



— *City of* —
Melville

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY, 20 NOVEMBER 2007

DISCLAIMER:

The City of Melville disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence, or the like is considered or determined during this meeting, the City of Melville warns that neither the applicant nor any other person or body should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it or the refusal of the application has been issued by the City.

DISTRIBUTED: 23 NOVEMBER 2007

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— City of —
Melville

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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 6.35PM ON TUESDAY 20 NOVEMBER 2007.

1. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Cr H R Everett (Deputy Mayor)
Cr N Pazolli
Cr DJ Macphail, Cr A Ceniviva
Cr C Robartson, Cr R Subramaniam
Cr P M Phelan; Cr C M Halton
Cr M J Barton, Cr G Weiland
Cr L M Reynolds; Cr J R Bennett

WARD

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

2. IN ATTENDANCE

Mr M Tieleman
Mr M Jenkinson

Mr R Willis
Mr C McClure

Mr B Taylor

Ms K Johnson
Mr K Weymes

Ms B Mitchell

POSITION TITLE

Acting Chief Executive Officer
Acting Director Strategic Community
Services
Director Technical & Development
Director Strategic Urban Planning
Services
Manager Information, Technology &
Support
Manager Organisational Development
Manager Planning & Development
Services
Minute Secretary

At the commencement of the Meeting there were 19 people in the Public Gallery and 2 members of the Press in the Press Gallery.

At 6.36pm His Worship the Mayor R Aubrey welcomed newly elected members Cr R Subramaniam, Cr N Pazolli and Cr G Weiland.

3. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Nil

4. PUBLIC QUESTION TIME

4.1 Mr James Addvalue, Applecross

A response to two questions received from Mr James Addvalue, that were taken on notice at the October 2007 Ordinary Meeting of Council relating to the condition of Kishorn Road and the timing of the planned construction of a footpath in Nisbet Street, Applecross was sent to him by letter dated 9 November 2007. The responses given to the questions raised were as follows:

Question 1

“When will the Saga of Kishorn be completed?”

The Manager, Engineering Design, Mr John Cameron responded:

As indicated in the City’s correspondence to Mr Addvalue dated 11 October 2007 the City has been processing the road resurfacing works planned from the intersection of Kishorn and Armstrong Roads, Applecross to be completed during 2008/2009 financial year.

Question 2

“In response to my argument for the provision of a footpath in Nisbet Road, Applecross from Duncraig Road to the Strand I was told that the path was scheduled for 2009/10. Safety and convenience should dictate an earlier completion, say by July 2008. Will the Council bring forward the date for completion of the footpath?”

The Manager, Engineering Design, Mr John Cameron responded:

As indicated in the City’s correspondence to Mr Addvalue dated 16 March 2007, the City has listed the path in Nisbet Road Applecross for construction in 2009/2010 as priority is given firstly to the removal of the old slab paths being replaced with in situ concrete and the provision of paths that link to schools and shopping centres.

4.2 Mrs J Hazzard, Mt Pleasant

Question

“Why public toilets and shower, when café will provide toilets for patrons, and people riding to work, should have there (sic) own provided in there (sic) office space (shower etc). Toilet. Plus we need chemist, Newsagent, Post Office.”

The Manager Planning and Urban Development, Mr Keith Weymes responded:

The Question is a statement but the issues will no doubt be considered by all Elected Members.

4. PUBLIC QUESTION TIME (continued)

4.3 Mr Mark Angwin, Mt Pleasant

Question

“With a zero level of landscape how will the Council address this development of Queens Rd, Mt Pleasant so to screen this immense structure from neighbouring households?”

The Manager Planning and Urban Development, Mr Keith Weymes responded:

Community Planning Scheme No 5 states (generally) that development in the precinct can have nil setbacks (the same as the existing development) and the provision of landscaping in another part of the site would not be of any great benefit.

4.4 Mr John Cole, Mt Pleasant

Question 1

“As the development does not comply with landscaping requirements can mature and not semi advanced trees be planted and can 2 mature trees be planted on the Promenade side as well, to help compensate for the non compliance?”

The Manager Planning and Urban Development, Mr Keith Weymes responded:

It is difficult to plant mature trees in an existing street because of the need to get the root 'ball' between the many services. Semi mature trees come in a 200 litre 'pot' and are usually about 3m in height. The approval recommendation requires the applicant to prepare details of the works to be done in the various road reserves and it is appropriate that street trees be planted in The Promenade.

Question 2

“Where in the Planning Code does it state roof top gardens are not considered part of plot ratio?”

**The Manager Planning and Urban Development, Mr Keith Weymes responded:
The definition of Plot Ratio is contained in Clause 2.2.**

“Second Part. If answer is Yes then why has this not been included for this development and does it mean all buildings can have roof top gardens. Will this create a precedent?”

**The Manager Planning and Urban Development, Mr Keith Weymes responded:
Buildings can have roof top gardens and many do although most have a roof cover. No it will not create a precedent**

4. PUBLIC QUESTION TIME (continued)

Question 3

“On the third & 4th storey on the Promenade side there is glass ballustrading (sic) that will enable the residents to overlook our pool and intrude on our privacy. Can privacy screen be included as a requirement?”

The Manager Planning and Urban Development, Mr Keith Weymes responded: The R codes require that balconies be set back either 7.5m from a boundary or not overlook another property. The rear balconies are proposed to be screened so that they will not overlook and the roof deck is setback approximately 30m from the western and in excess of 12m from the southern properties

4.5 Mr Neil Peterson, Bicton

Question

“With regard to my telephone conversation with Mr Tony Capobianco approximately 2 weeks ago, could you please inform me if a compliance audit has been conducted on Lot 2, 113 Point Walter Road in Bicton?”

If an audit has been undertaken what were the findings specifically in relation to:

- 1. Levels of rear yard as opposed to those depicted by Guidice Surveys*
- 2. Visual intrusion from the upper level sun deck with regard to element 8 of the R Codes*
- 3. The area between the pool and southern boundary with respect to accessibility and approved landscaping plans*
- 4. Opening to the eastern side of the garage*

If no audit has been conducted:

- 1. What action has been instigated and what followup if any has occurred as a result of my telephone conversation with you?*
- 2. When will an audit be undertaken?”*

Manager Planning & Development Services, Mr Keith Weymes responded:

- 1. No audit has been undertaken at this time as due notice needs to be given to obtain access to the site.**
- 2. When access to the site is possible.**

4. PUBLIC QUESTION TIME (continued)

4.6 Mr James Addvalue, Applecross

Question

“Will the Council consider changing the name of the Applecross/Mount Pleasant Ward to Applecross/Ardross/Mount Pleasant Ward to better identify the localities it encompasses?”

Acting Chief Executive Officer responded:

This issue could be considered by Council in the forthcoming Ward boundary review to be conducted in 2008.

Mr Addvalue raised several questions relating to Underground Power. These questions were taken on notice and responses would be provided at the December 2007 Ordinary Meeting of Council.

5. AWARDS AND PRESENTATIONS

Nil

6. CONFIRMATION OF MINUTES

6.1 NOTES OF AGENDA FORUM – 6 NOVEMBER 2007

At 6.53pm Cr C Halton moved, seconded Cr C Robartson -

THAT THE NOTES OF THE AGENDA FORUM HELD ON TUESDAY 6 NOVEMBER 2007 BE RECEIVED.

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

CARRIED WITHOUT DISSENT (13/0)

6.2 ORDINARY MEETING OF THE COUNCIL – 16 OCTOBER 2007

At 6.54pm Cr D Macphail moved, seconded Cr L M Reynolds -

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 16 OCTOBER 2007 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.

At 6.54pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (13/0)

6.3 SPECIAL MEETING OF COUNCIL – 11 SEPTEMBER 2007

At 6.54pm Cr C Robartson. moved, seconded Cr L M Reynolds -

THAT THE MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD ON MONDAY 11 SEPTEMBER 2007 BE CONFIRMED AS A TRUE AND ACCURATE RECORD, SUBJECT TO THE FOLLOWING ALTERATION TO ITEM CO7/5011 – PROCESS FOR RECRUITMENT OF THE CHIEF EXECUTIVE OFFICER:

PAGE 10. DELETE “CR BENNETT” AS BEING ELECTED TO THE POSITION OF COUNCILLOR REPRESENTATIVE ON THE RECRUITMENT COMMITTEE AND REPLACE WITH “CR CENIVIVA”

At 6.54pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (13/0)

6.4 SPECIAL MEETING OF COUNCIL – 22 OCTOBER 2007

At 6.55pm Cr R Subramaniam moved, seconded Cr L M Reynolds -

THAT THE MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD ON 22 OCTOBER 2007 BE CONFIRMED AS A TRUE AND ACCURATE RECORD, SUBJECT TO THE FOLLOWING ALTERATION TO ITEM 6.4 C07/5013 – APPOINTMENT OF COMMITTEES AND PORTFOLIOS 2007/2008:

COMMUNITY PLANNING PORTFOLIO

REPLACE “CR C M HALTON” WHO IS RECORDED AS BEING THE MEMBER, WITH “CR N PAZZOLI” AND REPLACE “CR N PAZZOLI” WHO IS RECORDED AS BEING THE DEPUTY, WITH “CR C M HALTON”.

At 6.55pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (13/0)

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

Members' interests in matters to be discussed at meetings to be disclosed

S.5.65 (1) A member who as an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.

7. DISCLOSURES OF INTEREST

- P07/3023 Cr J Barton
- C07/6004 Mayor R Aubrey
- C07/6004 Cr H Everett

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Cr L M Reynolds
Cr C Robartson

At 7.14pm Cr D Macphail moved, seconded Cr A Ceniviva –

THAT THE ABOVE APPLICATIONS FOR LEAVE OF ABSENCE BE APPROVED.

At 7.14pm the Mayor submitted the motion which was **CARRIED WITHOUT DISSENT (13/0)**

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

The Mayor advised the meeting that a late item relating to the appointment of a new Chief Executive Officer would be considered just prior to the closure of the Meeting and that, that part of the meeting would be closed to the public.

10. PETITIONS

Nil

11. REPORTS OF COMMITTEES

11.1 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE – 13 NOVEMBER 2007

C07/5018 - CITY OF MELVILLE ANNUAL REPORT 2006-2007 (AMREC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	City of Melville Annual Report
Customer Index	:	Not Applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	City of Melville Draft Annual Report (EMB Item – 5 October 2007)
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officers	:	Bob Searle Manager Financial Services Ryan Sturman Communications Officer

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when 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>

C07/5018 - CITY OF MELVILLE ANNUAL REPORT 2006-2007 (AMREC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report presented 2006-2007 Annual Report for the Council's acceptance.

BACKGROUND

In accordance with Section 5.53(1) of the Local Government Act 1995, a local government is required to prepare an Annual Report for each financial year. Section 5.54 of the Act requires that the Annual Report be accepted by the Local Government no later than 31 December for the previous financial year. Section 5.27 requires the Annual Report to be accepted prior to the Annual Meeting of Electors.

Like the 2005-2006 Annual Report, this year's report takes the form of a 'Community Annual Report' which features a full text summary [5018C November 2007.pdf](#). An abridged set of Financial Statements are attached.

[5018A November 2007.pdf](#)

[5010B November 2007 NEW.pdf](#)

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

The Report requires acceptance by the Council prior to the Annual General Meeting of Electors to be held on Wednesday, 28 November 2007.

DETAIL

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

- a) A report from the Mayor
- b) A report from the Chief Executive Officer; and
- c) An overview of the plan for the future of the City made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
- d) Such information as may be prescribed in relation to the payments made by employees
 - The number of employees of the local government entitled to a salary of one hundred thousand dollars (\$100,000) or more; and
 - The number of those employees with an annual salary entitlement that falls within each band of ten thousand dollars (\$10,000) or more; and
- e) Information required by the National Competition Policy; and
- f) Information required by the Disability Services Act 1993; and
- g) Information required by the State Records Act; and
- h) The financial report for the financial year under review; and
- i) The Auditor's report for the financial year; and
- j) Such other information as may be prescribed.

C07/5018 - CITY OF MELVILLE ANNUAL REPORT 2006-2007 (AMREC) (ATTACHMENT)

In relation to paragraph (j), no other matters have been prescribed at this time.

The 2006-2007 Annual Report has been prepared and includes the following:

1. The Mayoral Report.
2. Report by the Chief Executive Officer.
3. Report on major initiatives in the Strategic Plan (which includes the Principal Activities).
4. All other requirements of the Act.
5. Auditor's Report.
6. Audited Financial Statements (abridged).

PUBLIC CONSULTATION/COMMUNICATION

No external public consultation has been carried out.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

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

Section 5.27 of the Act specifies that a General Meeting of Electors is to be held within fifty-six (56) days after the local government accepts the Annual Report for the previous financial year.

FINANCIAL IMPLICATIONS

The Annual Report has been prepared in accordance with all relevant legal requirements and accounting standards.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Nil.

POLICY IMPLICATIONS

PL-14-001 – Annual Meeting of Electors

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil.

C07/5018 - CITY OF MELVILLE ANNUAL REPORT 2006-2007 (AMREC) (ATTACHMENT)

CONCLUSION

The Annual Report was developed from key information gathered from all areas of the organisation from quarterly and end-of-year reports, the Plan for the Future, and other corporate documents.

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

An unqualified auditor's report was received following the final audit, and the 2006-2007 Annual Report is presented to the Council for acceptance. This is required by legislation to happen prior to the Annual General Meeting of Electors scheduled to be held on Wednesday, 28 November 2007.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (5018)
ABSOLUTE MAJORITY**

At 6.58 pm Cr D Macphail moved, seconded Cr A Ceniviva -

**THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL THE CITY OF
MELVILLE 2006-2007 ANNUAL REPORT BE ADOPTED.**

At 6.58 pm the Mayor submitted the motion which was

CARRIED BY ABSOLUTE MAJORITY (13/0)

C07/6010 – REVIEW OF INVESTMENT OF SURPLUS FUNDS POLICY (REC) (CONF. ATTACHMENT)

Ward	:	All
Category	:	Policy
Subject Index	:	Corporate Policy & Investments
Customer Index	:	Nil
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Nil
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Marten Tieleman Acting Chief Executive Officer

AUTHORITY / DISCRETION

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C07/6010 – REVIEW OF INVESTMENT OF SURPLUS FUNDS POLICY (REC) (CONF. ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report presented a summary of the advice received from PriceWaterhouseCoopers (PwC) following a review of Council's Investment of Surplus Funds policy 13-PL-002 conducted in September 2007 following the major events that occurred in the global investment markets in July/August 2007 commonly known as the sub-prime mortgage market crisis.
- The report presents a revised policy which incorporates the PwC advice and seeks to further reduce the City's credit risk, which in turn may result in a reduction in the investment returns that Council will receive.

BACKGROUND

Precipitated by the emerging problem of increasing credit defaults in the US residential mortgage market, with the major attention focusing on what is known as sub-prime mortgages, the global investment credit markets suffered severe disruption commencing July and running into August 2007. The events were triggered by a change in the risk assessment of the US based sub-prime mortgages as a result of the increasing default rates. The impact was dramatic and was not limited to residential mortgage backed (asset) securities as the events resulted in the repricing of virtually all credit securities in the global market. This was accompanied by reduction in liquidity; with a particularly large impact on the valuation of all types of issued Collateralised Debt Obligations (CDO's), with those asset backed CDO's having direct exposure to the sub-prime mortgage market suffering severe levels of repricing.

Due to the near total global freeze on credit, including inter-bank lending, the central banks of many countries intervened with massive capital injections in order to provide market liquidity. Subsequent months have seen a gradual return to more normalised conditions, however the credit spreads in all credit securities remain inflated when compared to the historically low spreads being priced in the market prior to July.

The market pricing and liquidity of Council's investments were also significantly impacted upon by these events.

DETAIL

At the time of the collapse in the credit markets Council had (and continues to have) a broad range of credit market investments in on call investment account, Bank Bills, Floating Rate Notes with Authorised Deposit taking institutions and floating rate CDO's. One of the CDO's, that had a face value of \$3m, was found to have exposure to the sub-prime mortgage market and agreement was reached with Council's investment advisers and portfolio managers to remove that CDO from our investment portfolio. This was achieved on terms satisfactory to the Council and which did not impact on the investment returns achieved by Council.

C07/6010 – REVIEW OF INVESTMENT OF SURPLUS FUNDS POLICY (REC) (CONF. ATTACHMENT)

As at the 31st of October 2007 the Council held the following investments:-

INVESTMENT INSTITUTION	TYPE	CREDIT RATING	% OF TOTAL	FACE VALUE \$	CURRENT \$ VALUE	MATURITY DATE
BANKWEST	11AM	AA-	1%	810,441	810,441	On call
ADELAIDE BANK	ADI	BBB+	8%	5,050,860	5,005,205	03/12, 07/14, 08/14, 12/14
BANK OF QUEENSLAND	FRN					30/10/2013
BENDIGO BANK	ADI	BBB+	1%	505,560	502,930	
	FRN					
ELDERS RURAL BANK	ADI	BBB+	5%	3,025,130	3,025,355	09/09, 07/14, 09/14, 02/15
	FRN					
MACQUARIE BANK	ADI	BBB	7%	4,517,543	4,459,235	03/15, 07/15, 08/15, 10/15, 06/16
	FRN					
SUNCORP METWAY LTD	ADI	A	2%	1,500,650	1,481,190	31/05/2017
	FRN					
WESTPAC BANK	ADI	A	3%	2,003,970	1,990,430	09/15, 06/16
	FRN					
COMMONWEALTH BANK	ADI	AA	2%	1,000,810	982,210	24/01/2017
	FRN					
BELO PLC KALGOORLIE	BB	AA	17%	10,107,950	10,117,324	26/11/2007
APHEX (GLENELG)	CBS	AA+	4%	2,150,000	2,180,981	27/02/2012
	CDO	AA-	3%	2,000,270	1,789,860	22/12/2014
	FRS					
BERYL FINANCE GLOBAL	CDO	AAA	4%	2,450,000	2,303,637	20/09/2014
BANK NOTE	FRS					
CORSAIR (CAYMAN)	CDO	AA	2%	1,498,714	1,151,565	20/03/2014
KAKADU	FRS					
CORSAIR (CAYMAN)	CDO	AA	3%	1,885,831	1,585,549	20/06/2013
TORQUAY	FRS					
ETHICAL LIMITED GREEN	CDO	AA	2%	994,280	835,110	20/03/2014
	FRS					
HELIUM CAPITAL (ESPERANCE)	CDO	A+	3%	1,800,072	1,589,814	20/03/2013
	FRS					
HELIUM CAPITAL (SCARBOROUGH)	CDO	AA	3%	1,802,480	1,538,424	23/06/2014
	FRS					
MAGNOLIA FLINDERS	CDO	AA	3%	2,016,710	1,778,760	20/03/2012
	FRS					
MANAGED ACES CLASS 11A PARKES	CDO	AA-	2%	1,000,000	841,640	20/06/2015
	FRS					
MANAGED ACES CLASS 1A PARKES	CDO	AAA	2%	1,049,965	926,111	20/06/2015
	FRS					
OMEGA CAPITAL CLASS A HENLEY	CDO	AAA	1%	385,000	337,599	22/06/2012
	FRS					
STARTS(CAYMAN) BLUE GUM	CDO	AA-	2%	1,505,928	1,325,985	22/06/2013
	FRS					
ZIRCON FINANCE COOLANGATTA	CDO	AA	2%	1,500,000	1,156,275	20/09/2014
	FRS					
ZIRCON FINANCE MERIMBULA	CDO	AA	1%	500,000	395,985	20/06/2013
	FRS					
ZIRCON FINANCE MIAMI	CDO	AA	1%	850,000	589,033	20/03/2017
	FRS					
DEUTSCHE BANK (CGYCN)	IBN	AA-	2%	1,150,000	940,240	18/10/2011
BANKWEST UNITS IN LOCAL GOVT HOUSE	TD Unit Trust	AA-NR	13% 0%	7,584,979 40,734	7,617,385	7/11/2007 No maturity
TOTAL FUNDS INVESTED			100%	60,687,877	57,258,272	

Key to Investment Types Shown in Above Table
 ADI FRN = Authorised Deposit Taking Institution
 BB = Bank Accepted Bill
 CBS = Commodity Based Security
 CDO FRS = Collateralised Deposit Security Floating Rate

C07/6010 – REVIEW OF INVESTMENT OF SURPLUS FUNDS POLICY (REC) (CONF. ATTACHMENT)

IBN = Interest Bearing Note

TD = Term Deposit

Unit Trust = City of Melville share of the historical cost of the Western Australian Local Government Associations head quarters located in West Perth.

Total funds:-

- at call with Bankwest - \$810,440;
- with Authorised Deposit taking Institution (banks) - \$17,604,523;
- with Bank Accepted Bills - \$10,107,950;
- invested in Commodity Backed Securities - \$2,150,000;
- invested in Collateralised Debt Obligations - \$21,239,250;
- invested in Interest Bearing Notes - \$1,150,000
- invested in Bankwest Term Deposit \$7,584,979
- invested in property \$40,734

Due to reduction in market value and liquidity of the City's investments and the perceived conflict of interest that our current investment managers may have had in some of the investment products found in the investment portfolio, Council sought independent advice from a third party. Price Waterhouse Coopers (PwC) were engaged and the scope of the review was agreed as follows:-

To comment on:-

1. Conflict of interest: Whether or not Grange are in fact "independent" advisers given that they have promoted Lehman arranged CDO's to the City, and how the City might deal with the issue of conflict of interest, whether perceived or actual;
2. Current portfolio: Regarding the CDO's currently in the City's investment portfolio, whether it is reasonable to continue to hold them while considering the City's investment options going forward;
3. Review process: Suggested steps for the City to review the Policy and associated processes;
4. Ethical investing: Suggestions in regards to improving the Policy to best align with the City's expectations and objectives for the surplus funds.

A copy of PwC's advice was distributed to the Members of the Financial Management, Audit, Risk and Compliance Committee and Council Members in hard copy form on Friday 9 November 2007. Committee and Elected Members should note the Reliance and limitations clauses 7.1 to 7.13 regarding use of this information.

A summary of the PwC report will now be provided and discussed under each of the headings covered by the scope.

1. Conflict of Interest

The advice reviews the various activities undertaken by Grange Securities which was acquired by Lehman Brothers the US based Securities firm in January 2007. It notes that they are involved in the sale of or organising the sale of debt securities and participate in the corporate finance market as underwriter, arranger, broker-dealer, lead manager or co-manager of various debt transactions and Grange may also directly invest in securities.

C07/6010 – REVIEW OF INVESTMENT OF SURPLUS FUNDS POLICY (REC) (CONF. ATTACHMENT)

PwC note that it is reasonable to suggest that potential conflict of interest has always existed in relation to the City's relationship with Grange however they state that investment houses around the globe manage these types of internal conflicts between subsidiaries and teams operating across the spectrum of financial services. They also note that because Lehman

Brothers are a large issuer of debt securities it is inevitable that the City portfolio will contain some securities arranged by Lehman Brothers.

PwC present a number of options to address these conflict of interest and independence issues including:

- a) Avoid altogether by appointing a truly independent advisor or internal staff member to recommend investments, monitor and review the portfolio on a periodic basis.

Management Response

This option presents some difficulty in identifying a truly independent advisor. It would also be very difficult to employ a suitably qualified internal staff member to do this work as it requires specialist skills and access to market information that would be very expensive to obtain and difficult for a specialist operating in isolation without the back up of an economic research arm etc.

- b) Identify and manage the conflict in a proactive manner taking actions such as
 - a. Allocate a maximum allocation to Lehman Brothers or Grange issued securities;
 - b. City Executive to assess and sign off on each security prior to Grange making the placement, rather than afterwards;
 - c. Tightening the criteria for asset quality;
 - d. Ensure Grange are able to demonstrate their ability to deal with potential conflicts;
 - e. Transfer from the mandate with Grange Securities to the unit trusts operated by Grange Asset Management;

Management Response

Option b was implemented following the discovery of the Federation Sub-prime asset backed CDO. The policy review will ensure that a and c are dealt with, item d is a matter of on-going review with Grange and consideration of e will given over-time as funds permit. Transfer of funds to the Grange Unit trust run by Grange Asset Management may be worthwhile pursuing as, due to the way the trust is structured and managed, it appears this would reduce the potential for conflicts of interest. Investment in a unit trust however results in the investment being directly with the particular trust as opposed to direct investments held in Council's name as is the current scenario. Grange Asset Management would appear to make quite separate decisions in regards to securities that it will accept independently of the advice provided by Grange Securities. It is interesting to note that we believe that the unit trust did not buy any of the Federation CDO. This avenue will be further explored by Management.

- c) Outsource a further layer, by appointing a fixed interest manager to the City's investments, for example via a unit trust product.

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Management Response

This matter was discussed further with PwC and it was agreed that the cost/benefits of doing so may well be negative and that direct investment by Council staff into bank accepted bills or term deposits i.e. the vanilla type investments, may achieve a better net rate of return.

- d) Lift the proactive review of the portfolio for compliance with agreed terms and conditions, either through internal staff member or employing an independent advisor.

Management Response

Proactive review by internal staff has been increased. Due to the current holding pattern of the portfolio and lack of opportunities to liquidate at attractive selling prices there is currently no need to incur the additional expense of a further advisor.

2. Current Portfolio

a) Compliance With Policy

PwC confirmed that the portfolio as at 31 July 2007 was invested consistently with the Policy. However they point out that the Policy includes the Standard & Poors BBB+ rating in with the A Category and that this is not technically correct. Had the BBB+ securities been included with the other BBB ratings the 15% maximum to be invested in BBB would have been exceeded as the total including BBB+ would have been 23%.

Management Response

It should be noted that the investments in the BBB+ and BBB categories are Floating Rate Notes issued by Authorised Deposit taking Institutions such as the Adelaide Bank, Bank of Queensland, Bendigo Bank and Elders Rural Bank. None of the CDO investments held are rated in the BBB category. The draft policy attached has been amended to remove BBB+ from being included in the A category and to limit purchase of investments in this category to Australian Authorised Deposit Taking Institutions subject to the supervision of the Reserve Bank and APRA.

b) Market Conditions

PwC note that it is expected that the majority of CDO's will continue to meet their interest/coupon payments although over time further re-pricing may occur and market values may remain volatile. They note that defaults may occur in US sub-prime mortgage backed CDO. PwC note that liquidity has been impacted on and that sale into the current market (if possible) would crystallise an actual (as opposed to the current book losses we are seeing) for the City. They suggest that no new money be invested into the Grange mandate until the potential conflict of interest issue has been resolved.

PwC conclude however that they believe it is reasonable to hold the current portfolio and carry out a managed exit as maturity or rollover dates are reached.

