



— *City of* —  
***Melville***

**MINUTES**

**OF THE**

**ORDINARY MEETING OF THE COUNCIL**

**HELD ON**

**TUESDAY 18 DECEMBER 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: 21 DECEMBER 2007**

# CONTENTS PAGE

<b>AGENDA ITEMS</b>	<b>PAGE/S</b>
<b>REPORTS OF THE ACTING CHIEF EXECUTIVE OFFICER</b>	
P07/1009 - PEDESTRIAN ACCESS WAY BETWEEN WINDELYA ROAD AND MURDOCH UNIVERSITY PLAYING FIELDS, KARDINYA	1
P07/1010 - ACCESS TO PUBLIC TOILETS IN COMMERCIAL CENTRES	9
P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE	19
P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON	39
P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE ON LOT 600 (764) CANNING HIGHWAY, APPLECROSS	52
P07/5007 - PROPOSED AMENDMENT NO 54 TO COMMUNITY PLANNING SCHEME NO 5 – TO RESERVE LOT 301 DUNCRAIG ROAD APPLECROSS FOR LOCAL OPEN SPACE FROM UNZONED LAND	77
C07/8017 - MT PLEASANT BOWLING CLUB REQUEST FOR SELF SUPPORTING LOAN	81
C07/5000 – COMMON SEAL REGISTER	88
C07/6000 – INVESTMENT STATEMENTS	91
C07/6001 – SCHEDULE OF ACCOUNTS	95
C07/6002 – FINANCIAL STATEMENTS	98
P07/3028 – PROPOSED CHANGE OF USE FROM SHOWROOM TO SHOP ON LOT 305 (369-375) CANNING HIGHWAY, PALMYRA	103
P07/3023 – RECISION MOTION - FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPLECROSS, OF 20 NOVEMBER 2007	113



— City of —  
**Melville**

10 Almondbury Road Booragoon WA 6154  
Postal Address: Locked Bag 1, Booragoon WA 6954  
Tel: 08 9364 0666  
Fax: 08 9364 0285  
Email: [melinfo@melville.wa.gov.au](mailto:melinfo@melville.wa.gov.au)  
Web: [www.melvillecity.com.au](http://www.melvillecity.com.au)

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.41PM ON TUESDAY 18 DECEMBER 2007.**

**1. PRESENT**

His Worship the Mayor, Russell Aubrey

**COUNCILLORS**

Cr H R Everett (Deputy Mayor)  
Cr N Pazolli  
Cr DJ Macphail, Cr A Ceniviva  
Cr C Robartson, Cr R Subramaniam  
Cr P M Phelan; Cr C M Halton  
Cr M J Barton, Cr G Wieland  
Cr L M Reynolds; Cr J R Bennett

**WARD**

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

**2. IN ATTENDANCE**

Mr M Tieleman  
Mr R G Willis

Mr C McClure

Mr B Searle

Mr T Cahoon

Mr K Weymes

Mr B Taylor

Ms B Mitchell

**POSITION TITLE**

Acting Chief Executive Officer  
Director Technical & Development  
Services  
Director Strategic Urban Planning  
Services  
A/Director Customer & Corporate  
Support  
Representing Director Strategic  
Community Development  
Manager Planning & Development  
Services  
Manager Information, Technology &  
Support  
Minute Secretary

At the commencement of the Meeting there were 14 people in the Public Gallery and 1 member of the Press in the Press Gallery.

His Worship the Mayor, Russell Aubrey announced the appointment of Dr Shayne Silcox as the new Chief Executive Officer of the City of Melville. He also acknowledged Mr M Tieleman's valuable contribution as A/Chief Executive Officer and then wished everyone a merry Christmas.

**3. APOLOGIES AND APPROVED LEAVE OF ABSENCE**

Nil

#### **4. PUBLIC QUESTION TIME**

There were no questions presented by the public.

The A/Chief Executive Officer referred to two (2) Public Questions raised by Mr James Addvalue of Applecross at the last meeting of Council on Tuesday 20 November 2007.

The first question, regarding the renaming of the Mt Pleasant/Applecross Ward to Mt Pleasant/Ardross/Applecross ward, was answered at that meeting.

The second question related to the underground power project in Mt Pleasant, in particular the apportionment of costs of underground power, consultation with owners and the owner's ability to negotiate costs.

These questions were taken on notice and an undertaking made to provide written answers, as well as recording them in the Minutes of this meeting. However, following the meeting the written questions could not be located, as in the haste to clear the Chambers so the Council could move onto consideration of confidential business they had been inadvertently misplaced. When advised of the loss of the written questions, Mr Addvalue declined to resubmit the questions and therefore it has not been possible to respond to his exact questions. General information in relation to Mr Addvalue's questions will be provided.

The A/Chief Executive Officer offered his apology to Mr Addvalue and advised that improvements had been made to the system which would hopefully prevent this happening again.

#### **5. AWARDS AND PRESENTATIONS**

His Worship the Mayor, Russell Aubrey presented the "Count Us In Awards" award for Excellence in Access and Inclusion to Mr T Cahoon, who accepted the award on behalf of the Director Strategic Community Development.

The Mayor also announced that in October 2007 the City of Melville was a National Finalist and State Winner of the Australian Human Resource Institute Excellence in People Management.

#### **6. CONFIRMATION OF MINUTES**

##### **6.1 NOTES OF AGENDA FORUM – 4 DECEMBER 2007** [NOTES\\_AF\\_041207.PDF](#)

At 6.41pm Cr H R Everett moved, seconded Cr C M Halton -

**THAT THE NOTES OF THE AGENDA FORUM HELD ON TUESDAY 4 DECEMBER 2007 BE RECEIVED.**

At 6.41pm the Mayor submitted the motion, which was declared

**CARRIED WITHOUT DISSENT (13/0)**

**6. CONFIRMATION OF MINUTES (Cont'd)**

**6.2 ORDINARY MEETING OF THE COUNCIL - 20 NOVEMBER 2007**  
[min\\_OMC\\_201107.pdf](#)

At 6.41pm Cr J R Bennett moved, seconded Cr L M Reynolds -

**THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 20 NOVEMBER 2007 BE CONFIRMED AS A TRUE AND ACCURATE RECORD, SUBJECT TO THE FOLLOWING ALTERATION TO ITEM C07/6004 – REVIEW OF MAYORAL AND DEPUTY MAYORAL ALLOWANCES POLICY 14-PL-003:**

**PAGE 118 DELETE THE WORDS “OF \$14,955 PER ANNUM”**

At 6.41pm the Mayor submitted the motion, which was declared

**CARRIED WITHOUT DISSENT (13/0)**

**6.3 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE – 13 NOVEMBER 2007**  
[min\\_FMARC\\_13112007.pdf](#)

At 6.42pm Cr G Wieland moved, seconded Cr C W Robartson -

**THAT THE MINUTES OF THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE HELD ON 13 NOVEMBER 2007 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.**

At 6.42pm the Mayor submitted the motion, which was declared

**CARRIED WITHOUT DISSENT (13/0)**

**6.4 GENERAL MEETING OF ELECTORS – 28 NOVEMBER 2007**  
[min\\_GME\\_281107.pdf](#)

At 6.42pm Cr H R Everett moved, seconded Cr J R Bennett -

**THAT THE MINUTES OF THE GENERAL MEETING OF ELECTORS HELD ON 28 NOVEMBER 2007 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.**

At 6.42pm the Mayor submitted the motion, which was declared

**CARRIED WITHOUT DISSENT (13/0)**

**FOOTNOTE**

**THERE WERE NO RESOLUTIONS FROM THE GENERAL MEETING OF ELECTORS THAT REQUIRED THE ATTENTION OF COUNCIL IN ACCORDANCE WITH SECTION 5.33 OF THE LOCAL GOVERNMENT ACT 1995.**

**6. CONFIRMATION OF MINUTES (Cont'd)**

**6.5 MINUTES OF THE CLOSED SECTION OF MEETING OF COUNCIL 20 NOVEMBER 2007 WERE TABLED**  
**[min\\_CSOMC\\_201107.pdf](#)**

At 6.43 pm the Mayor presented the report and minutes of the closed section of the November 2007 Council Meeting regarding the appointment and salary package of the Chief Executive Officer.

At 6.44pm Cr C W Robartson moved, seconded Cr L M Reynolds –

**THAT THE MINUTES OF THE CLOSED SECTION OF THE ORDINARY MEETING OF COUNCIL HELD ON 20 NOVEMBER 2007 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.**

At 6.44pm 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 has 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**

- P07/1009 Cr M J Barton
- P07/3025 Cr G Wieland
- C07/8017 Cr H R Everett
- P07/3023 Cr M J Barton

**8. APPLICATIONS FOR NEW LEAVE OF ABSENCE**

Cr C W Robartson  
Cr G Wieland

**9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil

**10. PETITIONS**

On 11 December 2007 a Petition bearing one hundred and ten (110) signatures was received by the Council in relation to the status of the Len Shearer Reserve. The Petition reads –

*“We the undersigned, all being electors of the City of Melville do humbly pray that the status of the Len Shearer Reserve be changed to Dogs on a Leash at all Times and that the change of status be communicated by new signage around the perimeter of the reserve”.*

At 6.45pm Cr H R Everett moved, seconded Cr P Subramaniam -

**THAT THE PETITION BEARING 110 SIGNATURES RELATING TO THE USAGE OF LEN SHEARER RESERVE BY DOG OWNERS BE NOTED AND THAT A REPORT BE PRESENTED TO A FUTURE MEETING OF COUNCIL.**

At 6.45pm the Mayor submitted the motion, which was declared **CARRIED (13/0)**

**11. REPORTS OF THE ACTING CHIEF EXECUTIVE OFFICER**



**P07/1009 - PEDESTRIAN ACCESS WAY BETWEEN WINDELYA ROAD AND MURDOCH UNIVERSITY PLAYING FIELDS, KARDINYA (REC) (ATTACHMENT)****Declaration of Interest**

**Item No:** P07/1009 - Pedestrian Access Way Between Windelya Road & Murdoch University Playing Fields Kardinya  
**Member:** Cr J Barton  
**Type of Interest:** Interest under Code of Conduct  
**Nature of Interest:** Husband employee of Murdoch University  
**Extent of Interest:** Interest under Code of Conduct  
**Request:** Stay and Observe  
**Decision of Council:** Stay and Observe

Ward : University  
Category : Strategic  
Property : Murdoch University (Western Precinct)  
Proposal : Deletion of Pedestrian Access way to University Playfields and facilities  
Applicant : St Ives Murdoch Residents Association Inc  
Owner : Murdoch University  
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
Responsible Officer : Craig McClure  
Director Strategic Urban Planning  
Previous Items : P04/1019 Murdoch University Master Plan

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

**P07/1009 - PEDESTRIAN ACCESS WAY BETWEEN WINDELYA ROAD AND MURDOCH UNIVERSITY PLAYING FIELDS, KARDINYA (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- Requested deletion of an access way between Windelya Road to the playing fields at Murdoch University (western end) as shown on the Murdoch University Master Plan.
- The retention of the access way was one of the key elements of the residential precinct (western end) of the Murdoch University Master Plan adopted by the Council on 21 December 2004.
- Residents of St Ives Murdoch petitioned (200 signatories) the Council in May 07 seeking the deletion of the access way through the St Ives Village. The objection was based on the division of the village by the location of the access way, the creation of a security risk and the detrimental effect the location of the access way will have on resident rights to a quiet and secure enjoyment of the village.
- The petition was received by the Council at its 15 May 2007 meeting where it resolved to note the petition and sought the preparation of a report on the subject. St Ives residents subsequently requested that consideration of the issue be postponed providing the University and others additional time to consider alternatives to resolve the impasse.
- A second petition was received from residents of Kardinya on 16 September 2007 concerned at the proposed loss of access to the playing fields via the proposal to delete the access way. A further submission was received on 25 October from the Kardinya Ratepayers Association adding an additional 23 residents concerned at the loss of the access way.
- St Ives residents and management, Mayor, Ward Councillors, Council staff, members of the Kardinya Ratepayers Association and representatives from Murdoch University met to discuss the access way issues on 28 September 2007 at the St Ives Village.
- The subject access way is not a legislated pedestrian access way however, has been utilised by the community as an access way for many years. The access was initially utilised as a vehicle access however, as part of the Master Planning process, the community requested that vehicular access be closed and the access way remain available for pedestrians (and service vehicles). The access way provides direct and convenient access to the university playing fields for the Kardinya community located to the west of the university.
- Recommended that the access way as shown on the Murdoch University Master Plan be deleted from the plan{In dot points - sketches out the purpose of the report & gives an indication of what the recommendation will be}..

**BACKGROUND**

In July 2001, the City in conjunction with representatives from Murdoch University and consultants began working together to prepare a Master Plan for the South Street Campus. The production of the master plan required community engagement and preparation of a number of reports/studies on traffic, environment, urban land use planning, commercial and social impacts etc. After extensive consultation with key stakeholders and the community the Council endorsed the Murdoch University Master Plan for the South Street campus subject to conditions in December 2004 and referred to the document to the Western Australian Planning Commission for information and to progress an Omnibus Amendment underway at that time.

**P07/1009 - PEDESTRIAN ACCESS WAY BETWEEN WINDELYA ROAD AND MURDOCH UNIVERSITY PLAYING FIELDS, KARDINYA (REC) (ATTACHMENT)**

During the advertising of the Master Plan process, submissions requested that the access/egress point adjacent to the Lakeside Apartments (south of St Ives Village) and from Windelya Road to the playing fields be closed to traffic but retained for pedestrian access. At that time, this request was acceptable to both the University and the Council. The end result was the identification of an access way on the final master plan for pedestrian access.

**Scheme Provisions**

MRS Zoning	:	Public Purposes – University (future Urban Zone)
CPS 5 Zoning	:	Public Purpose – University (future Residential Zone)

**Site Details**

Lot Area	:	221 hectares (University)
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	Western Precinct – Murdoch University <a href="#">1009A December 2007.pdf</a>

**DETAIL**

1. The St Ives petitioners raise the following points in support of their request:
  - o The access way will divide the existing village from the new units and facilities proposed in stage 10 of the St Ives development;
  - o The access way will create an unnecessary security risk and anxiety for residents;
  - o The access way will create concerns for privacy and have a detrimental effect on residents rights to quiet and uninterrupted enjoyment of their village and its facilities;
  - o Location of the access way fails sound planning and retention of stakeholder amenity.

As an alternative location, the petitioners propose that permanent public access be created to the playing fields by construction of a multi-use footpath way utilising the existing pathway on Windelya Road through Norm Godfrey Reserve and close to the university boundary along Farrington Street.

2. Murdoch University master planning process (2004) showed community, University and Council support for retention of an access way for pedestrians in this location in order to retain connection to university facilities for residents located to the west of the University.

**P07/1009 - PEDESTRIAN ACCESS WAY BETWEEN WINDELYA ROAD AND MURDOCH UNIVERSITY PLAYING FIELDS, KARDINYA (REC) (ATTACHMENT)**

3. Kardinya Ratepayers' Association indicated a level of support for retention of the access way via a letter drop to the homes in the immediate vicinity. 240 letters were distributed and 43 responses (inclusive of a petition submitted on 24 September containing 23 signatories) were received all concerned at the possible loss of access to the playing fields. Specific comments made were:
- Use of access way varied from daily, twice per week, three or four times a week to once per month;
  - Children in the State Cross Country Team use the oval to train;
  - No other available ovals in the area – to kick a football, play softball, throw a ball or play cricket;
  - Oval used to fly model aircraft;
  - Oval used by residents to assist with health issues/recuperation/promote exercise;
  - Residents do not want a twenty minute walk to the oval;
  - Safety aspect – closing the access way would necessitate children having to cross the new internal access road to get to the oval;
  - Students use the access way to get to the University;
  - People in the area work at the university and use the access way;
  - People in St Ives are a “Walled People” – looks like the Berlin Wall;
  - Metres and metres of unending limestone wall are not attractive to external residents and reflect an inward thinking attitude rather than one that is interactive with the larger community.

*“The Kardinya Ratepayers Association and local residents are disappointed at the wall being built between St Ives/University and the community. We are extremely disappointed that our area of Kardinya has such limited areas for exercise and that the use of the Murdoch Oval will now be more difficult and access to the oval will not be as safe as when crossing the new access road. We trust the Council will support us in this matter as we are determined that there is a way to link the St Ives and Kardinya communities – rather than see the development of an insular group wall off from our community – and one which excludes the local residents.”*

4. As a result of local attention to this issue, one written submission and one electronic submission have been received from residents concerned at the potential loss of access to the university facilities via this access way.
5. Architects for subsequent stages of St Ives had identified the problems associated with separating the St Ives Development by the location of the access way as:
- The land was proposed for residential development (for student housing or retirement village);
  - Security (personal safety) is the most important aspect of a fully integrated retirement village;
  - Vehicular and pedestrian connectivity for Health and Care services is imperative;
  - Full resident integration (approx 100 persons) for clubhouse and recreation services rather than isolation and separation.

**P07/1009 - PEDESTRIAN ACCESS WAY BETWEEN WINDELYA ROAD AND MURDOCH UNIVERSITY PLAYING FIELDS, KARDINYA (REC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

No formal consultation has occurred on this issue however, at the request of concerned parties a meeting with St Ives representatives and management, Councillors and Mayor, Council staff, Murdoch University representatives and members of the Kardinya Residents Association was held on 14 August and again on 28 September 2007 at the St Ives complex.

The purpose of the meeting was to openly debate the issue and discuss the pro's and con's of removing the access way, providing access in another location and the topographical difficulties with constructing the access in the current location given the works associated with the new stages of the St Ives development. The meetings also resulted in a site inspection of the access way.

No commitment other than to refer the matter to Council was given at the meeting.

**STATUTORY AND LEGAL IMPLICATIONS**

The University owns the land which has been used for public access. No known evidence exists (in Council possession) of the access way being a lawful right of way or pedestrian access way. Any access rights would need to be proved and verified in any claim to retain access over the land by a member of the public.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

1. The alternate option to the provision of the access way in this location is for the neighbouring community to access the University facilities via Norm Godfrey Reserve located to the south of the St Ives Village. The relocation of public access would increase the distance to the playing field by approx. 200 metres and the University would be required to upgrade pathway and lighting to enhance connectivity.  
[1009B December 2007.pdf](#)

**P07/1009 - PEDESTRIAN ACCESS WAY BETWEEN WINDELYA ROAD AND MURDOCH UNIVERSITY PLAYING FIELDS, KARDINYA (REC) (ATTACHMENT)**

2. The architects for St Ives provided a possible solution via the provision of a vehicular and pedestrian bridge over and semi ramp down for public access. This solution is not considered safe public/pedestrian access and may be prone to graffiti and opportunity for anti-social behaviour by the 'tunnelling effect'. This option may reduce the visual amenity for both residents of the village and possibly the broader neighbourhood and still give the perception of separation (by virtue of a physical structure) within the village complex. The size of the structure may also reduce the amenities available for village residents (croquet lawn).

[1009C December 2007.pdf](#)

**COMMENT**

In considering this proposal, the Council should note the following:

**The Master Plan -**

- o At the time of preparation of the Murdoch University Master Plan in 2003/2004, St Ives Village had not planned to extend stage 10 further east (residential component) of the University. This western precinct (stage 10) was to be used for both retirement village and student accommodation separated by the access way. Hence, there was common agreement to retain the access way (by the University, local community, participants from St Ives and the Council);
- o During the preparation of the Master Plan, the significance of the oval to the local community and St Ives residents was clearly and regularly communicated to the project team and the Council.

**The Access way -**

- o The access way is the property of Murdoch University – the access way has no formal status as a right of way or pedestrian access way under the Land Act;
- o The access way has served the local community for many years;
- o The access way provides the shortest, safest and most convenient route to the playing field/oval and University facilities for the adjacent community;
- o Retention of the access way incorporating construction of pedestrian bridge (required in order to accommodate the grade difference between existing development and proposed development), would in itself create a 'tunnel' appearance and possibly create an unsafe environment, and divide the retirement village community;
- o The proposed access way by virtue of the enlarging of Stage 10 (including relocation of the future new road to the east) has increased in length from approx. 280m in the original master plan to approx. 440m. With the approved expansion, the access way would be around 12m wide and at approx. 440m long represents a considerable barrier to the functioning of the retirement village.

**The University -**

- o The University as owner of the land, supports the removal of the access way and in return is prepared to fund improvements to existing peripheral pathways and connections to the oval and other University facilities using the existing pedestrian network;
- o Alternate access is available to the oval/University via existing pathway on Windelya Road and Farrington Road (thru Norm Godfrey Reserve). The additional distance equates to approx 200m;
- o The University has acknowledged the need to upgrade and improve the peripheral pathway with lighting and seating.



**P07/1009 - PEDESTRIAN ACCESS WAY BETWEEN WINDELYA ROAD AND MURDOCH UNIVERSITY PLAYING FIELDS, KARDINYA (REC) (ATTACHMENT)****St Ives Retirement Village**

- Expansion of the Village to the south has been an initiative of the last 3-4 years (since the Master Plan was prepared). The entire western precinct of the University proposed for Urban Zone will be occupied by the retirement village;
- Retirement village planning is generally 'internal' in design and function and this village is no exception;
- Residential occupancy at the village has expanded markedly over the last few years – creating another community that will use the facilities of the University, possibly to the exclusion of the adjacent Kardinya community;
- An Report was requested outlining any reported incidents at St Ives Retirement Village over the last three to four years. [1009D December 2007.pdf](#)

**Kardinya Community**

- The Kardinya Residents are 'disappointed' at the possible loss of direct access to University facilities considered part of their neighbourhood, and the exclusive nature of the St Ives development.

**CONCLUSION**

The informal access way between Windelya Road and the University playing fields has been used and enjoyed by the local community for many years while the western edge of the University has remained relatively undeveloped. The recent and planned growth of the St Ives Village to the south combined with the grade separation required to effectively provide a constructed pedestrian access way in the same location will alter the amenity of the Village and possibly create an unsafe environment.

Community support and usage of the access way was demonstrated through receipt of 43 responses of concern from the surrounding community at the possible loss of access as compared to the over 200 signature support for removal of the access way from the St Ives Village community. Furthermore, access to facilities will not be denied by deletion of the access way from the Master Plan, but rather will be less convenient and marginally longer in walking distance (approx. 200m). Insignificant evidence exists to suggest the access way now or in the future is or will be highly used or needed and in view of alternative safe access no objection to its removal from the master plan is raised.

