



— *City of* —
Melville

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

17 APRIL 2007

DISCLAIMER:

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Where an application for an approval, a licence, or the like is considered or determined during this meeting, the City of Melville warns that neither the applicant nor any other person or body should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it or the refusal of the application has been issued by the City.

DISTRIBUTED: 20 APRIL 2007



— City of —
Melville

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.41PM ON TUESDAY, 17 APRIL 2007.

1. PRESENT

Her Worship the Mayor, Katherine Jackson JP

COUNCILLORS

Cr D J Macphail (Deputy Mayor)
Cr A Ceniviva
Cr C W Robertson; Cr R A Aubrey
Cr P M Phelan; Cr C M Halton
Cr M J Barton
Cr J R Bennett; Cr L M Reynolds
Cr H R Everett, Cr J Phillips

WARD

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

2. IN ATTENDANCE

E Lumsden PSM
A McAllister

C McClure
M Tieleman
R G C Willis

K Weymes

B Taylor

T Cahoon
M Ridgwell
R Dougall

POSITION TITLE

Chief Executive Officer
Director Strategic Community
Development
Director Strategic Urban Planning
Director Customer & Corporate Services
Director Technical & Development
Services
Manager Planning & Development
Services
Manager Information & Corporate
Support
A / Manager Health & Lifestyle Services
Property & Corporate Support Manager
Minutes Secretary

At the commencement of the Meeting, there were 7 people present in the Public Gallery and 2 members of the press in the Press Gallery.

3. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr L J Wyatt Bicton / Attadale Ward

4. PUBLIC QUESTION TIME

Nil.

5. AWARDS AND PRESENTATIONS

A record of functions attend by the Mayor, and Elected Members representing the Mayor for the Council, for the period Tuesday, 20 March 2007 to Monday, 16 April 2007, forms an attachment to the Minutes of the Meeting.

[Mayoral Representation April 2007.pdf](#)

At 6.42pm, Cr J R Bennett moved, seconded Cr C Halton -

THAT THE RECORD OF FUNCTIONS ATTENDED BY THE MAYOR, AND ELECTED MEMBERS REPRESENTING THE MAYOR ON BEHALF OF THE COUNCIL, FOR THE PERIOD TUESDAY, 20 MARCH 2007 TO MONDAY, 16 APRIL 2007, BE NOTED.

At 6.42pm, Mayor K J Jackson submitted the motion, which was declared
CARRIED WITHOUT DISSENT (12/0)

6. CONFIRMATION OF MINUTES

6.1 ORDINARY MEETING OF THE COUNCIL – 20 MARCH 2007

At 6.42pm Cr J R Bennett moved, seconded Cr D J Macphail -

THAT THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD ON TUESDAY, 20 MARCH 2007 BE CONFIRMED.

At 6.42pm the Mayor submitted the motion,
which was declared **CARRIED WITHOUT DISSENT (12/0)**

6.2 AGENDA FORUM – 3 APRIL 2007

At 6.42pm Cr C W Robartson moved, seconded Cr R Aubrey seconded -

THAT THE NOTES OF THE AGENDA FORUM HELD ON TUESDAY, 3 APRIL 2007 BE CONFIRMED.

At 6.42pm the Mayor submitted the motion,
which was declared **CARRIED WITHOUT DISSENT (12/0)**

**** At 6.43pm the Chief Executive Officer, Mr Eric Lumsden departed the Chamber.**

6.3 GOVERNANCE COMMITTEE – 10 APRIL 2007

At 6.43pm Cr M J Barton moved, seconded Cr D J Macphail –

THAT THE MINUTES OF THE GOVERNANCE COMMITTEE HELD ON TUESDAY, 10 APRIL 2007 BE CONFIRMED.

At 6.43pm the Mayor submitted the motion,
which was declared **CARRIED WITHOUT DISSENT (12/0)**

7. DISCLOSURES OF INTEREST

- C07/7002 Mayor K J Jackson
- C07/8004 Mayor K J Jackson
- 6.3 / 9 / 11 Chief Executive Officer, Mr Eric Lumsden

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Cr H R Everett Applecross / Mt Pleasant Ward
Cr C W Robartson Bull Creek / Leeming Ward

At 6.44pm Cr J R Bennett moved, seconded Cr R Aubrey –

THAT CR H R EVERETT AND CR C W ROBARTSONS REQUESTS FOR LEAVES OF ABSENCE BE APPROVED.

At 6.44pm the Mayor submitted the motion, which was declared
CARRIED WITHOUT DISSENT (12/0)

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Performance and Salary Review of the Chief Executive Officer.

Disclosures of Interest

Item No	:	6.3, 9 and 11 – Performance and Salary Review of the Chief Executive Officer
Member	:	Chief Executive Officer, Eric Lumsden
Type of Interest	:	Financial Interest in accordance with the Act.
Nature of Interest	:	Financial
Extent of Interest	:	Directly affected financially and by my contract of employment
Request	:	Leave
Decision of Committee	:	N/A
Decision of Council	:	Leave

10. REPORTS OF COMMITTEES

At 6.45pm Cr C W Robartson moved, seconded Cr J R Bennett -

THAT THE RECOMMENDATIONS OF THE GOVERNANCE COMMITTEE HELD ON TUESDAY, 10 APRIL 2007 BE ADOPTED.

At 6.45pm the Mayor submitted the motion, which was declared
CARRIED WITHOUT DISSENT (12/0)

** At 6.46pm the Chief Executive Officer, Mr Eric Lumsden re-entered the Chamber.

11. PETITIONS

A petition bearing 197 signatures was received at the Council on Friday, 30 March 2007. The petition reads as follows:

1. We the undersigned, are either Electors of the City of Melville or Patrons of Applecross Village Shopping Centre.
2. We find it inexcusable that there are currently no public toilet facilities within Applecross Village Shopping Centre.
3. We believe that Melville City Council has misjudged the strong public support of this issue.
4. We fully support a Public Toilet Facility being constructed on Melville City Council property within Applecross Village Shopping Centre.
5. We urge Melville City Council to reconsider all options for this proposal quickly, and construct the facilities that we deserve.

This petition was forwarded to the Manager Infrastructure Services for comment.

At 6.46pm Cr J R Bennett moved, seconded Cr C Halton

THAT THE PETITION RECEIVED ON FRIDAY, 30 MARCH 2007 BEARING 197 SIGNATURES BE NOTED AND A REPORT BE PRESENTED TO THE NEXT AVAILABLE ORDINARY MEETING OF COUNCIL FOR CONSIDERATION.

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

CARRIED WITHOUT DISSENT (12/0)

12. REPORTS OF OFFICERS

REPORTS OF OFFICERS

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**T07/1002 - PETITION FOR PARKING RESTRICTIONS IN FLETCHER STREET,
APPLECROSS (AMREC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant
Category : Operational
Subject Index : Parking control, Petitions
Customer Index : Petitioners
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items : Nil.
Works Programme : Forward Works Programme
Funding : \$23,000 Riseley Street Parking Trust Fund
Responsible Officer : Philip Gale,
Manager Infrastructure 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 type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input checked="" type="checkbox"/> Review	<i>when Council reviews 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

- A petition has been received from residents of Fletcher Street, Applecross, requesting the introduction of parking restrictions to discourage all day parking.
- Monitoring of the parking has confirmed that all-day on-street parking is occurring.
- It is recommended that the existing parallel parking bays at the southern end of Fletcher Street are modified to 90 degree parking bays to increase parking capacity and cater for the all-day parking demand.
- It is further recommended that a study be undertaken of the Riseley Street commercial precinct to develop short and long-term strategies, including parking, for this precinct.

**T07/1002 - PETITION FOR PARKING RESTRICTIONS IN FLETCHER STREET,
APPLECROSS (AMREC) (ATTACHMENT)**

BACKGROUND

A petition bearing 31 signatures was received on 4 January 2007 requesting parking restrictions in Fletcher Street, Applecross. That petition reads:

“We, the undersigned and all being electors and or residents of the City of Melville, do humbly pray that parking restrictions be applied to both sides of Fletcher Street in the suburb of Applecross, City of Melville.

During 2006 there has been an increase in all day parking in Fletcher Street by persons who are non-residents of the street, nor visitors to the residents of the street, nor trades or service people assisting residents of the street, nor persons attending businesses of the street. On most working days, there is no available parking space for residents, visitors of residents or trade and service people attending residents.

Most cars parking in the street arrive between 0700 hrs and 0830 hrs and depart between 1700 and 1800 hours each working day. There are a number of unit properties in the street that require visitors to park on the street, a number of visitors are senior citizens and are required to walk some distance due to the lack of parking.

We recommend a 4 hour parking limit during the working week, Monday to Friday, be applied to Fletcher Street”.

This petition was tabled at the Ordinary Meeting of Council held on 20 February 2007 when the following recommendation was adopted:

That the petition bearing 31 signatures which was received on Thursday, 4 January 2007 be noted and that a report be presented to the next available Ordinary Meeting of Council for consideration.

**T07/1002 - PETITION FOR PARKING RESTRICTIONS IN FLETCHER STREET,
APPLECROSS (AMREC) (ATTACHMENT)****DETAIL**

Fletcher Street is a 350 metre long Local Access road in Applecross that starts at Canning Highway and ends at Macleod Road. The 200 metre long section of Fletcher Street that is south of Macrae Road is part of the Riseley Frame commercial precinct. The land use along Fletcher Street is predominantly residential, zoned R50, although there is a printing business at the southern end, on the corner of Canning Highway.

Adjacent to the printing business on the western side of the road are 9 x 90° parking bays that have a 2-hour time limit between 8am and 6pm Monday to Saturday. The rest of the western side of the road as far as Macrae Road has No Parking restrictions that apply between 8am and 6pm Monday to Friday and 8am to 1pm Saturday. There are no parking restrictions on the eastern side of the road.

To investigate the petitioner's concerns a parking survey was done over a 2 week period in March. This involved site inspections conducted most weekdays and typically twice a day at varying times. The observations made as a result of these inspections are:

- The eastern side of Fletcher Street, between Canning Highway and Macrae Road, is typically fully occupied by up to 19 vehicles each weekday.
- Whilst this does restrict Fletcher Street to a single through traffic lane this is acceptable because of the low volume of traffic using this road.
- The majority of vehicles observed during the survey are parked there every weekday.
- The vehicles parked on-street can restrict the visibility of/for vehicles leaving crossovers on the eastern side of Fletcher Street.
- There is a regular turnover and good availability of the 2-hour parking bays adjacent to the printing business.
- Most of the motorists parking in Fletcher Street were observed walking to the bus stop on Canning Highway, just west of Fletcher Street.
- A number of the motorists parking in Fletcher Street were observed walking to one particular business on Canning Highway, west of Fletcher Street.
- On-street parking does occur in Fletcher Street, north of Macrae Road but typically by only a few vehicles.

[T07_1002A_April_2007.pdf](#) A locality plan of Fletcher Street and photographs of the weekday parking situation forms an attachment to this report

Clearly, Fletcher Street is being used as an informal Park 'N Ride by some motorists because of its close proximity to regular and direct bus services along Canning Highway. Whilst it is encouraging that these people are using public transport their actions are impacting on the amenity and safety of Fletcher Street residents. The road is also being used by workers from nearby businesses, one in particular which has an on-site car park that was fully occupied when inspected.

**T07/1002 - PETITION FOR PARKING RESTRICTIONS IN FLETCHER STREET,
APPLECROSS (AMREC) (ATTACHMENT)**

The introduction of a parking time limit in Fletcher Street, as suggested by the petitioners, would address their concerns if regularly monitored and enforced by the City's Rangers. However, based on knowledge and experience of these situations such an action will simply shift the problem to another nearby road such as Simpson Street, perpetuating the issue. Fletcher Street is experiencing the same type of problems that exist across the broader Riseley Street commercial precinct and it is better that the problem is considered in that context, so that suitable short and long term strategies and solutions can be developed.

It is recommended that the parallel parking embayment on the eastern side of Fletcher Street, immediately north of Canning Highway, be widened to create 90° parking bays. This parking layout is consistent with the layout on the opposite side of Fletcher Street and would create enough parking bays for approximately 18 vehicles, which is virtually the number of cars being parked on the eastern side of the street daily.

These parking bays would be adjacent to a fenced drainage sump and not in front of a residential property. It is estimated that the parking area could be widened and repaved in red asphalt, consistent with the rest of the Riseley Frame precinct, at a cost of \$20,000. It is recommended that no time limit apply to that parking.

This could be expected to significantly reduce the impact residents are experiencing with all-day parking, provided that the space vacated by those vehicles is not then filled by other motorists. As there are not a significant number of vehicles being parked in Fletcher Street north of Macrae Road this is not expected to happen, however, the situation would be monitored after construction to see if any further action is warranted.

There is also a need to undertake a detailed study, incorporating parking, of the Riseley Frame commercial precinct that includes Fletcher Street, to identify concerns and, strategies and solutions to address those issues. The need for such a study had already been identified by officers. Resolving the parking issues in that area is not likely to be simple, because of the high demand for parking, the limited amount of land that can be developed to satisfy that demand, the private ownership of most of the existing parking areas there and the differing parking demands for the different types of businesses.

PUBLIC CONSULTATION/COMMUNICATION

No external consultation has been done on this matter.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Nil.

**T07/1002 - PETITION FOR PARKING RESTRICTIONS IN FLETCHER STREET,
APPLECROSS (AMREC) (ATTACHMENT)**

FINANCIAL IMPLICATIONS

There is currently \$76,000 in the Riseley Precinct Cash-in-lieu of parking, Trust Fund. These funds have been provided by developers as a condition of their planning approvals to enhance parking in the area due to shortfalls in their own car park provision.

Therefore it is recommended that \$23,000 from the Parking Trust Fund be allocated for construction of the proposed 90 degree parking bays at the southern end of Fletcher Street. Any increase in on-going maintenance costs of that parking area would be minor and absorbed into maintenance operations such as road sweeping, road repair and repainting of pavement markings that are already performed.

Further funding should be considered as a priority, to undertake a detailed precinct study of the Riseley Frame commercial precinct to identify strategies and solutions to address issues, including parking, within this commercial area.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

As stated previously, simply installing the requested parking restrictions will simply shift the problem to another road. For that reason both short and long term actions are recommended to provide benefit to Fletcher Street residents.

POLICY IMPLICATIONS

There is no Council policy that relates to this matter.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The introduction of a Residential Parking Permit is the only other option that would address the petitioners concerns and allow their visitors to park on-street. However, this would create exactly the same impact as the introduction of a time limit as it would simply, and undesirably, shift the problem to another street. The implementation and on-going management of such a scheme also creates additional administrative work. For these reasons, the introduction of Residential Parking Permits in Fletcher Street is not recommended.

CONCLUSION

Providing sufficient parking capacity for all or most of the all-day parking demand at the southern end of Fletcher Street should significantly reduce the impact of this practice on the residents of Fletcher Street and enable their visitors to their homes to park in close proximity.

This would hopefully be a permanent solution to their problem but a parking study of that broader precinct should be undertaken to investigate the parking issues and attempt to develop long-term strategies and solutions to address those issues.

**T07/1002 - PETITION FOR PARKING RESTRICTIONS IN FLETCHER STREET,
APPLECROSS (AMREC) (ATTACHMENT)**

COUNCIL RESOLUTION (1002)

ABSOLUTE MAJORITY

At 6.50pm Cr J Phillips moved, seconded Cr H R Everett -

1. THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL \$23,000 BE ALLOCATED FROM THE RISELY STREET CASH-IN-LIEU PARKING FUND FOR THE REPLACEMENT OF THE PARALLEL PARKING BAYS AT THE SOUTHERN END OF FLETCHER STREET WITH 90 DEGREE PARKING BAYS.
2. THAT THE NEED FOR PARKING RESTRICTIONS CONTINUE TO BE MONITORED BEFORE AND AFTER THE CONSTRUCTION OF THE 90 DEGREE PARKING BAYS.
3. THAT PRIORITY CONSIDERATION BE GIVEN TO THE COMPLETION OF A PRECINCT PLAN, INCORPORATING A PARKING STUDY OF THE RISELEY FRAME COMMERCIAL PRECINCT.
4. THAT THE RESIDENTS AND BUSINESSES OF FLETCHER STREET, APPLECROSS, INCLUDING THE PETITION INITIATOR, BE ADVISED OF COUNCIL'S DECISION.

