



— City of —  
**Melville**

**AGENDA**

**FOR THE**

**ORDINARY MEETING OF THE COUNCIL**

**TO BE HELD ON**

**TUESDAY, 16 DECEMBER 2008**

**AT 6.30PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

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— City of —  
**Melville**

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## NOTICE OF MEETING

I respectfully bring to the attention of Elected Members that an Ordinary Meeting of the Council will be held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon commencing at 6.30pm on Tuesday, 16 December 2008.

The business paper for the Meeting is scheduled below and your attendance is requested.

**DR SHAYNE SILCOX**  
**CHIEF EXECUTIVE OFFICER**

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## AGENDA

**1. OFFICIAL OPENING**

The Presiding Member will cause the Disclaimer to be read aloud by the Governance and Compliance Program Manager.

The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be read aloud by an Elected Member.

**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**

**3. IN ATTENDANCE**

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

**5. QUESTION TIME**

**6. AWARDS AND PRESENTATIONS**

His Worship the Mayor, R A Aubrey, will present the Local Government TravelSmart Champion Award to Leon Ebbelaar, TravelSmart Officer in recognition of the City of Melville's role as a champion of the Western Australian TravelSmart Program.

The City of Melville's involvement in the TravelSmart Household program, SMARTi's resulted in a 16% reduction in single occupant vehicle trips in Canning Bridge Precinct and the Silhouette Children that had a significant reduction in vehicle speeds in school zones and it's uptake by other Local Governments.

**7. CONFIRMATION OF MINUTES**

**7.1 ORDINARY MEETING OF COUNCIL – 18 NOVEMBER 2008  
Min\_18\_Nov\_2008**

**RECOMMENDATION**

**THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 18 NOVEMBER 2008 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.**

**7.2 ANNUAL GENERAL MEETING OF ELECTORS – 26 NOVEMBER 2008  
Min\_26\_Nov\_2008**

**RECOMMENDATION**

**THAT THE MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON WEDNESDAY 26 NOVEMBER 2008 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.**

**7.3 NOTES OF AGENDA BRIEFING FORUM – 9 DECEMBER 2008**  
(Notes will be available in the Friday, 12 December 2008 Distribution)

**RECOMMENDATION**

**THAT THE NOTES OF AGENDA BRIEFING FORUM HELD ON TUESDAY 9 DECEMBER 2008 BE RECEIVED.**

## **8. DECLARATIONS OF INTEREST**

### Disclosures of Interest

<b>Item No</b>	<b>:P08/3054</b>
<b>Officer</b>	<b>:Mr David Vinicombe, Manager Planning &amp; Development Services</b>
<b>Type of Interest</b>	<b>:Code of Conduct 8.2.8</b>
<b>Nature of Interest</b>	<b>:Previously undertaken planning work for applicant relative to property prior to employment with City of Melville</b>
<b>Request</b>	<b>:Leave</b>
<b>Decision of Committee</b>	<b>:Not Applicable</b>
<b>Decision of Council</b>	<b>:Not Applicable</b>

The Members' and Officers' attention is drawn to the following provisions of the Local Government Act 1995 regarding disclosures of interest;

### **8.1 FINANCIAL INTERESTS**

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

### **8.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making processes.

## **9. APPLICATIONS FOR NEW LEAVES OF ABSENCE**

Nil.

## **10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil.

## 11. PETITIONS

### 11.1 Petition – Traffic Calming Devices in Dunkley Avenue, Applecross

A petition signed by 366 residents was received by the City of Melville on Friday 17<sup>th</sup> October 2008, a further 9 signatures were received on Monday 20<sup>th</sup> October 2008. On Friday 21 November a further 9 signatures were received. The petition reads as follows -

*“We, the undersigned, all being Electors of the City of Melville, do humbly pray that Council will install traffic calming devices in Dunkley Avenue, Applecross between Tompkins Park and Cunningham Street to deter drivers from speeding in the area.*

*Between October 2003 and January 2006 alone, 39 security incidents, such as speeding motorcyclists and vehicles driving on residents’ front verges were reported to the City of Melville. In 2004, a young child was run over and killed by a car on that road. Had the traffic calming devices been present, this death may have been prevented.*

*The area is popular with families and students who use it for recreational purposes but despite the high patronage, drivers and motorcyclists continue to display anti-social behaviour and hoon driving along Dunkley Avenue, endangering people’s lives.*

*We ask that Council install traffic calming measures in that area as a matter of priority to ensure the ongoing safety of the community.”*

#### **OFFICER RECOMMENDATION**

**THAT THE PETITION BEARING 9 SIGNATURES BE NOTED AND A REPORT BE PRESENTED TO A FUTURE COUNCIL MEETING.**

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## 12. REPORTS OF THE CHIEF EXECUTIVE OFFICER

The Presiding Member is to advise 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 a part of 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. This on it's part requires the application of the relevant facts to the appropriate statutory regime.

