² in accordance with requirements of Section 58 (3) of the Land Administration Act (1997).”

Subsequently, Council at its meeting held 12 August 2003 resolved the following:

“That by a Special Majority Decision, the Council request the Minister for Lands to close the four (4) portions of the public access way off Regent and Brian Street, Mount Pleasant, being 285m², 209m², 472m² and 227m², in accordance with the requirements of Section 58 (3) of the Land Administration Act (1997).”

The portion of PAW adjacent to 11 Brian Avenue is the subject of this report. The following is a summary of events that occurred in the process of closure of the PAW:

- The City invited an offer from the owners of 11 Brian Avenue, Mount Pleasant in September 2003 to purchase the portion of the PAW adjacent to their property. The PAW land is not owned by the City but by the State of Western Australia, with the City’s offer being made on the State’s behalf in accordance with state government procedure.
- The Western Australian Planning Commission (WAPC) granted conditional approval for the PAW closure on 19 April 2004.

P12/3342 - CLOSURE OF PORTION OF PEDESTRIAN ACCESSWAY ADJACENT TO 11 BRIAN AVENUE AND THE KWINANA FREEWAY, MOUNT PLEASANT (SMREC) (ATTACHMENT)

- The then current owners of 11 Brian Avenue did not act on the invitation and no further action was required.
- The WAPC's conditional approval lapsed on 19 April 2007.
- The present owners of 11 Brian Avenue subsequently expressed interest in acting on the 2003 offer. Staff commenced action in accordance with the City's *Pedestrian Access Way Closure Procedures* policy and the WAPC's *Procedure for the Closure of Pedestrian Access Ways – Planning Guidelines*.
- Service providers deemed to have an interest in the PAW were consulted, with one provider (the Water Corporation WA) flagging important infrastructure (a steel sewer main) that is required to remain in situ. The Water Corporation indicate no objections to the proposed PAW closure so long as unrestricted access to the sewer main remains. Site inspection confirms that this will be the case.
- It remains for the Council to accept the Draft Closure Report (this report) and direct staff to forward the Closure Report to the WAPC with a formal request for PAW closure.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R-Code	:	R20
Use Type	:	Residential
Use Class	:	N/A

Site Details

Lot Area	:	998m ² (Lot 163) and 188m ² (relevant portion of PAW)
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	

[3342 Watercorp Email PAW Closure 11 Brian Ave](#)

[3342 WAPC Report And Correspondence PAW Closure 11 Brian Ave](#)

[3342 PAW Closure Site Diagram 11 Brian Ave](#)

P12/3342 - CLOSURE OF PORTION OF PEDESTRIAN ACCESSWAY ADJACENT TO 11 BRIAN AVENUE AND THE KWINANA FREEWAY, MOUNT PLEASANT (SMREC) (ATTACHMENT)

DETAIL

- The City initiated the PAW closure and associated offer of sale to the owners of 11 Brian Avenue in 2003. The PAW closure would eliminate a pocket of underutilised space that is attracting anti-social behaviour and posing a fire risk. This could be accomplished without negatively impacting on the passage of pedestrians and cycle traffic along the path.
- The PAW can be closed without affecting access to the Watercorp's steel sewer main or any other service infrastructure.
- The area of PAW proposed to be amalgamated with 11 Brian Avenue is appropriately zoned for residential use.
- The same process was successfully followed for 25 Regent Avenue. Owners of this property purchased and amalgamated the section of PAW adjacent to their land in 2004.

PUBLIC CONSULTATION/COMMUNICATION

Apart from the owners of 11 Brian Avenue, who have recently been in direct contact with the City, there are no landowners who will be directly affected by the part-PAW closure.

Formal public advertising of the intention to partially close the PAW consisted of a notice in the Melville Times and on the City's website. At the time of writing this report no written comments from the public had been received.

P12/3342 - CLOSURE OF PORTION OF PEDESTRIAN ACCESSWAY ADJACENT TO 11 BRIAN AVENUE AND THE KWINANA FREEWAY, MOUNT PLEASANT (SMREC) (ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

After Dial-Before-You-Dig service location enquiries, the following service authorities were formally contacted for comment on 30 July 2012:

Service Authority	Summary of Submission	Support/Objection	Officer's Comment	Action: Support/Dismis s/ Condition
Water Corporation WA	Objection to full PAW closure/ conditional support for part-PAW closure	Support	Relevant infrastructure (sewer main) well distant from proposed closure	Support
Optus and/or Uecom, WA	No reply		Site inspection confirms service infrastructure well clear of proposed closure	
ATCO Gas Australia	No reply		Site inspection confirms service infrastructure well clear of proposed closure	
Amcom Telecommunicatio ns	No reply		Site inspection confirms service infrastructure well clear of proposed closure	
Telstra	No objections	Support	N/A	Support
Western Power	No reply		Site inspection confirms service infrastructure well clear of proposed closure	

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications associated with this proposal as it is the WAPC who will make the final decision regarding endorsement of the part-closure.

P12/3342 - CLOSURE OF PORTION OF PEDESTRIAN ACCESSWAY ADJACENT TO 11 BRIAN AVENUE AND THE KWINANA FREEWAY, MOUNT PLEASANT (SMREC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

As the applicant bears all costs, there are no financial implications anticipated as part of this proposal.

As the relevant portion of PAW is not owned by the City, the City will not receive the proceeds of sale. Nevertheless the part-closure will be of some financial benefit to the City as the reduced size of PAW will lower maintenance costs. In addition the partial closure and subsequent amalgamation with the adjoining lot improves development potential which in turn may result in additional rate revenue.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no anticipated strategic, risks or environmental management implications associated with this proposal. Narrowing the PAW in the proposed fashion will not affect the view lines of pedestrians and cyclists using the path. As the subject land is already being maintained by the City, worst case scenarios such as non-support of the PAW part-closure by the WAPC will simply entail that current management practice continue.

Environmentally, the subject land may be considered poor quality bushland mostly comprising an invasive non-endemic tree species (pepper tree). The environmental impacts of the PAW part-closure are therefore likely to be low.

Risk Statement	Level of Risk	Risk Mitigation Strategy
WAPC elect not to re-endorse proposed part-closure and subsequent amalgamation.	Minor consequences which are unlikely, resulting in a Low level of risk.	Up-front liaison with WAPC officers.

POLICY IMPLICATIONS

Officers have followed the procedure prescribed by the City's *Directorate Procedure – Pedestrian Access Way Closure*.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application requires Special Majority decision of the Council.

It is possible for the Council to choose not to support the proposed partial closure. Doing so will see the PAW remain the same and will result in a continued maintenance issues as well as the foregoing of potential additional rate revenue from a larger property.

P12/3342 - CLOSURE OF PORTION OF PEDESTRIAN ACCESSWAY ADJACENT TO 11 BRIAN AVENUE AND THE KWINANA FREEWAY, MOUNT PLEASANT (SMREC) (ATTACHMENT)

Comments

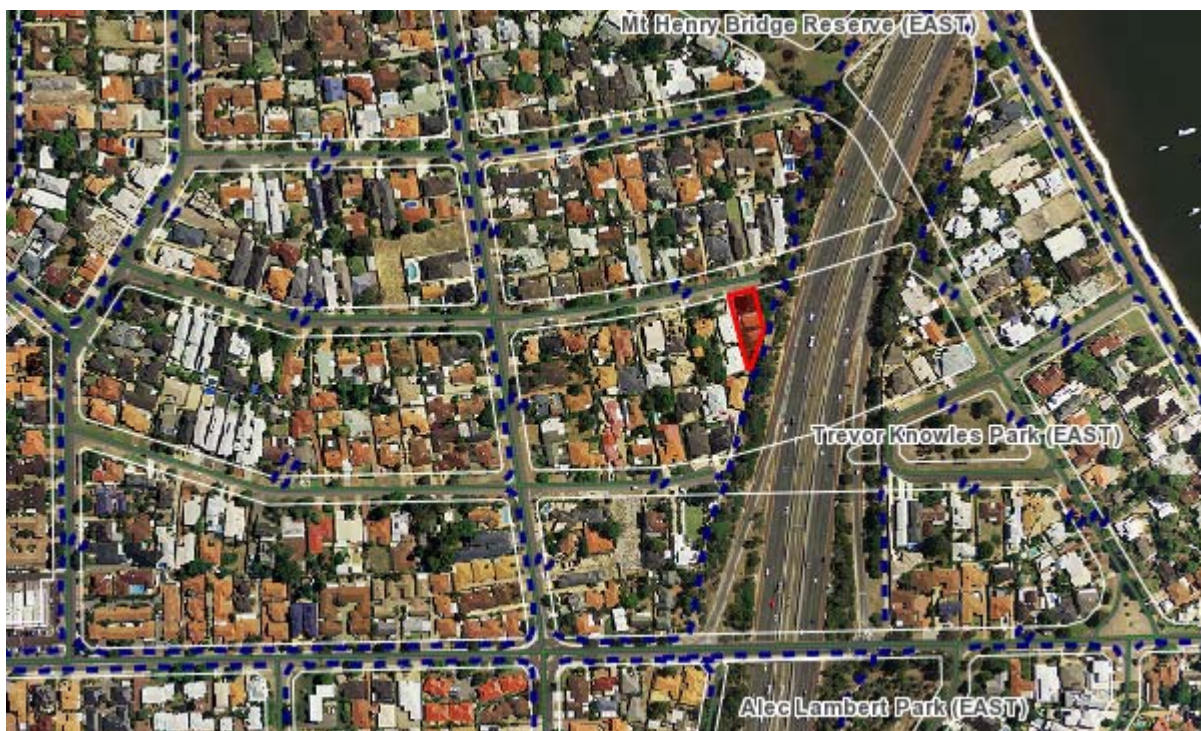
The City's *Pedestrian Access Way Closure Procedures* policy and the WAPC's *Procedure for the Closure of Pedestrian Access Ways – Planning Guidelines* require the following detail to be considered:

- Use assessment, connectivity assessment and an analysis of the PAW in terms of its location relative to other PAWs in the immediate locality, and Local Pedestrian Access and Cycle Plan considerations;
- an analysis of the PAW in relation to community facilities;
- infrastructure provider identification;
- physical attributes/impediments and safety assessment; and
- preliminary comments from internal Service Areas.

Each of these items is discussed in depth below.

Use assessment, connectivity assessment and an analysis of the PAW in terms of its location relative to other PAWs in the immediate locality, and Local Pedestrian Access and Cycle Plan considerations

As can be seen in the image below, the PAW (dotted blue line) beside 11 Brian Avenue runs roughly north-south beside the Kwinana Freeway.



Under the Department of Transport's *Western Australian Bicycle Network Plan 2012-2021 - Draft for Consultation* this section of PAW forms part of the Principle Shared Path (PSP) network. This particular PSP is the primary cycling commuter route from southern suburbs to the Central Business District (CBD) and is well patronised during peak periods.

P12/3342 - CLOSURE OF PORTION OF PEDESTRIAN ACCESSWAY ADJACENT TO 11 BRIAN AVENUE AND THE KWINANA FREEWAY, MOUNT PLEASANT (SMREC) (ATTACHMENT)

Nevertheless the part-closure would not affect the path itself and would not compromise the connectivity of the network to the CBD or other areas in any way.

Analysis of the PAW in relation to community facilities

The affected area of PAW is approximately 900m north of the Bull Creek train station and approximately 275m south of the Mount Henry Bridge. It is noted that the relevant section of PAW is located outside the 800m walkable catchment of the Bull Creek station.

As is clear in the aerial photograph above, the area generally surrounding the section of PAW is devoid of community facilities such as schools, shops, libraries, major bus stations, aged persons homes or universities. It is therefore to be expected that the PAW functions mostly as a river walkers' route and a "freeway" for CBD cycle-commuters than as a connector of facilities. The part-PAW closure does not affect the path and would not affect foot or bicycle traffic to community facilities of any kind.

Infrastructure provider identification

As mentioned previously, all relevant service providers have been contacted for comment, with only the Watercorp responding in any detail. Whilst the Water Corporation has flagged the location of a 900mm Steel Sewer Pressure Main in the immediate vicinity and voiced objections to a full PAW closure, they have specified no objections to a partial closure such as that currently proposed.

Physical attributes/impediments and safety



P12/3342 - CLOSURE OF PORTION OF PEDESTRIAN ACCESSWAY ADJACENT TO 11 BRIAN AVENUE AND THE KWINANA FREEWAY, MOUNT PLEASANT (SMREC) (ATTACHMENT)

The area of PAW proposed for closure would best be described as a 188m² triangle of densely vegetated bushland dominated by a large pepper tree. There is clear evidence of foot traffic into the scrub and rubbish dumping against the fence of 11 Brian Avenue. Litter and informal seating arrangements at the base of the pepper tree also suggests regular temporary occupancy of the site by small groups of people. The two-way, linemarked path is constructed of asphalt over a limestone/concrete base. As already mentioned, the path would not be affected at all by the part-PAW closure.

No safety issues are expected to result from the PAW closure. It may be that the partial PAW closure would improve the safety of the area by eliminating a site of anti-social behaviour and removing a summer fire hazard. Planning Guidelines for Reducing Crime and Anti-Social Behaviour in Pedestrian Access Ways recommend the elimination of entrapment points/hiding places and encourage sharp distinction/robust fencing between the public and private realms, all of which the closure would facilitate. The Guidelines also recommend passive surveillance of PAWs, which may materialise when the property at 11 Brian Avenue is developed to its full potential after amalgamation. Alternative safety measures such as clearing the vegetation would require City labour and funds. However, such a measure would only be temporary and the PAW would still be encumbered with a pocket of land that requires regular maintenance. Merely clearing the land would not allow for the passive surveillance of the PAW that may follow when the site is later developed with buildings.

Preliminary comments from internal service areas

The City's Planning Department has been working closely with the applicant and have no objections. The pocket of PAW land is zoned for residential use and may easily be amalgamated with 11 Brian Avenue in the future.

CONCLUSION

It is considered that the proposed part-closure of the pedestrian access way would not affect the passage of pedestrian and cycle traffic along the path in any way. The part-closure would benefit the City by eliminating a pocket of underutilized space, that may attract anti-social behaviour.

The Council is asked for an indication of support for the proposed part-closure. Should the applicant wish to subsequently proceed with the closure, subdivision, amalgamation and transfer of the land, they will be obliged to meet all costs.

P12/3342 - CLOSURE OF PORTION OF PEDESTRIAN ACCESSWAY ADJACENT TO 11 BRIAN AVENUE AND THE KWINANA FREEWAY, MOUNT PLEASANT (SMREC) (ATTACHMENT)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3342)

SPECIAL MAJORITY

At 7.39pm Cr Macphail moved, seconded Cr Willis -

That the Council by Special Majority decision;

- 1 Support the proposed closure of the 188m² portion of pedestrian access way adjacent to Lot 163 on Plan 5014 (2) and re-affirm the offer of sale to the owners of 11 Brian Avenue, Mount Pleasant.**
- 2 Request the Chief Executive Officer to submit a closure report to the Western Australian Planning Commission and request closure of the portion of pedestrian access way adjacent to 11 Brian Avenue, Mount Pleasant.**
- 3 Request the Chief Executive Officer to respond to the forthcoming advice from the Western Australian Planning Commission as appropriate, referring to the Department of Regional Development and Lands for finalisation if necessary.**
- 4. Request the Chief Executive Officer to advise the owners of 11 Brian Avenue, Mount Pleasant of 1 above.**

At 7.40pm the Mayor submitted the motion, which was declared

CARRIED BY SPECIAL MAJORITY (11/0)

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

P12/3343 - FINALISATION 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) (CONFIDENTIAL 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	: Finalisation 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
Previous Items	: P11/3275 Initiation of Amendment No. 63 Ordinary Meeting of Council 20 December 2011
Responsible Officer	: Peter Prendergast Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- The Council at its Ordinary Meeting of 20 December 2011 resolved to initiate the proposed amendment 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 11 individual lots.
- The Amendment was advertised for a period of 78 days in accordance with the *Town Planning Regulations 1967*, concluding on 8 May 2012. A total of 19 submissions were received, one in support and 18 against.
- Whilst the concerns raised are acknowledged, they are matters which are not considered relevant as part of the rezoning process but rather, issues that require consideration during the assessment of any future applications to redevelop the subject lots.
- Main Roads WA have no objections in principle, subject to the imposition of conditions.
- It is recommended that Council adopt the Amendment for finalisation and that the Amendment documentation be forwarded to the Honourable Minister for Planning (the Minister) for finalisation and gazettal.



P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

Existing Planning Controls

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. Additional controls were considered necessary in order to ensure that the commercial activities could be accommodated within the Living Area Precinct.

These restrictions effectively act to stifle the ability for the various business premises to be used for alternative commercial purposes, or for more major redevelopment proposals to be considered comprising more than one lot.

Council Resolution

The Amendment proposal was initiated for advertising by Council at its Ordinary Meeting held on 20 December 2011.

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

P12/3343 - FINALISATION 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) (CONFIDENTIAL 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.

[3343 Amendment 63 Map](#)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: 19 submissions received.
 Reason: As per the requirements of the Western Australian Planning Commission Planning Bulletin No. 29.
 Support/Object: One submission in support and 18 objections.

