



— City of —
Melville

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

16 FEBRUARY 2010

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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— City of —
Melville

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 16 FEBRUARY 2010.

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 R Subramaniam (Deputy Mayor)
Cr N Pazolli, Cr P Reidy
Cr A Nicholson
Cr J Barton
Cr B Kinnell, Cr C Halton
Cr M Reynolds, Cr N Foxtton
Cr C Robartson

WARD

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

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Mr S Cope	Director Urban Planning
Mr J Christie	Director Technical Services
Ms C Young	Director Community Development
Ms K Johnson	Executive Manager Organisational Development
Mr L Hitchcock	Executive Manager Legal Services
Mr D Vinicombe	Manager Planning & Development Services
Mr B Taylor	Manager Information, Technology & Support
Mr J Clark	Governance & Compliance Program Manager
Ms D Beilby	Minute Secretary

At the commencement of the meeting there were 34 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

Cr Wieland	Bicton/Attadale Ward
Cr Ceniviva	City Ward

4.2 APPROVED LEAVE OF ABSENCE

Nil.

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

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

Nil.

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

Nil.

6. QUESTION TIME

6.1 Mr F Csiczak & Mr B Rettinger, Booragoon

Question 1

“The residents who live adjacent and nearby to the Star Bright Child Care Centre at No. 2 Worthington Road, currently under construction, are very concerned about the safety and welfare of the children, parents and others who will use this new Centre when it opens. We recently filed a Petition with the City requesting “No Standing” signs be placed along both sides of Worthington Road in the vicinity of the Centre for the safety of all who will access the Centre. We’d like to know if the City is currently considering our Petition and if so when will you be approving it?”

Question 2

“Does the City know when the Star Bright Child Care Centre will be opening, and if so what are their intended operating days and their hours of business, since this information will directly affect the posted hours that the “No Standing” signs would cover.

NB As the City knows, this child care centre was placed under “Consent Orders” which were mutually agreed between the City and the Owner/Developer, as ordered by the SAT Administrator in early 2007. These Consent Orders are a pre-condition of the Centre’s development and their building license approval. They include specific requirements for the Centre’s on-premises parking, the management of special events, acceptable noise levels, a roof being required over their parking spaces plus other conditions which would affect the nearby residents and/or the general welfare and amenity of the local neighbourhood.”

Questions submitted by Mr Csiczak and Mr Rettinger were taken on notice. A response in writing will be provided to Mr Csiczak and Mr Rettinger and the details contained in that response will be recorded in the Agenda and Minutes of the March 2010 Ordinary Meeting of Council.

7. AWARDS AND PRESENTATIONS

8. CONFIRMATION OF MINUTES

8.1 ORDINARY MEETING OF COUNCIL – 15 DECEMBER 2009 Min 15Dec 2009

COUNCIL RESOLUTION

At 6.41pm Cr Subramaniam moved, seconded Cr Barton -

That the Minutes of the Ordinary Meeting of Council on Tuesday 15 December 2009, subject to the following change “Item C09/9000 Fees and Charges (Food Act 2008)

to read at point 1 “Adopt the new Food Act 2008 schedule of fees, confirmed as a true and accurate record”.

At 6.41pm the Mayor submitted the motion, which was declared **CARRIED (11/0)**

8.2 NOTES OF AGENDA BRIEFING FORUM – 2 FEBRUARY 2010 Notes 2Feb 2010

COUNCIL RESOLUTION

At 6.41pm Cr Robartson moved, seconded Cr Reidy -

That the Notes of Agenda Briefing Forum held on Tuesday, 2 February 2010, be received.

At 6.41pm the Mayor submitted the motion, which was declared **CARRIED (11/0)**

8.3 TABLED INFORMATION ITEM P10/3108

Further to the distribution of the February 2010 Ordinary Meeting of Council Agenda and the Agenda Briefing Forum (ABF) held on 2 February 2010 the attached information was forwarded to Elected Members and is to be tabled to become part of these Minutes. This additional information is deemed to be important and should be considered by Elected Members in the determination and decision in relation to the following Items

- P10/3108 – Special Trading Precincts and Extended Trading Hours.
- P10/3112 – Change Of Use From Residential To Consulting Rooms (Naturopathy) On Lot 26 No. 1 Preen Street, Booragoon.

[Tabled Information February 2010](#)

COUNCIL RESOLUTION

At 6.43pm Cr Kinnell moved, seconded Cr Halton -

That the additional information relating to Items -

- **P10/3108 – Special Trading Precincts and Extended Trading Hours, and**
- **P10/3112 – Change Of Use From Residential To Consulting Rooms (Naturopathy) On Lot 26 No. 1 Preen Street, Booragoon,**

that was circulated to Elected Members on Friday 12 February 2010, be tabled and noted.

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

CARRIED (11/0)

9. DECLARATIONS OF INTEREST

- P10/3113 Mr D Vinicombe
Manager Planning & Development Services
- T10/3110 Cr Barton - Bicton/Attadale Ward
- C10/5101 Dr S Silcox
Chief Executive Officer

9.1 FINANCIAL INTERESTS

Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

- His Worship the Mayor, R Aubrey

At 6.45pm Cr Subramaniam moved, seconded Cr Reidy -

That the application for new leave of absence submitted by His Worship the Mayor, R Aubrey on 16 February 2010 be granted.

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

CARRIED (11/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

12. PETITIONS

12.1 Petition – Request for Underground Power for Attadale North

A petition signed by 265 residents was received by the City of Melville on Wednesday 27 January 2010. An additional petition signed by 268 residents was received by the City of Melville on Thursday 11 February 2010. The petition reads as follows -

*“We the undersigned, all being Electors of the City of Melville, do humbly pray that –
Underground Power for Attadale North be provided without further delay.”*

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

At 6.45pm Cr Barton moved, seconded Cr Halton -

That the petitions bearing 533 signatures be noted and form part of the submission for Underground Power Round 5 for Attadale North to demonstrate community support.

At 6.46pm the Mayor submitted the motion, which was declared **CARRIED (11/0)**

The Presiding Member advised the meeting that since the publication of the Agenda, the following petition had been received and requested that the petition be tabled and considered by the Council.

12.2 Petition – Request for “No Standing” Signs on both sides of Worthington Road, Booragoon – Riseley Street to Engler Street

A petition signed by 16 residents was received by the City of Melville on Friday 12 February 2010. The petition reads as follows –

“We the undersigned, all being Electors of the City of Melville, do humbly pray that –

The City of Melville post “No Standing” Signs on both sides of Worthington Road – from its intersection with Riseley Street to Engler Street due to our concerns about the safety and well being of the children, parents and others who access the Star Bright Child Care Centre which is located at 2 Worthington Road in Booragoon. (The intersection with Riseley Street is very dangerous and has an established accident history. We recommend the “No Standing” Signs include the hours of 7.00am to 6.30pm, from Monday through Friday (which are the presumed operating hours of the day care centre).”

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

At 6.46pm Cr Reidy moved, seconded Cr Pazolli -

That the petition bearing 16 signatures be tabled, noted and a report be presented to a future Council Meeting.

At 6.47pm the Mayor submitted the motion, which was declared **CARRIED (11/0)**

13. DEPUTATIONS

P10/3112 - Change Of Use From Residential To Consulting Rooms (Naturopathy) On Lot 26 No. 1 Preen Street, Booragoon

- Ms Jenny Ge – Applicant
- Ms Riley – Supporter of the Applicant

P10/3108 – Special Trading Precincts and Extended Trading Hours

- Mr Greg Brindle – Local Retailer, Operator of Canning Bridge IGA, Good Grocer Applecross and Limes Fresh Myaree,

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 part requires the application of the relevant facts to the appropriate statutory regime.

At 6.48pm Ms Riley presented a deputation in support of the Applicant Ms Jenny Ge relating to this item.

At 6.58pm, after general discussion and questions from Elected Members, Ms Riley and Ms Ge returned to the Public Gallery.

P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

Ward : City
 Category : Policy
 Application Number : DA-2009-1250
 Property : 1 Preen Street, BOORAGOON
 Proposal : Change Of Use from Residential to Consulting Rooms (Naturopathy)
 Applicant : Mr W Huang
 Owner : Mr W Huang and Ms X Ge
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Mr David Vinicombe
 Manager Planning and Development Services
 Previous Items : Nil

AUTHORITY / DISCRETION

DEFINITION

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

P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for a change of use from residential to consulting rooms (naturopathy).
- The consulting room use is intended to accommodate 2 practitioners with only one operating at the premises at any one time.
- The proposal is a discretionary use and has been advertised in accordance with requirements of CPS No.5 – 4 individual submissions have been received as well as a petition involving 153 signatures.
- The receipt of a petition in regard to this application necessitates the referral of the proposal to Council for determination.
- The proposal will not impact on traffic movement or prejudicially impact on the amenity of the locality.
- Recommended that the application be conditionally approved.



P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

BACKGROUND

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Living Area Precinct
 R-Code : R20
 Use Type : Consulting Rooms
 Use Class : "S - Use" Use is not permitted unless Council exercise discretion following advertising

Site Details

Lot Area : 794.67 sqm
 Retention of Existing Vegetation : N/A
 Street Tree(s) : N/A
 Street Furniture (drainage pits etc) : N/A
 Site Details : Refer to Aerial Image Above

[P10 3112 – 1 Preen St Site Plan](#)

[P10 3112 – 1 Preen St Floor Plan](#)

[P10 3112 – 1 Preen St Photographs](#)

[P10 3112 – 1 Preen St Traffic Impact Statement](#)

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Car parking	4 bays based on 4 bays per practitioner (at any one time)	4 bays accommodated on the subject site.	Complies		

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Consulting Rooms - "S" discretionary use in CPS No.5
 Support/Object: Object (4 individual submissions received and a petition involving 153 signatures)..

P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

The submissions all raised a number of consistent concerns which are summarized in the table below.

Issues of Concern	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1.	Concern raised regarding the commencement of work at the subject property before a determination being made.	Objection	The applicant / owners have had little experience in the planning application process. The City advised the applicants to stop work pending a determination.	Not Uphold
2.	Potential for increased use of Melson Way, The Ramble and Rintoul Loop for vehicles commuting to the proposed consulting room use.	Objection	There may be a chance of some traffic utilizing these streets depending on the direction they are travelling from however, given the minor nature of the proposed use, it is unlikely that the traffic being generated within these streets will be excessive.	Not Uphold
3.	Amenity concerns raised on the proposed use reducing the comfort, pleasure, safety and satisfaction of the residents as well as devaluing the area.	Objection	The proposal has been designed to be a low impact use which is compatible with residential areas. Concerns over property valuations are not relevant planning considerations. See land use comments below.	Not Uphold

P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

<p>4.</p>	<p>Proximity to corner and the car parking area at front will create a dangerous situation for cars turning into Preen Street from Marmion Street.</p> <p>Traffic travelling east turning into Preen Street will have little time to react if a car is leaving or entering the property.</p> <p>Traffic travelling west wanting to turn into Preen Street will cause a hold up in traffic if there is increased traffic at the front of the house caused by the new use.</p> <p>A potential hold up in traffic at the corner will increase the inconvenience and risk to safety for the vehicles travelling on Marmion Street.</p> <p>The potential for customers to park on the side of the road will cause an unsafe traffic environment.</p>	<p>Objection</p>	<p>The main concerns raised by the objectors relate to traffic safety at the corner of Marmion Street and Preen Street which have been addressed by the Traffic Impact Statement submitted by the applicant. In summary, the report indicates that the concerns have been assessed to be based on perceived problems rather than real technical issues. The traffic generated by the consulting rooms based on a single practitioner and an average of one client per hour will have less impact than a residential development on the site. The traffic generated by the proposed consulting rooms has been assessed not to have any adverse impact on the operating conditions (levels of service) of traffic in Preen Street. (See details of Traffic Impact Statement below).</p>	<p>Not Uphold</p>
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P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

REFERRALS TO GOVERNMENT AGENCIES

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application, the applicant will have the right to appeal the decision in accordance with Part 14 of the Planning and Development Act 2005.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Policy 06-PL-024 relating to Car Parking (Non Residential) exists to control the provision of non-residential car parking throughout the City of Melville.

Based on the use being consulting room, Policy 06-PL-024 prescribes that 4 bays be provided per practitioner. There are 2 practitioners proposed however only one practitioner will occupy the premises at any one time. Accordingly, the proposal requires the provision of 4 bays that will be provided.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

As a petition has been lodged in respect of this application, it is necessary that the proposal be referred to Council for determination. If Council is of the view that the proposal will have an undesirable impact on the amenity or traffic movement within the locality, it may choose to refuse the application or add further conditions to address these concerns.

As Council is aware it draws its planning decision making powers from delegations provided by the Western Australian Planning Commission and has a responsibility (as quasi commissioners) of making planning decisions based on applicable planning considerations. It is acknowledged that significant public objection has been raised towards this application and that officer's analysis in making a recommendation to Council take into account any relevant submission under Cl. 7.8 of CPS No. 5. In this regard, consideration of any submission must, in accordance with the above, be based on legitimate planning grounds.

**P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS
(NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC)
(ATTACHMENT)****COMMENT**

The current use for the subject site is residential. The current proposal involves changing the use from residential to consulting rooms to accommodate a naturopathy clinic. The consulting room use is proposed to accommodate a naturopathy clinic specialising in Chinese acupuncture, herbal medicine and massage. Two practitioners will occupy the premises at alternate times ensuring that only one practitioner will be present at any one time. Each practitioner will utilize two rooms each and will see 1 client per hour. The applicants propose to operate the consulting rooms from Monday to Thursday 9.00am to 5.30pm and Friday to Saturday 9.00am to 2.30pm.

Parking

One practitioner is proposed to operate from the premises at any one time which demands 4 bays to be provided on site. It is noted that the initial application included tandem parking in the front setback area and the parking of two vehicles within an existing garage on site. In this format, all vehicles were to reverse out into Preen Street. This was considered inappropriate for a commercial property and had the potential to create traffic conflict. In order to address this concern, the applicant now proposes to demolish the existing garage to accommodate 3 bays with the fourth bay being accommodated within the front setback area. This requires the front setback area to be paved to facilitate parking for the use and onsite vehicle movement. Landscaping to the east and west of the front paved area will help to soften the appearance of the property thus ameliorating the impact of the paved area. The bays have been arranged to ensure adequate turning area enabling vehicles to leave the property in forward gear.

Traffic

A Traffic Impact Statement has been prepared to address the traffic concerns raised by the surrounding residents. Contained within this report is an analysis of the anticipated traffic generation of the consulting rooms against traffic generation of a standard residential property.

P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

The report states that an average household consists of 3.05 persons and make approximately 8 to 12 vehicle trips per day with the majority of these trips occurring within morning and evening peak hour periods. As the working hours for the consulting rooms commence at 9.00am, visitors will arrive and leave the site after the morning peak hour. It is likely, however, that the practitioner will arrive at the site during the morning peak hour. The operating time ceases at 5.30pm from Monday to Thursday. This is during evening peak hour traffic however, the maximum number of vehicles leaving the subject property will be a maximum of 2 i.e. the client and practitioner which is not considered to be excessive.

The corner of Marmion Street and Preen Street has experienced a total of 4 crashes in the last 5 years 3 of which relate to vehicles entering Marmion Street. The Traffic Impact Statement has recognised the lack of adequate signage at this intersection to ensure that drivers observe a 'Give Way' control. Photo number 2 within the Traffic Impact Statement illustrates this point.

Therefore, the number of incidents at this corner has not been excessive to provoke concern and the nature of the consulting room use is not of an intensive nature to create traffic problems as traffic to and from the subject property is considered to be adequately distributed throughout the day.

The main concerns raised by the objectors relates to traffic safety at the corner of Marmion Street and Preen Street which have been addressed by a Traffic Impact Statement submitted by the applicant. The report concludes as follows:

"It should be noted that the driveway to No. 1 Preen Street is proposed to be 6.3 metres wide. This will enable vehicles to turn, unimpeded into the driveway off Preen Street. The driveway is located 31 metres from Marmion Street. Drivers making the right-turn into Preen Street will have ample sight lines to the driveway (See Photographs Nos. 3 & 4). These vehicles will be travelling at between 15 km/h to 20 km/h whilst making this turn. Based on Austroads vehicle stopping characteristics, 2.5 sec reaction time, and coefficient of friction 0.56, a vehicle travelling at 30 km/h can stop within 27.15 metres of the driver sighting the obstruction/impediment.

Traffic travelling west in Marmion Street will need to find a suitable "gap" in the eastbound traffic stream to make the right-turn. From that point, there is no impediment to any traffic because vehicles are not permitted to either park or "stand" in the traffic lane of Preen Street. Vehicles turning into the driveway to No. 1 Preen Street can do so unimpeded because the driveway width will facilitate this movement.

Marmion Street, in the vicinity of Preen Street comprises two traffic lanes in each direction. Any vehicles travelling east or west can use the traffic lane which is clear to traverse the intersection. There is in fact no inconvenience to vehicles travelling in Marmion Street.

P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

Traffic Regulation, Section 176 (6) of the Road Traffic Code 2000, states –

“If the carriageway has a double continuous dividing line or a median strip, the driver of a vehicle shall position the vehicle at least 3 metres from any continuous line or median strip unless indicated by information on or with a parking control sign”.

The traffic island in Preen Street at the approach to Marmion Street and the associated double-barrier lines reduces the northbound traffic lane in Preen Street to 5.0 metres. Any driver parking at the kerbside commits an offence against this section of the Traffic Regulations and could be prosecuted by not only the Council Rangers, but also by the Traffic Police. Should there be problems resulting from kerbside parking, the City of Melville may wish to erect “No Standing” signs for the west side of Preen Street, between Marmion Street and The Ramble.

The four (4) parking bays provided on-site for the Consulting Rooms will ensure that off-street parking is available for clients visiting the Consulting rooms. There will be no necessity for vehicles to be parked in the street.

Council's Executive Engineer (Design Services) has indicated support for the traffic Impact Statement subject to the following conditions:

- Parking signs will be needed to ensure that any spillover parking does not occur on the road or verge within proximity of the intersection island and barrier lines.
- All parking will need to be contained on site.
- Ensure landscaping does not obstruct sight lines Parking embayments should be at least 5.5m long.
- Universal access from the car park into the building needs to be provided.

Further, it is noted that the Consultant Traffic Engineer's comment regarding the installation of a 'Give Way' sign cannot be justified given that only 3 crashes involving vehicles egressing from Preen Street into Marmion Avenue have occurred in a 5 year period. There has been only one 'rear end' crash related to vehicles turning right into Preen Street. It is doubtful that the traffic being generated by the development will ever increase traffic volumes on Preen Street by any significant amount, given that at anyone time there will be only one practitioner on site ay any one time. Good site lines whilst egressing from the crossover onto Preen Street should be maintained.

Whilst the significant volume of submissions on this proposal which raise traffic concerns are acknowledged, it is considered that the information provided by the applicant and assessment by Council's Traffic Engineers indicate that the proposal is acceptable in traffic management terms.

P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

Land Use

The consulting room use is classified as an “S-Use” in Community Planning Scheme No. 5. The proposal was therefore required to be advertised in accordance with Clause 7.5 (f).

Advertising has been undertaken and 4 individual objections were submitted. Additionally, a petition against the proposed use containing 153 signatures was also submitted. In this regard, a Living Area Precinct under CPS No. 5 has the capacity of accommodating consulting room uses at Council’s discretion.

A Consulting Room is defined as:

“...any land or buildings other than a hospital used by not more than two (2) health consultants and one (1) staff member for the investigation or treatment of human injuries or ailments and for general patient care”.

The subject application seeks approval for only one practitioner at any one time with no support staff. This is considered to be a small business operation and not large enough to cause major disruption to the amenity of the surrounding residential area. The strategic direction for this area is for the zoning to remain residential in the medium to long term. The proposed use would therefore remain a discretionary use. As the property is located at the intersection of a major road, the residential amenity of the location is already diminished and more suited to these types of uses than internal locations within larger residential cells (e.g. – within quiet residential streets such as a cul-de-sac).

The proposal has been designed to be a low impact use which is compatible with residential areas. Accordingly, the proposal is not considered to represent a detrimental amenity impact and is acceptable in land use terms.

CONCLUSION

The proposed consulting room use is considered to meet the requirements of the City of Melville Community Planning Scheme No. 5 and Policy 06-PL-024 relating to Car Parking (Non Residential) and is found to be an acceptable use in traffic and land use terms as detailed within the Traffic Impact Statement and does not detrimentally impact on the amenity of the location. It would therefore be inappropriate to refuse the application on traffic safety or amenity grounds. As such, it is recommended that the subject application be conditionally approved.