At 6.51pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

P07/3007 - AMENDMENTS TO PENTHOUSE AND BALCONIES ON LOT 1057 (13) TWEEDDALE ROAD AND LOT 1068 (26) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

Ward	:	Applecross / Mount Pleasant
Category	:	Operational
Application Number	:	DA-2006-1962
Property	:	13 Tweeddale Road, Applecross WA 6153
Proposal	:	Additions to Penthouse and Balconies
Applicant	:	Tuscom Subdivision Consultants Pty Ltd
Owner	:	Starworld Holdings Pty Ltd
Disclosure of any Interest	:	No officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Keith Weymes Manager Planning & Development Services
Previous Items	:	DA-2004-1981

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 type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/> Review	<i>when Council reviews decisions made by Officers.</i>
<input checked="" 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

- Mixed use approved by Council in March 2005.
- Two buildings were approved, one 5 storey residential for 7 Multiple Dwellings fronting Tweeddale Road and 2 storey for offices facing Kintail Road.
- Plot Ratio 0.8:1 approved by Council, 0.6:1 for residential and 0.2:1 for commercial.
- Proposal will increase residential to 0.61:1 and commercial is reduced to 0.18:1.
- Proposed increase in residential plot ratio is considered of minimal impact on the streetscape and adjacent residential amenity. Accordingly a variation under the Performance Criteria of the R-Codes is supported

P07/3007 - AMENDMENTS TO PENTHOUSE AND BALCONIES ON LOT 1057 (13) TWEEDDALE ROAD AND LOT 1068 (26) KINTAIL ROAD, APPLECROSS (REC) (ATTACHMENT)**BACKGROUND**

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 (1619sqm)*”. The application proposed a total of 1610sqm, 1214sqm for residential and 396sqm for commercial.

DAU approved on 21 September 2005 an application decreasing the commercial area from 396sqm to 366sqm with a total plot ratio area of 1580sqm.

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 and the commercial component facing Kintail Road be capped at 0.2:1.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Canning Bridge Frame – CBF
R-Code	:	R50
Use Type	:	Residential and Office
Use Class	:	D and S

Site Details

Lot Area	:	2024sqm
Retention of Existing Vegetation	:	Nil
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc)	:	Nil
Site Details	:	Not applicable

[P07_3007_April_2007.pdf](#)

P07/3007 - AMENDMENTS TO PENTHOUSE AND BALCONIES ON LOT 1057 (13) TWEEDDALE ROAD AND LOT 1068 (26) KINTAIL ROAD, APPLECROSS (REC) (ATTACHMENT)

DETAIL

The application proposes an additional 22sqm (part of plot ratio) at the rear of the approved penthouse, involving the addition of one bedroom (bedroom 4) and balcony (not included in plot ratio).

Additional balconies area (approximately 15sqm each – not included in plot ratio) facing the street are also proposed for the existing approved balconies for Units 1 and 2 on the second floor.

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	Not applicable				
Plot Ratio	0.8:1 =1619sqm	0.79:1 = 1598sqm	Complies	Council	
Residential	0.6:1 = 1214sqm	0.6.1:1 = 1232sqm (additional 22sqm)	Does not Comply		
Commercial	0.2:1 = 405sqm	0.18:1 = 366sqm	Complies		
Landscaping	Not applicable				
Building Height	Not applicable				
Carparking	Not applicable				

POLICY IMPLICATIONS

Development and Building Controls – Policy 06-PL-029 Mixed Use Plot Ratio Bonus Application.

**P07/3007 - AMENDMENTS TO PENTHOUSE AND BALCONIES ON LOT 1057 (13)
TWEEDDALE ROAD AND LOT 1068 (26) KINTAIL ROAD, APPLECROSS (REC)
(ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

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.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The proposal may be refused by Council as non-compliance with Condition 2 of the approval on 15 March 2005, however the Residential Design Codes, Clause 4.2.1 contains some limited Performance Criteria in order for Council to consider a variation to plot ratio requirements in relation to Dwellings Mixed Use Development.

CONCLUSION

The Council approved on 8 March 2005 a maximum plot ratio of 1619 sqm and the proposal was for 1610 sqm (9 sqm less than the approved plot ratio), 1214 sqm of residential and 396 sqm of commercial use. On 21 September 2005 DAU approved new plot ratio of 1580 sqm, 1210 sqm of residential and the commercial plot ratio was decreased to 366 sqm; in addition Condition 7 related to a carbay located within the setback of the office building and Condition 21 related to the setback of the office building, were deleted.

With this application, the applicant proposes to increase the penthouse by 22sqm, comprising a new bedroom and adding a new balcony to the south east, which is not part of the plot ratio. The new residential area will be 1232sqm plus the 366sqm of the existing commercial bringing the total plot ratio to 1598sqm, this will be 21sqm less than the 1619sqm of plot ratio initially approved by the Council on 15 March 2005.

P07/3007 - AMENDMENTS TO PENTHOUSE AND BALCONIES ON LOT 1057 (13) TWEEDDALE ROAD AND LOT 1068 (26) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)*Residential Design Codes of WA 2002*

The Residential Design Codes of WA 2002 outline general development requirements for residential development within Western Australia. Unless otherwise stated in a Council policy, the provisions of the R-Codes apply in the assessment of development applications. In this regard, the maximum plot ratio for residential development under the R50 Code is 0.60:1. The Codes contain limited performance criteria with regard to assessing modifications to plot ratio - 4.2.1 Dwellings in Mixed –Use Development P1.

The proposed additional 22 sqm's are located at the rear of the building and therefore is neither affecting the bulk of the building nor impacting the adjacent residential amenity or Tweeddale Road streetscape. The increase in plot ratio floor space will exceed the allowances provided in previous approvals for the site and secured under legal agreement with the City of Melville. Accordingly, if approved, the terms of the legal agreement should be modified to reflect to minor increase in residential plot ratio. In addition, the proposal does not exceed the total plot ratio of 1619 sqm (0.8:1) approved by the Council on 15 March 2005.

Accordingly, the proposal is supported for approval.

Officer Recommendation

That the application for amendments to penthouse and balconies to first floor dwellings on Lot 1057 (13) Tweeddale Road and Lot 1068 (26) Kintail Road, Applecross be approved subject to the following conditions:

Special Conditions:

- 1. That Lot 1057 (13) Tweeddale Road and Lot 1062 (26) Kintail Road, Applecross be amalgamated in accordance with the Deed of Agreement dated 17 July 2006 between Starworld Holdings Pty Ltd and the City of Melville.**
- 2. That no further subdivision of the amalgamation to be permitted other than strata title for multiple dwellings and offices.**
- 3. That the residential plot ratio be limited to 0.61:1 as detailed in this application and the existing legal agreement referred to at 1 above be modified with regard to the increased residential plot ratio to the satisfaction of Council's solicitors.**
- 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.**

P07/3007 - AMENDMENTS TO PENTHOUSE AND BALCONIES ON LOT 1057 (13) TWEEDDALE ROAD AND LOT 1068 (26) KINTAIL ROAD, APPLECROSS (REC) (ATTACHMENT)

Reject and Replace

At 6.52pm Cr J Phillips moved, seconded Cr H R Everett –

That the Officer Recommendation be rejected and replaced as follows:

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.**

At 6.53pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

Council Comment: That following the receipt of further information from the applicant a revised Officers Recommendation was adopted as outlined in the Memorandum attached.

[3007A April 2007.pdf](#)

P07/3008 - DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR AMENDMENT NO. 35 TO COMMUNITY PLANNING SCHEME NO 5 RELATIVE TO CANNING BRIDGE PENDING FURTHER STRATEGIC STUDIES (REC) (ATTACHMENT)

Ward	:	Applecross/Mount Pleasant
Category	:	Strategic
Application Number	:	CPS5-35
Property	:	Various
Proposal	:	To defer consideration of submissions to Amendment pending completion of further strategic studies.
Applicant	:	City of Melville
Owner	:	Various
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Keith Weymes Manager Planning and Development Services
Previous Items	:	P05/5012 to Development and Neighbourhood Amenity Committee 13 December 2005 and Council 20 December 2005.

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 type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input checked="" type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/> Review	<i>when 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>

P07/3008 – DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR AMENDMENT NO. 35 TO COMMUNITY PLANNING SCHEME NO. 5 RELATIVE TO CANNING BRIDGE PENDING FURTHER STRATEGIC STUDIES. (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Statutory advertising of Amendment No. 35 to CPS No 5 relative to Canning Bridge concluded on 21 November 2006.
- Forty three (43) submissions were received which ordinarily require consideration and determination by Council on whether to refer the Amendment to the Hon. Minister for Planning and Infrastructure for finalisation, modification or refusal.
- The Department of Planning and Infrastructure is promoting further joint strategic studies in the catchment area of the proposed Canning Bridge Railway Station.
- This study is proposed to be jointly funded by the Department of Planning and Infrastructure, City of Melville and City of South Perth.
- The outcomes of the study may have strategic implications with regard to consideration of submissions and the progression of the Amendment.
- It is recommended that the Western Australian Planning Commission be requested to allow deferral of the consideration of the submissions and referral of the Amendment to the Hon. Minister for Planning and Infrastructure for determination pending the progression of this study as its outcomes may influence the strategic direction relative to this Amendment.

BACKGROUND

Council resolved on 20 December 2005 to initiate Amendment No 35 to CPS No. 5 to provide for modifications to the development requirements and boundaries of the Canning Bridge Centre and Canning Bridge Frame Precincts. The proposal related to a previous initiation of Amendment No. 35 on 13 July 2004 which was modified following two workshops held with the community during 2004/2005 where concerns relating to traffic, increased density and encroachment of commercial land uses into residential areas were raised. A traffic impact report was commissioned and further discussed with relevant stakeholders, resulting in modifications to the Amendment proposals.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: District Centres (District Centre 1 and Heritage Precinct/Place 9), Commercial Centre Frames (Canning Bridge Frame and Heritage Precinct Place 8) and Living Areas (Applecross 3)
R-Code	: R60, R50 and R30
Use Type	: Various commercial and residential uses
Use Class	: Various commercial and residential uses

P07/3008 – DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR AMENDMENT NO. 35 TO COMMUNITY PLANNING SCHEME NO. 5 RELATIVE TO CANNING BRIDGE PENDING FURTHER STRATEGIC STUDIES. (REC) (ATTACHMENT)**Site Details**

Lot Area	:	Various
Retention of Existing Vegetation	:	Various
Street Tree(s)	:	Various
Street Furniture (drainage pits etc)	:	Various
Site Details	:	Various

[P07/3008 April 2007](#)**DETAIL**

The Amendment proposes alterations to two Precincts, being the Canning Bridge District Centre (DC1) and the Canning Bridge Frame (CBF). It is proposed to modify provisions of the Scheme Text to introduce three new sub-precincts (DC1.A, DC1.B and DC1.C) relating to the Canning Bridge Centre. These sub-precincts propose new development standards specifically relating to the control of building height, residential density and plot ratio. The District Centre Precinct is also proposed to be increased in area south of Canning Highway, north of the highway along Kishorn and Olgilvie Roads and also incorporating the library and Tivoli precinct. To compensate for concerns relating to the increase of densities in the area, the Canning Bridge Frame is proposed to be reduced in area to the north. This area in the vicinity of Tweeddale Road is proposed to be included in the Applecross 3 Precinct with a commensurate lowering of residential density, plot ratio and height provisions.

Since the initiation and advertising of this Amendment, further strategic studies for the Railway Station Precinct have been identified by the Department of Planning and Infrastructure. The Director of Strategic Urban Planning has advised that the City of Melville with the Department Planning and Infrastructure and City of South Perth are preparing a scoping report and brief for the Canning Bridge study relative to development surrounding the Railway Station. This study will consider such things as traffic management, car parking, urban design, built form, utilisation of council owned land, future land uses, development standards, connectivity to rail station, etc for Canning Bridge precinct within the City of Melville and City of South Perth. This "place making" study for Canning Bridge will take approximately 6 months to complete. In view of this Study it may be appropriate to defer Amendment 35 until the study is complete and the City is in better position to assess the submissions and any necessary changes to zonings and development standards proposed under this Amendment. The findings of the Study may require modification to and readvertising of the Amendment.

P07/3008 – DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR AMENDMENT NO. 35 TO COMMUNITY PLANNING SCHEME NO. 5 RELATIVE TO CANNING BRIDGE PENDING FURTHER STRATEGIC STUDIES. (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	Statutory advertising of Amendment 35 concluded on 21.11.2006.
Comment Supplied:	37 submissions received – See attached Submission Table for details
Reason:	Statutory requirement
Support/Object:	14 objections, 10 support, 12 support with requested modifications and 1 no comment.

Advertising is for a period of 42 days is required in accordance with the provisions of the Town Planning Regulations 1967.

In summary, the 37 submissions were received in regard to the following:

- a) Objections – 14. 7 general in nature and 7 objecting to changes in density codings in Kishorn Road and 6 in the area of Tweeddale Road.

Concerns raised include traffic congestion/speed in area and impact on Canning Highway during peak hours, lack of sufficient and free parking, height and density too great, impacts of wind tunnels between tall buildings, contrary to previous promises relative to “one off” Raffles development, the proposals should be subject to a further public meeting as previously promised, lack of POS and Police presence in locality, should not be “ruled” by government to help railway pay for itself, mismatch of development either side of Moreau Mews, concern over loss of long term development opportunity and land value in the area of Tweeddale Road and existing high density development engulfing future development at lower densities.

- b) Support – 10. 7 general in nature and 7 supporting changes in the area of Tweeddale Road.

Support raised with regard to proposals to increase density resulting supporting a critical mass to service a transit orientated mixed use corridor with strong links to public transport and opportunity to provide high levels of employment, entertainment, recreation, retail and commercial within a new community hub. Proposed densities, heights and plot ratio provide for a “stepping down” of development from the Raffles development. Proposal makes up for lost opportunity to provide a viable population base around the Railway Station due to the river and freeway. Proposed down coding in the area of Tweeddale Road will preserve the current ambience of the area.

- c) Support with requested modifications – 12. 12 requesting increased density, height and plot ratio within the District Centre 1B Precinct to improve the viability of coordinated redevelopment, provide incentives to arrest the decline in retail and mixed use development in the locality and increase redevelopment opportunity around the pedestrian bridge to encourage integration with development and promote a strong nodal link on both sides of the Highway. 1 requesting inclusion in District Centre Precinct to improve development opportunity and 1 requesting parking requirement reductions.

- d) No comment - 1

P07/3008 – DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR AMENDMENT NO. 35 TO COMMUNITY PLANNING SCHEME NO. 5 RELATIVE TO CANNING BRIDGE PENDING FURTHER STRATEGIC STUDIES. (REC) (ATTACHMENT)

Details with regard to the submissions are contained in the attached Submission Table. It is noted that in normal circumstance, Council is required to formally consider the submissions and refer the submissions with comments and a recommendation for finalisation, finalisation with modification or refusal to the Hon Minister for Planning and Infrastructure for determination. For reasons provided above relative to the pending Canning Bridge Study, it is proposed that a formal request be made to the Western Australian Planning Commission (WAPC) in accordance with Town Planning Regulation 17(1) to defer consideration of the submissions pending the completion of further strategic studies in this locality. Accordingly, no comment has been made with regard to the submissions received and detailed in the attached Submission Table at this point in time.

REFERRALS TO GOVERNMENT AGENCIES

Required: A number of government agencies affected by the proposed Amendment were consulted as part of the formal advertising period above.

Reason: In accordance with the Planning and Development Act 2005.

