



— *City of* —  
***Melville***

**MINUTES**

**OF THE**

**ORDINARY MEETING OF THE COUNCIL**

**HELD ON**

**19 JUNE 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: 22 JUNE 2007**



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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.43PM ON TUESDAY, 19 JUNE 2007.**

**1. PRESENT**

Her Worship the Mayor, Katherine Jackson JP

**COUNCILLORS**

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

**WARD**

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

**2. IN ATTENDANCE**

E Lumsden PSM  
A McAllister  
  
C McClure  
M Tieleman (Departed at 7.50pm)  
R G C Willis  
  
K Johnson  
B Searle (Departed at 7.16pm)  
B Taylor  
  
R Dougall

**POSITION TITLE**

Chief Executive Officer  
Director Strategic Community  
Development  
Director Strategic Urban Planning  
Director Customer & Corporate Services  
Director Technical & Development  
Services  
Manager Organisational Development  
Manager Financial Services  
Manager Information & Corporate  
Support  
Minutes Secretary

At the commencement of the Meeting, there were 12 people in the public gallery, and two members of the press in the Media gallery.

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

Nil.

#### 4. PUBLIC QUESTION TIME

Mr J Addvalue of Applecross

- “1. *There seems to be a growing disquiet about the perceived lack of transparency in the deliberations and actions of the Melville Council.*
- A) *Perhaps some further education of the electorate would be advisable?*
  - B) *Would the City of Melville make available to members of the electorate, copies of the Standing Orders of the Council and further information regarding the protocol relating to:*
    - I) *The decision making process*
    - II) *The subsequent advertising process*
    - III) *The action phase - simplicity and timing would be helpful.”*

**The Chief Executive Officer, Mr Eric Lumsden responded:**

**I am happy to make available Standing Orders on request. With regard to the protocol relating to decision making etc, whilst I am prepared to consider providing further information to the public, I need to be advised as to what types of decisions are being referred to, as the statutory processes may differ.**

- “2. *Would Council give consideration to the early rehabilitation of Kishorn Road, Applecross from Forbes Road up to and including the intersection of Kishorn and Armstrong Roads? Quite frankly its condition is appalling, for several reasons. A road in such a suburb as Applecross, where the median price of a house is over \$1.35 million and where the suburb is a ‘cash cow’ for the City of Melville warrants more funding to bring it up to a desirable standard.”*

**The Director Technical & Development Services, Mr Robert Willis responded:**

**That he had inspected Kishorn Road with Cr Bennett and Mr Addvalue. This section of road is being investigated to evaluate its condition compared to other locations within the City.**

- “3. *Will Council take prompt action to rehabilitate the fences and playing surfaces of the community facilities at Jack Howson Park. Removal of the abutting tree is also necessary. Some work needs to be done immediately to avoid much longer expense later on.”*

**The Director Technical & Development Services, Mr Robert Willis responded:**

**That the tennis courts on Jack Howson Park had also been inspected together with Cr Bennet and Mr Addvalue. The fence has been damaged by persons wanting to use the bitumen tennis courts. Currently the use and purpose of these courts are being evaluated as repairs to the bitumen surface would be costly and there appears to be little usage.**

C Cocks of Attadale.

“1. *Why is Council ignoring the significant non compliance with parking requirements on the site?”*

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

**This is not the case. The Council is required to consider the application on its merits. The report before the Council advises of the level of compliance with the parking policy but also draws on expert advise from traffic consultants on how the parking and other traffic issued of the development can be satisfied particularly for the peak periods. The recommended outcome provides for a variety of solutions to differing parking and access needs and varying from normal longer term parking bays to spaces for queuing, stacking and short term parking.**

“2. *How will Council limit future development on site?”*

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

**Recommended condition 1 will require that student numbers be limited to 450**

“3. *Why is Council ignoring the actual number of students and staff on site?”*

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

**That is not the case. The background information submitted with this question suggests that the existing numbers of students and staff on site is greater than stated. If this is the case then the estimated parking demand for the school will be over stated. It is also a fact that many non teaching staff attend schools however their parking needs are generally off peak.**

Mr and Mrs Henze of Bicton

“1. *Does “non-low impact” refer to non-low impact (with better words “high-impact”) on impact on visibility or radiation?”*

**The Director Strategic Urban Planning, Mr Craig McClure responded:**

**Low impact facilities refers to structures less than 6 metres in height. High impact facilities are over 6 metres and generally referred to as ‘towers’. You may wish to look at the Legislation for further explanation.**

- “2. *The City of Melville had already allocated one tower for four telecommunication carriers on the Point Walter Golf Course in their Policy No. 28-003, apparently without consultation with residents.*  
*When we bought property 22 Reserve Street, Bicton 6157 in March 2003, we queried City of Melville for any future development on the Point Walter Reserve Golf Course, but we were ensured there were no plans for any civic structure.*  
*Residents have now been informed of City of Melville’s already very advanced plans by anonymous letters.*
- A) *Can Council explain why residents have not been properly informed of its plans?*
  - B) *Does Council believe that the secret mongering with the planning of the telecom tower will result in the continuing confidence of residents in the political decision taking process of the Council?”*

**The Director Strategic Urban Planning, Mr Craig McClure responded:**

**The City of Melville in 2002 held wide and extensive public consultation over 12 months when developing the Telecommunication Strategy. There are no ‘advanced plans’ and the reference to ‘anonymous letters’ is not understood.**

- A) Council has no plans other than a Policy/Strategy which is published on the City of Melville webpage. No application for a Telecommunication Facility at Pt Walter has been lodged. A request to lease land has been made and no decision will be made on this until the Telecommunication Strategy has been reviewed (see Council resolution below).**
- B) No ‘secret mongering’ by the City of Melville has occurred.**

- “3. *Par. (4) A1) of Policy No. 28-003 defines for the location of mobile phone towers existing commercial or industrial building/sites.*  
*Does Council believe that a telecommunication tower built and operated on the Point Walter Golf Course is compatible with the intentions of a Nature Reserve on which premises the Golf Course is located?*  
*Council must be naïve believing that a telecommunication tower and associated facilities can be designed to blend in with the natural environment (see Art. C3 of Policy No. 28-003).*  
*Attaching a telecom antenna to the existing water tower building opposite Point Walter Golf Course at Mosman Park appears to be a better alternative.”*

**The Director Strategic Urban Planning, Mr Craig McClure responded:**

**In 2002 when Council endorsed the Strategy and Policy IT did.**

- “4. *Can individual telecommunication carriers (four in accordance with Policy No. 28-003) provide extent and severity of radiation caused by the operation of the short wave facilities?*  
*Are the radiation levels within limits allowed for residential areas by internationally recognised institutions?”*

**The Director Strategic Urban Planning, Mr Craig McClure responded:**

**Such information is required with an application for development of a high impact facility and as no application has been lodged, the information is not available at this point.**

- “5. *How many households would achieve improved mobile phone coverage by the proposed telecom tower on the Golf Course, and how many of these households have already telephone land line connections?*

**The Director Strategic Urban Planning, Mr Craig McClure responded:**

**Such information is required with an application for development of a high impact facility and as no application has been lodged, the information is not available at this point.**

## **5. AWARDS AND PRESENTATIONS**

A record of functions attend by the Mayor, and Elected Members representing the Mayor for the Council, for the period 15 May 2007 to 18 June 2007, forms an attachment to the Minutes of the Meeting.

[Mayoral Representation June 2007.pdf](#)

At 6.56pm Cr J Phillips moved, seconded Cr H R Everett -

**THAT THE RECORD OF FUNCTIONS ATTENDED BY THE MAYOR, AND ELECTED MEMBERS REPRESENTING THE MAYOR ON BEHALF OF THE COUNCIL, FOR THE PERIOD 15 MAY 2007 TO 18 JUNE 2007, BE NOTED.**

At 6.56pm the Mayor submitted the motion, which was declared

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

## **6. CONFIRMATION OF MINUTES**

### **6.1 ORDINARY MEETING OF THE COUNCIL – 15 MAY 2007**

At 6.57pm Cr C W Robartson moved, seconded Cr R Aubrey -

**THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 15 MAY 2007 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.**

At 6.57pm the Mayor submitted the motion, which was declared

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

### **6.2 CONFIRMATION OF NOTES – AGENDA FORUM – 5 JUNE 2007**

At 6.57pm Cr L M Reynolds moved, seconded Cr M J Barton –

**THAT THE NOTES OF THE AGENDA FORUM HELD ON TUESDAY, 5 JUNE 2007 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.**

At 6.57pm the Mayor submitted the motion, which was declared

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

**7. DISCLOSURES OF INTEREST**

- Cr M J Barton Motion of Which Previous Notice has been given – Item 12.3
- Cr A Ceniviva P07/3012

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

Cr M J Barton  
Cr J Phillips  
Cr L M Reynolds

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

Nil.

**10. PETITIONS**

On Friday, 15 June 2007 a Petition was received containing 44 signatures. The Petition reads as follows:

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

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

**10. PETITIONS (continued)**

**COUNCIL RESOLUTION**

At 6.58pm Cr D J Macphail moved, seconded Cr C Halton -

**THAT THE PETITION BEARING 44 SIGNATURES AND RELATING TO THE REDEVELOPMENT OF LEEMING RECREATION CENTRE BE NOTED AND THAT A REPORT BE PRESENTED TO THE JULY 2007 COUNCIL MEETING.**

At 6.59pm the Mayor submitted the motion, which was declared

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

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

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**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)**  
**(ATTACHMENT)**

|                            |  |
|----------------------------|--|
| Ward                       | : All  |
| Category                   | : Operational  |
| Subject Index              | : Budgeting Estimates, Operational & Forward Works Programme                                     |
| Customer Index             | : Impacts on all Ratepayers of City of Melville  |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter |
| Previous Items             | : Nil.   |
| Works Programme            | : As detailed in attachments   |
| Funding                    | : As per 2007/2008 budget document   |
| Responsible Officer        | : Marten Tieleman<br>Director Customer & Corporate 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

**KEY ISSUES / SUMMARY**

- |  |
|--|
| <ul style="list-style-type: none"><li>• The 2007/2008 Budget Document is presented for consideration &amp; adoption by Council</li></ul> |
|--|

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)  
(ATTACHMENT)****BACKGROUND**

The Budget has been prepared from a strategic and operational perspective on behalf of the Community of the City of Melville. The Council is extremely conscious of the need to maintain its natural and built assets to a standard expected by the Community. Many Local Governments are now finding it increasingly difficult to continue to resource adequately their facilities. The City of Melville is taking steps to ensure this does not happen, and the budget reflects a proactive approach to managing its community assets as well as improving its delivery of services.

The City is also developing a broad and focused approach to community development, implementing new policy initiatives for our sporting and community organisations, and generating more cohesive neighbourhood/local plans and actions which will address current and future needs. Hence the 2007/2008 budget [6007 June 2007.pdf](#) has been developed with the following issues in mind:-

- The well documented need to address asset maintenance & financial sustainability issues as highlighted in the report of the Local Government Advisory Boards inquiry into Structural and Electoral Reform in Western Australia, the Western Australian Local Government Associations Systemic Sustainability Study report, various similar studies that have been conducted in each State and the Australian Local Government Association's study and report National Financial Sustainability Study of Local Government conducted by Price Waterhouse Coopers (The PWC Report);
- The need to maintain the real value of works and services in the face of rapidly escalating costs of services provided by contractors, building construction, materials, supplies, and employee costs which have been significantly greater than the Consumer Price Index (CPI) published by the Australian Bureau of Statistics (ABS) ;
- The need to fund Council decisions made during the year such as the costs of implementing the new policy in regards to the support of Recreation and Community Clubs and Organisations, bringing in-house the management of the Willagee Community Centre, the maintenance of the Point Walter Precinct (including the Golf Course) and the verge side collection of the junk and green waste;
- The need to "lift the bar" in relation to meeting increasing community expectations, and safety and quality standards as promulgated via statute or as benchmarked in various Australian Standards.

Bearing all of the above factors in mind the 2007/2008 Budget has been drafted with a long term view of the needs of the City and its residents. The 6.85% rate increase is greater than the Consumer Price Index for Perth. Whilst it would be possible to draft a budget that increases rates at CPI, this would represent a short term populist approach that would necessitate a reduction in service levels and provide insufficient funding for asset maintenance.

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)**  
**(ATTACHMENT)****DETAIL**

The 2007/2008 Budget seeks to provide additional funds, not only to cope with rapidly increasing costs, but also to address deferred asset maintenance and renewal liabilities that have been identified as a result of applying improved asset management principles and activities in regards to the assessment of infrastructure and building asset conditions. It should be noted that the City of Melville has a significant pool of assets that it owns and

manages and from which it provides the many services offered by it. These assets carry with them substantial asset management costs including maintenance, operational, periodic refurbishment and end of life renewal costs. Specific asset replacement values and depreciation (i.e. renewal liability accruing each year on the basis of replacing like for like) include:-

- Buildings \$290,000,000 – 40 Year Average Life – Depreciation = \$7,250,000pa
- Roads \$180,250,000 – 50 Year Average Life – Depreciation = \$3,605,000pa
- Drains \$ 50,000,000 – 80 Year Average Life – Depreciation = \$ 625,000pa
- Footpaths \$ 26,000,000 – 30 Year Average Life – Depreciation = \$ 867,000pa
- Irrigation \$ 10,745,000 – 20 Year Average Life – Depreciation = \$ 537,250pa
- Plant \$ 7,000,000 - 5 Year Average Life – Depreciation = \$1,400,000pa
- Computers \$ 3,600,000 – 3.5 Year Average Life – Depreciation = \$1,030,000pa

It should be noted that Depreciation is based on averages and individual assets may deteriorate more or less quickly than indicated by the straight-line depreciation rate. The objective of Council is to match the consumption of assets, as indicated by their depreciation, with sufficient funding in each year in each asset class to ensure that renewal of those assets can occur as and when required. Whilst partly addressing these issues the 2007/2008 Budget does not include sufficient funding to achieve this objective. Council is developing a long term financial plan to ensure that this will occur in the future.

In addition to funding renewal/replacement of assets on a like for like basis, funding is also required to enable the periodic refurbishment and upgrading of assets and the purchase or construction of new assets not currently in Council's asset pool. The 2007/2008 Budget and Capital Works Programme does not distinguish between renewal, upgrade or new assets. These distinctions will be included in the 2008/2009 Budget documents together with a reconciliation of expenditure needs and funding applied to each asset class.

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)**  
**(ATTACHMENT)**

Specific allocation made in the \$18.32m Capital Works Programme are detailed in the attached budget and include:-

- \$500,000 for building modifications to the Civic Centre to accommodate a single point of customer services on the ground floor and other office accommodation changes necessary for the relocation of staff;
- \$1.1m for information technology hardware and software replacements;
- \$62,000 Community Sport and Recreation Facilities funding to assist clubs with upgrading their facilities;
- \$800,000 to commence the refurbishment of the Leeming Recreation Centre with the estimated balance of \$7.7m to be funded in 2008/2009;
- \$305,000 for the replacement of Recreation equipment;
- \$300,000 to renovate the Stock Road meals on wheels kitchen;
- \$100,000 for continuation of the Public Arts Program;
- \$4.0m for replacement of motor vehicles and plant;
- \$140,000 for replacement of rubbish bins;
- \$960,000 for major maintenance of various buildings;
- \$450,000 for development of the former Melville Primary School site;
- \$150,000 for work on the golfers courtyard at the Point Walter Golf course
- \$230,000 for improvements at neighbourhood commercial centres;
- \$505,000 for drainage works;
- \$235,000 for environmental works in Council's foreshores, lakes, parks and bush lands;
- \$730,000 for new and replacement footpaths;
- \$104,000 for major maintenance and decking replacement for the Majestic Boardwalk;
- \$225,000 for lighting including \$150,000 for upgrading the lighting at the Civic Centre car park and \$75,000 for lighting public access ways and other street lighting improvements;
- \$1.61m on park improvements and renewals of assets including \$385,000 for reticulation replacement, \$350,000 for replacement of the artesian bore at Shirley Strickland Reserve, \$325,000 for rehabilitation works at the former tip site now John Connell Reserve, \$185,000 for playground equipment replacement and \$200,000 for improvements including lighting to Robert Crawford Park in Myaree and \$60,000 for lighting upgrades at Point Walter Reserve;
- \$50,000 for parking improvements on Ardessie Streets and Link Road
- \$250,000 on various precinct improvement initiatives including \$100,000 for verge upgrades and street tree plantings and \$50,000 to replace the steps at Majestic Close;
- \$740,000 for continuation of the upgrade programme for parking, streetscape, drainage and road improvements on The Esplanade, Mt Pleasant;
- \$2m for road resurfacing projects;
- \$1.39m on various road improvements including \$393,000 upgrading Melville Beach Road and \$940,000 treating various Black Spots on Canning Hwy, Northlake Rd and Riseley St;
- \$188,000 for traffic management projects including \$100,000 for Parry Avenue;
- \$225,000 on the bus shelter replacements programme.

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)**  
**(ATTACHMENT)**

A new policy position was adopted by Council during the year, which will see the responsibility for the maintenance, insurance and emergency services levy costs associated with Council owned buildings, that are leased by Sporting and Community Clubs and Organisations, shift from them to the City of Melville. This change in policy position was instigated by the recognition that many of these organisations were unable to effectively meet their lease obligations and as a result were, unable to carry out necessary maintenance resulting in a deferred maintenance liability, or were unable to effectively focus on their objectives due to a focus on fund raising activities.

Another change in policy position has also been the decision to bring the management of some City of Melville community facilities, such as the Willagee Community Centre in house. The recently launched Community and Neighbourhood Planning initiative envisages the creation of community hubs from which community based programmes can be run. The City's existing community facilities such as the libraries, community halls and recreation centres are an important asset base to support these programmes.

Due to large increases in the prices tendered for the maintenance of the Point Walter Precinct (including the Point Walter Reserve, Bushlands and Golf Course) and the verge side green waste and junk collection process, Council decided to bring these contracts in-house. This required the unbudgeted expenditure of approximately \$1m in the current financial year for the acquisition of plant and equipment and the inclusion of additional employee, materials, plant maintenance and operational costs in the 2007/2008 Budget. Whilst the costs of running these operations in-house represented a significant increase over and above the cost of the previously externally contracted works, these actions were judged more cost effective than awarding the contracts to the external parties at the prices they quoted in response to the tenders.

Whilst Council pays close regard to the Consumer Price Index (CPI) it has been unable contain the level of rate increase to the same amount as the Perth CPI which was 4.6% in the period September 2005 to 2006, 4.4% in the period December 2005 to 2006 and the 3.5% in the period March 2006 to 2007. The cost base for Local Governments is significantly different to the basket of goods that form the basis of the CPI. The WA Labour Price Index for the period December 2005 to 2006 was 4.6% and 4.8% for the year March 2006 to 2007. In order to retain and attract suitably skilled and qualified staff the City awarded all staff a 5% pay rise in October 2006. To determine this level of increase factors such as the CPI and the Average Weekly Earnings and Labour Price Indices were considered, along with benchmark data such as salary and wage rates being paid by other employers from which we traditionally draw our pool of labour. In addition to this, market adjustments have been required throughout the year in order to attract or retain staff where it is clearly demonstrated that those positions are commanding a higher rate of pay and overall salary packages paid by other comparable employers. In order to ensure that comparisons of salary and wage rates have a sound basis and that the City pays its employees at market competitive levels, the Mercer system of job evaluation and market comparison is being introduced over the course of the 2007/2008 financial year.

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)**  
**(ATTACHMENT)**

Some examples of the increases in contract costs that the City has been faced with include:

- Crossovers - 16.3% in 2006/2007;
- Concrete Footpaths 8.8% in 2005/2006 then an additional 3.1% in 2006/2007;
- Concrete Pipes – 68.75% in 2005/2006 then 5% per annum in 2006/2007 and 2007/2008;
- Irrigation Piping - 20% in 2005/2006 then 7.5% in 2006/2007 and 2007/2008;
- Road Resealing - 55% in 2005/2006 then 7% in 2006/2007.
- Underwire Tree Pruning – 40% in 2006/2007.
- Turf Fertilisation – average of 21.7% over the past 9 years
- Playground equipment 22.6% in 2005/2006 then 10% in 2006/2007 and 2007/2008.

If the budget amounts were increased by the March Perth CPI year on year increase of 3.5% this would necessitate a decrease in the amount of work that could be undertaken and a further slippage in Council's ability to maintain its assets at an appropriate standard.

In view of the above factors the 2007/2008 budget has provided for significant increases in the operational and maintenance costs. Employee costs associated with new initiatives and bringing contracts in-house totaled approximately \$1.4m whilst total employee costs due to market adjustments and other employee cost increments total \$2m.

**PUBLIC CONSULTATION/COMMUNICATION**

Whilst no specific public consultation has taken place in regards to the 2007/2008 Budget, community consultation has occurred for a number of the major projects identified within the budget document.

A notice of intention to impose differential rates was advertised in the Melville Herald on Saturday, 19 May 2007 and the 21 day public comment period will end on Monday 11 June 2007. Any public comments received by that date will be tabled included in the body of this report under this heading in time for the council meeting to be held on Tuesday 19 June 2007.

Following consideration by the Southern Metropolitan Regional Council (SMRC) of their budget on Thursday 24 May 2007 it appears that there will be significant increases in the gate fees charged by that organisation to the City of Melville. It has been necessary to increase the Refuse charges for 240 Litre bins collection and disposal from the amounts shown in the Notice of Intention to Impose Differential Rates.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Fire and Emergency Services Agency in relation to collection of the Emergency Services Levy;

Landgate (The Valuer General) in relation to the Gross Rental Valuations used as a basis for calculation of Municipal General and Specified Area Rates.

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)  
(ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

**“6.47. Concessions**

*“Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

*\* Absolute majority required”.*

**FINANCIAL IMPLICATIONS**

Specific financial implications are as detailed in the forgoing Detail section of this report and the attached 2007/2008 budget document.

Implications for City of Melville ratepayers will include:-

- Various increases in the levels of user fees and charges as detailed in the Fees and Charges Schedule 2007/2008 as previously adopted by the Council on Tuesday 17 April 2007;
- An increase in the general improved rate of approximately 6.85% from 6.04515 cents in the \$ of gross rental value to 6.45924 cents;
- A reduction in the general unimproved rate of approximately 2.0% from 7.25418 cents in the \$ of gross rental value to 7.10 cents. An increase in the domestic refuse charges from \$220.00 to \$235.00 pa or approximately 6.8% with the concessional pensioners residential charge also rising by \$13.00 from \$147.00 to \$160.00 pa;
- A decrease in the Community Security & Liaison Service Charge from \$38.30 to \$37.50;
- A decrease in the payment by instalments charge from \$16.00 to \$15.00;
- Maintenance of the Direct Debits administration fee at \$30.00;
- Maintenance of the early payment discount at 4%.

In the May 2007 State Government Budget it was announced that the Emergency Services Levy, which is used to fund the State Fire and Emergency Services Agency (FESA) and is collected on behalf of FESA by all Western Australian Local Government Authorities, will increase by 6.8%.

