



— City of —  
**Melville**

**MINUTES**

**OF THE**

**ORDINARY MEETING OF THE COUNCIL**

**HELD ON**

**16 JUNE 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](mailto:melinfo@melville.wa.gov.au)  
Web: [www.melvillecity.com.au](http://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 16 JUNE 2009.**

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**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 D Macphail  
Cr R Subramaniam, Cr C Robartson  
Cr C Halton  
Cr G Wieland, Cr J Barton  
Cr J Bennett, Cr L Reynolds

**WARD**

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

**3. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Mr S Cope	Director Urban Planning
Ms C Young	Director Community Development
Mr J Christie	Director Technical Services
Mr L Hitchcock	Executive Manager Legal Services
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 9 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**

Nil

**4.2 Approved Leave of Absence**

Cr N Pazolli  
Cr T Cenviva

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

**5.1 Declarations by Members who have not read and given due consideration to all matters contained in the business papers presented before the meeting.**

Nil

**5.2 Declarations by Members who have received and not read the Elected Members Bulletin.**

Nil

**6. QUESTION TIME**

**6.1 Mr R Petterson, Leeming**

His Worship the Mayor advised that 17 questions relating to the operations of the South Metropolitan Regional Council Regional Resource Recovery Centre had been submitted by Mr R Petterson and that these questions would be taken on notice as further investigation would be required in order to address the questions. Mr Peterson would be advised in writing of the response to his questions and the questions and responses will be recorded in the Agenda and Minutes of the July 2009 Ordinary Meeting of Council.

**7. AWARDS AND PRESENTATIONS**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1 Ordinary Meeting of Council – 19 May 2009**  
**Min 19May 2009**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

At 6.43pm Cr Bennett moved, seconded Cr Reynolds -

**That the Minutes of the Ordinary Meeting of Council held on Tuesday, 19 May 2009, be confirmed as a true and accurate record.**

At 6.43pm the Mayor submitted the motion which was declared

**CARRIED (11/0)**

**8.2 Notes of the Agenda Briefing Forum – 2 June 2009**  
**Notes 2June 2009**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

At 6.43pm Cr Phelan moved, seconded Cr Barton -

**That the Notes of Agenda Briefing Forum held on Tuesday, 2 June 2009, be received.**

At 6.43pm the Mayor submitted the motion which was declared

**CARRIED (11/0)**

**9. DECLARATIONS OF INTEREST**

- P09/3071 - Mr David Vinicombe, Manager Planning & Development Services

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

- Cr R Subramaniam

At 6.43pm Cr Robartson moved, seconded Cr Everett -

**That the application for new leave of absence be granted.**

At 6.43pm the Mayor submitted the motion which was declared

**CARRIED (11/0)**

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

Nil

**12. PETITIONS**

Nil

**13. REPORTS OF COMMITTEES**

Nil

**14. 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 change to its part requires the application of the relevant facts to the appropriate statutory regime.

**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPLECROSS  
(REC) (ATTACHMENT)**Disclosure of Interest

Item No.	P09/3071
Councillor/Officer	Mr David Vinicombe
Type of Interest	Interest under Code of Conduct 6.8
Nature of Interest	Close association with applicant's consultant.
Request	Leave
Decision of Council	Not Applicable

**Mr D Vinicombe was not in attendance at this meeting.**

Ward	: Applecross/Mount Pleasant Ward
Category	: Operational
Application Number	: DA-2009-158
Property	: 3B Carron Road, APPLECROSS
Proposal	: Third-storey addition
Applicant	: Emmerton Pty Ltd
Owner	: Mr T Lomma
Disclosure of any Interest	: Mr David Vinicombe Manager Planning and Development Services
Responsible Officer	: Mr David Vinicombe Manager Planning and Development Services
Previous Items	: Nil

**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPLECROSS  
(REC) (ATTACHMENT)**

**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 &amp; policies.</i>
<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	<b>Quasi-Judicial</b>	<b><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></b>

**KEY ISSUES / SUMMARY**

- The application is for a third-storey addition to a two-storey dwelling with undercroft, which is currently under construction.
- The application complies with the requirements of the Residential Design Codes of Western Australia ('R-Codes').
- Council Policy 06-PL-026 refers to the use of the Metropolitan Water Authority Perth BG 2000 Series Aerial Photography 1972-1975 maps. Due to an anomaly identified with respect to AHD levels depicted on the above data and those of more recent data source of the same 2000 Series maps. The application relies on the latter data in assessing building height.
- The application satisfies the provisions of Council Policy 06-PL-026 - Height of Buildings.
- Neighbour consultation has been undertaken in accordance with Council Policy 06-PL-003."Development Approvals".
- One (1) submission has been received, objecting to the proposal on the grounds of overshadowing and excessive building height and general amenity grounds.
- The proposed development was referred to the Development Advisory Unit meeting on 12 May 2009 and following the preparation of DAU minutes, an Elected Member has requested that this matter be "called up" for Council consideration in accordance with Council Policy 06-PL-004.
- Application complies with Council and R-Code requirements, is not considered to impact on the amenity of the neighbour and is recommended for conditional approval.



**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPLECROSS  
(REC) (ATTACHMENT)**



**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPLECROSS  
(REC) (ATTACHMENT)**

**BACKGROUND**

**Scheme Provisions**

MRS Zoning : Urban  
 CPS 5 Zoning : RFS – River Foreshore  
 R-Code : R12.5  
 Use Type : Residential  
 Use Class : Permitted

**Site Details**

Lot Area : 592 sqm  
 Retention of Existing Vegetation : n/a  
 Street Tree(s) : n/a  
 Street Furniture (drainage pits etc) : n/a  
 Site Details : See above image

The proposed development was referred to the Development Advisory Unit meeting on 12 May 2009 and following the preparation of DAU minutes, an Elected Member has requested that this matter be “called up” for Council consideration in accordance with Council Policy 06-PL-004.

**3071 Site Plans** A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Friday 15 May 2009.

**DETAIL**

**Development Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	55%	No change to existing	Complies		
Plot Ratio	n/a	n/a			
Landscaping	n/a	n/a			
Building Height	8.8m (eaves) 10.5m (max)	n/a 10.5m max	Complies		
Carparking	2 bays (1 covered)	Already approved	Complies		
Over-shadowing	25%	19.7%	Complies		

(Note: Non compliance is emphasised in bold)

**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPLECROSS  
(REC) (ATTACHMENT)**

**Setbacks**

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Primary Street	7.5m	14.2m	Complies		
Side (north) - Darkroom - Balcony	1.4m 2.4m	2.5m 3.6m	Complies Complies		
Side (south) - Studio - Bed	2.5m 1.4m	3.2m 1.89m	Complies Complies		
Rear (west)	1.6m	11.4m	Complies		

(Note: The setback requirements shown above are for the third-storey addition only)

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes – 2 adjoining residents  
 Neighbour's Comment Supplied: Yes – 1 submission received  
 Reason: As per requirements of Policy 06-003  
 Support/Object: 1 x objection

**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPLECROSS  
(REC) (ATTACHMENT)**

Comment Number	Summary of Submission	Support / Objection	Officer's Comment	Action (Condition / Uphold / Not uphold)
1.	<p>Whilst the claimed shadow impact of the proposal is in accordance with cl. 6.9.1 of the R-Codes, Council is also required to have due regard to cl. 7.8 of CPS No. 5. Of relevance are the following matters of cl. 7.8:</p> <p><i>(c) the existing and likely future amenity of the area;</i>  <i>(h) the nature of the proposed development in relation to development either existing or proposed on adjoining land and the need to upgrade existing roads;</i>  <i>(i) the size, shape and character of the lot upon which the development is to be carried out, and the influence which this may have on the sitting and nature of any new building; and</i>  <i>(k) any relevant submissions received on the application.</i></p>	Object	<p>The original approval for a two storey residence at 3B Carron Road supported a shadow impact of 16.1% onto the adjoining property.</p> <p>The proposed third-storey addition increases the shadow impact to 19.7%, which is also compliant with the 25% overshadowing classed as acceptable development under the provisions of the R-Codes.</p> <p>Scheme provisions under Clause 7.8 are considered to be satisfied. See further comments below for further explanation.</p>	Not uphold
	The shadow is concentrated over the existing dwellings northern aspect and blocks all openings from natural sunlight.	Object		Not Uphold
	The additional level would result in additional overshadowing that is not sympathetic to 'existing and likely future amenity of the area'.	Object		Not Uphold
	The fourth storey will reduce sustainability principles to No. 5 Carron Road.	Object	See detailed comments below relative to north facing windows on adjoining property.	Not Uphold

**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPLECROSS  
(REC) (ATTACHMENT)**

	<p>Whilst the current density does not permit subdivision; any future subdivision would be prejudiced by the extent of overshadowing that would result from the proposal.</p>	<p>Object</p>	<p>It is considered unnecessary and premature to consider potential overshadowing impact which may result out of future subdivision. Such matters cannot be fairly assessed until such time that subdivision and/or development is proposed.</p>	<p>Not Uphold</p>
	<p>Any future redevelopment of No. 5 Carron Road would be adversely impacted given the depth of the shadow that results from the proposed fourth storey.</p>	<p>Object</p>	<p>It is considered unnecessary and premature to consider potential overshadowing impact which may result out of future subdivision. Such matters cannot be fairly assessed until such time that subdivision and/or development is proposed.</p>	<p>Not Uphold</p>
	<p>The proposed additional level is considered an entire storey and exceeds an 8.0m building height to the top of the eaves. Whilst the ground levels are not shown on the southern elevation, the eaves to the fourth level are circa 10.0m from the ground levels. At this juncture we object to the proposed building height until such time that the plans clearly indicate the building height does not exceed 8.0m to the eaves or top of the wall of level four from the (then) Metropolitan Water Authority Perth BG 2000 Series Aerial Photography 1972-1975 maps.</p>	<p>Object</p>	<p>The proposal is in compliance with Council's Policy with regard to building height. Refer to comments section below regarding building height considerations.</p>	<p>Not Uphold</p>

**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPLECROSS  
(REC) (ATTACHMENT)**

**REFERRALS TO GOVERNMENT AGENCIES**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no anticipated strategic or risk implications.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

There are no anticipated strategic or risk implications.

**POLICY IMPLICATIONS**

Policy 06-PL-003 – Development Approvals

Clause 1 of Policy 06-PL-003 stipulates that modifications or amendments to approved plans or proposed developments are only permitted on the following grounds:

- a) *The amendment conforms to all current policies of the Council.*
- b) *The amendment conforms to all statutory legislation applicable to the development.*
- c) *Where the abutting landowners was required for the original application then consent of abutting landowners to the amendment is also(to) be obtained.*
- d) *The amendment does not have a detrimental effect on the amenity of the locality.*

Neighbour consultation has been undertaken as per the above policy provision and in accordance with the R-Codes. One (1) submission objecting to the proposal has been received. Details relating to the submission have been detailed above.

**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPLECROSS  
(REC) (ATTACHMENT)**

Policy 06-PL-026 – Height of Buildings

Policy No 06-PL-026 stipulates that when measuring building height, buildings or other structures are to be measured from the natural ground level of a site. 'Natural ground level' means *"the ground level shown on the (then) Metropolitan Water Authority Perth BG 2000 Series Aerial Photography 1972-1975 maps (herein referred to as the '1972 Maps'), except where subdivision has occurred and the natural ground level has been determined by bulk earthworks as approved by the City of Melville"*.

As the development site has been the subject of bulk earthworks as a result of the current construction phase of the approved dwelling as well as previous subdivision and demolition works associated with the adjoining property, it was deemed appropriate that the 1972 maps be used as a benchmark to determine the natural ground level/s of the property.

During the assessment of the application, a review of the 1972 maps and benchmark AHD points utilised by the Surveyor (engaged by the applicant) uncovered a discrepancy in the AHD levels on the 1972 Maps and survey plans. After investigation, it was identified that the survey plans provided by the applicant had been based on Water Corporation BG 2000 Series maps of a more recent aerial photography (herein referred to as the '*Series 2000 Maps*'). Specifically, the discrepancy was evident by comparing the same benchmark spot level at an existing sewer manhole situated on Carron Road which showed a discrepancy in AHD level of approximately 1.0m. It is noted that whilst ground levels within a property may change, the Water Corporation has confirmed that the sewer manhole was installed in November 1967 and has not been altered since, thus confirming the assumption that the original data on the 1972 maps is incorrect.

Given the anomaly, the Series 2000 Maps are relied upon for the purposes of this determination as the data contained therein is considered to be more accurate to determine the natural ground levels. It is noted that the Water Corporation and Landgate have since superseded the 1972 Maps, electing to use the (current) data plotted on the Series 2000 Maps.

