

**MINUTES
OF THE
ORDINARY MEETING OF COUNCIL
HELD ON
15 MAY 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.

DISTRIBUTED: 18 May 2012

CONTENTS PAGE

	Item Description	Page Number
URBAN PLANNING		
P12/3307	Three Storey Dwelling at Lot 899 (18A) Tweeddale Road, Applecross	6
P12/3308	Three-Storey with Undercroft Multiple Dwelling at Lot 899 (18A) Tweeddale Road, Applecross	17
P12/3304	Final Adoption of Amendment No. 62 to Community Planning Scheme No.5 – Rezoning of 44 Moolyteen Road and 26 Madden Way, Brentwood From 'Living Area BT2' to 'Community Centre CCR' Precinct	29
P12/3305	Amendment No 64 to Community Planning Scheme No 5 – Rezoning Lot 10 (94) Kitchener Road, Alfred Cove From Living Area R20 to Living Area R40	40
P12/3306	Final Adoption of Amendment No. 66 to Community Planning Scheme No. 5 – Rezoning of 88-96 Bawdan Street, Willagee From 'Living Area W1' to 'Community Centre BS' Precinct	49
TECHNICAL SERVICES		
Nil		
COMMUNITY DEVELOPMENT		
CD12/8046	Strategic Community Plan Revision	61
MANAGEMENT SERVICES		
Nil		
CORPORATE SERVICES		
C12/5230	Policy Review – Executive Manager Organisational Development	67
C12/5000	Common Seal Register	71
C12/6000	Investment Statements	74
C12/6001	Schedule of Accounts March 2012	88
C12/6002	Financial Statements March 2012	93
15.1	Allocation of Funding to the Friends of Wireless Hill for the purpose of hand weeding	99
CONFIDENTIAL ITEMS		
P12/3303	Confidential Item - Reconsideration of Two Storey Mixed Use Development with Basement Parking on Lot 1 (408) Canning Highway, Bicton	102
C12/5229	Late Item C12/5229 – Western Australian Local Government Association Report Concerning an Alleged Breach of the Code of Conduct	103
M12/5228	Late Item – City of Melville – Chief Executive Officer Performance Review	110

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, 15 MAY 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 and 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

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

WARD

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

3. IN ATTENDANCE

Mr J Christie	A/Chief Executive Officer
Mr M Tieleman (Until 8.07pm)	Director Corporate Services
Ms C Young (Until 8.07pm)	Director Community Development
Mr S Cope (Until 8.17pm)	Director Urban Planning
Mr P Kellick (Until 8.17pm)	A/Director Technical Services
Mr L Hitchcock (Until 8.52pm)	Executive Manager Legal Services
Ms K Johnson (From 8.54pm)	Executive Manager Organisational Development
Mr P Prendergast (Until 8.17pm)	Manager Planning & Development Services
Mr B Taylor (Until 8.52pm)	Manager Information, Technology & Support
Mr J Clark	Governance & Compliance Program Manager
Ms D Beilby (Until 8.52pm)	Minute Secretary
Ms A Lake (From 8.54pm)	Consultant

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

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

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

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

Nil.

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

Nil.

6. QUESTION TIME

Nil.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF COUNCIL – 17 APRIL 2012**
Min 17 April 2012**COUNCIL RESOLUTION**

At 6.37pm Cr Willis moved, seconded Cr Reynolds -

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 17 April 2012, be confirmed as a true and accurate record.

At 6.37pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 1 MAY 2012
Notes 1 May 2012**COUNCIL RESOLUTION**

At 6.38pm Cr Hill moved, seconded Cr Kinnell -

That the Notes of Agenda Briefing Forum held on Tuesday, 1 May 2012, be received.

At 6.38pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

8.3 GOVERNANCE COMMITTEE – 2 MAY 2012**COUNCIL RESOLUTION**

At 6.39pm Cr Reidy moved, seconded Cr Hill -

That the Minutes of the Governance Committee Meeting held on Wednesday, 2 May 2012 be noted.

NB:

Minutes to be confirmed at next Governance Committee Meeting.

At 6.39pm the Mayor submitted the motion, which was declared

CARRIED (9/4)

Cr Pazolli requested that the votes be recorded.

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

Against: Cr Barton, Cr Nicholson, Cr Pazolli, Cr Taylor-Rees.

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

Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- C12/5229 Cr A Nicholson Interest under the Code of Conduct

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.48pm Cr Taylor-Rees moved, seconded Cr Hill -

That the applications for new leave of absence submitted by Cr Barton, Cr Foxton and Cr Willis on 15 May 2012 be granted.

At 6.48pm the Mayor submitted the motion which was declared

CARRIED (13/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- P12/3303 Confidential Item – Reconsideration of Two Storey Mixed Use Development with Basement Parking on Lot 1 (408) Canning Highway, Bicton

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 may be obtained which relates to this matter.

- C12/5229 Western Australian Local Government Association Report Concerning an Alleged Breach of the Code of Conduct

Confidential Attachments for the above matter are confidential in accordance with Section 5.23 (2) (b) relating to the personal affairs of any person.

- M12/5228 City of Melville Chief Executive Officer Performance Review

Confidential Attachments for the above matter are confidential in accordance with Section 5.23 (2) (b) & (c) relating to the personal affairs of any person and a contract that has been entered into.

12. PETITIONS**12.1 Petition – Restriction of Height Limits in Riseley Centre, Ardross**

A petition signed by 497 residents and ten non residents was received by the City of Melville on Friday, 27 April 2012. The petition reads as follows –

“We, the undersigned, all being Electors of the City of Melville, do humbly pray that Height limits in the Riseley Centre, Ardross be restricted to four storeys. The proposal to allow ten storeys would lead to traffic becoming unmanageable, visual amenity of the area decreasing and local residents being severely impacted by the development. We ask you to urgently reconsider this draft development proposal.”

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

At 6.48pm Cr Reidy moved, seconded Cr Macphail -

That the petition bearing 507 signatures be received and acknowledged in writing to the lead petitioner with the advice that a report will be presented to a future meeting of Council.

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

CARRIED (13/0)

13. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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

P12/3307 - THREE STOREY DWELLING AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

Ward	:	Applecross/Mt Pleasant
Category	:	Operational
Application Number	:	DA-2011-920
Property	:	18A Tweeddale Road, Applecross
Proposal	:	Three Storey Dwelling
Applicant	:	Tuscom & Associated Pty Ltd
Owner	:	T and P The
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	DA-2009-1523
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 review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>when the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

P12/3307 - THREE STOREY DWELLING AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for the construction of a three-storey dwelling at 18A Tweeddale Road, Applecross.
- Approval was previously granted in 2010 (DA-2009-1523 refers) for a broadly similar development. This approval will expire on 12 April 2012..
- The proposal is generally compliant with the provisions of Community Planning Scheme No. 5 (CPS5), the Acceptable Development provisions of the Residential Design Codes (R-Codes) and Council policies with the exception of the maximum building height, buildings on boundary, boundary setbacks and visual privacy.
- A consultation exercise was undertaken in accordance with the advertising requirements of CPS5. Two objections were received.
- The proposed development is considered acceptable, or can be made acceptable subject to the imposition of planning conditions, when assessed against the relevant Performance Criteria of the R-Codes.
- The application is recommended for conditional planning approval, noting that the building height variation requires a Special Majority decision of the Council.



P12/3307 - THREE STOREY DWELLING AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

Planning approval was granted for the construction of a three storey dwelling on the subject site on 13 April 2010. This approval expired on 12 April 2012.

The proposed plans are almost identical to the previously approved plans with the exception of some changes to the configuration of windows.

Since the previous approval was granted in 2010, Council Policy CP-066: Height of Buildings has been reviewed. This policy was amended to reduce the maximum wall height for buildings with flat and concealed roofs to no greater than 1m above the stipulated eave height.

Scheme Provisions

MRS Zoning : Urban
CPS 5 Zoning : Living Area A3 - Applecross
R-Code : R30
Use Type : Residential
Use Class : P - Permitted

Site Details

Lot Area : 613m²
Retention of Existing Vegetation : Not Applicable
Street Tree(s) : Not Applicable
Street Furniture (drainage pits etc) : Not Applicable
Site Details : Refer to photo above

[3307 18A Tweeddale Site & Elevation Plans](#)

DETAIL

The proposal satisfies all of the relevant provisions contained within CPS5, the R-Codes and Council policy with the exception of those matters addressed below.

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Buildings on Boundary	Maximum height 3.5m average height 3m 2/3 length of the boundary behind the front setback (21.69m)	10.5m 6.4m 21.6m	Does not comply	MPDS	

P12/3307 - THREE STOREY DWELLING AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

Visual Privacy	Major openings setback as follows: Bedrooms and studies - 4.5m Habitable rooms other than bedrooms and studies – 6m Unenclosed outdoor habitable spaces – 7.5m	First floor 2 bed window along northern elevation setback 1.7m from eastern boundary	Does not comply	MPDS	
		First floor balcony along northern elevation setback 4m from western boundary	Does not comply	MPDS	
		Second floor retreat window along northern elevation setback 1.5m from the eastern boundary	Does not comply	MPDS	
		Second floor balcony along the northern elevation setback 4.6m from the western boundary	Does not comply	MPDS	

P12/3307 - THREE STOREY DWELLING AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

		Second floor balcony along the northern elevation setback 4.6m from the western boundary	Does not comply	MPDS	
Boundary setbacks	Ground floor setback 1.5m from the eastern boundary	1.0m – 1.6m	Does not comply	MPDS	
	First floor Bed 4/Bed 3/Balcony setback 2.4m from the western boundary	1.2m	Does not comply	MPDS	
	Second floor Balcony/Family Room setback 1.9m from the eastern boundary	1.5m – 2m	Does not comply	MPDS	
	Second floor Ensuite/Powder room/Computer/Balcony setback 1.9m from the western boundary	1.2m	Does not comply	MPDS	
Maximum height for building with concealed roofs	9m	10.5m	Does not comply	Council	

P12/3307 - THREE STOREY DWELLING AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
Neighbour's Comment Supplied: Yes. Two objections
Reason: Variation to Council Policy
Support/Object: Object

Submission	Summary of Submission	Support/Objection	Officers Comment	Action (Condition/ Uphold/ Not Uphold)
Riverway, Applecross	Objection to height variation based on its detrimental impact upon the existing streetscape. Concerns also raised in relation to the precedent this may create.	Object	The proposal seeks approval for a development almost identical to that previously approved on the subject site. Notwithstanding this, the height variation proposed is not considered to have any detrimental impacts to the existing amenity levels enjoyed by the objectors. Further justification is provided under the 'comments'.	Not Uphold

P12/3307 - THREE STOREY DWELLING AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

Riverway, Applecross	Objection to height variation based on its detrimental impact upon the existing streetscape. Concerns also raised in relation to the precedent this may create.	Object	The proposal seeks approval for a development almost identical to that previously approved on the subject site. Notwithstanding this, the height variation is not considered to have any detrimental impacts to the existing amenity levels enjoyed by the objectors. Further justification is provided under the 'comments' section below.	Not Uphold
-------------------------	---	--------	---	------------

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

None required by this application.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

None applicable in respect of this application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

P12/3307 - THREE STOREY DWELLING AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**POLICY IMPLICATIONS**

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

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application is recommended for approval by Special Majority decision of Council. Council could refuse to grant consent, however this action is not recommended as the proposed height variation satisfies the relevant Performance Criteria of the R-Codes.

COMMENTSBuilding Height

This application is referred to Council for consideration and determination on the grounds that a variation to the maximum height provisions of CPS5 is proposed, the approval of which requires a Special Majority decision of the Council.

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

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

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

Where a building is proposed with a concealed, skillion or non-traditional pitched roof design, as is the case with the subject proposal, the Policy requires the maximum wall height to be no more than 1m higher than the maximum eave height, as per the particular Precinct requirement. In this case, the maximum eave height for buildings within the Applecross A3 Precinct area is 8.0m. The proposed development is designed to incorporate a concealed (or flat) roof, therefore the maximum permissible wall height is 9m. The proposed maximum wall height is 10.5m.

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

P12/3307 - THREE STOREY DWELLING AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

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

- There are a number of examples of existing buildings in the immediate locality with a maximum wall height of more than 9m.
- The bulk and scale of the proposed dwelling is consistent with the existing immediate streetscape as well as the broader locality. Neighbouring narrow lot properties, along the northern side of Tweeddale Road in particular, were all approved under the previous Height Policy, forming a consistent and recognisable streetscape.
- The proposal satisfies the Acceptable Development Provisions of the R-Codes in respect of overshadowing.
- The sloping topography of the area ensures that any potentially adverse impacts as a result of the over height portion of wall and roof, is minimised.. All surrounding properties are oriented toward the river and the City and as such, streetscape and house attention is focused on this aspect rather than solely on neighbouring properties.
- The height of the proposed development is almost identical with that which was previously approved by the City in 2010.

Whilst two objections were submitted by adjoining neighbours in relation to the height variation sought, these were considered unsubstantiated for reasons outlined above. In view of this, it is concluded that the proposed building height variation is acceptable.

Other Development Variations

The proposed development also includes a number of variations to the Acceptable Development requirements of the R-Codes. However, as no objections were received in respect of them and as they can be accommodated in accordance with the relevant performance criteria, or by condition in the case of the visual privacy variations, they are accepted on that basis.

Amenity

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

CONCLUSION

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

P12/3307 - THREE STOREY DWELLING AT LOT 899 (18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3307)
SPECIAL MAJORITY APPROVAL**

At 6.50pm Cr Robartson moved, seconded Cr Macphail -

- A) That the application for a Three-Storey Dwelling at Lot 899 (18A) Tweeddale Road, Applecross be approved by a Special Majority decision of the Council subject to the following conditions:**

SPECIAL CONDITIONS:

- 1. The external face of the boundary wall is to be finished to the satisfaction of the adjoining neighbour, or, in the event of a dispute, to the satisfaction of the Manager Planning and Development Services.**
- 2. Prior to the initial occupation of the development, the openings along the northern elevation of the first floor Bed Two and second floor Retreat (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of Clause 6.8.1 (A1) of the Residential Design Codes. The screening measures must thereafter be retained in Perpetuity, to the ongoing satisfaction of the Manager Planning and Development Services.**
- 3. Prior to the initial occupation of the development, the northern elevation of the first and second floor balconies (as marked in RED on the approved plans) shall have installed, fixed obscure screening to a minimum height of 1.65 metres above the finished floor level, or any other screening alternative that complies with the purpose and intent of Clause 6.8.1 (A1) of the Residential Design Codes. The screening measures must thereafter be retained in perpetuity to the ongoing satisfaction of the Manager Planning and Development Services.**

STANDARD CONDITIONS:

- 4. All stormwater generated on site is to be retained on site.**
- 5. Ground levels may not be changed other than approved as part of this approval.**

- B) That the residents who objected to the proposal be notified in writing of A) above.**

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

LOST (6/7)

The Recommendation was declared Lost as a Special Majority of ten votes was not achieved.

**P12/3307 - THREE STOREY DWELLING AT LOT 899 (18A) TWEEDDALE ROAD,
APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

The application was refused for the following reason -

The proposed development would, by virtue of its height, conflict with the provisions of Council Policy CP-066 Height of Buildings and on that basis would be of detriment to the character of the locality, contrary to Clause 7.8 of the City of Melville Community Planning Scheme No. 5.

**P12/3308 - THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899
(18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

Ward : Applecross – Mount Pleasant
 Category : Operational
 Application Number : DA-2011-439
 Property : Lot 899 (18A) Tweeddale Road, Applecross
 Proposal : Three-storey with Undercroft Multiple Dwelling
 Applicant : Tuscom & Associated Pty Ltd
 Owner : T and P The
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : DA-2009-1523
 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 review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>when the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**P12/3308 - THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899
(18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

KEY ISSUES / SUMMARY

- Planning approval is sought for a three-storey with undercroft multiple dwelling development.
- The subject site is located on land zoned 'Living Area' with a residential density coding of 'R30'. Properties immediately south of the subject site are zoned 'Commercial Centre Frame', forming part of the broader Canning Bridge Precinct Vision study area.
- The proposed development incorporates a number of variations to the development requirements of the R-Codes and CPS5. These relate to plot ratio, boundary setbacks, storage area size and building height.
- The variations have been advertised to adjoining neighbours with four objections being received.
- Whilst the concerns raised are acknowledged, the proposed variations are supported given compliance with the relevant Performance Criteria of the R-Codes and the objectives and amenity provisions of CPS5.
- The approval of the application requires a Special Majority decision of Council given the building height variation sought.
- The application is recommended for conditional approval.