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)  
(ATTACHMENT)**

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

| Risk Statement  | Level of Risk*   | Risk Mitigation Strategy  |
|---|--|---|
| Insufficient budget funding achieved to carry out works & services and maintain the City's assets.  | Major consequences which are almost certain, resulting in a <b>High</b> level of risk          | Ensure sound Financial policy positions are adopted by Council and that the consequences of insufficiently funding the City's operations are well understood  |
| An excessive quantum of funding is requested by some officers and directed towards areas of expenditure that are not a priority of the Community and Council or a Technical or Statutory requirement. | Minor consequences which might occur at some stage, resulting in a <b>Medium</b> level of risk | Ensure budget development process is sound and subject to independent review by Managers, Finance and Council.<br>Unexpended excess funds will be declared as surplus and used to offset next year's rates or transferred to an appropriate reserve fund.<br>Ensure that the wishes of the Community and Council are well understood, that Asset Management planning is based on sound principles and that a robust project prioritisation methodology is used. |

\* As derived from using the Risk Assessment Matrix

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)**  
**(ATTACHMENT)**

**POLICY IMPLICATIONS**

The budget has been developed on the principles outlined in Council's policy numbers 13-001 Financial Sustainability – Forward Financial Planning and Funding Allocation Policy and 13-008 Borrowings & Asset Financing Policy.

Variation from policy 13-001 has occurred in respect to policy clause 2.2 in that the Annual 2007/2008 Budget does **not** include forecast year end information or annual estimates for the 2008/2009 Budget year as required by that clause. This variation to policy is due to the policy being adopted by Council on 15 May 2007 which left insufficient time for the staff to compile these numbers. They will be included in next year's budget.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Council may chose to adopt a rate increase of less than the recommended 6.85% however in doing so it would need to identify which Operating Programme it wishes to see removed or what Capital Works it does not wish to proceed with. In regards to the Capital Works Programme reductions in the quantum of the programme are likely to result in a deferment of expenditure to future years at an increased cost and a further exacerbation of Council asset management deferred liability. The projects presented to Council for funding are considered to be the priority ones however there are many more that are also worthy of funding that would be suggested for inclusion should others be removed. Council needs to establish a level of asset refurbishment and renewal funding that will enable it to refurbish and renew its assets when they reach the end of their useful lives and will need to build reserves to enable it to do so.

**CONCLUSION**

Whilst resulting in a rate increase, that in the eyes of the Community maybe greater than desired, the 2007/2008 Budget is a responsible budget. In the course of formulating it the officers of Council have taken into account a broad range of factors with the emphasis being on ensuring appropriate levels of service, increased, albeit not yet optimal, funding is provided for asset maintenance and renewal and that operational capacity is maintained. Reductions in the level of rate increase, whilst possible using short term measures such as deferment of asset maintenance or renewal, is not recommended as this simply creates a greater financial burden for future generations and is therefore not recommended.

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)  
(ATTACHMENT)**

**COUNCIL RESOLUTION (6007)**

**ABSOLUTE MAJORITY**

At 7.03pm Cr A Ceniviva moved, seconded Cr D J Macphail -

1.1 [Consideration and Adoption of the 2007/2008 Budget \(ATTACHMENT\)](#)

The Budget Papers were distributed to Elected Members under separate cover on Friday, 15 June 2007.

[6007 June 2007.pdf](#)

1.1.1 [Carry Forward Projects and Unexpended Specific Purpose Grants \(ATTACHMENT\)](#)

The draft list of projects and unexpended specific purpose grants funded but not completed in 2006/2007 forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday, 15 June 2007.

[6007A June 2007.pdf](#)

**COUNCIL RESOLUTION (6007)**

**ABSOLUTE MAJORITY**

**THAT THE LIST OF WORKS IN PROGRESS AND UNEXPENDED SPECIFIC PURPOSE GRANTS BE INCLUDED WITHIN THE 2007/2008 BUDGET.**

1.1.2. [Ratepayer Profile \(ATTACHMENT\)](#)

The Ratepayer Profile forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday, 15 June 2007.

[6007B June 2007.pdf](#)

**COUNCIL RESOLUTION**

**THAT THE 2007/2008 RATEPAYER PROFILE BE NOTED.**

1.1.3 [Differential Rating Submissions \(ATTACHMENT\)](#)

**Background**

The Local Government Act 1995 outlines procedures by which a local government can impose differential rates. The Differential Rating Submissions forms part of the Attachments to the Agenda, which was distributed to Members of the Council on Friday, 15 June 2007.

[6007C June 2007.pdf](#)

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)**  
**(ATTACHMENT)**

**Detail**

Section 6.36 of the Act requires that all local governments, which impose differential rates or a differential minimum, must give prior notice of its intention and invite submissions from electors and ratepayers. Consideration of all submissions is then to be undertaken.

The Act requires that information regarding differential rates be included with the Rate Notice detailing all rates imposed, together with a summary of the Objects and Reasons for those rates.

A Notice of Intention to Impose Differential Rates was advertised in the Melville Herald on Saturday, 19 May 2007.

The Notice of Intention to Levy Differential Rates forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on 13 June 2007. The 21 day submission period closed on Monday, 11 June 2007. One submission was received in response to the advertisement, and is detailed below.

*"I would like to strongly oppose an increase in my rates for 2007/2008, and for a while now have intended to actually request a decrease in my rates.*

*Three reasons are:*

- 1/ I bought my house in Capill Corner Leeming (a beautiful, picturesque, quiet street), 14 years ago. I knew that the Roe Highway would be nearby. The noise, however, is a lot louder than we anticipated; not mentioning what the diesel fumes over the years will do to our health.*
- 2/ the huge power poles which "snuck up" without adequate community consultation (this was verified by the ombudsman) is an absolute ugly eyesore to our street. 3 ½ monstrous poles can be seen from my land and has degraded the value of my land and house.*
- 3/ the strongest reason for my rates to be reduced is the smelly Recycling Plant in Canning Vale. This plant should never have been built so close to resident's homes, if it wasn't going to be built as originally intended. The recycling plant has altered my lifestyle in the way that I have not been able to have friends over and sit outside due to the stenchy odour and also that I can't have my windows open for fresh air, as there no longer is fresh air, only contaminated toxins that my family/children and baby is breathing in! We have now been told that extra chemicals are being used at the plant to try and mask the awful smell, great – more chemicals that we are all breathing in! Corners were cut in the building of the plant to save money – to the detriment of people's health!*

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**(ATTACHMENT)**

*It is awful that I now feel forced to have to move from our family home for the wellbeing of my children's health. I have been looking for a while though nothing suitable in my price range has been found. In the meantime, I strongly request for my rates not to be increased please!"*

A response has been drafted to the sender acknowledging the issues raised and explaining the limited influence that the City of Melville has in respect of them. The next general revaluation of properties to be undertaken by the Valuer General in 2008 should reflect any deterioration in amenity value, and this is certainly an issue that can be raised.

Unless amended by the Council, the rates in the dollar and minimum rates will be 6.45924 cents with a minimum rate of \$500.00 for all Improved Land and 7.100 cents with a minimum rate of \$550.00 for all Unimproved Land. The property surveillance and security service charge will be \$37.50. The refuse charges will be \$235.00 for domestic refuse collections with the 5,415 City of Melville registered pensioners receiving a concession charge of \$160.00. The cost of this concession, which is funded from City of Melville General Funding and not the State Governments pensioner subsidy scheme, is estimated to be \$406,125.

The proposal outlined above includes an increase of 6.85% in the rate in the dollar levied in 2006/2007, an increase in the domestic refuse charges of 6.8% and a decrease of 2.1% in the Community Security Liaison Service charge. The pool inspection charge of \$13.75 is set at the maximum level permitted by state government regulation. The permissible figure has remained unchanged for many years.

**COUNCIL RESOLUTION****THAT THE DIFFERENTIAL RATING SUBMISSIONS REPORT BE NOTED.****1.1.4 [Adoption of Percentage for Reporting of Material Variances](#)**

Each financial year, a local government is to adopt a percentage or value, calculated in accordance with Australian Accounting Standards, to be used in statements of financial activity for reporting material variances. The level adopted for the year 2006/2007 was 10.0% or \$5,000 whichever is the greater. Current advice, supported by experience, suggests that the minimum dollar level should be set at a level sufficiently high to avoid the necessity to report on small figures that cannot be considered material. In light of this recommendation it is proposed that the level adopted for the reporting of material variances for 2007/2008 should be 10.0% or \$20,000 whichever is the greater.

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)  
(ATTACHMENT)**

**COUNCIL RESOLUTION**

**THAT IN ACCORDANCE WITH REGULATION 34 OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) AMENDMENT REGULATIONS (NO.2) 2005, THE LEVEL TO BE USED IN STATEMENTS OF FINANCIAL ACTIVITY IN THE YEAR 2007/2008 FOR REPORTING MATERIAL VARIANCES, BE 10% OR \$20,000, WHICHEVER IS THE GREATER.**

1.1.5 [Process of Imposing Rates and Adoption of 2007/2008 Budget](#)

**COMMENT**

Before proceeding to the recommendations with respect to the 2007/2008 Budget, it is appropriate to identify requirements of the Local Government Act 1995 in regard to the Budget process.

The following matters require a decision by absolute majority:

- Adoption of the Annual Budget
- Granting of discount or other incentives for early payment
- Granting a concession on refuse to pensioners
- Setting the interest rate on outstanding debts
- Imposing any fees or charges for goods or services other than a service for which a service charge is imposed
- Imposing the General Rate and Differential Rate on rateable land in the district
- Imposing a service charge i.e. Property Surveillance and Security Services.
- Imposing a specified area rate.

The Local Government Act 1995 enables a service charge to be imposed equally across assessments including non-rateable properties for the purpose of property surveillance and security service.

Twenty six properties in the suburb of Palmyra were included in a recent underground power project undertaken by the City of Fremantle and Western Power during the current financial year. 50% of the cost of providing underground power network to the street and the cost of connecting these properties to the network is to be recovered from the owners. As the City of Fremantle chose to do so via a Service Charge applied to each property, in order to be consistent with that approach it is recommended that the same level of Service Charges be applied to the 26 properties that fall within the City of Melville boundaries.

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)  
(ATTACHMENT)**

1.1.5 Process of Imposing Rates and Adoption of 2007/2008 Budget (continued)

**COUNCIL RESOLUTION**

**ABSOLUTE MAJORITY**

1. THAT BY ABSOLUTE MAJORITY DECISION THE 2007/2008 MUNICIPAL FUND BUDGET BE ADOPTED.

2. THAT BY ABSOLUTE MAJORITY DECISION THE FOLLOWING RATES AND CHARGES FOR THE 2007/2008 FINANCIAL YEAR, BE ADOPTED:

**ALL IMPROVED LAND**

6.45924 CENTS IN THE DOLLAR ON GROSS RENTAL VALUES SUBJECT TO A MINIMUM RATE OF \$500.00 PER LOT, LOCATION OR OTHER PIECE OF LAND;

**ALL UNIMPROVED LAND**

7.100 CENTS IN THE DOLLAR ON GROSS RENTAL VALUES SUBJECT TO A MINIMUM RATE OF \$550.00 PER LOT, LOCATION OR OTHER PIECE OF LAND;

3. THAT BY ABSOLUTE MAJORITY DECISION THE FOLLOWING REFUSE CHARGES BE ADOPTED, FOR THE 2007/2008 FINANCIAL YEAR:

**A) RESIDENTIAL PROPERTIES (INCLUDING COMMUNITY GROUPS)**

- \$235.00 PER ANNUM FOR ONE STANDARD SERVICE; (THIS AMOUNT IS EXCLUSIVE OF GST FOR THE FIRST BIN HOWEVER GST WOULD BE ADDED FOR ANY ADDITIONAL BINS)

- ELIGIBLE PENSIONERS ARE ENTITLED TO A CONCESSIONAL RATE OF \$160.00 PER ANNUM FOR ONE STANDARD SERVICE; (THIS AMOUNT IS EXCLUSIVE OF GST FOR THE FIRST BIN HOWEVER GST WOULD BE ADDED FOR ANY ADDITIONAL BINS) AND IT BE NOTED THAT THE ESTIMATED COST OF THIS CONCESSION, WHICH IS FUNDED FROM GENERAL REVENUE, IS \$406,125.

(NOTE - A STANDARD SERVICE INCLUDES WEEKLY DOMESTIC COLLECTION AND DISPOSAL OF ONE 240 LITRE CITY OF MELVILLE APPROVED BIN, FORTNIGHTLY RECYCLING COLLECTION AND DISPOSAL OF ONE 240 LITRE CITY OF MELVILLE APPROVED BIN, ONE JUNK GOODS AND THREE GREEN WASTE KERBSIDE COLLECTIONS PER ANNUM.

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(ATTACHMENT)**

1.1.5 Process of Imposing Rates and Adoption of 2007/2008 Budget (continued)

**B) COMMERCIAL PROPERTIES  
\$317.00 PER ANNUM FOR ONE STANDARD REMOVAL OF DISPOSABLE REFUSE IN A 240 LITRE CITY OF MELVILLE APPROVED BIN; (THIS AMOUNT IS EXCLUSIVE OF GST FOR THE FIRST BIN HOWEVER GST WOULD BE ADDED FOR ANY ADDITIONAL BINS)**

**C) NON-RATEABLE PROPERTIES (EXCLUDING COMMUNITY GROUPS)**

**\$365.00 PER ANNUM FOR ONE STANDARD SERVICE; (THIS AMOUNT IS EXCLUSIVE OF GST FOR THE FIRST BIN HOWEVER GST WOULD BE ADDED FOR ANY ADDITIONAL BINS)**

**A STANDARD SERVICE INCLUDES THE REMOVAL OF DISPOSABLE REFUSE IN A 240 LITRE CITY OF MELVILLE APPROVED BIN;**

**D) BULK REFUSE DISPOSAL**

**\$30.00 INCLUDING GST PER SERVICE – ONE BIN OF 1.5 CUBIC METRE CAPACITY;**

**\$40.00 INCLUDING GST PER SERVICE – ONE BIN OF 3.0 CUBIC METRE CAPACITY;**

**\$50.00 INCLUDING GST PER SERVICE – ONE BIN OF 4.5 CUBIC METRE CAPACITY;**

**4. SWIMMING POOL INSPECTION FEE**

**THAT BY ABSOLUTE MAJORITY DECISION AND IN ACCORDANCE WITH SECTION 25A OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT AND PART 10 OF THE BUILDING REGULATIONS 1989, A SWIMMING POOL INSPECTION FEE OF THE STATUTORY MAXIMUM AMOUNT OF \$55.00 AS STIPULATED IN CLAUSE 38F OF THE BUILDING REGULATIONS 1989 BE ADOPTED FOR 2007/2008 WITH ONE QUARTER OF THE CHARGE, BEING \$13.75 INCLUDING GST, APPLIED IN THIS RATING YEAR, REFLECTING THE FOUR YEARLY INSPECTION CYCLE.**

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)  
(ATTACHMENT)**

1.1.5 Process of Imposing Rates and Adoption of 2007/2008 Budget (continued)

**5. PROPERTY SURVEILLANCE AND SECURITY SERVICE CHARGE.**

**THAT BY ABSOLUTE MAJORITY DECISION THE PROPERTY SURVEILLANCE AND SECURITY CHARGE FOR THE 2007/2008 YEAR OF \$37.50 EXCLUDING GST BE ADOPTED.**

**6. CITY OF FREMANTLE UNDERGROUND POWER SCHEME.**

**THAT BY ABSOLUTE MAJORITY DECISION THE 26 PROPERTIES IN PALMYRA INCLUDED IN THE UNDERGROUND POWER SCHEME UNDERTAKEN BY THE CITY OF FREMANTLE BE CHARGED IN ACCORDANCE WITH THE SCALE OF FEES ESTABLISHED BY THE CITY OF FREMANTLE. THE INCOME FROM THESE SERVICE CHARGES TO BE REMITTED TO THE CITY OF FREMANTLE. THE RELEVANT CHARGES ARE:**

- NETWORK CHARGE , SINGLE RESIDENTIAL PROPERTY - \$2,850**
- NETWORK CHARGE , MULTI UNIT PROPERTY (5 TO 15 UNITS) - \$2,550**
- SERVICE CHARGE, SINGLE RESIDENTIAL PROPERTY - \$500**
- SERVICE CHARGE, MULTI UNIT PROPERTY - \$250**
- SERVICE MODIFICATION CHARGE, SINGLE RESIDENTIAL PROPERTY - \$200**

1.1.6 Discount/Early Payment Incentives

**COUNCIL RESOLUTION**

**ABSOLUTE MAJORITY**

- 1. THAT BY ABSOLUTE MAJORITY DECISION A 4% DISCOUNT BE ALLOWED ON ALL 2007/2008 RATES AND CHARGES (INCLUDING REFUSE SERVICE CHARGE, PROPERTY SURVEILLANCE AND SECURITY CHARGE AND SWIMMING POOL INSPECTION FEE, BUT EXCLUDING THE EMERGENCY SERVICES LEVY) PROVIDED ALL RATES AND CHARGES INCLUDING ARREARS AND SERVICE CHARGES ARE PAID IN FULL ON OR BEFORE CLOSE OF BUSINESS (I.E. 5.00PM) BY THE DISCOUNT DUE DATE SHOWN ON THE RATE NOTICE.**

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(ATTACHMENT)**

- 2. THAT BY ABSOLUTE MAJORITY DECISION THE FOLLOWING EARLY PAYMENT INCENTIVES BE GRANTED PROVIDED ALL 2007/2008 RATES AND CHARGES (INCLUDING REFUSE SERVICE CHARGE, PROPERTY SURVEILLANCE AND SECURITY CHARGE AND SWIMMING POOL INSPECTION FEE) ARE PAID IN FULL ON OR BEFORE CLOSE OF BUSINESS (I.E. 5.00PM) BY THE DUE DATE SHOWN ON THE RATE NOTICE.**

**MAJOR PRIZE**

**3,000 ADVANTAGE SAVER ACCOUNT FROM WESTPAC BANK**

**SIX WARD PRIZES**

**ONE MULTI-VENUE HEALTHY LIFESTYLE MEMBERSHIP PER HOUSEHOLD - (GYM, SWIM AND AEROBICS) FOR LEEMING RECREATION CENTRE, MELVILLE RECREATION CENTRE AND MELVILLE AQUATIC FITNESS CENTRE VALUED AT \$720 EACH.**

**(NOTE: THE MEMBERSHIP CANNOT BE EXCHANGED FOR A CASH AMOUNT)**

**THE WINNERS FOR ALL EARLY PAYMENT INCENTIVES WILL BE DRAWN BY RANDOM COMPUTER SELECTION OF VALID PROPERTIES.**

**1.1.7 Loan Capital Fund Budget**

This budget includes self-supporting loans raised on behalf of other organisations that are responsible for meeting the loan repayment costs. The Council is effectively the guarantor of these loans. The Budget additionally allows for a loan of \$9,000,000 to be raised in respect of the Mount Pleasant underground power scheme. This loan will be fully recovered by the levying of charges and rates on the beneficiaries of the underground power scheme.

**COUNCIL RESOLUTION**

**ABSOLUTE MAJORITY**

**THAT BY ABSOLUTE MAJORITY DECISION THE 2007/2008 LOAN FUND BUDGET BE ADOPTED.**

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)  
(ATTACHMENT)**

1.1.8 Reserve Fund Accounts Budgets

**COUNCIL RESOLUTION**

**ABSOLUTE MAJORITY**

**THAT BY ABSOLUTE MAJORITY DECISION THE 2007/2008 RESERVE FUND BUDGET, BE ADOPTED FOR THE FOLLOWING RESERVE FUND ACCOUNTS AND PURPOSES:**

- A) APPLECROSS UNDERGROUND POWER & STREETScape ENHANCEMENT RESERVE  
TO BE USED FOR UNDERGROUND POWER PROJECTS AND STREETScape ENHANCEMENTS IN THE SUBURB OF APPLECROSS.**
- B) CIVIC CENTRE PRECINCT IMPROVEMENTS RESERVE  
TO BE USED FOR IMPROVEMENTS TO THE BUILDINGS AND ASSOCIATED LANDSCAPING AND CAR PARKING LOCATED WITHIN THE CIVIC CENTRE PRECINCT.**
- C) COMMUNITY FACILITIES RESERVE  
TO BE USED FOR THE PROVISION, REFURBISHMENT OR IMPROVEMENT OF COMMUNITY FACILITIES LOCATED IN THE CITY OF MELVILLE.**
- D) COMMUNITY SECURITY SERVICE RESERVE  
TO BE USED TO FUND COMMUNITY SECURITY PROJECTS.**
- E) INFORMATION TECHNOLOGY RESERVE  
TO BE USED TO FUND THE ACQUISITION AND REPLACEMENT OF COMPUTER SOFTWARE AND HARDWARE.**
- F) INSURANCE EQUALISATION RESERVE  
TO BE USED TO FUND PRIOR YEARS INSURANCE PREMIUM CONTINGENCIES, THE SELF-INSURED ELEMENT OF INSURANCE CLAIMS AND RISK REDUCTION INITIATIVES OR PROJECTS.**
- G) LAND & PROPERTY RESERVE  
TO BE USED TO FUND LAND AND PROPERTY PURCHASES WITHIN THE CITY OF MELVILLE.**
- H) LEAVE ENTITLEMENTS RESERVE  
TO BE USED TO FUND ANNUAL, SICK AND LONG SERVICE LEAVE ENTITLEMENTS.**

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(ATTACHMENT)**

- I) **MT PLEASANT UNDERGROUND POWER & STREETScape ENHANCEMENT RESERVE  
TO BE USED FOR UNDERGROUND POWER PROJECTS AND STREETScape ENHANCEMENTS IN THE SUBURB OF MT PLEASANT.**
- J) **PARKING FACILITIES RESERVE  
TO BE USED TO FUND THE PROVISION, REFURBISHMENT OR IMPROVEMENT OF PARKING FACILITIES AND EQUIPMENT.**
- K) **PLANT REPLACEMENT RESERVE  
TO BE USED TO FUND THE PURCHASE OF REPLACEMENT MOTOR VEHICLES AND PLANT, INCLUDING DOMESTIC WASTE COLLECTION TRUCKS.**
- L) **PUBLIC OPEN SPACE RESERVE  
TO BE USED TO FUND THE PURCHASE AND DEVELOPMENT OF PUBLIC OPEN SPACE, PARKS AND RESERVES.**
- M) **REFUSE BINS RESERVE  
TO BE USED FOR THE PURCHASE AND REPLACEMENT OF DOMESTIC REFUSE BINS.**
- N) **COMMERCIAL REFUSE RESERVE  
TO BE USED FOR THE ACQUISITION AND REPLACEMENT OF COMMERCIAL REFUSE BINS, MOTOR VEHICLES, PLANT AND EQUIPMENT USED FOR COMMERCIAL WASTE OPERATIONS AND THE DEVELOPMENT OF COMMERCIAL WASTE COLLECTION OPPORTUNITIES.**
- O) **REFUSE FACILITIES RESERVE  
TO BE USED FOR PAYMENTS RELATING TO THE ESTABLISHMENT AND OPERATION OF WASTE MANAGEMENT FACILITIES, FUNDING ASSOCIATED COSTS, AND THE COST OF LANDSCAPING, ENVIRONMENTAL AND REHABILITATION WORKS OF FORMER TIP SITES OPERATED BY THE CITY OF MELVILLE.**
- P) **ROAD ASSET MANAGEMENT RESERVE  
TO BE USED TO FUND ROAD ASSET MANAGEMENT PROJECTS INCLUDING THE MAINTENANCE AND RENEWAL OF THE CITY OF MELVILLE'S EXISTING ROAD NETWORK.**

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**(ATTACHMENT)**

- Q) UNEXPENDED CAPITAL WORKS & SPECIFIC PURPOSE GRANTS RESERVE  
TO BE USED TO CARRY FORWARD AVAILABLE FUNDING FOR UNCOMPLETED PROJECTS AND SPECIFIC PURPOSE GRANTS, THAT WILL BE COMPLETED IN ENSUING FINANCIAL YEARS.**

**1.1.9 [Trust Fund Budget](#)****COUNCIL RESOLUTION****ABSOLUTE MAJORITY**

**THAT BY ABSOLUTE MAJORITY DECISION THE 2007/2008 TRUST FUND BUDGET AS DETAILED, BE ADOPTED.**

**1.1.10 [2006/2007 Surplus Funds](#)**

The 2007/2008 Budget has been formulated on the basis that a surplus of \$2,000,000 will be carried forward from the 2006/2007 financial year. Additionally the monies required to fund the carried forward projects and unexpended specific purpose grants previously identified in Item 9 will be transferred from the 2006/2007 surplus and placed in the Unexpended Capital Works and Specific Purpose Grants Reserve. This amount will then be offset by the addition of carried forward projects to the expenditure side of the 2007/2008 Budget equalling the amount transferred in 2006/2007 to the Unexpended Capital Works and Specific Purpose Grants Reserve.

