

**MINUTES
OF THE
ORDINARY MEETING OF COUNCIL
HELD ON
TUESDAY 19 FEBRUARY 2013
AT 6.30PM IN THE COUNCIL CHAMBERS
MELVILLE CIVIC CENTRE**

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 19 FEBRUARY 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 & Compliance Program Manager, read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor R A Aubrey, read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Cr D Macphail (Deputy Mayor)
Cr R Willis, Cr C Robartson
Cr N Pazolli, Cr P Reidy
Cr S Taylor-Rees, Cr J Barton
Cr R Hill, Cr R Kinnell
Cr N Foxton

WARD

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

3. IN ATTENDANCE

Dr S Silcox
Mr B Taylor
Ms C Young
Mr J Christie
Mr S Cope
Mr L Hitchcock
Mr P Prendergast

Mr J Clark
Mr N Fimmano
Ms J Paparella

Chief Executive Officer
A/Director Corporate Services
Director Community Development
Director Technical Services
Director Urban Planning
Executive Manager Legal Services
Manager Planning & Development Services
Manager Information, Technology & Support
Governance & Compliance Program Manager
Governance & Property Officer
Minute Secretary

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

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

Cr A Nicholson – City Ward
Cr M Reynolds - University

4.2 APPROVED LEAVE OF ABSENCE

Nil

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

Nil.

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

Nil.

6. QUESTION TIME**6.1 Mr T & Mrs K Hatton, Rates Payers City of Melville**

The following questions submitted by Mr & Mrs Hatton and were taken on notice. A response in writing will be provided to Mr & Mrs Hatton from Mr Steve Cope, Director Urban Planning and the details contained in that response will be provided in the Agenda and Minutes of the March 2013 Ordinary Meeting of Council.

"The City of Melville has a list of requirements for "Incidental Structures" such as

(i) Swimming pools, which the Council inspects, and also

(ii) Retaining walls"

Question 1

"In relation to established (not new) retaining walls, can Melville Council please state specifically its responsibilities and policy regarding retaining walls; and advise where a copy of the policy can be obtained, and what the policy is asking."

Question 2

"Can the Council conduct inspections of such walls?"

Question 3

"Can the Council order maintenance, or restoration where it is believed that degradation to a wall has occurred?"

Question 4

"Can the Council impose time limits for any required work to be done?"

Question 5

"Can Council order that such work be finished to a satisfactory standard?"

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF COUNCIL – 11 DECEMBER 2012**
Min 11 December 2012**COUNCIL RESOLUTION**

At 6.37pm Cr Willis moved, seconded Cr Hill -

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 11 December 2012, be confirmed as a true and accurate record.

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

CARRIED (11/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 5 FEBRUARY 2013
Notes 5 February 2013**COUNCIL RESOLUTION**

At 6.37pm Cr Hill moved, seconded Cr Kinnell -

That the Notes of the Agenda Briefing Forum held on Tuesday, 5 February 2013, be received.

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

CARRIED (11/0)

8.3 MINUTES ANNUAL GENERAL MEETING OF ELECTORS – 5 DECEMBER 2012
Min 5 December 2012**COUNCIL RESOLUTION**

At 6.38pm Cr Macphail moved, seconded Cr Kinnell -

That the Minutes of the Annual General Meeting of Electors held on Wednesday 5 December 2012, be received.

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

CARRIED (11/0)

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

Nil

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.39pm Cr Reidy moved, seconded Cr Macphail -

That the application for new leave of absence submitted by Mayor Aubrey and Cr Willis on 19 February 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

- T13/3363 Confidential Item – The Esplanade Mount Pleasant: Footpath Encroachment, House Numbers 203 and 201A

The above matter is confidential in accordance with Section 5.23(2)(c) and (e) of the Local Government Act 1995 relating to a contract that the City may enter into and the report contains information of a commercial value to a person.

12. PETITIONS

Nil.

13. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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

P13/3364 - AMENDMENT TO PLANNING APPROVAL TO ALLOW HEALTH CLUB TO OPERATE DURING WEEKENDS AT 1 SHIELDS CRESCENT, BOORAGOON (AMREC)

Ward : City
 Category : Operational
 Application Number : DA-2012-1289
 Property : 1 Shields Crescent, Booragoon
 Proposal : Use Not Listed (Health Club)
 Applicant : R Halliday
 Owner : M & M Omran
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : DA-2012-1173
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services.

AUTHORITY / DISCRETION

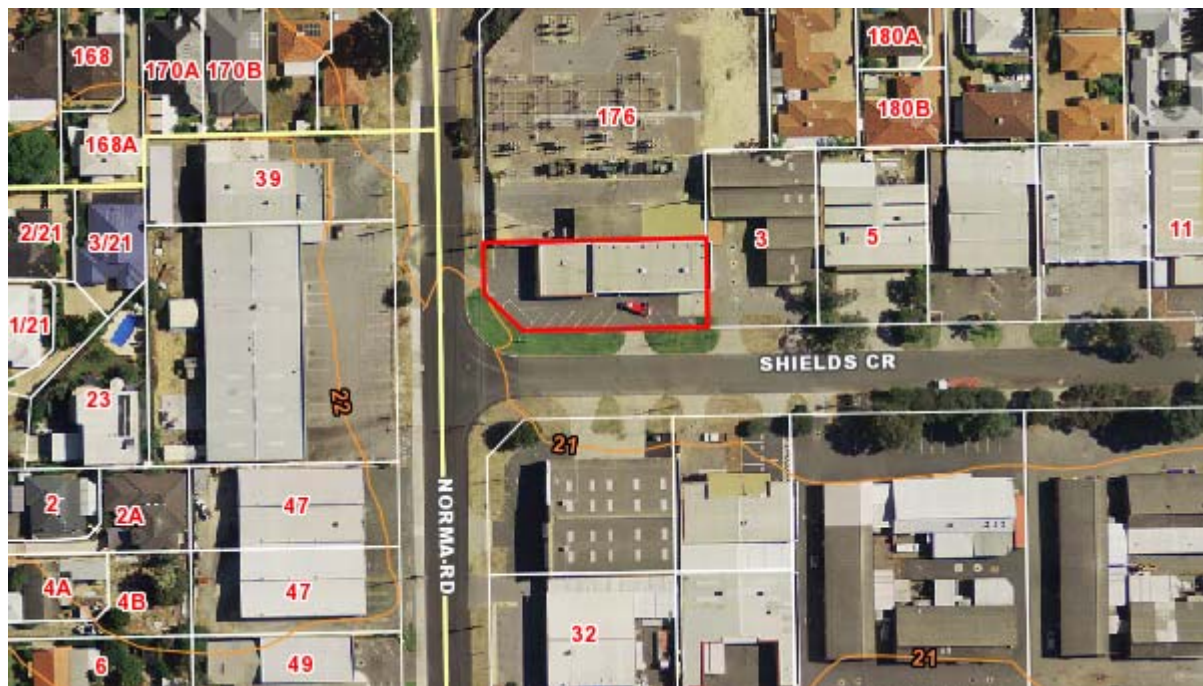
DEFINITION

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

P13/3364 - AMENDMENT TO PLANNING APPROVAL TO ALLOW HEALTH CLUB TO OPERATE DURING WEEKENDS AT 1 SHIELDS CRESCENT, BOORAGOON (AMREC)

KEY ISSUES / SUMMARY

- On 22 October 2012, the City granted Planning Approval under delegated authority, for a change of use of the subject premises from an Industrial Use to a 'Use Not Listed' (Health Club).
- Conditions of approval were imposed by the City to limit the hours of operation of the Health Club. These were imposed to ensure that the proposed development satisfied the on-site car parking requirements of Council Policy CP-079: Car Parking (Non-Residential), taking into account the car parking requirements of the showroom tenancy also located on the subject lot.
- Planning approval is now sought to amend Condition 1 of the previous Planning Approval to permit the Health Club use to operate on Saturday and Sunday.
- The operation of the Health Club at weekends will result in a variation to the City's car parking requirements, particularly on Saturday mornings at which time the showroom is also operational.
- The proposal has been advertised to surrounding landowners and occupiers. One comment in support was received as a result.
- It is considered that the additional hours of operation now sought can be accommodated without detriment to the Council's Car Parking Policy requirements, and is supported on that basis subject to an Absolute Majority decision of Council.



P13/3364 - AMENDMENT TO PLANNING APPROVAL TO ALLOW HEALTH CLUB TO OPERATE DURING WEEKENDS AT 1 SHIELDS CRESCENT, BOORAGOON (AMREC)

BACKGROUND

On 22 October 2012, the City granted conditional Planning Approval under delegated authority, for the change of use of the subject premises from Industrial to 'Use Not Listed' (Health Club), restricting the hours of operation of the Health Club to ensure that the use can operate alongside the Bamboozle showroom tenancy, also located on the lot, without prejudice to the on-site car parking requirements of Council Policy CP-079: Car Parking (Non-Residential).

The business owner now seeks consent to vary the requirements of the condition of planning approval that was previously granted. To do so can only occur via the submission and determination of a new, separate planning application, hence the DA the subject of this report.

Scheme Provisions

MRS Zoning	: Industrial
CPS 5 Zoning	: Mixed Business Frame
R-Code	: Not applicable
Use Type	: Use Not Listed (Health Club)
Use Class	: 'S' Use – use is not permitted unless Council grants approval following advertising

Site Details

Lot Area	: 998sqm
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: Retained
Street Furniture (drainage pits etc)	: Not Applicable
Site Details	: See aerial photo above

DETAIL

The proposal satisfies the relevant development requirements of Community Planning Scheme No. 5 (CPS5) and Council policies with the exception of car parking.

Development Requirements

Development Requirement	Required	Proposed	Comments	Delegation to approve variation	Plan Notation
Car Parking	Health Club – 1 bay per 20sqm = 13.2 (14) The existing Showroom (Bamboozle) requires 3 bays Total bays required for the site = 17 bays	12 provided on site	Does not Comply	Council	

P13/3364 - AMENDMENT TO PLANNING APPROVAL TO ALLOW HEALTH CLUB TO OPERATE DURING WEEKENDS AT 1 SHIELDS CRESCENT, BOORAGOON (AMREC)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
Neighbour's Comment Supplied: Yes, one submission received
Reason: Variation to car parking standards
Support/Object: Support

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition / Uphold/ Not Uphold)
1.	No concerns raised to the extension of the operating hours.	Support	Noted	Uphold

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Ranger Services have confirmed that there are no known problems with weekend car parking in the vicinity of the site.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Policy CP-079 – Car Parking (Non-Residential)

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

P13/3364 - AMENDMENT TO PLANNING APPROVAL TO ALLOW HEALTH CLUB TO OPERATE DURING WEEKENDS AT 1 SHIELDS CRESCENT, BOORAGOON (AMREC)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The approval of this proposal requires an Absolute Majority decision of the Council. The Council may refuse the application or recommend alternative restrictions to the proposed hours of operation. In this instance it is recommended that the proposal be approved on the grounds that the variation to the levels of car parking required can be managed without detriment to orderly and proper planning.

COMMENTS

As stated, planning approval is sought to amend Condition 1 of the Planning approval granted on 22 October 2012 for the operation of a Health Club at 1 Shields Crescent, Booragoon.

Condition 1 in question currently states:

"The Health Centre shall not operate between the hours of 8:30am to 5.30pm Monday to Friday and 9.00am to 1.00pm on Saturday and Sunday."

The business involves personal training sessions which run for 45-60 minutes, with up to ten participants per class.

The business has been operating in accordance with Condition 1, whereby the weekday sessions are held before 8.30am and after 5.30pm Monday to Friday. The proprietor of the business has now expressed an interest in operating the health club at weekends, a change that necessitates a formal change to the terms of the planning approval previously issued.

The Applicant initially plans to operate sessions on Saturdays between 8am and 11am, but would also like the option to operate on Sundays. In addition, the possibility of offering additional sessions for children during weekends is being explored.

Car Parking

The subject site contains two tenancies, one of which is a Showroom (Bamboozle) which requires the provision of three car parking bays on site. The Health Club operates from the other tenancy and requires 14 parking bays.

As a result of this car parking requirement, a condition of planning approval was previously applied to restrict the operation of the Health Club to times when the Showroom on the site was closed. This ensured compliance with the City's Car Parking Policy and was acceptable to the Applicant given the most popular class times are generally before and after normal business hours.

No change to the operating hours Monday to Friday are proposed by the current application and as such, the on-site car parking requirement Monday to Friday will still satisfy the requirements of the Council's Car Parking Policy.

The proposal to operate on Saturdays and Sundays would however result in an on-site car parking shortfall, as at times both the Showroom and Health Club would be operating. This results in a shortfall of five on-site car parking bays during these times.

P13/3364 - AMENDMENT TO PLANNING APPROVAL TO ALLOW HEALTH CLUB TO OPERATE DURING WEEKENDS AT 1 SHIELDS CRESCENT, BOORAGOON (AMREC)

There is no objection on planning grounds to the shortfall on the basis that:

- The Showroom operating from the site currently opens Saturdays between 9.30am and 3.30pm and is closed on Sundays. Accordingly, the car parking shortfall that will result from the additional health club opening hours now proposed will be limited to those hours only.
- The business is within close proximity to public transport, the nearest bus stops being located approximately 120 metres away on Norma and Kitchener Roads. Racks for up to twelve bicycles are proposed to be installed on the property, the provision of which negates the need to provide one car parking bay, and encourages patrons of the premises to use alternative means of transport in accessing it, in accordance with Council Policy
- The car parking bays on the property are not marked for the exclusive use of each tenancy. Furthermore, the operator of the Showroom has no objection to the proposal.
- The majority of the other businesses in the vicinity do not operate at weekends, in which case there is less traffic in the area, and ample opportunities for on street car parking.
- Due to the nature of the business, it is anticipated that a proportion of business patrons will reside or work within the local area, and as such may walk to the premises.

Amenity

The proposed development has been assessed in accordance with the amenity provisions of Clause 7.8 of CPS5 and those of policy CP-067 'Amenity'. It is concluded that the proposal will have no adverse impact upon the amenity of the surrounding area.

