



— *City of* —
Melville

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

21 AUGUST 2007

DISCLAIMER:

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

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

DISTRIBUTED: 24 AUGUST 2007



— City of —
Melville

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.39PM ON TUESDAY, 21 AUGUST 2007.

1. PRESENT

Her Worship the Mayor, Katherine Jackson JP

COUNCILLORS

Cr D J Macphail (Deputy Mayor)
Cr A Ceniviva
Cr C W Robartson; Cr R A Aubrey
Cr P M Phelan; Cr C M Halton
Cr M J Barton; Cr L J Wyatt
Cr L M Reynolds;
Cr J Bennett (Departed 7.18pm)
Cr H R Everett; Cr J Phillips

WARD

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

2. IN ATTENDANCE

E Lumsden PSM
M Tieleman
A McAllister

R G C Willis

K Weymes

B Taylor (Entered 6.47pm)

D Tracey
B Mitchell

POSITION TITLE

Chief Executive Officer
Director Customer & Corporate Services
Director Strategic Community
Development
Director Technical & Development
Services
Manager Planning & Development
Services
Manager Information, Technology &
Support
Business Support Officer (Observer)
Minutes Secretary

At the commencement of the Meeting, there were 11 people in the public gallery and 2 members of the press.

3. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Nil

4. PUBLIC QUESTION TIME

4.1 Mr James Addvalue

“Question re Ardross Street Shopping Area, Applecross

- (a) *The IGA has now changed its traffic directions road signs in its parking area. Will the Council now supplement this action by providing more painted arrows near the entrance and exit areas of the car park?*
- (b) *Will the Council take urgent action to repair the tiled coverings of the two covered trenches that traverse Ardross Street? At present one of the sets of tiles is badly broken, presenting a distinct traffic hazard”.*

The Director Technical and Development Services, Mr R Willis thanked Mr Addvalue for his questions and advised:

- (a) **That painted arrows are to be provided to the IGA entrances to supplement the traffic flow.**
- (b) **Instructions will be issued in the morning to reinstate the trenches that traverse Ardross Street.**

“Question re Kishorn Road, Applecross, from Armstrong Road to Forbes Road. The road has deteriorated further (photos & sample on hand) and needs urgent attention. Will the Council finally take action to affect repairs, or better still, complete the whole section?”

The Director Technical and Development Services, Mr R Willis responded:

The section of Kishorn Road between Armstrong and Forbes Road will need to be considered with other roads within the city’s asphalt resurfacing program. However, the Director is aware there is a section of road pavement at Armstrong Road that will need repairs.

4.2 Mr Guy Wieland, Bicton

“Why has the Melville City Council not informed residents adjacent to the Melville Plaza (Centro Melville) about the variations to traffic flow resulting from the proposed alterations to Melville Plaza Shopping Centre as per the “Community Consultation standards’.”

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

The proposal does not involve the construction of either additional car parking or floor space but rather a reduction of both. The works however propose to make the existing facilities function as originally planned.

Why has the City Council Traffic Management Services not recommended that there be an entry and exit vehicle traffic flow directly from Canning Highway into the shopping centre front car park as exemplified by other commercial entities within the Melville City Council thus inhibiting unnecessary vehicle traffic through the surrounding residential roads. There is no reason why traffic cannot flow directly into

PUBLIC QUESTION TIME (Continued)

and out of the front of the shopping centre from Canning Hwy. Melville Plaza is the only commercial premises in the City of Melville that does not possess this attribute.

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

Canning Highway is proposed to be widened and have an extended bus embayment together with extended turning bay lanes at Stock Road. This together with the pedestrian crossing would make any Canning Highway access problematic - not withstanding it is proposed, as part of the Centre Plan, to examine this possibility.

“Why has City Council Traffic Management Services agreed to closing the major Waddell Road vehicle entry/exit point that currently flows large volumes of traffic, which would force the heavy traffic further North along the residential street of Waddell Rd adversely affecting the local residents. Please note the large number of aged residents that reside in Waddell Road”.

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

The existing southern Waddell Road access point has difficulties as

- **it is proposed that it become a pedestrian access**
- **it is very close to the widened Canning Highway**
- **the grade of the access will not be acceptable with the leveling and lowering of the car park**

The proposal additionally provides for enhanced pedestrian access. The area around the shopping centre is 'zoned' for increased density and mixed uses.

“Why has the City Council agreed to landscaping at the front of the shopping centre which will cause a large loss of parking bays, forcing patrons to the rear parking area, in turn causing further distress to the local residents with the associated vehicle traffic?”

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

The first row of parking bays is on the Canning Highway road reserve and as such the parking bays are to be removed and the parking area redesigned. This area is required for the Highway works.

“Why has the City Council agreed to the landscaping to the front of the shopping complex but not recommended landscaping to the Waddell Rd side to screen the car park as per the original rear car park upper deck approval 2001 in which there exists a garden bed along Waddell Rd that upon completion of the upper deck, concrete was simply poured on top of the garden bed penalizing the residents of Waddell Road? This garden bed is able to be rectified”.

PUBLIC QUESTION TIME (Continued)

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

The area between the Waddell Road boundary wall and the parking deck has been approved as is and is a retaining wall. Notwithstanding a condition of the proposed development is that the adjacent road verges be upgraded and landscaped.

At 6.47pm the Manager Information, Technology & Support entered the Chamber.

5. AWARDS AND PRESENTATIONS

A record of functions attended by the Mayor, and Elected Members representing the Mayor on behalf of the Council, for the period 17 July 2007 to 20 August 2007, forms an attachment to the Minutes of the Meeting.

At 6.55 pm Cr J Bennett moved, seconded Cr J Phillips -

THAT THE RECORD OF FUNCTIONS ATTENDED BY THE MAYOR, AND ELECTED MEMBERS REPRESENTING THE MAYOR ON BEHALF OF THE COUNCIL, FOR THE PERIOD 17 JULY 2007 TO 20 AUGUST 2007, BE NOTED.
[Mayoral Representation August 2007.pdf](#)

At 6.55pm the Mayor submitted the motion, which was declared
CARRIED WITHOUT DISSENT (13/0)

6. CONFIRMATION OF MINUTES

6.1 CONFIRMATION OF NOTES – AGENDA FORUM – 7 AUGUST 2007

At 6.55pm Cr M Reynolds moved, seconded Cr C Robartson -

THAT THE NOTES OF THE AGENDA FORUM HELD ON TUESDAY, 7 AUGUST 2007 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.

At 6.55 pm the Mayor submitted the motion, which was declared
CARRIED WITHOUT DISSENT (13/0)

6.2 ORDINARY MEETING OF THE COUNCIL 17 JULY 2007

At 6.55pm Cr M Reynolds moved, seconded Cr C Robartson -

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 17 JULY 2007 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.

At 6.55pm the Mayor submitted the motion, which was declared
CARRIED WITHOUT DISSENT (13/0)

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

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

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

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

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

Meeting to be informed of disclosures

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

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

Disclosing members not to participate in meetings

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

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

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

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

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

7. DISCLOSURES OF INTEREST

- Cr A Ceniviva P07/3017
- Her Worship, the Mayor CO7/8014

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Cr T Phelan
Cr D MacPhail
Cr J Barton

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

10. PETITIONS

Nil

11. REPORTS OF COUNCIL COMMITTEES

Nil

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CO7/8014 - TOM HOAD CUP (REC)

| | | |
|----------------------------|---|---|
| Ward | : | Bicton/Attadale |
| Category | : | Operational |
| Subject Index | : | Melville Water Polo Club |
| Customer Index | : | Melville Water Polo Club |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : | Nil |
| Works Programme | : | Not Applicable |
| Funding | : | No budget impact |
| Responsible Officer | : | Dennis Gillam Manager Health & Lifestyle Services |

Disclosures of Interest

| | |
|------------------------------|--|
| Item No : | CO7/8014 - Tom Hoad Cup |
| Member : | Her Worship, the Mayor |
| Type of Interest : | Patron of Melville Water Polo Club |
| Nature of Interest : | Patron |
| Extent of Interest : | Patron |
| Request : | Stay, discuss and vote as interest is a code of conduct and not financial interest |
| Decision of Council : | Not required |

AUTHORITY / DISCRETION

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

C07/8014 - TOM HOAD CUP (REC)**KEY ISSUES / SUMMARY**

- This report seeks Council endorsement of a proposal to manage the future of the Tom Hoad Cup event and acknowledges the need to develop a policy for events approvals and management.

BACKGROUND

The Tom Hoad Cup (THC) is a four day International water polo competition established in 2003. The event is held at the Melville Water Polo Pool (known as Bicton Baths) each year between Christmas and the New Year. The timing of the event is such that it is out of season for visiting overseas teams allowing the tournament to attract high quality international competition. The tournament is made up of junior and senior water polo teams with the majority of the junior games being played during the day time at the Challenge Stadium.

In the 2005 Financial and Management Performance Report, provided by the Melville Water Polo Club (MWPC) as the organisers of the THC, the executive summary states that "in 3 years the THC has grown from a small tournament run largely by volunteers to a world class water polo tournament with a 'waiting list' of countries seeking to play in it. Plans are well advanced to increase the 'number' of teams competing from 4 to 6 or 8 and extend the international television coverage commensurably".

The 2005 Financial and Management Performance Report goes on to state that "in excess of 8000 people attended the tournament over 4 nights, gate receipts (including corporate boxes) totalled \$112,000 in addition to the \$150,000 provided by Tourism WA, sponsorship totalling \$55,000 was also obtained".

In 2006 the organisers sought approvals for an additional day's competition with the event hosting 6 teams. Approvals were given for the 2006 THC event based along the lines of the previous approvals at which there was little negative public feedback on the running of the event. The event was approved as a family friendly community type multicultural water polo festival.

However after the 2006 event a local resident who resides within the vicinity of the pool has raised a number of valid issues regarding the:

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

C07/8014 - TOM HOAD CUP (REC)

Officers from the City have also experienced a degree of difficulty when trying to get appropriate paper work as part of approval applications for the event and often receive many changes to the original application. This has consistently occurred over a number of years despite the City arranging meetings with the THC organisers well in advance.

DETAIL

Officers from the City have met with officials from the MWPC and have corresponded with the complainant. Photographic and video evidence of the 2006 THC has been presented to the City of Melville's Executive Management Team and the Elected Members Portfolio meetings where officers presented the issues raised by the organisers, the views of the complainants and a summary of the findings to date.

During this time officers have had the opportunity to assess the City of Melville's application process and recommend that the THC not be treated as a community event but as a major event. It is acknowledged that there are a number of improvements that can be made.

From the City of Melville's perspective it has concerns with the ad hoc requests leading up to the running of the event, the size, the funding and the impact that the growth has had upon local amenity.

The majority of the necessary approvals are regulated under the Health (Public Buildings) Regulations 1992 and the Health (Food Hygiene) Regulations. Under the Health (Public Building) Regulations 1993, a Risk Management Plan formulated in accordance with AS/NZS 4360 is to be provided for events where more than 5,000 people per day are attending. In previous years, the MWPC has stated that their events do not have more than 2,000 people per day, and have been assessed and approved according to that patronage. The MWPC has also stated to officers that their event is family friendly and low impact on the community. As a result, the event was considered as low risk and the emergency management plan submitted has been sufficient.

In light of the footage from the 2006 event, specifically the flares and rowdy crowd behaviour, this event should now be considered a higher risk. Officers are of the view that the emergency management plan previously submitted to the City of Melville does not sufficiently address the risks that have been observed. Additionally further improvements would be required in the planning of future events.

PUBLIC CONSULTATION/COMMUNICATION

N/A

C07/8014 - TOM HOAD CUP (REC)**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Officers have also met with a Department of Sport and Recreation representative (as the main funding agency) regarding the event. The CEO has written to the Minister for Sport and Recreation to outline our concerns to the State Government in regards to the impact of the event. The Minister advises that the Department of Sport and Recreation is reviewing the levels of support provided for the event and will take the City of Melville's comments into account when analysing any future support.

STATUTORY AND LEGAL IMPLICATIONS

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

5.6 Use

Not to:

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

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

FINANCIAL IMPLICATIONS

The Community Grants provide for one off support for community events or are used to assist in the establishment of community festivals. Annually there is a large demand on the adopted community grants budget and the MWPC has received three separate grants of approximately \$10,000 for the THC event. Additionally as the event attracts substantial funding from Federal and State government agencies and because grants are used to fund player payments, interstate and international travel and accommodation of teams and organisers, the club should be made aware that events associated with the THC do not meet the criteria for Community Grants.

However, recognising that as part of the new policies for Support for Sport Clubs, budget allocations have been made available for community assistance with the provision of rubbish bins and traffic management plans.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There is no Duty of Care (DoC) on the City of Melville that arises out of the Occupational Safety and Health Act relating to the approval of the event. However officers believe a DoC does exist under section 9 of the Occupier Liability Act 1985 to the extent of facilities, buildings or assets over which we have responsibility for the maintenance or repair. There also exists a DoC to enforce our Local Laws as it relates to activities on Council land.

C07/8014 - TOM HOAD CUP (REC)

Irrespective of any duty of care that arises out of various Acts or Regulations applicable to the event approval, it is arguable that a common law DoC exists. Failure to fulfil this DoC could give rise to an action for negligence. Officers are of the opinion that the 2007 event may expose the City of Melville to unnecessary risk. By accepting the recommendations in this report would minimize the level of risk and reduce the impact on the local amenity.

| Risk Statement | Level of Risk* | Risk Mitigation Strategy |
|---|--|--|
| City of Melville is held legally liable for any damage or injury as a consequence of approving the event. | Moderate consequences which are unlikely, resulting in a Medium level of risk | Establish a stricter and more comprehensive event approval conditions process including requirement of the event to be run by professional event managers. |
| Risk of complaints or dissatisfaction from surrounding resident despite City of Melville enforcing stricter conditions, | Moderate consequences which are likely, resulting in a High level of risk | Impose and enforce stricter and more comprehensive event approval conditions upon the applicant. |

POLICY IMPLICATIONS

N/A

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Whilst the Health (Public Buildings) Regulations 1992 indicates that the Bicton Baths could accommodate 2,000 people at any one time officers believe an alternative could be to limit the total number of 1,000 spectators to the event for the following reasons:

- The elevated Risk Level for the event
- The impact of these people on local amenity through traffic management and parking.

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

CONCLUSION

It is obvious that the growth of the event has created additional difficulties for the event organisers when arranging the logistics experienced with the 6 team tournament in 2006. This suggests the organising of the event has grown beyond that of volunteers as the liability, risk and emergency management increases dramatically as the event grows in popularity. Even by restricting the number of teams and spectators it is clear that event preparations may be at levels beyond volunteer's capacity.

C07/8014 - TOM HOAD CUP (REC)

It is accepted that the maximum impact of the THC may only occur when the international senior teams are playing and particularly during the finals of the tournament. By limiting a number of teams playing in the event and providing better control of spectators will go some way to lessen the impact of the tournament on local amenity. In order to address these concerns officers of the City of Melville believe that future THC events should be managed by professional sporting event organisation and limited to: -

- A four team event
- A maximum of 2,000 persons attend the site at any one time.

The professional event organisers would be required to provide

- A detailed Emergency Management Plan
- A comprehensive Risk Management Plan compliant with AS/NZS 4360.

It is also prudent that any future THC application is accompanied by Swan River Trust (SRT) approvals prior to the City of Melville issuing any approvals.

The impact of the THC upon the local amenity regarding fee payment for parking, emergency vehicles access, the use of the service road and cranes within the local area will need to be addressed within a comprehensive traffic management plan for the event. Included within this Traffic Management Plan (but not limited to) the City of Melville would require:

- A local parking plan for the event (Fee Free) Note: Some of the parking issues arise from allowing paid parking, on council owned/controlled public open space.
- Parking arrangements for local streets,
- Access and use of the service/slip lane,
- Dates for the erection and dismantling of the temporary seating,
- Dates for the use of cranes on public open space,
- A safety plan for the use of the crane.

The impact upon the local amenity is significant particularly with alcohol consumption, crowd control, controlled safe entry and exit from the facility and the lateness of people leaving the local area. Whilst plans can be developed to control event operations, it is clear that this needs to be better managed.

Crowd control and management should be managed by a group that is independent of the MWPC or the new event organisers. The event will need a crowd control plan prepared by a crowd control agent with designated responsibility over these issues. The following crowd control conditions should apply (but not be limited to) to any future THC event approvals.

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- That the organisers develop an Entry Policy,
- A Code of Conduct that forbids such items as horns, flares, glass vessels, etc
- That the organisers budget for costs associated with employing an independent security firm for the duration of the event to monitor and manage
 - Entry into the event including bag searches
 - No alcohol to be taken out of the licensed area
 - Maximum event numbers
 - The removal of unruly patrons
 - The removal of patrons after the event
 - The event finishing at 10.00pm and professional crowd Control Company having the vicinity cleared of all spectators by 10.30pm.

To enforce the conditions as listed above City of Melville staff from the relevant service areas will be made available to ensure the requirements/conditions of their approvals are achieved. As the event attracts significant federal and state government grants it is reasonable that the City of Melville should:

- Recoup all costs associated with the enforcement of the event conditions of approval.
- Recoup officer's time.

The THC will also need to ensure that all equipment, temporary seating, and any other plant that is used as part of the event is

- Not installed or erected until a maximum of 7 days prior to the approved starting date of the event
- Removed from the vicinity of the water polo pool area within 7 days after the approved last date of the event.
- Storage of such equipment in and around the clubrooms or reserve will not be approved.

This report has identified that there is a need to develop a policy for the approval and management of community events.

