



— *City of* —
Melville

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

21 NOVEMBER 2006

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DISTRIBUTED: 24 NOVEMBER 2006



— City of —
Melville

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 21 NOVEMBER 2006.

1. PRESENT

Her Worship the Mayor, Katherine Jackson JP

COUNCILLORS

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

WARD

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

2. IN ATTENDANCE

E Lumsden PSM
A McAllister

M Tieleman
R G C Willis

P Gale
B Taylor

K Weymes

P McAlister
K Davies
M Spencer
T Hirst
M Ridgwell

POSITION TITLE

Chief Executive Officer
Director Strategic Community
Development
Director Customer & Corporate Services
Director Technical & Development
Services
Manager Infrastructure Services
Manager Information & Corporate
Support
Manager Planning & Development
Services
Client Liaison/Contracts Manager
Senior Strategic Planner
Senior Strategic Planner
Senior Administration Officer
Property & Corporate Support Manager
(Minute Secretary)

At the Commencement of the Meeting, there were six (6) people present in the public gallery, including three (3) staff.

3. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr P M Phelan

Palmyra/Melville/Willagee

4. PUBLIC QUESTION TIME

Mr Whisson of Kardinya

“1. Any word on the sale of Fremantle Eastern Bypass Land?”

The Chief Executive Officer, Mr Eric Lumsden PSM, provided the following response:

The area in question is not located within the City of Melville and the area in question is no longer associated with the Roe Highway.

Mr Press of Kardinya

“2. Could you give an update of the approval or consideration of approval for the Bikini Girls massage parlour near Canning Bridge?”

The Manager Planning & Development Services, Mr Keith Weymes, provided the following response:

The City of Melville appointed Solicitor has written to applicant and the applicant has subsequently attempted to lodge incomplete application forms for a change of use. These have been rejected on each occasion as the application has in each instance not been signed by owner. The latest correspondence seeks access to the premises to inspect.

At 6.49pm Cr H Everett moved, seconded Cr P Phelan—

That Cr J R Bennett be permitted to ask a question;

“Is the Bikini Parlour operating and under what format and guise?”

The Manager Planning & Development Services, Mr Keith Weymes, provided the following response:

It is believed it is operating in a partial capacity. There is current advertising for spa and massage services.

Mr Addvalue of Applecross

“3. Will the Council seriously consider the appointing of an Ombudsman for the City of Melville, part time ad for a trial period as necessary?”

4. Will the Director of Strategic and Urban Planning and the Council place much greater emphasis on sustainability in their current planning considerations, than was the case for CPS 5?”

The Chief Executive Officer, Mr Eric Lumsden PSM, provided the following response:

The question on the appointment of an Ombudsman will be placed on notice in order to ascertain more information from Mr Addvalue in respect to the matter raised.

In response to the second question yes greater emphasis is being placed into sustainability for future planning.

Mr Phillips of Mt Pleasant

“5. *Is the Council considering subsidizing for seniors the cost of installing security screens to their homes?”*

Cr J Phillips, provided the following response:

Information is currently being sourced from other local authorities and once received discussion with the appropriate officers will take place before any decision will be made on the matter.

5. AWARDS AND PRESENTATIONS

5.1 At the launch of Seniors Week the Honourable Minister for Community Development; Seniors and Volunteering Mr David Templeman MLA announced the City of Melville as a winner in the WA Seniors Awards 2006 in the category of *Active Ageing Leadership* for our Seniors Assistance Fund (SAF) program. The awards are conducted annually, as part of Seniors Week, by the Department for Community Development Office for Seniors Interests and Volunteering. The City has been nominated for this program a number of times so to be finally acknowledged is a great achievement.

The City of Melville is to be congratulated on its vision in establishing this very successful program and it is very satisfying to receive acknowledgement for our leadership in this area. SAF is unique in local government in WA and possibly Australia.

Both elements of SAF are acknowledged by many providers in the sector. Twenty five thousand dollars (\$25,000) per annum is given to service providers for grant programs which address social isolation, life long learning, positive aging and gardening and home maintenance. Seventy five thousand dollars (\$75,000) is provided for direct community care services to assist seniors who are not able to access support through government funding or other avenues. This funding has benefited over one thousand (1,000) senior residents and their families since its beginnings in November 2001.

Care Options Inc, a not for profit community organization that provides services to seniors, people with disabilities and their carers across the South Metro region, has administered the seventy-five thousand dollars (\$75,000) for direct service provision over the last five (5) years. Their management of the fund has ensured that the intention of the Council to provide a flexible and responsive approach to our senior residents unable to access services via other options has been maintained. Feedback over the past five (5) years has indicated that our residents are very pleased with the high caliber of service provided by Care Options. Officers have forwarded our thanks and congratulations to Care Options Inc for their contribution to our success.

The COM at the Australian Planning Institute award night won the award for "Community Based Planning" for the Dialogue project "Melville Visions;Community Perspective On Our City, Our Future " undertaken by the Strategic Urban Planning Unit. The award will now go on to be entered into the National PIA awards program.

- 5.2** A record of functions attend by the Mayor, and Elected Members representing the Mayor for the Council, for the period 17 October 2006 to 20 November 2006, forms an attachment to the Minutes of the Meeting.

At 6.54pm Cr M J Barton moved, seconded Cr J R Bennett—

THAT THE RECORD OF FUNCTIONS ATTENDED BY THE MAYOR, AND ELECTED MEMBERS REPRESENTING THE MAYOR ON BEHALF OF THE COUNCIL, FOR THE PERIOD 17 OCTOBER 2006 TO 20 NOVEMBER 2006, BE NOTED.

The Mayor submitted the motion,
which was declared **CARRIED WITHOUT DISSENT (13/0)**

6. CONFIRMATION OF MINUTES

6.1 ORDINARY MEETING OF THE COUNCIL - 17 OCTOBER 2006

At 6.55 pm Cr D J Macphail moved, seconded Cr C M Halton –

THAT THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD ON TUESDAY, 17 OCTOBER 2006 BE CONFIRMED.

The Mayor submitted the motion,
which was declared **CARRIED WITHOUT DISSENT (13/0)**

7. DISCLOSURES OF INTEREST

Nil.

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Cr Everett	Applecross / Mt Pleasant
Cr Robertson	Bull Creek / Leeming
Cr Macphail	City

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10. PETITIONS

On 10 November 2006 a Petition bearing twenty six (26) signatures was received by the Council in relation to relocation of a bus shelter. The Petition reads: -

*“We, the undersigned, all being Electors of the City of Melville, do humbly pray that –

Consideration is given to the relocation of the bus shelter and stand (no. 10269) located on Canning Highway, Palmyra. Traffic from Palin Street turning right into Canning Highway does not have a clear view of both eastbound lanes. Both the shelter and stand create a hazard.”*

At 6.57 pm Cr J Phillips moved, seconded Cr P M Phelan –

COUNCIL RESOLUTION

THAT THE PETITION BEARING TWENTY SIX (26) SIGNATURES BE REFERRED TO THE NEXT ORDINARY MEETING OF COUNCIL FOR CONSIDERATION.

The Mayor submitted the motion,
which was declared **CARRIED WITHOUT DISSENT (13/0)**

11. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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P06/3020 – INCREASE TO STAFF NUMBERS AND CHANGE IN ACTIVITIES FOR SHOWROOM ON LOT 340 (248) LEACH HIGHWAY, MYAREE (SHOWROOM 7B) (REC) (ATTACHMENT)

Ward	:	City Ward
Category	:	Planning / Building Development
Application Number	:	DA-2006-1436
Property	:	248 Leach Highway, Myaree WA 6154
Proposal	:	Increase in staff numbers and change in activities
Applicant	:	Planning Solutions (Aust) Pty Ltd
Owner	:	City of Melville
Disclosure of any Interest	:	No officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Keith Weymes, Manager Planning & Development Services
Previous Items	:	DA-2006-836 Planning approval for showroom use

SUMMARY

The application is for an increase in the number of staff members and change in activities for the existing and approved showroom use on Lot 340 (248) Leach Highway, Myaree.

The proposed changes in activities result in the proposed use not being a 'showroom' and the proposed use will be assessed as 'other uses not listed above.'

It is recommended that the application be refused.

BACKGROUND

The City of Melville has issued a planning approval dated 14 June 2006 for a showroom on the development site.

The planning approval was issued subject to the following special condition:

"A maximum of three (3) staff members being employed on the site at any one time."

At the time of assessment of the application, it was determined that there was no more than three (3) staff bays available on the site for Showroom 7B based on the net leasable floor area of the building.

The applicant has since prepared a traffic impact and parking assessment to support the application to increase the number of staff.

The City of Melville has obtained a legal opinion in relation to the proposed development and the comments and recommendation in this report are consistent with that opinion.

P06/3020 – INCREASE TO STAFF NUMBERS AND CHANGE IN ACTIVITIES FOR SHOWROOM ON LOT 340 (248) LEACH HIGHWAY, MYAREE (SHOWROOM 7B) (REC) (ATTACHMENT)

Scheme Provisions

MRS Zoning : Industrial
 CPS 5 Zoning : Mixed Business
 R-Code : R20/R25
 Use Type : Other uses not listed above
 Use Class : D

Site Details

Lot Area : 2.7 ha
 Retention of Existing Vegetation : Yes
 Street Tree(s) : Yes, not affected
 Street Furniture (drainage pits etc) : Yes, no conflict
 Site Details : [P06_3020_Property_Map.pdf](#)

[P06_3020_November_2006.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Wednesday, 15 November 2006.

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Carparking	1 bay for every 40sqm NLA plus 1 bay for every staff member (25 bays)	12 bays	Does Not Comply	DTDS	

(Note: Non-compliance is emphasised in bold)

Setbacks

Not applicable.

POLICY IMPLICATIONS

Policy 06-PL-024 Car Parking (Non-residential).

P06/3020 – INCREASE TO STAFF NUMBERS AND CHANGE IN ACTIVITIES FOR SHOWROOM ON LOT 340 (248) LEACH HIGHWAY, MYAREE (SHOWROOM 7B) (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

No advertising required.

REFERRALS TO GOVERNMENT AGENCIES

Not required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for planning approval, the applicant may have the right to have the decision reviewed in accordance with Part XIV of the Planning and Development Act 2005.

FINANCIAL IMPLICATIONS

There are no anticipated financial implications.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no anticipated strategic and risk management implications.

COMMENT

Issue 1 – Number of Staff Members

The applicant has prepared a traffic impact and parking assessment study to support the application for an increase of staff number from three (3) to fifteen (15).

The study has been reviewed by the City of Melville Technical Services and the methodology and assumptions used in the study are reasonable and the conclusions of the study are reasonable.

P06/3020 – INCREASE TO STAFF NUMBERS AND CHANGE IN ACTIVITIES FOR SHOWROOM ON LOT 340 (248) LEACH HIGHWAY, MYAREE (SHOWROOM 7B) (REC) (ATTACHMENT)**Issue 2 – Use**

There are elements of the proposal which fall within the “office” use class and elements which fall within the “showroom” use class of the Community Planning Scheme No. 5 (“the Scheme”), as outlined below.

In the Scheme “Showroom” is defined as

“Showroom’ means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment.”

The proposed floor plan shows the building area being broken into four (4) distinctive areas – “Client Interactive Area; Restricted Access Office; Restricted Access Storage” and “Amenities.”

The central portion of the “Client Interactive Area” is dedicated to the display of goods for sale. Conventionally, the area for display of goods for sale in a showroom occupies most of the floor space. The proposed display area occupies sixteen percent (16%, 40sqm divided by 250sqm) of the “Client Interactive Area” and only ten percent (10%, 40sqm divided by 400sqm) of the floor area (excluding amenities). The area dedicated to the display of goods for sale is minor.

The goods displayed for sale (kitchen and bathroom tiles and fittings) appropriately fall within the reference of “hardware or goods of a bulky nature” used in the definition for “showroom.”

In the Scheme “Office” is defined as

“Office means a building or part of a building used for the conduct of administration, the practise of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.”

In each of the “Design Customer Quarters,” the “Design Consultant,” the “Construction Consultant,” the “Sales Manager” area and the “Sales Consultants” area, there appear to be diagrammatic representations of work stations, that is, they are setup such that work would be done from a desk and in a manner characteristic of an office.

In the “Design Customer Quarters” there are areas indicated for contract preparation, a drawing board and a colour printer, suggesting that, at least part of, the “Design Customer Quarters” would be dedicated to activities which might ordinarily be conducted in an office.

P06/3020 – INCREASE TO STAFF NUMBERS AND CHANGE IN ACTIVITIES FOR SHOWROOM ON LOT 340 (248) LEACH HIGHWAY, MYAREE (SHOWROOM 7B) (REC) (ATTACHMENT)

Considering the definition of the term “profession” from a number of sources, the design consultant and construction consultant are capable of falling within the category of “professions” within the scope of the term used to define “office.” The Sales Consultants and Sales Manager would not necessarily be capable of falling within the category of “professions” but are capable of falling within the genus of the general categories of office activities referred to in the Scheme definition for “office.”

While it is possible to recognise the proposal including both the “office” use and “showroom” use, the area dedicated to the display of goods for sale and the area dedicated for “office” type activities seem to be closely integrated in their management and operation and it is not reasonable to treat them as separate uses.

