

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

TUESDAY 16 JULY 2013

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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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 JULY 2013.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr L Hitchcock, Executive Manager Legal Services read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor, R Aubrey, read aloud the following 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 R Aubrey

COUNCILLORS

Deputy Mayor Cr D Macphail
Cr A Nicholson
Cr C Robartson
Cr J Barton, Cr S Taylor-Rees
Cr R Hill
Cr N Foxtan, Cr M Reynolds

WARD

City
City
Bull Creek/Leeming
Bicton/Attadale
Palmyra/Melville/Willagee
University

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr B Dawkins	A/Director Community Development
Mr J Christie	A/Director Corporate Services
M G Ponton	A/Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr J Cameron	Executive Engineer
Mr N Fimmano	A/Governance & Compliance Program Manager
Ms J Paparella	Minute Secretary
Ms K Thornton	Corporate Administration Officer

At the commencement of the meeting there were 5 members of the public and one member from the Press in the Public Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APOLOGIES**

Cr N Pazolli – Applecross/Mount Pleasant

4.2 APPROVED LEAVE OF ABSENCE

Cr R Kinnell – Palmyra/Melville/Willagee Ward
Cr P Reidy – Applecross/Mount Pleasant
Cr R Willis – Bull Creek/Leeming Ward

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***Ms M Conway, Bicton***Question

Could a "STOP" or "GIVE WAY" sign be placed in Angove Lane at the junction with Durdham Crescent to allow traffic a safer entry into the crescent?

Response

The Executive Engineer advised that jurisdiction for the installation of "Stop" or "Giveway" signage on roads falls within the sole authority of Main Roads WA. However, the City will approach Main Roads requesting their approval for the installation of "Stop" or "Giveway" signage at the intersection of Angove Lane and Durdham Crescent."

Mr J Conway, BictonQuestion

Can the Council please allow residents to assist the rangers in policing the traffic regulations in Durdham Crescent by sending photographs of infringing vehicles direct to the ranger's mobile phone? Most infringements take place when the rangers are either not available or outside their working hours.

Response

The A/Director Community Development advised that residents have the ability to register their requests online in order that they are captured in the council systems. Over 1000 requests are placed in this system each year, or alternatively residents may call.

Ms N Reader, BictonQuestion

Can the Council please instruct the Melville Water Polo Club to revert to using their physical address in Blackwell Reach Parade, where they have been located for the last 67 years, as their postal address instead of using 5 Durdham Crescent, which they adopted only in recent years. This would prevent delivery vehicles and casual traffic from coming to Durdham Crescent only to find there is no vehicular access to the club.

Response

The Chief Executive Officer advised the City has made contact with the water polo club about deliveries to Durdham Crescent after requests from councillors and the public. The City is advised that the address has been at the Durdham Crescent address for some five years. The CEO advised that he is happy to formally write to the club again and request their consideration to this matter.

Mr P McLarty, Bicton

Question

To even the most casual observers; What City of Melville Officers propose for Durdham Crescent is going to make existing problems worse! Despite Pleas, so called "Community Consultations", submissions, suggestions, a petition, questions and deputations, it is obvious common sense has not prevailed in this proposal. Why can't the problem be fixed instead of needlessly wasting ratepayers money?

Response

The Chief Executive Officer advised that in assessing the right solution the City's officers have to take into consideration safety, access, security, amenity, community benefit, etc, The Local Government Act requires the City to ensure the best for the whole community and that decisions are intergenerational. The City appreciates the views of owners who have done what's within their power by a petition, deputations, emails etc. The City has listened and made what we consider reasonable compromises to the concept plans and the City believe the concept delivers the best outcomes for the Melville community in relation to the location.

Mr J Reader, Bicton

Question

To prevent a continuation of the traffic chaos at the North end of Durdham Crescent, as illustrated by the photographs tabled at the recent Agenda Briefing Forum, can the Council install a "Strictly no Stopping" sign at the proposed new circular end of the cul-de-sac?

Response

The Executive Engineer advised that consideration for the installation of "No Stopping" signage at the cul de sac at the northern end of Durdham Crescent would be assessed based on its performance and from the safety perspective of this area once the cul de sac is in full operation.

7. AWARDS AND PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF COUNCIL – 18 JUNE 2013**
[Minutes 18 June 2013](#)**COUNCIL RESOLUTION**

At 6.42pm Cr Macphail moved, seconded Cr Hill -

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 18 June 2013, be confirmed as a true and accurate record.

At 6.42pm the Mayor submitted the motion, which was declared

CARRIED (9/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 2 JULY 2013
[Notes 2 July 2013](#)**COUNCIL RESOLUTION**

At 6.42pm Cr Foxtton moved, seconded Cr Barton -

That the Notes of the Agenda Briefing Forum held on Tuesday, 2 July 2013, be received.

At 6.42pm the Mayor submitted the motion, which was declared

CARRIED (9/0)

8.3 SPECIAL MEETING OF COUNCIL – 26 JUNE 2013
[Minutes 26 June 2013](#)**COUNCIL RESOLUTION**

At 6.43pm Cr Macphail moved, seconded Cr Robartson -

That the Minutes of the Special Meeting of Council held on Tuesday, 26 June 2013, be confirmed as a true and accurate record.

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

CARRIED (9/0)

9. DECLARATIONS OF INTEREST

The Mayor advised that if any Councillor had received a gift or some form of support at the last Local Government Election, then the appropriate declaration should be made.

9.1 FINANCIAL INTERESTS

Nil

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

12. PETITIONS**12.1 Defer the Proposed Attadale Reserve Foreshore Footpath Construction – Burke Drive, between Page Street and Roberts Road.**

A Petition signed by 493 residents and 98 non residents was received in two parts by the City of Melville on Friday 12 July 2013 and Monday 15 July 2013. The petition reads as follows –

“We, the undersigned, all being Electors of the City of Melville, do humbly pray that – The Mayor and Councillors of the City of Melville reconsider and defer, subject to further investigation, the proposed Attadale Reserve Foreshore Footpath Construction Concept – Burke Drive between Page Street and Roberts Road, as described in the circular, with Concept Plan dated 18 June 2013. This subject has been referred to Mr Dean Nalder MLA, Member for Alfred Cove, who is making enquiries of the relevant statutory authorities as to alternative options to reinstate the existing washed out path, or a similar outcome.”

At 6.44pm Cr Barton moved, seconded Cr Taylor-Rees -

That the petition bearing 591 signatures be received and acknowledged in writing to the lead petitioner.

At 6.44pm the Mayor submitted the motion, which was declared

CARRIED (9/0)

12.2 Reject Development Proposal for 94 Kitchener Road, Melville

A Petition signed by 531 residents and two non residents was received by the City of Melville on Monday 15 July 2013. The petition reads as follows –

“We, the undersigned, all being Electors of the City of Melville, do humbly pray that – the Council will act in the best interest of residents and, via the Responsible Authority Report (RAR) and all other means at its disposal, will recommend rejection of the current development proposal for 94 Kitchener Road on the following grounds:

- *The proposed plot ratio of 1.359 is more than double the maximum (0.6) as set down in the State Planning Policy Residential Design Codes (Section 7) for R40 developments;*
- *The proposed height of the building of 13.75 metres is more than 50% higher than the maximum (9 metres) as set down in the same Residential Design Codes; and*
- *The bulk and scale of the proposed development is not at all consistent with the requirements as set down in Sections 7.1.1 and 7.1.2 of the same Residential Design Codes” Explanatory Guidelines.*

We also humbly request that this petition and number of petitions be noted in/append to the relevant sections of the RAR pertaining to this development.”

At 6.45pm Cr Nicholson moved, seconded Cr Taylor Rees -

That the petition bearing 533 signatures be received and acknowledged in writing to the lead petitioner with advice that a report will be presented to a future meeting of Council.

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

CARRIED (9/0)

Footnote

A Special Meeting of Electors will be held on Monday 5 August 2013 to consider the development proposal for 94 Kitchener Road Melville.

13. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6.35pm His Worship the Mayor brought forward Items T13/3404 for discussion.

T13/3404 - DURDHAM CRESCENT, BICTON – PROPOSED PARKING, PATH AND ACCESS IMPROVEMENTS (REC) (CONFIDENTIAL ATTACHMENT)

Ward : Bicton/Attadale
 Category : Operational
 Subject Index : Traffic Treatments/Management
 Customer Index : Engineering Design
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : 2013/2014 Capital Works Program
 Funding : Parking and Footpath works:\$160,000
 Responsible Officer : John Cameron
 Executive Engineer Design

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the 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 the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the 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>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

T13/3404 - DURDHAM CRESCENT, BICTON – PROPOSED PARKING, PATH AND ACCESS IMPROVEMENTS (REC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

- There have been ongoing concerns from a small group of residents regarding parking and access in Durdham Crescent, Bicton due to its proximity to the staircase access leading to the Bicton Baths Reserve and the Melville Water Polo Club.
- As part of the City's road asset rehabilitation program, the road pavement of Durdham Crescent has been identified for road resurfacing works.
- The informal parking along the verge of Rob Campbell Reserve has also been degraded together with damage to the insitu concrete path located on the same verge area.
- Concerns have been expressed regarding the safety of pedestrians traversing Durdham Crescent who wish to utilise the staircase at the northern end of the street which provides access to the foreshore reserve.
- The City has prepared a concept plan to address the various issues raised and a concept plan has been forwarded to surrounding residents seeking their comments prior to the commencement of detailed design works.
- Details of the resident feedback are presented in relation to the concept plan. The majority of residents surveyed are in favour of the City's proposal.
- It is recommended to the Council, that the modifications to the cul-de-sac at the end of Durdham Crescent and the verge area and car parking area on Rob Campbell reserve be approved.

BACKGROUND

For a number of years some local residents have expressed parking and traffic concerns in Durdham Crescent, ranging from illegal parking, bus parking, issues in the turning area at the northern end of the street, speeding and traffic management associated with events held by the Melville Water Polo Club (MWPC).

In the intervening years these issues have been managed by the implementation of a parking scheme for the street, including no stopping areas, parking restrictions and enforcement activities by the City's Rangers.

The Traffic Management Plan for the Tom Hoad Cup has also been updated to require a full Events Traffic Management Plan to be prepared covering 'event ahead' signage, 'on site' traffic controllers, road closures and parking management that includes event parking on Rob Campbell Reserve.

In late 2011, the City was contacted by a resident of Angove Lane who had concerns about a number of specific issues connected with traffic and parking in Durdham Crescent associated with club events and other activities in relation to the MWPC.

T13/3404 - DURDHAM CRESCENT, BICTON – PROPOSED PARKING, PATH AND ACCESS IMPROVEMENTS (REC) (CONFIDENTIAL ATTACHMENT)

The matters raised included:-

- Request for traffic counting to be carried out in the street.
- Provision of a stop sign at the intersection of Angove Lane and Durdham Crescent.
- Hazards associated with the drop off and pick up area at the northern end of Durdham crescent.
- Verge parking on Rob Campbell Reserve and the impacts on the health of verge trees.
- Cracked footpath on the verge of Rob Campbell Reserve.
- Request for resident parking only with visitor permits.
- Parking restrictions and review of existing parking signage.
- Continued blocking of resident driveways and illegal verge parking.