Officer Recommendation:

APPROVAL

At 6.56pm Cr R Aubrey moved, seconded Cr M J Barton;

- 1. That the organisers of the Tom Hoad Cup event be advised that the City of Melville has reviewed and elevated the status of the event from a low risk minimal impact event to an international event with a higher risk that is likely to affect the neighbourhood amenity.**

C07/8014 - TOM HOAD CUP (REC)

2. That if the Tom Hoad Cup is to continue the following restrictions and requirements will apply
 - That any future application is accompanied by Swan River Trust approvals prior to the City of Melville issuing any additional approvals.
 - That a maximum of 2,000 persons be on site at any one time.
 - That the Melville Water Polo Club employ professional event organisers as approved by the Chief Executive Officer who will be required to provide
 - A detailed emergency management plan;
 - A comprehensive risk management plan compliant with AS/NZS 4360 standards.
 - A comprehensive traffic management plan;
 - A crowd control plan prepared by a crowd control agent with designated responsibility over crowd control that addresses the following issues.
 - A) That the organisers develop an entry policy,
 - B) That the organisers develop a code of conduct that forbids such items as horns flares and glass vessels.
 - C) That the organisers budget for costs associated with employing an independent security firm for the duration of the event to monitor and manage
 - a. Entry into the event including bag searches
 - b. No alcohol to be taken out of the licensed area
 - c. Maximum event numbers
 - d. The removal of unruly patrons
 - e. The removal of patrons after the event
 - f. The event finishing at 10.00pm and professional crowd control company having the vicinity cleared of all spectators by 10.30pm.
3. That the City of Melville recoups all Officer's time and all costs associated with the enforcement of the approval conditions of the event.
4. That a City of Melville events policy be developed.

Amendment 1

At 6.57pm Cr R Aubrey moved, seconded Cr J Barton –

That the existing condition “f” be amended to include the words “and the liquor licence for the event” after the words “the event”.

That a new condition “g” be added with the words “the independent crowd control and security firm be approved by the Chief Executive Officer.”

At 7.13pm the Mayor submitted the motion, which was declared

CARRIED (10/3)

C07/8014 - TOM HOAD CUP (REC)

Amendment 2

At 7.14pm Cr Phillips moved, seconded Cr Bennett:

That item “g” be replaced with the words “Melville Water Polo Club liaise with the police in developing its Risk Management Plan.”

At 7.16pm Cr Bennett left the Chamber.

At 7.17pm Cr Bennett re-entered the Chamber.

At 7.18pm Cr Bennett left the Chamber and did not return to the meeting.

At 7.18pm the Mayor submitted the motion, which was declared **LOST (4/8)**

Amendment 3

At 7.29pm Cr Robartson moved, seconded Cr Phillips that

Item “f” be amended to delete the word “vicinity” and replace with the words “pool and licensed area”.

CARRIED (9/3)

At 7.34pm the Mayor submitted the substantive motion as amended, being

- 1. THAT THE ORGANISERS OF THE TOM HOAD CUP EVENT BE ADVISED THAT THE CITY OF MELVILLE HAS REVIEWED AND ELEVATED THE STATUS OF THE EVENT FROM A LOW RISK MINIMAL IMPACT EVENT TO AN INTERNATIONAL EVENT WITH A HIGHER RISK THAT IS LIKELY TO AFFECT THE NEIGHBOURHOOD AMENITY.**
- 2. THAT IF THE TOM HOAD CUP IS TO CONTINUE THE FOLLOWING RESTRICTIONS AND REQUIREMENTS WILL APPLY**
 - THAT ANY FUTURE APPLICATION IS ACCOMPANIED BY SWAN RIVER TRUST APPROVALS PRIOR TO THE CITY OF MELVILLE ISSUING ANY ADDITIONAL APPROVALS.**
 - THAT A MAXIMUM OF 2,000 PERSONS BE ON SITE AT ANY ONE TIME.**
 - THAT THE MELVILLE WATER POLO CLUB EMPLOY PROFESSIONAL EVENT ORGANISERS AS APPROVED BY THE CHIEF EXECUTIVE OFFICER WHO WILL BE REQUIRED TO PROVIDE**
 - A DETAILED EMERGENCY MANAGEMENT PLAN;**
 - A COMPREHENSIVE RISK MANAGEMENT PLAN COMPLIANT WITH AS/NZS 4360 STANDARDS.**
 - A COMPREHENSIVE TRAFFIC MANAGEMENT PLAN;**
 - A CROWD CONTROL PLAN PREPARED BY A CROWD CONTROL AGENT WITH DESIGNATED RESPONSIBILITY OVER CROWD CONTROL THAT ADDRESSES THE FOLLOWING ISSUES.**

A) THAT THE ORGANISERS DEVELOP AN ENTRY POLICY,

C07/8014 - TOM HOAD CUP (REC)

- B) THAT THE ORGANISERS DEVELOP A CODE OF CONDUCT THAT FORBIDS SUCH ITEMS AS HORNS FLARES AND GLASS VESSELS.**
- C) THAT THE ORGANISERS BUDGET FOR COSTS ASSOCIATED WITH EMPLOYING AN INDEPENDENT SECURITY FIRM FOR THE DURATION OF THE EVENT TO MONITOR AND MANAGE**
- a. ENTRY INTO THE EVENT INCLUDING BAG SEARCHES**
 - b. NO ALCOHOL TO BE TAKEN OUT OF THE LICENSED AREA**
 - c. MAXIMUM EVENT NUMBERS**
 - d. THE REMOVAL OF UNRULY PATRONS**
 - e. THE REMOVAL OF PATRONS AFTER THE EVENT**
 - f. THE EVENT AND THE LIQUOR LICENSE FOR THE EVENT FINISHING AT 10.00PM AND PROFESSIONAL CROWD CONTROL COMPANY HAVING THE POOL AND LICENSED AREA CLEARED OF ALL SPECTATORS BY 10.30PM.**
 - g. THE INDEPENDENT CROWD CONTROL AND SECURITY FIRM BE APPROVED BY THE CHIEF EXECUTIVE OFFICER.**
- 3. THAT THE CITY OF MELVILLE RECOUPS ALL OFFICER'S TIME AND ALL COSTS ASSOCIATED WITH THE ENFORCEMENT OF THE APPROVAL CONDITIONS OF THE EVENT.**
- 4. THAT A CITY OF MELVILLE EVENTS POLICY BE DEVELOPED.**

FOOTNOTE

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

CARRIED(12/0)

C07/8012 – ACTIVE MELVILLE PLAN (REC) (ATTACHMENT)

| | | |
|----------------------------|---|---|
| Ward | : | All |
| Category | : | Strategic |
| Subject Index | : | Community Recreation Plan |
| Customer Index | : | City of Melville |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : | Nil |
| Works Programme | : | Not Applicable |
| Funding | : | Not Applicable |
| Responsible Officer | : | Dennis Gillam Manager Health and Lifestyles |

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- This agenda item provides the City of Melville with a Strategic Community Sport and Recreation document titled – “Active Melville Plan”.

BACKGROUND

At the April 2006 Council meeting the City of Melville adopted two policies which provides for a new philosophy on how the City of Melville will support structured and unstructured sport and recreation.

C07/8012 – ACTIVE MELVILLE PLAN (REC) (ATTACHMENT)

At the Council meeting referred to above it was indicated that a draft Community Sport and Recreation Strategic Plan would be developed and presented to a future council meeting for consideration. Our investigations coupled with industry trends and a shift in thinking regarding Physical Activity, has seen the development of a strategic document for the City of Melville titled "Active Melville Plan" (AMP).

AMP is aligned to The City of Melville's Community plan which was developed as a result of "Melville Visions", the largest consultation exercise undertaken by the City of Melville to date. The consultations allowed residents and business owners to "have their say" on the future of the City. The City of Melville Community Plan is a long term plan that aims to develop common goals that help all sections of the community in working together to achieve our community's aspirations.

Under the Social and Cultural Well-being section of the Plan the community's aspiration is to *"have access to both natural and built environments and assets that allow the community to enjoy a sustainable healthy lifestyle"*.

AMP identifies what actions will be taken to achieve the community's aspiration.

DETAIL

The AMP provides a strategic framework that identifies the key actions of the City of Melville to ensure that the community aspirations are achieved. AMP has been compiled as a direct response to the issues and challenges identified by the local community, the increasingly sedentary lifestyles and provides for enhancing the health and well being of our community.

The key issue for Lifestyle Services is not having a strategic direction for community sport and recreation. AMP provides this. Moving forward the key actions of the AMP are to

- Develop a Reserve and Facilities Master Plan
- Develop a ten year financial plan from the master plans
- Provide a Sport by Sport plan for the City of Melville
- Provide a Club by Club plan for the City of Melville

A copy of the plan can be found in attachment [8012 August 2007.pdf](#)

PUBLIC CONSULTATION/COMMUNICATION

A number of consultations and communications have taken place and are detailed within the AMP.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

As highlighted above these can be see within the AMP.

C07/8012 – ACTIVE MELVILLE PLAN (REC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

N/A.

FINANCIAL IMPLICATIONS

The financial impact this will have on the council and have been previously considered at the April 2007 round of council meetings.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

A number of principles underpin the AMP, and ultimately guide the decision making process in relation to the implementation of the action plan. These principles are aligned with the principles outlined in the Department of Sport and Recreations strategic document titled SD4 and are highlighted within the AMP.

The risk component of this new philosophy centres mainly around the financial impact this will have on the council. These have previously been considered at the April 2007 round of council meetings

POLICY IMPLICATIONS

This AMP has been developed to complement and guide the two recently approved Physical Activity and Support for Sport Clubs policies providing the strategic directions for the implementing the new philosophy.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

N/A.

CONCLUSION

The AMP provides a Strategic direction for the development of community sport and recreation facilities, services and activities.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8012) APPROVAL

At 7.35pm Cr D Macphail moved, seconded Cr C Robartson -

THAT THE ACTIVE MELVILLE PLAN [8012 August 2007.pdf](#) BE ADOPTED.

At 7.36pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

**C07/8002 – APPOINTMENT OF ARCHITECTS – LEEMING RECREATION CENTRE
(AMREC)**

| | |
|----------------------------|---|
| Ward | : Bull Creek/Leeming |
| Category | : Operational |
| Subject Index | : Leeming Recreation Centre |
| Customer Index | : Leeming Recreation Centre |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : C07/8002 – Leeming Recreation Centre – March 2007 |
| Works Programme | : Nil |
| Funding | : Not Applicable |
| Responsible Officer | : Dennis Gillam Manager Health & Lifestyle Services |

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- The purpose of this report is to seek Council approval to rescind a recommendation in contained in Council Resolution (8002) forming part of item CO7/8802 – Leeming Recreation Centre July 2007 which pertains to instructing James Christou and Partners Architects to commence detailed plans and costings for the redevelopment of the Leeming Recreation Centre.
- The City's lawyers advise that the recommendation may be in conflict with the conditions of Tender CO 39/05, 'Provision of architectural services for a five year period'.
- The amended recommendation seeks Council approval to reevaluate the allocation of the architectural work by reference to the expertise and resources of each of its Panel Architects and "value for money", in order to decide which of those architects should be invited to undertake the Leeming project.

C07/8002 – APPOINTMENT OF ARCHITECTS – LEEMING RECREATION CENTRE
(AMREC)**BACKGROUND**

At its meeting on 17 July 2007, the Council resolved

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

DETAIL

The City's lawyers have advised that Item 2 of that resolution may be inconsistent with the City's obligations under the City's Request for Tender No. C039/05 "The supply of architectural services for a five year period (RFT) and should be rescinded.

Under the RFT, the City has an 'absolute discretion' to allocate, to one of its three selected Panel Architects, the architectural services it requires. However, before allocating each project, the City is obliged to evaluate each panel member's expertise and resources against the job specific requirements at that time.

The City's lawyers have advised that, to comply with that evaluation obligation, as well as to ensure that the City obtains the best supplier for each project, it may be necessary for the City to look beyond the terms of the tenders that were submitted, and to obtain any updated or supplementary information that may be relevant. This may also require the City to invite the Panel Architects (either periodically, or on a case by case basis) to provide further information in relation to their expertise, resources and fees.

PUBLIC CONSULTATION/COMMUNICATION

N/A

**C07/8002 – APPOINTMENT OF ARCHITECTS – LEEMING RECREATION CENTRE
(AMREC)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

The City's legal advisers, McLeod Barristers and Solicitors have provided legal advice on the process which is incorporated within the recommendation in this report.

STATUTORY AND LEGAL IMPLICATIONS

Compliance with Local Government (Function and General) Regulations 1996.

FINANCIAL IMPLICATIONS

N/A

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

N/A

CONCLUSION

Based on the legal advice received the City is required to re-evaluate the skills and expertise of its panel architects in relation to this project.

**C07/8002 – APPOINTMENT OF ARCHITECTS – LEEMING RECREATION CENTRE
(AMREC)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8002) APPROVAL BY
ABSOLUTE MAJORITY**

At 7.37pm Cr C Robartson moved, seconded Cr J Phillips

THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL, THE COUNCIL;

- (a) RESCIND ITEM 2 OF COUNCIL RESOLUTION 8002; AND**
- (b) SUBSTITUTE THE FOLLOWING PARAGRAPH:**

“2. THAT THE CITY EVALUATE, BY REFERENCE TO THE EXPERTISE AND RESOURCES OF EACH OF ITS PANEL ARCHITECTS AND “VALUE FOR MONEY” FACTORS, WHICH OF THOSE ARCHITECTS SHOULD BE INVITED TO UNDERTAKE THE REDEVELOPMENT AND REFOCUSING OF THE LEEMING RECREATION CENTRE PROJECT”.

At 7.37pm the Mayor submitted the motion which was declared

CARRIED (12/0)

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

| | |
|----------------------------|---|
| Ward | : Bicton / Attadale |
| Category | : Operational |
| Application Number | : DA-2007-263 |
| Property | : 380 Caning Highway, Bicton |
| Proposal | : Additions and Alteration to Melville Plaza Shopping Centre (Centro Melville) |
| Applicant | : The Buchan Group |
| Owner | : CPT Custodian Ltd |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Responsible Officer | : Keith Weymes Manager Planning & Development Services |
| Previous Items | : Retrospective Carparking Deck – DA 831-2000 approved on 18/12/01 |

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- Addition of new shops and alterations to existing shops.
- Existing pool will be converted into car parking and revised access to the deck car parking.
- Existing ground floor car parking will be reconfigured.
- Total retail NLA will be decreased by 939 sqm as some shops have been converted to offices.
- Existing car parking area extends across the boundary onto Canning Highway
- The number of car parking bays has been decreased due these bays being removed and redesign of the parking area.
- Car parking bonus required.
- Proposed for approval subject to conditions.

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)**BACKGROUND**

An application for car parking deck with 112 car parking bays was approved by Council on 18 December 2001.

Proposal is for additions and alteration to the existing Shopping Centre (Metro Melville). It is understood that the owner of the adjoining shops, including the IGA store (presently closed), are also proposing redevelopment.

This matter was included in the City of Melville Development Advisory Unit report on 19 June 2007 (Report Uo7/0138). The proposal was to be reported to Council on 17 July, however further discussions with the City's Engineering Design Services identified aspects of the proposal which required redesign and have resulted in modified plans presented in this report.

Scheme Provisions

| | |
|--------------|---|
| MRS Zoning | : Urban |
| CPS 5 Zoning | : District Centre – DC3 – Melville Centre |
| R-Code | : R60 |
| Use Type | : Shop / Office |
| Use Class | : P / P |

Site Details

| | |
|--------------------------------------|---|
| Lot Area | : 22,129 sqm |
| Retention of Existing Vegetation | : Not applicable |
| Street Tree(s) | : Not applicable |
| Street Furniture (drainage pits etc) | : Not applicable |
| Site Details | : P07 3019 PROPERTY MAP.pdf |

[P07 3019 August 2007.pdf](#)

[P07 3019A August 2007.pdf](#)

DETAIL

The proposal involves additions to existing shops (Coles), additions of new shops plus alterations. A total of 9 new shops are proposed, 5 of them within the existing NLA. The existing Centre Management office will be reduced in area. The total NLA retail floor space is to be reduced by 939 sqm.

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

There are 3 existing ground level pedestrian accesses to the Centro Melville building. A new pedestrian entrance is proposed to the rear of the building (facing Fifth Street) to facilitate pedestrian access from the rear car parking area.

The existing pool from the Zest Health Club will be removed and new car parking bays and access (vehicular and pedestrian) to/from the deck car parking to the ground level will be provided.

Parking on site is reduced to accommodate a new parking configuration and remove parking bays from the Canning Highway road widening reservation.

450 car parking bays are proposed as part of this development. Access arrangements to Waddell Road are modified, but provide an additional pedestrian link between the eastern entrance and Waddell Road.