**P12/3308 - THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899
(18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area
R-Code	: R30
Use Classes	: Residential
Use Permissibility	: Permitted

Site Details

Lot Area	: 613sqm
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: No registered trees on verge
Street Furniture (drainage pits etc)	: Not applicable
Site Details	: Refer to photo above

3308 18A Tweeddale Elevation & Parking Plans

DETAIL

Development Requirements

A number of variations to the development requirements of the R-Codes, CPS5 and Council Policy are proposed. These are summarised as follows:

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
CPS5 / Policy Variations					
Building Height	9.0m (max)	10.5m	Does not comply	Council	
R-Code Variations					
Plot Ratio	0.5 / 306.5sqm	0.94 / 578sqm	Does not comply	MPDS	
Storage Facilities	1.5m minimum dimension	1.2m minimum dimension	Does not comply	MPDS	
Setbacks – Side (east)					
SF – Kitchen	4.0m	3.34m	Does not comply	MPDS	
Setbacks – Side (west)					
GF – WIR / WC / Courtyard / Stairs	1.5m	0m	Does not comply	MPDS	
FF – WIR / WC	1.2m	0m	Does not comply	MPDS	

**P12/3308 - THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899
(18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

FF – Bed 2 / Bath / Study / Lounge	1.5m	1.2m	Does not comply	MPDS	
SF – WIR / WC	1.5m	0m	Does not comply	MPDS	
SF – Bed 2 / Bath / Study / Lounge	1.9m	1.2m	Does not comply	MPDS	

(Note: UC – Undercroft, GF – Ground Floor, FF – First Floor, SF – Second Floor)

For the purposes of clarity and brevity, the subject report will further address matters relating to plot ratio and building height, matters of which have a direct correlation to the concerns raised by the objectors to the subject proposal and the latter of which requires Council approval. Other variations listed above have been deemed to comply with the relevant Performance Criteria of the R-Codes.

It is noted that no objections have been raised in relation to the setback variations detailed in the table above.

PUBLIC CONSULTATION / COMMUNICATION

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

Submission received from	Summary of Submissions	Support / Objection	Officer's Comment	Action (Uphold / Not Uphold)
Submission 1	Object to proposal stating concerns in relation to: <ul style="list-style-type: none"> Insufficient parking being available on Tweeddale Road. Excessive building footprint. Incompatible with existing buildings in relation to size and bulk. 	Object	Whilst concerns raised are acknowledged, the proposal in relation to building footprint (i.e. open space requirement) and parking is compliant with the relevant provisions of the R-Codes. With regard to building size and bulk, further justification is provided under the comments section below.	Not Uphold
Submission 2	No objection	Support	Noted.	Uphold

**P12/3308 - THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899
(18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

Submission 3	<p>Object to proposal stating concerns in relation to:</p> <ul style="list-style-type: none"> • Further increase occurring to the finished ground level. • Overlooking issues resulting from the building height variation. • The bulk of the proposal will be out of scale with surrounding developments. • Height and length of the side boundary wall is not a good design outcome. 	Object	<p>The following points are raised in relation to the concerns raised:</p> <ul style="list-style-type: none"> • No increased to the established ground levels (i.e. retained levels) form part of this application. • The proposal is fully compliant with the privacy requirements of the R-Codes. • Whilst the boundary walls represent a bulk impact in its current form, it is noted that this will be temporary for once the adjoining lot at No. 18B Tweeddale Rd develops, the development will take due regard to the existence of the walls. No objection has been raised in relation to the boundary wall by the affected neighbour being 18B Tweeddale Rd. • With regard to building size and bulk, further justification is provided under the comments section below. 	Not Uphold
--------------	--	--------	--	------------

**P12/3308 - THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899
(18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

Submission 4	<p>Object to the proposal on the following grounds:</p> <ul style="list-style-type: none"> Plot ratio variation resulting in excessive building bulk which would not fit in with the locality. No space available for off-street parking. Access difficulties for service vehicles. 	Object	<p>With regard to the parking and access concerns raised, the proposal satisfies the parking requirements of the R-Codes. It is noted that service vehicle access is not anticipated to be a frequent issue given the development is non-commercial in nature.</p> <p>With regard to building size and bulk, further justification is provided under the comments section below.</p>	Not Uphold
Submission 5	<p>Object to proposal on stating concerns in relation to:</p> <ul style="list-style-type: none"> Plot ratio variation will result in a building which is not in keeping with the current streetscape. Detrimental impact on already limited parking. No objection to setback variations. 	Object	<p>As per above, the proposal is fully compliant with the parking requirements of the R-Codes.</p> <p>No objection to setback variations is noted.</p> <p>With regard to building size and bulk, further justification is provided under the comments section below.</p>	Partly Uphold

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications anticipated as part of this proposal.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

**P12/3308 - THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899
(18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATIONS**

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

The objective of Policy CP-066 is “...to provide guidance regarding the interpretation and application of building height controls throughout the City, in order to ensure that the height of buildings is consistent with the desired character of the locality, in the interests of residential and visual amenity”.

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

ALTERNATE OPTIONS & THEIR IMPLICATIONS

This application requires Special Majority decision of the Council to determine. Should the application be refused, the matter may be the subject of an Application for Review through the State Administrative Tribunal (SAT).

COMMENT

Planning approval is sought for a three-storey with undercroft multiple dwelling development at 18A Tweeddale Road, Applecross. The subject site is located on land zoned ‘Living Area – Applecross A3’ with a residential density coding of ‘R30’. Properties immediately south of the subject site are zoned ‘Commercial Centre Frame’, forming part of the broader Canning Bridge Precinct Vision study area.

The Statement of Intent of the ‘Applecross A3’ Precinct states:

“Primarily medium density residential but may include home occupations, parks, religious, recreational, educational and community uses provided they are not developed to such an intensity that they disturb the Precinct or are out of character with it. All non-residential uses shall be advertised in accordance with Clause 7.5, provided that home occupations shall be determined in accordance with Clause 5.6.”

Based on the above, the development proposal in question is considered to be consistent with the stated land use objectives of CPS5.

In design terms, the proposed building has been designed in a contemporary residential style with concealed roof. The lot itself slopes from south to north, however this slope has been addressed through retaining previously approved under a separate application. Notwithstanding the variations sought, the design is considered to be consistent with what could be expected for a residential building with an ‘R30’ density coding.

The following sections below provide a detailed assessment of the variations sought to building height and plot ratio, in response to the objections raised.

**P12/3308 - THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899
(18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**Plot Ratio

The proposal presents a total plot ratio of 0.94 (578sqm) in lieu of 0.5 (306.5sqm) permitted under the provisions of the R-Codes.

Where a variation is sought to the Acceptable Development provisions of the R-Codes, assessment under the Performance Criteria is required. In this instance, a variation to plot ratio requires an assessment that *"...development of the building is at a bulk and scale indicated in the local planning scheme and is consistent with the existing or future desired built form of the locality"*.

In this case, whilst the subject proposal includes a noteworthy variation to the permitted plot ratio, the variation is supported for the following reasons:

- Plot ratio restrictions do not, in isolation, provide a good mechanism for the control of building bulk or scale. In this regard, development standards relating to setbacks and building height have a direct impact on building bulk. As the setbacks are deemed to comply with the Acceptable or otherwise Performance Criteria of the R-Codes and building height is also supported for reasons outlined in the section below, the plot ratio variation is deemed to be acceptable.
- Whilst concerns raised in relation to building bulk are acknowledged, the development is not considered to adversely impact the amenity of the adjoining neighbours (particularly those residents to the north) given the building design incorporates rear setbacks which go above and beyond those required under the provisions of the R-Codes.
- With regard to the bulk impact to residents on the west, the proposal will eventually be concealed through future development of 18B Tweeddale Road. It is also noted that the residents to the west are all located on higher ground (by approximately 3.0m) and as such, building bulk is reduced.
- With regard to the bulk concerns raised by the eastern neighbour, it is noted that the objectors property is of a similar bulk and scale to that of the proposal. In fact, the proposal presents greater setbacks to the eastern neighbour in comparison to the substantial use of boundary walls by the objectors residence. Building height is also comparable with the objector's residence measuring a maximum height of 10.5m, albeit to the roof pitch given the hip roof design.

**P12/3308 - THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899
(18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**Building height

Where a building is proposed with a concealed, skillion or non-traditional pitched roof design, as is the case with the subject proposal, Policy CP-066 requires the maximum wall height to be no more than 1.0m higher than the maximum eave height, as per the particular Precinct requirement. In this case, the maximum eave height for buildings within the Applecross A3 Precinct area is 8.0m. The proposed development is designed to incorporate a concealed (or flat) roof, therefore the maximum permissible wall height is 9.0m. The proposed maximum wall height is 10.5m.

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

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

In this instance, it is concluded that the variation is supported for the following reasons:

- There are a number of examples of existing buildings particularly on the southern side of Tweeddale Road which are in excess of 10.5m in height. It is however noted that lots to the south are zoned 'Canning Bridge Frame' and as such, are subject to higher building height provisions in comparison to the subject site.
- Whilst concerns in relation to building height are acknowledged, the development is seen to counter any detrimental impacts created to the residents to the rear through providing rear setbacks which go above and beyond those required under the provisions of the R-Codes.
- The proposed dwelling is in character and considered to be comparable in scale to the adjoining eastern dwelling which has a maximum building height of 10.5m also, albeit to the roof pitch.
- The building height variation does not result in any adverse overshadowing impact to that otherwise allowed under the Acceptable Development requirements of the R-Codes.
- The height of the proposed development is identical to that which was previously approved by the City in 2010 for a single storey single house.

**P12/3308 - THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899
(18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

- Whilst two objections were submitted by adjoining neighbour's in relation to the height variation sought, these were considered unsubstantiated for reasons outlined above. In view of this, it is concluded that the proposed building height variation is acceptable.

Amenity

The proposed development has been assessed against, and found to comply with, the amenity provisions outlined by Clause 7.8 of CPS5 and Council Policy CP-067 "Amenity".

In that vein, a detailed assessment of the impact that the proposal has on the amenity of owners and occupiers of adjoining properties, particularly that which may result from the building height and plot ratio variations being sought, has been undertaken.

It is concluded that the development proposal in question is supported given that amenity impacts are acceptable in the context of the relevant performance criteria, notwithstanding the development variations sought.

CONCLUSION

The development of the site in the manner proposed can take place without prejudice to the provisions of CPS5, or Council Policy.

On that basis, and given it is considered that the development will deliver a positive visual and built form outcome for the City, it is recommended that conditional approval be granted.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3308)
SPECIAL MAJORITY APPROVAL**

At 7.00pm Cr Robartson moved, seconded Cr Reidy -

- A) That the application for a three-storey with undercroft multiple dwelling at Lot 899 (18A) Tweeddale Road, Applecross be approved by a Special Majority of Council pursuant to Clause 4.3 of Community Planning Scheme No.5 subject to the following Special and Standard Conditions:**

SPECIAL CONDITIONS:

1. Prior to the initial occupation of the development, the surface finish of the boundary wall shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Planning and Development Services.
2. Prior to the occupation of the building all unused crossovers are to be removed and the kerbing and verge must be reinstated at the applicant/owner's full expense, and to the satisfaction of the Manager Planning and Development Services.
3. All stormwater and drainage run off to be contained on site.

**P12/3308 - THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899
(18A) TWEEDDALE ROAD, APPECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

4. The security gate as marked in 'RED' on the approved plans is to be relocated and an intercom system installed to allow visitor vehicles to temporarily park within the subject lot before entering the secured parking area.
5. Prior to commencement of the development, a detailed landscaping and reticulation plan for the subject site and the road verge adjacent to the site shall be submitted to and approved in writing by the Manager Planning and Development Services. The landscaping plan is to include details of (but not limited to):
 - (a) The location, number and type of proposed trees and shrubs including size and planting density;
 - (b) Any lawns to be established;
 - (c) Any existing vegetation and/or landscaped areas to be retained; and,
 - (d) Any verge treatments.

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

6. During excavations all necessary precautions shall be taken to prevent damage or collapse of any adjoining properties (driveways, garden beds, walls, etc), streets or right-of-ways. It is the responsibility of the builder/owner to liaise with adjoining and adjacent property owners prior to carrying out work.

STANDARD CONDITIONS:

7. All external clothes drying facilities shall be screened from view of the primary and secondary street to the satisfaction of the Manager Planning and Development Services.
8. The construction of retaining walls not to exceed the heights specified on the approved plans unless otherwise approved by Council. Details, signed by a practicing Structural Engineer must be submitted for approval at the time of submitting a Building Licence Application.

ADVICE NOTES:

1. This is a Planning Approval only and does not obviate the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Council or with any other requirements of Community Planning Scheme No. 5. Prior to the commencement of any works a Building Licence may be required.

**P12/3308 - THREE-STOREY WITH UNDERCROFT MULTIPLE DWELLING AT LOT 899
(18A) TWEEDDALE ROAD, APPLECROSS (SMREC) (CONFIDENTIAL ATTACHMENT)**

2. Any roof mounted or freestanding plant or equipment such as plumbing pipes are to be located and/or screened so as not to be visible from the surrounding street(s) to the satisfaction of the Manager Planning and Development Services.
- B) That the residents who objected to the proposal be notified in writing of A) above.

At 7.02pm the Mayor submitted the motion, which was declared

LOST (7/6)

The Recommendation was declared Lost as a Special Majority of ten votes was not achieved.

The application was refused for the following reason -

The proposed development would, by virtue of its height, conflict with the provisions of Council Policy CP-066 Height of Buildings and on that basis would be of detriment to the character of the locality, contrary to Clause 7.8 of the City of Melville Community Planning Scheme No. 5.

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

P12/3304 - FINAL ADOPTION OF AMENDMENT NO. 62 TO COMMUNITY PLANNING SCHEME NO.5 – REZONING OF 44 MOOLYEEEN ROAD AND 26 MADDEN WAY, BRENTWOOD FROM ‘LIVING AREA BT2’ TO ‘COMMUNITY CENTRE CCR’ PRECINCT (REC) (ATTACHMENT)

Ward	: City
Category	: Strategic
Application Number	: CPS 5 – 62
Property	: Lot 1675 (44) Moolyeeen Road and Lot 1375 (26) Madden Way, Brentwood
Proposal	: Final adoption of Amendment No. 62 to amend CPS5 by rezoning from ‘Living Area BT2’ Precinct to ‘Community Centre CCR’ Precinct.
Applicant	: Algeri Planning and Appeals
Owner	: Mr E Marcon
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 checked="" type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when the Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when the Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**P12/3304 – FINAL ADOPTION OF AMENDMENT NO. 62 TO COMMUNITY PLANNING SCHEME NO.5 – REZONING OF 44 MOOLYEEN ROAD AND 26 MADDEN WAY, BRENTWOOD FROM ‘LIVING AREA BT2’ TO ‘COMMUNITY CENTRE CCR’ PRECINCT
(REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- The City has received an application to amend Community Planning Scheme No. 5 (CPS5) by rezoning 44 Moolyeen Road and 26 Madden Street, Brentwood from ‘Living Area BT2’ to ‘Community Centre CCR’ Precinct.
- The properties abut an existing ‘Community Centre CCR’ Precinct to the north. This centre contains a range of commercial businesses including medical centre, dental clinic, pharmacy, supermarket, liquor store, restaurant / café, butcher and a bakery.
- The subject lots are currently utilised as a child care centre.
- The proposed re-zoning would result in the extension of the CCR precinct to the intersection of Madden Way and Moolyeen Road.
- Council at its Ordinary Meeting of 15 November 2011 resolved to initiate the proposed amendment.
- The Amendment was advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*, concluding on 2 April 2012. A total of four submissions were received, one in support and three against.
- Whilst the concerns raised are acknowledged, it is recommended that Council adopts the Amendment for finalisation and that the Amendment documentation be forwarded to the Honourable Minister for Planning (the Minister) for finalisation and gazettal.



**P12/3304 – FINAL ADOPTION OF AMENDMENT NO. 62 TO COMMUNITY PLANNING SCHEME NO.5 – REZONING OF 44 MOOLYEEN ROAD AND 26 MADDEN WAY, BRENTWOOD FROM ‘LIVING AREA BT2’ TO ‘COMMUNITY CENTRE CCR’ PRECINCT
(REC) (ATTACHMENT)**



BACKGROUND

Existing Land Use

Planning approval was granted on 18 September 1985 for the establishment of the ‘Child Care Centre’ at 44 Moolyeen Road for up to 25 children. A further planning approval was granted on 11 December 1992 for additions to the existing building at 44 Moolyeen Road.

Further additions to the ‘Child Care Centre’ and the extension of the centre into the existing building at 26 Madden Way was granted on the basis that the building at 26 Madden Way would accommodate up to 16 children.

In October 2011, planning approval was granted to increase the number of children over the two properties to 52.

Council Resolution

The Amendment proposal was initiated by Council at its Ordinary Meeting held on 15 November 2011. At the meeting it was resolved as follows:

That pursuant to Part 5 of the Planning and Development Act 2005, Council resolve to initiate Amendment No. 62 to Community Planning Scheme No. 5 as follows:

1. *Amending the Scheme Map by rezoning Lot 1675 (44) Moolyeen Road and Lot 1375 (26) Madden Street, Brentwood from ‘Living Area BT2’ Precinct to ‘Community Centre CCR’ Precinct.*

**P12/3304 – FINAL ADOPTION OF AMENDMENT NO. 62 TO COMMUNITY PLANNING SCHEME NO.5 – REZONING OF 44 MOOLYEEEN ROAD AND 26 MADDEN WAY, BRENTWOOD FROM ‘LIVING AREA BT2’ TO ‘COMMUNITY CENTRE CCR’ PRECINCT
(REC) (ATTACHMENT)**

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

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area Precinct – BT2
R-Code	: R25
Use Type	: Not Applicable
Use Class	: Not Applicable

Site Details

Lot Area	: Lot 1675 (44) Moolyeeen Road – 768.82sqm Lot 1375 (26) Madden Way – 932.58sqm
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: Not applicable
Street Furniture (drainage pits etc)	: Not applicable
Site Details	: Refer to aerial photo and zoning map above

[3304 Planning Amendment 62 Map](#)

DETAIL

Amendment 62 to CPS5 proposes to rezone 44 Moolyeeen Road and 26 Madden Way, Brentwood from ‘Living Area BT2’ to ‘Community Centre CCR’ Precinct.