C07/6010 – REVIEW OF INVESTMENT OF SURPLUS FUNDS POLICY (REC) (CONF. ATTACHMENT)**Management Response**

PwC's comments are noted and in general their conclusions agreed with. We continue to invest funds into the Grange mandate however these investments have been in major Bank term deposits, Bank accepted bills or our 11am call account with Westpac bank. Although there could be some very attractive buy opportunities available in the current market no new funds have been or will be invested in CDO's at this time. Grange is still Councils contracted portfolio manager and their management and reporting of the portfolio is beneficial. Grange Securities also appear to be the most active participant in the purchase and sale of CDO's in Australia and their services will therefore most likely need to be retained should we

be decide to sell any of the CDO's. All new investments into the portfolio are made in the name of the City of Melville, are for a short-term maturity period i.e. between 0 and 90 days and are highly liquid. As noted by PwC, market values have remained volatile since August and what was a very active and liquid trillion \$ market has well nigh ceased to operate. This would make it very difficult for Council to sell any of the CDO securities without incurring a significant actual loss. Based on the premise that the ratings attributed by ratings agencies are soundly based and have a long history of being indicative of the underlying strength of the companies and securities, Management agree with the PwC recommendation to carry out a managed exit from CDO's as maturity or rollover dates are reached.

Due to the current extreme lack of liquidity in the CDO market this is the default position anyway. In the meantime we will continue to achieve an attractive market rate return on these investments. Management do however recommend that the return in excess of the equivalent bank bill rates be provisioned away to protect against any actual losses if such losses were ever to occur. Over the past 4 years Council has enjoyed a significant additional return. For the three years ended on 30 June 2007 this amounted to \$1,785,968. Due to the uncertainty associated with these securities it would be advisable to provision and cash back some of that excess away.

3. Review Process

The PwC advice contains a number of guidance points in regard to the review of the investment policy. The policy has been reviewed using their recommendations, however due to the holding pattern on a significant percentage of the investment portfolio due to the current lack of liquidity or attractive market pricing, it is not possible to address all issues and rebalance the portfolio accordingly. This policy review is therefore considered an interim step with further review and adjustments being made as market conditions improve and new opportunities arise. Liquidity measures are difficult to determine for investments with long maturity dates. Prior to July the CDO investments were highly liquid and able to be traded in the secondary market with ease. So whilst the historical evidence pointed to a substantial period of liquidity the events which occurred in July and August and continue until now totally changed the picture. Limited details in regards to dealing with conflicts of interest have been included in the revised policy however further enhancements will be made when additional examples of such clauses can be located.

C07/6010 – REVIEW OF INVESTMENT OF SURPLUS FUNDS POLICY (REC) (CONF. ATTACHMENT)**4. Ethical Investing**

Due to the negative connotations surrounding investment in securities with sub-prime mortgages as underlying assets PwC were asked to make comment on how we might include provisions in regards to “Ethical” investing within the policy.

PwC provided some advice in that regard and note the gradual movement by the investment industry to more explicit statements around ethical investing. They recommend that the City address this issue by including in the Policy specific criteria against which the investment must be approved prior to accepting the investment. PwC note that there is a vast array of criteria against which investments could be screened and that care needs to be taken to ensure that the screening process does not result in undue effort or criteria that is too restrictive. They note that, due to the relatively small size of Council’s investment portfolio, complex or high levels of ethical screening may erode diversification or returns. The advice does not provide specific details of clauses that may be suitable for inclusion in the policy and notes that the section of the policy review that discussed formalising risk issues such as liquidity may address much of the concerns anyway.

Whilst some changes in regards to ethical investing have been incorporated into the policy this is considered by Management to be a work in progress and as examples of better practice are identified they will be included in future reviews.

5. PwC Advice on Conclusions and Next Steps

PwC conclude their advice by summarising the need to conduct a “top down” review of Investment of Surplus Funds Policy with a view to refreshing or formalising the City’s position in regards to

- a) Objectives of each fund;
- b) Identification and management of stakeholder expectations;
- c) Specification of allowable benchmark and ranges for each asset sector and security rating;
- d) Management of conflicts of interest.

PwC note the need to formally review the current situation and mandate with Grange Securities.

They advise that an early exit from a particular investment may incur a capital loss unnecessarily and that securities should be assessed on an individual basis.

They recommend lifting the overall rating of the portfolio as new securities are purchased.

Management agreed with these recommendations and either have put them into place or will be undertaking those actions in the near future.

In light of the PwC advice, officers have reviewed the Investment of Surplus Funds Policy 13-PL-002 [6010_FIN_Novmeber_2007.pdf](#) that was distributed to the Members of the Financial Management, Audit, Risk and Compliance Committee and Council Members on Friday 9 November 2007.

C07/6010 – REVIEW OF INVESTMENT OF SURPLUS FUNDS POLICY (REC) (CONF. ATTACHMENT)

In light of the potential or perceived conflicts of interest that may arise in respect to Grange Securities continuing advice and management of Council investment portfolio it is recommended that Council officers be directed to seek opportunities for the engagement of other advisers and or fund managers. Officers are aware that some other firms are considering entering into the market for the management of Council surplus investment funds and it will be opportune to investigate those avenues when and if they occur. It is very difficult to achieve investment advice that is truly independent however there are some firms that carry out work for other Local Governments in Australia that require investigation.

It is recommended however that Grange continue to manage Council's current investments in CDO's as their expertise and substantial presence in the CDO market will be required in order to carry out a managed divestment of these investment products. Their continuing management will be closely monitored by Council officers who will draw on external advisory expertise as and when required.

PUBLIC CONSULTATION/COMMUNICATION

No external public consultation has been carried out as the Draft policies refer to the internal Financial Management of the Council.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Price Waterhouse Coopers (PwC) were engaged to review Council's investment portfolio.

STATUTORY AND LEGAL IMPLICATIONS

Local Government investments are to be made in accordance with The Local Government Act 1995 – Section 6.14 and The Trustees Act 1962 – Part III Investments as amended by The Trustees Amendment Act 1997.

Section 5.23 of the Local Government Act titled "Meetings generally open to the public" states as follows:-

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

C07/6010 – REVIEW OF INVESTMENT OF SURPLUS FUNDS POLICY (REC) (CONF. ATTACHMENT)

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government;
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
- (h) such other matters as may be prescribed.

PwC have requested that the advice document remain confidential as it contains information that has information that is of commercial value to their competitors and also that due to the specific nature of the advice that they do not wish other parties taking that advice and acting upon it as it may not suit their particular circumstances. This request appears reasonable and would be covered by item (e) above.

FINANCIAL IMPLICATIONS

Reducing the types of securities Council will invest in and increasing the security ratings on individual investments in the portfolio will have the impact of reducing the investment returns that Council will achieve. The \$ impact is estimated to be in excess of \$100,000 per annum however during the period that we will continue to hold the current CDO investments (which may be until liquidity and appropriate market pricing returns or maturity) we will continue to enjoy above the bank bill benchmark rates of return on that portion of the portfolio. It is recommended that until such time as a sufficient provision of cash backed funds is achieved the \$ amount of the above bank bill benchmark returns be set aside against any potential future losses that may be incurred on sale or default of investments.

C07/6010 – REVIEW OF INVESTMENT OF SURPLUS FUNDS POLICY (REC) (CONF. ATTACHMENT)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
In the absence of appropriate policy investments may be made that will incur a capital loss, a diminished rate of return or not be ethically appropriate resulting in a financial loss and or loss of reputation for the Council.	High level of risk without specific policy in place. Level of Risk After Application of Risk Mgt Strategy - Low level of risk with policy in place & adhered to by the Council.	Adopt a revised Investment of Surplus Funds Policy that places appropriate ratings, benchmark returns and limits on types of investments that may be acquired.

POLICY IMPLICATIONS

Report presents a revision of Councils Investment of Surplus Funds Policy 13-PL-002

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil

CONCLUSION

The attached Investment of Surplus Funds Policy incorporates many of the recommendations made in the PwC advice. Further enhancement will however be required in the future to add additional requirements in regards to ethical investing and to respond to changing investment market conditions.

Officer Recommendation (6010)

Approval

1. That draft revised Policy 13-002 – Investment of Surplus Funds policy [6010 FIN Novmeber 2007.pdf](#) be endorsed and submitted to the Council for adoption.
2. That the amount of investment revenue received from Council’s investment portfolio that is in excess of the bank bill benchmark stated in the policy be provisioned into a cash backed reserve to be used to fund any realised investment losses.
3. That a further report be prepared regarding the engagement of additional funds managers or advisers for the City of Melville investments and portfolio.

C07/6010 – REVIEW OF INVESTMENT OF SURPLUS FUNDS POLICY (REC) (CONF. ATTACHMENT)

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (6010) APPROVAL

At 6.59pm Cr A Ceniviva moved, seconded Cr D Macphail -

- 1. THAT DRAFT REVISED POLICY 13-002 AS AMENDED – INVESTMENT OF SURPLUS FUNDS POLICY [6010 November 2007.pdf](#) BE ENDORSED AND SUBMITTED TO THE COUNCIL FOR ADOPTION.**
- 2. THAT THE AMOUNT OF INVESTMENT REVENUE RECEIVED FROM COUNCIL'S INVESTMENT PORTFOLIO THAT IS IN EXCESS OF THE BANK BILL BENCHMARK STATED IN THE POLICY BE PROVISIONED INTO AN INVESTMENT EQUALISATION RESERVE TO BE USED TO FUND ANY REALISED INVESTMENT LOSSES.**
- 3. THAT A FURTHER REPORT BE PREPARED REGARDING THE ENGAGEMENT OF ADDITIONAL FUNDS MANAGERS OR ADVISERS FOR THE CITY OF MELVILLE INVESTMENTS AND PORTFOLIO.**

At 6.59 pm the Mayor submitted the motion which was

CARRIED (13/0)

12. REPORTS OF THE ACTING CHIEF EXECUTIVE OFFICER

T07/2001 - DRAFT ECOLOGICAL SUSTAINABILITY PLAN (REC) (ATTACHMENT)

Ward	:	All
Category	:	Strategic
Subject Index	:	Ecological - Sustainability
Customer Index	:	Ordinary Meeting of Council
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	No Previous Item
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Philip Gale Manager Infrastructure Services

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when 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 Council reviews decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when 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>

T07/2001 - DRAFT ECOLOGICAL SUSTAINABILITY PLAN (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Seeking Council approval to release the Ecological Sustainability Plan for public comment

BACKGROUND

The Sustainability and Greenhouse Action Plan was adopted by the Council in 2000 and over the last seven years most of the key strategies within that plan have been implemented.

The Ecological Sustainability Plan is the revised document to further progress sustainability within the organisation. The first draft was presented to Elected Members at the Portfolio Meeting of 11 September 2007. Councillors were then invited to make comments on the draft plan.

The current draft is the result of the feed-back received from Councillors. In general the comments related more to the structure of the Plan rather than changes to the content. [2001 November 2007 NEW.pdf](#)

DETAIL

The Ecological Sustainability Plan is based on the Western Australian State Sustainability Strategy (WASSS) and utilises the State's principles and visions for the future. The Plan begins by firstly setting both the ecological and wider policy context. This is followed by the key initiatives to date, the purpose, approach, organisational context, and the framework. The six strategic directions (derived from the WASSS) are then detailed. Action Plans will not be included in this document as they are the live component of the Plan and will be internet-based to allow regular updating.

PUBLIC CONSULTATION/COMMUNICATION

No external consultation has been carried out to date.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Nil

STATUTORY AND LEGAL IMPLICATIONS

Nil

T07/2001 - DRAFT ECOLOGICAL SUSTAINABILITY PLAN (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

Nil

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

No extreme or high risks are identified.

There is little risk of negative public perception considering:

1. There will be positive media releases prior to the plan being available,
2. The Ecological Sustainability Plan addresses components of the environmental well-being aspirations of the community as identified in the Community Plan.
3. It is based on the WASSS which was developed through consultation with a wide range of stakeholders.

POLICY IMPLICATIONS

There is no Council Policy that relates to sustainability. The Ecological Sustainability Plan, once adopted, will be the guiding document.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Nil

COMMENT

It should be emphasised that the Ecological Sustainability Plan (ESP) is a broad document to provide direction and guide future actions. Partnerships with specific bodies such as the Southern Metropolitan Regional Council and relationships with other key City of Melville strategies, such as the Public Open Space strategy, are not included in this document.

Action plans will be developed to provide the detail on specific issues and will be assessed using the triple bottom line. By environmental, economic and social benefits, consideration will be given to prioritising initiatives based on best value and within budget restraints.

Some of the documents quoted in the ESP were released up to 10 years ago. These have been included as they provide a history and therefore a base on which we can build.

It was suggested that spirituality be included as a fourth element of the triple bottom line, thus creating the quadruple bottom line. However, it was felt that spirituality is addressed in the foundation principles under "Community, regions, 'sense of place' and heritage". As a foundation principle it will be considered as part of the decision – making process. It should

T07/2001 - DRAFT ECOLOGICAL SUSTAINABILITY PLAN (REC) (ATTACHMENT)

also be noted that the action plans will be guided by the Community Plan which also addresses the “physical, emotional, spiritual health and well-being” of the community.

CONCLUSION

The Ecological Sustainability Plan identifies how the City of Melville can progress on the sustainability agenda in line with Western Australia and the nation. It is important to include the community in decisions relating to the future direction of the City because the outcomes directly affect them. While the environmental aspirations of the community have been captured in the Community Plan, it is important the Plan be released for public comment to engage their involvement.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (2001)**APPROVAL**

At 6.59 pm Cr D Macphail moved, seconded Cr C Robartson -

- 1. THAT THE ECOLOGICAL SUSTAINABILITY PLAN BE RELEASED FOR A FOUR WEEK PUBLIC COMMENT PERIOD.**
- 2. THAT THE FINAL DRAFT ECOLOGICAL SUSTAINABILITY PLAN BE RE-PRESENTED IN FEBRUARY 2008 FOR ADOPTION.**

At 7.00pm the Mayor submitted the motion which was

(CARRIED 13/0)

T07/3002 - WIRELESS HILL SOUTH EASTERN TOWER REFURBISHMENT (REC)

Ward	:	Applecross/Mt Pleasant
Category	:	Operational
Subject Index	:	Wireless Hill Park
Customer Index	:	Wireless Hill Park
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not Applicable
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Philip Gale Manager of Infrastructure Services

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when 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 Council reviews decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when 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>

T07/3002 - WIRELESS HILL SOUTH EASTERN TOWER REFURBISHMENT (REC)

SUMMARY

This report seeks approval for one of the options listed below for the South Eastern Anchor Point at Wireless Hill.

Option 1 - Restore the anchor point to its original 1912 condition.

Option 2 - Restore/repair the concrete structure and replace the staircase to make it once again accessible as a viewing platform.

BACKGROUND

Following the removal of the stairs on the south eastern lookout tower at Wireless Hill due to safety reasons, there have been a number of enquiries about the future of the tower.

The lookout towers were originally the anchor points for the wireless mast guy ropes. It was in the late 1970's that the towers were modified and the stairways added to convert them into viewing platforms.

In the Conservation Plan prepared for the Wireless Hill site in 1999 one of the recommendations was:-

“Reversing alterations (of low significance) where they have occurred in the 1974 and 1980 construction periods, can enhance the significance of the place. Reversing such alterations is encouraged where the opportunity arises.”

The opportunity to restore this anchor point to its original 1912 condition now presents itself. It is believed that this course of action will provide the optimum outcome for the heritage of the site, park visitors and the local community.

However on Tuesday, 29 May 2007, Cr H R Everett gave notice of the following motion:

“That Council replaces and/or repairs the steps leading to the top of the lookout towers (most anchor points) for the benefit of the public; and that funds from Lottery West be sought to cover the costs.”

Cr H R Everett then presented a memorandum dated Saturday, 16 June 2007, advising that he would be presenting an alternative motion to the June Council Meeting, which reads as follows:

“That a report be prepared concerning the repair and/or replacement of the steps leading to the top of the lookout towers (formerly the mast anchor points) for the benefit of the public, and that funds be sought from Lottery West to cover cost.”

Note: A recent advertisement in “The West Australian” of May 19, 2007, page 14 indicated that funds were available for such a purpose.”

T07/3002 - WIRELESS HILL SOUTH EASTERN TOWER REFURBISHMENT (REC)

At the June 2007 Council Meeting then resolved the following:

THAT A REPORT BE PREPARED CONCERNING THE REPAIR AND/OR REPLACEMENT OF THE STEPS LEADING TO THE TOP OF THE LOOKOUT TOWERS (FORMERLY THE MAST ANCHOR POINTS) FOR THE BENEFIT OF THE PUBLIC, AND THAT FUNDS BE SOUGHT FROM LOTTERY WEST TO COVER COST."

It should be noted that restoration works to the remaining two viewing platforms including the concrete repairs and replacement of handrails are going to be completed this financial year.

DETAIL

The master planning of the site has commenced although it will take some time to complete, however as the other two towers will still provide facilities for the public, the final outcome of providing a restored tower to complement the historic value of the site has some merit.

Any Heritage Grants from Lottery West or other agencies are more applicable for the restoration of the tower to its original condition as per the recommendation noted in the Wireless Hill Conservation Plan (1999).

PUBLIC CONSULTATION/COMMUNICATION

No public consultation has been carried out.

CONSULTATION WITH OTHER AGENCIES/CONSULTANTS

We have consulted internally with Community Development and also with the Heritage Council of Western Australia.

STATUTORY AND LEGAL IMPLICATIONS

Nil

T07/3002 - WIRELESS HILL SOUTH EASTERN TOWER REFURBISHMENT (REC)

FINANCIAL IMPLICATIONS

Estimated cost for Option 1. (Restore the anchor point to original condition).

Concrete repairs	\$ 11,000.00
Construction	\$ 50,000.00
Painting	\$ 6,000.00
Consultation	\$ 7,000.00
Contingency 10%	\$ 7,400.00
Total	\$ 81,400.00

Estimated cost for Option 2. (Restore/repair the concrete structure and replace the staircase to make it once again accessible as a viewing platform).

Concrete repairs	\$ 11,000.00
Construction	\$ 55,000.00
Painting	\$ 6,000.00
Consultation	\$ 7,000.00
Contingency 25%	\$ 19,750.00
Total	\$ 98,750.00

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Risk of the concrete structure not supporting new stairs due to concrete cancer.	Minor consequences which are likely, resulting in a Medium level of risk	Option 2 would place very little load on the structure as there would be no pedestrian traffic climbing stairs, therefore the risk to the community would be greatly reduced.

POLICY IMPLICATIONS

Nil

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Nil

T07/3002 - WIRELESS HILL SOUTH EASTERN TOWER REFURBISHMENT (REC)**CONCLUSION**

There is an opportunity to restore this tower to its original condition and enhance the cultural significance of the site.

Due to the age of the structure at almost 100 years old, the safety risk of Option 2 (replacing the stairs) would no doubt have a greater cost than the restoration option because there is no way to estimate how deep the concrete cancer has penetrated. It would only be known once work had commenced.

As stated previously the new Master Plan for the entire Wireless Hill site is currently being developed. It would be advisable to incorporate any future development into this planning process. As there are currently two towers providing good public access to viewing stations, there is no urgency to make a decision to restore the third tower to its original condition or to replace the stairs

Whichever option was favoured, it would need to be approved by the Heritage Council of Western Australia.

At 7.00pm Cr H Everett moved, seconded Cr J Barton –

THAT THIS ITEM BE RECOMMITTED PENDING THE RESULTS OF THE STRUCTURAL ENGINEERING REPORT.

At 7.00pm the Mayor submitted the motion for recommittal which was **LOST (4/9)**

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3002) APPROVAL

At 7.05pm Cr C Robartson moved, seconded Cr R Subramaniam -

- 1. THAT THE REPORT CONCERNING OPTIONS TO RESTORE THE SOUTH EASTERN MAST TOWER IN WIRELESS HILL BE NOTED.**
- 2. THAT FUTURE REDEVELOPMENT OPTIONS FOR THE SOUTH EASTERN MAST TOWER ON WIRELESS HILL PARK BE INCORPORATED INTO THE DECISION PROCESS OF THE WIRELESS HILL MASTER PLAN PROJECT.**

FOOTNOTE:

TO FACILITATE FUTURE DEVELOPMENT OF THE TOWER, A STRUCTURAL ENGINEERING REPORT WILL BE COMMISSIONED.

At 7.05pm the Mayor submitted the motion which was **(CARRIED 13/0)**

P07/3023 - FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPLECROSS (REC) (ATTACHMENT)

Declaration of Interest:

Item No : P07/3023 - Four Storey Mixed Use Building – Five Multiple Dwellings & One Office On Lot 314 (4) Forbes Road Applecross Member
Member: Cr J Barton
Type of Interest : Interest under Code of Conduct
Nature of Interest : Daughter owns an adjoining property.
Extent of Interest : Interest under Code of Conduct
Request : Stay and Observe
Decision of Council : Leave

Cr J Barton declared an interest in this item and had requested permission to stay and observe.

At 7.06pm having disclosed an interest Cr J Barton departed the meeting.

At 7.06pm Cr J Bennett moved, seconded Cr R Subramaniam –

THAT CR J BARTON WITHDRAW FROM THE MEETING

At 7.06pm the Mayor submitted the motion which was

CARRIED (12/0)

P07/3023 - FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPLECROSS (REC) (ATTACHMENT)

Ward	: Applecross Mount Pleasant
Category	: Operational
Application Number	: DA-2007-280
Property	: 4 Forbes Road, Applecross
Proposal	: Mixed use – 4 Multiple Dwellings and 1 Office
Applicant	: Buildex constructions
Owner	: Filton Pty Ltd
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	: Keith Weymes, Manager Planning & Development Services
Previous Items	: Not Applicable

AUTHORITY / DISCRETION

Definition

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>when 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 Council review decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>when 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

- | |
|--|
| <ul style="list-style-type: none"> • Mixed Use four storey building with basement carparking. • Mixed Use – 5 Multiple Dwellings and 1 Office. • Advertised for 21 days in accordance with the City of Melville's Community Planning Scheme No. 5. • Three submissions were received relating to increase in traffic due to the proposed office, bulk of the building, office use, excessive plot ratio, loss of privacy, reduced open space and noise from the communal pool. • Proposed plot ratio of the residential component is 0.805 in lieu of 0.6. • Proposed plot ratio of the non-residential component is 0.069. • Total proposed plot ratio – 0.874. • Non-compliance with side setbacks. • Supported for approval subject to conditions. |
|--|

P07/3023 - FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPLECROSS (REC) (ATTACHMENT)**BACKGROUND**

The proposal has been reviewed by the City of Melville Architectural and Urban Design Advisory Panel on 17 July 2007. It was also presented to Ward Councillor and Mayor on 28 August 2007 and at the Elected Members Workshop on 25 September 2007. It is noted that concerns raised regarding energy efficiency of the proposal will need to be addressed as part of the Building Licence application should planning approval be granted. Options in this regard include the erection of horizontal shade screens which allow light penetration during the winter months and shade the development in the summer months.

The subject property is located in the Canning Bridge Frame Precinct and is subject to the R50 density coding, which provides a residential plot ratio for multiple dwellings of 0.6. The properties across the road are contained within the Applecross 1 Living Precinct, provides for an R15 density where no multiple dwellings are presently permitted under the Residential Design Codes. It is noted that the Codes do not provide plot ratio requirements for residential development at these lower density codings. Properties to the south (of Kishorn Road) are contained in the Canning Bridge District Centre 1 Precinct, which provides for an R60 residential coding with a plot ratio of 0.7 for multiple dwelling residential development.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Commercial Centre Frame –CBF – Canning Bridge Frame
R-Code	:	R50
Use Type	:	Residential / Office
Use Class	:	D / S

Site Details

Lot Area	:	1012 sqm
Retention of Existing Vegetation	:	No
Street Tree(s)	:	Yes (1)
Street Furniture (drainage pits etc)	:	No
Site Details	:	P07 3023 PROPERTY MAP.pdf

[P07 3023 November 2007.pdf](#)
[P07 3023A November 2007.pdf](#)

DETAIL

Proposal is for a 4 storey building with basement carparking with 17 bays and a communal pool at the rear of the building. An office of 70.37 sqm is proposed on the ground floor. Five multiple dwellings are proposed, 1 on the ground floor, 2 on the second storey, and 2 on the third storey with master bedroom on the fourth storey.

The proposed Mixed Use Development is located within the Commercial Centre Frame Precinct - CBF – Canning Bridge Frame, along Forbes Road (between Canning Highway and Kintail Road) Applecross - approximately 260 metres from the intersection of Canning Highway and Sleaford Road and 85 metres from the Canning Bridge District Centre (DC1).

P07/3023 - FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPLECROSS (REC) (ATTACHMENT)

It should be noted that this area is the subject of Amendment No 35. This Amendment proposes a maximum non-residential plot ratio of 0.8 which represents an increase of 0.2 above the current 0.6 for non-residential uses. Whilst this Amendment is on hold, pending further studies in the locality, the plot ratio proposal may be subject to further review in light of legal advice received relative to the implications of the present Residential Design Codes.

The proposal was presented to Agenda Forum on 6 November 2007 where concerns over the legitimacy of the proposal and privacy were raised. This report addresses the matters raised as required.

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	Nil	69.4%	Complies		
Plot Ratio Residential	0.6	0.805	Does Not comply	MPDS	
Non-residential	0.6	0.07	Complies		
Landscaping Non-residential	25%	45.4%	Complies		
Building Height	11.0 metres 13.5 metres	Not Applicable 12.8 metres	Complies		
Carparking Residential	10 bays	17 bays	Complies		
Non-residential	3 bays				

(Note: Non-compliance is emphasised in bold)

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	Nil				
Rear					
GF	2.2 metres	6.7 metres	Complies		
2 nd storey	3.8 metres	6.2 metres	Complies		
3 rd storey	5.2 metres	6.2 metres	Complies		
4 th storey	6.5 metres	9.6 metres	Complies		
Side North					
GF	3.0 metres	4.0 metres	Complies		
2 nd storey	3.5 metres	3.6 metres	Complies		
3rd storey	5.8 metres	3.6 metres	Does not comply	MDPS	
4 th storey	5.8 metres	6.0 metres	Complies		
Side South					
GF	3.1 metres	3.3 metres	Complies		
2nd storey	6.1 metres	4.5 metres	Does not comply		
3 rd storey	4.3 metres	4.6 metres	Complies		
4 th storey	8.9 metres	6.0 metres	Complies		

P07/3023 - FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPLECROSS (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes
Reason:	D and S uses
Support/Object:	3 submissions of objection

REFERRALS TO GOVERNMENT AGENCIES

Not applicable

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

Not applicable

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable

POLICY, R-CODE AND SCHEME IMPLICATIONS

Policy 06-PL-024 – Car Parking (Non Residential).

Policy 06-PL-029 – Mixed Use Plot Ratio Bonus Application.

Recent legal advice from Council's Solicitors indicates that the Plot ratio requirement of Community Planning Scheme No 5 work in hand with the requirements of the Residential Design Codes. As of right, mixed use developments within the Canning Bridge Frame Precinct can achieve a plot ratio of 0.6 for the residential component (relative to R50 development) and 0.6 for non residential development (total plot ratio of 1.2). In addition, these requirements do not require consideration of any bonus applied under the terms of Council Policy 06-PL-029 Mixed Use Plot Ratio Bonus Application. Further, discretion is available under both the Residential Design Codes (PC 4.2.1 P1) and Clause 4.3 of the Scheme to increase the plot ratio for the residential component. Notwithstanding, Council also has the power to reduce the applicable plot ratio under Clause 7.8 of the Scheme in consideration of a number of matters inclusive of local amenity.

