



— *City of* —
Melville

MINUTES

OF THE

ANNUAL GENERAL MEETING OF ELECTORS

HELD IN THE

CONFERENCE ROOM, MELVILLE CIVIC CENTRE

AT 6.30PM ON

25 NOVEMBER 2009

DISTRIBUTED: 11 DECEMBER 2009



— City of —
Melville

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MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON WEDNESDAY 25 NOVEMBER 2009.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6.30 pm.

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 meeting within this forum.

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Cr R Subramaniam Deputy Mayor
Cr N Pazolli, Cr P Reidy
Cr A Ceniviva, Cr A Nicholson
Cr C Robartson (from 7.02pm)
Cr G Wieland, Cr J Barton
Cr B Kinnell
Cr M Reynolds, Cr N Foxtan

WARD

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

3. IN ATTENDANCE**POSITION TITLE**

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Mr S Cope	Director Urban Planning
Ms C Young	Director Community Development
Mr J Christie	Director Technical Services
Ms K Johnson	Executive Manager Organisational Development
Mr L Hitchcock	Executive Manager Legal Services
Ms L Reid	Manager Community Services
Ms L Hartill	Manager Neighbourhood Development
Mr T Cahoon	Manager Health & Lifestyle Services
Mr B Dawkins	Manager Neighbourhood Amenity
Mr J Cameron	Executive Engineer
Mr I Davis	Manager Parks & Environment
Mr L Bosworth	Manager Operations
Mr D Vinicombe	Manager Planning & Development Services
Ms K Davis	Manager Strategic Planning
Mr W Thornton	Civic Facilities and Protocols Coordinator
Mr P McLoughlin	Civic Facilities Officer
Mr B Taylor	Manager Information, Technology & Support
Mr J Clark	Governance & Compliance Program Manager
Ms D Beilby	Minute Secretary

There were 25 Electors of the City of Melville and 1 member from the press in attendance.

3. APOLOGIES

Mr Harvey Everett, Ardross

4. LEAVE OF ABSENCE

Cr Halton

5. INTRODUCTION OF ELECTED MEMBERS AND OFFICERS

His Worship the Mayor, R Aubrey, introduced individual Elected Members and Senior Staff to the meeting and advised that the City's Management Team were in attendance and would be available to meet electors after the meeting.

6. BUSINESS**6.1 NOTICE OF ANNUAL GENERAL MEETING OF ELECTORS**

The following Notice of Meeting was advertised in the West Australian Newspaper on Saturday 7 November 2009 and the Melville Times Community Newspaper on Tuesday 10 November 2009 in addition to being displayed on public notice boards at all City of Melville libraries and the Civic Centre. The notice read:

ANNUAL GENERAL MEETING OF ELECTORS

Electors are invited to the Annual General Meeting of Electors that will be held on **Wednesday 25 November 2009** in the Conference Room of the **Civic Centre, 10 Almondbury Road, Booragoon** commencing at **6.30pm**.

Order of Business

1. To receive the Annual Report for the year ended 30 June 2009
2. Presentation on the International Liveable Communities Awards achieved by the City in October 2009
3. General Business

The Elected Members and staff welcome your questions regarding the City of Melville, the Annual Report or any matter relating to the Notice of Meeting. A question form can be obtained from the City of Melville website www.melvillecity.com.au or please contact Denise Beilby on 9364 0607 for alternative arrangements.

In order for complex questions to be answered at the meeting, questions must be received by **5.00pm** on **Monday 23 November 2009**.

Copies of the Annual Report will be available for inspection from **Friday 20 November 2009** at the **Melville Civic Centre** and all City of Melville Libraries. A copy will also be available on the City of Melville website.

**DR SHAYNE SILCOX
CHIEF EXECUTIVE OFFICER**

His Worship the Mayor read out the Manner of Conduct of the Meeting.

6.2 MANNER OF CONDUCT OF THE MEETING

1. It is a requirement to advise that in the event of an emergency, everyone should take direction from officers who will guide you to the exit points of the building
2. Toilets are located immediately before the entry to the Council Chambers.
3. All present are required to sign the attendance register at the entry to the Conference Room.
4. Speakers must be Electors of the City of Melville.
5. The proceedings are being taped for the purpose of production of the minutes and speakers are requested to use the microphones each time they speak.
6. No other audio or visual recording is to be undertaken without the permission of the Presiding Member.
7. Speakers are asked to clearly give their name and address each time they speak.
8. Upon a motion being proposed, each speaker is to address the Chair.
9. All addresses are to be limited to a maximum of five (5) minutes. Extension of time is permissible only with the agreement of a simple majority of Members present (9.6 of Standing Orders).
10. No persons are to use offensive or objectionable expressions in reference to any Member, employee of the Council, or any other person (8.3 of Standing Orders).
11. All Elected Members and Directors attend this meeting to observe the proceedings and hear comments from Electors. All questions and comments should be directed to the Mayor who may invite a response from the Chief Executive Officer, Presiding Members of Committees, Directors or Elected Members.
12. The minutes of this meeting are expected to be available by Friday 4 December 2009.

7. PRESENTATION OF ANNUAL REPORT INCLUDING FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2009

His Worship the Mayor, R Aubrey, advised that copies of the Annual Report had been circulated and had been available on request from City of Melville, libraries and the Internet.

His Worship the Mayor addressed the meeting.

Mayor's Address

The Chief Executive gave a brief address to the meeting -

Chief Executive Officer's Address

The Mayor called for a mover and seconder to receive the Annual Report.