P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (3112)

APPROVAL

At 6.58pm moved Cr Reidy, seconded Cr Barton -

- A) That the application for change of use from Residential to Consulting Rooms on Lot 26 (1) Preen Street, Booragoon be approved subject to the following Special and Standard Conditions:**

SPECIAL CONDITIONS

- 1. The parking embayments shall be a minimum of 5.5m in depth.**
- 2. All parking to be contained on site. Parking signs to be installed, at the applicant's expense, on the property to ensure that any spillover parking does not occur on the road or verge within proximity of the intersection island and barrier lines.**
- 3. Landscaping within the front setback area is not to exceed 0.5m in height and must be maintained.**
- 4. Universal Access from the car park into the building to be shown on plans to be submitted as part of the Building Application.**
- 5. The disabled car parking bay proposed to be provided in the front setback area be clearly designated as such.**
- 6. Not more than one (1) practitioner to operate from the premises at any one time.**

STANDARD CONDITIONS:

- 7. A separate application for Planning Approval and a Signs Licence is required for all signage.**
- 8. The hours of operation are to be restricted to 9.00am to 5.30pm Monday to Thursday and Friday, 9.00am to 2.30pm Friday to Saturday.**

- B) The adjoining property owners to the development be advised in writing of A) above.**

P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

Amendment 1

At 6.59pm Cr Subramaniam moved, seconded Cr Pazolli that additional Special Conditions 7, 8, 9 & 10 be inserted as follows:

- 7. Consultation hours are to be restricted from 10.00am to 5.30pm Mondays to Fridays and 10.00am to 2.30pm Saturdays.**
- 8. A person is to reside at the premises after the "work" hours.**
- 9. The provision of two (2) additional parking bays (one to be covered) for the residential component of the premises to be provided behind the three parking bays proposed to be constructed in the area of the existing garage to the satisfaction of Council.**
- 10. The existing site plan and floor plan to be modified to provide for the revised application and specify the living accommodation and new parking arrangements as required by Special Condition 9 above prior to occupation and commencement of the business on site to the satisfaction of the Manager Planning and Development Services.**

(Remaining Standard Conditions to be renumbered accordingly)

At 7.02pm the Mayor submitted the amendment, which was declared **CARRIED (10/1)**

Reason for Amendment

The applicant has advised that they wish to modify the proposal as follows:

1. Only one practitioner will operate from the premises.
2. Consultation hours will be from 10.00am to 5.30pm Mondays to Fridays and 10.00am to 2.30pm Saturdays.
3. A person (caretaker, parent or other) will be residing at the premises after the "work" hours.

It was considered that the proposed changes detailed above will improve the acceptability of the proposal in the residential environment as they are more akin to Home Occupation activities, with the only difference being that the business would not be occupied by the resident. The reduction of practitioners to one and reduction in consultation hours will reduce the overall impacts of the business operations on the neighbours and also reduce vehicle movements in the morning peak hours.

P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

It was noted however, that as now proposed, an additional two parking bays (one covered) will be required on site to provide for parking associated with the residential activity. This can be accommodated in a tandem arrangement behind the three bays proposed in the location of the present garage. One of the bays can readily be covered by conversion of an existing pergola in this location and there appears to be sufficient room for the additional parking bays between the rear of the proposed three bays and the existing pool on site.

Additional information addressing Dr Belcher's submission during the deputation at the Agenda Briefing Forum on 2 February 2010 was forwarded in distribution to Elected Members on Friday 12 February.

The applicant has indicated that the property was placed on the market as there was concern over whether Council would approve the application. Further, the applicant has provided information consisting of a letter from one of the applicant's patients and a multi signature letter (27 signatures) in support of the proposal, which was distributed to Elected Members at the meeting.

Amendment 2

At 7.10pm Cr Pazolli moved, seconded Cr Subramaniam that an additional Special Condition 11 be added to the Officer Recommendation -

11. That the approval be conditional on a periodic review after 12 months.

(Remaining Standard Conditions to be renumbered accordingly)

At 7.14pm the Mayor submitted the amendment, which was declared **CARRIED (6/5)**

P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

COUNCIL RESOLUTION (3112)

APPROVAL

At 7.03pm the Mayor submitted the substantive motion as amended –

- A) That the application for change of use from Residential to Consulting Rooms on Lot 26 (1) Preen Street, Booragoon be approved subject to the following Special and Standard Conditions:**

SPECIAL CONDITIONS

- 1. The parking embayments shall be a minimum of 5.5m in depth.**
- 2. All parking to be contained on site. Parking signs to be installed, at the applicant's expense, on the property to ensure that any spillover parking does not occur on the road or verge within proximity of the intersection island and barrier lines.**
- 3. Landscaping within the front setback area is not to exceed 0.5m in height and must be maintained.**
- 4. Universal Access from the car park into the building to be shown on plans to be submitted as part of the Building Application.**
- 5. The disabled car parking bay proposed to be provided in the front setback area be clearly designated as such.**
- 6. Not more than one (1) practitioner to operate from the premises at any one time.**
- 7. Consultation hours are to be restricted from 10.00am to 5.30pm Mondays to Fridays and 10.00am to 2.30pm Saturdays.**
- 8. A person is to reside at the premises after the "work" hours.**
- 9. The provision of two (2) additional parking bays (one to be covered) for the residential component of the premises to be provided behind the three parking bays proposed to be constructed in the area of the existing garage to the satisfaction of Council.**
- 10. The existing site plan and floor plan to be modified to provide for the revised application and specify the living accommodation and new parking arrangements as required by Special Condition 9 above prior to occupation and commencement of the business on site to the satisfaction of the Manager Planning and Development Services.**
- 11. That the approval be conditional on a periodic review after 12 months.**

P10/3112 - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS (NATUROPATHY) ON LOT 26 NO. 1 PREEN STREET, BOORAGOON (REC) (ATTACHMENT)

STANDARD CONDITIONS:

- 12. A separate application for Planning Approval and a Signs Licence is required for all signage.**
 - 13. The hours of operation are to be restricted to 9.00am to 5.30pm Monday to Thursday and Friday, 9.00am to 2.30pm Friday to Saturday.**
- B) The adjoining property owners to the development be advised in writing of A) above.**

At 7.15pm the Mayor declared the motion

CARRIED (8/3)

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

At 7.16pm Mr Greg Brindle – Local Retailer, Operator of Canning Bridge IGA, Good Grocer Applecross and Limes Fresh Myaree, presented a deputation relating to this item.

At 7.17pm Ms K Johnson left the meeting and returned at 7.21pm.

At 7.28pm, after general discussion and questions from Elected Members, Mr Brindle returned to the Public Gallery.

P10/3108 - SPECIAL TRADING PRECINCTS AND EXTENDED TRADING HOURS (REC)

Ward : All
 Category : Strategic
 Application Number : N/A
 Subject Index : Strategic Urban Planning
 Customer Index : N/A
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Kym Davis – Manager Strategic Planning
 Previous Items : N/A

AUTHORITY / DISCRETION

DEFINITION

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

P10/3108 - SPECIAL TRADING PRECINCTS AND EXTENDED TRADING HOURS (REC)**KEY ISSUES / SUMMARY**

- Retail *Trading Hours (Tourism Precincts and Holiday Resorts) Regulations 2007* were amended on 24 November 2009.
- The primary content of the amendment is the redefinition and significant expansion of the boundary for the Perth tourism precinct.
- Retail Trading Hours (Tourism Precincts) Order 2009 published on 24 December 2009 established new extended trading hours for the tourism precincts of Perth and Fremantle.
- Effective from 1 January 2010 general retail shops within this precinct will be able to operate as follows:
8.00am – 9pm Monday to Friday
8.00am – 5pm Saturday
11.00am – 5.00pm Sunday
- In late 2009 the *Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009* was presented in the Legislative Assembly and is now before the Legislative Council.
- In addition to establishing the *Joondalup Special Trading Precinct*, the proposed Act will also re-categorise Perth and Fremantle as *Special Trading Precincts*.
- The extended trading hours for *Special Trading Precincts* will be as defined in the *Retail Trading Hours (Tourism Precincts) Order 2009*.
- The City of Melville submission to the Minister for Commerce will propose that the *Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009* substantially changes the basis for providing the option of extended trading hours within activity centre precincts.
- This report recommends that the City of Melville request the Minister for Commerce to consider defining as *Special Trading Precincts* specified activity centres within the City of Melville for a trial period of twelve months
- The *Special Trading Precincts* within the City of Melville would be as defined by the boundary of the *Regional Centre*, the *District Centres* and the *Myaree Mixed Business Precinct* in the City of Melville's *Community Planning Scheme No 5* and the *City of Melville Local Commercial Strategy 2006*.

BACKGROUND

The *Retail Trading Hours Act 1987* s12A empowers the Minister to determine trading hours for *general retail shops* in a tourism precinct in particular areas prescribed around Fremantle and Perth, or areas prescribed for the Rockingham, Wanneroo and Rottnest Island holiday resorts.

The tourism precincts are defined in the Act as areas prescribed around Fremantle and Perth, and the holiday resorts are defined as the areas prescribed for the Rockingham, Wanneroo and Rottnest Island holiday resorts.

On 24 November 2009 the Western Australian Government Gazette published the *Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations (No. 2) 2009*.

P10/3108 - SPECIAL TRADING PRECINCTS AND EXTENDED TRADING HOURS (REC)

The primary content of the amendment is the redefinition and significant expansion of the boundary for the Perth tourism precinct.

On 24 December 2009 the Western Australian Government Gazette published the *Retail Trading Hours (Tourism Precincts) Order 2009* that established new extended trading hours for the tourism precincts of Perth and Fremantle.

Effective from 1 January 2010 *general retail shops* within this precinct will be able to operate as follows:

- 8.00am – 9pm Monday to Friday
- 8.00am – 5pm Saturday
- 11.00am – 5.00pm Sunday

In late 2009 the *Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009* was presented in the Legislative Assembly and is now before the Legislative Council.

In addition to establishing the *Joondalup Special Trading Precinct* the proposed Act will also re-categorise Perth and Fremantle as *Special Trading Precincts*.

The extended trading hours for *Special Trading Precincts* will be as defined in the *Retail Trading Hours (Tourism Precincts) Order 2009* published in the Western Australian Government Gazette of 24 December 2009.

The expanded Perth tourism precinct, including portions of Subiaco, Leederville, Highgate, Mt Lawley and South Perth, and the proposed Joondalup *Special Trading Precinct*, establish the basis for a more equitable allocation of *Special Trading Precincts*, and the option for extended trading hours, throughout the Metropolitan Region.

This concept is further sustained in correspondence to the City of Melville from the Hon Christian Porter MLA Member for Bateman and the Joe Francis MLA Member for Jandakot, both requesting the City's support for the introduction of extended trading hours within the City of Melville, and in particular in the Melville City Centre – Booragoon.

PUBLIC CONSULTATION/COMMUNICATION**Survey of businesses and residents**

In preparing the formal submission, the City of Melville has commissioned an 'exploratory' random telephone survey of 200 businesses and 400 residents to gauge community views on extended trading hours for designated *Special Trading Precincts* within the City of Melville.

REFERRALS TO GOVERNMENT AGENCIES

Subject to Council's resolution, the City of Melville will advise the Western Australian Planning Commission and the Department of Planning of this request, and liaise with the Department of Commerce to ensure appropriate and adequate information on extended trading hours is provided to retail businesses and the community.

P10/3108 - SPECIAL TRADING PRECINCTS AND EXTENDED TRADING HOURS (REC)

STATUTORY AND LEGAL IMPLICATIONS

There are no Statutory or Legal implications associated with this report. Special Trading Precincts and extended trading hours are under State Government jurisdiction.

FINANCIAL IMPLICATIONS

There are no direct Financial Implications that affect the City. The City of Melville is proposing for consideration the designation of *Special Trading Precincts* and extended trading hours in the *Regional Centre*, the *District Centres* and the *Myaree Mixed Business Precinct* on the basis of equity of opportunity and choice for both businesses and consumers.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Inequitable distribution of <i>Special Trading Precincts</i> and extended trading hours impacting on trading and expenditure options.	High	Ensure equitable distribution of <i>Special Trading Precincts</i> and extended trading hours eg as per WAPC Activity Centres classifications and parameters.

POLICY IMPLICATIONS

Not Applicable *Special Trading Precincts* and extended trading hours are under State Government jurisdiction.

COMMENTS - PROPOSED CITY OF MELVILLE SUBMISSION

It is proposed that the City of Melville submission to the Minister for Commerce will propose that the *Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009* substantially changes the basis for providing the option of extended trading hours within activity centre precincts. Further, it is proposed that the City of Melville request the Minister for Commerce to consider defining as *Special Trading Precincts* specified activity centres within the City of Melville.

The *Special Trading Precincts* within the City of Melville will be as defined by the boundary of the *Regional Centre*, the *District Centres* and the *Myaree Mixed Business Precinct* in the City of Melville's *Community Planning Scheme No 5* and the *City of Melville Local Planning Strategy 2006*.

The City of Melville considers these activity centres appropriate for consideration as *Special Trading Precincts* as they are components of a sub-regional framework characterised by high levels of spatial, public transport and economic integration.

P10/3108 - SPECIAL TRADING PRECINCTS AND EXTENDED TRADING HOURS (REC)

This in turn confirms that the centres and their complementary transit corridors contribute to and sustain significant levels of retail, employment, cultural and recreational activities.

Furthermore these attributes re-enforce a high level of complementary interaction between the activity centres and the residential catchment areas, consistent with the objectives of the Western Australian Planning Commission (WAPC) policies such as *Directions 2031 Draft Spatial Framework for Perth and Peel 2009*, *draft State Planning Policy Activity Centres for Perth and Peel 2009* and *Liveable Neighbourhoods 2007*, as well as with the City of Melville's *Local Commercial Strategy 2006*.

The spatial framework of centres and transit corridors within the City of Melville is clearly defined along Canning Highway, the Kwinana Freeway and the Perth-to-Mandurah rail line, Riseley Street, Leach Highway and South Street.

The submission is justified on the following basis.

- **City of Melville Activity Centres and Western Australian Planning Commission Policies**

The substantial basis for the City of Melville's proposal is the role assigned to the *Central Sub-Region* as defined in the Western Australian Planning Commission's (WAPC) *Directions 2031 Draft Spatial Framework for Perth and Peel 2009*.

This Policy also integrates the role of activity centres as defined in the draft *State Planning Policy Activity Centres for Perth and Peel 2009*.

The boundaries of the City's *Regional Centre*, *District Centres* and the *Myaree Mixed Business Precinct* are formally designated in the *Community Planning Scheme No 5* and the *Local Commercial Strategy 2006*. The primary role of these centres is to provide for a diversity of activities and employment. The centres are also integrated into the broader *Central Sub-Region* economy, urban and transport structure, and linked by a network of transit corridors to the Fremantle and Perth tourism precincts

In these contexts the City of Melville proposes that the *Regional Centre* Melville City Centre (Booragoon), the *District Centres* and the *Myaree Mixed Business Precinct* are significant components within the *Central Sub-Region* and their consideration as *Special Trading Precincts* would therefore be appropriate and consistent with both Local Government and State Government policies and legislation.

In particular the centres proposed for *Special Trading Precinct* consideration and extended trading hours are:

1. Regional Centre Melville City Centre – Booragoon
2. District Centres (i) Canning Bridge Centre (ii) Riseley Centre, (iii) Melville Centre, (iv) Petra Street Centre, (v) Bull Creek Centre and (vi) Kardinya Centre.
3. Myaree Mixed Business Precinct (retail components).

P10/3108 - SPECIAL TRADING PRECINCTS AND EXTENDED TRADING HOURS (REC)

These precincts are defined in and are consistent with the City of Melville's *Local Planning Scheme No 5, Local Commercial Strategy 2006* and the WAPC draft *State Planning Policy Activity Centres for Perth and Peel 2009*. (It should be noted that the Myaree Mixed Business Precinct is classified as an Industrial Centre in WAPC policy documentation).

The City of Melville Activity Centres Framework

The following is a brief overview of the commercial characteristics of activity centres within the City of Melville supporting their re-classification to *Special Trading Precinct*.

- **Melville City Centre – Booragoon**

Melville City Centre – Booragoon is classified as a *Regional Centre* in the WAPC's draft *State Planning Policy Activity Centres for Perth and Peel (2009)*.

However the Melville City Centre is more typical of *Strategic Regional Centres* as it comprises two department stores, a specialised inner-precinct comprised of a number of high-profile and high-value specialty and dedicated brand-name boutiques, a *Discount Department Store*, two full sized supermarkets, a significant number of non-retail service agencies, businesses and a Hoyts cinema complex, as well as a regional bus station.

Melville City Centre's Shop/Retail and Office/Business floor space compares favourably with Fremantle (Department of Planning 2007 preliminary data) particularly when having regard to the neighbouring Myaree Activity Centre Precinct.

Department of Planning Preliminary Data 2007	Garden City	Myaree precinct	Fremantle City Centre	Fremantle Queen Victoria
Shop/Retail	58,033m ²	28,011m ²	72,055m ²	7,982m ²
Office/Business	23,741m ²	37,226m ²	76,951m ²	5,960m ²

Department of Planning 2007 preliminary data

- **Melville City Centre – Booragoon; catchment area more typical of a Strategic Regional Centre**

Melville City Centre - Booragoon is one of only two major retail centres (the other is Fremantle) south of the Swan River and west of the Kwinana Freeway/Perth-Mandurah railway.

P10/3108 - SPECIAL TRADING PRECINCTS AND EXTENDED TRADING HOURS (REC)

The draft *Activity Centres for Perth and Peel (2009)* specifies a catchment of approximately 10km for *Strategic Regional Centres* but although Melville City Centre – Booragoon is classified as a *Regional Centre* with a notional primary catchment area of approximately 4 - 6km, anecdotal indicators suggest that the centre attracts clients from beyond this catchment, implying that Melville City Centre's catchment includes suburbs nominally within Fremantle's *Strategic Regional Centre* catchment area.

Australian Bureau of Statistics (ABS) Census 2001 data collated for the City of Melville's *Local Commercial Strategy (2006)* indicates that the average annual income for Collection Districts within 5kms of the Melville City Centre was higher than for Fremantle, Cannington the Perth metropolitan average.

Similarly ABS Census 2001 data illustrates that the per capita average annual retail spending in the same 5km catchments were higher for the Melville City Centre than for Fremantle, Cannington and the Perth metropolitan average.

In addition the Melville City Centre's (not including the Myaree Activity Precinct) main trade area contributes to approximately 80% of expenditure within the centre.

ABS Census 2001	Melville City Centre	Fremantle	Cannington	Perth Metropolitan (average)
Average Annual Individual Income	\$26,783	\$24,353	\$20,630	\$20,898
Average Annual Individual Retail Expenditure	\$9,832	\$8,979	\$7,718	\$7,783

ABS Census 2001 Annual Income and Retail Expenditure and City of Melville Local Commercial Strategy 2006

More recent retail and other household expenditure data from the 2006 census will be assessed for the same catchment areas and is anticipated to illustrate similar income and expenditure profiles, complemented by trends in tertiary qualification, occupation category and home ownership.

- **City of Melville Centres demonstrate high levels of connectivity and integration of activity centres with public transit / transport corridors**

The City of Melville's *Regional Centre* and *District Centres* demonstrate a strong element of inter-centre connectivity through their high level of integration with major public transit and transport corridors.

This is consistent with the key WAPC policies for effective and sustainable activity and employment centres, in particular *Liveable Neighbourhoods 2007*, the draft *State Planning Policy Activity Centres for Perth and Peel 2009* and *Directions 2031 Draft Spatial Framework for Perth and Peel 2009*.

P10/3108 - SPECIAL TRADING PRECINCTS AND EXTENDED TRADING HOURS (REC)

In addition, the Melville City Centre incorporates the Booragoon Bus Station that serves as a transit hub for Canning Bridge Centre, Riseley Centre, Curtin University, Murdoch University, and the centres of Bull Creek, Kardinya, Fremantle and Perth.

The *District Centres* of Canning Bridge Centre, Riseley Centre, Melville Centre and Petra Street Centre are all located along Canning Highway, while the Bull Creek and Kardinya Centres are located on South Street, respectively east and west of the Murdoch train station and planned Transit Oriented Development (TOD) activity centre.

