



— City of —
Melville

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

18 AUGUST 2009

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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— City of —
Melville

10 Almondbury Road Booragoon WA 6154
Postal Address: Locked Bag 1, Booragoon WA 6954
Tel: 08 9364 0666
Fax: 08 9364 0285
Email: melinfo@melville.wa.gov.au
Web: www.melvillecity.com.au

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY 18 AUGUST 2009.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30 pm. Mr J Clark the Governance and Compliance Program Manager read aloud the Disclaimer and then His Worship the Mayor, Russell Aubrey, read aloud the Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Cr P M Phelan (Deputy Mayor)
Cr H Everett, Cr N Pazolli
Cr T Ceniviva
Cr C Robartson
Cr G Wieland, Cr J Barton
Cr L Reynolds
Cr C Halton

WARD

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

3. IN ATTENDANCE

Ms C Young	Acting Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Mr S Cope	Director Urban Planning
Mr B Dawkins	Acting Director Community Development
Mr J Christie	Director Technical Services
Mr L Hitchcock	Executive Manager Legal Services
Mr R Weddikkara	Acting Executive Manager Organisational Development
Ms K Davis (left at 8.01pm)	Manager Strategic Urban Planning
Mr P Prendergast (left at 8.01pm)	Acting Manager Planning and Development
Mr J Gonzalez (left at 7.18pm)	Planning Services Coordinator
Mr B Taylor	Manager Information, Technology & Support
Mr J Clark	Governance & Compliance Program Manager
Ms C Rourke	Minute Secretary

At the commencement of the Meeting there were 18 members of the public in the public Gallery and 1 member of the Press in the Press Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

- Dr S Silcox Chief Executive Officer

4.2 APPROVED LEAVE OF ABSENCE

- Cr R Subramaniam Bull Creek/Leeming
- Cr Macphail City

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS

5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.

Nil

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

Nil

6. QUESTION TIME**Mr Kelers, Alfred Cove**Question 1

“Why Melville rates are increasing by 15.5% and whilst East Fremantle rates are increasing by 5%”.

Mr Tieleman, Director Corporate Services, responded to Mr Kelers question: He was unable to comment on why the Town of East Fremantle rates have gone up by just 5% as he had not had the opportunity to peruse their budget document . In relation to the figure quoted for Melville – this figure appears to have been taken from the newspaper, which was itself based on a document prepared by the City of Fremantle.

Mr Tieleman stated that he had reviewed the Fremantle document and have noted the increase calculated was based on the minimum rate and included a number of allowances including discount the City had provided in previous years but not this year – was included in 15.5%. Many different scenarios in respect to percentage increases could be quoted. The average increase for the average ratepayer including waste services charge is 10.5%. The bulk of the increase was due to the \$80 increase in the Waste Service Charge – this increase is due to the costs of collection and in disposing of waste increasing substantially as a result of the fire at the Southern Metropolitan Regional Council’s Canning Vale recycling facility requiring the City to find alternative location to dispose of the recycling materials. The increase in the State Landfil Levy from \$7 per tonne to \$28 per tonne which was going to be implemented from 1 July but has now been delayed until 1 January 2010 but will still have implications in current financial year.

The costs of the Southern Metropolitan Regional Council have also increased because of the loss in income due to the reduction in the price received from recycling materials due to Global Financial Crisis.

Increases in relation to General Rates are all accounted for in the budget document and the reasons for the increases are varied including the reduction in income from Investment revenue of over \$1m dollars due to the reduction in interest rates and not due to investment losses. The City had experienced major revenue reductions in planning fees and major cost increases in relation to energy costs due to electricity and gas price rises.

The budget has provided for increases in staffing costs of a 2.5% level in spite of our neighbours (enterprise bargaining agreements) which will be paying substantially more than that.

In summary Mr Tieleman stated that he cannot say how the Town of East Fremantle limited their increase to 5%. Melville have many more facilities than the Town of East Fremantle. The Town of East Fremantle has no libraries, recreation centres or portfolio of buildings, parks, or river space to maintain. Council needs to make the choice of whether to reduce services or continuing to meet our obligations through increased funding. Council chose to maintain services.

Mr R Petterson, Leeming

Further questions submitted by Mr Petterson were taken on notice. A response in writing will be provided to Mr Petterson from Mr John Christie, Director Technical Services and the details contained in that response will be recorded in the Agenda and Minutes of the September 2009 Ordinary Meeting of Council. Mr Petterson will also receive a response to the questions in writing.

6. QUESTION TIME CONTINUED.

At the Ordinary Meeting of Council held on the 21 July 2009 Mr Rob Petterson submitted 6 questions relating to the operations of the South Metropolitan Regional Council (SMRC). At that meeting these questions were taken on notice. A response in writing will be provided to Mr Petterson from Mr John Christie, Director Technical Services and the details contained in that response are recorded below:

Question 1

“As the SMRC cannot control how residents dispose of their waste, will the introduction of low watt globes that contain mercury have a detrimental effect on the quality of the compost they produce? If so, how? How will the long term use of this compost affect the quality of a land owners soil?”

The SMRC's education campaign informs the community that only organic household waste, such as kitchen scraps and garden clippings, should be placed in the green top bin, and no glass (including light globes of any kind), metal, or plastic should be placed in the green top bin. Mercury is one of many chemicals tested for in the compost produced at the RRRC's waste composting facility, as described in the answers to Mr Petterson's previous questions which were outlined in the Ordinary Meeting of Council Minutes – 21 July 2009.

The SMRC and City of Melville recognise there are many problematic items in the waste stream that need to be safely disposed of, including compact fluorescent light globes, batteries, hazardous household wastes, and electronic waste. The SMRC is working with other Regional Councils, and State Government to develop effective disposal options for these items for the community.

Preamble to questions 2 & 3

‘In August 2006, I asked the SMRC the following question, the City of Canning advises the SMRC reached a deed of settlement of the WCF, who was this deed reached with? Did any money change hands? If so how much and was it required because the other party could not get the WCF to reach compliance?’

Question 2

‘Is the City of Melville aware that a deed of settlement had been reached?’

Response

Many changes in elected members and staff have occurred since August 2006, however some Elected Members and Staff are aware that a deed of settlement was reached by the SMRC with the company who formerly operated the Waste Composting Facility.

Question 3

‘Was the deed of settlement reached because compliance could not be achieved?’

Response

We understand the terms of the deed of settlement are subject to a confidentiality clause and the City, is not privy to or if it were, permitted to disclose the nature of the deed of settlement

6. QUESTION TIME CONTINUED.

Preamble to questions 4, 5 & 6

'A report prepared by Brendan Doherty from the SMRC dated 12 July 2006, indicates the waste composting facility received 82,623 tonnes of household waste in the 2005/2006 financial year, yet produced only 16,546 tonnes of compost, this equates to only 20% of the total received.'

'In the WCF Process:'

Question 4

'What are primary tommel residuals? And, what is done with these residuals'

Question 5

'What are final screen residual? And what is done with these residuals?'

Question 6

'How does the SMRC classify what is 'Moisture and Mass Loss'?'

Response to questions 4, 5, & 6

The SMRC can not compost a tin can, plastic bag, glass bottle, or any other inorganic item placed in the green top bin. The inorganic material placed in the green top bin must be removed from the compost; this is done by the trommels and the final screens. This inorganic material is known as residual and in most cases can not be recycled at this time. We are advised that the SMRC is always looking at ways to recycle, reuse or divert this material, and further reduce the amount of residual waste sent to landfill. Residuals are however inert and if disposed of at landfill do not produce harmful greenhouse gases.

The composting process produces a significant amount of heat which causes the moisture in household waste to evaporate; this is referred to as moisture and mass loss.

7. AWARDS AND PRESENTATIONS

His Worship the Mayor, R A Aubrey presented the "Highly Recommended" award for its application "The Esplanade, Mt Pleasant - A Street Upgrading and Safety Project" for the WALGA Roadwise program to Mr John Cameron , Executive Engineer. This award was received at the recent Local Government Week Roads Forum seminar.

This award in the Safe Roads and Roadsides category is in recognition of the safety improvements that have resulted from these works - in terms of speed reduction of 7km/hr, crash reduction of some 43%, better pedestrian facilities, high quality and safe shared path, all set in a high quality landscape and public facilities.

The result being highly functional, practical and aesthetic - complimenting this very attractive part of the City of Melville

8. CONFIRMATION OF MINUTES

8.1 ORDINARY MEETING OF COUNCIL – 21 JULY 2009
Min 21Jul 2009

COUNCIL RESOLUTION

At 6.47pm Cr Robartson moved, seconded Cr Wieland -

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 21 July 2009, be confirmed as a true and accurate record.

At 6.47pm the Mayor submitted the motion which was declared

CARRIED (10/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 4 AUGUST 2009
Notes 4Aug 2009

COUNCIL RESOLUTION

At 6.47pm Cr Halton moved, seconded Cr Robartson -

That the Notes of Agenda Briefing Forum held on Tuesday, 4 August 2009, be received.

At 6.48pm the Mayor submitted the motion which was declared

CARRIED (10/0)

9. DECLARATIONS OF INTEREST

- C09/8021 - 2009 International Liveable Communities Award
Dr S Silcox, Chief Executive Officer
- C09/8021 - 2009 International Liveable Communities Award
Ms C Young, Director Community Development
- C09/8021 - 2009 International Liveable Communities Award
Mr R Aubrey, His Worship the Mayor
- C09/8021 - 2009 International Liveable Communities Award
Ms L Hartill, Manager Neighbourhood Development

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

- Cr Robartson tabled a Leave of Absence. It was noted that Cr Robartson would not be absent from an Ordinary Meeting of Council during this period of absence.

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

The Mayor advised the meeting that Item: **C09/5074 - Confidential Lehman Brothers Australia Ltd & IMF** will be considered behind closed doors as the last Item on the Agenda.

12. PETITIONS

Nil

13. DEPUTATION

P09/8015 – Private Works on Public Place – 7 Shea Grove, Leeming (Basketball Hoop)

- Mr Roger Savill – Home Owner
- Mr Steven Blyth - Partner – Lewis Blyth & Hooper - Solicitors

14. REPORTS OF COMMITTEES

Nil

15. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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

P09/3083 - THREE-STOREY SINGLE DWELLING ON LOT 128 (39) ROBERTS ROAD, ATTADALE (REC)

Ward	: Bicton/Attadale Ward
Category	: Operational
Application Number	: DA-2009-266
Property	: 39 Roberts Road, Attadale
Proposal	: Three-Storey Single Dwelling
Applicant	: De Pledge Design
Owner	: Mr S J Bruce
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	: Mr Julio Gonzalez Acting Manager Planning and 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>

P09/3083 - THREE-STOREY SINGLE DWELLING ON LOT 128 (39) ROBERTS ROAD, ATTADALE (REC)

KEY ISSUES / SUMMARY

- The application is for a three-storey residence.
- The subject property is located on a significant slope, the topography of the lot falling considerably from the Roberts Road frontage towards the rear and to the north. This topographic feature allows for significant River and City views to be gained from the subject lot as well as from the surrounding properties in the locality.
- The application proposed a number of variations to the Acceptable Development provisions of the Residential Design Codes relating to boundary setbacks, privacy setback and excavation and fill.
- Neighbour consultation has been undertaken with regard to the variations proposed with three (3) in support of the proposal, one (1) objecting.
- The objection received is dismissed on grounds that the subject proposal adequately meets the relevant Performance Criteria of the R-Codes and the amenity provisions of CPS 5.
- Application was recommended for conditional approval by the Development Advisory Unit on 7 July 2009 (Reported 10 July), but has been “called-up” by an Elected Member for full Council consideration.



BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area
R-Code	: R15
Use Type	: Residential
Use Class	: Residential: 'P' (Permitted) Use

P09/3083 - THREE-STOREY SINGLE DWELLING ON LOT 128 (39) ROBERTS ROAD, ATTADALE (REC)

This application was proposed to be approved under delegation through the Development Advisory Unit (DAU) process, but has been “called-up” by an Elected Member for full Council Consideration.

Site Details

Lot Area : 810.64 sqm
Retention of Existing Vegetation : n/a
Street Tree(s) : n/a
Street Furniture (drainage pits etc) : n/a
Site Details : Refer aerial view above

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	50% (405m ²)	50% (405m ²)	Complies		
Building Height	8.0m (eaves) 10.5m (max)	n/a 10.5m max	Complies		
Car Parking	2 bays (1 covered)	4 bays (covered)	Complies		
Garage Door Width	60% (12.072m)	38.27m 7.7m	Complies		
Shadow Impact	25%	48A Stoneham Rd 19.5% 37 Roberts Rd 21.84%	Complies Complies		

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Primary Street Setback					
Ground floor	6.0m	6.0m average	Complies		
Upper floor	6.0m	6.0m average	Complies		
Rear Setback (East)					
Base. Floor (BF)	6.0m	1.6m	Does Not Comply	MPDS	
Grnd Floor (GF)	6.0m	1.6m	Does Not Comply	MPDS	
First Floor (FF)	6.0m	2.01m	Does Not Comply	MPDS	
Side Setback (North)					
Base. Floor	1.5m	0.5m	Complies		

P09/3083 - THREE-STOREY SINGLE DWELLING ON LOT 128 (39) ROBERTS ROAD, ATTADALE (REC)

(GF) Lounge / Alfresco	1.5m	0m	Does Not Comply	MPDS	
(GF) Foyer	1.2m	7.5m	Complies		
(GF) Balcony	3.4m	7.0m	Complies		
(GF) Bed 2 / Steps	6.6m	8.8m	Complies		
(FF) Void	1.7m	7.5m	Complies		
(FF) External Steps	1.8m	3.4m	Complies		
(FF) Alfresco	5.0m	7.0m	Complies		
(FF) Kitchen	8.2m	8.0m	Does Not Comply, but is considered as minor variation	MPDS	
Side Setback (South)					
(BF) Store	1.0m	1.2m	Complies		
(BF) Porch / L'dry / Gym / Guest	1.5m	2.3m	Complies		
(GF) Garage	1.6m	1.6m	Complies		
(GF) Cupboards	1.2m	1.1m	Does Not Comply, but is considered as minor variation	MPDS	
(GF) Bed 3 / Bed 4	2.3m	2.3m	Complies		
(FF) Family	1.4m	1.5m	Complies		
(FF) Dining	1.4m	2.9m	Complies		
(FF) Study	1.4m	2.8m	Complies		
(FF) Lobby / Void	3.5m	7.3m	Complies		

(Note: Non-compliance is emphasised in bold)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: R-Code Variation
 Support/Object: Three (3) letters of support; one (1) objection

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Uphold / Not Up Hold)
1.	No objection to rear setback, overlooking.	Support	Noted	Uphold
2.	No objection to fill, wall with nil setback.	Support	Noted	Uphold

**P09/3083 - THREE-STOREY SINGLE DWELLING ON LOT 128 (39) ROBERTS ROAD,
ATTADALE (REC)**

3.	No objection to rear setback, overlooking.	Support	Noted	Uphold
4.	Objection to rear setback on the grounds of sunlight restriction, building bulk and loss of views.	Objection	Further to the objections received, the applicant has submitted revised development plans which has resulted in reduced bulk and shadow impact to the objectors property. With regard to loss of views, it is established legal principle in planning that there is 'no right to a view'. Refer comments section below for further explanation.	Not Up Hold

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 IMPLICATIONS

Not Applicable.

**P09/3083 - THREE-STOREY SINGLE DWELLING ON LOT 128 (39) ROBERTS ROAD,
ATTADALE (REC)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council may be of the view that the proposal significantly affects the amenity of the adjoining property and accordingly refuse the application. Given the significant changes which would be required to modify the plan to achieve a 6.0m rear setback, it would not be appropriate to approve the development with a condition requiring modifications to the plans to achieve this setback.

COMMENT

This application seeks consent for the development of a three-storey single dwelling on a green-title lot. A single-storey single dwelling currently occupies the subject lot.

It is noted that the subject property is located on a significant slope, the topography of the lot falling considerably from the Roberts Road frontage towards the rear and to the north. This topographic feature allows for significant river and city views to be gained from the subject lot as well as from the surrounding properties in the locality. Whilst it is established legal principle in planning that there is 'no right to a view', where a discretionary decision is sought from Council, views are matters which may be considered as part of a resident's amenity. Matters relating to views are discussed in the following sections below.

The proposed development has generally been designed to comply with the provisions of the R-Codes and CPS No. 5. However, given the sloping nature of the land, there are a number of variations to the provisions of the R-Codes for which the applicant seeks approval under the applicable Performance Criteria. These relate to the following matters provided below.

Rear setback

The application proposes to situate the rear portion of the proposed residence a minimum 1.6 metres from the rear boundary in lieu of the Acceptable Development Standard of 6.0 metres as stated in the R-Codes. The setback variation applies to all three storeys.

An objection has been received from an adjoining property with regard to the rear setback variation based on following key issues:

- The additional overshadowing resulting from the proposal development impacts a further 10.3 sqm of outdoor living area, equating to approximately 50% of the size of the area being in shadow as at June equinox;
- The setback from the southern boundary increases bulk form onto the northern facing outdoor living areas of the objector's property;
- The additional building bulk caused by the portion of building within the 6.0 metre setback area causes a detrimental affect as a result of the wall's plainness; and,
- Views towards the north and east (i.e. river and city views) will be completely lost as a result of the proposed development.

With regard to the last point above, the objector has pointed out that whilst views are not a specific performance objective of the R-Codes, views are considered as an amenity consideration within the R-Codes' explanatory guidelines.

**P09/3083 - THREE-STOREY SINGLE DWELLING ON LOT 128 (39) ROBERTS ROAD,
ATTADALE (REC)**

In response to the objections raised, the applicant has provided the following justification:

- The degree of overshadowing complies with the Acceptable Development provisions of the R-Codes, which is further lessened in reality due to the natural contours being higher on the objector's property;
- If the proposed residence was to be made to comply with the 6.0 metre setback requirement and still retain the proposed floor areas at each level (i.e. storey), the level of shadow on the southern adjoining property would be greater than currently proposed. The long/narrow design enables the proposed building to achieve greater setbacks from the southern boundary, thus reducing bulk and shadow impact onto the objectors property; and,
- Given the objectors' property is situated at a higher natural ground level, it is considered that the impacts of bulk are greater than what the proposed development will have on the objectors property.

The Performance Criteria of the R-Codes (Clause 6.3.1) takes into consideration access to direct sunlight and ventilation for the subject development and adjoining sites relative to the buildings and open spaces provided, amelioration of the impacts of bulk and protection of privacy. In addition, given the setback also involves a variation to the minimum rear setback requirement as provided under Table 1 of the R-Codes, consideration of boundary wall setback requirements (Clause 6.3.2) is necessary. The Performance Criteria applicable to Clause 6.3.2 raises additional considerations on making effective use of space, enhancement of amenity for the development and consideration of any adverse effects on the amenity of the adjoining property.

It is considered that the subject variation shall allow for adequate space for ventilation to the development and adjoining residence, whilst overshadowing impact has been minimised to be within the acceptable 25% and relevant Performance Criteria. It is noted that whilst a predominant portion of the only outdoor living area (consisting of a pool) of the south-eastern property is overshadowed, the greatest impact is felt during winter and, early morning and evening periods when the pool area would generally not be in use.

With regard to bulk impact, amended plans submitted by the applicant propose a number of amendments which are a significant improvement from the original plans which depicted a 'boxy' design. Amendments consist of adding a slope to the roof, the inclusion of 'Alucobond Cladding' to an external bulkhead acting as an eave to the mid-floor and architectural canopies to windows. Privacy is also protected through the use of minor openings and achieving privacy setbacks in accordance with the relevant provisions of the R-Codes.

**P09/3083 - THREE-STOREY SINGLE DWELLING ON LOT 128 (39) ROBERTS ROAD,
ATTADALE (REC)**

In relation to the amenity impacts associated with views, Clause 7.8(c) of CPS No. 5 requires 'due regard' to be taken with regard to existing and future amenity of residents. To this extent, it is acknowledged that the objector has in the past enjoyed views attainable to principally the Perth City skyline, City of South Perth and Lucky Bay. Notwithstanding, it is established legal principle in planning that there is 'no right to a view'. Upon considering the existing and resultant views as a result of the rear setback variation, it is considered that panoramic views to the north and east shall still be attainable from the objectors' property. It is important to note that a complying development (i.e. development built at the 6.0 metre minimum rear setback requirement) shall still result in views to the Perth City skyline being lost. This fact has been ascertained and reinforced by site visits to both the applicant's property and the objectors' property and is illustrated by the attached photo-montage. Accordingly, it is considered that whilst the loss of views shall eventuate as a result of the rear setback variation, overall amenity impact are deemed to be minimal given the fact that the loss of view is limited to predominantly a northern aspect only. Accordingly, the objectives of the Clause 7.8(c) are deemed to be satisfied.