Dr Cecil Walkley of Bicton moved, seconded Mr Richard Hill of Alfred Cove -

That the Annual Report for the Year Ended 30 June 2009 be received.

The Mayor submitted the motion which was declared **CARRIED**

The Director Community Development, Christine Young provided a brief presentation on the Liveable Communities Award.

Cr Robartson entered the meeting at 7.02pm.

8. GENERAL BUSINESS

His Worship the Mayor, R Aubrey, invited written questions to be read out for response.

8.1 Mr & Mrs I & N Nielsen, Booragoon

Re: Myaree Substation

In early April 2009 neighbouring residents of the Myaree substation in Booragoon received written notification from Western Power that they had purchased adjacent properties (one being residential) and would commence expansion of the substation in 2011. No further details were supplied by Western Power.

City Ward councillors' response to our enquiry regarding this was 'We have not heard of the plans as yet. We are looking into it and will advise.'

On May 17 2009, the CEO, the Mayor and the two City Ward Councillors were notified of our concerns. Copies of our detailed submission which we had sent to the Minister for Energy, the Premier and other relevant Ministers of the Crown were included. These submissions listed our objections to increasing this small substation (located in the midst of prime residential properties) into an industrial sized one.

With the exception of a very brief note from the Mayor on August 3, 2009, we have not received any replies despite specifically asking for assistance from the City on this matter.

It should be noted that we (the residents) have been and still are in extensive communication with the Premier and the relevant Ministers as well as government departments, all assisting us in dealing with this matter.

Notwithstanding that the City is still to receive a formal Development Application from Western Power, which is a different process and irrelevant to the issue of communication with ratepayers, we raise the following questions.

Q8.1.1 *Would the City please explain why we have not received any replies to our concerns?*

Q8.1.2 *As residents are expressing concern over the City's handling of this matter would the Councillors clearly state how they propose to reassure the residents that their interests are being met?*

The City is reminded that on November 26, 2009 Western Power will be conducting a Community Contact session regarding power supply and the network, which goes well beyond the proposed Myaree substation expansion issue, and we are concerned that important issues will be glossed over yet again.

Response Director Urban Planning

A8.1.1 *A letter has been sent to Mr and Mrs Nielsen on 11 August 2009 explaining that no application has been received and that if one is received, it will involve consultation.*

A8.1.2 As indicated above, any application will involve public consultation. Following this consultation, a report on the matter can be referred to Council for consideration of a recommendation to the Western Australian Planning Commission - the decision maker on these types of applications. Further, Council's assessment of the application will look at the need for the expanded facilities and investigate other options to improve the reliability of power supply in the Myaree, O'Connor and Bicton areas.

8.2 Mr. M Guthrie, Bicton

Re: Intersection Corner Point Walter Road and Crewe/Milne Streets

Houses on the western side of Point Walter Road at this intersection are approx 2 metres below the crown of Point Walter Road level. Recently a car travelling in westerly direction down the hill of Milne St at speed, crossed Point Walter Road, became airborne and crashed into the house opposite. I have been advised that a similar incident occurred several years ago, but on the opposite side of Crewe Street (ie No. 18)

Q8.2.1 *Will the City erect crash barriers at this intersection to protect residents from future crashes? if not, why not ?*

Q8.2.2 *Will the Cities Planning Dept allow the owners of these properties to build substantial solid boundary walls (eg 2m high limestone block walls) for protection against any future such incidents ?. If not, why not?*

This question is in response to verbal advice received from one of the Cities Planning Officers that such a boundary wall would not be permitted.

Response Director Technical Services

A8.2.1 The incident which occurred in the early hours of Saturday, 20 June 2009 involved a vehicle travelling west on Reserve St at speed and failing to negotiate the intersection of Point Walter Road and Reserve Street. This did not occur at the intersection of Point Walter Road and Milne Street. The City understands that the crash was the result of driver error, distraction, fatigue and possible alcohol.

Following a request from the owners of House No 11 to install a Hazard Board (that would define the termination of Reserve Street), the City contacted Main Roads WA with the request to install the following:

- (a) Stop sign at the intersection of Reserve St & Point Walter Rd
- (b) A hazard board at the head of the T-intersection
- (c) The replacement of a T-intersection ahead advance warning sign on the top of the crest in Reserve St.
- (d) Replacement of Give Way signage at the intersection of Point Walter Rd and Crewe Street

In addition, a review of the street lighting was undertaken, with the result that three new street lights have been installed. Rather than the installation of a guard rail on the north west corner of the intersection, the City had undertaken to plant out the verge/ nature strip on the eastern side of House No 11 with medium shrubs.

The City is not planning to install guard rails on either side of the intersection of Point Walter Road and Crewe Street as it considered that the action taken to date should reduce the risk of this type of accident happening again in the future.

Response Director Urban Planning (2)

A8.2.2 The Residential Design Codes provide for a maximum fence height of 1.2m to apply to primary streets (Crewe Street) so as to preserve streetscapes and promote public surveillance from private property. The secondary street (Point Walter Road) frontage can have higher fencing. Council's Fencing Local Laws generally provide for a maximum fence height of 1.8m (unless approved by Council).

Opportunity is available to consider increases in fence heights above 1.2m for the primary street and 1.8m for the secondary street under the performance criteria of the Codes - in particular the need to provide screening to the front setback. Screening could be considered to include such matters relating to safety protection.

A precise assessment of the proposal to increase the height of the wall to 2.0m along Point Walter Road would be required to determine the impact of the proposal on the streetscape. Mr Guthrie should submit a Planning Application (with associated Building Licence application) to allow a full assessment of the proposal.