CONCLUSION

Given the above, it is recommended that Condition 1 be amended to allow the business to operate at weekends as requested.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3364)**ABSOLUTE MAJORITY APPROVAL**

At 6.42pm Cr Robartson moved, seconded Cr Foxton -

That the Council adopt by Absolute Majority decision pursuant to Clause 4.3 of Community Planning Scheme No. 5, the Application for amendment to planning approval to vary the requirements of Condition 1 of DA-2012-1173 to allow the Health Club to operate during weekends, at 1 Shields Crescent, Booragoon. Condition 1 is to now read:

- 1. The Health Centre shall not operate between the hours of 8:30am to 5.30pm Monday to Friday.**

At 6.42pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

P13/3365 - RECONSIDERATION OF PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1 (6A) SWEETMAN STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2012-559 / DR298 of 2012
 Property : Lot 1 (6A) Sweetman Street, Ardross
 Proposal : Two Storey Single House
 Applicant : Greg Rowe and Associates
 Owner : Ms L H Tan
 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 Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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**P13/3365 - RECONSIDERATION OF PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1
(6A) SWEETMAN STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)**

KEY ISSUES / SUMMARY

- On 17 August 2012, the City refused an application for Planning Approval under delegated authority, for the construction of a two storey dwelling at 6A Sweetman Street, Ardross.
- The application was refused on the basis of overshadowing and non-compliant side setbacks.
- The Applicant subsequently applied to the State Administrative Tribunal (SAT) for a review of this decision.
- Mediation sessions facilitated by the SAT have since followed. These mediations have resulted in the preparation of a revised design proposal which is now the subject of a new application, submitted in accordance with the provisions of Section 31 of the State Administrative Tribunal Act 2004.
- The amended plans are broadly similar to the initial proposal, however the primary change has been to reduce the length of the upper floor level, which results in a reduction in the amount of overshadowing to the adjoining property.
- The amended proposal is now considered to satisfy the relevant Performance Criteria of the R-Codes.
- The application was referred to the Development Advisory Unit on 7 January 2013 in accordance with Clause 2(2a) of Council Policy CP-044: Development Advisory Unit and was recommended for conditional approval.
- In accordance with Clause 5(1) of the Policy, the matter has been called up for full Council consideration at the request of a third party.



P13/3365 - RECONSIDERATION OF PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1 (6A) SWEETMAN STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)**BACKGROUND**

On 17 August 2012, the City refused an application for Planning Approval under delegated authority, for the construction of a two storey dwelling at 6A Sweetman Street, Ardross for the following reasons:

1. Non-compliance with the Performance Criteria of Clause 6.3.1 (Building Setback from the Boundary) of the Residential Design Codes of WA on grounds of adverse overshadowing impact.
2. The proposal does not satisfy the Performance Criteria of Clause 6.9.1 (Solar Access for Adjoining Sites) of the Residential Design Codes of WA on grounds of adverse overshadowing impact.
3. By virtue of its overshadowing impact, the proposed development does not conform with the orderly and proper planning for the locality in accordance with the provisions of Clause 7.8 of the City of Melville Community Planning Scheme No. 5 (CPS5).

An appeal was subsequently lodged with the SAT and the matter proceeded to mediation in an attempt to address the various reasons for refusal. The mediation process has resulted in revisions to the proposal, and the submission of a revised planning application under the provisions of Section 31 of the State Administrative Tribunal Act 2004. This Section 31 application is the subject of this report.

The application was considered by the Development Advisory Unit (DAU) on 8 January 2013 in accordance with Clause 2(2a) of Policy CP-044 Development Advisory Unit and was recommended for conditional approval. Since then, and in accordance with Policy CP-044, the matter has been called up for full Council consideration at the request of a third party to the Chief Executive Officer (CEO). The CEO has agreed to the call up on the grounds that the proposed development exceeds the overshadowing parameters set out in the R-Codes.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area
R-Code	: R20
Use Type	: Residential
Use Class	: 'P' - Permitted

Site Details

Lot Area	: 383sqm
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: Not applicable
Street Furniture (drainage pits etc)	: Not applicable
Site Details	: Refer photo above

[3365 6A Sweetman Elevation Plan](#)

P13/3365 - RECONSIDERATION OF PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1 (6A) SWEETMAN STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)

DETAIL

Development Requirements

The proposal satisfies all of the relevant provisions within CPS5, the R-Codes and applicable Council policies with the exception of those matters listed below.

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Overshadowing	25%	40%	Does not comply	MPDS	

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Side (north)					
GF - Garage	1.0m	0m	Does not comply	MPDS	
GF - Bed 2 / Robe / Bath	1.5m	1.0m	Does not comply	MPDS	
UF - Balc / Family / Dining	1.6m	1.27m	Does not comply	MPDS	
UF - Stairs	3.0m	1.5m	Does not comply	MPDS	
UF - Master Bed	1.2m	1.0m	Does not comply	MPDS	
Side (south)					
GF - Bed 3 / Bed 4	1.0m	0m	Does not comply	MPDS	
GF - Theatre	1.0m	0m	Does not comply	MPDS	
GF - Activity / Alfresco	1.5m	1.0m	Does not comply	MPDS	
UF - WC / Pantry / ENS	2.8m	1.8m	Does not comply	MPDS	
UF - Dining / Balc	2.8m	1.8m - 4m	Does not comply	MPDS	

(Note: GF – Ground Floor, FF – First Floor)

Note: Commentary in this report will be restricted to consideration of the overshadowing and southern setback variations only, as these variations are the subject of appeal. Other variations listed above have been assessed and deemed to comply with the relevant Performance Criteria of the R-Codes, as concluded as part of the previous assessment undertaken.

**P13/3365 - RECONSIDERATION OF PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1
(6A) SWEETMAN STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

Public consultation was conducted in accordance with Clause 7.5 of CPS5 and the R-Codes as part of the original application. One objection was received outlining concerns relating to boundary setbacks and overshadowing.

SAT mediation proceedings are confidential and interested third parties are not invited to attend, unless otherwise directed by the SAT member. Notwithstanding the above, the owner of the adjoining property who objected to the original proposal has, with the endorsement of the SAT, been consulted by Council officers with respect to the amended plans.

The adjoining neighbour has requested the matter be 'called-up' for consideration by Council, citing concerns with regard to the scale of the overshadowing that is still proposed, as well as the resultant amenity impacts.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

There are no consultation requirements forming part of this application.

STATUTORY AND LEGAL IMPLICATIONS

The application is currently under appeal to the SAT. Council's resolution on this proposal will determine the future course of this application at SAT. Should the Council recommend refusal of the proposal, the matter will likely revert to SAT mediation, and may ultimately proceed to a full hearing at the SAT.

FINANCIAL IMPLICATIONS

If this matter results in a full SAT hearing, the City will incur costs associated with the employment of a Planning Consultant to defend its position.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications relevant to this application.

P13/3365 - RECONSIDERATION OF PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1 (6A) SWEETMAN STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

A Simple Majority decision of the Council is required in respect of the approval of this application. Council could refuse to grant consent on the grounds that the mediated plans do not satisfy the relevant Performance Criteria of the R-Codes and are contrary to the orderly and proper planning of the locality. However, this course of action is not recommended for the reasons detailed in support of the application. Should the application be refused, the matter is likely to be the subject of a full hearing at SAT for review and subsequent determination by SAT.

It must be noted that the plans that are the subject of the current Section 31 reconsideration may not be those that proceed to a full hearing of the SAT, as the Applicant can reserve the right to request that the matter be determined on the basis of the original plans.

COMMENT

As outlined above, the revised proposal involves side setback and overshadowing variations and therefore requires assessment against the relevant Performance Criteria of the R-Codes.

Side Setbacks – South

The design of the proposed dwelling, including the setbacks and the boundary walls along the southern boundary has been modified to reduce the overshadowing impact upon the adjoining property. The amended plans are now considered to satisfy the relevant Performance Criteria of the R-Codes for the following reasons:

- The boundary wall associated with Bed 3 and 4 has been reduced in length by 2.45m which has had a cumulative effect of reduced overshadowing and building bulk. In addition, adequate ventilation is maintained to the neighbouring property whose nearest opening is setback approximately 2.0m from the subject wall. Privacy is not affected on the basis that the subject boundary wall contains no major openings.
- The remainder of the ground floor level remains predominantly unchanged from the original plans, however the overshadowing impact of the setback variations is negligible as they only equate to approximately 7% of additional shadow when compared to the shadow cast by a standard dividing fence. In addition, the proposal does not result in an adverse building bulk impact as the elevation is well articulated through the use of varying setbacks and openings. Privacy will be safeguarded via the provision of a standard height dividing fence.
- The upper floor level has been reduced in length by over 4m to reduce the overshadowing impact to the family and alfresco area of the adjoining property to the south. The extent of shadow on to the neighbouring property is now limited to the bottom half of a sliding door and on to solid walls. Building bulk is mitigated as the walls are well articulated; whilst privacy is safeguarded given the walls contain no major openings.

P13/3365 - RECONSIDERATION OF PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1 (6A) SWEETMAN STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)*Overshadowing*

As detailed above, the various modifications undertaken to the upper floor have resulted in a reduction in the extent of overshadowing cast on to the adjoining property. In modifying the proposed plans, reducing the level of overshadowing to the adjoining property's outdoor living area and family/dining room was the primary objective, as these were identified as the most sensitive areas on that site.

The amended proposal now results in a satisfactory outcome in terms of access to direct sun for that adjoining property, and is supported on that basis.

Amenity

The proposed development has been assessed against the amenity provisions outlined by Clause 7.8 of CPS5, and the provisions of Council Policy CP-067 "Amenity", and is considered to satisfactorily meet those objectives. The detailed development proposal is therefore supported on that basis, notwithstanding the development variations sought.

CONCLUSION

It is considered that the development as now proposed represents a more acceptable design solution for the re-development of the site than was proposed previously. On that basis, it is recommended that the development, inclusive of the variations sought, be conditionally approved.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3365)**APPROVAL**

A That the Council resolve to approve the proposed two-storey single house pursuant to Section 31 of the *State Administrative Tribunal Act 2004* at Lot 1 (6A) Sweetman Street, Ardross subject to the following conditions:

- 1. 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.**
- 2. All stormwater generated on site is to be retained on site.**
- 3. Prior to the initial occupation of the development, the surface finish of the boundary wall shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Planning & Development Services.**

**P13/3365 - RECONSIDERATION OF PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 1
(6A) SWEETMAN STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)****ADVICE NOTES:**

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

- B) That the residents who made an objection to the original proposal be notified in writing of A) above.**

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

CARRIED EN BLOC (11/0)

P13/3366 - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 801 (6B) MILLINGTON STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2012-1126
 Property : 6B Millington Street, Ardross
 Proposal : Two Storey Single Dwelling
 Applicant : Emmerton Pty Ltd
 Owner : Mr S Lupica
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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

P13/3366 - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 801 (6B) MILLINGTON STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought to construct a two storey single dwelling at 6B Millington Street, Ardross.
- The proposal involves variations to the Acceptable Development criteria of the Residential Design Codes (R-Codes) in respect of visual privacy, boundary setbacks, site works and boundary walls.
- The application was advertised to the adjoining properties. Two submissions were received; one in support and the other citing an objection to the proposed north east wall setback and expressing concern in respect of the resultant privacy levels.
- The proposal has been assessed against the relevant Performance Criteria of the R-Codes and is considered to be acceptable in that context notwithstanding the objection raised.
- The application was referred to the Development Advisory Unit on 7 January 2013 and was recommended for conditional approval.
- In accordance with Clause 5(1) of Council Policy CP-044 'Development Advisory Unit', the matter has been called up for full Council consideration at the request of a third party.



P13/3366 - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 801 (6B) MILLINGTON STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

Under the provisions of Council Policy CP-044 'Development Advisory Unit', the application was considered by the Development Advisory Unit (DAU) on 7 January 2013 and was recommended for conditional approval. Since then and in accordance with Clause 5(1) of Policy CP-044, the matter has been called up for full Council consideration at the request of a third party to the Chief Executive Officer (CEO). The CEO has agreed to call up to allow Council to consider the potential impact on visual privacy (front yard pool area) of the adjoining property.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living
R-Code	:	R20
Use Type	:	Residential
Use Class	:	'P' Permitted

Site Details

Lot Area	:	506sqm
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	Retained
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer to photo above

[3366 Elevation and Site Plans 6B Millington Street Ardross](#)

DETAIL

The application has been assessed against the requirements of Community Planning Scheme No. 5 (CPS5), the R-Codes and Council Policy. The following variations to the Acceptable Development Criteria of the R Codes are identified.

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Boundary Wall (North East)	Height Average 2.7m, Maximum 3m Length 9m	Height Average 1m, Maximum 1.9m Length 16.7m	Does not comply	MPDS	
Site Works	Filling within 1m of a boundary not to exceed 0.6m	North East boundary - Maximum fill height 1.6m North West boundary - Maximum fill height 1.1m	Does not comply	MPDS	

P13/3366 - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 801 (6B) MILLINGTON STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)

Set Back of Retaining Walls	Retaining wall along the North East boundary required to be set back 1.5m Retaining wall along the North West boundary required to be set back 1.5m	North East side 0m North West side 0m	Does not comply	MPDS	
Visual Privacy	Balconies which overlook any part of an adjoining property behind its street setback line to be setback 7.5m	Balcony setback 1.2m from both the North East and North West boundaries	Does not comply	MPDS	

Boundary Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Side wall (NW) First Floor (Balcony / Kitchen / WIP)	3 - 3.5m	1.2m	Does not comply	MPDS	
Side wall (NE) Ground Floor (Ensuite / Guest)	1.0m	0.8m	Does not comply	MPDS	
Side wall (NE) First Floor (Balcony / Family)	3.8m	1.5m	Does not comply	MPDS	
Side wall (NE) First Floor (Dining / Family)	2.1m	1.5m	Does not comply	MPDS	

P13/3366 - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 801 (6B) MILLINGTON STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
Neighbour's Comment Supplied: Yes
Reason: Variation to the Acceptable Development criteria of the R-Codes
Support/Object: One support, one objection

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Submission 1	No objection to the variations.	Support	Noted	Noted
Submission 2	The injected concrete into our property for soil stabilisation is not acceptable.	Objection	This aspect is not a material planning consideration and will be considered as part of a Building Licence application.	Not Uphold
	Concerned about the extent of the North East wall. Further information is required as to the type of retaining proposed.	Objection	The North East boundary wall will not be visible from the adjoining property upon construction of a standard 1.8m dividing fence. The type of retaining will be assessed as part of a Building Licence.	Not Uphold
	The ground floor and first floor balconies overlook a swimming pool in the front setback.	Objection	The objector's swimming pool is located within the front setback area of the property, and as such is not afforded protection from overlooking by any clause of the R Codes.	Not Uphold
	The 0.8m setback to the ground floor Ensuite is acceptable.	Support	Noted	Uphold

P13/3366 - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 801 (6B) MILLINGTON STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)

	Overlooking from the family/dining room and master bedroom is unacceptable.	Objection	No such overlooking is possible given the elevation will contain minor window openings only, and as such are compliant with R Code requirements.	Not Uphold
	The setback variations relating to the balcony/dining, TV recess and master suite/ensuite will result in significant building bulk affecting the enjoyment of our house and yard.	Objection	Amended plans have been received which have increased the setback to the balcony which has also provided additional articulation along the wall.	Not Uphold

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies / consultants is required.

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*.