Development Requirements

| Development Requirement | Required/ Allowed | Proposed | Comments | Delegation to approve variation | Plan Notation |
|-------------------------|---------------------------------|---|------------------------|---------------------------------|---------------|
| Retail Floor Space | 12,000 sqm retail NLA | 8,218 sqm retail NLA (Centro Melville - inclusive of Health Club – 2,049.9 sqm) plus approximately 1,500 sqm retail NLA (adjoining shops including - IGA) Total = 9,718 sqm retail NLA | Complies | | |
| Plot Ratio | 0.6 = 13,277 sqm | 0.48 = 10,638 sqm | Complies | | |
| Landscaping | 25% of site area = 5,532 sqm | 3.6 % = 807 sqm (increased from 1.6% - 354.5 sqm) | Does not comply | MPDS | |
| Building Height | 11.0 m to eaves and 13.5 m max. | 9.2 m | Complies | | |

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

| | | | | | |
|------------|---|--|------------------------|-------------|--|
| Carparking | 7 bays per 100 sqm retail NLA (8,218 sqm – 575 bays) plus 1 bay per 30 sqm for office NLA. (174.1 sqm – 6 bays). Total 581 bays | 450 bays (Existing) – shortfall of 131 bays | Does not comply | MPDS | |
|------------|---|--|------------------------|-------------|--|

(Note: Non-compliances are emphasised in bold)

Setbacks

| Wall | Required | Proposed | Comments | Delegation to approve Variation | Plan Notation |
|------------------|----------------|----------|----------|---------------------------------|---------------|
| Front | Nil | 13.0 m | Complies | | |
| Secondary Street | Nil | 21.0 m | Complies | | |
| Rear | Not Applicable | | | | |
| Side | Not Applicable | | | | |

PUBLIC CONSULTATION/COMMUNICATION

Not applicable

REFERRALS TO GOVERNMENT AGENCIES

Not applicable as no additional retail floor space is proposed and no development is to occur within the road widening reservation.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Not applicable

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Not applicable

POLICY IMPLICATIONS

City of Melville's Development and Building Controls Policy 06.PI – 024 – Car Parking (Non Residential).

COMMENTSRetail Floor Space (NLA)

The City of Melville's Community Planning Scheme No. 5 has set a limit of 12,000 sqm retail NLA for the existing Melville Plaza Shopping Centre, which includes Centro Melville (inclusive of Coles), the adjoining shopping centre on the south-western corner (inclusive of IGA) and District Centre land to the south and east along Canning Highway. The existing Centro Melville building has a potential for 9,157 sqm retail NLA and the proposal is for a total of 8,218 sqm retail NLA. (reduction of 939 sqm). The adjoining shops have approximately 1,500 sqm retail NLA allocated. Therefore the total Retail Floor Space for the overall Shopping Centre is 9,718 sqm NLA - 2,282 sqm less than the maximum permitted in the District Centre. Precinct retail floor space for the remaining land within the District Centre to the south and east along Canning Highway has not been calculated as the current proposal reduced the retail floor space by 939 sqm. It is also noted that the retail floor space for the Centro Melville centre includes 2,049.9 sqm for the Health Club. Whilst this is not true retail floor space, inclusion within the NLA retail calculations allows for a change of use to occur on site, should the Health Club close.

Car Parking

In accordance with the plans submitted with the application, there are 503 existing car parking bays on site. It is proposed to reduce the parking provision to 450 car parking bays in a new configuration which facilitates provision of additional landscaping and removal of car parking bays in the future Canning Highway widening area. It is however noted that a pedestrian access way (steps and ramp) through the parking area adjacent to the intersection of Canning Highway and Waddell Road is proposed. This has removed 4 bays in front of the eastern entry to the centre, resulting in a reduced provision of 450 bays on site.

In accordance with the requirements of the City of Melville's Development and Building Controls Policy 06.PI – 024 – Car Parking (Non Residential), the existing Centro Melville shops require the provision of 581 car parking bays. However the existing development (9,157 sqm NLA retail - December 2001) was approved with a reduced parking requirement of 503 bays. This application further reduces the retail floor space to 8,218 sqm.

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

The applicant proposes to provide 5.5 bays per 100 sqm retail NLA instead of the 7 bays per 100 sqm retail NLA as required under the City of Melville's Policy. A similar requirement was approved for the Kardinya Park Shopping Centre extensions approved by Council in March 2007 (5.4 bays per 100 sqm retail NLA). This standard was based on draft Scheme review requirements of 5.6 bays per 100 sqm retail GLFA (NLA equivalent) as required under New South Wales Road Traffic Authority requirements and reduced in consideration of extensive parking analysis. Whilst a parking analysis has not been provided in this case, application of the standard as proposed under the review of the Scheme is considered reasonable and consistent with the Kardinya approval. Application of this standard would reduce the parking requirement to 460 bays (8,218 sqm at 5.6 bays per 100 sqm retail NLA plus 174 sqm of offices NLA at 1 bay per 30 sqm of office NLA (6 bays) – Total - 466 bays).

It is noted that application of the above parking standard to the 2 sites within the Melville Plaza Shopping Centres would require a total of 550 bays. Centro Melville proposes 450 bays and adjoining shops are likely to propose approximately 127 bays. This will provide for approximately 577 car parking bays for the Centre – approximately 27 bays in excess of this requirement. In this context, the provision of 450 bays on the Centro Melville site as proposed is considered acceptable.

It is noted that the Shopping Centre has good access to Public Transport helping to support the existing shortage in car parking provisions. However a proposed condition will recommend the provision of Bicycle Parking Facilities. In addition, and in recognition of reduced parking and landscaping (see below) standards being applied relative to Council Policy requirements, it is appropriate that the development contribute towards public art on site (as also required for the Kardinya Park Shopping Centre extensions relative to parking concessions).

Engineering Design Services have identified a number of minor car parking design modifications which will improve vehicle and pedestrian safety within the parking area. These changes are to be marked in red on the approved plan and are reflected in the standard conditions.

Traffic Impact

It is considered that there will be no additional traffic impacts as parking requirements will reduce relative to the reduced retail floor space and overall reduction of floor space for all commercial uses (280 sqm). No additional trips will be generated due to the reduced floor spaces.

Relocation of the existing vehicular entry close to Canning Highway along Waddell Road further to the north will rely upon use of the existing rear 'up' ramp for access to the car parking deck. This together with an internal down ramp will provide access to the lower level parking fronting Waddell Road. This will require modifications to the level of the lower parking area to achieve clearances with the underside of the upper deck in order to satisfy Australian Standards.

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

Engineering Design Services have identified requirements for upgrading the Fifth Street streetscape to assist in vehicle and pedestrian safety and connectivity. A condition in this regard is proposed.

A number of traffic circulation issues also exist between the two shopping centre sites. An existing Right of Carriageway Easement is located in the area of parking bays in front of the Centro Melville building on the adjoining shopping centre site. In addition, pedestrian access between the two centres is not secured by any easement. It is considered desirable that the parking layout and pedestrian linkages be rationalised into a more logical, efficient and safe design. This design is required to determine new Rights of Carriageway requirements on site for both vehicular and pedestrian access and address any formal shared parking arrangements. Accordingly, a condition in this regard is proposed. It is however noted that, as the adjoining site is not the subject of this application, a condition relative to changes to the easement on the adjoining shopping centre cannot be applied at this stage. Notwithstanding, any arrangement in this regard will need to form the basis of a new Centre Plan for the District Centre (see below) and will assist in guiding and determining future development proposals for the adjoining shopping centre.

Centre Plan

The City of Melville's Strategic Urban Planning Division has advised that any further development or redevelopment at the District Centre requires the submission and approval of a Centre Plan detailing how the two sites will be integrated in terms of traffic and pedestrian linkages, parking and service management, design theme and the introduction of any mixed uses on site. Notwithstanding, subject to satisfaction of standard CPS No 5 requirements, it would be reasonable to allow this application to proceed pending the submission of the Centre Plan prior to any further development at the Centre.

It is noted that both the adjoining shopping centres are currently proposing redevelopment at this time. Accordingly, it is opportune to resolve these matters prior to further development of the properties. Given that the current proposal does not involve the addition of any retail floor space, it would be reasonable to support the application at this time with a condition requiring the submission of a plan detailing basic traffic and pedestrian management linkages to determine appropriate reciprocal parking and access arrangements to be satisfied as part of the subject redevelopments and incorporated into any future Centre Plan.

Landscaping

The application proposes some additional landscaping to the existing landscaping, specifically located at the rear of the subject property. The total landscaping proposed is approximately 807 sqm, which is only 3.6% of the site area, in lieu of 25% required under the City of Melville's Community Planning Scheme No. 5. However, it should be noted that at the present time, there is only approximately 418 sqm of landscaping (1.8%) located on site.

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

To assist with the landscaping, the applicant is proposing to plant a tree every 4 bays within the new parking area fronting Canning Highway. In addition 109 sqm of landscaping are proposed within this new car parking area. This is considered acceptable as it will increase the existing landscaping on site.

It is also noted that the area between the new lot frontage and the existing footpath fronting Canning Highway is to be landscaped by the applicant in the interim period before any road upgrade occur.

Miscellaneous Details

No details have been provided with regard to the new rear access facing Fifth Street. A rear elevation will be required before the submission of a building licence application, showing the integration with the proposed rear entry with the existing building rear side elevations and proposals to screen the rear service area.

As no signage has been indicated on the plans submitted. A Signage Strategy will be required as part of the conditions.

Concern is also raised with regard to the management of shopping trolleys at the Centre. In this regard it is proposed to require a condition which proposes the installation of effective mechanical or electromechanical devices for shopping trolleys to address these concerns.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council may choose to require the preparation of a Centre Plan for the District Centre prior to determination of this application. This requirement is likely to be appealed as a formal Centre Plan would be expensive and take considerable time to produce. In addition, the issues required to be determined relative to these two subject sites primarily relate to the integration between the Centre in terms of traffic, parking and pedestrian management and these may be identified and dealt with as a condition of the approval as proposed.

CONCLUSION

Subject to satisfaction of conditions which specifically address the integration between the two adjoining shopping centres, it is considered reasonable to approve the proposed modifications to the Centro Melville shopping centre.

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

Officer Recommendation (3019)

Approval

At 7.39pm Cr C W Robartson moved, seconded by Cr P Phelan -

That the application for additions and alterations to Melville Plaza Shopping Centre (Centro Melville) on lot 212 (380) Canning Highway, Bicton be approved subject to the following conditions:

Special conditions:

- 1. A maximum total of 8,218 square metres of retail net lettable area (inclusive of 2,049.9 square metres of health club) to be provided as indicated on the approved plans.**
- 2. A detailed landscaping and reticulation plan being submitted and approved by the manager planning and development for the subject site and the road verge(s) adjacent to the site. The approved landscape and reticulation plan shall be fully implemented prior to first commencement of operation or occupation of the development and maintained thereafter to the satisfaction of the Manager Planning and Development Services.**
- 3. Rear elevation showing integration of the new rear pedestrian entry with the existing building rear side elevations and screening of the service area, to be submitted to the satisfaction and approval of the Manager Planning and Development Services, prior to the lodgement of a building licence.**
- 4. Before the subject development is first occupied or commences operation, a minimum of 450 on site car bays being provided, to the satisfaction of the Manager Planning and Development Services.**
- 5. Bicycle parking facilities shall be provided in the locations shown on the approved plans, at the existing entries to the shopping centre to the satisfaction of the manager infrastructure services. Design and set out details shall be submitted to and approved by the Manager Infrastructure Services prior to the issue of a building licence.**
- 6. A construction parking management plan shall be submitted to and approved by the Manager Planning and Development Services prior to the issue of a building licence. The approved construction parking management plan shall be implemented during construction of the centre**

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

7. All pedestrian paths and crossings shall be illuminated to the levels recommended in the Australian standard 1158 lighting for roads and public spaces.
8. Lighting on the subject property is to be designed and maintained in accordance with Australian standard AS 4282 (1997) control of obtrusive effects of outdoor lighting. A lighting plan demonstrating compliance with this requirement shall be submitted prior to the issue of a building licence.
9. 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;
10. The dimensions of all carparking bays, aisle widths and circulation areas complying with Australian Standard AS2890.1;
11. A signage strategy to be submitted for approval prior to the erection of any sign associated with the proposed development.
12. All new security alarm devices to be 'silent monitored' systems to address potential impacts on surrounding residential amenity to the satisfaction of the manager planning and development services.
13. Prior to the issue of a building licence a strategy for the installation or construction of public art on the site be developed and approved by the manager of planning and development and the works shown on the approved plan being installed or constructed prior to occupation of the development. It is anticipated that the public art be 1% of the construction cost and could include treatment of otherwise blank walls, enhanced urban design outcomes, sculptures, special treatment of public places and the like.
14. Prior to the issue of a building licence, the applicant is to liaise with the owner of the adjoining shopping centre development and prepare a plan for the rationalisation of parking, access, vehicles and pedestrians movement between the subject site and the adjoining site

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

15. Prior to the issue of a building licence, any identified easement, reciprocal parking arrangement or agreement identified in the satisfaction of condition 14 above is to be satisfied by the preparation of an easement in gross to be placed on the subject certificate of title in favour of the City of Melville to the satisfaction of the manager planning services. any agreement in this regard is to be prepared by council's solicitors and registered on the relevant certificate of title at the applicant's cost.
16. The minimum ground level of the lower parking area fronting waddell street being lowered to achieve required clearances with the underside of the upper parking deck in accordance with Australian standard AS2890.1:2004.
17. Effective mechanical or electromechanical devices must be deployed at all times on all shopping trolleys used on the development site with such devices and deployment to be to the satisfaction of the manager planning and development. devices may include but are not limited to coin operated release and return systems and electromagnetically triggered perimeter wheel brakes.
18. Fifth Street streetscape to be upgraded to the satisfaction of the manager engineering design to improve safety and visual amenity of the street, inclusive of improved delineation of the bend on Fifth Street for southbound traffic, street lighting and connectivity with the local path network.

Standard Conditions:

COM: 01, 03, 06, 11, 14, 15, 16, 21, 24, 26, 27, 28, 30, 31, 33, 38, 47, 50.

Advice to applicant/owner: No future development or redevelopment will be considered in the absence of a "centre plan" showing co-ordination, integration and mix of uses at the district centre over the combined sites and incorporation of any rationalised parking and access arrangement identified in the satisfaction of condition 15 above.

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)**Footnote:**

1. That the City of Melville in consultation with the owners prepare a centre plan to inform the amenity and efficiency of the centre prior to the approval of any further substantial expansion of the centre.
2. Council note that the reduced parking requirement is valued at approximately 1.8 million dollars.

FURTHER INFORMATION PROVIDED BY THE OFFICERS WHICH WAS TABLED AT THE MEETING

Report P07/3019 regarding the proposed additions and alterations to Melville Plaza Shopping Centre indicated that further details were required with regard to the new rear entry and servicing areas adjacent Fifth Street. Following requests for a site meeting at Agenda Forum on 7 August 2007, a number of meetings have been held with Elected Members, the applicant and City of Melville Engineering Design and Planning Services staff in an effort to gain greater clarity and discuss other access issues relating to the proposed development.

Rear Entry and Service Area

Following the site meeting preliminary proposals for the new northern entry and upgrade of the northern service yard have been presented as attached. The detail provides for a significantly improved rear elevation and presentation of the existing service area, screens and gates to service areas, delineation of pedestrian and service area paving, provision of additional landscaping and rationalisation of the road and pedestrian path network.

Officer Recommendation

In order to facilitate the above, it is proposed that the recommended approval conditions be modified as follows:

a) Condition 3 be modified as follows:

3. **Rear elevation for the northern pedestrian entrance and screening of service areas adjacent Fifth Street together with road, landscaping and pedestrian path modifications to be detailed on an application for building licence in general accordance with preliminary concept plans dated 21 August 2007 to the satisfaction of the Manager Planning and Development Services.**

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)**Vehicle Access to Waddell Road**

The proposal involves closure of the existing Waddell Road access adjacent Canning Highway to address traffic concerns and improve pedestrian access to the centre. The plans presented to Agenda Forum involved an emphasis on utilisation of the northern most access ramp leading directly to a proposed internal ramp (falling in a southerly direction) to the lower parking area. Concerns have been raised by local residents that the increased use of the northern most access will have a negative impact on neighbourhood amenity. Notwithstanding that the ramp presently provides access to an existing parking area on the top deck (which is poorly used), discussions with the applicant have resulted in a preliminary proposal to reduce the emphasis on the northern most access by redirecting the internal ramp so that it falls in a northerly direction and gains its direct access from the existing southern most access ramp from Waddell Road (in general accordance with the attached preliminary plan dated 21 August 2007). This will assist in reducing traffic impacts from the proposed development on the locality.

Officer Recommendation

In order to facilitate the above, it is proposed that the recommended approval conditions be modified to add a new condition 19 as follows:

- 19. The internal access ramp be redirected to fall in a northerly direction and gain direct access from the southern most access ramp to Waddell Road in general accordance with the preliminary concept plan dated 21 august 2007. details in this regard to be included in an application for building licence to the satisfaction of the Manager Planning and Development Services.**

Vehicle Access to Canning Highway

It has been suggested that direct access from Canning Highway could significantly reduce the impact of traffic on the surrounding local roads. Whereas this has not been formally proposed at this stage, opportunity may present for consideration of this matter in the preparation of future Centre Plans for the site, inclusive of the adjoining IGA site. Because of the proposed channelisation of Canning Highway and the proposed extension of the Stock Road turning lane this may not be acceptable to Main Roads WA.

Officer Recommendation

In order to acknowledge the above, it is proposed that Footnote 1 be modified in accordance with the following:

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

Footnote 1

That the City of Melville in consultation with the owners prepare a centre plan to improve the amenity and efficiency of the centre, inclusive of investigations into the desirability and permissibility of a direct crossover and deceleration lane along Canning Highway prior to the approval of any further substantial expansion of the centre.