With regard to the implications of the application not using data contained on the 1972 Maps, Clause 9.6(f) of CPS No. 5 stipulates that *"...a Policy shall not absolutely bind the Council in respect of any application for planning approval, but the Council shall have due regard to the provisions of the Policy and shall be satisfied that the application is not prejudicial to the objectives of the Policy before making its decision"*. The objective of Policy 06-PL-026 is *"To control the height of buildings"*. The use of the Series 2000 Map does not, in any manner, prejudice the objective of Policy 06-PL-026 as the proposal does not vary from the requirements of the Policy nor does it seek any dispensation on allowing additional building height. The assessment simply acknowledges that there is more recent accurate data available to determine the natural ground level.

**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPLECROSS  
(REC) (ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application was proposed to be approved under delegation through the Development Advisory Unit (DAU) process. Notwithstanding, the DAU “call-up” procedures has provided Elected Members the opportunity to call this matter up for formal Council consideration.

Council may consider that the proposal requires a variation to the height requirement of 10.5m under the Precinct requirements of the Scheme and may grant a Special Majority approval decision for this variation in accordance with Clause 4.3 of CPS No 5. Alternatively Council may be of the view that the height and amenity issues raised by the respondent are significant and warrant the issue of a refusal notice.

**COMMENTS**

The application site is located in a Living Area Precinct under the provisions of the City of Melville Community Planning Scheme No 5 (CPS No 5). The dominant land use activity in this Precinct is residential, and the existing immediate streetscape is made up of large single detached homes. The wider area typically houses executive domestic properties, and its location on the River Foreshore makes it an extremely desirable location for this form of executive residential development.

Whilst the property has been designed to comply with the requirements of the R-Codes and CPS No 5, a substantial objection raised by consultants on behalf of the owners of the adjacent property to the south at 5 Carron Road, calls into question the maximum building height of some elements of the proposed building, and considers that the extent of overshadowing, albeit within the tolerances established by the R codes. It is submitted that the proposal prejudices the amenity levels enjoyed by the occupiers of the residence at No 5, contrary to the provisions of Clause 7.8 of CPS No 5.

**Building Height**

Council Policy ref 06-PL-026 “Height of Buildings” requires building heights to be limited to 8.0m for eaves and 10.5m maximum (as prescribed by the Precinct requirements and Clause 5.11 of CPS No 5). The third-storey addition in question is designed to include a number of interlocking mono pitch roofs. The application details have been fully assessed against the height limitations of Council Policy and it is concluded that no part of the roof exceeds the maximum height provisions of CPS No 5 and Council Policy. For the purposes of measuring the building height and as outlined earlier in this report, the natural ground level has been taken using the Series 2000 contour data.



**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPLECROSS  
(REC) (ATTACHMENT)**

The objector has questioned whether the height of the roof exceeds the maximum height provisions of Council Policy, presumably referring to a perforated stainless steel sun awning which is attached to the wall extending above the balcony area, and a minor overhang of the mono pitch roof in the north east corner. The awning projects beyond the 10.5m maximum height by approximately 200mm, whilst the roof overhang projects beyond the maximum height by approximately 100mm.

Under the provisions of CPS No 5 (Clause 5.11(a) (ii)) and Council Policy 06-PL-026 “Height of Buildings” (Clause 3), architectural features to buildings may be permitted at a height greater than the basic maxima applicable to eaves provided that the amenity of surrounding properties is not unduly affected.

The sun awning will not have any detrimental impact on the amenity levels enjoyed by the adjoining neighbours given that it does not result in further overshadowing, it is attached to the northern elevation and it will not be visible from street level. As such the retention of this architectural feature is supported.

The roof overhang forming part of the mono pitch roof is deemed to be an architectural feature which articulates, caps and balances out the visual appearance of the roof. The inclusion of an architectural feature such as this is commonplace throughout the City of Melville, particularly given the range of contemporary residential architecture that has been witnessed in new residential developments throughout the City of Melville in recent years.

With regard to eave height, Council Policy 06-PL-026 requires buildings to achieve a maximum of 8.0m, or 8.8m absolute maximum (i.e. 10% variation) subject to the discretion of the Manager of Planning and Development Services. For developments with flat or mono pitch roofs such as the subject proposal where no ridge line is proposed to elevate the roof further in height, it has been Council practice that the eave height maximum does not apply, generally due to the fact that a typical eave does not exist.

Where minor overhangs do exist for the purposes of aesthetic means such as the subject development and/or, practical means such as allowing for rainwater to be contained within a subject lot, these features have been accepted as architectural or design features which, as per Policy 06-PL-026, may be approved at a height greater than the basic maxima provided that the amenity of surrounding properties is not unduly affected. In this instance, no amenity impacts are considered likely.

Accordingly, the proposal is considered to meet the requirements of the Scheme and Council Policy and the proposed building height is therefore supported.

**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPLECROSS  
(REC) (ATTACHMENT)**Overshadowing Impact

The Acceptable Development Criteria of the R-Codes permits a maximum overshadowing impact of 25% for the subject site. The additional storey now proposed results in a minor increase in the amount of overshadowing towards the adjacent property to the south above and beyond that envisaged from the development as previously approved. This will be 19.7%, in lieu of 16.1% that would have resulted from the initial approval.

Concern is expressed by the consultant acting on behalf of the adjoining neighbour at 5 Carron Road that, although compliant with the acceptable development provisions of the R-Codes, the amount of overshadowing that will result from this development will prejudice the levels of residential amenity enjoyed by those residents, contrary to the provisions of Clause 7.8 of CPS No 5.

It is noted that the original application for the subject site at 3B Carron Road would have resulted in the overshadowing of the entire northern aspect at ground floor level of the objectors property. It was noted at the time of the previous determination that the ground floor aspect of the northern elevation was already overshadowed by virtue of an existing boundary fence sited along the party boundary between No's 3B and 5 Carron Road.

In relation to the impact of overshadowing on the aspect from the upper floor of the northern elevation, the assessment undertaken concludes that the additional overshadowing impact of the extension will be negligible. The northern aspect of the second floor at 5 Carron Road, Applecross consists of a wrap-around balcony and a bedroom wall (8.5m length) with 2 minor openings (not major openings). The additional overshadowing caused by the proposed third-storey addition does not conflict with the Performance Criteria 6.9.1 of the R-Codes which state that '*...major openings to habitable rooms*' are to be taken into account when considering overshadowing impact. The shadow impact onto the balcony and adjoining habitable rooms with major openings is also deemed minor given that the eave-overhang of the roof already shadows a considerable portion based on an midwinter noon vertical sun angle of 34° (i.e. 21 June) and major openings relative to these habitable rooms are shaded by the balcony roof overhang and the above prescribed time.

With regard to yard areas, the adjoining property has expansive private open space areas at the front and rear of the property and the additional shadow cast by the proposed extension will not unreasonably prejudice the owner's enjoyment of these open space areas.

Based on the above, the overshadowing impact of the proposed third-storey addition is not considered to have an adverse amenity impact on the adjoining property and accordingly the proposal is supported in this regard.

**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPECROSS  
(REC) (ATTACHMENT)**

**CONCLUSION**

As the proposal is in full compliance with the provisions of the R-Codes and satisfies the requirements of CPS No. 5 and relevant Policies, it is recommended that the application be conditionally approved.

**OFFICER RECOMMENDATION (3071)**

**APPROVAL**

At 6.45pm Cr Phelan moved, seconded Cr Wieland -

- A) That Council Policy 06-PL-026 Heights Of Buildings be varied to acknowledge the discrepancy with regard to levels indicated on current Water Corporation 200- Series maps and the application for a third-storey addition on Lot 5 (3B) Carron Road, Applecross be approved with the following conditions:

**Standard Conditions:**

1. 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 satisfaction of the Manager Planning and Development Services. All downpipes to be connected to soak wells. The proposed stormwater drainage system is required to be shown on the building licence submission for approval prior to the commencement of construction.
  2. Nothing in this planning approval authorises any works outside the surveyed boundaries of the lot the subject of this planning approval.
  3. The materials and finishes of the development to complement the existing building to the satisfaction of the Manager Planning and Development Services.
  4. 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 4m<sup>2</sup> and a height of 1m and a hinged lid. The receptacle should not be allowed to overflow.
  5. Ground levels may not be changed other than approved as part of this approval.
- B) The applicant and adjoining property owners to the development be advised in writing of A) above.

**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPECROSS  
(REC) (ATTACHMENT)**

Amendment

At 6.45pm Cr Bennett moved, seconded Cr Halton that the following amendment be made to point A) of the Officer Recommendation.

- A) That the anomaly with regard to the measurement of levels from the former and current Water Corporation 2000 – Series Maps be acknowledged relative to Council Policy 06-PL-026 Heights of Buildings and the application for a third storey addition on Lot 5 (3B) Carron Road, Applecross be approved with the following conditions:**

At 6.45pm the Mayor submitted the amendment, which was declared

**CARRIED (11/0)**

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

**COUNCIL RESOLUTION (3071)**

**APPROVAL**

- A) That the anomaly with regard to the measurement of levels from the former and current Water Corporation 2000 – Series Maps be acknowledged relative to Council Policy 06-PL-026 Heights of Buildings and the application for a third storey addition on Lot 5 (3B) Carron Road, Applecross be approved with the following conditions:**

**Standard Conditions:**

- 1. 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 satisfaction of the Manager Planning and Development Services. All downpipes to be connected to soak wells. The proposed stormwater drainage system is required to be shown on the building licence submission for approval prior to the commencement of construction.**
- 2. Nothing in this planning approval authorises any works outside the surveyed boundaries of the lot the subject of this planning approval.**
- 3. The materials and finishes of the development to complement the existing building to the satisfaction of the Manager Planning and Development Services.**
- 4. 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 4m<sup>2</sup> and a height of 1m and a hinged lid. The receptacle should not be allowed to overflow.**

**P09/3071 - THIRD-STOREY ADDITION ON LOT 5 (3B) CARRON ROAD, APPLECROSS  
(REC) (ATTACHMENT)**

- 5. Ground levels may not be changed other than approved as part of this approval.**
- B) The applicant and adjoining property owners to the development be advised in writing of A) above.**

At 6.46pm the Mayor declared the motion

**CARRIED (11/0)**

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

**P09/3072- DRAFT WESTERN AUSTRALIAN PLANNING COMMISSION GUIDELINES FOR THE CLOSURE AND REDUCTION OF CRIME AND ANTI-SOCIAL BEHAVIOUR IN PEDESTRIAN ACCESS WAYS (PAW'S) (REC) (ATTACHMENT)**

Ward	:	All
Category	:	Strategic
Application Number	:	NA
Property	:	All PAW's located throughout the State of Western Australia
Proposal	:	To modify closure procedures for PAW's and provide guidance on how to manage existing PAW's and reduce the impacts of crime and anti-social behaviour in and adjoining PAW's.
Applicant	:	Western Australian Planning Commission
Owner	:	Various
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	David Vinicombe Manager Planning and Development Services
Previous Items	:	Nil

**AUTHORITY / DISCRETION**

**DEFINITION**

<input checked="" type="checkbox"/>	<b>Advocacy</b>	<b><i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i></b>
<input type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>when 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>

**P09/3072 - DRAFT WESTERN AUSTRALIAN PLANNING COMMISSION GUIDELINES FOR THE CLOSURE AND REDUCTION OF CRIME AND ANTI-SOCIAL BEHAVIOUR IN PEDESTRIAN ACCESS WAYS (PAW'S) (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- The Western Australian Planning Commission (WAPC) has released Planning Bulletin 57/2009 which seeks comment on a proposal to review the processes for closure of PAW's and introduction of measures to reduce crime and anti-social behaviour in and surrounding PAW's.
- The issue of PAW closures is presently governed by the WAPC Planning Bulletin No. 57 "Closure of Pedestrian Access Ways - Planning Considerations" which recommends to Local Governments how to deal with PAW closures.
- Concern has been raised with regard to the closure procedures and how to address crime prevention and anti-social behaviour in order to maintain a balance between responding to neighbour concerns and retention of pedestrian movement networks through residential areas.
- The timing and complexity of dealing with PAW closures under current closure procedures has been of concern in the case of recent proposals for closures of PAW's in August Court/Lochee Way and Kidson Street /Bersica Court.
- New procedures will provide for temporary closures whilst formal applications are considered and will provide a new framework in which closure proposals may be assessed inclusive of a requirement for the preparation of a pedestrian and cycle access plan – to be endorsed by the WAPC.
- In order to achieve a balance between responding to adjoining owner concerns on PAW's, and maintaining pedestrian movement systems for broader community benefit, the guidelines propose measures to address crime prevention and anti-social behaviour.
- It is recommended that Council support the proposed changes and advise the WAPC accordingly.

