



— *City of* —
Melville

**NOTES
OF THE
AGENDA BRIEFING FORUM
HELD ON
TUESDAY, 6 MAY 2008**

DISTRIBUTED: 9 MAY 2008



— City of —
Melville

10 Almondbury Road Booragoon WA 6154
Postal Address: Locked Bag 1, Booragoon WA 6954
Tel: 08 9364 0666
Fax: 08 9364 0285
Email: melinfo@melville.wa.gov.au
Web: www.melville.wa.gov.au

Notes of the Agenda Briefing Forum held in the Swan Room, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday, 6 May 2008 which commenced at 6.35pm.

FORUM NOTES

PRESENT

| | |
|------------------------------------|---------------------------|
| Cr H Everett JP (Presiding Member) | Applecross/Mount Pleasant |
| R A Aubrey | Mayor |
| Cr N Pazolli | Applecross/Mount Pleasant |
| Cr A Ceniviva | City |
| Cr R Subramaniam, Cr C W Robartson | Bill Creek/Leeming |
| Cr C M Halton, Cr Phelan | Palmyra/Melville/Willagee |
| Cr G Wieland, Cr M N Barton | Bicton/Attadale |

IN ATTENDANCE

| | |
|------------------------------|--|
| Dr S Silcox | Chief Executive Officer |
| Mr M Tieleman | Director Customer & Corporate Services |
| Mr C McClure | Director Strategic Urban Planning |
| Mr J Cameron | A/Director Technical Development Services |
| Mrs C Young | A/Director Strategic Community Development |
| Mr D Vinicombe | A/Manager Planning & Development |
| Mr M Jenkinson | Manager Neighbourhood Amenity |
| Mr T Cahoon | Manager Health & Lifestyle |
| Mrs J Miller | Environmental Programme Manager |
| Mr M Doyle | Community Recreation Coordinator |
| Mr B Taylor | Manager Information, Technology & Support |
| Mr J Clark | Governance & Compliance Program Manager |
| Mrs L Croxford, Mrs C Rourke | Minute Secretary |

There were 4 people and 1 media representative present in the public gallery at the commencement of the Agenda Briefing Forum.

Mr Clark read aloud the 'Purpose of Agenda Briefing Forum' statement. The Presiding Member read aloud the 'Affirmation of Civic Duty and Responsibility' on behalf of Councillors and Officers.

APOLOGIES

| | |
|---------------|-----------|
| Cr D Macphail | City Ward |
|---------------|-----------|

LEAVE OF ABSENCE

Cr J Bennett University Ward
Agenda Briefing Forum & Ordinary Meeting of Council
May, June, July, August, September October 2008

Cr L M Reynolds University Ward
Agenda Briefing Forum – 6 May 2008

DEPUTATIONS

Nil

QUESTION TIME

Nil

DISCLOSURES OF INTEREST

| | |
|--------------|---------------|
| Cr H Everett | Item T08/2001 |
| Cr C Halton | Item C08/8005 |

BUSINESS

At 6.40pm the Presiding Member granted permission to Mr David Neesham, President of the Melville Water Polo Club, to address the meeting regarding Item C08/8004 – Tom Hoad Cup.

Mr Clark read aloud the 'Disclaimer Statement'.

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.

TABLE OF CONTENTS

| ITEM | PAGE |
|--|---------|
| TECHNICAL AND DEVELOPMENT SERVICES | |
| T08/2001 – WIRELESS HILL BUSHFIRE RESPONSE (REC) (ATTACHMENT) | 4 - 7 |
| T08/2002 - PETITION - ELDERLY CITIZENS OF BRENTWOOD CONCERNING DISTANCES THEY HAVE TO WALK TO A BUS STOP (REC) | 8 - 13 |
| STRATEGIC URBAN PLANNING | |
| P08/3036 – PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT) | 14 - 26 |
| P08/5008 – AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM 'R20' TO 'R60' AND AMENDING SCHEDULE 3 TO INCLUDE MEDICAL CENTRE, OFFICE AND RESTAURANT (REC) (ATTACHMENT) | 27 - 33 |
| STRATEGIC COMMUNITY DEVELOPMENT | |
| C08/5005 – SOUTH WEST GROUP MEMORANDUM OF UNDERSTANDING (REC) (ATTACHMENT) | 34 - 39 |
| C08/8003 – PUBLIC ART – PURCHASE OF EMU FAMILY SCULPTURES (REC) (ATTACHMENT) | 40 - 44 |
| C08/8004 – TOM HOAD CUP (REC) (ATTACHMENT) | 45 - 52 |
| C08/8005 – TROY PARK RESERVE FLOODLIGHTING (AMREC) | 53 - 59 |
| CUSTOMER AND CORPORATE SERVICES | |
| C08/5006 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (AMREC) (ATTACHMENT) | 60 - 64 |
| LATE ITEM | |
| C08/8002 – CLOSED CIRCUIT TELEVISION POLICY (REC) | 65 - 73 |
| MANAGEMENT SERVICES | |
| NIL | |
| STANDARD ITEMS TO APPEAR ON THE AGENDA FOR THE ORDINARY MEETING OF COUNCIL – 20 MAY 2008 | |
| C08/5000 – COMMON SEAL REGISTER | |
| C08/6000 – INVESTMENT STATEMENTS | |
| C08/6001 – SCHEDULE OF ACCOUNTS | |
| C08/6002 – FINANCIAL STATEMENTS | |

AGENDA ITEMS FOR PRESENTATION

Disclosure of Interest

| | |
|---------------------|---|
| Item No | : T08/2001 |
| Member | : Cr H Everett |
| Type of Interest | : Proximity Interest in Accordance with the Act (s 5.60B) |
| Nature of Interest | : Resides across the road from Wireless Hill |
| Request | : Stay, discuss and vote |
| Decision of Council | : N/A |

At 7.14pm Cr Everett chose to leave the meeting due to Disclosure of Interest in Item T08/2001.

Cr Everett vacated the Chair and His Worship the Mayor chaired the meeting as Presiding Member

T08/2001 - WIRELESS HILL BUSHFIRE RESPONSE (REC) (ATTACHMENT)

| | |
|----------------------------|---|
| Item presented by | : Jessica Miller Manager Environmental Services |
| Ward | : All |
| Category | : Policy |
| Subject Index | : Wireless Hill |
| 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 | : Not Applicable |
| Works Programme | : Not Applicable |
| Funding | : Not Applicable |
| Responsible Officer | : Ian Davis Manager Infrastructure Services |

AUTHORITY / DISCRETION

| | <u>Definition</u> |
|--|---|
| <input type="checkbox"/> Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> Legislative | <i>includes adopting local laws, town planning schemes & policies.</i> |
| <input checked="" type="checkbox"/> Review | <i>when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

T08/2001 - WIRELESS HILL BUSHFIRE RESPONSE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Report provides information on the Wireless Hill Bushfires during March 2008 and presents the City of Melville Bushfire Management Strategy for information.

BACKGROUND

The recent fire in Wireless Hill Park prompted bush fire reporting in order to assess damage for insurance claims and plan management actions post fire. This item presents information about the fire and the Bushfire Management Strategy for the City of Melville.

DETAIL**Fire Details**

Two bushfires burnt approximately 9 hectares or one quarter of Wireless Hill Reserve on Wednesday, 26 March 2008 and Friday, 28 March 2008. The area burnt stretched from McCallum Avenue across to the bottom of Barnard Street; down to Canning Highway and up past the top path near the ring road (Telefunken Drive). It is believed the fires were deliberately lit. FESA responded to the fires and used both fast attack vehicles and water bombing helicopters collecting water from nearby Frederick Baldwin Lake to fight the fire.

[2001A May 2008.pdf](#)

[2001B May 2008.pdf](#)

Fire History

The last fire in this area of the park occurred in 1997 although smaller fires have occurred in other areas of the park in 2001, 2003 and 2004. The initial fire on Wednesday caused damage mainly to the understorey vegetation while the canopy remained reasonably intact and only a few trees were badly damaged. The second, hotter burn on Friday in the area near McCallum Avenue caused more damage to tree canopies. It is expected that vegetation should recover once winter rains fall. Weed species, particularly fire tolerant species like Veldt Grass, will also return after the fire and compete with natives during the regeneration period.

Management Implications

The City of Melville's post fire management actions will include fencing off areas of fire affected bushland to prevent unauthorized access and further erosion and disturbance to the soil. Weed control methods will be employed to reduce weed infestations and give native plants a chance to regenerate. Erosion control techniques including the use of coir logs and drainage channels will help prevent topsoil loss on the steep slopes adjacent to the bitumen access trail.

Fauna

Unfortunately a number of dead bobtail lizards were found after the fire as well as a juvenile banded snake. The fire has caused a temporary loss of habitat for some species of animals due to the loss of leaf litter and shrub cover. There will be refuges for affected species in other areas of the park that were not burned.

T08/2001 - WIRELESS HILL BUSHFIRE RESPONSE (REC) (ATTACHMENT)**Assets**

A number of temporary fences, seating, bollards, a pine and chain path and regulatory and interpretive signs were destroyed by the fire. These will be replaced in due course. The estimated value of the assets damaged or lost due to the fire is valued at \$46,300.00. The estimated cost of ecological damage and post bushfire bushland maintenance is \$131,000.00. An insurance claim has been lodged with LGIS and is currently being assessed.

COMMENT

The Bushfire Management Strategy addresses a number of issues that arise after a major fire in a significant priority one reserve like Wireless Hill. These issues relate to the protection of the environmental values of the bushland. Issues such as the prevention of erosion, protection of trees and preventing the spread of dieback need to be considered and prioritised in the context of an emergency situation. The Bushfire Management Strategy objectives are:

- To protect human life and property from harm by bushfire occurring on lands controlled by the Council.
- To protect and conserve the environmental values of remnant bushland in the City of Melville from the harmful impacts of wildfires.
- To observe statutory obligations upon the Council associated with bushfire management and control.
- To increase community awareness of bushfire management issues in the City of Melville.

The Strategy addresses the issues of fuel monitoring, prescribed burning, firebreaks, weed control, fire suppression and community education. It guides and defines management actions in accordance with FESA recommendations and local laws.

[2001C May 2008.pdf](#)

PUBLIC CONSULTATION/COMMUNICATION

The Acting Environmental Programmes Manager has attended the Friends of Wireless Hill Annual General Meeting and reported on the fire and the management actions the City of Melville will be taking in the short term. Several media releases and local newspaper articles have been published.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Two meetings were held with FESA to debrief after the fire. One meeting onsite discussed mop up procedures and the City of Melville's involvement in this process. The second meeting discussed training opportunities for City of Melville staff with FESA and the possibility of undertaking fuel load assessments for other reserves in the City of Melville.

The Bushfire Management Strategy was reviewed by Ralph Smith, Environmental Officer for FESA. [2001D May 2008.pdf](#)

T08/2001 - WIRELESS HILL BUSHFIRE RESPONSE (REC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

The Bushfire Management Strategy outlines the City of Melville's firebreak regulations. The Council requires landowners of vacant lands to maintain three metre wide firebreaks around the perimeter of their properties during the period 30 November to 31 March. The firebreak may be ploughed or slashed but does not necessarily require removal of trees. As the controller of bushland vested in it, the Council has an obligation to meet this requirement.

FINANCIAL IMPLICATIONS

There are no financial implications for this Strategy.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The City of Melville Bushfire Management Strategy is a risk management tool for Environmental Managers. The strategy details a number of management actions that minimise bushfire risk in urban areas. These include:

- the recommendations for the maintenance of firebreaks;
- recommended fuel loadings for bushland reserves;
- fuel reduction activities including the removal of woody material of little or no habitat value and weed control activities.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

No alternate options have been considered – this is for information only.

CONCLUSION

The report on the Wireless Hill fire is attached with details of asset loss and ecological management for Elected Members and Public information.

The City of Melville post Bushfire Reporting Template is also attached for the information of Elected Members and members of the public.

The Bushfire Management Strategy is attached for the information of Elected Members and members of the public.

OFFICER RECOMMENDATION (2001)**APPROVAL**

- 1. THAT THE DAMAGE BY FIRE TO WIRELESS HILL AFTER THE RECENT FIRES BE NOTED.**
- 2. THAT THE POST BUSHFIRE REPORTING TEMPLATE BE NOTED.**
- 3. THAT THE COUNCIL NOTE THAT THE CHIEF EXECUTIVE OFFICER HAS ADOPTED THE 2008 BUSHFIRE MANAGEMENT STRATEGY**

General discussion took place regarding the report and the officer recommendation. Chief Executive Officer commended officers on a proactive response and handling of issue.

At 7.23pm His Worship the Mayor vacated the Chair as Cr Everett returned to meeting and resumed as Presiding Member.

T08/2002 - PETITION - ELDERLY CITIZENS OF BRENTWOOD CONCERNING DISTANCES THEY HAVE TO WALK TO A BUS STOP (REC)

Item presented by : John Cameron
Acting Director Technical and Development Services

Ward : Bull Creek/Leeming
Category : Strategic
Subject Index : Petition - Elderly Citizens of Brentwood concerning distances they have to walk to a Bus Stop

Customer Index : Mrs Audrey Cochrane
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.

Previous Items : None.
Works Programme : Not Applicable
Funding : Not Applicable
Responsible Officer : Leon Ebbelaar
TravelSmart Officer

AUTHORITY / DISCRETION

- | | <u>Definition</u> |
|---|---|
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T08/2002 - PETITION - ELDERLY CITIZENS OF BRENTWOOD CONCERNING DISTANCES THEY HAVE TO WALK TO A BUS STOP (REC)

KEY ISSUES / SUMMARY

- Mrs Audrey Cochrane co-ordinated a petition with 54 signatures requesting the City of Melville (COM) advocate on behalf of the residents of Brentwood Village to the PTA to reinstate bus services along Cranford and Moolyeen roads. This was tabled at the 18 March 2008 Council meeting.
- Following the introduction of the Mandurah train line connecting bus services were modified by the Public Transport Authority (PTA) to avoid duplication.
- The new rail resulted in a better service for many residents and a poorer service for some. People with limited mobility are most likely to be affected negatively.
- Bus routes 187, 794 and the 194 previously serviced Brentwood Village with the 194 running directly from Brentwood Village along Cranford Ave to the Garden City Shopping Centre.
- The City appreciates the inconvenience changes to public transport services can create for residents.
- The City also respects and requires the PTA's specialist services to enact bus route changes with a metropolitan wide, rather than precinct wide, perspective.

BACKGROUND

The following petition containing 54 signatures was tabled at the Council meeting of 18 March 2008.

On Tuesday 19 February 2008 a petition bearing 54 signatures was received at the City of Melville Civic Centre from Audrey Cochrane on behalf of the Brentwood Elderly Citizens which reads as follows:

"We the undersigned, all being Electors of the City of Melville, would like the City of Melville to approach Transperth Services to have the bus route re-installed to include Cranford Avenue and Moolyeen Road, Brentwood as it previously existed."

T08/2002 - PETITION - ELDERLY CITIZENS OF BRENTWOOD CONCERNING DISTANCES THEY HAVE TO WALK TO A BUS STOP (REC)

The introduction of the Mandurah train line has had a major impact on public transport services to many City of Melville residents. Associated with the introduction of the train line bus services were modified to connect with the train to avoid duplicating services in the same manner as bus services connect to the Joondalup line.

Information sessions of the proposed changes were carried out by the PTA in shopping centres throughout the City of Melville and including the City of Melville Civic Centre, in excess of 6 months prior to the opening of the train.

