



— *City of* —
Melville

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

17 JULY 2007

DISCLAIMER:

The City of Melville disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

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 JULY 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 6.36PM ON TUESDAY, 17 JULY 2007.

1. PRESENT

Her Worship the Mayor, Katherine Jackson JP

COUNCILLORS

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

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
R G C Willis

B Taylor

K Weymes

M Ridgwell

POSITION TITLE

Chief Executive Officer
Director Strategic Community
Development
Director Strategic Urban Planning
Director Technical & Development
Services
A/ Director Customer & Corporate
Services
Manager Planning & Development
Services
Property & Corporate Support Manager

At the commencement of the Meeting, there were nine people in the public gallery.

3. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr J Bennett
Cr J Phillips
M Tieleman

University Ward
Applecross / Mt Pleasant Ward
Director Customer & Corporate Services

4. PUBLIC QUESTION TIME

4.1 Mr M Nichol of Attadale

“Council Officers Report P07/3015, tabled at the Agenda Forum, Tuesday 3rd July 200, in respect to car parking and traffic management, recommends that a transport assessment study be considered at the submission of a future Master Plan for the College. Residents, particularly in Stoneham Road consider that traffic flow and student parking in this street is unacceptable and request that Council at this evenings meeting authorise a traffic assessment study forthwith and this study be a condition in the approval of this project.”

The Manager Planning & Development Services, Mr Keith Weymes responded:

That the situation of parking being provided on both sides of the street adjoining a school zoning was an anomaly compared to other sites within the City of Melville and that the Manager Engineering Design was investigating the matter at the commencement of Term 3. Mr Weymes also identified that Cr L Wyatt had foreshadowed an amendment to the motion which may address some of Mr Nichol’s concerns.

4.2 Leeming Community Group

“If we had young children, are the facilities being proposed sufficient for their needs for out-of-school activities?”

The Director Strategic Community Development, Mrs Anne McAllister Responded:

The programs & activities currently offered from the Centre will still be catered for in the proposed redevelopment. Additionally the inclusion of an interactive water play area will further enhance the opportunities for children learn and play in a safe environment.

“Does the proposal allow for my children to have their swimming lessons (be they in or out of school) in their local pool?”

The Director Strategic Community Development, Mrs Anne McAllister Responded:

The proposed aquatic facilities will cater for all levels of the Department of Education swimming continuum. Specific design features have been included to accommodate all levels of the City of Melville learn to swim program.

“If I was a gym attendee, are the proposed areas adequate?”

The Director Strategic Community Development, Mrs Anne McAllister Responded:

The proposed gym area is approximately 170m² larger (2/3rds larger) than the existing facility. It is estimated to cater for 1,500 members, with a projected maximum capacity of 1,800 to 2,000 members. In addition the design includes the gym being relocated to the ground floor for improved accessibility and safety.

“If I had elderly parents, can they use the facilities being suggested for rehabilitation activities?”

The Director Strategic Community Development, Mrs Anne McAllister Responded:

The program pool is designed to cater for rehabilitation activities. The inclusion of a 10 seater spa will also complement the program pool for rehabilitation, recover sessions and relaxation.

“If my husband/wife is a lap-swimmer, will the pool provide what he/she needs all year round (particularly in summer)?”

The Director Strategic Community Development, Mrs Anne McAllister Responded:

The pool is still designed with lap swimming lanes. By allowing the pool to cool over night the pool will be at a similar pool temperature (approx 30 degrees) to what lap swimmers are currently accustomed to at the Centre.

“Are there enough meeting rooms for my social clubs to meet, without having to find alternative venues out of suburb?”

The Director Strategic Community Development, Mrs Anne McAllister Responded:

The proposed design will mean there is an additional programmable room / space. An opportunity will exist to look at additional community rooms/spaces in stage 4 of the future development.

The Director Strategic Community Development, Mrs Anne McAllister tabled a summary of the Leeming Recreation Centre redevelopment consultation & review process in response to the statements made within the correspondence from the Leeming Community Group Inc that there had been inadequate community consultation.

5. AWARDS AND PRESENTATIONS

At 6.45pm the Director Strategic Community Development, Mrs Anne McAllister tabled a presentation on “*The Way Forward: Review of the National Framework for Women in Local Government.*”

A record of functions attend by the Mayor, and Elected Members representing the Mayor for the Council, for the period 19 June 2007 to 16 July 2007, forms an attachment to the Minutes of the Meeting.

At 6.48pm Cr C M Halton moved, seconded Cr H R Everett -

THAT THE RECORD OF FUNCTIONS ATTENDED BY THE MAYOR, AND ELECTED MEMBERS REPRESENTING THE MAYOR ON BEHALF OF THE COUNCIL, FOR THE PERIOD 19 JUNE 2007 TO 16 JULY 2007, BE NOTED.

At 6.48pm the Mayor submitted the motion, which was declared
CARRIED WITHOUT DISSENT (11/0)

6. CONFIRMATION OF MINUTES

6.1 CONFIRMATION OF NOTES – AGENDA FORUM – 3 JULY 2007

At 6.48 pm Cr D J Macphail moved, seconded Cr C W Robartson-

THAT THE NOTES OF THE AGENDA FORUM HELD ON TUESDAY, 3 JULY 2007 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.

At 6.48 pm the Mayor submitted the motion, which was declared
CARRIED WITHOUT DISSENT (11/0)

6.2 ORDINARY MEETING OF THE COUNCIL 19 JUNE 2007

At 6.48 pm Cr D J Macphail moved, seconded Cr C W Robartson-

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 19 JUNE 2007 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.

At 6.48 pm the Mayor submitted the motion, which was declared
CARRIED WITHOUT DISSENT (11/0)

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

Members' interests in matters to be discussed at meetings to be disclosed

S.5.65 (1) A member who as an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the Chief Executive Officer before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Penalty: \$10,000 or imprisonment for 2 years.

Meeting to be informed of disclosures

S.5.66 If a member has disclosed an interest in a written notice given to the Chief Executive Officer before a meeting then before the meeting -

- (a) the Chief Executive Officer is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

Disclosing members not to participate in meetings

S.5.67 A member who makes a disclosure under Section 5.65 must not -

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under Section 5.68 or 5.69.

Penalty: \$10,000 or imprisonment for 2 years.

Please refer to your Handbook for definitions of interests and other detail.

7. DISCLOSURES OF INTEREST

Disclosure of Interest

Item No	: P07/3015 - Secondary Learning Centre (Stage One) Santa Maria College, 12-38 Moreing Road, Attadale
Member	: Cr L M Reynolds
Type of Interest	: Interest under Code of Conduct
Nature of Interest	: Daughter is a student at the school
Extent of Interest	: Conflict of interest under Code of Conduct
Request	: Leave
Decision of Committee	: Leave

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10. PETITIONS

On Monday, 2 July 2007 a Petition was received containing 121 signatures. The Petition reads as follows:

WE, the undersigned, all being Electors of the City of Melville, do humbly pray that the future needs of the Leeming community, including its young people, be considered when finalizing plans for redeveloping the aquatic facilities at the Leeming Recreation Centre, and the following issues in particular be taken into account:

- **the importance of children learning to swim and gain survival skills, with attendant health benefits** – this requires a pool design that encourages local schools to participate in swimming lessons for students and enables children and youth to engage in lap-swimming, to at least Royal Life Saving Society personal survival stage 12;
- **the importance of familiarising young children in shallow water** – water depths required for formal swimming lessons are not necessarily suitable for toddlers and pre-primary children and a separate area is preferable;
- **the City's commitment to promoting physical activity and environmental sustainability** – water conservation issues are factors that may impact on the availability of backyard pools with public facilities becoming increasingly important recreational and fitness venues for all ages, thus aquatic facilities should incorporate sufficient features to stand the test of time; and
- **the City's commitment to the TravelSmart philosophy** – a local facility that satisfies the needs of most of the local community is more attractive than a large central facility that cannot be reached easily using current public transport arrangements and involves distances that dissuade families from cycling or walking.

COUNCIL RESOLUTION

At 6.49pm Cr R A Aubrey moved, seconded Cr M J Barton -

THAT THE PETITION BEARING 121 SIGNATURES AND RELATING TO THE REDEVELOPMENT OF THE LEEMING RECREATION CENTRE BE NOTED AND CONSIDERED AS PART OF THE COUNCIL REPORT.

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

CARRIED WITHOUT DISSENT (11/0)

11. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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P07/3014 - SECOND STOREY ADDITION TO EXISTING GROUPED DWELLING – STRATA LOT 2 (102A) KITCHENER ROAD, MELVILLE (SMREC) (ATTACHMENT)

Ward	: City
Category	: Operational
Application Number	: DA-2007-554
Property	: 102A Kitchener Road, Melville
Proposal	: Second Storey Addition to existing Grouped Dwelling
Applicant	: Tangent Nominees P/L
Owner	: Megan Pantal
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	: Not Applicable

AUTHORITY / DISCRETIONDefinition

- | | | |
|-------------------------------------|----------------|---|
| <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 review decisions made by Officers.</i> |
| | 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

- Second storey addition to existing grouped dwelling.
- Property is strata titled in a battle-axe configuration.
- There are additional requirements for Melville 1 Precinct for two storeys on battle-axe lot. Proposal does not comply with those special requirements.
- Two submissions objecting have been received.
- Supported for approval subject to conditions.

P07/3014 - SECOND STOREY ADDITION TO EXISTING GROUPED DWELLING – STRATA LOT 2 (102A) KITCHENER ROAD, MELVILLE (SMREC) (ATTACHMENT)**BACKGROUND**

The property has been subdivided into two strata lots, with the rear lot in a battle-axe configuration. The existing single storey rear dwelling was approved by the Council (DAU) on 15 May 2002.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area
R-Code	:	R20
Use Type	:	Residential
Use Class	:	P

Site Details

Lot Area	:	447sqm
Retention of Existing Vegetation	:	Not applicable
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	P07 3014 PROPERTY MAP.pdf

[P07 3014 July 2007.pdf](#)

DETAIL

The application proposes an additional second storey for an existing single storey rear grouped dwelling on a strata title lot in a battle-axe configuration.

The City of Melville's Community Planning Scheme No. 5, Clause 4.1 Precincts, ML1 – Melville requires two-storey (or more) development on battle-axe lots to comply with setback and plot ratio requirements which exceed those applicable under the Residential Design Codes as follows:

1. Maximum plot ratio - 0.4 of effective lot area. (0.53 is proposed).
2. The floor area of any dwelling above ground floor shall be limited to a maximum of 30% of the gross floor area. (26.5% is proposed).
3. Side and rear setbacks to the second storey shall be a minimum of 4.0m. (4.45m east side setback, 3.49m rear setback and 3.72m west side setback are proposed).
4. The rear ground floor setback for all two storey development shall be a minimum of 3.0m with an average of 6.0m. (existing dwelling has a 1.0m setback).
5. Side for rear setback exchange shall not be granted unless the approval of the Council is sought having regard to Council Policy.