**BACKGROUND**

Pedestrian Access Ways (PAW's) have been established as a means of providing for pedestrian and cyclist movement through residential areas and to accommodate public service infrastructure as a result of subdivision designs moving away from the traditional grid pattern to an organic structure involving a series of loop roads and culs-de-sac. Through the majority of older residential subdivisions, the width of the PAW's are in the order of 3-4m wide, however in recent times, concerns with regard to public surveillance of PAW's has resulted in a requirement that PAW's be 10m wide to provide for pedestrian movement in an open park style setting.

**P09/3072 - DRAFT WESTERN AUSTRALIAN PLANNING COMMISSION GUIDELINES FOR THE CLOSURE AND REDUCTION OF CRIME AND ANTI-SOCIAL BEHAVIOUR IN PEDESTRIAN ACCESS WAYS (PAW'S) (REC) (ATTACHMENT)**

Community concerns have been expressed about property damage, anti-social behaviour, drug abuse and burglaries associated with PAW's. These concerns are compounded where PAW's have poor lighting, inadequate signage and paving, lead to land uses such as liquor venues, and where the fear of associated crime discourages legitimate use. These concerns have resulted in a number of requests from the community to close PAW's; the current procedures have attracted criticism on the grounds of complexity and time taken to resolve. A balance is required between addressing these localised community concerns for adjoining property owners whilst maintaining a robust pedestrian and cyclist movement system for the broader community benefit through residential.

In 2005, a State Government working group was established to address PAW's and the final report of the working group made a number of recommendations which are summarised below:

- Revise Planning Bulletin 57 and simplify the process for closure of PAW's.
- Establish clear, timely and transparent decision making processes for the closure or retention of PAW's.
- Adopt Western Australian Planning Commission (WAPC) endorsed Pedestrian and Cycle Access Plans as the cornerstone of future decision making about PAW closures (or retention).
- Establish a process for the temporary closure of PAW's in cases of serious emergent problems.
- Develop a model to quantify crime risk associated with PAW's.
- Develop further crime prevention and planning advice for use by local government, listing options for dealing with crime problems in PAW's that are not closed.

The current processes for the closure of PAW's are governed by Planning Bulletin No. 57, ([3072 Planning Bulletin 57](#)) which states the following in relation to the closure of PAW's:

*“PAW's have in the past been created as part of the subdivision of land under S. 20A of the Town Planning and Development Act 1928 (TPD Act) as an alternative means of access between gazetted streets and for servicing. Many of those created in the past are narrow and have poor surveillance. PAW's are a part of subdivision design that is now considered incompatible with best practice and Liveable Neighbourhoods.*



**P09/3072 - DRAFT WESTERN AUSTRALIAN PLANNING COMMISSION GUIDELINES FOR THE CLOSURE AND REDUCTION OF CRIME AND ANTI-SOCIAL BEHAVIOUR IN PEDESTRIAN ACCESS WAYS (PAW'S) (REC) (ATTACHMENT)**

*There are ongoing requests for the closure of PAW's on security and amenity grounds. However PAW's provide access to essential services; and provide pedestrian and cycle access both within neighbourhoods and to local and district facilities including public transport, schools, shops, parks and community facilities. In considering closure requests, a balance needs to be found between resident access to facilities and pedestrian transport, and concerns regarding security and amenity".*

To that end Planning Bulletin No. 57 sets out the procedures to be followed by Local Government in considering the proposed closure of PAW's. Local Governments have the initial responsibility to determine whether an application to close a PAW should be progressed by undertaking an assessment which should address the following:

- (i) The impact of closure of the PAW on local pedestrian/cycle connectivity, that is, the additional distance required to be travelled to get from origin to destination after closure, as well as the impact on traffic and activity on remaining PAW's.
- (ii) The impact of closure of the PAW on safe access to neighbourhood and district facilities, including schools and other educational facilities, shopping, parks and recreation facilities, community facilities, employment, public transport services, including bus stops and train stations, aged person and disabled facilities.
- (iii) The length of alternative routes and their safety, surveillance, amenity, useability, gradient and convenience of use, especially for the young, disabled and elderly.
- (iv) The role of the PAW as part of the wider pedestrian/cycle network or continuous access routes, as reflected in any Local Access Plan or in any Local Planning Strategy.
- (v) The incidences of crime and social difficulties being experienced by the adjoining landowners.
- (vi) The views of the adjoining landowners in relation to the PAW closure and a general commitment to purchase (applications will not proceed unless the land can be sold or reserved).
- (vii) Alternatives to PAW closure including temporary closure, physical improvement and or re-modelling where possible.

**P09/3072 - DRAFT WESTERN AUSTRALIAN PLANNING COMMISSION GUIDELINES FOR THE CLOSURE AND REDUCTION OF CRIME AND ANTI-SOCIAL BEHAVIOUR IN PEDESTRIAN ACCESS WAYS (PAW'S) (REC) (ATTACHMENT)****DETAIL**

In response to the recommendations of the working group, a number of changes are proposed by Planning Bulletin 57/2009 ([3072 Planning Bulletin 57 2009](#)) to the current procedure of closing PAW's and new information is proposed to provide local government assistance in addressing crime and anti-social behaviour in PAW's to avoid closures and maintain pedestrian and cyclist movement systems through established residential areas. The proposal includes changes and new information on draft planning guidelines for closure procedures of PAW's ([3072 Procedure For The Closure Of Pedestrian Access Ways Planning Guidelines](#)) and reducing crime and anti-social behaviour in PAW's ([3072 Reducing Crime And Anti Social Behaviour In Pedestrian Accessways Planning Guidelines](#)). These draft guidelines are summarised as follows:

Procedure for the closure of Pedestrian Access Ways

- A new, simplified procedure for dealing with the closure of PAW's, based on Section 87 of the Land Administration Act 1997, rather than subdivision provisions of the planning and Development Act 2005, is proposed to be introduced.
- The proposed procedure establishes a clear, timely and transparent decision making process for the closure or retention of PAW's.
- The proposed procedure is based on the concept of a Pedestrian and Cycle Access Plan, and suggested methodology for the preparation of a pedestrian and Cycle Access Plan is provided in the Appendix of the document.
- Alternatives such as improving safety and security (as detailed in the draft guidelines for Reducing Crime and Anti-Social Behaviour in Pedestrian Access Ways) are proposed (see below). Longer term options to provide for redevelopment inclusive of up-coding land adjoining PAW's and widening of the PAW to provide vehicular access to rear properties through a laneway are also proposed.
- Temporary PAW closures to be provided for to address serious emergent problems.

Two options are proposed to guide the closures. Essentially, they provide procedures which relate to PAW closures where a Pedestrian and Cycle Access Plan has been endorsed by the WAPC, or modified procedures where such a plan has not been endorsed. Both procedures require initial exploration of alternative management options as provided for under the draft planning guidelines on Reducing Crime and Anti-Social Behaviour in Pedestrian Access Ways.

**P09/3072 - DRAFT WESTERN AUSTRALIAN PLANNING COMMISSION GUIDELINES FOR THE CLOSURE AND REDUCTION OF CRIME AND ANTI-SOCIAL BEHAVIOUR IN PEDESTRIAN ACCESS WAYS (PAW'S) (REC) (ATTACHMENT)**

Proposals for temporary closure may be considered where other methods of dealing with safety, crime and anti-social behaviour have proven to be unsuccessful and where closure is not desirable due to possible future access requirements. Temporary closure procedures are to closely align with the above options. Temporary closures are to be subject of an agreement between the local authority, WAPC and Department for Planning and Infrastructure (Statutory Planning and State Land Services). In some cases the land can retain its existing tenure and be fenced providing the local authority agrees to continue managing the land as an "otherwise unvested facility" in accordance with Section 3.53 of the Local Government Act 1995. Alternatively, where the local government prefers a formal arrangement, or wishes to lease the land to adjoining landowners for management purposes, a management order with power to lease (or other alternative management agreement) may be arranged.

Details are provided in the Appendix for the preparation of a Pedestrian and Cycle Access Plan. This will involve extensive work, both in terms of gathering and analysing information together with facilitating community participation. The process requires mapping of all existing PAW's and community facilities which generate the need for pedestrian movement, a connectivity assessment (within 400m and 800m radius for large-scale facilities), infrastructure provider requirements (e.g. water, sewer, gas, power), inspection of existing PAW's relative to its physical attributes and use, and assessment of safety and security attributes. The draft plan is to include an assessment of Essential and Non-essential PAW's and identify PAW's which need to be upgraded and improved, together with identification of future requirements for new PAW's (e.g. - around railway stations). Consultation is to occur with a range of government agencies and the local community. Once finalised by local government, the plan is to be endorsed by the WAPC.

**Reducing crime and anti-social behaviour in Pedestrian Access Ways**

- A situational crime prevention assessment for PAW's is proposed to be introduced to assist in the crime risk assessment and management process.
- A suite of designing out crime strategies is proposed to be introduced to assist local governments to address crime and anti-social behaviour in PAW's.

A number of tools are proposed for the situational crime prevention assessment, inclusive of a designing out crime PAW assessment, socio-economic vulnerability assessment, contextual crime assessment and a decision tree process.

**P09/3072 - DRAFT WESTERN AUSTRALIAN PLANNING COMMISSION GUIDELINES FOR THE CLOSURE AND REDUCTION OF CRIME AND ANTI-SOCIAL BEHAVIOUR IN PEDESTRIAN ACCESS WAYS (PAW'S) (REC) (ATTACHMENT)**

The designing out crime PAW assessment is a tool which provides a snapshot or the potential vulnerability of a PAW to crime in terms of use, design and crime problems. A low assessment score indicates that the PAW (in terms of physical design) has characteristics associated with opportunities for crime (high vulnerability PAW) and may require implementation of designing out crime solutions. A high assessment score indicates that the PAW has characteristics associated with low opportunities for crime (low vulnerability PAW).

The socio-economic vulnerability assessment assigns high, medium and low crime risks dependant on the above designing out crime PAW assessment and whether an area has a high or low socio-economic status. This acknowledges that areas of low socio-economic status are often associated with increased crime risk.

The contextual crime assessment involves the collection of statistics relative to crimes against PAW users, damage to the PAW (graffiti etc.) and crimes against properties adjacent the PAW. In addition, a survey is required of a fully representative sample of PAW users, and those living and working near PAW's about crime fears.

The decision tree follows a four stage process to assess in determining whether or not a PAW should be closed or managed to address a crime risk. This involves assessing actual and perceived crimes, assessing the crime risk and compliance with designing out crime principles and implementation of designing out crime strategies and closure (temporary or permanent). For this purpose, two criteria are recommended for the classification of PAW's – Essential: PAW to be retained as it plays a key role for the local movement network; Non-essential: could be closed without causing significant disadvantage to local residents. Essential PAW's should not be considered for permanent closure, rather use of designing out crime principles is recommended, with temporary closure as a last resort. For non-essential PAW's, the designing out crime strategies should be implemented prior to consideration of permanent closure.

The designing out crime strategies include rapid removal of graffiti, fast clean up and repair of vandalism, constant maintenance of the PAW surfaces, improving lighting at both ends and through the PAW, installation of mirrors to improve visibility where PAW not straight or direct, clearance of shrubbery to improve site lines, installation of permeable fencing against public space to improve casual surveillance, installation of movement-sensored lighting, deploying mobile and permanent CCTV, signage (to prohibit graffiti, provide way-finding and exhibit positive signage as part of a network), use of thorny vegetation to reduce graffiti opportunity and hinder attempts to illegally access property, removal of physical objects which could be used for crime against PAW users and illegal access to adjoining property, installation of bollards to prevent vehicular access, barriers to reduce cycle speed and closure during vulnerable periods (e.g. night), establish routine police or security patrols, widening the PAW to reduce opportunity for entrapment, use of Singapore style clear tunnel fencing.

**P09/3072 - DRAFT WESTERN AUSTRALIAN PLANNING COMMISSION GUIDELINES FOR THE CLOSURE AND REDUCTION OF CRIME AND ANTI-SOCIAL BEHAVIOUR IN PEDESTRIAN ACCESS WAYS (PAW'S) (REC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

NA

**REFERRALS TO GOVERNMENT AGENCIES**

NA

**STATUTORY AND LEGAL IMPLICATIONS**

Provided the matters associated with PAW closure are administered in accordance with the proposed requirements, there are no adverse statutory or legal implications for the Council. The proposals will assist Council in achieving temporary closures where emergent safety issues are of concern (e.g. Kidson Street/Bersica Court closure proposal) and will provide for a strategic approach to the closures of PAW's whilst respecting overarching pedestrian movement networks. On completion of the proposed Pedestrian and Cycle Access Plans, these will provide guidance for Council to assess closure requests in a strategic manner.