Railway station-based precincts are also planned for the TOD precincts around the Canning Bridge and Bull Creek train stations further enhancing these centres' integration with the metropolitan public transit system.

CONCLUSION

The consideration of *Special Trading Precincts* with associated extended trading hours in the City of Melville's activity centres would ensure the equitable distribution of *Special Trading Precincts* and extended trading hours throughout the City of Melville.

It would also contribute to a more equitable distribution throughout the Central Sub-Region and the Perth Metropolitan Region.

This would also be consistent with the objectives of the Western Australian Planning Commission policies that promote highly diversified, integrated and sustainable activity centres.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3108)**APPROVAL**

At 7.28pm Cr Halton moved, seconded Cr Subramaniam -

- 1. That Council resolve to make a submission to the Minister for Commerce seeking consideration of the *Special Trading Precinct* designation for a trial period of 12 months for specified activity centres within the City of Melville.**
- 2. That the submission to the Minister for Commerce seek consideration of the *Special Trading Precinct* designation for the Regional Centre at Melville City Centre - Booragoon, as a priority in view of its regional significance, and consistent with the *Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009*.**
- 3. That the submission include provision for consideration as suitable for designation as *Special Trading Precincts* the District Centres of Canning Bridge Centre, Riseley Centre, Melville Centre, Petra Centre, Bull Creek Centre and Kardinya Centre, and the Myaree Mixed Business Precinct.**

P10/3108 - SPECIAL TRADING PRECINCTS AND EXTENDED TRADING HOURS (REC)

4. That the Hon Christian Porter MLA Member for Bateman, the Hon Simon O'Brien MLC Member for South Metropolitan Province and Mr Joe Francis MLA Member for Jandakot be requested to support the City of Melville's submission.
5. That the City of Melville advise the Western Australian Planning Commission and the Department of Planning of this submission.
6. That the City of Melville liaise with the Department of Commerce to ensure appropriate and adequate information on extended trading hours is provided to retail businesses and the community.

At 7.43pm the Mayor submitted the motion, which was declared

CARRIED (6/5)

Cr Reidy left the Meeting at 7.44pm and returned at 7.46pm.

P10/3107 - TRANSFER OF MANAGEMENT ORDER FOR HEATHCOTE LOWER LAND, ADJACENT BUSHLAND AND FORESHORE RESERVES (REC) (ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Strategic
 Application Number : N/A
 Subject Index : Strategic Urban Planning – Heathcote Lower Land
 Customer Index : National Trust of Australia (WA)
 Property : Reserve 48970 (Lot 300 No 60) Reserve 32738 (lot 302) and Reserve 47152 (lot 304 No 66) Duncraig Road, Applecross.
 Proposal : Transfer of Management Order for Heathcote lower land, adjacent bushland and foreshore reserves from City of Melville to National Trust of Australia (WA)
 Applicant : City of Melville
 Owner : State of Western Australia c/- City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Kym Davis – Manager Strategic Planning
 Previous Items : Nil

AUTHORITY / DISCRETION

DEFINITION

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

P10/3107 - TRANSFER OF MANAGEMENT ORDER FOR HEATHCOTE LOWER LAND, ADJACENT BUSHLAND AND FORESHORE RESERVES (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Report refers to Lot areas outlined in yellow on the map below this constitutes Lot 300 – 2.4246ha, Lot 302 - 3,678sqm, Lot 304 - 2.9713ha. Total area 5.7637ha.
- A Management Order for the Heathcote lower land was vested to the City of Melville in November 2006.
- The City of Melville initiated a Masterplan process in early 2007; however this has not been finalised.
- A Community Consultation Workshop was held June 2007 to gather community ideas and input to the plan.
- Subsequent to that Workshop, a series of investigative studies were commenced on traffic and parking, heritage and environmental management.
- Realisation of the asset by the City of Melville may be a lengthy process and require a large capital outlay.
- Water allocation for the City to develop a park asset in that area is low.
- The National Trust of Australia (WA) has had a long term interest in conservation of the heritage value of Heathcote including the lower land.
- The National Trust of Australia (WA) have approached the City of Melville expressing their interest in the Heathcote lower land, adjacent bushland and foreshore reserves and in the transfer of the Management Order to the National Trust of Australia (WA) as a way of progressing the development of this land and protecting the heritage of the site in perpetuity.
- Having the Management Order vested in the National Trust of Australia (WA) could assist in the process of development as the body has an ongoing high level relationship with other bodies such as the Department of Indigenous Affairs and Swan River Trust.
- Recommended that subject to appropriate safeguards being in place, the City seek transfer of the Management Order for the lower land and the other Reserves in the study area.



**P10/3107 - TRANSFER OF MANAGEMENT ORDER FOR HEATHCOTE LOWER LAND,
ADJACENT BUSHLAND AND FORESHORE RESERVES (REC) (ATTACHMENT)****BACKGROUND****Scheme Provisions**

MRS Zoning	:	Regional Reserve - Parks and Recreation
CPS 5 Zoning	:	Metropolitan Region Scheme Reserve - Parks and Recreation.
R-Code	:	N/A
Use Type	:	Conservation and Recreation
Use Class	:	P

Site Details

Lot Area	:	Lot 300 – 2.4246ha, Lot 302 - 3,678sqm, Lot 304 - 2.9713ha. Total area 5.7637ha
Retention of Existing Vegetation	:	As per Arboriculture Assessment

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	Public Information Briefing
Neighbour's Comment Supplied:	N/A
Reason:	A community workshop held to plan for the future of this reserve resulted in a consensus for the reserve to remain as Conservation and Recreation and be principally a passive reserve with active opportunities. This fits with the Heathcote Coordination Agreement and the Management Order attached to the Heathcote lower land and the other Reserves in the study area.

The proposal to transfer the Management Order to the National Trust of Australia (WA) does not change the intent for the site expressed by the community. It enhances the opportunities for this land to be developed in the shorter term and for the important heritage aspects to be enhanced at a regional level.

There has been a long delay in the process of developing a Management Plan and design of the lower lands due to extra research required. A secondary consultation had been planned to progress the development of the land. Having a public information briefing will ensure the relevant stakeholders are kept aware of the progress of the process.

P10/3107 - TRANSFER OF MANAGEMENT ORDER FOR HEATHCOTE LOWER LAND, ADJACENT BUSHLAND AND FORESHORE RESERVES (REC) (ATTACHMENT)

REFERRALS TO GOVERNMENT AGENCIES

Required: Department for Lands
Reason: Owner of the reserves which have been vested in the City of Melville.

STATUTORY AND LEGAL IMPLICATIONS

The Management Order for the lower land is vested under the Land Administration Act 1997 - Section 46. Under Section 50 of the Land Administration Act 1997, when a management body agrees that its Management Order should be revoked, the Minister for Lands may by Order, revoke that Management Order.

FINANCIAL IMPLICATIONS

There is no allocation of funds in the 2010/2011 budget to develop this land. Funds have been allocated for preliminary design and consultation to develop a Masterplan. The City will still be a major stakeholder with active engagement in future project planning for the site.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

A prospective transfer would see the future development of the site removed from the control of the City of Melville and transferred to the National Trust of Australia (WA). The National Trust of Australia (WA) has a strong background in development and management of similar landholdings across the State.

The transfer of the Management Order to the National Trust of Australia (WA) could assist in the process of development as the body has an ongoing high level relationship with other bodies such as the Department for Indigenous Affairs and Swan River Trust.

The National Trust of Australia (WA) may be able to establish a tax deductible programme and actively engage corporations and individuals to invest in this special place.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of Development that does not meet the expectations of the City of Melville and its residents.	Unlikely to occur and will have moderate consequences if it does resulting in a Medium level of risk.	Ensure City is represented as key stakeholder and foundation partner. Binding Agreement to be negotiated prior to releasing Management Order.
Risk that the Management Order is passed to a third party such as Department of Environment or the transfer is refused.	Likelihood of occurrence is rare and will have minor consequences if it does, resulting in a Low level of risk.	Ensure effective dialogue with all parties during process.

P10/3107 - TRANSFER OF MANAGEMENT ORDER FOR HEATHCOTE LOWER LAND, ADJACENT BUSHLAND AND FORESHORE RESERVES (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

There is no Council Policy that relates to Management Orders.

Policy 06 – PL -007 – Reserved Land – To guide the control of development on Reserved land

Policy 12 – PL -002 Environmental Policy - To provide guidance and direction for the City of Melville to minimize our impact on the environment.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Maintain the status quo and retain the Management Order with the City of Melville. The City of Melville will be responsible for the development and ongoing maintenance of the land including responsibility for the formulation and development of a Masterplan and considerable long term investment.

At the present time, no funding is allocated to development of this reserve and the availability of water under the City's licensing allowance appears inadequate.

There may still be opportunities for the National Trust of Australia (WA) to arrange for fundraising through their various instruments such as grants, tax incentives etc.

Negotiate a joint Management Order between National Trust of Australia (WA) and the City of Melville. This would allow for the City of Melville to still have a significant control over the development of the land.

COMMENTS

The City of Melville has developed an award winning heritage precinct with the restoration and enhancement of the Heathcote Hospital site. This location is zoned as 'Heritage Precinct' in the CPS No 5 and continues to be managed successfully by the City of Melville.

Part of the Heathcote Co-ordination Agreement signed with the transfer of ownership for the upper land included conditions relating to rehabilitation of the lower land, however the lower land had not been transferred at that stage. The conditions in the agreement stated that:

(a) *The City Agrees that:*

- (1) *it is intended that the Lower Land be reserved for Parks and Recreation under the Metropolitan Region Scheme and that the care, control and management of the Lower Land be placed with the City in accordance with the LAA:*
- (2) *full public access is to be provided to the Lower Land as a park and it is to be landscaped and maintained by the City to a standard commensurate with the Heathcote Heritage Precinct Land; and*
- (3) *some limited public parking will be permitted on the Lower Land.*

P10/3107 - TRANSFER OF MANAGEMENT ORDER FOR HEATHCOTE LOWER LAND AND ADJACENT BUSHLAND AND FORESHORE RESERVES (REC) (ATTACHMENT)

- (b) *The owner and the City shall as soon as is reasonably practicable in the circumstances, agree upon the landscaping Plans and Specifications and Landscaping costs PROVIDED THAT the Landscaping Costs do not include any provision for the ongoing maintenance of the landscaping and the Lower Land.*

The Management Order for the area known as the Heathcote lower land was granted to the City of Melville in November 2006. This Management Order was conditional on the land being Reserved for Parks and Recreation.

Consultation with the community, in the form of a stakeholder workshop held in June 2007 highlighted the key emerging themes of:

- Parking and access issues particularly in relation to provision for increased numbers of users;
- Support for a passive use area with minimal, low key facilities;
- Need for recognition of Aboriginal, European and environmental value with associated interpretative content;
- Reinstatement of wetland in southeast corner, stabilizing of escarpment, rehabilitating endemic vegetation;
- Need for holistic management; and
- Importance of physical linkages and workable interfaces with upper Heathcote and South of Perth Yacht Club.

The environmental value of the land, though severely diminished has also been recognised by the community and in subsequent reports undertaken by the Council.

Research incorporated in a preliminary site investigation by consultants followed on from the stakeholder workshop provided foundation information on which to prepare a Masterplan. These investigations include:

- Heritage assessment;
- Aboriginal heritage survey;
- Visual resource assessment;
- Arboriculture assessment;
- Flora and fauna assessments;
- Hydrological assessments;
- Assessment of acid sulphate soils;
- Contaminated soils assessment.

A Preliminary Concept Design for the lower land which incorporates the combined elements of the research and consultation is being prepared by consultants and would be used as a base plan for any subsequent discussions and consultations with community and other government agencies.

The significant work that has been undertaken by the City of Melville in investigation and planning for the development of this land reinforces the considerable cost and resources that will be required to develop the land to a standard that enables it to be enjoyed by the community at the same time protecting and enhancing its environmental and heritage value.

P10/3107 - TRANSFER OF MANAGEMENT ORDER FOR HEATHCOTE LOWER LAND AND ADJACENT BUSHLAND AND FORESHORE RESERVES (REC) (ATTACHMENT)

It is also important to note that if the Management Order is transferred to the National Trust of Australia (WA), there could be significant financial savings to the City with respect to the capital investment and ongoing maintenance costs. Depending on the extent of the capital works required, it is estimated that the costs associated with developing the land to be in excess of \$2m, with ongoing maintenance costs of approximately \$100,000 per annum as advised by the Director Technical Services.

The allocation of water to the City of Melville under the license arrangements with the Department of Water has an impact on the type of development available on the site. The amount of water available and the impact of extracting groundwater on the surrounding environment may restrict the opportunities available to the City of Melville for this land.

The bushland and foreshore associated with the area are currently not under any specific bushland, reserve or coastal management plans.

The National Trust of Australia (WA) has expressed an interest in the Heathcote land (upper and lower) for well over a decade. Part of their Constitution identifies the following objective:

*Procure, in conjunction with the Members, heritage places, structures, lands and objects for the public benefit and assist through encouragement, support, instruction and cooperation with individuals or other organisation's intent on the same purpose.
(National Trust Annual Report- Constitution)*

In January 2010, The National Trust of Australia (WA) approached the City of Melville to consider the transfer of the Management Order for land comprised in the study area from the City of Melville to the National Trust of Australia (WA) as a heritage place.

The National Trust of Australia (WA) has many examples of managed heritage places throughout Australia. The range includes historical cottages, grand colonial mansions and gardens, factories, mills, mines, farms, wineries and nature reserves. The diversity of their holdings reflects the diversity of the history of Australia. Within WA the trust sites include Tranby House, Woodbridge, The Old Mill, the No1 pump station at Mundaring Weir and the Kylie Dam Reserve in the Shire of West Arthur.

Kylie Dam Reserve is a 220-hectare property which exhibits a unique combination of natural and cultural (built) heritage values. The National Trust of Australia (WA) is working in partnership with the Shire and local community to restore the natural environment of the Reserve to a satisfactory conservation standard. Please refer to the two attachments below.

[\(P10_3107Heathcote_Kylie_Dam_Reserve_and_Water_Tank\)](#)

[\(P10_3107_Heathcote_Kylie_Dam_Reserve_moving_forward\)](#)

Another example of a heritage place restored by the National Trust of Australia (SA) is Watiparinga in the Adelaide Hills. Watiparinga shows how careful land management has restored grassy woodland from a grazed farming property to a (bushland) vegetation community in a condition as near as possible to that which existed prior to European settlement. http://www.nationaltrustsa.org.au/places/watiparinga_reserve.xml

P10/3107 - TRANSFER OF MANAGEMENT ORDER FOR HEATHCOTE LOWER LAND AND ADJACENT BUSHLAND AND FORESHORE RESERVES (REC) (ATTACHMENT)

The Trust has been in discussions with the City of Melville and has advised:

The National Trust of Australia (WA) would like to express both its interest and commitment to manage the land and bush reserves known as "Heathcote Lower Land". The National Trust has expressed interest in the land for well over a decade and would suggest the City of Melville surrender the Management Order over the land and recommend that a new Management Order be issued in favour of the National Trust as a heritage place. This ensures the heritage values in perpetuity. The Trust would then develop the place as a heritage place consisting of both gardens and bushland reserves in accordance with a management plan. The Trust does seek the continued cooperation and input from the City in the development of the Management Plan as we believe the City would be a Foundation Partner and key stakeholder in the process. The National Trust would seek the input of many other stakeholders, which we understand much work has already been done by the City.

The previous work by the City would be passed on to the Trust to assist in the process. This process would have a threefold benefit to the City. It would:

1. ensure the protection of the heritage of the area in perpetuity;
2. enable the expectations of the community to be met more expediently; and
3. allow for the City to be involved in the planning and development of the land without the financial burden of developing and maintaining the land.

CONCLUSION

In consideration of the above matters, it is recommended that the City of Melville enter into a Memorandum of Understanding to work towards a binding agreement with the National Trust of Australia (WA), subject to the consent of the Minister for Lands, to further the development of the Heathcote lower land and adjacent bushland and foreshore reserves as a heritage place. The negotiated agreement should consider the most appropriate process and ownership relationships. The transfer does not relate in any shape or form to the upper Heathcote land for which the City also holds a Management Order for the land.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3107)

APPROVAL

Council resolve that with regard to the future management of the Heathcote lower land and adjacent bushland and foreshore reserves:

1. **That a Memorandum of Understanding (MOU) to work towards a binding agreement be developed between the City of Melville and the National Trust of Australia (WA) recognising the social and cultural significance of the Heathcote lower land, adjacent bushland and foreshore reserves and the importance of the land to the City of Melville community.**

P10/3107 - TRANSFER OF MANAGEMENT ORDER FOR HEATHCOTE LOWER LAND, ADJACENT BUSHLAND AND FORESHORE RESERVES (REC) (ATTACHMENT)

2. The MOU and ensuing agreement establish the relationship between the National Trust of Australia (WA) and the City of Melville in the ongoing management of the lower land, adjacent bushland and foreshore reserves which ensures the full collaboration of the City of Melville in the ongoing planning of the Masterplan and any future planning of the site, development and ongoing maintenance of the Heathcote lower land, adjacent bushland and foreshore reserves and encapsulates the process of transferring the Management Order.
3. The MOU and binding agreement shall be endorsed by the Department of Lands and shall;
 - a. address any previous undertaking in respect of the lower land, adjacent bushland and foreshore reserves made as part of the Heathcote Co-ordination Agreement;
 - b. include a clause transferring the lower land, adjacent bushland and foreshore reserves back to the City of Melville should negotiations and collaborations between the City of Melville and the National Trust of Australia (WA) fail, or if works on or to the land raise community concern or do not meet the requirements of the City; and
 - c. specify aims and objectives, roles and responsibilities, lines of communication, timelines and identify implementable actions responsible to each party.
4. That the City of Melville and National Trust of Australia (WA) conduct a public information briefing with major stakeholders, (including where possible, participants of the initial community workshop in June 2007) and other interested parties to clarify the change in approach to the development of the lower land, and process for progressing the planning and development of the Heathcote lower land, adjacent bushland and foreshore reserves going forward.
5. That subject to the satisfactory completion and endorsement of the Memorandum of Understanding and binding agreement between the Chief Executive Officers of the City of Melville and the National Trust of Australia (WA), the City of Melville surrender to the Minister for Lands the Management Order for Reserve 48970, Lot 300; Reserve 32738, Lot 302; and Reserve 47152, Lot 304 on Deposited Plan 44663.
6. That subject to the satisfactory completion and endorsement of the Memorandum of Understanding and binding agreement between the Chief Executive Officers of the City of Melville and the National Trust of Australia (WA), the City of Melville recommends to the Minister for Lands that a new Management Order over Reserve 48970, Lot 300; Reserve 32738, Lot 302; and Reserve 47152, Lot 304 on Deposited Plan 44663 be issued in favour of the National Trust of Australia (WA) as a heritage place conditional upon the maintenance of the endorsed binding agreement.

P10/3107 - TRANSFER OF MANAGEMENT ORDER FOR HEATHCOTE LOWER LAND, ADJACENT BUSHLAND AND FORESHORE RESERVES (REC) (ATTACHMENT)

- 7. That the City of Melville and the National Trust of Australia (WA) enter into necessary agreements regarding ongoing management and maintenance of existing bushlands associated with the Heathcote upper land and currently part of Council adopted management plans.**
- 8. That the National Trust of Australia (WA) be advised in writing of 1-7 above.**

At 7.46pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

At 7.47pm Mr D Vinicombe, having declared an interest in this item, left the meeting.