PUBLIC CONSULTATION/COMMUNICATION

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

**P12/3304 – FINAL ADOPTION OF AMENDMENT NO. 62 TO COMMUNITY PLANNING SCHEME NO.5 – REZONING OF 44 MOOLYEEN ROAD AND 26 MADDEN WAY, BRENTWOOD FROM ‘LIVING AREA BT2’ TO ‘COMMUNITY CENTRE CCR’ PRECINCT
(REC) (ATTACHMENT)**

Note: Advertising was undertaken for a 42 day period which concluded 2 April 2012. Advertising took the form of an advertisement in the Melville Times, a sign was erected on site and letters were sent to the landowners adjoining the subject site.

Affected Property	Summary of Submission	Support/ Objection	Officer's Comment	Action (Uphold / Not Uphold)
Dawson Rd (Brentwood Primary)	No objection to the proposal.	Support	Noted.	Uphold
Madden Way	<p>The following concerns are raised in relation to the proposal:</p> <ul style="list-style-type: none"> • The existing child care centre has a detrimental impact with regard to noise, privacy and traffic (i.e. parking overspill and vehicle sightlines). • Privacy will be compromised as a result of future development by way of business hours and increased building height. • Would prefer a copy of plans before development commences. • Devalue property, quality of life and residential amenity. 	Object	<p>Whilst the concerns raised are acknowledged, they are not considered substantiated for the following reasons:</p> <ul style="list-style-type: none"> • The rezoning proposal does not result in a change from the status-quo. Any issues associated with the existing land use may be addressed separate to this proposal. • Privacy implications arising from future redevelopment of the subject site (should it occur) will be subject to Policy and/or R-Code requirements. • Plans of future development may be provided, should it occur. • Property devaluation is not a relevant planning consideration. 	Not Uphold

**P12/3304 – FINAL ADOPTION OF AMENDMENT NO. 62 TO COMMUNITY PLANNING SCHEME NO.5 – REZONING OF 44 MOOLYEEN ROAD AND 26 MADDEN WAY, BRENTWOOD FROM ‘LIVING AREA BT2’ TO ‘COMMUNITY CENTRE CCR’ PRECINCT
(REC) (ATTACHMENT)**

Madden Way	<p>The following concerns are raised in relation to the proposal:</p> <ul style="list-style-type: none"> • Madden Way is a quiet, residential street and a commercial enterprise will have a detrimental impact through smell, noise, pollution and other hazards. • Not aware of any specific need for the rezoning, particularly given existence of Cranford and Queens Rd shops. • The Queens Rd shops have been removed. If this area was not considered necessary for CCR activity, there is no need for rezoning the subject site. • Being opposite a school site, the proposal will increase traffic creating a safety issue for pedestrians and cyclists. • As the site is not large, car parking may become an issue. • Proposal will devalue surrounding properties and degrade quality of life. 	Object	<p>Whilst the concerns raised are acknowledged, they are not considered substantiated for the following reasons:</p> <ul style="list-style-type: none"> • Any future redevelopment of the subject site (should it occur) will be subject to compliance with the <i>Environmental Protection Act 1986</i> and its subsidiary legislations which address noise, odour and pollution matters. • The rezoning is justified for reasons further detailed in the ‘comments’ section below. • The Queens Rd shops were demolished and are currently pending redevelopment. The zoning of the property still maintains is ‘CCR’ Precinct zoning. • Issues associated with parking, traffic generation and road use safety occurring from redevelopment of the subject site (should it occur) will be subject to an independent traffic study. The rezoning proposal itself does not change from the status-quo. • Property devaluation is not a relevant planning consideration. 	Not Uphold
------------	--	--------	---	------------

**P12/3304 – FINAL ADOPTION OF AMENDMENT NO. 62 TO COMMUNITY PLANNING SCHEME NO.5 – REZONING OF 44 MOOLYEEN ROAD AND 26 MADDEN WAY, BRENTWOOD FROM ‘LIVING AREA BT2’ TO ‘COMMUNITY CENTRE CCR’ PRECINCT
(REC) (ATTACHMENT)**

Madden Way	<p>The following concerns are raised in relation to the proposal:</p> <ul style="list-style-type: none"> • Advertising process was not specific enough. Resident was not notified in writing but rather, simply through the advertising signage. • Proposal will increase traffic. • Rezoning will have a detrimental impact on the amenity levels currently enjoyed by residents. <p>It has also been requested whether the resident can be notified in writing of the proposed land use/s for the subject site.</p>	Object	<p>The concerns raised are acknowledged. In response the following is noted:</p> <ul style="list-style-type: none"> • Advertising via letter is only undertaken to immediate neighbours of a Scheme Amendment proposal. Otherwise, the newspaper advertising and on-site signage is intended to capture other interested parties. It is noted that the objector is located several lots away from the subject site. • Issues associated with parking, traffic generation and road use safety occurring from redevelopment of the subject site (should it occur) will be subject to an independent traffic study. The rezoning proposal itself does not change from the status-quo. • The rezoning is justified for reasons further detailed in the ‘comments’ section below. • The objector may be consulted on future development of the subject site (should it occur). 	Not Uphold
------------	--	--------	---	------------

P12/3304 – FINAL ADOPTION OF AMENDMENT NO. 62 TO COMMUNITY PLANNING SCHEME NO.5 – REZONING OF 44 MOOLYEEN ROAD AND 26 MADDEN WAY, BRENTWOOD FROM ‘LIVING AREA BT2’ TO ‘COMMUNITY CENTRE CCR’ PRECINCT (REC) (ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES/CONSULTANTS

In accordance with Council resolution a copy of the Scheme Amendment No. 62 was sent to the Western Australian Planning Commission and the Environmental Protection Authority. Both Agencies have supported the advertising of the Amendment.

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 financial implications for Council relative to this application.

STRATEGIC RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

If the Amendment receives final approval, future development applications will be assessed in accordance with the relevant provisions of CPS5, the Residential Design Codes and Council Policy.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

It is recommended that Amendment 62 to CPS5 be finally adopted by Council and that this recommendation be forwarded to the Minister for his 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.

**P12/3304 – FINAL ADOPTION OF AMENDMENT NO. 62 TO COMMUNITY PLANNING SCHEME NO.5 – REZONING OF 44 MOOLYEEN ROAD AND 26 MADDEN WAY, BRENTWOOD FROM ‘LIVING AREA BT2’ TO ‘COMMUNITY CENTRE CCR’ PRECINCT
(REC) (ATTACHMENT)****COMMENTS**

The proposed Scheme Amendment seeks to extend the existing ‘Community Centre CCR’ Precinct over 44 Moolyeen Road and 26 Madden Way, Brentwood which are presently zoned Living Area. These two lots are currently utilised for the purpose of a ‘Child Minding Centre’.

Whilst the subject lots are zoned ‘Living Area BT2’ under the provisions of CPS5, they have operated on a commercial basis since 1985 when the Child Care Centre use was first approved at 44 Moolyeen Road, and extended into 22 Madden Way at a later date.

Zoning and Land Use

The Statement of Intent for the ‘Community Centre CCR’ Precinct reads:

Primarily community facilities, such as shops, schools and halls but may include aged persons housing and other medium density residential to take advantage of facilities. May include licensed premises, parks, religious, public, recreational, educational and medical uses, and small scale offices provided they are not developed to such an intensity that they disturb the Precinct. Any additional retail facilities shall adjoin existing shops and shall be advertised in accordance with clause 7.5

In rezoning the subject lots to ‘Community Centre CCR’ Precinct, the land uses that will be permissible include Child Minding Centre, Conservation / Recreation, Consulting Room(s), Convenience Store, Corner Store, Garden Centre, Lunch Bar, Office, Restaurant, Service Station, Shop and Veterinary Clinic.

The existing ‘Community Centre CCR’ Precinct is centred on Cranford Avenue and contains a number of commercial land uses including a medical centre, dental clinic, pharmacy, supermarket, liquor store, restaurant / café, butcher and a bakery.

Given the existing commercial land uses to the north and the long established ‘Child Minding Centre’ use on the subject site, the rezoning is considered to represent a logical transition and expansion of the Precinct at the intersection of Moolyeen Road and Madden Way.

It is noted that the Statement of Intent for the ‘Community Centre CCR’ Precinct (as detailed above) promotes land uses which take advantage of the existing facilities available in the locality. The expansion of the ‘Community Centre CCR’ Precinct is consistent with the Statement of Intent in that it will allow further diversification of land use within the Precinct.

Other benefits that will derive from the re-zoning include:

- Bolstering the vitality and influence that the CCR Precinct has in delivering development and commercial opportunities to the local catchment population.
- Enabling the opportunity for medium density residential development to take place, as a higher density code of R40 will apply once the Scheme Amendment is finalised.

**P12/3304 – FINAL ADOPTION OF AMENDMENT NO. 62 TO COMMUNITY PLANNING SCHEME NO.5 – REZONING OF 44 MOOLYEEN ROAD AND 26 MADDEN WAY, BRENTWOOD FROM ‘LIVING AREA BT2’ TO ‘COMMUNITY CENTRE CCR’ PRECINCT
(REC) (ATTACHMENT)**

Development Requirements

In common with other CCR Precincts across the City, the following Development Requirements will apply to all development should the change be initiated:

- A non-residential plot ratio restriction of 0.3.
- A maximum eave height of 8.0m and an overall height restriction of 10.5m.
- Minimum setback requirements of 2.0m from side boundaries and 6.0m from the rear boundaries for any commercial land uses where they adjoin residential uses.
- Car parking for residential and commercial land uses must comply with the R-Code or Council Policy requirements, as applicable.

It is noted that the development requirements listed above in conjunction with R-Code provisions (where applicable) will ensure that the concerns raised by objectors in relation to the detrimental impact of future development (should it occur) will be protected. The development requirements applicable under the CCR Precinct is also considered to be of a low-scale nature, that is no proposals akin to commercial developments found within the City and District Centre Precincts could be supported.

Based on the above, whilst the concerns raised are acknowledged, they are not upheld in this instance.

Traffic Considerations

Moolyeen Rd is a ‘District Distributor B’ Road (not a Local Road) south of Cranford Ave with capacities expected above 6,000 vehicles per day (vpd) up to about 8,000 vpd. Data collected in 2005 indicated counts of approximately 13,000 vpd. The road intersects with Cranford Road, which feeds to the freeway on and off ramps.

It is considered that Moolyeen Road is functioning at an appropriate capacity in this context, within its classification and the Functional Road Hierarchy.

Provided vehicle access and egress positions to the site are maintained off the side street rather than directly to/from Moolyeen Road, then there are no objections raised to the proposed Scheme Amendment from a Technical Services perspective.

With regard to concerns raised in relation to detrimental traffic impact resulting from an increase in vehicular activity, it is noted that any future redevelopment of the subject site (should it occur) must be supported by a Traffic Impact Assessment Report. Such a report would review and put forward recommendations to ensure traffic impact is minimised. It is pertinent to note that no traffic implications will result from the proposed Scheme Amendment as it does not change from the status-quo.

P12/3304 – FINAL ADOPTION OF AMENDMENT NO. 62 TO COMMUNITY PLANNING SCHEME NO.5 – REZONING OF 44 MOOLYEEN ROAD AND 26 MADDEN WAY, BRENTWOOD FROM ‘LIVING AREA BT2’ TO ‘COMMUNITY CENTRE CCR’ PRECINCT (REC) (ATTACHMENT)Public Transport / Bicycle Access

The subject site is readily accessible by both bus and train. It is located approximately 250m from the No 500 bus service, a service which connects the Bull Creek train station with the Booragoon bus station at Garden City.

The Bull Creek train station is also approximately 670m (as the crow flies) south-east of the subject site. Leach Highway which provides a number of rapid bus services is also located approximately 500m south of the subject site.

Moolyeen 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 the north and south bound lanes.

CONCLUSION

Based on the above, it is recommended that the proposed Amendment be adopted on the basis that the rezoning does not compromise the intent of CPS5 and the levels of residential amenity enjoyed by residents of adjoining properties. The rezoning will also ‘round-out’ the commercial zoning in the locality and represent the logical transition of the ‘Community Centre CCR’ Precinct.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3304) FINAL APPROVAL

That pursuant to Part 5 Section 75 of the *Planning and Development Act 2005*, the Council resolve to adopt Amendment No. 62 to Community Planning Scheme No. 5 for final approval and without modification as follows:

- 1. Amending the Scheme Map by rezoning Lot 1675 (44) Moolyeen Road and Lot 1375 (26) Madden Way, Brentwood from ‘Living Area BT2’ Precinct to ‘Community Centre CCR’ Precinct.**
- 2. That His Worship the Mayor and the Chief Executive Officer be authorised to execute the Amendment document and have the Common Seal affixed.**
- 3. That the Amendment document be forwarded to the Minister for Planning for final approval along with the advice that the Environmental Protection Authority raised no objection to the proposed Scheme Amendment.**

At 7.03pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

**P12/3305 - AMENDMENT NO 64 TO COMMUNITY PLANNING SCHEME NO 5 –
REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20
TO LIVING AREA R40 (REC) (ATTACHMENT)**

Ward : City Ward
 Category : Strategic
 Application Number : CPS5-64
 Property : Lot 10 (94) Kitchener Road, Alfred Cove
 Proposal : Amend CPS No. 5 text and map from 'Living Area R20' to 'Living Area R40'
 Applicant : Tuscom Subdivision Consultants
 Owner : TTO Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P11/3277 – 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 review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**P12/3305 - AMENDMENT NO 64 TO COMMUNITY PLANNING SCHEME NO 5 –
REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20
TO LIVING AREA R40 (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- An application was received to amend 94 Kitchen Road, Alfred Cove from 'Living Area R20' to 'Living Area R60/80' in March 2011.
- Following a number of discussions with the Applicant, the Scheme Amendment proposal was amended to propose a residential density coding of 'Living Area R40'.
- The amendment proposes the creation of a new Precinct 'ML2 – Melville 2' and associated set of Development Requirements relating to the 'R40' density coding.
- In principle, the proposed rezoning is supported in land use terms as the residential redevelopment of the site represents the optimum land use for the subject site once the existing recreational use ceases to exist.
- In terms of future redevelopment, the opportunity is presented to maximise development options on the lot via the introduction of a higher residential density coding, considered acceptable in view of the proximity of the site to existing centres and public transport options.
- The Amendment was advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*, concluding on 2 April 2012.
- No submissions relating to the proposed amendment were received.
- It is recommended that the Council adopts the Amendment for finalisation and that the Amendment documentation be forwarded to the Minister for Planning for finalisation and gazettal.



**P12/3305 - AMENDMENT NO 64 TO COMMUNITY PLANNING SCHEME NO 5 –
REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20
TO LIVING AREA R40 (REC) (ATTACHMENT)****BACKGROUND**

In March 2011, a proposal to rezone the subject site from 'Living Area R20' to 'Living Area R60/80' was submitted. Following a number of discussions with the Applicant the Scheme Amendment proposal was amended to propose a residential density coding of 'Living Area R40'.

A 'R40' density coding was proposed taking into consideration the likely development outcomes that would result from development at the higher 'R60' density and the impact that this will have on the levels of residential amenity currently enjoyed by occupiers of existing residences that flank the site, all of which have been developed in accordance with the more stringent development provisions of an R20 density coding. It was considered that development at the R40 density across the whole site will deliver a density and standard of development that meets the expectations of the applicant, the City, and the residents of the locality.

If adopted it is considered that the R40 density will allow the ability for development to occur in multi-unit housing form, thereby maintaining the potential for this site to deliver a range of housing options to suit the differing demands of the local demographic.

Council initiated Scheme Amendment No. 64 at its Ordinary Council Meeting on 20 December 2011 resolving:

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

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

1. **LIVING AREA PRECINCTS**

ML2 – MELVILLE 2

Statement of Intent

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

Development Requirements

R Code *R40 in accordance with Clauses 5.1, 5.2*

Minimum Lot Area *as per R-Codes*

Maximum Plot Ratio *(non-residential) 0.4.*

**P12/3305 - AMENDMENT NO 64 TO COMMUNITY PLANNING SCHEME NO 5 –
REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20
TO LIVING AREA R40 (REC) (ATTACHMENT)**

Setbacks *Minimum Front Setback 4 metres, as per R Codes.
Minimum Side and Rear Setbacks As per R Codes and
subject to Clause 5.7.*

Minimum Landscaping

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

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

Minimum Car Parking

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

Advertising Control *In accordance with Council Policy*

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

ML2 Melville 2

- 3 *Amend the Scheme map by:*

- (i) *Adding the 'Melville 2' (ML2) Precinct to the map legend.*

(ii) *Rezoning the lots shown on the Scheme Amendment No. 64 map
from 'Living Area R20' to 'Living Area R40'.*

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

C. *That the City of Melville forwards a copy of the Amendment documentation to:*

- a) *The Environmental Protection Authority in accordance with Section 81 of the
Planning and Development Act 2005; and,*

b) *The Western Australian Planning Commission for information.*

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

**P12/3305 - AMENDMENT NO 64 TO COMMUNITY PLANNING SCHEME NO 5 –
REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20
TO LIVING AREA R40 (REC) (ATTACHMENT)****Scheme Provisions**

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

Site Details

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

[3305 Planning Amendment 64 Map](#)

The subject site is currently occupied by a warehouse building which has been converted to an indoor sports complex, commercially identified as 'Striker'.