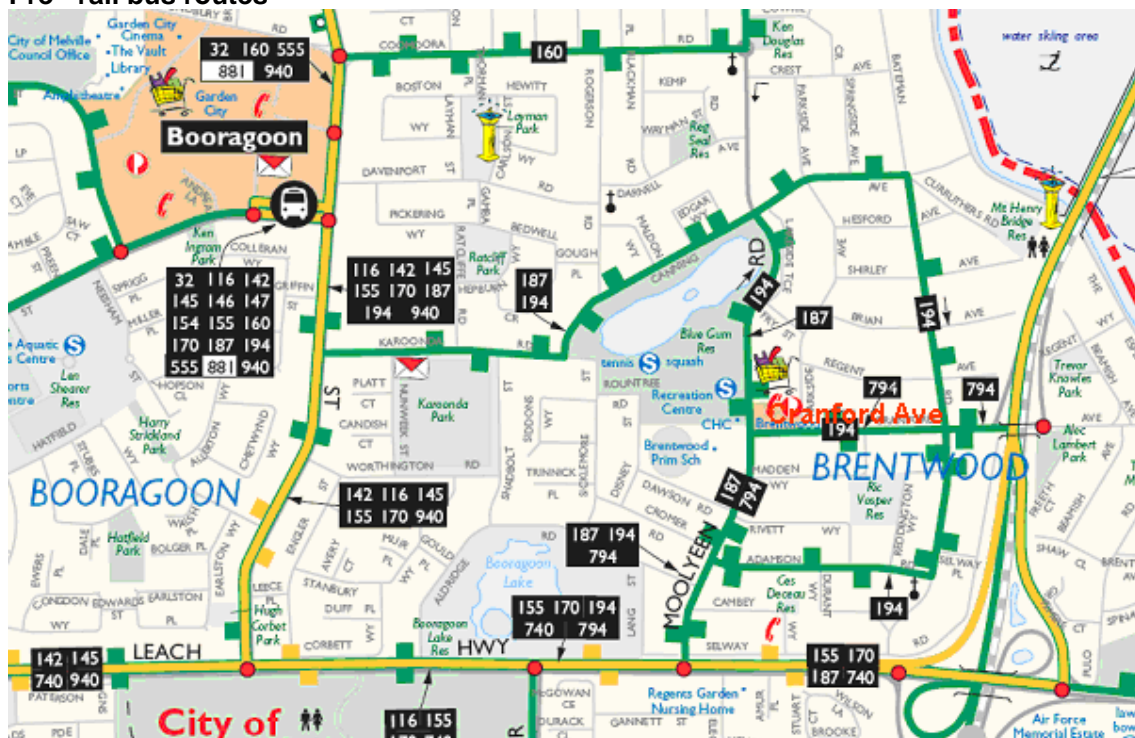
Changes to public infrastructure result in the need to balance the residents who benefit from the change with those who are constrained by it. Public transport represents an opportunity to explore the world outside ones neighbourhood for many residents and changes often polarise community opinion.

DETAIL

By studying the 'before' and 'after' maps below it is clear that there has been a reduction in bus services in the Brentwood area, particularly the bus route 187 that linked Brentwood Village to the Garden City Shopping Centre and the 194 that passed in front of the Village.

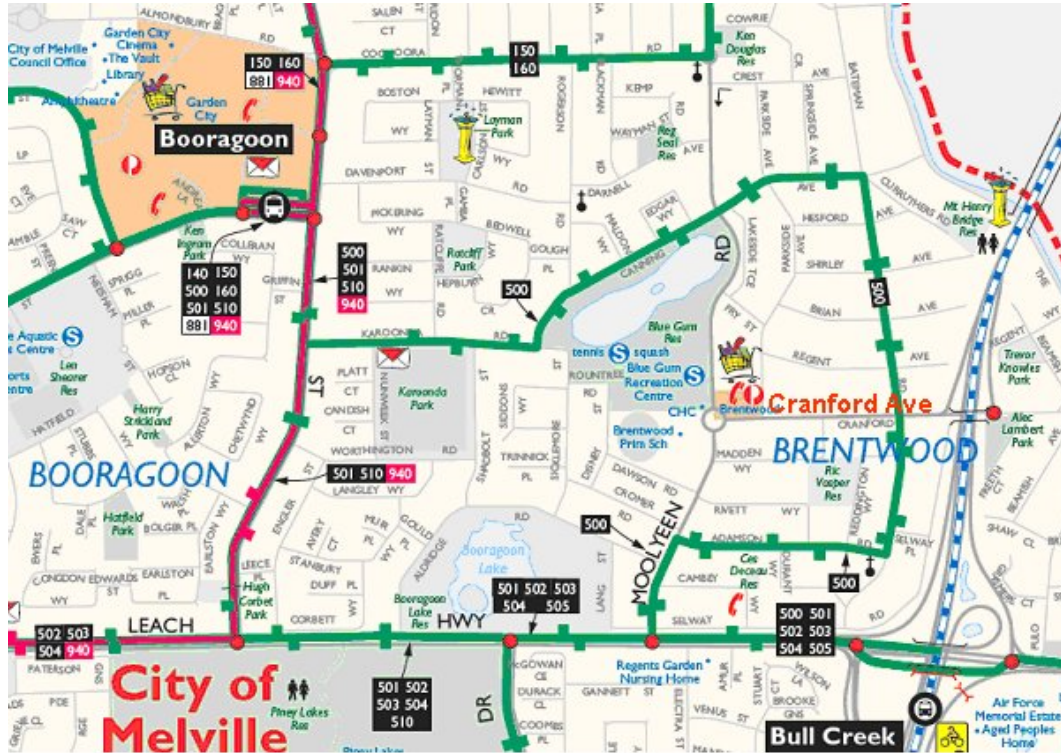
Direct and frequent bus services are more attractive to patrons and therefore appeal to more residents and create a broadly successful service. The Public Transport Authority has achieved what could be considered a general improvement to services in this area for the majority of the local population. There has been however a cost to some residents, particularly those at Brentwood Village.

Pre - rail bus routes



T08/2002 - PETITION - ELDERLY CITIZENS OF BRENTWOOD CONCERNING DISTANCES THEY HAVE TO WALK TO A BUS STOP (REC)

Post – rail bus routes



PUBLIC CONSULTATION/COMMUNICATION

The City has consulted Mrs Cochrane and the Public Transport Authority in an attempt to achieve a resolution.

The City is waiting for a written statement from the Public Transport Authority however they maintain that the rationale for changes to the bus services are essential to improve the functioning of the public transport system for the majority of residents.

The Public Transport Authority was required to carry out the consultation regarding the changes to bus routes and this was done with advertisements in the local newspapers and information stalls in shopping centres.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

None.

STATUTORY AND LEGAL IMPLICATIONS

None.

T08/2002 - PETITION - ELDERLY CITIZENS OF BRENTWOOD CONCERNING DISTANCES THEY HAVE TO WALK TO A BUS STOP (REC)**FINANCIAL IMPLICATIONS**

There are adequate existing footpaths which service the Brentwood Village area.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The Public Transport Authority is the sole authority responsible for identifying and monitoring the effectiveness of public transport routes.

POLICY IMPLICATIONS

The City is interested, as reflected in our strategic plan, that residents have access to convenient and reliable public transport however there is no Council Policy that relates to the requirement that the City advocates for changes to particular bus routes.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

1. The Public Transport Authority has ensured that all new buses are able to accommodate wheelchairs, this may be an option for some Brentwood Village residents to reach the new bus stops. Improvements to the connectivity of the footpath should be recommended to the City.
2. Electric gophers may also be a convenient option for some Village residents, again the City may be able to assist any footpath improvements required.
3. Melville Cares is a community group setup to provide transport to residents. It is more appropriate to use community organisations such as Melville Cares to fill any gaps and niche markets in a public transport system designed for transporting the broader population. A regular Melville Cares service might provide a 'Shopping Run' to local retirement villages and residents.

CONCLUSION

The introduction of the Mandurah train line and the associated changes to bus services to accommodate it have had a general benefit to many City of Melville residents however it has resulted in a reduced level of service to some residents including Brentwood Village.

Further compounding these reductions in bus services is that many residents of the village have limited mobility and find the walk to the nearest bus stop difficult or impossible.

The Public Transport Authority has, in it's opinion, made changes that improve the availability and convenience of public transport to the greatest number of residents and is satisfied by the outcome. The Public Transport Authority acknowledges that changes will always inconvenience a small number of residents and they work to minimise this number.

Public transport needs to favour the majority of the population to be effective. Bus routes that wander indolently around suburbs, schools and retirement villages fail to attract broad support from residents resulting in the use of the car and the associated car dependency problems we are familiar with.

T08/2002 - PETITION - ELDERLY CITIZENS OF BRENTWOOD CONCERNING DISTANCES THEY HAVE TO WALK TO A BUS STOP (REC)

Seniors and residents with limited mobility need to be supported to ensure a good quality of life and active participation during retirement.

Groups such as Melville Cares are setup to support these residents and their needs and technology such as accessible buses and electric gophers can maintain independence and improve lifestyle with support from the City.

OFFICER RECOMMENDATION (2002)

APPROVAL

- 1. THAT THE PETITION CONTAINING 54 SIGNATURES COORDINATED BY MRS COCHRANE BE REFERRED TO THE PUBLIC TRANSPORT AUTHORITY FOR THEIR DIRECT RESPONSE BACK TO THE PETITION SIGNATORIES.**
- 2. MRS COCHRANE, WITH THE SUPPORT OF THE CITY OF MELVILLE REQUEST THAT 'MELVILLE CARES' CONSIDER PROVIDING REGULAR MELVILLE CARES BUSES FOR SHOPPING RUNS BETWEEN RETIREMENT VILLAGES AND SHOPPING CENTRES.**
- 3. THAT MELVILLE'S TRAVELSMART OFFICER SEND INFORMATION TO RETIREMENT VILLAGES ON THE UNIVERSAL ACCESS CAPABILITY OF NEW BUSES USED BY THE PUBLIC TRANSPORT AUTHORITY INCLUDING WHEELCHAIR ACCESS.**

General discussion took place regarding the report and officer recommendation.

At 7.35pm Cr Weiland left the meeting and returned at 7.39pm.

P08/3036 - PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPLECROSS (REC) (ATTACHMENT)

Item presented by : David Vinicombe
Manager Planning & Development Services

Ward : Applecross / Mount Pleasant
Category : Operational
Application Number : DA-2007- 1507
Property : 21 Kintail Road, Applecross
Proposal : Four storeys building (4 multiple dwellings and 5 offices)

Applicant : Design Management Group
Owner : Kintail Development s Pty Ltd
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.

Responsible Officer : David Vinicombe
Manager Planning & Development Services

Previous Items : Not Applicable

AUTHORITY / DISCRETION

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KEY ISSUES / SUMMARY

- Proposal is for a four storey mixed use building consisting of 5 offices and 4 multiple dwellings.
- Undercroft carparking for 28 vehicles including disabled bay.
- Total plot ratio is 1.1042, for non residential is 0.6808 and residential is 0.4234.
- Two submissions have been received objecting the proposal mainly in relation to height of the building, side setbacks and traffic/carparking.
- Recommended for approval subject to conditions.

**P08/3036 - PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPECROSS
(REC) (ATTACHMENT)****BACKGROUND**

Nil

Scheme Provisions

| | | |
|--------------|---|---|
| MRS Zoning | : | Urban |
| CPS 5 Zoning | : | CBF - Canning Bridge Frame |
| R-Code | : | R50 |
| Use Type | : | Office / Residential |
| Use Class | : | Office: "S" Use – Council discretion required following advertising. Residential: "D" Use – Council discretion required. |

Site Details

| | | |
|--------------------------------------|---|--|
| Lot Area | : | 1014 sqm |
| Retention of Existing Vegetation | : | Not Applicable |
| Street Tree(s) | : | None |
| Street Furniture (drainage pits etc) | : | None |
| Site Details | : | Property Map 3036 PROPERTY MAP.pdf 3036 May 2008.pdf |

DETAIL

The application proposes a four storey building for mixed use development with 3 offices on the ground floor, 2 offices on the first floor, 2 multiple dwellings on the second floor and another 2 multiple dwellings on the third floor.

A total of 28 carparking bays are proposed within the undercroft parking area (including a disabled bay).

A total plot ratio of 1.1042 is proposed with 0.6808 for the non residential component and 0.4234 for the residential component.

A total landscaping of 30.9% is proposed and 25% is required under the the City of Melville Community Planning Scheme No. 5.

The proposal complies with the height limit maximum of 13.5 metres, as the proposed building is 13.0 metres in height from the natural ground level.

P08/3036 - PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

Development Requirements

| Development Requirement | Required/ Allowed | Proposed | Comments | Delegation to approve variation | Plan Notation |
|---------------------------------|--|---------------|------------------------|---------------------------------|---------------|
| Open Space | Not Applicable | | | | |
| Plot Ratio Non-resident. | 0.6 | 0.6808 | Does not comply | | |
| Residential Plot Ratio | 0.6 | 0.4234 | Complies | | |
| Total Plot Ratio | 1.2 | 1.1042 | Complies | | |
| Landscaping | 25% | 30.9% | Complies | | |
| Building Height | 10.0 metres to eaves 13.5 metres (max.) | 13.0 metres | Complies | | |
| Carparking | 26 bays | 28 bays | Complies | | |

(Note: Non-compliance is emphasised in bold)

Setbacks

| Wall | Required | Proposed | Comments | Delegation to approve Variation | Plan Notation |
|-----------|-------------|-----------------|----------|---------------------------------|---------------|
| Front | | | | | |
| GF | Nil | 7.1 metres | Complies | | |
| 1 F | Nil | 7.1 metres | | | |
| 2 F | Nil | 6.2 metres | | | |
| 3 F | Nil | 6.2 metres | | | |
| Rear | | | | | |
| GF | 6.0 metres | 6.0 metres | Complies | | |
| 1 F | 6.0 metres | 6.0 metres | | | |
| 2 F | 1.4 metres | 10.0 metres | | | |
| 3 F | 1.75 metres | 10.0 metres | | | |
| East Side | | | | | |
| GF | 2.0 metres | 2.0/2.15 mts | Complies | | |
| 1 F | 2.0 metres | 2.0/2.15 mts | | | |
| 2 F | 1.8 metres | 1.8/2.2 mts | | | |
| 3 F | 1.8 metres | 1.8/2.2/2.4 mts | | | |

P08/3036 - PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

| | | | | | |
|-----------|------------|-----------------|----------|--|--|
| West Side | | | | | |
| GF | 2.0 metres | 3.5 metres | Complies | | |
| 1 F | 2.0 metres | 3.5 metres | | | |
| 2 F | 1.8 metres | 3.5/3.9/4.1 mts | | | |
| 3 F | 3.4 metres | 3.5/3.9/4.1 mts | | | |

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Office: "S" Use – Council discretion required following advertising.
 Residential: "D" Use – Council discretion required.
 Support/Object: 2 Submissions objecting

| Submission Number | Summary of Submission | Support/Objection | Officer's Comment | Action (Condition/Up Hold/Not Up Hold) |
|-------------------|---|-------------------|---|--|
| 1. | Height to be restricted to 13.5 metres to restrict overshadowing and overlooking into 23 Kintail Road. | Objection | Height of the building is only 13.0 metres and therefore compliant with the Scheme. | Not Up Hold |
| | Potential damage to 23 Kintail Road (cracks on walls and fences) due to vibration and excavation during construction of proposed basement carparking. | Objection | As the excavation in this instance is significant, it is appropriate to require the applicant to provide a Dilapidation Report prior to the issue of a Building Licence. | Up Hold |
| | Setbacks and plot ratios should be in accordance with regulations. | Objection | Proposal complies with setbacks and combined plot ratios for mixed-use development in accordance with the City of Melville Community Planning Scheme No. 5 and the Residential Design Codes | Not Up Hold |

**P08/3036 - PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPECROSS
(REC) (ATTACHMENT)**

| | | | | |
|---|--|-----------|---|-------------|
| 2 | Overlooking into the adjoining residential property. | Objection | Louvers and fixed obscure glazing is proposed to avoid overlooking into adjoining residential properties. | Not Up Hold |
| | Concern about noise level from residents and tenants into the adjoining residential property to the west due to the setback of the building. | Objection | The development proposes a minimum setback to the western boundary of 3.5 metres and a minimum of 10 metres to the rear boundary. These setbacks exceed the standard requirements and provide for increased separation distances to the adjoining property. | Not Up Hold |
| | Height of the building of 13.75 metres. | Objection | The building is proposed to be 13.0 metres in height – less than provided for under the Scheme. | Not Up Hold |
| | Concerns about parking problems and increase in traffic along Kintail Road. | Objection | Proposal complies with the minimum carparking required. Kintail Road has the potential to accommodate the traffic generated by the development. | Not Up Hold |

REFERRALS TO GOVERNMENT AGENCIES

Nil

**P08/3036 - PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPECROSS
(REC) (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

Nil

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Nil

POLICY IMPLICATIONS

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

Policy No. 06-PL-036 Planning Process and Decision Making – process would normally require that this application be referred to Portfolio Meeting, but not Council. In this instance, the development has not been presented to a Portfolio Meeting as one has not been scheduled recently. However the alternative of referring the matter through the Council Agenda Forum process provides a suitable option to provide Elected Members with information on the proposal.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council may refuse the application should it be considered that the development does not comply with the provision of the City of Melville Community Planning Scheme No. 5, as the proposal exceeds the maximum non-residential plot ratio of 0.6. However the proposal complies with the maximum plot ratio of 1.2 based on the Council's legal interpretation and therefore an appeal to the State Administrative Tribunal (SAT) may be difficult to defend.

