



**MINUTES**  
**FOR THE**  
**ORDINARY MEETING OF THE COUNCIL**  
**HELD ON**  
**TUESDAY 19 APRIL 2016**  
**AT 6.30PM IN THE COUNCIL CHAMBERS**  
**MELVILLE CIVIC CENTRE**

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## **CONTENTS PAGE**

	<b>Item Description</b>	<b>Page Number</b>
<b>URBAN PLANNING</b>		
<b>P16/3703</b>	Retrospective Application For A Three Storey Mixed Use Development At Lot 149 (70) Gilbertson Road, Kardinya	13
<b>P16/3698</b>	Planning Control Area For Canning Highway	20
<b>P16/3702</b>	Proposed Council Policy – CP-098 Additional Development Exemptions	27
<b>TECHNICAL SERVICES</b>		
Nil		
<b>COMMUNITY DEVELOPMENT</b>		
<b>CD16/8079</b>	Parking Permit Policy	32
<b>MANAGEMENT SERVICES</b>		
<b>M16/5472</b>	Amendment to Minutes of the Ordinary Meeting of Council 15 April 2014 - Chief Executive Officer Performance Review	41
<b>M16/5474</b>	Local Law Review 2016	47
<b>M16/5475</b>	Proposed City of Melville Parking Local Law 2016	52
<b>M16/5000</b>	Common Seal Register	63
<b>CORPORATE SERVICES</b>		
<b>C16/6000</b>	Investment Statements for February 2016	67
<b>C16/6001</b>	Schedule of Accounts Paid for February 2016	75
<b>C16/6002</b>	Statements of Financial Activity for February 2016	80
<b>LATE ITEMS</b>		
<b>CD16/8080</b>	Late Item - Self Supporting Loan – Brentwood Karoonda Sporting Association	86
<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>		
<b>16.1</b>	Proposal to Create a Council Policy on Complaints Management	94
<b>16.2</b>	Review of Development Assessment Panels	5
<b>16.3</b>	Amendment to CP-029 – Street Tree Policy	97
<b>MOTIONS WITHOUT NOTICE</b>		
<b>17.1</b>	Review of Development Assessment Panels	6
<b>17.2</b>	Relocation of Mount Pleasant Bowls Club Other Options	98

**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 APRIL 2016.**

**1. OFFICIAL OPENING**

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

**Affirmation of Civic Duty and Responsibility**

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

**2. PRESENT**

His Worship the Mayor R Aubrey

**COUNCILLORS**

Deputy Mayor Cr C Schuster  
Cr N Pazolli  
Cr C Robartson, Cr M Woodall  
Cr R Aubrey, Cr D Macphail  
Cr P Phelan, Cr L O'Malley  
Cr T Barling,  
Cr J Barton, Cr G Wieland

**WARD**

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

**3. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms C Young	Director Community Development
Ms K Brosztl	A/Director Technical Services
Mr S Cope	Director Urban Planning
Mr J Clark	A/Executive Manager Legal Services
Mr P Prendergast (Until 9.28pm)	Manager Statutory Planning
Mr M Spencer (Until 9.27pm)	Senior Strategic Urban Planner
Mr B Dawkins (Until 10.01pm)	Manager Neighbourhood Amenity
Mr M Doyle (Until 10.12pm)	Community Recreation Coordinator
Mr E Gould	Marketing & Communications Coordinator
Mr N Fimmano	A/Governance and Compliance Program Manager
Ms S Tranchita	Minute Secretary

At the commencement of the meeting there were 42 members of the public and one member from the Press representing Melville Times in the Public Gallery.

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

Nil

**4.2 APPROVED LEAVE OF ABSENCE**

Cr N Foxtton – University 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

### 6.1 Mr I Nielsen – Booragoon

#### **BACKGROUND:**

In Section 5.23 - Meetings generally open to public of the Act; subsections (1) & (1b) stipulate that any committee meetings are to be open to members of the public, subject to subsection (2) of course.

Also, Section 5.24 (1) and (1b) stipulate that time must be allocated for questions to be raised by members of the public and responded to.

The Charters for the Governance Committee and the Financial Management Audit, Risk & Compliance Committee indicate that Minutes are to be taken and submitted at the next Ordinary Meeting of Council

#### Question 1

*Since 2008/09 there has been no publication of any Agenda for any of the City's committee meetings effectively preventing the public from attending, making presentations and asking questions as they do not know when these meetings are to occur. Why did the City stop publishing the Agenda for these committee meetings and who authorised it?*

#### Response

The two committees referred to are committees without delegation and therefore it is not required under the *Local Government Act 1995 S 5.23 (1b)* for those Committees to be open to the public. It is only a requirement for committees that have a delegation.

The second part of this question was taken on Notice.

#### Question 2

*Similarly, the publication of the Minutes of Committee Meetings ceased in mid-2009. Why did the City stop publishing the Minutes of these committee meetings and who authorised it?*

#### Response

Question two was taken on Notice.

#### Question 3

*Subsequent to ending the publication of the Minutes (Q2, above) back in 2009 the City elected to only "NOTE" in the Council Minutes the existence of unconfirmed minutes from only two of the City's committee meetings without any indication of what these minutes contained. Why did the City adopt this format which has effectively left the public in the dark regarding committee activities? Who authorised this?*

#### Response

Question three was taken on Notice.

## 6. QUESTION TIME CONTINUED

### 6.2 Mr Pearson – Myaree

#### Question 1

*In any motion regarding the Development Assessment Panel (DAP), will those councillors who are members of a DAP (or Deputies), be requested to leave the debate, since they have a clear conflict of interest - they are paid to attend the DAP meetings? If not, why not? And will they be requested not to vote? If not, why not?*

#### Response

Under the *Local Government Act 1995* section 5.63 (1) (g) – Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests: An interest arising only because the relevant person is or intends to become a member, officer bearer, officer or employee of a department of the public service of the state or commonwealth or a body established under this act or any other written law. Any of the Councillors who are sitting as DAP members or Deputy Members are covered by this provision. They may wish to make a Code of Conduct declaration but there is no requirement for that to occur.

## 7. AWARDS AND PRESENTATIONS

Nil

At 6.41pm Mr Tieleman left the meeting and returned at 6.46pm

## 8. CONFIRMATION OF MINUTES

### 8.1 ORDINARY MEETING OF THE COUNCIL – 15 MARCH 2016 Minutes 15 March 2016

#### **COUNCIL RESOLUTION**

At 6.41pm Cr Aubrey moved, seconded Cr Schuster–

**That the Minutes of the Ordinary Meeting of the Council held on Tuesday, 15 March 2016, be confirmed as a true and accurate record.**

At 6.41pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

### 8.2 NOTES OF AGENDA BRIEFING FORUM – 5 APRIL 2016 Notes 5 April 2016

#### **COUNCIL RESOLUTION**

At 6.41pm Cr Aubrey moved, seconded Cr Barling –

**That the Notes of the Agenda Briefing Forum held on Tuesday, 5 April 2016, be received.**

At 6.41pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

### 8.3 GOVERNANCE COMMITTEE – 31 MARCH 2016

#### COUNCIL RESOLUTION

At 6.41pm Cr Barling moved, seconded Cr Barton –

**That the Minutes of the Governance Committee Meeting held on Thursday, 31 March 2016 be noted.**

**NB: Minutes to be confirmed at next Governance Committee Meeting**

At 6.41pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

## 9. DECLARATIONS OF INTEREST

### 9.1 FINANCIAL INTERESTS

- Mayor Aubrey – P16/3698 - Planning Control Area for Canning Highway

### 9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

- Cr Aubrey – Interest Under the Code of Conduct  
P16/3698 - Planning Control Area for Canning Highway
- Cr Aubrey – Interest Under the Code of Conduct  
Items 16.2 and 17.1 Review of Development Assessment Panels
- Cr Barling – Interest Under the Code of Conduct  
Items 16.2 and 17.1 Review of Development Assessment Panels
- Cr Schuster – Interest Under the Code of Conduct  
Items 16.2 and 17.1 Review of Development Assessment Panels
- Cr Schuster – Interest Under the Code of Conduct  
CD/8080 - Late Item - Self Supporting Loan – Brentwood Karoonda  
Sporting Association
- Cr Schuster – Interest Under the Code of Conduct  
Motion without notice Relocation of Mount Pleasant Bowls Club  
Other Options

## 10. DEPUTATIONS

Nil

## 11. APPLICATIONS FOR NEW LEAVES OF ABSENCE

At 6.46pm Cr Schuster moved, seconded Cr Phelan-

**That the application for new leave of absence submitted by Cr Macphail on 19 April 2016 be granted.**

At 6.46pm the Mayor submitted the motion which was declared

**CARRIED UNANIMOUSLY (12/0)**

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**12. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil

**13. PETITIONS**

Nil



At 6.49pm the Mayor requested that items 16.2 and 17.1 – be brought forward for discussion.

## **16.2 Review of Development Assessment Panels**

### Disclosure of Interest

Item No.	16.2 Review of Development Assessment Panels
Member	Cr T Barling
Type of Interest	Code of Conduct
Nature of Interest	Member of the Metro Central JDAP
Request	Stay, discuss and vote
Decision of Council	Not Applicable

### Disclosure of Interest

Item No.	16.2 Review of Development Assessment Panels
Member	Cr R Aubrey
Type of Interest	Code of Conduct
Nature of Interest	Member of the Metro Central JDAP
Request	Stay, discuss and vote
Decision of Council	Not Applicable

### Disclosure of Interest

Item No.	16.2 Review of Development Assessment Panels
Member	Cr C Schuster
Type of Interest	Code of Conduct
Nature of Interest	Member of the Metro Central JDAP
Request	Stay, discuss and vote
Decision of Council	Not Applicable

At 6.54pm Cr Pazolli moved, seconded Cr Barton –

### **That the Council:**

- 1. ADVOCATES to the Minister for Planning for the abolition of Development Assessment Panels (DAPs) on the basis that:**
  - 1.1. Elected democratic bodies representing the ratepayers best reflect the aspirations and values of the community;**
  - 1.2. DAPs represent a significant erosion of planning powers of elected representatives who have been given a mandate by ratepayers to make these decisions; and**
  - 1.3. Previous decisions made by the Metro Central Joint Development Assessment Panel have gone well beyond the purpose, intent and application of relevant Local Planning Policies adopted by the City of Melville.**
- 2. ADVOCATES for consideration of the following reforms, in the event that DAPs remain in place, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel's assessment and decision making processes:**
  - 2.1. Abolishing the current opt-in mechanism which allows applicants to choose either elected Councils or the DAP as the decision maker and reinstating the minimum threshold for consideration of development applications by the DAP at \$7 million;**

**16.2 Review of Development Assessment Panels Continued**

- 2.2. Requiring equal membership on the DAP between Local Government and Appointed Specialist members;
- 2.3. Requiring the DAP to set each meeting date for consideration of the development applications not later than five working days after the application being received to better enable ratepayer inclusion within the community consultation process;
- 2.4. Requiring the DAP agenda and local government Responsible Authority Report and recommendation to be published on the DAP website no less than ten business days prior to the scheduled meeting date;
- 2.5. Requiring a minimum of five business days between publishing the DAP agenda and the date by which ratepayers can apply to make public presentations to the DAP, to provide more time to prepare a formal response;
- 2.6. Requiring any changes to a development application between the community consultation period and final proposal for decision by the DAP to be published on the local government's website and the local government to notify all respondents to the original community consultation of those changes; and
- 2.7. Removing the need for the local government to obtain the applicant's consent for further consultation or an extension of time to report the applicant's development proposal to a DAP meeting for determination.

At 7.52pm the Mayor submitted the motion, which was declared

**LOST (5/7)**

<b>Vote Result Summary</b>	
Yes	5
No	7

<b>Vote Result Detailed</b>	
Cr Barton	Yes
Cr Barling	Yes
Cr O'Malley	Yes
Cr Wieland	Yes
Cr Pazolli	Yes
Cr Aubrey	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Schuster	No
Cr Woodall	No
Mayor Aubrey	No

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

At 7.55pm Cr Robartson moved, seconded Cr Woodall –

**That Cr Schuster be permitted to present to the Council a Motion Without Notice relating to Review of Development Assessment Panels.**

At 7.56pm the Mayor submitted the motion, which was declared

**CARRIED BY ABSOLUTE MAJORITY (11/1)**

<b>Vote Result Summary</b>	
Yes	11
No	1

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barling	Yes
Cr Macphail	Yes
Cr O'Malley	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor Aubrey	Yes
Cr Barton	No

## 17.1 Review of Development Assessment Panels

### Disclosure of Interest

Item No.	17.1 Review of Development Assessment Panels
Member	Cr T Barling
Type of Interest	Code of Conduct
Nature of Interest	Member of the Metro Central JDAP
Request	Stay, discuss, vote
Decision of Council	Not Applicable

### Disclosure of Interest

Item No.	17.1 Review of Development Assessment Panels
Member	Cr R Aubrey
Type of Interest	Code of Conduct
Nature of Interest	Member of the Metro Central JDAP
Request	Stay, discuss, vote
Decision of Council	Not Applicable

### Disclosure of Interest

Item No.	17.1 Review of Development Assessment Panels
Member	Cr C Schuster
Type of Interest	Code of Conduct
Nature of Interest	Member of the Metro Central JDAP
Request	Stay, discuss, vote
Decision of Council	Not Applicable

At 8.02pm Cr Phelan left the meeting and returned at 8.04pm

At 7.56pm Cr Schuster moved, seconded Cr Woodall –

### **That the Council;**

1. **Notes the move from some metropolitan local governments to advocate for the abolition of Development Assessment Panels (DAPs);**
2. **Believes some modification to DAPs is required to better meet community expectations. Hence the Council requests the Chief Executive Officer to advise the Western Australian Local Government Association, the Hon Minister for Planning, the Hon Minister for Local Government and other local governments seeking the City of Melville's view on this matter to advise of this position and the Council's desire to see the following changes in the operation of DAPs;**
  - **Requiring equal membership on the DAPs between Specialist Members and elected members of the relevant local government, with the Chair to have a casting vote in the case of an equality of votes (a quorum would then become four DAP members comprising at least two members from each group);**
  - **Maintaining the discretionary opt in system for proponents, but increasing the minimum project value for DAP referral to \$4 million with projects over \$10 million being mandatory DAP referrals;**

**17.1 Review of Development Assessment Panels (Continued)**

- Requiring the DAP agenda and local government Responsible Authority Report to be available on the DAP website no later than the 10<sup>th</sup> day before the relevant DAP meeting;
- Permitting a minimum of four ordinary business days from the publishing of the DAP agenda for interested parties to seek approval to make a presentation to the DAP on the relevant agenda item;
- The Department of Planning to require proponents to comply with any on site or web based public information policies the relevant local government has in relation to matters to be determined by a DAP, so long as any advertising period fits within the statutory DAP timelines;
- Requiring any changes to a development application between the community information period and final proposal for decision by the DAP to be published on the local government's website and the local government to notify any respondents to the original community information activities of those changes; and,
- The Council recommends to the Minister and the Western Australian Planning Commission that they consider ways in which the appointment of DAP Specialist Members be made more transparent and accountable to the broader community.

At 8.21pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

## 17.1 Review of Development Assessment Panels (Continued)

### Reasons for Motion

1. The Councils of Vincent, South Perth, Subiaco, Cottesloe, Nedlands, Cambridge and Mosman Park have considered and passed motions calling on the review of the DAP process or its abolition. The Stirling Council has apparently also tabled this motion, but deferred it to an Elected Members Information Session. As advised in Cr Pazolli's motion there is hence a view among some local governments calling for a review or abolition of the DAP;
2. The Council's view is that the DAP process has some merit in ensuring consistent application of rules across planning schemes, but there are some elements in need of review, many of which were raised in Cr Pazolli's motion;
3. The DAP process is now reducing the authority of the Council too much in preventing direct involvement in the decision making for even modest developments in the City i.e. a development valued in excess of \$2 million (the current lower DAP threshold) is not a particularly significant commercial investment in the context of metropolitan growth;
4. The membership of the DAPs is further weighted against Councils with three Specialist Members and two elected members, who are of course there in their own right. The Council's view is that three from each group would be fairer, but in that case the Chair needs a casting vote – in the event of an equality of votes history will show that most Chairs initially support the status quo, unless there is a significant reason to the contrary;
5. The suggestions made by Cr Pazolli in respect to public information of DAP proposals and improved capacity for citizens to access DAP proceedings are generally supported as improving the process. The Council's view is that each Council (as Melville has) should develop a policy for informing the community of a DAP proposal – as a minimum we are suggesting on site and web based information; and,
6. The proposal to review the method of appointment of Specialist DAP members is not a criticism of the Hon Minister or the Western Australian Planning Commission. However in the Council's view, because DAP Specialist members sit in the place of elected Councillors there would be benefit in a publicly transparent group (even the WAPC) appointing the Specialist members through some public process, to give the greatest possibility of balanced appointments not, in the minds of some, completely coloured by the politics of the day.

At 8.21pm The Mayor adjourned the meeting for a comfort break.

At 8.28pm the meeting resumed.

**14. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

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

**P16/3703 - RETROSPECTIVE APPLICATION FOR A THREE STOREY MIXED USE DEVELOPMENT AT LOT 149 (70) GILBERTSON ROAD, KARDINYA (SMREC) (ATTACHMENT)**

Ward	:	University
Category	:	Operational
Application Number	:	DA-2012-69/A
Property	:	Lot 149 (70) Gilbertson Road, Kardinya 6163
Proposal	:	Retrospective application for a three storey mixed use development
Applicant	:	Chris Carpenter
Owner	:	CLK Enterprises Pty Ltd
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Item P09/3098 – Proposed Three Storey Mixed Use Development – Ordinary Meeting of Council – 17 November 2009 Item P13/3435 – Proposed Three Storey Mixed Use Development – Ordinary Meeting of Council – 19 November 2013
Responsible Officer	:	Peter Prendergast Manager Statutory Planning

**P16/3703 - RETROSPECTIVE APPLICATION FOR A THREE STOREY MIXED USE DEVELOPMENT AT LOT 149 (70) GILBERTSON ROAD, KARDINYA (SMREC) (ATTACHMENT)**

**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 &amp; 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 checked="" type="checkbox"/>	Quasi-Judicial	<b><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></b>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**KEY ISSUES / SUMMARY**

- Retrospective planning approval is sought for a mixed-use development comprising of one office and seven multiple dwelling units at 70 Gilbertson Road, Kardinya.
- Approval (DA-2012-69/A) was previously granted for an almost identical proposal at the Ordinary Meeting of Council on 19 November 2013. The application required a Special Majority decision of Council as it proposed variations to building height and plot ratio.
- Construction of the development is nearing completion, such that in December 2015, the applicant lodged a Form 24 application with the City to obtain a Certificate of Approval for a strata plan for the approved development.
- In assessing the application for a Form 24, it was discovered that there is a discrepancy between the approved Development Application plans and the BA01 – Certified Building Permit plans.
- The development has been constructed in accordance with the Certified Building Permit plans which have an additional 31.8 square metres of floor area above that approved by the November 2013 planning consent. This results in the development as constructed having a plot ratio variation greater than that previously approved by the Council.
- The approval of this amended application requires a Special Majority decision of the Council because of the variation to the plot ratio requirement of Community Planning Scheme No. 5 (CPS5).
- All other elements of the development are consistent with the original approval, including the building height.



