

MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

TUESDAY 19 MARCH 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, 19 MARCH 2013.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr J Clark, Governance & Compliance Program Manager, read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor R A 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, Russell Aubrey

COUNCILLORS

Cr D Macphail (Deputy Mayor)
Cr A Nicholson
Cr R Willis, Cr C Robartson
Cr N Pazolli, Cr P Reidy
Cr J Barton, Cr S Taylor-Rees
Cr R Hill, Cr R Kinnell
Cr N Foxton, Cr M Reynolds

WARD

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

3. IN ATTENDANCE

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

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

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

Dr S Silcox – Chief Executive Officer

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS**5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Nil.

At 6.35pm Cr Reynolds left the meeting.

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

Nil.

6. QUESTION TIME**6.1 Ms K Maisey & Mr Hatton, Rates Payers City of Melville**

At the Ordinary Meeting of Council held on 19 February 2013 Ms Maisey and Mr Hatton submitted five questions relating to retaining walls. At the meeting the questions were taken on notice. A response in writing has been provided to Ms Maisey and Mr Hatton from Mr Steve Cope, Director Urban Planning and the details contained in that response are provided below.

“The City of Melville has a list of requirements for “Incidental Structures” such as

- (i) Swimming pools, which the council inspects, and also*
- (ii) Retaining walls”*

Question 1

“In relation to established (not new) retaining walls, can Melville Council please state specifically its responsibilities and policy regarding retaining walls; and advise where a copy of the policy can be obtained, and what the policy is asking.”

Response

The City's responsibility in relation to retaining walls is to ensure that the ongoing stability and structural adequacy is maintained for safety purposes.

The City does not have a specific policy in relation to existing retaining walls, however references are made in the City's Community Planning Scheme No. 5 (CPS5) whereby planning approvals are required for new retaining walls greater than 600mm in height.

The Building Regulations 2012 (Schedule 4 (6)) determines when a building permit is required, however does not address requirements for existing retaining walls.

Question 2

“Can the council conduct inspections of such walls?”

Response

The City can conduct inspection on request by owners or affected adjoining property owners, however does not determine the structural adequacy of such wall but offers advice on options available to address concerns.

6. QUESTION TIME (Continued)Question 3

“Can the council order maintenance, or restoration where it is believed that degradation to a wall has occurred?”

Response

The City is able to issue orders on maintenance or restoration works to any retaining walls in instances where an independent structural engineer has determined the adequacy of the wall (dangerous/structurally inadequate) to ensure the ongoing structural stability of the retaining wall is maintained.

Question 4

“Can the council impose time limits for any required work to be done?”

Response

Time limits on required structural works to existing retaining walls can be imposed and are subject to the degree of structural deterioration of the retaining wall and as recommended by the independent structural engineer.

Question 5

“Can council order that such work be finished to a satisfactory standard?”

Response

Maintenance works required on existing retaining wall is to be carried out to a relevant building standard or as determined by a structural engineer.

Aesthetic finishes to an existing retaining wall is not considered to be a component that would effect the stability of a retaining wall and a standard is not able to be enforced under Building Regulations.

7. AWARDS AND PRESENTATIONS**8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF COUNCIL – 19 FEBRUARY 2013**
Min 19 February 2013**COUNCIL RESOLUTION**

At 6.36pm Cr Macphail moved, seconded Cr Willis -

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 19 February 2013, be confirmed as a true and accurate record.

At 6.36pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 5 MARCH 2013
Notes 5 March 2013**COUNCIL RESOLUTION**

At 6.36pm Cr Hill moved, seconded Cr Robartson -

That the Notes of the Agenda Briefing Forum held on Tuesday, 5 March 2013, be received.

At 6.36pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

8.3 FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE
(FMARCC) – 11 MARCH 2013**COUNCIL RESOLUTION**

At 6.36pm Cr Kinnell moved, seconded Cr Macphail -

That the Minutes of the Financial Management, Audit, Risk & Compliance Committee Meeting held on Monday 11 March 2013 be noted.

NB:

Minutes to be confirmed at next Financial Management, Audit, Risk & Compliance Committee Meeting.

At 6.36pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

9. DECLARATIONS OF INTEREST**9.1 FINANCIAL INTERESTS**

Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

At 6.37pm Cr Reynolds returned to the meeting.

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

- Cr R Kinnell
- Cr P Reidy
- Cr C Robartson

At 6.37pm Cr Willis moved, seconded Cr Macphail -

That the applications for new leaves of absence submitted by Cr Kinnell, Cr Reidy, and Cr Robartson on 19 March 2013 be granted.

At 6.38pm the Mayor submitted the motion which was declared

CARRIED (13/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

12. PETITIONS**12.1 Petition – Proposed Residential Apartments with Ground Floor Office at Lot 802 (554 – 558) Canning Highway, Attadale WA 6156**

A petition signed by 54 residents was received by the City of Melville on Monday 11 February 2013. The petition reads as follows –

“We, the undersigned, all being Electors of the City of Melville, do humbly pray that the City of Melville reject the proposed development at Lot 802 (554-558) Canning Highway Attadale or alternatively, modified such that all vehicles enter and exit onto the Canning Highway. The development does not front onto Groves Avenue and no access to Groves Avenue should be permitted. We also request that a major traffic study be undertaken in the area to solve the traffic flow problems onto Canning Highway.

Residents object to the above proposed development as it will have a severe detrimental impact on our amenity and on the traffic flow onto Canning Highway. It will also greatly increase the frustration of drivers using back streets to access Canning Highway from other roads.

The proposed development includes approximately 44 residential units and a number of office complexes in a four-storey building that fronts Canning Highway yet it has no access to Canning Highway. All access will be along Groves Avenue and Lentona Street. Groves Avenue is a short, narrow cul-de-sac and Lentona Street is the entrance to Burke Drive. There is currently a major problem at peak hours with vehicles trying to exit onto Canning Highway. Major delays and blockages are already occurring in the area.”

COUNCIL RESOLUTION

At 6.38pm Cr Hill moved, seconded Cr Barton -

That the receipt of the petition bearing 54 signatures be acknowledged in writing to the lead petitioner with the advice that the planning application in question will be determined by the Joint Metro Central Development Assessment Panel (JDAP), in view of which a copy of the petition will be presented to the JDAP for their information prior to the Panel meeting.

At 6.38pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

12. PETITIONS (Continued)**12.2 Petition – Reject Proposed Development of 90 New Residential Apartments on Kitchener Road, Alfred Cove**

At petition signed by 480 residents and 12 non residents was received by the City of Melville on Monday, 11 March 2013. The petition reads as follows –

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

The City of Melville (COM) rejects the proposed development of 90 new residential apartments at the old Strikers Pavilion site on Kitchener Road, Alfred Cove.

We ask that COM re-advertises this proposal with an extended period of public consultation to enable all affected residents to make a submission.

Residents object to the 90 residential apartment proposal on the grounds that:

- *The number of living units and associated traffic will have a significant detrimental impact on the amenity of the area.*
- *The height of the development will result in many apartments overlooking existing residences in Mullings Way and Kitchener Road.*
- *The privacy of neighbouring properties will be adversely affected.*
- *Local noise levels are likely to increase significantly.*
- *The proposed 90 apartment four storey building will not blend in with the surrounding suburban homes.*
- *The development will decrease the proportion of public open space.*
- *Supporting this development without full community consultation is not in the community’s best interest and will set a precedent for further similar developments.”*

COUNCIL RESOLUTION

At 6.39pm Cr Hill moved, seconded Cr Macphail -

That the receipt of the petition bearing 492 signatures be acknowledged in writing to the lead petitioner with the advice that the City will refer the details of the petition to the Joint Metro Central Development Assessment Panel for their consideration prior to the determination of the planning application.

At 6.39pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

13. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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

P13/3373 - PROPOSED TWO-STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE AT LOT 91 (199A) REYNOLDS ROAD, MOUNT PLEASANT (REC) (CONFIDENTIAL ATTACHMENT)

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2012-835
 Property : Lot 91 (199A) Reynolds Road, Mount Pleasant
 Proposal : Two Storey Single Dwelling with Undercroft Garage
 Applicant : Da’Vanti Homes
 Owner : Ms M Kolker
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 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 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 reviews decisions made by Officers.</i>
<input checked="" 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

P13/3373 - PROPOSED TWO-STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE AT LOT 91 (199A) REYNOLDS ROAD, MOUNT PLEASANT (REC) (CONFIDENTIAL ATTACHMENT)

KEY ISSUES / SUMMARY

- Planning approval is sought for a two storey single house with undercroft garage at Lot 91 (199A) Reynolds Road, Mount Pleasant.
- The proposal has been assessed against the provisions of Community Planning Scheme No. 5 (CPS5), the Residential Design Codes (the R-Codes) and applicable Council Policies. Discretion is sought in respect of overshadowing, boundary setbacks, boundary walls and driveway width, all of which require assessment using the relevant Performance Criteria of the R Codes.
- The application was advertised to the adjoining properties, with one submission received citing concerns regarding adverse overshadowing impacts, the location of the entry, the boundary setback variations and the height of the building.
- To address the concerns raised within the submission, the Applicant has submitted amended plans which have increased the proposed setbacks and reduced the height of the dwelling through lowering the floor level and changing the roof pitch.
- Whilst the concerns raised are acknowledged, the development as now proposed is deemed to be acceptable when assessed against the relevant Performance Criteria of the R-Codes.
- The application was considered by the City's Development Advisory Unit (DAU) on 22 January 2013 which recommended that the application be approved subject to conditions.
- Pursuant to Clause 5(1) of Council Policy CP-044: Development Advisory Unit the application has been called up at the request of Cr Nicholson for consideration of overshadowing and setback issues.



P13/3373 - PROPOSED TWO-STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE AT LOT 91 (199A) REYNOLDS ROAD, MOUNT PLEASANT (REC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

In accordance with the provisions of Clause 5(1) of Council Policy CP-044: Development Advisory Unit, the application has been called up at the request of Cr Nicholson, on the grounds that variations to overshadowing and setbacks are sought.

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Living Area
 R-Code : R17.5
 Use Type : Residential
 Use Class : P-Permitted

Site Details

Lot Area : 376 sqm
 Retention of Existing Vegetation : Not Applicable
 Street Tree(s) : Not Applicable
 Street Furniture (drainage pits etc) : Not Applicable
 Site Details : Refer photo above

[3373 Site Elevation Plan 199 Reynolds Road](#)

DETAIL

The details of the proposed development satisfy the applicable provisions of CPS5, R-Codes and Council Policy with the exception of the following:

Development Requirements

Development Requirement	Acceptable Development Provisions	Proposed	Comments	Delegation to approve variation	Plan Notation
Overshadowing	25%	57.7%	Requires assessment using Performance Criteria	Manager Statutory Planning (MSP)	
Driveway Width	No more than 40% of lot frontage	48%	Requires assessment using Performance Criteria	MSP	
Boundary Walls	No as of right boundary walls within R17.5	Two boundary walls proposed	Requires assessment using Performance Criteria	MSP	

P13/3373 - PROPOSED TWO-STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE AT LOT 91 (199A) REYNOLDS ROAD, MOUNT PLEASANT (REC) (CONFIDENTIAL ATTACHMENT)

Wall	Acceptable Development Provisions	Proposed	Comments	Delegation to approve Variation	Plan Notation
<i>Ground Floor (South)</i>					
Laundry / dining / lounge	1.8m	1m	Requires assessment using Performance Criteria	MSP	
<i>First Floor (South)</i>					
Hallway / PDR	2.3m	1.5m	Requires assessment using Performance Criteria	MSP	
Stairs	1.3m	1.0m	Requires assessment using Performance Criteria	MSP	
Master bed	3.3m	1.7m	Requires assessment using Performance Criteria	MSP	
<i>Ground Floor (North)</i>					
Balcony / Theatre / Guest	1.7m	1m	Requires assessment using Performance Criteria	MSP	
<i>First Floor (North)</i>					
Bath / Bed 2 & 3 / Study	3.3m	2.46m	Requires assessment using Performance Criteria	MSP	

Note: Commentary in this report will be restricted to consideration of the overshadowing, proposed boundary walls and southern boundary setback variations only, as these variations are the subject of the submission received. Other variations listed above have been assessed and are considered to comply with the relevant Performance Criteria of the R-Codes. There have been no third party comments contrary to the assessment of these other variations.

P13/3373 - PROPOSED TWO-STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE AT LOT 91 (199A) REYNOLDS ROAD, MOUNT PLEASANT (REC) (CONFIDENTIAL ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Variation to the Acceptable Development criteria of the R-Codes
 Support/Object: One objection

Submission Number	Summary of Submission	Support / Object	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1	<p>The boundary walls and setback variations will cut out light into the submitter's porch, hallway, highlight windows and alfresco area.</p> <p>The height of the building contributes to the detrimental overshadowing of the submitters property and restricts the option of installing solar heating.</p>	Object	<p>Amended plans have been submitted to address the concerns raised by the submitter. Notwithstanding this, overshadowing and boundary setback variations still remain. These are assessed in detail below. The height of the building is however, now compliant with the requirements of CPS5 and Council Policy.</p>	Not Uphold

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

None required as part of this application.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications relating to this proposal.

P13/3373 - PROPOSED TWO-STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE AT LOT 91 (199A) REYNOLDS ROAD, MOUNT PLEASANT (REC) (CONFIDENTIAL ATTACHMENT)**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no anticipated strategic, risk or environmental management implications.

POLICY IMPLICATIONS

The proposal satisfies all of the relevant provisions within the applicable Council policies.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

A Simple Majority decision of the Council is required in respect of the approval of this application. Council could refuse to grant consent on the grounds that the plans do not satisfy the relevant Performance Criteria of the R-Codes and are contrary to the orderly and proper planning of the locality. However, this course of action is not recommended for the reasons detailed in support of the application. Should the application be refused, the Applicant will have a right of appeal to the State Administrative Tribunal.

COMMENTS

As stated, planning approval is sought to construct a two storey single house with an undercroft garage at Lot 91 (199A) Reynolds Road, Mount Pleasant.

The subject site is an east-west oriented lot, the natural contours of which slope up from east to west by approximately 4.5m.

As outlined above, the proposed development generally satisfies the relevant requirements contained within CPS5, the R-Codes and Council policy with the exception of overshadowing, boundary setbacks, boundary walls and driveway width.

It should be noted that as a result of the submission received, the Applicant has amended the plans with the intention of mitigating the overshadowing impact upon the adjoining property. These changes included:

- A change of the roof design from a skillion to a flat roof;
- A lowering of the floor level and the overall building height through additional excavation; and,
- The area of the upper floor has been reduced, specifically towards the rear of the dwelling, to allow for improved solar access into the adjoining property's alfresco area.

P13/3373 - PROPOSED TWO-STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE AT LOT 91 (199A) REYNOLDS ROAD, MOUNT PLEASANT (REC) (CONFIDENTIAL ATTACHMENT)Overshadowing

As outlined above, the proposed development will result in an overshadowing impact of 57% in lieu of 25% at 12pm, 21 June.

Where a variation is sought, assessment against the Performance Criteria of the R-Codes is necessary. The Performance Criteria relating to overshadowing requires developments to be designed to protect solar access for neighbouring properties, taking into account the potential to overshadow outdoor living areas, major openings to habitable rooms, solar collectors and balconies / verandahs.

The proposal is considered to satisfy Performance Criteria 6.9.1 of the R-Codes as:

- A standard 1.8m dividing fence built along the common boundary would result in 28% overshadowing of the adjoining property to the south which in itself would exceed the 25% deemed to be tolerable under the Acceptable Development provisions.
- Both 199A and 199B Reynolds Road are undersize lots for their R17.5 zoning. Under the R-Codes, a lot within such an area would be a minimum of 500m² in area, however both 199A and 199B Reynolds Road are each undersized at 376m².
- The three major openings along the ground floor level of the adjoining property will be entirely overshadowed by a standard 1.8m dividing fence due to the ground floor level being located between 1.5-2m lower than the natural ground level at the boundary.
- There are no major openings, only minor openings (highlight windows) located along the northern elevation of the adjoining property at first floor level. The R-Codes provide no protection of solar access to minor openings.
- There are currently no solar collectors located on the roof of the southern dwelling. Whilst concerns have been raised by the submitter about future solar collectors which may be installed, they do not exist at present. Notwithstanding this, the adjoining dwelling to the south is taller than the proposed dwelling by virtue of its pitched roof, the majority of which will be unaffected by the shadow cast.
- The proposed dwelling has been designed to minimise any adverse overshadowing impact upon the primary outdoor living area of the adjoining property to the south. This property's outdoor living area is approximately 74m² in area and incorporates a large roofed alfresco area and shade sail. The proposal will result in 5m² overshadowing of this area above that which will be created by a standard 1.8m dividing fence.

Note that the overshadowing assessment is undertaken at 12pm, 21 June at a time when the sun is at its lowest point (shallowest angle) in the sky compared to the rest of the year. At other times of the year and in varying degrees, the level of overshadowing that would result from the proposed development would be less than the 57% noted in the table.

P13/3373 - PROPOSED TWO-STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE AT LOT 91 (199A) REYNOLDS ROAD, MOUNT PLEASANT (REC) (CONFIDENTIAL ATTACHMENT)Boundary Walls (South)

The R-Codes do not prescribe Acceptable Development criteria for boundary walls within the R17.5 zone, as such; all applications for boundary walls within this zone require assessment against the Performance Criteria.

Performance Criteria 6.3.2 of the R Codes acknowledge that buildings can be built up to boundaries, in order to make effective use of space, enhance privacy, or otherwise enhance the amenity of the development, whilst not having any significant adverse effect on the amenity of the adjoining property and ensuring that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.

The proposal is considered to satisfy the Performance Criteria for the following reasons:

- The two proposed boundary walls make effective use of the available space on the subject property and do not contain any openings, therefore maintaining privacy between the two properties;
- The boundary wall associated with the foyer and porch is approximately 2.1m in length and is adjacent to a similar entry / porch area on the adjoining dwelling to the south. The proposed boundary wall creates a separation between the two entries for privacy, and due to its limited length, will be negligible in terms of adverse impact.
- The kitchen and pantry boundary wall is approximately 5.1m in length and between 1.85-2.4m in height above natural ground level. As such, the proposed boundary wall will not be much higher than a standard 1.8m dividing fence, and its impact will be negligible.
- The proposed boundary walls are limited to the ground floor level only and do not provide any additional overshadowing on to the adjoining property to the south above and beyond that which will result from the upper floor level.

Boundary Setbacks (South)

Performance Criteria 6.3.1 allows for variations to the Acceptable Development criteria where setbacks provide adequate direct sun and ventilation to the subject and adjoining dwelling and appurtenant open spaces, privacy between properties is protected, and where setbacks assist in ameliorating the impacts of building bulk on adjoining properties. The proposed setback variations along the southern boundary are considered to satisfy these criteria for the following reasons:

- The southern elevation is well articulated through the use of varied setbacks and openings which ameliorates any building bulk impacts.
- The ground floor level will not result in additional overshadowing on to the adjoining property to the south above and beyond that which will result from the proposed first floor level.

P13/3373 - PROPOSED TWO-STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE AT LOT 91 (199A) REYNOLDS ROAD, MOUNT PLEASANT (REC) (CONFIDENTIAL ATTACHMENT)

- The northern elevation of the adjoining property to the south contains no major openings at first floor level and as such privacy is not compromised.
- As stated, the existing ground floor major openings are capable of being overshadowed by a standard 1.8m dividing fence; no major openings on the first floor level will be overshadowed and only a minor area (5%) of the adjoining property's outdoor living area will be overshadowed.
- As outlined above, the proposed development has been designed to take into account solar access to the adjoining property's major openings and outdoor living area.