**P08/3036 - PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPECROSS
(REC) (ATTACHMENT)****COMMENTS***Mixed Use Applications*

It should be noted that another application for a Three Storey Mixed-Use Development (3 office units on the ground floor and 5 multiple dwellings) with undercroft carparking was submitted to the City of Melville on 31 October 2007 by the same applicant. The proposal is located on 1 First Avenue, Applecross, at the rear of the subject development application. The application is pending on additional information prior to final assessment and public advertising.

Also another application for a Three Storey Mixed-Use Development (6 office units on the ground floor and 4 multiple dwellings) with undercroft carparking was submitted to the City of Melville on 20 March 2008. The proposal is located on 30 Kintail Road, corner with Forbes Avenue, Applecross and is under preliminary assessment prior to public consultation.

Plot Ratio

In simple terms, plot ratio is the ratio of built area relative to the site area. The planning tool aims to provide some rational for the assessment of building bulk on a property. However, other considerations such as setback, parking and building height, together with the visual aesthetics of a development have equal or more significance when considering the bulk of a development.

The plot ratio requirements are complex and in many instances do not give a true representation of building bulk.

In this regard, for residential development, the definition includes the area of walls and provides for a number of exclusions which still add to the bulk of a building. Exclusions for residential development include areas for lifts, stairs or landings for more than one dwelling, machinery, air conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used for parking at or below natural ground level, lobbies or amenity areas common to one or more dwellings, balconies or verandahs open on at least two sides.

Plot ratio exclusions for non-residential development were previously contained under the Uniform Building Bylaws (but are not included under the current Building Code of Australia). In practice, however, the former Uniform Building Bylaw requirements are generally applied and in this regard, plot ratio for commercial development also exclude walls of the commercial building and all floor areas for vehicle parking, whether at or below ground floor or above. In this regard, it should be noted that the lobby and waiting area on the second floor and passage between tenancy 2 and 3 on the ground floor have been included within the calculation of plot ratio for the non-residential component.

**P08/3036 - PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPLECROSS
(REC) (ATTACHMENT)**

The plot ratio “as of right” (subject to discretionary consideration under Clause 7.8 of CPS No 5) applicable for a Mixed Use Development consists of the plot ratio of the commercial floor area plus the plot ratio of the residential area provided under the R-Coding.

The development proposes a non-residential plot ratio of 0.6808 (690.29 square metres) which is 81.89 square metres above the maximum 608.4 square metres permitted in the Canning Bridge Frame. The residential component proposes a plot ratio of 0.4234 (429.36 square metres) which is 179.04 square metres below the maximum 608.40 square metres permitted. The combined plot ratio equates to 1.1042 (1119.65 square metres), which is 97.15 square metres less than the 1216.8 square metres permitted “as per right” based on the Council’s legal interpretation of plot ratio for mixed-use development.

The proposal does not involve an overall increase in plot ratio as described above and it is considered reasonable to support the variation relative to the non-residential component. The increase in non-residential plot ratio can be considered under Clause 4.2(d) of the Scheme, which requires a Special Majority vote in favour of the variation and takes into consideration factors listed under Clause 7.8 and any adverse impact on residents or the future development of the locality. In this regard:

- a) It is noted from the consideration of submissions that concerns raised related primarily to matters of compliance with relevant development standards, therefore it is considered that the impacts on residents is limited.
- b) The proposal will not adversely impact on the future development of the locality and matters relating to Clause 7.8 of the Scheme are satisfied.
- c) Specifically, the proposal is not inconsistent with the future amenity of the area as provided under Amendment No 35 to CPS No. 5;
- d) The proposal is consistent with orderly and proper planning as the property is located in the heart of the Precinct and therefore will have a reduced impact relative to other properties located on the fringe of the Precinct.

Accordingly the variation to the plot ratio for the non-residential component of the development is supported.

Car Parking

The City of Melville Community Planning Scheme No. 5, Policy No. 06-024 Car Parking (Non-Residential) requires a total of 22 carparking bays for the non-residential component. In accordance with the Residential Design Codes a total of 8 carparking bays are required for the 4 multiple dwellings, which may be reduced to 4 bays where on-site parking required for other users is available outside normal business hours. No visitor bays are required for the residential development in accordance with the Residential Design Codes as only 4 dwellings are proposed.

**P08/3036 - PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPLECROSS
(REC) (ATTACHMENT)**

Therefore the total required number of bays may be reduced to 26 bays. The proposal is for 28 bays and is supported for approval subject to compliance with the Australian Standards. A condition is recommended to ensure reciprocal use of the commercial carparking outside business hours by residents.

Landscaping

The proposal shows a calculated landscaping area of 30.9% (313.5 square metres) of the site area, which exceeds the City of Melville Community Planning Scheme No. 5 requirement of a minimum landscaping area of 25% for non-residential development.

Bin Storage

A bin storage area is proposed in the basement carparking. Therefore the proposal will be conditioned to provide suitable arrangements for the collection of bins to the approval of the City of Melville Waste Services.

Submissions

Two submissions have been received objecting the proposal, mainly addressing the height of the building, overlooking into residential adjoining properties, noise, side setbacks, carparking and increase in traffic. A summary and comment have been included within the report above and the objections are not recommended to be upheld due to the fact that the reasons for objection relates specifically to a number of factors of the development which are complaint with the provision of the City of Melville Community Planning Scheme No. 5, its policies and the Residential Design Codes.

CONCLUSION

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

P08/3036 - PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (3036)

SPECIAL MAJORITY APPROVAL

THAT COUNCIL VARY POLICY 06-PL-036 WITH REGARD TO DECISION MAKING PROCESSES AND THE APPLICATION FOR PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPECROSS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

SPECIAL CONDITIONS:

- 1. THE SECURED CAR PARKING AREA TO PROVIDE FOR A MINIMUM OF EIGHT (8) RESIDENTIAL AND ELEVEN (11) COMMERCIAL CAR BAYS AFTER NORMAL BUSINESS HOURS, AND A MINIMUM OF FOUR (4) RESIDENTIAL AND FIFTEEN (15) COMMERCIAL CAR BAYS DURING BUSINESS HOURS.**
- 2. THE BUILDING LICENCE APPLICATION TO INCLUDE DETAILS ON MANAGEMENT OF THE COMMERCIAL PARKING AREA TO ENSURE THAT IT IS OPEN FOR PUBLIC USE DURING BUSINESS HOURS TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 3. THE DIMENSIONS OF ALL CAR PARKING BAYS, AISLE WIDTHS AND CIRCULATION AREAS COMPLYING WITH AUSTRALIAN STANDARD AS2890.1.**
- 4. PRIOR TO THE ISSUE OF THE BUILDING LICENCE, THE APPLICANT/OWNER IS REQUIRED TO SUBMIT A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL, TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES, DETAILING HOW IT IS PROPOSED TO MANAGE:**
 - THE DELIVERY OF MATERIALS AND EQUIPMENT TO THE SITE;**
 - THE STORAGE OF MATERIALS AND EQUIPMENT ON THE SITE;**
 - THE PARKING ARRANGEMENTS FOR CONTRACTORS AND SUBCONTRACTORS;**
 - IMPACT ON TRAFFIC MOVEMENT AND;**
 - OTHER MATTERS LIKELY TO IMPACT ON THE SURROUNDING RESIDENTS.**

P08/3036 - PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

5. A DETAILED LANDSCAPING AND RETICULATION PLAN BEING SUBMITTED AND APPROVED FOR THE SUBJECT SITE AND ROAD VERGE ADJACENT TO THE SITE. THE APPROVED LANDSCAPING PLAN SHALL BE FULLY IMPLEMENTED PRIOR TO THE FIRST COMMENCEMENT AND OPERATION OR OCCUPATION OF THE DEVELOPMENT AND MAINTAINED THEREAFTER TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
6. SUITABLE ARRANGEMENTS BEING MADE FOR THE STORAGE OF BINS AND COLLECTION OF WASTE FROM THE SITE TO APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
7. DURING EXCAVATIONS, ALL NECESSARY PRECAUTIONS TO BE TAKEN TO PREVENT DAMAGE OR COLLAPSE OF ANY ADJACENT STREETS, RIGHT-OF-WAY OR ADJOINING PROPERTIES. IT IS THE RESPONSIBILITY OF THE BUILDER TO LIAISE WITH ADJOINING AND ADJACENT PROPERTY OWNERS PRIOR TO CARRYING OUT WORK.
8. ON COMPLETION OF CONSTRUCTION, ALL EXCESS ARTICLES, EQUIPMENT, RUBBISH OR MATERIALS AND TEMPORARY FACILITIES ARE TO BE REMOVED AND THE SITE AND SURROUNDING AREA USED DURING THE DEVELOPMENT IS TO BE MADE GOOD AND LEFT IN AN ORDERLY AND TIDY CONDITION TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
9. ALL SECURITY ALARM DEVICES TO BE “SILENT MONITORED” SYSTEMS TO ADDRESS POTENTIAL IMPACTS ON SURROUNDING RESIDENTIAL AMENITY TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
10. THE FAÇADE OF THE BUILDING AND WALLS TO BE TREATED WITH AN ANTI-GRAFFITI AGENT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
11. PROVISION OF A NOISE MANAGEMENT PLAN FOR THE DEVELOPMENT INDICATING HOW THE NOISE FROM THE CARPARKING, AIR CONDITIONING AND OTHER MECHANICAL EQUIPMENT WILL IMPACT ON THE NEIGHBOURING PROPERTIES AND RECOMMENDATIONS FOR REDUCING ANY POTENTIAL NOISE IMPACT TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. THE RECOMMENDATIONS SHALL BE INCORPORATED IN THE PLANS SUBMITTED FOR A BUILDING LICENCE.

P08/3036 - PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

12. THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. APPLICANT IS REQUIRED TO CONSULT WITH CITY OF MELVILLE HEALTH SERVICES PRIOR TO THE INSTALLATION OF ANY NOISE EMITTING EQUIPMENT SUCH AS AIR CONDITIONERS.
13. THE BUILDING SHALL NOT USE REFLECTIVE OR MIRROR GLASS EXTERNALLY. DETAILS TO BE SHOWN ON THE DEVELOPMENT PLANS TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.
14. THE ROOF OF THE BUILDING NOT TO BE ZINCALUME OR WHITE METAL (E.G. COLORBOND SURFMIST) OR ANY OTHER MATERIAL / COLOUR CONSIDERED TO BE HIGHLY REFLECTIVE UNLESS OTHERWISE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES. DETAILS OF THE PROPOSED ROOF MATERIAL AND COLOUR TO BE SHOWN ON THE DEVELOPMENT PLANS PRIOR TO THE ISSUE OF A BUILDING LICENCE.
15. SUBMISSION OF A GLARE REFLECTIVITY STUDY BY A SUITABLY QUALIFIED PROFESSIONAL AND ANY GLARE ISSUES TO BE ADDRESSED PRIOR TO THE ISSUE OF A BUILDING LICENCE.
16. THE SUBMISSION OF A COLOUR SCHEDULE BOARD DETAILING THE USE OF MATERIALS, FINISHES AND COLOURS FOR THE MIXED USE BUILDING TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.
17. EQUIPMENT SUCH AS AIR CONDITIONERS OR EXHAUST VENTS, BUT NOT INCLUDING ANY SOLAR PANEL, WHICH ARE LIKELY TO DETRACT FROM THE VISUAL APPEARANCE OF THE BUILDING SHALL NOT BE LOCATED ON THE ROOF OR OTHERWISE EXPOSED TO PUBLIC VIEW.
18. PRIOR TO THE OCCUPATION OF THE BUILDING A SIGN STRATEGY FOR THE BUILDING IS TO BE SUBMITTED AND APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
19. THE PROVISION OF TWO STREET TREES IN THE VERGE AREA OF THE SUBJECT PROPERTY IN 100L CONTAINERS, AT THE APPLICANTS / OWNERS FULL COST TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. DETAILS OF THE PROPOSED STREET TREES AND LOCATION TO BE INCLUDED IN THE LANDSCAPING AND RETICULATION PLAN STATED IN SPECIAL CONDITION 5.

P08/3036 - PROPOSED FOUR STOREY MIXED USE DEVELOPMENT (FOUR MULTIPLE DWELLINGS AND FIVE OFFICES) ON LOT 303 (21) KINTAIL ROAD, APPECROSS (REC) (ATTACHMENT)

- 20. PRIOR TO THE ISSUE OF A BUILDING LICENCE, THE APPLICANT TO SUBMIT A DILAPIDATION REPORT TO THE APPROVAL OF THE PRINCIPAL BUILDING SURVEYOR.**

STANDARD CONDITIONS:

RESSD; 01, 04, 09, 13, 15, 16, 19

COM;

FOOTNOTES

- 1. WITH RESPECT TO SPECIAL CONDITION 6, THE APPLICANT IS REQUIRED TO LIAISE WITH THE CITY OF MELVILLE WASTE SERVICES.**
- 2. A HEALTH LICENCE IS REQUIRED FOR THIS DEVELOPMENT AT THE BUILDING APPROVAL STAGE.**

At 7.42pm Cr Barton left the meeting, and returned at 7.46pm.

General discussion took place regarding the report and officer recommendation.

The Manager Planning and Development Services advised that a traffic survey report will be available prior to council meeting and the results of the survey will be advised to Members.

At 8.09pm Cr Ceniviva left the meeting, and returned at 8.16pm

P08/5008 - AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE MEDICAL CENTRE, OFFICE AND RESTAURANT (REC) (ATTACHMENT)

| | | |
|----------------------------|---|--|
| Item presented by | : | David Vinicombe Manager Planning & Development Services |
| Ward | : | Palmyra/Melville/Willagee |
| Category | : | Planning / Building Development |
| Application Number | : | SA-41 |
| Property | : | Lot 100 (109) North Lake Road, Willagee Lot 9 (241) Leach Highway, Willagee. |
| Proposal | : | To consider Development Design Guidelines, to increase density from R20 to R60 and to include Restaurant Use. |
| Applicant | : | City of Melville |
| Owner | : | City of Melville |
| Disclosure of any Interest | : | The property is owned by the City of Melville and the amendment will facilitate redevelopment of the site in the future. |
| Responsible Officer | : | David Vinicombe, Manager Planning & Development Services |
| Previous Items | : | Item P06/5003, 20 June 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 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> |

P08/5008 - AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE MEDICAL CENTRE, OFFICE AND RESTAURANT (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Council resolved to note submissions and adopt Amendment 41 for finalisation without the Restaurant use in June 2006.
- The Minister for Planning and Infrastructure did not support the Amendment but indicated that subject to the preparation of Design Guidelines and advertising, the amendment could be supported with modifications to increase the density to R60.
- Accordingly, the proposed residential coding R40 is recommended to be increased to R60.
- Design Guidelines for Development have been prepared to address Minister’s concerns.
- Given need to readvertise Amendment, reconsideration of “Restaurant” use is recommended.