P10/3113 - PROPOSED AMENDMENT NO 58 TO COMMUNITY PLANNING SCHEME NO. 5 – APPLICATION OF PRECINCT ZONINGS AND DENSITY CODINGS TO UNDESIGNATED (UNZONED AND UNRESERVED) LAND RESULTING FROM METROPOLITAN REGION SCHEME AMENDMENT NO. 1100/33 – PORTION OF FORMER CANNING HIGHWAY RESERVATION BETWEEN PETRA STREET AND CANNING BRIDGE (REC) (ATTACHMENT)

Disclosure of Interest

Item No.	P10/3113
Member	Mr D Vinicombe
Type of Interest	Financial Interest in accordance with the Act
Nature of Interest	Trustee for Property Owners
Request	To leave the meeting
Decision of Council	Not Applicable

Ward	: All
Category	: Strategic
Application Number	: CPS5-58
Property	: Land along Canning Highway between Petra Street and Canning Bridge
Proposal	: Amend Community Planning Scheme No 5 (CPS No. 5) from undesignated land to zoned land to reflect adjoining Precincts
Applicant	: City of Melville
Owner	: Not Applicable
Disclosure of any Interest	: David Vinicombe - Manager Planning and Development Services – property trustee
Responsible Officer	: Julio Gonzalez – Planning Services Coordinator
Previous Items	: Nil

P10/3113 - PROPOSED AMENDMENT NO 58 TO COMMUNITY PLANNING SCHEME NO. 5 – APPLICATION OF PRECINCT ZONINGS AND DENSITY CODINGS TO UNDESIGNATED (UNZONED AND UNRESERVED) LAND RESULTING FROM METROPOLITAN REGION SCHEME AMENDMENT NO. 1100/33 – PORTION OF FORMER CANNING HIGHWAY RESERVATION BETWEEN PETRA STREET AND CANNING BRIDGE (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 checked="" type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

P10/3113 - PROPOSED AMENDMENT NO 58 TO COMMUNITY PLANNING SCHEME NO. 5 – APPLICATION OF PRECINCT ZONINGS AND DENSITY CODINGS TO UNDESIGNATED (UNZONED AND UNRESERVED) LAND RESULTING FROM METROPOLITAN REGION SCHEME AMENDMENT NO. 1100/33 – PORTION OF FORMER CANNING HIGHWAY RESERVATION BETWEEN PETRA STREET AND CANNING BRIDGE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Metropolitan Region Scheme (MRS) Amendment No. 1100/33 for Canning Highway between Petra Street and Canning Bridge was gazetted on 11 December 2009.
- Region Scheme now includes the portion of the former reserved land no longer required for the Canning Highway Primary Regional Roads Reservation in the Urban zone.
- At this time the subject land is unzoned and unreserved under Community Planning Scheme No. 5 (CPS No 5) as a result of the removal of the former Primary Regional Roads Reservation for Canning Highway and zoning of this land as “Urban” under the MRS Amendment.
- The City of Melville is required to amend CPS No. 5 to apply an appropriate zoning to the “Urban” land under the MRS.
- Recommended that Council infill the subject land under CPS No. 5 with the current adjoining Precinct zonings.

BACKGROUND

Metropolitan Region Scheme (MRS) Amendment No. 1100/33 for Canning Highway between Petra Street and Canning Bridge was gazetted on 11 December 2009. The MRS now includes the reserved land no longer required for the Canning Highway Primary Regional Roads Reservation as “Urban”. At this time the subject land is unzoned and unreserved under Community Planning Scheme No. 5 (CPS No. 5) as a result of the MRS Amendment. The City of Melville is required to amend CPS No. 5 to apply an appropriate zoning to the “Urban” land under the MRS.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Nil
R-Code	: N/A
Use Type	: N/A
Use Class	: N/A

Site Details

Lot Area	: N/A
Retention of Existing Vegetation	: N/A
Street Tree(s)	: N/A
Street Furniture (drainage pits etc)	: N/A

[P10 3113 – Proposed Amendment 58 Site Plan](#)

P10/3113 - PROPOSED AMENDMENT NO 58 TO COMMUNITY PLANNING SCHEME NO. 5 – APPLICATION OF PRECINCT ZONINGS AND DENSITY CODINGS TO UNDESIGNATED (UNZONED AND UNRESERVED) LAND RESULTING FROM METROPOLITAN REGION SCHEME AMENDMENT NO. 1100/33 – PORTION OF FORMER CANNING HIGHWAY RESERVATION BETWEEN PETRA STREET AND CANNING BRIDGE (REC) (ATTACHMENT)

DETAIL

The subject land is formed by portions of land from properties facing Canning Highway between Petra Street and Canning Bridge. Properties along Canning Highway have different Precinct Zonings and Density Codings.

The majority of the subject portions of land form part of properties which are already located in Precinct zones and Coded under CPS No. 5. It is therefore logical to apply a commensurate Precinct Zoning and Coding to the subject land in order to be consistent with the remainder of the landholdings. In instances where whole properties are unzoned and unreserved as a result of the amendment it is also logical to apply the adjacent Precinct Zoning and Coding.

STATUTORY AND LEGAL IMPLICATIONS

Section 124 of the Planning and Development Act 2005 requires Council to initiate action to amend its local planning scheme so that it is consistent with, and not impede the implementation of, the MRS. Once initiated, Council must advertise the Amendment, consider submissions and forward the proposal to the Hon. Minister for Planning for determination.

The decision from Council on whether or not to initiate the subject Amendment is final and no appeal rights exist. Council may choose to initiate the Amendment or propose an alternative Amendment. In this instance, Council does not have the power to refuse to initiate an Amendment.

FINANCIAL IMPLICATIONS

There are no Financial Implications for this proposal.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no Strategic and Risk Management Implications for this proposal.

POLICY IMPLICATIONS

There are no Policy Implications for this proposal.

P10/3113 - PROPOSED AMENDMENT NO 58 TO COMMUNITY PLANNING SCHEME NO. 5 – APPLICATION OF PRECINCT ZONINGS AND DENSITY CODINGS TO UNDESIGNATED (UNZONED AND UNRESERVED) LAND RESULTING FROM METROPOLITAN REGION SCHEME AMENDMENT NO. 1100/33 – PORTION OF FORMER CANNING HIGHWAY RESERVATION BETWEEN PETRA STREET AND CANNING BRIDGE (REC) (ATTACHMENT)

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could choose to initiate an Amendment for an alternative Precinct zone or Density Coding; however this would not be consistent with the current zonings and density codings along the subject portions of Canning Highway.

As indicated above, no appeal rights exist with such a determination from Council.

It should be noted that until a zoning is applied to the subject land under CPS No. 5, legal advice confirms that as the land is zoned Urban under the MRS, developments may be determined by Council under delegation of the WAPC taking into account provisions of the CPS No 5.

COMMENTS

As Council is required to initiate the Amendment to recognise the Amendment to the MRS, it is appropriate to apply the same Precinct zonings and Coding of adjoining and remaining properties to the unzoned and unreserved land along Canning Highway from Petra Street to Canning Bridge.

CONCLUSION

It is recommended that Council initiate an Amendment to Community Planning Scheme No. 5 to apply adjoining Precinct Zoning and Density Codings to the unzoned and unreserved land so that the subject land is consistent with the “Urban” zoning under the Metropolitan Region Scheme.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3113)

INITIATION

At 7.46pm Cr Halton moved, seconded Cr Pazolli -

- 1. That pursuant to Part 5 of the Planning and Development Act 2005, Council resolve to initiate Amendment No. 58 to Community Planning Scheme No. 5 to apply adjacent Precinct Zonings and Density Codings to the undesignated (unzoned and unreserved) land resulting from Metropolitan Region Scheme Amendment No. 1100/33 – portion of former Canning Highway Reservation between Petra Street and Canning Bridge.**
- 2. That His Worship the Mayor and the Chief Executive Officer be authorised to endorse the Amendment document.**

P10/3113 - PROPOSED AMENDMENT NO 58 TO COMMUNITY PLANNING SCHEME NO. 5 – APPLICATION OF PRECINCT ZONINGS AND DENSITY CODINGS TO UNDESIGNATED (UNZONED AND UNRESERVED) LAND RESULTING FROM METROPOLITAN REGION SCHEME AMENDMENT NO. 1100/33 – PORTION OF FORMER CANNING HIGHWAY RESERVATION BETWEEN PETRA STREET AND CANNING BRIDGE (REC) (ATTACHMENT)

- 3. That the City of Melville forwards a copy of the Amendment documentation to:
 - A) The Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.**
 - B) The Western Australian Planning Commission for information.****
- 4. That on receipt of advice from the Environmental Protection Authority under Section 48A of the Environmental Protection Act indicating that the Amendment need not be subject to an Environmental Assessment, the Amendment be advertised in accordance with the Town Planning Regulations for not less than forty-two (42) days.**

At 7.46pm the Mayor submitted the motion, which was declared

CARRIED (11/0)

At 7.47pm Mr D Vinicombe returned to the meeting.

T10/3109 - PETITION – TRAFFIC CALMING DEVICES IN DUNKLEY AVENUE, APPLECROSS (AMREC) (ATTACHMENT)

Ward : Applecross/Mount Pleasant
 Category : Operational
 Subject Index : Traffic
 Customer Index : Mrs Sanford
 Disclosure of any Interest : N/A
 Previous Items : T09/3065 : Petition – Traffic Calming Devices in Dunkley Avenue, Applecross – 21 April 2009
 Works Programme : Traffic Management
 Funding : Capital Works – 2009/2010
 Responsible Officer : John Cameron
 Executive Engineer, Design

AUTHORITY / DISCRETION

DEFINITION

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

T10/3109 - PETITION – TRAFFIC CALMING DEVICES IN DUNKLEY AVENUE, APPLECROSS (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- To report on the outcome of the City's initial grant application to Main Roads WA for the installation of two speed cushion locations in Dunkley Avenue between Cantray Avenue and Francis Road Applecross.
- To report on the results of a Resident Survey for the installation of two speeds cushion locations in Dunkley Avenue between Cantray Avenue and Francis Road Applecross.
- To report on the successful outcome of the City's second grant application for the 2009/2010 Anti Hoon Speed Hump Programme for the installation of speed cushions on Dunkley Avenue and Melville Beach Road.
- To consider various traffic calming options for a long term solution to speeding in Dunkley Avenue and Melville Beach Road in response to the residents' comments.
- To advise the petitioners and residents of Dunkley Avenue, Applecross of the Council's decision.

BACKGROUND

In April 2009, the results of traffic investigations on both Dunkley Avenue and Melville Beach Road were reported to the Council (Item T09/3065 refers), based on a petition received by the City of Melville in October 2008. Of particular concern to the residents was the 85th percentile speed of 59km/h for northbound traffic and 61km/h for southbound traffic on Dunkley Avenue, south of Cantray Ave, outside House No 35. It is this speed that was the basis of the petition.

Several traffic calming options were proposed for the Council's consideration, (Item T09/3065 refers). Included was the opportunity for the City to avail itself of the State Government grants for the installation of speed cushions.

In June 2009, Main Roads advised that the City's application for the installation of two speed cushions on Dunkley Avenue was ranked No 27 out of 36 applications for the first round of submissions and that the City was unsuccessful. Only 8 applications from other Local Government Authorities had high enough scores to be eligible for funding with many Councils scoring similarly to the City.

Following the receipt of a petition from residents of Dunkley Avenue, Applecross, the subsequent traffic analysis, and recommendations to Council, one of the Council resolutions (Item T09/3065 refers) on 21 April 2009 was *"That should the grant application (for two speed cushions) to Main Roads WA be unsuccessful, this matter be referred back to the Council for further consideration to determine whether the installation will be funded and approved."*

T10/3109 - PETITION – TRAFFIC CALMING DEVICES IN DUNKLEY AVENUE, APPECROSS (AMREC) (ATTACHMENT)

As a result of being unsuccessful in attracting any funding for the installation of the two speed cushions on Dunkley Avenue, and in accordance with the Councils' resolution, the City's administration advised all residents/owners in Dunkley Avenue of its proposal via a survey. The results are discussed as part of Community Consultation in this report.

Council's Resolution:

"That residents in the immediate vicinity of Dunkley Avenue, Applecross be advised regarding the proposed installation of two speed cushions in the street between Cantray Avenue and Francis Road, Applecross as per Plan No 469A4",

In August 2009, Main Roads again invited the City to submit an application for the installation of speed cushions.

DETAIL

Following the re-submission of the application in October 2009, Main Roads confirmed on 2 December 2009 that the City's application for speed cushions to be installed on Dunkley Avenue and Melville Beach Road was successful.

Plan 1058A3-09E/1 ([3109 Melville Beach Road Plan 1058A3 09E 1](#)) attached to this Agenda shows two locations on Dunkley Avenue and three locations on Melville Beach Road as being suitable for the installation of speed cushions and all are located adjacent to streetlights so that the lighting and visibility criteria of the grant application could be met.

Main Roads advised that other conditions of the grant application were to include the following criteria:

- *"Consultation with the community on the proposal (showing the locations of the speed cushions) has been undertaken, and that the majority of the respondents favour the proposal.*
- *The Council gives an undertaking that the installed speed cushions will remain in place for a period of not less than three (3) years. Should there be complaints, the Council will address these and will be responsible for the costs associated with modifying the profile or the re-location of the speed cushion, at their cost.*
- *The projects are accepted by the Council and the construction works can be completed by 30 June 2010."*

Further advice from Main Roads WA also stated that *"All projects delivered in 2009/2010 – 2011/12 will be funded by two third contribution from the Anti Hoon Speed Humps Programme and one third contribution by the nominating Council."* The application for the Dunkley Avenue/Melville Beach Road project will cost \$90,000 based on each set of speed cushions costing \$18,000. Funding will be based on:

City of Melville (1/3 cost)	\$30,000
Anti Hoon Speed Hump Programme (2/3 cost)	\$60,000

As the October Budget review was being considered at the same time, it is recommended that a budget allocation for \$30,000 as included in the budget review be endorsed by the Council.

T10/3109 - PETITION – TRAFFIC CALMING DEVICES IN DUNKLEY AVENUE, APPLECROSS (AMREC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Following the initial unsuccessful application for the speed cushions, 51 letters and resident survey forms were sent out to the residents/owners of Dunkley Avenue as originally recommended by Council. The spreadsheet and plan of responses form part of the attachments to the Agenda which was distributed to Elected Members on Friday 29 January 2010 under confidential cover.

A summary is shown in the table below:

	Number	Percentage
Number of Letters sent	51	100%
Number of responses	27	53%

Table 1

53% of the residents/owners responded to the survey and is considered a very good response rate, with many residents offering a variety of comments.

A summary of the responses is shown in the table below:

Response	Number	Percentage
Disagree with installation of speed cushions	9	33%
Agree with installation of speed cushions	16	60%
Agree - but not in front of my place	2	7%

Table 2

18 residents agreed and 9 disagreed with the proposed speed cushions. Of the 18 who agreed with the proposals, many of the residents lived at either end of Dunkley Avenue well away from the proposed speed cushions and did not offer a comment, whilst some residents wanting the motor bikes and 'hoon' issues addressed, requested that the cushions be *"deeper and shorter than the existing one in Dunkley Avenue as it is no deterrent to speeding - ignore the so called 'Standards' and install one that works."*

"Thank you very much for doing something about this problem. The Motorcyclists are the worst offenders" and *"Well done! Very much needed"* typified the sentiments of many who agreed to the proposed speed cushions.

Many of the residents who disagreed with the installation of the speed cushions had visited Coogee Road, Mount Pleasant and requested that alternative traffic calming treatments are considered. The majority of these residents lived adjacent to the proposed speed cushions, the placement of which was considered because their proximity to street lights and spacing would be equidistant, and would not allow for speed build up.

**T10/3109 - PETITION – TRAFFIC CALMING DEVICES IN DUNKLEY AVENUE,
APPLECROSS (AMREC) (ATTACHMENT)**

Some residents have lived in Dunkley Avenue for more than 40 years and did not think that the traffic conditions warranted any traffic calming at all despite the occasional 'hoon'. Whilst many residents empathised with the family whose child was killed, some residents commented that the existing speed cushions were ineffective at reducing speed, whilst some considered the proposal a "waste of money". Others cited noise from braking, traversing the speed cushions and then acceleration as being a considerable impact on their lives especially at night.

There were only two residents who were open enough to say "*not in front of my house*", indicating they wanted something done to address the speed issue which is more prevalent in the midblock vicinity house No 35 with the 85th percentile speed being in the order of 60km/h.

Community consultation for Melville Beach Road will have been completed by the beginning of February 2010 as this was excluded in any of the Council recommendations of the meeting of 21 April 2009 (Item T09/3065 refers).

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not Applicable

STATUTORY AND LEGAL IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

Should the installation of the speed cushions on Dunkley Avenue and Melville Beach Road proceed, funding will need to be considered as part of the Budget Review of the Capital Works Programme for 2009/2010 so as to meet the deadline of 30 June 2010. Funds of \$30,000 for the City's one third contribution have currently been listed on the budget review for consideration for inclusion in the 2009/2010 Capital Works Programme.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The design and installation of any speed cushions or other traffic management devices would be approved by Main Roads WA and comply with relevant standards for such treatments.

POLICY IMPLICATIONS

Not Applicable

T10/3109 - PETITION – TRAFFIC CALMING DEVICES IN DUNKLEY AVENUE, APPECROSS (AMREC) (ATTACHMENT)

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Item T09/3065 recommended the following alternatives which could also be considered as suitable traffic calming treatments for Dunkley Avenue:

- “1. Consider the installation of an Oval Slow Point, Speed Plateau (similar to The Esplanade, Mount Pleasant) or speed cushion (similar to the Coogee Road installations), installed midblock on Dunkley Avenue and paint “on road” parking bays;*
- 2. Consider the installation of a painted median island accompanied with additional traffic islands and the creation of ‘on road’ parallel parking embayments (similar to the treatment on The Esplanade);*
- “3. Widen the carriageway to 3.0m for each lane, insert additional islands, solid white barrier line in the centre of the carriageway and provide additional parking embayments similar to those on Canning Beach Road.”*

Local Government’s role in these issues does not relate to enforcement of the road traffic code, driver inattention and high vehicle speeds, as these matters clearly rest with the Police.

However over recent years, the distinction between Police enforcement and Local Government’s role in providing safe road infrastructure has become blurred. This is particularly evident with the increases in anti-social behaviour on our local roads. With apparent lack of Police resources, there has been a shift towards local government to provide an engineering solution to solve these behavioural problems – such as speed and hooning.

Whilst the City does address many safety and black spot issues on our roads, these come at financial cost. There needs to be a value judgement to the level of intervention that the City is prepared to accept and what grant funding could be available to minimise the City’s cost exposure.

Currently the City has an active involvement in behavioural change road safety programmes such as use of “SAM” – Speed Alert Mobile trailer, bin stickers and the various road safety initiatives carried out by the City’s Travelsmart and Road Safety Officers.

The use of the City’s Traffic Warrant Criteria seeks to provide a qualifyable objective standardised approach to prioritise potential traffic and road safety projects.

As in the case of Dunkley Avenue and Melville Beach Road, the availability of the State Government’s anti-hoon funding has provided the City with a funding opportunity to implement an interim treatment at minimal cost.

Alternatively, Council could consider not installing any traffic treatments and instead referring the issues of motorist behaviour, speeding and hoon activities to the WA Police Service for their enforcement.

T10/3109 - PETITION – TRAFFIC CALMING DEVICES IN DUNKLEY AVENUE, APPLECROSS (AMREC) (ATTACHMENT)**CONCLUSION**

The installation of anti-hoon speed humps is seen as a relatively low cost, low impact treatment which has been demonstrated to be effective in addressing the anti-social/road behaviour that has been experienced in Dunkley Avenue, Applecross.

Dunkley Avenue has been the subject of a number of traffic investigations since 1999, with the result that the existing speed plateaus on both Dunkley Avenue and Melville Beach Road have only curtailed speeds in a localised area. Residents who live near these devices complain of the noise attributed to them. The recent traffic study identified that the 85th percentile speeds were approximately 60km/h and that the motorist's speed reflected the design speed of the road environment, i.e. motorists "feel comfortable" driving at 60km/h on Dunkley Avenue and Melville Beach Road.

On the other hand, The Esplanade project has demonstrated that speeds can be reduced with selective placement of islands, narrowing the carriageway and installing parking embayments within the verge. Speeds have been reduced by 3-7km/h whilst crash rates have been halved, creating a safer environment for the majority of road users. However these improvement works are likely to be cost prohibitive unless they are carried out in conjunction with the rehabilitation of the existing road pavement, as was the case in The Esplanade. There is no opportunity for additional funding within the Anti-hoon Speed Hump Programme to fund these types of road upgrading works.

In determining future projects, the City of Melville uses a priority system, which includes factors such as speed, crash data, road hierarchy and activity generators that are used to determine whether any traffic treatment is warranted. Item T09/3065 identified that *"these factors were addressed and denoted as a 'Minor Technical Problem Site' albeit the warrant score was the highest end of the scale used, and for which the recommendation is that 'a low cost non-capital works solution be considered if appropriate.'"*

The State Government's Minister for Police launched the Anti Hoon Speed Humps Programme at Duffy Terrace in Woodvale in the City of Joondalup, where it was found that 8.7% of the drivers were travelling at least 20km/h over the default urban speed limit of 50km/h. In Dunkley Avenue 2.5% of the drivers were travelling at least 20km/h over the speed limit.