P07/3023 - FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPECROSS (REC) (ATTACHMENT)**COMMENTS**

The proposed mixed use development is non-compliant with R-Code Acceptable Development requirements with regard to plot ratio and side setbacks.

Plot Ratio

In simple terms, plot ratio is the ratio of built area relative to the site area. The planning tool aims to provide some rational for the assessment of building bulk on a property. However, other considerations such as setback, parking and building height, together with the visual aesthetics of a development have significance when considering the bulk of a development.

The plot ratio requirements are complex and in many instances do not give a true representation of building bulk. In this regard, for residential development, the definition includes the area of walls and provides for a number of exclusions which still add to the bulk of a building. Exclusions for residential development include areas for lifts, stairs or landings for more than one dwelling, machinery, air conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used for parking at or below natural ground level, lobbies or amenity areas common to one or more dwellings, balconies or verandahs open on at least two sides.

Plot ratio exclusions for non-residential development were previously contained under the Uniform Building Bylaws (but are not included under the current Building Code of Australia. In practice, however, the former Uniform Building Bylaw requirements are generally applied and in this regard, plot ratio for commercial development exclude all floor areas for vehicle parking, whether at or below ground floor or above.

The plot ratio “as of right” (subject to discretionary consideration under Clause 7.8 of CPS No 5) applicable for a Mixed Use Development consists of the plot ratio of the commercial floor area plus the plot ratio of the residential area provided under the R-Coding.

For this development, the maximum plot ratio for the commercial component is 0.6 (CBF) and the maximum plot ratio for the residential component is 0.6. Therefore the total “as of right” plot ratio is 1.2 (total 1214.4 sqm - 607.2 sqm commercial and 607.2 sqm residential).

The non-residential component, being a commercial office on the ground floor with an area of 70.37 sqm has a plot ratio 0.069. The permitted plot ratio area under CPS No 5 is 607.2 sqm.

The total proposed area for the residential component is 815.13 sqm (0.805 - 0.205 above the maximum permitted plot ratio of 0.6 - 607.2 sqm).

The total proposed plot ratio for the development (residential plus commercial) is 0.874 (885.5 sqm). The permitted total plot ratio for the combined mixed use is 1.2 (1214.4 sqm). This is 328.9 sqm (0.326) less than the as of right combined plot ratio. However, the residential plot ratio exceeds the permitted plot ratio by 207.93 sqm (0.205).

It should be noted that the applicant could have applied for greater plot ratio for the commercial component but this may have been considered detrimental to the amenity of the area due to increasing traffic volumes along Forbes Road and resultant amenity impacts in terms of traffic noise and disturbance.

P07/3023 - FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPECROSS (REC) (ATTACHMENT)

Whilst this application includes the 70 sqm (approx.) office area to qualify for consideration as a mixed use development and associated plot ratio consideration, it should be noted that if the office area was a gymnasium common to the multiple dwellings, it would not be included in plot ratio calculations. In addition, the application would involve consideration of a variation to the plot ratio requirements of the Residential Design Codes, either under the Performance Criteria of the Codes or alternatively under Clause 4.3 of Community Planning Scheme No 5.

With regard to the Performance Criteria under the Codes, Clause 4.2.1 P1 provides for multiple dwellings in a mixed use format to take into account streetscape objectives, provide open space sufficient for resident needs and provide appropriate parking. In this regard, the parking and open space requirements are readily satisfied. With regard to streetscape considerations it may be argued that the additional plot ratio proposed for the multiple dwellings of 0.205 (207.93 sqm) may have a considerable impact on the bulk of the building when viewed from the street. Notwithstanding, it may equally be argued that the additional floor space could be removed from the rear of the site or internally within the development (by the provision of additional amenities). In both these circumstances, the bulk of the building may be retained as proposed and the impact on the streetscape would remain constant. Accordingly, it is considered that the performance criteria of the Codes in this regard are satisfied.

The City of Melville Policy 06-029 – Mixed Use Plot Ratio Bonus Application, states that the bonus will not be granted to sites within the District Centre Frames when opposite a Living Area Precinct. Notwithstanding, legal advice indicates that the proposal does not seek a bonus plot ratio under the terms of the Policy, therefore the Policy has limited application in this regard. Whereas community benefits may be considered with regard to whether to support the application for a plot ratio bonus the current requirements under Council Policy can only act as guidance until such time as the Policy is reviewed.

In this instance, the benefit afforded by the plot ratio increase for the residential portion of the development is negligible, as the additional residential floor space could be allocated for commercial use as of right with no discretionary consideration.

Side Setbacks

The proposal indicates a reduced set back of 3.6 metres in lieu of 5.8 metres to the northern boundary at the second floor level. Along the southern side, the wall on the first floor proposes major openings that require a setback of 5.7 metres relative to the height and length of the wall. Whilst these setbacks do not satisfy the Acceptable Development requirements of the Codes, they may be considered in the context of the Performance Criteria (Clause 3.3.1) of the Codes. In this regard, buildings are to be set back from boundaries (other than street) so as to provide adequate direct sun and ventilation to the proposed and adjoining developments and appurtenant open spaces, assist in ameliorating the impacts of building bulk on adjoining property and privacy between adjoining properties.

P07/3023 - FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPECROSS (REC) (ATTACHMENT)

In both instances, the reduced setbacks are considered to satisfy the Performance Criteria of the Codes. With regard to the northern boundary, the adjoining site contains a side driveway which provides additional separation between the two developments, solar access is not restricted, privacy is compliant with the Code requirements and the building is articulated to reduce impacts of bulk on the neighbour. With regard to the southern boundary, overshadowing is not an issue relative to the 4.5m setback, privacy is protected and the bulk of the building is ameliorated by the wall being enclosed in a curve linear roof structure.

It should be noted that the Residential Design Codes, Clause 4.2.1 Dwellings in Mixed-Use Development allows walls on boundary for 2/3 of boundary behind street setback up to 6m height. This Clause permits a wall of 36.6 metres in length with 6.0 metres in height along the southern boundary for this proposal (subject to other considerations), which would be more detrimental to the amenity of the adjoining property.

Carparking

The proposal requires 10 carparking bays for the residential component and 3 carparking bays for the commercial (office) component (total of 13 bays). A total of 17 carparking bays are proposed in a basement carparking. The top of the basement parking area is raised above ground level. Privacy concerns were raised with regard to access to this area at the Agenda Forum Meeting held on 6 November 2007. Whereas it appears from the plans that this area is not openly accessible from the ground floor it would be reasonable to condition any approval to provide barriers to prevent easy access to this area except for maintenance purposes.

It is noted that the front two parking bays in the undercroft are to be permanently open for public use, with security gates located immediately to the rear. Whilst these two bays satisfy visitor parking requirements under the R-Codes and customer parking requirements for the office under Council Policy, they do not satisfy reversing requirements within the property to allow vehicles to re-enter the road in a forward direction. This matter may be addressed in a number of ways inclusive of relocating the security gates further back into the parking area and provision of a management plan. An appropriate condition in this regard is proposed.

Design of the building

The City of Melville Architectural and Urban Design Advisory Panel reviewed the proposed Mixed-Use building on 17 July 2007. Members of the Panel were satisfied with the design and architectural character of the building. Some recommendations were made to the designer in relation to removal of carparking bays for visitors from the front of the building and lowering of the building to have a closer relationship with the street level in terms of scale and character. These matters have satisfactorily been addressed with revised plans.

Visual privacy

The major openings on the sides of the building comply with the requirements of the Residential Design Codes as horizontal screen are proposed to comply with Clause 3.8.1 Visual Privacy. The proposal will abut a driveway on the adjoining property to the north. In addition the northern property has several trees along the driveway to further protect the privacy of the dwellings. It is noted that the large windows provided along the northern elevation to the central stairway have been provided with obscure glazing. Although these

P07/3023 - FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPECROSS (REC) (ATTACHMENT)

windows are not to habitable spaces to the building and therefore compliant with the privacy requirements of the Codes, the obscure glazing is provided in an attempt to be more respectful of the neighbour's privacy. Accordingly, visual privacy requirements appear not only to be satisfied, but exceeded beyond standard expectations.

Notwithstanding, a condition is proposed which will ensure that the privacy requirements of the Codes are satisfied.

A similar situation is achieved with the property to the south, where several trees assist in preventing overlooking from the major opening located adjacent that side boundary.

Submissions

During the advertising period 3 objections were received (see attached Submission Schedule) with regard to concerns over increased traffic, bulk of the building, office use, excessive plot ratio, loss of privacy, reduced open space and noise from the communal pool. These concerns have been directly addressed in the submission schedule.

Importantly, it is noted that the property is located in a Commercial Centre Frame Precinct (CBF) – Canning Bridge Frame with a residential coding R50. It is expected that a property with an area of 1012 sqm (as per the subject site) could be developed with up to 5 residential dwellings, requiring 10 carparking bays - 2 for each dwelling in accordance with the Residential Design Codes. The commercial component being an office of approximately 70 sqm requires only 3 additional carparking bays, which is considered acceptable for this area which is progressively going through a transition from predominantly residential to mixed use commercial-residential uses.

Forbes Road is the continuation of Sleat Road (to the south) and Carron Road (to the north). The road serves a major distribution function for the growing commercial area within the Frame Precinct as it is located between the round-about with Kintail Road and the signalised intersection with Canning Highway.

The City of Melville's Community Planning Scheme No. 5 provides for a number of non residential uses within this precinct subject to discretion of the Council (e.g. - Child Minding Centre, Corner Store, Educational Establishment, Medical Centre, Office, Public Amusement, Public Worship and Storage). It is considered that the proposed office space of approximately 70 sqm will be of limited impact on the surrounding residential area.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The original proposal was for a residential development with a communal gymnasium on the ground floor with a plot ratio of 0.6 under the R-Codes. The proposed office could be reverted to a gymnasium on the ground floor which would not require the exercise of discretion under the Scheme to vary the plot ratio requirement. In this instance, the carparking requirement would be reduced by 3 bays.

The proposal may be refused but an appeal to the State Administrative Tribunal may be difficult to defend as the total plot ratio is less than what can be approved "as of right" under the provisions of the R-Codes and Community Planning Scheme No 5.

P07/3023 - FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPLECROSS (REC) (ATTACHMENT)**CONCLUSION**

The proposal is not considered to have an adverse impact on the neighbourhood, complies with the height limits, has a total plot ratio significantly less than that provided for “as of right” under the R-Codes and Scheme, with a good design and architectural character. Accordingly, it is recommended that the application be conditionally approved.

Officer Recommendation (3023)**Approval**

That the application for mixed use – five multiple dwellings and one office on Lot 314 (4) Forbes Road, Applecross be approved subject to the following conditions:

Special Conditions:

- 1. The dimensions of all carparking bays, aisle widths and circulation areas complying with Australian Standard AS2890.1.**
- 2. During excavations, all necessary precautions to be taken to prevent damage or collapse of any adjacent streets, right-of-way or adjoining properties. It is the responsibility of the builder to liaise with adjoining and adjacent property owners prior to carrying out work.**
- 3. The development hereby permitted is to comply with the Health (Public Buildings) Regulations 1992 (as amended).**
- 4. The use and/or development hereby permitted shall at all times comply with the requirements of the Environmental Protection (Noise) Regulations 1997. Applicant is required to consult with City of Melville Health Services prior to the installation of any noise emitting equipment such air conditioners.**
- 5. All security alarm devices to be “silent monitored” systems to address potential impacts on surrounding residential amenity to the satisfaction of the Manager Planning and Development Services.**
- 6. The façade of the building and walls to be treated with an anti-graffiti agent to the satisfaction of the Manager Planning and Development Services.**
- 7. On completion of construction, all excess articles, equipment, rubbish or materials and temporary facilities are to be removed and the site and surrounding area used during the development is to be made good and left in an orderly and tidy condition to the satisfaction of the Manager Planning and Development Services.**

P07/3023 - FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPLECROSS (REC) (ATTACHMENT)

8. Submission of a glare reflectivity study by a consulting engineer and any glare issues to be addressed prior to the issue of a Building Licence.
9. The submission of a colour schedule board detailing the finishes and colours for the mixed use building to the satisfaction of Manager Planning and Development Services prior to the issue of a Building Licence.
10. Prior to the issue of the Building Licence, the applicant/owner is required to submit a construction management plan for the proposal to the satisfaction of the Manager Planning and Development Services, detailing how it is proposed to manage:
 - the delivery of materials and equipment to the site;
 - the storage of materials and equipment on the site;
 - the parking arrangements for contractors and subcontractors;
 - impact on traffic movement and;
 - other matters likely to impact on the surrounding residents.
11. All windows and balconies to comply with the visual privacy requirements contained in Element 8 of the Residential Design Codes.
12. The Building Licence application to include details on addressing energy efficiency requirements of the Building Code of Australia to the satisfaction of the Manager Planning and Development Services. This may include, but not be limited to the erection of horizontal screens along the northern elevation of the development which provide for penetration of light in the winter months and shading of the development during summer months.
13. Equipment such air-conditioners or exhaust vents which are likely to detract from the visual appearance of the building shall not be located on the roof or otherwise exposed to public view.
14. The development hereby permitted is to comply with the Health (Public Buildings) Regulations 1992 (as amended).
15. Suitable barriers being provided to the satisfaction of the Manager Planning and Development Services to prevent open access except for the purpose of maintenance so as to protect the privacy of adjoining residents.
16. The Building Licence application to include details on management of the front visitor parking area inclusive of vehicle maneuvering to the satisfaction of the Manager Planning and Development Services. This may include, but not be limited to the relocation of the security gates further to the rear of the carpark to provide for vehicles to re-enter Forbes Road in a forward direction.

STANDARD CONDITIONS:

COM ; 11, 13, 14, 16, 20, 22, 24, 26, 27, 30, 31, 32, 33, 38, 42, 47, 48, 50,

RESSD; 04, 19

P07/3023 - FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPECROSS (REC) (ATTACHMENT)

COUNCIL RESOLUTION(3023)

REFUSAL

At 7.06pm Cr J Bennett moved, seconded Cr A Ceniviva -

THAT THE OFFICER RECOMMENDATION BE REJECTED AND REPLACED WITH –

THAT THE APPLICATION FOR A MIXED-USE DEVELOPMENT INCLUDING FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPECROSS BE REFUSED FOR THE FOLLOWING REASONS:

- 1. THE RESIDENTIAL PLOT RATIO EXCEEDS THE MAXIMUM OF 0.6 AS PROVIDED FOR UNDER THE R50 CODING IN THE RESIDENTIAL DESIGN CODES.**
- 2. THE APPLICATION HAS FAILED TO ADEQUATELY ADDRESS THE PERFORMANCE CRITERIA UNDER CLAUSE 4.2.1 P1 OF THE RESIDENTIAL DESIGN CODES IN THAT THE PROPOSAL RESULTS IN A SIGNIFICANT INCREASE IN BUILDING BULK WHEN VIEWED FROM THE STREET.**
- 3. THE DEVELOPMENT IS ON THE INTERFACE BETWEEN THE LIVING AND COMMERCIAL CENTRE FRAME AND THE INTRODUCTION OF OFFICE USES ON THIS INTERFACE IS CONSIDERED INAPPROPRIATE HAVING REGARD TO THE AMENITY OF THE AREA.**
- 4. PURSUANT TO CLAUSE 7.8 OF COMMUNITY PLANNING SCHEME NO 5 THE COUNCIL HAS ADOPTED POLICY 06-PL-025 MIXED USE DEVELOPMENT AND THE DEVELOPMENT EXCEEDS THE PLOT RATIO CONSIDERED APPROPRIATE FOR THE AREA AND MIXED USE DEVELOPMENT**

At 7.10pm the Mayor submitted the motion which was

(CARRIED 12/0)

At 7.13pm Cr J Barton returned to the Chamber.

P07/3024 - THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Ward	: Applecross / Mount Pleasant Ward
Category	: Operational
Application Number	: DA-2007- 499
Property	: 23 Queens Road, Mount Pleasant.
Proposal	: Mixed Use – 6 Commercial Units & 6 Multiple Dwellings.
Applicant	: The Hollioake Group Pty Ltd
Owner	: The Hollioake Group Pty Ltd
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	: Keith Weymes, Manager Planning & Development Services
Previous Items	: Not Applicable

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/> Quasi-Judicial	<i>when 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>

P07/3024 - THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Three storey and roof deck Mixed Use building – 6 Commercial Units and 6 Multiple Dwellings.
- Non-compliance with Plot Ratio.
- Non-Compliance with on site Carparking.
- Non-Compliance with Building Height.
- Non-Compliance with Landscaping.
- Existing angled carparking encroaching into the property.
- Existing public pathway is located within the property boundaries.
- Existing low impact mobile phone facilities are proposed to be reconstructed on the development.
- Advertised for 21 days in accordance with the City of Melville's Community Planning Scheme No. 5.
- Significant objections (11 submissions inclusive of a petition containing 204 signatures) received based on concerns relating to excessive plot ratio, building height, inappropriate density, traffic problems, loss of privacy, insufficient parking, loss of property value, lack of architectural merit and noise issues.
- Supported for approval subject to conditions inclusive of required modifications to address submissions.

BACKGROUND

Proposal was presented at the Elected Members Workshop on 25 September 2007 and the Planning Portfolio Meeting on 23 October 2007. In addition, a number of concerns were raised at the Agenda Forum on 6 November 2007 concerning this proposal. This report has therefore been appropriately modified to address those concerns.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Community Centre Precinct (CCR)
R-Code	: R40
Use Type	: Shop/Office/ Restaurant/Residential
Use Class	: P / P / P / D

Site Details

Lot Area	: 1709 sqm
Retention of Existing Vegetation	: Not Applicable
Street Tree(s)	: Yes
Street Furniture (drainage pits etc)	: None
Site Details	: P07 3024 PROPERTY MAP.pdf

[P07 3024A November 2007.pdf](#)

[3024B November 2007 NEW.pdf](#)

P07/3024 - THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

DETAIL

The proposal involves a new three storey and roof deck building for a mixed use commercial and residential development. The commercial component is for 4 units on the ground floor and 2 units on the first storey. The ground floor will comprise 1 mini-mart shop, 1 take away food outlet, 1 café and 1 office. On the first storey, 2 offices are proposed. 18 Carparking bays are proposed at the rear of the building at ground level for the commercial use with access from Reynolds Road.

The 6 unit residential component of the development is proposed to be two levels plus a roof deck; first storey - 2 bedrooms, study, bathroom and toilet facilities; second storey - master bedroom, living/dining area, kitchen, outdoor living area (balcony fronting Queens Road) and laundry facilities and third storey - roof garden with toilet facilities. A total of 12 carparking bays are proposed at the rear of the building on the first storey, with access from The Promenade. 6 Bays are proposed for the exclusive use of the residential units with 6 reciprocal parking bays proposed to be used with the commercial use in accordance with the Residential Design Codes.

The existing 12 angled carparking bays in Queens Road partially encroach into the existing property along the front boundary and the foot path is totally contained within the property boundaries.

There is an existing mobile phone tower mounted on the roof at the front of the existing building along Queens Road, which is intended to be relocated to multiple (but less intrusive locations at the corners of the development) once the new building is constructed. The proposed towers are to be attached to both the Reynolds Road and The Promenade facades of the development and are of considerably reduced impact when compared to the existing facility.

The application proposes to maintain the existing 14 street (12 in Queens Road and 2 in The Promenade) carparking bays and to build 5 additional angled bays in Queens Road. It is also proposed to retain a (reconstructed) public foot path within the property boundaries within an appropriate pedestrian access easement. In addition the application proposes to provide additional community benefits as public toilets, end of trip facilities (for cyclists), public art, retention of retail activities with a mini-mart shop, take away food outlet and provide a new café. Other benefits include significantly improved public amenity and facilities, opportunity to close an adjoining right of carriageway (which presently acts as a servicing lane for the existing shops off The Promenade at the rear of the site) and the possible provision of bike racks and seating benches (to service elderly customers of the centre) in the street verge area.

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Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	Nil				
Plot Ratio Non-Residential Residential	0.3 0.6	0.54 0.66	Does Not Comply	Council	
Landscaping	10%	Nil	Does Not Comply	MPDS	
Building Height Eaves Roof	8.0 metres 10.5 metres	13.5 metres (Reynolds Road end), reducing to 11.1m (The Promenade end)	Does Not Comply	MPDS	
Carparking	42 bays (includes a concession of 8 bays)	30 bays on site, plus 19 on the street (total – 49 bays)	Does Not Comply	Council	

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	Nil	Generally 1.8 metres with canopy above			
Secondary Street Reynolds Rd	Nil	Nil			
Secondary Street The Promenade	Nil	Nil			
Rear FF 1st Storey	1.0/6.0 metres 1.2/6.0 metres	5.0/7.0 metres 5.0/1.78 metres	Complies Complies / Does Not Comply	MPDS	
2nd Storey	4.6 metres	6.2 metres	Complies		
3rd Storey	3.25 metres	14.0 metres	Complies		

(Note: Non-compliances are emphasised in bold)

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PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	Yes
Neighbour's Comment Supplied:	Yes
Reason:	Residential "D" use
Support/Object:	11 submissions of objection including a petition containing 204 signatures.

REFERRALS TO GOVERNMENT AGENCIES

Not applicable

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

Not applicable

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable

POLICY, COMMUNITY PLANNING SCHEME NO 5 AND R-CODE IMPLICATIONS

Policy 06-PL-024 – Car Parking (Non Residential).

Policy 06-PL-017 – Bicycle Planning and End of Trip Facilities in Non Residential Areas.

Policy 06-PL-025 – Mixed-Use Development

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Recent legal advice from Council's Solicitors indicates that the plot ratio requirements of Community Planning Scheme No 5 work in hand with the requirements of the Residential Design Codes. "As of right" (subject to consideration of parameters contained in Clause 7.8 of CPS No 5), mixed use developments within the Community Centre Precinct can achieve a plot ratio of 0.6 for the residential component (relative to R40 development) and 0.3 for non-residential development. These requirements do not require consideration of any bonus applied under the terms of Council Policy 06-PL-029 Mixed Use Plot Ratio Bonus Application.

Further, discretion is available under Clause 4.2(d) of CPS No 5 to vary the plot ratio for the non-residential component and both the Residential Design Codes (PC 4.2.1 P1) and Clause 4.3 of the Scheme for the residential component. Council may use the Plot Ratio Bonus Policy to assist it in its decision making by identifying the types of issues that may be addressed in an application to qualify for a variation to the plot ratio requirements.

Notwithstanding, Council also has the power to reduce the applicable plot ratio under Clause 7.8 of the Scheme in consideration of a number of matters inclusive of local amenity.

COMMENTS

The application seeks approval for a three storey building and roof deck for mixed use commercial – residential, with several non-compliance issues such as plot ratio, height of the building, carparking, landscaping and rear setback.

Rear Setback

The City of Melville's Community Planning Scheme No. 5, Clause 5.7 Non-Residential Development Amenity, requires that non-residential buildings have a minimum rear boundary setback of 6.0 metres from adjoining residential developments. The Residential Design Codes, Clause 4.2.1 Dwellings in Mixed-Use Development allows wall on boundary for 2/3 of boundary behind street setback up to 6.0 metres in height.

The proposal includes an office (Unit 6) on the first storey with a 1.78 metres setback to the adjoining residential property (fronting Reynolds Road). It is noted that the adjoining property owner has raised some concerns with regard to the proposed development (see submission table). In view of these concerns and consideration of bulk amenity impacts, it is proposed that the plans be modified to achieve the required 6.0m rear setback to Commercial Space 6 (office on first floor).

It is noted that the ground floor contains a store for the mini-mart shop below the access ramp for the residential parking area off The Promenade. As this store is below the ramp at ground level, the impact of the nil setback on the adjoining residential property is insignificant and therefore a variation to the 6.0m setback is considered reasonable under the Scheme (for the store only).

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Plot Ratio

In simple terms, plot ratio is the ratio of built area relative to the site area. The planning tool aims to provide some rational for the assessment of building bulk on a property. However, other considerations such as setback, parking and building height, together with the visual aesthetics of a development have equal or more significance when considering the bulk of a development.

The plot ratio requirements are complex and in many instances do not give a true representation of building bulk.

In this regard, for residential development, the definition includes the area of walls and provides for a number of exclusions which still add to the bulk of a building. Exclusions for residential development include areas for lifts, stairs or landings for more than one dwelling, machinery, air conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used for parking at or below natural ground level, lobbies or amenity areas common to one or more dwellings, balconies or verandahs open on at least two sides.

Plot ratio exclusions for non-residential development were previously contained under the Uniform Building Bylaws (but are not included under the current Building Code of Australia). In practice, however, the former Uniform Building Bylaw requirements are generally applied and in this regard, plot ratio for commercial development also exclude walls of the commercial building and all floor areas for vehicle parking, whether at or below ground floor or above.

The non-residential (commercial) use proposes a plot ratio of 0.5446 (930.8 sqm), being 418.1 sqm more than the permitted plot ratio of 0.3 (512.7 sqm) in accordance with the City of Melville's Community Planning Scheme No. 5. The carparking area for the commercial component, located at the rear of the building with access from Reynolds Road is not calculated as part of the plot ratio. With the office on Unit 6 being setback 6.0 metres from the rear boundary to comply with the City of Melville's Community Planning Scheme No. 5, the non-residential floor area would be reduced by 111.8 sqm.

Revised commercial floor space calculations to exclude the external walls for the commercial development reduce plot ratio by a further 50 sqm or 0.029. This reduces the commercial plot ratio to 0.45 (769 sqm) being 256.3 sqm or 0.15 above the required plot ratio of 0.3.

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The residential component proposes a plot ratio of 0.657 (1122.8 sqm) being 97.4 sqm above the permitted plot ratio of 0.6 (1025.4 sqm) in accordance with the Residential Design Codes. This proposed plot ratio does not include 88.0 sqm of carparking located on the first floor, in accordance with the definition of plot ratio in the Residential Design Codes. Initial plans indicated commercial parking on the first floor with access from The Promenade in an attempt to reduce plot ratio calculations by allocating the residential parking to the ground floor. If this carparking for the residential dwellings were located on the ground floor, it would not be calculated as part of the plot ratio as per the Residential Design Codes definition of plot ratio. Carparking for the commercial use is not part of the plot ratio at all, regardless of its location - ground floor or first floor.

It is therefore considered that the best and legitimate location for the residential carparking is on the first floor, although this technically increases the residential plot ratio. As inclusion of the residential parking on the second floor will not affect the bulk of the building and is more logical to the development, it is considered reasonable to not include the residential parking areas in the plot ratio calculations in this instance.

The application proposes as part of the residential dwellings, a roof deck above the third storey which does not contribute to plot ratio other than the area associated with the internal stairs and toilet for each unit. Comments contained under Building Height (as follows) indicate that the roof deck should be modified to remove intrusions above the 10.5m maximum. Removal of these structures will result in the residential plot ratio being reduced by 75.27 sqm or 0.044, down to 1047.53 sqm or 0.6129.