Support/Object: 6 submissions were received from government agencies. These submissions are detailed below. 4 of the submissions support the Amendment, 1 supports the Amendment with modification and 1 makes no comment on the Amendment.

Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Support/ Dismiss)
1. Western Power	No objection. Advises that Perth One Call Service is to be contacted prior to any excavation and that Work Safe requirements must be observed when excavating in the vicinity of Western Power assets. Any changes to the existing power network will be the responsibility of the developer.	Support	Noted	Support

P07/3008 – DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR AMENDMENT NO. 35 TO COMMUNITY PLANNING SCHEME NO. 5 RELATIVE TO CANNING BRIDGE PENDING FURTHER STRATEGIC STUDIES. (REC) (ATTACHMENT)

Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Support/ Dismiss)
2. Department of Indigenous Affairs	No comment on Amendment. Identifies 3 sites of Aboriginal Heritage within the area of the Amendment (Raffles, Swan and Canning Rivers), however points out that other sites may exist and recommends that prior to development, a suitably qualified consultant should be engaged to conduct a ethnographic and archaeological survey of the area.	No comment	Noted	Note
3. Water Corporation (Submission 1)	A supply of water and connection to sewer is available. It is strongly recommended that developers liaise with Water Corporation at an early stage for comprehensive infrastructure and planning advice.	Support	Noted	Support
4. Water Corporation (Submission 2)	Water and wastewater infrastructure may require upgrading to facilitate additional demand generated by redevelopment. Water Corporation is to investigate the impact and develop a strategy to determine infrastructure upgrades at developers cost.	Support	Noted	Support

P07/3008 – DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR AMENDMENT NO. 35 TO COMMUNITY PLANNING SCHEME NO. 5 RELATIVE TO CANNING BRIDGE PENDING FURTHER STRATEGIC STUDIES. (REC) (ATTACHMENT)

Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Support/ Dismiss)
5. Swan River Trust	Supports the proposal to reduction of the Canning Bridge Frame as it will reduce the potential impacts of development on the riverine ecosystem and landscape. A number of these lots abut the Parks and Recreation reservation and Swan River Trust Management Area. High density development in this location would visually impact on the reservation and reduce infiltration areas available for stormwater. Concern is raised with regard to the proposed nil setback under proposed Cl.1(G)(ii). Where a lot abuts the Swan River Trust Management Area, it should be noted that Trust Policy provides a for a minimum setback of 10m or 20% of the average lot depth. The Trust will assess development applications on the basis of this Policy.	Support	Noted	Support
6. Heritage Council of Western Australia	Provision should be clearly made to ensure that the heritage values of the Tivoli Theatre and the Raffles Hotel are not compromised.	Support with requested modification	Noted	Support

STATUTORY AND LEGAL IMPLICATIONS

Town Planning Regulation 17(1) provides for Council to request that the standard consideration period with regard to advertised Scheme Amendments be deferred with the approval of the WAPC. Accordingly, if deferral by the WAPC is supported, recommendation by Council on how to proceed with the Amendment may also be deferred.

P07/3008 – DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR AMENDMENT NO. 35 TO COMMUNITY PLANNING SCHEME NO. 5 RELATIVE TO CANNING BRIDGE PENDING FURTHER STRATEGIC STUDIES. (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

There are no financial implications for Council in this application other than the potential impact on rates revenue resulting from earlier redevelopment in accordance with the Amendment in its current or modified form (providing that Council would have resolved to proceed with the Amendment in some form).

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Delaying the formal consideration of submissions may impact on development aspirations of landowners impacted by proposals contained in the Amendment. In addition, those who objected to the proposal relative to development opportunity in the area of Tweeddale Road may be given a grace period for development at the current R50 Density in accordance with the Canning Bridge Frame Precinct requirements. This may impact on the amenity of adjacent residential property owners who may then be impacted by development at the higher density as currently provided under the Scheme.

It is noted that if the submissions were to be determined and the amendment forwarded to the Hon Minister for planning for determination, it is possible that the Amendment would not be finalised in any form considering the proposed further strategic studies which are currently pending with regard to the Canning Bridge Railway Station Precinct. If the Minister was to finalise the Amendment, the pending study may deliver modified strategic outcomes which may recommend a further Amendment to the Scheme, thereby rendering this Amendment redundant. Finalisation of the Amendment at this point may result in a development form which is inappropriate in the context of the pending study.

It is also noted that those submissions promoting increases in density, development height and plot ratio should be re-advertised for public comment prior to support or modification to the amendment. Accordingly, deferral of consideration of submissions and the progression of the Amendment will have limited impact on those properties

P07/3008 – DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR AMENDMENT NO. 35 TO COMMUNITY PLANNING SCHEME NO. 5 RELATIVE TO CANNING BRIDGE PENDING FURTHER STRATEGIC STUDIES. (REC) (ATTACHMENT)

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Risk of deferring consideration of submissions and progression of the Amendment.	Minor consequences which are almost certain, resulting in a Low level of risk. These risks primarily relate to opportunity for owners of property in the area of Tweeddale Road being able to develop at the current R50 density with relative development controls provided under the Scheme for the Canning Bridge Frame Precinct. Those properties proposing modifications to increase the development yields would normally require readvertising, therefore risks associated with lost development potential are insignificant.	Nil

* As derived from using the Risk Assessment Matrix

POLICY IMPLICATIONS

Nil.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Should Council be of the view that the submissions should be formally considered and that the Amendment should proceed with or without modification, the matter is to be referred back to Council for further consideration. Details with regard to the implications of this action will be raised as part of the Report to Council if this action eventuates. Notwithstanding, comment made under the Strategic Risk and Management Implications above are relevant in this regard.

CONCLUSION

In consideration of the above matters, it is considered inappropriate to determine the submissions and progress Amendment 35 at this point. The results of further strategic studies in this locality may result in different required outcomes. If modifications are required, the Amendment may require modification and readvertising. The subject Study, will by its nature involve further public consultation in an effort to achieve an agreed outcome before any modifications to the Amendment are considered or the current submissions are considered and the Amendment is forwarded to the Hon Minister for Planning for finalisation, modification or refusal.

P07/3008 – DEFERRAL OF CONSIDERATION OF SUBMISSIONS FOR AMENDMENT NO. 35 TO COMMUNITY PLANNING SCHEME NO. 5 RELATIVE TO CANNING BRIDGE PENDING FURTHER STRATEGIC STUDIES. (REC) (ATTACHMENT)

Accordingly, it is recommended that the Western Australian Planning Commission be requested to allow deferral of consideration of the submissions and progression of the Amendment as provided for under the Town Planning Regulations 1967 pending the conclusion of the proposed Canning Bridge Study and further consideration of the strategic objectives of this Amendment.

COUNCIL RESOLUTION (3008)

DEFERRAL

At 6.54pm Cr J Phillips moved, seconded Cr R H Everett -

- 1. THAT THE WESTERN AUSTRALIAN PLANNING COMMISSION BE REQUESTED TO ALLOW DEFERRAL OF CONSIDERATION OF THE SUBMISSIONS AND PROGRESSION OF AMENDMENT NO. 35 TO THE COMMUNITY PLANNING SCHEME NO. 5 IN ACCORDANCE WITH THE TOWN PLANNING REGULATIONS 1967 PENDING ANALYSIS OF FURTHER JOINT STRATEGIC STUDIES FOR THE CANNING BRIDGE PRECINCT WITH THE CITY OF MELVILLE, CITY OF SOUTH PERTH AND THE DEPARTMENT OF PLANNING AND INFRASTRUCTURE.**
- 2. THOSE INDIVIDUALS, COMPANIES AND ORGANISATIONS WHO MADE SUBMISSIONS WITH REGARD TO PROPOSED AMENDMENT NO. 35 BE ADVISED OF 1 ABOVE.**

At 6.55pm the Mayor submitted the motion , which was declared

CARRIED WITHOUT DISSENT (12/0)

C07/7002 MELVILLE GLADES GOLF CLUB INC – CONCESSION REQUEST (AMREC)

Ward	:	Bull Creek/Leeming
Category	:	Operational
Subject Index	:	Leases
Customer Index	:	Melville Glades Golf Club Inc
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	C05/7004 – Melville Glades Golf Club Inc – Consideration of Rating Concession – 7 June 2005.
Works Programme	:	Not Applicable
Funding	:	\$4,397.25 Rates Concession Granted 2006/2007
Responsible Officer	:	Mark Ridgwell Property & Corporate Support Manager

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"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
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<input type="checkbox"/> 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

- The Melville Glades Golf Club Inc leases land at John Connell Reserve, Leeming from the City of Melville.
- The Club seek an extension of lease to reflect the term of the self supporting loan for improvements on the leased land.
- The Club also request Council review its 2005 decision to apply rates to the site.

C07/7002 - MELVILLE GLADES GOLF CLUB INC – CONCESSION REQUEST (AMREC)**BACKGROUND**

The Melville Glades Golf Club Inc is situated at John Connell Reserve, Leeming. The current ten (10) year lease agreement between the City of Melville and Melville Glades Golf Club Inc expires on 31 August 2008.

DETAIL

The Club made representation to the Financial, Management, Audit, Risk & Compliance Portfolio at its meeting of the 20 March 2007 and outlined its position that it was the highest contributing Golf Club situated on Crown or freehold land owned by a local authority and that it was the only Club to pay both Lease Fee and Municipal Rates. The Club representatives were in principle supportive of the application of rates or lease fee but not both. They have also requested consideration in the extension of the lease term to reflect the term of the self supporting loan for the improvements to the Clubhouse & surrounds.

This report has been separated into three key area's for consideration;

Lease Rental

In accordance with the Lease agreement the Club is required to pay an annual rental fee which is reviewed annually by C.P.I. The rental fee for the 2006/2007 financial period was \$18,941.90 (excluding GST).

A valuation was undertaken by Australian Valuation Partners on 11 December 2006 which stated that the rental lay between \$30,000 - \$40,000 per annum. The valuation reported difficulties in identifying a comparable valuation. Information from other Local Authorities Indicates that the lease fee applied is currently the highest paid to a local government authority.

Given that the lease fee is currently under the market rental valuation and is higher than that subsidized by other local Authorities it is recommended that this fee continue to be varied annually by CPI (Perth).

This position is supported by the fact that the Club and its members have invested significant improvements on the site including keeping the grounds to the highest standards.

Lease Condition (Application of Rates)

The lease agreement stipulates that the Club will pay all outgoings related to the premises and surrounding grounds. In particular schedule 3.3 (a) of the Lease states;

“(a) *Rates & Taxes*

Duly and punctually to pay all rates, taxes, land tax (on a single owner basis) metropolitan regional improvement tax, charges and assessments (including municipal rates) and all telephone, water, excess water, electric light, power and gas charges...”

C07/7002 - MELVILLE GLADES GOLF CLUB INC – CONCESSION REQUEST (AMREC)

This condition was enforced at the Ordinary Meeting of Council on the 7 June 2005 where it was resolved that;

- “1. *That by Absolute Majority decision the request by the Melville Glades Golf Club Inc for a rating concession be approved and the following concession amounts be applied;*
 - A) *Seventy five percent (75%) of the GRV in the 2005/2006 financial year.*
 - B) *Fifty percent (50%) of the GRV in the 2006/2007 financial year.*
 - c) *Twenty five percent (25%) of the GRV in the 2007/2008 financial year.*
2. *That with effect from the 2008/2009 financial year onwards no further rating concessions will be granted, at which time the Club will be required to meet the full cost of rates in accordance with its obligations as contained within its lease agreement.*
3. *That a Council policy position in relation to rating concessions for all clubs and organisations occupying Council land be considered in the upcoming review of Community Development Policy (CD9) – Rentals / Leases / Management Licences.”*

In the 2006/2007 financial year the leased premises attracted a municipal rates amount of \$8,794.45 of which a 50% concession has been applied, resulting in the Club paying \$4,397.25.

Whilst a number of Local Governments have chosen not to apply lease fees, a number have commenced charging Municipal Rates. In consideration of the full concession of rates it must be noted that this does not include refuse charges, security levy, FESA levy or any other items that may arise in the future.

The continuation of the application of rates would mean that the Melville Glades Golf Club is the only sporting not for profit organisation to incur rates

Having given consideration to the amount of lease fee paid by the Club, and that the City of Melville does not subsidise the Clubs activities in any way in respect to ground maintenance or construction costs for the improvements the organisations request for a permanent concession is supported.

Lease Term

As stated earlier the term of the lease expires on the 31 August 2008. At present the Melville Glades Golf Club also have three self supporting loans totalling nearly \$3,000,000.

The Club have requested that the lease be extended to a length of tenure that will reflect the loan repayment period. Under the current management order a lease period is not to exceed 21 years. Officers are supportive of this request as it provides the Club with the appropriate assurance of business continuity.

Given that this report supports the existing rental to be indexed against CPI (Perth) it is recommended that a market rent review be undertaken at the expiry of the tenth year of the new lease extension.

C07/7002 - MELVILLE GLADES GOLF CLUB INC – CONCESSION REQUEST (AMREC)

PUBLIC CONSULTATION/COMMUNICATION

No public consultation has been undertaken.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Nil.

STATUTORY AND LEGAL IMPLICATIONS

“6.47. Concessions

“Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required”.*

FINANCIAL IMPLICATIONS

In the 2006/2007 financial year the leased premises attracted a municipal rates amount of \$8,794.45 of which a 50% concession has been applied, resulting in the Club paying \$4,397.25.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
If the Club were to cease operations the City of Melville would as controllers of the land assume full responsibility.	Major consequences which are almost certain, resulting in a High level of risk	Ensure lease conditions are both equitable and sustainable.

* As derived from using the Risk Assessment Matrix

POLICY IMPLICATIONS

The proposed Physical Activity and Support for Sports Clubs Policy excludes the Melville Glades Golf Club and South of Perth Yacht Club due to the nature and scale of their operations.

However the full concession of rates as outlined in the Officers Recommendation would bring the Melville Glades Golf Club inline with the proposed new Policy.

C07/7002 - MELVILLE GLADES GOLF CLUB INC – CONCESSION REQUEST (AMREC)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

The City of Melville could reject the Clubs request for rating concession, however they would argue that such a move is unsustainable and out of line with the lease conditions set by other Local Authorities to Golf Clubs within the metropolitan area.

CONCLUSION

The proposed Officer Recommendation seeks to address the Clubs concern in respect to aligning loan commitments with a suitable valid term. It also retains the status quo in respect to the method of lease fee applied for a further 10 years.

The concession in municipal rates is also regarded as being equitable in comparison to that of other Clubs operating within the City of Melville.

Disclosures of Interest

Item No	:	C07/7002 – Melville Glades Gold Club Inc – Concession Request
Member	:	Mayor Katherine J Jackson
Type of Interest	:	Interest Under Code of Conduct
Nature of Interest	:	Patron of Club
Extent of Interest	:	N/A
Request	:	Stay, Discuss and Vote
Decision of Committee	:	N/A
Decision of Council	:	Stay, Discuss and Vote

COUNCIL RESOLUTION (7002)**ABSOLUTE MAJORITY**

At 6.55pm Cr J Phillips moved, seconded Cr A Ceniviva -

- 1. THAT THE LEASE BETWEEN THE MELVILLE GLADES GOLF CLUB AND THE CITY OF MELVILLE BE EXTENDED FOR A FURTHER TERM OF 21 YEARS COMMENCING 1 SEPTEMBER 2007.**
- 2. THAT THE LEASE FEE CONTINUES TO BE INDEXED ANNUALLY BY C.P.I. (PERTH) INCREASES, EXCEPT ON ANNIVERSARY YEARS IN WHICH A MARKET RENT REVIEW IS TO BE UNDERTAKEN.**
- 3. THAT A MARKET RENT REVIEW BE UNDERTAKEN ON 1 SEPTEMBER 2017 AND APPLIED TO THE LEASE AGREEMENT BETWEEN THE CITY OF MELVILLE AND MELVILLE GLADES GOLF CLUB INC, BUT THIS REVIEW SHALL NOT BE LESS THAN THE EXISTING RENTAL FOR THE PREVIOUS YEAR.**
- 4. THAT BY ABSOLUTE MAJORITY DECISION THE MELVILLE GLADES GOLF CLUB BE GRANTED A 100% CONCESSIONS ON MUNICIPAL RATES APPLIED BY THE CITY OF MELVILLE.**

At 6.56pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

**CO31/06 – SUPPLY & INSTALLATION OF LIGHTING AT POINT HEATHCOTE RESERVE
APPLECROSS (REC) (ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: Tenders
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	: C07/5027 Heathcote Funding Request for Upgrade Precinct Lighting
Works Programme	: Not Applicable
Funding	: \$380,000 transferred from the Community Facilities Reserve Fund
Responsible Officer	: Paul McAllister Client Liaison Contract Officer

AUTHORITY / DISCRETION

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<input type="checkbox"/> Review	<i>when Council reviews decisions made by Officers.</i>
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KEY ISSUES / SUMMARY

- To recommend acceptance of a tender for the Supply & Installation Of Lighting At Point Heathcote Reserve Applecross

**CO31/06 – SUPPLY & INSTALLATION OF LIGHTING AT POINT HEATHCOTE RESERVE
APPLECROSS (REC) (ATTACHMENT)**

BACKGROUND

Tenders for the Supply & Installation of Lighting at Point Heathcote Reserve Applecross were invited by advertisement in The West Australian on Wednesday 17 January 2007, closing at 4.00 p.m. on Thursday 15 February 2007.