Amenity

The proposed development has been assessed in accordance with the amenity provisions outlined in Clause 7.8 of CPS5 and Council Policy CP-067: Amenity. It is concluded that the details of the proposal are acceptable in this context, notwithstanding the variations sought.

CONCLUSION

It is considered that the proposed development satisfies the relevant provisions of CPS5, the R-Codes and Council's policies. Accordingly, it is recommended that the proposal be approved subject to conditions.

An Addendum to this report is provided as an attachment to the Minutes.

[3373 Addendum](#)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3373)****APPROVAL****That the Council:**

- 1) Approve the application for a Two-Storey Single House with Undercroft Garage at Lot 91 (199A) Reynolds Road, Applecross, subject to the following conditions:**
 - (a) All stormwater generated on site is to be retained on site.**
 - (b) The external face of the parapet wall to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute to be finished to the satisfaction of the Manager Statutory Planning.**
 - (c) Roofing materials shall not be highly reflective (e.g. Zinc, white or Surfmist colour metal roofing may only be permitted through special planning consent).**
- 2) That the resident who made a submission on the proposal be notified in writing of 1) above.**

At 6.46pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

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

**P13/3374 - PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH, APPECROSS
(REC)**

Ward : Applecross/Mt Pleasant
 Category : Operational
 Application Number : DA-2013-60
 Property : Melville Beach
 Proposal : Kite Surfing school
 Applicant : Soulkite (Kerry Enright)
 Owner : State of Western Australia
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

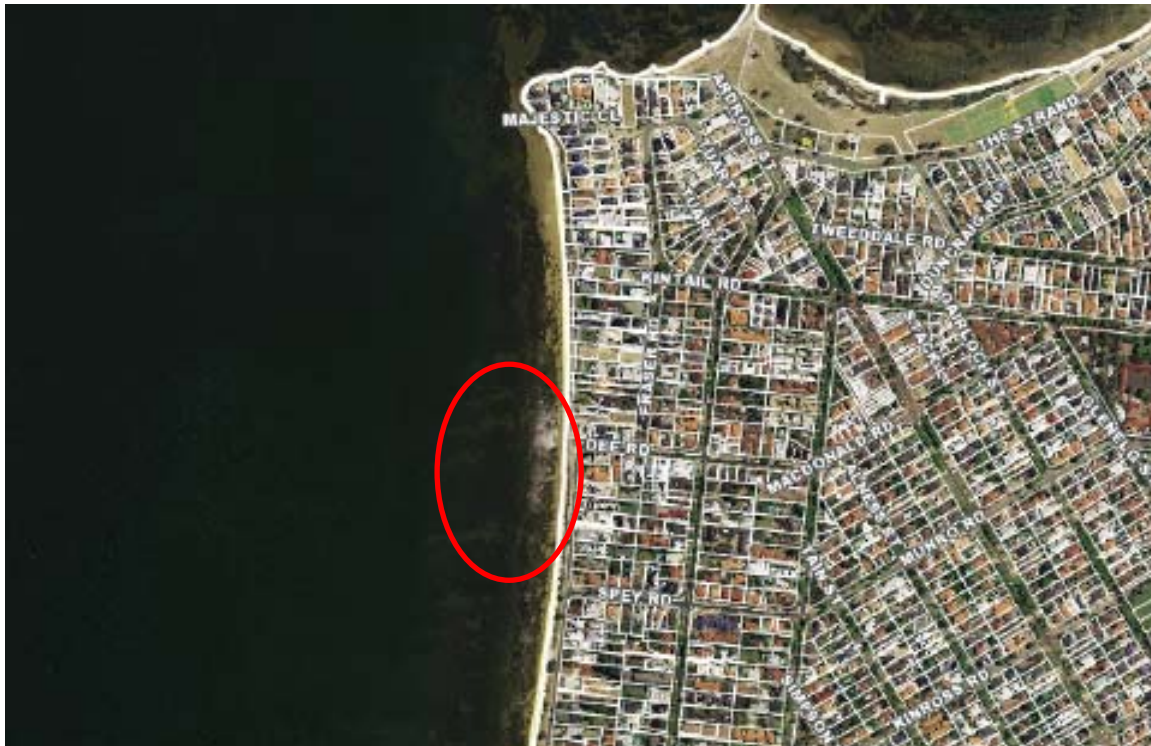
DEFINITION

<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 reviews decisions made by Officers.</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>

**P13/3374 - PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH, APPLECROSS
(REC)****KEY ISSUES / SUMMARY**

- The Swan River Trust (SRT) seeks the City's comments in relation to a Kite Surfing School which is proposed to operate from the northern end of Melville Beach Road, Applecross.
- It is proposed to operate classes where up to two instructors teach a maximum of two clients each at any one time.
- Planning approval from the City is not required, as the activity is being undertaken within a Metropolitan Region Scheme Reserve over which the City has no jurisdiction in planning terms. However, a licence and permit is required for the activity from the SRT under the *Swan and Canning Rivers Management Act 2006* and the associated Regulations.
- Kite Surfing is a popular sport on the Melville Beach foreshore area due to favourable prevailing winds. It is also a desired location for learning as the water is shallow, there is no water traffic and there is a waveless environment.
- It is recognised that there are however, some physical constraints at play which can be seen to prejudice safety levels for reserve users in the vicinity of Melville Beach Road, particularly the narrow width of the reserve at the point where Kite Surfing activity is so popular, which can make landing, and to a lesser extent take off, difficult.
- Notwithstanding these constraints, and given the popularity of the Melville Beach area for wind surfing activities over numerous years, it is recognised that kite surfing activities will continue to take place as private kite surfers exercise their right to recreate within the River Foreshore reserve. Furthermore, the activities associated with a tuition school will be carefully managed so as to minimise risks to students and other users of the foreshore and local residents.
- In view of this, and despite the physical constraints identified, it is recommended that the City lend its support for the proposed Kite Surfing Tuition taking place at Melville Beach, and advise the SRT accordingly on the basis of a 12 month licence.

**P13/3374 - PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH, APPLECROSS
(REC)**



Note: Teaching area marked in red.

BACKGROUND

In 2008, an application to conduct a paddle boarding, kite and windsurfing school with associated equipment hire at Point Walter Reserve, Melville Beach Road and Jeff Joseph Reserve, Applecross was referred to the City of Melville by the SRT for comment. At the time of the application, the paddle boarding component was supported by the Development Advisory Unit (DAU), however limited support was provided for the kite and wind surfing components due to potential public safety and liability concerns. As is generally the case with matters of this nature, the SRT shared the concerns as expressed by the City, and refused to grant the licence.

It is noted that the City is also in receipt of another licence application from the SRT which also seeks consent to operate a kite surfing school from three locations within the City including Melville Beach. This application is also reported to Council at its March 2013 meeting.

**P13/3374 - PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH, APPLECROSS
(REC)****Scheme Provisions**

MRS Zoning/Reservation	:	'Parks and Recreation' Reserve
CPS 5 Zoning/Reservation	:	Not applicable
R-Code	:	Not applicable
Use Type	:	Recreation
Use Class	:	Not applicable

Site Details

Lot Area	:	Not applicable
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer to photo above

DETAIL

An application for approval to offer kite surfing tuition from the river foreshore at the northern end of Melville Beach Road, has been received by the SRT, which has in turn been referred to the City for comment.

PUBLIC CONSULTATION/COMMUNICATION

There is no formal requirement for the City to enter into consultation with any third parties in respect of the proposal, although in this case, given the proximity of the proposed facility relative to residential properties along Melville Beach Road, consultation has been entered into.

**P13/3374 - PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH, APPLECROSS
(REC)**

Eight submissions were received during the consultation period; two in support, one neutral and four in objection.

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1	Recommend parking along Melville Beach Road be formalised and marked.	Neutral	The City is aware that parking occurs in this location, however there are no current plans to formalise it or mark bays within the road reserve.	Not Uphold
2	Kite surfers add colour to the area.	Support	Activities associated with a tuition school will be carefully managed so as to minimise risks to students and other users of the foreshore and local residents.	Uphold
3	Due to the proximity of the foreshore to the road and private properties, kite surfing in this location poses a safety concern.	Objection	Noted although recognised that this concern is levelled towards the general Kite Surfing activities that take place in this location, as opposed to the more supervised and managed activity proposed by this licence application.	Not upheld due to mitigating factors
4	Support the use of the foreshore for tuition. This has been occurring informally for a number of years and there have been no problems.	Support	Noted.	Uphold

**P13/3374 - PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH, APPLECROSS
(REC)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
5	The road reserve in this location has insufficient width to accommodate the parking of vehicles. Parking within the verge interferes with the flow of traffic and the egress of cars from residences.	Objection	Parking is permitted within the road reserve along the majority of the length of Melville Beach Road.	Not Uphold
	Increased activity on the foreshore will result in damage and erosion.	Objection	The activities associated with the tuition activity proposed are unlikely to cause damage or erosion.	Not Uphold
6	Due to the existing number of vehicles parking along the foreshore, Melville Beach Road from Cunningham to Dee Road becomes one way.	Objection	See comments above regarding verge parking.	Not Uphold
	More toilets, BBQ areas and rubbish bins should be provided.	Neutral	Public toilets have recently been installed at the southern end of Melville Beach Road. In addition, there are BBQ facilities and bins available at Tompkins Park.	Not Uphold
	Potential safety issues between competent kite surfers and students.	Objection	SRT will obtain the Department of Transport's comments regarding competing users and the likely safety implications.	Noted

**P13/3374 - PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH, APPLECROSS
(REC)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
7	Due to learners inexperience, there are potential safety issues of using this location.	Objection	See comments above regarding safety.	Not Upheld due to mitigating factors.
	Car parking along Melville Beach Road is often full. The road is not wide enough, making it difficult to pass.	Objection	See above comments regarding parking and traffic.	Not Uphold
8	Objection to the businesses in the proposed position. A better location would be the southern end of Melville Beach Road near Cantray Ave where a larger car park could be constructed to remove the current dangerous traffic congestion along Melville Beach Road.	Objection	See comments above regarding verge parking. In addition, there is no beach in the suggested location making this unsuitable for kite surfing preparation.	Not Uphold

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City is not required to consult with other agencies and consultants as the SRT are the determining authority.

STATUTORY AND LEGAL IMPLICATIONS

As planning approval is not required from the City, Community Planning Scheme No. 5 (CPS5) does not prescribe any provisions relating to the assessment of the proposal, however the application can be assessed on its merits and in respect of compliance with the objectives of orderly and proper planning.

The City of Melville Property Local Law applies in relation to commercial use of any reserve.

FINANCIAL IMPLICATIONS

The *Local Government Property Local Law* requires a person/s to obtain a permit where they, 'carry on any trading as part of a business undertaken on local government property', together with the payment of appropriate fees. This local law applies to the proposed business where it operates from land vested in the City of Melville.

**P13/3374 - PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH, APPECROSS
(REC)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic, risk or environmental implications anticipated as a result of this application.

POLICY IMPLICATIONS

The City has no relevant policies in relation to the proposal.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The City is being requested to provide a recommendation and comment on the application to the SRT.

An alternative option is that the Council may not support the subject proposal to the SRT, due to perceived potential safety concerns associated with the location.

COMMENT

An application for a Licence to operate kite surfing tuition from Melville Beach, has been submitted to the SRT, who have in turn referred the application to the City for its comment.

Kite surfing or kite boarding, as it's also known as, involves riding on a small surfboard that is propelled across water by a large kite to which the rider is harnessed. This sport is growing in popularity in WA due to the ideal conditions provided by the prevailing winds and the availability of suitable locations at which the sport can be undertaken.

In this instance, the business is proposed to operate from Melville Beach close to its intersection with Dee Road in Applecross. Two instructors teaching up to two pupils each, at any one time are proposed. The lessons are to be held between 12pm and 2pm each day, as this is when the sea breeze arrives. It is only proposed to operate three days per week.

Generally, the business offers a five hour beginner package which is split up over three lessons. The first lesson is a one hour safety session. The other two, two hour sessions teach the rider how to fly the kite in the water and safety.

No advertising, flags or shelters are proposed.

As outlined above, there are no provisions within CPS5 or Council Policies against which the proposal must be assessed. Despite this, it is incumbent on the City to ensure that the proposal is considered in the context of orderly and proper planning, and that it is consistent with the intent of the Metropolitan Region Scheme (MRS) reservation.

**P13/3374 - PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH, APPLECROSS
(REC)****Location**

Melville Beach is reserved for parks and recreation under the MRS. As kite surfing is a recreational activity, it is considered that the proposed use is consistent with the intent of the reserve.

Kite surfing in Western Australia is informed by the WA Kite Surfing Association (WAKSA). WAKSA suggests optimum locations for general use, learning and those to be avoided. Melville Beach is one of three locations favoured by WAKSA within the Swan River and is identified on their website as being *"a popular flatwater site for beginner to expert kilters providing a large protected shallow bay and a long narrow beach"*. WAKSA also identifies that the area marked by the three yellow buoys in the river between Nairn and Dee Roads is a designated launch, landing and learning area which creates a buffer zone between the kite surfers and the road reserve.

The information provided by WAKSA is consistent with the Department of Transport's designation for this location as it identifies that the Kite Surfing area is not located within an area of conservation and is available for use by Power Water Craft, water skier's, people participating in lessons or any other potential users of the marine reserve.

Benefits

It is recognised that benefits can occur as a result of recreational businesses operating within a public area. These benefits can include education, monitoring and fostering a sense of responsibility amongst other river users. Recreation businesses such as the one proposed, can also bring tourists and visitors into an area which can add to its vitality and benefit other businesses such as retail and food/beverage outlets.

Car Parking

The users of Melville Beach currently park within the road reserve of Melville Beach Road. It is noted that Melville Beach Road between Dee and Nairn Roads is two lanes wide, however the lane adjacent to the river is significantly wider which allows for the on street parking to take place without prejudice to road safety or the free flow of traffic. These parking bays are well utilised due to the popularity of the location for kite surfing.

The business the subject of this application has been operational for in excess of 18 months, there being a number of delays on the part of the City and the SRT, in responding to the current application to legitimise the business activities. Given this fact, coupled with the low key nature and scale of the activity, it is concluded that the car parking requirements of the business are readily met using the on street car parking available within the road reserve.

It is noted that the City's Rangers have issued only ten parking infringements in the last three years to vehicles along the Melville Beach Road foreshore. Most of these infringements have related to parking in the designated "no standing" areas. As such, parking in this location is not considered to be problematic.

**P13/3374 - PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH, APPLECROSS
(REC)****Safety**

In order to address safety, the Applicant has supplied a risk assessment and a copy of their public liability insurance with the application.

It is acknowledged that the proposed business would educate and inform of safe practices, regulate the areas of use and train beginner kite surfers. Furthermore, undertaking lessons within an area can encourage a sense of responsibility amongst other users of the river which can also enhance the safety of an area.

With regard to safety on the river, the SRT will refer the application to the Department of Transport for their recommendation and comment prior to determining the application.

With regard to safety of land vested in, or under the care and control of the City of Melville, it is recognised that the narrow nature of the Melville Beach foreshore and Reserve (the land between the road kerb and the water line is approximately 15m) makes this activity potentially more difficult, particularly for inexperienced kite surfers, to operate without prejudice to their safety, and that of other parties using the reserve, including those who reside in the vicinity.

It is recognised and acknowledged however, that these safety concerns are of more relevance to the ongoing Kite Surfing activities that occur from this location by individual kite surfers pursuing their sport, as opposed to the more managed commercial tuition activities such as that proposed by this application.

In the context of safety, officers of the Statutory Planning Team have recently taken part in a seminar facilitated by Surf Lifesaving WA on behalf of the Government of Western Australia Department of Sport and Recreation (DSR).

The DSR acknowledges the growing popularity of the sport, but as a result of recent serious incidents involving Kite Surfers in WA, is concerned that a Kite Boarding Safety Framework be put in place to provide guidance, advice, and consistency to the kite boarding community.

It is anticipated that the framework will, once delivered, deal with the following outputs:

- Safety guidelines relating to kite boarding
- Guidelines for Event Managers (including risk management)
- Standard approach and guidance provided to Local Government
- Greater awareness by the Insurance industry of acceptable industry operating guidelines
- Awareness programme targeted at the recreational kite boarder.

**P13/3374 - PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH, APPECROSS
(REC)**

Apart from the Guidelines that will eventually be made available to the City, and which will then be used to inform decision making around this activity, it is noted that other Local Governments who participated in the Kite Boarding seminar have Management Plans in place to guide kite boarders to specific locations, with restrictions in place to deter use of certain areas, or to ensure that competing users do not conflict with one another.

The benefits of such an approach are recognised for the City of Melville, particularly given the popularity of the sport relative to specific and key locations under the City's jurisdiction. In that vein it is proposed that a Management Plan be prepared, the output from which will go some way to addressing the safety concerns expressed regarding the use of the Melville Beach foreshore by the Kite Boarding fraternity.

As far as the commercial tuition activities which are the subject of the SRT Licence Regime, and particularly in the case of the Melville Beach location, it is accepted that these should be endorsed at this stage. It is recommended however that any such licence should be issued for a 12 month period only, in recognition of the fact that Kite Boarding Safety Guidelines are in development, and a Management Plan for the City will also be developed in due course.

Environment

With regard to the potential environmental implications that result from the proposal, it is acknowledged that all recreational activities have the potential to cause degradation to the foreshore environment, but this adverse impact must be tempered against the needs of the community to gain access to the river and foreshore areas in pursuit of recreation. The latter is indeed acknowledged by the SRT in the sense that no formal restrictions on access are in place in the immediate vicinity of the application site, it being expected therefore that this area of the river foreshore is one where people will gain access to the river.

On that basis, and noting the very low key nature of the tuition use in this case, it is considered that the activities associated with the tuition activity will unlikely result in additional degradation to the foreshore area than already occurs as a result of all other foreshore activity, including that brought about by individual Kite Boarders who, as stated, recreate in these locations unchecked.

CONCLUSION

On the grounds that:

- the area will continue to be heavily frequented by private kite surfers irrespective of the Council's endorsement,
- that it is identified by WAKSA as being a location for kite surfing which is particularly favourable for the sport,
- the use will likely result in greater proficiency for Kite Surf users, and
- in view of the very low key nature of the tuition business as proposed.

It is recommended that the Council lend its support for the proposal.

As stated, and in addition to the above, the development of a Management Plan will go some way to addressing the safety concerns expressed regarding the use of the Melville Beach foreshore by the Kite Boarding fraternity.

**P13/3374 - PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH, APPECROSS
(REC)****OFFICER RECOMMENDATION (3374)****RECOMMEND SUPPORT**

That the Council advise the Swan River Trust that the City of Melville is supportive of the proposed SoulKite Kite Surfing School at Melville Beach, Applecross, in accordance with the submitted plans and details and subject to the following conditions and advice notes:

CONDITIONS

1. Prior to the commencement of the activity, the applicant is to provide and maintain a \$20 million public liability insurance policy ('the Policy') with a reputable public insurance office.
2. A maximum of six people (including instructors) are to undertake tuition at any one time.
3. No signage, flags or the like associated with the business are to be displayed within the foreshore reserve.
4. No shade structures associated with the business are to be erected within the foreshore reserve.
5. That the licence be granted for a 12 month period only and be reviewed annually thereafter by the Chief Executive Officer.

ADVICE NOTES

1. Under the provisions of the City of Melville Local Government Property Local Law, a separate licence is required from the City for the proposed business to operate.

Procedural Motion

At 6.50pm Cr Taylor-Rees moved, seconded Cr Barton, the following Procedural Motion in accordance with Clause 11.1(b) of Standing Orders Local Law 2003 -

That the Council defer consideration of this report (Item P13/3374 Proposed Kite Surfing School at Melville Beach, Applecross) to the April 2013 Ordinary Meeting of the Council.