Amendment 1

At 7.47pm Cr L Wyatt moved, seconded Cr J Barton -

That condition 3 of the Officer's recommendation be amended to read as follows:

- 3. Rear elevation for the northern pedestrian entrance and screening of service areas adjacent Fifth Street together with road, landscaping and pedestrian path modifications to be detailed on an application for building licence in general accordance with preliminary concept plans dated 21 August 2007 to the satisfaction of the Manager Planning and Development Services.**

and that a new condition 19 be added to read as follows:

- 19. The internal access ramp be redirected to fall in a northerly direction and gain direct access from the southern most access ramp to Waddell Road in general accordance with the preliminary concept plan dated 21 August 2007. Details in this regard to be included in an application for building licence to the satisfaction of the Manager Planning and Development Services.**

and that Footnote 1 be amended to read as follows:

Footnote 1

That the City of Melville in consultation with the owners prepare a centre plan to improve the amenity and efficiency of the centre, inclusive of investigations into the desirability and permissibility of a direct crossover and deceleration lane along Canning Highway prior to the approval of any further substantial expansion of the centre.

At 7.48pm the Mayor submitted the motion, which was declared

CARRIED 12/0

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

Amendment 2

At 7.48pm Cr J Barton moved, seconded Cr L Wyatt –

That the following footnotes be included:

Footnote 3

That the City of Melville advise the applicant that it strongly encourages the installation of an enclosed travelator in the position of the proposed disabled access ramp to improve accessibility to the upper parking deck.

Footnote 4

That Council staff arrange for traffic counts to be taken in three suitable positions on each of the following streets; Fifth Street, Murray Road, Waddell Road, before and after the development.

Footnote 5

Landscaping on Waddell Road adjacent to shopping centre to be completed.

At 7.49pm the Mayor submitted the motion, which was declared

CARRIED 12/0

At 7.50pm Cr M Reynolds left the chamber.

COUNCIL RESOLUTION 3019

At 7.53pm the Mayor submitted the substantive motion, being -

THAT THE APPLICATION FOR ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

SPECIAL CONDITIONS:

- 1. A MAXIMUM TOTAL OF 8,218 SQUARE METRES OF RETAIL NET LETABLE AREA (INCLUSIVE OF 2,049.9 SQUARE METRES OF HEALTH CLUB) TO BE PROVIDED AS INDICATED ON THE APPROVED PLANS.**
- 2. A DETAILED LANDSCAPING AND RETICULATION PLAN BEING SUBMITTED AND APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT FOR THE SUBJECT SITE AND THE ROAD VERGE(S) ADJACENT TO THE SITE. THE APPROVED LANDSCAPE AND RETICULATION PLAN SHALL BE FULLY IMPLEMENTED PRIOR TO FIRST COMMENCEMENT OF OPERATION OR OCCUPATION OF THE DEVELOPMENT AND MAINTAINED THEREAFTER TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

3. **REAR ELEVATION FOR THE NORTHERN PEDESTRIAN ENTRANCE AND SCREENING OF SERVICE AREAS ADJACENT FIFTH STREET TOGETHER WITH ROAD, LANDSCAPING AND PEDESTRIAN PATH MODIFICATIONS TO BE DETAILED ON AN APPLICATION FOR BUILDING LICENCE IN GENERAL ACCORDANCE WITH PRELIMINARY CONCEPT PLANS DATED 21 AUGUST 2007 TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
4. **BEFORE THE SUBJECT DEVELOPMENT IS FIRST OCCUPIED OR COMMENCES OPERATION, A MINIMUM OF 450 ON SITE CAR BAYS BEING PROVIDED, TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
5. **BICYCLE PARKING FACILITIES SHALL BE PROVIDED IN THE LOCATIONS SHOWN ON THE APPROVED PLANS, AT THE EXISTING ENTRIES TO THE SHOPPING CENTRE TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES. DESIGN AND SET OUT DETAILS SHALL BE SUBMITTED TO AND APPROVED BY THE MANAGER INFRASTRUCTURE SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.**
6. **A CONSTRUCTION PARKING MANAGEMENT PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE. THE APPROVED CONSTRUCTION PARKING MANAGEMENT PLAN SHALL BE IMPLEMENTED DURING CONSTRUCTION OF THE CENTRE**
7. **ALL PEDESTRIAN PATHS AND CROSSINGS SHALL BE ILLUMINATED TO THE LEVELS RECOMMENDED IN THE AUSTRALIAN STANDARD 1158 LIGHTING FOR ROADS AND PUBLIC SPACES.**
8. **LIGHTING ON THE SUBJECT PROPERTY IS TO BE DESIGNED AND MAINTAINED IN ACCORDANCE WITH AUSTRALIAN STANDARD AS 4282 (1997) CONTROL OF OBTRUSIVE EFFECTS OF OUTDOOR LIGHTING. A LIGHTING PLAN DEMONSTRATING COMPLIANCE WITH THIS REQUIREMENT SHALL BE SUBMITTED PRIOR TO THE ISSUE OF A BUILDING LICENCE.**
9. **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;**
10. **THE DIMENSIONS OF ALL CARPARKING BAYS, AISLE WIDTHS AND CIRCULATION AREAS COMPLYING WITH AUSTRALIAN STANDARD AS2890.1;**

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

11. A SIGNAGE STRATEGY TO BE SUBMITTED FOR APPROVAL PRIOR TO THE ERECTION OF ANY SIGN ASSOCIATED WITH THE PROPOSED DEVELOPMENT.
12. ALL NEW SECURITY ALARM DEVICES TO BE 'SILENT MONITORED' SYSTEMS TO ADDRESS POTENTIAL IMPACTS ON SURROUNDING RESIDENTIAL AMENITY TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
13. PRIOR TO THE ISSUE OF A BUILDING LICENCE A STRATEGY FOR THE INSTALLATION OR CONSTRUCTION OF PUBLIC ART ON THE SITE BE DEVELOPED AND APPROVED BY THE MANAGER OF PLANNING AND DEVELOPMENT AND THE WORKS SHOWN ON THE APPROVED PLAN BEING INSTALLED OR CONSTRUCTED PRIOR TO OCCUPATION OF THE DEVELOPMENT. IT IS ANTICIPATED THAT THE PUBLIC ART BE 1% OF THE CONSTRUCTION COST AND COULD INCLUDE TREATMENT OF OTHERWISE BLANK WALLS, ENHANCED URBAN DESIGN OUTCOMES, SCULPTURES, SPECIAL TREATMENT OF PUBLIC PLACES AND THE LIKE.
14. PRIOR TO THE ISSUE OF A BUILDING LICENCE, THE APPLICANT IS TO LIAISE WITH THE OWNER OF THE ADJOINING SHOPPING CENTRE DEVELOPMENT AND PREPARE A PLAN FOR THE RATIONALISATION OF PARKING, ACCESS, VEHICLES AND PEDESTRIANS MOVEMENT BETWEEN THE SUBJECT SITE AND THE ADJOINING SITE
15. PRIOR TO THE ISSUE OF A BUILDING LICENCE, ANY IDENTIFIED EASEMENT, RECIPROCAL PARKING ARRANGEMENT OR AGREEMENT IDENTIFIED IN THE SATISFACTION OF CONDITION 14 ABOVE IS TO BE SATISFIED BY THE PREPARATION OF AN EASEMENT IN GROSS TO BE PLACED ON THE SUBJECT CERTIFICATE OF TITLE IN FAVOUR OF THE CITY OF MELVILLE TO THE SATISFACTION OF THE MANAGER PLANNING SERVICES. ANY AGREEMENT IN THIS REGARD IS TO BE PREPARED BY COUNCIL'S SOLICITORS AND REGISTERED ON THE RELEVANT CERTIFICATE OF TITLE AT THE APPLICANT'S COST.
16. THE MINIMUM GROUND LEVEL OF THE LOWER PARKING AREA FRONTING WADDELL STREET BEING LOWERED TO ACHIEVE REQUIRED CLEARANCES WITH THE UNDERSIDE OF THE UPPER PARKING DECK IN ACCORDANCE WITH AUSTRALIAN STANDARD AS2890.1:2004.
17. EFFECTIVE MECHANICAL OR ELECTROMECHANICAL DEVICES MUST BE DEPLOYED AT ALL TIMES ON ALL SHOPPING TROLLEYS USED ON THE DEVELOPMENT SITE WITH SUCH DEVICES AND DEPLOYMENT TO BE TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT. DEVICES MAY INCLUDE BUT ARE NOT LIMITED TO COIN OPERATED RELEASE AND RETURN SYSTEMS AND ELECTROMAGNETICALLY TRIGGERED PERIMETER WHEEL BRAKES.

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

- 18. FIFTH STREET STREETScape TO BE UPGRADED TO THE SATISFACTION OF THE MANAGER ENGINEERING DESIGN TO IMPROVE SAFETY AND VISUAL AMENITY OF THE STREET, INCLUSIVE OF IMPROVED DELINEATION OF THE BEND ON FIFTH STREET FOR SOUTHBOUND TRAFFIC, STREET LIGHTING AND CONNECTIVITY WITH THE LOCAL PATH NETWORK.**
- 19. THE INTERNAL ACCESS RAMP BE REDIRECTED TO FALL IN A NORTHERLY DIRECTION AND GAIN DIRECT ACCESS FROM THE SOUTHERN MOST ACCESS RAMP TO WADDELL ROAD IN GENERAL ACCORDANCE WITH THE PRELIMINARY CONCEPT PLAN DATED 21 AUGUST 2007. DETAILS IN THIS REGARD TO BE INCLUDED IN AN APPLICATION FOR BUILDING LICENCE TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

STANDARD CONDITIONS:

COM: 01, 03, 06, 11, 14, 15, 16, 21, 24, 26, 27, 28, 30, 31, 33, 38, 47, 50.

ADVICE TO APPLICANT/OWNER: NO FUTURE DEVELOPMENT OR REDEVELOPMENT WILL BE CONSIDERED IN THE ABSENCE OF A "CENTRE PLAN" SHOWING CO-ORDINATION, INTEGRATION AND MIX OF USES AT THE DISTRICT CENTRE OVER THE COMBINED SITES AND INCORPORATION OF ANY RATIONALISED PARKING AND ACCESS ARRANGEMENT IDENTIFIED IN THE SATISFACTION OF CONDITION 15 ABOVE.

FOOTNOTES:

- 1. THAT THE CITY OF MELVILLE IN CONSULTATION WITH THE OWNERS PREPARE A CENTRE PLAN TO IMPROVE THE AMENITY AND EFFICIENCY OF THE CENTRE, INCLUSIVE OF INVESTIGATIONS INTO THE DESIRABILITY AND PERMISSIBILITY OF A DIRECT CROSSOVER AND DECELERATION LANE ALONG CANNING HIGHWAY PRIOR TO THE APPROVAL OF ANY FURTHER SUBSTANTIAL EXPANSION OF THE CENTRE.**
- 2. COUNCIL NOTE THAT THE REDUCED PARKING REQUIREMENT IS VALUED AT APPROXIMATELY 1.8 MILLION DOLLARS**
- 3. THAT THE CITY OF MELVILLE ADVISE THE APPLICANT THAT IT STRONGLY ENCOURAGES THE INSTALLATION OF AN ENCLOSED TRAVELATOR IN THE POSITION OF THE PROPOSED DISABLED ACCESS RAMP TO IMPROVE ACCESSIBILITY TO THE UPPER PARKING DECK.**
- 4. THAT COUNCIL STAFF ARRANGE FOR TRAFFIC COUNTS TO BE TAKEN IN THREE SUITABLE POSITIONS ON EACH OF THE FOLLOWING STREETS; FIFTH STREET, MURRAY ROAD AND WADDELL ROAD, BEFORE AND AFTER THE DEVELOPMENT.**

P07/3019 - ADDITIONS AND ALTERATIONS TO MELVILLE PLAZA SHOPPING CENTRE (CENTRO MELVILLE) ON LOT 212 (380) CANNING HIGHWAY, BICTON (REC) (ATTACHMENT)

5. LANDSCAPING ON WADDELL ROAD ADJACENT TO SHOPPING CENTRE TO BE COMPLETED.

which was

CARRIED (11/0)

P07/3017 – RECONSIDERATION OF SPECIAL CONDITION NO. 15 OF THE PLANNING APPROVAL FOR ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (AMREC) (ATTACHMENT)

Ward : Bicton / Attadale
 Category : Operational
 Application Number : DA-2007-2011
 Property : 33 – 35 Davidson Road, Attadale
 Proposal : Additions of Classrooms and Administration
 Applicant : Ronal Hawkins Architect Pty Ltd
 Owner : Roman Catholic Archbishop of Perth
 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 – 2005 – 653, approved on 15 June 2005

Disclosures of Interest

Item No : P07/3017 - Reconsideration of Special Condition No. 15 of the Planning Approval for Additions to Mel Maria Catholic School 33-35 Davidson Road, Attadale
Member : Cr A Ceniviva
Type of Interest : Financial Interest in accordance with the Act
Nature of Interest : Play Tennis at St Joseph's School
Extent of Interest : Member of Tennis Club
Request : Leave
Decision of Council : Not required

At 7.53pm having declared an interest in this matter Cr A Ceniviva left the Chamber.

AUTHORITY / DISCRETION

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

P07/3017 – RECONSIDERATION OF SPECIAL CONDITION NO. 15 OF THE PLANNING APPROVAL FOR ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (AMREC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Proposed Additions were approved by Council at its Ordinary Meeting on 19 June 2007.
- Condition 15 of the approval refers to the provision of a new masonry wall along the common boundary to the south east.
- Affected residents are concerned that the masonry wall may destroy parts of their gardens and support the review of the condition.
- Proposal is supported for approval subject to conditions.

BACKGROUND

A Development application DA-2007-2011 for extensions to the Mel Maria Primary School was approved by the Council at its Ordinary Meeting on 19 June 2007.

Scheme Provisions

| | |
|--------------|---------------------------------|
| MRS Zoning | : Urban |
| CPS 5 Zoning | : Living Area |
| R-Code | : R15 |
| Use Type | : Educational Establishment |
| Use Class | : S (Discretion of the Council) |

Site Details

| | |
|--------------------------------------|---|
| Lot Area | : 24,844sqm |
| Retention of Existing Vegetation | : Some |
| Street Tree(s) | : Yes |
| Street Furniture (drainage pits etc) | : Yes |
| Site Details | : P07_3017_PROPERTY_MAP.pdf |

DETAIL

The proposal was approved subject to 15 Special and 15 Standard Conditions. Special Condition No.15 reads as follows:

“Provision of a new masonry fence and associated protective landscaping to the satisfaction of the Manager Planning and Development Services to be provided adjacent to the car park and drop-off/pick-up area and accessway of Wichmann Road.”

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

P07/3017 – RECONSIDERATION OF SPECIAL CONDITION NO. 15 OF THE PLANNING APPROVAL FOR ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (AMREC) (ATTACHMENT)**REFERRALS TO GOVERNMENT AGENCIES**

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

Not applicable

COMMENTS

The intent of the Special Condition was to provide some amenity improvements to adjoining residents in terms of improved fencing standards which partially address noise control and protection from fence damage due to increased vehicular activity in the adjacent parking area.

The applicant has met with the 4 abutting property owners along the common boundary with the proposed car parking and drop-off and pick-up area; 3 of the owners are concerned that the footing for the masonry wall will partially destroy their gardens, 2 of the owners have requested to have a 1.8m high colorbond fence instead of the masonry fence and 1 owner advised that their recently constructed super-six fence is in good condition and should be retained. Only 1 owner was agreeable and had a preference for the masonry fence.

The Mel Maria Catholic Primary is prepared to construct the required fencing, however is equally agreeable to construction of alternative fencing which addresses the adjoining owners concerns and objectives of the condition.

Given that the majority of adjoining owners have concerns over the required fencing, it is reasonable to relax the requirement, providing that a consistent standard of fencing is achieved in terms of colour and height. In this regard, it is noted that the existing fence is constructed of both super-six and colorbond of varying condition and height. Whilst

P07/3017 – RECONSIDERATION OF SPECIAL CONDITION NO. 15 OF THE PLANNING APPROVAL FOR ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (AMREC) (ATTACHMENT)

construction of masonry fencing will provide a consistent standard, new masonry and colorbond fence at a consistent height with the recently constructed super-six fence will also achieve consistency and an improved appearance provided the different fencing types are painted or finished in the one colour..

CONCLUSION

In view of the above comments, it is considered reasonable that Special Condition 15 be modified to allow the construction of combined masonry and colorbond fence to be added to the recently constructed super-six fence, provided the fencing is at a consistent height and colour.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3017) APPROVAL

At 7.53 Cr Wyatt moved, seconded Cr Barton

THAT RECONSIDERATION OF SPECIAL CONDITION NO. 15 OF THE PLANNING APPROVAL FOR ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE BE APPROVED AS FOLLOWS:

THE CURRENT SPECIAL CONDITION NO. 15 TO BE DELETED AND REPLACED WITH THE FOLLOWING NEW SPECIAL CONDITION NO. 15:

- 15. A NEW MASONRY AND COLOURBOND FENCE TO MATCH THE RECENTLY CONSTRUCTED SUPER-SIX FENCE AT A CONSISTENT HEIGHT AND COLOUR TOGETHER WITH ASSOCIATED PROTECTIVE LANDSCAPING TO BE PROVIDED ALONG THE EASTERN SIDE BOUNDARY ADJACENT TO THE PROPOSED PARKING AND PICK-UP AREA TO THE SATISFACTION OF THE ADJOINING PROPERTY OWNERS. ALTERNATIVELY, IN THE EVENT OF A DISPUTE BETWEEN THE APPLICANT AND THE ADJOINING PROPERTY OWNERS, THE NEW FENCE IS TO BE FINISHED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

At 7.54pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (10/0)

At 7.55pm Cr Ceniviva returned to the Chamber.

