

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY 19 AUGUST 2014

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 19 AUGUST 2014.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Cr M Reynolds (Deputy Mayor)
Cr N Foxton
Cr D Macphail, Cr R Aubrey
Cr C Robartson, Cr R Willis
Cr C Schuster, Cr N Pazolli
Cr J Barton
Cr R Hill

WARD

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

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 P Prendergast	Manager Statutory Planning
Mr J Clark	Governance & Compliance Program Manager
Mr N Fimmano	Governance & Property Officer
Ms R Davis	Minutes Secretary

At the commencement of the meeting there were 21 members of the public and one member from the Press in the Public Gallery.

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

Cr P Phelan – Palmyra/Melville/Willagee Ward

4.2 APPROVED LEAVE OF ABSENCE

Cr S Taylor-Rees – Bicton/Attadale Ward

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

Nil.

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

Nil.

6. QUESTION TIME

Nil.

7. AWARDS AND PRESENTATIONS

Nil.

8. CONFIRMATION OF MINUTES**8.1 ORDINARY MEETING OF COUNCIL – 15 JULY 2014**
Minutes 15 July 2014**COUNCIL RESOLUTION**

At 6.36pm, Cr Schuster moved, seconded Cr Reynolds-

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 15 July 2014, be confirmed as a true and accurate record.

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

CARRIED UNANIMOUSLY (11/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 5 AUGUST 2014
Notes 5 August 2014**COUNCIL RESOLUTION**

At 6.36pm, Cr Willis moved, seconded by Cr Hill-

That the Notes of the Agenda Briefing Forum held on Tuesday, 5 August 2014, be received.

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

CARRIED UNANIMOUSLY (11/0)

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

Nil.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

T14/3531 – Cr Schuster – Interest under the Code of Conduct

T14/3522 – Cr Barton – Interest under the Code of Conduct

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.38pm, Cr Willis moved, Seconded Cr Hill -

That the application for new leaves of absence submitted by Cr Reynolds, Cr Barton, Cr Aubrey, Cr Schuster on 19 August 2014 be granted.

At 6.38pm the Mayor submitted the motion which was declared

CARRIED UNANIMOUSLY (11/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

12. DEPUTATIONS

Dr G Mahony - Petition – Planning Application to Build a New Church at the St Joseph Pignatelli Site.

13. PETITIONS**13.1 Petition – Planning Application to Build a New Church at the St Joseph Pignatelli Site**

A petition signed by 50 residents and five non residents was received by the City of Melville on Monday 28 July 2014. The petition reads as follows –

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

The planning approval application to build a new church at the St Joseph Pignatelli site (Lot 100 D 78644) is placed on hold, pending further disclosure of information not submitted that is relevant to the application as well as conjoint factors that impact the amenity of the surrounding community, such as:

- 1. Only parishioners have been notified of the submission to the City of Melville which “is for new church with offices and meeting rooms incorporated, parking, a columbarium and bell tower”. Neither the columbarium (storage of cremated remains) nor the bell tower is included in the current submission, nor likewise an explanation for the use of offices and meeting rooms for parish business.*
- 2. Parking on this site and the traffic movements in Wichmann, Galloway, Davidson and Loyola roadways requires an area traffic management plan. These roadways would service the new church, priest’s residence, the parish hall, Mel Maria Primary School including future school expansion, and a proposed new child-care centre at Davidson Road (created from the existing church, for the purpose of generating income to pay for the new church). To avoid ad-hoc planning, such as this, a comprehensive site plan is required to show the potential impact of this and future facilities on the surrounding community.*
- 3. Increasing traffic hazards will be created by locating the new church with entrances off the crest of Wichmann Road, the main thoroughfare in Attadale (limited visibility), and the northern end of Galloway Street (queuing back to Wichmann). Congestion in the Wichmann Road area includes two bus stops, three pedestrian crossings, two Attadale Primary School drop-offs, entrance into Galloway Street and road median strips with vegetation.*
- 4. The tennis courts serving the wider community for over 50 years are being demolished to make way for the new church, and the wider community registers its disappointment.”*

13. PETITIONS (Continued)13.1 Petition – Planning Application to Build a New Church at the St Joseph Pignatelli Site**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION**

At 6.42pm Cr Schuster moved, seconded by Cr Barton -

That the petition bearing 55 signatures be received and acknowledged in writing to the lead petitioner with the advice that the Petition will be considered with the submissions for the application.

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

CARRIED UNANIMOUSLY (11/0)

From 6.42pm to 7.10pm a deputation was heard from Dr Mahony.

At 7.10pm Dr Mahony returned to the public gallery.

14. REPORTS OF THE CHIEF EXECUTIVE OFFICER

P14/3522 - INITIATION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' AND 'SMALL BAR' ON LOTS 800-801 (NO. 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)

Disclosure of Interest

Item No.	P14/3522
Member	Cr J Barton
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Daughter lives in Forbes Road Applecross
Request	No Applicable
Decision of Council	Not Applicable

Ward	: Applecross/Mt Pleasant
Category	: Strategic
Application Number	: DA-2014-418
Property	: Lots 800-801 (No's 12-14) Forbes Road, Lots 802-804 (No's 40A-40C) Kishorn Road and Lot 88 (No. 42) Kishorn Road, Applecross
Proposal	: Initiation of Amendment No. 72 to Community Planning Scheme No. 5 to allow an Additional Use of 'Restaurant' and 'Small Bar' at Lots 800-801 (No's 12-14) Forbes Road, Lots 802-804 (No's 40A-40C) Kishorn Road
Applicant	: Dynamic Planning & Development
Owner	: Forbes 88 Pty Ltd
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

P14/3522 - INITIATION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' AND 'SMALL BAR' ON LOTS 800-801 (NO. 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)

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 (e.g. 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>

P14/3522 - INITIATION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' AND 'SMALL BAR' ON LOTS 800-801 (NO. 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)

KEY ISSUES / SUMMARY

- The City has received an application to amend Community Planning Scheme No. 5 (CPS5) to allow the Additional Use of 'Restaurant' and/or 'Small Bar' at Lots 800-801 (No's 12-14) Forbes Road and, Lots 802-804 (No's 40A-40C) Kishorn Road, Applecross. For the purposes of this report, the lots comprising the application site are referred to as 12 Forbes Road.
- The Joint Metro Central Development Assessment Panel (JDAP) approved the construction of a five storey mixed use building at No 12 Forbes Road in March 2014.
- The proposed Additional Use of 'Restaurant' is considered acceptable on the basis of the location of the site adjacent to the Canning Bridge District Centre, the subject site being located on a prominent and busy corner and the use being consistent with the existing commercial nature of the area.
- For similar reasons, it is also considered acceptable to expand the 'Restaurant' Additional Use to the adjoining property at 42 Kishorn Road, Applecross.
- The proposed amendment to CPS5 to allow the Additional Use of 'Small Bar' is not supported on the basis that this use can already be considered within the Precinct as a 'Use Not Listed'.
- It is noted that the subject sites are located within the Canning Bridge Vision area and that the draft Canning Bridge Structure Plan including detailed design guidelines are currently in preparation. It is intended that these documents be presented to the Council for the purposes of advertising in the upcoming months. Once the Structure Plan is finally adopted by the WAPC, it will take precedence over CPS5.
- The Scheme Amendment now sought will, in principle, enable the ground floor tenancy of the development recently approved by the JDAP at 12 Forbes Road to be used as a restaurant.
- For the above reasons, subject to the deletion of any reference to a 'Small Bar' use, the proposed Scheme Amendment is recommended for initiation.

P14/3522 - INITIATION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' AND 'SMALL BAR' ON LOTS 800-801 (NO. 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)



BACKGROUND

On 28 September 2012 planning approval was granted for the construction of a three storey office development with café kiosk and roof top deck on the adjoining site at 42 Kishorn Road, Applecross. This development is currently under construction.

On 17 July 2013 the Western Australian Planning Commission (WAPC) granted conditional approval for the amalgamation of Lots 800-801 (No's 12-14) Forbes Road and Lots 802-804 (No's 40A-40C) Kishorn Road, Applecross.

On 10 March 2014 the Joint Metro Central Development Assessment Panel granted planning approval for the construction of a five storey mixed use development (offices and multiple dwellings) at 12 Forbes Road, Applecross. This application was originally submitted to incorporate a restaurant on the ground floor with alfresco area adjacent to Forbes Road. The plans were subsequently amended to delete the restaurant use, as based on current CPS5 provisions, a restaurant use is not permissible in this precinct. The development was therefore approved with an office tenancy located at the ground floor level.

P14/3522 - INITIATION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' AND 'SMALL BAR' ON LOTS 800-801 (NO. 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Commercial Centre Frame – Canning Bridge
R-Code	:	R50
Use Type	:	Restaurant
Use Class	:	X – Use Not Permitted

Site Details

Lot Area	:	12 Forbes Road, Applecross (comprising No's 12-14 Forbes Road and No's 40A-40C Kishorn Road) – 1,011m ² 42 Kishorn Road, Applecross – 503m ²
Street Tree(s)	:	Five existing street trees adjacent to the properties along Kishorn Road
Street Furniture (drainage pits etc)	:	None applicable
Site Details	:	Refer to aerial photo above

The subject properties are located on the north eastern corner of the intersection of Forbes, Kishorn and Sleat Roads. The majority of the frontage faces Kishorn Road.

The properties are in a unique location in that they directly abut the Canning Bridge District Centre Precinct to the south and the Applecross Living Area Precinct to the west.

DETAIL

This application to amend CPS5 was received on 9 April 2014.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Should the Council resolve to initiate the amendment to CPS5, it will require formal advertising in accordance with the procedures outlined in the WAPC Planning Bulletin No. 29.

II. OTHER AGENCIES / CONSULTANTS

There are no referrals to Government Agencies required prior to initiation of the Scheme Amendment. However, following initiation, the Amendment will require referral to the Environmental Protection Authority and the WA Planning Commission (WAPC) prior to advertising.

P14/3522 - INITIATION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' AND 'SMALL BAR' ON LOTS 800-801 (NO. 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)

STATUTORY AND LEGAL IMPLICATIONS

Part 5 of the *Planning and Development Act 2005* allows the Council to initiate amendments to planning schemes. Once initiated, the City must advertise the Scheme Amendment, consider submissions and forward the proposal to the Minister for Planning for determination.

FINANCIAL IMPLICATIONS

There are no financial implications for the City associated with this application.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

Canning Bridge Vision

The Canning Bridge Vision, which has been adopted by the Council, the City of South Perth and the Department of Planning, notes that the subject sites and the broader area are planned for redevelopment in the future.

The draft Canning Bridge Structure Plan is currently under preparation and will be presented to the Council in the coming months.

POLICY IMPLICATIONS

If the amendment receives final approval from the Council and then the Minister for Planning, any future development applications will be assessed in accordance with the provisions of CPS5 and Council Policy.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council could choose not to initiate the Scheme Amendment on the grounds that the proposal is not consistent with proper and orderly planning. The course of action is not recommended in this case for the reasons outlined below.

The Council could also choose not to initiate the amendment on the basis that the Canning Bridge Structure Plan (CBSP) will soon be released, and once adopted by the WAPC, its provisions will take precedence over the land use table of CPS5. This is acknowledged by the Applicant; however the Scheme Amendment is sought now as this route may provide the choice that the applicant seeks, ahead of the formal adoption of the CBSP.

The Council could also alter the proposed amendment prior to advertising to include additional conditions of operation or to add or delete certain properties from the amendment.

P14/3522 - INITIATION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' AND 'SMALL BAR' ON LOTS 800-801 (NO. 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)

COMMENTS

As outlined above, the City has received an application to amend CPS5 to include 'Restaurant' and 'Small Bar' uses as Additional Uses within Schedule 3 of CPS5 for Lots 800-801 (No's 12-14) Forbes Road and Lots 802-804 (No's 40A-40C) Kishorn Road, Applecross (referenced hereafter as 12 Forbes Road, Applecross).

12 Forbes Road

Restaurant Use

Under the current CPS5 provisions, the subject property is located within the Commercial Centre Frame Precinct, where for land use purposes a 'Restaurant' is an 'X' use (not permitted).

The Additional Use of 'Restaurant' is considered to be appropriate for the subject site for the following reasons:

- Although the subject site is located within the Commercial Centre Frame Precinct, it is located directly across the road from the Canning Bridge District Centre where 'Restaurants' is a 'P' (permitted) use.
- The subject site is located on a prominent and busy corner, being the intersection of Forbes, Sleat and Kishorn Roads and a restaurant in this location would provide activation of the street and vibrancy to the precinct.
- The proposed Additional Use of Restaurant would also be consistent with the medium to high density and commercial nature of this particular area.
- The residential amenity of the Applecross Living Area Precinct to the west would not be compromised due to the intersection providing a buffer.

Small Bar Use

The subject application also includes a proposal to incorporate 'Small Bar' as an Additional Use within Schedule 3 of CPS5 for 12 Forbes Road.

This amendment to CPS5 is not however required as under the current provision of CPS5, a 'Small Bar' is classed as a 'Use Not Listed' pursuant to Table 1. Within the Commercial Centre Frame a 'Use Not Listed' is an 'S' use which means that the Council has the discretion to consider an application subject to the advertising provisions of Clause 7.5 of CPS5 being followed.

On this basis, the proposed amendment to CPS5 to allow an Additional Use of 'Small Bar' for 12 Forbes Road, Applecross is not supported.

P14/3522 - INITIATION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' AND 'SMALL BAR' ON LOTS 800-801 (NO. 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPLECROSS (REC)

42 Kishorn Road

After initial assessment of the proposal, it was considered appropriate to include 42 Kishorn Road, Applecross within the scope of the Scheme Amendment, as:

- 42 Kishorn Road directly abuts 12 Forbes Road.
- A development of similar scale to that approved for 12 Forbes Road is currently under construction.
- This property is also within the Commercial Centre Frame Precinct however is directly adjacent to the Canning Bridge District Centre Precinct.
- Preliminary discussions with a representative of the development under construction at 42 Kishorn Road have indicated that they will seek approval for a change of use to 'Restaurant' in the future.

Under Schedule 3 of CPS5, Special Conditions can be applied which the approval of an Additional Use can be subject to. These include limitations on numbers of staff and/or patron numbers, hours of operation, limitations on floor space.

In this instance, no Special Conditions are recommended as it is considered that these types of matters can effectively be addressed via the planning approval process once, and if, the proposed amendment to CPS5 is approved.