It should be noted that the final surplus/deficit position will be established and reported to the Council after completion of the 2006/2007 audit in October 2007.

**COUNCIL RESOLUTION****ABSOLUTE MAJORITY**

**THAT BY ABSOLUTE MAJORITY DECISION ANY SURPLUS REMAINING IN THE MUNICIPAL FUND AS AT 30 JUNE 2007, AFTER ALLOWING FOR THE BUDGETED SURPLUS OF \$2,000,000 AND THE NET AMOUNT OF \$7,704,927 REPRESENTED BY CARRIED FORWARD PROJECTS AND UNEXPENDED SPECIFIC PURPOSE GRANTS AS SHOWN IN THE 2007/2008 BUDGET DOCUMENT, BE TRANSFERRED TO THE COMMUNITY FACILITIES RESERVE.**

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)  
(ATTACHMENT)****1.1.11 Imposition of Fees and Charges**

Section 6.16 of the Local Government Act 1995 allows a Local Government to impose by absolute majority decision a fee or charge for any goods or services it provides or proposes to provide other than a service for which a service charge has been imposed.

The fees are to be imposed when adopting the annual budget but may, subject to giving local public notice, be imposed or amended from time to time during the financial year.

The Fees and Charges for 2007/2008 were adopted by absolute majority decision of the Council on Tuesday, 17 April 2007 and were subsequently advertised on Tuesday, 8 May 2007 to take effect from 1 July 2007.

**COUNCIL RESOLUTION****ABSOLUTE MAJORITY**

**THAT BY ABSOLUTE MAJORITY DECISION, IN ACCORDANCE WITH SECTION 6.16 OF THE LOCAL GOVERNMENT ACT 1995, THE 2007/2008 SCHEDULE OF FEES AND CHARGES ADOPTED BY THE COUNCIL ON 17 APRIL 2007, BE CONFIRMED AS THOSE TO APPLY FOR THE 2007/2008 FINANCIAL YEAR.**

**1.1.12 Administration and Interest Charge for Rates and Services Charges**

Sections 6.45 and 6.51 of the Local Government Act detail the methods by which the Council can impose an administration charge and interest charge in respect to payment of Rates and Service Charges.

Section 6.45 allows a person to pay their rates and service charges by four equal instalments and provides that the Council can impose an administration charge as well as an interest component.

This year it is proposed to maintain an administration charge where a person pays their rates by no more than four instalments. As outlined in the budget overview, the original reason for introducing this charge was to cover some of the cost of ratepayers using the range of alternative payment options including, Bill Express, Australia Post, BPay and credit card payments.

Council levies an administration charge to residents taking advantage of the payments by instalments option. In 2006/2007 this charge was set at \$16.00, and for 2007/2008 it is proposed that it should be set at \$15.00.

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Section 6.45 of the Local Government Act provides the opportunity for a Local Government to impose an additional charge over and above the administrative charge, where payments of rates or service charges are made by instalments. Effectively this is an interest charge which has been set at a maximum amount of 5.5% to enable a Local Government to recover some of the lost investment revenue that would have been earned had the payment of rates or service charges been made in one lump sum by the first due date. The City of Melville has not to this time imposed this charge as it is considered that the ratepayers who are paying by instalments have already missed out on the 4% discount so in effect it could be considered that they have already paid a penalty. Should the City of Melville choose to impose this charge software modifications to the City of Melville Rates programs would be necessary.

It is not proposed to recommend the introduction of this charge for 2007/2008.

Legislative changes introduced from 1 May 2005 meant that Council could not recover the full costs of any legal debt recovery processes that become necessary to ensure that Rates are properly paid. In order to minimise this new cost, a Legal Action Administration fee of \$100.00 was introduced. This fee is levied on overdue accounts that require legal debt recovery action. It is proposed that the amount of this fee will not be increased in 2007/2008.

A service introduced in 2005/2006 to assist ratepayers who are experiencing difficulty in paying, was the ability to pay rates by Direct Debit. In line with other Councils that offer this service, an administration fee of \$30.00 is levied when setting up a Direct Debit arrangement. This fee applies to agreements for multiple payments over and above the normal four instalment option and replaces the \$15.00 instalment administration charge. It is proposed that the amount of this fee will not be increased in 2007/2008.

Section 6.51 of the Local Government Act provides the Council with the legislative power to raise a penalty interest where rates and service charges remain unpaid by the due date and the ratepayer has not entered into an instalment program. During the 2006/2007 financial year the City of Melville imposed an interest rate of 11% being, the maximum interest rate permitted by the regulations. This rate is considered reasonable in the light of interest rates charged by credit card providers.

In respect to interest charged on underground power and streetscape enhancement amounts that remain unpaid, it is proposed to continue the imposition of interest at 6% per annum for 2007/2008, which is the same as for the previous year.

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)  
(ATTACHMENT)**

**COUNCIL RESOLUTION**

**ABSOLUTE MAJORITY**

1. THAT BY ABSOLUTE MAJORITY DECISION, AN INSTALMENT ADMINISTRATION CHARGE OF \$15.00 BE IMPOSED FOR 2007/2008 WHERE A PROPERTY OWNER IS PAYING RATES AND SERVICE CHARGES THROUGH THE INSTALMENT PROGRAM OF NOT MORE THAN FOUR INSTALMENTS AS SET OUT IN SECTION 6.45 OF THE LOCAL GOVERNMENT ACT.
2. THAT BY ABSOLUTE MAJORITY DECISION, A LEGAL ACTION ADMINISTRATION FEE OF \$100.00 BE IMPOSED FOR 2007/2008 ON OVERDUE ACCOUNTS WHERE LEGAL DEBT RECOVERY ACTION BECOMES NECESSARY.
3. THAT BY ABSOLUTE MAJORITY DECISION, A DIRECT DEBIT ARRANGEMENT FEE OF \$30.00 BE IMPOSED FOR 2007/2008 IN RESPECT OF MULTIPLE PAYMENT DIRECT DEBIT PAYMENT AGREEMENTS IN PLACE OF THE INSTALMENT ADMINISTRATION CHARGE.
4. THAT BY ABSOLUTE MAJORITY DECISION, AN INTEREST CHARGE OF THE MAXIMUM AMOUNT PERMITTED UNDER THE LOCAL GOVERNMENT ACT AND REGULATIONS (currently 11%) BE IMPOSED ON ALL RATES AND SERVICE CHARGES INCLUDING THE REFUSE CHARGE, SWIMMING POOL INSPECTION FEE AND PROPERTY SURVEILLANCE AND SECURITY SERVICE CHARGE BUT EXCLUDING ANY OUTSTANDING AMOUNTS RELATING TO UNDERGROUND POWER AND STREETSCAPE SERVICE CHARGES OR SPECIFIED RATES THAT ARE NOT PAID BY THE DUE DATE. THIS CHARGE APPLIES TO NON PAYMENT AT THE COMPLETION OF THE DISCOUNT PERIOD AND ANY INSTALMENT PAYMENTS THAT ARE NOT MADE BY THE DUE DATES.
5. THAT BY ABSOLUTE MAJORITY DECISION, AN INTEREST CHARGE OF 6% BE IMPOSED ON ALL UNDERGROUND POWER AND STREETSCAPE SERVICE CHARGES OR SPECIFIED RATES THAT REMAIN UNPAID.

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)**  
**(ATTACHMENT)**

1.1.13 Interest Charge on Money Owing to Local Government

Each year a local government may resolve by absolute majority decision to require a person to pay interest at a particular rate, as set out in the annual budget, on any amount of money other than rates and service charges which is owed to the local government and has been owed for a period of not less than thirty five days.

This interest charge was imposed for the first time in the 2001/2002 financial year and provides an added incentive for people to meet their obligations to the City of Melville.

The Council must determine by Absolute Majority decision during the annual budget process to impose this interest charge and must determine a rate and the period of time after which the interest is applied.

The regulations provide that the maximum amount of interest that can be charged is 11% and in keeping with last year's practice it would seem reasonable that this should be applied to commercial transactions only and a lesser rate be applied in respect to community groups and organisations. To enable this differentiation to occur it is suggested that Delegated Authority be granted to the Chief Executive Officer to determine which category a particular debt falls with the consequence that the relevant interest charge is then applied.

It should be noted that the Local Government is not able to impose any interest until thirty five days after the date of payment has elapsed. On that basis if fourteen days is allowed for payment the earliest that the interest can be applied is on the forty ninth day.

In respect to commercial activities it is, therefore, proposed to introduce the maximum amount permitted under the Local Government Act Regulations as an interest charge and for that to be applied thirty five days after the date which is stated on the account for payment.

In respect of the various community clubs and organisations, it is suggested that 50% of the maximum interest charge permitted under the Local Government Act should be applied (i.e. 5.5%) where the amount owing to the Council has been outstanding for a period of sixty days after payment was due. This would generally mean that these clubs and organisations would have about seventy five days to make the payment before any interest charges were considered.

With respect to both of the arrangements any account under \$50.00 will not have interest applied to it due to the significant administration costs involved in the process.

**C07/6007 - CONSIDERATION AND ADOPTION OF THE 2007/2008 BUDGET (AMREC)  
(ATTACHMENT)****COUNCIL RESOLUTION****ABSOLUTE MAJORITY**

1. THAT BY ABSOLUTE MAJORITY DECISION, IN ACCORDANCE WITH SECTION 6.13 OF THE LOCAL GOVERNMENT ACT, THE MAXIMUM INTEREST CHARGE PERMITTED UNDER THE REGULATIONS BE IMPOSED ON ALL OUTSTANDING ACCOUNTS IN RESPECT TO COMMERCIAL ACTIVITIES WITH SUCH INTEREST BEING CHARGED THIRTY FIVE DAYS AFTER THE DATE WHICH IS STATED ON THE ACCOUNT FOR PAYMENT.
2. THAT BY ABSOLUTE MAJORITY DECISION IN ACCORDANCE WITH SECTION 6.13 OF THE LOCAL GOVERNMENT ACT, 50% OF THE MAXIMUM INTEREST CHARGE PERMITTED UNDER THE REGULATIONS BE IMPOSED ON ALL OUTSTANDING ACCOUNTS IN RESPECT TO COMMUNITY CLUBS AND ORGANISATIONS WITH SUCH INTEREST BEING CHARGED SIXTY DAYS AFTER THE DATE WHICH IS STATED ON THE ACCOUNT FOR PAYMENT.
3. THAT BY ABSOLUTE MAJORITY DECISION THE INTEREST CHARGES OUTLINED IN RECOMMENDATIONS 1 AND 2 WILL NOT APPLY WHERE THE ACCOUNT OUTSTANDING IS \$50.00 OR LESS.
4. THAT BY ABSOLUTE MAJORITY DECISION THE CHIEF EXECUTIVE OFFICER BE GRANTED DELEGATED AUTHORITY TO DETERMINE WHETHER AN OUTSTANDING DEBT IS CLASSIFIED AS A COMMERCIAL ACTIVITY OR AS COMMUNITY CLUBS AND ORGANISATIONS.

**1.1.14 Eligibility for Rate Prize**

In previous years, the Council has determined that Elected Members and Staff are ineligible to be chosen as a winner of any of the early rate payment incentive prizes.

It is proposed to continue with that practice for 2007/2008.

**COUNCIL RESOLUTION**

**THAT ALL ELECTED MEMBERS AND STAFF OF THE CITY OF MELVILLE BE INELIGIBLE TO BE CHOSEN AS A WINNER OF THE EARLY RATE PAYMENT INCENTIVE PRIZES EITHER AS A SOLE OR PART OWNER OF ANY PROPERTY.**

At 7.14pm the Mayor submitted the motion, which was declared

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

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

|                            |   |
|----------------------------|---|
| Ward                       | : Bicton / Attadale   |
| Category                   | : Operational   |
| Application Number         | : DA-2007-  |
| Property                   | : 33 – 35 Davidson Road, Attadale   |
| Proposal                   | : Additions of Classrooms and Administration  |
| Applicant                  | : Ronal Hawkins Architect Pty Ltd   |
| Owner                      | : Roman Catholic Archbishop of Perth  |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Responsible Officer        | : Keith Weymes<br>Manager Planning & Development Services   |
| Previous Items             | : DA – 2005 – 653, approved on 15 June 2005   |

Disclosures of Interest

|                              |  |
|------------------------------|--|
| <b>Item No</b>               | : P07/3012 – Additions to Mel Maria Catholic School 33-35 Davidson Road, Attadale. |
| <b>Member</b>                | : Cr A Ceniviva  |
| <b>Type of Interest</b>      | : Financial Interest in accordance with the Act                                    |
| <b>Nature of Interest</b>    | : Member of the St Joseph Pignatelli Tennis Club                                   |
| <b>Extent of Interest</b>    | : Financial  |
| <b>Request</b>               | : Leave  |
| <b>Decision of Committee</b> | : Not Applicable   |
| <b>Decision of Council</b>   | : Leave  |

\*\* At 7.14pm Cr A Ceniviva departed the Chamber.

\*\* At 7.16pm the Manager Financial Services departed the Chamber.

**AUTHORITY / DISCRETION**

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

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- 8 new classrooms (Learning Areas).
- New administration area plus additional areas for the school.
- Maximum number of students – 450.
- Total parking and queuing provision on and off site – 176 bays.
- 87 bays plus 38 bay overflow on oval provided on site (total – 125 bays on site).
- 8 street parking bays available in Davidson Road.
- 13 street parking bays available in the morning in Galloway Street – these bays are to be used for queuing in the afternoon.
- New 2 drop-off/pick-up areas provide for 30 queuing bays in site.
- A total of 42 submissions have been received, 37 objecting, 2 giving recommendations and 3 supporting.
- A Public Meeting was held on 10 May 2007 at the City of Melville Offices to explain the proposal by the applicant.
- Conditional approval recommended inclusive of specific conditions designed to address parking, traffic and pedestrian safety.

**BACKGROUND**

A Development application DA-2005-653 for 3 Classrooms and Carparking Additions was approved on 15 June 2005.

**Scheme Provisions**

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

**Site Details**

|                                      |             |
|--------------------------------------|-------------|
| Lot Area                             | : 2.4844 ha |
| Retention of Existing Vegetation     | : Some      |
| Street Tree(s)                       | : Yes       |
| Street Furniture (drainage pits etc) | : Yes       |

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

**DETAIL**

The application proposes the addition of the following: 8 classrooms, lobbies, library, toilets (boys and girls), multi-purpose area, covered assembly, canteen, administration, verandahs, covered ways, carparking, drop-off/pick-up areas, and extension of oval and relocation of tennis courts.

At present, the existing school has a total of 276 students in 7 classrooms with 20 staff. The proposed extensions will provide for a maximum of 450 students (at any one time) and 30 staff. This includes a total of 360 students in years 1-6, 60 in Kindergarten (30 in the morning and 30 in the afternoon) and 60 in Pre-Primary - to be accommodated within 15 classrooms.

The existing school accommodates 41 marked parking bays in two parking areas, one adjacent the intersection of Wichmann Road and Galloway Street and the other adjacent the intersection of Galloway Street and Davidson Road. Approximately 36 unmarked parking bays are provided in the area east of the tennis courts off Wichmann Road. Additional street parking bays (33) are presently available in Davidson Street (8) and Galloway Street (25). Therefore, approximately 77 bays are provided on site and approximately 110 bays are provided inclusive of street parking embayments. It should be noted that the majority of the parking embayments in Galloway Street are used for afternoon queuing for the pick up area adjacent the Administration building near the intersection of Davidson and Galloway Streets.

**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> |
|--------------------------------|--|--|------------------------|--|----------------------|
| Open Space                     | Not Applicable   |  |                        |  |                      |
| Plot Ratio                     | 0.4  | 0.16   | Complies               |  |                      |
| Landscaping                    | 50%  | Nil  | Not Applicable         |  |                      |
| Building Height                | 8.0 m<br>10.5 m  | 4.5 m<br>6.5 m   | Complies               |  |                      |
| Carparking                     | Total = 180 bays.<br>1 per staff member – 30, plus 1 bay per 3 students - 150 bays | <b>Total parking and queuing provision on and off site – 176 bays.</b> | <b>Does not comply</b> | DTDS                                   |                      |

(Note: Non-compliance is emphasised in bold)

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

**Setbacks**

| Wall             | Required | Proposed | Comments | Delegation to approve Variation | Plan Notation |
|------------------|----------|----------|----------|---------------------------------|---------------|
| Front            | Nil      | 6.0 m    | Complies |                                 |               |
| Secondary Street | Nil      | 8.5 m    | Complies |                                 |               |
| Rear             | Nil      | 56.0 m   | Complies |                                 |               |
| Side - SE        | Nil      | 9.5 m    | Complies |                                 |               |

**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**

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

**PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: Yes  
 Neighbour's Comment Supplied: Yes  
 Reason: "S" use, discretion of the Council  
 Support/Object: 42 submissions received, 39 objecting and 3 supporting

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD,  
ATTADALE (REC) (ATTACHMENT)**Submissions

42 submissions received.

37 object to the proposal, mainly with regard to increased traffic and safety concerns. Objections received related to the safety due to the increase of vehicle trips, the two schools separated by Wichmann Road, the vehicular congestion along Galloway Street, Davidson Road and Wichmann Road. 15 submissions also made reference to the lack of carparking, as parents are parking along Davidson Road, Galloway Street and streets on the vicinity of the school. 11 submissions made reference to the removal of trees as there is no indication on the submitted plans of trees to be retained or remove. 3 submissions expressed concerns in relation to streetscape and 2 submissions related to noise and pollution. Several of these submissions make recommendations to improve the safety.

The 3 supporting submissions refer to the fact residents should expect to have noise and some inconveniences, especially during drop-off and pick-up times, mornings and afternoons, taking no more than half an hour each when living close to facilities like schools.

2 submissions make recommendations in relation to non-vehicular access to the school to ensure that a maximum number of students, parents and teachers walk and cycle to the school and a recommendation that due to traffic speeds in Wichmann Road, the provision of calming devices to slow down traffic.

Details of the submissions and recommendations are contained within the attached Submission Table

[P07\\_3012\\_June\\_2007.pdf](#)

Public Meeting

A Public Meeting held on 10 May 2007 at the City of Melville Administration Building. Several concerns were raised, however the main concern related to traffic and parking safety in and around the school (see attached Minutes of Public Meeting

[P07\\_3012A\\_June\\_2007.pdf](#)).

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

In summary, the concerns included:

- Scepticism that the parking and traffic forecasts were correct as the traffic survey was done on a Wednesday when the Kindergarten was not operating,
- New students are unlikely to be local, resulting in greater increases in traffic and parking requirements,
- Concern that Council had already supported the proposal,
- Concern that student numbers would increase beyond 450 based on classroom numbers,
- How to monitor the student numbers,
- Concern that it is inappropriate to consider extensions until existing parking and traffic problems are resolved,
- Concern over safety audit - safety of children with undeveloped peripheral vision,
- Need for a cross-walk on Davidson Road,
- Concern over traffic speed along Wichmann Road,
- Concern over the lack of a safe crossing,
- Concern over the dangerous intersection of Wichmann Road and Galloway Street,
- Need for a construction management plan,
- Concern over safety on Wichmann Road at the entrance to the modified carpark and drop-off/pick-up area,
- Concern that the plan was piece-meal with too many competing interests,
- Need to consider alterations to traffic management to avoid conflict points, and
- Suggestion that the access off Wichmann Road be one way through to Davidson Street and Money Road.

In response to the concerns raised, Council is advised of the following:

1. The Parking and Traffic Study survey was conducted on Wednesday 25 October, 2006, when the Kindergarten did not operate. The applicant's Traffic consultant has indicated that the parking survey results in the peak period identified an existing peak demand of 67 bays. Recalibration of the survey results to include the Kindergarten requirements identified that the existing peak parking requirement (in the morning) would increase to 80 bays. It is important to note that the survey results shown in the Traffic and Parking Study indicate that this peak parking demand occurs during the morning peak period, and that the afternoon peak is approximately 20 to 25 vehicles less.
2. With regard to enrolments of students from outside the locality, resulting in increased traffic around the school and Wichmann Road, the Parking and Traffic Study indicates that the increase in traffic trips per day is considered acceptable for Wichmann Road as a Local Distributor Road with the capacity to take the additional traffic.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

3. Concerns in relation to the number of students that could rise to more than the 450 stated by the completion of the proposed development may be addressed by inclusion of an appropriate condition which limits the number of students in the school at the completion of the redevelopment.
4. With regard to existing parking and traffic concerns needing to be addressed prior to approving extensions, the Parking and Traffic Study concludes that the proposed arrangements satisfy appropriate safety standards and has been audited. A Parking Management Plan will be considered as a recommendation together with a Memorandum of Understanding between the City of Melville and the Mel Maria Catholic School in relation to the following issues:
  - Clear indication of traffic flow, drop-off/pick-up areas, queuing lanes and parking within the school premises in accordance with the Parking Management Plan.
  - Restrictions relating to the extent of on-street parking as identified under approved plans.
  - Parents to be informed of the Parking Management Plan by the School's Principal at the conclusion of the development,
  - Induction of new parents to the School and with parents being reminded at the beginning of each school term about the conditions of parking only in the areas defined within the Parking Management Plan and drop-off/pick-up arrangements.
  - Regular review of the Parking Management Plan by the City of Melville.
5. With regard to calls for a construction management plan, this is a standard requirement for significant developments within the City of Melville and an appropriate condition is recommended.
6. Concerns regarding the size of Mel Maria relative to the Attadale Primary School are not relevant as the Schools already exist and the capability of providing for extensions need to be assessed relative to the determined impact primarily with regard to management of traffic and parking. Notwithstanding, it is noted that WA Planning Commission Policy with regard to the development of new schools in broadacre subdivision areas indicates that the Catholic Education Commission normally requires site areas of 5.0 ha for private schools where church and community facilities are included. In the context of this application, these requirements do not apply. It is noted however, that a number of Catholic Primary Schools with similar sizes and student number exist through Perth. These include Riverton – 446 students on a site with an area of approximately 2.0 ha and Morley – 525 students on a site with an approximate area of 3.0 ha.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

7. With regard to the concerns about traffic speed and congestion on Wichmann Road and recommendations for the accessway to be one way through to Davidson Road, the Traffic consultant has advised that that Wichmann Road is the appropriate road to carry the additional traffic. This option would involve traffic entering from Davidson Street and Money Road and driving through the site past the Presbytery and exiting onto Wichmann Road and as a consequence increasing the number of vehicles using Galloway Street and Davidson Road and the intersection of Galloway Street and Wichman Road.