At 6.57pm the Mayor submitted the motion, which was declared

CARRIED (7/6)

Reason for Procedural Motion

Cr Taylor-Rees provided the following reason in support of the Procedural Motion -

"To allow Elected Members to be provided additional information in the form of a presentation on environmental impacts to the Swan Estuary Marine Park by stakeholders Swan Estuary Rehabilitation Action Group (SERAG) and Friends of Attadale Foreshore (FOAF) and to allow Officers time to present an outline of key points in relation to safety and locations to be addressed in a Management Plan."

P13/3375 - PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH APPECROSS, ATTADALE FORESHORE AND POINT WALTER (REC)

Ward : Applecross/Mt Pleasant
Bicton/Attadale

Category : Operational

Application Number : DA-2013-57

Property : Melville Beach, Applecross
Attadale Foreshore, Attadale
Point Walter, Bicton

Proposal : KiteSurfing school

Applicant : Kitesurf Warehouse

Owner : State of Western Australia

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

Previous Items : Item P13/3367 – Proposed Kite Surfing School at Point Walter, Bicton – Ordinary Meeting of Council 19 February 2013

Responsible Officer : Peter Prendergast
Manager Statutory Planning

AUTHORITY / DISCRETION

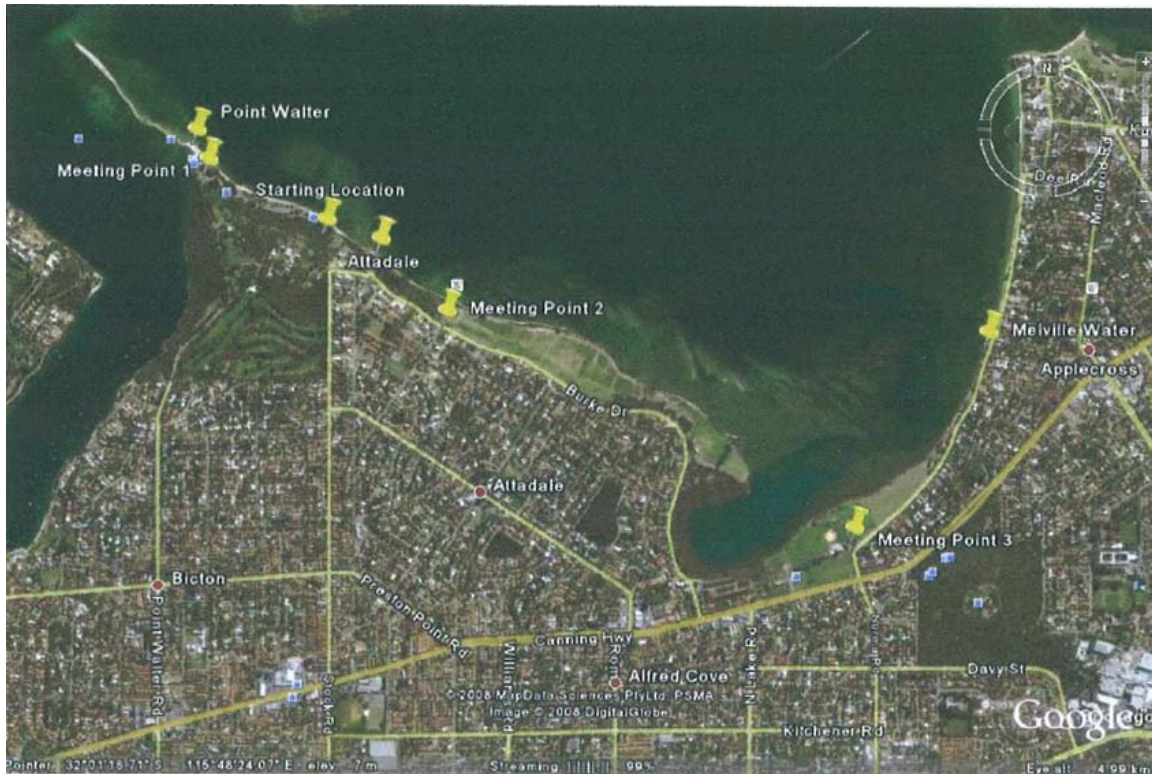
DEFINITION

<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 reviews decisions made by Officers.</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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**P13/3375 PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH APPLECROSS,
ATTADALE FORESHORE AND POINT WALTER (REC)****KEY ISSUES / SUMMARY**

- The Swan River Trust (SRT) seeks the City's comments in relation to a proposed Kite Surfing School to operate at Melville Beach, Applecross; Attadale Foreshore, Attadale and Point Walter, Bicton.
- It is proposed to operate classes where up to two instructors teach a maximum of two clients each at any one time.
- The Melville Beach location is the preferred one for the applicant, whilst Attadale Foreshore and Point Walter are proposed to be used as alternative locations only, when conditions at Melville Beach are not optimum.
- Planning approval from the City is not required as the activity is being undertaken within a Metropolitan Region Scheme Reserve, over which the City has no jurisdiction in planning terms. However, a licence and permit is required for the activity from the SRT under the *Swan and Canning Rivers Management Act 2006* and the associated Regulations.
- Kite Surfing is a popular sport within the Swan River reserve, particularly along the Melville Beach foreshore area due to favourable prevailing winds. This area is also a desired location for learning as the water is shallow, there is no water traffic and there is a waveless environment.
- It is recognised that there are however, some physical constraints at play which can be seen to prejudice safety levels for reserve users in the vicinity of Melville Beach Road, particularly the narrow width of the reserve at the point where Kite Surfing activity is so popular, which can make landing, and to a lesser extent, take off, difficult.
- Notwithstanding these constraints, and given the popularity of these areas for wind surfing activities over numerous years, it is recognised that kite surfing activities will continue to take place as private kite surfers exercise their right to recreate within the River Foreshore reserve. Furthermore, the activities associated with a tuition school will be carefully managed so as to minimise risks to students and other users of the foreshore and local residents.
- In view of this, and despite the physical constraints identified, it is recommended that the City lend its support for the proposed Kite Surfing Tuition taking place at Melville Beach, Attadale and Point Walter and advise the SRT accordingly on the basis of a 12 month licence

P13/3375 PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH APPLECROSS, ATTADALE FORESHORE AND POINT WALTER (REC)



Note: Teaching and Meeting areas marked in yellow

**P13/3375 PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH APPLECROSS,
ATTADALE FORESHORE AND POINT WALTER (REC)****BACKGROUND**

In 2008, an application to conduct a paddle boarding, kite and windsurfing school with associated equipment hire at Point Walter Reserve, Melville Beach Road and Jeff Joseph Reserve, Applecross was referred to the City of Melville by the SRT for comment. At the time of the application, the paddle boarding component was supported by the Development Advisory Unit (DAU), however limited support was provided for the kite and wind surfing components due to potential public safety and liability concerns. As is generally the case with matters of this nature, the SRT shared the concerns as expressed by the City, and refused to grant the licence.

It is noted that the City is also in receipt of another licence application from the SRT which also seeks consent to operate a kite surfing school from a single location at Melville Beach. This application is also reported to Council at its March 2013 meeting.

Scheme Provisions

MRS Zoning/Reservation	:	'Parks and Recreation' Reserve
CPS 5 Zoning/Reservation	:	Not applicable
R-Code	:	Not applicable
Use Type	:	Recreation
Use Class	:	Not applicable

Site Details

Lot Area	:	Not applicable
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer to photo above

DETAIL

Approval is sought from the SRT to conduct Kite Surfing lessons at Melville Beach, Applecross in the first instance, but also Attadale Foreshore and Point Walter when conditions are not favourable at Melville Beach. The application has been referred to the City by the SRT for its recommendation.

P13/3375 PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH APPLECROSS, ATTADALE FORESHORE AND POINT WALTER (REC)

PUBLIC CONSULTATION/COMMUNICATION

The City is not required to undertake public consultation as the SRT are the determining authority for the application. Notwithstanding this, public consultation has been undertaken by the City due to the proximity of the proposed school location to residential properties along Melville Beach Road. Public consultation has also been undertaken with landowners adjacent to the car parking area for Attadale foreshore.

Eight submissions were received during the consultation period; two in support, one neutral and four in objection with regard to the Melville Beach operation. One neutral submission was received in relation to the use of the Attadale Foreshore.

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
Melville Beach Foreshore				
1	Recommend parking along Melville Beach Road be formalised and marked.	Neutral	The City is aware that parking occurs in this location, however there are no current plans to formalise it or mark bays within the road reserve.	Not Uphold
2	Kite surfers add colour to the area.	Support	Noted.	Uphold
3	Due to the proximity of the foreshore to the road and private properties, kite surfing in this location poses a safety concern.	Objection	Noted although recognised that this concern is levelled towards the general Kite Surfing activities that take place in this location, as opposed to the more supervised and managed activity proposed by this licence application. .	Not Uphold

P13/3375 PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH APPLECROSS, ATTADALE FORESHORE AND POINT WALTER (REC)

4	Support the use of the foreshore for tuition. This has been occurring informally for a number of years and there have been no problems.	Support	Noted.	Partially uphold
5	The road reserve in this location has insufficient width to accommodate the parking of vehicles. Parking within the verge interferes with the flow of traffic and the exiting of cars from residences. Increased activity on the foreshore will result in damage and erosion.	Objection	Parking is permitted within the road reserve along the majority of the length of Melville Beach Road.	Not Uphold
		Objection	The activities associated with the tuition activity proposed are unlikely to cause damage or erosion.	Not Uphold
6	Due to the existing number of vehicles parking along the foreshore, Melville Beach Road from Cunningham to Dee Road becomes one way. More toilets, BBQ areas and rubbish bins should be provided. Potential safety issues between competent kite surfers and students.	Objection	See comments above regarding verge parking.	Not Uphold
		Neutral	Public toilets have recently been installed at the southern end of Melville Beach Road. In addition, there are BBQ facilities and bins available at Tompkins Park.	Not Uphold
		Objection	SRT will obtain the Department of Transport's comments regarding competing users and the likely safety implications.	Noted

P13/3375 PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH APPLECROSS, ATTADALE FORESHORE AND POINT WALTER (REC)

7	Due to learners inexperience, there are potential safety issues of using this location.	Objection	See comments above regarding safety.	Not Uphold
	Car parking along Melville Beach Road is often full. The road is not wide enough, making it difficult to pass.	Objection	See above comments regarding parking and traffic.	Not Uphold
8	Objection to the businesses in the proposed position. A better location would be the southern end of Melville Beach Road near Cantray Ave where a larger car park could be constructed to remove the current dangerous traffic congestion along Melville Beach Road.	Objection	See comments above regarding verge parking. In addition, there is no beach in the suggested location making this unsuitable for kite surfing preparation.	Not Uphold
Attadale Foreshore				
1	No objection as long as it does not exceed the four students and two instructors.	Neutral	Condition restricting staff and patron numbers is recommended.	Condition

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City is not required to consult with other agencies and consultants as the SRT are the determining authority.

STATUTORY AND LEGAL IMPLICATIONS

As planning approval is not required from the City, CPS5 does not prescribe any provisions relating to the assessment of the proposal, however the application can be assessed on its merits and as to whether it conforms to proper and orderly planning.

The City is asked to make a recommendation to the SRT and is not the determining authority for the subject application. As such, there are no statutory or legal implications for the City as a result of this proposal.

P13/3375 PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH APPLECROSS, ATTADALE FORESHORE AND POINT WALTER (REC)**FINANCIAL IMPLICATIONS**

The *Local Government Property Local Law* requires a person/s to obtain a permit where they, 'carry on any trading as part of a business undertaken on local government property', together with the payment of appropriate fees. This local law applies to the proposed business where it operates from land vested in the City of Melville.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic, risk or environmental implications anticipated as a result of this application.

POLICY IMPLICATIONS

The City has no relevant policies in relation to the proposal.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The City is being requested to provide a recommendation and comment on the application to the SRT.

An alternative option is that the Council may not support the subject proposal to the SRT, due to perceived potential safety concerns associated with the locations.

COMMENT

An application for a Licence to operate kite surfing tuition, primarily from Melville Beach, and when conditions prevail, from Attadale Foreshore and the Point Walter Spit, has been submitted to the SRT, who have in turn referred the application to the City for its comment.

Kite surfing or kite boarding, as it's also known as, involves riding on a small surfboard that is propelled across water by a large kite to which the rider is harnessed. This sport is growing in popularity in WA due to the ideal conditions provided by the prevailing winds and the proximity to many suitable locations.

Two instructors, teaching up to two pupils each, at any one time are proposed. The days and times of the classes proposed are subject to weather conditions, however start times are usually between 12pm and 2pm as this is generally when the sea breeze arrives.

P13/3375 PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH APPLECROSS, ATTADALE FORESHORE AND POINT WALTER (REC)

The business offers a seven hour beginner package which is split up over three lessons. The first lesson is a three hour land-based session undertaken on Tomkins Park with the pupil first learning how to fly the kite and to understand weather conditions. This is followed by a water session involving safety and teaching self rescue. The other two, two hour sessions teach the rider how to fly the kite in the water and safety.

No advertising, flags or shelters are proposed.

As outlined above, there are no provisions within CPS5 or Council Policies against which the proposal must be assessed. Despite this, it is incumbent on the City to ensure that the proposal is considered in the context of orderly and proper planning, and that it is consistent with the intent of the Metropolitan Region Scheme (MRS) reservation.

Location

All three locations are reserved for parks and recreation under the MRS. As kite surfing is a recreational activity, it is considered that the proposed use is consistent with the intent of the reserves.

Kite surfing in Western Australia is informed by the WA Kite Surfing Association (WAKSA). WAKSA designates certain precincts for general use, for learning and areas of exclusion. Melville Beach is one of three locations recognised by WAKSA within the Swan River and is identified on their website as being *“a popular flatwater site for beginner to expert kilters providing a large protected shallow bay and a long narrow beach”*. WAKSA also identifies that the area marked by the three yellow buoys in the river between Nairn and Dee Roads is a designated launch, landing and learning area which creates a buffer zone between the kite surfers and the road reserve.

The information provided by WAKSA is consistent with the Department of Transport's designation for the Melville Beach area, as it identifies that the area is not located within an area of conservation and is available for use by Power Water Craft, water skier's people participating in lessons or any other potential users of the marine reserve.

WAKSA identifies Attadale Foreshore and Point Walter as other locations which *‘are kite-able when easterly or north easterly winds are blowing, predominantly on summer mornings’*.

The Department of Transport designates a water ski area at Point Walter and Attadale which is in close proximity to the kite surfing location. However, it is noted that water skiing requires flat water and kite surfing generally requires wind at approximately 15 knots, meaning that potential conflict between the two sports is unlikely.

**P13/3375 PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH APPLECROSS,
ATTADALE FORESHORE AND POINT WALTER (REC)****Benefits**

It is recognised that benefits can occur as a result of recreational businesses operating within a public area. These benefits can include education, monitoring and fostering a sense of responsibility amongst other river users. Recreation businesses such as the one proposed, can also bring tourists and visitors into an area which can add to the vitality of an area and benefit other businesses such as retail and food/beverage outlets.

Car Parking

The users of Melville Beach currently park within the road reserve of Melville Beach Road. It is noted that Melville Beach Road between Dee and Nairn Roads is two lanes wide, however the lane adjacent to the river is significantly wider which allows for the on street parking to take place without prejudice to road safety or the free flow of traffic. These parking bays are well utilised due to the popularity of the location for kite surfing, and it is considered that the car parking demands for the proposed tuition school activity can be readily met using these car parking bays.

It is noted that the City's Rangers have issued only ten parking infringements in the last three years to vehicles along the Melville Beach Road foreshore, the bulk of which relate to parking in the designated "no standing" areas. As such, parking along Melville Beach is not considered to be a significant problem.

At times when lessons are being undertaken from the Attadale Foreshore or Point Walter, there is ample parking available along Burke Drive and within the public car parking areas at Point Walter Reserve.

Safety

In order to address safety, the Applicant has supplied a risk assessment and a copy of their public liability insurance with the application.

It is acknowledged that the proposed business would educate and inform safe practice, regulate the areas of use and train beginner kite surfers. Furthermore, undertaking lessons within an area can encourage a sense of responsibility amongst other users of the river which can also enhance the safety of an area.

With regard to safety on the river, the SRT will refer the application to the Department of Transport for their recommendation and comment prior to determining the application.

**P13/3375 PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH APPLECROSS,
ATTADALE FORESHORE AND POINT WALTER (REC)**

With regard to safety of land vested in, or under the care and control of the City of Melville, it is recognised that the narrow nature of the Melville Beach foreshore and Reserve (the land between the road kerb and the water line is approximately 15m) makes it more potentially more difficult, particularly for inexperienced kite surfers, to operate without prejudice to their safety, and that of other parties using the reserve, including those who reside in the vicinity.

It is recognised and acknowledged however, that these safety concerns are of more relevance to the ongoing Kite Surfing activities that occur from this location by individual kite surfers pursuing their sport, as opposed to the more managed commercial tuition activities such as that proposed by this application.

In the context of safety, officers of the Statutory Planning Team have recently taken part in a seminar facilitated by Surf Lifesaving WA on behalf of the Government of Western Australia Department of Sport and Recreation (DSR).

The DSR acknowledges the growing popularity of the sport, but as a result of recent serious incidents involving Kite Surfers in WA, is concerned that a Kite Boarding Safety Framework be put in place to provide guidance, advice, and consistency to the kite boarding community.

It is anticipated that the framework will, once delivered, deal with the following outputs:

- Safety guidelines relating to kite boarding
- Guidelines for Event Managers (including risk management)
- Standard approach and guidance provided to Local Government
- Greater awareness by the Insurance industry of acceptable industry operating guidelines
- Awareness programme targeted at the recreational kite boarder.

Apart from the Guidelines that will eventually be made available to the City, and which will then be used to inform decision making around this activity, it is noted that other Local Governments who participated in the Kite Boarding seminar have Management Plans in place to guide kite boarders to specific locations, with restrictions in place to deter use of certain areas, or to ensure that competing users do not conflict with one another.

The benefits of such an approach are recognised for the City of Melville, particularly given the popularity of the sport relative to specific and key locations under our jurisdiction. In that vein it is proposed that a Management Plan be prepared, the output from which will go some way to addressing the safety concerns expressed regarding the use of the Melville Beach foreshore by the Kite Boarding fraternity.

**P13/3375 PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH APPLECROSS,
ATTADALE FORESHORE AND POINT WALTER (REC)**

As far as the commercial tuition activities which are the subject of the SRT Licence regime, and particularly in the case of the Melville Beach location, it is accepted that these should be endorsed at this stage. It is recommended however that any such licence should be issued for a 12 month period only, in recognition of the fact that Kite Boarding Safety Guidelines are in development, and a Management Plan for the City will also be developed in due course.

Environment

With regard to the potential environmental implications that result from the proposal, it is acknowledged that all recreational activities have the potential to cause degradation to the foreshore environment, but this adverse impact must be tempered against the needs of the community to gain access to the river and foreshore areas in pursuit of recreation. The latter is indeed acknowledged by the SRT in the sense that no formal restrictions on access are in place in the immediate vicinity of the application site, it being expected therefore that this area of the river foreshore is one where people will gain access to the river.

On that basis, and noting the very low key nature of the tuition use in this case, it is considered that the activities associated with the tuition activity will unlikely result in additional degradation to the foreshore area than already occurs as a result of all other foreshore activity, including that brought about by individual Kite Boarders who, as stated, recreate in these locations unchecked.

CONCLUSION

On the grounds that:

- the areas in question, particularly Melville Beach, will continue to be heavily frequented by private kite surfers irrespective of the Council's endorsement,
- two of the three locations are identified by WAKSA as being ones where conditions for the sport are favoured,
- the use will likely result in greater proficiency for Kite Surf users, and
- in view of the very low key nature of the tuition business as proposed,

It is recommended that the Council lend its support for the proposal.