P07/3014 - SECOND STOREY ADDITION TO EXISTING GROUPED DWELLING – STRATA LOT 2 (102A) KITCHENER ROAD, MELVILLE (SMREC) (ATTACHMENT)

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	223.5sqm	289sqm	Complies		
Plot Ratio	0.4 effective area	0.53	Does not comply	DTDS	
Landscaping	N/A				
Building Height	8.0m 10.5m	6.0m 7.5m	Complies		
Carparking	N/A				

(Note: Non-compliance is emphasised in bold)

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	N/A				
Rear G F (Existing dwelling)	3.0m min. & 6.0m ave.	1.0m	Does not comply	DTDS	
Upstairs	4.0m	3.49m (1.5m under R-Codes)	Does not comply (Complies with R-Codes)	DTDS	
Side East GF upstairs	N/A 4.0m	4.45m	Complies		
Side West GF upstairs	N/A 4.0m	3.72m	Does not comply	DTDS	

(Note: Non-compliances are emphasised in bold)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Non-compliance with City of Melville's Community Planning Scheme No. 5 development requirements.
 Support/Object: 2 submissions objecting

P07/3014 - SECOND STOREY ADDITION TO EXISTING GROUPED DWELLING – STRATA LOT 2 (102A) KITCHENER ROAD, MELVILLE (SMREC) (ATTACHMENT)

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Up held/ Non Up held)
1	<p>Plot ratio exceeds the requirement.</p> <p>West side boundary setback of 3.72m does not comply with the 4.0m required.</p> <p>Objecting Master bedroom window and balcony for potential of overlooking.</p>	<p>Objection</p> <p>Objection</p> <p>Objection</p>	<p>Proposal does not comply with the plot ratio and the west side setback is 0.3m less than required under CPS No. 5. It is noted however that the proposal complies with the requirements of the R-Codes.</p> <p>Proposal complies with the R-Code requirements. The cone of vision from the Master Bedroom window is 8.4m (4.5m required) and the balcony is setback 8.6m from the boundary (7.5m required).</p>	Non Upheld
2	<p>Objects to the proposed rear setback of 3.49m.</p> <p>Overshadowing</p> <p>Overlooking into the back yard at the rear property</p>	<p>Objection</p> <p>Objection</p> <p>Objection</p>	<p>See comments at 1 above.</p> <p>Overshadowing complies with the R-Code requirements of 25%, being only 6.8% of the rear lot area for a coding R20.</p> <p>Due to secondary overlooking from the sitting room through the stairway window, it is recommended that this window be modified to avoid any indirect overlooking to the adjoining property.</p>	Non Upheld

REFERRALS TO GOVERNMENT AGENCIES

Not applicable

**P07/3014 - SECOND STOREY ADDITION TO EXISTING GROUPED DWELLING –
STRATA LOT 2 (102A) KITCHENER ROAD, MELVILLE (SMREC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

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

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

Not applicable

ALTERNATIVE OPTIONS AND THEIR IMPLICATIONS

Council may refuse the application. This may give rise to an appeal or alternatively an application to re-subdivide the property to create common property, in which case an application for the same development on a survey strata lot would most likely be approved, consistent with R-Code requirements.

CONCLUSION

The proposal does not comply with paragraphs 1, 3, 4 & 5 of the additional development requirements under CPS No. 5 for the ML1 – Melville Precinct. The variations are minor. It is noted that the proposal does comply with the relative required setbacks under the Residential Design Codes and that the Codes do not prescribe plot ratio requirements. The rear setback for the existing ground floor does not comply with the Scheme, however the existing dwelling was approved as a single storey dwelling in 2002 and these requirements did not apply.

If the subject property was a survey strata with a common property driveway, rather than a survey strata without a common property driveway, the additional development requirements under CPS No. 5 referred to above would not apply. Development with the same proposed second storey addition with exactly the same design, dimensions and areas would comply and be accordingly supported.

In relation to the overlooking and overshadowing, it is noted that these elements of the design were not the subject of consultation as they were either in compliance or are capable of being modified to bring about compliance with the Acceptable Development requirements of the R-Codes. In this regard, it is proposed that a condition be imposed which requires modification to the stairway window to avoid any potential for indirect overlooking from the proposed sitting room into the rear of the adjoining property.

P07/3014 - SECOND STOREY ADDITION TO EXISTING GROUPED DWELLING – STRATA LOT 2 (102A) KITCHENER ROAD, MELVILLE (SMREC) (ATTACHMENT)

The proposal allows for greater setbacks than required under the R-Codes. Given that the Codes apply through the State to provide for consistent development standards and acceptable levels of amenity, the proposed development is not considered to detrimentally impact on the amenity of abutting residential properties. Although the plot ratio is greater than the required under the Scheme, the application proposes considerably less building bulk than a building with minimum complying setbacks required under the Residential Design Codes.

Clause 4.3 of CPS No 5 provides for Council to vary, by a vote of Special Majority, any standard or requirement in the Scheme relative to residential development other than with regard to density. Accordingly, and in view of the above, the objections and issues it is recommended that the proposal be referred to Council with a recommendation for conditional approval.

Officer Recommendation:

At 6.50pm Cr P M Phelan moved, seconded Cr M J Barton –

That the application for second storey addition to existing grouped dwelling – strata lot 2 (102A) Kitchener Road, Melville be approved by a special majority to allow a variation to Community Planning Scheme No 5 requirements with regard to battleaxe development standards in the ML1 – Melville Precinct and approval of the proposed development subject to the following conditions

SPECIAL CONDITIONS:

- 1. that In order to comply with Clause 3.8.1 (A1) of the Residential Design Codes, the stairs window, as shown in red on the approved plans being either: fixed obscure glazing to a minimum height of 1.65 metres above the finished floor level; or a minimum sill height of 1.65 metres above the finished floor level; or an obscure awning type window; or any other alternative that complies with the above Clause 3.8.1 (A1) of the Residential Design Codes.**
- 2. The use and /or development shall at all times comply with the requirements of the Environmental Protection (Noise) Regulations 1997. (Please consult with Health Services prior to the installation of any noisy equipment such as an air conditioner).**

STANDARD CONDITIONS:

RESGD; 1, 7

RESSD; 01, 04, 06, 19

P07/3014 - SECOND STOREY ADDITION TO EXISTING GROUPED DWELLING – STRATA LOT 2 (102A) KITCHENER ROAD, MELVILLE (SMREC) (ATTACHMENT)

Amendment 1

At 6.52pm Cr A Ceniviva moved, seconded Cr D J Macphail -

That the existing recommendation in total be re-numbered to (A) and that a new Part (B) be added which is as follows:

- (B) That Officers prepare for consideration of the Council at some subsequent meeting a draft policy which generally provides that the council will relax the provisions of this Scheme in regard to the development of two storey dwellings upon battleaxe blocks providing that the development is consistent with the standards and requirements set out in the Residential Design Codes.*

At 6.54pm the Mayor submitted the motion, which was declared **CARRIED (11/0)**

COUNCIL RESOLUTION (3014)

SPECIAL MAJORITY

At 6.53pm the Mayor submitted the substantive motion, being -

- A) THAT THE APPLICATION FOR SECOND STOREY ADDITION TO EXISTING GROUPED DWELLING – STRATA LOT 2 (102A) KITCHENER ROAD, MELVILLE BE APPROVED BY A SPECIAL MAJORITY TO ALLOW A VARIATION TO COMMUNITY PLANNING SCHEME NO 5 REQUIREMENTS WITH REGARD TO BATTLEAXE DEVELOPMENT STANDARDS IN THE ML1 – MELVILLE PRECINCT AND APPROVAL OF THE PROPOSED DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITIONS**

SPECIAL CONDITIONS:

- 1. THAT IN ORDER TO COMPLY WITH CLAUSE 3.8.1 (A1) OF THE RESIDENTIAL DESIGN CODES, THE STAIRS WINDOW, AS SHOWN IN RED ON THE APPROVED PLANS BEING EITHER: FIXED OBSCURE GLAZING TO A MINIMUM HEIGHT OF 1.65 METRES ABOVE THE FINISHED FLOOR LEVEL; OR A MINIMUM SILL HEIGHT OF 1.65 METRES ABOVE THE FINISHED FLOOR LEVEL; OR AN OBSCURE AWNING TYPE WINDOW; OR ANY OTHER ALTERNATIVE THAT COMPLIES WITH THE ABOVE CLAUSE 3.8.1 (A1) OF THE RESIDENTIAL DESIGN CODES.**
- 2. THE USE AND /OR DEVELOPMENT SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. (PLEASE CONSULT WITH HEALTH SERVICES PRIOR TO THE INSTALLATION OF ANY NOISY EQUIPMENT SUCH AS AN AIR CONDITIONER).**

STANDARD CONDITIONS:

RESGD; 1, 7

RESSD; 01, 04, 06, 19

P07/3014 - SECOND STOREY ADDITION TO EXISTING GROUPED DWELLING – STRATA LOT 2 (102A) KITCHENER ROAD, MELVILLE (SMREC) (ATTACHMENT)

- B) THAT OFFICERS PREPARE FOR CONSIDERATION OF THE COUNCIL AT SOME SUBSEQUENT MEETING A DRAFT POLICY WHICH GENERALLY PROVIDES THAT THE COUNCIL WILL RELAX THE PROVISIONS OF THIS SCHEME IN REGARD TO THE DEVELOPMENT OF TWO STOREY DWELLINGS UPON BATTLEAXE BLOCKS PROVIDING THAT THE DEVELOPMENT IS CONSISTENT WITH THE STANDARDS AND REQUIREMENTS SET OUT IN THE RESIDENTIAL DESIGN CODES.**

which was declared

CARRIED (11/0)

Disclosure of Interest

Item No	: P07/3015 - Secondary Learning Centre (Stage One) Santa Maria College, 12-38 Moreing Road, Attadale
Member	: Cr L M Reynolds
Type of Interest	: Interest under Code of Conduct
Nature of Interest	: Daughter is a student at the school
Extent of Interest	: Conflict of interest under Code of Conduct
Request	: Leave
Decision of Committee	: Leave

At 6.55pm Cr L M Reynolds having previously disclosed an interest in this matter departed the meeting.

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)

Ward	: Bicton / Attadale
Category	: Operational
Application Number	: DA-2007-
Property	: 12-38 Moreing Road, Attadale
Proposal	: Secondary Learning Centre (Stage One)
Applicant	: Edgar Idle Wade Architects
Owner	: The Sisters of Mercy Perth Amalgamated Inc.
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-2206-943 approved on 15 August 2006

AUTHORITY / DISCRETION

Definition

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

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Proposal is for a Secondary Learning Centre (Stage one of seven stages under a proposed Master Plan which is subject to future consideration).
- Proposal is for a 4 storey building attached to an existing 3-4 storey building (“C” Block).
- The proposal includes the construction of a new lift and walkway and refurbishment of the first floor of “B” Block.
- Proposal will not involve any additional students or staff.
- 9 submissions have been received; 6 objecting to the proposal and 3 supporting.
- A Public Meeting was held on 10 May 2007 at the City of Melville Offices to allow the applicant to present the proposal and for Council to gain feedback.
- Recommended for approval subject to conditions.