Speed cushions installed in Duffy Terrace, in the City of Joondalup were found to be a low cost and low impact in reducing speeds in the immediate vicinity of the speed cushions and given that they are to remain installed for 3 years, officers recommend that the City endorse the grant application of \$90,000 of which Council is to provide one third of the cost of \$30,000.

Given the above information and that both Dunkley Avenue and Melville Beach Road are due for road rehabilitation/reconstruction in the very near future, it is also suggested that the Council consider a long term solution in addition to the installation of the short term, low cost solution of 'speed cushions'. The long term solution will not only address the concerns of the residents of Dunkley Avenue, but will provide wider community benefits in reducing speed and any future crash potential in the long term.

**T10/3109 - PETITION – TRAFFIC CALMING DEVICES IN DUNKLEY AVENUE,
APPLECROSS (AMREC) (ATTACHMENT)**

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3019)

ABSOLUTE MAJORITY

At 7.47pm Cr Pazolli moved, seconded Cr Halton -

1. That Council note the results of the residents/owners survey for Dunkley Avenue regarding the proposed installation of speed cushions in Dunkley Avenue.
2. That Council endorse the grant application for the 2009/2010 Anti Hoon Speed Humps Programme for the installation of 2 sets of speed cushions on Dunkley Avenue and 3 sets of speed cushions on Melville Beach Road.
3. That Council authorise the Manager Operations to make the necessary budget amendment of \$30,000 as part of the October 09 review process for the City's one third contribution for the construction of speed cushions on Dunkley Avenue and Melville Beach Road in order to meet the Anti-hoon Speed Humps Programme grant requirement for a completion date prior to 30 June 2010.
4. That Council gives an undertaking that the installed speed cushions will remain in place for a period of not less than three (3) years. Should there be complaints, the Council will address these and will be responsible for the costs associated with modifying the profile or the re-location of the speed cushion, at its cost.
5. That Council consider a longer term solution along the lines of the recent works in The Esplanade, Mount Pleasant to coincide with road reconstruction / upgrading works planned for Dunkley Avenue and Melville Beach Road in 2013/2014.
6. That the residents on Dunkley Avenue and Melville Beach Road, Applecross be advised in writing of Council's Decision.
7. That the organiser of the petition be advised of the decision and be requested to advise their fellow petitioners of the Council's decision.
8. That the Member for Alfred Cove, be advised in writing of the Council's decision.
9. That Council advise Main Roads WA that Community Consultation showing the locations of the speed cushions has been undertaken and that the majority of the respondents were in favour of the proposal.

At 7.47pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

At 7.48pm Cr Barton having declared an interest in this item left the meeting.

At 7.48pm Cr Reynolds left the meeting.

T10/3110 - PETITION – RESERVE STREET, BICTON – TRAFFIC ISSUES (REC)
(ATTACHMENT)

Disclosure of Interest

Item No.	T10/3110
Member	Cr Barton
Type of Interest	Interest under Code of Conduct 4.3
Nature of Interest	Proximity Interest - Resident of Reserve Street, Bicton
Request	Stay & Discuss
Decision of Council	Stay & Discuss

COUNCIL RESOLUTION (3110)

At 7.48pm Cr Robartson moved, seconded Cr Nicholson –

That in accordance with Section 5.68 (1) of the Local Government Act 1995 Cr Barton be allowed to stay and discuss, but not vote.

At 7.48pm the Mayor submitted the motion, which was declared

CARRIED (10/0)

At 7.48pm Cr Barton returned to the meeting.

Ward	: All
Category	: Operational
Subject Index	: Traffic, Reserve Street
Customer Index	: Dr Allan Barton, AM, JP PhD
Disclosure of any Interest	: N/A
Previous Items	: N/A
Works Programme	: N/A
Funding	: Capital Works - 2010/2011
Responsible Officer	: John Cameron Executive Engineer Design

**T10/3110 - PETITION – RESERVE STREET, BICTON – TRAFFIC ISSUES (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 checked="" type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

KEY ISSUES / SUMMARY

- To consider the findings of the recent investigations into traffic conditions on Reserve and Strain Streets, Bicton.
- To consider various traffic calming options in response to the petitioner's requests.
- To advise the Petitioners and residents of Reserve Street and Strain Street, Bicton of Council's decision.

BACKGROUND

A petition containing 58 signatures was received by the City of Melville in November 2009 following which Council resolved:

"That the petition bearing 58 signatures be noted and a report be presented to a future Council meeting".

**T10/3110 - PETITION – RESERVE STREET, BICTON – TRAFFIC ISSUES (REC)
(ATTACHMENT)**

The petition reads as follows:

“We, the undersigned, all being Electors of the City of Melville, do humbly pray that-

The Council of the City for Melville identify and implement the best strategies to decrease the speed of traffic in Reserve St, Bicton and to reduce the risk at its intersections with Strain St and Point Walter Rd after developing proposals in conjunction with the local community and presenting alternatives at a public meeting.

Reports have been made on numerous occasions to the City of Melville Councillors and Officers about the number of cars travelling at excessive speed in this street (which runs diagonally down a steep hill after a sharp change in direction) and there have been several accidents in which out-of-control cars have impacted properties on the lower side of the street, most recently the distressing and near-fatal accident on 20 June (2009) at the intersection of Reserve Street, Point Walter Road and Crewe St. The intersection with Strain St is made more hazardous by the speed of traffic in Reserve St. Measures to limit traffic speed may also result in the reduction of crimes in the area such as the arson attack in May this year by discouraging hooligans using Reserve St as a speed track.

We urge the Council to act on this as a matter of urgency to ensure the ongoing safety of the residents.”

A review of the 58 signatories identified that 7 of the petitioners had signed the petition twice and one person had not signed the petition at all. The remaining 51 signatories came from 50% of a possible 72 households in Reserve Street and Strain Street.

DETAIL

Following the crash into the house at No 11 Crewe Road on 20 June 2009, and a request from both the resident and Cr June Barton, Officers from the City of Melville, followed up with Main Roads WA for the request to install the following:

- Stop sign at the intersection of Reserve Street and Point Walter Road
- The replacement of a “T-intersection Ahead” advance warning sign on top of the crest in Reserve Street.
- A hazard board at the head of the T-intersection.

Main Roads WA installed the Hazard Board promptly and Officers have followed up with Main Roads WA regarding the installation of the Stop sign or the very least, a Give Way sign.

The lack of street lights between Strain Street and Point Walter Road on the approach to the intersection of Reserve Street and Point Walter Road was identified as a safety issue. Officers also contacted Western Power with the request to install three additional street lights on the approach to the intersection of Reserve Street and Point Walter Road. These were installed late last year.

**T10/3110 - PETITION – RESERVE STREET, BICTON – TRAFFIC ISSUES (REC)
(ATTACHMENT)**

Verge treatments in front of No 11 Crewe Road were also raised as a potential safety improvement, with Officers suggesting that the verge be densely planted with native shrubs. This work will be carried out during the planting season during 2010.

The City has also deployed its Speed Alert Mobile (SAM) display trailer to alert motorists of their speed and to reinforce the 50km/ph speed limit for the street.

In order to establish if traffic conditions were a contributing factor, traffic counters were installed on Reserve Street. The results of the recently collected data can be compared with data collected previously and is as follows:

LOCATION	Traffic Volumes	Mean Speed	85 TH Percentile Speed	Traffic Volumes Pre 2009	85 TH Percentile Speed Pre 2009
Reserve St – 70m east of Pt Walter Rd (outside No 3)	572vpd	44km/h	52km/h	607vpd (2008)	49km/h (2008)
Reserve St – 150m east of Strain St (outside No 25)	588vpd	48km/h	59km/h	-	-
Reserve St – 50m east of Strain St (outside No 18)	-	-	-	592vpd (2008)	57km/h (2008)
Reserve St – 90m east of Murray Rd (outside No 53)	614 vpd	51km/h	62km/h	-	-
Reserve St – 50m west of Waddell Rd (outside No 61)	-	-	-	664vpd (2008)	59km/h (2008)
Reserve St – 60m west of Stock Rd (outside No 67)	659 vpd	47km/h	58km/h	777vpd (2008)	49km/h (2008)

Legend:

Vpd = Vehicles per Day; Km/h = kilometres per hour;

The 85th percentile speed is the speed at which 85% of vehicles are travelling at or below under free flowing conditions.

With reference to the above table, traffic volumes have remained consistent over the last 12 months for a local access road in the City of Melville Road Hierarchy. A further review of weekend traffic volumes identified that traffic was slightly less than weekday traffic volumes. Given that there are 72 houses on both Reserve Street and Strain Street, it can be assumed that at least 720 trips could occur on Reserve Street. In 2008, Reserve Street, west of Stock Road, carried 777vpd suggesting that some ‘through’ traffic uses Reserve Street.

**T10/3110 - PETITION – RESERVE STREET, BICTON – TRAFFIC ISSUES (REC)
(ATTACHMENT)**

Strain Street is a cul-de-sac of approximately 140m in length with only 13 houses. Traffic data was not collected for this street; however it can be assumed that a maximum of 130 vehicles might access Strain Street, via Reserve Street. Therefore, it can be assumed that much of the traffic is generated by the residents of both Strain and Reserve Streets and local residents in the nearby vicinity. Few vehicular trips could be attributed to ‘through’ traffic or ‘rat running’.

The 85th percentile speed east of Strain Street to Stock Road is between 58km/h and 62km/h indicating that Police enforcement is required. In order to discern which direction vehicles travelled in excess of the urban built up speed limit of 50km/h, the traffic data was further analysed, with the results presented in the table below:

LOCATION	Traffic Volumes		Mean Speed		85 TH Percentile Speed	
	East bound	West bound	East bound	West bound	East bound	West bound
Reserve St – 70m east of Pt Walter Rd (outside No 3)	282vpd	289vpd	44km/h	43km/h	52km/h	51km/h
Reserve St – 150m east of Strain St (outside No 25)	345vpd	314vpd	47km/h	47km/h	59km/h	57km/h
Reserve St – 90m east of Murray Rd (outside No 53)	301vpd	313vpd	52km/h	51km/h	63km/h	60km/h
Reserve St – 60m west of Stock Rd (outside No 67)	288vpd	300vpd	48km/h	48km/h	60km/h	58km/h

The 85th percentile speed for eastbound traffic is between 59km/h and 63km/h indicating that motorists accelerate up the hill in Reserve Street as they head towards Stock Road. The AM peak hour is between 8.00am and 9.00am coinciding with travel to work and school, whilst PM peak hour varies between 3.00pm and 6.00pm.

Reported crash data was also reviewed for the five-year period from 1 January 2003 to 31 December 2008. Three (3) crashes occurred in the 5 year period. Two crashes involved residents leaving their driveway and crashing into parked vehicles whilst one crash involved a motorist “losing control” on the approach to the bend in Reserve Street and crashing into a power pole.

**T10/3110 - PETITION – RESERVE STREET, BICTON – TRAFFIC ISSUES (REC)
(ATTACHMENT)**

Two of the crashes occurred at night time in the early hours of the morning. The most recent crash, referred to in the petition, is not recorded in the current crash database received from Main Roads WA.

OFFICER COMMENT

The crash that occurred on 20 June 2009 at the intersection of Point Walter Road and Reserve Street was attributed to the inattention of a young local driver, who failed to negotiate the left turn out of Reserve Street. Speed and other influences were considered contributing factors.

The gradient of Reserve Street, especially near Strain Street, is such when a motorist is not accelerating, speeds of up to 55km/h – 60km/h are possible due to momentum from the steepness of the gradient.

The petitioners advised that they did not want to see speed humps installed in Reserve Street but rather requested that residents and staff work together in determining suitable traffic calming devices.

Local Government's role in these issues does not relate to enforcement of the road traffic code, driver inattention and high vehicle speeds, as these matters clearly rest with the Police.

However over recent years, the distinction between Police enforcement and Local Government's role in providing safe road infrastructure has become blurred. This is particularly evident with the increases in anti-social behaviour on our local roads. With apparent lack of Police resources, there has been a shift towards local government to provide an engineering solution to solve these behavioural problems – such as speed and hooning.

Whilst the City does address many safety and black spot issues on our roads, these come at financial cost. There needs to be a value judgement to the level of intervention that the City is prepared to accept and what grant funding could be available to minimise the City's cost exposure.

Currently the City has an active involvement in behavioural change road safety programmes such as use of "SAM" – Speed Alert Mobile trailer, bin stickers and the various road safety initiatives carried out by the City's Travelsmart and Road Safety Officers.

The use of the City's Traffic Warrant Criteria seeks to provide a qualifyable objective standardised approach to prioritise potential traffic and road safety projects.

In Reserve Street and particularly its intersection with Point Walter Road and Crewe Street, the City has already carried out safety improvement works to improve legibility of the intersection, even given that the worst recent crash could be significantly attributed to driver issues.

**T10/3110 - PETITION – RESERVE STREET, BICTON – TRAFFIC ISSUES (REC)
(ATTACHMENT)**

In determining future projects, the City of Melville uses Warrant Criteria for intervention in traffic speed and safety issues. This priority system includes factors such as speed, crash data, road hierarchy and activity generators that are used to determine whether any traffic treatment is warranted. This establishes the priority of a project compared to other work the City has listed on its safety programme.

The abovementioned factors were assessed and denoted as a 'Minor Technical Problem Site' for which the recommendation is that "a low cost non-capital works solution be considered if appropriate" and the "site monitored for two years". A copy of the "Traffic Calming Investigation Analysis Sheet" is attached for information.
[\(3110 Petition Reserve Street Bicton Traffic Issues\)](#)

PUBLIC CONSULTATION/COMMUNICATION

Bicton-Attadale Ward Councillor Barton, various residents and the owner of No 11 Crewe Street have contacted the City regarding their concern of the crash that occurred at the intersection of Point Walter Road and Reserve Street. High speeds on Reserve Street were also identified as an issue and officers have advised that they would undertake an investigation.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Consultation has been undertaken with Traffic Services Officers, Main Roads WA and with Western Power/Synergy and the WA Police.

STATUTORY AND LEGAL IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

Funding for any works would need to form part of the Capital Works Programme for adoption by Council as part of the budget process.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The design and installation of any traffic management devices would be approved by Main Roads WA and comply with relevant standards for such treatments.

POLICY IMPLICATIONS

Not Applicable

**T10/3110 - PETITION – RESERVE STREET, BICTON – TRAFFIC ISSUES (REC)
(ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Several traffic treatments can be considered which would assist in speed reduction.

1. Consider the installation of Oval Slow Points on a future Capital Works Programme - one 160m east of Strain Street and one 30m from Murray Rd. An Intersection island can be installed at the intersections of Point Walter Road / Reserve Street and Reserve Street /Stock Road, or
2. Consider the installation of traffic islands on a future Capital Works Programme, on the approaches to Murray Road, Waddell Road and Strain Street;
3. Monitor speeds on Reserve Street, and request the WA Police Service to enforce the built up speed limit of 50km/h and continue to deploy the City's Speed Alert Mobile (SAM) display trailer to alert motorists of the speed limit for the area; and
4. Maintain the 'status quo'.

The City receives many requests for traffic calming each year from all areas of the City of Melville. Use of the Warrant Criteria provides the basis for prioritisation of future traffic and road safety projects.

The traffic assessments carried out by the City using the warrant criteria indicate that the "low cost, non Capital Works solution" is justified. The City has already addressed the safety issues in relation to the intersection of Reserve Street, Point Walter Road and Crewe Street.

CONCLUSION

In conclusion, any form of traffic calming will not address the motorists who travel in excess of the urban built up speed limit of 50km/h on any road in the Perth Metropolitan area. Police enforcement addresses the anti-social behavioural attitude of speeding, however changes to the road environment can contribute to reducing the inclination to speed.

One resident stated that *"the cure is worse than the disease. Speed humps and traffic calming devices all present the problem of the noise of the acceleration and deceleration and in the case of speed humps, the 'thump, thump'. If such speed deterrents are installed, they will be outside someone's house. Lucky dip in that. Hope it's not my house. I think we should leave well enough alone"*.

Another comment was *"Speed humps are definitely NOT an option. As well as the noise factor, has anybody stopped to consider the cyclists (myself included, which frequently use our street? I do believe that 'fixing the problem' may well cause a whole lot more that we have not even considered."*

T10/3110 - PETITION – RESERVE STREET, BICTON – TRAFFIC ISSUES (REC)
(ATTACHMENT)

Nine additional signatories concurred with the above comments in not favouring speed humps as part of the petitioners' requests to "*identify and implement the best strategies to decrease the speed of traffic in Reserve Street, Bicton.*"

Many of the lots in Reserve Street have been subdivided with the consequence that the high number of crossovers and access to these limits the kind of devices that can be considered for installation.

Reserve Street is not dissimilar to many streets within Melville that have steeply sloping topography. Given the relatively low traffic volumes in the street and that the majority of traffic is local traffic; the installation of costly traffic management devices for the street can not be justified at this time. The City will continue to monitor traffic speeds in the street and will reassess this position over the next 2 years.

At 7.49pm Cr Reynolds returned to the meeting.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3110)**APPROVAL**

At 7.48pm Cr Subramaniam moved, seconded Cr Halton -

- 1 That Council note the information regarding traffic volumes and speeds in Reserve Street, Bicton**
- 2 That the City continues to monitor traffic speeds in Reserve Street, Bicton and will assess this position over the next two (2) years.**
- 3 That the organiser of the Petition be advised of the decision and be requested to advise the Petitioners accordingly of Council's decision.**
- 4 That the City advises the WA Police Service (Traffic) of the results of the Speed Assessments carried out in Reserve Street, Bicton and request that they undertake speed enforcement patrols on a regular basis in the street.**

At 7.54pm the Mayor submitted the motion, which was declared

CARRIED (10/0)

Note: Cr Barton did not vote on this item having declared an interest.

C10/5101 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (ATTACHMENT)(REC)

Disclosure of Interest

Item No.	C10/5101
Member	Dr S Silcox
Type of Interest	Interest under Code of Conduct 4.3
Nature of Interest	Relates directly to Position of CEO of the City of Melville
Request	Stay & Discuss

Ward	: All
Category	: Operational
Subject Index	: Personnel file
Customer Index	: Personnel file
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: C09/5053 – City of Melville Chief Executive Officer Performance Review – 10 March 2009
Works Programme	: Not applicable
Funding	: Not applicable
Responsible Officer	: Kylie Johnson Executive Manager Organisational Development

AUTHORITY / DISCRETION

DEFINITION

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

C10/5101 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (ATTACHMENT) (REC)

KEY ISSUES / SUMMARY

- The Governance Committee has been determined through Council to be the reviewers of the CEO performance.
- The Governance Committee will discuss the CEO performance, future expectations and performance criteria, and review the salary package, for recommendation to Council.
- A defined process is proposed for the CEO performance review, as detailed in the agenda item.

BACKGROUND

On 20 March 2008 Dr Shayne Silcox commenced in the role of Chief Executive Officer (CEO) at the City of Melville. In accordance with Clause 4.2 of the CEO contract there is to be a Performance Review every 12 months. The last review was conducted in March 2009, and the review is next scheduled to occur by 20 March 2010.

Clause 6.1 of the CEO contract details that there also needs to be a review of remuneration on an annual basis.

It is relevant to note that at the last performance review there was a Council resolution as follows:

“THAT THE NEXT CHIEF EXECUTIVE PERFORMANCE REVIEW INCLUDES FEEDBACK FROM THE EXECUTIVE MANAGEMENT TEAM”

This has been incorporated into the process proposed in this item.

DETAIL

The review process that is recommended is outlined in Attachment A It is recommended the process commences once Council has endorsed the stages to be followed, as per the attachment [\(C10 5101 Chief Executive Officer Performance Review\)](#).

PUBLIC CONSULTATION/COMMUNICATION

There are no public consultation/communication aspects relating to this item.

CONSULTATION WITH OTHER AGENCIES/CONSULTANTS

There has been no consultation with any other agencies/consultants at this stage, although there will be future involvement as identified in the proposed process of the CEO review.

C10/5101 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (ATTACHMENT) (REC)

STATUTORY AND LEGAL IMPLICATIONS

Sections 5.38 of the Local Government Act 1995 states the need to review a CEO's performance at least once a year in relation to every year of employment.