C07/5010 - CONSIDERATION OF DRAFT RISK MANAGEMENT AND OCCUPATIONAL SAFETY AND HEALTH POLICIES (REC) (ATTACHMENT)

| | |
|----------------------------|---|
| Ward | All |
| Category | Policy |
| Subject Index | Council Administration – Risk Management Policies, Procedures, Disaster Plan – Master Copies Occupational Safety and Health – Occupational Safety and Health Policies and Procedures |
| Customer Index | Nil |
| Disclosure of any Interest | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | Nil |
| Works Programme | Not Applicable |
| Funding | Not Applicable |
| Responsible Officer | Stephen Smith Risk Management Coordinator |

AUTHORITY / DISCRETION

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

C07/5010 - CONSIDERATION OF DRAFT RISK MANAGEMENT AND OCCUPATIONAL SAFETY AND HEALTH POLICIES (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Changes have been made to the Risk Management Policy to reflect the relationship between risk management and internal audit and their respective positions and the formation of the Audit, Risk and Compliance Committee.
- Changes to the Occupational Safety and Health Policy have been made to bring it in line with the contemporary policy framework and Safety Management Plan which has responsibilities clearly stated as part of procedures and guidelines.

BACKGROUND

This report presents the draft policies 26-PL-001 Risk Management and 26-PL-002 Occupational Safety and Health for Council's Consideration. The drafts have previously been submitted to the Audit, Risk and Compliance Portfolio for comment.

The current Risk Management Policy was approved by Council in November 2005 along with an associated strategy. The current Occupational Safety and Health Policy was approved by Council in October 2004.

DETAIL

Changes to the Council 'meetings' process with the creation of the Audit, Risk and Compliance portfolio and Committee has required a review of the risk reporting and information distribution arrangements as outlined within the Policy

With the appointment of the Process Improvement Auditor it is now important to accurately reflect the relationship between this position and that of the Risk Management Coordinator by modifying the Risk Management Policy. The Policy as drafted now demonstrates the important relationship and support that the two positions provide to the overall aim of continuing to improve governance arrangements. [5010A August 2007.pdf](#)

The Occupational Safety and Health Policy has not been updated for a couple of years and as such part of the purpose of this review was to bring it in line with the current Policy framework. [5010B August 2007.pdf](#) The various stated responsibilities previously noted in the Policy have been removed as they were felt to be simply a restating of the Occupational Safety and Health Act. Responsibilities for various occupational safety and health issues have now more appropriately been documented in the relevant safety procedure or safety guideline. This allows greater flexibility to change these as necessary and reflects the safety management plan.

C07/5010 - CONSIDERATION OF DRAFT RISK MANAGEMENT AND OCCUPATIONAL SAFETY AND HEALTH POLICIES (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

No external consultation has been carried out as the Draft Policies refer to the internal operational management of these issues.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

In line with the Occupational Safety and Health Act 1984 it is a requirement that the organisation have an established and published policy outlining its commitment to the management of Occupational Safety and Health.

There are no direct statutory or legal implications that relate to the Risk Management Policy.

FINANCIAL IMPLICATIONS

There are no up front or ongoing financial implications for Council in adopting these policies as they currently exist and are accounted for in current budgets.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Approval of the draft policies will assist efforts in continuing to improve governance arrangements and meeting statutory obligations. The draft Occupational Safety and Health Policy will reaffirm City of Melville's commitment to employee safety and well being.

No extreme or high level risks have been identified in the development of these policies or this report due to the fact that both policies have previously existed.

POLICY IMPLICATIONS

Nil

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not to adopt these policies and continue with previous policies would not support current management arrangements and processes.

C07/5010 - CONSIDERATION OF DRAFT RISK MANAGEMENT AND OCCUPATIONAL SAFETY AND HEALTH POLICIES (REC) (ATTACHMENT)**CONCLUSION**

The draft risk management policy now accounts for the changes in Council 'meetings' process and documents the relationship between the Process Improvement Auditor and the Risk Management Coordinator as part of the overall governance arrangements.

The draft occupational safety and health policy reflects the current policy framework and has the responsibilities documented in safety procedures and guidelines in line with contemporary safety management documentation.

Officers Recommendation (5010)**Approval**

That draft policy 26-PL-001 Risk Management and 26-PL-002 Occupational Safety and Health as attached be adopted.

FURTHER INFORMATION PROVIDED BY THE OFFICERS WHICH WAS TABLED AT THE MEETING

Following presentation and subsequent discussion of the Draft Risk Management Policy at the August Agenda Forum changes, have been made to draft policy as presented at that meeting.

The opportunity has also been taken to refine the policy objectives, with parts of the policy content being moved more appropriately to the policy statement section. No significant changes have been made to the policy wording simply changes to improve the readability and flow of the policy document.

At 7.56pm Cr Ceniviva moved, seconded Cr J Phillips that

The Officers recommendation be replaced with the following motion:-

THAT DRAFT POLICIES 26-PL-001 RISK MANAGEMENT, 5010A August 2007 Amended.pdf WITH AMENDMENTS AS TABLED, AND 26-PL-002 OCCUPATIONAL SAFETY AND HEALTH 5010B August 2007.pdf, BE ADOPTED.

C07/5010 - CONSIDERATION OF DRAFT RISK MANAGEMENT AND OCCUPATIONAL SAFETY AND HEALTH POLICIES (REC) (ATTACHMENT)

FOOTNOTE

THE FURTHER CHANGES IN POLICY REFLECT SUGGESTED CHANGES BY THE CHAIR OF THE AUDIT, RISK AND COMPLIANCE COMMITTEE, COUNCILLOR CENIVIVA TO NOW MORE ACCURATELY PORTRAY THE RISK REGISTER DOCUMENTATION MAINTAINED BY THE CITY OF MELVILLE. THE CHANGES AS SUGGESTED BY COUNCILLOR CENIVIVA ARE IN RED IN THE ATTACHED UPDATED DRAFT POLICY. THE CHANGES HIGHLIGHTED IN YELLOW ARE THE ADDITIONAL INCLUSIONS FROM THE CURRENT POLICY THAT ARE REFERRED TO WITHIN THE COUNCIL REPORT.

At 7.56pm the Mayor submitted the motion, which was declared

CARRIED (11/0)

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

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

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- This report presents the first draft of the financial statements to the end of July 2007 and recommends that they be noted by Council.

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

BACKGROUND

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail-
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown-
 - (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be-
 - (a) presented to the council-
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

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

DETAIL

The attached reports have been prepared in compliance with the requirements of the legislation. Whilst they give a fair indication of the situation for the month of July, the Budget phasing requires further development. The initial budget phasing required by most users has been loaded into the system, but at this stage has been only quickly reviewed. Some users have yet to respond with their phasing information and at present these budgets are spread evenly over the year.

Investments have been valued at the cost of acquisition for the purpose of these monthly reports.

The following attachments form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 15 August 2007.

| DESCRIPTION | LINK |
|---|--|
| Statement of Financial Activity – July 2007 | 6002A August 2007.pdf |
| Operating Statements by Program for the period ended 31 July 2007 | 6002B August 2007.pdf |
| Representation of Working Capital as at July 2007 | 6002E August 2007.pdf |
| Reconciliation of Net Working Capital as at 31 July 2007 | 6002F August 2007.pdf |
| Notes on Operating Statements for July 2007 reporting on variances of 10% or greater | 6002H August 2007.pdf |
| Details of Budget Amendments requested during the month of July 2007 | 6002J1 August 2007.pdf |
| Details of Budget Amendments requested during the month of July 2007, and relating to the June month year end processes | 6002J2 August 2007.pdf |
| Summary of Rates debtors as at 31 July 2007 | 6002L August 2007.pdf |
| Graph showing Rates Collections as at 31 July 2007 | 6002M August 2007.pdf |
| Summary of general Debtors aged 90 days old or greater as at 31 July 2007 | 6002N August 2007.pdf |

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

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

Amendments to the 2006/2007 Budget and the 2007/2008 Budget have been included in the budget amendment reports.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

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

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

**OFFICER RECOMMENDATION AND COUNCIL RECOMMENDATION (6002)
ABSOLUTE MAJORITY APPROVAL**

At 7.56pm Cr A Cenviva moved, seconded Cr M J Barton -

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

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

- 2. THAT BY ABSOLUTE MAJORITY DECISION, THE BUDGET AMENDMENTS, AS LISTED IN THE BUDGET AMENDMENT REPORTS FOR JUNE AND JULY 2007, AS DETAILED IN ATTACHMENTS [6002J1 August 2007.pdf](#) AND [6002J2 August 2007.pdf](#) BE ADOPTED.**

At 7.57pm the Mayor submitted the above motions, which were declared

CARRIED WITHOUT DISSENT (11/0)

ADOPTION OF ITEMS NOT WITHDRAWN

At 7.56pm Cr R Aubrey moved, seconded Cr C Robartson -

THAT THE REPORTS OF OFFICERS EXCLUDING ITEMS C07/8014, C07/8012, C07/8002, P07/3019, P07/3017, C07/5010, AND C07/6002, BE RECEIVED AND THE RECOMMENDATIONS CONTAINED THEREIN BE ADOPTED.

At 7.56pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (11/0)

C07/8013 - DISABILITY ACCESS AND INCLUSION PLAN 2007 (REC) (ATTACHMENT)

| | | |
|----------------------------|---|--|
| Ward | : | All |
| Category | : | Operational |
| Subject Index | : | Disability Services – Access and Inclusion Plan |
| Customer Index | : | Disability Services Commission |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : | C04/8011 Disability Access and Inclusion Plan September 2004 8013 P1 August 2007.pdf |
| Works Programme | : | Not Applicable |
| Funding | : | Not Applicable |
| Responsible Officer | : | Christine Young Manager Community Development |

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- Review of the Disability Access & Inclusion Plan (DAIP) as required by legislation to be lodged with the Disability Services Commission.
- It is recommended that the DAIP be adopted and reviewed annually and that the DAIP be voluntarily lodged with the Human Rights and Equal Opportunity Commission (HEREOC).

C07/8013 - DISABILITY ACCESS AND INCLUSION PLAN 2007 (REC) (ATTACHMENT)**BACKGROUND**

In 2007, the City undertook to review its existing DAIP, consult with key stakeholders and draft a new DAIP to guide further improvements to access and inclusion. The DAIP 2007 – 2011 has been developed [8013 August 2007.pdf](#)

The development process included that the draft of the Disability Access and Inclusion Plan 2007 – 2011 be submitted to Council for formal adoption.

The City contracted an independent disability consultancy firm, E-QUAL, to conduct the review and consultation and draft a DAIP for the City.

The process included:

- examination of the City's existing DAIP and subsequent review reports to see what has been achieved and what still needs work;
- examination of other council documents and strategies;
- investigation of contemporary trends and good practice in access and inclusion;
- consultation with City staff;
- consultation with the community;
- preparation of a report on the review and consultation; and
- information presentations to Councillors and senior staff.

A presentation was made to the Elected Members Workshop in May 2007 outlining the requirements for Local Government to review the DAIP prior to July 31 2007.

The original City of Melville's Disability Service Plan was adopted in 1995. The intention at that time was for Disability Service Plans to complement the general planning processes outlined in the Local Government Act to improve access and inclusion for people with disabilities, their families and carers. Disability Service Plans provide a framework for meeting the needs of the many people with disabilities in local communities.

The City's 1995 Disability Services Plan was reviewed in 2003 and the reviewed document was renamed Disability Access and Inclusion Plan (DAIP) which was developed, adopted and implemented in 2004 to 2007.

DETAIL

The residential population of the City of Melville is around 98,000. According to the Australian Bureau of Statistics (ABS) Survey of Disability, Ageing and Carers (2003), 20.6% of Australians or more that 1 in 5 people identify themselves as having some form of disability. Based on the population estimate and these findings, it is estimated that there are around 19,000 people with disabilities living in the City.

C07/8013 - DISABILITY ACCESS AND INCLUSION PLAN 2007 (REC) (ATTACHMENT)

In addition, the City's residential population has an above average number of persons 60 years and over. The percentage of people 60 years and over living within the municipality is now more than 20% of the total population. Currently it is estimated that 51% of people aged over 60 years have identified themselves as having a disability due to needing assistance to manage health conditions or cope with everyday activities. (Based on synthesised data from Disability, Aging and Carers: Summary of Findings ABS 2003).

The draft Disability Access and Inclusion Plan 2007 - 2011, is structured to be readable and comprehensive.

The background includes general information about functions, facilities and services provided by the City of Melville, information on people with disabilities, planning for improved access and the progress made since the DAIP in 2004.

It also includes a new policy as required under the Act - Disability Access and Inclusion Policy and outlines the process worked through for the development of the 2007 – 2011 DAIP.

An internal reporting mechanism to track actions taken as listed in the DAIP has been developed and an implementation Plan has been created listing who is responsible and when actions will be completed by.

DAIP 2007 – 2011 includes the following outcome areas

- 1) People with disabilities have the same opportunities as other people to access the services of, and any events organised by, the City of Melville.
- 2) People with disabilities have the same opportunities as other people to access the buildings and facilities of the City of Melville.
- 3) People with disabilities receive information from the City of Melville in a format that will enable them to access the information as readily as other people are able to access it.
- 4) People with disabilities receive the same level and quality of service from the staff of the City of Melville as other people receive from the City.
- 5) People with disabilities have the same opportunities as other people to make complaints to the City of Melville.
- 6) People with disabilities have the same opportunities as other people to participate in any public consultation by the City of Melville.
- 7) Provide a means of ensuring that people with disabilities have the same opportunities as other people to be employed by the City.
- 8) Provide information, opportunities and encouragement to raise the awareness of the community regarding disability access and inclusion.

C07/8013 - DISABILITY ACCESS AND INCLUSION PLAN 2007 (REC) (ATTACHMENT)

Although the City is not legally required to include outcomes 7 and 8, consultation demonstrated the value and importance of these outcomes which resulted in the proposal to include them in this DAIP

There are a total of 100 tasks listed in the DAIP 2007 – 2011 that have been identified to produce the outcomes above.

PUBLIC CONSULTATION/COMMUNICATION

The Disability Services Regulations 2004 set out the minimum consultation requirements for public authorities in relation to DAIPs. Local government authorities must call for submissions (either general or specific) by notice in a newspaper circulating in the local district of the local government under the Local Government Act 1995 or on any website maintained by or on behalf of the local government authority. Other mechanisms may also be used.

In April 2007 the community was informed through the local newspaper, on the City's website and on Information radio 6RPH, that the City was developing a disability access and inclusion plan to address the barriers that people with disabilities, their families and carers experience in accessing council functions, facilities and services.

The community was advised that they could provide input into the development of the plan by taking part in a community consultation.

The various consultation methods offered included:

- A community survey form. This was available on the City's website and in hard copy at various locations around the City including the libraries, recreation centres and two community centres. Survey forms could be posted, emailed or faxed to the consultants.
- Face to face interviews or phone interviews with community members.
- Interviews with key staff.
- A survey of Council staff by e-mail and in hard copy.

Furthermore previous consultation held with the community during 2006 was taken into consideration when developing the DAIP.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The Community Development Officer – Access and Inclusion has consulted with the Disability Services Commission regarding the draft DAIP 2007.

STATUTORY AND LEGAL IMPLICATIONS

The Western Australian Disability Services Act 1993, (as amended in 2004) requires Local and State Government authorities to develop and implement a Disability Access and Inclusion Plan (DAIP) that will further both the principles and the objectives of the Act.

C07/8013 - DISABILITY ACCESS AND INCLUSION PLAN 2007 (REC) (ATTACHMENT)

For the purpose of developing a plan this will mean ensuring that people with disabilities can access services provided by Local Governments in Western Australia and that these services facilitate increased independence, opportunities and inclusion for people with disabilities in the community.

To comply with the amended Act, a Local Government is required to:

- Lodge its current plan by 31 July 2006;
- Develop a DAIP which:
 - Furthers the principles and objectives of the Act; and
 - Meets the six Standards in Schedule 2 of the Disability Services Regulations 2004;
- Lodge the plan with the Disability Services Commission by 31 July 2007;
- Take all practicable measures to ensure that the plan is implemented by the Local Government, its offices, employees, and relevant agencies and contractors;
- Review its plan at least every five years;
- Undertake public consultation, as specified in the regulations, when preparing, reviewing or amending its plan;
- Lodge review reports, amended plans or new plans with the Disability Services Commission;
- Report to the Commission by 31 July each year about:
 - Progress made by the Local Government in achieving the desired outcomes in Schedule 3 of the regulations;
 - Progress made by agents and contractors of the Local Government in achieving the desired outcomes in Schedule 3 of the regulations; and
 - The strategies used by the Local Government to inform its agents and contractors about its plan; and
- Report in its Annual Report about the implementation of its plan.

FINANCIAL IMPLICATIONS

The budget allocated to the Disability Access and Inclusion Plan for 2007/2008 is:

- twenty five thousand dollars (\$25,000) for access works;
- twenty five thousand dollars (\$25,000) to facilitate improvements to operational tasks such as providing information in alternative formats and providing Auslan interpreters as required etc

From 2008/2009 there will also be ten thousand dollars (\$10,000) allocated for the continuation of the *activelink* program as the funding from the Department of Sport and Recreation ceases at the end of 2006/2007.