Accordingly, the rear setback variation is supported.

Wall on the boundary

A wall measuring 9.3 metres in length and a height of 5.0 metres consisting of the lounge and alfresco rooms is proposed to be built with a nil setback to the northern side boundary in lieu of the acceptable provision of 1.5 metres.

The Performance Criteria of the R-Codes (Clause 6.3.2) requires boundaries walls to be designed in make effective use of space, enhance privacy and/or amenity, minimise amenity impacts to adjoining properties and protect solar access.

It is considered that the development will make effective use of the space available to it and will not result in any adverse impact upon the levels of residential amenity currently enjoyed by the occupiers of the adjoining residence to the north in terms of access to sunlight and ventilation. The side elevation has been designed without major openings to provide for privacy and the wall has been articulated to reduce the impact of bulk. Furthermore, the property affected by the boundary wall has no major openings facing towards the proposed boundary wall.

In light of the above, and as the adjoining residence affected by the subject variation has raised no objections, the boundary wall is supported.

Fill / excavation behind the front setback

Filling and subsequent retaining walls are proposed along the northern boundary to a maximum height of 2.8 metres above natural ground levels.

Due to the fall of the site from front to rear, the applicant has proposed to create a 'pool bed' accessible from the ground floor areas of the dwelling, which will require the northern side of the site to be filled.

**P09/3083 - THREE-STOREY SINGLE DWELLING ON LOT 128 (39) ROBERTS ROAD,
ATTADALE (REC)**

However in accordance with the R-Codes, the site retains the look of the natural ground levels as seen from the adjoining neighbour's property as the wall steps down significantly, thus also reducing the impact of building bulk.

In light of the above, and as the affected adjoining landowners have signed the plans stating no objection to the level of fill, the Performance Criteria relating to excavation and fill (Clause 6.6.1) are deemed to be satisfied and therefore approval is recommended.

Privacy encroachments

The assessment of the plans has revealed three privacy encroachments - two of which encroach on the north eastern (rear) property and would be either negated, or made compliant should the building be set back 6.0 metres from the rear boundary.

Overlooking from the ground floor balcony and the upper floor alfresco encroach 0.5 metres into the northern adjoining property. In both instances, overlooking from the cone of vision can only occur into a blank wall and driveway of the adjoining property, which can already be viewed from the street.

In accordance with the Performance Criteria of the R-Codes, there is a lesser need to prevent overlooking into areas already viewable from the public arena.

In light of the above and as the affected adjoining landowners have no objection to the minor variation to the privacy setback, the privacy encroachment is supported.

CONCLUSION

The proposal as submitted is considered to meet the relevant Performance Criteria with regard to the variations proposed and is otherwise in full compliance with the provisions of the City of Melville Community Planning Scheme No. 5 and R-Codes. As such, it is recommended that application be conditionally approved.

OFFICER RECOMMENDATION (3075)**APPROVAL**

At 6.50pm Cr Robartson moved, seconded Cr Barton –

- A) That the proposed three-storey single residence on Lot 128 (39) Roberts Road, Attadale be approved subject to the following special conditions and standard conditions:**

SPECIAL CONDITIONS:

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

**P09/3083 - THREE-STOREY SINGLE DWELLING ON LOT 128 (39) ROBERTS ROAD,
ATTADALE (REC)**

STANDARD CONDITIONS:

2. All Stormwater and drainage run off to be contained on site. An onsite stormwater drainage system with a capacity to contain a 1:100 year storm of a twenty-four (24) hour duration is to be provided prior to the development first being occupied and thereafter maintained to the approval of the Manager Planning and Development Services. All downpipes to be connected to soakwells. The proposed stormwater drainage system is required to be shown on the Building Licence submission for approval prior to the commencement of construction.
 3. Nothing in this Planning Approval authorises any works outside the surveyed boundaries of the lot the subject of this Planning Approval.
 4. The external face of the parapet wall to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute to be finished to the approval of the Manager Planning and Development Services.
 5. Roofing materials being of a non-reflective material (Zinc or white colour metal roofing may only be permitted through special planning consent).
 6. Prior to the Commencement of any construction the Council requires the provision of a suitable receptacle for the containment of windblown rubbish. The receptacle (generally a wire mesh cage) should have maximum openings of 100mm; have a base of 4m² and a height of 1m and a hinged lid. The receptacle should not be allowed to overfill.
 7. All unused crossover(s) are to be removed and the kerbing and road verge are to be reinstated at the owners full cost to the approval of the Manager Planning and Development Services.
 8. A 1.8 metre high fence to be provided from the highest retained ground level. All fencing to be provided in accordance with the Dividing Fences Act. and be constructed as a minimum standard of fibre cement.
 9. The construction of retaining walls not to exceed the heights specified on the approved plans unless otherwise approved by Council. Details, signed by a practicing Structural Engineer must be submitted for approval at the time of submitting a Building Licence Application.
 10. The development is to be connected to the Water Corporation's reticulated sewerage system.
 11. Ground levels may not be changed other than approved as part of this approval.
- B) The adjoining properties owners to the development be advised in writing of A) above.**

P09/3083 - THREE-STOREY SINGLE DWELLING ON LOT 128 (39) ROBERTS ROAD, ATTADALE (REC)

Amendment

At 6.52pm Cr Wieland moved, seconded Pazolli the following Point 2 be added to the Special Conditions of the Officer Recommendation -

2. ***That the upper floor of the proposal being a minimum of 6.0 metres rear setback in accordance with Clause 6.3.1 'Building setback from the boundary' of the Residential Design Codes as shown on red on the approved plans.***

At 7.17 pm the Mayor submitted the amendment which was declared

LOST (4/6)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3083)

APPROVAL

at 7.18pm the Mayor submitted the Officer Recommendation -

- A) That the proposed three-storey single residence on Lot 128 (39) Roberts Road, Attadale be approved subject to the following special conditions and standard conditions:**

SPECIAL CONDITIONS:

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

STANDARD CONDITIONS:

2. **All Stormwater and drainage run off to be contained on site. An onsite stormwater drainage system with a capacity to contain a 1:100 year storm of a twenty-four (24) hour duration is to be provided prior to the development first being occupied and thereafter maintained to the approval of the Manager Planning and Development Services. All downpipes to be connected to soakwells. The proposed stormwater drainage system is required to be shown on the Building Licence submission for approval prior to the commencement of construction.**
3. **Nothing in this Planning Approval authorises any works outside the surveyed boundaries of the lot the subject of this Planning Approval.**

P09/3083 - THREE-STOREY SINGLE DWELLING ON LOT 128 (39) ROBERTS ROAD, ATTADALE (REC)

4. The external face of the parapet wall to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute to be finished to the approval of the Manager Planning and Development Services.
 5. Roofing materials being of a non-reflective material (Zinc or white colour metal roofing may only be permitted through special planning consent).
 6. Prior to the Commencement of any construction the Council requires the provision of a suitable receptacle for the containment of windblown rubbish. The receptacle (generally a wire mesh cage) should have maximum openings of 100mm; have a base of 4m² and a height of 1m and a hinged lid. The receptacle should not be allowed to overflow.
 7. All unused crossover(s) are to be removed and the kerbing and road verge are to be reinstated at the owners full cost to the approval of the Manager Planning and Development Services.
 8. A 1.8 metre high fence to be provided from the highest retained ground level. All fencing to be provided in accordance with the Dividing Fences Act. and be constructed as a minimum standard of fibre cement.
 9. The construction of retaining walls not to exceed the heights specified on the approved plans unless otherwise approved by Council. Details, signed by a practicing Structural Engineer must be submitted for approval at the time of submitting a Building Licence Application.
 10. The development is to be connected to the Water Corporation's reticulated sewerage system.
 11. Ground levels may not be changed other than approved as part of this approval.
- B) The adjoining properties owners to the development be advised in writing of A) above.**

At 7.18pm the Mayor submitted the motion which was declared

CARRIED (8/2)

At 7.18pm Mr J Gonzalez, Planning Services Coordinator, left the meeting.

**C09/8015 – PRIVATE WORKS ON PUBLIC PLACE-7 SHEA GROVE LEEMING
(BASKETBALL HOOP) (REC)**

At 7.20pm Mr R Savill, Home Owner (7 Shea Grove) and Mr S Blyth (Partner – Lewis Blyth & Hooper Solicitors) presented a deputation relating to this item.

At 7.37pm, after general discussion and questions from Elected Members, Mr Savill and Mr Blyth returned to the public gallery.

Ward	: Bull Creek/Leeming
Category	: Operational
Subject Index	: Storage of Obstruction on Verge
Property Index	: 7 Shea Grove, Leeming
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	: Peter Carrie A/Manager Neighbourhood Amenity

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>

**C09/8015 – PRIVATE WORKS ON PUBLIC PLACE-7 SHEA GROVE LEEMING
(BASKETBALL HOOP) (REC)**

KEY ISSUES / SUMMARY

- Section 3.25 (1) of the Local Government Act 1995 allows the Council to serve notice requiring the owner/occupier of land to remove an obstruction from public land.
- A notice was issued under Delegated Authority (19-DA-001) by the Director of Community Development to the owner of 7 Shea Grove Leeming to remove a basketball hoop from the verge.
- The Council has the power to remove the offending object if the owner/occupier does not comply with the notice. The owner/occupier is also liable to prosecution for which the maximum penalty is \$1,000.
- The owner of 7 Shea Grove is entitled to and has lodged an objection against the notice under Section 9.5 of the Local Government Act 1995 which the Council must now consider
- The owner has a right of appeal to the State Administrative Tribunal if the objection is dismissed by the Council.

BACKGROUND

On 6 April 2009 a complaint was received regarding a basketball pole on the verge at 18 Shea Grove Leeming. A council officer inspected the property and noted that there were two other properties with basketball poles on public land without approval at 7 & 26 Shea Grove Leeming.

Accordingly letters were issued to the owners/occupiers of the relevant properties requesting removal of the offending objects. A further inspection was undertaken on 24 April 2009 and revealed that none of the objects had been removed.

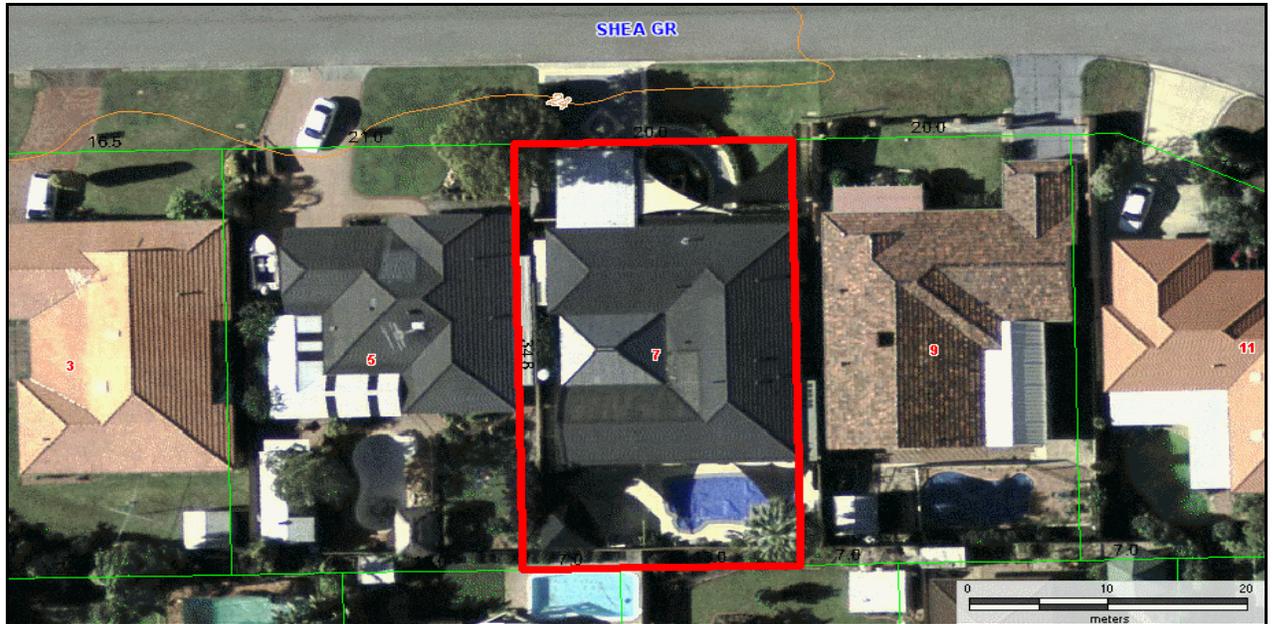
Formal Notices were then issued to the owners/occupiers of land under Section 3.25 of the Local Government Act 1995.

DETAIL

The owner of 7 Shea Grove Leeming has now lodged an objection against the notice. A copy of the letter is attached ([8015 Objection Letter](#)).

The Basketball poles at 18 and 26 Shea Grove Leeming have now been removed in accordance with the notice.

**C09/8015 – PRIVATE WORKS ON PUBLIC PLACE-7 SHEA GROVE LEEMING
(BASKETBALL HOOP) (REC)**



Street View 7 Shea Grove Leeming



**C09/8015 – PRIVATE WORKS ON PUBLIC PLACE-7 SHEA GROVE LEEMING
(BASKETBALL HOOP) (REC)****PUBLIC CONSULTATION/COMMUNICATION**

The owner/occupiers were advised by written notice on two occasions of the obstructions on the verge. Verbal contact was made with the occupier of 18 Shea Grove Leeming on 28 April 2009.

Telephone and written contact has been made with the owner of 7 Shea Grove Leeming indicating that their objection will be referred to Council for a decision.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants

STATUTORY AND LEGAL IMPLICATIONS

- Section 3.25 (1) of the Local Government Act 1995 allows the Council to serve notice requiring the owner/occupier of land to remove an obstruction from public land.
- A notice was issued under Delegated Authority (19-DA-001) by the Director Community Development to the owner of 7 Shea Grove Leeming to remove a basketball hoop from the verge.
- The Council has the power to remove the offending object if the owner/occupier does not comply with the notice. The owner/occupier is also liable to prosecution for which the maximum penalty is \$1000.
- Section 9.6(1) of the Local Government Act states “The objection is to be dealt with by the council of the Local Government or by a committee authorised by Council to deal with it”.
- The owner has a right of appeal to the State Administrative Tribunal if the objection is dismissed by the Council.

FINANCIAL IMPLICATION

There may be costs involved if this matter is appealed to the State Administrative Tribunal and also if the Council becomes involved in removing the offending object from the verge.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There is public liability risk implications involved in allowing this basketball hoop to be erected on Public Land. The Council manages public space on behalf of all the residents, if an incident occurred due to this basketball hoop being on public land, the costs associated with any claims would be a cost to all residents.

The recent removal of a swing in Leeming is an example where the Council has had to take an unpopular decision in the interest of public safety and to minimise risk.

Council will continue to request the removal of structures and other objects from the public land when we become aware of them.

**C09/8015 – PRIVATE WORKS ON PUBLIC PLACE-7 SHEA GROVE LEEMING
(BASKETBALL HOOP) (REC)**

POLICY IMPLICATIONS

There are no policy implications with this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

If Council wished to uphold the objection this would be in direct contradiction to the existing statutory guidelines which would need to be amended.

CONCLUSION

The Basketball hoop at 7 Shea Grove Leeming has been constructed on Public Land without the approval of the Council.

Under the circumstances and to reduce the public liability to Council the offending structure should be removed.

At 7.55pm moved Cr Ceniviva, seconded Cr Phelan –

That the Item be re-committed to the next Ordinary Meeting of Council to allow further legal advice to be obtained.

At 7.57pm the Mayor submitted the motion which was declared

LOST (4/6)

Cr Phelan requested that her vote for the motion be recorded.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8015)

APPROVAL

At 7.58 moved Cr Wieland, seconded Cr Reynolds -

- 1. That the objection from the owner of 7 Shea Grove Leeming to the notice requiring removal of an obstruction on the verge be dismissed by Council.**
- 2. That the owner of 7 Shea Grove Leeming be advised of Councils decision in writing and be requested to remove the basketball hoop from public land within 14 days of the notice.**

At 8.00 pm the Mayor submitted the motion which was declared

CARRIED (8/2)

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

P09/3087 MURDOCH ACTIVITY CENTRE MIXED USE PRECINCT AND MAIN STREET DESIGN GUIDELINES (REC) (ATTACHMENT)

Ward	:	Bull Creek/Leeming City University
Category	:	Strategic
Subject Index	:	Strategic Urban Planning – Murdoch Activity Centre
Customer Index	:	Department of Planning
Property	:	Lot 4083/ Reserve R420371 South Street, Murdoch
Proposal	:	Murdoch Activity Centre Design Guidelines
Owner	:	State of Western Australia
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item C06/3000 Lot 3071 (110) Murdoch Drive, Murdoch – Submission For Draft Murdoch Activity Centre Structure Plan (Including Fiona Stanley Hospital And Health Precinct) of the Ordinary Meeting of Council held October 2006
Responsible Officer	:	Martin Spencer Senior Strategic Urban Planner

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>
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<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>

**P09/3087 MURDOCH ACTIVITY CENTRE MIXED USE PRECINCT AND MAIN STREET
DESIGN GUIDELINES (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Murdoch Activity Centre Main Street and Mixed Use Guidelines have been developed to provide a set of guidelines affecting (mostly) the public realm within the main street and station mixed use precinct of the Murdoch Activity Centre.
- They provide future development initiatives within the precincts with directions, opportunities and obligations.
- The development of the Murdoch Activity Centre is closely linked to the development of the Fiona Stanley Hospital. Although the timing of construction for the hospital and the Mixed Use precinct will differ, the design guidelines will assist in coordinating the connectivity and coordination between the two areas.
- It is anticipated that there will be up to 1000 residential apartments developed within the Mixed Use precinct.
- Built form opportunities will range in height from a minimum of 2 storeys and a maximum of 5 storeys along the Main Street to a minimum of 10 storeys and maximum of 17 storeys adjacent to the freeway and railway station. (see attachments)
- The Design Guidelines call for a pedestrian oriented environment with an emphasis on the main street being a public transport spine.
- The standards of building, landscaping, street furniture and pavement is expected to be of a high standard.
- This report seeks endorsement in principle from the City of Melville for the design guidelines.

BACKGROUND

The Murdoch Activity Centre Vision states that:

“The Murdoch Activity Centre is proposed to be a vibrant hub of activity supporting the primary education and health functions of the area. World class hospital and educational facilities form one part of a busy commercial and residential area, which is frequented by regular users of the precinct but is also accessible and legible to a casual user. Public Transport is an integral part of the precinct and is considered essential in delivering a precinct which has a reduced car dependency.”

Several workshops have been held with involvement from technical officers, Councillors and other stakeholders as part of the process of drafting these Design Guidelines. Technical officers including Technical Services, Urban Planning and Strategic Urban Planning, have also had the opportunity for input and comment throughout the process.

Elected Members were briefed on the Mixed Use Precinct and the Design Guidelines in January 2005, July 2006, October 2006 and October 2008.

Scheme Provisions

MRS Zoning	:	Reserved Land -Public Purpose.- Hospital
CPS 5 Zoning	:	Regional Reserve – Public Purposes – Hospital

P09/3087 MURDOCH ACTIVITY CENTRE MIXED USE PRECINCT AND MAIN STREET DESIGN GUIDELINES (REC) (ATTACHMENT)**DETAIL**

The development of the Murdoch Activity Centre Mixed Use Precinct and Main Street Guidelines has been the result of several workshops with technical, management, and community stakeholders as well as with officers from state and local governments.

The concept of design guidelines for the area was first introduced in the Murdoch Activity Centre Structure Plan - Part A within *guidelines for implementation* number 9 and 10. This structure plan was endorsed in June 2007 by the Western Australian Planning Commission.

The guidelines have been developed to support the City of Melville and the Western Australian Planning Commission to encourage the development of a vibrant Main Street and Mixed Use Precinct at Murdoch, inclusive of the new Fiona Stanley Hospital, St John of God Hospital and Murdoch University.

The Guidelines are structured around 6 elements of design consideration, being

- Site Planning
- Built Form
- Station interface
- Public Spaces
- Parking and servicing, and
- Safety and Security.

There are also bonus criteria to encourage specific building outcomes.

Full development of the Mixed Use Precinct, limited by the height and setback controls will result in the development of approximately 1000 residential apartments with an average floor area of 90 sqm, approximately 60,000 sqm of office and retail floor space and approximately 40,000 sqm of medically related floor space.