### **P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD APPLECROSS (REC) (ATTACHMENT)**

Ward	:	Applecross – Mount Pleasant
Category	:	Operational / Strategic
Application Number	:	DA-2008-505
Property	:	26 Kintail Rod, Applecross
Proposal	:	Three storey office building
Applicant	:	Tuscom Subdivision Consultant Pty Ltd
Owner	:	Starworld Holdings Pty Ltd
Disclosure of any Interest	:	David Vinicombe Manager Planning and Development Services
Responsible Officer	:	Julio Gonzalez Planning Services Coordinator
Previous Items	:	DA-2004-1981/ DA-2006-1962

### **AUTHORITY / DISCRETION**

Definition		
<input type="checkbox"/>	Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	<b>Quasi-Judicial</b>	<b><i>when 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>

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Proposal is for a three storey office building with undercroft car parking for 16 vehicles plus 8 bays at the ground floor level.
- The application site is a vacant lot comprising an area of 786 sq m. For the purposes of this determination and in accordance with Amendment 46, the site area of the subject lot and that of the adjoining lot to the immediate north at 13 Tweeddale Road are considered as one entity for the purposes of plot ratio, density and coverage.
- Total plot ratio is 0.96, calculated to include 0.35 for the proposed non-residential element and 0.61 for the existing residential building facing Tweeddale Road.
- Rear setback variations are proposed at 1.8 metres in lieu of 6.0 metres.
- Landscaping 13.87% in lieu of 25%.
- No submissions were received during the advertising period.
- Recommended for approval subject to conditions.

**BACKGROUND**

This matter was presented to an Elected Members Workshop on Tuesday 4 November 2008. No concerns were raised with the exception of the lots being subdivided after amalgamation. However Amendment No. 46, Clause 4.3.3 considers the combination of Lots for the purposes of calculation of Plot Ratio.

On 17 April 2007 the Council approved, DA-2006 – 1962 for “amendments to penthouse and balconies on Lot 1057 (13) Tweeddale Road and Lot 1068 (26) Kintail Road, Applecross subject to the following conditions:

1. That lot 1057 (13) Tweeddale Road and lot 1062 (26) Kintail Road, Applecross be amalgamated or resubdivided so that the residential components of the development are wholly within a single lot.
2. That the residential plot ratio be limited to 0.61:1 (as detailed in this application).
3. That the deed of agreement dated 17 July 2006 between Starworld Holdings Pty Ltd and the City of Melville be modified to the satisfaction of the Chief Executive Officer to reflect special conditions 1 & 2 above.
4. That compliance with all conditions stipulated in the Council approval dated 15 March 2005 other than condition 2 and 3 which limits the residential plot ratio to 0.6:1 and conditions 7 and 21 deleted in the planning approval issued on 6 October 2005.

This approval resulted in an increase in the residential area from 1214 sqm to 1232 sqm with the total plot ratio area being increased from 1580 sqm to 1598 sqm accordingly.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)**

On 15 March 2005, the Council approved, DA-2004 -1981 for a “Five (5) level apartment building containing seven (7) residential units and three (3) storey office building on Lots 1057 (13) Tweeddale Road and 1062 (26) Kintail Road, Applecross.

The application was approved with Condition 2 “*The development shall not exceed a maximum plot ratio of 0.8:1 (1619 sqm)*”. The application proposed a total floor area of 1610 sq metres, 1214 sq metres for residential use and 396 sq metres for commercial purposes.

On 21 September 2005 an application to reduce the extent of the commercial floor space from 396 sq m to 366 sq m, with a total plot ratio area of 1580 sq m was approved by DAU.

The March 2005 approval was subject to the amalgamation of Lots 1057 Tweeddale Road and 1062 Kintail Road. In order to satisfy this requirement, the applicant entered into a deed of amalgamation with the City of Melville on 17 July 2006 which required the properties to be amalgamated within 12 months of the issue of a Building Licence (11 September 2006). It is also noted that the agreement stipulated that the maximum residential component facing Tweeddale Road be capped at 0.6:1 (1232 sq m) and the commercial component facing Kintail Road be capped at 0.2:1 (366 sq m).

On 4 July 2007, the Western Australian Planning Commission approved a green title subdivision into 2 lots, one facing 13 Tweeddale Road with 1235 sqm containing the multiple dwellings building and one facing 26 Kintail Road with 786 sqm as a vacant lot.

**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Commercial Centre Frame
R-Code	:	R50
Use Type	:	Office
Use Class	:	“S” use – Council discretion required after following advertising.

**Site Details**

Lot Area	:	786 sqm (original lot 2021 sqm)
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Two(2)
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	

[3054 Plans Kintail 2008](#)

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)**

**DETAIL**

Planning consent is sought for the erection of a 3 storey office building. It is proposed to provide 2 offices, gymnasium and amenities (toilets and kitchen) to the ground floor; and 4 offices plus amenities to each of the upper floors. A basement car park with 16 bays and 3 bays on gradient; plus 6 additional bays on the ground floor is also proposed.

**Development Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	N/A				
Plot Ratio	0.6	0.35	Complies		
Landscaping	25%	13.87%	<b>Does Not Comply</b>	<b>MPDS</b>	
Building Height	13.5 metres	13.5 metres	Complies		
Car parking	19 bays	24 bays	Complies		

(Note: Non compliance is emphasised in bold)

**Setbacks**

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	Nil	3.4 metres	Complies		
Rear	6.0 metres	1.8 metres	<b>Does Not Comply</b>	<b>MPDS</b>	
Side West	Nil	5.8 metres	Complies		
Side East	2.0 metres	2.3/4.1 metres	Complies		

(Note: Non compliance is emphasised in bold)

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: No  
 Reason: "S" use (Office) – Council discretion required following advertising.  
 Support/Object: No submissions were received during the advertising period.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)**

**REFERRALS TO GOVERNMENT AGENCIES**

Not Applicable

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

Not Applicable

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Not Applicable

**POLICY IMPLICATIONS**

Policy No. 06-PL-024 Car Parking (Non-Residential) – compliant.

