

**MINUTES  
OF THE  
ORDINARY MEETING OF COUNCIL  
HELD ON  
TUESDAY 17 SEPTEMBER 2013  
AT 6.30PM IN THE COUNCIL CHAMBERS  
MELVILLE CIVIC CENTRE**

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## **CONTENTS PAGE**

<b>Item Description</b>	<b>Page Number</b>
<b>ITEMS FROM FINANCIAL MANAGEMENT, AUDIT, RISK &amp; COMPLIANCE COMMITTEE 26 AUGUST 2013</b>	
<b>M13/5308</b> Strategic Risk Assessment Report	15
<b>URBAN PLANNING</b>	
<b>P13/3420</b> Change of use from 'Shop' to 'Restaurant' (Café) at 1/901a Canning Highway, Applecross	29
<b>P13/3417</b> Public Advertising of The Draft Melville City Centre Structure Plan	37
<b>P13/3421</b> Initiation of Pedestrian Access Way Closure between Tintal Way and Renou Way, Bateman	66
<b>P13/3422</b> Revocation of Highly Reflective Roofing Policy	72
<b>COMMUNITY DEVELOPMENT</b>	
<b>CD13/8055</b> Delegation of Authority under the Cat Act 2011	83
<b>CD13/8056</b> Community Sporting and Recreation Facility Funding Standard and Forward Planning	88
<b>CORPORATE SERVICES</b>	
<b>C13/6000</b> Investment Statements for July 2013	98
<b>C13/6001</b> Schedule of Accounts for July 2013	107
<b>C13/6002</b> Financial Statements for July 2013	110
<b>LATE ITEMS</b>	
<b>P13/3426</b> Late Item - Three Storey (With Basement) Single House at Lot 30 (No. 50) Blackwall Reach Parade, Bicton	51
<b>T13/3425</b> Late Item – Attadale Foreshore Path Realignment	8
<b>M13/5317</b> Late Item – Recording Voting at Council, Agenda Briefing Forum and Committee Meetings	116
<b>MOTIONS WITH NOTICE</b>	
<b>15.1</b> Community Annual Report – Cr D Macphail	120



**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 17 SEPTEMBER 2013.**

**1. OFFICIAL OPENING**

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr J Clark, 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 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 R Aubrey

**COUNCILLORS**

Deputy Mayor Cr D Macphail  
Cr A Nicholson  
Cr C Robartson, Cr R Willis  
Cr J Barton, Cr S Taylor-Rees  
Cr R Hill  
Cr R Kinnell (From 7.22pm)  
Cr N Foxton, Cr M Reynolds  
Cr N Pazolli

**WARD**

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

**3. IN ATTENDANCE**

Ms C Young	A/Chief Executive Officer
Mr T Cahoon	A/Director Community Development
Mr B Taylor	A/Director Corporate Services
Mr J Christie	Director Technical Services
Mr G Ponton	A/Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast	Manager Statutory Planning
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano	Governance & Property Officer
Ms D Beilby	Minute Secretary

At the commencement of the meeting there were 29 members of the public and no members from the Press in the Public Gallery.

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

Cr Kinnell for late arrival at 7.22pm – Palmyra/Melville/Willagee Ward

**4.2 APPROVED LEAVE OF ABSENCE**

Cr P Reidy – Applecross/Mount Pleasant Ward

**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 – 20 AUGUST 2013**  
**Minutes 20 August 2013****COUNCIL RESOLUTION**

At 6.36pm Cr Hill moved, seconded Cr Willis -

**That the Minutes of the Ordinary Meeting of Council held on Tuesday, 20 August 2013, be confirmed as a true and accurate record.**

At 6.36pm the Mayor submitted the motion, which was declared

**CARRIED (11/0)**

**8.2 NOTES OF AGENDA BRIEFING FORUM – 3 SEPTEMBER 2013**  
**Notes 3 September 2013****COUNCIL RESOLUTION**

At 6.37pm Cr Reynolds moved, seconded Cr Barton -

**That the Notes of the Agenda Briefing Forum held on Tuesday, 3 September 2013, be received.**

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

**CARRIED (11/0)**

**8.3 SPECIAL MEETING OF ELECTORS – 5 AUGUST 2013**  
**Minutes 5 August 2013****COUNCIL RESOLUTION**

At 6.37pm Cr Hill moved, seconded Cr Robartson -

**That the Minutes of the Special Meeting of Electors held on Monday, 5 August 2013, be confirmed as a true and accurate record.**

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

**CARRIED (11/0)**

**8. CONFIRMATION OF MINUTES (*Continued*)****8.4 FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE  
(FMARCC) – 26 AUGUST 2013****COUNCIL RESOLUTION**

At 6.37pm Cr Macphail moved, seconded Cr Willis -

**That the Minutes of the Financial Management, Audit, Risk & Compliance Committee Meeting held on Monday 26 August 2013 be noted.**

**NB:**

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

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

**CARRIED (11/0)**

**8.5 SPECIAL MEETING OF COUNCIL – 28 AUGUST 2013  
Minutes 28 August 2013****COUNCIL RESOLUTION**

At 6.37pm Cr Robartson moved, seconded Cr Hill -

**That the Minutes of the Special Meeting of Council held on Wednesday, 28 August 2013, be confirmed as a true and accurate record.**

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

**CARRIED (11/0)**

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

- P13/3417 - Cr Macphail – Financial Interest in accordance with the Act

**9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

- P13/3417 – Mayor R Aubrey – Proximity Interest in accordance with the Act

At 6.40pm Cr Reynolds moved, seconded Cr Foxton -

**That the Disclosures of Interest submitted by His Worship the Mayor and Cr Macphail on 17 September 2013 be received.**

At 6.40pm the Mayor submitted the motion, which was declared

**CARRIED (11/0)**

**10. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

At 6.40pm Cr Robartson moved, seconded Cr Taylor-Rees -

**That the application for a new leave of absence submitted by Cr Willis on 17 September 2013 be granted.**

At 6.40pm the Mayor submitted the motion which was declared

**CARRIED (11/0)**

**11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil.

**12. PETITIONS**

- 12.1 Petition – Restrict Master Plan for Residential Development for Reserves 28600 (Melville Glades Golf Club) and 24826 (John Connell Reserve) to John Connell Reserve only and the Golf Club Reserve to remain in its current form.

A petition signed by 11 residents and 197 non residents (including 188 residents of the City of Canning and four residents of the City of Cockburn) was received by the City of Melville on Wednesday, 4 September 2013. The petition reads as follows –

*“We, the undersigned, all being Electors of the City of Melville, do humbly pray that the Council, as our decision-making body take direction from the community surrounding Reserves 28600 (Melville Glades Golf Club) Beasley Road, Leeming and Reserve 24826 (John Connell Reserve) Dimond Court, Leeming, that the Master Planning of these Reserves being undertaken by the City, be confined to the John Connell Reserve only and the Golf Club Reserve remain in its current form with no proposal to introduce residential development.*

*We wish to voice our disapproval with the lack of community consultation undertaken by the City on this proposal and request that the City revert back to its undertaking made on the completion of John Connell Reserve as a landfill site and restrict the Master Plan proposal to this reserve only.”*

**COUNCIL RESOLUTION**

At 6.42pm Cr Robartson moved, seconded Cr Willis -

**That the petition bearing 208 signatures be received and acknowledged in writing to the lead petitioner with advice that a report will be presented to a future meeting of Council.**

At 6.43pm the Mayor submitted the motion, which was declared

**CARRIED (11/0)**



**12. PETITIONS (Continued)****12.2 Petition – Request for Easier Traffic Access into Primewest Shopping Complex – 276 Leach Highway at the Winthrop Drive Lights**

A petition signed by 19 residents and 25 non residents was received by the City of Melville on Thursday, 5 September 2013. The petition reads as follows –

*“We, the undersigned, all being Electors of the City of Melville, do humbly pray that we the citizens of Melville and surrounding areas petition the Council to create easier traffic access into Primewest Shopping Complex – 276 Leach Highway, at the Winthrop Drive Lights. This will minimise huge traffic delays and congestion, and will also eliminate the many traffic accidents which have been occurring directly outside the complex”.*

*We strongly believe that access into Primewest off Leach Highway west bound at the Winthrop Drive lights will alleviate these problems”.*

**COUNCIL RESOLUTION**

At 6.44pm Cr Foxton moved, seconded Cr Barton -

**That the petition bearing 44 signatures be acknowledged in writing to the lead petitioner with the advice that a report will be presented to a future meeting of Council.**

At 6.46pm the Mayor submitted the motion, which was declared

**CARRIED (10/1)**

**13. DEPUTATIONS**

Item T13/3425 – Attadale Foreshore Path Realignment

- Mr T Leaver of Mount Pleasant.
- Ms D Davies of Attadale – Organiser of the request for a Special Meeting of Electors

This item has been presented as a result of the Special Meeting of Electors resolution. It is a requirement of the Local Government Act 1995 that any resolutions of Electors meetings are considered at the first available Council meeting if possible.

At 7.02pm His Worship the Mayor brought Late Item T13/3425 forward for discussion.

**LATE ITEM - T13/3425 - ATTADALE FORESHORE PATH REALIGNMENT (REC)**  
**(ATTACHMENT)**

From 6.48pm to 6.51pm Mr T Leaver of Mount Pleasant gave a deputation to a meeting.  
From 6.51pm to 6.53pm Ms D Davies of Attadale – Organiser of the request for a Special Meeting of Electors, gave a deputation to the meeting.

At 7.01pm following questions from Elected Members, Mr Leaver and Ms Davies returned to the public gallery.

Ward	:	Bicton/Attadale
Category	:	Operational
Subject Index	:	Attadale Foreshore Path Realignment
Customer Index	:	Attadale Bushland Reserve
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not applicable
Works Programme	:	2013-2014
Funding	:	\$201,141
Responsible Officer	:	Jeff Bird – Manager Parks & Environment

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**LATE ITEM - T13/3425 - ATTADALE FORESHORE PATH REALIGNMENT (REC)  
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- As a result of erosion along a section of the Attadale Foreshore, discussions between the Swan River Trust (SRT), Department of Parks and Wildlife (DPaW; formerly DEC) and the City of Melville (COM) began to find a solution to this issue.
- Three options were considered to resolve the ongoing erosion.
- The option of a managed retreat and realignment of the path was supported by the SRT, DPaW and COM.
- Letters were sent to 420 residents surrounding the area and to the Friends of Attadale Foreshore group, advising of the realignment of the footpath.
- A Special Meeting of Electors was held on Monday, 2 September, 2013, as a result of a request being received by the City.
- This report has been prepared in response to the Motion tabled at the Special Meeting of Electors on 2 September 2013.
- It is recommended that the City proceed with the proposed realignment of the shared use path, as this is the most sustainable option.

**BACKGROUND**

The following motion was submitted at the Special Meeting of Electors held on Monday, 2 September, 2013:

“At 7.53pm Ms D Davies moved, seconded Mr M Nichol, Attadale -

*In view of the very short time ratepayers were given to find an alternative solutions and perhaps funding that all works should cease until a more equitable outcome could be found where both the public and the environment in this recreation area will benefit”.*

At 7.56pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY”

This report is in response to the above motion.

- The Attadale foreshore area incorporates an internationally recognised Class A Marine Reserve, a Bush Forever site and public open space with associated infrastructure including a shared use pathway, playing fields and playgrounds.
- The Swan Estuary Marine Park lies adjacent to COM managed land in Attadale. The DPaW manages the river and foreshore within the marine park boundary and the City manages the remainder of the foreshore.
- A dividing fence was constructed some years ago to demarcate the boundary and to also provide protection to the marine park from pedestrians and dogs, etc.
- The SRT is the approval authority for all works within the Riverpark.

**LATE ITEM - T13/3425 - ATTADALE FORESHORE PATH REALIGNMENT (REC)  
(ATTACHMENT)**

- The City first notified the DPaW (previously the DEC) in May 2011 that erosion was occurring along a section of this foreshore and repairs were required to ensure the shared use path was protected.
- Significant erosion has occurred over the last two years on the DPaW managed land resulting in the shared use path becoming damaged and rendered inoperable.
- The City attempted to restore the path but concluded that without support from DPaW on their side of the fence, there was no point as further damage would occur during the next winter storms and undermine the repaired path.
- A number of meetings have been held between the SRT, DPaW and COM with no satisfactory outcome reached to protect the City's infrastructure, which has resulted in the proposal to realign the shared use path.

**DETAIL**

Once the shared use path became unusable, negotiations between SRT, DPaW and COM focussed on options for community access. Options considered included:

Option 1 - Foreshore Protection & Reinstatement of Path

Option 2 - Construction of a Boardwalk

Option 3 - Managed Retreat and Realignment of the Path

[3425 Map of the proposed realignment of the footpath](#)

Option 1 was not recommended for the following reasons:

- Engineering solutions to erosion are costly and can vary from \$1m - \$8m per kilometre.
- The area is classified Priority 3 under the SRT Priority System this being the lowest priority, and was unlikely to be funded through their Riverbank program.
- Works would be subject to SRT approval and Section 18 approval as part of the Aboriginal Heritage Act 1972.
- The area is of high environmental value, provides feeding and resting sites for transequatorial migratory wading birds and therefore hard infrastructure is not recommended or supported within the Class A Marine Reserve.

Option 2 was not recommended for the following reasons:

- Boardwalk construction cost estimates are \$272,000.
- Erosion of the Attadale foreshore is expected to continue, leading to:
  - removal of the eastern sections of the shared use path in this area which may result in a second section of boardwalk needing to be constructed at a cost of \$501,000; and
  - ongoing maintenance to boardwalk footings.
- Construction costs are significant with no guarantee that the boardwalk can be protected from further erosion.
- Applications would be subject to SRT approval and Section 18 approval, as part of the Aboriginal Heritage Act 1972, without guarantee of being approved.

**LATE ITEM - T13/3425 - ATTADALE FORESHORE PATH REALIGNMENT (REC)  
(ATTACHMENT)**

Option 3 was supported by all three Authorities for the following reasons:

- The river is a dynamic system and further erosion is anticipated.
- Removing hard infrastructure and revegetating the foreshore will further protect the flora and fauna in the area.
- It is considered the best option for long term infrastructure protection.
- Permits have been obtained from the SRT.
- The cost of realigning the shared use path is less than that of building a boardwalk.
- \$100,000 in funding for the shared use path has been secured from the Department of Sport and Recreation.

**PUBLIC CONSULTATION/COMMUNICATION**

Letters were sent to 420 residents surrounding the area and the Friends of Attadale Foreshore group, informing residents and the Friends group of the works.

Special Electors Meeting held on Monday, 2 September, 2013.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

The SRT, as the managing body for the Riverpark, provided guidance and advice throughout the process. They are responsible for the approval of works within the Riverpark boundary and have identified Option 3 as the most appropriate in this situation. The City is bound by their permit process and it is not possible to proceed with alternative options, which the SRT do not endorse or recommend. The SRT has already approved and issued a permit for the realignment of the path.

The PaW, as the neighbouring management authority, was also consulted on this issue. They have also agreed with the SRT that Option 3 is the best approach to take.

**STATUTORY AND LEGAL IMPLICATIONS**

The *Swan and Canning Rivers Management Act 2006* and the *Conservation and Land Management Act 1984* are the relevant Acts that apply to the City.

The funding from Lotterywest and the Department of Sport and Recreation is dependent on the completion of the shared use path being realigned.

**FINANCIAL IMPLICATIONS**

1. The amount of \$201,000 has been provided in the 2013/2014 budget to realign a section of the Attadale shared use pathway.
2. The amount of \$100,000 in funding has also been obtained from Lotterywest and the Department of Sport and Recreation Trails grants fund. This funding may not be guaranteed if an alternative option is selected and the scope of works change from the City's original proposal.

**LATE ITEM - T13/3425 - ATTADALE FORESHORE PATH REALIGNMENT (REC)  
(ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Further delays in the realignment of the path will affect public safety due to the lack of a permanent path.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk	Retain signage and fencing redirecting cyclists and walkers around damaged area.
That if a boardwalk is constructed instead of the path realignment there is a risk of further erosion and inundation which may result in damage to or loss of the structure.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk.	Realign the path.

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

1. Cease all works and wait for ratepayers to find an alternative solution and perhaps funding. Implications of this option are:
  - (a) Disruption to the community due to the continued closure of the shared use path.
  - (b) No guarantee if or when the community will be able to deliver an alternative solution.
  - (c) Expert opinion from the relevant government agencies has already been received and further investigation is unlikely to identify feasible alternatives.
  - (d) Potential loss of \$100,000 in grant funding.
2. Install a recycled plastic boardwalk with marine grade footings. Two stages have been quoted for. Stage 1 would cover the existing eroded shared use path; Stage 2 may need to be implemented if the remainder of the foreshore path erodes as anticipated.

**Estimated budget Stage 1: \$272,000**

(127.6m x 3.3m wide)

(a) Indigenous consultation	\$40,000
(b) Detailed design	\$25,000
(c) Boardwalk	\$135,000
(d) Footings (marine grade)	\$51,000
(e) Site Protection	\$3,000
(f) Site prep works	\$18,000

TOTAL \$272,000

**LATE ITEM - T13/3425 - ATTADALE FORESHORE PATH REALIGNMENT (REC)  
(ATTACHMENT)****Estimated budget Stage 2: \$501,000**

(310m x 3.3m wide)

(g)	Boardwalk	\$328,000
(h)	Footings	\$124,000
(i)	Site Protection	\$3,000
(j)	Site prep works	\$46,000
	<b>TOTAL</b>	<b>\$501,000</b>

**Stage 1 & 2 TOTAL                      \$773,000**

The implications of this option are:

- (a) Costs to the City will increase by about \$572,000.
- (b) The City will need to request a variation to the conditions of the \$100,000 Lotterywest grant, which may not be granted.
- (c) The project will be delayed by approximately 12 months or more as the City progresses detailed design, Section 18 approvals, SRT permit negotiations and procurement, by which stage the summer weather window for installation will have passed, prompting further delays.
- (d) As a result of the continued movement of the water towards Burke Drive, the boardwalk structure may become unstable or unusable.

**CONCLUSION**

As a result of the river being a dynamic system and the pressures being placed on it by rising water levels, increased boat activity and more severe storms, a managed retreat is considered the most viable option for this particular area.

The City has secured funding of \$100,000 which will reduce the costs to the City to rectify the problem. There is agreement from the SRT and DPaW who are major stakeholders in the management of this area that the realignment of the path is the best outcome for the environment and the protection of City infrastructure.

This area of shared use path has not been available to the community for the past 12 months and any delays to this work may cause further frustration to those who utilise this area of foreshore.

The City has a clear responsibility to provide environmentally sound solutions that provide value for money, fulfil its legal obligations and satisfy community need. The three options considered would all have satisfied one or more of these requirements; however, the realignment of the shared use path is the only one that satisfied all three.



**LATE ITEM - T13/3425 - ATTADALE FORESHORE PATH REALIGNMENT (REC)  
(ATTACHMENT)****OFFICER RECOMMENDATION (3425)****APPROVAL**

At 7.02pm Cr Barton moved, seconded Cr Taylor-Rees -

**That the Council:****1. Note the resolution of the Special Meeting of Electors held on 2 September, 2013.**

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

**CARRIED (11/0)**Reject and Replace

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

**That the Council reject point 2 and 3 of the Officer Recommendation and defer consideration of the item until after the item T13/3425 Attadale Foreshore Path Realignment, has been presented to an Elected Member Information Session for discussion.**

At 7.22pm Cr Kinnell entered the meeting.

At 7.29pm Cr Reynolds left the meeting.

At 7.30pm the Mayor submitted the amendment, which was declared

**CARRIED (8/3)**

Cr Nicholson requested that the votes be recorded –

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

Against: Cr Foxton, Cr Kinnell, Cr Macphail.

Reasons for Reject and Replacement Motion

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

“This is a very important and significant section of the foreshore and further investigation needs to be undertaken to determine alternatives to the realignment of the dual use path.

Local residents are concerned at the loss of access to the foreshore and do not believe that sufficient investigation or consultation has occurred to research alternatives.”

At 7.30pm the meeting reverted to the normal order of the Agenda.



#### 14. ITEMS FROM FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE – 26 AUGUST 2013

The following item from the Financial Management, Audit, Risk and Compliance Committee meeting of 26 August 2013 requires consideration by the Council.

#### M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)

Ward	: All
Category	: Policy
Subject Index	: Risk Management
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: M13/5293 Strategic Risk Assessment Report – FMARC Committee 27 May 2013
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Lee Wilson Risk Management Coordinator

#### 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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)****KEY ISSUES / SUMMARY**

- 35 strategic risks and eight opportunities were identified against the City's five Goals.
- The 35 risks were rated by the Executive Management Team (EMT), Organisational Management Team (OMT) and Elected Members resulting in no EXTREME risks, eight HIGH risks, 25 MEDIUM risks and two LOW risks.
- A high degree of consistency amongst the ratings highlighted the strength of the City's strategic direction.

**BACKGROUND**

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

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

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

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

Once approved, EMT and OMT will review the risks and propose any additional controls required for further mitigation. Strategic Risks will be reported on quarterly through the FMARCC.

**DETAIL**

Following the identification of the 35 strategic risks and listing of existing controls, the Risk Management Coordinator requested that EMT, OMT and Elected Members participate in the risk assessment part of the process to assign risk ratings to each risk.

These ratings were returned and the Risk Management Coordinator used quantitative analysis to determine a final risk rating for each of the risks. There was a high degree of consistency amongst the ratings highlighting the strength of the City's strategic direction.

Below is a table containing the risk statement, existing controls and final risk ratings. The Risk Management Coordinator is seeking endorsement of these ratings so that they can be submitted to Council for approval.