The precinct has been designed to support pedestrian activity and provide a pedestrian friendly interface between the Fiona Stanley and St John of God hospitals and the major transport hub of the Murdoch Rail Station. Emphasis has been given to wide paths, attractive street furniture and active street frontages to all buildings. The use of colonnades or awnings is encouraged to provide shelter for pedestrians. There is also an emphasis on way finding through signage and built form to ensure first time visitors can feel comfortable in navigating their way through the precinct.

The Mixed Use Precinct falls within 400 metres of the Murdoch train station. This area is expected to have high amenity, a town square, some linkages through to a significant conservation area, 'kiss and ride' facilities and will not encourage through traffic at speed.

The guidelines are in two sections. The first gives overall design guidelines for all precincts within the study area. The second part gives more detailed requirements for each of the seven (7) distinct areas within the precincts (described later in this report.)

**P09/3087 MURDOCH ACTIVITY CENTRE MIXED USE PRECINCT AND MAIN STREET
DESIGN GUIDELINES (REC) (ATTACHMENT)**

The guidelines have been established as an adjunct to the requirements of the Residential Design Codes within the study area only. Where the guidelines are silent on development requirements the R codes will prevail. The document recognises Community Planning Scheme No 5 through the definitions of terms and expressions used. It is also designed to act as an adjunct to the scheme similar to precinct guidelines for other areas such as the ‘Woolstores’ development in Palmyra.

The following objectives give an insight into the structure and form of the guidelines and the ultimate form they are striving for.

SITE PLANNING

1. Form and Character – To reinforce the unique identity of the Main Street and Mixed Use Precinct by forming distinct street character, to form urban landmarks and to form urban vistas to key locations inside and outside the precinct.
2. Street Setbacks – To maintain a continuous urban wall enhancing the existing streetscape and providing active and interesting pedestrian experiences.
3. Side and Rear Setbacks – To provide a continuity of frontage to encourage activity and provide interest whilst allowing for view corridors from multi level developments throughout the Main Street and Mixed Use Precinct.
4. Building Height – To encourage substantial activity in the precinct by allowing for taller buildings to accommodate a variety of uses.
5. Responsiveness to street layout – To encourage a street layout with a focus on supporting public transport and pedestrian/cyclist services and to protect and enhance pedestrian links.
6. Permissible Land Uses – To encourage mixed land uses within each precinct that are appropriate to the primary function of that precinct.
7. Mix and distribution of uses – To encourage a diverse mix of uses within the Main Street and Mixed Use Precinct, to provide flexibility in the distribution of land uses throughout the main street and mixed use precinct and to residential living within the Main Street and Mixed Use Precinct.
8. Protection of Identified Vegetation – Protection of environmental assets that have been identified as being of matters of national environmental significance are considered to be fundamental to any development in the main street and mixed use precinct.
9. Levels – Pedestrian and users should at all times be connected with the land uses that form part of the Main Street and Mixed Use Precinct.
10. Universal Access – All development in the precinct shall allow for access for all members of the community

**P09/3087 MURDOCH ACTIVITY CENTRE MIXED USE PRECINCT AND MAIN STREET
DESIGN GUIDELINES (REC) (ATTACHMENT)**

BUILT FORM

11. Appearance/ Facades – Development of the Main Street and Mixed Use Precinct should respond sensitively to the site and support a sense of place. Development should be pleasing to the eye, be interactive, and provide definition between public and private spaces.
12. Site coverage – to encourage intensity of development whilst also catering for the wellbeing of Main Street and Mixed Use Precinct users.
13. Roof-scape –To improve the aesthetics of the Main Street and Mixed Use Precinct for all users and to contribute variations to 'normal' at grade activities
14. Articulation – to support the legibility and amenity of the Main Street and Mixed Use Precinct
15. Privacy – The Murdoch Activity Centre will be a dense urban activity centre, but will be known for both the activity of its mixed use precinct and the quality of life which it affords its local residents.
16. Sustainability – To establish a high standard of energy efficiency and sustainability for the design of all development within the Main Street and Mixed Use Precinct.
17. Materials – The Main Street and Mixed Use Precinct will be known for high quality design and appearance. Building materials shall be of a high quality and will utilise appropriate colours.

STATION INTERFACE

18. Station Environs – Integrate public transport stops into the fabric of the Main Street and Mixed Use Precinct and make them attractive and desirable places to utilise.
19. Passenger facilities – encourage public transport and pedestrian and cyclist activity within the area.

PUBLIC SPACES

20. High Quality Public/Private Spaces - To provide interesting and interactive public spaces throughout the Main Street and Mixed Use Precinct by developing unique spaces and areas of focus.
21. Street Edges – To ensure that the Main Street and Mixed Use Precinct is a comfortable and accessible place for all users.
22. Retaining Walls and Fencing – To avoid blank facades throughout the precinct

P09/3087 MURDOCH ACTIVITY CENTRE MIXED USE PRECINCT AND MAIN STREET DESIGN GUIDELINES (REC) (ATTACHMENT)

PARKING AND SERVICING

23. Parking – To ensure that adequate vehicle parking and access is provided for multi storey development, to ensure that off street parking is linked to pedestrian routes and to ensure car parking does not dominate the street frontage.

24. Servicing – To limit the amount of above ground or at grade servicing of the Main Street and Mixed Use Precinct during busy hours

SAFETY AND SECURITY

25. Safety and security – to ensure a well integrated urban form that provides a safe environment for all users by maximising visibility and surveillance, increasing pedestrian activity and maximising connections between precincts, and clearly defining private and public space responsibilities

Building Height (Attachment: [3087 Attachment 1](#))

The guidelines identify the minimum and maximum height proposed in each part of the Main Street and Mixed use precinct, prior to any bonus development standards being applied to each site. Bonus development standards are proposed for developments where the developer includes public art, exceptional design quality, public spaces, affordable housing or other community services.

Building setbacks

It is proposed to have minimal setbacks within the Mixed Use Precinct and Main Street in order to create an urban edge, however there is a requirement for buildings over 4 stories to have a five metre setback (to parts of the building higher than 4 stories) to provide a more human scale and allow for the development of roof top gardens and other outdoor spaces.

Parking

- A parking and access management policy is being prepared separately. However the Mixed Use Precinct guidelines suggest that parking caps be applied to the Mixed Use Precinct;
- Shared parking should be provided for both visitors and employees.
- The majority of parking for non residential uses should be public, short term parking targeted at visitors and customers;
- All non residential parking should be managed through a combination of pricing and limits on parking dwelling times
- Tenant parking should be unbundled from the sale of properties;
- Motorcycle and bicycle parking and end of trip facilities shall be provided.

**P09/3087 MURDOCH ACTIVITY CENTRE MIXED USE PRECINCT AND MAIN STREET
DESIGN GUIDELINES (REC) (ATTACHMENT)****Water Sensitive Urban Design and Sustainability Measures**

All buildings in the Mixed Use Precinct are being encouraged to comply with the Western Australian Government's 5 star plus requirements for Energy and Water use. A development that results in the construction of a building with an energy efficiency rating under the Australian Building Greenhouse rating scheme of 5 stars or greater shall be considered for bonus criteria.

Part 2

The second part of the Guidelines looks at each of the areas of the mixed use precinct and the main street in more detail.

Mixed Use Precinct area A (Attachment: [3087 Attachment 2](#)) relates to ground floor of buildings surrounding the Town square and along the direct pedestrian access to the Rail Station. Land uses that would be expected along these frontages would include

- Amenity Building
- Amusement facility
- Civic Building/Community purpose
- Convenience Store
- Small Bar/Hotel/Tavern ('drive through' establishments not permitted)
- Lunch Bar/Takeaway Food ('drive through' establishments not permitted)
- Public Amusement
- Public Exhibition
- Restaurant
- Retail
- Shop
- Wine House

Mixed use Precinct B (Attachment: [3087 Attachment 3](#)) also relates to ground level frontages but includes those with a secondary focus located further along the Town Square road and the Main Street. Land uses that would be expected along these frontages would include

- Amenity Building
- Amusement facility
- Civic Building
- Conservation/recreation
- Convenience Store
- Lunch Bar/Takeaway Food ('drive through' establishments not permitted)
- Office
- Public Amusement
- Public Exhibition
- Reception Centre
- Retail
- Shop

P09/3087 MURDOCH ACTIVITY CENTRE MIXED USE PRECINCT AND MAIN STREET DESIGN GUIDELINES (REC) (ATTACHMENT)

Mixed use precinct C (Attachment: [3087 Attachment 4](#)) relates to all at grade land not fronting Main Street, The Mixed Use Precinct road and the town square. Land use in this area should have a strong focus on office space, and uses that require limited street frontage exposure.. Land uses that would be expected along these frontages would include:

- Amenity Building
- Amusement facility
- Car Park
- Child minding centre
- Cinema/Theatre
- Community purpose
- Civic Building
- Conservation/recreation
- Convenience Store
- Lunch Bar/Takeaway Food ('drive through' establishments not permitted)
- Office
- Public Amusement
- Public Exhibition
- Reception Centre
- Retail
- Consulting Room

Mixed Use Precinct D (Attachment: [3087 Attachment 5](#)) represents development above ground floor that does not have a direct street frontage. First floor level is encouraged to be office or uses that do not require a shopfront but still encourage activity at ground level. Land uses that would be expected along these frontages would include:

- Amenity Building
- Amusement facility
- Car Park
- Child minding centre
- Cinema/Theatre
- Community purpose
- Civic Building
- Conservation/recreation
- Small Bar/Hotel/Tavern (drive through establishments not permitted)
- Medical Centre
- Office
- Public Amusement
- Residential
- Public Exhibition
- Residential (second /third floor and above)
- Wine House
- Consulting Room

P09/3087 MURDOCH ACTIVITY CENTRE MIXED USE PRECINCT AND MAIN STREET DESIGN GUIDELINES (REC) (ATTACHMENT)

Health Support Area (Attachment: [3087 Attachment 6](#)) The health support precinct is located in the northern most end of the Fiona Stanley Hospital development site. Land uses in this area have a health support element such as consulting rooms, medical clinics and medi-hotel.

Hospital Main Street (Attachment: [3087 Attachment 7](#)) Hospital Main Street is the area immediately adjacent to Fiona Stanley Hospital and St John of God Hospital. This area is expected to be predominately health related services that complement the function of the hospitals.

PUBLIC CONSULTATION/COMMUNICATION

The Murdoch Activity Centre Main Street and Mixed Use Precinct Guidelines have been prepared by consultants on behalf of the Western Australian Planning Commission with input by major stakeholders (inclusive of the City of Melville) and community groups through workshops and other meetings.

These workshops were held in October 2006, and June 2007

Comments from Technical Services and Statutory Planning were forwarded as part of the City of Melville input during the consultation process.

STATUTORY AND LEGAL IMPLICATIONS

The Guidelines will become a Policy of the City of Melville in order to guide development within the Murdoch Activity Centre.

FINANCIAL IMPLICATIONS

There are no direct financial implications as the guidelines are a formative guide to development only.. There will be implications in regard to the upkeep of landscaping, street furniture, lighting and other public infrastructure that will need to be maintained upon hand over to the Local Authority. A memorandum of understanding is being developed separately to assist with the administration of the ongoing operation and long term management of these components.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The design guidelines relate to land that is currently reserved for Public Purpose and for Primary Regional Roads. The land adjoins the Fiona Stanley Hospital site and St John of God Hospital. The design guidelines provide the mechanism to ensure the quality of development on the land is of a high standard and compatible with uses adjoining the land, and accords with Government policy for transit oriented development.

P09/3087 MURDOCH ACTIVITY CENTRE MIXED USE PRECINCT AND MAIN STREET DESIGN GUIDELINES (REC) (ATTACHMENT)

The development is of regional importance and will, overtime, alter the current landscape of the Murdoch area. The importance of this development has been recognised in the City of Melville's Local Planning Strategy, Community Plan and The City of Melville's plan for the future.

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Lack of Government coordination to develop the area	High	Continue lobbying for Government commitment to all Murdoch related activities.
Risk Statement	Level of Risk*	Risk Mitigation Strategy
As a result of decisions made during this process the economic viability of new development could be compromised	Medium	Ensure engagement with Stakeholders continues.
Risk Statement	Level of Risk*	Risk Mitigation Strategy
Replacement and upkeep of street furniture, lighting and pavement materials will become the responsibility of the City of Melville after hand over	High	<ul style="list-style-type: none"> • Review use of materials and design plans such that more durable and lower maintenance materials are used. • Develop a Memorandum of Understanding with development partners to ensure ongoing fund for maintenance and upkeep.

POLICY IMPLICATIONS

1. Although Council is being asked to support the Murdoch Activity Centre Mixed Use Precinct and Main Street Design Guidelines, there is still a formal process including a period of advertising that is required before they can be adopted as a Planning and Building Policy under Community Planning Scheme No. 5.

Under Clause 9.6 of Community Planning Scheme No. 5 a Policy may become operative only after the following procedures have been completed:

- (i) *the Council, having prepared and adopted a draft Policy and determined the operative date of that policy, shall publish a notice in a local newspaper circulating within the Scheme area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made;*

P09/3087 MURDOCH ACTIVITY CENTRE MIXED USE PRECINCT AND MAIN STREET DESIGN GUIDELINES (REC) (ATTACHMENT)

- (ii) *Where, in the opinion of the Council, the provisions of any Policy affects the interests of the Commission, a copy of the Policy shall be forwarded to the Commission;*
 - (iii) *the Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy; and*
 - (iv) *following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.*
2. In future Local Planning Scheme No 6, this area will be managed under a structure plan which will incorporate these guidelines as part of development requirements.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The development of the Murdoch Activity Centre Mixed Use Precinct and Main Street Guidelines will ensure development within the precinct is guided to achieving the vision for the area. If the guidelines were not prepared there is the possibility that haphazard development will occur that will not take advantage of the proximity to the rail station and other transport links.

CONCLUSION

The development of the land between the Fiona Stanley Hospital and the Murdoch Rail Station is more than just an opportunity to develop a vacant piece of land within the City of Melville. The construction of a 'world class' Transit Oriented Development will be of benefit to the City in terms of an increase in dwelling stock, increased business investment and employment opportunities and a transition that will connect the two hospitals to the rail station and bus station in such a way as to reduce the need for staff and visitors to drive to the health precinct.

The Guidelines will set the standard for urban form, land use diversity and architectural style for this regionally significant Transit Oriented Development precinct in a metropolitan context.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3087)

APPROVAL

1. **That the City of Melville advise the West Australian Planning Commission that the City supports the intent of the Murdoch Activity Centre Mixed Use Precinct and Main Street Design Guidelines**

P09/3087 MURDOCH ACTIVITY CENTRE MIXED USE PRECINCT AND MAIN STREET DESIGN GUIDELINES (REC) (ATTACHMENT)

2. That the Western Australian Planning Commission be advised of the need to develop a detailed and comprehensive urban design framework for the Mixed Use Precinct and Main Street demonstrating development standards, building envelopes etc capable of endorsement as a policy or insertion into a town planning scheme. This framework is to be developed in conjunction with the City of Melville in order to enable the due process (including adoption of a draft policy, determination of an operative date and 21 days advertising) to be followed to allow formal adoption of the guidelines and urban design framework as a policy under Community Planning Scheme No.5.
3. That the City of Melville continue negotiations on the production of a formal Memorandum of Understanding between Department of Health, Department of Planning, Department of Housing and the City of Melville to:
 - a) ensure the delivery of a high standard of development in terms of architectural style and sustainability;
 - b) give clarity to the process of development approval and identify public infrastructure management responsibilities inclusive of street furniture, landscaping, lighting, seating, drainage and pavement
4. That the Western Australian Planning Commission be advised that the City of Melville seeks their continued support in the preparation and management of policy and strategy (including a new scheme) in order to ensure an optimum level of development is capable of being achieved in this regionally significant precinct.
5. That the Western Australian Planning Commission be advised of the need for continued negotiations and discussions on land tenure and zoning arrangements within the Murdoch Activity Centre Mixed Use Precinct and Main Street with a preference to the land being zoned 'Urban' under the Metropolitan Region Scheme.

At 8.01pm the Mayor submitted the motion which was declared

CARRIED EN BLOC (10/0)

P09/3089 - MURDOCH UNIVERSITY SOUTH STREET CAMPUS DEVELOPMENT STRATEGY AND DEVELOPMENT DESIGN GUIDELINES 2009 (REC) (ATTACHMENT)

Ward : Bull Creek / Leeming
University

Category : Strategic

Application Number : N/A

Subject Index : DW2053807

Proposal : South Street Campus Development Strategy and Development Design Guidelines 2009

Applicant : Murdoch University

Owner : Murdoch University

Previous Items : P03/1011 - Murdoch University South Street Campus Master Plan 2004 – Ordinary Meeting of Council December 03

Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.

Responsible Officer : Peter Camilleri
Senior Strategic Urban Planner

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 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

The purpose of this report is to present for Council's information and endorsement the *Murdoch University South Street Campus Development Strategy and Development Design Guidelines March 2009*, as an update of the *Murdoch University South Street Campus - Development Strategy 2004*.

P09/3089 - MURDOCH UNIVERSITY SOUTH STREET CAMPUS DEVELOPMENT STRATEGY AND DEVELOPMENT DESIGN GUIDELINES 2009 (REC) (ATTACHMENT)**Scheme Provisions**

MRS Zoning	:	Public Purpose (University)
CPS 5 Zoning	:	Public Purpose (University)
R-Code	:	N/A
Use Type	:	N/A
Use Class	:	N/A

Site Details

Lot Area	:	226.96ha
Retention of Existing Vegetation	:	Significant areas of retained bush land
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	N/A

BACKGROUND

The Murdoch University South Street Campus – Development Strategy (2004) was presented to Council in December 2004 (P03/1011). Council resolved that

- 1. THE MURDOCH UNIVERSITY SOUTH STREET CAMPUS MASTERPLAN 2004 IS ADOPTED AS A LOCAL PLANNING POLICY UNDER SECTION 9.6 OF COMMUNITY PLANNING SCHEME NO. 5, SUBJECT TO: ...**

In summary the majority of itemised points have, or are in the process of, being addressed as part of on-going implementation and strategic planning.

The Department of Planning was advised of Council's resolution in correspondence of 12 January 2005.

The purpose of the current submission is to present for Council's information and endorsement the *Murdoch University South Street Campus Development Strategy and Development Design Guidelines March 2009*, as an update of the 2004 Development Strategy.

Attachment 1 ([3089 Indicative Development Layout](#)) illustrates the eastern precinct's indicative development layout.

PUBLIC CONSULTATION/COMMUNICATION

The *Murdoch University South Street Campus Development Strategy and Development Design Guidelines March 2009* was advertised for a period of 21 days (19th May 2009 to 9th June 2009). Key state government departments, agencies, the City of Cockburn, relevant non-government and community organisations and adjoining land owners and occupiers were notified.

P09/3089 - MURDOCH UNIVERSITY SOUTH STREET CAMPUS DEVELOPMENT STRATEGY AND DEVELOPMENT DESIGN GUIDELINES 2009 (REC) (ATTACHMENT)

Eight submissions were received in response to the advertised strategy and none of the submissions opposed the proposed *Campus Development Strategy and Development Design Guidelines 2009*. However submissions noted a number of issues for attention as future planning and implementation progresses such as, for example,

Planning

- The Murdoch Activity Centre (Part B) structure planning process will include detailed consideration of suitable urban design future land use of the University's eastern precinct ie consistent with the Murdoch Activity Centre.

Environment

- A condition of future significant development should be the preparation of a Terrestrial Flora and Vegetation Survey, as per Environmental Protection Authority Guidance Statement No 51 - Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia.
- Survey should determine 'the presence or otherwise' of declared rare, priority or other significant flora'.

Traffic

- Transport Impact Assessment (TIA) for infrastructure proposed. Transport Impact Assessment should include adequacy of lane capacity and level of service for Murdoch Drive, South Street and their intersection.
- University to fund costs of all road network improvements identified in Transport Impact Assessment .
- Indicative road layout plan should show only one set of signals required on Murdoch Drive between South Street and Farrington Road - location to be determined by Transport Impact Assessment . Support for this conditional on the University depositing bonded funds with the City of Melville to cover the costs of installing traffic signals, including signage, road markings, relocation of services, street lighting and associated Main Roads design, construction and inspection costs.
- Adequate set-backs from both Murdoch Drive and South Street reservation should be developed in consultation with Main Roads, Department of Planning and City of Melville .

City of Melville (Technical Services)

- New signalised intersection access on South Street, (State Road) between Prescott Drive and Windalya Road requires University depositing bonded funds with Main Roads to cover the costs of installing traffic signals, and associated Main Roads signal design, construction and inspection costs. This will also assist with the difficulties pedestrians are having crossing South Street in this vicinity.
- Master Plan should reflect the implications of the proposed connection of Murdoch Drive to the extension of Roe Highway across Farrington Road .
- Transport Impact Assessment required, by Murdoch University , for all proposed road connections to surrounding road networks including capacity and levels of service for Murdoch Drive, Farrington Street and South Street.
- Consideration should be given for an additional road connection from Murdoch University in south/east quadrant to Farrington Road - subject to modelling input from Murdoch Activity Centre Transport Network Assessment and Regional Traffic Modelling being carried out - given current and expected traffic congestion on Murdoch Drive north of Farrington Street.