Policy No. 06-PL-036 Planning Process and Decision Making. The Planning Process Matrix indicates that major applications with minor variations are to be referred to a Portfolio Meeting and then the Development Advisory Unit, but not Council. In this instance, the development has not been presented to a Portfolio Meeting as these meetings have been replaced with Elected Member Workshops. The proposal was presented to the Elected Member Workshop on 4 November 2008.

Policy No. 25-PL-002 Arts and Culture. This Policy requires all major commercial developments to provide public art to the value of 1% of the development cost.

Policy Ref No 06-PL-035 “Aesthetics” exists to assist and guide staff and Councillors in dealing with aesthetics as part of the Planning Approval process. This Policy recommends that in dealing with suburban residential developments architectural advice should be sought where necessary.

Policy Ref No 06-PL-031 “Architectural and Urban Design Advisory Panel” provides the ability to procure this advice in the context of an Advisory Panel. A “Panel” considered the details of this application on 5<sup>th</sup> November 2008.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)**

**COMMENTS**

The current proposal raises the following matters for consideration:

Amendment 46

On 4 July 2007, the Western Australian Planning Commission approved a green title subdivision into 2 lots, one facing 13 Tweeddale Road with 1235 sqm containing the multiple dwellings building and one facing 26 Kintail Road with 786 sqm as a vacant lot.

Amendment No. 46 of the Community Planning Scheme No 5 was endorsed by the Council and referred to the Minister for final approval. The Western Australian Planning Commission in correspondence dated 31 July 2008 advised that *“The Minister for Planning and Infrastructure has decided not to approve the above amendment until such time as the following modifications are effected:*

1. *Modify clause 4.3.1 to read:*

*“development land” means land in any form of tenure which is the subject of a planning approval and consisting of:*

- (a) the lot or combination of lots; or*
- (b) the combination of a lot or lots with any part lot of lots; or*
- (c) a part lot or combination of part lots.*

2. *Modify clause 4.3.3 to read:*

*When the Council is considering a development proposal on any portion of development land, any existing development (to remain and that complies with the Scheme), or any development the subject of a current planning approval on any portion is to taken into consideration and aggregated for the purpose of calculation plot ratio, residential density or site cover.”*

These modifications have been incorporated within the Amendment and this awaits final Council Approval. For the purposes of the current application it is necessary to consider the combined area of the subject lot and the lot to the north when calculating plot ratio, residential density and site cover.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)***Plot Ratio*

In simple terms, plot ratio is the ratio of built area relative to the site area. This planning tool provides some rational for the assessment of building bulk on a property. However, other considerations such as setback, parking and building height, together with the visual aesthetics of a development have equal or more significance when considering the bulk of a development. The plot ratio requirements are complex and in many instances do not give a true representation of building bulk.

Plot ratio exclusions for non-residential development were previously contained under the Uniform Building Bylaws (but are not included under the current Building Code of Australia). In practice, however, the former Uniform Building Bylaw requirements are generally applied and in this regard, and plot ratio for commercial development excludes external walls of the commercial building, plant rooms, lift shafts, stairs, toilets and amenities and all floor areas for vehicle parking, whether at or below ground floor or above.

Taking this into consideration the development proposes a non-residential plot ratio of 0.35 (708 sq m) which is 504.6 sq m less than the 0.6 maximum (1212.6 sq m) permissible under the provisions of the Canning Bridge Frame. The residential development already provided on the lot to the north at 13 Tweeddale Road was approved by Council with a plot ratio of 0.61 (1232 sqm). Taking into consideration the requirements of Amendment No. 46, the total plot ratio for the combination of that lot and the subject lot is 0.96 (1940 sq m), which is 485.2 sq m less than the maximum plot ratio of 1.2 (2425.2) permitted "as of right" based on the Council's legal interpretation of plot ratio for mixed-use development.

In addition to the above, Clause 7.8 of Community Planning Scheme No. 5 provides guidelines in relation to matters to be taken into account when considering planning applications, such as the objectives of the Scheme, orderly and proper planning and existing and future amenity of the area. In this regard, the proposal is considered to be consistent with the following:

- a) The Statement of Intent for the Canning Bridge Frame (CBF) which indicates that offices may be supported where privacy of neighbours is respected and the design has a residential character. In this regard, the way in which the proposal has been designed is consistent with the existing residential character of the area. In relation to privacy considerations the proposal exhibits higher levels of privacy for the benefit of existing local residents than would normally be the case under the R-Codes.
- b) The orderly and proper planning for the locality. The development, in terms of its land use and design, is consistent with the pattern of land use in the locality, particularly from a streetscape perspective.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)**

- c) The existing and future amenity of the locality along Kintail Road which is within the Canning Bridge Frame. This area is currently being developed with similar proposals, i.e.: 28 Kintail Road is a 4/5 storey mixed use building; a 4 storey mixed use building at 21 Kintail Road (approved by Council in June 2008) is located across the road; a 4 storey mixed use development at 4 Forbes Road (approved by SAT on appeal on 10 April 2008); a 3 storey mixed use development was approved by Development Advisory Unit (DAU) on 28 October 2008 and a 3 storey mixed use development at 30 Kintail road was approved by Council on 21 October 2008. The subject proposal is therefore consistent with this emerging pattern of development in the locality.

Traffic

Based on NSW Roads and Traffic Authority standards, the total vehicular trips generated by the proposed development should be in the order of 10 Vehicle Trips Per Day (VTPD) per 100 sq m of offices. Accordingly, the proposed 570 sq m (NLA) of office floor space will generate a total of 57 VTPD.