Note: Advertising was undertaken for a 78 day period which concluded 8 May 2012. Advertising took the form of an advertisement in the Melville Times, a sign on site and letters were sent to the landowners adjoining the subject site.

Please note; for brevity reasons, where an issue in a previous submission has been raised and responded to in the Officer's Comment column this will not be addressed again.

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Up hold / Not Uphold)
1.	Potential to exacerbate the existing traffic and noise problems in the locality.	Object	<p>The rezoning proposal itself will not result in additional traffic and/or traffic noise. The Scheme Amendment will merely act to formalise the existence of the commercial properties in this location.</p> <p>When and if the Scheme Amendment is finalised, and if this should give rise to development proposals in the form of planning applications to Council, it is at that point that issues associated with traffic generation and traffic noise will be taken into consideration.</p>	Not Uphold

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold / Not Uphold)
2.	Request that Council advise what analysis has been undertaken with regard to potential for increased traffic.	Object	The application has been reviewed by Main Roads WA. In addition, any future proposal to redevelop the properties will require a development approval which will take into account traffic implications.	Not Uphold
3.	<p>Adverse impact on property value and a general downgrading of the street.</p> <p>Strongly opposed to any increase in traffic and for widening of Reynolds Rd.</p> <p>The proposal will also have a disastrous effect on the potential subdivision of my property.</p>	Object	<p>Property values are not a material planning consideration.</p> <p>There is no proposal to widen Reynolds Road as part of this Scheme Amendment.</p> <p>The Amendment, if approved, would have no bearing on the subdivision capabilities of any properties located within the Scheme Amendment area.</p>	Not Uphold

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

Submission Number	Summary of Submission	Support/Objection	Officer’s Comment	Action (Condition/ Uphold / Not Uphold)
4.	<p>No further approvals should be granted for the expansion of the medical centre.</p> <p>Development should extend along the length of Canning Highway. The City must not create a ‘hodge-splotch’ of little centres in Mt Pleasant and Applecross as these are exclusive residential suburbs.</p> <p>The proposal will also result in increased traffic and potential widening of Reynolds Rd which we do not want.</p>	Object	<p>The Scheme Amendment will act to consolidate a number of existing commercial uses into a defined commercial land use precinct. Any proposal to redevelop or extend the existing Medical Centre will be treated on its individual merit if and when such a planning application is submitted to the City for its consideration.</p> <p>As outlined in State Planning Policy 4.2: Activity Centres, nodal commercial development is generally favoured in place of linear commercial development.</p>	Not Uphold

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold / Not Uphold)
5.	<p>Object to the proposal as it will encourage owners of properties affected by the Amendment to consolidate and subsequently redevelop at plot ratios and setbacks otherwise not available to smaller individual sites. This may result in a building 13.5m high with privacy implications on neighbours.</p> <p>Traffic generation will also be an issue. This will result in road widening, destruction of street trees and encourage people to travel off Leach Hwy.</p> <p>The Council has been less than cooperative and transparent in publicising the Amendment. Two small signs erected at an angle on two of the four corners is impossible to read.</p>	Object	<p>The potential amalgamation of the lots is encouraged by the Amendment. A larger lot does not allow a greater plot ratio, building height or lesser setbacks. With regard to building height, it is noted that the proposed Amendment does not change the height which is already permissible in the Precinct. In addition, consolidation of lots will allow for the provision of shared access points which will promote improved traffic safety.</p> <p>The advertising signage was displayed in full accord with the City's standards. The proposal was advertised for a total of 78 days, as opposed to the standard requirement of 42 days.</p>	Not Uphold

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

Submission Number	Summary of Submission	Support/Objection	Officer’s Comment	Action (Condition/ Uphold / Not Uphold)
6 and 7.	<p>‘Community Centre’ does not appear to mean commercial use, which we understand is what is intended. Do not see any need for a Commercial Centre Precinct in this locality. With the planned expansion at Canning Bridge and changes at Riseley St, there are quite sufficient commercial areas already.</p> <p>Loss of amenity from increased traffic entering and existing Reynolds Road resulting in more delays.</p> <p>Loss of established street trees and verges through the necessity for road widening as a result of increased traffic volumes.</p>	Object	<p>The ‘Community Centre’ Precinct is the terminology adopted under CPS5. This Precinct can contain a variety of facilities including commercial and residential. The intent of the Amendment is to formalise the existing commercial uses into a commercially zoned precinct, recognising that the uses already effectively comprise a de facto commercial area.</p> <p>The Scheme Amendment itself will not result in the direct loss of street trees.</p>	Not Uphold

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold / Not Uphold)
8.	<p>Any development that will significantly increase vehicular traffic in the vicinity will fail to meet the intent of CPS5.</p> <p>What plans are already being considered for future development of the subject site? The City has made no public announcements.</p> <p>How does the proposal improve the living standard, welfare and quality of life of residents in the vicinity?</p> <p>Increased noise and pollution and decreased road safety will result.</p> <p>Increased human traffic will lead to noise pollution, increased littering and antisocial behaviour.</p>	Object	<p>The subject properties are all privately owned. The City has not received any development applications for the redevelopment of these properties to date.</p> <p>The Amendment formalises the existing land uses. Any future redevelopment proposals will be assessed on their merits and will take into account any potential impacts upon the amenity of the surrounding area. These issues will be considered as part of all future development applications.</p> <p>Littering and antisocial behaviour are not relevant planning considerations for the Scheme Amendment process.</p>	Not Uphold

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

9.	Support the proposal as presented.	Support	Noted.	Uphold
10.	Concerned about the impact on the locality and traffic generated. No signs have been erected advertising the proposal which we considered to be perverse and evasive at the least.	Object	Two on-site signs were erected. Advertising also occurred in the form of newspaper advert and letters to adjoining residents.	Not Uphold
11 12 13 14 15 16 17 18 19	Protest against any proposed future development around the four corners of Reynolds Rd and Canning Hwy. The population growth in the locality has caused various problems such as traffic delays, congestion and pollution. We are vehemently against any high rise development and strongly oppose any development higher than 7.0 metres.	Object	Whilst the Scheme Amendment does not propose the redevelopment of those properties that are located within the area, it will enable such redevelopment to take place, should that be the preference of land owners. Any redevelopment proposal in the future will be the subject of detailed planning assessment. The Amendment does not propose to change the building height from what is already applicable in the Precinct, being a maximum of 13.5m.	Not Uphold

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Western Australian Planning Commission & Environmental Protection Authority

In accordance with Council's resolution, a copy of Scheme Amendment No. 63 was sent to the Western Australian Planning Commission and the Environmental Protection Authority. Both Agencies have supported the advertising of the Amendment.

Main Roads Western Australia

Due to the proximity of the proposal to Canning Highway, a copy of Scheme Amendment No. 63 was sent to Main Roads WA (MRWA) for comment. MRWA has indicated that significant upgrades are proposed at the intersection of Canning Highway and Reynolds Road to accommodate the growth along the corridor. Providing a 'Community Centre' Precinct on each of the quadrants of the intersection will pose a significant issue relating to the movement of pedestrians between these locations.

Notwithstanding the above, Main Roads has no objection to the proposal subject to the following conditions:

“

- “1. The land required for Canning Highway upgrade as shown on attached Drawing No. 04310008 be taken into consideration during the next stage of the development (no construction within the road widening requirement);*
- 2. No direct vehicle access be permitted onto Canning Highway from the redeveloped lots (all access via Reynolds Road). The access restrictions are to be mentioned on the Community Planning Scheme Text to direct and facilitate the re-development of the site with improved access strategy / arrangement. With the removal of direct Canning Highway accesses, the existing driveways need to be removed and road verge reinstated at the developer's expense; and,*
- 3. The noise attenuation measures are undertaken during the redevelopment of these lots with consideration given to the ultimate Canning Highway concept shown in the attached Drawing No. 04310016.”*

Further commentary regarding the above is provided under the 'Comments' section below.

STATUTORY AND LEGAL IMPLICATIONS

Council must forward the proposal to the Minister for determination. The final decision in respect of the initiation of a Scheme Amendment ultimately rests with the Minister. At this stage however, the Council has the discretion to recommend approval, refusal or request modifications on this matter.

FINANCIAL IMPLICATIONS

There are no direct financial implications which will result from this Amendment.

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

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

There are no strategic management implications envisaged. The rationale of this Scheme Amendment is aligned in strategic planning terms, with the Local Commercial Strategy.

Environmental Management Implications

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

POLICY IMPLICATIONS

Existing Council Policy CP-071: Reynolds Road Local Area Policy is of relevance in this case. The provisions of this Policy will complement the Scheme Amendment.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

It is recommended that Amendment 63 to CPS5 be finally adopted by Council and that this recommendation be forwarded to the Minister for approval. Council could refuse to finally adopt the Amendment or further modifications could be made. Depending on the extent of the modifications, re-advertising may be required.

Council may choose to re-advertise aspects of the Amendment which have been modified since Council resolved to adopt the Amendment for advertising. However, this does not form part of the recommendation as the modifications that have been made are considered to be minor.

COMMENTS

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.

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

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 without being compromised by the proposed centre.

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. At the time of gazettal of CPS5, there were a number of examples of land uses, located across the City, which in principle were no longer considered acceptable in land use terms, under the land use provisions of the new Scheme text. Where such land uses existed legitimately at the time of gazettal, their retention is legitimised in land use terms via their inclusion within the Scheme text as Schedule 3 “Additional Uses”.
- 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 aged and 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 means 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.

Upon further consideration of the Scheme Amendment, minor modifications / deletions have been made to the proposed CPS5 wording. These changes as outlined below, are considered to be minor, do not alter the intent of the proposal, and provide better clarity. As such, re-advertising is not considered to be required.

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

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
----------	---

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.
-------------------------	---

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

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.

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 appropriately located within District and City Centres.

Note: Floorspace 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.

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.
-------------------------	----------------------------------

P12/3343 - FINALISATION 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) (CONFIDENTIAL 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.

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

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.

Traffic Considerations

Reynolds Road is designated as a ‘Local Distributor’ Road south of Canning Highway, with a maximum desired volume of 6,000 vehicles per day (vpd). Data collected in 2004/5 indicated counts of approximately 6,870 vpd. Reynolds road north of Canning Highway is designated as an ‘Access Road’ with a maximum desired volume of 3,000 vpd. Data collected in 1999 indicated counts of approximately 2,427 vpd.

Canning Highway is designated as a ‘Primary Distributor’ Road type with an indicative traffic volume of above 15,000 vpd. Data collected in 2002/3 indicated counts of approximately 45,050 and 39,110 vpd for Canning Highway east of, and west of Reynolds Road respectively.

Based on the data above, it is considered that both Reynolds Road and Canning Highway are functioning at a capacity above that of their classification and the functional road hierarchy.

As detailed in the preceding sections, the Amendment itself will not impact upon the existing traffic volumes of Reynolds Road and Canning Highway by virtue of the fact that it is simply a rezoning to formalise the established commercial uses. As such, the key concerns raised by submitters (refer ‘Public Consultation / Communication’ table above) are deemed to be premature. However, it is intended that the Amendment will encourage the eventual redevelopment of the subject lots, and if so, will result in planning applications being submitted for the approval of the City. (or potentially the Development Assessment Panel) for determination, taking into consideration relevant traffic management and development implications.

Main Roads WA Comments

- “1. The land required for Canning Highway upgrade as shown on attached Drawing No. 04310008 be taken into consideration during the next stage of the development (no construction within the road widening requirement).”*

The Amendment does not approve any redevelopment of the subject lots but rather, seeks to formalise established land uses. As such, land reservation requirements will be taken into consideration at the time a development application is lodged and will be the subject of referral to Main Roads WA, as required in accordance with the Western Australian Planning Commission Instrument of Delegation (DEL2011-02).

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

“2. No direct vehicle access be permitted onto Canning Highway from the redevelopment lots (all access via Reynolds Road). The access restrictions are to be mentioned on the Community Planning Scheme Text to direct and facilitate the redevelopment of the site with improved access strategy/arrangement. With the removal of direct Canning Highway accesses, the existing driveways need to be removed and road verge reinstated at the developer’s expense;”

Whilst the intent of the above is appreciated, the imposition of a clause within the Scheme may present an issue where redevelopment of the subject lots does not occur in a holistic fashion which is likely as a number of the lots which are the subject of the Amendment area are in separate titles and ownership.

The imposition of this requirement would be problematic where lots which have access to Canning Highway but not Reynolds Road are redeveloped prior to the redevelopment of the lots located on the corner of Canning Highway and Reynolds Road. This would result in these lots no longer having the ability to have access to Canning Highway and effectively being land-locked.

In addition, it is noted that the intent of the above condition is already contained under Council Policy CP-071: Reynolds Road Local Area Policy which details the preferred car parking and access locations relative to the majority of lots forming part of the Amendment area. Furthermore, any applications for the future redevelopment of these lots will require a referral to Main Roads WA as required under the WAPC Instrument of Delegation.

Based on the above, the imposition of the condition, as recommended by MRWA, is not supported

Note: As per Scheme 1 of the Instrument of Delegation (DEL2011-02), where the recommendation provided by a public authority (i.e. Main Roads WA) is not acceptable to the local government, the application together with the recommendation provided by the public authority, and the reasons why the recommendation is not acceptable to the local government, are to be referred to the WAPC for determination.

“3. The noise attenuation measures are undertaken during the redevelopment of these lots with consideration given to the ultimate Canning Highway concept shown on the attached Drawing No. 04310016.”

This requirement will be taken into account, where relevant, if and when planning applications for redevelopment proposals are under consideration.

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

CONCLUSION

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

- In CPS5 terms, it will result in the capture of this existing commercial grouping as a small centre in its own right, without reliance on the Additional Use provisions as outlined by Schedule 3 of CPS5, as is the case at present.
- It will legitimise the established commercial uses in land use terms, promote the delivery of improved specialist commercial opportunities to the local community.
- It will remove the barrier that exists to redevelopment.
- It will create an opportunity for re-development of existing commercial uses to provide mixed use and medium density residential activities, the users and occupiers of which will benefit from high accessibility to public transport and services.

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

[3343 Addendum Traffic Issues](#)

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

At 7.41pm Cr Macphail left the meeting

OFFICER RECOMMENDATION (3343)

FINAL APPROVAL

At 7.41pm Cr Robartson moved, seconded Cr Kinnell -

That the Council:

A) Pursuant to Part 5 Section 75 of the *Planning and Development Act 2005*, resolve to adopt Amendment No. 63 to Community Planning Scheme No. 5 for final approval 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

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

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.

Setbacks **Front Setbacks to be 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 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.**

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)**

- (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 which are more appropriately located within District and City 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.

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) Authorise His Worship the Mayor and the Chief Executive Officer to execute the Amendment Document and have the Common Seal affixed.
- C) Forward the Amendment Document to the Western Australian Planning Commission together with the submission from Main Roads WA for final approval.
- D) Request the Chief Executive Officer to advise the Submissioners to the proposal of A) above.

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

Amendment

At 7.42pm Cr Pazolli moved, seconded Cr Nicholson -

That the Maximum Plot Ratio of 1.0 be reduced to 0.6.

At 7.43pm Cr Macphail returned to the meeting.

At 8.04pm the Mayor submitted the motion, which was declared

CARRIED (7/4)

Cr Nicholson requested that the votes be recorded –

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

Against: Mayor R Aubrey, Cr Foxtan, Cr Kinnell, Cr Macphail.

COUNCIL RESOLUTION (3343)

FINAL APPROVAL

At 8.04pm the Mayor submitted the substantive motion as amended –

That the Council:

A) Pursuant to Part 5 Section 75 of the *Planning and Development Act 2005*, resolve to adopt Amendment No. 63 to Community Planning Scheme No. 5 for final approval 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.

P12/3343 - FINALISATION 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) (CONFIDENTIAL 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) 0.6

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.

Setbacks Front Setbacks to be 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 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.

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

- 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 which are more appropriately located within District and City 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.

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) Authorise His Worship the Mayor and the Chief Executive Officer to execute the Amendment Document and have the Common Seal affixed.