The proposal will therefore be assessed as under the general use class of “other uses not listed above.” On this basis the use is a use which is not permitted unless the Council exercises a discretion and grants planning approval. As a matter of comparison a “showroom” is a permitted use and an “office” use is only permitted providing that it is incidental to the predominant use.

In considering the proposal as a “other uses not listed above” due regard is to be given to the Statement of Intent of the Mixed Business precinct, the use class table in the Scheme and proposed amendment no. 47.

Statement of Intent

The statement of intent for the Mixed Business precinct as prescribed in Part 4 of the Community Planning Scheme No. 5 is:

“An industrial area in transition to commercial use in accordance with the Local Commercial Strategy, accommodating retail uses of a bulky nature. Some residential use may occur. The amenity of the area is to be up-graded and attention given to landscaping all new development.”

The statement favours the accommodation of retail uses “of a bulky nature.”

Use Class Table

The intent of the Scheme for the use of “office” is further defined in the use class table in Part 7. The use of “office” is given an “I” permissibility and should only be approved to the extent that the “office” is incidental to the predominant use of the site. For example, an office used for the clerical and administration activities associated with the administration of a “showroom.” For this application, it is reasonable to assume that the “Restricted Access Office” might perform this function however this area is shown to be capable of accommodating six (6) administration staff which could be considered high taking into consideration the relatively small size of the display area.

P06/3020 – INCREASE TO STAFF NUMBERS AND CHANGE IN ACTIVITIES FOR SHOWROOM ON LOT 340 (248) LEACH HIGHWAY, MYAREE (SHOWROOM 7B) (REC) (ATTACHMENT)

Amendment No. 47

Under Amendment No. 47 (“the amendment”) the portion of the site specific to this application is to be zoned “Highway Commercial.”

The statement of intent for the “Highway Commercial” zone is:

“Land and buildings used for – open display, bulky goods, and large retail complexes which rely upon large sites with highway and major arterial road frontage.”

The use of “office” is to have an “X” permissibility in the proposed use class table. The amendment intends to prohibit the development of “office” use.

From the statement of the intent for the Mixed Business precinct, the use class table of the Scheme and the strategic direction indicated by the Council (through the amendment) it is clear that the Council intends this part of the site to be utilised by businesses displaying and offering for sale goods of a bulky nature and not “office” type businesses. As indicated above the proposal contains more “office” type activities than “showroom” type activities.

It is recommended that the application be refused.

Officer Recommendation

That the application for an increase in staff numbers and change in activities for the approved showroom on lot 340 (248) Leach Highway, Myaree (showroom 7B), be refused for the following reasons:

- 1. The proposal does not comply with the intent of the Community Planning Scheme No. 5 considering the statement of intent for the mixed business precinct and the use class table. The intent of the scheme within this precinct is for the location of businesses that display and offer for sale bulky goods. The dominant activity of the proposal is “office” type activity.**
- 2. The proposal does not meet the intention for the strategic planning of the locality because the proposal does not comply with the intent of proposed Amendment no. 47 to the Community Planning Scheme No. 5.**

P06/3020 – INCREASE TO STAFF NUMBERS AND CHANGE IN ACTIVITIES FOR SHOWROOM ON LOT 340 (248) LEACH HIGHWAY, MYAREE (SHOWROOM 7B) (REC) (ATTACHMENT)

COUNCIL RESOLUTION (3020)

APPROVAL

At 6.59 pm Cr J R Bennett moved, seconded Cr D J Macphail -

THAT THE OFFICERS REPORT BE REJECTED AND REPLACED WITH THE FOLLOWING;

THAT THE APPLICATION FOR AN INCREASE IN STAFF NUMBERS AND CHANGE IN ACTIVITIES FOR THE APPROVED SHOWROOM ON LOT 340 (248) LEACH HIGHWAY, MYAREE (SHOWROOM 7B), BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE MAXIMUM NUMBER OF STAFF BEING EMPLOYED ON THE PREMISES AT ANY ONE TIME BEING FIFTEEN (15).**
- 2. THE ACTIVITIES AND OPERATION OF THE USE COMPLYING WITH THE DESCRIPTIONS AND EXPLANATIONS CONTAINED IN THE SUPPORTING DOCUMENTATION SUBMITTED WITH THE APPLICATION FOR PLANNING APPROVAL.**

FOOTNOTE: THE COUNCIL AFTER CONSIDERATION OF LEGAL ADVICE ON THE OPTIONS AVAILABLE, DETERMINED TO USE ITS DISCRETION TO APPROVE THE APPLICATION AS IT WAS SATISFIED OF ITS PLANNING MERITS IN THIS INSTANCE.

The Mayor submitted the motion, which was declared

CARRIED (12/1)

P06/3021 – TWO (2) STOREY SINGLE DWELLING ON LOT 304 (25A) BIRDWOOD CIRCUS, BICTON (REC) (ATTACHMENT)

Ward	:	Bicton - Attadale
Category	:	Planning / Building Development
Application Number	:	DA-2006-1239
Property	:	25A Birdwood Circus, Bicton WA 6157
Proposal	:	Two (2) Storey Single Dwelling
Applicant	:	Mr B R Matthews
Owner	:	Mr B R Matthews
Disclosure of any Interest	:	No officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Keith Weymes, Manager Planning & Development Services
Previous Items	:	Nil

SUMMARY

An application has been received for a two (2) storey single dwelling at Lot 304 (25A) Birdwood Circus, Bicton. The application complies fully with the Residential Design Codes and with the City of Melville Community Planning Scheme No. 5 and Policy requirements other than the following:

- a) The setback of the ground floor from the southern (rear) boundary;
- b) The setback of the upper floor from the southern (rear) and eastern (side) boundary;
and
- c) The plot ratio.

The application is recommended for approval subject to conditions.

BACKGROUND**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area – BC3
R-Code	:	R17.5
Use Type	:	Residential
Use Class	:	P

Site Details

Lot Area	:	662sqm (501sqm effective)
Retention of Existing Vegetation	:	The application includes the retention of existing trees along the southern and eastern boundaries.
Street Tree(s)	:	Not applicable
Street Furniture (drainage pits etc)	:	Not applicable
Site Details	:	P06_3021_Property_Map.pdf

P06/3021 – TWO (2) STOREY SINGLE DWELLING ON LOT 304 (25A) BIRDWOOD CIRCUS, BICTON (REC) (ATTACHMENT)

[P06_3021_November_2006.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Wednesday, 15 November 2006.

DETAIL

TWO STOREY ON BATTLEAXE DEVELOPMENT REQUIREMENTS

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Plot Ratio	0.4 (200.4sqm)	0.49 (243.7sqm)	Does not comply	Council	
Upper Floor Area	30% gross floor area (86.2sqm)	26.39% (77.5sqm)	Complies		
<u>Rear Setback</u>					
Ground	3.0m	2.45m	Variation		
Upper	4.0m	3.0m	Variation		
<u>Side (West) Setback</u>					
Upper	4.0m	13.3m	Complies		
<u>Side (East) Setback</u>					
Upper	4.0m	3.65m	Variation		

OTHER SETBACK REQUIREMENTS

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
<u>Front (Nth)</u>					
Ground					
Store, Activity	1.0m	1.1m	Complies		
Dining, Alfresco	1.5m	1.6m	Complies		
Upper	1.2m	2.6m	Complies		
<u>Side (West) Ground</u>	1.0m	1.9m	Complies		
<u>Side (East) Ground</u>	1.5m	3.9m	Complies		

P06/3021 – TWO (2) STOREY SINGLE DWELLING ON LOT 304 (25A) BIRDWOOD CIRCUS, BICTON (REC) (ATTACHMENT)

DEVELOPMENT REQUIREMENTS

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Open Space	331sqm 50%	452sqm 68.3sqm	Complies		
Building Height	8.0m to eaves 10.5m max	6.6m to eaves 7.5m max	Complies Complies		
Carparking	2 bays 1 covered	2 covered bays	Complies		

POLICY IMPLICATIONS

Nil.

PUBLIC CONSULTATION/COMMUNICATION

The owners of the following properties were consulted regarding the proposed variations from CPS5 requirements for two storey (or more) development on battle-axe lots:

- 23 Birdwood Circus, Bicton
- 10 Wittle Court, Bicton
- Unit 4 (7-9) Yeovil Crescent, Bicton
- Unit 5 (7-9) Yeovil Crescent, Bicton
- 5B Yeovil Crescent, Bicton
- 5C Yeovil Crescent, Bicton

One (1) submission was received. The submission was from the owner of 5C Yeovil Crescent, Bicton and is summarised in the table below.

Affected Property	Summary of Submission	Support/ Object	Officer's Comment	Action (Condition/ Support/ Dismiss)
5C Yeovil Crescent, Bicton	I would have hoped that the Council would decide by its own Community Planning Scheme No. 5 minimum setbacks for both the ground floor and upper floor. If Council's planning guidelines, requirements were implemented then I would not have to be involved in a potential conflict with my neighbour by asking for the new home being erected to the minimum requirements as set down by Council.	Object	Clause 4.2(b) of CPS5 enables Council to approve an application despite non-compliance with the stipulated development requirements. The submission does not provide reasons for objection other than that the development does not comply with the development requirements of CPS5.	

P06/3021 – TWO (2) STOREY SINGLE DWELLING ON LOT 304 (25A) BIRDWOOD CIRCUS, BICTON (REC) (ATTACHMENT)

REFERRALS TO GOVERNMENT AGENCIES

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Nil.

COMMENT

The application complies fully with the requirements of the Residential Design Codes but not with the Community Planning Scheme requirements with respect to the development of two storey dwellings on battle axe lots with respect to the following matters

- The setback of the ground floor from the southern (rear) boundary;
- The setback of the upper floor from the southern (rear) and eastern (side) boundary; and
- The plot ratio.

Each issue is discussed below

The ground floor of the dwelling is setback varies from four metres (4m) to two point five metres (2.5m) from the southern (rear) boundary of the lot but is generally two point five metres (2.5m). The provisions for two storey (or more) development on a battleaxe lot within CPS5 require the ground floor of the dwelling to be setback a minimum of three metres (3.0m) from the rear boundary with an average setback of six metres (6.0m). Seventy four square metres (74sqm) of the dwelling is positioned forward of the six metre (6.0m) setback line and there is forty five square metres (45sqm) of compensating open space behind the setback line.

The upper floor of the dwelling is setback three metres (3.0m) from the southern (rear) boundary of the lot and three point six five metres (3.65m) from the eastern (side) boundary of the lot. CPS5 requires the upper floor to be setback a minimum of four metres (4.0m) from the side and rear boundaries.

The plot ratio of the proposed dwelling is zero point four nine (0.49). CPS5 requires a maximum plot ration of zero point four (0.4).

P06/3021 – TWO (2) STOREY SINGLE DWELLING ON LOT 304 (25A) BIRDWOOD CIRCUS, BICTON (REC) (ATTACHMENT)

It is considered that the proposed dwelling would not be significantly bulky in relation to surrounding development and the locality in general with the reduced setbacks and additional plot ratio proposed. This is in light of the following four (4) factors:

- a) The proposed dwelling is down slope of the adjoining dwelling fronting Birdwood Circus therefore it would not have a dominating effect as viewed from the street.
- b) There are established tall trees along the southern (rear) and eastern (side) boundaries of the lot which would provide screening from these directions. The owner of the property has stated an intention to maintain these trees. It is noted that trees have value in addition to their potential to provide screening. That is, the trees are large, mature and aesthetically pleasing therefore the owner's stated intentions have sound basis. In addition, the trees are located on the sides of the dwelling that would be the least actively used with family, dining, kitchen and mastersuite maintaining full access to northern sunlight.
- c) The upper floor of the dwelling represents only twenty six percent (26%) of the gross floor area.
- d) The dwelling is setback a minimum of three point nine metres (3.9m) from the western (side) boundary of the lot with an average setback of more than six metres (6.0m) (i.e. a side for rear setback exchange).