These matters were investigated and traffic counts were deployed at the site on two separate occasions. Visual assessments, including video surveillance was also carried out on one Friday Club night. Although parking was heavy, vehicle movements were orderly, pedestrian use was orderly and there were no excessive usage of the turn-around area at the northern end of the street.

Subsequently, site inspections by Senior Officers from Technical Services and Community Development highlighted issues with the parking including, the poor condition of street trees, vehicles crossing footpaths and random parking particularly near the intersection of Durdham Crescent and Preston Point Road. The lack of continuity of the pedestrian path on the eastern side of Durdham Crescent at the northern end was also apparent.

A draft concept plan was prepared by the City to address these particular issues and at the request of some residents of Durdham Crescent and Angove Lane, a site meeting was held to discuss the draft concept plan. This meeting was attended by approximately 12 residents, Senior Officers from Technical Services and Community Development and both Ward Councillors.

The Draft Concept Plan that was the subject of these discussions is attached for reference.

[3404 Draft Concept Durdham Parking Public Consultation](#)

Resident feedback received at this meeting included:-

- Issues with delivery vehicles accessing the northern end of Durdham Crescent.
- Poor turning facility at northern end.
- Request for a “drop off” zone.
- Roundabout or turning area at the intersection of Durdham Crescent and Angove Lane.
- Concern about cyclist and vehicle conflict at the Durdham Crescent and Angove Lane intersection and need for plateau to provide calming.
- Enforcement of the bus area at the southern end of Durdham Crescent.

These issues were assessed by Technical staff and whilst it was considered not technically appropriate to include all the suggestions made, as far as possible the Draft Concept Plan was modified to include some of the elements suggested at the resident meeting.

The resulting “Durdham Crescent Bicton: Road and Parking Layout Concept Plan” was prepared and is also attached for reference.

[3404 Durdham Crescent Bicton Road and Parking Layout Concept Plan](#)

T13/3404 - DURDHAM CRESCENT, BICTON – PROPOSED PARKING, PATH AND ACCESS IMPROVEMENTS (REC) (CONFIDENTIAL ATTACHMENT)

On 15 March 2013, the Durdham Crescent Bicton: Road and Parking Layout Concept Plan, covering letter and feedback form were circulated to 172 residents within a 200 to 250 metre radius of Durdham Crescent.

Responses were requested by the closing date of 5 April 2013. However due to the high response and the comments received, the closing date was extended to 26 April 2013.

A copy of the consultation letter and response form is attached for reference.

[3404 Consultation Letter Durdham Crescent Bicton](#)**DETAIL**

The City sent out 172 consultation letters with the Final Concept Plan, a comment form and reply paid envelope and received a total of 72 responses which represents a response rate of 42%.

Of those responses, 59.7% are in favour of the proposed works and 33.3% are against, with the remaining 7% only providing comments.

The principle points of objection relate to:-

1. Loss of trees, grass, streetscape and amenity.
2. Use of red asphalt for formal verge parking.
3. Use of speed plateau.
4. Cyclist/vehicle/pedestrian conflict.
5. Melville Water Polo Club and its operation.

In relation to the loss of trees and the conversion of the existing verge parking to a formal red asphalt parking area, a number of respondents indicated that the retention of the grass was preferred and products such as “reinforced” grass, pavers with grass growing through, “turf cell” or “grass crete” were specifically mentioned.

The City is familiar with these types of products and their use in lieu of the formalised red asphalt car parking area and would support the concerns raised by the respondents in order to maintain the green appearance of the street.

Objections to the use of speed plateaus were also raised. However, concerns were also expressed about cyclist and vehicle conflict at the Durdham Crescent and Angove Lane intersection, including the need for cyclists to dismount or the installation of regulatory signage such as stop or give way signage.

It is thought that the use of a “low impact” speed plateau would address these particular concerns and that a dismount zone could not be enforced and that regulatory signage would not receive approval from Main Roads WA and would be impractical.

Concern was also expressed about vehicles reversing out of the right angled verge parking bays proposed along the verge area of Rob Campbell Reserve being in conflict with the through traffic in Durdham Crescent and/or pedestrians.

T13/3404 - DURDHAM CRESCENT, BICTON – PROPOSED PARKING, PATH AND ACCESS IMPROVEMENTS (REC) (CONFIDENTIAL ATTACHMENT)

An assessment of traffic volume and speed count data indicates that generally traffic volumes are comparatively low and the 85 percentile speeds are well within acceptable tolerances as shown in the following table.

Durdham Cres, south of Angove Lane (outside No 14)

Year	Traffic Volume	Speed
2012	350 vpd	37km/h
2011	352 vpd	37km/h
2002	380 vpd	37km/h

The traffic volumes in Durdham Crescent have been consistent over a 10 year period and within expectations of a local access road of this type and function.

Both Durdham Crescent and Angove Lane fall under the “built up” speed limit of 50km/h, however motorists are required to drive according to the environment. This is reflected in the very low 85th percentile speed of 37km/h and therefore does not give rise to particular safety concerns.

A review of the crash history for Durdham Crescent was also undertaken. Only one reported crash occurred in the five year period from 1 January 2008 to 31 December 2012, which involved a vehicle carrying out a parking maneuver in March 2012. This lack of crash history demonstrates that safety in Durdham Crescent is not compromised.

The proposed configuration of the reverse angle parking bays has been designed in accordance with the relevant Australian Standards and similar situations exist throughout Perth.

In relation to the comments made about the Melville Water Polo Club and the suggestion that the club should be required to provide its own parking, the City’s Statutory Planning Services suggests that the land on which the club operates is outside the jurisdiction of the Community Planning Scheme No 5 and is classed as a Reserve under the Metropolitan Region Scheme (MRS). Decision making in respect of planning matters for land reserved under the MRS rests with the WAPC. Should the use class provisions of the CPS5 be applied, the use would be classed as recreation use, which would be a "P" (Permitted Use).

Furthermore, the City’s Statutory Planning Services comments that car parking standards for the Melville Water Polo Club are not considered relevant given that the development has full approval, and does not operate in breach of any of the requirements of that approval. Given that no conditions were imposed as part of any planning approval to limit or restrict the club’s operations, for the provision of a minimum amount of car parking, it is not deemed appropriate to restrict the club in their operations. There are no requirements in planning terms to compel the club to provide car parking, limit membership or restrict hours of operation.

As a direct result of the community consultation process and discussions between local residents and the Director Technical Services, a petition signed by 25 residents was received and presented to the Ordinary Meeting of Council on 18 June 2013 and requests the following:

T13/3404 - DURDHAM CRESCENT, BICTON – PROPOSED PARKING, PATH AND ACCESS IMPROVEMENTS (REC) (CONFIDENTIAL ATTACHMENT)

“We, the undersigned, all being Electors of the City of Melville, do humbly pray that – the Durdham Crescent, Bicton Road and Parking Concept Plan of 15 March (copy attached) be not adopted by Council and the residents of Durdham Crescent be consulted on the drawing up of an alternative plan with the aims of –

- *Reducing the flow of vehicular traffic in Durdham Crescent*
- *Increasing safety for pedestrians and cyclists*
- *Maintaining amenity for residents”*

Officers have reviewed the petition in accordance with the consultation undertaken and believe that this report addresses the specific matters raised by the Petitioners.

PUBLIC CONSULTATION/COMMUNICATION

The level of communication in accordance with the Stakeholder Relationships Policy CP-002 in relation to this item is to “consult” the community. The concepts involved an extension/modification of existing infrastructure and local residents were consulted through a letter survey response process.

Details of the individual comments responses received as part of this consultation are attached for reference.

[3404 Details of Comments Received from Community Consultation](#)

The following confidential document which indicates the location and nature of the response received was distributed to Elected Members on 28 June 2013 under confidential cover –

Confidential – 3404 Plan Showing Nature and Location of Responses**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

No consultation was undertaken with any external agencies or consultants.

STATUTORY AND LEGAL IMPLICATIONS

All works would be designed and constructed in accordance with all relevant Australian Standards and in compliance with the regulatory requirements of the City of Melville.

FINANCIAL IMPLICATIONS

Allocation within the 2013/2014 Capital Works Program for the Durdham Crescent Parking and Footpath works: \$160,000

Whilst the plans prepared to date are in the concept stage only, it is anticipated that the scope of the works proposed can be completed within the funding provided.

T13/3404 - DURDHAM CRESCENT, BICTON – PROPOSED PARKING, PATH AND ACCESS IMPROVEMENTS (REC) (CONFIDENTIAL ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Installation of facilities not desired by the community after consultation.	Moderate consequences which are likely, resulting in a High level of risk.	Review use of materials and design plans such that more durable and lower maintenance materials are used. Maintain street aesthetics.
Risk of increased maintenance costs and degradation of road, path and park assets and contrary to asset management planning.	Moderate consequences which are likely, resulting in a High level of risk	Heavy maintenance works, closure of unsafe areas.

POLICY IMPLICATIONS

The most significant Policy Implications are from the Asset Management Policy, namely:

- Ensure budgeting priority be given to the maintenance and renewal of existing assets and services.
- Provide adequate resources to manage these assets in a cost effective and timely manner.
- Consider the “whole of life” cost for all new assets and for any major renewal or improvements and ensure those costs are incorporated in the City’s Long Term Financial Plan.
- Where appropriate, involve and consult with the community and key stakeholders on determining levels of service.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The principle elements of the City’s concept proposals for Durdham Crescent can be summarised as follows: -

1. Road resurfacing and rehabilitation of the road pavement.
2. Realigning the existing footpath away from the proposed verge parking and extending it northwards to the end of Durdham Crescent to connect with the access steps to the Bicton Baths Reserve.
3. Formalising the verge parking on the eastern verge of Durdham Crescent fronting Rob Campbell Reserve and new tree planting.
4. Ancillary works:
 - Rationalising the existing bus grass verge parking area to the corner of Durham Crescent and Preston Point Road.
 - Removal and reassignment of some existing ‘on-street’ car parking bays.
 - Installation of speed plateau at the Angove Lane intersection.
 - Creation of a standard cul-de-sac turning area at the northern end of the street.

T13/3404 - DURDHAM CRESCENT, BICTON – PROPOSED PARKING, PATH AND ACCESS IMPROVEMENTS (REC) (CONFIDENTIAL ATTACHMENT)

These options will be discussed in more detail together with their alternatives.

1. Road Resurfacing

As part of the City's road asset rehabilitation program, the road pavement of Durdham Crescent has been identified for road resurfacing works. From the asset preservation point of view, these works should be progressed irrespective, with or without any of the other options mentioned above. However it would be prudent to carry out other work in conjunction with the resurfacing works if Council resolves in favour of constructing other elements of the concept proposal.

2. Realigning the existing footpath and extending it for the full length of the street.

The existing footpath along the verge of Rob Campbell Reserve is badly cracked and requires replacement. It could be reinstated in its existing location and not extended for the full length of the street. However this option has serious pedestrian safety implications and cannot be recommended. Currently vehicles traverse the path to utilise the available verge parking and reverse over the path when egressing, giving rise to safety concerns.

Additionally if the path was not extended for the full length of the street, pedestrians would be forced to walk on the roadway or a relatively narrow and undulating verge to gain access to the foreshore staircase.

3. Formalising the existing Durdham Crescent verge parking on the verge of Rob Campbell Reserve

The current verge area has been compacted by vehicular parking which has had a detrimental impact on grass growth and verge tree health. Several trees have died and others are in poor health. The question is whether verge parking should be allowed in this location and if so, what form should it take.