P12/3343 - FINALISATION 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) (CONFIDENTIAL ATTACHMENT)

- C) Forward the Amendment Document to the Western Australian Planning Commission together with the submission from Main Roads WA for final approval.**
- D) Request the Chief Executive Officer to advise the Submissioners to the proposal of A) above.**

At 8.05pm the Mayor declared the motion

CARRIED (11/0)

P12/3344 - MURDOCH ACTIVITY CENTRE DRAFT STRUCTURE PLAN - CONSULTATION PHASE (REC) (CONFIDENTIAL ATTACHMENT)

Ward : University, City, Bull Creek-Leeming
 Category : Strategic
 Application Number : Not Applicable
 Subject Index : Murdoch Activity Centre
 Property : Various
 Proposal : Murdoch Activity Centre Draft Structure Plan – Consultation Phase
 Applicant : Not Applicable
 Owner : Various
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P09/3087 Murdoch Activity Centre Mixed Use Precinct And Main Street Design Guidelines – Ordinary Council Meeting 18 August 2009
 T10/317-Infrastructure Management Implications Murdoch Activity Centre – Ordinary Council Meeting 21 December 2010
 P11/3271 – Murdoch Activity Centre - Interim Access and Parking Policy – Ordinary Council Meeting 15 November 2011
 P12/3314 – Confidential Item – Draft Murdoch Specialised Activity Centre Structure Plan 19 June 2012
 Responsible Officer : Gavin Ponton
 Manager Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

**P12/3344 MURDOCH ACTIVITY CENTRE DRAFT STRUCTURE PLAN -
CONSULTATION PHASE (REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Murdoch Activity Centre (MAC) is identified as a Specialised Centre under the State Government's planning framework, Directions 2031 and Beyond. Optimal development of MAC may provide for in excess of 35,000 jobs, 27,000 - 60,000 students and 7,000 -11,000 additional dwellings.
- In June 2007 the Western Australian Planning Commission (WAPC) approved the Murdoch Activity Centre Structure - Plan Part A. This plan provided a framework for the development for the land comprising the south west quadrant in the immediate vicinity of the Murdoch rail station. This study recognised the need for further strategic planning to examine the wider catchment of the rail station, together with land to the west of Murdoch Drive.
- The Department of Planning on behalf of the Western Australian Planning Commission in conjunction with the City of Melville and the Murdoch University commissioned consultants to commence the MAC Part B Structure Plan in February 2011. The draft Structure Plan is now known as the *draft Murdoch Specialised Activity Centre Structure Plan*.
- Preparation of the draft Structure Plan has included a series of stakeholder workshops and community engagement sessions and Elected Member briefings between March and July 2011. Most recently, a joint City of Cockburn and City of Melville information Session providing an outline of the draft Structure Plan was held on 7 May 2012.
- The draft Structure Plan provides a high level guide to the future development and planning of the Murdoch Activity Centre. The structure plan incorporates the general planning intentions of the MAC Structure Plan Part A, provides for a second area of intensive development west of Murdoch Drive (in addition to the Mixed Use Precinct, adjacent the rail station), promotes development along an east west rapid transit corridor and provides general guidance to the development of "precincts" within the structure plan area. The importance of road and public transport improvements, including the role of an extended Roe Highway, is highlighted within the plan.
- Council at its meeting on 19 June 2012 provided feedback to the Western Australian Planning Commission with respect to the content of the draft plan. The plan has since been subject to further modification in response to feedback from the City and other members of the project's working group.
- The plan is currently awaiting consent from the Minister for Planning to enable the draft plan to be advertised for public comment. It is expected that advertising will commence in late October 2012. A final version of the Structure Plan will be prepared following analysis of the results of public advertising. The plan will then be considered for endorsement by the City and Western Australian Planning Commission.
- Details of the status of the Structure Plan and the content of the final public advertising phase are provided for Council's endorsement.

**P12/3344 MURDOCH ACTIVITY CENTRE DRAFT STRUCTURE PLAN -
CONSULTATION PHASE (REC) (CONFIDENTIAL ATTACHMENT)****BACKGROUND****Scheme Provisions**

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

Site Details

Lot Area	: Not applicable
Retention of Existing Vegetation	: Not applicable.
Street Tree(s)	: Not applicable.
Street Furniture (drainage pits etc)	: Not applicable.

Murdoch is identified as a Specialised Centre under the State Government's planning framework *Directions 2031 and Beyond*. This high order classification is reflective of the locations strategic positioning on a major rail/bus route, the Kwinana Freeway, substantial amounts of developable land, substantial existing and proposed health infrastructure and major educational facilities including Murdoch University and Challenger Institute of Technology.

In June 2007 the Western Australian Planning Commission (WAPC) approved the Murdoch Activity Centre Structure - Plan Part A. This plan provided a framework for the development for the land comprising the south west quadrant in the immediate vicinity of the Murdoch rail station and has guided development of the Fiona Stanley Hospital, extensions to St John of God Hospital and the preparation of concept plans for Landcorp's Mixed Use Precinct. The MAC Part A Structure Plan recognised the need for further strategic planning to examine the wider catchment of the rail station (the other three quadrants around the rail station), together with land to the west of Murdoch Drive

The Department of Planning on behalf of the Western Australian Planning Commission in conjunction with the City of Melville and the Murdoch University commissioned consultants to commence the draft Murdoch Specialised Activity Centre Structure Plan in February 2011. The intent of the Structure Plan is to ensure that the Murdoch Activity Centre develops in accordance with its status as a Specialised Centre under *Directions 2031 and Beyond*. Importantly the plan seeks to align the current strategic and development plans of all Murdoch institutions and landholders to ensure the most efficient and compatible use of land. Additionally structure planning is intended to consider a long term vision for the development of the Murdoch Activity Centre, promoting not just greater collaboration between parties but innovation in the master planning of the centre as a major knowledge based hub in conjunction with the existing regionally significant institutional activities.

The draft structure plan is based on a review of existing and emerging plans within the study area to ensure that proposals are consistent with the strategic objectives of *Directions 2031*, requirements of WAPC State Planning Policy 4.2 (Activity Centres for Perth and Peel) and the WAPC Development Control Policy 1.6 (Planning to Support Transit Use and Transit Oriented Development).

**P12/3344 MURDOCH ACTIVITY CENTRE DRAFT STRUCTURE PLAN -
CONSULTATION PHASE (REC) (CONFIDENTIAL ATTACHMENT)**

Upon approval the Structure Plan will form the principal planning and urban design framework for the entire activity centre. Master plans and development applications for strategic sites within the structure plan boundaries will be required to be assessed against the objectives and guidelines of the new Structure Plan.

Report P12/3314 – Confidential Item – Draft Murdoch Specialised Activity Centre Structure Plan presented to Council on 19 June 2012, (confidential attachment,) provides an overview of the content of the draft Structure Plan, key issues of relevance to the City of Melville and details the feedback provided to the Western Australian Planning Commission on the plan.

P12/3314 – Confidential Item – Draft Murdoch Specialised Activity Centre Structure Plan 19 June 2012 was distributed to Elected Members on Friday 28 September 2012 under confidential cover.

DETAIL

The draft Murdoch Specialised Activity Centre Structure Plan has been further modified in response to the feedback provided by the City and other members of the Project Working Group.

Key changes include:

- Additional emphasis on the importance of the southern connection to the Activity Centre, ultimately from an extension of Roe Highway;
- Removal of recommendations with respect to future Metropolitan Region Scheme Amendments;
- Reduced commentary on governance and management options for the Centre.

With respect to other items raised by the City the following matters have not been given further coverage in the Structure Plan:

- Grade separation of Murdoch Drive and South Street intersection;
- Elevation of the status of Murdoch in the hierarchy of metropolitan centres;
- Need to explore alternative land tenure options in the vicinity of “Murdoch Square”
- Potential commitment and funding arrangements for further studies triggered by the high level approach of the Structure Plan.

It is noted that proposed alignment for the intersection of the extension of Discovery Drive to South Street and the possibility of relocating the intersection westwards away from the alignment of Prescott Drive has been identified as requiring further investigation.

Final Draft Murdoch Specialised Activity Centre Structure Plan was distributed to Elected Members on Friday 28 September 2012 under confidential cover.

**P12/3344 MURDOCH ACTIVITY CENTRE DRAFT STRUCTURE PLAN -
CONSULTATION PHASE (REC) (CONFIDENTIAL ATTACHMENT)**

The next stage in the preparation of a final structure plan is the advertising of the draft plan for public comment. Approval for the draft Murdoch Specialised Activity Centre Structure Plan to progress to public consultation has been granted by the Western Australian Planning Commission. Commencement of the advertising process is now dependent upon clearance from the Minister for Planning. At this stage public advertising is expected to commence in October 2012. Feedback received during the public consultation phase will then be taken into consideration prior to assessment and consideration of final approval by the Council and the WAPC.

Details of Proposed Public Advertising:

The approach for the public advertising of the structure plan has been determined by the Department of Planning in conjunction with representatives from the City of Melville, City of Cockburn, Murdoch University and the project consultants. In summary the public advertising phases comprises:

Newspaper Advertising:

- Commencement of the six week public comment period to be advertised in The West Australian, Melville Times, Cockburn Gazette, Melville Herald and Cockburn City Herald. Reminder advertisements would also be run prior to closing date for submissions. A media release is to be coordinated to accompany commencement of advertising.

Brochure

- A brochure is to be distributed to all properties within the suburbs of Willagee, Winthrop, Bateman, Bull Creek, Willetton, O'Connor, Kardinya, Murdoch, Leeming, Samson, Coolbellup, North Lake and Bibra Lake as outlined in blue on the distribution map below. Brochures will include a summary of the Structure Plan, details of a Community Forum and incorporate a feedback form.

**P12/3344 MURDOCH ACTIVITY CENTRE DRAFT STRUCTURE PLAN -
CONSULTATION PHASE (REC) (CONFIDENTIAL ATTACHMENT)**

This report seeks Council approval for a further period of public consultation and comment. Feedback received during the public comment period will be used to guide the preparation of the final structure plan. The final structure plan will be subject to further consideration and approval by the City of Melville and the WAPC.

REFERRALS TO GOVERNMENT AGENCIES

Required: Not applicable
Reason: The draft Murdoch Specialised Activity Centre Structure Plan has been prepared following extensive consultation with government agencies. The Project Working group itself includes representation from Department of Planning, Public Transport Authority, Department of Transport, Department of Education and Training.

STATUTORY AND LEGAL IMPLICATIONS

Upon approval the Murdoch Specialised Activity Centre Structure Plan will provide the strategic framework to guide future development within the plan area. Determining authorities such as the WAPC and the City of Melville would be required to have regard to the plan when making decisions. Statutory implementation of the plan will necessitate additional approval of amendments to the Metropolitan Region Scheme and amendments to the City's Local Planning Scheme. Development control at a local level under a structure planning approach, will also require preparation and approval of more detailed precinct plans for the individual precincts identified within the structure plan.

FINANCIAL IMPLICATIONS

The Engagement Strategy for the Murdoch Specialised Activity Centre Structure Plan is funded through the project costs for the Structure Plan. There are no additional financial implications for the City associated with the completion of the public comment period.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Public comment period may generate community opposition to the project.	Medium	The adopted communication and engagement strategy has provided extensive opportunity for community involvement in the project. The final comment period also includes wide coverage and opportunities to respond to community enquiries and/or concerns.

**P12/3344 MURDOCH ACTIVITY CENTRE DRAFT STRUCTURE PLAN -
CONSULTATION PHASE (REC) (CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATIONS**

The Department of Planning is the lead agency responsible for the implementation of the public comment period for the Structure Plan. Notwithstanding this, the City has had input into the proposed approach to ensure a standard in keeping with relevant Policy and Frameworks.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This report provides information on the status of the Murdoch Specialised Activity Centre Structure Plan and the upcoming public comment period. Alternative options are not applicable at this stage although there may be scope to influence the extent of activities during the public comment period. It is noted that on conclusion of the public comment period the Council will have opportunity to make a final determination on the Structure Plan.

CONCLUSION

Details of the proposed comment period for the Murdoch Specialised Activity Centre Structure Plan are provided for information and endorsement. The comment period is a statutory requirement following on from the consultation and engagement phase which informed the preparation of the draft Structure Plan. The consultation strategy associated with the public comment phase of the Murdoch Specialised Activity Structure Plan is supported. Noting of the status of the project and endorsement of the proposed approach to seeking comment on the draft plan is recommended accordingly.

OFFICER RECOMMENDATION (3344)**APPROVAL**

At 8.06pm Cr Nicholson moved, seconded Cr Foxtton –

At 8.06pm Cr Pazolli left the meeting.

At 8.07pm Mr Ponton entered the meeting.

At 8.08pm Cr Pazolli returned to the meeting.

At 8.08pm Cr Taylor-Rees left the meeting and returned at 8.10pm.

That the Council:

- 1. Notes the status of the Murdoch Specialised Activity Centre Structure Plan.**
- 2. Supports the proposed approach to the public comment period for the draft Murdoch Specialised Activity Centre Structure Plan.**

**P12/3344 MURDOCH ACTIVITY CENTRE DRAFT STRUCTURE PLAN -
CONSULTATION PHASE (REC) (CONFIDENTIAL ATTACHMENT)**Amendment

At 8.15pm Cr Barton moved, seconded Cr Taylor-Rees -

That point 2 of the Officer Recommendation be amended to read “Request that the public comment period for the draft Murdoch Specialised Activity Centre Structure Plan be extended to the end of March 2013.”

At 8.25pm the Mayor submitted the amendment, which was declared

LOST (5/6)

Cr Nicholson requested that the votes be recorded –

For: Cr Barton, Cr Foxton, Cr Nicholson, Cr Pazolli, Cr Taylor-Rees.
Against: Mayor R Aubrey, Cr Hill, Cr Kinnell, Cr Macphail, Cr Robartson, Cr Willis.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**APPROVAL**

At 8.28pm the Mayor submitted the Officer Recommendation –

That the Council:

- 1. Notes the status of the Murdoch Specialised Activity Centre Structure Plan.**
- 2. Supports the proposed approach to the public comment period for the draft Murdoch Specialised Activity Centre Structure Plan.**

At 8.28pm the Mayor declared the motion

CARRIED (10/1)

At 8.28pm Mr Ponton left the meeting.

Cr Nicholson requested that her name be recorded as voting against the Council Resolution.

M12/5255 - CITY OF MELVILLE ANNUAL REPORT 2011-2012 (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	City of Melville Annual Report
Customer Index	:	Not Applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item M11/5194 City of Melville Annual Report 2010-2011 of the Ordinary Meeting of Council of 11 October 2011
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officers	:	Kylie Johnson, Executive Manager Organisational Development

AUTHORITY / DISCRETION

DEFINITION

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

M12/5255 - CITY OF MELVILLE ANNUAL REPORT 2011-2012 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

This report presents the text component of the 2011-2012 Annual Report for Council's acceptance.

BACKGROUND

In accordance with Section 5.53(1) of the Local Government Act 1995 (The Act), a local government is required to prepare an Annual Report for each financial year. Section 5.54 of The Act requires that the Annual Report be accepted by the Local Government no later than 31 December for the previous financial year. Section 5.27 of The Act specifies that a General Meeting of Electors is to be held within 56 days after the local government accepts the Annual Report for the previous financial year. The annual report and audited financial statements are required to be prepared and printed in time for that meeting.

Like the 2010-2011 Annual Report, this year's report takes the form of a 'Community Annual Report' which features a full text summary attached, [5255 City of Melville Annual Report](#) and an abridged set of Financial Statements. The full set of Financial Statements will be available on request.

This report presents only the text component of the 2011-2012 Annual Report. The abridged and complete Financial Statements will be presented for adoption at the next available Council Meeting following receipt of the auditor's certification, after having been submitted to the Financial Management, Audit, Risk and Compliance Committee for their consideration.

DETAIL

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

- a report from the mayor or president;
- a report from the CEO;
- an overview of the plan for the future including major initiatives that are proposed to commence or to continue in the next financial year;
- the financial report for the financial year;
- such information as may be prescribed in relation to the payments made to employees;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;

M12/5255 - CITY OF MELVILLE ANNUAL REPORT 2011-2012 (REC) (ATTACHMENT)

- details of entries made under section 5.121 regarding complaints against Council Members;
- such other information as may be prescribed. (No other matters have been prescribed at this time).

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

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

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

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

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

This text was reviewed by the Operational Management Team (OMT) and the Executive Management Team (EMT) and will be checked by a professional proof reader.

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

Due to time constraints on the auditors, the abridged set of Financial Statements, and the full set of Financial Statements are not yet available and will be presented to the next available Council Meeting following receipt of the auditor's certification, after having been submitted to the Financial Management, Audit, Risk and Compliance Committee for their consideration.

As has been the practice in previous years, the text portion of the Annual Report is being presented separately to enable sufficient time for the majority of graphic design and production in time for the General Meeting of Electors. The abridged Financial Statement (when adopted) will be integrated into the Annual Report design prior to production.

M12/5255 – CITY OF MELVILLE ANNUAL REPORT 2011-2012 (REC) (ATTACHMENT)

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

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

PUBLIC CONSULTATION/COMMUNICATION

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

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

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

FINANCIAL IMPLICATIONS

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

M12/5255 – CITY OF MELVILLE ANNUAL REPORT 2011-2012 (REC) (ATTACHMENT)

STRATEGIC RISK, AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

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

CONCLUSION

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

Following Council adoption, this document will be formatted appropriately and made available in various formats, including CD Rom, internet and hard copy, for all stakeholders.

OFFICER RECOMMENDATION (5255)

APPROVAL

At 8.36pm Cr Macphail moved, seconded Cr Robartson -

That the text component of the City of Melville 2011-2012 Annual Report 5255 City of Melville Annual Report be approved.

Amendment

At 8.37pm Cr Nicholson moved, seconded Cr Pazolli -

That the words “*subject to that on page 10 of the City of Melville Annual Report in the net domestic waste collected area that the actual amount recycled be included*” be inserted after the word “approved”.