C07/8013 - DISABILITY ACCESS AND INCLUSION PLAN 2007 (REC) (ATTACHMENT)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

| Risk Statement | Level of Risk* | Risk Mitigation Strategy |
|---|---|---|
| As a result of implementing the DAIP over a five year period some tasks requested by the community may not be addressed immediately | low to medium depending on the request. | Ensure all tasks are tracked and updated regularly and information provided to the community as improvements are made |

POLICY IMPLICATIONS

A specific policy has been developed in consultation with stakeholders and forms part of the DAIP. This policy is known as the City of Melville Disability Access and Inclusion Policy and meets the requirements of the legislation while informing the community about the commitment the Council has to Access & Inclusion.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The only alternate option is to not adopt or lodge the DAIP 2007 – 2011. The impact of this action would be that the Council would be in contravention of the Disability Services Act and its obligations to the community in regards to improving access and inclusion.

CONCLUSION

The attached DAIP outlines a range of actions for improvement from 2007 – 2011. These are based on what the community has suggested as well as improvements officers across the organisation have identified would be beneficial to our community.

This DAIP goes beyond the requirements of the Disability Services Act in a couple of areas:

- Provide a means of ensuring that people with disabilities have the same opportunities as other people to be employed by the City.
- Provide information, opportunities and encouragement to raise the awareness of the community regarding disability access and inclusion.

The DAIP is also responsive to the Community Plan Aspiration that *:we have services and resources that are accessible to all community members"*

C07/8013 - DISABILITY ACCESS AND INCLUSION PLAN 2007 (REC) (ATTACHMENT)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8013) APPROVAL

- 1. THAT THE ATTACHED [8013 August 2007.pdf](#) DRAFT DISABILITY ACCESS AND INCLUSION PLAN BE ADOPTED BY THE COUNCIL FOR IMPLEMENTATION DURING 2007 - 2011**
- 2. THAT THE 2007 – 2011 DISABILITY ACCESS AND INCLUSION PLAN BE REVIEWED INTERNALLY ANNUALLY AND REVIEWED IN CONSULTATION WITH THE COMMUNITY IN 2011**
- 3. THAT THE DISABILITY ACCESS AND INCLUSION POLICY AS INCLUDED IN THE DAIP 2007-2011 BE ADOPTED.**

CARRIED EN BLOC

**P07/3018 - DEDICATION OF PRIVATE ROAD LOT 66 WADDELL ROAD, BICTON (REC)
(ATTACHMENT)**

| | |
|----------------------------|---|
| Ward | : Bicton / Attadale |
| Category | : Operational |
| Application Number | : DA-2007-483 |
| Property | : Lot 66 Waddell Road, Bicton |
| Proposal | : To dedicate a private road |
| Applicant | : City of Melville |
| Owner | : D & N. M. Miller |
| 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 |

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- The land is a Private Road, is constructed and used as such
- The land is privately owned and has a Certificate of Title
- Other properties have a right of carriage way over the land
- The land has been and is required to provide a service road between Stock and Waddell Roads and to service the adjacent properties
- A planning application has been received to develop the land for an office development.
- It is recommended that the Council request that the Minister dedicate the land as a road.

**P07/3018 - DEDICATION OF PRIVATE ROAD LOT 66 WADDELL ROAD, BICTON (REC)
(ATTACHMENT)****BACKGROUND**

The subject Lot 66, together with land to the east, was set aside as Rights of Way on various diagrams of survey. Lot 66 was previously shown as a ROW and included on the title for 394 Canning Highway on the corner of Waddell Road (the Shell service station) but has recently been issued with its own title and sold by Shell to the present owner.

Both 394 Canning Highway and 40 Waddell Road have an easement as encumbrance registered on the title of lot 66.

The title to lot 66 shows the property to be a Right of Way. The right of way together with the adjacent private right of way to the east form a continuous link between Waddell and Stock Roads, are paved and drained and have been available for the use of the public for a period in excess of 10 years.

The City of Melville has undertaken both construction and maintenance works on the Rights of Way.

Scheme Provisions

| | | |
|--------------|---|--|
| MRS Zoning | : | Urban |
| CPS 5 Zoning | : | Commercial Centre Frame Melville Frame |
| R-Code | : | R50 |
| Use Type | : | Not applicable |
| Use Class | : | Not applicable |

Site Details

| | | |
|--------------------------------------|---|---|
| Lot Area | : | 159 sqm |
| Retention of Existing Vegetation | : | Not applicable |
| Street Tree(s) | : | Not applicable |
| Street Furniture (drainage pits etc) | : | Not applicable |
| Site Details | : | P07_3018_PROPERTY_MAP.pdf |

[P07_3018_August_2007.pdf](#)

DETAIL

The Rights of Way have provided a convenient and unrestricted link between Waddell and Stock Roads for a period in excess of 10 years. The Rights of Way together provides for direct road access to adjoining properties for parking and deliveries. For some properties it is their sole access point and for others it provides for a rear access and the only available non highway access.

P07/3018 - DEDICATION OF PRIVATE ROAD LOT 66 WADDELL ROAD, BICTON (REC)
(ATTACHMENT)

The ROW has featured in recent planning approvals

- Redevelopment of 165 Stock Road (squash courts site) The approval required the ROW (north side) to be widened by an easement and the ROW being upgraded. The works have been completed.
- Redevelopment of 40 Waddell Road has conditions which require an easement to widen the ROW and upgrade the balance of the ROW. This site has been recently sold. The works have not been undertaken

The various portions of the ROW are privately owned and generally the adjoining properties have an easement which allows the owners and their customers to have access over the section of the ROW over which they have an easement. This use does not extend to the general public. The Council has been reminded of this by the owner on several previous occasions.

Lot 66 (the western portion of the ROW) is 5m wide, has a depth of 31.5m and an area of 159sqm

A Planning Application has been lodged on Lot 66 to construct an office development over 4 ground level parking bays. The ROW will be further impeded by boundary walls, stairs and an upper level. If the lower level was not used for parking the ROW would effectively be reduced to 3.2m

The future of the ROW has been referred to the Strategic Urban Planning unit which has recommended that

- The ROW remain open to the public
- The ROW is an important link between Waddell and Stock Roads and is required for both access and servicing of the adjoining properties
- The ROW should continue to be widened as opportunities arise to provide for both 2 way vehicle access and a footpath.

An indicative plan has been produced and has been previously distributed to Elected Members.

The proposed development of Lot 66 would prevent this plan from being implemented and its approval would be contrary to the proper and orderly planning of the area.

The use of the ROW by the public at large is in the best interests of the broader community and the adjoining residents and owners. The proposed development will limit this from occurring.

It is appropriate that the ROW be set aside for public use and to enable the improvement plan to be implemented.

For the Right Of Way to be set aside for public use it is necessary that ROW be dedicated as a public road.

**P07/3018 - DEDICATION OF PRIVATE ROAD LOT 66 WADDELL ROAD, BICTON (REC)
(ATTACHMENT)**

Section 56 of the Land Administration Act 1997 states

56. Dedication of roads

(1) If in the district of a local government -

(a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;

(b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government -

(i) the holder of the freehold in that land applies to the local government, requesting it to do so; or

(ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

or

(c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

(2) If a local government resolves to make a request under subsection (1), it must

(a) in accordance with the regulations prepare and deliver the request to the Minister; and

(b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.

(3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then -

(a) subject to subsection (5), by order grant the request;

(b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or

(c) refuse the request.

**P07/3018 - DEDICATION OF PRIVATE ROAD LOT 66 WADDELL ROAD, BICTON (REC)
(ATTACHMENT)**

- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be -
 - (a) unallocated Crown land or, in the case of a private road, alienated land; and
 - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

In respect to Lot 66 the land is a private road which has been constructed and maintained to the satisfaction of the local government and to which the public has had uninterrupted use for a period of not less than 10 years and it follows that it is open to the Council to request the Minister to have the land dedicated as a road.

Subsection 6 provides that no person including the owner is entitled to compensation.

A similar consideration to dedicate the eastern end will need to be given to the balance of the ROW over the next several months. More research is required on the particulars of the land however it is understood that it is also a private ROW.

OTHER CONSIDERATIONS

Lot 66 was purchased in April 2007 and is privately owned. Even though the land is a ROW it may have some value and consideration of whether any compensation should be paid to the owner may be appropriate.

The alternate argument is that the land was a ROW and continues to be a ROW and its dedication without compensation is appropriate and proper.

The Land Administration Act says that compensation is not payable however the Council may consider that an ex gratia payment to the land owner may be appropriate.

**P07/3018 - DEDICATION OF PRIVATE ROAD LOT 66 WADDELL ROAD, BICTON (REC)
(ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

Not specifically with respect to this proposal however the proposed development on Lot 66 was advertised and both adjoining owners have objected to the development and particularly the owners of 40 Waddell Road have objected to the development being over their easement. The owners of 40 Waddell Road have advised that they would support the dedication of the ROW as a road.

REFERRALS TO GOVERNMENT AGENCIES

Nil

STATUTORY AND LEGAL IMPLICATIONS

The Council has received legal advice confirming that this action is appropriate and available to it.

In this instance the Council is required to request that the Minister grant the request and as such there would be no rights of appeal.

FINANCIAL IMPLICATIONS

The ROW would become a public road and the Council would become responsible for the care and control of the road.

The Council will be required to meet various miscellaneous costs associated with the dedication as required by sub section 56 (4) of the Land Administration Act 1997

No compensation would be payable however the Council may consider that an ex gratia payment to the land owner may be appropriate.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

**P07/3018 - DEDICATION OF PRIVATE ROAD LOT 66 WADDELL ROAD, BICTON (REC)
(ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

There are several options available

- Request that Lot 66 be dedicated as a road;
- Request that Lot 66 be dedicated as a road and make an ex gratia payment for the land;
- Resume Lot 66 for a road. This may require compensation to be paid to both the owner and easement holders;
- Purchase Lot 66. Land would still have easements on it and would still require dedication;
- Do nothing. Problem still there. If the development is approved then the ROW is effectively closed.

CONCLUSION

The land was and still is a ROW and can not be used for some other purpose with out the other easement holders' approval. The dedication of the ROW (Lot 66) as a road is essential to ensure that the land is able to be used by the public at large for the purpose of access. This would enable the road to be widened for the benefit of the general community.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3018) APPROVAL

THAT PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 THE COUNCIL IS SATISFIED THAT LOT 66 WADDELL ROAD BICTON IS A PRIVATE ROAD TO WHICH THE PUBLIC HAS HAD UNINTERRUPTED USE FOR A PERIOD OF NOT LESS THAN 10 YEARS AND IS CONSTRUCTED AND MAINTAINED TO THE SATISFACTION OF THE LOCAL GOVERNMENT AND REQUESTS THAT THE MINISTER DEDICATE THE LAND AS A ROAD AND UNDERTAKES TO INDEMNIFY THE MINISTER OF COSTS AS REQUIRED BY SUBSECTION 4

FOOTNOTE:

COUNCIL'S ADMINISTRATION TO COMMENCE NEGOTIATIONS WITH THE OWNER OF THE RIGHT OF WAY TO ASCERTAIN THE POTENTIAL FOR AN AGREEMENT ON EX GRATIA PAYMENT FOR THE RIGHT OF WAY.

CARRIED EN BLOC

P07/3020 - TWO STOREY OFFICE BUILDING OVER AN EXISTING RIGHT OF WAY ON LOT 66 (40D) WADDELL ROAD, BICTON (REC)

| | |
|----------------------------|---|
| Ward | : Bicton / Attadale |
| Category | : Operational |
| Application Number | : DA-2007-483 |
| Property | : 40D Waddell Road, Bicton |
| Proposal | : Two storey office building over an existing Right of Way |
| Applicant | : Darren and Narelle Miller |
| Owner | : Darren and Narelle Miller |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Responsible Officer | : Keith Weymes Manager Planning & Development Services |
| Previous Items | : Not Applicable |

AUTHORITY / DISCRETION

Definition

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

KEY ISSUES / SUMMARY

- | |
|---|
| <ul style="list-style-type: none"> • Two storey office building. • Proposal is located within a Commercial Centre Frame – MF – Melville Frame • Office is a “S” Use. • Carparking for 4 vehicles in tandem is proposed at the ground level. • The carparking is over an access easement and the easement ‘owner’ objects to the use. • Proposal is to be built over an existing Right of Way, Waddell Road – Stock Road. • The lot is 5.0 metres wide by 31.6 metres long. • 2 Objections from the abutting owners were received during advertising. • Non-compliance with Clause 5.7 Non-Residential Amenity of CPS 5. • Lot 66 is shown as an easement benefit for Lot 24 (40) Waddell Road. • Recommended for Refusal |
|---|

P07/3020 - TWO STOREY OFFICE BUILDING OVER AN EXISTING RIGHT OF WAY ON LOT 66 (40D) WADDELL ROAD, BICTON (REC)

BACKGROUND

The proposal was advertised during 21 days in accordance with City of Melville's Community Planning Scheme No. 5, Clause 7.5 Use Class Table and Advertising of Applications, Sub-clauses (d), (f) and (g).

It is noted that this item relates to another item which deals with the dedication of the right of way.

Scheme Provisions

MRS Zoning : Urban
CPS 5 Zoning : Commercial Centre Frame
R-Code : R50
Use Type : Office
Use Class : S

Site Details

Lot Area : 159 sqm
Retention of Existing Vegetation : None
Street Tree(s) : None
Street Furniture (drainage pits etc) : None

DETAIL

The application proposes a two storey building to accommodate offices on the second storey and carparking, stairs and store on the ground level.

The building is proposed over an existing private Right of Way, which has been maintained by Council and used by the general public for access purposes for many years. This Right of Way being Lot 66 shows rights in favour of Lot 24 (40) Waddell Road.

Development Requirements

| Development Requirement | Required/ Allowed | Proposed | Comments | Delegation to approve variation | Plan Notation |
|-------------------------|---------------------------|-------------------------------|-----------------|---------------------------------|---------------|
| Open Space | Not Applicable | | | | |
| Plot Ratio | 0.6 | 0.58 | Complies | | |
| Landscaping | 25% | 17.5% | Does Not Comply | MPDS | |
| Building Height | 8.0 metres 10.5 metres | 7.5 metres | Complies | | |
| Carparking | 3 bays | 4 bays but bays do not comply | Complies | | |

P07/3020 - TWO STOREY OFFICE BUILDING OVER AN EXISTING RIGHT OF WAY ON LOT 66 (40D) WADDELL ROAD, BICTON (REC)

Setbacks

| Wall | Required | Proposed | Comments | Delegation to approve Variation | Plan Notation |
|---------------|-------------------|------------|------------------------|---------------------------------|---------------|
| Front | Nil | 1.0 metre | Complies | | |
| Rear | Nil | 3.0 metres | Complies | | |
| Side N | 2.0 metres | Nil | Does Not Comply | MPDS | |
| Side | Nil | Nil | Complies | | |

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: "S" Use
 Support/Object: 2 Submission objecting

| Submission Number | Summary of Submission | Support/Objection | Officer's Comment | Action (Condition/Up Held/Non Up Held) |
|-------------------|--|---|-------------------|--|
| 1. | Concerned about wall more than 7.0 metres long along the common boundary. Non-compliance with Clause 5.7 of City of Melville's Town Planning Scheme. The laneway should not be removed. Its deletion will cause inconvenience to the public. | Objection Objection Objection | Noted | Up Held |

P07/3020 - TWO STOREY OFFICE BUILDING OVER AN EXISTING RIGHT OF WAY ON LOT 66 (40D) WADDELL ROAD, BICTON (REC)

| | | | | |
|----|---|--|-------|--------|
| 2. | <p>Reduction in access and amenity. Impossible for trucks, light vans, construction vehicles and other non passengers type cars to access the building and adjoining lots via the Right of Way.</p> <p>Reduction in the width of vehicular access via the Right of Way will make it difficult or impossible for vehicles to use and make it dangerous for pedestrian use.</p> <p>Loss of amenity for the tenancies on the north side of 40 Waddell Road (to the south of the subject property), including loss of natural light.</p> <p>Impact on parking at 40 Waddell Road and neighbouring properties.</p> | <p>Objection</p> <p>Objection</p> <p>Objection</p> <p>Objection</p> <p>Objection</p> | Noted | Upheld |
|----|---|--|-------|--------|

REFERRALS TO GOVERNMENT AGENCIES

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Not applicable

P07/3020 - TWO STOREY OFFICE BUILDING OVER AN EXISTING RIGHT OF WAY ON LOT 66 (40D) WADDELL ROAD, BICTON (REC)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

City of Melville's Development and Building Controls Policy 06-PI-024 – Car Parking (Non Residential)

COMMENTS

The applicant is proposing to build a two storey building for office (at single level above parking) over an existing private Right of Way that has been used for many years for public vehicular access and pedestrian use.

Side Setbacks

The building is proposed to be built up to both the side boundaries. This is contrary to the City of Melville's Community Planning Scheme No. 5, Clause 5.7 Non-Residential Development Amenity, (c), which states,

“every non-residential building shall have minimum boundary setbacks of two (2) metres side and six (6) metres rear from adjoining residential development, other than in the City Centre and District Centre Precincts, and the Mixed Business and Mixed Business Frame Precincts, unless otherwise specified or approved by the Council.”

The proposed non-residential office is within the Commercial Centre Frame Precinct and abuts the southern side boundary of an existing residential property (also within the Commercial Centre Frame Precinct). The abutting boundary wall is 6.8 metres high (to the second storey) and 21.5/27.5 metres long (at the upper/ground levels). The required setback under the Scheme is 2 metres. The owner of this property has submitted an objection. The Scheme requirement will reduce the developable width of the lot to 3.0m – impractical to develop.

To the south, there is an existing commercial building at 40 Waddell Road, with windows along the northern side boundary facing the existing Right of Way. The proposal will result in construction of new wall on that common boundary. This will deprive access to natural light from windows on the southern lot and therefore reduce the amenity of that development.