The City's proposal for the formalised verge car parking was construction using red/brown asphalt surfacing to provide a more aesthetic streetscape. However as part of the consultation feedback, several residents had objected to that treatment.

It was suggested that the use of a permeable treatment that would support the weight of vehicles and also allow for grass to grow would be more in keeping with the existing streetscape and be more aesthetically pleasing.

The City has investigated this option and believes that the use of this alternate treatment could be successfully implemented in this location. The existing verge trees would need to be removed due to their root systems and the need to excavate the area to lay the base for the "turf cell" type material and to allow the new grass to grow. New trees would be replanted to the east of the new re-aligned path.

Costs for this option are comparable to the asphalt paving and could be installed within current budget parameters.

Alternatively, the verge parking could continue in its current form or car parking in this location could be banned and vehicles be forced to find alternative parking.

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It is estimated that the use of the verge in Durdham Crescent has been an informal car parking area for in excess of 20 years. Restricting parking would force vehicles to find alternate locations within the surrounding road network, and is not favoured, as it would lead to sporadic parking requiring further restrictions to be imposed for safety or amenity issues.

There are many other examples of informal verge parking adjacent to Reserve areas throughout the City and this use in this particular location is supported.

The use of Rob Campbell Reserve has also been suggested for car parking, similar to its use during the Melville Water Polo Club Tom Hoad Cup event. However regular parking on the reserve would lead to a deterioration of the grass surface, reticulation damage and other management and control issues and is not recommended.

4. Ancillary Works

- *Grassed bus parking area*

Buses are encouraged to park in this location and not drive to the northern end of Durdham Crescent where they may have difficulty turning around due to the confined nature of the turning area. It is considered that bus parking in this location at the southern end of Durdham Crescent is appropriate and it is not recommended that buses be excluded from this area. They can be accommodated safely within the area and egress and ingress arrangements are appropriate.

If bus and car parking arrangements can be coordinated at this location then it would also be possible that this area be utilised for overflow car parking during peak usage.

- *Reassignment of some existing Durdham Street on-street parking bays*

These existing bays are affected by the extension of the footpath to the full length of the street and the cul-de-sac concepts. If these elements are not proceeded with, it is suggested that the bays remain in their current locations.

- *Angove Lane Speed Plateau*

This element was introduced into the concept following preliminary consultation with Durdham Crescent residents. Some residents had suggested a roundabout or other turning circle arrangement at this location. However this suggestion is not supported as it would increase conflict points at this intersection between cyclists and vehicles and would have a significant impact on the resident's verges and on Rob Campbell Reserve.

Residents had also suggested a raised plateau at this location to slow bicycle and vehicle speeds and to highlight this cycle route. Officers believe that a low impact speed hump would be more beneficial. At intersections, a platform style plateau can be misinterpreted with some users incorrectly thinking that the plateau would give them priority over other vehicles at the intersection.

T13/3404 - DURDHAM CRESCENT, BICTON – PROPOSED PARKING, PATH AND ACCESS IMPROVEMENTS (REC) (CONFIDENTIAL ATTACHMENT)

Some residents had suggested that the section of Durdham Crescent north of Angove Lane be a “residents only” area. This is not favoured as the road reservation is for the use of the community as a whole and should not be restricted in this way and would only compound the access and turning issues in this location.

- *Cul-de-sac turning area*

This standard cul-de-sac would allow vehicles to more easily negotiate the turning manoeuvre at the northern end of Durdham Crescent. The cul-de-sac would be safer and more easily managed from the traffic and parking point of view and less subject to illegal parking. Alternatively the existing “hammer head” turning arrangement could be left in place.

CONCLUSION

In relation to the concept plan prepared for parking, path and access improvements in Durdham Crescent Bicton, consultation with residents has resulted in a majority of 59.7% of respondents in favour of the works, with 33.3% against. Based on this response there is a clear mandate to carry out the works which include:-

- Road resurfacing works for the full length of Durdham Crescent, including the construction of a cul-de-sac turning treatment at the northern end of the street;
- Verge parking to the verge of Rob Campbell Reserve;
- Removal of the existing path and reconstructing it to the east of the verge parking;
- New street tree planting to the east of the new footpath within Rob Campbell Reserve;
- Rationalising the informal grass verge parking area at the corner of Durdham Crescent and Preston Point Road for car and bus parking;
- Providing a continuous path route for the full length of the street to the Bicton Baths Reserve staircase;
- Removal and reassignment of some existing on-street car parking areas;
- Installation of speed plateau to identify the on the road cycle route from Angove Lane.

Respondents in favour and against indicated a preference to maintain the streetscape and aesthetics of the street and suggested that in lieu of the red asphalt parking area, that a surfacing treatment that allowed grass to grow whilst still providing a suitable surface for vehicle parking was preferred.

The City acknowledges that this treatment would be suitable in this particular location and recommends that this treatment be incorporated in the final design.

The City’s concept designs for the proposed modifications in Durdham Crescent are compliant with Australian Standard 2890.5 which relates to “On-street parking”, as all the proposed parking in Durdham Crescent is contained within the road reserve. The concepts also comply with the road design requirements of Austroads (2010 Guide to Road Design Part 3: Geometric Design) and with the requirements set out in the Road Traffic Code.

T13/3404 - DURDHAM CRESCENT, BICTON – PROPOSED PARKING, PATH AND ACCESS IMPROVEMENTS (REC) (CONFIDENTIAL ATTACHMENT)

The principal function of a public road is the movement of vehicular traffic. By complying with the design guidelines outlined in the relevant Standards the City is meeting these regulatory requirements whilst maintaining the principal function of a public road. Durdham Crescent is a gazetted public road that can be used by any member of the public and is not solely for 'the as of right' use by residents alone. That is, it is not a private road.

OFFICER RECOMMENDATION (3404)**APPROVAL**

At 6.46pm Cr Robartson moved, seconded Cr Macphail -

That the Council;

- 1. Note that Durdham Crescent is a public road and provides both vehicle and pedestrian access to a public facility, the Swan River and foreshore areas.**
- 2. Approve the construction of a cul-de-sac turning treatment at the northern end of the street, together with the construction of a new realigned footpath, speed plateaus and parking modifications, as shown on the City's Plan;
3404 Durdham Crescent Bicton Road and Parking Layout Concept Plan**
- 3. Approve the installation of a "turf cell" in lieu of the proposed formal red asphalt verge parking along the eastern verge of the street adjoining Rob Campbell Reserve to maintain the aesthetics of the street, whilst still providing a suitable hardstand for vehicle parking; with new street tree planting to the east of the new footpath within Rob Campbell Reserve.**
- 4. Approve the continued use of the existing informal grass verge parking area at the corner of Durdham Crescent and Preston Point Road and that this be clearly defined by the use of bollards for use as bus and car overflow parking as detailed on the City's "Durdham Crescent, Bicton Road and Parking Layout Concept Plan".**
- 5. Request the Chief Executive Officer to notify the respondents to the concept design consultation carried out during March and April 2013, in writing of points 1 to 4 above.**
- 6. Request the Chief Executive Officer to notify the lead petitioner in writing of points 1 to 4 above.**

T13/3404 - DURDHAM CRESCENT, BICTON – PROPOSED PARKING, PATH AND ACCESS IMPROVEMENTS (REC) (CONFIDENTIAL ATTACHMENT)Amendment 1

At 6.47pm Cr Barton moved, seconded Cr Taylor-Rees -

That an additional recommendation be included as a new point 3 as follows:

- 3. Approves that the parking bays in Durdham Crescent, north of Angove Lane be designated as “Permit Holders Only” parking and that “Permit Holders” be limited to residents who reside or own property in Durdham Crescent or Angove Lane, Bicton.**

That numbering of points 3, 4, 5, and 6 within the Officers Recommendation be renumbered accordingly to read points 4, 5, 6, and 7.

At 7.11pm the Mayor submitted the amendment, which was declared

CARRIED (8/1)

Cr Nicholson requested that the votes be recorded –

**For: His Worship the Mayor, Cr A Nicholson, Cr R Hill, Cr N Foxton,
Cr M Reynolds Cr C Robartson, Cr J Barton, Cr S Taylor-Rees.**

Against: Cr D Macphail.

Reasons for Amendment 1

Cr Barton provided the following reasons in support of the Amendment.

“There are issues with illegal parking at the northern end of Durdham Crescent which is causing concerns for the residents north of Angove Lane. Visitors to the Melville Water Polo Club use cul-de-sac to drop off and pick up their children and at times the cul-de-sac at the northern end of Durdham Crescent becomes congested and often cars are parked illegally whilst waiting for children to be picked up.

I believe that restricting parking in the bays north of Angove Lane by making these bays for Permit Holders only will assist in improving traffic flow within the cul-de-sac and prevent non permit holders from parking in this area.”

T13/3404 - DURDHAM CRESCENT, BICTON – PROPOSED PARKING, PATH AND ACCESS IMPROVEMENTS (REC) (CONFIDENTIAL ATTACHMENT)Amendment 2

At 7.12pm Cr Taylor-Rees moved, seconded Cr Barton -

That Point 2 of the Officers recommendation be deleted and replaced with a new Point 2 that reads as follows:

- 2. Approve the construction of a cul-de-sac turning treatment at the northern end of the Durdham Crescent, together with the construction of a new realigned footpath, parking modifications and the installation of a street print entry statement at the intersection of Angove Lane and Durdham Crescent as shown on the attached Durdham Crescent, Bicton Road and Parking Layout Concept Amended Plan;
3404 Durdham Crescent Bicton Road and Parking Layout Concept Amended Plan and***

That Point 5 of the Officers recommendation be amended by inserting a full stop after the word “parking” and the following words be deleted:

“as detailed on the City’s “Durdham Crescent, Bicton Road and Parking Layout Concept Plan”. “

At 7.13pm the Mayor submitted the amendment, which was declared

CARRIED (9/0)

Reason for Amendment 2

As a result of the community consultation process and feedback from Elected Members at the Agenda Briefing Forum on 2 July 2013, a number of modifications were requested to the original Concept Plan for Durdham Crescent.

Consequently changes have been made to the original concept plan to reflect this feedback.

COUNCIL RESOLUTION (3404)

APPROVAL

At 7.27pm the Mayor submitted the substantive motion as amended -

That the Council;

- 1. Note that Durdham Crescent is a public road and provides both vehicle and pedestrian access to a public facility, the Swan River and foreshore areas.***
- 2. Approve the construction of a cul-de-sac turning treatment at the northern end of the Durdham Crescent, together with the construction of a new realigned footpath, parking modifications and the installation of a street print entry statement at the intersection of Angove Lane and Durdham Crescent as shown on the attached Durdham Crescent, Bicton Road and Parking Layout Concept Amended Plan;
3404 Durdham Crescent Bicton Road and Parking Layout Concept Amended Plan***

T13/3404 - DURDHAM CRESCENT, BICTON – PROPOSED PARKING, PATH AND ACCESS IMPROVEMENTS (REC) (CONFIDENTIAL ATTACHMENT)

3. *Approves that the parking bays in Durdham Crescent, north of Angove Lane be designated as “Permit Holders Only” parking and that “Permit Holders” be limited to residents who reside or own property in Durdham Crescent or Angove Lane, Bicton.*
4. *Approve the installation of a “turf cell” in lieu of the proposed formal red asphalt verge parking along the eastern verge of the street adjoining Rob Campbell Reserve to maintain the aesthetics of the street, whilst still providing a suitable hardstand for vehicle parking; with new street tree planting to the east of the new footpath within Rob Campbell Reserve.*
5. *Approve the continued use of the existing informal grass verge parking area at the corner of Durdham Crescent and Preston Point Road and that this be clearly defined by the use of bollards for use as bus and car overflow parking as detailed on the City’s “Durdham Crescent, Bicton Road and Parking Layout Concept Plan”.*
6. *Request the Chief Executive Officer to notify the respondents to the concept design consultation carried out during March and April 2013, in writing of points 1 to 5 above.*
7. *Request the Chief Executive Officer to notify the lead petitioner in writing of points 1 to 5 above.*

At 7.28pm the Mayor declared the motion -

CARRIED (9/0)

At 7.30pm the meeting reverted to the normal order of the agenda.