BACKGROUND

The Council at its Ordinary Meeting on 20 June 2006 resolved:

“That the recommendation contained in item P06/5003 of the Development & Neighbourhood Amenity Committee meeting held on 13 June 2006, be rejected and replaced with –

That the Council with respect to amendment No. 41 to Community Planning Scheme No. 5 resolves:

1. *That the three (3) submissions received during the statutory advertising period be noted.*
2. *That the Environmental Protection Authority which has no objection to the amendment proceeding be noted.*
3. *That final approval for the amendment be adopted with modification by deleting ‘restaurant use’. The amendment documents to be signed and sealed and forwarded to the Honourable Minister for Planning and Infrastructure requesting final approval.*
4. *That the submitter be advised of the Council decision accordingly.”*

P08/5008 - AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE MEDICAL CENTRE, OFFICE AND RESTAURANT (REC) (ATTACHMENT)

Amendment No. 41 documents were submitted to the Western Australian Planning Commission on 15 September 2006 and the documents were returned with a letter from the Western Australian Planning Commission dated 9 November 2006 as follows:

“I refer to your letter of September 15, 2006 and advise that the Minister for Planning and Infrastructure has decided not to approve the above amendment.

The Minister has expressed her in-principle support for this proposal which seeks higher and better order uses for the site, but also expresses her concern about the lack of specific detail regarding future development of the site.

The Minister considers that the amendment should incorporate some form of guidelines or criteria which take into account the potential for negative impact on liveability, should dwellings be located with a direct interface with the major roads, particularly Leach Highway. Such criteria could include a mechanism whereby residential development could be screened from the road or roads by intervening commercial development.

Specific design guidelines for the site could be considered, dealing with setbacks, location of different land uses, plot ratio, built form, specific building design requirements, access, lands and carparking.

The Minister has also expressed her support for an increase in residential density, up to R60. If any such increase is to be considered, it will be necessary for consideration to be given further advertising of the amendment, depending on the form and nature of the modifications.

Consequently, Council is requested to give consideration to modifying the amendment accordingly prior to its referral back to the Minister for her further deliberation....”

P08/5008 - AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE MEDICAL CENTRE, OFFICE AND RESTAURANT (REC) (ATTACHMENT)

SCHEME PROVISIONS

| | | |
|--------------|---|---|
| MRS Zoning | : | Urban |
| CPS 5 Zoning | : | Living Area Precinct – Willagee – W1 |
| R-Code | : | R20 |
| Use Type | : | As per Use Class Table (The amendment will modify Schedule 3 by adding Medical Centre, Office and Restaurant as additional uses to the subject sites.) |
| Use Class | : | Not Applicable |

SITE DETAILS

| | | |
|--------------------------------------|---|---|
| Lot Area | : | Lot 100 - 4131 square metres Lot 9 – 757 square metres |
| Retention of Existing Vegetation | : | Not Applicable |
| Street Tree(s) | : | No verge trees. There are three trees on sites. |
| Street Furniture (drainage pits etc) | : | Not Applicable |
| Site Details | : | Property Map 5008_PROPERTY_MAP.pdf |

DEVELOPMENT REQUIREMENTS

Not Applicable

RELEVANT POLICIES

Not Applicable

PUBLIC CONSULTATION

Amendment No 41 was advertised for public comments between 23 March 2006 and 3 May 2006, with letters sent to affected local residents. Two signs on site were erected and a notice was placed in the West Australian and the Melville Times.

Only three submissions were received; one opposing mainly the restaurant use and the other two, from Government Authorities (Western Power and Water Corporation), not objecting the Amendment.

P08/5008 - AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE MEDICAL CENTRE, OFFICE AND RESTAURANT (REC) (ATTACHMENT)

REFERRALS TO GOVERNMENT AGENCIES

Environment Protection Authority (EPA) and the Western Australian Planning Commission (WAPC).

STATUTORY AND LEGAL IMPLICATIONS

Not Applicable

COMMENT

Lot 100 (No. 109) North Lake Road corner Leach Highway, Willagee is currently vacant and has an area of 4131.9 square metres. Adjacent Lot 9 (No. 241) Leach Highway contains a dwelling and has an area of 757.2 square metres. The two properties are owned by the City of Melville and have a combined area of 4889.1 square metres. The dwelling at Lot 9 is currently rented and occupied. The term of the tenancy is periodic requiring a 60 day notice period to vacate the dwelling.

Development surrounding the two lots includes residential to the south and west and local open space to the east of North Lake Road. Development to the north of Leach Highway forms part of the Myaree Mixed Business Zone and includes a Bunnings Warehouse carpark and Toyota car sales yard. The Hulme Court commercial centre complex is approximately 180 metres from the subject sites.

The two parcels of land are strategically located at the junction of two regional roads with high traffic exposure and are positioned opposite a thriving and vibrant commercial area (Myaree Mixed Business Precinct). Whilst the location of the two lots is significant, the use of the sites is constrained to low-density residential use with opportunity for other minor commercial uses at the discretion of Council. Other ‘higher order’ uses better suited to the strategic location include office, medium density residential or restaurant/café.

The use of the combined sites for residential purposes alone does not present the highest and best use of the sites particularly given the high traffic volumes on adjacent Leach Highway and impacts from traffic activity (i.e. noise). Furthermore, the location of the two properties adjacent to the Myaree Mixed Business Area are better suited to support a combination of land uses appropriately designed to suit the unique corner location and be sympathetic to the surrounding residential area (that is, commercial land use fronting Leach Highway and North Lake Road with Residential to the rear of the land adjacent to existing residential areas or on top of commercial development). Furthermore, a well designed development at this landmark location will present a suitable entry statement to the suburb of Willagee and improve the identity of this strategic location within the City of Melville. Notwithstanding, it is emphasised that the demand for a combination of potential commercial uses have not been tested in the marketplace.

P08/5008 - AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE MEDICAL CENTRE, OFFICE AND RESTAURANT (REC) (ATTACHMENT)

Modifications to Amendment

In response to the Minister’s request, the City of Melville’s Strategic Urban Planning department has prepared Draft Design Guidelines [5008 May 2008.pdf](#) for Development of Lot 100 (109) North Lake Road and Lot 9 (241) Leach Highway, Willagee. In addition, and as encouraged by the Minister, the document now provides for residential development at the R60 density. It is noted that the previously deleted “Restaurant” in accordance with the Council resolution from its Meeting on 20 June 2006 is proposed to be reinstated into the Amendment to provide for greater vitality and diversity within the development site. Design Guidelines for the Restaurant are also proposed as per the attached.

CONCLUSION

In conclusion, the proposed modifications to the amendment are supported on the basis that:

- The location of the subject property at the corner of North Lake Road and Leach Highway, Willagee is considered to be a landmark site and worthy of an iconic development to improve the viability and identity of the two (2) land parcels;
- Whilst low density residential development can still be accommodated on the land under the proposed new zoning of R60, a well designed mix of land use inclusive of restaurant use will optimise the development of this strategically located site; and
- The subject Lot 100 has been vacant for several years and it is not in the best interest of the amenity of the area for it to remain vacant. Any opportunity to redevelop the site is welcomed.

It is recommended that the Council adopts the Design Guidelines for Development of Lot 100 (109) North Lake Road and Lot 9 (241) Leach Highway, Willagee; support modification of the Amendment the increase in density from R20 to R60 and reinstate the Restaurant Use as originally proposed. It is noted that the proposed modification will require readvertising of the Amendment.

P08/5008 - AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE MEDICAL CENTRE, OFFICE AND RESTAURANT (REC) (ATTACHMENT)

OFFICER RECOMMENDATION (5008)

ADOPTION

THAT THE COUNCIL WITH RESPECT TO AMENDMENT NO, 41. TO THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME NO. 5 RESOLVES:

- 1. THAT THE DESIGN GUIDELINES FOR DEVELOPMENT OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE BE ADOPTED.**
- 2. THE RESIDENTIAL DENSITY BE INCREASED FROM R20 TO R60 AND THE PROPOSAL FOR RESTAURANT BE REINSTATED IN THE AMENDMENT.**
- 3. THE AMENDMENT BE RE ADVERTISED IN ACCORDANCE WITH ADVICE FROM THE HONOURABLE MINISTER FOR PLANNING AND INFRASTRUCTURE.**

General discussion took place regarding the report and officers recommendation.

The Manager Planning and Development Services advised that information on height restrictions and vehicle access to the site will be received and advised to Members.

At 8.09pm Cr Wieland left the meeting and returned at 8.17pm.

**C08/5005 - SOUTH WEST GROUP MEMORANDUM OF UNDERSTANDING (REC)
(ATTACHMENT)**

| | | |
|----------------------------|---|--|
| Item presented by | : | Shayne Silcox Chief Executive Officer |
| Ward | : | All |
| Category | : | Strategic |
| Subject Index | : | South West Group |
| Customer Index | : | South West Group |
| Disclosure of any Interest | : | Acceptance of Recommendation may allow for an extension of the Contract with the Director of the South West Group. That will be a separate decision for the South West Group CEO Forum. |
| Previous Items | : | Not Applicable |
| Works Programme | : | Not Applicable |
| Funding | : | The proportion of the annual funding sourced from each member council will be based on a fixed annual fee (\$20,000 for 2008) with the balance being apportioned according to a mix of member council population and rate revenue. Typical council cost is \$80,000 per year for three years |
| Responsible Officer | : | Shayne Silcox Chief Executive Officer |

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> |

C08/5005 - SOUTH WEST GROUP MEMORANDUM OF UNDERSTANDING (REC)
(ATTACHMENT)**KEY ISSUES / SUMMARY**

- The South West Group has operated as a Voluntary Regional Organisation of Councils since 1983.
- The operation of the South West Group is principally funded by its member Councils
- Structured regional cooperation is supported by the Federal Government and by the Western Australian Local Government Association.
- The South West Group has operated on a year by year basis in the past.
- It is now recommended that the six member Councils agree a three year MOU.

BACKGROUND

The South West Group was established on November 11, 1983 as Western Australia's first Voluntary Regional Organisation of Councils (VROC). The VROC, comprising the Cities of Fremantle, Cockburn and Rockingham and the Towns of Kwinana and East Fremantle, was developed to tackle unemployment, economic decline and community services needs. The City of Melville joined the Group in 1985.

The initial focus was on employment and community development with some transport and industry development activity. In the early 1990's the focus shifted with the preparation of a five year Economic Development Plan, involvement in waste management and the first delegation of Mayors and CEO's to Canberra. Transport also became a significant issue with the South West Group lobbying for the extension of the Kwinana Freeway, Light Rail, Heavy Rail and regional road funding

Current priorities for the South West Group are:

1. Regional Governance: To promote the South West Group as a key stakeholder in the decision-making processes that affect the growth and sustainable development of the South Metropolitan Region of Perth;
2. Transport: To effectively influence the development of a regional transport network that provides safe, efficient, convenient and environmentally friendly transport options;
3. Economic Development: To create strong, vibrant local economies and a diverse economic base that encourages opportunities for both businesses and for employment;
4. Socio-economic development: To create cohesive and culturally rich communities with healthy social interaction and a strong sense of community;
5. Management of the natural and built environment: To provide leadership in the recognition of the values of both the natural and the built environment whilst supporting sustainable management for the benefit of current and future generations;
6. Coordinated Municipal Services: To facilitate delivery of effective and efficient municipal services to the community with an emphasis on initiatives that reduce waste and duplication;
7. South West Group Management: To maintain an efficient, proactive organisation that supports and progresses the aspirations of its member councils.

**C08/5005 - SOUTH WEST GROUP MEMORANDUM OF UNDERSTANDING (REC)
(ATTACHMENT)****DETAIL**

The current external political environment, at both a State Government and a Federal Government level, supports the continuation of an effective regional structure. The Federal Government has just reaffirmed its approach to the use of Area Consultative Committees and its Better Regions Programme. The Western Australian Local Government Association has also supported regional cooperation on service delivery through its report "The Journey: Sustainability into the future". Commencing a three year MOU in 2008 will align consideration of the structure, resourcing and role of the South West Group with the Federal Government Electoral Cycle.

The South West Group Memorandum of Understanding [5005A May 2008.pdf](#) and Work Plan 2008 [5005B May 2008.pdf](#) are attached showing the wide range of activities carried out.

The South West Group Region is a logical grouping as it reflects the Western Australian Local Government Association South West Zone, the Western Australian Legislative Council South Metropolitan Electorate and the Australian Bureau of Statistics South West Metropolitan Statistical Division.

The South West Group Region is also of sufficient scale to require the attention of State and Federal Governments. With 1.5% of Australia's population it produces 2% of Australia's GDP. The Region represents 15% of both Western Australia's population and GDP.

PUBLIC CONSULTATION/COMMUNICATION

The decision to proceed with the MOU does not require public consultation or advertising.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The South West Group was reviewed in October 2005 by Stephen Goode Consulting and the current structure and role has emerged from that review.

STATUTORY AND LEGAL IMPLICATIONS

The South West Group operates through its individual members and through its affiliated incorporated organisation, the South West Corridor Development Foundation. There are no statutory or legal implications beyond those arising from signing the MOU.

**C08/5005 - SOUTH WEST GROUP MEMORANDUM OF UNDERSTANDING (REC)
(ATTACHMENT)**

FINANCIAL IMPLICATIONS

Funding for the South West Group in the past has been a mix of administration and project funding agreed on an annual basis by the Board of the South West Group.

Regional bodies throughout the world are funded in a wide variety of methods and sources with the most common being based on population (generally with some state government support). A range of approaches were considered for the South West Corridor looking at rate revenue, population and hybrid combinations (see Table1). The increase in funding from 2007/08 to 2008/09 is principally to fund a Grants Officer.

The Hybrid P Contribution Approach was based on a \$20,000 fee and the balance of the budget sourced based on population. The Hybrid RB Contribution Approach was based on a \$20,000 fee and the balance of the budget sourced based on rate revenue.

**Table 1
SOUTH WEST GROUP
FUNDING OPTIONS FOR 2008/09**

| LGA | Population 2006 | Approved Contribution 2007/08 \$ | Current Contribution Approach 2008/09 \$ | Per Capita Contribution Approach 2008/09 \$ | Hybrid P Contribution Approach 2008/09 \$ | Hybrid RB Contribution Approach 2008/09 \$ |
|-------------------|--------------------|---|--|---|---|--|
| Cockburn | 78 768 | 50 000 | 72 750 | 90 000 | 81 100 | 77 250 |
| East Fremantle | 6 932 | 25 000 | 36 350 | 8 000 | 25 000 | 25 100 |
| Fremantle | 26 320 | 30,000 | 43 650 | 30 000 | 40 500 | 59 250 |
| Kwinana | 24 427 | 50 000 | 72 750 | 28 000 | 39 000 | 45 700 |
| Melville | 97 597 | 50 000 | 72 750 | 112 000 | 95 800 | 86 600 |
| Rockingham | 89 629 | 50 000 | 72 750 | 103 000 | 89 600 | 77 100 |
| Total | 323 673 | 255 000 | 371 000 | 371 000 | 371 000 | 371 000 |

**C08/5005 - SOUTH WEST GROUP MEMORANDUM OF UNDERSTANDING (REC)
(ATTACHMENT)**

Table 2 contains the information on which used to calculate Table 1 contributions.

**Table 2
SOUTH WEST GROUP
EXTRACTS FROM 2005/06 FINANCIAL STATEMENTS**

| | Cockburn | East Fremantle | Fremantle | Kwinana | Melville | Rockingham | Total |
|-----------------------------|----------|----------------|-----------|---------|----------|------------|---------|
| Rate Revenue \$m | 23.000 | 3.504 | 17.996 | 10.734 | 32.191 | 29.845 | 117.27 |
| Fees and Charges \$m | 20.350 | 0.747 | 18.378 | 6.079 | 18.574 | 18.927 | 83.055 |
| Grant Revenue Operating \$m | 5.195 | 0.635 | 4.561 | 6.799 | 3.634 | 4.181 | 38.291 |
| Grant Revenue Capital \$m | | 0.383 | 1.088 | 1.500 | 3.213 | 7.102 | |
| Total Revenue \$m | 59.956 | 5.347 | 41.095 | 26.960 | 69.724 | 59.804 | 262.886 |

At the December 2007 CEO Forum, a transitional approach was identified using a reduced budget of \$355,000 through delaying the appointment of a Grants Officer. The CEO Forum supported a fixed figure of \$20,000 as a contribution with the balance being determined based on a mix of population and rate revenue.