CONCLUSION

Based on the above, it is recommended that the proposed Amendment be initiated on the grounds that the proposed Additional Use of 'Restaurant' at 12 Forbes Road and 42 Kishorn Road, Applecross would not compromise the intent of CPS5 nor the amenity of the adjoining properties or surrounding area.

P14/3522 - INITIATION OF AMENDMENT NO. 72 TO COMMUNITY PLANNING SCHEME NO. 5 TO ALLOW AN ADDITIONAL USE OF 'RESTAURANT' AND 'SMALL BAR' ON LOTS 800-801 (NO. 12-14) FORBES ROAD, LOTS 802-804 (NO.S 40A-40C) KISHORN ROAD) & LOT 88 (NO. 42) KISHORN ROAD, APPECROSS (REC)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3522) INITIATION

That the Council:

- 1 Pursuant to Part 5 of the *Planning and Development Act 2005*, resolve to initiate Amendment No. 72 to Community Planning Scheme No. 5 as follows:**

Amendment to Schedule 3: Additional Uses and Special Conditions of City of Melville Community Planning Scheme No. 5 as follows:

NO.	ADDRESS	ADDITIONAL USES	SPECIAL CONDITIONS
53.	Lots 800-801 (No.s 12-14) Forbes Road, Lots 802-804 (No.s 40A-40C) Kishorn Road) and Lot 88 (No. 42) Kishorn Road, Applecross	Restaurant	Nil

- 2 Authorise His Worship the Mayor and the Chief Executive Officer to endorse the amendment document.**
- 3 Requests that the Chief Executive Officer forward a copy of the amendment documentation to:**
- i. The Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*; and**
 - ii. The Western Australian Planning Commission for information.**
- 4 On receipt of the advice from the Environmental Protection Authority under Section 48A of the *Environmental Protection Act 1986* indicating that the Amendment need not be subject to an environmental assessment, the Amendment be advertised in accordance with the Town Planning Regulations for not less than 42 calendar days.**
- 5 Advise the applicant in writing of 1-4 above.**

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

CARRIED UNANIMOUSLY EN BLOC (11/0)

P14/3525 - FINAL ADOPTION OF COUNCIL POLICY – 058: FLOOD AND SECURITY LIGHTING (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Application Number : Not applicable
 Property : Not applicable
 Proposal : Review of Council Policy – 058: Flood and Security Lighting
 Applicant : Not applicable
 Owner : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P11/3188 - Final Adoption of Urban Planning Policies (Stage 2) - Ordinary Meeting of Council 15 March 2011
 P14/3483 – Review of Council Policy 058: Flood and Security Lighting – Ordinary Meeting of Council 15 April 2014
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

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<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 (e.g. 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>

P14/3525 - FINAL ADOPTION OF COUNCIL POLICY – 058: FLOOD AND SECURITY LIGHTING (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- At the Ordinary Meeting of the Council on 15 April 2014, the Council adopted the revised Policy 058: Flood and Security Lighting for the purposes of public consultation.
- The revised policy was advertised for a period of 21 days in accordance with Clause 9.6 of Community Planning Scheme No. 5 (CPS5) and one submission was received. This submission outlined concerns in relation to residential flood and security lighting and its potential impacts upon neighbouring properties.
- Whilst the concerns expressed are acknowledged, it is considered that the concerns are now appropriately dealt with by the revised policy which now includes provisions requiring compliance with the applicable Australian Standard, for all light emissions to be directed within the lot and for flood lighting to be turned off between 9pm and 6am daily.
- Notwithstanding the submission received, it is recommended that the Council finally adopt the revised policy pursuant to Clause 9.6 of CPS5.

BACKGROUND

Council Policy – 058: Flood and Security Lighting was originally adopted by the Planning and Development Services Committee in March 1991 and was previously reviewed in 2000 and 2011.

This policy was reviewed and presented to the Ordinary Meeting Council held 15 April 2014. The review included the following changes to the policy:

- A requirement that all flood and security lighting on private property be installed to comply with the Australian Standard AS.4282 – Control of the Obtrusive Effects of Outdoor Lighting;
- Where flood lighting is adjacent to a residential property, it is turned off during night hours;
- To ability for the City to request written confirmation of compliance with Australian Standards where necessary;
- To require planning approval for the installation of flood lighting on reserves.

At this meeting, the Council resolved as follows:

- 1 *Resolve pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 to adopt the amended Council Policy 058: Flood and Security Lighting for the purposes of public consultation for a period of no less than 21 calendar Days*

“subject to the following amendments to the policy:”

- (i) *The following definitions be added to the ‘Definitions / Abbreviations Used in Policy’ section of the policy:*

Flood Lighting A broad beam of artificial light used to illuminate an area for a continuous period of time.

P14/3525 - FINAL ADOPTION OF COUNCIL POLICY – 058: FLOOD AND SECURITY LIGHTING (REC) (ATTACHMENT)

Security lighting A broad beam of artificial light activated by a motion sensor to illuminate an area for a temporary period of time.

(ii) Clause (1)(a) be amended to read:

(a) *The lighting is installed to comply with Australian Standard AS.4282 – Control of the Obtrusive Effects of Outdoor Lighting (as amended) and so that the light emissions are directed within the subject lot.*

(iii) Clause (2)(a) be amended to read:

(a) *The lighting is installed to comply with Australian Standard AS.4282 – Control of the Obtrusive Effects of Outdoor Lighting (as amended) and so that the light emissions are directed within the subject lot.*

2 *Where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 058: Flood and Security Lighting be approved under delegation by the Chief Executive Officer.*

DETAIL

The revised Council Policy 058: Flood and Security Lighting is presented to the Council for final adoption following the public consultation period as one submission was received.

[3525 Flood And Security Lighting Policy 058](#)**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Pursuant to Clause 9.6(b) of CPS5, the revised policy was the subject of public consultation for a period of 21 days (closing 30 May 2014). As a result of this consultation, one submission was received which outlined the following concerns:

P14/3525 - FINAL ADOPTION OF COUNCIL POLICY – 058: FLOOD AND SECURITY LIGHTING (REC) (ATTACHMENT)

Issue	Summary of Submission	Support / Objection	Officer's comment	Action (Condition / Uphold / Not Uphold)
Amenity	In domestic situations, flood and security lighting may be used to harass neighbours and destroy amenity.	Objection	The potential for this situation to occur is acknowledged, however the changes to the policy including compliance with the Australian Standard, a requirement that lighting be directed within the lot, and is not used between 9pm and 6am, will manage these situations.	Not Uphold
Amenity	The use of external floodlights in domestic settings should be questioned.	Objection	Flood lights on residential properties can be beneficial to residents and their use of outdoor spaces; however their potential impacts upon the amenity of neighbouring properties need to be managed. The revised policy includes provisions to address these potential impacts.	Not Uphold
Detail	Fine detail such as the positioning of lights, wattage, area of illumination and type of light shade should be considered.	Objection	These matters are adequately addressed by the applicable Australian Standard and the revised policy.	Not Uphold

II. OTHER AGENCIES / CONSULTANTS

No consultation with any other agencies or consultants was considered necessary in this instance.

P14/3525 - FINAL ADOPTION OF COUNCIL POLICY – 058: FLOOD AND SECURITY LIGHTING (REC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

The regular review of the Council's policies improves their validity in review situations by the State Administrative Tribunal. Once finally adopted by the Council, the reviewed policy will carry similar weight to CPS5.

FINANCIAL IMPLICATIONS

There are no financial implications for the City which result from this report.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

The proposed policy does not result in any strategic, risk or environmental management implications for the Council.

POLICY IMPLICATIONS

Once adopted, the revised policy will provide a sound basis for the assessment and determination of planning applications within the City.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council could elect not to adopt the amended policy and continue to rely upon the existing policy. This is not recommended as the revised policy represents a more comprehensive document which addresses the potential adverse amenity impacts resulting from the installation of flood and security lighting.

The Council also has the ability to modify the amended policy prior to final adoption; however this may necessitate further public consultation.

CONCLUSION

The concerns expressed by the submission are acknowledged. These concerns are considered to be dealt with by the revised and updated policy provisions. On that basis, and notwithstanding the submission received, it is recommended that the Council finally adopt the revised policy pursuant to Clause 9.6 of CPS5.

P14/3525 - FINAL ADOPTION OF COUNCIL POLICY – 058: FLOOD AND SECURITY LIGHTING (REC) (ATTACHMENT)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3525) ADOPTION

That the Council resolve pursuant to Clause 9.6(b) (iii) of Community Planning Scheme No. 5 to finally adopt the amended Council Policy 058: Flood and Security Lighting.

[3525 Flood And Security Lighting Policy 058](#)

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

CARRIED UNANIMOUSLY EN BLOC (11/0)

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)**

Ward : All
 Category : Policy
 Application Number : Not Applicable
 Property : Not applicable
 Proposal : Review of CP-079: Car Parking and Access
 Applicant : Not applicable
 Owner : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P11/3129 – Final Adoption Urban Planning Policies (Stage 5) – Car Parking (Non-Residential) Policy – Ordinary Meeting of Council 20 September 2011.
 P14/3502 – City of Melville Car Parking Strategy – Ordinary Meeting of Council 17 June 2014.
 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 (e.g. 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>

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows the Council to prepare and adopt planning policies and undertake regular policy reviews.
- Planning policies supplement CPS5 provisions.
- Planning policies provide a sound basis for planning decision making and can improve the validity of decisions taken particularly when used in determining planning applications. Provided a policy has a firm and sound basis, it has similar status to CPS5 provisions when a decision made by a decision maker on a development application is under review in the State Administrative Tribunal. It is important therefore that policy provisions remain up to date and relevant.
- Council Policy CP-079 was last reviewed by the Council on 20 September 2011. It is now due for a further review.
- The Council adopted the City of Melville Car Parking Strategy at the Ordinary Meeting of Council on 17 June 2014. This Strategy, amongst other things, recommended the revision of CP-079 and also adopted a new formula for calculating cash-in-lieu of car parking.
- CP-079 has been reviewed taking into account the principles adopted in the Car Parking Strategy and includes the following main changes:
 - Updated policy objectives
 - Revised and consolidated car parking ratios
 - Provisions relating to motorcycle and scooter parking
 - Mandatory bike parking
 - Additional dispensations to car parking requirements
 - Update to the formula for cash in lieu of car parking
 - Requirement for submission of Travel Plans where car parking standards are not met.
 - Inclusion of details about Parking Management Plans.
 - Requirement for Traffic Impact Statements or Assessments.
 - Incorporation of provisions relating to access and location of parking areas.
- It is recommended that the Council resolve to adopt the draft policy for the purposes of public consultation in accordance with Clause 9.6 of CPS5.

BACKGROUND

CP-079 was originally adopted by the Planning and Development Services Committee in October 1999 and has subsequently been reviewed in 2000, 2002 and 2011.

The objectives of the current policy are:

- *To facilitate the development of adequate, safe and convenient parking facilities.*
- *To ensure that new non residential development proposals incorporate an appropriate level of parking such that adverse amenity impacts are avoided.*
- *To ensure a level of parking provision which acknowledges non-car based transport alternatives and does not discourage the use of such alternatives.*

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)**

The Council, at the Ordinary Meeting on 17 June 2014 adopted the City of Melville Car Parking Strategy. The objectives of the Strategy state:

3526 Car Parking Policy 079 With Track Changes

- 1 *Recognise that car parking is an integral part of the transportation system rather than a separate issue;*
- 2 *Focus on people access not private vehicle access;*
- 3 *Understand that it is easier, more efficient and less expensive to better manage car parking rather than attempting to satisfy parking demand;*
- 4 *Promote shared or publicly available parking in preference to single user parking;*
- 5 *Acknowledge that car parking is never “free” and is actually very expensive to provide;*
- 6 *Update car parking standards to align with town planning and transport strategies and objectives;*
- 7 *Determine an appropriate cash in lieu of car parking contribution and allow flexibility in how the resulting funds are best spent to benefit the relevant place; and*
- 8 *Improve walking, cycling and public transport access to high activity centres and areas.*

DETAIL

The existing CP-079 has been comprehensively revised taking into account the objectives and recommendations of the adopted Car Parking Strategy. The main changes relate to the following:

Policy Objectives

The existing policy objectives have been updated and expanded upon to reflect some of the new initiatives adopted within the Car Parking Strategy, including references to alternative transport infrastructure, cash in lieu and ‘shared’ car parking. The objectives of the revised policy state:

- *To facilitate the development of adequate, safe and convenient parking facilities that meet the needs of users without resulting in the oversupply of parking.*
- *To ensure that development proposals incorporate an appropriate level of parking.*
- *To ensure safe, convenient, and efficient access for pedestrians, cyclists and motorists.*
- *To promote alternative transport modes by incorporating flexibility to reduce parking requirements where alternative transport options exist.*
- *To enable the payment of a financial contribution in lieu of actual parking provision and to provide guidelines to ensure that the calculation of cash-in-lieu is applied in a consistent and transparent manner.*
- *To promote ‘shared’ or publicly available parking in preference to exclusive, single user parking.*

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)****Scope of Policy**

The policy provides requirements for new development applications received by the City. It does not address existing parking issues or management. These matters would need to be addressed by individual landowners or by parking management plans.

The existing scope of the policy has been extended to include residential parking requirements, which reference the R-Codes.

Revised Car Parking Ratios

As recommended by the Car Parking Strategy, the car parking ratios within the existing CP-079 have been revised, taking into account:

- 1 The advice received in relation to appropriate car parking ratios from the consultant who prepared the Strategy;
- 2 An analysis of the parking ratios of other Councils, specifically those that compare well to the City of Melville in terms of distance from the City of Perth Central Business District and access to public transport routes.

The car parking ratios for similar types of uses have also been grouped and consolidated which in parking terms, make it easier for premises to be used for a range of appropriate planning purposes.

Motorcycle and Scooter Bays

The existing CP-079 does not reference motorbike or scooter parking, focusing solely on car and service vehicle parking. This has resulted in limited on-site provision for motorbike or scooter parking despite the fact that the use of these vehicles as a preferred transport choice has, and continues to, increase. In view of this, the revised policy now requires the conversion of one car parking bay into two motorbike / scooter bays where a development requires 15 or more on-site car parking bays.

Bike Parking

Under the existing policy, bike parking is not a mandatory requirement, despite being actively encouraged. The revised policy proposes to introduce a minimum on-site bike parking requirement which is to be calculated as a proportion of the number of car bays required, with a minimum of two bike parks on each site. The approach is considered to be consistent with the objectives of the revised policy and also the adopted Strategy as it promotes alternative methods of access.