FINANCIAL IMPLICATIONS

There are no financial implications applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The proposed development satisfies all of the relevant Council Policy provisions.

P13/3366 - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 801 (6B) MILLINGTON STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

A Simple Majority decision of the Council is required in respect of the approval of this application. The Council could refuse to grant consent on the grounds that the plans do not satisfy the relevant Performance Criteria of the R-Codes and are contrary to the orderly and proper planning of the locality. However, this course of action is not recommended for the reasons detailed in support of the application. Should the application be refused, the Applicant will have a right of appeal to the State Administrative Tribunal.

COMMENTS

As outlined above, the proposal satisfies all of the relevant requirements contained within CPS5, the R-Codes and Council policy with the exception of the Acceptable Development requirements of the R-Codes relating to boundary setbacks, boundary walls, site works and visual privacy. These are assessed against the relevant Performance Criteria below.

Please note that the commentary in this report will be restricted to consideration of the boundary setbacks and visual privacy relating to the North East boundary which are the subject of an objection. The remainder of the proposed variations have been assessed against the relevant Performance Criteria of the R-Codes and are considered to be acceptable in that respect.

Boundary Setbacks

Performance Criteria 6.3.1 of the R-Codes acknowledges that reduced setbacks can be approved where adequate solar access is maintained to adjoining properties, building bulk is ameliorated and privacy is protected. The proposal is considered to satisfy these criteria for the following reasons:

- The application ensures adequate and direct sun to the adjoining neighbour due to the orientation of the lot.
- The design of the dwelling assists in ameliorating the impacts of building bulk on adjoining properties through its varied setbacks and openings
- Privacy of the neighbouring north east property is not compromised as the major openings overlook the front yard area of the adjoining property, and this is not afforded protection from overlooking by the R codes, given such areas are in principle capable of being overlooked from the street.

Visual Privacy

Two balconies are proposed to the front of the dwelling; one on the ground floor level and the other on the first floor, both facing Millington Street.

The Acceptable Development criteria of the R-Codes require that balconies which overlook any part of any other residential property behind its street setback line be setback 7.5m from the common boundary.

In this instance, the proposed ground floor level balcony is screened along its North East elevation and only allows for views over the adjoining property's front setback area to the North West. As such, with respect to the property at No. 8 Millington Street, this balcony is seen to satisfy the Acceptable Development criteria of the R Codes, and is supported on that basis.

P13/3366 - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 801 (6B) MILLINGTON STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)

The first floor balcony however is open on all three sides, and due to the significant setback from the front boundary proposed, this balcony does not satisfy the Acceptable Development criteria as it does allow some view of the adjoining property to the North East behind its front setback line. Notwithstanding, the proposed balcony is considered to satisfy the Performance Criteria for the following reasons:

- The front setback area of the adjoining property which contains the swimming pool, is not classed as a sensitive space afforded protection from overlooking by the R-Codes. Indeed the R-Codes do not provide any protection for privacy of residential properties within their front setback areas.
- The adjoining property to the North East has several large trees along the boundary which will assist to screen the pool area from view of the balcony.
- The approved plans for the adjoining property state that the Study window located on the adjoining property was to be screened. This screening has never been put in place, and if it had, the window would be classed as a minor opening, incapable of being overlooked.

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.

CONCLUSION

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

P13/3366 - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 801 (6B) MILLINGTON STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)**OFFICER RECOMMENDATION (3366)****APPROVAL**

At 6.44pm Cr Robartson moved, seconded Cr Reidy -

- A) That the application for a single storey single dwelling at Lot 801 (6B) Millington Street, Ardross be approved subject to the following conditions:**

STANDARD CONDITIONS

- 1. All stormwater generated on site is to be retained on site.**
- 2. Prior to the initial occupation of the development, the surface finish of the boundary wall shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Planning & Development Services.**
- 3. 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.**

- B) That the residents who made an objection to the original proposal be notified in writing of A) above.**

Amendment

At 6.44pm Cr Robartson, with agreement of the seconder Cr Reidy, agreed to incorporate the amendment into the motion.

That Part A of the Officer's Recommendation be amended by deleting the word "single" before the word "storey" and replacing it with the word "two"

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

CARRIED (11/0)

P13/3366 - PROPOSED TWO-STOREY SINGLE HOUSE AT LOT 801 (6B) MILLINGTON STREET, ARDROSS (REC) (CONFIDENTIAL ATTACHMENT)**COUNCIL RESOLUTION (3366)****APPROVAL**

At 6.45m the Mayor submitted the substantive motion as amended –

- A) That the application for a two storey single dwelling at Lot 801 (6B) Millington Street, Ardross be approved subject to the following conditions:**

STANDARD CONDITIONS

- 1. All stormwater generated on site is to be retained on site.**
- 2. Prior to the initial occupation of the development, the surface finish of the boundary wall shall be to the satisfaction of the adjoining neighbour. In the event of a dispute, the surface finish shall be to the satisfaction of the Manager Planning & Development Services.**
- 3. 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.**

- B) That the residents who made an objection to the original proposal be notified in writing of A) above.**

At 6.45pm the Mayor declared the motion

CARRIED (11/0)

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

His Worship the Mayor advised that Items P13/3367 and P13/3370 would be regarded as Advocacy not Quasi-Judicial as noted in the Agenda.

P13/3367- PROPOSED KITE SURFING SCHOOL AT POINT WALTER, BICTON (REC)
(ATTACHMENT)

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2012-58
Property	:	Point Walter, Bicton
Proposal	:	Kite Surfing school
Applicant	:	Elemental Surf
Owner	:	State of Western Australia
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	None applicable
Responsible Officer	:	Peter Prendergast Manager Planning and Development Services

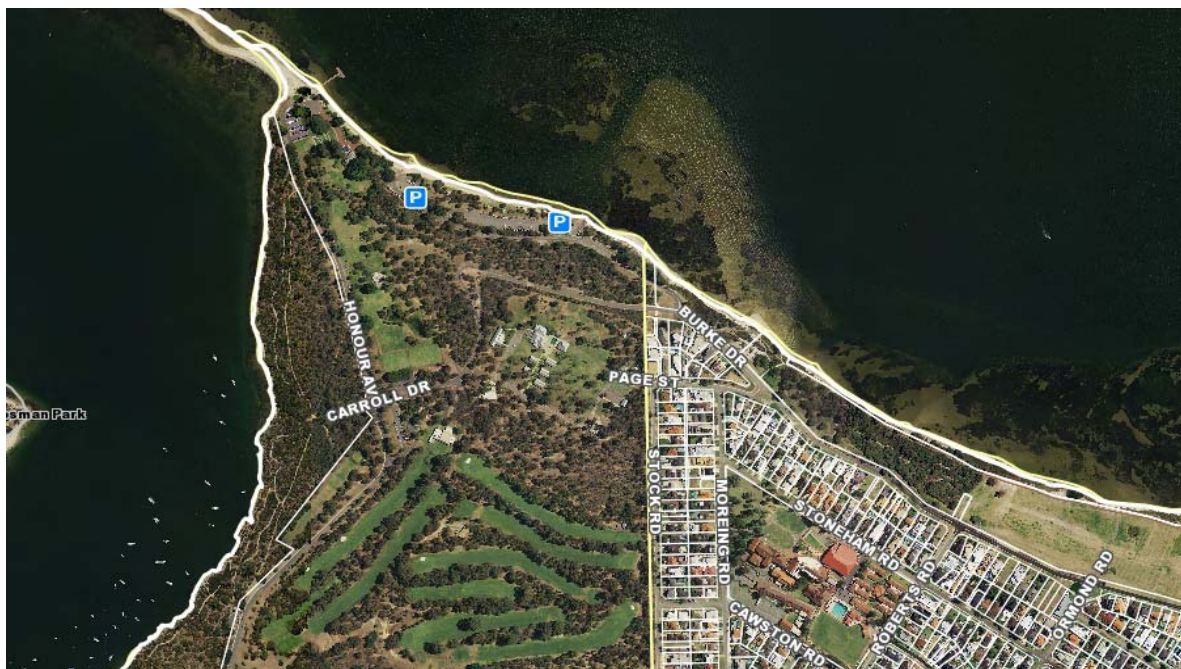
AUTHORITY / DISCRETION

DEFINITION

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

**P13/3367 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER, BICTON (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Swan River Trust (SRT) seeks the City's comments in relation to a proposed Kite Surfing School to operate at Point Walter, Bicton.
- It is proposed to operate classes where up to two instructors teach a maximum of two clients each at any one time.
- Planning approval from the City is not required pursuant to Clause 3.2 of Community Planning Scheme No. 5 (CPS5) as the activity is being undertaken within a Metropolitan Region Scheme Reserve. However, a licence and permit is required for the activity from the SRT under the *Swan and Canning Rivers Management Act 2006* and the associated Regulations.
- It is recommended that the SRT be advised that the City has no objection to the proposal, subject to the imposition of appropriate conditions.

**BACKGROUND**

In 2008, an application to conduct a paddle boarding, kite and windsurfing school with associated equipment hire at Point Walter Reserve, Melville Beach Road and Jeff Joseph Reserve, Applecross, was referred to the City of Melville by the SRT for comment. At the time of the application, the paddle boarding component was supported by the Development Advisory Unit (DAU), however limited support was provided for the kite and wind surfing components due to potential public safety and liability concerns. The SRT refused the application due to safety risks and sustainability concerns regarding the possible trampling of the shallow sediment and disturbance of wildlife within the Alfred Cove Marine Park.

**P13/3367- PROPOSED KITE SURFING SCHOOL AT POINT WALTER, BICTON (REC)
(ATTACHMENT)****Scheme Provisions**

MRS Zoning/Reservation	: 'Parks and Recreation' Reserve
CPS 5 Zoning/Reservation	: Not applicable
R-Code	: Not applicable
Use Type	: Recreation
Use Class	: Not applicable

Site Details

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

3367 Elemental Surf Letter**DETAIL**

Approval is sought from the SRT to conduct Kite Surfing lessons at Point Walter, Bicton. The application has been referred to the City by the SRT for its recommendation.

PUBLIC CONSULTATION/COMMUNICATION

The City is not required to undertake public consultation as the SRT are the determining authority for the application.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City is not required to consult with other agencies and consultants as the SRT are the determining authority.

STATUTORY AND LEGAL IMPLICATIONS

As planning approval is not required from the City, CPS5 does not prescribe any provisions relating to the assessment of the proposal, however the proposal can be assessed on its merits and as to whether it conforms with proper and orderly planning.

Under the provisions of the City of Melville Local Government Property Local Law, a permit from the City is required for the proposed business to operate. This fact will be brought to the attention of the SRT in the form of an advice note should the proposed development receive the support of the Council.

**P13/3367 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER, BICTON (REC)
(ATTACHMENT)**

The City is asked to make a recommendation to the SRT and is not the determining authority for the application. As such, there are no statutory or legal implications for the City as a result of this proposal.

FINANCIAL IMPLICATIONS

The *Local Government Property Local Law* requires a person/s to obtain a permit where they, 'carry on any trading as part of a business undertaken on local government property'. together with the payment of appropriate fees. This local law applies to the proposed business where it operates from land vested in the City of Melville.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

The City has no relevant policies in relation to the proposal.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The City is requested to provide a recommendation and comment on the application to the SRT.

The Council may recommend refusal although ultimately the final decision taken will be that of the SRT.

COMMENT

Kite surfing or kite boarding, as it's also known as, involves riding on a small surfboard that is propelled across water by a large kite to which the rider is harnessed. This sport is growing in popularity in WA due to the ideal conditions provided by the prevailing winds and the proximity to many suitable locations.

The primary site for lessons proposed by the applicant is Woodman Point in Cockburn which relies on the prevailing south/south-west wind patterns. However when the wind is not blowing from this direction, other locations become desirable. Point Walter is one of these locations as it allows kite surfing when the winds are from easterly directions. The Applicant has indicated that the location is suitable for Kitesurfing approximately every 10 days.

**P13/3367 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER, BICTON (REC)
(ATTACHMENT)**

Two instructors, teaching up to two pupils each, at any one time are proposed. The days and times of the classes are subject to weather conditions, which generally limit the start times to when the winds are favorable, however easterly winds generally prevail during the morning.

The business offers a nine hour beginner package which is split up over three lessons. The first lesson is a two hour land-based session which includes information relating to safety, setup, flying the kite and understanding the weather conditions. The other two sessions teach the rider how to fly the kite in the water and safety.

No advertising, flags or shelters are proposed.

As outlined above, there are no provisions within CPS5 or Council Policies against which the proposal must be assessed. Despite this, it is incumbent on the City to ensure that the proposal is considered in the context of orderly and proper planning, and that it is consistent with the intent of the Metropolitan Region Scheme (MRS) reservation.

Location

Point Walter is reserved for parks and recreation under the MRS. As kite surfing is a recreational activity, it is considered that the proposed use is consistent with the intent of the reserves.

Kite surfing in Western Australia is broadly guided by the WA Kite Surfing Association (WAKSA). WAKSA designates certain precincts for general use, for learning and areas of exclusion. WAKSA identifies Point Walter as a location which is '*kite-able when easterly or north easterly winds are blowing, predominantly on summer mornings*'.

The Department of Transport designates a water ski area at Point Walter which is in close proximity to the kite surfing location. However, it is noted that water skiing requires flat water and kite surfing generally requires wind at approximately 15 knots, meaning that potential conflict between the two sports is unlikely.

Benefits

It is recognised that benefits can occur as a result of recreational businesses operating within a public area. These benefits can include education, monitoring and fostering a sense of responsibility amongst other river users. Recreation businesses such as the one proposed, can also bring tourists and visitors into an area which can add to the vitality of an area and benefit other businesses such as retail and food/beverage outlets.

Car Parking

Parking is available within the public car parking areas at Point Walter Reserve. Due to Point Walter being the secondary location for the business and the low numbers of participants proposed, the car parking demands of the use will be readily absorbed by existing car parking provision.

**P13/3367 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER, BICTON (REC)
(ATTACHMENT)****Safety**

In order to address safety, the Applicant has supplied a risk assessment and a copy of their public liability insurance with the application.

It is acknowledged that the proposed business would provide education and training in the correct use of kite surfing equipment and apparatus, and inform safe and effective kite surfing practices.

With regard to safety on the river, the SRT will refer the application to the Department of Transport for their recommendation and comment prior to determining the application.

With regard to safety of land vested in, or under the care and control of the City of Melville, Point Walter is considered to be an appropriate location from a safety perspective, given the large reserve which acts as a safety buffer between kite surfers, the surrounding road network and private properties.