**Table 3
SOUTH WEST GROUP
RECOMMENDED 2008/09 CONTRIBUTION**

| LGA | 2007/08 Contribution | 2008/09 Contribution |
|----------------|---------------------------------|---------------------------------|
| Cockburn | \$50,000 | \$80,000 |
| East Fremantle | \$25,000 | \$25,000 |
| Fremantle | \$30,000 | \$40,000 |
| Kwinana | \$50,000 | \$50,000 |
| Melville | \$50,000 | \$80,000 |
| Rockingham | \$50,000 | \$80,000 |
| Total | \$255,000 | \$355,000 |

C08/5005 - SOUTH WEST GROUP MEMORANDUM OF UNDERSTANDING (REC)
(ATTACHMENT)**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

The strength of the South West Group is that it has been able to establish agreed positions on policies, infrastructure and project priorities as well as effectively communicate those positions to State and Federal Government. There are a number of significant risks:

1. Loss of contributing members due to disagreement over projects and priorities.
2. Lack of effective participation by members
3. Focus on short term localised activity to be seen to be achieving outcomes where the major benefits are in difficult, long term, region wide activities.

The risks can be managed by working at a strategic level, agreeing a three year plan and each council recognising the value of having a respected regional structure.

POLICY IMPLICATIONS

The South West Group has sustained a significant policy role to support the negotiated position of its combined members.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Continuing the existing arrangement of annual approval of a budget brings with it uncertainty for permanent staff of the South West Group.

CONCLUSION

Having a structured and strong regional relationship is of value to each member local government authority in that it provides for local issues and projects to be discussed and advocated in a regional context, provides another avenue for advocacy on important issues and gives greater self determination than an externally imposed regional structure.

The proposed MOU is a simple document designed to improve regional cooperation and to give greater certainty for the operation of the South West Group.

OFFICER RECOMMENDATION (5005)**APPROVAL**

THAT THE COUNCIL SUPPORTS THE SOUTH WEST GROUP MEMORANDUM OF UNDERSTANDING AND AUTHORISES THE MAYOR AND CEO TO SIGN THE SOUTH WEST GROUP MEMORANDUM OF UNDERSTANDING ON BEHALF OF COUNCIL.

General discussion took place regarding the report and the officer recommendation.

**C08/8003 - PUBLIC ART - PURCHASE OF EMU FAMILY SCULPTURES (REC)
(ATTACHMENT)**

| | | |
|----------------------------|---|--|
| Item presented by | : | Christine Young Acting Director Strategic Community Development |
| Ward | : | City |
| Category | : | Operational |
| Subject Index | : | Arts – Artworks leased |
| Customer Index | : | Jean Mallinckrodt |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : | Not Applicable |
| Works Programme | : | Not Applicable |
| Funding | : | Not Applicable |
| Responsible Officer | : | Hannah Katariski Community Development Officer - Arts |

AUTHORITY / DISCRETION

| | <u>Definition</u> |
|---|---|
| <input type="checkbox"/> Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> Legislative | <i>includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> Review | <i>when Council review decisions made by Officers.</i> |
| <input type="checkbox"/> Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

KEY ISSUES / SUMMARY

- Report outlines a proposal from the owners of the 'The Emus Family Sculpture', located at the Western Entrance to the Civic Centre, whereby they have offered the City of Melville first preference to purchase the artwork for a sum of \$330,000 and requests a Council decision in regards to that offer.
- It is recommended that Council decline the offer due to the cost of the artwork.

**C08/8003 - PUBLIC ART - PURCHASE OF EMU FAMILY SCULPTURES (REC)
(ATTACHMENT)****BACKGROUND**

In 1999 the City accepted the offer by the artist, Margaret Penny, to host the work 'The Emus Family Sculpture'. The work consists of a family of slightly larger-than-life emus, three adults and four juveniles. It was agreed that the work be located at the western entrance of the Civic Centre for a period of three years. After that time the City would investigate the purchase, lease or extended loan of the work from the artist.

The end date for the loan of the work occurred in 2002 with neither party taking any action to decide the future purchase or removal of the work. Following the death of the artist, the family expressed a wish to sell the work and the executor of the estate approached the City in late 2007 with an invitation to purchase the work. A valuation of the work was carried out by the City. The work has been independently valued at between \$310,000 and \$350,000.

[8003A May 2008.pdf](#)

[8003B May 2008.pdf](#)

DETAIL

The Community Development Officer-Arts has investigated a number of options relating to the purchase of the 'The Emus Family Sculpture' by the City of Melville. The cultural and monetary value of the artwork has been taken into consideration and two possible options outlined below.

Option 1: Council purchase the work outright.

Council agrees to purchase the artwork using a suitable payment option. The family has offered several payment options - immediate or monthly payments over 3, 5, or 7 years.

The table below details the monthly instalments for each payment option. Total cost is calculated by multiplying instalment per month x 12 (months in the year) x number of years to repay. It incorporates interest to keep in line with inflation. NPV (Net Present Value) shows the present day equivalent of the Total Cost. (The formulae used to arrive at these figures were approved by Council's finance department).

| Purchase Option | Instalment per month | Total Cost | NPV |
|------------------------|-----------------------------|-------------------|------------|
| Immediate | \$ - | \$ 330,000 | \$ 330,000 |
| Over 3 years | \$ 10,189 | \$ 366,804 | \$ 329,986 |
| Over 5 years | \$ 6,534 | \$ 392,040 | \$ 329,980 |
| Over 7 years | \$ 4,980 | \$ 418,320 | \$ 329,961 |

Given the current financial climate, the purchase price for this work could be controversial without first engaging in community consultation to ascertain if there is support. At present no data exists that documents the community's attitude towards the work.

**C08/8003 - PUBLIC ART - PURCHASE OF EMU FAMILY SCULPTURES (REC)
(ATTACHMENT)**

OPTION 2: Council declines the offer to purchase the work.

Over the last 10 years the City has spent an estimated total of \$476,560 on 21 pieces of public artwork [8003C May 2008.pdf](#). The average cost for each of these public artworks has historically been between \$25,000 to \$50,000.

For the equivalent cost of purchasing 'The Emus Family Sculpture' ten new works could be commissioned and located throughout the City, having a larger impact on a larger number of residents.

In order to spend ten times the usual amount on a single work, a very strong case would need to be made as to the less tangible value of the work. Taking into account the following:

- Profile or notoriety of the artist.
- Significance of the work in the context of Melville and Western Australia.
- Is the artwork reflective of the artist's strongest work?
- Asking price commensurate with similar work on the market.

A strong enough case has not been established to support the asking price of the artwork.

Commissioning public artworks creates an income for living artists whilst the purchase of 'The Emus Family Sculpture' provides a direct profit to the family. Commissioning new works is also in line with our current Arts and Culture Policy (No 25-002) which states that;

'The collection of artworks to be of long-term cultural value to the community and should (d) support local artists through the purchase of their work.'

The total annual capital budget for purchase and upkeep of public art and annual community art projects is currently \$100,000. The number of opportunities for community participation generated by the purchase of 'The Emus Family Sculpture' is unlikely to be commensurate with those generated by the budgeted purchases and projects.

PUBLIC CONSULTATION/COMMUNICATION

No public consultation has been carried out.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The artwork was valued by two independent valuers in order to arrive at a current market sale price for the work.

STATUTORY AND LEGAL IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There is no funding allocated in the 2007/2008 or the draft 2008/2009 budgets to purchase this work. Funds required for the purchase would represent the equivalent of a 1% rate increase in the 2008/2009 budget.

Ongoing costs for the upkeep of this artwork would be minimal.

If the Community Development Officer's recommendation is accepted, there will not be any impact on the budget.

**C08/8003 - PUBLIC ART - PURCHASE OF EMU FAMILY SCULPTURES (REC)
(ATTACHMENT)**

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The risk implications for the two options outlined above have been listed below.

Option 1 – Purchasing artwork outright

| Risk Statement | Level of Risk* | Risk Mitigation Strategy |
|---|---|--|
| Risk of damage to Council reputation – being seen as careless with ratepayers' money. | Moderate consequences which are likely, resulting in a High level of risk. | Avoid outright purchase without evidence of strong community support for the purchase of the work. |

Option 2 – Decline offer to purchase the work,

| Risk Statement | Level of Risk* | Risk Mitigation Strategy |
|--|--|---------------------------------|
| Risk of community complaint regarding the loss of the 'The Emus Family Sculpture'. | Negligible consequences which are possible, resulting in a Low level of risk. | Risk is acceptable. |

* As derived from using the Risk Assessment Matrix

POLICY IMPLICATIONS

The Arts and Culture Policy (No 25-002) states the following in relation to the acquisition of works:

“An assessment of both the long-term cultural value and/or investment potential should be made when works are being considered for addition to the collection.”

Works in the City's Art Collection should also:

- a) Facilitate the development of art works that truly reflect the cultural heritage of the City, its people and places.
- b) Represent significant periods, occasions and urban initiatives in the evolution of the City.
- c) Enhance the environment and contribute to the culture of the community and community life.
- d) Support local artists through the purchase of their work.
- e) Reflect the richness and diversity of our cultural heritage expressed through contemporary art forms.

**C08/8003 - PUBLIC ART - PURCHASE OF EMU FAMILY SCULPTURES (REC)
(ATTACHMENT)****ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

1. Council purchase the work outright. Funds required for this option would represent an approximate rate rise of 1% in the 2008/2009 budget.
2. Council purchase 'The Emus Family Sculpture' over a three, five or seven year payment plan. Again financial considerations would need to be listed on successive budgets.
3. Council decline the original offer for purchase and reconsider the purchase of the work if a more affordable market value is presented.

CONCLUSION

It is felt that the cultural value is not commensurate with the monetary value of this artwork. Whilst a number of people see and enjoy the 'The Emus Family Sculpture', and it depicts fauna native to the area, the cost outweighs the perceived benefit.

From a community art perspective, more people could benefit from an equivalent amount of money spent on a number of community projects and events that provide a cultural outing to large numbers of residents.

From an investment point of view, the artwork would cost more to fabricate than what it is currently valued for.

OFFICER RECOMMENDATION (8003)**REFUSAL**

1. **THAT COUNCIL DECLINE THE OFFER MADE BY THE EXECUTOR OF THE ARTIST'S ESTATE TO PURCHASE 'THE EMUS FAMILY SCULPTURE' ARTWORK.**
2. **IT BE NOTED THAT COUNCIL IS WILLING TO ACCEPT 'THE EMUS FAMILY SCULPTURE' ARTWORK AS A GIFT.**

General discussion took place regarding the report and officer recommendation.

Cr Robartson indicated that there maybe a history agreement relating to 'The Emus Family Sculpture'. The Acting Director Strategic Community Development advised that she would undertake additional research and advise Cr Robartson directly.

At 8.30pm Cr Phelan left the meeting.

C08/8004 - TOM HOAD CUP. (REC) (ATTACHMENT)

| | | |
|----------------------------|---|---|
| Item presented by | : | Michael Doyle Recreation Services Coordinator |
| Ward | : | Bicton/Attadale |
| Category | : | Operational |
| Subject Index | : | Melville Water Polo Club |
| Customer Index | : | Melville Water Polo Club |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : | C07/8014 Tom Hoad Cup. August 2007. |
| Works Programme | : | Not Applicable |
| Funding | : | Not Applicable |
| Responsible Officer | : | Michael Doyle A/Manager Health and Lifestyles |

AUTHORITY / DISCRETION

| | <u>Definition</u> |
|---|---|
| <input type="checkbox"/> Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> Legislative | <i>includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> Review | <i>when Council review decisions made by Officers.</i> |
| <input type="checkbox"/> Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

KEY ISSUES / SUMMARY

- This item reviews the outcomes of the additional requirements placed upon the organisers of the 2007 Tom Hoad Cup as adopted at the August 2007 round of Council meetings. It also recommends some improvements and minor changes to the approval process prior to any potential application for a 2008 event.

C08/8004 - TOM HOAD CUP. (REC) (ATTACHMENT)**BACKGROUND**

The Tom Hoad Cup (THC) is a four day water polo competition which has been established since 2003. The event is held at the Melville Water Polo Pool (known as Bicton Baths) each year between the holiday season of Christmas and the New Year. The timing of the event is such that it is out of season for visiting overseas teams allowing the 4 team tournament to attract high quality international competition.

Approvals were given for the 2006 THC event based along the lines of the previous approvals at which there was little negative public feedback on the running of the event. The event was approved as a family friendly community type multicultural water polo festival.

However after the 2006 event a local resident raised a number of valid issues regarding the:

- Manner in which the event was managed;
- The size of the event;
- The parking issues that arose from the event;
- General issues with the regular unauthorised use of public open space by the Water Polo Club for parking and storage; and the
- General upkeep of the water polo clubroom surrounds.

Officers had also experienced a degree of difficulty when trying to get appropriate paper work as part of approval process for the event and it was often the case that the City received many late changes to the original application for the running of the event.

At the August 2007 round of Council meetings the City of Melville adopted a number of recommendations in an attempt to lessen the impact of the tournament on the local residents and to assist in ensuring the organisation of the event was better managed.

The THC organisers detailed and presented for approval a more comprehensive Event Management Plan that included:

- A tournament Schedule
- Contractors Schedule
- Risk Management Plan
- Emergency Management Plan
- Security/Crowd Control Plan
- Traffic/Parking Management Plan

Officers worked very closely with the THC organising committee to finalise these plans. Although the THC organising committee started the event planning later than normal they managed to produce a comprehensive document, including the introduction of a number of initiatives that assisted in providing improved processes for the tournament. They also managed the event with club funds as they were unable to gain the previous levels of State or Federal funding.

C08/8004 - TOM HOAD CUP. (REC) (ATTACHMENT)

The overall organisation of the event was greatly improved and was led by a club member who has experience in event and community management. Officers are concerned that future event organisers may not have similar experience and therefore it is essential that the same requirements, with improvements and some minor changes are placed on the 2008 organisers should they choose to lodge an application with the City.