P13/3406 - RISELEY CENTRE STRUCTURE PLAN INITIAL CONCEPT DESIGNS - APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Strategic
 Application Number : Not applicable
 Property : All properties within the Structure Plan Study Area
 Proposal : Progression of the Riseley Centre Structure Plan Project to Stage 1 Community Engagement on 4 Initial Design Concept Plans for the Centre
 Applicant : City of Melville
 Owner : Various public and private owners within study area
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item P12/3313 – Draft Vision for the Riseley Centre – Feedback from Community Forums and Centre Structure Plan – Ordinary Meeting of Council 19 June 2012
 Responsible Officer : Gavin Ponton
 Manager Strategic Urban Planning

AUTHORITY / DISCRETION

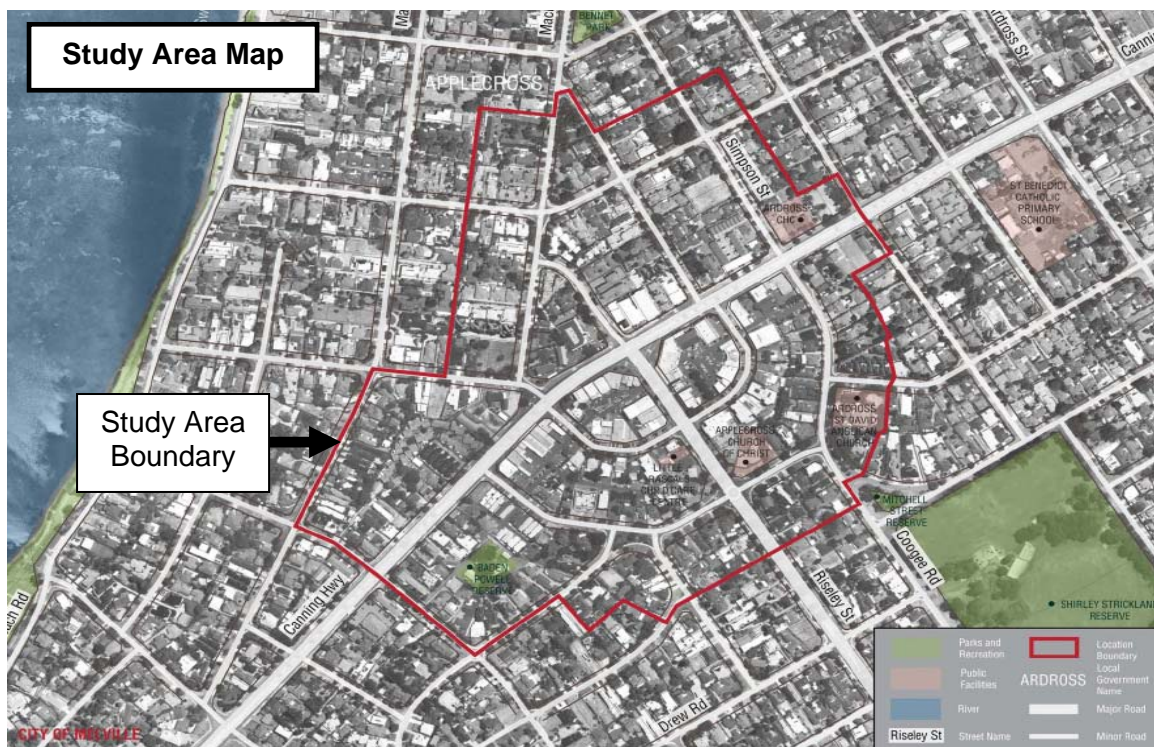
DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the 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 the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the 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>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

P13/3406 - RISELEY CENTRE STRUCTURE PLAN INITIAL CONCEPT DESIGNS - APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- The City is coordinating the preparation of a structure plan for the Riseley Activity Centre, which is located around the intersection of Riseley Street and Canning Highway in Ardross and Applecross.
- TPG Town Planning, Heritage and Urban Design have been appointed to prepare the plan and associated studies.
- The structure plan will reassess and build upon earlier planning work for the centre and carefully consider the previous feedback received from the community.
- It will be considering matters such as the future zoning, development and land use of lots within the study area. It will provide the framework for future redevelopment or land use changes.
- The goal of the project is to create a vibrant and sustainable centre that will be a great place to live, work, socialise and shop.
- A project update was presented to Council at an Elected Member Information Session held on 25 June 2013.
- There are two major community engagement stages in the project, which are briefly summarised as follows:
 - Stage 1** – Four concept plans will be publicly advertised and comments/ideas/suggestions sought from the community; and
 - Stage 2** - The comments received in Stage 1 will inform the preparation of a draft structure plan, which will be publicly advertised and further comments sought.
- This report seeks Council authorisation to publicly advertise the four initial concept plans for the future of the centre as part of Stage 1 community engagement.



**P13/3406 - RISELEY CENTRE STRUCTURE PLAN INITIAL CONCEPT DESIGNS -
APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)****BACKGROUND**

The City began planning for the Riseley Centre in 2008. A significant amount of background work has already been completed for the activity centre, including community visioning, stakeholder surveys, forums and workshops, a planning analysis and an economic analysis.

Council considered a report on the Draft Vision for the Riseley Centre at its Ordinary Meeting held on 19 June 2012. Whilst noting the community's generally supportive responses to the Draft Vision, Council was concerned about the proposed ten storey height limits and resolved in part that:

2. *"Notes the community's generally supportive responses to the Draft Vision for the Riseley Centre and that the further planning process should acknowledge and incorporate the feed back and comments contributed by the community in response to the Draft Vision for the Riseley Centre.*
3. *Notes the number of concerns raised from within the community related to built forms and building heights and accordingly supports a review of the heights, locations and distribution of built form illustrated in the Draft Vision for the Riseley Centre, as components of further detailed studies and the structure planning process.*
4. *Notes that the built form and building heights illustrated in the Draft Vision for the Riseley Centre are indicative only and are to be reviewed as part of the preparation of an Activity Centre Structure Plan for the Riseley District Centre.*
9. *In considering any future development of the Riseley Street Centre that the Council does not support ten storey building heights in the Riseley Centre or along Canning Highway within the Riseley Precinct and the structure planning process should consider restricting building height to less than six storeys only for developments between the Kearns Crescent and Willcock Street areas provided the developments are on land larger than a minimum area and delivers public benefits on amenities."*

The Draft Vision was not formally adopted by Council.

**P13/3406 - RISELEY CENTRE STRUCTURE PLAN INITIAL CONCEPT DESIGNS -
APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)****Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Various
R-Code	:	Various
Use Type	:	Not Applicable
Use Class	:	Not applicable

Site Details

Site Details	:	Please Refer to Attachment 1
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DETAIL

In summary, the key issues to be addressed in the structure plan from the community's perspective are:

1. Traffic and parking
2. Building height
3. 'Look and feel' of the area (building appearance and streetscapes)
4. Personal and pedestrian safety and
5. Land use

The structure plan will be reassessing and building upon the earlier planning work for the centre and the previous feedback received from the community. It will also be reviewing built form and buildings heights in accordance with Council's previous resolution.

The major outputs of the project will be an endorsed structure plan and the rezoning of the Riseley Centre in accordance with the structure plan (the City will be responsible for preparing and managing the future town planning scheme amendment).

Elected Members were updated on the project at an Elected Member Information Session held on 25 June 2013.

One of the comments made during the Draft Vision process was the perceived lack of community engagement. The City has therefore proposed additional community engagement and an innovative approach to seek feedback on four concept plans for the centre.

The concept plans are not intended to be definitive and detailed "options" that could be adopted in full as a draft structure plan. Rather, the concepts are seen as a way to present the community with a range of possible ideas, promote open discussion and better inform the preparation of the draft structure plan, which will be far more detailed than any of the concept plans.

**P13/3406 - RISELEY CENTRE STRUCTURE PLAN INITIAL CONCEPT DESIGNS -
APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)**Common Aspects in All Concept Plans

- Improve streetscapes and amenity in the centre
- Improve pedestrian and cycle accessibility
- Shift the focus wherever possible towards 'streets for people' and away from the 'roads for cars' approach
- Review speed limits on town centre streets (but not Canning Highway)
- Promote a mix of appropriate land uses
- Promote local businesses and employment
- Investigate alternatives to address perceived car parking issues
- Investigate innovative approaches to create a better place for people

The four initial concept plans are briefly summarised as follows:

Concept 1 – Local Living, Local Life

- Mixed use town centre with a focus on a moderate increase in residential development in and around the centre

Concept 2 – Live, Work and Play

- Promote a place for people model with a more intensive mix of land uses and residential development
- Promote the night-time economy

Concept 3 – Transit, Walk and Ride

- Create a town centre well-supported by public transport and improving walking and cycling options

Concept 4 – Green and Smart

- Promote environmentally sustainable development, reduce the need for car use and promote social, economic and environmental innovation

The four concepts plans have been provided as a confidential attachment to this report.

The draft structure plan could be based on one or more of the above concept plans, or the best parts of each concept could be included in the future draft structure plan.

PUBLIC CONSULTATION/COMMUNICATION

The City is proposing a comprehensive approach to engaging landowners, residents, visitors, business operators and the community through this project.

P13/3406 - RISELEY CENTRE STRUCTURE PLAN INITIAL CONCEPT DESIGNS - APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)

The project has been and is being promoted in a number of different ways:

- Information has been available on the City's website since early 2013
- A Project Update database has been set up to gather the contact details of people who would like to be kept up to date on the project. There are 118 registrations to date
- Approximately 2,100 letters were sent to all residents and absentee landowners within approximately 800 metres of the centre, people who signed the petition made to the City in May 2012, local politicians and community groups to provide an overview of the project and inviting them to a Community Information Session arranged for 15 May 2013
- Information in the 'About Melville' section in the *Melville Times* on 7 May 2013 and
- A Community Information Session on 15 May 2013, which attracted around 215 people

There will be two major community engagement stages, which are briefly summarised as follows:

Stage 1 – Four concept plans will be publicly advertised and comments/ideas/suggestions sought from the community; and

Stage 2 - The comments received in Stage 1 will inform the preparation of a draft structure plan, which will be publicly advertised and further comments sought.