8.3 Ms M Sandford, Applecross

Q8.3.1 *When will the Dunkley Avenue Residents Survey re: installation of traffic calming devices on Dunkley Avenue, Applecross (between Cantray Road and Francis Street) be on the agenda of a Council meeting and when are traffic calming devices likely to be installed?*

Response Director Technical Services

A8.3.1 In response to Mrs Sandford's question, the report to Council incorporating the results of the "*Dunkley Avenue Residents Survey*" in relation to the proposal for installation of anti "hoon" speed cushions has been prepared for a forthcoming Agenda.

Of the 51 letters sent to the residents/owners in Dunkley Avenue, 53% responded.

Of those who did reply the results are as follows:

Do not agree with the proposed speed cushions	33%
Agree, with the proposal but not in front of my house	7%
Agree with the proposal	59%

However, in determining a likely source of funding, Main Roads WA invited the City of Melville to re-apply for the second round of grant funding for 2009/2010 for the Hoon Speed Cushion Program which was based on a 50%/50% funding arrangement. This was submitted in early October and to date the City is awaiting formal confirmation of the grant application.

Should the City be successful in its further funding application, the City will need to contribute 50% of the cost towards the project. Given that Main Roads WA will advise the City of the outcome of the grant application hopefully in the coming weeks, the report will be listed for the February 2010 Agenda.

The report will include full details of the consultation carried out to date, together with information regarding the Main Roads grant and potential funding sources for the City's matching contribution.

At this point Council would be in a position to make resolutions in relation to the proposal.

8.4 Mr R A Liddell, Mt Pleasant

Q8.4.1 *Please advise how the \$20 million lost in CDO investments will be restored to Reserve balances providing amounts from the following details:*

1. *Interest earnings from investments.*
2. *Income from current operations (leases, fines, fees etc)*
3. *Profit from sale of assets*
4. *Uncompleted capital works carried over*
5. *Government grant funds*
6. *Savings from reduction in operating expenditures*
7. *Capital repayments already received from CDO investments*
8. *Capital repayments budgeted to be received from CDO investments*
9. *External borrowings*
10. *Transfers from rates received*

Response Director Corporate Services

A8.4.1 The City of Melville has **not** in fact physically lost \$20 million in CDO investments. In accordance with Australian Accounting Standards we are required to revalue our investment portfolio on at least an annual basis – this is referred to as ‘mark to market’. We are therefore reporting book losses on CDO investments of \$19.4 million as at 31 October 2009. These values are based on estimated market prices as advised by Council’s investment advisors. Although a number of CDO’s are classified as High Risk to date however **no** CDO investments have in fact failed. It is likely to take some time to determine whether or not actual losses will be incurred as, unless they fail prior to maturity, the maturity dates of the CDO investment range between 2012 and 2017.

We are not in a position to provide the specific detail requested by Mr Liddell. Should actual losses occur these will impact on the Reserve Funds of Council. Restoration of those Reserves back to their pre-loss amount would then be undertaken by a combination of strategies which may include the deferral of capital expenditure that would have been funded from Reserves or the sale of under utilised land assets which have experienced significant capital appreciation since purchase.

It is not the intention of Council to make up any actual investments losses through the imposition of additional rates or charges.

As reported in the monthly Investment Report which is included in each Ordinary Meeting of Council Agenda and Minutes, the City continues to pursue recovery of potential losses from Lehman Brothers Australia. This action is being taken in conjunction with over 40 other Councils and institutions across Australia as a class action. The action is being funded by litigation funder IMF Australia. It is important to note that any funds recovered from this action will be in addition to retaining the CDO investments.

In addition to this \$5.3 million of the CDO investments were arranged by Lehman Brothers. Due to their bankruptcy the CDO has been terminated and the collateral i.e. the investors funds which are invested in a major financial corporation, should now revert back to the investors. The Trustee has taken control of this collateral for the benefit of the investors. Lehman Brothers US has however taken legal action to prevent its distribution to investors. This action is being undertaken in London as the trust deed is based on English law. To date they have lost 2 cases. They have appealed again however it is not expected that they will be successful and that the court will allow return of the collateral to investors. This outcome would be advantageous to investors as it would result in the final termination of the CDO’s and in its place investors would receive their proportion of the long term deposit in the financial corporation which, will be of greater value than the CDO.

In order to ensure residents are kept up to date regarding this issue, the City of Melville publishes monthly updates on our web-site as well as a detailed monthly investment report which is submitted to each Ordinary Council meeting and has included articles in our bi-monthly community information publication Mosaic.

The Chief Executive Officer added to the response -

Essentially a couple of things that I wanted to make clear, despite what you may read in the media, the City has not invested in sub prime. Secondly in relation to the Lehman Brothers bankruptcy that was discussed, and I will try to explain this in layman's terms, the investment that was made there was that someone borrowed money and put up collateral such as their home, their business or whatever, so it is not like it is money that is taken and it is at risk. They put up collateral and we are now trying to get that collateral and we are being impeded in the process. So as you can understand they are not a direct loss as such, we need to see how it pans out. They are still incurring interest and now that collateral has to be realised and given back to investors. I just wanted to explain that and make it a bit clearer than what you may have read.