Section 5.39 (7) of the Local Government Act 1995 requires a report from the Salaries and Allowances Tribunal with a recommendation as to the remuneration to be paid or provided to a CEO to be taken in to account by the local government before entering into, or renewing a contract of employment with a CEO. *Although this section of the Local Government Act does not include salary reviews this information has been included in the comparative salary data for consideration by the Council when assessing salary.*

Sections 5.23 (2) of the Local Government Act 1995 states that a meeting by a Council or Committee, or part of a meeting, may be closed to members of the public if a matter affecting an employee is being dealt with.

FINANCIAL IMPLICATIONS

Any change to the salary package of the CEO will be reflected in the Operational Budget for 2010/2011 and any increases in this financial year will be absorbed in this financial year operational budget.

The cost of a facilitator to assist with the Performance Review process is within the current operational budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
That the performance criteria for the next twelve months are not determined	Low	Defined process that includes this stage

POLICY IMPLICATIONS

There are no policy implications applicable.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Not applicable as the requirements for a performance review are mandatory.

C10/5101 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (ATTACHMENT) (REC)**CONCLUSION**

The CEO performance review process provides feedback opportunities to the Council and Chief Executive Officer on performance over the past twelve months, and clarifies future expectations, which are to be reflected in the Chief Executive Officer Contract performance criteria.

An outcome of the process is resolutions by Council in relation to the Performance Criteria and Salary Review for the Chief Executive Officer.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5101)**APPROVAL**

At 7.56pm Cr Robartson moved, seconded Cr Subramaniam -

That the proposed process for the Chief Executive Officer performance review be endorsed.

At 8.03pm the Mayor submitted the motion, which was declared

CARRIED (11/0)

C10/5102 – PLANNING AND BUILDING FEE AMENDMENT (AMREC)

Ward	:	All
Category	:	Operational
Subject Index	:	Fees & Charges
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	:	C08/6013 – Schedule of Fees and Charges – Amendment to Statutory Planning Fees and Charges
Funding	:	Not Applicable
Responsible Officer	:	Mr David Vinicombe Manager Planning and Development Services

AUTHORITY / DISCRETION

DEFINITION

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

C10/5102 – PLANNING AND BUILDING FEE AMENDMENT (AMREC)**KEY ISSUES / SUMMARY**

- In order to improve the efficiency and customer service associated with standard Planning Applications and Building Applications a change in the way fees are charged is recommended;
- The total fees payable for any application will not change;
- A fee of \$85 will be payable at lodgement (instead of all fees) to cover the costs associated with an initial appraisal for correct and valid information. The remaining fees will be payable after this appraisal;
- The \$85 fee will be non refundable and is based on cost recovery of both the initial appraisal and costs associated with record retention required by law.

BACKGROUND

The City has embarked on a program to improve the overall efficiency and effectiveness of the Planning & Building Service (refer attachment) called “Optimise”. This program has the objectives of both improving the ease in which developers can communicate with the City whilst improving the internal processes enabling a faster response time to applications. This program is due to go live in its initial stage in early March 2010. As part of the program a change to how the fees are managed is recommended.

A strong link exists between this the local Optimise project and the Federal Department of Families, Housing, Community and Indigenous Affairs funded “eDAIS” project (electronic Development Assessment Interoperability Specification) designed to allow a central lodgement portal for all planning applications in a state. The stated intention of the federally funded project is to reduce the cost of new housing through holding costs incurred by developers as a result of long planning and approval wait times. The City of Melville is recognised as a lead Council in this project.

The City currently charges Planning and Building Application fees based in accordance with the 2009 Fees Schedule. The maximum fee chargeable is legislated in the Planning and Development Act 2005 and the Planning and Development Regulations 2009 (Part 7 Local Government Planning Charges) and cannot be exceeded by the City. This recommendation fits within this requirement.

DETAIL**Current Fee Management Practice**

- All fees and charges are due and payable at lodgement. No work commences until these fees are paid;
- The fees initially charged are determined by the applicant in accordance with publically available information and are based on the value of the development;
- Any differences in fees are identified by a Planning Officer or Building Surveyor and either invoiced or refunded to the applicant;

C10/5102 – PLANNING AND BUILDING FEE AMENDMENT (AMREC)

- If an applicant withdraws an application part way through the assessment, a refund may be provided at the discretion of the Manager Planning & Development Services based on estimated work completed.

Problems with the Current Practice

- The applicant is required to pay all fees upfront. Whilst this may be a benefit for the City, it does not engender good customer relationships as the customer does not receive any outcome for a period of weeks to months on the expenditure;
- If an applicant does not calculate the fees correctly a refund or additional charge becomes payable. This requires additional work for both Planning & Building Services and Financial Services;
- The issue of refunds adds to the workload of Financial Services as they need to spend greater resources reconciling accounts;
- The refund process is open to challenge as the costs expended is an estimate based on officer estimations of the value of the assessment work performed and the cost of finalising withdrawal of the application and preparing records;
- The refund process does not take into account costs incurred in other areas of the business associated with the application including Financial Services and Information Services.

Recommended Practice

- The fees for all applications should be split into two components as follows.
 - An initial fee of \$85 for administrative review. This fee is based on the minimum fee for Building Applications;
 - The application will initially be reviewed by a skilled and trained Planning & Building Administration Officer to ensure all appropriate documentation and plans are included and fee calculations are correct. The Administration Officer is not expected to estimate development values;
 - The \$85 fee is non refundable and covers the costs incurred by Council as follows
 - Customer Service Team Officer time for front counter liaison;
 - Administration Officer time for review;
 - Withdrawing the application and issuing correspondence to the applicant;
 - Offsite storage costs of the application;
 - IT costs incurred in the supply and maintenance of various associated systems including the Application Management System and Electronic Document Management System .
 - Assuming the application passes the administrative confirmation, all fees and charges become payable **less \$85 already paid** and the application is transferred to the appropriate officer for determination. The total fees payable by the applicant remain the same as a result of this change in process;
- Once all fees are paid, no refunds will be available except in extenuating circumstances the discretion of the manager Planning and Development.
- Clear information will be supplied to all applicants to minimise any misunderstanding of the application process.

C10/5102 – PLANNING AND BUILDING FEE AMENDMENT (AMREC)**Benefits of the New Process**

- The applicant initially only has to supply \$85 upfront;
- Incomplete applications are identified quickly and at the commencement of the process, saving both the Council and applicant costs and improving customer service;
- The ambiguity associated with refunds is removed;
- Costs associated with processing applications are appropriately met ensuring the City continues to provide value for money to all residents;
- The applicant will not pay any more than they currently pay for their application to be processed.

PUBLIC CONSULTATION/COMMUNICATION

Several major building companies have been approached and involved in the scoping for this program of improvement. The change to fees structure was not identified as an issue during the discussions.

Direct community consultation has not been considered at this time due to the minimal effect this change will have on any applicant.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Consultation has occurred with several other Councils including the Cities of Swan, Stirling and Cockburn. No other Local Government splits the application fee process, although several take a different approach to refunds requiring all fees up-front and no option of refunds. The recommended approach in effect, allows a “cooling off period” after lodgement prior to full fees being payable. This new process will provide the best practice Customer Service for management of Development Applications.

STATUTORY AND LEGAL IMPLICATIONS

Section 6.16 of the Local Government Act 1995 refers to the imposition of fees and charges for goods or services provided, in particular the receiving of an application for approval.

In particular Planning and Development Regulation 2009 Regulation 47 prescribes the required fee arrangement below;

47. Fees for certain planning services (Sch. 2)

- (1) *A local government may impose a fee for a service listed in Schedule 2 provided by the local government.*
- (2) *The fee imposed by a local government for a service listed in Schedule 2 must be decided by the local government but must not exceed the fee specified in that Schedule for the service unless the local government is exempted under regulation 53.*

C10/5102 – PLANNING AND BUILDING FEE AMENDMENT (AMREC)

- (3) *Any fee imposed for a service listed in Schedule 2 must be paid by the applicant when applying for or requesting the service.*

Further to this, Schedule 2 states that the fees are to be paid for determining a development application.

In particular paragraph 3 (above) is pertinent to this change regarding fees to be paid by the applicant **when applying**. To improve efficiency it is recommended to split the determination into two components. This proposed fits with the intent of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

The following financial implications exist as a result of this change

- Council exposure to refund requests will be reduced providing better budget management as refunds will only be paid in extenuating circumstances;
- Council will recover costs associated with ensuring applications are presented to officers at a standard allowing reasonable assessment of the application;
- Council will lose the opportunity to earn interest on the full application fee as is currently the case.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The introduction of a modern streamlined planning approval process is strongly linked to the key services listed in the current Principal Activity Plan (The City of Melville's Plan for the Future 2008 to 2012). In particular

- Understand customer & stakeholder needs, manage relationships and **deliver increasing value**;
- Process improvement;
- Enhance and maintain a business friendly environment;
- Have services and resources that are accessible and inclusive of all citizens.

The Optimise project as a whole is considered to incur a moderate risk. This is being managed in accordance with Council and standard project risk management techniques. The change to the fee structure is considered to have a relatively low risk. The primary risk is applicant understanding of the changes. This is being mitigated by a communication strategy that includes major builders and local residents.

C10/5102 – PLANNING AND BUILDING FEE AMENDMENT (AMREC)

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of confusion over fee payment arrangements and total charges.	Minor consequences which could possibly occur resulting in a Medium level of risk	Effective communication strategy put into place with building companies, local residents and media. Improved information also available on the City's website.
Legal standing of fee changes taking into consideration legislation	Minor consequences which could possibly occur resulting in a Medium level of risk	The changes have been considered and agreed by the City's internal Executive Manager Legal Services

POLICY IMPLICATIONS

No Council Policies are specifically applicable to this recommendation. Council Policy 06-PL-003 Development Approvals is applicable in general to the Optimise project but is not directly affected.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternative to this recommendation is the status quo. This will require the applicant to pay all fees initially and leave a potentially discretionary and time consuming approach to refund management.

CONCLUSION

The Optimise project is identified as an important way of delivering improved efficiencies and customer service to users of the City's Planning & Building service. An integral part of this project is the improvement in the way that fees and charges are handled. In particular

- Recovering costs expended by the City in the provision of this service;
- Charging applicants at the appropriate time in the process;
- Removing reconciliation issues;
- Simplifying or removing relevant discretionary decisions.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5102)

ABSOLUTE MAJORITY

At 8.03pm Cr Subramaniam moved, seconded Cr Kinnell -

That by Absolute Majority decision the Council, in accordance with Section 6.16 (3) of the Local Government Act 1995 and the Planning and Development Regulations 2009, amend the adopted 2009/2010 Schedule of Fees and Charges to include a non-refundable amount of \$85 within the current application fee, for an initial review of Building and Planning applications.

At 8.04pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

C10/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

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

C10/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

Register Reference	Party	Description	File Reference
327	City of Melville & Caperange Investments Pty Ltd & CLG Properties Pty Ltd	Raffles Hotel Assignment of Deed of Covenant of Tavern	2168683
328	City of Melville & Leeming Recreation	Lease of Leeming Recreation Centre on Reserve WPL for 21 years	2166929
335	City of Melville & RW & IP Nagington	Satisfy Condition 2 of Planning Approval – Lot 14 (No. 53) Murray Road Bicton	2155190
337	City of Melville & Murdoch Playgroup	Renewal of Management Licence - Kardinya Murdoch Playgroup	2131066
338	City of Melville & Kardinya Tennis Club Inc	Renewal of Management Licence - Kardinya Tennis Club Inc	2121857
339	City of Melville & Centre for Attitudinal Healing	Renewal of Management Licence - Centre for Attitudinal Healing	2114891
340	City of Melville & Centre for Attitudinal Healing	Renewal of Management Licence - Amalgamated Melville Homing Club	2114828
341	City of Melville & More Community Group Inc	Variation to Licence to reflect altered plan/removal heaters	2100571
353	City of Melville & Melville Aquatic Fitness Centre	Application form for Regional and Local Community Infrastructure Program - strategic projects	N/A

* 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.

C10/5000 – COMMON SEAL REGISTER (REC)

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.

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 Member's information.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5000) NOTED

That the action of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville, be noted.

At 8.04pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

C10/6000 - INVESTMENT STATEMENTS (REC)

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	:	Khris Yeoh Acting Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of November and December 2009 and recommends that the information detailed in the attachments be noted.
- One credit event that had the effect of reducing the underlying credit support of a number of Collateralised Debt Obligation investments has occurred over the November / December period.

C10/6000 - INVESTMENT STATEMENTS (REC)

BACKGROUND

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

The investment of cash holdings is undertaken in accordance with Council's Investment of Funds Policy 13-PL-003, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

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

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

SUMMARY BY FUND	ESTIMATED BOOK VALUE 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 49,985,530	\$ 49,985,530	\$ -	0.00%
RESERVE	\$ 9,234,071	\$ 9,234,071	\$ -	0.00%
TRUST	\$ 735,175	\$ 735,175	\$ -	0.00%
CRF	\$ 164,851	\$ 164,851	\$ -	0.00%
	\$ 60,119,626	\$ 60,119,626	\$ -	0.00%

SUMMARY BY FUND	ESTIMATED BOOK VALUE 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
ADI	\$ 8,942,596	\$ 8,942,596	\$ -	0.00%
CDO	\$ 1,788,844	\$ 1,788,844	\$ -	0.00%
CAP GUARANTEED NOTE	\$ 1,131,292	\$ 1,131,292	\$ -	0.00%
TERM DEPOSIT	\$ 43,051,405	\$ 43,051,405	\$ -	0.00%
11AM	\$ 4,974,843	\$ 4,974,843	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 60,119,626	\$ 60,119,626	\$ -	0.00%

SUMMARY BY FUND	ESTIMATED BOOK VALUE 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AAA	\$ 3,000,000	\$ 3,000,000	\$ -	0.00%
AA	\$ 11,932,469	\$ 11,932,469	\$ -	0.00%
AA-	\$ 36,119,705	\$ 36,119,705	\$ -	0.00%
A	\$ 2,732,365	\$ 2,732,365	\$ -	0.00%
BBB+	\$ 1,376,249	\$ 1,376,249	\$ -	0.00%
BBB	\$ 3,958,948	\$ 3,958,948	\$ -	0.00%
BBB-	\$ 125,600	\$ 125,600	\$ -	0.00%
BB+	\$ 355,140	\$ 355,140	\$ -	0.00%
BB	\$ 28,245	\$ 28,245	\$ -	0.00%
BB-	\$ 82,506	\$ 82,506	\$ -	0.00%
B-	\$ 50,800	\$ 50,800	\$ -	0.00%
CCC+	\$ 115,950	\$ 115,950	\$ -	0.00%
C	\$ 11,003	\$ 11,003	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 60,119,626	\$ 60,119,626	\$ -	0.00%

C10/6000 - INVESTMENT STATEMENTS (REC)

Summary details of investments held at 31 December 2009 are shown in the table below.

**CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 DECEMBER 2009**

SUMMARY BY FUND	ESTIMATED BOOK VALUE 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 48,915,970	\$ 49,219,730	303,760	0.62%
RESERVE	\$ 9,234,071	\$ 10,111,364	877,294	2.94%
TRUST	\$ 735,175	\$ 735,175	\$ -	0.00%
CRF	\$ 164,851	\$ 164,851	\$ -	0.00%
	\$ 59,050,065	\$ 60,231,119	1,181,054	1.48%

SUMMARY BY FUND	ESTIMATED BOOK VALUE 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
ADI	\$ 8,942,596	\$ 10,123,650	1,181,054	11.25%
CDO	\$ 1,788,844	\$ 1,788,844	\$ -	0.00%
CAP GUARANTEED NOTE	\$ 1,131,292	\$ 1,131,292	\$ -	0.00%
TERM DEPOSIT	\$ 44,477,276	\$ 44,477,276	\$ -	0.00%
11AM	\$ 2,479,412	\$ 2,479,412	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 59,050,065	\$ 60,231,119	1,181,054	1.48%

SUMMARY BY FUND	ESTIMATED BOOK VALUE 30/06/2009 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AAA	\$ 1,000,000	\$ 1,000,000	\$ -	0.00%
AA	\$ 13,932,469	\$ 13,932,469	\$ -	0.00%
AA-	\$ 35,050,145	\$ 35,152,211	102,066	0.29%
A	\$ 2,732,365	\$ 3,214,500	482,135	13.78%
BBB+	\$ 1,376,249	\$ 1,471,600	95,351	6.36%
BBB	\$ 3,958,948	\$ 4,460,450	501,502	11.14%
BBB-	\$ 125,600	\$ 125,600	\$ -	0.00%
BB+	\$ 355,140	\$ 355,140	\$ -	0.00%
BB	\$ 28,245	\$ 28,245	\$ -	0.00%
BB-	\$ 82,506	\$ 82,506	\$ -	0.00%
B-	\$ 50,800	\$ 50,800	\$ -	0.00%
CCC+	\$ 115,950	\$ 115,950	\$ -	0.00%
C	\$ 11,003	\$ 11,003	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 59,050,065	\$ 60,231,119	1,181,054	1.48%

The following statements detail the investments held by the City. Marketable investments are shown at their estimated market value (EMV). Term refers to Term Deposit, ADI to Authorised Deposit Taking Institution and CDO to Collateralised Debt Obligation investments.

C10/6000 - INVESTMENT STATEMENTS (REC)

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

INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	S & P RATING	PROPORTION	MAX. PER INSTITUTION POLICY 13-PL-003	BOOK VALUE AT 30/6/2009	CURRENT ESTIMATED MARKET VALUE	INVESTMENT GAIN / (LOSS)
BANKWEST (11AM)		11AM	AA	1%	20%	\$861,489	\$861,489	\$0
ST GEORGE BANK (11AM)		11AM	AA-	0%	20%	\$0	\$0	\$0
WESTPAC (MAXI DIRECT)		11AM	AA-	3%	20%	\$2,800,000	\$2,800,000	\$0
WESTPAC (MAXI BONUS 1)		11AM	AA-	0%	20%	\$303,230	\$303,230	\$0
WESTPAC (MAXI BONUS 2)		11AM	AA-	1%	20%	\$1,010,124	\$1,010,124	\$0
AUST CENTRAL CREDIT UNION		TERM	AAA	0%	20%	\$0	\$0	\$0
BANK OF QUEENSLAND		TERM	AAA	0%	20%	\$0	\$0	\$0
ANZ BANK		TERM	AA-	0%	20%	\$0	\$0	\$0
BANKWEST (TERM)		TERM	AA	13%	20%	\$10,951,405	\$10,951,405	\$0
COMMONWEALTH BANK		TERM	AA	0%	20%	\$0	\$0	\$0
MACQUARIE BANK (TERM)		TERM	AAA	2%	20%	\$2,000,000	\$2,000,000	\$0
NAB		TERM	AA	15%	20%	\$12,300,000	\$12,300,000	\$0
SAVINGS & LOANS	Govt. Gua.	TERM	AAA	1%	20%	\$1,000,000	\$1,000,000	\$0
ST GEORGE BANK (TERM)		TERM	AA-	11%	20%	\$9,000,000	\$9,000,000	\$0
WESTPAC (TERM)		TERM	AA-	10%	20%	\$7,800,000	\$7,800,000	\$0
ADELAIDE BANK		ADI	BBB+	1%	10%	\$918,233	\$918,233	\$0
BENDIGO BANK		ADI	BBB+	1%	10%	\$458,016	\$458,016	\$0
ELDERS RURAL BANK		ADI	BBB	6%	10%	\$3,958,948	\$3,958,948	\$0
MACQUARIE BANK		ADI	A	2%	15%	\$965,599	\$965,599	\$0
SUNCORP METWAY LTD		ADI	A	2%	15%	\$1,766,766	\$1,766,766	\$0
WESTPAC BANK		ADI	AA-	1%	20%	\$875,034	\$875,034	\$0
DEUTSCHE BANK	Low	CAP	AA-	1%	20%	\$1,131,292	\$1,131,292	\$0
APHEX (GLENELG)	High	CDO	BBB-	2%	10%	\$125,600	\$125,600	\$0
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	C	2%	0%	\$1	\$1	\$0
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	C	1%	0%	\$1	\$1	\$0
CORSAIR (CAYMAN) KAKADU	High	CDO	CCC+	2%	0%	\$76,950	\$76,950	\$0
CORSAIR (CAYMAN) TORQUAY	High	CDO	B-	2%	0%	\$23,000	\$23,000	\$0
ETHICAL LIMITED GREEN	High	CDO	B-	1%	0%	\$11,000	\$11,000	\$0
HELIUM CAPITAL (ESPERANCE)	High	CDO	BB+	2%	0%	\$355,140	\$355,140	\$0
HELIUM CAPITAL (SCARBOROUGH)	High	CDO	CCC+	2%	0%	\$21,000	\$21,000	\$0
MAGNOLIA FLINDERS	Moderate	CDO	AA	2%	20%	\$1,019,600	\$1,019,600	\$0
MANAGED ACES CLASS 11A PARKES	High	CDO	B-	1%	0%	\$16,800	\$16,800	\$0
MANAGED ACES CLASS 1A PARKES	High	CDO	BB	1%	0%	\$28,245	\$28,245	\$0
OMEGA CAPITAL CLASS A HENLEY	High	CDO	BB-	0%	0%	\$82,506	\$82,506	\$0
STARTS (CAYMAN) BLUE GUM	High	CDO	CCC+	2%	0%	\$18,000	\$18,000	\$0
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	C	2%	0%	\$9,300	\$9,300	\$0
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	C	1%	0%	\$1,700	\$1,700	\$0
ZIRCON FINANCE MIAMI	Early Term.	CDO	C	1%	0%	\$1	\$1	\$0
UNITS IN LOCAL GOVT HOUSE		UNITS				\$230,645	\$230,645	\$0
TOTAL FUNDS INVESTED				100%		\$60,119,626	\$60,119,626	\$0