In light of the above, deletion of the access way is recommended.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (P07/1009)      APPROVAL**

At 6.46pm Cr J R Bennett moved, seconded Cr A Ceniviva -

- 1. THAT THE COUNCIL RESOLVE TO ADVISE MURDOCH UNIVERSITY TO AMEND THE MURDOCH UNIVERSITY CAMPUS DEVELOPMENT STRATEGY (MASTER PLAN) 2004 TO DELETE THE ACCESS WAY FROM WINDELYA ROAD TO THE UNIVERSITY WITHIN THE WESTERN PRECINCT.**

**P07/1009 - PEDESTRIAN ACCESS WAY BETWEEN WINDELYA ROAD AND MURDOCH UNIVERSITY PLAYING FIELDS, KARDINYA (REC) (ATTACHMENT)**

- 2. THAT THE WESTERN AUSTRALIAN PLANNING COMMISSION BE ADVISED OF THE AMENDMENT TO THE MASTER PLAN.**
- 3. THAT MURDOCH UNIVERSITY WORK CLOSELY WITH THE KARDINYA RESIDENTS' ASSOCIATION IN THE UPGRADE OF PERIPHERAL PATHWAYS, LIGHTING, SEATING AND PLANTING ALONG WINDELYA ROAD, CONNECTING TO THE UNIVERSITY PLAYING FIELD. IN THIS REGARD MURDOCH UNIVERSITY IS TO PRODUCE A LANDSCAPE PLAN AND ACCESS PLAN OF THE ALTERNATIVE ACCESS SYSTEM FOR APPROVAL BY THE CITY OF MELVILLE AND FUND ALL NECESSARY IMPROVEMENTS TO THE SPECIFICATIONS AND SATISFACTION OF THE CITY OF MELVILLE.**
- 4. THAT MURDOCH UNIVERSITY BE ADVISED OF THE NEED TO ENSURE THAT THE FUTURE ROAD (EAST OF STAGE 10) PROPOSED TO BE ADJACENT TO ST IVES VILLAGE PROVIDES A SAFE CROSSING FOR PEDESTRIANS.**
- 5. THAT MURDOCH UNIVERSITY BE ADVISED OF THE URGENCY TO REVIEW THE MASTER PLAN IN VIEW OF ONGOING CHANGES AND GROWTH PROPOSED IN THE MURDOCH PRECINCT.**
- 6. THAT THE SUBMITTERS BE ADVISED OF THE DECISION OF THE COUNCIL.**

**FOOTNOTE:**

**THE APPLICANT IS ADVISED THAT THE ISSUE OF ALTERNATIVE ACCESS AND UPGRADE OF PATHS AND NORM GODFREY RESERVE WILL NEED TO BE ADDRESSED PRIOR TO SUBMITTING A DEVELOPMENT APPLICATION FOR STAGE 10 AND WILL BE DEALT WITH AS PART OF THAT DEVELOPMENT APPLICATION.**

At 6.46pm the Mayor submitted the motion, which was declared **CARRIED (9/3)**

Having declared an interest in this item Cr M J Barton did not vote.

At 6.47pm Cr D J Macphail moved, seconded Cr J R Bennett -

**THAT THE RECOMMENDATIONS FROM ITEMS P07/1010, C07/5000, C07/6000, C07/6001 AND BE CARRIED EN BLOC.**

At 6.47pm the Mayor submitted the motion, which was declared **CARRIED (13/0)**



**P07/1010 - ACCESS TO PUBLIC TOILETS IN COMMERCIAL CENTRES (REC)**

Ward	:	All
Category	:	Strategic
Subject Index	:	Petitions & Multi Signed Letters, Applecross Village
Customer Index	:	Applecross Village Shopping Centre
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	T06/2000 February 2006 – Applecross Village Shopping Centre – Petition for Toilets T07/2000 February 2007 – Applecross Village Shopping Centre Toilets Elected Members Workshop March 2007 Applecross Village Shopping Centre Toilets Elected Members Workshop 30 October 2007 – Policy on Council Contribution to Toilet Commercial Centres
Works Programme	:	2007 / 2008 Financial Year
Funding	:	\$150,000
Responsible Officer	:	Alan Diggin

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

**P07/1010 - ACCESS TO PUBLIC TOILETS IN COMMERCIAL CENTRES (REC)**

**KEY ISSUES / SUMMARY**

- To formulate a policy for Council contribution towards provision of public toilets in commercial centres.
- A request has been received from MLA for Alfred Cove, Janet Woollard, and by way of 2 petitions for provision of public toilets at Applecross Village Centre.
- Council has adopted the proposal to provide public toilets at Applecross Village Centre.
- Further consultation is required in relation to location and design of the public toilets at this centre.
- In recent weeks it has become evident that there will be opportunities to negotiate toilets being provided by the private sector with proposals for the redevelopment of the IGA site and old service station site at Applecross Village Centre.
- If these negotiations are successful there will be no need for the City to provide toilets at the Applecross Village Centre.
- The City will still need to consider planning for provision of public toilets at the Riseley Centre and Canning Bridge Centre in the preparation of Centre plans for each of these commercial precincts in the future.

**BACKGROUND**

Council has been requested to consider providing public toilets for the Applecross Village Shopping Centre.

This request has been submitted by a local member for parliament (MLA, member for Alfred Cove) and by the public by way of two petitions (March 2007 with 195 signatures and Nov 2005 with signatures from 180 residents).

In February 2006 the recommendations adopted by Council in item T06/2000 were:

1. *That the proposal to provide public toilets at Applecross Village Centre be adopted.*
2. *That funding of one hundred and fifty thousand dollars (\$150,000) from the Commercial Centre programme be allocated to the provision of a toilet at Applecross Village Shopping Centre in the 2007/2008 Financial year.*
3. *That the Council note that as a result of the above decision an annual increase of approximately six thousand dollars (\$6,000) per annum will be required to fund maintenance and operational costs excluding vandalism.*
4. *That further public consultation be undertaken prior to any works being undertaken regarding location and design.*
5. *That the petitioners be advised of the Council decision.*

In accordance with item 4 above a survey of shop owners and shoppers in February 2007 revealed that there was a perceived need for a public toilet in the vicinity of the Applecross Village shopping centre but there were concerns with respect to location.

**P07/1010 - ACCESS TO PUBLIC TOILETS IN COMMERCIAL CENTRES (REC)**

Combining the shop owners' and shoppers' responses gave the following results:

- support the proposal 20 or 38% of responses
- support the proposal but not the location 22 or 42% of responses
- do not support the proposal 11 or 20% of responses

The proposed location on the footpath within the road reserve was identified on plan 922A3-06PG which was presented to the February 2007 meeting of Council (Item T07/2000).

At this meeting Council, in considering the request for a public toilet at the Applecross Village Shopping Centre resolved:

1. *That the results of the survey indicating the recognized need for a public toilet in the Applecross Village Shopping Centre be noted.*
2. *That due to lack of public support in respect to the location proposed, the public toilet not proceed at the site indicated on Plan 922A3-06PG.*
3. *That this request not proceed until such time as an acceptable location is identified by the community that complies with appropriate safety, security and amenity criteria in accordance with Crime Prevention Through Environmental Design (CPTED) principles.*

An amount of \$130,000 is currently budgeted for construction of this toilet block.

Applecross Village is an older neighbourhood centre which has grown incrementally over the years containing a supermarket, eating establishments and ancillary shops (a centre of 3,572m<sup>2</sup> retail floorspace with allowance for growth by another 500m<sup>2</sup> in retail floorspace as identified in Council's Local Commercial Strategy). The total floorspace for the centre is actually greater than 3,572m<sup>2</sup> as approximately 3,000m<sup>2</sup> is used for non retail floorspace (estimate total floorspace at 6,572m<sup>2</sup>).

A number of locations and designs for the proposed public toilets are being considered.

More recently it has become evident that in considering applications for redevelopment of the IGA site and old service station site within the Applecross Village Centre it may be possible to negotiate provision of public toilets within these developments.

Prior to making any decision to provide public toilets a need exists for a policy to guide the provision of public toilets in all centres throughout the City as identified by Councillors in March 2007.

**DETAIL****Configuration**

The use of a unisex toilet provides advantages of:

- use of less land
- reducing establishment and maintenance costs
- easier integration of a smaller structure into the existing streetscape.

Demand in special circumstances may require consideration of separate sex cubicles.

**P07/1010 - ACCESS TO PUBLIC TOILETS IN COMMERCIAL CENTRES (REC)****Crime Prevention Thru Environmental Design (CPTED)**

In brief CPTED principles relate to:

- Surveillance (eyes on the street/visibility)
- Access Control (reduce escape opportunities for intruders)
- Territorial Reinforcement (sense of ownership)
- Target Hardening (security measures) (building design and detailing)
- Management and Maintenance (a cared for environment)

**Provision and Need for Toilets- Assumptions**

There are currently no “public” toilets (toilets managed by the City) associated with commercial shopping centres within the City of Melville.

Generally larger, modern integrated centres are more likely to have public toilets located within the centre than in the case of smaller older local centres of a fragmented nature.

The demand for toilets is also likely to be greater in the larger District and Local Centres due to the level and nature of leisure and shopping opportunities being provided to the public and the shopping/leisure experience which occurs.

It is however acknowledged that some small local centres do contain cafes and restaurants which will generate the need for toilet provision and in some instances the old local delicatessen may become a de facto coffee shop without provision of toilets for customers.

Existing toilets in some instances are not ideal in terms of design for safety and disabled access.

Some District and Local Centres may also have opportunities for better provision of public toilet facilities by centre owners upon expansion/redevelopment in the future. Eg Canning Bridge.

Redevelopment opportunities for additional retail floorspace in centres are guided by the City of Melville Local Commercial Strategy.

Although many centres within the city may have toilets which are generally available for public use, in most instances access will be dependant upon centre management practices and can be restricted to daytime use and centre opening hours.

In these instances Council may wish to consider entering into joint management arrangements with centre management to improve public access as required. Such actions should be dependant upon a request being received by Council.

**Availability of Toilets in Centres****Regional Centre - Garden City**

The Regional Commercial Centre at Garden City has toilets with good access for the public.

**P07/1010 - ACCESS TO PUBLIC TOILETS IN COMMERCIAL CENTRES (REC)****District Centres**

District Centres as defined in Council's Commercial Strategy (generally of 4,000m<sup>2</sup>-15,000m<sup>2</sup> retail floorspace) within the City either have internal public toilets or there is access to staff/customers toilets located within individual commercial operations and/or community facilities.

Toilets are available to or within District Centres as follows:

- Canning Bridge (has toilets associated with tavern, eating facilities, hotel and community facilities) and proposed in the new library/community buildings.
- Riseley Street (has toilets available within the carpark on the eastern end behind the dry cleaners (access is not ideal) and in a number of eating establishments but there may be a need for public toilets).
- Petra Street (toilets available within the centre) (**good access for public**).
- Melville Plaza Centre (Canning Highway) - (toilets available within centre)(**good access for public**).
- Kardinya Centre (South Street/North Lake Road) - (toilets available within centre) (**good access for public**).
- Bullcreek Centre (South Street/Benningfield Rd) - (toilets available within centre) (**good access for public**).

**Neighbourhood Centres**

Toilets are available to or within the following "neighbourhood" centres which vary in size above 1,500m<sup>2</sup> retail floorspace:-

- Brentwood Centre (Cranford Ave) - (public toilets available within an external block adjacent to the nearby Blue Gum recreation centre).
- Parry Avenue Centre Bullcreek - (toilets available in centre) (access is off a rear driveway).
- Farrington Centre Leeming - (toilets available within the centre and in community facilities adjoining) (**good access for public**).
- Winthrop Centre Somerville Bvd - (toilets available within the centre) (**good access for public**).
- Willagee Centre cnr Stock Road and Leach Highway (toilets in basement carpark) (**good access for public**).
- Myaree Centre – Marmion Street and North Lake Road (toilets available within the centre and nearby recreation reserve) (**good access for public**).
- McKimmie Rd North/Canning Highway (highly dispersed centre with no supermarket-toilets in hotel and fast food outlets).
- Mt Pleasant Centre Queens Road (small centre with no supermarket-toilets available off rear laneway).
- Hislop Road (small centre with no supermarket-toilets associated with tavern and eating establishments).

Bateman Village Centre although capable of supporting up to 2,500m<sup>2</sup> retail floorspace (an additional 2,000m<sup>2</sup> retail floorspace) is a centre based more on non retail/office uses. Toilets are not available for public use. Given the nature of the commercial activities undertaken at the centre, Council provision of public toilets is not considered to be of high priority.

**P07/1010 - ACCESS TO PUBLIC TOILETS IN COMMERCIAL CENTRES (REC)**

The centres under 1,500m<sup>2</sup> are considered to be too small to be of priority for Council to consider providing public toilets. This represents 16 centres ranging in retail floorspace from 73m<sup>2</sup> to 846m<sup>2</sup>.

Provision of public toilets within future centres at Murdoch University and Fiona Stanley Hospital Development and South Street Transit Orientated Design will be considered during the planning phases for those projects.

**PUBLIC CONSULTATION/COMMUNICATION**

Council may seek public advertising of a development application (DA) as part of the planning assessment process.

A survey of shop owners and shoppers was undertaken in Feb 2007 to determine need and issues of concern regarding provision of public toilets in the Applecross Village Centre.

Council has requested that further consultation take place to determine a suitable location and design for the toilets within the Centre.

There is no requirement to advertise the policy.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Advertised for information purposes.

**STATUTORY AND LEGAL IMPLICATIONS**

Planning approval will be required from the City for construction of toilets.

**FINANCIAL IMPLICATIONS**

\$130,000 has been budgeted for construction of a toilet block at Applecross Village.

In February 2006 Council resolved that funding of \$150,000 from the Commercial Centre programme be allocated to the provision of a toilet at Applecross Village Shopping Centre in the 2007/2008 financial year.

It was also resolved that \$6,000 per annum will be required to fund maintenance and operational costs excluding vandalism.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

- Any policy for provision of public toilets within commercial centres by the City of Melville should be linked to any other strategies for provision of toilets within the City.

**P07/1010 - ACCESS TO PUBLIC TOILETS IN COMMERCIAL CENTRES (REC)**

- There may be Financial risks;
- Public Health risks;
- Community Safety risks, and
- Risk to Visual Amenity.

In the case of joint provision of toilet facilities by the City and Business proprietors there will also be legal risks to be managed.

**POLICY IMPLICATIONS**

In determining the level of support and priority that Council may give to the provision of public toilets within commercial centres a guiding policy is desirable.

There needs to be a balance between the request for toilets to meet new demands and the ability of Council to sustain a network of toilets at the level of quality to meet community expectations, providing a community benefit but minimizing negative impacts.

It is recommended that such a policy should be based on:

1. Demonstrated need based on the type and extent of shopping, leisure facilities within the centre and any requests from the public. ie
  - In large centres (district and neighbourhood centres (over 1,500m<sup>2</sup> retail floorspace) containing a supermarket) where large numbers of people will be congregating for a long period;
  - Where a wide range of facilities will be available such as hairdressers and cafes and restaurant;
  - Where end of trip facilities for cyclists are required;
  - Where aged and young children will be congregating;
  - Where the number of visitors will be greater than 4,000 persons per day;
  - Where centres are located on busy bus routes;
  - Where there is not likely to be new facilities provided by the private sector as part of commercial redevelopment;
2. Strong community support.
3. Consideration of the times of opening, accessibility and capacity of toilet facilities to the general public in community and recreation facilities within 500 metres of centres (within 5 minutes walk).
4. Consideration of joint management of any existing toilet facilities within centres whether currently available for public use or not.
5. Integration with any end of trip facilities for cyclists.
6. Consideration being given to the ability and obligations of centre owners to provide public toilets. (Major retail centres should continue to be encouraged to provide public toilets facilities during hours of operation.)
7. Future centre redevelopment opportunities and planning initiatives. (New toilets for shopping centres should only be provided by the City in accordance with an approved centre plan).
8. Design and location toilet blocks based on CPTED (Crime Prevention Thru Environmental Design) principles.
9. Consideration of Town Planning objectives including proper and orderly planning, amenity, traffic management considerations, sustainability.
10. Provision of value for money.
11. Budgetary constraints.



**P07/1010 - ACCESS TO PUBLIC TOILETS IN COMMERCIAL CENTRES (REC)**

12. Consultation with key stakeholders including, community groups and police.
13. Improving the economic and social viability of centres as 'hubs' for community focus.
14. Need for good sign posting of public toilet facilities.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

1. Public Toilets may be provided and managed by the City (on public land). The City bears cost for construction and maintenance and has control of management of the toilets.
2. Public Toilets may be provided and managed by a commercial property owner (on private land) at no cost to the City and the City has limited control of management of the toilets
3. Joint provision and management between the City and a commercial property owner may be negotiated (preference for location on private land). There are legal implications to securing long term provision and management of the toilets.

**CONCLUSION**

In considering provision of public toilets it is recommended that first priority should be given to District and Neighbourhood Centres which support a supermarket and are of a reasonable size (ie over 1,500m<sup>2</sup> in retail floorspace) and a demonstrated need exists.

The City should not consider providing toilets at small local centres (ie centres under 1,500m<sup>2</sup> retail floor space) unless there are opportunities for joint provision with nearby recreation or community facilities, such as libraries.

From the above observations it would then appear that those centres which should be further studied for provision of public toilets as a priority include centres at:

- Applecross Village
- Riseley Street
- Canning Bridge

Applecross Village Centre

Council has acknowledged that a need exists for public toilets at the Applecross Village Centre, funds have been set aside in the budget and Council will be undertaking further consultation regarding the location of such facilities.

However there are possibilities for the provision of toilets as part of private sector redevelopment within the Centre.

Further consideration of provision of public toilets by the City within the Centre should be deferred pending the outcome of these negotiations.

Riseley Street Centre

Council should explore providing public toilets within land owned by the City for potential parking at the western end of the Riseley Centre during the preparation of a centre place plan.



**P07/1010 - ACCESS TO PUBLIC TOILETS IN COMMERCIAL CENTRES (REC)**

Canning Bridge Centre

Public toilet provision should be considered in the Canning Bridge Place Making Transit Orientated Design study and a centre redevelopment plan and during the consideration of opportunities for development of Council owned land for parking or multi purpose Council building/community facilities around the Canning Bridge Centre.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (P07/1010)      APPROVAL**

- 1. THAT COUNCIL DEFER CONSIDERATION OF THE PROVISION OF PUBLIC TOILETS WITHIN THE APPLECROSS VILLAGE CENTRE BY THE CITY PENDING THE OUTCOME OF NEGOTIATIONS FOR TOILETS TO BE PROVIDED AS PART OF REDEVELOPMENTS PROPOSED WITHIN THE CENTRE.**
- 2. THAT COUNCIL ADOPT THE FOLLOWING POLICY FOR CONTRIBUTION TOWARDS PROVISION OF PUBLIC TOILETS WITHIN COMMERCIAL CENTRES:**

**POLICY**

1. Council may consider contributing towards the provision and / or joint management of toilets for access by the general public adjoining or within commercial centres with a priority being given to toilets associated with District and Neighbourhood Centres (centres generally over 1,500m<sup>2</sup> in retail floor area) which support a supermarket.
2. Unless demand dictates otherwise, public toilets will be provided as a unisex (genderless) single cubicle, enclosing other facilities such as hand washing and baby change.
3. In considering any provision of new toilets or joint management of public toilets Council will have regard to:
  - (i) There being a demonstrated need based on the type and extent of shops and leisure facilities within the centre and any request demonstrating need being received from ratepayers and or trading associations.
    - a. Where there are a wide range of facilities where people will be congregating for a long period of time such as hairdressers, cafes and restaurants.
    - b. Where aged and young children will be congregating.
    - c. Where end of trip facilities are required for cyclists.
    - d. Where the number of visitors will be in excess of 4,000 persons per day (weekdays).
    - e. Where centres are located on busy bus routes.
    - f. Where there is not likely to be new facilities provided by the private sector as part of any redevelopment.
  - (ii) Accessibility and capacity of public toilets within nearby community and recreation facilities.
  - (iii) Integration with any end of trip facilities for cyclists.
  - (iv) Opportunities for joint management of any existing toilet facilities within the centre for public use.
  - (v) Legal obligations and ability of centre owners to provide toilets for customer and general public use.
  - (vi) Future redevelopment opportunities and centre planning.

**P07/1010 - ACCESS TO PUBLIC TOILETS IN COMMERCIAL CENTRES (REC)**

- (vii) Design and location being based on Crime Prevention Through Environmental Design (CPTED) Principles.
    - Facilities located where there are high traffic and pedestrian volumes (busy areas);
    - High visibility with entrance orientated to nearby activity, with good footpath links, pedestrian crossing and parking;
    - Provision of clear directional signage;
    - Reduce opportunities for people to loiter in the near vicinity;
    - Avoid steps and steep grades, design for disabled access in accordance with Australian Standards;
    - Proper lighting provided around and within the facility;
    - Located away from vehicle access and carbays that may pose threats;
    - Providing means to be locked;
    - Vandal proofing;
    - Graffiti proofing;
  - (viii) Town Planning objectives within The Town Planning Scheme.
  - (ix) Sustainability objectives including;
    - Water saving devices;
    - Consideration of embodied energy and recycling potential of materials;
    - Minimizing waste associated with construction;
    - Reducing impact of cleaning materials used for graffiti removal;
    - Maintaining a high level of satisfaction among users with hygiene and appearance, through ability to clean and maintain;
    - Signage, including hours of operation;
    - External form and materials to be sympathetic to surrounds/ integrated with nearby built character;
    - Disabled parking provision nearby;
  - (x) Provision of value for money;
  - (xi) Budgetary constraints;
  - (xii) Submissions received through consultation with key stakeholders.
- 3. THAT HAVING REGARD TO THE ABOVEMENTIONED POLICY COUNCIL GIVES FIRST PRIORITY TO CONSIDERATION OF THE PROVISION OF PUBLIC TOILETS WITHIN THE FOLLOWING COMMERCIAL CENTRES:**
- (i) RISELEY STREET CENTRE (SUBJECT TO THE PREPARATION OF A PLACE/CENTRE PLAN)**
  - (ii) CANNING BRIDGE CENTRE (SUBJECT TO THE PREPARATION OF A PLACE/CENTRE PLAN)**
  - (iii) APPLECROSS VILLAGE**
- 4. THAT THE POLICY BE ADVERTISED FOR INFORMATION PURPOSES.**

**CARRIED EN BLOC**  
**WITHOUT DISSENT (13/0)**

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)****Declaration of Interest:**

**Item No:** P07/3025 – Application for Retrospective Planning Approval for Change of Use from Hobby Ceramics et al to Storage on Portion of Lot 41 (1) Thurso Road, Myaree

**Member:** Cr G Wieland

**Type of Interest:** Interest under Code of Conduct

**Nature of Interest:** Works in same area as Owner

**Extent of Interest:** Interest under Code of Conduct

**Request:** Leave

**Decision of Council:** Leave

At 6.47pm Cr G Wieland left the meeting.

Ward : City

Category : Operational

Application Number : DA-2007-823

Property : Lot 41 (1) Thurso Road Myaree

Proposal : Application for retrospective planning approval for change of use from hobby ceramics et al to storage

Applicant : Mr T Del Giacco

Owner : Mr S Hunt and Others

Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.

Responsible Officer : Keith Weymes  
Planning and Development Services

Previous Items : No previous items

**AUTHORITY / DISCRETION**

- Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets*
- Legislative *includes adopting local laws, town planning schemes & policies.*
- Review *when Council review decisions made by Officers.*
- Quasi-Judicial *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.*

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE **REC (ATTACHMENT)******KEY ISSUES / SUMMARY**

- Change of use from hobby ceramics et al to storage.
- Current and proposed use for storage relates to the stage and entertainment industry.
- Application has resulted from noise complaint investigations relative to the unauthorised change of use.
- Error on proposed site plan. A dwelling is shown close to the boundary on Lot 34. This dwelling is in fact on Lot 35. The dwelling on Lot 34 is well setback from the site.
- Sufficient car parking and drainage on the site.
- Noise report submitted which recommends remedial action to reduce the impact of the development on adjoining residential properties.
- The applicant has agreed to all of the remedial actions.
- Recommended that the application be supported subject to recommendations of the report, which specifically address noise and amenity concerns.
- Additional conditions proposed following Agenda Forum which further reduce the impact of the activity on the adjoining residential properties.