Applicants Comments	Officers Response
<p>We are requesting a reduced setback bays on the fact that there is a screening of established trees 6.0m in height to both boundaries as indicated on the site survey. These trees provide a screen from the adjoining neighbours therefore the second storey is masked from the adjoining neighbours.</p>	<p>A site inspection confirmed the existence of well established, tall trees along the southern (rear) and eastern (side) boundaries of the lot providing potential screening of the proposed dwelling. A special condition of planning approval is required in order to retain the trees.</p>

P06/3021 – TWO (2) STOREY SINGLE DWELLING ON LOT 304 (25A) BIRDWOOD CIRCUS, BICTON (REC) (ATTACHMENT)

Officer Recommendation

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

That the proposed two (2) storey single dwelling at lot 304 (25A) Birdwood Circus be approved subject to the following conditions:

- 1. Roofing materials shall be non-reflective zinc or white colour metal, including but not limited to 'Surfmist', may only be permitted through special planning consent.**
- 2. The existing retaining wall, marked in red on the approved site plan shall not exceed the heights specified on the plan unless otherwise approved by Council.**
- 3. All existing vegetation on the lot shall be maintained to the satisfaction of the Manager Planning and Development Services for the purpose of reducing the impact of building bulk on the surrounding development and the locality.**

Standard Conditions:

Resgd7, Ressed01, Ressed06, Ressed10, Ressed11, Ressed13, Ressed16, Ressed19

Amendment 1

Cr L J Wyatt moved, seconded Cr J R Bennett -

That the Officer Recommendation be amended to include an additional condition 4 which reads;

- 4. If in the opinion of the Manager Planning and Development Services the existing vegetation on the lot is not sufficiently maintained to screen the outlooks from the bedroom and kitchen windows of unit 4/7 Yeovil Crescent permanent screening to a suitable length and height be installed to the satisfaction of the Manager Planning and Development Services.**

The Mayor submitted the motion, which was declared

CARRIED (13/0)

P06/3021 – TWO (2) STOREY SINGLE DWELLING ON LOT 304 (25A) BIRDWOOD CIRCUS, BICTON (REC) (ATTACHMENT)

COUNCIL RESOLUTION (3021)

APPROVAL

The Mayor, submitted the substantive motion being –

THAT THE PROPOSED TWO (2) STOREY SINGLE DWELLING AT LOT 304 (25A) BIRDWOOD CIRCUS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. ROOFING MATERIALS SHALL BE NON-REFLECTIVE, ZINC OR WHITE COLOUR METAL, (INCLUDING BUT NOT LIMITED TO 'SURFMIST'), MAY ONLY BE PERMITTED THROUGH SPECIAL PLANNING CONSENT.**
- 2. THE EXISTING RETAINING WALL, MARKED IN RED ON THE APPROVED SITE PLAN SHALL NOT EXCEED THE HEIGHTS SPECIFIED ON THE PLAN UNLESS OTHERWISE APPROVED BY COUNCIL.**
- 3. ALL EXISTING VEGETATION ON THE LOT SHALL BE MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES FOR THE PURPOSE OF REDUCING THE IMPACT OF BUILDING BULK ON THE SURROUNDING DEVELOPMENT AND THE LOCALITY.**
- 4. IF IN THE OPINION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES THE EXISTING VEGETATION ON THE LOT IS NOT SUFFICIENTLY MAINTAINED TO SCREEN THE OUTLOOKS FROM THE BEDROOM AND KITCHEN WINDOWS OF UNIT 4/7 YEOVIL CRESCENT PERMANENT SCREENING TO A SUITABLE LENGTH AND HIEGHT BE INSTALLED TO THE SATISFACTION O THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

STANDARD CONDITIONS:

RESGD7, RESSD01, RESSD06, RESSD10, RESSD11, RESSD13, RESSD16, RESSD19

which was declared

CARRIED WITHOUT DISSENT (13/0)

T06/2012 – POINT WALTER GOLF COURSE MODIFICATIONS (REC)

Ward	:	Bicton/Attadale
Category	:	Operational
Subject Index	:	Leases
Customer Index	:	Nil
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	G03/2007 - Point Walter Golf Course Modifications (October 2004) <u>2000 P1 March 2005.doc</u> G03/2007 - Point Walter Golf Course Redevelopment Proposal (September 2003) <u>2000 P2 March 2005.doc</u> G03/2007 - Point Walter Golf Course Redevelopment Proposal (July 2003) <u>2000 P3 March 2005.doc</u> T02/1005 - Point Walter Golf Course Redevelopment Proposal (February 2003) <u>2000 P4 March 2005.doc</u> T02/1005 - Point Walter Golf Course Redevelopment Proposal (February 2001) <u>2000 P5 March 2005.doc</u> T01/2011 - Burke Drive Golf Practice Area Risk Assessment. <u>2000 P6 March 2005.doc</u> T02/1005 - Point Walter Golf Course Redevelopment Proposal <u>2000 P7 March 2005.doc</u> G04/2000 - Point Walter golf Course Modifications (March 2005)
Works Programme	:	2006/2007
Funding	:	\$83,075
Responsible Officer	:	Philip Gale Manager Infrastructure Services

SUMMARY

In a previous item to Council (G04/2000) several recommendations were adopted to address the risk of errant golf balls arising from Point Walter Golf Course causing injury or damage to neighbouring properties. Included in these recommendations was a proposal to erect an arched fence structure over a portion of Honour Avenue. Subsequent to this a design has been prepared and tenders called from fencing contractors. A single quote was received for two hundred and thirty seven thousand dollars (\$237,000). It is considered that the risk of a golf ball causing a serious accident is low and that the cost to erect an arched fence over a portion of Honour Avenue is not justified without more substantive evidence of a need.

T06/2012 – POINT WALTER GOLF COURSE MODIFICATIONS (REC)

BACKGROUND

A potential risk was previously identified from errant golf balls causing injury or property damage to neighbouring properties.

The identified risk relates to golf balls landing on Honour Avenue from the first hole which aligns approximately parallel to Honour Avenue and balls landing on Reserve Street and adjacent properties from the eighth hole which aligns with Reserve Street.

The City of Melville insurers have advised that ten (10) property damage claims relating to the above locations have been received during the period August 1997 to October 2006. Six (6) of the claims relate to Honour Avenue/Point Walter Road and the remaining four (4) to Reserve Street.

In addition to the recorded incidences there is anecdotal evidence from residents in Reserve Street. It should be noted that nine (9) of the claims were for vehicle damage and the remaining claim was for property damage in Reserve Street. Only the claim for property damage was settled.

The City of Melville and its insurers recognised that measures should be introduced that reduce the risk presented by errant golf balls. An item (G04/2000) was presented to Council in March 2005 with the following adopted recommendations:

1. *An arched fence structure similar to that detailed in plan number 354A4-PG and pictured, be erected along Honour Avenue subject to the Chief Executive Officer in liaison with the presiding members of the Community and Technical Services Committee and Ward members approving the final design.*
2. *The eighth (8th) tee be relocated in front of the Moreton Bay Fig tree as shown in plan number 354A4-03PG/4.*
3. *A section of fencing to be erected around the second tee as shown in plan number 354A4-03PG/4.*

A footnote also acknowledged that signs advising motorists to exercise care when driving past the golf course on Honour Avenue had been erected as well as signs advising pedestrians of the risk of being struck by golf balls whilst walking through the golf course.

The realignment of the eighth (8th) tee was completed in May this year. A phone survey of residents on Reserve Street abutting the golf course revealed that the general consensus was that there had been a general reduction in the number of golf balls landing on their property or adjacent verge. A similar phone survey will be repeated in March 2007 to determine if the improvement has been maintained.

It was considered that the main risk from golf balls on Honour Avenue was from golf balls clearing the top of the trees between the fairway and the road. To address the situation it was proposed that a sixty eight point two metre long (68.2m) arched fence structure over the roadway and path be erected. The proposed structure was to be covered with a plastic coated mesh to prevent golf balls landing on the roadway.

T06/2012 – POINT WALTER GOLF COURSE MODIFICATIONS (REC)**DETAIL**

A design of the proposed arch fence structure was prepared by a structural engineer and tenders were called. Only one tender was received from Southern Wire Pty Ltd for two hundred and thirty seven thousand dollars (\$237,000).

In contrast to the situation on Reserve Street where the anecdotal evidence from residents provides good feedback on where stray golf balls, land this information is not available for Honour Avenue.

The reported incidence of golf balls landing on Honour Avenue is relatively rare with only six (6) reported incidences in a nine year (9) period. Further to this is the lack of knowledge on the actual direction of the ball ie. whether they are clearing the trees or passing through the trees.

It was considered that the problem was from balls clearing the top of the trees on the right side of the fairway and landing on the road. Due to the potential height a golf ball can achieve when struck, it was impractical from an engineering aspect to erect a fence along the right side of the fairway.

The solution was to provide an arched structure covered with a suitable mesh. This would require a fairly substantial structure which is consequently reflected in the quote of two hundred and thirty seven thousand dollars (\$237,000).

In considering the cost of the fencing, against the benefit to be gained from erecting the structure, there is very clearly a bias towards cost. If you were able to apportion benefit to the project, with the low numbers of incidences compared to the very high cost, then it becomes very hard to justify undertaking such a project.

This aspect has been discussed with our insurers and they concur that expenditure of this amount of money could not be warranted to mitigate such a low level of risk. They believe that the process the City of Melville has undertaken to assess the risk and provide a solution is justified and that on balance the City of Melville can now take the stance that it is unreasonable to spend this amount of money to mitigate a low potential risk.

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION/COMMUNICATION

Public consultation was previously undertaken with residents on Reserve Street and with users of the Point Walter Golf Course. The consultation was undertaken to determine the level of support for the modifications to the course as shown on plan 354A4-03PG/4. No further formal public consultation has since been undertaken.

T06/2012 – POINT WALTER GOLF COURSE MODIFICATIONS (REC)

STATUTORY AND LEGAL IMPLICATIONS

Class 'A' Reserve Number 4813. Processes associated with Class 'A' reserves apply.

FINANCIAL IMPLICATIONS

Following the modifications to the eighth (8th) tee and the erection of signage an amount of eighty three thousand and seventy five dollars (\$83,075) remains in the works program. It is proposed that section of fencing around the second tee be completed as per the previous recommendation and the remaining monies been allocated to the surfacing of the access track within the golf course.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Vision 2 - *A City with an attractive, desirable and safe community environment*
Strategic Objective 2.3 - *A community environment where residents can live in safety.*

Vision 3 - *A City of people leading healthy lifestyles and enjoying access to a variety of natural and structured leisure and community development opportunities.*
Strategic Objective 3.1 - *A community which is supported and has access to opportunities that assist wellbeing through physical activities, cultural and leisure pursuits and provision of knowledge and information services.*

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Risk of stray golf balls landing on Honour Avenue and causing injury and or property damage.	Evidence available for the last nine years suggests that the level of risk is low.	Continue to monitor the situation in liaison with the Risk Manager at the Municipal Liability Scheme.

COMMENT

It is considered that the degree of risk from stray golf balls landing on Honour Avenue does not at this time justify the cost and visual impact of erecting an arched fence structure over Honour Avenue.

The reallocation of the monies to the surfacing of the internal access track will provide improved access for maintenance staff at the golf course. The surfacing of the existing sand track will give a safer driving surface and a significant reduction in maintenance of the track.

It is proposed that infill planting take place within the existing vegetation to the west of the first fairway. This will reduce the risk from balls being struck through the bushland onto Honour Avenue.

T06/2012 – POINT WALTER GOLF COURSE MODIFICATIONS (REC)

**** Cr J R Bennett departed the meeting at 7.34pm.**

Officer Recommendation

Cr J Phillips moved, seconded Cr M J Barton -

- 1. That the proposal to erect an arched fence structure over Honour Avenue not proceed.**
- 2. That the remaining funds allocated to the fence structure be reallocated to the surfacing of the Point Walter Golf Course internal access track.**
- 3. That additional infill trees and shrubs planting be provided on the Honour Avenue side of the first fairway.**
- 4. That the situation of stray golf balls landing on Honour Avenue continues to be monitored by the City of Melville and the Municipal Liability Scheme.**

Amendment 1

Cr C W Robartson moved, seconded Cr P Phelan -

That the resolution dated 15 march 2005 which reads;

- 1. That an arched fence structure similar to that detailed in plan number 354A4-03PG/4 and pictured, be erected along honour avenue subject to the Chief Executive Officer in liaison with the presiding member of the Community and Technical Services Committee and Ward Members approving the final design.**

BE RESCINDED

The Mayor submitted the motion,
which was declared

CARRIED (11/1)

**** Her Worship the Mayor wished to record her name against the motion.**

T06/2012 – POINT WALTER GOLF COURSE MODIFICATIONS (REC)

COUNCIL RESOLUTION (2012)

The Mayor, submitted the substantive motion being –

1. THAT THE RESOLUTION DATED 15 MARCH 2005 WHICH READS;

“1. THAT AN ARCHED FENCE STRUCTURE SIMILAR TO THAT DETAILED IN PLAN NUMBER 354A4-03PG/4 AND PICTURED, BE ERECTED ALONG HONOUR AVENUE SUBJECT TO THE CHIEF EXECUTIVE OFFICER IN LIAISON WITH THE PRESIDING MEMBER OF THE COMMUNITY AND TECHNICAL SERVICES COMMITTEE AND WARD MEMBERS APPROVING THE FINAL DESIGN.”

BE RESCINDED

2. THAT THE REMAINING FUNDS ALLOCATED TO THE FENCE STRUCTURE BE REALLOCATED TO THE SURFACING OF THE POINT WALTER GOLF COURSE INTERNAL ACCESS TRACK.

3. THAT ADDITIONAL INFILL TREES AND SHRUBS PLANTING BE PROVIDED ON THE HONOUR AVENUE SIDE OF THE FIRST FAIRWAY.

4. THAT THE SITUATION OF STRAY GOLF BALLS LANDING ON HONOUR AVENUE CONTINUES TO BE MONITORED BY THE CITY OF MELVILLE AND THE MUNICIPAL LIABILITY SCHEME.

which was declared

CARRIED (11/1)

**** Cr J R Bennett re-entered the meeting at 7.38pm.**

C06/5026 - MELVILLE COCKBURN CHAMBER OF COMMERCE COUNCIL REPRESENTATIVE (REC) (ATTACHMENT)

Ward	: All
Category	: Strategic
Subject Index	: Administration
Customer Index	: Melville Cockburn Chamber of Commerce
Disclosure of any Interest	: Nil
Previous Items	: Nil
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Craig McClure Director Strategic Urban Planning

SUMMARY

The appointment of a replacement member to the Melville Cockburn Chamber of Commerce for next two years (approximately) has become available due to Cr Bennett's decision to withdraw from his role as a committee member.