Designing out crime guidelines may provide alternatives to closure in order to respond to adjoining owner concerns where PAW's are required for the broader community pedestrian movement network. There is a possible concern that the expectations for the preparation of a Pedestrian and Cycle Access Plan, together with the need to implement the designing out crime principles before closure, may result in local authorities being reluctant to progress closure proposals or that in the absence of these measures being taken, that approval will not be supported. It is noted that these procedures could involve significant financial outlays for the Council and in many instances, will delay proceedings.

**FINANCIAL IMPLICATIONS**

Council will be required to prepare pedestrian and cycle access plans for its residential areas to provide a strategic approach to the PAW networks retention. This plan will need to be endorsed by the WAPC and on finalisation will guide the City on how to deal with closure proposals.

**P09/3072 - DRAFT WESTERN AUSTRALIAN PLANNING COMMISSION GUIDELINES FOR THE CLOSURE AND REDUCTION OF CRIME AND ANTI-SOCIAL BEHAVIOUR IN PEDESTRIAN ACCESS WAYS (PAW'S) (REC) (ATTACHMENT)**

The designing out crime proposals for the retention of existing PAW's may have an impact in terms of the cost of providing safe, clean, well maintained PAW's with low level landscaping as proposed by the Reducing Crime and Anti-Social Behaviour in Pedestrian Access Ways Planning Guidelines. In addition, some of the measures may be costly to implement and will require time to appropriately plan for within budget constraints.

Council's Manager Neighbourhood Amenity has advised that in reality, the majority of existing PAW's in the City would be rated as highly vulnerable under the designing out crime and socio-economic assessments. The assessment of crime statistics may not give a true measure of the actual crime as it is estimated that only 15% of actual crime is reported as residents do not associate the PAW as their property and hence do not report problems. Concern raised that as most of the City of Melville's Paw's were developed before Crime Prevention Through Environmental Design (CPTED) were implemented and therefore, there will be a significant cost in bringing the existing PAW's up to standard and maintaining them as an ongoing cost.

The determination of PAW closure requests may have an impact on the community. The proposed pedestrian and cycle access plans will to a large degree address these issues.

**ALTERNATIVE RECOMMENDATION**

Elected Members may be of the view that the WAPC should be advised that the City of Melville does not support the proposed changes.

**POLICY IMPLICATIONS**

There is no longer a specific Council Policy that relates to the closure of PAW's. The requirements of the current Planning Bulletin No. 57 replace the former Council Policy requirements in setting out procedures and expectations with regard to these matters. New procedures, once adopted will guide local government to achieve a balance between local and broader community expectations with regard to closure proposals.

**P09/3072 - DRAFT WESTERN AUSTRALIAN PLANNING COMMISSION GUIDELINES FOR THE CLOSURE AND REDUCTION OF CRIME AND ANTI-SOCIAL BEHAVIOUR IN PEDESTRIAN ACCESS WAYS (PAW'S) (REC) (ATTACHMENT)****COMMENT**

The proposals represent costly but improvements to the current guidelines, particularly with regard to the streamlined procedures and opportunity to seek temporary approvals where emergent safety considerations are paramount to the community. Notwithstanding the cost of preparation, the requirement to prepare pedestrian and cycle access plans will establish a strategic framework for the consideration of closure proposals and will balance divergent views of neighbour concerns with that of the broader community relative to maintenance of pedestrian movement systems. The concepts raised to design out crime and anti social behaviour may not be suitable in all instances, however they do offer Council and adjoining owners options to consider which will improve safety in and adjacent to PAW's which are identified as crucial to pedestrian and cycle movement systems.

**CONCLUSION**

It is recommended that the Western Australian Planning Commission be advised that Council generally supports the proposals contained in Planning Bulletin 57/2009 and advise that the measures proposed provide for an improved and transparent closure system which respects both local and broader community expectations together with procedures to allow temporary closure in instance of emergent safety concerns and consideration of designing out crime options as an alternative to closure when the PAW is of strategic importance to the pedestrian movement network are considered and desirable. Concern is raised with regard to the cost of implementing procedures proposed by the planning guidelines and the impact that this may have on the progression of closure proposals in terms of delays caused whilst undertaking these procedures.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3072)****APPROVAL**

- 1 That Council advise the Western Australian Planning Commission that it supports the proposals contained in Planning Bulletin 57/2009 relative to Draft Planning Guidelines for Pedestrian Access Ways.**
- 2 That Council supports the measures proposed that provide for an improved and transparent closure system which respects both local and broader community expectations.**
- 3 That Council has concern with regard to the cost and time involved in the preparation of Pedestrian and Cycle Access Plans and cost implications in the implementation of designing out crime strategies which may hamper the progression of closure proposals and place local authorities under significant financial expectations and constraints.**

**P09/3072 - DRAFT WESTERN AUSTRALIAN PLANNING COMMISSION GUIDELINES FOR THE CLOSURE AND REDUCTION OF CRIME AND ANTI-SOCIAL BEHAVIOUR IN PEDESTRIAN ACCESS WAYS (PAW'S) (REC) (ATTACHMENT)**

- 4 That Council supports procedures to allow temporary closure in instances of emergent safety concerns and considers designing out crime options as an alternative to closure when the PAW is of strategic importance to the pedestrian movement network.**

At 6.47pm the Mayor submitted the motion which was declared

**CARRIED EN BLOC  
WITHOUT DISSENT (11/0)**



**T09/2004 – ENVIRONMENT POLICY (REC) (ATTACHMENT)**

Ward : All  
 Category : Policy  
 Subject Index : Environment Management  
 Customer Index : City of Melville  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Ian Davis  
 Manager Parks and Environment

**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 checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>includes adopting local laws, town planning schemes &amp; policies.</i></b>
<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>

**T09/2004 – ENVIRONMENT POLICY (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

The Environment Policy will demonstrate the City of Melville's commitment to the Environment. The Environment Policy will set the direction for the actions and targets arising from the Environmental Management System.

**BACKGROUND**

The City of Melville is responsible for the provision of goods and services to the community. In the process of providing those goods and services the organisation has impacts on the environment. In the interests of good governance, a need has been identified for an Environment Policy. An Environment Policy establishes the principles of action for an organisation. It sets the level of environmental responsibility and performance required of the Organisation, against which all subsequent actions will be judged. The policy should be appropriate to the Organisation's activities, products and services and should guide the setting of objectives and targets.

The Environmental Policy demonstrates and drives the Organisation's commitment to continual improvement in environmental performance. It is a statement of actual commitment from Senior Management and will establish an overall sense of direction and set guiding principles for the implementation of the Environmental Management System.

The Policy should be capable of being understood by both internal and external parties of interest and should be periodically reviewed and revised to reflect changing conditions and information.

The City of Melville is currently undertaking preparation to be accredited to ISO 14001 Environmental Management Standard. The standard requires that Senior Management defines the Organisations' Environmental Policy and ensures that it:

- is appropriate to the nature, scale and environmental impacts of its activities, products or services;
- includes a commitment to continual improvement and prevention of pollution;
- includes a commitment to comply with relevant Environmental Legislation and Regulations and with other requirements to which the Organisation subscribes;
- provides the framework for setting and reviewing environmental objectives and targets;
- is documented, implemented, maintained and communicated to all employees; and,
- is available to the public.

**T09/2004 – ENVIRONMENT POLICY (REC) (ATTACHMENT)****DETAIL**

The following Policy Statement details the City of Melville's commitment to the environment and to implementing an Environmental Management System.

**Policy Objective:**

To provide guidance and direction for the City of Melville to minimize our impact on the environment.

**Policy Statement:**

The City of Melville is responsible for providing a broad range of services to residents and businesses, including parks and reserves, recreation and leisure facilities, libraries and community education, collection and disposal of waste, planning and building approvals, environmental health and civil construction including roads, footpaths and cycle ways.

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

**Achieving Our Environmental Commitment:**

Within our operations we will:

- Develop an Environmental Management Plan (EMP) and organisationally focussed Environmental Management System (EMS) to enhance awareness and the priority given to the environment;
- Implement and use management systems to plan, document, measure and monitor environmental performance including setting, assessing and reviewing objectives and targets;
- Identify and manage environmental risks within our operations and apply best practice principles to the prevention of pollution;
- Continually improve environmental performance through training, management review research and development and consultation with the community;
- Require employees and contractors to comply with all relevant environmental legislation, regulations and standards; and,
- Communicate this policy to all staff, contractors and other stakeholders as well as making this policy available to the general public.

**T09/2004 – ENVIRONMENT POLICY (REC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

No public consultation has been undertaken to date. The direction for Environmental Policy is set from within the organisation and Council. Once the Policy has been approved by Council it will be communicated to all staff, relevant stakeholders and the Community.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies or consultants has been entered into.

**STATUTORY AND LEGAL IMPLICATIONS**

N/A

**FINANCIAL IMPLICATIONS**

N/A

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

The level of risk is perceived to be low for this type of policy. Impacts of this policy are likely to be positive in terms of public perception, progression of the Environmental Management System and actions that are likely to arise from the policy.

No risk mitigation strategies are necessary for this Policy.

**POLICY IMPLICATIONS**

The adoption of the attached document will result in the creation of a new Policy.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The alternate option is not to endorse this Policy. The existence of an environment policy endorsed by Senior Management and Council is a requirement of the ISO14001 standard. Not having a policy would result in non-conformance with the standard and subsequent failure to achieve ISO14001 certification.

**T09/2004 – ENVIRONMENT POLICY (REC) (ATTACHMENT)**

**OFFICERS RECOMMENDATION & COUNCIL RESOLUTION (2004)**

**APPROVAL**

At 6.47pm Cr Macphail moved, seconded Cr Subramaniam -

- 1. That Council adopt 12-PL-002 Environment Policy as detailed in attachment [12-PL-002](#).**

At 6.48pm the Mayor submitted the motion which was declared

**CARRIED (11/0)**

**C09/8014 – PETITION PINEY LAKES DOG OFF-LEAD EXERCISE AREA (REC)  
(ATTACHMENT)**

Ward : University  
 Category : Operational  
 Subject Index : Petitions and multi signature letters: DW 2047483  
 Customer Index : Evans  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : Item number: PO5/8000  
   Local Law relating to dogs  
   February 2005  
   Item Number: 12.1  
   Petition – Piney Lakes Dog Exercise Area  
   March 2009  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Brodie Dawkins  
   Manager Neighbourhood Amenity

**AUTHORITY / DISCRETION**

**DEFINITION**

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<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes &amp; policies.</i>
<input checked="" type="checkbox"/>	<b>Review</b>	<b><i>when Council review decisions made by Officers.</i></b>
<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>

**C09/8014 – PETITION PINEY LAKES DOG OFF-LEAD EXERCISE AREA (REC)  
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Response to a petition received seeking support to maintain open an area of Piney Lakes reserve as an off-lead dog exercise area, and for a water tap to be installed.
- There are no plans by the Council to close the area between the gazebos and Leach Highway as an off-lead dog exercise area
- The installation of a tap is planned to be provided.

**BACKGROUND**

At its February 2005 meeting of Council it was resolved to adopt Piney Lakes Reserve Dog Restrictions (Item number: PO5/8000 [8014 Resolution](#)). The restrictions are as per the diagram: [8014 Plan 2009](#).

A petition signed by 47 residents was received by the City of Melville on Friday 6<sup>th</sup> March 2009. The petition reads as follows -

*“We, the undersigned, all being Electors of the City of Melville, do humbly pray that the area between the gazebos and Leach Highway remain open as an off-lead dog exercise area, and a tap be provided for thirsty dogs..”*

The petition was presented at the Ordinary Meeting of Council 21 April 2009 and Council resolved that the petition be noted and that a report be presented to a future meeting of Council.

**DETAIL**

The current Local Laws pertaining to dogs in Piney Lakes in fact allows dogs to remain off-lead between the gazebos and Leach Highway on the western side of the reserve (refer attachment)

Council Officers have met with the organiser of the petition Mrs Dorothy Evans to clarify the current restrictions in Piney Lakes.

It was resolved that the existing restrictions allow dogs to be exercised off-lead in the area requested in the petition.

Further, Council Officers intend to install a dog drinking fountain in the dog exercise area at Piney Lakes.

**PUBLIC CONSULTATION/COMMUNICATION**

No external consultation has been carried out, however officer have met with the organiser of the petition.

The organiser of the petition supports the action taken by Council Officers.

**C09/8014 – PETITION PINEY LAKES DOG OFF-LEAD EXERCISE AREA (REC)  
(ATTACHMENT)**

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable

**STATUTORY AND LEGAL IMPLICATIONS**

No legal advice or opinion has been received in relation to the item.

**FINANCIAL IMPLICATIONS**

The implementation of the dog drinking fountain will be funded from the existing operational budget.

The on-going financial implications are in relation to the water usage at this site which would be minimal.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

The issue will not impact on the strategies of the Council as there is no change to the existing Local Laws relating to dogs at Piney Lakes.