Reductions to Car Parking Standards

The existing CP-078 allows reductions to the prescribed on-site car parking standards in the following instances:

- Where reciprocal parking is provided (between 50-100% of on-site parking requirement), and

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)**

- Where bike parking is provided in lieu of vehicle parking (variation up to 10% of requirement).

The existing policy applies the same standards for activity centres and suburban residential areas and does not include the ability to vary these standards.

This means for example, that in key Activity Centre locations, there is no differentiation in the extent to which car parking standards are applied, despite the fact that such centres benefit from enhanced access to public transport choices, reducing reliance on the motor vehicle, and thereby reducing the potential demand for associated car parking. In view of this, the following variations to the on-site car parking requirements is proposed to apply:

Activity Centre Parking

The standard car parking requirements for developments within Activity Centres can be reduced due to their proximity to public transport infrastructure, as well as the concentration of businesses, residences and public parking infrastructure around these areas.

At this stage, the ability to consider this variation (up to a maximum of 25% of the requirement in Table 1) will apply to development within the following Secondary and District activity centres:

- Melville City Centre,
- Canning Bridge,
- Riseley Centre,
- Melville District Centre, and
- Petra Street.

However, subject to the subsequent approval of the Council, this approach could be extended to other District Centres within the City if deemed appropriate.

Reciprocal Parking

The existing reciprocal car parking provisions in CP-079 have been maintained in the revised policy (up to 50-100% on-site parking requirement can be reciprocal); however the provisions have been clarified for ease of understanding and application.

Shared Parking

Shared parking is on-site parking which is available for any member of the public to use at any time without impediment.

The Car Parking Strategy promoted this idea as an effective parking management tool to free up under-utilised on-site car parking for the benefit of the wider area. It is envisaged that over time, this would maximise the amount of activity centre parking which could be shared and customers would only need to park once and then walk to all of the different businesses within the centre.

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)**

In order to promote shared parking, the revised policy allows a variation of up to 25% of the on-site car parking requirements in Table 1 where the following criteria apply:

- The City is satisfied that an appropriate level of car parking is provided for the development;
- The site is within the Melville City Centre, Bull Creek, Canning Bridge, Kardinya, Riseley, Melville or Petra Street activity centres; and
- There will be no structural or visual impediment to the use of the shared parking bays by the public.

Bicycle Parking

As outlined above, the existing policy allows a variation of up to 10% of the on-site car parking requirement in some centres where bike parking is provided. As the revised policy now incorporates mandatory bike parking requirements, the existing policy provisions have been amended to allow a maximum reduction of two car bays where additional bike parking is provided.

Cash in Lieu

The revised policy includes changes to the way in which cash in lieu values are calculated and revised provisions relating to it's spend, as recommended by the adopted Car Parking Strategy.

Under the existing policy, cash in lieu is calculated based on the full cost of a new car bay including land value plus construction costs. In addition, where a variation to on site car parking provision is proposed to be addressed via the cash in lieu option, calculations are based on existing car parking ratios which themselves are accepted as being outdated. These factors combine to render the cash in lieu option as economically unfeasible, hence the lack of take up of this option.

In view of this, the adopted Car Parking Strategy includes a new formula for the provision of cash in lieu based upon three variables:

1. The full cost of providing a new car bay in a multi-deck car park (which is set at \$50,000);
2. The relevant shortfall in the number of on-site car bays; and
3. An applicable percentage (adopted in the Strategy as 20%).

By way of an example, the new formula recommended within the revised CP-079 would apply as follows:

\$50,000 per car bay x 20% of the on-site car parking shortfall = \$10,000 per car bay.

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)**

The revised policy now also details how the City can spend cash in lieu revenue and includes the following changes:

- No longer limits the City to spending the revenue on car parking bays only;
- The funds are to be spent within the geographical area within which the development is occurring;
- Cash in lieu can be used for all travel related infrastructure such as Travelsmart initiatives, new footpaths, cycling infrastructure, improved public transport or other appropriate community benefits in addition to car parking bays.

This revised cash in lieu approach adopted in the Car Parking Strategy and detailed within the revised policy recognises that:

- The additional parking or other community benefits provided by the City expending cash in lieu funds will be shared by all users rather than just being reserved exclusively for the payer of the cash in lieu contribution.
- Requiring full cost recovery constrains development and would require expensive investment by the City in large new car parks to justify the contributions required.
- The 20% figure provides a balance between raising sufficient revenue to provide community benefits whilst being realistic and fair from the Applicant's perspective.

The adoption of the revised car parking ratios and cash in lieu provisions will enable the consistent application of the policy, and result in less planning applications being referred to Council on the basis of car parking variations.

Travel Plans

The revised policy includes provisions for the submission of a Travel Plan where variations to car parking requirements are sought. The policy also includes detailed requirements as to what is to be included within a travel plan to meet the following objectives:

- (a) How to reduce the need for staff and visitors to travel to and from the site in a vehicle.*
- (b) To promote staff and visitors walking, cycling and using public transport to access the development.*
- (c) How to achieve the minimum number of single occupancy vehicle movements to and from the development.*

Parking Management Plans

As specified as a recommendation within the Car Parking Strategy, Parking Management Plans are to be prepared for Activity Centres. Accordingly, the policy has been revised to include information about Parking Management Plans.

Traffic Impact Statements and Assessments

As an informal practice, the City currently requires the submission of Traffic Impact Statements or Traffic Impact Assessments in accordance with Western Australian Planning Commission (WAPC) guidelines. Supporting information such as this assists the effective assessment process, and as such, the revised Policy has formalised the practice.

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)****Access and Location of Car parking**

The current policy does not provide any detailed criteria relating to the optimum location of access points or car parking, however Council Policy CP-087: Non-Residential Development does include such provisions. It is proposed that the criteria within CP-087 be expanded upon and included within Policy CP-079.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Pursuant to Clause 9.6(b) of CPS5, should the Council resolve to adopt the revised policy, it will be advertised via a notice in the local newspaper and on the City's website for a period of 21 calendar days.

II. OTHER AGENCIES / CONSULTANTS

Clause 9.6(b) (ii) of CPS5 requires the City to advise the WAPC of any policy proposal which affect the interests of the WAPC. The proposed modifications do not have regional significance; therefore the WAPC need not be consulted.

STATUTORY AND LEGAL IMPLICATIONS

The regular review of the Council's policies improves their validity in review situations by the State Administrative Tribunal. Once finally adopted by the Council, the reviewed policy will carry similar weight to CPS5.

FINANCIAL IMPLICATIONS

As outlined above, the revised CP-079 includes new cash in lieu of car parking formula and provisions relating to the collection and expenditure of cash in lieu funds. This new approach is anticipated to be more economically viable for applicants and is therefore not anticipated to be a deterrent to development within the City of Melville. As a result, it is expected that the ability to pay cash in lieu of car parking will be more readily sought by applicants, which will therefore allow the City to expend the funds in the manner outlined within the policy.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

CP-079 has been revised to reflect the principles and recommendations that have been adopted by the Council within the Car Parking Strategy. The revised policy is considered to be wholly consistent with the Strategy.

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

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)****POLICY IMPLICATIONS**

Once adopted, the revised policy will provide a sound basis for the assessment and determination of planning applications.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council could elect not to adopt the revised policy and continue to rely upon the existing policy. This is not however recommended for the reasons outlined above.

The Council also has the ability to modify the amended policy prior to advertising.

CONCLUSION

The revised policy represents a change to the way on-site car parking is calculated and provided within the City. This new approach is consistent with both the adopted Car Parking Strategy and with current planning practice. The policy now acknowledges that on-site car parking requirements differ throughout the City; promotes alternative transportation forms and rationalises the City's cash in lieu approach. On this basis, it is recommended that the Council adopt the revised policy for the purposes of advertising.

OFFICER RECOMMENDATION (3526)**APPROVAL**

At 7.14pm Cr Schuster moved, seconded Cr Willis –

That the Council:

- 1 Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 resolve to adopt the revised Council Policy 079: Car Parking and Access for the purposes of public consultation for a period of no less than 21 calendar days. 3526 Car Parking Policy 079 With Track Changes**
- 2 Where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 079: Car Parking and Access be approved by the Chief Executive Officer.**

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)**Amendment

At 7.14pm Cr Schuster, with agreement of the seconder Cr Willis, agreed to incorporate the following amendment into the recommendation.

(A) That Part 1 of the Officer Recommendation be amended by adding the following words after “period of no less than 21 calendar days”

“subject to the following amendments to the policy:”

(i) Clause 1.2 be amended to read:

1.2 Clauses 2 – 9 of this policy do not apply to the assessment of residential development with the exception of the following:

(a) Clause 7: Cash-In-Lieu of this policy can be applied for the visitor parking requirements of the R-Codes in relation to multiple dwelling developments located within Secondary or District activity centres as designated by State Planning Policy 4.2.

(ii) Clause 2.3 be amended to read:

2.3 Where the car parking ratio specified in Table 1 results in a requirement for a part bay, the car parking requirement shall be rounded to the nearest whole number.

(iii) Clause 2.4 be amended to read:

2.4 Car parking for staff members referenced in Table 1 above are to be calculated based upon the maximum number of staff in attendance at any one time.

(iv) Clause 6.2.1(a) be amended to read:

(a) The development site is within an Activity Centre which is within the following Secondary or District activity centres as designated by State Planning Policy 4.2:

**Secondary Centre
Booragoon (Melville City Centre)**

**District Centre
Canning Bridge
Riseley
Melville
Petra Street**

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)**

(v) Clause 10.2 be amended to read:

10.2 The City will be responsible for the preparation and adoption of PMPs in the first instance, however where a significant redevelopment in an activity centre is proposed, the City may require an Applicant to prepare or contribute toward the preparation of a PMP for the centre.

(vi) Clause 11.1 be amended to read:

11.1 The City follows the WAPC Transport Assessment Guidelines for Developments (as amended) in relation to the requirement for transport assessments.

(B) That Part 3 be added to the Officer Recommendation as follows:

3 By Absolute Majority Decision, in accordance with Section 6.16 of the Local Government Act 1995, provide local public notice advising that from 8 September 2014, the 2014/2015 Schedule of Fees and Charges – Urban Planning be amended to reflect the cash in lieu of car parking formula adopted within the Car Parking Strategy:

\$50,000 per car bay x 20% of the on-site car parking shortfall = \$10,000 per car bay.

Reasons for Amendment

The proposed changes are detailed below:

(i) Clause 1.2

Firstly, it is proposed to amend Clause 1.2 by replacing 'Clauses 2 – 10' with 'Clauses 2 – 9'. This amendment is proposed as in some cases, future Parking Management Plans (Clause 10) may relate to residential developments.

Secondly, sub-clause (a) is proposed to be added to the policy as outlined at the Agenda Briefing Forum (ABF) on 5 August 2014. This change is proposed as cash in lieu of visitor car parking associated with multiple dwelling developments within Secondary or District activity centres is considered to have merit for the following reasons:

- Car parking areas for multiple dwellings are generally contained within undercroft or basement levels. Often visitors to these developments do not know there is visitor parking on-site or are not willing to enter the undercroft or basement area as they do not know whether any of the bays are available. This frequently results in visitors to multiple dwelling developments seeking public parking in the vicinity of the site.

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)**

- Regardless of the City's requirements and installed signage, visitor car parking is often utilised by residents of the multiple dwellings informally. This also results in visitors seeking public parking in the vicinity.
- The payment of cash in lieu of visitor car parking would enable the City to improve its public parking infrastructure within the vicinity for the benefit of all, or to alternatively fund other travel related initiatives such as new footpaths, improved cycling infrastructure, improved public transport or other appropriate community benefits.

(ii) Clause 2.3

This clause has been amended as requested at the Agenda Briefing Forum (ABF) on 5 August 2014 to require the car parking requirement to be 'rounded to the nearest whole number', rather than 'rounded up to the nearest whole number'.

(iii) Clause 2.4

This clause has been amended as requested at the ABF on 5 August 2014 to clarify the wording of the clause.

(iv) Clause 6.2.1(a)

This administrative change is proposed to remove one of the two references to 'Secondary activity centre' as the repetition is not required.

(v) Clause 10.2

This administrative change has been made as requested at the ABF on 5 August 2014 to refer to 'a significant redevelopment *in* an activity centre' rather than 'a significant redevelopment *of* an activity centre'.

(vi) Clause 11.1

This administrative change has been made as requested at the ABF on 5 August 2014 to add '(as amended)' to the provision referencing that the Western Australian Planning Commission Transport Assessment Guidelines for Developments may be amended in the future, however should continue to apply.

(vii) Resolution 3

The existing 2014/2015 Schedule of Fees and Charges – Urban Planning which was adopted by Council at the Special Meeting of Council on 24 June 2014 currently prescribes the following cash in lieu of car parking charge:

Construction Cost only (plus land valuation)

- 30m² bay at Ground Level (reversing area included)
- 15m² bay at Ground Level (no reversing area required)

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)**

The Car Parking Strategy adopted by Council at the Ordinary Meeting held 17 June 2014 detailed a revised cash in lieu of car parking ratio as follows:

\$50,000 per car bay x 20% of the on-site car parking shortfall = \$10,000 per car bay.

This formula has been reinforced through the revised CP-079: Car Parking and Access. Accordingly, it is required that the Schedule of Fees and Charges be amended accordingly.

COUNCIL RESOLUTION (3526)**APPROVAL****That the Council:**

- 1 Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 resolve to adopt the revised Council Policy 079: Car Parking and Access for the purposes of public consultation for a period of no less than 21 calendar days *subject to the following amendments to the policy:***
 - (i) Clause 1.2 be amended to read:**
 - 1.2 Clauses 2 – 9 of this policy do not apply to the assessment of residential development with the exception of the following:**
 - (b) Clause 7: Cash-In-Lieu of this policy can be applied for the visitor parking requirements of the R-Codes in relation to multiple dwelling developments located within Secondary or District activity centres as designated by State Planning Policy 4.2.**
 - (ii) Clause 2.3 be amended to read:**
 - 2.3 Where the car parking ratio specified in Table 1 results in a requirement for a part bay, the car parking requirement shall be rounded to the nearest whole number.**
 - (iii) Clause 2.4 be amended to read:**
 - 2.4 Car parking for staff members referenced in Table 1 above are to be calculated based upon the maximum number of staff in attendance at any one time.**
 - (iv) Clause 6.2.1(a) be amended to read:**
 - (b) The development site is within an Activity Centre which is within the following Secondary or District activity centres as designated by State Planning Policy 4.2:**

**P14/3526 – REVIEW OF COUNCIL POLICY 079: CAR PARKING AND ACCESS (REC)
(ATTACHMENT)**

*Secondary Centre
Booragoon (Melville City Centre)*

*District Centre
Canning Bridge
Riseley
Melville
Petra Street*

(v) *Clause 10.2 be amended to read:*

10.2 The City will be responsible for the preparation and adoption of PMPs in the first instance, however where a significant redevelopment in an activity centre is proposed, the City may require an Applicant to prepare or contribute toward the preparation of a PMP for the centre.