BACKGROUND

Development application DA-2206-943, for six temporary transportable classrooms, was approved on 15 August 2006, for a period of 3 years.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area River Foreshore
R-Code	: R12.5
Use Type	: Educational Establishment
Use Class	: S

Site Details

Lot Area	: 67,432sqm
Retention of Existing Vegetation	: Yes
Street Tree(s)	: Yes
Street Furniture (drainage pits etc)	: Yes
Site Details	: P07 3015 PROPERTY MAP.pdf

[P07 3015 July 2007.pdf](#)**DETAIL**

The application proposes to build a new Secondary Learning Centre attached to the northern side of the existing 3-4 storey “C” Block. The new building is proposed to be located to the east of the administration building, facing Stoneham Road. The new building proposes an area of 1,682sqm, with a plot ratio of 1,598sqm.

The proposal also includes a new lift and walkway attached to “C” Block, new toilets within “C” Block and refurbishment of the first floor of “B” Block (current library) to accommodate 5 classrooms.

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)

The Secondary Learning Centre will comprise the following areas:

- a) Ground Floor: food laboratories, preparation area, cool room, store, office, lockers and amenities;
- b) First Floor: Learning Centre (two separated clusters of tables for group learning and study stations);
- c) Second Floor: Learning Centre (two separated clusters of tables for group learning, resources/collection shelving and study stations);
- d) Third Floor: Staff Community (quiet lounge, staff gathering, kitchens and balcony).

Although a total of 6 new classrooms are proposed (5 within “B” Block and 1 within the new Learning Centre - food laboratory), 4 classrooms in “C” Block are going to be removed to accommodate the new Learning Centre.

The proposed development is expected to be completed by the start of the 2009 school year. At this point it is proposed that the existing 1,068 students and 130 staff on campus will remain the same as present.

The school presently provides 155 car parking bays on site. Council’s Parking Policy requires the provision of 527 bays. This may be reduced to 436 bays in consideration of reductions relative to boarding students. Accordingly, the school is presently operating with a deficiency in parking, ranging from 321 to 372 bays. No additional car parking bays are proposed to be included on site at this stage, although it is envisaged that additional parking will be provided for subsequent stages, when additional students are proposed for the campus.

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	Not applicable				
Building Height	10.5 m	12.2 m walls and 14 m to architectural feature	Does not comply	Council	
Carparking	476 bays 1 per staff plus 1 per 3 students. 140 staff and 1160 students less 151 boarding = 1009 students.	155 bays	Does not comply	Council	

(Note: Non-compliances are emphasised in bold)

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)**REFERRALS TO GOVERNMENT AGENCIES**

The Santa Maria College (Administration Building) is listed under the City of Melville Municipal Heritage Inventory Review 2002 as a Category “A” building. The proposal was therefore submitted to the Heritage Council of WA for comment. The Heritage Council has advised that *“there is an insufficient amount of supporting information regarding the heritage significance of the place to enable a heritage assessment of the application to be undertaken.”* Further, the Heritage Council advised that *“The City may wish to consider commissioning a heritage consultant to undertake an assessment of how this current proposal may impact upon the heritage values of the Santa Maria College prior to determining the application.”*

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

Development and Building Controls Policy 06-PI-024 – Car Parking (Non Residential)

Development and Building Controls Policy 06-PI-026 – Height of Buildings under CPS No 5 may be increased for architectural features provided that the amenity of surrounding properties will not be unduly affected.

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	Yes
Neighbour’s Comment Supplied:	Yes
Reason:	“S” use
Support/Object:	9 Submissions were received, 6 submissions objecting and 3 supporting

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1.	Increase in traffic and parking along Stoneham Road – now permanently provides all day parking for students' vehicles. Carparking for students should be within the property	Objection	A Transport Assessment Study will be required to address the existing and potential traffic in the area plus carparking demand and drop-off/pick-up areas prior to consideration of any further development or the adoption of a Master Plan for the future redevelopment of the site. See additional comments on Carparking and Traffic Management.	Condition
2.	Driver behaviour is disconcerting at afternoon pick-up time. Parking in the streets surrounding the school needs upgrading and management, especially for functions.	Objection	Noted. Refer to 1 above.	Condition

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)

<p>3.</p>	<p>The site is already extensively developed - any additions or alterations should be contained within the existing building envelopes.</p> <p>No information on the existing road infrastructure is provided to determine whether it is suitable to support existing traffic and future demands. Approval should include drop-off/pick-up embayments, particularly along Cawston Road.</p> <p>Proposal detracts from the general appearance of the school and is not keeping with the heritage nature of the adjacent Administration building.</p> <p>The proposed building does not comply with the height limitation and should be developed a lower lever and spread out over a larger building footprint.</p>	<p>Objection</p>	<p>The site has an area of 67,432 sqm and provides significant area for additional development.</p> <p>The City of Melville's Transport Planner has advised that roads around the school have adequate capacity in terms of traffic volume. Accessibility and parking issues will be required to be addressed by the Transport Assessment Study. Refer also to 1 above.</p> <p>A Heritage Consultant has been commissioned to comment on the proposal.</p> <p>The proposed Learning Centre is the same height as the existing attached "C" Block and is located approx. 65 m from Stoneham Road - reduced impact on the streetscape.</p>	<p>Not Uphold</p> <p>Not Uphold</p> <p>Subject to further advice</p> <p>Not Uphold</p>
			<p>Comment conflicts with initial statement that new development be contained within the existing building envelopes.</p>	

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)

4.	Adverse impact on amenity and safety of the residential area relative to local traffic conditions, especially at peak periods. However a significant reduction in traffic numbers over the last several weeks has been noted. The local street network does not have the capacity to accommodate both the increased traffic volumes and preserve reasonable residential amenity safety in the area.	Objection	Refer to 1 and 3 above.	Not Uphold.
5.	Parking and traffic problems along Stoneham Road. Main entry should be off Moreing Road as it is the major thoroughfare.	Objection	Refer to 1 and 3 above.	Not Uphold
6.	No details were provided for building envelopes and heights. Details required to determine exactly how this proposed development will affect the outlook to the City and the River from respondent's property. Would like to know details of the sport facilities facing Cawston Road.	Objection	Development plans indicate the height of the building and its attachment to existing "C" Block - being the same height. Height limitations under CPS No 5 and Council Policy are not relevant relative to development which is shielded by existing development. When application for the sport facilities or further details with regard to a Master Plan for the site are submitted for consideration, the proposal will be advertised for public comment.	Not Uphold Uphold

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)

7.	<p>Proposal should be permitted with conditions for the College to provide facilities to reduce traffic flow, congestion and student parking along Stoneham Road.</p> <p>It is suggested that Stoneham Road be widened with parking restrictions; parent traffic flow to enter from Roberts Road and exit towards Moreing Road; provision of other entrance facilities and internal parking for parents and students; and widening of Cawston Road to provide parking embayments similar to that which has been provided for Attadale Primary School on Wichmann Road.</p>	Support	Noted. Refer to 1 above	Uphold in part. Condition required relative to Transport Assessment Study to determine access and parking matters.
8.	<p>Any new development will bring more traffic - which has increased in recent years. Hope that School has reached its capacity and would not like to see any more development after Stage One.</p>	Qualified Support	Proposed that any further development be subject to adoption of a detailed Master Plan for the redevelopment of the site.	Uphold

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)

9.	<p>Traffic management and parking issues. Parents are parking in the “No Standing” areas on Moreing Road and on private driveways, creating safety issues. Student vehicles park over the footpath along Stoneham Road. Parking concerns during evening events. Parking for increased student numbers over 100 should be provided within the school site. Proposes a condition that: <i>“The Santa Maria school to provide community or neighbourhood access to specific school facilities outside school hours and during school holidays periods. The proposed facilities would be hard courts, play grounds and surrounding grassed areas, and oval facilities.”</i></p>	Qualified Support	<p>Noted. Refer to 1 above. A condition requesting additional 40 bays will be included, to accommodate the 92 additional students and 10 staff.</p> <p>The City of Melville is not in a position to include a condition in relation to the provision of community or neighbourhood access to school facilities as being a private property. This request should be submitted by the community to the School for its consideration.</p>	<p>Condition</p> <p>Not Uphold</p>
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Public Meeting

A Public Meeting relative to the redevelopment of Santa Maria was held on 10 May 2007 at the City of Melville Administration Building. Comments were made in relation to height restrictions, transportable classrooms, removal of trees, coding of the site, and impact on residential views from Cawston Road. Detailed notes of the Public meeting are attached [P07 3015A July 2007.pdf](#)

COMMENTS

A number of aspects relating to this proposal require detailed consideration as follows.

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)

Carparking and Traffic Management

In accordance with the City of Melville's Development and Building Controls Policy 06-PI-024 – Car Parking (Non Residential), car parking requirements for a Private Educational Establishment is based on 1 bay per staff member, plus 1 bay per 3 students. The existing student population of 1,068 students and 130 staff will not increase as a result of this application. In subsequent stages it is envisaged that student numbers will increase by 92 to provide for a total of 1,160 students and staff numbers will increase by 10 to total 140.

The applicant has not submitted a Parking and Traffic Study at this point to justify parking on and off site. However, a Traffic Statement was submitted relative to this application with no reference to carparking. This Traffic Statement was reviewed by the City of Melville Transport Planner and Council is advised as follows:

- The Master Plan should be subject to a Transport Assessment to consider the existing and future transport in relation to traffic and carparking.
- Road capacity in terms of traffic volumes are adequate to deal with school related traffic.
- Access and egress, the provision of adequate pick-up and drop-off facilities need to be designed appropriately to cater for school generated traffic flows.

Accordingly, it is considered that approval of a Master Plan for the Santa Maria College would be subject to the prior submission of a Transport Assessment Study addressing the following:

- Carparking within the premises and surrounding streets;
- Application of appropriate standards for the calculation of parking requirements and pick-up and drop-off facilities; and
- Pedestrian and traffic safety around the school.

Whilst concerns have been raised with regard to existing parking problems on site in the submissions received in relation to this application, the site and adjacent roads contain ample space to provide for significant increases in parking. Given that student and staff number will not be increased under this application, it is not appropriate to require the provision of additional parking bays at this point. Notwithstanding, the applicant will be required to formally address car parking and access requirements for the site prior to any further additions or the adoption of a Master Plan for the future redevelopment of the site.