**P16/3703 - RETROSPECTIVE APPLICATION FOR A THREE STOREY MIXED USE DEVELOPMENT AT LOT 149 (70) GILBERTSON ROAD, KARDINYA (SMREC) (ATTACHMENT)**



**BACKGROUND**

In November 2009, the Council granted approval for a three storey mixed-use development comprising of one office on the ground floor and three four bedroom apartments above.

The application was resubmitted in 2012 (DA-2012-69) as Planning Approval had expired prior to any works commencing. The application was essentially identical to that previously approved, and on that basis was determined under delegation through the Development Advisory Unit (DAU) process.

A third application was then received which proposed the following changes:

- An increase in the number of units from three to seven;
- A change of roof design from butterfly to skillion style;
- A reduction of the maximum roof height from 10m to 9.6m;
- Modification to balconies to accommodate new unit layout; and
- The provision of seven storerooms.

It was determined that the proposal would require a new application rather than an amendment to the existing approval due to the significant increase in unit numbers.

On 19 November 2013, the Council, by Special Majority decision, granted planning consent for the development, including variations to building height and plot ratio.

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**P16/3703 - RETROSPECTIVE APPLICATION FOR A THREE STOREY MIXED USE DEVELOPMENT AT LOT 149 (70) GILBERTSON ROAD, KARDINYA (SMREC) (ATTACHMENT)**

On 18 December 2015, the applicant lodged a Form 24 to obtain a Certificate of Approval for a strata plan for the development. A discrepancy between the approved Development Application Plans and the BA01 – Certified Building Permit plans was identified, this being a minor increase to the floor area of the development.

This increase to the floor area results in a plot ratio for the development greater than that previously approved. Approval of this increase to the plot ratio requires a Special Majority decision of the Council.

The plans that are the subject of this amended application only propose a minor increase to plot ratio. All other elements are consistent with the approved plans for DA-2012-69/A.

**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Commercial Centre Frame
R-Code	:	R50
Use Type	:	Officer/Residential
Use Class	:	Office 'S' Residential 'P'

**Site Details**

Lot Area	:	769sqm
Street Tree(s)	:	Street trees to remain
Street Furniture (drainage pits etc.)	:	Not applicable
Site Details	:	Refer photo above

**[3703 Floor Plans And Elevations](#)**

**P16/3703 - RETROSPECTIVE APPLICATION FOR A THREE STOREY MIXED USE DEVELOPMENT AT LOT 149 (70) GILBERTSON ROAD, KARDINYA (SMREC) (ATTACHMENT)**

**DETAIL**

The retrospective application has been assessed against all of the relevant provisions of CPS5 and applicable Council Policies. The proposal satisfies all of these requirements with the exception of the matter listed below.

**CPS5 and Policy Requirements**

Development Requirement	Required/ Allowed	Previously Approved	Proposed	Comments	Delegation to approve variation
Plot Ratio	0.8	0.846	0.887	Requires assessment against amenity provisions of Clause 7.8 of CPS5.	Special Majority Decision of Council

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

Advertising Required: No  
 Neighbour's Comment Supplied: Not applicable  
 Reason: Not required pursuant to Clause 7.5 of CPS5 and Part 4 of the R-Codes  
 Support/Object: Not applicable

**II. OTHER AGENCIES / CONSULTANTS**

No consultation with other agencies / consultants is required in this instance.

**STATUTORY AND LEGAL IMPLICATIONS**

Should the City of Melville refuse the application for planning approval, the applicant will have the right to have the decision reviewed by the State Administrative Tribunal (SAT) in accordance with part 14 of the *Planning and Development Act 2005*.

**FINANCIAL IMPLICATIONS**

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

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**P16/3703 - RETROSPECTIVE APPLICATION FOR A THREE STOREY MIXED USE DEVELOPMENT AT LOT 149 (70) GILBERTSON ROAD, KARDINYA (SMREC) (ATTACHMENT)****STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

The proposal is considered to satisfy all of the relevant provisions of Council's policies.

**COMMENT**

As stated, retrospective planning approval is sought to rectify a discrepancy between the approved Development Application plans and the BA01 – Certified Building Permit plans for a mixed-use development comprising of one office and seven multiple dwelling units at 70 Gilbertson Road, Kardinya. The discrepancy relates to a minor increase in floor area which in turn increases the plot ratio variation that was previously approved by Special Majority decision at an Ordinary Meeting of the Council on 19 November 2013.

*Plot Ratio*

Clause 5.19 *Mixed Use Plot Ratio* of CPS 5 permits a maximum plot ratio for the total up to 0.2 more than the maximum plot ratio permissible within Commercial Frame Precincts. As such, the permitted plot ratio on the subject site is 0.8.

The previous application was approved with a plot ratio of 0.846 in lieu of 0.8 as it was demonstrated that the additional floor area of approximately 36sqm did not result in any adverse impact on the adjoining land owners and occupiers or the streetscape.

While the development has been constructed with a plot ratio greater than what was initially approved by the Council, the additional floor area of 31.9sqm is accommodated without prejudice to adjoining land owners and occupiers, or the streetscape.

The additional floor area in question is located on the first and second floor of the development as highlighted on the attached plans (refer to report attachment).

The additional floor area does not create an adverse impact on the streetscape as the development maintains a compliant setback as per the requirements of Table 1 of the Residential Design Codes (R-Codes). Furthermore, the additional floor area does not result in any adverse building bulk impacts for adjoining owners/occupiers as the development still complies with the setback requirements of Tables 2a and 2b of the Residential Design Codes to adjacent lot boundaries.

**Local Planning Scheme No. 6 (LPS6)**

The Subject site is located within a Centre Zone – C4 (Neighbourhood and Local Centres) under draft Local Planning Scheme No. 6. LPS6 allows for an increased plot ratio area of 1.0 on the subject site. As such, the proposal complies with the City's desired built form as specified in the City of Melville's Local Planning Strategy and LPS6.

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**P16/3703 - RETROSPECTIVE APPLICATION FOR A THREE STOREY MIXED USE DEVELOPMENT AT LOT 149 (70) GILBERTSON ROAD, KARDINYA (SMREC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The application is recommended for approval for the reasons outlined in the Comment section above. Should the Council have an alternate view, the application could be refused, or alternatively, additional conditions may be imposed.

If the Council refuses to grant approval, or, if any conditions of planning approval are imposed that are considered unreasonable, the applicant can apply to have the decision of the Council reviewed by State Administrative Tribunal (SAT).

**CONCLUSION**

Based on the above, the retrospective application is considered to satisfy the objectives of CPS5, draft LPS6, the R-Codes and Council planning policies. It is considered that the retrospective development can be accommodated without detriment to the amenity of the streetscape or adjoining land owners and occupiers. For these reasons, it is recommended that retrospective planning approval be granted by Special Majority decision of the Council, and subject to compliance with the conditions of planning approval DA-2012-69/A.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3703)  
SPECIAL MAJORITY**

At 9.24pm Cr Schuster moved, seconded Cr Woodall –

**That the Council by Special Majority decision approves the retrospective planning application for a three storey mixed-use development at Lot 149 (70) Gilbertson Road, Kardinya, subject to compliance with the conditions of planning approval DA-2012-69/A.**

At 9.25pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY BY SPECIAL MAJORITY (12/0)**

At 9.25pm His Worship the Mayor having declared an interest in the item P16/3698 left the meeting and the Deputy Mayor, Cr Schuster assumed the chair.

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

**P16/3698 - PLANNING CONTROL AREA FOR CANNING HIGHWAY (REC) (ATTACHMENT)**

Disclosure of Interest

Item No.	P16/3698
Member	His Worship the Mayor
Type of Interest	Financial Interest in accordance with the Act
Nature of Interest	Owner of a property on Kintail Road
Request	To leave the meeting
Decision of Council	Not Applicable

Disclosure of Interest

Item No.	P16/3698
Member	Cr R Aubrey
Type of Interest	Code of Conduct
Nature of Interest	Father has interest in property on Kintail Road
Request	Stay, discuss,vote
Decision of Council	Not Applicable

Ward	: Applecross/Mt Pleasant
Category	: Strategic
Application Number	: Not applicable
Property	: Not applicable
Proposal	: Endorsement of Planning Control Area to allow for future widening of Canning Highway.
Applicant	: Main Roads WA
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	: Not applicable
Responsible Officer	: Gavin Ponton Manager Strategic Urban



**P16/3698 - PLANNING CONTROL AREA FOR CANNING HIGHWAY (REC) (ATTACHMENT)**

**AUTHORITY / DISCRETION**

**DEFINITION**

<input checked="" type="checkbox"/>	<b>Advocacy</b>	<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"/>	<b>Executive</b>	<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"/>	<b>Legislative</b>	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	<b>Review</b>	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	<b>Quasi-Judicial</b>	<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"/>	<b>Information</b>	<i>For the Council/Committee to note.</i>

**P16/3698 - PLANNING CONTROL AREA FOR CANNING HIGHWAY (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Canning Bridge Activity Centre Plan highlighted Canning Highway as a 'Special Consideration Area' and recommended a Planning Control Area (PCA) be placed over the Canning Highway Corridor so that new development does not restrict the implementation of the planned widening and broader use of Canning Highway.
- The PCA will remain in place for five years or until a Metropolitan Region Scheme (MRS) amendment is approved.
- Main Roads WA has investigated various options to cater for the anticipated capacity of Canning Highway and has proposed a design that allows for a practical width of road reserve corridor land to be protected.
- A strategic, high level, innovative design has been provided by Main Roads WA however this remains to be finalised.
- Although this design shows that a design solution is possible in the land set aside, there is some concern the design would still create a barrier and it is considered that greater provision should be made for pedestrian access across the road.
- Endorsement of the Planning Control Area as the starting point to an amendment to the MRS would recognise that an innovative design solution can be constructed within the reserve; however would not necessarily include endorsement of the design for the road.
- The MRS amendment will require public advertising by the Western Australian Planning Commission (WAPC).



**BACKGROUND**

A study of the Canning Highway road reserve was undertaken in 2007 to determine the widths that would be required for future expansion including bus lanes. This study culminated in an MRS amendment in 2009 which reduced the reservation for the highway from Petra Street to Gibson Road. The Reservation from Gibson Street to Canning Bridge was withdrawn from that study until the Canning Bridge Activity Centre Plan was completed.



**P16/3698 - PLANNING CONTROL AREA FOR CANNING HIGHWAY (REC) (ATTACHMENT)**

The Canning Bridge Activity Centre Plan was endorsed by the Council in March 2014. The width of road reserve was a consideration during the development of the Activity Centre Plan however a final concept from Main Roads WA was not completed prior to the Activity Centre Plan being completed. The process of creating a Planning Control Area to protect land required for the future capacity of the Highway was written into the Structure Plan with the anticipation that the process would be undertaken to coincide with the release of the Activity Centre Plan.

Clause 4.1.3 of the Canning Bridge Activity Centre Plan refers to 'Special Consideration Areas'. Canning Highway is one of these Special Control Areas. The Activity Centre Plan states *that 'It is very important to note that a detailed planning design is currently being undertaken for the section of Canning Highway between Glenelg Road and Henley Street which runs through the CBSP area. In the interim, and so that new development does not restrict the implementation of the planned widening and broader use of Canning Highway, it is recommended that a Planning Control Area be placed over the Canning Highway corridor, effectively requiring a greater setback than that which is currently required by the MRS for Canning Highway. The Planning Control Area would be made redundant at such time as the full MRS amendment is gazetted.'*

It was stressed by the working group during the planning process that planning for Canning Highway needed to be undertaken to consider the minimum road reserve required for future capacity. It was also stressed that this was not a greenfields site where maximum widths could be considered practical and would completely destroy development potential and the future of the Centre. Main Roads WA was requested to consider innovative design that allowed for maximum capacity while recognising the limited reserves that were currently available or with as little expansion as possible.

**Scheme Provisions**

MRS Zoning	:	Primary Regional Road
CPS 5 Zoning	:	Primary Regional Road
LPS6 Zoning	:	Primary Regional Road

**DETAIL**

The Canning Bridge Activity Centre Plan has provided the opportunity to increase development potential in the Canning Bridge District Centre to allow for an additional 2,500 new dwellings by 2031. The combined increases anticipated at the Canning Bridge Activity Centre, Riseley Street Centre and Melville City Centre as well as increases included along Canning Highway proposed as part of the LPS6 has prompted Main Roads WA to consider the future reservation requirements for Canning Highway to ensure capacity of the road is maintained.

**P16/3698 - PLANNING CONTROL AREA FOR CANNING HIGHWAY (REC) (ATTACHMENT)**

Main Roads WA presented a concept for the future of Canning Highway to an Elected Members Information Session (EMIS) on December 1, 2015. The presentation identified the various options that had been considered and provided graphics that showed the various levels of congestion that could be expected with different road layouts. It should be stressed that the figures used for the modelling were for maximum build out of Canning Bridge, Riseley Street, Melville City Centre, Canning Highway Transport Corridor and the suburban areas of Ardross, Applecross and Mount Pleasant. Therefore the figures were based on anticipated growth at the year 2051 and beyond.

Although the design concept provided by Main Roads presented an option that could be constructed within this reservation, there are some concerns about some of the impacts of this design. The design details provided are not considered detailed enough to allow a complete review of the design by the City's Engineers. It is considered however, that the design details provided sufficiently demonstrate that the reservation suggested would facilitate a satisfactory design solution for the future Highway without the need for significant widening of the reservation corridor.

Concerns about access across the Highway which will impact on public transport use and provide a barrier between communities can be addressed further with more detailed analysis and stakeholder engagement via design workshops that will allow further options to be addressed within this protected reservation. The reality is that the Main Roads WA concept is a long term option and other approaches to increasing transportation capacity on Canning Highway are likely to emerge.

The Planning Control Area, which has already been implemented, is an instrument that protects land from development until the Metropolitan Region Scheme can be amended through the normal amendment process. It protects land from development until the process of an amendment to the Metropolitan Region Scheme can be undertaken. Public consultation will be undertaken as part of this process.

**[3698 Planning Control Area Maps](#)**

The imposition of the Planning Control Area in September 2015 also allows the City's Technical Services Officers to consider the options for design of Kintail Road, Forbes Road and Sleat Road, Applecross. This inclusion was to protect the land to allow for design of these roads to include provision for public transport options which may be required for the future. Canning Highway is likely to remain the public transport corridor for at least the medium term however, the identification of the other roads in the PCA provides for the possibility of other options.

There is some concern about the role of these roads in the provision of Public Transport Corridors, however, work is being undertaken to consider how these roads may be designed for maximum utilisation in future developments to ensure capacity as well as amenity. The protection of a Planning Control Area allows for this detailed planning to be undertaken as part of the streetscape strategy being prepared by officers.

A Planning Control Area provides protection for up to five years before an amendment is undertaken.

**P16/3698 - PLANNING CONTROL AREA FOR CANNING HIGHWAY (REC) (ATTACHMENT)**

**STAKEHOLDER ENGAGEMENT**

No engagement is required or proposed at this stage.

**STATUTORY AND LEGAL IMPLICATIONS**

The Planning Control Area (PCA) is a State Planning Instrument that directs that the WAPC will be the approving authority for development within the PCA.

**FINANCIAL IMPLICATIONS**

1. There are not considered to be any upfront financial implications for the City
2. There are not considered to be direct on-going financial implications for the City

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
If the Planning Control Area was removed for Sleat Road, Forbes Road and Kintail Road before Planning for these roads is completed the land will not be protected from development restricting the width of the road.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk	Maintain PCA until planning for local roads is complete.
Planning Control Area for Canning Highway is not supported which would result in land not being protected from development	Major Consequences which are possible resulting in a <b>High</b> level of Risk	Maintain PCA until planning for regional roads is complete and MRS amendment is undertaken.

**POLICY IMPLICATIONS**

Any application for development within the PCA is required to be referred to the WAPC for determination.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The alternate options considered by the Main Roads WA to create the capacity that is thought to be required, would see an at-grade design similar to the Great Eastern Highway in Rivervale. This would require a reservation of 50 metres or more. The Planning Control Area protects a reservation of approximately 39 metres. This reduced road reserve width would necessitate less resumption of land when the process is completed.

**P16/3698 - PLANNING CONTROL AREA FOR CANNING HIGHWAY (REC) (ATTACHMENT)**

The Planning Control Area is in place for up to five years to allow a Metropolitan Region Scheme amendment to be progressed. If the Council was to defer a decision until more detailed design was provided, the process could be held in abeyance until the detail was provided. The City and the community will have further opportunity to comment on the MRS amendment as well as having input to more detailed designs as they progress.

**CONCLUSION**

The Planning Control Area is the result of a planning and design exercise that was undertaken to determine the minimum reservation required for the Canning Highway through the Canning Bridge Activity Centre to enable future capacity to be protected. The design exercise has shown that there is a plausible design that can be implemented within the reservation suggested.

Although the detailed design is not provided, it is considered that the reservation suggested by Main Roads WA is a reasonable compromise which demonstrates that a high capacity road design can be developed without requiring the maximum reservation for an at-grade concept which would restrict development opportunities at Canning Bridge and elsewhere. The reduced reservation is still wider than current MRS reservation in some areas.

It is recommended that the Planning Control Area be endorsed as the basis for the commencement of the formal process to amend the Metropolitan Region Scheme. It is also recommended that the WAPC be required to inform affected land owners of the existence and purpose of the PCA and the opportunity for community engagement through the MRS amendment process. It is further recommended to advise the Main Roads WA and WAPC that the City requests involvement in further discussions and anticipate a wider community engagement before any detailed designs are approved for this section of Canning Highway.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3698)****APPROVAL**

At 9.26pm Cr Robartson moved, seconded Cr Macphail –

- 1. That the Council endorses the Planning Control Area 117 subject to -**
  - a. It being noted that the endorsement is for only the Planning Control Area as a starting point for the commencement of Metropolitan Region Scheme amendment process and is not an endorsement of any design for construction within that reserve.**
  - b. Main Roads WA being advised that the City requests to be involved in any future design exercises for any section of Canning Highway within the City of Melville.**
  - c. The Western Australian Planning Commission being required to notify affected properties of the Planning Control Area.**

At 9.26 pm the Deputy Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (11/0)**

At 9.27pm the Mayor returned to the meeting and assumed the chair.

At 9.27pm Mr Spencer left the meeting.

At 9.28pm Mr Prendergast left the meeting.