Level of Community Influence

The community and to some extent, the City, have less influence over regional issues such as:

- Population growth and the need for the City to accommodate its share of the expected population growth
- Regional traffic along Canning Highway and Riseley Street
- Public transport services

The community and the City have more influence over local issues such as:

- Building height (subject to meeting the Western Australian Planning Commission's targets for activity centres and the City overall)
- Land use
- Car parking
- Streetscapes and public spaces
- Building appearance and character
- Quality of development
- Walking and cycling

P13/3406 - RISELEY CENTRE STRUCTURE PLAN INITIAL CONCEPT DESIGNS - APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)

Next Steps

The next steps for the project are:

- Public advertising of the four initial concept plans for the centre
- Collate and analyse community feedback and submissions on the four initial concept plans
- Prepare a draft structure plan
- Report to Council on the draft structure plan
- Public advertising of the draft structure plan and
- Council to consider adoption of the structure plan following public advertising

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications at this stage of the project.

FINANCIAL IMPLICATIONS

An amount of \$120,000 has been provided in the 2012/2013 budget to progress the project. \$62,500 has been expended to date with the remaining funds proposed to be carried forward into the 2013/2014 budget to complete the project. The project is currently proceeding within the specified budget allocation.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Council does not support the four concept plans	Moderate consequences which are possible, resulting in a Medium level of risk	Identify any issues that need to be addressed to further progress the concept planning phase
Community opposition to the four concept plans during Stage 1 community engagement	Moderate consequences which are likely, resulting in an High level of risk	Acknowledge and understand that there will be different opinions Be open and transparent Ensure correct process is followed

POLICY IMPLICATIONS

There are no policy implications at this stage of the project.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council may choose not to support any of the four initial design plans and as such may not wish to endorse these for further community engagement. In such a situation, the consultants could be re-engaged to consider matters raised by Council and the amended design plans could be re-presented for further consideration of Council. This alternative would have potential time and cost implications for the project.

**P13/3406 - RISELEY CENTRE STRUCTURE PLAN INITIAL CONCEPT DESIGNS -
APPROVAL FOR ADVERTISING (REC) (CONFIDENTIAL ATTACHMENT)**

Alternatively, the Council may not wish to proceed with this project at all. In such a situation, all current land uses would continue as-is (subject only to any changes that might arise as result of development applications or review of the Local Planning Scheme).

CONCLUSION

The project is progressing and it is considered an appropriate time to further engage with the community on four initial design plans. A comprehensive approach to engaging landowners, residents, visitors, business operators and the community is proposed.

The four concept plans are not intended to be definitive and detailed “options” that could be adopted in full as a draft structure plan. Rather, the concepts are seen as a way to present the community with a range of possible ideas, promote open discussion and better inform the preparation of the draft structure plan, which will be far more detailed than any of the concept plans.

It is recommended that Council support the progression of the Riseley Activity Centre Structure Plan project to Stage 1 community engagement on four initial design plans for the centre.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3406)**APPROVAL****That the Council:**

- 1. Endorse the progression of the Riseley Activity Centre Structure Plan project to Stage 1 community engagement on four initial design plans for the centre.**
- 2. Note that a further report will be presented to the Council prior to the Stage 2 community engagement process on the draft structure plan.**
- 3. Approve the release of the Confidential Attachments to this report at the time of commencement of Stage 1 community engagement.**

At 7.40pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (9/0)

C13/5000 – COMMON SEAL REGISTER (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Legal Matters and Documentation
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 and Support

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the 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 the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the 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>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 21 May 2013 up to and including 17 June 2013 and recommends that the information be noted.

C13/5000 – 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 and the Mayor and the Chief Executive Officer attest the affixing of the seal.

DETAIL

Register Reference	Party	Description	File Reference
762	Deep Water Point Café/Kiosk	Deed of Extension for a further one year term between Manta Services Pty Ltd and City of Melville	2974774
789	Leeming Heights Community Hall Incorporated	Management Licence between the City of Melville and Leeming Heights Community Hall Incorporated	2924832
797	The Revellers Australia Limited	Management Licence between the City of Melville and The Revellers Australia Limited at Kadidjiny Hall 70-72 Curtis Road, Melville	2982355
804	Withdrawal of Caveat	Withdrawal of Caveat, L680497 Replacement Agreement and Caveat Lot 2 (67A) Warragoon Crescent , Attadale to permit the transfer of land	3021175

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

C13/5000 – COMMON SEAL REGISTER (REC)**STATUTORY AND LEGAL IMPLICATIONS**

Section 2.5(2) of the Local Government Act 1995 states:

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

Section 9.49A (3) of the Local Government Act 1995 states:

(3) *The common seal of the local government is to be affixed to a document in the presence of —*

(a) *the mayor or president; and*

(b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members information.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5000)**NOTING**

That the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 21 May 2013 up to and including 17 June 2013, be noted.

At 7.40pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (9/0)

C13/6000 - INVESTMENT STATEMENTS FOR MAY 2013 (REC)

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 – Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the 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 the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the 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>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

- This report presents the investment statement for the month of May 2013 and recommends that the information detailed in the report be noted.
- The continued cuts in the 'Cash' rate and legislative restrictions, continues to have a major impact on the City's investment earnings.
- Monthly valuations for Collateralised Debt Obligations (CDOs) shown for May 2013 are based on valuations obtained from CPG Research and Advisory as at 31 May 2013. When compared to the valuations used as at 30 June 2012, CDOs have increased in value by \$1,113,127.

C13/6000 - INVESTMENT STATEMENTS FOR MAY 2013 (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 in appropriately rated and liquid investments.

The investment of cash holdings is undertaken in accordance with Council Policy CP-009 - Investment of Funds, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

Summary details of investments held as at 31 May 2013 are shown in the tables below.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 MAY 2013					
SUMMARY BY FUND	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 37,714,825	\$ 37,714,825	\$ 37,714,825	\$ -	0.00%
RESERVE	\$ 52,174,167	\$ 49,256,405	\$ 50,369,532	\$ 1,113,127	2.13%
TRUST	\$ 472,723	\$ 472,723	\$ 472,723	\$ -	0.00%
CRF	\$ 193,535	\$ 193,535	\$ 193,535	\$ -	0.00%
	\$ 90,555,250	\$ 87,637,488	\$ 88,750,615	\$ 1,113,127	1.23%
SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
CDO	\$ 3,000,000	\$ 82,238	\$ 1,195,365	\$ 1,113,127	37.10%
BOND	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
FRN	\$ -	\$ -	\$ -	\$ -	0.00%
FRTD	\$ 3,500,000	\$ 3,500,000	\$ 3,500,000	\$ -	0.00%
TERM DEPOSIT	\$ 78,923,720	\$ 78,923,720	\$ 78,923,720	\$ -	0.00%
11AM	\$ 2,900,886	\$ 2,900,886	\$ 2,900,886	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 90,555,250	\$ 87,637,488	\$ 88,750,615	\$ 1,113,127	1.23%
SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 8,500,000	\$ 8,500,000	\$ 8,500,000	\$ -	0.00%
AA-	\$ 43,403,394	\$ 43,403,394	\$ 43,403,394	\$ -	0.00%
A+	\$ 13,000,000	\$ 13,000,000	\$ 13,000,000	\$ -	0.00%
A	\$ 13,921,212	\$ 13,921,212	\$ 13,921,212	\$ -	0.00%
A-	\$ 4,700,000	\$ 4,700,000	\$ 4,700,000	\$ -	0.00%
BBB+	\$ 3,800,000	\$ 3,800,000	\$ 3,800,000	\$ -	0.00%
NR	\$ 3,000,000	\$ 82,238	\$ 1,195,365	\$ 1,113,127	37.10%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 90,555,250	\$ 87,637,488	\$ 88,750,615	\$ 1,113,127	1.23%

C13/6000 - INVESTMENT STATEMENTS FOR MAY 2013 (REC)

The following statements detail the investments held by the City for the period ending 31 May 2013. Marketable investments are shown at their current estimated market value.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 MAY 2013									
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Current Interest Rate %	S & P RATING	FACE VALUE \$	BOOK VALUE AT 30/6/2012 \$	CURRENT EST MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/06/12 \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.75%	AA-	\$587	\$587	\$587	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	3.75%	AA-	\$1,900,000	\$1,900,000	\$1,900,000	\$0	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	4.10%	AA-	\$1,000,125	\$1,000,125	\$1,000,125	\$0	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	4.10%	AA-	\$173	\$173	\$173	\$0	On call
					\$2,900,886	\$2,900,886	\$2,900,886	\$0	
BANKWEST (TERM)	Very Low	TERM	Various	AA-	\$181,155	\$181,155	\$181,155	\$0	Various
BANK OF QUEENSLAND (TERM)	Very Low	TERM	4.50%	BBB+	\$1,800,000	\$1,800,000	\$1,800,000	\$0	23-Jul-13
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$4,700,000	\$4,700,000	\$4,700,000	\$0	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$8,000,000	\$8,000,000	\$8,000,000	\$0	Various
ING BANK (TERM)	Very Low	TERM	Various	A	\$11,500,000	\$11,500,000	\$11,500,000	\$0	Various
MACQUARIE BANK (TERM)	Very Low	TERM	4.35%	A	\$921,212	\$921,212	\$921,212	\$0	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$17,000,000	\$17,000,000	\$17,000,000	\$0	Various
RABODIRECT (TERM)	Very Low	TERM	4.50%	AA	\$6,500,000	\$6,500,000	\$6,500,000	\$0	7-Oct-13
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$4,000,000	\$4,000,000	\$4,000,000	\$0	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$13,000,000	\$13,000,000	\$13,000,000	\$0	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$11,321,353	\$11,321,353	\$11,321,353	\$0	Various
					\$78,923,720	\$78,923,720	\$78,923,720	\$0	
BANK OF QUEENSLAND (FLOAT RATE TD)	Very Low	FRTD	4.60%	BBB+	\$2,000,000	\$2,000,000	\$2,000,000	\$0	30-Sep-13
ING BANK (FLOAT RATE TD)	Very Low	FRTD	4.63%	A	\$1,500,000	\$1,500,000	\$1,500,000	\$0	10-Sep-13
					\$3,500,000	\$3,500,000	\$3,500,000	\$0	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	4.11%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
					\$2,000,000	\$2,000,000	\$2,000,000	\$0	
CORSAIR (CAYMAN) KAKADU	Very High	CDO	4.45%	NR	\$1,500,000	\$72,363	\$318,300	\$245,937	20-Mar-14
MANAGED ACES CLASS 1A PARKES	Very High	CDO	4.67%	NR	\$1,050,000	\$9,874	\$562,065	\$552,191	20-Jun-15
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	\$450,000	\$1	\$315,000	\$314,999	20-Sep-14
					\$3,000,000	\$82,238	\$1,195,365	\$1,113,127	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	\$230,645	\$230,645	\$0	NA
TOTAL FUNDS INVESTED					\$90,555,250	\$87,637,488	\$88,750,615	\$1,113,127	
CREDIT RISK COMPARISON									
CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments				
AA	\$8,500,000	\$8,500,000	10%	80%					
AA-	\$43,403,394	\$43,403,394	49%	80%					
A+	\$13,000,000	\$13,000,000	15%	50%					
A	\$13,921,212	\$13,921,212	16%	50%					
A-	\$4,700,000	\$4,700,000	5%	50%					
BBB+	\$3,800,000	\$3,800,000	4%	20%					
NR	\$3,000,000	\$1,195,365	1%		Purchased Prior To Policy Change				
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision				
TOTAL	90,555,250	88,750,615	100%						