**M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)**

The final risk ratings included:

- 0 EXTREME risks
- 8 HIGH risks
- 25 MEDIUM risks
- 2 LOW risks

**Table 1-1: Strategic Risks**

Ref #	Risk Statement	Existing Controls	Risk Rating
<b>A City for People</b>			
R1.1	Lack of rigorous health audit program may result in community health issues (Guardia, salmonella, swimming pool death, legionnaires etc.)	<ul style="list-style-type: none"> <li>• Food sampling</li> <li>• Food premises audit</li> <li>• Environmental water sampling</li> <li>• Mosquito / midge testing</li> <li>• Playground soft fall maintenance</li> <li>• Public swimming pool inspections</li> <li>• Food premise education programs</li> <li>• Immunisation program</li> <li>• Preventative maintenance program for all evaporative air conditioning systems</li> </ul>	<b>HIGH</b>
R1.2	Drying climate leading to groundwater restrictions results in loss of amenity and physical activity space	<ul style="list-style-type: none"> <li>• Implementation of recommendations to rationalise the Strategic Provision of Active Reserves (SPARS) Study <ul style="list-style-type: none"> <li>o A review of sports currently played at each reserve, with the intent of optimising utilisation and capacity.</li> <li>o Projects to improve infrastructure on sports reserves that support participation, such as flood lighting and change room facilities.</li> <li>o Investigation of alternative sports field surfaces to improve participation capacity and reduce water usage</li> </ul> </li> <li>• Hydrozoning</li> <li>• RainMan software (Irrigation)</li> <li>• Irrigation maintenance and renewal programs</li> <li>• Compliance with Department of Water groundwater allocations</li> <li>• Use of drought tolerant plants for landscaping</li> <li>• Climate Change Adaptation Plan</li> </ul>	<b>MEDIUM</b>
R1.3	Increasing perceived or actual crime and antisocial behaviour results in loss of community safety perception and confidence	<ul style="list-style-type: none"> <li>• 2012/2016 Community Safety Crime Prevention Plan</li> <li>• Memorandum Of Understanding (MOU) / Joint marketing strategy with Western Australia Police</li> <li>• City of Melville Community Safety Service</li> <li>• Positive Media Articles – Key Performance Indicator (KPI)</li> <li>• Eyes on the Street campaign</li> <li>• Neighbourhood Watch program</li> <li>• Designing out crime – Crime Prevention Through Environmental Design (CPTED)</li> <li>• Graffiti management</li> <li>• Dusk-to-Dawn street lighting</li> </ul>	<b>MEDIUM</b>

**M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)**

R1.4	City of Melville products, services and infrastructure become unsuitable (i.e. changing demographics, fit for purpose, DAIP, CPTED, etc.) results in under utilisation by the community and / or increased pressure on existing facilities	<ul style="list-style-type: none"> <li>• Community Plan</li> <li>• Corporate Plan</li> <li>• Neighbourhood Plan</li> <li>• Workforce Plan</li> <li>• Asset Management Planning</li> <li>• Long Term Financial Plan</li> <li>• Future Plan for Libraries and Museums</li> <li>• Monitoring ID Profile</li> <li>• 2012/2016 Community Safety Crime Prevention Plan</li> <li>• Implementation of recommendations to rationalise the Strategic Provision of Active Reserves (SPARS) Study</li> <li>• Mandatory and discretionary products and services reviews (Public Benefit Test and the Executive Functions Test)</li> <li>• Community Infrastructure Strategy</li> <li>• Maintenance of Business Excellence approach</li> <li>• Local Planning Scheme regular reviews</li> <li>• Melville 2050 report</li> </ul>	<b>MEDIUM</b>
R1.5	Increase in traffic congestion results in loss of local amenity	<ul style="list-style-type: none"> <li>• Travelsmart program (including household and workplace travel plans)</li> <li>• Lobbying state government agencies for an increase in public transport options</li> <li>• Parking Management Strategy</li> <li>• Functional road hierarchy</li> <li>• Focus development growth around Activity Centres and Key Transport Corridors</li> </ul>	<b>HIGH</b>
R1.6	Reduction in the green canopy results in diminished 'green' look of the City; loss of amenity	<ul style="list-style-type: none"> <li>• Tree planting programs</li> <li>• Landscaping requirements policy</li> <li>• Local Planning Scheme</li> <li>• Streetscape Strategy</li> <li>• Environmental Education Program</li> <li>• Street Tree Policy</li> </ul>	<b>MEDIUM</b>
R1.7	Reduction in the City's control of the planning of the City's built environment may result in negative impacts on the City's streetscapes and community amenity	<ul style="list-style-type: none"> <li>• Local Planning Scheme</li> <li>• Preparation and review of Council planning policies</li> <li>• Street Tree Policy</li> <li>• Verge Guideline policy</li> <li>• Regular review of planning controls</li> </ul>	<b>MEDIUM</b>
<b>Economic Prosperity</b>			
R2.1	Funding changes and / or unforeseen changes to assumptions in the Long Term Financial Plan may result in reduced levels of service	<ul style="list-style-type: none"> <li>• Annual review of Long Term Financial Plan assumptions</li> <li>• Mandatory and discretionary products and services reviews (Public Benefit Test and the Executive Functions Test)</li> <li>• Asset Management planning</li> <li>• Organisational Salary Review (OSR) process</li> <li>• Policy for acquisition and disposal of land assets (Land Asset Management Strategy)</li> <li>• Business Excellence including Continuous Improvement Teams / Process Improvement Teams</li> </ul>	<b>MEDIUM</b>

**M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)**

R2.2	Cost shifting due to legislative or regulatory changes (i.e. Cat Act, Building Act, Emergency Services Levy) results in financial strain	<ul style="list-style-type: none"> <li>• Lobbying and making submissions to state government agencies</li> <li>• Public education</li> <li>• Applications for grant funding</li> <li>• Review of fees and charges</li> <li>• Alliances with WALGA and LGMA</li> </ul>	<b>MEDIUM</b>
R2.3	Legislative restrictions or failure to develop alternative revenue streams or a broader rate base mix results in an over-reliance on residential rates to fund the City's operations	<ul style="list-style-type: none"> <li>• Lobbying state government agencies</li> <li>• Land Asset Management Strategy</li> <li>• Local Planning Scheme</li> <li>• Grant availability register and applications made</li> <li>• Review of the long term sustainability of the current community and sporting groups lease, management and licence arrangements</li> <li>• Reform submissions</li> <li>• Review of fees and charges</li> <li>• Differential, Service Charges and Special Area rating</li> <li>• Unit cost reviews</li> <li>• Specific project (i.e. John Connell, Tompkins Park)</li> <li>• Structure planning for Activity Centres and Key Transport Corridors</li> </ul>	<b>MEDIUM</b>
R2.4	Lack of urban renewal leads to social and economic disadvantage	<ul style="list-style-type: none"> <li>• Asset Management planning</li> <li>• Capital Works Program</li> <li>• Major capital project prioritization</li> <li>• Structure planning for Activity Centres and Key Transport Corridors</li> <li>• Strategic Urban Planning major projects</li> <li>• Local Planning Strategy and Scheme</li> <li>• Planning Policies</li> <li>• Place-making and neighbourhood planning</li> </ul>	<b>MEDIUM</b>
R2.5	Loss of federal and state grant support results in an inability to maintain services, assets or deliver projects	<ul style="list-style-type: none"> <li>• Lobbying state and federal government agencies</li> <li>• South West Group alliance</li> <li>• Land Asset Management Strategy to generate alternative revenue streams</li> <li>• Audit assurance of grant acquittal</li> <li>• Review of rate revenue</li> <li>• Review of fees and charges</li> </ul>	<b>MEDIUM</b>
R2.6	Changing expectations relating to the environment may result in increasing costs	<ul style="list-style-type: none"> <li>• Natural Areas Asset Management Plans (NAAMP)</li> <li>• Foreshore Management Plan</li> <li>• Continued effective water management</li> <li>• Engagement of key stakeholders</li> </ul>	<b>MEDIUM</b>
R2.7	Infrastructure provision by State Government (e.g. delay in Roe Highway Extension) fails to match increasing demand leads to loss of amenity and economic loss	<ul style="list-style-type: none"> <li>• Demonstration of the economic benefits of infrastructure</li> <li>• Involvement in the approval process</li> <li>• Lobbying state and federal government agencies</li> <li>• South West Group alliance</li> <li>• Murdoch Cost and Benefits Report (MACRO Plan)</li> <li>• South West Group Congestion and Transport Study</li> </ul>	<b>HIGH</b>

**M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)**

R2.8	Failure of the State Government to approve the City strategic plans and policies (e.g. Community Planning Scheme, Municipal Heritage Inventory), in a timely manner may result in missed development / economic opportunities	<ul style="list-style-type: none"> <li>• Regular meetings with the Department of Planning</li> <li>• Delays escalated to Minister and Director General Level</li> <li>• Ensuring that Plans and Policies are produced in a timely manner prior to presentation to approval bodies such as Minister State Government</li> <li>• Alliance with WALGA and LGMA</li> </ul>	<b>MEDIUM</b>
R2.9	Lack of long term strategic planning (public open space, active reserves, building assets, place planning, infrastructure assets) leading to intergenerational inequity	<ul style="list-style-type: none"> <li>• Implementation of recommendations to rationalise the Strategic Provision of Active Reserves (SPARS) Study</li> <li>• Long Term Financial Plan</li> <li>• Asset Management planning</li> <li>• Public Open Space (POS) strategies</li> <li>• Natural Area Asset Management Plan (NAAMP)</li> <li>• Local Planning Strategy and Scheme</li> <li>• Long Term Strategic Planning Framework (including Strategic Community Plan, Corporate and Business Plans)</li> <li>• Community Infrastructure Strategy</li> </ul>	<b>MEDIUM</b>
<b>Environmental Responsibility</b>			
R3.1	Failure to maintain an approach to long term waste management results in environmental damage	<ul style="list-style-type: none"> <li>• Waste Management Strategy</li> <li>• Alliance with SMRC</li> </ul>	<b>HIGH</b>
R3.2	Failure to adapt to climate change results in loss of amenity and infrastructure damage	<ul style="list-style-type: none"> <li>• Climate Change Adaptation Plan</li> <li>• Implementation of recommendations to rationalise the Strategic Provision of Active Reserves (SPARS) Study</li> <li>• Environmental sustainability approach to development</li> <li>• Foreshore Management Plan</li> <li>• Planning policies</li> <li>• Natural Area Asset Management Plan (NAAMP)</li> <li>• Vehicle replacement policy</li> <li>• Green Team</li> </ul>	<b>HIGH</b>
R3.3	Failure to identify and treat contaminated sites may result in pollution	<ul style="list-style-type: none"> <li>• Continued investigation and management of legacy contaminated sites</li> <li>• Budget allocation and reserve holdings in the Long Term Financial Plan</li> <li>• Environmental Improvement Plan (EIP)</li> <li>• Contaminated site register</li> </ul>	<b>MEDIUM</b>
R3.4	Failure to adequately fund and resource natural environment (e.g. foreshore rehabilitation and maintenance) results in environmental damage and threatens the integrity of City assets and infrastructure	<ul style="list-style-type: none"> <li>• Asset Management planning</li> <li>• Natural Area Asset Management Plan (NAAMP)</li> <li>• Foreshore Management Plan</li> <li>• Long Term Financial Plan</li> </ul>	<b>MEDIUM</b>



**M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)**

<b>Business Excellence</b>			
R4.1	Poor engagement processes result in loss of community trust and poor decision making	<ul style="list-style-type: none"> <li>• Stakeholder Engagement policy / framework</li> <li>• Community Engagement Reference Groups</li> <li>• Stakeholder Engagement Advisory Panel</li> <li>• Community Surveys</li> <li>• Council Policies</li> <li>• Key Messages document</li> <li>• Marketing and Communications Plan</li> <li>• Mosaic</li> </ul>	<b>MEDIUM</b>
R4.2	Major fraud or theft acts result in impact on financial streams and reputational damage	<ul style="list-style-type: none"> <li>• Fraud and Corruption Policy and Management Plan</li> <li>• Public Interest Disclosure</li> <li>• Strong procedures</li> <li>• Purchasing policy and procedures</li> <li>• Cultural encouragement staff to report misconduct</li> <li>• Segregation of duties</li> <li>• Delegated authorities</li> <li>• Primary annual returns for staff and Elected Members</li> <li>• Gift reporting for staff and Elected Members</li> <li>• Internal and external audit processes</li> <li>• Team Brief Items</li> <li>• Appropriate training for staff</li> <li>• Online Workplace Learning (OWL)</li> </ul>	<b>MEDIUM</b>
R4.3	Industrial unrest leading to an inability to provide products and services	<ul style="list-style-type: none"> <li>• Competitive pay and conditions</li> <li>• Organisational Salary Review (OSR) process</li> <li>• Reward and Recognition</li> <li>• Flexible working arrangements (Work-life balance)</li> <li>• Proactive employment conditions (i.e. Gym membership, well-being initiatives)</li> <li>• Grievance processes and procedures</li> <li>• Employee opinion survey (Staff Satisfaction Survey)</li> <li>• Cultural Surveys (Organisational Cultural Inventory)</li> <li>• Employee Assistance Program</li> <li>• Safe workplace and positive work environment</li> <li>• Safety Representative Network</li> <li>• Organisational Values</li> <li>• Induction and empowerment warrants</li> </ul>	<b>LOW</b>

**M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)**

R4.4	Lack of action against an identified risk results in the death or significant injury of a resident or staff member	<ul style="list-style-type: none"> <li>• Occupational Health and Safety Policies</li> <li>• Safety Representatives and Cross functional safety committee</li> <li>• Safety Management System AS4801</li> <li>• Safety perception surveys</li> <li>• Opportunities for Improvement system (Risk Mitigation Index)</li> <li>• Strong safety culture – safety is a priority for the City</li> <li>• Risk Management Framework</li> <li>• Monthly reporting on safety data including Medical Expense Only (MEO) and Lost Time Injury Frequency Rate (LTIFR)</li> <li>• Oversight through the Financial Management, Audit, Risk and Compliance Committee (FMARCC)</li> <li>• Encouragement of near hit reporting</li> <li>• Asbestos Register</li> <li>• Asset Management planning</li> <li>• Organisational risk register</li> <li>• Health, Safety and Environment risk register</li> <li>• Reversing cameras and / or sensors on vehicles</li> <li>• Job Hazard Analysis documents across the organisation</li> <li>• Take 5's</li> </ul>	<b>HIGH</b>
R4.5	Lack of resources results in an inability to deliver capital, maintenance, major projects and contract management	<ul style="list-style-type: none"> <li>• Continuous Improvement processes and frameworks</li> <li>• Business Planning</li> <li>• Process Improvement processes</li> <li>• Setting realistic expectations on deliverables</li> <li>• Workforce planning</li> <li>• Project management and project prioritization</li> <li>• Corporate planning processes</li> <li>• Asset management planning</li> <li>• Long Term Financial Plan</li> <li>• Cross functional teams</li> <li>• Annual Budgets</li> <li>• Business Plans</li> <li>• Performance Reporting at all levels</li> <li>• Appropriate training for staff</li> <li>• Online Workplace Learning (OWL)</li> <li>• Services review</li> </ul>	<b>MEDIUM</b>



**M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)**

R4.6	Vulnerability in IT and communications systems may result in breaches of security of information, loss of communication and ability to operate the business	<ul style="list-style-type: none"> <li>• IT penetration audit and testing</li> <li>• Password control</li> <li>• IT Security Policy and Management Plan</li> <li>• Mobile device management</li> <li>• Record Keeping Management Plan</li> <li>• Controlled release of information through Freedom of Information</li> <li>• Information security on core systems (i.e. Dataworks / Pathway)</li> <li>• Code of Conduct – access and release of information</li> <li>• Local Government Act 1995</li> <li>• Scanning of all incoming and outgoing email from the City for malware or other malicious code</li> <li>• Scanning of web usage for malicious code</li> <li>• Blocking of known malicious websites and email messages</li> <li>• Virus scanning on all PC's and laptop computers and critical servers</li> </ul>	<b>MEDIUM</b>
R4.7	Complexity and length of internal processes (i.e. tenders, acquisition and / or disposal of property) results in inefficient operations of the City, missed opportunities and / or customer dissatisfaction	<ul style="list-style-type: none"> <li>• Standard templates for tenders</li> <li>• Tenders Continuous Improvement Team and framework</li> <li>• Contracts Continuous Improvement Team and framework</li> <li>• Use of WALGA and state government panel contracts</li> <li>• Enhancement of software / system development</li> <li>• Agility of team members – movement between teams and directorates where needs arise</li> <li>• Cross functional Continuous Improvement Teams</li> <li>• Customer Satisfaction surveys and Delsurvs</li> <li>• Complaints management process</li> <li>• Internal and external ombudsman reviews</li> <li>• Internal Customer Service Standards and Charters</li> <li>• Assessment against the Customer Service Institute of Australia CSIA International Standards</li> </ul>	<b>HIGH</b>

**M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)**

<b>Lead by Example</b>			
R5.1	Lack of emergency management planning resulting in un-preparedness for disaster situations (natural, environmental, health)	<ul style="list-style-type: none"> <li>• Emergency Management Arrangements (EMA) – annually tested, audited and reported</li> <li>• Training for relevant staff for Emergency Management</li> <li>• Local Emergency Management Committee (LEMC)</li> <li>• Participation in the District Emergency Management Committee (DEMC)</li> <li>• Emergency Evacuation Drills and evaluation</li> <li>• First Aid training</li> <li>• Operational after hours on-call teams</li> <li>• Community risk profile</li> <li>• All vulnerable groups have been identified and mapped</li> <li>• Business Continuity Plan (BCP)</li> <li>• Annual desktop exercises</li> <li>• Crisis Management Team training</li> <li>• Disaster Recovery Planning</li> </ul>	<b>MEDIUM</b>
R5.2	Lack of clear and effective governance systems leads to outside agency intervention, negative organizational impacts and a reduction of stakeholder trust	<ul style="list-style-type: none"> <li>• Governance and Integrity Framework</li> <li>• Continuous Improvement Teams</li> <li>• Business Excellence</li> <li>• Organisational Cultural Inventory</li> <li>• Organisational Compliance Calendar</li> <li>• Department of Local Government Compliance Audit</li> <li>• Internal Audit and Annual Audit Plan</li> <li>• Legal Services Team</li> <li>• Standing Orders</li> <li>• Local Laws</li> <li>• Crime Corruption Commission Reporting</li> <li>• Public Interest Disclosure Officer</li> <li>• Long Term Financial Plan</li> <li>• Financial Management, Audit, Risk and Compliance Committee (FMARCC) with external member</li> <li>• Governance Committee of Council</li> <li>• Internal Governance Probity Committee (Melville City Centre)</li> <li>• Training</li> <li>• Stakeholder Engagement Framework and guidelines</li> <li>• Induction process and Online Workplace Learning (OWL)</li> <li>• Alliances with LGMA and WALGA</li> <li>• Council policies</li> <li>• Internal and external ombudsman reviews</li> <li>• Public Interest Disclosure officers and processes</li> <li>• Review against inquiries report</li> <li>• Complaints process and procedure</li> <li>• Code of Conduct</li> <li>• Accredited Business Management System</li> </ul>	<b>MEDIUM</b>

**M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)**

R5.3	Lack of cohesive Council / staff interaction results in suboptimal outcomes and reputational damage	<ul style="list-style-type: none"> <li>• Code of Conduct</li> <li>• Advice and assistance from the Department of Local Government</li> <li>• Clear and comprehensive policy base encourages consistency of decision making</li> <li>• Ongoing effective communication</li> <li>• Elected Member Information Sessions</li> <li>• Pre-candidate information sessions</li> <li>• Elected Member induction and orientation</li> <li>• Elected Member training</li> <li>• Annual Elected Member survey</li> <li>• Elected Member requests</li> <li>• Training and facilitation</li> <li>• Elected Member Bulletin and Pathway system</li> <li>• Local Government Act and Regulations</li> <li>• Media Index Monitoring</li> <li>• Agenda Briefing and Council processes</li> <li>• Contact protocols</li> <li>• Cultural survey</li> <li>• Standing orders</li> </ul>	<b>HIGH</b>
R5.4	Uncertainty surrounding Local Government Reform results in a diversion of resources and operational focus, and reduces staff attraction and retention ability	<ul style="list-style-type: none"> <li>• Proactive submissions to reform panels</li> <li>• Team Brief</li> <li>• Organisational Team Meeting</li> <li>• Engagement of the Community</li> <li>• Government advocacy and lobbying</li> <li>• Alliances with LGMA and WALGA</li> <li>• Active involvement in reform and best practice working groups within the Department of Local Government</li> <li>• South West Group alliance</li> <li>• Internal re-assurance through internal communication channels</li> <li>• One-on-one optimizati</li> <li>• Employee Assistance program</li> <li>• Maintaining high level business performance</li> </ul>	<b>MEDIUM</b>
R5.5	Failure to focus on the long term and intergenerational outcomes required for the benefit of the entire City negatively impacts on long term sustainability and success	<ul style="list-style-type: none"> <li>• Asset Management planning</li> <li>• Long Term Financial Plan</li> <li>• Local Planning Scheme</li> <li>• Local Planning Strategy (Commercial Centre Strategy, Economic Development Strategy, Housing Strategy)</li> <li>• Workforce Plan and other informing plans (Neighbourhood Plans)</li> <li>• Local Government Act</li> <li>• Included in Council Policies</li> <li>• Melville 2050 report</li> <li>• Integrated Planning (Strategic Community Plan, Corporate Plan)</li> </ul>	<b>MEDIUM</b>

**M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)**

R5.6	Failure to maintain contemporary information technology capabilities leads to sub □ optimization of potential productivity improvements and not meeting changing stakeholder expectations	<ul style="list-style-type: none"> <li>• National Broadband Network (NBN) Digital hub</li> <li>• Refresh of server and network infrastructure</li> <li>• Engaging with Social Media</li> <li>• IT Asset Management Plan</li> <li>• Adequately resourced IT infrastructure</li> <li>• Disaster Recovery capabilities being developed</li> </ul>	<b>MEDIUM</b>
R5.7	Stakeholders not understanding Councils limitations on development quasi judicial processes may result in community frustration and reputational impacts	<ul style="list-style-type: none"> <li>• Stakeholder Engagement Advisory Panel</li> <li>• Stakeholder Engagement policy / framework / guidelines</li> <li>• Community Reference Groups</li> <li>• Clear Council policies (Call up and review procedures)</li> <li>• State Ombudsman</li> <li>• State Administrative Tribunal appeals</li> <li>• Communication methods including Mosaic Items and Press Releases</li> <li>• Outrage strategies</li> <li>• Elected Member training</li> <li>• Local Government Act and Regulations and administrative law principles</li> <li>• Process is transparent</li> </ul>	<b>MEDIUM</b>
R5.8	Failure to engage with friends' groups could lead to a loss of volunteers and result in more cost to the City of Melville	<ul style="list-style-type: none"> <li>• Stakeholder Engagement policy / framework</li> <li>• Community Engagement Reference Groups</li> <li>• Stakeholder Engagement Advisory Panel</li> <li>• Community Surveys</li> <li>• Natural Areas Friends Group Manual</li> <li>• Volunteer Management Plan</li> </ul>	<b>LOW</b>

Once this list has been approved by the Council, the EMT and the OMT will identify any risks requiring further mitigation. The Council will advise the mechanism and schedule for reporting.

All identified risk mitigation strategies will be assigned to the Risk Management Coordinator as the Responsible Officer. This is so that effective reporting mechanisms are used to allow for regular reporting to the FMARCC. Though the Risk Management Coordinator will be responsible for reporting on these, it is at the discretion of the EMT to assign those risks to relevant Officers to undertake the actual mitigation strategies.

**PUBLIC CONSULTATION/COMMUNICATION**

No external consultation has been carried out.

**CONSULTATION WITH OTHER AGENCIES/CONSULTANTS**

No external consultation has occurred.

**STATUTORY AND LEGAL IMPLICATIONS**

No direct statutory or legal implications arising from this report.

**M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)****FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

All risks and opportunities identified during the preparation of this report are detailed in the content above.

**POLICY IMPLICATIONS**

No direct policy implications are associated with this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

No alternate options are presented as part of this report.

**CONCLUSION**

Eight HIGH risks, 25 MEDIUM risks and two LOW risks were identified as the 2013/2014 Strategic Risks for the City of Melville. These risks are submitted to this Committee for endorsement to be submitted to the Council for approval. Following approval, EMT and OMT will be afforded the opportunity to propose further mitigations. The Council will be provided with quarterly updates through the FMARC Committee.

At 7.31pm Cr Pazolli left the meeting.

**M13/5308 – STRATEGIC RISK ASSESSMENT REPORT (REC)**

At 7.32pm Cr Reynolds returned to the meeting.

**OFFICER RECOMMENDATION (5208)****NOTING / ENDORSEMENT**

At 7.32pm Cr Nicholson moved, seconded Cr Barton –

1. That the Strategic Risk Assessment Report be noted.
2. That the list of rated Strategic Level risks be endorsed for submission to the Council for approval.

The mover and seconder accepted the amendment

Amendment

**That the Officer Recommendation be amended to read:**

**COMMITTEE RECOMMENDATION (5308)****APPROVAL**

**That the list of rated Strategic Level risks be approved.**

At 7.41pm the Mayor submitted the amendment, which was declared

**CARRIED (12/0)**

Reasons for Amendment

The Officer Recommendation to the Financial Management, Audit, Risk and Compliance Committee was endorsed by the Committee. The Recommendation then becomes the Committee's recommendation to the Council. The wording has been amended to advise that the Recommendation is that of the Committee to the Council.