At 8.38pm the Mayor submitted the motion, which was declared

CARRIED (7/4)

M12/5255 – CITY OF MELVILLE ANNUAL REPORT 2011-2012 (REC) (ATTACHMENT)**COUNCIL RESOLUTION (5255)****APPROVAL**

At 8.40pm the Mayor submitted the substantive motion as amended –

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

At 8.40pm the Mayor declared the motion

CARRIED (11/0)

C12/5246 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)

Ward	:	All
Category	:	Operational
Subject Index	:	Audits - External
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item C010/5137 Appointment of External Member of Financial Management, Audit, Risk and Compliance Committee - Ordinary Meeting of Council of 19 October 2010
Works Programme	:	Not applicable
Funding	:	Not applicable
Responsible Officer	:	Jeff Clark Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

C12/5246 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)**KEY ISSUES / SUMMARY**

- The Financial Management, Audit, Risk and Compliance Committee has a provision in its Charter for an external member to be appointed.
- Mr Richard Woodgate was appointed in 2009 for a two year term of 2009 and 2010. Mr Woodgate was approached and agreed to serve another term of two years for 2011 and 2012.
- This report seeks the Council approval for another two year appointment, for 2013 and 2014 of the current external member to the Financial Management, Audit, Risk and Compliance Committee.

BACKGROUND

At the Council meeting on the 19 September 2006 a Council resolution was passed by absolute majority decision that established the Financial Management, Audit, Risk and Compliance Committee as per the approved Committee Charter. The Council also approved the payment of an honorarium of up to \$2,500 per annum to be paid quarterly in arrears to the independent member of the Financial Management, Audit, Risk and Compliance Committee.

The Charter for the Committee outlines the following requirements relating to membership.

“3. *Membership*

- ◆ *In accordance with Section 7.1A (2) of the Local Government Act 1995 members of the Committee will be appointed by absolute majority decision of the Council;*
- ◆ *The Committee will comprise at least four persons of which at least three are to be Elected Members of the City of Melville and one other member who will be an independent person;*
- ◆ *Independent members will have no association with the Council either as a member, an officer or closely associated person;*
- ◆ *Where possible the majority of members shall have experience in business and/or financial and management reporting and risk management;*
- ◆ *The independent member shall be selected on the basis of their skills and experience in the financial and/or risk management environment;*
- ◆ *The CEO and designated City of Melville employees, whilst not permitted to be members of this Committee, will when requested be required to attend meetings of the Committee to provide advice and guidance to the committee;*
- ◆ *Membership of the Committee will be reviewed after every Local Government Election.*

C12/5246 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)

4. *Meetings*
- ◆ *The Chairperson will call and conduct meetings of the Committee in accordance with the City of Melville's Standing Orders and the Local Government Act 1995 and Regulations;*
 - ◆ *The Committee will meet at least four times per annum, with the timing of each meeting coinciding with the conduct of particular aspects of the City of Melville's audit, risk management and financial reporting cycle;*
 - ◆ *An agenda, and written reports on the business to be conducted at the meeting, will be prepared and distributed to Committee members at least 72 hours prior to the meeting;*
 - ◆ *Minutes of the Committee meeting proceedings and recommendations will be taken and submitted to Council for decision ;*
 - ◆ *The External and Internal auditors will be invited to attend at least one meeting per calendar year, but may be invited at any time to address the Committee on any issues the Committee believes necessary."*

DETAIL

As per the Financial Management, Audit, Risk and Compliance Committee (FMARCC) Charter membership is to be reviewed every two years. The current external member to the Committee, Mr Richard Woodgate, was appointed to the FMARCC through the Council's absolute majority decision in February 2009. His appointment followed an external recruitment process and the appointment was for 2009 and 2010.

On 19 October 2010 the Council endorsed recommendation 5137 as follows:

"That Mr Richard Woodgate be appointed to the position of external member for the Financial Management, Audit, Risk and Compliance Committee for 2011 and 2012, receiving the honorarium of two thousand, five hundred dollars (\$2,500) per annum, to be paid quarterly in arrears."

Mr Woodgate has over 30 years domestic experience, and over 10 years international experience in the public sector auditing and accounting, with senior responsibility for the management of auditing and accounting projects in Australia and overseas. The Chief Executive Officer has spoken to Mr Richard Woodgate and confirmed that he is willing to remain in the external member position for a further two years.

The FMARCC has an important role, as outlined in the Committee Charter, with specific responsibilities that include:

C12/5246 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)**◆ “Financial reporting**

- *Overseeing compliance with statutory responsibilities relating to financial disclosure;*
- *Reviewing the adequacy of financial management reporting;*
- *Ensuring that Elected Members are provided with financial and non-financial information that is of high quality and relevant to the judgements to be made by them;*
- *Reviewing the draft annual financial report and all publicly published financial statements, focusing on:*
 - *significant changes in accounting policies;*
 - *significant adjustments to the financial report arising from the audit process;*
 - *compliance with accounting standards and other reporting requirements.*

◆ Accounting Policies

- *Reviewing any changes to accounting standards and policies and their impact on financial statements.*

◆ Internal Controls, Risk and Insurance Profile

- *Reviewing the City of Melville’s enterprise risk management framework;*
- *Reviewing and assess the City of Melville’s approach to the management of risks to ensure that risks are appropriately managed and where economical and practicable to do so, residual risks are appropriately insured;*
- *Ensuring that opportunities to better manage risks are identified and if feasible, implemented;*
- *Ensuring business continuity and disaster recovery plans are in place and causing such plans to be tested on a periodic basis;*
- *Ensuring that controls are established and maintained in order to safeguard the City of Melville’s financial and physical resources;*
- *Reviewing and assessing management programs and policies in relation to internal controls over the financial and reporting systems including delegations of authority.*

◆ Audit

- *Providing guidance and assistance to the Council in relation to:*
 - *The process for the selection and appointment of external auditor;*
 - *Recommending to the Council the person to be appointed as auditor;*
 - *Develop and recommend to the Council a written agreement for the appointment of the auditor including conditions;*
- *Reviewing the annual audit plan with the external and internal auditors to consider its scope and effectiveness;*

C12/5246 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)

- *Reviewing the information and recommendations provided by external and internal auditors including the responses of management;*
 - *Reviewing any unresolved issues between management and the external and internal auditors and actions planned to obtain resolution;*
 - *Reviewing the performance of any contracted external and internal auditors.*
- ◆ **Compliance**
- *Ensuring that the procedures established to monitor compliance with statutory requirements, regulations and contractual obligations are appropriate;*
 - *Reviewing the annual Statutory Compliance Audit Return and make recommendations to the Council on acceptance and any actions identified as a result of the Return.”*

PUBLIC CONSULTATION/COMMUNICATION

No external public consultation/communication has been carried out. The last relevant public communication was through the recruitment advertisement in the Melville Community Newspaper in December 2008.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The Financial Management, Audit, Risk and Compliance Committee operates within the Local Government Act 1995 Section 7.1A and Regulation requirements that relate to Audit Committees.

FINANCIAL IMPLICATIONS

Funds have been provided in the 2012-2013 budget for payment of the honorarium.

If the City was to readvertise, additional recruitment costs such as advertising, interview panel members' time and administration costs estimated to be \$8,500 would be incurred.

C12/5246 - APPOINTMENT OF EXTERNAL MEMBER OF FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (AMREC)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Non-Appointment of the current external member for a further two years.	Low consequences which are likely, resulting in a Low level of risk	To appoint the current External Member

POLICY IMPLICATIONS

There is no policy implications associated with this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternative is to undertake a recruitment process that would incur costs estimated to be \$8,500 as noted in the Financial Implications section of this report.

CONCLUSION

Mr Woodgate, the current external member on the FMARCC, has a substantial level of expertise and has successfully assisted the Committee since 2009 to perform its role as outlined in the Charter. It is with the endorsement of the Financial Management, Audit, Risk and Compliance Committee Presiding Member, Cr Kinnell that it is recommended that Mr Woodgate be appointed for a further two years.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5246)

ABSOLUTE MAJORITY

At 8.41pm Cr Kinnell moved, seconded Cr Robartson -

That by Absolute Majority decision, the Council appoint Mr Richard Woodgate to the position of external member for the Financial Management, Audit, Risk and Compliance Committee for 2013 and 2014, receiving an honorarium of \$2,500 per annum, to be paid quarterly in arrears.

At 8.43pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (9/2)

Cr Nicholson requested that the votes be recorded –

For: Mayor R Aubrey, Cr Barton, Cr Foxton, Cr Hill, Cr Kinnell, Cr Macphail, Cr Pazolli, Cr Robartson, Cr Willis.

Against: Cr Nicholson, Cr Taylor-Rees.

C12/5249 - POLICY REVIEW – SEVERANCE POLICY (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Subject Index : General 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. C10/5123 – Severance Policy – Ordinary Meeting of the Council - August 2010
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Jeff Clark
 Governance & Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

C12/5249 - POLICY REVIEW – SEVERANCE POLICY (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The Severance Policy relating to termination of employment with the City of Melville that is within the responsibility of the Executive Manager Organisational Development has been reviewed in accordance with the standard two year review timeline, and is now presented for Council consideration.
- Policies that are defined as a Council Policy require the approval of Council whereas Operational Policies are approved by the Chief Executive Officer.
- The Severance Policy now refers to the Local Government (Administration) Regulations 1996 and the National Employment Standards in the Fair Work Act 2009 (Commonwealth).
- Key changes have been the removal of severance payments for service recognition and boundary changes or amalgamations.

BACKGROUND

The City of Melville has Council Policies of which the majority have been reviewed. Officers have reviewed this policy which relates to Severance provisions and have now brought this reviewed policy with amendments to Council for consideration. A two yearly review cycle has been implemented to ensure all policies remain current.

Benchmarking of Severance Policy documents within other Local Government Authorities and feedback from the Chamber of Commerce and Industry has been obtained as part of the review process.

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.

C12/5249 - POLICY REVIEW – SEVERANCE POLICY (REC) (ATTACHMENT)

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

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

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

This report provides comment on one policy from the Executive Manager Organisational Development which is provided as an attachment

[5249 Policy Review CP-027 Severance Policy.](#)

The policy, CP – 027 Severance Policy, has been reviewed and amended to include the heading Policy Scope and an explanation of the scope of the policy. The provisions of the Local Government (Administration) Regulations 1996, Regulation 19A have been incorporated into clause 4.2 (e) to ensure clarity of the extent of severance payment that can be made to a former employee in the event of termination of employment.

Key changes have been the removal of severance payments for service recognition and boundary changes or amalgamations. The service recognition clause is void in the current policy as it had a clause that service recognition only related to employment terminating before 31 December 2011.

The reason for removing boundary changes is that it is now dealt with specifically in the Local Government Act 1995, with provisions that relate to creating, changing boundaries or abolishing Districts. These legal provisions state that;

“a contract of employment that a person has with a local government is not to be terminated or varied as a result (wholly or partly) so as to make it less favourable to that person unless —

- (a) compensation acceptable to the person is made; or*
- (b) a period of at least 2 years has elapsed since the order had effect.*

The rights and entitlements of a person whose contract of employment is transferred from one local government to another, whether arising under the contract or by reason of it, are to be no less favourable to that person after the transfer than they would have been had the person’s employment been continuous with the first local government.”

If in the event of an amalgamation and a position is redundant, then the Severance Policy would come in to effect.

C12/5249 - POLICY REVIEW – SEVERANCE POLICY (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

Local Public Notice is required when an amendment is made to the Severance Policy. Advertising will occur upon the adoption of the policy.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

There was consultation with the employee relations advisory service of the Chamber of Commerce and Industry (CCI).

STATUTORY AND LEGAL IMPLICATIONS

This review has particularly included references to legislation to support the policy position. The policy is consistent with the Local Government Act 1995 and Local Government (Administration) Regulations 1996 with the relevant Regulation 19A being as follows:

“19A. Payments in addition to contract or award, limits of (Act s. 5.50(3))

- (1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —
 - (a) the value of the person’s final annual remuneration, if the person —
 - (i) accepts voluntary severance by resigning as an employee; and
 - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;
 - or
 - (b) in all other cases, \$5 000.”

The National Employment Standard (NES) **Subdivision B—Redundancy pay** is as follows:

“119 Redundancy pay Entitlement to redundancy pay

- (1) *An employee is entitled to be paid redundancy pay by the employer if the employee’s employment is terminated:*
 - (a) *at the employer’s initiative because the employer no longer requires the job done by the employee to be done by anyone, except where this is due to the ordinary and customary turnover of labour; or*
 - (b) *because of the insolvency or bankruptcy of the employer.*

C12/5249 - POLICY REVIEW – SEVERANCE POLICY (REC) (ATTACHMENT)

Amount of redundancy pay

(2) The amount of the redundancy pay equals the total amount payable to the employee for the redundancy pay period worked out using the following table at the employee's base rate of pay for his or her ordinary hours of work."

Employees period of continuous service on termination	Redundancy pay
<i>At least 1 year but less than 2 years</i>	<i>4 weeks</i>
<i>At least 2 years but less than 3 years</i>	<i>6 weeks</i>
<i>At least 3 years but less than 4 years</i>	<i>7 weeks</i>
<i>At least 4 years but less than 5 years</i>	<i>8 weeks</i>
<i>At least 5 years but less than 6 years</i>	<i>10 weeks</i>
<i>At least 6 years but less than 7 years</i>	<i>11 weeks</i>
<i>At least 7 years but less than 8 years</i>	<i>13 weeks</i>
<i>At least 8 years but less than 9 years</i>	<i>14 weeks</i>
<i>At least 9 years but less than 10 years</i>	<i>16 weeks</i>
<i>At least 10 years</i>	<i>12 weeks</i>

FINANCIAL IMPLICATIONS

There are no specific financial implications associated with this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

Risk Statement	Level of Risk	Risk Mitigation Strategy
Administration acts contrary to legislation	Medium	Ensure compliant Council policies are in place that provide clear direction 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 and reference to key legislation in policy means if legislation changes the policy is still relevant.

POLICY IMPLICATIONS

All Council Policies are reviewed every two years and this policy has amendments as a consequence of the review.

C12/5249 - POLICY REVIEW – SEVERANCE POLICY (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

It is a legislated requirement that each Local Government has a Council Policy relating to conditions of severance payments upon termination of employment. The review process is designed to ensure that this policy provides the most appropriate provisions at this time.

CONCLUSION

This policy has 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 (5249)**APPROVAL**

That the Council adopt the policy [CP-027 Severance Policy](#) as amended.

At 8.43pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

C12/5254 - RECORDING COUNCIL MEETINGS (REC)

Ward : All
 Category : Operational
 Subject Index : Council and Special 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 : Not Applicable
 Works Programme : Not Applicable
 Funding : Funding Amount \$6,025 (ex GST)
 Responsible Officer : Jeff Clark
 Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

C12/5254 - RECORDING COUNCIL MEETINGS (REC)**KEY ISSUES / SUMMARY**

- This report examines the proposal to record Council Meetings and Special Meetings of the Council.
- A survey of the local governments identified in the “Reasons” given in support of the motion has not provided significant support for recording meetings.
- There is a very minor level of access by members of the public to recordings held by other local governments.
- The proposal is not recommended based on the current minute taking practice at the City and number of amendments to the minutes noted over the past three years.
- The provisions of the City of Melville Standing Orders 2003 require that an ability to record is available and on that basis, the proposal is recommended.
- Subject to a grant application, there may be an opportunity to provide web streaming of Council meetings at a future time.

BACKGROUND

At the Ordinary Meeting of the Council on 21 August 2012, the following resolution was made:

“That the Council:

- 1. Request that the Chief Executive Officer prepare a report to the Council advising the statutory, equipment and cost implications to permit the audio recording of all Ordinary and Special Council Meetings.***
- 2. Request the Chief Executive Officer to provide the report to the October 2012 Ordinary Meeting of the Council.”***

This report has been prepared to address the matters raised in the resolution.

DETAIL

The reasons provided by Cr Nicholson in support of the above Council Resolution are:

“For greater clarity; better governance; that ratepayers and others will be able to access the recording (subject to a Council Policy) to confirm voting and better understand the reasoning behind Council decision making and the extent of analysis and debate which goes into agenda items prior to voting.

Audio recording will also make it easier for the City's administrative staff to prepare the Council's written minutes.

An example of WA Councils that currently record their meetings is listed below:

*City of South Perth
City of Perth
City of Wanneroo
City of Stirling*

C12/5254 - RECORDING COUNCIL MEETINGS (REC)

*Town of Vincent
City of Joondalup*

There is no legal or legislative requirement for a Local Government to audio record meetings. The minutes of a Council meeting record are not a verbatim transcript of discussion as they are a record of the Council resolutions and the outcome of Procedural Motions resolved by the Council.

A survey was undertaken of the six Councils identified in the reasons presented in support of the motion in order to determine a position on this matter. One Council did not provide a response to the survey.

The matter of recording meetings of the Council is addressed in the City of Melville Standing Orders Local Law 2003.

“8.6 Recording of Proceedings

(1) Unless the Council or the Committee, as the case may be, resolves to allow the recording of a particular meeting:

(a) The recording of the proceedings of meetings of the Council or of any Committee by any mechanical means whatsoever is prohibited; and

(b) A person shall not attend a meeting with any mechanical recording equipment, and if a person does so, the Mayor or the Presiding Member, as the case may be may require that person to leave the meeting in accordance with sub-clauses 8.8(3) and (4).

(2) Subclause (1) does not apply if the record is taken by or at the direction of the Chief Executive Officer.”

The Local Government Act 1995 is silent on the matter of recording meetings. However, the State Records Act 2000 advises that under the General Disposal Authority for Local Government Records, a recording of a Council or Committee meeting must be retained for a period of one year after the minutes of the meeting have been confirmed.