P09/3089 - MURDOCH UNIVERSITY SOUTH STREET CAMPUS DEVELOPMENT STRATEGY AND DEVELOPMENT DESIGN GUIDELINES 2009 (REC) (ATTACHMENT)

City of Melville (Technical Services) Continued.

- All traffic signal requirements and installations of City of Melville (Local roads) conditional on the University depositing bonded funds with the City of Melville to cover the costs of installing traffic signals, including signage, road markings, relocation of services, street lighting and associated Main Roads design, construction and inspection costs.
- Urgent interim upgrading of access road in vicinity of Baptist College required due to numerous complaints being received on safety and function of current intersection geometry.

The list of summaries is provided in Attachment 2: [3089 Development Strategy](#)

UPDATE OF THE 2004 CAMPUS DEVELOPMENT STRATEGY

The *Murdoch University Campus Development Strategy and Development Design Guidelines 2009* is an update of the *Murdoch University South Street Campus Development Strategy 2004*.

The 2004 strategy acknowledged the guiding principles of the Western Australian Planning Commission's (WAPC) *Liveable Neighbourhood Community Design Code*, as well as the principles associated with the new urbanism model of urban form and design.

In this context the 2009 strategy maintains and generally strengthens this approach throughout the university campus.

Furthermore the 2009 strategy introduces a focus on the university's eastern precinct, specifically in response to the major policy and infrastructure developments that now impact the Murdoch precinct such as:

- the southern extension of the metropolitan railway from Perth to Mandurah
- the major sub regional transport oriented and mixed use hub around the Murdoch train station, arising from the WAPC's Murdoch Activity Centre Structure Plan (2007)
- the development of major regional health facilities such as the St John of God and Fiona Stanley Hospitals
- and significant new policy instruments such as the draft State Planning Policy for Activity Centres for Perth and Peel (June 2009) and Directions 2031 draft Spatial Framework for Perth and Peel (June 2009).

The 2009 strategy incorporates a stronger expression of the urban design and built form principles promoted in the 2004 strategy by enhancing the application of these principles to more clearly define the urban structure and built form of the University's eastern precinct.

The 2009 strategy also expresses a similar intent for the gradual integration of infill developments, within the university's existing fabric, through the application of these urban principles as infill development requirements arise over an extended period of time.

P09/3089 - MURDOCH UNIVERSITY SOUTH STREET CAMPUS DEVELOPMENT STRATEGY AND DEVELOPMENT DESIGN GUIDELINES 2009 (REC) (ATTACHMENT)**THE CHANGED PLANNING CONTEXT**

Since 2004 new major land developments, transit and services infrastructure have significantly altered the planning contexts for land uses and activities in the university's immediate catchment.

These have generated substantial impacts on a broad range of transport, health, employment, education and environmental factors at both local government and sub-regional levels.

The southern extension of the metropolitan railway, within the freeway reservation, created a major transit-oriented hub at the Murdoch train station. This merging of major transit infrastructure and urban land uses was consolidated under the proposals of the Murdoch Activity Centre Structure Plan (Part A) released in 2007 by the Western Australian Planning Commission and the Department of Planning.

More recently the Western Australian Planning Commission released two major planning instruments. The draft *State Planning Policy Activity Centres for Perth and Peel* (June 2009) replaces the *Metropolitan Centres Policy Statement for the Perth Metropolitan Region 2000*, and builds on the concepts of activity centres and activity corridors introduced in *Network City* (2004).

This policy also introduces a number of new planning guidelines, including a new activity centres hierarchy that identifies the areas in the vicinity of the Murdoch transit interchange, including Murdoch University, as a *Strategic Specialised Centre*.

At the broader metropolitan level the *Directions 2031 Draft Spatial Framework for Perth and Peel* (June 2009) similarly recognises the Murdoch precinct as strategic specialised centre.

The basis for this level of significance rests on the co-location of major transit-oriented infrastructure with a concentration of high quality employment, education and health infrastructure and services.

Also changes within the university's campus have introduced a more diverse typology of land uses, built forms and activities. For example the western portion of university land was rezoned to *Urban* under the Metropolitan Region Scheme and, in April 2008, an amendment to the City of Melville's Community Planning Scheme No5 created a 'living area precinct' (R40 and R60) for a retirement residential development.

Although this is has become a private residential precinct the land remains under the university's ownership and is leased exclusively to the developer (St Ives).

P09/3089 - MURDOCH UNIVERSITY SOUTH STREET CAMPUS DEVELOPMENT STRATEGY AND DEVELOPMENT DESIGN GUIDELINES 2009 (REC) (ATTACHMENT)

FUTURE GROWTH

Throughout the 2009 strategy the university acknowledges the advantages of developing close links with government and private industry.

In this context a number of partnerships have resulted in the establishment of existing and proposed on-campus developments, for example, Alcoa, Wesfarmers Energy Ltd, Proteomics International, Epichem Pty Ltd, the Department of Health and the Department for Agriculture and Food WA.

The university's operations have grown from 8,830 students and 1,164 employees in 1994 to 11,290 students and 2,500 employees in 2008.

Between 2004 and 2008 post-graduate students increased by approximately 37% and enrolments of overseas students more than doubled reflecting a trend for both increased post-graduate enrolments and a higher demand of on-campus facilities.

Student related improvements to campus infrastructure and services include a new tavern, a revitalised library and increased student accommodation. Student accommodation is concentrated in the student village, a western sub-precinct abutting the campus' core education precinct.

The potential for future student accommodation interspersed between the activities of the core education precinct was acknowledged in the 2004 strategy and the 2009 strategy specifically includes short-stay accommodation as a permitted land use.

The Murdoch Activity Centre

The Murdoch Activity Centre Structure Plan – Part A (MACSP) was the outcome of various workshops and meetings and was prepared jointly by the Department of Planning and the Department of Health (DoH) in consultation with the City of Melville and other major stakeholders via consultants GHD.

The Murdoch Activity Centre Structure Plan encompasses the Murdoch Activity Centre; an area bounded by Farrington Road in the south, South Street to the North, the Kwinana Freeway to the East and Murdoch Drive and the Murdoch University Campus to the west.

The site comprises 2 private landowners and 9 government agency land tenures whilst the structure plan affects two local government areas.

The structure plan was endorsed by the Western Australian Planning Commission in 2007.

The primary goal of the MACSP (Part A) was to provide a framework for future development of the structure plan area which includes the development site for the Fiona Stanley Hospital, the adjacent Transit Orientated Development precinct (Murdoch Mixed Use Precinct), makes reference to the St John of God site, the Murdoch Technical and Further Education College, the Rangeview Remand Centre, Council's operations centre, Western Power, the Police, the Fire and Emergency Services site and the road system supporting these significant government owned and regionally significant utilities and services.

P09/3089 - MURDOCH UNIVERSITY SOUTH STREET CAMPUS DEVELOPMENT STRATEGY AND DEVELOPMENT DESIGN GUIDELINES 2009 (REC) (ATTACHMENT)**Fiona Stanley Hospital**

A precinct plan was prepared for the hospital intended to provide the planning and urban design framework for the delivery of health services within a fully integrated and mixed use environment. The plan was developed through an extensive consultation process with hospital end users and stakeholders. The aim of the precinct plan is to ensure that the hospital precinct is a key destination within the main street and mixed use precinct. The precinct planning is based on a long term view that the Main Street and Mixed Use Precinct will develop into a key regional location, serving a board range of the community needs.

The hospital is planned to open to the public in 2014.

Mixed Use Precinct

The Mixed use precinct of the Murdoch Activity Centre is located in the north-east corner of the Murdoch Activity Centre, in the south-west quadrant of the intersection of South Street and the Kwinana Freeway and adjacent to the Fiona Stanley Hospital development.

A range of objectives have been identified in the planning of this precinct being:

- A visual connection from the Main Street to the Murdoch railway station with pedestrian entrance via the Town Square;
- A Town Square to provide for private vehicle drop off and taxi ranks together with short term on street parking;
- A town square framed by buildings and active edges on all sides;
- A town square with a civic heart for seats, shelter, landscaped features, public art etc;
- Public alfresco areas could take advantage of the southern side with the possible introduction of colonnades;
- Provision of public car park beneath the town square; and
- Secondary future pedestrian access to the railway station.

Detailed design guidelines have been prepared and are yet to be adopted by the Council or Western Australian Planning Commission.

PURPOSE OF THE UPDATED 2009 CAMPUS DEVELOPMENT STRATEGY AND DEVELOPMENT DESIGN GUIDELINES

The principal purpose of the 2009 *Campus Development Strategy* is to clarify the integration of the *Specific Development Design Guidelines* for the eastern precinct.

The 2009 master plan articulates *General Development Principles for the Campus* as a whole, and *Specific Development Design Guidelines* for the eastern precinct.

The basis of these development principles is acknowledged as being associated with the Network City principles of sustainable, effective and efficient land uses.

However it should also be noted that the university is an activity centre in its own right, as well as being a major component of the greater Murdoch activity centre. In both these contexts primary planning guidance should also be based on components of *Liveable Neighbourhoods (2007)*, in particular *Element 7 – Activity centre and employment*.

P09/3089 - MURDOCH UNIVERSITY SOUTH STREET CAMPUS DEVELOPMENT STRATEGY AND DEVELOPMENT DESIGN GUIDELINES 2009 (REC) (ATTACHMENT)

More recently the Western Australian Planning Authority (WAPC) released the draft *State Planning Policy Activity Centres for Perth and Peel* (2009) and the *Directions 2031 Draft Spatial Framework for Perth and Peel* (2009).

Each of these metropolitan policies establishes the Murdoch precinct as a Specialised Strategic Centre with a focus on employment, education and training that optimise the location synergies arising from the precinct's major health and education infrastructure, skills and services.

In this context the *Development Strategy and Development Guidelines 2009* aims for a gradual integration of urban structures and built forms in the university's central precinct by acknowledging the value and maintenance of the original core structures, expressed in the architectural vernacular of the mid-1970's.

Radiating from the original core areas the urban structure and form will gradually introduce neo-traditional inner urban characteristics, especially in the eastern precinct, as specified in the new development guidelines.

DEVELOPMENT DESIGN GUIDELINES

The new Development Design Guidelines reflect broadly the structure and built form examples expressed in a number of policy and design frameworks (including for example Liveable Neighbourhoods and the more recent Department of Planning and WAPC publications such as the draft Maylands framework, the draft Activity Centres and the Directions 2031 Draft Spatial Framework)

The General Development Design Guidelines include the following examples of urban structure and built form principles:

- Opening up the campus to economic and social activity;
- Integrating the campus with adjoining urban areas;
- New buildings added or close to the original mid-1970's architecture to reflect a consistency of form, height, colours, facades and other defining characteristics;
- New buildings in the eastern precinct more varied in character and reflecting proximity to the Murdoch Mixed Use Transit Oriented Development (TOD) precinct;
- New buildings on sites to address the street, have nil street setback and ground level frontages that face the main area of activity so as to ensure high frequency of human presence and interaction.
- New buildings in the core university areas to be organised 'in an urban manner';
- Infill in the core university areas to be encouraged in order to enhance the 'urban density' character and increase efficiencies of land uses, circulation, land and environmental resources;
- The scale of new buildings within the core university areas are expected to maintain the original form of between 2 to 4 storeys with taller buildings at the campus edges;

P09/3089 - MURDOCH UNIVERSITY SOUTH STREET CAMPUS DEVELOPMENT STRATEGY AND DEVELOPMENT DESIGN GUIDELINES 2009 (REC) (ATTACHMENT)

EASTERN PRECINCT – SPECIFIC DEVELOPMENT DESIGN GUIDELINES

The 2004 strategy acknowledged the eastern precinct's 'unique and wide ranging development opportunities', referring to the potential research and development opportunities and partnerships between education and medical facilities.

Although the 2004 strategy encourages an active street frontage and orientation of development along Murdoch Drive, this is tempered by the stipulation that vehicular access to the buildings abutting Murdoch Drive should be primarily through the eastern precincts' internal street network.

This format has been retained and further articulated in the 2009 strategy with the definition of a main street spine running north-south, between Discovery Way meeting the Murdoch Drive link to the FSH Main Street (a controlled access point) and a left-in entrance on Murdoch Drive a short distance north of the Farrington Road intersection.

A summary of other factors specified by the 2009 Specific Development Design Guidelines include, for example:

Intent

The existing road layout will be reconfigured to provide a more formal grid system compatible with the more neo-traditional urban structure and form.
The road hierarchy may be altered and block sizes may be varied.

Building densities

Plot ratio of 2.5:1 throughout the eastern precinct.

Plot ratio of 3:1 in two development cells (major intersections) in order to encourage landmark buildings.

Permitted land uses

- University uses
- Other education establishments
- Research and development with industry partners
- Health facilities and consulting rooms
- Offices and commercial premises
- Short-stay accommodation
- Conference facilities
- Multi-storey car park(s)
- Café / convenience retail / tavern (Shop)
- Residential

Campus road hierarchy

The proposed road layout comprises a hierarchy of six street typologies ranging from main street to laneway.

P09/3089 - MURDOCH UNIVERSITY SOUTH STREET CAMPUS DEVELOPMENT STRATEGY AND DEVELOPMENT DESIGN GUIDELINES 2009 (REC) (ATTACHMENT)

Car parking requirements

Land use	Parking requirement
Office	1 bay per 40 sq.m NLA
Short-stay accommodation	1 bay per 2 persons
Residential	1 bay per dwelling (minimum)
Residential Mixed Use	1 bay per 40sq.m NLA (commercial) & 1 bay per dwelling
Consulting rooms and health care	3 bays per practitioner plus 1 bay per staff member (incl.practitioners)
Café	Minimum of 2 car bays for staff
Convenience retail	Minimum of 3 car bays for staff

Built form

Buildings to accommodate mixed uses with activity generating occupants on the ground floor. Buildings located adjacent to the eastern edge to be encourage to orientate towards Murdoch Drive. High quality structures and architecture to enhance legibility, identity sense-of-place and the interface between the public and private domains.

Character, Scale and Size

The eastern precinct will be a predominantly commercial environment. Buildings will be required to address the street with a minimum of 4 storeys.

Siting / Set-backs

Buildings with 5 or more storeys will require the fifth and subsequent floors to be set-back a minimum of 5m. Nil front set-backs will 'generally' be required for the main street and Discovery Way. Variations will require satisfactory justification and high standard landscaping of the set-back area.

Buildings on other streets may have nil set-backs, or to a minimum of 5m with high standard hard and/or soft landscaping.

Public / Private interface

All buildings to address the street with clear street-to-front door access and awnings. Blank walls, roller-shutters and air vents on the footpath edge will not be permitted. Bland walls to minor access ways along the side of buildings will not be permitted. Provision of disabled access in the public domain, and changes to the ground level must occur inside the property boundary.

Pedestrian Spaces

Provision of pedestrian routes leading to major destinations, integration with courtyards, and including seating and shelter at regular intervals.

Universal access

Buildings and space designed to be universally accessible.

Advertising signage

A high degree of restraint will be required in the provision and scale of advertising signs in order to encourage street scapes that are coherent and free of clutter.

P09/3089 - MURDOCH UNIVERSITY SOUTH STREET CAMPUS DEVELOPMENT STRATEGY AND DEVELOPMENT DESIGN GUIDELINES 2009 (REC) (ATTACHMENT)

Landscaping

Car parks planted with indigenous drought-tolerant shade trees at a minimum rate of 1 tree per 6 car bays.

Plantings to maintain visibility.

Water-sensitive design principles will be required.

STATUTORY AND LEGAL IMPLICATIONS

The university campus is currently reserved for Public Purpose – University under the Metropolitan Region Scheme (MRS).

In May 2007 a western precinct was rezoned to Urban under the MRS, and in April 2008 this precinct was zoned Murdoch (M4) Living Area Precinct under the City of Melville Community Planning Scheme No 5. This is the site of the St Ives residential retirement facility.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for Council.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
A lack or low level of collaboration between the City of Melville, Murdoch University, the Department of Planning and other key agencies in the more detailed planning processes.	High	Ensure high level organisational support for collaboration through appropriate and effective mechanisms.

POLICY IMPLICATIONS

The Murdoch University South Street Campus – Development Strategy (2004) was adopted by Council in December 2004, as a Local Planning Policy under section 9.6 of the City of Melville Community Planning Scheme No 5.

CONCLUSION

The design principles and guidelines as expressed in the Murdoch University Campus Development Strategy and Development Design Guidelines are comprehensive and provide a sound but broadly drawn basis for moving forward.

However their application in the context of the precinct's more detailed sequence of development stages is likely to require clarification.

**P09/3089 - MURDOCH UNIVERSITY SOUTH STREET CAMPUS DEVELOPMENT
STRATEGY AND DEVELOPMENT DESIGN GUIDELINES 2009 (REC) (ATTACHMENT)**

A 'finer grain' of planning, design, street layout, infrastructure and services delineation will be required in order to ensure the high level of complementary interactions between the built forms, activities, infrastructure and services within the university's eastern precinct, and the evolving developments at the adjoining Murdoch Activity Centre Part A and any related structure planning within the activity centre's catchment.

Murdoch University is an activity centre in its own right albeit within the immediate catchment of the greater Murdoch Activity Centre.

Notwithstanding the suitability of the proposed design guidelines for the eastern precinct, clarification of the interaction of activities, built forms and lot patterns would contribute to a more substantial interpretation of the proposed urban character and related activities.

This could include the relationships between activities, built forms and street interaction ie to clarify the extent of diversity permitted within and between street blocks. This could also include built form guidelines for groups of blocks (or sub-precincts) in order to ensure a graduated and complementary interface of street frontages, building scale, height, mass and maximum built form parameters for building envelopes.

A related aspect involves measures to ensure activation of the street hierarchy, in particular the internal main street and the frontages along Murdoch Drive.

Other important issues requiring clarification are:

1. Building densities and plot ratios
2. Lot and block dimensions
3. Appropriate street framework
4. Maximum building heights
5. Building mass and scale
6. Pedestrian permeability and interaction with the built environment
7. Sight-lines and visual permeability
8. Design-based street activation measures
9. Activity-based street activation measures
10. Estimated floor space by type of activity
11. Estimated employment numbers and categories and characteristics
12. Estimated sequence of development stages ie block(s) or sub-precincts and associated factors such as proportions of types of activities, employment categories and clients characteristics
13. Parking requirements of employees and clients (parking strategy)
14. Estimated vehicle-per-day numbers (and vehicular speeds management)
15. Estimated frequency of public transport services

The City of Melville Community Planning Scheme No 5 does not contain a provision for structure plans. Typically the structure planning process, especially for high level projects, often involves extensive consultation and iterative processes between the local government, the proponent and significant stakeholders.

Participative planning processes enable complex projects to be developed to a high degree of refinement and consensus prior to formal submission and consideration.

P09/3089 - MURDOCH UNIVERSITY SOUTH STREET CAMPUS DEVELOPMENT STRATEGY AND DEVELOPMENT DESIGN GUIDELINES 2009 (REC) (ATTACHMENT)

In the absence of such a process one of the recommendations on the Murdoch University Campus Development Strategy and Development Design Guidelines 2009 is that future and more detailed staged planning, design, infrastructure and services be progressed through the instrument of a technical working group comprising the City of Melville, the Murdoch University and the Department of Planning, and including the invited contribution of key stakeholders as required.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3089) APPROVAL

- 1. That the Council advise Murdoch University that it is generally supportive of the design principles and guidelines as expressed in the Murdoch University Campus Development Strategy and Development Design Guidelines March 2009 and that they are comprehensive and provide a sound basis for moving forward.**
- 2. Murdoch University be advised that future and more detailed staged planning, design, infrastructure and services be progressed through the instrument of a working group comprising representatives of the City of Melville, Murdoch University and the Department of Planning, and including the invited contribution of key stakeholders as required.**
- 3. The Department of Planning be advised in writing of Council's decision and of the need for high level and continued collaboration with the City of Melville in achieving a regionally significant strategic specialised centre as identified in Directions 2031 Draft Spatial Framework for Perth and Peel.**
- 4. Submitters to be advised of the Council's determination in writing.**

At 8.01pm the Mayor submitted the motion which was declared

CARRIED EN BLOC (10/0)

T09/3088 - ALL NIGHT STREET LIGHTING REVIEW (REC)

Ward	: All
Category	: Policy
Subject Index	: Street Lighting
Customer Index	: Western Power
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: All Night Street Lighting February 1992 9067 File Ref XW5/1. This matter was raised by Cr Everett as a Motion Without Notice at the Ordinary Meeting of Council held on 19 May 2009.
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: John Cameron Executive Manager Civic Design

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 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

- The purpose of the report is to consider the financial impact of introducing the randomly switching off of areas of street lighting for a period of three (3) hours each night.
- The majority of street lights in the City of Melville are currently operated by Photo Electric (PE) cells.
- The cost of converting lights to a timing type mechanism will be approximately five hundred thousand dollars (\$500,000)
- It is considered that only local roads are to be considered for the study and currently there are four thousand six hundred and seventy two (4672) street lights in this category.
- Comments sought from WA Police, St Johns Ambulance and Fire and Emergency Services (FESA) are generally not favourable to the proposal.