**P16/3702 – PROPOSED COUNCIL POLICY – CP-098 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)**

Ward : All  
 Category : Policy  
 Application Number : Not applicable  
 Property : Not applicable  
 Proposal : New Council Policy CP-098– Additional Development Exemptions  
 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 : Not applicable  
 Responsible Officer : Peter Prendergast  
 Manager Statutory Planning

**AUTHORITY / DISCRETION**

**DEFINITION**

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
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<input checked="" type="checkbox"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes and policies.</i></b>
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<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**P16/3702 - PROPOSED COUNCIL POLICY – CP-098 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) came into effect on 19 October 2015.
- The Deemed Provisions outlined under Schedule 2 of the Regulations are read in conjunction with the Local Planning Scheme. The Regulations outline procedural matters including preparation of local planning policies, heritage considerations, structure plans, and requirements for planning approval, enforcement and administration.
- Clause 61 of Schedule 2 of the Regulations, details the types of works and land uses which are exempt from development approval. In relation to residential works, as a general rule development approval is not required where a proposal meets the deemed-to-comply provisions of the R-Codes unless the site is affected by heritage considerations.
- Under the provisions of Clause 61(i) of the Regulations, additional development exemptions can be provided for by a Local Government in a local planning policy.
- The Regulations contain provisions to enable the Council to prepare, adopt and amend local planning policies.
- Local Planning Scheme 6 (LPS6) is awaiting final gazettal. Once gazetted LPS6 will supersede Community Planning Scheme 5 (CPS5)
- Schedule 5 of CPS5 currently provides the details of the City's additional development exemptions. This Schedule is not included within the approved text of LPS6 as it is deemed by the Regulations that additional development exemptions above those listed under Clause 61, are more appropriately dealt with by a local planning policy.
- It is recommended that the Council adopt the proposed 'Additional Development Exemptions' Policy for public consultation in accordance with Clause 4(1)(a) of Schedule 2 of the Regulations for a period of 21 days.

**BACKGROUND**

The Regulations were gazetted in August 2015 and came into effect on 19 October 2015. Clause 61 of Schedule 2 of the Regulations, details the types of works and land uses which are exempt from development approval. In relation to residential works development approval is not required for:

- The erection or extension of a single house;
- The erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or a grouped dwelling;
- The demolition of a single house and associated structures.

Proposed Council Policy CP-098 Additional Development Exemptions will make it clear to key stakeholders the type of minor development proposals that are exempt from the need to obtain the planning approval of the City. It is noted that the exemptions listed within the policy have been updated to reflect the most recent version of the R Codes.

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**P16/3702 - PROPOSED COUNCIL POLICY – CP-098 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)****DETAIL**

The R-Codes are structured to provide an applicant with two paths to gaining development approval. This involves the applicant meeting either the Deemed to Comply requirements or the Design Principles. Where an applicant meets the quantitative standards in the Deemed to Comply requirements development approval is not required for a single house or for additions and alterations to a single house or grouped dwelling as described in Clause 61 of Schedule 2 of the Regulations.

In addition, the explanatory guidelines of the R-Codes indicate that outbuildings and other external fixtures such as pergolas, cubby houses and play equipment are regarded in a different light to the main dwelling they serve and should be subject to more relaxed standards or be exempt from planning control. These explanatory guidelines do acknowledge there is some merit in controlling aspects of these developments to ensure they take into account changing lot sizes and community expectations.

Proposed Council Policy CP – 098 Additional Development Exemptions, aims to provide greater clarity for stakeholders by augmenting the Deemed to Comply standards of the R-Codes in relation to outbuildings and shade structures and providing further detail in relation to the types of minor structures which do not require development approval.

[3702 Proposed Council Policy CP 098 Additional Development Exemptions](#)

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Under the provisions of the Regulations, a new local planning policy must be advertised via a press notice for a period of 21 days. Subject to the resolution of the Council in respect of this new local planning policy, the details of the policy will be the subject of advertising in accordance with the Regulations.

**II. OTHER AGENCIES / CONSULTANTS**

Clause 4(4) of Schedule 2 of the Regulations requires that the Council advise the Western Australian Planning Commission (WAPC) if it is of the opinion that the policy is inconsistent with any State Planning Policy.

The City does not consider that the proposed policy is inconsistent with any State Planning Policy.

**STATUTORY AND LEGAL IMPLICATIONS**

The application of planning policies provides a sound basis for planning decisions and improves the validity of decisions when they are used in determining applications. Provided a policy is soundly based, it has similar status to scheme provisions when relied upon to defend a decision of the City at the State Administrative Tribunal.



**P16/3702 - PROPOSED COUNCIL POLICY – CP-098 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

There are no financial implications which result from this report other than advertising costs for consultation and adoption purposes.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The existence of a local planning policy provides certainty, aids consistency in decision making and minimises the risks associated with planning related decision making.

**POLICY IMPLICATIONS**

There are not considered to be other policy implications associated with the adoption of this new local planning policy.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Should the Council choose not to adopt this policy this could result in confusion on the part of stakeholders and could contribute to potential inconsistency in the City's decision making.

**COMMENT**

The proposed policy provides clarity to applicants, landowners and the decision maker with regard to the need for development approval for minor residential works. This ensures a consistent approach. Recent changes to the statutory planning framework, specifically the gazettal of the Regulations and the impending gazettal of LPS6, results in a need for the policy. This type of local policy is envisaged and promoted by Clause 61(i) of Schedule 2 of the Deemed Provisions.

**CONCLUSION**

Under the provisions of Clause 61(i) works specified in a local planning policy are exempt from requiring development approval. Given the impending gazettal of LPS6, coupled with the fact that Schedule 5 of CPS5 has not transitioned to LPS6, there is a need for the subject policy.

It is recommended that the Council resolve to adopt the proposed policy with consultation in accordance with Clause 4 of the Regulations.



**P16/3702 - PROPOSED COUNCIL POLICY – CP-098 ADDITIONAL DEVELOPMENT EXEMPTIONS (REC) (ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3702)                      ADOPTION**

That the Council resolves:

1. Pursuant to Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to adopt the proposed Council Policy 098: Additional Development Exemptions [3702 Proposed Council Policy CP 098 Additional Development Exemptions](#) for the purposes of public consultation for a period of not less than 21 calendar days.
2. Where no submissions in objection are received in response to the consultation undertaken, that the final adoption of Council Policy 098: Additional Development Exemptions shall be authorised by the Chief Executive Officer.

At 10.12pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

**CD16/8079 - PARKING PERMIT POLICY (REC) (ATTACHMENT)**

Ward	: All
Category	: Policy
Subject Index	: Not applicable
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	: No previous item
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Brodie Dawkins Manager Neighbourhood Amenity

**AUTHORITY / DISCRETION**

**DEFINITION**

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

**CD16/8079 - PARKING PERMIT POLICY (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- No current Parking Permit Policy exists; officers make decisions based on guidelines, or as directed by Council resolutions.
- The proposed Parking Permit Policy will give officers direction and lead to consistent application when issuing parking permits.
- The proposed Parking Permit Policy will address inequities and inconsistencies that have developed in relation to the provision of parking permits.
- The proposed Parking Permit Policy recommends that if a Freehold, Strata or Survey Strata property can fit two or more vehicles on their land then they will not be eligible for a residential parking permit.
- No Apartment developments will be issued with a residential parking permit.
- Visitors permit(s) may be issued to Freehold, Strata, Survey Strata and Apartments subject to meeting the criteria.
- The proposed Parking Permit Policy will result in many current parking permit holders not being eligible for a parking permit.
- The Chief Executive Officer may vary any or all of the requirements subject to the applicant demonstrating the need.

**BACKGROUND**

In 2005, prior to the installation of off and on-street paid parking in the Canning Bridge Commercial Precinct, the Council resolved to issue fee exempt parking permits (still required to adhere to time limits when fee exempt) to those eligible residents who had paid parking bays directly abutting their property.

Due to resident complaints about parking overflow in surrounding streets (caused by the paid parking) and the subsequent introduction of a two hour parking scheme being introduced in those areas, the Council then resolved to issue those residents with time exempt parking permits.

Officers have been issuing residential and visitors parking permits based on operational guidelines (not approved by the Council) and Council resolutions. Operational guidelines have been in place since approximately 2006.

**CD16/8079 - PARKING PERMIT POLICY (REC) (ATTACHMENT)**

Some Council Resolutions in regard to the provision of parking permits are at times different to the operational guidelines. This presents an opportunity for improvement to provide officers with a clear policy to ensure consistency with the way we respond to parking permit requests as the Council intends. The proposed Parking Permit Policy will provide the framework for consistency and equity when responding to requests from the community for the provision of parking permits. The current practice in essence has provided some residents with an advantage with the ability to have the dedicated provision of an on street parking bay when usually sufficient parking bays are available on their residential site.

This will be in line with the City of Melville Parking Local Law, City's Community Planning Scheme No. 5 (CPS5) and Draft Local Planning Scheme No.6, the Residential Design Codes (State Planning Policy 3.1) and/or Council Policy and complements the Council endorsed Car Parking Strategy.

Current permits are at:

1. Armstrong Road Applecross (time exempt)
2. Canning Highway (Jane Road) Applecross (time exempt)
3. First Avenue Applecross (fee exempt)
4. Forbes Road Applecross (fee exempt)
5. Fourth Avenue Applecross (time exempt)
6. Helm Street Mt Pleasant (fee exempt)
7. Kintail Road (fee exempt)
8. Kishorn Road Mt Pleasant (fee exempt)
9. Macrae Road Applecross (time exempt)
10. Moreau Mews Applecross (fee exempt)
11. Ogilvie Road Mt Pleasant (fee exempt)
12. Roskhill Place/Inverie Close (residents only)
13. Strome Road Applecross (time exempt)
14. The Esplanade Mt Pleasant (fee exempt)
15. Ullapool Road Applecross (time exempt)
16. Jane Road Applecross (time exempt)
17. Raffles Public Car Park (visitors only/fee exempt)
18. Durdham Crescent Bicton (visitors and residents only)

**CD16/8079 - PARKING PERMIT POLICY (REC) (ATTACHMENT)****DETAIL**

In developing the proposed Parking Permit Policy, officers reviewed the City's current guidelines, the City of Subiaco's, Vincent's, Perth's and the Town of Victoria Park's policies.

Generally, requests for a parking permit are only made where a resident has parking restrictions (e.g. time limited parking, fee paid parking) at the front of their property and they are unable to accommodate their vehicles on their property, hence having to park on the street.

Where there are no restrictions, people can park on the street, therefore they do not need to apply for permits. The proposed Parking Permit Policy recommends if a Freehold, Strata or Survey Strata property can fit two or more vehicles on their land then they will not be eligible for a residential parking permit.

Apartment developments will not be issued with a residential parking permit where the apartment is situated on a property where sufficient parking can be provided on the property in accordance with Council's minimum standards, or where the City and developer have determined in the application for approval of development that sufficient parking is available on site.

Visitors permit(s) may be issued to Freehold, Strata, Survey Strata and Apartments subject to meeting the criteria. This is broadly consistent with the other Local Government Authorities (Parking Permit Policies) reviewed and also consistent with operational guidelines.

From November 2015 to January 2016 Officer's studied three locations where time restricted or fee paid parking were in place and recorded the number of vehicles and which vehicles had permits displayed exempting them from the restrictions.

The locations were The Esplanade Mt Pleasant, Kishorn Road Mt Pleasant and Jane Road Applecross. Eleven visits to each site resulted in 162 vehicles in parking bays of which 16 had permits (nine on The Esplanade, seven on Jane Road and none in Kishorn Road).

The total number of permits issued for The Esplanade is (89), Jane Road (10) and Kishorn Road (20).

Current parking permits don't have vehicle registration details on the permits so it is difficult to identify the correct user, under the proposed policy, residential permits will have the registration number of the vehicle along with other features like the road name and permit number.

In line with the Parking Local Law; (a permit being an annual permit, issued for a period not exceeding one (1) year and expiring on 31 December in the year of issue), the City will write to all current permit holders informing them of the policy, including the assessment criteria for eligibility and the need to apply for a new permit. This will give current permit holders time to make arrangements should they no longer be eligible for a permit moving forward. Using the criteria in the proposed Parking Permit Policy it appears many of the current parking permit holders will not be eligible for a permit.

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**CD16/8079 - PARKING PERMIT POLICY (REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

The City will inform the existing parking permit holders in writing of the policy, the assessment criteria and the need to apply for the permit as they are renewed annually.

**II. OTHER AGENCIES / CONSULTANTS**

In compiling this draft Parking Permit Policy, officers reviewed the City's current guidelines, the City of Subiaco's, Vincent's, Perth's and the Town of Victoria Park's policies.

**STATUTORY AND LEGAL IMPLICATIONS**

The clauses of the current Local Law relating to Parking Facilities and the proposed Parking Local Law before Council are relevant to this report and have been incorporated into the Parking Permit Policy.

The City's Community Planning Scheme No. 5, Draft Local Planning Scheme No.6, the Residential Design Codes (State Planning Policy 3.1) and/ the Council endorsed Car Parking Strategy were all considered in the development of this policy.

There is currently a delegated authority in place (DA 84 – Local Laws Relating to Residential Parking Permits) that gives the authority to issue residential parking permits.

**FINANCIAL IMPLICATIONS**

There are no up front financial implications for the Council in report.

An annual renewal fee is proposed as part of the Schedule of Fees and Charges, \$25.00 is the suggested amount for renewal of parking permits for the 2016/2017 financial year.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The recommendations in this report align with the strategies from the Strategic Community Plan - People, Places, Participation 2012 – 2022 Aspiration of Sustainable and Connected Transport such as:

- Look for ways to decrease reliance on motor vehicles and encourage sustainable transport initiatives and programs.

If the City continues to provide parking on-street that is in excess of the City's minimum standards, the City is not influencing the reliance on motor vehicles and are decreasing the available parking to users of services and businesses within the areas permits are given. This practice also leads to inequities where some residents have an advantage of the right to on street parking and others do not.

**CD16/8079 - PARKING PERMIT POLICY (REC) (ATTACHMENT)**

There are no environmental management implications associated with this report.

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Increased ongoing demand of parking permits restricting the longer term ability to manage parking as numbers of available public parking bays are decreased.	Moderate consequences which are likely, resulting in a <b>High</b> level of risk.	1 The proposed Parking Permit Policy does take into consideration the need for public parking and the increasing demand on existing parking, restricting how permits are currently given. 2 Requiring applicants to meet criteria before issuing permits and to use their own available space for parking.
Current parking permit holders may be ineligible as a result of the proposed Parking Permit Policy when renewing their current permits.	Minor consequences which are almost certain, resulting in a <b>High</b> level of risk.	The City will write to all current permit holders informing them of the policy, including the assessment criteria for eligibility and the need to apply for a new permit. Clause 9 (through delegation) will give the Chief Executive Officer the ability to vary any or all the requirements subject to the applicant demonstrating a justifiable basis.

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**CD16/8079 - PARKING PERMIT POLICY (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

This policy supports Council's minimum parking standards that are outlined under the provisions of the City's Local Planning Scheme No.6, the Residential Design Codes (State Planning Policy 3.1).

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The alternative option is for Officers to continue to use the existing guidelines when determining parking permits; this may lead to inconsistencies in Officer/Council decisions.

At 9.29pm Cr Aubrey left the meeting and returned at 9.31pm

**CONCLUSION**

The past and current ad hoc application of the provision of parking permits has led to inconsistencies across the City, and inequity whereby some residents have the advantage of a dedicated access to on street parking bays.

The proposed Parking Permit Policy aims to have clear alignment with planning requirements/approvals and the Council endorsed Car Parking Strategy. The proposed Parking Permit Policy will provide clear direction to Officers of the City's intent ensuring consistent application by Officers when making decisions regarding parking permits.

Within the City of Melville all dwellings have car parking space allocated at development approval stage. Unlike older inner City suburbs where no parking is provided on site, there are no historical examples in the City of Melville where the minimum required parking is not being provided on site and therefore having to rely on street parking.



**CD16/8079 - PARKING PERMIT POLICY (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8079)**

**APPROVAL**

At 9.28pm Cr Pazolli moved, seconded Cr Wieland –

**That the Council adopts the Parking Permit Policy as attached Parking Permit Policy.**

**AMENDMENT**

At 9.37pm Cr Schuster moved, seconded Cr Wieland –

That the Council requests the Chief Executive Officer to refer the draft Parking Permit Policy for public comment with a report back to the Council in or before September 2016.

At 9.41pm the Mayor submitted the motion, which was declared

**LOST (6/7)**

**NOTE: Due to an equality of votes at the Council Meeting, the Mayor exercised his right to cast a second vote to reach a decision in this matter (Section 5.21(3) of the *Local Government Act 1995*).**

Vote Result Summary	
Yes	6
No	6

Vote Result Detailed	
Cr Barton	Yes
Cr Macphail	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Aubrey	No
Cr Barling	No
Cr O'Malley	No
Cr Robartson	No
Cr Woodall	No
Mayor Aubrey	No

**CD16/8079 - PARKING PERMIT POLICY (REC) (ATTACHMENT)****COUNCIL RESOLUTION (8079)****APPROVAL****That the Council adopts the Parking Permit Policy as attached [Parking Permit Policy](#).**

At 9.45pm the Mayor submitted the motion, which was declared

**CARRIED (9/3)**

<b>Vote Result Summary</b>	
Yes	9
No	3

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barling	Yes
Cr Macphail	Yes
Cr O'Malley	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor Aubrey	Yes
Cr Barton	No
Cr Pazolli	No
Cr Schuster	No

At 10.01pm Mr Dawkins left the meeting.

**M16/5472 - AMENDMENT TO MINUTES OF THE ORDINARY MEETING OF COUNCIL  
15 APRIL 2014 - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC)**

Ward	: All
Category	: Operational
Subject Index	: Personnel file
Customer Index	: Personnel file
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: M14/5358 – City of Melville – Chief Executive Officer Performance Review – Council 15 April 2014.
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance & 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 checked="" type="checkbox"/>	<b>Executive</b>	<b><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></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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>

**M16/5472 - AMENDMENT TO MINUTES OF THE ORDINARY MEETING OF COUNCIL OF 15 APRIL 2014 - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC)****KEY ISSUES / SUMMARY**

- The Minutes from the Ordinary Meeting of Council of 15 April 2014 did not include the vote on Motion number 3.
- The purpose of this report is to amend the Minutes of the Ordinary Meeting of Council held on the 15 April 2014.
- It is recommended that the Minutes be amended accordingly.

**BACKGROUND**

At the March 2016 Ordinary Meeting of Council a question was raised by a resident relating to the Council Resolution for report number 5358, item 3 of the of the Ordinary Meeting of Council held on the 15 April 2014.

The resident asked “*How can Council resolution 5358 become a platform for Council resolution 5371 when according to the Minutes of the Ordinary Meeting of Council of 15 April 2014, Council resolution 5358 was not carried (approved by Council)*”?

**DETAIL**

It is correct to say that the Minutes of the Ordinary Meeting of Council of 15 April 2014 do not include the Council Resolution; however, the comment that the Council Resolution 5358, Motion 3 was not carried, is incorrect.

The Minutes from the Ordinary Meeting of Council of 15 April 2014 did not include the vote on this motion, however, the vote has been established by reference to worksheets of the meeting that the motion was carried (11/1).

The voting for Council Resolution 5358 Motion 3 was inadvertently omitted from the Minutes; therefore, the Minutes will need to be amended to correct this omission.

**STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

No external public consultation has been carried out.

**II. OTHER AGENCIES / CONSULTANTS**

There has been no liaison with any other agencies or Consultants.

**STATUTORY AND LEGAL IMPLICATIONS**

Statutory or Legal Implications are in accordance with the *Local Government Act 1995*.