**BACKGROUND**

The City of Melville issued planning approval dated 13 June 1984 for the manufacture of greenware for hobby ceramics, hobby ceramic classes and sale of glazes – both retail and wholesale on the site. Although previous records of planning approvals for development on the site are not clear, it is apparent that the site may have initially been developed for some form of storage activity. Notwithstanding, legal advice indicates that that the most recent approval for the property (referred to above) is the current legitimate use on site and any former use (whether approved or not) has no further legal standing.

**Scheme Provisions**

MRS Zoning	: Industrial
CPS 5 Zoning	: Mixed Business Frame
R-Code	: R20/25
Use Type	: Storage
Use Class	: D

**Site Details**

Lot Area	: 4,081 sqm
Retention of Existing Vegetation	: No
Street Tree(s)	: No
Street Furniture (drainage pits etc)	: No
Site Details	: <a href="#">3025A December 2007.pdf</a>

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

**DETAIL**

The applicant, Statewide Staging Systems (SSS) currently supplies the entertainment industry with various structures which include stages, ground support systems (ground mounted truss configurations), scaffolding, marquees, dance floors and other miscellaneous items.

The development site is used for the storage, dispatch, return and cleaning of items for hire. Most of the activity on site involves loading and unloading equipment, although some cleaning of equipment also takes place. The work conducted at the storage yard represents no more than ten percent of each job and is evident by the long absences of equipment from the storage yard. On average the business carries out 5 jobs per week in the busy season (spring and summer) and 2 jobs per week in the slow season (autumn and winter).

SSS operate with skeleton staff from the storage yard – riggers, scaffolders and labourers meet at the entertainment site. The entertainment industry operates at odd times around the clock, however SSS are only involved in structural requirements. SSS operate between 7.00 am and 7.00 pm Monday to Saturday. Staff may be required at work early from time to time and vehicles may be returned to the site or picked up from the site earlier than 7.00 am or later than 7.00 pm. At times when this occurs, the vehicles access the property using the easternmost driveway and vehicles are parked in that driveway. No work is carried out in the storage yard at these times.

**Development Requirements**

<b>Development Requirement</b>	<b>Required/ Allowed</b>	<b>Proposed</b>	<b>Comments</b>	<b>Delegation to approve variation</b>	<b>Plan Notation</b>
Carparking	1 bay for every staff member (5 staff)	5 bays	Complies		

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: The use of storage is a discretionary use in the Mixed Business Frame  
 Support/Object: 3 objections

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1.	<p>1. The tenant must undertake to maintain the strict noise guidelines already in place, and to endeavour to further reduce noise where possible.</p> <p>2. The proposal for a 3 m high fence should be the last option. The other option of landscaping would be preferred. Any increase in the amount of racking/storage should be kept away from neighbouring residential fence lines.</p>	Objection	1-5. See detailed comments below.	<p>Condition</p> <p>Condition</p> <p>Uphold</p>

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
	<p>3. Vehicles (including cars with unsuitably loud exhausts) frequent the parking area. This car often leaves the premises late (and sometimes very early) hours causing sleep disturbance.</p> <p>4. I am not anti-noise or anything else, I am simply attempting to keep our environment as peaceful as possible, while allowing a neighbouring property to go about its business with as little interference from the neighbours as possible. I accept that there will always be business carried out on the site and so it would be for the benefit of all parties if we all agreed to respect each other's rights and privacy.</p>			<p>Partially Uphold</p> <p>Uphold</p>

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
2.	<p>1. The use involves noise, fumes from the trucks and forklift, dust, plus the visual pollution – similar to a construction site in the backyard.</p> <p>2. In the busy season this type of business could be working 24/7. In March and April the business was operating 7 days a week from early morning to late evening.</p> <p>3. It is virtually impossible for our family to continue to enjoy living in our family home of 44 years and to have friends over to enjoy a barbeque in our own backyard.</p>	Objection	1-3. See detailed comments below.	<p>Not Uphold and Condition</p> <p>Condition</p> <p>Partially Uphold and Condition</p>
3.	<p>1. The equipment stored on the site is visual pollution.</p> <p>2. Fumes from the vehicles are a health hazard.</p> <p>3. The business does not comply with the buffer zone gazetted for this area and makes life uncomfortable for the residents.</p> <p>4. The constant beeping of the forklift</p>	Objection	1-4. See detailed comments below.	<p>Uphold and Condition</p> <p>Not Uphold</p> <p>Partially Uphold and Condition</p> <p>Uphold and Condition</p>



**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

**REFERRALS TO GOVERNMENT AGENCIES**

Required: No

**STATUTORY AND LEGAL IMPLICATIONS**

The applicant may have the right to have the decision of the Council reviewed in accordance with Part 14 of the Planning and Development Act 2005.

**FINANCIAL IMPLICATIONS**

There are no anticipated financial implications.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

There are no anticipated strategic or risk management implications.

**POLICY IMPLICATIONS**

Policy 06-PL-024 Car Parking

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The application may be refused, in which case the applicant may lodge an appeal against the decision with the State Administrative Tribunal.

The application was subject to adverse comment at the Agenda Forum Meeting of Council on 4 December, 2007. Whereas additional conditions may be added (see conditions 14 and 15 added to Recommendation) to further reduce the impact of the proposal on the adjoining residential properties by further screening the development and reducing the height of storage (see attached cross section plan), should Council still be of the view that the application be refused, the following reasons for refusal are provided.

[3025 Plan December 2007.pdf](#)

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

1. The proposal does not satisfy Clause 7.8 of Community Planning Scheme No. 5 in that it is inconsistent with orderly and proper planning and will have an adverse impact on the amenity of the adjoining residential properties.
2. Non-compliance with the Statement of Intent for the the Mixed Business Frame Precinct, namely that “all uses are to be compatible with the adjoining residential area – primarily commercial offices, showrooms, consulting rooms and the like”, and
3. The proposal is inconsistent with the future planning direction of the locality, which proposes to remove storage and warehousing uses from the “frame” surrounding the Myaree business area precinct to reduce amenity impacts on adjacent residential properties.

## **COMMENTS**

### Scheme and Policy Provisions

Part 4 of the Community Planning Scheme No. 5 provides the statement of intent for the Mixed Business Frame precinct as follows:

*“Primarily commercial including offices, showrooms, consulting rooms, medical centers and the like. Buildings shall not use reflective materials that impact on the amenity of the area, and all uses are to be compatible with the adjoining residential uses. Council Policy is to apply to manage the interface between non-residential and residential uses.”*

Part 7.8 of the Community Planning Scheme No. 5 lists a number of matters that the Council may consider in the determination of an application for planning approval. Impact on residential amenity is one the matters that will be considered in the determination of this application.

Council Policy 28-PL-007 Mixed Use Frame Precinct Additional Development Requirements relates to development in the Mixed Business Frame. The provisions of the Policy are not applicable as it applies to the development, not use of land.

### Land Use and Activities

The activities include loading, unloading, cleaning, general maintenance and administration. The land use being carried out is storage. This involves the keeping of like or individual items on pallets, storage racks, stillages and in steel mesh cages. The term stillage refers to a storage frame that is customised for a particular product shape. The term storage rack refers to a vertical stacking of pallets, stillages or steel mesh cages.

---

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**Land Use and Activities (Cont'd)

Loading and unloading equipment involves removing necessary pallets, stillages or cages with a forklift, stacking them on a medium rigid truck, securing the load on the truck and leaving the yard (vice versa for unloading). The proposed area suitable for loading and unloading is in the middle of the yard. The forklift is run on LPG and the medium rigid trucks are diesel powered.

The use involves occasional cleaning of marquee canvas with a pressure cleaner. Cleaning is part of the storage process to preventing deterioration of the product. Cleaning takes place on the north east corner of the yard. Marquee canvas cleaning occurs approximately 5-8 days per year. The cleaning process involves laying down a protective carpet (dimensions 10m x 3m), applying detergent with a broom and then hosing down with a pressure cleaner. The canvas is then hung out to dry either outside or inside the building depending on the weather, then returned to the storage rack. The detergent used is not classified as hazardous according to Worksafe Australia and is biodegradable. SSS apply the product by hand and dilute it with water (1:5). SSS only use the pressure cleaner to hose off the detergent. There is no overspray of chemicals affecting the adjoining residential properties.

General maintenance activities include the following:

- Replacing missing bolts, screws, pop rivets and other fixings using hand tools and a regular power drill.
- Lubricating chain blocks, chain motors, and wire ropes with lanotec.
- Replacing eyelets, hooks and ropes on canvas products using hand tools.

It is SSS policy to repair items before they are placed in the storage racks. This limited maintenance occurs inside the existing building and only during normal operating hours. All major alterations, repairs, fabrication of equipment and painting are carried out at a leased property in Mandurah. Vehicle maintenance and cleaning also occurs at the Mandurah property.

Administration activities include the use of phones, fax and computers in the office.

Hard surfacing

The storage yard was hard surfaced prior to SSS commencing activities on the site. SSS have provided a drainage plan showing an appropriate number of soakwells for the containment of stormwater on the site. The hard surface of the site limits the potential for dust nuisance to adjacent residential properties.

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**Security Lighting

The security lighting on the existing building is directed away from or located far away from the existing residential properties. The security lighting is also hooded.

Car Parking

Council Policy relating to car parking prescribes that the use of “storage” shall provide 1 bay for every 100 square metre of net leasable area. This standard is associated with a variety of different businesses that carry out storage.

In the case of SSS, customers do not visit the site. Car parking is generated by the staff only.

It is recommended that the provisions of the Policy be varied and the applicant provides sufficient car parking on the site to satisfy staff parking requirements.

SSS have indicated that no more than 5 staff members work on the site. The proposed site plan shows 5 car parking bays which comply with the relevant Australian Standard in relation to their dimensions and access. Accordingly, it is considered that sufficient parking is provided.

Noise

A noise assessment has been carried out by Lloyd George Acoustics for the purpose of identifying if the current activity complies with the requirements of the Environmental Protection (Noise) Regulations for the adjoining residential uses and if not what is required to ensure compliance.

The following is a summary of the assessment:

- The measurement took place on the property 94 Rome Road Melville. The City of Melville requested that the noise be measured from this property because it is the residential property most likely to be affected by noise.
- The measurement was taken between 10.00am and 11.00am.
- Two areas of the property were measured – in the back yard adjacent to the pergola and inside the living room of the existing dwelling (with the window open).
- The weather conditions were a light southerly breeze and temperature of 20°C.
- SSS were instructed to carry out loading and unloading activities, operating of the forklift and trucks and loading of metal items using manual labour.
- The activities were carried out between the middle of the yard and the western boundary of the site.

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

Noise measurements presented below indicate maximum noise levels relative to the activity and the impact on the adjoining residential properties as provided for under the Environmental Protection (Noise) Regulations 1997. The LA L<sub>A10</sub> reading represents the assigned noise levels for 10% of the prescribed period under the Regulations and L<sub>A1</sub> for 1% of the prescribed period. The L<sub>Amax</sub> represents the maximum noise level allowable for any one noise spike or incident.

Comparison of Inside Measurements Against Assigned Levels			
Description	L <sub>A10</sub>	L <sub>A1</sub>	L <sub>Amax</sub>
Adjusted Noise Level	49 dB	49 dB	75 dB
Assigned Level	51 dB	61 dB	71 dB
Difference (“+” means adjusted noise level has exceeded assigned noise level)	-2 dB	-11 dB	<b>+4 dB</b>

Comparison of Outside Measurements Against Assigned Levels			
Description	L <sub>A10</sub>	L <sub>A1</sub>	L <sub>Amax</sub>
Adjusted Noise Level	58 dB	63 dB	79 dB
Assigned Level	51 dB	61 dB	71 dB
Difference (“+” means adjusted noise level has exceeded assigned noise level)	<b>+7 dB</b>	<b>+2 dB</b>	<b>+8 dB</b>

The noise report made the following recommendations:

- The L<sub>A10</sub> noise level is associated with the forklift and exceeds the level prescribed by the Regulation by 7 dB. It is recommended that a fence no less than 3.0 m high and with a material density of 10 kilograms per square metre be constructed along the common boundary between the site and the existing residential development and replacing the forklift with a quieter model (e.g. electric operated) which incorporates noise control to the exhaust and transmission. The fence is anticipated to provide attenuation of up to 5 dB and the replacement of the forklift could provide a further attenuation of up to 5 dB.
- The L<sub>AMAX</sub> levels are associated with the banging of metal objects. A fence would not resolve this and therefore further noise management techniques and procedures are required. It is recommended that noisy objects be stored on rubber mats to attenuate noise when they are placed on the ground and racks should be rubber lined or metal objects with a potential to generate noise should be stored far away from the existing residential properties or in the existing building. It should be noted that during the period for which noise was measured the metal impact noise generated by loading and unloading occurred only once.

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

In relation to the results of the measurement of noise and the recommendations of the noise assessment SSS have provide the following comments:

- The existing forklift will be replaced in accordance with the acoustic consultant's recommendation. A new forklift will be purchased and delivered by January 2008.
- A 3.0 m high fence with a material density no less than 10 kilograms per square metre is proposed along the western boundary of the site. The fence will abut the properties 94, 96 and 98A Rome Road Melville. The fence will be constructed as soon as is practicably possible if approval is issued by the Council.
- Activities carried out on the site have been modified as follows:
  - Trailers are now stored on the north western corner of the site and moved using manual labour to reduce noise generation.
  - All equipment in the yard is now stored in stillages, on timber pallets or in steel mesh cages. Steel and plywood stage boards; aluminium, steel and plywood stairs; concrete weights; and some aluminium truss components are stored on pallets. Stage frames, cross braced legs, scaffolding, pipe and bracing bars made from steel or aluminium are stored in cages and stillages. Storing equipment in this manner enables loading and unloading activities to be carried out faster (reduced time using forklift) because it reduces having to handle individual items and the reduction in handling individual items reduces noise generation.
  - The noise assessment shows that the banging of metal objects is an offensive noise. This comes from the manual handling involved in stacking of steel frames, legs and cross braces into and out of steel mesh cages and stillages after providing general maintenance on them. This noise is reflected in the results of the measurement of noise by staff manually handling pipe work close to the western boundary of the site. This type of work is now being carried out on the north-eastern corner of the site or within the existing building within which the general maintenance occurs. If out in the yard it will be approximately 25 m away from the nearest residential property and approximately 40 m away from the nearest residential dwelling.
  - The acoustic consultant has commented on the changes in the location of activities and advised that it is not possible to predict the benefit in decibels without modelling or a new measure, however the changes will positively contribute to reducing the noise experienced by the existing residential properties.

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

- In addition, work practices have been modified as follows:
  - Equipment stacked on pallets, in stillages or steel mesh cages will not cause banging of metal objects as they are loaded and unloaded carefully using a forklift. Staff that operate the forklift are instructed to carry out this activity carefully. Staff that operate the forklift are licensed and experienced operators of a forklift vehicle.
  - Some steel mesh cages and frames are now placed onto a rolling support (steel frame with wheels) enabling them to be moved through the site using manual labour. This reduces the use of the forklift. This practice is currently carried out in the existing building and will be incorporated into activities in the yard where practicable.
  - Using the existing building to carry out activities that may be considered “noisy.” (e.g. general maintenance of equipment prior to storage).
  - Purchase of truss stillages that are plastic lined. This reduces noise generated when the stillage contacts another hard surface through the activities of loading and unloading.
  - Rubber matting on the ground is not required as per the acoustic consultant’s recommendations because since the time of the noise measurement, SSS work practices have changed such that there is no storing of equipment on the ground.

Consultation with Potentially Affected Land Owners

Consultation with affected adjacent landowners has occurred with regard to both the proposed land use and wall designed to reduce the impact of noise.

Land use

Consultation was carried out with the land owners of 1 Thurso Road Melville, 92, 94, 96, 98A and 100 Rome Road Melville. Three objections have been received by the City of Melville.

The objections express concerns relating to visual amenity, noise, odour (fumes), dust and reduction in domestic enjoyment of a residential property.



---

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

In relation to visual amenity, concern was expressed for the viewing of the storage racks on the site from residential properties. The properties where this was expressed as a concern generally have a limited view of the storage racks. The limited viewing of the storage racks is unlikely to have an adverse impact on visual amenity in consideration of the following:

- The well established gardens along the rear boundaries of the residential properties substantially limit the view of the storage racks.
- The proposed 3.0m high wall proposed to be constructed along the western boundary of the site will further assist in almost totally screening the storage racks.
- It is reasonable for there to be some viewing of activities typically associated with non-residential development from the residential properties because they abut a site zoned for non-residential activities.

The greatest amenity for the residential properties is inside the dwellings or in the rear yards. Due to the size of the rear yards and considerable distance to the storage racks, viewing out from the dwellings is primarily into the rear yards.

In relation to noise, concern was expressed with regard to noise generated by the banging of metal objects, the pressure cleaner, the telephone amplification device, reversing beepers, and trucks and the forklift. Since the time of the submissions:

- The telephone amplification device has been removed from the site.
- The noise generated by the trucks, the forklift and the banging of metal objects has or will be reduced through the modified operation of activities on the site.
- The noise generated by the pressure cleaner should comply with the Environmental Protection (Noise) Regulations 1997 because the noise is infrequent and generated for very short periods. Noise that complies with the assigned levels is deemed to be reasonable. However, a noise that complies with the Regulations does not exclude it from being offensive or causing a nuisance. This noise is considered to be offensive because it is constant and there is no break or fluctuation in the sound pressure level. It is recommended that an acoustic barrier be used to reduce the noise generated by the pressure cleaner. The applicant has advised that the pressure cleaner will be relocated to the eastern side of the building and that the cleaning operation will be undertaken with extension hoses.
- The noise generated by reversing beepers is similar to the noise generated by the pressure cleaner. The reversing beepers are required for safety however there are alternative types of beepers which generate a less offensive noise to the standard high pitched beepers. It is recommended that the reversing beepers on all equipment that require them be replaced/provided with lower pitched beepers. The applicant has agreed



**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

In relation to odour, concern was expressed in regard to fumes from trucks on the site. SSS have indicated that prior to loading the trucks, they are started and run idle for 5-10 minutes to pressurise the air tanks for the brake systems. This occurs on the eastern portion of the site. The fumes are likely to break up and disperse in the air (with the assistance of prevailing winds) to an acceptable level by the time they would reach the residential properties approximately 35 m away. It is noted that the property is zoned for a number of commercial and semi-industrial uses which normally involve the use of commercial vehicles. Accordingly, it is not unreasonable for commercial vehicles to operate in some form from the property and in this context any, exhaust fumes generated from accessing the property are considered acceptable.

In relation to dust, concern was expressed in regard to dust generated by the activities carried out on the site. The ground on the site is sealed with asphalt and the activities carried out are not 'dust generating' activities.

In relation to the reduction in domestic enjoyment of a residential property, it was indicated that the rear yards of the residential properties could no longer be used for private recreation because the viewing of the storage racks, noise and fumes generated by the unauthorised use contributed to a reduction in sensory experiences while recreating in those rear yards. Similar to the information presented above, existing characteristics of the residential properties, change in the location of activities on the site, construction of a wall, changing of reversing beepers and the use of an acoustic screen for the pressure cleaner will protect the amenity of the rear yards.

Proposed fence/wall

Consultation was carried out with the land owners of 94, 96 and 98A Rome Road Melville. Two objections have been received by the City of Melville.

The objections express concerns relating to impact on amenity (the proposed wall will adversely affect access to sunlight and will have an adverse visual impact because of the proposed building bulk) and other considerations inclusive of restricted access to a sewer inspection pit on the site, the wall will assist in hiding unacceptable activities and the wall is not large enough to be fit for it's purpose.

In relation to the impact on amenity, the proposed wall will not have an adverse impact on access to sunlight for the abutting residential properties, with the exception of 98A Rome Road Melville. The portions of the residential properties abutting the proposed location for the wall are occupied by either established gardens or outbuildings. These areas are considered to be areas of low amenity and do not require substantial access to sunlight. Despite that these areas occupied by garden and outbuildings will experience good access to sunlight during the middle and afternoon periods of a day.

---

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

Due to the presence of the existing established gardens and outbuildings most of the proposed wall will be screened from view. Attached photos from the rear of 94 Rome Road indicate the estimated 3.0m high fence height and illustrate that the fence is primarily screened by landscaping at the rear of the property. It is noted that substantial vegetation also exists at the rear of 96 Rome Road which will also screen the fence.

[3025B PHOTOS December 2007.pdf](#)

In relation to the property 98A Rome Road Melville, the proposed wall is likely to have an adverse impact on the amenity of the existing dwelling. It is recommended that the section of the proposed wall along this property be deleted or lowered to the satisfaction of the adjoining owner. The wall is not required for attenuation of noise because this property is located substantially away from the storage yard and the existing building on the site provides noise attenuation and a visual buffer from the yard area to the north of the site.

It is noted that the noise wall should be required to wrap around the corner and follow the northern boundary of the site to the adjacent Mixed Use site fronting McCoy Street to further reduce the visual and noise impact on adjacent residential properties to the north-west of the site. The applicant has agreed with this proposal.

In relation to the other considerations, the Water Corporation requires access to the sewer inspection pit and SSS will be required to construct the wall in a location and using a type of footing acceptable to the Water Corporation. The remaining considerations are unsubstantiated.

## **CONCLUSION**

It is noted that the subject property is proposed to be rezoned Mixed Use Frame under Amendment No 47, which is currently awaiting approval from the Hon. Minister for Planning and Infrastructure. This amendment indicates that the statement of intent for the Mixed Use Frame Precinct provides for land and buildings used for to form a buffer between business and commercial uses and the adjoining residential areas. Use may include offices, residential and low intensity business uses inclusive of Storage activities.

Whilst the initial operations of SSS have caused some considerable concern to adjoining property owners, it is clear that the applicant has and is prepared to further modify operations and carry out noise attenuation in an attempt to satisfy noise and amenity concerns.

The present zoning of the property provides for a range of commercial and semi industrial activities inclusive of Light and Service Industry and Storage which have legitimate rights to operate on the property providing the adjacent residential amenity is adequately protected. It is considered that the proposal can be managed to satisfy noise concerns particularly with the construction of the noise wall and through other attenuation techniques.

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

In terms of the visual impacts of the proposed wall, it is noted that the wall will be significantly shielded by vegetation which exists in the rear of the properties. In addition to the noise attenuation benefits provided by the wall, it will also screen the majority of the unsightly activities on the site. It needs to be considered that if the open storage area is not used for open storage then it is likely to be covered with a building with a considerably increased wall height and consequently bulk.

It is also noted that a former proposal to rezone 102 Rome Road at the intersection of Thurso Road to provide for the additional use of office was refused by the Hon. Minister for Planning and Infrastructure in 2001. The Minister recognised that the intent of the Mixed Business Frame was to provide a transitional buffer between Mixed Business and residential land uses to ensure that the surrounding residential areas are protected from the incompatible land uses. Whilst the Minister noted that the office use would be unlikely to have a significant impact on the amenity of surrounding residential properties, it was considered that given that their amenity is already degraded due to the proximity of light industrial land uses. In this instance, the Minister accepted the claims of local residents that the existing amenity levels should be preserved rather than further eroded by allowing further commercial encroachment.