As stated, and in addition to the above, the development of a Management Plan will go some way to addressing the safety concerns expressed regarding the use of the Melville Beach foreshore by the Kite Boarding fraternity.

P13/3375 PROPOSED KITE SURFING SCHOOL AT MELVILLE BEACH APPLECROSS, ATTADALE FORESHORE AND POINT WALTER (REC)**OFFICER RECOMMENDATION (3375)****RECOMMEND SUPPORT**

That the Council advise the Swan River Trust that the City of Melville is supportive of the proposed Kite Surf Warehouse Pty Ltd Kite Surfing School at, Melville Beach, Applecross, Attadale Foreshore and Point Walter, in accordance with the submitted plans and details and subject to the following conditions and advice notes:

CONDITIONS

1. Prior to the commencement of the activity, the applicant is to provide and maintain a \$20 million public liability insurance policy ('the Policy') with a reputable public insurance office.
2. A maximum of six people (including instructors) are to undertake tuition at any one time.
3. No signage, flags or the like associated with the business are to be displayed within the foreshore reserve.
4. No shade structures associated with the business are to be erected within the foreshore reserve.
5. That the licence be granted for a 12 month period only and be reviewed annually thereafter by the Chief Executive Officer.

ADVICE NOTES

1. Under the provisions of the City of Melville Local Government Property Local Law, a separate licence is required from the City for the proposed business to operate.

Procedural Motion

At 6.57pm Cr Taylor-Rees moved, seconded Cr Barton, the following Procedural Motion in accordance with Clause 11.1(b) of Standing Orders Local Law 2003 -

That the Council defer consideration of this report (Item P13/3375 - Proposed Kite Surfing School at Melville Beach Applecross, Attadale Foreshore and Point Walter) to the April 2013 Ordinary Meeting of the Council.

At 6.57pm the Mayor submitted the motion, which was declared

CARRIED (8/5)

Reason for Procedural Motion

Cr Taylor-Rees provided the following reason in support of the Procedural Motion –

“To allow Elected Members to be provided additional information in the form of a presentation on environmental impacts to the Swan Estuary Marine Park by stakeholders Swan Estuary Rehabilitation Action Group (SERAG) and Friends of Attadale Foreshore (FOAF) and to allow Officers time to present an outline of key points in relation to safety and locations to be addressed in a Management Plan.”

T13/3377 – CITY OF MELVILLE BIKE PLAN 2012 (REC) (ATTACHMENT)

Ward : All
 Category : Strategic
 Subject Index : Bike Plan/Cycling; Bike Plan/Cycling – Policies & Procedures
 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 : Item T01/3060 - Bike Plan 2001 – Ordinary Meeting of Council 16 October 2001 and Item T98/3020 - Transport Strategy 2000 – Ordinary Meeting of Council 19 June 2000
 Works Programme : 2012/2013 – 2017/2018
 Funding : Capital Works Program
 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 reviews decisions made by Officers.</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>

T13/3377 – CITY OF MELVILLE BIKE PLAN 2012 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The new City of Melville Bike Plan 2012 has been designed to provide a strategic vision for the continued development and promotion of cycling within the City of Melville and replaces the previous Bike Plan adopted by Council in October 2001.
- It provides the basis for annual funding allocations as part of the Capital Works Program so as to improve the bike and pedestrian network to make it safe, efficient and provide good connectivity for all classes of cyclists.
- The new Bike Plan 2012 is an enabler for continued partnership with the Department of Transport through the annual Perth Bike Network (PBN) Grants processes.
- The new Plan also provides the City with the basis to advocate with other state agencies such as Main Roads WA, for ways to improve the cycling and pedestrian facilities on state owned roads.
- The new Plan will promote cycling and walking as healthy lifestyle choices.

BACKGROUND

The importance of the City of Melville Bike Plan can be traced back to the City of Melville Transport Strategy 2000. In this strategic document the City's transport vision stated that "A variety of safe, affordable and effective transport modes will be available for all sectors of the community".

The original Bike Plan 2001 was a natural outcome from that vision and was presented to Council in October 2001. The original Bike Plan focused heavily on an extensive list of minor corrective works but was less clear in terms of providing a strategic direction to improve cycling conditions within the City.

In more recent years, it was recognised that the City needed a new Bike Plan that was both strategic and covered a review of the existing cycling infrastructure that included local routes, shared paths, Principal Shared Paths (PSP) within the City of Melville and linkages to the Perth Bike Network (PBN) routes.

The new City of Melville Bike Plan needed to provide an action plan framework that would identify the opportunities and barriers associated with the existing infrastructure. The new Plan also needed to provide the vision for the expansion of the network and cover the entire area of the City of Melville and would address the City's transport needs and allow for forward planning of the Capital Works budget.

Seven key elements were identified and considered in developing the scope for the new Bike Plan:

- 1 Evaluation of the project area which included a review of the existing Bike Plan;
- 2 Stakeholder consultation within the local government area (LGA), state government departments and the local community;
- 3 Network planning with an emphasis on safe dedicated cycle ways and safe dedicated pedestrian ways.
- 4 Encouragement of cycling;

T13/3377 – CITY OF MELVILLE BIKE PLAN 2012 (REC) (ATTACHMENT)

- 5 A schedule of works that included an infrastructure assessment inclusive of upgrades and prioritisation;
- 6 Maintenance Schedule; and
- 7 A cost estimate; order of magnitude cost schedule relating to the proposed works and alternative scenarios.

Specific considerations required to be addressed in the new Plan included:

- (a) Linkages with the existing Perth Bicycle Network (PBN) and with adjoining Local Governments.
- (b) Safe Routes to Schools and consideration of “off road” routes and safe crossing locations;
- (c) Identification of trip attractors such as Community Centres, Schools, Shopping Centres, Local Government buildings, Public Transport hubs, Regional Parks, the River and Scenic lookouts, etc;
- (d) Directional signage on preferred routes;
- (e) Travel demand i.e., consideration of routes that are the most convenient and safest;
- (f) Analysis of crash statistics to determine routes that may be hazardous for cyclists; and
- (g) End of Trip facilities.

Once these elements were scoped into a project brief, three specialist bicycling consultants were invited to submit a report and outline their expression of interest that would include the following:

- An understanding of the project scope and timing;
- Proposed personnel and level of involvement;
- Summary statement of all key personnel to be engaged on the commission;
- A brief outline of recent comparable commissions;
- A final fixed price with an indication of how the various stages of the project would be scheduled and priced.

Each Consultancy was interviewed to ascertain their methodology; the level of understanding and importance of identifying and developing suitable cycling infrastructure, crash analysis capabilities; how cycling was accommodated in “Smart Roads” concept for competing space within the road reserve, to what extent community consultation would be undertaken, whether a ‘saddle’ survey would be undertaken, and where the City would gain the best outcome in terms of the new Bike Plan.

Following the evaluation process, Aurecon was selected as the successful consultancy to develop the new City of Melville Bike Plan 2012.

DETAIL

In the development and preparation of the City of Melville Bike Plan 2012, Aurecon recognised that the requirements as set out by WA Department of Transport/Bikewest’s document of October 2010 “*Guidelines for preparing a Bicycle Plan*” contained elements that mirrored those contained within the City of Melville’s scope of works mentioned previously.

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Cognisant of this scope and its alignment with the City of Melville's overall vision statement of creating a sense of place which is safe, attractive and accessible to all, Aurecon set about preparing the Bike Plan with the philosophy of the '8 to 80' rule for providing infrastructure that would be safe and practical to all users groups between the ages of 8 years old to 80 years old.

They identified that the cycling network needed to cater for a number of categories/classes of cycle users.

1. The inexperienced cyclists – this group of cyclist is generally inexperienced and includes children and older cyclists who would travel at speeds of less than 20km/h and distances less than 5km. This class of cyclist would prefer to travel on a shared path network.
2. The Commuter cyclist – this group refers to not only cyclists who commute to work, but those skilled and athletic enough to train and travel on road at speeds 25km/h to 40km/h. They prefer direct routes.
3. The recreational cyclist – this group has a range of skill and confidence levels that ranges in between the inexperienced cyclist and the commuter cyclists. They cycle for enjoyment and recreation, and typically travel at speeds at 20km/h and prefer shared paths around the river, regional parks etc.
4. Fitness Training – this group generally travels long distances, at high speeds and use on-road facilities.

With these four groups in mind and in order to determine the relationship between policies and strategies on national, state and local levels, Aurecon undertook a literature review. This included a review of documents such as:

National – Australian National Cycling Strategy 2011 – 2016, Perth Bicycle Network Plan, the draft Western Australian Bicycle Network Plan (2012 – 2012), The City of Melville Local Planning Strategy 2008 – 2023, Community Planning Scheme No 5, City of Melville Transport Strategy, A Strategic Community Plan for the City of Melville (2007 – 2017) and the Melville City Centre Plan.

All of these documents have the recurring themes of:

- Promotion of cycling as a viable, sustainable and safe mode of transport;
- An enjoyable recreational activity with health benefits;
- The creation and provision of a comprehensive and safe network of routes for cycling and walking;
- Provision of 'end of trip' facilities such as bike racks, lockers and shower facilities;
- Provision of infrastructure that is accessible and convenient with good connectivity;
- Education of cyclists and other road users about the rights, needs and responsibilities of cyclists.

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These themes re-iterate the elements contained in the City's scope of works. In conjunction with the literature review, Aurecon reviewed the cyclist and pedestrian crashes for a five year period from 1 January 2006 to 31 December 2010.

- A total of 182 crashes involved cyclists during this period;
- 53.9% resulted in injury;
- 46.1% resulted in property damage only.

New to the City of Melville Bike plan, was the mapping of all the pedestrian and cycling crashes that occurred on the City's road network. This innovation has allowed clusters of crashes to be identified and will be a guiding tool for Technical Services to focus on remedial actions for improvements to the network or focus on education. For example, Macrae Road was one of the cycling routes identified as having a cluster of crashes.

The data relating to Macrae Road has prompted Technical Services to undertake manual traffic counts and observations of cyclist /motorist behaviours at the roundabouts on Macrae Road. Observations identified that in the PM Peak Hour (5.00pm – 6.00pm) many of the cyclists wore dark clothing and were not as visible to motorists as they could be. By correlating the crash analysis it was found that many cycling crashes occurring on Macrae road were at dusk. Possible remedial actions to be considered is pre-deflection on the approaches to the roundabouts to slow down motorists whilst at the same time promoting 'highly visible' clothing for cyclists.

Following on from the literature review (inclusive of policy and strategic contexts) and the crash analysis, Aurecon undertook community consultation with a number of stakeholders and invited the City's Travelsmart officers, members of Bicycling WA and local cycling enthusiasts to take part in a saddle survey.

The aim of the saddle survey was to examine different typologies that included the PBN routes, Local Bicycle Friendly streets, shared paths, bicycle lanes and cycling where there was no infrastructure provided at all. This was a 10km route throughout the City's environs and highlighted in the City of Melville Travelsmart map.

The resultant findings from the community consultation, stakeholder consultation and the saddle survey, identified a number of inconsistencies in shared path and cycle lane standards and where some paths need to be realigned for good connectivity. For example, in Alfred Cove the shared path has a sharp right angle bend which needs to be addressed.

Plans have been mapped showing the differing path types, and where linemarking, signage and connectivity assessments have been undertaken. These are accompanied with a summary of issues and recommendations of possible remedial actions.

With regard to Promotion and Encouragement of cycling, Aurecon identified many of the initiatives currently being undertaken by the City. Some of these include the following:

- As part of the City's Transport Strategy, Travelsmart officers are responsible for overseeing activities associated with other sustainable transport modes, namely walking and cycling and public transport. They are responsible for advocating for the implementation of sustainable transport initiatives, developing programs and relationships with other government agencies, the business sector and the community.

T13/3377 – CITY OF MELVILLE BIKE PLAN 2012 (REC) (ATTACHMENT)

- The City of Melville TravelSmart & Roadwise Committee discuss travel and road safety issues for both cyclists and pedestrians within the City. This group is made up of elected members, Technical Services officers, members of the community, the WA Police, Main Roads WA and WALGA's Roadwise. This forum allows current issues relating to road safety, walking, cycling, and good access to Public Transport to be addressed and resolved.
- Bikeweek breakfasts – this event is one of the most well attended and popular breakfasts held in the Perth Metropolitan Area during Bike Week. It presents an ideal forum to promote cycling, launch new initiatives and glean localised cycling and pedestrian issues
- Smarter Mobility Achieving Reduced Traffic Initiative (SMARTI) programme aimed to encourage the business sector to adopt active travel modes of transport for their employees and was first trialled in Canning Bridge. This initiative was successful and saw a 16% reduction in car commuting trips.

The report identified a number of other initiatives such as the TravelSmart Bicycle Bus at schools, that that could be introduced throughout the City at a later date. Again, a summary of issues and recommendations were identified by Aurecon.

The most important recommendations throughout the new Bike Plan were weighted and prioritised. The methodology used was based on the guiding document "*Prioritisation of Bicycle Infrastructure Proposals*" published by the Australian Bicycle Council and the National Department of Infrastructure, Transport, Regional Development and Local Government. Aurecon used the criteria for assessing the proposed bicycle facilities which are:

- Strategic
- Connectivity
- Economic
- Safety and
- People and Communities

The Prioritised Projects List which forms an attachment to this item details the most important recommendations from the new Bike Plan and incorporates projects that should be addressed by the City of Melville in addition to those projects highlighted in green being undertaken by Main Roads WA.

[3377 City of Melville Bike Plan Prioritised Projects List](#)

Technical Services have already begun using the prioritised Project List from the Bike Plan as the basis for PBN grant applications, whilst other projects such as the first item on the prioritised list, which is the construction of a missing section of the Principal Shared Path (PSP) from Bull Creek Station to Cranford Ave in Brentwood, is being designed by Main Roads WA with the input from Technical Services.

There has been ongoing correspondence to Main Roads WA regarding the "*East of the Freeway shared path*". The listed project No 3 is part of the road rehabilitation of Melville Beach Road involves reviewing and upgrading the shared path as part of those works.

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The 'Prioritised Projects List' shows not only the weighted scores to determine a ranking in priority, but also includes some suggested costs associated with the construction of the infrastructure. Without including the projects that involve Main Roads WA, tentative costs to the City of Melville (excluding \$2m projects such as addressing the lack of bicycle facilities through intersections and ensuring that all roads within a 1km radius of a school have footpaths) over a 5-10 year period would amount to approximately \$5,500,000.

Projects involving Main Roads WA would cost approximately \$8m - \$9m

At the practical level, many of these projects require long term planning and approvals (eg Swan River Trust) or funding from other sources. The prioritised project list will give direction on these future projects and enable feasibility and concept design works to be undertaken well in advance.

PUBLIC CONSULTATION/COMMUNICATION

The level of communication in accordance with the Stakeholder Consultation Policy CP-002 in relation to this item is to "involve" the community.

In this regard, Aurecon personnel were introduced at the City of Melville Road Safety and TravelSmart Committee meeting on 8 February 2012. An overview of the proposed Bike Plan, and an outline covering the elements listed in the scope of works was presented to the Committee which is made up of Elected Members, local politicians, Technical Services officers, members of the community, the Melville Bicycle User Group, Murdoch University Bicycle Users Group, the WA Police, Main Roads WA and WALGA's Roadwise. Aurecon invited attendees to be involved and contact them on any issues.

This Committee had been kept informed on progress of the draft Bike Plan.

A Community Workshop was facilitated on 8 March 2012 by Aurecon and the City's Travelsmart officers. This involved the community with 34 residents that included a broad spectrum of the public from semi-professional cyclists, to pedestrians and even a motorist who recently collided with a cyclist. The conversation was lively and positive with many of the comments being incorporated into the new Bike Plan (This level of community involvement was by far the most successful for any suburban Bike Plan encountered by staff or the Consultants)

Aurecon met with cycling representatives from Murdoch University on 26 March 2012 and involved them in community consultation with many of the comments being captured in the new Bike Plan.

Attendees of the Bike Breakfast in October were also involved in providing valuable feedback regarding cycling issues. Much of the information obtained from the community involvement has been reflected throughout the new Bike Plan, but in particular in section 4. Additional comments have been sought from the local cycling groups.

Elected Members have access to the new City of Melville Bikeplan 2012 via a dedicated link on the extranet.

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There will be a number of opportunities for the marketing of the new Bike Plan as the various initiatives and recommendations are rolled out over subsequent years. These opportunities will further promote the action plan framework and opportunities for improvement. The key message from the Bike Plan is the City of Melville is continually expanding and improving the bicycle network.

The Bike Plan will be available on the City of Melville web site and linked to the Department of Transport web site. Email user groups with cycling interests will be informed of the bike plan and where it can be downloaded. City of Melville staff will be kept up to date with the details of the Bike Plan through the Team Brief.

Newspaper media statements and advertisements will be released once the bike plan has been approved by Council. A request has already been made for the new Bike plan to be presented at the RAC Bike Futures Seminar on the 29 March in Perth.

An article on the bike plan will also be included in the May Mosaic and posters will be printed for the City libraries, recreational centres, educational institutions, community buildings, Civic Centre and Operations Centre.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Consultation with the Department of Transport was conducted by both Aurecon and the staff from Technical Services on separate occasions.

Communication with officers from the Cycling section of Main Roads is ongoing with recent discussions at officer level including the upgrading of the footpath on the southern side of South Street to a 2.5m – 3.0m shared path standard, and the design of the missing PSP connection in Brentwood.

STATUTORY AND LEGAL IMPLICATIONS

Many of the new Bike Plan recommendations have been based on the Austroads Standards and Australian Standards, and operate within the regulations of the Road Traffic Code 2000.

Main Roads WA maintains control over the design, signage and linemarking of the City's roads and shared path network.

Shared paths and PBN routes comply with standards and conditions outlined by the Department of Transport and the soon to be adopted WA Bicycle Network Plan 2012-2021.

FINANCIAL IMPLICATIONS

'Prioritised Projects List' identified a number of projects to be undertaken by the City of Melville. Without including the Main Roads projects (highlighted in green on the 'Prioritised Projects List') and the two long term projects costed at \$2m each, the City would have to find \$5.5m over a 10 year period. This equates to \$550,000 per annum for 10 years.

T13/3377 – CITY OF MELVILLE BIKE PLAN 2012 (REC) (ATTACHMENT)

Many of the smaller projects recommended to be undertaken can be incorporated with projects such as road resurfacing, road rehabilitation and Blackspot funding at minimal cost to the City.

Given the constraints on budgetary funding, Technical Services officers recommend that an amount of \$200,000 be included in the Forward Capital Works program every year for the next five years, and that this amount be reviewed annually. This figure is based on at least one major project or one stage of a major project being funded and completed in a given year. This amount is separate to the ongoing upgrading, replacement works being undertaken through maintenance.

This amount is commensurate with budget funding provided in past years for the improvement to cycling infrastructure and to take advantage of Department of Transport PBN grants which require the City to contribute on a proportional funding basis. This recommendation is also compatible with the funding allocation in the Long Term Financial Plan for new and replacement of paths which currently allocated \$1.9M for path renewal and upgrade.

The amount of \$200,000 has been listed in the draft Capital Works 2013/2014 budget to address the recommendations contained in the 'Prioritised Projects List' in the new Bike Plan. This does not include projects with ongoing maintenance implications such as:

1. Upgrade and implement pavement markings that indicate cycling facilities;
2. Upgrade and implement signage to indicate cycling facilities and PBN Routes
3. Develop a strategy to remove or retrofit traffic control devices that are not cycle friendly

As the network expands and more user groups use footpath, share paths, cycle ways and 'on road' cycling facilities, maintenance cost increases will need to be considered as part of the City's Asset Management Plans and the City's operational budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

It is important that our residents have a safe and efficient transport system within the City's environs that complies with the WA Bike Network Plan and supports the City's transport vision of *'safe, affordable and effective transport modes that will be available for all sectors of the community'*.