Traffic volume counts in 2004 were 7243 Average Weekday Traffic (AWT) along Kintail Road (137 m east of the subject property). It is considered that Kintail Road has the potential to accommodate the traffic generated by this proposal as it amounts to only 0.8% of the total amount of traffic along Kintail Road as highlighted by the 2004 traffic count figures.

In traffic terms the proposal has been the subject of consideration by the Councils Highway Engineers who offer support subject to the following:

1. The construction of a paved bin storage area sited to the side of the new crossover.
2. The reinstatement of road kerbing and verge in the position where the existing crossover is proposed to be removed...
3. Landscaping to verge areas to the satisfaction of Manager Planning and Development Services.

The provision of a parking embayment for service vehicles, generally sited within the verge area adjacent to the development, is usually required for this type of development. In this case however, there are two (2) mature trees on the verge which effectively prohibit this from happening. The trees make a positive contribution to the streetscape along Kintail Road and as such their retention is a prerequisite for this development to proceed. An alternative to provide the service vehicle embayment within the parking area adjacent to the proposed building is considered acceptable in this case. A condition of planning approval is recommended in order to achieve this.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)***Car Parking*

In accordance with the City of Melville Policy No. 06-PL-024 Car Parking (Non-Residential), 19 bays would be required for the non-residential component (offices). The development proposes 25 bays (24 once the service embayment is taken into account), 16 of these bays are provided within the secure undercroft car parking area whilst the remaining 8 bays are provided for visitors at ground floor level.

*Setbacks*

Under the provisions of the CPS No 5 a rear setback of 6.0 metres is required for developments of this nature. In this case a 1.8 metre setback is proposed, 4.2 metres less than that envisaged by the Scheme. It is considered however that this reduced setback does not prejudice the intent of the Scheme for the following reasons:

1. There will be 13.5 metres separating the opposing buildings on the combined lot, brought about by the existing 11.7 metre rear setback of the residential complex on the northern part of the combined lot, coupled with the 1.8 metres now proposed.
2. The area within the rear setback of the residential complex houses a recreational cabana and a communal gymnasium facility with a solid masonry wall constructed between. These building elements provide a useful buffer between the office development proposed and the residential complex recently developed. This buffer mitigates against any adverse impact that may otherwise have resulted.
3. The proposal was the subject of consultation from 17 June 2008 to 11 July 2008. No objections were received. Subsequent to that consultation period the strata plan was approved by the Western Australian Planning Commission and the residential complex was completed. A number of these apartments are now sold and the new owners have therefore not benefited from the consultation exercise previously undertaken.

*Privacy*

Commercial buildings are not required to demonstrate compliance with the Visual Privacy Requirements of the Residential Design Codes. Notwithstanding this, the proposed development has been designed to provide high level window openings only on those elevations that face existing residential buildings on adjoining lots. This safeguards the occupiers of those buildings from visual intrusion thereby maintaining the levels of residential amenity that they currently enjoy. On the western elevation proposed windows are setback 5.8 and 8.0 metres from the common boundary and overlook the adjacent mixed use building. They do not overlook the more sensitive residential elements of that mixed use complex thereby safeguarding amenity for occupiers of those units.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)**

It is concluded therefore that the proposed commercial office development may be accommodated on this lot without prejudice to privacy standards.

Landscaping

The proposal indicates a landscaping area of 13.87% which is in lieu of the 25% required under CPS No. 5. Additional landscaping and maintenance is to be required within the verge area, including the retention of two (2) mature trees. These should be protected during the construction process, and a suitable condition of planning approval is proposed to ensure that this is the case.

Crime Prevention through Environmental Design Assessment

The application has been assessed against Crime Prevention through Environmental Design (CPTD) principles adopted by the WA Planning Commission. The development already includes a security gate to the basement parking area. Use of security lighting and camera surveillance will improve compliance with these requirements. A condition in this regard is recommended for inclusion.

Architectural and Urban Design Advisory Panel

The Council Architectural and Urban Design Advisory Panel reviewed the proposal on Wednesday 5 November 2008. Panel members were in collective agreement that the Architectural character of the building was acceptable in principle. The following comments were raised:

1. The extent of the two proposed crossovers should be narrowed.
2. The proposed masonry balustrade of the stairs at the main entry to be replaced using clear glass.
3. No reflective materials to be used within the facades of the building.
4. The proposal should be considered with a residential component.

The 3 first comments have been considered within the assessment and conditions are proposed to address the concerns raised. In relation to the 4<sup>th</sup> comment the Panel members were concerned that the proposal should incorporate a residential element within the proposed building in order that the scheme be considered "mixed use": It is considered that the development of the combined lot satisfies the aspiration for mixed use development and no further land use benefits would accrue from the inclusion of a further residential element within the fabric of the building now proposed..

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)****CONCLUSION**

In view of the above and the development satisfying in general the City of Melville Community Planning Scheme No. 5, the proposal is recommended for approval subject to appropriate conditions.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The Council may refuse the application should it be considered that the development does not comply with the provision of the City of Melville Community Planning Scheme No. 5, however the proposal complies with the maximum plot ratio of 1.2 based on the Council's legal interpretation and Clause 4.3.3 of Amendment No. 46 and therefore an appeal to the State Administrative Tribunal (SAT) would be difficult to defend.