As a Local Distributor Road with traffic volumes of approximately 3,500 trips per day, Wichmann Road is capable of carrying the additional traffic load. Further, it is not considered appropriate to increase the traffic load on Davidson Road, which is an Access Road carrying approximately 500 vehicles per day. In addition, as this alternative traffic arrangement has not been formally advertised, it is likely to impact on the amenity of Loyola Way residents who back onto the present Presbytery access and draw significant concern.

It is however considered that the Wichmann Road entry should be modified to provide for a median separation island between the entry and exit lanes to segregate in and out traffic movement improve the safe operation of the accessway. Further detail in this regard is provided later in this report.

8. With regard to comments in relation to the drop-off/pick-up conflict areas adjacent to the intersection of Galloway Street and Davidson Road, it is noted that it was suggested at the public meeting that the plan be modified to rectify the conflict point at the exit onto Galloway Street by redirecting all traffic out onto Davidson Road. The applicant initially indicated that they were prepared to make this alteration notwithstanding that they considered no conflict would occur as one was a parking area for staff, which would not operate at the same time as the drop-off/pick-up area. Concerns are however raised in this regard relative to pedestrian safety along Galloway Street also raised at the public meeting (see 9 below). The subject pedestrian path south of Davidson Road directs pedestrians directly across to the existing Davidson Road crossover. Redirection of all traffic from the School parking area and the drop-off/pick-up area to this crossover represents a more significant conflict point. The City of Melville's Design Engineer considers that the perceived internal conflict point adjacent the Galloway Street crossover can be effectively managed with line marking and give way signage to ensure that no conflict occurs at this point, together with restrictions on street parking in the vicinity of this crossover (see further details below).

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD,  
ATTADALE (REC) (ATTACHMENT)**

9. Approvals for cross-walks are the responsibility of the School Crossing Committee which is made up by representatives from the WA Police, Main Roads WA, Education Department of WA, WALGA (RoadWise) and the West Australian Council of State Schools Organisation. The warrants for these crossings are set by Main Roads WA and to be approved for a crossing, the site in question has to have a least 20 students crossing the road in an hour vs. 200 vehicle movement in an hour. Wichmann Road, where such a crossing already exists, is the only road near the School that would achieve these requirements.

Other surrounding roads are low in traffic volume; in this case Davidson Road has approximately 220 vehicles per day. Notwithstanding, children of primary school age are expected to be accompanied by an adult on their walk to and from school as it is understood that children of this age do not have well developed road skills.

It is noted that some positive comments were also raised at the meeting. The School could provide some benefits to the local community by providing access to the School facilities as the tennis courts located within the school premises. Also comments were made referring to residents that choose to live near the schools for convenience and open spaces/facilities. Under this situation residents should expect that School will grow over time. The benefits should override the inconvenience of the 30-40 minutes during the morning and afternoon peak parking and traffic periods.

**COMMENTS**

A number of aspects relating to this proposal are of contention and are addressed as follows.

Landscaping

No landscaping plan has been submitted making it difficult to assess this issue and therefore several objections have raised the matter. The concerns generally relate to the need to retain as much significant vegetation on site as possible. It will be recommended the provision of a Landscaping Plan be required as a condition of any approval and that the landscaping plan provide for retention of significant trees as far as practical.

Road Signage

Although the application proposes some restrictions in relation to carparking along the Galloway Street, no signage has been proposed other than a few signs within the property boundaries. It will be recommended that a condition be imposed which requires the submission of a Road Signage Plan in accordance with the proposal, specifically to regulate carparking restrictions and the operation of the queuing lane along Galloway Street, entry and exit to the drop-off/pick-up areas off Wichmann Road and Galloway Street.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**Residential Amenity

It is significant that the proposed parking and drop-off/pick-up area located off Wichmann Road will significantly increase the impact on the residential amenity of the adjoining property. Accordingly, it is proposed that the common boundary fencing be upgraded to masonry fencing to ameliorate these impacts. In addition, it is proposed that any alarm system to be installed in the School is to be a silent monitored system to reduce amenity impacts on all surrounding residential properties.

Carparking

The existing drop-off/pick-up area on Galloway Street for the Kindergarten and Pre-Primary will be transferred onto the site and street will be used for queuing (with 13 bays available for parking in the morning peak period). For the 360 primary school students (year 1-6), a new drop-off/pick-up area is proposed in the reconstructed carparking area off Wichmann Road, next to the Tennis courts.

A total of 117 parking and queuing bays are provided on site plus 38 overflow bays on oval for special events (total – 155). In addition, 8 street bays are provided in Davidson Road and 13 morning parking bays/ afternoon queuing bays are provided in Galloway Street. The total parking and queuing provision on and off site is 176 bays.

A total of 87 carparking bays are proposed within the 3 carparking areas on site; 22 adjacent the intersection of Davidson Road and Galloway Street, 36 adjacent the intersection of Galloway Street and Wichmann Road and 29 in the carparking area off Wichmann Road. In addition, 20 queuing bays are to be provided in the new drop-off/pick-up area off Wichmann Road and 10 queuing bays are proposed to be located in the new drop-off/pick-up area along Galloway Street.

The applicant was requested to provide a Parking and Traffic Study in support of the application. The Study was prepared by Uloth and Associates, Consultants in Traffic Engineering and Transport Planning.

The Parking and Traffic Study propose reduced parking standards for the redevelopment based on previous research and comparisons with other local authority Town Planning Schemes as follows:

- Staff 1.5 bays per classroom
- Students (primary) 14 bays per 100 students
- Drop-off/ pick-up 1 bay per 2 Kindergarten/Pre-Primary students

Accordingly, based on the above, the peak carparking required for the school will be 118 bays, calculated as follows:

- Staff 22.5 bays (1.5 x 15 classrooms)
- Primary 50.4 bays (360 students @ 14 bays per 100 students)
- Kindergarten & Pre-Primary 45 bays (90 students @ 1 bay per 2 students)
  
- TOTAL 117.9 (118) bays

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD,  
ATTADALE (REC) (ATTACHMENT)**

The Study concludes that the proposed carparking on site will satisfy the future peak parking demand based on the reduced parking requirements and the assumption of a constant turn over of parking bays as students are set down during mornings or picked up during afternoons.

City of Melville Development and Building Controls Policy 06-PL-024 – Car Parking (Non Residential), stipulates parking requirements for Private Educational Establishment at “*1 bay per staff member, plus one bay per 3 students.*” Under these requirements, a total of 180 bays are required to be provided on site.

The City of Melville’s Transport Planner has indicated that based on the traffic and parking survey analysis and report from the Traffic consultant, the conclusions on the parking and traffic management are sound. The above calculation is considered to represent realistic parking requirements for Private Primary Schools and is supported by extrapolation of current parking requirements for the existing School population.

Parking standards under Council Policy equate to 37 bays per 100 students (inclusive of staff parking requirements) compared to standard Education Department requirements of 14 bays per 100 students (inclusive of staff parking). Application of Education Department standards would require the provision of 63 parking bays. Notwithstanding that private schools generally have regionally based catchment areas and as a consequence, greater parking demands, the Council Policy requirements may be considered excessive.

It is noted that the 117 parking and queuing bays proposed on site is only one bay short of the calculated parking demands based on the applicants Traffic consultant recommended standards. In addition, the off site street parking and queuing areas increase the parking and queuing provision to within 4 bays of the required 180 bays under Council Policy. In considering a variation to Council’s Policy in this regard, it is reasonable to consider that the shortfall is insignificant in the context of the parking standards recommended by the Traffic consultant and relative Education Department standards. Accordingly, it is considered reasonable to vary Council’s Parking Policy requirements in this instance.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**Traffic and Safety

The Parking and Traffic Study states that it is anticipated that the future carparking demand can be accommodated within the site and therefore there will be no need for parking along the streets as reflected in the calculations above. However, it is acknowledged that some use of the street carparking may occur as detailed above.

The Study also indicates that Wichmann Road is a Local Distributor Road for the area and it is logical that vehicle movements generated to and from the School site are directed to this road to reduce the impact on local streets. As a Local Distributor Road, the potential weekday traffic volume for Wichmann Road ranges between 3,000-6,000 vehicles per day. A total of 4,427 vehicles per day were recorded in February 2004 by the City of Melville. A total of 4,240 vehicles per day are shown by Main Roads WA as "Annual Average Weekday Traffic" for 1998/1999 for Wichmann Road, west of Hislop Road.

It is estimated that the existing school generates a total of 590 vehicles trips per day, 296 during the morning peak hour and 232 during the afternoon peak hour. With the proposed extension and the increase in students, an additional 470 vehicles per day will be generated to total 1,060 vehicles trips during an average weekday; 495 during the morning peak hour and 448 during the afternoon peak hour and only on school days

It is also estimated that traffic flows on Galloway Street and Davidson Road will remain unchanged, but the new drop-off/pick-up area off Wichmann Road will attract 650 vehicles trips per day; being 326 vehicle trips during the morning peak hour and 256 vehicle trips during the afternoon peak hour.

As a comparison if the site was used for housing it would be likely to generate some 500 vehicle trips every day generally onto Galloway Street and Davidson Road.

Road Safety Audit Recommendations

The applicant's Traffic consultant, Uloth & Associates, has made the following recommendation for action by the City of Melville:

- Realign Wichmann Road intersection at Galloway Street.
- Wichmann Road footpath to be widened.
- Construct pedestrian refuge island at school crossing in Wichmann Road.
- Construct pedestrian refuge island and pram ramps at Wichmann Road – Galloway Street.
- Improve the connection of footpath to Davidson Road (from Galloway Street south) to avoid connecting directly opposite vehicle crossover.
- Improve pedestrian access and visibility to existing bus shelter on Wichmann Road.
- Improve lighting at the bend in road between Davidson Street and Money Road.
- Relocation of existing 40km/h speed signs on Davidson Road and Galloway Street so as to not overhang footpath.
- Increase bus embayment separation on Wichmann Road.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

Detailed analysis of the Safety Audit is required to determine the extent of works which may be attributable to this development proposal and those which would ordinarily be the responsibility of the City of Melville. Once established, appropriate cost estimates are to be prepared and planned for within the City of Melville budget processes.

Site Inspections

Since the public meeting, a number of site inspections have been carried out by City of Melville Officers during morning and afternoon peak periods. As a general observation, it is worthy to note that no major or concerning traffic or parking problems were observed. The present operation of the pick-up arrangements in the afternoon could only be described as safe and very efficient, with the parking embayments on Galloway Street being generally used for queuing (other than the northern portion adjacent the Kindergarten and Pre-School) with the majority of collections occurring on the property under shelter adjacent to the existing administration offices. It is noted in this regard, that the proposed pick up areas do not contain shelters for weather protection. Given the proximity of the drop-off/pick-up area adjacent to Galloway Street, it is understood from the applicant that details in this regard are currently being contemplated and are likely to be the subject of a future application.

Only two instances of congestion occurred in the morning (none occurred in the afternoon). The first occurred when a parent opened a door in the Galloway Street embayments and two large vehicles were passing at that point. This was only momentarily an issue and in most instances vehicles from both directions past safely the vehicles in the parking embayments without obstruction. The other instance was the temporary parking of a bus (for an excursion) in Davidson Street adjacent the carpark exit. This situation could have been avoided by having the bus parked on the property adjacent the church entry (or an alternative location) rather than on the road. This is essentially a management issue and can be incorporated into the recommended Parking Management Plan.

Additional Information on Traffic Flow and Parking Issues

The City of Melville's Engineering Design Services have provided the following supplementary comments in relation to traffic flow and parking issues.

The current operation of roads in the vicinity of the school has been assessed in terms vehicle volume, speed and road function so that the impact of additional traffic generated by the expansion proposal could be considered in a relevant context. Details of the potential increase in vehicle numbers as a result of the expansion of Mel Maria are also presented.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

A number of traffic surveys were recently been conducted for the City of Melville on Davidson Road, Galloway Street, Money Road and Wichmann Road. The traffic volumes from those surveys are summarised in the following table:

| Road  | Average Weekday Traffic   |                                 |                         | Road classification | Suggested volume range         |
|---|---------------------------|---------------------------------|-------------------------|---------------------|--------------------------------|
|   | City of Melville May 2007 | Uloth & Associates October 2006 | Previous traffic survey |                     |                                |
| <b>Davidson Street,</b><br>West of Galloway St.                   | 478                       | 590                             | -                       | Local access        | < 3000 vehicles per day        |
| <b>Galloway Street,</b><br>Just south of Wichmann Road            | 753                       | 1160                            | -                       | Local access        | < 3000 vehicles per day        |
| <b>Money Road,</b><br>Between Davidson Rd and Swan Rd             | 315                       | -                               | -                       | Local access        | < 3000 vehicles per day        |
| <b>Wichmann Road,</b><br>Just east of Roberts Rd                  | 2,217                     | -                               | 2,096<br>(June 2002)    | Local Distributor   | 3,000 – 6,000 vehicles per day |
| <b>Wichmann Road,</b><br>Between Davidson Rd and Calpin Cr        | 2,519                     | -                               | 2,312<br>(May 1999)     | Local Distributor   | 3,000 – 6,000 vehicles per day |
| <b>Wichmann Road,</b><br>Between Galloway St and Calpin Cr (east) | 3,398                     | 3,580                           | -                       | Local Distributor   | 3,000 – 6,000 vehicles per day |
| <b>Wichmann Road,</b><br>70m east of Haig Road                    | 4,163                     | -                               | 4,427<br>(Feb 2004)     | Local Distributor   | 3,000 – 6,000 vehicles per day |

It can be seen from the above traffic data that there has not been any significant change in traffic volumes on those roads over time and the recorded volumes are well within the desirable volumes for the road hierarchy function of each road.

It is noted that the traffic figures recorded by Uloth and Associates in October 2006 are slightly higher than those recorded by the City of Melville in May 2007. It is not uncommon for traffic volumes recorded by different surveys to vary slightly over short periods of time and it is actually beneficial that the higher volumes were used by Uloth and Associates in their modelling as this creates more of a 'worse-case' scenario. In saying that, it must be highlighted that the increased traffic that Uloth predict will be generated by an expanded school is not considered significant and can be safely accommodated within the capacity of the roads around the school.

For reference, Uloth and Associates predict the following changes in traffic generated by the Mel Maria Catholic Primary School:

Wichmann Road, west of the school driveway: +70 vehicles per day  
 Wichmann Road, east of the school driveway: +260 vehicles per day  
 Davidson Road, Galloway Street, Money Road: +140 vehicles combined

The above figures are based on the proposed, and modified, vehicle access and parking arrangements for the school which will result in more vehicles accessing the school site via Wichmann Road. This is appropriate considering Wichmann Road's function as a Local Distributor Road.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

There has been comment that the traffic figures collected by Uloth and Associates on a Wednesday do not reflect the day when traffic volumes are at their peak on Galloway Street. During the traffic survey conducted by the City of Melville in Galloway Street in May, the Average Weekday Traffic volume was recorded as 753 vehicles and the volume on Wednesday was recorded as 741 vehicles.

The crash rate per Million Vehicle Kilometres Travelled (MVKT) for Wichmann Road has been calculated to determine if that road is operating safely. The crash rate for the 5-year period to 31/12/2006 was calculated as 2.02 crashes per MVKT, which is less than the network average rate of 2.68 crashes per MVKT, suggesting the road is operating safely.

Consideration has also been given to the need for a roundabout at the intersection of Wichmann Road and Galloway Street. There have been no crashes reported to have occurred at the intersection in the 5-year period to 31/12/2006 which would suggest the need for a roundabout and any delays that might occur at that intersection during peak hours would be considered minor. Installation of a roundabout at this location is not supported by the City's traffic warrant assessment.

In addition, roundabouts in close proximity to schools can have the added disadvantage in that pedestrians, and in particular primary school children, have difficulty in judging traffic flow and direction at roundabouts in terms of whether vehicles are continuing or exiting the roundabout. This gives rise to increased safety concerns when children cross the road in these circumstances.

The need for traffic calming along Wichmann Road has also been assessed using the City's Traffic Calming Warrant System and the section of road around the schools, between Haig Road and Arno Crescent, has the lowest priority for traffic calming of any section of Wichmann Road. This is because of the acceptable volumes, acceptable speeds and low number and severity of crashes in that section of road. The actual score for that section of road does not support the need for traffic calming at this time.

However it is intended that the City continue to monitor traffic volume and speed in Wichmann Road as part of its ongoing commitment towards monitoring traffic flows throughout the City.

As a result of the site meeting with Elected Members, Officers, School Representatives and the school's Traffic Engineering Consultant held at the school on Monday 11 June 2007, a number of issues relating to traffic movement and parking were discussed.

Based on these discussions the schools traffic engineers, Uloth and Associates have prepared a modified site plan which details additional measures in order to address the matters raised by Elected Members and Officers. A copy of this plan is attached.

[P07\\_3012B\\_June\\_2007.pdf](#)

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

These modifications include:-

1. Galloway Street

- i) The existing parallel on-street parking bays immediately adjacent to the proposed school drop-off / pick-up area to be signposted “No Stopping” during school drop-off and pick-up times - namely 8.00am to 9.00am and 3.00pm to 4.00pm. At other times of the day they may be used for public on street parking.
- ii) The existing parallel on-street parking bays between Wichmann Road and to approximately opposite Power Place to be signposted as “15 minute parking” between 8.00am and 9.00am and “no parking” between 3.00pm and 4.00pm. In addition it is required that the southern most bays in this location are to be set well clear from the entrance to the pick up and set down area within the school.
- iii) Within the school the junction between the staff parking area and the pick up and set down area is to be modified and signposted to clearly indicate priority for exiting vehicles.

2. Wichmann Road

- i) The school access road junction off the south side of Wichmann Road is to be provided with a median island to separate entering and exiting vehicles and to provide for pedestrian access across the entrance.
- ii) The entrance is to be constructed as a kerbed bitumen surfaced road with pedestrian ramps to provide continuity for the Wichmann Road shared path to signify a higher order of use than a private crossover.
- iii) The existing parallel parking bays on the north side of Wichmann Road in the vicinity of the access road junction off the south side of Wichmann Road are to be appropriately removed and kerbed off (4 bays would be affected) to ensure an enhanced functioning of the junction.
- iv) The existing kerbed median on the west side of the school access road junction is to “cut back” to allow vehicles to store within the flush median area prior to making the right hand turn into the school.
- v) Within the school grounds the access road is to be signposted to indicate presence of pedestrian traffic on Wichmann Road and is to include speed reducing devices to slow vehicles before they enter the junction with Wichmann Road.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

The modifications indicated in 1 and 2 above are to be at the cost of the Mel Maria Catholic Primary School and are to be fully designed and documented by them for approval by the City and constructed in conjunction with the carpark works. In addition, it is appropriate that "Safe Route to Schools" footpath markings be placed on the footpath adjacent the Wichmann Road entrance to assist school children in identifying the accessway as a traffic area and exercise caution. This would be in lieu of road signage, which may obscure vision of traffic on Wichmann Road and should be undertaken by the City of Melville.

In addition, the school Principal has advised the start and finish times for the Mel Maria school are as follows:-

|                |               |
|----------------|---------------|
| Kindergarten   | Start 9.15am  |
|                | Finish 3.15pm |
| Primary School | Start 8.55am  |
|                | Finish 3.25pm |

These times should provide a sufficient time stagger particularly in the afternoon peak when compared to the adjacent Attadale Primary School which starts at 8.55am and finishes at 3.10pm (except on Wednesday when they finish at 2.20pm.)

The matching of the morning start time at 8.55am for both schools is considered less significant as there is usually a gradual build up of children arriving at school in the mornings leading up to the commencement time.

It is also worth noting that Mel Maria Primary School has prepared advice to parents which detail the parking and access arrangements that are presently in place. This includes a directional plan and instructions on morning drop-off and afternoon pick-up times. This traffic flow and parking management plan should be continued with and should be updated when the new access arrangements are in place.

Attention has also been drawn to the special circumstances that exist in Wichmann Road due to the locations of the Attadale Primary School and Mel Maria Catholic Primary School being situated immediately opposite each other and separated by a Local Distributor Road. This represents a unique situation with numbers of school children crossing the street from both directions.

Main Roads WA (MRWA) are currently trialing new illuminated 40Km per hour flashing school zone signage at various locations in the metropolitan area. The location of this trial in the City is in Murdoch Drive at the Corpus Christi and Yldarra Schools. This location provides a good example of the effectiveness of these new signs and how they could be applied in Wichmann Road. It is suggested that MRWA be approached to have the trial extended to include this area in Wichmann Road.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD,  
ATTADALE (REC) (ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The proposal could be refused on the grounds of insufficient carparking and traffic congestion/management. However, as indicated in this report, it is considered that carparking is sufficient and traffic can be appropriately managed safely. The proposed arrangements have been verified by the applicant's Traffic Consultant and been subject to independent safety audits. Accordingly, if the application was refused and the applicant lodged an appeal with the State Administrative Tribunal, the refusal may be difficult to defend.

**CONCLUSION**

The proposal generally complies with the requirements of the City of Melville's Community Planning Scheme No. 5, however it marginally falls short of carparking requirements specified under Council Policy. Notwithstanding, it is recognised that Policy requirements with regard to parking for Private Schools are excessive when compared to those of State Primary Schools, and the applicant's Traffic consultant has presented a plausible case for reduced parking provision. It is considered that the revised site plan relative to restricted parking modifications on Galloway Street and Wichmann Road, together with clear street signage and a Parking Management Plan will reduce the impacts of parking and assist in achieving a safe pedestrian and traffic environment. Accordingly, the proposal is supported for approval subject to conditions.