Access to a recording of a Council or Committee meeting is determined at Section 45 of the State Records Act 2000 which is quoted below:

“45. State archives that are not restricted access archives

(1) This section applies to a State archive that is not a restricted access archive and not a parliamentary record.

(2) If the State archive is not in the State archives collection and is less than 25 years old, any right that a person may have to be given access to it is to be determined under the FOI Act....”

C12/5254 - RECORDING COUNCIL MEETINGS (REC)

Access to a recording of a Council or Committee meeting should be sought through the Freedom of Information (FOI) process however, from most of the local governments surveyed they provide access to the recording of the minutes outside of the FOI process but have an officer present. The City of Joondalup saves the recording of Council Meetings onto its website and the recording is then available to be accessed by any interested person. One local government would only make recordings available to Elected Members and officers. Some local governments chose to record their full meeting and others ceased recording when the meeting went behind closed doors. The audio recordings of the closed doors section of the meetings are not (and in accordance with the provisions of the Local Government Act 1995 would not be) available to members of the public.

Should the Council resolve to record meetings, a policy and procedure relating to providing staff, Elected Members, public and press access to the recording or part of the recording would be developed. The policy would advise the extent of provision of either a recording or transcript of an identified portion of the meeting or the total meeting. There are significant resource implications should the Council decide to provide a fully typed transcript of a meeting or part of a meeting. The recording of debate "held behind closed doors" would not be provided to the public or press.

Local governments surveyed advised that their prime purpose for recording meetings is to ensure accuracy of meeting minutes. One of the local governments surveyed display minutes in real time at the meeting as they are being typed. The City uses electronic screens in the Chamber which are displayed to Elected Members, staff and members of the public for the express purpose of ensuring that motions and amendments are correctly worded and recorded. All Elected Members present have the opportunity to view and confirm that accuracy of the minutes as they are being typed. The screens also provide the officer or committee recommendations at the time of debate to ensure all Elected Members are reading the motion before the Council.

An examination of the City's minutes for the past three years identified that minor corrections were required on four occasions. Of the four instances, two were identified by Elected Members and related to a correction to the name of the mover of a motion and voting numbers. The two officer identified corrections related to the inclusion of an additional point in the final minutes of one meeting and a correction to a future Committee meeting date. It is acknowledged that the standard of accuracy of all minutes is very high.

Of the Local Governments surveyed they advised that members of the public's requests to access recordings are reported to be minimal and ranges from "no requests received to date" to "less than five requests over the past five years". In the event a request for a transcript of a portion of a meeting is received, three local governments surveyed will not provide a transcript while two local governments will provide a transcript on a full cost recovery basis. The six surveyed local governments have advised that there is little interest by members of the public to listen to a recording of a Council meeting however, as the City of Joondalup provides a live recording that is available on their website, it is not known if this service is accessed by members of the public.

C12/5254 - RECORDING COUNCIL MEETINGS (REC)

Policy documents from local governments who record their meetings have been sourced and these policies generally included a provision that the public could apply to listen to the recordings whilst accompanied by an officer and in some cases allow for the purchase of a copy of the recording. The surveyed local governments' policies provide that an application to obtain a copy of the meeting recording is to be subject to a request to the Chief Executive Officer and payment of a fee.

Equipment Required

The audio equipment in the Council chambers is not currently set up to enable recording however, as the Standing Orders provide that the Council may resolve to record a meeting, the ability to do so is required. With purchase of some additional equipment and software the existing microphone system can be used to record onto a computer however, it should be noted that the microphone system is approximately 15 years old and is no longer supported by the manufacturer. Local governments who record meetings have advised that there are issues when a person speaking in the Chamber does not speak clearly into the microphone. It is apparent that the quality of the audio equipment/system is a key factor in the success of recording meetings.

There is specific software available that is designed to record onto a computer and allow timestamps to be located in the recording. The timestamps will assist in locating a specific part of a meeting should an enquiry of the discussion of the meeting be required.

The matter of recording voting of Elected Members is unlikely to be enhanced by an audio recording system. There are microphone systems that have voting buttons that can be identified to each Elected Member and provide a record of each vote by each Elected Member. This equipment is used by other local governments to record all votes. Should the Council wish to record each vote on all motions, then the microphones with voting buttons could be considered at a future time.

The Local Government Act 1995 provides that voting be recorded and that Elected Members can request that the votes for and against may be recorded on request. The Council has the opportunity to include in the review of Standing Orders that votes for and against be recorded on all occasions.

Training Implications

Officers would require training in the use of any new recording equipment and software and in secure storage and retrieval of recordings. Should there be requests to access the recordings, officers would require training in creating copies of the recording and deletion of any confidential discussions that occurred behind closed doors.

Future Considerations

The City is currently applying for a National Broadband Network (NBN) grant that has the potential to provide funding for web streaming of Council Meetings. Should the application be successful, the microphone system will be required to be upgraded and the meetings could be streamed from the City's website in real time. Further information will be provided to Elected Members as the grant application progresses.

C12/5254 - RECORDING COUNCIL MEETINGS (REC)**PUBLIC CONSULTATION/COMMUNICATION**

There has not been public consultation concerning this item.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Six other Local Governments that record the proceedings of meetings were contacted.

An indicative quote was requested from a company that supplied and installed the Council Chamber display screens and the wiring setup in the Chambers. The company, Redfish Technologies provides audio engineering services to local governments, state government departments and justice based clients throughout the world.

STATUTORY AND LEGAL IMPLICATIONS

The minutes are required to be prepared and retained by the provisions of the Local Government Act 1995. The State Records Act 2000 and the General Disposal Authority for Local Government Records deal with the retention of the records once created. The Local Government Act 1995 and the Freedom of Information Act 1992 determine which records may be provided and others that must be provided upon formal application.

FINANCIAL IMPLICATIONS

The recording software purchase cost, installation and setup and provision of IT equipment are estimated to be \$6,025. The additional cost of retention of media and removal of confidential matters from any recording is minor and estimated to be \$50 per recording. Should a transcript or copy of recording be required, under Freedom of Information a full cost recovery would be applied to the request.

The current microphone system has reached the end of its life and is not supported by its manufacturer therefore the implementation of audio recording utilising the existing equipment is not supported due to the risk of failure. An indicative cost for replacement of the existing microphones with wireless enabled microphones and including an electronic voting system is \$52,000 net of GST. The separate cost of the electronic voting is approximately \$6,500.

C12/5254 - RECORDING COUNCIL MEETINGS (REC)

Indicative Costs

Item	Cost (excluding GST)
Recording software, installation and setup, provision of IT equipment	\$6,025
Replacement of microphones with wireless enabled microphones inclusive of electronic voting system	\$52,000
Electronic voting system as a component of a microphone upgrade (included in the cost of \$52,000 above)	\$6,500
Total cost to upgrade the microphone system, include an electronic voting system and recording facilities	\$58,025

There is no provision in the 2012-2013 budget for these items. The upgrade of the full microphone, electronic voting and recording will be referred to the 2012-2013 Budget Review for consideration.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The City has produced minutes of meetings in a hard copy and electronic format with an acknowledged high degree of accuracy. The most apparent risk is that due to the age of the microphone system, it is quite possible that it may fail and require an urgent replacement rather than a planned replacement. Apart from a risk of electronic failure, there is no strategic risk or environmental management implications. In the event that equipment to record meetings of the Council are approved for purchase and the recordings are available to members of the public, there is an opportunity for comments made in debate that may be quoted out of context and the Council suffer reputational implications.

C12/5254 - RECORDING COUNCIL MEETINGS (REC)

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of motions or amendments not being recorded correctly	Minor consequences which are unlikely resulting in a Low level of risk	Elected Members are encouraged to present motions and amendments in writing prior to the meeting so they can be included in the minute secretary's draft copy of minutes that are displayed in real time to Elected Members and the public
Minutes are not accurately recorded.	Major consequences which are rare resulting in a Low level of risk	Minutes are prepared live and displayed to Elected Members, staff and public at time of drafting.
Open and free discussion is stifled because of concern that statements are being recorded.	Minor consequences which are unlikely resulting in a Low level of risk	Do not record meetings
The Council microphone system fails unexpectedly.	Major consequences which are possible, resulting in a High level of risk	Replace the microphone system in a planned manner.
The access to recording media of Council meetings may provide an opportunity to selectively quote part of debate out of context.	Moderate consequences which are possible, resulting in a Medium level of risk	Do not provide recording facilities for Council meetings.
The audio recording being unclear.	Moderate consequences which are possible, resulting in a Medium level of risk	Ensure that Elected Members speak one at a time and directly into the microphone.

POLICY IMPLICATIONS

There is no Council Policy that relates to recording of Council meetings other than the provisions of the Standing Orders Local Law that requires the Council agreement to record (visual or audio) any meeting. Should the Council decide to record Council meetings, officers would prepare a policy for Council's consideration to deal with access, privacy, freedom of information, retention and disposal and associated matters.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

One alternate option is to continue with the present system of taking minutes and not introduce recording of Council Meetings and Special Meetings of the Council. The implications are that officer's written and computer records of each meeting would continue to be used to prepare the minutes.

C12/5254 - RECORDING COUNCIL MEETINGS (REC)

The current Standing Orders provide that information or documents relevant to the decision making process may be tabled to form part of the minutes. There is no provision in the Standing Orders for an Elected Member to have the opportunity to record a statement made by staff, elected members or the public.

An alternate option is to replace the existing microphone system and include electronic voting in a new system. The implications of this option are that electronic voting will enable the recording of the names of each Elected Member's vote on every motion or amendment for inclusion in the minutes.

The City is currently applying for a National Broadband Network grant to implement video conferencing which would allow for Council Meetings to be broadcast live over the internet in the future. A decision could be made at a later date on broadcasting Council meetings live if the grant application is successful and video conferencing facilities are available.

CONCLUSION

The motion of the August 2012 Ordinary Council Meeting to record Ordinary and Special Meetings of the Council, has prompted a survey of the six local governments named in the reasons supporting the motion. The benefits suggested in the reasons are not supported by comment from the local governments surveyed other than because there is a recording, staff may use the recording to confirm any uncertainty when preparing the minutes. The process at the City of Melville of displaying minutes live to elected members and the public as they are being drafted contributes to the high level of accuracy of the minutes and the wording of amendments and motions.

The City's Standing Orders provide for recording of Council meetings if required by the Council or on the direction of the Chief Executive Officer. This facility is not available readily in the Chamber at present. If the Council resolve to record meetings it would be appropriate to upgrade the current microphone system, provide the ability to record voting electronically and provide the ability to web-cast Council meetings.

Should the Council wish to introduce recording of meetings policies and procedures would need to be developed and an amendment made to the Standing Orders Local Law. This local law is to be reviewed by the Council in the near future.

C12/5254 - RECORDING COUNCIL MEETINGS (REC)**OFFICER RECOMMENDATION (5254)****APPROVAL**

At 8.45pm Cr Robartson moved, seconded Cr Kinnell -

That the Council:

1. In accordance with its Standing Orders Local Law continue to not record the Ordinary Meetings of Council and Special Meetings of Council unless it resolves to do so at the meeting.
2. Requests the Chief Executive Officer to further investigate appropriate audio equipment and electronic voting solutions and associated costs, to replace the current microphone system in the Council Chambers and submit a capital budget request as part of the City's 2012-2013 budget review deliberations.
3. Resolves that following the purchase of an electronic voting system all votes by Elected Members and the respective names and manner of voting be recorded and included in the minutes.

Reject and Replace

At 8.46pm Cr Pazolli moved, seconded Cr Nicholson -

Delete Officer Recommendation 1 and replace with -

Proceed to amend the Standing Orders Local Law to record the Ordinary Meetings of Council, Agenda Briefing Forums and Special Meetings of Council and to arrange for the audio recording of all Ordinary Meetings of Council, Agenda Briefing Forums and Special Meetings of Council.

At 8.59pm the Mayor submitted the amendment, which was declared

CARRIED (6/5)

Cr Pazolli requested that the votes be recorded –

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

Reasons for Reject and Replace

To ensure that all Council meeting proceedings are recorded.

C12/5254 - RECORDING COUNCIL MEETINGS (REC)**COUNCIL RESOLUTION (5254)****APPROVAL**

At 9.00pm the Mayor submitted the substantive motion as amended -

That the Council:

1. *Proceed to amend the Standing Orders Local Law to record the Ordinary Meetings of Council, Agenda Briefing Forums and Special Meetings of Council and to arrange for the audio recording of all Ordinary Meetings of Council, Agenda Briefing Forums and Special Meetings of Council.*
2. *Requests the Chief Executive Officer to further investigate appropriate audio equipment and electronic voting solutions and associated costs, to replace the current microphone system in the Council Chambers and submit a capital budget request as part of the City's 2012-2013 budget review deliberations.*
4. *Resolves that following the purchase of an electronic voting system all votes by Elected Members and the respective names and manner of voting be recorded and included in the minutes.*

At 9.01pm the Mayor declared the motion

CARRIED (11/0)

C12/6049 - ARDROSS WEST UNDERGROUND POWER PROJECT SERVICE CHARGE CONCESSIONS FOR 13 PROPERTIES IN HICKEY STREET ARDROSS (AMREC)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Subject Index : Underground Power Round 5 Ardross West
 Customer Index : Various
 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 : Works undertaken by Western Power
 Funding : Ardross West Underground Power Service Charges
 Responsible Officer : Wayne Nicholls – Acting Senior Management Accountant

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- In 1998 11 property owners in Hickey Street Ardross arranged with Western Power to have the overhead powerlines in front of their properties removed and underground power installed along this frontage.
- Underground power charges have been levied on these properties and no financial concession has been applied for the value of the work which has already been carried out and funded by the property owners.
- As a result of the prior underground works previously undertaken and paid for by the property owners there is a need to consider a concession to be applied to underground power charges for properties in Hickey Street Ardross included in the Ardross West Round 5 State Underground Power Program.

C12/6049 - ARDROSS WEST UNDERGROUND POWER PROJECT SERVICE CHARGE CONCESSIONS FOR 13 PROPERTIES IN HICKEY STREET ARDROSS (AMREC)

BACKGROUND

Ardross West was successful in being selected for inclusion as an undergrounding of power project in Round Five of the State Underground Power program (SUPP). Hickey Street Ardross is included in the Ardross West Underground Power Project area.

In late 1998 a group of 11 property owners undertook to underground the power lines along the length of Hickey Street Ardross. Below is an aerial photograph over the subject area. Previous correspondence viewed by officers shows that the group of residents liaised with and paid for the work directly to Western Power. It appears from the correspondence that the City of Melville paid for the three streetlights that formed part of the works.



There were originally 11 properties included in the localised undergrounding of the power supply. There are now two additional properties due to later sub-division. Only three of the original property owners involved in the project are still owners of the properties in Hickey Street.

The affected residents have raised an objection in regard to the charges levied to them for underground power. This report is in response to their objections and considers the option of applying a concession to the affected properties.

C12/6049 - ARDROSS WEST UNDERGROUND POWER PROJECT SERVICE CHARGE CONCESSIONS FOR 13 PROPERTIES IN HICKEY STREET ARDROSS (AMREC)**DETAIL**

The work carried out by the group of residents in Hickey Street connects to the existing overhead supply at either end of Hickey Street. It is considered however that the integration of Hickey Street into the new underground power system will provide additional benefit including a more reliable power supply to those residents.

The proposed concession has been calculated on the basis of valuing the components of the works that form part of the new project that were not included in the original works. These components are transformer and switchgear cabinets and the installation of high voltage cabling. Western Power has estimated a value of \$1,044,256 for these works. Other factors such as project management have been included in this sum.

Given that there are 692 properties included in the Ardross West Underground Power Project area, then the *total* costs for each property for these components of the work is $\$1,044,256 / 692 = \$1,509.04$ therefore the cost charged to property owners for these components of the work is 50% of the total being $\$1509.05 / 2 = \754.52 .

It is therefore proposed that each of the 13 properties enjoying the benefit of the original undergrounding works undertaken by the original property owners be charged the sum of \$755.00 as their contribution to the wider Ardross West Underground Power Project. As the original underground power service charge was \$4,025 this will require the granting of a concession of \$3,270 per property being a total concession amount of \$42,510.

PUBLIC CONSULTATION/COMMUNICATION

Discussions with properties owners of Hickey Street have occurred in relation to this issue. The affected property owners on Hickey Street have been advised by letter that at this stage they do need to pay the underground power charges that have levied to them until such time as the matter of a concession is resolved.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Discussions with Western Power took place and they provided the various costings relating to the two financial models that have been considered in this report.

STATUTORY AND LEGAL IMPLICATIONS

The charges for underground power have been levied to property owners in the Ardross West Project area as a Service Charge under the provisions of section 6.38 of the Local Government Act 1995 and Regulation 54c of the Local Government (Financial Management) Regulations 1996. Section 6.47 of the Local Government Act 1995 provides that a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge. (Absolute Majority Required)

C12/6049 - ARDROSS WEST UNDERGROUND POWER PROJECT SERVICE CHARGE CONCESSIONS FOR 13 PROPERTIES IN HICKEY STREET ARDROSS (AMREC)**FINANCIAL IMPLICATIONS**

It is recognised that the localised underground power undertaken by affected property owners in Hickey Street does form a cost saving to the project however the property owners will receive some additional benefits from being connected to the larger Ardross West scheme.