With the reduction in area of Unit 6 on the first storey and removal of the commercial floor space walls, the total commercial plot ratio is 0.45 (769 sqm); the residential plot ratio is 0.6129 (1,047.53 sqm). The total plot ratio is therefore reduced to 1.0629 or 1,816.53 sqm. This represents a variation of 0.1629 (278.43 sqm) above the total permitted plot ratio of 0.9 (1538.1 sqm).

Consideration of the plot ratio variations may be determined under both the provisions of Community Planning Scheme No 5 (Clauses 4.2(b) and 4.3) and also the Residential Design Codes.

The Scheme provisions do not qualify circumstances where discretion may be applied, except with regard to consideration which may be taken into account under Clause 7.8 when determining any application for development. These matters include a range of Policy, and amenity considerations. In general terms it is considered that the proposal provides considerable improvements to the amenity of the locality and accordingly satisfies these considerations.

With regard to the Performance Criteria under the Codes, Clause 4.2.1 P1 provides for multiple dwellings in a mixed use format to take into account streetscape objectives, provide open space sufficient for resident needs and provide appropriate parking.

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In this regard, the parking and open space requirements are readily satisfied (albeit with some discretionary consideration in terms of parking and in consideration that the balconies and roof deck will provide sufficient open space for the residents – NB. Mixed-use developments do not require the provision of any open space).

With regard to streetscape considerations it may be argued that the additional plot ratio proposed for the development may have a considerable impact on the bulk of the building when viewed from the street. Notwithstanding, it may equally be argued that the additional floor space could be removed from within the development (by the provision of additional amenities or internal open common areas). In both these circumstances, the bulk of the building may be retained as proposed and the impact on the streetscape would remain constant. Accordingly, it is considered that the performance criteria of the Codes in this regard are satisfied.

In realistic terms it has been calculated that the bonus in plot ratio, has an estimated (very roughly) value to the applicant in the order of \$400,000 (based on the worth of land to accommodate the additional floorspace after the above floor space and plot ratio adjustments).

Carparking

The commercial carparking area, containing 18 bays, is located at the rear of the building on the ground floor, with access from Reynolds Road. The residential parking area containing 12 bays is located at the rear of the building on the first floor with access from The Promenade and at its worst is approximately ½ a level above the adjacent ground level.

The parking requirement for the commercial uses is 38 bays with a further 12 bays required for the residential use – total requirement of 50 bays. However Policy 06-PL-017 – Bicycle Planning and End of Trip Facilities in Non Residential Areas, allows a concession for reduction in carparking bays for retail shopping up to a maximum of 2 bays for Local Centres (Note: Council Policy 06-PL-029 Mixed Use Plot Ratio Bonus Application and Community Benefit also provides for end of trip facilities to be included as community benefits). In addition the Residential Design Codes, Clause 4.2.1 Dwellings in Mixed-Use Development, allows for a reduction to one car per dwelling where on-site carparking for other uses is available outside normal business hours resulting in 6 additional bays. Accordingly, the total parking requirement is reduced to 42 bays (taking into account the reduced commercial space).

The application proposes a total of 30 bays on site. In addition, the applicant has requested that the street parking bays be credited to the parking provision for the development. This consists of the 14 street carparking bays in Queens Road (12) and The Promenade (2) plus an additional 5 new angled bays in Queens Road. If use of the street parking bays is considered reasonable, the total parking provision will extend to 49 bays, which represents a surplus of 7 carparking bays, inclusive of the street parking.

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It should be noted that the existing City of Melville angled carparking along Queens Road partially encroaches into the property along the front boundary. In addition the existing footpath is located within the property. The applicant supports the retention of the existing footpath (to be reconstructed as part of the development) within the property with the provision of a public access easement. This will allow the retention of the existing angled carparking at the front of the centre in a more useable position than relocation to the rear. However, in doing so, the footpath reduces the capacity of the development to contain all of its parking on site, resulting in a requirement for Council to consider some discretion in this regard.

To remove the parking bays and footpath off the development site would only allow for parallel street parking to be provided. This would allow for the development to be shifted on to the Queens Road frontage and additional parking provided at the rear of the development. The shift in parking is about equal but more importantly the number of street bays would reduce to 10. Preliminary development plans presented during initial assessment of this application indicated that the total parking provided in this scenario would be 39 on site and 10 in the street. As the development requires the provision of 42 parking bays, the value of the additional street bays (3) to bring about compliance with parking requirements is in the order of \$90,000. It is noted that the present development has no off street parking.

Accordingly, taking these factors into consideration, it is considered reasonable that use of the street embayments for the purpose of parking calculations be supported. Conditions are however required to secure the operation of the parking areas for residential purposes at the upper level parking deck and for the lower undercroft parking area for commercial use during business hours.

Building Height

The proposal is for a three storey plus roof deck building. The roof deck contains a toilet, open roof garden and stairs for access. The roof is proposed to protect the stairwell /access from inclement weather. Portion of the roof and structures on the roof extend above the building height limit of 10.5 metres required under the City of Melville's Community Planning Scheme No. 5 (13.5 metres at the Reynolds Road end and reducing to 11.1 metres at The Promenade end). The extent of the height variation diminishes through the site (2.0 metres down to 0.6 metres) towards The Promenade (0.6 metres) where the proposed building is to be partially inset into the site as opposed to the Reynolds Road frontage (2.0 metres) where the building is proposed to be built up above the natural ground level.

In consideration of the concerns raised by the submissions with regard to building height and the perceived overall impact of the development on bulk and the streetscape it is recommended that the roof structure be lowered and intrusions (stairway and toilet facilities) be removed to achieve a maximum height of 10.5 metres in accordance with the provisions of Community Planning Scheme No 5.

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Notwithstanding the above, modification of the roof structure to maintain the provision of a roof deck, with clear glass balustrade extending above the 10.5 metre height restriction and the allowance of normal garden furniture is considered reasonable. Appropriate conditions in this regard are proposed.

Landscaping

The landscaping requirement for non-residential use, in accordance with the City of Melville's Community Planning Scheme No. 5, is 10% of the site area. The proposal does not contain any landscaping on site, although it is proposed to complement the existing street trees on the verge with additional planting.

It is noted that the Residential Design Codes, Clause 4.2.1 Dwellings in Mixed-Use Development, provides for nil street setbacks for mixed-use building development. The City of Melville's Community Planning Scheme No. 5, Clause 5.9, Landscaping (Non-Residential), (b) location, states that "*landscaping shall be located with special attention to street frontage(s), any adjoining river foreshore reserve and any adjoining residential use....*".

The proposal indicates 3 street frontages with the building up to the boundary (footpath) with nil setbacks. The property is 76 metres in length, 22 metres in width and contains a foot path along all road frontages. These constraints limit the capacity to provide meaningful on site landscaping. In the context of the application of nil setback requirements under the R-Codes and the provision of the foot path within and immediately adjacent to the site, the proposed high quality street landscaping is considered appropriate in this instance and may be augmented by additional grassed/landscaped verge areas adjacent the intersection of Queens Road and The Promenade.

It should be noted that the development is setback from Queens Road by approximately 1.8 metres which is utilised (retained) as a foot path.

Community Benefits

A number of significant community benefits are included in this application. It is proposed to retain a new public pathway within the property boundaries with an appropriate pedestrian access easement. In addition the application proposes to provide additional community benefits such as public toilets, end of trip facilities (for cyclists), public art, together with the retention of retail activities with a mini-mart shop, take away food outlet and provision of a new café.

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Other benefits include significantly improved public amenity and facilities and opportunity to close an adjoining right of carriageway (which presently acts as a servicing lane off The Promenade at the rear of the site) and provision of bike racks and seating benches (to service elderly customers of the centre) in the street verge area. It is noted that Council Policy 06-PL-029 provides for a number of matters to be included as community benefit including, pedestrian facilities, alternative transport (end of trip) facilities and services, opportunity sites for the development of corners to create active intersections (café at Reynolds and Queens Roads), encouragement of underprovided land uses (existing shops and takeaway food outlets have been removed and were initially not being replaced) and public art.

The initial application proposed commercial (office) and residential units with no commitment for the retention of retail facilities on site. The applicant was advised that the retention of retail facilities was integral to the survival of the Community Centre and an important service function for the local community. Accordingly, following some negotiation, the applicant has modified plans to specify the inclusion of retail uses inclusive of a mini-mart, take away food outlet and café. Although it is difficult to quantify the value of the retention and inclusion of these uses, it is considered that they are of significant community benefit for the locality.

One method of quantifying the value of the retention of retail facilities on this is to carry out a comparison of parking requirements for office and shop uses. It has been estimated that the shop use requires the provision of 9 additional bays, which would have a value of \$270,000. It would be reasonable to use this figure to determine the value to the community associated with the retention of this activity on site. Further information in this regard is intended to be provided to Council prior to the Council meeting.

It is noted that retention of the retail activities on site cannot normally be secured by the planning approval process as any condition may be subject to appeal, and the applicant has the ability to lodge subsequent planning applications to alter the use once the development is completed. Notwithstanding, it is possible to secure commitments to the retention of the retail activities by way of a legal agreement with the owner separate to the approval process and by having these requirements incorporated into any strata title management statements or By-Laws for the development.

For the public art, sculptures are proposed on each corner of the building, as show on the floor plans and elevations.

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Public toilets are located at the rear of the mini-mart shop next to the access for the commercial carparking. Facilities include separated male and female disabled toilets and a baby change room. These facilities, together with the land component have been valued in the order of \$155,000. This facility will be opened during normal business hours and be subject to appropriate conditions requiring access and maintenance. Following concerns raised regarding the safe access to the public toilets at Agenda Forum on 6 November 2007, discussions have been held with the applicant with the view of relocating these facilities to a safer and more highly visible location adjacent the mini-mart shop. Although details are not provided, the applicant has concurred with these concerns and intends to redesign the development to address these concerns. An appropriate condition in this regard is proposed.

End of trip facilities are proposed at the end of the commercial carparking area and include separated male and female change room with lockers and showers. These facilities have been valued in the order of \$60,000. Also an area for bike racks is located next to the west rear lobby entry. An additional bike racks for customers and benches will be recommended on the Council's verge at the north western corner of the site.

The property at No. 89A The Promenade has a driveway to the rear garage, which is registered as a Right of Carriageway (ROCW) in favour of the existing commercial development No. 23 Queens Road. This ROCW is used by shop owners and employees to access the shops, for deliveries, for location of rubbish bins and for access to toilets. This application does not involve the use of the ROCW. Accordingly, the ROCW may be extinguished, to the benefit of the owner of 89A The Promenade and the amenity of the locality (by removal of the service area to the existing shops).

Queens Road widening (for partially encroaching parking bays and footpath) is maintained with this proposal as the new building is setback from the front boundary a minimum of 1.7 metres. It is proposed that public use of the pathway be formalised with a public access easement within the property boundaries. The existing 12 street bays are maintained and will be upgraded by the applicant by the provision of an additional 5 bays. If this element of the proposal is not supported, the City would be required to reconstruct the footpath and 7 (out of the 9 possible) parallel parking embayments within the road reserve.

Whilst it is difficult to accurately quantify the net community benefit of this proposal due to a number of intangible elements, it has been estimated that the tangible elements (provision of public toilets - \$155,000, end of trip facilities - \$60,000 and retail retention - \$270,000) would have a value approximately \$485,000 against plot ratio and other bonuses with a value of about \$490,000. When other non-tangible values relative to public art and improved amenity are taken into consideration, it is considered that the community benefits of the proposal far outweigh the plot ratio and parking concessions considered under this application.

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A total of 11 submissions objecting the proposal have been received during the advertising period inclusive of a petition containing 204 signatures (see attached Submission Table – including responses). These submissions mainly object to the proposal relative to excessive plot ratio, building height, inappropriate density, traffic problems, loss of privacy, insufficient parking, loss of property value, lack of architectural merit and noise issues.

As indicated above, the height of the building may be reduced by modifying the roof structure.

The proposal complies with the R40 density for the Community Centre Precinct (CCR) as stated in the City of Melville's Community Planning Scheme No. 5. The lot area of 1,709 sqm allows for a total of 6 Multiple Dwellings as proposed.

Both Reynolds Road and Queens Road have the potential to handle any increase in traffic generated by the proposal.

The surrounding residential area is currently being extensively redeveloped (albeit not to the allowable 10.5 metre height limit), resulting from significant subdivision and the current housing development market. A significant portion of this new development is exhibiting contemporary design elements. The proposal is a contemporary design with the standard shopping windows display as expected in any shopping centre. The residential component above the commercial shop front is a contemporary two storey design in keeping with the character of the new residential stock being developed within the locality.

Environmental Requirements

The site previously included a service station and is currently being remediated. The site is also recognised as a contaminate site by the Department of Environment and a Memorial has recently been registered on the Certificate of Title by the Department. The Memorial requires assessment by the Department prior to the determination of any Planning Approval for development of the site. Accordingly, the application has been referred to the Department for consideration, and Council approval for the development is contingent on favourable consideration by the Department and inclusion of any appropriate condition. Whilst the Department has not considered this matter at the present time, it is expected that, as with any other site remediation conducted for other service station sites, that appropriate conditions will be imposed.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The proposal may be changed to offices to comply with the carparking requirement but the community benefit of retaining important retail facilities for the locality will be lost. The plot ratio elements of the proposal may be brought into compliance with the Scheme by removal of the 2 offices on the first floor and if the space is used for community facilities (amenities common to more than one dwelling) for the residents such as a communal gymnasium and communal room, these uses are not measured as plot ratio. The rear setback for the Unit 6 could be reinstated as proposed and the bulk and impact of the development would increase.

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The proposal may be refused due to the non-compliance issues and consideration of matters contained in Clause 7.8 of CPS No 5. Specifically it may be considered that the development exceeds expectations for the existing and likely amenity of the locality, consideration of submissions of objection, being inconsistent with orderly and proper planning (significantly beyond the scope of Council Policy expectations for plot ratio on mixed-use developments). Notwithstanding, if refused, the community may not benefit from the proposed Community benefits as outlined in this report. It is likely, however that the applicant would lodge an appeal with the State Administrative Tribunal. An appeal would remove the power of Council to ultimately determine the matter and secure the appropriate agreement and conditions which would regulate the community benefits of the proposal

The Council may additionally consider that the proposal should be reduced in height by the removal of the roof protrusions and lowering the roof deck. This would generally bring the proposal into compliance with CPS No 5 height limitations.

CONCLUSION

It is considered that the proposal contains significant community benefits to warrant consideration of extensive variations under the Community Planning Scheme in terms of plot ratio, building height, car parking and landscaping. In general terms the amenity and service impacts are considered positive for the locality, however, in view of concerns raised from the property owner to the rear (fronting Reynolds Road), it is considered desirable to increase the rear setback for the office (Unit 6) and accordingly reduce the applicable plot ratio for the proposed development. In addition, it is considered appropriate to require relocation of the public toilets to improve safety and visibility considerations and also to reduce the height of the building to accord with Community Planning scheme No 5 requirements. It is therefore recommended that subject to Department of Environment support (and conditions), that the application be conditionally approved inclusive of specific conditions which provide for the protection of local residential amenity.

Officer Recommendation (3024)**Approval**

Subject to support and any conditions of the Department of Environment, the application for three storey plus roof deck mixed use building – including shop, takeaway food outlet, café, three offices and six multiple dwellings on lots 24 & 25 (23) Queens Road, Mount Pleasant be approved subject to the following conditions:

P07/3024 - THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Special Conditions:

1. The rear office wall on commercial space 6 (office on first floor) to be setback a minimum of 6.0 metres from the rear boundary and the Unit 6 floorspace being accordingly reduced by approximately 111.8 square metres as indicated in red on the approved plans.
2. Before the subject development is first occupied or commences operation, a minimum of 30 on site car bays being provided and additional 5 angled bays to be constructed, at the owner cost, along Queens Road as indicated on the approved plans.
3. A minimum of 2 car parking bays to be provided on site for the exclusive use of residential visitors. These bays shall be marked for the exclusive use of visitors.
4. The dimensions of all carparking bays, aisle widths and circulation areas complying with Australian Standard AS2890.1.
5. The tandem car bays P1 to P4 located on site shall be appropriately marked for tenants and staff parking.
6. During excavations, all necessary precautions to be taken to prevent damage or collapse of any adjacent streets, right-of-way or adjoining properties. It is the responsibility of the builder to liaise with adjoining and adjacent property owners prior to carrying out work.
7. The applicant providing additional bike racks and park benches in the road reserve adjacent the intersection of Queens Road and the Promenade to the satisfaction of the Manager Infrastructure Services.
8. The development hereby permitted is to comply with the requirements of the Health Act 1911 (as amended) and the City of Melville Health Local Law 1997.
9. The development hereby permitted is to comply with the Health (Public Buildings) Regulations 1992 (as amended).
10. The use and/or development hereby permitted shall at all times comply with the requirements of the Environmental Protection (noise) Regulations 1997. Applicant is required to consult with City of Melville Health Services prior to the installation of any noise emitting equipment such air conditioners.
11. A Health Licence is required for this development at the building approval stage.
12. All security alarm devices to be “silent monitored” systems to address potential impacts on surrounding residential amenity to the satisfaction of the Manager Planning and Development Services.

P07/3024 - THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

- 13 The façade of the building and walls to be treated with an anti-graffiti agent to the satisfaction of the Manager Planning and Development Services.
- 14 Six semi advanced trees with a minimum container size of two hundred litres (200l) being planted within the street verge prior to the completion of the building works approved under this approval. The species and exact location of the trees being to the satisfaction of the Manager Infrastructure Services.
- 15 Prior to the occupation of the building, the right of carriageway on the adjoining Lot 80 in favour of Lot 24 to be extinguished at the applicants' cost to the satisfaction of the Manager Planning and Development Services.
16. On completion of construction, all excess articles, equipment, rubbish or materials and temporary facilities are to be removed and the site and surrounding area used during the development is to be made good and left in an orderly and tidy condition to the satisfaction of the Manager Planning and Development Services.
17. Provision of a Noise Management Plan for the development indicating how the noise from the carparking, air conditioning and other mechanical equipment will impact on the neighbouring properties and recommendations for reducing any potential noise impact to the satisfaction of the manager planning and development services. The recommendations shall be incorporated in the plans submitted for a Building Licence.
18. Submission of a glare reflectivity study by a consulting engineer and any glare issues to be addressed prior to the issue of a Building Licence.
19. The submission of a colour schedule board detailing the use of materials, finishes and colours for the mixed use building to the satisfaction of Manager Planning and Development Services prior to the issue of a Building Licence.
20. Prior to the issue of the Building Licence, the applicant/owner is required to submit a Construction Management Plan for the proposal, to the satisfaction of the Manager Planning Services, detailing how it is proposed to manage:
 - the delivery of materials and equipment to the site;
 - the storage of materials and equipment on the site;
 - the parking arrangements for contractors and subcontractors;
 - impact on traffic movement and;
 - other matters likely to impact on the surrounding residents.
21. Prior to the issue of a Building Licence, the owner/s must register an Easement on the Certificate of Title to the land an easement in gross, which provides for pedestrian and vehicular rights of carriageway over the front footpath along the Queens Road to the satisfaction of the Manager Planning and Development Services. The easement is to be prepared by Council's solicitors at the applicant's cost.

P07/3024 - THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

22. Lots 24 and 25 to be amalgamated into a single lot on a Certificate of Title. Amalgamation must occur prior to the issue of a Building Licence for the development unless a legal agreement (including placement of a caveat on the relevant title) is achieved in accordance with the requirements of the Manager Planning and Development Services to allow the amalgamation to occur at a later time; or to provide a suitable planning solution as an alternative to amalgamation.
23. Prior to the issue of a Building Licence a plan depicting the extent, levels and nature of works to be undertaken in the road reserve be prepared to the satisfaction of the Manager Engineering Design Services. The works are to be undertaken by the applicant at their cost prior to the occupancy of the building.
24. In order to preserve local residential amenity, the open screening on the southern wall of the decked car parking area to be solid screening to the satisfaction of the Manager Planning and Development Services.
25. Details of the proposed artwork to be erected on the verge at the corners of Reynolds and Queens Roads and Queens Road and the Promenade shall be approved by the Manager of Planning and Development Services prior to the issue of a Building Licence. The approved artwork shall be constructed and installed prior to the occupation of the building and thereafter maintained to the satisfaction of the Manager Planning and Development Services.
26. The ground floor land uses shall include a mini-mart shop (with 150 square metres retail and 64 square metres non-retail floor space), take away food shop and café (with no more than 40 seats and 3 staff).
27. Equipment such as air conditioners or exhaust vents which are likely to detract from the visual appearance of the building shall not be located on the roof or otherwise exposed to public view.
28. Prior to the occupation of the building a sign strategy for the building is to be submitted and approved by the Manager Planning and Development Services.
29. The Reynolds Road median is to be extended so that the proposed access is a left in left out arrangement.
30. Public toilets provided within this development are to be sign posted, maintained, kept clean and remain open for public use during business hours of the commercial tenancies to the satisfaction of the Manager Planning and Development Services.
31. All parking bays at the second level are to be used for residential purposes only. No servicing or parking relative to commercial units is to occur at this level of the parking deck.

P07/3024 - THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

32. The maximum height of the development (inclusive of roof structure and exclusive of a clear glass balustrade for the roof deck) to be reduced to 10.5 metres above natural ground level in accordance with Community Planning Scheme No 5.
33. No structures inclusive of patios, pergolas or shade sails are permitted on the open roof deck structure. Items of personal furniture normally associated with an outdoor living area such as tables, chairs, market style umbrellas, heating devices and barbeques and the like are permitted on the roof deck.
34. Prior to the issue of a Building Licence, the applicant submitting revised plans which relocate the public toilets to a safer and more visible location adjacent the mini-mart shop to the satisfaction of the Manager Planning and Development Services.
35. The applicant relocating the public toilets within the development in accordance with plans referred to and approved in accordance with Condition 34 above.
36. The commercial bin storage areas, kitchen and toilets provided at the rear of the café unit 4 to be mirror imaged to improve accessibility to the bin storage areas to the satisfaction of City of Melville Health Services.
37. The Building Licence application to include details on management of the commercial parking area to ensure that it is open for public use during business hours to the satisfaction of the Manager Planning and Development Services.
38. Prior to the issue of a Building Licence, the applicant entering into an appropriate legal agreement with Council to provide for the long term retention of retail, takeaway food outlet and restaurant/café activities on site together with an agreement to continue to provide and maintain public toilet facilities on site and manage carparking on site in accordance with Conditions 31 and 37 above to the satisfaction of the Chief Executive Officer.

Standard Conditions:

COM; 01, 02, 06, 11, 12, 13, 14, 16, 24, 26, 28, 30, 31, 32, 33, 38, 42, 47, 48, 50,

RESGD; 6, 8,

RESSD; 04,

It is noted that the increase in plot ratio and parking concessions the subject of the application has been estimated to have a value of approximately \$490,000.

P07/3024 - THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

The Manager Planning & Development services advised the meeting that the Department of Environment and Conservation has now assessed the proposal and raised no objection subject to the inclusion of the following condition. Accordingly, it is recommended that first part of the recommendation stating “**SUBJECT TO SUPPORT AND ANY CONDITIONS OF THE DEPARTMENT OF ENVIRONMENT,**” be removed and the following condition added:

- 39. PRIOR TO THE ISSUING OF A BUILDING LICENCE, INVESTIGATION FOR SOIL AND GROUNDWATER CONTAMINATION AND COMPLETION OF ANY REMEDIATION, INCLUDING VALIDATION OF REMEDIATION, SHALL BE CARRIED OUT TO THE SATISFACTION OF THE CITY OF MELVILLE, ON ADVICE FROM THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, TO ENSURE THAT THE SITE IS SUITABLE FOR THE PROPOSED DEVELOPMENT.**

At 7.40 Cr R Subramaniam moved, seconded Cr N Pazolli

THAT THE AMENDMENTS AS OUTLINED IN THE OFFICER’S REPORT BE ACCEPTED.

At 7.50pm the Mayor submitted the motion which was **(CARRIED 12/1)**

COUNCIL RESOLUTION (3024) APPROVAL

At 8.05pm Cr A Ceniciva moved, seconded Cr N Pazolli

THAT THE APPLICATION FOR THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

SPECIAL CONDITIONS:

- 1. THE REAR OFFICE WALL ON COMMERCIAL SPACE 6 (OFFICE ON FIRST FLOOR) TO BE SETBACK A MINIMUM OF 6.0 METRES FROM THE REAR BOUNDARY AND THE UNIT 6 FLOORSFACE BEING ACCORDINGLY REDUCED BY APPROXIMATELY 111.8 SQUARE METRES AS INDICATED IN RED ON THE APPROVED PLANS.**
- 2. BEFORE THE SUBJECT DEVELOPMENT IS FIRST OCCUPIED OR COMMENCES OPERATION, A MINIMUM OF 30 ON SITE CAR BAYS BEING PROVIDED AND ADDITIONAL 5 ANGLED BAYS TO BE CONSTRUCTED, AT THE OWNER COST, ALONG QUEENS ROAD AS INDICATED ON THE APPROVED PLANS.**
- 3. A MINIMUM OF 2 CAR PARKING BAYS TO BE PROVIDED ON SITE FOR THE EXCLUSIVE USE OF RESIDENTIAL VISITORS. THESE BAYS SHALL BE MARKED FOR THE EXCLUSIVE USE OF VISITORS.**

P07/3024 - THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

4. THE DIMENSIONS OF ALL CARPARKING BAYS, AISLE WIDTHS AND CIRCULATION AREAS COMPLYING WITH AUSTRALIAN STANDARD AS2890.1.
5. THE TANDEM CAR BAYS P1 TO P4 LOCATED ON SITE SHALL BE APPROPRIATELY MARKED FOR TENANTS AND STAFF PARKING.
6. DURING EXCAVATIONS, ALL NECESSARY PRECAUTIONS TO BE TAKEN TO PREVENT DAMAGE OR COLLAPSE OF ANY ADJACENT STREETS, RIGHT-OF-WAY OR ADJOINING PROPERTIES. IT IS THE RESPONSIBILITY OF THE BUILDER TO LIAISE WITH ADJOINING AND ADJACENT PROPERTY OWNERS PRIOR TO CARRYING OUT WORK.
7. THE APPLICANT PROVIDING ADDITIONAL BIKE RACKS AND PARK BENCHES IN THE ROAD RESERVE ADJACENT THE INTERSECTION OF QUEENS ROAD AND THE PROMENADE TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES.
8. THE DEVELOPMENT HEREBY PERMITTED IS TO COMPLY WITH THE REQUIREMENTS OF THE HEALTH ACT 1911 (AS AMENDED) AND THE CITY OF MELVILLE HEALTH LOCAL LAW 1997.
9. THE DEVELOPMENT HEREBY PERMITTED IS TO COMPLY WITH THE HEALTH (PUBLIC BUILDINGS) REGULATIONS 1992 (AS AMENDED).
10. THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. APPLICANT IS REQUIRED TO CONSULT WITH CITY OF MELVILLE HEALTH SERVICES PRIOR TO THE INSTALLATION OF ANY NOISE EMITTING EQUIPMENT SUCH AIR CONDITIONERS.
11. A HEALTH LICENCE IS REQUIRED FOR THIS DEVELOPMENT AT THE BUILDING APPROVAL STAGE.
12. ALL SECURITY ALARM DEVICES TO BE “SILENT MONITORED” SYSTEMS TO ADDRESS POTENTIAL IMPACTS ON SURROUNDING RESIDENTIAL AMENITY TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
13. THE FAÇADE OF THE BUILDING AND WALLS TO BE TREATED WITH AN ANTI-GRAFFITI AGENT TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
14. SIX SEMI ADVANCED TREES WITH A MINIMUM CONTAINER SIZE OF TWO HUNDRED LITRES (200L) BEING PLANTED WITHIN THE STREET VERGE PRIOR TO THE COMPLETION OF THE BUILDING WORKS APPROVED UNDER THIS APPROVAL. THE SPECIES AND EXACT LOCATION OF THE TREES BEING TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES.