**M16/5472 - AMENDMENT TO MINUTES OF THE ORDINARY MEETING OF COUNCIL OF 15  
APRIL 2014 - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC)****FINANCIAL IMPLICATIONS**

There are no Financial Implications associated with this report

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There are no Strategic, Risk and Environmental Management Implications.

**POLICY IMPLICATIONS**

There are no Policy Implications associated with this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are no alternate options as the Minutes of the Ordinary Meeting of Council held on the 15 April 2014 require amendment to reflect the Council's intent relating to Council Resolution 5358 Motion 3.

**CONCLUSION**

Council Resolution 5358, Motions 1 to 4, have been actioned by the Council in accordance with the intent of the relevant motions, however, as the Minutes of the Ordinary Meeting of Council of 15 April 2014 do not reflect Motion 3 as being carried, the Minutes will need to be amended to show that the motion was carried.

**M16/5472 - AMENDMENT TO MINUTES OF THE ORDINARY MEETING OF COUNCIL OF 15 APRIL 2014 - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (REC)**

At 9.49pm Cr Schuster left the meeting and returned at 9.51pm

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5472) APPROVAL**

At 9.56pm Cr Schuster moved, seconded Cr Macphail –

**That the Minutes of the Ordinary Meeting of Council held on the 15 April 2014 be amended to include the following resolution and record of voting in Item M14/5358 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW**

**MOTION 3**

At 9.20pm Cr Schuster moved, seconded Cr Willis–

**3 That Council undertake discussion with the Chief Executive Officer regarding entering into a contract for a further five years as recommended by the Governance Committee to take effect from 20 March 2014.**

At 9.20pm the Mayor submitted the motion, which was declared

**CARRIED (11/1)**

For: Mayor Aubrey, Cr Aubrey, Cr Barton, Cr Foxton, Cr Hill, Cr Macphail, Cr Phelan, Cr Reynolds, Cr Robartson, Cr Schuster, Cr Willis

Against: Cr Pazolli

**REJECT AND REPLACE**

At 9.48pm Cr Pazolli moved, seconded Cr Barton -

That the Minutes of the 15th April 2014 be referred to the Governance Committee to determine the correct process to resolve the error.

At 9.55pm the Mayor submitted the motion, which was declared

**LOST (3/9)**

<b>Vote Result Summary</b>	
Yes	3
No	9

<b>Vote Result Detailed</b>	
Cr Barling	Yes
Cr Barton	Yes
Cr Pazolli	Yes
Cr Aubrey	No
Cr Macphail	No
Cr O'Malley	No
Cr Phelan	No
Cr Robartson	No
Cr Schuster	No
Cr Wieland	No
Cr Woodall	No
Mayor Aubrey	No

**PROCEDURAL MOTION – QUESTION BE PUT**

At 9.53pm Cr Woodall moved, seconded Cr Robartson the following procedural motion in accordance with Clause 11.1(d) of Standing Orders Local Law 2003 –

**That the question be now put.**

At 9.53m the Presiding Member submitted the motion which was declared

**CARRIED (10/2)**

<b>Vote Result Summary</b>	
Yes	10
No	2

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barling	Yes
Cr Macphail	Yes
Cr O'Malley	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor Aubrey	Yes
Cr Barton	No
Cr Pazolli	No

**COUNCIL RESOLUTION (5472)**

**APPROVAL**

**That the Minutes of the Ordinary Meeting of Council held on the 15 April 2014 be amended to include the following resolution and record of voting in Item M14/5358 – CITY OF MELVILLE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW**

**MOTION 3**

At 9.20pm Cr Schuster moved, seconded Cr Willis–

**3 That Council undertake discussion with the Chief Executive Officer regarding entering into a contract for a further five years as recommended by the Governance Committee to take effect from 20 March 2014.**

At 9.20pm the Mayor submitted the motion, which was declared

**CARRIED (11/1)**

For: Mayor Aubrey, Cr Aubrey, Cr Barton, Cr Foxton, Cr Hill, Cr Macphail, Cr Phelan, Cr Reynolds, Cr Robartson, Cr Schuster, Cr Willis

Against: Cr Pazolli

At 9.58pm the Mayor submitted the motion, which was declared

**CARRIED (10/2)**

<b>Vote Result Summary</b>	
Yes	10
No	2

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barling	Yes
Cr Macphail	Yes
Cr O'Malley	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor Aubrey	Yes
Cr Barton	No
Cr Pazolli	No



**M16/5474 – LOCAL LAW REVIEW 2016 (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 : C09/5096 Review of Local Laws November 2009  
 Works Programme : Not Applicable  
 Funding : Not Applicable  
 Responsible Officer : Corrine Newman  
 Executive Support and Governance Officer

**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"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<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>

**M16/5474 – LOCAL LAW REVIEW 2016 (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Section 3.16 of the *Local Government Act 1995* requires that Local Laws are reviewed on a regular basis.
- The report proposes a review of eight Local Laws, with two Local Laws, the Parking Local Law and the Standing Orders Local Law excluded from this process as, due to their complexity, they form part of a separate review.
- Albeit not yet due for a review the report also recommends that the two newer Local Laws, the Activities in Thoroughfares, Public Places and Trading Local Law 2014 and the Local Government Property Local Law 2010 be included in this review as an opportunity to determine operational functionality.

**BACKGROUND**

In accordance with Section 3.16(1) of the *Local Government Act 1995*, the City is required to review its Local Laws within the period eight years from the day when a Local Law commenced or from when it was last reviewed. The City's last review of all Local Laws was undertaken in 2009.

The Local Law review will take place in two stages, the first stage requires the City to give public notice of its intention to undertake a review and invite comments from the public. Once amendments or repeals have been identified and endorsed by Council at a future meeting, a further process will be undertaken, including a new public submission period on each particular Local Law.

**DETAIL**

A review of Local Laws was last undertaken in 2009. It is proposed that the City undertake a review of the following Local Laws to determine whether or not each Local Law should be amended or repealed:

- Activities in Thoroughfares, Public Places and Trading Local Law 2014  
This Local Law was published in the *Government Gazette* on 2 December 2014 and has not been amended or reviewed since.
- Local Law Relating to Street Numbering 2006  
This Local Laws was published in the *Government Gazette* on 21 April 2006 and was last reviewed in 2009.
- Local Government Property Local Law 2010  
This Local Law was published in the *Government Gazette* on 28 March 2011 and was amended on 23 December 2011.
- Health Local Laws 1997  
This Local Law was published in the *Government Gazette* on 26 March 1998 and was last reviewed in 2009.

**M16/5474 – LOCAL LAW REVIEW 2016 (REC) (ATTACHMENT)**

- Local Law Relating to Firebreaks 1997  
This Local Law was published in the *Government Gazette* on 1 July 1997, amended 22 April 2005 and last reviewed in 2009.
- Dog Local Law  
This Local Law was published in the *Government Gazette* on 19 April 2005 and amended on 22 October 2010.
- Local Law (By-laws) Relating to Fences  
This Local Law was published in the *Government Gazette* on 12 October 1966, amended 31 December 1996 and amended 29 March 2011.
- Health (Eating Houses) Local Laws 2001  
This Local Law was published in the *Government Gazette* on 21 December 2001 and was last reviewed in 2009.

Copies of Local Laws are available on the City of Melville Website or as attached.

It is proposed to include the Local Government Property Local Law, adopted in 2010; and the Activities in Thoroughfares, Public Places and Trading Local Law, adopted in 2014 be included in this review despite them being well within the eight year statutory review requirement. This will provide an opportunity for the operational functionality of these Local Laws to be assessed and determine whether any amendments are required.

It should be noted the following two Local Laws have been excluded from this review as, due to their complexity, they are currently going through a separate revision processes and will be the subject of separate reports to Council:

- Standing Orders Local Law 2003
- Parking Facilities Local Law

Undertaking a Local Law review in accordance with the requirements of the *Local Government Act 1995*, requires the City of Melville to give Statewide public notice of its intention to review these Local Laws and give the public at least six weeks to made submissions. The notice will also be published in a paper circulating in the district and on the City's website and will be exhibited on the noticeboards at the Civic Centre and at all of the City's libraries.

In addition to the public submissions, staff will also review each Local Law to determine:

- that it is consistent with the current practices of the City;
- it is consistent with City of Melville local laws and other legislation;
- that the language, style and format is appropriate and consistent; and
- compliance with the National Competition Policy

Following the submission period, consideration will be given to any submissions received from the public and other findings determined by staff and a further report will be presented to the Council. This report will advise whether each Local Law requires amendment or repeal and will require resolution by an Absolute Majority decision of the Council.

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**M16/5474 – LOCAL LAW REVIEW 2016 (REC) (ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Clause 3.12(3) of the *Local Government Act 1995* requires that the City of Melville gives Statewide notice of its intention to review Local Laws and advise that it will receive submission from the public for a period of at least six weeks.

**II. OTHER AGENCIES / CONSULTANTS**

In accordance with Clause 3.12(3)(b) of the *Local Government Act 1995*, once the City has given Statewide public notice of its intention to review Local Laws and invited submissions from the community, it is required to provide the relevant Ministers with copies of the Local Laws for consideration.

**STATUTORY AND LEGAL IMPLICATIONS**

It is a requirement of the *Local Government Act 1995*, that Local Laws are reviewed within eight years of commencement of the Local Law or since the last review was undertaken. The Local Law review can be a lengthy process and for good governance reasons it is considered practical to be undertaken well before the expiration of the review period to ensure the City meets its obligations under the Act.

**FINANCIAL IMPLICATIONS**

There are costs associated with the advertising of the Local Law review, as required by the *Local Government Act 1995* and provision has been made for these in the adopted 2015/2016 Budget.

The outcome of the submission period will determine further costs, and a provision will be made for these in the 2016/2017 Budget.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Under the *Local Government Act 1995*, local governments are empowered to make Local Laws to help perform their functions as long as the Local Laws are not inconsistent with the Act or any other legislation.

The review process provides the City with the opportunity to ensure that its Local Laws meet the needs of community and are operationally functional.

**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

**M16/5474 – LOCAL LAW REVIEW 2016 (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The Council could decide to postpone the Local Law review, however it is a requirement that all Local Laws are reviewed by 2017. Addition postponing the review may impact on the ability for the City to undertake a thorough review and meet its compliance obligations.

**CONCLUSION**

Undertaking the Local Law review will enable the City to ensure all local laws are consistent with current legislation and are operationally functional.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5474)****APPROVAL****That the Council;**

1. **Authorises the Chief Executive Officer to initiate the review of the following City of Melville Local Laws and advertise the following Local Laws for public comment in accordance with Section 3.12(3) of the *Local Government Act 1995*:**
  - [5474 Activities in Thoroughfares, Public Places and Trading Local Law 2014](#)
  - [5474 Local Law Relating to Street Number 2006](#)
  - [5474 Local Government Property Local Law 2010](#)
  - [5474 Health Local Laws 1997](#)
  - [5474 Local Law Relating to Firebreaks 1997](#)
  - [5474 Dog Local Law](#)
  - [5474 Local Law \(By-laws\) Relating to Fences](#)
  - [5474 Health \(Eating Houses\) Local Laws 2001](#)
2. **Requests that the Chief Executive Officer provides copies of the Local Laws to the relevant Ministers in accordance with Section 3.12(3) of the *Local Government Act 1995*.**
3. **Requests that the Chief Executive Officer prepare a further report at the conclusion of the public advertising period to enable the Council to consider the submissions made.**

At 10.12pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

His Worship the Mayor read aloud the Purpose and Effect of the proposed Local Law.

The *purpose* of the proposed City of Melville Parking Local Law 2016 is to define the parking region for the City of Melville and to regulate and manage parking within that region.

The *effect* of the City of Melville Parking Local Law 2016 is to provide a safe, fair and equitable parking environment under the care and control of the local government, enable the control of parking activities within the parking region and provide for the management and operation of parking facilities.

**M16/5475 – PROPOSED CITY OF MELVILLE PARKING LOCAL LAW 2016 (REC)  
(ATTACHMENT)**

Ward	:	All
Category	:	Operational
Subject Index	:	Acts, Statutes and Local Laws Parking Control
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	:	C10/5132 Adoption of the Proposed Amendment to City of Melville Parking Facilities Local Law September 2010
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Corrine Newman Executive Support and Governance Officer

**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"/>	<b>Legislative</b>	<b><i>Includes adopting local laws, town planning schemes &amp; policies.</i></b>
<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>

**M16/5475 – PROPOSED CITY OF MELVILLE PARKING LOCAL LAW 2016 (REC)  
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- The initial review of this Local Law was initiated by the Local Government Reform process where a number of opportunities to improve the Local Law were identified.
- The redrafting of the Local Law attempts to delete terminology and clauses that are no longer appropriate and introduce clauses and terminology that are consistent with other forms of legislation and meet the present day parking needs of the City.
- The penalties associated with this Local Law have not been increased for some time.
- The *Local Government Act 1995* requires the City advertise the proposed Local Law for a period of at least six weeks and receive submissions during this time.

**BACKGROUND**

The City of Melville Local Law Relating to Parking and Parking Facilities was originally published in the *Government Gazette* on 5 May 1995 with subsequent amendments on 21 April 2006, 28 December 2007 and 22 October 2010.

During the Local Government Reform process a comprehensive comparison of the Parking Local Law, against other similar Local Laws, was undertaken in preparation of potential amalgamation/ boundary expansion and as a result a number of key modifications were identified and the review of the Parking Facilities Local Law continued despite Reform being put on hold by the State Government.

Additionally, the penalties associated with the Local Law have not been reviewed for some time and this review provided the opportunity to compare these with penalties imposed by other local government authorities.

**M16/5475 – PROPOSED CITY OF MELVILLE PARKING LOCAL LAW 2016 (REC)  
(ATTACHMENT)**

**DETAIL**

The Local Law has undergone a comprehensive review, which has translated into a number of modifications. The table below highlights the significant variations between the existing Local Law and the proposed new Local Law and provides the Rationale for each of these changes:

	<b>Existing Local Law</b>	<b>Proposed Local Law</b>
<b>Title</b>	Local Law Relating to Parking Facilities	Parking Local Law 2016
	<b>Rationale:</b> A new simplified title including the year provides ease of reference between older and new Local Laws	
<b>Structure</b>		The revised Local Law is structured as follows: Part 1 – Preliminary Part 2 – Parking Stations Part 3 – Parking on Thoroughfares Part 4 – Stopping and Parking Generally Part 5 – Parking Permits Part 6 – Metered Zones Part 7 – Miscellaneous Schedules
	<b>Rationale:</b> The revised structure effectively groups relevant clauses together allowing for easy reference and continuity.	
<b>Numbering</b>	The existing Local Law Clauses are numbered in a continuous numbering format.	The revised Local Law numbers are according to sections.
	<b>Rationale:</b> The revised numbering system assists with easy identification of clauses associated with relevant sections.	
<b>Council/ Local Government</b>	Uses the term Council.	Where appropriate the term 'Council' has been replaced with 'local government'.
	<b>Rationale:</b> Provides for distinction between the Elected Member's role and the role of the City's Administration.	
<b>Standing changed to stopping</b>	Use of the words stand or standing.	The revised Local Law uses the words stop or stopping.
	<b>Rationale:</b> This change is consistent with the terminology used in the <i>Road Traffic Code 2000</i> .	



**M16/5475 – PROPOSED CITY OF MELVILLE PARKING LOCAL LAW 2016 (REC)**  
**(ATTACHMENT)**

<p><b>Service Vehicle</b></p>	<p>Used both the terms 'service vehicle' and 'commercial vehicle'</p>	<p>Uses only the term 'commercial vehicle'.</p>
<p><b>Rationale:</b> The increased popularity of utility and four-wheel drive vehicles as family cars makes the characterisation of service vehicle obsolete.</p>		
<p><b>Definitions</b></p>		<p>Definitions for the following words have been included: <i>bay, bicycle, bicycle lane, bus, bus lane, bus stop, bus zone, centre, edge line, detection device, fee, intersection, keep clear marking, kerb, loading zone, local government, mail zone, nature strip, obstruction, occupier, one-way carriage, parking area, parking bay, pedestrian, place of refuge, public bus, residential parking permit, right of way, schedule, taxi zone, unattended, visitor parking permit and verge.</i></p>
<p><b>Rationale:</b> The redrafting of the Local Law has resulted in the inclusion of new clauses. These definitions have been included to assist with clarity and context.</p>		
		<p>Definitions for the following have been significantly changed: <i>carriageway, commercial vehicle, median strip, motor vehicle, owner, park, parking station, shared zone, symbol and vehicle.</i></p>
<p><b>Rationale:</b> These definitions have been significantly amended to provide clarity and context and in some cases refer to the definitions provided in associated forms of legislation to ensure consistency.</p>		
	<p>The following definitions have been deleted: <i>cycle, omnibus, service vehicle and stand.</i></p>	
<p><b>Rationale:</b> As a result of the redrafting of the Local Law, these definitions are no longer applicable.</p>		

**M16/5475 – PROPOSED CITY OF MELVILLE PARKING LOCAL LAW 2016 (REC)**  
**(ATTACHMENT)**

<b>Part 1 - Preliminary</b>		Inclusion of Clause 1.6 – Application of particular definitions.
	<b>Rationale:</b> This clause provides for definitions to apply to part, to all, singularly or collectively. It also combines definitions to symbols that are commonly associated with them and provides reference for terms that may not be defined in this Local Law.	
<b>Part 1 - Preliminary</b>	Clause 3 and Clause 5	Revised Clause 1.7 - Application an pre-existing signs
	<b>Rationale:</b> The previous Clauses have been revised and amalgamated for consistency within the document.	
<b>Part 1 - Preliminary</b>	Previous Clause 4	Revised Clause 1.8 – Vehicle and driver classification. <ul style="list-style-type: none"> <li>• Remove term service vehicles</li> <li>• Remove term omnibuses and replace with buses</li> <li>• Inclusion of caravans</li> </ul>
	<b>Rationale:</b> This clause has been revised to remove terminology that is no longer applicable and to include caravans into the classification.	
<b>Part 2 – Parking Stations</b>		Inclusion of new Clause 2.7 – Obstruction of Parking Station.
	<b>Rationale:</b> This clause is to prevent a vehicle being parked in a manner that would prevent vehicles from entering or exiting the Parking Station.	
<b>Part 2 – Parking Stations</b>		Inclusion of new Clause 2.8 – Footpaths and places of refuge for pedestrians.
	<b>Rationale:</b> This Clause is included to prevent vehicles in parking stations parking on footpaths and refuges within parking stations, ensuring the safety and unhindered flow of pedestrian traffic.	
<b>Part 2 – Parking Stations</b>		Inclusion of New Clause 2.9 – Entitlement to a receipt.
	<b>Rationale:</b> This Clause shows that a person who pays a fee in a parking station is entitled to receive a receipt for that payment, in accordance with modern parking station practices.	
<b>Part 2 – Parking Stations</b>	Previous Clause 15	Clause 2.13 inclusion of (3) and (4)
	<b>Rationale:</b> The previous Clause has been expanded to: <ul style="list-style-type: none"> <li>• (3) address the use of bicycles, tricycles, skateboards, roller skate, roller blade or other wheeled contrivance in a parking station. This does not include wheelchairs or motorised wheelchairs.</li> <li>• (4) allow for authorised persons to direct vehicles to be moved.</li> </ul>	

**M16/5475 – PROPOSED CITY OF MELVILLE PARKING LOCAL LAW 2016 (REC)**  
**(ATTACHMENT)**

<b>Part 3 – Parking on Thoroughfares</b>		Inclusion of no stopping at “yellow edge line” at Clauses 3.2(e) and 3.10(f).
	<b>Rationale:</b> <i>The Road Traffic Code 2000</i> provides for ‘no stopping on carriageway with yellow edge line’. The introduction of these clauses provides consistency with the Code and provides the ability to limit stopping in areas without a proliferation of signage.	
<b>Part 3 – Parking on Thoroughfares</b>	Previous Clause 24	Inclusions of clauses 3.6, 3.7 & 3.8 dealing with parking on a carriageway (parallel and angle).
	<b>Rationale:</b> These Clauses are introduced to provide clarity around parallel and angle parking on thoroughfares where parking spaces may not be provided, to ensure obstruction to the flow of traffic or ingress/egress of other vehicles does not occur.	
<b>Part 3 – Parking on Thoroughfares</b>	Previous Clause 23	Inclusion of new Clause 3.11 – Intersections, hoardings and footpaths
	<b>Rationale:</b> This Clause seeks to prevent parking: <ul style="list-style-type: none"> <li>• within 10m of an intersection, consistent with the <i>Road Traffic Code 2000</i>;</li> <li>• alongside any hoarding, scaffolding etc. that may impede traffic; and</li> <li>• on or over footpaths or places of refuge for pedestrians.</li> </ul>	
<b>Part 3 – Parking on Thoroughfares</b>	Previous Clause 29	Revised Clause 3.14 – Bus stops, pedestrian and children’s crossing.
	<b>Rationale:</b> This Clause has been revised to increase the distance that any vehicle may park to 10m from the departure side of a bus stop. This is consistent with the <i>Road Traffic Code 2000</i> .	
<b>Part 3 – Parking on Thoroughfares</b>		Inclusion of new Clause 3.15 – Stopping on keep clear markings
	<b>Rationale:</b> This Clause has been included in the revised Local Law as the City of Melville has a number of thoroughfares that include ‘keep clear’ areas. This Clause assists with the management of these areas.	
<b>Part 4 – Stopping and Parking Generally</b>	Delete Clause 34 - Parking of cycle in a parking space.	
	<b>Rationale:</b> The term ‘cycle’ is not applicable in the revised Local Law and issues associated with bicycles, motorcycles and pedal cycles are dealt with in specific Clauses.	