The upgrading of the lighting at the Heathcote Heritage Precinct was approved by the Council in December 2006 to combat antisocial behaviour within the precinct.

Price Schedule

The Price Schedule was distributed to Elected Members on 5 April 2007 under confidential cover.

Tender Evaluation Process

All tenders were evaluated using a weighted attribute method. Each tender was assigned a score from 0 to 5 on each criterion, then multiplied by the weighting and totalled to give a final score. The tenderer who achieved the highest score across all the attributes has been recommended.

The Evaluation Sheet was distributed to Elected Members on 5 April 2007 under confidential cover.

The Evaluation Committee consisted of the Purchasing Coordinator, the Client Liaison Contract Manager, the Property & Corporate Support Manager and the Senior Landscape Architect..

The criteria for this tender were based on the following specific attributes:

1. Relevant Experience
2. Technical Skills
3. Resources
4. Management Systems
5. Methodology
6. References
7. Price
8. Relevance to Purchasing Policy (Business location and product content)

**CO31/06 – SUPPLY & INSTALLATION OF LIGHTING AT POINT HEATHCOTE RESERVE
APPLECROSS (REC) (ATTACHMENT)****DETAIL**

8 sets of tender documents were issued and 3 tenders were received as follows:

Stiles Electrical Services.
SMB Electrical Services.
Cary's Myaree Electrical Services.

All 3 tenders addressed the compliance and qualitative selection criteria and were therefore accepted for consideration by the tender evaluation panel.

Point Heathcote Reserve is a focal point for the community and experiences high volumes of pedestrian and vehicular traffic. Tenderers were advised that sufficient allowance should be made for the protection of people and property in their tender submission. Allowance also had to be made to ensure that the heritage listed buildings and the footings are not adversely impacted by the construction of the services under the contract.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 3.57 of the Local Government Act states "A Local Government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services".

**CO31/06 – SUPPLY & INSTALLATION OF LIGHTING AT POINT HEATHCOTE RESERVE
APPLECROSS (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

In December 2006, the Council approved the allocation of \$250,000.00 towards the upgrading of lighting at the Heathcote Heritage Precinct. Following the submission of tenders and the increase in the anticipated cost of the project a further \$130,000.00 was approved in March 2007 to be transferred from the Community Facilities Reserve Fund.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

No strategic implications are applicable to this item.

Risk factors were considered during the evaluation process of this tender and were not considered to be of extreme or high risk.

POLICY IMPLICATIONS

Procurement of Goods and Services Through Direct Purchasing and Public Tendering Policy 13-005

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

SMB Electrical Services has the experience and skills to perform the works under the contract. SMB Electrical Services scored the lowest on the tender evaluation matrix as its tender submission was less complete than the other tenders. SMB is unknown to the tender evaluation panel and to our knowledge has not undertaken works for the City previously.

Cary's Myaree Electrical Services has completed numerous similar projects for the City all of which were completed on time, to standard and within budget. The tender submission from Cary's scored highest on the evaluation matrix. This is due to its tender submission being the most comprehensive and a loading of 5% for being situated within the City boundaries. The price tendered by Cary's is some 9% higher than the lowest price.

When the 5% loading for local content is removed from the evaluation matrix, Cary's submission is ranked second most advantageous to the City.

Stiles Electrical Services has submitted the most economical option. Stiles Electrical Services has confirmed that the works can be completed within the allotted timeframe and that its price has made allowance for public safety and traffic management.

Stiles Electrical Services is unknown to the City and therefore reference checks were completed by the evaluation panel. The referees provided by Stiles included the City of Joondalup and Norman Disney Young Engineers. Results from both reference checks confirmed that the Stiles Electrical Services had on both occasions proved themselves to be competent in their performance, had provided quality work and had kept to the agreed budget. Time frames were also adhered to. It was also confirmed that the specifications and scope of the works undertaken by Stiles was of a similar nature to this project.

**CO31/06 – SUPPLY & INSTALLATION OF LIGHTING AT POINT HEATHCOTE RESERVE
APPLECROSS (REC) (ATTACHMENT)**

CONCLUSION

Stiles Electrical Services were the highest scorer on the evaluation matrix before loading for local location was added and it has demonstrated competence in performing works of a similar nature to this tender. Its tender offering is the most economical and Stiles Electrical Services is therefore the recommended supplier for this tender.

COUNCIL RESOLUTION (CO31/06)

APPROVAL

At 6.57pm Cr H R Everett moved, seconded Cr J Phillips -

THAT THE TENDER SUBMITTED BY STILES ELECTRICAL & COMMUNICATION SERVICES PTY LTD FOR THE SUPPLY AND INSTALLATION OF LIGHTING AT POINT HEATHCOTE RESERVE APPLECROSS AS SPECIFIED FOR THE SUM OF \$347,030.00 EXCLUDING GST BE ACCEPTED AS THE MOST ADVANTAGEOUS.

At 6.58pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

T07/1003 – RESIDENTIAL VERGE WASTE COLLECTION SERVICE (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Bulk Verge Waste Collection
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	:	Nil.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Stuart Edwards Waste Manager

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 type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input checked="" type="checkbox"/> Review	<i>when Council reviews 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

- The current Verge Collection contract, provided by the SMRC through a Regional collection contract expires at the end of June 2007.
- The SMRC called tenders and subsequently rejected a bid from Cleanaway.
- City of Melville Waste Services have determined that the best value way to provide the service in the foreseeable future is for Waste Services to provide the service in-house.
- The provision of the service by an in-house team will facilitate alterations to service levels (number and type of collections) at a future date.
- Council resolution is sought for provision of the service by an in-house team with retention of the existing service levels.

T07/1003 – RESIDENTIAL VERGE WASTE COLLECTION SERVICE (REC)**BACKGROUND**

The current residential verge waste collection schedule is provided by D&M Waste through a Regional Tender through the Southern Metropolitan Regional Council. The contract expires at the end of June 2007.

The SMRC recently called tenders and received one bid from Cleanaway, which was subsequently rejected by the SMRC. The structure of the contract provided possible variation in the total cost to the City of Melville of between \$825,000 and \$1,000,000. Part of this was due to inclusion of tonnage cap levels whereby additional tonnages would be charged at a penalty rates. The number of regional council participants was also an unknown, with the price increasing for fewer participants. Currently the participants in the Regional Service are Melville, Rockingham, Fremantle and Kwinana. Indications from Officers at the participant Councils were that they would be making other arrangements, due to the significant increase in quoted rates under the tender. Assuming that this occurs, the cost to Melville would likely to be at the upper end of the estimate.

Following receipt of the tendered rates, Waste Services conducted a calculation of costs for our own team to take over the Service directly.

DETAIL

Waste Services has estimated the cost to provide the Service ourselves to be \$800,000 per year. This is based upon the same level of service as is currently provided, being 3 x verge side green waste and 1 x Junk/whitegoods & metals collection service each year. The estimates include all labour, Trucks and equipment required to provide the service.

PUBLIC CONSULTATION/COMMUNICATION

The level of communication in accordance with Public Communication Policy C20 in relation to this item is to inform the community. The proposed service is not classified as a Major Trading undertaking and therefore there was no requirement to publish our proposal.

The impact on the community will be small as this is a continuation of an existing service albeit by a different service provider. Any impact on collection schedules will be published in advance through waste collection calendars and flyers as happens with the existing service. Consultation has occurred with officers from neighbouring Councils including City of Canning, City of Cockburn, City of Rockingham and City of Fremantle as part of the evaluation process.

It is also intended that the Service will be communicated to the community through the local papers and through the website.

T07/1003 – RESIDENTIAL VERGE WASTE COLLECTION SERVICE (REC)**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

In relation to our options for 2007 and beyond, we have held meetings with various other service providers and this has included:

- City of Canning
- City of Fremantle
- Cleanaway
- D&M Waste Services (Current contractor providing services to SMRC)

Existing service providers have indicated that the likely range of a tender if we decided to call tenders (rather than via the SMRC) would result in bids in the range of \$750,000 to \$1,000,000.

STATUTORY AND LEGAL IMPLICATIONS

This recommendation is for the provision of a normal council service by council resources as occurs in all areas of infrastructure construction and maintenance. It does not have any special statutory or legal implications. The operational aspects of the service provided will need to comply with Traffic Management regulations.

FINANCIAL IMPLICATIONS

The cost of the existing verge collection service will increase next financial year no matter which organisation delivers the service. By utilising our own workforce this increase is minimised. In-house service provision also allows for variation in the standard of the service at a later date which could be undertaken to reduce financial outlay.

The anticipated final cost of the current collection contract this financial year is approximately \$700,000. The cost will therefore increase by \$100,000 next financial year. The cost of the verge collection service is charged directly to rate payers via the rates system. There is therefore minimal impact on other municipal funding opportunities. If a tender is called for the collection service then the anticipated cost will be between \$125,000 and \$300,000 more than the existing service.

The cost of in-house service delivery, \$800,000, equates to approximately \$20.50 per household per year. (Based on 39,000 rateable properties)

The increase totals \$7.87 per household per year compared to an anticipated increase of up to \$12.80 per household via a tendered contract.

Capital Expenditure of approximately \$750,000 will be required to acquire the Trucks and equipment to provide the collection service which is costed in our estimates. . The capital cost of the trucks and equipment is fully recovered through the operating charges paid by Waste Services, as are all operating costs.

Waste Services has significant experience in commercial waste operations and tendering and all relevant costs have been included in their costings.

T07/1003 – RESIDENTIAL VERGE WASTE COLLECTION SERVICE (REC)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Waste Services will have greater flexibility in amending the service to meet Waste Minimisation objectives as per Policy T17 Waste Minimisation. This may include identification of additional recycling opportunities for certain waste types which have been disposed of as waste previously.

Collection Service Risks

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Historically the tonnes collected have been relatively volatile and the risk that overruns in the collection schedule could occur.	Minor level of risk. Overruns would result in additional tonnages and potential for reduction of satisfaction levels. However it is unlikely that overruns will occur.	The collection methodology proposed will largely replicate existing provided and anticipated capacity to absorb tonnage increase of up to 23%.

Resourcing Risks

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Risk of not being able to fully resource the necessary Trucks, Equipment and Labour required in time.	Minor risk level.	There are options to purchase used equipment if necessary to commence the service. Any such purchases could then be traded in as part of a tendered purchase of new equipment.

POLICY IMPLICATIONS

Enhancement of our ability to meet Waste Minimisation objectives as described in Waste Minimisation Policy 31-PI-001.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Alternatives considered included :

- Preparation of tender documents and calling tenders for a service provider to provide the service directly to the City of Melville under a contract. The industry standard is a 5 year term, which would effectively 'lock in' our verge collections over this period of time. A shorter term contract would likely result in an increase in rates overall.. Waste Service estimate has calculated that under the estimate provided we could absorb up to a 23% increase in tonnes collected.
- Provision of tip passes would be a significant cost and potentially cost up to \$3,500,00.

T07/1003 – RESIDENTIAL VERGE WASTE COLLECTION SERVICE (REC)**CONCLUSION**

The SMRC rejected tenders for the Regional Verge Collection Service and Contractors have indicated that the total cost via a tender would be up to \$1,000,000, depending upon tonnage collected, which could escalate rapidly if the tonnages collected continue to increase each year.

Waste Services has a demonstrated ability to provide a high level of service, and has calculated that the Service can be provided for \$800,000.

Provision of this service by Waste Services would enable us to provide a high standard of service and further enhancements such as improving waste minimisation and recycling opportunities within the Verge Collection Service may be possible without significant cost impacts. The current level of service is recommended for the next year however provision of the service by Waste Services will facilitate any changes to this level of service should they be resolved by council.

COUNCIL RESOLUTION (1003)**APPROVAL**

The Mayor submitted the motion, which was declared -

THAT THE CITY OF MELVILLE WASTE SERVICES COMMENCE PROVISION OF THE RESIDENTIAL VERGE COLLECTION SERVICE COMMENCING 1 JULY 2007.

CARRIED ENBLOC

P07/3009 – ST IVES RETIREMENT VILLAGE – WESTERN PORTION OF LOT 4049 ON CERTIFICATE OF TITLE 1942/7 (22) WINDELYA ROAD, MURDOCH; AND NORM GODFREY RESERVE (NO.44586) (REC) (ATTACHMENT)

Ward	:	University
Category	:	Strategic
Application Number	:	CPS5-50
Property	:	St Ives Retirement Village – western portion of Lot 4049 on Certificate of Title 1942/7 (22) Windelya Road, Murdoch; and Norm Godfrey Reserve (No.44586)
Proposal	:	City of Melville Community Planning Scheme No.5 Scheme Amendment No.50 To rezone the western portion of Lot 4049 on Certificate of Title 1942/7 (22) Windelya Road, Murdoch from “Regional Reservation – Public Purposes (University)” to “Living Areas Precinct – M4 Murdoch” with residential density codings of “R40” and “R60” and designate Norm Godfrey Reserve (No.44586) as “Local Open Space”
Applicant	:	Development Planning Strategies on behalf of Murdoch University
Owner	:	Crown
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Keith Weymes Manager Planning and Development Services
Previous Items	:	P06/5005

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 type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input checked="" type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/> Review	<i>when Council reviews 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>

**P07/3009 – ST IVES RETIREMENT VILLAGE – WESTERN PORTION OF LOT 4049 ON
CERTIFICATE OF TITLE 1942/7 (22) WINDELYA ROAD, MURDOCH; AND NORM
GODFREY RESERVE (NO.44586) (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- City of Melville Community Planning Scheme No.5 Scheme Amendment No.50 seeks to rezone the western portion of Lot 4049 (22) Windelya Road, Murdoch from “Regional Reservation – Public Purposes (University)” to “Living Areas Precinct – M4 Murdoch” with residential density codings of “R40” and “R60” and designate Norm Godfrey Reserve as “Local Open Space”.
- The proposed Scheme Amendment was initiated by Council at its Ordinary Meeting held on 15 August 2006.
- In accordance with Council’s resolution, a copy of the amendment documentation was forwarded to the Environmental Protection Authority and the Western Australian Planning Commission.
- The Environmental Protection Authority does not require Environmental Impact Assessment of the proposed Scheme Amendment.
- The proposed Scheme Amendment was advertised for a period of 48 days commencing 31 January 2007 and concluding on 19 January 2007 by means of a notification in the West Australian and Melville Times, sign on site and letters to surrounding landowners.
- One submission was received.
- Relevant public authorities were also notified of the proposed Scheme Amendment and comments invited.
- It is recommended that Council adopt the proposed CPS5 Scheme Amendment No.50 for final approval.
- Final approval will also be dependent on finalisation of the MRS amendment for the subject land.