P07/3024 - THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

15. **PRIOR TO THE OCCUPATION OF THE BUILDING, THE RIGHT OF CARRIAGEWAY ON THE ADJOINING LOT 80 IN FAVOUR OF LOT 24 TO BE EXTINGUISHED AT THE APPLICANTS COST TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
16. **ON COMPLETION OF CONSTRUCTION, ALL EXCESS ARTICLES, EQUIPMENT, RUBBISH OR MATERIALS AND TEMPORARY FACILITIES ARE TO BE REMOVED AND THE SITE AND SURROUNDING AREA USED DURING THE DEVELOPMENT IS TO BE MADE GOOD AND LEFT IN AN ORDERLY AND TIDY CONDITION TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
17. **PROVISION OF A NOISE MANAGEMENT PLAN FOR THE DEVELOPMENT INDICATING HOW THE NOISE FROM THE CARPARKING, AIR CONDITIONING AND OTHER MECHANICAL EQUIPMENT WILL IMPACT ON THE NEIGHBOURING PROPERTIES AND RECOMMENDATIONS FOR REDUCING ANY POTENTIAL NOISE IMPACT TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. THE RECOMMENDATIONS SHALL BE INCORPORATED IN THE PLANS SUBMITTED FOR A BUILDING LICENCE.**
18. **SUBMISSION OF A GLARE REFLECTIVITY STUDY BY A CONSULTING ENGINEER AND ANY GLARE ISSUES TO BE ADDRESSED PRIOR TO THE ISSUE OF A BUILDING LICENCE.**
19. **THE SUBMISSION OF A COLOUR SCHEDULE BOARD DETAILING THE USE OF MATERIALS, FINISHES AND COLOURS FOR THE MIXED USE BUILDING TO THE SATISFACTION OF MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.**
20. **PRIOR TO THE ISSUE OF THE BUILDING LICENCE, THE APPLICANT/OWNER IS REQUIRED TO SUBMIT A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL, TO THE SATISFACTION OF THE MANAGER PLANNING SERVICES, DETAILING HOW IT IS PROPOSED TO MANAGE:**
 - **THE DELIVERY OF MATERIALS AND EQUIPMENT TO THE SITE;**
 - **THE STORAGE OF MATERIALS AND EQUIPMENT ON THE SITE;**
 - **THE PARKING ARRANGEMENTS FOR CONTRACTORS AND SUBCONTRACTORS;**
 - **IMPACT ON TRAFFIC MOVEMENT AND;**
 - **OTHER MATTERS LIKELY TO IMPACT ON THE SURROUNDING RESIDENTS.**

P07/3024 - THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

21. PRIOR TO THE ISSUE OF A BUILDING LICENCE, THE OWNER/S MUST REGISTER AN EASEMENT ON THE CERTIFICATE OF TITLE TO THE LAND AN EASEMENT IN GROSS, WHICH PROVIDES FOR PEDESTRIAN AND VEHICULAR RIGHTS OF CARRIAGEWAY OVER THE FRONT FOOTPATH ALONG THE QUEENS ROAD TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. THE EASEMENT IS TO BE PREPARED BY COUNCIL'S SOLICITORS AT THE APPLICANT'S COST.
22. LOTS 24 AND 25 TO BE AMALGAMATED INTO A SINGLE LOT ON A CERTIFICATE OF TITLE. AMALGAMATION MUST OCCUR PRIOR TO THE ISSUE OF A BUILDING LICENCE FOR THE DEVELOPMENT UNLESS A LEGAL AGREEMENT (INCLUDING PLACEMENT OF A CAVEAT ON THE RELEVANT TITLE) IS ACHIEVED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES TO ALLOW THE AMALGAMATION TO OCCUR AT A LATER TIME; OR TO PROVIDE A SUITABLE PLANNING SOLUTION AS AN ALTERNATIVE TO AMALGAMATION.
23. PRIOR TO THE ISSUE OF A BUILDING LICENCE A PLAN DEPICTING THE EXTENT, LEVELS AND NATURE OF WORKS TO BE UNDERTAKEN IN THE ROAD RESERVE BE PREPARED TO THE SATISFACTION OF THE MANAGER ENGINEERING DESIGN SERVICES. THE WORKS ARE TO BE UNDERTAKEN BY THE APPLICANT AT THEIR COST PRIOR TO THE OCCUPANCY OF THE BUILDING.
25. IN ORDER TO PRESERVE LOCAL RESIDENTIAL AMENITY, THE OPEN SCREENING ON THE SOUTHERN WALL OF THE DECKED CAR PARKING AREA TO BE SOLID SCREENING TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
25. DETAILS OF THE PROPOSED ARTWORK TO BE ERECTED ON THE VERGE AT THE CORNERS OF REYNOLDS AND QUEENS ROADS AND QUEENS ROAD AND THE PROMENADE SHALL BE APPROVED BY THE MANAGER OF PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE. THE APPROVED ARTWORK SHALL BE CONSTRUCTED AND INSTALLED PRIOR TO THE OCCUPATION OF THE BUILDING AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
26. THE GROUND FLOOR LAND USES SHALL INCLUDE A MINI-MART SHOP (WITH 150 SQUARE METRES RETAIL AND 64 SQUARE METRES NON-RETAIL FLOOR SPACE), TAKE AWAY FOOD SHOP AND CAFÉ (WITH NO MORE THAN 40 SEATS AND 3 STAFF).
27. EQUIPMENT SUCH AS AIR CONDITIONERS OR EXHAUST VENTS WHICH ARE LIKELY TO DETRACT FROM THE VISUAL APPEARANCE OF THE BUILDING SHALL NOT BE LOCATED ON THE ROOF OR OTHERWISE EXPOSED TO PUBLIC VIEW.

P07/3024 - THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

28. PRIOR TO THE OCCUPATION OF THE BUILDING A SIGN STRATEGY FOR THE BUILDING IS TO BE SUBMITTED AND APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
29. THE REYNOLDS ROAD MEDIAN IS TO BE EXTENDED SO THAT THE PROPOSED ACCESS IS A LEFT IN LEFT OUT ARRANGEMENT.
30. PUBLIC TOILETS PROVIDED WITHIN THIS DEVELOPMENT ARE TO BE SIGN POSTED, MAINTAINED, KEPT CLEAN AND REMAIN OPEN FOR PUBLIC USE DURING BUSINESS HOURS OF THE COMMERCIAL TENANCIES TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
31. ALL PARKING BAYS AT THE SECOND LEVEL ARE TO BE USED FOR RESIDENTIAL PURPOSES ONLY. NO SERVICING OR PARKING RELATIVE TO COMMERCIAL UNITS IS TO OCCUR AT THIS LEVEL OF THE PARKING DECK.
32. THE MAXIMUM HEIGHT OF THE DEVELOPMENT (INCLUSIVE OF ROOF STRUCTURE AND EXCLUSIVE OF A CLEAR GLASS BALUSTRADE FOR THE ROOF DECK) TO BE REDUCED TO 10.5 METRES ABOVE NATURAL GROUND LEVEL IN ACCORDANCE WITH COMMUNITY PLANNING SCHEME NO 5.
33. NO STRUCTURES INCLUSIVE OF PATIOS, PERGOLAS OR SHADE SAILS ARE PERMITTED ON THE OPEN ROOF DECK STRUCTURE. ITEMS OF PERSONAL FURNITURE NORMALLY ASSOCIATED WITH AN OUTDOOR LIVING AREA SUCH AS TABLES, CHAIRS, MARKET STYLE UMBRELLA'S, HEATING DEVICES AND BARBEQUES AND THE LIKE ARE PERMITTED ON THE ROOF DECK.
34. PRIOR TO THE ISSUE OF A BUILDING LICENCE, THE APPLICANT SUBMITTING REVISED PLANS WHICH RELOCATE THE PUBLIC TOILETS TO A SAFER AND MORE VISIBLE LOCATION ADJACENT THE MINI-MART SHOP TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
35. THE APPLICANT RELOCATING THE PUBLIC TOILETS WITHIN THE DEVELOPMENT IN ACCORDANCE WITH PLANS REFERRED TO AND APPROVED IN ACCORDANCE WITH CONDITION 34 ABOVE.
36. THE COMMERCIAL BIN STORAGE AREAS, KITCHEN AND TOILETS PROVIDED AT THE REAR OF THE CAFÉ UNIT 4 TO BE MIRROR IMAGED TO IMPROVE ACCESSIBILITY TO THE BIN STORAGE AREAS TO THE SATISFACTION OF CITY OF MELVILLE HEALTH SERVICES.
37. THE BUILDING LICENCE APPLICATION TO INCLUDE DETAILS ON MANAGEMENT OF THE COMMERCIAL PARKING AREA TO ENSURE THAT IT IS OPEN FOR PUBLIC USE DURING BUSINESS HOURS TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

P07/3024 - THREE STOREY PLUS ROOF DECK MIXED USE BUILDING – INCLUDING SHOP, TAKEAWAY FOOD OUTLET, CAFÉ, THREE OFFICES AND SIX MULTIPLE DWELLINGS ON LOTS 24 & 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

- 38. PRIOR TO THE ISSUE OF A BUILDING LICENCE, THE APPLICANT ENTERING INTO AN APPROPRIATE LEGAL AGREEMENT WITH COUNCIL TO PROVIDE FOR THE LONG TERM RETENTION OF RETAIL, TAKEAWAY FOOD OUTLET AND RESTAURANT/CAFÉ ACTIVITIES ON SITE TOGETHER WITH AN AGREEMENT TO CONTINUE TO PROVIDE AND MAINTAIN PUBLIC TOILET FACILITIES ON SITE AND MANAGE CARPARKING ON SITE IN ACCORDANCE WITH CONDITIONS 31 AND 37 ABOVE TO THE SATISFACTION OF THE CHIEF EXECUTIVE OFFICER.**
- 39. PRIOR TO THE ISSUING OF A BUILDING LICENCE, INVESTIGATION FOR SOIL AND GROUNDWATER CONTAMINATION AND COMPLETION OF ANY REMEDIATION, INCLUDING VALIDATION OF REMEDIATION, SHALL BE CARRIED OUT TO THE SATISFACTION OF THE CITY OF MELVIOLE, ON ADVICE FROM THE DEPARTMENT OF ENVIORNMENT AND CONSERVATION, TO ENSURE THAT THE SITE IS SUITABLE FOR THE PROPOSED DEVELOPMENT.**

STANDARD CONDITIONS:

COM; 01, 02, 06, 11, 12, 13, 14, 16, 24, 26, 28, 30, 31, 32, 33, 38, 42, 47, 48, 50,

RESGD; 6, 8,

RESSD; 04,

IT IS NOTED THAT THE INCREASE IN PLOT RATIO AND PARKING CONCESSIONS THE SUBJECT OF THE APPLICATION HAS BEEN ESTIMATED TO HAVE A VALUE OF APPROXIMATELY \$490,000.

At 8.10 pm the Mayor submitted the motion which was

CARRIED (10/3)

At 8.10pm Cr L M Reynolds left the Chamber.

At 8.12pm Cr L M Reynolds returned to the Chamber.

**C07/5009 LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(AMREC)**

Ward	:	All
Category	:	Operational
Subject Index	:	Parking Control
Customer Index	:	Parking Control
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	C07/5005
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Peter Carrie Co-ordinator Neighbourhood Amenity

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when 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>

At 8.13pm the Mayor read out the purpose and effect of the Local Law Amendments.

PURPOSE AND EFFECT OF LOCAL LAW AMENDMENT

Purpose: *To amend the Local Law relating to Parking Facilities to increase the modified penalties in the second schedule.*

Effect: *The effect of the Local Law amendment will be that penalties for parking offences will be increased as per the amounts shown in the second schedule.*

**C07/5009 LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(AMREC)****KEY ISSUES / SUMMARY**

- Following the Annual review of Fees & Charges in April 2007 the Modified Penalties for Parking Infringements were increased.
- This increase requires an amendment to the Local Law Relating to Parking Facilities before the new Penalties can be imposed.

BACKGROUND

At it's April 2007 meeting (Item C07/5005) the Council resolved to adopt a new Fees and Charges schedule commencing 1 July 2007.

At it's July 2007 meeting (Item C07/5009) the Council resolved to advertise it's intention to amend it's Local Laws relating to Parking Facilities and invite Public comment.

The modified penalties for parking were increased from \$45 to \$50 for the majority of offences, from \$55 to \$60 for Parking on a verge and Repairing or selling a vehicle in a street and from \$60 to \$70 for the more serious offences i.e Parking on a Footpath, No Stopping.

DETAIL

The increase in modified penalties requires the amendment to the Local Law relating to Parking Facilities to be advertised for public comment for a six week period.

The Modified Parking penalties were last increased in July 2002.

PUBLIC CONSULTATION/COMMUNICATION

State wide advertising of the Local Law amendment was undertaken in accordance with the provisions of Part 3 of the Local Government Act 1995 for a minimum period of six (6) weeks inviting submissions on the proposed amendment.

No public submissions on the proposed amendment were received.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

A copy of the proposed Local Law amendment was provided to the Minister and the Department of Local Government and Regional development.

The Department have recommended some changes to the draft amendment which have been incorporated into this item.

**C07/5009 LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(AMREC)**

STATUTORY AND LEGAL IMPLICATIONS

Section 3.12 of the Local Government Act 1995 outlines the procedure that Local Government must follow to amend a local law.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The Modified Penalties for parking ensure orderly parking control and avoidance of hazards to the public.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The adoption of new modified penalties is allowed under the Local Law relating to Parking.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION(5009)

ABSOLUTE MAJORITY

At 8.13pm pm Cr J Bennett moved, seconded Cr H Everett -

**THAT BY ABSOLUTE MAJORITY DECISION THE PARKING FACILITIES AMENDMENT
LOCAL LAW 2007 BE ADOPTED.**

LOCAL GOVERNMENT ACT 1995

City of Melville

PARKING FACILITIES AMENDMENT LOCAL LAW 2007

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the council of the City of Melville resolved on 20 November 2007 to make the following Local Law.

**C07/5009 LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(AMREC)**

1 Citation

This local law may be cited as *the City of Melville Parking Facilities Amendment Local Law 2007*.

2 Principal Local Law

In this Local Law the *City Of Melville Local Law Relating To Parking Facilities 2006* published in the government gazette on 19 July 2000 and amended as published in the government gazette on 25 September 2001, and 12 July 2002, and 21 April 2006 is referred to as the principal Local Law. The principal local law is amended as follows:

3 Schedule 2

Schedule 2 is deleted and substituted with the following:

Schedule 2

LOCAL GOVERNMENT ACT 1995

CITY OF MELVILLE PARKING FACILITIES LOCAL LAW

Modified Penalties

Item	Clause	Nature of Offence	Modified Penalty
			\$
1.	9	Failing to display unexpired parking ticket in a parking station.	50
2.	12	Parking outside a parking space in a parking station.	50
3.	13(1)(a)	Standing in a no standing area in a parking station.	70

**C07/5009 LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(REC)**

Item	Clause	Nature of Offence	Modified Penalty
			\$
4.	13(1)(b)	Standing during a prohibited period on part of a parking station.	50
5.	13(2)(a)	Parking in a no parking area in a parking station.	50
6.	13(2)(b)	Parking during a prohibited period on part of a parking station.	50
7.	13(2)(c)	Parking in a parking station space set aside for a different class of vehicle or driver.	50
8.	13(3)	Parking for more than the maximum period in a parking station.	50
9.	14(2)	Parking without a ticket in a parking space set aside for a special event.	50
10.	18(3)	Parking in an authorised space in a parking station without a permit.	50
11.	21(1)(a)	Standing part of a thoroughfare set aside for vehicles of a different class.	50
12.	21(1)(b)	Standing or parking in a no standing area.	70
13.	21(1)(c)	Standing on a thoroughfare during a prohibited period.	50
14.	21(2)(a)	Parking on part of a thoroughfare set aside for vehicles of a different class.	50
15.	21(2)(b)	Parking in a no parking area.	50
16.	21(2)(c)	Parking on a thoroughfare during a prohibited period.	50
17.	21(3)	Parking on a thoroughfare for more than maximum period.	50
18.	22	Standing or parking in an occupied parking space.	50
19.	23	Standing or parking on or adjacent to a median strip.	50

**C07/5009 LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(REC)**

20.	24(1)(a)	Parking too far from kerb.	50
21.	24(1)(b)	Parking facing oncoming traffic.	50
22.	24(1)(c)	Parking outside parking space marked on thoroughfare.	50
23.	25(1)	Standing or parking within 1 metre of a fire hydrant.	50
24.	25(2)	Standing or parking within 3 metres of public post box.	50
25.	26(a)	Parking in front of a driveway.	50
26.	26(b)	Parking on an intersection.	50
27.	26(c)	Parking within 6 metres of intersection.	50
28.	26(d)	Parking next to a traffic obstruction.	50
29.	26(e)	Parking on a footpath.	70
30.	27	Double parking.	50
31.	28	Standing or parking on a verge contrary to signs or without consent.	60
32.	29(1)	Standing within 9 metres of the departure side of omnibus stops, pedestrian and children's crossings.	50
33.	29(2)	Standing within 18 metres of the approach side of omnibus stops, pedestrian and children's crossings.	50
34.	29(3)	Standing or parking in an omnibus stand.	50
35.	30	Parking within 1 hour on a thoroughfare.	50
36.	31	Failing to move vehicle after direction.	50
37.	32(1)	Standing or parking in a loading zone without loading/unloading.	50
38.	33	Parking on street to repair or sell.	60

**C07/5009 LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(REC)**

39.	35	Unauthorised parking.	50
40.	36	Standing or parking on private property without consent.	70
41.	37	Parking a service vehicle on a thoroughfare or street verge for more than four (4) hours or to repair it.	70
42.	38	Over-length vehicle parking.	60
43.	39(2)	Removing chalk mark.	50
44.	40	Parking on a public reserve.	70
45.	43	Parking so as to cause an obstruction.	60
46.		All other offences not specified.	50

At 8.13pm the Mayor submitted the motion which was

CARRIED BY ABSOLUTE MAJORITY (13/0)

C07/5019 – NEW CITY OF MELVILLE LOGO (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Brand Management
Customer Index	:	N/A
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	N/A
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Roshan Weddikkara Communications Coordinator

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when 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>

C07/5019 – NEW CITY OF MELVILLE LOGO (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- To determine whether a new logo is desired for the City of Melville in order to retain and protect the Heraldic Crest as the formal heraldic symbol of the City for formal and ceremonial purposes.
- Creation of a new logo which can work appropriately on all applications and best represent the personality, aspirations of the organisation and the community.
- Select of the logo from a set of three alternatives developed through a research and consultative methodology.

BACKGROUND

The City of Melville has a long and established history and reputation as a stable, safe and vibrant local government authority, and its logo – the heraldic Crest - has been in use for more than 20 years.

The Heraldic Crest is a formal representation of the City and contains references to its history and physical traits. It is essential that this Crest is respected, retained and protected. Unfortunately as the role of local government has grown and developed, the Crest has been utilised in a variety of ways that are not always conducive to being protected as a formal symbol, and also not conducive to promoting the City's services and facilities.

In order to protect the Crest and enshrine it with the dignity and respect required of such a symbol, it is proposed that a new logo be produced for the City which is more broadly applicable on the wide range of services, products and facilities that local government now offers.

In addition, as this organisation takes a customer oriented, community focused approach to its future (for example the development of the City of Melville Community Plan), there is an opportunity to develop a new symbol which reflects the aspirations and personality of both the community and the organisation.

The Marketing and Communication Team has worked closely with external design and marketing consultancy 'Stormbox', and a staff reference group to develop a logo that accurately and succinctly reflects the personality and aspirations of the City of Melville.

The Team previously presented at Elected Member Workshops on 28 August 2007 and again on 30 October 2007 to discuss the development of a new logo and gain Elected Member feedback.

C07/5019 – NEW CITY OF MELVILLE LOGO (REC) (ATTACHMENT)

DETAIL

Heraldic Crests were in many ways the original 'logo' of royalty and then later of countries and cities. The current heraldic Crest has been used by the City of Melville since 1981. These Crests are now seen by many communities as representative of authority, governance, and officialdom.

It should be considered that in 2007, the City of Melville and local government is expected to offer and deliver much more than this. The community has higher expectations of local government to also provide leadership, recreational and sporting facilities, community support, festivals and celebrations, fun activities and services, interactive and modern facilities, support for multiple ethnicities, cultures and diversity, support and manage urban development and much more.

The Crest logo does not have, and was never intended to have the design flexibility for use on the wide range of items, products and projects of today – from Recreation Centres to bins, and uniforms, festival guides, magazines and posters.

A motivating factor in developing a new logo includes overcoming a variety of problems which exist in design implementations of a particularly complex and detailed logo on a wide variety of products and places, which result in the logo being 'lost' and its potential impact diluted in some instances.

These factors explain to some extent why almost every local government authority in Australia, and most around the world have moved away from using a Heraldic Crest as their operational logo.

In addition, feedback suggests that the community and also people within the organisation do not relate to the Crest as representative of their workplace, their community, their city or their aspirations or symbolic of the personality of the City. Some see it as symbolic of an out-of-date image of a local government authority, which may be perceived as being reluctant to change and progress.

In the City of Melville, the inappropriateness of the Crest logo has resulted in the development of alternative brands within the same organisation to promote services to key target markets – for example the Lifestyle Services and Operations Services logos. In branding terms, this is a disaster for City of Melville 'brand recognition' by diluting the strength of the Crest logo.

Development of this logo is also an important investment the organisation needs to make in order to enhance the community perception of the value and range of the services provided. Community perception is a key aspect of the ongoing success and sustainability of local government at a time when the relevance, structure and value of local government is under scrutiny.

An investigation and design process was initiated to develop a potential new logo for the City. It was recognised that an opportunity existed to take advantage of the beginning of a new era in local government in the City of Melville in the development and execution of the Community Plan, and also coincide the launch of a new logo to celebrate 40 years as a City in 2008.

C07/5019 – NEW CITY OF MELVILLE LOGO (REC) (ATTACHMENT)

The process of development of a new logo has proceeded as follows:

- Approval by CEO to investigate development of new logo
- Selection of an external consultant – Stormbox - to assist in development
- Development and consultation with a staff reference group on attitudes, ideas, colours, words and symbolism that would guide the logo development
- Extensive research investigating all aspects of the City including consideration of Community input, aspirations and identity from development of the Community Plan and the Melville Visions project, investigation of the physical environment, investigation of history of the City of Melville, and research of symbols and logos of other organisations.
- Development of initial concepts by Stormbox and presentation to Internal Staff reference group, EMT and Elected Members
- Further development work, including consideration of feedback.
- Presentation of revised concepts to Internal Staff Reference Group, EMT and Elected Members
- Development of final designs with rationales and example implementations for Full Council decision

The logo designs for consideration have been developed from a range of research and input, and attempt to encompass the physical environment, personality, aspirations and community of the City of Melville of today and the future.

Central themes about the City extracted from the community and staff consultations include:

- Diversity
- Multicultural
- Lifestyle
- River / water
- Harmony
- Parks, green, reserves, environment
- Relaxation
- Friendly
- Community
- Growth
- Development
- Celebration
- Future
- Aspirations
- Progressive
- Engaging

Further to this, with regard to logo implementation, the following requirements were identified:

- Modern
- Simple
- Abstract
- Multiple uses and implementations
- Flexibility of use
- Good supporting colour options

C07/5019 – NEW CITY OF MELVILLE LOGO (REC) (ATTACHMENT)

Protecting and retaining the existing Crest

The current Heraldic Crest was formally presented to the City of Melville in 1981, and this was amended to become a logo by adding the words 'City of Melville'.

This item proposes that the Crest be retained as the formal symbol of the City, for ceremonial and historical purposes.

Retaining the Heraldic Crest as the formal symbol, and creating a new branding logo for the City will achieve two major outcomes:

1. Allow the Crest to be protected and retained as the official heraldic symbol or 'seal'
2. Allow the creation of an appropriate and relevant logo which more broadly and openly captures the aspirations and personality of the organisation and the community.

PUBLIC CONSULTATION/COMMUNICATION

Consideration was given to the results of existing consultation with the community about their aspirations and expectations, alongside consultation sessions with staff, executive and Elected Members.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Quotations were submitted by three agencies for logo development, and Stormbox were selected due to the advantages of utilising their experience and research as an existing member of the Graphic Design panel.

Stormbox have supplied the professional branding expertise of established members of the graphic design and marketing community in Perth, working closely with the City of Melville Marketing & Communications Team.

STATUTORY AND LEGAL IMPLICATIONS

If a new logo is selected, a trademark application may be submitted to ensure its protection and integrity.

FINANCIAL IMPLICATIONS

Upfront Costs

1. The cost of development and initial implementation of the new logo has been quoted as \$9235 + GST, for which provision has been made in 2007/08 budget allocation for Printing & Artwork Preparation

C07/5019 – NEW CITY OF MELVILLE LOGO (REC) (ATTACHMENT)

Annual and ongoing costs

1. A new logo would be implemented gradually being inserted on existing materials as they require reprinting or renewal, and inserted onto any new materials, signage or publications as they are developed or produced. This staged approach ensures that there will be no major additional costs related to implementation of the new logo.
2. It is not intended that signage and products be 'retro-fitted' with the new logo, however if immediate implementation of the logo was desired by service areas on particular products, these costs would be covered by existing service area budgets.
3. If significant retrofitting of the logo across key signage and services is desired, these costs would need to be budgeted for in the 2008/09 operating budgets.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Implementation of a new logo for the City of Melville may result in some adverse publicity, due to the subjective nature of visual design.	Minor consequences are possible, resulting in a Medium level of risk.	Development of a complete rationale, style guide and release of appropriate supporting information will assist in addressing any negative coverage. However due to the subjective nature of design work, after execution across a range of products, any negativity will quickly dissipate as the logo becomes commonplace throughout the City.
Selection of a new logo may result in increased costs due to the desire for immediate implementation.	Negligible consequences are possible, resulting in a Low level of risk	Teams will be educated about developing a staged and cost effective implementation of the new logo.
If the existing Crest Logo is retained as the operational logo, there is a risk of continuing current problems and costs of maintaining 3 different brands (City of Melville, Lifestyle Services and Operations Services) will continue, including difficulty of developing a strong unified City of Melville brand recognition.	Minor consequences are likely, resulting in a Medium level of risk	Investigating a new logo is the primary method of mitigating this risk. An alternative is to eliminate the other logos and enforce the use of the Crest Logo on all businesses. However the incumbent problems of brand relevance and recognition would not be solved by this mitigation.