**M16/5475 – PROPOSED CITY OF MELVILLE PARKING LOCAL LAW 2016 (REC)**  
**(ATTACHMENT)**

<b>Part 4 – Stopping and Parking Generally</b>		Inclusion of Clauses 4.4, 4.5, 4.6 & 4.7 Associated with parking in various 'zones'
	<b>Rationale:</b> These Clauses are introduced to better define parking zones associated with taxi's, buses, bus lanes, transit lanes and bicycle lanes and to prevent the stopping of vehicle in zones that are shared by pedestrians and vehicles, all of which are more common in the modern community.	
<b>Part 5 – Parking Permit</b>	Previous Clause 57 - Residential parking permits and Clause 58 - Conditions of exemption for residential parking permits.	Section dealing with Parking Permits. Inclusion of residential and visitor parking permits.
	<b>Rationale:</b> This new section has been developed to provide clarity around the issue of resident and visitor parking permits and will be supported by a policy.	
<b>Part 5 – Parking Permit</b>		Inclusion of new Clause 5.7 – Construction site vehicle parking
	<b>Rationale:</b> This Clause is introduced to assist with regulating parking through the establishment of a 'work zone' associated with building sites via a permit system and provides the City with the ability to charge a fee for these sites if desired.	
<b>Part 6 – Metered Zones</b>		Inclusion of new Clause 6.9 – No parking when hood on meter.
	<b>Rationale:</b> The introduction of this Clause provides for no parking areas to be established by the covering of a meter with a hood. There are a number of reasons why metered parking may need to be restricted temporarily.	
<b>Miscellaneous</b>		Inclusion of new Clause 7.4 - Interfere with or damage to detection devices.
	<b>Rationale:</b> The City does not currently utilise electronic parking detection devices, however other local authorities have had success in problem areas and this Clause provides the City with this opportunity to use this form of technology in the future and provides for penalties associated should they be inferred with, damaged or obstructed.	
<b>Miscellaneous</b>		Inclusion of New Clause 7.5 – Ticket Invalid
	<b>Rationale:</b> This Clause has been included to discourage attempts to deface, damage or alter parking tickets in an attempt to avoid paying parking fees or associated penalties.	

**M16/5475 – PROPOSED CITY OF MELVILLE PARKING LOCAL LAW 2016 (REC)**  
**(ATTACHMENT)**

<p><b>Schedule 1 Parking Stations</b></p>		<p>The following parking facilities have been deleted from this Schedule:</p> <ul style="list-style-type: none"> <li>• Booragoon Tavern Car Parking</li> <li>• Bull Creek Shopping Centre Car Park</li> <li>• Murdoch TAFE Campus</li> <li>• Melville Plaza Shopping Centre</li> <li>• St John of God Hospital Murdoch</li> <li>• Booragoon Commercial Centre</li> <li>• Kardinya Park Shopping Centre</li> <li>• 18 -22 Riseley Street, Ardross</li> </ul> <p><b>Rationale:</b> The City no longer has jurisdiction over parking in these areas and they are removed for this reason.</p>
<p><b>Schedule 2 Modified Penalties</b></p>	<p>Previous penalties range from \$50.00 to \$70.00.</p>	<ul style="list-style-type: none"> <li>• Increase in penalties range from \$70.00 to \$90.00.</li> <li>• Inclusion of new penalties associated with the interfering or damage to electronic detection devices, display panel or transmitting devices - \$500.00.</li> <li>• Inclusion of new penalty associated with stopping within a continuous yellow edge line.</li> <li>• Modification of other penalties to align with redesigned clauses.</li> </ul> <p><b>Rationale:</b> Consideration was given to other the penalties imposed by other local governments, both in the immediate vicinity and across the metropolitan area. The increases were considered appropriate to act as deterrent whilst being consistent with other local governments. These increases were approved by the Council when adopting the 2015/2016 Fees and Charges however to give effect to them the Local Law needs to be amended.</p> <p>The penalties associated with electronic detection devices represent the cost of this form of technology and that a sufficient penalty is required to act as deterrent.</p>

**M16/5475 – PROPOSED CITY OF MELVILLE PARKING LOCAL LAW 2016 (REC)  
(ATTACHMENT)**

<b>Schedule 2 Modified Penalties</b>		<p>Inclusion of Penalties associated with:</p> <ul style="list-style-type: none"> <li>• Stopping within continuous yellow edge line.</li> <li>• Stopping or parking on a verge contrary to signs.</li> <li>• Stopping or parking on a verge without consent.</li> <li>• Failure to remove permit.</li> <li>• Failure to display an unexpired ticket on a road.</li> </ul>
	<b>Rationale:</b> The new penalties are directly associated with clauses contained within the revised Local Law.	
<b>Schedule 3 Infringement Notice Forms</b>		All Forms have been revised.
	<b>Rationale:</b> The revision has amended the forms, included space for the collection of additional information and includes clauses relating to the Fines Enforcement Registry where appropriate.	

Due to the large number of proposed changes, it is recommended that the existing Local Law be repealed and a new Local Law be made, rather than amending the existing Local Law. This will provide the City with a clear and concise new Local Law.

Section 3.12 of the *Local Government Act 1995* sets out the process to be undertaken to make a Local Law, and it should be noted that commencing the Local Law making process does not bind Council to adopt the Local Law, but rather gives approval to start the process by giving Statewide notice of the intention to make the Local Law and requesting public submissions on the proposed new Local Law.

## **STAKEHOLDER ENGAGEMENT**

### **I. COMMUNITY**

Clause 3.12(3) of the *Local Government Act 1995* requires that the City of Melville give Statewide notice of its intention to make a Local Law and advise that it will receive submissions on the Local Law for a period of at least six weeks.

### **II. OTHER AGENCIES / CONSULTANTS**

In accordance with s 3.12(3)(b), once the City has given Statewide notice of its intention to make the local law and invited submissions from the community, a copy of the Local Law is required to be lodged with the Minister for Local Government for consideration.

Following the submission period, and once the Local Law has been adopted by the Council, the Joint Standing Committee on Delegated Legislation will also review the Local Law.

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**M16/5475 – PROPOSED CITY OF MELVILLE PARKING LOCAL LAW 2016 (REC)  
(ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

The *Local Government Act 1995* outlines the process that the City must undertake to make a Local Law and requires that the Council endorse the initial step of advertising the proposal to make the Local Law for public submission. Following the submission period a further report will be presented to the Council advising of the submissions received.

**FINANCIAL IMPLICATIONS**

There are costs associated with advertising the proposed Local Law in accordance with the requirements of the *Local Government Act 1995*. These costs can be accommodated in the adopted 2015/2016 Budget. Further costs will be associated with the advertising and gazettal of the Local Law once adopted and these will be included in the 2016/2017 Budget.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

Under the *Local Government Act 1995*, local governments are empowered to make Local Laws to help perform their functions as long as the Local Laws are not inconsistent with the Act or any other written law.

The creation adequate and appropriate Local Laws benefits the community by ensuring the regulation of activities within the district.

**POLICY IMPLICATIONS**

The City of Melville Draft Parking Permit Policy has been developed to support the Parking Local Law and is the subject of a separate report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

The purpose of the proposed City of Melville Parking Local Law 2016 is to define the parking region for the City of Melville and to regulate and manage parking within that region.

The effect of the City of Melville Parking Local Law 2016 is to provide a safe, fair and equitable parking environment under the care and control of the local government, enable the control of parking activities within the parking region and provide for the management and operation of parking facilities.

The proposed new Parking Local Law 2016 provides the City with a modern and concise Local Law providing clarity and context of the parking regulations applicable to the City and takes into consideration other associated legislation.

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**M16/5475 – PROPOSED CITY OF MELVILLE PARKING LOCAL LAW 2016 (REC)  
(ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5475)          APPROVAL**

**That the Council;**

- 1. Authorises the Chief Executive Officer to advertise the proposed City of Melville Parking Local Law 2016 as contained in [5475 Draft City of Melville Parking Local Law](#) for public comment, in accordance with the requirements of Section 3.12(3) of the *Local Government Act 1995*.**
- 2. Requests that a copy of the proposed City of Melville Parking Local Law 2016 be forwarded to the Minister for Local Government in accordance with section 3.12(3) of the *Local Government Act 1995*.**
- 3. Requests that the Chief Executive Officer prepares a further report at the conclusion of the public advertising period to enable the Council to consider the submissions made.**

At 10.12pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (12/0)**



**M16/5000 – 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 &amp; 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	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

This report details the documents to which the City of Melville Common Seal has been applied for the period from 19 February 2016 up to and including 23 March 2016 and recommends that the information be noted.

**M16/5000 – 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**

<b>Register Reference</b>	<b>Parties</b>	<b>Description</b>	<b>ECM Reference</b>
1157	The City of Melville and Mount Pleasant Baptist Auskick Centre in Bateman	Management Licence for Mount Pleasant Baptist Auskick Centre to commence 1 July 2016 expiring 30 June 2018	3731439
1159	The City of Melville and Hub Connections in Leeming	Extension to Management Licence – The City of Melville and Hub Connections Leeming to commence 22 March 2016 expiring 21 March 2021	3728146
1169	The City of Melville and Willagee Rugby League Football Club in Willagee	Deed of Lease – The City of Melville and Willagee Rugby League Football Club to commence 1 June 2016 and expiring 30 May 2021	3754597
1185	The Honourable Minister for Energy and Western Power and The City of Melville	Underground Power Program – Bicton North Major Residential Project February 2016	3294316
1187	The City of Melville and Mr Peter Hyatt, Ms Dixie Hyatt, Mr Rys Hyatt, Mr Troy Hyatt, Mr David Williams and Mr Roger Williams	Three Contracts of Offer to Purchase the strata properties situated at 23, 25 and 27 Moreau Mews, Applecross Being Strata lots 1,2 and 3	3821326/ 3821327/ 3821328

**M16/5000 – COMMON SEAL REGISTER (REC)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable.

**II. OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

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

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

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

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

**FINANCIAL IMPLICATIONS**

There are no financial implications in this report other than that held in the contracts advised above.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

There is no strategic, risk or environmental management implications in this report.

**POLICY IMPLICATIONS**

There are no policy implications in this report.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**M16/5000 – COMMON SEAL REGISTER (REC)****CONCLUSION**

This is a standard report for Elected Members' information.

**OFFICER RECOMMENDATION (5000)****NOTING**

**That the Council notes the actions of His Worship the Mayor and the Chief Executive Officer in executing the document listed under the Common Seal of the City of Melville from 19 February 2016 up to and including 23 March 2016.**

At 10.12pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

**C16/6000 - INVESTMENT STATEMENTS FOR FEBRUARY 2016 (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>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; 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	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

This report presents the investment statements for the period ending 29 February 2016 for the Council's information and noting.

**C16/6000 - INVESTMENT STATEMENTS FOR FEBRUARY 2016 (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**

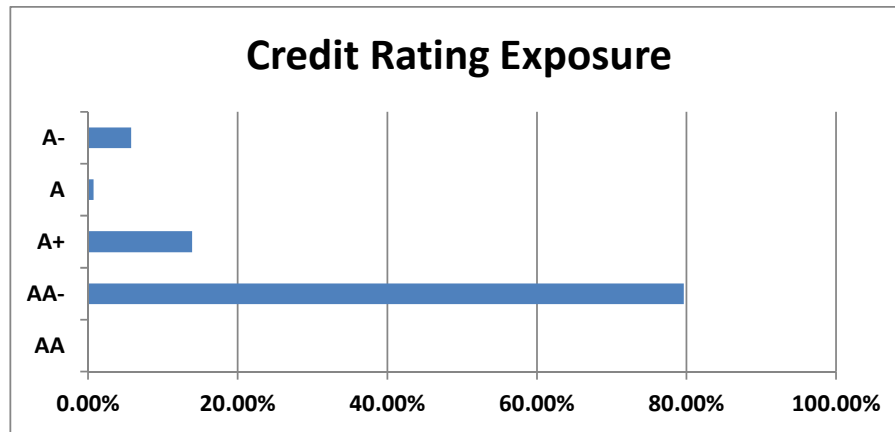
Summary details of investments held as at 29 February 2016 are shown in the tables below.

<b>CITY OF MELVILLE</b>	
<b>STATEMENT OF INVESTMENTS</b>	
<b>FOR THE PERIOD ENDING 29 FEBRUARY 2016</b>	
<b>SUMMARY BY FUND</b>	<b>AMOUNT</b>
	<b>\$</b>
MUNICIPAL	\$ 41,282,524
RESERVE	\$ 97,387,098
TRUST	\$ 342,815
CITIZEN RELIEF	\$ 200,625
	<b>\$ 139,213,061</b>
<b>SUMMARY BY INVESTMENT TYPE</b>	<b>AMOUNT</b>
	<b>\$</b>
11AM	\$ 6,250,997
31DAYS AT CALL	\$ 1,000,000
60DAYS AT CALL	\$ 2,000,000
90DAYS AT CALL	\$ 5,000,000
TERM DEPOSIT	\$ 123,731,419
BOND	\$ -
FRTD	\$ 1,000,000
UNITS (Local Govt Hse)	\$ 230,645
	<b>\$ 139,213,061</b>
<b>SUMMARY BY CREDIT RATING</b>	<b>AMOUNT</b>
	<b>\$</b>
AA	\$ -
AA-	\$ 110,682,416
A+	\$ 19,300,000
A	\$ 1,000,000
A-	\$ 8,000,000
BBB+	\$ -
UNITS (Local Govt Hse)	\$ 230,645
	<b>\$ 139,213,061</b>

**C16/6000 - INVESTMENT STATEMENTS FOR FEBRUARY 2016 (REC)**

The following statements detail the investments held by the City for the period ending 29 February 2016.

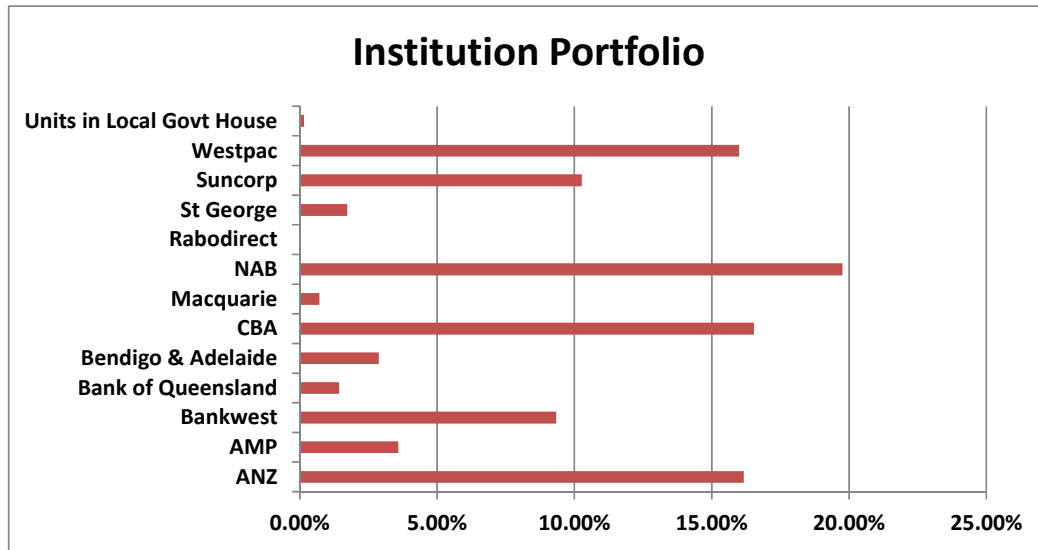
STATEMENT OF INVESTMENTS FOR THE PERIOD ENDING 29 FEBRUARY 2016					
INSTITUTION / INVESTMENT	INVESTMENT TYPE	Interest Rate %	S & P RATING	AMOUNT \$	MATURITY DATE
BANKWEST (11AM)	11AM	2.50%	AA-	\$0	On call
WESTPAC (MAXI DIRECT)	11AM	1.70%	AA-	\$2,900,000	On call
WESTPAC (MAXI BONUS 1)	11AM	1.95%	AA-	\$2,327,951	On call
WESTPAC (MAXI BONUS 2)	11AM	1.95%	AA-	\$1,023,046	On call
				<b>\$6,250,997</b>	
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	2.15%	AA-	\$1,000,000	On call
				<b>\$1,000,000</b>	
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	2.95%	AA-	\$2,000,000	On call
				<b>\$2,000,000</b>	
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	3.05%	AA-	\$5,000,000	On call
				<b>\$5,000,000</b>	
BANK OF QUEENSLAND (TERM)	TERM	Various	A-	\$2,000,000	Various
BANKWEST (TERM)	TERM	Various	AA-	\$13,000,000	Various
BENDIGO AND ADELAIDE BANK (TERM)	TERM	Various	A-	\$4,000,000	Various
CITIBANK (TERM)	TERM	Various	AA-	\$0	Various
COMMONWEALTH BANK (TERM)	TERM	Various	AA-	\$23,020,942	Various
AMP BANK (TERM)	TERM	Various	A+	\$5,000,000	Various
ANZ BANK (TERM)	TERM	Various	AA-	\$22,500,000	Various
ING BANK (TERM)	TERM	Various	A-	\$2,000,000	Various
MACQUARIE BANK (TERM)	TERM	Various	A	\$1,000,000	Various
NAB (TERM)	TERM	Various	AA-	\$27,500,625	Various
RABODIRECT (TERM)	TERM	Various	AA	\$0	Various
ST GEORGE BANK (TERM)	TERM	Various	AA-	\$2,400,000	Various
SUNCORP METWAY LTD (TERM)	TERM	Various	A+	\$14,300,000	Various
WESTPAC (TERM)	TERM	Various	AA-	\$7,009,852	Various
				<b>\$123,731,419</b>	
WESTPAC (FRTD)	FRTD	2.80%	AA-	\$1,000,000	Various
				<b>\$1,000,000</b>	
UNITS IN LOCAL GOVT HOUSE	NA	NA	NA	\$230,645	NA
<b>TOTAL FUNDS INVESTED</b>				<b>\$139,213,061</b>	
<b>CREDIT RISK COMPARISON</b>					
CREDIT RISK	AMOUNT	\$	ACTUAL PROPORTION	MAX. % AMOUNT IN TOTAL PORTFOLIO	Comments
AA		\$0	0%	80%	
AA-	\$110,682,416		80%	80%	
A+	\$19,300,000		14%	50%	
A	\$1,000,000		1%	50%	
A-	\$8,000,000		6%	50%	
BBB+	\$0		0%	20%	
UNITS IN LOCAL GOVT: HOUSE	\$230,645		0%	0.1%	Council Decision
<b>TOTAL</b>	<b>139,213,061</b>		<b>100%</b>		