Environment

With regard to potential environmental implications as a result of the proposal, it is acknowledged that all recreational activities have the potential to damage vegetation and associated property within the river reserve. The proposal however, is not anticipated to have a significant adverse impact upon the environment as the activity associated with the proposal will be managed by those providing the tuition. In addition, the proposed Kite Surfing School is a low key enterprise, with a maximum of two tutors each with a maximum of two students, operating from this point less than once per week.

CONCLUSION

Based on the above, it is considered that the use of Point Walter Reserve for the purpose of conducting kite surfing lessons is acceptable and appropriate. Accordingly, it is recommended that the Swan River Trust be advised that the City of Melville has no objection to the proposal subject to conditions.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3367)**SUPPORT**

- A That the Swan River Trust be advised the City of Melville has no objection to the non exclusive use of the land proposed for kite surfing tuition at Point Walter subject to the following conditions:**

CONDITIONS:

- 1. Prior to the formal commencement of the activity, the applicant is to provide and maintain a \$20 million public liability insurance policy ('the Policy') with a reputable public insurance office to the satisfaction of the Swan River Trust.**
- 2. A maximum of six people (including instructors) are to undertake the tuition at any one time.**

**P13/3367 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER, BICTON (REC)
(ATTACHMENT)**

3. No signage, flags or the like associated with the business are to be displayed within the Point Walter Reserve.
4. No permanent shade structures associated with the business are to be erected within the Point Walter Reserve.
5. The approval period is limited to 12 months. At the expiry of the 12 month period, the Applicant is required to make a further application for approval to the Swan River Trust in order to continue to operate the business.

ADVICE NOTES

1. Under the provisions of the City of Melville Local Government Property Local Law, a permit from the City is required for the proposed business to operate. It is recommended that the applicant be advised of this requirement in order that a permit is in place prior to the commencement of the activity. The City reserves the right to withdraw any permit so issued where it sees fit to do so.

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

CARRIED EN BLOC (11/0)

**P13/3370 - PROPOSED STAND UP PADDLE BOARD LESSONS AND TOURS AT THE POINT
WALTER SPIT (REC) (ATTACHMENT)**

Ward	:	Bicton/Attadale
Category	:	Operational
Application Number	:	DA-2013-66
Property	:	Point Walter Sandbar, Bicton
Proposal	:	Paddle Board Lessons and Tours
Applicant	:	Kerry Enright
Owner	:	State of Western Australia
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Nil
Responsible Officer	:	Peter Prendergast Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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

P13/3370 - PROPOSED STAND UP PADDLE BOARD LESSONS AND TOURS AT THE POINT WALTER SPIT (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The City's comments are sought by the Swan River Trust (SRT) on a proposal for paddle boarding lessons and guided tours around the Point Walter Spit, Bicton.
- Paddle boarding involves persons standing on top of a long board and paddling with a single, long armed paddle.
- Planning approval from the City is not required in this instance pursuant to Clause 3.2 of Community Planning Scheme No. 5 (CPS5) as the activity is being undertaken within a Metropolitan Region Scheme Reserve. However, a licence and permit is required for the activity from the SRT under the *Swan and Canning Rivers Management Act 2006* and the associated Regulations.
- A maximum of four people per class or tour is proposed (including the instructor) and the classes/tours are to follow the shoreline from the Point Walter Spit to the beach located to the southeast.
- It is recommended that the SRT be advised that the City has no objection to the proposal subject to the imposition of appropriate conditions.



(Note: Red line indicates the route of the lessons and tours)

BACKGROUND

In 2008, a similar application to conduct a paddle boarding, kite and windsurfing school with associated equipment hire at Point Walter Reserve, Melville Beach Road and Jeff Joseph Reserve, Applecross was referred to the City of Melville by the SRT for comment. At the time of the application, the paddle boarding component was supported by the Development Advisory Unit (DAU), however limited support was provided for the kite and wind surfing components due to potential public safety and liability concerns. The SRT refused the application due to safety risks and sustainability concerns regarding the possible trampling of the shallow sediment and disturbance of wildlife within the Alfred Cove Marine Park.

**P13/3370- PROPOSED STAND UP PADDLE BOARD LESSONS AND TOURS AT THE POINT
WALTER SPIT (REC) (ATTACHMENT)**

Another similar application was referred to the City of Melville in 2010 proposing only paddle boarding. The City supported this application subject to the imposition of appropriate conditions. This application was ultimately approved by the SRT on 12 October 2010.

Scheme Provisions

MRS Zoning	: 'Parks and Recreation' Reserve
CPS 5 Zoning	: Not applicable
R-Code	: Not Applicable
Use Type	: Recreation
Use Class	: Not applicable

Site Details

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

[3370 SoulKite Paddle Boarding Information](#)

DETAIL

Approval is sought from the SRT to undertake paddle boarding tours and tuition in the vicinity of the Point Walter Spit. The application has been referred to the City by the SRT for its consideration and recommendation.

PUBLIC CONSULTATION/COMMUNICATION

The City is not required to undertake public consultation as the SRT are the determining authority for the application.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City is not required to consult with other agencies and consultants as the SRT are the determining authority. Notwithstanding this, the SRT have obtained comments from the Department of Transport who support the application provided the business only operates within the area stated in the application, and that all craft stay well clear of, and do not enter into, nor impede the water ski area at Point Walter, or any of the main vessel navigation channels within the area.

STATUTORY AND LEGAL IMPLICATIONS

As planning approval is not required from the City, CPS5 does not prescribe any provisions relating to the assessment of the proposal, however the application can be assessed on its merits and as to whether it conforms to proper and orderly planning.

P13/3370 - PROPOSED STAND UP PADDLE BOARD LESSONS AND TOURS AT THE POINT WALTER SPIT (REC) (ATTACHMENT)

The City is asked to make a recommendation to the SRT and is not the determining authority for the subject application. As such, there are no statutory or legal implications for the City.

FINANCIAL IMPLICATIONS

The *Local Government Property Local Law* requires a person/s to obtain a permit where they, 'carry on any trading as part of a business undertaken on local government property'. together with the payment of appropriate fees. This local law applies to the proposed business where it operates from land vested in the City of Melville.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic implications anticipated as a result of this application.

A condition of approval is recommended to require the applicant take out public liability insurance should the SRT approve the proposal.

The SRT will assess the potential environmental management implications upon the river reserve and wildlife.

POLICY IMPLICATIONS

The City has no relevant policies in relation to the proposal.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council may recommend refusal of the subject proposal to the SRT, however this is not recommended as it is considered that the proposal is of low impact.

COMMENTS

Approval is sought to undertake paddle boarding tours and tuition along the Point Walter sandbar. The application has been referred to the City for its recommendation.

Paddle boarding involves persons standing on top of a long board and paddling with a single long armed paddle. It is generally a low risk recreation activity, as the speed of the craft is dependant upon the strength and experience of the user.

A maximum of four persons (including the instructor) at any one time is proposed for both the lessons and tours. This number is proposed to allow for a suitable level of control and safety. Lessons and tours will generally be held during the week (approx four hour sessions) and occasionally on weekends, depending upon seasonal demand. No advertising, flags or shelters are proposed.

**P13/3370 - PROPOSED STAND UP PADDLE BOARD LESSONS AND TOURS AT THE POINT
WALTER SPIT (REC) (ATTACHMENT)**

As outlined above, there are no provisions within CPS5 or Council Policies against which the proposal must be assessed. Despite this, it is incumbent on the City to ensure that the proposal is considered in the context of orderly and proper planning, and that it is consistent with the intent of the Metropolitan Region Scheme (MRS) reservation.

Point Walter is reserved for parks and recreation under the MRS. As paddle boarding is a recreational activity, it is considered that the proposed use is consistent with the intent of the reserve. In addition it is recognised that benefits can occur as a result of recreational businesses operating within a public area. These benefits can include education, monitoring and fostering a sense of responsibility amongst other river users.

Notwithstanding the above, it is noted that all recreational activities have the potential to damage vegetation and associated property within the river reserve. The SRT has policies in relation to this aspect which will require assessment by them prior to their determination. It is noted however, that paddle boarding is non-motorised and is therefore a relatively low impact activity. Furthermore, the numbers of patrons that will be involved, and the number of sessions proposed, equates to a low impact activity overall.

With regard to car parking it is considered that the existing levels of car parking are sufficient to accommodate the recreational demands that are placed by users of the reserve, inclusive of the additional demands for car parking that might accrue from the subject proposal.

As outlined above, the Department of Transport have assessed the application with regards to its potential safety impacts upon other users of the river and is in support of the application. In addition, the applicant has supplied a risk assessment and a copy of their public liability insurance with the application.

Notwithstanding the above, it is acknowledged that the river foreshore is a public place and overcrowding and pressure on the infrastructure and the environment can occur. The scale of the proposed use is not expected to result in any significant adverse impacts upon the area, however to allow the potential impacts of the proposed business, in conjunction with the existing use of the Point Walter reserve to be adequately monitored, it is recommended that a condition of approval restricting the initial approval to 12 months be recommended to the SRT.

CONCLUSION

Based on the above, it is considered that the use of Point Walter Reserve for the purpose of conducting paddle boarding lessons and tours is acceptable and appropriate. Accordingly, it is recommended that the Swan River Trust be advised that the City of Melville has no objection to the proposal subject to conditions.

P13/3370 - PROPOSED STAND UP PADDLE BOARD LESSONS AND TOURS AT THE POINT WALTER SPIT (REC) (ATTACHMENT)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3370) RECOMMEND SUPPORT**

That the Swan River Trust be advised the City of Melville has no objection to the non exclusive use of the land proposed for paddle boarding lessons and tours at Point Walter subject to the following conditions:

CONDITIONS:

1. Prior to the commencement of the activity, the applicant is to provide and maintain a \$20 million public liability insurance policy ('the Policy') with a reputable public insurance office.
2. A maximum of four people (including instructors) are to undertake the tours and tuition at any one time.
3. The approval period be limited to 12 months. At the expiry of the 12 month period, the Applicant is required to make a further application for approval to the Swan River Trust in order to continue to operate the business.
4. No signage, flags or the like associated with the business are to be displayed within the Point Walter Reserve.
5. No permanent shade structures associated with the business are to be erected within the Point Walter Reserve.

ADVICE NOTES

1. Under the provisions of the City of Melville Local Government Property Local Law, a permit from the City is required for the proposed business to operate. It is recommended that the applicant be advised of this requirement in order that a permit is in place prior to the commencement of the activity. The City reserves the right to withdraw any permit so issued where it sees fit to do so.

At 6.47pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

C13/5269 - NOMINATION OF CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS FOR DEVELOPMENT ASSESSMENT PANELS (REC)

Ward : All
 Category : Operational
 Application Number : Not Applicable
 Subject Index : Development Assessment Panels
 Customer Index : Department of Planning
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P11/3261 Nomination of Replacement City of Melville Local Government Members for Development Assessment Panels – Ordinary Meeting of the Council – 17 October 2011
 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>
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C13/5269 - NOMINATION OF REPLACEMENT CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS FOR DEVELOPMENT ASSESSMENT PANELS (REC)**KEY ISSUES / SUMMARY**

- Development Assessment Panels (DAPs) commenced on 1 July 2011.
- The City of Melville's Nominated Local DAP Members are Councillors Foxton and Reynolds with Councillors Pazolli and Macphail being nominated as Alternate Local Government representatives.
- The terms of appointment will expire on 26 April 2013.
- The Department of Planning will provide training for all new DAP members following their nomination.

BACKGROUND

The *Approval and Related Reforms (No. 4) (Planning) Act 2010* was passed by Parliament in August 2010 which provided for the commencement of DAPs in WA.

DAPs are to be independent decision making bodies comprised of technical experts and elected local government representatives.

DAPs commenced on 1 July 2011. The City of Melville is part of a joint DAP called the Metro Central JDAP (JDAP) along with the local governments of Bassendean, Bayswater, Belmont, Canning, South Perth and Victoria Park.

At the Ordinary Meetings of Council held 19 April 2011 and 17 May 2011, Councillors Foxton and Halton were nominated as the Local Government representatives and Councillors Pazolli and Reynolds were nominated as Alternative Local Government representatives. Upon the retirement of Cr Halton, Cr Reynolds was nominated as a DAP Member and Cr Macphail was nominated as an Alternative Member.

The above nominated Local Government DAP Member's and Alternate Member's terms expire on 26 April 2013.

DETAIL

The terms of office will expire shortly and the Department of Planning has requested that the City provide nominations for two Members and two Alternate Members to serve for a two year term. The Minister of Planning will consider all applications and appoint all nominees for a term of up to two years expiring on 26 April 2015. Local Government representatives who have previously received training will not be required to attend further training.

Elected Members who are nominated by the City will be required to provide contact and employment details together with their curriculum vitae for consideration by the Minister.

C13/5269 - NOMINATION OF REPLACEMENT CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS FOR DEVELOPMENT ASSESSMENT PANELS (REC)**PUBLIC CONSULTATION/COMMUNICATION**

Advertising of the DAP local government nominations is not required under the *Development Assessment Regulations 2011*.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with external agencies is required.

STATUTORY AND LEGAL IMPLICATIONS

DAPs are to make decisions based upon the existing planning framework of the municipality within which the application site is located.

Where an application to review a decision made by a DAP is lodged with the State Administrative Tribunal (SAT), members of the DAP who made the decision may be called upon to represent the DAP at the SAT.

FINANCIAL IMPLICATIONS

The sitting fee for local government DAP members determining applications is \$400. Local Government DAP members will also be paid \$400 upon the completion of the required training and \$400 where they attend proceedings at the SAT in relation to a DAP decision.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The Minister for Planning must remove a DAP member if they cease to hold a position or qualification which made them eligible to sit as a DAP member.

DAP members are bound by similar requirements regarding behaviour and conflict of interest as Elected Members are, such as:

- Declare direct or indirect interest in a matter
- Not to disclose or make improper use of information acquired as a member
- Not accepting "prohibited" gifts
- Comply with the Code of Conduct
- Not to make any statement regarding the competence or honesty of a local government employee or public sector employee.

The primary risk is that the City does not nominate representatives. There are no other risks associated with this report.

C13/5269 - NOMINATION OF REPLACEMENT CITY OF MELVILLE LOCAL GOVERNMENT MEMBERS FOR DEVELOPMENT ASSESSMENT PANELS (REC)**POLICY IMPLICATIONS**

There is no Council Policy that relates to the nomination of DAP members.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Should Council fail to nominate replacement representatives, the Minister for Planning has the ability to appoint community representatives to represent Melville on the DAP. The community representatives would be selected from residents within the local government area who are considered to have relevant knowledge or experience which will enable them to represent the interests of their local community. The implications of this option is that the City of Melville and its interests will not be represented in the determination of applications by the DAP.

A DAP member may resign from office at any time by forwarding a written resignation to the Minister for Planning. The Minister can also grant a leave of absence to a DAP member.

