

MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

TUESDAY 15 OCTOBER 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, 15 OCTOBER 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 and Compliance Program Manager, read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor, R Aubrey, read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

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

WARD

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

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Ms C Young	Director Community Development
Mr M Tieleman	Director Corporate Services
Mr J Christie	Director Technical Services
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr P Prendergast	Manager Statutory Planning
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano	Governance & Property Officer
Ms S Tranchita	Minute Secretary

At the commencement of the meeting there were 26 members of the public and 1 member from the Press in the Public Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

4.1 APOLOGIES

Nil

4.2 APPROVED LEAVE OF ABSENCE

Nil

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

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

Nil

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

Nil

6. QUESTION TIME

6.1 Ms J Considine, Booragoon (Chair "Southern Frame" Committee)

Question 1

The technical sketch of the proposed four, three and two storey buildings in the R100 coded area show a block on a downward slope. This holds for blocks on Almondbury Way and Riseley Street. Will Melville Council provide revised technical sketches for the proposed R100 buildings for the flat blocks along the southern side of Marmion Street?

Response

This can be provided if that would assist the community in better understanding to proposed changes to building heights. The picture contained in the draft structure plan document provides an indicative, conceptual drawing of how future buildings may look, but it is not a detailed, technical drawing.

The purpose of a structure plan is to set a new planning framework for an area and provide regulations on what landowners can and can't do with their land. The current town planning scheme allows for a building height of up to 10.5 metres (2 or 3 storeys) across most residential areas of the City of Melville. The 10.5 metre building height currently applies, for example, to lots in the structure plan area facing Marmion Street as well as lots on Colleran Way.

The proposed building heights in the Frame precinct would step building height down from the street frontage to the rear of the block. In effect, the proposed building heights would allow an increase in building height at the front of the lot to a maximum of 4 storeys or 16 metres, and reduce potential building heights at the rear of the lots in the Frame Precinct to 2 storeys or 8 metres. The purpose of reducing building heights at the rear of these lots is to better manage the transition of building heights from lots within the structure plan area to lots outside the structure plan area.

Question 2

In the recently released Melville Structure report, what is the reasoning for including Marmion Street properties in the activity boundary?

Response

The Melville 'City Centre' zone has been in place for many years (since at least 1980). There is currently a 'Frame Precinct' along Almondbury Road and Riseley Street, which provides a transitional area from the 'City Centre' zone to nearby residential areas. Despite the current Frame precinct being in place since 1999, most of these lots have not developed to their maximum potential. This is a common situation and most lots across Perth are not developed to the maximum potential permitted in town planning schemes.

The current zoning of the area provides a transitional Frame precinct on two sides of the centre, but not along Marmion Street, which is a similar environment to the Riseley Street section of the Frame and has similar residential properties.

It was considered that the proposed extension of the Frame precinct to Marmion Street would help provide a better transition from the 'City Centre' zone to nearby residential

areas. The concept of gradually transitioning controls such as building heights from the core of an activity centre to surrounding residential areas is a well accepted planning method and considered to be best practice town planning for our urban areas.

Extending the Frame precinct to Davy Street was also considered by the project team. However, many of these lots facing the 'City Centre' zone along Davy Street are strata-titled and are not currently designed to integrate with the street or the centre. Strata-titled lots usually constrain redevelopment as unanimous agreement is required from all strata owners before redevelopment. So it was considered by the project team that there are a number of practical reasons why Davy Street may not be suitable to become an additional Frame precinct.

Mr M Guthrie, Bicton.

Question 1

Does this Council consider itself to be a "Consultative Council"?

Response

In 2012 the City of Melville was awarded Australasian Organisation of the Year for the International Association of Public Participation (IAP2) Core Values Awards. This was in recognition of "ongoing and robust commitment to embedding public participation throughout the organisation".

The City of Melville has a Stakeholder Engagement Policy which states:

"Our Stakeholder Engagement goal is to ensure that everyone who lives, works, plays, learns and invests in the City of Melville is given a fair opportunity to participate and contribute to decisions that are made by Council and its staff."

Question 2

If so - is it prepared to back its claim by introducing a clause into its policy relating to street trees which requires it to consult with persons which may be adversely affected by the planting of a street tree?

Response

The City's existing Street Tree Policy allows for property owners to negotiate the location of new street trees on their verge area. Where there is a potential conflict the City will resolve this with the property owner.

7. AWARDS AND PRESENTATIONS

Nil

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF COUNCIL – 17 SEPTEMBER 2013**
Minutes 17 September 2013**COUNCIL RESOLUTION**

At 6.48pm Cr Robartson moved, seconded Cr Willis -

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 20 August 2013, be confirmed as a true and accurate record subject to the following amendment –

In the Item 12.1 Petition – Restrict Master Plan for Residential Development for Reserves 28600 (Melville Glades Golf Club) and 24826 (John Connell Reserve) to John Connell Reserve only and the Golf Club Reserve to remain in its current form -

- **Amend the first paragraph to read “A petition signed by 195 residents and 12 non residents was received by the City of Melville on Wednesday 4 September 2013. The petition reads as follows –“**
- **Amend the Recommendation by deleting the number “208” and replacing it with the number “207”**

At 6.48pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 1 OCTOBER 2013
Notes 1 October 2013**COUNCIL RESOLUTION**

At 6.49pm Cr Macphail moved, seconded Cr Reynolds-

That the Notes of the Agenda Briefing Forum held on Tuesday, 1 October 2013, be received.

At 6.49pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.3 SPECIAL MEETING OF ELECTORS – 2 SEPTEMBER 2013
Minutes 2 September 2013**COUNCIL RESOLUTION**

At 6.49pm Cr Hill moved, seconded Cr Kinnell -

That the Minutes of the Special Meeting of Electors held on Monday, 2 September 2013, be confirmed as a true and accurate record.

At 6.49pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

8.4 SPECIAL MEETING OF COUNCIL – 2 OCTOBER 2013
Minutes 2 October 2013**COUNCIL RESOLUTION**

At 6.50pm Cr Kinnell moved, seconded Cr Macphail -

That the Minutes of the Special Meeting of Council held on Wednesday, 2 October 2013, be confirmed as a true and accurate record.

At 6.50pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

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

- C13/5319 – Cr Barton – Financial Interest in accordance with the Act

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- P13/3433 – Mayor R Aubrey – Interest under the Code of Conduct
- P13/3433 – Cr Macphail – Interest under the Code of Conduct
- P13/3433 – Cr Pazolli – Interest under the Code of Conduct
- P13/3433 – Cr Reynolds – Interest under the Code of Conduct
- P13/3433 – Cr Reidy – Interest under the Code of Conduct

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.56pm Cr Willis moved, seconded Cr Reidy -

That the application for new leave of absence submitted by Cr Pazolli on 15 October 2013 be granted.

At 6.56pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (13/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

- C13/5319 Confidential Item – Hislop Road Attadale South Underground Power Project Specified Area Rate Request for Concessions for the Commercial Properties In Hislop Road – Ince Road Commercial Centre

The above matter is confidential in accordance with Section 5.23(2)(d) of the Local Government Act 1995 relating to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

12. PETITIONS

Nil

13. REPORTS OF THE CHIEF EXECUTIVE OFFICER

At 6.58pm Cr Barton moved, seconded Cr Taylor-Rees –

That the reports P13/3429 - Proposed Kite Surfing School at Point Walter Spit, Bicton, P13/3430 - Proposed Kite Surfing School at Point Walter Spit, Bicton and Melville Beach, Applecross and P13/3431 - Proposed Paddle Boarding Lessons at Point Walter Spit, Bicton be deferred to the November 2013 Ordinary Meeting of the Council.

At 7.05pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

Note: Item P13/3429 was deferred to the November 2013 Ordinary Meeting of the Council.

P13/3429 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON (REC)

Ward	: Bicton/Attadale
Category	: Operational
Application Number	: DA-2013-967
Property	: Point Walter Spit, Bicton
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	: P13/3367- Proposed Kite Surfing School at Point Walter Spit Bicton – February 2013 – Ordinary Meeting of Council P13/3375 - Proposed Kite Surfing School at Melville Beach Applecross, - April 2013 - Ordinary Meeting of Council Attadale Foreshore and Point Walter
Responsible Officer	: Peter Prendergast Manager Statutory Planning

**P13/3429 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON
(REC)**

AUTHORITY / DISCRETION

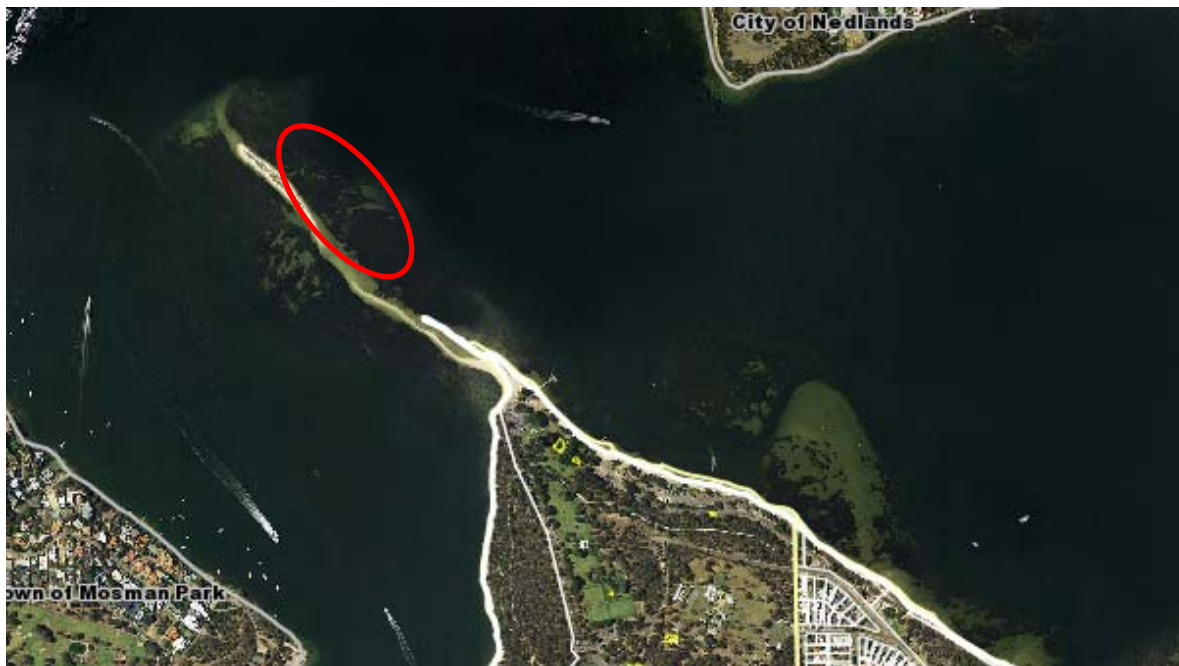
DEFINITION

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

**P13/3429 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON
(REC)**

KEY ISSUES / SUMMARY

- The Swan River Trust (SRT) seeks the City's comments in relation to a proposal to allow the operation of a kite surfing school at Point Walter Spit, Bicton.
- The Applicant obtained temporary approval from the SRT in June 2013 to operate a kite surfing school at Melville Beach, Applecross for up to two instructors and four students at any one time.
- Point Walter Spit is proposed to be the secondary kite surfing school location for the Applicant, to be used when the weather conditions are not favourable at Melville Beach.
- Classes would operate between 6am and 10am once a week. A maximum of two instructors, two assistant instructors and four students will operate at any one time.
- Planning approval from the City is not required, as the activity is undertaken within a Metropolitan Region Scheme Reserve. 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.
- It is recommended that the SRT be advised that the City has no objection to the proposal, subject to the imposition of appropriate conditions.