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)Height of the Building

The proposed building shows a height of 12.2 m and 14.0 m to an architectural feature. The new building will be an extension to the existing “C” Block, which is already up to 4 storeys in height (RL – 43.45 m for ridge of roof). The new Learning Centre is also proposed to be 4 storeys in height (RL – 42.35 m plus an architectural feature to a maximum RL 43.45 m). An existing building located between “C” Block and the Administration building shows a height to the ridge of the roof of RL 45.25 m being higher than the “C” Block and the new proposal. The height of this building and “C” Block will shield the proposed new Learning Centre from the south and therefore not impact on City or River views from Cawston Road. Although the proposed height does not comply with the height limit maximum of 10.5 m in accordance with the City of Melville’s Community Planning Scheme No. 5 the new building will not impact on the adjacent residential area as it will be the same height as “C” Block, lower than adjacent building and setback approximately 65.0 m from Stoneham Road.

The north elevation drawing [P07_3015B July 2007.pdf](#) depicts the proposed building height in relation to the Administration Building and Block C and shows the proposed building to be both lower and in scale with the surrounding structures.

Heritage

The applicant has advised that they commenced the design of Stage 1 of the College redevelopment with a clear appreciation of the heritage value of the existing Administration building and ‘figure-of-eight’ open space. The building is listed on the 2004 Municipal Inventory as a Category A building, and therefore regarded by both the Council and the wider community as a place worthy of the protection of its heritage qualities. Particularly attention was taken to the 1999 version of the Burra Charter, where new work that may impact on an area of cultural significance should be readily identifiable as new work and although it may be sympathetic to the bulk, form, character, colour or material of the existing, it should not imitate any of these qualities.

To achieve this objective, the architects have attempted to compliment the aesthetics and rhythm of the existing building, within a contemporary framework. The existing break-up of the fenestration with wider columns and large openings on one floor and narrower intermediate columns on the preceding floor has influenced the design of the columns of the new building, which follow the same rhythm. The design of the Ground Floor colonnades with thick columns has also been replicated in the new building within a modern aesthetic. It is envisaged that similar colours and textures will be used to the existing building to achieve similar appearance, but with a modern material.

The siting of the new building has taken into account the significance of the existing Administration building as the signature of Santa Maria College. Therefore the new building is situated to the side, as the new building signifies a transition to a new education standard. The bulk and form of the new building has been designed not to overshadow the existing Administration building, allowing the two buildings to coexist as a unified statement on the future of Santa Maria College.

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The proposal was referred to Hocking Planning and Architecture for advice on the heritage aspect of the proposal. Mr Ian Hocking has advised [P07_3015C July 2007.pdf](#) in conclusion of his report that “the proposed New Learning Centre be approved because it will be a neighbour of appropriate scale and character that will compliment, but conflict with, the historic Administration Building”

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council may refuse the application, require the provision parking bays to satisfy Council Policy requirements or the submission of the Transport Assessment Study prior to determination of the application. In each instance, the alternative option may give rise to an appeal to the State Administrative Tribunal.

CONCLUSION

The proposal does not comply with the height limitation under the City of Melville’s Community Planning Scheme No. 5 and the total parking does not comply with the minimum carparking requirements under Council Policy. Notwithstanding, the new building is at the same height as the adjoining “C” Block and does not involve any additional staff or students. Accordingly, it is considered that the proposal will not have a detrimental impact on the adjacent residential area.

It is therefore recommended that the application be conditionally approved. Further, the applicant be advised that no further additions will be approved on site until The City of Melville has adopted a long term Master Plan for future redevelopment of the site and that and the carparking requirements under this Plan will be subject to further consideration of a Transport Assessment Study to be submitted as part of this process.

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)

Officer Recommendation:

At 6.56pm Cr A Ceniviva moved, seconded Cr M J Barton -

That the application for secondary learning centre (stage one), at Santa Maria College, 12-38 Moreing Road, Attadale be approved subject to the following conditions:

SPECIAL CONDITIONS:

1. A maximum of 1,068 enrolled students and 130 staff working on site is permitted at any time.
2. The food laboratory is to comply with the provisions of the Health (Food Hygiene) Regulations 1993.
3. The development being modified to agree with the details of the heritage advice to the satisfaction of the Manager Planning and Development Services.
4. The development hereby permitted and any renovations are to comply with the Health (Public Buildings) Regulation 1992 (as amended).
5. The height of the proposed secondary learning centre building not to exceed the height of the existing “C” block.
6. On completion of construction, all excess articles, equipment, rubbish or materials and temporary facilities are to be removed and the site and surrounding area used during the development is to be made good and left in an orderly and tidy condition to the satisfaction of the Manager Planning and Development Services.
7. Prior to the issue of the building licence, the applicant/owner is required to submit a construction management plan for the proposal, to the satisfaction of the Manager Planning and Development Services, detailing how it is proposed to manage:
 - The delivery of materials and equipment to the site;
 - The storage of materials and equipment on the site;
 - The parking arrangements for contractors and subcontractors;
 - Impact on traffic movement; and
 - Other matters likely to impact on the surrounding residents.

STANDARD CONDITIONS:

COM; 06, 13, 14, 16, 30, 33, 47, 50

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)

FOOTNOTES:

1. Prior to the approval of the master plan for Santa Maria College or before approval of any further development on site, a transport assessment study is to be submitted to the City of Melville for consideration together with a master plan for the long term redevelopment of the site.
2. The transport assessment study is to address the following:
 - A) Existing and future traffic demands surrounding the school;
 - B) Parking requirements for the school, inclusive of drop-off and pick-up area for primary and secondary students (both on and off site);
 - C) Application of appropriate standards for the calculation of parking requirements; and
 - D) pedestrian and traffic safety around the school.

Amendment 1

At 7.00pm Cr L J Wyatt moved, seconded Cr C W Robartson -

1. **The whole of the recommendation be renumbered to part A; and**
2. **Condition 7 be reworded as follows.**
 7. **Prior to the issue of the building licence, the applicant/owner is required to submit to the satisfaction of the Manager Planning Services.**
 - a) **A construction management plan for the proposal, , detailing how it is proposed to manage:**
 - **The delivery of materials and equipment to the site;**
 - **The storage of materials and equipment on the site;**
 - **The parking arrangements for contractors and subcontractors;**
 - **Impact on traffic movement; and**
 - **Other matters likely to impact on the surrounding residents.**
 - b) **A plan identifying an area on site of sufficient dimension to be temporarily made available for student parking.**
3. **Add new conditions 8 and 9 as follows.**
 8. **The construction management plan is to be implemented and adhered to at all times during the construction period to the satisfaction of the Manager Planning Services.**
 9. **The student parking area is to be made available for student parking.**

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)

4. Add a new part B as follows.

- B). That the Manager Engineering Design Services assess the current parking situation in Stoneham Road adjacent to Santa Maria College to address interim parking controls to improve safety and traffic flow at that location.**

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

CARRIED (10/0)

COUNCIL RESOLUTION (3015)

APPROVAL

At 7.02pm the Mayor submitted the substantive motion, being -

- A) THAT THE APPLICATION FOR SECONDARY LEARNING CENTRE (STAGE ONE), AT SANTA MARIA COLLEGE, 12-38 MOREING ROAD, ATTADALE BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

SPECIAL CONDITIONS:

- 1. A MAXIMUM OF 1,068 ENROLLED STUDENTS AND 130 STAFF WORKING ON SITE IS PERMITTED AT ANY TIME.**
- 2. THE FOOD LABORATORY IS TO COMPLY WITH THE PROVISIONS OF THE HEALTH (FOOD HYGIENE) REGULATIONS 1993.**
- 3. THE DEVELOPMENT BEING MODIFIED TO AGREE WITH THE DETAILS OF THE HERITAGE ADVICE TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 4. THE DEVELOPMENT HEREBY PERMITTED AND ANY RENOVATIONS ARE TO COMPLY WITH THE HEALTH (PUBLIC BUILDINGS) REGULATION 1992 (AS AMENDED).**
- 5. THE HEIGHT OF THE PROPOSED SECONDARY LEARNING CENTRE BUILDING NOT TO EXCEED THE HEIGHT OF THE EXISTING “C” BLOCK.**
- 6. ON COMPLETION OF CONSTRUCTION, ALL EXCESS ARTICLES, EQUIPMENT, RUBBISH OR MATERIALS AND TEMPORARY FACILITIES ARE TO BE REMOVED AND THE SITE AND SURROUNDING AREA USED DURING THE DEVELOPMENT IS TO BE MADE GOOD AND LEFT IN AN ORDERLY AND TIDY CONDITION TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)

- 7. PRIOR TO THE ISSUE OF THE BUILDING LICENCE, THE APPLICANT/OWNER IS REQUIRED TO SUBMIT TO THE SATISFACTION OF THE MANAGER PLANNING & DEVELOPMENT SERVICES.**
- A) A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL, , DETAILING HOW IT IS PROPOSED TO MANAGE:**
- THE DELIVERY OF MATERIALS AND EQUIPMENT TO THE SITE;**
 - THE STORAGE OF MATERIALS AND EQUIPMENT ON THE SITE;**
 - THE PARKING ARRANGEMENTS FOR CONTRACTORS AND SUBCONTRACTORS;**
 - IMPACT ON TRAFFIC MOVEMENT; AND**
 - OTHER MATTERS LIKELY TO IMPACT ON THE SURROUNDING RESIDENTS.**
- B) A PLAN IDENTIFYING AN AREA ON SITE OF SUFFICIENT DIMENSION TO BE TEMPORARILY MADE AVAILABLE FOR STUDENT PARKING.**
- 8. THE CONSTRUCTION MANAGEMENT PLAN IS TO BE IMPLEMENTED AND ADHERED TO AT ALL TIMES DURING THE CONSTRUCTION PERIOD TO THE SATISFACTION OF THE MANAGER PLANNING & DEVELOPMENT SERVICES.**
- 9. THE STUDENT PARKING AREA IS TO BE MADE AVAILABLE FOR STUDENT PARKING.**

STANDARD CONDITIONS:

COM; 06, 13, 14, 16, 30, 33, 47, 50

P07/3015 – SECONDARY LEARNING CENTRE (STAGE ONE), SANTA MARIA COLLEGE, 12 – 38 MOREING ROAD, ATTADALE (REC) (ATTACHMENT)

FOOTNOTES:

- 1. PRIOR TO THE APPROVAL OF THE MASTER PLAN FOR SANTA MARIA COLLEGE OR BEFORE APPROVAL OF ANY FURTHER DEVELOPMENT ON SITE, A TRANSPORT ASSESSMENT STUDY IS TO BE SUBMITTED TO THE CITY OF MELVILLE FOR CONSIDERATION TOGETHER WITH A MASTER PLAN FOR THE LONG TERM REDEVELOPMENT OF THE SITE.**
- 2. THE TRANSPORT ASSESSMENT STUDY IS TO ADDRESS THE FOLLOWING:**
 - A) EXISTING AND FUTURE TRAFFIC DEMANDS SURROUNDING THE SCHOOL;**
 - B) PARKING REQUIREMENTS FOR THE SCHOOL, INCLUSIVE OF DROP-OFF AND PICK-UP AREA FOR PRIMARY AND SECONDARY STUDENTS (BOTH ON AND OFF SITE);**
 - C) APPLICATION OF APPROPRIATE STANDARDS FOR THE CALCULATION OF PARKING REQUIREMENTS; AND**
 - D) PEDESTRIAN AND TRAFFIC SAFETY AROUND THE SCHOOL.**
- B) THAT THE MANAGER ENGINEERING DESIGN SERVICES ASSESS THE CURRENT PARKING SITUATION IN STONEHAM ROAD ADJACENT TO SANTA MARIA COLLEGE TO ADDRESS INTERIM PARKING CONTROLS TO IMPROVE SAFETY AND TRAFFIC FLOW AT THAT LOCATION.**

which was declared

CARRIED (10/0)

At 7.03pm Cr L M Reynolds returned to the Meeting.