C07/5019 – NEW CITY OF MELVILLE LOGO (REC) (ATTACHMENT)

Opportunity Statement	Level of Opportunity*	Opportunity management Strategy
The opportunity of a more relevant, highly visible, modern and engaging symbol represents an opportunity to re-unite all City of Melville brands, and help build the strength and reputation of the City of Melville as a modern, progressive and community oriented organisation.	Major consequences which are likely, resulting in an outstanding level of opportunity.	Existing planned marketing and communications efforts across the organisation will make best possible use of this opportunity over the next few years.

* As derived from using the Risk Assessment Matrix

C07/5019 – NEW CITY OF MELVILLE LOGO (REC) (ATTACHMENT)

POLICY IMPLICATIONS

Policy 03-003 – Use of the City of Melville Name and Logo

1. Current Council Policy 03-003 states that “The City of Melville logo consists of both the armorial design and words ‘City of Melville’ as specified in the Style Guide. Other logos developed by the City of Melville as ‘sub-brands’ or supporting logos for specific uses also fall within the terms of this policy.”
2. Modification of this text would be required to describe the new logo if adopted, and also outline the retention, protection and specific usage of the Crest Logo. However the intent and other text of the policy would not be affected.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

1. OPTION ONE [5019A November 2007.pdf](#)

The Marketing & Communications Team, and the external consultant agree that OPTION ONE would offer the best range of options for execution on marketing materials, signage and would lend itself best to sub-branding.

The Technical and Development Services Team representatives indicated that OPTION ONE could be easily and cost effectively represented in two dimensional and three dimensional forms across the widest range of applications.

Rationale:

Colours: a green city, blue skies, water, development, community, outdoor activity

Design: a stylised ‘M’, connection between different aspects of the city, movement, vibrant, harmony, diversity, progress underpinned by stability

Characteristics: will work well on all applications, easy to reproduce in 2D and 3D, unique in LGAs, simple and dynamic, flexibility of uses

C07/5019 – NEW CITY OF MELVILLE LOGO (REC) (ATTACHMENT)

2. OPTION TWO [5019B November 2007.pdf](#)

This option is not considered as strong and unique as OPTION ONE, however the rationale validates it as a viable option, and the team considers ease of implementation of this design to be similar to OPTION ONE

Rationale:

Colours: a green city, development, water, community, corporate, outdoor activity

Design: emphasizing a connection between different aspects of the city, movement, diversity, structure, roads and urban development

Characteristics: will work well on all applications, unique in LGAs, simple and structured, strong, some flexibility

3. OPTION THREE [5019C November 2007.pdf](#)

This option is possibly the weakest of the three options primarily as it is the least unique, and most complex. Potential implementations of this design are considered most difficult of the three.

Rationale:

Colours: a green city, development, community, corporate service, water

Design: combinations and connections, strength, unity, structured

Characteristics: highly detailed, complex on some applications, links to Operations logo, structured, strong, some inflexibility in reproduction

4. OPTION FOUR

An option exists not to develop a standard corporate logo and to retain or review the current diverse logo structure for representing City of Melville services e.g. Lifestyle Services and Operation Services.

CONCLUSION

It is proposed that the City of Melville establish its own modern vibrant brand which will accompany and augment the organisation on its journey into a world of increasing community expectations, competitive services and professional communications, while acknowledging the rich history, traditions and culture of the area.

The team followed a consultative and investigative methodology which established the very core elements of the personality and aspirations of the City, identified the key physical aspects, while retaining a focus on abstract execution which ensured flexibility, simplicity and relevance to a wide range of people.

This item ensures that even if a new logo is selected, the existing Heraldic Crest is recognised as the formal symbol of the City and be protected and retained for formal and ceremonial use.

C07/5019 – NEW CITY OF MELVILLE LOGO (REC) (ATTACHMENT)

The final three logo design options presented to Council represent three alternatives which each reflect the personality and aspirations of the community and the organisation, and are able to carry the organisation into a new era complementing the community plan, and enhance community engagement and a professional and modern public image.

The 40 year anniversary of Melville gaining 'City' status also represents an opportune moment to both recognise and enshrine the Heraldic Crest as a formal, ceremonial and historical symbol, and launch a new general use logo which will recognise the personality and aspirations of a reinvigorated, unified and progressive organisation and community.

OFFICER RECOMMENDATION (5019)**Approval**

1. That Council adopt option one as the new logo of the City of Melville
2. That the crest be retained as the formal heraldic symbol of the City to be used in ceremonial and formal occasions.

COUNCIL RESOLUTION

At 8.15pm Cr D Macphail moved, seconded Cr P Phelan –

THAT THE OFFICER RECOMMENDATION BE REJECTED AND THAT THIS ITEM BE RECOMMITTED FOR FURTHER DISCUSSION AT A FUTURE WORKSHOP.

At 8.15 pm the Mayor submitted the motion which was

(CARRIED 13/0)

At 8.20pm Mr K Weymes left the Chamber.

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

Ward	:	All
Category	:	Policy
Subject Index	:	Elected Members Profile
Customer Index	:	Elected Members
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item C06/5030 Ordinary Meeting of Council – 19 December 2006
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Bruce Taylor Manager Information and Corporate Support

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when 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>

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

KEY ISSUES / SUMMARY

- This Item provides the Council with the opportunity to review the continuation of each Committee and if still required, to elect representatives to the various Occasional, Advisory, Local Government and Community Committees.

BACKGROUND

As a result of the recent Local Government Elections a review of the various Occasional, Advisory, Local Government and Community Committees and the Elected Member and Officer representation on each Committee's needs to be undertaken.

The last review was held in May 2005 and since this time a reorganisation of the Council Committee structure has been undertaken resulting in some Committee's being disbanded or replaced with Portfolios and Portfolio Committee's.

DETAIL

Part of the process for electing representatives on Committees should include a review of the need for the Committee to see if it should continue, combine with another Committee or be disbanded.

Due to the small membership of most Occasional Committees, difficulty is sometimes experienced in obtaining a quorum. It is therefore suggested that **TWO DEPUTIES BE APPOINTED FOR EACH OCCASIONAL COMMITTEE.**

Under Section S5.10(4) of the Local Government Act 1995, where a Council representative is required on any Standing or Advisory Committee of the Council, His Worship the Mayor has the right to be appointed as one of the representatives. This does not apply to representation on non-Council committees.

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

Committees that have been deleted since the last review are the –

- Audit Committee

Function: To assist Council to achieve sound managerial control over all aspects of the Council operations including Accounting, Financial Management, Information Management and Control Systems, and for such other activities for which the Council is responsible, in order that the activities are carried out efficiently and effectively.

- Budget and Organisational Review Committee

Function: To consider and review the Budget of the City of Melville and to review the performance of the Organisation

- Executive Committee of the Council

Function: To exercise authority provided under Delegated Authority.

- House Committee

Function: To determine types and number of Civic Functions, entitlements of Elected Members by way of reimbursements, facilities for, and conduct of, Elected Members and major alterations to the Civic Centre precinct.

- Special Property Committee

Function: To consider land sale issues associated with the Heathcote Agreement.

- Multicultural Committee

Function: To advise the Council of the needs of cultural groups within the City; act as a liaison between the Council and the cultural communities; and advise the Council on the relevance of existing community services in meeting the needs of the Multicultural communities.

- Advisory Committee on Seniors' Interests

Function: To provide a coordinated advice on the needs of Seniors within the City of Melville

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

- Local Impacts Committee

- Function:
1. Recommend the preferred alignment for Roe Highway State 7 (completed);
 2. Identify the level of upgrading needed for the major roads in the South West Metropolitan area focusing on Leach Highway, South Street, High Street and Stock Road, and to prepare a preliminary road development plan for these roads (in progress);
 3. Determine measures to protect local communities from the impact of freight and general traffic.

- Perth Airport Municipalities Group

Function: To consider all issues relevant to the Conduct of commercial airports in Western Australia

- Melville Arts Foundation

Function: To foster and extend the range of arts and cultural activities for all residents with the City, and assist in forging a distinctive local identity through artworks in public places.

- Melville Arts Trust Fund – Fund Review Committee

Function: To review or provide comments on investment and other decisions made or to be made by the Trustee in relation to Trust Funds.

- Safer Melville Advisory Committee

Function: To facilitate formation of Local Community Safety and Crime Prevention Partnerships within the District of the City of Melville.

To coordinate development of a Local Community Safety & Crime Prevention Plan in partnership with relevant stakeholders for adoption by the City of Melville.

To develop Local Community Safety & Crime Prevention strategies and to negotiate Local Service Agreements to ensure delivery of those strategies in accordance with the predetermined standards and timing.

To periodically review the Local Government Safety & Crime Prevention Plan and make recommendation to the City of Melville for adoption.

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.1 OCCASIONAL COMMITTEES 2007/2008

Members of the following Committees and Portfolios were appointed at the Special Meeting of Council held Monday 22 October 2007

- Governance Committee,
- Financial Management, Audit, Risk and Compliance Committee
- Community Planning Portfolio
- Infrastructure & Operations Portfolio
- Planning & Development Services Portfolio

1.1.1 CANNING BRIDGE PRECINCT WORKING GROUP

(Meets as required)

Function – To consider urban design framework for future development of the Canning Bridge Precinct.

The 2006/2007 representatives on the Canning Bridge Precinct Working Group were Mayor K J Jackson, Cr H R Everett, and Cr J Phillips,

- Presiding Member of the then Development & Neighbourhood Amenity Committee – Cr J R Bennett and
- Presiding Member of the then Community & Technical Services Committee – Cr L M Reynolds, with
- Deputy Mayor
- Deputy Presiding Member of the then Development & Neighbourhood Amenity Committee – Cr D J Macphail and
- Deputy Presiding Member of the then Community & Technical Services Committee - Cr A Ceniviva as deputies.

The Committee consists of -

Representatives from -

- Mayor
- Applecross/Mount Pleasant Ward Members (2)
- Presiding Member Planning & Development Portfolio
- Presiding Member Community Planning Portfolio

Officer in Attendance -

- Director Strategic Urban Planning
- Director Technical & Development Services
- Director Strategic Community Services

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

Committee Representation

- Mayor
- Applecross/Mount Pleasant Ward Members (2)
- Presiding Member Planning & Development Portfolio
- Presiding Member Community Planning Portfolio

REPRESENTATIVES 2007/2008	DEPUTIES
Mayor R Aubrey	Deputy Mayor
Cr H Everett	Deputy Presiding Member Planning & Development Portfolio –
Cr N Pazolli	Deputy Presiding Member Community Planning Portfolio –
Presiding Member Planning & Development Portfolio	Cr A Ceniviva
Presiding Member Community Planning Portfolio	

1.1.2 HEATHCOTE OCCASIONAL COMMITTEE (Chief Executive Officer & Director Strategic Urban Planning)

Function - to consider the Future Uses of the Heathcote Site

The 2006/2007 representatives on the Heathcote Occasional Committee were -

- Presiding Member, the then Development & Neighbourhood Amenity Committee, Cr J R Bennett;
- Mayor K J Jackson;
- Two (2) Applecross/Mount Pleasant Ward Councillors;
 - Cr H R Everett
 - Cr J Phillips and

Committee Representation

Mayor, Presiding Member Planning & Development Portfolio, two (2) Applecross/Mount Pleasant Ward Members, and four (4) Elected Members.

REPRESENTATIVES 2007/2008	DEPUTIES
Cr H Everett	Cr R Subramaniam
Cr N Pazolli	
Cr J Bennett	
Cr G Weiland	
Cr J Barton	
Cr C Robartson	
Cr C Halton	
His Worship the Mayor, R Aubrey	

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.2.2 CITY OF MELVILLE EMERGENCY MANAGEMENT COMMITTEE

Function - to oversee the City of Melville Emergency Management Plan; to clarify the roles of each of the various organisations to ensure coordination of the resources during emergency situations; and to plan and conduct an emergency management exercise each year to test the City of Melville Emergency Management Plan.

The 2006/2007 representatives on the City of Melville Emergency Management Committee were Mayor K J Jackson, Cr L J Wyatt, Cr J Phillips and Cr M J Barton with the Manager Neighbourhood Amenity as deputy.

The Committee consists of -

- Four (4) Elected Members
Representative from -
- St John Ambulance
 - Department of Community Services
 - Red Cross Society
 - Police Officer in Charge – Murdoch & Palmyra
 - SES Melville Coordinator
 - District Officer WA Fire Brigade

- Officers in Attendance -
- Manager Neighbourhood Amenity
 - Ranger Services Coordinator
 - Ranger
 - Community Development Coordinator
 - Engineering Operations Coordinator

Maximum Elected Membership (4)

REPRESENTATIVES 2007/2008	DEPUTIES
Cr H Everett	Manager Neighbourhood Amenity
Cr J Barton	Cr G Weiland
Cr R Subramaniam	

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.2.3 MUSEUMS & LOCAL HISTORY SERVICES ADVISORY COMMITTEE (formerly *Local History & Museum Services Advisory Committee*)

(Meets bi-annually – *time and date to be advised*)

Function –

- a) *To increase the usage of the museums and local history service by the local community and visitors to Melville through the contribution of ideas and strategies to actively promote the service*
- b) *To assist with the recruitment of volunteers to support the work of the museums and local history service*
- c) *To provide suggestions and comment on education and community programme development and the “use” of museum sites in order to relate the history of Melville*
- d) *To advise on the acquisition of new items and de-accessioning of existing items in line with the museum and local history service Collections Policy*
- e) *To advise on other museum and local history matters referred to the Committee from time to time*

The 2006/2007 representatives on the Local History & Museum Services Advisory Committee were Cr C M Halton with Cr L J Wyatt as deputy.

The Committee consists of -

- One (2) Elected Member
- Two (2) Community and/or Business Representatives
- Four (4) Representatives from the following groups -
 - Melville History Society (1)
 - Melville District Education Department (1)
 - Youth (1)
 - Aboriginal (1)

Officers in Attendance (3)

- Manager Community & Cultural Development
- Curator/Cultural Development Officer
- Local History Officer

Maximum Elected Membership (1)

REPRESENTATIVES 2007/2008	DEPUTIES
Cr H Everett	
Cr C Halton	

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.2.4 LEEMING RECREATION CENTRE ADVISORY COMMITTEE

Meetings held quarterly at the Leeming Recreation Centre at 4.00pm.

Function – to advise the Council on the operations of the Leeming Recreation Centre.

The Leeming Recreation Centre Advisory Committee was re-established last year to meet on a quarterly basis.

The 2006/2007 representatives on the Leeming Recreation Centre Advisory Committee were the Manager Health & Lifestyle Services, the General Manager Leeming Recreation Centre, and Cr R Aubrey, with Cr C W Robartson as deputy.

The Committee to consist of -

- Two (2) Council Representatives
- Representatives from -
 - Ministry of Education (2)
 - Community (2)
 - Leeming Senior High School P & C

It is suggested that the Council Representatives be -

- Manager Health & Lifestyle Services
- General Manager Leeming Recreation Centre

Maximum Elected Membership (2)

REPRESENTATIVES 2007/2008	DEPUTIES
Cr R Subramaniam	Cr C Robartson
His Worship the Mayor R Aubrey	
Manager Health & Lifestyle Services	
General Manager Leeming Recreation Centre	

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.2.5 ROADWISE TRAVELSMART TASKFORCE

Meetings held on the second Wednesday of the month at 7.00pm.

Function –

- 1) *To develop and implement road safety strategies and action plans with an emphasis on community input, with the aim of achieving a safer environment for all road users by reducing the number and severity of road crashes within the City of Melville; and*
- 2) *To act as an Advisory Committee to the Melville Council on road safety strategy issues.*

The 2006/2007 representatives on the Melville Community RoadWise Taskforce was Cr J Phillips, with the Civic Design Manager as deputy.

Committee Representation

- Elected Members (2)
 - (1) Chairperson of RoadWise Committee
 - (2) Deputy Chairperson of RoadWise Committee;
- Representative from RoadWise; WA Police; and
- Various Representatives from Community Groups and Schools (22)

Officers in Attendance

- Manager Engineering Design
- Engineering Technical Officer
- Transport Planner
- Minute Secretary

Maximum Elected Membership (3)

- Elected Member representatives hold the positions of Chairperson and Deputy Chairperson of the Committee

REPRESENTATIVES 2007/2008	DEPUTIES
Cr N Pazolli	Cr C Robartson
Cr C Halton	

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.2.6 ROAD SAFETY ADVISORY COMMITTEE

(Meets quarterly - @ 6.00pm)

Function - To look at "Black Spots" and special areas of concern such as children and the older pedestrian crossings.

The 2006/2007 representatives on the Road Safety Advisory Committee was Cr D J Macphail, with the Director Technical & Development Services as deputy.

The Committee consists of -

The Presiding Member of the Infrastructure & Operations Portfolio; and

One (1) Elected Member

Representatives from -

- Police Department of WA
- Main Roads Western Australia;
- State Politicians from the Local Area -
- Trevor Sprigg MLA; and
- Hon Simon O'Brien MLC
- Janet Woollard MLA

Officers in Attendance

- The Director Technical & Development Services
- Manager Engineering Design

Maximum Elected Membership (2)

REPRESENTATIVES 2007/2008	DEPUTIES
Cr N Pazolli	Director Technical & Development Services
Cr R Subramaniam	

1.2.7 TRAVELSMART REFERENCE GROUP (formerly Pedestrian & Cycling Reference Group)

Delete from list of Committees as group has been disbanded.

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.2.8 YOUTH SPORT SCHOLARSHIP SCHEME ASSESSMENT PANEL

(Annually for Assessment purposes)

Function - to administer a Scheme which allows young people who are under 18 and residents of the City of Melville, the opportunity to use Council-managed recreational and leisure facilities free of charge.

The 2006/2007 representative on the Youth Sport Scholarship Scheme Assessment Panel were Crs L M Reynolds, H R Everett, and D J Macphail, with the Community Recreation Coordinator as deputy.

The Committee consists of

- Three (3) Elected Member Representatives from -
 - Community Representatives (2)
 - Ministry of Sport & Recreation (1)
- Officer in Attendance -
 - Community Recreation Coordinator

Maximum Elected Membership (3)

REPRESENTATIVES 2007/2008	DEPUTIES
Cr H Everett	Community Recreation Coordinator
Cr D Macphail	His Worshsip Mayor R Aubrey
Cr L M Reynolds	

1.2.9 COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE (REPLACED THE SAFER MELVILLE ADVISORY COMMITTEE)

Established 13 September 2005

Function:

- To facilitate the formation of local and community safety and crime prevention partnerships within the district of the City of Melville.*
- To coordinate the development of a Local Community Safety and Crime Prevention Plan in partnerships with relevant stakeholders for adoption by the City of Melville.*
- To develop local community safety and crime prevention strategies and to negotiate local service agreements to ensure delivery of those strategies in accordance with the predetermined standards and timing.*
- To periodically review the Local Community Safety and Crime Prevention Plan and subsequently present recommendations to the City of Melville.*

Committee Representation

Two (2) Elected Members to be elected by Council in May each and every year.

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.3 APPOINTMENT OF DELEGATES 2007/2008

One (1) representative nominated by the following agencies:-

- Murdoch Police Station
- Palmyra Police Station
- Community Policing and Diversity Officer Fremantle Police District
- Neighbourhood Watch
- Department of Housing and Works
- Department of Community Development
- Department of Indigenous Affairs
- Department of Health
- Chamber of Commerce
- Youth Advisory Council
- Four members of the community to be selected to ensure representation from other ethnic groups, families, people with disabilities and older people.

Maximum Elected Membership (3)

REPRESENTATIVES 2007/2008	DEPUTIES
Cr R Subramaniam	Cr J Bennett
Cr C Halton	
Cr J Barton	

1.3.1 SOUTH METROPOLITAN EAST-WEST PUBLIC TRANSPORT STUDY

Delete from list of Committees as group has been disbanded.

**1.3.2 SOUTHERN METROPOLITAN REGIONAL COUNCIL
(Monthly)**

Function - Acts as the Board of Directors for development and operations of the Southern Metropolitan Regional Council's Regional Resource Recovery Centre, and other activities applicable under the Southern Metropolitan Regional Council's Terms of Reference

The 2006/2007 representative on the Southern Metropolitan Regional Council was Cr C W Robartson, with Cr J R Bennett as deputy and the Director Technical & Development Services as advising Officer.

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.3 APPOINTMENT OF DELEGATES 2007/2008

The Committee consists of -

One (1) Elected Member
from -

- City of Melville
- City of Canning
- Town of East Fremantle
- City of Fremantle
- City of Cockburn
- Town of Kwinana
- City of Rockingham

Officers in Attendance

- Director Technical & Development Services

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	OBSERVER
Cr C Robartson	Cr D Macphail

1.3.3 SOUTH WEST DISTRICT PLANNING COMMITTEE

(Meets bi-monthly commencing 23 June 2005 @ 5.30pm)

Function - set up under the old Metropolitan Region Town Planning Scheme Act and is the organ of the Councils (six) of the South West Group on planning matters, one of which is appointed to represent the Group on the Executive of the Metropolitan Region Planning Association.

The 2006/2007 representative on the South West Group District Planning Committee was Cr J R Bennett, with Cr D J Macphail and Director Strategic Urban Planning as deputies.

The Committee consists of -

One (1) Elected Member
Representatives from -

- Town of East Fremantle
- Town of Kwinana
- City of Cockburn
- City of Fremantle
- City of Rockingham

Officer in Attendance

- Director Strategic Urban Planning (or his representative)

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	DEPUTIES
Cr D Macphail	Cr A Ceniviva
	Director Strategic Urban Planning

NB: As only one representative is required for this Committee, a ballot may be required to be held if more than one nomination is received.

1.3.4 SOUTH WEST CORRIDOR PLANNING AND INFRASTRUCTURE COMMITTEE

(Meets first Tuesday of each month @ 2.30pm)

Function - to address the Transport issues currently faced by the South West Metropolitan Region.

The 2006/2007 representative on the South West Metropolitan Group - Transport Committee were Cr C M Halton, with the Director Technical & Development Services and Director Strategic Urban Planning as deputies.

The Committee consists of -

- One (1) Elected Member
Representatives from -
- Local Member of Parliament
 - Minister for Transport
 - City of Cockburn
 - City of Fremantle
 - City of Rockingham
 - Town of East Fremantle
 - Town of Kwinana

Officers in Attendance

- Director Technical & Development Services
- Director Strategic Urban Planning

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	DEPUTIES
Cr C Halton	Director Technical & Development Services
	Director Strategic Urban Planning

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.3.5 SWAN RIVER TRUST

(Meets first Monday of each month @ 9.00am)

Function - to manage and protect the Swan River.

The 2006/2007 delegate to the Swan River Trust was Cr L J Wyatt, with Cr C W Robartson and Director Strategic Urban Planning as deputies.

The Trust representatives will consist of -

- Representatives from -
- The City of Melville
 - Swan River Trust
 - Planning & Development Environmental Quality Committee
- Officer in Attendance
- Director Strategic Urban Planning

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	DEPUTIES
Cr C Robartson	Director Strategic Urban Planning

At 8.26pm Cr N Pazolli left the Chamber.

At 8.30pm Cr N Pazolli returned to the Chamber.

At 8.34pm Cr J Bennett left the Chamber.

At 8.37pm Cr J Bennett returned to the Chamber.

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.3.6 WESTERN AUSTRALIAN LOCAL GOVERNMENT (WALGA) - SOUTH METROPOLITAN ZONE

(Meets bi-monthly on the last Monday of the month @ 5.30pm)

Function - to examine issues relative to the industry within the South Metropolitan Zone and provide feedback to Zone Representatives voting at the Local Government Association and Western Australian Municipal Association.

The 2006/2007 delegates to the Local Government Association of Western Australia (Inc) - South Metropolitan Zone, were, Cr M J Barton, Cr P M Phelan, Cr L M Reynolds and D J Macphail, with the Chief Executive Officer, Cr C W Robartson and Mayor K J Jackson as deputies.

The Zone Membership will consist of -

- Three (3) Elected Members
- Representatives from -
 - City of Fremantle
 - Town of East Fremantle
 - City of Cockburn
 - City of Rockingham
 - Town of Kwinana
 - Local Government Association
- Officer in Attendance
 - Chief Executive Officer

Committee Representation

Three (3) Elected Members

Nominations were received from Cr Ceniviva, Cr MacPhail, Cr Reynolds and Cr Phelan. As there were more nominations received than required for this Committee a secret ballot was conducted.

At 8.38pm the following members were declared elected:

REPRESENTATIVES 2007/2008	DEPUTIES
Cr D Macphail	Chief Executive Officer
Cr L M Reynolds	
Cr P Phelan	

1.3.7 SOUTH WEST CORRIDOR ENVIRONMENT AND SERVICES COMMITTEE

REPRESENTATIVES 2007/2008	DEPUTIES
Cr C Halton	
Cr C Robartson	

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4 APPOINTMENT OF REPRESENTATIVES 2007/2008

1.4.1 AVIATION MUSEUM COMMITTEE

(Meets first Tuesday of each month @ 9.30am)

Function - to examine and make decisions on the development of the RAAF Aviation Heritage Museum.

The 2006/2007 representative on the Aviation Museum Committee was the Coordinator Heritage & Museum Services.

The Committee consists of -

Representatives from -

- The City of Melville
- Education Representative from Kent Street High School
- Aviation Library
- RAAF members (7)

Officer in Attendance

- Curator/Cultural Development Officer

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	DEPUTIES
Curator/Cultural Development Officer	His Worship the Mayor R Aubrey
Cr C Robartson	

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.2 BIRRA-LI CHILD CARE CENTRE INC

(Meets as necessary)

Function - overall management of the Child Care Centre.

The 2006/2007 representative on the Birra-Li Child Care Centre was Cr P M Phelan with the Community Development Coordinator as deputy.

The Committee consists of -

Representatives from -

- City of Melville
- Birra-Li Child Care Centre Coordinator
- Community representatives (9)

Contact Officer-

- Neighbourhood/Community Development Coordinator

Committee Representation

Not required

REPRESENTATIVES 2007/2008	Contact Officer
No representative nominated	Neighbourhood/Community Development Coordinator

It was resolved at the meeting held on 27 May 2003 that the Council Representation on the Birra-Li Child Care Centre Inc be optional as the City of Melville is no longer a sponsor for the group, and autonomous funding is now available to them.