**P13/3429 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON
(REC)****BACKGROUND**

In February 2013, the Council considered a referral from the SRT in relation to the operation of a kite surfing school (Elemental Surf) at Point Walter. At this meeting, Council resolved to support the application subject to conditions.

Following the initial deferral in March 2013 The Council considered two further referrals from the SRT at its April 2013 meeting. These were in relation to the operation of one kite surfing school (Soul Kite) at Melville Beach and another (Kite Surf Warehouse) at Melville Beach, Attadale Foreshore and Point Walter Spit. At this meeting, the Council resolved to support the school at Melville Beach, however recommended refusal to the school at Melville Beach, Attadale Foreshore and Point Walter Spit.

In June 2013 the SRT granted approval for the operation of all three of the abovementioned kite surfing schools, however did not approve the use of Attadale Foreshore.

In addition to the above, in March 2013 the SRT granted approval for the operation of a stand up paddle board lessons and tours at Point Walter

All of the above schools were granted temporary approval for a 12 month period and are generally restricted in numbers to two instructors and four students at any one time.

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 by the applicant to conduct kite surfing lessons at Point Walter Spit Bicton. The application has been referred to the City by the SRT for its recommendation.

**P13/3429 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT BICTON
(REC)**

Two instructors and two assistant instructors, teaching a total of four students are proposed. A maximum of six kites will be used at any one time.

The days and times of the classes are subject to weather conditions. In general, conditions at Point Walter Spit are favourable between 6am and 10am, from November to March.

The business offers a five hour beginner package; which is divided into three lessons. The first lesson is a one hour safety session. The other two, two hour sessions teach the rider how to fly a kite in the water safely. These lessons may be conducted between both Point Walter Spit and the previously approved Melville Beach, Applecross location.

No advertising, flags or shelters are proposed.

PUBLIC CONSULTATION/COMMUNICATION

The City is not required to undertake public consultation as the SRT are the determining authority for the application. Furthermore there are no residential properties within the immediate area surrounding the Point Walter reserve, and specifically the area of the Point Walter Spit.

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

Planning approval is not required from the City. The 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 as to whether it conforms to proper and orderly 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.

**P13/3429 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT BICTON
(REC)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no strategic or risk implications anticipated as a result of this referral.

Environmental implications are detailed in the Comment section below.

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.

The Council can elect to support or recommend refusal of the proposal. The SRT are not bound by the recommendation made by the Council.

COMMENT

Approval is sought to operate kite surfing tuition from Point Walter Spit Bicton. The application was referred to the City by the SRT for its comment and recommendation.

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 popular in WA due to the ideal conditions provided by the prevailing winds and the availability of suitable locations.

The primary site for the operation of the subject kite surfing school is Melville Beach, Applecross. This location relies on the prevailing south/south-west wind patterns. When the wind is not blowing from this direction, other locations become desirable. Point Walter Spit is one of these locations, which allows kite surfing when the wind is from an easterly direction. The Applicant has indicated that the location is generally suitable for kite surfing during early mornings approximately once a week between November and March.

As outlined above, there are no provisions within CPS5 or Council Policies against which the proposal must be assessed. Despite this, the City needs 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

Point Walter Spit 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.

**P13/3429 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT BICTON
(REC)**

Kite surfing in Western Australia is broadly guided by the Western Australian Kite Surfing Association (WAKSA). WAKSA designates certain precincts for general use, for learning and areas of exclusion. WAKSA identifies Point Walter Spit as a location which is '*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 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.

Furthermore, due to the early hours that conditions are favourable at Point Walter Spit for kite surfing, there are low numbers of other users of the reserve and water during this time.

Benefits

It is recognised that certain benefits can result from recreational businesses operating within a public area. These benefits can include education, monitoring and fostering a sense of social and environmental responsibility. Recreation businesses such as the one proposed can also draw tourists and visitors, adding to the vitality of an area and bringing benefit to businesses such as retail and food/beverage outlets.

Car Parking

Parking is available within the public car parking areas at Point Walter Reserve. Due to Point Walter Spit being the secondary location for the business and the low numbers of participants per class, the proposed activity is considered unlikely to generate a significant additional parking demand beyond that already existing at Point Walter. Parking of vehicles associated with the activity will be able to be accommodated within existing constructed parking bays and will not be permitted on any grassed reserve area.

Safety

In order to address safety, the Applicant has supplied a risk assessment and a copy of their public liability insurance with the application. The Applicant has also indicated that they propose to have an additional two assistant instructors on location, who will assist in monitoring the safety of the both riders and the general public.

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.

**P13/3429 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT BICTON
(REC)**

With regard to safety of land vested in, or under the care and control of the City of Melville, Point Walter Spit is considered to be an appropriate location from a safety perspective, given the large reserve which acts as a safety buffer between kite surfers, the surrounding road network and private properties.

The Department of Transport (DoT) is in the process of drafting regulations to control activities such as kite and wind surfing within the State, including both river and coastal locations. Draft Regulations have been produced, but their passage to legislation has been delayed pending the inclusion of wind surfing activities. It is anticipated that the new Regulations will be effective from July 2014, with compliance required by July 2015.

The Regulations will afford the DoT with the power to designate areas where kite and wind surfing activities will be prohibited.

Environment

With regard to the potential environmental implications 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.

Officers from the Environmental Team of the City's Technical Services Directorate have confirmed that any type of access to the river foreshore has the ability to detract from the environmental quality offered within that foreshore environment. This is inevitable where access to the foreshore by the public is allowed, as it is in this location. The challenge is to encourage persons recreating within these types of sensitive environments to behave responsibly, keep to footpaths, avoid trampling through vegetation and take litter home or dispose of it correctly. In the context of the kite surfing tuition activity proposed by this application, it was the view of the officers that damage to the environment is no more likely to occur as a result of the kite surfing activities as would result from the general use of the locations for other recreational pursuits, including that which will occur via the use of the area by individual kite surfers.

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 be unlikely to result in additional degradation to the foreshore area than already occurs as a result of all other foreshore activity.

CONCLUSION

Based on the above, it is considered that the use of Point Walter Spit for the purpose of conducting kite surfing lessons is acceptable and appropriate. Accordingly, it is recommended that the SRT be advised that the City of Melville has no objection to the proposal subject to conditions.

P13/3429 PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON (REC)**OFFICER RECOMMENDATION (3429)****SUPPORT**

That the Swan River Trust be advised that the City of Melville has no objection to the proposed kite surfing tuition at Point Walter Spit subject to the following conditions:

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 four pupils and four instructors are to participate in the tuition at any one time.
3. The approval period be limited to 12 months.
4. No signage, flags or the like associated with the business are to be displayed within the Point Walter Spit Reserve.
5. No shade structures associated with the business are to be erected within the Point Walter Spit Reserve.

ADVICE NOTE

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

Note: Item P13/3430 was deferred to the November 2013 Ordinary Meeting of the Council.

P13/3430 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC) (ATTACHMENT)

Ward : Applecross/Mt Pleasant
Bicton/Attadale

Category : Operational

Application Number : DA-2013-950

Property : Point Walter Spit, Bicton and Melville Beach, Applecross

Proposal : Kite Surfing School

Applicant : Seabreezekitesurfschool (Silvio Di Canto)

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 : P13/3374 – Proposed Kite Surfing School at Melville Beach, Applecross – February 2013 Ordinary Meeting of Council
P13/3375 – Proposed Kite Surfing School at Melville Beach Applecross – April 2013 Ordinary Meeting of Council
Attadale Foreshore and Point Walter

Responsible Officer : Peter Prendergast
Manager Statutory Planning

AUTHORITY / DISCRETION

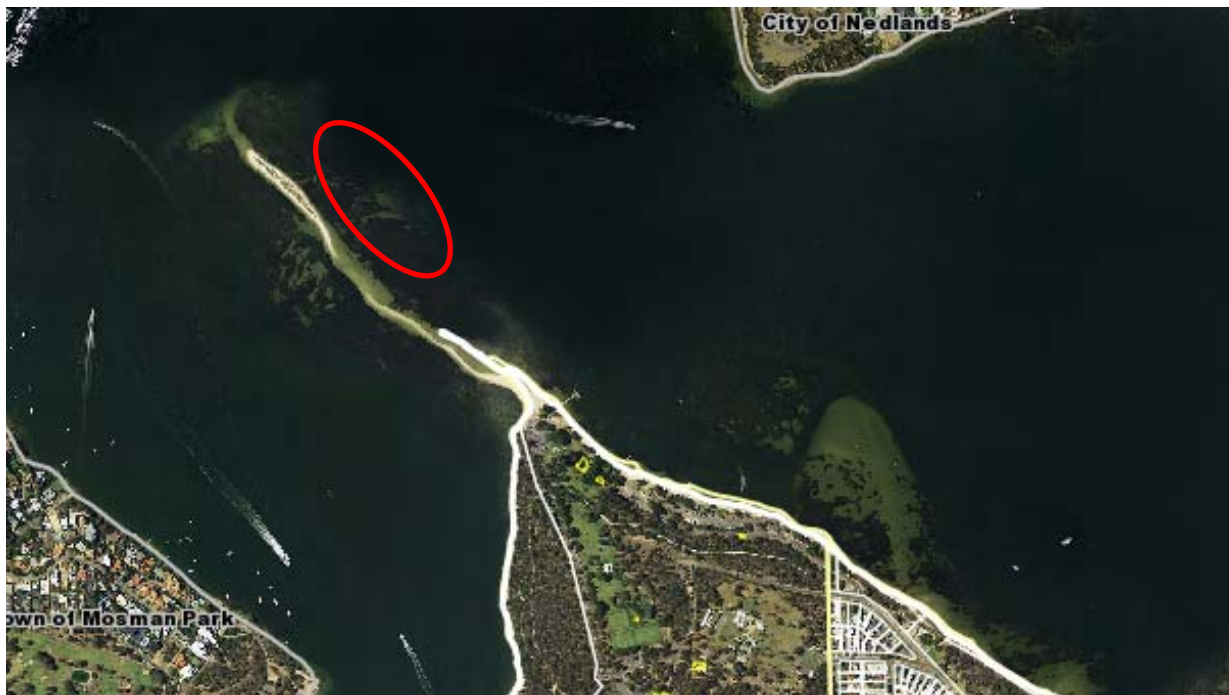
DEFINITION

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

P13/3430 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The Swan River Trust (SRT) seeks the City's comments in relation to a proposed kite surfing school to operate at Point Walter Spit, Bicton and Melville Beach, Applecross
- The application seeks approval for the two locations due to the differing weather conditions between the two, however the business will operate from one location at any given time.
- It is proposed to operate a maximum of three, two hour classes per day and a maximum of six people will be involved in the tuition at any one time (two instructors and up to four pupils).
- Planning approval from the City is not required, as the activity is undertaken within a Metropolitan Region Scheme Reserve. 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.
- It is recommended that the SRT be advised that the City has no objection to the proposal, subject to the imposition of appropriate conditions.