BACKGROUND

Cr John Bennett has been an executive committee member of the Melville Cockburn Chamber of Commerce (MCCC) for several years. He is now unable to represent the City of Melville on the chamber. The Director, Strategic Urban Planning is a deputy member; however, it is important that an elected member rather than staff be a committee member. The City of Melville contributes thirty thousand dollars (\$30,000) a year to the MCCC.

DETAIL**Role/Function**

[5026 November 2006.pdf](#) The role of the Chamber of Commerce is to promote local business through education, networking and business sharing (see attachment).

Meetings

1. One executive committee meeting 4-8 weeks;
2. Other events after hours (6-8 weeks);
3. Four (4) breakfasts a year;
4. Two (2) educational workshops;
5. AGM and Christmas functions;
6. Two (2) corporate days a year.

Sponsors

The major sponsors of the Chamber of Commerce are City of Melville, City of Cockburn, Titan Ford, ANZ, Community Newspapers, Jandakot Airport and H4 Design.

C06/5026 - MELVILLE COCKBURN CHAMBER OF COMMERCE COUNCIL REPRESENTATIVE (REC) (ATTACHMENT)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COUNCIL RESOLUTION (5026)

Cr M J Barton moved, seconded Cr C W Robartson-

THAT CR A GENIVIVA REPRESENT THE CITY OF MELVILLE ON THE MELVILLE COCKBURN CHAMBER OF COMMERCE FOR THE PERIOD 27 OCTOBER 2006 TO 31 OCTOBER 2007.

The Mayor submitted the motion,
which was declared

CARRIED WITHOUT DISSENT (13/0)

FOOTNOTE:

The Council wished to thank Cr J R Bennett for his many years of service on the Melville Cockburn Chamber of Commerce in representing the City of Melville.

ADOPTION OF ITEMS NOT WITHDRAWN

Cr J Phillips moved, seconded Cr L M Reynolds-

THAT THE FOLLOWING REPORTS OF THE CHIEF EXECUTIVE OFFICER EXCLUDING ITEMS P06/3020, P06/3021, T06/2012 AND C06/5026 BE RECEIVED AND THE RECOMMENDATIONS CONTAINED THEREIN BE ADOPTED.

The Mayor submitted the motion,
which was declared

CARRIED WITHOUT DISSENT (13/0)

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

Ward	:	Bicton / Attadale Ward
Category	:	Planning / Building Development
Application Number	:	DA-2006-1242
Property	:	40 Waddell Road, Bicton
Proposal	:	Approval is sought for mixed use development containing an existing commercial building of four tenancies with three (3) residential units above and a separate four level apartment building of four (4) residential units with an office suite on the ground floor the subject site.
Applicant	:	Mr D Miller
Owner	:	Miller Family Property Trust
Disclosure of any Interest	:	No officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Tony Capobianco, A/Manager Planning & Development Services
Previous Items	:	Nil

SUMMARY

Approval is sought for a mixed use development involving an existing commercial building of four tenancies with three (3) residential units above and a separate four (4) level apartment building of four (4) residential units with an office suite on the ground floor of the subject site.

The building is appropriately designed to take advantage of the north aspect and would set a standard for the area, create vibrancy by encouraging commercial activities and residential living within the DC3 – Melville Centre Precinct.

The application is recommended for approval subject to appropriate conditions being imposed.

BACKGROUND

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	District Centre Precinct DC3 – Melville Centre
R-Code	:	R60
Use Type	:	Residential, Shop and Office
Use Class	:	D (Discretionary), P, P - permitted

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

Site Details

Lot Area	:	1270sqm
Retention of Existing Vegetation	:	None
Street Tree(s)	:	None
Street Furniture (drainage pits etc)	:	None
Site Details	:	P06 3018 Property Map.pdf

[P06 3018 November 2006.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Wednesday, 15 November 2006.

DETAIL

The application is summarised below:

- Retain existing commercial building on Waddell Road containing four (4) tenancies and construction of Three (3) - Two Bedrooms Residential Units over the commercial building.
- A four (4) level Residential Apartment building containing an Office suite on the ground floor and Four (4) Residential Units on level 2 to 4.
- Twenty (24) on site car bays are proposed plus four (4) bays within the Waddell Road reserve.
- Provision of one hundred and eighty-four square metres (184sqm) of private property for Right-of Way widening allowance.

DEVELOPMENT REQUIREMENTS

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Plot Ratio	0.7/889sqm. Plot ratio bonus of 0.07/89sqm is granted on Policy No. 60 where residential and non-residential split of 35/65 is achieved. Total = 0.77 (978 sqm)	0.63/795sqm (residential) 444sqm of commercial exempt under Clause 4.2.1 A1.iii of the Residential Design Codes.	Complies		

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

Landscaping	25% of site area/ 317sqm. Amendment No. 1 proposes landscaping requirement be reduced to 15%/190sqm.	111sqm + 82sqm of carparking area to be constructed in charcoal cobble stone pavers with 100mm spacings between and mondo grass inserts within these gaps. 15.18%/193sqm	Variation to scheme standards but complies with Amendment No. 1. The applicant is unable to fully comply with this requirement on site. However, this is partly due to about 184 square metres of privately owned land being set aside for the widening of the right-of-way located on the northern side of the property to improve public access linking Point Walter Road and Waddell Road. Moreover, the applicant has indicated it's willingness to improve the verge area by providing four bays and landscaping of 70 square metres in area. Further, the applicant has now indicated that he has incorporated within the design a form of trafficable ground cover to the car bays numbered 14 to 19 by way of cobble stone small pavers to allow ground cover (mondo grass or similar) between. This will then cater for the shortfall on landscaping.	DDNA	
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P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

Building Height	11 metres to eaves 13.5 metres in total	12.5 metres to eaves and 13 metres maximum	Variation to eaves height. Complies with overall maximum height of 13.5 metres. The applicant is proposing a “butterfly roof” form to take advantage of the northerly aspect, and in so doing has contravene the eaves height requirement. The overall building design is stylish and appropriate. It is considered that the variation is minor and would not have a negative impact on the adjoining properties.		
Carparking	Office (202sqm) 7 bays. Shop (242sqm) 17 bays 7 Residential Units = 7 bays plus 2 visitors Total carparking required = 33 bays	Office 7 bays Shop 10 bays plus 4 bays within road reserve 7 bays. One bay per unit. Total carparking provided = 28 carbays being 24 on-site bays and 4 bays within the verge area.	Refer Comments section.		
Site Cover	55%	52%	Complies		

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

Storeroom	7 stores	7 stores	Complies		
Overshadow	50% of adjoining residential site	AbutS Shell service station. No overshadow issue	Complies		
Surveillance of Approach to Dwellings	At least 1 habitable room window overlook approach to dwelling	There are habitable rooms' windows providing passive surveillance to right-of-way and approach to dwellings.	Complies		

(Note: Non-compliance is emphasised in bold)

SETBACKS

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front (Waddell Road)	Nil	1.5m	Complies		
Rear	Nil	Nil	Complies		
North Side	Nil – 2.2 m	Nil – 2.5m	Complies. Some highlight windows are proposed on the northern boundary. These windows shall comply with the Building Code of Australia in relation to fire separation requirements.		
South Side	Nil – 3m	Nil	Variation. The boundary walls extend to ten (10) metres in height. The setback variation was advertised to the adjoining property owners for comment. No submissions were received at the end of the consultation period. Moreover, the boundary walls abut existing Shell service station to the south.		

(Note: Non-compliance is emphasised in bold)

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

POLICY IMPLICATIONS

Section 4.2 “Mixed Use Development” of Residential Design Codes

Policy 06-PL-025 “Mixed Use Development”

Policy 06-PL-029 “Mixed Use Plot Ratio Application”

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	Required for setbacks non-compliance
Neighbour’s Comment Supplied:	No comments received
Reason:	The setback variation was advertised to the adjoining affected landowners and no submissions were received at the end of the consultation period.
Support/Object:	N/A

STATUTORY AND LEGAL IMPLICATIONS

Should the Council refuse the application for planning approval, the applicant is likely to appeal against the determination of the City of Melville.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

COMMENT

The proposed development generally complies with the City’s Community Planning Scheme No. 5, Residential Codes and relevant Policies other than carparking, building height, landscaping and boundary walls setbacks. Details of the variations are discussed below:

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

Carparking

The primary variation being sought by the applicant is carparking. The parking calculations are as follow:

	Required	Proposed
Carparking	<p>Commercial</p> <p>Tenancy 1 4 bays Office – 120sqm .</p> <p>Tenancy 2 6 bays Shop – 98sqm</p> <p>Tenancy 3a 4 bays Shop – 77sqm</p> <p>Tenancy 3b 3 bays Shop - 67sqm</p> <p>(The City has been reviewing its carparking requirement for non-residential developments. There is evidence to suggest that carparking ratio for District Centre Precincts at 7 bays/100sqm is onerous and excessive given its proximity to public transport route. The parking ratio is being reviewed by Strategic Urban Planning and is considered that 5.6 bays/100sqm may be more appropriate. Based on the proposed revised parking ratio, the combined retail floor space for Tenancies 2, 3a and 3b amounts to 242sqm and 13 Carbays are required).</p> <p>New Office Suite 3 bays 82sqm</p> <p>Residential</p> <p>7 Residential Units 7 bays</p> <p>Visitors parking 2 bays</p> <p>Total required 29 bays in lieu of 33 carbays calculated strictly based on scheme standards.</p>	<p>Office 7 bays on site</p> <p>Shop 10 bays on site plus 4 bays within road reserve</p> <p>7 residential on site bays</p> <p>Total provided = 28 carbays being 24 on-site bays and 4 bays on verge.</p> <p>Shortfall of one bay.</p>

The table above summarises the total carparking bays required and the total number provided. A shortfall of one (1) bay has been identified.

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

The applicant contends that the proposal fully complies with Section 4.2 - Mixed Use Development of the R-Codes. There has been some ambiguity in relation to application of Section 4.2 of the R Codes in relation to Community Planning Scheme No. 5. The City has referred the matter to City's solicitors for advice (confidential) and has been established that it is reasonable to suggest that the car parking requirements for the residential element of this project may be reduced to one bay per "Mixed Use" residential, in accordance with Clause 4.2 A1 iii. (bullet point 4) of the R.D. Codes.

The applicant has also indicated that that provision allows for a concession in car parking for the residential use by virtue of the reduced car bays per dwelling to one if "on site parking for other users is available outside normal business hours". This is the case in this application.

The commercial element of the proposal calculates to a requirement of twenty-four (24) car bays under the current Community Planning Scheme No. 5.

The applicant has provided the following information in support of his application:

1. Car bays supplied on site for residential. = 5 x lock up garages within the new rear building – (bays numbered 20 to 24). 2 x car bays in front of the new rear building. (carbays numbered 18 and 19). The applicant has not accounted for two (2) visitors bays required for residential development under the R-Codes requirements
2. Car bays supplied on site for commercial. = 17 x bays. – (bays numbered 1 to 17) plus an additional 4 x street parking bays (21 bays in total).

The applicant contends that the required residential car bays are supplied and therefore not an issue. The number of carbays for the commercial uses does not meet the City's requirements for the following reasons.

Twenty-four (24) car bays required.

Seventeen (17) car bays supplied on site, with another four (4) car bays proposed for the angled street parking. The applicant has indicated that it is prepared to pay the costs of design and construction of the works to install these carbays and the alterations to street kerbing plus all verge landscaping, bollards, footpath and so on. The carbays are for public use as well as tenants' customer use but ownership of land will remain with the Council. There will be no cash-in-lieu for land costs. These carbays are then included in the calculation for carbays for the development. At present, the visual amenity of the surrounding area is characterized by Melville Plaza Shopping Centre with an open carpark and Shell service station. The aesthetic appearance of the area leaves little to desire for and any visual improvement is very much welcomed.

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

On the basis of the above calculations, the applicant contends that a shortfall of three (3) car bays exists. However, the applicant has not accounted for the two (2) visitors car bays required for the residential use. Combined, this amounts to an overall shortfall of five (5) bays strictly based on scheme standards.

Applicant's justification allowing further concessions:-

- *Within the design we have allowed for an area of private land on the applicants lot to be included in an access easement (lodged on the title) for widening of the R.O.W. By virtue of this action we physically lose one car bay for part of that area given up.*

This then leaves four (4) car bays short for compliance.

- *The location of the facility (commercial retail) and the uses of these retail businesses do not call for such a heavy requirement of car bays as required under the scheme. For example, Tenancy 3b is a single operation beauty therapist. The owner is the operator and works alone. She can only work on one customer at a time. Therefore the need for car bays at any one time is only two (2). The scheme requires this tenancy to allow five (5) bays. The reality is that three (3) bays are not used. This can be qualified by historic evidence of day to day physical car parking occurring for the last twelve (12) months. Moreover, Tenancy No. 2 is a retail female clothes shop. The employees travel to work via public transport, the owner visits the shop once a week and the customers come from the adjoining shopping centre where they have previously parked and stay parked while frequenting this facility. This tenancy under the current scheme requires seven (7) car bays.*

This is the case for most of the tenancies. As previously indicated to Council's officers, the most car bays used at this site in the year that I have owned and run my own business here is seven (7) to eight (8) car bays. For this reason and the fact that most of the tenancies have nine (9) year leases remaining (so nothing will change in the near future) we believe the current schemes requirement for car parking is over stated and the 4 additional car bays require over that supplied are not warranted.