C13/6000 - INVESTMENT STATEMENTS FOR MAY 2013 (REC)
DIVERSIFICATION RISK

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
BANKWEST (11AM)	11AM	AA-	587	0.00%		20%	
BANKWEST (TERM)	TERM	AA-	181,155	0.20%	0.20%	20%	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	1,800,000	2.03%		10%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	BBB+	2,000,000	2.25%	4.28%	10%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	4,700,000	5.30%	5.30%	15%	
CITIBANK (TERM)	TERM	AA-	8,000,000	9.01%	9.01%	20%	
COMMONWEALTH BANK (TERM)	TERM	AA-	-	0.00%		20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	2.25%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	-	0.00%	2.25%	20%	
ING BANK (TERM)	TERM	A	11,500,000	12.96%		15%	
ING BANK (FLOAT RATE TD)	FRTD	A	1,500,000	1.69%	14.65%	15%	
MACQUARIE BANK (TERM)	TERM	A	921,212	1.04%	1.04%	15%	
NAB (TERM)	TERM	AA-	17,000,000	19.15%		20%	
NAB (FRN)	FRN	AA-	-	0.00%	19.15%	20%	
RABODIRECT (TERM)	TERM	AA	6,500,000	7.32%	7.32%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	4,000,000	4.51%	4.51%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	13,000,000	14.65%	14.65%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	1,000,125	1.13%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	173	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	1,900,000	2.14%		20%	
WESTPAC (TERM)	TERM	AA-	11,321,353	12.76%	16.02%	20%	
CDO - Various	CDO		1,195,365	1.35%	1.35%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.26%	0.26%		
			88,750,615	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	37,956,903	100%	100%	
	37,956,903	100%		
RESERVE FUNDS				
< 1 year	47,492,467	94%	100%	
< 2 years	315,000	1%	80%	
< 3 years	2,562,065	5%	80%	
< 4 years	-	0%	40%	
< 5 years	-	0%	40%	
> 5 years	-	0%	20%	
	50,369,532	100%		

C13/6000 - INVESTMENT STATEMENTS FOR MAY 2013 (REC)

Due to the continuing volatility in credit markets worldwide, the risks associated with two of the City's three CDOs remains elevated.

Monthly valuations for CDOs shown are based on valuations obtained from CPG Research and Advisory (CPG) as at 31 May 2013 who in turn have obtained them from the arranging banks. When compared to the valuations used as at 30 June 2012, valuations obtained from CPG as at 31 May 2013 show that CDOs have increased in value by \$1,113,127.

The last remaining Lehman Brothers arranged CDO with a face value of \$450,000 remains to be settled and is expected to be realised at levels in excess of its full face value.

The Corsair Cayman Kakadu CDO and the MAS Parkes 1A CDO has suffered an erosion of credit support and therefore underlying principal of 8.6% and 41.9% respectively. Both CDOs continue to pay interest at a reduced rate depending on the extent of the principal loss incurred. The City has earned approximately \$5.04 million from CDO investments since 1 July 2007.

The remaining values of non Lehman Brothers arranged CDOs held as at 30 April 2013 were:

- Face Value	\$ 2,550,000
- Written Down (Book) Value (30 June 2012)	\$ 82,237
- Estimated Market Value (31 May 2013)	\$ 880,365

Further investment in CDOs is specifically excluded under the City's current Investment Policy.

C13/6000 - INVESTMENT STATEMENTS FOR MAY 2013 (REC)

Credit Ratings and Credit Events

Twenty two credit events impacting the City's CDO investments have now been recorded to date. The Companies involved are ResCap, PMI Group, AMBAC Financial, Takefuji, AMBAC Assurance, AIFUL, Tribune, Thomson, 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, Chemtura, Abitibi and CIT Group.

The City's Remaining CDO Investments:

CDO Name Arranger Face Value & Maturity Date	No. of Credit Events	Remaining Credit Support before FIRST Loss of Principal	Remaining Credit Support before TOTAL Loss of Principal	Comments
Corsair Cayman Kakadu Arranger: J.P. Morgan Australia \$1.5 million Maturing 20/3/14	12 credit events: ResCap, AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, Kaupthing, CIT Group, Anglo Irish Bank & PMI Group	-0.1	1.8	Partial loss 8.6% (\$0.129 million) of principal has occurred. Very high likelihood of total default.
Managed Aces Class Parkes 1A Arranger: Morgan Stanley \$1.05 million Maturing 20/6/15	10 credit events: ResCap, AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, CIT Group & PMI Group.	-0.8	1.1	Partial loss 41.9% (\$0.44 million) of principal has occurred. Very high likelihood of total default.

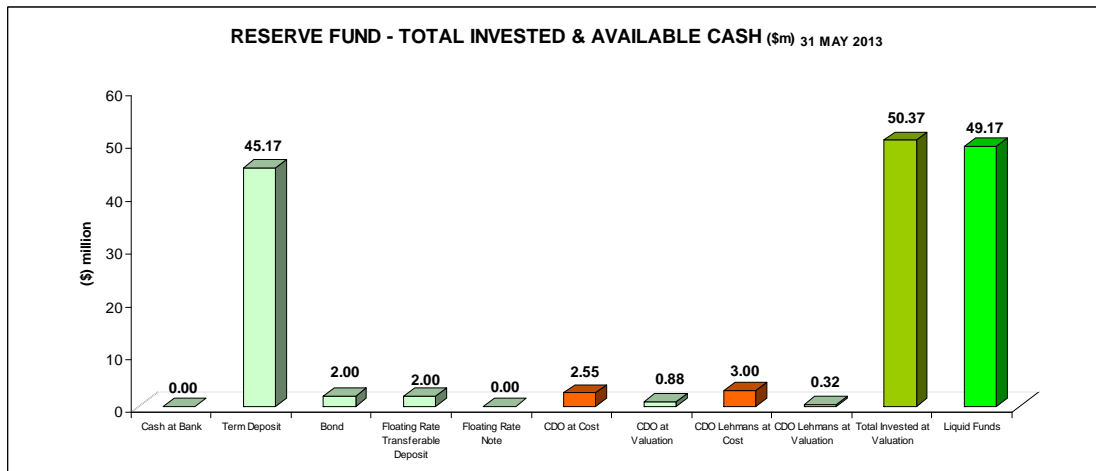
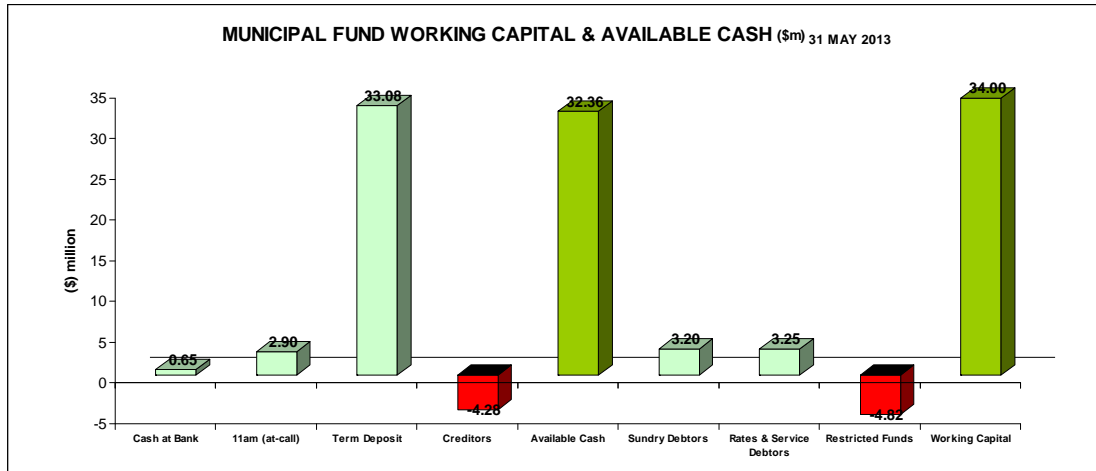
Terminated Lehman Brothers Arranged CDO Investments:

Beryl Finance Global Bank Note 2 \$450,000 Terminated (20/9/14)	Nil credit events:	1	N/A	Terminated due to Lehman bankruptcy – In the process of being unwound and the Trustee disposing of the collateral.
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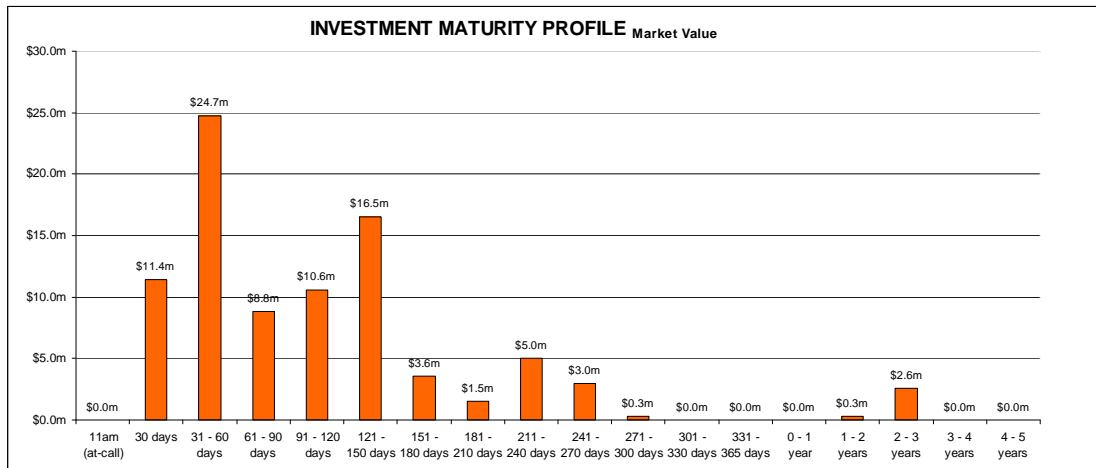
C13/6000 - INVESTMENT STATEMENTS FOR MAY 2013 (REC)

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 at 31 May 2013.



The graph below summarise the maturity profile of the City's investments at market value as at 31 May 2013.



C13/6000 - INVESTMENT STATEMENTS FOR MAY 2013 (REC)**PUBLIC CONSULTATION/COMMUNICATION**

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

In addition the City'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

City officers are in regular contact with the City's investment advisors, CPG Research and Advisory.

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. Johnson Winter and Slattery (JWS) was successful in seeking an early termination of four of the City's Lehman arranged CDOs, so that on 26 February 2013 the City gained access to the collateral representing the City's original investments which are held by Trustees for the Lehman Brothers arranged CDOs.

In conjunction with approximately 71 other corporations and local government authorities the City of Melville has engaged litigation funder IMF Australia to seek recovery of losses from Lehman Brothers Australia. Whilst the decisions taken by the various courts have been positive for the litigants the legal process is lengthy. The latest development is that the Scheme of Arrangement of Lehman Bros Australia, which documents the distribution that the City would receive in partial recompense of the losses the City incurred as a result of its investment in CDOs, is now being challenged by Lehman Brothers USA who through purchase of Lehman Brothers Asia have established themselves as a creditor with sufficient voting rights to thwart the Scheme of Arrangement. It therefore appears that the matter will go back through the courts for resolution which is understood to be a lengthy process.