<b>Risk Statement</b>	<b>Level of Risk*</b>	<b>Risk Mitigation Strategy</b>
Risk of increased ongoing maintenance expenses due to proposed changes in layout, structures and use of the park or facility.	Minor consequences which are unlikely, resulting in a <b>Low</b> level of risk	Review use of materials and design plans such that more durable and lower maintenance materials are used.

**POLICY IMPLICATIONS**

No Policy is relevant to this item.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

A review of Local Laws relating to dogs is being undertaken at this time. In future reviews the dog restrictions that are currently in place at Piney Lakes and their suitability will be reconsidered.



**C09/8014 – PETITION PINEY LAKES DOG OFF-LEAD EXERCISE AREA (REC)  
(ATTACHMENT)****CONCLUSION**

There is no need to amend the Local Laws relating to dogs as a result of the petition. The current restrictions in place allow dogs to be exercised off-lead between the gazebo and Leach Highway on the Western side of Piney Lakes.

Officers support the implementation of a dog drinking fountain within the dog exercise area in Piney Lakes.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8014)****APPROVAL**

- 1. That Council permit the area between the gazebos and Leach Highway at Piney Lakes Reserve to remain open as an off-lead dog exercise area, and supports the retention of the current dog exercise area.**
- 2. That a water tap for dogs be provided within the dog exercise area at Piney Lakes Reserve in the 2009/2010 budget year as requested by the petitioners.**
- 3. That the petitioner be advised in writing of the Council decision.**

At 6.48pm the Mayor submitted the motion which was declared

**CARRIED EN BLOC  
WITHOUT DISSENT (11/0)**

**C09/5070 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENT)**

Ward	: All
Category	: Strategic
Subject Index	: Delegated Authority
Customer Index	: City of Melville
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: C08/5014 Review of City of Melville Delegated Authority Manual – 17 June 2008
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance & Compliance Program Manager

**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 checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>includes adopting local laws, town planning schemes &amp; policies.</i></b>
<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 seeks Councils consideration in reviewing, deleting and adopting certain delegations of authority that permit officers to perform functions within a prescribed parameter.

**C09/5070 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENT)****BACKGROUND**

The Local Government Act 1995 (The Act) provides for the delegation of certain powers and duties to certain Committees (Sections 5.16 & 5.17) and the Chief Executive Officer (Sections 5.42 & 5.43). The Chief Executive Officer may, unless prohibited by Councils instrument of delegation, further on-delegate powers and duties to employees (Section 5.44).

The Act also provides for a delegations register to be maintained and reviewed each financial year (Section 5.46). Council Officers have reviewed the delegations. This report requests Council to undertake a review of the reviewed delegations as submitted by the Officers.

**DETAIL**

It is necessary to review all current delegations to ensure, in the first instance, that they are consistent with the legislation and secondly, that they are, still necessary. Although the provisions of the Local Government Act 1995 do not affect delegations made under other legislation, it is also considered be an appropriate time to review those delegations.

“Delegated Authority” refers only to those powers or duties required by legislation and are often referred to as statutory delegations. Generally, these delegated authorities will be made to the Chief Executive Officer who may then on-delegate to such person or persons as he feels appropriate.

[5070 Delegation Register](#) The City of Melville Delegated Authority Manual forms part of the Attachments to the Agenda, which was distributed to Members of the Council on 29 May 2009. This attachment provides specific detail as to the extent of each delegation.

**Delegations Recommended for Deletion**

There are 12 delegations recommended for deletion:

03-DA-001 Plan for the Future. The initiation of the development of a Plan for the Future is an administrative function that culminates in a report to Council. The power to adopt and amend is a Council decision (by absolute majority). This delegation is not required.

13-DA-001 Invitation to Tender. The process of inviting tenders is an administrative function. This delegation is not required.

13-DA-008 Transfer of Trust Funds. This is an administrative task suitable for “Acting Through”. This position is supported by the Department of Local Government Guideline No 17.

**C09/5070 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENT)**

13-DA-012 Authority to Negotiate Loan Greening Australia (WA). No progress has been made by Greening Australia (WA) in respect to the construction of their WA Administrative Headquarters at Piney Lakes and it is 5 years since Council made this decision. It is therefore recommended that the delegation be withdrawn.

14-DA-001 Register of Delegations. The Local Government Act 1995 at s5.46 requires the Chief Executive Officer to keep a register of delegations. As it is a requirement of the Act a further delegation from Council is not required.

14-DA-002 Advertising of Council Meetings. The advertising of Council Meetings is required under Local Government Act 1995 and is considered to be an administrative function. This delegation is therefore not required.

14-DA-010 Initiate Ward Boundary Review. A Ward Boundary review is required to be carried out every 8 years. A delegation is not required to initiate such a review as it is a requirement of the Local Government Act 1995 Schedule 2.2 6(1). This delegation is therefore not required.

14-DA-013 Owners and Occupiers Roll Applications. This delegation is more specifically a delegation from the Chief Executive Officer to other officers for action. It is not a delegation required from Council but is recommended to be held as a Chief Executive Officer delegation to officers.

17-DA-001 Destruction of Records. This delegation is more specifically a delegation from the Chief Executive Officer to other officers for action. It is a responsibility of the Chief Executive Officer to keep proper records and procedures (Section 5.41(h)). It is not a delegation required from Council but is recommended to be held as a Chief Executive Officer delegation to officers.

24-DA-001 Rates or Service Charge Payment Agreements. This is an administrative task suitable for "Acting Through". This position is supported by the Department of Local Government Guideline No 17. The Chief Executive Officers will authorise particular officers to undertake this task. This delegation is therefore not required.

24-DA-005 Objections to the Rate Record. This delegation is more specifically a delegation from the Chief Executive Officer to other officers for action. It is not a delegation required from Council but is recommended to be held as a Chief Executive Officer delegation to officers.

24-DA-006 Lease of Land where Rates or Service Charges are Unpaid. The content of this delegation has been incorporated into 24-DA-007. This delegation is not required.

**C09/5070 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENT)****Minor Amendments to Delegations.**

The majority of delegations have been amended to note the change of officer position titles. These amendments do not change the nature of the delegation.

04-DA-009 Authority to Sign Construction Documentation on Behalf of the City of Melville. The sub-delegation has been amended to remove Projects/Contracts Manager.

06-DA-002 Gaming Permits. Greater detail has been included in the description of the delegation.

06-DA-004 Approvals under Local Laws. The Sub-Delegation has been amended to include the Director Urban Planning and vary the extent of Officers' delegation.

06-DA-005 Building Notices and other Related Matters. The words "Certificate of Occupancy" has been amended to "Classification Certificate". A Sub-Delegation to Director Urban Planning has been included.

06-DA-006 Planning Applications on Land Adjoining Council Property. The title of the delegation has been amended and a Sub-Delegation amended to include the Planning Services Coordinator.

06-DA-007 Function of Building Surveyor, Building & Demolition Licences and Classification Certificates. The title has been amended to include "Classification Certificates" and the conditions of approval have minor amendments.

06-DA-008 Planning and Related Matters. The description of the delegation has been amended to remove the term "reconsiderations". The term reconsiderations only apply to residential setback refusals. The amendments will provide an improved delegation description.

06-DA-009 Strata Titles. There are minor clarification amendments to reference a particular form (Form 7).

**New Delegations**

23-DA-009 Public Building Occupancy. This delegation provides authority to assess and approve the maximum number of persons to occupy a public building. This power rests under the Health Act 1911 s178 (1).

23-DA-010 Club & Club Restricted, Occasional Liquor Licence Requests  
This delegation provides an Officer level approval for numerous requests to extend previously approved club and club restricted liquor licences, and ad hoc occasional licences (e.g. wine and cheese evenings, exhibitions) within parameters identified by Council in a prior report C06/8013 in February 2006.

**C09/5070 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENT)**

Other Delegations have been reviewed by officers and suggestions have been included on the Delegations for changes to descriptions and sub-delegations to or from positions. The review process was undertaken by all Directors and their suggestions have been noted on each Delegation. An attachment [5070 Delegation Register](#) provides an analysis of all Delegations and identifies where suggested amendments have been recommended.

**PUBLIC CONSULTATION/COMMUNICATION**

No external public consultation has been carried out as these delegations are considered to be an internal matter requiring only the Councils consideration.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Should delegations to Officers not be granted, customers would experience increased delay in obtaining approvals and authorisations.

The City of Melville Delegated Authority Manual has been modelled on the Department of Local Governments guidelines introduced in the February 2007. These guidelines were prepared in collaboration between Department of Local Government & Regional Staff, McLeods Barristers & Solicitors, and officers from various local governments including the City of Melville.

**STATUTORY AND LEGAL IMPLICATIONS**

The following are the key issues under the Act affecting delegated authority:

Delegations (to Committees and the Chief Executive Officer) must be made by an absolute majority decision [s.5.16(1) and s.5.42(1)].

- Delegations (whether to Committees or the Chief Executive Officer) must be in writing, and may be general or as otherwise provided in the instrument of delegation [s.5.16(2), s.5.42(2) and s.5.44(2)].
- All Delegations will have effect for the period of time specified in the delegation, or if not specified, indefinitely. Any decision to amend or revoke a delegation must be by absolute majority [s.5.16(3)].
- Any of the Council powers or duties under the Act can be delegated to a Committee comprising Council members only, EXCEPT any power or duty requiring absolute or special majority decisions; or any other power or duty as prescribed [s.5.17(1)(a)].

**C09/5070 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENT)**

- Delegations CANNOT be made to Committees comprised of “other persons” only [s.5.9(2)(f)] (i.e. with no council members or employees). Following from this, delegations cannot be made to a committee comprised of employees only [such a committee cannot exist by virtue of s.5.9(2)].
- A Local Government may delegate to the Chief Executive Officer, by absolute majority, any of its powers or duties under the Act [s.5.42(1)], EXCEPT those identified in s.5.43 as listed below:
  - (a) any power or duty that requires an absolute or special majority decision or seventy five percent (75%) majority of the Local Government;
  - (b) accepting a tender which exceeds an amount determined by the Local Government;
  - (c) appointing of an auditor;
  - (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government;
  - (e) any powers under s.5.98 (fees for Council Members), s.5.99 (annual fee for Council Members in lieu of fees for attending meetings), or s.5.100 (payments for certain Committee Members);
  - (f) borrowing money on behalf of the local government;
  - (g) hearing or determining an objection of a kind referred to in s.5.95;
  - (h) any power or duty requiring the approval of the Minister or the Governor;
  - (i) such other powers or duties as may be prescribed.
- Any powers or duties which can be delegated to the Chief Executive Officer in accordance with s.5.42 and s.5.43, can be delegated to a Committee comprising Council members and employees [s.5.17(1)(b)]. Further, the Chief Executive Officer may delegate to any employee any of these powers or duties (other than the power of delegation) [s.5.44(1)]
- Any powers or duties that are necessary or convenient for the proper management of the City of Melville’s property or related to an event in which the City of Melville is involved, can be delegated to the following types of Committee:
  - (i) comprised of council members, employees and other persons
  - (ii) comprised of council members and other persons
  - (iii) comprised of employees and other persons [s.5.17(1)(c)]

**C09/5070 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENT)**

- Registers must be kept of all Delegations made to Committees, the Chief Executive Officer and employees, and such Delegations are to be reviewed at least once every financial year. [s.5.18, s.5.46(1) & (2)]
- The Chief Executive Officer and any other employee who has been delegated a power or duty under the Act is required to keep a written record of:
  - (i) how and when the power was exercised or the duty discharged
  - (ii) the persons or classes of persons directly affected (other than Council or Committee members, or employees) by the use of the delegation [s.5.46(3) and Reg. 19].

**FINANCIAL IMPLICATIONS**

Should a Council choose not to delegate authority to its officers, additional financial cost will be incurred in the extra administrative resources that would need to be applied in order to prepare reports seeking authorisation for individual actions from Council.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk*</b>	<b>Risk Mitigation Strategy</b>
An issue arises that requires urgent attention of officers to ensure public safety.	Moderate consequences which are almost certain, resulting in a <b>High</b> level of risk.	Implementation of delegation of power to authorise officers to enter site to make a situation safe.
That Officers exercise a delegation that results in a decision being made that is contrary to the wishes of the Council	Moderate consequences which are unlikely resulting in a <b>Medium</b> level of risk.	Clear Council policy is established to guide delegated Officers/committees in the exercise of the delegation.

\* As derived from using the Risk Assessment Matrix

**POLICY IMPLICATIONS**

A number of Council policies adopted by Council have enabling delegation to the Chief Executive Officer who in turn may on delegate to other appointed Officers.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

All delegations are subject to the discretion of Council and can be removed at any time. Council may choose to remove delegations which in turn will then require formal Council consideration of relevant matters or items at the next available meeting of Council.