DETAIL

The table below identifies the improvements required from the August 2007 report: Improvement areas are identified as “Imp” or “breached” within this matrix.

| Recommendation | Achieved | Improvement Required | Observations |
|---|---|--|---|
| 1. The City of Melville to advise the organisers of the THC of the elevated status from Low Risk Minimal Impact to High Risk Likely to affect the local amenity | √ | | Event should receive the same status for any potential 2008 event |
| 2. > Swan River Trust approvals. > Maximum 2000 persons on site > CEO approve event organisers > Provide a Detailed Risk Management Plan > Provide Traffic Management Plan including > A parking plan > CEO approve crowd control/security company > Crowd Control Plan > Entry Policy > Code of Conduct forbidding flares etc > Bag Searches > No removal of alcohol from restricted area > The removal of unruly patrons > Liquor License to finish at 10.00pm > Crowd Control having restricted area cleared by 10.30pm | √ √ √ √ √ √ √ √ √ √ √ √ √ √ √ | Imp Imp Breached Breached | Pre-event seat sales led to an estimated 1300 persons attending the event. Flares were set off during the event. Security reports celebrations continuing after 10.30pm and local residents report the site was cleared by approximately 11.30pm. |
| A footnote on the report stated that <i>“The amendment is presented to further clarify the guidelines to ensure anti-social behaviour does not occur and that the residential amenity of the locality is not adversely impacted”</i> . | | | Overall there were significant improvements to the running of the 2007 event but it is recommended that some further changes to the approval process be made to achieve the footnote statement. |

C08/8004 - TOM HOAD CUP. (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

From 14 January to the 23 January 2008 officers conducted a survey of residents in proximity to the Bicton Baths asking them for their reflections, observations and experiences of the 2007 Tom Hoad Cup event. Overall the feedback was positive towards the event. However there were a number of comments received from the local residents that were not satisfactory being the late finishing of games, late announcements and flares being let off. [8004_May_2008.pdf](#) provides an overview of the feed back from local residents)

Respondents also commented on some positives and suggested some improvement strategies for future Tom Hoad Cup events:

- Relocate away from Residential area (4) Challenge Stadium (3)
- Return Rob Campbell Reserve to Residents instead of using for car parking.
- Disabled Access was partially blocked (This has been discussed with the MWPC and will be monitored as part of any 2008 application)
- Return Bicton Foreshore to public (Obstructions cause by fencing and spectator seating)
- The occasional ranger patrol would have been good. (Rangers did patrol the event but this will be reviewed for any potential 2008 event)
- The gold coin donation for parking was better than the \$5.00 fee for parking
- Prevent contractors setting up and removing the scaffolding prior to 7am in the morning. The contractor's fork lift was reactivated at 1.30am and 3.00am. The reversing alarm was annoying and there was potential of serious damage or injury. (See recommendations)

38 Residents were invited to participate in the survey by post and could either return in a reply paid envelope or lodge their reply on the City of Melville's web site. Overall 77.8% were either satisfied or delighted with the event with 22.2% being not satisfied. The following is a summary of the survey results:

| Total Response | Delighted | Satisfied | Not Satisfied |
|-----------------------|------------------|------------------|----------------------|
| 47.36% | 27.8% | 50% | 22.2% |

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Nil

STATUTORY AND LEGAL IMPLICATIONS

The following clause is the most enforceable condition contained within the lease that the Melville Water Polo Club has with the City;

5.6 Use - Not to:

(d) make, do or suffer upon the Premises any act, matter or thing that may be or become a nuisance or annoyance to the Lessor or to the owners or occupiers of property in the neighborhood of the Premises;

C08/8004 - TOM HOAD CUP. (REC) (ATTACHMENT)

In accordance with Community Planning Scheme 5 all matters relevant to amenity appear in section 7.8 of the Town Planning Scheme.

The event complied with the Health (Public Buildings) Regulations 1992. Reference to the Environmental Protection (Noise) Regulations 1997, Occupiers Liability Act 1995 and the enforcement of local laws is discussed in the Alternative Options, Strategic and Risk Management sections of this report.

FINANCIAL IMPLICATIONS

The City of Melville provided limited financial support in line with policy, 25-PL-004, Support for Sport Clubs. The Community Recreation Coordinator contributed \$1,600 to the 2007 Tom Hoad Cup for provision of additional rubbish bins and the establishment of traffic management plans.

However there was a considerable amount of inter-services area time and resource invested in the approval, implementation and review of the 2007 Tom Hoad Cup event.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Whilst the success of the event was mainly due to the effectiveness of the Event Management Plan officers have made a number of observations.

- The final game was between two Australian sides and therefore did not attract a high number of supporters from visiting teams.
- Pre selling the seats for the event proved very successful and partly limited the numbers attending the event to below 1500 spectators.
- This greatly assisted in the removal of the crowds after the games and the traffic management initiatives lessened the parking issues in and around the facility.
- Whilst the final game was between two Australian teams the organisers failed:
 - To meet the 10pm deadline for celebrations as required of the liquor license
 - To meet the conditions of finishing all games by 10pm
 - To have the vicinity cleared by 10.30pm

Officers believe that the late finishing of the event could have resulted in a number of crowd issues should one or both of the finalists be from a visiting country. Further more approvals were breached which were specifically introduced to lessen the potential impact of crowd issues and to eliminate some of the issues previously experienced by residents living in the local vicinity.

One of the difficulties that the organisers have in organising the tournaments schedules is day light saving. They advise that the starting times are later due to the weather conditions and the day light sun. However, the finals held on the last night are subject to after game announcements, presentations and are followed by an evening meal and drinks for players, official's and event organisers. In the case of the final evening in 2007, officers have been advised that the celebrations continued until approximately 11.30pm. Given that the conditions of approval included a 10.00pm finish to the last game and the vicinity of the water polo club cleared by 10.30pm this was clearly a breach of approval.

C08/8004 - TOM HOAD CUP. (REC) (ATTACHMENT)

In order to address these breach's officers recommend that for future Tom Hoad Cup events all games on the final day should be finished by 9.00pm allowing for the announcements, presentations, evening meal and drinks to be concluded 10.00pm, and the vicinity cleared by 10.30pm. For qualifying evenings it is proposed that should an application be made for a 2008 event the current conditions remain:

- To meet the conditions of finishing all games by 10pm
- To have the vicinity cleared by 10.30pm

There is no Duty of Care (DoC) on the City of Melville that arises out of the Occupational Safety and Health Act relating to the approval of the event. However officers believe a DoC does exist under section 9 of the Occupier Liability Act 1985 to the extent of facilities, buildings or assets over which we have responsibility for the maintenance or repair. There also exists a DoC to enforce our Local Laws as it relates to activities on Council land. Irrespective of any duty of care that arises out of various Acts or Regulations applicable to the event approval, it is arguable that a common law DoC exists. Failure to fulfill this DoC could give rise to an action for negligence. Officers are of the opinion that a 2008 event may expose the City of Melville to unnecessary risk. Continuing to impose and enforce the previously approved plans, making improvements where required, applying minor changes and accepting the recommendations in this report would minimize the level of risk and reduce the impact on the local amenity.

| Risk Statement | Level of Risk* | Risk Mitigation Strategy |
|--|--|--|
| The City of Melville is held legally liable for any damage or injury as a consequence of approving the event. | Moderate consequences which are likely, resulting in a Medium level of risk | Continue to enforce the stricter and more comprehensive event approval conditions process. Review and implement additional improvements as required. |
| Risk of complaints or dissatisfaction from surrounding residents despite City of Melville enforcing stricter approval conditions | Moderation consequences which are likely, resulting in a High level of risk | Continue to impose and enforce stricter and more comprehensive event approval conditions upon the applicant. |

POLICY IMPLICATIONS

Research is underway for the completion of an Events Policy for the City of Melville. This policy will utilise the adopted position from the August 2007 council meeting as the minimum requirements for larger type events that may impact on the local community.

C08/8004 - TOM HOAD CUP. (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Alternatives discussed in the August 2007 agenda item centered on the Health (Public Buildings) Regulations 1992 indicating that the Bicton Baths could accommodate 2,000 people at any one time. Officers indicated that an alternative to approving a total number of 2,000 could be a maximum of 1,000 spectators due to the elevated Risk Level for the event and the impact of these people on local amenity through traffic management and parking. At the time it was thought that this number would be too low and unworkable for the Tom Hoad Cup organisers. Given that the 2007 event attracted approximately 1300 spectators and that the pre sales of tickets proved to be a success it is further recommended that the maximum number be reduced from 2000 at any one time within the pool premises and surrounds to 1500.

It is also recommended that as part of the application process for future events the organisers of the Tom Hoad Cup apply for an exemption under regulation 18 of the Environmental Protection (Noise) regulations 1997 for sporting events.

Another alternative is for the City of Melville to decline any future events approvals.

CONCLUSION

It is clear that the organisers of the 2007 Tom Hoad Cup event did try, and complied with the majority of the recommendations from the August 2007 report. There continues to be some negative feedback from a local resident in regards to the timing of the event, flares being let off, security and the use of the surrounding areas during the festive season. The recommendations from the August 2007 report greatly contributed to the improved management of the 2007 event but it is vital that the recommendations from this report are adopted to continue to improve the operations of future Tom Hoad Cup events.

OFFICER RECOMMENDATION (8004)**APPROVAL**

- 1. THAT THE CITY RECONFIRM WITH THE ORGANISERS OF THE TOM HOAD CUP EVENT THAT THE CITY OF MELVILLE HAS ELEVATED THE RISK STATUS OF THE TOM HOAD CUP EVENT BECAUSE OF THE IMPACT ON THE LOCAL COMMUNITY.**
- 2. THAT THE ORGANISERS OF THE TOM HOAD CUP EVENT BE ADVISED THAT SHOULD THEY MAKE APPLICATION FOR APPROVAL OF A SIMILAR EVENT IN 2008 THE CITY OF MELVILLE APPROVAL PROCESS WOULD REMAIN THE SAME AS THE 2007 EVENT AND THAT THE FOLLOWING DETAILED DOCUMENTS WOULD BE REQUIRED IN SUPPORT OF ANY SUCH APPLICATION;**
 - a. SWAN RIVER TRUST APPROVALS,**
 - b. A TOURNAMENT SCHEDULE,**
 - c. CONTRACTORS SCHEDULE,**
 - d. RISK MANAGEMENT PLAN,**
 - e. EMERGENCY MANAGEMENT PLAN,**
 - f. SECURITY/CROWD CONTROL PLAN,**
 - g. TRAFFIC/PARKING MANAGEMENT PLAN.**

C08/8004 - TOM HOAD CUP. (REC) (ATTACHMENT)

3. THAT THE ORGANISERS OF THE TOM HOAD CUP EVENT BE ADVISED THAT THE FOLLOWING IMPROVEMENTS OR CHANGES TO THE APPROPRIATE PLANS WOULD BE REQUIRED;
 - I. THE APPLICATION TO THE CITY OF MELVILLE MUST BE ACCOMPANIED WITH AN EXEMPTION TO REGULATION 18 OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997 FOR SPORTING EVENTS,
 - II. MAXIMUM NUMBERS OF SPECTATORS WOULD BE 1,500,
 - III. THE PRACTICE OF PRE SELLING SPECTATOR SEATS WOULD BE REQUIRED TO BE CONTINUED,
 - IV. THE FIRST THREE DAYS OF THE EVENT AND THE LIQUOR LICENSE WOULD BE REQUIRED TO FINISH AT 10.00PM,
 - V. ALL GAMES ON THE LAST NIGHT OF THE EVENT WOULD BE REQUIRED TO FINISH AT 9.00PM AND THE LIQUOR LICENSE FINISH 10.00PM AND THE PROFESSIONAL CROWD CONTROL COMPANY AND TOM HOAD CUP ORGANISERS HAVE THE POOL AND LICENSED AREA CLEARED OF ALL SPECTATORS BY 10.30PM,
 - VI. THE ORGANISERS BE MADE AWARE THAT ANY FURTHER BREACH OF THESE CONDITIONS MAY RESULT IN HOURS OF THE TOURNAMENT BEING BOUGHT FORWARD,
 - VII. INCREASED SECURITY FOR THE EVENING OF THE FINALS,
 - VIII. INTRODUCE AN ACTION PLAN FOR THE REMOVAL OF PATRONS LETTING OFF FLARES,
 - IX. ERECTION AND DISMANTLING OF TEMPORARY SEATING BETWEEN THE HOURS OF 7.00AM AND 7.00PM AND NOT ON A SUNDAY,
 - X. A CERTIFICATE OF CURRENCY FOR PUBLIC LIABILITY INSURANCE TO THE VALUE OF \$20,000,000 BEING PROVIDED.
4. THAT THE TOM HOAD CUP ORGANISING COMMITTEE FORMALLY ADVISE COUNCIL HOW IT WILL ACHIEVE ALL REQUIREMENTS PRIOR TO THE CEO GIVING APPROVAL FOR ANY FUTURE EVENT.
5. THAT THE CITY OF MELVILLE RECOUPS ALL COSTS ASSOCIATED WITH THE ENFORCEMENT OF THE APPROVAL CONDITIONS OF THE EVENT INCLUDING COUNCIL OFFICER'S TIME .
6. FAILURE TO COMPLY WITH THE CONDITIONS SET BY COUNCIL WILL RESULT IN NO FURTHER APPROVALS.

FOOTNOTE FROM PREVIOUS RESOLUTION:

THE AMENDMENT IS PRESENTED TO FURTHER CLARIFY THE GUIDELINES TO ENSURE ANTI-SOCIAL BEHAVIOUR DOES NOT OCCUR AND THAT THE RESIDENTIAL AMENITY OF THE LOCALITY IS NOT ADVERSELY IMPACTED.

General discussion took place regarding the report and officer recommendation.

Disclosure of Interest

Item No : C08/8005
 Member : Cr C Halton
 Type of Interest : Interest under Code of Conduct
 Nature of Interest : Son is a member of Bicton Junior Cricket Club
 (Troy Park Association)
 Request : Leave
 Decision of Council : Leave

At 8.35pm Cr Halton left the meeting due to a Disclosure of Interest in Item C08/8005.

At 8.36pm Cr Phelan returned to the meeting.

C08/8005 – TROY PARK RESERVE FLOODLIGHTING. (AMREC)

Item presented by : Michael Doyle
 Recreation Services Coordinator

Ward : Bicton/Attadale
 Category : Operational
 Subject Index : Community Sport and Recreation Facilities
 Funding (CSRFF)

Customer Index : Troy Park Sports Association
 Disclosure of any Interest : No Officer involved in the preparation of this
 report has a declarable interest in this matter.

Previous Items : C05/8010 - Community Sport and Recreation
 Facilities Fund
 C06/8007 – Community Sport and Recreation
 Facilities Fund 2006 – 2007
 C07/8004 – Community Sport and Recreation
 Facilities Fund

Works Programme : Not Applicable
 Funding : \$80,787
 Responsible Officer : Michael Doyle
 A/Manager Health and Lifestyle

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> |

C08/8005 – TROY PARK RESERVE FLOODLIGHTING. (AMREC)**KEY ISSUES / SUMMARY**

- This item seeks additional financial support for the CSRFF floodlighting project at the Troy Park Reserve.
- The item also identifies how an outstanding debt can be repaid to the City of Melville as part of the report's recommendation.

BACKGROUND

At the October 2004 round of council meetings the City of Melville supported a Community Sport and Recreation Facilities Funding (CSRFF) application from the Troy Park Sports Association (TPSA) to floodlight the Troy Park Reserve in the 2005/2006 financial year. Whilst the application was made by the TPSA the Attadale Junior Football Club (AJFC) was the main beneficiary of the project and they were funding the full contribution from the Association. This project is now complete but has experienced a significant increase in project costs as detailed below.

In addition to the increased construction costs there is a need to upgrade the main power transformer to the reserve that provides the electrical supply.

At the October 2006 round of Council meetings the City of Melville supported a further CSRFF application from the Attadale Netball Club for the installation of floodlight poles in the 2007/2008 financial year. It is estimated this project will be complete within the next twenty weeks.

DETAIL

The original cost of the AJFC floodlighting project was \$152,650. The City of Melville agreed to fund one third of the estimated total project costs being \$50,884 subject to:

- The TPSA receiving a CSRFF Grant for the Department of Sport and Recreation (DSR). (Subsequently the TPSA received a grant of \$50,388 from the DSR).
- The TPSA finding a junior sporting team as a summer tenant on the reserve. (Subsequently improvements have been made to the reserve to accommodate the Bicton Junior Cricket Club (BJCC) as the summer tenant).

There have been a number of technical difficulties with the installation of the floodlights resulting in significant delays to the project. The main difficulty was due to Troy Park being an old tip site which required additional geo tech surveys, redesigning of the proposed footings, having to wait for suitable water table levels meaning the project could only be completed in the summer months and further delays due to the unavailability of appropriately qualified contactors. The geo-tech surveys and additional technical designs costs are estimated at \$3,000 and have been met by Infrastructure services. This estimation does not include the significant resource and officer's time spent on the project.

C08/8005 – TROY PARK RESERVE FLOODLIGHTING. (AMREC)

The City of Melville has already committed its contribution of \$50,884 and the DSR have contributed 75% of its grant with the final 25% claim currently being processed. The construction of the new floodlights is complete but there are issues associated with the power supply to the reserve with are holding up the commissioning of the new lights.

The initial application from the TPSA included a further \$20,000 for the upgrade of the transformer and the reserves switch board to accommodate the new lighting. This is in addition to the club's one third contributions meaning the club's original contribution was going to be \$70,884.

Due to the delays and the cost escalation the club's contribution has been expended on the increased project costs meaning they no longer have the funds to pay for or contribute to the new transformer. The estimated costs for a new transformer are quoted as \$65,000.