BACKGROUND

Subsequent to the original approval of the St Ives Retirement Village development (on appeal) and the preparation of the Murdoch University Campus Development Strategy, the Minister for Planning and Infrastructure advised that the existing residential development on the site should be given a suitable zoning under the Metropolitan Regional Scheme (MRS) and local planning Scheme.

South West Omnibus Amendment No.7: MRS 1110/33A (Proposal 8) will transfer the site to the Urban Zone. The Omnibus Amendment is due to be given final approval by the Minister for Planning and Infrastructure (in April) and will shortly be gazetted. City of Melville Community Planning Scheme No.5 (CPS5) Scheme Amendment No.50 will complement the amendment to the MRS.

Council initiated CPS5 Scheme Amendment No.50 on 15 August 2006.

P07/3009 – ST IVES RETIREMENT VILLAGE – WESTERN PORTION OF LOT 4049 ON CERTIFICATE OF TITLE 1942/7 (22) WINDELYA ROAD, MURDOCH; AND NORM GODFREY RESERVE (NO.44586) (REC) (ATTACHMENT)**Scheme Provisions**

MRS Zoning	:	Regional Reservation – Public Purposes (University)
CPS 5 Zoning	:	Regional Reservation – Public Purposes (University)
R-Code	:	Proposed R40 and R60
Use Type	:	Residential
Use Class	:	Permitted in the Living Area Precinct

Site Details

Lot Area	:	226 hectares
Retention of Existing Vegetation	:	Where possible
Street Tree(s)	:	Yes
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	

[P07 3009 April 2007](#)**DETAIL**

City of Melville Community Planning Scheme No.5 Scheme Amendment No.50 seeks to rezone the western portion of Lot 4049 on Certificate of title 1942/7 (22) Windelya Road, Murdoch from “Regional Reservation – Public Purposes (University)” to “Living Areas Precinct – M4 Murdoch” with residential density codings of “R40” and “R60” and designate Norm Godfrey Reserve (No.44586) as “Local Open Space”.

The majority of the site is already developed for residential purposes, either aged persons (St Ives Retirement Village) or student accommodation with the balance of the site identified in the Murdoch University Campus Development Strategy for future expansion of the residential uses. The MRS Omnibus Amendment which will rezone the site to Urban will shortly be gazetted. The local scheme amendment will complement the MRS Amendment.

The surrounding development to the west and north of the site is typically low density residential development. North Lake is to the south of the site and the University playing fields and student village to the east.

An “R60” coding is proposed over the approved multi-storey serviced apartment building and residential care facility. An “R60” coding is also proposed over the multi-storey apartments forming part of an urban gateway at the planned new entry off South Street. The latter development was supported by the City of Melville and is awaiting a decision from the WAPC.

**P07/3009 – ST IVES RETIREMENT VILLAGE – WESTERN PORTION OF LOT 4049 ON
CERTIFICATE OF TITLE 1942/7 (22) WINDELYA ROAD, MURDOCH; AND NORM
GODFREY RESERVE (NO.44586) (REC) (ATTACHMENT)**

An “R40” density coding is proposed over the balance of the site. The amendment documentation states that the “R40” density coding will allow the University to develop the balance of the site for aged care grouped dwellings at a similar density to the majority of the retirement village that currently exists. It is considered that the R40 density coding does not reflect the existing and approved grouped dwelling development over the site. The overall (average) density of the existing and approved grouped dwellings within the retirement village is more in line with the R20 density code with minimum site areas being generally in line with the R30 to R35 codes. It is considered that an R25 coding could apply as the R-Codes permit the minimum site area to be reduced by up to one third for Aged or Dependent Persons’ dwellings, however this is not allowed under Community Planning Scheme No.5 accordingly it is appropriate to lower the coding to R35.

The development requirements proposed for the “M4- Murdoch” precinct include a 22.5m height limitation for the R60 coded areas and a 10.5m height limitation for the R40 areas. Whilst the latter height limit reflects that generally permitted throughout the City of Melville the former height limit is considered to be excessive particularly as it does not reflect the height of the approved multi storey apartment buildings and residential care facility on the site or the proposed multi storey apartment building currently awaiting a decision by the WAPC. The maximum height of the proposed multi storey apartment building is 15.5m with maximum eaves height of 11.2m. It is recommended that the permitted maximum height and eaves height be reduced to 16.0m and 14.0m respectively.

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	Yes
Neighbour’s Comment Supplied:	No
Reason:	Statutory requirement
Support/Object:	One submission was received

Subsequent to the receipt of written advice from the Environmental Protection Authority (EPA), the proposed Scheme Amendment was advertised for a period of 48 days commencing 31 January 2007 and concluding on 19 March 2007. The advertising period undertaken was in excess of the 42 days required by the *Town Planning Regulations*. This was to ensure that the advertising requirement was met and that readvertising was not required as has occurred in the past due to an advertising period less than 42 days.

One submission of support with modification was received as detailed in the attached submission table.

P07/3009 – ST IVES RETIREMENT VILLAGE – WESTERN PORTION OF LOT 4049 ON CERTIFICATE OF TITLE 1942/7 (22) WINDELYA ROAD, MURDOCH; AND NORM GODFREY RESERVE (NO.44586) (REC) (ATTACHMENT)

REFERRALS TO GOVERNMENT AGENCIES

Required: Yes
Reason: Referral of proposed scheme amendments to relevant public authorities is required by Section 83 of the *Planning and Development Act 2005*.
Support/Object: Support

The application was referred to the Environmental Protection Authority (EPA) in accordance with Section 81 of the *Planning and Development Act 2005*. The EPA has advised that the proposed Scheme Amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and that it is not necessary to provide any advice or recommendations.

Comments on the proposed Scheme Amendment were invited from the relevant public authorities including Main Roads WA, Alinta Gas and the Water Corporation. The submissions from the public authorities are summarised below.

Agency	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Support/Dismiss)
Alinta Gas	All works carried out on Alinta's existing Network to accommodate the proposed subdivision / amalgamation or any development will be at the proponents expense. Alinta requires one month's notice prior to the commencement work on site.	Support	Noted	Support
Main Roads	Main Roads has no comment on the proposed rezoning. At the development / subdivision application stage no vehicular access will be permitted to South Street.	Support	Noted	Support

P07/3009 – ST IVES RETIREMENT VILLAGE – WESTERN PORTION OF LOT 4049 ON CERTIFICATE OF TITLE 1942/7 (22) WINDELYA ROAD, MURDOCH; AND NORM GODFREY RESERVE (NO.44586) (REC) (ATTACHMENT)

Water Corporation	The Water Corporation's water and wastewater reticulation infrastructure may need to be upgraded to facilitate any increased demand generated by future redevelopment in the proposed rezoned area; these upgrades will need to be funded by the developers.	Support	Noted	Support
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STATUTORY AND LEGAL IMPLICATIONS

The Minister can still approve the proposed Scheme Amendment should the City of Melville decide not to support the Scheme Amendment.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The proposed Scheme Amendment is consistent with the Murdoch University Campus Development Strategy and reflects the existing and approved residential development over the site. The Scheme Amendment will complement the MRS rezoning to Urban.

POLICY IMPLICATIONS

Nil.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

It is recommended that Council support the proposed Scheme Amendment. An alternative would be to reject the proposed Scheme Amendment however this is not recommended given that the MRS Amended to rezone the site to Urban will soon be gazetted.

P07/3009 – ST IVES RETIREMENT VILLAGE – WESTERN PORTION OF LOT 4049 ON CERTIFICATE OF TITLE 1942/7 (22) WINDELYA ROAD, MURDOCH; AND NORM GODFREY RESERVE (NO.44586) (REC) (ATTACHMENT)

CONCLUSION

The proposed CPS5 Scheme Amendment No.50 is a necessary progression resulting from the need for an appropriate zoning to be applied to the site as a result of the existing and approved residential development (together with current proposals awaiting determination by the Western Australian Planning Commission) over the site. The Scheme Amendment complements the MRS Omnibus Amendment soon to be gazetted. The proposed Scheme Amendment was advertised in accordance with the Act and the Regulations only no submission of conditional support was received. It is recommended the Council adopt the proposed Scheme Amendment with minor modifications relative to covering the maximum building heights to reflect existing approved and proposed developments and reduced the remaining densities from R40 down to R35.

COUNCIL RESOLUTION (3009)

APPROVAL

The Mayor submitted the motion, which was declared -

- 1. THAT COUNCIL ADOPT CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO.5 SCHEME AMENDMENT NO.50 FOR FINALISATION WITH THE FOLLOWING MODIFICATIONS:**
 - A) THE MAXIMUM BUILDING HEIGHT FOR THE R60 CODED LAND BE REDUCED TO 14.0 METRES TO EAVES, 16.0 METRES MAXIMUM; AND**
 - B) THE R40 CODED LAND BE DOWN CODED TO R35.**
- 2. THAT COUNCIL NOTE THE ONE SUBMISSION RECEIVED AFTER THE COMPLETION OF THE THE STATUTORY ADVERTISING PERIOD.**
- 3. THAT COUNCIL NOTE THAT THE ENVIRONMENTAL PROTECTION AUTHORITY HAS NO OBJECTION TO THE AMENDMENT PROCEEDING.**
- 4. THAT THE SCHEME AMENDMENT DOCUMENTS BE EXECUTED BY THE MAYOR AND CHIEF EXECUTIVE OFFICER AND HAVE THE COMMON SEAL OF THE CITY OF MELVILLE AFFIXED AND BE FORWARDED TO THE HONOURABLE MINISTER FOR PLANNING AND INFRASTRUCTURE FOR FINAL APPROVAL.**

CARRIED ENBLOC

C07/8004 – COMMUNITY SPORT AND RECREATION FACILITY FUNDS (AMREC)

Ward	: All
Category	: Operational
Subject Index	: Recreation
Customer Index	: Department of Sport and Recreation
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: C06/8007 – Community Sport and Recreation Facility Funds
Works Programme	: Nil
Funding	: Nil
Responsible Officer	: Dennis Gillam Manager Health & Lifestyle Services

AUTHORITY / DISCRETION

- | | | |
|-------------------------------------|----------------|---|
| <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"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>when 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

- To rescind a previously adopted Council recommendation
- To recommend alternative funding arrangements now that the successful 2007/2008 grants have been announced for Community Sport and Recreation Facilities Funding (CSRFF).

BACKGROUND

At the October 2006 round of Council meetings the City of Melville considered and adopted (C06/8007) the levels of financial support towards the 5 Community Sport and Recreation Facilities Funding (CSRFF) applications.

C07/8004 – COMMUNITY SPORT AND RECREATION FACILITY FUNDS (AMREC)**DETAIL**

Following this meeting Elected Members were advised through the Elected Members Bulletin of the withdrawal of the application submitted from the Southside BMX Club (SBMXC) for the construction of clubroom facilities.

The withdrawal of this project has freed up some of the committed monies which were identified within the October 2006 agenda item. This report recommends that these monies be used to increase the level of financial assistance the City of Melville offers to the other applicants rather than asking the clubs to take out a Self Supporting Loan (SSL).

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Officers have liaised with the Department of Sport and Recreation (DSR) in regard to the application process.

STATUTORY AND LEGAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

The Minister for Sport and Recreation has announced the projects that the 4 applications from the City of Melville have been successful in receiving grants for the financial year 2007/2008.

C07/8004 – COMMUNITY SPORT AND RECREATION FACILITY FUNDS (AMREC)

The level of CSRFF Funding for these projects is listed below:

Name	Project	Project total cost	CSRFF Grant approved
Attadale Netball Club	Upgrade existing floodlighting at Troy Park Reserve	\$46,450	\$15,483
Applecross Junior Football Club (AJFC)	Install two floodlights and upgrade of power supply to Gairloch Reserve	\$47,337	\$15,779
Applecross Tennis Club	Resurface two hard courts with synthetic grass	\$45,700	\$14,700
Kardinya Tennis Club	Relocation and upgrade of existing floodlights to five courts at Morris Buzzacott Reserve	\$58,881	\$19,551

At the October 2006 round of Council meetings the City of Melville adopted the following recommendation;

THAT THE TOTAL FUNDING COMMITTED BY THE CITY OF MELVILLE THROUGH THIS PROCESS OF \$69,971 BE LISTED FOR CONSIDERATION IN THE FORWARD WORKS BUDGET FOR 2007/2008.

As part of the original submission by the Kardinya Tennis Club (KTC) it was intended that the club would contribute \$21,330 in club cash and would be required to fund the remaining contribution by means of a SSL of up to \$24,000. The amount of the SSL was dependent upon the amount of the approved grant.

At the October 2006 round of meetings it was also adopted that both the KTC and the Applecross Tennis Club (ATC) would receive a \$4,000 contribution to their projects from the City of Melville.

It is also intended that the proposed “support sport clubs policy” be implemented in the 2007/2008 financial year. As the new policy places the KTC and the ATC within the Specialised Sporting Venue Category they will be entitled to receive a \$7,000 contribution to development projects. It is also recommended that the financial support given to the KTC and the ATC be increased from \$4,000 to \$7,000 in line with the new policy statements.

The withdrawal of the SBMXC project has freed up some of the committed monies identified within the October 2006 agenda item. It is recommended that these monies be used to fund the SSL component of the KTC project. The floodlight improvement project will see the lights resited at the KTC. The resiting of the lights provides a win/win situation for the club and the City. The club benefits by having the lights closer to the clubrooms making it more practicable in providing corporate tennis and twilight events. The City also gains a number of additional car parking bays which will be to the benefit of a number of reserve users. By approving the recommendation will also send a message to the sport and recreation community that the City is changing its philosophy regarding the use of SSL for capital projects.

C07/8004 – COMMUNITY SPORT AND RECREATION FACILITY FUNDS (AMREC)

The grant amount requested by the AJFC was \$4,221 less than that approved. This amount has been added to the City of Melville contribution making it a full one third contribution.

By reviewing the committed funding for CSRFF in the above manner provides for a saving of \$8,589 from the October 2006 adopted agenda item.

Name of Club	Club contribution	City of Melville Contribution	CSRFF Contribution	TOTAL
Applecross Junior football Club (Floodlighting)	\$15,782 \$15,779	\$11,554 \$15,779	\$20,000 \$15,779	\$47,337
Applecross Tennis Club (Resurface 2 tennis courts)	\$29,700 \$28,170	\$ 4,000 \$ 7,000	\$16,170 \$14,700	\$49,870
Attadale Netball Club (Floodlighting)	\$15,483	\$15,484	\$15,483	\$46,450
Kardinya Tennis Club (Floodlighting)	\$14,000 (SSL) \$21,330 Cash	\$ 4,000 \$ 7,000 \$11,119	\$19,670 \$19,551	\$59,000
Contingency		\$ 5,000		
	TOTAL	\$61,382		

The City of Melville's total commitment for the changes to the 2007/2008 CSRFF funding programme is \$61,382.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

In December 2006 the City of Melville gave in principle support to two new policies;

- Physical Activity Policy
- Support Sport Clubs Policy

The intent of the Support Sport Clubs Policy was to lessen some of the costs that have traditionally been passed onto community sport and recreation groups and clubs. It also provided for the development of a ten year financial plan for the development of reserves and facilities. Because these plans would provide for a more strategic approach to facility development there is also an expectation that the reliance on self supporting loans would be considerably reduced.

C07/8004 – COMMUNITY SPORT AND RECREATION FACILITY FUNDS (AMREC)**ALTERNATIVE OPTIONS AND THEIR IMPLICATIONS**

The alternative is to subject KTC to a SSL over a 20 or 25 year period. Officers believe that the total costs involved in this years CSRFF funding round can be covered without the use of SSL.

Alternative arrangements will also be made with the withdrawn SBMXC as the application is still considered a priority for the 2008/2009 CSRFF round. The project is considered a high priority due to the lack of available facilities for the club to use within the local area. To cover the costs of the project SBMXC were also seeking a SSL in the region of \$23,000. Officers are working with the SBMXC to ensure that a detailed and fully costed application is received that can be considered at the October 2007 round of Council meetings.