DETAIL

The proposal seeks to amend Community Planning Scheme No. 5 (CPS5) to rezone lot 94 Kitchener Road, Alfred Cove from Living Area Precinct R20 to Living Area Precinct R40.

PUBLIC CONSULTATION/COMMUNICATION

Amendment No. 64 has been advertised for public comment for a period of 42 days in accordance with the *Town Planning Regulations* 1967, concluding on 2 April 2012. Advertising took the form of a sign being placed on site, an advertisement being placed in the local newspaper, a notice on the City of Melville website and letters being sent to affected landowners in the immediate area. During the advertising period no submissions have been received.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**Government Agencies**

In accordance with Council resolution a copy of the Scheme Amendment No. 64 was sent to the Western Australian Planning Commission and the Environmental Protection Authority. Both Agencies have supported the advertising of the Amendment.

**P12/3305 - AMENDMENT NO 64 TO COMMUNITY PLANNING SCHEME NO 5 –
REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20
TO LIVING AREA R40 (REC) (ATTACHMENT)**Architectural and Urban Design Advisory Panel

At its meeting of 16 September 2011 the Scheme Amendment proposal was the subject of consideration by the panel, who concluded that the proposal to increase residential density levels on the site should be supported, in principle. A number of other specific development recommendations were made however, these issues can be taken into consideration if and when future development proposals are submitted, subject to the proposed Scheme Amendment proposal being endorsed by the Minister for Planning (the Minister).

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 other than a potential improvement in the land values and related rates revenue resulting from redevelopment and general amenity improvements within the area.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk and environmental management implications.

POLICY IMPLICATIONS

There are no policy implications.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

It is recommended that Amendment 64 to CPS5 be finally adopted by Council and that this recommendation be forwarded to the Minister for his 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.

**P12/3305 - AMENDMENT NO 64 TO COMMUNITY PLANNING SCHEME NO 5 –
REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20
TO LIVING AREA R40 (REC) (ATTACHMENT)**

COMMENTS

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

- The rezoning will encourage the redevelopment of the subject site for residential purposes that is preferred given the residential character that currently prevails within the immediate area.
- The proposed medium density coding is consistent with the principles of Directions 2031 and State Planning Strategy.
- The subject site has good access to public transport, Activity Centres (i.e. local and City Centre – Garden City), restaurants, educational institutions and Public Open Space (in particular Marmion Reserve).
- The development of this site for medium density residential use is particularly appropriate given the State Government objective of accommodating additional dwelling numbers on Brownfield sites within existing urban areas.
- No objections have been received in relation to the amendment proposal.

Precinct Development Requirements

Should the Scheme Amendment proposal be accepted, a new Living Area Precinct 'ML2 – Melville 2' will be created within CPS5, which will outline specific Development Requirements for the Precinct as follows:

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

**P12/3305 - AMENDMENT NO 64 TO COMMUNITY PLANNING SCHEME NO 5 –
REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20
TO LIVING AREA R40 (REC) (ATTACHMENT)**Land Use Permissibility

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

CONCLUSION

The proposed increase to the applicable residential density code for this site is supported, particularly given that the impact of future development at the proposed density can be managed during the standard planning application process.

In view of the above and as no submissions of objection have been received, it is recommended that the Amendment be finally approved by Council and forwarded to the Minister for endorsement and gazettal.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3305) FINAL APPROVAL

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

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

1. LIVING AREA PRECINCTS**ML2 – MELVILLE 2****Statement of Intent**

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

Development Requirements

R Code	R40 in accordance with Clauses 5.1, 5.2
Minimum Lot Area	as per R-Codes
Maximum Plot Ratio	(non-residential) 0.4.

**P12/3305 - AMENDMENT NO 64 TO COMMUNITY PLANNING SCHEME NO 5 –
REZONING LOT 10 (94) KITCHENER ROAD, ALFRED COVE FROM LIVING AREA R20
TO LIVING AREA R40 (REC) (ATTACHMENT)**

Setbacks Minimum Front Setback 4 metres, as per R Codes.
Minimum Side and Rear Setbacks As per R Codes and subject to Clause 5.7

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

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

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

Advertising Control In accordance with Council Policy

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

ML2 Melville 2

- 3** Amend the Scheme map by:

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

B. That His Worship the Mayor and the Chief Executive Officer be authorised to execute the Amendment document and have the Common Seal affixed.

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

At 7.03pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

P12/3306 – FINAL ADOPTION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM 'LIVING AREA W1' TO 'COMMUNITY CENTRE BS' PRECINCT (REC) (ATTACHMENT)

Ward	:	Palmyra – Melville – Willagee
Category	:	Strategic
Application Number	:	CPS 5 – 66
Property	:	88-96 Bawdan Street, Willagee
Proposal	:	Amendment No. 66 to amend CPS5 by rezoning from 'Living Area Precinct W1' to 'Community Centre Precinct BS'.
Applicant	:	City of Melville
Owner	:	88 Bawdan – Nelson Home Incorporated 90 Bawdan – Ian Marshall Nominees Pty Ltd 92 Bawdan - D Kaesehagen & S Woollett 94 Bawdan – A Duff 96 Bawdan - T Farrell & ATF Farrell Family Trust
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item P11/3274 – Ordinary Meeting of Council 20 December 2011
Responsible Officer	:	Peter Prendergast Manager Planning and 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 type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when the Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

P12/3306 – FINAL ADOPTION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM 'LIVING AREA W1' TO 'COMMUNITY CENTRE BS' PRECINCT (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The subject site has traditionally operated as a small neighbourhood shopping centre, and was zoned on that basis under the provisions of previous City of Melville Town Planning Schemes. However, upon the gazettal of Community Planning Scheme No 5 (CPS5) in 1999, the subject site was rezoned 'Living Area'.
- Under the provisions of the Use Class Table of CPS5, a shop located within a Living area precinct is a use not permitted.
- The current zoning removes the ability for businesses located within the small centre to change from one commercial use to another.
- The proposed rezoning to CCR Precinct would remove the anomaly that has been created since the inception of CPS5 through re-introducing a zoning that is consistent with, and supportive of, the actual land uses that have traditionally operated from these lots.
- Council, at its Ordinary Meeting of 20 December 2011 resolved to initiate the proposed amendment.
- The Amendment was advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*, concluding on 27 March 2012. No submissions have been received.
- It is recommended that the Council adopts the Amendment for finalisation and that the Amendment documentation be forwarded to the Honorable Minister for Planning for finalisation and gazettal.



P12/3306 – FINAL ADOPTION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM 'LIVING AREA W1' TO 'COMMUNITY CENTRE BS' PRECINCT (REC) (ATTACHMENT)

BACKGROUND

Prior to the adoption of the previous City of Melville Town Planning Scheme No. 3, a commercial development strategy for Willagee was developed. This strategy endorsed the creation of one small 'Neighbourhood Centre' within the Willagee area (Archibald Street) and a number of 'Local Centres' (including the Bawdan Street local centre).

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

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

For the reasons outlined above, Council initiated Scheme Amendment 66 at its Ordinary Meeting of Council on 20 December 2011 resolving to:

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

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

5 COMMUNITY CENTRE PRECINCT

BS – BAWDAN STREET

Statement of Intent

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

Development Requirements

R Code R40, in accordance with Clauses 5.1, 5.2

Minimum Lot Area As per R-Codes

P12/3306 – FINAL ADOPTION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO ‘COMMUNITY CENTRE BS’ PRECINCT (REC) (ATTACHMENT)

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

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

BS Bawdan Street

3. Amend the Scheme map by:
 - (i) Adding the ‘Community Centre’ (BS) Precinct to the map legend.
 - (ii) Rezoning the lots shown on the Scheme Amendment No. 66 map from ‘Living Area W1’ Precinct to ‘Community Centre (BS)’ Precinct.
4. Deletion of Additional Use No. 14 within Schedule 3 of Community Planning Scheme No. 5 pertaining to 90-96 Bawdan Street, Willagee.

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

P12/3306 – FINAL ADOPTION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM 'LIVING AREA W1' TO 'COMMUNITY CENTRE BS' PRECINCT (REC) (ATTACHMENT)

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

Scheme Provisions

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

Site Details

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

[3306 Planning Amendment 66 Map](#)

DETAIL

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

P12/3306 – FINAL ADOPTION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM 'LIVING AREA W1' TO 'COMMUNITY CENTRE BS' PRECINCT (REC) (ATTACHMENT)

PUBLIC CONSULTATION / COMMUNICATION

Amendment No. 66 has been advertised for public comment for a period of 42 days in accordance with the *Town Planning Regulations* 1967, concluding on 27 March 2012. Advertising took the form of a sign being placed on site, an advertisement being placed in the local newspaper, a notice on the City of Melville website and letters being sent to affected landowners in the immediate area. During the advertising period no submissions have been received.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

In accordance with Council resolution a copy of the Scheme Amendment No. 66 was sent to the Western Australian Planning Commission and the Environmental Protection Authority. Both Agencies have supported the advertising of the Amendment.

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 other than a potential improvement in the land values and related rates revenue resulting from redevelopment and general amenity improvements within the area.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no Policy implications associated with this Scheme Amendment.

P12/3306 – FINAL ADOPTION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO ‘COMMUNITY CENTRE BS’ PRECINCT (REC) (ATTACHMENT)

ALTERNATE OPTIONS & THEIR IMPLICATIONS

It is recommended that Amendment 66 to CPS5 be finally adopted by Council and that this recommendation be forwarded to the Minister for his 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.

COMMENTS

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

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

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

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

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

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

P12/3306 – FINAL ADOPTION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO ‘COMMUNITY CENTRE BS’ PRECINCT (REC) (ATTACHMENT)

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

Zoning and Precinct Development Requirements

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

COMMUNITY CENTRE PRECINCT

BS – BAWDAN STREET

Statement of Intent

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

Development Requirements

R Code	R40, in accordance with Clauses 5.1, 5.2
Minimum Lot Area	As per R-Codes
Maximum Plot Ratio (Non-residential)	1.0
Setbacks	Front Setbacks to be in accordance with ‘main-street’ design principles and compatible with adjoining developments. Side and Rear setbacks nil.
Maximum Building Height	8.0 metres to eaves, 10.5m maximum, having regard to Council Policy.
Minimum Car Parking - Residential	As per R-Codes

P12/3306 – FINAL ADOPTION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO ‘COMMUNITY CENTRE BS’ PRECINCT (REC) (ATTACHMENT)

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

Land Use Permissibility

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

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

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

- The rezoning would be consistent with the previous and existing commercial uses of the subject site and will ensure the retention and longevity of these uses, which have established themselves into the urban fabric and heritage of the area.
- The rezoning will provide greater certainty for the owners of the sites and hopefully provide a catalyst for the redevelopment of the existing buildings.
- The subject lots are under-size and of difficult shape to adequately develop for residential purposes at the current R20 density.
- The proposed R40 density under the Community Centre Precinct zoning is consistent with the surrounding area which is characterised by medium density development and would encourage the construction of mixed use developments.

P12/3306 – FINAL ADOPTION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM ‘LIVING AREA W1’ TO ‘COMMUNITY CENTRE BS’ PRECINCT (REC) (ATTACHMENT)

- The sites are located centrally within a medium density housing area which includes an established Aged Persons and Retirement Village. The continued commercial use of these sites would provide a valuable amenity to the surrounding residents and convenient commercial facilities for persons who maybe mobility impaired.
- Due to the size and shape of the lots the properties may be utilised for convenience retailing and small offices which would service the local community, as well as health, welfare and community facilities.
- The subject site is readily accessible by public transport (i.e. bus). The subject site is located in close proximity to bus routes 502, 140 and 160.
- It is considered that the Willagee area in the City has less Neighbourhood and Local Centres relative to other areas of the City.
- The rezoning supports resident walkability to local facilities, noting that the car ownership rate in Willagee is the lowest within the City.

CONCLUSION

It is considered that the proposed Amendment should be adopted on the basis that rezoning properties 88 - 96 Bawdan Street does not compromise the objectives of CPS5 and the levels of residential amenity currently enjoyed by residents in the locality. Furthermore, there are no commercial implications anticipated with reference to the existing commercial uses on the corner of Leach Highway and Stock Road.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3306) FINAL APPROVAL

A. That pursuant to Part 5 Section 75 of the Planning and Development Act 2005, the Council resolve to adopt Amendment No. 66 to Community Planning Scheme No. 5 for final approval and without modification as follows:

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

5 COMMUNITY CENTRE PRECINCT

BS – BAWDAN STREET

P12/3306 – FINAL ADOPTION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM 'LIVING AREA W1' TO 'COMMUNITY CENTRE BS' PRECINCT (REC) (ATTACHMENT)

Statement of Intent

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

Development Requirements

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

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

BS Bawdan Street

P12/3306 – FINAL ADOPTION OF AMENDMENT NO. 66 TO COMMUNITY PLANNING SCHEME NO. 5 – REZONING OF 88-96 BAWDAN STREET, WILLAGEE FROM 'LIVING AREA W1' TO 'COMMUNITY CENTRE BS' PRECINCT (REC) (ATTACHMENT)

3. Amend the Scheme map by:

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

- B. That His Worship the Mayor and the Chief Executive Officer be authorised to execute the Amendment document and have the Common Seal affixed.**
- C. That the Amendment document be forwarded to the Minister for Planning for final approval along with the advice that the Environmental Protection Authority raised no objection to the proposed Scheme Amendment.**

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

CARRIED EN BLOC (13/0)

CD12/8046 - STRATEGIC COMMUNITY PLAN REVISION (AMREC) (ATTACHMENT)

Ward	: All
Category	: Strategic
Subject Index	: Community Plan – Strategic 14.2.1.5A
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 C07/8010 – Community Plan 2007 – 2017 Ordinary Meeting of Council 19 June 2007
Works Programme	: Not applicable
Funding	: Not applicable
Responsible Officer	: Leanne Hartill Manager Neighbourhood Development

AUTHORITY / DISCRETION

DEFINITION

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

CD12/8046 - STRATEGIC COMMUNITY PLAN REVISION (AMREC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The legislative changes to the Local Government Act 1995 require all local government authorities to have a Strategic Community Plan in place by June 2013.
- The first Strategic Community Plan for the City - People Places Participation was documented in 2007.
- In accordance with pending legislative requirements, this Plan must be reviewed every four years.
- The review of the current Strategic Community Plan commenced in October 2011 and also takes into consideration all engagement activities in the past four years relating to the original Strategic Community Plan.
- Council adoption of the revised Strategic Community Plan People Places Participation 2012-2022 is being sought.

BACKGROUND

In 2005 and 2006, the City of Melville in conjunction with the Western Australian Planning Commission established the “Dialogue with the City of Melville” or “Melville Visions” project. Melville Visions was a proactive consultation exercise that allowed residents and business owners to tell the City about their aspirations and to have their say on the future of Melville. It was, at the time, the largest consultation exercise undertaken in the City of Melville. Following on from that process, the City of Melville produced its first Strategic Community Plan – People, Places, Participation 2007-2017.

Our Strategic Community Plan - People, Places, Participation 2012-2022 provides the City of Melville, and others, with a clear understanding of what matters most to the communities within the City of Melville and guides the way in which we, and other stakeholders, plan for the future and deliver services.

It is primarily the community’s plan, but achieving the aspirations set out in the Strategic Community Plan will rely on the collective commitment and combined actions of the City of Melville, government agencies, residents, the business community and community groups.

The Strategic Community Plan is part of the Integrated Strategic Planning Framework which provides the basis for improving the practice of strategic planning in local government. It addresses the minimum requirements to meet the intent of the proposed changes to the Local Government Act 1995 (the Act) and outlines processes and activities to achieve an integrated strategic plan at the individual local government level.

CD12/8046 - STRATEGIC COMMUNITY PLAN REVISION (AMREC) (ATTACHMENT)

There are three major parties to the development of an integrated Strategic Community Plan:

- The community – participates in a community planning process to determine major vision or intended big picture directions and also participates in regular reviews of those directions;
- The Council – endorses the Strategic Community Plan resulting from the community planning process, the four year reviews updating that plan, and the annual budget; and
- The local government administration – supports delivery of the Strategic Community Plan, the four yearly reviews, and annual budget through its corporate business planning and related processes.

DETAIL

A Strategic Community Plan is a long-term overarching, community-driven document that sets out our community's vision and aspirations for the future. It also sets out the key strategies and actions required to achieve these aspirations.

The City of Melville's revised Strategic Community Plan - People Places Participation 2012-2022 (refer attachment below) outlines a shared community vision for the next 10 years and reflects community values, aspirations and priorities, with reference to local and other government plans, information and resourcing capabilities. Strategic Community Plans are not static and must be reviewed regularly.

8046 City of Melville Draft Strategic Community Plan 2012-2022

Every four years, the City undertakes a comprehensive review of the vision, priorities and aspirations of the Strategic Community Plan with full and wide ranging community engagement. This renews the plan in line with contemporary community desires and perspectives.

The objective is therefore to produce a revised and updated Strategic Community Plan that looks at medium and long range community aspirations, needs and priorities.

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

At an operational level, the purpose of the Strategic Community Plan is to bring about positive change in the community which enhances the importance of tracking effectiveness and progress of City of Melville's strategies and processes to achieve its vision outlined in the original Strategic Community Plan in 2007.