1.4.3 BLUE GUM CHILD CARE ASSOCIATION INC (monthly)

(Meets third Monday of each month @ 7.30pm)

Function - overall management of the Child Care Centre.

The 2006/2007 representative on the Blue Gum Child Care Association Inc was the Community Development Coordinator.

The Committee consists of -

Representatives from -

- City of Melville
- Blue Gum Child Care Association Coordinator
- Community representatives (12)

Contact Officer-

- Neighbourhood/Community Development Coordinator

Committee Representation

Not required

REPRESENTATIVES 2007/2008	Contact
No representative nominated	Neighbourhood/Community Development Coordinator

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

It was resolved at the meeting held on 27 May 2003 that the Council Representation on the Blue Gum Childcare Association Inc be optional as the City of Melville is no longer a sponsor for the group, and autonomous funding is now available to them.

1.4.4 BOORAGOON OCCASIONAL CHILD CARE CENTRE (Inc) (monthly)
(Meets second Monday of each month @ 7.30pm)

Function - overall management of the Child Care Centre.

The 2006/2007 representative on the Booragoon Occasional Child Care Centre (Inc). was Cr M J Barton, with the community Development Coordinator as deputy.

The Committee consists of -

- Representatives from -
- City of Melville
 - Booragoon Occasional Child Care Centre Coordinator
 - Community representatives (12)
- Contact Officer -
- Community Development Coordinator

Committee Representation

Not required

REPRESENTATIVES 2007/2008	Contact
No representative nominated	Neighbourhood/Community Development Coordinator

It was resolved at the meeting held on 27 May 2003 that the Council Representation on the Booragoon Occasional Child Care Centre Inc be optional as the City of Melville is no longer a sponsor for the group, and autonomous funding is now available to them.

1.4.5 CITY OF MELVILLE AGED PERSONS TRUST (Inc)
(First Monday of second month from July @ 5.00pm)

Function - to promote and undertake benevolent assistance for elderly people (Housing) including management of Retirement Villages.

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

The 2006/2007 representative on the City of Melville Aged Persons Trust (Inc) were Cr A Ceniviva, Cr P M Phelan and Cr C W Robartson, with Cr M J Barton as deputy.

The Committee consists of -

Representatives from -

- City of Melville
- Rotary Club of Applecross
- Melville Lions Club
- Booragoon Lions Club
- Bull Creek Lions Club
- South Perth Zonta Club
- Kardinya Lions Club
- Inner Wheel Club of Melville

Officers in Attendance

- Director Strategic Community Services

Committee Representation

Presiding Member Community Planning Portfolio, and one other Representative

REPRESENTATIVES 2007/2008	DEPUTIES
Presiding Member Community Planning Portfolio –	Deputy Presiding Member Community Planning Portfolio -
Cr P Phelan	
Cr L M Reynolds	
Cr C Robartson	

1.4.6 CITY OF MELVILLE CITIZENS RELIEF FUND (Inc)

(Meets bi-monthly - Wednesday evening)

Function - to oversee the management of the Relief Fund and approval of applicants.

The 2006/2007 representative on the City of Melville Citizens Relief Fund (Inc) was Cr L J Wyatt, with Cr C M Halton as the deputy.

Officer in Attendance -

- Financial Counsellor/Emergency Relief Officer

Note – Cr Robartson is on this Committee in his own right as member of the Community.

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	DEPUTIES
Cr J Barton	His Worship the Mayor R Aubrey

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.7 COASTAL BUSINESS ENTERPRISE CENTRE INCORPORATED

(Meets first Thursday of each month at 7.00am at Fremantle Jail)

Function - to maximise development and growth opportunities for Small Business within the Region.

The 2006/2007 representatives on the Coastal Business Enterprise Centre (Inc) were Cr A Ceniviva, and Cr C W Robartson, with the Director Customer & Corporate Services as deputy.

Committee Representation

Two (2) Members

REPRESENTATIVES 2007/2008	DEPUTIES
Cr A Ceniviva	Director Strategic & Urban Planning
	Cr R Subramaniam

1.4.8 JANDAKOT AIRPORT CONSULTATIVE COMMITTEE

(Two - three times per year as advised)

Function - to provide a forum for discussion of all aspects of Airport planning and operations.

The Council representative on the 2006/2007 Jandakot Airport Advisory Committee was Cr J R Bennett, with Cr R Aubrey as deputy.

The Committee consists of -

Representatives from -

- City of Melville
- Civil Aviation Authority
- Trades & Labour Council
- Ministry for Planning
- City of Cockburn
- City of Canning
- Aviation Industry

Officer in Attendance

- Manager Health & Lifestyle Services
- Director Technical & Development Services
- Director Strategic & Urban Planning

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	DEPUTIES
His Worship the Mayor R Aubrey	Cr J Bennett

1.4.9 MELVILLE CARES INC

(Meets last Tuesday of each month @ 1.30pm)

Function - to provide home care services for residents in need with the aim of maintaining persons in their own homes for as long as possible.

The 2006/2007 representative on the Melville Cares Inc Committee was Cr L J Wyatt, with the Cr C M Halton and the Community Development Coordinator as deputies.

The Committee consists of -

Representatives from -

- City of Melville
- Melville Cares Presiding Member (D Feeney)
- Melville Cares Deputy Presiding Member
- Melville Cares Secretary
- Melville Cares Treasurer
- Community representatives (6)

Officer in Attendance

- Community Development Coordinator

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	DEPUTIES
Cr C Halton	Community Development Coordinator

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.10 MELVILLE/COCKBURN CHAMBER OF COMMERCE INC

(Meets monthly as advised)

Function - assisting local businesses in the City of Melville, with the role of the representative being to enhance the communication lines between the Chamber and the Council.

The 2006/2007 representative on the Melville/Cockburn Chamber of Commerce was Cr J R Bennett, with the Director Customer & Corporate Services as deputy.

Council Officer Contact

- Director Customer & Corporate Services

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	DEPUTIES
Cr A Cenviva	Director Strategic & Urban Planning
	Cr P Phelan

1.4.11 MELVILLE LOCAL DRUG ACTION GROUP (MLDAG)

(Afternoon meetings on a monthly basis at approximately 3.30pm – Venue Melville Senior High School – City of Melville representatives called upon on adhoc basis)

Function – To provide information and support services regarding drug issues to the general community and to organise drug-free recreation and development opportunities for young people in the Melville Area.

The 2006/2007 representatives on the Melville Local Drug Action Group was Cr C M Halton, with the Youth Development Officer as contact.

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

The Committee consists of -

Representatives from -

- City of Melville
- Community Police, Palmerston
- South Metro Community Drug Service Team
- Department for Community Development
- Family & Children's Services
- Community Members
- Youth Advisory Council representative; and
- Parents and Staff from the Melville Senior High School

Contact Officer

Youth Development Officer

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	Contact
Cr C Halton	Youth Development Officer

1.4.12 MELVILLE HISTORY SOCIETY - MILLER BAKEHOUSE MUSEUM

Function - to curate the Miller Bakehouse Museum, preserve the archival collection, respond to public enquires and coordinate educational and heritage activities.

The 2006/2007 representative on the Melville History Society Miller Bakehouse Museum was Cr H R Everett, with Cr C M Halton and the Curator/Cultural Development Officer as deputies.

The Committee consists of -

Representatives from -

- City of Melville
- Melville History Society Members
 - President
 - Vice-President
 - Treasurer
 - Secretary
 - Research Secretary
 - Members (2)

Officer in Attendance

- Coordinator Heritage & Museums Services

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	DEPUTIES
Cr H Everett	Curator/Cultural Development Officer

It was resolved at the meeting held on 27 May 2003 that the Council Representation on the Melville History Society – Miller Bakehouse Museum be optional as the City of Melville is no longer a sponsor for the group, and autonomous funding is now available to them.

1.4.13 [MELVILLE MEWS INC](#)

(Meets bi-monthly - @ 6.00pm)

Function - to manage the five units (Melville Mews) occupied by four adults with disabilities (Cerebral Palsy)

The 2006/2007 representative on the Melville Mews Inc Advisory Committee was Cr M J Barton, with Cr C M Halton and the Community Development Officer (Disability Services) as deputies.

The Committee consists of -

Secretary

Treasurer

With representatives from -

- City of Melville
- Two parents of tenants
- Two tenant representatives
- Other interested local people

Officer in Attendance

- Community Development Access & Inclusion Officer

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	DEPUTIES
Cr J Barton	Community Development (Access & Inclusion) Officer

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.14 ST JOHN OF GOD MURDOCH COMMUNITY HOSPICE INC

(The Board meets third Friday of each month @ 1.00pm)

(The Executive meets first Friday of each month @ 1.00pm)

Function – To conduct, manage and maintain the St John of God Murdoch Community Hospice.

The 2006/2007 representatives on committee were Cr LM J Barton and, with Cr C W Robartson as the deputy.

The Hospice Constitution allows the appointment of one person from a panel of three names to be submitted by the City of Melville.

The Board consists of -

Representatives from -

- City of Melville
- CEO, St John of God Health Care, Murdoch
- Manager, Murdoch Hospice
- Member for Murdoch – The Hon Michael Board MLA
- Director of Mission, St John of God Health Care, Murdoch
- Medical Director Murdoch Community Hospice
- Royal Perth Hospital
- Lawyer, St John of God Health Care
- Project Manager, St John of God Health Care, Murdoch
- 5 representatives with Medical and Business background.

The Executive consists of a-

Representatives from -

- City of Melville
- CEO, St John of God Health Care, Murdoch
- Medical Director, Murdoch Community Hospice
- Manager, Murdoch Community Hospice
- Project Manager, St John of God Health Care, Murdoch
- 2 representative with Medical and Business background

Committee Representation

1 Elected Member and 1 Deputy

Suggested that one Elected Member and one Deputy be submitted to the Hospice Board.

REPRESENTATIVES 2007/2008	DEPUTIES
Cr J Barton	Cr C Robartson

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.15 MURDOCH PRECINCT STRATEGIC GROUP

(Meets quarterly - @ 7.00am)

Function - to share information on the proposed development of the Lakes Site.

The 2006/2007 representatives on the Lakes Site User Group were Crs L M Reynolds (University Ward Member) and D J Macphail, with Cr J R Bennett and the Director Technical and Development Services as deputies.

The Committee consists of -

Representatives from -

- City of Melville
- St John of God Healthcare Murdoch
- Murdoch Challenger TAFE
- Spotless Linen
- Rangeview Remand Centre
- Murdoch University
- Murdoch Police Service
- Department of Planning & Infrastructure
- Health Department of WA
- Fire & Emergency Services
- Public Transport Authority
- Western Power
- Department of Agriculture & Food
- Wesfarmers Energy
- South West Group

Local Politicians -

- Trevor Sprigg MLA
- Sue Ellery MLC

Officer in Attendance

- Director Strategic Urban Planning
- Manager Operations Services

Committee Representation

One (1) University Ward Member and one (1) other Elected Member

REPRESENTATIVES 2007/2008	DEPUTIES
Cr L M Reynolds	Director Strategic & Urban Planning
Cr D MacPhail	

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.16 NEIGHBOURHOOD WATCH - CITY OF MELVILLE SUBURBS MANAGERS COMMITTEE

(Meets bi-monthly - @ 7.30pm)

Function - to advise the Council on matters associated with Neighbourhood Watch coordination with the City of Melville area.

The 2006/2007 representative on the Neighbourhood Watch - Melville Area Coordinators Committee was Cr J Phillips, with the Manager Neighbourhood Amenity as deputy.

The Committee consists of -

Representatives from -

- City of Melville
- Neighbourhood Watch Area Coordinators Group
- Police Department WA
- Community Policing Department

Officer in Attendance

- Coordinator Safety & Security

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	DEPUTIES
Cr H Everett	Manager Neighbourhood Amenity

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.17 SOUTH WEST CORRIDOR DEVELOPMENT & EMPLOYMENT FOUNDATION (INC)

(Meets fourth Monday of each month @ 4.00pm)

Function - to facilitate appropriate economic growth and the development of vocational skills in the interests of the Region's existing and future residents, employers and workforce.

The 2006/2007 representative on the South West Development Corporation was Cr D J Macphail, with the Director Customer & Corporate Services as deputy.

The Committee consists of -

Representatives from -

- City of Melville
- Electrical Trade Union
- Murdoch University
- Department of Employment & Training
- Department of Community Services & Housing
- Small Business Development Corporation
- Commonwealth Employment Services
- Melville/Cockburn Chamber of Commerce
- Fremantle Chamber of Commerce
- TAFE Training Advisory Service
- ALCOA
- City of Cockburn
- City of Rockingham
- City of Fremantle
- Town of Kwinana
- Town of East Fremantle

Foundation representatives -

- Director
- Aboriginal Employment & Liaison Officer
- Job Club Leader

Officer in Attendance

- Director Customer & Corporate Services

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2007/2008	DEPUTIES
Cr D Macphail	Director Strategic & Urban Planning

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.18 VOLUNTEER HOME SUPPORT

(Meets fourth Thursday of each month between 9.00am and 11.00am)

Function - to manage the Volunteer Taskforce.

The 2006/2007 representative on the Volunteer Home Support Foundation was the Community Development Coordinator Seniors, with Cr H R Everett as deputy.

City of Melville Contact Officer

- Community Development Coordinator

Contact Officer

- Community Development Coordinator (Seniors)

Committee Representation

Not required

Contact Officer	
Community Development Coordinator (Seniors)	

It was resolved at the meeting held on 27 May 2003 that the Council Representation on the Volunteer Home Support be optional as the City of Melville is no longer a sponsor for the group, and autonomous funding is now available to them.

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.19 WILLETTON DRUG ACTION GROUP

(Meets second Thursday of each month from 7.00pm) COM representatives called up on adhoc basis

Function - to coordinate drug prevention programmes within the local area of Willetton.

The 2006/2007 representative on the Willetton Drug Action Group was the Youth Development Officer.

- City of Melville Contact Officer
 - Manager Cultural & Community Development
- Contact Officer
Youth Development Officer

Committee Representation

Not required

Contact Officer	
Youth Development Officer	

PUBLIC CONSULTATION/COMMUNICATION

Nil

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Nil

STATUTORY AND LEGAL IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Nil

C07/5020 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

POLICY IMPLICATIONS

Under the Council Policy Number 14-PL-010 Advisory and Management Committees the number of Elected Members on Advisory Committees should be restricted to no more than one-third of the total number of members of the committee. This does not prevent other Elected Members from attending as Observers.

Where one third of the total number of Members is not a whole number the lesser number shall apply, i.e. thirteen (13) members equals four (4) Elected Members.

The Policy requires that a report be presented to the appropriate Committee every two (2) years. The report will outline the objectives, role, terms of reference, membership and achievements or benefits of each Advisory Committee and recommend that the Committee continue, combine with another Committee or be disbanded. The performance and role will be assessed and a determination made on which Advisory Committees will continue.

Policy 14-PL-009 covers the process for submitting Nominations on Western Australian Local Government Association Committees.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternative option is not to have Elected Member representation on these Committees and where permitted, for Officers to represent the Council.

CONCLUSION

The Council should review the continuation of each Committee and where retained and continued appoint a representative or representatives to each Committee.

At 8.40pm Cr G Weiland left the Chamber.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5020)
ABSOLUTE MAJORITY**

At 8.40pm Cr D Macphail moved, seconded Cr R Subramaniam -

THAT BY ABSOLUTE MAJORITY DECISION, THE APPOINTMENTS (AS LISTED IN ITEMS 1.1.1 TO 1.4.19) TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES, TOGETHER WITH ALL OTHER RECOMMENDATIONS CONTAINED HEREIN, BE ADOPTED.

At 8.40pm the Mayor submitted the motion which was
CARRIED BY ABSOLUTE MAJORITY (12/0)

At 8.41pm Cr G Weiland returned to the Chamber.

C07/6004 – REVIEW OF MAYORAL AND DEPUTY MAYORAL ALLOWANCES POLICY
14-PL-003 (AMREC) (ATTACHMENT)**Declaration of Interest**

Item No : C07/6004 - Review of Mayoral and Deputy Mayoral Allowances Policy 14-PL-003
Member: Mayor R Aubrey
Type of Interest : Financial Interest in accordance with the Act
Interest under Code of Conduct
Nature of Interest : Personal benefit to be gained
Extent of Interest : Personal benefit to be gained
Request : Leave
Decision of Council : Not required

Item No : C07/6004 - Review of Mayoral and Deputy Mayoral Allowances Policy 14-PL-003
Member: Cr H R Everett
Type of Interest : Financial Interest in accordance with the Act
Nature of Interest : Holder of one of the positions to be reviewed
Extent of Interest : Holder of one of the positions to be reviewed
Request : Leave
Decision of Council : Not required

At 8.41pm having previously declared their interest, His Worship the Mayor R Aubrey and Cr H Everett departed the meeting.

At 8.41pm Cr D Macphail took the chair as Presiding Member.

Ward : All
Category : Policy
Subject Index : Policy & Policy Development; Elected Members Profile
Customer Index : Elected Members
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items : C07/6004 – Review and Consolidation of Conference Attendance Policy 14-003 and Elected Members Expenses Policies 14-013 Ordinary Council Meeting 20 February 2007
Works Programme : Not Applicable
Funding : 2007/2008 Annual Budget
Responsible Officer : Marten Tieleman
Director Customer & Corporate Services

**C07/6004 – REVIEW OF MAYORAL AND DEPUTY MAYORAL ALLOWANCES POLICY
14-PL-003 (AMREC) (ATTACHMENT)**

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- In accordance with a Council resolution made at the Ordinary Council Meeting held on Tuesday 20 February 2007 this report presents a review of the Mayoral and Deputy Mayoral Allowances paid in accordance with Council Policy 14-PL-003 which is entitled "Elected Members Claims for Allowances and Expenses and Conference Attendance".

BACKGROUND

Chief Executive Officers report C07/6004 presented to the Ordinary Meeting of Council held on Tuesday 20 February 2007 dealt with a review of two policies dealing with Elected Member Allowances, other expenses and Conferences expenses and recommended that they be combined into one policy which was entitled "Elected Members Conference Attendance and Claims for Allowances and Expenses". The recommendation was adopted by Council and a copy of that policy forms part of the Attachments to the Agenda, which was distributed to the Elected Members of the Council on Friday 26 October 2007. [6004 November 2007.pdf](#)

In relation to the payment of the Mayoral and Deputy Mayoral Allowance the Council resolved as follows.

"Cr R Aubrey moved, seconded Cr P M Phelan -

2. **THAT THE MAYOR CONTINUE TO BE PAID THE MINIMUM MAYORAL ALLOWANCE OF \$600 PER ANNUM AND BE ENTITLED TO CLAIM DISCRETIONARY EXPENSES INCURRED IN THE RECOGNITION OF THE OFFICIAL ROLE AS MAYOR OF THE CITY OF MELVILLE UP TO THE VALUE OF \$52,100 LESS THE VALUE OF THE MAYORAL VEHICLE OF \$14,880 AND THE DEPUTY MAYOR BE ENTITLED TO CLAIM DISCRETIONARY EXPENSES**

**C07/6004 – REVIEW OF MAYORAL AND DEPUTY MAYORAL ALLOWANCES POLICY
14-PL-003 (AMREC) (ATTACHMENT)**

**INCURRED IN THE FULFILMENT OF THEIR OFFICIAL ROLE AS DEPUTY MAYOR
OF THE CITY OF MELVILLE UP TO THE VALUE OF \$9,795.**

**3. THE QUANTUM OF THE MAYORAL AND HENCE THE DEPUTY MAYORAL
ALLOWANCES BE REVIEWED BY COUNCIL FOLLOWING THE OCTOBER 2007
ELECTIONS.**

Her Worship the Mayor, K J Jackson submitted the motion, which was declared

CARRIED (9/3)”

This report responds to resolution 3 in which the Council requested that the Mayoral and Deputy Mayoral allowances be reviewed following the local government elections held last month.

DETAIL

The payment of allowances and reimbursement of expenses is dealt with in the Local Government Act 1995 Sections 5.98, 5.98A, 5.99 and 5.99A and also the Local Government (Administration) Regulations 1996 Clauses 30 to 34AB.

The Department of Local Government and Regional Development Operational Guideline Number 15 in regards to the payment of Meeting Fees, Allowances and Expense Reimbursements for Elected Members provides further guidance and interpretation of the Act and Regulations. The current City of Melville policy has been carefully constructed so as to meet the requirements of the Local Government Act and Regulations and is in accordance with the Departments interpretation shown in their guideline document.

This report will be limited to a review of the quantum of the Mayoral and Deputy Mayoral Allowances as requested by the Councils previous resolution.

In summary the Act, Regulations and Councils policy provides as follows in relation to payments to the Mayor and Deputy Mayor.

Meeting Attendance Fees - The prescribed maximum amount of \$7,000 is paid to each Elected Member (including the Deputy Mayor) and the prescribed maximum amount of \$14,000 is paid to the Mayor - Note such meeting fees are in addition to any other allowances or expense reimbursements for ALL elected members.

Local Government Allowance for Mayors and Deputy Mayors - The Mayor is entitled to payment of the prescribed Minimum Annual Local Government Allowance for Mayors currently \$600. The prescribed Maximum Annual Local Government Allowance that the Mayor may be paid (at the discretion of the Council) is the greater of \$12,000 or 0.002% of the local government operating revenue, but no greater than \$60,000 per annum. As the calculation of 0.002% of the City of Melville operating revenue would result in a payment of one hundred and \$125,740 per annum, the maximum prescribed limit of \$60,000 would apply.

**C07/6004 – REVIEW OF MAYORAL AND DEPUTY MAYORAL ALLOWANCES POLICY
14-PL-003 (AMREC) (ATTACHMENT)**

The 20 February 2007 decision of Council was to continue to pay the Minimum Local Government Allowance for the Mayor of \$600 per annum. The Mayor may elect to take the Minimum Local Government Allowance of \$600 and to be provided with an executive vehicle to Ford Fairlane Standard. The provision of a Mayoral vehicle for private usage is not however specifically referred to in the Act, Regulations or Guidelines. The value of the vehicle is indexed by the annual movement in the Transport Index component of the Consumer Price Index (CPI) as published by the Australian Bureau of Statistics in March of each year. After applying the March 2007 figure of 0.5% the value of the car is currently \$14,955.

The Mayor has in the past elected to take both the car and the Minimum Local Government Allowance.

The Act and Regulations also provide that a local government may decide by absolute majority decision to pay the Deputy Mayor an allowance up to the prescribed percentage (currently 25%) of the Annual Local Government Allowance to which the Mayor is entitled. If paid this annual allowance would range between \$150 and \$15,000.

Expenses – The Mayoral expenses limit adjusted by March CPI is currently \$53,350. The Policy provides that if the Mayor chooses to take avail themselves of the opportunity to have a Mayoral car provided then the total value of the car (\$14,955) plus the minimum Mayoral allowance of \$600, the annualised Telecommunications Allowance of \$2,400 and the IT Allowance of \$1,000 (total \$18,955) is to be deducted from the Council set annual expense claim reimbursement limit (currently \$53,350) leaving \$34,395 to be claimed as reimbursement of expenses incurred in the course of carrying out Mayoral duties.

The expense limit for the Deputy Mayor is currently \$10,030. The annualised Telecommunications Allowance of \$2,400 and the IT Allowance of \$1,000 are deducted from this leaving \$6,630 to be claimed as reimbursement of expenses incurred in the course of carrying out Deputy Mayoral duties.

The expenses limit for Councillors is \$6,145. The annualised Telecommunications Allowance of \$2,400 and the IT Allowance of \$1,000 are deducted from this leaving \$2,745 to be claimed as reimbursement of expenses incurred in the course of carrying out duties in relation to their role of Councillor.

The annual expense limit for attending conferences and seminars is \$4,500 for each elected member.

PUBLIC CONSULTATION/COMMUNICATION

No public consultation has been undertaken on this issue.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies or consultants was required in relation to this item.

**C07/6004 – REVIEW OF MAYORAL AND DEPUTY MAYORAL ALLOWANCES POLICY
14-PL-003 (AMREC) (ATTACHMENT)**

STATUTORY AND LEGAL IMPLICATIONS

Sections 5.98, 5.98A, 5.99 and 5.99A of the Local Government Act 1995.
Local Government (Administration) Regulations 1996 Clauses 30 to 34AB inclusive.

FINANCIAL IMPLICATIONS

Any additional expenditure as a result of changes to these policies will require additional budget funding in the 2007/2008 Annual Budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

VISION 1 - THE ORGANISATION AND ITS PEOPLE

An organisation that is challenging and rewarding to work for is efficient, effective and accountable and has the resource necessary to achieve our mission.

Deployment Objective 1.1.5 - Leadership Skills and Behaviours that Enhance the Public Image.

Elected Members and employees are encouraged and enabled to exhibit leadership skills and behaviours that reinforce organisational values and enhance the public image.

Elected members and employees understand their roles and actively pursue the Organisation's purpose, visions and objectives.

POLICY IMPLICATIONS

Nil – Policy 14-PL-003 “Elected Members Conference Attendance and Claims for Allowances and Expenses” enables Council to decide the quantum of the Mayoral & therefore the Deputy Mayoral allowance in excess of the minimum amount of \$600 and up to the maximum amount of \$60,000.

Policy 14-PL-003 provides that should Council elect to pay a Mayoral Allowance in excess of the minimum as the quantum of the Mayoral Allowance increases the expense limit reduces on a pro-rate basis until such time as the expense limit equals the same value as other Elected Members i.e. net \$2,745. The value of the car (if taken by the Mayor) is also deducted from the allowance amount to leave a net cash allowance sum. The Deputy Mayors expenses would likewise be reduced on a pro-rate basis until such time as it equals the value received by other Elected Members i.e. net \$2,745.

**C07/6004 – REVIEW OF MAYORAL AND DEPUTY MAYORAL ALLOWANCES POLICY
14-PL-003 (AMREC) (ATTACHMENT)**

Examples

Min. Mayoral Allowance	Value of Car (If Taken)	Expenses	Telecom & IT Allowance	Meeting Fees	Total
\$ 600	\$14,955	\$34,395	\$3,400	\$14,000	\$67,350
Max Mayoral Allowance	If Car Not Taken				
\$60,000	\$0	\$ 2,745	\$3,400	\$14,000	\$80,145
	If Car Taken				
\$45,045	\$14,955	\$ 2,745	\$3,400	\$14,000	\$80,145
50% Mayoral	If Car Not Taken				
\$30,000		\$26,350	\$3,400	\$14,000	\$73,750
50% Mayoral	If Car Taken				
\$30,000	\$14,955	\$11,395	\$3,400	\$14,000	\$73,750
Min. Deputy Mayoral	No Car Available				
\$150	\$0	\$ 6,630	\$3,400	\$ 7,000	\$17,180
Max Deputy Mayoral					
\$15,000	\$0	\$ 2,745	\$3,400	\$ 7,000	\$28,145
50% Deputy Mayoral					
\$ 7,500	\$0	\$ 4,765	\$3,400	\$ 7,000	\$22,665

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Two options have been provided in the Officer's Recommendation. The recommendation also notes that Council may choose to pay an allowance in the range from the statutory minimum of \$600 to the statutory maximum of \$60,000.