DIVERSIFICATION / CREDIT RISK COMPARISON

CREDIT RISK	CURRENT AMOUNT \$	ACTUAL PROPORTION	MAX. AMOUNT IN TOTAL PORTFOLIO POLICY 13-PL-003	Comments
AAA	\$3,000,000	5%	100%	
AA	\$25,132,495	42%	80%	
AA-	\$22,919,680	38%	80%	
A	\$2,732,365	5%	50%	
BBB+	\$1,376,249	2%	20%	
BBB	\$3,958,948	7%	20%	Purchased Prior To Policy Change
BBB-	\$125,600	0%	20%	
BB+	\$355,140	1%	0%	
BB	\$28,245	0%	0%	
BB-	\$82,506	0%	0%	
B-	\$50,800	0%	0%	
CCC+	\$115,950	0%	0%	
C	\$11,003	0%	0%	
UNITS IN LOCAL GOVT: HOUSE	\$230,645	0%	0.1%	Council Decision
TOTAL	60,119,626	100%		

C10/6000 - INVESTMENT STATEMENTS (REC)

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

DIVERSIFICATION RISK

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
BANKWEST (11AM)	11AM	AA	861,489	1.43%		20%	
BANKWEST (TERM)	TERM	AA	10,951,405	18.22%	19.65%	20%	
MACQUARIE BANK	ADI	A	965,599	1.61%		15%	
MACQUARIE BANK (TERM)	TERM	AAA	2,000,000	3.33%	4.93%	20%	
NAB	TERM	AA	12,300,000	20.46%	20.46%	20%	Minor Adjustment Required
SAVINGS & LOANS	TERM	AAA	1,000,000	1.66%	1.66%	25%	
ST GEORGE BANK (TERM)	TERM	AA-	9,000,000	14.97%	14.97%	20%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	303,230	0.50%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,010,124	1.68%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	2,800,000	4.66%		20%	
WESTPAC (TERM)	TERM	AA-	7,800,000	12.97%		20%	
WESTPAC BANK	ADI	AA-	875,034	1.46%	21.27%	20%	Minor Adjustment Required
ADELAIDE BANK	ADI	BBB+	918,233	1.53%	1.53%	10%	
BENDIGO BANK	ADI	BBB+	458,016	0.76%	0.76%	10%	
ELDERS RURAL BANK	ADI	BBB	3,958,948	6.59%	6.59%	10%	
SUNCORP METWAY LTD	ADI	A	1,766,766	2.94%	2.94%	15%	
DEUTSCHE BANK - CAPITAL GUARANTEED NOTE	CAP	AA-	1,131,292	1.88%	1.88%		
CDO - Various	CDO		1,788,844	2.98%	2.98%		
UNITS IN LOCAL GOVT HOUSE	UNITS		230,645	0.38%	0.38%		
			\$60,119,626	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	47,861,398	95%	100%	
< 2 years	-	0%	10%	
< 3 years	-	0%	10%	
< 4 years	-	0%	0%	
< 5 years	-	0%	0%	
> 5 years	2,628,661	5%	0%	Purchased Prior To Policy Change
	50,490,060	100%		
RESERVE FUNDS				
< 1 year	890,833	10%	100%	
< 2 years	1,131,292	12%	80%	
< 3 years	2,020,339	22%	80%	
< 4 years	397,840	4%	40%	
< 5 years	118,252	1%	40%	
> 5 years	4,675,515	51%	20%	Purchased Prior To Policy Change
	9,234,071	100%		

C10/6000 - INVESTMENT STATEMENTS (REC)

**CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 DECEMBER 2009**

INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	S & P RATING	PROPORTION	MAX. PER INSTITUTION POLICY 13-PL-003	BOOK VALUE AT 30/6/2009	CURRENT ESTIMATED MARKET VALUE	INVESTMENT GAIN / (LOSS)
BANKWEST (11AM)		11AM	AA	1%	20%	\$861,489	\$861,489	\$0
WESTPAC (MAXI DIRECT)		11AM	AA-	0%	20%	\$300,000	\$300,000	\$0
WESTPAC (MAXI BONUS 1)		11AM	AA-	0%	20%	\$304,288	\$304,288	\$0
WESTPAC (MAXI BONUS 2)		11AM	AA-	1%	20%	\$1,013,635	\$1,013,635	\$0
BANKWEST (TERM)		TERM	AA	14%	20%	\$10,951,405	\$10,951,405	\$0
MACQUARIE BANK (TERM)		TERM	AAA	2%	75%	\$2,000,000	\$2,000,000	\$0
NAB		TERM	AA	15%	20%	\$12,300,000	\$12,300,000	\$0
SAVINGS & LOANS	Govt Gua.	TERM	AAA	1%	75%	\$1,000,000	\$1,000,000	\$0
ST GEORGE BANK (TERM)		TERM	AA-	11%	20%	\$9,000,000	\$9,000,000	\$0
WESTPAC (TERM)		TERM	AA-	12%	20%	\$9,225,871	\$9,225,871	\$0
ADELAIDE BANK		ADI	BBB+	1%	10%	\$918,233	\$972,400	\$54,167
BENDIGO BANK		ADI	BBB+	1%	10%	\$458,016	\$499,200	\$41,184
ELDERS RURAL BANK		ADI	BBB	6%	0%	\$3,958,948	\$4,460,450	\$501,502
MACQUARIE BANK		ADI	A	2%	15%	\$965,599	\$1,287,900	\$322,301
SUNCORP METWAY LTD		ADI	A	2%	15%	\$1,766,766	\$1,926,600	\$159,834
WESTPAC BANK		ADI	AA-	1%	20%	\$875,034	\$977,100	\$102,066
DEUTSCHE BANK	Low	CAP	AA-	1%	20%	\$1,131,292	\$1,131,292	\$0
APHEX (GLENELG)	High	CDO	BBB-	2%	0%	\$125,600	\$125,600	\$0
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	C	2%	0%	\$1	\$1	\$0
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	C	1%	0%	\$1	\$1	\$0
CORSAIR (CAYMAN) KAKADU	High	CDO	CCC+	2%	0%	\$76,950	\$76,950	\$0
CORSAIR (CAYMAN) TORQUAY	High	CDO	B-	2%	0%	\$23,000	\$23,000	\$0
ETHICAL LIMITED GREEN	High	CDO	B-	1%	0%	\$11,000	\$11,000	\$0
HELIUM CAPITAL (ESPERANCE)	High	CDO	BB+	2%	0%	\$355,140	\$355,140	\$0
HELIUM CAPITAL (SCARBOROUGH)	High	CDO	CCC+	2%	0%	\$21,000	\$21,000	\$0
MAGNOLIA FLINDERS	Moderate	CDO	AA	2%	20%	\$1,019,600	\$1,019,600	\$0
MANAGED ACES CLASS 11A PARKES	High	CDO	B-	1%	0%	\$16,800	\$16,800	\$0
MANAGED ACES CLASS 1A PARKES	High	CDO	BB	1%	0%	\$28,245	\$28,245	\$0
OMEGA CAPITAL CLASS A HENLEY	High	CDO	BB-	0%	0%	\$82,506	\$82,506	\$0
STARTS (CAYMAN) BLUE GUM	High	CDO	CCC+	2%	0%	\$18,000	\$18,000	\$0
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	C	2%	0%	\$9,300	\$9,300	\$0
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	C	1%	0%	\$1,700	\$1,700	\$0
ZIRCON FINANCE MIAMI	Early Term.	CDO	C	1%	0%	\$1	\$1	\$0
UNITS IN LOCAL GOVT HOUSE		UNITS				\$230,645	\$230,645	\$0
TOTAL FUNDS INVESTED				100%		\$59,050,065	\$60,231,119	\$1,181,054

DIVERSIFICATION / CREDIT RISK COMPARISON

CREDIT RISK	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO POLICY 13-PL-003	Comments
AAA	\$3,000,000	5%	100%	
AA	\$25,132,495	42%	80%	
AA-	\$21,952,186	36%	80%	
A	\$3,214,500	5%	50%	
BBB+	\$1,471,600	2%	20%	
BBB	\$4,460,450	7%	0%	Purchased Prior To Policy Change
BBB-	\$125,600	0%	0%	
BB+	\$355,140	1%	0%	
BB	\$28,245	0%	0%	
BB-	\$82,506	0%	0%	
B-	\$50,800	0%	0%	
CCC+	\$115,950	0%	0%	
C	\$11,003	0%	0%	
UNITS IN LOCAL GOVT: HOUSE	\$230,645	0%	0.1%	Council Decision
TOTAL	60,231,119	100%		

C10/6000 - INVESTMENT STATEMENTS (REC)

CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 DECEMBER 2009

DIVERSIFICATION RISK

INSTITUTION		INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
BANKWEST (11AM)		11AM	AA	861,489	1.43%		20%	
BANKWEST (TERM)		TERM	AA	10,951,405	18.18%	19.61%	20%	
MACQUARIE BANK		ADI	A	1,287,900	2.14%		15%	
MACQUARIE BANK (TERM)		TERM	AAA	2,000,000	3.32%	5.46%	20%	
NAB		TERM	AA	12,300,000	20.42%	20.42%	20%	Minor Adjustment Required
SAVINGS & LOANS		TERM	AAA	1,000,000	1.66%	1.66%	25%	
ST GEORGE BANK (TERM)		TERM	AA-	9,000,000	14.94%	14.94%	20%	
WESTPAC (MAXI BONUS 1)		11AM	AA-	304,288	0.51%		20%	
WESTPAC (MAXI BONUS 2)		11AM	AA-	1,013,635	1.68%		20%	
WESTPAC (MAXI DIRECT)		11AM	AA-	300,000	0.50%		20%	
WESTPAC (TERM)		TERM	AA-	9,225,871	15.32%		20%	
WESTPAC BANK		ADI	AA-	977,100	1.62%	19.63%	20%	
ADELAIDE BANK		ADI	BBB+	972,400	1.61%	1.61%	10%	
BENDIGO BANK		ADI	BBB+	499,200	0.83%	0.83%	10%	
ELDERS RURAL BANK		ADI	BBB	4,460,450	7.41%	7.41%	10%	
SUNCORP METWAY LTD		ADI	A	1,926,600	3.20%	3.20%	15%	
DEUTSCHE BANK - CAPITAL GUARANTEED NOTE		CAP	AA-	1,131,292	1.88%	1.88%		
CDO - Various		CDO		1,788,844	2.97%	2.97%		
UNITS IN LOCAL GOVT HOUSE		UNITS		230,645	0.38%	0.38%		
				\$60,231,119	100%	100%		

MATURITY COMPARISON

TERM to MATURITY				CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
MUNICIPAL & TRUST FUNDS							
< 1 year				46,791,838	94%	100%	
< 2 years				-	0%	10%	
< 3 years				-	0%	10%	
< 4 years				-	0%	0%	
< 5 years				-	0%	0%	
> 5 years				2,932,422	6%	0%	Purchased Prior To Policy Change
				49,724,259	100%		
RESERVE FUNDS							
< 1 year				994,000	10%	100%	
< 2 years				1,131,292	11%	80%	
< 3 years				2,074,506	21%	80%	
< 4 years				397,840	4%	40%	
< 5 years				243,852	2%	40%	
> 5 years				5,269,874	52%	20%	Purchased Prior To Policy Change
				10,111,364	100%		

C10/6000 - INVESTMENT STATEMENTS (REC)

The values ascribed to Authorised Deposit Taking Institutions (ADIs) by the independent financial advisers are based on current market evidence. Current positive improvements in the market, is evident by an increase in valuations for December. When compared to the valuations used as at 30/06/2009, valuations obtained from Council's independent advisers shows that ADI's have increased in value by \$1.18m. These valuations assume that the City will be required to sell those investments prior to maturity. The City is however a holder to maturity of these investments so there is no need to sell the ADI's. There is therefore no reason to expect that any actual loss will incurred. The City also expects that further ADIs will be repurchased by the issuing banks as they reach their call dates over the next 12 months. This was evident when Adelaide Bank repurchased \$1m on the first call date in December 2009. Since 30 June 2009 \$4,000,000 worth of ADI's have been repurchased by the issuing banks. These had been written down in previous financial years, to a book value of \$3,948,033. A profit of \$51,967 has therefore been realised.

Due to the absence of an active market for CDOs and the ongoing uncertainty in financial markets in general, the City has chosen to take a very conservative approach when valuing its CDOs as at 30 June 2009.

The valuations shown in the accounts are based on the lowest applicable valuation after comparing information obtained from CPG Research & Advisory (Council's independent financial adviser) and comparison with valuations from other independent financial advisers. Where no independent reliable valuation could be obtained, the CDOs were valued at \$1. Where coupon (interest) payments have been received on CDOs since 30 June 2009, the total amount of those payments was taken as their value unless an alternative reliable and independent valuation was available. Non Lehmann Brothers arranged CDOs continue to pay their coupon payments and this is expected to continue. Based on independent advice from a number of sources, the City's policy is to continue to hold these investments to maturity unless opportunities to sell at realistic values are presented.

CDOs that have been identified by CPG as having a "High" risk of impairment (see above) are due to the heightened risk of corporate defaults for entities referenced by the CDO's.

There was one credit event (Financial Guaranty Insurance Company (FGIC)) in December that has affected Council's CDOs (see below).

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 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.

C10/6000 - INVESTMENT STATEMENTS (REC)**Credit Ratings and Credit Events**

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

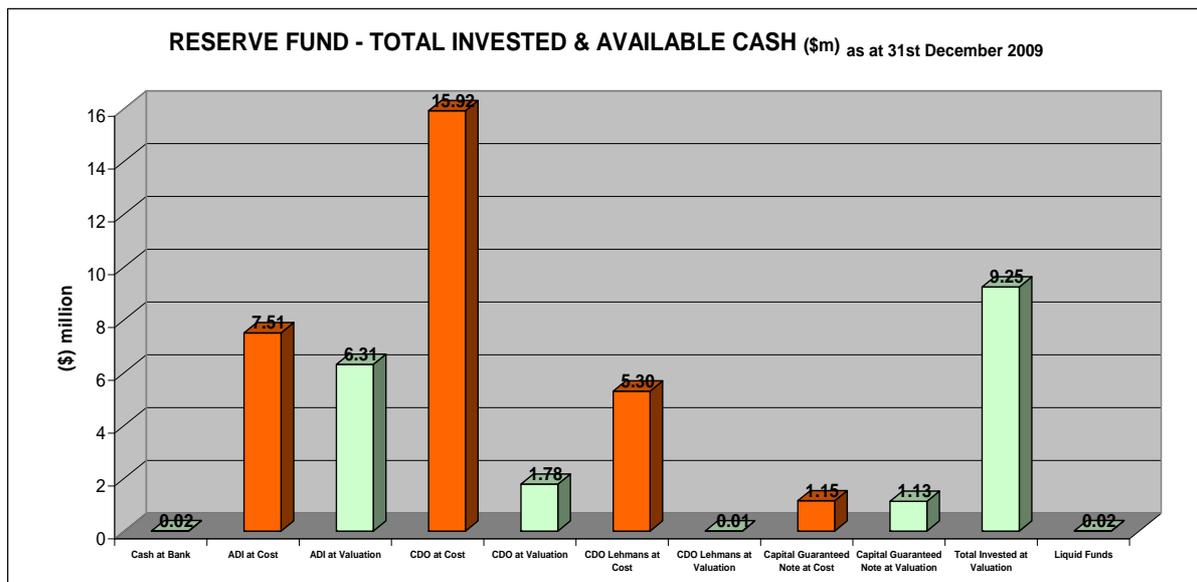
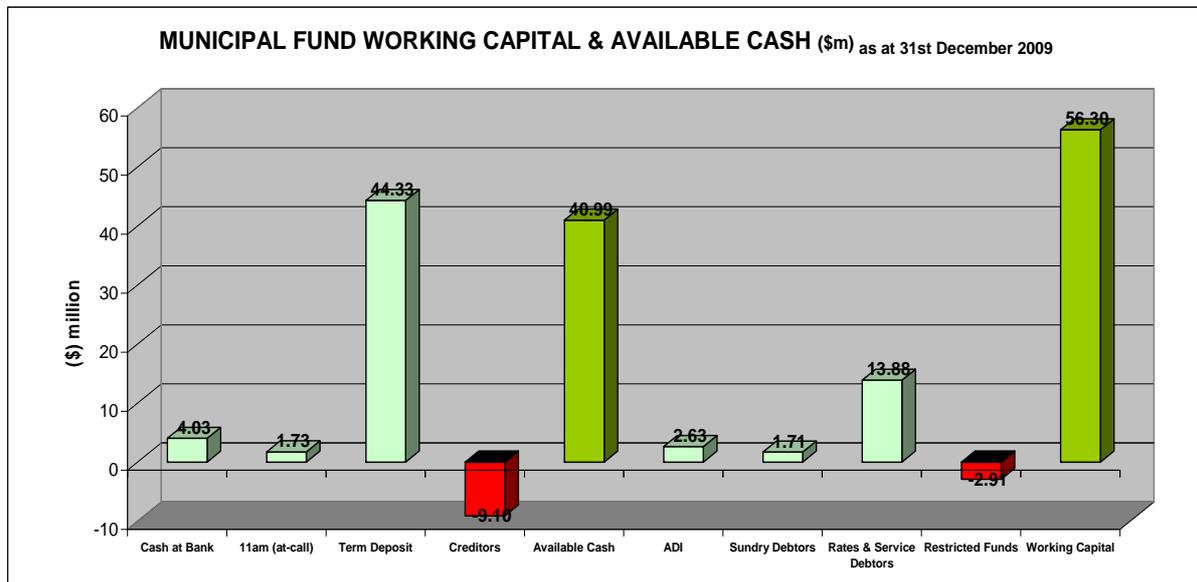
- Beryl Global Bank Note – Nil credit events – remaining credit support for 1.0 credit event (Being terminated due to trustee taking control of underlying security).
- Blue Gum – Arranger HSBC Bank US – 8.25 credit events – Bank TuranAlem, Freddie Mac, Fannie Mae, Lehman's, WaMu, Glitnir, Kaupthing, Landsbanki & CIT Group – remaining credit support for 0.3 credit events.
- Esperance – Arranger Merrill Lynch International – 2.5 credit events – Lehman's & CIT Group – remaining credit support for 3.5 credit events.
- Glenelg – Arranger Nomura International – 3.0 credit events – Lehman's, Landsbanki & CIT Group – remaining credit support for 6.0 credit events.
- Green – Arranger J.P. Morgan Australia – 6.76 credit events – XL Capital Assurance, Lehman's, WaMu, Glitnir, Kaupthing & CIT Group – remaining credit support for 0.48 credit events.
- Henley A – Arranger BNP Paribas – 1.58 credit events – Freddie Mac, Fannie Mae, Lehman's & CIT Group – remaining credit support for 7.0 credit events.
- Kakadu – Arranger J.P. Morgan Australia – 5.52 credit events – XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, Kaupthing & CIT Group – remaining credit support for 4.76 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 – 5.06 credit events – FGIC, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu & CIT Group – remaining credit support for 3.94 credit events.
- Parkes 11A – Arranger Morgan Stanley – 5.03 credit events – FGIC, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu & CIT Group – 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 & CIT Group – remaining credit support for 2.23 credit events.