P13/3430 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC) (ATTACHMENT)



BACKGROUND

In February 2013, the Council considered a referral from the SRT in relation to the operation of a kite surfing school (Elemental Surf) at Point Walter. At this meeting, Council resolved to support the application subject to conditions.

Following the initial deferral in March 2013 considered considered two further referrals from the SRT at its April 2013 meeting. These were in relation to the operation of one kite surfing school (Soul Kite) at Melville Beach and another (Kite Surf Warehouse) at Melville Beach, Attadale Foreshore and Point Walter Spit. At this meeting, Council resolved to support the school at Melville Beach, however recommended refusal to the school at Melville Beach, Attadale Foreshore and Point Walter Spit.

In June 2013 the SRT granted approval for the operation of all three of the abovementioned kite surfing schools, however did not approve the use of Attadale Foreshore.

In addition to the above, in March 2013 the SRT granted approval for the operation of a stand up paddle board lessons and tours at Point Walter.

All of the above schools were granted temporary approval for a 12 month period and are generally restricted in numbers to two instructors and four students at any one time.

Scheme Provisions

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

P13/3430 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC) (ATTACHMENT)**Site Details**

Lot Area	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	Refer photo above

DETAIL

Approval is sought by the applicant from the SRT to conduct kite surfing lessons at Point Walter Spit, Bicton and Melville Beach, Applecross. The application has been referred to the City by the SRT for comment.

The application seeks approval for the two locations due to the differing weather conditions between the two; however it is intended that the business will operate from one location at any one given time, as the site with the better prevailing weather conditions at the time of a lesson, will be preferred.

It is proposed to operate classes which go for no longer than two hours per student and a maximum of six people will be involved in the tuition at any one time (two instructors and up to four pupils).

[3430 Proposed Kitesurfing School Point Walter Spit Reserve and Melville Beach](#)

PUBLIC CONSULTATION/COMMUNICATION

The City is not required to undertake public consultation as the SRT are the determining authority for the application. However, it is noted that a previous application for the operation of a kite surfing school at Melville Beach was previously advertised with the following concerns raised:

- Inadequate parking along Melville Beach Road.
- Due to the proximity of the foreshore to the road and private properties, kite surfing at Melville Beach poses a safety concern.
- Increased activity on the foreshore will result in damage and erosion.

The SRT considered the above concerns in its determination of the previous applications in June 2013. None of the matters raised were upheld in the decision reached by the SRT at that time.

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

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 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.

P13/3430 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC) (ATTACHMENT)**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.

The Council can elect to support or resist the use. The STR are not bound by the recommendation made by Council. .

COMMENT

Approval is sought to operate kite surfing tuition from Point Walter Spit, Bicton and Melville Beach, Applecross. The application was referred to the City by the SRT for its comment and recommendation.

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 popular in Western Australia (WA) due to the ideal conditions provided by the prevailing winds and the availability of suitable locations at which the sport can be undertaken.

The primary site for the operation of the kite surfing school is Melville Beach, Applecross. This location relies on the prevailing south/south-west wind patterns.

When the wind is not favourable at Melville Beach, the Applicant proposes to use Point Walter Spit. Point Walter Spit allows kite surfing when the wind is coming from an easterly direction. Only one of the two locations is to be used at any one time by the business.

As outlined above, there are no provisions within CPS5 or Council Policies against which the proposal must be assessed. Despite this, the City is required 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.

P13/3430 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC) (ATTACHMENT)*Location*

Point Walter Reserve and Melville Beach 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 reserve.

Kite surfing in Western Australia is broadly guided by the WA Kite Surfing Association (WAKSA). WAKSA suggests optimum locations for general use, learning and those to be avoided.

Melville Beach is also 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 kites 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 Melville Beach as it identifies that the proposed 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.

WAKSA identifies Point Walter Spit as a location which is *"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 Spit 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.

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. 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 on street parking to take place without prejudice to road safety or the free flow of traffic.

P13/3430 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC) (ATTACHMENT)

It is noted that the City's Rangers have issued only ten parking infringements in the previous 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.

Parking is available within the public car parking areas at Point Walter Reserve. This existing parking is considered to provide sufficient off street car parking for the use as proposed.

Safety

In the interests of safety, it is recommended that the applicant undertake a risk assessment and be required to provide a copy of their public liability insurance. These requirements will form the basis of a recommendation to the SRT.

This aside, it is acknowledged that the existence of businesses of this nature educate and inform safe practices, regulate the areas of use and enable proper training for would-be 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.

Point Walter Spit is considered to be an appropriate location from a safety perspective, given the size and scale of the reserve which acts as a safety buffer between kite surfers, the surrounding road network and private properties.

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 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 also accepted however, that safety concerns expressed in this vein are more likely applicable to the sole kite surfers who frequent the area in pursuit of their sport, as opposed to the managed trainees that are associated with the commercial tuition activities such as those proposed by this application.

In order to further address these safety concerns, the applicant has indicated that their students use kites with shorter lines than standard kites. This reduces the flying area and power of the kites and increases the level of control.

The Department of Transport (DoT) are in the process of drafting regulations to control activities such as kite and wind surfing within the State, including both river and coastal locations. Draft Regulations have been produced, but their passage to legislation has been delayed pending the inclusion of wind surfing activities. It is anticipated that the new Regulations will be effective from July 2014, with compliance required by July 2015.

The Regulations will afford the DoT with the power to designate areas where kite and wind surfing activities will be prohibited.

P13/3430 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC) (ATTACHMENT)*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.

Officers from the Environmental Team of the City's Technical Services Directorate have confirmed that any type of access to the river foreshore has the ability to detract from the environmental quality offered within that foreshore environment. This is inevitable where access to the foreshore by the public is allowed, as it is in these locations. The challenge is to encourage persons recreating within these types of sensitive environments to behave responsibly, keep to footpaths, avoid trampling through vegetation, take litter home or dispose of it correctly, and so on. In the context of the kite surfing tuition activity proposed by this application, it was the view of the officers that damage to the environment is no more likely to occur as a result of the kite boarding activities as would result from the general use of the locations for other recreational pursuits, including that which will occur via the use of the area by individual kite boarders.

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 be unlikely to result in additional degradation to the foreshore area than already occurs as a result of all other foreshore activity.

CONCLUSION

Based on the above, it is considered that the use of Melville Beach and Point Walter Spit for the purpose of conducting kite surfing lessons is acceptable and appropriate. Accordingly, it is recommended that the Swan River Trust be advised that the City of Melville has no objection to the proposal subject to conditions.

P13/3430 - PROPOSED KITE SURFING SCHOOL AT POINT WALTER SPIT, BICTON AND MELVILLE BEACH, APPLECROSS (REC) (ATTACHMENT)**OFFICER RECOMMENDATION (3430)****SUPPORT**

That the Swan River Trust be advised that the City of Melville has no objection to the proposed kite surfing tuition at Melville Beach, Applecross and Point Walter Spit, Bicton subject to the following conditions:

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. Prior to the commencement of the activity, the applicant is to provide a Risk Management Plan.
3. A maximum of six people (including instructors) are to participate in the tuition at any one time.
4. The approval period is limited to 12 months.
5. No signage, flags or the like associated with the business are to be displayed within the foreshore reserve of Melville Beach or Point Walter Reserve.
6. No shade structures associated with the business are to be erected within the foreshore reserve of Melville Beach or Point Walter Reserve.

ADVICE NOTE

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

Note: Item P13/3431 was deferred to the November 2013 Ordinary Meeting of the Council.

P13/3431 - PROPOSED PADDLE BOARDING LESSONS AT POINT WALTER SPIT, BICTON (REC) (ATTACHMENT)

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2013-1008
 Property : Point Walter, Bicton
 Proposal : Paddle Board Lessons
 Applicant : John Geyer
 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 : P13/3370 – Proposed Stand up Paddle Board Lessons and Tours at the Point Walter Spit – February 2013 Ordinary Meeting of Council
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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

**P13/3431 - PROPOSED PADDLE BOARDING LESSONS AT POINT WALTER SPIT,
BICTON (REC) (ATTACHMENT)**

KEY ISSUES / SUMMARY

- The City's comments are sought by the Swan River Trust (SRT) on a proposal for paddle boarding lessons at Point Walter Reserve in Bicton adjacent to the Point Walter Spit.
- Paddle boarding involves persons standing on top of a long board and paddling with a single, long armed paddle.
- Planning approval from the City is not required in this instance pursuant to Clause 3.2 of Community Planning Scheme No. 5 (CPS5) as the activity is being undertaken within a Metropolitan Region Scheme Reserve. 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.
- A maximum of six persons per class are proposed, with participants following the shoreline along the spit, stopping before the jetty.
- It is recommended that the SRT be advised that the City has no objection to the proposal subject to the imposition of appropriate conditions.



(Note: 1 Red line indicates the area to be used for lessons)

BACKGROUND

In February 2013, Council resolved to inform the SRT that it supports the operation of a paddle boarding school and tours subject to conditions. The SRT subsequently granted a 12 month temporary approval to the business.