Council could take a similar view in this regard, however, it is noted that the above amendment related to an existing residential property and not a commercial property which has ongoing commercial use rights under the scheme. On balance, it is considered that providing the proposal has adequate conditions to safeguard residential amenity, it is reasonable to approve the application. In this case it is considered that adequate safeguards can be applied and conditional approval granted. It is however, significant to note that one of the proposed conditions requires that a further noise study be undertaken at the conclusion of the noise attenuation works and adoption of the new practices to ensure that appropriate noise attenuation has been achieved.

In relation to recommended special conditions 1, 4, 5 and 7, the applicant has provided the following comments;

- The pressure cleaner is located on the eastern side of the building when in use. The aim of this is to use the existing building to attenuate noise generated by the pressure cleaner. It has a 30m hose that allows the pump and motor to be located away from the cleaning area.
- In relation to the movement of trucks outside the 7am to 7pm Monday to Saturday operating hours;
  - a) if a truck leaves the side outside normal operating hours it is parked down the eastern façade of the existing building ready to egress via the eastern driveway, and
  - b) if a truck returns to the side outside normal operating hours, it is parked against the eastern façade of the existing building.

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE REC (ATTACHMENT)**

- At no time will the loading or unloading of trucks occur out of hours and furthermore there will be no movement in the yard outside operating hours. The picking up or returning of trucks typically takes no longer than the opening of the gate, driving the vehicle out / in and the locking of the gate behind (approximately 3 minutes).

The proposed wall will be constructed along the western boundary of the site adjoining 96 and 94 Rome Road. This wall will also continue along the northern boundary for 6m abutting the existing building on the site to the north of the storage yard.

**OFFICER RECOMMENDATION (P07/3025)**

**APPROVAL**

**THAT THE APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR A CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON LOT 41 (1) THURSO ROAD MYAREE BE APPROVED AND SUBJECT TO THE FOLLOWING:**

**SPECIAL CONDITIONS:**

- 1. THE PRESSURE CLEANER BEING RELOCATED TO THE EASTERN SIDE OF THE BUILDING.**
- 2. THAT REVERSING BEEPERS ON FORKLIFTS BE MODIFIED OR REPLACED WITH LOWER PITCH ALTERNATIVES TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES SO AS TO REDUCE THE NOISE OF THE REVERSE BEEPERS.**
- 3. THE OPENINGS IN THE WESTERN WALL OF THE EXISTING BUILDING THE SUBJECT OF THIS APPLICATION BEING CLOSED AT ALL TIMES WHEN THERE ARE ACTIVITIES BEING CARRIED OUT IN THE EXISTING BUILDING, IN ORDER TO ASSIST IN CONTAINING THE NOISE GENERATED BY THOSE ACTIVITIES INSIDE THE EXISTING BUILDING.**
- 4. A 3.0 METRE HIGH WALL (MASONARY IN TYPE) BEING CONSTRUCTED ALONG THE WESTERN BOUNDARY OF THE SITE ADJOINING 94 AND 96 ROME ROAD IN THE LOCATION MARKED IN RED ON THE APPROVED SITE PLAN.**
- 5. THE 3.0 METRE HIGH WALL (MASONARY IN TYPE) BEING EXTENDED ALONG THE NORTHERN BOUNDARY TO THE ADJOINING COMMERCIAL BUILDING FRONTING 33 MCCOY STREET TO FURTHER REDUCE THE VISUAL AND NOISE IMPACTS OF THE PROPOSED USE ON ADJACENT RESIDENTIAL PROPERTIES TO THE NORTH-WEST.**

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE (REC) (ATTACHMENT)**

- 6. THE FINISH OF THE 3.0 METRE HIGH WALL TO BE CONSTRUCTED ALONG THE WESTERN BOUNDARY OF THE SITE BEING TO THE APPROVAL OF THE ADJOINING LAND OWNERS OR IN THE EVENT OF A DISPUTE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 7. HOURS OF OPERATION OF THE STORAGE ACTIVITY TO BE LIMITED TO 7.00 AM TO 7.00 PM MONDAY TO SATURDAY INCLUSIVE OF DELIVERIES AND COLLECTION OF EQUIPMENT TO AND FROM THE PROPERTY. THIS CONDITION DOES NOT PREVENT OFFICE ACTIVITIES FROM THE STORAGE BUILDING OUTSIDE OF THESE HOURS, THE ARRIVAL OF A LOADED TRUCK AFTER 7.00 PM OR ON SUNDAY PROVIDING THAT THE TRUCK IS PARKED ON THE DRIVEWAY TO THE EAST SIDE OF THE STORAGE BUILDING, OR THE DEPARTURE OF A LOADED TRUCK USING THE EASTERN DRIVEWAY PRIOR TO 7.00 AM OR SUNDAY WHICH HAS PREVIOUSLY BEEN PARKED TO THE EAST OF THE STORAGE BUILDING (WITHIN THE APPROVED OPERATING HOURS)**
- 8. ANY ALARM SYSTEM FOR THE ACTIVITY TO BE A SILENT MONITORED SYSTEM IN ORDER TO REDUCE THE IMPACT ON ADJACENT RESIDENTIAL PROPERTIES.**
- 9. ALL NOISE ATTENUATION CONSTRUCTION, PROCEDURES AND EQUIPMENT TO BE FULLY COMPLETED AND OPERATIONAL WITHIN THREE (3) MONTHS OF THIS APPROVAL OR A LATER DATE APPROVED IN WRITING BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 10. UPON COMPLIANCE WITH CONDITION 9 ABOVE, THE APPLICANT TO SUBMIT A SUPPLEMENTARY NOISE REPORT WITHIN ONE (1) MONTH WHICH CARRIES OUT AN AUDIT OF THE APPROVED ACTIVITIES AND CONFIRMS THAT REQUIRED REDUCTIONS IN NOISE LEVELS HAVE BEEN ACHIEVED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 11. SHOULD THE SUPPLEMENTARY NOISE REPORT / AUDIT IDENTIFY ANY FURTHER WORK OR PROCEDURES BE REQUIRED TO ACHIEVE THE REQUIRED NOISE LEVELS, THE APPLICANT IS TO CARRY OUT THOSE WORKS OR MODIFICATIONS TO PROCEDURES TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT OR ALTERNATIVELY CEASE OPERATION OF THE STORAGE BUSINESS ON SITE.**
- 12. ANY SECURITY LIGHTING TO BE DESIGNED AND LOCATED SO AS NOT TO CAUSE DISTURBANCE TO THE ADJACENT RESIDENTIAL PROPERTIES.**
- 13. THE USE OF THE SITE IS AT ALL TIMES TO COMPLY WITH THE SUBMITTED APPLICATION AND SUBSEQUENT INFORMATION.**

**P07/3025 - APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL FOR CHANGE OF USE FROM HOBBY CERAMICS ET AL TO STORAGE ON PORTION OF LOT 41 (1) THURSO ROAD MYAREE **REC (ATTACHMENT)****

- 14. ADDITIONAL ADVANCED SPECIMEN VEGETATION TO FURTHER SCREEN THE SITE FROM THE ADJOINING RESIDENTIAL PROPERTIES TO BE PROVIDED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 15. STORAGE WITHIN THE REAR YARD AREA TO BE LIMITED TO THE HEIGHT OF THE CENTRAL LOWER PARAPET OF THE ADJOINING DEVELOPMENT AT 33 MCCOY STREET, MYAREE.**

**STANDARD CONDITIONS:**

**COM 26 AND 33**

**COUNCIL RESOLUTION (P07/3025)**

**REFUSAL**

At 6.55pm Cr P M Phelan moved, seconded Cr J R Bennett -

**THAT THE OFFICER RECOMMENDATION BE REJECTED AND REPLACED WITH THE RESOLUTION THAT THE APPLICATION BE REFUSED BECAUSE:**

- 1. THE PROPOSAL DOES NOT SATISFY CLAUSE 7.8 OF COMMUNITY PLANNING SCHEME NO. 5 IN THAT IT IS INCONSISTENT WITH ORDERLY AND PROPER PLANNING AND WILL HAVE AN ADVERSE IMPACT ON THE AMENITY OF THE ADJOINING RESIDENTIAL PROPERTIES.**
- 2. NON-COMPLIANCE WITH THE STATEMENT OF INTENT FOR THE THE MIXED BUSINESS FRAME PRECINCT, NAMELY THAT “ALL USES ARE TO BE COMPATIBLE WITH THE ADJOINING RESIDENTIAL AREA – PRIMARILY COMMERCIAL OFFICES, SHOWROOMS, CONSULTING ROOMS AND THE LIKE”, AND**
- 3. THE PROPOSAL IS INCONSISTENT WITH THE FUTURE PLANNING DIRECTION OF THE LOCALITY, WHICH PROPOSES TO REMOVE STORAGE AND WAREHOUSING USES FROM THE “FRAME” SURROUNDING THE MYAREE BUSINESS AREA PRECINCT TO REDUCE AMENITY IMPACTS ON ADJACENT RESIDENTIAL PROPERTIES.**

At 7.04pm the Mayor submitted the motion, which was declared

**CARRIED (12/0)**

At 7.04pm Cr G Wieland returned to the meeting.



**P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON (REC) ATTACHMENT**

Ward	:	City
Category	:	Planning / Building Development
Application Number	:	DA-2006-1665/A
Property	:	181-205 Davy Street, Booragoon WA 6154
Proposal	:	Four storey office building and five storey car park extension for existing office building.
Applicant	:	Hames Sharley
Owner	:	Perpetual Trustee Company Limited
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**

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 &amp; 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**

- Proposal is for a new 4 storey office building with basement carparking plus a 5 storey car park building facing Marmion Street.
- Application proposes a 9,210 sqm office and 525 carparking bays.
- Proposal complies in general with requirements of the City of Melville's Community Planning Scheme No. 5 and Strategic Planning directions for the City Centre.
- The proposed building will create a suitable cornerstone for the City Centre.
- A submitted Traffic Impact Statement indicates that the proposal will not have a significant impact on the surrounding road network.
- Proposal is recommended for approval subject to conditions.

**P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK  
EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON (REC) ATTACHMENT****BACKGROUND**

On 19 March 2007 the Development Advisory Unit granted approval for a 3 storey office building (5,956 sqm NLA) with basement carparking and a 3 storey multi-level car park (155 bays) extension to the existing 'Alcoa' building at the intersection of Davy and Marmion Street, Booragoon.

This new proposal was presented at the Councillors' Workshop on 25 September 2007 for consideration. Concerns were raised with regard to the extent of additional office floor space and the impacts the development may have on traffic generation, particularly on Marmion Street

**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	City Centre
R-Code	:	Discretion of the Council
Use Type	:	Office
Use Class	:	P

**Site Details**

Lot Area	:	16,500 sqm
Retention of Existing Vegetation	:	Some
Street Tree(s)	:	No
Street Furniture (drainage pits etc)	:	No
Site Details	:	<a href="#">3026 December 2007.pdf</a>

**DETAIL**

The proposal involves a new 4 storey office building (9,210 sqm NLA resulting in a total NLA of 15,650 sqm), with basement car park, located adjacent the intersection of Davy and Marmion Street. The proposal also includes an adjoining 5 storey car park facing Marmion Street. Vehicular access to the site is off Davy Street (using the existing crossover) and through an additional crossover off Marmion Street (left in and out only).



**P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON (REC) ATTACHMENT**

**Development Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	Not applicable				
Plot Ratio	Not applicable				
Landscaping	25% = 4,125 sqm	25.2% = 4,159 sqm	Complies		
Building Height	20 m ave 28 m max.	19.79 m ave 24.6 m max.	Complies		
Carparking	1 bay per 30 sqm NLA 15,650 sqm NLA (including existing office floor space) = 522 bays minus end of Trip bays (15) = 507 bays.	540 bays (525 car bays plus End of Trip Facilities including 90 bicycle bays - equating to 15 carparking bays in accordance with Council Policy.	Complies		

**Setbacks**

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front Davy Street	Nil	2.1 m	Complies		
Secondary Street Marmion Street	Nil	1.5 m	Complies		
Rear	Nil	1.4 m	Complies		
Side	Nil	Not applicable			

**P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK  
EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON (REC) ATTACHMENT****PUBLIC CONSULTATION/COMMUNICATION**

Not Applicable

**REFERRALS TO GOVERNMENT AGENCIES**

Not Applicable

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

Not Applicable

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Not Applicable

**POLICY IMPLICATIONS**

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

Development and Building Controls - Policy 06- PL-017 – Bicycle Planning and End of Trip Facilities in Non Residential Areas.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The proposal may be refused but a review by the State Administrative Tribunal would be difficult to defend as the proposal complies with the general requirements of the City of Melville Community Planning Scheme No. 5 and strategic directions for the City Centre.

It was suggested at Agenda Forum meeting on the 4 December 2007 that consideration of this matter be deferred until further information could be provided in terms of traffic impact and design of the building. Rather than defer this matter, further comment has been provided in this report (together with the attachment of the full Traffic Impact Statement) to address these concerns. Notwithstanding the inclusion of this additional information, Council may still wish to defer consideration of this application, however, it should be noted that deferral of the matter to the next meeting of Council (February 2008) may result in an appeal being lodged with the State Administrative Tribunal to finalise the matter earlier.

[3026 TRAFFIC REPORT DECEMBER 2007.PDF](#)

---

**P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK  
EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON (REC) ATTACHMENT****COMMENTS**

The following matters require consideration with regard to this application.

Traffic Impact

A Traffic Impact Statement has been provided (see attached Report), which indicates that there would be an increase of 108 vehicles per hour during the critical peak period. Taking into consideration the additional left-in/left-out crossover along Marmion Street, the existing crossover along Davy Street and the traffic lights at the intersection of Davy Street and Marmion Streets, it is considered that the proposed development would not result in a significant impact on traffic on the adjacent road network. The level of service at the existing Davy Street crossover is expected to retain its current "A" service level due the additional entry off Marmion Street. The signalised intersection at Marmion and Davy Streets would continue to operate at its current "B" service level. Eastbound lanes in Marmion Street (east of Davy Street is currently operating with additional capacity with significant gaps in traffic flow to allow the effective access/egress via the proposed new Marmion Street crossover without impact on traffic flow. The City of Melville's Transport Planner has endorsed this view. Marmion and Davy Streets have the capacity to accommodate the additional traffic. It is also noted that the City of Melville's Director of Strategic Urban Planning has advised that a Transport Study is to be submitted by AMP next year, for the City Centre Plan. It would be appropriate to include the traffic generated by this proposal within that traffic statement.

Car Parking

The new office building proposes a basement car park for 137 cars. An additional 5 storey multi-level carpark is proposed next to the new office building with capacity for 303 cars. This carpark faces Marmion Street with a new left-in/left-out crossover located approximately 120m north east of the intersection of Davy and Marmion Streets. An additional 64 bays are proposed at the ground level facing Marmion Street plus an existing 21 bays under the existing building (which have access from Davy Street). In total, 525 carparking bays are to be provided on site plus 90 bicycle bays equating to 15 carparking bays in accordance with Council Policy 06- PL-017 – Bicycle Planning and End of Trip Facilities in Non Residential Areas (540 bays provided).

At the present there are 257 carparking bays on site. The existing ALCOA office building requires 215 bays, however unless managed during the construction phase, only 85 bays would remain on site. Accordingly, an additional 130 carparking bays will need to be provided during construction. A condition which requires the retention of 215 carparking bays for the existing office building during construction is recommended.

**P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON (REC) ATTACHMENT**

In general the proposed new office building complies with the requirements of the City of Melville Community Planning Scheme No. 5, however the car park requires minor modifications in order to satisfy Australian Standards. The City of Melville's Transport Planner has indicated that there are several issues that need to be addressed to ensure compliance with the Australian Standards 2890.1:2004 – Parking Facilities Part 1: Off-Street Car Parking to ensure that the proposed parking area is safe to access and use. It is therefore recommended that the car parking design be audited by a suitable qualified person(s) with regard to the following matters:

- Queuing distances within the car park.
- Improving visibility around Marmion Street car park entry, footpath and junction with the internal parking aisle.
- The proximity of the internal parking aisle to the Marmion Street carparking entry.
- General design compliance with AS2890 including the use of kerb stops, dimensions of carparking bays, use of traffic mirrors especially around blind corners, turning areas at the end of blind parking aisles, minimum width of reversing areas, aisles, curved ramp and access driveways.

It is noted that the proximity of the proposed staircase to the access-egress driveway off Marmion Street, impacts on sightlines and turning paths within the parking area. In order to improve sight lines and turning at this entrance/exit, it is proposed that this staircase be relocated to the west.

It is also noted that revisions to the parking design may result in minor reductions in car parking provision on site. Accordingly, a condition requiring the provision of 525 bay plus 90 bicycle bays as proposed or lesser number of bays consistent with Council Policy (minimum of 507 bays plus 90 bicycle bays) is proposed.

### City Centre Directions

The proposed elevations to Marmion Street and Davy Street are of a high standard and compliment the existing building. The design of the development will create a suitable cornerstone for the City Centre. Considerable effort has been made to improve the appearance of the multi-level car park. In general the proposal is of a higher standard than the previous application approved on March 2007.

The City of Melville's Director of Strategic Urban Planning has advised that the proposal is in accordance with strategic direction of the City Centre and will be addressed further in new plans for the City Centre. Notwithstanding, improved activation of the Marmion Street frontage is encouraged by the future introduction of some commercial uses facing the street, consistent with proposals for the redevelopment of Garden City. A footnote in this regard is proposed.

**P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK  
EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON (REC) ATTACHMENT**Rubbish Collection

A bins store is proposed within the basement car park which will be difficult to service due to insufficient vertical clearance for rubbish trucks. A condition requiring this matter to be addressed through a management plan is proposed in this regard.

**CONCLUSION**

The proposal complies with the City of Melville's Community Planning Scheme No. 5 and Council's strategic directions for the City Centre. A Traffic Impact Statement has been prepared which indicates that the proposal will not have a significant impact on the capacity of the surrounding road network, due primarily to the existing excess available capacity and the addition of a new access/egress point onto Marmion Street. Accordingly, the proposal is recommended for conditional approval. It is noted that the proposal has been submitted for consideration as revised plans to the existing approved development. Accordingly, previous conditions of development apply (inclusive of the expiry date of the approval) unless otherwise stated. In this regard, the former Conditions 1 (parking), 2 (parking relative to existing – replaced), 3 and 4 (parking standards – replaced) and 11 (further elevation details – satisfied under current plans) are no longer required.

**OFFICER RECOMMENDATION (P07/3026)****APPROVAL**

**THAT THE APPLICATION FOR NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON BE APPROVED SUBJECT TO:**

**SPECIAL CONDITIONS:**

- 1. PROVISION ON SITE OF 525 CAR PARKING BAYS PLUS 90 BICYCLE BAYS LINED-MARKED AND DESIGNED IN ACCORDANCE WITH AS2890.1 AS INDICATED ON THE APPROVED PLANS, OR SHOULD A REDUCTION BE REQUIRED IN ORDER TO MEET DESIGN STANDARDS, A LESSER NUMBER OF BAYS TO THE SATISFACTION OF THE MANAGER OF PLANNING & DEVELOPMENT, PROVIDED THAT THE MINIMUM OF 507 CAR PARKING BAYS AND 90 BICYCLE BAYS REQUIRED TO SATISFY COUNCIL POLICY IS PROVIDED ON SITE.**
- 2. ALL CAR PARKING DRIVEWAYS, AISLES, BAYS, RAMPS (STRAIGHT AND CURVED), TURNING AREAS, ACCESS DRIVEWAYS, REVERSING AREAS, ETC. ARE TO COMPLY WITH AS2890.**

**P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON (REC) ATTACHMENT**

3. THE CAR PARK DESIGN TO BE AUDITED BY A SUITABLE QUALIFIED PERSON(S) AND TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES WITH PARTICULAR REGARD TO THE FOLLOWING ISSUES:
  - QUEUING DISTANCES WITHIN THE CAR PARK;
  - IMPROVING VISIBILITY AT THE MARMION STREET CAR PARK ENTRY, FOOTPATH AND JUNCTION WITH THE INTERNAL PARKING AISLE;
  - THE PROXIMITY OF THE INTERNAL PARKING AISLE TO THE MARMION STREET CARPARKING ENTRY;
  - GENERAL DESIGN COMPLIANCE WITH AS2890.
4. THE CAR PARK BEING MODIFIED TO COMPLY WITH THE RECOMMENDATIONS OF THE AUDITOR AND TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
5. THE STAIRCASE NEXT TO THE ACCESS-EGRESS CROSSOVER OFF MARMION STREET TO BE MOVED TO THE WEST TO IMPROVE CAR PARK SIGHTLINES AND TURNING PATHS.
6. TRAFFIC MIRRORS ARE TO BE INSTALLED WITHIN THE CAR PARK AT STRATEGICALLY LOCATED BLIND CORNERS AND INTERSECTIONS WITH POOR VISIBILITY OR SIGHTLINES.
7. TRAFFIC SIGNS AND PAVEMENT MARKING ARE TO BE PROVIDED FOR ALL INTERNAL CARPARKING INTERSECTIONS.
8. THE SUBMISSION OF A MANAGEMENT PLAN TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES DETAILING MANAGEMENT PROPOSALS FOR THE PROVISION OF 215 CARPARKING BAYS FOR THE EXISTING BUILDING DURING THE CONSTRUCTION PHASE OF THE PROPOSED DEVELOPMENT. THE APPROVED MANAGEMENT PLAN IS TO BE IMPLEMENTED AT ALL TIMES DURING THE CONSTRUCTION PERIOD AND FOR THE OFFICE OPENING HOURS.
9. THE COLUMN LOCATED IN THE MIDDLE OF THE NORTHERN RAMP BETWEEN THE TWO BASEMENT CARPARKING LEVELS TO BE DELETED.
10. A REFUSE MANAGEMENT PLAN BE PREPARED AND APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT AND THE APPROVED PLAN BEING IMPLEMENTED. THE PLAN WILL NEED TO ADDRESS THE METHOD OF REFUSE COLLECTION AND LOCATION OF STORAGE.
11. REMAINDER OF DEVELOPMENT COMPLYING WITH DEVELOPMENT APPLICATION DA-2006-1665 APPROVED ON 4 APRIL 2007, EXCLUDING THE DATE OF EXPIRY OF THE APPROVAL.

**P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON (REC) ATTACHMENT**

**12. CONDITION NOS. 1, 2, 3, 4 AND 11 OF THE PLANNING APPROVAL DA-2006-1665 DATED 4 APRIL 2007 BEING DELETED.**

**FOOTNOTE: THE APPLICANT/OWNER IS ADVISED THAT IMPROVED ACTIVATION OF THE MARMION STREET FRONTAGE IS ENCOURAGED BY THE FUTURE INTRODUCTION OF SOME COMMERCIAL USES FACING THE STREET, CONSISTENT WITH PROPOSALS FOR THE REDEVELOPMENT OF GARDEN CITY.**

At 7.05pm, the following additional information that was provided to Elected Members prior to the meeting by the Manager Planning and Development, was tabled at the meeting: The details of the report follow:

“The design of the development will create a suitable cornerstone for the City Centre. The design has been referred to the City of Melville’s Architectural and Urban Design Panel for comment. Details of comment will be provided at the Council meeting.