**COUNCIL RESOLUTION (5308)****APPROVAL**

At 7.41pm the Mayor submitted the substantive motion as amended –

**That the list of rated Strategic Level risks be approved.**

At 7.41pm the Mayor declared the motion

**CARRIED (12/0)**

**15. 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.

**P13/3420 - CHANGE OF USE FROM 'SHOP' TO 'RESTAURANT' (CAFÉ) AT 1/901A CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Operational  
 Application Number : DA-2013-909  
 Property : 1/901A Canning Highway, Applecross  
 Proposal : Change of Use from 'Shop' to 'Restaurant (Café)'  
 Applicant : G O'Brien  
 Owner : Twincreek Holdings Pty Ltd  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : P12/3350 – Ordinary Meeting of Council – 20 November 2012  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>



**P13/3420 - CHANGE OF USE FROM 'SHOP' TO 'RESTAURANT' (CAFÉ) AT 1/901A  
CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Planning approval is sought to change the approved use of Tenancy 1 at 901A Canning Highway, Applecross from 'Shop' to 'Restaurant' (Café). In addition, approval is sought for a package of new business signage for the proposed restaurant.
- A restaurant use is a 'P – Permitted' use within the District Centre precinct.
- In common with other businesses located within the Canning Bridge District Centre, there is a lack of off street car parking provision.
- Given the provision of only four car parking bays located to the rear of the premises, which are shared by the three tenancies that operate from the lot, there is an existing shortfall of 23 car parking bays.
- Due to the nature of the proposed business, it is anticipated that it will be frequented by people already visiting or working within the area rather than being a destination in itself. On this basis, the proposed car parking shortfall is supported.
- It is recommended that the proposal be approved subject to conditions.
- The proposed car parking variation requires an Absolute Majority decision of Council.





**P13/3420 - CHANGE OF USE FROM 'SHOP' TO 'RESTAURANT' (CAFÉ) AT 1/901A CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)**

**BACKGROUND**

The subject premise is one of three tenancies located on a single lot at 901a Canning Highway. Of the other two tenancies, one is in use as a Take Away, whilst the second is vacant pending its fit out as a Small Bar.

The Small Bar approval was granted by Council on 20 November 2012, and is yet to become operational. It is understood that the owner of the proposed small bar is engaged in the process of obtaining a liquor licence from the Department of Racing, Gaming and Liquor.

In the absence of any record to the contrary, it is deemed that the existing authorised use of the subject site is that of shop.

**Scheme Provisions**

MRS Zoning	: Urban & Primary Regional Roads Reservation
CPS 5 Zoning	: District Centre
R-Code	: R60
Use Type	: 'Restaurant (Café)'
Use Class	: 'P' – Use Permitted

**Site Details**

Lot Area	: 463sqm
Street Tree(s)	: None applicable
Street Furniture (drainage pits etc)	: None applicable
Site Details	: Refer to aerial photo above

**DETAIL**

**[3420 Site And Elevation Plan 901 Canning Highway](#)**

The proposal is considered to satisfy all of the relevant provisions contained within Community Planning Scheme No. 5 (CPS5) and Council policy with the exception of car parking.

**CPS5 and Policy Requirements**

<b>Development Requirement</b>	<b>Required/ Allowed</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>
Car Parking	Proposed Café - six bays  Small Bar 14 bays  Existing Take Away seven bays  Total = 27 bays	Four bays	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Absolute Majority Decision of Council

**P13/3420 - CHANGE OF USE FROM 'SHOP' TO 'RESTAURANT' (CAFÉ) AT 1/901A CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

No consultation is required as the use is classed as a 'P' – permitted use.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

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

Agency	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Main Roads WA	No objection in principle subject to the imposition of a number of conditions.	Support	Conditions of approval are included within the Officer recommendation below.	Condition

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Canning Bridge Precinct Vision

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

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

**P13/3420 - CHANGE OF USE FROM 'SHOP' TO 'RESTAURANT' (CAFÉ) AT 1/901A  
CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)****POLICY IMPLICATIONS**

Given the shortfall in car parking provision, the proposed development does not comply with the provisions of Council Policy CP-079 – Car Parking (Non-Residential). (Refer to detailed comment section below).

Two signs are proposed, one awning fascia sign and one wall sign, both of which comply with the City's draft Outdoor Advertisements and Signage Policy.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The approval of this application requires an Absolute Majority decision of the Council. If the Council refuses to grant approval, or if restrictive conditions of planning approval are imposed, the applicant will have the right to appeal the decision to the State Administrative Tribunal.

In this case however, it is recommended that the application is approved as proposed.

**COMMENTS**

Three separate businesses in total operate from the subject lot. At the current time, these include a pizza take away, and a vacant shop, although it is noted that the vacant premises benefits from extant approval for a change of use to a small bar.

The subject tenancy is modest in size, and amounts to an internal area of 54sqm and an outdoor area of 28sqm. The use will accommodate a maximum of 16 patrons and two staff at any one time.

It is proposed to operate the 'Restaurant (Café)' between 7am and 9pm seven days a week. The adjoining approved Small Bar has planning approval to operate from 12pm to 12am and the Take Away operates between 4pm and 10pm daily.

**Land Use**

The subject site is located within the Canning Bridge District Centre Precinct. Under the provisions of CPS5 a 'Restaurant (Café)' is a 'P – Permitted' use and is therefore acceptable in principle in land use terms.

**Car Parking**

Four on-site car parking bays are provided to the rear of the lot for the three existing tenancies. These bays are accessed via a narrow access leg directly off Canning Highway, and also from Ogilvie Road, and provide limited car parking for the benefit of staff of those tenancies.

When assessed in accordance with the car parking requirements of Council Policy, there is a clear shortfall in car parking provision. (refer to CPS5 and Policy Requirements Table above). This shortfall already exists, irrespective of the change of use now proposed. The issue for this assessment therefore is whether the additional car parking requirements that result from the change of use now proposed can be accepted.

**P13/3420 - CHANGE OF USE FROM 'SHOP' TO 'RESTAURANT' (CAFÉ) AT 1/901A  
CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)**

In that context, and given the location of the site within the busy Canning Bridge District Centre, located directly on Canning Highway, the shortfall in car parking provision is supported for the following reasons:

- The small scale nature of the business proposed, and the fact that it is unlikely to be a destination for patrons in its own right, means that patronage to it will likely come from within the Canning Bridge District Centre Precinct itself, from persons already visiting the centre, or those working there.
- Within 200m of the subject site, there are a significant number of car parking bays located within the road reserve on Sleat Road, Ogilvie Road, Kishorn Road and Moreau Mews, and a City of Melville paid parking station in Moreau Mews which are all available to the public.
- The subject site is located within 35m of a high frequency bus stop and approximately 800m of the Canning Bridge train station. This portion of Canning Highway is one of the most serviced locations in Perth with regard to regular access to public transport. The application of parking concessions for developments within close proximity to public transport is consistent with planning practice implemented in other Local Authorities in Western Australia.
- The use of the premises as a restaurant/café results in a modest increase in the number of car parking bays required of two bays, the impact of which will be readily absorbed by the existence of available car parking within the vicinity.
- The City is in process of preparing a Draft Car Parking Strategy, the details of which will likely be presented to Council in October 2013. This strategy will include guidance for car parking within activity centres such as the Canning Bridge District Centre.

**CONCLUSION**

It is recommended that planning approval for the change of use of the premises to a 'Restaurant (Café)' be granted.

**P13/3420 - CHANGE OF USE FROM 'SHOP' TO 'RESTAURANT' (CAFÉ) AT 1/901A CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3420)****ABSOLUTE MAJORITY APPROVAL**

At 7.42pm Cr Robartson moved, seconded Cr Foxton -

That the application for a Change of Use from 'Shop' to 'Restaurant (Café)' and associated Signage on Lot 1 (901A) Canning Highway, Applecross be approved subject to the following conditions:

**CONDITIONS:**

1. No more than 16 patrons and two staff members are to occupy the premises at any one time.
2. No service delivery vehicles are to visit the site outside the hours of 7:00am to 7:00pm Monday to Sunday.
3. Prior to the initial occupation of the development, a rubbish storage area is to be constructed and maintained in perpetuity to the satisfaction of the Manager Statutory Planning.
4. The approved signage is to be located within the lot boundary or attached flush to the awning fascia.
5. If the signage is to be illuminated, it must be of low level, not exceeding 300cd/m<sup>2</sup> and not flash, pulsate or chase.
6. The signage is not to contain fluorescent, reflective or retro-reflective colours or materials.

**ADVICE NOTES**

1. The rubbish storage area as required by Condition (3) is to satisfy the following:
  - (a) is provided with a tap and connected to an adequate supply of water;
  - (b) is of sufficient size to accommodate all receptacles used on the premises;
  - (c) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness;
  - (d) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;
  - (e) containing a smooth and impervious floor -
    - (i) of not less than 75 millimetres in thickness; and
    - (ii) provided with an adequate liquid refuse disposal system.

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**P13/3420 - CHANGE OF USE FROM 'SHOP' TO 'RESTAURANT' (CAFÉ) AT 1/901A  
CANNING HIGHWAY, APPLECROSS (AMREC) (ATTACHMENT)**

2. **The *Environmental Protection (Noise) Regulations 1997* must be complied with at all times. These regulations stipulate allowable noise levels which if breached constitute unreasonable noise for the purposes of the *Environmental Protection Act 1986*. These regulations can be obtained from [www.slp.wa.gov.au](http://www.slp.wa.gov.au)**
3. **Any additional signage or modifications to the approved signage will require Main Roads of Western Australia agreement and may require additional approval from the City of Melville.**

At 7.43pm the Mayor submitted the motion, which was declared

**CARRIED BY ABSOLUTE MAJORITY (12/0)**

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

**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE  
STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)**

Disclosure of Interest

Item No.	P13/3417
Member	Mayor R Aubrey
Type of Interest	Proximity Interest in accordance with the Act
Nature of Interest	Owner of an adjoining property
Request	Leave
Decision of Council	Not Required

Disclosure of Interest

Item No.	P13/3417
Member	Cr D Macphail
Type of Interest	Financial Interest in accordance with the Act
Nature of Interest	AMP have taken over NM-AXA Policy
Request	Stay, Discuss and Vote
Decision of Council	Stay, Discuss and Vote

At 7.43pm Cr Willis moved, seconded Cr Kinnell -

**That Cr Robartson be elected as Presiding Member for this meeting during the absence of the Mayor and Deputy Mayor.**

At 7.45pm the Mayor submitted the motion, which was declared

**CARRIED (12/0)**

At 7.46pm His Worship the Mayor, having declared an interest in this item, left the meeting.

At 7.46pm Cr Macphail, having declared an interest in this item, left the meeting while the Council voted on his request to stay, discuss and vote.

At 7.46pm Cr Robartson assumed the Chair.

At 7.47pm Cr Willis moved, seconded Cr Nicholson -

**That in accordance with Section 5.68 (1) of the Local Government Act 1995 Cr Macphail be permitted to stay, discuss and vote.**

At 7.47pm the Mayor submitted the motion, which was declared

**CARRIED (10/0)**

At 7.48pm Cr Macphail returned to the meeting.

At 7.48pm Cr Macphail assumed the Chair.

**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE  
STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)**

Ward	:	Applecross/Mt Pleasant/City
Category	:	Strategic
Application Number	:	Not applicable
Property	:	All properties within the structure plan study area
Proposal	:	Initiation of public advertising of the Draft Melville City Centre, Booragoon Structure Plan
Applicant	:	Rowe Group on behalf of AMP Capital Investors
Owner	:	Various land owners within study area
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not applicable
Responsible Officer	:	Gavin Ponton Manager Strategic Urban Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

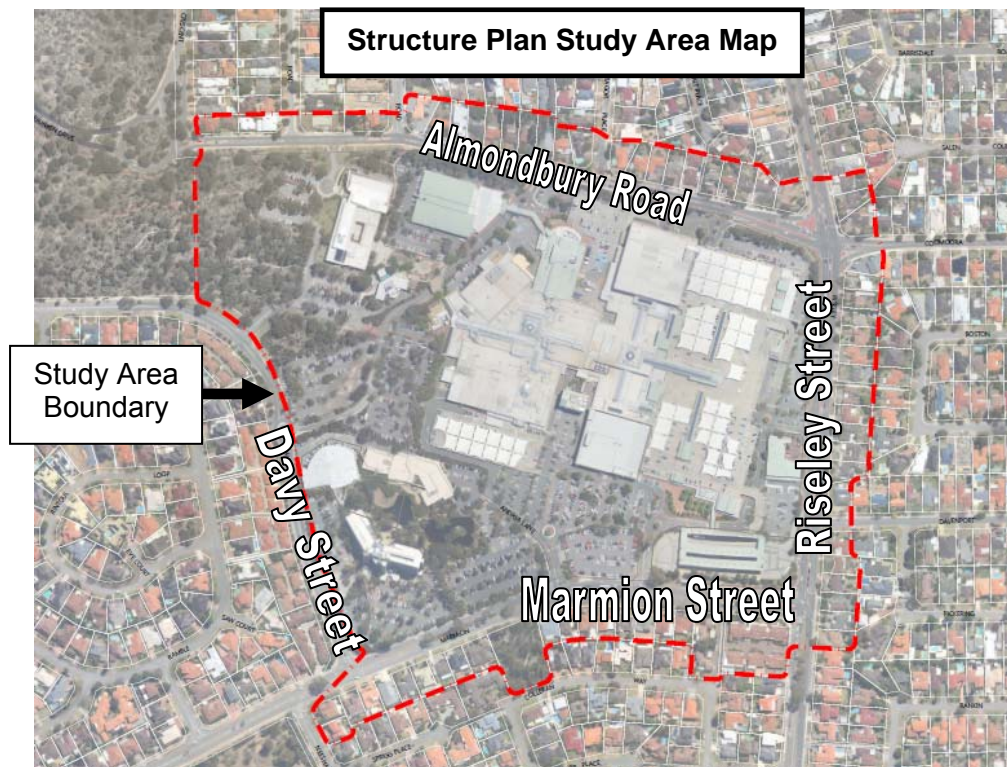
<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting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



**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE  
STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- A draft Activity centre structure plan has been prepared to guide the future redevelopment of the Melville City Centre, Booragoon. It also provides direction on the proposed expansion of the Garden City Shopping Centre.
- Activity centre structure plans are required to be prepared for major centres as per the Western Australian Planning Commission's (WAPC) *State Planning Policy 4.2 Activity Centres for Perth and Peel* (SPP 4.2) prior to any major expansion of the shopping centre.
- The previously adopted 2007 Centre Plan has not been progressed and requires updating in accordance with SPP 4.2.
- AMP Capital Investors is seeking to expand the Garden City Shopping Centre from approximately 65,000m<sup>2</sup> of shop/retail floorspace to 120,000m<sup>2</sup> in the future.
- The draft structure plan makes recommendations on matters such as the future zoning, development and land use of lots within the study area. It will provide the planning framework for future redevelopment or land use changes.
- Transport, economics, public spaces and the future design of buildings are all key issues addressed in the draft structure plan.
- Project updates have been provided to Elected Member Information Sessions held on 7 November 2012, 4 December 2012, 13 February 2013, 6 May 2013, 9 July 2013, 23 July 2013 and 30 July 2013.
- This report seeks Council authorisation to publicly advertise the draft structure plan and seek comments from landowners, residents and the wider community.
- The WAPC is responsible for the final determination of the draft structure plan.

**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE  
STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)**



## BACKGROUND

In early 2006, AMP advised the City that it intended to expand and redevelop its existing Garden City Shopping Centre from 65,500m<sup>2</sup> net leasable area (NLA) to 74,100m<sup>2</sup> NLA incorporating a mix of retail and non-retail uses.

The Melville City Centre Vision Plan / Centre Plan 2007 was prepared by AMP, adopted by Council in February 2007 and submitted to the Department of Planning (DoP).

In summary, the main components of the Centre Plan were:

- Inclusion of a “high street” or “main street” through the City Centre between Almondbury Road and Davy Street;
- Significant extension of the retail component of the centre to the south (fronting Marmion Street);
- Reduction in the size of the bus station and retention of the bus station in its present location and in the long term underground;
- Opportunities for office / residential development on land owned by the City;
- Improved connectivity of uses within the city centre through reduction of ground level car parking (parking proposed to be relocated underground or roof-top with business / retail at ground level);
- Improved connection between Andreas Lane and the new main street; and
- Improved civic square opportunity for both the cinema operator and the City of Melville community facilities possibly including renovated library, gallery and associated commercial facility.

The 2007 Centre Plan was prepared under the former Statement of Planning Policy No. 9 – *Metropolitan Centres Policy for the Perth Metropolitan Region*.

**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE  
STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)****City of Melville's Local Commercial Strategy (2006)**

The City's *Local Commercial Strategy 2006* sought a staged allocation of additional floor space for the Melville City Centre – Booragoon, ranging from 74,100m<sup>2</sup> NLA in 2007 and increasing to 77,400m<sup>2</sup> NLA in 2026. At the time of the City's submission, the *State Planning Policy No 4.2 Metropolitan Centres Policy Statement for the Perth Metropolitan Region 2000* stipulated a maximum of 50,000m<sup>2</sup> NLA for Regional centres, such as the Melville City Centre.

The WAPC indicated that it was prepared to endorse the City of Melville's *Local Commercial Strategy 2006* subject to modifications. However, the modifications specifically did not support the increased floor space indicated in the Local Commercial Strategy, and specifically required that the: "*Melville City Centre to remain at current cap of 65,000m<sup>2</sup> NLA.*"

The *Local Commercial Strategy 2006* therefore capped the retail floorspace of the centre at 65,000m<sup>2</sup>, which is stated in Community Planning Scheme No. 5.

**Memorandum of Understanding City of Melville and AMP Capital Investors (2007)**

A Memorandum of Understanding (MOU) between the City and AMP was signed by the parties in February 2007, which states that both parties will work cooperatively to progress the planning for the city centre. In summary, the MOU outlines the procedures, intent and processes for the principal stakeholders in the expansion of the Garden City Shopping Centre.

**Current Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: City Centre, Commercial Centre Frame R50, Living Area R20
R-Code	: Various
Use Type	: Not Applicable
Use Class	: Not applicable

**Site Details**

Site Details	: Not Applicable
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**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE  
STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)****DETAIL****Requirement to Prepare a New Structure Plan for the City Centre**

A new structure plan for the area is required for the following reasons:

- Activity centre structure plans are required to be prepared for major centres, such as Booragoon, as per SPP 4.2;
- AMP is proposing to expand the shopping centre. Activity centre structure plans are to be endorsed prior to a major development (such as the proposed shopping centre expansion) being approved as per SPP 4.2; and
- The previously prepared 2007 Centre Plan has not been significantly progressed and requires updating.

**Study Area**

The City has determined the activity centre boundary in conjunction with and consistent with the views of the Department of Planning (DoP). The structure plan is required to be prepared over the whole area contained within the activity centre boundary (also referred to as the study area).

**Project Roles**

The City is coordinating the preparation and implementation of the structure plan and will endeavor to ensure that the wider community interest and all relevant interests are appropriately addressed. AMP has presented to the City the outcomes of technical investigations and the draft structure plan documentation. The plan, if and when approved by the Council, will be submitted to and determined by the WAPC.

**Draft Structure Plan Summary**

Structure plans inform the future planning framework for an area and provide direction on matters such as: zoning, building form and height; land use, access and transport. It will help guide the future redevelopment of the city centre.

The adopted structure plan would further inform and/or largely supersede the relevant sections of Community Planning Scheme No. 5. Detailed matters such as: the design of individual buildings, the exact location of things such as the proposed high street, detailed sustainability measures and the design of car parking areas would be addressed at the development application stage.

The draft plan (refer to Confidential Attachment 3) has been prepared with reference to the WAPC's SPP 4.2 and the Structure Plan Preparation Guidelines.

Part 1 of the draft structure plan provides the statutory provisions, including the proposed precincts and future land use and development requirements.

Part 2 of the draft structure plan provides the aspirations and ideas behind the draft plan and the explanatory text.

The draft plan is also supported by technical reports on transport (including a detailed traffic report) and economics.

Please note that the draft structure plan as submitted may require some amendments prior to public advertising. The City's Officers will further discuss this with AMP.

**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE  
STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)****Initial Comments on Draft Structure Plan**

There are a number of particularly important parts of the draft structure plan for Council to note:

Community Benefits

The future expansion of the shopping centre is likely to be completed in a number of stages, which would be further detailed through the development application process. It is considered to be important to link future major development proposals with the concurrent provision of community benefits – in effect a quid pro quo.

Part 1 Section 9 (a statutory requirement), details what/when the community benefits would be provided and states in part that:

- 9.1 *“... where an application is made to construct an additional 5,000m<sup>2</sup> or more of shop-retail floorspace in the Centre Core, the following elements shall be provided prior to, or as part of, any application for approval to commence major development that would result in additional shop-retail NLA within the Centre Core:*
- 9.1.1 *The entire high street vehicular and pedestrian connection;*
  - 9.1.2 *The new town square / piazza;*
  - 9.1.3 *The mixed use community facility / library (should the location of the proposed high street impact on the current library location);*
  - 9.1.4 *100% of the buildings surrounding the town square / piazza and fronting both sides of the core of the high street;*
  - 9.1.5 *At least 2,000 m<sup>2</sup> of non-retail commercial floorspace; and*
  - 9.1.6 *The critical road and intersection upgrades as outlined in Plan 5 and Table 2 (Although the extent and staging of works should be subject to a re-assessment should there be a significant reduction in the amount of proposed retail floorspace developed).”*

In effect, if the shopping centre were expanded by more than 5,000m<sup>2</sup>, the City and community would receive the following benefits:

1. A new high street lifestyle precinct, where the focus would be on cafes, restaurants, boutique shopping and entertainment. This could also a place for future events or street festivals;
2. A new town square/piazza;
3. A new mixed use community facility / library; and
4. Financial or in-kind contributions to road and intersection upgrades related to the proposed growth of the centre.

It is considered important that the community receive direct benefits from the potential expansion of the shopping centre. This section of the plan is therefore considered to be very important.

High Quality Building Design

Part 1 Section 10 specifies mandatory development standards which apply to all development across the structure plan area. The intent of these mandatory standards is to ensure that all new development enhances streetscapes, public spaces and the amenity of the area. The minimum development standards are intended to ‘lift the bar’ and clearly articulate the expectations of the City for future development.



**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE  
STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)**

Building Heights

Plan 3 of the draft plan includes details on future building height requirements. A minimum building height of two storeys applies across the structure plan area, which is intended to reinforce the urban nature of the place.

Maximum building heights vary according to the relevant precinct:

<b>Precinct</b>	<b>Current Building Height in CPS 5</b>	<b>Proposed Building Height In Draft Structure Plan</b>
<b>Garden City</b>	Generally 6 storeys (20m average and 28m maximum)	Between 6 to 10 storeys (10 storeys internal to site and approx. 120m from residential properties)
<b>High Street</b> (including CoM land)	Generally 6 storeys (20m average and 28m maximum)	Between 4 to 8 storeys
<b>Lakeside</b>	Generally 6 storeys (20m average and 28m maximum)	Between 9 to 14 storeys (These proposed building heights may require further review and assessment)
<b>Frame</b>	2-3 storeys (10.5m maximum)	Maximum 4 storeys facing the street and 2 storeys at the rear of the property

It is considered particularly important to provide for an appropriate interface between the Centre Frame Precinct and surrounding residential areas. Building heights are therefore proposed to be limited to two storeys at the rear of these lots with appropriate building setback and privacy provisions included in the draft plan.

The proposed building heights will be further analysed and informed by community feedback.