C13/6000 - INVESTMENT STATEMENTS FOR MAY 2013 (REC)**FINANCIAL IMPLICATIONS**

For the period ending 31 May 2013, interest earned on:

- Municipal and Trust Funds was \$1,697,350 against a revised budget of \$1,922,479. This represents a \$225,129 negative variance. The full year investment earnings revised budget for Municipal Funds is \$1.725 million.
- Reserve Funds was \$2,844,415 against a revised budget of \$2,446,882. This represents a \$397,533 positive variance. The full year investment earnings revised budget for Reserve Accounts is \$2.6 million.

The City's revenue from investment earnings is expected to decrease in the foreseeable future, as the Reserve Bank of Australia (RBA) continues to cut the 'Cash' rate and the new legislative restrictions that have been placed by regulation that limits the type of investments, and more importantly the maximum term to maturity, in which the City is permitted to invest. As stated above the amount of Municipal and Trust investment earnings has been revised downwards during the mid year budget review.

The City's last remaining Lehman Brothers arranged CDO with a face value of \$450,000 is in the process of being unwound and the City expects that this will be repaid in excess of its full face value.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Council's Investment of Funds policy is constructed to minimise credit risk through investing in highly rated securities and diversification. The policy also incorporates mechanisms that protect the City'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 continuing credit market volatility the risks associated with two of the City's three remaining CDOs is high. Whilst the City continues to earn and be paid interest from its two remaining non Lehman Brothers 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 do not meet the Council's investment policy. The remaining two legacy CDO investments are being closely monitored by officers in conjunction with the City's investment advisors.

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

There are no other identifiable strategic, risk and environmental management implications.

C13/6000 - INVESTMENT STATEMENTS FOR MAY 2013 (REC)**POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The investment report highlights that, except for the remaining three legacy CDO investments of 2007, the City's investment portfolio is invested in highly secure investments and is returning market competitive investment returns commensurate with the level of risk of the portfolio.

It highlights however, that investment earnings are currently below budget and that future expected investment earnings will continue to decrease due to continuing interest rates cuts and legislative restrictive investment options.

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

That the Investment Report for the month of May 2013 be noted.

At 7.40pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (9/0)

C13/6001 – SCHEDULE OF ACCOUNTS FOR MAY 2013 (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 : 2012/13 Budget
 Responsible Officer : Khris Yeoh - Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the 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 the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the 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>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents the details of payments made under delegated authority to suppliers for the month of May 2013 and recommends that the Schedule of Accounts be noted.

C13/6001 – SCHEDULE OF ACCOUNTS FOR MAY 2013 (REC) (ATTACHMENT)

BACKGROUND

Delegated Authority DA-035 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 Management) Regulations 1996, where this power has been delegated, a list of payments for each month is to be compiled and presented to Council. The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

DETAIL

The Schedule of Accounts for the month ending 31 May 2013 ([6001 May 2013](#)), including Payment Registers numbers, Cheques **349 to 352** and Electronic Funds Transfers **294 to 299** were distributed to the Members of Council on 28 June 2013.

Payments in excess of \$25,000 for the month of May 2013 are detailed as follows:

Supplier Name	Remittance Number	Remittance Details	Amount
Anchor Plumbing & Gas Pty Ltd	Chq 053573	Plumbing services	\$97,847.53
Asphaltech Pty Ltd	Chq 053570, E034287 & E034388	Asphalt & civil works	\$504,678.82
Boral Construction	E034277	Final settlement of all amounts due payable as agreed	\$55,000.00
City of Cockburn	E034061 & E034294	Tip fees for April 2013	\$86,556.83
Complete Tyre Solutions	E034165 & E034381	Tyres	\$25,212.00
Crabclaw Holdings Pty Ltd	E034142 & E34364	Building maintenance	\$43,843.40
Dalkia Technical Services Pty Ltd	E034223	Replacement of chiller at Civic Centre	\$158,510.00
Dickies Tree Service	E034063 & E034295	Tree lopping service	\$91,883.04
Dowsing Concrete	E034472, E034268 & E034288	Concrete works	\$94,130.23
E & MJ Rosher Pty Ltd	E034341	Kubota articulated loader	\$85,301.20
Earthcare Australia Pty Ltd	E034175	Limestone retaining wall at Bicton Quarantine	\$32,170.60
Fire & Emergency Services Authority WA	E034221	ESL remittance for April 2013	\$113,183.06
Forpark Australia	E034052 & E034066	Playground equipment	\$26,317.39
GHD Pty Ltd	E034403 & E034195	Soil & gas investigation at John Connell Reserve, structure plan for Willagee Community Centre & stage 1 investigation of 3 sites	\$69,295.91
Greenway Enterprises	E034463 & E034259	Hand tools	\$30,101.94
Hays Specialised Recruitment	E034230 & E034435	Temporary employment	\$30,455.98
Humes Wembley Cement	E034125 & E034347	Drainage & pipe materials	\$28,790.73
JMG Air Conditioning & Electrical Services	E034219 & E034429	Maintenance to air conditioners	\$59,882.49
Macdonald Johnston Pty Ltd	E034298 & E034069	Engineering equipment	\$27,723.00

C13/6001 – SCHEDULE OF ACCOUNTS FOR MAY 2013 (REC) (ATTACHMENT)

Supplier Name	Remittance Number	Remittance Details	Amount
Melville Toyota	E034356	Toyota Hilux	\$31,918.23
Miracle Recreation Equipment	E034053 & E034333	Playground equipment	\$64,515.00
Pianda Maintenance	E034166 & E034382	Brick paving	\$36,113.60
RBM Drilling	E034119	Irrigation bore for various reserves	\$59,796.00
Rhysco Electrical Services	E034193, E034282 & E034400	Electrical services	\$53,848.91
Roads 2000 Pty Ltd	E034436	Asphalt & civil works	\$50,001.25
Robinson Buildtech	E034304 & E034074	Building maintenance	\$29,486.22
Southern Metropolitan Regional Council	E034375, E034159 & E034054	Recyclable gate fees for April 2013, MSW & green waste fees for April 2013, WFC Member contribution for March & April 2013, & MSW gate fees for April 2013	\$910,562.72
Synergy	E034317 & E034092	Electricity billing	\$391,073.71
Tree Planting & Watering	E034227 & E034433	Tree watering	\$37,226.65
WA Hino Sales & Service	E034399 & E034192	Hino 300 series 617 Truck & Modifications	\$181,074.43
West Coast Turf	E034331 & E034109	Turf laying	\$32,208.00
Western Power	Chq 05339, E034314 & E034088	Electricity Accounts	\$926,709.00

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2012/13 Budget and subsequent Budget reviews.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no identifiable strategic, risk and environmental management implications.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C13/6001 – SCHEDULE OF ACCOUNTS FOR MAY 2013 (REC) (ATTACHMENT)**CONCLUSION**

This is a regular monthly report for Elected Members' information.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6001)**NOTING**

That the Schedule of Accounts for the month ending 31 May 2013 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 May 2013](#) be noted.

At 7.40pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (9/0)

C13/6002 – FINANCIAL STATEMENTS FOR MAY 2013 (AMREC) (ATTACHMENTS)

Ward	: All
Category	: Operational
Subject Index	: Financial Reporting - Financial 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 – Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the 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 the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the 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>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

<p>This report presents</p> <ul style="list-style-type: none"> • The Financial Statements for the financial year, period ending 31 May 2013 and recommends that they be noted by the Council. • Budget amendments for the period ending 31 May 2013 and recommends that they be adopted by Absolute Majority decision of the Council. • The variances for the month of May 2013 and recommends that they be noted by the Council. • Debts that have been written off under delegated authority for the month of May 2013 and recommends that they be noted by the Council.
--

C13/6002 – FINANCIAL STATEMENTS FOR MAY 2013 (AMREC) (ATTACHMENTS)
BACKGROUND

The Financial Statements for the financial year period ending 31 May 2013 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996.

DETAIL

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

For the period 1 July 2012 to 31 May 2013, a net operating positive variance of \$10,421,198 and a net capital positive variance of \$8,850,548 were recorded.

Variations

A summary of variances and comments are provided in attachment [6002H May 2013](#).

	May Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$	Current Commitments \$
Revenues								
Governance	152,573	2,002,923	2,210,661	207,738	10%	1,309,100	2,104,504	(190)
General Purpose Funding	795,609	14,230,643	19,524,531	5,293,888	37%	13,844,420	14,258,781	-
Recreation and Culture	669,594	8,322,953	8,537,912	214,959	3%	8,840,659	9,182,429	-
Transport	542,480	5,373,947	4,725,484	(648,463)	-12%	4,897,541	5,537,235	-
Other Property and Services	17,462	2,165,690	532,069	(1,633,622)	-75%	387,618	1,606,951	3,780
	2,321,245	51,533,385	55,022,565	1,855,559	7%	48,956,270	52,244,965	3,590
Expenses								
Governance	(641,391)	(9,466,038)	(8,682,514)	783,525	-8%	(10,698,225)	(10,286,627)	(647,638)
General Purpose Funding	(11,000)	(6,543,121)	(6,491,103)	52,018	-1%	(6,575,980)	(6,840,195)	(37,912)
Law, Order, Public Safety	(306,966)	(3,417,569)	(3,200,890)	216,679	-6%	(3,723,487)	(3,767,310)	(73,589)
Health	(85,985)	(921,354)	(825,774)	95,580	-10%	(1,035,558)	(1,010,815)	(6,401)
Education & Welfare	(673,672)	(4,897,601)	(4,539,103)	358,498	-7%	(5,463,762)	(5,391,088)	(136,182)
Community Amenities	(1,567,749)	(18,451,808)	(16,777,345)	1,674,463	-9%	(19,172,687)	(20,211,586)	(682,420)
Recreation and Culture	(2,435,606)	(25,514,491)	(24,732,408)	782,084	-3%	(26,815,555)	(27,931,581)	(930,888)
Transport	(726,435)	(9,227,975)	(8,246,952)	981,023	-11%	(10,028,523)	(10,033,623)	(500,509)
Other Property and Services	(641,050)	(9,340,946)	(9,916,196)	(575,250)	6%	(8,557,716)	(9,953,318)	(108,595)
	(7,094,510)	(87,821,046)	(83,459,177)	4,620,721	-5%	(92,121,667)	(95,470,169)	(3,124,431)

Revenue

\$52.512m in Rates was raised to 31 May 2013. This is compared with a year to date budget of \$52.530m, resulting in a negative variance of \$18K.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for May 2013.

Budget Amendments

Details of Budget Amendments requested for the month of May 2013 are shown in attachment [6002J May 2012](#). These amendments have been carried out to reflect the appropriate responsible officers and the correction of account numbers.

C13/6002 – FINANCIAL STATEMENTS FOR MAY 2013 (AMREC) (ATTACHMENTS)

Rates Collections and Debtors

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$660,776 were collected over the course of the month. Rates collection progress for the month of May was 0.9% below target. As at 31 May 2013, 96.1% of 2012/13 rates had been collected.

Total sundry debtor balances decreased by \$309,260 over the course of the month. The 90+ day's debtor balance decreased by \$188,849.51.

GRANTING OF CONCESSION OR WRITING OFF DEBTS OWED TO THE CITY

Delegation DA-032 empowers the Chief Executive Officer (CEO) to grant concessions and write off monies owing to the City to a limit of \$10,000 for any one item. The CEO has partially on-delegated this to the Director Corporate Services to write off debts or grant concessions to a value of \$5,000.