8.5 Dr Cecil Walkley, Bicton

Re: Point Walter Telecommunications Tower

Q8.5.1 *Kindly confirm/deny the recent private circular that plans are well advanced for the erection of a tower on the Point Walter Reserve.*

If correct –

Q8.5.2 *Please advise whether actual location has been determined as well as proposed size and height, the latter being particularly significant as towers seem to progressively increase in height with time.*

Q8.5.3 *Are you intending to hold any public consultations as the tower has been an extremely contentious issue for many years and resulted in a well attended public meeting being held at the Civic Centre on 6 February 2002?*

Response Director Urban Planning

A8.5.1 The City is aware that an application for the Telecommunications Tower is likely to be forthcoming. This has followed extensive investigation into alternative proposals to deliver the required mobile telephone coverage in the locality.

A8.5.2 A site of least impact central to the golf course (adjacent servicing sheds and behind significant trees) has been identified for the proposed tower. As far as the City is aware, the height of the tower will depend on the service options currently under consideration.

A8.5.3 This application will require determination by the Western Australian Planning Commission following formal public consultation and Council consideration.

8.6 Ms S Taylor-Rees, Bicton

Q8.6.1 *At what stage is the proposal for the 'High Impact Mobile Phone Tower' at Point Walter?*

Q8.6.2 *The site at Point Walter for the High Impact Mobile Phone Tower has been marked and pegged so why has there been no consultation with residents?*

Q8.6.3 *Financially how much and what will Council receive for the High Impact Mobile Phone – upfront and annually?*

Response Director Urban Planning

A8.6.1 The City is presently awaiting submission of a formal application for the proposal. On receipt of an application, formal public consultation would be undertaken followed by referral to Council after which a recommendation would be made to the Western Australian Planning Commission, the determining authority for the proposal.

A8.6.2 The City is aware that a number of sites and alternative proposals have been considered by the applicant. The City understands that the site that is pegged is the current preferred location central to the golf course adjacent maintenance facilities and behind significant trees. On receipt of a formal application public consultation on the proposal will take place

A8.6.3 The City is unaware of exactly how much income it would receive should a mobile phone tower be installed at Point Walter. The City has 2 other phone towers on Council reserves, being Wireless Hill and Bob Gordon Reserve for which the City receives a lease fee of approximately \$19,000 per annum for each site.

8.7 Mr T Lee, Applecross

Seems the Council's accounts have gone back to much healthier levels according to last report.

Keep up the good stewardship. We all need to move on as nobody envisaged the GFC hitting us (+ globally) so hard.

Cheers & Merry Xmas.

Response Chief Executive Officer

The Chief Executive Officer thanked Mr Lee for his comments.

At 7.26pm The Mayor invited questions from the floor.

The following is a summary of questions and responses provided by the Mayor and senior staff.

8.8 Mr R Petterson, Leeming

Q8.8.1 *Does the City of Melville have an exit strategy from the SMRC?*

Response Chief Executive Officer

A8.8.1 I suppose the first point is that the SMRC are, under the Act, a body in their own right and a Council and the appropriate place for these questions is at the AGM of the SMRC not the City of Melville Council as we are not the governing body of the SMRC, we are a participant.

There has been a State Government policy that requires the diversion of waste to landfill to cease by 2020.

Some years ago, the City of Melville honoured the policy and undertook work in a field that is fairly new and some of the issues that have occurred are in relation to new technology being implemented. It is well known that there will be permissible odour units that will come from the site. It is a matter of the level of odour units and whether it is sustained and deemed appropriate. The City is not the licensing body, the Department of the Environment is the licensing body and that is within their domain to determine whether the level of odour is compliant.

I might also add that you talk about an exit strategy and of course we always explore all lines. There have been quite comprehensive and detailed discussions with the Department of Health, Department of Environment and SMRC in an open forum here of which many aspects were explored to try and understand the rigour associated with the systems and processes in place. One of them is a business case that suggests that although the City of Melville residents currently pay a premium of around \$100 a year (\$2 a week) to recycle their waste, between 2012 and 2014, if the business case is correct it will actually be cheaper than putting waste to landfill so at the end of the day the City has in good faith, invested in technology to try and address climate change and also has the belief that in the longer term this may be cheaper for the residents of the City of Melville albeit in the short term that there is a cost increase, but some of the detailed questions you ask would be better placed at the AGM of the SMRC.

Q8.8.2 Mr Petterson referred to a loan commitment to the SMRC.

Given the fact the SMRC have been espousing these things now as a \$100million asset, what would be the impact on the City of Melville given the percentage of interest the City of Melville has in this particular establishment and how will that affect the rates?

Response Director Corporate Services

A8.8.2 As part of the establishment agreement there are very clear provisions for if and when one of the parties choose to exit that they include the ongoing liability as you have mentioned, for the City of Canning to repay their proportion of the debt.

It also provides that a business case will be prepared and funded by the exiting participant and that process is now underway. That has been oversighted by the officers, myself included and financial and technical officers of the various Councils and that a business case is being prepared by an independent firm of chartered accounts.

Response Cr Robartson

A8.8.2 Just a minor point, the requirement to withdraw from the SMRC is a full financial year as against 12 months, but you have to remain in the organisation for a full financial year.

Many people here either have or have had a mortgage, we all know that sooner or later we have to pay it back. If you sell your house of course it may be taken off. On some rare occasions you might be able to extend it and continue to pay it. The withdrawal of any Council from the SMRC is very clear in the contract that they have to fulfill the commitment of the mortgage and I am sure you understand that. So Canning have to continue either to pay out the \$14million, or they continue to pay it over the period of the mortgage for the remaining time. I think your question is directed then what will the impact be on the City of Melville. The City will continue with its mortgage commitments the same as the other four members and the SMRC will be looking at how they can pick up the spare capacity that will be there to get a return on the facility to meet those costs and we believe that that will be possible and we are carrying out a business case. I might add that I have the business case we looked at in 2000 which very clearly tells all the Councils what their commitment were to be.