**OFFICER RECOMMENDATION (3054)****APPROVAL**

**THAT COUNCIL VARY POLICY 06-PL-036 RELATIVE TO THE DECISION MAKING PROCESS AND THAT THE APPLICATION FOR PROPOSED THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD, APPLECROSS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

**SPECIAL CONDITIONS**

- 1. THE DIMENSIONS OF ALL CAR PARKING BAYS, AISLE WIDTHS AND CIRCULATION AREAS COMPLYING WITH AUSTRALIAN STANDARD AS2890.1.**
- 2. DETAILS WITH REGARD TO CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) RELATIVE TO CAMERA SURVEILLANCE AND LIGHTING BEING PROVIDED PRIOR TO THE ISSUE OF A BUILDING LICENCE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 3. PRIOR TO THE ISSUE OF THE BUILDING LICENCE, THE APPLICANT IS REQUIRED TO SUBMIT A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL, TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES, DETAILING HOW IT IS PROPOSED TO MANAGE:**
  - THE DELIVERY OF MATERIALS AND EQUIPMENT TO THE SITE;**
  - THE STORAGE OF MATERIALS AND EQUIPMENT ON THE SITE;**
  - THE PARKING ARRANGEMENTS FOR CONTRACTORS AND SUBCONTRACTORS;**
  - IMPACT ON TRAFFIC MOVEMENT AND;**
  - OTHER MATTERS LIKELY TO IMPACT ON THE SURROUNDING RESIDENTS.**

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)**

4. DURING EXCAVATIONS, ALL NECESSARY PRECAUTIONS TO BE TAKEN TO PREVENT DAMAGE OR COLLAPSE OF ANY ADJACENT STREETS OR ADJOINING PROPERTIES. IT IS THE RESPONSIBILITY OF THE BUILDER TO LIAISE WITH ADJOINING AND ADJACENT PROPERTY OWNERS PRIOR TO CARRYING OUT WORK.
5. A DETAILED LANDSCAPING AND RETICULATION PLAN BEING SUBMITTED AND APPROVED FOR THE SUBJECT SITE AND ROAD VERGE ADJACENT TO THE SITE BY THE EXECUTIVE MANAGER ENGINEERING SERVICES PRIOR TO COMPLETION OF THE DEVELOPMENT. THE PLAN IS TO ADDRESS MODIFICATIONS TO THE FOOTPATH AND VERGE AREAS OF KINTAIL ROAD TO ACHIEVE A HIGH LEVEL OF AMENITY CONSISTENT WITH STREETScape IMPROVEMENT DIRECTIONS FOR THE PRECINCT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
6. THE TWO (2) EXISTING MATURE TREES ON THE VERGE TO BE RETAINED AND PROTECTED DURING THE CONSTRUCTION PROCESS.
7. PROVISION OF A SERVICE VEHICLE EMBAYMENT AS MARKED IN RED ON THE APPROVED PLANS. DETAILS IN THIS REGARD ARE TO BE SUBMITTED FOR APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE COMPLETION OF THE DEVELOPMENT.
8. SUITABLE ARRANGEMENTS BEING MADE FOR THE STORAGE OF BINS AND COLLECTION OF WASTE FROM THE SITE TO THE APPROVAL OF THE WASTE SERVICES MANAGER.
9. EXISTING CROSSOVERS NOT REQUIRED BY THIS DEVELOPMENT BEING CLOSED AND VERGES REINSTATED TO THE SATISFACTION OF THE EXECUTIVE MANAGER ENGINEERING SERVICES.
10. SIGNAGE TO BE PROVIDED ADVISING MOTORISTS EGRESSING FROM THE BASEMENT PARKING TO GIVE WAY TO PEDESTRIANS.
11. ON COMPLETION OF CONSTRUCTION, ALL EXCESS ARTICLES, EQUIPMENT, RUBBISH OR MATERIALS AND TEMPORARY FACILITIES ARE TO BE REMOVED AND THE SITE AND SURROUNDING AREA USED DURING THE DEVELOPMENT IS TO BE MADE GOOD AND LEFT IN AN ORDERLY AND TIDY CONDITION TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
12. ALL SECURITY ALARM DEVICES TO BE “SILENT MONITORED” SYSTEMS TO ADDRESS POTENTIAL IMPACTS ON SURROUNDING RESIDENTIAL AMENITY TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)**

13. PROVISION OF A NOISE MANAGEMENT PLAN FOR THE DEVELOPMENT INDICATING HOW THE NOISE FROM THE CARPARKING, AIR CONDITIONING AND OTHER MECHANICAL EQUIPMENT WILL IMPACT ON THE NEIGHBOURING PROPERTIES AND RECOMMENDATIONS FOR REDUCING ANY POTENTIAL NOISE IMPACT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. THE RECOMMENDATIONS SHALL BE INCORPORATED IN THE PLANS SUBMITTED FOR A BUILDING LICENCE.
14. THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. APPLICANT IS REQUIRED TO CONSULT WITH CITY OF MELVILLE HEALTH SERVICES PRIOR TO THE INSTALLATION OF ANY NOISE EMITTING EQUIPMENT SUCH AS AIR CONDITIONERS.
15. THE FAÇADE OF THE BUILDING AND WALLS TO BE TREATED WITH AN ANTI-GRAFFITI AGENT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
16. SUBMISSION OF A GLARE REFLECTIVITY STUDY BY A SUITABLY QUALIFIED PROFESSIONAL AND ANY GLARE ISSUES TO BE ADDRESSED PRIOR TO THE ISSUE OF A BUILDING LICENCE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT.
17. THE ROOF OF THE BUILDING NOT TO BE ZINCALUME OR WHITE METAL (E.G. COLORBOND SURFMIST) OR ANY OTHER MATERIAL / COLOUR CONSIDERED TO BE HIGHLY REFLECTIVE UNLESS OTHERWISE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES. DETAILS OF THE PROPOSED ROOF MATERIAL AND COLOUR TO BE SHOWN ON THE DEVELOPMENT PLANS PRIOR TO THE ISSUE OF A BUILDING LICENCE.
18. THE SUBMISSION OF A COLOUR SCHEDULE BOARD DETAILING THE USE OF MATERIALS, FINISHES AND COLOURS FOR THE MIXED USE BUILDING TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.
19. DETAILS OF THE PUBLIC ART, WITH A MINIMUM VALUE OF 1% OF THE DEVELOPMENT, AS REQUIRED BY COUNCIL POLICY 25-PL-002 ARTS AND CULTURE, TO BE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE. THE APPROVED ARTWORK SHALL BE CONSTRUCTED AND INSTALLED PRIOR TO THE OCCUPATION OF THE BUILDING AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
20. EQUIPMENT SUCH AS AIR CONDITIONERS OR EXHAUST VENTS, BUT NOT INCLUDING ANY SOLAR PANEL, WHICH ARE LIKELY TO DETRACT FROM THE VISUAL APPEARANCE OF THE BUILDING SHALL NOT BE LOCATED ON THE ROOF OR OTHERWISE EXPOSED TO PUBLIC VIEW.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)**