Residential Densities

The draft plan proposes to have no specified maximum residential densities for the Garden City, High Street and Lakeside precincts, which is consistent with the current CPS 5 provisions. Residential densities will be instead controlled through built form, height, setback and other such controls, which is based on the principles outlined in Part 6 of the *Residential Design Codes*.

This will encourage developers to provide residential dwellings in the city centre and make it easier to include a variety of dwelling sizes and types.

The Frame precinct is proposed to have a residential density of R100, which is considered appropriate as it directly abuts the current City Centre Zone.

The draft structure plan is likely to require updating prior to the public advertising process. The City will work with AMP to ensure that the draft plan is appropriately amended where required.

It is expected that the draft structure plan will help deliver high quality residential and mixed use development in accordance with the current objectives of the City Centre zone.

**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)**Ecologically Sustainable Development

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

**Initial Comments on the Movement (Transport) Strategy**

A detailed Movement (or Transport) Strategy has been submitted to support the draft structure plan. In summary, the main points of the strategy are:

- *"The target of the strategy is to increase the potential mode share of public transport, cycling and walking while simultaneously ensuring that traffic congestion does not threaten the economic viability of the area",*
- Most people currently access the centre via motor vehicle (90%), with other modes (public transport, walking, cycling etc) providing 10% of trips. This is major factor and is not expected to change significantly in the future. The expected future mode share split is anticipated to be 85% private motor vehicle and 15% other modes;
- *"Many residential areas in the vicinity of the Melville City Centre do not have access to public transport services that travel to the Booragoon bus station (Bicton, Attadale, Applecross and Alfred Cove are examples)... Overall public transport is aimed at commuters travelling to and from the Perth CBD, with access to the Melville City Centre not being a key focus of the services."*
- AMP *"will investigate the viability and benefits"* of providing shuttle buses to and from residential areas not well serviced by public transport currently;
- *"The City and the major landowner intend to continue discussions with Transperth with a view to improving the bus routes in the area and the frequency of services";*
- Pedestrian and cycling connections need to be improved;
- The number of car parking bays for the shopping centre is proposed to be increased from 4,250 bays to around 6,000 bays in the future. A range of technologies and design measures would be utilised to improve car parking provision; and
- The draft structure plan recommends road and intersection upgrades which would include the following:
  - Improving access to the shopping centre from surrounding streets and around the centre;
  - Upgrading the Marmion Street / Riseley Street intersection;
  - Upgrading the Canning Highway / Riseley Street intersection;
  - Upgrading the Canning Highway, Dunkley Avenue and Norma Road intersection;
  - Upgrading the Leach Highway / Riseley Street intersection.

The Movement Strategy is currently being assessed by the City's Technical Services and has also been referred for comment to relevant agencies including Main Roads Western Australia, Department of Transport and Public Transport Authority.

AMP is proposing to contribute to road and intersection upgrades shown on pages 5 and 6 of Attachment 1. The exact details and contributions to be made would be negotiated through a separate agreement between the parties.

The detailed transport assessment comments and analysis will be included in the report to Council following the public advertising process.



**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)****Initial Comments on Economics Report**

A detailed economics report has been prepared by Pracsys on behalf of AMP. Pracsys is also working on the City's draft Local Commercial Activity Centre Strategy (LCACS). The City considers that there are a number of benefits to having Pracsys working on both projects given that there are many synergies and that they should be based on similar or the same detailed modelling.

Notwithstanding, the City has separately engaged Shrapnel Urban Planning to undertake an independent peer review of the economics report prepared by Pracsys. The analysis and recommendations of the independent peer review will be included in the report to Council following the public advertising process.

Some of the relevant points from the draft LCACS prepared to date include:

1. Pracsys has noted that the WAPC's SPP 4.2 promotes a new approach to retail and activity and the development of activity centres:

*"Rather than focusing on retail floorspace alone, local governments and developers are now required to address activity centre development in a holistic manner. This approach recognises the activity that exists, and the need for users to have convenient access to activity, while reducing dependence on cars for transport. A more sustainable urban form is envisaged using activity centres as the fundamental building block of urban form."*

2. Melville City Centre, Booragoon is designated as a secondary centre under SPP 4.2. This type of centre is a level below strategic metropolitan centres in the hierarchy.
3. The retail market analysis shows that under current conditions, there is latent demand for convenience goods and services across the City of Melville in almost all activity centres. This indicates that new floorspace supply has not kept pace with increases in demand. It may also be a reflection of the changing nature of retail and the high affluence of the catchment.
4. Modelling of the additional retail floorspace suggests that even with some competition from planned expansions at nearby Murdoch and Cockburn Gateway, when the expansion at Booragoon is completed it is expected to increase demand for goods and services at the centre. The catchment size of the centre is likely to increase as the greater range makes the centre more attractive, and people are more likely to travel from further away to visit the centre. Demand for goods and services at the centre are expected to continue increasing as the local and regional population grows.

In terms of the further development of the City's activity centres, the draft LCACS suggests to:

1. Increase the density and diversity of housing in and around activity centres to improve land efficiency, housing variety and support centre facilities. A more rigorous pursuit of higher-density housing should be incorporated within and immediately adjacent to activity centres to establish a sense of community and increase activity outside normal business hours; and
2. Ensure activity centres provide sufficient development intensity and land use mix to support high-frequency public transport.

**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE  
STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)**Proposed Retail Floorspace Expansion

The draft structure plan explains that the proposed retail floorspace expansion is generally intended to accommodate:

- *“Modifications and expansions to the Department Store(s);*
- *Introduction of an additional Discount Department Store(s);*
- *Improvements to the supermarkets;*
- *Introduction of approximately 8 - 15 large format specialty retailers;*
- *Introduction of a number of additional ‘mini-major’ tenancies;*
- *Introduction of additional specialty retailers, particularly focused on higher end comparison goods; and*
- *Introduction of a High Street and associated retailing.”*

**Process**

The submission, public advertising and adoption procedures for structure plans are detailed in the proposed provisions for Community Planning Scheme 5 that Council adopted at its Ordinary Meeting held on 20 August 2013 (P13/3411 - Amendment 67 to CPS 5 – the ‘Murdoch mixed use amendment’).

The City has developed a process map that outlines the steps involved in the project (see Attachment 2). The project is currently at ‘Decision Gate No. 2’ – the Council to authorise public advertising of the draft structure plan.

**PUBLIC CONSULTATION/COMMUNICATION**

The City is managing a comprehensive approach to engaging landowners, residents, visitors, business operators and the community through this project. The project has already been promoted in a number of ways as follows:

- Information has been available on the City’s website since early 2013;
- Frequently asked questions, an online discussion forum and question and answer service has been available on ‘We’re Listening Melville’ since early 2013;
- A project update database has been set up to gather the contact details of people who would like to be kept up to date on the project;
- Letters sent to landowners within the structure plan area in February, May and June 2013;
- A project information session (12 February 2013) and visioning session (14 March 2013) has been held for landowners within the area bordered by Almondbury, Riseley, Marmion and Davy Streets. These landowners have also been provided the opportunity to complete a survey on their thoughts and aspirations for their land and the city centre in general;
- A project information session (26 June 2013) has been held for landowners and residents in the rest of the structure plan area (all landowners and residents on the opposite side of Almondbury, Riseley, Marmion and Davy Streets); and
- An article in the City’s Mosaic magazine in March 2013.

**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE  
STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)**

It is proposed to publicly advertise the draft structure plan for 30 days via the following methods:

- Information and a copy of the draft structure plan on the City's website and 'We're Listening Melville';
- Emails sent to the project update database;
- Letters sent to landowners and residents within the structure plan area;
- Letters sent to landowners and residents within the wider 'zone of influence' (roughly within 800 metres of the Garden City shopping centre);
- Letters to relevant government agencies;
- Press releases and an article in the 'About Melville' section of the local newspaper;
- Information days, workshops and/or information booths within the shopping centre

The City will manage the public advertising process.

**Next Steps**

The next steps for the project are:

- Public advertising of the draft structure plan for 30 days;
- Collate and analyse community feedback and submissions on the draft structure plan;
- Finalise full assessment of the draft structure plan, transport report and economics report;
- Amend the draft structure plan as required;
- Report to the Council on the draft structure plan; and
- The Council to consider adoption of the structure plan.

**STATUTORY AND LEGAL IMPLICATIONS**

There are no legal implications at this stage of the project.

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

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

The draft structure would only come into operation on the day on which it is endorsed by the WAPC.

**FINANCIAL IMPLICATIONS**

There are no financial implications at this stage of the project.

**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE  
STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)**

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no policy implications at this stage of the project.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council may choose not to authorise public advertising of the draft structure plan. If this were the case, Council would need to specify why it was not prepared to authorise public advertising of the draft structure plan. The applicant may then need to revise or update the draft plan accordingly. This alternative may have potential time and cost implications for the project.

It is noted that applicants have appeal rights under Part 14 of the *Planning and Development Act 2005* in relation to decisions made concerning structure plans.

**CONCLUSION**

A draft structure plan has been prepared to guide the future redevelopment of the Melville City Centre, Booragoon. AMP is seeking to expand the Garden City Shopping Centre from approximately 65,000m<sup>2</sup> of shop/retail floorspace to 120,000m<sup>2</sup> in the future.

The draft structure plan makes recommendations on matters such as the future zoning, development and land use of lots within the study area. It will provide the planning framework for future redevelopment or land use changes.

The future expansion of the shopping centre is likely to be completed in a number of stages, which would be further detailed through the development application process. It is considered to be important to link future major development proposals with the concurrent provision of community benefits

It is recommended that the Council authorise public advertising of the draft structure plan and seek comments from landowners, residents and the wider community. A further report would be presented to the Council following the public advertising process. The Council would then be requested to consider the potential adoption of the draft plan. The WAPC is responsible for the final determination of the draft structure plan following Council's decision.

**P13/3417 - PUBLIC ADVERTISING OF THE DRAFT MELVILLE CITY CENTRE  
STRUCTURE PLAN (REC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3417)****APPROVAL**

At 7.48pm Cr Willis moved, seconded Cr Robartson -

**That the Council:**

- 1. Authorise statutory public advertising of the draft Melville City Centre, Booragoon Structure Plan.**
- 2. Note that a further report will be presented to the Council to consider the potential adoption and/or need for modification of the draft Melville City Centre, Booragoon Structure Plan following the completion of the statutory public advertising process.**

At 8.11pm the Deputy Mayor submitted the motion, which was declared

**CARRIED (11/0)**

At 8.12pm the Deputy Mayor adjourned the meeting for a comfort break.

At 8.16pm the meeting resumed with His Worship the Mayor in attendance.

At 8.17pm His Worship the Mayor brought Late Item P13/3426 forward for discussion.

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.

**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30 (NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2013-185
Property	:	Lot 30 (No. 50) Blackwall Reach Parade, Bicton
Proposal	:	Three Storey (with Basement) Single House
Applicant	:	Mr D Lomma
Owner	:	D and J Canci
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input checked="" type="checkbox"/>	<b>Quasi-Judicial</b>	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30  
(NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL  
ATTACHMENT)****KEY ISSUES / SUMMARY**

- Planning approval is sought for the construction of a three storey (with basement) single house at Lot 30 (No. 50) Blackwall Reach Parade.
- This application was considered by Council at its Ordinary Meeting in August, however upon the request of the Applicant the item was deferred to allow the opportunity for the applicant to liaise with the adjoining property owners, who at that stage were all opposed to the development as proposed.
- The proposal satisfies all of the relevant provisions of Community Planning Scheme No. 5 (CPS5), the Deemed-to-Comply provisions (previously known as Acceptable Development criteria) of the Residential Design Codes (the R-Codes) and applicable Council Policies, with the exception of variations in respect of boundary setbacks, overshadowing, visual privacy and building height.
- The application was advertised in accordance with Part 4 of the R-Codes. Six submissions were received opposing the proposal on the grounds of building height and building bulk, privacy, and overshadowing.
- A formal site meeting involving Elected Members, Officers, the applicant, and neighbours, took place 14 August 2013.
- In response to the submissions received, amended plans were submitted which depict a reduction in the floor area of the dwelling, increased boundary setbacks and reduced building height.. However, assessment against the relevant Design Principles of the R Codes (formerly known as Performance Criteria) is still required.
- Of the six submissions previously received, and in response to the open communication that has taken place since the deferral of this matter at the August Council meeting, a collaborative letter has been received from the owners of the four key properties that abut the application site, which in principle, retract their previous objections.
- Whilst the remaining objections stand, the development as now proposed satisfies the amenity provisions of Clause 7.8 of CPS5, the relevant Design Elements of of the R-Codes and Council Policy.
- The approval of this application requires a Special Majority decision of Council because of the proposed building height.
- It is recommended that conditional approval is granted.



**LATE ITEM13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30  
(NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL  
ATTACHMENT)**



## BACKGROUND

This application was presented at the Agenda Briefing Forum on 6 August 2013 and an Elected Member site visit was conducted on 14 August 2013.

Following the Elected Member site visit, the Applicant requested that the item be deferred at the Ordinary Meeting in August until the September meeting to allow him to talk to the adjoining property owners.

Since then, the applicant and the key adjoining neighbours have been in talks, the conclusion of which is that there is a greater understanding of exactly what is being proposed and what the impact of the construction will be. This process of communication and consultation between the various parties has now concluded with the submission of a letter from the owners of four adjoining properties confirming the retraction of their previous objections. This retraction is qualified by a request from the residents that assurances be provided regarding the height of the building being no higher than that depicted on the submitted plans, and the imposition of a condition of planning approval to govern the use of Barker Place as an access point during the construction phase.

## Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area
R-Code	: R17.5
Use Type	: Residential
Use Class	: Permitted

**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30 (NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**

**Site Details**

Lot Area	: 1,257sqm
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

The subject site contains an existing single storey dwelling which has access via a steep 1 in 3 driveway from Blackwall Beach Parade, and a second access via an existing right of carriageway from Barker Place.

The subject site is located on the downward side of a steep slope. It benefits from expansive views towards the Swan River overlooking Blackwall Reach. The natural topography of the lot presents a significant challenge to its development, there being a considerable fall across the site from east to west in the region of 11 metres, and a similar fall of 11m from north to south.

**3426 Applicant's submission**

**3426 Elevations**

**DETAIL**

The proposal has been assessed against all of the relevant provisions of CPS5, the Deemed-to-Comply provisions of the R-Codes, and applicable Council Policies. The proposal satisfies all of these requirements with the exception of those matters listed below.

**CPS5 and Policy Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Building Height	Maximum wall height - 9m (concealed roof)	12.4m	Requires assessment against amenity provisions of Clause 7.8 of CPS5	Special Majority decision of Council

**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30  
(NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**

**R-Code Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation
Boundary walls	No Deemed-to-Comply boundary walls in areas coded R17.5	<i>Rear (east)</i> Ground floor Garage/Laundry Length - 11.5m Height - 1.5 - 2.9m	Requires assessment using Design Elements	Manager Statutory Planning (MSP)
		<i>Side (south)</i> Undercroft Office – 6.4m length and 0.93 – 3.96m height	Requires assessment using Design Elements	MSP
Boundary Setbacks	<i>Side (west)</i> Ground floor – Sunken Living – 5.3m  First Floor – Master 5.5m	3.7m  3.7m	Requires assessment using Design Elements	MSP
Overshadowing	25%	11 Barker Place – 27%	Requires assessment using Design Elements	MSP
Visual Privacy	<i>Side (south)</i> Undercroft – Office – 4.5m	2.4m	Requires assessment using Design Elements	MSP
	<i>Side (west)</i> Undercroft – Activity – 6m	3.7m	Requires assessment using Design Elements	MSP
	Ground Floor – Sunken Living – 6m	3.7m		
	Ground Floor – Pool – 7.5m	2.5m		
	Ground Floor – Pool Deck – 7.5m	5.5m		
	First floor – Master suite 4.5m	3.7m		

**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30 (NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
Neighbour's Comment Supplied: Yes  
Reason: In accordance with R-Codes and Council Policy  
Support/Object: Seven objections

Issue	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Building Height	The variation to the permitted building height will have an adverse bulk impact upon the neighbouring lots and the streetscape. The variation is considered inappropriate and incompatible with its surroundings and will set a precedent.	Object	Despite the steeply sloping nature of the lot, the proposed dwelling has, in the main, been designed to be within the maximum height tolerance of Council Policy. Only a small portion of the building (the first floor Master Bedroom and Master Ensuite) extends above the maximum prescribed height of 9m to 12.4m. The remainder of the house is below 9m in height, with a large proportion being below ground level, particularly along the northern and eastern boundaries. The natural topography of the locality means that property located to the east is sited higher on the slope, above the position of the proposed dwelling. This means that the proposed dwelling will not be dominant or overbearing towards that property. A precedent will not be created, as all such development proposals are treated on their individual merit.	Not Uphold

**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30  
(NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL  
ATTACHMENT)**

Views	The proposed dwelling will result in a loss of views.	Object	Given the topography of the locality, and the pattern of development within it, it is considered unlikely that views of any significance will be compromised. As such the visual amenity of existing residents is safeguarded.	Not Uphold
Setbacks	The proposed setback variations will result in an unacceptable impact to privacy and bulk impact.	Object	The steeply sloping character of the area, and the position of existing residences within it combine to mitigate any potential adverse impacts that might otherwise result from the setback variations proposed. In addition, it is noted that there will be no loss of amenity caused by overlooking given the only areas overlooked from the subject property will be the roof of the adjoining dwelling to the west and an unused area of land of the lot to the south.	Not Uphold
Overshadowing	The overshadowing will have an adverse impact on the submitter's lot.	Object	The discretion sought in respect of overshadowing is minor. In addition, no active or habitable areas will be affected by overshadowing. Much of the area which will be overshadowed is unused land. As such, the proposed development meets the objectives of the Design Elements of the R Codes.	Not Uphold

**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30 (NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**

Access	Use of the right of carriageway over 9 and 11 Barker Place, particularly during the construction phase, will result in a loss of amenity and safety for the other users of the driveway.	Object	The existence of a right of carriageway, and the subsequent use of that carriageway, is not a material planning consideration.	Not Uphold
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It is noted that since the advertising period the Applicant has submitted amended plans as a response to some of the points raised by submitters and the City. These changes include:

- The setback of the undercroft Activity Room, ground floor Sunken Living and first floor Master Bedroom has been increased by 1m
- The roof over the first floor level has been lowered by 0.2m
- The first floor curved feature wall is setback an additional 0.5m from the southern boundary
- The undercroft Cellar and Entertaining and ground floor scullery are setback an additional 0.3m from the southern boundary
- The overshadowing of 11 Barker Place has been reduced from 29% to 27%
- As a result of the increased setbacks, the floor area of the dwelling has reduced and the open space increased

It is noted that the majority of these submissions are superseded by the collective letter received from neighbours as referred to in the background section of this report.

## **CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

### *Swan River Trust*

The Swan River Trust (SRT) have no objection in principle to the development as proposed, subject to the imposition of a number of conditions.

### *City of Melville Architectural and Urban Design Advisory Panel*

The application was considered by the City's Architectural and Urban Design Advisory Panel on 30 April 2013 and the following comments made in relation to the design:



**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30 (NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**

<b>Architectural Panel comment</b>	<b>Architect's response</b>	<b>Officer comment</b>
Privacy setback of office can be addressed through incorporating blade/screen wall.	Blade wall has been provided along the southern boundary to provide additional privacy screening.	Amended plans submitted incorporating a blade wall. It is noted however that the blade wall does not result in compliance with the Deemed-to-Comply provisions of the R-Codes, however the area of overlooking is adjacent to the boundary and the resultant overlooking does not compromise amenity does not include any areas sensitive to overlooking.
Express concern regarding the maximum building. Recommend that given the topographical challenges associated with the site, it would be beneficial for a 3D model and a site section to be provided to enable full understanding of the proposed design, including ready identification of the areas of the structure that are over height.	A section and computer generated model of the proposal has been provided.	The additional information provided has assisted the City in its understanding of the proposed development, and the impacts that will result. It is clear from the information provided that the portion of the building that exceeds the 9m height tolerance is minor, and accepted in accordance with the relevant Design Elements of the R Codes.
Considered that the overshadowing variation should be reduced to 25% to meet the Deemed-to-Comply provisions of the R-Codes.	It is noted that the development marginally exceeds 25% (27%) however no sensitive spaces will be overshadowed, specifically, the main area overshadowed in unused land located under the house at 11 Barker Place.	Noted

**STATUTORY AND LEGAL IMPLICATIONS**

Should the City of Melville 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*.



**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30 (NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)****FINANCIAL IMPLICATIONS**

There are no financial implications for the City relating to this proposal.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposal satisfies all of the relevant provisions of applicable Council Policies with the exception of the provisions outlined in CP – 066 – Height of Buildings.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

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

If Council refuses to grant approval, or if conditions of planning approval are imposed that are considered to be unreasonable on the part of the applicant, the option for a review of the decision to the State Administrative Tribunal, may be taken.

**COMMENT**

As stated, planning approval is sought to construct a three storey residential dwelling (with basement), at 50 Blackwall Reach Parade, Bicton.

The proposed development generally satisfies the relevant requirements contained within CPS5, the Deemed-to-Comply provisions of the R-Codes and Council policy with the exception of boundary walls, boundary setbacks, visual privacy, building height and overshadowing. These matters are addressed below:

*Building Height*

As outlined above, Council Policy 066: Height of Buildings prescribes a maximum wall height of 9m for a dwelling with a flat or concealed roof such as this. A small area of the dwelling (first floor Master Bedroom and Master Ensuite) exceeds the 9m wall height, it being up to 12.4m in height at that point.

**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30 (NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**

The height variation is supported for the following reasons:

- The subject site is significantly constrained by its topography as it slopes down from east to west by 11m and also down from north to south by 11m
- The proposed dwelling is designed in response to this topography, noting that a large portion of the proposed dwelling is sited below natural ground level due to the extent of excavation that is required
- The area which exceeds the 9m wall height relates to a small portion of the first floor Master Bedroom and Master Ensuite as shown in the two 3D diagrams provided by the Applicant below:

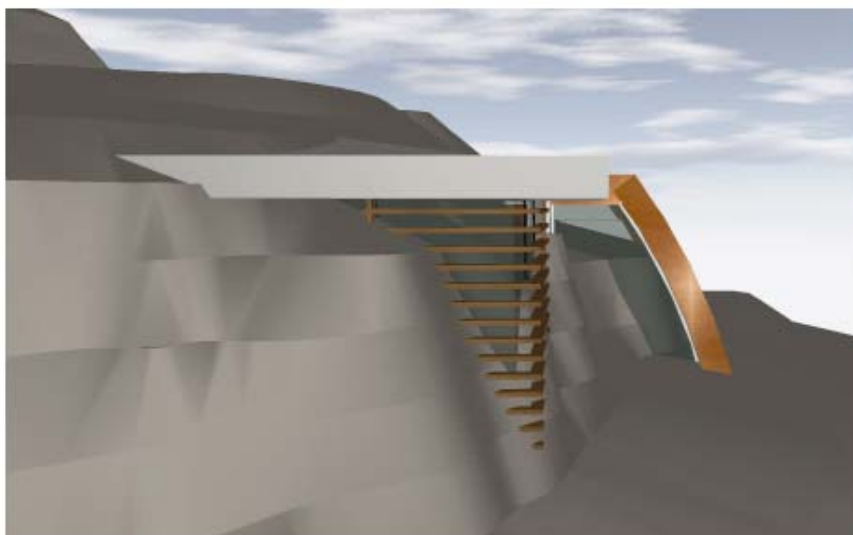


Image 3: The above image demonstrates the amount of the house above 9m above Natural Ground Level as viewed from the West.