In addition to the above, in March 2013 the SRT also granted temporary approval for the operation of two kite surfing schools at Point Walter.

All of the above schools were granted temporary approval for a 12 month period and are generally restricted in numbers to two instructors and four students at any one time.

**P13/3431 PROPOSED PADDLE BOARDING LESSONS AT POINT WALTER SPIT,
BICTON (REC) (ATTACHMENT)****Scheme Provisions**

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

Site Details

Lot Area	:	Not Applicable
Street Tree(s)	:	Not Applicable
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	Refer photo above

[3431 Permit Application Paddle Boarding at Point Walter](#)

DETAIL

Approval is sought by the applicant from the SRT to undertake paddle boarding tuition in the vicinity of the Point Walter Spit. The application has been referred to the City by the SRT for its consideration and recommendation.

It is proposed to operate the classes with a maximum of six persons at any one time. The classes are to be run for 1.5 hours between 8-9:30am on weekends.

No advertising, flags or shelters are proposed.

PUBLIC CONSULTATION/COMMUNICATION

The City is not required to undertake public consultation as the SRT are the determining authority for the application. Furthermore there are no residential properties within the immediate area surrounding the Point Walter Spit.

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

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 recommendations to the SRT and is not the determining authority for the subject application. As such, there are no statutory authority or legal implications for the City.

**P13/3431 PROPOSED PADDLE BOARDING LESSONS AT POINT WALTER SPIT,
BICTON (REC) (ATTACHMENT)****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 management implications with 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.

The Council can elect to support or recommend refusal of the proposal. The SRT are not bound by the recommendation made by the Council.

COMMENTS

The applicant is seeking approval to undertake beginner paddle boarding tuition along the Point Walter Spit. The application was referred to the City by the SRT for its comment and recommendation.

Paddle boarding involves persons standing on top of a long board and paddling with a single long armed paddle. It is generally a low risk recreation activity, as the speed of the craft is dependant upon the strength and experience of the user.

As outlined above, there are no provisions within CPS5 or Council Policies against which the proposal must be assessed. Despite this, the City needs 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

Point Walter is reserved for parks and recreation under the MRS. As paddle boarding is a recreational activity, it is considered that the proposed use is consistent with the intent of the reserve. In addition 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.

P13/3431 - PROPOSED PADDLE BOARDING LESSONS AT POINT WALTER SPIT, BICTON (REC) (ATTACHMENT)

All recreational activities have the potential to damage vegetation and associated property within the river reserve. Paddle boarding is non-motorised therefore is a relatively low impact activity.

As a maximum of six persons are proposed to undertake the activity at any one time and lessons are only to occur twice a week the proposal is considered to be a low impact activity overall.

As mentioned above, the SRT previously granted temporary approval for another paddle boarding school to operate in the same area. This paddle boarding school predominantly operates during the week with the occasional weekend class, whereas this proposal is to function on the weekends with an occasional weekday class thereby avoiding clashing class times.

Benefits

It is recognised that certain benefits can result from recreational businesses operating within a public area. These benefits can include education, monitoring and fostering a sense of social and environmental responsibility. Recreation businesses such as the one proposed can also draw tourists and visitors, adding to the vitality of an area and bringing benefit to businesses such as retail and food/beverage outlets.

Car Parking

Parking is available within the public car parking areas at Point Walter Reserve. Due to the low numbers of participants and the business only operating from the location twice a week, early in the morning, the proposed activity is considered unlikely to generate a significant additional parking demand beyond that already existing at Point Walter. Parking of vehicles associated with the activity will be able to be accommodated within existing constructed parking bays and will not be permitted on any grassed reserve area.

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.

Officers from the Environmental Team of the City's Technical Services Directorate have confirmed that any type of access to the river foreshore has the ability to detract from the environmental quality offered within that foreshore environment. This is inevitable where access to the foreshore by the public is allowed, as it is in this location. The challenge is to encourage persons recreating within these types of sensitive environments to behave responsibly, keep to footpaths, avoid trampling through vegetation and take litter home or dispose of it correctly.. In the context of the tuition activity proposed by this application, it was the view of the officers that damage to the environment is no more likely to occur as a result of the paddle boarding activities as would result from the general use of the locations for other recreational pursuits.

**P13/3431 - PROPOSED PADDLE BOARDING LESSONS AT POINT WALTER SPIT,
BICTON (REC) (ATTACHMENT)**

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 be unlikely to result in additional degradation to the foreshore area than already occurs as a result of all other foreshore activity.

CONCLUSION

Based on the above, it is considered that the use of Point Walter reserve for the purpose of conducting paddle boarding lessons is acceptable and appropriate. Accordingly, it is recommended that the Swan River Trust be advised that the City of Melville has no objection to the proposal subject to conditions.

OFFICER RECOMMENDATION (3431)**SUPPORT**

That the Swan River Trust be advised that the City of Melville has no objection to the proposed paddle boarding lessons at Point Walter Spit subject to the following conditions:

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 participate in the tuition at any one time.**
- 3. The approval period be limited to 12 months.**
- 4. No signage, flags or the like associated with the business are to be displayed within the Point Walter Reserve.**
- 5. No shade structures associated with the business are to be erected within the Point Walter Reserve.**

ADVICE NOTE

- 1. In accordance with the City of Melville Local Government Property Local Law, a separate permit is required from the City for the proposed business to operate.**

At 7.06pm Cr Reynolds left the meeting.
At 7.08pm Cr Reynolds returned to the meeting.

P13/3432 - REVOCATION OF COUNCIL POLICY CP-057 SCHEME AMENDMENTS RELATING TO ROME ROAD MELVILLE (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Application Number : Not Applicable
 Proposal : Revocation of Council Policy CP-057 Scheme Amendments Relating to Rome Road Melville.
 Applicant : Not Applicable
 Customer : 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 : 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 checked="" type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

P13/3432 - REVOCATION OF COUNCIL POLICY CP-057 SCHEME AMENDMENTS RELATING TO ROME ROAD MELVILLE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report refers to the revocation of Policy CP-057, Scheme Amendments Relating to Rome Road Melville.
- In the course of the ongoing review of council planning policies, it is concluded that this policy should be revoked on the basis that it is considered to be unnecessary given the safeguards that the policy is designed to provide are adequately met by virtue of land use planning controls found within Community Planning Scheme No. 5 (CPS5) and other Council Policies.
- It is therefore recommended that the policy be revoked in accordance with Clause 9.6 of CPS5.

BACKGROUND

Council Policy CP-057 'Scheme Amendments Relating to Rome Road Melville has been in use by the City for a number of years. In March 2011, the details of the policy were considered as part of the review of planning policies undertaken at that time, at which point the Policy was formally endorsed by the Council.

[3432 CP - 057 Scheme Amendments Relating to Rome Road Melville](#)**DETAIL**

In accordance with Clause 9.6 of the City of Melville CPS5, the purpose of non statutory planning policies is to provide additional information to applicants for planning approval, and to ensure that such information is made available to the public, that it is current, and relevant.

In the case of Policy CP-057 'Scheme Amendments Relating to Rome Road Melville', the objective of this policy is:

"To regulate the submission and consideration of Scheme Amendment proposals under Community Planning Scheme No. 5 (CPS5), where they may result in development of a commercial nature taking place on those residential lots located on Rome Road, Melville between McCoy Street and Leach Highway."

In response to this, it is noted that there are provisions within the text of CPS5 that exist to effectively preclude such land use activities from establishment within this area. In that respect:

- The incremental or spot re-zoning of any of the lots located on Rome Road between Leach Highway and McCoy Street for commercial or industrial purposes, would be contrary to the amenity provisions of CPS5, and would be resisted on that basis.
- The lots in question are identified as located within the Melville (ML1) Living Area Precinct, under the Precinct Development provisions of Part 4 of CPS5. The Statement of Intent for this locality prescribes as follows:
"Primarily residential but may include home occupations, corner shops, parks, religious, recreational and educational activities, provided they are designed in a residential style and are not developed to such an intensity that they disturb the

**P13/3432 – REVOCATION OF COUNCIL POLICY CP-057 SCHEME AMENDMENTS
RELATING TO ROME ROAD MELVILLE (REC) (ATTACHMENT)**

Precinct. All non-residential uses shall be advertised in accordance with Clause 7.5 provided that home occupations shall be determined in accordance with Clause 5.6.”

The encroachment of commercial land use activities within those lots fronting onto Rome Road can be effectively resisted with reliance on this Scheme provision alone.

- Table 1: Use Classes Table of CPS5, clearly states that within the Living Area Precincts of the City, the vast majority of commercial land use activities are effectively prohibited from establishment. Such uses are classed as “X” uses, and as such are legally not permitted.

Any request received which sought to initiate a scheme amendment to CPS5 to allow such commercial uses to establish in this location would be effectively resisted on these grounds.

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	No
Neighbour's Comment Supplied:	N/A
Reason:	N/A
Support/Object:	N/A

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Required:	NO
Reason:	N/A
Support/Object:	N/A

STATUTORY AND LEGAL IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

None applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

None applicable.

POLICY IMPLICATIONS

None applicable.

P13/3432 – REVOCATION OF COUNCIL POLICY CP-057 SCHEME AMENDMENTS RELATING TO ROME ROAD MELVILLE. (REC) (ATTACHMENT)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council could resolve to retain the Policy, and not to revoke it, although in practice this would not be recommended given that the continued existence of the policy is unnecessary in achieving its stated objectives.

CONCLUSION

It is concluded that Policy CP-057 Scheme Amendments Relating to Rome Road Melville, is not required, as the objectives of the policy are readily met with reliance on existing planning scheme provisions.

On that basis it is recommended that the policy is revoked.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3432)**REVOKE**

That the Council resolve pursuant to Clause 9.6(e) of Community Planning Scheme No. 5 to place a notification in a local newspaper to advise that Council Policy CP-057 Scheme Amendments Relating to Rome Road Melville, has been revoked.