The Strategic Community Plan identifies how we will get from where we are now to where we want to be. In the four years since we developed our first Strategic Community Plan, the City of Melville has continued to consult with our communities on a wide range of issues, plans and projects. These conversations with our communities (including staff and Elected Members) have provided a wealth of data that informs the revised Strategic Community Plan.

CD12/8046 - STRATEGIC COMMUNITY PLAN REVISION (AMREC) (ATTACHMENT)

As a result of these conversations, our revised plan contains a more precise vision. The contents are now aligned with the advisory standard for Integrated Planning which did not exist when the first plan was developed. The plan embraces a quadruple bottom line instead of just three as was the case before. Though the priorities essentially remain the same, there has been some movement to expand upon the original concepts. For example, the theme of 'Consultation' in the previous plan, now encompasses engagement as well as emphasising principles of Corporate Social responsibility such as good Governance and active Citizenship. This document also reflects developments in our understanding of the priority areas, either through staff expertise or engagement around key plans and strategies that inform and are informed by these areas. In other words, the revised Strategic Community Plan reflects the progress that has been made in the nine priority areas - Sustainable Transport, Clean and Green Environment, Healthy Lifestyle, Safety and Security, Built Environment, Growth and Prosperity, Accessibility and Inclusiveness, a Sense of Community and Involvement and Engagement over the last four years. Given that this is now a review, we have also been able to track progress against the original aspirations and report to the community about what the City has done to meet these on their behalf. Special emphasis is made on the Neighbourhood Plans which were a direct result of the original Strategic Community Plan. The successful implementation of the Neighbourhood concept and the plans for their expansion in the future is also showcased in the revised plan.

PUBLIC CONSULTATION/COMMUNICATION

Meaningful community engagement is a critical component in the development of the Strategic Community Plan, underpinning the Integrated Planning Process. It provides an opportunity for the community to have input into decision-making and setting the direction of the local government authority.

Following are the stakeholder engagement processes utilised to review the Strategic Community Plan:

- Community Reference Group established consisting of 15 demographically representative members of key community groups.
- We're listening Melville – on-line engagement.
- Strategic Stakeholder Workshop.
- Neighbourhood Forums.
- Community Group Interactive Forums.
- Interactive Display at Civic Centre.
- Social Media posts – Facebook and Twitter.
- Radio announcements.
- Extensive internal engagement including:
 - Elected Member briefings
 - Cross functional organisational team established
 - Survey of staff – residents and non-residents

This review process also takes into consideration all engagement that has occurred in relation to the identified priority areas in the Strategic Community Plan over the past two years including the Community and Business Perceptions Surveys and Community Wellbeing Survey.

CD12/8046 - STRATEGIC COMMUNITY PLAN REVISION (AMREC) (ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

A dedicated Strategic Stakeholder Workshop was held on 22 February 2012 with attendance from a number of relevant State Government departments.

STATUTORY AND LEGAL IMPLICATIONS

The Local Government (Administration) Regulations 1996 have been amended to require each local government to adopt a Strategic Community Plan and a Corporate Business Plan.

Section 5.56(1) and (2) of the Act requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations.

The new regulations specify what a 'plan for the future' should involve. A schedule must be developed for local government and community review of the Strategic Community Plan. Amendments to the plan should be based on performance information and changing circumstances. A full review and renewed long term visioning process should be conducted every four years. This will ensure that community priorities and aspirations are kept up-to-date and remain relevant.

FINANCIAL IMPLICATIONS

A budgeted amount of \$145,000 was approved for the purpose of the revision of the Strategic Community Plan. An estimated saving of \$20,000 was made as the engagement of internal staff and the community was facilitated by Neighbourhood Development staff.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
The Revised Strategic Community Plan is not adopted by internal Directorates and service areas to guide their work.	Medium.	A cross functional organisational team has had input to the revision of the Strategic Community Plan ensuring ongoing continuity for incorporating the City's response to the Plan into their business.
The Community does not identify with the content of the plan.	Medium.	Ensure that a sound Communications Plan is enabled once the Plan is adopted.

CD12/8046 - STRATEGIC COMMUNITY PLAN REVISION (AMREC) (ATTACHMENT)**POLICY IMPLICATIONS**

There is no Council Policy that relates to developing or revising the Strategic Community Planning process. Rather, the revised Strategic Community Plan will inform the Strategic Corporate Plan and will need to be incorporated into other plans such as the Asset-Management Plans, Workforce Plan, Long-Term Financial Plan and Service-Area specific strategies such as the Neighbourhood Plans.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The Strategic Community Plan outlines the community's long term (10+ years) vision, values, aspirations and priorities, with reference to other local government plans, information and resourcing capabilities.

The Strategic Community Plan is not static and must be reviewed regularly. This Strategic Community Plan review is the first review for the City, outlines activity over the past four years and looks forward 10 years, describing the City's current and future contribution to the priorities and aspirations outlined by the community.

The Strategic Community Plan drives the development of the City's Area/Place/Regional Plans, resourcing and other informing strategies such as, Workforce Planning, Asset Management, Long Term Financial Plans and Service Area Business Plans.

The integration of asset, service and financial plans means the local government's resource capabilities are matched to their community's needs.

This integrated approach to planning will help the City of Melville improve how it identifies and meets the requirements of the local community.

Mr Kellick returned to the meeting at 7.04pm.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8046)
ABSOLUTE MAJORITY

At 7.04pm Cr Robartson moved, seconded Cr Foxton -

That the Council adopts the revised Strategic Community Plan - People Places Participation 2012- 2022 as contained in attachment
8046 City of Melville Draft Strategic Community Plan 2012-2022

At 7.09pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

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. C12/5214 - Policy Review – Chief Executive Officer – Ordinary Meeting of the Council - February 2012
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance & Compliance Program Manager

DEFINITION

Page 67

C12/5230 - POLICY REVIEW – EXECUTIVE MANAGER ORGANISATIONAL DEVELOPMENT (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- One Council Policy relating to the determination of Senior Employees of the City of Melville within the responsibility of the Executive Manager Organisational Development has been reviewed and is now presented for Council consideration.
- Policies that are defined as Council Policy require the approval of Council whereas Operational Policies are approved by the Chief Executive Officer.

BACKGROUND

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

DETAIL

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

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

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

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

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.

C12/5230 - POLICY REVIEW – EXECUTIVE MANAGER ORGANISATIONAL DEVELOPMENT (REC) (ATTACHMENT)

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

[5230 Policy Review Executive Manager Organisational Development.](#)

This policy CP – 026 Employee Appointments, has been reviewed and amended to include the heading Policy Scope and an explanation of the scope of the policy.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no 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. One policy refers to environmental considerations when the purchase of goods or services occurs.

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

C12/5230 - POLICY REVIEW – EXECUTIVE MANAGER ORGANISATIONAL DEVELOPMENT (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Each policy may be subject to various options which would be associated with a range of different options. The review process is designed to ensure that each policy provides the most appropriate policy 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 (5230)**APPROVAL**

That the policy CP-026 Employee Appointments reviewed by the Executive Manager Organisational Development as contained in 5230 Policy Review Executive Manager Organisational Development be approved.

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

CARRIED EN BLOC (13/0)

C12/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 23 March 2012 up to and including 19 April 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 by the Chief Executive Officer and the Mayor and the Chief Executive Officer attest the affixing of the seal.

DETAIL

Register Reference	Party	Description	File Reference
599	City of Melville and Leeming Sporting Bodies	Renewal of Management Licence - Bull creek Leeming Sporting Bodies (portion of Beasley Reserve(34366) Leeming	2570464
654	City of Melville and Walters River Cafe	Lease for Walters River Cafe	2698959
658	City of Melville and Water Corporation	Appointment of Settlement Agent for purchase of 70 & 72 Ogilvie Road 3 Clive Street Mt Pleasant	2708588

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 94(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 23 March 2012 up to and including 19 April 2012, be noted.

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

CARRIED EN BLOC (13/0)

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

KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of March 2012 and recommends that the information detailed in the report be noted.
- There were no credit events in March 2012 that affected the City's Collateralised Debt Obligation (CDO) investments.
- Two of the City's CDO investments were repaid:
 1. Magnolia Flinders CDO matured and was repaid with a full face value of \$2m.
 2. Ethical Green CDO was recalled with a partial impaired face value (\$649,464).
- One of the City's ADI investments (Adelaide Bank) was recalled with a full face value of \$1m.
- Monthly valuations for ADIs and CDOs shown for March are based on valuations obtained from CPG Research and Advisory as at 31 March 2012. When compared to the valuations used as at 30 June 2011:
 - ADIs have increased in value by \$27,405.
 - CDOs have increased in value by \$3,560,331.

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 the Council's Investment of Funds Policy CP-009, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

Summary details of investments held as at the end of March 2012 are shown in the tables below.

CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 MARCH 2012

SUMMARY BY FUND	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2011 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 50,316,720	\$ 50,316,720	\$ 50,316,720	\$ -	0.00%
RESERVE	\$ 49,550,621	\$ 35,272,887	\$ 38,860,622	\$ 3,587,736	7.24%
TRUST	\$ 505,818	\$ 505,818	\$ 505,818	\$ -	0.00%
CRF	\$ 183,184	\$ 183,184	\$ 183,184	\$ -	0.00%
	\$ 100,556,342	\$ 86,278,608	\$ 89,866,343	\$ 3,587,736	3.57%

SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2011 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
ADI	\$ 1,500,000	\$ 1,469,715	\$ 1,497,120	\$ 27,405	1.83%
CDO	\$ 14,920,000	\$ 672,550	\$ 4,232,881	\$ 3,560,331	23.86%
BOND	\$ 4,000,000	\$ 4,000,000	\$ 4,000,000	\$ -	0.00%
FRN	\$ 6,500,000	\$ 6,500,000	\$ 6,500,000	\$ -	0.00%
FRTD	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ -	0.00%
TERM DEPOSIT	\$ 61,469,738	\$ 61,469,738	\$ 61,469,738	\$ -	0.00%
11AM	\$ 9,435,959	\$ 9,435,959	\$ 9,435,959	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 100,556,342	\$ 86,278,608	\$ 89,866,343	\$ 3,587,736	3.57%

SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2011 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 5,500,000	\$ 5,500,000	\$ 5,500,000	\$ -	0.00%
AA-	\$ 65,105,697	\$ 65,105,697	\$ 65,105,697	\$ -	0.00%
A+	\$ 6,300,000	\$ 6,300,000	\$ 6,300,000	\$ -	0.00%
A	\$ 3,000,000	\$ 2,969,715	\$ 2,997,120	\$ 27,405	0.91%
A-	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ -	0.00%
BBB+	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
CCC	\$ -	\$ -	\$ -	\$ -	0.00%
CCC-	\$ -	\$ -	\$ -	\$ -	0.00%
NR	\$ 14,920,000	\$ 672,550	\$ 4,232,881	\$ 3,560,331	23.86%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 100,556,342	\$ 86,278,608	\$ 89,866,343	\$ 3,587,736	3.57%

C12/6000 - INVESTMENT STATEMENTS (REC)

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

C12/6000 - INVESTMENT STATEMENTS (REC)

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 MARCH 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	4.25%	AA-	\$3,620,840	\$3,620,840	\$3,620,840	\$0	On call
WESTPAC (MAXI DIRECT)		11AM	4.80%	AA-	\$1,100,000	\$1,100,000	\$1,100,000	\$0	On call
WESTPAC (MAXI BONUS 1)		11AM	5.20%	AA-	\$3,913,045	\$3,913,045	\$3,913,045	\$0	On call
WESTPAC (MAXI BONUS 2)		11AM	5.20%	AA-	\$802,074	\$802,074	\$802,074	\$0	On call
					\$9,435,959	\$9,435,959	\$9,435,959	\$0	
ANZ BANK (TERM)		TERM	6.00%	AA-	\$2,400,000	\$2,400,000	\$2,400,000	\$0	Various
AMP BANK LTD (TERM)		TERM	Various	AA-	\$1,000,000	\$1,000,000	\$1,000,000	\$0	Various
BANKWEST (TERM)		TERM	Various	AA-	\$11,369,738	\$11,369,738	\$11,369,738	\$0	Various
BENDIGO AND ADELAIDE BANK (TERM)		TERM	5.75%	A-	\$1,500,000	\$1,500,000	\$1,500,000	\$0	7-May-12
COMMONWEALTH BANK (TERM)		TERM	5.20%	AA-	\$3,000,000	\$3,000,000	\$3,000,000	\$0	5-Apr-12
SUNCORP METWAY LTD (TERM)		TERM	Various	A+	\$6,300,000	\$6,300,000	\$6,300,000	\$0	Various
NAB (TERM)		TERM	Various	AA-	\$10,300,000	\$10,300,000	\$10,300,000	\$0	Various
ST GEORGE BANK (TERM)		TERM	Various	AA-	\$13,800,000	\$13,800,000	\$13,800,000	\$0	Various
RABODIRECT (TERM)		TERM	5.60%	AA	\$1,500,000	\$1,500,000	\$1,500,000	\$0	21-May-12
WESTPAC (TERM)		TERM	Various	AA-	\$10,300,000	\$10,300,000	\$10,300,000	\$0	Various
					\$61,469,738	\$61,469,738	\$61,469,738	\$0	
BANK OF QUEENSLAND (FLOAT RATE TD)		FRTD	5.98%	BBB+	\$2,000,000	\$2,000,000	\$2,000,000	\$0	30-Sep-13
ING BANK		FRTD	5.69%	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	6.10%	AAA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	25-Jan-17
COMMONWEALTH BANK (RETAIL BOND)		BOND	5.81%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
COMMONWEALTH BANK (FRN)		FRN	5.48%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	2-Aug-16
NAB (FRN)		FRN	5.39%	AA-	\$2,000,000	\$2,000,000	\$2,000,000	\$0	16-Sep-14
NAB (FRN)		FRN	5.60%	AA-	\$2,000,000	\$2,000,000	\$2,000,000	\$0	21-Jun-16
WESTPAC (FRN)		FRN	5.94%	AA-	\$500,000	\$500,000	\$500,000	\$0	6-Feb-17
					\$10,500,000	\$10,500,000	\$10,500,000	\$0	
MACQUARIE BANK	Very Low	ADI	4.95%	A	\$1,500,000	\$1,469,715	\$1,497,120	\$27,405	31-May-12
APHEX (GLENELG)	High	CDO	6.14%	NR	\$2,000,000	\$122,833	\$463,020	\$340,187	22-Dec-14
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	0.00%	NR	\$2,000,000	\$1	\$1,200,000	\$1,199,999	20-Sep-14
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	\$450,000	\$1	\$270,000	\$269,999	20-Sep-14
CORSAIR (CAYMAN) KAKADU	High	CDO	5.83%	NR	\$1,500,000	\$75,255	\$257,640	\$182,385	20-Mar-14
CORSAIR (CAYMAN) TORQUAY	Very High	CDO	6.03%	NR	\$1,885,000	\$22,493	\$53	-\$22,440	20-Jun-13
HELIUM CAPITAL (ESPERANCE)	High	CDO	6.13%	NR	\$1,800,000	\$347,317	\$416,321	\$69,004	20-Mar-13
MANAGED ACES CLASS 11A PARKES	Very High	CDO	7.73%	NR	\$1,000,000	\$2,934	\$709	-\$2,225	20-Jun-15
MANAGED ACES CLASS 1A PARKES	High	CDO	6.06%	NR	\$1,050,000	\$10,269	\$86,961	\$76,692	20-Jun-15
OMEGA CAPITAL CLASS A HENLEY	Moderate	CDO	5.27%	NR	\$385,000	\$80,689	\$369,677	\$288,988	22-Jun-12
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	0.00%	NR	\$1,500,000	\$9,095	\$690,000	\$680,905	20-Sep-14
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	0.00%	NR	\$500,000	\$1,663	\$230,000	\$228,337	20-Jun-13
ZIRCON FINANCE MIAMI	Early Term.	CDO	0.00%	NR	\$850,000	\$1	\$248,500	\$248,499	20-Mar-15
					\$16,420,000	\$2,142,265	\$5,730,001	\$3,587,736	
UNITS IN LOCAL GOVT HOUSE		UNITS	0.00%		\$230,645	\$230,645	\$230,645	\$0	
TOTAL FUNDS INVESTED					\$100,556,342	\$86,278,608	\$89,866,343	\$3,587,736	

CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$5,500,000	\$5,500,000	6%	80%	
AA-	\$66,105,697	\$66,105,697	74%	80%	
A+	\$6,300,000	\$6,300,000	7%	50%	
A	\$2,000,000	\$1,997,120	2%	50%	
A-	\$1,500,000	\$1,500,000	2%	50%	
BBB+	\$2,000,000	\$2,000,000	2%	20%	
NR	\$14,920,000	\$4,232,881	5%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
TOTAL	100,556,342	89,866,343	100%		

DIVERSIFICATION RISK

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
AMP BANK LTD (TERM)	TERM	AA-	1,000,000	1.11%	1.11%	20%	
ANZ BANK (TERM)	TERM	AA-	2,400,000	2.67%	2.67%	20%	
BANKWEST (11AM)	11AM	AA-	3,620,840	4.03%		20%	
BANKWEST (TERM)	TERM	AA-	11,369,738	12.65%	16.68%	20%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	BBB+	2,000,000	2.23%	2.23%	10%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	1,500,000	1.67%	1.67%	15%	
COMMONWEALTH BANK (TERM)	TERM	AA-	3,000,000	3.34%		20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	2,000,000	2.23%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	2.23%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	2,000,000	2.23%	10.01%	20%	
ING BANK	FRTD	A	500,000	0.56%	0.56%	15%	
MACQUARIE BANK	ADI	A	1,497,120	1.67%	1.67%	15%	
NAB (FRN)	FRN	AA-	4,000,000	4.45%		20%	
NAB (TERM)	TERM	AA-	10,300,000	11.46%	15.91%	20%	
RABODIRECT (TERM)	TERM	AA	1,500,000	1.67%	1.67%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	13,800,000	15.36%	15.36%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	6,300,000	7.01%	7.01%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	3,913,045	4.35%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	802,074	0.89%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	1,100,000	1.22%		20%	
WESTPAC (TERM)	TERM	AA-	10,300,000	11.46%		20%	
WESTPAC (FRN)	FRN	AA-	500,000	0.56%		20%	
WESTPAC BANK	ADI	AA-	-	0.00%	18.49%	20%	
ADELAIDE BANK	ADI	A-	-	0.00%	0.00%	10%	
CDO - Various	CDO		4,232,881	4.71%	4.71%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	UNITS		230,645	0.26%	0.26%		
			89,866,343	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	45,191,893	100%	100%	
	45,191,893	100%		
RESERVE FUNDS				
< 1 year	21,416,619	55%	100%	
< 2 years	2,487,693	6%	80%	
< 3 years	4,623,020	12%	80%	
< 4 years	2,087,670	5%	40%	
< 5 years	6,748,500	17%	40%	
> 5 years	1,497,120	4%	20%	Purchased Prior To Policy Change
	38,860,622	100%		

The values ascribed to Authorised Deposit Taking Institutions (ADIs) by the City's independent financial advisers are based on current market evidence. Positive improvements in the market since 30 June 2011 are evident by an increase in market valuations. These valuations assume that the City will be required to sell these investments prior to maturity. The City is however a holder to maturity of these investments as there is no need to sell ADIs. There is therefore no reason to expect that any losses will be incurred. Recent repurchases by the issuing banks at their full value supports this view.