- The area of the dwelling which exceeds the 9m wall height requirement is setback 4 – 6.5m from the southern boundary
- The house is setback in excess of 30m from the street and will remain under the maximum ridgeline of the slope that it sits on. The ground floor level of the house located on top of the ridge (2 Lindsay Place) has a Reduced Level (RL) of 31.02. The roof height of the proposed dwelling is RL 28.5. Consequently, the roof of the proposed dwelling will be approximately 2.5m below the ridge line of the hill.
- The majority of the house will be screened from the street by the dwelling under construction to the west (50A Blackwall Reach Parade).
- The predominant view from dwellings on the adjoining properties is in a south-west direction toward Bicton Baths and the surroundings. Due to the sharp increase in topography beyond the subject site to the north-east, where the ground level of the adjoining dwelling is approximately 4m higher than the subject site and due to the proposed subject dwelling being below ground level in the north-east corner, views from the adjacent property at 2 Lindsay Place will be unaffected.

**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30 (NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)**

- The proposal will result in some compromise to the views of the river from 11 Barker Place, but as a significant view is maintained, this loss of view will not compromise the visual amenity levels enjoyed by residents of that property. In that context, it is noted that a fully compliant development proposal would also result in a degree of compromise to views from that property.
- The western and southern elevations of the proposed dwelling are well articulated through the use of staggered facades, varied materials, windows and a curved feature wall.

*Overshadowing*

The Deemed-to-Comply provisions of the R-Codes prescribe a maximum of 25% overshadowing to adjoining properties to the south, whereas the proposed development results in 27% overshadowing of 11 Barker Place.

The proposed overshadowing is considered to satisfy Design Element 5.4.2 of the R-Codes and is therefore supported for the following reasons:

- The scale of the variation is considered to be minor.
- The western portion of the existing dwelling constructed at 11 Barker Place is suspended above ground level by supporting columns. The area below the house is un-used and is not easily accessible by occupants of the dwelling. The majority of the overshadowing resulting from the proposed dwelling will fall upon this un-utilised space.
- The existing dwelling at 11 Barker Place has no major openings along its northern elevation which will be impacted by overshadowing from the proposed dwelling.
- The finished floor level of all of the habitable areas within 11 Barker Place is raised above natural ground level which safeguards the major openings in that building from the adverse impacts of overshadowing.

*Boundary Walls*

As outlined above, the R-Codes do not prescribe Deemed-to-Comply provisions relating to boundary walls on R17.5 coded properties. As such, applications for boundary walls on these properties require consideration against the relevant Design Element, and provided there is no adverse impact from the boundary wall(s), they can be successfully accommodated without prejudice to residential amenity.

In this case it is considered that the proposed boundary walls satisfy the relevant Design Element of the R Codes, and it is recommended they be supported for the following reasons:

- The two walls make effective use of the available space on the subject site which, if the walls were removed, would result in the creation of inaccessible and un-used areas on the site.
- The proposed wall along the southern boundary associated with the undercroft Office will abut an existing boundary wall on the neighbouring lot (11 Barker Place) on that basis; the provision of a boundary wall in this location is supported.
- The majority of the proposed wall along the eastern boundary associated with the ground floor Garage and Laundry is located below natural ground level. In addition, the land to the east slopes up steeply beyond the rear boundary, which mitigates any adverse impact that it might have had.

**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30 (NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)***Boundary setbacks*

The proposed boundary setbacks to the western boundary relating to the ground floor Sunken Living or the first floor Master Suite do not satisfy the Deemed-to-Comply provisions of the R-Codes. As such, the proposal has been assessed against, and found to be consistent with, Design Element 5.1.3 for the following reasons:

- The setback variations relate only to a small portion of the western boundary and result from the unique shape of lot at that point. The ground floor Sunken Living and the first floor Master Bedroom comply with the Deemed-to-Comply provisions in relation to the remainder of the western boundary and also the southern boundary.
- The subject lot is sited further up the slope than its neighbour to the west (50A Blackwall Reach Parade) and as such, any views from the proposed Master Bedroom and Sunken Lounge to the west are towards the roof of the neighbouring property. No major openings or outdoor habitable areas are visible from the proposed dwelling.
- Given the relationship that the proposed dwelling will have with its neighbour, coupled with the fact that the part of the dwelling that does not satisfy the setback requirement is modest there will be no significant impact upon the adjoining neighbouring lot in relation to access to sunlight or ventilation.

*Privacy*

As outlined above, the proposal does not satisfy the Deemed-to-Comply provisions of the R-Codes relating to visual privacy from a number of major openings and therefore requires assessment against Design Element 6.4.1.

The proposed development is considered to satisfy the above Design Element for the following reasons:

- The majority of the variations relate to overlooking of the adjoining property to the west (50A Blackwall Reach Parade), where views towards that property are restricted to the extensive roof area only, with no compromise to privacy
- The proposed Office along the southern boundary will allow limited overlooking of the adjoining property's (11 Barker Place) storage area and garage at an oblique angle. The subject window is however orientated west to gain views of the river, accordingly, it is considered unlikely that overlooking of that area will result. In any event, the area potentially overlooked is not considered to be of a sensitive nature.

*Amenity*

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

**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30 (NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL ATTACHMENT)****CONCLUSION**

Given its challenging topography, the development as proposed is considered to generally satisfy the objectives of the R Codes and Council planning policy. In essence the proposed dwelling will be viewed against the backdrop of a significant slope, the existence of which serves to mitigate its impact on the landscape. The development will complement other existing dwelling houses located on the slope overlooking the river. The variations sought to the development provisions of the R Codes and Council Policy are considered to be minor, with resultant impacts capable of being accommodated without detriment to residential or visual amenity. For these reasons, the proposal is recommended for conditional planning approval.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3426)  
SPECIAL MAJORITY APPROVAL**

At 8.18pm Cr Reynolds moved, seconded Cr Robartson -

**That the Council:**

- A) Approve the application for a three storey (with basement) single dwelling subject to the following conditions:**
- 1. Prior to the initial occupation of the development, the surface finish of the boundary walls 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 Statutory Planning.**
  - 2. Roofing materials must not be highly reflective. The use of highly reflective materials (zinc or white coloured or coated metal roofing) may only be permitted through the grant of a separate planning approval.**
  - 3. All stormwater generated on site is to be retained on site.**
  - 4. The development shall be connected to the reticulated sewerage system prior to initial occupation of the development to the satisfaction of the Manager Statutory Planning.**
  - 5. No wastewater/backwash from the swimming pool is to be discharged into the Swan River or the local government drainage system, as the treated water may contain chemicals that are detrimental to riverine ecology.**
  - 6. Prior to the commencement of the development, a geotechnical report is to be submitted and approved in writing by the Manager Statutory Planning certifying that the proposed excavation works will not jeopardise the stability of the limestone ridge or neighbouring properties.**

**LATE ITEM P13/3426 - THREE STOREY (WITH BASEMENT) SINGLE HOUSE AT LOT 30  
(NO. 50) BLACKWALL REACH PARADE, BICTON (SMREC) (CONFIDENTIAL  
ATTACHMENT)**

- 7. Prior to commencement of the development, a construction management plan is to be submitted and approved in writing by the Manager Statutory Planning. In addition to the standard construction management plan content, this plan is to address the following:**
    - (a) The anticipated number of truck movements (including the maximum weight of the trucks and loads) for each phase of the development and the points of access proposed.**
    - (b) The proposed hours construction works will occur.**
  - 8. Prior to initial occupation of the development, a report from a suitably qualified and experienced surveyor certifying the finished levels of the dwelling is to be submitted to the Manager Statutory Planning.**
- B) Advise the residents who made submissions on the proposal in writing of A) above.**

At 8.41pm the Mayor submitted the motion, which was declared

**CARRIED BY SPECIAL MAJORITY (11/1)**

At 8.42pm the meeting reverted to the normal order of the Agenda.

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

**P13/3421 - INITIATION OF PEDESTRIAN ACCESS WAY CLOSURE BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC) (ATTACHMENT)**

Ward	: City
Category	: Operational
Application Number	: PAW-2010-1
Property	: Pedestrian Access Way (PAW) between Tintal Way and Renou Way, Bateman.
Proposal	: Initiation of PAW closure between Tintal Way and Renou Way.
Applicant	: Mr P Dean of 20 Tintal Way, Bateman.
Owner	: Crown Land (administered by the Department of Planning – Land Asset Management Services)
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
Responsible Officer	: Peter Prendergast Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

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



**P13/3421 - INITIATION OF PEDESTRIAN ACCESS WAY CLOSURE BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- A request has been received from the owner of 20 Tintal Way, Bateman to close the existing Pedestrian Accessway (PAW) located between Tintal Way and Renou Way, Bateman.
- PAW closures are governed by the *Land Administration Act 1997* and the Western Australian Planning Commission's (WAPC) Procedure for the Closure of Pedestrian Access Ways. The role of the City in matters of this nature is restricted to the making of a recommendation to the WAPC who are the responsible authority and decision maker for all PAW closure requests throughout the State.
- A preliminary assessment of the proposal indicates that closure is not likely to have a significant impact upon pedestrian movement in the locality given the availability of alternative walking routes, and the availability of readily accessible public transport routes.
- It is recommended that Council formally initiate the process of closure, the first stage of which will be to advertise the closure to local residents and key infrastructure providers.



**BACKGROUND**

A petition signed by five residents dated 21 September 2009 was noted at the Ordinary Meeting of Council held 13 October 2009. This petition effectively initiated the closure process, and stated:

*"We, the undersigned, all being Electors of the City of Melville, do humbly pray that the City of Melville will consider/review the permanent closure of Pedestrian Access Way (PAW) between Tintal Way and Renou Way in Bateman."*

Progress with the processing of this closure request has been slow given the strategic planning focus in and around the Murdoch Activity Centre precinct.

**P13/3421 - INITIATION OF PEDESTRIAN ACCESS WAY CLOSURE BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC) (ATTACHMENT)****Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area Precinct – Bateman South (BN2)
R-Code	: R20
Use Type	: Not Applicable
Use Class	: Not Applicable

**Site Details**

PAW Area	: 610 sqm
Retention of Existing Vegetation	: Not Applicable
Street Tree(s)	: Not Applicable
Street Furniture (drainage pits etc)	: Concrete Path & Sewer Manhole
Site Details	: See aerial photo above

**DETAIL**

As stated, a request has been received to close the PAW between Tintal Way and Renou Way, Bateman.

**PUBLIC CONSULTATION/COMMUNICATION**

Should Council resolve to initiate the closure of the PAW for advertising purposes, it is proposed to advertise the proposal as follows:

- Mail out to all of the owners and occupiers of the properties bounded by Broadhurst Crescent and Marsengo Road.
- Installation of signs at both ends of the PAW.
- Public notice in a local newspaper.
- Public consultation item on the City of Melville website.

Following the close of advertising, any submissions received will be summarised and presented to the Council for its further consideration.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

If the closure request is initiated for advertising by the Council, details of the proposal will be forwarded to relevant agencies and infrastructure providers for comment.

**STATUTORY AND LEGAL IMPLICATIONS**

PAW closures are governed by the *Land Administration Act 1997* and the Planning Guidelines published by the WAPC in October 2009, entitled 'Procedure for the Closure of Pedestrian Access Ways'.

In considering a formal request for the closure of a PAW, the local government is a consultee in the process, the WAPC being the responsible authority and ultimate decision maker. The City is required to make a recommendation to the WAPC, and as such, there are no statutory or legal implications for the City to consider in formulating that recommendation.

**P13/3421 - INITIATION OF PEDESTRIAN ACCESS WAY CLOSURE BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

There are no financial implications applicable in this case. All costs associated with the closure of any PAW are borne by the applicant(s), and are reflected in the associated application fees paid .

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risk, or environmental management implications applicable in this case.

**POLICY IMPLICATIONS**

There are no policy implications applicable in this case.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

If the Council resolve to refuse to initiate the proposed PAW closure for advertising, a right of appeal to the State Administrative Tribunal (SAT) may be sought.

**COMMENT**

A preliminary assessment of the implications of the PAW closure in this case has been undertaken. This is in accordance with the advice contained within WAPC procedure is outlined below.

*Design of the PAW***[Map For Tindal Way PAW](#)**

The subject PAW is of dog-leg formation and is approximately 75m in length and 8m wide. Due to the dog-leg formation, views through the PAW are obstructed, which limits surveillance of activities occurring within it, serves to conceal anti-social behaviour posing a safety concern for persons using it, and for those who live adjacent to it.

Records held by the City indicate that with the exception of the petition received in 2009, there have been no written complaints with regard to anti-social behaviour or security issues along the subject PAW.

Having assessed the location of the PAW relative to the properties that surround it, it is concluded that it would not be feasible to retain it in an alternative form.

*Connectivity*

A map has been produced to identify all of the existing PAW's, public transport routes/stops and community facilities within a 400m radius. This map is included as an Attachment to this report.

**P13/3421 - INITIATION OF PEDESTRIAN ACCESS WAY CLOSURE BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC) (ATTACHMENT)**

As shown on the map, the subject PAW is located within a residential section of Bateman created by a number of crescent and cul-de-sac road formations. The PAW covers an area of approximately 200m<sup>2</sup>, and is bounded by Broadhurst Crescent and Marsengo Road. These two roads provide road connectivity to the wider area and are both public transport routes.

An analysis of the walkable distance travelled from residential properties within the vicinity to the nearest bus stop on Broadhurst Crescent has been undertaken. This concludes that without the PAW, the walkable distance remains within the 400m prescribed by the WAPC as one that is reasonable.

Within this residential section of Bateman there are four other existing PAWs which provide connectivity between the crescent and cul-de-sac road formations, Broadhurst Crescent and Marsengo Road.

The map attached also demonstrates the location of other community facilities within the locality, including schools, shopping facilities, and parks. Access to these facilities is not prejudiced by the proposed PAW closure.

The City's Draft Local Planning Strategy acknowledges that the subject PAW is not part of a continuous transport network or route. Nonetheless, the broader area is currently part of the Murdoch Activity Centre (MAC) Part B study area, within which connectivity levels to Murdoch train station are a focus.

In view of this, the details of the closure request have been considered by the Strategic Urban Planning Team who have commented that to date, the MAC Structure Plan has not provided specific recommendations for the future of the surrounding residential areas, at least in terms of connectivity to the proposed Activity Centre. It is expected that direction in this respect will result from further studies over the coming years. Despite this, it is concluded that the retention of the PAW is not fundamental to the provision of improved pedestrian access to Murdoch station and surrounding area. As such, there is merit in considering the application for closure.

*Infrastructure*

A Dial Before You Dig investigation has been undertaken regarding the subject PAW and this identified a Water Corporation sewer manhole, located halfway along the PAW. As outlined above, should Council resolve to initiate advertising of the proposed PAW closure, the application will also be forwarded to the applicable service authorities for their comment.

Notwithstanding the location of the manhole within the PAW, the Water Corporation may wish to relocate the infrastructure or may allow for an easement. These options will be canvassed with the Water Corporation during the consultation period.

**CONCLUSION**

In conclusion, it is considered that the proposed closure of the PAW has merit, given:

1. Its dog-legged design fails to create a safe and secure environment for users
2. Its removal would not appear to place an additional burden for accessibility to key services and/or bus routes, and



**P13/3421 - INITIATION OF PEDESTRIAN ACCESS WAY CLOSURE BETWEEN TINTAL WAY AND RENOU WAY, BATEMAN (REC) (ATTACHMENT)**

3. It is not an integral component of a continuous transport network or route for the locality.

It is therefore recommended that the proposed PAW closure be endorsed for advertising and referral to the applicable service authorities for comment.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3421)****INITIATION**

**That the Council;**

- 1) **Support the request for the closure of the pedestrian accessway between Tintal Way and Renou Way, Bateman and that the request is initiated for advertising.**
- 2) **Endorse that the proposal be referred to all applicable service authorities for comment.**
- 3) **Where no submissions in objection are received in response to the consultation undertaken, the closure request is dealt with by the Chief Executive Officer.**

**Reject & Replace**

At 8.45pm Cr Pazolli moved, seconded Cr Nicholson -

**That the Officer Recommendation be rejected.**

At 8.56pm the Mayor submitted the motion, which was declared

**LOST (4/8)**

Cr Nicholson requested that names be recorded

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

Against: Mayor Aubrey, Cr Foxton, Cr Hill, Cr Kinnell, Cr Macphail, Cr Reynolds, Cr Robartson, Cr Willis.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3421)****INITIATION**

**That the Council;**

- 1) **Support the request for the closure of the pedestrian accessway between Tintal Way and Renou Way, Bateman and that the request is initiated for advertising.**
- 2) **Endorse that the proposal be referred to all applicable service authorities for comment.**
- 3) **Where no submissions in objection are received in response to the consultation undertaken, the closure request is dealt with by the Chief Executive Officer.**

**CARRIED EN BLOC (12/0)**

Ward	: All
Category	: Policy
Application Number	Not applicable
Proposal	: Revocation of the Highly Reflective Roofing Policy
Customer	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	: P11/3219 – Ordinary Meeting of Council – 21 June 2011 P11/3255 – Ordinary Meeting of Council – 11 October 2011
Responsible Officer	: Peter Prendergast Manager Statutory Planning

### DEFINITION

Page 72

**P13/3422 - REVOCATION OF HIGHLY REFLECTIVE ROOFING POLICY (REC)****KEY ISSUES / SUMMARY**

- The City's Highly Reflective Roofing policy was adopted in 1999
- The policy is designed to control the use of zincalume and/or light (white) coloured and coated metal roofing materials on the roof structures of properties.
- During officer review of the policy in 2011 it was concluded that in practice, application of the policy was limited, and in conflict with the fact that the use of light and/or zincalume material on the roof of a property acts to limit the absorption of heat into the building, in the interests of energy efficiency and building sustainability.
- It was also noted that the continued existence of the Highly Reflective Roofing Policy was inconsistent with the provisions of other Council Policies and adopted guidelines, which seek to encourage energy efficient and sustainable building form in the interests of minimising the adverse impacts of climate change.
- The existence of a Highly Reflective Roofing policy, with provisions to discourage the use of very light/white/or zincalume products, is not consistent with other Council policies and means that policy alignment is not achieved.
- On that basis it was proposed that the Highly Reflective Roofing policy be revoked.
- Council did not endorse the revocation, preferring that it be retained in the interests of residential amenity. As a result, the content of the policy was reviewed and updated to include specific assessment criteria against which the impacts of the use of this type of material could be assessed.
- In October 2011, Council resolved to adopt the revised policy for advertising. The draft policy was subsequently advertised and one submission was received in support of the policy in principle.
- A further review of the policy has occurred since advertising including input from the City's Sustainability Officer. This has again highlighted the conflicting nature of the policy from an energy efficiency point of view, it being in direct conflict with the City's documented stance on improving energy efficiency and limiting the rate, and impact, of climate change.
- The draft policy is also considered to be highly subjective and difficult to apply with any consistency.
- The potential adverse impacts that might result from the use of zinc and white coloured or coated roofing materials are considered to be offset by the long term energy efficiency benefits that accrue from the use of such materials.
- It is therefore recommended that the policy be revoked in accordance with Clause 9.6 of Community Planning Scheme No. 5 (CPS5).

**BACKGROUND**

The City's existing Highly Reflective Roofing Materials policy (06-PL-023) was adopted by the Planning and Development Services Committee in March 1999. This policy is brief, with its policy statement being limited to the following statement:

*"Highly reflective roofing materials (eg. Zinc and white colour metal) are not permitted unless it can be demonstrated to the satisfaction of the Executive Manager Development and Neighbourhood Amenity (with power to sub-delegate) that there will be minimal adverse impact on the amenity of the area or on adjoining properties."*



**P13/3422 - REVOCATION OF HIGHLY REFLECTIVE ROOFING POLICY (REC)**

At the Ordinary Meeting of Council on 21 June 2011, Council officers presented a review of the City's Energy Efficiency and Building Design policy, and the Highly Reflective Roofing Materials policy. The Officer recommendation at that time was to revoke the Highly Reflective Roofing Materials policy on the basis that the updated Energy Efficiency in Building Design policy included provisions encouraging the use of light coloured roofing materials, and there was clearly a conflict between the two. At that meeting, Council resolved as follows:

- "A     *That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the Draft Council Policy 06-PL-021 Energy Efficiency in Building Design for public consultation via notice in a local newspaper for a period of 21 days.*
- B     *That the Policy 06-PL-023 Highly Reflective Roofing Materials be deferred for consideration to a future meeting of Council."*

Council officers subsequently drafted a revised Highly Reflective Roofing Materials policy for the consideration of Council at its Ordinary Meeting on 11 October 2011. The resolution of the Council at this meeting was as follows:

- 1     *"That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the draft Highly Reflective Roofing policy for public consultation via notice in a local newspaper for a period of 21 days subject to all references to 290 degrees being replaced with 280 degrees in the policy."*

**DETAIL**

The existing and draft Highly Reflective Roofing Materials policies both restrict the use of zinc and white coloured metal roofing material unless it can be demonstrated that there will be only a minimal adverse impact upon the amenity of the surrounding area or adjoining properties.

Despite this, the application of a policy such as these remains problematic for a number of reasons. These are outlined in detail in the Comment section of this report,

**PUBLIC CONSULTATION/COMMUNICATION**

The draft policy which was considered by Council in October 2011 was advertised for a period of 21 days in accordance with Clause 9.6 of CPS5.

One submission was received during this period which commended the City's efforts in noting that reflectivity is a function of a variety of factors not just colour, including orientation, roof pitch, topography and season. However, the submitter also recommended that the policy be further amended to require approval for all 'light coloured roofing materials' not just zinc and white coloured metal to address the potential reflectivity of other light coloured roof materials.

The implementation of the submitter's recommendation would be problematic as the determination of what is 'light coloured' and what is not, is subjective. Furthermore, to extend the influence of the policy to include all light coloured materials would be to encourage the use of even darker materials, with reduced energy efficiency and an increased adverse impact on the environment.

**P13/3422 - REVOCATION OF HIGHLY REFLECTIVE ROOFING POLICY (REC)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies or consultants is required.

**STATUTORY AND LEGAL IMPLICATIONS**

Clause 7.8 of CPS5 outlines the matters to be considered by Council in the determination of an application for planning approval. These include:

- (c) *the existing and likely future amenity of the area;*
- (f) *any non-statutory guideline, planning policy, strategy or plan adopted by the Council under the provisions of clause 9.6 of this Scheme;*
- (j) *the design and external appearance, including the exterior cladding, of any new building and its effect upon the amenity of existing buildings and the area generally;*
- (n) *any other planning considerations which the Council considers relevant.*

As outlined below, the potential adverse amenity impacts as a result of the use of zinc or white coloured metal roofing are temporary and diminish over time due to weathering.

The practical implementation of both the existing and proposed policy is difficult. The policy description of 'zinc and white colour metal' is also subjective and is open to misinterpretation and potential challenge. To update the policy to specifically reference popular product names would also be challenging as it would be impossible to identify all such products that are available and that approach might also be viewed as encouraging the use of certain products.

CPS5 requires that amenity impacts be taken into account in the assessment of planning applications. It is considered that any perceived or actual loss of amenity should also be considered in the context of the energy efficiency and environmental benefits that accrue. Given the often temporary nature of the glare impact, it could be considered that the environmental benefits outweigh the amenity impacts.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The City of Melville has signed or endorsed a number of plans which promote awareness and collaboration in order to reduce the rate of climate change. These agreements include the *WALGA Climate Change Declaration* which was developed by WALGA on a collaborative basis to meet the challenges faced by the State in respect of climate change.

**P13/3422 - REVOCATION OF HIGHLY REFLECTIVE ROOFING POLICY (REC)**

The City of Melville signed the declaration in April 2012.