C07/8002 - LEEMING RECREATION CENTRE (REC) (ATTACHMENT)

Ward	:	Bull Creek/Leeming
Category	:	Strategic
Subject Index	:	Leeming Recreation Centre
Customer Index	:	Leeming Recreation Centre
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	C07/8002 - Leeming Recreation Centre – March 2007
Works Programme	:	Nil
Funding	:	Not Applicable
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>

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The purpose of this report is to present to Council the community feedback on the revised redevelopment plans for Leeming Recreation Centre and to seek Council approval to proceed to detailed design and costings for these budgeted works.

BACKGROUND

During 2006 Council considered officers reports on the increasing deficit and result in future of the Leeming Recreation Centre. The reports focussed on the following issues:

- To provide contemporary leisure facilities that meet the current and future recreational needs of residents.
- To improve, maintain and preserve asset quality.
- Reduce the reliance on rates to fund operational costs – “Operational Sustainability” (current deficit \$770K)

The Council at its meeting in March 2007 considered the proposal for the redevelopment of Leeming Recreation Centre (LRC).

Council subsequently accepted the officer’s recommendations as follows:

Officer Recommendation (8002)

approval

That the redevelopment and refocussing of the Leeming Recreation Centre in accordance with the plans presented in this report be endorsed by the council subject to:

1. *A public consultation process being undertaken with stakeholders and;*
2. *The capital costs of \$7.1 million being considered during the 2007/2008 Budget deliberations and funded over 2 successive financial years and;*
3. *A further report being presented to the Council in May 2007 incorporating the feedback from the stakeholder consultation process and seeking final Council adoption.*

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)**DETAIL**

During the consultation phase conducted in April 2007 over 200 submissions were received.

The major theme from the respondents was centred on the need for improvements to the proposal in the aquatic area. Of particular note was the request to retain an aquatic leisure area for families with young children to enjoy, the ability to still be able to swim laps as is currently the case, and ensuring that all levels and abilities of learn to swim is catered for.

It is significant that 99% of all respondents were supportive of retaining the facility. Further, 42% wished to retain a leisure pool component, 18% wished to retain a lap swimming facility and 13% sought to leave the pool configuration as it is.

RESPONSE TO COMMUNITY CONSULTATION RESULTS

In response to the feedback received a revised redevelopment plan [8002A July 2007](#) and [8002B July 2007.pdf](#) has been designed and this was presented to Elected Members at an informal workshop on the 22 May 2007.

Essentially the revised plans include:

- Redevelop the aquatic facility to a 25m program pool with variable operating temperatures
- new zero depth interactive water play
- upgraded outdoor family barbecue area
- Relocate gymnasium downstairs to the former leisure pool area for improved access and safety (approximately 400m²) and reconfigured access to the circuit room from the new gym (70m²).
- Open up the 'core' of the facility by removing existing kiosk and male dry side toilets and providing glass viewing from courts through new gymnasium to warm water program pool.
- Extended Group Fitness area into the former gymnasium area on the mezzanine floor (Approximately 525m²). To serve needs of functions, meeting and general programming when not being utilised as group fitness studio.
- Roof replacement and increase of roof pitch over main hall.
- Reconfigured reception for greater efficiency, security and staff comfort.
- General refurbishment and updating of facility (including a substantial upgrade to change rooms).
- Remedial works to building as per Building Code and Disability requirements.

It is estimated that the revised plan will meet the needs of stakeholders and those members of the community who submitted comments and will also result in increased attendances of approximately 63,000 patrons.

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)

It is also estimated that this increased usage will result in a positive operating position and reduced deficit.

The response from Council to this proposal was positive and it was decided to seek further input from the community on the revised plans during May/June with a further report to Council at its July meeting.

Subsequently the revised plans were advertised for comment in the Community News for two weeks, on the web page and specifically to the 212 community members who commented on the initial plan.

Four formal submissions and two letters of comment were received during the consultation period. Of the four formal submissions none disagreed or strongly disagreed with the revised proposal. Generally the feedback was positive in regards to the process and the decision to incorporate the changes from the initial feedback period was applauded.

Comments received included:

“I approve the retention of the children’s play area, but would like to see an increased depth in order that we can swim with our children”.

“I applaud your decision to incorporate the changes to your original design”.

“Thank you for considering the community response and offering a much improved alternative plan”.

The two letters of comment received again were happy that ‘the community had been listened to’ by revising the proposed development plans but believed that the revised plans still did not address the pool temperature suitability for lap swimming.

Overall the lack of community response can be considered as very positive towards the revised development plan.

Following the closure of the consultation period a forty four signature petition was received requesting the Council consider the following points in any redevelopment plans.

- *The importance of children learning to swim and gain survival skills, with attendant health benefits – this requires a pool design that encourages local schools to participate in swimming lessons for students and enables children and youth to engage in lap-swimming, to at least Royal Life Saving Society survival stage 12;*

The proposed facility is designed to cater for the Department of Education WA Swimming and Water Safety Continuum. Stages one through to nine of the Royal Life Saving Society is the same continuum as the education department and is therefore also catered for. The ideal water depth as stated by the Department of Education WA is depths ranging from 0.9 to 1.5 meters. The proposed depths at LRC of between 0.6 to 1.4 metres will more than satisfy requirements.

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)

The majority of the unit elements in stages ten to twelve are catered for within the proposed pool design. The elements which would be difficult to perform will be those requiring water depth greater than 1.7m. The limited demand experienced at the LRC currently and Melville Aquatic Fitness Centre (MAFC) indicate that the specialised elements requiring deep water are easily accommodated through MAFC.

- *The importance of familiarising young children in shallow water – water depths required for formal swimming lessons are not necessarily suitable for toddlers and pre-primary school children and a separate area is preferable;*

A shallow water area within the program pool and the interactive water play area have been included in the design to accommodate the different stages of water familiarisation for a child.

- *The City's commitment to promoting physical activity and environmental sustainability – water conservation issues are factors that may impact on the availability if backyard pools with public facilities becoming increasingly important recreational and fitness venues for all ages, thus aquatic facilities should incorporate sufficient features to stand the test of time; and*

There is currently no evidence that water conservation issues is or will have an impact on the number of private pools. However if this was the case it is predicted that the proposed aquatic facilities at LRC and the surrounding Aquatic Facilities servicing the area would cater for that demand over the next ten to fifteen years. It is recognised that ongoing analysis of current and future trends will continue to guide future upgrade, renewal or new developments.

- *The City's commitment to the Travelsmart philosophy – a local facility that satisfies the needs of most of the local community is more attractive than a large central facility that cannot be reached easily using current public transport arrangements and involves distances that dissuade families from cycling or walking.*

The Travel Smart philosophy is predominately about improving travel networks and changing the motor vehicle habit of Western Australians. For example it is widely recognised that more than 90% of users travel by car to Recreation Centres. Surveys conducted at City of Melville, City of Joondalup and Town of Vincent Recreation Centres support this finding locally. The City of Melville through it's commitment to neighbourhood planning will continue to work with local communities to establish and facilitate sustainable transport options.

The City of Melville is considered to be extremely well catered for in regards to recreation facility provision with practically every resident being well within ten minutes travel time to a Recreation Centre. Research indicates that the majority of recreation centre users (greater than 80%) travel up to ten minutes to a recreation centre. A Customer Profile Survey conducted in 2003 at City of Melville Recreation Centres supports this finding with 85% of users travelling under ten minutes.

The extensive research conducted indicates that the facilities proposed at LRC will meet current and future needs of the Leeming and surrounding community.

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

An extensive period of public consultation and communication was undertaken and is detailed in the body of this report.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The Department of Education and Training is aware of the redevelopment plans but formal consultation has not been undertaken. The majority of the redevelopment plans do not include areas that form part of the joint use agreement with the Leeming Senior High School.

STATUTORY AND LEGAL IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The revised plans will add approximately \$500,000 in capital costs to the redevelopment bringing the total estimated expenditure to \$8.1 million. The costs have been budgeted as follows:

2007/2008 Financial Year \$800,000
2008/2009 Financial Year \$7.3 - \$7.7 million

The projected operating deficit is expected to be reduced by approximately \$490,000 per year over the ensuing years which represent an improvement of 58%, on the current deficit of \$775,000 per annum.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of increased and further operating deficit.	High	Undertake redevelopment.
Risk of further dilapidation of the facility.	High	Undertake redevelopment.
Risk of not undertaking Building compliance and access issues.	High	Undertake redevelopment incorporating the works necessary to bring the building into compliance.

POLICY IMPLICATIONS

There are no Council Policy Implication.

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There have been two further options raised by Elected Members for consideration and these are detailed as follows:

1. Consideration of development of a square 25m pool which would have deep and shallow end that would allow for all types of use ie. Lap swimmers and recreational use.

Comment

This option presents a similar configuration to that which presently exists ie. one body of water that presents no option for differing temperatures for the various uses. In addition it does not present opportunities for cost reductions in terms of the pool still having to be supervised and does not present opportunities for interactive, fun areas for children. There would not be an expected improvement in operating performance with this type of configuration.

The alternative design currently being considered by the Council caters for lap swimmers and casual swimmers and provides similar facilities to this proposal.

2. Construction of a new stand alone 25m lap pool and diving facility, in addition to retention of the existing pool.

Comment

This option provides additional capital costs of approximately \$4-\$6 million and substantial increased operating costs (estimated \$250,000 per annum).

None of the feedback received has identified a need for a diving facility and the existing dive facility at Melville Aquatic Fitness Centre (MAFC) is under utilized.

There has been a significant drop (66%) in adult attendances at LRC since 2000, and the impact of opening both MAFC and Riverton Leisureplex with 50m pools has contributed significantly to this fall. This option would not seem to present a viable alternative for serious lap swimmers, who generally prefer 50m pools.