CONCLUSION

The KTC has a small membership base and it is expected that the floodlight improvements will assist in increasing membership levels at the club. By not requiring the KTC to enter into a SSL arrangement will free up funds for the club to concentrate on the marketing and promotions of the club. There are also additional benefits to the floodlighting project that will assist other reserve users in particular the ability to provide additional car parking bays.

The recommendations are in line with the proposed policies and will assist in demonstrating the City of Melville commitment to being more strategic in the way it plans and assists its community.

C07/8004 – COMMUNITY SPORT AND RECREATION FACILITY FUNDS (AMREC)Disclosures of Interest

Item No	:	C07/8004 – Community Sport and Recreation Facility Funds
Member	:	Mayor Katherine J Jackson
Type of Interest	:	Interest under Code of Conduct
Nature of Interest	:	Patron of a number Sports Clubs
Extent of Interest	:	N/A
Request	:	Stay, Discuss and Vote
Decision of Committee	:	N/A
Decision of Council	:	Stay, Discuss and Vote

COUNCIL RESOLUTION (8004)**ABSOLUTE MAJORITY**

The Mayor submitted the motion, which was declared -

- 1) THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL THE DECISION MADE AT THE ORDINARY MEETING OF COUNCIL ON 17 OCTOBER 2006;**

“THAT THE TOTAL FUNDING COMMITTED BY THE CITY OF MELVILLE THROUGH THIS PROCESS OF SIXTY NINE THOUSAND NINE HUNDRED AND SEVENTY ONE DOLLARS (\$69,971) BE LISTED FOR CONSIDERATION IN THE FORWARD WORKS BUDGET FOR 2007/2008”

BE RESCINDED

AND BE REPLACED WITH;

- B) THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL THE TOTAL FUNDING COMMITTED BY THE CITY OF MELVILLE THROUGH THE CSRFF PROCESS BE \$61,382 AND INCLUDED WITHIN THE FORWARD WORKS BUDGET FOR 2007/2008.**
- 2) THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL THE CITY OF MELVILLE CONTRIBUTION TO THE;**
- A) ATTADALE NETBALL CLUB PROJECT REMAINS THE SAME (\$15,484)**
 - B) APPLECROSS JUNIOR FOOTBALL CLUB PROJECT INCREASE`S FROM \$11,554 TO \$15,779.**
 - C) APPLECROSS TENNIS CLUB PROJECT INCREASE`S FROM \$4,000 TO \$7,000**
 - D) KARDINYA TENNIS CLUB PROJECT INCREASE`S FROM \$4,000 TO \$18,119.**
- 3) THAT SHOULD AN APPLICATION FOR CLUBROOMS BE RECEIVED FROM THE SOUTHSIDE BMX CLUB IN 2008/2009 FUNDING ROUND IT BE GIVEN A HIGH RANKING AND PRIORITY.**

CARRIED ENBLOC

C07/8009 – COMMUNITY FEEDBACK ON CHANGE OF POLICIES, PHYSICAL ACTIVITY POLICY AND SUPPORT FOR SPORT CLUBS POLICY (REC) (ATTACHMENT)

Ward	: All
Category	: Policy
Subject Index	: Recreation
Customer Index	: Community Development Policy
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: C07/C8009
Works Programme	: Nil
Funding	: Nil
Responsible Officer	: Dennis Gillam Manager Health & Lifestyle 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"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/> Review	<i>when 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

- Provides an overview of the feedback received following the 'in principle' support given to the Physical Activity Policy and the Support for Sport Clubs Policy.
- Identifies some additional financial implications of implementing the proposed policies.
- Identifies the final budget impact of the proposed changes.
- Recommends policy adoption.

C07/8009 – COMMUNITY FEEDBACK FOR CHANGE OF POLICIES, PHYSICAL ACTIVITY POLICY AND SUPPORT FOR SPORT CLUBS POLICY (REC) (ATTACHMENT)**BACKGROUND**

At the December 2006 round of council meetings the City of Melville gave 'in principle' support to two new policies. These policies are named Physical Activity Policy and Support for Sport Clubs Policy. In principle support was given on the condition that the proposed new policies would be available for public comment prior to the City of Melville formally adopting the policies.

DETAIL

As listed in Public Consultation/Communication.

PUBLIC CONSULTATION/COMMUNICATION

Feedback on the policies opened on 10 January 2007 and closed on Monday 19 February 2007 at 5.00pm. Elected Members have previously been advised on the consultative process via the Elected Members Bulletin. [8009A April 2007.pdf](#) lists the clubs and groups that have commented on the proposed policies.

Physical Activity Policy

There were 27 submissions regarding the Physical Activity Policy and overall there was a favourable response to the implementation of this Policy. General comments agree with the policy intent with some submissions seeking details on how we will implement the policy. This should become clearer in July 2007 when the City of Melville will launch its Community Sport and Recreation Strategic Plan.

Support for Sport Clubs Policy

There were 32 submissions regarding the Support for Sport Clubs Policy. The intent of the Support for Sport Clubs Policy is to give a philosophical approach to the manner in which the City of Melville will support its sports clubs. A number of policies have been combined along with a strategic view on how the City will support sports clubs and develops its reserves and facilities.

The majority of clubs and groups have provided positive comments in regards the manner in which the City has informed them of the proposed policy changes. They have appreciated the explanation from officers on the policy intent which assisted them in providing their feedback.

C07/8009 – COMMUNITY FEEDBACK ON CHANGE OF POLICIES, PHYSICAL ACTIVITY POLICY AND SUPPORT FOR SPORT CLUBS POLICY (REC) (ATTACHMENT)

Of the 32 submission received the majority are in favour of the Support for Sport Clubs Policies implementation. Clubs without leases or who are allocated grounds on a seasonal basis have openly welcomed the new policies.

The main benefits of introducing these policies are shown in the current and proposed table below.

Fees and charges currently passed onto Clubs/Groups	Proposed fees and charges
Administration Fee	Administration Fee
Lease Fee (Off set - Self Supporting Loans/100% Public Use Rebate)	Nil
Building Insurance Fees	Nil
FESA Levies	Nil
Building Maintenance Costs (Over four years)	Reduced over four years.

However, groups listed within the Specialist Sporting Venues (SSV) section of the “Support for Sport Clubs Policy” have provided the most comment on the proposed policy. In particular the;

Melville Palmyra Tennis Club believes that the City has *“missed the opportunity to assist clubs (which will be classified as Specialised Sporting Venues) to remain viable and able to offer affordable prices for access to members and community users of these facilities”*.

Bull Creek Tennis Club feels the policy *“fails to address the major issue of sustainability, particularly for the clubs classified in the specialist sporting venue category”*.

Melville Cricket Club commented that *“the City of Melville has failed to recognise the value of elite sport or the highest level of achievement, sporting bodies that produce players that represent national teams in international level. They are further disheartened to see that the support offered by the City of Melville, will in fact, in their view increase their costs in the future”*.

Similar concerns have been expressed by the Melville Bowling Club, Blue Gum Park Tennis Club and the Kardinya Bowling Club but these clubs give in principle support or general endorsement to the intent of the document but would want to see the detail in regards to developing the new building maintenance programme and future facility funding. Additionally, the Kardinya Tennis Club sees some positives within the policy but feel there needs to be more clarification.

A predominant message from the majority of the submissions from groups within the SSV category has been the reluctance to increase club membership fees. To prevent further decline in club memberships there is a consistent expectation from local community groups that the City of Melville will continue to increase any subsidy or financial support that these clubs currently receive.

Who pays for the maintenance of playing surfaces is the highest priority for these clubs who believe the City of Melville should be paying a subsidy to the club similar to the costs it would incur if the City was to maintain similar sized areas.

C07/8009 – COMMUNITY FEEDBACK ON CHANGE OF POLICIES, PHYSICAL ACTIVITY POLICY AND SUPPORT FOR SPORT CLUBS POLICY (REC) (ATTACHMENT)

There is also a common theme within a number of submissions that public access to specialist sporting venues is at a cost to individual club members. On one hand some clubs complain that the City does not pay for maintenance of playing areas (even though the clubs retain court admission fees) and on the other hand suggest that public use will be unfairly subsidised by its club members should community use be made available.

Officers Comments

There is some misconception in the community as to what levels of support clubs receive from surrounding Local Government Authorities (LGA). Arguments from clubs are often based around random acts of support that neighbouring LGA's give to clubs and in some cases misrepresents the bigger picture.

[8009B April 2007.pdf](#) highlights the level of support other LGA give to tennis, bowling and cricket clubs. The comparison clearly shows that in most cases other LGA's support cricket clubs at the expense of tennis and bowling clubs.

Bowling, cricket and tennis clubs make up 10 of the 12 clubs listed in the proposed SSV section of the Support for Sport Clubs Policy. The remaining two clubs are Melville City Hockey and Melville Water Polo Clubs. The inclusion of a SSV category in the City of Melville's "Support for Sport Clubs Policy" provides for equal treatment of all clubs within that category.

The City of Melville's Support for Sport Clubs Policy takes a helicopter view of sport and recreation within the City of Melville. It treats clubs equally so that one sport does not benefit to the detriment of another sport.

The table below provides a summary of Attachment B on the proposed support for City of Melville Clubs within the SSV category against similar levels of support given by 7 other Local Governments.

Sport	Number of Clubs in other LGA's	Clubs receiving support similar to what COM is suggesting	Percentage
Cricket	15 Clubs	1 Club	1%
Bowls	25 Clubs	22 Clubs	88%
Tennis	30 Clubs	26 Clubs	87%

In summary

- Six of the seven LGAs interviewed provide significant financial and other support to turf cricket clubs ranging from \$2,000 to \$50,000 per annum with the Western Australian Cricket Association (WACA) level clubs receiving the highest level of support.
- Two of the seven LGAs interviewed provide ongoing assistance towards maintenance costs for tennis courts, one of which is currently under review.
- One of the seven LGAs interviewed provides assistance towards the costs of maintaining bowling greens.

C07/8009 – COMMUNITY FEEDBACK ON CHANGE OF POLICIES, PHYSICAL ACTIVITY POLICY AND SUPPORT FOR SPORT CLUBS POLICY (REC) (ATTACHMENT)

[8009C April 2007.pdf](#) provides calculations on the approximate subsidy that clubs within the SSV would receive should the City decide to provide an additional playing surface maintenance subsidy.

However, officers do not support the introduction of an additional playing surface maintenance subsidy. The establishment of a Recreation Development Officer and a Facilities Maintenance Officer will provide the opportunity to better maintain community buildings and assist in the collection of relevant data to provide and analyse the provisions for all sports on a sport by club basis. This analyses will also look at the sport peak bodies to determine what other assistance may be available.

An additional benefit to some clubs in the SSV category is exposure to non rental payments. Previously some groups in this category have been in a position to claim back 100% of its rental fees through the provision of public use rebate policy. The rebate is driven by additional public use and the clubs that receive the rebate also retain any admission fees associated with this additional use. The rebate is not guaranteed and not all groups within the SSV category are currently able to receive the public use rebate. The new policy provides for 100% rental relief for all groups within the SSV category. It should be noted that in some cases this relief is already happening but in other cases benefits will not occur until self supporting loans commitments have been honoured. However, the intent is to offer equality to all sports clubs.

The implementation of the Community Sport and Recreation Strategic Plan in July 2007 should address some of the comments made during this consultation process. The ongoing further analysis of sports and clubs may or may not result in further changes to the playing surface maintenance stance.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Local schools were also invited to provide feedback on the policies and copies were sent to the Premiers Physical Activity Task Force (PPATF) as part of a grant acquittal.

The Department of Sport and Recreation presented the topics at the Club development seminars ensuring attendees were given the most up to date and relevant information relating to club development.

Additionally the development of the 10 year forward plans for reserve and facility development will include further consultations with the local community and known existing users.

STATUTORY AND LEGAL IMPLICATIONS

Not applicable.

C07/8009 – COMMUNITY FEEDBACK ON CHANGE OF POLICIES, PHYSICAL ACTIVITY POLICY AND SUPPORT FOR SPORT CLUBS POLICY (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

The report in December 2006 highlighted a budget of \$2,010,200 to implement the policy changes over the next 4 years.

A calculation error in the escalation of the building maintenance estimate has seen this allocation increase to \$775,000.

Recent changes to the rules and regulations for traffic management for events that require road closures may see some additional costs associated with the organisation of events increase dramatically. In an effort to reduce this impact it is also proposed that the City increases its budget to support community events by a further \$5,000 per annum (\$20,000 over 4 years).

The variance is \$506,000 over 4 years.

Funding Requests	Year 1 2007/08	Year 2 2008/09	Year 3 2009/10	Year 4 2010/2011	Amount Requested * Rounded
Changes to Building Maintenance (over a 4 year period)	\$ 60,000	\$135,348	\$230,430	\$348,718	\$ 775,000
Additional Staff Member (Infrastructure Services)	\$ 85,000	\$ 89,250	\$ 93,712	\$ 98,398	\$ 366,400
FESA levy costs	\$ 12,000	\$ 12,300	\$ 12,607	\$ 12,922	\$ 49,900
Building Insurance Costs	\$ 29,000	\$ 29,725	\$ 30,468	\$ 31,230	\$ 120,500
Support Community Events	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 60,000
Assistance CSRFF projects	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 20,000
Develop Concept plans	\$ 50,000				\$ 50,000
Additional Staff Member (Health and Lifestyle Services)	\$ 85,000	\$ 89,250	\$ 93,712	\$ 98,398	\$ 366,400
Capital Improvements	\$150,000	\$150,000	\$150,000	\$150,000	\$ 600,000
Less Lease Income	\$ 26,000	\$ 26,650	\$ 27,316	\$ 27,999	\$ 108,000
	\$517,000	\$552,523	\$658,245	\$787,665	\$2,516,200

C07/8009 – COMMUNITY FEEDBACK ON CHANGE OF POLICIES, PHYSICAL ACTIVITY POLICY AND SUPPORT FOR SPORT CLUBS POLICY (REC) (ATTACHMENT)**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

The development of these policies contains a major shift for the council in terms of responsibilities for maintenance funding and asset management. This is the first stage of the development of a strategic approach to managing community sport and recreation for both structured and more importantly the unstructured component and physical activity generally. The development of reserve concept plans as part of the hierarchy proposals will see new developments and improvements to facilities occur in a more strategic and managed manner as opposed to the ad hoc approach that has occurred previously.

The risk component of this new philosophy centres mainly around the financial impact this will have on the council. Should significant funds be unavailable for the commitment to the shift in responsibility for asset maintenance and should delays occur in reserve development then this may have a negative impact on full implementation and community expectations.

POLICY IMPLICATIONS

Should the recommendation be supported the two new policies will replace the following policies:

- Policy CD9 - Rentals/Leases/Management Licenses
- Policy CD5 - Community Groups Prizes and Trophies
- Policy TD8 - Recreational Equipment Sporting Bodies

Policy CD4 (Assistance to Clubs and Organisations to Establish Facilities) is considered operational procedure and will become part of the officers administration process.

It should also be noted that the changes to policy within this report are solely for the sport and recreation community and a similar exercise will need to be conducted with Cultural and Community clubs and groups.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

Over all the feedback received from the local community has been positive. The Physical Activity Policy has been welcomed from a number of quarters. The Support for Sport Clubs Policy has received support from clubs that do not lease community facilities. Clubs in the SSV category are the least satisfied with the proposed policy changes as they believe the City of Melville should offer them greater assistance regarding the maintenance of their playing facilities. It is acknowledged that the single sporting club issue is one of the most difficult issues which needs to be addressed fairly and equitably. The Support for Sport Clubs Policy treats all groups within the category the same which officers consider to be fair and equitable.