Q8.8.3 *What is the impact on the City of Melville if the City of Canning says where is our \$28million for our 28% stake of the \$100million asset that now we currently own?*

Response Director Corporate Services

A8.8.3 That's the purpose of the revised business plan and that will determine that question.

Q8.8.4 Mr Petterson referred to the reallocation of fees should the City of Canning not deposit waste with the SMRC.

That 28%, their contribution, is not being received. Does that then get distributed proportionally speaking to each of the other Councils that remain?

Response Chief Executive Officer

A8.8.4 It would unless they found another person to come in and consume the space that they have now made available and there are others interested in the facility.

Q8.8.5 *Are the City of Melville gate fees currently with the SMRC \$154 per tonne? This gate fee doesn't take into account the outstanding loan the City of Melville has as a component of the SMRC so to try and put this into some perspective, given the fact that the City of Melville is paying \$154 per tonne what would that true gate fee be if you considered the loan repayment each year?*

Mr Petterson was granted a 2 minute extension to his question time.

Q8.8.6 *What was the original SRMC debt and how much have they repaid?*

Taken on Notice

Q8.8.7 *Does the City of Melville believe the SMRC is emitting an odour, has the City of Melville formed a view of how many people need to be affected before it actually causes an issue? Does the City of Melville believe how relevant it is?*

Response Director Corporate Services

A8.8.5 Mr Mayor I have some figures in our 2009/2010 budget as to how the domestic waste fee of \$345 is structured and I think in that figure there will be some of the detail requested. The gate fee disposal cost for 32,500 tonnes is \$130 per domestic refuse service. The loan repayment to the SMRC which is \$1.655million budget per year represents \$43 per domestic refuse service, materials recovery facility of some 12,000 tonnes of recycling is \$36 dollars, the green waste of which there are some 6,500 tonnes is \$15 dollars. Other SMRC costs in relation to R & D and administration is \$7 per household collection and the waste collection costs for 3,032,400 collections per annum is \$115. The total domestic waste cost per domestic collection is \$345.

Response Chief Executive Officer

A8.8.7 We recognise the fact that the Department of Environment (DEC) is the licensing body that determines odour issues. We are aware that there has been an issue and that there have been notices issued and that the SMRC are rectifying those issues. We are not the body that is responsible for monitoring, that is the DEC.

Q8.8.8 *Was the City of Melville aware that in 1999 they made a promise to the community there would be no odours affecting them whatsoever?*

Taken on Notice

Q8.8.9 *Was the City of Melville aware that in 2006 the City of Canning and Town of East Fremantle, to give you an indication of why we don't trust them, requested an independent review of the SMRC? The successful tenderer was Quadro. The Directors of Quadro were Paul Oakes and Wayne van Hermick who were both ex employees of the Bedminster Company that built this thing. How can this possibly be an independent review with the ex Directors of the company that built it?*

Taken on Notice

Mr Petterson was granted a 3 minutes extension to his question time.

Q8.8.10 *The SMRC proposes this financial year alone to spend \$6.4million on enhancements and maintenance. They are spending \$1.1million dollars on moving a gate and a weighbridge that they built on a gazetted road. They are spending \$750,000 on odour monitoring, an increase in electricity charges of \$300,000. It equates to about \$8.5million. Given the plant is only 6 years old that appears to be an excessive amount of money?*

Response Chief Executive Officer

A8.8.10 We will challenge that in the appropriate places if the SMRC are made to shift the gate. Yes it will cost an additional \$1million to shift it but the SMRC had permission to place it there by Canning originally from their planning approvals. Now Canning are taking a different avenue and they have their own strategy in place. The SMRC will deal with that on a case by case basis as it comes forward.

Q8.8.11 Mr Petterson referred to a consultative environment review in 1999 on the SMRC facility.
Is this the alarm system that was supposed to go in 1999? Why was it not put in then if it was a critical piece of machinery?

Taken on Notice

Q8.8.12 Mr Petterson referred to an advertising campaign.
Given the fact that all member councils are contracted to them how much money was spent on that campaign and what was the reason behind it?

Response Chief Executive Officer

A8.8.12 The detail of that would be better obtained from the SMRC. We are aware of the advertising campaign.

8.9 Mr W Sheehy, Palmyra

Q8.9.1 Mr Sheehy referred to road closures on Waddell and Hope Roads.
I believe that Council should now relook at opening up both Hope and Waddell roads since the reasons for being closed have been gone for many years?

Taken on Notice

Response Chief Executive Officer

A8.9.1 I would have to take your questions on notice. I have no problem in undertaking investigation and seeing whether the road network still achieves the efficiencies that we wish and the Act says that we require and whether the environment there has changed, as you have stated to an extent that we will need to revisit the methods that were put in before. I am more than happy to do that if you will allow me to take it on notice. I will get back to you in relation to your question with a reply and investigation.

8.10 Ms S Taylor-Rees, Bicton

Q8.10.1 Ms Taylor-Rees referred to pegging of a site on Point Walter Reserve for a mobile phone tower when the matter was subject to community action in 2002.

My question is why would you consider this application again when it is such a short distance from the previous one and there was a lot of public outcry at the time?