T09/3088 - ALL NIGHT STREET LIGHTING REVIEW (REC)

BACKGROUND

This matter was raised by Cr Everett as a Motion Without Notice at the Ordinary Meeting of Council held on 19 May 2009 and was carried by Absolute Majority requesting;

That in view of the current economic climate and having regard to announce considerably increased electricity charges, the Chief Executive Officer is requested to produce a report into the feasibility of randomly switching off sectors of suburban street lighting for three hourly periods between 1.00am and 4.00am for six months trial during which our city wide security patrols will continue.

The City of Melville has previously resolved to provide dusk to dawn street lighting throughout all suburbs.

Prior to October 1991 street lighting operated between dusk to 1.15am. In July 1991 the Council resolved to permit the Electricity Commission of Western Australia to conduct a three (3) month lighting trial in Myaree, Mount Pleasant and Booragoon during October, November and December 1991 and to survey crime rates before and during the trial and residents attitude to all night street lighting.

Subsequent to the trial a report was presented to Council in February 1992. It reported that four hundred (400) questionnaires were distributed to residents within the trial area and that one hundred and eighty four responses were received and analysed. A summary of the findings stated that “approximately three (3) out of four (4) replied in favour of all night street lighting and two (2) out of three (3) would not object to paying additional rates to provide for all night lighting”.

The report also commented that; “The number of offences occurring between the hours of 1:15am and 7.00am was very low and did not vary significantly. The number of offences is not sufficient to confidently attribute any trends in crime rates to the user of all night lighting”.

The Council recommendations from this report, inter alia, were;

“That funding for all night street lighting be included in the 1992/93 draft budget for consideration.”

Subsequently dusk to dawn lighting was introduced throughout the City of Melville and continues to the present.

DETAIL

There are several issues to be considered when considering the impacts of reducing the street light hours of operation including;

- Technical,
- Environmental,
- Crime and Vandalism,
- Road Safety/Public Safety, and
- Financial.

T09/3088 - ALL NIGHT STREET LIGHTING REVIEW (REC)

Technical

Advice has been sought from Western Power and Synergy on the technical issues resulting from a proposal to turn of street lights over selected areas of the city for a three period between 1.00am and 4.00am. The following response was received from Synergy;

“Streetlights now have PE cells (photo Electric cells) and would have to have them replaced and this would mean that the streetlights would have to be wired and metered (they are currently UMS, unmetered supply) thus costing the council a considerable sum of money to do this.”

Comment was also sought from Western Power and their response from a technical point of view was;

“Street lights controlled by PE cells operate on a dusk to dawn basis, there is no provision within the lamp to incorporate time clocks.

From a network perspective, these lights are generally supplied directly from the low voltage network in the area, often with one single light fitting per connection point.

To convert these to a timed operation arrangement would require installing a new ‘switched’ network specifically for street lights as was the case in the past, at substantial cost.

A couple of reasons for Western Power moving away from timed, dedicated street light networks is the additional maintenance requirement and from a network integrity perspective they also increase the risk of widespread outages. If Western Power were to consider the proposal there would be higher operating tariffs to offset this increased maintenance liability, potentially overriding any energy saving.”

A draft Melville Public Lighting Policy has been prepared by a lighting consultant engaged by the City of Melville. Within the draft policy the following comment was made;

“Western Power changed some years ago to photo-electric controls, which means dusk to dawn operation. Up to the late 1980’s, a 1.15 am switch off had been common in the metropolitan area. It is now uneconomic to retro-fit time controls to street lights.”

Please note that the photo-electric cells (PE) referred to above are the mechanism by which an ambient light reading is used to trigger the on/off of street lights.

Environmental

It is apparent that the environmental gains to be obtained by reducing the operating time of street lights would be minimal and outweighed by other factors such as associated costs. Energy is created as a base load to meet the anticipated the amount of energy consumption needs therefore reducing the operating times of street lights will not apparently impact on the base load requirement.

T09/3088 - ALL NIGHT STREET LIGHTING REVIEW (REC)

Western Power is currently looking at lighting technologies such as compact fluoro and light emitting diode technology. The City of Melville will retain an ongoing dialogue with Western Power on technological developments that have the potential to reduce power consumption and are suitable to be introduced to the City's street lighting network. The above comments will be very pertinent to any new projects arising from the Underground Power Program.

The City of Melville is currently using metal halide bulbs in new projects such as the Mount Pleasant Underground Power Project. These lights have the advantage of not having to address the issue of disposal of mercury associated with the mercury vapour lights.

Crime and Vandalism

In sourcing comment on the impact of crime and vandalism from a reduction in operating hours of street lights the City of Melville's Manager of Neighbour Amenity referred to an extract from the State Government's Designing Out Crime, Designing In People guideline.

Designing Out Crime (DOC) and Crime Prevention Through Environmental Design (CPTED) use a set of principles that have a great potential in reducing crime and unwanted behaviours throughout the community.

One of the principles of Designing Out Crime is surveillance;

- People feel safer in well-illuminated areas because they can see what and who is around them.
- It increases the risk of offenders being seen, reported and potentially apprehended.
- People feel encouraged using well-illuminated area, which increases activity; this becomes a social monitor and thereby further deters crime and unwanted behaviour.

What the AS/ANS (Australian Standards) say about security lighting;

“Assist pedestrians to orientate themselves and detect potential hazards and to discourage fear of crime and crime against the person while protecting the integrity of the night time environment through the control of light spill and glare.”

In summary from a community safety crime perspective, lighting plays a significant role in creating a safer more secure community for all to enjoy encouraging usage of an area for its intended purposes whilst detracting unwanted behaviour.

The following email was received from representatives at the Palmyra and Murdoch Police Stations in response to a request for comments on the proposal:

“Switching off the lights promotes opportunistic crime which perhaps otherwise would not have occurred in a well lit area. On top of this is also the issue of people's perception of crime and safety. A dark unlit environment will lead to a feeling of insecurity, particularly amongst women and children. This is undesirable considering the community already suffers from the inaccurate perception that crime is rampant when statistics prove otherwise.”

T09/3088 - ALL NIGHT STREET LIGHTING REVIEW (REC)

From a Crime Prevention point of view I am sure Police and the Office of Crime Prevention would oppose turning off the lights. I could see this becoming a political issue subject to much debate within the community and media, again due to the misconception that crime is out of control. I'm not sure if the council would really want that type of negative press.

Criminals hate three things; light, noise, and vigilant communities. Turn off the lights and you make it easier for them to go about their business undetected and then number three is lessened as well."

Road Safety/Public Safety

Following two fatalities at roundabouts (one in the City of Wanneroo and one in the Town of Kwinana), the State Coroner in 2004 identified the importance of adequate lighting and visibility of roundabouts. He stated:

"I also recommend that road authorities pay particular attention to the use and availability of lighting the area of roundabouts. The lighting should comply with Australian Standards 1158.1.3".

This inquest resulted in many Local Governments reviewing the standard of lighting in their localities and many Road Safety Audits have reflected the need for additional lighting not only for motorists but for pedestrians as well.

It would reasonable to assume motorists in the Perth metropolitan area have an expectation that suburban streets will be lit as they travel through the various suburbs. Introducing a change in the consistency of the road environment may present an additional hazard to motorists.

The City of Melville Risk Management Coordinator considers that removing areas of street lighting may only increase the exposure. It is accepted that the time (that the lights would be extinguished) suggested is a factor but it does not eliminate the risk. There has been some experience of claims which have arisen where the injured party has been unable to see the surface they are walking on in many towns in the North West and awareness of accidents which have occurred in the City of Melville. There is also a consideration that there is an increased legal exposure at Common Law which arises out of the deliberate act of extinguishing lighting over a pedestrian access way. A reasonable person might expect that the street light would be available to assist their visibility.

Emails were received from representatives at St John's Ambulance and FESA in response to a request for comment on the proposal:

"The proposal to turn off random street lights in the City of Melville between 1am and 4am; will have little impact on St John Ambulance. We would however ask that we be kept in the loop with a list of streets and the dates they will be affected."

T09/3088 - ALL NIGHT STREET LIGHTING REVIEW (REC)

“From an emergency service perspective identification of addresses is a perpetual problem. It is very frequently most difficult to locate street addresses at night, in particular identifying house numbers and street lighting provides an important resource. As you would be aware many properties don’t display a number at the front of the premises and identifying them by using sequence of neighbouring properties is one method used as an aid.”

“In addition street lighting also greatly assists fire fighting operations as while we have lighting on our appliances it has a limited range and obviously the incident will require operations far wider than at the immediate scene.”

Financial

A breakdown of street lights currently operating in the City of Melville and forming part of the contract with Synergy is listed in the table below:

Type of Globe	Number of Lights in City of Melville
80 watt MV	4622
125 watt MV	1208
250 watt MV	222
400 watt MV	7
150 watt HPS	236
250 watt HPS	1696

(Note MV – Mercury Vapour, HPS-High Pressure Sodium).

The City of Melville has used Metal Halide in the Mount Pleasant Underground Power Project which is nearing completion.

In the proposal to reduce the number of street lights illuminated it is considered that only eighty (80) watt street lights will be affected as they are used on local roads that form the focus of the proposal.

A breakdown of the costs to operate street lights has been calculated and which indicates that the following hourly and annual rates apply on the assumption that a light is turned off for three hours each night:

70w metal halide-1.33cents per hour = \$14.56 per annum per light
100W metal halide-1.90 cents per hour = \$20.81 per annum per light
80W mercury vapour-1.52 cents per hour = \$16.64 per annum per light
125W mercury vapour-2.38 cents per hour = \$26.06 per annum per light

The costs above are only to be used as a guide. They form part of the overall tariff arrangement between Synergy and the City of Melville and other elements such as maintenance and globe replacement are not included in the costs above.

T09/3088 - ALL NIGHT STREET LIGHTING REVIEW (REC)

A calculation based on say, one hundred and fifty lights turned off for a period of three hours each night would suggest a saving of approximately two thousand five hundred dollars (\$2,500) per annum. Similarly if three hundred (300) lights were turned off each night then the saving would be approximately five thousand dollars (\$5,000).

The large majority of Street lights are currently activated by a Photo Electric cell. To be able to turn off street lights on a rotational basis the PE cell would need to be replaced with a timing mechanism.

An indicative cost to convert approximately four thousand six hundred and twenty two (4622) lights would be approximately five hundred thousand dollars (\$500,000).

PUBLIC CONSULTATION/COMMUNICATION

Consultation was undertaken as part of a previous report for the introduction of dusk to dawn street lighting. No further consultation is anticipated at this stage.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Comment has been sought from Western Power, Synergy, Consulting Engineer, and Main Roads WA.

STATUTORY AND LEGAL IMPLICATIONS

The responsibility for Council's to provide street lighting is not entirely clear however the following opinion was sourced. As an example in a situation where a crash occurred at an unlit intersection and subsequent investigations determined that a lack of lighting is partly to blame then this may leave the City of Melville in a litigious situation or at the very least reflect poorly on the City from the general community. The premise being that the City of Melville had intentionally switched off the lighting as a cost saving measure.

FINANCIAL IMPLICATIONS

The Technical Services budget allocation for Street Lighting for the 2009/2010 financial year totals \$908,876.

To reduce the operating hours of street lighting within the City of Melville would require that all lights are fitted with a new switched network. An indicative cost per light is \$110, therefore the cost to modify all 80watt lights would be \$508,420.

Western Power further advise that should the lights be fitted with time switches then there will likely be an increase in operating tariffs resulting from increased maintenance.

No provision has been made in the 2009/10 budget for the above expenditure which will only realise a minimal saving of being between \$2,500 and \$5,000 per annum. It is therefore considered that as a result of the minimal savings and the substantial costs required to implement the proposed motion, the current street lighting regime continue.

T09/3088 - ALL NIGHT STREET LIGHTING REVIEW (REC)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Comments provided by the City of Melville's Risk Management Coordinator are in the body of the report.

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Possible increase in traffic accidents.	High	Maintain existing lighting
Risk Statement	Level of Risk*	Risk Mitigation Strategy
Possible in increase in crime and unwanted behaviour.	High	Maintain existing lighting.
Risk Statement	Level of Risk*	Risk Mitigation Strategy
Possible increase in third party personal injury claims resulting from unlit pavement.	High	Maintain existing lighting.

POLICY IMPLICATIONS

There are no policy implications with this report.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The City of Melville will maintain dialogue with Western Power on available street lighting technology that will have environmental and economic benefits to the City of Melville.

CONCLUSION

The costs associated with converting the street lighting system to a time switching mechanism would be substantial and coupled with an increase in costs resulting from higher maintenance indicate that there would no appreciable benefit to the City of Melville in economy terms.

Because of the requirement to produce a base load generation of electricity the impact on environmental issues associated with energy saving would be insignificant. Environmental issues are best addressed through investigation and implementation of new energy saving technologies.

Whilst there are no statistics to assess the impact of crime and unwanted behaviours the State Government through its publication Designing Out Crime suggest that good lighting acts as a deterrent.

T09/3088 - ALL NIGHT STREET LIGHTING REVIEW (REC)

At 8.01pm Ms K Davis, Manager Strategic Urban Planning and Mr P Predergast, Acting Manager Planning & Development Services left the meeting.

At 8.02pm Cr Pazolli and Cr Wieland left the meeting.

At 8.04pm Cr Wieland returned to the meeting.

At 8.05pm Cr Pazolli returned to the meeting.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3088)

APPROVAL

At 8.02pm Cr Robartson moved, seconded Cr Barton -

1. That the information regarding the feasibility of randomly switching off sectors of suburban street lighting for three (3) hourly periods be received.
2. That based on the findings of the report in relation to feasibility of randomly switching off sectors of suburban street lighting as a cost saving measure not proceed with a trial based on
 - (i) the high costs associated with converting the street lights to a timed mechanism and
 - (ii) the increased maintenance costs and
 - (iii) concerns expressed by the various authorities and issues in terms of community safety.
3. That the City's Officers contact Western Power regarding available technologies that reduce environmental impacts and running costs and that Western Power also be advised that the City of Melville's preferred street light option for the Attadale South Underground Power Project (should it proceed) is that energy efficient compact fluorescent street lights be used.

At 8.07pm the Mayor submitted the motion which was declared

CARRIED (9/1)

C09/8019 – NEIGHBOURHOOD PLANS (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Community Development
Customer Index	:	Community Plan
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	C07/5008 - Community Plan 2007 Ordinary Meeting of Council 17 June 2007
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Veronica Clarke Acting Manager Neighbourhood Development

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 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>

C09/8019 – NEIGHBOURHOOD PLANS (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Endorsement of four neighbourhood plans – South West; North West; South East and North East. Each neighbourhood plan outlines what is in the neighbourhood i.e. natural and built physical assets; who resides in the neighbourhood i.e. the demographics; the history of the neighbourhood and the opportunities/challenges as identified by the community.

BACKGROUND

Documenting four Neighbourhood Plans is one of 10 priorities identified by Elected Members and Directors for 2008/09.

The process of neighbourhood planning began with Melville Visions in 2005 and progressed with the creation of People, Places, Participation – Community Plan 2007 – 2017. The process continued with inclusion in the Corporate Plan – City of Melville Plan for the Future 2008 – 2012 and progressed further with the review of the Local Planning Strategy in 2008/09, internal stakeholder workshops, community champion workshops and finally the documenting of the plans in 2009.

DETAIL

Neighbourhood plans aim to:

- be more adaptive and responsive to community aspirations at a more local level
- identify challenges, opportunities and possible solutions
- improve customer service
- partner with the community
- promote a sense of place
- build a sense of community
- provide resources and services accessible to all

The Neighbourhood Plans record the community planning process, and are a living document subject to constant change. They provide an outline of the local characteristics of each neighbourhood, its people, and the environmental, economic and social/cultural aspects of each neighbourhood. The plans examine the opportunities and challenges and some suggestions of activities and programs to address these as identified by the community. Some may involve capital works, service delivery or community programs within the neighbourhood.

The plans also provide a guide for the development of partnerships across the community, with local business and with other agencies including government departments.

09/8019 – NEIGHBOURHOOD PLANS (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

The neighbourhood planning process began with the extensive consultation as part of Melville Visions in 2005.

The neighbourhood workshops held in 2008 for the purpose of developing the draft local planning strategy provided further opportunity to involve the community in the creation of Neighbourhood Plans.

In 2009 cross organisational workshops as well as neighbourhood champions workshops have been held to ensure that the level of community engagement in the development of neighbourhoods plans has been at the involve level of consultation.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

External consultants have been engaged to facilitate the community consultation aspects of developing the plans to ensure objectivity in the process.

STATUTORY AND LEGAL IMPLICATIONS

NA

FINANCIAL IMPLICATIONS

1. The amount of \$25,000 has been provided in the 2008/09 budget to pay for the consultation process to support development of these plans
2. The printing and design of the plans is \$12,000 from the 2008/09 budget for 4,000 Plans (1,000 for each Neighbourhood).
3. The next phase of Neighbourhood Planning is at the suburb and place level with an allocated budget of \$5,000 per Neighbourhood for all aspects of further consultations.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Unrealistic community expectation to action opportunities identified by them	Moderate consequences which are unlikely, resulting in a Medium level of risk	Continue engagement process at local Neighbourhood level to clarify roles and responsibilities
Not being able to demonstrate <i>the Neighbourhood Plans</i> have made a difference to the community.	Moderate consequences which are likely, resulting in a Medium level of risk	Development of relevant measuring methods, techniques or strategies to Capture qualitative data on impact of <i>the Neighbourhood Plans</i> .

C09/8019 – NEIGHBOURHOOD PLANS (REC) (ATTACHMENT)

POLICY IMPLICATIONS

There is no Council Policy that relates to Neighbourhood Plans

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Continue to operate as we are currently which implies that we are not listening to the community. As in Melville Visions the community has indicated that there is no clear vision for the City and this option does not address this perception. Furthermore in the Community Plan the community's aspirations were documented and the City of Melville corporate direction has indicated that four Neighbourhood Plans are one of ten priorities for 2008 – 2009.

That Neighbourhood Plans are not endorsed by the Council. The impact could be a negative perception of Council by numerous groups and community members that have participated in the neighbourhood planning process.

Council endorses the Plans. This acknowledges the community as a partner in future planning for the City.

CONCLUSION

It is recommended that Council endorse the four attached Neighbourhood Plans which build on the community aspirations outlined in the Community Plan 2007 – 2017, in order to continue the community dialogue and partnership process at the local level.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8019)

APPROVAL

- 1. That the South East, North East, South West and North West Neighbourhood Plans as attached be endorsed by Council.**

[8019 South East](#)
[8019 North East](#)
[8019 South West](#)
[8019 North West](#)

At 8.08pm the Mayor submitted the motion which was declared

CARRIED EN BLOC (10/0)

C09/8020 - COMMUNITY SPORT AND RECREATION FACILITIES FUNDING (SMALL GRANTS ROUND) (AMREC)

Ward	:	All
Category	:	Operational
Subject Index	:	CSRFF
Customer Index	:	CSRFF
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	C08/8009 Community Sporting and Recreation Facilities Funding Ordinary Meeting of Council 21 October 2008 C09/8018 - \$63,000 Self Supporting Loan – Leeming Bowls & Recreation Club Ordinary Meeting of Council 21 July 2009
Works Programme	:	Not applicable
Funding	:	\$10,666
Responsible Officer	:	Todd Cahoon Manager Health and Lifestyle Services

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>
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KEY ISSUES / SUMMARY

- The purpose of this report is to highlight the changes to the Annual Community Sporting and Recreation Facilities Funding round as advised by the Department of Sport and Recreation.
- The report also seeks Council approval, priority and ranking for one Small Grant as part of the revised Annual Community Sport and Recreation Facility Fund facilitated by the Department of Sport and Recreation.

C09/8020 - COMMUNITY SPORT AND RECREATION FACILITIES FUNDING (SMALL GRANTS ROUND) (AMREC)

BACKGROUND

The purpose of the Community Sport and Recreation Facility Fund (CSRFF) program is to provide Western Australian Government financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation. The program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.