The City's Strategic Plan through its promotion of Healthy Lifestyles has strategies that *"ensure facilities and infrastructure are well maintained and safe for use"* so that *"our public places and facilities are increasingly used during the day and night"*.

Its promotion of the Liveable Built Environment requires strategies that ensures *"the built environment provides opportunities for active and passive recreation"* that is easily accessible, whilst the Sustainable and Connected Transport component of the City's Strategic Plan suggests that the City *"plan for and maintain a network of shared-use walkways, footpaths and cycle ways that provide access to facilities and services across the City"*. This promotes the use of alternative transport modes and the city's cycle ways and walkways are perceived as safe and well used.

T13/3377 – CITY OF MELVILLE BIKE PLAN 2012 (REC) (ATTACHMENT)

The new Bike Plan captures these visions and the aspirations identified in the City's Strategic Plan and the City's Transport Strategy 2000. Directions 2031, the State Government's policy on sustainable transport options included the implementation of the *"Perth Bicycle Network to build on cycling infrastructure and policy development to support State and local government initiatives to increase cycling activity"*.

The new Bike Plan also falls in line with the National Cycling Strategy 2011 – 2016 which seeks to have a coordinated framework for the development of cycling in Australia and reaffirm the Government's commitment to cycling for work, transport and recreation.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Failing to invest sufficiently in infrastructure that supports and encourages residents to travel using active travel modes	Medium - incremental consequences as retrofitting bike facilities is politically and financially more costly. A failure to invest appropriately in bike paths leads to more traffic that further discourages bike riding as does the general declining health and fitness of the population.	Implement the actions in the new Bike Plan as well as continue to work with the Department of Transport's Perth Bike Network grant program and Main Roads.
Failing to provide safe cycle paths or routes as people don't feel safe riding on the road, out of concern for their personal safety of that of their family.	Medium – when safe bike facilities are not provided there is a decline in using cycling as a transport mode or for recreational use, or for health reasons	Implement the actions in the new Bike Plan and provide safe cycling facilities for all classes of cyclists.

POLICY IMPLICATIONS

1. Current Council Streetscape Policy CP-032 states that streetscapes serve a multitude of purposes including allowance for public utilities, crossover, footpaths, lighting, street trees, drainage and urban furniture.
2. Council Path Policy CP-033 provides guidance and direction in the provision, renewal and maintenance of the paths.
3. Council Road Safety Audit Policy CP-034 requires that the City promote the development, design and implementation of a safe road system through the adoption of formal road safety auditing principles and practices.
4. Council School Parking Policy CP-035 requires that schools give priority to promotion of walking, cycling and the use of public transport for all members of the school community including parents, students and staff.
5. Council Policy CP-079 requires that the provision of bicycle parking facilities is encouraged for all developments.

T13/3377 – CITY OF MELVILLE BIKE PLAN 2012 (REC) (ATTACHMENT)**CONCLUSION**

The City's vision through various policies, and more importantly it's own Strategic Community Plan and its Transport Strategy, is to provide safe, convenient and accessible transport options for walking, cycling and public transport, that cater for all classes of cyclists and for pedestrians. In this regard, Council's endorsement of the new City of Melville Bike Plan 2012 will meet the City's vision for improved transport infrastructure and the needs identified in the Strategic Community Plan.

The new City of Melville Bike Plan 2012 addresses these criteria with the planning and concept design of some projects that are outlined in the new Bike Plan having already commenced by either the State Government or the City's Travelsmart officers by way of PBN Grant applications. These include the feasibility study for a 3.5m PSP route on the western side of Kwinana Freeway in Brentwood between Carruthers Road and Selway Place, which includes a grade separated (underpass) crossing of Cranford Avenue, by Main Roads.

To continue the improvement works and achieve at least one major project per annum, a minimum budget allocation of \$200,000 is recommended per annum. This assessment is based on the recent costs attributed to the upgrade of the shared path on Leach Highway, which was a combination of funding from the PBN Grants and the City of Melville funds. This level of funding is commensurate with previous year budget allocations for cycle related works and is in line with the funding projections in the Long Term Financial Plan for path renewal and upgrading works.

Where opportunities exist through other programmes, the City's TravelSmart officers will liaise with the relevant agencies regarding grants and lobby for any additional funding sources.

This will involve advocating with State agencies such as Main Roads WA to ensure that shared path upgrades and connectivity along routes, such as the eastern side of Kwinana Freeway, are identified as being regionally important, have allocated funds and are constructed within time frames.

It is recommended that Council endorse the new City of Melville Bike Plan 2012 in order to progress many of the listed projects and to fulfil the vision for the provision of safe, convenient and accessible transport options for walking, and cycling that cater for all classes of cyclists and for pedestrians with easy access to Public Transport. It also recommended that a minimum of \$200,000 be listed on the Forward Capital Works programme every year for the next five years, and this amount be reviewed on an annual basis, should costs of projects rise dramatically and with alignment of the City's Long Term Financial Plan.

T13/3377 – CITY OF MELVILLE BIKE PLAN 2012 (REC) (ATTACHMENT)**OFFICER RECOMMENDATION (3377)****APPROVAL**

At 6.58pm Cr Robartson moved, seconded Cr Willis -

That the Council:

1. **Endorse the City of Melville Bike Plan 2012 as its new strategic document with regard to expanding the pedestrian and cycling network in line with the emphasis of increasing cycling and walking safety, with good connectivity and convenience.**
2. **Allocate a minimum of \$200,000 per annum on its Forward Capital Works budget from within the current provision for path renewal and upgrade as included on the adopted Long Term Financial Plan, to progress the recommendations of the City of Melville Bike Plan 2012, and that this amount be reviewed on an annual basis.**
3. **Supports the City to continue to work actively with the Department of Transport's Perth Bike Network Grant process to maximise funding grant opportunities to assist with progressing the recommendations contained within the City of Melville Bike Plan 2012.**
4. **Supports the City advocating and maintaining its continued cooperation and collaboration with Main Roads WA to facilitate the progress of the cycle related infrastructure projects contained within the City of Melville Bike Plan, which fall under the jurisdiction of Main Roads WA.**

Amendment

At 6.58pm Cr Robartson with agreement from the seconder, Cr Willis agreed to incorporate the amendment into the motion.

That the Officer Recommendation be amended by the insertion of an additional clause 5 after Clause 4:

5. ***Endorse the City's actions in providing a copy of the City of Melville Bike Plan 2012 to State and Federal Members of Parliament with the view of seeking their support for the plan and to advocate for the strategic cycle related infrastructure projects contained in the plan.***

T13/3377 – CITY OF MELVILLE BIKE PLAN 2012 (REC) (ATTACHMENT)**COUNCIL RESOLUTION (3377)****APPROVAL**

At 6.59pm His Worship the Mayor submitted the substantive motion as amended -

That the Council:

1. **Endorse the [City of Melville Bike Plan 2012](#) as its new strategic document with regard to expanding the pedestrian and cycling network in line with the emphasis of increasing cycling and walking safety, with good connectivity and convenience.**
2. **Allocate a minimum of \$200,000 per annum on its Forward Capital Works budget from within the current provision for path renewal and upgrade as included on the adopted Long Term Financial Plan, to progress the recommendations of the City of Melville Bike Plan 2012, and that this amount be reviewed on an annual basis.**
3. **Supports the City to continue to work actively with the Department of Transport's Perth Bike Network Grant process to maximise funding grant opportunities to assist with progressing the recommendations contained within the City of Melville Bike Plan 2012.**
4. **Supports the City advocating and maintaining its continued cooperation and collaboration with Main Roads WA to facilitate the progress of the cycle related infrastructure projects contained within the City of Melville Bike Plan, which fall under the jurisdiction of Main Roads WA.**
5. ***Endorse the City's actions in providing a copy of the City of Melville Bike Plan 2012 to State and Federal Members of Parliament with the view of seeking their support for the plan and to advocate for the strategic cycle related infrastructure projects contained in the plan.***

At 7.02pm the Mayor declared the motion

CARRIED (13/0)

**CD13/8050 – THE CITY OF MELVILLE’S RECONCILIATION ACTION PLAN (REC)
(ATTACHMENT)**

Ward : All
 Category : Operational
 Subject Index : Aboriginal Liaison - Aboriginal Reconciliation
 Customer Index : Australians for Reconciliation
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Leanne Hartill
 Manager Neighbourhood Development

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 reviews decisions made by Officers.</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>

**CD13/8050 – THE CITY OF MELVILLE’S RECONCILIATION ACTION PLAN (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

The City of Melville’s Reconciliation Action Plan is presented to Council to:

- Facilitate the organisation’s commitment to a range of specific actions that support reconciliation within the City of Melville and the broader community. Reconciliation Action Plans (or RAPs) are about turning good intentions into real actions.
- For Adoption by the Council of the Reconciliation Action Plan 2013 – 2016.

BACKGROUND

Reconciliation Australia (RA) is the national organisation promoting reconciliation between Aboriginal and Torres Strait Islander peoples and the broader Australian community. Its Reconciliation Action Plan (RAP) program was established in 2007.

A RAP is defined as “a business plan that uses a holistic approach to create meaningful relationships and sustainable opportunities for Aboriginal and Torres Strait Islander Australians. A RAP publically formalises an organisation’s contribution to reconciliation by identifying clear actions with realistic targets and is developed in consultation with Aboriginal and Torres Strait Islander communities, organisations and leaders”.

RAPs are also about supporting cultural change within an organisation through building good relationships, respecting the special contribution of Aboriginal and Torres Strait Islander peoples, and creating opportunities.

Since the launch of the RAP program over 280 Australian corporations, governments and community organisations have developed RAPs, including 11 of Australia’s top 20 businesses such as Woodside and Rio Tinto. Today, more than 1.6 million Australians work or study in an organisation that has a RAP.

As a result of RAPs, nation-wide over 13,000 employment positions have been filled by Aboriginal people, including nearly 1,000 Aboriginal and Torres Strait Islander apprenticeships and traineeship positions. Over 20,000 people have participated in cultural awareness training.

In March 2012, the City of Melville signed a Statement of Commitment to develop a RAP. A working group of officers from across the organisation, plus Aboriginal and community representatives was subsequently established to develop the plan.

Throughout the development of the plan, updates and information have been provided to Elected Members, Directors and Operational Managers, with the opportunity for comment and feedback.

**CD13/8050 – THE CITY OF MELVILLE’S RECONCILIATION ACTION PLAN (REC)
(ATTACHMENT)****DETAIL**

The RAP is a three year plan that outlines the City’s commitment to reconciliation. The structure and format of the plan was developed by Reconciliation Australia and is the template adopted by all organisations developing RAPs.

The contents of the plan are:

- Acknowledgements.
- Use of terms - with some specific learning about the use of the terms Noongar, Beeliar, Wadjuk.
- The City’s vision for reconciliation – a positive shared future grounded in respect and strong relationships. The special place that the First Australians have in the development of our nation and communities is recognised and celebrated. Acknowledgement of past hurts and injustices has helped bring about healing. United and working together, we are able to build a stronger community for the benefit of all.
- The City’s business - a brief description of the City of Melville’s business in terms of resident numbers, geographical area and services provided.
- RAP journey – the organisation’s journey in relation to reconciliation and creating its RAP.
- Action Plan - a list of practical actions for each of the three theme areas of relationships, respect and opportunities.

Many actions in the plan reflect current work practices or tasks already identified such as cultural awareness training, development of an Aboriginal Engagement Strategy, recording of local stories, and developing resources to support early education of local Aboriginal history in our libraries.

Other actions, such as developing a policy for the use of Welcome to Country and Acknowledgement of Traditional Owners at Civic Functions, and dual naming of significant sites may require some further discussion and research. As the plan is reviewed annually, any necessary adjustments can be made at this time.

Internal discussions suggest a high level of support throughout the organisation for the RAP.

PUBLIC CONSULTATION/COMMUNICATION

As the RAP is principally a document with an internal focus, to elicit cultural change within the organisation, there has been no public consultation or external engagement beyond the involvement of community representatives on the working group. Two articles in Mosaic during 2012 have informed residents that the City of Melville is in the process of developing a RAP.

Prior to work commencing on the RAP, a presentation was made at the Elected Members Information Session in February 2012 and a Statement of Commitment to developing a RAP signed in March 2012. Subsequently, the Hon Fred Chaney spoke to Elected Members about the importance of reconciliation at the April 2012 Elected Members Information Session.

**CD13/8050 – THE CITY OF MELVILLE’S RECONCILIATION ACTION PLAN (REC)
(ATTACHMENT)**

The RAP working group was established in March 2012. Members of the group included officers from each directorate in the organisation and community members. The community representatives included local Aboriginal elders and leaders, younger Aboriginal community members, and members of the Walyalup Reconciliation Group. Over a period of six months, the working group learnt about Aboriginal history, explored definitions of reconciliation, undertook site visits, and listened to guest speakers. The working group was supported by an independent facilitator.

During the process of developing the RAP, updates to Elected Members were provided in the Elected Members Bulletin, and officers were kept informed through internal communications.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

RAP working group members attended a Reconciliation Australia RAP State Forum at Edith Cowan University in October 2012. RAP documents from other organisations have been reviewed. Feedback on our RAP has been provided by the Department of Indigenous Affairs and Reconciliation Australia.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications arising from the RAP.

Once the Council has adopted the RAP, it will be endorsed by Reconciliation Australia.

FINANCIAL IMPLICATIONS

There are no budgetary implications in the first year as many actions are aligned with current plans and priorities, and there are existing allocations of funds.

Actions requiring budget requests in future years are clearly identified in the action plan and have been discussed with relevant Officers. As the plan is reviewed annually, budgetary requests can be adjusted at this time according to current priorities.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
The RAP actions are not supported by internal Directorates and service areas.	Low	Maintain continuity with working group members involved in the internal Continuous Improvement Team, reviewing progress on actions. Ensure that a sound communication plan is rolled out internally.

**CD13/8050 – THE CITY OF MELVILLE’S RECONCILIATION ACTION PLAN (REC)
(ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council does not adopt the RAP. This has implications regarding reputational risk as RAP’s are accepted and acknowledged mechanisms to promote reconciliation within organisations across Australia.

POLICY IMPLICATIONS

There is no Council policy that relates to the adoption of the RAP.

CONCLUSION

The attached RAP creates a context and framework in which our organisation identifies and measures actions to support reconciliation both within our organisation and to a lesser extent, the broader community and business sphere.

[8050 Reconciliation Action Plan 2013 - 2016](#)

The three year plan articulates the City’s vision for reconciliation, and identifies actions to be taken in specified time frames by identified service areas across the three themes of relationships, respect and opportunities.

The level of involvement and commitment by officers who were part of the working group who developed the plan, and the level of internal debate across all levels of the organisation about the plan, demonstrate a high level of interest in this area and a strong desire to learn and engage with Aboriginal people. It seems that many people feel constrained in their approach to and understanding of Aboriginal culture and are looking for a roadmap to follow to effect change. Through clear and measurable actions, the RAP will assist our organisation to continue its strong tradition of supporting reconciliation.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8050)**APPROVAL**

That the Council adopts the Reconciliation Action Plan 2013/2016 as detailed in attachment [8050 Reconciliation Action Plan 2013 2016](#)

At 7.03pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

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

CD13/8051 - DANGEROUS DOG DECLARATION/OBJECTION (REC) (CONFIDENTIAL ATTACHMENT)

Ward : Palmyra/Melville/Willagee
 Category : Operational
 Subject Index : Animal Control - Dogs
 Customer Index : 2925518
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Peter Carrie
 Coordinator Neighbourhood Amenity

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 reviews decisions made by Officers.</i>
<input checked="" 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>

CD13/8051 - DANGEROUS DOG DECLARATION/OBJECTION (REC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

- On 30 December 2012, two dogs belonging to Mr L Hook of 4 Dunford Street, Willagee, attacked and caused injury to a dog being walked on a lead.
- Due to the previous history of the two dogs, they were both declared dangerous on 17 January 2013 by the Chief Executive Officer on the recommendation of an authorised officer.
- The declaration imposes certain conditions on the dogs including the requirement for them to be muzzled in public, to wear a specified collar and to be on a lead at all times when in a public place.
- The owner, Mr Hook, has lodged an objection to the dangerous dog declaration on his two dogs.
- An objection is to be determined by the Council with a subsequent right of appeal to the State Administrative Tribunal.
- The declaration has been imposed in the interest of public safety following numerous complaints from surrounding neighbours regarding the dog's behaviour, and the dog attack on 30 December 2012.

BACKGROUND

On 17 January 2013, an American Staffordshire Terrier (registration 153283) and a Staffordshire Terrier Cross (registration 132231) from 4 Dunford Street, Willagee, were declared dangerous following an incident where they caused injury to another dog being walked on a lead.

Both dogs have had a previous history of repeatedly showing a tendency to threaten to attack on at least five occasions dating back to August 2010. An incident on 8 February 2012 involved an attack on a cat and, on 3 July 2012, a man had his arm dislocated as a result of fending off the dogs which had charged at his dog. Fines were issued to the owner for both of these incidents. Fines have also been issued for the latest incident on 30 December 2012.

One of the dogs from 4 Dunford Street, Willagee, has previously been impounded by the City and letters have been sent to the dog owner regarding fencing requirements and registration of the dogs.

The conditions imposed on a Dangerous Dog include:

1. The dogs are to be confined in the rear yard of 4 Dunford Street, Willagee, at all times other than in accordance with the Schedule.
2. (a) the portion of the yard in which the dogs are kept must be enclosed with a fence of sufficient height and of such a nature so as to prevent the dog escaping there from;
(b) maintain the fence in good order and condition;

CD13/8051 - DANGEROUS DOG DECLARATION/OBJECTION (REC) (CONFIDENTIAL ATTACHMENT)

- (c) ensure that any gate or door within the fence is fitted with an efficient self-closing mechanism to ensure the gate automatically closes after being opened; and
 - (d) any exit door of the dwelling to the front yard of the premises is in good order and fitted with an efficient self-closing mechanism to ensure the door automatically closes after being opened.
3. That the owner ensures that, at all times, both dogs wear a collar as prescribed by the regulations to warn people that the dog is dangerous.
 4. That at every entrance to the premises (i.e. the gate and front door) signs as prescribed by the regulations are displayed to warn people that a dangerous dog is kept there.
 5. Both dogs are to be kept on a leash or chain by a person physically able to control the dogs when in a dog exercise area and in any public place.
 6. The owner or any person liable for the control of the dogs shall cause both dogs to be muzzled in such a manner as will prevent it from biting a person or animal at all times when in any public place.
 7. The owner is required to ensure that any other person liable for the control of the dogs is made aware of the declaration.
 8. The imposed control requirements in relation to both dogs have effect until the dogs can be kept without the likelihood of any contravention of the Dog Act.

The owner of the dogs has lodged an objection to the Council against the dogs being declared as dangerous dogs. The grounds for the objection are attached to this item as a confidential attachment.

DETAIL

The grounds for the objection by Mr Hook to the dangerous dog declaration are that he does not believe his dogs are dangerous dogs. He also states that his friends and neighbours are willing to support his claim however has not provided any more detail. He has also cast doubt on whether the latest incident actually occurred.

On 30 December 2012, two dogs belonging to Mr Hook of 4 Dunford Street, Willagee, reportedly escaped from the property and made an unprovoked attack on a dog being walked on a lead by a person, causing injury to the dog.

This incident was investigated by an authorised officer and found to have occurred. Two witness statements regarding the incident and photos of the dog's injuries were provided. The dog owner has been issued with two infringements as a result of the incident on 30 December 2012.