Since 30 June 2009, \$16,000,000 worth of ADIs has been repurchased by the issuing banks. These had been written down in previous financial years, to a book value of \$15,734,660. A book profit of \$265,340 has therefore been realised. The City expects that the remaining Macquarie Bank ADI will be repurchased by the issuing bank as it reaches its call date of 31 May 2012.

Two of the City's CDO investments matured during March. Magnolia Flinders with a face value of \$2,000,000 was repaid in full. Ethical Green CDO matured as the issuing bank did not exercise its right to extend its maturity. The City received \$649,464. This CDO was previously written down to \$10,758, resulting in a \$638,706 book profit. The City received \$2,649,464 from these two CDOs, which had been written down in previous financial years to a book value of \$1,480,473. A book profit of \$1,168,991 has therefore been realised as a result.

C12/6000 - INVESTMENT STATEMENTS (REC)

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

Monthly valuations for ADIs and CDOs shown for March are based on valuations obtained from CPG Research and Advisory as at 31 March 2012. When compared to the valuations used as at 30 June 2011, valuations obtained from CPG as at 31 March 2012 show that:

- ADIs have increased in value by \$27,405.
- CDOs have increased in value by \$3,560,331.

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

Some of the non Lehman Brothers arranged CDOs continue 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. Based on previous independent advice from a number of sources the City's policy has been to continue to hold these investments to maturity unless opportunities to sell at realistic values are presented. No realistic offers have been received to date. The recent repayment of the Ethical Green CDO at 64.9% of it's original value and maturity of Magnolia Flinders paying 100% has resulted in significant value being recovered,

It should be noted that CDOs are structured in such a manner so as to provide for a level of defaults of a number of the entities referenced by the CDOs before there is loss of value at maturity of the CDOs themselves.

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

C12/6000 - INVESTMENT STATEMENTS (REC)

Credit Ratings and Credit Events

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

Twenty one credit events impacting the City's CDO investments have now been recorded to date. The Companies involved are 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. This has resulted in a loss of \$6.96m to date, as detailed below:

Confirmed Losses:

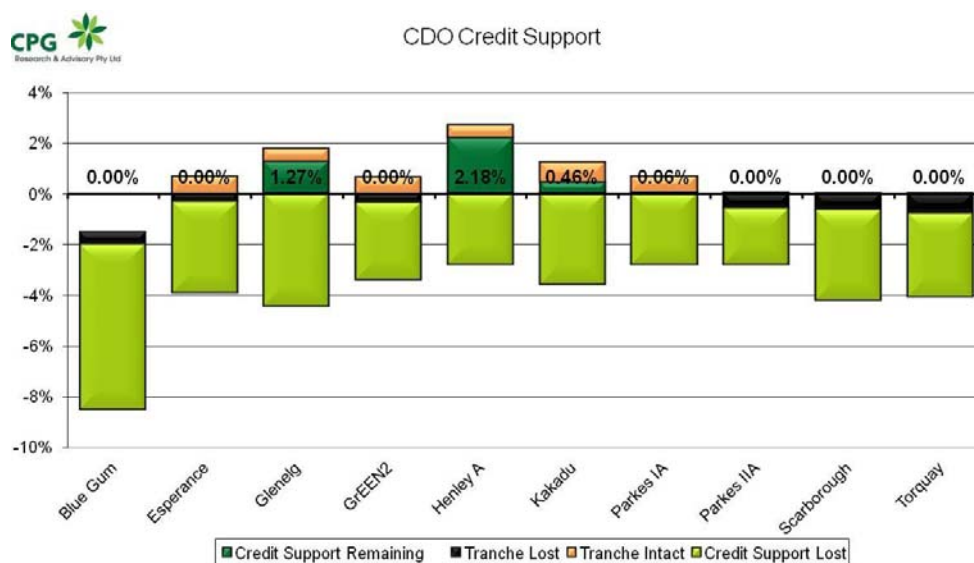
- The total loss of the Starts Cayman Blue Gum CDO with a face value of \$1.5m.
- The total loss of the Helium Capital Scarborough CDO with a face value of \$1.8m.
- The partial loss of 35.1% (\$0.351m) of the Ethical Limited Green CDO with a face value of \$1.0m.

Estimated Losses to date:

- The near total loss of 98.373% (\$1.854m) of the Corsair Cayman Torquay CDO with a face value of \$1.885m.
- The near total loss of 90.5% (\$0.905m) of the Managed Aces Class Parkes IIA CDO with a face value of \$1.0m.
- The partial loss of 30.3% (\$0.545m) of the Helium Capital Esperance CDO with a face value of \$1.8m.

Actual losses incurred will be funded from the Risk Management Reserve to the extent that funds are available in that Reserve. Where losses exceed the available funds, these will be prorated and deducted across the City's other Reserve Funds, excluding the Leave Entitlement Reserve, in proportion to the Reserve Balances as at 30 June 2007.

The impact of these credit events on each of the City's CDOs is shown below.



C12/6000 - INVESTMENT STATEMENTS (REC)

CDO Arranger Face Value	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Aphex Glenelg Arranger: Nomura International \$2.0m Matures 22/12/14	7 credit events: Takefuji, AIFUL, Thomson, Lehman's, Landsbanki, CIT Group & PMI Group.	2.0	2.79	
Beryl Finance Global Bank Note Arranger: Lehman Brothers \$2.45m Matures 20/9/14	Nil credit events:	1	N/A	Terminated due to Lehman bankruptcy – In legal dispute re collateral
Corsair Cayman Kakadu Arranger: J.P. Morgan Australia \$1.5m Matures 20/3/14	11 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, Kaupthing, CIT Group, Anglo Irish Bank & PMI Group	1	1	Very high likelihood of total default.
Corsair Cayman Torquay Arranger: J.P. Morgan Australia \$1.885m Matures 20/6/13	11 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Idearc, Freddie Mac, Lehman, WaMu, Glitnir, Kaupthing, CIT Group & PMI Group	-2.0	-2.0	Loss (98.373%) of principal has occurred. Very high likelihood of total default.
Ethical Limited Green Arranger: J.P. Morgan Australia \$1.0m Matured 20/3/12	9 credit events: AMBAC Assurance, XL Capital Assurance, Idearc, Lehman's, WaMu, Glitnir, Kaupthing, CIT Group & PMI Group	-0.9	1.75	Partial loss (35.1%) of principal has occurred. Balance of CDO was repaid.
Helium Capital Esperance Arranger: Merrill Lynch International \$1.80m Matures 20/3/13	7 credit events: PMI Group, Idearc, Tribune, Thomson, Lehman's, AMBAC Assurance & CIT Group.	-0.5	0.67	Partial loss (30.3%) of principal has occurred. Very high likelihood of total default..

C12/6000 - INVESTMENT STATEMENTS (REC)

CDO Arranger Face Value	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Magnolia Flinders Arranger: Credit Suisse First Boston \$2.0m Matured 20/3/12	Nil CDO defaults:	N/A	N/A	Repaid in full upon maturity on 20 March 2012
Managed Aces Class Parkes 1A Arranger: Morgan Stanley \$1.05m Matures 20/6/15	9 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, CIT Group & PMI Group.	0.2	1.94	High likelihood of total default.
Managed Aces Class Parkes 11A Arranger: Morgan Stanley \$1.0m Matures 20/6/15	9 credit events: AMBAC Assurance, AIFUL, FGIC, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu & CIT Group.	-1.8	-1.8	Partial loss (90.5%) of principal has occurred. Very high likelihood of total default.
Omega Capital Class A Henley Arranger: BNP Paribas \$0.385m Matures 20/6/12	7 credit events: AMBAC Assurance, Freddie Mac, Fannie Mae, Thomson, Lehman's, CIT Group & PMI Group	3.3	3.44	Maturity imminent on 22 June 2012

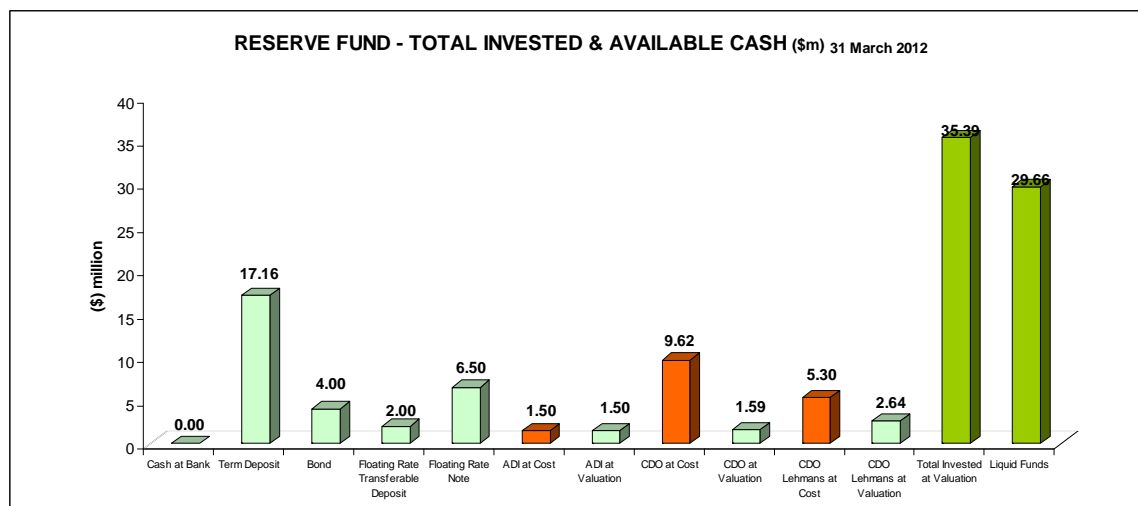
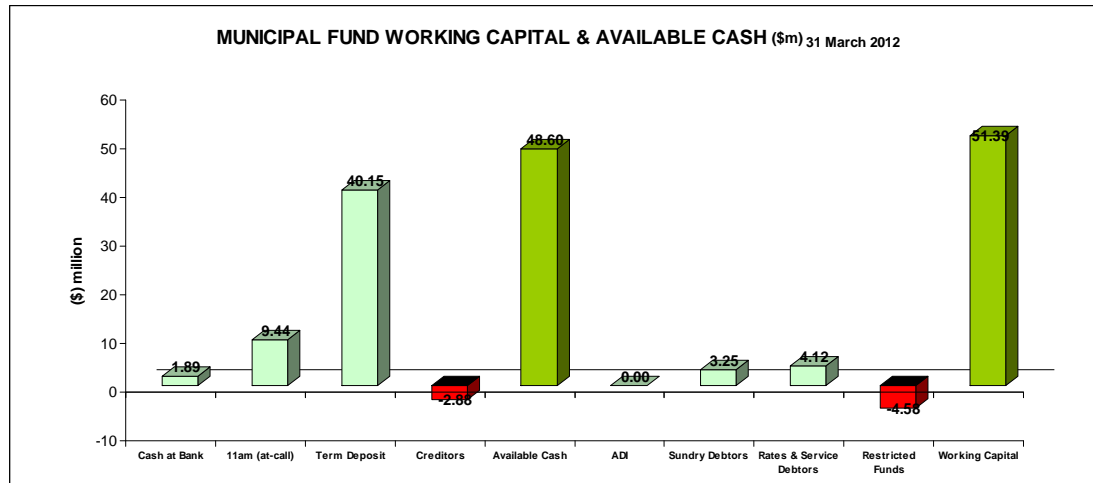
C12/6000 - INVESTMENT STATEMENTS (REC)

CDO Arranger Face Value	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Zircon Finance Coolangatta Arranger: Lehman Brothers \$1.50m Matures 20/9/14	8.0 credit events: Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group.	4.7	6.5	Terminated due to Lehman bankruptcy – In legal dispute re collateral
Zircon Finance Merimbula A Arranger: Lehman Brothers \$0.50m Matures 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 Arranger: Lehman Brothers \$0.85m Matures 20/3/17	7.0 credit events: Ambac Assurance, Aiful, Thomson, Freddie Mac, Fannie Mae, Abitibi & CIT Group.	8.4	10.1	

C12/6000 - INVESTMENT STATEMENTS (REC)

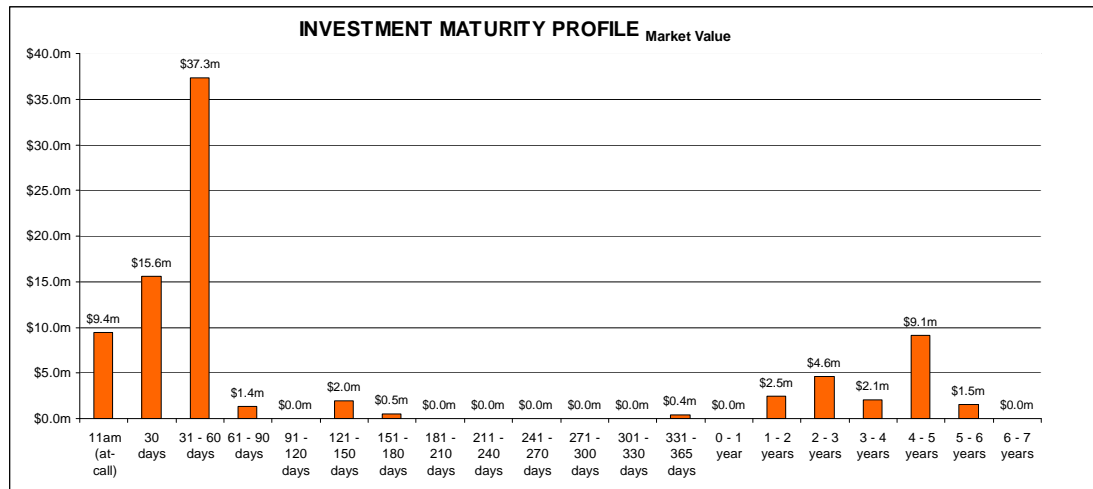
Net Funds Held

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



C12/6000 - INVESTMENT STATEMENTS (REC)

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

C12/6000 - INVESTMENT STATEMENTS (REC)**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

In conjunction with approximately 72 other corporations and local government authorities the City of Melville has engaged litigation funder IMF Australia to seek recovery of book losses from Lehman Brothers Australia. Whilst the decisions taken by the various courts have been positive for the City the legal process is lengthy and it will still be some time before certainty is achieved.

Legal actions are taking place between the United Kingdom (UK) and United States (US) courts as to whose laws should be applied in respect of the Lehman Brothers arranged CDOs, which is subject of an early termination. Lehman Brothers was successful in gaining the right to appeal the current UK judgement in favour of investors to the Supreme Court of England and Wales. This is the highest possible court whose decision will bring finality to the legal process in the UK. It is therefore likely that the legal process will continue for at least another year as the US court has not yet issued its first judgement, which is almost certain to be appealed.

As previously mentioned, the likelihood of this happening can be demonstrated by the upward valuations in these CDOs over the past months.

C12/6000 - INVESTMENT STATEMENTS (REC)**FINANCIAL IMPLICATIONS**

For the period ending March 2012, interest earned on:

- Municipal and Trust Funds was \$2,152,072 against a year to date budget of \$1,859,875. This represents a \$292,197 positive variance.
- Reserve Funds was \$1,997,624 against a year to date budget of \$1,300,000. This represents a \$697,642 positive variance.

Investment earnings received in respect to CDO investments since 1 July 2007 has been \$4.868m and \$2.928m in respect to ADIs.