It is emphasized that the applicant has incorporated within the design four (4) car bays (to be included in the developments car parking calculations) to be located within the street verge. The applicant has indicated and agreed to pay the costs of construction for these bays but not the land costs. This should be viewed as a reasonable trade- off for the privately owned land given up for the R.O.W. widening for the benefit of the public and the occupants within the development (triangular element of land shown hatched on the site plans) agreed to by the applicant.

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

The applicant has also indicated that in order to create better access and orderly control of public use of the R.O.W. they have designed and agreed to another Access Easement of one point two five metres (1.25m) along the northern boundary adjacent to the R.O.W. as a show of good faith to the community (i.e this area equates to one hundred and eighty-four [184] square metres). The applicant contends that this should also be considered when looking at the small request for car parking concession. The dollar value of the land to be ceded would be equal to or out weigh that set by the Council's cash in lieu arrangement. It is suggested that a condition be imposed requiring the developer to enter into an easement in gross for public access pursuant to 195 and 196 of the Land Administration Act 1997 over that area hatched on the approved plan , for the purposes of widening the existing right of carriageway. The easement is gross in to be prepared by Council's solicitors at the developer's cost.

Strategic Urban Planning (SUP) had previously suggested a possible additional easement (north-south) across the new access driveway to the rear car parking for future access to the Shell Australia site. The suggestion was rejected by the applicant for security reasons. According to the applicant, this request would heavily impact on the development and is NOT agreed to. Should a development be proposed for the Shell Australia site in the future then there may be an opportunity to negotiate some sort of controlled access, but it is not appropriate now. SUP is also currently investigating the prospect of maintaining the R.O.W from Waddell Road in perpetuity. At present, that part of the R.O.W is owned by Shell Australia in favour of the owner of the subject site. That right of access is not extended to the general public and any access over that part of the land other than the owner of 40 Waddell Road is considered as "trespassing". SUP is currently seeking legal advice on the issue and any information received will be tabled at the Council meeting.

According to the City's records, the subject site was purchased in December 2005 and it has a dollar value equivalent to eight hundred and fifteen dollars (\$815) per square metre. The amount of privately owned land that will be set aside for R.O.W widening is one hundred and eighty-four (184) square metres. This translates to approximately one hundred and forty-nine thousand, nine hundred and sixty dollars (\$149,960) worth of land value provided by the applicant for the benefit of maintaining public access through the R.O.W. This compares to approximately sixty (60) square metres of Council verge to be consumed by the applicant for the purposes of providing additional four carbays within the verge area (sixty [60] square metres of Council verge would have an equivalent land value of approximately forty-nine thousand dollars [\$49,000] (i.e. \$815 x 60sqm)). Moreover, the applicant has indicated its commitment to pay for the cost of construction plus landscaping improvement within the verge area for the benefit of visitors frequenting the shops and offices but also available to the general public.

The applicant contends that the scheme requirement for retail car bays as previously mentioned seems some what onerous in comparison to that actually and physically used. It should also be considered that under the current scheme requirements the majority of tenancies are retail now. Therefore the future car bays requirements are not likely to increase. It could be argued that it is more likely that these tenancies (like tenancy 3b) could alter to office and therefore require even less car bays.

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

Having regard to the comments made above, it is considered that a shortfall of five (5) carbays strictly according to the Scheme requirement is considered a reasonably significant variation. Approval of parking concession of that magnitude is inappropriate; particularly having regard to the Mixed-Use development provisions of the R-Codes. In setting thirty-three (33) bays as the appropriate Acceptable Development standard, the Codes have already take account of reciprocal parking considerations. It would seem erroneous approach to take thirty-three (33) carbays as a 'given', then see to further reduce that requirement by reference to the very ground which justify concessionary thirty-three (33) figure in the first place.

Additional Information in relation to Carparking

The City has recently been reviewing its carparking requirement for non-residential developments in the district. There is evidence to suggest that the carparking ratio for District Centre Precincts at seven bays / one hundred square metres (7 bays/100sqm) is onerous and excessive given their proximity to public transport routes. The parking ratio is being reviewed by Strategic Urban Planning and is suggesting that five point six bays / one hundred square metres (5.6 bays/100sqm) may be more appropriate given similar parking ratios used by other states in Australia. Based on the revised parking ratio, the combined retail floor space for Tenancies 2, 3a and 3b amounts to two hundred and forty two square metres (242sqm) and thirteen (13) carbays are required. The total commercial carparking requirement is therefore twenty (20) carbays. The applicant is providing fifteen (15) bays on site with four (4) bays within the verge area.

From a planning view point, it is considered that the property is located on a major arterial road and more significantly located in Melville District Centre which for the very same reason is trying to promote and encourage vibrancy and mixed use living.

On balance, it is considered that the carparking concession of one bay can be supported having regard to the above comments.

Southern and Eastern Side Setbacks

The applicant is proposing setback variations to the southern and eastern side boundaries under the R-Codes. The south facing building contains an existing Shell service station and an open car park to the east. Assessment of the required setbacks for each of the floors from the southern and eastern boundaries based on length of walls, height of walls and major openings has identified setback variations. However, as no comment was received from the adjoining landowners during the advertising period, and as the adjoining lot is an open carpark to an existing commercial property to the east and a service station to the south, it is considered that the setback variations are considered acceptable and can be supported.

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

Building Height

The proposed development complies with maximum height requirement of thirteen point five metres (13.5m) but not the eleven metres (11m) to eaves requirement. The proposed eaves are twelve point five metres (12.5m) and the overall building height is capped at thirteen metres (13m). The applicant has indicated that in an effort to maximise northerly aspect, the fourth level ceiling height has been generous with north facing glazing to soak in the natural light. The eaves encroachment is considered acceptable particularly when the development has been appropriately designed with energy efficient principles in mind.

The proposed butterfly roof is an attractive feature and is appropriately articulated to add visual interest; the height encroachment is considered acceptable and would not have a negative impact on the locality.

Landscaping

Under Amendment No. 1 for Melville District Centre, the landscaping requirement is reduced from twenty-five percent (25%) to fifteen percent (15%). This is equivalent to one hundred and ninety square metres (190sqm) of the total site area. The applicant proposes one hundred and eleven square metres (111sqm) which is approximately nine percent (9%) and that includes the verge area. It is noted that the applicant is willing to pay for the upgrade Waddell Road verge area.

Although the landscaping provision is well short of the required fifteen percent (15%) and generally the Council does not grant landscaping concession for properties on Canning Highway, at this time, given that the applicant has demonstrated through other forms of soft landscaping through gobble stone paving and lawn insert it is considered any landscaping shortfall is compensated for. Moreover, the applicant has indicated that the Waddell Road verge will be landscaped to the City's specification and standards.

Waste Disposal

The application has been assessed by the City's Health Services and the commercial tenancies are not well serviced by waste disposal. This is an issue that needs to be satisfied if approval were contemplated.

CONCLUSION

In recent times, the locality has seen some redevelopment activities occurring particularly with commercial development across the road. This has stirred up a sense of excitement and more development opportunities are being identified. The proposed development is a positive one.

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

Based on the revised carparking ratio, the concession of one bay is not considered to be too excessive. It is noted that within the Melville District Centre Precinct, developments of diversity, mixed use and inner city living ought to be promoted and encouraged.

The commercial development across the road has not only improved the visual appearance of the area, it has also generated much business activities encouraging vibrancy and interactions at various levels. These are the sort of activities that the Scheme encourages and promote. The proposed development is appropriately designed and respect the environment of the area.

Having regard to the additional information pertaining to carparking standards used in other states of Australia for centres of this size. It is recommended that the application be approved subject to appropriate conditions being imposed.

COUNCIL RESOLUTION (3018)

APPROVAL

THAT THE APPLICATION FOR MIXED USE DEVELOPMENT INVOLVING AN EXISTING COMMERCIAL BUILDING OF FOUR TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR ON LOT 24 (40) WADDELL ROAD, BICTON BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE OWNER TO ENTER INTO AN EASEMENT IN GROSS FOR PUBLIC ACCESS PURSUANT TO 195 AND 196 OF THE LAND ADMINISTRATION ACT 1997 OVER THAT AREA HATCHED ON THE APPROVED PLAN , FOR THE PURPOSES OF WIDENING THE EXISTING RIGHT OF CARRIAGEWAY. THE EASEMENT IN GROSS IS TO BE PREPARED BY COUNCIL'S SOLICITORS AT THE DEVELOPER'S COST;**
- 2. ALL NORTH FACING HIGHLIGHT WINDOWS TO THE COMMERCIAL TENANCIES 3A AND 3B SHALL COMPLY WITH THE BUILDING CODE OF AUSTRALIA IN RELATION TO FIRE SEPARATION;**
- 3. NO ZINCALUME AND/OR WHITE METAL MATERIALS ARE PERMITTED;**
- 4. THE TANDEM CARBAYS LOCATED ON SITE SHALL BE APPROPRIATELY MANAGED TO AVOID CONFLICTS BETWEEN TENANTS AND CUSTOMERS PARKING. A MANAGEMENT PLAN IS TO BE PREPARED AND APPROVED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 5. SUBMISSION OF A GLARE REFLECTIVITY STUDY BY A CONSULTING ENGINEER AND ANY GLARE ISSUES TO BE ADDRESSED PRIOR TO THE ISSUE OF A BUILDING LICENCE;**

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

- 6. DETAILS OF WADDELL ROAD MODIFICATION OVER THE ENTIRE FRONTAGE OF THE SUBJECT SITE IN ORDER TO FACILITATE THE CONSTRUCTION OF FOUR (4) CARBAYS INCLUDING DESIGN, SPECIFICATION AND CONSTRUCTION BEING SUBMITTED AND APPROVED BY THE MANAGER INFRASTRUCTURE SERVICES AND ALL COSTS ASSOCIATED WITH THAT MODIFICATION BEING BORNE BY THE APPLICANT.**
- 7. THE EXISTING FOOTPATH ALONG WADDELL ROAD BEING REMOVED AND REPLACED WITH A SUITABLE FOOTPATH MATERIAL AT THE APPLICANT'S COST. DETAILS OF THE NEW FOOTPATH TO BE SUBMITTED AND APPROVED BY THE MANAGER INFRASTRUCTURE SERVICES AND FULLY CONSTRUCTED PRIOR TO OCCUPATION OF THE BUILDING;**
- 8. THE EXISTING CROSSOVER ON WADDELL ROAD SERVICING THE RIGHT OF WAY BEING REMOVED AND REPLACED WITH A SUITABLE CROSSOVER AND FULLY LANDSCAPED WHERE APPROPRIATE AT THE APPLICANT'S COST TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES;**
- 9. THE SUBMISSION OF A COLOUR SCHEDULE BOARD DETAILING THE FINISHES AND COLOURS FOR THE MIXED USE BUILDING TO THE SATISFACTION OF MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE;**
- 10. ALL BOUNDARY WALLS BEING RENDERED AND PAINTED TO A PROFESSIONAL STANDARD TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES;**
- 11. ALL EXTERNAL BUILDING PLANT, INCLUDING AIR CONDITIONER UNITS NOT TO EXCEED THE MAXIMUM HEIGHT OF THIRTEEN POINT FIVE METRES (13.5M) FROM NATURAL GROUND LEVEL AND SHALL BE APPROPRIATELY SCREENED. DETAILS OF THE LOCATION, DESIGN AND SCREENING OF SUCH PLANT BEING SUBMITTED AND APPROVED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF THE RELEVANT BUILDING LICENCE;**
- 12. PROVISION OF BIN ENCLOSURE FOR WASTE DISPOSAL TO THE SATISFACTION OF THE MANAGER HEALTH AND LIFESTYLE SERVICES. SUCH AREA BEING SCREENED FROM PUBLIC VIEW AND BEING KEPT IN A TIDY AND ORDERLY MANNER AT ALL TIMES;**
- 13. THE DIMENSIONS OF ALL CARPARKING BAYS, AISLE WIDTHS AND CIRCULATION AREAS COMPLYING WITH AUSTRALIAN STANDARD AS2890.1;**

P06/3018 – MIXED USE DEVELOPMENT CONTAINING AN EXISTING COMMERCIAL BUILDING OF FOUR (4) TENANCIES WITH THREE (3) RESIDENTIAL UNITS ABOVE AND A SEPARATE FOUR (4) LEVEL APARTMENT BUILDING OF FOUR (4) RESIDENTIAL UNITS WITH AN OFFICE SUITE ON THE GROUND FLOOR – LOT 24 (40) WADDELL ROAD, BICTON (REC) (ATTACHMENT)

- 14. NO RETAINING WALLS ARE PERMITTED TO EXCEED FIVE HUNDRED MILLIMETRES (500MM) ABOVE GROUND WITHOUT THE APPROVAL OF THE COUNCIL;**
- 15. THE SUBMISSION OF A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL DETAILING HOW IT IS PROPOSED TO MANAGE:**
 - THE DELIVERY OF MATERIALS AND EQUIPMENT TO THE SITE;**
 - THE STORAGE OF MATERIALS AND EQUIPMENT ON THE SITE;**
 - THE PARKING ARRANGEMENTS FOR CONTRACTORS AND SUBCONTRACTORS;**
 - IMPACT ON TRAFFIC MOVEMENT;**
 - OTHER MATTERS LIKELY TO IMPACT ON THE SURROUNDING RESIDENTS.**
- 16. TWO (2) TWO HUNDRED LITRE (200L) CONTAINER SIZE STREET TREES IDENTICAL TO THOSE USED AT THE MELVILLE PLAZA SHOPPING CENTRE BEING PLANTED AT THE APPLICANT'S COST AT EACH END OF THE EMBAYMENT WITHIN THE ROAD RESERVE ON WADDELL ROAD TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES.**

STANDARD CONDITIONS:

COMPLIANCE WITH STANDARD CONDITIONS:

RESGD1, 2, 4, 5, 6, 7, 8, RESSD3, 4, 6, 8, 9, 11, 13, 15, 16, COM 02, 03, 05, 10, 11, 13, 15, 20, 24, 33, 47, 50,

CARRIED EN BLOC

T06/2014 – FREDERICK BALDWIN REDEVELOPMENT (REC) (ATTACHMENT)

Ward	:	University Ward
Category	:	Operational
Subject Index	:	Frederick Baldwin Redevelopment
Customer Index	:	N/A
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	:	2006/2007 Capital Works Programme
Funding	:	\$216,430
Responsible Officer	:	Philip Gale Manager infrastructure Services

SUMMARY

A design has been completed for remedial works to improve the water quality of Frederick Baldwin Lake. These works form part of the City of Melville's Storm Water Management Strategy. [T06 2014 November 2006.pdf](#)

BACKGROUND

In November 1997 the City of Melville, employed Kinhill Consultants to conduct a study of irrigation, drainage and natural lakes in the City of Melville. This study forms a part of the City of Melville 'Storm Water Management Strategy' adopted by Council in 1997 (T97/2011). Frederick Baldwin Lake was identified as requiring remedial work to improve the quality of the water within the lake by adequately controlling the storm water entering from surrounding properties.