At 7.06pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

P13/3433 - ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC) (ATTACHMENT)Disclosure of Interest

Item No.	P13/3433
Member	Mayor R Aubrey
Type of Interest	Interest under Code of Conduct
Nature of Interest	Honorary Member of South of Perth Yacht Club
Request	Stay, Discuss and Vote
Decision of Council	Not Required

Disclosure of Interest

Item No.	P13/3433
Member	Cr D Macphail
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Honorary Member of South of Perth Yacht Club
Request	Stay, Discuss and Vote
Decision of Council	Not Required

Disclosure of Interest

Item No.	P13/3433
Member	Cr N Pazolli
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Honorary Member of South of Perth Yacht Club
Request	Leave
Decision of Council	Not Required

Disclosure of Interest

Item No.	P13/3433
Member	Cr M Reynolds
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Honorary Member of South of Perth Yacht Club
Request	Stay, Discuss and Vote
Decision of Council	Not Required

Disclosure of Interest

Item No.	P13/3433
Member	Cr P Reidy
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Honorary Member of South of Perth Yacht Club
Request	Stay, Discuss and Vote
Decision of Council	Not Required

P13/3433 - ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC) (ATTACHMENT)

Ward	:	Applecross/Mt Pleasant
Category	:	Operational Strategic
Application Number	:	N/A
Subject Index	:	Heathcote Lower Land
Customer Index	:	South of Perth Yacht Club
Property	:	Lot 301 and Lot 8410 (2) Canning Beach Road, Applecross Lot 300 (66) Duncraig Road, Applecross Lot 304 (60) Duncraig Road, Applecross
Proposal	:	Request for Realignment of boundaries to facilitate masterplan for Heathcote Lower Land
Applicant	:	South of Perth Yacht Club / City of Melville
Owner	:	Lot 301 - State of Western Australia Management order to South of Perth Yacht Club Lot 300 & Lot 301 - State of Western Australia Management order to 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	:	P10/3107 – Transfer of Management Order for Heathcote Lower Land, Adjacent Bushland and Foreshore Reserves
Responsible Officer	:	Gavin Ponton Manager Strategic Urban Planning

AUTHORITY / DISCRETION

DEFINITION

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

P13/3433 - ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Hardstanding works at South of Perth Yacht Club have been completed.
- Master planning for the locality has previously determined that greater access to the beach and river from the Heathcote lower lands should be provided through landscaping to the northeast of the Yacht Club reserve.
- Approval of the hardstanding by the Swan River Trust (SRT) was conditional on a portion of land being left undeveloped to provide for greater access.
- Discussions with the Yacht Club have agreed a nominal boundary change would provide a suitable solution to ensure access to the beach. The arrangement would involve the Yacht Club ceding approx 900 square metres of land to the management of the City of Melville. This adjustment will require the approval of the Department of Lands as it is a State Reserve
- The Yacht Club have also requested support for a realignment of the boundary at their entrance. The proposal would involve approx 840 square metres of crown reserve – road reserve being included in the South of Perth Yacht Club reserve.
- The proposed boundary changes require advertising to nearby residents and stakeholders before being considered for endorsement by Council and forwarding to Department of Lands.

P13/3433 - ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC) (ATTACHMENT)



BACKGROUND

The South of Perth Yacht Club has completed the development of the hard stand area on the northern side of their reserve adjoining Heathcote Lower Land. An area of land in the western corner of the Reserve was excluded from this approval with a note that the expectation of the SRT was that consideration be given to the provision of visual and public amenity benefits for Heathcote Reserve and the need to secure appropriate landscape buffers surrounding the boat hard standing area. The approval suggests ceding of Yacht Club land as an option to achieve these objectives.

Workshops with the community in June 2007 led to development of a masterplan that reflected their vision for the land. The plan [P13-3433 - Adjustment of Boundaries Between SOPYC and Heathcote Lower Land](#) shows suggested wetlands/water features and an improved connection to the river.

Scheme Provisions

MRS Zoning	:	Regional Reserve Parks and Recreation; Urban; Waterways
CPS 5 Zoning	:	Regional Reserve Parks and Recreation; Local Reserve Local open Space; Waterways
R-Code	:	N/A
Use Type	:	Conservation/Recreation
Use Class	:	N/A

Site Details

Lot Area	:	Lot 301 and Lot 8410 – 18,856sqm; Lot 300 24,246sqm; Lot 304 29,713sqm
Retention of Existing Vegetation	:	To be negotiated
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	P13-3433 - Adjustment Of Boundaries Between SOPYC And Heathcote Lower Land

P13/3433 - ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC) (ATTACHMENT)**DETAIL**

The very narrow visual and physical access between Heathcote lower lands and the Swan River was recognised in the master planning exercise undertaken with the community for the site. The narrow access is created by the steep escarpment to the west and the boundary with the Yacht Club to the east. The master plan recommended that part of the land under management of the South of Perth Yacht Club be used to open up the access and vista from the lower lands to the Swan River.

In response to the above objective, the South of Perth Yacht Club has now requested the City to consider a relocation of boundaries to provide a wider access to the River for the Heathcote lower lands. In conjunction with this arrangement, the Yacht Club is also asking for support of the Council in a realignment of the lot boundary at their entrance to create a new gateway that better relates to the layout of adjoining roads.

Realignment of boundary to facilitate better access to river from Heathcote lower lands.

Drawing 2, [P13-3433 - Adjustment of Boundaries Between Heathcote Lower Land and SOPYC](#) shows how a realignment of boundaries along the north-eastern portion of the Yacht Club site would open up the lower lands to provide a more appealing vista and more practical access to the river. The Swan River Trust approval to the South of Perth Yacht Club - to develop the hard stand and launching facilities in this location - recognised this opportunity and recommended the Yacht Club negotiate with the City to achieve this outcome. The negotiations were to determine a boundary to increase the vista and provide landscaping to suit the river environment.

To achieve this, the South of Perth Yacht Club will need to cede approximately 900 sqm of land allocated to them under the current management order. This will accommodate the widened river access from Heathcote lower lands. The Yacht Club supports the development of the lower land and has offered to work with the City of Melville and the National Trust. to develop wetland areas consistent with community visioning. These wetlands will assist in irrigation of Heathcote lower land area and the South of Perth Yacht Club as well as enhance the filtering and reuse of water from the Yacht Club's wash down bays.

A deed of agreement will be drawn up between the City of Melville and the Yacht Club to ensure there is a guarantee of work being completed within an agreed timeframe and to an agreed level.

The National Trust has been involved in the initial conversations regarding the boundary adjustments and has given in principle support to the concept. They will also be asked to provide formal comment prior to the finalisation of the agreement.

This proposal is seen as positive and will support the future development of the lower lands and improves access to the river as was perceived in the masterplan endorsed by the community and Council.

Realignment of the front entrance boundary to the South of Perth Yacht Club

The proposal by the South of Perth Yacht Club also includes a request to include an area of road reserve (approximately 840 square metres) into the management order of the Yacht Club to provide a better alignment for the front entrance (see Drawing 3 [P13-3433 - Adjustment of Boundaries Between Heathcote Lower Land and SOPYC](#)). This would extend the boundary closer to the roundabout on Duncraig Road and allow vehicle

P13/3433 - ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC) (ATTACHMENT)

access to be better controlled. Although this land is road reserve it is currently maintained by the City of Melville.

The realignment of this boundary would improve access by better delineating the entrance to the Club and would not have any major impediment on the traffic flow in the area.

The process to realign this boundary will take the form of a road closure as this land is currently road reserve. The road closure will be nominal only as the access to the Yacht Club will still be provided through this point.

Additional works

As part of the realignment of the boundaries other works are proposed to be undertaken by the Yacht Club including;

- deepening and recreating a wetland area to use for irrigation
- use of uncontaminated soil for landfill at the Club
- obtaining a licence for access to the aquifer and an allocation of ground water for use at Heathcote lower land area
- landscaping along the fence and wetland areas.

These works would be subject to a signed deed of agreement, and relevant statutory approvals.

The Process

The process to achieve these boundary changes and relinquishing of management orders requires;

- advertising of the proposal to those ratepayers who may be impacted.
- the results of this advertising will be assessed and then reported to Council.
- if favourable, Council can then endorse an approach to the Department of Lands.
- Department of Lands will then
 - o assess the proposal,
 - o adjust the boundaries and
 - o reconfirm the management orders as they see fit.

Development Requirements

Not Applicable

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: 35 Days (due to closure of road reserve)
Reason: Require comment from key stakeholders re transfer of land and closure of road reserve.

Preliminary discussions have involved the National Trust. They have stated that they agree in principle to the boundary adjustments and transfer of management orders.

A letter will be sent to key stakeholders and residents in the vicinity requesting their comment on the proposal and an advertisement will be placed in the local paper.

P13/3433 - ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC) (ATTACHMENT)**REFERRALS TO GOVERNMENT AGENCIES**

Required: Swan River Trust and Department of Lands.
Reason: Within the jurisdiction of the Swan River Trust and Land Transfer must be undertaken through the Department of Lands.
Support/Object: Department of Lands has requested the Council to proceed with the normal process of consultation and decision by Council prior to them making a decision.

STATUTORY AND LEGAL IMPLICATIONS

The allocation of management orders, dealing with Crown Land and Reserves and closure of road procedures is dealt with under sections 56 and 58 of the Land Administration Act 1997 and Regulation 9 of the Land Administration Regulations.

FINANCIAL IMPLICATIONS

There are no financial implications in the process of transferring of management orders for the parcels of land being discussed in this report. Any costs associated with establishing the new boundaries including any works relating to the deed of agreement are to be met by the South of Perth Yacht Club.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There are no strategic or risk management implications with this application.

There are some environmental risks associated with the development of the wetland areas and landscaping of these and other riverine areas. The Environmental Team will be involved in discussions with the Yacht Club to determine the outcomes for the development of the wetland area and to assist with the drawing up of the deed of agreement. The water entering the wetland from wash down facilities will require extensive filtering. Landscaping of the area adjacent to the fence line is required as part of the recommendation for approval of the hard stand area. The planting species and layout will be guided by the Environmental Team in order to ensure appropriate riverine species are selected.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

P13/3433 - ADJUSTMENT OF BOUNDARIES BETWEEN SOUTH OF PERTH YACHT CLUB AND HEATHCOTE LOWER LAND (REC) (ATTACHMENT)**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The outcomes of the master planning exercise – suggesting an improved vista and access to the river for the lower lands - would not be achieved as efficiently without the change in boundaries.

A simple realignment of the fence line without the change of management order will provide insufficient security to maintaining the desired vista.

CONCLUSION

The proposed change of boundaries will enhance the development of the parkland at Heathcote providing a much improved access to the river and a better vista from the park. The Council is asked to endorse the advertising of these boundary changes to the local community in order to reinforce the community support as shown through the master planning exercise. This will then enable the process with the Department of Lands to be initiated.