C07/8009 – COMMUNITY FEEDBACK ON CHANGE OF POLICIES, PHYSICAL ACTIVITY POLICY AND SUPPORT FOR SPORT CLUBS POLICY (REC) (ATTACHMENT)

It is also acknowledged that the Support for Sport Clubs Policy is a new way of supporting groups within the City and that during the next 12 months the City needs to monitor the policies implementation. The employment of additional resources will allow for a more open communication between clubs and groups and offer more consistency in the maintenance of buildings and reserves. Officers are therefore recommending that the policy be adopted and implemented over the next 12 months and a report be prepared for the June 2008 Council meeting discussing the performance of the policy and its implementation over the 12 months.

Throughout the consultation process a number of minor changes have been made to the wording of the Support for Sport Clubs Policy. All changes are highlighted in red within [8009D April 2007.pdf](#)

COUNCIL RESOLUTION (8009)**APPROVAL**

The Mayor submitted the motion, which was declared -

- 1. THAT THE BUDGET AMOUNTS LISTED WITHIN THIS REPORT BE INCLUDED WITHIN THE 2007/2008, 2008/2009, 2009/2010 AND 2010/2011 FINANCIAL YEARS TO ACCOMMODATE THE CHANGES IN POLICY**
- 2. THAT THE POLICIES FOR PHYSICAL ACTIVITY AND SUPPORT FOR SPORT CLUBS BE ADOPTED AND BECOME EFFECTIVE FROM JULY 1 2007**
- 3. THAT THE POLICIES BE REVIEWED IN TWELVE MONTHS AND ANY PROPOSED CHANGES BE REPORTED TO THE CITY OF MELVILLE AT THE JUNE 2008 ROUND OF COUNCIL MEETINGS.**

CARRIED ENBLOC

**C07/5003 – CITY OF MELVILLE 2007 LOCAL GOVERNMENT ELECTIONS (AMREC)
(ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: Elections
Customer Index	: Western Australian Electoral Commission
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Nil
Works Programme	: Not Applicable
Funding	: \$177,000 (budgeted 2007/2008)
Responsible Officer	: Mark Ridgwell Property and Corporate Support Manager

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"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/> Review	<i>when Council reviews 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

- The local government elections are being held on 20 October 2007 in accordance with changes made to the Local Government Act 1995 earlier this year.
- The Local Government Act 1995 requires that prior to formally requesting the Electoral Commissioner to conduct the City of Melville election, the council approve motions regarding;
 - a) the Electoral Commissioner being responsible for the elections and;
 - b) the election being conducted as a postal election**by absolute majority.**

C07/5003 – CITY OF MELVILLE 2007 LOCAL GOVERNMENT ELECTIONS (AMREC)
(ATTACHMENT)**BACKGROUND**

The ordinary local government elections were previously held every two years on the first Saturday in May, however earlier this year the Parliament of Western Australia amended this section of the Local Government Act 1995. Ordinary elections are now to be held every second year on the third Saturday in October (i.e. the next ordinary election is being held on 20th October 2007).

Prior to requesting the Electoral Commissioner to conduct the City of Melville elections in October 2007, there is a requirement under the Local Government Act 1995 to appoint the Electoral Commissioner and confirm the elections are to be conducted by the postal method.

DETAIL

The City of Melville has successfully undertaken five postal elections (in 1997, 1999, 2001, 2003 and 2005), and has found postal elections to elicit greater voter response.

PUBLIC CONSULTATION/COMMUNICATION

Not required.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City of Melville has received a written quotation from the Western Australian Electoral Commission (WAEC) to conduct the 2007 ordinary elections as postal elections [5003A April 2007.pdf](#). The WAEC has also provided advice on the October 2007 election timetable [5003B April 2007.pdf](#).

STATUTORY AND LEGAL IMPLICATIONS

In accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner must agree to be responsible for the conduct of a postal election. Councils can request the Electoral Commission to conduct the election following the passing of two motions by absolute majority;

1. Declare in accordance with section 4.20(4) of the Local Government Act 1995 that the Electoral Commissioner be responsible for the conduct of the 2007 ordinary elections
2. Decide in accordance with section 4.20(4) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

According to the Local Government Act 1995 4.20 (2)(3)(4), the last day for agreement of the Electoral Commissioner to conduct a postal election is eighty days prior to the election (i.e. 1st August 2007).

**C07/5003 – CITY OF MELVILLE 2007 LOCAL GOVERNMENT ELECTIONS (AMREC)
(ATTACHMENT)****FINANCIAL IMPLICATIONS**

The Western Australian Electoral Commission (WAEC) has quoted \$162,000 plus GST to conduct the City of Melville October 2007 elections. This is an estimate only, and has been based on the following assumptions;

- 65,000 electors
- Response rate of approximately 40%
- 7 vacancies (six Ward and one Mayoral election)
- Count to be conducted at the premises of the City of Melville.

The WAEC is required by the Local Government Act 1995 to conduct the local government elections on a full cost recovery basis, so the final cost may vary. The WAEC charge all materials at cost and a margin only on staff time.

There will also be additional costs incurred directly by the City of Melville (for salary costs, non statutory advertising and potential legal expenses). These additional costs have been provisionally estimated at \$15,000.

An allocation for these funds will need to be included in the 2007/08 budget submission.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Nil.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There is an alternate option of conducting the election as an in person election (i.e. requiring votes to be cast in person). This would result in a lower cost but also lower voter participation.

CONCLUSION

It is recommended that the Electoral Commissioner conduct the City of Melville election, and for the election to be held as a postal election.

**C07/5003 – CITY OF MELVILLE 2007 LOCAL GOVERNMENT ELECTIONS (AMREC)
(ATTACHMENT)**

COUNCIL RESOLUTION (5003)

ABSOLUTE MAJORITY

The Mayor submitted the motion, which was declared -

- 1. THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL IN ACCORDANCE WITH SECTION 4.20(4) OF THE LOCAL GOVERNMENT ACT 1995, THE WESTERN AUSTRALIAN ELECTORAL COMMISSIONER BE RESPONSIBLE FOR THE CONDUCT OF THE 2007 ORDINARY ELECTIONS TOGETHER WITH ANY OTHER ELECTIONS OR POLLS WHICH MAY ALSO BE REQUIRED.**
- 2. THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL IN ACCORDANCE WITH SECTION 4.61(2) OF THE LOCAL GOVERNMENT ACT 1995, THE METHOD OF CONDUCTING THE ELECTION WILL BE AS A POSTAL ELECTION.**

CARRIED ENBLOC

C07/5004 - DANGEROUS DOG APPEAL - GREAT DANE, 11 CHALLENGER PLACE, MELVILLE (REC) (ATTACHMENT)

Ward	:	Palmyra/Melville/Willagee
Category	:	Operational
Subject Index	:	Animal Control – Dogs
Customer Index	:	Richards
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Nil.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Malcolm Jenkinson Manager Neighbourhood Amenity

AUTHORITY / DISCRETION

	<u>Definition</u>
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KEY ISSUES / SUMMARY

- A "Dangerous Dog Appeal" has been received from Mr Carl Richards of 11 Challenger Place, Melville in relation to his Great Dane, Yeti. The dog was declared dangerous by the City of Fremantle in February 2002 when the dog was owned by Mr Lionel Richards, now deceased. His son, Mr Carl Richards is now seeking the rescinding of that declaration.
- The owner, whilst the dog was resident in the City of Melville has breached the conditions of the Dangerous Dog Declaration.

**C07/5004 - DANGEROUS DOG APPEAL - GREAT DANE, 11 CHALLENGER PLACE,
MELVILLE (REC) (ATTACHMENT)****BACKGROUND**

In February 2002 the City of Fremantle made a dangerous dog declaration against a female Great Dane named Yeti and belonging to Lionel Richards of 10 Third Street, Bicton. The declaration was made following three incidents over a two year period of the dog Yeti attacking other dogs. On two occasions veterinary assistance for a dog wound was required. On the other occasion the dog Yeti threatened to attack and began to run across the road until the owner called Yeti back.

The dangerous dog declaration was appealed to the City of Fremantle in May 2002, however, the appeal was dismissed as the dog had caused injury by attacks on other dogs and had repeatedly shown a tendency to attack.

On 26 May 2002 the Great Dane, Yeti, was involved in another attack on a dog being walked by a fourteen year old teenage girl outside of 10 Third Street, Bicton, which resulted in injuries to the other dog which were treated by the Melville Animal Hospital. The injuries included punctures to the head, neck and mouth and a 3mm slice inside the mouth.

The City of Melville prosecuted Lionel Richards for this dog attack which resulted in the court awarding a fine of \$1000 and costs of \$447 against Lionel Richards.

Mr Lionel Richards has subsequently passed away and the ownership of the dog Yeti has passed to his son Mr Carl Richards of 11 Challenger Place, Melville. The dog was relocated to the City of Armadale for a period of time following Mr Lionel Richard's death.

DETAIL

A Local Government of the district in which a dog is at the time ordinarily kept may following an application of the owner of the dog revoke a dangerous dog declaration if the Local Government is satisfied that the dog can be kept without the likelihood of any contravention of the Dog Act 1976.

Mr Carl Richards of 11 Challenger Place, Melville has requested that the Council remove the dangerous dog title from his Great Dane, Yeti, as he claims that Yeti no longer displays any aggressive behaviour towards other dogs. [5004A April 2007.pdf](#)

In support of his application he has submitted a letter from an animal behaviourist Dr Garth Jennens, who indicates that he has assessed Yeti thoroughly in the presence of other dogs and that she has not displayed any aggression to any other dog during any of the sessions. Dr Jennens also states that Yeti is now ten years old and has, to his knowledge, not been involved in any incident where she has attacked another dog for several years. Dr Jennens also states that it is not uncommon for such aggression to abate with age or over a period of time if the dog has regular interaction with other dogs. [5004B April 2007.pdf](#)

**C07/5004 - DANGEROUS DOG APPEAL - GREAT DANE, 11 CHALLENGER PLACE,
MELVILLE (REC) (ATTACHMENT)**

The control requirements for a dangerous dog declaration are:

- I. That any other person liable for the control of the dog is made aware of the declaration.
- II. Any person liable for the control of the dog shall cause the dog to be muzzled in such a manner that will prevent it from biting a person or animal at all times in any public place and in such other circumstances as may be specified.
- III. If so required by the order the person liable for control of the dog shall ensure that the dog is kept on a leash or a chain by a person physically able to control the dog when in a dog exercise area and under continuous supervision by a person physically able to control the dog.
- IV. Any person liable for the control of the dog shall ensure that the dog is kept on a leash or chain by a person physically able to control the dog when not secured or in an enclosure capable of containing the dog.
- V. That any enclosure within which the dog is kept is constructed so that the dog cannot escape from it.
- VI. That the owner shall ensure at all times the dog wears a distinctive collar to warn people that the dog is dangerous.
- VII. That signs be erected to the entrance of the property where the dog is normally kept indicating that a dangerous dog exists on the property.

The Great Dane, Yeti, has resided within the City of Melville with its new owner since July 2006. On the 3rd of August 2006 Yeti has escaped from 11 Challenger Place, Melville, by wandering not wearing a collar or muzzle and not being registered. The dog was impounded and a total of \$500 in fines and charges was paid for its release, however the dog was not involved in an incident with any person or animal whilst wandering. Between the period from 1 November 2006 until 2 March 2007 the dog's registration had expired with the City of Melville. The dog's registration has since been renewed until 31 October 2007.

PUBLIC CONSULTATION/COMMUNICATION

No external consultation has been carried out.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Nil.

**C07/5004 - DANGEROUS DOG APPEAL - GREAT DANE, 11 CHALLENGER PLACE,
MELVILLE (REC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

Section 33(h) of the Dog Act 1976 allows the Council to revoke a dangerous dog declaration if the Local Government is satisfied that the dog can be kept without the likelihood of any contravention of the Dog Act 1976.

The Local Government may before dealing with any application require the owner of the dog to which the notice relates or a person to whom ownership, possession or control of the dog has passed, to attend with the dog a course in behaviour and training approved by the Local Government or otherwise to demonstrate a change in the behaviour of the dog.

If the Local Government dismisses the application the owner may appeal to the State Administrative Tribunal. The Local Government must give notice in writing of any refusal to revoke a dangerous dog declaration and the reasons for the making of the decision.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The Dangerous Dog Act Conditions implies strict conditions for the keeping of a dangerous dog including that it be muzzled at all times. The lifting of a dangerous dog declaration means that the conditions imposed are no longer required to be observed by the dog owner and may put the community at risk if the dog contravenes the Dog Act.

The level of risk to the community could be considered high based on the previous history of this dog.

POLICY IMPLICATIONS

There is no Council Policy that relates to this item.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

**C07/5004 - DANGEROUS DOG APPEAL - GREAT DANE, 11 CHALLENGER PLACE,
MELVILLE (REC) (ATTACHMENT)****CONCLUSION**

Despite the evidence in support of the revocation of the dangerous dog declaration there still remains a high level of risk to the community that the dog will re-offend.

Since July 2006 the Great Dane, Yeti, has contravened the Dog Act on two occasions by escaping from its property and being unregistered whilst residing at 11 Challenger Place, Melville.

The dog has not resided within the City of Melville for a sufficient length of time for the Council to be able to determine if the dog can be kept without the likelihood of any contravention of the Dog Act.

COUNCIL RESOLUTION (5004)**REFUSAL**

The Mayor submitted the motion, which was declared -

- 1. THAT THE COUNCIL REFUSE THE APPLICATION TO REVOKE THE DANGEROUS DOG DECLARATION IMPOSED ON THE GREAT DANE, FEMALE DOG YETI, BELONGING TO MR CARL RICHARDS OF 11 CHALLENGER PLACE, MELVILLE, AS THE DOG HAS ON TWO OCCASIONS BEEN INVOLVED IN A CONTRAVENTION OF THE DOG ACT WHILST RESIDING WITHIN THE CITY OF MELVILLE.**
- 2. THAT THE OWNER OF THE GREAT DANE, YETI, BE ADVISED TO RESUBMIT AN APPEAL TO REVOKE THE DANGEROUS DOG DECLARATION IMPOSED ON THE DOG AFTER A PERIOD OF TWELVE MONTHS HAS ELAPSED.**

CARRIED ENBLOC

**C07/5005 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (AMREC)
(ATTACHMENT)**

Ward	: All
Category	: Operational
Subject Index	: Fees & Charges
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	: Nil.
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Mark Ridgwell Property & Corporate Support Manager

AUTHORITY / DISCRETION

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KEY ISSUES / SUMMARY

- To adopt the Fees & Charges Schedule for the 2007 / 2008 Budget year.

**C07/5005 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (AMREC)
(ATTACHMENT)**

BACKGROUND

In accordance with the Local Government Act 1995, the Schedule of Fees and Charges must be incorporated as part of the annual budget.

[5005 April 2007.pdf](#) The proposed Schedule of Fees and Charges for the 2007/2008 Financial Year, forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday, 30 March 2007.

This document contains details of the Fees and Charges for the current year (2006/2007) and those proposed Fees and Charges for the next financial year (2007/2008).

Proposed adjustments to the Fees and Charges Schedule are marked in bold throughout the document and new charges can be identified by the ✕ symbol.

DETAIL

Some of the significant amendments to the Fees and Charges Schedule include:

Charging for the Reissuing of a Lease/Licence:

Lease & Licence renewals are in some circumstances misplaced or lost by the leasee or licensee and costs are incurred in having new deeds prepared, in some circumstances this can mean that documents have had to be prepared two to three times before final endorsement. This new fee seeks to recover a portion of the costs in having the documents reissued and delivered.

Coffee Cart Licence Fee:

The City of Melville has recently awarded agreements for coffee cart operations to commence at Piney Lakes Sensory Playground and Wireless Hill Reserve. This fee will also cover Coffee Cart operations which may begin operation at any of the City of Melville reserves. This new fee is applicable to the operators and is a fee of 10% of the gross turnover of their operations whilst onsite.

Environmental Property Request:

The City of Melville provides a general enquiry on properties involving requests for outstanding health orders. This fee is to cover for the time it takes to compile a report outlining any health issues recorded against the property on the Health Database and Pathway system.