Response Chief Executive Officer

A8.10.1 In relation to the matter, a lot of people don't actually understand local government and what we can and what we can't do. Essentially if we are given an application for a building approval or an application for a development, we have no option but to consider the application. We can have an application given to us and then tomorrow get another one and say no and then get another one given to us. It is part of the processes that we have to go through in accepting or considering that and with this particular issue the body that will actually make the decision will be the Western Australian Planning Commission, albeit they will seek comment from Council and seek comment from residents. I will check with the Director whether it is up to us to go out and get the comments of which we list the objections and positives and make comments on what our belief is in relation to those issues. We have no other option but to consider applications put before us. That is part and parcel of local government albeit some applications you wish would never be put forward. I am aware of this tower. I am aware that there have been photographs taken from EPV's. I am aware that the company have done some investigation. I am aware that the Councillors ask questions in relation to low impact facilities rather than high impact. At this stage nothing actually has come forward. There has been some discussion and that is frustrating residents because they are worried about what is going on and when its going to happen. Until such time we get a formal application we can't do anything. When we get a formal application we have to go through a process which must include consultation and I am sure you will have a lot to say on that when it happens

Q8.10.2 *Just on the consultation, exactly what do you mean by public consultation and what timeframe would that take?*

Response Director Urban Planning

A8.10.2 Typically development applications are advertised for 14 or 21 days depending on the nature of them so that is the standard period of time. The 42 days relates to rezoning applications.

My understanding is that we have various options for public consultation. We have the option of notifying residents by letter and that involves determining those who are immediately affected. We also have the option of advertising in local papers and placing a sign on the site.

Q8.10.3 *Bearing that in mind you have options. Do you use all those options or do you choose which you prefer for the desired outcome?*

Response Chief Executive Officer

A8.10.3 There is no value in the City not undertaking the appropriate consultation. We don't try to sneak anything under the door or anything like that. At the end of the day there is a telecommunications requirement. Most of us have mobile phones. Generally the height of towers goes up, that is because of trees and things that grow they've got to get above that. At the end of the day we will use appropriate consultation processes to have the feedback required. I am also mindful that there has been a study done by the City to assess where the towers could be placed and I believe the golf course is one of these areas identified. Whether this process is still deemed valid by Council, I can't talk on behalf of Council and Council can't make comment until they see an application. That's why we go in this circular route until such time as something is put before us then the process starts. I give you my assurance that we will consult as best we can in the processes. You will know about the consult period, you won't miss it.

Q8.10.4 *That study, is that conducted by the telcos?*

Response Chief Executive Officer

A8.10.4 My understanding in is that it was conducted the City's officers, by the previous Director. It was quite controversial. It could have been in February 2002 and I think that some of that consultation and some of that angst that came out of the community was all through part of that process. I am not 100% sure on that. There are probably Councillors around the table that would know a lot more than me. In saying that, as I indicated I am more than happy for you to come and look at this information. It is not secret stuff. The City said we don't want a whole lot of these applications coming in. Where do we think these towers should go to minimise the impact on residents overall for the whole 100,000? They have identified some areas as the appropriate place to put towers so the City had some strategy behind it and I do know the golf course is one of those locations.

Response His Worship the Mayor

A8.10.4 Susanne just to inform you regarding the study you refer to. It is actually a strategy developed by the officers of the City which actually won awards and that was to co-locate these towers away from residential areas and to prevent the promulgation of low impact towers close to residences. That strategy was put in place in 2002, and Point Walter Reserve was one of these locations that was identified at that stage.

- Q8.10.5** Ms Taylor-Rees referred to Point Walter as an A Class Reserve and a policy of Kings Park Board concerning mobile phone towers.
Why would Melville City offer up such a location so easily when it is such a prized possession, one would think, of the Melville City Council?

Response Chief Executive Officer

- A8.10.5** Again, the City has not offered it up at this stage.

To reduce the amount of impact of the towers over the overall City, it was deemed that Point Walter Reserve would be an appropriate place. That it would not necessarily affect the amenity as much as having multiple towers all over the City. The study has that logic behind it. I understand what you are saying, A class reserves are close to the heart for all us. We want them to be left alone and the alternative would be multiple towers across the City which might be a worse outcome. I can't answer it Susanne in the sense that we would have to assess an application when it comes in and I do know there has been some work and photo montages that have been done with EPV at the height and width of a tower. What you see there are the worst areas of view corridors. Council will consider all aspects if an application is put forward. I imagine they would, knowing the telcos, put it forward. It would be my preferred option that they didn't put an application forward. We actually don't really want any towers but we understand that the community desires the service of a mobile phone and most of us have one and I do and I can't complain about having towers if we use the service. It is a matter of where you put them and where is the best place. The Council hasn't decided that at this stage.

- Q8.10.6** *We thought this issue was further down the track so a petition to request a public meeting on this issue has been signed by well over 100 residents in only the last 20 hours. Will you accept this now to occur when you receive the application please?*

Response Chief Executive Officer

- A8.10.6** It would be better if a petition would come forward once an application comes in. If you write on the petition that it be considered if an application is forthcoming what you are try to achieve I will try to put that forward for you.

8.11 Mr I Bain, Applecross

- Q8.11.1** Mr Bain congratulated the Council on their community consultation. Mr Bain referred to the width of the dual use path from South of Perth Yacht Club to the Raffles Hotel. Mr Bain referred to the lower Heathcote development and suggested the land could provide 8 blocks for residential development.

So my first point is, is there anything significant happening with the lower Heathcote development and the dual use footpath from the Raffles to the South of Perth Yacht Club? Can any money be raised from the lower end of Duncraig Road which would really not impact aesthetically on the lower Heathcote development with good access and about 8 very attractive houses and that would provide money for the City? I am not quite sure what the final recommended scheme was for Heathcote is anything happening with it?