(vi) *Clause 11.1 be amended to read:*

11.1 The City follows the WAPC Transport Assessment Guidelines for Developments (as amended) in relation to the requirement for transport assessments.

3526 Car Parking Policy 079 With Track Changes

- 2** Where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 079: Car Parking and Access be approved by the Chief Executive Officer.
- 3** *By Absolute Majority Decision, in accordance with Section 6.16 of the Local Government Act 1995, provide local public notice advising that from 8 September 2014, the 2014/2015 Schedule of Fees and Charges – Urban Planning be amended to reflect the cash in lieu of car parking formula adopted within the Car Parking Strategy:*

\$50,000 per car bay x 20% of the on-site car parking shortfall = \$10,000 per car bay.

At 7.15pm the Mayor declared the motion

CARRIED UNANIMOUSLY EN BLOC (11/0)

P14/3527 – REVIEW OF COUNCIL POLICY: 085 – PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Application Number : Not applicable
 Property : Not applicable
 Proposal : Review of CP-085 – Provision of Public Art in Development Proposals
 Applicant : Not applicable
 Owner : Not applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : P13/3378 – Adoption of Provisions of Public Art in Development Proposals Policy – Ordinary Meeting of Council 16 April 2013
 Responsible Officer : Peter Prendergast
 Manager Statutory Planning

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 (e.g. 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>

P14/3527 – REVIEW OF COUNCIL POLICY: 085 – PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Community Planning Scheme No. 5 (CPS5) allows the Council to prepare and adopt planning policies and undertake regular policy reviews.
- The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when used in determining applications. Provided a policy is soundly based, it has similar status to CPS5 provisions when a decision made by a decision maker is under review in the State Administrative Tribunal.
- CP-085 was originally adopted by the Council at the Ordinary Meeting held 16 April 2013.
- Since this time, the City has routinely applied a condition of planning approval requiring installation of public art or payment of cash in lieu in accordance with the Policy for all eligible developments with a cost of development exceeding \$1 million.
- From the experience of application of the policy over the last 18 months, it is considered that two modifications are required to overcome two issues that have surfaced.
- Firstly, it is proposed to remove the ability for applicants to install public art outside of the site boundaries. This practice has proven to be problematic and time consuming for the City's officers to assess and also results in a requirement for a further planning approval.
- Secondly, the replacement of functional parts of the development with artist designed components, such as balcony balustrades, is promoted, however it is considered that the cost calculations of these components should be related to the difference in price between the standard cost of providing the component and the artist's version. This will ensure that the community is getting value for money in terms of public art.
- It is recommended that the Council resolve to adopt the revised policy for the purposes of public consultation in accordance with Clause 9.6 of CPS5.

BACKGROUND

CP-085: Provision of Public Art in Development Proposals was adopted by the Council on 16 April 2013. The objectives of this policy are:

- *To contribute to a sense of place through the provision of public art which provides an interpretation and expression of the local area's natural, physical, cultural and social values.*
- *To enhance public enjoyment and understanding of places through the integration of art into developments.*
- *To add to the appearance, vibrancy, character and amenity of developments and their surrounding environment.*
- *To create local landmarks.*
- *To provide increased public exposure to, and understanding of, public art.*

Since the adoption of this policy, the City has routinely applied a condition of planning approval requiring the installation of public art or payment of cash in lieu, in accordance with the policy, for all eligible developments.

[3527 Public Art Policy 085 With Track Changes](#)

P14/3527 – REVIEW OF COUNCIL POLICY: 085 – PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS (REC) (ATTACHMENT)**DETAIL**

In the last 18 months since the adoption of the policy, its application has been relatively straight forward and the City has found that applicants are demonstrating interesting and innovative ways to fulfil this requirement as part of their development. There are however two modifications to the policy that are considered to be required on the basis of experience obtained in applying the policy to date, and these are:

Location of Public Artwork

Clause 3 of the existing policy states:

- 3 *Public art is preferably located within lot boundaries. It may, however, subject to the approval of the Council or other relevant authority, be provided within a crown or local reserve abutting or adjacent to the site.*

To date, the City has only received one proposal to locate artwork outside of a property's boundaries; however this proposal brought to light a number of potential problems as follows:

- An applicant, prior to commissioning plans for the artwork is often unaware of the City's (or another authority's) plans for the area, whether they are streetscape improvements, road widening etc. This can lead to wasted time and money on both the part of the applicant and the City.
- Most artwork installed within the public realm and undertaken by private individuals requires additional planning and building approvals.
- Artwork located within the public realm, particularly within the road reserve, can require consultation and/or approval from a range of other service authorities and internal service areas of the City.
- Once installed, the artwork will become an asset of the City which means that the City has to secure agreements relating to defect liability, maintenance and later, insurance. The artwork can thereafter become an ongoing cost for the City which may not have been envisaged.

A review of other Council's planning policies in relation to public art has found that all but one Council require public artwork to be located within the property boundaries of a development site and the remaining Council is yet to receive a proposal for the installation of artwork outside of the property boundaries.

In view of this it is recommended that Clause 3 of the policy be amended to require that all public art be located within the lot boundaries. Where an applicant does not wish to do this, they will still have the ability to pay cash in lieu into the City's Public Art Reserve as an alternative.

The cash in lieu revenue can be spent by the City on artwork within the public realm and the City's established artwork planning and commissioning process takes into account all of the above matters in the pre-planning process and ensures art pieces are reflective of their context, including an appreciation of any site constraints.

P14/3527 – REVIEW OF COUNCIL POLICY: 085 – PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS (REC) (ATTACHMENT)*Costs*

Council Policy CP-085 encourages the installation of functional artwork and some applicants are researching ways to do this through bike racks, balcony balustrading, wall finishes etc. However a concern that has been raised in the consideration of such artworks is that an applicant can replace a standard design requirement, such as a balcony balustrade, with a non-standard component and attribute the entire cost to the public artwork cost requirement. This practice undermines the objectives of the Public Art Policy, and does not ensure maximum benefit to the community.

Clause 9(c) of the policy outlines what can be included within the cost calculations for the public artwork. This clause currently states:

- (c) *Cost calculations of the proposed public art. These can take into account the artist's fees, labour, materials, installation, operating costs and costs of any required permits or approvals.*

Accordingly, it is proposed that this criteria be expanded upon to include the requirement that when the proposed public artwork replaces a functional or required component of the development, such as balcony balustrading or wall finish, that the cost calculations represent the additional cost of the artist's involvement above the standard cost of the component.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Pursuant to Clause 9.6(b) of CPS5, should the Council resolve to adopt the revised policy, it will be advertised via a notice in the local newspaper and on the City's website for a period of 21 calendar days.

II. OTHER AGENCIES / CONSULTANTS

Clause 9.6(b) (ii) of CPS5 requires the Council to advise the Western Australian Planning Commission (WAPC) of any policy proposal which affect the interests of the WAPC. The proposed modifications do not have regional significance; therefore the WAPC need not be consulted.

STATUTORY AND LEGAL IMPLICATIONS

The regular review of the Council's policies improves their validity in review situations by the State Administrative Tribunal. Once finally adopted by the Council, the reviewed policy will carry similar weight to CPS5.

To manage funds received for public art, it is recommended that a Reserve be established under Clause 6.11 of the *Local Government Act 1995*.

P14/3527 – REVIEW OF COUNCIL POLICY: 085 – PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

The proposed change to the requirement for all public artwork to be located within the property boundaries may increase the number of proposals which instead pay cash in lieu to the City's Public Art Reserve. The Council may choose to establish a Reserve for developer contributions to public art to ensure funding is recognised and used appropriately.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Once adopted, the revised policy will provide a sound basis for the assessment and determination of planning applications.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council could elect not to adopt the revised policy and continue to rely upon the existing policy. This is not however recommended for the reasons outlined above.

The Council also has the ability to modify the amended policy prior to advertising.

CONCLUSION

The proposed changes to the existing CP-085 are considered minor and are designed to address some issues that have occurred in the implementation of the policy since its adoption by the Council 18 months ago. It is recommended that the Council adopt the revised policy for the purposes of public consultation.

P14/3527 – REVIEW OF COUNCIL POLICY: 085 – PROVISION OF PUBLIC ART IN DEVELOPMENT PROPOSALS (REC) (ATTACHMENT)**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3527) APPROVAL****That the Council:**

- 1 Pursuant to Clause 9.6(b) of Community Planning Scheme No. 5 resolve to adopt the revised Council Policy 085: Provision of Public Art in Development Proposals for the purposes of public consultation for a period of no less than 21 calendar days.**

[3527 Public Art Policy 085 With Track Changes](#)

- 3 Where no submissions in objection are received in response to the consultation undertaken, the final adoption of Council Policy 085: Provision of Public Art in Development Proposals be approved by the Chief Executive Officer.**
- 4 Resolve to establish a Public Art Reserve for the purposes of Providing Community Public Art.**

Footnote: The intention of this reserve is to provide public art in development proposals or in the precinct of the development and not to replace the existing Capital Public Art Program.

At 7.15pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

**T14/3529 – FIONA STANLEY HOSPITAL PRECINCT DEDICATION OF ROADS (REC)
(ATTACHMENT)**

Ward : University
 Category : Operational
 Subject Index : Fiona Stanley Hospital
 Customer Index : Department of Health
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : T12/3321 - Murdoch Activity Centre (MAC) Update on Traffic and Transport Issues
 Works Programme : Not Applicable
 Funding : \$439,000 in maintenance costs is listed in the 2014/2015 budget
 Responsible Officer : Kimberly Brosztl
 Manager Engineering Design

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**T14/3529 – FIONA STANLEY HOSPITAL PRECINCT DEDICATION OF ROADS (REC)
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Department of Health (DoH) has formally requested that the City of Melville make application under Section 56 of the Land Administration Act for the Dedication of the roads as set out in Deposited Plan 77102 and Deposited Plan 68014.
- Since practical completion the roads have become difficult for the State Government to manage due to the winding back of the project team, lack of by-laws and inability to enforce parking.
- DoH has agreed to continue maintenance of the landscaped areas within the streetscape for three years after the Dedication of the Roads.
- It is recommended that the City make an application under Section 56 of the Land Administration Act for the Dedication of the roads as set out in Deposited Plan 77102 and Deposited Plan 68014 and requests an opportunity to meet with the Minister for Health to discuss alternative funding arrangements associated with the renewal funding backlog within the Fiona Stanley Hospital Precinct.

BACKGROUND

Fiona Stanley Hospital is the biggest health infrastructure project ever undertaken by the State Government. The development included the creation of a number of new road reserves including:

- Barry Marshall Road
- Fiona Wood Road
- Jennalup Street
- Robin Warren Drive

These roads are currently managed by the State Government.

DETAIL

The DoH has formally requested that the City of Melville make application under Section 56 of the *Land Administration Act 1997* for the Dedication of the roads as set out in Deposited Plan 77102 and Deposited Plan 68014. The request letter and Deposited Plans form an attachment to this Item.

[3529 Attachment 1 - CoM Sect 56 Letter Signed](#)

[3529 Attachment 2 - Deposited Plans](#)

**T14/3529 – FIONA STANLEY HOSPITAL PRECINCT DEDICATION OF ROADS (REC)
(ATTACHMENT)**

Management of the roads by the State Government is becoming problematic for the following reasons:

- The roads in the Fiona Stanley Hospital precinct are currently being managed by the Fiona Stanley Hospital Project Team which is winding back following practical completion of the hospital.
- Building Management and Works, and Fiona Stanley Hospital contractors are currently performing road maintenance on an ad hoc basis. This process is not sustainable for the long term management of the roads.
- Under the current structure the roads within the Fiona Stanley Hospital precinct do not have enacted by-laws as would be in place for roads dedicated to a local government.
- Parking management is difficult with little provisions under the *Public Works Act 1903* to infringe or move on offenders. Once the road is under the jurisdiction of the City of Melville the City's Local Laws would apply and parking restrictions and laws could be enforced.

DoH has requested that all items within the road reserves be vested with the City upon dedication except for the specialist lighting (iGuzzini Lavinia poles and lamps) on Robin Warren Drive and Barry Marshall Parade. DoH will remain responsible for the servicing of these lights. DoH will also be responsible for maintaining the seats and the plinth on which they sit under the bus canopy attached to the pathology building on Barry Marshall Parade.

The City was initially reluctant to take over the roads until the mixed use precinct was developed as the rate revenue would assist in balancing the increased maintenance costs to the City. After some negotiation, to mitigate the costs of maintenance to the City of Melville, the State of Western Australia, acting through the DoH agreed to provide landscaping services on the dedicated roads for a period of three years and this letter forms an attachment to this Item.

[3529 Attachment 3 - Landscaping agreement](#)

Once the dedication of the roads is complete all other aspects of maintenance within the road reserve such as road, paths and drainage maintenance will be undertaken by the City.

The Demarcation Plan [3529 Attachment 4 - Demarcation Plan](#) forms an attachment to this Item and shows which areas will be maintained by the City of Melville and which by DoH. The areas inside the purple line will be maintained by the City and those outside the line by DoH.

Once the City of Melville has lodged the application for Dedication of the roads, the roads will be under the City of Melville's authority when the Minister for Lands, by order, grants the request.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

No Community consultation has been carried out regarding the Dedication of the roads.

**T14/3529 – FIONA STANLEY HOSPITAL PRECINCT DEDICATION OF ROADS (REC)
(ATTACHMENT)****II. OTHER AGENCIES / CONSULTANTS**

DoH is the main stakeholder in the Fiona Stanley Hospital Precinct and it is their request that the roads be dedicated to the City. DoH will manage the process including stakeholder engagement. DoH has consulted with the City extensively over the years of the development and the outcome has been positive with DoH agreeing to maintain the landscaped areas.

STATUTORY AND LEGAL IMPLICATIONS

The dedication of road reserve is governed by section 56 of the *Land Administration Act 1997*.

FINANCIAL IMPLICATIONS

There are no direct up front financial implications as any costs associated with the Dedication process will be covered by DoH and the indemnification required to be given to the Department of Lands is a standard requirement and it is highly unlikely that the action will be the subject of any claim.