A deed of agreement between the City of Melville and the South of Perth Yacht Club should be prepared and signed prior to the process of boundary change being initiated with the Department of Lands.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3433)**APPROVAL****That the Council:**

- 1. Approve the commencement of the procedures, including public advertising, to accommodate the adjustment to the boundaries of the Management Order provided to the South of Perth Yacht Club and associated closure of road reserve as shown on Drawing 2 and 3 [P13-3433 - Adjustment Of Boundaries Between Heathcote Lower Land and South of Perth Yacht Club](#).**
- 2. Requests a report on the consultation and submissions received as a result of public advertising, be presented to the Council to allow consideration as to whether the proposed boundary adjustment are to be forwarded to the Department of Lands for approval.**
- 3. Directs that any adjustment of boundaries as envisioned in this report is conditional upon a legally binding agreement between the City of Melville and the South of Perth Yacht Club being entered into which shall specify:
a. aims and objectives,
b. roles and responsibilities,
c. lines of communication,
d. timelines and
e. each party's responsibility for implementation of actions.**
- 4. Notes that all costs of the boundary adjustment and agreed works be borne by the South of Perth Yacht Club.**

At 7.06pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

M13/5000 – 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 : 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 type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report details the documents to which the City of Melville Common Seal has been applied for the period from 19 August 2013 up to and including 16 September 2013 and recommends that the information be noted.

M13/5000 – 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
832	City of Melville and Blaze Conveyancing	Sale of Lot 501 (20B) Queens Road, Mount Pleasant	3082805
837	Connect Groups – The SCENE	Lease Agreement – Connect Groups – The SCENE	3088153

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

M13/5000 – COMMON SEAL REGISTER (REC)**POLICY IMPLICATIONS**

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members information

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

That the actions of His Worship the Mayor and the Chief Executive Officer in executing the documents listed under the Common Seal of the City of Melville from 19 August 2013 up to and including 16 September 2013, be noted.

At 7.06pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C13/6000 - INVESTMENT STATEMENTS FOR AUGUST 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	: Bruce Taylor – Acting Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- This report presents the investment statements for the period ending 31 August 2013 and recommends that the information detailed in the report be noted.
- The low 'Cash' rate and legislative restrictions, continues to have a major impact on the City's investment earnings.
- Monthly valuations for Collateralised Debt Obligations (CDOs) shown for August 2013 are based on valuations obtained from CPG Research and Advisory as at 31 August 2013. When compared to the valuations used as at 30 June 2012, CDOs have increased in value by \$1,191,952.

C13/6000 - INVESTMENT STATEMENTS FOR AUGUST 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 August 2013 are shown in the tables below.

CITY OF MELVILLE STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 AUGUST 2013					
SUMMARY BY FUND	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL RESERVE TRUST CRF	\$ 74,113,737 \$ 52,174,167 \$ 390,234 \$ 197,066	\$ 74,113,737 \$ 49,256,405 \$ 390,234 \$ 197,066	\$ 74,113,737 \$ 50,448,357 \$ 390,234 \$ 197,066	\$ - \$ 1,191,952 \$ - \$ -	0.00% 2.28% 0.00% 0.00%
	\$ 126,875,204	\$ 123,957,442	\$ 125,149,394	\$ 1,191,952	0.94%
SUMMARY BY INVESTMENT TYPE	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
CDO BOND FRN FRTD TERM DEPOSIT 11AM UNITS (Local Govt Hse)	\$ 3,000,000 \$ 2,000,000 \$ - \$ 3,500,000 \$ 113,525,506 \$ 4,619,052 \$ 230,645	\$ 82,238 \$ 2,000,000 \$ - \$ 3,500,000 \$ 113,525,506 \$ 4,619,052 \$ 230,645	\$ 1,274,190 \$ 2,000,000 \$ - \$ 3,500,000 \$ 113,525,506 \$ 4,619,052 \$ 230,645	\$ 1,191,952 \$ - \$ - \$ - \$ - \$ - \$ -	39.73% 0.00% 0.00% 0.00% 0.00% 0.00% 0.00%
	\$ 126,875,204	\$ 123,957,442	\$ 125,149,394	\$ 1,191,952	0.94%
SUMMARY BY CREDIT RATING	PURCHASE PRICE \$	MANAGEMENT VALUE AT 30/06/2012 \$	ESTIMATED CURRENT MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA AA- A+ A A- BBB+ NR UNITS (Local Govt Hse)	\$ 8,500,000 \$ 61,823,347 \$ 20,300,000 \$ 18,721,212 \$ 14,300,000 \$ - \$ 3,000,000 \$ 230,645	\$ 8,500,000 \$ 61,823,347 \$ 20,300,000 \$ 18,721,212 \$ 14,300,000 \$ - \$ 82,238 \$ 230,645	\$ 8,500,000 \$ 61,823,347 \$ 20,300,000 \$ 18,721,212 \$ 14,300,000 \$ - \$ 1,274,190 \$ 230,645	\$ - \$ - \$ - \$ - \$ - \$ - \$ 1,191,952 \$ -	0.00% 0.00% 0.00% 0.00% 0.00% 0.00% 39.73% 0.00%
	\$ 126,875,204	\$ 123,957,442	\$ 125,149,394	\$ 1,191,952	0.94%

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

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

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 31 AUGUST 2013									
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Current Interest Rate %	S & P RATING	FACE VALUE \$	BOOK VALUE AT 30/6/2012 \$	CURRENT EST MARKET VALUE \$	INVESTMENT GAIN / (LOSS) SINCE 30/06/12 \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.75%	AA-	\$903,491	\$903,491	\$903,491	\$0	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$1,300,000	\$1,300,000	\$1,300,000	\$0	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$1,007,730	\$1,007,730	\$1,007,730	\$0	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$1,407,832	\$1,407,832	\$1,407,832	\$0	On call
					\$4,619,052	\$4,619,052	\$4,619,052	\$0	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	4.15%	A-	\$4,800,000	\$4,800,000	\$4,800,000	\$0	23-Jan-14
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$7,500,000	\$7,500,000	\$7,500,000	\$0	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$12,700,000	\$12,700,000	\$12,700,000	\$0	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$9,300,000	\$9,300,000	\$9,300,000	\$0	Various
ING BANK (TERM)	Very Low	TERM	Various	A	\$14,300,000	\$14,300,000	\$14,300,000	\$0	Various
MACQUARIE BANK (TERM)	Very Low	TERM	4.35%	A	\$2,921,212	\$2,921,212	\$2,921,212	\$0	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$19,782,941	\$19,782,941	\$19,782,941	\$0	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$6,500,000	\$6,500,000	\$6,500,000	\$0	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$14,200,000	\$14,200,000	\$14,200,000	\$0	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$11,000,000	\$11,000,000	\$11,000,000	\$0	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$10,521,353	\$10,521,353	\$10,521,353	\$0	Various
					\$113,525,506	\$113,525,506	\$113,525,506	\$0	
BANK OF QUEENSLAND (FLOAT RATE TD)	Very Low	FRTD	4.60%	A-	\$2,000,000	\$2,000,000	\$2,000,000	\$0	30-Sep-13
ING BANK (FLOAT RATE TD)	Very Low	FRTD	4.32%	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	4.09%	AA	\$2,000,000	\$2,000,000	\$2,000,000	\$0	20-Dec-15
					\$2,000,000	\$2,000,000	\$2,000,000	\$0	
CORSAIR (CAYMAN) KAKADU	Very High	CDO	4.20%	NR	\$1,500,000	\$72,363	\$402,900	\$330,537	20-Mar-14
MANAGED ACES CLASS 1A PARKES	Very High	CDO	4.43%	NR	\$1,050,000	\$9,874	\$556,290	\$546,416	20-Jun-15
BERYL FINANCE GLOBAL BANK NOTE 2	Early Term.	CDO	0.00%	NR	\$450,000	\$1	\$315,000	\$314,999	20-Sep-14
					\$3,000,000	\$82,238	\$1,274,190	\$1,191,952	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	\$230,645	\$230,645	\$0	NA
TOTAL FUNDS INVESTED					\$126,875,204	\$123,957,442	\$125,149,394	\$1,191,952	

CREDIT RISK COMPARISON

CREDIT RISK	PURCHASE PRICE \$	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA	\$8,500,000	\$8,500,000	7%	80%	
AA-	\$61,823,347	\$61,823,347	49%	80%	
A+	\$20,300,000	\$20,300,000	16%	50%	
A	\$18,721,212	\$18,721,212	15%	50%	
A-	\$14,300,000	\$14,300,000	11%	50%	
BBB+	\$0	\$0	0%	20%	
NR	\$3,000,000	\$1,274,190	1%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT: HOUSE	\$230,645	\$230,645	0%	0.1%	Council Decision
TOTAL	126,875,204	125,149,394	100%		

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

INSTITUTION	INVESTMENT TYPE	S & P RATING	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	INSTITUTION PROPORTION	MAX. % WITH ANY ONE INSTITUTION	Comments
ANZ BANK (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
AMP BANK (TERM)	TERM	A+	9,300,000	7.43%	7.43%	15%	
BANKWEST (11AM)	11AM	AA-	903,491	0.72%		20%	
BANKWEST (TERM)	TERM	AA-	-	0.00%	0.72%	20%	
BANK OF QUEENSLAND (TERM)	TERM	A-	4,800,000	3.84%		15%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	A-	2,000,000	1.60%	5.43%	15%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	7,500,000	5.99%	5.99%	15%	
CITIBANK (TERM)	TERM	AA-	12,700,000	10.15%	10.15%	20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	1.60%		20%	
COMMONWEALTH BANK (FRN)	FRN	AA	-	0.00%	1.60%	20%	
ING BANK (TERM)	TERM	A	14,300,000	11.43%		15%	
ING BANK (FLOAT RATE TD)	FRTD	A	1,500,000	1.20%	12.62%	15%	
MACQUARIE BANK (TERM)	TERM	A	2,921,212	2.33%	2.33%	15%	
NAB (TERM)	TERM	AA-	19,782,941	15.81%		20%	
NAB (FRN)	FRN	AA-	-	0.00%	15.81%	20%	
RABODIRECT (TERM)	TERM	AA	6,500,000	5.19%	5.19%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	14,200,000	11.35%	11.35%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	11,000,000	8.79%	8.79%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	1,007,730	0.81%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,407,832	1.12%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	1,300,000	1.04%		20%	
WESTPAC (TERM)	TERM	AA-	10,521,353	8.41%	11.38%	20%	
CDO - Various	CDO		1,274,190	1.02%	1.02%		Purchased Prior To Policy Change
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.18%	0.18%		
			125,149,394	100%	100%		

MATURITY COMPARISON

TERM to MATURITY	CURRENT ESTIMATED MARKET VALUE	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments
MUNICIPAL & TRUST FUNDS				
< 1 year	74,273,325	100%	100%	
	74,273,325	100%		
RESERVE FUNDS				
< 1 year	47,577,067	94%	100%	
< 2 years	871,290	2%	80%	
< 3 years	2,000,000	4%	80%	
< 4 years	-	0%	40%	
< 5 years	-	0%	40%	
> 5 years	-	0%	20%	
	50,448,357	100%		

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

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

Monthly valuations for CDOs shown are based on valuations obtained from CPG Research and Advisory (CPG) as at 31 August 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 August 2013 show that CDOs have increased in value by \$1,191,952.