The Architectural and Urban Design Panel met on 17 December 2007 to discuss the proposal and made the following comments and observations:

1. The general aesthetics of the proposed development are fine. The proposal is not expected to cause a reflectivity concern, however a glare reflectivity study as required under the existing approval for the site is appropriate to ensure that no reflectivity issues are created.
2. Concern is raised with regard to the design detail for the car park elevations. Details are not clear, particularly with regard to the provision of the external fins detailed on the floor plans relative to the vertical metal screening and coloured pre cast wall panels to stairs with balustrade walls as detailed on the elevations. Further details and clarification is required.
3. The Marmion Street elevation at the lower level includes natural ventilation louvres to the basement parking area. It is noted that due to the size of the basement parking, that mechanical ventilation will also be required. The louvres do not integrate with the adjacent pedestrian movement on Marmion Street and it is recommended that as mechanical ventilation will still be required, that an alternative detail to the elevation be provided which is more pedestrian friendly.
4. It is doubtful that landscaping detail for the Marmion Street elevation will be appropriate. Plans indicate a combination of trees and lawned areas adjacent the footpath, whereas this area is in shadow, being on the southern side of the building and the lawn is unlikely to be a suitable landscaping option. Further alternative landscaping details are required as already required by a condition of the existing approval for development on the site.
5. The proposed footnote requiring that the applicant/owner be advised that improved activation of the Marmion Street frontage is encouraged by the future introduction of some commercial uses facing the street, consistent with proposals for the redevelopment of Garden City is not considered achievable within the context of the existing design. Should Council wish to pursue this matter, revised plans are

**P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK  
EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON (REC) ATTACHMENT**

required. Provision of an activated frontage at the lower/basement levels will require level modifications and alternative parking arrangements. It is considered that alternative parking opportunities exist on site or alternatively that Council may accept the provision of cash in lieu for the final parking shortfall. These details will require consideration of discretion when a formal application is received, however, details in this regard may be provided prior to the issue of a building licence. Alternatively, Council may hold up consideration of this application pending the submission of revised plans which address this and the other issues raised within this Memorandum.

6. Poor pedestrian linkages exist between the car park and the office and internally in the car park. This results in a requirement for pedestrians having to go down the lift and walk right around the building to gain access to the front of the development. Connectivity issues at each storey are exacerbated by the differences in levels between the office and car park and also within the car park. It is recommended that the applicant be required to review the pedestrian linkages within the car park and between the building and car park as a condition of planning approval.
7. Disabled access details are insufficient. Access from the disabled parking bays on the Davy Street frontage do not appear to work. In addition, it is considered appropriate to provide direct disabled access from the intersection of Davy Street and Marmion Street to the office entry. Revisions to the plans are required in this regard.
8. The semi-enclosed area adjacent to the intersection of Davy Street and Marmion Street next to the open stairs is considered unsafe and should be redesigned to incorporate CPTED (Crime Prevention Through Environmental Design) principles.

It is also noted that Cr Ceniviva has raised some concerns with regard to the exterior treatment of the building facades. In order to address these concerns, an additional condition is proposed as detailed below.

In consideration of the above matters, **it is recommended** as follows:

a) **That the proposed footnote be removed, and**

b) **That the following additional conditions be applied:**

**13. COLOURS, TEXTURES AND MATERIALS OF THE PROPOSED BUILDING ARE TO BE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES IN CONSULTATION WITH WARD COUNCILLORS PRIOR TO A BUILDING LICENCE BEING ISSUED.**

**14. PROVISION OF DESIGN DETAILS FOR THE EXTERNAL ELEVATIONS OF THE CARPARK BUILDING AND BASEMENT PARKING TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

**15. PRIOR TO THE ISSUE OF A BUILDING THE LICENCE, THE APPLICANT TO PROVIDE DETAILS OF AN ALTERNATIVE ACTIVATED FRONTAGE ALONG THE MARMION STREET FRONTAGE AT THE LOWER/BASEMENT LEVELS AND ALTERNATIVE PARKING ARRANGEMENTS TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**



**P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON (REC) ATTACHMENT**

16. PRIOR TO THE ISSUE OF A BUILDING LICENCE THE APPLICANT TO SUBMIT REVISED PLANS WHICH IMPROVE INTERNAL PEDESTRIAN MOVEMENT WITHIN THE CARPARKING AREA AND BETWEEN THE PARKING AREA AND THE OFFICE DEVELOPMENT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
17. PRIOR TO THE ISSUE OF A BUILDING LICENCE, THAT APPLICANT TO SUBMIT REVISED PLANS DETAILING IMPROVED DISABLED ACCESS FROM THE CAR PARKING FRONTING DAVY STREET AND BETWEEN THE INTERSECTION OF DAVY STREET AND MARMION STREET AND THE ENTRY OF THE BUILDING TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
18. PRIOR TO THE ISSUE OF A BUILDING LICENCE, THE APPLICANT TO REVIEW AND SUBMIT REVISED PLANS FOR THE AREA LOCATED ADJACENT THE FRONT STEPS NEAR THE INTERSECTION OF DAVY STREET AND MARMION STREET WHICH INCORPORATE CPTED (CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN) PRINCIPLES TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
19. APPROVED REVISIONS DETAILED IN CONDITIONS 13-19 ABOVE TO BE IMPLEMENTED AS PART OF BUILDING WORKS FOR THE PROPOSED DEVELOPMENT.”

**AMENDED OFFICER RECOMMENDATION & COUNCIL RESOLUTION (P07/3026) APPROVAL**

At 7.18pm Cr P Subramaniam moved, seconded Cr G Wieland -

**THAT THE APPLICATION FOR NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON BE APPROVED SUBJECT TO:**

**SPECIAL CONDITIONS:**

1. **PROVISION ON SITE OF 525 CAR PARKING BAYS PLUS 90 BICYCLE BAYS LINED-MARKED AND DESIGNED IN ACCORDANCE WITH AS2890.1 AS INDICATED ON THE APPROVED PLANS, OR SHOULD A REDUCTION BE REQUIRED IN ORDER TO MEET DESIGN STANDARDS, A LESSER NUMBER OF BAYS TO THE SATISFACTION OF THE MANAGER OF PLANNING & DEVELOPMENT, PROVIDED THAT THE MINIMUM OF 507 CAR PARKING BAYS AND 90 BICYCLE BAYS REQUIRED TO SATISFY COUNCIL POLICY IS PROVIDED ON SITE.**
2. **ALL CAR PARKING DRIVEWAYS, AISLES, BAYS, RAMPS (STRAIGHT AND CURVED), TURNING AREAS, ACCESS DRIVEWAYS, REVERSING AREAS, ETC. ARE TO COMPLY WITH AS2890.**

**P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON (REC) ATTACHMENT**

3. THE CAR PARK DESIGN TO BE AUDITED BY A SUITABLE QUALIFIED PERSON(S) AND TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES WITH PARTICULAR REGARD TO THE FOLLOWING ISSUES:
  - QUEUING DISTANCES WITHIN THE CAR PARK;
  - IMPROVING VISIBILITY AT THE MARMION STREET CAR PARK ENTRY, FOOTPATH AND JUNCTION WITH THE INTERNAL PARKING AISLE;
  - THE PROXIMITY OF THE INTERNAL PARKING AISLE TO THE MARMION STREET CARPARKING ENTRY;
  - GENERAL DESIGN COMPLIANCE WITH AS2890.
4. THE CAR PARK BEING MODIFIED TO COMPLY WITH THE RECOMMENDATIONS OF THE AUDITOR AND TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
5. THE STAIRCASE NEXT TO THE ACCESS-EGRESS CROSSOVER OFF MARMION STREET TO BE MOVED TO THE WEST TO IMPROVE CAR PARK SIGHTLINES AND TURNING PATHS.
6. TRAFFIC MIRRORS ARE TO BE INSTALLED WITHIN THE CAR PARK AT STRATEGICALLY LOCATED BLIND CORNERS AND INTERSECTIONS WITH POOR VISIBILITY OR SIGHTLINES.
7. TRAFFIC SIGNS AND PAVEMENT MARKING ARE TO BE PROVIDED FOR ALL INTERNAL CARPARKING INTERSECTIONS.
8. THE SUBMISSION OF A MANAGEMENT PLAN TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES DETAILING MANAGEMENT PROPOSALS FOR THE PROVISION OF 215 CARPARKING BAYS FOR THE EXISTING BUILDING DURING THE CONSTRUCTION PHASE OF THE PROPOSED DEVELOPMENT. THE APPROVED MANAGEMENT PLAN IS TO BE IMPLEMENTED AT ALL TIMES DURING THE CONSTRUCTION PERIOD AND FOR THE OFFICE OPENING HOURS.
9. THE COLUMN LOCATED IN THE MIDDLE OF THE NORTHERN RAMP BETWEEN THE TWO BASEMENT CARPARKING LEVELS TO BE DELETED.
10. A REFUSE MANAGEMENT PLAN BE PREPARED AND APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT AND THE APPROVED PLAN BEING IMPLEMENTED. THE PLAN WILL NEED TO ADDRESS THE METHOD OF REFUSE COLLECTION AND LOCATION OF STORAGE.
11. REMAINDER OF DEVELOPMENT COMPLYING WITH DEVELOPMENT APPLICATION DA-2006-1665 APPROVED ON 4 APRIL 2007, EXCLUDING THE DATE OF EXPIRY OF THE APPROVAL.
12. CONDITION NOS. 1, 2, 3, 4 AND 11 OF THE PLANNING APPROVAL DA-2006-1665 DATED 4 APRIL 2007 BEING DELETED.

**P07/3026 - NEW FOUR STOREY OFFICE BUILDING AND FIVE STOREY CAR PARK EXTENSION ON LOT 4 (181-205) DAVY STREET, BOORAGOON (REC) ATTACHMENT**

13. COLOURS, TEXTURES AND MATERIALS OF THE PROPOSED BUILDING ARE TO BE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES IN CONSULTATION WITH WARD COUNCILLORS PRIOR TO A BUILDING LICENCE BEING ISSUED.
14. PROVISION OF DESIGN DETAILS FOR THE EXTERNAL ELEVATIONS OF THE CARPARK BUILDING AND BASEMENT PARKING TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
15. PRIOR TO THE ISSUE OF A BUILDING THE LICENCE, THE APPLICANT TO PROVIDE DETAILS OF AN ALTERNATIVE ACTIVATED FRONTAGE ALONG THE MARMION STREET FRONTAGE AT THE LOWER/BASEMENT LEVELS AND ALTERNATIVE PARKING ARRANGEMENTS TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
16. PRIOR TO THE ISSUE OF A BUILDING LICENCE THE APPLICANT TO SUBMIT REVISED PLANS WHICH IMPROVE INTERNAL PEDESTRIAN MOVEMENT WITHIN THE CARPARKING AREA AND BETWEEN THE PARKING AREA AND THE OFFICE DEVELOPMENT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
17. PRIOR TO THE ISSUE OF A BUILDING LICENCE, THAT APPLICANT TO SUBMIT REVISED PLANS DETAILING IMPROVED DISABLED ACCESS FROM THE CAR PARKING FRONTING DAVY STREET AND BETWEEN THE INTERSECTION OF DAVY STREET AND MARMION STREET AND THE ENTRY OF THE BUILDING TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
18. PRIOR TO THE ISSUE OF A BUILDING LICENCE, THE APPLICANT TO REVIEW AND SUBMIT REVISED PLANS FOR THE AREA LOCATED ADJACENT THE FRONT STEPS NEAR THE INTERSECTION OF DAVY STREET AND MARMION STREET WHICH INCORPORATE CPTED (CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN) PRINCIPLES TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
19. APPROVED REVISIONS DETAILED IN CONDITIONS 13-19 ABOVE TO BE IMPLEMENTED AS PART OF BUILDING WORKS FOR THE PROPOSED DEVELOPMENT.
20. APPROVED REVISIONS DETAILED IN CONDITIONS 13-19 ABOVE TO BE IMPLEMENTED AS PART OF BUILDING WORKS FOR THE PROPOSED DEVELOPMENT.

At 7.12pm the Mayor submitted the motion, which was declared

**CARRIED (13/0)**

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
Category : Operational  
Application Number : DA-2007-848  
Property : 764 Canning Highway, Applecross WA 6153  
Proposal : One Illuminated Sign Panel On Existing Illuminated Pylon Sign, One Illuminated Sign Panel On Vertical Element of the Building Façade, Two Horizontal Facia Signs, Five Digital Prints And Modification To Appearance Of Building Façade (Painting and Application Of Aluminium Cladding)  
Applicant : Kingman Signs  
Owner : Peters Investments Pty Ltd  
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
Responsible Officer : Mr Keith Weymes  
Manager Planning and Development Services  
Previous Items : P02/3021; U02/0125;

**AUTHORITY / DISCRETION**Definition

- Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets*
- Legislative *includes adopting local laws, town planning schemes & policies.*
- Review *when Council review decisions made by Officers.*
- Quasi-Judicial *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.*

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

### **KEY ISSUES / SUMMARY**

- Application for one illuminated sign panel on existing illuminated pylon sign, one illuminated sign panel on vertical element of the building façade, two horizontal fascia signs, five digital prints and modification to appearance of building façade (painting and application of aluminium cladding) on Lot 600 (764) Canning Highway Applecross.
- It is recommended that the application be supported subject to the conditions and refusal of various portions of the proposed signage.

### **BACKGROUND**

The Council has issued a planning approval (DA-2000-674) for the existing Chemist and the change of use of a portion of Medical Centre floorspace to Office floorspace. The special conditions of the approval relevant to the chemist are:

- a) The chemist to only operate during the operating hours of the Medical Centre.
- b) Direct external access to the chemist is not permitted that is, access to the chemist is to be from the main medical centre foyer only.
- c) A minimum of sixty five (65) on site car bays (following the road widening of Canning Highway) to be provided.
- d) The net lettable area of the chemist not to exceed 113.4 sqm.
- e) The chemist is only permitted to operate while the Medical Centre is the predominant use of the property.
- f) A signage strategy to be submitted for approval.

The chemist was observed to be compliant with these special conditions at a site inspection on 7 November 2007.

The Council has issued a signage refusal (BA-2002-15) dated 30 August 2002 for an illuminated horizontal sign on the site. The Council believed that the illuminated signage was not compatible with the conditions of planning approval for the chemist, which restricted the chemist use to operating ancillary and integrally with the Medical Centre and not as an independent chemist (which would have been classified as a shop – prohibited on site).

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

The Council has issued a building licence (BA-2001-60) for the existing illuminated pylon sign on the south eastern corner of the site.

### **Scheme Provisions**

MRS Zoning : Urban  
CPS 5 Zoning : Commercial Centre Frame – Riseley Frame  
R-Code : R50  
Use Type : Signage  
Use Class : D

### **Site Details**

Lot Area : 3,236 sqm  
Retention of Existing Vegetation : Yes  
Street Tree(s) : 1 x Jacaranda and 1 x Queensland Box in the Riseley Street verge, to be retained  
Street Furniture (drainage pits etc) : Yes, no conflict  
Site Details : [3027 December 2007.pdf](#)

### **DETAIL**

#### **Development Requirements**

Not applicable.

#### **Setbacks**

Not applicable.

### **PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
Neighbour's Comment Supplied: Yes  
Reason: Proposed signage is larger than that prescribed by the "Advertising" development standard for the Riseley Frame Precinct in Part 4 of the Community Planning Scheme No. 5  
Support/Object: 7 objections

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold Not Uphold)
1.	<p>1. I am alarmed to see that the MCC are reconsidering a sign application which has been previously dismissed by your Council. My concern is as it was previously, which is that if at first you do not succeed, try and try again. Will this application become an annual event until a sympathetic Council allows it to happen? Why when an application is rejected by Council should it be even put up for a re-appraisal?</p> <p>2. The owners of the dispensary business were granted approval originally under very stringent conditions, some of which I believe they are already contravening.</p>	Objection	1-6. See comments below.	<p>Not Uphold.</p> <p>Not Uphold.</p>

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

	<p>3. Obviously the approved dispensary is not doing the numbers that they had hoped for from the medical centre as was always to be the case, very few dispensaries can survive with a one dimensional business. This is, without a retail component.</p>			<p>Not Uphold.</p>
	<p>4. The latest application and name change is a blatant attempt to turn a failing dispensary business into a fully blown retail pharmacy outlet. The application includes a name change so that the existing dispensary becomes part of a marketing discount group. This was not the intention of the original application to the MCC. This application under the guise of a sign application has all the hallmarks of “zoning by stealth.”</p>			<p>Not Uphold.</p>







**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

	<p>3. How can a business that is not for retail purposes be able to advertise using a huge illuminated wall panel, an illuminated wall sign, a very large non-illuminated wall sign that stretches across most of the side of the business and 5 window graphics on the outside of the medical centre? If you look at the signage proposed you will see why this is grossly not in keeping with the approval of a 'dispensary' which is 'ancillary' to the medical centre.</p> <p>4. As quoted by the occupier the 'dispensary' is ancillary to the medical centre and exists only because of the medical centre. No retail trading is permitted as part of the zoning, so no signs advertising a retail business should be erected on these premises.</p>			<p>Not Uphold.</p> <p>Not Uphold</p>
--	--	--	--	--------------------------------------



**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

	<p>7. Not only is the existence of signage contravening the conditions of the approval of this 'dispensary' by advertising a retail business, but the nature of the signage is that it is for a 'Chemmart' pharmacy, which is a retail marketing group. This 'dispensary' was approved as 'ancillary' to the Medical Centre. Advertising a retail pharmacy at this site contravenes the original approval for the business and the zoning of the site</p>			<p>Not Uphold</p>
	<p>8. Not only does it contravene original approval due to this reason, but also because approval was granted subject to a number of conditions. One that needs to be addressed is that 'the type of goods to be displayed and sold in the chemist will be directed at patients using the medical centre.' Who defines these goods?</p>			<p>Not Uphold</p>

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

	<p>9. This condition that the dispensary would display and sell goods directed at patients using the medical centres was raised by the applicant to enhance the prospect of the MCC approving the business. It certainly looks as if he/she is not complying with these conditions of approval as the business is becoming part of a retail marketing group. A marketing group that advertises using flyers promoting cheap toilet paper and tissues to increase store traffic not a dispensary dispensing medication and directing its focus on patients using the Medical Centre.</p>			<p>Not Uphold.</p>
--	---	--	--	--------------------

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

3.	<p>1. The signage proposed will turn this medical centre into a billboard for a retail business.</p> <p>2. This medical centre is not zoned retail and as such expansive signage like this should not be allowed on the medical centre building.</p>	Objection	1-4. See comments below.	<p>Not Uphold.</p> <p>Not Uphold.</p>
	<p>3. The business it is advertising is open the same hours as the medical centre and as such advertising opening hours of the chemist is not necessary. Illuminated signage is also not necessary as the business is not open after dark.</p> <p>4. I am against making this medical centre look like a billboard, when no retail trading should be conducted at this site.</p>			<p>Not Uphold.</p> <p>Not Uphold.</p>





**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

5.	<p>1. I am strongly opposed to the multiple signs both illuminated and non-illuminated to advertise a Chemmart chemist at the medical centre.</p> <p>2. This area of land is not zoned for retail trading and placing these multiple signs advertising a retail business is contrary to the zoning.</p>	Objection	1-5. See comments below.	<p>Not Uphold.</p> <p>Not Uphold.</p>
	<p>3. I live next door to the medical centre and it generates high volumes of traffic. Advertising a retail business inside the medical centre will further place pressure on the already small car parking facilities. Whoever allowed such a small car park for a medical centre this size has certainly underestimated the required car parking facilities. I know the Council has a formula to follow, but I believe that this formula should be reviewed.</p>			Not Uphold.

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

	<p>4. These signs reflect a business wanting to attract customers from outside the medical centre, which will turn this site into a retail environment. This site is not zoned for retail business. The MCC approved a chemist at this site on the condition that it only exists as a “dispensary” to service the needs of the medical centre. It is not designed to advertise to the general public in this manner.</p> <p>I do not want this medical centre that I live next door to to become a retail thoroughfare for customers and as such I strongly oppose this and any signage on the medical centre that advertises retail trading.</p>			<p>Not Uphold.</p>
--	---	--	--	--------------------

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

6.	1. I am very concerned that this retail signage is being contemplated, as this site is not zoned retail and it will directly affect my business if retail trading is allowed to be advertised at this site. I cannot express more vigourously my opposition to this signage.	Objection	1. See comments below.	Not Uphold.
7.	<p>1. The proposed signage is totally unwarranted and is not necessary.</p> <p>2. The proposed extensive signage totally changes the entire nature of the building. It will no longer look like a professional medical centre, it will look like a retail complex.</p> <p>3. The nature of the site is not a retail complex where all businesses put up huge illuminated signs to advertise their business. It is not zoned for retail trading. This must be enforced by the Council.</p>	Objection	1-3. See comments below.	<p>Not Uphold.</p> <p>Uphold</p> <p>Not Uphold.</p>

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

#### REFERRALS TO GOVERNMENT AGENCIES

Required: Yes  
Reason: Site abutts a Category 3 regional road on the Metropolitan Region Scheme.  
Support/Object: No objection.

Agency	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Support/Dismiss)
Department for Planning and Infrastructure	The proposed Canning Highway reservation extends 8.1 m into the site. The approved pylon sign is within the proposed reservation. No objection to the proposed sign panel because it is to be fixed to an existing and approved pylon sign.	No objection	No comment	Support

#### STATUTORY AND LEGAL IMPLICATIONS

The applicant may have the right to have the decision of the Council reviewed in accordance with Part 14 of the Planning and Development Act 2005.

#### FINANCIAL IMPLICATIONS

There are no anticipated financial implications.

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

### **STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

There are no anticipated strategic or risk management implications.

### **POLICY IMPLICATIONS**

Policy 28-PL-004 - Canning Highway

Policy 28-PL-013 – Chemists in Medical Centres – Frames and Mixed Business

### **ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council may approve, with suitable conditions or refuse the development. Any approval conditions or refusal may give rise to the applicant lodging an appeal with the State Administrative Tribunal.

### **SCHEME AND POLICY PROVISIONS**

The Statement of Intent for the Riseley Frame is as follows:

*“Primarily residential but may include offices, medical practitioners and churches where privacy of neighbours is respected and design has a residential character. Buildings shall not use reflective or mirror glass externally. Shops, open-air display of goods and vehicles, service stations and the like are prohibited.”*

Part 4 of the Community Planning Scheme No. 5 prescribes that in the Riseley Frame:

*“Flashing, animated, tower and roof signs are prohibited. At the discretion of the Council, one non-illuminated sign per lot may be permitted to indicate business operations, goods sold on premises and/or name of the property, building, owner or occupier, not exceeding 1.0 square metre in area, in accordance with Clause 5.10. No other signs are permitted unless approved subject to advertising, in accordance with Clause 7.5.”*

Part 5.10 of the Community Planning Scheme No. 5 prescribes that in relation to advertising signage:

*“Without limiting the generality of the matters which may be taken into account when making a decision upon an application for planning approval to erect, place or display an advertisement, the Council shall examine each such application in light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.”*

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

Part 7.8 of the Community Planning Scheme No. 5 provides for matters that may be considered by the Council in relation to the determination of an application for planning approval. These matters are considered in the context of this report.