\$439,000 in maintenance costs have been approved in the 2014/2015 budget, plus \$201,036 to go into reserves for renewal. The estimated cost for the City of maintaining the landscaped areas within the streetscapes is \$326,329 per annum. However, as the DoH has agreed to maintain the landscaped areas within the streetscapes for three years after Dedication, there is the potential saving to the City of \$978,987 over the three years.

[3529 Attachment 3 - Landscaping agreement](#)

Whilst this saving will assist with offsetting the City's expenditure over the next three years, it does not mitigate the full impact of the transfer of infrastructure from the State Government. The ongoing operating costs and renewal requirements for the precinct will continue to impact on the City's financial viability. The development of the Mixed Use Precinct is critical to offsetting the City's operating expenditure and to date the development of the Mixed Use Precinct has been delayed with development unlikely to commence until the Public Transport Authority (PTA) car park lease expires in 2018, which will no doubt be subject to further negotiations.

As a result, the City has written to the Minister for Health, Training and Workforce Development requesting an opportunity to meet and discuss possible additional funding arrangements to further offset the expenditure deficit beyond the agreed three year period.

**T14/3529 – FIONA STANLEY HOSPITAL PRECINCT DEDICATION OF ROADS (REC)
(ATTACHMENT)**

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of costs to maintain infrastructure higher than estimated.	Minor consequences which are possible, resulting in a Medium level of risk	'As constructed' plans and specifications for items such as the drainage tanks have been collected and reviewed to establish maintenance costs. A final inspection of the infrastructure has also been completed.
Risk of the City not being able to maintain the area to the current standards.	Moderate consequences which are possible, resulting in a Medium level of risk.	Current maintenance plans will be reviewed and will be implemented by the City.

The landscaped areas within the streetscapes are subject to a requirement under the *Environment Protection and Biodiversity Conservation Act 1999* Approval (EPBC 2008/3970) as follows:

"2.3 establish streetscapes planted with 100 percent native species, with at least 70 percent of trees planted being either species found in the project area or other native species suitable for Carnaby's Black-Cockatoo"

The replacement of species from the approved species list (as agreed with the Department of Sustainability, Environment, Water, Population and Communities) within the streetscape is required in order for Federal approvals to be maintained. When the three year streetscape maintenance period is over the City will need to ensure that plants are maintained to minimise deaths and replaced when necessary.

POLICY IMPLICATIONS

There are no policy implications.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The City could refuse to apply for the Dedication of the roads however the State Government could force the City to take over the roads in the Fiona Stanley Hospital Precinct. If this were to occur it would be unlikely that any assistance would be given to maintain the landscaping within the road reserve.

**T14/3529 – FIONA STANLEY HOSPITAL PRECINCT DEDICATION OF ROADS (REC)
(ATTACHMENT)****CONCLUSION**

It is recommended that the City make an application under Section 56 of the *Land Administration Act 1997* for the Dedication of the roads as set out in Deposited Plan 77102 and Deposited Plan 68014 as a result of:

- The DoH agreeing to maintain the landscaped areas within the streetscapes for three years.
- The State Government could place the roads under the City's care and control without the need for a formal dedication process. Parking is becoming an issue in the area as restrictions cannot be enforced.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3529) APPROVAL**That the Council:**

- 1. Endorses an application under Section 56 of the *Land Administration Act 1997* for the Dedication of the roads as set out in Deposited Plan 77102 and Deposited Plan 68014.**
- 2. Notes that the State Government, acting through the Department of Health, will provide landscaping services on the Fiona Stanley Hospital Precinct Road Reserve for a period of three years, commencing from the date the Minister, by order, grants the Dedication of the roads.**
- 3. Requests the Chief Executive Officer to arrange a meeting with the Minister for Health, Training and Workforce Development to discuss possible additional funding arrangements to further offset the expenditure deficit associated with the Fiona Stanley Hospital Precinct beyond the agreed three year period.**

At 7.15pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

T14/3530 – PROCLAMATION OF CHANGES TO RAMP AND PATH WITHIN FIONA STANLEY INTERCHANGE (REC) (ATTACHMENT)

Ward : University
 Category : Operational
 Subject Index : Fiona Stanley Hospital
 Customer Index : Department of Health
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Kimberly Brosztl
 Manager Engineering Design

AUTHORITY / DISCRETION

DEFINITION

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

T14/3530 – PROCLAMATION OF CHANGES TO RAMP AND PATH WITHIN FIONA STANLEY INTERCHANGE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Main Roads Western Australia (MRWA) is seeking formal Council agreement to proclamation drawings 1421-0040-00 and 1421-0041-00
- The realignment of the ramp and path has not changed MRWA's management responsibility for the infrastructure.
- It is recommended that the Council give formal agreement to proclamation drawings 1421-0040-00 and 1421-0041-00.

BACKGROUND

As part of the Fiona Stanley Hospital development changes were made to the alignment of the ramp and path at the South Street and Kwinana Freeway interchange as shown in the attachment to this Item. The realignment works are now complete.

DETAIL

MRWA is seeking formal Council agreement to proclamation drawings 1421-0040-00 and 1421-0041-00 which forms an attachment to this Item. The realignment of the ramp and path has not changed MRWA's management responsibility for the infrastructure. Proclamation and subsequent gazetting is required to recognise the new alignments.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

As the Freeway interchange is located within the boundaries of the City of Melville, MRWA need the Council's agreement to progress the proclamation and gazetting of the realignment.

T14/3530 – PROCLAMATION OF CHANGES TO RAMP AND PATH WITHIN FIONA STANLEY INTERCHANGE (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

There are no financial implications for the Council.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not Applicable.

POLICY IMPLICATIONS

Not Applicable.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Not Applicable.

CONCLUSION

As there are no implications for the City it is recommended that Council give formal agreement to proclamation drawings 1421-0040-00 and 1421-0041-00.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3530) APPROVAL

That the Council give formal agreement to proclamation drawings 1421-0040-00 and 1421-0041-00. [3530 Proclamation Drawings](#)

At 7.15pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

T14/3531 – WASTE REVIEW (REC)

Disclosure of Interest

Item No.	T14/3531
Member	Cr C Schuster
Type of Interest	Interest under the Code of Conduct
Nature of Interest	Member of the SMRC
Decision of Council	Not Applicable

Ward	: All
Category	: Strategic
Subject Index	: Waste
Customer Index	: Southern Metropolitan Regional Council
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Not Applicable
Works Programme	: Not Applicable
Funding	: \$100,000 Refuse Facilities Reserve
Responsible Officer	: John Christie Director Technical 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>
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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

T14/3531 - WASTE REVIEW (REC)**KEY ISSUES / SUMMARY**

- At the 18 March 2014 Ordinary Meeting of Council, Council resolved to undertake a review of waste collection and disposal services and develop a Waste Management Strategy.
- The development of such a strategy has the potential to impact the Southern Metropolitan Regional Council (SMRC) and its Member Councils.
- As such, discussions have taken place with the SMRC and the Member Councils of the SMRC to determine their willingness to participate on a regional basis.
- The Member Councils of the SMRC and the SMRC have agreed that a review of waste disposal from a regional perspective would be more beneficial than the City undertaking an independent review.
- The SMRC has written to the Chief Executive Officer offering to take the lead role in the review of waste disposal services and to develop a Waste Management Strategy for the region.
- The Establishment Agreement of the SMRC clearly outlines the purpose of the Regional Local Government and the recommendation is consistent with the intent of the Establishment Agreement.
- It is recommended that the SMRC be endorsed as the lead agency and that the Regional Executive Group of the SMRC have joint responsibility for oversight of the waste disposal review process.

BACKGROUND

At the 18 March 2014 Ordinary Meeting of Council, Council resolved as follows:

“That the Council:

1. *Requests the Chief Executive Officer to undertake a review of the City’s waste and recycling collection and disposal services and from this develop a Waste Management Strategy which inter alia:*
 - (a) *maximises the recovery of recyclable and re-useable materials from the City’s waste streams;*
 - (b) *ensures the City’s entire waste management service continues to be operated cost efficiently and with the maximum environmental effectiveness consistent with the program cost; consistent with the Council’s Waste Minimisation Policy;*
2. *The review is further to consider the changes taking place in waste management and resource recovery nationally and in Western Australia, assess these in developing the proposed Strategy and advise the Council of the likely future costs and implications of any reasonably possible changes on the City’s operations and budgets, as well as the potential implications for customers of the City’s service;*

T14/3531 - WASTE REVIEW (REC)

3. *Acknowledges such a review may require external resources and requests it be funded, from the Refuse Facilities Reserve provided if that funding exceed;*
4. *With respect to the City's bulk waste verge collection service, which will be part of this review, the Council requests the Chief Executive Officer specifically to consider ways in which waste streams commonly found in these verge collections can be recovered and recycled, rather than landfilled; and,*
5. *The review of the strategy is to be provided to the Council by mid 2015 or earlier if found to be possible by the Chief Executive Officer.*

At 9.26pm the Mayor submitted the substantive motion as amended, which was declared

CARRIED (8/3)"

It is important to acknowledge that the City of Melville is a member of the SMRC and a signatory to the Establishment Agreement of the SMRC dated 22 January 1998.

The Establishment Agreement of the SMRC at Clause 4 (a) clearly outlines the regional purpose for which the Regional Local Government is established, which is as follows:

"(a) to plan, coordinate and implement the removal, processing treatment and disposal of waste for the benefit of the communities of the Participants."

The City is also a Project Participant and a signatory to the Project Participants' Agreement for the RRRC Project of the SMRC dated 12 April 1999.

Section 5.3 of the RRRC Project Participants' Agreements states the following:

"5.3 Recyclable Material

Each Project Participant shall deliver to the RRRC:

- (a) all Recyclable Material produced by the Project Participant; and*
- (b) all Recyclable Material collected by, for or on behalf of, the Project Participant, from premises within the Project Participant's district".*

Section 5.6 of the RRRC Project Participants' Agreement states the following:

"5.6 Green Waste

Each Project Participant shall deliver to the RRRC:

- (a) all Green Waste collected by, for or on behalf of, the Project Participant of the residents in the district; and*
- (b) all Green Waste which is produced at all land owned and occupied by, or under the care, control and management of, the Project Participant, and which is collected by, for or on behalf of the Project Participant."*

T14/3531 - WASTE REVIEW (REC)

It is important to note, that Recyclable Material as specified in 5.3(a) includes Municipal Solid Waste (MSW or green top bin) and recyclables (yellow top bin).

DETAIL

It is clear that the Council resolution above and the future outcomes of a review of waste services, particularly waste disposal, has the potential to impact on both the SMRC and the Member Councils of the SMRC.

As such, the Chief Executive Officer requested the City make contact with the Member Councils and the SMRC to determine if they would be prepared to participate in a regional review of waste disposal. All members with the exception of the Town of East Fremantle have confirmed in writing their willingness to participate; however a discussion with the Chief Executive Officer of the Town of East Fremantle indicated support for a review.

As a result of Member Councils confirming their support, this matter was deliberated at length with the Regional Executive Group of the SMRC and a consensus was reached that the review should be undertaken on a regional basis to ensure a coordinated approach for the region.

With reference to Clause 4 (a) above, the SMRC has offered to take a lead role on behalf of the Member Councils and manage the regional component of the review process.

The SMRC are currently conducting a strategic review of operations and have commenced a review of future alternative waste technologies. The review is titled "Project 2023", this project coincides with the remaining useful life of the Waste Composting Facility (WCF) and the date at which loan repayments to the Western Australian Treasury Corporation will be paid in full. It therefore makes sense that a review of waste disposal, should be undertaken on a regional basis and take into consideration the remaining life of the WCF, what alternative waste technologies are emerging and how the SMRC and the Member Council's prepare and transition towards a future state.

With regard to the deliberations of the Member Councils and the SMRC, it is recommended that the Council agrees to the SMRC taking the lead role in the strategic review of waste disposal on behalf of its Members and develop a regional waste management strategy. It is also recommended that the SMRC and the Regional Executive Group collectively have oversight of the review process.

The City would continue to implement all other aspects of the Council resolution with regard to waste collection services and present the findings of the review at a future Council meeting in accordance with the timeframe detailed in point 5 of the Council resolution above.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

No community stakeholder engagement is required at this stage; however this may be undertaken as the review progresses.

T14/3531 - WASTE REVIEW (REC)**II. OTHER AGENCIES / CONSULTANTS**

There has been extensive stakeholder engagement with the SMRC and its Member Councils regarding the matter.

STATUTORY AND LEGAL IMPLICATIONS

As a member of the SMRC the City has a statutory and legal obligation to abide by the terms of the Establishment Agreement of the SMRC and the Project Participants' Agreement for the Regional Resource Recover Centre.

FINANCIAL IMPLICATIONS

As part of the 2014/12015 budget process the City has allocated an amount of \$100,000 for the waste services review which is to be funded from the Refuse Facilities Reserve. However with the Member Councils of the SMRC agreeing to a regional review, the cost associated with the review will be apportioned in a similar manner as set out in clause 9.5 of the Establishment Agreement (population based).

This could result in a saving to the City as the City will only contribute its percentage share along with the other member Councils of the SMRC should Council resolve to endorse the SMRC as the lead agency.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

There is potential for a perceived risk that if the SMRC are endorsed as the lead agency, that the review may not be conducted in an independent manner. However, in order to alleviate concerns of any perceived risk the SMRC have confirmed they would engage a suitably qualified independent consultant to undertake the review.

The SMRC have also stated that it would be part of their normal stakeholder engagement process to engage the Regional Executive Group as part of the review process.

POLICY IMPLICATIONS

There are no policy implications associated with this report; however the report is consistent with Council's Waste Minimisation Policy CP-036 and the Environmental Policy CP-030.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could resolve to undertake a waste review independently from the SMRC and the Member Councils; however this would be inconsistent with the Establishment Agreement of the SMRC, particularly with regard to waste disposal.

T14/3531 - WASTE REVIEW (REC)

If Council did progress independently, then any future actions from the waste review would need to be cognisant of the City's membership of the SMRC and its obligations under the Establishment Agreement and the Project Participants' Agreement for the Regional Resource Recovery Centre.

As a result of discussions with the SMRC and its Member Councils, it is recommended that the SMRC undertake the waste disposal review on behalf of the Member Councils of the SMRC.

CONCLUSION

The City being a member of the SMRC has clearly defined obligations as set out in the Establishment Agreement of the SMRC and the Project Participants' Agreement for the Regional Resource Recovery Centre and undertaking a regional review of waste disposal is consistent with the purpose of the SMRC.