CD13/8051 - DANGEROUS DOG DECLARATION/OBJECTION (REC) (CONFIDENTIAL ATTACHMENT)

In the opinion of the investigating authorised officer, the balance of evidence indicated that the safety of the community would be best served by declaring both of the dogs dangerous. The authorised officer's grounds for declaring the dogs dangerous included that the dogs had caused injury by an attack on a dog, that the attack was unprovoked and that the dogs had repeatedly shown a tendency to threaten to attack.

PUBLIC CONSULTATION/COMMUNICATION

Two written complaints regarding the behaviour of the dogs have been received from residents in Dunford Street Willagee, requesting that action be taken to control the dogs. Two further separate complaints from residents of Willagee have been lodged with rangers regarding incidents with the dogs.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Verbal communication has been undertaken with the Department of Housing (DOH) Fremantle regarding the fencing of the property at 4 Dunford Street, Willagee, as the property is a DOH premise and tenanted.

STATUTORY AND LEGAL IMPLICATIONS

Section 33 (e) of the Dog Act 1976 allows a person authorised by the Council to declare a dog dangerous if;

- a) the dog has caused injury or damage by an attack on a person, animal or vehicle,
- b) the dog has repeatedly shown a tendency to attack or chase a person, animal or vehicle even though no injury has been caused or to threaten to attack.

The Chief Executive Officer has been authorised by the Council for the purposes of section 33 (e) of the Dog Act 1976 to declare a dog to be a dangerous dog (Item P00/8007).

The owner of a dog declared a dangerous dog has a right to lodge a written objection with the Council under section 33 (f) of the Dog Act 1976, with a subsequent right of appeal to the State Administrative Tribunal against any decision made by the Council.

FINANCIAL IMPLICATIONS

Not applicable.

CD13/8051 - DANGEROUS DOG DECLARATION/OBJECTION (REC) (CONFIDENTIAL ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The risk of further incidents involving the dogs can be minimised by the imposition of the dangerous dog declaration. The safety of the community would be best served by the imposition of the dangerous dog conditions.

Risk Statement	Level of Risk	Risk Mitigation Strategy
A risk of further injury by an attack on a person or animal.	Major consequences which are likely, resulting in a High level of risk.	Dangerous dog declaration on both dogs requiring the owner to comply with strict conditions including muzzling in public.

POLICY IMPLICATIONS

There is no Council Policy that relates to this matter.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Removal of the dangerous dog conditions could result in a significant risk to community safety.

CONCLUSION

The balance of the evidence indicates that the safety of the community would best be served by the dogs from 4 Dunford Street, Willagee, being declared dangerous dogs.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8051)

APPROVAL

That the Council dismiss the objection against a dangerous dog declaration from the owner of two dogs (registration numbers 132231 and 153283) located at 4 Dunford Street, Willagee, based on the following:

- **The dogs have caused injury by an attack on an animal;**
- **The dogs have previously repeatedly shown a tendency to threaten to attack;**
- **The dogs are capable of causing injury or damage;**
- **The dogs were unprovoked in the attack on an animal; and**
- **The safety of the community would be best served by the imposition of the dangerous dog conditions.**

At 7.07pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

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

M13/5274 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Personnel file
 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 : Item M12/5216 – Chief Executive Officer Performance Review – Ordinary Meeting of Council - May 2012
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Kylie Johnson
 Executive Manager Organisational Development

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 reviews decisions made by Officers.</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>

**M13/5274 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- In June 2011, through Council resolution (5188), by absolute majority decision, a five year contract with the Chief Executive Officer (CEO), effective 20 March 2011 was adopted.
- The Governance Committee has been determined through Council to be the reviewers of the CEO performance.
- The Governance Committee will discuss the CEO performance, future expectations performance criteria, performance development plan and review the salary package, for recommendation to Council.
- A defined process is proposed for the CEO performance review, as detailed in the agenda item.
- The proposed process reflects enhancements on the previous process, based on feedback received during the last performance review, including incorporating a performance development focus through the process and determination of a performance development plan.

BACKGROUND

On 20 March 2008 Dr Shayne Silcox commenced in the role of Chief Executive Officer (CEO) at the City of Melville. The last performance review was finalised in May 2012 and followed the review in 2011 that resulted in a new five year contract being adopted by Council. The contract was adopted by an absolute majority decision of Council in June 2011, and made effective from 20 March 2011 in accordance with Council resolution (5175).

Clause 7 of the CEO contract details that there also needs to be a review of remuneration on an annual basis at a time that is no later than three months after the anniversary of the commencement date.

DETAIL

The Chief Executive Officer performance review process that is recommended will commence once the Council has endorsed the stages to be followed, as per the attachment:

[5274 Chief Executive Officer Performance Review.](#)

The proposed process has been enhanced from the previous year based on feedback received from those involved in the process. The adjustments have included that a Chief Executive Officer Performance Development Plan be prepared by the Performance Review Consultant, as recommended by the Governance Committee.

**M13/5274 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW
(REC) (ATTACHMENT)**

It is noted that there were suggestions for improvement of the survey document during the last process and this remains a formal step in the review process, which is undertaken by the Governance Committee.

PUBLIC CONSULTATION/COMMUNICATION

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

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

Section 5.16(1) of the Local Government Act 1995, states that "*Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than this power of delegation*" Absolute majority required.

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

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

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

FINANCIAL IMPLICATIONS

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

**M13/5274 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW
(REC) (ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternate option is that in accordance with section 5.16 of the Local Government Act 1995, the Council delegates to the Governance Committee all the powers, functions and duties necessary to select and appoint an external consultant to facilitate the performance review process of the Chief Executive Officer.

The implication of this option is that the Governance Committee meetings would require public notice so that the public are invited to attend the meeting. The current proposal is that the Committee formally recommend the Consultant and the authority for appointment remains an operational authority of the Executive Manager Organisational Development.

CONCLUSION

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

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

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5274)

APPROVAL

That the Council endorse the process proposed in Attachment [5274 Chief Executive Officer Performance Review](#) for the Chief Executive Officer performance review.

At 7.24pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C13/6053 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Financial Statements and Investments
 Customer Index : Not Applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : C12/6047 – Consideration and Adoption of the 2012/2013 Budget (26 June 2012)
 C12/6052 – City of Melville Financial Statements for 2011/2012 (20 November 2012)
 C12/6051 – Long Term Financial Plan (11 December 2012)
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Debbie Whyte
 Senior Management 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 reviews decisions made by Officers.</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>

C13/6053 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- This report presents the Mid Year Budget Review for the period 1 July 2012 to 31 December 2012.
- A Mid Year Budget Review is required under the Financial Management Regulations to identify both positive and negative variances across the organisation.
- This report recommends that the 2012/2013 Budget be adjusted accordingly.

BACKGROUND

The City of Melville reviews its budget position on an ongoing basis, with a budget variations listing and a budget variance report forming part of the monthly financial statements submitted to Council. The Financial Management Regulations (33A) specify that Local Governments must undertake a formal budget review between 1 January and 31 March and submit the findings to the Department of Local Government. The City of Melville has undertaken this formal budget review during this period based on the financial position as at the conclusion of December 2012.

DETAIL

The Mid Year Budget Review has been undertaken by Budget Responsible Officers and reviewed by Management Accounting and the Executive Management team. The financial position for the City of Melville as at 31 December 2012 is overall a nil variance. This is the net result of both positive and negative variances, across both operating and capital budgets.

The Budget Review also encompasses the recommended allocation of the 2012/2013 additional unallocated opening funds of \$119,128, brought forward from the 2011/2012 financial year. It needs to be noted that the 2011/2012 Annual Financial Statements reported unallocated opening funds of \$2,324,243. However, this amount included the purchase of Public Open Space in Bicton as identified in the 2011/2012 Mid Year Budget Review. As a result of this amendment, the unallocated opening balance is now a reduced \$119,128.

The following table is a summary of the results, with positive variances shown as (\$xxx):

Operating	
General Purpose Funding	\$530,150
Management Services	(\$627,145)
Corporate Services	\$29,286
Community Development	(\$91,671)
Technical Services	\$206,880
Urban Planning	(\$105,500)
NET OPERATING VARIANCE	(\$58,000)
Capital	
Corporate Services	\$58,000
Community Development	\$0
Technical Services	\$0
NET CAPITAL VARIANCE	\$58,000
NET VARIANCE	\$0

C13/6053 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Key findings are shown below and amendments are shown in line with the Adopted Annual Budget format in attachment: 6053 Mid Year Review Summary Amendments.

[6053 Mid Year Budget Review Summary Amendments](#)

Whilst the % variance adopted by Council when adopting the 2012/2013 Budget, at its Special Meeting of Council held on 26 June 2012, was 10% of \$50,000 (whichever is greater) some commentary has been provided on variances below this number where considered necessary to gain a full understanding of the net position.

Key findings in Operating Budget:**General Purpose Funding - \$530,150 Net Negative Variance**

- Additional Opening Funds from 2011/2012 – (\$119,128) unallocated funds from 2011/2012 to be used to partially fund negative variances in 2012/2013.
- Rates – (\$42,819) net positive variance due to a combination of increased levels of income from late payment penalty interest, additional debt recovery income but lower interest generated from instalments.
- Grants and Contributions - \$0 net variance. There has been a reduction in the Federal Assistance Grants paid in 2012/2013 due to advanced payments received in 2011/2012. However, this will be offset by a reduction in the transfers to Reserves.
- Specified Area Rate - \$92,097 negative variance due to greater than anticipated concessions being granted in the Ardross West Underground Power project.
- Investment Earnings - \$600,000 net negative variance. Investment earnings on municipal funds are forecast to be materially under budget due to lower than forecast investment rates. This has been impacted by the legislative change to restrict investment terms to one year, meaning there is an inability to take advantage of higher rates for longer investments periods. Investment earnings on Reserve funds are forecast to be ahead of budget by \$500,000 due to a higher than anticipated cash balance but this amount will be transferred to the various Reserves, and not available to fund negative variances.
- Other Revenue - \$0 net variance. \$1.3m was generated from the recovery in the value of marketable investments Collateralised Debt Obligations (CDO's) and the transfer to reserves is to reverse the impairments previously deducted from the reserves.

Management Services – (\$627,145) Net Positive Variance**Chief Executive Officer - (\$658,145) Net Positive Variance**

- Materials & Contracts – (\$658,145) positive variance as the organisational contingency fund will be used to fund negative variances across the organisation.

Organisational Development - \$31,000 Net Negative Variance

- Materials & Contracts – \$31,000 negative variance the result of increasing the expenditure budget to fund risk management initiatives to further reduce motor vehicle insurance claims. This has been funded by a matching rebate shown under the Director Corporate Services.

C13/6053 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**Corporate Services - \$29,286 Net Negative Variance****Director Corporate Services - \$6,695 Net Negative Variance**

- Other Revenue – (\$31,000) positive variance a result of receiving an unexpected 'Good Driver Rebate' in respect to the 2011/2012 premium year.
- Employee Costs – (\$45,000) positive variance a result of the actual premium for workers compensation insurance being lower than the forecast. This saving will be used to offset the reverse situation in other insurance premium categories.
- Insurance - \$82,695 negative variance due to a combination of negative and positive variances across the insurance premium categories. The most material variances relate to motor vehicles with a (\$15,500) positive variance and industrial risk with a \$95,860 negative variance.

Property and Governance - \$5,130 Net Negative Variance

- Fees & Charges - \$14,283 negative variance due to additional lease income from the Norma Road site being offset by reduced income from Pt Walter Café and 62 Murray Road which has been sold.
- Other Revenue – (\$20,158) positive variance due to additional electricity recoups from Melville Reserve but this is partially offset by an increase to the corresponding expenditure account.
- Utilities - \$11,487 negative variance due to electricity charges at Melville Reserve but is offset by additional income recoups (refer Other Revenue above).

Information Technology - (\$11,040) Net Positive Variance

- Employee Costs – (\$61,001) positive variance is a result of staff vacancies but positions were filled with contract staff.
- Materials & Contracts - \$61,000 negative variance due to contractors being used to fill vacancies in order to complete the production upgrade and disaster recovery planning. A positive variance in software licensing was also used to fund consulting along with additional costs incurred in data line rental.

Financial Services - \$28,500 Net Negative Variance

- Materials & Contracts - \$25,000 negative variance due to higher than expected costs incurred in relation to debt collection and postage.

Community Development – (\$91,671) Net Positive Variance**Recreation Services - (\$44,982) Net Positive Variance**

- Fees & Charges – (\$176,277) positive variance due mainly to additional income being received at both Melville Aquatic Fitness Centre and Melville Recreation Centre across various programmes. However, there has also been a corresponding increase in associated costs.
- Employee Costs - \$102,500 negative variance due to additional staffing costs at both centres to deliver programmes.

C13/6053 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

- Materials & Contracts – (\$48,961) positive variance due mainly to current enrolments being down for the swimming squad and hence reduced contract payments.
- Utilities - \$56,000 negative variance due to increased electricity usage at Melville Aquatic Fitness Centre of \$11,000. Gas costs at the centre have also been forecast to be over budget by \$45,000 as a result of additional charges from Alinta Energy and a delay in the installation of solar heating.

Health Services - (\$13,689) Net Positive Variance

- Fees & Charges – (\$12,174) positive variance due mainly to additional income being received for alfresco dining permits. This increase is the direct result of closer scrutiny.

Library Services - \$10,000 Net Negative Variance

- Other Revenue - \$10,000 negative variance due to reduced revenue from income generating projects that were expected to support RFID introduction. Further income generation projects currently being investigated.

Neighbourhood Development - (\$28,000) Net Positive Variance

- Other Expenditure – (\$28,000) positive variance due to the unpredictability of community partnership grants and less level one grants being distributed this year.

Cultural Services - (\$10,000) Net Positive Variance

- Materials & Contracts – (\$10,000) positive variance due to a reduction in consultancy to offset \$10,000 negative variance in Library Services. Remaining funds in this account are allocated to other consultancy related to the library Future Plan.

Neighbourhood Amenity - (\$5,000) Net Positive Variance

- Fees & Charges – (\$10,000) positive variance due to additional parking fees being received from Canning Bridge but partially offset by reduced parking fine income.

Technical Services - \$206,880 Net Negative Variance**Waste - \$0 Net Variance**

- Employee Costs – (\$15,000) positive variance due to a combination of reduced training costs and an increased rebate.
- Materials & Contracts - \$727,500 negative variance due mainly to increased disposal costs of domestic refuse. The 2012/2013 budget was prepared based on a weekly recycling service, with a proposed reduction in municipal solid waste (MSW). However, this service has yet to commence and MSW tonnages have remained at a higher level as the migration to recycling hasn't occurred. There has been a slight reduction in recycling disposal costs.
- Finance Costs – (\$98,000) positive variance due to lower than forecast loan repayments with regards to the Southern Metropolitan Regional Council.
- Internal Recovery – (\$30,000) positive variance. Disposal of litter waste has increased by \$30,000 due to both rates and tonnages. This is recharged to Parks to show the true cost of operating parks and reserves.

C13/6053 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)***Works Services - \$100,000 Net Negative Variance***

- Grants & Contributions - \$50,000 negative variance due to reduced income being received from crossover contributions. This has been offset by reduced contractor payments.
- Fees & Charges – \$100,000 negative variance due to a non-refundable administration fee being budgeted for in relation to kerb security deposits. Professional advice has since been obtained and this fee is unable to be charged.
- Employee Costs – (\$34,000) positive variance the result of staff vacancies in Technical Officer positions.

Engineering Design - (\$13,430) Net Positive Variance

- Other Revenue – (\$15,600) positive variance due to an unforeseen insurance claim recoup.

Parks and Environment - \$120,310 Net Negative Variance

- Employee Costs - \$38,337 negative variance due mainly to two environmental positions not being correctly accounted for in original budget.
- Utilities – (\$21,063) positive variance due to lower than forecast utilities costs across the various parks and reserves.
- Other Expenditure - \$15,000 negative variance due to increased funding required for the purchase of minor tools and equipment.
- Internal Allocations/Recovery - \$104,937 net negative variance the result of the allocation and recovery of additional overheads in relation to the environmental positions and also a shortfall in fleet charges in the original budget. An additional cost for litter bins of \$30,000 has also been recharged to Parks from Waste due to increased disposal costs.

Urban Planning – (\$105,500) Net Positive Variance***Planning Services - (\$105,500) Net Positive Variance***

- Fees & Charges – (\$56,500) positive variance due mainly to additional income being received in relation to land information certificate fees.
- Employee Costs – (\$13,000) positive variance due to training and development not going ahead as planned as a result of staff turnover.
- Materials & Contracts – (\$36,000) due to a combination of less architectural panel sessions being held, reduced professional consulting and lower than anticipated legal/prosecution costs.

Strategic Urban Planning - \$0 Net Variance

- Other Revenue - \$150,000 negative variance due to the consulting costs concerning the Canning Bridge Precinct project being lower than anticipated and therefore requiring a reduction in contributions from project partners.
- Materials & Contracts – (\$130,410) positive variance due to the net result of projects such as CPS No. 5, Reserves & Public Open Space, Carawatha, Greater Murdoch and Place Plans requiring less funding mainly due to timing issues being only partially offset by Canning Bridge and the Property Rationalisation project requiring additional funds.

C13/6053 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

- Internal Allocations – (\$19,590) positive variance due to delays in advertising costs associated with the CPS 5 Review. The Review requires State Government approval before further progress can occur.

Building Services - \$0 Net Variance

- Fees & Charges - \$32,890 negative variance due mainly to the swimming pool levy income budget being overstated.
- Employee Costs – (\$32,890) positive variance due to there being two staff vacancies within the building team.

Key findings in Capital Budget:**Corporate Services - \$58,000 Net Negative Variance*****Director Corporate Services - \$0 Net Variance***

- Land Acquisition & Disposal – sale of property to be transferred to the Land and Property Reserve.

Information Technology - \$58,000 Net Negative Variance

- Server Hardware - \$50,000 negative variance due to disaster recovery servers costing more than anticipated.
- Software Upgrades – (\$10,000) positive variance due to the upgrade of the records management system costing less than budget.
- Hardware – (\$10,000) positive variance due to greater use of thin clients which are a more economical hardware option.
- Software New – (\$10,000) positive variance due to less Pathway modules being purchased.
- Data Storage Backup - \$10,000 negative variance as the product purchased had enhanced functionality and better met the organisational needs.
- IP Network Equipment - \$58,000 negative variance for an upgrade to the audio system in the council chambers. This did not form part of original budget as it was a recent resolution (request) by the Council.
- Office Automation – (\$10,000) positive variance due to the negotiation of a bundled license arrangement.

Community Development – \$0 Net Variance***Recreation Services - \$0 Net Variance***

- Melville Aquatic Solar Heating - \$30,000 negative variance the result of a reduction in grant funding to be received. Only one third of the total project cost can be funded by the grant. The current expenditure budget is too low due to unexpected variations in the facility redevelopment, additional budget of \$35,000 required. The total variance is to be funded by the Community Facilities Reserve.

C13/6053 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**Technical Services - \$0 Net Variance****Fleet Services - \$0 Net Variance**

- Light Fleet – an allowance of \$45,000 (Excl. GST) has been made for the potential purchase of a Mayoral vehicle. This will be funded with a transfer from the Plant Replacement Reserve.

Capital Works Programme - \$0 Net Variance

- There are a number of positive and negative variances across the entire programme, however the net impact is zero.

Buildings - (\$122,136) Net Positive Variance

- (\$122,133) positive variance the result of a number of projects having been completed in 2011/12, together with a delay in the Deepwater Point change room refurbishment which will need to be re-budgeted in 2013/2014.