The objective of the Policy relating to development abutting Canning Highway is:

*“Community Planning Scheme No. 5 in Part 4 in the Statement of Intent for the Canning Highway precinct describes its purpose as primarily medium density residential and registers the importance of preserving residential character when considering other uses. The statement also mentions that a Planning and Building Policy may apply. Further, Canning Highway is the focus of six commercial precincts (four District and two Local centres) and passes by significant regional open space (Wireless Hill Park and Tomkins Park), as well as other, low density, Living Area precincts. The interrelationship between the highway as a regional road (major carrier of through traffic) and its adjoining uses in terms of urban design and amenity is the gist of this policy. It concentrates on land use planning and development control aspects as a supplement to Community Planning Scheme No. 5. Traffic engineering/management measures and streetscape improvements for the highway are administered primarily outside of the Scheme and its policies.”*

Part 2 of the Policy provides:

*“Consideration of development proposals adjoining Canning Highway is to have regard to the following design principles, as applicable to residential or non-residential development:*

*“.....Signage of a low-key nature, clear yet tasteful.”*

Council Policy 28-PL-013 – Chemists in Medical Centres – Frames and Mixed Business provides some guidance on development requirements for chemists. This Policy stipulates that a chemist is to be *“ancillary, integral and incidental to the predominant use”* of a medical centre, but specifically does not stipulate any restrictions on the general public use or the extent of external advertising. Signage is however required to be incidental to the other medical signage on site.

## **COMMENT**

For the purpose of assessment and comment on the specific elements of the application, the following comments are detailed as follows.

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

Southern Façade

The applicant proposes to:

- Paint the ground floor façade and colonnade of the existing building in the corporate blue colour for the business Chemmart.
- Fix four graphic panels to the existing ground floor façade.
- Paint artwork on the colonnade – “Chemist on Riseley”, Chemmart corporate logo and “Open 7 days.”

The proposed signage (exception of the easternmost graphic panel) is acceptable because:

- In relation to character, this site is the only site occupied by non-residential activity in the street block. However the southern façade of the building faces Canning Highway and properties occupied by non-residential activities on the southern side of Canning Highway. Advertising signage is observed on properties occupied by non-residential development and that signage appears as a subservient element of those buildings. The proposed fascia sign appears as a subservient element of the existing building. The proposed blue paint work compliments colours used on the first floor of the building – glazing and blue steel vertical awnings.
- The proposed signage will not have an adverse impact on traffic safety because it will not be illuminated and will be setback from Canning Highway.
- The proposed signage does not require the removal of any landscaping and there is no known historic significance on the site.
- The graphics are not advertising signs however they require approval under Part 7.3(i) of CPS No 5 as they will “materially” change the external appearance of the existing building. The proposed graphics appear are not “visually obtrusive” because they are to be located behind the existing colonnade. The proposed graphic prints are not advertising devices and do not require the same controls as advertising signage.

It is recommended that the proposals for the southern façade be supported.

In relation to the easternmost graphic panel displaying the Chemmart corporate logo, artwork “Chemist on Riseley,” operating hours and goods sold on the premises, the advertising signage is not acceptable because:

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

- It has no purpose. The signage is not near the entrance to the building and the signage on the colonnade advertises the location of the chemist. The listing of goods sold in the chemist is not required as they are typical for that activity and specific advertisement of these together with hours of operation is considered excessive beyond the scope of Council Policy (see comments below).
- The Scheme and Policy provisions for the Riseley Frame indicate that non-residential development abutting Canning Highway is to be designed to display characteristics typical of residential development. Advertising signage is restricted because it is not a characteristic typical of residential development. The proposed signage is not functional and contributes to a non-residential appearance of the existing building.

It is recommended that this proposed graphic panel be painted out in the corporate blue colour for the business Chemmart.

South Eastern Façade (Curvilinear)

The application proposes to:

- Apply an aluminium sheet to the ground floor façade of the existing building. The aluminium sheet will display a graphic, two pieces of artwork “Chemist on Riseley,” two Chemmart corporate logos, artwork “Open 7 days,” operating hours and goods sold on the premises.
- White florescent tubes above the aluminium sheet.

The proposed signage is not acceptable because:

- In relation to character, the site is the only site occupied by non-residential activity in the street block. However the southern façade of the building faces Canning Highway and properties occupied by non-residential activities on the southern side of Canning Highway. Advertising signage is observed on properties occupied by non-residential development and that signage appears as a subservient element of those buildings. The graphic is not an advertising sign however it requires approval under Part 7.3(i) of CPS No. 5 as it will “materially” change the external appearance of the existing building. The proposed advertising signage and graphic will detract from the appearance of the existing building because it will appear as a dominant element of the existing building and proposes to cover a part of the existing building that provides visual variety to the façade and in doing so will replace a part of the façade which has some relationship to residential design with something that has a relationship to non-residential design.



**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

- Although not formal signage, the proposal adds corporate identity to the Chemmart and accordingly it may be considered to be excessive in the context of Council Policy (see comments below).

It is recommended that the proposals for the south eastern façade be rejected.

Eastern Façade (Vertical Building Element)

The applicant proposes to apply an illuminated aluminium light box to the vertical building element attached to the existing building. The light box will display a Chemmart corporate logo and “Chemist on Riseley.”

The proposed signage is not acceptable because:

- In relation to character, the site is the only site occupied by non-residential activity in the street block. However the southern façade of the building faces Canning Highway and properties occupied by non-residential activities on the southern side of Canning Highway. Advertising signage is observed on properties occupied by non-residential development and that signage appears as a subservient element of those buildings. The proposed sign appears as a subservient element of the existing building, however, it will become pronounced when illuminated. This would be contrary to the character of signage in the locality and contrary to the intent of Scheme and Policy provisions.
- The proposal may be considered to be dominant in the context of Council Policy as the signage will become a dominant feature of the site at night and therefore not be incidental to the medical centre signage on site.
- It is noted however that the proposed signage will not have an adverse impact on traffic safety because it will not be illuminated and will be setback from Canning Highway, the proposed signage does not require the removal of any landscaping and there is no know historic significance on the site.

It is recommended that the proposed sign be non-illuminated.

Proposed Light box on Existing Illuminated Pylon Sign

The proposed sign is acceptable because the proposed pylon sign has been previously approved by the Council and the proposed light box is consistent with that approval.

It is recommended that the proposed light box be supported.

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

### Consultation

The proposed advertising signage was advertised in accordance with Part 7.5 of the Community Planning Scheme No. 5. Seven objections were submitted. Generally, the comments provided in the submissions are irrelevant in terms of the assessment of this application as they have little relevance to amenity.

The Community Planning Scheme No. 5 provides the applicant with a right to make application for planning approval for advertising signage. There is no limit on the number of times the applicant may make such an application. Considering the current Scheme and Policy provisions, the Council cannot place an absolute prohibition on either making application or approval being issued for advertising signage on the site for the chemist.

The Community Planning Scheme No. 5 provides that once an application is made it is then determined in accordance with the Scheme and Policy provisions. Each proposal must be considered on its own merits.

The planning approval for the land use of the chemist and an application for planning approval for advertising signage are related in so much as responsible regulation of land use and development would be to issue a planning approval for the use of the land before issuing planning approval for advertising signage.

The proposed advertising signage is to be considered relative to the impact on amenity and not on financial or economic considerations such the impact on the viability of other businesses or the potential to draw customers to the site who would not ordinarily use the medical centre.

It is noted that CPS No 5 defines Medical Centre as including a chemist, but does not specify that this use is to be incidental in nature. Further, as indicated above, Council Policy 28-PL-013 – Chemists in Medical Centres – Frames and Mixed Business provides some guidance on development requirements for chemists. This Policy stipulates that a chemist is to be “ancillary, integral and incidental to the predominant use” of a medical centre, but specifically does not stipulate any restrictions on the general public use or the extent of external advertising. Signage is however required to be incidental to the other medical signage on site.

Whilst it was previously considered in 2002 that a chemist on site would need to be integral with the Medical Centre and that the proposed external signage at that time would increase the level and scale of the chemist to the extent that it is no longer integral with the Medical Centre and be outside of the spirit of the planning requirements, it is arguable that Council Policy does not specifically prevent external advertising (provided it is incidental to the signage associated with the other medical uses on site). It is clear that with the proposed modifications to the signage (taking into account the refused portions which reduce the elements of the application which may be considered excessive or dominant) result in the signage being incidental to the other signage on site for the other medical uses.

---

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPLECROSS (REC) (ATTACHMENT)**

The conditions of the 2000 planning approval for the chemist specify those things, in the opinion of the Council, needed to make the chemist ancillary to the medical centre. These include same hours of operation, no external access for the chemist, restriction on floorspace for the chemist and a preparation of a sign strategy. Therefore, it is interpreted that the initial approval acknowledged that signage would be subsequently approved on site for the chemist, providing the Scheme requirements were satisfied.

The only concern relevant to amenity was relating to the impact of the proposed sign on the appearance of the existing building. This consideration has been included in the report.

### **CONCLUSION**

It is clear in terms of Council Policy that a chemist may operate at the medical centre provided the use maintains an ancillary, integral, and incidental relationship to the medical centre. It is also clear that providing no external access to the chemist is available, “there will be no restriction on public attending the Chemist.” Accordingly, it is considered that providing the proposed advertising signage is incidental to the other medical centre signage on site, that it may be approved in terms of Council Policy. The Policy does not stipulate that the signage must also be integral, only the use. Whilst previous 2002 refusal for signage created a nexus between the signage and intensification of the chemist use to the extent that it would be no longer integral to the medical centre, it is considered that this stance may be difficult to defend in the instance of the applicant lodging an appeal with the State Administrative Tribunal. In this instance, the modifications proposed to the signage reduce the extent of signage to be approved and accordingly may be considered as incidental to the Medical Centre signage in a similar way that the “DB dental” and “Applecross Physiotherapy” signage is incidental to the “Applecross Medical Group” signage for the centre.

In consideration of the above, it is recommended that Council approve the proposed signage with modifications detailed in this report to reduce the extent of signage on site.

### **OFFICER RECOMMENDATION & COUNCIL RESOLUTION (P07/3027)      APPROVAL**

At 7.20pm Cr H R Everett moved, seconded Cr N Pazolli -

**THE THE APPLICATION FOR SIGNAGE ON LOT 600 (764) CANNING HIGHWAY, APPLECROSS, BE CONDITIONALLY APPROVED SUBJECT TO THE FOLLOWING:**

#### **SPECIAL CONDITIONS:**

- 1. THE EASTERNMOST GRAPHIC PANEL ON THE SOUTHERN FAÇADE OF THE EXISTING BUILDING AS MARKED IN RED ON THE APPROVED PLANS IS TO BE DELETED AS THE SIGNAGE IS CONSIDERED EXCESSIVE AND BEYOND THE SCOPE OF COUNCIL POLICY IN TERMS OF NOT BEING INCIDENTAL TO THE MEDICAL CENTRE USE. NO OBJECTION IS RAISED TO THE PANEL BEING PAINTED OUT IN CHEMMART CORPORATE BLUE COLOUR.**

**P07/3027 – ONE ILLUMINATED SIGN PANEL ON EXISTING ILLUMINATED PYLON SIGN, ONE ILLUMINATED SIGN PANEL ON VERTICAL ELEMENT OF THE BUILDING FAÇADE, TWO HORIZONTAL FACIA SIGNS, FIVE DIGITAL PRINTS AND MODIFICATION TO APPEARANCE OF BUILDING FAÇADE (PAINTING AND APPLICATION OF ALUMINIUM CLADDING) ON LOT 600 (764) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)**

- 2. THE SIGN PANEL ON THE VERTICAL ELEMENT OF THE BUILDING FAÇADE AS MARKED IN RED ON THE APPROVED PLANS BEING NON-ILLUMINATED AS ILLUMINATION OF THE SIGN WILL RESULT IN THE SIGNAGE BECOMING DOMINANT AT NIGHT AND THEREFORE NOT INCIDENTAL TO THE OTHER MEDICAL CENTRE SIGNAGE ON SITE.**
- 3. THE SIGN, GRAPHIC AND FLUORESCENT TUBES PROPOSED TO BE DISPLAYED ON THE SOUTH EASTERN FAÇADE (CURVILINEAR) OF THE EXISTING BUILDING BEING DELETED AS IT MATERIALLY CHANGES THE EXTERNAL APPEARANCE OF THE BUILDING, DETRACTS FROM THE RESIDENTIAL ELEMENTS OF THE BUILDING, ADDS CONSIDERABLE CORPORATE IDENTITY TO THE SITE AND IS THEREFORE CONSIDERED EXCESSIVE AND BEYOND THE SCOPE OF COUNCIL POLICY IN TERMS OF NOT BEING INCIDENTAL TO THE MEDICAL CENTRE USE.**
- 4. THE GRAPHICS BEING MAINTAINED TO A HIGH STANDARD TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 5. THE SIGNAGE BEING REMOVED UPON CESSATION OF THE BUSINESS CHEMMART ON THE SITE.**

At 7.22pm the Mayor submitted the motion, which was declared

**CARRIED (13/0)**

**P07/5007 - PROPOSED AMENDMENT NO 54 TO COMMUNITY PLANNING SCHEME NO 5 – TO RESERVE LOT 301 DUNCRAIG ROAD APPECROSS FOR LOCAL OPEN SPACE FROM UNZONED LAND (FORMER REGIONAL PARKS AND RECREATION RESERVATION) (REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
 Category : Strategic  
 Application Number : CPS5-54  
 Property : Triangular portion of Lot 301  
 Proposal : Amend CPS No. 5 from unzoned land to Reserve for Local Open Space  
 Applicant : City of Melville  
 Owner : Crown Grant to South of Perth Yacht Club  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Responsible Officer : Keith Weymes  
 Manager Planning and Development Services  
 Previous Items : Nil

**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 &amp; 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**

- Metropolitan Region Scheme (MRS) Amendment No 1141/57 for Heathcote Point was Gazetted on 21 August 2007.
- Region Scheme now includes the lower Heathcote land in “Regional Parks and Recreation Reservation” and a narrow triangular slither of land occupied by the South of Perth Yacht Club carpark as “Urban”.
- The Regional Parks and Recreation Reservation is automatically incorporated into CPS No. 5.
- At this time the subject land is unzoned as a result of the removal of the former reservation under the MRS Amendment.
- The City of Melville is required to amend CPS No. 5 to apply an appropriate zoning to the “Urban” land under the MRS.
- Recommended that Council Reserve the subject land under CPS No. 5 for “Local Open Space” consistent with adjoining South of Perth Yacht Club land.

---

**P07/5007 - PROPOSED AMENDMENT NO 54 TO COMMUNITY PLANNING SCHEME NO 5 – TO RESERVE LOT 301 DUNCRAIG ROAD APPLECROSS FOR LOCAL OPEN SPACE FROM UNZONED LAND (FORMER REGIONAL PARKS AND RECREATION RESERVATION) (REC) (ATTACHMENT)****BACKGROUND**

Metropolitan Region Scheme (MRS) Amendment No 1141/57 for Heathcote Point was Gazetted on 21 August 2007. The MRS now includes the lower Heathcote land in “Regional Parks and Recreation Reservation” and a narrow triangular slither of land (portion of Lot 301) occupied by the South of Perth Yacht Club carpark as “Urban”. The Regional Parks and Recreation Reservation is automatically incorporated into CPS No. 5 in accordance with Section 126(1) of the Planning and Development Act 2005. At this point in time the subject portion of Lot 301 is unzoned as a result of the removal of the former reservation under the MRS Amendment. The City of Melville is required to amend CPS No. 5 to apply an appropriate zoning to the “Urban” land under the MRS.

**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: Nil
R-Code	: N/A
Use Type	: N/A
Use Class	: N/A

**Site Details**

Lot Area	: 70 sqm (approx.)
Retention of Existing Vegetation	: N/A
Street Tree(s)	: N/A
Street Furniture (drainage pits etc)	: N/A
Site Details	: <a href="#">5007 December 2007.pdf</a>

**DETAIL**

The site presently forms part of the existing yacht club car park along the south western boundary of the yacht club buildings.

The car park and the remainder of the yacht club buildings and surrounding area are zoned “Urban” under the MRS and Reserved for Local Open Space under the Community Planning Scheme No 5.

It is therefore logical that the Reserve for Local Open Space be applied to the triangular portion of Lot 301 so as to provide a consistent reservation over the entire property.

**P07/5007 - PROPOSED AMENDMENT NO 54 TO COMMUNITY PLANNING SCHEME NO 5 – TO RESERVE LOT 301 DUNCRAIG ROAD APPLECROSS FOR LOCAL OPEN SPACE FROM UNZONED LAND (FORMER REGIONAL PARKS AND RECREATION RESERVATION) (REC) (ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

Section 124 of the Planning and Development Act 2005 requires Council to initiate action to amend its local planning scheme so that it is consistent with, and not impede the implementation of, the MRS. Once initiated, Council must advertise the Amendment, consider submissions and forward the proposal to the Hon. Minister for Planning and Infrastructure for determination.

The decision from Council on whether or not to initiate the subject Amendment is final and no appeal rights exist. Council may choose to initiate the Amendment or propose an alternative Amendment. In this instance, Council does not have the power to refuse to initiate an Amendment.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council could choose to initiate an Amendment for an alternative zone or reservation; however this would not be consistent with the reservation on the remainder of the property or its current use.

As indicated above, no appeal rights exist with such a determination from Council.

**COMMENTS**

As Council is required to initiate the Amendment to recognise the Amendment to the MRS, it is appropriate to apply the reservation which applies to the remainder of the property occupied by the South of Perth Yacht Club.



---

**P07/5007 - PROPOSED AMENDMENT NO 54 TO COMMUNITY PLANNING SCHEME NO 5 – TO RESERVE LOT 301 DUNCRAIG ROAD APPECROSS FOR LOCAL OPEN SPACE FROM UNZONED LAND (FORMER REGIONAL PARKS AND RECREATION RESERVATION) (REC) (ATTACHMENT)****CONCLUSION**

It is recommended that Council initiate an Amendment to Community Planning Scheme No 5 to apply a Local Open Space Reservation over portion of Lot 301 Duncraig Road Applecross so that the subject land is consistent with the “Urban” zoning under the Metropolitan Region Scheme.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (P07/5007) INITIATION**

At 7.21pm Cr H R Everett moved, seconded Cr J R Bennett -

- 1. THAT PURSUANT TO PART 5 OF THE PLANNING AND DEVELOPMENT ACT 2005, COUNCIL RESOLVE TO INITIATE AMENDMENT NO 54 TO COMMUNITY PLANNING SCHEME NO 5 TO RESERVE PORTION OF LOT 301 DUNCRAIG ROAD APPECROSS FOR LOCAL OPEN SPACE FROM UNZONED LAND (FORMER REGIONAL PARKS AND RECREATION RESERVATION).**
- 2. THAT HIS WORSHIP THE MAYOR AND THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO ENDORSE THE AMENDMENT DOCUMENT.**
- 3. THAT THE CITY OF MELVILLE FORWARDS A COPY OF THE AMENDMENT DOCUMENTATION TO:**
  - A) THE ENVIRONMENTAL PROTECTION AUTHORITY IN ACCORDANCE WITH SECTION 81 OF THE PLANNING AND DEVELOPMENT ACT 2005.**
  - B) THE WESTERN AUSTRALIAN PLANNING COMMISSION FOR INFORMATION.**
- 4. THAT ON RECEIPT OF ADVICE FROM THE ENVIRONMENTAL PROTECTION AUTHORITY UNDER SECTION 48A OF THE ENVIRONMENTAL PROTECTION ACT INDICATING THAT THE AMENDMENT NEED NOT BE SUBJECT TO AN ENVIRONMENTAL ASSESSMENT, THE AMENDMENT BE ADVERTISED IN ACCORDANCE WITH THE TOWN PLANNING REGULATIONS FOR NOT LESS THAN FORTY-TWO (42) DAYS.**

At 7.21pm the Mayor submitted the motion, which was declared

**CARRIED (13/0)**



**C07/8017 - MT PLEASANT BOWLING CLUB REQUEST FOR SELF SUPPORTING LOAN  
(AMREC) ATTACHMENT**

**Declaration of Interest:**

**Item No:** C07/8017 – Mt Pleasant Bowling Club request for Self Supporting Loan.  
**Member:** Cr H R Everett  
**Type of Interest:** Interest under Code of Conduct  
**Nature of Interest:** Is a member of the Bowling Club  
**Extent of Interest:** Interest under Code of Conduct  
**Request:** Leave  
**Decision of Council:** Leave

At 7.22pm having declared an interest in this item Cr H R Everett departed the meeting.

Ward : All  
 Category : Strategic  
 Subject Index : Recreation  
 Customer Index : Mt Pleasant Bowling Club  
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
 Previous Items : C05/8004 Mt Pleasant Bowling Club – Self Supporting Loan Request.  
 Works Programme : Nil  
 Funding : \$140,000  
 Responsible Officer : Todd Cahoon  
 Manager Health & Lifestyles 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 &amp; 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> |

**C07/8017 - MT PLEASANT BOWLING CLUB REQUEST FOR SELF SUPPORTING LOAN  
(AMREC) ATTACHMENT****KEY ISSUES / SUMMARY**

- The purpose of this report is to discuss and recommend the Mt Pleasant Bowling Club's request for an additional self supporting loan of \$140,000 for the replacement and extension of "D" grass green with a synthetic surface. It is proposed that the loan be taken out over a seven year period.

**BACKGROUND**

At the April 2005 round of Council meetings the City of Melville considered C05/8004 and granted the Mt Pleasant Bowling Club (MPBC) approval to renegotiate its outstanding self supporting loan of \$45,297.55 (Loan 395). The Club required an additional loan not exceeding \$350,000 for the installation of synthetic playing surfaces and the two loans were to be consolidated into a single self supporting loan (SSL) repayable over a ten year period.

In September 2005 a new SSL (Loan 404) was raised for \$395,297.55 and the MPBC have repaid all commitments up to 05 September 2007. The outstanding balance of the MPBC SSL as of 05 September 2007 is \$332,350.84. This loan will be paid out in September 2015.

**DETAIL**

The approval at the April 2005 meeting for the consolidated loan was conditional on:

- The MPBC providing a ten year cash flow analysis reviewed and supported by an independent Certified Practising, Chartered or similarly qualified and experienced Accountant.
- An amendment to the current lease arrangements being made to include the management and maintenance of the new surface as per manufactured instructions.
- The MPBC establishing and contributing to a capital replacement fund on an annual basis to partly or fully cover the costs involved in the eventual replacement of the synthetic surface.
- The MPBC noting that the City of Melville is not likely to provide further self supporting loans for the replacement of playing surfaces.

The MPBC has approached the City of Melville to borrow a further \$140,000 for the replacement and extension of "D" grass green with a synthetic surface.

This request has been made due to a substantial donation of \$120,000 from a Club member whose only condition connected with the donation is that it is directed to the installation of a synthetic playing surface.