Up to 2009/2010 the State Government invested \$9 million annually towards the development of high quality physical environments in which people can enjoy sport and recreation. Earlier this year the Minister for Sport and Recreation the Hon Terry Waldron MLA announced an increase in the CSRFF to \$20 Million per annum for 2010/2011.

Several changes have been made to the CSRFF program to improve the support the Western Australian and Local Governments provides to the sporting community. These changes are summarised as follows:

Category	Cost Range	Grant Range	Frequency	Available Funds
Small Grants New	\$7,500 - \$150,000	\$2,500 - \$50,000*	Bi-Annual	\$1.5 Million
Annual Grants	\$150,001 - \$500,000 Increase from \$300K	\$50,001 - \$166,666*	Annual	\$3 Million
Forward Planning Grant	\$500,001 +	\$166,666 - \$4 Million* Max grant increase from \$1.8 Million	Annual	\$15.5 Million

**Development bonus. Grants of up to 50% of the project cost may be available if the applicant is eligible for a development bonus if they adequately satisfy certain criteria. The level of bonus will depend on how the application satisfies the criteria.*

Of particular note is the introduction of the Small Grants Round, which has a different timeline to the Standard Annual Grants Round. Small grant applications will be presented to Council for consideration on a seasonal basis:

- August round of Council meetings (Winter)
- March round of meetings (Summer).

There is no change to the Standard Annual Grant or the Forward Planning Grant process which will be presented to the October round of council meetings as normal. This will have some ramifications on the annual CSRFF budget which is discussed in more detail in the financial section of this report.

DETAIL

In February 2009 the City of Melville called for interested community groups to register their interest in the forthcoming CSRFF funding round.

C09/8020 - COMMUNITY SPORT AND RECREATION FACILITIES FUNDING (SMALL GRANTS ROUND) (AMREC)

To date officers have discussed 14 different projects with local community groups. Seven of the projects either:

- Do not meet the criteria for funding or
- Need more research and planning or
- Would not be supported.

Of the remaining seven projects six are progressing well and are likely to be presented at either this year or next year's October round of Council meetings as part of the Standard Annual Grant process.

This report considers the seventh project which meets the criteria for the new small grants round. Should any further CSRFF projects be presented to officers as part of the small grants round they will be presented at the March round of meetings if supported for funding consideration in 2010/2011.

The City of Melville has received a small grant application from the Marmion Reserve Sporting Association (MRSA) to build additional Storage at the MRSA at the Marmion Reserve.

The MRSA consist of the following clubs:

- Melville Junior Football Club
- East Fremantle Tee Ball Club
- Melville Little Athletics Club
- Melville Lakers Netball Club Seniors and Juniors

Club surveys indicate that the MRSA collective membership totals 751 (733 Juniors and 18 Seniors) of which fewer than 18% are non City of Melville residents.

Whilst there has been some minor modification to the current change rooms some years ago there has been no increased to the storage at the facility. Storage is at a premium and the MRSA wish to add a storage area on the Northern side of the building adjacent to the lake. The extension will blend in with the current building, is the same width and provides additional storage.

Recent improvements at the reserve in 2008/2009 includes the upgrading of floodlights and the installation of a shade shelter which have eventuated though an increasing senior and junior usage at the reserve. The senior usage relates to the hard court Netball Courts with the actual use of the reserve being predominantly junior. The graph below demonstrates the increasing club memberships since 2005:

C09/8020 - COMMUNITY SPORT AND RECREATION FACILITIES FUNDING (SMALL GRANTS ROUND) (AMREC)

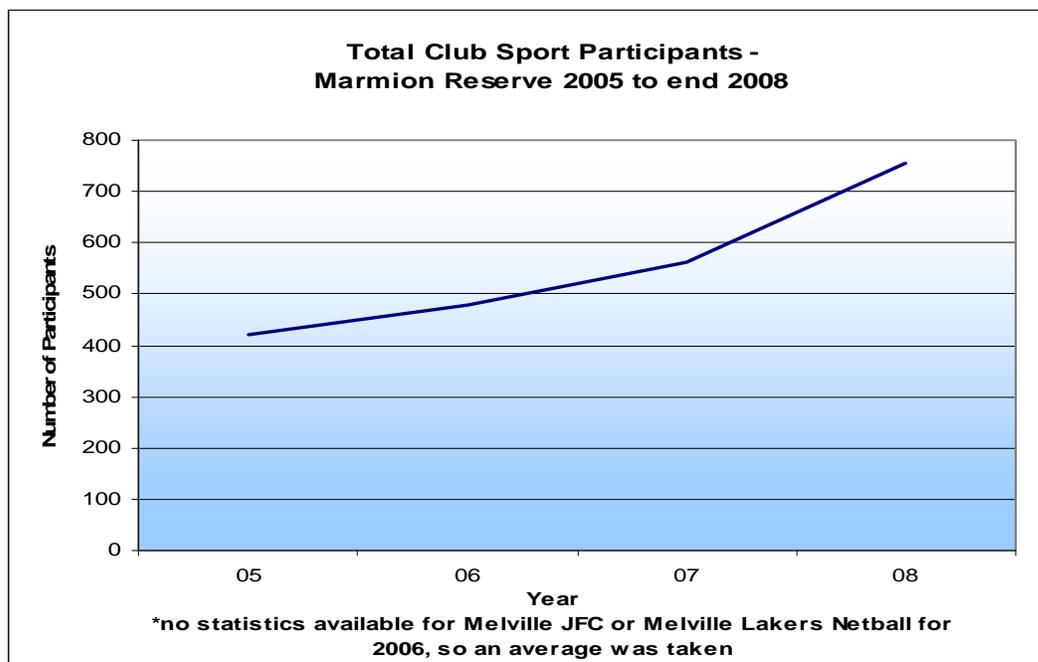
Subject to the project demand from local sporting groups and the availability of budget funding, there is a potential that the City of Melville will consider three agenda items per annum for CSRFF funding. These items will be presented at the following round of meetings:

- August round of Council meetings (Winter)
- October round of Council meetings (Standard Annual Grants - above \$50,000)
- March round of meetings (Summer).

The current budget process for the CSRFF funding round allows for an annual budget of \$50,000. This budget is amended for the following financial year dependant upon the amount of projects presented and supported by the City of Melville at its October round of Council meetings.

It is proposed that the new budget process for CSRFF funding remains at \$50,000 and provides for the seasonal Small Grant fund applications (Winter and Summer) that will be presented to council in August and March of each year.

It is also proposed that at the October round of Council meetings the annual applications are considered, prioritised and listed as part of the following year's annual budget. These budget requests will be in addition to the \$50,000 small grant funding.



C09/8020 - COMMUNITY SPORT AND RECREATION FACILITIES FUNDING (SMALL GRANTS ROUND) (AMREC)**PUBLIC CONSULTATION/COMMUNICATION**

The application for the MRSA will be required to meet Planning and Building approvals. As part of this process the project will be advertised locally for public comment.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The MRSA has discussed the project with its member clubs, the City of Melville and the Department of Sport and Recreation (DSR).

STATUTORY AND LEGAL IMPLICATIONS

There will be a requirement for Corporate Services to include the new storage area as part of the MRSA leased area.

FINANCIAL IMPLICATIONS

The estimated total cost for the additional storage facilities at the MRSA is \$32,000 which includes a contingency of 8%. It is proposed that this be funded in the following manner:

Club funds	\$ 10,666 (cash, voluntary labour & donations)
CSRFF	\$ 10,667
COM (Policy support)	<u>\$ 10,667</u>
Total	<u>\$ 32,000</u>

Facilities and Assets advise that they support this application and that on completion the storage extension at the Marmion Reserve will be included in the leased area and as such will fall under the "Appendix A" lease variation for maintenance purposes.

Officers feel that support should be given to this project as it provides for much needed storage areas at the reserve. The Annual CSRFF budget of \$50,000 will be expended in the following manner:

• Brentwood Karoonda Sports Association Floodlighting	\$30,000
• Leeming Bowling Club – Out of funding round application	\$ 7,000
• Marmion Reserve Sports Association – Additional storage	<u>\$10,666</u>
	<u>\$47,666</u>

There will be no further budget implications for the CSRFF budget in 2009/2010 as the financial outcome of the October 2009 and March 2010 meetings will be listed in the 2010/2011 annual budgets.

C09/8020 - COMMUNITY SPORT AND RECREATION FACILITIES FUNDING (SMALL GRANTS ROUND) (AMREC)

The funding for the Brentwood Karoonda Sports Association floodlighting project was previously adopted at the October 2008 round of council meetings (C08/8009) and the funding for the Leeming Bowling Club out of round application is funded as per policy 25-PL-004 Support for Sport Clubs, and was previously referred to at the July 2009 round of Council meetings (C09/8018).

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement (New process)	Level of Risk*	Risk Mitigation Strategy
The new process will allow for smaller grants to be issued on a regular basis and will form a similar process to the Annual Grants. All monies and projects will still City of Melville approvals.	Moderation consequences which are likely, resulting in a Low level of risk	Agendas to be presented annually to full Council at the: <ul style="list-style-type: none"> • August Council meeting (Winter) • October Council meeting (Standard Annual Grants - above \$50,000) • March Council meeting (Summer).

Risk Statement (Storage)	Level of Risk*	Risk Mitigation Strategy
There is an opportunity that areas not designated for storage will be used due to the increasing number of participants in sports at the Marmion Reserve.	Moderation consequences which are likely, resulting in a Low level of risk	The new storage area will be managed and included as part of the leased area for the MRSA.

POLICY IMPLICATIONS

Policy 25-PL-004 Support for Sport Clubs states that *“The City of Melville encourages joint use of sporting facilities and will therefore give preference to those sporting clubs who form multi-sport Sports Associations for the joint management of facilities”*.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil

C09/8020 - COMMUNITY SPORT AND RECREATION FACILITIES FUNDING (SMALL GRANTS ROUND) (AMREC)

CONCLUSION

The MRSA are keen to take the opportunity to increase the storage facilities at the Marmion Reserve. The project is also supported by all groups who will benefit by the small extension.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8020)
ABSOLUTE MAJORITY**

At 8.08pm Cr Robartson moved, seconded Cr Phelan -

1. **That by Absolute Majority Decision the Marmion Reserve Sporting Association's application for funding of \$10,666 for increased storage facilities at the Marmion Reserve be approved and is ranked and prioritised as follows:**

- | | |
|---------------------|---|
| a. Project Ranking | 1 |
| b. Project Priority | 1 |

2. **That the City of Melville note the changes to the Annual Community Sporting and Recreation Facilities Funding round as highlighted within this report and supports the annual funding of \$50,000 for small grant applications and the annual grant applications as required.**

At 8.08pm the Mayor submitted the motion which was declared

CARRIED BY ABSOLUTE MAJORITY (10/0)

C09/5000 – 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, Technology & Support

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 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

This report details the documents to which the City of Melville Common Seal has been applied and recommends that the information be noted.

C09/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference*	Party	Description	File Reference
283	AMP & City of Melville	AMP Capital Investors Limited - Agreement for Dedication and Transfer of Land	2082706
293	Telstra & City of Melville	Commercial Lease Telstra Corporation - Bull Creek CMTS - Deed of Extension and Variation of Lease	2057439
294	Kardinya Bowling Club & City of Melville	Self Supporting Loan to Kardinya Bowling Club (Debenture)	2093129
295	Kardinya Bowling Club & City of Melville	Self Supporting Loan Kardinya Bowling Club Loan 408 (Agreement)	2093129
299	DPI & Veteran Car Club	Renewal of Management Licence	2029545

* Documents relating to register numbers not appearing on the above table did not need to be signed under Common Seal.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 2.5(2) of the Local Government Act 1995.

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

Section 9.49. Documents, how authenticated.

A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.

C09/5000 – COMMON SEAL REGISTER (REC)

FINANCIAL IMPLICATIONS

Nil.

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

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 8.09pm the Mayor submitted the motion which was declared

CARRIED EN BLOC (10/0)

C09/6000 - 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	:	Dudley Smith Manager Financial Services

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 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

- This report presents the preliminary investment statements for the month of June 2009 and recommends that the information detailed in the attachments be noted.
- The report highlights continuing significant reductions in the estimated market value of Council's CDO investments and discusses the actions being taken by Council Officers to ameliorate, in so far as possible, the risk of further losses in value.
- Lehman arranged CDOs have ceased paying all coupon payments since the Trustee acting on behalf of creditors has taken control of the collateral.
- On 15 July 2009 the Bendigo Bank paid out the face value of \$1 million on an ADI valued in the attached investment statements as at 30 June 2009 at \$823,933 plus interest for the quarter.

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

BACKGROUND

The investment of 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

The investment of funds is undertaken in accordance with the City of Melville's Investment of Funds Policy 13-PL-003.

[6000A June 2009](#) and [6000B June 2009](#) contain specific details (including estimated market and officer valuations) of the investments held at 30 June 2009. Agenda attachment [6000C June 2009](#) is a graph showing the total of funds invested and their estimated market valuations at the end of each month over the past financial year.

Elected Members are well aware of the continuing uncertainty and extreme volatility in world financial markets and the negative impact that it is having on most classes of investments as well as individuals and corporations. This volatility, the subsequent lack of an active market for Collateralised Debt Obligations (CDO's) and a depressed market for the Authorised Deposit Taking Institutions (ADI) sub-ordinated debt investments owned by Council, has created a situation whereby it continues to be extremely difficult to arrive at truly meaningful market valuations for the (CDO) element of the investment portfolio. The valuations for June have been arrived at by using a combination of CDO valuations obtained by Piper Alderman, our legal advisors in regards to the actions being pursued in respect Lehman Brothers, as well as June valuations obtained from CPG Research & Advisory (Council's Independent Investment Advisor's) in respect to the ADI investments.

CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 30 JUNE 2009

INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	S & P RATING	PURCHASE AMOUNT	EST MARKET VALUE	INVESTMENT GAIN / (LOSS)
BANKWEST (11AM)		11AM	AA	\$3,654,089	\$3,654,089	\$0
ST GEORGE BANK (11AM)		11AM	AA-	\$3,000,000	\$3,000,000	\$0
WESTPAC (MAXI DIRECT)		11AM	AA-	\$1,607,400	\$1,607,400	\$0
WESTPAC (MAXI BONUS 1)		11AM	AA-	\$439	\$439	\$0
WESTPAC (MAXI BONUS 2)		11AM	AA-	\$3,127	\$3,127	\$0
NAB (TERM)		TERM	AA-	\$0	\$0	\$0
WESTPAC (TERM)		TERM	AA-	\$4,000,000	\$4,000,000	\$0
MACQUARIE BANK (TERM)		TERM	AAA	\$2,000,000	\$2,000,000	\$0
SAVINGS & LOANS		TERM	AAA	\$1,000,000	\$1,000,000	\$0
ADELAIDE BANK		ADI	BBB+	\$2,510,975	\$2,364,850	-\$146,125
BENDIGO BANK		ADI	BBB+	\$3,025,130	\$2,747,883	-\$277,247
ELDERS RURAL BANK		ADI	BBB	\$4,517,543	\$3,987,150	-\$530,393
MACQUARIE BANK		ADI	A	\$1,500,650	\$975,000	-\$525,650
SUNCORP METWAY LTD		ADI	A	\$2,003,970	\$1,779,300	-\$224,670
WESTPAC BANK		ADI	AA-	\$1,000,810	\$881,301	-\$119,509
DEUTSCHE BANK	Low	CAP	AA-	\$1,150,000	\$967,150	-\$182,850
APHEX (GLENELG)	High	CDO	BBB-	\$2,000,270	\$0	-\$2,000,270
BERYL FINANCE GLOBAL BANK NOTE	Early Termination	CDO	C	\$2,000,000	\$1,000,000	-\$1,000,000
BERYL FINANCE GLOBAL BANK NOTE 2	Early Termination	CDO	C	\$450,000	\$225,000	-\$225,000
CORSAIR (CAYMAN) KAKADU	High	CDO	CCC+	\$1,498,714	\$0	-\$1,498,714
CORSAIR (CAYMAN) TORQUAY	High	CDO	B-	\$1,885,831	\$0	-\$1,885,831
ETHICAL LIMITED GREEN	High	CDO	B-	\$982,890	\$0	-\$982,890
HELIUM CAPITAL (ESPERANCE)	High	CDO	BB+	\$1,800,072	\$0	-\$1,800,072
HELIUM CAPITAL (SCARBOROUGH)	High	CDO	CCC+	\$1,802,480	\$0	-\$1,802,480
MAGNOLIA FLINDERS	Moderate	CDO	AA	\$2,016,710	\$780,000	-\$1,236,710
MANAGED ACES CLASS 11A PARKES	High	CDO	B-	\$1,000,000	\$0	-\$1,000,000
MANAGED ACES CLASS 1A PARKES	High	CDO	BB	\$1,049,965	\$0	-\$1,049,965
OMEGA CAPITAL CLASS A HENLEY	High	CDO	BB-	\$385,000	\$0	-\$385,000
STARTS (CAYMAN) BLUE GUM	High	CDO	CCC+	\$1,505,928	\$0	-\$1,505,928
ZIRCON FINANCE COOLANGATTA	Early Termination	CDO	C	\$1,500,000	\$460,650	-\$1,039,350
ZIRCON FINANCE MERIMBULA	Early Termination	CDO	C	\$500,000	\$155,750	-\$344,250
ZIRCON FINANCE MIAMI	Early Termination	CDO	C	\$850,000	\$355,385	-\$494,615
UNITS IN LOCAL GOVT HOUSE		UNITS		\$230,645	\$230,645	\$0
TOTAL FUNDS INVESTED				\$52,432,639	\$32,175,120	-\$20,257,519

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

It should be noted that these valuations do not imply, that if it were possible for the Council to liquidate the CDOs in particular, the prices received would be in line with these valuations.

CDOs that have been identified by CPG as having a “High” risk of impairment (see above) are due to surging levels of corporate defaults that have placed extreme pressure on these instruments, with bid prices now severely distressed. Secondary markets bids remain severely distressed, and typically are below probable income to runoff/default. Council has decided to value all CDOs with a “High” risk of impairment to zero and will stop accruing interest on all CDO investments. Interest will be recorded when it is received.

There were no credit events in June that has affected Council's CDOs. However, due to the continuing difficult global economic conditions facing corporations, it is expected that further credit defaults and ultimately defaults of CDO's themselves may occur in the near future.

The estimate based on officer's valuations and CPG valuations provided as at 30 June 2009, is that if it had been possible to dispose of all investments at the end of June, a loss of \$20,257,519 (38.64%, May 33.03%) would have been realised (see table below). The market valuation of the CDO element of the investment portfolio at the end of June represented 14.02% (May 15.80%) of its cost figure, with individual valuations ranging between 0% and 50%.

Major credit rating agencies Standard and Poors, Moodys and Fitch have also reviewed their methodology for assessing the credit ratings of CDO's. This has resulted in many of the CDO's being downgraded to levels where they are not, and would never have been, considered appropriate for inclusion in the Council's portfolio of investments. The review by the credit rating agencies of their CDO credit rating models affirms what some commentators were saying many months ago ie: that the models used to rate CDO's were flawed in some respects. This has unfortunately led to inappropriate investment by many Councils and other bodies holding public monies on the mistaken belief that the ratings applied by these agencies were sound. This post event review by the credit rating agencies is therefore of little value to the present situation the Council finds itself in and the Council's focus must remain on recovering from the situation.

Loss mitigation and recovery strategies such as obtaining expert and independent advice and amending the investment policy have already been undertaken and Council officers will continue to pursue other avenues including legal action against the Council's former investment advisors and fund managers, Lehman Brothers, as well as a potential class action against the ratings agencies.

Subsequent to 30 June 2009 the Bendigo Bank exercised it's option to pay back one of the ADI investments. This ADI had a final legal maturity date of 15 July 2014 and a call date of 15 July 2009. The estimated market price as at 30 June 2009 is shown in the attached investment statements at a value of \$823,933. The amount re-paid to Council however was the full face value of \$1 million plus interest for the quarter of \$10,176. Whilst Council fully expected to receive face value at the final legal maturity date the early repayment at full value is indicative of more normal trading conditions returning to the financial markets.

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

Summary details of investments held at 30 June 2009 are shown in the table below.

**CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 30 JUNE 2009**

SUMMARY BY FUND	FACE VALUE \$	PURCHASE PRICE \$	ESTIMATED MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL RESERVE	\$ 26,319,608	\$ 26,366,459	\$ 25,124,667	(\$ 1,241,792)	-4.71%
TRUST	\$ 784,485	\$ 784,485	\$ 784,485	\$ -	0.00%
CRF	\$ 163,445	\$ 163,445	\$ 163,445	\$ -	0.00%
	\$ 52,365,701	\$ 52,432,639	\$ 32,175,120	(\$ 20,257,519)	-38.64%

SUMMARY BY INVESTMENT TYPE	FACE VALUE \$	PURCHASE PRICE \$	ESTIMATED MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
ADI	\$ 14,500,000	\$ 14,559,078	\$ 12,735,484	(\$ 1,823,594)	-12.53%
CDO	\$ 21,220,000	\$ 21,227,860	\$ 2,976,785	(\$ 18,251,075)	-85.98%
CAP GUARANTEED NOTE	\$ 1,150,000	\$ 1,150,000	\$ 967,150	(\$ 182,850)	-15.90%
TERM DEPOSIT	\$ 7,000,000	\$ 7,000,000	\$ 7,000,000	\$ -	0.00%
11AM	\$ 8,265,056	\$ 8,265,056	\$ 8,265,056	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 52,365,701	\$ 52,432,639	\$ 32,175,120	(\$ 20,257,519)	-38.64%

SUMMARY BY RATING	FACE VALUE \$	PURCHASE PRICE \$	ESTIMATED MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AAA	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ -	0.00%
AA	\$ 4,706,159	\$ 4,722,869	\$ 3,486,159	(\$ 1,236,710)	-26.19%
AA-	\$ 11,708,897	\$ 11,709,707	\$ 11,407,348	(\$ 302,359)	-2.58%
A+	\$ 983,634	\$ 984,293	\$ 862,254	(\$ 122,040)	-12.40%
A	\$ 2,516,366	\$ 2,520,327	\$ 1,892,046	(\$ 628,280)	-24.93%
BBB+	\$ 5,500,000	\$ 5,536,105	\$ 5,112,733	(\$ 423,372)	-7.65%
BBB	\$ 4,500,000	\$ 4,517,543	\$ 3,987,150	(\$ 530,393)	-11.74%
BBB-	\$ 2,000,000	\$ 2,000,270	\$ -	(\$ 2,000,270)	-100.00%
BB+	\$ 1,800,000	\$ 1,800,072	\$ -	(\$ 1,800,072)	-100.00%
BB	\$ 1,050,000	\$ 1,049,965	\$ -	(\$ 1,049,965)	-100.00%
BB-	\$ 385,000	\$ 385,000	\$ -	(\$ 385,000)	-100.00%
B-	\$ 3,885,000	\$ 3,868,721	\$ -	(\$ 3,868,721)	-100.00%
CCC+	\$ 4,800,000	\$ 4,807,122	\$ -	(\$ 4,807,122)	-100.00%
C	\$ 5,300,000	\$ 5,300,000	\$ 2,196,785	(\$ 3,103,215)	-58.55%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 52,365,701	\$ 52,432,639	\$ 32,175,120	(\$ 20,257,519)	-38.64%

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**Credit Ratings and Credit Events**

There were no credit rating changes in CDOs during June 2009.

Ten credit events impacting on CDOs held by the City have now been recorded. The Companies involved were the XL Capital Assurance, Bank TuranAlem, Idearc, Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), Lehman Brothers, WaMu, Glitnir, Kaupthing and Landsbanki. The impact on CDOs is shown below:

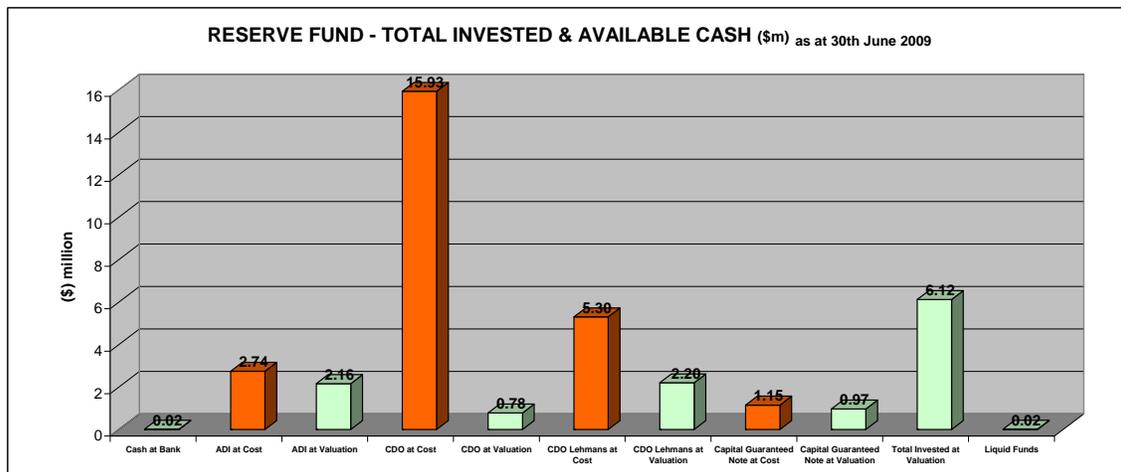
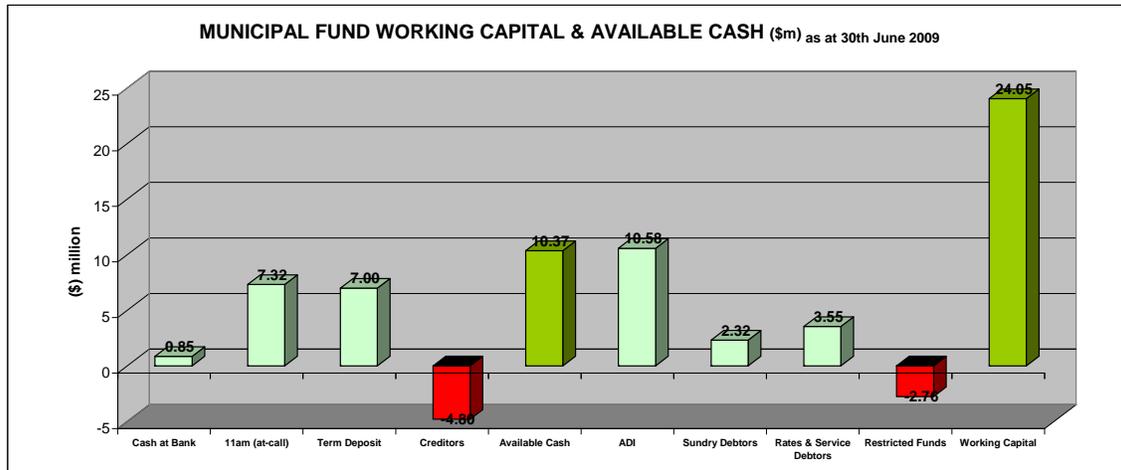
- Beryl Global Bank Note – Nil credit events – remaining credit support for 1.0 credit event (Being terminated due to trustee taking control of underlying security).
- Blue Gum – Arranger HSBC Bank US – 8.0 credit events – Bank TuranAlem, Freddie Mac, Fannie Mae, Lehman's, WaMu, Glitnir, Kaupthing & Landsbanki – remaining credit support for 0.7 credit events.
- Esperance – Arranger Merrill Lynch International – 1.0 credit event – Lehman's – remaining credit support for 3.5 credit events.
- Glenelg – Arranger Nomura International – 2.0 credit events – Lehman's & Landsbanki – remaining credit support for 6.0 credit events.
- Green – Arranger J.P. Morgan Australia – 5.0 credit events – XL Capital Assurance, Lehman's, WaMu, Glitnir & Kaupthing – remaining credit support for 0.9 credit events.
- Henley A – Arranger BNP Paribas – 3.0 credit events – Freddie Mac, Fannie Mae & Lehman's – remaining credit support for 7.0 credit events.
- Kakadu – Arranger J.P. Morgan Australia – 6.0 credit events – XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu & Kaupthing – remaining credit support for 5.2 defaults.
- Miami – Arranger Lehman Brothers – 3.0 credit events – Freddie Mac, Fannie Mae & WaMu – remaining credit support for 12.8 credit events. (Being terminated due to trustee taking control of underlying security)
- Merimbula A – Arranger Lehman Brothers – 2.0 credit events – Freddie Mac & Fannie Mae – remaining credit support for 7.9 credit events. (Being terminated due to trustee taking control of underlying security)
- Parkes 1A – Arranger Morgan Stanley – 5.0 credit events – XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's & WaMu – remaining credit support for 4.0 credit events.
- Parkes 11A – Arranger Morgan Stanley – 5.0 credit events – XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's & WaMu – remaining credit support for 2.0 credit events.
- Scarborough – Arranger Merrill Lynch – 6.0 credit events – Idearc, Freddie Mac, Fannie Mae, Lehman's, Kaupthing & Landsbanki – remaining credit support for 1.5 credit events.
- Torquay – Arranger J.P. Morgan – 6.0 credit events – XL Capital Assurance, Idearc, Freddie Mac, Lehman, Glitnir & Kaupthing – remaining credit support for 2.2 credit events.

It should be noted that further investment in CDO's is specifically excluded under the current Investment Policy. No long term investments are being undertaken as the investment portfolio as previously structured by Lehman Brothers, was too heavily weighted into long term products.

Statements 6000A, 6000B and the graph 6000C show the value of the investments based on cost, which is consistent with long standing practice.

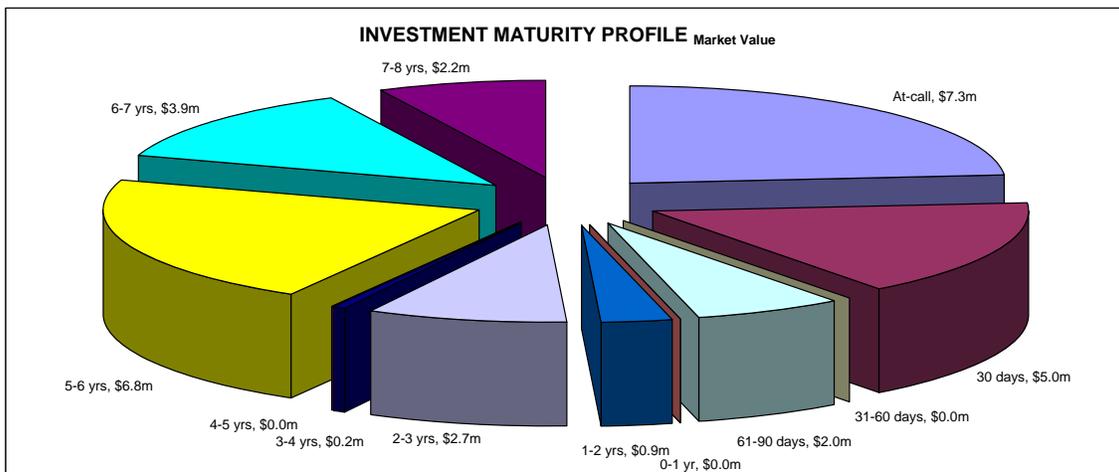
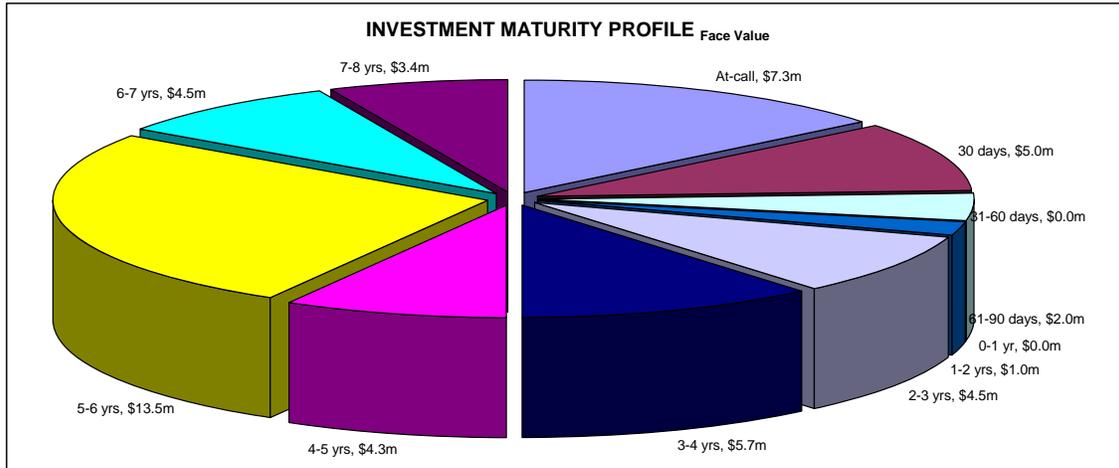
C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

The graphs below summarise movements in valuation since June 2009.



C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

The graphs below summarise the maturity profile of the Council's investments as of 30 June 2009.



C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

This report is available to the public on the Council's web-site and hard copies of this agenda and attachments are available for viewing at the Council's 5 public libraries.

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

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

CPG (formerly Grove) Research and Advisory the City's investment adviser have reviewed the current investment portfolio with a view to providing strategies to minimise any unnecessary risks.

In 2007 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. Following the receipt of their report and further clarification, a revised investment policy was adopted.

The Department of Local Government and Regional Development issued Investment Policy Guidelines during 2008, well after the global financial crisis, and Council's investment policy has been amended to give effect to the guidelines.

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

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

Due to Lehman Brothers failing and entering into bankruptcy proceedings the City has not received interest payments due in September 2008 estimated at \$120,000. Should a class action be mounted against the ratings agencies by a suitably qualified legal firm on a no win no fees basis, Council will be requested to consider joining such action.

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

As at the end of June 2009, total interest excluding Reserve Fund interest earned was \$2,314,933, against a budget of \$2,150,000. This represents a \$164,933 positive variance. Following the half yearly budget review the full year budget had however been revised down from \$2,550,000 to \$2,150,000, due to the very significant reductions in interest rates that took place over the course of the 2008-2009 financial year.

Reserve Fund interest earned was \$1,266,277 against a budget of \$1,400,000, a negative variance of \$133,723. This reduction is due to the non-payment of interest on the Lehman Brothers arranged CDO's.

In accordance with the Council's revised Investment Policy any surplus investment returns derived as a result of investing in ADI's & CDO's when compared to Bank Bills or Term Deposits will be credited to the Risk Management Reserve.

The most material current financial implication in relation to the cash position of the Council relates to the book value of investments moving according to the very significant market volatility that has been experienced since July 2007, which has impacted negatively on the market price and saleability of our CDO and to a lesser extent the Council's ADI investments.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Council's investment policy was constructed to minimise credit risk through investing in highly rated securities and diversification.

Due to the continuing and increasing credit market concerns, the risks associated with the Council's investment portfolio have also increased to levels which are of concern. Whilst the Council continues to earn and be paid interest (except for the September default by Lehman Brothers) from its non Lehman arranged CDO investments, the reassessment by the major rating agencies of their credit risk models used to assess the credit ratings associated with CDO portfolios, has resulted in significant downgrading of CDO investments to credit rating levels that would not meet the Council's investment policy. However, due to the lack of an active market for CDO's, these investments must continue to be held.

The risk of loss due to the default of CDO's is extreme whilst the risk of loss due to the default of ADI's is considered low.

Early termination of a number of the CDO's is being pursued due to the default by Lehman Brothers occasioned by their bankruptcy in the USA – this relates only to \$5.3m of the Lehman Brothers arranged CDO's. The most recent development in this regard is that the trustee has terminated the Lehman Brothers arranged CDO's and are in the process of deciding whether or not it would be appropriate to liquidate the underlying collateral. The timing and final amount to be realised is as yet unknown.

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

C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

Corporate Policy 13-PL-003 – Investment of Funds.

As resolved at the 16 December 2008 Ordinary Meeting of Council, the policy has been amended to incorporate mechanisms that protect the 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.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The current position and outlook in regards to the Council's CDO investments is poor. It should be noted that the CDO's are structured in such a manner so as to provide for a level of defaults of a number of the entities referenced by the CDO's before there is loss of value at maturity of the CDO's themselves. In light of the extreme downturn being experienced in many world economies the risk of defaults of corporations referenced by CDO's owned by the City has increased significantly. The economic situation, although appearing to have stabilised somewhat, will result in still further corporate failures some of which may be represented in CDO's owned by the City

It should also be noted however that the concerns with these investments will not impact on the Council's day to day operations or capital works programme as adequate funding is available to carry out the works identified in the Council's 2009/2010 Budget. Due to the long term nature of these investments, future impacts will be determined as the credit market situation becomes clearer.

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

That the Investment Statements for the month of June 2009, as detailed in the following attachments be noted:

[6000A June 2009](#)

[6000B June 2009](#)

[6000C June 2009](#)

At 8.09pm the Mayor submitted the motion which was declared

CARRIED EN BLOC (10/0)

C09/6001 – 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	: 2008/2009 Budget
Responsible Officer	: Dudley Smith Manager Financial Services

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 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>

C09/6001 – 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 June 2009 and recommends that the Schedule of Accounts be noted.

BACKGROUND

Delegated Authority 13-DA-015 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been on-delegated to the Director Corporate Services. In accordance with Regulation 13.2 and 13.3 of the Local Government (Financial Administration) Regulations 1996 where this power has been delegated, a list of payments for each month is to be compiled and presented to 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 30 June 2009, [6001 June 2009](#) including Payment Registers numbers 102 to 110 were distributed to the Members of Council on Friday 14 August 2009.

Payments in excess of \$50,000 in the month were as follows:-

- Advanced Traffic Management – E015211 & E015450 – Traffic Control Services - \$57,674.14
- Belgravia Leisure – E015192 & E015662 – Management Fee for Point Walter Golf Course for May and June- \$65,843.06
- Boral Construction – E015059 & E015321 – Road Resurfacing and Maintenance - \$1,445,628.57
- Cary's Electrical Services – E015209, E015446 & E015675 – Electrical Services - \$114,700.26
- City of Cockburn – E015327 & E0155555 – Waste Tip Fees for May and June - \$71,103.69
- Dickies Tree Service – E015332 & E015560 – Tree Pruning Services - \$224,244.90
- Downer EDI Works Pty Ltd – E015225, E015470 & E015695 – Earthworks, Road Construction and Maintenance - \$67,838.64
- Dowsing Concrete – E015281, E015520 & E015749 – Construction and Maintenance of Footpaths - \$166,305.33
- Fire & Emergency Services Authority WA – E015235 – Emergency Service Levy Collection - \$78,303.23
- Flexi Staff – E015116, E015365 & E015592 – Temporary Contract Staff for Parks and Gardens and Waste Removal - \$113,695.11
- Jandakot Recycling – E015228, E015471 & E015696 – Waste Tip Fees - \$77,545.60
- Kleenit – E015242, E015488 & E015713 – Graffiti Removal Services - \$60,145.80
- Melville Holden – E015316 & E015388 – Purchase of Holden Berlina and Commodore - \$72,496.82

C09/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

- Melville Toyota – E015171 & E015642 – Purchase of a Toyota Kluger - \$52,846.10
- Metro Concrete – E015221, E015464 & E015691 – Construction and Maintenance of Footpaths - \$98,488.61
- RGM Contractors – E015245, E015492 & E015715 – Road Resurfacing and Earthworks - \$59,525.95
- Robinson Buildtech – E015097, E015346 & E015574 – Building Services - \$55,045.38
- Southern Metro Regional council – E015302, E015442 & E015672 – Recycling & Waste Collection - \$1,109,451.42
- All Saints College – 035009 – 50% of Traffic Management Roadworks - \$80,545.04
- Synergy – 034873, 035125 & 035272– Electricity Usage - \$238,870.40
- Water Dynamics – 035352 – Purchase of Water Meters - \$125,006.48
- Western Power – 034870 & 035271 – Mt Pleasant Underground Power Project - \$826,924.00

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2008/2009 Budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Management Procedure 1.8 - Certification of Accounts.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C09/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

CONCLUSION

This is a regular monthly report for Elected Members information.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6001)

NOTING

That the Schedule of Accounts for the period ended 30 June 2009, as approved by the Director Corporate Services in accordance with Delegated Authority 13-DA-015, and detailed in attachment [6001_June_2009](#) be noted.

At 8.10pm the Mayor submitted the motion which was declared

CARRIED EN BLOC (10/0)

C09/6002 – FINANCIAL STATEMENTS FOR JUNE 2009 (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	:	Dudley Smith Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
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KEY ISSUES / SUMMARY

- This report presents the preliminary financial statements to the end of June 2009 and recommends that they be noted by the Council.

C09/6002 – FINANCIAL STATEMENTS FOR JUNE 2009 (AMREC) (ATTACHMENT)

BACKGROUND

The Financial Statements for the end of the month of June 2009 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996 as amended.

DETAIL

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

To the end of June, a net operating positive variance of \$5.17m was recorded. Net capital expenditure remains \$15.11m under expended.