CONCLUSION

It is recommended that Council nominate two DAP members and two Alternate DAP members.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5269)**APPROVAL**

At 6.52pm Cr Macphail moved, seconded Cr Kinnell -

That the Council:

- 1. Nominate Councillor Reynolds and Councillor Foxton as the Local Development Assessment Panel Members for the City of Melville.**
- 2. Nominate Councillor Pazolli and Councillor Robartson as the Local Development Assessment Panel Alternate Members for the City of Melville.**
- 3. That the Chief Executive Officer forward advice of the City of Melville nominees for the Local Development Assessment Panel to the Minister for Planning.**

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

CARRIED (11/0)

C13/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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KEY ISSUES / SUMMARY

- This report details the documents to which the City of Melville Common Seal has been applied for the period from 13 November 2012 up to and including 21 January 2013 and recommends that the information be noted.

C13/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Party	Description	File Reference
646	Deed of licence	Management Licence between The City of Melville and Brentwood Karoonda sporting Association Inc	2661917
676	Deed of Variation	Deed of Variation between The City of Melville and City of Melville Football Club - Extension of Licence Area	2684358
712	Sublease Melville Bowling Club	Sublease to Sky High Trapeze over land the subject of a lease between The City of Melville and Melville Bowling Club	2766120
746	Scheme Amendment 63	Community Planning Scheme Number 5 - Sign off to allow referral to Minister for Planning The Scheme number has been corrected to "5".	2646471
746	Scheme Amendment 63	Community Planning Scheme Number 5 - Sign off to allow referral to Minister for Planning	2346471
749	Withdrawal of Caveat	Withdrawal of Caveat L814631 at Lot 110, 111, 112 McCoy Street, Myaree	2888650
758	Cat Act Implementation Grant Program	Animal Control Cats - Grant Agreement	2899987

C13/5000 – COMMON SEAL REGISTER (REC)**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 2.5(2) of the Local Government Act 1995 states:

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

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

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

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members information.

C13/5000 – COMMON SEAL REGISTER (REC)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5000)****NOTING**

That the action of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 13 November 2012 up to and including 21 January 2013, be noted.

At 6.56pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of November and December 2012 and recommends that the information detailed in the report be noted.
- The Reserve Bank of Australia (RBA) 'Cash' rate cuts continues to have an impact on the City's investment earnings.
- Monthly valuations for Collateralised Debt Obligations (CDOs) shown for November 2012 are based on valuations obtained from CPG Research and Advisory as at 30 November 2012. When compared to the valuations used as at 30 June 2012 CDOs have increased in value by \$3,393,870.

Monthly valuations for Collateralised Debt Obligations (CDOs) shown for December 2012 are based on valuations obtained from CPG Research and Advisory as at 31 December 2012. When compared to the valuations used as at 30 June 2012 CDOs have increased in value by \$3,365,520.

C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (REC)

BACKGROUND

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

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

DETAIL

Summary details of investments held as at 30 November 2012 are shown in the tables below.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2012					
SUMMARY BY FUND	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 49,138,889	\$ 49,138,889	\$ 49,138,889	\$ -	0.00%
RESERVE	\$ 56,234,757	\$ 48,477,342	\$ 51,871,212	\$ 3,393,870	6.04%
TRUST	\$ 472,723	\$ 472,723	\$ 472,723	\$ -	0.00%
CRF	\$ 189,399	\$ 189,399	\$ 189,399	\$ -	0.00%
	\$ 106,035,768	\$ 98,278,353	\$ 101,672,223	\$ 3,393,870	3.20%
SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
CDO	\$ 7,850,000	\$ 92,585	\$ 3,486,455	\$ 3,393,870	43.23%
BOND	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
FRN	\$ 4,000,000	\$ 4,000,000	\$ 4,000,000	\$ -	0.00%
FRTD	\$ 3,500,000	\$ 3,500,000	\$ 3,500,000	\$ -	0.00%
TERM DEPOSIT	\$ 86,388,608	\$ 86,388,608	\$ 86,388,608	\$ -	0.00%
11AM	\$ 2,066,515	\$ 2,066,515	\$ 2,066,515	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 106,035,768	\$ 98,278,353	\$ 101,672,223	\$ 3,393,870	3.20%
SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 6,000,000	\$ 6,000,000	\$ 6,000,000	\$ -	0.00%
AA-	\$ 64,755,123	\$ 64,755,123	\$ 64,755,123	\$ -	0.00%
A+	\$ 7,600,000	\$ 7,600,000	\$ 7,600,000	\$ -	0.00%
A	\$ 10,300,000	\$ 10,300,000	\$ 10,300,000	\$ -	0.00%
A-	\$ 7,300,000	\$ 7,300,000	\$ 7,300,000	\$ -	0.00%
BBB+	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
NR	\$ 7,850,000	\$ 92,585	\$ 3,486,455	\$ 3,393,870	43.23%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 106,035,768	\$ 98,278,353	\$ 101,672,223	\$ 3,393,870	3.20%

C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (REC)

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

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 DECEMBER 2012					
SUMMARY BY FUND	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 48,841,571	\$ 48,841,571	\$ 48,841,571	\$ -	0.00%
RESERVE	\$ 54,434,757	\$ 46,677,342	\$ 50,042,862	\$ 3,365,520	6.18%
TRUST	\$ 472,723	\$ 472,723	\$ 472,723	\$ -	0.00%
CRF	\$ 191,474	\$ 191,474	\$ 191,474	\$ -	0.00%
	\$ 103,940,526	\$ 96,183,111	\$ 99,548,631	\$ 3,365,520	3.24%
SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
CDO	\$ 7,850,000	\$ 92,585	\$ 3,458,105	\$ 3,365,520	42.87%
BOND	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
FRN	\$ 4,000,000	\$ 4,000,000	\$ 4,000,000	\$ -	0.00%
FRTD	\$ 3,500,000	\$ 3,500,000	\$ 3,500,000	\$ -	0.00%
TERM DEPOSIT	\$ 81,090,683	\$ 81,090,683	\$ 81,090,683	\$ -	0.00%
11AM	\$ 5,269,198	\$ 5,269,198	\$ 5,269,198	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 103,940,526	\$ 96,183,111	\$ 99,548,631	\$ 3,365,520	3.24%
SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 6,000,000	\$ 6,000,000	\$ 6,000,000	\$ -	0.00%
AA-	\$ 65,459,881	\$ 65,459,881	\$ 65,459,881	\$ -	0.00%
A+	\$ 4,800,000	\$ 4,800,000	\$ 4,800,000	\$ -	0.00%
A	\$ 10,300,000	\$ 10,300,000	\$ 10,300,000	\$ -	0.00%
A-	\$ 7,300,000	\$ 7,300,000	\$ 7,300,000	\$ -	0.00%
BBB+	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
NR	\$ 7,850,000	\$ 92,585	\$ 3,458,105	\$ 3,365,520	42.87%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 103,940,526	\$ 96,183,111	\$ 99,548,631	\$ 3,365,520	3.24%

C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (REC)

The following statements detail the investments held by the City for the period ending 30 November 2012. Marketable investments are shown at their current estimated market value.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2012									
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	3.50%	AA-	\$510,678	\$510,678	\$510,678	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	3.75%	AA-	\$1,150,000	\$1,150,000	\$1,150,000	\$0	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	4.10%	AA-	\$2,859	\$2,859	\$2,859	\$0	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	4.10%	AA-	\$402,978	\$402,978	\$402,978	\$0	On call
					\$2,066,515	\$2,066,515	\$2,066,515	\$0	
ANZ BANK (TERM)	Very Low	TERM	Various	AA-	\$7,700,000	\$7,700,000	\$7,700,000	\$0	21-Jan-13
BANKWEST (TERM)	Very Low	TERM	Various	AA-	\$11,688,608	\$11,688,608	\$11,688,608	\$0	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$7,300,000	\$7,300,000	\$7,300,000	\$0	Various
COMMONWEALTH BANK (TERM)	Very Low	TERM	Various	AA-	\$6,000,000	\$6,000,000	\$6,000,000	\$0	Various
ING BANK (TERM)	Very Low	TERM	Various	A	\$7,900,000	\$7,900,000	\$7,900,000	\$0	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$900,000	\$900,000	\$900,000	\$0	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$9,500,000	\$9,500,000	\$9,500,000	\$0	Various
RABODIRECT (TERM)	Very Low	TERM	4.90%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	4-Apr-13
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$13,300,000	\$13,300,000	\$13,300,000	\$0	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$7,600,000	\$7,600,000	\$7,600,000	\$0	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$12,500,000	\$12,500,000	\$12,500,000	\$0	Various
					\$86,388,608	\$86,388,608	\$86,388,608	\$0	
BANK OF QUEENSLAND (FLOAT RATE TD)	Very Low	FRTD	4.87%	BBB+	\$2,000,000	\$2,000,000	\$2,000,000	\$0	30-Sep-13
ING BANK (FLOAT RATE TD)	Very Low	FRTD	5.13%	A	\$1,500,000	\$1,500,000	\$1,500,000	\$0	10-Sep-13
					\$3,500,000	\$3,500,000	\$3,500,000	\$0	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	4.56%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
COMMONWEALTH BANK (FRN)	Very Low	FRN	4.32%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	2-Aug-16
NAB (FRN)	Very Low	FRN	4.55%	AA-	\$2,000,000	\$2,000,000	\$2,000,000	\$0	21-Jun-16
					\$6,000,000	\$6,000,000	\$6,000,000	\$0	
CORSAIR (CAYMAN) KAKADU	Very High	CDO	NA	NR	\$1,500,000	\$72,363	\$346,350	\$273,987	20-Mar-14
MANAGED ACES CLASS 1A PARKES	Very High	CDO	NA	NR	\$1,050,000	\$9,874	\$105	-\$9,769	20-Jun-15
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	NA	NR	\$2,000,000	\$1	\$1,400,000	\$1,399,999	20-Sep-14
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	NA	NR	\$450,000	\$1	\$315,000	\$314,999	20-Sep-14
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	NA	NR	\$1,500,000	\$8,746	\$750,000	\$741,254	20-Sep-14
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	NA	NR	\$500,000	\$1,599	\$250,000	\$248,401	20-Jun-13
ZIRCON FINANCE MIAMI	Early Term.	CDO	NA	NR	\$850,000	\$1	\$425,000	\$424,999	20-Mar-17
					\$7,850,000	\$92,585	\$3,486,455	\$3,393,870	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	\$230,645	\$230,645	\$0	NA
TOTAL FUNDS INVESTED					\$106,035,768	\$98,278,353	\$101,672,223	\$3,393,870	

CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$6,000,000	\$6,000,000	6%	80%	
AA-	\$64,755,123	\$64,755,123	64%	80%	
A+	\$7,600,000	\$7,600,000	7%	50%	
A	\$10,300,000	\$10,300,000	10%	50%	
A-	\$7,300,000	\$7,300,000	7%	50%	
BBB+	\$2,000,000	\$2,000,000	2%	20%	
NR	\$7,850,000	\$3,486,455	3%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
TOTAL	\$106,035,768	\$101,672,223	100%		

C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (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-	7,700,000	7.57%	7.57%	20%	
BANKWEST (11AM)	11AM	AA-	510,678	0.50%		20%	
BANKWEST (TERM)	TERM	AA-	11,688,608	11.50%	12.00%	20%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	BBB+	2,000,000	1.97%	1.97%	10%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	7,300,000	7.18%	7.18%	15%	
COMMONWEALTH BANK (TERM)	TERM	AA-	6,000,000	5.90%		20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.97%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	2,000,000	1.97%	9.84%	20%	
ING BANK (TERM)	TERM	A	7,900,000	7.77%		15%	
ING BANK (FLOAT RATE TD)	FRTD	A	1,500,000	1.48%	9.25%	15%	
MACQUARIE BANK (TERM)	TERM	A	900,000	0.89%	0.89%	15%	
NAB (FRN)	FRN	AA-	2,000,000	1.97%		20%	
NAB (TERM)	TERM	AA-	9,500,000	9.34%	11.31%	20%	
RABODIRECT (TERM)	TERM	AA	2,000,000	1.97%	1.97%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	13,300,000	13.08%	13.08%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	7,600,000	7.48%	7.48%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	2,859	0.00%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	402,978	0.40%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	1,150,000	1.13%		20%	
WESTPAC (TERM)	TERM	AA-	12,500,000	12.29%	13.82%	20%	
CDO - Various	CDO		3,486,455	3.43%	3.43%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.23%	0.23%		
			101,672,223	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	49,380,967	100%	100%	
	49,380,967	100%		
RESERVE FUNDS				
< 1 year	42,634,757	82%	100%	
< 2 years	2,811,350	5%	80%	
< 3 years	105	0%	80%	
< 4 years	6,000,000	12%	40%	
< 5 years	425,000	1%	40%	
> 5 years	-	0%	20%	
	51,871,212	100%		

C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (REC)

The following statements detail the investments held by the City for the period ending 31 December 2012. Marketable investments are shown at their current estimated market value.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 DECEMBER 2012									
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	3.50%	AA-	\$513,361	\$513,361	\$513,361	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	3.75%	AA-	\$4,350,000	\$4,350,000	\$4,350,000	\$0	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	4.10%	AA-	\$2,859	\$2,859	\$2,859	\$0	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	4.10%	AA-	\$402,978	\$402,978	\$402,978	\$0	On call
					\$5,269,198	\$5,269,198	\$5,269,198	\$0	
ANZ BANK (TERM)	Very Low	TERM	4.32%	AA-	\$7,700,000	\$7,700,000	\$7,700,000	\$0	21-Jan-13
BANKWEST (TERM)	Very Low	TERM	Various	AA-	\$9,190,683	\$9,190,683	\$9,190,683	\$0	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$7,300,000	\$7,300,000	\$7,300,000	\$0	Various
COMMONWEALTH BANK (TERM)	Very Low	TERM	Various	AA-	\$6,000,000	\$6,000,000	\$6,000,000	\$0	Various
ING BANK (TERM)	Very Low	TERM	Various	A	\$7,900,000	\$7,900,000	\$7,900,000	\$0	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$900,000	\$900,000	\$900,000	\$0	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$9,500,000	\$9,500,000	\$9,500,000	\$0	Various
RABODIRECT (TERM)	Very Low	TERM	4.90%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	4-Apr-13
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$13,300,000	\$13,300,000	\$13,300,000	\$0	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$4,800,000	\$4,800,000	\$4,800,000	\$0	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$12,500,000	\$12,500,000	\$12,500,000	\$0	Various
					\$81,090,683	\$81,090,683	\$81,090,683	\$0	
BANK OF QUEENSLAND (FLOAT RATE TD)	Very Low	FRTD	4.57%	BBB+	\$2,000,000	\$2,000,000	\$2,000,000	\$0	30-Sep-13
ING BANK (FLOAT RATE TD)	Very Low	FRTD	4.66%	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	4.56%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
COMMONWEALTH BANK (FRN)	Very Low	FRN	4.32%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	2-Aug-16
NAB (FRN)	Very Low	FRN	4.31%	AA-	\$2,000,000	\$2,000,000	\$2,000,000	\$0	21-Jun-16
					\$6,000,000	\$6,000,000	\$6,000,000	\$0	
CORSAIR (CAYMAN) KAKADU	Very High	CDO	0.00%	NR	\$1,500,000	\$72,363	\$318,000	\$245,637	20-Mar-14
MANAGED ACES CLASS 1A PARKES	Very High	CDO	0.00%	NR	\$1,050,000	\$9,874	\$105	\$-9,769	20-Jun-15
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	0.00%	NR	\$2,000,000	\$1	\$1,400,000	\$1,399,999	20-Sep-14
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	\$450,000	\$1	\$315,000	\$314,999	20-Sep-14
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	0.00%	NR	\$1,500,000	\$8,746	\$750,000	\$741,254	20-Sep-14
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	0.00%	NR	\$500,000	\$1,599	\$250,000	\$248,401	20-Jun-13
ZIRCON FINANCE MIAMI	Early Term.	CDO	0.00%	NR	\$850,000	\$1	\$425,000	\$424,999	20-Mar-17
					\$7,850,000	\$92,585	\$3,458,105	\$3,365,520	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	\$230,645	\$230,645	\$0	NA
TOTAL FUNDS INVESTED					\$103,940,526	\$96,183,111	\$99,548,631	\$3,365,520	

CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$6,000,000	\$6,000,000	6%	80%	
AA-	\$65,459,881	\$65,459,881	66%	80%	
A+	\$4,800,000	\$4,800,000	5%	50%	
A	\$10,300,000	\$10,300,000	10%	50%	
A-	\$7,300,000	\$7,300,000	7%	50%	
BBB+	\$2,000,000	\$2,000,000	2%	20%	
NR	\$7,850,000	\$3,458,105	3%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	NA	NA	Council Decision
TOTAL	103,940,526	99,548,631	100%		

C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (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-	7,700,000	7.73%	7.73%	20%	
BANKWEST (11AM)	11AM	AA-	513,361	0.52%		20%	
BANKWEST (TERM)	TERM	AA-	9,190,683	9.23%	9.75%	20%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	BBB+	2,000,000	2.01%	2.01%	10%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	7,300,000	7.33%	7.33%	15%	
COMMONWEALTH BANK (TERM)	TERM	AA-	6,000,000	6.03%		20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	2.01%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	2,000,000	2.01%	10.05%	20%	
ING BANK (TERM)	TERM	A	7,900,000	7.94%		15%	
ING BANK (FLOAT RATE TD)	FRTD	A	1,500,000	1.51%	9.44%	15%	
MACQUARIE BANK (TERM)	TERM	A	900,000	0.90%	0.90%	15%	
NAB (FRN)	FRN	AA-	2,000,000	2.01%		20%	
NAB (TERM)	TERM	AA-	9,500,000	9.54%	11.55%	20%	
RABODIRECT (TERM)	TERM	AA	2,000,000	2.01%	2.01%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	13,300,000	13.36%	13.36%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	4,800,000	4.82%	4.82%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	2,859	0.00%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	402,978	0.40%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	4,350,000	4.37%		20%	
WESTPAC (TERM)	TERM	AA-	12,500,000	12.56%	17.33%	20%	
CDO - Various	CDO		3,458,105	3.47%	3.47%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.23%	0.23%		
			99,548,631	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	49,083,649	100%	100%	
	49,083,649	100%		
RESERVE FUNDS				
< 1 year	40,834,757	82%	100%	
< 2 years	2,783,000	6%	80%	
< 3 years	2,000,105	4%	80%	
< 4 years	4,000,000	8%	40%	
< 5 years	425,000	1%	40%	
> 5 years		0%	20%	
	50,042,862	100%		

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

Monthly valuations for CDOs shown are based on valuations obtained from CPG Research and Advisory (CPG) as at 31 December 2012 who in turn have obtained them from the arranging banks.

- When compared to the valuations used as at 30 June 2012, valuations obtained from CPG as at 30 November 2012 show that CDOs have increased in value by \$3,393,870.
- When compared to the valuations used as at 30 June 2012, valuations obtained from CPG as at 31 December 2012 show that CDOs have increased in value by \$3,365,520.

Former Lehman Brothers arranged CDOs proceeded to noteholder meetings in December where an agreement was reached with noteholders to unwind the CDOs, thereby giving noteholders access to the collateral for the Trustee to dispose. The Trustee has notified noteholders that this process is expected to take approximately 6-8 weeks and the final settlement amount will not be known until then.

The City in conjunction with CPG will monitor and report on further developments. The values of Lehman Brothers arranged CDOs held as at 31 December 2012 were:

- Face Value	\$ 5,300,000
- Written Down (Book) Value (30 June 2012)	\$ 10,347
- Estimated Market Value (31 December 2012)	\$ 3,140,000

C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (REC)

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 December 2012 were:

- Face Value	\$ 2,550,000
- Written Down (Book) Value (30 June 2012)	\$ 82,237
- Estimated Market Value (31 December 2012)	\$ 318,105

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 FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Corsair Cayman Kakadu Arranger: J.P. Morgan Australia \$1.5 million Maturing 20/3/14	12 credit events: ResCap, AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, 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.
Managed Aces Class Parkes 1A Arranger: Morgan Stanley \$1.05 million Maturing 20/6/15	10 credit events: ResCap, AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, CIT Group & PMI Group.	-0.8	1.1	Partial loss 41.9% (\$0.44 million) of principal has occurred. Very high likelihood of total default.

C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (REC)

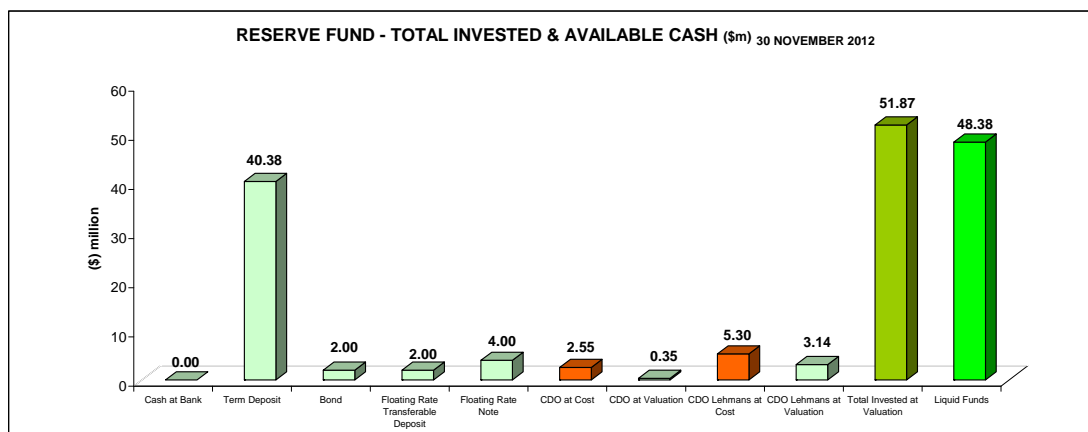
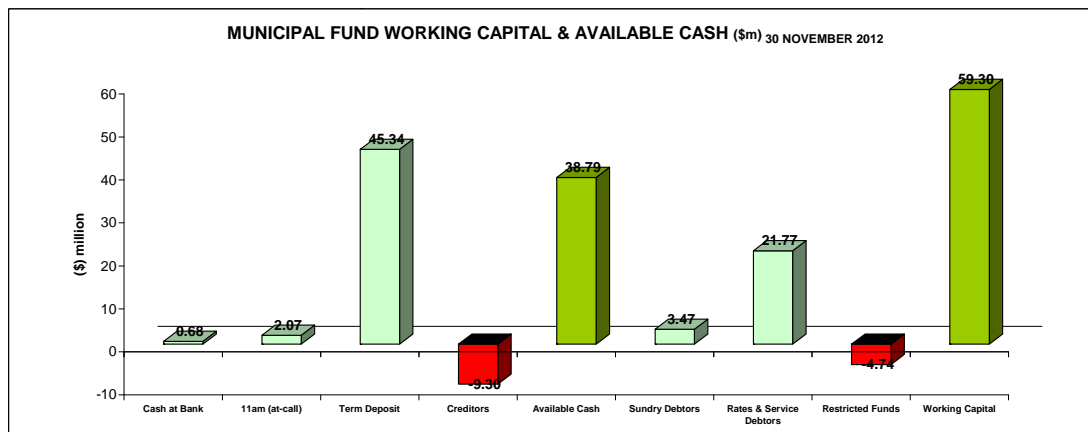
Terminated Lehman Brothers Arranged CDO Investments:

CDO Name Face Value & Maturity Date	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Beryl Finance Global Bank Note 1 & 2 \$2.45 million Terminated (20/9/14)	Nil credit events:	1	N/A	Terminated due to Lehman bankruptcy – In the process of being unwound and the Trustee disposing of the collateral.
Zircon Finance Coolangatta \$1.50 million Terminated (20/9/14)	8.0 credit events: Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group.	4.7	6.5	
Zircon Finance Merimbula A \$0.50 million Terminated (20/6/13)	8.0 credit events: Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group.	2.9	3.7	
Zircon Finance Miami \$0.85 million Terminated (20/3/17)	7.0 credit events: Ambac Assurance, Aiful, Thomson, Freddie Mac, Fannie Mae, Abitibi & CIT Group.	8.4	10.1	

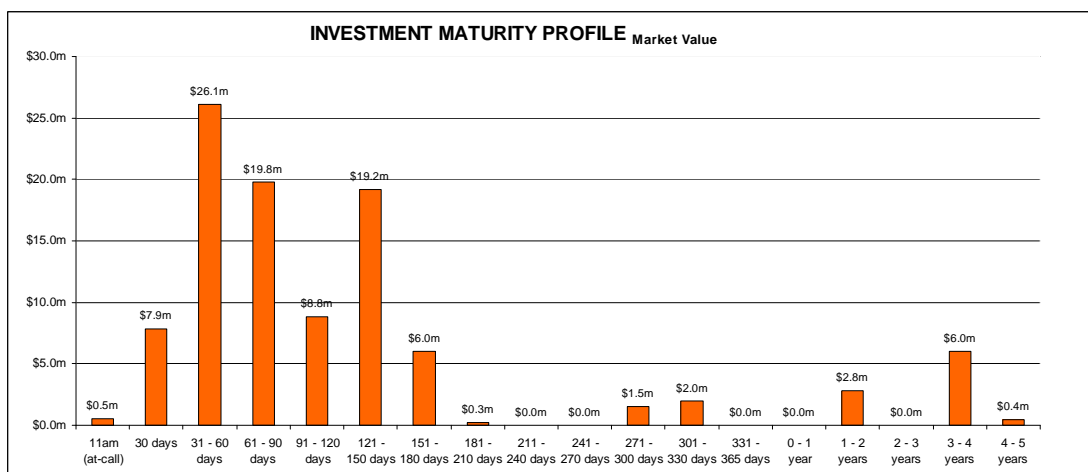
C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (REC)

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 30 November 2012.

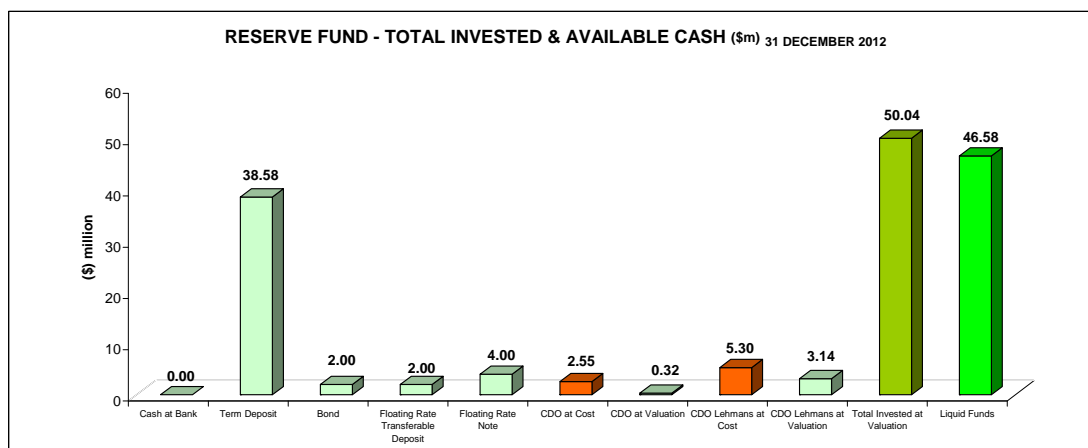
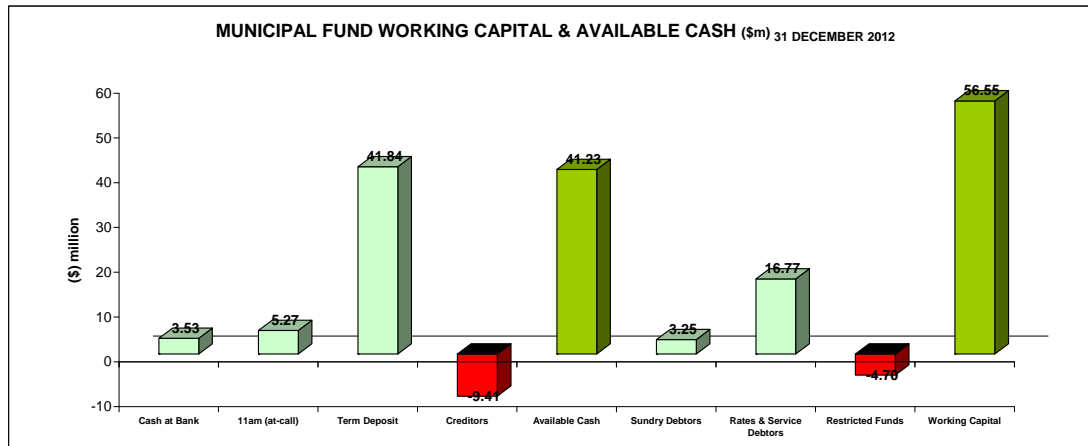


The graph below summarise the maturity profile of the City's investments at market value as at 30 November 2012.