**Officer Recommendation:**

At 7.15pm Cr M J Barton moved, seconded Cr P M Phelan -

**That the application for additions to Mel Maria Catholic School 33-35 Davidson Road, Attadale be approved subject to the following conditions:**

**Special Conditions:**

1. A maximum of 450 students to be permitted to attend the school at the completion to the proposed addition
2. Compliance with the Street Parking Modifications Plan dated 14 June 2007.
3. Prior to the issue of a Building Licence, a parking management plan being submitted to the satisfaction of the Manager Planning Services which incorporating and advancing the submitted Street Parking Modifications Plan dated 14 June 2007 by detailing how it is proposed to manage:
  - Drop-off / pick-up of children on site;
  - Provision for bus parking on site for school excursions;
  - Waiting in queuing lanes; and
  - Restrictions on parking along Galloway Street and Davidson Road.
4. Prior to issue of a Building Licence, a Memorandum of Understanding be prepared by Mel Maria Catholic School to the satisfaction of the Chief Executive Officer of City of Melville to and executed by both parties to in relation to the following matters:
  - Implementation and compliance with the parking management plan;
  - Parents to be informed of the parking management plan by the school's principal at the conclusion of the development; and
  - New parents to the school being inducted and existing parents being reminded at the beginning of each school term of the requirements of the parking management plan.
5. prior to the issue of Building Licence, a detailed street signage and construction plan in relation to carparking restrictions, entry and exit to drop-off/pick-up areas, and road/kerb modifications consistent with the street parking modifications plan, parking management plan and other conditions of this approval being submitted to the satisfaction of the Manager Engineering Design. The plan is to incorporate:
  - A) The existing parallel on-street parking bays immediately adjacent to the proposed school drop-off / pick-up area to be signposted "no stopping" during school drop-off and pick-up times - namely 8.00am to 9.00am and 3.00pm to 4.00pm. At other times of the day they may be used for public on street parking.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

- B) The existing parallel on-street parking bays between Wichmann road and to opposite power place to be signposted as “15 minute parking” between 8.00am and 9.00am and “no parking” between 3.00pm and 4.00pm. In addition it is required that the southern most bays in this location are to be set well clear from the entrance to the pick up and set down area within the school.
  - C) within the school the junction between the staff parking area and the drop-off / pick-up area is to be modified and signposted to clearly indicate priority for exiting vehicles as delineated on the street parking modifications plan.
  - D) the school access road junction off the south side of wichmann road is to be provided with a median island to separate entering and exiting vehicles and to provide for pedestrian access across the entrance
  - E) the entrance off wichmann road is to be constructed as a kerbed bitumen surfaced road with pedestrian ramps to provide continuity for the wichmann road shared path to signify a higher order of use than a private crossover.
  - F) the existing four (4) parallel parking bays on the north side of wichmann road in the vicinity of the access road junction off the south side of wichmann road are to be removed and appropriately kerbed off to ensure the safe functioning of the junction.
  - G) the existing kerbed median in wichmann road on the west side of the school access road junction is to “cut back” to allow vehicles to store within the flush median area prior to making the right hand turn into the school.
  - H) within the school grounds the access road off wichmann road is to be signposted to indicate presence of pedestrian traffic and include speed reducing devices to slow vehicles before they enter the junction with wichmann road.
6. The applicant implementing required works identified in 4 above and the requirements of the safety audit which are directly attributable to the approved development to the satisfaction of the manager engineering design. Modifications are to be fully designed and documented by the applicant for approval by the city prior to any construction designed works being carried out.
7. A minimum of 87 carparking being provided on site in accordance with the approved plans.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

8. 87 car parking bays to be paved, drained and line-marked.
9. The dimensions of all carparking bays, aisle widths and circulation areas complying with Australian Standard AS2890.1;
10. In accordance with the approved plans all parking bays, driveways and points of ingress and egress areas (other than the access and 38 overflow bays on the oval) are to be permanently provided, constructed, drained, marked prior to the development first being occupied and thereafter

Maintained to the satisfaction of the Manager Planning and Development Services. The parking bays, driveways and points of ingress and egress are to be designed in accordance with the City of Melville plan nos 102a2-80e/1 (concrete commercial crossover), 423a2-87e (bitumen commercial crossover) unless otherwise specified by this approval. The applicant shall pay for where any damage is caused to a Council facility, tree or street furniture, or where alteration to a Council facility is required, the cost or such damage or alteration. A concrete apron having a width of 75 millimetres must be installed between a brickpaved crossing and the bitumen surface of a road. The cost of any damage to a street tree will be determined in accordance with the “tree amenity valuation formula” adopted by the Council in September 1994.

11. Prior to the issue of Building Licence, a detailed landscaping and reticulation plan being submitted and approved for the subject site and the road verge(s) adjacent to the site. The approved landscape and reticulation plan shall to as far as practical retain significant vegetation on site and be fully implemented prior to first commencement of operation or occupation of the development and maintained thereafter to the satisfaction of the Manager Planning and Development Services.
12. Prior to the issue of Building Licence, the submission of a construction management plan for the proposal to be submitted 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;
  - Other matters likely to impact on the surrounding residents.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

13. On completion of construction, all excess articles equipment, rubbish or materials and temporary structures 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.
14. All new security alarm devices to be “silent monitored” system to address potential impacts on surrounding residential amenity to the satisfaction of the Manager Planning and Development Services.
15. Provision of a new masonry fence and associated protective landscaping to the satisfaction of the Manager Planning and Development Services to be provided adjacent the car park and drop-off/pick-up area and accessway of Wichmann Road.

**Standard Conditions:**

**COM03, 06, 13, 14, 16, 21, 24, 30, 31, 32, 33, 35, 38, 47, 50,**

**The City of Melville undertake the following matters arising from this approval:**

- A) With regard to condition 13 above, Engineering Design Services to carry out a detailed analysis of the safety audit to determine the extent of works which would ordinarily be the responsibility of the City of Melville. Once established, appropriate cost estimates are to be prepared and planned for within the City of Melville budget processes.
- B) “Safe route to schools” footpath markings be placed on the footpath adjacent the Wichmann Road entrance to assist school children in identifying the accessway as a traffic area and exercise caution. This would be in lieu of road signage, which may obscure vision of traffic on Wichmann Road.
- C) That the City of Melville write to Main Roads WA requesting that due to the locations of the Attadale Primary School and Mel Maria Catholic Primary School being situated immediately opposite each other in Wichmann Road, that the trial of illuminated 40km per hour flashing school zone signage be extended to cover this location.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

Amendment 1

At 7.20pm Cr L J Wyatt moved, seconded Cr C W Robartson -

***That Special Condition 1 be amended to read as follows:***

***That the number of enrolled students permitted at the school is limited to a maximum number to be capped at 450.***

At 7.31pm the Mayor submitted the motion, which was declared **LOST (3/9)**

Amendment 2

At 7.33pm Cr L J Wyatt moved, seconded Cr C W Robartson -

***That Special Condition 2 be amended to read as follows:***

***Compliance with the Street Parking Modification as set out on a plan entitled "Street Parking Modification Plan – Mel Maria Catholic Primary School – Fig 1" and dated 15 June 2007.***

At 7.41pm the Mayor submitted the motion, which was declared **CARRIED (11/1)**

Amendment 3

At 7.42pm Cr L J Wyatt moved, seconded Cr C Halton -

***That an additional standard condition D be added to read:***

***That the City of Melville monitor traffic volume and speed in Wichmann Road***

At 7.45pm the Mayor submitted the motion, which was declared **CARRIED WITHOUT DISSENT (12/0)**

\*\* At 7.47pm Cr R Aubrey departed the Chamber and re-entered at 7.49pm.

\*\* At 7.48pm Cr P M Phelan departed the Chamber and re-entered the Chamber at 7.50pm.

\*\* At 7.50pm the Director Customer & Corporate Services departed the Chamber.

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

**COUNCIL RESOLUTION (3012)**

**APPROVAL**

At 8.05pm the Mayor submitted the substantive motion, being -

**THAT THE APPLICATION FOR ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

**SPECIAL CONDITIONS:**

- 1. A MAXIMUM OF 450 STUDENTS TO BE PERMITTED TO ATTEND THE SCHOOL AT THE COMPLETION TO THE PROPOSED ADDITION**
- 2. COMPLIANCE WITH THE STREET PARKING MODIFICATION AS SET OUT ON A PLAN ENTITLED "STREET PARKING MODIFICATION PLAN – MEL MARIA CATHOLIC PRIMARY SCHOOL – FIG 1" AND DATED 15 JUNE 2007.  
[3012B June 2007](#)**
- 3. PRIOR TO THE ISSUE OF A BUILDING LICENCE, A PARKING MANAGEMENT PLAN BEING SUBMITTED TO THE SATISFACTION OF THE MANAGER PLANNING SERVICES WHICH INCORPORATING AND ADVANCING THE SUBMITTED STREET PARKING MODIFICATIONS PLAN DATED 15 JUNE 2007 BY DETAILING HOW IT IS PROPOSED TO MANAGE:**
  - DROP-OFF / PICK-UP OF CHILDREN ON SITE;**
  - PROVISION FOR BUS PARKING ON SITE FOR SCHOOL EXCURSIONS;**
  - WAITING IN QUEUING LANES; AND**
  - RESTRICTIONS ON PARKING ALONG GALLOWAY STREET AND DAVIDSON ROAD.**
- 4. PRIOR TO ISSUE OF A BUILDING LICENCE, A MEMORANDUM OF UNDERSTANDING BE PREPARED BY MEL MARIA CATHOLIC SCHOOL TO THE SATISFACTION OF THE CHIEF EXECUTIVE OFFICER OF CITY OF MELVILLE TO AND EXECUTED BY BOTH PARTIES TO IN RELATION TO THE FOLLOWING MATTERS:**
  - IMPLEMENTATION AND COMPLIANCE WITH THE PARKING MANAGEMENT PLAN;**
  - PARENTS TO BE INFORMED OF THE PARKING MANAGEMENT PLAN BY THE SCHOOL'S PRINCIPAL AT THE CONCLUSION OF THE DEVELOPMENT; AND**
  - NEW PARENTS TO THE SCHOOL BEING INDUCTED AND EXISTING PARENTS BEING REMINDED AT THE BEGINNING OF EACH SCHOOL TERM OF THE REQUIREMENTS OF THE PARKING MANAGEMENT PLAN.**

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

5. **PRIOR TO THE ISSUE OF BUILDING LICENCE, A DETAILED STREET SIGNAGE AND CONSTRUCTION PLAN IN RELATION TO CARPARKING RESTRICTIONS, ENTRY AND EXIT TO DROP-OFF/PICK-UP AREAS, AND ROAD/KERB MODIFICATIONS CONSISTENT WITH THE STREET PARKING MODIFICATIONS PLAN, PARKING MANAGEMENT PLAN AND OTHER CONDITIONS OF THIS APPROVAL BEING SUBMITTED TO THE SATISFACTION OF THE MANAGER ENGINEERING DESIGN. THE PLAN IS TO INCORPORATE:**
- A) THE EXISTING PARALLEL ON-STREET PARKING BAYS IMMEDIATELY ADJACENT TO THE PROPOSED SCHOOL DROP-OFF / PICK-UP AREA TO BE SIGNPOSTED “NO STOPPING” DURING SCHOOL DROP- OFF AND PICK-UP TIMES - NAMELY 8.00AM TO 9.00AM AND 3.00PM TO 4.00PM. AT OTHER TIMES OF THE DAY THEY MAY BE USED FOR PUBLIC ON STREET PARKING.**
  - B) THE EXISTING PARALLEL ON-STREET PARKING BAYS BETWEEN WICHMANN ROAD AND TO OPPOSITE POWER PLACE TO BE SIGNPOSTED AS “15 MINUTE PARKING” BETWEEN 8.00AM AND 9.00AM AND “NO PARKING” BETWEEN 3.00PM AND 4.00PM. IN ADDITION IT IS REQUIRED THAT THE SOUTHERN MOST BAYS IN THIS LOCATION ARE TO BE SET WELL CLEAR FROM THE ENTRANCE TO THE PICK UP AND SET DOWN AREA WITHIN THE SCHOOL.**
  - C) WITHIN THE SCHOOL THE JUNCTION BETWEEN THE STAFF PARKING AREA AND THE DROP-OFF / PICK-UP AREA IS TO BE MODIFIED AND SIGNPOSTED TO CLEARLY INDICATE PRIORITY FOR EXITING VEHICLES AS DELEINEATED ON THE STREET PARKING MODIFICATIONS PLAN.**
  - D) THE SCHOOL ACCESS ROAD JUNCTION OFF THE SOUTH SIDE OF WICHMANN ROAD IS TO BE PROVIDED WITH A MEDIAN ISLAND TO SEPARATE ENTERING AND EXITING VEHICLES AND TO PROVIDE FOR PEDESTRIAN ACCESS ACROSS THE ENTRANCE**
  - E) THE ENTRANCE OFF WICHMANN ROAD IS TO BE CONSTRUCTED AS A KERBED BITUMEN SURFACED ROAD WITH PEDESTRIAN RAMPS TO PROVIDE CONTINUITY FOR THE WICHMANN ROAD SHARED PATH TO SIGNIFY A HIGHER ORDER OF USE THAN A PRIVATE CROSSOVER.**
  - F) THE EXISTING FOUR (4) PARALLEL PARKING BAYS ON THE NORTH SIDE OF WICHMANN ROAD IN THE VICINITY OF THE ACCESS ROAD JUNCTION OFF THE SOUTH SIDE OF WICHMANN ROAD ARE TO BE REMOVED AND APPROPRIATELY KERBED OFF TO ENSURE THE SAFE FUNCTIONING OF THE JUNCTION.**
  - G) THE EXISTING KERBED MEDIAN IN WICHMANN ROAD ON THE WEST SIDE OF THE SCHOOL ACCESS ROAD JUNCTION IS TO “CUT BACK” TO ALLOW VEHICLES TO STORE WITHIN THE FLUSH MEDIAN AREA PRIOR TO MAKING THE RIGHT HAND TURN INTO THE SCHOOL.**

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

- H) **WITHIN THE SCHOOL GROUNDS THE ACCESS ROAD OFF WICHMANN ROAD IS TO BE SIGNPOSTED TO INDICATE PRESENCE OF PEDESTRIAN TRAFFIC AND INCLUDE SPEED REDUCING DEVICES TO SLOW VEHICLES BEFORE THEY ENTER THE JUNCTION WITH WICHMANN ROAD.**
6. **THE APPLICANT IMPLEMENTING REQUIRED WORKS IDENTIFIED IN 4 ABOVE AND THE REQUIREMENTS OF THE SAFETY AUDIT WHICH ARE DIRECTLY ATTRIBUTABLE TO THE APPROVED DEVELOPMENT TO THE SATISFACTION OF THE MANAGER ENGINEERING DESIGN. MODIFICATIONS ARE TO BE FULLY DESIGNED AND DOCUMENTED BY THE APPLICANT FOR APPROVAL BY THE CITY PRIOR TO ANY CONSTRUCTION DESIGNED WORKS BEING CARRIED OUT.**
7. **A MINIMUM OF 87 CARPARKING BEING PROVIDED ON SITE IN ACCORDANCE WITH THE APPROVED PLANS.**
8. **87 CAR PARKING BAYS TO BE PAVED, DRAINED AND LINE-MARKED.**
9. **THE DIMENSIONS OF ALL CARPARKING BAYS, AISLE WIDTHS AND CIRCULATION AREAS COMPLYING WITH AUSTRALIAN STANDARD AS2890.1;**
10. **IN ACCORDANCE WITH THE APPROVED PLANS ALL PARKING BAYS, DRIVEWAYS AND POINTS OF INGRESS AND EGRESS AREAS (OTHER THAN THE ACCESS AND 38 OVERFLOW BAYS ON THE OVAL) ARE TO BE PERMANENTLY PROVIDED, CONSTRUCTED, DRAINED, MARKED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER**

**MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. THE PARKING BAYS, DRIVEWAYS AND POINTS OF INGRESS AND EGRESS ARE TO BE DESIGNED IN ACCORDANCE WITH THE CITY OF MELVILLE PLAN NOS 102A2-80E/1 (CONCRETE COMMERCIAL CROSSOVER), 423A2-87E (BITUMEN COMMERCIAL CROSSOVER) UNLESS OTHERWISE SPECIFIED BY THIS APPROVAL. THE APPLICANT SHALL PAY FOR WHERE ANY DAMAGE IS CAUSED TO A COUNCIL FACILITY, TREE OR STREET FURNITURE, OR WHERE ALTERATION TO A COUNCIL FACILITY IS REQUIRED, THE COST OR SUCH DAMAGE OR ALTERATION. A CONCRETE APRON HAVING A WIDTH OF 75 MILLIMETRES MUST BE INSTALLED BETWEEN A BRICKPAVED CROSSING AND THE BITUMEN SURFACE OF A ROAD. THE COST OF ANY DAMAGE TO A STREET TREE WILL BE DETERMINED IN ACCORDANCE WITH THE "TREE AMENITY VALUATION FORMULA" ADOPTED BY THE COUNCIL IN SEPTEMBER 1994.**

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD, ATTADALE (REC) (ATTACHMENT)**

11. **PRIOR TO THE ISSUE OF BUILDING LICENCE, A DETAILED LANDSCAPING AND RETICULATION PLAN BEING SUBMITTED AND APPROVED FOR THE SUBJECT SITE AND THE ROAD VERGE(S) ADJACENT TO THE SITE. THE APPROVED LANDSCAPE AND RETICULATION PLAN SHALL TO AS FAR AS PRACTICAL RETAIN SIGNIFICANT VEGETATION ON SITE AND BE FULLY IMPLEMENTED PRIOR TO FIRST COMMENCEMENT OF OPERATION OR OCCUPATION OF THE DEVELOPMENT AND MAINTAINED THEREAFTER TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
12. **PRIOR TO THE ISSUE OF BUILDING LICENCE, THE SUBMISSION OF A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL TO BE SUBMITTED 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;**
  - **OTHER MATTERS LIKELY TO IMPACT ON THE SURROUNDING RESIDENTS.**
13. **ON COMPLETION OF CONSTRUCTION, ALL EXCESS ARTICLES EQUIPMENT, RUBBISH OR MATERIALS AND TEMPORARY STRUCTURES 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.**
14. **ALL NEW SECURITY ALARM DEVICES TO BE “SILENT MONITORED” SYSTEM TO ADDRESS POTENTIAL IMPACTS ON SURROUNDING RESIDENTIAL AMENITY TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
15. **PROVISION OF A NEW MASONRY FENCE AND ASSOCIATED PROTECTIVE LANDSCAPING TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES TO BE PROVIDED ADJACENT THE CAR PARK AND DROP-OFF/PICK-UP AREA AND ACCESSWAY OF WICHMANN ROAD.**

**P07/3012 - ADDITIONS TO MEL MARIA CATHOLIC SCHOOL 33-35 DAVIDSON ROAD,  
ATTADALE (REC) (ATTACHMENT)**

**STANDARD CONDITIONS:**

**COM03, 06, 13, 14, 16, 21, 24, 30, 31, 32, 33, 35, 38, 47, 50,**

**THE CITY OF MELVILLE UNDERTAKE THE FOLLOWING MATTERS ARISING FROM  
THIS APPROVAL:**

- A) WITH REGARD TO CONDITION 13 ABOVE, ENGINEERING DESIGN SERVICES TO CARRY OUT A DETAILED ANALYSIS OF THE SAFETY AUDIT TO DETERMINE THE EXTENT OF WORKS WHICH WOULD ORDINARILY BE THE RESPONSIBILITY OF THE CITY OF MELVILLE. ONCE ESTABLISHED, APPROPRIATE COST ESTIMATES ARE TO BE PREPARED AND PLANNED FOR WITHIN THE CITY OF MELVILLE BUDGET PROCESSES.**
- B) "SAFE ROUTE TO SCHOOLS" FOOTPATH MARKINGS BE PLACED ON THE FOOTPATH ADJACENT THE WICHMANN ROAD ENTRANCE TO ASSIST SCHOOL CHILDREN IN IDENTIFYING THE ACCESSWAY AS A TRAFFIC AREA AND EXERCISE CAUTION. THIS WOULD BE IN LIEU OF ROAD SIGNAGE, WHICH MAY OBSCURE VISION OF TRAFFIC ON WICHMANN ROAD.**
- C) THAT THE CITY OF MELVILLE WRITE TO MAIN ROADS WA REQUESTING THAT DUE TO THE LOCATIONS OF THE ATTADALE PRIMARY SCHOOL AND MEL MARIA CATHOLIC PRIMARY SCHOOL BEING SITUATED IMMEDIATELY OPPOSITE EACH OTHER IN WICHMANN ROAD, THAT THE TRIAL OF ILLUMINATED 40KM PER HOUR FLASHING SCHOOL ZONE SIGNAGE BE EXTENDED TO COVER THIS LOCATION.**
- D) THAT THE CITY OF MELVILLE MONITOR TRAFFIC VOLUME AND SPEED IN WICHMANN ROAD**

which was declared

**CARRIED (11/1)**

**P07/3011- APPLICATION FOR GAMING PERMIT FOR LEOPOLD HOTEL ON LOT 103  
(326) CANNING HIGHWAY, BICTON FOR A PERIOD OF FIVE YEARS (REC)  
(ATTACHMENT)**

|                            |   |   |
|----------------------------|---|---|
| Ward                       | : | Bicton/Attadale   |
| Category                   | : | Operational   |
| Application Number         | : | DA-2007-363   |
| Property                   | : | Leopold Hotel, 326 Canning Highway, Attadale  |
| Proposal                   | : | 5 Years Gaming Permit   |
| Applicant                  | : | Mr Ric Smit for the Australian Poker League Franchise   |
| Owner                      | : | Always Holding Pty Ltd – Liquorland (Qld) Pty Ltd Lessee  |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Responsible Officer        | : | Keith Weymes, Manager Planning & Development Services   |
| Previous Items             | : | DA-2006-762 Extension and Upgrade works to existing Liquor Store was approved on 19 March 2007  |

**AUTHORITY / DISCRETION**Definition

- |                                     |                |   |
|-------------------------------------|----------------|---|
| <input checked="" 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 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> |

**P07/3011- APPLICATION FOR GAMING PERMIT FOR LEOPOLD HOTEL ON LOT 103  
(326) CANNING HIGHWAY, BICTON FOR A PERIOD OF FIVE YEARS (REC)  
(ATTACHMENT)****KEY ISSUES / SUMMARY**

- Application for Council to sign a Section 55 Certificate for referral to the Department of Racing, Gaming and Liquor for issue of a Premises Approval Certificate at the Hotel for a period of 5 years.
- The Premises Approval Certificate will allow the issue of Gaming Function Permits by the Department of Racing, Gaming and Liquor for each gaming event.
- The proposal is for Gaming to be held in the Band Room of the Leopold Hotel once a week (as provided by the Act) on Wednesdays from 6.00 pm to 12.00 midnight.
- Gaming is proposed to raise money for charity and non-profit organisations.
- The proposal is not expected to cause any detrimental impact on local amenity.
- Recommended that Council vary its Policy 06-PL-012 – Gaming Permit, support the signing of the Section 55 Certificate and approve the approval use subject to a maximum of 100 patrons.

**BACKGROUND**

An application DA-2006-762 Extension and Upgrade works to existing Liquor Store was approved in March 2007, which involved the extension and upgrade of the existing liquor store. A total of 112 carparking bays were approved for the hotel and bottle shop.

**Scheme Provisions**

|              |   |
|--------------|---|
| MRS Zoning   | : Urban   |
| CPS 5 Zoning | : Commercial Centre Frame Precinct, Melville<br>Frame |
| R-Code       | : R50   |
| Use Type     | : Hotel   |
| Use Class    | : X – Use not permitted (Non Conforming Use)          |

**Site Details**

|                                      |   |
|--------------------------------------|---|
| Lot Area                             | : 6829sqm                                   |
| Retention of Existing Vegetation     | : Not applicable                            |
| Street Tree(s)                       | : Not applicable                            |
| Street Furniture (drainage pits etc) | : Not applicable                            |
| Site Details                         | : <a href="#">P07 3011 PROPERTY MAP.pdf</a> |

**P07/3011- APPLICATION FOR GAMING PERMIT FOR LEOPOLD HOTEL ON LOT 103  
(326) CANNING HIGHWAY, BICTON FOR A PERIOD OF FIVE YEARS (REC)  
(ATTACHMENT)****DETAIL**

The applicant seeks Council support for completion of a Section 55 Certificate under the Gaming and Wagering Commission Act 1987 for approval of gaming to take place in the Band Room of the Leopold Hotel. The Certificate verifies that the part of the premises which is subject of the application conforms with the Health Act 1911 and that use of the premises for Gaming does not contravene Town Planning matters.