These variances are only preliminary as we are still yet to finalise the figures for the end of 2008/09. Accruals, carry forwards and other adjustments remain outstanding. An estimated \$1.5m positive variance, as a result of salary and other cost savings, was identified in the half yearly budget review. This amount will need to be further refined as at the end of the financial year following determination of the final revenue and expenditure figures. The 2009/2010 budget has been formulated on the basis that a \$1.621m surplus (positive variance) will be carried forward.

The Year To Date Budget comprises the budget as originally adopted by Council in June 2008 plus amendments made during the year as a result of the “mini budget review” adopted by Council in December 2008, the mid year budget review adopted by Council in February 2009 and monthly amendments as adopted by Council each month.

Variances

An analysis of the significant variances are identified below.

	June Actual+Comm \$	Annual Budget \$	YTD Actual+Comm \$	Variance \$	Variance %	Annual Budget \$
Revenues						
Recreation and Culture	2,246,691	8,460,604	10,133,326	1,672,722	20%	8,460,604
Transport	461,108	6,180,215	4,948,568	(1,231,647)	-20%	6,180,215
Other Property and Services	52,250	494,075	586,987	92,912	19%	494,075
	4,419,303	40,580,437	41,194,556	614,119	2%	40,580,437
Expenses						
Law, Order, Public Safety	(507,024)	(5,182,214)	(4,644,615)	537,599	-10%	(5,182,214)
Health	(66,546)	(789,405)	(691,471)	97,934	-12%	(789,405)
Transport	(1,239,130)	(7,044,982)	(7,883,277)	(838,295)	12%	(7,044,982)
Other Property and Services	(2,391,409)	(1,254,033)	(2,822,370)	(1,568,337)	125%	(1,254,033)
	(19,469,205)	(79,663,461)	(77,102,016)	2,561,445	-3%	(79,663,461)

C09/6002 – FINANCIAL STATEMENTS FOR JUNE 2009 (AMREC) (ATTACHMENT)

Revenue

- Recreation & Culture – 20% positive variance is due mainly to unbudgeted grant funding received for the redevelopment of Melville Primary School project. A budget amendment will be entered to recognise this income in 2008/09.
- Transport – 20% negative variance due mainly to the Greening Australia project not being undertaken and grant income for road related projects not having been claimed as yet, due to the relevant projects not being undertaken or not yet completed.
- Other Property & Services – 19% positive variance due mainly to increases in general income.

Expenditure

- Law, Order & Public Safety – 10% positive variance due mainly to Community Security and Swimming Pool Inspections lower employee costs.
- Health – 12% positive variance due mainly to staff vacancies.
- Transport – 12% negative variance due mainly to increase waste expenditure and works construction.
- Other Property & Services – 125% negative variance due mainly to Fleet depreciation not yet finalised.

The following attachments form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday 31 July 2009.

DESCRIPTION	LINK
Statement of Financial Activity – June 2009	6002A June 2009
Operating Statements by Program for the period ended 30 June 2009	6002B June 2009
Representation of Working Capital as at June 2009	6002E June 2009
Reconciliation of Net Working Capital as at 30 June 2009	6002F June 2009
Notes on Operating Statements for June 2009 reporting on variances of 10% or greater	6002H June 2009

C09/6002 – FINANCIAL STATEMENTS FOR JUNE 2009 (AMREC) (ATTACHMENT)

Details of Budget Amendments requested during the month of June 2009	6002J June 2009
Summary of Rates debtors as at 30 June 2009	6002L June 2009
Graph showing Rates collections as at 30 June 2009	6002M June 2009
Summary of general debtors aged 90 days old or greater as at 30 June 2009	6002N June 2009

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

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

C09/6002 – FINANCIAL STATEMENTS for June 2009 (AMREC) (ATTACHMENT)

- (3) The information in a statement of financial activity may be shown-
 - (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be-
 - (a) presented to the council-
 - (i) at the next ordinary meeting of 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.

The variance adopted by Council is 10% or \$20,000 whichever is greater, as set out in 2008/09 adopted budget.

FINANCIAL IMPLICATIONS

Amendments to the 2008/2009 Budget have been included in the budget amendment reports.

Further amendments will be necessary in response to several significant variances that have or are expected to be realised over the course of the financial year.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

The format of the financial statements as presented to Council and the reporting of significant variances is undertaken in accordance with Councils Accounting Policy 13-PL-007.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C09/6002 – FINANCIAL STATEMENTS for June 2009 (AMREC) (ATTACHMENT)

CONCLUSION

The attached reports reflect the financial situation of the City of Melville as at 30 June 2009.

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

At 8.10pm Cr Wieland moved, seconded Cr Halton -

1. That the preliminary Statements of Financial Activity and the Operating Statements for the period ending 30 June 2009 as detailed in the following attachments be noted:

DESCRIPTION	LINK
Statement of Financial Activity – June 2009	6002A June 2009
Operating Statements by Program for the Period Ended 30 June 2009	6002B June 2009
Representation of Working Capital as at June 2009	6002E June 2009
Reconciliation of Net Working Capital as at 30 June 2009	6002F June 2009
Notes on Operating Statements for June 2009 Reporting on Variances of 10% or Greater	6002H June 2009
Summary of Rates Debtors as at 30 June 2009	6002L June 2009
Graph Showing Rates Collections as at 30 June 2009	6002M June 2009
Summary of General Debtors Aged 90 Days Old or Greater as at 30 June 2009	6002N June 2009

2. That by Absolute Majority Decision, the budget amendments, as listed in the Budget Amendment Reports for June 2009, as detailed in attachment [6002J June 2009](#) be adopted.

At 8.10pm the Mayor submitted the motion which was declared

CARRIED BY ABSOLUTE MAJORITY (10/0)

16. LATE ITEMS

C09/8021 – 2009 INTERNATIONAL LIVEABLE COMMUNITIES AWARD (REC)

At 8.11pm His Worship the Mayor and Ms C Young, Acting Chief Executive Officer, having declared an interest in the item, left the meeting.

In their absence the Deputy Mayor, Cr Phelan, took the seat as Presiding Member and Mr M Tieleman took the seat of Acting Chief Executive Officer.

Disclosure of Interest

Item No.	C09/8021
Councillor/Officer	Dr S Silcox – Chief Executive Officer
Type of Interest	Financial Interest in Accordance with Act
Nature of Interest	Financial Interest
Request	Not in attendance at meeting
Decision of Council	Not Required

Disclosure of Interest

Item No.	C09/8021
Councillor/Officer	Ms C Young – Director Community Development
Type of Interest	Financial Interest in Accordance with Act
Nature of Interest	Financial Interest
Request	Leave
Decision of Council	Not Required

Disclosure of Interest

Item No.	C09/8021
Councillor/Officer	His Worship the Mayor - R Aubrey
Type of Interest	Financial Interest in Accordance with Act
Nature of Interest	Financial Interest
Request	Leave
Decision of Council	Not Required

Disclosure of Interest

Item No.	C09/8021
Councillor/Officer	Ms L Hartill – Manager Neighbourhood Development
Type of Interest	Financial Interest in Accordance with Act
Nature of Interest	Financial Interest
Request	Not in attendance at the meeting
Decision of Council	Not Required

Ward	: All
Category	: Operational
Subject Index	: Community Development
Customer Index	: 2118040
Disclosure of any Interest	: Ms Christine Young - Director Community Development.
Previous Items	: Not Applicable
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Christine Young Director Community Development

C09/8021 – 2009 INTERNATIONAL LIVEABLE COMMUNITIES AWARD (REC)

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>
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<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

- A decision on the level of participation in the 2009 International Liveable Communities Award Finalist presentation in the City of Pilsen, Czech Republic 8-12 October 2009

BACKGROUND

Note: This Item is late due to the City being notified only recently of success as a finalist in these Awards. Due to the time constraints associated with a decision concerning participation to the next level of these awards this Item is required to be presented to the August 2009 meeting of Council.

The International Liveable Communities (LivCom) Awards were launched in 1997 and are endorsed by the United Nations Environment Programme.

LivCom is the world's only Awards Competition focussing on Best Practice regarding the management of the local environment. The objective of LivCom is to improve the quality of life of individual citizens through the creation of 'liveable communities' and encourage best practice, innovation and leadership in providing a vibrant, environmentally sustainable community. In recent years categories have an increased focus on community sustainability.

C09/8021 – 2009 INTERNATIONAL LIVEABLE COMMUNITIES AWARD (REC)

LivCom is managed by a recognised non profit making UK Registered Company which also has UK Registered Charity status.

LivCom is non-political, embracing all nations and cultures, and over 50 countries are represented within the Awards.

A written submission was completed in June and forwarded to the International Judging Panel for the 2009 International Liveable Communities Awards. The submission was completed within existing resources with minimal impact on current workloads.

Elected Members were informed of the intention to make a submission to these Awards and invited to comment.

Following the meeting of the International Judging Panel, the City of Melville has been identified as a finalist and invited to participate in the Whole of City section population category C (75,000 – 200,000) in the City of Pilsen in the Czech Republic during 8 – 12 October.

Since inception of the Awards program there have been approximately 20 Australian Finalists with City of Mandurah winning a Silver Award in 2006. In 2008 there were a total of 280 entries which included 28 whole community award finalists and in 2009 there are 35 whole community award finalists across 5 population categories.

DETAIL

The LivCom Awards covers five categories.

- Enhancement of the Landscape
- Heritage Management
- Environmentally Sensitive Practices
- Community Sustainability
- Healthy Lifestyles
- Planning for the Future

Up to three presenters may be nominated to be involved in the City of Melville's final verbal presentation. The maximum time for the finals presentation is 40 minutes and may include a DVD section of no longer than 12 minutes. Following the presentation there will be a period of questions from the International Judging Panel.

The highest level of City Council and municipality organisations are represented at the awards presentations. It would be expected and appropriate that the Mayor and Chief Executive Officer be in attendance.

C09/8021 – 2009 INTERNATIONAL LIVEABLE COMMUNITIES AWARD (REC)

The initial awards submission was prepared by the Community Development Directorate with significant involvement of the Manager Neighbourhood Development. Both the Director Community Development and Manager Neighbourhood Development have a comprehensive understanding of liveable communities, community planning, wellbeing and sustainability, and are also experienced with presentation environments. The Manager Neighbourhood Development has accredited facilitation and presentation skills. The Director Community Development has previous international experience and involvement with the World Health Organisation's Age Friendly Cities project which will contribute to the next level of the awards submission.

This report nominates the Mayor, Chief Executive Officer, Director Community Development and Manager Neighbourhood Development as delegates to the awards presentations

At the Finals all delegates are able to observe presentations that contain examples of International Best Practice applied to challenges similar to those facing our City.

This presents an opportunity to showcase our City's Best Practice on an international stage and influence accepted International Best Practice, and to learn from others.

There are a number of benefits for the City of Melville in participating in the LivCom Final presentations including:

- Opportunities to learn from communities from around the world International Best Practice in environmental and landscape management, heritage management, community empowerment and forward planning.
- Opportunities to meet delegates from communities from other countries and cultures that are facing similar challenges to those faced by our community leading to formation of partnerships to exchange information and experiences
- Enhanced civic pride by being one of the 'leading communities in the world'.
- Exchange of information and experiences which can produce accelerated technical benefits and financial savings and can contribute to ongoing relationships and networks.
- Increased international profile for our community
- Success in the Awards may be used to promote tourism and capital investment opportunities.
- Enhancement of national and international publicity
- Opportunities to join an international network of communities from over 50 countries with similar environmentally based objectives.
- Encouragement of community engagement.

C09/8021 – 2009 INTERNATIONAL LIVEABLE COMMUNITIES AWARD (REC)

The LivCom Awards covers five population categories. Communities are not compared against others within their population category but are judged as to how they are performing in respect of the judging criteria within the cultural, political, economic, geographic and climatic environment in which they are situated.

One of the key drivers of the awards is that delegates benefit from the opportunity to exchange knowledge and best practice ideas during two days of presentations by colleagues from towns and cities from around the globe.

Each year, the LivCom Judging Criteria are reviewed and, if necessary amended to reflect the changing emphasis of Local Authorities' responsibilities, which have moved away from a concentration on the provision of facilities to one that, has much greater social responsibilities, often approached through enabling initiatives rather than the provision of physical resources.

2009 Finalists**Category C (Population 75,001 – 200,000)**

BROADLAND, England

Communhaute d'Agglomeration de CERGY-PONTOISE, France

HARTLEPOOL, England

KAKAMIGAHARA CITY, Japan

City of KLADNO, Czech Republic

LAFAYETTE, USA

City of MELVILLE, Australia

MIKOLOW COUNTY, Poland

City of NORWICH, England

City of ROANOKE, USA

ROCKHAMPTON REGION, Australia

SHILONG TOWN, P.R. CHINA

The LivCom Awards are the only forum in which International Best Practice may be observed and developed, and participation in the Awards is an investment in the future of our community.

PUBLIC CONSULTATION/COMMUNICATION

Nil

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Nil

STATUTORY AND LEGAL IMPLICATIONS

NA

C09/8021 – 2009 INTERNATIONAL LIVEABLE COMMUNITIES AWARD (REC)**FINANCIAL IMPLICATIONS**

The cost per delegate to participate in the Awards Finals is approximately \$3,500 – including return airfare, accommodation and sustenance for 7 days. The City of Pilsen has arranged accommodation for all delegates at heavily discounted rates. Pilsen is approximately 40 minutes by road from Prague and transport has also been arranged for at no cost for delegates from Prague to Pilsen and return.

The City of Pilsen is hosting a number of events at no additional cost for the first four delegates; subsequent delegates are eligible to participate at an additional cost of 150 Euros (\$255 AUD)

Nominated delegates are prepared to meet some costs personally reducing the financial impact to the City.

It is recommended an amount of \$12,000 be considered towards the costs for four delegates to attend. These funds are available in account number 100.26419.7105.000

The preparation towards the presentation will be covered within existing resources.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The long term benefits to the City of Melville can be far-reaching into the wider community and can be viewed as part of an economic strategy that promotes local and regional amenity.

For example in a globally competitive marketplace for overseas students, lifestyle while studying is increasingly important. The liveability of an area could increase opportunities for Murdoch University being able to market and promote Melville to overseas students thereby enabling the University to be seen as a more attractive location for overseas students to attend. A detailed survey of spending by overseas students found that those in Western Australia spent an average of \$476 per week on non-fee related spending. Regionally TAFE have also increased their overseas student market and again liveability of an area will impact on these students decision making.

Skilled migration to the South West Metropolitan Region and Western Australia is essential for economic growth. Over fifty per cent of skilled migration comes from overseas interest. To be able to market a City as a recognised award winner provides credibility to a high level of amenity critical to those skilled professionals considering migration either from overseas or interstate. Significant numbers will be required to staff the Fiona Stanley Hospital and surrounding precinct and amenity will be a critical consideration for those making decisions about where to live, work, and recreate.

The awards may well contribute towards optimising development opportunities for the likes of key strategic hubs for the City including the Fiona Stanley Hospital/Murdoch precinct and the Canning Bridge precinct. The branding of “Liveable Communities” has been reported to promote development investment in those successful cities.

In collaboration with Tourism WA there is an opportunity for Melville to be considered a tourist destination with particularly the river foreshore areas being promoted to an international audience, thereby attracting tourism investments to not only our local area but the wider metropolitan area.

C09/8021 – 2009 INTERNATIONAL LIVEABLE COMMUNITIES AWARD (REC)

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Expenditure to send delegation does not provide suitable returns on investment back to the City	Low	Selection of delegates to ensure collaborative partnerships and networks developed as a result of participation aim to ensure knowledge and skills gained are utilised for the greatest benefit of Melville
Negative community response to expenditure for overseas travel.	Medium	Promote the benefits to be gained by both the City of Melville and other key agencies for e.g. Murdoch University

* As derived from using the Risk Assessment Matrix

POLICY IMPLICATIONS

Elected members claims for allowances and expenses and conference attendance 14-PL- 003.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

To remain as a Finalist in the 2009 International Liveable Communities Awards and not pursue further participation would not provide the opportunities for benefits back to the City of Melville as previously outlined.

OFFICER RECOMMENDATION (8021)

APPROVAL

At 8.12pm Cr Reynolds moved, seconded Cr Barton -

1. That the City of Melville send a delegation of four persons which include the Mayor or his deputy, Chief Executive Officer, Director Community Development and Manager Neighbourhood Development to present as a Finalist at the 2009 International Liveable Communities Awards in the City of Pilsen, Czech Republic.
2. That an amount of \$12,000 be provided from account number 100.26419.7105.000 to fund the delegation.
3. That the Mayor seek letters of support for the City of Melville submission from the Prime Minister of Australia, the Premier of Western Australia, and the Agent General for Western Australia.

Amendment 1

At 8.12pm Cr Everett moved, seconded Cr Pazolli that the following amendments be made to points 1 & 2 of the Officer recommendation -

1. That the City of Melville send a delegation of *three* persons which include the Mayor or his deputy, Director Community Development and Manager Neighbourhood Development to present as a Finalist at the 2009 International Liveable Communities Awards in the City of Pilsen, Czech Republic.
2. That an amount of \$10,000 be provided from account number 100.26419.7105.000 to fund the delegation.
3. That the Mayor seek letters of support for the City of Melville submission from the Prime Minister of Australia, the Premier of Western Australia, and the Agent General for Western Australia.

At 8.27pm the Deputy Mayor submitted the amendment which was declared

LOST (1/8)

Amendment 2

At 8.33pm Cr Barton moved, seconded Cr Wieland that the following amendments be made to points 1 & 2 of the Officer Recommendation.

1. That the City of Melville send a delegation of *three* persons which include the Mayor or his deputy, Chief Executive Officer, Director Community Development and Manager Neighbourhood Development to present as a Finalist at the 2009 International Liveable Communities Awards in the City of Pilsen, Czech Republic.
2. That an amount of \$12,000 be provided from account number 100.26419.7105.000 to fund the delegation *and that Council reimburse Delegates any reasonable additional expenses over \$12,000, if incurred.*
3. That the Mayor seek letters of support for the City of Melville submission from the Prime Minister of Australia, the Premier of Western Australia, and the Agent General for Western Australia.

At 8.39pm the Deputy Mayor submitted the amendment which was declared

LOST (4/5)

Cr Barton requested that her vote for the amendment be recorded.

At 8.40pm the Deputy Mayor submitted the Officer Recommendation –

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3083)

APPROVAL

1. That the City of Melville send a delegation of four persons which include the Mayor or his deputy, Chief Executive Officer, Director Community Development and Manager Neighbourhood Development to present as a Finalist at the 2009 International Liveable Communities Awards in the City of Pilsen, Czech Republic.
2. That an amount of \$12,000 be provided from account number 100.26419.7105.000 to fund the delegation.
3. That the Mayor seek letters of support for the City of Melville submission from the Prime Minister of Australia, the Premier of Western Australia, and the Agent General for Western Australia.

At 8.40pm the Deputy Mayor declared the motion

CARRIED (9/0)

At 8.41pm His Worship the Mayor and Ms C Young, Acting Chief Executive, returned to the meeting. The Deputy Mayor, Cr Phelan, vacated the Chair as Presiding Member and Mr M Tieleman, Director Corporate Services vacated the seat as Acting Chief Executive Officer.

17. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

18. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil

At 8.41pm the member of the Press left the meeting.

19. EN BLOC ITEMS

At 8.42pm Cr Reynolds moved, seconded Cr Wieland -

That the recommendations for items P09/3087, P09/3089, C09/8019, C09/5000, C09/6000 and C09/6001 be carried En Bloc.

At 8.42pm the Mayor submitted the motion which was declared

CARRIED (10/0)

20. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

C09/5074 - CONFIDENTIAL LEHMAN BROTHERS AUSTRALIA LTD & IMF

At 8.42pm Cr Barton moved, seconded Cr Halton –

That the meeting be closed to the public to permit discussion on a confidential matter (Item C09/5074 which relates to signing the Lehman Brothers Australia Ltd – Investigation, Management & Funding Agreement IMF (Australia) Ltd) covered under Section 5.23 (2) (c) of the Local Government Act 1995.

At 8.42pm the Mayor submitted the motion, which was declared

CARRIED (10/0)

One member of the public left the meeting.

C09/5074 - Confidential Lehman Brothers Australia Ltd & IMF

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5074)

APPROVAL

At 8.44pm Cr Phelan moved, seconded Cr Barton –

That the action taken by the Chief Executive Officer in signing the Lehman Brothers Australia Ltd – Investigation, Management & Funding Agreement IMF (Australia) Ltd be endorsed.

At 8.44pm the Mayor submitted the motion, which was declared

CARRIED (10/0)

At 8.44pm Cr Reynolds moved, seconded Cr Barton –

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

At 8.44pm the Mayor submitted the motion, which was declared

CARRIED (10/0)

No members of the public returned to the meeting.

21. CLOSURE

There being no further business to discuss the Mayor declared the meeting closed at 8.45pm.