In accordance with the Council's Investment Policy, any surplus investment returns derived as a result of investing in ADIs, CDOs, Bonds, Floating Rate Notes, Floating Rate Transferable Deposit and Term Deposits when compared to the cash rate will be transferred to the Risk Management Reserve.

Due to Lehman Brothers entering into Chapter 11 bankruptcy proceedings, the City has not received interest payments on the \$5.3m face value of Lehman Brothers arranged CDOs. At this time we understand that interest on the underlying collateral is being retained by the Trustee who has taken control of that collateral.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

Due to the continuing credit market concerns overseas, the risks associated with the City's investment portfolio in CDOs also increased to levels which are of concern. Whilst the City continues to earn and be paid interest from its non Lehman 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.

Due however to the lack of an active market for CDOs, these investments must continue to be held unless opportunities to sell at realistic values are presented.

The risk of loss due to the default of some of the CDOs is very high whilst the risk of loss due to the default of deposits with banks or ADIs is considered extremely low.

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

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

C12/6000 - INVESTMENT STATEMENTS (REC)**POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds.

The Investment Policy was reviewed and readopted at the Ordinary Meeting of Council held on 15 November 2011.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

Whilst the situation regarding the CDO investments remains tenuous with the loss of two, partial repayment of one and the partial default/loss of three other CDO investments, the full impact of the book value devaluation of these investments were accounted for in the previous financial years. No further material book value devaluations are expected over the course of the current and future financial years.

Officers, in conjunction with CPG, will continue to monitor the situation regarding CDO investments and report this on a monthly basis. Based on independent advice received from various sources, the City's policy is to continue to hold these investments to maturity unless opportunities to sell at realistic values are presented. No realistic offers have been received to date.

As a result of improved book values of previously written down investments, continuing cost savings/efficiencies, alternative revenue generation projects and the strong investment returns that have been realised over the past few years, the value of the City's Reserve funds have been restored to in excess of pre global financial crisis levels.

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

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

At 7.11pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C12/6001 – SCHEDULE OF ACCOUNTS FOR MARCH 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 : 2011/2012 Budget
 Responsible Officer : Khris Yeoh
 Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

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

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

This report presents details of the payments made to suppliers for the provision of goods and services for the month of March 2012 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 March 2012, [6001 March 2012](#) including Payment Registers numbers Cheques **275 to 279** and Electronic Funds Transfers **234 to 236** were distributed to the Members of Council on 15 May 2012.

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

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

Supplier Name	Remittance Number	Remittance Details	
Arborwest Tree Farm	E028206	Tree supply	\$25,201.00
Badge Constructions (WA) Pty Ltd	E028240	Progress claim 10 for redevelopment of Melville Aquatic Fitness Centre	\$214,882.75
Boral Construction	E028128	Road resurfacing	\$37,798.22
Catalyse	E028111	70% of fees for Community & Business Perceptions Survey	\$27,335.00
Dickies Tree Service	E027934 & E028134	Tree lopping service	\$68,148.25
Downer EDI Works Pty Ltd	E028065 & E028235	Road resurfacing	\$187,073.55
Dowsing Concrete	E028118 & E028276	Concrete laying footpaths	162,215.26
Earthcare Australia	E028041	Melville parklands retention	\$88,552.16
Fire & Emergency Services Authority WA	E028082	ESL remittance for February 2012	\$408,268.63
Flexi Staff	E027960 & E028161	Staff hire	\$68,731.62
Forpark Australia	E028136	Installation of playground at Ratcliffe & Len Shearer Reserve	\$63,884.70
Gymcare	E027972 & E028171	Service of gym equipment	\$173,312.92
Miracle Rec Equipment	E027975 & E028173	Play equipment supplies & repairs	\$149,847.50
Mountway Melville Hyundai	Chqs 047740 & 048037	Purchase of Hyundai i30 wagon & Hyundai i30 hatchback	\$44,944.39
Robinson Buildtech	E028147 & E027945	Building maintenance	\$59,325.87
Sifting Sands	E028274	Maintenance to sand pits	\$25,074.35
South West Group	E027981	Second instalment of member council contribution	\$38,000.00
Southern Metropolitan Regional Council	E028024	RRRC loan repayment for March 2012 quarter & MSW gate fees for February 2012	\$646,648.21
Synergy	Chqs 047743 & 048040	Electricity supply	\$420,642.16
Titan Ford	E027983	Purchase 2 Ford Ranger Utilities	\$66,224.61
Water Corporation	Chqs 047764 & 048075	Water supply	\$72,717.70
WC Convenience Management	Chq 048113	Installation of portable toilets	\$31,160.25
Western Australia Local Government Association	E028028 & E028210	Advertising	\$26,564.84

C12/6001 – SCHEDULE OF ACCOUNTS FOR MARCH 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 2011/2012 Budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

No other identifiable strategic, risk and environmental management implications.

POLICY IMPLICATIONS

Not Applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C12/6001 – SCHEDULE OF ACCOUNTS FOR MARCH 2012 (REC) (ATTACHMENT)**CONCLUSION**

This is a regular monthly report for Elected Members information.

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

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

At 7.11pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C12/6002 – FINANCIAL STATEMENTS FOR MARCH 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 review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

KEY ISSUES / SUMMARY

- This report presents the Financial Statements for the period ending 31 March 2012 and recommends that they be noted by the Council.
- Money expended in an emergency:
 - As a result of the fire at the Civic Centre, unbudgeted expenditure of \$444,752 has been expended from Municipal funds since the day of the fire, the majority of which will be recovered from the insurance claim.

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

BACKGROUND

The Financial Statements for the period ending 31 March 2012 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996 as amended.

DETAIL

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

To 31 March 2012, a net operating positive variance of \$3.503m was recorded. A net positive variance of \$2.759m was recorded against capital.

Variances

A summary of variances is included below.

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 31 MARCH 2012								
	March Actual \$	YTD Budget \$	YTD Actual \$	Current Commitments \$	Variance \$	Variance %	Annual Budget \$	Annual Revised Budget \$
Revenues								
General Purpose Funding	580,232	6,401,849	6,712,130	-	310,281	5%	8,068,771	8,328,902
Education & Welfare	31,612	157,386	211,820	-	54,434	35%	208,497	208,497
Community Amenities	89,943	15,992,260	16,074,732	-	82,473	1%	15,913,420	16,250,870
Recreation and Culture	809,233	6,398,954	6,269,073	-	(129,880)	-2%	7,897,263	8,644,012
Transport	901,072	4,055,063	3,980,199	(268)	(75,133)	-2%	4,379,770	5,169,843
Other Property and Services	19,534	4,412,654	3,097,109	(3,703)	(1,319,248)	-30%	491,281	3,122,406
	2,563,019	41,971,456	40,973,218	(3,971)	(1,002,209)	-2%	41,010,932	46,672,075
Expenses								
Governance	(1,091,806)	(13,510,094)	(11,949,457)	(896,077)	664,560	-12%	(15,632,267)	(17,179,032)
General Purpose Funding	1,648,587	(2,867,197)	(1,170,351)	(52,850)	1,643,996	-59%	(2,903,840)	(3,003,840)
Law, Order, Public Safety	(278,847)	(2,748,765)	(2,475,133)	(28,685)	244,947	-10%	(3,598,560)	(3,654,087)
Education & Welfare	(434,773)	(4,011,931)	(3,755,040)	(96,964)	159,927	-6%	(5,460,056)	(5,443,694)
Community Amenities	(865,619)	(14,016,222)	(11,928,608)	(917,447)	1,170,168	-15%	(18,233,961)	(18,934,691)
Recreation and Culture	(1,962,142)	(19,441,709)	(17,837,367)	(1,061,838)	542,504	-8%	(25,508,929)	(25,754,681)
Transport	(725,754)	(7,651,989)	(6,625,110)	(786,779)	240,100	-13%	(10,060,564)	(10,181,989)
	(3,954,953)	(67,869,923)	(59,216,584)	(3,964,520)	4,688,818	-13%	(85,495,791)	(88,496,409)

Revenue

\$51.71m in Rates has been raised to 31 March 2012. This is compared with a year to date budget of \$51.74m, resulting in a negative variance of \$30,134.

Money Expended in an Emergency

As a result of the fire at the Civic Centre, unbudgeted expenditure of \$444,752 has been expended from the City's Municipal funds since the day of the fire. It is anticipated that the costs incurred, less the City's \$10,000 insurance excess and any betterment, will be recouped from our insurers in the 2011/12 financial year. Officers will continue to report to Council on the progress of expenditures.

Some of the major expenditure items include:

- Fire damage repairs to date : \$351K
- Purchase of a new scanner/printer : \$94K

The reinstatement works were completed during January 2012.

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

Budget Amendments

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

Rates Collections and Debtors

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

Rates, Refuse & Fire and Emergency Service Authority payments totalling \$ 5.28m, was collected over the course of the month. Rate collection progress for the month of March was 0.1% below target however 94.9% of the 2011/12 rates was collected as at 31 March 2012 which compares favourably to the 94.0% collected at the same time last year with the improvement being attributed to the earlier issue of rate notices this year.

The total sundry debtors balance increased by \$29,000 over the course of the month. The 90+ day's debtor balance increased by \$1,000.

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

DESCRIPTION	LINK
Statement of Financial Activity – March 2012	6002A March 2012
Operating Statements by Program – March 2012	6002B March 2012
Representation of Working Capital – March 2012	6002E March 2012
Reconciliation of Net Working Capital – March 2012	6002F March 2012
Notes on Operating Statements reporting on variances of 10% or greater – March 2012	6002H March 2012
Summary of Rates Debtors – March 2012	6002L March 2012
Graph Showing Rates Collections – March 2012	6002M March 2012
Summary of General Debtors aged 90 Days Old or Greater – March 2012	6002N March 2012
Detail of Debts Written Off for the Month – March 2012	Not Applicable

C12/6002 – FINANCIAL STATEMENTS FOR MARCH 2012 (AMREC) (ATTACHMENTS)**Granting of concession or writing off debts owed to the Council**

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. The delegation is conditioned on the basis that a quarterly report detailing any debts written off is to be submitted to the Council.

No debts were written off during the month of March 2012.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

Local Government (Financial Regulations) 1996 Part 4 – Financial Reports
Regulation 34 of the Local Government (Financial Management) Regulations 1996 as amended in March 2005, requires that:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

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

- (3) The information in a statement of financial activity may be shown-
 - (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be-
 - (a) presented to the Council-
 - (i) at the next ordinary meeting of Council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of Council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

The variance adopted by the Council at its meeting held on 28 June 2011, which also adopted the 2011/12 Budget, was 10% or \$50,000 whichever is greater.

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

FINANCIAL IMPLICATIONS

The Budget Review revisions for 2011/12 have now been loaded into the financial system. Other real variances are dealt with in 6002H (Notes on Operating Statements reporting on variances of 10% or greater).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

No identifiable strategic, risk and environmental management implications.

POLICY IMPLICATIONS

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

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

CONCLUSION

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

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY

At 7.11pm Cr Willis moved, seconded Cr Kinnell -

- 1. That the Statements of Financial Activity and the Operating Statements for the financial year to date ending 31 March 2012 as detailed in the following attachments be noted:**

DESCRIPTION	LINK
Statement of Financial Activity – March 2012	6002A March 2012
Operating Statements by Program – March 2012	6002B March 2012
Representation of Working Capital – March 2012	6002E March 2012
Reconciliation of Net Working Capital – March 2012	6002F March 2012
Notes on Operating Statements reporting on variances of 10% or greater – March 2012	6002H March 2012
Summary of Rates Debtors – March 2012	6002L March 2012
Graph Showing Rates Collections – March 2012	6002M March 2012
Summary of General Debtors aged 90 Days Old or Greater – March 2012	6002N March 2012
Detail of Debts Written Off for the Month – March 2012	Not Applicable

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

At 7.12pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**15.1 Allocation of Funding to the Friends of Wireless Hill for the purpose of hand weeding****MOTION WITH NOTICE****ABSOLUTE MAJORITY**

At 7.15pm Cr Nicholson moved, seconded Cr Willis -

That the Council:

- 1. Acknowledging the community's concern of the use of chemicals, and the excellent dedicated work of the Friends of Wireless Hill over many years, resolve that \$14,000 be allocated to the Friends of Wireless Hill out of the City's 2012/13 budget for the sole purpose of hand weeding in areas designated by the Friends of Wireless Hill.**
- 2. Resolve that no chemical spraying to be conducted by the City in these designated areas.**
- 3. Resolve that the monies are to be paid to and managed by the South East Regional Centre for Urban Landcare (SERCUL) on behalf of the Friends of Wireless Hill.**

Reasons for Motion

Cr Nicholson provided the following reasons in support of the motion -

"This would represent better value for the City of Melville and its ratepayers. This may lead to a reduction in the weed density and also an increase in the health and biodiversity of the bush. The motion requests that the money be directed to the South East Regional Centre for Urban Landcare (SERCUL) to administer the funds on behalf of the Friends of Wireless Hill Group to manage in order to achieve these better results. The Friends' Group will employ the contractors directly and may negotiate a better rate.

This motion is in accord with the City's "A Strategic Community Plan for the City of Melville 2012 – 2022" and I quote:

"A Clean and Green Environment

We live in a clean and green community with lots of trees and open space. We recognise and value our environment. We maintain our environment and natural heritage as our City grows.

Our unique environment is maintained and enhanced. The impact of our homes and businesses on our natural environment is reduced. The impacts of climate change on our City and community are reduced"

15.1 Allocation of Funding to the Friends of Wireless Hill for the purpose of hand weeding (Continued)Amendment

At 7.30pm and amendment was proposed by Cr Robartson and was accepted by the mover and seconder of the motion -

That in Point 1 the words “in areas designated by the Friends of Wireless Hill” be deleted and insert the words “in areas in agreement with the Friends of Wireless Hill”.

That Point 2 be deleted and Point 3 be renumbered to Point 2.

That in Point 3 remove the words “Resolve that the monies are to be paid to and managed” and replace with the words “The City investigate if the project could be managed”.

Cr Willis left the meeting at 7.51pm and returned at 7.53pm.

COUNCIL RESOLUTION**ABSOLUTE MAJORITY**

At 8.05pm the Mayor submitted the substantive motion as amended

That the Council:

- 1. Acknowledging the community’s concern of the use of chemicals, and the excellent dedicated work of the Friends of Wireless Hill over many years, resolve that \$14,000 be allocated to the Friends of Wireless Hill out of the City’s 2012/13 budget for the sole purpose of hand weeding in areas in agreement with the Friends of Wireless Hill.**
- 2. The City investigate if the project could be managed by the South East Regional Centre for Urban Landcare (SERCUL) on behalf of the Friends of Wireless Hill.**

At 8.05pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (8/5)

Cr Reynolds requested that his vote against the motion be recorded.

16. EN BLOC ITEMS

At 8.06pm Cr Robartson moved, seconded Cr Foxton -

That the recommendations for items P12/3304, P12/3305, P12/3306, C12/5230, C12/5000, C12/6000 and C12/6001 be carried En Bloc.

At 8.06pm the Mayor submitted the motion, which was declared **CARRIED (13/0)**

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

At 8.06pm Cr Robartson moved, seconded Cr Reidy -

That the meeting be closed to the public to permit discussion on the following confidential matters –

Item P12/3303 which relates to Reconsideration of Two Storey Mixed Use Development with Basement Parking on Lot 1 (408) Canning Highway, Bicton covered under Section 5.23 (2) (d) of the Local Government Act 1995 relating to legal advice obtained or may be obtained which relates to this matter.

Confidential Attachments in Late Item C12/5229 which relates to Western Australian Local Government Association Report Concerning an Alleged Breach of the Code of Conduct covered under Section 5.23 (2) (b) relating to the personal affairs of any person.

Confidential Attachments in Late Item M12/5228 which relates to the City of Melville Chief Executive Officer Performance Review covered under Section 5.23 (2) (b) & (c) relating to the personal affairs of any person and a contract that has been entered into.

At 8.07pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

At 8.07pm Cr Macphail, Cr Nicholson, Cr Pazolli and Cr Taylor-Rees left the meeting.

At 8.07pm Ms C Young and Mr M Tieleman left the meeting.

At 8.08pm Cr Macphail and Cr Pazolli returned to the meeting.

The Presiding Member advised Elected Members that when dealing with the following Confidential 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.

**CONFIDENTIAL ITEM P12/3303 – RECONSIDERATION OF TWO STOREY MIXED
USE DEVELOPMENT WITH BASEMENT PARKING ON LOT 1 (408) CANNING
HIGHWAY, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**

At 8.09pm Cr Nicholson and Cr Taylor-Rees returned to the meeting.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3303)
SPECIAL MAJORITY DECISION**

At 8.09pm Cr Barton moved, seconded Cr Kinnell -

**That the Council adopt by Special Majority Decision the Officer
Recommendation contained in a confidential attachment entitled
“Recommendation for Lot 1 (408) Canning Highway, Bicton”.**

At 8.14pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

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

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

14.1 LATE ITEMS FROM THE GOVERNANCE COMMITTEE MEETING 2 MAY 2012

The following items from the Governance Committee Meeting of 2 May 2012 require consideration by the Council.