The Certificate is to be referred to the Department of Racing, Gaming and Liquor for issue of a Premises Approval Certificate at the Hotel. The Premises Approval Certificate holder would be the lessee of the premises, being Liquorland (Qld) Pty Ltd. The Premises Approval Certificate would allow the Hotel to run gaming nights once a week for and by any party. However in this instance, the applicant, Mr R Smit of the Australian Poker League, has made tentative arrangements with the Hotel to run the gaming nights. It is noted that each gaming night requires the issue of a Gaming Function Permit by the Department of Racing, Gaming and Liquor. This Permit does not require Council endorsement as the Act only requires Council support for the Section 55 Certificate relative to the suitability of the venue. Individual Gaming Function Permits are to be issued by the Department of Racing, Gaming and Liquor.

The proposal is intended to allow for the applicant to run gaming nights for charities (eg. – Autism Association and Deaf Society) and non-profit organizations (e.g. – Palmyra Rugby Union Football Club) for a period of 5 years. The gaming includes various forms of Poker (e.g. - Texas Hold'em & Manilla). It is noted that the applicant presently runs social entertainment nights at the hotel, where prizes consist of trophies, rather than cash winnings. No licence is required from the Department of Racing, Gaming and Liquor for the existing social events. Dependant on the arrangements made with the applicant, the charity or non-profit organisation receives 20-50% of the proceeds and by Regulation, promotion of the cause/organisation on the night. The applicant has indicated that gaming will take place every Wednesday for a period of 6.0 hours (unless extended by specific application to the Department of Racing, Gaming and Liquor), starting at 6.00 pm until midnight with a maximum of 80-100 people.

The approval issued on 19 March 2007 for the redevelopment of the bottle shop on the hotel site involved the provision of 42 carparking bays additional to the existing 70 bays for the existing hotel and bottle shop, making a total of 112 carparking bays.

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable

**P07/3011- APPLICATION FOR GAMING PERMIT FOR LEOPOLD HOTEL ON LOT 103  
(326) CANNING HIGHWAY, BICTON FOR A PERIOD OF FIVE YEARS (REC)  
(ATTACHMENT)****REFERRALS TO GOVERNMENT AGENCIES**

Not applicable

**STATUTORY AND LEGAL IMPLICATIONS**

Should the City of Melville refuse to support the request for completion of the Section 55 Certificate,, the Department of Racing, Gaming and Liquor will not be able to approve the application. In addition, should the applicant not be satisfied with the determination of the use or Council's refusal to sign the Section 55 Certificate, the applicant will have the right to have the decisions 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 Control - Policy 06-PL-012 – Gaming Permit**

It is noted that Council Policy refers to '*single playing date and "One Off" day*' events, which is not intended for weekly events as proposed. Accordingly, the proposal is outside the terms of the Policy and support for the application will require Council to vary the Policy.

**P07/3011- APPLICATION FOR GAMING PERMIT FOR LEOPOLD HOTEL ON LOT 103  
(326) CANNING HIGHWAY, BICTON FOR A PERIOD OF FIVE YEARS (REC)  
(ATTACHMENT)****COMMENTS**

The hotel site is located within the Melville Commercial Centre Frame Precinct, in which the use of Hotel is a use which is not permitted. The site has a Non Conforming Use Right. Community Planning Scheme No 5 provides that the use may continue and the development be extended.

Hotel is defined under CPS No 5 as follows:

*'Hotel' means any land or building providing accommodation for the public the subject of a hotel licence granted under the provisions of the Liquor Licensing Act 1988 and may include a betting Agency operated in accordance with Totalisator Agency Betting Board Act 1960, but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under that Act.*

In addition, Betting Agency is defined under CPS No 5 as follows:

*'Betting agency' means a building operated in accordance with the Totalisator Agency Betting Board Act 1960 (as amended).*

The request for completion of the Section 55 Certificate requires consideration of the use. The subject building is already a 'Public Building' and the patron numbers are limited by the capacity of the building. As the Scheme provides that a Betting Agency may operate from a Hotel, the use would not normally be in question and therefore not subject to formal application or a change to the existing non-conforming use rights. However, as it is desirable to place limitations on the number of patrons attending the gaming events, the applicant has been specifically required to apply for the use of the premises for Gaming.

**CONCLUSION**

It is considered that the gaming event is not going to interfere with the standard activities of the Hotel and bottle shop, as this activity will be conducted after 6.00 pm and only once a week. It is also considered that the 112 carparking bays for the Leopold Hotel will accommodate parking for the proposal and that adjacent residential amenity of the Canning Highway Living Area Precinct and adjacent residential properties within the Melville Commercial Centre Frame are unlikely to be impacted due to the separation of the hotel and residences by Point Walter Road and a Reserve along the northern rear of the property which is currently being landscaped by the City of Melville.

Accordingly, the application to vary Council Policy, sign the Section 55 Certificate and approve the use is recommended for support.

**P07/3011- APPLICATION FOR GAMING PERMIT FOR LEOPOLD HOTEL ON LOT 103 (326) CANNING HIGHWAY, BICTON FOR A PERIOD OF FIVE YEARS (REC) (ATTACHMENT)**

**ALTERNATIVE OPTION**

Should Council be of the opinion that the proposal is an independent use which warrants a change of no-conforming use, Council may alternatively refuse the application on the grounds that it considers that the proposal may have an undesirable impact on the adjacent residential amenity of the location and that the proposal will intensify the existing non-conforming use of Hotel at the property by potentially attracting large volumes of customers to the Hotel.

\*\* At 8.05pm the Manager Information & Corporate Support departed the Chamber and re-entered at 8.06pm.

\*\* At 8.06pm Cr A Ceniviva re-entered the Chamber.

**Officer Recommendation**

**That Council vary Policy 06-012 – Gaming Permit and Sign the Section 55 Certificate to enable the Department of Racing, Gaming and Liquor to issue a Premises Approval Certificate, approve the application for gaming to be held once a week at the Leopold Hotel at Lot 103 (326) Canning Highway, Bicton for a period of 5 years subject to a maximum of 100 patrons attending each gaming event.**

Reject and Replace

At 8.06pm Cr L J Wyatt moved, seconded Cr M J Barton -

***That the Office Recommendation be Rejected and Replaced with the following:***

***The Council Resolve that the application for support of premises approval certificate and use of the Leopold hotel for the gaming, involving variation to Council Policy 06-PL-012 – Gaming Permit with regard to the frequency of gaming events to be refused for the following reason:***

***The proposal does not constitute a “Hotel” use under the CPS No 5 and is not considered to satisfy the Non-Conforming use provisions of the scheme for the following reasons:***

- a) ***The activity represents an intensification of an existing Non-Conforming use on site***
- b) ***The activity is not closer to the intended uses provided for under the Melville Commercial Centre Frame Precinct; and***
- c) ***The activity is not considered to be less detrimental to the amenity of the locality, but rather is likely to significantly impact on adjacent residential amenity with large numbers of patrons leaving the premises late at night.***

At 8.36pm the Mayor submitted the motion, which was declared

**LOST (5/7)**

Cr M J Barton and Cr L J Wyatt requested that their names be recorded as having voted for the motion.

**P07/3011- APPLICATION FOR GAMING PERMIT FOR LEOPOLD HOTEL ON LOT 103 (326) CANNING HIGHWAY, BICTON FOR A PERIOD OF FIVE YEARS (REC) (ATTACHMENT)**

- \*\* At 8.27pm Cr J Bennett departed the Chamber and re-entered at 8.29pm.
- \*\* At 8.31pm the Director Strategic Urban Planning departed the Chamber and re-entered at 8.34pm.
- \*\* At 8.35pm Cr L M Reynolds departed the Chamber and re-entered at 8.38pm.
- \*\* At 8.38pm the Manager Planning & Development Services departed the Chamber.

**COUNCIL RESOLUTION (3011)**

**APPROVAL**

At 8.38pm the Mayor submitted the substantive motion, being -

**THAT COUNCIL VARY POLICY 06-012 – GAMING PERMIT AND SIGN THE SECTION 55 CERTIFICATE TO ENABLE THE DEPARTMENT OF RACING, GAMING AND LIQUOR TO ISSUE A PREMISES APPROVAL CERTIFICATE, APPROVE THE APPLICATION FOR GAMING TO BE HELD ONCE A WEEK AT THE LEOPOLD HOTEL AT LOT 103 (326) CANNING HIGHWAY, BICTON FOR A PERIOD OF 5 YEARS SUBJECT TO A MAXIMUM OF 100 PATRONS ATTENDING EACH GAMING EVENT.**

Which was declared

**(CARRIED 7/5)**

Cr M J Barton, Cr P M Phelan and Cr L J Wyatt requested that their names be recorded as having voted against the motion.

**P07/3013 - PROPOSED BUS LANE AND CARPARK SECURITY LIGHTING ON RESERVE 29813, WIRELESS HILL PARK, ALMONDBURY ROAD, ARDROSS (REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant  
Category : Operational  
Application Number : DA-2007-402  
Property : Wireless Hill Park, 2 Almondbury Road, Ardross WA 6153  
Proposal : Bus Lane and Carpark Security Lighting  
Applicant : City of Melville  
Owner : State of Western Australia  
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 : None

**AUTHORITY / DISCRETION**

{double click on one box & select 'checked' in Options box}

- |  | <u>Definition</u>   |
|--|---|
| <input checked="" 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 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> |

**P07/3013 - PROPOSED BUS LANE AND CARPARK SECURITY LIGHTING ON RESERVE 29813, WIRELESS HILL PARK, ALMONDBURY ROAD, ARDROSS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The application is for a bus lane and carpark security lighting at Wireless Hill Park.
- Wireless Hill Park is reserved under the Metropolitan Region Scheme and the application is therefore required to be referred to the Western Australian Planning Commission for determination;
- Wireless Hill Park is also heritage listed, which required referral to the Heritage Council of Western Australia. The Heritage Council has no objection to the proposed works.
- The proposed lighting varies from the Council's Policy 06-PL-006 (Flood and Security Lighting) with respect to the height and the spacing of the poles.
- It is considered reasonable to vary Council Policy due to the likelihood of minimal impact on the amenity of the local area;
- It is recommended that the City of Melville support the application and recommend approval to the Western Australian Planning Commission.

**BACKGROUND**

The subject property is known as Wireless Hill Park, which is reserved for Parks and Recreation under the Metropolitan Region Scheme and is also listed on the Municipal Heritage Inventory as a Class A+ site.

The subject carpark exists, however the bus lane is yet to be constructed.

**Scheme Provisions**

|              |                        |
|--------------|------------------------|
| MRS Zoning   | : Parks and Recreation |
| CPS 5 Zoning | : Parks and Recreation |
| R-Code       | : Not applicable       |
| Use Type     | : Public Open Space    |
| Use Class    | : Not applicable       |

**Site Details**

|                                      |   |
|--------------------------------------|---|
| Lot Area                             | : 404,706 sqm                               |
| Heritage Listed                      | : Yes – Category A+                         |
| Retention of Existing Vegetation     | : Yes                                       |
| Street Tree(s)                       | : Yes                                       |
| Street Furniture (drainage pits etc) | : Yes                                       |
| Site Details                         | : <a href="#">P07 3013 PROPERTY MAP.pdf</a> |

[P07 3013 June 2007.pdf](#)

**P07/3013 - PROPOSED BUS LANE AND CARPARK SECURITY LIGHTING ON RESERVE 29813, WIRELESS HILL PARK, ALMONDBURY ROAD, ARDROSS (REC) (ATTACHMENT)**

**DETAIL**

**Development Requirements – Lighting**

| Development Requirement | Required/ Allowed   | Proposed                                     | Comments               | Delegation to approve variation | Plan Notation |
|-------------------------|---|--|------------------------|---------------------------------|---------------|
| Illumination            | 150 lux average   | 150 watts                                    | Complies               |                                 |               |
| Maximum Height of Poles | 4.0 m   | <b>7.3 m</b>                                 | <b>Does Not Comply</b> | DTDS                            |               |
| Spacing of Poles        | 15 m  | <b>Varies between 10.5 – 27.0 m</b>          | <b>Does Not Comply</b> | DTDS                            |               |
| Time Clock              | Dusk to Dawn and/or Light Sensitive Devices   | <b>Lights to be extinguished at 10:00pm</b>  | <b>Does Not Comply</b> | DTDS                            |               |
| Orientation and Hooding | Light source not to be directly visible from travelling public or abutting premises | Oriented towards carpark and busway. Hooded. | Complies               |                                 |               |

(Note: Non-compliances are emphasised in bold)

**PUBLIC CONSULTATION/COMMUNICATION**

Not required.

**REFERRALS TO GOVERNMENT AGENCIES**

Required: Yes – Heritage Council of Western Australia (advice), Western Australian Planning Commission (determination)  
Reason: Property is heritage listed and reserved under the Metropolitan Region Scheme  
Support/Object: Support

**P07/3013 - PROPOSED BUS LANE AND CARPARK SECURITY LIGHTING ON RESERVE 29813, WIRELESS HILL PARK, ALMONDBURY ROAD, ARDROSS (REC) (ATTACHMENT)**

| Agency                                | Summary of Submission         | Support/Objection | Officer's Comment | Action (Condition/Support/Dismiss) |
|---------------------------------------|-------------------------------|-------------------|-------------------|------------------------------------|
| Heritage Council of Western Australia | Proposed works are supported. | Support           | Noted.            | Support                            |

**STATUTORY AND LEGAL IMPLICATIONS**

The applicant has the right to have any decision that is made by the City of Melville with respect to the subject application reviewed in accordance with Part 14 of the Planning and Development Act 2005.

**FINANCIAL IMPLICATIONS**

None

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

None

**POLICY IMPLICATIONS**

*City of Melville Development and Building Controls Policy 06-PL-006 (Flood and Security Lighting)*

The City of Melville's Policy relating to flood and security lighting outlines the development requirements for security lighting on any site.

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

None

**COMMENT**

The following aspects of the development application require further discussion.

**P07/3013 - PROPOSED BUS LANE AND CARPARK SECURITY LIGHTING ON RESERVE 29813, WIRELESS HILL PARK, ALMONDBURY ROAD, ARDROSS (REC) (ATTACHMENT)****Bus Lane**

The proposed bus lane is approximately 80 m in length and links the southern side of Telefunken Drive with the northern side, acting as a bypass for buses. The proposed road will skirt the eastern side of the existing carpark and one of the existing viewing towers, with existing native vegetation located on the eastern side of the bus lane. The road has been designed to have minimal impact on the existing vegetation by construction on the existing grassed area, however Infrastructure Services advise that one small Banksia may need to be removed. Further relocation of the bus lane to the west may impact on bus turning movements, therefore the removal of this tree if required is considered reasonable in this instance. Due to the established nature of the native vegetation, it is recommended that a condition be imposed to ensure that disturbance to existing vegetation is kept to a minimum and that the existing vegetation be protected during construction works.

**Lighting**

The application proposes to install 10 security lights on the subject property. Six of these lights will be located in the existing carpark to the south of the museum, with an additional four lights being installed at various points along the proposed bus lane.

The City of Melville Policy relating to Flood and Security Lighting (Policy 06-PL-006) states that security lights should not have poles greater than 4.0 m above the natural ground level and should be no closer than 15.0 m to one another. The Policy also states that lights may be lit between dusk and dawn, or may operate by light-sensor.

The lights vary from the Council Policy in that they are proposed to be 7.3 m in height, with the closest poles being approximately 10.6 m apart. Although these aspects of the lighting vary from the Policy, the lights are compliant with Australian Standards. In considering the location of the lighting, being within a reserve that is densely vegetated with no residential dwellings that are within close proximity of the lighting, it is unlikely that the proposed lights will have any impact on the amenity of the local precinct. The lights will have the appearance of normal street lights.

The proposed lighting also varies from the Council Policy as the lights are proposed to be extinguished at 10:00pm rather than operating from dusk till dawn as allowed by the policy. Wireless Hill Park is closed to the public and vehicles at 10:00pm, and hence it is not considered necessary to have the lighting operate all night. It is therefore reasonable to vary this aspect of the Policy.

**Heritage Council**

Because the application involves a property that is listed on the Municipal Heritage Inventory, referral to the Heritage Council of Western Australia was necessary. The Heritage Council has advised that they have no objections to the proposed works.

**P07/3013 - PROPOSED BUS LANE AND CARPARK SECURITY LIGHTING ON RESERVE 29813, WIRELESS HILL PARK, ALMONDBURY ROAD, ARDROSS (REC) (ATTACHMENT)****CONCLUSION**

The proposed bus lane is part of the existing adopted Master Plan however it is noted that Community Development Services are in the process of preparing a new Master Plan for the future development of Wireless Hill Park. This process has recently been instigated and will take some time to prepare, consult and finalise. The proposal has been presented to Community Development Services and it is considered that it will not impact on the development of the Master Plan. In considering the above, the proposed bus lane and carpark lighting is reasonable for support by the City of Melville. It is therefore recommended that the City of Melville recommend to the Western Australian Planning Commission that the application be approved subject to a number of conditions.

It should be noted that the issue of a planning approval in itself does not guarantee that the development will proceed. For example the approval of the land owner would be required.

- \*\* At 8.41pm the Manager Planning & Development Services re-entered the Chamber.
- \*\* At 8.41pm Cr R Aubrey departed the Chamber and re-entered at 8.43pm.
- \*\* At 8.41pm Cr D J Macphail departed the Chamber and re-entered the Chamber at 8.43pm.

**Officer Recommendation**

**That the City of Melville recommend to the Western Australian Planning Commission that the application for carpark and bus lane lighting on Reserve 29813, Wireless Hill Park, Almondbury Road, Ardross be approved subject to the following conditions:**

**Special Conditions:**

**The proposed bus lane be located so as to minimise disturbance to existing natural vegetation and that the vegetation be protected during construction works on the subject site, to the satisfaction of the Manager Planning and Development Services.**

**Standard Conditions:**

**COM06; 31;**

**P07/3013 - PROPOSED BUS LANE AND CARPARK SECURITY LIGHTING ON RESERVE 29813, WIRELESS HILL PARK, ALMONDBURY ROAD, ARDROSS (REC) (ATTACHMENT)**

Reject and Replace

At 8.40pm Cr H R Everett moved, seconded Cr M J Barton -

***That the Officer recommendation be not endorsed.***

At 8.50pm Cr H R Everett, with the support of the seconder, Cr M J Barton withdrew the motion.

**RECOMMITTAL**

At 8.51pm Cr J R Bennett moved, seconded Cr J Phillips –

***THAT THIS ITEM BE RECOMMITTED PENDING FURTHER INVESTIGATION.***

At 8.51pm the Mayor submitted the motion, which was declared

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

**P07/1006 - CONSIDERATION OF DRAFT REVISED POLICY ON THE FUNCTION AND ROLE OF THE DEVELOPMENT ADVISORY UNIT (REC) (ATTACHMENT)**

|                            |   |   |
|----------------------------|---|---|
| Ward                       | : | All   |
| Category                   | : | Policy  |
| Subject Index              | : | Nil   |
| Customer Index             | : | Nil.  |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items             | : | Nil.  |
| Works Programme            | : | Not Applicable  |
| Funding                    | : | Not Applicable  |
| Responsible Officer        | : | Keith Weymes<br>Planning and Development Services   |

**AUTHORITY / DISCRETION**

|   | <u>Definition</u>   |
|---|---|
| <input type="checkbox"/> Advocacy               | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>   |
| <input type="checkbox"/> Executive              | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>  |
| <input 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> |

**BACKGROUND**

This report presents the draft policy [P07\\_1006\\_June\\_2007.pdf](#) for Council's consideration. The draft has previously been submitted to the Planning Portfolio for comment and should be read in conjunction with draft policy Planning and Process and Decision Making.

The current Policy 06-PL-004 Development Advisory Unit requires review because of the need to;

1. Take into account the revised roles and functions of Council staff.
2. Recognise changed administrative procedures, meeting and distribution dates, public holidays and agenda/minute extended breaks.
3. Enable staff to more accurately identify the matters required to be referred for recommendation.
4. Provide for confidential matters to be considered.
5. Recognise changes in the Council decision making processes.

**P07/1006 - CONSIDERATION OF DRAFT REVISED POLICY ON THE FUNCTION AND ROLE OF THE DEVELOPMENT ADVISORY UNIT. (REC) (ATTACHMENT)**

Whilst the changes are minor it is considered appropriate that the policy be reviewed to require the outcomes and decision making to reflect and be consistent with the requirements of the draft Planning Process and Decision Making Policy.

**KEY ISSUES**

- The current policy requires review for many reasons.
- Requires meeting recommendations to be published.
- Establishes a procedure for recommendation, review and escalation.

**PUBLIC CONSULTATION/COMMUNICATION**

No external consultation has been carried out as the Draft policy refers to the operation of delegated authority of the Council.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

There are no legal implications associated with this policy as the DAU's role is to provide recommendations to the CEO. The policy does however add to the transparency of the Council's decision making processes. Acting on the recommendations of the DAU may give rise to matters being referred to the State Administrative Tribunal for review.

**FINANCIAL IMPLICATIONS**

Whilst there are no immediate financial implications for the Council in regards to this matter.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

| <b>Risk Statement</b>  | <b>Level of Risk*</b>   | <b>Risk Mitigation Strategy</b>   |
|--|---|---|
| In the absence of proper guidelines the Council may be exposed to risks through inappropriate decision making on Planning matters. | <b>Level of Risk After Application of Risk Mgt Strategy -</b><br><b>Low</b> level of risk with policy in place & adhered to by the Council. | Adopt a clear and specific policy on the procedures and operation of the Development Advisory Unit. |

**P07/1006 - CONSIDERATION OF DRAFT REVISED POLICY ON THE FUNCTION AND ROLE OF THE DEVELOPMENT ADVISORY UNIT (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

Nil

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Other options may include all development applications being determined by Council or alternatively being dealt with under delegated authority by individual officers.

It is the intent of planning legislation that Council retains some clear direct statutory accountability and where discretion is required by Council, this should be retained for complex issues.

The proposed policy is considered to be an effective balance of the planning responsibilities of Council and staff.

**CONCLUSION**

The existing Policy has been reviewed to reflect changes in decision making, accountabilities and operational processes to ensure that the DAU activities are compatible with the Draft Planning Process and Decision Making Policy.

**COUNCIL RESOLUTION (1006)****ADOPT**

At 8.52pm Cr D J Macphail moved, seconded Cr P M Phelan -

**THAT THE REVISED POLICY 06-PL-004 DEVELOPMENT ADVISORY UNIT BE ADOPTED.**

At 8.54pm the Mayor submitted the motion, which was declared

**CARRIED WITHOUT DISSENT (12/0)**

\*\* At 8.53pm Cr J Phillips departed the Chamber.