The Declaration outlines acceptance that climate change is real and that local government has responsibility in addressing its causes and impacts of climate change. By signing the declaration, the City committed to:

- ensuring that the strategic plan and policies for the local government are reviewed and amended to reflect climate change management priorities and emissions reduction targets; and
- encourage and empower the local community and local businesses to adapt to the impacts of climate change and reduce their greenhouse gas emissions.

*Corporate Plan*

The City's Corporate Plan 2012-2016 has a goal of environmental responsibility and to implement strategies to adapt to climate change. The retention of the existing and draft policies is at odds with this goal.

**POLICY IMPLICATIONS**

In line with the Council's adoption of the WALGA Climate Change Declaration, Council Policy – 030: Environmental includes climate change considerations to further strengthen the City's commitment to addressing climate change. This policy states:

*"The City of Melville is committed to the protection and enhancement of biodiversity and the creation of a sustainable urban environment. The City will actively promote and support sustainable growth and develop policies and implement programs that protect, preserve and enhance the environment and the quality of life for its citizens.*

*The City recognises that the global climate is changing as a result of an increase in the concentration of greenhouse gas emissions in the atmosphere and those human activities, in part; continue to contribute to increased greenhouse gas emissions along with other naturally occurring factors.*

*The City recognises that climate change may pose particular risks to the community and the delivery of services provided by the City and these risks will require an adaptation and mitigation response."*

The Council has also adopted Policy – 080: Energy Efficiency in Building Design. The objective of this policy is:

*"To encourage the incorporation of environmentally sustainable and energy efficient design principles as standard practice in the development of buildings."*

**P13/3422 - REVOCATION OF HIGHLY REFLECTIVE ROOFING POLICY (REC)**

This policy promotes the use of light coloured roofing as follows:

*“Light roof colours reflect heat, preventing surfaces from becoming excessively hot whilst dark roof colours absorb heat which is then transferred to the home. Accordingly, light roof colours such as light greys, cream and light beige are encouraged from an energy efficiency viewpoint.”*

It is recognised however, that impacts on occupiers of neighbouring properties should be considered, and the policy states:

*“Very light coloured roofing materials such as colourbond profiled sheeting in white or surfmist, and zinc coated products such as zinalume, do however, have the potential to adversely impact on occupiers or adjacent properties by virtue of the glare and reflectivity associated with them’....*

At present Policy CP-080 goes on to state *“The City has a separate policy entitled “Highly Reflective Roofing” which should be taken into account when development proposals include the use of such roofing materials”*

The approach in the existing Energy Efficiency in Building Design policy is considered to be best practice in terms of encouraging the use of energy efficient roofing materials. In doing so however, the policy places the onus on developers and applicants to consider the extent to which the use of highly reflective materials might impact on residential amenity. In practice, glare impacts from new white coloured or zinalume roofing material is a temporary one, and on that basis it is considered that the approach to the use of white and/or zinalume roofing materials, as advocated by the Energy Efficiency in Building Design policy, is preferable to the alternative approach of having a separate policy designed to restrict the use of such materials.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council could elect not to revoke the existing Highly Reflective Roofing Materials policy, however this is not recommended for the reasons outlined in the Comment section below. If revocation is not supported, the existing revised Draft Policy will be recommended for adoption.

**COMMENT**

The existing and draft Highly Reflective Roofing policies both restrict the use of zinalume and white coloured or coated roofing materials unless it can be demonstrated that there will be minimal adverse impacts upon the amenity of the surrounding area or adjoining properties. Upon further consideration of both of these policies, it is concluded that their application is problematic for the following reasons:

**1**      *Conflict with sustainability and energy efficiency principles*

The restriction on the use of zinc or white coloured metal has been routinely applied to all developments undertaken within the City of Melville since 1999. The general response by the public when advised of this restriction (in the majority of cases), has been to utilise darker coloured roofing materials in order to avoid the need to obtain additional approval from the City. The City’s practice is however often questioned on the basis that energy efficiency benefits are prejudiced.

**P13/3422 - REVOCATION OF HIGHLY REFLECTIVE ROOFING POLICY (REC)**

Maximising energy efficiency in new buildings is a key objective of property owners and developers, who aim to reduce energy costs whilst simultaneously minimising any adverse impact on the environment.

Maximising energy efficiency in new buildings is also a key objective of government bodies that are responsible for overseeing a reduction in greenhouse gas emissions across the country, minimising the impacts of climate change, manage peak energy demands, and sourcing new and alternative renewable energy sources. In the context of Government Agencies, these objectives can be met through regulation and the imposition of mandatory minimum requirements such as those required by the Building Code of Australia (BCA). The BCA achieves a six-star energy rating for new buildings whilst balancing financial cost 'v' environmental benefit.

Research has shown that the use of the correct roofing material is one of the most cost efficient ways to maximise the energy efficiency of a building. As a result, it is now widely accepted that materials with a high solar reflectivity deliver better thermal performance than those that are less reflective, meaning that they do not absorb as much heat and therefore stay cooler. In fact, a light coloured roof can be up to 36 degrees cooler than a dark coloured roof on a hot, sunny day. Consequently, developments with light coloured roofs often require less air conditioning, which, in turn, results in less greenhouse gas emissions and assists in managing the adverse impacts of peak energy demand, particularly during summer.

Recent research has also shown that the use of dark building materials in built-up areas contributes to increased local temperatures creating an Urban Heat Island effect. Urban Heat Islands occur on hot sunny days where the sun heats exposed surfaces such as roofs and pavements to between 27-50 degrees hotter than the air. This causes the urban area to become warmer than their rural surroundings, forming an 'island' of higher temperatures in the landscape. Urban Heat Islands can also occur in the atmosphere due to the slow release of heat from urban surfaces during night time periods.

It is noted that the City of Melville is pro-active in promoting energy efficiency and adopting approaches to limit climate change through signing and adopting a number of initiatives, including the WALGA Climate Change Declaration in 2012, Council Policy – 030: Environmental Policy and Council Policy – 080: Energy Efficiency in Building Design. To remove the existing impediments to the use of white and/or zincalume roofing materials would be consistent with the objectives of these policy documents.

## **2      *Subjectivity***

The practical implementation of both the existing and proposed policy is problematic as the potential adverse impacts are difficult to assess and are highly subjective.

Even though there are scientific methods to determine how reflective a material is, this information is often not readily available and is primarily used to determine the thermal quality or solar absorption of the material rather than provide information regarding glare impacts. Consequently, there is no accurate or practical way of measuring the precise impacts of glare on third parties.

There are a number of factors which can create a potential adverse amenity impact as a result of glare including the orientation and pitch of the roof, the topography of the land, distance to adjoining properties, existence of any existing vegetation or other screening, the time of year, the natural weathering of the material, the location of adjoining properties outdoor living areas or major openings. An adverse impact may result from one of these matters or a combination of more than one. Alternatively, no adverse impact may occur.

**P13/3422 - REVOCATION OF HIGHLY REFLECTIVE ROOFING POLICY (REC)**

Furthermore, the actual impact as a result of glare or reflection is subjective. What is considered to be a significant impact to one person is not to another.

**3**      *Subjectivity of the policy provisions*

The subject policy references 'zinc and white colour metal'. The use of the description 'white' is however problematic. Roofing manufacturers all employ product names for each of the colours they have available rather than using standard colour descriptions such as white or red. This requires a subjective assessment by the case officer as to whether the material is actually 'white' or not. As the definition of what is 'white' and what is not 'white' is ambiguous in both the existing and the draft policy. This ambiguity is open to misinterpretation and could give rise to a challenge.

To update the draft policy to specifically reference popular product names would not necessarily resolve this problem as manufacturers often develop new colours or re-brand existing colours. Furthermore, it would be impossible to identify all such products on the market. In addition, to specifically restrict particular products in a policy could also open the City of Melville up to a challenge relating to restriction of trade. As such, this course of action is not recommended.

**4**      *Approval requirements*

Community Planning Scheme No. 5 allows for some development to occur without the requirement to obtain planning approval, this includes the construction of single storey dwellings which satisfy the deemed-to-comply provisions of the Residential Design Codes. For these developments there is the greater potential for an unwary applicant or owner to erect a reflective roof in ignorance of the Council's policy. In such cases, retrospective planning approval or the removal of the unauthorised roofing material would be required.

**5**      *Inconsistency with other sources of reflectivity*

There are a number of inconsistencies in the application of both the existing and draft policy which are difficult to resolve.

It is noted that all materials reflect sunlight, however the extent of the reflection is dependant upon a number of factors including colour, orientation in relation to the sun, profile of the material and the like. The existing and draft policies both nominate zinc and white coloured metal as highly reflective; however window glazing, glazed roof tiles and swimming pools can also be considered highly reflective in some instances.

It is also noted that in 2008, the Residential Design Codes allowed the installation of solar collectors as of right. These panels are often very reflective; however the amendment resulted in the City having no control over their installation and potential impacts. In undertaking this action, it is noted that the Department of Planning has placed sustainability measures over the consideration of amenity.



**P13/3422 - REVOCATION OF HIGHLY REFLECTIVE ROOFING POLICY (REC)**

Another inconsistency of the existing and draft policies is that they restrict the use of zinc and white coloured metal as a roofing material; however not as a wall cladding. The use of zinc or white coloured metal as a wall cladding could lead to an equivalent, if not greater impact upon adjoining properties dependant upon orientation and other parameters.

In addition to the above, a major steel roofing manufacturer have also stated that their standard range of metal roofing in a number of different colours all have a similar gloss level and therefore can provide similar levels of reflected sunlight.

**6**      *Inconsistency with the intent of the Building Code*

With the adoption of the amended Building Code in 2011, a mandatory six star energy rating for all new development was implemented with the objective reducing the greenhouse gas emissions of new developments.

Under the Building Code, the assessment of whether roofing material is appropriate includes an analysis of the solar absorption (SA) value. The SA value is a measure of the proportion of solar radiation a body absorbs. The higher the SA, the more energy will be absorbed. Consequently, all else being equal, a building with a roof which has a high SA will reach a higher temperature than one with a lower SA.

According to the Australian Building Commissions Board's (ABCB) comparative assessment of metal roofs, light corrugated steel had an SA of 47.4% in lieu of the 95.2% of the dark corrugated steel. Furthermore, the ABCB found that properties with light coloured steel roofs had an average daily cooling energy demand of approximately 567kj per m<sup>2</sup> as opposed to approximately 825kj per m<sup>2</sup> for properties with dark metal roofs. This can equate to a reduced energy demand of between 25 and 36%.

**7**      *Temporary glare issue 'v' long term energy efficiency gain*

It is noted that the glare and reflection nuisance that can occur as a result of the installation of new roofing materials is temporary as the roofing dulls over time due to the weathering process. This process is faster where a property is exposed to coastal elements.

Generally, the adverse glare impact of light coloured roofing upon the surrounding properties is greater when the roofing is installed during the summer months, as the roofing has not had the opportunity to weather prior to being exposed to bright sunlight. However, it is noted that the impact is significantly reduced within the following 12 month period.

Furthermore, glare nuisance on to an adjoining property as a result of a new roof is likely only to occur for a short period of each day, whilst the sun is at a particular orientation in relation to the roofing. As the days progress, this glare impact is likely to lessen as the sun moves higher or lower in the sky as a result of the change in seasons.

As such, it is considered that the potential amenity impacts as a result of the installation of zinc or white coloured metal roofing are most significant for small periods of time, primarily during the first summer season following installation, and following this are much reduced. This temporary amenity impact needs to be weighed against the benefits of the long term energy efficiency gain that the use of zinc or white coloured metal provides.



**P13/3422 - REVOCATION OF HIGHLY REFLECTIVE ROOFING POLICY (REC)****8**      *Reflectivity vs Visual Aesthetics*

It is important to note that the intent of the existing policy is to preclude materials due to their potential reflectivity or glare impacts. The policy does not restrict the use of such colours and materials on visual aesthetic grounds.

**CONCLUSION**

The practical application of both the existing and draft Highly Reflective Roofing Materials policies is a process which is highly subjective. Given this, any conclusions reached in respect of the use of certain roofing materials, type and/or colour, could be called into question. Furthermore, the restriction on the use of light coloured roofing materials is at odds with energy efficiency principles and the City's mandate to address the rate of climate change. Any adverse amenity impacts that might result from the use of such materials are, in any event, temporary. This is evidenced by the fact that despite initial concerns and complaints when a reflective or white roof appears, such complaints dissipate within a 12 month period once the natural process of 'dulling down' takes place.

It is recommended therefore that Council resolve to revoke the existing policy pursuant to Clause 9.6 of CPS5.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3422)****APPROVAL**

At 8.58pm Cr Kinnell moved, seconded Cr Robartson -

- 1. That the Council revoke Policy 06-PL-023 Highly Reflective Roofing Materials**
- 2. That the Council resolve pursuant to Clause 9.6(e) of Community Planning Scheme No. 5 to place a notification in a local newspaper to advise that the Policy 06-PL-023 Highly Reflective Roofing Materials has been revoked.**

**P13/3422 - REVOCATION OF HIGHLY REFLECTIVE ROOFING POLICY (REC)**Amendment

At 9.01pm Cr Barton moved, seconded Cr Nicholson -

**That the item be deferred and recommitted to a future Elected Members Information Session for further discussion.**

At 9.06pm the Mayor submitted the amendment, which was declared

**LOST (5/7)**

Cr Nicholson requested that the votes be recorded –

For: Mayor R Aubrey, Cr Barton, Cr Nicholson, Cr Pazolli , Cr Taylor-Rees.

Against: Cr Foxton, Cr Hill, Cr Kinnell, Cr Macphail, Cr Reynolds, Cr Robartson, Cr Willis.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3422)****APPROVAL**

At 8.58pm Cr Kinnell moved, seconded Cr Robartson -

**1. That the Council revoke Policy 06-PL-023 Highly Reflective Roofing Materials**

**2. That the Council resolve pursuant to Clause 9.6(e) of Community Planning Scheme No. 5 to place a notification in a local newspaper to advise that the Policy 06-PL-023 Highly Reflective Roofing Materials has been revoked.**

**CARRIED EN BLOC (12/0)**

**CD13/8055 - DELEGATION OF AUTHORITY UNDER THE CAT ACT 2011 (AMREC)**  
**(ATTACHMENT)**

Ward	:	All
Category	:	Operational
Subject Index	:	Delegated Authority
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Nil
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Peter Carrie Coordinator Neighbourhood Amenity

**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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**CD13/8055 - DELEGATION OF AUTHORITY UNDER THE CAT ACT 2011 (AMREC)  
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The State Government introduced the new Cat Act 2011 (the Act) on 9 November 2011.
- The Act determines the role of Local Government and provides for the delegation of statutory powers in regards to the control of cats.
- Part 4, Division 2 of the Act provides that any powers or duties can be delegated from the local government to the Chief Executive Officer (CEO) and from the CEO to an employee.
- This report seeks approval under the Act for the CEO to be given delegated authority to ensure that the City's statutory responsibilities are carried out effectively.
- The CEO can then delegate the functions and duties under Section 45 of the Act to the relevant employee.

**BACKGROUND**

On 9 November 2011, the new Cat Act 2011 was granted Royal Assent with transitional dates of 1 November 2012 and 1 November 2013 to come into operation.

The new Cat Act is intended to provide for the following:

- To provide for the control and management of cats;
- To promote and encourage the responsible ownership of cats including registration, identification and sterilisation of cats; and
- The delegation of any powers under the Act from the local government to the CEO and from the CEO to an employee.

**DETAIL**

The new Cat Act comes fully into operation as from 1 November 2013. Transitional provisions apply from 1 November 2012.

The Local Government may delegate to its CEO the exercise of its powers or discharge of any duties under section 44 of the Act.

A delegation is to be in writing and may be general or otherwise provided in the delegation.

A decision to delegate under section 44 of the Act must be made by an absolute majority decision of the Council.

**CD13/8055 - DELEGATION OF AUTHORITY UNDER THE CAT ACT 2011 (AMREC)  
(ATTACHMENT)**

List of the following authorisations under the Act:

<b>Section</b>	<b>Description</b>
3	Approval of an operator of a Cat Management Facility
9(5)	Applicant to give documents relating to registration within a specified time
10	Cancelling registration of a cat
26	Issue of a cat control notice
37	Grant, renew or refuse an approval to breed applications
40	Notify person affected by decision to refuse or cancel approval to keep cats
48	Appointment of authorised persons
49	Recovery of costs of having a cat destroyed
37	Refusal of an application to breed if the applicant has received an infringement in the past 12 months

**PUBLIC CONSULTATION/COMMUNICATION**

In accordance with the Local Government Act 1995 and the new Cat Act 2011, the legislative changes are not required to be separately advertised.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

Local Government Act 1995;  
Cat Act 2011; and  
Cat Regulations 2012.

**FINANCIAL IMPLICATIONS**

There are no financial implications for the Council related to this report regarding delegated authority.

**CD13/8055 - DELEGATION OF AUTHORITY UNDER THE CAT ACT 2011 (AMREC)  
(ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Delegation of authority under the Cat Act 2011 is not provided in a timely manner; and the requirements of the Cat Act cannot be delivered.	Minor consequences which are likely, resulting in a <b>Low</b> level of risk.	Delegated authority is provided to exercise powers and duties under the Cat Act.

**POLICY IMPLICATIONS**

There is no Council Policy which relates to the Cat Act 2011.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are no alternative options as the State legislation comes into full affect on 1 November 2013.

**CONCLUSION**

The delegations of statutory powers under the Act will ensure that the statutory responsibilities of the City are carried out lawfully and effectively.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8055)  
ABSOLUTE MAJORITY APPROVAL**

At 9.07pm Cr Kinnell moved, seconded Cr Macphail -

- 1. That the Council, by Absolute Majority decision, in accordance with Section 44 of the Cat Act 2011 delegates its statutory powers, as nominated in the attached schedule of delegations under the Act, to the Chief Executive Officer including the ability to on delegate as follows:**

[\*\*8055\\_Schedule\\_of\\_Delegations\\_relating\\_to\\_Cat\\_Act\\_2011.pdf\*\*](#)

**8055 AUTHORITY TO APPOINT AUTHORISED PERSONS UNDER THE CAT ACT 2011**

**8055 AUTHORITY TO NOTIFY A PERSON OF DECISION IN RELATION TO BREEDING OF CATS**

**8055 AUTHORITY TO RECOVER COSTS OF HAVING CAT DESTROYED UNDER THE CAT ACT 2011**

**8055 AUTHORITY TO REQUIRE AN APPLICANT TO GIVE DOCUMENTS OR INFORMATION RELATING TO CAT REGISTRATION**

**CD13/8055 - DELEGATION OF AUTHORITY UNDER THE CAT ACT 2011 (AMREC)  
(ATTACHMENT)**

**8055 AUTHORITY TO CANCEL THE REGISTRATION OF A CAT**

**8055 AUTHORITY TO REFUSE AN APPLICATION TO BREED CATS IF THE  
APPLICANT HAS RECEIVED AN INFRINGEMENT IN THE PREVIOUS 12 MONTHS**

**8055 AUTHORITY TO GRANT, RENEW OR REFUSE AN APPROVAL TO BREED  
APPLICATION**

**8055 AUTHORITY TO ISSUE A CAT CONTROL NOTICE UNDER THE CAT ACT  
2011**

**8055 AUTHORITY TO APPROVE IN WRITING AN OPERATOR OF A CAT  
MANAGEMENT FACILITY**

At 9.09pm the Mayor submitted the motion, which was declared

**CARRIED BY ABSOLUTE MAJORITY (12/0)**



**CD13/8056 - COMMUNITY SPORTING AND RECREATION FACILITY FUNDING  
STANDARD AND FORWARD PLANNING (REC) (ATTACHMENT)**

Ward : All  
Category : Operational  
Subject Index : CSRFF  
Customer Index : Department of Sport and Recreation  
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
Previous Items : C06/8807 Community Sports Recreation Facilities Fund 2006/2007 (Applecross Tennis Club)  
C08/8009 Community Sporting and Recreation Fund 2009/2010 (Karoonda Sports Association)  
Works Programme : Not Applicable  
Funding : \$187,000  
Responsible Officer : Michael Doyle  
Community Recreation Coordinator

**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"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**CD13/8056 - COMMUNITY SPORTING AND RECREATION FACILITY FUNDING  
STANDARD AND FORWARD PLANNING (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

This report seeks the Council's approval to prioritise and rank two standard and forward grant applications as part of the Community Sport and Recreation Facilities Fund facilitated by the Department of Sport and Recreation.

**BACKGROUND**

The purpose of the Community Sport and Recreation Facilities Fund (CSRFF) program is to provide Western Australian Government financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation.

The program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.

Through, the CSRFF the State Government invests \$20 million annually towards the development of high-quality physical environments in which people can enjoy sport and recreation.

The guideline for the CSRFF state that priority will be given to projects that lead to facility sharing and rationalisation. Multi-purpose facilities reduce infrastructure required to meet similar needs and increase sustainability. Applicants must be either a local government authority, not for profit sport, recreation or community organisation and incorporated under the WA Associations Incorporation Act 1987. Clubs must demonstrate equitable access to the public on a short-term and casual basis.

All applicants must liaise with their Local Government Authority regarding the planning and building approvals pertinent to their project. It is a requirement of the CSRFF program that all applications for funding are assessed, ranked and prioritised by the Local Government Authority prior to being submitted to the Department of Sport and Recreation for funding consideration.

**DETAIL**

Two applications have been received for consideration:

1. Brentwood Karoonda Sports Association:
  - Further floodlight the southern part of Karoonda Reserve in Booragoon;
  - Make some building renovations and extensions to the existing clubrooms; and
  - Install a pergola close to the southern cricket pitch.
2. Applecross Tennis Club:
  - Replace grass courts with a synthetic surface (for year round use); and
  - Replace the perimeter fencing surrounding the tennis courts.

**CD13/8056 - COMMUNITY SPORTING AND RECREATION FACILITY FUNDING  
STANDARD AND FORWARD PLANNING (REC) (ATTACHMENT)****Brentwood Karoonda Sports Association**

Brentwood Karoonda Sports Association conducted a needs assessment in 2012 identifying the most critical issues at Karoonda Reserve as:

1. Clubrooms:
  - a. Lack of storage;
  - b. Lack and size of change rooms;
  - c. Toilets not accessible from the main function area; and
  - d. Main clubrooms have no view of the playing field.
2. Playing field lighting is still not sufficient.
3. Facilities:
  - a. Increased demand for cricket practice nets; and
  - b. Minimal outside shelter from the sun and rain.

Brentwood Karoonda Sports Association wishes to address these issues by:

- Refurbishing the clubrooms and making better use of the building footprint to provide:
  - a. A building extension of 10 meters at the north – east end of the building;
  - b. Significant increase in available storage space;
  - c. Additional change rooms;
  - d. Inclusion of an umpires room;
  - e. Improved 'away' change rooms; and
  - f. A consolidation and extension of the main room to provide viewing of playing fields.
- Floodlighting the second oval at the northern end of the reserve;
- Providing an additional cricket practice net; and
- Providing an on-field shelter.

**Clubrooms**

Facilities at Karoonda Park are used all year round with training and playing occurring up to six days per week. Currently the Association has a collective playing membership of 700 with 72% being City of Melville residents. Additionally there are a high number of volunteers, which collectively totals approximately 1,000 persons using the facility on a regular basis. The Association reports a membership growth of close to 25% over the past six years.

**Playing field lighting**

In 2008, Brentwood Karoonda Sports Association invested significantly in the lighting of the northern oval. This has been very successful and has led to increased utilisation of playing facilities for both senior and junior sports. The increased use has created two issues:

- Increased wear and tear to the playing surface on the main oval; and
- Additional teams training and playing at night are unable to use the second oval as it is unlit.