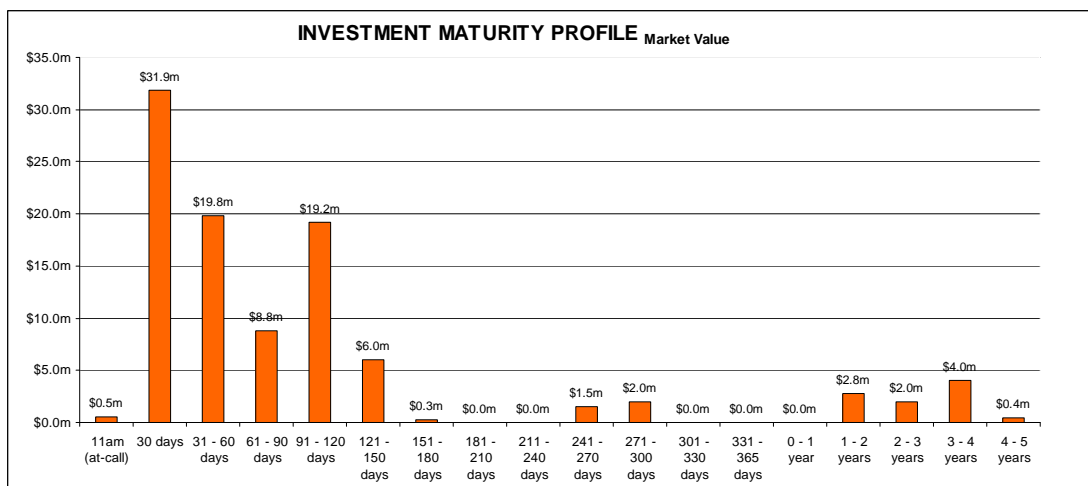


C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (REC)

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 December 2012.



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



C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (REC)**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. Piper Alderman was successful in seeking an early termination of the Lehman arranged CDOs, so that the City will now gain 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 City the legal process is lengthy and it will still be some time before certainty is achieved. A decision was handed down on the 21 September 2012 in favour of the City and 71 others against Lehman Brother's Australia.

C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (REC)**FINANCIAL IMPLICATIONS**

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

- Municipal and Trust Funds was \$793,897 against a budget of \$1,219,679. This represents a \$423,782 negative variance.
- Reserve Funds was \$1,215,736 against a budget of \$845,465. This represents a \$370,271 positive variance.

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

- Municipal and Trust Funds was \$1,049,084 against a budget of \$1,452,605. This represents a \$403,521 negative variance. The full year investment earnings budget for Municipal Funds is \$2.3 million. It is now apparent that this budget will not be achieved and this negative variance will be adjusted during the mid year budget review.
- Reserve Funds was \$1,471,527 against a budget of \$1,107,785. This represents a \$363,742 positive variance. The full year investment earnings budget for Reserve Accounts is \$2.1 million.

The City's revenue from investment earnings is expected to decrease and not meet budget in the foreseeable future, as the RBA continues to cut the 'Cash' rate and the new restrictions that have been placed by regulation that limits the type of investments in which the City is permitted to invest. As stated above the amount of Municipal and Trust investment earnings will be revised downwards during the mid year budget review.

Due to Lehman Brothers entering into Chapter 11 bankruptcy proceedings, the City has not received interest payments on the \$5.3 million face value of Lehman Brothers arranged CDOs. At this time it is understood that interest on the underlying collateral is being retained by the Trustee who has taken control of that collateral and is in the process of unwinding/disposing it. The process is expected to take approximately 6-8 weeks and the final amount which the City will received will not be known until then.

C13/6000 - INVESTMENT STATEMENTS FOR NOVEMBER AND DECEMBER 2012 (REC)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

Due to continuing credit market volatility the risks associated with the City's investment portfolio in CDOs is high. Whilst the City continues to earn and be paid interest from its 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.

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The investment report highlights that, except for the legacy CDO investments of 2007, the City's investment portfolio is invested in highly secure investments and is returning market competitive investment returns commensurate with the level of risk of the portfolio. It highlights however that Municipal Fund earnings are currently and expected to continue to be below budget due to continuing interest rates cuts and investment opportunities. The City's Lehman arranged CDO investments are in the process of being unwound, which will see the City finally getting access to its funds. The remaining two legacy CDO investments are being closely monitored by officers in conjunction with the City's investment advisors.

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

That the Investment Report for the months of November and December 2012 be noted.

At 6.56pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

**C13/6001 – SCHEDULE OF ACCOUNTS FOR NOVEMBER & DECEMBER 2012 (REC)
(ATTACHMENT)**

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Statement and Investments
Customer Index	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not Applicable
Funding	:	2012/13 Budget
Responsible Officer	:	Khris Yeoh Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents details of the payments made under delegated authority to suppliers for the month of November and December 2012 and recommends that the Schedule of Accounts be noted.

BACKGROUND

Delegated Authority DA-035 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been on-delegated to the Director Corporate Services. In accordance with Regulation 13.2 and 13.3 of the Local Government (Financial 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.

**C13/6001 – SCHEDULE OF ACCOUNTS FOR NOVEMBER & DECEMBER 2012 (REC)
(ATTACHMENT)**
DETAIL

The Schedule of Accounts for the month ending 30 November 2012 ([6001 November 2012](#)), including Payment Registers numbers, Cheques **320** to **322** and Electronic Funds Transfers **270** to **272** were distributed to the Members of Council on 1 February 2013.

Payments in excess of \$25,000 for the month of November 2012, are detailed as follows:

Supplier Name	Remittance Number	Remittance Details	Amount
AEC Systems Pty Ltd	E031922	AutoCAD 3D licences	\$35,277.00
Amcom Telecommunications	E031985	Data centre charges	\$133,467.61
Beachside Civil	Chq 051386	Sewer extension for toilet at Applecross Foreshore	\$32,506.76
Belgravia Leisure	E031716 & E031929	Golf course green fees for September & October 2012	\$53,900.00
City of Cockburn	E031857	Tip fees for October	\$192,677.51
CPD Group	E031835 & E032016	Replaced flooring at Walters River Café	\$48,331.25
Dickies Tree Service	E031634 & E031859	Tree lopping services	\$70,795.00
Dowsing Concrete	E031840 & E032028	Concrete works	\$50,287.74
Elexacom	E031733 & E031939	Electrical maintenance	\$59,740.76
Fire & Emergency Services Authority WA	E031795	ESL remittance for October	\$1,325,678.10
Flexi Staff	E031659 & E031884	Temporary employment	\$101,126.55
GHD Pty Ltd	E031768	Stage 1 Canning Bridge Structure Plan	\$29,694.50
Greenspan – MCE	E031667	Repairs to controllers	\$25,749.24
JMG Air Conditioning & Electrical Services	E031792 & E031982	Maintenance to air conditioners	\$42,537.17
LGIS Liability	E031847	Liability cover second instalment	\$316,286.07
Natural Area Management & Services	E031833 & E032015	Restoration project at Point Walter Foreshore & Glyphosate treatment at Blackwall Reach	\$35,951.74
North Lake Electrical Pty Ltd	E031771 & E031958	Upgrade power supply at Len Shearer Reserve & irrigation works	\$62,868.91
Quayclean Australia Pty Ltd	E031764	Cleaning of Melville Aquatic Fitness Centre, Melville Recreation Centre & AH Bracks Library for September	\$26,958.59
Rhysco Electrical Services	E031767 & E031954	Electrical maintenance	\$37,728.90
Robinson Buildtech	E031646 & E031870	Building maintenance	\$56,817.19
Southern Metropolitan Regional Council	E031728 & E031936	MSW disposal fee, recyclable fee and green waste gate fee for October	\$731,760.85
Supersealing	E031957	Bitumen sealing	\$77,122.28
Synergy	Chq 051132 & E031883	Electricity supply	\$453,406.62
Titan Ford	E031685 & E031902	Purchase of Ford PX Ranger Crew Cab and Kia Sorrento MY12 Wagon	\$71,755.45
T-Quip Turf Equipment Solutions	E031648 & E031872	Purchase of Toro Mower	\$35,758.90
Tree Amigos Tree Surgeons	E031763	Tree lopping services	\$90,516.42
West Coast Turf	E031674 & E031897	Turf laying	\$48,367.00
Western Australian Local Government Association	E031732 & E031938	Advertising	\$50,248.34
Western Power	Chq's 051143, 050280, 051352, 051130 & 051330	Cash call 3 for Attadale West project & Attadale North project	\$1,005,000.00

**C13/6001 – SCHEDULE OF ACCOUNTS FOR NOVEMBER & DECEMBER 2012 (REC)
(ATTACHMENT)**

DETAIL

The Schedule of Accounts for the month ending 31 December 2012 ([6001 December 2012](#)), including Payment Registers numbers, Cheques **323** to **327** and Electronic Funds Transfers **273** to **275** were distributed to the Members of Council on the 21 February 2013.

Payments in excess of \$25,000 for the month of December 2012, are detailed as follows:

Supplier Name	Remittance Number	Remittance Details	Amount
ASG Group Limited	E032376	AD & VM Upgrade	\$25,498.00
Boya Equipment	E032092	Oil filter & bearings	\$59,692.99
City of Cockburn	E032226	Waste disposal fees for November	\$162,163.99
Crabclaw Holdings	E032102 & E032245	Building maintenance	\$25,213.73
Data#3 Limited	E032117 & E032335	Office ProPlus 2010 SNGL MVL Product Code	\$281,657.19
Dickies Tree Service	E032261 & E032046	Tree lopping services	\$66,182.41
Dowsing Concrete	E032219, E032239 & E032253	Concrete works	\$56,564.72
Fire & Emergency Services Authority WA	E032186	ESL Remittance for November	\$228,843.58
Flexi Staff	E032067 & E032287	Temporary employment	\$57,623.66
GHD Pty Ltd	E032158 & E032356	Stage 2 Canning Bridge Activity Centre & Reserve groundwater investigation	\$74,998.00
JMG Air Conditioning & Electrical Services	E032183, E032251 & E032372	Maintenance to air conditioners	\$40,217.60
Landmark Engineering & Design	E032061 & E 032278	Montego shelters, garden table, benches & bin surrounds	\$39,413.00
MacDonald Johnston Engineering	E032049 & E032268	Engineering equipment	\$362,585.85
Natural Area Management & Services	E032212 & E032396	Hardscape Point Walter Foreshore & Variations to Contract Point Walter	\$104,435.90
Perfekt Pty Ltd	E032172	HUS 110 San Storage Array & Backup VDI	\$36,938.59
Programmed Maintenance Services	E032241	Erosion control at Kardinya Park	\$40,883.66
RBM Drilling	E032303	Irrigation bore to Chamberlain Park	\$25,186.15
Rhysco Electrical Services	E032156 & E032354	Electrical maintenance	\$55,000.55
Robinson Buildtech	E032055 & E032271	Building maintenance	\$37,222.92
Southern Metropolitan Regional Council	E032119 & E032231	MSW disposal fee, recyclable fee & green waste gate fee for November	\$1,107,362.84
Staples Australia Pty Limited	E032075 & E032294	Office & stationery supplies	\$35,234.56
Synergy	E032066 & E032286	Electricity supply	\$45,247.14
Titan Ford	E032087 & E032305	Purchase of two Ford PX Ranger Crew Clubs, Ford PX Ranger and Ford FG Falcon Ute	\$132,537.97
Total Eden	E032088 & E032306	Watering system services	\$25,336.62
T-Quip Turf Equipment Solutions	E032057 & E032273	Turf equipment	\$71,961.97
Tree Amigos Tree Surgeons	E032153 & E032351	Tree lopping services	\$25,037.10

**C13/6001 – SCHEDULE OF ACCOUNTS FOR NOVEMBER & DECEMBER 2012 (REC)
(ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2012/13 Budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

**C13/6001 – SCHEDULE OF ACCOUNTS FOR NOVEMBER & DECEMBER 2012 (REC)
(ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6001)****NOTING**

At 6.56pm Cr Willis moved, seconded Cr Kinnell -

That the Schedule of Accounts for the month ending 30 November 2012 and 31 December 2012, as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment 6001 November 2012 and 6001 December 2012 be noted.

At 6.56pm the Mayor submitted the motion, which was declared

CARRIED ON BLOC (11/0)

C13/6002 – FINANCIAL STATEMENTS FOR NOVEMBER & DECEMBER 2012 (AMREC)
(ATTACHMENTS)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- This report presents the Financial Statements for the financial year, period ending 30 November and 31 December 2012 and recommends that they be noted by Council.
- This report presents the budget amendments made for the month of November and December 2012 and recommends that they be adopted by Absolute Majority decision of Council.
- This report presents the variances for the month of November and December 2012 and recommends that they be noted by Council.

C13/6002 – FINANCIAL STATEMENTS FOR NOVEMBER & DECEMBER 2012 (AMREC)
(ATTACHMENTS)

BACKGROUND

The Financial Statements for the financial year period ending 30 November and 31 December 2012 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996.

DETAIL

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

For the period 1 July 2012 to 30 November 2012, a net operating positive variance of \$5,106,833 and a net capital positive variance of \$106,213 were recorded.

For the period 1 July 2012 to 31 December 2012, a net operating positive variance of \$6,782,427 and a net capital positive variance of \$4,057,469 were recorded.

The mid year budget review will be undertaken in January 2013 based on figures available as at 31 December 2012. During this process, budget responsible officers will have the opportunity to either rephase their budgets or identify any potential savings or over expenditures in their budgets.

Variances

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

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2012								
	November Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$	Current Commitments \$
Revenues								
Governance	275,320	597,970	1,337,983	740,013	124%	1,309,100	1,309,100	(323)
Community Amenities	77,865	15,797,500	15,743,412	(54,088)	0%	16,669,400	16,699,400	-
Recreation and Culture	658,337	3,652,164	3,830,116	177,952	5%	8,840,659	9,050,669	-
Transport	151,700	4,458,853	3,192,847	(1,266,007)	-28%	4,897,541	5,425,075	-
Other Property and Services	(44,694)	526,754	210,634	(316,119)	-60%	387,618	740,390	42,316
	1,994,875	37,449,828	36,779,928	(986,019)	-2%	48,956,270	50,077,086	41,993
Expenses								
Governance	(1,769,479)	(7,691,819)	(8,082,252)	(390,433)	5%	(16,062,578)	(16,252,571)	(891,415)
General Purpose Funding	(32,368)	(3,636,283)	(2,086,279)	1,550,003	-43%	(6,575,980)	(6,575,980)	(68,145)
Law, Order, Public Safety	(278,079)	(1,526,867)	(1,387,857)	139,009	-9%	(3,723,487)	(3,774,123)	(53,258)
Health	(68,970)	(425,034)	(371,484)	53,550	-13%	(1,035,558)	(1,006,004)	(21,288)
Education & Welfare	(364,423)	(2,294,423)	(2,046,818)	247,605	-11%	(5,463,762)	(5,583,302)	(174,280)
Community Amenities	(1,420,855)	(8,362,470)	(7,281,854)	1,080,617	-13%	(19,172,687)	(19,791,341)	(994,565)
Recreation and Culture	(2,078,726)	(11,349,201)	(10,466,883)	882,318	-8%	(26,840,555)	(27,080,856)	(1,344,259)
Transport	(823,181)	(4,124,951)	(3,475,797)	649,154	-16%	(9,897,362)	(9,803,647)	(458,451)
Other Property and Services	(301,888)	(2,090,256)	(1,400,129)	690,127	-33%	(3,193,363)	(3,297,226)	(164,802)
	(7,098,106)	(41,574,166)	(36,704,637)	7,991,977	-12%	(92,121,666)	(93,331,383)	(4,227,495)

Revenue

\$52.35m in Rates was raised to 30 November 2012. This is compared with a year to date budget of \$52.39m, resulting in a slight negative variance of \$32,327.