PUBLIC CONSULTATION/COMMUNICATION

Nil

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City of Melville has detailed the delays to the DSR who have referred the grant on a number of occasions. The DSR have been kept informed of the progress of the project at all times.

STATUTORY AND LEGAL IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

| | Original Budget | Revised Budget | Difference | Increased Support |
|------------------|------------------------|-----------------------|-------------------|--------------------------|
| COM | \$50,884 | \$66,671 | \$15,787 | |
| CITY TRANSFORMER | | \$65,000 | \$65,000 | \$80,787 |
| CSRFF | \$50,883 | \$50,883 | | |
| CLUB | \$50,883 | \$82,461 | | |
| CLUB TRANSFORMER | \$20,000 | | +\$11,578) | |
| TOTAL | \$172,650 | \$265,015 | \$92,365 | \$80,787 |

The original project costs were \$172,650.

The actual floodlighting project costs were \$200,015. The total costs including the transformer now stand at \$265,015 being a difference of \$92,365 when compared to the original project costs..

C08/8005 – TROY PARK RESERVE FLOODLIGHTING. (AMREC)

This report seeks an additional financial support to the project of \$80,787.

Part refund of clubs additional contributions

In line with the previous resolution officers are of the view that the City of Melville meets its one third contributions to the project and increases its financial commitment from \$50,884 to \$66,671 being an additional \$15,787 and refunds the club this amount.

This additional funding could be raised from the following under spent operational budgets;

| | | |
|-------------------------------|--------------------|-----------------|
| Community Development | 370.80060.7550.000 | \$ 5,787 |
| Health and Lifestyle Services | 310:29312:7550:000 | <u>\$10,000</u> |
| | | \$15,787 |

Further reasons for supporting the additional \$15,787 include;

- The AJFC has already contributed a significant financial amount to a community project from club funds,
- They are now unable to claim the \$15,000 voluntary contributions to the project due to the necessity of taking out a lump sum contract with a supplier meaning the true cost to the TPSA is greater than anticipated,
- The significant voluntary time and energy that members of the TPSA and AJFC have put into this community project that can not be measured in dollars,
- There are additional summer user groups on the reserve which optimizes use,
- There are a number of wider community benefits through the lighting of the reserve,
- The TPSA could not reasonably foresee the additional technical needs of the project which resulted in the delays,
- Without the transformer, the floodlights are useless and the initial investment is wasted, and
- The floodlights become the City of Melville's asset.

As at 23 April 2008 the TPSA has an outstanding debt of \$10,914. These debts are unpaid ground allocations and a number of unpaid utility and other operational costs. The debt has arisen due to a change in the running of the association and a number of changes to office bearers. Because of this the approved signatories could not sign the cheques as required. Officers have met with the TPSA who have given assurances that the TPSA is in a position to repay the outstanding debt. Officers recommend that should the City of Melville approve and increase its full one third contributions by \$15,787 that the outstanding debt is taken out of the clubs refund should it not have been paid in the mean time.

New Transformer

Infrastructure services have been discussing the cost of a new transformer at the reserve and have been quoted a figure in the region of \$65,000. Officers have approached the DSR who have advised that they have a policy of not committing any further funds to approved projects through cost escalation.

C08/8005 – TROY PARK RESERVE FLOODLIGHTING. (AMREC)

Officers have also been advised that Western Power may be in a position to replace the transformer within four months and works are not scheduled by Western Power until the order is paid for. The City of Melville's experience in providing power at the Melville Primary School site took over eleven months. It is therefore critical that this component of the project is paid immediately, particularly as the lighting project for the Attadale Netball Club is due for completion within twenty weeks. The cost of the transformer could be funded from the following under spent operational budgets;

| | | |
|-------------------------|--------------------|-----------------|
| Infrastructure Services | 485.22329.7126.403 | \$10,000 |
| Community Development | 370.80060.7550.000 | \$ 4,213 |
| Community Development | 371.22021.7126.000 | \$ 6,000 |
| Community Development | 300.26419.7550.000 | \$15,000 |
| Health and Lifestyle | 310.29311.7550.000 | \$ 1,800 |
| Health and Lifestyle | 310.29314.7105.000 | \$12,987 |
| Neighbourhood Amenity | 530.26234.7105.000 | \$ 5,000 |
| Neighbourhood Amenity | 531.26230.7550.000 | <u>\$10,000</u> |
| | | <u>\$65,000</u> |

It should be noted that the \$65,000 cost for the transformer is the top end estimate and actual cost may come in under the quoted costs.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

| Risk Statement | Level of Risk* | Risk Mitigation Strategy |
|---|--|--|
| As a result of the increased project costs there is a significant financial commitment placed on a not for profit community groups. Should the group fold as a result it will lessen the access to sporting facilities within the area, lessen the capacity of the community and detract from the community spirit. | Moderate consequences which are likely, resulting in a Low level of risk for Council, however for the club, the risk is High . | By funding the increased costs as stated will provide for enhanced community spirit and alleviate financial pressures on a not for profit community group. |

POLICY IMPLICATIONS

The objective of the recently adopted Physical Activity Policy (25-PI-003) aims to maximise participation in and promote the benefits of being Physically Active. It states that the City of Melville will provide Physical Activity opportunities through exercise, structured and non structured sport and recreation for the benefit of the community. This policy provides for accessible, safe and affordable facilities and services that meet the needs of the community.

C08/8005 – TROY PARK RESERVE FLOODLIGHTING. (AMREC)

The key outcome of the recently adopted Support for Sport Clubs Policy (25-PI-004) identifies the typical level of support that community sport clubs/groups can receive in regards to:

- Funding, and
- The basic level of infrastructure that will be provided within the hierarchy of reserves and facilities.

Floodlighting of the Troy Park Reserve falls within the hierarchy of reserves and facilities section of the Support for Sport Clubs Policy. The policy encourages the joint use of sporting facilities and the BJCC is now based at the Troy Park Reserve. Furthermore the floodlight developments for the Attadale Netball Club will further complement the Troy Park reserve.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The alternative is not to fund these community driven and partly funded initiatives leading to limited outcome of the recently adopted policies for Physical Activity and Support for Sport Club Policy. This would place an unrealistic financial burden on community groups in regards to the level of contributions toward community facilities improvements. The groups would also be required to refund the grants it has received from the Department of Sport and Recreation.

CONCLUSION

The community benefit from the Troy Park floodlighting project is already taking place. The BJCC is currently enjoying the new cricket facilities and have completed their first summer season. Furthermore the winter tenants will be the main beneficiary of the floodlighting project being the AJFC who has contributed significant financial and volunteering resources to the project. The floodlighting will also allow a better spread of wear and tear of the oval as the floodlights will provide a larger amount of floodlit areas for training and competition purposes.

C08/8005 – TROY PARK RESERVE FLOODLIGHTING. (AMREC)**OFFICER RECOMMENDATION (8005)****ABSOLUTE MAJORITY****THAT BY ABSOLUTE MAJORITY DECISION:**

- 1. THE FOLLOWING ACCOUNTS BE USED TO REFUND THE TROY PARK SPORTS ASSOCIATION AN AMOUNT OF \$15,787**

| | | |
|--------------------------------------|---------------------------|------------------------|
| COMMUNITY DEVELOPMENT | 370.80060.7550.000 | \$ 5,787 |
| HEALTH AND LIFESTYLE SERVICES | 310.29312.7550:000 | <u>\$10,000</u> |
| | | \$15,787 |

- 2. PRIOR TO ANY MONIES BEING REFUNDED TO THE TROY PARK SPORTS ASSOCIATIONS ANY OUTSTANDING DEBTS BE OFFSET.**

- 3. THE FOLLOWING ACCOUNTS BE USED TO PURCHASE A TRANSFORMER FOR THE TROY PARK RESERVE**

| | | |
|--------------------------------|---------------------------|------------------------|
| INFRASTRUCTURE SERVICES | 485.22329.7126.403 | \$10,000 |
| COMMUNITY DEVELOPMENT | 370.80060.7550.000 | \$ 4,213 |
| COMMUNITY DEVELOPMENT | 371.22021.7126.000 | \$ 6,000 |
| COMMUNITY DEVELOPMENT | 300.26419.7550.000 | \$15,000 |
| HEALTH AND LIFESTYLE | 310.29311.7550.000 | \$ 1,800 |
| HEALTH AND LIFESTYLE | 310.29314.7105.000 | \$12,987 |
| NEIGHBOURHOOD AMENITY | 530.26234.7105.000 | \$ 5,000 |
| NEIGHBOURHOOD AMENITY | 531.26230.7550.000 | <u>\$10,000</u> |
| | | <u>\$65,000</u> |

- 4. ANY SUBSEQUENT SHORTFALL BE FUNDED BY THE TROY PARK SPORTS ASSOCIATION.**

- 5. THAT COUNCIL NOTE INFRASTRUCTURE SERVICES HAS MADE A \$3,000 CONTRIBUTION TO THE GEOTECH SURVEYS OF THE SITE TO ENSURE THE PROJECT CAN BE COMPLETED.**

General discussion took place regarding report and officer recommendation.

At 8.39pm Cr Halton returned to the meeting.

**C08/5006 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (AMREC)
(ATTACHMENT)**

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

KEY ISSUES / SUMMARY

- Report presents the proposed Fees & Charges Schedule for the 2008 / 2009 financial year and recommends adoption.

C08/5006 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (AMREC)
(ATTACHMENT)

BACKGROUND

In accordance with the Section 6.16 of the Local Government Act 1995, the Schedule of Fees and Charges must be incorporated as part of the annual budget.

[5006 May 2008.pdf](#)

The proposed Schedule of Fees and Charges for the 2008/2009 Financial Year, forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday, 16 May 2008.

This document contains details of the Fees and Charges for the current year (2007/2008) and those proposed Fees and Charges for the next financial year (2008/2009).

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

DETAIL

The majority of changes are to increase fees due to Consumer Price Index increases.

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

Charging for the Work of the Architectural and Urban Design Advisory Panel:

A new cost is required to recover costs when applications are referred to the Architectural Advisory Committee. The discretionary cost will be determined by the number of professionals (architects and planner consultants) required and usually two officers. The time spent on the item at a meeting will be noted and charged. A typical application will take 15-30 minutes to discuss with a cost in the order of \$375 – \$750 based on the rate of \$1,500 per hour plus GST.

Written Advice re Proposals that Comply with Planning Codes:

This item proposes a reduction in fee to 75% of the development application fee. This process requires an assessment as per a normal application but with a letter acknowledgement that does not require a full approval with all checking mechanisms. It has been estimated that a fee of 75% is appropriate for this service.

Cash in Lieu of Car Parking:

The cash in lieu contribution has been increased by \$500 for both 30m2 and 15m2 at ground level. The increase is appropriate and consistent with the increased cost of building.

Restrictive Covenant Letter:

This item proposes a reduction in fee from \$150 to \$50 based on a half hours work of an officer. It has been estimated that a fee of \$50 is appropriate for this service.

**C08/5006 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (AMREC)
(ATTACHMENT)**

Kerb Security Deposit Fee:

The Security Deposit has been increased to be comparable to the cost of replacement of a kerb and footpath for a standard 20 metre frontage lot. In the event the kerb and footpath is damaged and requires total replacement, the Security Deposit funds would be used. If a portion requires replacement, only the actual cost would be recovered.

Exhibition Administration Fee – Heathcote Cultural Centre:

This is a new fee for this year. The fee is intended to offset costs for preparation, printing and postage of approximately 1,200 invitations and the production and printing of posters for exhibitions. Each exhibition would run for 5 to 6 weeks.

Point Walter Golf Course Concession Fees:

The concession value has been decreased from 25% to 14% for 18 and 9 hole rounds played mid-week, Because of rounding fees to the nearest 50 cents, other concessions and fees have remained the same as 2007-2008.

PUBLIC CONSULTATION/COMMUNICATION

Public consultation and communication is not required if the adoption of the Fees and Charges Schedule is included in the adoption of the Budget for 2008-2009.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Local Government Act 1995:

The imposition of fees and charges reference in the Act is quoted below:

6.16. *Imposition of fees and charges*

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

** Absolute majority required.*

C08/5006 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (AMREC)
(ATTACHMENT)

- (2) *A fee or charge may be imposed for the following —*
- (a) *providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) *supplying a service or carrying out work at the request of a person;*
 - (c) *subject to section 5.94, providing information from local government records;*
 - (d) *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
 - (e) *supplying goods;*
 - (f) *such other service as may be prescribed.*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
- (a) *imposed* during a financial year; and*
 - (b) *amended* from time to time during a financial year.*

** Absolute majority required.*

6.17. Setting the level of fees and charges

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*
- (a) *the cost to the local government of providing the service or goods;*
 - (b) *the importance of the service or goods to the community; and*
 - (c) *the price at which the service or goods could be provided by an alternative provider.*
- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*
- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
- (a) *under section 5.96;*
 - (b) *under section 6.16(2)(d); or*
 - (c) *prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) *Regulations may —*
- (a) *prohibit the imposition of a fee or charge in prescribed circumstances; or*
 - (b) *limit the amount of a fee or charge in prescribed circumstances.*

**C08/5006 – ANNUAL REVIEW – SCHEDULE OF FEES AND CHARGES (AMREC)
(ATTACHMENT)****FINANCIAL IMPLICATIONS**

Income estimates are to be included in the 2008/2009 Budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

OFFICER RECOMMENDATION (5006)**ABSOLUTE MAJORITY APPROVAL**

THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL THE PROPOSED FEES & CHARGES SCHEDULE FOR 2008/2009 AS DOCUMENTED IN THE ATTACHMENT [5006 May 2008.pdf](#) BE ADOPTED FOR IMPLEMENTATION FROM 1 JULY 2008.

General discussion took place regarding report and officer recommendation.

The Director Customer & Corporate Services advised that further information had been received that may require a further review of Point Walter Golf Course concession charges, which will be reported to Council.

C08/8002 - CLOSED CIRCUIT TELEVISION POLICY (REC)

| | | |
|----------------------------|---|---|
| Item presented by | : | Malcolm Jenkinson Manager Neighbourhood Amenity |
| Ward | : | All |
| Category | : | Policy |
| Subject Index | : | Community Safety and Security - Policy and Procedures |
| 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 | : | N/A |
| Works Programme | : | Not Applicable |
| Funding | : | Not Applicable |
| Responsible Officer | : | Malcolm Jenkinson Manager 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 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> |

C08/8002 - CLOSED CIRCUIT TELEVISION POLICY (REC)**KEY ISSUES / SUMMARY**

- There is currently no policy covering decisions to implement CCTV in the City of Melville, which has led to some cameras being installed as a reflex response to perceived problems
- The policy will establish a good decision making framework for any new installations or for any planned improvements, including decisions about monitored or un-monitored installations
- This report provides for public consultation on the proposal to increase the general rates to fund the introduction and ongoing maintenance of monitored CCTV in areas of greatest public risk
- The policy has been developed from other Local Government policies across Australia and reflects current best practice in risk management, community expectations and legal obligations

BACKGROUND

The City already has several CCTV installations including the Civic Centre, Leeming Skate Park, the Operations Centre, Point Walter, Raffles Car Park and imminently, Heathcote Heritage precinct. To properly manage the existing installations and to ensure consistency, if and when any future installations are considered it is important to have a policy framework to ensure consistency.

Most of the existing CCTV installations in the City of Melville were deployed in response to localised issues. These included community concerns about behaviour, rising or high levels of anti-social behaviour, damage or vandalism requiring unreasonable funds to be expended and so on. There was no framework that guided the officers to determine what should be deployed, for how long and with what technology. These matters are addressed in the proposed policy. It should be noted however that each deployment has caused an observable reduction in the problems associated with that area, and the proposed policy seeks to rationalise the previous decision making processes. Notable examples are the reduction in “break and enter” activities at Pt Walter Café and the reduction in graffiti scrawl near to the cameras at Leeming Skate Park

CCTV is a long established technology which has been widely deployed, from corner shops to major city centres. The deployments fall into 2 main types, monitored and un-monitored installations reflecting the 2 main purposes; either to provide real time observation of events so that real time responses can be initiated, or to capture evidence of events which can be acted upon subsequently. The policy specifically allows for both monitored and un-monitored CCTV because they serve different purposes. Passive or un-monitored CCTV is used for deterrence and forensic study after events. Monitored CCTV allows for rapid deployments of security or police to prevent offences occurring or to apprehend offenders whilst they are offending.