CONCLUSION

The revised plans that have been developed following the initial consultation period which incorporate many of the suggested improvements from patrons appear to have resolved most objections to the removal of the children's water play area, and the increased 25m pool temperature. The current plans have addressed these deficiencies and although adding to the initial capital costs will deliver a slightly improved operating deficit.

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)

Owing to the very few objections to these plans following extensively advertising, it can only be assumed that the community supports the latest proposal.

The petition received requests consideration be given to the issues raised and the officers comments address these in a satisfactory manner and should allay any fears held that the redevelopment will not cater for swimming lessons and water safety generally.

There will be minimal impact to services during the redevelopment, with the exception of the pool closure, and the works will be staged to ensure continuity of programmes.

When compared to the current financial performance the proposed redevelopment will have a positive impact on the operations, key stakeholders, and is designed to cater for the future needs of the community in a contemporary facility. Should the Council resolve to proceed to approve the redevelopment the following timelines will apply:

Activity	Timeline
Detailed design and documentation	August – November 2007
Tender process (stage 1 and 2)	November 2007 – March 2008
Stage 1 - Works and pool closure	May 2008 – April 2009
Stage 2 – Works	April – July 2009

Officer Recommendation:

At 7.04pm Cr L M Reynolds moved, seconded Cr M J Barton -

- 1. That the redevelopment and refocussing of the Leeming Recreation Centre in accordance with the revised plans [8002A July 2007](#) and [8002B July 2007.pdf](#) referred to in this report be endorsed by the Council;**
- 2. That James Christou and Partners architects be instructed to proceed to detailed plans and costings; and**
- 3. That the capital costs of \$8.1 million be funded over the 2007/2008 and 2008/2009 financial years.**

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)

At 7.17pm the Her Worship the Mayor vacated the Chair and the Deputy Mayor presided the meeting.

Amendment 1

At 7.17 pm Cr R A Aubrey moved, seconded Cr C W Robartson -

That a fourth recommendation be included to read as follows;

- 4. That the rationale for Council's decision, including full details about the process, options, costings and overall impact on the City's future sustainability, be communicated directly to petitioners and people who made submissions, as well as advertised widely within the community through press releases and the City's website.**

At 7.19pm the Deputy Mayor submitted the motion, which was declared **CARRIED (11/0)**

Amendment 2

At 7.20pm Her Worship the Mayor moved, seconded Cr C H Everett -

That an additional recommendation be included to read as follows;

- 5. A) That further cost estimates be provided by the City's architects for the construction of an additional enclosed 25m lap pool incorporating a dive facility together with a shallow depth children's paddling pool.**
B) That public comment be sought on their views as to funding these further estimated costs.

Cr P Phelan departed the meeting at 7.22pm.

The Manager Planning & Development Services departed the meeting at 7.23pm.

Cr P Phelan re-entered the meeting at 7.24pm.

At 7.57pm Cr M J Barton moved, seconded Cr P Phelan -

THAT THE MOTION BE PUT.

At 7.57pm the Deputy Mayor submitted the motion, which was declared **CARRIED (10/1)**

At 7.58pm the Deputy Mayor submitted the amendment, which was declared **LOST (2/9)**

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)

COUNCIL RESOLUTION (8002)

APPROVAL

At 7.59pm the Deputy Mayor submitted the substantive motion, being -

- 1. THAT THE REDEVELOPMENT AND REFOCUSING OF THE LEEMING RECREATION CENTRE IN ACCORDANCE WITH THE REVISED PLANS [8002A July 2007](#) AND [8002B July 2007.pdf](#) REFERRED TO IN THIS REPORT BE ENDORSED BY THE COUNCIL;**
- 2. THAT JAMES CHRISTOU AND PARTNERS ARCHITECTS BE INSTRUCTED TO PROCEED TO DETAILED PLANS AND COSTINGS; AND**
- 3. THAT THE CAPITAL COSTS OF \$8.1 MILLION BE FUNDED OVER THE 2007/2008 AND 2008/2009 FINANCIAL YEARS.**
- 4. THAT THE RATIONALE FOR COUNCIL'S DECISION, INCLUDING FULL DETAILS ABOUT THE PROCESS, OPTIONS, COSTINGS AND OVERALL IMPACT ON THE CITY'S FUTURE SUSTAINABILITY, BE COMMUNICATED DIRECTLY TO PETITIONERS AND PEOPLE WHO MADE SUBMISSIONS, AS WELL AS ADVERTISED WIDELY WITHIN THE COMMUNITY THROUGH PRESS RELEASES AND THE CITY'S WEBSITE.**

which was declared

CARRIED (11/0)

At 7.59pm the Deputy Mayor vacated the Chair and Her Worship the Mayor resumed Presiding the meeting.

**C07/5009 - LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(REC)**

Ward	:	All
Category	:	Operational
Subject Index	:	Local Laws
Customer Index	:	Parking Control
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	C07/5005
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Peter Carrie Co-ordinator Neighbourhood Amenity

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>

PURPOSE AND EFFECT OF LOCAL LAW AMENDMENT

Purpose: *To amend the Local Law relating to Parking Facilities to increase the modified penalties in the second schedule.*

Effect: *The effect of the Local Law amendment will be that penalties for parking offences will be increased as per the amounts shown in the second schedule.*

C07/5009 - LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(REC)**KEY ISSUES / SUMMARY**

- Following the Annual review of Fees & Charges in April 2007 the Modified Penalties for Parking Infringements were increased.
- This increase requires an amendment to the Local Law Relating to Parking Facilities before the new Penalties can be imposed.

BACKGROUND

At the April 2007 Council Meeting (item C07/5005) the Council resolved to adopt a new Fees and Charges schedule commencing 1 July 2007.

The modified penalties for parking were increased from \$45 to \$50 for the majority of offences, from \$55 to \$60 for Parking on a verge and repairing or selling a vehicle in a street, and from \$60 to \$70 for the more serious offences i.e parking on a footpath, no stopping.

DETAIL

The increase in modified penalties requires an amendment to the Local Law relating to Parking Facilities.

The Modified Parking penalties were last increased in July 2002.

PUBLIC CONSULTATION/COMMUNICATION

Statewide advertising of the Local Law amendment is required in accordance with the provisions of Part 3 of the Local Government Act 1995 for a minimum period of six (6) weeks inviting submissions on the proposed amendment.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

A copy of the proposed Local Law amendment is provided to the Minister and the Department of Local Government and Regional Development.

STATUTORY AND LEGAL IMPLICATIONS

Section 3.12 of the Local Government Act 1995 outlines the procedure that Local Government must follow to amend a local law.

FINANCIAL IMPLICATIONS

Nil

**C07/5009 - LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(REC)****STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

The Modified Penalties for parking ensure orderly parking control and avoidance of hazards to the public.

POLICY IMPLICATIONS

Not applicable.

CONCLUSION

The adoption of new modified penalties is allowed under the Local Law Relating to Parking.

At 8.01pm the Chief Executive Officer read aloud the purpose & effect of the proposed amendment to the local law relating to parking facilities.

ADOPTION OF ITEMS NOT WITHDRAWN

At 8.12pm Cr L M Reynolds moved, seconded Cr M J Barton -

THAT THE REPORTS OF OFFICERS EXCLUDING ITEMS P07/3014, P07/3015, AND C07/8002. BE RECEIVED AND THE RECOMMENDATIONS CONTAINED THEREIN BE ADOPTED.

At 8.12pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (11/0)

COUNCIL RESOLUTION (5009)**ADVERTISE**

The Mayor submitted the motion, being -

THAT THE LOCAL LAW RELATING TO PARKING FACILITIES LOCAL LAW AMENDMENT BE ADVERTISED FOR PUBLIC COMMENT.

**LOCAL GOVERNMENT ACT 1995
CITY OF MELVILLE
LOCAL LAW RELATING TO PARKING FACILITIES**

UNDER THE POWERS CONFERRED BY THE LOCAL GOVERNMENT ACT 1995 AS AMENDED FROM TIME TO TIME AND UNDER ALL OTHER POWERS,THE COUNCIL OF THE CITY OF MELVILLE RESOLVED ON _____ TO MAKE THE FOLLOWING AMENDMENT TO THE LOCAL LAW RELATING TO PARKING FACILITIES.

IN THIS LOCAL LAW THE CITY OF MELVILLE LOCAL LAW RELATING TO PARKING FACILITIES PUBLISHED IN THE GOVERNMENT GAZETTE ON 19 JULY 2000 AND AMENDED AS PUBLISHED IN THE GOVERNMENT GAZETTE ON 25 SEPTEMBER 2001,AND 12 JULY 2002,AND 21 APRIL 2006 IS REFERRED TO AS THE PRINCIPAL LOCAL LAW.THE PRINCIPAL LOCAL LAW IS AMENDED AS FOLLOWS:

**C07/5009 - LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(REC)**

1. IN THE SECOND SCHEDULE, MODIFIED PENALTIES INSERT THE FOLLOWING:

Item	Clause	Nature of Offence	Modified Penalty
			\$
1.	9	Failing to display unexpired parking ticket in a parking station.	50
2.	12	Parking outside a parking space in a parking station.	50
3.	13(1)(a)	Standing in a no standing area in a parking station.	70
4.	13(1)(b)	Standing during a prohibited period on part of a parking station.	50
5.	13(2)(a)	Parking in a no parking area in a parking station.	50
6.	13(2)(b)	Parking during a prohibited period on part of a parking station.	50
7.	13(2)(c)	Parking in a parking station space set aside for a different class of vehicle or driver.	50
8.	13(3)	Parking for more than the maximum period in a parking station.	50
9.	14(2)	Parking without a ticket in a parking space set aside for a special event.	50
10.	18(3)	Parking in an authorised space in a parking station without a permit.	50
11.	21(1)(a)	Standing part of a thoroughfare set aside for vehicles of a different class.	50
12.	21(1)(b)	Standing or parking in a no standing area.	70
13.	21(1)(c)	Standing on a thoroughfare during a prohibited period.	50

**C07/5009 - LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(REC)**

Item	Clause	Nature of Offence	Modified Penalty
14.	21(2)(a)	Parking on part of a thoroughfare set aside for vehicles of a different class.	50
15.	21(2)(b)	Parking in a no parking area.	50
16.	21(2)(c)	Parking on a thoroughfare during a prohibited period.	50
17.	21(3)	Parking on a thoroughfare for more than maximum period.	50
18.	22	Standing or parking in an occupied parking space.	50
19.	23	Standing or parking on or adjacent to a median strip.	50
20.	24(1)(a)	Parking too far from kerb.	50
21.	24(1)(b)	Parking facing oncoming traffic.	50
22.	24(1)(c)	Parking outside parking space marked on thoroughfare.	50
	24(2)		50
23.	25(1)	Standing or parking within 1 metre of a fire hydrant.	50
24.	25(2)	Standing or parking within 3 metres of public post box.	50
25.	26(a)	Parking in front of a driveway.	50
26.	26(b)	Parking on an intersection.	50
27.	26(c)	Parking within 6 metres of intersection.	50
28.	26(d)	Parking next to a traffic obstruction.	50
29.	26(e)	Parking on a footpath.	70
30.	27	Double parking.	50
31.	28	Standing or parking on a verge contrary to signs or without consent.	60