- 21. PRIOR TO THE OCCUPATION OF THE BUILDING A SIGN STRATEGY FOR THE BUILDING IS TO BE SUBMITTED AND APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 22. A 1.8 METRE HIGH FENCE TO BE PROVIDED FROM THE HIGHEST RETAINED GROUND LEVEL. ALL FENCING TO BE PROVIDED IN ACCORDANCE WITH THE DIVIDING FENCES ACT AND BE CONSTRUCTED AS A MINIMUM STANDARD OF FIBRE CEMENT TO THE EAST AND MASONRY TO THE NORTH (UNLESS A LESSER STANDARD IS NEGOTIATED WITH THE ADJOINING PROPERTY OWNER) TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 23. THE BALUSTRADE OF THE STAIRS AT THE MAIN ENTRY TO BE OF CLEAR GLASS.**
- 24. THE TWO (2) PROPOSED CROSSOVERS TO HAVE A MAXIMUM TOTAL WIDTH OF 9.0 METRES.**

**STANDARD CONDITIONS:**

- 25. THE CONSTRUCTION OF RETAINING WALLS NOT TO EXCEED THE HEIGHTS SPECIFIED ON THE APPROVED PLANS UNLESS OTHERWISE APPROVED BY COUNCIL. DETAILS, SIGNED BY A PRACTICING STRUCTURAL ENGINEER MUST BE SUBMITTED FOR APPROVAL AT THE TIME OF SUBMITTING A BUILDING LICENCE APPLICATION.**
- 26. THE DEVELOPMENT IS TO BE CONNECTED TO THE WATER CORPORATION'S RETICULATED SEWERAGE SYSTEM.**
- 27. GROUND LEVELS MAY NOT BE CHANGED OTHER THAN APPROVED AS PART OF THIS APPROVAL.**
- 28. LIGHTING TO BE PROVIDED TO ALL CARPARKING AREAS AND THE EXTERIOR ENTRANCES TO ALL BUILDINGS IN ACCORDANCE WITH AUSTRALIAN STANDARD AS 1158.3.1 (CAT. P). ALL EXTERNAL LIGHTING TO BE HOODED AND ORIENTED SO THAT THE LIGHT SOURCE IS NOT DIRECTLY VISIBLE TO THE TRAVELLING PUBLIC OR ABUTTING RESIDENCES.**
- 29. ALL SEWERAGE WASTES AND WATER PIPES TO BE CONCEALED WITHIN THE BUILDING.**
- 30. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION THE COUNCIL REQUIRES THE PROVISION OF A SUITABLE RECEPTACLE FOR THE CONTAINMENT OF WINDBLOWN RUBBISH. THE RECEPTACLE (GENERALLY A WIRE MESH CAGE) SHOULD HAVE MAXIMUM OPENINGS OF 100MM; HAVE A BASE OF 4M<sup>2</sup> AND A HEIGHT OF 1M AND A HINGED LID. THE RECEPTACLE SHOULD NOT BE ALLOWED TO OVERFILL.**

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD  
APPLECROSS (REC) (ATTACHMENT)**

31. DURING CONSTRUCTION ACCESS TO THE LOT TO BE VIA THE STREET FRONTAGE ONLY AND THAT NO BUILDING RUBBLE BE PERMITTED TO OVERSPILL THE SITE.
32. ELECTRICAL INSTALLATION TO BE CONSTRUCTED AND MAINTAINED TO THE SATISFACTION OF WESTERN POWER IN ACCORDANCE WITH THE SAA WIRING RULES NO.CC1, PART 1, 1961.
33. ALL STORMWATER AND DRAINAGE RUN OFF TO BE CONTAINED ON SITE. AN ONSITE STORMWATER DRAINAGE SYSTEM WITH A CAPACITY TO CONTAIN A 1:100 YEAR STORM OF A TWENTY-FOUR (24) HOUR DURATION IS TO BE PROVIDED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. ALL DOWNPIPES TO BE CONNECTED TO SOAKWELLS. THE PROPOSED STORMWATER DRAINAGE SYSTEM IS REQUIRED TO BE SHOWN ON THE BUILDING LICENCE SUBMISSION FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
34. A SEPARATE APPLICATION FOR PLANNING APPROVAL AND A SIGNS LICENCE IS REQUIRED FOR ALL SIGNAGE.
35. THE LAND SHALL NOT BE USED FOR THE PURPOSE APPROVED UNTIL COUNCIL HAS ISSUED A CERTIFICATE OF CLASSIFICATION FOR THAT USE AND THE MANAGER PLANNING AND DEVELOPMENT SERVICES IS SATISFIED THAT ALL RELEVANT CONDITIONS OF THIS APPROVAL HAVE BEEN SATISFIED.
36. PRIOR TO OCCUPANCY OR COMMENCEMENT OF THE LAND USE THE APPLICANT IS TO ARRANGE FOR A PRACTICAL COMPLETION INSPECTION TO BE UNDERTAKEN BY THE CITY AND FOR ALL RELEVANT CONDITIONS TO BE SATISFIED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. IN CERTAIN CIRCUMSTANCES, AND AT ITS DISCRETION, A CONDITION MAYBE SATISFIED IN PART BY WAY OF A LEGAL AGREEMENT BEING IN PLACE AND BOND/BANK GUARANTEE BEING SUBMITTED BY THE APPLICANT/OWNER TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. WHERE THE DEVELOPMENT INVOLVES THE ERECTION OF A BUILDING A CERTIFICATE OF CLASSIFICATION BEING OBTAINED PRIOR TO OCCUPANCY.