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE (REC) (ATTACHMENT)**

|                            |  |
|----------------------------|--|
| Ward                       | : Palmyra/Melville/Willagee  |
| Category                   | : Strategic  |
| Application Number         | : CPS No 5 - 47  |
| Property                   | : Various  |
| Proposal                   | : City of Melville Community Planning Scheme No. 5 – Scheme Amendment No. 47.<br>To amend CPS No. 5 to provide for the redevelopment of the Myaree Mixed Business Frame and Precinct by the addition of new zones, precincts, development requirements, definitions and modification to the use class table. |
| Applicant                  | : City of Melville   |
| Owner                      | : Various landowners as the Amendment affects properties located within the Myaree Mixed Business Frame and Precinct   |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter.  |
| Responsible Officer        | : Keith Weymes<br>Manager Planning and Development Services  |
| Previous Items             | : P06/5000 - Initiation of Amendment No 47 to Community Planning Scheme No. 5 – Modify Myaree Mixed Business Precinct by addition of new zones and definitions, modify Use Class table.  |

**AUTHORITY / DISCRETION**

Definition

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

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE (REC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- Amendment proposes to amend CPS No. 5 to provide for the redevelopment of the Myaree Mixed Business Frame and Precinct by the addition of new zones, precincts, development requirements, definitions and modification to the Use Class Table.
- Amendment advertised in late 2006 and 41 submissions received inclusive of a petition containing 21 signatures.
- Details of submissions and responses/recommendations are contained in the attached schedule of Submissions.
- Recommend that 11 modifications are made to the Amendment as detailed in the Recommendation and that the Amendment be forwarded for finalisation and gazettal.

**BACKGROUND**

Council initiated Amendment No 47 to CPS No. 5 on 14 February 2006 following concerns being raised by relevant stakeholders in the Myaree Business Precinct that the Mixed Business Precinct and Mixed Business Frame was in a state of transition, moving from Light and Service Industry to Retailing, Showroom, Trade Display and Service Commercial Uses. The Chamber of Commerce and Melville Ratepayer Association were concerned about the visual image of Myaree and the restrictions on business activities. There was a strong desire to revitalise the precinct by providing for a wider range of services and facilities and residential accommodation in a vibrant, attractive, popular and successful mixed business centre.

**Scheme Provisions**

|              |   |  |
|--------------|---|--|
| MRS Zoning   | : | Industry   |
| CPS 5 Zoning | : | “Mixed Business Precinct”, “Mixed Business Frame” and “MY1 – Myaree Living Area” precincts |
| R-Code       | : | R20/R25, R20 & R20   |
| Use Type     | : | Various  |
| Use Class    | : | Various  |

**Site Details**

|                                      |   |  |
|--------------------------------------|---|--|
| Lot Area                             | : | Approximately 98.5 ha                            |
| Retention of Existing Vegetation     | : | NA   |
| Street Tree(s)                       | : | There are existing street trees in the locality  |
| Street Furniture (drainage pits etc) | : | There is existing infrastructure in the locality |

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE  
(REC) (ATTACHMENT)**

**DETAIL**

City of Melville Community Planning Scheme No. 5 Scheme Amendment No. 47 seeks to amend the Scheme Map and Text with a view to reflect the changing focus of land use in the Myaree Mixed Business Precinct. The City also recognises the importance of the area as an “Activity Centre” as designated in Network City. In this regard, the area aims to provide for a range of facilities inclusive of employment, retail, living, entertainment, higher education and specialised medical services.

Four new precincts are proposed to take into consideration the importance of retaining the identity of each precinct by fostering compatible uses in terms of activity, scale and intensity of development.

The objectives of the Amendment are as follows:

1. To protect the amenity of existing residential uses in the adjoining precinct and promote an increase in the number of residential dwellings within the mixed use precincts of Myaree.
2. To encourage a range of land uses that supply goods and services to the businesses and residences of the City of Melville and adjoining regional areas.
3. To encourage a variety of employment opportunities in the precinct.
4. To encourage quality urban design within the precinct both for building developments and streetscapes.
5. To encourage sustainable developments and compatibility between land uses.
6. To provide a true mixed-use precinct comprising retail, showrooms, entertainment, office, service and general commercial and residential uses.
7. To assist in the relocation of any general or heavy industrial uses to more appropriate industrial location such as O’Connor or Spearwood.
8. To comply with Network City objectives.

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE  
(REC) (ATTACHMENT)**

**PUBLIC CONSULTATION/COMMUNICATION**

|                               |   |
|-------------------------------|---|
| Advertising Required:         | Statutory advertisement of Amendment No. 47 concluded on 21 November 2006                                       |
| Neighbour's Comment Supplied: | 41 submissions inclusive of a 26 signature petition received – See attached Schedule of Submissions for details |
| Reason:                       | Statutory requirement   |
| Support/Object:               | Support – 4 / Support with requested modification - 14 / Object – 6 / Object with requested modification – 17.  |

Subsequent to receipt of written advice from the Environmental Protection Authority (EPA), the proposed Scheme Amendment was advertised for a period of 91 days commencing on 22 August 2006 and concluding on 21 November, 2006. The advertising period undertaken was in excess of the standard 42 day period as required by the *Town Planning Regulations*. The additional period of advertising was provided in recognition of the importance this Amendment has to the future development of the Myaree locality and its context within the region.

A total of 41 submissions inclusive of a 26 signature petition were received in relation to this Amendment as detailed in the attached Schedule of Submissions.

**[P07\\_5005\\_June\\_2007.pdf](#)**

In summary, submissions were received in regard to the following main issues:

1. A number of submissions commend the City of Melville's initiative in proposing the amendment to improve the standard of development in the Mixed Business Area and the level of service that the amendment stands to offer the local residents and broader region. It is considered that the Amendment will make a positive step forward in developing the Myaree Mixed Business Precinct into a new and reinvigorated mixed use commercial and entertainment precinct. The location of Myaree relative to Perth City and Fremantle Port is ideal to promote redevelopment for a significant new commercial centre. The current development standards for the area are out of date and unviable. The area contains a significant number of commercial and residential properties suffering urban blight with gross under utilisation. The Amendment is considered necessary to boost the area to secure long term growth, viability and vibrancy.

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE (REC) (ATTACHMENT)**

2. Support is raised for the opportunity to develop a “Mixed Use Precinct” in McCoy Street west of North Lake Road, linking Widdicombe Place and Hume Court.
3. One submission was received in regard to the proposal to introduce “Bulky Goods Retail” to provide for large format retailing within the concentrated “Highway Commercial” precinct. The submission also questions the proposed “Service Commercial” zoning over portion of the McCoy Street frontage as it is considered that it is more appropriate to apply a “Highway Commercial” zoning over the property so as to provide for a large Bulky Goods Retail outlet.
4. One submission indicated concern that the Amendment will result in the existing ‘Summit’ office development not being allowed under proposed “Mixed Business” zone and therefore reliant on non-conforming use rights to allow the business to operate and provide for future growth and security. It was requested that the Amendment be modified to allow for the retention of the long established office use which does not impact on the amenity or function of the locality.
5. A number of submissions requested application of increased density codings to provide redevelopment of buffers between commercial and residential areas and to provide for urban consolidation initiatives. Other submissions requested applications of commercial zones on properties on the periphery of the Amendment area.
6. A local interest group sought a number of modifications, inclusive of landscaping modifications, setback requirements for the “Mixed Use Frame” and “Highway Commercial” precincts, modifications to the Use Class Table to reflect the intent of the Amendment and for increased signage opportunity on larger “Highway Commercial” properties.
7. One submission requests inclusion of 8 Malland Street in the adjoining “Mixed Use Precinct” as the property is in common ownership with the adjoining Disability Services complex.
8. One submission requests that the boundary between “Highway Commercial” and the “Mixed Use Precinct” at the Bunnings site follow the common boundary rather than dissecting the boundary and running through the building as proposed.
9. One submission requested the 485 Marmion Street at the intersection of Malland Way be included in the “Mixed Use Frame”.
10. One submission requested that Office be classified as an “I” (incidental) use in the “Service Commercial” and “Highway Commercial” zones.

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE (REC) (ATTACHMENT)**

11. Concerns were raised with regard to any traffic control measures which will obstruct the flow of traffic in Norma Road and McCoy Street east of North Lake Road. It is requested that roads be allowed to remain accessible to heavy commercial traffic to support long established businesses. Commercial vehicle access may be further constrained by new development, resulting in safety concerns and potential for damage to new streetscape. Traffic calming measures such as narrowing of the road pavement, roundabouts, street side parking, traffic islands and trees restrict large vehicle access and increase the likelihood of accidents. Council is urged to provide generous manoeuvring space to maintain safe access to industrial properties from the main roads in the locality.
12. Concerns were raised with regard to removal of mixed-use potential and lowered building heights applicable to properties in Thurso Road by rezoning “Mixed Business” land to “Service Commercial”. Lowering building heights will impact on sustainability proposals for property inclusive of a roof mounted wind wheel due to “wind shadowing” from adjacent higher development. Proposal favours already intrusive signage of surrounding car yards which cause congestion, reduce parking in the area and damage verges. Removal of the opportunity live/work in the area increases security concerns and reduces the value of property. The proposal provides for the demise of small business operators in favour big business with a wall of advertising, white good warehouses and caryards along Leach Highway.
13. A total of five submissions inclusive of a 26 signature petition raised concerns over the proposed “Mixed Business Frame” for a former non-conforming commercial use at 22 Marr Street as it provides for re-establishment / penetration of commercial uses into the residential zone and increased large commercial traffic (with resultant noise impacts) in the adjacent residential area. As the commercial premises are in bad repair, it is requested that the existing zone be retained so as to encourage redevelopment for residential purposes. Mixed use development will impact on residential privacy.
14. Concerns raised that long standing industrial premises (inclusive of Pilkington Glass in McCoy Street and Kounis Metal Industries in Norma Road) may be restricted by the Amendment due to the resultant increase in general public access to the area and increased potential for incompatible uses being located adjacent each other. Industry has played a key role in the development of the area. Concerned that the former change from industry to mixed business and commercial, and now to commercial and residential when industrial premises still remain in the area from the first change. Concern raised with regard to pushing industry to “more appropriate industrial locations” on the outskirts of the City and who is going to assist relocation costs? Concern that the “trend” of residential encroachment is a direct result of Council planning (or lack of it) resulting in industrial properties located adjacent residential with resultant reduced residential amenity.

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE (REC) (ATTACHMENT)**

15. One of the largest objections raised (16 submissions received) was in relation to concern that recent high quality showroom development in proposed “Service Commercial” land along McCoy Street between North Lake and Norma Roads will be made redundant and under valued, leading to occupation by less attractive light industrial uses. The submissions recommend that this section of McCoy Street be zoned “Mixed Use Precinct” to encourage further development of high quality commercial uses and allow for the “Service Commercial” uses to be consolidated / established along the secondary internal streets.

**REFERRALS TO GOVERNMENT AGENCIES**

Required: A number of government agencies affected by the proposal were consulted as part of the formal advertising period above.  
Reason: In accordance with Section 83 of the *Planning and Development Act 2005*.  
Support/Object: Support

The application was referred to the Environmental Protection Authority (EPA) in accordance with Section 81 of the *Planning and Development Act 2005*. The EPA has advised that the proposed Amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 and that it is not necessary to provide any advice or recommendations.

Comments on the proposed Scheme Amendment were invited from the relevant public authorities. The submissions from public authorities are summarised below.

| Agency            | Summary of Submission   | Support/Objection | Officer's Comment | Action (Uphold / Not Uphold) |
|-------------------|---|-------------------|-------------------|------------------------------|
| Water Corporation | Water and waste water reticulation may require upgrade to facilitate future demands resulting from the amendment. Further investigations will be required to determine the level of upgrades as development occurs. Upgrades are to be funded by developers | Comment only      | Noted             | Uphold                       |
| Western Power     | No objections subject to any changes to the existing power system being the responsibility of individual developers. Indicates that Perth One Call Service is to be contacted before excavation and that Work Safe requirements are to be observed.         | Support           | Noted             | Uphold                       |

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE  
(REC) (ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

Notwithstanding Council's decision with regard to determination of submissions and progression of the Amendment, the Hon. Minister for Planning and Infrastructure has the final decision in regard to this Amendment.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications which will result from this Amendment other than a progressive improvement in land values and related rates revenue resulting from redevelopment and general amenity improvements which this Amendment purports to encourage.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council may choose to readvertise aspects of the Amendment which have been raised during the submission period. However, readvertising of the Amendment will result in further delays in the gazettal of the Amendment. Another option would be for Council to resolve not to proceed with the Amendment; however, this action is unlikely to be supported by the major stakeholders in this proposal and would be detrimental to the area over the long term. It is however noted that whatever the City of Melville resolves in relation to the Amendment, the final decision in regard to progression of the Amendment or otherwise rests with the Hon. Minister for Planning and Infrastructure.

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE  
(REC) (ATTACHMENT)**

**CONCLUSION**

Comments with regard to the submissions received are detailed in the attached Schedule of Submissions. In summary, it is recommended that the Amendment be modified to address submissions as follows:

1. Modification of the “Service Commercial” precinct along McCoy Street between North Lake and Norma Roads to “Mixed Use Precinct”. It is noted that two of the subject properties have dual road frontages and in this regard, the modification should be limited to approximately half of the property fronting McCoy Street;
2. Inclusion of Residential as an “S” use under the “Service Commercial” precinct in the Use Class Table, together with the application of an R40 density and inclusion of an additional development requirements in the “Service Commercial” precinct which provide for residential use to be approved only if adjoining a “Mixed Use Frame” precinct containing residential development;
3. Modification of the Amendment to retain 22 Marr Street in the “MY1 – Myaree Living Area Precinct” with a density of R40;
4. Modification of the “Highway Commercial” zoning allocation to the Summit office development on Leach Highway to provide for a dual zoning of “Mixed Use Precinct” and “Highway Commercial”;
5. Modification to the non residential and general “Minimum landscaping” development requirements in each of the zones to indicate “10% on site may be reduced in accordance with Clause 5.9 of the Scheme and any applicable Council Policy”;
6. Modification to the Use Class Table to provide for Auction House as a “D” use, Motor Vehicle Wrecking as a “X” use and Motor Vehicle Hire/Repair/Sales as an “S” use in the “Service Commercial” precinct and that the additional requirements for this precinct be modified to indicate that Vehicle Hire and Sales inclusive of associated storage yards are not supported in this precinct;
7. Rezoning of 8 Malland Street from “Service Commercial” Precinct to “Mixed Use Precinct”.
8. Rezoning of the “Mixed Use Precinct” portion of the Bunnings development and Take Away Food Outlets / car park fronting Leach Highway to add “Highway Commercial” as a dual zoning.

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE (REC) (ATTACHMENT)**

9. Modification of the Use Class Table to include Office as an “I” (incidental) use in the “Service Commercial” and “Highway Commercial” Precincts.

It is noted that on preparation of draft modified Scheme Amendment Documents, it became apparent that three (3) elements of the initiated Scheme Amendment Document as adopted by Council were not included in the advertised document. These included elements underlined below:

Additional requirements for the Mixed Use Precinct:

- Regard should be given to indicative development plans in designated areas in accordance with Council Policy. Residential permitted only as part of ‘mixed use’ development.

Additional Statement of Intent for the Mixed Use Frame:

- Land and buildings used to form a buffer between business and commercial uses and adjoining residential areas. May include offices, residential and low intensity business uses. Indicative development plans exist for mixed use frame abutting residential areas.

Additional requirements for the Mixed Use Frame:

- Mixed use developments abutting Living Area Precincts should conform to the indicative Development Plans in accordance with Council Policy.

It is noted that these elements assist in clarifying the intent of the Amendment and although not formally advertised as part of the Amendment, reinsertion as a modification to the Amendment is not expected to adversely impact on landowners. Accordingly, it is recommended that these elements be reinserted by inclusion with the proposed modifications to the Amendment.

Further, all submissions which requested modifications which were not specific to the Amendment area or which were inappropriate to uphold without further public consultation should be referred to the City of Melville’s Strategic Planning Services for consideration of inclusion under the current review of the Community Planning Scheme.

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE  
(REC) (ATTACHMENT)**

At Council's Agenda Forum Meeting held 5 June 2007, a number of matters were raised and are clarified in this report and attachments:

- i) To provide further clarity with regard to proposed modifications to the Amendment, changes to the Scheme Amendment Map have been identified on the attached annotated revised Scheme Amendment Map and changes to the Text have been included in the attached extract from the Scheme Amendment Document.

[P07\\_5005A June 2007.pdf](#)

[P07\\_5005B June 2007.pdf](#)

[P07\\_5005C June 2007.pdf](#)

- ii) In order to alleviate concerns over the extent of an incidental office use in the "Service Commercial" and "Highway Commercial" Precincts, it is proposed to make further alterations to the "Additional requirements" applicable to these zones to restrict the incidental office use to 20% of the Gross Floor Area (as detailed in the attached Revised Scheme Amendment Document).

In response to a question from the public on what does the variation under Council Policy for landscaping mean to owners, it is apparent that although Clause 5.9 of the Scheme provides for discretion to vary where satisfactory amenity is maintained, no specific circumstances are provided. The amendment provides that the Council has discretion to vary under any circumstance it deems appropriate the proportion of the site to be provided for landscaping. This includes matters such as taking into account the provision of high quality hard or soft landscaping and landscaping in the verge area. Whilst further clarification in this regard is desirable, as this matter has not been advertised, it is appropriate that it be referred to Strategic Planning Services for consideration of the development of a Policy or further provision refinement under the Scheme review.

- iii) In order to provide for a greater understanding of differences between the "Service Commercial" and "Highway Commercial" Precincts, the following intent of the Precincts are provided:

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE  
(REC) (ATTACHMENT)**

“Service Commercial”

Statement of Intent – Land and premises used for manufacturing, light and general industrial uses. May include hire business, auction house, printers, mechanical repairs, manufacturing and the likes.

“Highway Commercial”

Statement of Intent – Land and buildings used for open display, bulky goods, factory outlets and large retail complexes which rely upon large sites with highway and major arterial road frontage.

It is recommended that the Amendment be modified as detailed above and forwarded to the Department of Planning and Infrastructure for finalisation.

**Officer Recommendation**

At 8.54pm Cr D J Macphail moved, seconded Cr P M Phelan -

1. **That Council resolve, pursuant to Town Planning Regulation 17(1) to adopt the recommendations contained within the attached schedule of submissions and this report, and further resolve, pursuant to regulation 17(2) that the City of Celville Community Planning Scheme Amendment No 47 be adopted for final approval with the following modifications:**
  - a) **Modification of the “Service Commercial” precinct along Mccoy Street between North Lake and Norma Roads to “Mixed Use Precinct” with exception to portions of lots which have frontage to alternative streets, where approximately half of the lots are to be retained in the current “Service Commercial” precinct;**
  - b) **Inclusion of residential as an “S” use under the “Service Commercial” precinct in the use class table, together with the application of an R40 density and inclusion of an additional development requirements in the “Service Commercial” precinct which provide for residential use to be approved only if adjoining a “Mixed Use Frame” precinct containing residential development;**
  - c) **Modification of the Amendment to retain 22 Marr street in the “MY1 – Myaree Living Area Precinct” with a density of R40;**
  - D) **Modification of the “Highway Commercial” zoning allocation to the summit office development on Leach Highway to provide for a dual zoning of “Mixed Use Precinct” and “Highway Commercial”;**

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE (REC) (ATTACHMENT)**

- E) Modification to the non residential and general “minimum landscaping” development requirements in each of the zones to indicate “10% on site may be reduced in accordance with clause 5.9 of the Scheme and any applicable Council policy”;**
- F) Modification to the use class table to provide for auction house as a “D” use, motor vehicle wrecking as a “X” use and motor vehicle hire/repair/sales as an “S” use in the “service commercial” precinct and that the additional requirements for this precinct be modified to indicate that vehicle hire and sales inclusive of associated storage yards are not supported in this precinct;**
- G) Rezoning of 8 Malland Street from “service commercial” precinct to “mixed use precinct”.**
- H) Rezoning of the “mixed use precinct” portion of the Bunnings development and take away food outlets / car park fronting Leach Highway to add “highway commercial” as a dual zoning.**
- I) Modification of the use class table to include office as an “I” (incidental) use in the “service commercial” and “highway commercial” zones.**
- J) Add the following additional requirements to the “service commercial” and “highway commercial” precincts:**

**“Incidental office uses are to be restricted to a maximum of 20% of the gross floor area in order to preserve the integrity of the precinct.”**
- K) Reinstate to following elements underlined below, which were inadvertently omitted from the advertised scheme amendment documents and which provide clarification to the amendment:**

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE  
(REC) (ATTACHMENT)**

**Additional requirements for the Mixed Use Precinct:**

- **Regard should be given to indicative development plans in designated areas in accordance with Council Policy. Residential permitted only as part of 'mixed use' development.**

**Additional statement of intent for the mixed use frame:**

**Land and buildings used to form a buffer between business and commercial uses and adjoining residential areas. May include offices, residential and low intensity business uses. Indicative development plans exist for mixed use frame abutting residential areas.**

**Additional requirements for the mixed use frame:**

- **Mixed use developments abutting living area precincts should conform to the indicative development plans in accordance with Council Policy.**
2. **That the Scheme Amendment documents (modified) be executed by the Mayor and Chief Executive Officer and have the Common Seal of the City of Melville affixed and be forwarded to the Honourable Minister for Planning and Infrastructure for final approval.**
  3. **Possible modifications to clarify variation parameters to landscaping requirements under clause 5.7 of Community Planning Scheme No. 5 or the development of a Council policy and all submissions to the advertisement of Amendment No 47 which requested modifications which were not specific to the amendment area or were inappropriate to uphold without further public consultation be referred to the City of Melville's Strategic Planning Services for consideration of inclusion under the current review of the Community Planning Scheme.**
  4. **All respondents to the Amendment advertisement be advised of 1 and 3 above.**

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE (REC) (ATTACHMENT)**

Amendment 1

At 8.55pm moved Cr J R Bennett, seconded Cr L M Reynolds

**To amend condition one B by deleting and adding the below:**

**Adding to the Additional Use Schedule a new entry for Lot 42 (5) Thurso Road Myaree and adding to the Conditions column 'P use Residential in accordance with the R40 R Code'**

At 8.58pm the Mayor submitted the motion, which was declared

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

**COUNCIL RESOLUTION (5005)**

**APPROVAL**

At 8.58pm the Mayor submitted the substantive motion, being -

- 1. THAT COUNCIL RESOLVE, PURSUANT TO TOWN PLANNING REGULATION 17(1) TO ADOPT THE RECOMMENDATIONS CONTAINED WITHIN THE ATTACHED SCHEDULE OF SUBMISSIONS AND THIS REPORT, AND FURTHER RESOLVE, PURSUANT TO REGULATION 17(2) THAT THE CITY OF MELVILLE COMMUNITY PLANNING SCHEME AMENDMENT NO 47 BE ADOPTED FOR FINAL APPROVAL WITH THE FOLLOWING MODIFICATIONS:**
  - A) MODIFICATION OF THE “SERVICE COMMERCIAL” PRECINCT ALONG MCCOY STREET BETWEEN NORTH LAKE AND NORMA ROADS TO “MIXED USE PRECINCT” WITH EXCEPTION TO PORTIONS OF LOTS WHICH HAVE FRONTAGE TO ALTERNATIVE STREETS, WHERE APPROXIMATELY HALF OF THE LOTS ARE TO BE RETAINED IN THE CURRENT “SERVICE COMMERCIAL” PRECINCT;**
  - B) ADDING TO THE ADDITIONAL USE SCHEDULE A NEW ENTRY FOR LOT 42 (5) THURSO ROAD MYAREE AND ADDING TO THE CONDITIONS COLUMN 'P USE RESIDENTIAL IN ACCORDANCE WITH THE R40 R CODE;**
  - C) MODIFICATION OF THE AMENDMENT TO RETAIN 22 MARR STREET IN THE “MY1 – MYAREE LIVING AREA PRECINCT” WITH A DENSITY OF R40;**