**C09/5070 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENT)**

**CONCLUSION**

It is important to note that major decisions or actions made under delegation are as a matter of procedure referred onto Elected Members for their information. In addition whilst many decisions may be procedural, circumstances may make a decision contentious and therefore may be referred onto Council for formal decision despite the enabling delegation.

**OFFICER RECOMMENDATION (5070)**

**ABSOLUTE MAJORITY APPROVAL**

At 6.59pm Cr Macphail moved, seconded Cr Subramaniam -

**That by Absolute Majority Decision, the City of Melville Delegated Authority Manual [5070 Delegation Manual](#) as attached be adopted.**

Amendment

At 6.59pm Cr Macphail moved, seconded Cr Subramaniam that the following amendment be made to the Officer Recommendation -

**That by Absolute Majority Decision, the City of Melville Delegated Authority Manual [5070 Delegation Manual](#) as attached be adopted,**

***with the following alterations***

- a) ***04-DA-002 – Leasing/Licencing of property to increase the delegation to the Chief Executive Officer from \$80,000 to \$250,000 and a maximum lease term from seven (7) to ten (10) years and to increase the sub delegation to the Director Corporate Services from \$40,000 per annum to \$50,000 per annum.***
- b) ***23-DA-010 – ‘Club & Club Restricted, Occasional Liquor Licence Requests’ to change the title of the Delegation to ‘Club and Club Restricted, Occasional Liquor Licence and Ad Hoc Gaming Requests’ and to include an additional Clause 3.***

***Clause 3: To allow the Chief Executive Officer to approve ad hoc gaming requests to groups that currently comply with Section 39 & 40 requirements of the Liquor Licencing Act 1988.***

At 7.07pm the Mayor submitted the amendment which was declared

**CARRIED BY ABSOLUTE MAJORITY (11/0)**

**C09/5070 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY MANUAL  
(AMREC) (ATTACHMENT)**

At 7.07pm the Mayor submitted the substantive motion as amended –

**COUNCIL RESOLUTION (5070)**

**ABSOLUTE MAJORITY APPROVAL**

**That by Absolute Majority Decision, the City of Melville Delegated Authority Manual  
5070 Delegation Manual as attached be adopted,**

**with the following alterations**

- c) 04-DA-002 – Leasing/Licencing of property to increase the delegation to the Chief Executive Officer from \$80,000 to \$250,000 and a maximum lease term from seven (7) to ten (10) years and to increase the sub delegation to the Director Corporate Services from \$40,000 per annum to \$50,000 per annum.**
- d) 23-DA-010 – ‘Club & Club Restricted, Occasional Liquor Licence Requests’ to change the title of the Delegation to ‘Club and Club Restricted, Occasional Liquor Licence and Ad Hoc Gaming Requests’ and to include an additional Clause 3.**

**Clause 3: To allow the Chief Executive Officer to approve ad hoc gaming requests to groups that currently comply with Section 39 & 40 requirements of the Liquor Licencing Act 1988.**

At 7.07pm the Mayor declared the motion

**CARRIED ABSOLUTE MJORITY (11/0)**

**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"/>	<b>Executive</b>	<b><i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>when 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**

<b>Register Reference*</b>	<b>Party</b>	<b>Description</b>	<b>File Reference</b>
276	Golden Egg Farms	City of Melville Community Planning Scheme No. 5 Amendment No. 51  Rezoning from Industrial to Residential & Inserting Precinct P2 Lots 12 & 20 (43 & 43A) McGregor Road, Palmyra	2072746 & 1918980

\* 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 7.08pm the Mayor submitted the motion which was declared

**CARRIED EN BLOC  
WITHOUT DISSENT (11/0)**

**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"/>	<b>Executive</b>	<b><i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>when 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 investment statements for the month of April 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.

**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 April 2009](#) and [6000B April 2009](#) contain specific details (including **estimated** market and officer valuations) of the investments held at 30 April 2009. Agenda attachment [6000C April 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 April 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 March quarter valuations (see below) obtained from CPG Research & Advisory (Council's Independent Investment Advisor's) in respect to the ADI investments.

Security	Council Book Value	Cost Value
<b>CDO</b>	<b>\$ 5,028,254</b>	<b>\$ 21,220,000</b>
High	\$ 650,464	\$ 13,920,000
Blue Gum	\$ 41,250	\$ 1,500,000
Esperance	\$ 72,000	\$ 1,800,000
Glenelg	\$ 100,000	\$ 2,000,000
Green 2	\$ 75,000	\$ 1,000,000
Henley	\$ 48,164	\$ 385,000
Kakadu	\$ 105,000	\$ 1,500,000
Parkes IA	\$ 71,500	\$ 2,050,000
Scarborough	\$ 81,000	\$ 1,800,000
Torquay	\$ 56,550	\$ 1,885,000
Moderate	\$ 780,000	\$ 2,000,000
Flinders	\$ 780,000	\$ 2,000,000
Early Termination	\$ 3,597,790	\$ 5,300,000
Beryl Bank Note	\$ 1,602,790	\$ 2,450,000
Coolangatta	\$ 1,050,000	\$ 1,500,000
Merimbula	\$ 350,000	\$ 500,000
Miami	\$ 595,000	\$ 850,000
<b>Guranteed Yield Note</b>	<b>\$ 1,046,500</b>	<b>\$ 1,150,000</b>
Low	\$ 1,046,500	\$ 1,150,000
Duetsche Bank Yield Curve Note	\$ 1,046,500	\$ 1,150,000
<b>Grand Total</b>	<b>\$ 6,074,754</b>	<b>\$ 22,370,000</b>

**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.

As illustrated above, the CDOs that have a “High” risk of impairment 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 2 credit events (XL Capital Assurance and Bank TuranAlem) in April that has affected Council’s CDOs. Due to the continuing difficult global economic conditions facing corporations, it is expected that further credit defaults and ultimately defaults of CDO’s themselves will occur in the near future.

The estimate based on officer’s valuations and valuations provided as at 30 April 2009, is that if it had been possible to dispose of all investments at the end of April, a loss of \$18,771,164 (29.64%, March 27.72%) would have been realised. The market valuation of the CDO element of the investment portfolio at the end of April represented 20.62% (March 23.69%) of its cost figure, with individual valuations ranging between 0% and 70%.

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.



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

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

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

<b>SUMMARY BY FUND</b>	<b>FACE VALUE</b>	<b>PURCHASE PRICE</b>	<b>ESTIMATED MARKET VALUE</b>	<b>BOOK PROFIT/(LOSS)</b>	<b>BOOK PROFIT/(LOSS)</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>
MUNICIPAL	\$ 37,226,778	\$ 37,273,629	\$ 36,037,837	(\$ 1,235,792)	-3.32%
RESERVE	\$ 25,098,163	\$ 25,118,250	\$ 7,582,878	(\$ 17,535,373)	-69.81%
TRUST	\$ 784,485	\$ 784,485	\$ 784,485	\$ -	0.00%
GRF	\$ 157,329	\$ 157,329	\$ 157,329	\$ -	0.00%
	<b>\$ 63,266,755</b>	<b>\$ 63,333,693</b>	<b>\$ 44,562,529</b>	<b>(\$ 18,771,164)</b>	<b>-29.64%</b>

<b>SUMMARY BY INVESTMENT TYPE</b>	<b>FACE VALUE</b>	<b>PURCHASE PRICE</b>	<b>ESTIMATED MARKET VALUE</b>	<b>BOOK PROFIT/(LOSS)</b>	<b>BOOK PROFIT/(LOSS)</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>
ADI	\$ 14,500,000	\$ 14,559,078	\$ 12,741,484	(\$ 1,817,594)	-12.48%
CDO	\$ 21,220,000	\$ 21,227,860	\$ 4,377,790	(\$ 16,850,070)	-79.38%
CAP GUARANTEED NOTE	\$ 1,150,000	\$ 1,150,000	\$ 1,046,500	(\$ 103,500)	-9.00%
TERM DEPOSIT	\$ 20,500,000	\$ 20,500,000	\$ 20,500,000	\$ -	0.00%
11AM	\$ 5,666,110	\$ 5,666,110	\$ 5,666,110	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	<b>\$ 63,266,755</b>	<b>\$ 63,333,693</b>	<b>\$ 44,562,529</b>	<b>(\$ 18,771,164)</b>	<b>-29.64%</b>

<b>SUMMARY BY RATING</b>	<b>FACE VALUE</b>	<b>PURCHASE PRICE</b>	<b>ESTIMATED MARKET VALUE</b>	<b>BOOK PROFIT/(LOSS)</b>	<b>BOOK PROFIT/(LOSS)</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>%</b>
AAA	\$ 8,000,000	\$ 8,000,000	\$ 8,000,000	\$ -	0.00%
AA	\$ 4,512,275	\$ 4,528,985	\$ 3,292,275	(\$ 1,236,710)	-27.31%
AA-	\$ 17,803,835	\$ 17,804,645	\$ 17,581,636	(\$ 223,009)	-1.25%
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	\$ 5,118,733	(\$ 417,372)	-7.54%
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	\$ 3,597,790	(\$ 1,702,210)	-32.12%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	<b>\$ 63,266,755</b>	<b>\$ 63,333,693</b>	<b>\$ 44,562,529</b>	<b>(\$ 18,771,164)</b>	<b>-29.64%</b>

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

There was 2 credit rating changes in CDOs during April 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.

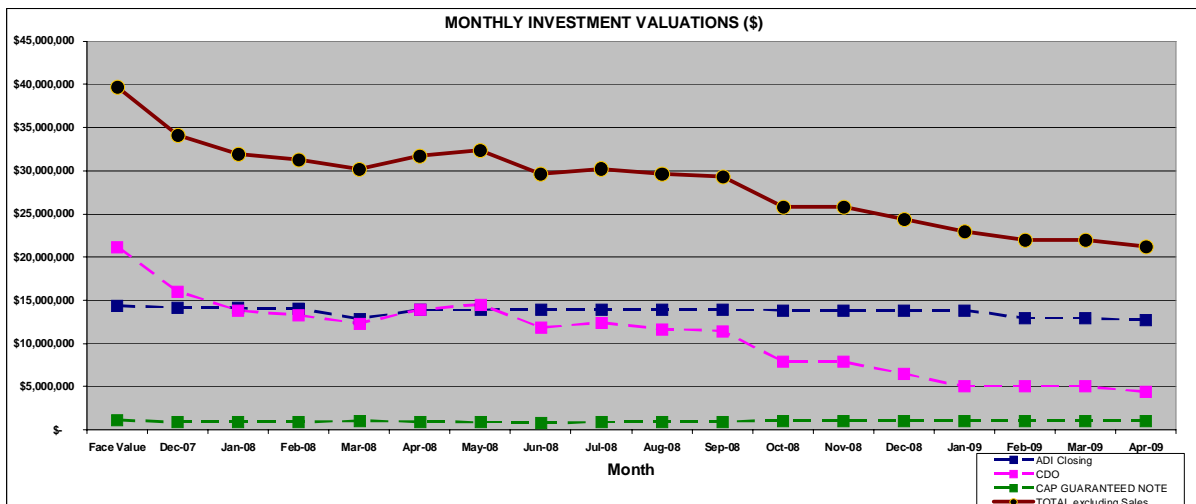
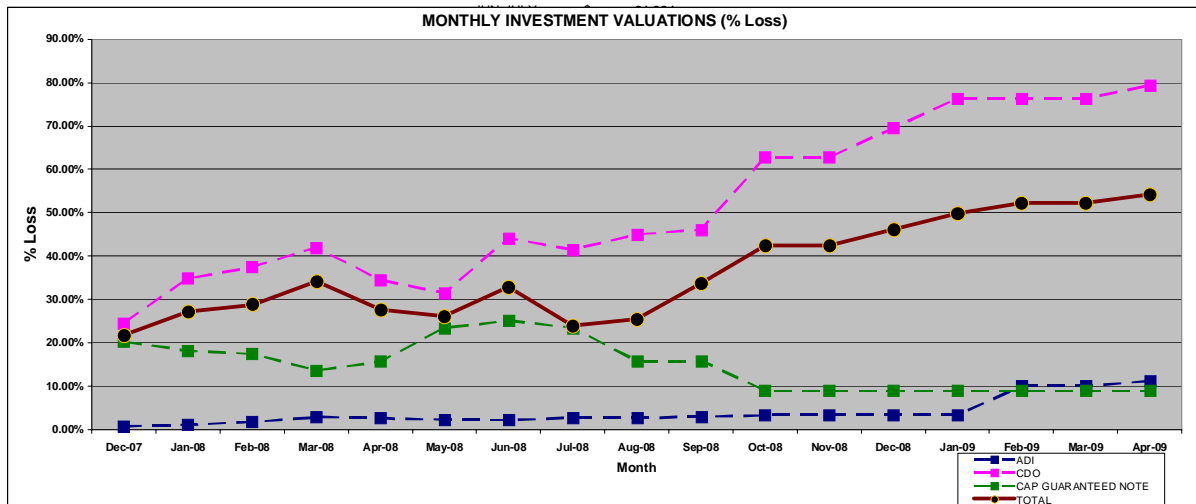
It should be noted that further investment in CDO's is specifically excluded under the current Investment Policy. No long term investments are being undertaken as the investment portfolio as previously structured by Lehman Brothers, was too heavily weighted into long term products.