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

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

The remaining values of non Lehman Brothers arranged CDOs held as at 31 August 2013 were:

- Face Value	\$ 2,550,000
- Written Down (Book) Value (30 June 2012)	\$ 82,237
- Estimated Market Value (31 August 2013)	\$ 959,190

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

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

Credit Ratings and Credit Events

Twenty two credit events impacting the City's CDO investments have now been recorded to date. The companies involved are ResCap, PMI Group, AMBAC Financial, Takefuji, AMBAC Assurance, AIFUL, Tribune, Thomson, Financial Guaranty Insurance Company (FGIC), XL Capital Assurance, Bank TuranAlem, Idearc, Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), Lehman Brothers, WaMu, Glitnir, Kaupthing, Landsbanki, Chemtura, Abitibi and CIT Group.

The City's Remaining CDO Investments:

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

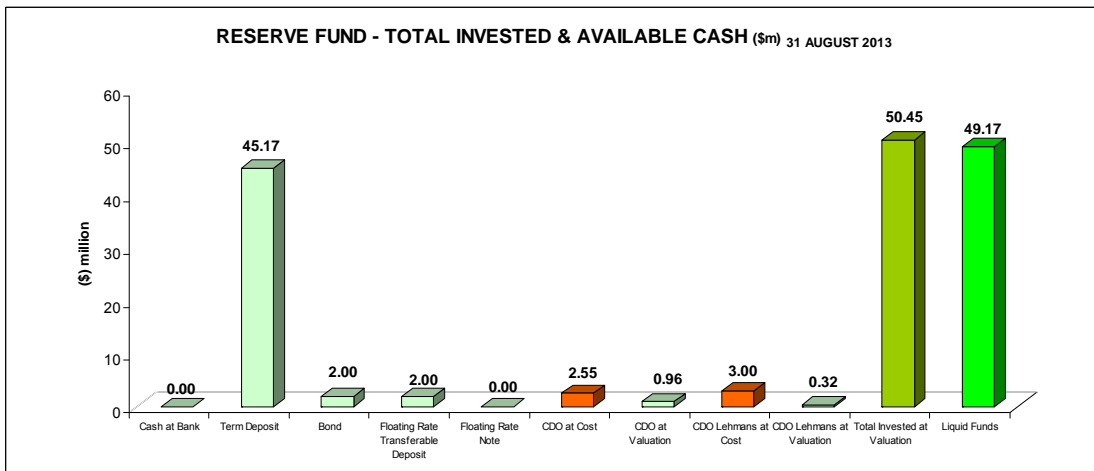
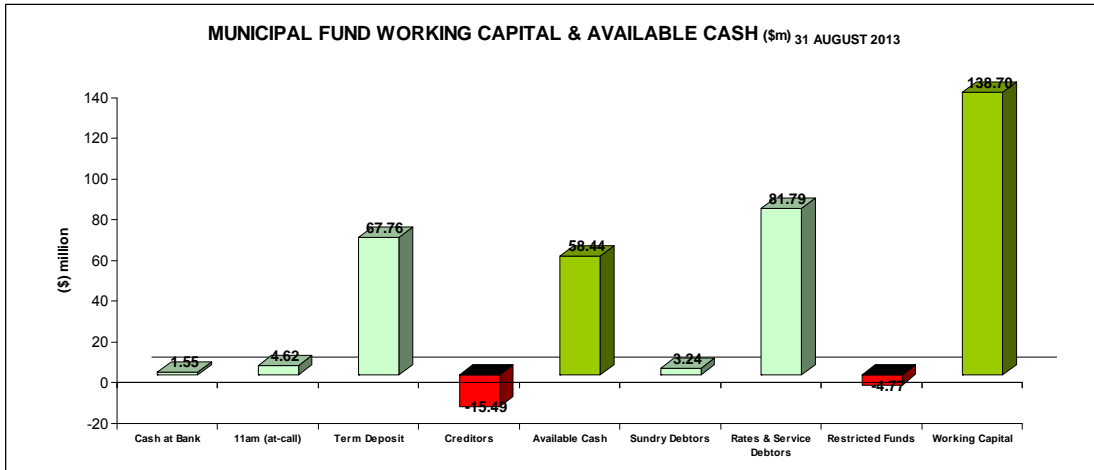
Terminated Lehman Brothers Arranged CDO Investments:

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

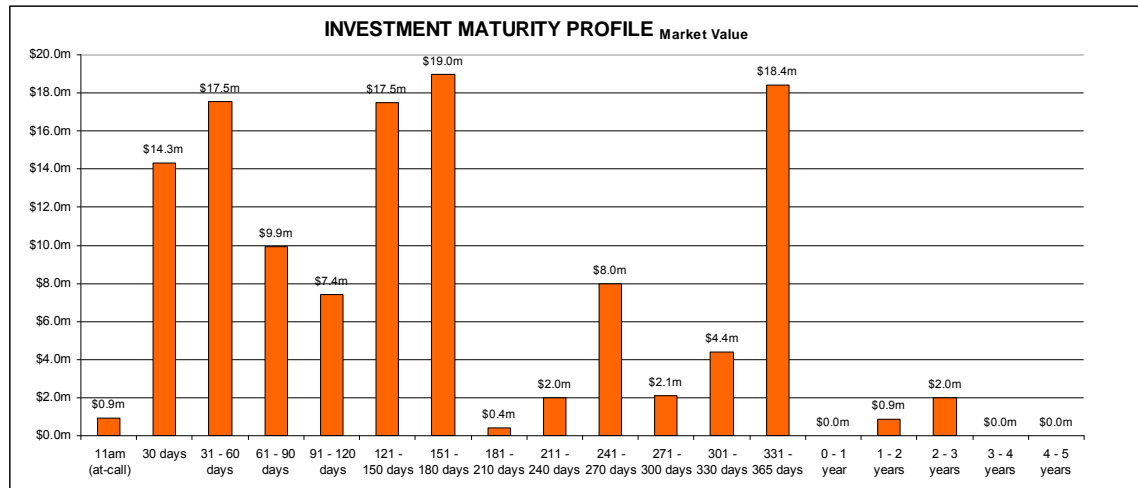
Net Funds Held

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 August 2013.



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

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



PUBLIC CONSULTATION/COMMUNICATION

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

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

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

The legal firm Piper Alderman have been engaged to seek recovery of any losses that may eventually be realised. Johnson Winter and Slattery (JWS) was successful in seeking an early termination of four of the City's Lehman arranged CDOs, so that on 26 February 2013 the City gained access to the collateral representing the City's original investments which are held by Trustees for the Lehman Brothers arranged CDOs.

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

In conjunction with approximately 71 other corporations and local government authorities, the City of Melville has engaged litigation funder IMF Australia to seek recovery of losses from Lehman Brothers Australia. Whilst the decisions taken by the various courts have been positive for the litigants, the legal process is lengthy. Lehman Brothers USA through purchase of Lehman Brothers Asia have established themselves as a creditor with sufficient voting rights to control any Scheme of Arrangement with creditors. It is currently unclear as to the position they will adopt in respect to appealing the legal decisions which to date have favoured the litigants.

FINANCIAL IMPLICATIONS

For the year ending 31 August 2013:

- Investment earnings on Municipal and Trust Funds were \$229,564 against a budget of \$236,833 representing a \$7,269 negative variance.
- Investment earnings on Reserve accounts were \$404,749 against a budget of \$383,333. This represents a \$21,416 positive variance.

As the Reserve Bank of Australia (RBA) continues to cut the 'Cash' rate and the new legislative restrictions that have been placed by State Government, the City's revenue earned from investment earnings is expected to decrease in the foreseeable future,

The City's last remaining Lehman Brothers arranged CDO with a face value of \$450,000 is in the process of being unwound. Whilst the process has been delayed by other actions taken by Lehman Brothers USA indications are that the City will be repaid the \$450,000 plus some interest.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Council's Investment of Funds policy CP-009 is drafted so as 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.

The risk of capital loss associated with \$2.55 million of the City's legacy CDO investments is extreme. The risk of capital loss with the balance of the City's investment portfolio is low. The interest rate risk is high due to the short-term nature of the City's investments and the inability due to legislative restrictions to lock into longer dated investments which attract higher interest rates.

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

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

Council Policy CP-009 – Investment of Funds.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

Future investment earnings are expected to continue to decrease due to continuing interest rates cuts and legislative restrictions on investment options available to the City.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6000) NOTING

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

At 7.06pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC (13/0)

C13/6001 – SCHEDULE OF ACCOUNTS FOR AUGUST 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	:	2013/2014 Budget
Responsible Officer	:	Bruce Taylor – Acting Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

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

C13/6001 – SCHEDULE OF ACCOUNTS FOR AUGUST 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 August 2013 ([6001 August 2013](#)), including Payment Registers numbers, Cheques 364 to 370 and Electronic Funds Transfers batches 308 to 309 were distributed to the Members of Council on 27 September 2013.