An amount of \$1,035.40 was written off under delegated authority in the month of May 2013. This amount represents the balance of a rate account on a deceased estate which has subsequently been subdivided and sold off.

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

DESCRIPTION	LINK
Rate Setting Statement – May 2013	6002A May 2013
Statement of Financial Activity – May 2013	6002B May 2013
Representation of Net Working Capital – May 2013	6002E May 2013
Reconciliation of Net Working Capital – May 2013	6002F May 2013
Notes on Rate Setting Statement reporting on variances of 10% or greater – May 2013	6002H May 2013
Details of Budget Amendments requested – May 2013	6002J May 2013
Summary of Rates Debtors – May 2013	6002L May 2013
Graph Showing Rates Collections – May 2013	6002M May 2013
Summary of General Debtors aged 90 Days Old or Greater – May 2013	6002N May 2013
Detail of Debts Written Off for the Month – May 2013	N/A

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

C13/6002 – FINANCIAL STATEMENTS FOR MAY 2013 (AMREC) (ATTACHMENTS)**STATUTORY AND LEGAL IMPLICATIONS**

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

Local Government (Financial Management) Regulation 1996 Part 4 – Financial Reports Regulation 34 requires that:

34. Financial activity statement report — s. 6.4

(1A) In this regulation — **committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown —

- (a) according to nature and type classification; or
- (b) by program; or
- (c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; 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 the AAS, to be used in statements of financial activity for reporting material variances.

The variance adopted by the Council at its Special meeting held on 26 June 2012 to adopt the 2012/13 Budget, was 10% or \$50,000 whichever is greater.

Local Government Act 1995 Division 4 – General Financial Provisions Section 6.12; Power to defer, grant discounts, waive or write off debts.

C13/6002 – FINANCIAL STATEMENTS FOR MAY 2013 (AMREC) (ATTACHMENTS)**FINANCIAL IMPLICATIONS**

Variances are dealt with in attachment [6002H May 2013](#) (Notes on Rate Setting Statement reporting on variances of 10% or greater).

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no identifiable strategic, risk and environmental management implications arising from this report.

POLICY IMPLICATIONS

The format of the Financial Statements as presented to the Council and the reporting of significant variances is undertaken in accordance with the Council's Accounting Policy CP-025.

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 May 2013.

C13/6002 – FINANCIAL STATEMENTS FOR MAY 2013 (AMREC) (ATTACHMENTS)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)

ABSOLUTE MAJORITY APPROVAL

At 7.38pm Cr Macphail moved, seconded Cr Robartson –

That the Council:

- Note the Rate Setting Statement and Statements of Financial Activity for the Financial Year period ending 31 May 2013 as detailed in the following attachments:**

DESCRIPTION	LINK
Rate Setting Statement – May 2013	<u>6002A May 2013</u>
Statement of Financial Activity – May 2013	<u>6002B May 2013</u>
Representation of Net Working Capital – May 2013	<u>6002E May 2013</u>
Reconciliation of Net Working Capital – May 2013	<u>6002F May 2013</u>
Notes on Rate Setting Statement reporting on variances of 10% or greater – May 2013	<u>6002H May 2013</u>
Details of Budget Amendments requested – May 2013	<u>6002J May 2013</u>
Summary of Rates Debtors – May 2013	<u>6002L May 2013</u>
Graph Showing Rates Collections – May 2013	<u>6002M May 2013</u>
Summary of General Debtors aged 90 Days Old or Greater – May 2013	<u>6002N May 2013</u>
Detail of Debts Written Off for the Month – May 2013	<u>N/A</u>

- By Absolute Majority Decision adopt the budget amendments, as listed in the Budget Amendment Reports for May 2013, as detailed in attachment [6002J May 2013](#).**

At 7.40pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (9/0)

**LATE ITEM - P13/3407 CHANGES TO STATUTORY PLANNING FEES AND CHARGES
(REC) (ATTACHMENT)**

Ward : All
 Category : Operational
 Proposal : Changes to Statutory Planning Fees and Charges
 Owner : 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 : C13/6060 – Special Meeting of Council 26 June 2013
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the 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 the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the 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>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**LATE ITEM - P13/3407 CHANGES TO STATUTORY PLANNING FEES AND CHARGES
(AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Council at its Special Meeting held 26 June 2013 resolved to adopt the annual budget for 2013/2014, and in doing so adopted the 2013-2014 Fees and Charges Schedule.
- The Statutory Planning Fees contained within this Schedule, remained at the 2012-2013 levels, as information from the Western Australian Planning Commission (WAPC) pertaining to an increase in the fees associated with Statutory Planning services was not available to the City.
- With the release of Planning Bulletin 93/2013, on 20 June 2013, the Statutory Planning application fees adopted by Council as part of the 2013-2014 Fees and Charges Schedule are effectively outdated, as a 6.25% increase on those fees has taken effect from 1 July 2013.
- The 2013-2014 Fees and Charges Schedule should therefore be amended to reflect this.
- In order that the City implement the increased charges without further delay, it is recommended that Council resolve, by Absolute Majority to amend the 2013/2014 Fees and Charges schedule, in accordance with the WAPC Planning Bulletin 93/2013.

BACKGROUND

Council at its Special Meeting held 26 June 2013 resolved to adopt the 2013/2014 Fees and Charges as part of the budget. The statutory planning application fees adopted by Council were consistent with the fees from 2012/2013, as at the time the fees were considered as part of the 2013-2014 budget process, the review of the fees by the WAPC had not been completed, nor any information released.

DETAIL

The WAPC has now released Planning Bulletin 93/2013: Planning and Development Regulations 2009 which prescribes the maximum fees for local government planning services in 2013/2014.

As the fees have remained unchanged for the last two years, they have been increased by 6.25 per cent, being the sum of the Consumer Price Index (CPI) rate for the last two year period as advised by WA Treasury.

The updated fees prescribed by the WAPC are the maximum fees that local governments can charge for planning services.

In the interests of maximum cost recovery, and in order that the increased maximum fees be levied by the City, it is recommended that Council amend the 2013/2014 Fees and Charges schedule to be consistent with the WAPC Planning Bulletin 93/2013.

PUBLIC CONSULTATION/COMMUNICATION

Not required.

**LATE ITEM - P13/3407 CHANGES TO STATUTORY PLANNING FEES AND CHARGES
(REC) (ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

The proposed amendments are in accordance with the WAPC's updated Planning Bulletin 93/2013. No further consultation is required.

FINANCIAL IMPLICATIONS

The proposed changes to the fees and charges will increase the potential statutory planning application fee revenue for 2013/2014 by 6.25 per cent. This will aid in the cost recovery of officer time spent in dealing with these applications.

No changes to the non statutory fees that are prescribed by the City as responsible Local Government (as adopted by Council on 26 June 2013) are proposed.

POLICY IMPLICATIONS

None applicable.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

As the WAPC prescribed fees and charges are maximum charges, Council could resolve not to adopt the proposed changes and continue to charge the same application fees as the 2012/2013 financial period or a different amount. This action is not recommended as the statutory planning fees are considered to aid in the cost recovery of officer time spent in dealing with applications.

CONCLUSION

It is recommended that Council resolve by Absolute Majority to amend the Urban Planning Fees and Charges schedule to be consistent with the WAPC's maximum fees and charges as prescribed in Planning Bulletin 93/2013.

**LATE ITEM - P13/3407 CHANGES TO STATUTORY PLANNING FEES AND CHARGES
(REC) (ATTACHMENT)****OFFICER RECOMMENDATION (3407)****ABSOLUTE MAJORITY**

That the Council by Absolute Majority Decision, in accordance with Section 6.16 of the Local Government Act 1995, adopt the 2013/2014 Schedule of Fees and Charges – Urban Planning contained in the attached 3407 Schedule of Fees and Charges (Urban Planning) which have been amended to be consistent with the maximum fees prescribed by the Western Australian Planning Commission Planning Bulletin 93/2013.

Amendment

The following Officer amendment was presented that proposed to add new parts 2 and 3 to Officer's recommendation:

- 2** *That the Council, in adopting the 2013/2014 Schedule of Fees and Charges Urban Planning, notes that the prescribed fees are maximum fees and that a lesser fee may be charged.*
- 3** *That Council in accordance with the procedures prescribed in the Western Australian Planning Commission Planning Bulletin 93/2013 approve the application of a lesser fee for retrospective development applications, equivalent to the standard development application fee, for development applications received between 1 August 2013 and 31 October 2013 as part of the City's proposed advertising signage amnesty.*

At 7.26pm Cr Macphail left the meeting and returned at 7.28pm.

The Mayor advised that both the officer recommendation and the amendment would be combined for voting purposes.

COUNCIL RESOLUTION (3407)**ABSOLUTE MAJORITY**

At 7.32pm moved Cr Robartson, seconded Cr Macphail

- 1.** *That the Council by Absolute Majority Decision, in accordance with Section 6.16 of the Local Government Act 1995, adopt the 2013/2014 Schedule of Fees and Charges – Urban Planning contained in the attached 3407 Schedule of Fees and Charges (Urban Planning) which have been amended to be consistent with the maximum fees prescribed by the Western Australian Planning Commission Planning Bulletin 93/2013.*
- 2.** *That the Council, in adopting the 2013/2014 Schedule of Fees and Charges Urban Planning, notes that the prescribed fees are maximum fees and that a lesser fee may be charged.*
- 3.** *That Council in accordance with the procedures prescribed in the Western Australian Planning Commission Planning Bulletin 93/2013 approve the application of a lesser fee for retrospective development applications,*

equivalent to the standard development application fee, for development applications received between 1 August 2013 and 31 October 2013 as part of the City's proposed advertising signage amnesty.

At 7.40pm the Mayor declared the motion

CARRIED BY ABSOLUTE MAJORITY (9/0)

Reasons for Amendment

Report P13/3407 provides for introduction of the latest statutory planning fees and charges in accordance with State government legislation.

The applicable Western Australian Planning Commission Bulletin 93/2013 identifies maximum fees and charges which may be applied. The approach also provides ability for local authorities to charge a lesser fee.

The City is proposing to undertake an Advertising Signage Amnesty throughout August, September and October 2013. The amnesty is an initiative to reduce the amount of unauthorised signage throughout the City. As part of the amnesty it is proposed to reduce the penalty fees that ordinarily apply to retrospective development applications. The retrospective application fee is the equivalent of up to three times the standard application fee. For the amnesty period it is proposed to reduce the retrospective fee to the equivalent of the standard application fee.

The Western Australian Planning Commission Bulletin 93/2013 provides for development application fees, and in turn the fee charged for retrospective development applications, to be reduced. For clarity it is recommended that the intention to charge a lesser fee for the proposed amnesty on signage be recognised in the Council's adoption of the revised Schedule of Fees and Charges urban Planning.

As such, new part 2 and 3 to the resolution were presented accordingly.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15. EN BLOC ITEMS

At 7.40pm Cr Macphail moved, seconded Cr Barton -

That the recommendations for items P13/3406, C13/5000, C13/6000, C13/6001, be carried En Bloc.

At 7.40pm the Mayor submitted the motion, which was declared

CARRIED (9/0)

16. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil

17. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

18. CLOSURE

There being no further business to discuss the Deputy Mayor declared the meeting closed at 7.42pm.