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)**

Interest rates were relatively stable in this period, with the rates for 90 day bank bills falling by 0.055% from 3.149% to 3.094%, while the 30 day rates fell by 0.079% from 3.222% to 3.143%.

The graphs below summarise movements in valuation since April 2009.



**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.

**C09/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)****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. Subsequent quarterly payments have however now been received in relation to the Lehman Brothers arranged CDOs.

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.

**FINANCIAL IMPLICATIONS**

As at the end of April 2009, total interest excluding Reserve Fund interest earned was \$2,128,042, against a year to date budget of \$2,068,143. This represents a \$59,900 positive variance. The full year budget was revised down from \$2,550,000 to \$2,150,000, due to the very significant reductions in interest rates that have taken place over the course of the past year.

Reserve Fund interest earned was \$1,302,932 against a year to date budget of \$1,200,000, a positive variance of \$102,932. The full year budget is \$1,400,000.

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.

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

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 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 \$4.875m 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.

**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.

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

The current position and outlook in regards to the Council's CDO investments is very 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 2008/2009 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 April 2009, as detailed in the following attachments be noted:**

[6000A April 2009](#)

[6000B April 2009](#)

[6000C April 2009](#)

At 7.08pm the Mayor submitted the motion which was declared

**CARRIED EN BLOC  
WITHOUT DISSENT (11/0)**

**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"/>	<b>Executive</b>	<b><i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>when 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 April 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 April 2009, [6001 April 2009](#) including Payment Registers numbers 94 to 98 were distributed to the Members of Council on Friday 12 June 2009.

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

- Cary's Electrical Services – E014204, E014339, E014438, E014448 & E014555 – Electrical Services - \$86,802.86
- City of Cockburn – E014222, E014450 & E014430 – Waste Tip Fees - \$73,907.25
- Diesel Motors – E014454 – Automotive Services - \$62,124.10
- Downer EDI Works Pty Ltd – E014359, E014439 & E014579 – Road Construction and Maintenance Works - \$52,462.41
- Fire & Emergency Services Authority WA – E014586 – Emergency Service Levy Collection - \$448,921.16
- Flexi Staff – E014209, E014258, E014434 & E014480 – Temporary Contract Staff for Parks and Gardens and Waste Removal - \$50,931.45
- Southern Metro Regional council – E014203 – Recycling & Waste Collection - \$369,428.01
- Synergy – 034125 & 034346– Electricity Usage - \$132,656.90
- Titan Ford – E014295 & E014510 – Purchase of Ford Focus Sedan and Hatch - \$50,235.84

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.



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

**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.

**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 April 2009, as approved by the Director Corporate Services in accordance with Delegated Authority 13-DA-015, and detailed in attachment [6001 April 2009](#) be noted.**

At 7.09pm the Mayor submitted the motion which was declared

**CARRIED EN BLOC  
WITHOUT DISSENT (11/0)**

**C09/6002 – FINANCIAL STATEMENTS FOR APRIL 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**

<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"/>	<b>Executive</b>	<b><i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>when 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 financial statements to the end of April 2009 and recommends that they be noted by the Council.

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

**BACKGROUND**

The Financial Statements for the end of the month of April 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 April, a net operating positive variance of \$9.04m was recorded. Net capital expenditure remains \$7.26m under expended.

These variances reflect the phasing of budgets and unexpended capital expenditure on projects that will not be completed in 2008/09 and will be carried forward to 2009/10. 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 draft 2009/2010 has been formulated on the basis that a \$1.5m 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.

Investments have been valued at the cost of acquisition for the purpose of these monthly reports.

**Variances**

An analysis of the significant variances are identified below.

	April Actual+Comm \$	YTD Budget \$	YTD Actual+Comm \$	Variance %	Variance \$	Annual Budget \$
<b>Revenues</b>						
Governance	91,261	1,098,990	946,482	-14%	(152,508)	1,294,500
Health	624	118,080	134,776	14%	16,696	121,250
Transport	765,245	5,630,742	4,386,145	-22%	(1,244,597)	6,225,754
Other Property and Services	58,740	1,271,310	569,655	-55%	(701,655)	494,075
<b>Expenses</b>						
Governance	(1,560,217)	(12,907,892)	(11,471,384)	-11%	1,436,508	(15,015,310)
Law, Order, Public Safety	(492,957)	(4,377,882)	(3,842,694)	-12%	535,189	(5,182,214)
Health	(78,075)	(671,631)	(568,720)	-15%	102,912	(780,314)
Education & Welfare	(389,980)	(3,306,889)	(2,952,615)	-11%	354,274	(3,849,530)
Community Amenities	(4,586,214)	(11,250,057)	(12,947,380)	15%	(1,697,323)	(13,461,531)
Economic Services	(75,676)	(117,640)	(170,755)	45%	(53,115)	(120,570)
Other Property and Services	(692,015)	(1,171,005)	(2,246,792)	92%	(1,075,787)	(1,273,879)

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

**Revenue**

- Governance – 14% negative variance is due mainly to a marked slow down in development applications and therefore development application fee receipts.
- Health – 14% positive variance is due mainly to an increase in licence fees collected from health licensing fees.
- Transport – 22% 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 – 55% negative variance is due mainly to lower proceeds from the disposal of vehicle and plant assets, as a result of a revised fleet replacement policy.

**Expenditure**

- Governance – 11% positive variance due mainly to lower employee costs across all areas.
- Law, Order & Public Safety – 12% positive variance due mainly to Community Security and Swimming Pool Inspections lower employee costs.
- Health – 15% positive variance due mainly to staff vacancies.
- Education & Welfare – 11% positive variance due mainly to a decrease in meals being delivered/ordered and general under expenditure across Community Services.
- Community Amenities – 15% negative variance due mainly to a doubling up of back orders for the SMRC which will be reversed in May. Overall, the variance remains positive with under expenditures in Waste and Strategic Urban Planning projects.
- Economic services – 45% negative variance as a result of costs not yet recouped from the South West Group.
- Other Property & Services – 92% negative variance due mainly to Fleet costs not yet allocated out to plant items.

The following attachments form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday 29 May 2009.

<b>DESCRIPTION</b>	<b>LINK</b>
Statement of Financial Activity – April 2009	<a href="#">6002A April 2009</a>
Operating Statements by Program for the period ended 30 April 2009	<a href="#">6002B April 2009</a>
Representation of Working Capital as at April 2009	<a href="#">6002E April 2009</a>
Reconciliation of Net Working Capital as at 30 April 2009	<a href="#">6002F April 2009</a>
Notes on Operating Statements for April 2009 reporting on variances of 10% or greater	<a href="#">6002H April 2009</a>

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

Details of Budget Amendments requested during the month of April 2009	<a href="#">6002J April 2009</a>
Summary of Rates debtors as at 30 April 2009	<a href="#">6002L April 2009</a>
Graph showing Rates collections as at 30 April 2009	<a href="#">6002M April 2009</a>
Summary of general debtors aged 90 days old or greater as at 30 April 2009	<a href="#">6002N April 2009</a>

**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 APRIL 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 APRIL 2009 (AMREC) (ATTACHMENT)**

**CONCLUSION**

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

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

**ABSOLUTE MAJORITY**

At 7.09pm Cr Halton moved, seconded Cr Phelan -

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

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

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

At 7.10pm the Mayor submitted the motion which was declared

**CARRIED BY ABSOLUTE MAJORITY (11/0)**

15. LATE ITEMS

**T09/3075 - MELVILLE PRIMARY SCHOOL REDEVELOPMENT (REC) (ATTACHMENT)**

Ward : Palmyra/Melville/Willagee  
 Category : Operational  
 Subject Index : Old Melville Primary School Site  
 Customer Index : Melville Primary School Redevelopment  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : C04/8011 – 7 September 2004  
                               CO5/7000 – 5 April 2005  
                               T06/2007 – 4 July 2006  
                               T09/2003 – 10 February 2009  
 Works Programme : FY 09/10  
 Funding : \$1,416,000 (balance)  
 Responsible Officer : Ian Davis  
   Manager Parks and Environment

**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"/>	<b>Executive</b>	<b><i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>when 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>



**T09/3075 - MELVILLE PRIMARY SCHOOL REDEVELOPMENT (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

The City of Melville prepared an initial Master Plan for the old Melville Primary School site and reported to the Community and Technical Services Committee on 19 December 2006 (T06/2008) indicating cost estimates and a detailed breakdown of the works proposed.

In May 2008 the City subsequently commissioned the preparation of a Crime Prevention through Engineering Design (CPTED) report which highlighted a number of issues including that the location of the proposed playground was inappropriate.

The preparation of a revised Master Plan of the whole site was necessary to incorporate the identified CPTED issues. The City of Melville subsequently commissioned Ecoscape to redesign the Master Plan and relocate the playground from the lower central area to the elevated north west corner which was considered to be a much more appropriate and safer area for a children's playground.

Based on the revised Master Plan, five development stages for the complete site were identified and costed. In February 2009 the City prepared an item (T09/2003) to seek Council's endorsement for the revised Master Plan and the staged funding options proposed to facilitate the construction of the park.

In March 2009 a presentation was given at an Elected Members information session, to seek clarification for reducing the cost and scope of the playground, as requested by Council. The Playground scope and cost was revised accordingly.

In May 2009 the City was approved funding of \$2,686,442 for the project, by the Department of Infrastructure, Transport, Regional Development and Local Government. The City subsequently has created a revised construction plan, required by the Federal Government, to implement the complete park construction within 18 months.

This Item seeks to obtain Council's endorsement for the revised 18 month construction program.

**BACKGROUND**

In February 2009 item T09/2003 was presented to the Council to seek endorsement for the revised Master Plan and to determine which of the staged funding options was preferred for the construction of the park. The Council resolved to;

- 1. Endorse the revised Concept Master Plan for the old Melville Primary School site, shown in appendix A of the report as the basis for the possible future development of the site.**
- 2. Endorse the immediate implementation of stage one within the current financial year 2008/2009.**

**T09/3075 - MELVILLE PRIMARY SCHOOL REDEVELOPMENT (REC) (ATTACHMENT)**

- 3. Request a review of the scope of works for the playground identified in Stage 2 planned for the 2009/2010 financial year prior to going to tender with a view to reducing the potential costs to the City.**
- 4. Request a review of the scope of concept stages three and four prior to the implementation in the 2010/2011 financial year to determine the financial implications and funding capability and that a report be presented to the Council for consideration in December 2009.**
- 5. Request a review of the scope of concept stage five prior to implementation in the 2011/2012 financial year to determine the financial implications and funding capability and that a report be presented to the council for consideration in December 2010.**

To seek clarification for recommendation 3, a presentation was given at the March 2009 Elected Members information session that outlined a number of options that would achieve the community outcomes while reducing the scope and cost of the playground. As a result the playground scope and cost was revised accordingly and Ecoscape began detailed design for the revised playground, in preparation for tendering and construction. It was also noted that the 09/10 budget would need to include \$1,364,000 to fund the playground in Stage 1.

In May 2009 the City was successful in securing \$2,686,442 Federal funding for the site development from the Department of Infrastructure, Transport, Regional Development and Local Government. The funding was approved on condition that the project was ready to go immediately and would be completed within a relatively short time frame.

This funding now means that the construction schedule has had to be revised so that all works are completed within 18 months of the signing of the funding agreement.

The construction schedule ([3075 2012 LMP Programme](#)) for the Master Plan ([3075 LMP13 f Updated Master Plan](#)) is divided into three overlapping stages (playground, parkland and bushland), with the estimated completion of the project being September 2010.