**C07/5009 - LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(REC)**

Item	Clause	Nature of Offence	Modified Penalty
32.	29(1)	Standing within 9 metres of the departure side of omnibus stops, pedestrian and children's crossings.	50
33.	29(2)	Standing within 18 metres of the approach side of omnibus stops, pedestrian and children's crossings.	50
34.	29(3)	Standing or parking in an omnibus stand.	50
35.	30	Parking within 1 hour on a thoroughfare.	50
36.	31	Failing to move vehicle after direction.	50
37.	32(1)	Standing or parking in a loading zone without loading/unloading.	50
38.	33	Parking on street to repair or sell.	60
39.	35	Unauthorised parking.	50
40.	36	Standing or parking on private property without consent.	70
41.	37	Parking a service vehicle on a thoroughfare or street verge for more than four (4) hours or to repair it.	70
42.	38	Over-length vehicle parking.	60
43.	39(2)	Removing chalk mark.	50
44.	40	Parking on a public reserve.	70
45.	43	Parking so as to cause an obstruction.	60
46.		All other offences not specified.	50

Which was declared

CARRIED ENBLOC

P07/1008 – REVIEW OF PLANNING 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

	<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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KEY ISSUES / SUMMARY

- A recent amendment to the Planning and Development (Local Government Planning Fees) Regulations 2000 has increased the allowable fees for planning services and provided for penalty fees in the case of retrospective applications.
- To adopt the revised Fees & Charges Schedule for Planning Services for the 2007/2008 budget year effective from 1st August 2007

P07/1008 – REVIEW OF PLANNING FEES AND CHARGES (AMREC) (ATTACHMENT)**BACKGROUND**

The Council at its meeting in April 2007 in accordance with the Local Government Act 1995, adopted the attached Schedule of Fees and Charges as part of the annual budget for the year 2007/2008 [1008A July 2007.pdf](#)

DETAIL

Maximum fees for planning services are prescribed in the Planning and Development (Local Government Planning Fees) Regulations 2000. An amendment to these regulations was gazetted on 8th June 2007 and it is therefore necessary to review the Council's adopted fees and charges to reflect the regulation changes

The proposed changes to the Fees and Charges for Planning Services are listed on the attached schedule.

[P07 1008 July 2007.pdf](#)

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

Increase in Fees:

There has been no increase in fees since 2000 when the regulations were first adopted and whilst some of the fees increase by virtue of being value based others have not. The regulations have provided for a 17% increase to the non value based fees which represents CPI increases from 2002.

Penalty Fees:

Introduction of a fee by way of penalty for applications for development already commenced or been carried out. In these instances the total fee is increased to three times the ordinary fee. The Councils current fees include an administrative fee which is imposed for such applications. It is proposed to delete the administrative fee.

Deletion of Fees and Charges

Because of the introduction of penalty fees it is appropriate to delete some of the administrative fee as they had the same effect as Penalty Fees and are no longer required.

PUBLIC CONSULTATION/COMMUNICATION

The fees if adopted are required to be advertised by way of a notice 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.

P07/1008 – REVIEW OF PLANNING FEES AND CHARGES (AMREC) (ATTACHMENT)

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.*

FINANCIAL IMPLICATIONS

It is unlikely that there will be any significant changes in the income estimates previously 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.
Maximum fees for planning services are prescribed	Low	Adopt amended fees

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

It is appropriate that the Council adopts the recommended maximum fees based on the user pays principle and to attempt to obtain full cost recovery for the services provided.

P07/1008 – REVIEW OF PLANNING FEES AND CHARGES (AMREC) (ATTACHMENT)

COUNCIL RESOLUTION (1008)

ABSOLUTE MAJORITY

The Mayor submitted the motion, being -

1. **THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL, THE PROPOSED FEES & CHARGES SCHEDULE PLANNING SERVICES FOR 2007/2008 AS DOCUMENTED IN ATTACHMENT [P07_1008_JULY_2007.PDF](#)**
2. **THAT THE PROPOSED FEES AND CHARGES BE ADOPTED WITH EFFECT FROM 1 AUGUST 2007**
3. **THAT THE PUBLIC NOTICE OF THE PROPOSED FEES AND CHARGES BE GIVEN AS REQUIRED BY THE LOCAL GOVERNMENT ACT 1995.**

Which was declared

CARRIED EN BLOC

C07/4002 – SUPPLY OF UNDER WIRE TREE PRUNING SERVICES FOR A 5 YEAR PERIOD (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	:	Not Applicable
Works Programme	:	Not Applicable
Funding	:	2007/2008 Budget
Responsible Officer	:	Paul McAllister Client Liaison Contracts Manager

AUTHORITY / DISCRETION

	<u>Definition</u>
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<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>

CO7/4002 - SUPPLY OF UNDER WIRE TREE PRUNING SERVICES FOR A 5 YEAR PERIOD (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- To accept the recommendation of the Contract and Tender Advisory Unit to award the tender for the Supply of Under Wire Tree Pruning Services for a 5 Year Period

BACKGROUND

This tender was originally awarded in October 2004 for a three year period. However, in January 2006 the appointed contractor (Street Scene Pty) withdrew its services due to a lack of suitably trained personnel. Subsequently, tenders were invited for the services on 2 separate occasions; however, no tenders were received at any time.

In order to meet the City's obligation to keep vegetation clear from overhead power lines, pruning services continued on an as needs basis utilising Dickies Tree Services. Dickies are the current provider of pruning services (other than under wire pruning services) to the City. This arrangement was purely an interim measure until a permanent provider of under wire pruning service was found. Dickies Tree Services are not equipped to provide under wire pruning services on a regular basis and they consider the service a non-core activity.

In September 2006, the City were offered under wire pruning services by Clip & Chip Tree Services Pty and Geoff's Tree Services, both organizations were invited to submit quotations for the works, which were subsequently accepted by the City.

Shortly after the commencement of the abovementioned works Geoff's Tree Services withdrew its services stating that the works were more difficult to manage than first anticipated. Geoff's Tree Services are aligned to pruning on a 'street by street' basis rather than the City's requirement at that time for a 'most urgent first' flexible approach.

The purchase order placed with Clip & Chip for under wire pruning services has now expired with its expenditure limit being reached; therefore, it is necessary to invite tenders for the long term provision of under wire pruning services.

Subsequently, tenders for the supply of under wire tree pruning were invited by advertisement in The West Australian on Wednesday 2 May 2007, closing at 4.00 p.m. on Thursday 17 May 2007.

Price Schedule

The Price Schedule forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday 11 July 2007 under confidential cover.

CO7/4002 - SUPPLY OF UNDER WIRE TREE PRUNING SERVICES FOR A 5 YEAR PERIOD (REC) (ATTACHMENT)**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 forms part of the Attachments to the Agenda, which was distributed to the the Members of the Council on Wednesday 11 July 2007 under confidential cover.

The Evaluation Committee consisted of the .

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

DETAIL

9 sets of tender documents were issued and two were received as follows:

Trees Need Tree Surgeons
Clip & Chip Tree Services

Both tenders addressed the compliance and qualitative selection criterion and therefore were considered for evaluation by the tender evaluation panel.

Clip & Chip Tree Services

Clip and Chip Tree Services have been providing under wire tree pruning services to the City since October 2006. During that time Clip & Chip have pruned some 5000 trees, all of which were completed to standard, on time and to budget. Clip & Chip have provided an excellent service to the City and they come highly recommended by Western Power who also utilise their services for similar works.

The pricing schedule submitted by Clip & Chip shows a cost of \$38.20 (averaged over the period of the contract) for the most common pruning service (Pricing Schedule Part A1 the pruning of trees without limbs extending into the overhead wires). This represents an increase of \$8 per service based on the current rate of \$30.

CO7/4002 - SUPPLY OF UNDER WIRE TREE PRUNING SERVICES FOR A 5 YEAR PERIOD (REC) (ATTACHMENT)

The rate rise is attributed to increased overhead costs incurred by Clip & Chip, specifically, training and the accreditation process for under wire tree pruning personnel and the need for specialised equipment such as insulated elevated work platforms. Accreditation of personnel and insulated platforms are recent mandatory requirements when working in the vicinity of overhead powerlines.

For pricing comparison purposes research conducted with other local Authorities suggests that an average of \$40 per pruning operation is a fair cost. When compared to similar pruning operations conducted by Western Power's contractor at a rate of \$130 per tree the rate tendered by Clip and Chip compares very favourably.

Trees Need Tree Surgeons

In regards to the tender submitted by Trees Need Tree Surgeons, it successfully addressed all the qualitative requirements of the tender including a comprehensive works programme and safety management strategy.

The pricing schedule submitted by Trees Need Tree Surgeons shows a cost of \$41 (averaged over the period of the contract) for the most common pruning service (Pricing Schedule Part A1 the pruning of trees without limbs extending into the overhead wires). This represents an increase of \$11 per service based on the current rate of \$30. However, this rate is still comparable to the industry average.

Trees Need Tree Surgeons have no previous relationship with the City; therefore, reference interviews were conducted by the tender evaluation panel. The referees provided included officers from the City of South Perth and the City of Stirling. The reports from both referees are very positive and confirm that Trees Need Tree Surgeons have been providing under wire pruning services to those Cities for a number of years and the quality and the timeliness of the services is to the required standard. Trees Needs Tree Surgeons come highly recommended.

Recommendation

It is the recommendation of the tender evaluation panel that based on the information provided in the tender responses, including the pricing schedules and reports from referees that both Clip & Chip Tree Services and Trees Need Tree Surgeons have all the necessary, skills, resources and expertise to deliver the services under the contract on time, to standard and to budget. Therefore, the tender evaluation panel recommends that both tenders be accepted.

The recommendation to accept both tenders gives the City two service delivery options in regards to the provision of under wire tree pruning services and given the history of the service and the volume of tree pruning activity in the coming 5 years, two service providers gives the City a higher level of comfort that the works can be completed in a timely manner.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable

CO7/4002 - SUPPLY OF UNDER WIRE TREE PRUNING SERVICES FOR A 5 YEAR PERIOD (REC) (ATTACHMENT)**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”.

FINANCIAL IMPLICATIONS

The original budget for under wire tree pruning operations for the financial year 2006/2007 was \$220,000. Those monies were expended by December 2006, shortly after pruning operations recommenced. Additional funding was allocated with an amended budget of \$350,000 being approved. Those funds are almost expended, however all trees planned for pruning shall be completed by June 30 and within the amended budget.

The additional expenditure was incurred because trees had remained unpruned for several months and during that time the trees experienced significant growth. A high proportion of trees had limbs penetrating into overhead powerlines. Trees with limbs in overhead power lines cost significantly more to prune at \$350 per tree.