The available research on CCTV identifies that CCTV does not absolutely prevent crime or anti-social behaviour, but that it can reduce the incidence of opportunistic anti-social behaviour and does provide real forensic evidence when such behaviour occurs. That evidence can be used to identify perpetrators for potential prosecution under the relevant Acts. Research also identifies that CCTV provides real comfort in the context of reducing the fear of crime in public places.

C08/8002 - CLOSED CIRCUIT TELEVISION POLICY (REC)

The current deployments are un-monitored and rely on the cameras capturing an image which can be used forensically by the police when investigating an incident. This is the traditional model of CCTV which is also known as “passive surveillance”. The idea is that the mere presence of a camera is enough to put off all but the most determined, or possibly reckless of offenders. There has been no specific advice sought from our solicitors on any risks arising from having un-monitored CCTV, but most deployments around the world, have been un-monitored and there are no known examples of litigation arising in Australia from having un-monitored CCTV.

With the increasing public perceptions of risk in the community it is appropriate to gauge whether having predominantly un-monitored CCTV is still considered adequate. For example, the cameras in the Raffles public car park are “semi monitored” by the building concierge during the concierge’s working hours. There after the images are simply captured and stored for possible future use. The Burswood Centre however has monitored CCTV in the car park, along side the monitored CCTV from the gaming and function areas as a risk reduction strategy for the owners of the Centre.

Fremantle City Council operates 7 monitored CCTV cameras along its “cappuccino strip” and 2 at the bus station. A press release from Fremantle dated 14 February 2008 states *“Following its introduction in October, the City of Fremantle’s CCTV network has recorded 140 incidents resulting in 17 arrests and 7 ambulance responses... Police feedback had indicated the CCTV network was proving to be a useful tool in their every day work on the beat... this paves the way for six more cameras expected to be introduced in the 2008-09 financial year and then another four in 2009-10”*

A draft policy statement and Code of Practice were presented to Elected Members in a briefing Session in November 2007, and were again workshopped by Elected Members in February 2008.

DETAIL**POLICY STATEMENT
CLOSED CIRCUIT TELEVISION POLICY**

The Policy objectives are to: -

- Reduce the fear of crime or antisocial behaviour by providing a visible and high profile deterrent to such behaviour
- Provide real time observations of events so that real time responses can be initiated when criminal or anti social behaviour is observed
- To capture evidence of criminal or anti social behaviour that can be used forensically by the Police to identify perpetrators

Closed Circuit Television will be deployed in the City of Melville under the following circumstances: -

- 1 All CCTV installations will meet the requirements of the City of Melville CCTV Camera Program Code of Practice. Un-monitored CCTV installations will be used as a preferred deployment type over monitored installations where passive surveillance is the desired outcome. Fully monitored CCTV will be deployed where the real time observation of events is deemed essential.

C08/8002 - CLOSED CIRCUIT TELEVISION POLICY (REC)

- 2 CCTV installations will always be real. The use of “dummy” installations is not permitted as they breach our duty of care and public liability policies
- 3 CCTV installations will always be of a sufficient standard, including ambient and artificial lighting and image quality for valid forensic evidence to be obtained.
- 4 CCTV installations will be installed where recurrent antisocial or criminal behaviour has generated a sufficient fear of crime or community response that the costs are considered appropriate in the circumstances.
- 5 CCTV installations will be deployed where the value of the asset, or the requirement of public perception make it a valid tool within the framework of “Crime Prevention through Environmental Design”.
- 6 CCTV installations will be clearly signed across the deployment.
- 7 Our approach will be to ensure that there are good levels of public awareness that an installation is present.
- 8 CCTV installations may be deployed on Council or private land, with the permission of the land owner. Installations may be permanent or temporary or a combination of both.
- 9 CCTV installations may be passive or “event activated” by means of motion, heat, sonic or other detectors.
- 10 CCTV installations will conform with the requirements of Australian Standard 4806; Closed Circuit Television (CCTV)

Approvals: -

- New monitored CCTV can be approved only by the Chief Executive Officer
- New un-monitored CCTV can be approved by any Director
- Upgrades and maintenance to CCTV can be approved by Operational Managers

PUBLIC CONSULTATION/COMMUNICATION

A targeted survey was undertaken in the spring of 2007. The target market included young people who use The Vault, seniors and a cross section of people working in or visiting the Civic Centre. Eighty questionnaires were received. Thirty six females responded 5 less than 21 years of age; 15 who were 21 – 49 years old and 16 aged 50 or over. Forty four males responded, 9 who were under 21, a further 21 aged between 21 and 49 and 15 aged 50 or over.

The survey instrument specifically sought opinions on the 7 key policy elements.

The elements canvassed were: -

Un-monitored CCTV installations will be used as a preferred deployment type over monitored installations. New installations of un-monitored deployments require the approval of the relevant Director, and /or the Director of Strategic Community Development.

Monitored CCTV will only be deployed where the real time observation of events is deemed essential. Deployment of a monitored CCTV installation requires the approval of the Chief Executive Officer.

CCTV installations will always be real. The use of “dummy” installations is not permitted as they breach our duty of care and public liability policies.

C08/8002 - CLOSED CIRCUIT TELEVISION POLICY (REC)

CCTV installations will be installed where recurrent antisocial or criminal behaviour has generated a sufficient fear of crime or community response that the costs are considered appropriate in the circumstances.

CCTV installations will be clearly signed for the public.

CCTV installations may be deployed on Council or private land, with the permission of the land owner

CCTV installations may be passive or “event activated” by means of motion, heat, sonic or other detectors.

80% of respondents agreed with all 7 policy statements, the rest agreed with either 6 or 5 policy statements.

7.5% agreed with 6 statements, but wanted even more surveillance, with all installations to be permanently monitored.

6.25% agreed with 6 statements, but wanted even more surveillance, with no signage and covert cameras.

5% agreed with 6 statements, but wanted even more surveillance, with installations all over Melville, irrespective of a demonstrated need.

1.25% of respondents disagreed with the City putting CCTV on private land with the land owner's permission.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Discussions were held with the City of Cockburn and the Office of Crime Prevention, Government of Western Australia.

STATUTORY AND LEGAL IMPLICATIONS

The Local Government Act allows for a local government to do anything that is for the good government of the people. Public safety and the perceptions of crime and violence are clearly within the scope of the Act. There is also a key requirement in the “People, Places and Participation” Community Plan to provide services which enhance the security and feelings of safety in the community.

FINANCIAL IMPLICATIONS

There are no immediate costs associated with this proposed policy. The policy is designed to frame decisions in the future about proposed CCTV installations. However, the typical costs of a high resolution camera deployment is about \$3000, or less depending upon existing poles for positioning, existing electrical supply and the levels of ambient lighting. Low ambient lighting may require a general lighting upgrade so that the cameras can work at peak effectiveness. A fixed camera on its own is typically about \$1000, with an adjustable camera (point, tilt, zoom or PTZ for short) costing around \$2000. Un-monitored CCTV uses fixed cameras whilst monitored deployments use both fixed and PTZ cameras.

C08/8002 - CLOSED CIRCUIT TELEVISION POLICY (REC)

A server to store the images and a hub to join the cameras to the server will typically cost \$2000 to \$3000 depending upon how big the server and hub are. The more cameras deployed, the bigger the server and hub should be. The final element for monitored CCTV is the cost of getting the images from the site, back to a control room.

Where broadband connections already exist in the city, this is a minor extra cost to link the server to the network. Where there is no network and a monitored installation was planned, the cost of providing such a link can be reasonably high, depending upon whether a permanent investment in infrastructure is planned or whether an operation decision is taken to “piggyback” some one else’s network, for example using a Telstra Wireless connection.

By way of an indication, the design, supply and installation of the 7 new CCTV cameras in Fremantle was accepted at tender in July 2007 for approximately \$228,000. This was a complete infrastructure build, including the fit out of a dedicated control room, image transfers, lighting, electrics and cameras. By contrast, the Request for Quotation being developed to install 14 cameras at Pt Heathcote is estimated at \$40,000 because the lighting is already in place and the images are from fixed cameras and the deployment is un-monitored

The second recommendation will test the community’s willingness to support monitored CCTV installations in key areas, funded through a targeted increase in the rates collection. The increase would be required to fund the recruitment and training of dedicated officers to monitor the CCTV images and communicate with police and security staff in “real time” when incidents are occurring.

There are no immediate additional on-going financial implications for Council in this policy. If a future decision was contemplated to update a passive CCTV installation to monitored status or to install a new monitored CCTV, the funding would be sourced through an increase in the general rate.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The adoption of a CCTV policy enhances the delivery of services to the residents and businesses of the City of Melville.

| Risk Statement | Level of Risk* | Risk Mitigation Strategy |
|--|--|---|
| Adopting a CCTV policy provides a consistent approach and demonstrates accountability to the community on the deployment of a key community safety technology. Not adopting a policy provides a higher level of risk due to potentially inconsistent or poorly planned deployment decisions. | There are moderate consequences, such as poor planning, knee jerk reactions or un-necessary deployments of an installation which are likely, resulting in a High level of risk according to the risk matrix | Adopting a policy mitigates to a very large degree the risk of inconsistent or poorly planned deployment decisions. |

C08/8002 - CLOSED CIRCUIT TELEVISION POLICY (REC)**POLICY IMPLICATIONS**

There is no current policy covering CCTV. The normal process of developing business cases and suitable budgets will still be required for most new installations.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There are a number of alternatives. One would be to decide that the City of Melville does not support CCTV and will make no new investments in the technology. The second alternative is to adopt the Policy and use the Code of Practice to ensure any new and existing installations meet our standards and the expectations of the community. The third options builds upon the second by providing a funding model for monitored CCTV which is supported by the community at large.

CONCLUSION

The proposed policy provides for best practice in the use of CCTV in public places for both monitored and un-monitored installations. The policy empowers the executive of the City of Melville to make operational and strategic decisions to protect the cities assets and to minimise the likelihood of harm to employees, residents and visitors to the city.

Recommendation 3 allows for a meaningful survey to be undertaken in the community to gauge support for monitored CCTV in high risk and high impact areas, further enhancing the opportunities to make the City of Melville safer.

OFFICER RECOMMENDATION (8002)**APPROVAL****1. THAT THE USE OF CLOSED CIRCUIT TELEVISION (CCTV) POLICY BE ADOPTED AS FOLLOWS****POLICY STATEMENT
CLOSED CIRCUIT TELEVISION POLICY****THE POLICY OBJECTIVES ARE TO: -**

- **REDUCE THE FEAR OF CRIME OR ANTISOCIAL BEHAVIOUR BY PROVIDING A VISIBLE AND HIGH PROFILE DETERRENT TO SUCH BEHAVIOUR**
- **PROVIDE REAL TIME OBSERVATIONS OF EVENTS SO THAT REAL TIME RESPONSES CAN BE INITIATED WHEN CRIMINAL OR ANTI SOCIAL BEHAVIOUR IS OBSERVED**
- **TO CAPTURE EVIDENCE OF CRIMINAL OR ANTI SOCIAL BEHAVIOUR THAT CAN BE USED FORENSICALLY BY THE POLICE TO IDENTIFY PERPETRATORS**

C08/8002 - CLOSED CIRCUIT TELEVISION POLICY (REC)

CLOSED CIRCUIT TELEVISION WILL BE DEPLOYED IN THE CITY OF MELVILLE UNDER THE FOLLOWING CIRCUMSTANCES: -

- 1 ALL CCTV INSTALLATIONS WILL MEET THE REQUIREMENTS OF THE CITY OF MELVILLE CCTV CAMERA PROGRAM CODE OF PRACTICE. UN-MONITORED CCTV INSTALLATIONS WILL BE USED AS A PREFERRED DEPLOYMENT TYPE OVER MONITORED INSTALLATIONS WHERE PASSIVE SURVEILLANCE IS THE DESIRED OUTCOME. FULLY MONITORED CCTV WILL BE DEPLOYED WHERE THE REAL TIME OBSERVATION OF EVENTS IS DEEMED ESSENTIAL.**
- 2 CCTV INSTALLATIONS WILL ALWAYS BE REAL. THE USE OF “DUMMY” INSTALLATIONS IS NOT PERMITTED AS THEY BREACH OUR DUTY OF CARE AND PUBLIC LIABILITY POLICIES**
- 3 CCTV INSTALLATIONS WILL ALWAYS BE OF A SUFFICIENT STANDARD, INCLUDING AMBIENT AND ARTIFICIAL LIGHTING AND IMAGE QUALITY FOR VALID FORENSIC EVIDENCE TO BE OBTAINED.**
- 4 CCTV INSTALLATIONS WILL BE INSTALLED WHERE RECURRENT ANTISOCIAL OR CRIMINAL BEHAVIOUR HAS GENERATED A SUFFICIENT FEAR OF CRIME OR COMMUNITY RESPONSE THAT THE COSTS ARE CONSIDERED APPROPRIATE IN THE CIRCUMSTANCES.**
- 5 CCTV INSTALLATIONS WILL BE DEPLOYED WHERE THE VALUE OF THE ASSET, OR THE REQUIREMENT OF PUBLIC PERCEPTION MAKE IT A VALID TOOL WITHIN THE FRAMEWORK OF “CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN”.**
- 6 CCTV INSTALLATIONS WILL BE CLEARLY SIGNED ACROSS THE DEPLOYMENT.**
- 7 OUR APPROACH WILL BE TO ENSURE THAT THERE ARE GOOD LEVELS OF PUBLIC AWARENESS THAT AN INSTALLATION IS PRESENT.**
- 8 CCTV INSTALLATIONS MAY BE DEPLOYED ON COUNCIL OR PRIVATE LAND, WITH THE PERMISSION OF THE LAND OWNER. INSTALLATIONS MAY BE PERMANENT OR TEMPORARY OR A COMBINATION OF BOTH.**
- 9 CCTV INSTALLATIONS MAY BE PASSIVE OR “EVENT ACTIVATED” BY MEANS OF MOTION, HEAT, SONIC OR OTHER DETECTORS.**
- 10 CCTV INSTALLATIONS WILL CONFORM WITH THE REQUIREMENTS OF AUSTRALIAN STANDARD 4806; CLOSED CIRCUIT TELEVISION (CCTV)**

APPROVALS: -

- A. NEW MONITORED CCTV CAN BE APPROVED ONLY BY THE CHIEF EXECUTIVE OFFICER**
- B. NEW UN-MONITORED CCTV CAN BE APPROVED BY ANY DIRECTOR**
- C. UPGRADES AND MAINTENANCE TO CCTV CAN BE APPROVED BY OPERATIONAL MANAGERS**

C08/8002 - CLOSED CIRCUIT TELEVISION POLICY (REC)

- 2 THAT A SURVEY BE UNDERTAKEN OF RESIDENTS OF THE CITY OF MELVILLE TO GAUGE ACCEPTANCE OF AN INCREASE IN THE GENERAL RATES TO FUND A MONITORING SERVICE FOR NEW AND EXISTING COUNCIL CCTV INSTALLATIONS.**
- 3 THAT IF THE SURVEY RESPONSES SHOW THAT THE COMMUNITY SUPPORT AN INCREASED SECURITY SERVICE THEN THE RATES BE INCREASED IN THE 2009-2010 FINANCIAL YEAR TO IMPLEMENT, MAINTAIN AND RUN THE SERVICE.**

General discussion took place regarding the report and officer recommendation.

Chief Executive Officer advised it will be cost effective to provide a survey with rates notices rather than a stand alone survey at a later date.

CLOSURE

There being no further business, the Presiding Member declared the forum closed at 9.09pm.