**CD13/8056 - COMMUNITY SPORTING AND RECREATION FACILITY FUNDING  
STANDARD AND FORWARD PLANNING (REC) (ATTACHMENT)**

From the City of Melville's perspective, the ground is only partially lit. The following are benefits of installing new floodlights:

- Opportunity for the current user groups to train and play later in the day/night;
- Spread the wear and tear of a heavily used section of the reserve;
- Provides an overflow floodlit reserve when needed; and
- Allows for passive recreation when floodlights are operating.

**Facilities**

CBC Cricket club and Brentwood Junior Cricket Club currently use the three practice cricket nets. During playing and, in particular, training days these nets can become extremely congested with cricket players of all ages. By adding an additional cricket practice net this issue will be eliminated.

The cricket pitch at the southern end of the reserve is approximately 135 metres away from the clubrooms. Except for some trees, there is very little shelter from the sun and the rain available for players and spectators. By installing a shelter between the two ovals on the western side of the oval this issue will be eliminated. This shelter is similar to the one installed at the Morris Buzzacott Reserve.

**8056 CSRFF - BKSA Development Proposal****Applecross Tennis Club**

Applecross Tennis Club advise that replacing two grassed courts with two synthetic surface courts will allow the club to:

- Provide for increased coaching opportunities and pennants teams;
- Provide more opportunity to attract corporate tennis initiatives;
- Provide additional hire revenue to the club (plus bar takings); and
- Provide all year round use of the courts.

Totally re-fencing the leased area also allows the Applecross Tennis Club to:

- Replace the current fencing which is in need of repair;
- Improve the Club's look cosmetically;
- Improve the surrounding area for the local residents; and
- Improve the Club's image.

To receive support the Applecross Tennis Club has prioritised the two projects as follows:

1. Replace two grass courts with synthetic surface for all year round use.
2. Totally re-fencing the leased area.

In 2013, the Applecross Tennis Club informed us that membership levels stand at 380 over all levels. It is unknown how many of these members are not City of Melville residents.

**CD13/8056 - COMMUNITY SPORTING AND RECREATION FACILITY FUNDING  
STANDARD AND FORWARD PLANNING (REC) (ATTACHMENT)**

A review of the sport of tennis in October 2009 indicated that:

- The City of Melville residents' participation in the sport of tennis is estimated to be on par with National and State participations rates.
- A comparison of Local Government Authorities similar to the City of Melville demonstrates that the provision of tennis courts across the City exceeds most other Local Government Authorities.
- An analysis of current use of courts at all tennis clubs in the City of Melville indicates an underutilisation with the exception of Blue Gum Park Tennis Club.
- There is an additional environment benefit of providing more synthetic playing surfaces at the Club being a reduction in water consumption and chemical use from the removed grass courts.

**8056 CSRFF - ATC Capital Works Proposal****PUBLIC CONSULTATION/COMMUNICATION**

Both applications will require normal planning and building approvals which require consultative processes. These internal applications will be lodged if the request for grant funding is successful.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

The Karoonda Sporting Association has discussed the project with its member clubs being:

- Brentwood Booragoon Amateur Football Club (Senior);
- Booragoon Junior Football Club (Junior);
- CBC Cricket Club (Senior); and
- Bateman Junior Cricket Club.

The Karoonda Sporting Association has also discussed the improvements with the City of Melville, the Department of Sport and Recreation and the peak sporting bodies for Australian Rules football and the Western Australian Cricket Association.

The Applecross Tennis Club has discussed the improvements with the City of Melville, the Department of Sport and Recreation and the peak sporting body, Tennis West.

**STATUTORY AND LEGAL IMPLICATIONS**

Both applications will require normal planning and building approvals. These internal applications will be lodged if the request for grant funding is successful. Should an application for a self supporting loan be made, it will be dealt with under the provisions of Section 6.20 of the Local Government Act 1995.

**CD13/8056 - COMMUNITY SPORTING AND RECREATION FACILITY FUNDING  
STANDARD AND FORWARD PLANNING (REC) (ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

**Brentwood Karoonda Sporting Association**

Clubroom renovation	\$300,000
Field lighting	\$138,087
Additional practice cricket net	\$ 20,000
On-field shelter	\$ 32,222
Cost escalation	<u>\$ 24,515</u>

**Total** **\$514,824**

Proposed funding:

Club	\$173,108 (Includes \$1,500 for signage)
CSRFF	\$171,608
COM	<u>\$171,608</u> (to a max of *\$180,000)

**Total** **\$516,324**

Brentwood Karoonda Sporting Association is classified as a multi-use facility that has shared use by a number of user groups. Funding from the City of Melville for these clubs can be up to one third of the total project costs should external funding be approved. The City of Melville funding would form part of the 2014/2015 annual budget.

For Brentwood Karoonda Sporting Association to fund these improvements they are seeking in principle support from the City to take out a self supporting loan. Should the funding from the CSRFF be less than one third of the project costs the Brentwood Karoonda Sporting Association will be required to fund any shortfalls. This includes any quotation shortfalls.

The Brentwood Karoonda Sporting Association has over \$77,000 to contribute to this project so it is possible that the level of self supporting loan would be approximately \$96,000.

In 2008, the Brentwood Karoonda Sports Association invested significantly in the lighting of the main oval. This was funded through the Department of Sport and Recreation Community Sporting Recreation Facilities Funding, the City of Melville and the Club itself. The Club took out a small self supporting loan with the City of Melville which was repaid in full in 2012.

The City of Melville's Health and Lifestyle Services, Facilities and Assets teams jointly investigated the opportunity to audit all of the City of Melville clubrooms in 2012. Because of changing trends in community sports participation, the aim of the audits was to provide ongoing funding as part of the capital renewal budget to upgrade aging clubroom and change room facilities. There is an increase in overall participation in community sport and in particular a growing demand for female teams and change rooms.

In the 2013/2014 annual budget, \$400,000 is listed to refurbish the clubroom facilities at:

- Troy Park Reserve
- Marmion Reserve

**CD13/8056 - COMMUNITY SPORTING AND RECREATION FACILITY FUNDING  
STANDARD AND FORWARD PLANNING (REC) (ATTACHMENT)**

Subject to the normal annual budget approval process, it is planned that the following clubrooms be listed for consideration in the 2014/2015 financial year:

- Karoonda Reserve (Dependant upon success of the funding application)
- John Connell Reserve

\*The City of Melville's contribution would be \$171,608 plus an additional \$8,392 being set aside for current equipment upgrades. A maximum of \$180,000 would be allocated via the annual capital renewal budget allocation.

**Applecross Tennis Club**

Conversion of two grass courts to synthetic surface \$ 95,000  
Re-fence Leased Area \$109,000

**Total** **\$204,000**

Applecross Tennis Club is classified as a Specialised Sporting Venue. Funding for these clubs is \$7,000 from the City of Melville, should their funding application be approved.

**Likely Funding Options**

PROJECT	CLUB	CSRFF	COM	TOTAL
Synthetic surface	\$ 34,000	\$ 31,667	\$ 7,000	\$ 72,667
New fence	\$ 34,000	\$ 25,000		\$ 59,000
New Loan	\$ 72,333			\$ 72,333
<b>Total</b>	<b>\$140,333</b>	<b>\$ 56,667</b>	<b>\$ 7,000</b>	<b>\$204,000</b>

The Department of Sport and Recreation may contribute up to one third of the total project costs. However, it is unknown what level of funding the re-fencing of the leased area will receive as it may be classed as an operational cost. It may receive some or no funding. If it does not receive a full one third funding, any shortfall would need to be picked up by the Applecross Tennis Club.

The Applecross Tennis Club currently has a self supporting loan commitment of \$34,278 with the City of Melville. The Club is seeking 'in principle' support from the City to take out a new self supporting loan of approximately \$120,000 which will fund the improvements above and include:

- The outstanding loan balance of \$34,278 (as at 20 June 2014); and
- Any applicable penalty fee for paying out the old loan early.

Should the club be successful in their CSRFF applications, a further report will be brought to the Council to approval the loan request.



**CD13/8056 - COMMUNITY SPORTING AND RECREATION FACILITY FUNDING STANDARD AND FORWARD PLANNING (REC) (ATTACHMENT)**

Should the Applecross Tennis Club be successful in gaining funding from the Department of Sport and Recreation, it is likely that the successful application will receive a \$10,000 grant from Tennis West, meaning any loan will be reduced by that amount.

At the October 2006 round of Council meetings, the Applecross Tennis Club received support for the construction of two synthetic tennis courts conditional to establishing a sinking fund for the replacement of the synthetic surface. This sinking fund currently stands at \$5,000 (expected replacement cost in five years' time is \$7,500). The Club will increase the annual contribution to the sinking fund to \$1,750 over the next ten years ensuring funds are available for replacement.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

***Brentwood Karoonda Sporting Association***

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Facilities are not fit for purpose and require increased maintenance costs.	Moderate consequences which are likely, resulting in a <b>Low</b> level of risk.	Refurbishment provides updated facilities which reflect today's use. i.e. Women's change rooms and catering for women's teams.
Floodlighting spilling into surrounding homes and increased use of the southern section of the reserve.	Moderate consequences which are likely, resulting in a <b>Low</b> level of risk.	Modern Floodlighting is designed so that light is directly spread onto the playing surface and spillage is minimal.  Use of the southern section of the reserve will allow the spread of wear and tear on the northern section of the reserve making training sessions less congested.

***Applecross Tennis Club***

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Risk of increased ongoing maintenance expenses due to proposed changes in layout, structures and use of the park or facility.	Minor consequences which are almost certain, resulting in a <b>Low</b> level of risk.	Review use of materials that they are more durable and lower maintenance materials are used.
Inability to provide playing surfaces that meet with community expectations or requirements.		

**CD13/8056 - COMMUNITY SPORTING AND RECREATION FACILITY FUNDING  
STANDARD AND FORWARD PLANNING (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

The objective of the City of Melville's Policy CP – 028 Physical Activity is to increase opportunities for physical activity; leading to the improved health and wellbeing of the community.

Policy CP – 010 Self Supporting Loan, states that *"Approval will only be considered where the Club or organisation can adequately demonstrate, by provision of forward financial plans to be certified by an independent Certified Practicing, Chartered or similarly qualified and experienced Accountant"*.

The Support for Sport Clubs operational procedure states that *"The City of Melville encourages joint use of sporting facilities and will therefore give preference to those sporting clubs who form multi-sport Sports Associations for the joint management of facilities"*.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

In regard to the request from the Brentwood Karoonda Sporting Association the alternative is not to support the application. Ageing Club and change room facilities create additional ongoing management and maintenance issues. Additionally, the current building cannot provide for the current usage for the range of modern sports.

By not supporting the floodlighting of the southern oval will result in:

- Heavily used areas experiencing wear and tear issues (increased maintenance costs to the City) and denies the user groups the opportunity to train and play later in the day/night.
- Should the additional facilities of practice cricket nets and the on-field shelter not be approved this would mean that congested practice sessions would continue and deny the players on the southern oval an opportunity to shade from the summer sun.

In regard to the request from the Applecross Tennis Club, the alternative is not to support the application. Whilst the fencing is an improvement aesthetically, not supporting the installation of synthetic surfaces would deny club members the opportunity to train and play all year round and retain the current level of financial turnover at the Club. There would also be no environmental benefit in regards to water and chemical usage reduction.

**CONCLUSION**

Supporting the Brentwood Karoonda Sporting Association and Applecross Tennis Club's application will provide improved facilities at each venue. This benefits both junior and senior club members and provides modern facilities in line with the current participation levels.

Given the multi-use of facilities and greater potential to increase physical activity of the community the application from Brentwood Karoonda Sporting Association is seen as higher ranking and a higher priority than that of the single use nature of Applecross Tennis Club.

**CD13/8056 - COMMUNITY SPORTING AND RECREATION FACILITY FUNDING  
STANDARD AND FORWARD PLANNING (REC) (ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8056)****APPROVAL**

1. That the Council supports the Brentwood Karoonda Sporting Association's application for Community Sporting and Recreation Funding as follows:

- a. PROJECT RANKING            1
- b. PROJECT PRIORITY        A
- c. The funding amount of up to \$180,000 be listed for consideration as part of the 2014/2015 capital program

Subject to:

- a. The Brentwood Karoonda Sporting Association receiving a Community Sporting and Recreation Funding grant.
- b. The Brentwood Karoonda Sporting Association agreeing in writing to fund any shortfall on project costs, if required.

2. That the Applecross Tennis Club's application for Community Sporting and Recreation Funding be supported as follows:

- a. PROJECT RANKING            2
- b. PROJECT PRIORITY        B
- c. The funding amount of \$7,000 be allocated to the project from the CSRFF Project account 32.310.80046.7550.

Subject to:

- a. The Applecross Tennis Club receiving a Community Sporting and Recreation Funding grant.
- b. The Applecross Tennis Club agreeing to increase its sinking fund to ensure future court resurfacing costs are fully funded.
- c. The Applecross Tennis Club agreeing in writing to fund any shortfall on project costs if required.

At 9.11pm the Mayor submitted the motion, which was declared

**CARRIED EN BLOC (12/0)**

**C13/6000 - INVESTMENT STATEMENTS FOR JULY 2013 (REC)**

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

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

- This report presents the investment statements for the period ending 31 July 2013 and recommends that the information detailed in the report be noted.
- The low 'Cash' rate and legislative restrictions, continues to have a major impact on the City's investment earnings.
- Monthly valuations for Collateralised Debt Obligations (CDOs) shown for July 2013 are based on valuations obtained from CPG Research and Advisory as at 31 July 2013. When compared to the valuations used as at 30 June 2012, CDOs have increased in value by \$1,306,717.

## C13/6000 - INVESTMENT STATEMENTS FOR JULY 2013 (REC)

### BACKGROUND

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

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

### DETAIL

Summary details of investments held as at 31 July 2013 are shown in the tables below.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 JULY 2013					
SUMMARY BY FUND	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 33,805,992	\$ 33,805,992	\$ 33,805,992	\$ -	0.00%
RESERVE	\$ 52,174,167	\$ 49,256,405	\$ 50,563,122	\$ 1,306,717	2.50%
TRUST	\$ 390,234	\$ 390,234	\$ 390,234	\$ -	0.00%
CRF	\$ 197,066	\$ 197,066	\$ 197,066	\$ -	0.00%
	<b>\$ 86,567,459</b>	<b>\$ 83,649,697</b>	<b>\$ 84,956,414</b>	<b>\$ 1,306,717</b>	<b>1.51%</b>
SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
CDO	\$ 3,000,000	\$ 82,238	\$ 1,388,955	\$ 1,306,717	43.56%
BOND	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
FRN	\$ -	\$ -	\$ -	\$ -	0.00%
FRTD	\$ 3,500,000	\$ 3,500,000	\$ 3,500,000	\$ -	0.00%
TERM DEPOSIT	\$ 68,825,506	\$ 68,825,506	\$ 68,825,506	\$ -	0.00%
11AM	\$ 9,011,308	\$ 9,011,308	\$ 9,011,308	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	<b>\$ 86,567,459</b>	<b>\$ 83,649,697</b>	<b>\$ 84,956,414</b>	<b>\$ 1,306,717</b>	<b>1.51%</b>
SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 8,500,000	\$ 8,500,000	\$ 8,500,000	\$ -	0.00%
AA-	\$ 44,715,603	\$ 44,715,603	\$ 44,715,603	\$ -	0.00%
A+	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ -	0.00%
A	\$ 13,921,212	\$ 13,921,212	\$ 13,921,212	\$ -	0.00%
A-	\$ 2,400,000	\$ 2,400,000	\$ 2,400,000	\$ -	0.00%
BBB+	\$ 3,800,000	\$ 3,800,000	\$ 3,800,000	\$ -	0.00%
NR	\$ 3,000,000	\$ 82,238	\$ 1,388,955	\$ 1,306,717	43.56%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	<b>\$ 86,567,459</b>	<b>\$ 83,649,697</b>	<b>\$ 84,956,414</b>	<b>\$ 1,306,717</b>	<b>1.51%</b>

**C13/6000 - INVESTMENT STATEMENTS FOR JULY 2013 (REC)**

The following statements detail the investments held by the City for the period ending 31 July 2013. Marketable investments are shown at their current estimated market value.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 JULY 2013									
INSTITUTION / INVESTMENT	RISK OF IMPAIRMENT	INVESTMENT TYPE	Current Interest Rate %	S & P RATING	FACE VALUE \$	BOOK VALUE AT 30/6/2012 \$	CURRENT EST MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/06/12 \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.75%	AA-	\$901,540	\$901,540	\$901,540	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	3.75%	AA-	\$5,700,000	\$5,700,000	\$5,700,000	\$0	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	4.10%	AA-	\$1,005,313	\$1,005,313	\$1,005,313	\$0	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	4.10%	AA-	\$1,404,455	\$1,404,455	\$1,404,455	\$0	On call
					\$9,011,308	\$9,011,308	\$9,011,308	\$0	
BANKWEST (TERM)	Very Low	TERM	Various	AA-	\$0	\$0	\$0	\$0	Various
BANK OF QUEENSLAND (TERM)	Very Low	TERM	4.15%	BBB+	\$1,800,000	\$1,800,000	\$1,800,000	\$0	23-Jan-14
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$2,400,000	\$2,400,000	\$2,400,000	\$0	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$10,700,000	\$10,700,000	\$10,700,000	\$0	Various
ING BANK (TERM)	Very Low	TERM	Various	A	\$11,500,000	\$11,500,000	\$11,500,000	\$0	Various
MACQUARIE BANK (TERM)	Very Low	TERM	4.35%	A	\$921,212	\$921,212	\$921,212	\$0	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$13,182,941	\$13,182,941	\$13,182,941	\$0	Various
RABODIRECT (TERM)	Very Low	TERM	#REF!	AA	\$6,500,000	\$6,500,000	\$6,500,000	\$0	#REF!
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$2,000,000	\$2,000,000	\$2,000,000	\$0	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$10,000,000	\$10,000,000	\$10,000,000	\$0	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$9,821,353	\$9,821,353	\$9,821,353	\$0	Various
					\$68,825,506	\$68,825,506	\$68,825,506	\$0	
BANK OF QUEENSLAND (FLOAT RATE TD)	Very Low	FRTD	4.60%	BBB+	\$2,000,000	\$2,000,000	\$2,000,000	\$0	30-Sep-13
ING BANK (FLOAT RATE TD)	Very Low	FRTD	4.32%	A	\$1,500,000	\$1,500,000	\$1,500,000	\$0	10-Sep-13
					\$3,500,000	\$3,500,000	\$3,500,000	\$0	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	4.09%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
					\$2,000,000	\$2,000,000	\$2,000,000	\$0	
CORSAIR (CAYMAN) KAKADU	Very High	CDO	4.20%	NR	\$1,500,000	\$72,363	\$520,500	\$448,137	20-Mar-14
MANAGED ACES CLASS 1A PARKES	Very High	CDO	4.43%	NR	\$1,050,000	\$9,874	\$553,455	\$543,581	20-Jun-15
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	\$450,000	\$1	\$315,000	\$314,999	20-Sep-14
					\$3,000,000	\$82,238	\$1,388,955	\$1,306,717	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	\$230,645	\$230,645	\$0	NA
TOTAL FUNDS INVESTED					\$86,567,459	\$83,649,697	\$84,956,414	\$1,306,717	

**CREDIT RISK COMPARISON**

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$8,500,000	\$8,500,000	10%	80%	
AA-	\$44,715,603	\$44,715,603	53%	80%	
A+	\$10,000,000	\$10,000,000	12%	50%	
A	\$13,921,212	\$13,921,212	16%	50%	
A-	\$2,400,000	\$2,400,000	3%	50%	
BBB+	\$3,800,000	\$3,800,000	4%	20%	
NR	\$3,000,000	\$1,388,955	2%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
<b>TOTAL</b>	<b>\$86,567,459</b>	<b>\$84,956,414</b>	<b>100%</b>		

**C13/6000 - INVESTMENT STATEMENTS FOR JULY 2013 (REC)**

**DIVERSIFICATION RISK**

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
BANKWEST (11AM)	11AM	AA-	901,540	1.06%		20%	
BANKWEST (TERM)	TERM	AA-	-	0.00%	1.06%	20%	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	1,800,000	2.12%		10%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	BBB+	2,000,000	2.35%	4.47%	10%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	2,400,000	2.82%	2.82%	15%	
CITIBANK (TERM)	TERM	AA-	10,700,000	12.59%	12.59%	20%	
COMMONWEALTH BANK (TERM)	TERM	AA-	-	0.00%		20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	2.35%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	-	0.00%	2.35%	20%	
ING BANK (TERM)	TERM	A	11,500,000	13.54%		15%	
ING BANK (FLOAT RATE TD)	FRTD	A	1,500,000	1.77%	15.30%	15%	
MACQUARIE BANK (TERM)	TERM	A	921,212	1.08%	1.08%	15%	
NAB (TERM)	TERM	AA-	13,182,941	15.52%		20%	
NAB (FRN)	FRN	AA-	-	0.00%	15.52%	20%	
RABODIRECT (TERM)	TERM	AA	6,500,000	7.65%	7.65%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	2,000,000	2.35%	2.35%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	10,000,000	11.77%	11.77%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	1,005,313	1.18%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,404,455	1.65%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	5,700,000	6.71%		20%	
WESTPAC (TERM)	TERM	AA-	9,821,353	11.56%	21.11%	20%	
CDO - Various	CDO		1,388,955	1.63%	1.63%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.27%	0.27%		
			<b>84,956,414</b>	<b>100%</b>	<b>100%</b>		

**MATURITY COMPARISON**

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	33,965,581	100%	100%	
RESERVE FUNDS				
< 1 year	47,694,667	94%	100%	
< 2 years	868,455	2%	80%	
< 3 years	2,000,000	4%	80%	
< 4 years	-	0%	40%	
< 5 years	-	0%	40%	
> 5 years	-	0%	20%	
	<b>50,563,122</b>	<b>100%</b>		

Due to the continuing volatility in credit markets worldwide, the risks associated with two of the City's three CDOs remains elevated.

Monthly valuations for CDOs shown are based on valuations obtained from CPG Research and Advisory (CPG) as at 31 July 2013 who in turn have obtained them from the arranging banks. When compared to the valuations used as at 30 June 2012, valuations obtained from CPG as at 31 July 2013 show that CDOs have increased in value by \$1,306,717.

The last remaining Lehman Brothers arranged CDO with a face value of \$450,000 remains to be settled and is expected to be realised at levels in excess of its full face value.

The Corsair Cayman Kakadu CDO and the MAS Parkes 1A CDO has suffered an erosion of credit support and therefore underlying principal of 8.6% and 41.9% respectively. Both CDOs continue to pay interest at a reduced rate depending on the extent of the principal loss incurred. The City has earned approximately \$5.04 million from CDO investments since 1 July 2007.

The remaining values of non Lehman Brothers arranged CDOs held as at 31 July 2013 were:

- Face Value	\$ 2,550,000
- Written Down (Book) Value (30 June 2012)	\$ 82,237
- Estimated Market Value (31 July 2013)	\$ 1,073,955



## C13/6000 - INVESTMENT STATEMENTS FOR JULY 2013 (REC)

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

### Credit Ratings and Credit Events

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

### The City's Remaining CDO Investments:

CDO Name Arranger Face Value & Maturity Date	No. of Credit Events	Remaining Credit Support before <b>FIRST</b> Loss of Principal	Remaining Credit Support before <b>TOTAL</b> Loss of Principal	Comments
<b>Corsair Cayman Kakadu</b> Arranger: J.P. Morgan Australia <b>\$1.5 million</b> <b>Maturing 20/3/14</b>	<b>12 credit events:</b> ResCap, AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, Kaupthing, CIT Group, Anglo Irish Bank & PMI Group	-0.1	1.8	Partial loss 8.6% (\$0.129 million) of principal has occurred. Very high likelihood of total default.
<b>Managed Aces Class Parkes 1A</b> Arranger: Morgan Stanley <b>\$1.05 million</b> <b>Maturing 20/6/15</b>	<b>10 credit events:</b> ResCap, AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, CIT Group & PMI Group.	-0.8	1.1	Partial loss 41.9% (\$0.44 million) of principal has occurred. Very high likelihood of total default.