C10/6000 - INVESTMENT STATEMENTS (REC)

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.

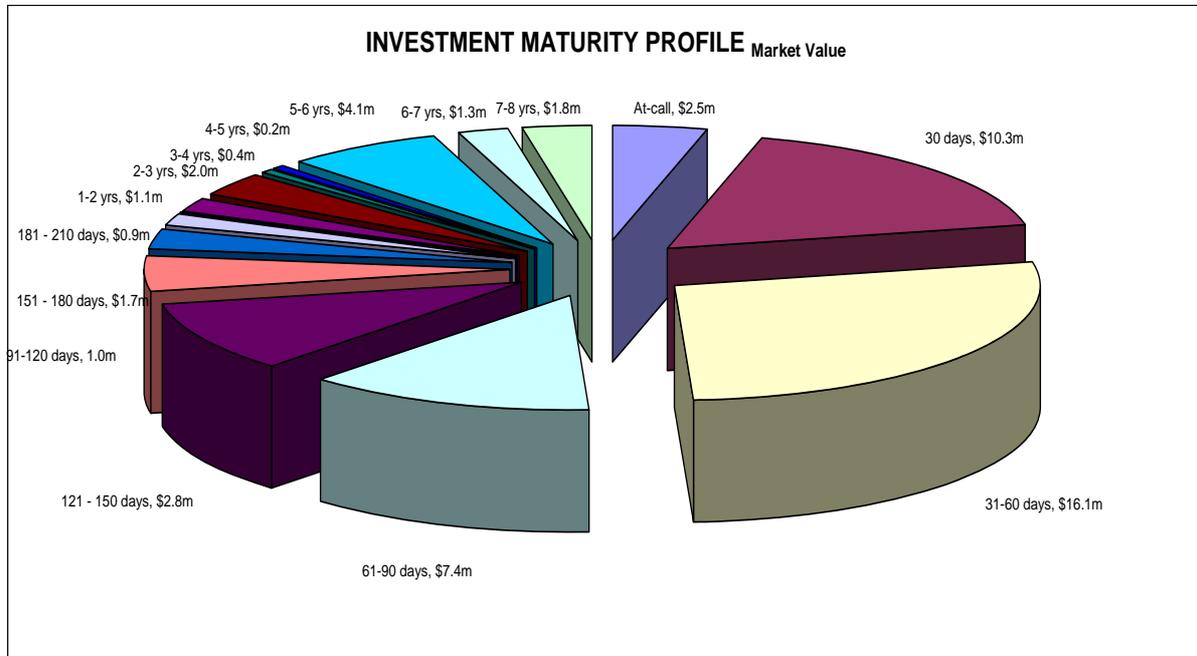
Net Funds Held

The graphs below summarise The Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation, for December 2009.



C10/6000 - INVESTMENT STATEMENTS (REC)

The graphs below summarise the maturity profile of the Council's investments as of 31 December 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.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

CPG (formerly Grove) Research and Advisory, the City's investment advisor 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.

C10/6000 - INVESTMENT STATEMENTS (REC)**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 Lehman arranged CDOs, so that Council gains access to the more valuable collateral representing Councils original investments which are held by Trustees for the Lehman Brothers arranged CDO's.

In conjunction with 55 other corporations and local government authorities the City of Melville has engaged litigation funder IMF Australia to seek recovery of book losses from Lehman Brothers Australia.

FINANCIAL IMPLICATIONS

As at the end of December 2009, total interest on the Municipal and Trust Funds earned was \$958,494, against a year to date budget of \$560,250. This represents a \$398,244 positive variance. The interest rate percentages used for estimating the investment earning budget did not foresee the increases in interest rates that have occurred.

Reserve Fund interest earned was \$530,543 against a year to date budget of \$137,500, a positive variance of \$393,043. Due to the uncertainty surrounding CDO investments conservative estimates were made for Reserve Fund investment earnings.

It is anticipated that the City's investment earnings will further exceed budget, as interest rates continue to rise over the foreseeable future.

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 transferred to the Risk Management Reserve.

Due to Lehman Brothers entering into Chapter 11 bankruptcy proceedings, the City has not received interest payments on the \$5.3m face value of Lehman Brothers arranged CDOs. At this time interest on the underlying collateral is being retained by the trustee who has taken control of that collateral.

No actual losses in investments have been incurred.

C10/6000 - INVESTMENT STATEMENTS (REC)**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

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

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 from its non Lehman arranged CDOs, the reassessment by the major rating agencies of their credit risk models used to assess the credit ratings associated with CDO portfolios, has resulted in significant downgrading of CDO investments to credit rating levels that 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 some of the CDO's is very high whilst the risk of loss due to the default of deposits with banks or ADI's is considered extremely low.

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.

The Investment Policy was reviewed and readopted at the Ordinary Meeting of Council held on 15 December 2009.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The City's investment portfolio is returning significant additional income returns when compared to the annual budget. Whilst the situation regarding the CDO investments remains tenuous, the impact of the book value devaluation of those investments has been accounted for over the past two financial years. Due to the return to normalised credit market conditions no further devaluations are expected over the course of the current financial year.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6000)**NOTING****That the Investment Report for the months of November and December 2009 be noted.**

At 8.04pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

C10/6001 – 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 : 2009/2010 Budget
 Responsible Officer : Khris Yeoh
 Acting Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
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C10/6001 – 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 November 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 ended 30 November 2009, **Attachment 6001 November 2009** including Payment Registers numbers **122 to 128** were distributed to the Members of Council on **29 January 2010**.

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

- Amcom Telecommunications – E17442 – Amcom Fibre Links and Datacentre Lease - \$140,080.67
- Ausmicboomerang Pest & Weed Control – E17381 – Spraying Service - \$59,850.31
- Boral Construction – E17441 – Construction Materials - \$55,000.00
- City of Rockingham – Cheque 036963 – Tip Fees 7/9/09 to 1/11/09 - \$57,197.75
- Dickies Tree Service – E017456 – Tree Lopping Services - \$59,277.40
- Dowsing Concrete – E017620 – Concrete Supplies - \$69,799.95
- Fire & Emergency Services Authority WA – E017372 – Remittance of Fire and Emergency Levies collected on behalf of FESA - \$1,010,197.84
- Southern Metropolitan Regional Council – E17431 & E17555 – Waste Disposal Gate Fees for October 2009 - \$426,899.78
- Synergy – Cheque 036964 – Electricity Charges - \$75,858.85
- Total Eden – E017509 – Reticulation Supplies - \$52,991.09

C10/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2009/2010 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 November 2009, as approved by the Director Corporate Services in accordance with delegated authority 13-DA-015, and detailed in attachment [6001 November 2009](#) be noted.

At 8.04pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (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	: 2009/2010 Budget
Responsible Officer	: Khris Yeoh Acting 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>
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C10/6001 – 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 December 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 ended 31 December 2009, **Attachment 6001 December 2009** including Payment Registers numbers **134 to 142** were distributed to the Members of Council on **29 January 2010**.

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

- Cary's Electrical Services – E017748 – Electrical Services - \$131,179.17
- City of Cockburn – E017622 & E1782818 - Waste Disposal - \$187,333.05
- Dickies Tree Services – E017643 & E017856 – Tree Lopping Services - \$76,548.70
- Melville Toyota – E017713 – Toyota Kluger Grande - \$56,694.95
- Southern Metropolitan Regional Council – E017746 – RRRC Loan Repayment for December 2009 Quarter - \$895,744.99
- Synergy – Chq 037101 & 037311 – Electricity - \$381,424.50
- Total Eden – E017704 & E17913 – Pt Walter Golf Course Renovation of \$137,500.00 and watering supplies of \$6,167.54

C10/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2009/2010 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 31 December 2009, as approved by the Director Corporate Services in accordance with delegated authority 13-DA-015, and detailed in attachment [6001 December 2009](#) be noted.

At 8.05pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (11/0)

**C10/6002 – FINANCIAL STATEMENTS FOR NOVEMBER AND DECEMBER 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 : Khris Yeoh
 Acting Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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KEY ISSUES / SUMMARY

- This report presents the financial statements to the end of November and December 2009 and recommends that they be adopted by the Council.

**C10/6002 – FINANCIAL STATEMENTS FOR NOVEMBER AND DECEMBER 2009
(AMREC) (ATTACHMENT)**

BACKGROUND

The Financial Statements for the end of the month of November and December 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 December 2009, a net operating positive variance of \$5.97m was recorded. Net capital expenditure remains \$1.65m under expended. These variances are mostly a result of phasing (timing variance).

Variances

An analysis of the significant variances is included below.

	December Actual+Comm \$	YTD Budget \$	YTD Actual+Comm \$	Variance \$	Variance %	Annual Budget \$
Revenues						
Governance	176,076	552,350	930,499	378,148	68%	999,400
General Purpose Funding	721,467	2,178,067	3,123,534	945,466	43%	4,766,500
Education & Welfare	56,680	540,653	613,454	72,801	13%	974,930
	2,269,528	27,518,604	29,929,155		9%	41,544,048
Expenses						
General Purpose Funding	(31,842)	210,810	317,337	106,527	51%	(549,760)
Law, Order, Public Safety	(389,717)	(2,628,172)	(2,157,477)	470,694	-18%	(5,129,505)
Health	(81,214)	(432,469)	(375,056)	57,414	-13%	(802,797)
Community Amenities	(2,003,688)	(8,194,962)	(7,224,968)	969,994	-12%	(16,438,004)
Economic Services	(88,865)	(106,132)	(171,354)	(65,222)	61%	(129,265)
Other Property and Services	(155,142)	(1,931,812)	(1,554,474)	377,338	-20%	(2,723,756)
	(7,932,168)	(41,136,901)	(37,057,238)		-10%	(75,988,245)

Revenue

\$43.88m in Rates have been raised to date. This is compared with a year to date budget of \$43.82m, a positive variance of \$0.06m. The full year budget is \$43.9m. This has remained relatively unchanged from last report.

- Governance – 68% positive variance, due to increases in Planning fees and Insurance Premium recoup.
- General Purpose Funding – 43% positive variance, due to an increase in Investment earnings as a result of increasing interest rates.
- Education & Welfare – 13% positive variance, due to incorrectly phased grant funding received in Community Services.

**C10/6002 – FINANCIAL STATEMENTS FOR NOVEMBER AND DECEMBER 2009
(AMREC) (ATTACHMENT)**

Expenditure

- General Purpose Funding – 51% positive variance, due to lower BPay fees and budget phasing (timing variance) issue in relation to external contractor fees.
- Law, Order, Public Safety – 18% positive variance, due to lower employee costs in Community Security.
- Health – 13% positive variance, due to lower employee costs in Inspections.
- Community Amenities – 12% positive variance, due to incorrectly phased Waste charges.
- Economic Services – 61% negative variance, due to expenditure for the South West Group not yet recouped.
- Other Property & Services – 20% positive variance, due to unallocated Fleet costs.

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

DESCRIPTION	LINK
Statement of Financial Activity – November and December 2009	6002A November 2009 6002A December 2009
Operating Statements by Program for the period ended 30 November and 31 December 2009	6002B November 2009 6002B December 2009
Representation of Working Capital as at 30 November and 31 December 2009	6002E November 2009 6002E December 2009
Reconciliation of Net Working Capital as at 30 November and 31 December 2009	6002F November 2009 6002F December 2009
Notes on Operating Statements for November and December 2009 reporting on variances of 10% or greater	6002H November 2009 6002H December 2009
Details of Budget Amendments requested during the month of November and December 2009	6002J November 2009 6002J December 2009
Summary of Rates debtors as at 30 November and 31 December 2009	6002L November 2009 6002L December 2009
Graph showing Rates collections as at 30 November and 31 December 2009	6002M November 2009 6002M December 2009
Summary of general debtors aged 90 days old or greater as at 30 November and 31 December 2009	6002N November 2009 6002N December 2009

**C10/6002 – FINANCIAL STATEMENTS FOR NOVEMBER AND DECEMBER 2009
(AMREC) (ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

Local Government (Financial Regulations) 1996 Part 4 – Financial Reports
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.

**C10/6002 – FINANCIAL STATEMENTS FOR NOVEMBER AND DECEMBER 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 \$50,000 whichever is greater, as set out in 2009/10 adopted budget.

FINANCIAL IMPLICATIONS

No significant negative variances have been identified for the year to date. Positive variances have been identified in a number of Council's major revenue streams.

Amendments to the 2009/2010 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 Council's Accounting Policy 13-PL-007.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

**C10/6002 – FINANCIAL STATEMENTS FOR NOVEMBER AND DECEMBER 2009
(AMREC) (ATTACHMENT)**

CONCLUSION

The attached reports reflect the healthy year to date financial position of the City of Melville as at 30 November and 31 December 2009.

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

At 8.06pm Cr Robartson moved, seconded Cr Reidy -

1. That the Statements of Financial Activity and the Operating Statements for the period ending 30 November and 31 December 2009 as detailed in the following attachments be noted:

DESCRIPTION	LINK
Statement Of Financial Activity – November and December 2009	6002A November 2009 6002A December 2009
Operating Statements By Program For The Period Ended 30 November and 31 December 2009	6002B November 2009 6002B December 2009
Representation Of Working Capital As At 30 November and 31 December 2009	6002E November 2009 6002E December 2009
Reconciliation Of Net Working Capital As At 30 November and 31 December 2009	6002F November 2009 6002F December 2009
Notes On Operating Statements For November and December 2009 Reporting On Variances Of 10% Or Greater	6002H November 2009 6002H December 2009
Summary Of Rates Debtors As At 30 November and 31 December 2009	6002L November 2009 6002L December 2009
Graph Showing Rates Collections As At 30 November and 31 December 2009	6002M November 2009 6002M December 2009
Summary Of General Debtors Aged 90 Days Old Or Greater As At 30 November and 31 December 2009	6002N November 2009 6002N December 2009

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

At 8.06pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

C10/6028 – OCTOBER 2009 BUDGET REVIEW (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 : None
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Debbie Whyte
 Senior Management Accountant

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Review	<i>when Council review decisions made by Officers.</i>
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C10/6028 – OCTOBER 2009 BUDGET REVIEW (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- This report presents a Budget Review for the period 1 July 2009 to 31 October 2009
- A review was undertaken as a number of both positive (surplus) and negative (shortfall) variances had arisen during the first four months of 2009/2010.
- There is a recommendation to adjust budgets accordingly and reassess the situation at the end of January 2010.

BACKGROUND

The City of Melville reviews its budget position on an ongoing basis, with a budget variations listing and a budget variance report forming part of the monthly financial statements submitted to Council. The Financial Management Regulations (33A) specify that Local Governments must undertake a formal budget review between 1 January and 31 March and submit the findings to the Department of Local Government. The City of Melville will be undertaking this formal budget review at the conclusion of January 2010. Due to the identification of a number of significant positive and negative variances, it was considered necessary to undertake an interim budget review based on the financial results for the period ending October 2009.

DETAIL

The Budget Review was undertaken with full participation of the Management Team and Budget Responsible Officers. The projected financial position for the City of Melville is a positive variance of \$328,215. This is the net result of both positive and negative variances, across operating and capital projects.

The following table details this result, positive variances are shown as follows (\$xxx):

Operating	
Management Services	\$41,823
Corporate Services	(\$87,219)
Community Development	\$25,246
Technical Services	\$328,659
Urban Planning	(\$363,091)
NET OPERATING (SURPLUS)/DEFICT	(\$54,582)
Capital	
Corporate Services	\$17,000
Community Development	\$66,759
Technical Services	(\$357,392)
NET CAPITAL (SURPLUS)/DEFICT	(\$273,633)
NET (SURPLUS)/DEFICT	(\$328,215)

C10/6028 – OCTOBER 2009 BUDGET REVIEW (AMREC) (ATTACHMENT)

Key findings are shown below and further details of the amendments are shown in attachment [6028 Budget Review](#)

Key findings in Operating Budget:

Management Services

- Additional funding required for further development of the project software “Interplan” - \$41,823.

Corporate Services

- A refund of Workers Compensation Insurance premiums paid in prior years was received due to favourable workers compensation claims outcomes. The refund is to be transferred to the Risk Management Reserve in order to provide for future contingent premiums – (\$71,070);
- An underspend in employee costs in Information Technology and Records due to unfilled vacancies – (\$87,000);
- *Note: Investment earnings are well ahead of budget but have not been included in this budget review. Earnings will continue to be monitored and a more accurate projection will be reflected in the next budget review.*

Community Development

- Additional funds required for the Interpretive Plan for Wireless Hill as part of the Wireless Hill Vision 2020 project - \$15,000;
- Reduced income from Meals on Wheels due to a reduced number of services being supplied, corresponding expenditure also reduced - \$39,400.
- Increase in revenue collection from parking fines through Fines Enforcement Registry – (\$20,000).

Technical Services

- Additional arboricultural expenditure at Piney Lakes Reserve. – \$107,300;
- Various adjustments to building accounts as a result of changed maintenance requirements - \$10,000;
- Shortfall in overtime and materials budgets for the maintenance of medians and other road streetscapes - \$125,000.

Urban Planning

- Income from planning applications ahead of budget due to economic upturn in housing market – (\$330,000).

Key findings in Capital Budget:

Corporate Services

- Additional funding required for the upgrade of financial system software : \$12,000.

Community Development

- Additional funding required to upgrade the payment systems in parking machines to meet new credit card verification requirements that will shortly come into effect.

Technical Services

- John Connell project deferred pending master plan development, funding to be transferred to the Public Open Space Reserve for future use : (\$273,958);

C10/6028 – OCTOBER 2009 BUDGET REVIEW (AMREC) (ATTACHMENT)

- Carrawatha site project deferred due to planning finalisation, funding to be transferred to the Public Open Space Reserve for future use : (\$188,000);
- Additional funding required for the Almondbury Road traffic management project : \$68,000;
- Removal of budgets for the State Black Spot project at Canning Highway/Norma Rd, project no longer going ahead : (\$105,000);
- Surplus funding on The Esplanade lighting project : (\$51,000);
- Additional funds required for the State Black Spot project at Marmion St/Norma Rd, delays incurred as a result of gas line issue : \$24,000;
- Additional funds required for the State Black Spot project at North Lake Road/Marmion : \$87,000;
- Surplus funding in the sustainability and BBQ replacement accounts : (\$147,000);
- New Local Road Projects (MRRG) have been included in the programme, including projects at Norma Road, Riseley Street and Melville Beach Parade : \$150,000;
- Reallocation of Roads to Recovery (R2R) funding to accommodate the projects at Norma Road and Riseley Street - (\$0) as funds reallocated to other R2R projects;
- Surplus funding from the Deepwater Point Boat Ramp, project funded by external sources : (\$115,000);
- Funding required for a construction project at Reynolds Road/Queens Road due to unanticipated pavement failure : \$100,000

PUBLIC CONSULTATION/COMMUNICATION

Not Applicable

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

After taking into account the various positive and negative variances, the Budget Review has identified a positive budget variance of \$328,215. The net results will be quarantined in the Chief Executive Officer's Special Project/Contingency account within Management Services, which will be reassessed following the formal budget review at the completion of January 2010. This amount is mainly capital and it would be prudent to allocate this funding to other capital projects or to an appropriate financial reserve for future use. This is to be determined following the results of the formal budget review later in the year.

C10/6028 – OCTOBER 2009 BUDGET REVIEW (AMREC) (ATTACHMENT)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Following a review of the risk implicit in the subject of this agenda item, no high or extreme risks have been identified.

POLICY IMPLICATIONS

Not Applicable

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not Applicable

CONCLUSION

The Budget Review has identified a number of projects requiring budget amendments. The net result of these amendments has been reflected by increasing in the Chief Executive Officer's Special Project/Contingency account within Management Services. These funds can then be reassessed in conjunction with the results of the formal budget review at the completion of January 2010.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6028)

ABSOLUTE MAJORITY

At 8.06pm Cr Halton moved, seconded Cr Robartson -

That by absolute majority decision of Council the budget review amendments, as detailed in attachment [6028 Budget Review](#), be adopted.

At 8.06pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

16. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

17. EN BLOC ITEMS

At 8.06pm Cr Robartson moved, seconded Cr Reynolds -

That the recommendations for items P10/3107, C10/5000, C10/6000, C10/6001 (November 2009) and C10/6001 (December 2009) be carried En Bloc.

At 8.07pm the Mayor submitted the motion, which was declared **CARRIED (11/0)**

18. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

19. CLOSURE

There being no further business to discuss His Worship the Mayor declared the meeting closed at 8.07pm.