The situation now presents much better with a gradual return to normal pruning operations expected in 2007/08 and accordingly the budget for next year is set at \$252,000 for the works.

With the proposed tenders average costs for normal pruning shall be \$40. That being said the City can expect to prune some six thousand trees next year which is in keeping with industry practise and offers a practicable approach to tree asset and risk management.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Failure to continue with the practise of under wire tree pruning shall lead to the electricity network operator conducting the pruning operations itself at considerable high cost to the City. The acceptances of these tenders provide for the most economical method of pruning trees at an acceptable level of risk and asset management for street trees beneath overhead powerlines.

POLICY IMPLICATIONS

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

CO7/4002 - SUPPLY OF UNDER WIRE TREE PRUNING SERVICES FOR A 5 YEAR PERIOD (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

CONCLUSION

Both tenderers are capable of fulfilling the requirements of the contract. Due to the problems experienced in the past where contractors have been unavailable when required, the tender evaluation panel recommend it would be most beneficial to the City to appoint both tenderers.

The successfully contractors shall be utilised in an order of precedence with the first choice contractor being Clip & Chip Tree Services based on its previous experience with the City and its offering being more economically advantageous to the City.

COUNCIL RESOLUTION (4002)**APPROVAL**

The Mayor submitted the motion, being -

- 1. THAT THE TENDERS SUBMITTED BY TREES NEED TREE SURGEONS AND CLIP & CHIP TREE SERVICES FOR THE SUPPLY OF UNDER WIRE TREE PRUNING SERVICES FOR A PERIOD OF FIVE YEARS AS SPECIFIED BE ACCEPTED AS THE MOST ADVANTAGEOUS.**
- 2. THAT CLIP & CHIP TREES SERVICES BE THE FIRST CHOICE SERVICE PROVIDER AND TREES NEED TREE SURGEONS BE THE SECOND CHOICE PROVIDER.**
- 3. THAT THE CITY'S REPRESENTATIVE BE AUTHORISED TO APPLY THE SCHEDULE OF RATES PROVIDED FOR IN EACH CONTRACT AND EXPEND THE APPROVED BUDGET IN EACH YEAR OF THE CONTRACT.**

Which was declared

CARRIED ENBLOC

**C07/4003 – SUPPLY AND DELIVERY OF TWO ONLY UNIVERSAL ACCESS BUSES
(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	: Not Applicable
Works Programme	: Not Applicable
Funding	: 2006/2007 Budget
Responsible Officer	: Adam Johnston Acting Fleet 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>

**C07/4003 – SUPPLY AND DELIVERY OF TWO ONLY UNIVERSAL ACCESS BUSES
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- To accept the recommendation of the Contract and Tender Advisory Unit to award the tender for Supply and Delivery of Two Only Universal Access Buses

BACKGROUND

Tenders for the Supply and Delivery of Two Only Universal Access Buses were invited by advertisement in The West Australian on Wednesday 18 April 2007, closing at 4.00 p.m. on Friday 3 May 2007.

Price Schedule

The Price Schedule forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday 11 July 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 Evaluation Sheet forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday 11 July 2007 under confidential cover.

The Evaluation Committee consisted of the Purchasing Coordinator, the Acting Fleet Manager and the Community Development Coordinator..

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

**C07/4003 – SUPPLY AND DELIVERY OF TWO ONLY UNIVERSAL ACCESS BUSES
(REC) (ATTACHMENT)**

DETAIL

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

Skipper Trucks
Smith Broughton & Sons
Westside Auto Wholesale

Smith Broughton & Sons and Westside Auto Wholesale are interested only in purchasing the old vehicles whereas Skipper Trucks are offering two new buses with or without trade-in.

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”.

FINANCIAL IMPLICATIONS

There is sufficient funding in the fleet capital account to cover the cost of the buses.

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

**C07/4003 – SUPPLY AND DELIVERY OF TWO ONLY UNIVERSAL ACCESS BUSES
(REC) (ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Skipper Trucks were the only tenderer to offer the new vehicles. They provided a price for several options as requested, the majority of which will be required. Smith Broughton & Sons have offered a more attractive price for the old buses.

There does not appear to be an advantage in re-tendering this item as the Rosa is probably the most economical vehicle of this type available on the market.

CONCLUSION

Skipper Trucks, as the only tenderer for the new buses, are the recommended supplier. The sale of the old buses will go to Smith Broughton & Sons who have made the highest offer.

COUNCIL RESOLUTION (4003)**APPROVAL**

The Mayor submitted the motion, being -

- 1. THAT THE TENDER SUBMITTED BY SKIPPER TRUCKS FOR THE SUPPLY AND DELIVERY OF TWO UNIVERSAL ACCESS BUSES WITH RAISED SEATS, ADDITIONAL STORAGE AND CARGO CONTAINER IN EACH TOGETHER WITH ONE WORKSHOP MANUAL FOR THE SUM OF \$294,870.00 BE ACCEPTED AS THE MOST ADVANTAGEOUS.**
- 2. THAT THE TENDER SUBMITTED BY SMITH BROUGHTON & SONS FOR THE PURCHASE OF TWO UNIVERSAL ACCESS BUSES, 108MEL AND 109MEL, AS SPECIFIED FOR THE SUM OF \$71,540.00 BE ACCEPTED AS THE MOST ADVANTAGEOUS.**

Which was declared

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

	<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>
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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 Variation to Lease	Windelya Sports Association Inc	Portion of Morris Buzzacott Reserve	1689685
Deed of Variation to Licence	Melville Cares Inc	21-23 Hammad Street, Palmyra	1704426
Deed of Variation to Licence	Melville Cares Inc	27 Hammad Street, Palmyra	1704448
Deed of Variation to Licence	Kardinya Bowling Club Inc	Portion of Morris Buzzacott Reserve	1686807
Deed of Variation to Lease	Bull Creek Leeming Sports Bodies Association	Portion of Beasley Reserve	1686756
Deed of Licence	The Bowman of Melville Archery Club Inc	Portion of John Connell Reserve	1695040

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, being -

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.

Which was declared

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

The Investment of Surplus Funds is undertaken in accordance with the Finance Investment Policy document for the City of Melville. [6000D July 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 July 2007.

A report prepared by Grange Securities has again been included for members' information. [6000C July 2007.pdf](#) The reports form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 11 July 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 June 2007, total interest, excluding Reserve Fund interest, earned was \$2,449,274 against a budget of \$1,968,000.

Reserve Fund interest earned was \$1,488,179 against a budget of \$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 strengthened slightly in the period. The rates for thirty day bank bills remained unaltered 6.34% whilst longer term returns rose slightly, with the ninety day rate lifting by 0.0784% to 6.4367%. 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 36% annualised in the month and has exceeded the benchmark by 0.83% over the last twelve months.

COUNCIL RESOLUTION (6000)

The Mayor submitted the motion, being -

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

[6000A July 2007.pdf](#)

[6000B July 2007.pdf](#)

[6000C July 2007.pdf](#)

[6000D July 2007.pdf](#)

Which was declared

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 June 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 30 June 2007 [6001_July_2007.pdf](#) including Payment Registers numbers thirteen and fourteen were distributed to the Members of Council on Wednesday, 11 July 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, being -

THAT THE SCHEDULE OF ACCOUNTS FOR THE PERIOD ENDED 30 JUNE 2007, AS APPROVED BY THE DIRECTOR CUSTOMER AND CORPORATE SERVICES IN ACCORDANCE WITH DELEGATED AUTHORITY CE23, AND DETAILED IN ATTACHMENT [6001 July 2007.pdf](#) BE NOTED.

Which was declared

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

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KEY ISSUES / SUMMARY

- This report presents the first draft of the financial statements to the end of June 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 June 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 June 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 July 2007.

DESCRIPTION	LINK
Statement of Financial Activity – June 2007	<u>6002A July 2007.pdf</u>
Operating Statements by Program for the period ended 30 June 2007	<u>6002B July 2007.pdf</u>
Representation of Working Capital as at June 2007	<u>6002E July 2007.pdf</u>
Reconciliation of Net Working Capital as at 30 June 2007	<u>6002F July 2007.pdf</u>
Details of Budget Amendments requested during the month of June 2007	<u>6002J July 2007.pdf</u>
Summary of Rates debtors as at 30 June 2007	<u>6002L July 2007.pdf</u>
Graph showing Rates Collections as at 30 June 2007	<u>6002M July 2007.pdf</u>
Summary of general Debtors aged 90 days old or greater as at 30 June 2007	<u>6002N July 2007.pdf</u>

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

It should be noted that the attached financial statements are preliminary and do not reflect the final end of year financial position. The end of year financial statement accruals and reserve transfers and the subsequent audit are yet to be undertaken. It is expected that these tasks will have been completed by the end of October 2007.

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

COUNCIL RESOLUTION (6002)

The Mayor submitted the motion, being -

1. THAT THE STATEMENTS OF FINANCIAL ACTIVITY AND THE OPERATING STATEMENTS FOR THE PERIOD ENDING 30 JUNE 2007 AS DETAILED IN THE FOLLOWING ATTACHMENTS BE ADOPTED:

DESCRIPTION	LINK
STATEMENT OF FINANCIAL ACTIVITY – JUNE 2007	6002A July 2007.pdf
OPERATING STATEMENTS BY PROGRAM FOR THE PERIOD ENDED 30 JUNE 2007	6002B July 2007.pdf
REPRESENTATION OF WORKING CAPITAL AS AT JUNE 2007	6002E July 2007.pdf
RECONCILIATION OF NET WORKING CAPITAL AS AT 30 JUNE 2007	6002F July 2007.pdf
SUMMARY OF RATES DEBTORS AS AT 30 JUNE 2007	6002L July 2007.pdf
GRAPH SHOWING RATES COLLECTIONS AS AT 30 JUNE 2007	6002M July 2007.pdf
SUMMARY OF GENERAL DEBTORS AGED 90 DAYS OR GREATER AS AT 30 JUNE 2007	6002N July 2007.pdf

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

Which was declared

CARRIED ENBLOC

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

On Tuesday, 11 June 2007, Her Worship the Mayor gave notice of the following motion:

- “1. *That Elected Members refrain from utilizing the Council Meeting as a forum for grievance involving other Elected Members unless the matter cannot be effectively dealt with in another forum.*
2. *Council reaffirm its Grievance Procedure contained in the City’s Code of Conduct Policy as the process to be followed in the event of any personal grievances being lodged by an Elected Member.*
3. *Council note that the Grievance Procedure and associated Code of Conduct Policy will need to be amended or replaced following Regulations being gazetted by the State Government to reflect the provisions of the “Local Government (Official Conduct) Amendment Bill 2005”, which are expected to be operational from 20 October 2007.”*

The Motion was withdrawn at the request of Her Worship the Mayor.

13. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

14. CLOSURE

There being no further business, the Mayor declared the Meeting closed at 8.14pm.