The proposal that the effected residents each be granted a concession of \$3,270.00 will result in a net amount of \$755.00 being charged for each of the 13 properties in Hickey Street Ardross, as a contribution to the overall cost of the undergrounding of power in Ardross West.

The proposed concessions would result in the Underground Power service charge revenue being reduced by \$42,510.00. Should the costs associated with the project be as per budgeted costs, the shortfall will need to be recovered from Municipal Funds.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no specific strategic or environmental management implications arising as a result of this report. There is a low level of reputational risk should the City not extend a concession for the value of works previously undertaken by Western Power and paid for by the residents.

POLICY IMPLICATIONS

Accounting Policy CP-025 states under the heading Bad Debts Write Offs;

“DA-032 empowers the Chief Executive Officer (CEO) to waive, grant concessions or write off in relation to any amount of 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 a value of \$5,000 for any one item. This delegation is conditioned on the basis that a quarterly report detailing any debts written off is to be submitted to Council.”

Given however, the unusual nature of this circumstance, and the number of instances involved, it is considered appropriate that Council make a determination on the proposed concession.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

There does not seem to be an alternative that is fair and equitable to affected property owners in Hickey Street other than to apply a concession to the underground power charges currently applied. In this way this maintains financial equity between these properties and the remainder of property owners in the Ardross West Underground Power Project.

C12/6049 - ARDROSS WEST UNDERGROUND POWER PROJECT SERVICE CHARGE CONCESSIONS FOR 13 PROPERTIES IN HICKEY STREET ARDROSS (AMREC)**CONCLUSION**

The affected residents of Hickey Street will derive some additional benefits from being included in the Ardross West Underground Power project including the reliability of supply, however in recognition of the undergrounding of the power supply over a portion of Hickey Street that had already been conducted and paid for by the property owners, it is considered that a concession should be applied to the affected properties.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6049)**ABSOLUTE MAJORITY**

At 9.02pm Cr Robartson moved, seconded Cr Pazolli -

That the Council;

- 1. By absolute majority decision resolve that in recognition of previous undergrounding of power in Hickey Street in 1998 that was paid for by the property owners at that time, the properties at 1A, 1B, 1C, 3, 5, 7, 7A, 9, 9A, 11, 13, 13A, and 15 each be granted a concession of \$3,270.00, resulting in a net amount payable by those property owners of \$755.00 each as their contribution to the undergrounding of power in Ardross West.**
- 2. Requests the Chief Executive Officer to advise the affected property owners of the revised charges and issue revised rates notices.**

At 9.02pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

C12/6050 – ATTADALE SOUTH UNDERGROUND POWER PROJECT SPECIFIED AREA RATE REQUEST FOR CONCESSIONS FOR THE COMMERCIAL PROPERTIES IN HISLOP ROAD-INCE ROAD COMMERCIAL CENTRE (REC) (ATTACHMENT)

Ward : Bicton Attadale
 Category : Operational
 Subject Index : Underground Power – Attadale South Round 4
 Customer Index : Various
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : T09/3094 - Attadale South Underground Power Project – Council Meeting - September 2009
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Wayne Nicholls
 Acting Senior Management Accountant

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- This report addresses objections to the Underground Power Specified Area Rates raised in the 2010/2011 and 2011/2012 financial year that have been received from commercial property owners in the commercial precinct located on the corner of Hislop Road and Canning Highway Attadale.
- The basis of objection is a belief that they, or previous property owners, had already paid for the undergrounding of power in their precinct.

C12/6050 – ATTADALE SOUTH UNDERGROUND POWER PROJECT SERVICE CHARGE CONCESSIONS FOR THE COMMERCIAL PROPERTIES IN HISLOP ROAD-INCE ROAD COMMERCIAL CENTRE (REC) (ATTACHMENT)**BACKGROUND**

The recently completed Attadale South Underground Power project was selected by the Office of Energy to be included in Round Four of the State Underground Power Program (SUPP's).

A group of commercial property owners in the Hislop Road Commercial Precinct have raised an objection in regard to the Underground Power Specified Area Rate levied on them in the 2010/2011 and 2011/2012 financial years in order to recoup the cost of installing underground power in the Attadale South Underground Power project area. The objection is based on the fact that underground power was installed over a portion of Hislop Road as part of a streetscape enhancement project undertaken by the City of Melville in 1998/1999 and they believe that they have already paid for these works. One property owner who purchased their property after the completion of the streetscape enhancement project undertaken by the City in 1998/1999 is of the view that they purchased their property with underground power present and should not be required to pay any additional contributions.

DETAIL

The original consultation process for the streetscape enhancement proposal included a working party formed in 1997 that was comprised of several community members including representatives from the commercial properties.

A plan of the works undertaken in 1998/1999 forms an attachment to the report. [6050 Attachment A](#).

The works undertaken included the following;

- Hislop Road off-street car park-rehabilitation of pavement and brick paving private footpath.
- Hislop Road on-street car parking.
- Ince Road off-street car parks-includes rehabilitation of pavement.
- Ince on-street car parking.
- Underground low voltage lines and lighting on Hislop Road.
- Underground high and low voltage lines on Hislop Road.
- Connect underground lines to shops.
- Hislop Road channelisation.
- Rome Road channelisation.
- Canning Highway bus embayment.

A memorandum from 2 July 1997 forms an attachment to this report [6050 Attachment B](#)

The memorandum notes the estimated costs for a) works on Council/Main Roads controlled land and b) the portion on private property. The owners of private properties were asked to contribute only to works on private land being within the private car parks and private internal connection of power supply from the section undergrounded at the City's cost.

C12/6050 – ATTADALE SOUTH UNDERGROUND POWER PROJECT SERVICE CHARGE CONCESSIONS FOR THE COMMERCIAL PROPERTIES IN HISLOP ROAD-INCE ROAD COMMERCIAL CENTRE (REC) (ATTACHMENT)

The estimated cost in 1998/1999, of undergrounding the power in the portion of Hislop Road and Canning Highway, Attadale fronting this commercial precinct was \$110,000 plus a further \$20,000 for internal connection of the power supply across private land to their property. This was part of the total estimated value of streetscape enhancement works of \$390,000.

In addition to this, it was put forward that the City would contribute one dollar for every two dollars for the cost of works on private property which included the cost of the \$20,000 underground power internal connection and \$55,000 for the establishment of the off street carpark on private land owned by the property owners. Refer to [6050 Attachment C](#) for details of the cost sharing plan. The City's contribution to the works on private land is also verified by the total sum of the invoices issued to commercial property owners for works on private land being \$58,200 from an estimated cost of \$90,000, which indicates a figure very close to the aforementioned one third/two third arrangement.

It is highly relevant to this report to note that the cost sharing arrangement did not include any portion of the \$110,000 cost of installation of underground power or street lighting on Hislop Road or Canning Highway. It is clear therefore that the property owners did not make any contribution to the cost of undergrounding power and would have made a maximum 2/3rds contribution of \$13,333 to the internal connection fee across private land to their property with the City absorbing the remaining cost of \$6,667.

Attadale South Underground Power Project

The Western Power plan for the Attadale South Underground Power included the portion of the Hislop Road/Ince Road commercial precinct that forms the subject of this report. A copy of this plan forms an attachment to this report. [6050 Attachment A](#)

The previously undergrounded portion of Hislop Road and a small adjacent section of Canning Highway was a very isolated section of underground power completed in the 1998/1999 works. The power was reconnected back into the overhead system at the intersection of Hislop Road and Wichmann Road and also at the intersection of Canning Highway and Ince Road.

The portion of Hislop Road is now part of the Attadale South Underground Power Project and enjoys the benefits arising from this including an increased reliability of power supply, new street lighting and the general aesthetic improvement of the surrounding Attadale South area. It should be noted that the undergrounding of power in Attadale North commenced mid 2012.

It is common in underground power projects, such as the Attadale South Underground Power Project, for there to be several instances of work undertaken at a previous time that is incorporated into the works and as such are a cost saving to the project. In Attadale South there are, in addition to the portion of underground power in Hislop Road, several ground mounted transformers and a section of underground cabling in Fifth Street, Bicton. All these works were funded either by the City or Western Power and at no cost to residents within the Attadale South Underground Power Project area.

C12/6050 – ATTADALE SOUTH UNDERGROUND POWER PROJECT SERVICE CHARGE CONCESSIONS FOR THE COMMERCIAL PROPERTIES IN HISLOP ROAD-INCE ROAD COMMERCIAL CENTRE (REC) (ATTACHMENT)

All these works are a saving to the project as they have been incorporated into the Attadale South Underground Power Project. However the City believes that where the works were funded by the City or Western Power it is correct and proper to apply these notional savings to all properties within the project area and not just to properties within the immediate vicinity of any previous work.

This is based on the principle that if these previous works had not been undertaken either by the City or Western Power, then the total cost for the project would have been higher and subsequently the cost levied to each property will have been higher.

There has been a situation on a previous underground power project, and it is anticipated will occur in future projects, whereby some work has been undertaken by Western Power and directly billed to property owners or a developer. In these situations the City gives consideration to a concession. The important distinction in this case is that the property owners in Hislop Road have made no financial contribution to the previous undergrounding of power outside of their private property.

It should be noted that properties in Hislop Road were not charged in 2010/2011 or 2011/2012 as part of the Attadale South Underground Power Project for the internal connection as it was deemed to have formed part of the previous one third/two thirds arrangement for works on private property.

Despite this set of facts the objectors continue to claim that they have already paid for the underground power works.

PUBLIC CONSULTATION/COMMUNICATION

Previous consultation has included the Hislop Road Working Party in 1997 and the survey for the Attadale South Underground Power Project.

Various meetings have been held by Officers with the property owners in Hislop Road who are objecting to the Underground Power Specified Area Rate levied on their properties. There has also been substantial correspondence with group representatives since the commencement of the Attadale South Underground Power Project.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Advice has been sought from Western Power which has been used in the preparation of this report.

C12/6050 – ATTADALE SOUTH UNDERGROUND POWER PROJECT SERVICE CHARGE CONCESSIONS FOR THE COMMERCIAL PROPERTIES IN HISLOP ROAD-INCE ROAD COMMERCIAL CENTRE (REC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

The charges for underground power were levied to property owners in the Attadale South Project area as a specified area rate under the provisions of section 6.37 of the Local Government Act 1995. Section 6.47 of the Local Government Act 1995 provides that a local government may at the time of imposing a rate or service charge or at a later date, resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge. (Absolute Majority Required)

Section 6.76 of the Local Government Act 1995 relating to Grounds of Objection, states that a person may object to the rate record of a local government, on the grounds that there is an error in the rate record with respect to the identity of the owner or occupier of any land or on the basis that the land or part of the land is not rateable land. An objection is to be made to the local government in writing within 42 days of the service of a rate notice, identify the relevant land and set out fully and in detail the grounds of objection.

The local government may, on application by a person proposing to make an objection, extend the time for making the objection for such period as it thinks fit. The local government is to promptly consider any objection and may either disallow it or allow it, wholly or in part. After making a decision on the objection the local government is to promptly serve upon the person by whom the objection was made written notice of its decision on the objection and a statement of its reason for that decision.

FINANCIAL IMPLICATIONS

The total amount levied to the ratepayers objecting to the imposition of the underground power special area rate is \$197,743. Currently, the majority of these amounts remain unpaid by the ratepayers concerned.

It should be noted that at the conclusion of the Attadale South Underground Power Project, Western Power declared a surplus to the City of \$239,215. This amount would ordinarily be refunded to all ratepayers in the project area, or used to fund further works in the project area. If Council resolved to allow concessions of the amounts billed to the Hislop Road Ratepayers, then this amount would need to be used to fund the concessions and would not be available for refund to all ratepayers in the project area.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no specific strategic or environmental management implications arising as a result of this report. There is a low level of reputational risk should the City not extend a concession for the value of works previously undertaken by Western Power and paid for by the residents.

C12/6050 – ATTADALE SOUTH UNDERGROUND POWER PROJECT SERVICE CHARGE CONCESSIONS FOR THE COMMERCIAL PROPERTIES IN HISLOP ROAD-INCE ROAD COMMERCIAL CENTRE (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

Accounting Policy CP-025 states under the heading Bad Debts Write Offs;

“DA-032 empowers the Chief Executive Officer (CEO) to waive, grant concessions or write off in relation to any amount of 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 a value of \$5,000 for any one item. This delegation is conditioned on the basis that a quarterly report detailing any debts written off is to be submitted to Council.”

Officers have previously determined that in their view, the request for a concession is unfounded on the basis that the objectors have previously made no payments towards the cost of underground power other than their internal connection fee. Where concessions have been granted in other underground power projects, it has been demonstrated that the property owners have contributed financially to works which form part of that underground power project. However, given the continuing objections of the affected property owners, this matter is being brought to the Council for determination.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council may choose to grant a concession to the full value of the amounts charged. The implications are that it may set a precedent for future projects where ratepayers may request an exemption from payment where they cannot demonstrate that they have previously contributed financially to works that may form a part of the project.

CONCLUSION

Within the Attadale South Underground Power Project area there are several instances where works previously undertaken by either the City or Western Power have been incorporated into the project thereby forming a cost saving to the project which has by definition been distributed to the benefit of all property owners in the project area.

The records of the City confirm that the works conducted in the public road reserve at the commercial precinct located on the corner of Hislop Road and Canning Highway Attadale were carried out at the City's expense with no contribution by property owners. The City also contributed to works on private land to complete the project. Officers suggest there are no grounds for the objectors to claim.

C12/6050 – ATTADALE SOUTH UNDERGROUND POWER PROJECT SERVICE CHARGE CONCESSIONS FOR THE COMMERCIAL PROPERTIES IN HISLOP ROAD-INCE ROAD COMMERCIAL CENTRE (REC) (ATTACHMENT)**OFFICER RECOMMENDATION (6050)****APPROVAL**Reject and Replace

At 9.05pm Cr Pazolli moved, seconded Cr Nicholson -

That Point 1 of the Officer Recommendation be replaced with the words “Allow a concession of 50% off the South Attadale Underground Power specified area rate raised in accordance with the 2010/2011 adopted rates and charges for the rateable properties representing rate assessments 18429, 18430, 18431, 18822, 18821, 18432, 18826, 18825, 18824 and 18823.”

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

LOST (4/7)

Cr Pazolli requested that the votes be recorded –

For: Cr Hill, Cr Nicholson, Cr Pazolli, Cr Taylor-Rees.

Against: Mayor R Aubrey, Cr Barton, Cr Foxtton, Cr Kinnell, Cr Macphail, Cr Robartson, Cr Willis.

At pm 9.25pm Cr Macphail moved, seconded Cr Willis -

That the Council;

- 1. Dismiss the objections brought by the property owners of the rateable properties representing rate assessments 18429, 18430, 18431, 18822, 18821, 18432, 18826, 18825, 18824 and 18823 with respect to the South Attadale Underground Power Specified Area Rates raised in accordance with the 2010/2011 adopted rates and charges;**
- 2. Requests the Chief Executive Officer to advise the property owners that as the previous works were carried out by the City of Melville at cost to all ratepayers of the City, to grant any further concessions would be inequitable.**

C12/6050 – ATTADALE SOUTH UNDERGROUND POWER PROJECT SERVICE CHARGE CONCESSIONS FOR THE COMMERCIAL PROPERTIES IN HISLOP ROAD-INCE ROAD COMMERCIAL CENTRE (REC) (ATTACHMENT)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6050) APPROVAL**

At 9.25pm the Mayor submitted the Officer Recommendation -

That the Council;

- 1. Dismiss the objections brought by the property owners of the rateable properties representing rate assessments 18429, 18430, 18431, 18822, 18821, 18432, 18826, 18825, 18824 and 18823 with respect to the South Attadale Underground Power Specified Area Rates raised in accordance with the 2010/2011 adopted rates and charges;**
- 2. Requests the Chief Executive Officer to advise the property owners that as the previous works were carried out by the City of Melville at cost to all ratepayers of the City, to grant any further concessions would be inequitable.**

At 9.25pm the Mayor declared the motion

CARRIED (7/4)

Cr Pazolli requested that the votes be recorded –

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

C12/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 24 August 2012 up to and including 17 September 2012 and recommends that the information be noted.

C12/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Party	Description	File Reference
666	City of Melville and Willetton Hockey Club Inc.	Management Licence between City of Melville and Willetton Hockey Club Inc	2662810
670	City of Melville and Melville Sporting Association Inc.	Management Licence between the City of Melville and Melville Sporting Association Inc.	2662734
689	City of Melville and Melville Bowling Club	Lease Renewal between the City of Melville and Melville Bowling Club	2733700
714	City of Melville and Challenger Tafe	Sub-Lease of part of Murray House by Challenger Tafe - IT integral Development Associated Pty Ltd	2793399
715	City of Melville and Nulsen Haven Association	Deed of Extension to Management License for Nulsen Haven Association	2763913
720	City of Melville and Blue Gum Park Tennis Club Inc	Loan Agreement – Blue Gum Park Tennis Club Inc.	2804915
722	City of Melville and Electricity Networks Corporation	Transfer of Land and Contract of Sale – 87 Murray Road Bicton	2818345

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

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

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

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

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

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

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members information.

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

That the action of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 24 August 2012 up to and including 17 September 2012, be noted.