**FOOTNOTES**

1. WITH RESPECT TO SPECIAL CONDITION 8, THE APPLICANT IS REQUIRED TO LIAISE WITH THE CITY OF MELVILLE WASTE SERVICES.
2. A HEALTH LICENCE IS REQUIRED FOR THIS DEVELOPMENT AT THE BUILDING APPROVAL STAGE.

**P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)**

Ward : Applecross/Mount Pleasant Ward  
 Category : Operational  
 Application Number : DA-2008-858  
 Property : 45 Ardross Street, Applecross  
 Proposal : Three Storey With Undercroft Mixed Use Development  
 Applicant : Tuscom Subdivision Consultants Pty Ltd  
 Owner : Netpoint Nominees Pty Ltd  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Responsible Officer : Mr David Vinicombe  
 Manager Planning and Development Services  
 Previous Items : Not Applicable

**AUTHORITY / DISCRETION**

Definition

<input type="checkbox"/>	Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input checked="" type="checkbox"/>	<b>Quasi-Judicial</b>	<b><i>when 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>

**P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS  
ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS  
STREET, APPECROSS (SMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The application is for a new 3 storey mixed use (4 multiple dwellings and non-residential carparking) plus addition of a second storey office (over existing commercial building) development with undercroft and ground floor carparking.
- The development proposes a non-residential plot ratio of 0.33 in lieu of 0.3. The residential plot ratio is 0.508 and the total plot ratio is 0.838. Maximum plot ratio permitted is 0.9.
- 6 submissions were lodged, 4 against the proposal (including 1 multi signature letter with 174 signatures) and 2 submissions supporting.
- The proposal complies with the maximum height limit of 10.5m.
- The application is recommended for conditional approval.

**BACKGROUND**

The Development Advisory Unit on 18 March 2008 approved a change of use from shops to restaurant allocating 22 bays to the existing building, 15 for the restaurant and 7 for the existing offices.

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Community Centre Precinct (CCR)
R-Code	: R40
Use Type	: Office / Residential
Use Class	: "P" use – Permitted Use / "D" use – Council discretion required.

**Site Details**

Lot Area	: 1012 sqm
Retention of Existing Vegetation	: Not Applicable
Street Tree(s)	: Three (2) small trees, McDonald Road
Street Furniture (drainage pits etc)	: None
Site Details	:

[3055 Elevations 2008](#)

[3055 Ground Floor](#)

[3055 Undercroft 2008](#)

[3055 Upper Floors 2008](#)

**P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)**

**DETAIL**

The application proposes to build a new three (3) storey mixed use building, comprising 4 multiple dwellings (2 on the second storey and 2 on the third storey), carparking for non-residential uses (commercial) on the ground floor and basement carparking. The carparking on the ground floor proposes 17 carparking bays and additional carparking is proposed in the basement for 13 bays more. A total of 30 carparking bays is proposed. One (1) additional office is proposed to be located on the second storey of the commercial building that faces Ardross Street.

**Development Requirements**

Development Requirement	Required / Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	N/A				
Plot Ratio	0.9	0.838	Complies		
Residential	0.6	0.508	Complies		
<b>Non-residential</b>	<b>0.3</b>	<b>0.330</b>	<b>Does Not Comply</b>	<b>MPDS</b>	
Landscaping	N/A				
Building Height	10.5m	10.5m	Complies		
Carparking	28 bays	29 bays	Complies		

**Setbacks**

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	Nil	Nil	Complies		
Secondary Street (Buckley Lane)	Nil	1.5m	Complies		
Rear					
GF	Nil	Nil	Complies		
2 <sup>nd</sup> storey	1.5m	3.8m	Complies		
3 <sup>rd</sup> storey	1.9m	3.8m	Complies		
Side Ardross Street					
2 <sup>nd</sup> storey	Nil	3.0m	Complies		

**P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
Neighbour's Comment Supplied: Yes  
Reason: "D" use – Council discretion required.  
Support/Object: 6 submissions: 2 supporting and 4 objecting (including a multi-signature letter with 174 signatures).

Please refer to submissions table attached to this report.

[3055 Submissions 2008](#)

**REFERRALS TO GOVERNMENT AGENCIES**

Not Applicable

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

Not Applicable

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Not Applicable

**POLICY IMPLICATIONS**

Policy No. 06-PL-024 Car Parking (Non-Residential) – compliant.