Alternative waste technologies are emerging and with 2023 only nine years away, it makes sense for the Member Councils to take a regional approach to waste management and consider alternative models for the disposal of waste.

It should also be noted that during the next 11 months the City will be preparing to implement significant change as a result of Local Government reform. Endorsing the SMRC as the lead agency will allow the City to focus on preparing to implement the changes necessary to ensure service delivery is maintained as part of Local Government reform.

It is therefore recommended that the SMRC be endorsed as the lead agency for the review of waste disposal and that the City undertakes a review of its collection services and reports the findings at a future meeting of Council by mid-2015 or earlier if possible.

T14/3531 - WASTE REVIEW (REC)

At 7.27pm Ms Young left the meeting and returned at 7.29pm.
At 7.36pm Mr Fimmano left the meeting and returned at 7.37pm.
At 7.43pm Cr Aubrey left the meeting and returned at 7.46pm.
At 7.50pm Cr Barton left the meeting and returned at 7.52pm.

OFFICER RECOMMENDATION (3531)

APPROVAL

That the Council:

1. **Endorse the Southern Metropolitan Regional Council as the lead agency to undertake a regional review of waste disposal and develop a Regional Waste Management Strategy.**
2. **Requests the Southern Metropolitan Regional Council and the Regional Executive Group of the Southern Metropolitan Regional Council to undertake joint responsibility for the monitoring and oversight of the waste disposal review process.**
3. **Requests the Chief Executive Officer to respond in writing to the Southern Metropolitan Regional Council confirming acceptance of their offer to take a lead role with the regional review of waste disposal.**
4. **Notes that all other aspects of the 18 March 2014 Council Resolution will be implemented and a further report will be prepared and presented to a future meeting of the Council no later than 30 June 2015.**

REJECT AND REPLACE

At 7.17pm, Cr Pazolli moved, seconded Cr Barton–

That the waste review proposal be referred to an Elected Members Information Session for discussion.

At 8.02pm the Mayor submitted the motion, which was declared

LOST (2/9)

Vote Result Summary	
Yes	2
No	9

Vote Result Detailed	
Cr Barton	Yes
Cr Pazolli	Yes
Cr Aubrey	No
Cr Foxtton	No
Cr Hill	No
Cr Macphail	No

T14/3531 - WASTE REVIEW (REC)

Cr Reynolds	No
Cr Robartson	No
Cr Schuster	No
Cr Willis	No
Mayor Aubrey	No

COUNCIL RESOLUTION (3531)

APPROVAL

At 8.03pm Cr Willis moved, seconded Cr Robartson -

That the Council:

1. **Endorse the Southern Metropolitan Regional Council as the lead agency to undertake a regional review of waste disposal and develop a Regional Waste Management Strategy.**
2. **Requests the Southern Metropolitan Regional Council and the Regional Executive Group of the Southern Metropolitan Regional Council to undertake joint responsibility for the monitoring and oversight of the waste disposal review process.**
3. **Requests the Chief Executive Officer to respond in writing to the Southern Metropolitan Regional Council confirming acceptance of their offer to take a lead role with the regional review of waste disposal.**
4. **Notes that all other aspects of the 18 March 2014 Council Resolution will be implemented and a further report will be prepared and presented to a future meeting of the Council no later than 30 June 2015.**

At 8.14pm the Mayor submitted the motion, which was declared

CARRIED (9/2)

Vote Result Summary	
Yes	9
No	2

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Willis	Yes
Mayor Aubrey	Yes
Cr Barton	No
Cr Pazolli	No

M14/5000 – 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 Program : 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 20 June 2014 up to and including 24 July 2014 and recommends that the information be noted and endorsed.

M14/5000 – 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 (CEO) attest the affixing of the seal.

DETAIL

Register Reference	Party	Description	ECM Reference
935	City of Melville and Booragoon Occasional Child Care	Booragoon Occasional Childcare - Deed of Variation to Leased Area 57 Marmion Street Booragoon - a portion of Len Shearer Reserve West Reserve NO 41250 for a five year term from July 2011	3289240
937	City of Melville and WA Treasury Corporation	Master Lending Agreement Between Western Australian Treasury Corporation and City of Melville	3293096
939	City of Melville and Telstra Corporation	Telstra Corporation Deed of Lease – Wireless Hill – Lease Renewal	3322943
940	City of Melville	Contract of Employment Chief Executive Officer	3322432
942	City of Melville	Withdrawal of Caveat Deed of Indemnity for Building over Drainage Easement Lot 2 Hutchings Way, Kardinya	3333679

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

M14/5000 – COMMON SEAL REGISTER (REC)**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

(a) *the mayor or president; and*

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

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members' information.

OFFICER RECOMMENDATION AND 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 20 June 2014 up to and including 24 July 2014, be noted.

At 8.15pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

The Mayor read aloud the Purpose and Effect of the proposed local law.

The *purpose* of the proposed local law is to regulate the care, control and management of Activities in Thoroughfares, Public Places and Trading.

The effect of this local law is to control the use of local government Thoroughfares, Public Places and Trading. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government thoroughfares, public places and trading.

M14/5373 - PROPOSED CITY OF MELVILLE LOCAL GOVERNMENT ACTIVITIES IN THOROUGHFARES, PUBLIC PLACES AND TRADING LOCAL LAW 2014 (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Acts, Statutes and Local Laws
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	:	Not Applicable
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 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>

M14/5373 - PROPOSED CITY OF MELVILLE LOCAL GOVERNMENT ACTIVITIES IN THOROUGHFARES, PUBLIC PLACES AND TRADING LOCAL LAW 2014 (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The City previously initiated a review of all its local laws in accordance with s. 3.16 of the *Local Government Act 1995* (the Act) and in November 2009, adopted a number of review recommendations.
- The City is now placing before the Council the local law making process for the Activities in Thoroughfares, Public Places and Trading Local Law 2014.
- That the Council give consideration to endorse the determination process for the proposed City of Melville Local Government Activities in Thoroughfares, Public Places and Trading Local Law 2014.

BACKGROUND

In November 2009, the Council resolved to adopt a number of proposed recommendations made as a result of a review of its local laws. One of the recommendations was the repeal or amendment of certain local laws. It is now proposed to create a new local law relating to Activities in Thoroughfares, Public Places and Trading Local Law 2014 to replace four local laws that were made between 1988 and 2001.

DETAIL

The proposed City of Melville Local Government Activities in Thoroughfares, Public Places and Trading Local Law 2014 is provided as an attachment

[5373 Activities in Thoroughfares, Public Places and Trading Local Law 2014](#)

The City's existing local laws relating to:

- (a) Street Lawns and Gardens published in the *Government Gazette* on 19 March 1993;
- (b) Outdoor Eating Areas published in the *Government Gazette* on 8 July 1988;
- (c) Eating Houses published in the *Government Gazette* on 21 December 2001; and
- (d) Hawkers, Stall Holders and Street Traders published in the *Government Gazette* on 19 January 1996;

regulate activities on local government thoroughfares and public places. The current local laws are highly prescriptive and in many respects are outdated, having been made, in a number of instances, prior to the enactment of the current Local Government Act. It is therefore recommended that a new local law be created rather than amending the existing four local laws for the following reasons –

- The consolidated local law would ensure all local laws relating to local government Activities in Thoroughfares, Public Places and Trading are located in one Local Law;
- The existing local laws are outdated,

M14/5373 - PROPOSED CITY OF MELVILLE LOCAL GOVERNMENT ACTIVITIES IN THOROUGHFARES, PUBLIC PLACES AND TRADING LOCAL LAW 2014 (REC) (ATTACHMENT)

- The Western Australian Local Government Association (WALGA) model local law on which the proposed local law is based has been adopted by a number of local governments thereby ensuring some uniformity amongst local governments as to local laws;
- The local law is clear and written in plain English;
- It allows the local government freedom to apply conditions on permit applications and entry to local government property;
- The current local laws are too prescriptive.

It is proposed to incorporate the majority of provisions contained within the existing local laws within the one local law, in order to regulate activities on and in all thoroughfares and public places owned by and under the City's care, control and management such as, Advertising Signs, Obstructing Animals, Vehicles or Shopping Trolleys, Trading, Permits, Objections and Appeals and Enforcement. In terms of content, the proposed local law is not very different from the existing local laws.

The proposed local law covers –

- Circumstances where permits are required to permit the use of the City's thoroughfares and public places;
- Behaviour on all City thoroughfares and public places;
- Objections and appeals; and
- Enforcement.

1. Permits

The local law provides a permit process for pursuing activities on local government thoroughfares and public places. This allows for the local government to have better control on the activities undertaken on its thoroughfares and public places and to ensure that individuals do not abuse their approval.

2. Behaviour on all Local Government thoroughfares and public places

Many of the clauses within this part are similar to content contained in the existing local laws. Behaviour that interferes with others or damages property; damaging street trees; and consuming or possessing liquor without a permit whilst on local government thoroughfares and public places are all covered within this part.

3. Matters relating to particular Local Government thoroughfares and public places

This part deals with vehicle crossings, verge treatments, fencing, advertising, animals and vehicles and shopping trolleys. It allows the managers and controllers who deal with these matters some autonomy in setting rules and conditions of construction, use and entry.

M14/5373 - PROPOSED CITY OF MELVILLE LOCAL GOVERNMENT ACTIVITIES IN THOROUGHFARES, PUBLIC PLACES AND TRADING LOCAL LAW 2014 (REC) (ATTACHMENT)

4. Objections and Appeals

The provisions of Part 9 of the *Local Government Act 1995* apply to any decision made in relation to granting permits or consent under the local law.

5. Enforcement

This deals with the enforcement provisions of the local law. It sets out the offence provisions, the modified penalties for failure to comply with the provisions of the local law, the form of notices, the provisions that relate to the impounding of goods, and the ability for a local government to undertake the requirements of any notice and reclaim the costs of doing so where a person has failed to comply with the notice.

Local Law making Process

Under the *Local Government Act 1995*, s. 3.12 sets out the process in order to make a local law. Council should note that commencement of this part of the process does not bind them to adopt the local law but only starts the process and allows for public comment to be made concerning the proposed adoption of the amendment local law.

At the meeting the Presiding Member is to give notice of the purpose and effect of the proposed local law.

The *purpose* of the proposed local law is to regulate the care, control and management of Activities in Thoroughfares, Public Places and Trading.

The *effect* of this local law is to control the use of local government Thoroughfares, Public Places and Trading. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government thoroughfares, public places and trading.

Under s. 3.12(3) a local government is required to give statewide public notice that the local government proposes to make a local law.

The notice is to include:

- (a) the purpose and effect of the local law;
- (b) advice that copies of the proposed local law can be obtained from the local government; and
- (c) is to invite submissions for a period of six weeks.

M14/5373 - PROPOSED CITY OF MELVILLE LOCAL GOVERNMENT ACTIVITIES IN THOROUGHFARES, PUBLIC PLACES AND TRADING LOCAL LAW 2014 (REC) (ATTACHMENT)

At the conclusion of the public submission period, the local government is to consider any submissions received and may then adopt the local law. The local law will be brought back to the Council for adoption. Should the Council require a significant amendment to the local law, then the advertising process will be required again as it is deemed to be a new local law.

PUBLIC CONSULTATION/COMMUNICATION

The City is required to provide statewide and local public notice and advertise the proposed local law in accordance with s. 3.12(3) of the Act.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

The community will be offered an opportunity to respond during the local public notice period of 42 clear days and make submissions to the Council.

II. OTHER AGENCIES / CONSULTANTS

The Department of Local Government and Communities will review the draft local law. Once the local law has been adopted by the Council, the Joint Standing Committee on Delegated Legislation will determine whether to approve the local law.

STATUTORY AND LEGAL IMPLICATIONS

Section 3.12 of the *Local Government Act 1995* outlines the procedure that a Local Government must follow for making a local law.

FINANCIAL IMPLICATIONS

The cost implications are the costs associated with advertising and gazetting the local law.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Adequate local laws allow for protection of members of the community through the regulation of activities in controlled parameters. It is therefore a requirement, that local laws are relevant, easy to understand and adequate.

M14/5373 - PROPOSED CITY OF MELVILLE LOCAL GOVERNMENT ACTIVITIES IN THOROUGHFARES, PUBLIC PLACES AND TRADING LOCAL LAW 2014 (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The proposed local law provides for the consolidation of all local laws relating to Activities in Thoroughfares, Public Places and Trading. In doing so, it allows for employees and residents ease of access to regulation pertaining to activities undertaken on local government Thoroughfares, Public Places and Trading.

The proposed local law is written in plain English to facilitate reader understanding and has removed some of the prescriptive clauses of the existing local laws. The determination process allows local governments more freedom to make decisions relating to local government property whilst still engaging with the public in consultation.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5373)**APPROVAL****That the Council:**

Authorise the Chief Executive Officer to advertise the proposed City of Melville Local Government Activities in Thoroughfares, Public Places and Trading Local Law 2014 as contained in

5373 Activities in Thoroughfares, Public Places and Trading Local Law 2014 for public comment, in accordance with the requirements of Section 3.12(3) of the *Local Government Act 1995*.

At 8.16pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

C14/6000 - INVESTMENT STATEMENTS FOR JUNE 2014 (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 – 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>
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<input checked="" type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents the preliminary investment statements for the period ending 30 June 2014 for the Council's information and noting. Final statements will be presented after the end of financial year external audit.

C14/6000 - INVESTMENT STATEMENTS FOR JUNE 2014 (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 30 June 2014 are shown in the tables below.

CITY OF MELVILLE	
STATEMENT OF INVESTMENTS	
FOR THE PERIOD ENDING 30 JUNE 2014	
SUMMARY BY FUND	AMOUNT \$
MUNICIPAL	\$ 10,275,438
RESERVE	\$ 86,512,210
TRUST	\$ 390,234
CITIZEN RELIEF	\$ 201,061
	\$ 97,378,943
SUMMARY BY INVESTMENT TYPE	AMOUNT \$
11AM	\$ 1,951,737
TERM DEPOSIT	\$ 92,146,561
BOND	\$ 2,000,000
CDO	\$ 1,050,000
UNITS (Local Govt Hse)	\$ 230,645
	\$ 97,378,943
SUMMARY BY CREDIT RATING	AMOUNT \$
AA	\$ 4,500,000
AA-	\$ 56,698,298
A+	\$ 17,000,000
A	\$ 3,900,000
A-	\$ 14,000,000
BBB+	\$ -
NR	\$ 1,050,000
UNITS (Local Govt Hse)	\$ 230,645
	\$ 97,378,943

C14/6000 - INVESTMENT STATEMENTS FOR JUNE 2014 (REC)

The following statements detail the investments held by the City for the period ending 30 June 2014.

STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 30 JUNE 2014						
INSTITUTION / INVESTMENT	RISK of IMPAIRMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT \$	MATURITY DATE
BANKWEST (11AM)	Very Low	11AM	2.50%	AA-	\$1,334	On call
WESTPAC (MAXI DIRECT)	Very Low	11AM	2.50%	AA-	\$1,350,000	On call
WESTPAC (MAXI BONUS 1)	Very Low	11AM	2.85%	AA-	\$600,296	On call
WESTPAC (MAXI BONUS 2)	Very Low	11AM	2.85%	AA-	\$108	On call
					\$1,951,737	
BANK OF QUEENSLAND (TERM)	Very Low	TERM	Various	A-	\$3,500,000	Various
BENDIGO AND ADELAIDE BANK (TERM)	Very Low	TERM	Various	A-	\$3,100,000	Various
CITIBANK (TERM)	Very Low	TERM	Various	AA-	\$15,459,233	Various
AMP BANK (TERM)	Very Low	TERM	Various	A+	\$13,800,000	Various
ING BANK (TERM)	Very Low	TERM	Various	A-	\$7,400,000	Various
MACQUARIE BANK (TERM)	Very Low	TERM	Various	A	\$3,900,000	Various
NAB (TERM)	Very Low	TERM	Various	AA-	\$18,487,328	Various
RABODIRECT (TERM)	Very Low	TERM	Various	AA	\$2,500,000	Various
ST GEORGE BANK (TERM)	Very Low	TERM	Various	AA-	\$8,200,000	Various
SUNCORP METWAY LTD (TERM)	Very Low	TERM	Various	A+	\$3,200,000	Various
WESTPAC (TERM)	Very Low	TERM	Various	AA-	\$12,600,000	Various
					\$92,146,561	
COMMONWEALTH BANK (RETAIL BOND)	Very Low	BOND	3.70%	AA	\$2,000,000	20-Dec-15
					\$2,000,000	
MANAGED ACES CLASS 1A PARKES	Very High	CDO	4.24%	NR	\$1,050,000	20-Jun-15
-Face Value					\$1,050,000	
-Written Down (Book) Value (30 June 2009)					\$9,874	
-Estimated Market Value					\$299,880	
					\$1,050,000	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	NA	\$230,645	NA
TOTAL FUNDS INVESTED					\$97,378,943	
CREDIT RISK COMPARISON						
CREDIT RISK		AMOUNT \$	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments	
AA		\$4,500,000	5%	80%		
AA-		\$56,698,298	58%	80%		
A+		\$17,000,000	17%	50%		
A		\$3,900,000	4%	50%		
A-		\$14,000,000	14%	50%		
BBB+		\$0	0%	20%		
NR		\$1,050,000	1%			Purchased Prior To Policy Change
UNITS IN LOCAL GOVT. HOUSE		\$230,645	0%	0.1%		Council Decision
TOTAL		97,378,943	100%			

C14/6000 - INVESTMENT STATEMENTS FOR JUNE 2014 (REC)

DIVERSIFICATION RISK							
INSTITUTION	INVESTMENT TYPE	S & P RATING	AMOUNT \$	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+	13,800,000	14.17%	14.17%	15%	
BANKWEST (11AM)	11AM	AA-	1,334	0.00%		20%	
BANKWEST (TERM)	TERM	AA-	-	0.00%	0.00%	20%	
BANK OF QUEENSLAND (TERM)	TERM	A-	3,500,000	3.59%		15%	
BANK OF QUEENSLAND (FLOAT RATE TD)	FRTD	A-	-	0.00%	3.59%	15%	
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	3,100,000	3.18%	3.18%	15%	
CITIBANK (TERM)	TERM	AA-	15,459,233	15.88%	15.88%	20%	
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		20%	
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	2,000,000	2.05%	2.05%	20%	
ING BANK (TERM)	TERM	A-	7,400,000	7.60%	7.60%	15%	
MACQUARIE BANK (TERM)	TERM	A	3,900,000	4.00%	4.00%	15%	
NAB (TERM)	TERM	AA-	18,487,328	18.98%	18.98%	20%	
RABODIRECT (TERM)	TERM	AA	2,500,000	2.57%	2.57%	15%	
ST GEORGE BANK (TERM)	TERM	AA-	8,200,000	8.42%	8.42%	20%	
SUNCORP METWAY LTD (TERM)	TERM	A+	3,200,000	3.29%	3.29%	15%	
WESTPAC (MAXI BONUS 1)	11AM	AA-	600,296	0.62%		20%	
WESTPAC (MAXI BONUS 2)	11AM	AA-	108	0.00%		20%	
WESTPAC (MAXI DIRECT)	11AM	AA-	1,350,000	1.39%		20%	
WESTPAC (TERM)	TERM	AA-	12,600,000	12.94%	14.94%	20%	
MANAGED ACES CLASS 1A PARKES UNITS IN LOCAL GOVT HOUSE	CDO		1,050,000	1.08%	1.08%		Purchased Prior To Policy Change
	NA	NA	230,645	0.24%	0.24%		
			97,378,943	100%	100%		
MATURITY COMPARISON							
TERM to MATURITY	AMOUNT \$	ACTUAL PROPORTION	MAX. % IN ANY ONE YEAR	Comments			
MUNICIPAL & TRUST FUNDS							
< 1 year	10,435,027	100%	100%				
	10,435,027	100%					
RESERVE FUNDS							
< 1 year	84,512,210	98%	100%				
< 2 years	2,000,000	2%	80%				Purchased Prior To Policy
< 3 years	-	0%	80%				
< 4 years	-	0%	40%				
< 5 years	-	0%	40%				
> 5 years	-	0%	20%				
	86,512,210	100%					

The City's sole remaining Collateralised Debt Obligation (CDO) (MAS Parkes 1A), which has a final maturity date of 20 June 2015, has suffered an erosion of credit support and therefore underlying principal of 41.9%. It continues to pay interest at the reduced principal rate.

The sole remaining value of this CDO as at 30 June 2014 was:

- Face Value	\$ 1,050,000
- Written Down (Book) Value (30 June 2009)	\$ 9,874
- Estimated Market Value (30 June 2014)	\$ 299,880

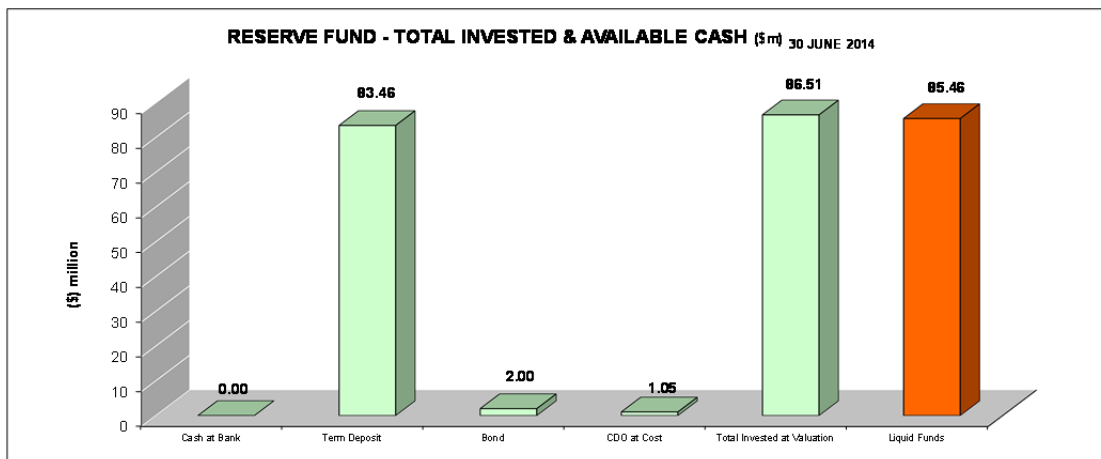
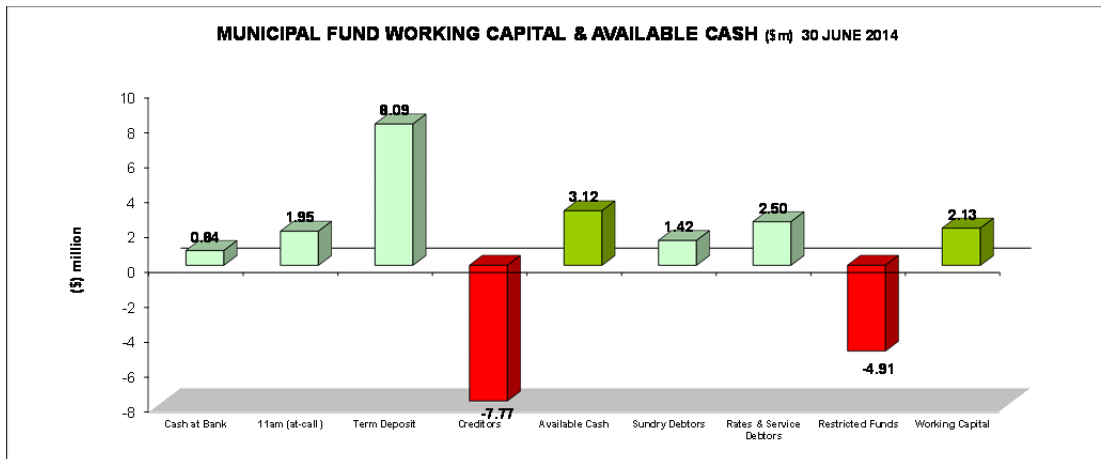
The City has earned approximately \$5.12 million from CDO investments since 1 July 2007 and continues to earn interest from 1 remaining CDO, albeit at a reduced rate as highlighted above.

C14/6000 - INVESTMENT STATEMENTS FOR JUNE 2014 (REC)

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
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.

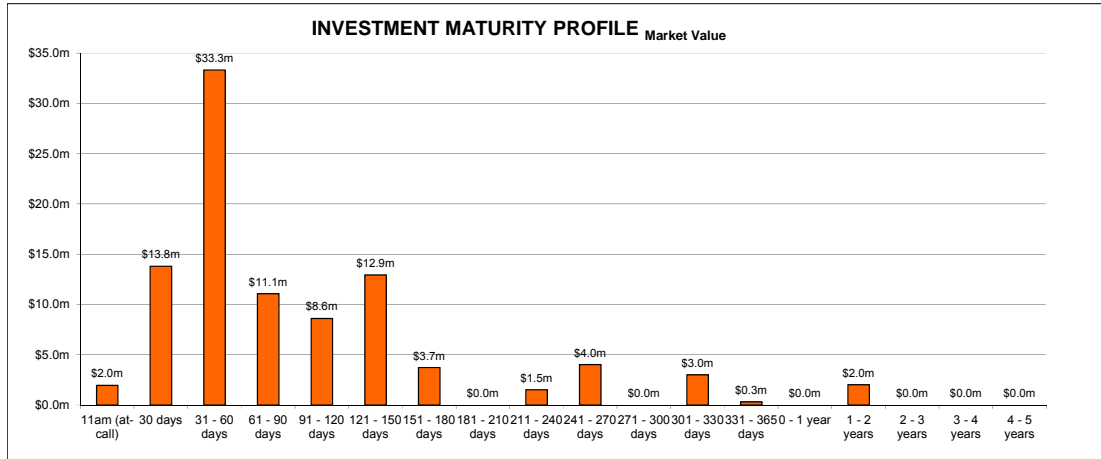
Net Funds Held

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 30 June 2014.



C14/6000 - INVESTMENT STATEMENTS FOR JUNE 2014 (REC)

The graph below summarise the maturity profile of the City's investments at market value as at 30 June 2014.



STAKEHOLDER ENGAGEMENT

I. COMMUNITY

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.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

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)

In conjunction with approximately 71 local government authorities, charities and other entities, (The Applicants) the City of Melville engaged litigation funder IMF (Australia) Ltd. to seek recovery of losses from Lehman Brothers Australia (LBA) in the Supreme Court of Australia.

On 21 September 2012, Federal Court of Australia Justice Rares delivered his findings. In summary, "His Honour found that LBA, in selling and advising on sales of certain investment products to the Applicants, acted in breach of contracts it had with the Applicants, engaged in misleading or deceptive conduct, was negligent and was in breach of its fiduciary duties as a financial adviser to the Applicants". For these reasons, LBA was found to be liable to compensate the Applicants for their losses incurred as a result of their investments.

C14/6000 - INVESTMENT STATEMENTS FOR JUNE 2014 (REC)

On 3 and 21 December 2012 and 25 March 2013, Justice Rares made the Common Issues Orders (which determine a number of common questions and answers binding on the Applicants, LBA and Group Members). On 25 March 2013, Justice Rares granted the Declaratory Relief declaring, amongst other things, the amounts for which the Applicants are entitled to be admitted to prove in the liquidation of LBA.

Whilst the decisions taken by the various courts have been positive for the litigants, the legal process is lengthy.

Piper Alderman has prepared the City of Melville's final Proof of Debt claim which was lodged with the liquidators in February 2014. No accurate estimates of the distribution amounts that will eventually be made to the City can be made at this time.

FINANCIAL IMPLICATIONS

For the period ending 30 June 2014:

- Investment earnings on Municipal and Trust Funds were \$1,322,589 against a budget of \$1,421,000 representing a \$98,411 negative variance.
- Investment earnings on Reserve accounts were \$3,148,200 against a budget of \$2,300,000. This represents a \$848,200 positive variance and is due to the higher level of Reserve account balances than anticipated at budget preparation time.

Due to the continued low 'Cash' rate and the legislative restrictions that have been placed by State Government, the City's revenue earned from investment earnings is expected to remain at current levels in the foreseeable future.

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 \$1.05 million of the City's last legacy CDO investment 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 and help reduce exposure to reductions in interest rates.

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

C14/6000 - INVESTMENT STATEMENTS FOR JUNE 2014 (REC)**POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds.

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

Future investment earnings are expected to continue to remain low due to interest rates continuing to be low and legislative restrictions on the maximum terms of investment options available to the City.

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

That the Investment Report for the month of June 2014 be noted.

At 8.17pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2014 (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 – 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 June 2014 and recommends that the Schedule of Accounts be noted.

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2014 (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 Paid for the month ending 30 June 2014 ([6001 June 2014](#)), including Payment Registers numbers, Cheques 408 to 411 and Electronic Funds Transfers batches 332 to 334 was distributed to the Elected Members of Council on 19 August 2014.