**C16/6000 - INVESTMENT STATEMENTS FOR FEBRUARY 2016 (REC)**


<b>DIVERSIFICATION RISK</b>						
<b>INSTITUTION</b>	<b>INVESTMENT TYPE</b>	<b>S &amp; P RATING</b>	<b>AMOUNT \$</b>	<b>ACTUAL PROPORTION</b>	<b>INSTITUTION PROPORTION</b>	<b>MAX. % WITH ANY ONE INSTITUTION</b>
ANZ BANK (TERM)	TERM	AA-	22,500,000	16.16%	16.16%	20%
AMP BANK (TERM)	TERM	A+	5,000,000	3.59%	3.59%	15%
BANKWEST (11AM)	11AM	AA-	-	0.00%		
BANKWEST (TERM)	TERM	AA-	13,000,000	9.34%	9.34%	20%
BANK OF QUEENSLAND (TERM)	TERM	A-	2,000,000	1.44%	1.44%	15%
BENDIGO AND ADELAIDE BANK (TERM)	TERM	A-	4,000,000	2.87%	2.87%	15%
CITIBANK (TERM)	TERM	AA-	-	0.00%	0.00%	20%
COMMONWEALTH BANK (TERM)	TERM	AA-	23,020,942	16.54%		
COMMONWEALTH BANK (COVERED BOND)	BOND	AAA	-	0.00%		
COMMONWEALTH BANK (RETAIL BOND)	BOND	AA	-	0.00%		
COMMONWEALTH BANK (FRN)	FRN	AA	-	0.00%	16.54%	20%
ING BANK (TERM)	TERM	A-	2,000,000	1.44%	1.44%	15%
MACQUARIE BANK (TERM)	TERM	A	1,000,000	0.72%	0.72%	15%
NAB (TERM)	TERM	AA-	27,500,625	19.75%	19.75%	20%
RABODIRECT (TERM)	TERM	AA	-	0.00%	0.00%	15%
ST GEORGE BANK (TERM)	TERM	AA-	2,400,000	1.72%	1.72%	20%
SUNCORP METWAY LTD (TERM)	TERM	A+	14,300,000	10.27%	10.27%	15%
WESTPAC (MAXI BONUS 1)	11AM	AA-	2,327,951	1.67%		
WESTPAC (MAXI BONUS 2)	11AM	AA-	1,023,046	0.73%		
WESTPAC (MAXI DIRECT)	11AM	AA-	2,900,000	2.08%		
WESTPAC (31DAYS AT CALL)	31DAYS AT CALL	AA-	1,000,000	0.72%		
WESTPAC (60DAYS AT CALL)	60DAYS AT CALL	AA-	2,000,000	1.44%		
WESTPAC (90DAYS AT CALL)	90DAYS AT CALL	AA-	5,000,000	3.59%		
WESTPAC (FRTD)	FRTD	AA-	1,000,000	0.72%		
WESTPAC (TERM)	TERM	AA-	7,009,852	5.04%	15.99%	20%
UNITS IN LOCAL GOVT HOUSE	NA	NA	230,645	0.17%	0.17%	
			<b>139,213,061</b>	<b>100%</b>	<b>100%</b>	
<b>MATURITY COMPARISON</b>						
<b>TERM to MATURITY</b>	<b>AMOUNT \$</b>	<b>ACTUAL PROPORTION</b>	<b>MAX. % IN ANY ONE YEAR</b>	<b>Comments</b>		
<b>MUNICIPAL &amp; TRUST FUNDS</b>						
< 1 year	41,394,694	100%	100%			
	<b>41,394,694</b>	<b>100%</b>				
<b>RESERVE FUNDS</b>						
< 1 year	97,387,098	100%	100%			
	<b>97,387,098</b>	<b>100%</b>				

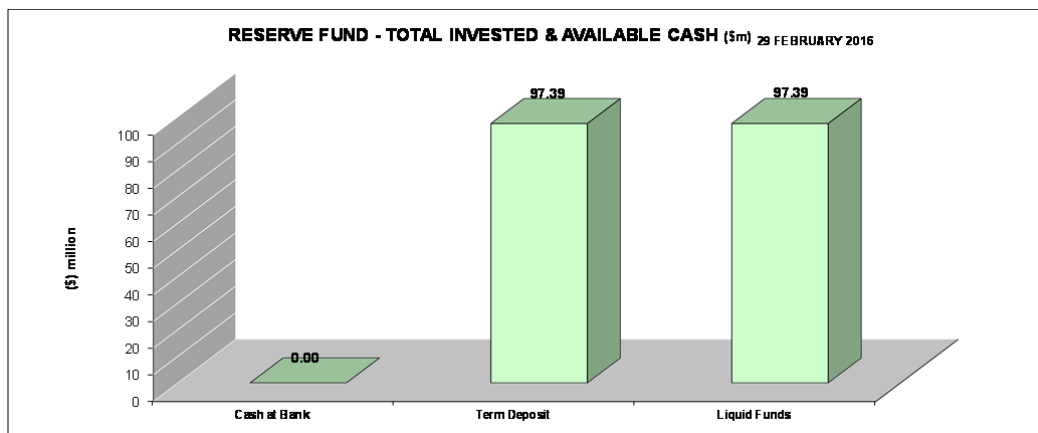
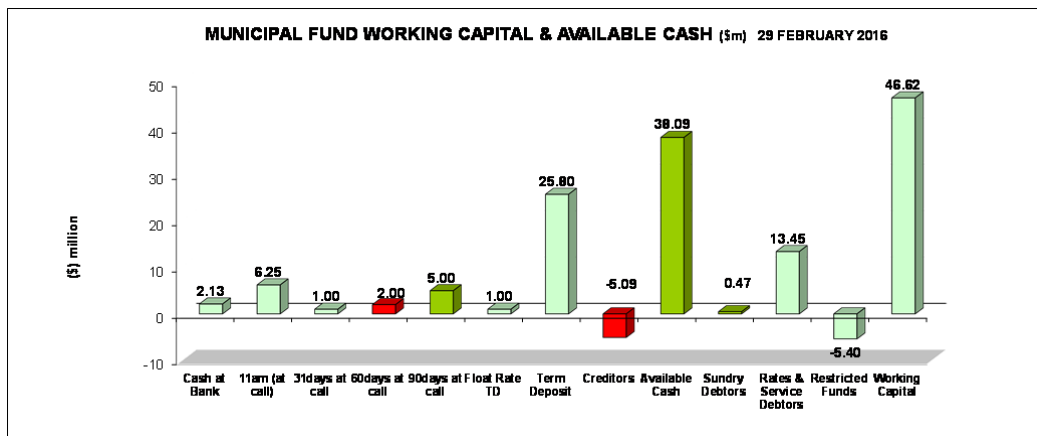


C16/6000 - INVESTMENT STATEMENTS FOR FEBRUARY 2016 (REC)



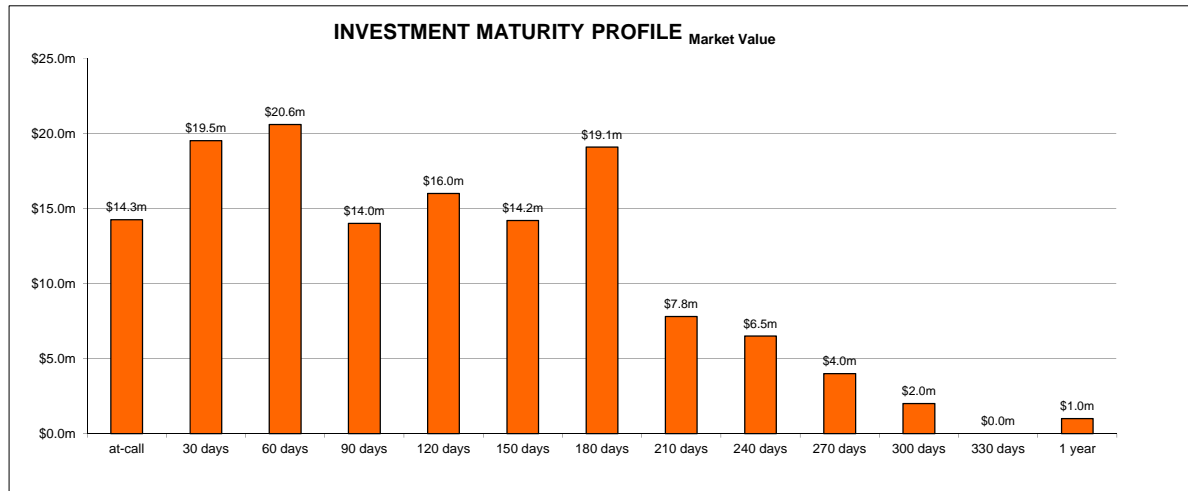
Net Funds Held

The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund as at 29 February 2016.



**C16/6000 - INVESTMENT STATEMENTS FOR FEBRUARY 2016 (REC)**

The graph below summarises the maturity profile of the City's investments at market value as at 29 February 2016.



**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**

A wide range of suitably credit rated Authorised Deposit-taking Institutions (ADI's) were engaged with during the course of the month in respect to the placement and renewal of investments.

**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)

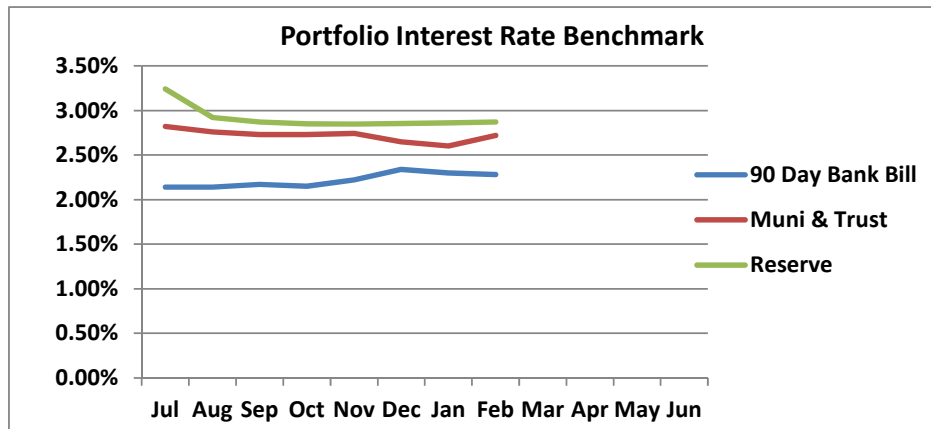
Authorised Deposit-taking Institutions are authorised under the *Banking Act 1959* and are subject to Prudential Standards oversight by the Australian Prudential Regulation Authority (APRA).

**C16/6000 - INVESTMENT STATEMENTS FOR FEBRUARY 2016 (REC)**

**FINANCIAL IMPLICATIONS**

For the period ending 29 February 2016:

- Investment earnings on Municipal and Trust Funds were \$730,887 against a year to date budget of \$543,333 representing a \$187,554 positive variance.
- The weighted average interest rate for Municipal and Trust Fund investments as at 29 February 2016 was 2.72% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.28%.
- Investment earnings on Reserve accounts were \$1,951,787 against a year to date budget of \$1,666,667 representing a \$285,120 positive variance.
- The weighted average interest rate for Reserve account investments as at 29 February 2016 was 2.87% which compares favourably to the benchmark three month bank bill swap (BBSW) reference rate of 2.28%.



**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

The Council's Investment of Funds Policy CP-009 was 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 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.

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**C16/6000 - INVESTMENT STATEMENTS FOR FEBRUARY 2016 (REC)****POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds provides guidelines with respect to the investment of City of Melville (the City) funds by defining levels of risk considered prudent for public monies. Liquidity requirements are determined to ensure the funds are available as and when required and take account of appropriate benchmarks for rates of return commensurate with the low levels of risk and liquidity requirements. The types of investments that the City has the power to invest in is limited by prescriptive legislative provisions governed by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Part III of the Trustees Act 1962.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

The City's investment portfolio is invested in highly secure investments that are returning low investment returns that are however commensurate with the low level of risk of the portfolio.

Future investment earnings are expected to continue to decrease when compared to previous years as interest rates continue to stay low and the effect of tighter Basel III based banking implemented by the Australia Prudential Regulation Authority (APRA). Furthermore legislative restrictions that have been implemented by the Western Australian State Government limiting term deposits to a maximum term of 12 months, has resulted in the City not being able to invest in longer term deposits which, depending on the interest rate yield curve, can attract higher interest rates than shorter term investments.

**OFFICER RECOMMENDATION (6000)****NOTING**

**That the Investment Report for the month of February 2016 be noted.**

At 10.12pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

**C16/6001 – SCHEDULE OF ACCOUNTS PAID FOR FEBRUARY 2016 (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	:	Annual 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 &amp; 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	<b><i>For the Council/Committee to note.</i></b>

**KEY ISSUES / SUMMARY**

This report presents the details of payments made under delegated authority to suppliers for the month of February 2016 and recommends that the Schedule of Accounts Paid be noted.

**C16/6001 – SCHEDULE OF ACCOUNTS PAID FOR FEBRUARY 2016 (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 period ending 29 February 2016 ([6001 February 2016](#)), including Payment Registers numbers, Cheques 502 to 506 and Electronic Funds Transfers batches 389 to 390, Trust Payments, Card Payments and Payroll were distributed to the Elected Members of Council on 19 April 2016.

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

Supplier Name	Remittance Number	Remittance Details	Amount
Bucher Municipal Pty Ltd	Repairs to hopper and hydraulics	E048043 & E048304	\$25,134.67
City of Cockburn	Tip fees for January 2016	E0048294	\$84,046.20
Data#3 Limited	Veritas EV Cloud Discovery & Personal. Purchase of Cisco Catalyst 3650 48 Port PoE	E048121 & E048370	\$46,516.18
Dickies Tree Service	Tree pruning, lopping services at various locations	E048036 & E048297	\$39,146.52
E. & MJ. Rosher Pty Ltd	2 X Kubota F2890 mowers	E048082 & E048340	\$50,874.40
Ecosol Pty Ltd	Pollution trap to The Esplanade	E048284	\$43,403.52
EMSO Maintenance T/A Crabclaw Holdings Pty Ltd	Building maintenance at various locations	E048103 & E048358	\$64,235.38
Fire & Emergency Services Authority WA	ESL January 2016 Remittance	E048192	\$788,777.13
Flexi Staff	Temporary employment	E048064 & E048318	\$72,276.43
Forpark Australia	Replacement of playground at Dinosaur Park	E048040 & E048300	\$32,807.51
Forrest Hills Spraying Services	Spraying of footpaths at various locations	E048211	\$53,130.00
Fredon Air Pty Ltd	Air conditioning services at various locations	E048237 & E048447	\$25006.01
HF Industries Pty Ltd	8 x Balanced bodies reformer machines	E048421	\$36,366.00
Hydroquip Pumps	Installation of flood pumps	E048071 & E048325	\$42,769.43

**C16/6001 – SCHEDULE OF ACCOUNTS PAID FOR FEBRUARY 2016 (REC) (ATTACHMENT)**

Supplier Name	Remittance Number	Remittance Details	Amount
Landscape Elements Pty Ltd	Progress claim 10 for Carawatha Park	E048059	\$26,419.44
MMM WA PTY LTD	Drainage structures & reinstatement at various locations	E048142 & E048386	\$38,599.11
Roads 2000 Pty Ltd	Road resurfacing at Murdoch Drive & Mount Pleasant Primary School	E048200	\$95,123.44
South West Group	Member Council Contribution & 2015 – 16 Contribution to NRM Facilitator Position	E048083 & E048342	\$72,500.00
Southern Metropolitan Regional Council	Recyclable gate fees, MSW gate fees & green waste gate fees for January 2016	E048123 & E048372	\$1,032,920.09
Synergy	Electricity & streetlights charges at various locations	E048063 & E048317	\$390,202.40
T J Depiazzi & Sons	Pine bark mulch	E048352	\$29,755.00
Tactile Indicators (Perth) Pty Ltd	Tactile pavers to Cranford Avenue & reinstatement of damaged tactile pavers at The Esplanade	E048141 & E048385	\$28,564.00
Titan Ford	Ford Ranger double crew cab & vehicle parts & servicing	E048084 & E048343	\$34,586.32
TJS Cleaning Services Perth Pty Ltd	Cleaning of LeisureFit Booragoon & Melville	E048219	\$25,880.38
Total Eden	Various reticulation & irrigation parts	E048085 & E048344	\$26,885.12
Water Corporation	Water charges at various locations	Chq's 063856 & 063987	\$41,083.57
Western Power	Cash call 3 for Melville South Project & street lights at Point Walter, Wichmann & Preston Point Road	E048058 & E048315	\$849,771.00
Westpac	Settlement for 31 Moreau Mews	Chq 063832	\$3,942,180.28

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**C16/6001 – SCHEDULE OF ACCOUNTS PAID FOR FEBRUARY 2016 (REC) (ATTACHMENT)****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**

Procurement of Products and Services is conducted in accordance with Council Policy CP-023 and Systems Procedure 019 Purchasing and Procurement.