Response Chief Executive Officer

A8.11.1 I won't get into the issue, it's before my time. I don't understand it, I am aware that I am lucky I wasn't here would be the way of putting it. I believe that the proposal that was put forward or agreed with the State Government precludes the use of those blocks so you couldn't do what you were suggesting. I can talk to you about the lower Heathcote land. There has been some work that has been done particularly by our Urban Planners. They are working through the process. We have consulted with the Aboriginal groups who claim that it is a part of Yagan's look area. We have been consulting in relation to the Swan River Trust and to be quite frank, I don't think many residents understand how hard it is for us to work through the State Government processes that are in place and the number of bodies that we have to move through. We are consulting, we are doing some test bores. We are looking at some of the heritage issues there and we have had an approach by the National Trust tentatively who might wish to take over the land and look at its development. There has also been some interest in relation to some private sponsorship in relation to that land so we are exploring all those avenues. The lady that's got all the information is sitting over there and what I could offer to you is if you would accept that information for now, at the conclusion of the meeting if you were to meet with the Manager Strategic Planning, she can give you a total briefing of the amount of work that is being progressed. We are working through the appropriate bodies, there is a plan to come forward, there is consultation that is being undertaken and it is getting closer to that event. I think that it is a positive intervention that the National Trust might want to be involved for a couple of reasons. It will reduce the maintenance costs of Council and potentially it might be that it is developed quicker. It might be a fairly positive outcome for the community overall. So if you would accept that as an answer and Ms Davis, if I could ask if you could catch up with the gentleman after the meeting?

In relation to the second item you talk about the path. Obviously many of the paths when put in, in the initial stages within a City were 1.2 metres. The standards now are 1.5 metres or 2 metres now. The standards change over time. What community expectations require is that two people can walk past etc. I don't know if it is on the capital works programme but if you would allow us to take it on notice I will have my Director Technical Services have a look at the capital works programme. If it is not there, I am more than happy to have discussions with you in relation to telling you roughly when it would fit in to a capital works programme. The programme takes in the condition of all the paths across the City to determine those that are at the highest risk and requiring maintenance first. I am unsure where it would fit so I can't give you an exact answer but I can help you along the way.

Response Executive Engineer

- A8.11.1** The footpath in question, the City has received grants from Bikewest so we have funding available to do that path. It will extend from the Raffles Hotel around to the South of Perth Yacht Club. It is also involved in a section 18 claim which will be an Aboriginal Indigenous claim so there will be consultation with the informants for the Native Title Claim for the Swan River. There will need to be ethnographic studies and archaeological studies in relation to that. We are hopeful that those things would be undertaken over the next 3 or 4 months and that we could actually physically start work there. Certainly the surveyors have been there so that we can carry out design works and those design works are substantially completed at this stage.

8.12 Ms C Soutar Kardinya

- Q8.12.1** Ms Soutar referred to the Council's position on the extension of Roe Highway through the Beeliar Wetlands to Stock Road.
Is the Council working towards a solution such as a bridge which would protect the wetlands as well as address traffic issues or will the Council support the extension at any cost?

Response His Worship the Mayor

- A8.12.1** We are in consultation as part of the strategic coordination group with the State Government on this item and as you know, at this time the South West Connect Alliance is taking on board concerns and working with the design team to achieve the best environmental alignment. The City hopefully will support the alignment that is determined by the Alliance in consultation with the community. There is a strong level of community consultation at this stage and we recommend that anyone with concerns on environmental issues to contact the Alliance and have input into that design.
- Q8.12.2** *Has that consultation finished?*

Response His Worship the Mayor

- A8.12.2** There is a public environmental review conducted and I understand that has had an extension from 6 weeks to 12 weeks so there is plenty of time for the community to have input into the review aspect of it. Also the Alliance will continue to work all the way through that programme. It is a very experienced team that have dealt with the Perth to Bunbury alignment and have dealt with similar issues on that pathway.

Response Chief Executive Officer

A8.12.1 In addition, the Mayor and some Councillors actually did a tour of the Bunbury bypass before it was opened. Essentially the Bunbury bypass went through wetland area and what we were interested in, was how was that done, how was it managed, how did it mitigate any damage to the environment and in actual fact, also that they had extended some of the wetland areas and created new wetland areas in the process. Our view is I suppose at this stage, and I am talking not on behalf of my Council because it is not before my Council but what we believe, there is an extensive road reserve (300 metres in width and final road 30 metres in width) and the discussions that we have had with Main Roads, albeit very early discussions, is in the establishment of this group, to try and identify the environmental concerns that people have and then go away and see how you can design around those issues in such a way that you compliment. Yes they are looking at going over the wetland and this is one of the options. There are issues with swan landing paths and all sorts of things that people have raised and have to be considered. We are hopeful that we can in the process actually get a better outcome. Hope Road is at grade, at the level of the lake, there is no need possibly for some of that road to exist after this and you can rejoin the two parts that have been separated by the road so there are positives and negatives. What we would ask the community to do is rather than say yes or no say neither but state what the issues are and let us see what comes out of that. Then we can say yes or no once we know what they are proposing.

8.13 Dr Cecil Walkley, Bicton

Mr Mayor I wish to propose a vote of thanks to the Councillors and yourself for all you have done in this last year which has eventually produced this great award but before I get round to that, I have heard something on paths. I am a member of 2 running clubs, the Marathon Club of WA and also the Masters and we run around your City quite often. In actual fact the standard of paths in this City is very high compared with other places we run and the cycle paths too, and it think that should be noted. But to get back to my real intention I think your Councillors have an onerous job including yourself but I would like to include in this vote of thanks the employees here present and past and the Councillors and I notice in particular that Craig McClure is no longer with us, who I had many battles with over the phone towers, but I hope I don't have the same with his successor. I would really like to welcome the new Councillors and say I am sorry to see some old faces having gone. Thank you very much and I hope I have a seconder.