At the April 2005 round of council meetings it was not foreseen that a significant donation from a Club member would be made and on this occasion officers believe that the opportunity should be taken by the MPBC and conditionally supports its request for additional SSL.

**C07/8017 - MT PLEASANT BOWLING CLUB REQUEST FOR SELF SUPPORTING LOAN  
(AMREC) ATTACHMENT**

There are a number of benefits behind the Club's request for additional SSL funding. These include

- Significantly, the club has received a donation of \$120,000 from an existing club member.
- The success of the installation of the synthetic playing surfaces has increased player comfort.
- There are green keeping cost savings in having synthetic greens compared to grass greens.
- These savings will be directed to the repayment of the new loan.
- 85% (259) members of the Club are City of Melville Residents.
- The requests forms part of the Club's "look ahead" programme of turf management and provides for additional water savings that will be achieved with the installation of synthetic greens. (Five years ago MPBC used an estimated 520,000 litres of water per annum to water its grass greens).
- Introducing the third synthetic green will reduce water consumption to an estimated 110,000 litres per annum. (An estimated water reduction of 80%).
- The spraying of pesticides is kept to an absolute minimum and the use of fertilisers will be reduced by an estimated 500 kilos per annum.
- The current "D" green is 37M X 37M and the proposal allows for the installation of a 37M X 40M playing synthetic surface.

**PUBLIC CONSULTATION/COMMUNICATION**

Any Planning and Building approvals will be subjected to the normal City of Melville procedures.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Nil

**STATUTORY AND LEGAL IMPLICATIONS**

Should the SSL be approved it will be advertised locally for 30 days.

**FINANCIAL IMPLICATIONS**

The estimated total cost for the installation of the synthetic greens and some associated earthworks and general maintenance is \$260,000 and it is proposed that it be funded in the following manner

Member donation	\$120,000
COM (SSL)	<u>\$140,000</u>
Total	<u>\$260,000</u>

**C07/8017 - MT PLEASANT BOWLING CLUB REQUEST FOR SELF SUPPORTING LOAN  
(AMREC) ATTACHMENT**

Following a consolidation of loans as a result of the April 2005 round of Council meetings, the MPBC still has an existing loan commitment of \$332,350.84 (Loan 404). By adding the \$140,000 request will expose the City of Melville to a SSL at the MPBC of approximately \$472,350. (The final figures will be determined by the interest rates on the day that the loan will be taken out).

The MPBC was given a range of repayment options for the additional loan and have advised that their preferred option is to borrow the \$140,000 over a seven year period.

The estimated annual loan repayments for both loans will be as follows

Loan 404 (Current)	\$52,097
New Loan	<u>\$25,500</u>
Total annual repayment	<u>\$77,597</u>

The MPBC advise that the cost to maintain two grass greens is in the region of \$50,500. By reducing the numbers of greens to one will halve this cost. Savings are made by reducing operational costs associated with payments to green keepers and the reduced use of water, fertilizers and pesticides. Therefore the increased repayments are off set by the proposed savings.

The City of Melville is supportive of the environmental benefits of this project. There will be less demand on scheme and bore water, less use of aggressive fertilizers, less spraying of pesticides and less wet grass clippings to dispose.

Officers requested the MPBC to provide a cash flow forecast that demonstrated the Club's ability to meet the proposed new loan arrangements. Officers also requested that these forecasts be signed by the Club's accountant so that an independent assessment of the Club's financial predictions could be made. These requests were made to assist the Club in gaining approvals and were based on recommendations from previous self supporting loan agenda items and City of Melville policy.

**FINANCIAL IMPLICATIONS (Cont'd)**

The cash flow forecast supplied from the MPBC has been signed by the Club's Deputy President, Treasurer and Secretary but has not yet been signed by the Club's independent accountant. The Club believes that the cash flows are a fair and reasonable representation of the MPBC ability to repay the loan.

Policy 13-003 Self Supporting Loan, states that *"Approval will only be considered where the club or organisation can adequately demonstrate, by provision of forward financial plans covering the life of the loan, a capacity to meet the loan repayment. The financial plans are to be certified by an independent Certified Practicing, Chartered or similarly qualified and experienced Accountant"*.

**C07/8017 - MT PLEASANT BOWLING CLUB REQUEST FOR SELF SUPPORTING LOAN  
(AMREC) ATTACHMENT**

The policy also states that following costs incurred by the Council will be recouped from clubs or organisations applying for self-supporting loans:

- Actual advertising costs (including GST);
- Loan Application Fee as determined annually by Council when setting the Fees & Charges. Note this fee includes the cost of in-house preparation of a standard “Deed of Loan”;
- Where non-standard Deeds of Loan, Mortgage or other legal documents are required, the actual preparation costs of such documents will be on-charged to the applicant in addition to the Loan Application Fee;
- Stamp duties, or other duties or taxes applicable to the self supporting loan application or documentation, will be on-charged to the applicant at actual cost;
- Where the total combined value of a club or organisation's current and/or new self-supporting loan exceeds \$250,000 (two hundred and fifty thousand dollars) a Loan Guarantee Fee of 1% of the initial principal amount which will be charged and applied by incorporating into the periodic loan repayments amount.

In order to provide a context for Elected Members in considering this request, an extract from the 30 June 2007 audited accounts is attached listing the existing Self Supporting Loans. [8017 Extract Financial Report 2007.pdf](#)

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

<b>Risk Statement</b>	<b>Level of Risk*</b>	<b>Risk Mitigation Strategy</b>
A significant financial exposure should the Mt Pleasant Bowling Club not be in a position to honour its financial commitment to the City of Melville	Moderation consequences which are likely, resulting in a <b>High</b> level of risk	Establish an agenda item for the Club's executive meetings reporting back to the City of Melville on monthly and annual bases.

To lessen any risk to the City of Melville the following points should be considered should approval be given to the MPBC to extend its loan facilities.

- The MPBC be informed that it is the policy of the City of Melville that an updated seven year cash flow analysis is supplied and that the cash flow is reviewed and supported by an independent Certified, Practicing, Chartered or similarly qualified and experienced Accountant.
- The new loan is paid in full over a seven year period.

**C07/8017 - MT PLEASANT BOWLING CLUB REQUEST FOR SELF SUPPORTING LOAN  
(AMREC) ATTACHMENT**

- The updated seven year cash flow analysis should clearly identify that the MPBC is in a position to operate as a club, honour the increased loan commitments and to continue to contribute annually to the established capital replacement fund (as per the condition of the previous report recommendations) to partly or fully cover the costs involved in the eventual replacement of the synthetic surface.
- If necessary a further amendment to the current lease arrangements being made to include the management and maintenance of the new surface as per manufacturer's instructions.
- The MPBC noting that the City of Melville **WILL NOT** support any further SSL for any purpose at the MPBC until such time that 60% of all loans are repaid or within a four year period (November 2011).
- The MPBC agree to an annual meeting with the financial section of the City of Melville to discuss the Club's audited annual reports and overall financial position.
- The MPBC agree to list the loan as part of the agenda at each of the Executive committee meeting for discussion and action (if necessary).
- The MPBC agree to record these discussions and forward to the City of Melville on a monthly basis.

**POLICY IMPLICATIONS**

Policy 13-003 Self Supporting Loan, states that *"Approval will only be considered where the club or organisation can adequately demonstrate, by provision of forward financial plans covering the life of the loan, a capacity to meet the loan repayment. The financial plans are to be certified by an independent Certified Practising, Chartered or similarly qualified and experienced Accountant"*.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Historically the City of Melville has relied on the good management of local sporting and community groups when approving SSL. In most cases these loans are very well managed by Club volunteers. In the case of MPBC their repayment record is exceptional as is the rapport the Club's Executive and officers from the City have developed over the years.

The costs involved in playing surface replacement are significant and will continue to increase over the duration of this loan period and the life expectancy of the new playing surface.

The MPBC are in a position to fully fund the \$120,000 from Club funds should the donation have not been made. However they have confirmed that the donation has been lodged and that the funds have been deposited in the Club's bank accounts.

It is the preference of the MPBC to borrow the \$140,000 over the next seven years with the view of using the Club funds to replace the one remaining grass green with a synthetic surface at a later date.

**C07/8017 - MT PLEASANT BOWLING CLUB REQUEST FOR SELF SUPPORTING LOAN  
(AMREC) ATTACHMENT****CONCLUSION**

The MPBC are very keen not to miss this excellent opportunity to replace the grass greens with a synthetic surface and to take up the very generous offer from a Club member.

There are a number of environmental benefits to the establishment of synthetic playing surfaces at the MPBC.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (C07/8017) (APPROVAL)**

At 7.23pm Cr D J Macphail moved, seconded Cr J R Bennett -

**THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL THE MT PLEASANT BOWLING CLUB IS GRANTED APPROVAL FOR AN ADDITIONAL SELF SUPPORTING LOAN OF \$140,000 REPAYABLE OVER SEVEN YEARS SUBJECT TO:**

- 1) THE MT PLEASANT BOWLING CLUB PROVIDING AN ACCEPTABLE (7) SEVEN YEAR CASH FLOW ANALYSIS REVIEWED AND SUPPORTED BY AN INDEPENDENT CERTIFIED PRACTICING, CHARTERED OR SIMILARLY QUALIFIED AND EXPERIENCED ACCOUNTANT.**
- 2) THE MT PLEASANT BOWLING CLUB NOTING THAT THE CITY OF MELVILLE WILL NOT SUPPORT ANY FURTHER SELF SUPPORTING LOANS FOR ANY PURPOSE UNTIL SUCH TIME THAT 60% OF ALL LOANS ARE REPAYED OR WITHIN A FOUR YEAR PERIOD (NOVEMBER 2011).**
- 3) THE MT PLEASANT BOWLING CLUB AGREEING TO:**
  - AN ANNUAL MEETING WITH THE FINANCIAL SERVICES MANAGER OF THE CITY OF MELVILLE TO DISCUSS THE CLUBS AUDITED ANNUAL REPORTS AND OVERALL FINANCIAL POSITION.**
  - LIST THE LOAN AS PART OF THE AGENDA AT EACH OF THE EXECUTIVE COMMITTEE MEETINGS FOR DISCUSSION AND ACTION (IF NECESSARY).**
  - TO RECORD THESE DISCUSSIONS AND FORWARD TO THE CITY OF MELVILLE AFTER EACH EXECUTIVE COMMITTEE MEETING.**
  - THE CLUB CONTINUING TO SET ASIDE SINKING FUNDS FOR THE REPLACEMENT OF THE SYNTHETIC PLAYING SURFACE.**
  - MEETING ALL THE COSTS ASSOCIATED WITH THE PROCESS REQUIRED TO BE UNDERTAKEN BY COUNCIL IN ORDER TO RAISE THE LOAN AND THE CONDITIONS STIPULATED IN COUNCIL'S POLICY 13-003 – SELF SUPPORTING LOANS.**

At 7.23pm the Mayor submitted the motion, which was declared

**CARRIED BY ABSOLUTE MAJORITY (12/0)**

At 7.23pm Cr H R Everett returned to the meeting.



**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 &amp; 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**

<b>Document Type</b>	<b>Party</b>	<b>Description</b>	<b>File Reference</b>
Underground Power Program	Minister for Energy, Western Power	Agreement for Mt Pleasant Underground Power Program	1798352
Deed of Amalgamation	Raymond George Swarts	17 Thurloe Street Bicton	1797960
Licence Amendment Application	Melville Recreation Centre	Melville Recreation Centre	1811746

**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.

**C07/5000 – COMMON SEAL REGISTER (REC)**

**POLICY IMPLICATIONS**

Not applicable.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

This is a standard report for Elected Members information.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5000)**

**NOTED**

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

**CARRIED EN BLOC  
WITHOUT DISSENT (13/0)**

**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 &amp; 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 November 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 November 2007.pdf](#) and [6000B November 2007.pdf.pdf](#) the Investment Statements for the month of November 2007, form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 12 December 2007.

The Investment of Surplus Funds is undertaken in accordance with the Finance Investment Policy document for the City of Melville. [6000D November 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, 12 December 2007.

A report prepared by Lehman Bros has again been included for members' information. [6000C November 2007.pdf](#) The reports form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 12 December 2007.

Elected Members are aware of the impact on investments arising from the extreme volatility in world financial markets in July and August. This volatility created a situation whereby it has been extremely difficult to arrive at a true meaningful valuation for the Collateralised Debt Obligation (CDO) element of the investment portfolio. This situation eased somewhat from September onwards, but remains problematical. The best estimate based on the valuations provided is that had all investments been disposed of at the end of November, a loss of 9.7% would have been realised. The market valuation of the CDO element of the investment portfolio at the end of November represented 78.4% of its cost figure, with individual valuations ranging between 58.4% and 98.8%. It is emphasised that the investment products in question continue to 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 Lehman Bros is based on their calculation of market value as at the end of November. That report shows a performance when compared to their benchmark, being the UBS Warburg 90 day bank bill Index + 0.35%, of -3.29% below the benchmark in the month of November and a negative return of 2.34% compared to the benchmark for the portfolio since inception in December 2003. As the credit markets regain stability the performance of the portfolio should continue to improve.

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**C07/6000 – INVESTMENT STATEMENTS (REC) (ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Price Waterhouse Coopers (PWC) was engaged to provide advice in regards to the appropriateness of the City's investment strategy in light of the recent volatility in the credit markets. Following the receipt of their report and further clarification, a full report was submitted to the November full meeting of Council and a revised investment policy was adopted. It is understood that the Department of Local Government and Regional Development is preparing an Investment Policy Guideline. When this is received, the existing policy will be reviewed and any necessary amendments will be made.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

As at the end of November 2007, total interest, excluding Reserve Fund interest, earned was \$1,061,234 (85.6%) against a budget of \$1,239,190. The full year budget is \$2,555,887.

Reserve Fund interest earned was \$719,224 against a budget of \$505,700. 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 constructed to minimise credit risk through investing in highly rated securities and diversification.

**POLICY IMPLICATIONS**

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

As resolved at the November full meeting of Council, the policy has been amended 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.

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

Interest rates hardened again in the period. The rates for thirty day bank bills rose by 0.1417% from 6.7983% to 6.94% whilst the ninety day rate rose by 0.235% to 7.2467%. The performance of the City of Melville portfolio managed by Lehman Bros was below the agreed benchmark of the UBS Bank Bill Index plus 0.35% by 3.29% annualised in the month and shows a shortfall to the benchmark of 12.43% over the last twelve months.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6000)****NOTED**

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

[6000A November 2007.pdf](#)

[6000B November 2007.pdf.pdf](#)

[6000C November 2007.pdf](#)

[6000D November 2007.pdf](#)

**CARRIED EN BLOC**  
**WITHOUT DISSENT (13/0)**

**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>
<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 &amp; 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 details of the payments made to suppliers for the provision of goods and services for the month of November 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.

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

The Schedules of Accounts for the period ending 30 November 2007 [6001 November 2007.pdf](#) including Payment Registers numbers 33 and 34 were distributed to the Members of Council on Wednesday, 12 December 2007.

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

Expenditures were provided for in the 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.



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

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6001)**

**NOTED**

**THAT THE SCHEDULE OF ACCOUNTS FOR THE PERIOD ENDED 30 NOVEMBER 2007, AS APPROVED BY THE ACTING DIRECTOR CUSTOMER AND CORPORATE SERVICES IN ACCORDANCE WITH DELEGATED AUTHORITY CE23, AND DETAILED IN ATTACHMENT [6001\\_November\\_2007.pdf](#) BE NOTED.**

**CARRIED EN BLOC  
WITHOUT DISSENT (13/0)**

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

**KEY ISSUES / SUMMARY**

- This report presents the financial statements to the end of November 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 November 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. The problems with budget phasing software reported in previous months have now been resolved and work undertaken on rephasing major operational items previously identified. It will be observed by Elected Members that the phasing of Capital projects has not yet been addressed. Budget Responsible Officers have been requested to review their operational and capital figures during the month of December and notify the finance team of any issues identified, including phasing. These will then be addressed to further improve the quality of information.

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, 12 December 2007.

<b>DESCRIPTION</b>	<b>LINK</b>
Statement of Financial Activity – November 2007	<a href="#">6002A November 2007.pdf</a>
Operating Statements by Program for the period ended 30 November 2007	<a href="#">6002B November 2007.pdf</a>
Representation of Working Capital as at November 2007	<a href="#">6002E November 2007.pdf</a>
Reconciliation of Net Working Capital as at 30 November 2007	<a href="#">6002F November 2007.pdf</a>
Notes on Operating Statements for November 2007 reporting on variances of 10% or greater	<a href="#">6002H November 2007.pdf</a>
Details of Budget Amendments requested during the month of November 2007	<a href="#">6002J New November 2007.pdf</a>
Summary of Rates debtors as at 30 November 2007	<a href="#">6002L November 2007.pdf.</a>
Graph showing Rates collections as at 30 November 2007	<a href="#">6002M November 2007.pdf</a>

**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 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 30 November 2007.

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

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6002)  
ABSOLUTE MAJORITY APPROVAL**

At 7.24pm Cr D J Macphail moved, seconded Cr J R Bennett -

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

<b>DESCRIPTION</b>	<b>LINK</b>
<b>STATEMENT OF FINANCIAL ACTIVITY – NOVEMBER 2007</b>	<a href="#"><u>6002A November 2007.pdf</u></a>
<b>OPERATING STATEMENTS BY PROGRAM FOR THE PERIOD ENDED 30 November 2007</b>	<a href="#"><u>6002B November 2007.pdf</u></a>
<b>REPRESENTATION OF WORKING CAPITAL AS AT NOVEMBER 2007</b>	<a href="#"><u>6002E November 2007.pdf</u></a>
<b>RECONCILIATION OF NET WORKING CAPITAL AS AT 30 NOVEMBER 2007</b>	<a href="#"><u>6002F November 2007.pdf</u></a>
<b>NOTES ON OPERATING STATEMENTS FOR NOVEMBER 2007 REPORTING ON VARIANCES OF 10% OR GREATER</b>	<a href="#"><u>6002H November 2007.pdf</u></a>
<b>SUMMARY OF RATES DEBTORS AS AT 30 NOVEMBER 2007</b>	<a href="#"><u>6002L November 2007.pdf.</u></a>
<b>GRAPH SHOWING RATES COLLECTIONS AS AT 30 NOVEMBER 2007</b>	<a href="#"><u>6002M November 2007.pdf</u></a>
<b>SUMMARY OF GENERAL DEBTORS AGED 90 DAYS OR GREATER AS AT 30 NOVEMBER 2007</b>	<a href="#"><u>6002N November 2007.pdf</u></a>

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

At 7.25pm the Mayor submitted the motion, which was declared

**CARRIED BY ABSOLUTE MAJORITY (13/0)**

In accordance with the Standing Orders Local Law 2003, Clause 2.9, a late report was presented by the Acting Chief Executive Officer at 7.25pm.

**P07/3028 - CHANGE OF USE FROM SHOWROOM TO SHOP ON LOT 305 (369-375) CANNING HIGHWAY PALMYRA (AMREC) ATTACHMENT)**

Ward : Palmyra/Melville/Willagee  
Category : Operational  
Application Number : DA-2007-1636  
Property : Lot 305 (369-375) Canning Highway Palmyra  
Proposal : Change of use from showroom to shop  
Applicant : Greg Rowe and Associates  
Owner : Kingwealth Pty Ltd and Cocercan Pty Ltd  
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
Responsible Officer : Mr Keith Weymes  
Manager Planning and Development Services  
Previous Items : P02/3026

**AUTHORITY / DISCRETION**

- Quasi-Judicial *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.*

**KEY ISSUES / SUMMARY**

- The application is for planning approval for a change of use from showroom to shop on Lot 305 (369-375) Canning Highway Palmyra.
- Applying Council Policy to the assessment of the impact of car parking, it is expected that the proposed use will generate car parking to create a shortfall of 12 car bays on the site.
- The applicant has asked the Council to assess the impact of the proposed use on car parking using a practical approach and the applicant has provided a parking utilisation study to support of this approach. However, the study does not show beyond reasonable doubt that the proposed use will not generate more car parking than is available on the site. This may primarily be due to the limited data provided by the applicant to prove up the case.
- It is recommended that the Council allow for an approval to be granted by the Governance Committee under delegation, pending further parking survey results which indicated that the proposal will not result in excess parking demands on site application be deferred. Alternatively, Council may refuse or approve the application..

**P07/3028 - CHANGE OF USE FROM SHOWROOM TO SHOP ON LOT 305 (369-375)  
CANNING HIGHWAY PALMYRA (AMREC) (ATTACHMENT)**

**BACKGROUND**

The City of Melville has issued a planning approval (DA-2002-305) dated 19 September 2002 for a Restaurant, Take Away Drive Through Fast Food Premise, Shops and a Showroom on the site.

The development assessment report states that the application proposed to provide 87 on site car parking bays and Council Policy required that 92 on site bays be provided. An approval was issued based on (i) the operating times of the restaurant and take away premises being different to that of the showroom and shops; (ii) bicycle parking was provided in front of the restaurant and (iii) it was expected that the fitout of each building by the tenants would reduce the net lettable area.

**Scheme Provisions**

MRS Zoning : Urban  
 CPS 5 Zoning : District Centre 3 – Melville Centre, Commercial Centre Frame – Melville Frame  
 R-Code : R60  
 Use Type : Shop  
 Use Class : P

**Site Details**

Lot Area : 5266sqm  
 Retention of Existing Vegetation : Yes  
 Street Tree(s) : Yes x 1, to be retained  
 Street Furniture (drainage pits etc) : Yes, no conflict  
 Site Details : [3028 Plan December 2007.pdf](#)  
[3028 Photo December 2007.pdf](#)

**DETAIL**

**Development Requirements**

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Carparking (Shop)	7 bays for every 100sqm NLA (19 bays)	<b>7 bays</b>	<b>Does Not Comply</b>	MPDS	

NB: Variation to standard notated in bold style text.

This variation has an estimated value of approximately \$360,000



**P07/3028 - CHANGE OF USE FROM SHOWROOM TO SHOP ON LOT 305 (369-375)  
CANNING HIGHWAY PALMYRA (AMREC) (ATTACHMENT)**

**Setbacks**

Not applicable.

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: No

**REFERRALS TO GOVERNMENT AGENCIES**

Required: No  
Reason: The notice of delegation prescribes that referral for comment is not required if the local authority first decides to refuse the application.

**STATUTORY AND LEGAL IMPLICATIONS**

The applicant may have the right to have the decision of the Council reviewed in accordance with Part 14 of the Planning and Development Act 2005.

**FINANCIAL IMPLICATIONS**

There are no anticipated financial implications.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

There are no anticipated strategic and risk management implications.

**POLICY IMPLICATIONS**

Policy 06-pl-024 Car Parking Non-residential

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Option 1

The Council approves the application.

The implication is that for a short period there may not be sufficient car bays on the site to accommodate the car parking generated by the proposed use. Limited street parking is available on Murray Road, however, it is not appropriate for vehicles to park on Canning Highway or other properties. It is noted that this option will require the endorsement of the WA Planning Commission prior to the issue of an approval. This is relative to the required

**P07/3028 - CHANGE OF USE FROM SHOWROOM TO SHOP ON LOT 305 (369-375)  
CANNING HIGHWAY PALMYRA (AMREC) (ATTACHMENT)**

provision of comment for development (change of use) adjoining a Category 3 Road where not recommended for approval.