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**C16/6001 – SCHEDULE OF ACCOUNTS PAID FOR FEBRUARY 2016 (REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

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

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

**That the Council notes the Schedule of Accounts paid for the period ending 29 February 2016 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 February 2016](#)**

At 10.12pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

**C16/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2016 (REC)**  
**(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**

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

**KEY ISSUES / SUMMARY**

This report presents:

- The Statements of Financial Activity by Program, Sub-Program and Nature and Type, for the period ending 29 February 2016 and recommends that they be noted by the Council.
- The variances for the month of February 2016 and recommends that they be noted by the Council.

Note: There are no budget amendments for the period ending 29 February 2016.

**C16/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2016 (REC)  
(ATTACHMENTS)**
**BACKGROUND**

The Statements of Financial Activity for the period ending 29 February 2016 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. The three monthly reports that are presented are the:-

1. Rate Setting Statement by Program, which provides details on the Program classifications,
2. Rate Setting Statement by Sub-Program, which provides further details on the Program classifications and,
3. Statement of Financial Activity by Nature and Type which provides details on the various categories of income and expenditure.

For the period ending 29 February 2016, net (i.e. incomes less expenditure) operating positive variances of \$8.4 million and net capital positive variances of \$736k were recorded.

**Variations**

CITY OF MELVILLE STATEMENT OF VARIANCES IN EXCESS OF \$50,000 for the Period Ended 29 February 2016							
	February	YTD	YTD	Variance	Variance	Annual	Annual
	Actual	Rev. Budget	Actual	\$	%	Budget	Rev. Budget
	\$	\$	\$	\$	%	\$	\$
<b>Revenue</b>							
General Purpose Funding	(1,896,735)	7,936,000	7,478,350	(457,650)	-6%	9,904,000	9,904,000
Law, Order, Public Safety	27,193	2,419,327	2,511,971	92,643	4%	2,503,484	2,503,484
Health	34,474	280,955	332,801	51,846	18%	326,433	326,433
Community Amenities	161,485	2,605,294	2,778,876	173,582	7%	3,205,507	3,156,624
Recreation and Culture	630,994	5,451,329	5,348,605	(102,724)	-2%	8,286,606	8,290,606
Transport	744,988	2,411,747	2,692,932	281,186	12%	3,124,779	3,693,266
Other Property and Services	134,463	671,269	942,642	271,373	40%	3,374,667	3,587,667
	4,985	24,042,285	24,734,815	1,149,133	3%	31,022,213	31,758,817
<b>Expenses</b>							
Governance	(238,559)	(2,932,744)	(2,303,084)	629,660	-21%	(4,195,642)	(4,596,275)
General Purpose Funding	(56,279)	(3,871,575)	(3,941,150)	(69,576)	2%	(4,243,834)	(5,212,429)
Law, Order, Public Safety	(300,922)	(2,480,176)	(2,397,739)	82,437	-3%	(3,807,299)	(3,801,844)
Health	(79,603)	(713,138)	(639,692)	73,447	-10%	(1,071,022)	(1,070,760)
Education & Welfare	(194,908)	(1,840,686)	(1,696,380)	144,306	-8%	(2,899,612)	(2,852,048)
Community Amenities	(1,317,410)	(16,570,381)	(14,193,037)	2,377,344	-14%	(24,390,165)	(24,838,830)
Recreation and Culture	(2,156,949)	(18,759,342)	(17,139,335)	1,620,007	-9%	(29,594,045)	(28,809,795)
Transport	(762,207)	(6,144,610)	(5,332,713)	811,898	-13%	(8,903,681)	(9,260,715)
Economic Services	(250,465)	(1,431,793)	(1,704,435)	(272,643)	19%	(2,142,783)	(2,162,783)
Other Property and Services	(1,263,232)	(13,862,567)	(12,577,374)	1,285,193	-9%	(20,130,413)	(20,331,433)
	(6,623,585)	(68,632,966)	(61,954,116)	10,144,134	-10%	(101,412,725)	(102,974,028)
<b>Capital Revenue &amp; Expenditure</b>							
Purchase of Furniture & Equipment	(84,423)	(1,786,534)	(1,062,900)	723,634	-41%	(1,476,120)	(2,585,834)
Purchase of Plant & Equipment	(90,371)	(1,825,965)	(1,516,991)	308,974	-17%	(4,496,368)	(5,334,368)
Purchase of Land & Buildings	(4,025,909)	(1,985,459)	(4,940,677)	(2,955,218)	149%	(5,153,700)	(6,699,179)
Purchase of Infrastructure Assets	(685,295)	(7,681,232)	(6,432,515)	1,248,717	-16%	(16,644,956)	(21,536,907)

A more detailed summary of variances and comments based on the Rate Setting Statement by Sub-Program ([6002A Sub Program February 2016](#)) is provided in attachment [6002H February 2016](#)

**C16/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2016 (REC)  
(ATTACHMENTS)****Revenue**

\$81.614 million in Rates was raised to 29 February 2016. This is compared with a revised year to date budget of \$81.192 million, resulting in a positive variance of \$422k.

**Money Expended in an Emergency and Unbudgeted Expenditure**

Not applicable for February 2016.

**Budget Amendments**

There are no budget amendments that were processed in February 2016 as the 2015/2016 mid-year budget review was underway.

**Rates Collections and Debtors**

Details of Rates and Sundry Debtors are shown in attachments 6002L, 6002M and 6002N. Rates, Refuse, Fire and Emergency Service Authority & Underground Power payments totalling \$4,785,667 were collected over the course of the month. Rates collection progress for the month of February is 3% above target which represents a dollar value of \$2,544,276. As at 29 February 92% of 2015/2016 rates had been collected. This is 2.6% more than collected for the same time last year.

Total sundry debtor balances decreased by \$356,496 over the course of the month from \$833,119 to \$476,623. The 90+ day's debtor balance increased by \$11,753 from \$117,635 to \$129,388.

**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.

One debt with a value of \$346 for hall hire was written off under delegated authority in the month of February 2016 due to the closing down of the Bull Creek Leeming Playgroup.

**C16/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2016 (REC)  
(ATTACHMENTS)**

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

DESCRIPTION	LINK
Rate Setting Statement by Program – February 2016	<a href="#">6002A February 2016</a>
Rate Setting Statement by Sub-Program – February 2016	<a href="#">6002A Sub Program February 2016</a>
Statement of Financial Activity – February 2016	<a href="#">6002B February 2016</a>
Representation of Net Working Capital – February 2016	<a href="#">6002E February 2016</a>
Reconciliation of Net Working Capital – February 2016	<a href="#">6002F February 2016</a>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – February 2016	<a href="#">6002H February 2016</a>
Details of Budget Amendments requested – February 2016	<a href="#">Not Applicable</a>
Summary of Rates Debtors – February 2016	<a href="#">6002L February 2016</a>
Graph Showing Rates Collections – February 2016	<a href="#">6002M February 2016</a>
Summary of General Debtors aged 90 Days Old or Greater – February 2016	<a href="#">6002N February 2016</a>

**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.

**C16/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2016 (REC)  
(ATTACHMENTS)**

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

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

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

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

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

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

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

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

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

The variance adopted by the Council is 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 February 2016](#) (Notes on Statement of Variances in excess of \$50,000).

**C16/6002 – STATEMENTS OF FINANCIAL ACTIVITY FOR FEBRUARY 2016 (REC)  
(ATTACHMENTS)**

**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 29 February 2016.

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

**NOTING**

**That the Council:**

- Note the Rate Setting Statement and Statements of Financial Activity for the month ending 29 February 2016 as detailed in the following attachments:**

<b>DESCRIPTION</b>	<b>LINK</b>
Rate Setting Statement by Program – February 2016	<a href="#">6002A February 2016</a>
Rate Setting Statement by Sub-Program – February 2016	<a href="#">6002A Sub Program February 2016</a>
Statement of Financial Activity – February 2016	<a href="#">6002B February 2016</a>
Representation of Net Working Capital – February 2016	<a href="#">6002E February 2016</a>
Reconciliation of Net Working Capital – February 2016	<a href="#">6002F February 2016</a>
Notes on Rate Setting Statement reporting on variances of 10% or \$50,000 whichever is greater – February 2016	<a href="#">6002H February 2016</a>
Details of Budget Amendments requested – February 2016	<a href="#">Not Applicable</a>
Summary of Rates Debtors – February 2016	<a href="#">6002L February 2016</a>
Graph Showing Rates Collections – February 2016	<a href="#">6002M February 2016</a>
Summary of General Debtors aged 90 Days Old or Greater – February 2016	<a href="#">6002N February 2016</a>

At 10.12pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY EN BLOC (12/0)**

**LATE ITEM CD16/8080 - SELF SUPPORTING LOAN – BRENTWOOD KAROONDA SPORTING ASSOCIATION (AMREC)**

Disclosure of Interest

Item No.	CD16/8080
Member	Cr C Schuster
Type of Interest	Code of Conduct
Nature of Interest	Grandson plays Auskick with the Booragoon Bulldogs who are part of the Association.
Request	stay, discuss, vote
Decision of Council	Not Applicable

Ward	: City
Category	: Policy
Subject Index	: Brentwood Karoonda Sporting Association
Customer Index	: Brentwood Karoonda Sporting Association
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: C08/8009 Community Sporting Recreation Facility Funding 2009/2010 - October 2008 C09/8027 Self Supporting Loan Brentwood Booragoon Football Club - December 2009. CD13/8056 – Community Sporting and Recreation Facility Funding Standard and Forward Planning September 2013.
Works Programme	: Not Applicable
Funding	: \$200,000
Responsible Officer	: Michael Doyle Community Recreation Coordinator

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



**LATE ITEM CD16/8080 - SELF SUPPORTING LOAN – BRENTWOOD KAROONDA SPORTING ASSOCIATION (AMREC)****KEY ISSUES / SUMMARY**

- An amount of \$110,000 was listed in the 2015/2016 City of Melville Budget as a self supporting loan for clubroom, floodlighting and cricket practice net developments for the Brentwood Karoonda Sporting Association at Karoonda Reserve, Booragoon.
- The purpose of this report is to consider and approve a self supporting loan of \$200,000, subject to conditions and increasing the \$110,000 listed in the 2015/2016 budget to \$200,000.

**BACKGROUND**

Agenda item *CD13/8056 Community Sporting Recreation Facility Funding Annual and Forward Planning* was considered at the September 2013 round of Council meetings. At this meeting, the Council supported the project and approved a budget allocation of up to \$180,000 towards the project.

It was also noted that should the Brentwood Karoonda Sporting Association receive Community Sporting Recreation Facility Funding (CSRFF) it was likely that they would apply for a self supporting loan to fully fund facility improvements.

Two CSRFF applications were forwarded to the Department of Sport and Recreation (for assessment and funding in the 2014/2015 financial year.

In February 2014, the Minister for Sport and Recreation announced the outcome of the 2014/2015 CSRFF annual and forward planning funding applications. The following application received support:

- Brentwood Karoonda Sporting Association (successful in receiving funding of up to \$155,000)

The delays following the notification of support from the Department of Sport and Recreation for the application and the Club being in a position to commence construction have been due to a number of issues:

- The initial estimated building costs for the CSRFF application was \$516,324.
- Formal quotes for the project were then received that were significantly more than the initial estimated.
- This budget increase required the Association to redesign the concept in order to reduce the building costs whilst maintaining the intent of the redevelopment project.
- Further changes to the design were instigated as part of the planning approval process by City Officers.
- The recent death of one of the projects key coordinators has caused delay as other Association Committee members have had to take on the coordination of the project.

**LATE ITEM CD16/8080 - SELF SUPPORTING LOAN – BRENTWOOD KAROONDA SPORTING ASSOCIATION (AMREC)**

In preparation for the project, a budget of \$110,000 was listed in the 2015/2016 City of Melville Budget as a self supporting loan for clubroom, floodlighting and practice net developments for the Brentwood Karoonda Sporting Association. The listing of the budget amount satisfies the advertising requirement, which is 30 days and would allow the loan application process to commence immediately after the Council have approved the loan.

**DETAIL**

The initial CSRFF application from the Brentwood Karoonda Sporting Association was based on funding estimates of \$516,324. The actuals are now confirmed at \$617,389 and the differences are shown below:

<b>Improvement</b>	<b>Estimated Costs</b>	<b>Actual Costs</b>
Clubroom renovation	\$300,000	\$400,653
Field lighting	\$138,087	\$169,793
Additional Cricket Practice Nets	\$ 20,000	\$ 20,930
On-field shelter	\$ 32,222 (Not funded by CSRFF)	(Not funded)
Cost escalation and signage	\$ 26,015	\$ 26,013
<b>Total</b>	<b>\$516,324</b>	<b>\$617,389</b>

Officers listed a self supporting loan of \$110,000 in the 2015/2016 budget based on the Association's original costing. This self supporting loan was adopted as part of the 2015/2016 budget approval process and would have required a further report to the Council for approval of such a loan.

Due to cost escalations and the redesign of the building footprint, a self supporting loan of \$200,000 is now required. The redesign generally reflects increased clubroom space. If approved by the Council, the loan is now required to be advertised for 30 days.

The initial CSRFF application was to address aging and not fit for purpose club and change room facilities, increased floodlighting to cater for increased demand on the playing surface, and additional cricket nets again to cater for increased demand. Karoonda Reserve is used the year round six days per week. The Association has over 770 playing members.

**STAKEHOLDER ENGAGEMENT**

**I. COMMUNITY**

The Brentwood Karoonda Sporting Association has discussed and has support for the project from the Association's member clubs being:

- Brentwood Booragoon Amateur Football Club (Senior);
- Booragoon Junior Football Club (Junior);
- CBC Cricket Club (Senior); and
- Bateman Junior Cricket Club.

**LATE ITEM CD16/8080 - SELF SUPPORTING LOAN – BRENTWOOD KAROONDA SPORTING ASSOCIATION (AMREC)**

The Brentwood Karoonda Sporting Association is responsible for the Association's contribution and any self supporting loan repayments. Further engagement has occurred with the peak sporting bodies for Australian Rules Football and the Western Australian Cricket Association.

**II. OTHER AGENCIES / CONSULTANTS**

The Association has been in regular communications with the Department of Sport and Recreation and the City of Melville regarding this project and currently have planning approvals. A building application has been lodged for assessment.

**STATUTORY AND LEGAL IMPLICATIONS**

Planning approvals have been provided. Building approvals have been lodged and are currently being assessed.

Should the Self Supporting Loan be approved a period of 30 clear days public advertising is required under Clause 6.20 (2) of the *Local Government Act 1995*.

**FINANCIAL IMPLICATIONS**

In 2009, the Brentwood Booragoon Football Club (a member of the Brentwood Karoonda Sports Association) invested in flood lighting of the main oval. The reason for the loan was due to its funding application not receiving Community Sport and Recreation Facility Funding. The City of Melville budgeted 1/3rd financial support for the floodlighting project and the Club also had 1/3rd cash to contribute to the project. In order progress the project a self supporting loan of \$20,000 was approved. This loan was repaid in full as per the repayment schedule in 2012.

Brentwood Karoonda Sports Association will need to provide the City a forward financial plan for the duration of the loan that demonstrates the Association's ability to honour the proposed new loan arrangements along with operating its ongoing affairs. It is also a requirement that the forecasts are prepared and signed by an independent qualified accountant (or similar).

At this stage the City has not received the forward financial plan. Once these forecasts are provided to the City they will be assessed by the Director Corporate Services prior to any loan being raised. The item has been brought forward to meet DSR expenditure and project commencement deadlines.

**LATE ITEM CD16/8080 - SELF SUPPORTING LOAN – BRENTWOOD KAROONDA SPORTING ASSOCIATION (AMREC)**

The projects proposed and actual funding arrangements are as follows:

<b>Funding Body</b>	<b>Initial Estimations</b>	<b>Revised Estimations</b>
Booragoon Karoonda Sporting Association	\$173,108#	\$283,890 (Cash \$103,484) (Loan \$180,723#^)
CSRFF Grant Funding	\$171,608	\$155,000
City of Melville	\$171,608 (to a max of *\$180,000)	\$180,000
<b>Total</b>	<b>\$516,324</b>	<b>\$618,890</b>

\*The City of Melville's contribution would be \$171,608 plus an additional \$8,392 being set aside for current equipment upgrades. A maximum of \$180,000 would be allocated via the annual capital renewal budget allocation.

#the loan of \$200,000 includes \$1,500 for signage as a requirement of the CSRFF funding.

^The Brentwood Karoonda Sporting Association is required to pay GST on its purchases. This accounts for the difference in the loan request for \$200,000.

Historically, the City of Melville has relied on the good management of local sporting and community groups when approving self supporting loans. In the majority of cases these loans are well managed and a Brentwood Karoonda Sporting Association member club has managed previous loan commitments as per schedule.

**STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATION**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Loan is not approved resulting in the Clubroom and on field facilities remaining not fit for purpose and requiring increased maintenance costs	Moderate consequences which are unlikely, resulting in a <b>Low</b> level of risk.	Approve self supporting loan to fully fund refurbishment, which optimizes the use of the reserve and facilities
Floodlighting spilling into surrounding homes and increased use of the southern section of the reserve resulting in a reduced level of amenity for residents	Moderate consequences which are likely, resulting in a <b>Low</b> level of risk.	Ensure Lights are designed and installed to Australian Standards, with modern Floodlighting designed so that light is directly spread onto the playing surface and spillage is minimal.  Ensure lights are extinguished at 9pm as per the City's Floodlighting policy.

**LATE ITEM CD16/8080 - SELF SUPPORTING LOAN – BRENTWOOD KAROONDA SPORTING ASSOCIATION (AMREC)**

<p>The Brentwood Karoonda Sporting Association not be in a position to honour its financial commitment resulting in the City of Melville having to pay out the loan.</p>	<p>Minor consequences which are possible, resulting in a <b>Medium</b> level of risk</p>	<p>Establish an agenda item for the Club's executive meetings reporting back to the City of Melville on an annual basis.</p> <p>That the meeting be included in the City's Compliance Calendar for bring forward annually.</p>
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In order to reduce any risk to the City of Melville, written commitments from the Brentwood Karoonda Sporting Association will be sought agreeing to the conditions of the loan which will be:

- Provision of an acceptable forward financial plan for the term of the loan reviewed and supported by an independent certified practicing, chartered or similarly qualified and experienced accountant to the satisfaction of the Director of Corporate Services.
- Provision of a letter agreeing to the conditions of the loan to the satisfaction of the Director Corporate Services (to include reference to the meeting at which the Association records and votes to commit to the conditions of the loan).
- Amendments to the current Brentwood Karoonda Sporting Association Management License arrangements to include the clubroom extensions.
- Attendance at an annual meeting with the Finance Services section of the City of Melville to discuss the Club's audited annual reports and overall financial position.
- Listing the loan as part of the agenda at each of the Executive committee meetings for discussion and action (if necessary).
- Records of these discussions be forwarded to the City of Melville on a monthly basis.
- To meet the requirements and associated costs of the City's self supporting loan policy CP-010.
- To enter into a loan agreement with the City of Melville at its own cost.

It is a requirement that the Association provides the City of Melville with written commitments to the above. This written confirmation will also be assessed by the Director Corporate Services prior to any loan being raised.