At 8.28pm Dr Cecil Walkley moved, Mr Ian Bain seconded -

That a vote of thanks be given to His Worship the Mayor, present Councillors and Staff as well those in our recent past.

At 8.28pm the Mayor submitted the motion which was declared **CARRIED**

8.14 Mr R Petterson – Leeming

Q8.14.1 *Can the Council tell us prior to the introduction of the waste composting facility at the SMRC how many odour complaints of waste type smell have been received if its not the SMRC?*

Response His Worship the Mayor

A8.14.1 It would be a very difficult question to answer. Prior to the opening we had the old tip site and there was an expectation that there would be odours from the tip site and we did have a number of complaints about the smells from the tip site.

Q8.14.2 *Were the City of Melville aware prior to me building in Melville at Leeming, I wrote to the City of Melville and still have a copy of the letter dated 1992 that indicated within 12 months that Leeming tip site would be closed and turned into a Golf Course?*

Response His Worship the Mayor

A8.14.2 I know from my own experience at the time when I was looking to buy a block in that area I contacted the City and asked them what were the plans for the area, was there going to be a Golf Course on the site. I was told there was no Council resolution in that direction but it was a proposal.

Q8.14.3 *You have challenged the smell coming from the SMRC last night. Can you tell me what time the odour logs were received and if you are saying it couldn't be there because of the wind conditions? What were the SMRC timeframes looked at when they judged the wind? In other words did they base it on the Jandakot readings at 7.00pm and the odour logs came in about 9.30pm?*

Response Chief Executive Officer

A8.14.3 Mr Petterson I understand your frustration and I understand that this is a significant issue for yourself and others in the area. What we need to do is to sit back and understand each role that we play in it. We are not the licensing body we are not the body that determines the odours.

The point I am trying to make Mr Petterson is, you know you are in the wrong forum. I don't know why you want to push it this way. I am more than happy to give you access to Council to put your case and your information forward. You know that the proper place for the questions you are raising is at the AGM or the Council meeting processes of the SMRC which is a Council in its own right under the Act and my ability to manage them is fairly limited on the basis that we are a participant in the SMRC and there are certain processes in place of what we can do. We do undertake our due diligence, you know that we do, We have been involved with the Health Department and the Department of the Environment. The Mayor and I have been in there personally to try and resolve some of the issues to move forward, but the questions you ask are rightfully placed before that Council. If you want us to have information then I can make that opportunity available to you.

Q8.14.4 *The CEO raised the issue that I am asking the City of Melville how they became aware of the information they got?*

Response Chief Executive Officer

A8.14.4 I am aware of it because there were a number of odour complaints that come through and I am on the email list. I am aware of the response from the SMRC CEO and I believe Cr Robartson was on site around the time but I would leave that up to Cr Robartson to respond.

Response Cr Robartson

A8.14.4 I had a meeting here last night and had a call from my wife a bit after 9.00pm that a resident from your way had rang my home saying that the odour was very bad in Leeming. As soon as I could get away, I left and I got to the site at about 9.45pm. I drove along Gracechurch up McGuinness and around Merrifield. I could smell a low level odour. It was an odour I have not smelled before and I would be interested in your comment because I later drove near your way. It had an acrid smokey smell about it, I have not struck it before. I went around to the plant where I met Stuart McAll who also came down. We walked up Bannister Road for 100 metres and there was absolutely no odour coming from the plant. Rod, you and I have had discussions and I think we have been very frank with each other. I would be interested if you could tell me if you distinguished an odour last night and what it was like last night. The DEC have suggested it wasn't coming from the plant. I don't know if they came out and had a look but they were notified. I am absolutely convinced that the odour last night at that time was not coming from the plant. I don't know about the statistics in terms of the wind and so forth. I guess they are being analysed now and presumably the DEC will do that. I am convinced it was not our odour last night. Now I just wonder how many occasions this does happen that we get blamed for odours that are not ours?

Q8.14.5 Mr Petterson referred to odour movement.
Is the City of Melville aware that in late September Cr Robartson and I stood on the side of Beasley Road after I detected the odour there?

Response His Worship the Mayor

A8.14.5 I think we are aware of that Mr Petterson and I have been there with you myself and tried to chase this odour around the suburbs and we couldn't catch it.

Q8.14.6 *Was the City of Melville aware that the Mayor was gracious enough to come out one day when I phoned him and asked him to come down Beasley Road because that was where the odour was at the time?*

Response His Worship the Mayor

A8.14.6 I went straight to the source Mr Petterson and you were there at the same time when I got there and there was no smell.

Q8.14.7 *Was the City of Melville aware that back in July 2009 I had a meeting with the CEO, Mr Tieleman, Mr Christie and Cr Subramaniam where the CEO also expressed concerns regarding the financial aspects of the SMRC and was looking at a business case being prepared? Has that business case been prepared regarding the costings and could I get the results please?*

Response Chief Executive Officer

A8.14.7 The business case has been requested and it is in play.

His Worship the Mayor thanked everyone for their attendance and invited Electors to enjoy refreshments with Councillors and Staff. His Worship the Mayor wished everyone a Merry Christmas and a Happy and Safe New Year.

9. CLOSURE

There being no further business, His Worship the Mayor, R Aubrey, declared the Meeting closed at 8.36pm.