Drainage - \$0 Net Variance

- The Norma Road Drainage project (\$423,781) will not be constructed in 2012/2013 due to technical difficulties within the constraints of the confined road reserve area at the location of the works. Difficulties with service utilities and the need to maintain through traffic and access to the commercial premises have delayed the final design. The work will be tendered in 2012/2013 with construction in 2013/2014. The funds will be transferred to the Infrastructure Asset Management Reserve.

Environmental - \$94,500 Net Negative Variance

- \$94,500 negative variance due mainly to additional funding required (\$110,000) for the Point Walter Foreshore Upgrade. Variations to the contract have been larger than anticipated, mainly due to the additional piles required.

Foreshore Facilities - \$0 Net Variance

- Although planning is underway, the jetty and boardwalk condition audit funding will not be spent in 2012/2013. The funds will be transferred to the Infrastructure Asset Management Reserve.

Irrigation - (\$137,148) Net Positive Variance

- Overall there is a positive variance of (\$137,148) across irrigation projects. This net figure is the result of works having been completed in 2011/2012, delays in works to ensure clubs are not impacted by works and also funds being spent on assets due to unscheduled failures.

Parks/Streetscapes Structures - (\$5,949) Net Positive Variance

- The positive variance of (\$5,949) is the result of a number of negative and positive variances across the programme. Additional funds required in the park structure renewal programme, Mt Pleasant Park development, a new fence at Emma George Park and for the minor planting programme. Funded by positive variances in the Archibald commercial centre project and delay of works on Marmion/Riseley median and streetscape infrastructure works.

C13/6053 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**Paths - \$3,630 Net Negative Variance**

- The negative variance of \$3,630 is the result of a number of negative and positive variances across the programme. The most material being additional funds of \$145,000 required for the Attadale Foreshore Path Rehabilitation to be partly funded by Bikeplan funds.

Playgrounds - \$0 Net Variance

- A number of playground projects, totalling \$301,280, have been deferred pending the development of a playground strategy. The funds will be transferred to the Infrastructure Asset Management Reserve.

Roads - \$167,103 Net Positive Variance

- The overall negative variance of \$167,103 is due mainly to construction estimates being higher than the allocated budget. Projects with the most material variances include the Bateman Road and Central Avenue roundabout, North Lake Road improvements and the Murdoch slow points renewal.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

The Financial Management Regulations stipulate the following:

“33A. Review of budget

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

(a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government’s financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”

C13/6053 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

FINANCIAL IMPLICATIONS

After taking into account the various positive and negative variances, the Mid Year Budget Review has identified a nil net budget variance. This nil balance would not have been achieved without the use of the organisational contingency budget (as shown in the CEO's operating accounts). The identification of a nil variance in 2012/2013 creates a significant impact in the 2013/2014 Annual Budget. The recently adopted Long Term Financial Plan projected an unallocated opening balance for 2013/2014 of \$1.8m. If this amount is not achieved in 2012/2013, then the shortfall will need to be funded by additional rate revenue, changes in the treatment/use of revenue streams or reduction in levels of services or cut backs to programs.

It should be noted that there are savings across employee cost accounts that were not treated as permanent variances during the Mid Year Review. Between now and 30 June 2013, further analysis will be undertaken to identify additional savings in order to achieve a year end closing funds balance of \$1.8m to achieve 2013/2014 Opening balance of \$1.8m identified in the City's Long Term Financial Plan that was adopted by Council in December 2012.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C13/6053 – MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**CONCLUSION**

The Budget Review has identified a number of projects requiring budget amendments. Overall, the net impact on the 2012/2013 financial year is nil. However, this presents a funding issue for the 2013/2014 Annual Budget as the Long Term Financial Plan has forecast an opening balance of \$1.8m and this is yet to be identified.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6053)**ABSOLUTE MAJORITY APPROVAL**

At 7.25pm Cr Kinnell moved, seconded Cr Willis -

That the Council by Absolute Majority decision Adopt the Mid Year Budget Review amendments as listed in attachment

[6053 Mid Year Budget Review Summary Amendments.](#)

At 7.38pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

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 & 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 reviews decisions made by Officers.</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>

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 22 January 2013 up to and including 18 February 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
737	City of Melville and EHLERS Development Pty Ltd and City of Melville and ILMD Pty Ltd	Grant of Easement	2852466
769	City of Melville and Canning Bridge Senior Citizens Club Inc.	Management Licence for a further one year term between Canning Bridge Senior Citizens Club Inc. and City of Melville	2901257

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 action of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 22 January 2013 up to and including 18 February 2013, be noted.

At 7.39pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C13/6000 - INVESTMENT STATEMENTS FOR JANUARY 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 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 reviews decisions made by Officers.</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>

KEY ISSUES / SUMMARY

- This report presents the investment statement for the month of January 2013 and recommends that the information detailed in the report be noted.
- The low 'Cash' rate continues to have an impact on the City's investment earnings.
- Monthly valuations for Collateralised Debt Obligations (CDOs) shown for January 2013 are based on valuations obtained from CPG Research and Advisory as at 31 January 2013. When compared to the valuations used as at 30 June 2012 CDOs have increased in value by \$5,642,455.
- Four Lehman Brothers arranged CDOs were repaid on 26 February 2013 and total funds received was \$5.116m which is a very pleasing result in light of their book value of just \$10,000 and also exceeded the original amount invested of \$4.85m by \$265,745. Therefore the receipt of these funds fully reverses any impairments (book losses) that have been recorded for these CDO's and will further restore the City's Reserve Account Balances.

C13/6000 - INVESTMENT STATEMENTS FOR JANUARY 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 January 2013 are shown in the tables below.

**CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 31 JANUARY 2013**

SUMMARY BY FUND	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 46,088,304	\$ 46,088,304	\$ 46,088,304	\$ -	0.00%
RESERVE	\$ 56,234,757	\$ 48,477,342	\$ 54,119,797	\$ 5,642,455	10.03%
TRUST	\$ 472,723	\$ 472,723	\$ 472,723	\$ -	0.00%
CRF	\$ 191,474	\$ 191,474	\$ 191,474	\$ -	0.00%
	\$ 102,987,258	\$ 95,229,843	\$ 100,872,298	\$ 5,642,455	5.48%

SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
CDO	\$ 7,850,000	\$ 92,585	\$ 5,735,040	\$ 5,642,455	71.88%
BOND	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ -	0.00%
FRN	\$ 4,000,000	\$ 4,000,000	\$ 4,000,000	\$ -	0.00%
FRTD	\$ 3,500,000	\$ 3,500,000	\$ 3,500,000	\$ -	0.00%
TERM DEPOSIT	\$ 82,890,683	\$ 82,890,683	\$ 82,890,683	\$ -	0.00%
11AM	\$ 2,515,930	\$ 2,515,930	\$ 2,515,930	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 102,987,258	\$ 95,229,843	\$ 100,872,298	\$ 5,642,455	5.48%

SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 6,000,000	\$ 6,000,000	\$ 6,000,000	\$ -	0.00%
AA-	\$ 53,806,613	\$ 53,806,613	\$ 53,806,613	\$ -	0.00%
A+	\$ 10,300,000	\$ 10,300,000	\$ 10,300,000	\$ -	0.00%
A	\$ 14,700,000	\$ 14,700,000	\$ 14,700,000	\$ -	0.00%
A-	\$ 6,300,000	\$ 6,300,000	\$ 6,300,000	\$ -	0.00%
BBB+	\$ 3,800,000	\$ 3,800,000	\$ 3,800,000	\$ -	0.00%
NR	\$ 7,850,000	\$ 92,585	\$ 5,735,040	\$ 5,642,455	71.88%
UNITS (Local Govt Hse)	\$ 230,645	\$ 230,645	\$ 230,645	\$ -	0.00%
	\$ 102,987,258	\$ 95,229,843	\$ 100,872,298	\$ 5,642,455	5.48%

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

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

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 JANUARY 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	3.00%	AA-	\$514,669	\$514,669	\$514,669	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	3.75%	AA-	\$1,000,000	\$1,000,000	\$1,000,000	\$0	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	4.10%	AA-	\$1,000,052	\$1,000,052	\$1,000,052	\$0	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	4.10%	AA-	\$1,210	\$1,210	\$1,210	\$0	On call
					\$2,515,930	\$2,515,930	\$2,515,930	\$0	
ANZ BANK (TERM)	Very Low	TERM	4.54%	AA-	\$2,000,000	\$2,000,000	\$2,000,000	\$0	22-May-13
BANKWEST (TERM)	Very Low	TERM	Various	AA-	\$6,190,683	\$6,190,683	\$6,190,683	\$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-	\$6,300,000	\$6,300,000	\$6,300,000	\$0	Various
COMMONWEALTH BANK (TERM)	Very Low	TERM	Various	AA-	\$5,000,000	\$5,000,000	\$5,000,000	\$0	Various
ING BANK (TERM)	Very Low	TERM	Various	A	\$12,300,000	\$12,300,000	\$12,300,000	\$0	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$900,000	\$900,000	\$900,000	\$0	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$15,900,000	\$15,900,000	\$15,900,000	\$0	Various
RABODIRECT (TERM)	Very Low	TERM	4.90%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	4-Apr-13
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$8,700,000	\$8,700,000	\$8,700,000	\$0	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$10,300,000	\$10,300,000	\$10,300,000	\$0	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$11,500,000	\$11,500,000	\$11,500,000	\$0	Various
					\$82,890,683	\$82,890,683	\$82,890,683	\$0	
BANK OF QUEENSLAND (FLOAT RATE TD)	Very Low	FRTD	4.57%	BBB+	\$2,000,000	\$2,000,000	\$2,000,000	\$0	30-Sep-13
ING BANK (FLOAT RATE TD)	Very Low	FRTD	4.66%	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	4.56%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
NAB (FRN)	Very Low	FRN	4.31%	AA-	\$2,000,000	\$2,000,000	\$2,000,000	\$0	21-Jun-16
COMMONWEALTH BANK (FRN)	Very Low	FRN	4.32%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	2-Aug-16
					\$6,000,000	\$6,000,000	\$6,000,000	\$0	
CORSAIR (CAYMAN) KAKADU	Very High	CDO	0.00%	NR	\$1,500,000	\$72,363	\$498,000	\$425,637	20-Mar-14
MANAGED ACES CLASS 1A PARKES	Very High	CDO	0.00%	NR	\$1,050,000	\$9,874	\$105	-\$9,769	20-Jun-15
BERYL FINANCE GLOBAL BANK NOTE	Early Term.	CDO	0.00%	NR	\$2,000,000	\$1	\$2,179,000	\$2,178,999	20-Sep-14
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	\$450,000	\$1	\$315,000	\$314,999	20-Sep-14
ZIRCON FINANCE COOLANGATTA	Early Term.	CDO	0.00%	NR	\$1,500,000	\$8,746	\$1,439,400	\$1,430,654	20-Sep-14
ZIRCON FINANCE MERIMBULA	Early Term.	CDO	0.00%	NR	\$500,000	\$1,599	\$465,350	\$463,751	20-Jun-13
ZIRCON FINANCE MIAMI	Early Term.	CDO	0.00%	NR	\$850,000	\$1	\$838,185	\$838,184	20-Mar-17
					\$7,850,000	\$92,585	\$5,735,040	\$5,642,455	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	\$230,645	\$230,645	\$0	NA
TOTAL FUNDS INVESTED					\$102,987,258	\$95,229,843	\$100,872,298	\$5,642,455	

CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$6,000,000	\$6,000,000	6%	80%	
AA-	\$53,806,613	\$53,806,613	53%	80%	
A+	\$10,300,000	\$10,300,000	10%	50%	
A	\$14,700,000	\$14,700,000	15%	50%	
A-	\$6,300,000	\$6,300,000	6%	50%	
BBB+	\$3,800,000	\$3,800,000	4%	20%	
NR	\$7,850,000	\$5,735,040	6%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
TOTAL	102,987,258	100,872,298	100%		

C13/6000 - INVESTMENT STATEMENTS FOR JANUARY 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-	2,000,000	1.98%	1.98%	20%	
BANKWEST (11AM)	11AM	AA-	514,669	0.51%		20%	
BANKWEST (TERM)	TERM	AA-	6,190,683	6.14%	6.65%	20%	
BANK OF QUEENSLAND (TERM)	TERM	BBB+	1,800,000	1.78%		10%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	BBB+	2,000,000	1.98%	3.77%	10%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	6,300,000	6.25%	6.25%	15%	
COMMONWEALTH BANK (TERM)	TERM	AA-	5,000,000	4.96%		20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.98%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	2,000,000	1.98%	8.92%	20%	
ING BANK (TERM)	TERM	A	12,300,000	12.19%		15%	
ING BANK (FLOAT RATE TD)	FRTD	A	1,500,000	1.49%	13.68%	15%	
MACQUARIE BANK (TERM)	TERM	A	900,000	0.89%	0.89%	15%	
NAB (TERM)	TERM	AA-	15,900,000	15.76%		20%	
NAB (FRN)	FRN	AA-	2,000,000	1.98%	17.75%	20%	
RABODIRECT (TERM)	TERM	AA	2,000,000	1.98%	1.98%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	8,700,000	8.62%	8.62%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	10,300,000	10.21%	10.21%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	1,000,052	0.99%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,210	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	1,000,000	0.99%		20%	
WESTPAC (TERM)	TERM	AA-	11,500,000	11.40%	13.38%	20%	
CDO - Various	CDO		5,735,040	5.69%	5.69%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.23%	0.23%		
			100,872,298	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	46,330,382	100%	100%	
	46,330,382	100%		
RESERVE FUNDS				
< 1 year	42,850,107	79%	100%	
< 2 years	4,431,400	8%	80%	
< 3 years	2,000,105	4%	80%	
< 4 years	4,000,000	7%	40%	
< 5 years	838,185	2%	40%	
> 5 years	-	0%	20%	
	54,119,797	100%		

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

Due to the continuing volatility in credit markets worldwide, the risks associated with the City's remaining investment portfolio in CDOs remains elevated.

Monthly valuations for CDOs shown are based on valuations obtained from CPG Research and Advisory (CPG) as at 31 January 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 January 2013 show that CDOs have increased in value by \$5,642,455.

Four of the City's Lehman Brothers arranged CDOs proceeded to noteholder meetings in December where an agreement was reached with noteholders to unwind the CDOs, thereby giving noteholders access to the collateral for the Trustee to dispose. The funds were received following the end of January on 26 February 2013. The total amount received was \$5.116m which is a very pleasing result in light of their book value of just \$10,000. It also exceeded the original amount invested of \$4.85m by \$265,745. Therefore the receipt of these funds fully reverses any impairments (book losses) that have been recorded for these CDO's and will further restore the City's Reserve Account Balances. One remaining Lehman Brothers arranged CDOs remains to be settled and this has a face value of \$450,000 and is expected to be realised at levels close to that amount.

The City in conjunction with CPG will monitor and report on further developments. The values of Lehman Brothers arranged CDOs held as at 31 January 2013 were:

- Face Value	\$ 5,300,000
- Written Down (Book) Value (30 June 2012)	\$ 10,347
- Estimated Market Value (31 January 2013)	\$ 5,236,935

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 31 January 2013 were:

- Face Value	\$ 2,550,000
- Written Down (Book) Value (30 June 2012)	\$ 82,237
- Estimated Market Value (31 January 2013)	\$ 498,105

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

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.

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

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.

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

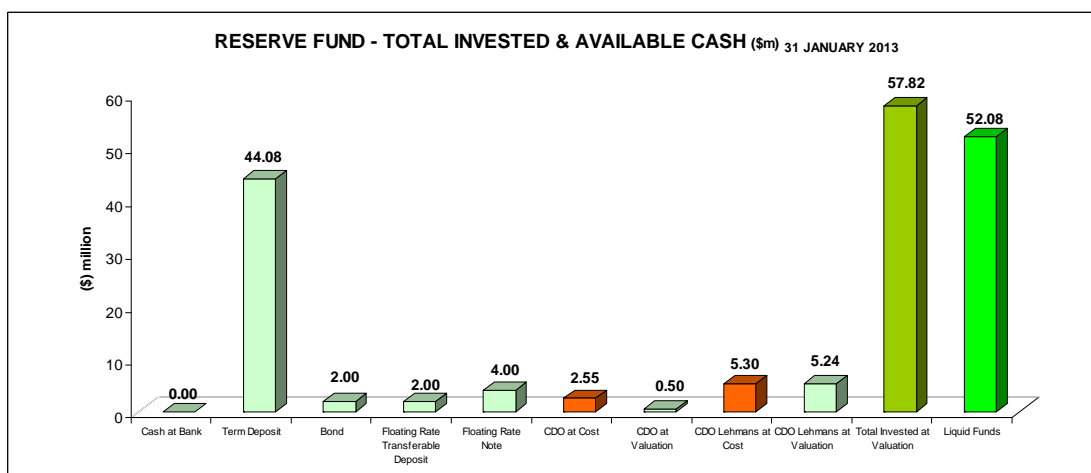
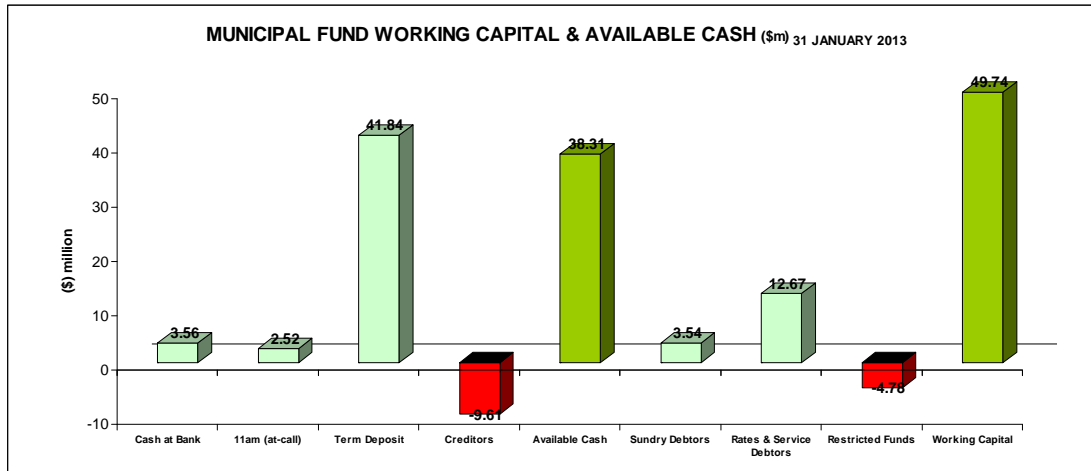
Terminated Lehman Brothers Arranged CDO Investments:

CDO Name 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
Beryl Finance Global Bank Note 1 & 2 \$2.45 million 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. Final settlement is expected by the end of February 2013.
Zircon Finance Coolangatta \$1.50 million Terminated (20/9/14)	8.0 credit events: Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group.	4.7	6.5	
Zircon Finance Merimbula A \$0.50 million Terminated (20/6/13)	8.0 credit events: Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group.	2.9	3.7	
Zircon Finance Miami \$0.85 million Terminated (20/3/17)	7.0 credit events: Ambac Assurance, Aiful, Thomson, Freddie Mac, Fannie Mae, Abitibi & CIT Group.	8.4	10.1	

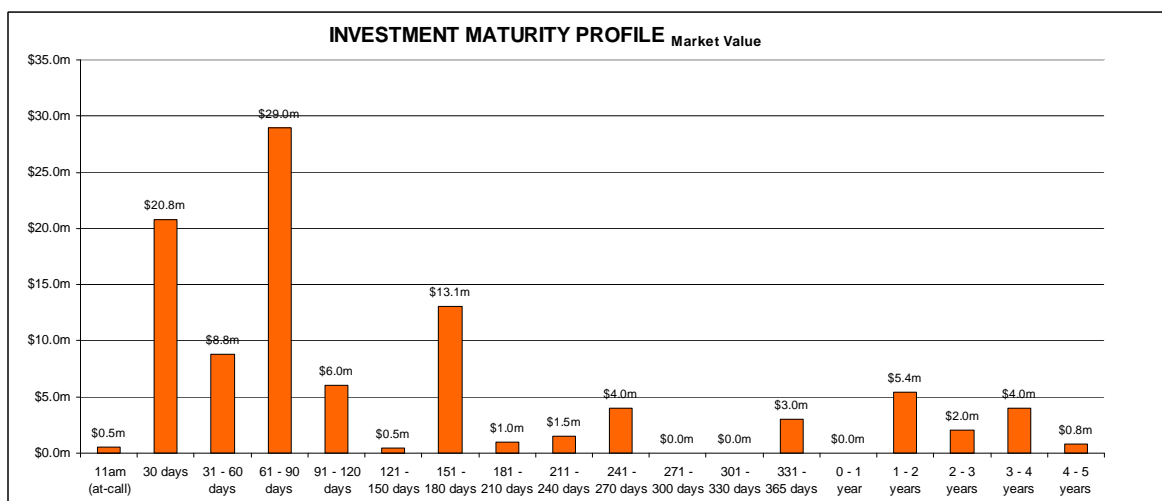
C13/6000 - INVESTMENT STATEMENTS FOR JANUARY 2013 (REC)

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 January 2013.