LATE ITEM C12/5229 – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION REPORT CONCERNING AN ALLEGED BREACH OF THE CODE OF CONDUCT (REC) (CONFIDENTIAL ATTACHMENT)

Disclosure of Interest

Item No.	C12/5229
Member	Cr A Nicholson
Type of Interest	Interest Under Code of Conduct
Nature of Interest	Sister of Cr Pazolli
Request	To Stay, Discuss & Vote
Decision of Council	Not Applicable
Ward	: All
Category	: Operational
Subject Index	: Governance Committee Formal Enquiries, Code of Conduct, Fraud
Customer Index	: Cr Pazolli, Cr Macphail, Elected Members
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: C11/5212 - Complaint – Alleged Breach of the Code of Conduct – Governance Committee 12 December 2011 C12/5229 – WALGA Report Concerning an Alleged Breach of the Code of Conduct – Governance Committee 2 May 2012
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Dr Shayne Silcox Chief Executive Officer

LATE ITEM C12/5229 – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION REPORT CONCERNING AN ALLEGED BREACH OF THE CODE OF CONDUCT (REC) (CONFIDENTIAL ATTACHMENT)

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- An alleged breach of the Code of Conduct was referred to the Governance Committee by Councillor Pazolli for resolution.
- The Western Australian Local Government Association (WALGA) was requested to investigate the allegation and provide a report to the Governance Committee.
- The investigation has reported that a breach of the Code of Conduct could not be found.
- This report recommends that the WALGA Investigator's report be received and advise the findings in writing to Cr Pazolli and Cr Macphail.
- That WALGA be acknowledged for their willingness to conduct an investigation on the City's behalf.

BACKGROUND

An allegation of a breach of the City's Code of Conduct was made by Cr Pazolli against Cr Macphail as a result of attendance at a newly Elected Member Professional Development Session held on 23 November 2011. The Governance Committee considered the allegation at a meeting held on 12 December 2012 and resolved to engage WALGA as an independent organisation to investigate the allegation.

LATE ITEM C12/5229 – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION REPORT CONCERNING AN ALLEGED BREACH OF THE CODE OF CONDUCT (REC) (CONFIDENTIAL ATTACHMENT)**DETAIL**

The City's Code of Conduct requires that any investigation of a breach of the Code of Conduct will follow the investigation procedures of Clause 8.3.

“An investigation conducted by the Chief Executive Officer, or the Governance Committee will follow the rules of procedural fairness. The investigator must:

- *inform the person/s against whose interests a decision may be made of any allegations against them and the substance of any adverse comment in respect of them*
- *provide the person/s with a reasonable opportunity to put their case*
- *hear all parties to a matter and consider submissions*
- *make reasonable enquiries before making a decision*
- *ensure that no person is involved in enquiries in which they have a direct interest”*

The WALGA investigation was conducted by Mr Tony Brown, Executive Manager Governance and Strategy and Mr James McGovern, Manager Governance. The investigators commenced on 16 December 2011 and were provided with all documents from Officers who were present at the Professional Development Session. The investigators wrote to Cr Pazolli and Cr Macphail who responded in January 2012. Interviews were arranged with all Elected Members who participated in the Professional Development Session and Officers who were present on the evening. The Elected Members who assisted the investigation are Cr Hill, Cr Taylor-Rees, Cr Willis, Cr Pazolli and Cr Macphail. The Officers who assisted the investigation are Mr Christie, Mr Tieleman, Mr Cope and Mr Clark. The individual interviews were conducted at the Civic Centre on 9 and 14 March 2012.

The investigators examined each of Cr Pazolli's allegations and in each case have concluded *“on the balance of the information available, it is concluded no breach of the Code of Conduct occurred”*. The investigators' report is provided as a confidential attachment.

The Governance Committee has completed the requirements of Clause 8.3 and may now resolve to accept the investigators' report and conclude the matter.

PUBLIC CONSULTATION/COMMUNICATION

There was no public consultation or communication relating to this report.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

WALGA was engaged to undertake an investigation.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications in this report.

LATE ITEM C12/5229 – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION REPORT CONCERNING AN ALLEGED BREACH OF THE CODE OF CONDUCT (REC) (CONFIDENTIAL ATTACHMENT)**FINANCIAL IMPLICATIONS**

WALGA have provided their senior officers time and expertise at no cost to the City of Melville

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic and environmental management implications in this report. A risk management implication is addressed in the Risk Statement.

Risk Statement	Level of Risk	Risk Mitigation Strategy
In the event that this matter was released to the media, a reputational risk may be occasioned to the City and Councillors.	Minor consequences which are possible, resulting in a Medium level of risk	Elected Members Professional Development sessions incorporate Code of Conduct and Rules of Conduct.

POLICY IMPLICATIONS

The Code of Conduct is due for review and the outcome of this matter will be part of the consideration of the review. A report from WALGA on the City's Code of Conduct provisions will be provided shortly.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

This report is provided to present the investigators' report to the Governance Committee to conclude the matter.

CONCLUSION

The Governance Committee is responsible for the investigation of allegations of a breach of the Code of Conduct by Elected Members and is to investigate the alleged breach or engage an independent person to investigate the allegation. The allegations have been investigated and the findings are *"on the balance of the information available, it is concluded no breach of the Code of Conduct occurred"*.

LATE ITEM C12/5229 – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION REPORT CONCERNING AN ALLEGED BREACH OF THE CODE OF CONDUCT (REC) (CONFIDENTIAL ATTACHMENT)

At 8.17pm Mr S Cope, Mr P Kellick and Mr P Prendergast left the meeting.

COMMITTEE RECOMMENDATION (5229)**APPROVAL**

That the Governance Committee;

1. Resolve to receive the report by the Western Australian Local Government Association investigators into the alleged breach of the Code of Conduct referred to the Governance Committee by Councillor Pazolli.
2. Advise Cr Pazolli and Cr Macphail in writing, the findings of the Western Australian Local Government Association investigators.
3. Request the Chief Executive Officer to write to and express the City's appreciation to the Western Australian Local Government Association for their willingness to provide their senior staff to conduct the investigation and the manner in which the investigation was conducted.
4. Resolve to take no further action in this matter.

Reject and Replace

At 8.24pm Cr Pazolli moved, seconded Cr Nicholson -

That the recommendation be rejected and replaced with "That the Council resolves to reject the WALGA report."

At 8.40pm Cr Robartson left the meeting and returned at 8.42pm.

At 8.44pm Cr Reynolds left the meeting and returned at 8.48pm.

At 8.49pm the Mayor declared the motion

LOST (4/9)

LATE ITEM C12/5229 – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION REPORT CONCERNING AN ALLEGED BREACH OF THE CODE OF CONDUCT (REC) (CONFIDENTIAL ATTACHMENT)**COMMITTEE RECOMMENDATION (5229)****APPROVAL**

At 8.49pm Cr Robartson moved, seconded Cr Reidy -

That the Governance Committee;

- 1. Resolve to receive the report by the Western Australian Local Government Association investigators into the alleged breach of the Code of Conduct referred to the Governance Committee by Councillor Pazolli.**
- 2. Advise Cr Pazolli and Cr Macphail in writing, the findings of the Western Australian Local Government Association investigators.**
- 3. Request the Chief Executive Officer to write to and express the City's appreciation to the Western Australian Local Government Association for their willingness to provide their senior staff to conduct the investigation and the manner in which the investigation was conducted.**
- 4. Resolve to take no further action in this matter.**

Amendment

That after the words "That the Governance Committee" the words "recommend that the Council" be inserted.

The Amendment was accepted by the mover and seconder and incorporated in the recommendation.

Reason for Amendment

The resolutions of the Governance Committee in this report, are provided as a recommendation to the Council for approval. The inclusion of the additional words provides an action for the Council's response.

LATE ITEM C12/5229 – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION REPORT CONCERNING AN ALLEGED BREACH OF THE CODE OF CONDUCT (REC) (CONFIDENTIAL ATTACHMENT)**COUNCIL RESOLUTION (5229)****APPROVAL**

At 8.49pm the Mayor submitted the substantive motion as amended –

That the Governance Committee recommend that the Council;

- 1. Resolve to receive the report by the Western Australian Local Government Association investigators into the alleged breach of the Code of Conduct referred to the Governance Committee by Councillor Pazolli.**
- 2. Advise Cr Pazolli and Cr Macphail in writing, the findings of the Western Australian Local Government Association investigators.**
- 3. Request the Chief Executive Officer to write to and express the City's appreciation to the Western Australian Local Government Association for their willingness to provide their senior staff to conduct the investigation and the manner in which the investigation was conducted.**
- 4. Resolve to take no further action in this matter.**

At 8.50pm the Mayor declared the motion

CARRIED (9/4)

Cr Pazolli requested that the votes be recorded -

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

At 8.52pm Mr L Hitchcock, Mr B Taylor and Ms D Beilby left the meeting.

At 8.54pm Ms A Lake and Ms K Johnson entered the meeting.

**LATE ITEM M12/5228 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

Ward : All
 Category : Operational
 Subject Index : Personnel file
 Customer Index : Personnel file
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : M12/5216 – City of Melville – Chief Executive Officer Performance Review – Governance Committee 4 April 2012
 M12/5216 – City of Melville – Chief Executive Officer Performance Review – Council 17 April 2012
 M12/5228 – City of Melville – Chief Executive Officer Performance Review – Governance Committee 2 May 2012
 Works Programme : Not applicable
 Funding : Not applicable
 Responsible Officer : Kylie Johnson
 Executive Manager Organisational Development

AUTHORITY / DISCRETION

DEFINITION

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

**LATE ITEM M12/5228 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Governance Committee has been determined through Council to be the reviewers of the Chief Executive Officer (CEO) performance.
- The Governance Committee will discuss the CEO performance, future expectations and performance criteria, and review the salary package, for recommendation to the Council.
- A defined process is followed for the CEO performance review, as detailed in the agenda item.
- It will be recommended that the Council provide authorisation of the Mayor to review/approve conditions of employment within the Chief Executive Officer's contract.
- Council resolution 5216 from 17 April 2012 relates to the Governance Committee requesting the Performance Review Consultant prepare a Chief Executive Officer Development Plan.

BACKGROUND

On 20 March 2008 Dr Shayne Silcox commenced in the role of Chief Executive Officer (CEO) at the City of Melville. The last performance review was finalised in May 2011, and resulted in a new five year contract being adopted by Council. In accordance with Clause 7 of the CEO contract there is to be a Performance Review every 12 months.

A Performance Review Consultant, Anne Lake Consultancy, has been engaged by the City of Melville to facilitate the discussions between Council and the Chief Executive Officer during the Performance and Remuneration Review process.

The Chief Executive Officer's contract contains a number of employment conditions that are subject to the Council or if the Council so resolves, the Mayor's approval. These are principally operational matters pertaining to leave, professional development and motor vehicle entitlements.

DETAIL

The review process endorsed by Council on 20 March 2012 is detailed as attachment [5228 Chief Executive Officer Performance Review](#). As indicated in the process the Governance Committee are to discuss the CEO performance, future expectations and performance criteria, and review the salary package, for recommendation to the Council.

The role of the Performance Review Consultant is to assist in discussions between Elected Members, His Worship the Mayor and the CEO in all aspects of the performance discussion and future performance criteria, as well as the salary package review.

**LATE ITEM M12/5228 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

It is noted that Council resolution 5216 from 17 April 2012 carried the following resolution:

That the Governance Committee, after consideration of the Chief Executive Officer Performance Review, request the Performance Review Consultant to prepare a Chief Executive Officer Performance Development Plan that will form part of the Governance Committee's recommendations to the Council.

Accordingly a recommendation is included in this agenda item for the Governance Committee.

The Chief Executive Officer's contract contains a number of employment conditions that are subject to the Council or if the Council so resolves, the Mayor's approval. These are principally operational matters and are detailed in the following contract clauses;

Clause 5.3.2 (b) Motor vehicle
Clause 6.2 (2) Professional development
Clause 8.1 (b) Expenses
Clause 8.2 (b) Expenses
Clause 9.1 Approval of leave
Clause 9.3 (4) Long service leave
Clause 9.7 Study leave

It is recommended that the Mayor be authorised to review or approve the matters contained in the above clauses rather than require a report to be brought to the Council on each occasion a provision of the clauses requires approval or review.

A copy of the employment contract Confidential Attachment D was distributed to Elected Members on Friday 27 April 2012 under confidential cover.

**LATE ITEM M12/5228 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

The process for the Governance meeting is as follows:

<i>Action</i>	<i>Purpose</i>	<i>CEO involvement</i>
1. Discussion between Anne Lake and Governance Committee relating to the report from the Performance Review Consultant on survey results, potential changes to performance criteria and relevant remuneration data which forms Confidential Attachment A.	Clarify key comments to be delivered to the CEO on behalf of the Elected Members including -past performance -future performance criteria	CEO not present
2. CEO to provide comment on performance and future priorities	Discussion on the CEO's Performance Review document which is confidential Attachment B and CEO to detail his perspective of his and the organisation's performance and future priorities	CEO to be present
3. Feedback to CEO from Governance Committee on performance	Ensure CEO understands views of Elected Members on performance and priorities, with reference to the survey response report, which is within confidential Attachment A	CEO to be present
4. Discussion of current performance criteria which are detailed in Attachment C and potential changes based on Attachment A	To ensure contract performance criteria reflect expected desired outcomes	CEO to be present
5. Remuneration discussion	Review of salary level – refer to confidential Attachment A.	CEO not present

**LATE ITEM M12/5228 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)**

6. Governance Committee discussion of recommendation for authorisation of Mayor to deal with specific contract matters	Clause 5.3.2 (b) Motor vehicle Clause 6.2 (2) Professional development Clause 8.1 (b) Expenses Clause 8.2 (b) Expenses Clause 9.1 Approval of leave Clause 9.3 (4) Long service leave Clause 9.7 Study leave	CEO not present
7. Governance Committee discussion of Council resolution 5216 – that the Governance Committee request the Performance Review Consultant to prepare a Chief Executive Officer Performance Development Plan that will form part of the Governance Committee's recommendations to the Council	The scope and process for the Performance Development Review will need to be determined by the Governance Committee.	CEO not present

Attachments B and C were distributed to Elected Members on Thursday 5 April 2012. Attachments A and D were distributed to Elected Members on Friday 27 April 2012 under confidential cover.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES/CONSULTANTS

The Salaries and Allowances Tribunal recommendations on Chief Executive Officer remuneration ranges have been included in the confidential attachment A as part of the Performance Review Consultant's report.

**LATE ITEM M12/5228 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

Section 5.38 of the Local Government Act 1995 states the requirement to review a CEO's performance at least once a year in relation to every year of employment.

Section 5.23 (2) of the Local Government Act 1995 states that a meeting by a Council or Committee, or part of a meeting, may be closed to members of the public if a matter affecting an employee is being dealt with.

Section 5.39 (7) of the Local Government Act 1995 requires a report from the Salaries and Allowances Tribunal with a recommendation as to the remuneration to be paid or provided to a CEO to be taken in to account by the local government before entering into, or renewing a contract of employment with a CEO. Although this section of the Local Government Act 1995 does not include salary reviews this information has been included in the comparative salary data for consideration by the Council when assessing salary.

FINANCIAL IMPLICATIONS

The fee for the Performance Review Consultant has been included in the 2011/2012 Operational Budget. Any change to the salary package of the CEO will be reflected in the Operational Budget for 2012/2013.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
That the performance criteria for the next twelve months are not determined	Low	Defined process that includes this stage

POLICY IMPLICATIONS

Not applicable

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Not applicable as the requirement for a performance review are mandatory.

**LATE ITEM M12/5228 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER
PERFORMANCE REVIEW (REC) (CONFIDENTIAL ATTACHMENT)****CONCLUSION**

The purpose of the Governance Committee Meeting is to provide recommendations to Council in relation to the Performance and Salary Review for the Chief Executive Officer.

Specifically the meeting is to provide feedback opportunities to the Council and Chief Executive Officer on performance over the past twelve months, and clarify expectations, which are to be reflected in the Chief Executive Officer Contract performance criteria.

The review of current contract performance criteria is an important opportunity for the Council and the Chief Executive Officer to clarify expectations and desired outcomes to be achieved. The current performance criteria may not be reflecting current priorities and should be an important aspect of this review process.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (5228) APPROVAL

At 8.54pm Cr Robartson moved, seconded Cr Foxton -

That the Governance Committee recommend to the Council:

- 1. That the Performance Criteria for the Chief Executive Officer as provided in the current employment contract remain unchanged.**
- 2. That the base salary component for the Chief Executive Officer be amended as recommended by the Governance Committee, and the revised base salary change be provided to the Council as an attachment entitled “Salary Recommendation 2012” under confidential cover for approval, to take effect from 20 March 2012.**
- 3. That the Council resolves that the Mayor is authorised to approve employment conditions of the Chief Executive Officer’s contract of employment detailed in the following clauses;**

**Clause 5.3.2 (b) Motor vehicle
Clause 6.1 (2) Professional development
Clause 8.1 (b) Expenses
Clause 8.2 (b) Expenses
Clause 9.1 Approval of leave
Clause 9.3 (4) Long service leave
Clause 9.7 Study leave**

- 4.1 That a Chief Executive Officer Performance Development Plan be prepared by the Performance Review Consultant as directed by the Governance Committee; and**
- 4.2 That the Chief Executive Officer Performance Development Plan be presented to a future meeting of the Governance Committee for consideration and submission to the Council for endorsement.**

At 9.00pm the Mayor submitted the motion, which was declared

CARRIED (11/2)

At 9.02pm Cr Reidy moved, seconded Cr Kinnell –

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

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

CARRIED (13/0)

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 9.03pm.