C13/6002 – FINANCIAL STATEMENTS FOR NOVEMBER & DECEMBER 2012 (AMREC)
(ATTACHMENTS)

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2012								
	December Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$	Current Commitments \$
Revenues								
Governance	35,133	1,140,083	1,373,098	233,015	20%	1,309,100	1,749,633	(190)
General Purpose Funding	1,978,450	10,230,850	11,666,654	1,435,804	14%	13,844,420	14,083,635	-
Community Amenities	228,949	15,881,700	15,972,361	90,661	1%	16,669,400	16,699,400	-
Transport	212,598	4,608,615	3,405,445	(1,203,170)	-26%	4,897,541	5,425,075	-
Other Property and Services	37,420	943,643	248,054	(695,589)	-74%	387,618	827,475	25,702
	3,182,616	40,033,431	39,962,551	(766,470)	0%	48,956,270	50,843,919	25,512
Expenses								
Governance	(981,824)	(10,281,695)	(9,064,076)	1,217,619	-12%	(16,062,578)	(17,576,163)	(804,423)
General Purpose Funding	(2,398,607)	(4,599,081)	(4,484,887)	114,195	-2%	(6,575,980)	(6,815,195)	(54,106)
Law, Order, Public Safety	(270,252)	(1,884,529)	(1,658,110)	226,419	-12%	(3,723,487)	(3,773,370)	(52,237)
Health	(72,636)	(503,152)	(444,120)	59,032	-12%	(1,035,558)	(1,006,721)	(17,726)
Education & Welfare	(420,531)	(2,689,142)	(2,467,349)	221,793	-8%	(5,463,762)	(5,461,035)	(166,668)
Community Amenities	(1,807,376)	(10,167,960)	(9,089,229)	1,078,731	-11%	(19,172,687)	(19,783,997)	(1,056,996)
Recreation and Culture	(1,771,183)	(13,572,103)	(12,238,066)	1,334,038	-10%	(26,840,555)	(27,050,855)	(1,220,665)
Transport	(777,389)	(5,011,857)	(4,336,088)	675,769	-13%	(10,003,523)	(9,919,623)	(569,229)
Other Property and Services	(88,533)	(1,552,751)	(1,488,669)	64,082	-4%	(3,193,363)	(2,584,160)	(146,199)
	(8,591,546)	(50,284,857)	(45,296,190)	6,500,982	-10%	(92,121,667)	(94,017,645)	(4,088,774)

Revenue

\$52.40m in Rates was raised to 31 December 2012. This is compared with a year to date budget of \$52.41m, resulting in a slight negative variance of \$10,214.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for November and December 2012.

Budget Amendments

Details of Budget Amendments requested for the month of November and December 2012 are shown in attachment [6002J November 2012](#) and [6002J December 2012](#). These amendments have been carried out to reflect the appropriate responsible officers and the re-allocation of budgets between cost account numbers.

C13/6002 – FINANCIAL STATEMENTS FOR NOVEMBER & DECEMBER 2012 (AMREC)
(ATTACHMENTS)

Rates Collections and Debtors

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

Rates, Refuse & Fire and Emergency Service Authority payments totalling \$1,784,281 were collected over the course of the month. Rates collection progress for the month of November was 0.8% above target. As at 30 November 2012, 76.8% of 2012/13 rates had been collected which compares favourably to the 75.8% collected this same time last year.

Total sundry debtor balances decreased by \$119,155 over the course of the month. The 90+ day's debtor balance increased by \$1,260.

Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$3,693,729 were collected over the course of the month. Rates collection progress for the month of December was on target. As at 31 December 2012, 80% of 2012/13 rates had been collected.

Total sundry debtor balances decreased by \$106,292 over the course of the month. The 90+ day's debtor balance decreased by \$188,266.

Granting of concession or writing off debts owed to the City

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

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

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

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

C13/6002 – FINANCIAL STATEMENTS FOR NOVEMBER & DECEMBER 2012 (AMREC)
(ATTACHMENTS)**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

Local Government (Financial 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.

**C13/6002 – FINANCIAL STATEMENTS FOR NOVEMBER & DECEMBER 2012 (AMREC)
(ATTACHMENTS)**

The variance adopted by the Council at its Special meeting held on 26 June 2012 to adopt the 2012/13 Budget, was 10% or \$50,000 whichever is greater.

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

FINANCIAL IMPLICATIONS

Variances are dealt with in attachment [6002H November 2012](#) and [6002H December 2012](#) (Notes on Operating Statements reporting on variances of 10% or greater).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 November and 31 December 2012.

**C13/6002 – FINANCIAL STATEMENTS FOR NOVEMBER & DECEMBER 2012 (AMREC)
(ATTACHMENTS)**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)
ABSOLUTE MAJORITY APPROVAL**

At 6.56pm Cr Willis moved, seconded Cr Kinnell -

That the Council:

- Note the Rate Setting Statement and Statements of Financial Activity for the financial year period ending 30 November and 31 December 2012 as detailed in the following attachments:**

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

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

At 6.56pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

P13/3371 - ADOPTION OF OUTDOOR ADVERTISEMENTS AND SIGNAGE POLICY FOR PUBLIC CONSULTATION (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Application Number : Not applicable
 Property : Not applicable
 Proposal : Adoption of Outdoor Advertisements and Signage Policy for Public Consultation
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P11/3210 – Stage Four Review of Urban Planning Policies (Ordinary Meeting of Council 17 May 2011)
 Responsible Officer : Peter Prendergast
 Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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

P13/3371 - ADOPTION OF OUTDOOR ADVERTISEMENTS AND SIGNAGE POLICY FOR PUBLIC CONSULTATION (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows Council to prepare and adopt planning policies and undertake regular policy reviews.
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when under review in the State Administrative Tribunal.
- At the Ordinary Meeting of Council on 17 May 2011, the Council adopted a draft Outdoor Advertisements and Signage policy for public consultation. This policy was advertised and no submissions were received, however upon further review by Officers, it was determined that further research and amendments were required prior to formal adoption of the policy by Council.
- The draft policy has been amended to be clearer in its intent and to also cover a wider range of temporary signage including Election and Community Service signs.
- As the proposed amendments affect the application and intent of the policy, CPS5 requires that the draft Policy be advertised for public comment again prior to final adoption by Council.
- It is recommended that Council adopt the revised 'Outdoor Advertisements and Signage' policy for public consultation in accordance with Clause 9.6(b) of CPS5 for a period of 21 days.

BACKGROUND

At the Ordinary Meeting of Council on 17 May 2011, Council adopted a draft Outdoor Advertisements and Signage policy for public consultation. The policy was subsequently advertised in a local newspaper and on the City's website for a period of 21 days. No submissions were received.

Upon further review of the Policy following advertising, it was determined that further research and modification was required prior to final Council adoption.

DETAIL

The purpose of the policy is to encourage good quality, well considered advertising signage within the City of Melville. The policy provides criteria against which all applications for the display of signage will be assessed.

PUBLIC CONSULTATION/COMMUNICATION

Public consultation is required for all Council planning policies which are non-operational in nature in accordance with Clause 9.6 of CPS5. The modified policy will, subject to Council resolution, be advertised pursuant to Clause 9.6 of CPS5 via a notice in a local newspaper and on the City's website.

P13/3371 - ADOPTION OF OUTDOOR ADVERTISEMENTS AND SIGNAGE POLICY FOR PUBLIC CONSULTATION (REC) (ATTACHMENT)**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

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

STATUTORY AND LEGAL IMPLICATIONS

At present the City does not have a planning policy relating to the assessment of signage, however there is an existing *Signs, Hoardings and Bill Postings Local Law 1984*.

The draft policy conflicts with the existing *Signs, Hoardings and Billposting Local Law 1984*, particularly in relation to the development standards relating to the number, location and size of individual signs. The development standards in the Local Law are considered to be outdated and in many cases permit signage of a much greater size and number than is currently considered appropriate for many areas of the City of Melville.

Under CPS5 and the existing Local Law, Planning Approval and a the issue of a Sign Licence are both required before a sign can be legitimately erected within the City. At present, an assessment is made as to the number, location and size of the individual signs, as well as their potential amenity impacts, as part of both the Sign Licence and Planning Approval process. The only point of difference between the two assessments relates to the fixing and structural integrity of the signs under the Local Law, however Building Services can issue Building Licences relating to this under the Building Act 2011, as opposed to the Local Law. Consequently, prior to the final adoption of the draft policy, it is recommended that the Council review the need for the Local Law, with a view to removing the duplication between the two assessments.

FINANCIAL IMPLICATIONS

There are no significant financial implications which result from this report other than advertising costs for consultation purposes.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

As the City currently does not have a planning policy relating to the assessment of signage, all current applications are being assessed on their merits in relation to the impact upon adjoining properties and the streetscape. The proposed policy will provide greater guidance to both Applicants and Council Officers assessing the applications as to what is acceptable. Furthermore, once finally adopted by the Council, the policy will in effect carry a similar power and weight to CPS5.

P13/3371 - ADOPTION OF OUTDOOR ADVERTISEMENTS AND SIGNAGE POLICY FOR PUBLIC CONSULTATION (REC) (ATTACHMENT)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The Council can request further changes to the policy prior to advertising, or, alternatively, resolve not to adopt the draft policy for advertising, however this is not recommended as a policy is required to aid the assessment of signage applications.

COMMENTS

The proposed policy provides different criteria for the assessment of signage on Residential, Commercial and Mixed Use properties.

At present, it is considered that signage located within commercial areas is often ad-hoc, dominant and detrimental to the streetscape. The intention of the proposed policy is to encourage the display of good quality advertising, which is designed to relate well in terms of scale and visual impact to the use, or activity it will serve and support. The policy will encourage the rationalisation of existing signage and will limit the number and size of signs capable of being displayed.

Where the standards of the policy are not met, performance criteria are provided in Part 8 of the policy which are to be considered in the determination of the planning approval.

The proposed policy also allows the City to request the submission of a signage Strategy where planning approval is sought for the construction of a commercial building or where substantial additions are being undertaken to an existing commercial building. This will allow the City to undertake a considered approach to the display of signage over the entire site and all subsequent applications for the display of signage on the site will be required to be in accordance with the approval signage strategy.

CONCLUSION

It is recommended that the Council adopt the proposed draft Outdoor Advertisements and Signage policy for public consultation. Following public consultation the policy will be represented to the Council for final adoption taking into account any submissions received.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3371)**ADOPTION**

At 6.57pm Cr Reidy moved, seconded Cr Robartson -

That the Council resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the Outdoor Advertisements and Signage Policy for public consultation via a notice placed in a local newspaper and on the City of Melville website for a period of 21 days.

3371 Outdoor Advertisements and Signage Policy

At 6.57pm the Mayor submitted the motion, which was declared

CARRIED (11/0)

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15. EN BLOC ITEMS

At 6.58pm moved Cr Willis, seconded Cr Reidy -

That the recommendations for items P13/3365, P13/3367, P13/3370, C13/5000, C13/6000, C13/6001 be carried En Bloc.

At 6.58pm the Mayor submitted the motion, which was declared **CARRIED (11/0)**

16. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

17. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

At 6.58pm Cr Robartson moved, seconded Cr Hill –

That the meeting be closed to the public to permit discussion on a confidential matter, Confidential Item T13/3363 – The Esplanade Mount Pleasant: Footpath Encroachment, House Numbers 203 and 201A covered under Section 5.23(2)(c) and (e) of the Local Government Act 1995 relating to a contract that the City may enter into and the report contains information of a commercial value to a person.

At 6.58pm the Mayor submitted the motion, which was declared **CARRIED (11/0)**

CONFIDENTIAL ITEM - T13/3363 – THE ESPLANADE MOUNT PLEASANT: FOOTPATH ENCROACHMENT, HOUSE NUMBERS 203 AND 201A (AMREC)

COUNCIL RESOLUTION (3363)

At 7.01pm Cr Reidy moved, seconded Cr Willis –

That the Recommendation for Confidential item T13/3363 – The Esplanade Mount Pleasant: Footpath Encroachment, House Numbers 203 and 201A be moved to Confidential Attachment “A”.

At 7.02pm the Mayor submitted the motion, which was declared **CARRIED (11/0)**

Reasons for Amendment

The Officer Recommendations provide information of value to other persons and should remain confidential until the conclusion of the negotiations on both properties.

**CONFIDENTIAL ITEM - T13/3363 – THE ESPLANADE MOUNT PLEASANT:
FOOTPATH ENCROACHMENT, HOUSE NUMBERS 203 AND 201A (AMREC)****Amendment 1**

At 7.14pm Cr Pazolli moved, seconded Cr Barton Amendment 1 to Confidential Attachment "A".

At 7.18pm before the Amendment was voted on it was withdrawn by Cr Pazolli and Cr Barton.

Footnote

A copy of the withdrawn Amendment 1 is contained in Confidential Attachment "A".

OFFICER RECOMMENDATION (3363)

At 7.18pm Cr Macphail moved, seconded Cr Reidy

That by absolute majority decision the Officer Recommendation contained in Confidential Attachment "A", be approved.

Amendment 2

At 7.18pm Cr Pazolli moved, seconded Cr Barton Amendment 2 to Confidential Attachment "A".

At 7.18pm the Mayor submitted the amendment, which was declared

CARRIED (11/0)

Footnote

A copy of the Amendment and reasons for the Amendment are contained in Confidential Attachment "A".

COUNCIL RESOLUTION (3363)**ABSOLUTE MAJORITY**

At 7.18pm the Mayor submitted the confidential substantive motion, as amended -

That by absolute majority decision the *amended* Officer Recommendation contained in Confidential Attachment "A", be approved.

At 7.28pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (8/3)

Cr Kinnell requested that the votes be recorded –

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

Against: Cr Kinnell, Cr Pazolli, Cr Taylor-Rees.

Footnote

Confidential Attachment "A" will be distributed to Elected Members on Friday, 22 February 2013 under confidential Cover.

At 7.29pm Cr Macphail moved, seconded Cr Kinnell -

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

At 7.28pm the Mayor submitted the motion, which was declared

CARRIED (11/0)

No members of the public returned to the meeting.

18. CLOSURE

There being no further business to discuss His Worship the Mayor declared the meeting closed at 7.29pm.