**C07/5005 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (AMREC)
(ATTACHMENT)****Willagee Community Centre**

During early 2007, the City of Melville gained responsibility for the Willagee Community Centre which had previously been managed by an external organisation. Charges have been implemented to ensure the facility is maintained to a high standard and to contribute towards covering costs associated with services and programmes.

Liquor Licence Fee for Not for Profit Incorporated Groups

This reduced fee relates to charges for not for profit incorporated groups. These groups generally operate in the local community and are using City of Melville facilities.

PUBLIC CONSULTATION/COMMUNICATION

An advertisement will be placed in the local newspaper and on the public noticeboards informing residents that a copy of the proposed fees and charges will be available for inspection at all City of Melville Libraries and Recreation Centres, and also on the City of Melville website.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Local Government Act 1995:

Imposition of fees and charges

- 6.16 (1) *A local government may impose* and recover a fee or charge for any goods and service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute Majority decision.*

**C07/5005 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (AMREC)
(ATTACHMENT)****FINANCIAL IMPLICATIONS**

Income estimates are to be included in the 2007/2008 Budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
If no Fees or Charges are prescribed for a service which the Council provides.	Moderate	Likelihood that Council will fall short in Budget estimates and services provided may not be able to be sustained.

POLICY IMPLICATIONS

There is no Council policy which relates to the setting of Fees and Charges.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

Extensive study has been undertaken in relation to the proposed fees and charges and officers feel confident that the schedule submitted fairly reflects the increased costs of services provided.

COUNCIL RESOLUTION (5005)**ABSOLUTE MAJORITY**

The Mayor submitted the motion, which was declared -

THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL, THE PROPOSED FEES & CHARGES SCHEDULE FOR 2007/2008 AS DOCUMENTED IN THE ATTACHMENTS BE ADOPTED WITH EFFECT FROM 1 JULY 2007.

CARRIED ENBLOC

C07/6006 - CONSIDERATION OF DRAFT POLICY ON THE PROCUREMENT OF GOODS OR SERVICES THROUGH DIRECT PURCHASING AND PUBLIC TENDERING (REC) (ATTACHMENT)

Ward	:	All
Category	:	Policy
Subject Index	:	Corporate Policy
Customer Index	:	Nil.
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Nil.
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Bob Searle Manager Financial Services

AUTHORITY / DISCRETION

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KEY ISSUES / SUMMARY

- The Local Government Act (Functions and General) Regulations, 1996 were amended in March 2007 to increase from \$50,000 to \$100,000 the limit above which Local Governments are required to use a tender process for the procurement of goods and services.
- This increase is subject to the adoption by individual Local Governments of a Purchasing Policy covering matters outlined in the new regulation.
- This draft represents a major review of the existing Policy (13-005)

C07/6006 - CONSIDERATION OF DRAFT POLICY ON THE PROCUREMENT OF GOODS OR SERVICES THROUGH DIRECT PURCHASING AND PUBLIC TENDERING (REC) (ATTACHMENT)

BACKGROUND

This report presents the draft policy for Council's consideration. The draft has previously been submitted to the Audit and Compliance Portfolio for comment, and as a result of that comment a listing of officer's authority approval levels is attached to this report in addition to the draft policy.

DETAIL

The amendment to the Regulations consists of the insertion of a new Regulation 11A, which states the following:

- (1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100 000 or less or worth \$100 000 or less.*
- (2) *A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in sub regulation (1).*
- (3) *A purchasing policy must make provision in respect of -*
 - (a) *the form of quotations acceptable; and*
 - (b) *the recording and retention of written information, or documents, in respect of -*
 - (i) *all quotations received; and*
 - (ii) *all purchases made.*

C07/6006 - CONSIDERATION OF DRAFT POLICY ON THE PROCUREMENT OF GOODS OR SERVICES THROUGH DIRECT PURCHASING AND PUBLIC TENDERING (REC) (ATTACHMENT)

- (4) *Different requirements may be imposed under a purchasing policy in respect of different classes, or types, of any of the following -*
- (a) *goods and services;*
 - (b) *suppliers;*
 - (c) *contracts;*
 - (d) *any other thing that the local government considers appropriate.*

The attached policy seeks to address the requirements of the new legislation. It is based on the pre existing City of Melville Purchasing Policy 13-005 and also a draft Purchasing Policy received from WALGA.

The draft policy [C07_6006A.pdf](#) and the listing of Authority levels as approved by the Executive Management Team form part of the attachments to the Agenda which was distributed to the Members of the Council on Wednesday 11 April 2007. The previous policy [C07_6006C.pdf](#) is attached for ease of comparison.

PUBLIC CONSULTATION/COMMUNICATION

No external consultation has been carried out as the Draft policy refers to the Financial Management of the Council.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

This report is the result of the introduction of a new Regulation 11A into the Local Government (Functions and General) Regulations 1996 following the adoption of the Local Government (Functions and General) Amendment Regulations 2007

This policy seeks to address the requirements of the revised Regulations.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for the Council in regards to this matter.

C07/6006 - CONSIDERATION OF DRAFT POLICY ON THE PROCUREMENT OF GOODS OR SERVICES THROUGH DIRECT PURCHASING AND PUBLIC TENDERING (REC) (ATTACHMENT)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
In the absence of proper guidelines the Council may be exposed to risks through inappropriate purchasing procedures.	<p>High level of risk without specific policy in place.</p> <p>Level of Risk After Application of Risk Mgt Strategy - Low level of risk with policy in place & adhered to by the Council.</p>	Adopt a clear and specific policy on the procurement of goods or services through direct purchasing and public tendering.

POLICY IMPLICATIONS

The Draft policy is a revision of an existing policy

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil

CONCLUSION

To ensure compliance with updated legislation and good stewardship of community assets it is essential that the Council establishes a clear and relevant policy on the procurement of goods or services through direct purchasing and public tendering. The attached policy is designed to address that requirement.

COUNCIL RESOLUTION (6006)

APPROVAL

The Mayor submitted the motion, which was declared -

THAT DRAFT POLICY 13-005 PROCUREMENT OF GOODS OR SERVICES THROUGH DIRECT PURCHASING AND PUBLIC TENDERING BE ADOPTED.

CARRIED ENBLOC

C07/5000 – COMMON SEAL REGISTER (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Common Seal Register
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not applicable
Funding	:	Not applicable
Responsible Officer	:	Bruce Taylor Manager Information & Corporate Support

AUTHORITY / DISCRETION

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KEY ISSUES / SUMMARY

- This report details the documents to which the City of Melville Common Seal has been applied and recommends that the information be noted.

C07/5000 – 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 by the Chief Executive Officer, and the Mayor and the Chief Executive Officer attest the affixing of the seal.

DETAIL

Document Type	Party	Description	File Reference
Deed of Lease	Vodafone	Portion of Bob Gordon Reserve	1620603
Deed of Variation	Melville Water Polo Club		1630089
Deed of Extension of Lease	The Gowrie		1615838
Transfer of Land		20 Sweetman Street, Ardross	1091681
Scheme Amendment	West Australian Planning Commission	391 Canning Highway, 38 and 38A Waddell Road, Bicton	1499405
Scheme Amendment	West Australian Planning Commission		1241619
Scheme Amendment	West Australian Planning Commission		1485554
Deed of Variation	BlueWater Grill		1645713

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 2.5 of the Local Government Act 1995.

C07/5000 – COMMON SEAL REGISTER (REC)

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

That is a standard report for Elected Members information.

COUNCIL RESOLUTION (5000)

NOTED

The Mayor submitted the motion, which was declared -

THAT THE ACTION OF HER WORSHIP THE MAYOR AND THE CHIEF EXECUTIVE OFFICER IN EXECUTING THE DOCUMENTS LISTED UNDER THE COMMON SEAL OF THE CITY OF MELVILLE, BE NOTED.

CARRIED ENBLOC

C07/6000 – INVESTMENT STATEMENTS (REC) (ATTACHMENT)

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

AUTHORITY / DISCRETION

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KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of March 2007 and recommends that the information detailed in the attachments be noted.

BACKGROUND

The investment of surplus cash holdings is undertaken in accordance with Council's investment policy, with the objective of maximising returns whilst maintaining acceptable levels of risk exposure.

C07/6000 – INVESTMENT STATEMENTS (REC) (ATTACHMENT)

DETAIL

[6000A April 2007.pdf](#) and [6000B April 2007.pdf](#) the Investment Statements for the month of March 2007, form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 11 April 2007.

The Investment of Surplus Funds is undertaken in accordance with the Finance Investment Policy document for the City of Melville. [6000D April 2007.pdf](#) a graph showing the total levels of funds invested forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 11 April 2007.

A report prepared by Grange Securities has again been included for members' information. [6000C April 2007.pdf](#) The reports form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 11 April 2007.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Financial Management) Regulations 1996 Regulation 19 – Management of Investments.

FINANCIAL IMPLICATIONS

As at the end of March 2007, total interest, excluding Reserve Fund interest, earned was \$1,869,466 against a budget year to date of \$1,579,300. The full year budget is \$1,968,000.

Reserve Fund interest earned was \$1,201,475 against a budget year to date of \$650,700. The full year budget is \$867,800.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

C07/6000 – INVESTMENT STATEMENTS (REC) (ATTACHMENT)**POLICY IMPLICATIONS**

Corporate Policy 13-002.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

Base interest rates firmed slightly in the period. The rates for thirty day bank bills showed an increase of 0.1417%, ending March at 6.4617% and longer term returns showed a similar trend, with the ninety day rate increasing by 0.17%. The performance of the City of Melville portfolio managed by Grange Securities exceeded the agreed benchmark of the UBS Bank Bill Index plus 0.35% by 0.6% annualised in the month and has exceeded the benchmark by 0.67% over the last twelve months.

COUNCIL RESOLUTION (6000)

The Mayor submitted the motion, which was declared -

THAT THE INVESTMENT STATEMENTS FOR THE MONTH OF MARCH 2007, AS DETAILED IN THE FOLLOWING ATTACHMENTS BE NOTED:

[6000A April 2007.pdf](#)

[6000B April 2007.pdf](#)

[6000C April 2007.pdf](#)

[6000D April 2007.pdf](#)

CARRIED ENBLOC

C07/6001 – SCHEDULE OF ACCOUNTS (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	:	2006/2007 Budget
Responsible Officer	:	Bob Searle Manager Financial Services

AUTHORITY / DISCRETION

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C07/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- This report presents details of the payments made to suppliers for the provision of goods and services for the month of March 2007 and recommends that the Schedule of Accounts be noted.

BACKGROUND

Delegated Authority CE23 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 Customer and Corporate Services. In accordance with Regulation thirteen (13), two (2) and three (3) of the Local Government (Financial Administration) Regulations 1996 where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council. The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

DETAIL

The Schedules of Accounts for the period ending 31 March 2007 [6001 April 2007.pdf](#) including Payment Registers numbers thirteen and fourteen were distributed to the Members of Council on Wednesday, 11 April 2007.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

C07/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

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 2006/2007 Budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Management Procedure 1.8 - Certification of Accounts.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a regular monthly report for Elected Members information.

COUNCIL RESOLUTION (6001)

The Mayor submitted the motion, which was declared -

THAT THE SCHEDULE OF ACCOUNTS FOR THE PERIOD ENDED 31 MARCH 2007 [6001 April 2007.pdf](#), AS APPROVED BY THE DIRECTOR CUSTOMER AND CORPORATE SERVICES IN ACCORDANCE WITH DELEGATED AUTHORITY CE23, AND DETAILED IN ATTACHMENT BE NOTED.

CARRIED ENBLOC

C07/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Statements and Investments
Customer Index	:	Not applicable
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Standard Item
Works Programme	:	Not applicable
Funding	:	Not applicable
Responsible Officer	:	Bob Searle 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"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/> Review	<i>when 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 the financial statements to the end of March 2007 and recommends that they be noted by Council.

C07/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

BACKGROUND

The Financial Statements for the end of the month of March 2007 have been prepared and tabled in accordance with Regulation thirty-four (34) of the Local Government (Financial Management) Regulations 1996 as amended in March 2005, which requires that:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, 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;
 - (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 to the council-
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; 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 AAS 5, to be used in statements of financial activity for reporting material variances.

C07/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

DETAIL

A mid year budget review based on the figures to the end of January 2007 was presented to the March Council meeting. The normal monthly review – “Notes on Operating Statements” is attached for the March month and includes relevant elements of that review. Once again the variances are greater than normally reported and this continues to reflect the reduced emphasis that it has been possible to give to reviewing budget phasing in the face of the pressures of the implementation of the new system and development of reporting.

The following attachments form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 11 April 2007.

DESCRIPTION	LINK
Statement of Financial Activity – March 2007	6002A April 2007.pdf
Operating Statements by Program for the period ended 31 March 2007	6002B April 2007.pdf
Representation of Working Capital as at March 2007	6002E April 2007.pdf
Reconciliation of Net Working Capital as at 31 March 2007	6002F April 2007.pdf
Notes on Operating Statements for March 2007 reporting on variances of 10% or greater	6002H April 2007.pdf
Details of Budget Amendments requested during the month of March 2007	6002J April 2007.pdf
Summary of Rates debtors as at 31 March 2007	6002L April 2007.pdf
Graph showing Rates Collections as at 31 March 2007	6002M April 2007.pdf
Summary of general Debtors aged 90 days old or greater as at 31 March 2007	6002N April 2007.pdf

C07/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

Local Government (Financial Regulations) 1996 Part 4 – Financial Reports

FINANCIAL IMPLICATIONS

Amendments to the 2006/2007 Budget have been included in the budget amendment report.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The attached reports reflect the financial situation of the City of Melville as at 31 March 2007.

C07/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

COUNCIL RESOLUTION (6002)

The Mayor submitted the motion, which was declared -

- 1. THAT THE STATEMENTS OF FINANCIAL ACTIVITY AND THE OPERATING STATEMENTS FOR THE PERIOD ENDING 31 MARCH 2007 AS DETAILED IN THE FOLLOWING ATTACHMENTS BE ADOPTED:**

DESCRIPTION	LINK
STATEMENT OF FINANCIAL ACTIVITY – MARCH 2007	<u>6002A April 2007.pdf</u>
OPERATING STATEMENTS BY PROGRAM FOR THE PERIOD ENDED 31 MARCH 2007	<u>6002B April 2007.pdf</u>
REPRESENTATION OF WORKING CAPITAL AS AT MARCH 2007	<u>6002E April 2007.pdf</u>
RECONCILIATION OF NET WORKING CAPITAL AS AT 31 MARCH 2007	<u>6002F April 2007.pdf</u>
NOTES ON OPERATING STATEMENTS FOR MARCH 2007 REPORTING ON VARIANCES OF 10% OR GREATER	<u>6002H April 2007.pdf</u>
SUMMARY OF RATES DEBTORS AS AT 31 MARCH 2007	<u>6002L April 2007.pdf</u>
GRAPH SHOWING RATES COLLECTIONS AS AT 31 MARCH 2007	<u>6002M April 2007.pdf</u>
SUMMARY OF GENERAL DEBTORS AGED 90 DAYS OR GREATER AS AT 31 MARCH 2007	<u>6002N April 2007.pdf</u>

- 2. THAT BY ABSOLUTE MAJORITY DECISION, THE BUDGET AMENDMENTS, AS LISTED IN THE BUDGET AMENDMENT REPORT FOR MARCH 2007, AS DETAILED IN ATTACHMENT [6002J April 2007.pdf](#) BE ADOPTED.**

CARRIED ENBLOC

ADOPTION OF ITEMS NOT WITHDRAWN

At 7.01pm Cr D J Macphail moved, seconded Cr J Phillips -

THAT THE REPORTS OF OFFICERS EXCLUDING ITEMS T07/1002, P07/3007, P07/3008, C07/7002 AND ITEM C031/06 BE RECEIVED AND THE RECOMMENDATIONS CONTAINED THEREIN BE ADOPTED.

At 7.01pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

14. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

15. CLOSURE

There being no further business, the Mayor declared the Meeting closed at 7.02pm.