At 9.26pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

C12/6000 - INVESTMENT STATEMENTS (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of August 2012 and recommends that the information detailed in the report be noted.
- The Reserve Bank of Australia (RBA) continues to cut the cash rate which will have an impact on the City's investment earnings.
- Monthly valuations for Collateralised Debt Obligations (CDOs) shown for August 2012 are based on valuations obtained from CPG Research and Advisory as at 31 August 2012. When compared to the valuations used as at 30 June 2011 CDOs have increased in value by \$4,004,995.

C12/6000 - INVESTMENT STATEMENTS (REC)

BACKGROUND

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

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

DETAIL

Summary details of investments held as at 31 August 2012 are shown in the tables below.

**CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 AUGUST 2012**

SUMMARY BY FUND	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2011 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL RESERVE TRUST CRF	\$ 54,547,461 \$ 65,258,614 \$ 472,723 \$ 186,790	\$ 54,547,461 \$ 54,175,049 \$ 472,723 \$ 186,790	\$ 54,547,461 \$ 58,180,044 \$ 472,723 \$ 186,790	\$ - \$ 4,004,995 \$ - \$ -	0.00% 6.14% 0.00% 0.00%
	\$ 120,465,588	\$ 109,382,023	\$ 113,387,018	\$ 4,004,995	3.32%

SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2011 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
ADI CDO BOND FRN FRTD TERM DEPOSIT 11AM UNITS (Local Govt Hse)	\$ - \$ 11,650,000 \$ 4,500,000 \$ 6,000,000 \$ 2,500,000 \$ 89,874,410 \$ 5,710,533 \$ 230,645	\$ - \$ 566,435 \$ 4,500,000 \$ 6,000,000 \$ 2,500,000 \$ 89,874,410 \$ 5,710,533 \$ 230,645	\$ - \$ 4,571,430 \$ 4,500,000 \$ 6,000,000 \$ 2,500,000 \$ 89,874,410 \$ 5,710,533 \$ 230,645	\$ - \$ 4,004,995 \$ - \$ - \$ - \$ - \$ - \$ -	0.00% 34.38% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00%
	\$ 120,465,588	\$ 109,382,023	\$ 113,387,018	\$ 4,004,995	3.32%

SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2011 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA AA- A+ A A- BBB+ CCC CCC- NR UNITS (Local Govt Hse)	\$ 4,000,000 \$ 78,584,943 \$ 7,600,000 \$ 7,100,000 \$ 7,300,000 \$ 2,000,000 \$ - \$ - \$ 11,650,000 \$ 230,645	\$ 4,000,000 \$ 78,584,943 \$ 7,600,000 \$ 7,100,000 \$ 7,300,000 \$ 2,000,000 \$ - \$ - \$ 566,435 \$ 230,645	\$ 4,000,000 \$ 78,584,943 \$ 7,600,000 \$ 7,100,000 \$ 7,300,000 \$ 2,000,000 \$ - \$ - \$ 4,571,430 \$ 230,645	\$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ 4,004,995 \$ -	0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 34.38% 0.00%
	\$ 120,465,588	\$ 109,382,023	\$ 113,387,018	\$ 4,004,995	3.32%

C12/6000 - INVESTMENT STATEMENTS (REC)

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

**STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 AUGUST 2012**

INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Current Interest Rate %	S & P RATING	FACE VALUE \$	BOOK VALUE AT 30/6/2011 \$	CURRENT EST MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/6/10 \$	MATURITY DATE
BANKWEST (11AM)		11AM	3.50%	AA-	\$1,005,080	\$1,005,080	\$1,005,080	\$0	On call
WESTPAC (MAXI DIRECT)		11AM	3.75%	AA-	\$2,700,000	\$2,700,000	\$2,700,000	\$0	On call
WESTPAC (MAXI BONUS 1)		11AM	4.10%	AA-	\$1,002,634	\$1,002,634	\$1,002,634	\$0	On call
WESTPAC (MAXI BONUS 2)		11AM	4.10%	AA-	\$1,002,819	\$1,002,819	\$1,002,819	\$0	On call
					\$5,710,533	\$5,710,533	\$5,710,533	\$0	
ANZ BANK (TERM)		TERM	6.00%	AA-	\$2,400,000	\$2,400,000	\$2,400,000	\$0	23-Oct-12
BANKWEST (TERM)		TERM	Various	AA-	\$15,674,410	\$15,674,410	\$15,674,410	\$0	Various
BENDIGO AND ADELAIDE BANK (TERM)		TERM	5.00%	A-	\$7,300,000	\$7,300,000	\$7,300,000	\$0	5-Nov-12
COMMONWEALTH BANK (TERM)		TERM	Various	AA-	\$9,000,000	\$9,000,000	\$9,000,000	\$0	Various
ING BANK (TERM)		TERM	Various	A	\$6,600,000	\$6,600,000	\$6,600,000	\$0	Various
NAB (TERM)		TERM	Various	AA-	\$12,800,000	\$12,800,000	\$12,800,000	\$0	Various
ST GEORGE BANK (TERM)		TERM	Various	AA-	\$16,000,000	\$16,000,000	\$16,000,000	\$0	Various
SUNCORP METWAY LTD (TERM)		TERM	Various	A+	\$7,600,000	\$7,600,000	\$7,600,000	\$0	Various
WESTPAC (TERM)		TERM	Various	AA-	\$12,500,000	\$12,500,000	\$12,500,000	\$0	Various
					\$89,874,410	\$89,874,410	\$89,874,410	\$0	
BANK OF QUEENSLAND (FLOAT RATE TD)		FRTD	4.99%	BBB+	\$2,000,000	\$2,000,000	\$2,000,000	\$0	30-Sep-13
ING BANK (FLOAT RATE TD)		FRTD	4.65%	A	\$500,000	\$500,000	\$500,000	\$0	6-Sep-12
					\$2,500,000	\$2,500,000	\$2,500,000	\$0	
COMMONWEALTH BANK (COVERED BOND)		BOND	5.25%	AAA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	25-Jan-17
COMMONWEALTH BANK (RETAIL BOND)		BOND	5.26%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
WESTPAC (COVERED BOND)		BOND	5.28%	AA-	\$500,000	\$500,000	\$500,000	\$0	6-Feb-17
COMMONWEALTH BANK (FRN)		FRN	4.76%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	2-Aug-16
NAB (FRN)		FRN	4.45%	AA-	\$2,000,000	\$2,000,000	\$2,000,000	\$0	16-Sep-14
NAB (FRN)		FRN	4.74%	AA-	\$2,000,000	\$2,000,000	\$2,000,000	\$0	21-Jun-16
					\$10,500,000	\$10,500,000	\$10,500,000	\$0	
APHEX (GLENELG)	High	CDO	4.78%	NR	\$2,000,000	\$122,833	\$370,000	\$247,167	22-Dec-14
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	0.00%	NR	\$2,000,000	\$1	\$1,400,000	\$1,399,999	20-Sep-14
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	\$450,000	\$1	\$315,000	\$314,999	20-Sep-14
CORSAIR (CAYMAN) KAKADU	High	CDO	5.83%	NR	\$1,500,000	\$75,255	\$276,600	\$201,345	20-Mar-14
HELIUM CAPITAL (ESPERANCE)	High	CDO	6.13%	NR	\$1,800,000	\$347,317	\$779,580	\$432,263	20-Mar-13
MANAGED ACES CLASS 1A PARKES	High	CDO	0.00%	NR	\$1,050,000	\$10,269	\$5,250	-\$5,019	20-Jun-15
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	0.00%	NR	\$1,500,000	\$9,095	\$750,000	\$740,905	20-Sep-14
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	0.00%	NR	\$500,000	\$1,663	\$250,000	\$248,337	20-Jun-13
ZIRCON FINANCE MIAMI	Early Term.	CDO	0.00%	NR	\$850,000	\$1	\$425,000	\$424,999	20-Mar-17
					\$11,650,000	\$566,435	\$4,571,430	\$4,004,995	
UNITS IN LOCAL GOVT HOUSE		UNITS	0.00%		\$230,645	\$230,645	\$230,645	\$0	
TOTAL FUNDS INVESTED					\$120,465,588	\$109,382,023	\$113,387,018	\$4,004,995	

CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$4,000,000	\$4,000,000	4%	80%	
AA-	\$78,584,943	\$78,584,943	69%	80%	
A+	\$7,600,000	\$7,600,000	7%	50%	
A	\$7,100,000	\$7,100,000	6%	50%	
A-	\$7,300,000	\$7,300,000	6%	50%	
BBB+	\$2,000,000	\$2,000,000	2%	20%	
NR	\$11,650,000	\$4,571,430	4%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
TOTAL	120,465,588	113,387,018	100%		

C12/6000 - INVESTMENT STATEMENTS (REC)
DIVERSIFICATION RISK

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	2,400,000	2.12%	2.12%	20%	
BANKWEST (11AM)	11AM	AA-	1,005,080	0.89%		20%	
BANKWEST (TERM)	TERM	AA-	15,674,410	13.82%	14.71%	20%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	BBB+	2,000,000	1.76%	1.76%	10%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	7,300,000	6.44%	6.44%	15%	
COMMONWEALTH BANK (TERM)	TERM	AA-	9,000,000	7.94%		20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	2,000,000	1.76%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.76%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	2,000,000	1.76%	13.23%	20%	
ING BANK (TERM)	TERM	A	6,600,000	5.82%		15%	
ING BANK (FLOAT RATE TD)	FRTD	A	500,000	0.44%	6.26%	15%	
MACQUARIE BANK	ADI	A	-	0.00%	0.00%	15%	
NAB (FRN)	FRN	AA-	4,000,000	3.53%		20%	
NAB (TERM)	TERM	AA-	12,800,000	11.29%	14.82%	20%	
RABODIRECT (TERM)	TERM	AA	-	0.00%	0.00%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	16,000,000	14.11%	14.11%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	7,600,000	6.70%	6.70%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	1,002,634	0.88%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,002,819	0.88%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	2,700,000	2.38%		20%	
WESTPAC (TERM)	TERM	AA-	12,500,000	11.02%		20%	
WESTPAC (COVERED BOND)	BOND	AA-	500,000	0.44%		20%	
WESTPAC BANK	ADI	AA-	-	0.00%	15.62%	20%	
ADELAIDE BANK	ADI	A-	-	0.00%	0.00%	10%	
CDO - Various	CDO		4,571,430	4.03%	4.03%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	UNITS		230,645	0.20%	0.20%		
			113,387,018	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	54,789,539	100%	100%	
	54,789,539	100%		
RESERVE FUNDS				
< 1 year	42,138,194	72%	100%	
< 2 years	2,276,600	4%	80%	
< 3 years	4,840,250	8%	80%	
< 4 years	6,000,000	10%	40%	
< 5 years	2,925,000	5%	40%	
> 5 years	-	0%	20%	Purchased Prior To Policy Change
	58,180,044	100%		

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

Monthly valuations for CDOs shown for August are based on valuations obtained from CPG Research and Advisory (CPG) as at 31 August 2012 who in turn have obtained them from the arranging banks. When compared to the valuations used as at 30 June 2011, valuations obtained from CPG as at 31 August 2012 show that CDOs have increased in value by \$4,004,995.

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

C12/6000 - INVESTMENT STATEMENTS (REC)

The Apex Glenelg Nomura International arranged CDO continues to pay coupon payments based on the full amount invested whilst those CDO's that have suffered an erosion of credit support and therefore underlying principal, pay interest at a reduced rate depending on the extent of the principal loss experienced. Council has earned \$5 million from CDO investments since 1 July 2007.

At its Ordinary Meeting held on Tuesday 18 September 2012 the Council decided to sell some of the CDO investments as opportunities to sell at realistic values have been presented.

The values of non Lehman Brothers arranged CDOs held as at 31 August 2012 were:

- face value of \$ 6,350,000;
- written down (book) value of \$555,674 and an
- estimated market value of \$1,431,430.

The values of Lehman Brothers arranged CDOs held as at 31 August 2012 were:

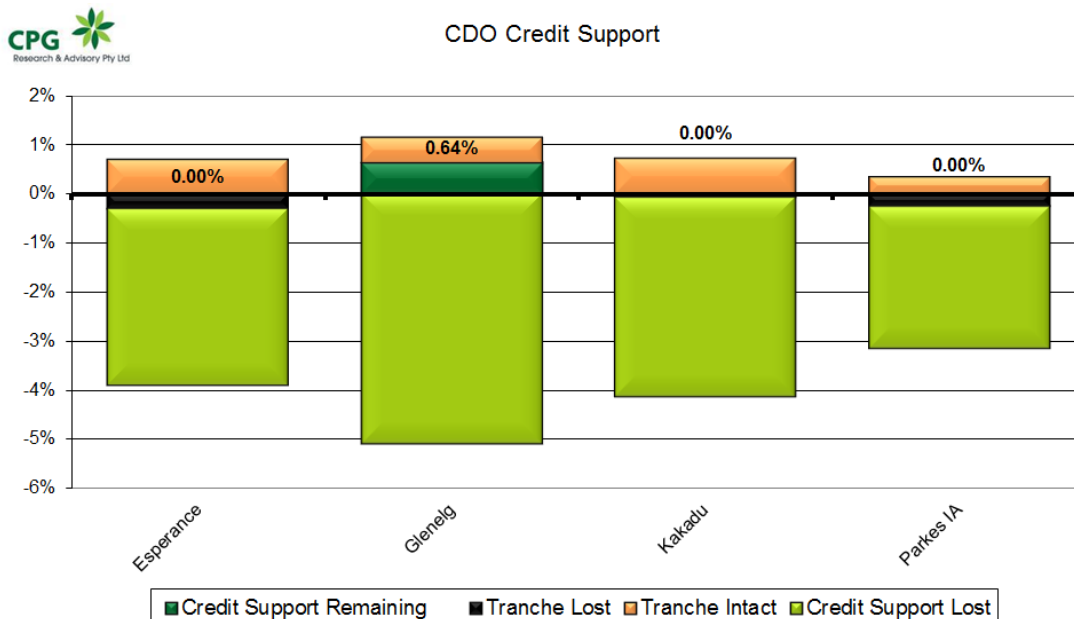
- face value of \$ 5,300,000;
- written down (book) value of \$10,761 and an
- estimated market value of \$3,140,000.

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

Credit Ratings and Credit Events

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

The impact of these credit events on the City's remaining non Lehman arranged CDOs are shown below.



C12/6000 - INVESTMENT STATEMENTS (REC)

CDO Name Arranger Face Value & Maturity Date	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Aphex Glenelg Arranger: Nomura International \$2.0 million Maturing 22/12/14	8 credit events: ResCap, Takefuji, AIFUL, Thomson, Lehman's, Landsbanki, CIT Group & PMI Group.	1.0	1.8	Very high likelihood of total default. Council approved conditional sale of this CDO at its Ordinary Meeting on 18/9/2012.
Corsair Cayman Kakadu Arranger: J.P. Morgan Australia \$1.5 million Maturing 20/3/14	12 credit events: ResCap, AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, Kaupthing, CIT Group, Anglo Irish Bank & PMI Group	-0.1	1.8	Partial loss 10.6% (\$0.159 million) of principal has occurred. Very high likelihood of total default.
Helium Capital Esperance Arranger: Merrill Lynch International \$1.8 million Maturing 20/3/13	7 credit events: PMI Group, Idearc, Tribune, Thomson, Lehman's, AMBAC Assurance & CIT Group.	-0.5	1.2	Partial loss 30.3% (\$0.545 million) of principal has occurred. Very high likelihood of total default. Council approved conditional sale of this CDO at its Ordinary Meeting on 18/9/2012.
Managed Aces Class Parkes 1A Arranger: Morgan Stanley \$1.05 million Maturing 20/6/15	10 credit events: ResCap, AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, CIT Group & PMI Group.	-0.8	1.1	Partial loss 41.9% (\$0.44 million) of principal has occurred. Very high likelihood of total default.