**POLICY IMPLICATIONS**

Council Policy CP-010 Self Supporting Loans, states that *“Approval will only be considered where the club or organisation can adequately demonstrate, by provision of forward financial plans covering the life of the loan, a capacity to meet the loan repayment. The financial plans are to be certified by an independent Certified Practicing, Chartered or similarly qualified and experienced Accountant”*.

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**LATE ITEM CD16/8080 - SELF SUPPORTING LOAN – BRENTWOOD KAROONDA SPORTING ASSOCIATION (AMREC)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Should the loan not be approved it will impact on the Association's ability to provide facilities for the sports various game day requirements. As an example, the current umpire room is also used as a store and does not meet the facility requirements of the sports of Cricket and Australian Rules Football. Not approving the loan will continue the ongoing issues for sports and a facility not fit for its current use.

**CONCLUSION**

There have been a number of delays with the project to clearly understand the total costs and therefore the required amount for a self supporting loan. The project provides an upgrade to critical sporting and fit for purpose facilities. It provides for an upgrade of facilities at a Reserve that is well utilised by a number of community groups.

These improvements cater for increasing participants numbers in Cricket and Australian Rules Football. It also allows for the better use of public open space as the wear and tear on the ground is more evenly spread.

The project is supported by the Department of Sport and Recreation, the City of Melville and the Brentwood Karoonda Sporting Association and is an example of a range of community groups contributing to the improvement of the local facility.

The Club's ability to service a loan of \$200,000 is currently unknown as the Club has not provided the required forward financial plans.

**LATE ITEM CD16/8080 - SELF SUPPORTING LOAN – BRENTWOOD KAROONDA SPORTING ASSOCIATION (AMREC)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8080)****ABSOLUTE MAJORITY**

At 10.03pm Cr Aubrey moved, seconded Cr Macphail –

**That the Council, by Absolute Majority decision, grant approval to the Brentwood Karoonda Sporting Association, for a self supporting loan of \$200,000 subject to:**

**The Brentwood Karoonda Sporting Association agreeing to:**

- **Providing an acceptable forward financial plan for the term of the loan reviewed and supported by an independent certified practicing, chartered or similarly qualified and experienced accountant, to the satisfaction of the Director of Corporate Services.**
- **Providing a letter agreeing to the conditions of the loan to the satisfaction of the Director Corporate Services (including copy of minutes of Association's meeting where commitment to the conditions of the loan is supported).**
- **Lease amendments to the current Brentwood Karoonda Sporting Association arrangement to include the extended clubrooms areas.**
- **An annual meeting with the Financial Services section of the City of Melville to discuss the Club's audited annual reports and overall financial position and ongoing ability to meet the loan repayments.**
- **List the loan as part of the agenda at each of the executive committee meeting of the Association for discussion and action (if necessary).**
- **Record these discussions and forward to the Financial Services section of the City of Melville following each of those meetings.**
- **Meeting the requirements and associated costs of the City of Melville Self Supporting Loan policy CP-010.**
- **Entering into a loan agreement with the City of Melville at its own cost.**

At 10.11pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (12/0)**

At 10.12pm Mr Doyle left the meeting

**15. EN BLOC ITEMS**

At 10.12pm Cr Phelan moved, seconded Cr Robartson –

**That the recommendations for items P16/3702, M16/5474, M16/5475, M16/5000, C16/6000, C16/6001 and C16/6002, be carried En Bloc.**

At 10.12pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

**16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****16.1 Proposal to Create a Council Policy on Complaints Management**

At 7.27pm Cr Schuster moved, seconded Cr Barling –

**That the Governance Committee recommends to the Council that the Chief Executive Officer develops a Complaints Management Policy for Council consideration, with five major items included:**

- 1. The City's commitment to customer service and avoiding complaints to the extent possible (including a definition of complaint vs service request);**
- 2. The processes, requirements and commitments contained in the City's "Customer Feedback - Complaints Procedure" and "Customer Service Charter" procedures located on the City's web site;**
- 3. The management of complaints received in respect to Elected Members;**
- 4. How records of complaint and their resolution are to be reported to the Council, particularly in respect to privacy and confidentiality requirements; and,**
- 5. The external bodies that unresolved complaints about the City can be referred to and the level of information (or not) that the City has once a complaint is so referred.**

**Amendment 1**

**With the permission of the Mover and Seconder, the word "avoiding" at point 1 was deleted and replaced with "handling".**

At 7.35pm Mayor Aubrey moved a procedural motion, seconded Cr Phelan –

**That the Motion lay on the table.**

At 7.40pm the procedural motion was withdrawn with the permission of the seconder.

**Amendment 2**

**With the permission of the Mover and Seconder, point 6 was included that read "The Governance Committee has indicated a preference for this Notice of Motion to lay on the Council table pending production of a Council Policy relating to Complaints Management being provided for Council Consideration."**



**16.1 Proposal to Create a Council Policy on Complaints Management (Continued)****COMMITTEE RESOLUTION**

That the Governance Committee recommends to the Council that the Chief Executive Officer develops a Complaints Management Policy for Council consideration, with five major items included:

1. The City's commitment to customer service and *handling* complaints to the extent possible (including a definition of complaint vs service request);
2. The processes, requirements and commitments contained in the City's "Customer Feedback - Complaints Procedure" and "Customer Service Charter" procedures located on the City's web site;
3. The management of complaints received in respect to Elected Members;
4. How records of complaint and their resolution are to be reported to the Council, particularly in respect to privacy and confidentiality requirements; and,
5. The external bodies that unresolved complaints about the City can be referred to and the level of information (or not) that the City has once a complaint is so referred.
6. *The Governance Committee has indicated a preference for this Notice of Motion to lay on the Council table pending production of a Council Policy relating to Complaints Management being provided for Council consideration.*

The Presiding Member submitted the motion as amended, which was declared

**CARRIED (8/0)**

Reasons for Motion

Cr Schuster provided the following reasons in support of the motion.

1. My proposal in this regard comes from the motion dealing with complaints that was passed by the Annual Electors Meeting in December 2015, and the more recent Elected Members Information Session and Council discussions -- just to be clear I am not suggesting a Complaints Committee be established for the range of good legal and policy reasons that have been advanced recently;
2. The Council has procedures for complaints management and an award winning customer service system, but the truth is that all public institutions will do things that attract complaints, either through genuine error, or because somebody doesn't like the answer – in both cases the same processes should apply;
3. When the Annual General Meeting of Electors motion was raised my immediate thought was I had missed something in my two years on the Council – when I looked on the website I came to the view that while the administrative processes seem to work OK that complaint processes, their nature, their resolution and their review could usefully enjoy a more robust review at Council level (biannually or annually perhaps, unless a more regular reporting system already exists), while the public would have a very clear policy on all steps in the complaints processes to be guided by;
4. I recognise that a focus on complaints is a little negative, hence I would suggest including strong reference to the Customer Service Charter in the proposed policy, but in the end I came to the view that complaints management and resolution is in overview a legitimate subject for Council consideration, and hence this request to develop a policy based largely on existing information.

**16.1 Proposal to Create a Council Policy on Complaints Management (Continued)****GOVERNANCE COMMITTEE RECOMMENDATION**

At 10.12pm Cr Schuster moved, seconded Cr Robartson –

**That the Council requests that the Chief Executive Officer develops a Complaints Management Policy for Council consideration, with five major items included:**

- 1. The City's commitment to customer service and handling complaints to the extent possible (including a definition of complaint vs service request);**
- 2. The processes, requirements and commitments contained in the City's "Customer Feedback - Complaints Procedure" and "Customer Service Charter" procedures located on the City's web site;**
- 3. The management of complaints received in respect to Elected Members;**
- 4. How records of complaint and their resolution are to be reported to the Council, particularly in respect to privacy and confidentiality requirements; and,**
- 5. The external bodies that unresolved complaints about the City can be referred to and the level of information (or not) that the City has once a complaint is so referred.**
- 6. The Governance Committee has indicated a preference for this Notice of Motion to lay on the Council table pending production of a Council Policy relating to Complaints Management being provided for Council consideration.**

At 10.15pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

Reasons for Motion

1. This proposal in this regard comes from the motion dealing with complaints that was passed by the Annual Electors Meeting in December 2015, and the more recent Elected Members Information Session and Council discussions -- just to be clear the Council is not suggesting a Complaints Committee be established for the range of good legal and policy reasons that have been advanced recently;
2. The Council has procedures for complaints management and an award winning customer service system, but the truth is that all public institutions will do things that attract complaints, either through genuine error, or because somebody doesn't like the answer – in both cases the same processes should apply;
3. The Council noted the Annual General Meeting of Electors motion and came to the view that while the administrative processes seem to work OK that complaint processes, their nature, their resolution and their review could usefully enjoy a more robust review at Council level (biannually or annually perhaps, unless a more regular reporting system already exists), while the public would have a very clear policy on all steps in the complaints processes to be guided by;
4. The Council recognises that a focus on complaints is a little negative, hence would suggest including strong reference to the Customer Service Charter in the proposed policy, but in the end the Council came to the view that complaints management and resolution is in overview a legitimate subject for Council consideration, and hence this request to develop a policy based largely on existing information.

### 16.3 Amendment to CP-029 – Street Tree Policy

At 10.16pm Cr Pazolli moved, seconded Cr Barling –

**That the Council amends Council Policy CP-029 –“Street Tree Policy” by inserting in the Development Section of the Policy as a new dot point number six, the following words;**

**“When development is exempt from the need for planning approval by virtue of the Planning and Development (Local Planning Schemes) Regulations 2015, the property owner and/or the applicant when applying for a Building Permit, will be made aware of the requirements of this Policy, and the associated penalties that apply, at the Building Approval stage.”**

At 10.20pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

#### Reasons for Motion

1. The planning rules have changed so that not all developments require planning approval. If the development complies with the R-codes, all the development requires is a building permit. The wording of the current policy does not capture developments that do not require planning approval. In order to capture these developments, the policy needs to be changed to include all developments via building permits.
2. All street trees need protection whilst development is occurring. Currently, not all trees are being protected. This change in the policy will extend the protection to more trees because it captures all developments including those that only require building permits.
3. The City of Melville Corporate Plan 2012-2016 states as one of its objectives: “...ensure the preservation and enhancement of the natural environment and amenity of our neighbourhoods....by implementing the streetscape strategy”. The Streetscape Strategy encompasses the Street Tree Policy so this change in wording aligns with the City’s Corporate Plan.
4. Increases support and protection of street trees in line with the City of Melville initiative to create an Urban Forest.

At 8.28pm Cr Robartson moved, seconded Cr Woodall –

**That Cr Schuster be permitted to present to the Council a Motion Without Notice relating to the Relocation of Mount Pleasant Bowls Club Other Options.**

At 8.29pm the Mayor submitted the motion, which was declared

**CARRIED BY ABSOLUTE MAJORITY (7/5)**

Vote Result Summary	
Yes	7
No	5

Vote Result Detailed	
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor Aubrey	Yes
Cr Aubrey	No
Cr Barling	No
Cr Barton	No
Cr O'Malley	No
Cr Pazolli	No

## 17.2 Relocation of Mount Pleasant Bowls Club Other Options

### Disclosure of Interest

Item No.	17.2 Relocation of Mount Pleasant Bowls Club Other Options
Member	Cr C Schuster
Type of Interest	Financial Interest in accordance with the Act
Nature of Interest	Social Member of the Club and Secretary of the Ardross Junior Cricket Club which plays on the reserve
Request	stay, discuss and vote
Decision of Council	Not Applicable

At 8.32pm Cr Schuster moved, seconded Cr Robartson –

### **That the Council:**

- Notes and supports the current community consultation process around the future development of Shirley Strickland Reserve in Ardross, including the investigation of options both with and without the relocation of the Mount Pleasant Bowls Club (MPBC) to the Reserve;**
- Notes that the potential cost of redevelopment at Shirley Strickland Reserve and other options for MPBC to be considered in the consultation process are only affordable either through the relocation of the MPBC and the joint sale with the State Government of the land it occupies, or rate increases of the order of 1.2% for every million dollars required to achieve the eventually approved objectives;**
- Notes that only basic upgrades at Shirley Strickland Reserve including verge parking, toilets, change rooms and club room upgrade are currently budgeted;**

**17.2 Relocation Mount Pleasant Bowls Club Other Options (continued)**

4. As part of ensuring the sport of lawn bowls has a long term sustainable future in the City of Melville, requests the Chief Executive Officer to expedite the strategy report for the future of bowls and present to Council for consideration at the earliest available Ordinary Meeting of Council; and that the strategy present viable future locations of bowls in the City including consideration of the willingness of MPBC to relocate to a sporting hub facility and under what circumstances; and,
5. Resolves that if the MPBC land is ever sold to fund sport and recreation activities then the Council's view is that the land should be developed in line with its surrounds ie Residential R 20 zoning with the appropriate public open space included within it.

**Procedural Motion**

At 8.33pm Cr Pazolli moved, seconded Cr Barton, the following Procedural Motion in accordance with Clause 11.1(b) of Standing Orders Local Law 2003 -

That this item be deferred to allow discussion at an Elected Members Information Session and at a future Ordinary Meeting of the Council.

At 8.39pm the Mayor submitted the motion, which was declared

**LOST (5/7)**

<b>Vote Result Summary</b>	
Yes	5
No	7

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barling	Yes
Cr Pazolli	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Cr Barton	No
Cr Macphail	No
Cr O'Malley	No
Cr Phelan	No
Cr Robartson	No
Cr Schuster	No
Mayor Aubrey	No

**17.2 Relocation Mount Pleasant Bowls Club Other Options (continued)**

**Amendment 1**

At 8.46pm Cr Pazolli moved, seconded Cr Barton

That item 5 be deleted

At 8.49pm the Mayor submitted the motion, which was declared

**LOST (4/8)**

Vote Result Summary	
Yes	4
No	8

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr O'Malley	Yes
Cr Pazolli	Yes
Cr Aubrey	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Schuster	No
Cr Wieland	No
Cr Woodall	No
Mayor Aubrey	No

**Amendment 2**

At 8.51pm Cr Woodall moved, seconded Cr Phelan

**That the following words be included in item 5 - following the word sold include 'by the state, the local government or the two parties jointly'**

At 8.54pm the Mayor submitted the motion, which was declared

**CARRIED (11/1)**

Vote Result Summary	
Yes	11
No	1

Vote Result Detailed	
Cr Aubrey	Yes
Cr Barling	Yes
Cr Barton	Yes
Cr Macphail	Yes
Cr O'Malley	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor Aubrey	No

**17.2 Relocation Mount Pleasant Bowls Club Other Options (continued)**

**Amendment 3**

At 8.59pm Cr Pazolli moved, seconded Cr Barton –

That item 5 be amended as follows:

After the word 'should' delete all wording and replace with 'be kept as public open space'

At 9.12pm the Mayor submitted the motion, which was declared

**LOST (3/9)**

<b>Vote Result Summary</b>	
Yes	3
No	9

<b>Vote Result Detailed</b>	
Cr Barling	Yes
Cr Barton	Yes
Cr Pazolli	Yes
Cr Aubrey	No
Cr Macphail	No
Cr O'Malley	No
Cr Phelan	No
Cr Robartson	No
Cr Schuster	No
Cr Wieland	No
Cr Woodall	No
Mayor Aubrey	No

## COUNCIL RESOLUTION

That the Council:

1. Notes and supports the current community consultation process around the future development of Shirley Strickland Reserve in Ardross, including the investigation of options both with and without the relocation of the Mount Pleasant Bowls Club (MPBC) to the Reserve;
2. Notes that the potential cost of redevelopment at Shirley Strickland Reserve and other options for MPBC to be considered in the consultation process are only affordable either through the relocation of the MPBC and the joint sale with the State Government of the land it occupies, or rate increases of the order of 1.2% for every million dollars required to achieve the eventually approved objectives;
3. Notes that only basic upgrades at Shirley Strickland Reserve including verge parking, toilets, change rooms and club room upgrade are currently budgeted;
4. As part of ensuring the sport of lawn bowls has a long term sustainable future in the City of Melville, requests the Chief Executive Officer to expedite the strategy report for the future of bowls and present to Council for consideration at the earliest available Ordinary Meeting of Council; and that the strategy present viable future locations of bowls in the City including consideration of the willingness of MPBC to relocate to a sporting hub facility and under what circumstances; and,
5. Resolves that if the MPBC land is sold *by the state, the local government or the two parties jointly* within the next ten years to fund sport and recreation activities then the Council's view is that the land should be developed in line with its surrounds ie Residential R 20 zoning with the appropriate public open space included within it.

At 9.23pm the Mayor submitted the motion as amended, which was declared

**CARRIED (7/6)**

**NOTE:** Due to an equality of votes at the Council Meeting, the Mayor exercised his right to cast a second vote to reach a decision in this matter (Section 5.21(3) of the *Local Government Act 1995*).

Vote Result Summary	
Yes	6
No	6

Vote Result Detailed	
Cr Macphail	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Schuster	Yes
Cr Woodall	Yes
Mayor Aubrey	Yes
Cr Aubrey	No
Cr Barling	No
Cr Barton	No
Cr O'Malley	No
Cr Pazolli	No
Cr Wieland	No



**17.2 Relocation of Mount Pleasant Bowls Club Other Options (continued)**Reasons for Motion

1. The Shirley Strickland Reserve (SSR) consultation process is shortly to have its next round of public consultation – despite the information circulating in the community the intention has always been and remains to cater for the range of current and potential future users with as few inconveniences as possible; improve the car parking and verges (in hand to an extent); improve the physical clubroom facility and its usefulness to the community; cater for further organised sport in line with the City's strategy; and maintain the amenity and vegetation on the Reserve. The Council's view is that these objectives are still on foot –the broader community's view of them will shortly be tested;
2. The sale of the land on which the MPBC sits is, integral to the whole strategy because without that money being freed up for sport and recreation the Council will have to consider large rate rises to fund the replacement of ageing infrastructure and to cater for growth in sports and casual recreation participation. This central strategy will need to be repeated elsewhere in the City if the City is to meet the sport and recreation demands without placing significant additional costs on ratepayers. The City will be working hard over the next few years to explain the nexus between ageing infrastructure and the inevitable costs of renovation or replacement, while finding ways to do this without continually having purpose specific rate increases;
3. The Council's view is that the MPBC executive and members have taken a very progressive view of their future sustainability over the past couple of years and the Club's willingness to be involved positively in these discussions is clear evidence of this readiness. This motion retains the focus on the SRR redevelopment consultation process that will shortly move to the next phase, and honours that process as it should. However the motion also acknowledges that sport and recreation development and management are dynamic processes that need to account for changing circumstances, and hence seeks a further level of engagement with the MPBC while the SSR consultation process proceeds to whatever conclusion it eventually reaches;
4. The Council is aware that Officers are working on a future of bowls strategy and it is understood that this report will be integral in guiding the decisions to be made for Shirley Strickland Reserve and equally Tompkins Park Concept Plans. This strategy will give Councillors the necessary information to make the best decision for our community.

**18. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED****19. CLOSURE**

There being no further business to discuss, the Mayor declared the meeting closed at 10.25pm.