Policy No. 06-PL-036 Planning Process and Decision Making. The Planning Process Matrix indicates that major applications with minor variations are to be referred to a Portfolio Meeting and then the Development Advisory Unit, but not Council. In this instance, the development has not been presented to a Portfolio Meeting as these meetings have been replaced with Elected Member Workshops. The proposal was however presented to the Workshop held on 20 November 2008.





































































































































**C08/6017 – REVIEW OF INVESTMENT OF FUNDS POLICY (REC) (ATTACHMENT)**

**FINANCIAL IMPLICATIONS**

The proposed changes to the policy will limit the return on Councils investment portfolio by placing emphasis on preservation of capital over rates of return.

The cost implications of incurring the Federal Governments Deposit Guarantee Fee which will evidently be between 0.7 and 1.5% would be up to \$600,000 per annum.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk*</b>	<b>Risk Mitigation Strategy</b>
In the absence of appropriate policy, investments may be made that will incur a capital loss, a diminished rate of return or not be ethically appropriate resulting in a financial loss and or loss of reputation for the Council.	<b>High</b> level of risk without specific policy in place.  <b>Level of Risk After Application of Risk Mgt Strategy -</b> <b>Low</b> level of risk with policy in place & adhered to by the Council.	Adopt a revised Investment of Surplus Funds Policy that places appropriate ratings, benchmark returns and limits on types of investments that may be acquired.

**POLICY IMPLICATIONS**

This report presents a revision of Councils Investment of Surplus Funds Policy 13-PL-003

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Nil

**CONCLUSION**

The attached Investment of Funds Policy incorporates much of the text incorporated in the Department of Local Government and Regional Development's –"Investment Policy - Local Government Operational Guidelines - Number 19". It also incorporates changes to enable the investment of funds in the soon to be implemented Federal Government Guaranteed deposit accounts for Authorised Deposit Taking Institutions with deposits with any institution being to a higher percentage with any one ADI than would be permitted were the guarantee not in place.

**C08/6017 – REVIEW OF INVESTMENT OF FUNDS POLICY (REC) (ATTACHMENT)**

**OFFICER RECOMMENDATION (6017)**

**APPROVAL**

- 1. THAT REVISED INVESTMENT OF FUNDS POLICY 13-PL-003 6017 Policy 13PL003 Investment of Funds BE ADOPTED.**

**C08/6018 – BUDGET REVIEW TO 31 OCTOBER 2008 (AMREC) (ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: Financial Statements and Investments
Customer Index	: Department of Local Government and Regional Development
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: None
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Dudley Smith Manager Financial Services

**AUTHORITY / DISCRETION**

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when 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 Council review decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

**KEY ISSUES / SUMMARY**

This report presents a Budget Review for the 4 months to 31 October 2008 for consideration and recommends that the deficit identified be adjusted as detailed.

**C08/6018 – BUDGET REVIEW TO 31 OCTOBER 2008 (AMREC) (ATTACHMENT)****BACKGROUND**

Historically the City of Melville has reviewed its budget position on an ongoing basis with reporting of budget variations and a budget variances report forming part of the monthly financial statements submitted to Council.

This is an interim budget review prior to the Mid Year Budget Review to highlight the significant items which have now become apparent.

**DETAIL**

A budget review based on the four months to the end of October 2008 has been undertaken with full participation of the Management team and Budget Responsible Officers. The projected financial position of the City of Melville to the end of June 2009 is a deficit of \$1,788,000. This deficit is summarised in the table attached [6018 December 2008](#)

Key findings from the Budget Review to 31 October 2008 include:

- Investment earnings expected to finish the year \$1,000,000 under budget.
- Storm damage to be \$176,000 adverse to budget.
- Electricity costs to be \$265,000 adverse to budget.
- Melville Aquatic Centre gas costs to be \$50,000 adverse to budget
- Melville Aquatic Centre replacement boiler to be \$45,000 adverse to budget
- Surplus carried forward to be \$194,000 adverse to budget.
- PAW Lighting and Minor Lighting work to be \$58,000 adverse to budget

The strategy to offset this deficit of \$1,788,000 has been the review of all operational units with a view to reducing operating and capital costs.

Major reductions in operational units include:

- Civic Centre building modification not going ahead saving \$500,000
- Mount Henry Jetty already complete saving \$70,000
- State Black Spot Cnr Riesley and Kearns not proceeding saving \$80,000
- Streetscape on Canning Hwy not proceeding saving \$160,000
- Deep Water Point Jetty saving of \$100,000
- Various Community services cost reductions or increased income \$230,000
- Reduction in transfer to Land and Property Reserve of \$280,000

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable

**C08/6018 – BUDGET REVIEW TO 31 OCTOBER 2008 (AMREC) (ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable

**STATUTORY AND LEGAL IMPLICATIONS**

Not applicable

**FINANCIAL IMPLICATIONS**

A forecast deficit of \$1,788 000 has been identified following the Budget Review. Because of the difficulty in accurately forecasting future interest rates changes the reduced investment earnings may increase.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Not applicable

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable

**CONCLUSION**

The Budget Review to 31 October process has identified an expected deficit of \$1,788,000. It is proposed that, the budget be revised as detailed in attachment 6005A October 2008.pdf.

**OFFICER RECOMMENDATION (6018)****ABSOLUTE MAJORITY**

- 1. THAT BY ABSOLUTE MAJORITY DECISION THE BUDGET AMENDMENTS AS DETAILED IN ATTACHMENT [6018 December 2008](#) BE ADOPTED.**

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
  
14. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL
  
15. CLOSURE