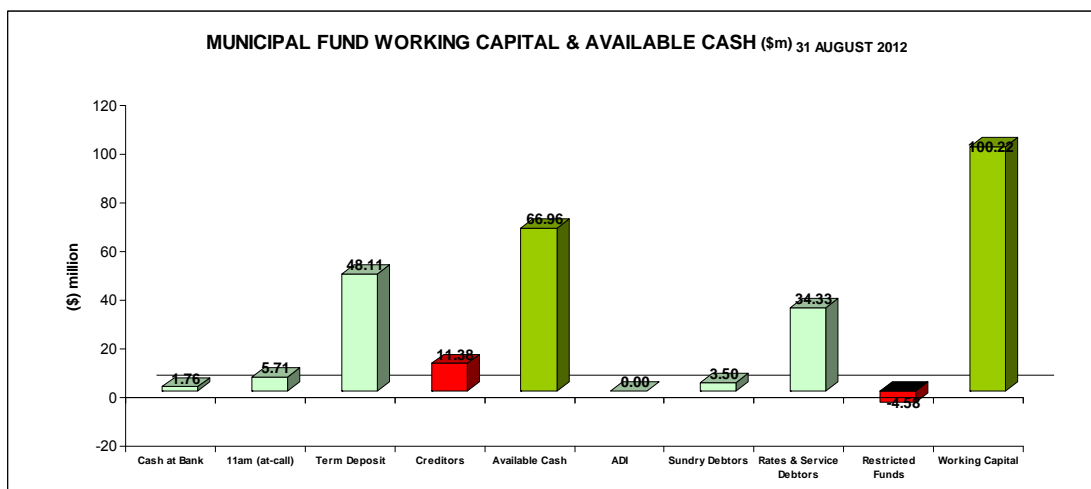
C12/6000 - INVESTMENT STATEMENTS (REC)

Terminated Lehman Brothers Arranged CDOs

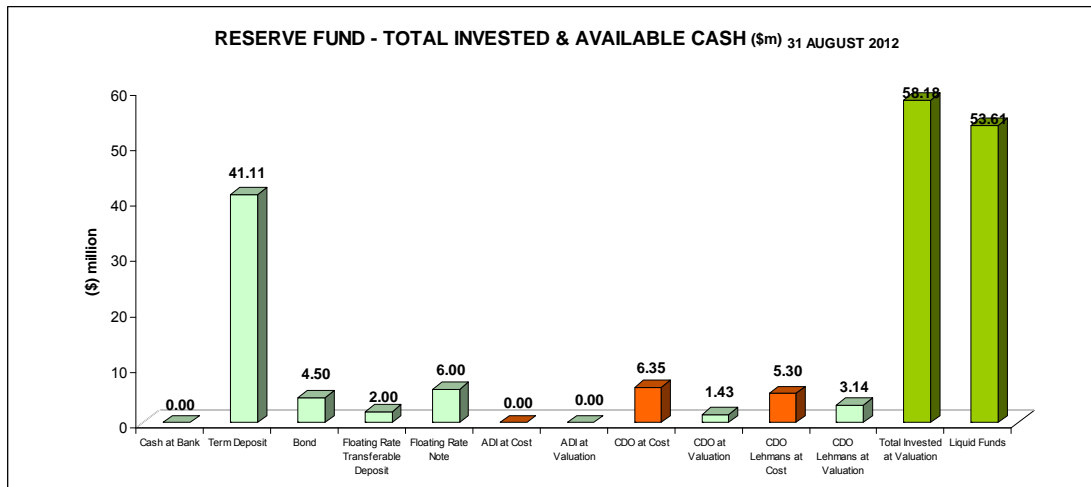
CDO Name Face Value & Maturity Date	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Beryl Finance Global Bank Note \$2.45 million Terminated (20/9/14)	Nil credit events:	1	N/A	Terminated due to Lehman bankruptcy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

Net Funds Held

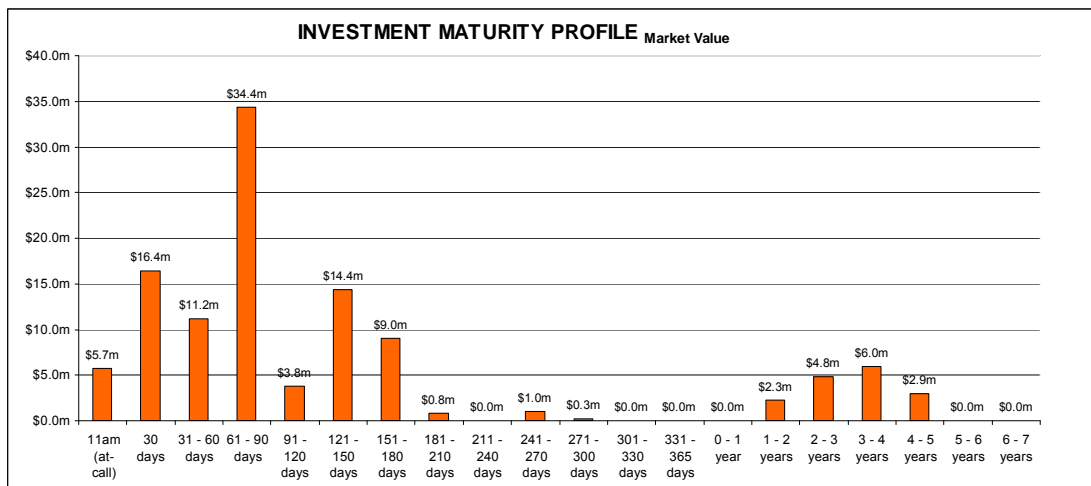
The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation, at 31 August 2012.



C12/6000 - INVESTMENT STATEMENTS (REC)



The graph below summarise the maturity profile of the City's investments at market value as at 31 August 2012.



PUBLIC CONSULTATION/COMMUNICATION

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

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

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

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

The following legislation is relevant to this report:

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

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

In conjunction with approximately 72 other corporations and local government authorities the City of Melville has engaged litigation funder IMF Australia to seek recovery of losses from Lehman Brothers Australia. Whilst the decisions taken by the various courts have been positive for the City the legal process is lengthy and it will still be some time before certainty is achieved. At the time of writing this report a decision regarding the legal action taken against Lehman Brother Australia (In Liquidation) was expected to be handed down in Friday 21 September 2012.

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

FINANCIAL IMPLICATIONS

For the period ending 31 August 2012, interest earned on:

- Municipal and Trust Funds was \$239,267 against a revised budget of \$450,184. This represents a \$210,917 negative variance.
- Reserve Funds was \$457,051 against a revised budget of \$191,193. This represents a \$265,858 positive variance.

The reason for the shortfall in Municipal and surplus in Reserve is a result of carry forwards which was transferred to Reserve Funds for the year ending 30 June 2012. This entry will be reversed in September and interest earnings adjusted accordingly between Municipal and Reserve Funds. The overall result still represents a \$54,941 positive variance.

The City's revenue from investment earnings is expected to decrease in the foreseeable future, as the RBA continues to cut the cash rate and the new restrictions that have been placed by regulation that limits the type of investments in which the City is permitted to invest.

C12/6000 - INVESTMENT STATEMENTS (REC)

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

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

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

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

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The investment report highlights that, except for the legacy CDO investments of 2007, the City's investment portfolio is invested in highly secure investments and is returning market competitive investment returns commensurate with the level of risk of the portfolio. The legacy CDO investments are being closely monitored by officers in conjunction with the City's investment advisors.

C12/6000 - INVESTMENT STATEMENTS (REC)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6000)****NOTING****That the Investment Report for the month of August 2012 be noted.**

At 9.26pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

C12/6001 – SCHEDULE OF ACCOUNTS FOR AUGUST 2012 (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 : 2012/2013 Budget
 Responsible Officer : Khris Yeoh
 Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

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

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

KEY ISSUES / SUMMARY

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

BACKGROUND

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

DETAIL

The Schedule of Accounts for the month ending 31 August 2012, [6001 August 2012](#) including Payment Registers numbers Cheques **303 to 312** and Electronic Funds Transfers **255 to 258** were distributed to the Members of Council on 28 September 2012.

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

Supplier Name	Remittance Number	Remittance Details	Amount
Alinta Gas	Chqs 050284 & 050435	Gas supply	\$28,714.48
Alpha West Services Pty Ltd	E030539 & E030731	Network module & router for telephones	\$187,376.09
Amcom Telecommunications	E030571	Data centre charges	\$49,890.50
Australia Post Perth	E030485 & E030698	Mail charges for June & July	\$58,404.07
Beacon Equipment	E030586 & E030773	Arboriculture equipment	\$50,511.06
Boral Construction	E030622 & E030400	Road resurfacing	\$68,981.33
Cleanaway	E030404	Recycling fee for July	\$83,040.59
Complete Tyre Solutions	E030714	Tyre supplies	\$26,684.35
Crabclaw Holdings Pty Ltd	E030694 & E030480	Building maintenance	\$46,923.12
Dalkia Technical Services Pty Ltd	E030756 & E030572	Replacement of air conditioner	\$210,595.00
Department of Transport	Chqs 050429, 050099 & 050100	Motor vehicle license renewals	\$41,074.30
Downer EDI Works Pty Ltd	E030739 & E030551	Road resurfacing	\$106,966.70
Dowsing Concrete	E030611 & E030799	Concrete works	\$270,340.87
Excel Kerbing	Chqs 050453 & 050301	Kerbing	\$50,986.65
Flexi Staff	E030655 & E030433	Temporary employment	\$65,157.81

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

Supplier Name	Remittance Number	Remittance Details	Amount
GHD Pty Ltd	E030545	Canning Bridge Activity Centre structure plan, progress claim for John Connell Reserve ground water investigation & geotech investigation at Len Shearer Reserve	\$104,965.85
Maxwell Robinson & Phelps	E030519 & E030723	Chemical spraying	\$67,853.99
Media On Mars	E030393 & E030546	Graphic design	\$42,493.00
Melville Subaru	E030448 & E030664	Purchase of Subaru Outback Wagon	\$41,116.65
Melville Toyota	E030683 & E030468	Purchase of Toyota Kluger Wagon	\$55,794.08
Natural Area Management & Services	E030601 & E030788	Variation claim for Point Walter restoration project	\$28,923.21
Phase 3 Landscape Constructions Pty Ltd	E030761	Progress claim 1 for Wireless Hill Park	\$89,371.80
Quayclean Australia Pty Ltd	E030537	Cleaning of Melville Aquatic Fitness Centre, Melville Recreation Centre & AH Bracks Library for May & July	\$50,622.68
Robinson Buildtech	E030641 & E030418	Building maintenance	\$41,428.98
South West Group	E030672	Council contributions	\$38,000.00
Southern Metropolitan Regional Council	E030708 & E030502	MSW gate fees for July & annual membership contributions	\$1,162,184.95
Synergy	Chqs 050380 & 050407	Electricity supply	\$431,430.63
Titan Ford	E030674 & E030458	Purchase of 4 Ford PK Ranger Crew Cabs	\$132,664.40
Western Australian Local Government Association	E030709 & E030506	Subscriptions & advertising	\$115,470.13
Western Power	Chqs 050280 & 050406	Cash call 1 for Ardross West & Attadale North underground power projects	\$1,161,295.00

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

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2012/2013 Budget

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

That the Schedule of Accounts for the month ending 31 August 2012, as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 August 2012](#) be noted.

At 9.26pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

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

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- This report presents the Financial Statements for the financial year to date ending 31 August 2012 and recommends that they be noted by the Council.
- This report presents the budget amendments for the month of August and recommends that they be adopted by Absolute Majority of the Council.
- Money expended in an emergency:
 - As a result of the fire at the Civic Centre in 2011, unbudgeted expenditure of \$443,115 has been expended from Municipal funds since the day of the fire.
 - On 24 September 2012 a suitable settlement offer was received from Local Government Insurance Services and the offer has been accepted.

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

BACKGROUND

The Financial Statements for the financial year to date ending 31 August 2012 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996.

DETAIL

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

For the period 1 July 2012 to 31 August 2012, a net operating positive variance of \$3,235,087 and a net capital positive variance of \$241,543 has been recorded.

Variations

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

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2012								
	August Actual \$	YTD Revised Budget \$	YTD Actual \$	Current Commitments \$	Variance \$	Variance %	Annual Budget \$	Annual Revised Budget \$
Revenues								
General Purpose Funding	7,120,047	7,647,252	7,458,512	-	(188,739)	-2%	13,844,420	13,844,420
Law, Order, Public Safety	7,847	2,150,299	2,319,392	-	169,093	8%	2,511,781	2,512,281
Health	78,734	12,797	195,487	-	182,691	1428%	215,106	215,106
Community Amenities	98,766	15,559,900	15,451,080	-	(108,820)	-1%	16,669,400	16,699,400
Recreation and Culture	629,356	1,436,282	1,534,780	(795)	98,498	7%	8,840,659	9,050,669
Other Property and Services	128,349	104,740	256,193	26,000	151,453	145%	387,618	730,389
	8,372,936	28,518,782	28,800,828	24,490	433,499	1%	48,956,270	49,751,080
Expenses								
Governance	(1,498,594)	(3,086,766)	(2,664,786)	(787,532)	421,981	-14%	(16,062,578)	(16,258,331)
General Purpose Funding	(2,335,527)	(2,504,647)	(2,291,083)	(94,162)	213,564	-9%	(6,575,980)	(6,575,980)
Law, Order, Public Safety	(359,417)	(616,283)	(542,498)	(54,998)	73,784	-12%	(3,723,487)	(3,774,123)
Education & Welfare	(601,373)	(1,029,578)	(873,088)	(188,619)	156,490	-15%	(5,463,762)	(5,583,302)
Community Amenities	(2,046,137)	(3,380,501)	(2,592,051)	(849,777)	788,450	-23%	(19,172,687)	(19,791,341)
Recreation and Culture	(2,505,186)	(4,727,311)	(3,712,559)	(1,236,863)	1,014,751	-21%	(26,840,555)	(27,082,856)
Transport	(645,718)	(1,431,939)	(1,261,287)	(560,809)	170,653	-12%	(10,003,523)	(9,919,808)
Other Property and Services	(166,330)	(1,551,412)	(1,287,667)	(195,795)	263,745	-17%	(3,193,363)	(3,297,226)
	(10,275,051)	(18,507,286)	(15,393,662)	(3,993,181)	4,605,684	-17%	(92,121,667)	(93,339,143)

Revenue

\$52.3m in Rates has been raised to 31 August 2012. This is compared with a year to date budget of \$52.3m, resulting in no variance.

Money Expended in an Emergency and Unbudgeted Expenditure

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

Budget Amendments

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

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

Rates Collections and Debtors

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N.

Rates, Refuse & Fire and Emergency Service Authority payments totalling \$40,492,597 were collected over the course of the month. Rate collection progress for the month of August was 6.5% below target. "At 31 August 2012, 55.5% of 2012/2013 rates had been collected which compares unfavourably to the 61.3% collected this same time last year.

Total sundry debtor balances decreased by \$194,050 over the course of the month. The 90+ day's debtor balance increased by \$38,767.

Granting of concession or writing off debts owed to the City

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

No concessions were granted or amounts written off under delegated in the month of August 2012.

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

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

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

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

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

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

34. Financial activity statement report — s. 6.4

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

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

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

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

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

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

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

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

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

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

The variance adopted by the Council at its Special meeting held on 26 June 2012 to adopt the 2012/2013 Budget, was 10% or \$50,000 whichever is greater.

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

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

FINANCIAL IMPLICATIONS

Variances are dealt with in attachment 6002H (Notes on Operating Statements reporting on variances of 10% or greater).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 August 2012.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY APPROVAL

At 9.26pm Cr Willis moved, seconded Cr Kinnell -

That the Council:

- Note the Rate Setting Statement and Statements of Financial Activity for the financial year ending 31 August 2012 as detailed in the following attachments:**

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

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

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

At 9.26pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**15.1 Review of the Code of Conduct Policy****COUNCIL RESOLUTION**

At 9.27pm Cr Pazolli moved, seconded Nicholson -

That the Council commence an immediate review of the Code of Conduct Policy CP-041, with discussions amongst Elected Members and Council Officers at Elected Members Information Sessions (EMIS) to determine the appropriate changes to the policy. On completion of the review, the amended policy shall be presented to the next Ordinary Meeting of Council for debate and, if supported, adoption.

At 9.37pm the Mayor submitted the motion, which was declared

LOST (5/6)

Cr Pazolli requested that the votes be recorded –

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

Reasons for Motion

The Council's current policy is to review all policies at least once every two years. The Code of Conduct policy was last reviewed in October 2009 and is therefore overdue for a review. It is also clear that the current wording of the Code of Conduct has resulted in situations where the position of Elected Members interacting with ratepayers is at best unclear and a review is needed to provide some clarity, as well as ensuring that the Code of Conduct is consistent with the Local Government Act.

16. EN BLOC ITEMS

At 9.38pm Cr Foxtton moved, seconded Cr Macphail -

That the recommendations for items C12/5249, C12/5000, C12/6000 and C12/6001 be carried En Bloc.

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

CARRIED (11/0)

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

At 9.38pm Cr Macphail moved, seconded Cr Willis -

That the meeting be closed to the public to permit discussion on Confidential Item P12/3347 - Reconsideration of Three-Storey with Undercroft Multiple Dwelling at Lot 899 (18A) Tweeddale Road, Applecross covered under Section 5.23 (2) (d) of the Local Government Act 1995 relating to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

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

CARRIED (11/0)

There were no members of the public or the Press in the Public Gallery when the meeting was closed.

At 9.39pm Cr Nicholson left the meeting and returned at 9.41pm.

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

P12/3347 – LATE AND CONFIDENTIAL ITEM - RECONSIDERATION OF THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899 (18A) TWEEDDALE ROAD, APPECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3337)

SPECIAL MAJORITY APPROVAL

At 9.42pm Cr Macphail moved, seconded Cr Foxton -

That the Council approve by Special Majority the Officer Recommendation contained in the confidential report P12/3347 - Confidential Item - Reconsideration of Three-Storey with Undercroft Multiple Dwelling at Lot 899 (18A) Tweeddale Road, Applecross.

At 9.55pm the Mayor submitted the motion, which was declared

CARRIED BY SPECIAL MAJORITY (10/1)

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

At 9.57pm Cr Kinnell moved, seconded Cr Willis -

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

At 9.57pm the Mayor submitted the motion, which was declared

CARRIED (11/0)

No members of the public or the Press returned to the meeting.

19. CLOSURE

There being no further business to discuss, His Worship the Mayor declared the meeting closed at 9.58pm.