DETAIL

With the assistance of an environmental specialist from Aquatic Solutions, a redevelopment plan has been completed.

Plan 5136A1-06PG forms part of the attachments of this Agenda.

The redevelopment works include modifying the edge of the lake to create several small peninsulas. These will be planted with local sedges which will interrupt the flow of debris, and allow for the greater uptake of nutrients within the lake system.

A new waterfall on the eastern side of the lake, adjacent to North Lake Road, will circulate water from the deepest portion of the lake, aerating and solarising the water. The water fall include a series of settling ponds, which will collect the excess nutrients and pipe them out to adjacent garden beds, reducing the amount of fertilizer necessary for good plant growth. The garden beds around the waterfall will be of local species and will take the place of a portion of the poorly performing grass. A viewing platform is also included to encourage visitors to view the waterfall.

T06/2014 – FREDERICK BALDWIN REDEVELOPMENT (REC) (ATTACHMENT)

During the Consultation period, feedback was received from seven (7) local residents. The majority of these were positive. The major comments were regarding:

- The reduction of lake edge available to approach, due to the planting of local sedge species. This has been remedied by reducing the length of sedge planting along the existing lake foreshore.
- The possibility of installing a footpath around the entire lake as part of these works. The footpath is proposed for future works.
- Positive feedback regarding the improvement of the site and the introduction of local/native vegetation.
- The old fountains, which have not been repaired as they are not the most efficient method of aerating the water and allocated funds, are being spent more effectively as represented by the redevelopment design.

POLICY IMPLICATIONS

Nil

PUBLIC CONSULTATION/COMMUNICATION

Communication Policy C20 provides a guide for managers to determine the level of consultation required for any one particular project. There are a number of tools available within the procedures that allow a relatively simple method of determining the level of consultation required, i.e. inform, consult, involve and empower (partner).

The Vroom Yetton Decision Tree and the Public Participation Matrix are tools that are contained within the procedure. These were used to assess the level of public consultation in this project.

In both of these, the level of consultation required for this project was assessed as inform the community.

A letter drop was initiated to the surrounding residents, with the opportunity to contact us with any comments.

STATUTORY AND LEGAL IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The amount of Two Hundred and Sixteen Thousand Four Hundred and Thirty Dollars (\$216,430) has been provided in the 2006/2007 capital works budget to complete this project.

Further funding will be needed for the increased annual maintenance budget.

T06/2014 – FREDERICK BALDWIN REDEVELOPMENT (REC) (ATTACHMENT)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Vision 2 – Community Environment

A city with attractive, desirable and safe community environment

Vision 3 – Community Service and Facilities

A city of people leading healthy lifestyles, enjoying a variety of natural and structured leisure and community service opportunities which meet their needs. Provide adequate parks and recreational areas that are developed to agreed standards.

Vision 4 – The Natural Environment

A city where the natural environment is preserved and the actions of today are taking account of the consequences for tomorrow.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of Development costing more than allocated budget	Minor consequences which are almost certain, resulting in a High level of risk	Constantly review the estimate of the projects and revise the scope of the project as necessary.
Risk of increased ongoing maintenance expenses due to proposed changes in layout, structures and use of the park or facility.	Minor consequences which are almost certain, resulting in a High level of risk	Review use of materials and design plans such that more durable and lower maintenance materials are used.

COMMENT

This design has been an amalgamation of Environmental, Landscape Architecture, and Civil Engineering expertise and will improve not only the water quality of the lake, but the interest and aesthetics of the area.

COUNCIL RESOLUTION (2014)

THAT FREDERICK BALDWIN LAKE REDVELOPMENT PLAN BE ADOPTED FOR CONSTRUCTION.

CARRIED EN BLOC

**C06/7001 – SALE OF SURPLUS PROPERTY – 20 SWEETMAN STREET, ARDROSS
(AMREC) (ATTACHMENT)**

Ward	: Applecross/Mt Pleasant
Category	: Operational
Subject Index	: Leases / Licences
Customer Index	: Nil
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: C05/7003 – Disposal of Property Asset – Lot 40 (20) Sweetman Street, Ardross – Community & Technical Services Committee - 17 May 2005 P1 7001 November 2006
Works Programme	: Nil
Funding	: Net proceeds received through the sale of the subject property will be credited to the Land & Property Reserve
Responsible Officer	: Mark Ridgwell Property & Corporate Support Manager

SUMMARY

This report seeks Council endorsement in the authorisation of the Chief Executive Officer to dispose of 20 (Lot 40) Sweetman Road, Ardross. The property was approved for disposal by Council in May 2005 following modifications to the site to convert it from a drainage sump to a level site suitable for residential development.

BACKGROUND

At the Ordinary Meeting of the Council held in May 2005 it was resolved that;

1. *That lot 40 (20) Sweetman Street, Ardross be deemed surplus to requirements and actions be initiated to dispose of the land.*
2. *That the net proceeds from the sale of lot 40 (20) Sweetman Street, Ardross be used to fund the purchase of public open space within the City of Melville.”*

DETAIL

Following the resolution of Council, design work was required in order for the capacity of the existing sump that comprised 20 & 22 Sweetman Street, Ardross to be contained within the one property of 22 Sweetman Street, Ardross. These works were designed, priced and tendered out inline with the design plans.

The incurred costs for these works are detailed below;

\$ 1,750.00	Design drawings
\$ 1,815.00	Dilapidation survey of surrounding resident homes
\$ 115.00	Building licence
\$63,063.53	Construction costs
\$66,743.53	Total

**C06/7001 – SALE OF SURPLUS PROPERTY – 20 SWEETMAN STREET, ARDROSS
(AMREC) (ATTACHMENT)**

Further costs in the order of fifteen thousand dollars (\$15,000) will be incurred for selling and marketing costs.

In accordance with Section 3.58 of the Local Government Act 1995 a local authority can dispose of a property by tender or by highest bidder at auction. Given the residential nature of the subject property the preferred method is by public auction.

In order for the property to be disposed of at auction the Chief Executive Officer is required to be granted delegated authority by the Council to dispose of the property and that such delegation be limited to a prescribed amount.

Given the current nature of the residential market it is the recommendation of Officers that the delegation be limited to the approved value of disposal being not less than 90% of the assessed market valuation undertaken by Australian Property Consultants and dated 18 August 2006.

A confidential market valuation undertaken by the City of Melville appointed valuer – Australian Property Consultants forms part of the attachments under confidential cover distributed to Elected Members on Wednesday, 15 November 2006.

POLICY IMPLICATIONS

There is no Council policy that relates to this matter.

PUBLIC CONSULTATION/COMMUNICATION

No external consultation has been carried out. As part of the marketing strategy for the Auction a sign will be placed onsite and advertising will be undertaken in the West Australian.

STATUTORY AND LEGAL IMPLICATIONS

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

**C06/7001 – SALE OF SURPLUS PROPERTY – 20 SWEETMAN STREET, ARDROSS
(AMREC) (ATTACHMENT)****5.43. Limits on delegations to CEO's**

A local government cannot delegate to a CEO any of the following powers or duties;

(d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;

FINANCIAL IMPLICATIONS

It is anticipated that the net proceeds of the sale of land once selling and construction costs are deducted will be transferred into the Land & Property Reserve as per Councils 2006/2007 budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
There is risk that the City of Melville will not see an adequate financial return on its freehold asset.	Minor consequences which are possible, resulting in a Medium level of risk	The limitation on the Chief Executive Officer to dispose of the site at not less than 90% of the market valuation mitigates the level of risk assessed.

* As derived from using the Risk Assessment Matrix

COMMENT

It is anticipated that the date of disposal will be within the first or second week of December 2006. Elected Members will be advised of the outcome of the sale following final conclusion of the sale process.

COUNCIL RESOLUTION (7001)**ABSOLUTE MAJORITY**

- 1. THAT BY ABSOLUTE MAJORITY DECISION THE CHIEF EXECUTIVE OFFICER BE GRANTED DELEGATED AUTHORITY TO DISPOSE OF LOT 40 (20) SWEETMAN STREET, ARDROSS.**
- 2. THAT THIS DELEGATION IS LIMITED TO THE APPROVED VALUE OF DISPOSAL BEING NOT LESS THAN NINETY PERCENT (90%) OF THE ASSESSED MARKET VALUATION UNDERTAKEN BY AUSTRALIAN PROPERTY CONSULTANTS AND DATED 18 AUGUST 2006.**
- 3. THAT HER WORSHIP THE MAYOR AND THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN THE SALE OF LAND DOCUMENTS TO DISPOSE OF LOT 40 (20) SWEETMAN STREET, ARDROSS.**

CARRIED EN BLOC

C06/5025 - CITY OF MELVILLE ANNUAL REPORT (REC) (ATTACHMENT)

Ward	:	All
Category	:	Administration
Strategic / Policy / Operational	:	Operational
Subject Index	:	City of Melville Annual Report
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	City of Melville Draft Annual Report (EMB item – 6 October 2006)
Works Programme	:	Nil
Funding	:	Nil
Responsible Officers	:	Bob Searle, Manager Financial Services Roshan Weddikkara, Business Improvement Manager

SUMMARY

This report presents the 2005/2006 Annual Report for the Council's acceptance.

BACKGROUND

In accordance with Section 5.53(1) of the Local Government Act 1995, a local government is required to prepare an Annual Report for each financial year. Section 5.54 of the Act requires that the Annual Report be accepted by the Local Government by no later than 31 December for the previous financial year. Section 5.27 requires the Annual Report to be accepted prior to the Annual Meeting of Electors.

This year the annual report takes the form of a 'Community Annual Report' which features a full text summary [5025C November 2006.pdf](#), and an abridged set of financial statements. [5025A November 2006.pdf](#). The full set of Financial Statements [5025B November 2006.pdf](#) is available to ratepayers on request.

The Council is required to accept the 'full' version, which is the 'Community Annual Report' plus the Full Financial Statement as per Section 6.4(2) of the Act, and electors will be made aware that the full version including complete financial statements is available on request.

The Report requires acceptance by the Council prior to the Annual General Meeting of Electors to be held on Wednesday, 29 November 2006.

C06/5025 - CITY OF MELVILLE ANNUAL REPORT (REC) (ATTACHMENT)

DETAIL

Section 5.53 of the Act requires the Annual Report is to contain the following:

- a) A report from the Mayor; and
- b) A report from the Chief Executive Officer; and
- c) An overview of the plan for the future of the City made in accordance with section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year; and
- d) Such information as may be prescribed in relation to the payments made to employees
 - The number of employees of the local government entitled to an annual salary of one hundred thousand dollars (\$100,000) or more; and
 - The number of those employees with an annual salary entitlement that falls within each band of ten thousand dollars (\$10,000) over one hundred thousand dollars (\$100,000); and
- e) Information required by the National Competition Policy; and
- f) Information required by the Disability Services Act 1993; and
- g) Information required by the State Records Act; and
- h) The financial report for the financial year under review; and
- i) The Auditor's report for the financial year; and
- j) Such other information as may be prescribed.

In relation to paragraph (j), no other matters have been prescribed at this time.

The 2005/2006 Annual Report has been prepared and includes the following:

1. The Mayoral Report.
2. Report by the Chief Executive Officer.
3. Report on major initiatives in the Strategic Plan (which includes the Principal Activities).
4. All other requirements of the Act.
5. Auditor's Report
6. Audited Financial Statements (abridged)

C06/5025 - CITY OF MELVILLE ANNUAL REPORT (REC) (ATTACHMENT)

Draft of the text section of the 2005/2006 Annual Report was presented for information to Elected Members as an attachment to the Elected Members Bulletin of Friday 6 October 2006.

The Annual General Meeting of Electors is scheduled to be held on Wednesday, 29 November 2006.