P07/3020 - TWO STOREY OFFICE BUILDING OVER AN EXISTING RIGHT OF WAY ON LOT 66 (40D) WADDELL ROAD, BICTON (REC)

Car parking

The application proposes a car parking area for 4 vehicles in a tandem configuration. Although the number of bays is more than the 3 bays required for the 81 sqm of office, in accordance with the City of Melville's Development and Building Controls Policy 06-PI-024 – Car Parking (Non Residential), the stacked configuration is not acceptable.

The applicant has given verbal indications that he is prepared to amend the proposal to allow an easement for vehicles with height limitations relative to small delivery vans to go through the lower building level. This would be dependant on the City of Melville granting discretion in relation to car parking requirements from 3 bays to nil on the basis of existing street parking.

This situation will result in an access way width of 3.3 metres to be shared by vehicles and pedestrian who use the easement and is likely to conflict and a dangerous situation for pedestrians. The owner of the adjoining 40 Waddell Road has an access easement of unlimited height and width over Lot 66 and objects to any impediment to the use of the easement for access.

In addition, existing parking bays in the street have been provided to satisfy the parking requirements of the development to the south and are not available for formal use by the proposed development. There are no other street parking bays available. The site does not have any effective street frontage.

Submissions

During the advertising period, 2 submissions from the abutting property owners were received objecting the proposal, due to impact on the residential dwelling to the north and building over the Right of Way, which is in benefit of the abutting property to the south.

Copy of the titles for Lot 66 and Lot 24 have been submitted to the City of Melville. The Title for Lot 66 shows rights under 167A (of the Transfer of Land Act 1893) in favour of Lot 24 (40) Waddell Road (to the south), for which the owners have objected to the Right of Way being closed or being built over.

Amenity

It is considered that closing or building over the existing Right of Way will be contrary to a number of matters which require consideration under Clause 7.8 of Community Planning Scheme No 5 as follows:

- the orderly and proper planning of land within the area;
- the existing and likely future amenity of the area;
- the nature of the proposed development in relation to development either existing (residential to the north) or proposed on adjoining land and the need to upgrade existing roads;
- the size (only 5m wide), shape and character of the lot upon which the development is to be carried out, and the influence which this may have on the siting and nature of any new building (4 car parking bays in tandem);

P07/3020 - TWO STOREY OFFICE BUILDING OVER AN EXISTING RIGHT OF WAY ON LOT 66 (40D) WADDELL ROAD, BICTON (REC)

- any relevant submissions received on the application (2 submissions opposing);

It is considered that any approval to build over an existing Right of Way under the care and maintenance by the City of Melville would set a precedent for similar situations and result in major impacts on the Community that have been using the ROW for more than 10 years.

CONCLUSION

In view of the above comments, the proposal is not supported and is recommended for refusal.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3020) REFUSAL

THAT THE APPLICATION FOR TWO STOREY OFFICE BUILDING OVER AN EXISTING RIGHT OF WAY ON LOT 66 (40D) WADDELL ROAD, BICTON BE REFUSED FOR THE FOLLOWING REASONS:

- 1. NON-COMPLIANCE WITH CITY OF MELVILLE'S COMMUNITY PLANNING SCHEME NO. 5, CLAUSE 5.7 NON-RESIDENTIAL DEVELOPMENT AMENITY, (C), WHICH STATES:**

"EVERY NON-RESIDENTIAL BUILDING SHALL HAVE MINIMUM BOUNDARY SETBACKS OF TWO (2) METRES SIDE AND SIX (6) METRES REAR FROM ADJOINING RESIDENTIAL DEVELOPMENT, OTHER THAN IN THE CITY CENTRE AND DISTRICT CENTRE PRECINCTS, AND THE MIXED BUSINESS AND MIXED BUSINESS FRAME PRECINCTS, UNLESS OTHERWISE SPECIFIED OR APPROVED BY THE COUNCIL." THE PROPOSAL SHOWS A WALL OF 6.6 METRES IN HEIGHT FOR 21.5 METRES IN LENGTH ALONG THE NORTHERN BOUNDARY.
- 2. THE PROPOSED CAR PARKING OF 4 BAYS IN A TANDEM CONFIGURATION ARE NOT ACCEPTABLE FOR THE PROPOSED COMMERCIAL USE (OFFICE).**
- 3. THE RIGHT OF WAY BEING LOT 66 SHOWS RIGHTS UNDER 167A (OF THE TRANSFER OF LAND ACT 1893) IN FAVOUR OF LOT 24 (40) WADDELL ROAD.**
- 4. APPROVAL OF THE PROPOSAL WILL BE CONTRARY TO:**
 - **THE ORDERLY AND PROPER PLANNING OF LAND WITHIN THE AREA;**
 - **THE EXISTING AND LIKELY FUTURE AMENITY OF THE AREA;**
 - **THE NATURE OF THE PROPOSED DEVELOPMENT IN RELATION TO DEVELOPMENT EITHER EXISTING (RESIDENTIAL TO THE NORTH) OR PROPOSED ON ADJOINING LAND (RIGHTS IN FAVOUR OF ADJOINING LOT TO THE SOUTH) AND THE NEED TO UPGRADE EXISTING ROADS;**

P07/3020 - TWO STOREY OFFICE BUILDING OVER AN EXISTING RIGHT OF WAY ON LOT 66 (40D) WADDELL ROAD, BICTON (REC)

- **THE SIZE (ONLY 5.0 METRES WIDE), SHAPE AND CHARACTER OF THE LOT UPON WHICH THE DEVELOPMENT IS TO BE CARRIED OUT, AND THE INFLUENCE WHICH THIS MAY HAVE ON THE SITING AND NATURE OF ANY NEW BUILDING (4 CAR PARKING BAYS IN TANDEM ON THE GROUND FLOOR);**
 - **RELEVANT SUBMISSIONS RECEIVED ON THE APPLICATION OPPOSING THE PROPOSAL;**
- 5. APPROVAL OF THIS PROPOSAL WOULD SET A PRECEDENT FOR SIMILAR PROPOSALS WITHIN THE CITY OF MELVILLE.**

CARRIED EN BLOC

CO57/06 – SUPPLY OF CLEANING SERVICES FOR CHANGE ROOMS, TOILETS AND BARBEQUES LOCATED ON PARKS AND RESERVES FOR A PERIOD OF THREE YEARS (REC) (ATTACHMENT)

| | | |
|----------------------------|---|---|
| Ward | : | All |
| Category | : | Operational |
| Subject Index | : | Tenders |
| Customer Index | : | City of Melville |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : | Not Applicable |
| Works Programme | : | Not Applicable |
| Funding | : | 2007/2008 Budget |
| Responsible Officer | : | Paul McAllister Client Liasion Contracts Manager |

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- To accept the recommendation of the Contract and Tender Advisory Unit to award the tender for the Supply of Cleaning Services for Change Rooms, Toilets and Barbeques Located on Parks and Reserves for a Period of One Year.

CO57/06 – THE SUPPLY OF CLEANING SERVICES FOR CHANGE ROOMS, TOILETS AND BARBEQUES LOCATED ON PARKS AND RESERVES FOR A PERIOD OF THREE YEARS (REC) (ATTACHMENT)**BACKGROUND**

Tenders for the “Supply of cleaning services for change rooms, toilets and barbeques located on parks and reserves for a period of 3 years”, were invited by advertisement in The West Australian on Wednesday 30 May March 2007, closing at 4.00 p.m. on Thursday 21 June 2007.

The tender was advertised due to the existing contract having reached the end of its term.

By way of background information, Total Corporation Pty was originally awarded the contract in May 2004. Subsequently, Total Corporation sold its business to The Total Group Australasia Pty in 2005. As part of the sale process The Total Group Australasia were assigned the aforementioned contract with the City. The City agreed to the assignment of the contract at that time.

Shortly after the assignment process was finalised The Total Group Australasia, informed the City that the contract in its current form, in particular, the fixed lump sum pricing schedule, was not sustainable given the standard and frequency of service required by the City. The Total Group Australasia believed that the level of service required by the City was well beyond means provided for in the contract pricing. Nevertheless, The Total Group Australasia agreed to honour its contract with the City and at the previously agreed rates.

The performance of The Total Group Australasia in delivering the services under the current contract has been on a small number of occasions below the quality of service standard required. When questioned about the under-performance, The Total Group Australasia has in all instances raised the issue of the cost of delivering the services to the required standard versus the cost paid by the City. Notwithstanding the aforesaid, the City and The Total Group Australasia have by negotiation generally maintained the required standard for the cleaning of facilities on park and reserves.

Due to the competitive nature of the cleaning industry the City in the instance of this tender has reduced the evaluation weighting for price to 50%, allowing the weightings for the remaining tender selection criterion to be increased.

Price Schedule

The Price Schedule forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on Tuesday 10 July 2007 under confidential cover.

CO57/06 – THE SUPPLY OF CLEANING SERVICES FOR CHANGE ROOMS, TOILETS AND BARBEQUES LOCATED ON PARKS AND RESERVES FOR A PERIOD OF THREE YEARS (REC) (ATTACHMENT)**Tender Evaluation Process**

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

The Evaluation Sheet forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on Tuesday 10 July 2007 under confidential cover.

The Evaluation Committee consisted of the Purchasing Assistant, the Recreation Business Manager, the Manager Melville Aquatic Fitness Centre, the Business Analyst and the Administration Services Coordinator

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

1. Relevant Experience
2. Technical Skills
3. Resources
4. Management Systems
5. Methodology
6. References
7. Price

DETAIL

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

List's Cleaning Services; and
The Total Group Australasia.

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

A pre-tender briefing had been held on Thursday 14 June 2007 at the Civic Centre, with List's Cleaning Services and The Total Group Australasia being among those who attended the briefing. The purpose of the briefing was to provide tenderers with an opportunity to ask questions about the tender process and the City's approach to the provision of cleaning services on park and reserves. Attendee's were further advised that a visit to the onsite facilities was being provided, which The Total Group Australasia attended.

CO57/06 – THE SUPPLY OF CLEANING SERVICES FOR CHANGE ROOMS, TOILETS AND BARBEQUES LOCATED ON PARKS AND RESERVES FOR A PERIOD OF THREE YEARS (REC) (ATTACHMENT)

The tender submissions from List's Cleaning Services and The Total Group Australasia were evaluated by the evaluation panel and as a result of the evaluation it was decided to shortlist from two to one tenderer, with List's Cleaning Services scoring the lowest at 51.33% and therefore being eliminated. The low score was mainly attributable to the very high pricing schedule submitted by List's Cleaning Services. The Total Group Australasia scored 91.48%.

Whilst the tender submission from The Total Group Australasia was fully confirming and scored the highest on the tender evaluation matrix, the evaluation panel believed that further clarification from The Total Group Australasia was required in relation to its proposal.

Subsequently, The Total Group Australasia was invited by the tender evaluation panel to provide clarification to them on the method and materials proposed for cleaning operations and the time and resources allocated to each performance of a cleaning service on a park or reserve. The additional information was presented to the evaluation panel by Mr Neil Eaton Director of The Total Group Australasia at a meeting on Tuesday 3 July.

Mr Eaton provided the evaluation panel with a detailed description of how The Total Group Australasia intends to provide the services under the contract, including the amount of time and consumable materials allocated for each facility. Further, Mr Eaton clarified the intended disposal process for fat waste material from the City's barbeques facilities and described the cleaning methods and materials proposed and the safety management and quality assurance processes to be incorporated into the delivery of the services.

As noted above, The Total Group Australasia is the current provider of cleaning services on parks and reserves to the City, and as noted previously the delivery of those services has been on a number of occasions below the required standard, specifically, the quality and timelessness of the cleaning has not been to specification.

That being said, the tender evaluation panel thought it prudent that before entering into another long term contract with The Total Group Australasia, that the City takes the opportunity to evaluate the performance of The Total Group Australasia in providing the services under this contract for a period of one year, subject to:

- the timeliness and quality of the services
- the cleaning methods
- materials utilised in services

Subsequently, the evaluation panel proposed to Mr Eaton a change to the contract term from a 3 year period to a 1 year period with the option at the City's discretion to renew for a further period of 2 years, subject to the satisfactory performance of The Total Group Australasia in delivering the services under the contract as noted above.

CO57/06 – THE SUPPLY OF CLEANING SERVICES FOR CHANGE ROOMS, TOILETS AND BARBEQUES LOCATED ON PARKS AND RESERVES FOR A PERIOD OF THREE YEARS (REC) (ATTACHMENT)

In response to the evaluation panel's offer of an initial one year term for the contract with an option to extend for a further 2 years subject to satisfactory performance Mr Eaton responded that should such an offer be forthcoming from the City, The Total Group Australasia shall find that offer acceptable. The meeting with Mr Eaton concluded at that point.

The evaluation panel decided it was appropriate to revisit the scoring from the tender evaluation matrix given that The Total Group Australasia had provided significant clarification on a number of matters from its tender submission. The tender submission from Total Group Australasia was re-evaluated and returned a score of 97.61%. The Initial evaluation score was 91.48%. The higher scoring from the second evaluation confirms the evaluation panel's higher level of comfort with the submission from The Total Group Australasia based on the information received at the meeting with Mr Neil Eaton.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Currently the budget for these services is set at \$95,000 for the year 2007/2008. However, in recognition that the cost for delivering the services under this contract would be significantly higher than with the previous contract additional funding has been included in the recurrent budget for 2007/08 to cater for this eventuality.

The \$46,636.59 difference between the current budget of \$95,000.00 and the cost of the service for a one year period of \$141,636.59 will be transferred from Account No. 480-22827-7550-000: New Works to 482-22343-7120-000: Toilet & Barbecue Cleaning.

CO57/06 – THE SUPPLY OF CLEANING SERVICES FOR CHANGE ROOMS, TOILETS AND BARBEQUES LOCATED ON PARKS AND RESERVES FOR A PERIOD OF THREE YEARS (REC) (ATTACHMENT)

It is worth noting that in recent years the City has increased the volume and frequency of cleaning services on parks and reserves. This increase in the levels of service provided has been in direct response to residents and sporting clubs demanding cleaner, safer and more visual pleasing amenities. Change rooms are now receiving weekly or fortnightly cleaning services where previously the service was provided monthly or not at all. In regards to toilets and barbeques, a number of contributing factors have lead to the increase in frequency of services including, an increase in the use of facilities because of extended warm weather conditions and the introduction of daylight saving making early evening use of outdoor areas more attractive and vandalism to toilet facilities particularly at holiday times where extended cleaning services are required.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Should this tender be rejected it shall be necessary to recall tenders for cleaning services on parks and reserves as the current contract has expired. The City is currently receiving services on a month by month basis from The Total Group Australasia at rates equivalent to those tendered by the aforementioned provider.

It is highly unlikely that a lower cost option shall be forthcoming in any future tender given the frequency and volume and standard of cleaning services required by the City.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

No non-conforming tenders were submitted.

CONCLUSION

The Total Group Australasia is the recommended supplier for the supply of cleaning services for change rooms, toilets and barbeques located on parks and reserves based on its tender offering for a one year period , being the most economically advantageous to the City and that it has the ability and capacity to deliver the service to requirements and within budget.

CO57/06 – THE SUPPLY OF CLEANING SERVICES FOR CHANGE ROOMS, TOILETS AND BARBEQUES LOCATED ON PARKS AND RESERVES FOR A PERIOD OF THREE YEARS (REC) (ATTACHMENT)

**OFFICE RECOMMENDATION AND COUNCIL RESOLUTION (CO57/06)
ABSOLUTE MAJORITY**

- 1. THAT THE TENDER SUBMITTED BY THE TOTAL GROUP AUSTRALASIA FOR THE SUPPLY OF CLEANING SERVICES FOR CHANGE ROOMS, TOILETS AND BARBEQUES LOCATED ON PARKS AND RESERVES AS SPECIFIED FOR \$141,636.59 EXCLUDING GST FOR A ONE YEAR PERIOD WITH AN OPTION TO RENEW FOR TWO YEARS BASED ON PERFORMANCE BE ACCEPTED AS THE MOST ADVANTAGEOUS .**
- 2. ADDITIONAL CLEANING EVENTS WILL BE AT THE PRICE SET OUT ON THE PRICE SCHEDULE FOR ADDITIONAL CLEANING AT \$50.00 PER HOUR AND WILL BE DEDUCTED FROM INDIVIDUAL SITES VANDALISM ALLOCATIONS.**
- 3 THAT SUBJECT TO THE SATISFACTORY PERFORMANCE OF THE TOTAL GROUP AUSTRALASIA, IN DELIVERING THE SERVICES, THAT THE CITY EXTEND THE TERM OF THE CONTRACT FOR A FURTHER 2 YEARS.**
- 4. THAT BY ABSOLUTE MAJORITY DECISION OF COUNCIL A BUDGET AMENDMENT TO TRANSFER THE EXTRA FUNDING OF \$46,636.59 REQUIRED FROM ACCOUNT NO. 480-22827-7550-000: NEW WORKS TO 482-22343-7120-000: TOILET & BARBECUE CLEANING BE APPROVED.**

CARRIED EN BLOC

CO63/06 – THE SUPPLY OF TEMPORARY OPERATIONS CONTRACT LABOUR FOR A TWO YEAR PERIOD (REC) (ATTACHMENT)

| | | |
|----------------------------|---|---|
| Ward | : | All |
| Category | : | Operational |
| Subject Index | : | Tenders |
| Customer Index | : | City of Melville |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : | Not Applicable |
| Works Programme | : | Not Applicable |
| Funding | : | 2007/2008 Budget |
| Responsible Officer | : | Derek Smith Works Manager |

AUTHORITY / DISCRETION

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

CO63/06 – THE SUPPLY OF TEMPORARY OPERATIONS CONTRACT LABOUR FOR A TWO YEAR PERIOD (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- To accept the recommendation of the Contract and Tender Advisory Unit to award the tender for the Supply of Temporary Operations Labour for a Two Year Period

BACKGROUND

This tender had been previously jointly awarded to Lo-Go Appointments, Flexi Staff and Select Industrial for the term 1st September 2005 to 31st August 2007.