CONCLUSION

Policy 14-PL-003 provides the flexibility to pay a Mayoral and Deputy Mayoral Allowance in the range from the statutory minimum to the statutory maximum. The policy currently provides that the value of the Mayoral vehicle is deducted from the Mayoral expenses and allowances total.

It is therefore recommended that the Council make a determination of the level of allowance that it wishes to pay the Mayor and the Deputy Mayor

**C07/6004 – REVIEW OF MAYORAL AND DEPUTY MAYORAL ALLOWANCES POLICY
14-PL-003 (AMREC) (ATTACHMENT)**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION(6004)
ABSOLUTE MAJORITY**

At 8.45pm Cr A Ceniviva moved, seconded Cr P Phelan

- 1. THAT BY ABSOLUTE MAJORITY DECISION OF COUNCIL A MAYORAL ALLOWANCE OF \$60,000 PER ANNUM LESS THE VALUE OF THE MAYORAL VEHICLE OF \$14,955 PER ANNUM, (IF CHOSEN) BE PAID BY EQUAL MONTHLY INSTALMENTS IN ARREARS AND THAT THE QUANTUM AVAILABLE FOR OTHER DISCRETIONARY EXPENSES BE ADJUSTED ON A PRO-RATA BASIS IN ACCORDANCE WITH POLICY 14-PL-003.**

The Presiding Member submitted the motion which was

CARRIED BY ABSOLUTE MAJORITY (10/1)

At 8.46pm Cr Ceniviva moved, seconded Cr R Subramaniam -

- 2. THAT A DEPUTY MAYORAL ALLOWANCE OF 25% OF THE MAYORAL ALLOWANCE AMOUNT DECIDED ON BY COUNCIL BE PAID BY EQUAL MONTHLY INSTALMENTS IN ARREARS AND THE QUANTUM AVAILABLE FOR OTHER DISCRETIONARY EXPENSES BE ADJUSTED ON A PRO-RATA BASIS IN ACCORDANCE WITH POLICY 14-PL-003.**

At 8.46pm the Presiding Member submitted the motion which was

CARRIED BY ABSOLUTE MAJORITY (10/1)

At 8.47pm Mr C McClure left the Chamber.

At 8.50pm Mr C McClure returned to the Chamber.

At 8.50pm His Worship the Mayor R Aubrey and Cr H Everett returned to the Chamber. Cr D Macphail vacated the Chair and His worship the Mayor R Aubrey took over the Chair.

C07/8016 WIRELESS HILL SECURITY (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Wireless Hill
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Nil
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Anne Banks-McAllister Director Strategic Community Development

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when 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>

C07/8016 WIRELESS HILL SECURITY (REC)

KEY ISSUES / SUMMARY

- At its September 2007 meeting, Council resolved that a report be prepared on the security measures for Wireless Hill.
- Accordingly, it is recommended that additional security measures be considered as part of the development of the Strategic Plan for Wireless Hill.

BACKGROUND

At the Ordinary Meeting of Council 18 September 2007, in relation to Agenda item 14, Councillor Harvey Everett moved the following Motion Without Notice:

“That the CEO, or his nominee, prepare a Report of security measures already established, or required, to achieve the well-being of the floral, tourist, picnicking and heritage aspects of the Wireless Hill Park with particular reference to vehicular access by road and/or footpath.”

DETAIL

Immediately prior to the September meeting of Council there was vehicle damage to the grassed area due to ‘hoon’ activity and the buildings have also experienced graffiti.

At present there is an automatic cable gate at the entrance to Wireless Hill. At the time of the damage this gate was faulty, but has since been fixed.

Buildings at Wireless Hill have a monitored alarm system and the Community Safety and Security Service (CSS) regularly patrol the area and respond to alarms and call outs. There is some lighting on site, mostly related to the museum.

Consultation with the Community Safety and Security Service and the Operations staff has resulted in a number of options for improved security including:

- Install steel gate with air lock key
- Employ a caretaker to live on-site
- Install CCTV coverage of parking and BBQ areas
- Undertake regular foot patrols as currently being done at the Heathcote site (\$60 per hour)
- Undertake a security audit

C07/8016 WIRELESS HILL SECURITY (REC)

The Community Safety and Security Service has attended thirty one tasks in the Wireless Hill precinct in the twelve month period September 2006 to August 2007. Of these, nine related to calls from staff at the Museum wanting support when the premises were being locked up during the hours of darkness. On two occasions the alarms were triggered, one of which was an electrical fault which had started a fire in the meter box. There were five incidents of vandalism, one of a vehicle “break and enter” and two of “suspicious activity” which were closed when no incident was found by the attending officers. Two incidents of disorderly conduct were dealt with, 1 abandoned vehicle was towed away, and one set of extra patrols was provided. The balance of the tasks, eight in number related to bushfires in the reserve where officers were the first responders, containing the fire until FESA arrived. The majority of the tasks occurred in the spring and summer months.

A separate report has recently been considered by Council to install a bus bay and upgrade the lighting for the public area of Wireless Hill as the final stage of the ten year Master Plan. Concern about the bus bay and the re-committal of the item has meant that Council is yet to consider the lighting recommendations. Therefore an application for security lighting will be prepared for planning approval.

Council will be aware that commencing in November a Strategic Plan will be developed for the whole of Wireless Hill to determine the future direction for the site. This process will also inform the separate project to celebrate the Centenary of Wireless Hill. The first community consultation will be held in early December. This Plan will provide an integrated direction for this significant site and will consider cultural heritage, natural heritage, environmental, social and infrastructure components.

The Wireless Hill Strategic Plan will be an essential tool in capturing community aspirations for the site including:

- Asset management and development of heritage buildings
- Museum and collection
- Natural environment
- Interpretation and conservation of whole site
- Recreation and physical activity opportunities
- Public access
- Tourism
- Public art
- Commercial opportunities
- Community use of buildings
- Security and amenity

PUBLIC CONSULTATION/COMMUNICATION

Consultation has been undertaken with the Community Safety and Security Service and Infrastructure Services. No community consultation was undertaken for the preparation of this report, however detailed consultation with stakeholders and community members will be undertaken in the preparation of the Wireless Hill Strategic Plan.

C07/8016 WIRELESS HILL SECURITY (REC)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No other agencies were consulted. The weekly meetings between the WA Police and the Community Safety and Security has not identified Wireless Hill as a “hotspot” at any time.

STATUTORY AND LEGAL IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The cost of a Security Audit is estimated to be about \$5000 to \$7000. This will be funded from existing operational budgets and there are no further up front financial implications for Council. Any costs likely to be incurred as a result of the audit may also be met from existing budgets, depending upon the scale of the recommendations and the urgency of the element under consideration. Items requiring a more considered approach would be funded within the programmed approach to the Strategic Plan for Wireless Hill.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The consideration of security issues is a fundamental part of the planned development of a Strategic Plan for Wireless Hill.

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Risk of increased damage to the buildings, other infrastructure or grounds of the reserve if the range of possible security issues is not fully understood.	Minor consequences which are reasonably certain, resulting in a Medium level of risk	The recommendation calls for a Security Audit of the site to be undertaken so that risks can be identified and suitable treatments put in place..

* As derived from using the Risk Assessment Matrix

For further information on risk management http://melvillenet/risk/risk_intro.html

POLICY IMPLICATIONS

There is no Council Policy that relates to security of Wireless Hill.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

C07/8016 WIRELESS HILL SECURITY (REC)**CONCLUSION**

It is essential that a formal security audit of the whole site be undertaken as part of the development of the Wireless Hill Strategic Plan. This can be expedited in response to Council's concern about recent vandalism at the site and any urgent recommendations could be implemented immediately. It is therefore recommended that a formal security audit be undertaken in order to identify urgent remedial security measures and to provide longer term input in to the Wireless Hill Strategic Plan.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8016)**APPROVAL**

At 8.52pm Cr H Everett moved, seconded Cr J Barton -

THAT A SECURITY AUDIT OF WIRELESS HILL BE UNDERTAKEN TO IDENTIFY ANY URGENT REMEDIAL MEASURES AND TO PROVIDE INPUT INTO THE WIRELESS HILL STRATEGIC PLAN.

At 8.52pm the Mayor submitted the motion which was

CARRIED (13/0)

**CO010/07 – THE SUPPLY AND LAYING OF HOT ASPHALT FOR MINOR WORKS (REC)
(ATTACHMENT)**

Ward	:	All
Category	:	Operational
Subject Index	:	Tenders
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Not Applicable
Works Programme	:	Not Applicable
Funding	:	2007/2008 Budget
Responsible Officer	:	Derek Smith Works Manager

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when 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 Council reviews decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when 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>

**CO010/07 – THE SUPPLY AND LAYING OF HOT ASPHALT FOR MINOR WORKS (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- To accept the recommendation of the Contract and Tender Advisory Unit to award the tender for the 'supply and laying of hot asphalt for minor works'.

BACKGROUND

Tenders for 'Supply and laying of hot asphalt for minor works', were invited by advertisement in The West Australian on Wednesday 5 September 2007 with a closing date of 4pm Thursday 20 September 2007.

The tender was invited as the term of one year has expired.

Price Schedule

The Price Schedule forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on Tuesday 16 October 2007 under confidential cover.

Tender Evaluation Process

All tenders were evaluated using a weighted attribute method. Each tender was assigned a score from 0 to 5 on each criterion, then multiplied by the weighting and totalled to give a final score. The tenderer who achieved the highest score across all the attributes has been recommended.

The Evaluation Sheet forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on Tuesday 16 October 2007 23 November 2007 under confidential cover.

The Evaluation Committee consisted of the Purchasing Coordinator, the Client Liaison Contracts Manager, the Senior Design Engineer and the Landscape Architect.

The criteria for this tender were based on the following specific attributes:

1. Relevant Experience
2. Technical Skills
3. Resources
4. Management Systems (Quality Assurance systems)
5. Methodology (Management plan for the services)
6. References
7. Price

**CO010/07 – THE SUPPLY AND LAYING OF HOT ASPHALT FOR MINOR WORKS (REC)
(ATTACHMENT)****DETAIL**

Six sets of tender documents were distributed with two tender submissions subsequently being received, with those being from:

- Downer EDI
- Boral Asphalt WA

One additional submission was also received from Asphalt Solutions Pty Ltd after the closing time and under the Local Government (Functions and General) Regulations 1996 was unable to be evaluated.

Both tenders were received in accordance with the tender compliance and qualitative selection criteria and were therefore accepted for consideration by the tender evaluation panel.

Downer EDI is a parent group which has purchased a number of companies that the City of Melville has dealt with in the past. The incumbent tender holder Hot Mix was one of these companies. Downer EDI submission is competitively priced and given the previous dealings with the various companies they have purchased the evaluation panel is confident in their capacity to supply and to maintain a required level of service.

Boral Asphalt WA is also known to the City and has a demonstrated ability to supply to the satisfaction of the City and whilst the prices submitted were less competitive to Downer EDI it is the preferred option of the evaluation panel that Boral also be appointed as a joint tender holder with Downer EDI being the preferred tenderer. This will enable a continuous supply of asphalt in the event of either company experiencing plant breakdown or inability to supply, thus limiting the City's exposure in the event of pot holes developing.

Confirmation was obtained from both companies regarding their understanding of services provided by the City of Melville staff when supplying Traffic Management. This was obtained to ensure that the City's staff would not be assisting with cleaning up sites etc. Also a reiteration of the understanding in regards to the non-parking of vehicles on site overnight. The City may at times provide the Operations Centre yard for this purpose.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable

**CO010/07 – THE SUPPLY AND LAYING OF HOT ASPHALT FOR MINOR WORKS (REC)
(ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

Section 3.57 of the Local Government Act states “A Local Government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services”.

FINANCIAL IMPLICATIONS

Expenditure for asphalt is taken from multiple expense accounts from across the organisation for such projects as road resurfacing, pot hole repairs, laying of footpaths, car parks etc. Expenditure with Boral Asphalt WA and Downer EDI during the 2006-2007 financial year was \$1,420,557.00. These figures however, also include Major Works. It is anticipated that the total expenditure for Minor Works would be closer to \$450,000.00. The current rates represent an approximate 22% increase in price since the last tender.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

No strategic implications are applicable to this item.

POLICY IMPLICATIONS

Procurement of Goods and Services Through Direct Purchasing and Public Tendering Policy
13-005

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The recommendation of the evaluation panel is that Downer EDI Pty Ltd be appointed as the preferred supplier with Boral Asphalt WA acting as a back up supplier should Downer EDI not be able to supply. This will ensure continuous supply in the event of plant breakdown. Both companies have a demonstrated ability to supply the services specified and have a proven track record of performance with the City.

**CO010/07 – THE SUPPLY AND LAYING OF HOT ASPHALT FOR MINOR WORKS (REC)
(ATTACHMENT)**

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (CO10/07) APPROVAL

At 8.53pm Cr Reynolds moved, seconded Cr C Robartson

- 1. THAT THE TENDER SUBMITTED BY DOWNER EDI PTY LTD FOR THE SUPPLY AND LAYING OF HOT ASPHALT FOR MINOR WORKS AS SPECIFIED BE ACCEPTED AS THE MOST ADVANTAGEOUS AND THEREFORE DOWNER EDI PTY LTD BE THE PREFERRED SUPPLIER FOR THESE WORKS.**
- 2. THAT THE TENDER SUBMITTED BY BORAL ASPHALT WA FOR THE SUPPLY AND LAYING OF HOT ASPHALT FOR MINOR WORKS AS SPECIFIED ALSO BE ACCEPTED AND THAT THEY BE USED IN THE EVENT THAT THE PREFERRED SUPPLIER IS UNABLE TO SUPPLY WITHIN THE REQUIRED TIMEFRAME.**
- 3. THAT THE CITY'S REPRESENTATIVE BE AUTHORISED TO APPLY THE SCHEDULE OF RATES OVER THE TERM OF THE CONTRACT.**

At 8.53pm the Mayor submitted the motion which was

CARRIED (13/0)

C07/5000 – COMMON SEAL REGISTER (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Common Seal Register
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 & Corporate Support

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when 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

- | |
|--|
| <ul style="list-style-type: none"> • This report details the documents to which the City of Melville Common Seal has been applied and recommends that the information be noted. |
|--|

C07/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Document Type	Party	Description	File Reference
Withdrawal of Caveat	Starworld Holdings Pty Ltd	Lot 1057 (13) Tweeddale Road Applecross	1778454
Deed of Rectification	Melville Glades Golf Club	Beasley Road Leeming	1788365
Deed of Variation	City of Melville Social Club Inc	Portion of City of Melville Operations Centre	1786813
Deed of Variation	Tivoli Club of WA Inc	Applecross Hall, Applecross	1695062
Deed of Licence	Melville Theatre Company	Roy Edinger Hall, cnr Canning Highway & Stock Rd	1759664
Deed of Licence	Leeming Bowls & Recreation. Club	John Connell Reserve, Leeming	1695030

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 2.5 of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

Nil.

C07/5000 – COMMON SEAL REGISTER (REC)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members information.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5000)

NOTED

At 8.53pm Cr Reynolds moved, seconded Cr C Robartson

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, BE NOTED.

At 8.53pm the Mayor submitted the motion which was

CARRIED (13/0)

C07/6000 – INVESTMENT STATEMENTS (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Investments and 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	:	Bob Searle Manager Financial Services

AUTHORITY / DISCRETION

	<u>Definition</u>
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<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 Council review decisions made by Officers.</i>
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KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of October 2007 and recommends that the information detailed in the attachments be noted.

C07/6000 – INVESTMENT STATEMENTS (REC) (ATTACHMENT)

BACKGROUND

The investment of surplus cash holdings is undertaken in accordance with Council's investment policy, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

[6000A November 2007.pdf](#) and [6000B November 2007.pdf](#) the Investment Statements for the month of October 2007, form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 14 November 2007.

The Investment of Surplus Funds is undertaken in accordance with the Finance Investment Policy document for the City of Melville. [6000D November 2007.pdf](#) a graph showing the total levels of funds invested forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 14 November 2007.

A report prepared by Grange Securities has again been included for members' information. [6000C November 2007.pdf](#) The reports form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 14 November 2007.

Elected Members are aware of the impact on investments arising from the extreme volatility in world financial markets in July and August. This volatility created a situation whereby it has been extremely difficult to arrive at a true meaningful valuation for the Collateralised Debt Obligation (CDO) element of the investment portfolio. This situation has eased somewhat in October but remains problematical. The best estimate based on the valuations provided is that had all investments been disposed of at the end of October, a loss of 5.6% would have been realised. The market valuation of the CDO element of the investment portfolio at the end of October represented 86.7% of its cost figure, with individual valuations ranging between 69.3% and 101.4%. It is emphasised that the investment products in question continue to retain their very high credit ratings and that there is reason to believe that they will continue to pay their full interest yield and to pay full value on maturity.

Statements 6000A, 6000B and the graph 6000D show the value of the investments based on cost, which is consistent with long standing practice. The report from Grange Securities is based on their calculation of market value as at the end of October. That report shows a performance when compared to the benchmark, being the UBS Warburg 90 day bank bill Index + 0.35%, of -1.77% below the benchmark in the month of October and a negative return of 1.492% compared to the benchmark for the portfolio since inception in December 2003. As the credit markets regain stability the performance of the portfolio should continue to improve.

C07/6000 – INVESTMENT STATEMENTS (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Price Waterhouse Coopers (PwC) were engaged to provide advice in regards to the appropriateness of the City's investment strategy in light of the recent volatility in the credit markets. The report has been received and a meeting arranged to clarify it's recommendations. Following this meeting a full report has been prepared for the Financial Management, Audit, Risk and Compliance Committee.

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Financial Management) Regulations 1996 Regulation 19 – Management of Investments.

FINANCIAL IMPLICATIONS

As at the end of October 2007, total interest, excluding Reserve Fund interest, earned was \$845,929 against a budget of \$988,590. The full year budget is \$2,555,887.

Reserve Fund interest earned was \$570,697 against a budget of \$407,200. The full year budget is \$1,175,245.

Apart from the book value of investments moving according to market volatility there are no financial implications in relation to the cash position of Council.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Whilst there has been increased market volatility risk associated with Councils investment portfolio the credit risk of the portfolio remains low and therefore the risk of losing capital or interest earnings is also low. Council's investment policy was carefully constructed to minimise credit risk through investing in highly rated securities and diversification.

POLICY IMPLICATIONS

Corporate Policy 13-PL-002 – Investment of Surplus Funds.

As resolved at the August full meeting of Council, the policy has been placed under review to incorporate mechanisms that protect Council'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.

C07/6000 – INVESTMENT STATEMENTS (REC) (ATTACHMENT)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

Base interest rates hardened slightly in the period. The rates for thirty day bank bills rose by 0.0283% from 6.77% to 6.7983% whilst the ninety day rate rose by 0.1267% to 7.0117%. The performance of the City of Melville portfolio managed by Grange Securities was below the agreed benchmark of the UBS Bank Bill Index plus 0.35% by 1.77% annualised in the month and shows a shortfall to the benchmark of 9.13% over the last twelve months.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6000)

NOTED

At 8.53pm Cr Reynolds moved, seconded Cr C Robartson

THAT THE INVESTMENT STATEMENTS FOR THE MONTH OF OCTOBER 2007, AS DETAILED IN THE FOLLOWING ATTACHMENTS BE NOTED:

[6000A November 2007.pdf](#)

[6000B November 2007.pdf](#)

[6000C November 2007.pdf](#)

[6000D November 2007.pdf](#)

At 8.53pm the Mayor submitted the motion which was

CARRIED (13/0)

C07/6001 – SCHEDULE OF ACCOUNTS (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	:	2007/2008 Budget
Responsible Officer	:	Bob Searle Manager Financial Services

AUTHORITY / DISCRETION

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C07/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report presents details of the payments made to suppliers for the provision of goods and services for the month of October 2007 and recommends that the Schedule of Accounts be noted.

BACKGROUND

Delegated Authority CE23 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 Customer and Corporate Services. In accordance with Regulation thirteen (13), two (2) and three (3) of the Local Government (Financial Administration) Regulations 1996 where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council. The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

DETAIL

The Schedules of Accounts for the period ending 31 October 2007 [6001 November 2007.pdf](#) including Payment Registers numbers 31 and 32 were distributed to the Members of Council on Wednesday, 14 November 2007.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

C07/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

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 2007/2008 Budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Management Procedure 1.8 - Certification of Accounts.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a regular monthly report for Elected Members information.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6001)

NOTED

At 8.53pm Cr Reynolds moved, seconded Cr C Robartson

THAT THE SCHEDULE OF ACCOUNTS FOR THE PERIOD ENDED 31 OCTOBER 2007, AS APPROVED BY THE DIRECTOR CUSTOMER AND CORPORATE SERVICES IN ACCORDANCE WITH DELEGATED AUTHORITY CE23, AND DETAILED IN ATTACHMENT [6001_November_2007.pdf](#) BE NOTED.

At 8.53pm the Mayor submitted the motion which was

CARRIED (13/0)

C07/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

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	:	Bob Searle Manager Financial Services

AUTHORITY / DISCRETION

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KEY ISSUES / SUMMARY

- This report presents the first draft of the financial statements to the end of October 2007 and recommends that they be noted by Council.

C07/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

BACKGROUND

The Financial Statements for the end of the month of October 2007 have been prepared and tabled in accordance with Regulation thirty-four (34) of the Local Government (Financial Management) Regulations 1996 as amended in March 2005, which requires that:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail-
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in 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;
 - (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 to the council-
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

C07/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

DETAIL

The attached reports have been prepared in compliance with the requirements of the legislation. Whilst they give a fair indication of the situation for the month of October, the Budget phasing requires further development. The initial budget phasing required by users has been loaded into the system, but at this stage has been subject to limited review. Additionally, difficulties have been experienced with adjusting phasing since a software upgrade, and no phasing corrections have been possible since mid August. It is hoped that a solution to this problem has been identified that will allow us to commence a proper review and rephasing process in the third week of November.

Investments have been valued at the cost of acquisition for the purpose of these monthly reports.

The following attachments form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 14 November 2007.

DESCRIPTION	LINK
Statement of Financial Activity – October 2007	<u>6002A November 2007.pdf</u>
Operating Statements by Program for the period ended 31 October 2007	<u>6002B November 2007.pdf</u>
Representation of Working Capital as at October 2007	<u>6002E November 2007.pdf</u>
Reconciliation of Net Working Capital as at 31 October 2007	<u>6002F November 2007.pdf</u>
Notes on Operating Statements for October 2007 reporting on variances of 10% or greater	<u>6002H November 2007.pdf</u>
Details of Budget Amendments requested during the month of October 2007	<u>6002J November 2007.pdf</u>
Summary of Rates debtors as at 31 October 2007	<u>6002L November 2007.pdf</u>
Graph showing Rates collections as at 31 October 2007	<u>6002M November 2007.pdf</u>
Summary of general Debtors aged 90 days old or greater as at 31 October 2007	<u>6002N November 2007.pdf</u>

C07/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

Local Government (Financial Regulations) 1996 Part 4 – Financial Reports

FINANCIAL IMPLICATIONS

Amendments to the 2007/2008 Budget have been included in the budget amendment reports.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The attached reports reflect the financial situation of the City of Melville as at 31 October 2007.

C07/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

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

At 8.53pm Cr Reynolds moved, seconded Cr C Robartson

- 1. THAT THE STATEMENTS OF FINANCIAL ACTIVITY AND THE OPERATING STATEMENTS FOR THE PERIOD ENDING 31 OCTOBER 2007 AS DETAILED IN THE FOLLOWING ATTACHMENTS BE ADOPTED:**

DESCRIPTION	LINK
STATEMENT OF FINANCIAL ACTIVITY – OCTOBER 2007	<u>6002A November 2007.pdf</u>
OPERATING STATEMENTS BY PROGRAM FOR THE PERIOD ENDED 31 October 2007	<u>6002B November 2007.pdf</u>
REPRESENTATION OF WORKING CAPITAL AS AT OCTOBER 2007	<u>6002E November 2007.pdf</u>
RECONCILIATION OF NET WORKING CAPITAL AS AT 31 October 2007	<u>6002F November 2007.pdf</u>
NOTES ON OPERATING STATEMENTS FOR OCTOBER 2007 REPORTING ON VARIANCES OF 10% OR GREATER	<u>6002H November 2007.pdf</u>
SUMMARY OF RATES DEBTORS AS AT 31 October 2007	<u>6002L November 2007.pdf</u>
GRAPH SHOWING RATES COLLECTIONS AS AT 31 October 2007	<u>6002M November 2007.pdf</u>
SUMMARY OF GENERAL DEBTORS AGED 90 DAYS OR GREATER AS AT 31 October 2007	<u>6002N November 2007.pdf</u>

- 2. THAT BY ABSOLUTE MAJORITY DECISION, THE BUDGET AMENDMENTS, AS LISTED IN THE BUDGET AMENDMENT REPORTS FOR OCTOBER 2007, AS DETAILED IN ATTACHMENT [6002J November 2007.pdf](#) BE ADOPTED.**

At 8.53pm the Mayor submitted the motion which was

CARRIED BY ABSOLUTE MAJORITY (13/0)

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

At 8.55pm Cr D McPhail sought leave to present a motion without notice. Cr D Macphail moved, seconded Cr C Robartson –

THAT LEAVE BE GRANTED TO PRESENT A MOTION WITHOUT NOTICE.

At 8.55pm the Mayor submitted the motion which was **CARRIED (13/0)**

At 8.56pm Cr Macphail moved, seconded Cr P Phelan –

THAT THE LETTER FROM THE PREVIOUS CHIEF EXECUTIVE OFFICER OF THE CITY OF MELVILLE TO THE FORMER MAYOR REGARDING ITEMS IN MAYORAL PARLOUR BE TABLED.

At 8.56pm the Mayor submitted the motion which was **LOST (4/9)**

At 9.00pm Cr C Robartson moved, seconded Cr L M Reynolds –

THAT IN ACCORDANCE WITH SECTION 5.23 (2) (A) OF THE LOCAL GOVERNMENT ACT 1995 THE DISCUSSION REGARDING THE APPOINTMENT AND SALARY PACKAGE OF A CHIEF EXECUTIVE OFFICER BE DISCUSSED CONFIDENTIALLY BEHIND CLOSED DOORS.

At 9.00pm the Mayor submitted the motion, which was declared **CARRIED WITHOUT DISSENT (13/0)**

At 9.01pm

Mr M Tieleman

Mr R Willis

Mr C McClure

Mr B Taylor

Mr M Jenkinson

Ms B Mitchell and all members of the public departed the meeting.

At 9.23pm Cr P Phelan moved, seconded Cr C Robartson

THAT THE CONFIDENTIAL SECTION OF THE MEETING BE CONCLUDED AND THE MEETING BE RE-OPENED TO THE PUBLIC

At 9.23pm the Mayor submitted the motion, which was declared **CARRIED WITHOUT DISSENT (13/0)**

15. CLOSURE

There being no further business, the mayor declared the Meeting closed at 9.24pm.