**DETAIL**

Prior to the approval of Federal Funding, the project was planned to be constructed over a period of several years. The proposed project stages and estimated costs were as follows;

Stage 1: Site Preparations (ie. bulk earthworks, building demolition & clearing vegetation)  
Estimated cost - \$504,300 (ex GST)

Stage 2: Playground Construction (ie. Playground and all supporting elements)  
Estimated cost - \$1,364,200 (ex GST)

Stage 3: Parkland Development (i.e. Turfed areas, irrigation, park landscape elements etc)  
Estimated cost: \$494,900 (ex GST)

Stage 4: Habitat Areas (Weed Control, dry creek beds, artwork, exercise stations etc)  
Estimated cost: \$725.300 (ex GST)

**T09/3075 - MELVILLE PRIMARY SCHOOL REDEVELOPMENT (REC) (ATTACHMENT)**

Stage 5: Amphitheatre and Community Building  
Estimated cost: \$748,000

The detailed design, documentation, specifications and contract supervision, of all stages was estimated at an additional cost of \$304,750. The total project cost estimate of the original staged development was;

Total Estimated Cost (all stages) (ex GST)	\$4,141,450
Contingency (10%)	\$414,145
Sub Total	<u>\$4,555,595</u>
Less Budget Allocations (2008/09 Balance)	<u>\$1,304,100 (carry forward)</u>
<b>Future funding requirement (ex GST)</b>	<b><u>\$3,251,495</u></b>

This would have allowed us to complete stages 1 and 2 as per the original recommendations above.

As a result of the Department of Infrastructure, Transport, Regional Development and Local Government funding of \$2,686,442, a revised construction plan has been drafted as a requirement of the Federal Government, to implement the complete park construction within 18 months. The original project stages have also been changed to categorise all required outstanding works in three manageable stages as per the original submission for the funding. The proposed project stages and corresponding estimated costs, excluding the site preparation which has now been completed, are as follows;

Stage 1: Playground (including playground and all supporting elements etc)  
Estimated cost - \$653,420 (ex GST)

Stage 2: Parkland (including all park landscape elements, toilets, amphitheatre, dry creek beds, artwork, exercise stations etc)  
Estimated cost: \$1,893,711 (ex GST)

Stage 3: Bushland (Weed Control, dry creek beds, artwork, exercise stations etc)  
Estimated cost: \$879,406 (ex GST)

***The above estimated costs, for each stage, are inclusive of all detailed design, contract administration and construction supervision costs.***

The total project cost estimate of the new proposed development is;

Total Estimated Cost (all remaining stages) (ex GST)	\$3,426,537
Contingency (10%)	\$342,653
Sub Total	<u>\$3,769,190</u>
Less Budget Allocations (2009/10 Balance)	<u>\$1,416,000</u>
Less Federal Funding	<u>\$2,686,442</u>
<b>Budget Position (ex GST)</b>	<b><u>-\$333,252</u></b>

**T09/3075 - MELVILLE PRIMARY SCHOOL REDEVELOPMENT (REC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

Extensive community consultation, primarily through a “search conference” which was held on Saturday, 5 November 2005 with a representative group from the community, Ward Councillors and officers of the City of Melville to discuss the community desires for this new facility, had already occurred prior to the preparation of the original concept plan, ‘Game of Life’.

The public response to that plan was predominantly positive therefore based on this it was felt that if the new plan was to include similar features whilst incorporating the recommendations of the ‘Crime Prevention through Environmental Design’ (CPTED) report, extensive public consultation would not be required. However the new Master Plan will be made available for information, displayed on site and on the City’s website.

Once construction begins the community will be regularly updated with the progress both on and off site on a bi-monthly basis through the Mosaic, the website, eNews, signage and regular media releases. These will all be in accordance with the community consultation procedure and guidelines.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

- Ecoscape
- Department of Infrastructure, Transport, Regional Development and Local Government

**STATUTORY AND LEGAL IMPLICATIONS**

- Ensure compliance with universal access requirements to site.
- Ensure compliance with funding requirements, as per funding agreement with the Department of Infrastructure, Transport, Regional Development and Local Government

**FINANCIAL IMPLICATIONS**

The financial implications for the current proposed 18 month construction plan, including the federal funding, and the allocated City of Melville 2009/20 budget are detailed in the table below.

**T09/3075 - MELVILLE PRIMARY SCHOOL REDEVELOPMENT (REC) (ATTACHMENT)**

Stages	Estimated Value (exc GST)	Funding Contribution	City of Melville Contribution
<b>Stage 1</b> Detailed Design and Construction of Playground	\$653,420	\$653,420	
<b>Stage 2</b> Detailed Design and Construction of complete Parklands including boardwalks, amphitheatre, toilets etc	\$1,893,711	\$1,893,711	
<b>Stage 3</b> Detailed Design and Mass Planting of Bush Gardens etc	\$879,406	\$139,311	\$740,095
<b>Total Estimated Costs (without contingency)</b>	\$3,426,537	\$2,686,442	\$740,095
10% Contingency	\$342,653		\$342,653
<b>Total Estimated Costs</b>	\$3,769,190	\$2,686,442	\$1,082,749
<b>Budget Allocated (09/10)</b>	\$4,102,442	\$2,686,442	<b>\$1,416,000</b>

It should be noted that the total estimated costs for all remaining stages of \$3,426,537 have been provided as a pre-tender estimate and the actual cost after tender submissions will differ. Should these costs increase significantly; a further report will be prepared and presented to the Council for consideration.

Annual maintenance costs of the fully developed site have been estimated to range from \$136,000 in 2010/11 to \$155,000 in 2017/18. The playground equipment component of the project has an estimated life of 10 years and these future capital replacement costs would be incorporated into the City's playground asset management planning in keeping with replacement strategies of other playgrounds throughout the City.

ADDITIONAL MAINTENANCE COSTS											
Salaries			\$1000	\$1000	\$1500	\$1500	\$1750	\$1750	\$1900	\$2000	\$12,400
Wages			\$47,000	\$47,000	\$50,000	\$50,000	\$53,000	\$53,000	\$55,000	\$55,000	\$410,000
Overheads			\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$120,000
Materials			\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$120,000
Fleet & Plant			\$15,000	\$15,000	\$16,000	\$16,000	\$17,000	\$17,000	\$18,000	\$18,000	\$132,000
Services			\$30,000	\$31,000	\$32,000	\$35,000	\$36,000	\$37,000	\$39,000	\$40,000	\$280,000
Water testing			\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$40,000
Boardwalks & Furniture			\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$64,000
<b>Sub-Total</b>			\$136,000	\$137,000	\$142,500	\$142,500	\$147,750	\$148,750	\$153,900	\$155,000	1,163,400
<b>TOTAL OPS/MAINT COST</b>			\$136,000	\$137,000	\$142,500	\$142,500	\$147,750	\$148,750	\$153,900	\$155,000	1,163,400

**T09/3075 - MELVILLE PRIMARY SCHOOL REDEVELOPMENT (REC) (ATTACHMENT)**

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk*</b>	<b>Risk Mitigation Strategy</b>
Planning Approval, objections raised	Minor Consequence which is unlikely, resulting in a <b>low</b> level of risk	Consult key stakeholders before submission for planning approval
Objections from utility companies, additional work required to address issues	Minor Consequence which is unlikely, resulting in a <b>low</b> level of risk	Consultation as part of concept design development
Increased costs, cost of works greater than budgeted estimate	Moderate consequence which is likely, resulting in a <b>High</b> level of risk	Re-scope project, include contingency as part of project budget, and refine pre tender estimates after detailed design
Risk of increased ongoing maintenance expenses due to proposed changes in layout, structures and use of the park or facility.	Minor consequences which are almost certain, resulting in a <b>High</b> level of risk	Review use of materials and design plans such that more durable and lower maintenance materials are used. Designate park or facility for only certain uses.

**POLICY IMPLICATIONS**

Nil

**OFFICER RECOMMENDATION (3075)**

**APPROVAL**

At 7.10pm Cr Phelan moved, seconded Cr Subrmaniam -

**That the Council:**

1. **Endorse the revised May 2009 Concept Master Plan for the old Melville Primary School site, shown in appendix A of the report.**
2. **Endorse the three stage construction program that has been developed for the Federal Funding Requirement for project implementation and completion by September 2010.**
3. **Pursuant to Clause 4.2 of the City of Melville Community Planning Scheme No 5, authorise the Director Urban Planning or the Manager Planning and Development Services, to assess and approve the planning and development application outlined above under delegated authority.**

**T09/3075 - MELVILLE PRIMARY SCHOOL REDEVELOPMENT (REC) (ATTACHMENT)**

Amendment

At 7.11pm Cr Robartson moved, seconded Cr Wieland that the following amendment be made to point 3) of the Officer Recommendation.

- 3. Pursuant to Clause 4.2 of the City of Melville Community Planning Scheme No 5, authorise the *Chief Executive Officer* to assess and approve the planning and development application, outlined above, under delegated authority.**

At 7.12pm the Mayor submitted the amendment which was declared

**CARRIED (11/0)**

At 7.13pm the Mayor submitted the substantive motion as amended –

**COUNCIL RESOLUTION (3075)**

**APPROVAL**

- 1. Endorse the revised May 2009 Concept Master Plan for the old Melville Primary School site, shown in appendix A of the report.**
- 2. Endorse the three stage construction program that has been developed for the Federal Funding Requirement for project implementation and completion by September 2010.**
- 3. Pursuant to Clause 4.2 of the City of Melville Community Planning Scheme No 5, authorise the *Chief Executive Officer* to assess and approve the planning and development application, outlined above, under delegated authority.**

At 7.14pm the Mayor declared the motion

**CARRIED (11/0)**

## 16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 16.1 Increase in Landfill Levy

At 7.14pm Cr Phelan left the meeting and returned at 7.17pm.

The Presiding Member invited Cr Robartson to speak on the motion that he had presented regarding the Landfill Levy.

#### COUNCIL RESOLUTION

#### APPROVAL

At 7.14pm Cr Robartson moved, seconded Cr Subramaniam -

That in response to the State Government's increase of the landfill levy by 300%, the City of Melville advise the Premier, the Minister for Local Government, the Minister for the Environment and all State Parliamentary Members, of the City's position on this matter particularly the following areas of significant concern:

- 1 That the City express its great concern at the lack of consultation and notice provided by the State Government by increasing the landfill levy by 300%.
- 2 That the lack of time to plan for this excessive cost increase will cause considerable financial burden to Local Governments and the community.
- 3 That the City strongly condemns the use of landfill levy funds for consolidated revenue purposes and requests that the state government reconsider this position.
- 4 That the Government be reminded that at the time of the introduction of the levy, commitments were made to Local Government that the amount of money used for the administration of the levy would be strictly limited (1% to 3%) and that a rebate scheme would be introduced to return funds to Local Government for materials diverted from landfill.
- 5 That the City recognises that this increase will assist with driving greater diversion of waste from landfill, however without the infrastructure or cost support for alternative waste processing systems, the impact of the increased landfill levy will be nullified.
- 6 That the City strongly supports the position that all funds raised by the landfill levy generated from domestic municipal waste streams and Local Governments be hypothecated back to Local Government support recycling and resource recovery activities and the associated infrastructure. Should this support not be provided, continued diversion of waste from landfill will be put in jeopardy as the levy increase also penalises resource recovery facilities.



## 16.1 Increase in Landfill Levy Continued.

At 7.28pm Cr Macphail moved, seconded Cr Everett -

**That in accordance with Standing Order Clause 9.6 (Limitation of duration of speeches) Cr Robartson be permitted an extension of time to speak.**

At 7.28pm the Mayor submitted the motion which was declared

**CARRIED (11/0)**

At 7.38pm the Mayor submitted the motion which was declared

**CARRIED (11/0)**

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

### 17.1 Rangeview Remand Centre

#### **COUNCIL RESOLUTION**

#### **APPROVAL**

At 7.38pm Cr Robartons moved, seconded Cr Bennett -

**That Cr Reynolds be permitted to present to Council a Motion Without Notice relating to Rangeview Remand Centre.**

At 7.38pm the Mayor submitted the motion which was declared

**CARRIED BY ABSOLUTE MAJORITY (11/0)**

#### **COUNCIL RESOLUTION**

#### **ABSOLUTE MAJORITY APPROVAL**

At 7.40pm Cr Reynolds moved, seconded Cr Phelan -

**That the Council request a meeting with the Minister for Corrective Services to discuss -**

- 1. Why the State Government Intend to change the nature and use of the Rangeview Juvenile Remand Centre,**
- 2. The impacts this will have on City of Melville residents, the Murdoch health care precinct and education facilities,**
- 3. Why a more comprehensive consultation process was not put in place with the City and its residents prior to the announcement of the detention centre and the expansion of the current remand centre.**

At 7.53pm the Mayor submitted the motion which was declared

**CARRIED (11/0)**

**18. EN BLOC ITEMS**

At 7.53pm Cr Robartson moved, seconded Cr Everett -

**That the recommendations for items P09/3072, C09/8014, C09/5000, C09/6000 and C09/6001 be carried En Bloc.**

At 7.53pm the Mayor submitted the motion which was declared

**CARRIED (11/0)**

**19. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

**20. CLOSURE**

There being no further business to discuss the Mayor declared the meeting closed at 7.54pm.