Payments in excess of \$25,000 for the month of June 2014 are detailed as follows:

Supplier Name	Remittance Number	Remittance Details	Amount
Advance Press (2013) Pty Ltd	E039473, E039626 & E039873	Printing cost	\$32,225.60
Arborwest Tree Farm	E039405	Trees replacement	\$35,871.00
Asphalttech Pty Ltd	E039623 & E039861	Road resurfacing & removal of kerbing	\$230,269.20
Bibliotheca RFID Library Systems Aust Pty Ltd	E039874	Supply of RFID system	\$67,727.00
Canon Australia Pty Ltd	E039381, E039561 & E039739	Photocopy charges	\$31,000.53
Carrington Traffic Services WA	E039505, E039654 & E039917	Traffic management & control	\$33,350.25
City of Cockburn	E039523 & E039671	Tip fees for May	\$58,103.46
Complete Tyre Solutions	E039580 & E039785	Supply & repair tyres	\$37,089.22
CPD Group	E039503, E039652 & E039912	Refurbishment for Wireless Hill Building	\$73,203.13
Crabclaw Holdings Pty Ltd	E039393, E039573, E039660 & E039755	Building maintenance & Fit out Civic Square Library	\$147,467.71
Data#3 Limited	E039773	Core CAL (Client Access License)	\$103,584.25
Datacom Systems WA	E058306, E058578 & E058674	IT & Computer supplies	\$38,321.00
Davro Interiors Pty Ltd	E058300	Shelving for Civic Square Library	\$36,329.76
Dickies Tree Service	E039332, E039525 & E039674	Tree pruning & removals	\$213,162.68
Downer EDI Works Pty Ltd	E039440, E039600 & E039822	Road Resurfacing	\$2,051,180.97
Dowsing Concrete	E039507 & E039918	Concrete works	\$100,580.24
Elexacom	E039410, E039578 & E039780	Light repairs	\$26,226.07
Elite Pool Covers Pty Ltd	E039610	Pool Blanks, frames, bench & pool buddy	\$104,723.30
Ellenby Tree Farm Pty Ltd	E039545 & E039714	Tree supplies	\$49,280.00
Fire & Emergency Services Authority WA	E039618	ESL remittance for May	\$95,354.77
Flexi Staff	E039357, E039542 & E039707	Temporary employment	\$70,217.63

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2014 (REC) (ATTACHMENT)

Supplier Name	Remittance Number	Remittance Details	Amount
Forrestvale Trees	E039463 & E039847	Tree supplies	\$33,154.00
GHD Pty Ltd	E039436, E039597 & E039817	Site management plan & restoration strategy	\$50,163.34
Greenspan – MCE	E039363 & E039713	Enviro moisture probe & calibrate influx meters	58,405.60
Greenway Enterprises	E039498, E039649 & E039909	Arboriculture tools & equipment	\$52,698.78
Hays Specialised Recruitment	E039468 & E039860	Temporary workers	\$30,602.79
Humes Wembley Cement	E039379 & E039738	Humegard Concrete Pollutant Trap	\$53,085.43
Hydroquip Pumps	E039365 & E039718	Replace & service irrigation pumps	\$70,137.10
Integral Project Creation Pty Ltd	E039882	Site development analysis	\$34,375.00
Jani King Pty Ltd	E039415 & E039789	Cleaning services for June & Alan Edwards cleaning	\$29,263.67
JMG Air Conditioning & Electrical Services	E039461, E039615 & E039844	Air conditioning maintenance	\$121,257.43
Landgate	E039386, E039567 & E039744	GRV general values	\$460,966.13
Lawndocor	E039401 & E039766	Top dress at 5mm	\$33,078.00
Main Roads WA	E039765	Installation 2 traffic signals	\$37,630.57
MMM WA Pty Ltd	E039420, E039585 & E039798	Repair & remedial works for various places	\$160,293.41
Natural Area Management & Services	E039501, E039650 & E039911	Weed control & restoration project for various place	\$65,673.67
PNM Superior Floors	E039803	Civic centre carpet replacement	\$30,416.10
RBM Drilling	E039376 & E039558	Irrigation bore to Purver Cove	\$28,160.00
Red 11	E039447	Elitedesk desktop	\$70,952.00
Rhysco Electrical Services	E039434, E039594 & E039814	Electrical services for various place	\$42,722.91
Roads 2000 Pty Ltd	E039624	Asphalt to Burke Drive	\$30,818.06
Robinson Buildtech	E039343, E039533 & E039689	Building maintenance for various place	\$139,709.39
Sandpoint Pty Ltd	E039452	Footpath kerb	\$49,105.98
Southern Metro Regional Council	E039407, E039577 & E039774	Fee charges for May & June	\$1,725,739.43
Staples Australia Pty Ltd	E039366, E039547 & E039720	Office & Stationary supplies	\$49,130.48
Stormbox	E039372, E039553 & E039728	Design & printing various item	\$26,860.90
Sympari Group (T/A)	E058315 & E058694	Various furniture	\$73,557.00
Synergy	E039356, E039541 & E039706	Electricity charges & street lights	\$429,419.87
Table & Chair Company	Chq058574	Furniture for Civic Square Library	\$98,027.60
Technology One Ltd	E039508, E039657 & E039919	Licenses, annual support fee & maintenance	\$216,726.24
Titan Ford	E039377, E039559 & E039736	Ford PX ranger & services for various vehicle	\$33,643.65
TJS Cleaning Services Perth Pty Ltd	E039880	Cleaning services for Leisure fit centres from February to June	\$70,459.12
Tree Amigos Tree Surgeons	E039431, E039591 & E039810	Street tree power line pruning	\$172,545.79
Tree Planting & Watering	E039621 & E039857	Street tree watering	\$42,055.07

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2014 (REC) (ATTACHMENT)

Supplier Name	Remittance Number	Remittance Details	Amount
Triton Electrical Contractors Pty Ltd	E039850	Supply & install switchboard for various place	\$110,932.37
Water Corporation	E058286, E058560 & E058645	Water charges	\$38,930.91
Western Australia Local Government Association	E039409 & E039779	Advertising cost	\$25,673.04
Woodlands Distributors & Agencies Pty Ltd	E039425 & E039590	Restore boardwalk & gazebo	\$58,649.80

STAKEHOLDER ENGAGEMENT

I. COMMUNITY

Not applicable.

II. 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.

C14/6001 – SCHEDULE OF ACCOUNTS PAID FOR JUNE 2014 (REC) (ATTACHMENT)**CONCLUSION**

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001) NOTING

That the Schedule of Accounts paid for the month ending 30 June 2014 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 June 2014](#) be noted.

At 8.17pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY EN BLOC (11/0)

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2014 (AMREC)
(ATTACHMENTS)**

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Reporting - Statements of Financial Activity
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 – Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

KEY ISSUES / SUMMARY

This report presents:

- The preliminary Statements of Financial Activity for the period ending 30 June 2014 and recommends that they be noted by the Council. Final statements will be presented after the end of financial year external audit.
- Budget amendments for the period ending 30 June 2014 and recommends that they be adopted by Absolute Majority decision of the Council.
- The variances for the month of June 2014 and recommends that they be noted by the Council.

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2014 (AMREC)
(ATTACHMENTS)**
BACKGROUND

The preliminary Statements of Financial Activity for the period ending 30 June 2014 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 30 June 2014, net operating positive variances of \$7,114,328 and net capital positive variances of \$10,900,454 were recorded.

Variations

A summary of variances and comments are provided in attachment [6002H June 2014](#).

CITY OF MELVILLE RATE SETTING STATEMENT FOR THE PERIOD ENDED 30 JUNE 2014							
	June Actual \$	YTD Rev. Budget \$	YTD Actual \$	Variance \$	Variance %	Annual Budget \$	Annual Rev. Budget \$
Revenues							
Governance	214,014	1,821,151	2,336,317	515,166	28%	1,561,852	1,821,151
General Purpose Funding	394,329	7,894,687	10,450,072	2,555,384	32%	8,731,000	7,894,687
Law, Order, Public Safety	22,808	2,661,859	2,789,137	127,278	5%	2,575,492	2,661,859
Community Amenities	68,811	17,020,766	17,073,247	52,481	0%	17,008,375	17,020,766
Recreation and Culture	1,091,164	10,129,756	10,369,159	239,403	2%	9,702,781	10,129,756
Transport	354,167	5,185,713	3,602,393	(1,583,320)	-31%	5,476,094	5,185,713
Other Property and Services	58,979	2,194,220	440,484	(1,753,736)	-80%	401,476	2,194,220
	2,226,909	47,574,132	47,759,161	185,028	0%	46,106,554	47,574,132
Expenses							
Governance	(1,366,286)	(11,662,751)	(10,506,631)	1,156,119	-10%	(11,760,677)	(11,662,751)
Law, Order, Public Safety	(382,968)	(3,899,639)	(3,689,554)	210,085	-5%	(3,900,624)	(3,899,639)
Education & Welfare	(544,650)	(5,624,405)	(5,347,200)	277,204	-5%	(5,473,488)	(5,624,405)
Community Amenities	(2,114,194)	(20,087,146)	(19,720,514)	366,632	-2%	(19,616,325)	(20,087,146)
Recreation and Culture	(3,390,652)	(29,480,137)	(29,004,884)	475,253	-2%	(28,264,446)	(29,480,137)
Transport	(1,269,974)	(10,157,604)	(9,629,677)	527,927	-5%	(10,246,696)	(10,157,604)
Other Property and Services	(542,471)	(7,689,326)	(7,523,967)	165,360	-2%	(11,028,916)	(7,823,345)
	(9,760,991)	(92,013,790)	(88,813,654)	3,200,137	-3%	(93,615,109)	(92,147,809)
Adjustments for Cash Budget Requirements							
Non-Cash Revenue & Expenditure							
(Profit)/Loss on Asset Disposals	66,961	(1,764,025)	189,165	1,953,190	-111%	(6,050)	(1,764,025)
	1,151,105	12,226,769	14,188,104	1,961,334	16%	16,186,305	12,226,769
Capital Revenue & Expenditure							
Purchase of Furniture & Equipment	(526,238)	(2,934,372)	(2,193,570)	740,802	-25%	(2,145,769)	(2,934,372)
Purchase of Plant & Equipment	(32,184)	(4,501,364)	(1,200,199)	3,301,165	-73%	(2,630,957)	(4,501,364)
Purchase of Land & Buildings	(234,933)	(4,140,418)	(1,810,597)	2,329,821	-56%	(2,466,100)	(4,140,418)
Purchase of Infrastructure Assets	(3,286,032)	(19,760,278)	(13,086,227)	6,674,051	-34%	(15,788,547)	(19,760,278)

Revenue

\$56.065m in Rates was raised to 30 June 2014. This is compared with a year to date budget of \$56.125m, resulting in a negative variance of \$60K (-0.11%).

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2014 (AMREC)
(ATTACHMENTS)**

Money Expended in an Emergency and Unbudgeted Expenditure

Not applicable for June 2014

Budget Amendments

Details of Budget Amendments requested for the month of June 2014 are shown in attachment [6002J June 2014](#). These amendments have been carried out to reflect the appropriate responsible officers and the correction of account numbers.

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 \$679,373 were collected over the course of the month. Rates collection progress for the month of June was 0.4% below target. As at 30 June 2014, 97.6% of 2013/2014 rates had been collected. This is 0.5% higher than collected for the same time last year.

Total sundry debtor balances increased by \$23,595 over the course of the month. The 90+ day's debtor balance increased by \$9,071.

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 June 2014.

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

DESCRIPTION	LINK
Rate Setting Statement June 2014	6002A June 2014
Statement of Financial Activity – June 2014	6002B June 2014
Representation of Net Working Capital – June 2014	6002E June 2014
Reconciliation of Net Working Capital – June 2014	6002F June 2014
Notes on Rate Setting Statement reporting on variances of 10% or greater – June 2014	6002H June 2014
Details of Budget Amendments requested – June 2014	6002J June 2014
Summary of Rates Debtors – June 2014	6002L June 2014
Graph Showing Rates Collections – June 2014	6002M June 2014
Summary of General Debtors aged 90 Days Old or Greater – June 2014	6002N June 2014

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2014 (AMREC)
(ATTACHMENTS)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

II. OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

34. Financial activity statement report — s. 6.4

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

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

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

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

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

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

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

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2014 (AMREC)
(ATTACHMENTS)**

(4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (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.

FINANCIAL IMPLICATIONS

Variances are dealt with in attachment [6002H June 2014](#) (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 Statements of Financial Activity as presented to the Council and the reporting of significant variances is undertaken in accordance with the Council's Accounting Policy CP-025.

CONCLUSION

The attached financial reports reflect a positive financial position of the City of Melville as at 30 June 2014.

**C14/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR JUNE 2014 (AMREC)
(ATTACHMENTS)**

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

That the Council:

At 8.18pm Cr Macphail moved, seconded Cr Schuster –

- Note the Preliminary Rate Setting Statement and Statements of Financial Activity for the month ending 30 June 2014 as detailed in the following attachments:**

DESCRIPTION	LINK
Rate Setting Statement June 2014	6002A June 2014
Statement of Financial Activity – June 2014	6002B June 2014
Representation of Net Working Capital – June 2014	6002E June 2014
Reconciliation of Net Working Capital – June 2014	6002F June 2014
Notes on Rate Setting Statement reporting on variances of 10% or greater – June 2014	6002H June 2014
Details of Budget Amendments requested – June 2014	6002J June 2014
Summary of Rates Debtors – June 2014	6002L June 2014
Graph Showing Rates Collections – June 2014	6002M June 2014
Summary of General Debtors aged 90 Days Old or Greater – June 2014	6002N June 2014

- By Absolute Majority Decision adopt the budget amendments, as listed in the Budget Amendment Reports for June 2014, as detailed in attachment [6002J June 2014](#).**

At 8.22pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (11/0)

Vote Result Summary	
Yes	11
No	0

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barton	Yes
Cr Foxton	Yes
Cr Hill	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Reynolds	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Willis	Yes
Mayor Aubrey	Yes

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16. EN BLOC ITEMS**

At 8.23pm Cr Willis moved, seconded Cr Reynolds –

That the recommendations for items P14/3522, P14/3525, P14/3526, P14/3527, P14/3529, T14/3530, M14/5000, M14/5373, C14/6000 and C14/6001 be carried En Bloc.

At 8.23pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (11/0)

17. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**18. CLOSURE**

There being no further business to discuss the Mayor declared the meeting closed at 8.23pm.