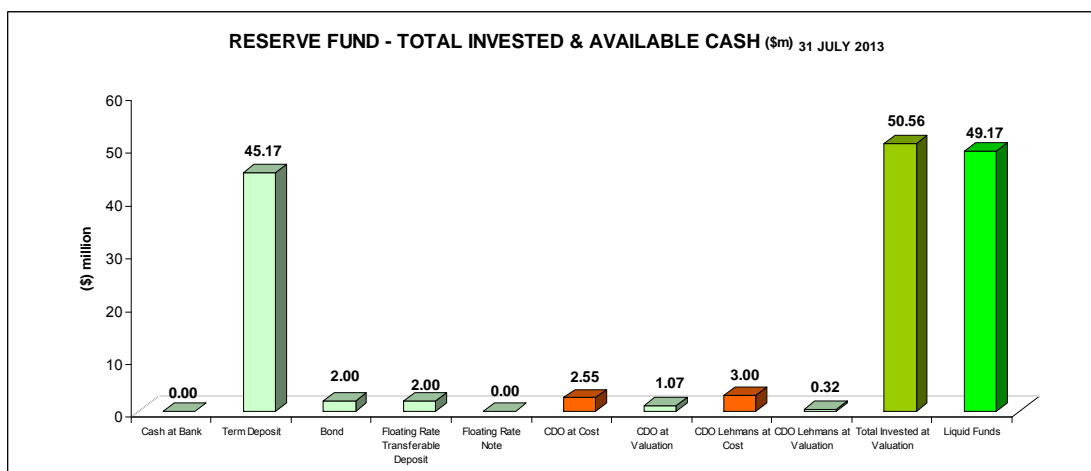
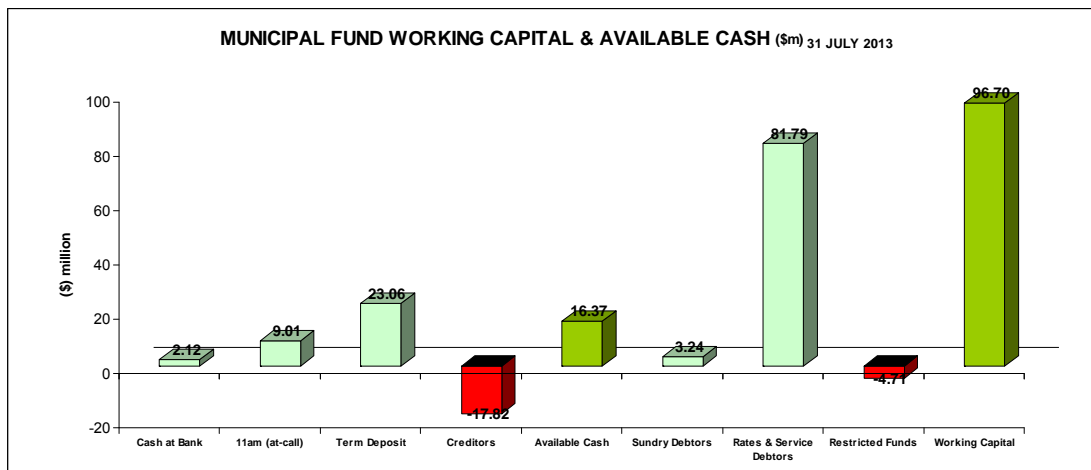
### Terminated Lehman Brothers Arranged CDO Investments:

<b>Beryl Finance Global Bank Note 2</b> <b>\$450,000 Terminated</b> <b>(20/9/14)</b>	<b>Nil credit events:</b>	1	N/A	Terminated due to Lehman bankruptcy – In the process of being unwound and the Trustee disposing of the collateral.
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**C13/6000 - INVESTMENT STATEMENTS FOR JULY 2013 (REC)**

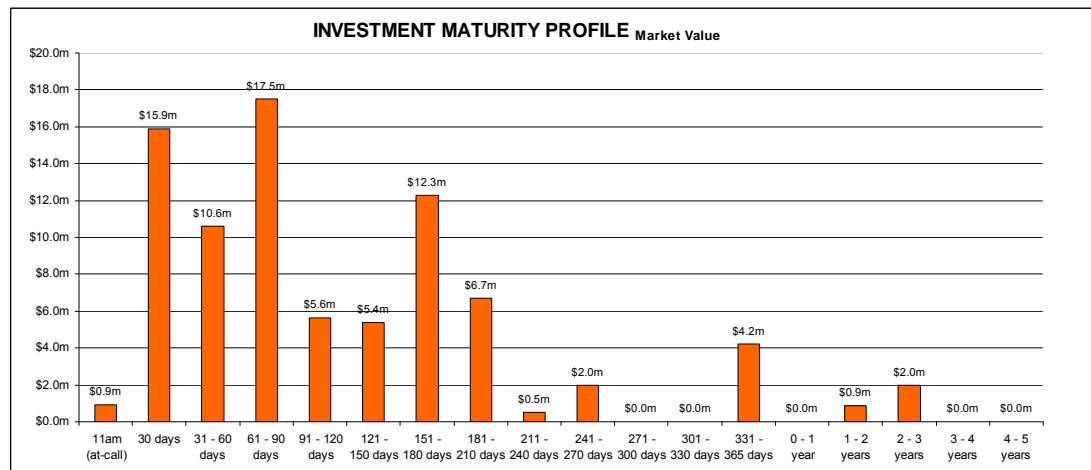
**Net Funds Held**

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 at 31 July 2013.



## C13/6000 - INVESTMENT STATEMENTS FOR JULY 2013 (REC)

The graph below summarise the maturity profile of the City's investments at market value as at 31 July 2013.



## PUBLIC CONSULTATION/COMMUNICATION

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

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

## CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

## 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. Johnson Winter and Slattery (JWS) was successful in seeking an early termination of four of the City's Lehman arranged CDOs, so that on 26 February 2013 the City gained access to the collateral representing the City's original investments which are held by Trustees for the Lehman Brothers arranged CDOs.

In conjunction with approximately 71 other corporations and local government authorities the City of Melville has engaged litigation funder IMF Australia to seek recovery of losses from Lehman Brothers Australia. Whilst the decisions taken by the various courts have been positive for the litigants the legal process is lengthy. The latest development is that the Scheme of Arrangement of Lehman Bros Australia, which documents the distribution that the

**C13/6000 - INVESTMENT STATEMENTS FOR JULY 2013 (REC)**

City would receive in partial recompense of the losses the City incurred as a result of its investment in CDOs, is now being challenged by Lehman Brothers USA who through purchase of Lehman Brothers Asia have established themselves as a creditor with sufficient voting rights to thwart the Scheme of Arrangement. It therefore appears that the matter will go back through the courts for resolution which is understood to be a lengthy process.

**FINANCIAL IMPLICATIONS**

For the year ending 31 July 2013:

- Investment earnings on Municipal and Trust Funds were \$61,353 against a budget of \$118,417 representing a \$57,064 negative variance. This is expected to improve significantly when the collection of rates commences in August.
- Investment earnings on Reserve accounts were \$231,936 against a budget of \$191,667. This represents a \$40,269 positive variance.

The City's revenue from investment earnings is expected to continue to decrease in the foreseeable future, as the Reserve Bank of Australia (RBA) continues to cut the 'Cash' rate and the new legislative restrictions that have been placed by State Government regulation which limits the type of investments, and more importantly the maximum term to maturity, in which the City is permitted to invest.

The City's last remaining Lehman Brothers arranged CDO with a face value of \$450,000 is in the process of being unwound and the City expects that this will be repaid in excess of its full face value.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

Due to continuing credit market volatility the risks associated with two of the City's three remaining CDOs is high. Whilst the City continues to earn and be paid interest from its two remaining 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.

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.

**C13/6000 - INVESTMENT STATEMENTS FOR JULY 2013 (REC)****POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

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

Future investment earnings are expected to continue to decrease due to continuing interest rates cuts and legislative restrictions on investment options available to the City.

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

**That the Investment Report for the month of July 2013 be noted.**

At 9.12pm the Mayor submitted the motion, which was declared

**CARRIED EN BLOC (12/0)**

**C13/6001 – SCHEDULE OF ACCOUNTS FOR JULY 2013 (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 : Approved Budget  
 Responsible Officer : Bruce Taylor – Acting Manager Financial Services

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report presents the details of payments made under delegated authority to suppliers for the month of July 2013 and recommends that the Schedule of Accounts be noted.

**C13/6001 – SCHEDULE OF ACCOUNTS FOR JULY 2013 (REC) (ATTACHMENT)**

**BACKGROUND**

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

**DETAIL**

The Schedule of Accounts for the month ending 31 July 2013 ([6001 JULY 2013](#)), including Payment Registers numbers, Cheques 361 to 363 and Electronic Funds Transfers batches 305 to 307 were distributed to the Members of Council on 30 August 2013.

The payment run for July is smaller than usual due to the processing of July 2013 invoices not commencing until mid July. This was to ensure that all 2012/2013 year end invoices were captured in the appropriate financial year.

Payments in excess of \$25,000 for the month of July 2013 are detailed as follows:

Supplier Name	Remittance Number	Remittance Details	Amount
Alpha West Services Pty Ltd	E035250	Maintenance of phone hardware	\$28,135.91
Calibre Coatings Pty Ltd	E035197	External painting & cleaning	\$25,146.00
City of Cockburn	E035153	Waste disposal fees for June 2013	\$55,899.18
Dowsing Concrete	E035320	Concrete works	\$36,975.75
Fire & Emergency Services Authority WA	E035282	ESL Remittance for June 2013	\$75,046.42
Infor Global Solutions	E035244	Pathway software licensing	\$150,328.95
LGIS Insurance Broking	E035147	Insurance Premiums	\$323,941.18
Media on Mars	E035256	Graphic design	\$31,966.00
Rhysco Electrical Services	E035253	Electrical services	\$43,023.75
Sculpture by the Sea Inc	Chq 054991	Public Art purchase	\$50,000.00
Southern Metropolitan Regional Council	E035227	MSW disposal fees for June 2013, Recyclable disposal fees for June 2013 & Green waste disposal fees for June 2013	\$383,923.43
Synergy	E035184	Electricity billing	\$116,897.11
Technology One Pty Ltd	E035321	Annual support & maintenance fees	\$155,955.79
Water Corporation	Chq 055164	Water usage	\$542,372.84



**C13/6001 – SCHEDULE OF ACCOUNTS FOR JULY 2013 (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 adopted Budget as amended by any subsequent Budget reviews.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Not applicable.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

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

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

**That the Schedule of Accounts for the month ending 31 July 2013, as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 July 2013](#) be noted.**

At 9.12pm the Mayor submitted the motion, which was declared

**CARRIED EN BLOC (12/0)**

**C13/6002 – FINANCIAL STATEMENTS FOR JULY 2013 (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	: Bruce Taylor – Acting Manager Financial Services

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**KEY ISSUES / SUMMARY**

This report presents:

- The Financial Statements for the period ending 31 July 2013 and recommends that they be noted by the Council.
- Budget amendments for the period ending 31 July 2013 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of July 2013 and recommends that they be noted by the Council.

**C13/6002 – FINANCIAL STATEMENTS FOR JULY 2013 (AMREC) (ATTACHMENTS)**

**BACKGROUND**

The Financial Statements for the period ending 31 July 2013 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996.

**DETAIL**

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

For the period ending 31 July 2013, net operating positive variances of \$1,941,312 and net capital positive variances of \$455,372 were recorded.

**Variances**

A summary of variances and comments are provided in attachment [6002H July 2013](#).

	July Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$	Current Commitments \$
<b>Revenues</b>								
Health	144,602	2,084	144,602	142,518	6838%	263,590	263,590	-
Recreation and Culture	977,724	1,036,236	977,724	(58,511)	-6%	9,701,557	9,701,557	(909)
Transport	1,142,515	1,257,522	1,142,515	(115,008)	-9%	5,478,318	5,478,318	(682)
Other Property and Services	45,303	120,307	45,303	(75,004)	-62%	400,476	400,476	28,925
	23,085,380	23,233,847	23,085,380	(223,471)	-1%	46,106,554	46,107,462	27,335
<b>Expenses</b>								
Governance	(558,574)	(1,164,546)	(558,574)	605,973	-52%	(11,760,677)	(11,760,677)	(796,582)
Community Amenities	(1,360,731)	(1,652,192)	(1,360,731)	291,461	-18%	(19,616,325)	(19,616,325)	(540,382)
Recreation and Culture	(2,070,399)	(2,430,083)	(2,070,399)	359,683	-15%	(28,262,846)	(28,154,664)	(1,083,766)
Transport	(592,875)	(862,953)	(592,875)	270,078	-31%	(10,356,085)	(10,356,085)	(293,102)
Other Property and Services	(1,437,153)	(1,944,796)	(1,437,153)	507,643	-26%	(11,028,916)	(11,028,916)	(231,327)
	(7,239,510)	(9,393,422)	(7,239,510)	3,028,485	-23%	(93,615,109)	(93,616,017)	(3,316,176)

**Revenue**

\$55.85m in Rates was raised to 31 July 2013. This is compared with a year to date budget of \$55.86m, resulting in a negative variance of \$18K.

**Money Expended in an Emergency and Unbudgeted Expenditure**

Not applicable for July 2013.

**Budget Amendments**

Details of Budget Amendments requested for the month of July 2013 are shown in attachment [6002J July 2012](#). These amendments have been carried out to reflect the appropriate responsible officers and the correction of account numbers.

## **C13/6002 – FINANCIAL STATEMENTS FOR JULY 2013 (AMREC) (ATTACHMENTS)**

### **Rates Collections and Debtors**

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$5,034,008 were collected over the course of the month. As at 30 July 2013, 7.9% of the 2013/2014 rates raised amount had been collected.

Total sundry debtor balances increased by \$91,513 over the course of the month. The 90+ day's debtor balance decreased by \$15,425.

### **Granting of concession or writing off debts owed to the City**

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

No debts were written off under delegated authority in the month of July 2013.

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

DESCRIPTION	LINK
Rate Setting Statement – July 2013	<a href="#">6002A July 2013</a>
Statement of Financial Activity – July 2013	<a href="#">6002B July 2013</a>
Representation of Net Working Capital – July 2013	<a href="#">6002E July 2013</a>
Reconciliation of Net Working Capital – July 2013	<a href="#">6002F July 2013</a>
Notes on Rate Setting Statement reporting on variances of 10% or greater – July 2013	<a href="#">6002H July 2013</a>
Details of Budget Amendments requested – July 2013	<a href="#">6002J July 2013</a>
Summary of Rates Debtors – July 2013	<a href="#">6002L July 2013</a>
Graph Showing Rates Collections – July 2013	<a href="#">6002M July 2013</a>
Summary of General Debtors aged 90 Days Old or Greater – July 2013	<a href="#">6002N July 2013</a>
Detail of Debts Written Off for the Month – July 2013	<a href="#">N/A</a>

### **PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

### **CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

**C13/6002 – FINANCIAL STATEMENTS FOR JULY 2013 (AMREC) (ATTACHMENTS)****STATUTORY AND LEGAL IMPLICATIONS**

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

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

**34. Financial activity statement report — s. 6.4**

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

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

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

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

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

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

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

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

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

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

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

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

## C13/6002 – FINANCIAL STATEMENTS FOR JULY 2013 (AMREC) (ATTACHMENTS)

### FINANCIAL IMPLICATIONS

Variances are dealt with in attachment [6002H July 2013](#) (Notes on Rate Setting Statement reporting on variances of 10% or greater).

### STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

### POLICY IMPLICATIONS

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

### CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 July 2013.

### OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)

#### ABSOLUTE MAJORITY APPROVAL

At 9.13pm Cr Kinnell moved, seconded Cr Reynolds -

#### That the Council:

- Note the Rate Setting Statement and Statements of Financial Activity for the month ending 31 July 2013 as detailed in the following attachments:**

DESCRIPTION	LINK
Rate Setting Statement – July 2013	<a href="#">6002A July 2013</a>
Statement of Financial Activity – July 2013	<a href="#">6002B July 2013</a>
Representation of Net Working Capital – July 2013	<a href="#">6002E July 2013</a>
Reconciliation of Net Working Capital – July 2013	<a href="#">6002F July 2013</a>
Notes on Rate Setting Statement reporting on variances of 10% or greater – July 2013	<a href="#">6002H July 2013</a>
Details of Budget Amendments requested – July 2013	<a href="#">6002J July 2013</a>
Summary of Rates Debtors – July 2013	<a href="#">6002L July 2013</a>
Graph Showing Rates Collections – July 2013	<a href="#">6002M July 2013</a>
Summary of General Debtors aged 90 Days Old or Greater – July 2013	<a href="#">6002N July 2013</a>
Detail of Debts Written Off for the Month – July 2013	<a href="#">N/A</a>

**C13/6002 – FINANCIAL STATEMENTS FOR JULY 2013 (AMREC) (ATTACHMENTS)**

2. **By Absolute Majority Decision adopt the budget amendments, as listed in the Budget Amendment Reports for July 2013, as detailed in attachment [6002J July 2013](#).**

At 9.13pm the Mayor submitted the motion, which was declared

**CARRIED BY ABSOLUTE MAJORITY (12/0)**



**LATE ITEM M13/5317 - RECORDING VOTING AT COUNCIL, AGENDA BRIEFING FORUM  
AND COMMITTEE MEETINGS (REC)**

Ward : All  
 Category : Operational  
 Subject Index : Council and Special Meeting  
 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 : C12/5254 - Recording Council Meetings – October 2012 Ordinary Meeting of the Council  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Jeff Clark  
 Governance and Compliance Program Manager

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**LATE ITEM M13/5317 - RECORDING VOTING AT COUNCIL, AGENDA BRIEFING FORUM AND COMMITTEE MEETINGS (REC)****KEY ISSUES / SUMMARY**

This report recommends that the endorsed Council resolution of recording the names of all Elected Members votes on matters before the Council, Agenda Briefing Forum and Committee meetings, commence prior to the installation of an upgraded audio system.

**BACKGROUND**

The recording of Elected Members voting on matters before the Council is an intended outcome of the replacement of the Chamber microphone system. Prior to the system being installed, it is proposed to record in the minutes of meetings, all votes of Elected Members on matters before the Council, Agenda Briefing Forum and Committee meetings.

**DETAIL**

The Council supported a motion presented by Cr Nicholson to the 21 August 2012 Ordinary Meeting of the Council in the terms below:

*"That the Council:*

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

A report was provided to the October Ordinary Meeting of the Council and the following resolution was adopted:

*"That the Council:*

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

The mid year budget review in March 2013 allocated funding for the upgrading of the Chamber microphone system. A specification has been developed and quotes obtained. An analysis of the quotes is proceeding.

**LATE ITEM M13/5317 - RECORDING VOTING AT COUNCIL, AGENDA BRIEFING FORUM  
AND COMMITTEE MEETINGS (REC)**

As there has been some time since the Council resolved to record voting of Elected Members, this report has been prepared to facilitate the immediate introduction of the practice of recording all voting at the Council, Agenda Briefing Forum and Committee meetings.

The effect of adoption of the resolution will mean that all voting will be recorded and noted in the minutes of each meeting. In addition, it will mean that at the time of a vote, the Mayor or Presiding Member will announce the names of Elected Members who voted either for or against an amendment or motion to ensure accurate recording pending the purchase and installation of the new audio and recording system.

**PUBLIC CONSULTATION/COMMUNICATION**

No public consultation has occurred on this matter as it is a Council operational matter.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Consultation has occurred during preparation of the report that was presented to the 16 October 2012 Ordinary Meeting of the Council. No further consultation is required.

**STATUTORY AND LEGAL IMPLICATIONS**

The Local Government Act 1995 provides at Section 5.21(4) that an individual members vote may be recorded or a member may request that the vote of all members be recorded.

*"5.21. Voting**(1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.**(2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.**(3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.**(4) If a member of a council or a committee specifically requests that there be recorded —**(a) his or her vote; or**(b) the vote of all members present, on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes."*

The Council has resolved in October 2012 as below:

*"4. Resolves that following the purchase of an electronic voting system all votes by Elected Members and the respective names and manner of voting be recorded and included in the minutes."*

**LATE ITEM M13/5317 - RECORDING VOTING AT COUNCIL, AGENDA BRIEFING FORUM  
AND COMMITTEE MEETINGS (REC)****FINANCIAL IMPLICATIONS**

There are no financial implications in this report.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The intention of the Council is to record the Elected Members votes and this practice does not involve strategic, risk or environmental implications.

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
That voting numbers may not be recorded accurately and subject to dispute.	Minor consequences which are rare, resulting in a <b>Low</b> level of risk	Record the names of all Elected Members when voting occurs at Council and Committee meetings.

**POLICY IMPLICATIONS**

There is no Council Policy that relates to this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

An option is to wait until the new audio system is installed before commencing full recording of all votes by Elected Members. As the Council has resolved to record all the votes of Elected Members upon the installation of a new audio system, there is no discernable value in delaying the implementation of recording each vote in the meeting minutes, unless the Council determines that it does not wish to proceed.

**CONCLUSION**

The Council has resolved to introduce new audio equipment in the Chamber and from that time, record each Elected Member's vote in the minutes of the meeting. The adoption of the Officer's Recommendation will commence the practice of recording the names of each Elected Member on all occasions when a vote is taken prior to the installation of new audio equipment.

**LATE ITEM M13/5317 - RECORDING VOTING AT COUNCIL, AGENDA BRIEFING FORUM  
AND COMMITTEE MEETINGS (REC)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5317)****APPROVAL**

**That the City of Melville immediately commences recording the names of Elected Members' votes for all Council, Agenda Briefing Forum and Committee meetings.**

At 9.20pm the Mayor submitted the motion, which was declared

**CARRIED EN BLOC (12/0)**

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

Against: Nil.

**15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****15.1 Community Annual Report – Cr D Macphail****COUNCIL RESOLUTION**

At 9.20pm Cr Macphail moved, seconded Cr Willis -

**That the City of Melville Community Annual Report 2012-2013 and future Community Annual Reports include Elected Member membership and positions held as a representative of the City of Melville, on Occasional, Advisory, Local Government and Community Committees.**

At 9.21pm Cr Kinnell left the meeting and returned at 9.23pm.

At 9.34pm the Mayor submitted the motion, which was declared

**EQUALITY (6/6)**

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

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

His Worship the Mayor exercised his second vote to vote for the Resolution.

**CARRIED (7/6)**

Reasons for Motion

Cr Macphail provided the following reasons in support of the Motion.

“The Community Annual Report provides the opportunity for full accountability and transparency to residents and ratepayers of the District.

The City’s Corporate Plan refers the theme: “Lead by Example: The outcome we continually strive to achieve is to be a positive role model and high performing steward.” It lists the strategic relationships through the following committees as Elected Members. ....”We aim to provide highly visible and strong leadership that builds capacity.”

**16. EN BLOC ITEMS**

At 9.36pm Cr Kinnell moved, seconded Cr Willis -

**That the recommendations for items P13/3421, P13/3422, CD13/8056, M13/5317, C13/6000 and C13/6001, be carried En Bloc.**

At 9.36pm the Mayor submitted the motion, which was declared

**CARRIED (12/0)**

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

Against: Nil.

**17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**

Nil.

**18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil.

**19. CLOSURE**

There being no further business to discuss the Mayor declared the meeting closed at 9.36pm.