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

Supplier Name	Remittance Number	Remittance Details	Amount
Alinta Gas	Chq's 055225 & 055379	Gas supply	\$31,463.61
Amcom Telecommunications	E035476 & E035653	Data centre & data line charges	\$48,191.38
Anchor Plumbing & Gas Pty Ltd	Chq 055260	Upgrade to fire hydrants at Leeming Recreation Centre	\$46,043.25
Beacon Equipment	E035674 & E035501	Arboriculture equipment	\$25,566.40
Belgravia Leisure	E035410 & E035603	Golf course subsidy	\$28,115.00
City of Cockburn	E035537	Tip fees for July	\$70,484.30
Department of Transport	Chq's 055224 & 055207	Motor vehicle licence renewals	\$46,616.91
Dickies Tree Service	E035539 & E035329	Tree lopping services	\$34,987.40
Dowsing Concrete	E035526 & E035691	Concrete works	\$41,331.11
GHD Pty Ltd	E035452	Claim 3 for Point Walter erosion stabilisation project, geotech investigation at Point Walter Reserve, preparation of Willagee structure plan & consultancy for Canning Bridge structure plan	\$38,549.50
Glad Commercial Cleaning	E035454 & E035631	Cleaning services	\$29,084.22
Hays Specialised Recruitment	E035482 & E035660	Temporary employment	\$30,214.42
Hydroquip Pumps	E035570	Service to irrigation pumps	\$30,357.80
JMG Air Conditioning & Electrical Services	E035651 & E035474	Maintenance to air conditioners	\$29,457.03
Local Health Authority Analytical Committee	E035655	Food sampling analytical services	\$25,242.92
Maxwell Robinson & Phelps	E035615 & E035430	Herbicide treatment	\$33,422.89
MMM WA Pty Ltd	E035434 & E035618	Drainage upgrade for Lamond Street	\$33,071.87
Natural Area Management & Services	E035516 & E035686	Progress claim 11 for Point Walter foreshore project, herbicide treatment & coir logs for erosion control at Macadam Road	\$102,819.31
Pracsys	E035659	Progress claim 7 for Local Government activity centre strategy	\$30,206.00
Quayclean Australia Pty Ltd	E035626	Cleaning services	\$26,769.39
Roads 2000 Pty Ltd	E035661	Road resurfacing	\$35,860.00
Robinson Buildtech	E035552 & E035343	Building maintenance	\$40,877.25
Southern Metropolitan Regional Council	E035419 & E035606	Recyclable gate fees for July, green waste gate fees for July, MSW gate fees for July & membership contributions	\$1,089,402.07

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

Supplier Name	Remittance Number	Remittance Details	Amount
Synergy	E035563 & E035364	Electricity supply	\$254,602.07
Total Eden	E035385 & E035583	Reticulation and irrigation parts	\$34,027.12
Trisley's Hydraulic Services Pty Ltd	E035679 & E035505	Replacement of recirculation pumps & service of pool filtration system	\$36,653.10
Water Corporation	Chq 055328 & E035481	Water usage	\$30,636.54
Western Australian Local Government Association	E035607 & E035420	Advertising	\$111,485.53
Western Power	Chq 055374 & E035358	Cash call 7 for Attadale North Project	\$402,059.00

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 adopted Budget as amended by any subsequent Budget reviews.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

C13/6001 – SCHEDULE OF ACCOUNTS FOR AUGUST 2013 (REC) (ATTACHMENT)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6001)****NOTING**

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

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

CARRIED EN BLOC (13/0)

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

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Reporting - Financial Statements
Customer Index	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not applicable
Funding	:	Not applicable
Responsible Officer	:	Bruce Taylor – Acting Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

This report presents:

- The Financial Statements for the period ending 31 August 2013 and recommends that they be noted by the Council.
- Budget amendments for the period ending 31 August 2013 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of August 2013 and recommends that they be noted by the Council.

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

BACKGROUND

The Financial Statements for the period ending 31 August 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 ending 31 August 2013, net operating positive variances of \$3,096,878 and net capital positive variances of \$2,306,933 were recorded.

Variances

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

	August Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$	Current Commitments \$
Revenues								
Health	56,703	4,022	201,304	197,282	4905%	263,590	263,590	-
Education & Welfare	74,093	66,822	121,207	54,385	81%	326,927	329,835	-
Recreation and Culture	682,488	1,744,966	1,660,212	(84,754)	-5%	9,701,557	9,861,657	-
	2,175,559	25,051,423	25,260,938	202,877	1%	46,106,554	46,670,562	28,244
Expenses								
Governance	(736,248)	(1,561,929)	(1,294,821)	267,108	-17%	(11,760,677)	(11,889,362)	(758,414)
Law, Order, Public Safety	(294,819)	(669,318)	(581,244)	88,074	-13%	(3,900,624)	(3,928,678)	(70,232)
Education & Welfare	(501,178)	(1,020,594)	(950,631)	69,963	-7%	(5,473,488)	(5,667,860)	(174,099)
Community Amenities	(1,753,019)	(3,618,634)	(3,113,750)	504,884	-14%	(19,616,325)	(20,000,146)	(269,919)
Recreation and Culture	(2,023,942)	(5,129,447)	(4,094,341)	1,035,106	-20%	(28,262,846)	(28,473,370)	(1,197,266)
Transport	(656,675)	(1,731,160)	(1,249,551)	481,610	-28%	(10,356,085)	(10,484,191)	(409,926)
Other Property and Services	(853,451)	(2,708,854)	(2,290,605)	418,249	-15%	(11,028,916)	(11,028,916)	(220,816)
	(7,554,391)	(17,718,175)	(14,793,901)	2,924,274	-17%	(93,615,109)	(94,688,671)	(3,214,684)

Revenue

\$55.901m in Rates was raised to 31 August 2013. This is compared with a year to date budget of \$55.904m, resulting in a negative variance of \$3K.

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for August 2013.

Budget Amendments

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

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

Rates Collections and Debtors

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$45,713,045 were collected over the course of the month. Rates collection progress for the month of August was 2% below target. As at 31 August 2013, 60% of 2013/2014 rates had been collected. This is 4.5% higher than collected for the same time last year.

Total sundry debtor balances decreased by \$663,711 over the course of the month. The 90+ day's debtor balance decreased by \$488,273.

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.

No debts were written off under delegated authority, in the month of August 2013.

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

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

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

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

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

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

34. Financial activity statement report — s. 6.4

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

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

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

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

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

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

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

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

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- (b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

The variance adopted by the Council at its Special meeting held on 26 June 2013 to adopt the 2013/2014 Budget, was 10% or \$50,000 whichever is greater.

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 31 August 2013.

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

At 7.07pm Cr Willis moved, seconded Cr Macphail-

That the Council:

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

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

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

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

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

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (13/0)

At 7.08pm Cr Barton left the meeting.

Disclosure of Interest

Item No.	C13/5319
Member	Cr J Barton
Type of Interest	Financial interest in accordance with the Act
Nature of Interest	Business relationship – Manages property with one of the business in the Hislop Centre.
Request	Leave
Decision of Council	Not Required

At 7.08pm Cr Foxtan left the meeting.

At 7.09pm Cr Foxtan returned to the Meeting

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.1 Revoke the previous motion C12/6050 – Attadale South Underground Power Project service charge concessions for the commercial properties in Hislop Road - Ince Road Commercial Centre from the Ordinary Meeting of Council held 16 October 2012.

A Notice of Rescission Motion containing 1/3 of the number of offices of members of the Council, in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996, was received from the Director Corporate Services, Mr M Tieleman. The Members who signed the notice were: Cr Kinnell, Cr Macphail, Cr Reynolds, Cr Robartson, Cr Willis.

At 7.09 pm Cr Macphail moved, seconded Cr Pazolli -

That the Council:

By Absolute Majority decision revoke point 1 of the previous motion C12/6050 – Attadale South Underground Power Project service charge concessions for the commercial properties in Hislop Road - Ince Road Commercial Centre from the Ordinary Meeting of Council held on 16 October 2012 that being:

“1. Dismiss the objections brought by the property owners of the rateable properties representing rate assessments 18429, 18430, 18431, 18822, 18821, 18432, 18826, 18825, 18824 and 18823 with respect to the South Attadale Underground Power Specified Area Rates raised in accordance with the 2010/2011 adopted rates and charges”

At 7.09pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)

At 7.09pm Cr Barton returned to the meeting.

- 14.1 **Revoke the previous motion C12/6050 – Attadale South Underground Power Project service charge concessions for the commercial properties in Hislop Road - Ince Road Commercial Centre from the Ordinary Meeting of Council held 16 October 2012.**

Reasons

- Following further representations from the affected property owners since the previous Council decision of 16 October 2012, which dismissed their objections to the levying of the South Attadale Underground Power Specified Area Rate, officers have reconsidered the basis on which their objections were made. Whilst the evidence available to officers shows that the City has not double charged the ratepayers for works previously undertaken, the correspondence provided to ratepayers on 12 February 1999 was unclear as to whether or not the contributions being requested of them related to the installation of underground power in the road reserve or was a partial reimbursement of works undertaken on their private land. The unclear nature of the letter has given Property Owners the false impression that they had contributed to the cost of undergrounding power in the road reserve.
- As a result of the wording of the letter and the length of time between the original project, and the underground power charges levied in 2010 and 2011 officers have formed the opinion that it is inappropriate to ask them to contribute to works carried out ten years earlier.
- An alternative resolution has therefore been drafted and presented to Council for consideration which would have the effect of providing a 70% concession with the remaining 30% of the underground power charge funding the cost of new power network infrastructure installed over 2010 and 2011.

15. EN BLOC ITEMS

At 7.09pm Cr Robartson moved, seconded Cr Reidy -

That the recommendations for items P13/3432, P13/3433, M13/5000, C13/6000 and C13/6001, be carried En Bloc.

At 7.09pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

16. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil

17. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

At 7.10pm Cr Robartson moved, seconded Cr Kinnell –

That the meeting be closed to the public to permit discussion on a confidential matter, Confidential Item C13/5319 – Hislop Road Attadale South Underground Power Project Specified Area Rate Request For Concessions For The Commercial Properties In Hislop Road – Ince Road Commercial Centre covered under Section 5.23(2)(d) of the Local Government Act 1995 relating to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

At 7.10pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

C13/5319 – CONFIDENTIAL ITEM – HISLOP ROAD ATTADALE SOUTH UNDERGROUND POWER PROJECT SPECIFIED AREA RATE REQUEST FOR CONCESSIONS FOR THE COMMERCIAL PROPERTIES IN HISLOP ROAD – INCE ROAD COMMERCIAL CENTREDisclosure of Interest

Item No.	C13/5319
Member	Cr J Barton
Type of Interest	Financial interest in accordance with the Act
Nature of Interest	Business relationship – Manages property with one of the business in the Hislop Centre.
Request	Leave
Decision of Council	Not Required

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5319)**ABSOLUTE MAJORITY**

At 7.12pm Cr Willis moved, seconded Cr Pazolli -

That the Council;

- 1. By absolute majority decision resolve that a concession of 70% of the specified area rate charged be granted to the property owners of the rateable properties representing rate assessments 18429, 18430, 18431, 18822, 18821, 18432, 18826, 18825, 18824 and 18823 with respect to the South Attadale Underground Power Specified Area Rates raised in accordance with the 2010/2011 and 2011/2012 adopted rates and charges;**
- 2. Requests the Chief Executive Officer to advise the property owners in writing that a concession of 70% of the specified area rate charged has been granted and issue revised rate notices.**

At 7.17pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

At 7.17pm Cr Kinnell moved, seconded Cr Reidy -

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

At 7.17pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (12/0)

At 7.17pm Cr Barton returned to the meeting.

Appreciation

Mayor Aubrey thanked retiring Councillors Robert Kinnell and Peter Reidy for their valuable contribution to the community and wished them well for the future.

18. CLOSURE

There being no further business to discuss the Mayor declared the meeting closed at 7.26pm.