Due to the upcoming expiry of the tender it was advertised on Wednesday 4 July in the West Australian with a closing date of 4pm Thursday 19th July 2007.

Price Schedule

The Price Schedule forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on Friday 3 August 2007 under confidential cover.

Tender Evaluation Process

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

The Evaluation Sheet forms part of the Attachments to the Agenda, which was distributed to the Members of the Contract and Tender Advisory Unit on Friday 3 August 2007 under confidential cover.

The Evaluation Committee consisted of the Purchasing Coordinator, the Client Liaison Contracts Manager, the Senior Design Engineer and the Landscape Architect.

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

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

CO63/06 – THE SUPPLY OF TEMPORARY OPERATIONS CONTRACT LABOUR FOR A TWO YEAR PERIOD (REC) (ATTACHMENT)

DETAIL

Nine sets of tender documents were distributed and five tender submissions were received with those being from:

- Hays
- Axial HR Pty Ltd
- BDS People.
- Flexi Staff Pty Ltd
- LO-GO Appointments

A late tender was received from Select Industrial which was therefore not able to be accepted for evaluation.

All tenders were received in accordance with the tender compliance criteria and were therefore accepted for consideration by the evaluation panel.

Hays are well experienced in the field of temporary staff with a slight emphasis on white collar staff supply, which was considered by the evaluation panel to be less advantageous to the City. Their submission was very comprehensive and addressed the criteria well. After price comparison of the averaged hourly rate, they scored third.

BDS People's submission lacked substance and provided no examples of staff supply undertaken in Perth, they also appear to be based mainly in the Eastern States. The price submitted also influenced the scoring which rated them fourth.

Axial HR Pty submission lacked specific details relating to the City of Melville tender and whilst they have an office in Perth they appear mainly focused in the Eastern States. It was difficult to ascertain the availability of the staff supply in Perth and the exact nature of the type of workers available. They scored fifth on the matrix due to a high hourly charge rate.

The tender submission by Flexi Staff was comprehensive and indicated a solid background in blue collar staff supply. Flexi Staff are well known to the City of Melville and have proved that they are very capable of meeting the staffing levels required. The hourly rates submitted were considered to be fair and reasonable. Their submission scored the highest on the scoring matrix.

LO-GO Appointments submission was slightly less expansive than Flexi Staff and Hays, however they addressed the criteria and demonstrated a solid background in blue collar staff supply. They are well known to the City and have a proven capacity to supply staff when required. LO-GO Appointments scored second highest on the evaluation matrix.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable

CO63/06 – THE SUPPLY OF TEMPORARY OPERATIONS CONTRACT LABOUR FOR A TWO YEAR PERIOD (REC) (ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

In the last financial year the City of Melville spent \$776,082.84 with Flexi Staff and \$44,527.35 with LO-GO Appointments on temporary staff appointments.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

No strategic implications are applicable to this item.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

Flexi Staff Pty Ltd and LO-GO Appointments have been two of the three incumbent tender holders for the last two years and have adequately met the staffing requirements of the City. Both companies have provided management of staff time sheets which has removed this responsibility from the City which is seen as advantageous.

On evaluation of the submissions received based on experience, ability to service the City of Melville's demands for temporary blue collar staff and the hourly charge rate of both Flexi Staff and LO-GO Appointments in comparison to the other tenderers, it is the opinion of the evaluation panel that these two submissions be accepted as being the most advantageous and are therefore recommended.

CO63/06 – THE SUPPLY OF TEMPORARY OPERATIONS CONTRACT LABOUR FOR A TWO YEAR PERIOD (REC) (ATTACHMENT)

COUNCIL RESOLUTION (CO63/06)

APPROVED

1. THAT THE TENDERS SUBMITTED BY FLEXI STAFF AND LO-GO APPOINTMENTS FOR THE SUPPLY OF TEMPORARY OPERATIONS CONTRACT LABOUR AS SPECIFIED FOR THE PERIOD 31 AUGUST 2007 TO 1 SEPTEMBER 2009 BE ACCEPTED AS THE MOST ADVANTAGEOUS.
2. THAT THE CITY'S REPRESENTATIVE BE AUTHORISED TO APPLY THE SCHEDULE OF RATES OVER THE TENDER PERIOD.
3. THAT THE TENDER FOR THE SUPPLY OF TEMPORARY OPERATIONS CONTRACT LABOUR BE REFERRED TO COUNCIL FOR DECISION DUE TO THE ANTICIPATED EXPENDITURE BEING IN EXCESS OF \$300,000.00 PER ANNUM.

CARRIED EN BLOC

C07/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

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

C07/5000 – COMMON SEAL REGISTER (REC)

BACKGROUND

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

DETAIL

| Document Type | Party | Description | File Reference |
|---|--|--|-----------------------|
| Notification Under Section 70A | GE & LA Willcocks | Restriction of Occupation for use of Ancillary Accommodation | 1714511 |
| Deed of Licence | Leeming Sports Association | John Connell Clubrooms – Portion of Reserve 24826 | 1695060 |
| Deed of Variation Licence | The Tamil Association of Western Australia | Mandala Hall – Portion of Reserve 29460 | 1704442 |
| Deed of Variation | The Centre for Attitudinal Healing | 35 St Michael Terrace, Mount Pleasant | 1706346 |
| Deed of Variation Lease | The Mount Pleasant Bowling Club Inc | Bedford Rd – Portion of Reserve 27046 | 1689538 |
| Deed of Licence | Southern Districts Senior Citizens Club Inc | Archibald Street (Cnr Of North Lake Road) Willagee | 1706610 |
| Deed of Lease | Melville Glades Golf Club Inc | Beasley Road, Leeming - Reserve 28600 | 1715691 |
| Withdrawal of Caveat | Fabcot Pty Ltd | Withdrawal of Caveat 1893318 Lot 401 (68) McCoy Street. Myaree | 1718280 |
| Deed of Licence | Stock Road Senior Citizens Club Inc | 38-40 Waddell Road, Palmyra | 1704364 |
| Deed of Lease | The Melville History Society Inc | Millers Bakehouse – Vol 740 F59 | 1706400 |
| Deed of Variation Lease | Girl Guides Western Australia – 1 st Applecross | McCullum Cres. - CT Vol 1109 F 959 | 1695007 |
| Prosecution Notice 36 McCoy Street Myaree | ACR No 1 Pty Ltd | Prosecution Notice for Illegal Development Lot 811 (36) McCoy Street, Myaree | 1502961 |

C07/5000 – COMMON SEAL REGISTER (REC)

| | | | |
|--|--|---|---------|
| Deed of Lease | Girl Guides Western Australia – 1 st Melville | Cnr Stock & Kitchener Roads. - Vol 1071 F 107 | 1695044 |
| Deed of Lease | Melville Community Arts Association Inc | Atwell House - Vol 1185 F 585 | 1723433 |
| Deed of Variation Lease | Applecross Mount Pleasant Sportsman Association Inc | Shirley Strickland Res. - Vol. 1629 F.631 | 1689520 |
| Deed of Variation Licence | Amalgamated Melville Homing Club | Portion of John Connell Reserve No. 24826 | 1704439 |
| Deed of Variation Licence | Veteran Car Club of WA Inc | Portion Of Building - 6 Hickey St, Ardross | 1704446 |
| Transfer of Land and Application for New Title | Colin Campbell | 23 Third Street, Bicton and Portion of Lot 66 | 1734231 |
| Surrender of Lease & Withdrawal of Caveat | Colin Campbell | 23 Third Street, Bicton and Portion of Lot 66 | 1734231 |

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 2.5 of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

C07/5000 – COMMON SEAL REGISTER (REC)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

That is a standard report for Elected Members information.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000)

NOTING

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

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

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

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

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

BACKGROUND

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

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

[6000A August 2007.pdf](#) and [6000B August 2007.pdf](#) the Investment Statements for the month of July 2007, form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 15 August 2007.

The Investment of Surplus Funds is undertaken in accordance with the Finance Investment Policy document for the City of Melville. [6000D August 2007.pdf](#) a graph showing the total levels of funds invested forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 15 August 2007.

A report prepared by Grange Securities has again been included for members' information. [6000C August 2007.pdf](#) The reports form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 15 August 2007.

Elected Members have been made aware of the impact on investments arising from the extreme volatility in world financial markets in recent weeks. This volatility means that it is extremely difficult at present to arrive at a true meaningful valuation for the Collateralised Debt Obligation (CDO) element of the investment portfolio, however the best estimate is that had all investments been disposed of at the end of July, a loss of 10% would have been realised. It should be emphasised that the investment products in question retain their very high credit ratings and that there is reason to believe that they will continue to pay their full interest yield and to pay full value on maturity.

Statements 6000A, 6000B and the graph 6000D show the value of the investments based on cost, which is consistent with long standing practice. The report from Grange Securities is based on their calculation of market value as at the end of July. That report shows a substantial negative performance when compared to the benchmark being the UBS Warburg 90 day bank bill Index + 0.35% over the month of July, past quarter and year and a negative return of 3.01% for the portfolio since inception in December 2003. As the credit markets regain stability the performance of the portfolio should show a marked turnaround.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Price Waterhouse Coopers (PWC) have been engaged to provide some advice in regards to the appropriateness of the City's investment strategy in light of the recent volatility in the credit markets.

STATUTORY AND LEGAL IMPLICATIONS

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

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

As at the end of July 2007, total interest, excluding Reserve Fund interest, earned was \$126,277 against a budget of \$167,090. The full year budget is \$2,555,887.

Reserve Fund interest earned was \$121,472 against a budget of \$105,100. The full year budget is \$1,175,245.

Apart from the book value of investments moving according to market volatility there are no financial implications in relation to the cash position of Council.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Whilst there has been increased market volatility risk associated with Council's investment portfolio the credit risk of the portfolio remains low and therefore the risk of losing capital or interest earnings is also low. Council's investment policy was carefully constructed to minimise credit risk through investing in highly rated securities and diversification.

POLICY IMPLICATIONS

Corporate Policy 13-PL-002 – Investment of Surplus Funds.

The policy will now be placed under review to incorporate mechanisms that protect Council's investments from undue volatility risk as well as the risk to reputation as a result of investments that may be perceived as unsuitable by the Community.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

Base interest rates rose in the period. The rates for thirty day bank bills rose by 0.18% from 6.34% to 6.52% whilst longer term returns also rose, with the ninety day rate lifting by 0.1813% to 6.6183%. Reflecting the extreme volatility in the financial markets, the performance of the City of Melville portfolio managed by Grange Securities fell below the agreed benchmark of the UBS Bank Bill Index plus 0.35% by 13.52% annualised in the month and shows a shortfall to the benchmark of 13.64% over the last twelve months.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000) NOTING

- 1. THAT THE INVESTMENT STATEMENTS FOR THE MONTH OF JULY 2007, AS DETAILED IN THE FOLLOWING ATTACHMENTS BE NOTED:**

[6000A August 2007.pdf](#)

[6000B August 2007.pdf](#)

[6000C August 2007.pdf](#)

[6000D August 2007.pdf](#)

- 2. THAT CORPORATE POLICY 13-PL-002 INVESTMENT OF SURPLUS FUNDS BE REVIEWED TO INCLUDE MECHANISMS THAT FURTHER PROTECT COUNCIL FROM UNDUE MARKET VOLATILITY, LIQUIDITY AND REPUTATION RISKS.**

CARRIED EN BLOC

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

| | | |
|----------------------------|---|---|
| Ward | : | All |
| Category | : | Operational |
| Subject Index | : | Financial Statement and Investments |
| Customer Index | : | Not applicable |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items | : | Standard Item |
| Works Programme | : | Not Applicable |
| Funding | : | 2007/2008 Budget |
| Responsible Officer | : | Bob Searle Manager Financial Services |

AUTHORITY / DISCRETION

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

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

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

BACKGROUND

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

DETAIL

The Schedules of Accounts for the period ending 31 July 2007 [6001 August 2007.pdf](#) including Payment Registers numbers 25 and 26 were distributed to the Members of Council on Wednesday, 15 August 2007.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

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

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2007/2008 Budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Management Procedure 1.8 - Certification of Accounts.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a regular monthly report for Elected Members information.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6001) NOTING

THAT THE SCHEDULE OF ACCOUNTS FOR THE PERIOD ENDED 31 JULY2007, AS APPROVED BY THE DIRECTOR CUSTOMER AND CORPORATE SERVICES IN ACCORDANCE WITH DELEGATED AUTHORITY CE23, AND DETAILED IN ATTACHMENT [6001 August 2007.pdf](#) BE NOTED.

CARRIED EN BLOC

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

On Monday, 13 August 2007, Mayor Katherine Jackson, gave notice of the following motion:

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

At 7.57pm the Mayor vacated the Chair and the Deputy Mayor Cr D MacPhail took the Chair.

At 8.03pm Cr Reynolds returned to the Chamber.

Her Worship the Mayor presented a document to be tabled.

At 8.04pm Cr H Everett moved, seconded Cr J Phillips –

THAT THE MAYOR’S DOCUMENT BE TABLED. [Statement.pdf](#)

COUNCIL RESOLUTION

At 8.04pm Mayor K J Jackson moved, seconded Cr J Phillips -

- 1. THAT ELECTED MEMBERS REFRAIN FROM UTILIZING THE COUNCIL MEETING AS A FORUM FOR GRIEVANCE INVOLVING OTHER ELECTED MEMBERS UNLESS THE MATTER CANNOT BE EFFECTIVELY DEALT WITH IN ANOTHER FORUM.**
- 2. COUNCIL REAFFIRM ITS GRIEVANCE PROCEDURE CONTAINED IN THE CITY’S CODE OF CONDUCT POLICY AS THE PROCESS TO BE FOLLOWED IN THE EVENT OF ANY PERSONAL GRIEVANCES BEING LODGED BY AN ELECTED MEMBER.**
- 3. COUNCIL NOTE THAT THE GRIEVANCE PROCEDURE AND ASSOCIATED CODE OF CONDUCT POLICY WILL NEED TO BE AMENDED OR REPLACED FOLLOWING REGULATIONS BEING GAZETTED BY THE STATE GOVERNMENT TO REFLECT THE PROVISIONS OF THE “LOCAL GOVERNMENT (OFFICIAL CONDUCT) AMENDMENT BILL 2005”, WHICH ARE EXPECTED TO BE OPERATIONAL FROM 20 OCTOBER 2007”**

At 8.04pm the Deputy Presiding Member submitted the motion, which was declared

CARRIED (12/0)

Amendment 1

At 8.04pm Cr A Ceniviva moved, seconded Cr R Aubrey –

THAT THE TERM “REFRAIN” IN ITEM 1 BE DELETED AND BE REPLACED WITH WORDS “BE DISCOURAGED”.

At 8.07pm the Deputy Presiding Member submitted the amendment which was carried
CARRIED WITHOUT DISSENT (12/0)

At 8.07pm the Deputy Presiding Member submitted the substantive motion as amended

1. **THAT ELECTED MEMBERS *BE DISCOURAGED* FROM UTILIZING THE COUNCIL MEETING AS A FORUM FOR GRIEVANCE INVOLVING OTHER ELECTED MEMBERS UNLESS THE MATTER CANNOT BE EFFECTIVELY DEALT WITH IN ANOTHER FORUM.**
2. **COUNCIL REAFFIRM ITS GRIEVANCE PROCEDURE CONTAINED IN THE CITY’S CODE OF CONDUCT POLICY AS THE PROCESS TO BE FOLLOWED IN THE EVENT OF ANY PERSONAL GRIEVANCES BEING LODGED BY AN ELECTED MEMBER.**
3. **COUNCIL NOTE THAT THE GRIEVANCE PROCEDURE AND ASSOCIATED CODE OF CONDUCT POLICY WILL NEED TO BE AMENDED OR REPLACED FOLLOWING REGULATIONS BEING GAZETTED BY THE STATE GOVERNMENT TO REFLECT THE PROVISIONS OF THE “LOCAL GOVERNMENT (OFFICIAL CONDUCT) AMENDMENT BILL 2005”, WHICH ARE EXPECTED TO BE OPERATIONAL FROM 20 OCTOBER 2007”**

which was **CARRIED WITHOUT DISSENT 12/0**

At 8.08pm the Mayor resumed the chair.

13. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

At 8.09pm Cr C Robartson moved, seconded by Cr M Reynolds –

THAT THE CITY OF MELVILLE CHIEF EXECUTIVE OFFICER BE REQUESTED TO URGENTLY ADDRESS THE ISSUE OF THE TRANSFER OF LOT 5 COLLIER STREET APPLECROSS FROM THE CITY OF MELVILLE TO THE CITY OF MELVILLE AGED PERSONS TRUST.

CARRIED WITHOUT DISSENT (12/0)

At 8.10pm Cr H Everett moved, seconded Cr C Robartson –

THAT THE CITY OF MELVILLE CONGRATULATE THE SHIRE OF QUAIRADING ON THE OCCASION OF ITS CENTENARY.

CARRIED WITHOUT DISSENT (12/0)

14. CLOSURE

There being no further business, the Mayor declared the Meeting closed at 8.12pm.