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



C13/6000 - INVESTMENT STATEMENTS FOR JANUARY 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. Piper Alderman was successful in seeking an early termination of the Lehman arranged CDOs, so that the City will now gain 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 City the legal process is lengthy and it will still be some time before certainty is achieved. A decision was handed down on the 21 September 2012 in favour of the City and 71 others against Lehman Brother's Australia.

FINANCIAL IMPLICATIONS

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

- Municipal and Trust Funds was \$1,079,148 against a budget of \$1,658,143. This represents a \$578,995 negative variance. The full year investment earnings budget for Municipal Funds is \$2.3 million. It is now apparent that the adopted budget will not be achieved and the budget has since been revised down to \$1.7 million during the mid year budget review.
- Reserve Funds was \$1,711,654 against a budget of \$1,271,987. This represents a \$439,667 positive variance. The full year investment earnings budget for Reserve Accounts is \$2.1 million.

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

The City's revenue from investment earnings is expected to decrease and not meet adopted budget in the foreseeable future, as the RBA continues to cut the 'Cash' rate and the new 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.

Due to Lehman Brothers entering into Chapter 11 bankruptcy proceedings, the City has not received interest payments on the \$5.3 million face value of Lehman Brothers arranged CDOs. At this time it is understood that interest on the underlying collateral is being retained by the Trustee who has taken control of that collateral and is in the process of unwinding/disposing it. The City is expecting to receive final settlement by the end of February 2013.

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 the City's investment portfolio in 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 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.

POLICY IMPLICATIONS

Council Policy CP-009 – Investment of Funds.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C13/6000 - INVESTMENT STATEMENTS FOR JANUARY 2013 (REC)**CONCLUSION**

The investment report highlights that, except for the 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 Municipal Fund earnings are currently and expected to continue to be below adopted budget due to continuing interest rates cuts and investment opportunities.

The receipt on 26 February of \$5.115m in respect to four of the City's Lehman Brothers arranged CDO investments which had a book value of just \$10,000 and an original purchase price of \$4.85m was a very pleasing outcome.

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

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

At 7.39pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C13/6001 – SCHEDULE OF ACCOUNTS FOR JANUARY 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 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 reviews decisions made by Officers.</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>

KEY ISSUES / SUMMARY

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

C13/6001 – SCHEDULE OF ACCOUNTS FOR JANUARY 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 January 2013 ([6001 January 2013](#)), including Payment Registers numbers, Cheques **328 to 331** and Electronic Funds Transfers **278 to 282** were distributed to the Members of Council on 1 March 2013.

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

Supplier Name	Remittance Number	Remittance Details	Amount
Boya Equipment	E032485 & E032713	1 x Kubota Out front Mower, filters & bearings	\$27,798.27
Data#3 Limited	E032515	Server licence VM Ware bundle 3	\$77,244.42
Dickies Tree Service	E032432, E032658 & E032635	Tree lopping services	\$179,958.78
Digital Mapping Solutions	E032583	GIS Consulting	\$31,020.00
Dowsing Concrete	E032607, E032423 & E032815	Concrete works	\$38,184.47
Elexacom	E032518 & E032742	Install floodlighting Tompkins Park	\$79,150.79
Fire & Emergency Services Authority WA	E032571	ESL Remittance for December 2012	\$598,324.06
Flexi Staff	E032687, E032458 & E032618	Temporary staff employment	\$68,489.13
GHD Pty Ltd	E032547	Activity centre structure plan	\$46,132.35
Glad Commercial Cleaning	E032551 & E032766	Cleaning services	\$27,232.30
JMG Air Conditioning & Electrical Services	E032626, E032646 & E032782	Maintenance to air conditioners	\$38,114.67
Landmark Engineering & Design	E032445	Park benches & drinking fountain	\$35,378.20
MMM WA Pty Ltd	E032751	Convert grates into Sep's as per lists 10 x conversions	\$30,637.64
Mountway Melville Hyundai	E032680 & E032450	1 x Hyundai i30 & various repairs and maintenance	\$33,646.75
Natural Area Management Services	E032599 & E032809	Progress claim 9 for Point Walter, conservation fencing at Blue Gum lake and variations to Point Walter foreshore	\$242,322.70
Quayclean Australia Pty Ltd	E032759 & E032542	Cleaning services	\$82,773.82
RBM Drilling	E032476 & E032706	Replacement of bore at Morris Buzzacott reserve & water bores	\$46,712.05
Red 11	E032560	Multi switch interconnect module for IBM	\$51,686.84

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

Supplier Name	Remittance Number	Remittance Details	Amount
Roads 2000 Pty Ltd	Chq 051934	Asphalt and civil works	\$97,810.00
Robinson Buildtech	E032671, E032410 & E032440	Building maintenance	\$69,349.15
Southern Metropolitan Regional Council	E032516 & E032741	MSW disposal fees & recyclable disposal fees for December 2012	\$363,270.20
Sulo MGB Australia Pty Ltd	Chq 052153	Rubbish bins	\$114,301.00
Synergy	E032456 & E032686	Electricity supply	\$522,317.30
Tree Amigos Tree Surgeons	E032541	Tree lopping services	\$29,022.93
Tree Planting & Watering	E032577	Hire of water trucks	\$37,393.00
Water Corporation	Chqs 052142 & 051919	Water usage	\$39,037.85
Western Australian Local Government Association	E032517	Advertising	\$26,349.11
Western Power	Chq's 052138, 051912 & 051905	MP131969 design fee for 16A Brian Avenue, cash call 4 Ardross West project & cash call 4 Attadale North project	\$907,500.00

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.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Not applicable.

C13/6001 – SCHEDULE OF ACCOUNTS FOR JANUARY 2013 (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

CONCLUSION

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

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

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

At 7.39pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C13/6002 – FINANCIAL STATEMENTS FOR JANUARY 2013 (REC) (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 reviews decisions made by Officers.</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>

KEY ISSUES / SUMMARY

- This report presents the Financial Statements for the financial year, period ending 31 January 2013 and recommends that they be noted by Council.
- No budget amendments were made during the month of January 2013 as officers were completing their mid year budget review.
- This report presents the variances for the month of January 2013 and recommends that they be noted by Council.

C13/6002 – FINANCIAL STATEMENTS FOR JANUARY 2013 (REC) (ATTACHMENTS)
BACKGROUND

The Financial Statements for the financial year period ending 31 January 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 January 2013, a net operating positive variance of \$6,530,895 and a net capital positive variance of \$6,261,917 were recorded.

The mid year budget review was undertaken in January 2013 based on figures available as at 31 December 2012. During this process, budget responsible officers had the opportunity to either rephrase their budgets or identify any potential savings or over expenditures in their budgets. The final report is expected to be presented at the March council meeting.

Variances

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

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2013								
	January Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$	Current Commitments \$
Revenues								
Governance	90,617	1,241,732	1,463,715	221,983	18%	1,309,100	1,749,633	(190)
General Purpose Funding	317,283	10,638,090	11,983,936	1,345,846	13%	13,844,420	14,083,635	-
Community Amenities	96,050	15,958,400	16,068,411	110,011	1%	16,669,400	16,699,400	-
Recreation and Culture	1,122,508	5,367,789	5,581,003	213,214	4%	8,840,659	9,050,669	-
Transport	140,253	4,742,402	3,545,697	(1,196,704)	-25%	4,897,541	5,425,075	-
Other Property and Services	144,665	906,064	372,264	(533,799)	-59%	387,618	827,475	25,702
	1,964,904	41,691,801	41,907,001	(318,600)	1%	48,956,270	50,843,919	25,512
Expenses								
Governance	(1,033,297)	(7,508,922)	(6,362,353)	1,146,570	-15%	(10,698,225)	(11,158,459)	(599,654)
General Purpose Funding	(24,824)	(4,631,477)	(4,509,710)	121,767	-3%	(6,575,980)	(6,815,195)	(51,377)
Law, Order, Public Safety	(376,639)	(2,258,390)	(2,034,374)	224,016	-10%	(3,723,487)	(3,773,370)	(48,659)
Health	(87,588)	(603,803)	(531,692)	72,110	-12%	(1,035,558)	(1,006,721)	(15,005)
Education & Welfare	(442,845)	(3,207,474)	(2,902,222)	305,252	-10%	(5,463,762)	(5,461,035)	(123,340)
Community Amenities	(1,595,649)	(11,937,510)	(10,683,913)	1,253,597	-11%	(19,172,687)	(19,783,997)	(682,177)
Recreation and Culture	(2,881,951)	(15,985,088)	(15,252,671)	732,416	-5%	(26,840,555)	(27,294,618)	(1,174,852)
Transport	(892,763)	(5,740,019)	(5,228,761)	511,258	-9%	(10,003,523)	(9,919,623)	(566,072)
Other Property and Services	(837,948)	(6,381,841)	(6,539,633)	(157,791)	2%	(8,557,716)	(9,440,759)	(137,100)
	(8,179,924)	(58,281,091)	(54,076,646)	4,900,836	-7%	(92,121,667)	(94,700,305)	(3,398,760)

Revenue

\$52.429m in Rates was raised to 31 January 2013. This is compared with a year to date budget of \$52.435m, resulting in a slight negative variance of \$5,713.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for January 2013.

Budget Amendments

No Budget Amendments were requested during the month of January 2013 as officers were completing their mid year budget review.

C13/6002 – FINANCIAL STATEMENTS FOR JANUARY 2013 (REC) (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 \$4,791,589 were collected over the course of the month. Rates collection progress for the month of January was 0.21% short of target. As at 31 January 2013, 83.79% of 2012/13 rates had been collected.

Total sundry debtor balances increased by \$284,269 over the course of the month. The 90+ day's debtor balance decreased by \$19,704.

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.

The following category (Rates) of debt was written off in January 2013, to the value of \$2,311. They are irrecoverable due to an inability to locate the original owners and the winding up of a company.

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

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

C13/6002 – FINANCIAL STATEMENTS FOR JANUARY 2013 (REC) (ATTACHMENTS)**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

Local Government (Financial 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.**

C13/6002 – FINANCIAL STATEMENTS FOR JANUARY 2013 (REC) (ATTACHMENTS)

(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.

FINANCIAL IMPLICATIONS

Variances are dealt with in attachment [6002H January 2013](#) (Notes on Operating Statements 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 January 2013.

C13/6002 – FINANCIAL STATEMENTS FOR JANUARY 2013 (REC) (ATTACHMENTS)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)

APPROVAL

That the Council note the Rate Setting Statement and Statements of Financial Activity for the Financial Year period ending 31 January 2013 as detailed in the following attachments:

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

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

CARRIED EN BLOC (13/0)

14. ITEMS FROM FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE – 11 MARCH 2013

The following item from the Financial Management, Audit, Risk and Compliance Committee meeting of 11 March 2013 requires consideration by the Council.

C13/5272 - COMPLIANCE AUDIT RETURN 2012 (REC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Audits – Compliance
 Customer Index : Department of Local Government
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Item C12/5215 - Compliance Audit Return 2011 - Financial Management, Audit, Risk and Compliance Committee 12 March 2012
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Jeff Clark
 Governance and Compliance Program Manager

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 checked="" 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 to note.</i>

C13/5272 - COMPLIANCE AUDIT RETURN 2012 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- All Western Australian Local Authorities are required to undertake a Compliance Audit Return (the Return) and submit their findings to the Department of Local Government by 31 March each year.
- 77 of 78 questions received a positive response by Officers confirming the actions were completed and that a 98.72% compliance was achieved.

BACKGROUND

The completed 2012 Compliance Audit Return forms part of the Attachments to the Agenda [5272 Compliance Audit Return 2012](#). The return covers the period 1 January 2012 to 31 December 2012.

The Compliance Audit Return is presented to Council for adoption. A copy of the Council report and a certified copy of the return are required to be endorsed by the Mayor and Chief Executive Officer and submitted to the Department of Local Government by 31 March 2013.

DETAIL

The City has achieved another impressive compliance outcome for 2012. The Officers of the City perform extremely well against the requirements of 476 Acts, Regulations and legislative requirements that determine the work practices and responsibilities of the City. However the Compliance Audit Return only assesses compliance against the Local Government Act 1995 and associated Regulations. The responses of Officers to the 78 audit questions have been audited by the Process Improvement Auditor who has included a comment in this report.

This year's audit has in the opinion of Officers provided 98.72% compliance. Of the 78 fields of compliance that have been tested, there was one item that revealed non-compliance. The decrease in the number of questions assessed in 2011 & 2012 compared to past years is due to the Department of Local Government (the Department) accepting comment from local governments concerning the administrative burden that the extensive questioning provided.

The Department has responded by only testing those areas considered to be high risk in this Return. The Department has advised that it has changed Regulation 14 of the Local Government (Audit) Regulations 1996 to require each local government's Audit Committee to review the Return and report the results of that review to the Council. The City has taken this approach for some years.

C13/5272 - COMPLIANCE AUDIT RETURN 2012 (REC) (ATTACHMENT)

Following recent amendments to reduce the Compliance Audit Return, the Local Government (Audit) Amendment Regulations 2013 will now extend the current role of local government Audit Committees to encompass a review of areas such as risk management, internal control and legislative compliance.

The transfer of responsibilities to local government Audit Committees will enable local governments to manage legislative compliance within their own timeframes, with increased transparency and involvement from Elected Members

The Return has been compiled with continued substantial rigour beyond that experienced in most Local Governments. Officers have been expected to demonstrate compliance and provide detail of their work to ensure the work procedures of the City assist to meet obligations of the Act and Regulations. It is pleasing to note that there is an ongoing increase in Officer knowledge of compliance matters and where possible, systems have been amended to assist with compliance requirements.

The Return containing the questions and responses is provided as an attachment. This document is provided by the Department of Local Government in an on-line environment to allow local governments to update the Return with their responses and when completed, print for certification by the Mayor and Chief Executive Officer.

The one item that is assessed as non-compliant is the subject of a current internal audit investigation. Comment provided by the Process Improvement Auditor is below:

“Although the service provider is the industry leader in training and assessment, they are not the only provider that can provide this training service. They are also not listed on the Common Use Agreement which exempts tender requirements. Since the training contract is worth over \$100,000, it should have gone out to tender to get the best value as required by the Local Government (Functions & General) Regulations 1996. The staff who organised this driver training mistakenly believed that the City’s Purchasing and Tender requirements did not apply as the training was fully funded by the training incentives from the Federal Government. The matter has been reviewed and corrective actions have been taken.”

While the net expenditure to the City is expected to be nil, Officers are of the opinion that the tender requirements still apply and hence the declaration in the return.

A Compliance Calendar was introduced in 2008 and this is a major improvement to assist management of all compliance matters and is considered to be best practice in the local government industry. The Calendar is updated monthly which enables a management response should a matter require attention. The monthly reports generated from the Calendar are reviewed by the Executive Management Team. The 2013 Compliance Calendar is provided as an attachment [5272 Corporate Compliance Calendar 2013](#) for the information of the Council.

C13/5272 - COMPLIANCE AUDIT RETURN 2012 (REC) (ATTACHMENT)**The Process Improvement Auditor's comments**

The Compliance Audit Return for 2012 has 78 questions, and answers to all questions were checked for correctness.

It is pleasing to report that all but one question was found to be compliant and a 98.72% compliance was achieved for the Compliance Audit Return 2012. The one item noted as non-compliant by Management has been reviewed and as a result, corrective actions decided by the CEO have been taken as follows:

- 1) Review the Purchasing Procedures in order to improve controls in relation to the signoff of contracts;
- 2) Require annual compliance signoff by all staff with purchasing authority limits;
- 3) Arrange a team brief item to educate and remind staff of the importance of complying with Purchasing Procedures;
- 4) Issue a letter from the CEO to all staff with purchasing authority limits requiring full compliance with the Purchasing Procedures; and
- 5) Issue a letter to the officer responsible for the driver training contract by the CEO expressing disappointment and reminding her of the consequence of future breaches of the Purchasing Procedures.

PUBLIC CONSULTATION/COMMUNICATION

No external consultation has been carried out.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No external consultation with other agencies has been carried out.

STATUTORY AND LEGAL IMPLICATIONS

As per the requirements of the Local Government Act 1995, Section 7.13(i) and Local Government (Audit) Regulations 1996 (Regulations 13–15). The identified breach is a breach of the City's statutory requirements and appropriate measures have been implemented to limit any further occurrences.

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with this compliance audit.

C13/5272 - COMPLIANCE AUDIT RETURN 2012 (REC) (ATTACHMENT)

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The compliance audit will not impact on the strategies of the Council. There is no risk or environmental management implications in this report.

Risk Statement	Level of Risk	Risk Mitigation Strategy
The Compliance Audit Return is a statutory requirement and if the Return was not submitted, the Department of Local Government might take adverse action on the City.	Minor consequences which are possible, resulting in a Medium level of risk	Complete and submit the Return by the due date.

POLICY IMPLICATIONS

There are no specific policy implications, except where it can be determined that a matter may be subject to policy change where it does not currently comply with legislative requirements. There are no such instances identified in the return.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The completion and submission of the Return by the due date is a statutory requirement.

CONCLUSION

The City is compliant in 98.72% of 78 questions that have been examined for their accurate statutory completion.

C13/5272 - COMPLIANCE AUDIT RETURN 2012 (REC) (ATTACHMENT)**OFFICER RECOMMENDATION & COMMITTEE RESOLUTION (5272)****APPROVAL**

That the Financial Management, Audit, Risk and Compliance Committee recommend to the Council that the Compliance Audit Return for the period 1 January 2012 to 31 December 2012 5272 Compliance Audit Return 2012 be adopted and following certification by His Worship the Mayor and the Chief Executive Officer, be forwarded to the Department of Local Government.

COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION (5272)**APPROVAL**

At 7.44pm Cr Kinnell moved, seconded Cr Robartson -

That the Compliance Audit Return for the period 1 January 2012 to 31 December 2012 5272 Compliance Audit Return 2012 be adopted and following certification by His Worship the Mayor and the Chief Executive Officer, be forwarded to the Department of Local Government.

At 7.51pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

16. EN BLOC ITEMS

At 7.51pm Cr Willis moved, seconded Cr Foxton -

That the recommendations for items P13/3373, CD13/8050, CD13/8051, M13/5274, C13/5000, C13/6000, C13/6001 and C13/6002 be carried En Bloc.

At 7.51pm the Mayor submitted the motion, which was declared

CARRIED (13/0)

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

19. CLOSURE

There being no further business to discuss His Worship the Mayor declared the meeting closed at 7.51pm.