Option 2

The Council delegates the authority to determine the application to the Chief Executive Officer and the Chief Executive Officer approves the application upon the advise of the Manager Design Services is satisfied that the car parking generated by the proposed use can be accommodated on the site. The applicant will need to provided further empirical evidence in terms of survey results and calculations to shown to the satisfaction of the Manager Design Services that the car parking generated by the proposed use can be accommodated on the site.. It is noted that this option will require the endorsement of the WA Planning Commission prior to the issue of an approval as indicated above.

Option 3

The Council refuses the application on the basis that the applicant has not satisfied the Council that there is sufficient parking on site to accommodate the proposed use.

**COMMENT**

Use

The portion of the site upon which the building the subject of this application exists is zoned District Centre 3 – Melville Centre under the Community Planning Scheme No. 5.

Part 7 of the CPS 5 prescribes that the use class of “shop” is permitted use in that zoning.

Local Commercial Strategy

Part 4 of the Community Planning Scheme No. 5 limits the retail floor space in the District Centre 3 to 12 000 square metres net leasable area.

The draft strategy currently awaiting WA Planing Commission endorsement shows that at the last land use survey in the precinct there was 9 205 square metres of retail floor space. The survey was carried out in 2002. Recent approvals for the extension of the Melville Plaza Shopping centre on the other side of Canning Highway reduced the floorspace of that centre by 939 square metres. Accordingly, the proposal will not impact on the maximum permitted retail floor space.

Car Parking - Policy Approach

There are 76 car bays on the site and 12 car bays of stacking in the drive-thru for the Hungry Jacks fast food outlet.

The existing showroom use (“Blockbuster” video store) consumes 7 car bays on the site.

The applicant has indicated that the “Blockbuster” video store has use of 13 bays on the site because during the assessment of the application for the building, car parking was allocated at 1 bay for every 20 square metres of floor area. This is incorrect – showroom parking requirements of 1 bay per 40 square metres – 7 bays as indicated above.

**P07/3028 - CHANGE OF USE FROM SHOWROOM TO SHOP ON LOT 305 (369-375)  
CANNING HIGHWAY PALMYRA (AMREC) (ATTACHMENT)**

Council Policy relating to Car Parking prescribes that the use of “shop” shall provide 7 bays for every 100 square metres of net leasable area. In accordance with the Policy the proposed use is expected to consume 19 car bays on the site. Therefore should the proposed use operate on the site, then it is anticipated that it will create a shortfall of 12 car bays on the site.

Car Parking - Practical Approach

The applicant has submitted a parking utilisation study in support of the application. The study forms an attachment to this report. The applicant is asking the Council to take a practical approach to the assessment of the impact of car parking on the site as opposed to the application of a generic formula for the number of bays to be consumed by the proposed use.

Existing Uses

The applicant has provided the following information in relation to the existing uses on the site:

Existing Use		Operating Hours	Number of Staff	Peak Operation
Unit 1	Hungry Jacks	Sun to Wed 6am to 10pm, Thurs 6am to 10:30pm, Fri and Sat 6am to 11pm	Average number 8 to 10 with a maximum of 11 at any one time	7:30pm to 9pm everyday
Unit 2	Blockbuster Video	Sun to Thurs 9:30am to 9:30pm, Fri and Sat 9:30am to 10pm	Varies from 1 to 3 at any one time	6:30pm to 8:30pm Fri to Sun
Unit 3	Vacant (Take away Pasta business soon to commence)	Proposed to be 11am to 10pm seven days a week	Proposed to vary between 4 and 8 at any one time	Expected to be Thurs, Fri and Sun 6pm to 9pm
Unit 4	Subway	7:30am to 9:30pm seven days a week	Varies from 2 to 6 at any one time	6pm to 8:30pm Fri, 12pm to 3pm Sat and 6pm to 8:30pm Sun
Unit 5	Wok in a Box	11am to 10pm seven days a week	Varies from 6 to 8 at any one time	5:30pm to 7:30pm Thurs to Sun
Unit 6	Liquorland	Mon to Sat 8am to 9pm and Sun 11am to 7pm	Varies from 2 to 3 at any one time	4pm to 7pm Fri and Sat

**P07/3028 - CHANGE OF USE FROM SHOWROOM TO SHOP ON LOT 305 (369-375)  
CANNING HIGHWAY PALMYRA (AMREC) (ATTACHMENT)**

Unit 7	Nandos	Sun to Wed 11am to 9pm and Thurs to Sat 11am to 10pm	Varies from 5 to 6 at any one time	6pm to 9pm Thurs to Sun
Unit 8	Miami Bakehouse	7am to 7pm seven days a week	Varies from 4 to 6 at any one time	Lunchtime Sat and Sun

Proposed Use

The applicant has indicated the following in relation to the proposed use:

Existing Use		Operating Hours	Number of Staff	Peak Operation
Unit 2	Proposed Pharmacy	Mon to Wed and Fri to Sat 8:45am to 6:30pm and Thurs 8:45am to 8:00pm	Varies from 5 to 6 at any one time	No expected peak period

Parking Utilisation Study

A survey was carried out to determine the availability of car bays on the site. The survey was carried out at various times over three days. The results are presented below:

Day/Time	Available Bays	
Saturday 01/12/07	Available	Percentage of available bays in relation to the total number of bays on the site
10.00 am	52	68
10.30 am	58	76
11.00 am	55	72
11.30 am	47	62
12.00 pm	41	54
2.00 pm	29	38
2.30 pm	52	68
3.00 pm	38	50
3.30 pm	37	49
4.00 pm	43	57
Sunday 02/12/07		
10.00 am	28	37
10.30 am	26	34
11.00 am	26	34

**P07/3028 - CHANGE OF USE FROM SHOWROOM TO SHOP ON LOT 305 (369-375)  
CANNING HIGHWAY PALMYRA (AMREC) (ATTACHMENT)**

11.30 am	30	39
12.00 pm	21	28
2.00 pm	41	54
2.30 pm	44	58
3.00 pm	49	64
3.30 pm	48	63
4.00 pm	51	67
Friday 14/12/07		
10.00 am	60	79
10.30 am	55	72
11.00 am	52	68
11.30 am	44	58
12.00 pm	40	53
12.30 pm	18	24
1.00 pm	26	34
1.30 pm	47	62
2.00 pm	42	55
4.00 pm	59	78
4.30 pm	55	72
5.00 pm	52	68
5.30 pm	50	66
6.00 pm	48	63
6.30 pm	41	54
7.00 pm	42	55
7.30 pm	50	66
8.00 pm	46	61

The applicant has indicated that the peak parking demand for the existing uses on the site coincides with the existing showroom. The applicant expects that overall parking demand for the site will reduce during the typical peak operating times of midday and evening periods on Fridays, Saturdays and Sundays.

The applicant has indicated that with the exception of Thursdays, the proposed use will be closed during the peak operating times of the existing uses on the site (peak operating time being after 6:30pm).

The results of the survey show that the peak operating time (that is the time at which the least number of bays were available for use) occurred at a time during the lunch period on Friday.

**P07/3028 - CHANGE OF USE FROM SHOWROOM TO SHOP ON LOT 305 (369-375)  
CANNING HIGHWAY PALMYRA (AMREC) (ATTACHMENT)**

The survey results have two shortcomings. The first is that the results do not take into consideration that Unit 3 is vacant. Unit 3 would not have generated any car parking during the survey period. Therefore the results show more bays available than would have been available if there was a business operating in Unit 3. It is noted however, that the subject tenancy is currently being shop fitted and that a number of parking bays may have been utilised for builder's purposes at the time of the surveys – particularly during the peak of the day. Notwithstanding this observation, the applicant has not provided any empirical data in this regard.

The second is that the results do not take into consideration the proposed use. The proposed use is likely to generate more car parking than the existing "Blockbuster" video store. Therefore the results show more bays available that would have been available if the proposed use was operating.

The two shortcomings must be resolved to provide an indication of the likely impact on car parking should the Council support the proposed use.

The preferred approach would be to recalculate the survey data by injecting actual data for a similar fast food business and a similar pharmacy into the above table. The applicant has not provided this data. Therefore in the absence of such data and the need to predict the impact of a take away food outlet operating in Unit 3 and the proposed use, the survey data will be recalculated by injected into it the car parking prescribed by Council Policy for a take away food outlet and a shop in a district centre.

The time during the study period at which there was the least number of available bays on the site was Friday 12.30 pm at which there were 18 bays available on the site.

The impact of a take away food outlet operating in Unit 3 and the proposed use at that time is anticipated to be:

The approved use of Unit 3 is for a take away food outlet. Applying Council Policy it is expected that this use would consume 7 car bays on the site during peak operation. Therefore assuming peak operation at all times (worst case scenario) this is expected to reduce the number of available bays to 11. Notwithstanding, as detailed above, it may be that there could have been a greater number of bays available if not for builder's cars associated with the fit out of Unit 3.

The approved use of Unit 2 is for showroom. Applying Council Policy it is expected that this use would consume 7 car bays on the site during peak operation.

The proposed use is a shop. Applying Council Policy it is expected that this use would consume 19 bays on the site during peak operation. However, 7 bays should be deducted from this because the survey data included the existing "Blockbuster" video store. Therefore assuming peak operation at all times (worst case scenario), the proposed use is expected to consume all of the available bays and create a shortfall of 1 bay. It is noted that if details were provided relative to car bays used by the builders for the fit out of Unit 3, there may have been a more favourable outcome in this regard.

**P07/3028 - CHANGE OF USE FROM SHOWROOM TO SHOP ON LOT 305 (369-375)  
CANNING HIGHWAY PALMYRA (AMREC) (ATTACHMENT)**

The following table shows the survey data recalculated using the same method:

Time	Available Bays	
Saturday 01/12/07	Available	Percentage of available bays in relation to the total number of bays on the site
10.00 am	33	43
10.30 am	39	51
11.00 am	36	47
11.30 am	28	36
12.00 pm	22	28
2.00 pm	10	13
2.30 pm	33	43
3.00 pm	19	25
3.30 pm	18	23
4.00 pm	24	31
Sunday 02/12/07		
10.00 am	9	11
10.30 am	7	9
11.00 am	7	9
11.30 am	11	14
12.00 pm	2	2
2.00 pm	22	28
2.30 pm	25	32
3.00 pm	30	39
3.30 pm	29	38
4.00 pm	32	42
Friday 14/12/07		
10.00 am	41	53
10.30 am	36	47
11.00 am	33	43
11.30 am	25	32
12.00 pm	21	27
12.30 pm	-1	-1%
1.00 pm	7	9
1.30 pm	28	36
2.00 pm	23	30
4.00 pm	40	52
4.30 pm	36	47

**P07/3028 - CHANGE OF USE FROM SHOWROOM TO SHOP ON LOT 305 (369-375)  
CANNING HIGHWAY PALMYRA (AMREC) (ATTACHMENT)**

5.00 pm	33	43
5.30 pm	31	40
6.00 pm	29	38
6.30 pm	22	28
7.00 pm	23	30
7.30 pm	31	40
8.00 pm	27	35

The results show that generally car parking could be accommodated on the site during the study period, with the exception of a time over the lunch period on Friday where there would be a shortfall of available car bays. Again, it is noted that if details were available relative to car bays used by the builders for the fit out of Unit 3, there may have been a more favourable outcome in this regard.

In addition to the above, a casual inspection of the site at lunchtime on Tuesday 11 December by Council staff indicated that there were 30 bays available on site (inclusive of at least 3 bays being used by the builder relative to the fit out of Unit 3. I could therefore be concluded that there may be ample parking available on site, however, in the absence of empirical data from the applicant to back up this view, it is difficult to conclude that the proposal should be supported at this stage.

It should also be noted that no allowance has been made for parking vacancies for circulation.

**CONCLUSION**

The Council has a Policy providing guidance in the matter of car parking.

Part 9.6(f) of the CPS 5 prescribes that:

*“a Policy shall not absolutely bind the Council in respect of any application for planning approval, but the Council shall have due regard to the provisions of the Policy and shall be satisfied that the application is not prejudicial to the objectives of the Policy before making its decision.”*

The objective of Council Policy relating to Car Parking Non-residential is described as:

*“To control the provision of non-residential car parking.”*

Applying the Policy of the Council the proposed use is expected to generate more car parking than is available on the site.

Should Council choose to consider varying the Policy then the practical approach to the assessment of the impact on car parking should show that car parking generated by the proposed use can be accommodated on the site.



**P07/3028 - CHANGE OF USE FROM SHOWROOM TO SHOP ON LOT 305 (369-375)  
CANNING HIGHWAY PALMYRA (AMREC) (ATTACHMENT)**

It may be prejudicial to the objective of Council Policy to support the application because it does not show that car parking generated by the proposed use can be accommodated on the site at this point, although the anomalies which have been identified above, may resolve this concern should further information be provided. It may also be possible that the parking shortfall of one bay may be a one off spurious event relative to an abnormal situation – such as the survey day being the first day of government school holidays. A larger survey period of one week and injection of like for like parking generation calculations would provide further opportunity to clarify the issues raised above. It should be noted that Option 2 presented above, provides for Council to delegate authority to determine the application to the Governance Committee pending receipt of further information being provided to the approval of the Manager Design Services which provides further empirical evidence in terms of survey results to shown that car parking generated by the proposed use can be accommodated on the site. In considering this option, Council should be aware that the information provided by the applicant to prove up the case has not been sufficient to date and comntians sever limitations which do not justify support for the proposal.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**  
**DELEGATED AUTHORITY TO APPROVE (AMREC)**

At 7.26pm Cr J R Bennett moved, seconded Cr P M Phelan –

**1 THAT PENDING THE**

- (a) RECEIPT OF A NON OBJECTION AND**
- (b) POSITIVE RECOMMENDATION FOR THE APPLICATION FROM THE WA PLANNING COMMISSION, AND**
- (c) POSITIVE RECOMMENDATION BY THE MANAGER DESIGN SERVICES THAT THE CARPARKING GENERATED BY THE PROPOSED USE CAN BE ACCOMMODATED ON THE SITE,**

**THE MATTER BE REFERRED TO THE GOVERNANCE COMMITTEE FOR DETERMINATION OF THE APPLICATION FOR A CHANGE OF USE FROM SHOWROOM TO SHOP ON LOT 305, (365 – 375) CANNING HIGHWAY, PALMYRA.**

**2 THE APPLICANT BE ADVISED THAT FURTHER INFORMATION REQUIRED TO SUPPORT THE APPLICATION IS TO INCLUDE:**

- (a) EMPIRICAL EVIDENCE IN THE FORM OF A FURTHER WEEKS SURVEY DATA FOR THE SITE AT THE TIME SPECIFIED IN THE EXISTING SURVEYS.**
- (b) ACTUAL PARKING GENERATED BY THE EXISTING VIDEO STORE.**
- (c) ACTUAL PARKING GENERATED BY A SIMILAR SIZED AND OPERATED TAKEAWAY FOOD OUTLET.**
- (d) ACTUAL PARKING GENERATED FOR SIMILAR SIZED PHARMACY ALONG A MAJOR ROAD OF SIMILAR STANDARD TO CANNING HIGHWAY.**
- (e) REWORKING OF SURVEY DATA TO INCLUDE I-IV ABOVE.**

At 7.26pm the Mayor submitted the motion, which was declared

**CARRIED BY ABSOLUTE MAJORITY (13/0)**

**12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**13. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**

**Declaration of Interest:**

**Item No:** P07/3023 - Four Storey Mixed Use Building – Five Multiple Dwellings & One Office On Lot 314 (4) Forbes Road Applecross Member  
**Member:** Cr J Barton  
**Type of Interest:** Interest under Code of Conduct  
**Nature of Interest:** Daughter owns an adjoining property.  
**Extent of Interest:** Interest under Code of Conduct  
**Request:** Leave  
**Decision of Council:** Leave

At 7.26pm having disclosed an interest in this item at the Ordinary Meeting of Council held 20 November 2007, Cr J Barton departed the meeting.

At 7.26pm Cr P M Phelan sought leave to present a motion without notice. Cr C M Halton seconded -

**THAT LEAVE BE GRANTED TO PRESENT A MOTION WITHOUT NOTICE.**

At 7.30pm the Mayor submitted the motion which was

**CARRIED BY ABSOLUTE MAJORITY (8/4)**

At 7.31pm Cr J R Bennett requested that his vote against this motion be recorded.

At 7.31pm Cr P M Phelan moved, seconded Cr C M Halton -

- 1. THAT COUNCIL RESOLUTION P07/3023 – FOUR STOREY MIXED USE BUILDING – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPLECROSS, OF 20 NOVEMBER 2007 BE RESCINDED.**

**THIS RECISSION MOTION WAS SUPPORTED BY:**

**CR C M HALTON  
CR L M REYNOLDS  
CR P M PHELAN  
CR N PAZOLLI  
CR H R EVERETT**

- 2. THAT THE OFFICER RECOMMENDATION AS BELOW BE SUBMITTED FOR APPROVAL:**

**13. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**

**OFFICER RECOMMENDATION (3023)**

**APPROVAL**

**THAT THE APPLICATION FOR MIXED USE – FIVE MULTIPLE DWELLINGS AND ONE OFFICE ON LOT 314 (4) FORBES ROAD, APPLECROSS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

**SPECIAL CONDITIONS:**

- 1. THE DIMENSIONS OF ALL CARPARKING BAYS, AISLE WIDTHS AND CIRCULATION AREAS COMPLYING WITH AUSTRALIAN STANDARD AS2890.1.**
- 2. DURING EXCAVATIONS, ALL NECESSARY PRECAUTIONS TO BE TAKEN TO PREVENT DAMAGE OR COLLAPSE OF ANY ADJACENT STREETS, RIGHT-OF-WAY OR ADJOINING PROPERTIES. IT IS THE RESPONSIBILITY OF THE BUILDER TO LIAISE WITH ADJOINING AND ADJACENT PROPERTY OWNERS PRIOR TO CARRYING OUT WORK.**
- 3. THE DEVELOPMENT HEREBY PERMITTED IS TO COMPLY WITH THE HEALTH (PUBLIC BUILDINGS) REGULATIONS 1992 (AS AMENDED).**
- 4. THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. APPLICANT IS REQUIRED TO CONSULT WITH CITY OF MELVILLE HEALTH SERVICES PRIOR TO THE INSTALLATION OF ANY NOISE EMITTING EQUIPMENT SUCH AIR CONDITIONERS.**
- 5. ALL 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.**
- 6. THE FAÇADE OF THE BUILDING AND WALLS TO BE TREATED WITH AN ANTI-GRAFFITI AGENT TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 7. ON COMPLETION OF CONSTRUCTION, ALL EXCESS ARTICLES, EQUIPMENT, RUBBISH OR MATERIALS AND TEMPORARY FACILITIES ARE TO BE REMOVED AND THE SITE AND SURROUNDING AREA USED DURING THE DEVELOPMENT IS TO BE MADE GOOD AND LEFT IN AN ORDERLY AND TIDY CONDITION TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

13. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL
8. SUBMISSION OF A GLARE REFLECTIVITY STUDY BY A CONSULTING ENGINEER AND ANY GLARE ISSUES TO BE ADDRESSED PRIOR TO THE ISSUE OF A BUILDING LICENCE.
  9. THE SUBMISSION OF A COLOUR SCHEDULE BOARD DETAILING THE FINISHES AND COLOURS FOR THE MIXED USE BUILDING TO THE SATISFACTION OF MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.
  10. PRIOR TO THE ISSUE OF THE BUILDING LICENCE, THE APPLICANT/OWNER IS REQUIRED TO SUBMIT A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES, DETAILING HOW IT IS PROPOSED TO MANAGE:
    - THE DELIVERY OF MATERIALS AND EQUIPMENT TO THE SITE;
    - THE STORAGE OF MATERIALS AND EQUIPMENT ON THE SITE;
    - THE PARKING ARRANGEMENTS FOR CONTRACTORS AND SUBCONTRACTORS;
    - IMPACT ON TRAFFIC MOVEMENT AND;
    - OTHER MATTERS LIKELY TO IMPACT ON THE SURROUNDING RESIDENTS.
  11. ALL WINDOWS AND BALCONIES TO COMPLY WITH THE VISUAL PRIVACY REQUIREMENTS CONTAINED IN ELEMENT 8 OF THE RESIDENTIAL DESIGN CODES.
  12. THE BUILDING LICENCE APPLICATION TO INCLUDE DETAILS ON ADDRESSING ENERGY EFFICIENCY REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. THIS MAY INCLUDE, BUT NOT BE LIMITED TO THE ERECTION OF HORIZONTAL SCREENS ALONG THE NORTHERN ELEVATION OF THE DEVELOPMENT WHICH PROVIDE FOR PENETRATION OF LIGHT IN THE WINTER MONTHS AND SHADING OF THE DEVELOPMENT DURING SUMMER MONTHS.
  13. EQUIPMENT SUCH AIR-CONDITIONERS OR EXHAUST VENTS WHICH ARE LIKELY TO DETRACT FROM THE VISUAL APPEARANCE OF THE BUILDING SHALL NOT BE LOCATED ON THE ROOF OR OTHERWISE EXPOSED TO PUBLIC VIEW.
  14. THE DEVELOPMENT HEREBY PERMITTED IS TO COMPLY WITH THE HEALTH (PUBLIC BUILDINGS) REGULATIONS 1992 (AS AMENDED).

**13. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL**

- 15. SUITABLE BARRIERS BEING PROVIDED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES TO PREVENT OPEN ACCESS EXCEPT FOR THE PURPOSE OF MAINTENANCE SO AS TO PROTECT THE PRIVACY OF ADJOINING RESIDENTS.**
- 16. THE BUILDING LICENCE APPLICATION TO INCLUDE DETAILS ON MANAGEMENT OF THE FRONT VISITOR PARKING AREA INCLUSIVE OF VEHICLE MANEUVERING TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. THIS MAY INCLUDE, BUT NOT BE LIMITED TO THE RELOCATION OF THE SECURITY GATES FURTHER TO THE REAR OF THE CARPARK TO PROVIDE FOR VEHICLES TO RE-ENTER FORBES ROAD IN A FORWARD DIRECTION.**

**STANDARD CONDITIONS:**

**COM ; 11, 13, 14, 16, 20, 22, 24, 26, 27, 30, 31, 32, 33, 38, 42, 47, 48, 50,**

**RESSD; 04, 19**

At 7.35pm Cr L M Reynolds left the meeting.

At 7.38pm Cr L M Reynolds returned to the meeting.

At 8.16pm the Mayor submitted the motion, which was declared

**LOST (8/4)**

At 8.16pm Cr M J Barton returned to the meeting.

At 8.17pm Cr R Subramaniam advised that it was the last meeting the Manager Planning & Development, Mr K Weymes, would be attending and on behalf of the Council, thanked him for his contribution over many years.

At 8.18pm on behalf of the Elected Members, Cr H R Everett wished His Worship the Mayor, Russell Aubrey & Mrs Glenis Aubrey Seasons Greetings and thanked him for his support.

At 8.18pm the Acting Chief Executive Officer, Mr M Tieleman recorded his thanks to the Elected Members for working so well with Council Officers. He also thanked the Members for their support of himself, his Officers, Directors and Operational Managers and looked forward to the arrival of the new Chief Executive Officer.

**14. CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 8.19pm.