PUBLIC CONSULTATION

No external public consultation has been carried out.

COMMENT

The Annual Report was developed from key information gathered from all areas of the organisation from quarterly and end of year reports, the Plan for the Future, and other corporate documents.

This information was edited to present a simple language report aimed at providing succinct and relevant information to the community. The final published report will be known as a 'Community Annual Report', as the full financial results will not be part of the final publication, but are available on request.

An unqualified auditors report was received following the final audit, and the 2005/2006 Annual Report is presented to the Council for acceptance. This is required by legislation to happen prior to the Annual General Meeting of Electors scheduled to be held on Wednesday 29 November 2006.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.54 of the Local Government Act specifies that the Annual Report for a financial year is to be accepted by the Local Government no later than 31 December after that financial year.

Section 5.27 of the Act specifies that the a General Meeting of Electors is to be held within fifty-six (56) days after the Local Government accepts the Annual Report for the previous financial year.

POLICY IMPLICATIONS

14-001 - Annual Meeting of Electors

C06/5025 - CITY OF MELVILLE ANNUAL REPORT (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

The Annual Report has been prepared in accordance with all relevant legal requirements and accounting standards.

STRATEGIC IMPLICATIONS

Nil.

COUNCIL RESOLUTION (5025)

THAT THE CITY OF MELVILLE 2005-2006 ANNUAL REPORT BE ACCEPTED.

CARRIED EN BLOC

**CO03/06 – MANAGEMENT OF THE POINT WALTER GOLF COURSE (AMREC)
(ATTACHMENT)**

Ward	:	All
Category	:	Operational
Subject Index	:	Tenders CO03/06
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	:	EOI01/05 CTAU Minutes - 12 July 2006
Works Programme	:	Not Applicable
Funding	:	2006/07 Budget
Responsible Officer	:	Paul McAllister Client Liaison Contracts Manager

SUMMARY

This item is to accept the recommendation of the Contract and Tender Advisory Unit to award the tender for the management of the Point Walter Golf Course.

BACKGROUND

The contract for the management of the Point Walter Golf Course (PWGC) expired on 30 June 2006. Since that time the PWGC has been managed by the City of Melville.

Expressions of Interest (EOI) for the Management of the Point Walter Golf Course were invited by advertisement in The West Australian on Saturday 27 May 2006 and in the Community Newspaper on Tuesday 30 May with the EOI closing at 4.00 pm on Monday 26 June 2006.

A full description of the outcome of the EOI process can be reviewed by accessing the attached [CTAU Minutes - 12 July 2006](#) Minutes for the Contract & Tender Advisory Unit on 12 July 2006.

In summary, five (5) EOI's were received. In the opinion of the EOI evaluation panel three (3) of the proponents of an EOI have the capability and resources to manage the PWGC.

Accordingly, the three (3) recommended proponents of an EOI were invited to submit a tender for the management of the Point Walter Golf Course. Tender documentation was delivered on Friday 21 July 2006, with the tender closing at 4.00 pm Thursday, 10 August 2006.

CO03/06 – MANAGEMENT OF THE POINT WALTER GOLF COURSE (AMREC)
(ATTACHMENT)**DETAIL**

Three (3) sets of tender documents were issued and three (3) tenders were received from the following tenderers:

NDPS Golf Management.
Sterling Golf.
Belgravia Leisure.

Tender Evaluation Process

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

The Evaluation Sheet forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on Tuesday, 7 November 2006 under confidential cover.

The Evaluation Committee consisted of the Purchasing Coordinator, Director Customer and Corporate Services, Manager Infrastructure Services and Client Liaison Contracts Manager.

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

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

POLICY IMPLICATIONS

Financial Management Policy – 13-PL-004 Procurement of Goods and Services.

PUBLIC CONSULTATION/COMMUNICATION

Not Applicable

**CO03/06 – MANAGEMENT OF THE POINT WALTER GOLF COURSE (AMREC)
(ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

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

FINANCIAL IMPLICATIONS

The proposed Management Agreement between the City of Melville and the Manager for the management of the PWGC contains financial arrangements and those arrangements include:

1. That the Manager will pay the City of Melville a rent for the café, golf pro-shop and function centre at the PWGC of twelve thousand dollars (\$12,000) per annum.
2. That the City of Melville will retain ninety-two point five percent (92.5%) of green fees up to the threshold of four hundred and ninety-nine thousand, nine hundred and ninety-nine dollars (\$499,999) and then twenty-five percent (25%) of all fees thereafter.

(The abovementioned arrangements are the same as the arrangements with the previous Manager of the PWGC which should ensure that the current income budget is achieved).

The proposed Management Agreement also provides for the development of the facilities at the PWGC in two (2) stages with the first stage of the proposed development being in the second year (2007/08) of the first term of the contract.

The initial development includes the installation of air conditioning, floor coverings and a suspended ceiling in the cafe court yard and is to be funded by equal investments from the City of Melville and the Manager of the PWGC. The budget proposed in the Management Agreement is three hundred thousand dollars (\$300,000) with the City of Melville's contribution being one hundred and fifty thousand dollars (\$150,000).

The second stage development is proposed in the second term of the Management Agreement. The scope and the method of funding any second stage development are subject to the successful completion of the first term of the Agreement by the Manager and negotiations between the City of Melville and the Manager to be conducted in the first year of the second term of the Agreement.

It is estimated at this time that a further one million dollars (\$1,000,000) will be needed for the second stage development. By the commencement of the second term of the Management Agreement the facilities at the PWGC will be over ten (10) years old and in need of refurbishment to ensure that the business remains sustainable.

**CO03/06 – MANAGEMENT OF THE POINT WALTER GOLF COURSE (AMREC)
(ATTACHMENT)****STRATEGIC & RISK IMPLICATIONS**

A Dun & Bradstreet Report was compiled on the Belgravia Leisure Group Pty Ltd which showed the risk to be at an acceptable level.

COMMENT

Expressions of Interest (EOI) were originally invited for this contract and from the five (5) EOI submissions, three (3) submissions were deemed to meet the selection criteria and were invited to tender.

The three (3) EOI proponents invited to submit a tender were:

1. Belgravia Leisure
2. NDPS Golf Management
3. Sterling Golf Pty Ltd

All three (3) organisations submitted their tenders by the due date. After an initial evaluation the Tender Evaluation Panel (the panel) decided to invite each tenderer to present its submission to the Panel.

Summary of tenderers presentations**NDPS Golf Management**

NDPS are a group of individuals working in the golf and the food and beverage industries. The grouping was formed specifically to tender for the management of the PWGC.

NDPS submitted a management plan that addressed the tender selection criteria and offered a financial arrangement acceptable to the City of Melville.

The presentation from NDPS was well structured and further developed and clarified its proposed management plan for the operation of the PWGC

Reference checks performed on the members of NDPS returned positive outcomes with each referee commenting favourably on the current performance of the corresponding NDPS member. However, no referee could comment on the group's performance as a single entity.

CO03/06 – MANAGEMENT OF THE POINT WALTER GOLF COURSE (AMREC)
(ATTACHMENT)**Sterling Golf Pty Ltd**

Sterling Golf Pty Ltd, submitted a tender that fully addressed the tender selection criteria.

Sterling Golf's proposed management plan, including its financial arrangements, is generally acceptable to the City of Melville. The panel did have some concern about the proposed increase in player numbers at the PWGC offered by Sterling Golf. The panel's concern is the over use of the PWGC and the subsequent rise in maintenance costs. Notwithstanding the aforesaid the panel believed that the matter could be negotiated with Sterling Golf.

Sterling Golf is the current operator of the Fremantle Public Golf Course. A reference check with City of Fremantle returned a very positive response with Sterling Golf being highly recommended.

However, within days of the presentation by Sterling Golf, the City of Melville received from Sterling Golf its notice of withdrawal from the tender process. Sterling Golf stated that upon re-evaluation of its proposal it had decided that its business model was not compatible with the City of Melville.

Belgravia Leisure Pty

Belgravia Leisure submitted the most comprehensive tender submission and its presentation to the evaluation panel was the most professional, addressing the entire tender selection criterion in considerable detail.

Belgravia Leisure's management plan for the PWGC covered all the operational, Occupational Health and Safety and risk matters affecting the business and offered an acceptable financial arrangement including capital investment to improve the facilities at the PWGC in the first term of the Management Agreement.

Belgravia Leisure currently operates a number of public golf courses on behalf of local government authorities on the east coast of Australia. Further, Belgravia Leisure operates three (3) recreation and aquatic centres in Western Australian on behalf of the City of Bayswater, the City of Bunbury and the Town of Vincent.

Reference checks conducted on the performance of Belgravia Leisure returned very positive results, in particular with its operation of public golf courses.

A Dun & Bradstreet report was compiled on Belgravia Leisure Group Pty Ltd which showed the risk to be minimal.

The tender evaluation panel concluded that Belgravia Leisure offered the most comprehensive management plan for the management of the PWGC and has the capacity, the experience and the resources to successfully manage the PWGC.

**CO03/06 – MANAGEMENT OF THE POINT WALTER GOLF COURSE (AMREC)
(ATTACHMENT)****Conclusion**

The evaluation panel completed the tender evaluation matrix. For the purpose of the evaluation the pricing schedule was based on the green and tennis court fees and rent offered by the three (3) proponents without any capital expenditure. The rent offered by NDPS Golf and Sterling Golf was higher than that under the previous contract, however the panel believed that NDPS and Sterling Golf Pty had not given enough consideration to normal outgoings such as electricity costs and that the proposed rents were unrealistic.

The results from the matrix and from observations made by the panel at the tenderers presentations revealed that both Sterling Golf Pty and Belgravia Leisure are capable of successfully managing the PWGC. NDPS scored the lowest on the evaluation matrix and the panel considers it not suitable at this time to manage the PWGC.

As noted previously Sterling Golf Pty withdrew its tender shortly after its tender presentation citing that its business model was not compatible with the City of Melville's vision for the management of the PWGC. That being the case, the evaluation panel was left with only one (1) tenderer who has the capacity and resources to manage the PWGC

Accordingly, in line with the conditions of tender which include ("after choosing a successful tenderer, the City of Melville may negotiate with that tenderer about the terms and conditions of the proposed contract. If agreement cannot be reached the City of Melville may choose, and enter into negotiations with, the tenderer which it considers to be the most advantageous",) the tender evaluation panel entered into negotiations with Belgravia Leisure who were the highest scorers on the evaluation matrix with a view to finalising a Management Agreement and Lease Agreement for the PWGC.

Detail of the negotiations with Belgravia Leisure

The tender evaluation panel began negotiations with Belgravia Leisure in order to conclude an accord on:

1. the length of the term of the Management Agreement and Lease Agreement.
2. the proposed commencement date for the Management Agreement and Lease Agreement.
3. the financial arrangements including potential capital investment by each party for improvements to the facilities at the PWGC during the initial and any subsequent terms of the Management Agreement.

CO03/06 – MANAGEMENT OF THE POINT WALTER GOLF COURSE (AMREC)
(ATTACHMENT)

The panel and representatives from Belgravia Leisure, which included its Chief Executive Officer, agreed that the initial period for the Management Agreement and Lease Agreement should be for five (5) years with an option to extend the Agreement and the Lease for a subsequent ten (10) years subject to:

- both parties wanting to extend the Management Agreement and Lease Agreement.
- the Manager of the PWGC (Belgravia Leisure) successfully achieving the City of Melville's Key Performance Indicators as described in the Tender Document.
- agreement being reached by the Parties on scope of any proposed improvements to the facilities at the PWGC.
- agreement being reached by the Parties as to the funding and return on investment arrangements for any proposed improvements.

Secondly, the evaluation panel and Belgravia Leisure agreed that the most suitable commencement date for the Management Agreement and the Lease Agreement is Wednesday 22 November 2006, which allows for the passage of this recommendation to the Council and permits sufficient time for Belgravia Leisure to mobilise its resources for the commencement of business.

Thirdly, the evaluation panel and Belgravia Leisure agreed that the financial arrangements for the management of the PWGC would include:

- that the Manager (Belgravia Leisure) will pay the City of Melville a rent for the café, golf pro-shop and function centre at the PWGC of twelve thousand dollars (\$12,000) per annum.
- that the City of Melville will retain ninety-two point five percent (92.5%) of green fees up to the threshold of four hundred and ninety-nine thousand, nine hundred and ninety-nine dollars (\$499,999) and then twenty-five percent (25%) of all fees thereafter.
- that the City of Melville and the Manager will contribute one hundred and fifty thousand dollars (\$150,000) each in the second year of the first term (2007/08) of the Management Agreement to be used on improvements to the golfers courtyard at the PWGC including the installation of air conditioning, floor coverings and a suspended ceiling.
- that negotiation between the City of Melville and the Manager commence in November 2010, ie twelve (12) months prior to the expiry of the initial five (5) year term, on additional capital investment to be used for further enhancements to the facilities at the PWGC.

As all the abovementioned terms are acceptable to both parties it is recommended that the tender submitted by Belgravia Leisure Pty Ltd be accepted as the most advantageous.

**CO03/06 – MANAGEMENT OF THE POINT WALTER GOLF COURSE (AMREC)
(ATTACHMENT)**

COUNCIL RESOLUTION (CO03/06)

ABSOLUTE MAJORITY

1. THAT THE TENDER SUBMITTED BY BELGRAVIA LEISURE FOR THE MANAGEMENT OF THE POINT WALTER GOLF COURSE AS SPECIFIED BE ACCEPTED AS THE MOST ADVANTAGEOUS.
2. THAT THE INITIAL TERM OF THE MANAGEMENT AGREEMENT BETWEEN THE CITY OF MELVILLE AND BELGRAVIA LEISURE BE FIVE (5) YEARS.
3. THAT NEGOTIATIONS BETWEEN THE CITY OF MELVILLE AND BELGRAVIA LEISURE COMMENCE IN NOVEMBER 2010 SUBJECT TO:
 - A BOTH PARTIES WISHING TO CONTINUE THE MANAGEMENT AGREEMENT AND LEASE AGREEMENT AND
 - B BELGRAVIA LEISURE SUCCESSFULLY ACHIEVING THE KEY PERFORMANCE INDICATORSA SUBSEQUENT TEN (10) YEAR TERM IS APPROVED.
4. THAT THE CITY OF MELVILLE PROVIDES FOR IN ITS 2007/08 CAPITAL BUDGET ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000) FOR IMPROVEMENTS OF THE FACILITIES AT THE POINT WALTER GOLF COURSE.
5. THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL THE CHIEF EXECUTIVE OFFICER BE GRANTED THE DELEGATED AUTHORITY TO CONCLUDE AND SIGN ALL LEASE AND MANAGEMENT AGREEMENT DOCUMENTS AND CONTRACT DOCUMENTATION NECESSARY TO GIVE EFFECT TO THESE ABOVE RESOLUTIONS.

CARRIED EN BLOC

C06/5000 - COMMON SEAL REGISTER (REC)

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

SUMMARY

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

BACKGROUND

Section 2.5 of the Local Government Act 1995 states that a Local Government is a Body Corporate with perpetual succession and a common seal. A document is validly executed by a Body Corporate when the common seal of the Local Government is affixed to it by the Chief Executive Officer, and the Mayor and the Chief Executive Officer attest the affixing of the seal.

DETAIL

Document Type	Party	Description	File Ref
Deed of Licence	Attadale Playgroup Inc	Portion of Reserve 4813	1536665
Deed of Licence	Nulsen Haven Association Inc	Blue Gum Community Centre	1529514
Deed of Extension and Variation of Lease Agreement	City of Melville Aged Persons Homes Trust Inc	18 Hassell Crescent Bull Creek	1273409
	Eustratios Manios and Vicki Manios	11 Majestic Close, Applecross	1530709
Variation of Contract Agreement	McLeods	Variation to Legal Services provided	1547806
	Murdoch Urology (WA) Pty Ltd	2 Antony Street, Palmyra	1429582

C06/5000 - COMMON SEAL REGISTER (REC)

PUBLIC CONSULTATION

Not applicable.

COMMENT

Nil.

STATUTORY ENVIRONMENT

Section 2.5 of the Local Government Act 1995.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

COUNCIL RESOLUTION (5000)

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

CARRIED EN BLOC

C06/6000 – INVESTMENT STATEMENTS (REC) (ATTACHMENT)

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

SUMMARY

This report presents the investment statements for the months of September and October 2006 and recommends that the information detailed in the attachments be noted.

BACKGROUND

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

DETAIL**[6000A-09 November 2006.pdf](#) and **[6000B-09 November 2006.pdf](#)****

the Investment Statements for the month of September 2006, form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 15 November 2006.

[6000A-10 November 2006.pdf](#) and **[6000B-10 November 2006.pdf](#)**

the Investment Statements for the month of October 2006, form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 15 November 2006.

The Investment of Surplus Funds is undertaken in accordance with the Finance Investment Policy document for the City of Melville. **[6000D-09 November 2006.pdf](#)** a graph showing the total levels of funds invested forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 15 November 2006.

The Investment of Surplus Funds is undertaken in accordance with the Finance Investment Policy document for the City of Melville. **[6000D-10 November 2006.pdf](#)** a graph showing the total levels of funds invested forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 15 November 2006.

C06/6000 – INVESTMENT STATEMENTS (REC) (ATTACHMENT)

Reports prepared by Grange Securities have again been included for members' information. [6000C-09 November 2006.pdf](#). The reports form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 15 November 2006.

Reports prepared by Grange Securities have again been included for members' information. [6000C-10 November 2006.pdf](#). The reports form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 15 November 2006.

POLICY IMPLICATIONS

Corporate Policy C14.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

As at the end of October 2006, total interest, including Reserve Fund interest, earned was one million three hundred and seven thousand seven hundred and eighty four dollars (\$1,307,784) against a budget year to date of nine hundred and seventy five thousand six hundred dollars (\$975,600). The full year budget is two million eight hundred and thirty five thousand eight hundred dollars (\$2,835,800).

Reserve Fund interest earned was four hundred and seventy four thousand seven hundred dollars (\$474,700) against a budget year to date of two hundred and eighty nine thousand, two hundred dollars (\$289,200). The full year budget is eight hundred and sixty seven thousand eight hundred dollars (\$867,800).

STRATEGIC IMPLICATIONS

Not applicable.

C06/6000 – INVESTMENT STATEMENTS (REC) (ATTACHMENT)**COMMENT**

Base interest rates rose slightly in the period. The rates for thirty (30) day bank bills showed an increase of zero point one six percent (0.16%). Longer term returns showed a similar increase, with the ninety (90) rate increasing by zero point one eight percent (0.18%). The performance of the City of Melville portfolio managed by Grange Securities exceeded the agreed benchmark of the UBS Bank Bill Index plus zero point three five percent (UBS plus 0.35%) by zero point three six per cent (0.36%) annualised in the month of September 2006, fell below it by zero point one two per cent (0.12%) annualised in the month of October and exceeded the benchmark by zero point nine six per cent (0.96%) over the last twelve (12) months.

COUNCIL RESOLUTION (6000)

THAT THE INVESTMENT STATEMENTS FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2006, AS DETAILED IN THE FOLLOWING ATTACHMENTS BE NOTED:

6000A-09 NOVEMBER 2006.PDF	6000A-10 NOVEMBER 2006.PDF
6000B-09 NOVEMBER 2006.PDF	6000B-10 NOVEMBER 2006.PDF
6000C-09 NOVEMBER 2006.PDF	6000C-10 NOVEMBER 2006.PDF
6000D-09 NOVEMBER 2006.PDF	6000D-10 NOVEMBER 2006.PDF

CARRIED EN BLOC

C06/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

Ward	: All
Category	: Operational
Subject Index	: Financial Statement and Investments
Customer Index	: Not applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Standard item
Works Programme	: Not Applicable
Funding	: 2005/2006 Budget
Responsible Officer	: Bob Searle Manager Financial Services

SUMMARY

This report presents details of the payments made to suppliers for the provision of goods and services for the months of September and October 2006 and recommends that the Schedules of Accounts be noted.

BACKGROUND

Delegated Authority CE23 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been on-delegated to the Director Customer and Corporate Services. In accordance with Regulation thirteen (13), two (2) and three (3) of the Local Government (Financial Administration) Regulations 1996 where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council. The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

DETAIL

The Schedules of Accounts for the periods ending 30 September [6001Sept November 2006.pdf](#) and 31 October 2006 [6001Oct November 2006.pdf](#) including Payment Registers numbers five (5) to eight (8) were distributed to the Members of Council on Wednesday, 15 November 2006.

C06/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

POLICY IMPLICATIONS

Management Procedure 1.8 - Certification of Accounts.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

This report meets the requirements of the Local Government (Financial Management) Regulations 1996 Regulation 11 - Payment of Accounts, Regulation 12 - List of Creditors and Regulation 13 - Payments from the Trust Fund and the Municipal Fund.

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2006/2007 Budget.

STRATEGIC IMPLICATIONS

Not applicable.

COMMENT

This is a regular monthly report for Elected Members information.

COUNCIL RESOLUTION (6001)

THAT THE SCHEDULES OF ACCOUNTS FOR THE PERIODS ENDING 30 SEPTEMBER [6001Sept November 2006.pdf](#) AND 31 OCTOBER 2006 [6001Oct November 2006.pdf](#), AS APPROVED BY THE DIRECTOR CUSTOMER AND CORPORATE SERVICES IN ACCORDANCE WITH DELEGATED AUTHORITY CE23, AND DETAILED IN THE ATTACHMENTS BE NOTED.

CARRIED EN BLOC

C06/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

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

SUMMARY

This report presents the financial statements to the end of September 2006 and recommends that they be noted by Council.

BACKGROUND

The Financial Statements for the end of the month of September 2006 have been prepared and tabled in accordance with Regulation thirty-four (34) of the Local Government (Financial Management) Regulations 1996 as amended in March 2005, which requires that:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail-
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

C06/6002- FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

- (3) The information in a statement of financial activity may be shown-
 - (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.

- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be-
 - (a) presented to the council-
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.

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

DETAIL

A computer hardware failure relating to the old General Ledger system meant the year end processes for 2005/2006 were very delayed and that the relevant opening balances had not been loaded into the new system before the preparation of these reports. This same problem also means that the development of the normal reports for Council from the new system has been delayed. The hardware and software problems on the old system have now been mostly remedied and work on the year end is completed.

The attached reports have been prepared in compliance with the requirements of the legislation, but should again be treated with caution. Whilst they give a fair indication of the situation for the month of September, they again lack opening balances. The normal detailed analysis of variances has resumed for the September month information.

The following attachments form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 15 November 2006.

C06/6002- FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

DESCRIPTION	LINK
Statement of Financial Activity	6002A November 2006.pdf
Operating Statements by Program for the period ended 30 September 2006	6002B November 2006.pdf
Representation of Working Capital as at September 2006	6002E November 2006.pdf
Reconciliation of Net Working Capital as at 30 September 2006.	6002F November 2006.pdf
Notes on Operating Statements for September 2006 reporting on variances of 10% or greater	6002H November 2006.pdf
Details of Budget Amendments requested during the month of September 2006	6002J November 2006.pdf

POLICY IMPLICATIONS

Not applicable.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Not applicable.

C06/6002- FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

COMMENT

It should be noted that the attached financial statements are preliminary and do not reflect the final end of year financial position and carry forwards. The end of year financial statement accruals and reserve transfers and the subsequent audit have been completed and this information will be included in the reports prepared for the month of October.

COUNCIL RESOLUTION (6002)

1. THAT THE STATEMENTS OF FINANCIAL ACTIVITY AND THE OPERATING STATEMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2006, AND DETAILED IN THE FOLLOWING ATTACHMENTS BE ADOPTED:

DESCRIPTION	LINK
STATEMENT OF FINANCIAL ACTIVITY	6002A November 2006.pdf
OPERATING STATEMENTS BY PROGRAM FOR THE PERIOD ENDED 30 SEPTEMBER 2006	6002B November 2006.pdf
REPRESENTATION OF WORKING CAPITAL AS AT SEPTEMBER 2006	6002E November 2006.pdf
RECONCILIATION OF NET WORKING CAPITAL AS AT 30 SEPTEMBER 2006	6002F November 2006.pdf
NOTES ON OPERATING STATEMENTS FOR SEPTEMBER 2006 REPORTING ON VARIANCES OF 10% OR GREATER	6002H November 2006.pdf

2. THAT BY ABSOLUTE MAJORITY DECISION, THE BUDGET AMENDMENTS, AS LISTED IN THE BUDGET AMENDMENT REPORT FOR SEPTEMBER 2006, AND DETAILED IN ATTACHMENT [6002J November 2006.pdf](#) BE ADOPTED

CARRIED EN BLOC

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 LOCAL GOVERNMENT AMENDMENT BILL 2006

** Cr Reynolds departed the meeting at 7.48pm and re-entered at 7.52pm.

COUNCIL RESOLUTION

Cr C W Robartson moved, seconded Her Worship the Mayor -

- 1. THAT THE CITY OF MELVILLE ADVISE THE PREMIER AND MINISTER FOR LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT THAT IT STRONGLY OPPOSES ANY MOVE TO REPLACE THE PRESENT FIRST PAST THE POST SYSTEM OF VOTING WITH A PROPORTIONAL REPRESENTATION SYSTEM AS PROPOSED IN THE LOCAL GOVERNMENT AMENDMENT BILL 2006 AND URGES GOVERNMENT IMMEDIATELY REMOVE ANY REFERENCE TO THE VOTING SYSTEM FROM THE BILL AS THERE HAS NOT BEEN AN EFFECTIVE AND INCLUSIVE CONSULTATION PROCESS WITH LOCAL GOVERNMENT ON THE GOVERNMENT'S DECISION TO INTRODUCE THE PROPOSAL.**
- 2. THAT ALL LOCAL MEMBERS OF PARLIAMENT BE IMMEDIATELY ADVISED OF THE COUNCIL POSITION.**

The Mayor submitted the motion, which was declared

CARRIED (13/0)

13. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

14. CLOSURE

Cr C W Robartson moved, seconded Cr M J Barton-

THAT THE CHIEF EXECUTIVE OFFICER, MR ERIC LUMSDEN PSM BE CONGRATULATED ON HIS APPOINTMENT AS THE DIVISIONAL PRESIDENT OF THE LOCAL GOVERNMENT MANAGERS AUSTRALIA – WA DIVISION.

The Mayor submitted the motion, which was declared

CARRIED (13/0)

There being no further business, the Mayor declared the Meeting closed at 8.11pm.