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE  
(REC) (ATTACHMENT)**

- D) MODIFICATION OF THE “HIGHWAY COMMERCIAL” ZONING ALLOCATION TO THE SUMMIT OFFICE DEVELOPMENT ON LEACH HIGHWAY TO PROVIDE FOR A DUAL ZONING OF “MIXED USE PRECINCT” AND “HIGHWAY COMMERCIAL”;**
- E) MODIFICATION TO THE NON RESIDENTIAL AND GENERAL “MINIMUM LANDSCAPING” DEVELOPMENT REQUIREMENTS IN EACH OF THE ZONES TO INDICATE “10% ON SITE MAY BE REDUCED IN ACCORDANCE WITH CLAUSE 5.9 OF THE SCHEME AND ANY APPLICABLE COUNCIL POLICY”;**
- F) MODIFICATION TO THE USE CLASS TABLE TO PROVIDE FOR AUCTION HOUSE AS A “D” USE, MOTOR VEHICLE WRECKING AS A “X” USE AND MOTOR VEHICLE HIRE/REPAIR/SALES AS AN “S” USE IN THE “SERVICE COMMERCIAL” PRECINCT AND THAT THE ADDITIONAL REQUIREMENTS FOR THIS PRECINCT BE MODIFIED TO INDICATE THAT VEHICLE HIRE AND SALES INCLUSIVE OF ASSOCIATED STORAGE YARDS ARE NOT SUPPORTED IN THIS PRECINCT;**
- G) REZONING OF 8 MALLAND STREET FROM “SERVICE COMMERCIAL” PRECINCT TO “MIXED USE PRECINCT”.**
- H) REZONING OF THE “MIXED USE PRECINCT” PORTION OF THE BUNNINGS DEVELOPMENT AND TAKE AWAY FOOD OUTLETS / CAR PARK FRONTING LEACH HIGHWAY TO ADD “HIGHWAY COMMERCIAL” AS A DUAL ZONING.**
- I) MODIFICATION OF THE USE CLASS TABLE TO INCLUDE OFFICE AS AN “I” (INCIDENTAL) USE IN THE “SERVICE COMMERCIAL” AND “HIGHWAY COMMERCIAL” ZONES.**
- J) ADD THE FOLLOWING ADDITIONAL REQUIREMENTS TO THE “SERVICE COMMERCIAL” AND “HIGHWAY COMMERCIAL” PRECINCTS:**

**“INCIDENTAL OFFICE USES ARE TO BE RESTRICTED TO A MAXIMUM OF 20% OF THE GROSS FLOOR AREA IN ORDER TO PRESERVE THE INTEGRITY OF THE PRECINCT.”**
- K) REINSTATE TO FOLLOWING ELEMENTS UNDERLINED BELOW, WHICH WERE INADVERTENTLY OMITTED FROM THE ADVERTISED SCHEME AMENDMENT DOCUMENTS AND WHICH PROVIDE CLARIFICATION TO THE AMENDMENT:**

**P07/5005 - FINALISATION OF AMENDMENT NO. 47 TO COMMUNITY PLANNING SCHEME NO. 5 – MODIFICATION OF THE MYAREE MIXED BUSINESS FRAME AND PRECINCT BY ADDITION OF NEW ZONES, PRECINCTS, DEVELOPMENT REQUIREMENTS, DEFINITIONS AND MODIFICATION TO THE USE CLASS TABLE (REC) (ATTACHMENT)**

**ADDITIONAL REQUIREMENTS FOR THE MIXED USE PRECINCT:**

- **REGARD SHOULD BE GIVEN TO INDICATIVE DEVELOPMENT PLANS IN DESIGNATED AREAS IN ACCORDANCE WITH COUNCIL POLICY. RESIDENTIAL PERMITTED ONLY AS PART OF 'MIXED USE' DEVELOPMENT.**

**ADDITIONAL STATEMENT OF INTENT FOR THE MIXED USE FRAME:**

**LAND AND BUILDINGS USED TO FORM A BUFFER BETWEEN BUSINESS AND COMMERCIAL USES AND ADJOINING RESIDENTIAL AREAS. MAY INCLUDE OFFICES, RESIDENTIAL AND LOW INTENSITY BUSINESS USES. INDICATIVE DEVELOPMENT PLANS EXIST FOR MIXED USE FRAME ABUTTING RESIDENTIAL AREAS.**

**ADDITIONAL REQUIREMENTS FOR THE MIXED USE FRAME:**

- **MIXED USE DEVELOPMENTS ABUTTING LIVING AREA PRECINCTS SHOULD CONFORM TO THE INDICATIVE DEVELOPMENT PLANS IN ACCORDANCE WITH COUNCIL POLICY.**
2. **THAT THE SCHEME AMENDMENT DOCUMENTS (MODIFIED) BE EXECUTED BY THE MAYOR AND CHIEF EXECUTIVE OFFICER AND HAVE THE COMMON SEAL OF THE CITY OF MELVILLE AFFIXED AND BE FORWARDED TO THE HONOURABLE MINISTER FOR PLANNING AND INFRASTRUCTURE FOR FINAL APPROVAL.**
  3. **POSSIBLE MODIFICATIONS TO CLARIFY VARIATION PARAMETERS TO LANDSCAPING REQUIREMENTS UNDER CLAUSE 5.7 OF COMMUNITY PLANNING SCHEME NO. 5 OR THE DEVELOPMENT OF A COUNCIL POLICY AND ALL SUBMISSIONS TO THE ADVERTISEMENT OF AMENDMENT NO 47 WHICH REQUESTED MODIFICATIONS WHICH WERE NOT SPECIFIC TO THE AMENDMENT AREA OR WERE INAPPROPRIATE TO UPHOLD WITHOUT FURTHER PUBLIC CONSULTATION BE REFERRED TO THE CITY OF MELVILLE'S STRATEGIC PLANNING SERVICES FOR CONSIDERATION OF INCLUSION UNDER THE CURRENT REVIEW OF THE COMMUNITY PLANNING SCHEME.**
  4. **ALL RESPONDENTS TO THE AMENDMENT ADVERTISEMENT BE ADVISED OF 1 AND 3 ABOVE.**

Which was declared **CARRIED WITHOUT DISSENT (13/0)**

**C07/8010 - COMMUNITY PLAN 2007 – 2017 (AMREC) (ATTACHMENT)**

|                            |   |
|----------------------------|---|
| Ward                       | : All   |
| Category                   | : Strategic   |
| Subject Index              | : Community Plan  |
| Customer Index             | : City of Melville  |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items             | : None  |
| Works Programme            | : Not Applicable  |
| Funding                    | : Not Applicable  |
| Responsible Officer        | : Christine Young<br>Manager Community Development  |

**AUTHORITY / DISCRETION**

|   | <u>Definition</u>   |
|---|---|
| <input type="checkbox"/> Advocacy             | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>   |
| <input 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 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

**KEY ISSUES / SUMMARY**

- The Community Plan identifies (7) seven priorities – to begin Neighbourhood Planning, create an age-friendly city, change our behaviour to consider how our actions today will affect the generations of tomorrow, build a safe and secure community, facilitate suitable housing options, facilitate sustainable transport options and monitor the impact of major developments.
- The Community Plan presents information provided by the community through a number of consultative processes including community surveys, public meetings, focus groups, Melville Visions (Dialogue with the City) and the World Health Organisation Age Friendly Cities Project.
- The Community Plan provides information for planning and service delivery and corporate plans and budgets for government agencies, local community groups and other stakeholder groups
- The Community Plan creates a vision for the next 10 (ten) years
- Neighbourhood Planning is the next stage for ongoing planning and engagement with local communities.

**C07/8010 - COMMUNITY PLAN 2007 – 2017 (AMREC) (ATTACHMENT)****BACKGROUND**

The Community Plan is one outcome of an engagement process which commenced in 2005 with the community's participation in the Melville Visions Dialogue with the City. This consultative process was the first time the City engaged with the community in such a comprehensive way to obtain a snapshot of their views and expectations for the future with the purpose of transferring those aspirations to operative plans and strategies.

In July 2006 the City of Melville – A Future Approach Discussion Paper by the Chief Executive Officer, provided additional detail about a future strategic vision for the organisation, highlighting the need for a long term community plan which *“outlines, not only the strategic objectives and desired outcomes for the various localities within the City, but also identifies the priorities the Council wishes to address in the areas of ongoing concern and associated key actions, to be endorsed by the community.”*

The Community Planning Unit was established in August 2006 within the Strategic Community Development Division, bringing together knowledge and skills in the three areas of strategic, community and town planning, to document the first iteration of a Community Plan for the City.

All sections of the organisation have provided input into the development of the Community Plan.

**DETAIL**

[8010A June 2007.pdf](#) The community is made up of relationships between individuals and groups, living, working and playing within the geographical boundary of the City of Melville. These include relationships with and between local individual residents, local community groups – including, sport, church, school and other non-government organisations, local businesses and their customers, City of Melville Elected Members and employees, State and Federal government service providers and visitors.

This Community Plan is written in the first person. It is recognised that the Council as an organisation and as individuals are part of the community and play a leadership role in working towards achieving the community aspirations. In doing this it provides services and facilities and seeks to identify and partner with the many participating organisations within a common framework for action.

The long term Community Plan aims to develop common goals that help guide all sections of the community in working together to achieve our community aspirations.

The Plan is written to inform all members of the community and assist in prioritising activities of greatest importance to us.

Within the City of Melville there are many diverse areas each with their own distinctive characteristics, qualities and community aspirations. Neighbourhood Planning, the next level of community planning provides opportunities for local communities to come together to develop an action plan tailored to local neighbourhoods within the broader context of the Community Plan.

**C07/8010 - COMMUNITY PLAN 2007 – 2017 (AMREC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

[8010B June 2007.pdf](#) In April 2004, the State Government Department for Planning and Infrastructure produced a document entitled “Making Perth the City We Want”. The document followed a major interactive community planning forum in September 2003 known as “Dialogue with the City – Working Together to Make Perth the World’s Most Liveable City”.

Funding was then offered to local government authorities under the “Dialogue with the City Communities Program” to enable local communities to develop strategies and plans that contribute to meeting the emerging goals of the metropolitan-wide Dialogue with the City process.

As a result of the Communities Program, the City of Melville in conjunction with the Western Australian Planning Commission established the “Dialogue with the City of Melville (or Melville Visions)” project in 2005/2006. Melville Visions is the largest consultation exercise undertaken by the City of Melville to date and has allowed residents and business owners to “have their say” on the future of the City.

Melville Visions proactively sought community involvement in the future directions of the City of Melville and was one of many opportunities for community voices to be heard through a number of consultative processes. These other processes included:

- Community Surveys
- Public meetings
- Consultations on local issues
- Customer surveys
- Focus Groups
- World Health Organisation Age Friendly Cities Project

Another project providing input from a particular sector of the community was the World Health Organisation (WHO) Age Friendly Cities Project. Over thirty cities from twenty-two countries participated in the WHO project with the launch of a World Health Organisation Age-Friendly Cities guidebook in October 2007. The City of Melville, in partnership with the Department for Communities Office for Seniors Interest and Volunteering, was one of only two Australian participating cities and the only local government authority Australia wide. Whilst this project only involved a specific demographic of the community the information gathered is relevant to the wider community.

This project involved extensive consultation with seniors, their carers, service providers and local businesses. Over one hundred and forty people participated in focus groups providing a wealth of information on a range of issues.

In addition, general information about the content and format of the Community Plan was provided to community members for comment at seven Community Information Forums at three different locations across the City. Feedback from these sessions was very positive.

The views and aspirations of the community gathered from all these engagements form the basis of our Community Plan.

**C07/8010 - COMMUNITY PLAN 2007 – 2017 (AMREC) (ATTACHMENT)**

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

None

**STATUTORY AND LEGAL IMPLICATIONS**

Section 5.56 of the Local Government Act 1995 and Local Government (Administration) Regulations 1996 (clause 19c) require Local Government to make a plan for the future of its district that covers a period of at least 2 financial years. The Local Government is to ensure that the electors and ratepayers of its district are consulted during the development of and again when preparing modifications to a plan.

The Community Plan 2007-2017 meets (and exceeds) the requirements of the Act.

The Plan is required to be adopted by Absolute Majority decision of the Council.

**FINANCIAL IMPLICATIONS**

A budget variation was approved for the establishment of the Community Planning Unit in September 2006. An amount of \$263,253 is listed in the 2007/2008 budget to progress the community planning and neighbourhood planning processes. This largely covers staffing and consultancy costs. Following the development of a detailed framework to progress Neighbourhood Planning across all four Neighbourhoods, additional resources may be required for 2008/2009.

**C07/8010 - COMMUNITY PLAN 2007 – 2017 (AMREC) (ATTACHMENT)**

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

| Risk Statement   | Level of Risk*   | Risk Mitigation Strategy   |
|--|--|--|
| Internal processes and systems of the organisation do not change to reflect the community plan approach. | Moderate consequences which are likely, resulting in a <b>High</b> level of risk | <ul style="list-style-type: none"> <li>▪ Community engagement strategy and policy to be developed</li> <li>▪ Project planning and approval process to be implemented with reference to Community Plan</li> <li>▪ Process mapping</li> <li>▪ Budget template will link <i>the Community Plan</i> with the corporate plan</li> </ul> |
| Individual members of the community or interest groups will still unduly influence Council decisions.    | Moderate consequences which are likely, resulting in a <b>High</b> level of risk | <ul style="list-style-type: none"> <li>▪ Training for Elected Members in community engagement techniques.</li> </ul>   |
| Not being able to demonstrate <i>the Community Plan</i> has made a difference to the community.          | Moderate consequences which are likely, resulting in a <b>High</b> level of risk | <ul style="list-style-type: none"> <li>▪ Development relevant measuring methods, techniques or strategies</li> <li>▪ Capture qualitative data on impact of <i>the Community Plan</i>.</li> </ul>   |

\* As derived from using the Risk Assessment Matrix

**POLICY IMPLICATIONS**

Although there is no Council Policy that relates to specifically to community planning there will be a need to re write policies such as the Community Engagement Policy to reflect the changing focus around partnership and engagement with the community.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Continue to operate as we are currently which implies that we are not listening to the community. Through Melville Visions the community have indicated that there is no clear vision for the City and this option does not address this perception.

Council does not adopt the Community Plan. As well as the implication in the first option, this will also result in the City of Melville's corporate direction not being aligned with the aspirations of the community.

Council adopts the Plan. This acknowledges the community as a partner in future planning for the City.

**C07/8010 - COMMUNITY PLAN 2007 – 2017 (AMREC) (ATTACHMENT)**

**CONCLUSION**

The Community Plan 2007-2017 for the City of Melville aims to:

- acknowledge community aspirations
- provide an opportunity for participation by the community in decision-making processes on activities to be undertaken by stakeholder groups.
- describe the activities of groups within the community
- coordinate decision-making and use of resources of the City of Melville and other organisations working with and in the community
- provide a long-term focus for decisions and activities of the City of Melville and other organisations working with and in the community
- provide a basis for accountability.

It is recommended that Council adopt the Community Plan in order to continue the community dialogue process, providing leadership in working towards the community vision.

**COUNCIL RESOLUTION (8010)**

**ABSOLUTE MAJORITY**

At 8.59pm Cr C Halton moved, seconded Cr P M Phelan -

**THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL THE COMMUNITY PLAN 2007-2017 BE ADOPTED.**

At 9.02pm the Mayor submitted the motion, which was declared

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

**ADOPTION OF ITEMS NOT WITHDRAWN**

At 9.03pm Cr R Aubrey moved, seconded Cr J Bennett -

**THAT THE REPORTS OF OFFICERS EXCLUDING ITEMS C07/6007, P07/3012, P07/3011, P07/3013, P07/1006, P07/5005 AND C07/8010 BE RECEIVED AND THE RECOMMENDATIONS CONTAINED THEREIN BE ADOPTED.**

At 9.03pm the Mayor submitted the motion, which was declared

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

**P07/1004 - CONSIDERATION OF DRAFT POLICY ON PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)**

|                            |   |
|----------------------------|---|
| Ward                       | : All   |
| Category                   | : Policy  |
| Subject Index              | : Planning Policy   |
| Customer Index             | : Nil.  |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items             | : Nil.  |
| Works Programme            | : Not Applicable  |
| Funding                    | : Not Applicable  |
| Responsible Officer        | : Keith Weymes<br>Planning and Development Services   |

**AUTHORITY / DISCRETION**

|   | <u>Definition</u>   |
|---|---|
| <input type="checkbox"/> Advocacy               | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>   |
| <input type="checkbox"/> Executive              | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>  |
| <input 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> |

**BACKGROUND**

This report presents the draft policy 06-PL-036 Planning Process and Decision Making [P07\\_1004\\_June\\_2007.pdf](#) for Council's consideration. The draft has previously been submitted to the Planning Portfolio for comment. This policy has been prepared in conjunction with the revised policy for the Development Advisory Unit and Delegations for Planning and Development matters.

**Key Issues/Sundry**

- The Town Planning and Development Act 2005 Community Planning Scheme No. 5, State Administrative Tribunal Act 2004 and other relevant legislation require the Council to deal with applications and other matters in a timely manner.
- The draft policy recognises that the extent of consultation should increase according to the impact of the proposal.

**P07/1004 - CONSIDERATION OF DRAFT POLICY ON PLANNING PROCESS AND  
DECISION MAKING (REC) (ATTACHMENT)**

- Higher levels of decision making and tests should occur with the complexity of the proposal.
- The proposed policy is recommended to be adopted.

**DETAIL**

Recent changes in the Council 'meetings' process has required a review in the decision making processes to be followed by the Administration when dealing with planning matters.

The policy provides a framework for how a decision is made including:

- Consultation
- Elected Members involvement
- Decision Making
- Decision Forum

according to

- The complexity or nature of the matter
- Requirements of the law
- Risk

The attached policy seeks to address these matters and to provide that most of the approximate 2000 planning applications received per year will continue to be dealt with under Delegated Authority by Council's Planning Officers but that as the proposal becomes more complex or strategic, the "level" of the decision making, and the need for consultation increases.

This draft policy should also be read in conjunction with the draft revised policy also included in this Agenda Item P07/1006 for the Development Advisory Unit.

**PUBLIC CONSULTATION/COMMUNICATION**

No external consultation has been carried out as the Draft policy refers to the operational management of the Council.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

**P07/1004 - CONSIDERATION OF DRAFT POLICY ON PLANNING PROCESS AND DECISION MAKING (REC) (ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

The Council in dealing with planning matters is required to assume many roles in different circumstances varying from providing advice or recommendations to making decisions as the responsible authority and acting under delegated authority from the Western Australian Planning Commission.

The adoption of this policy will limit the extent of delegation to be exercised by the Chief Executive Officer on planning matters. Decisions made under delegated authority are in law made by the Council and as a consequence may be subject to review and legal challenge.

The adoption of this policy will assist in limiting this risk.

**FINANCIAL IMPLICATIONS**

Whilst, there are no immediate financial implications for the Council in regards to this matter ensuring that an efficient and affected system of Delegated Authority is in place yields financial benefits for both the City of Melville and its customers.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

| <b>Risk Statement</b>  | <b>Level of Risk*</b>   | <b>Risk Mitigation Strategy</b>   |
|--|---|---|
| In the absence of proper guidelines the Council may be exposed to risks through inappropriate decision making on Planning matters. | <b>Level of Risk After Application of Risk Mgt Strategy -</b><br><b>Low</b> level of risk with policy in place & adhered to by the Council. | Adopt a clear and specific policy on the need to involve Elected Members and the community in the Planning Processes. |

**POLICY IMPLICATIONS**

Nil

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not to adopt the policy and continue with the present adhoc arrangement.

**CONCLUSION**

The draft policy requires Elected Members be involved in strategic decisions, where required under legislation and where there is a high level of risk and complexity. Its adoption is recommended.

**P07/1004 - CONSIDERATION OF DRAFT POLICY ON PLANNING PROCESS AND  
DECISION MAKING (REC) (ATTACHMENT)**

**COUNCIL RESOLUTION (1004)**

**APPROVAL**

The Mayor submitted the motion, being -

**THAT DRAFT POLICY 06-PL-036 PLANNING PROCESS AND DECISION MAKING BE  
ADOPTED.**

Which was declared

**CARRIED EN BLOC**

**P07/1005 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY FOR PLANNING AND DEVELOPMENT (AMREC) (ATTACHMENT)**

|                            |  |
|----------------------------|--|
| Ward                       | : All  |
| Category                   | : Strategic  |
| Subject Index              | : Delegated Authority  |
| 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             | : C05/5005 - Review of Delegated Authority – April 2005 <a href="#">C05_5005 Previous Item.pdf</a> |
| Works Programme            | : Not Applicable   |
| Funding                    | : Not Applicable   |
| Responsible Officer        | : Keith Weymes<br>Manager Planning and Development   |

**AUTHORITY / DISCRETION**

|   | <u>Definition</u>   |
|---|---|
| <input type="checkbox"/> Advocacy               | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>   |
| <input type="checkbox"/> Executive              | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>  |
| <input checked="" type="checkbox"/> Legislative | <i>includes adopting local laws, town planning schemes &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 seeks Council consideration in adopting certain delegations of authority that permit Officers to perform functions within prescribed parameters.

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**P07/1005 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY FOR PLANNING AND DEVELOPMENT (AMREC) (ATTACHMENT)****BACKGROUND**

The Local Government Act 1995 (The Act) provides for the delegation of certain powers and duties to certain Committees (Sections 5.16 & 5.17) and the Chief Executive Officer (Sections 5.42 & 5.43). The Chief Executive Officer may, unless prohibited by Councils instrument of delegation, further on-delegate powers and duties to employees (Section 5.44).

The Act also provides for a delegations register to be maintained and reviewed on an annual basis (Section 5.46). This report comprises this review process.

**DETAIL**

It is necessary to review all current delegations to ensure, in the first instance, that they are consistent with the legislation and secondly, that they are, in fact, still necessary. Although the provisions of the Local Government Act 1995 do not affect delegations made under other legislation, it is also considered be an appropriate time to review those delegations.

“Delegated Authority” refers only to those powers or duties required by legislation and are often referred to as statutory delegations. Generally, these delegated authorities will be made to the Chief Executive Officer who may then on-delegate to such person or persons as he feels appropriate. For the purpose of clarity the Chief Executive Officer’s proposals in this regard are shown in the manual.

Part 15 of the Local Government (Miscellaneous Provisions) Act 1960, the act, provides that the issuing of Building Licences and some other activities (and regulations) can only be delegated by the Council to a Building Surveyor.

The City of Melville Delegated Authority Manual for Planning and Development matters forms part of the Attachments to the Agenda, which was distributed to Members of the Council on Friday, 15 June 2007. This attachment provides specific detail as to the extent of each delegation.

[P07\\_1005\\_June\\_2007.pdf](#)

**New or Amended Delegation**

- General

Have been required to delete reference to the Director Development and Neighbourhood Amenity. The position no longer exists and in general these delegations have been sub delegated to the Manager Planning and Development.

- Bonds for Uncompleted Works

In some instances it is appropriate to accept bonds for uncompleted works required as conditions of a Planning Approval or subdivisional works. These funds are held in trust accounts and refunded or expended as required.

**P07/1005 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY FOR PLANNING AND DEVELOPMENT (AMREC) (ATTACHMENT)**

- Street Tree Removal

As part of the assessment of a Planning Approval consideration is always given to the retention of the Council's street trees, however in some instances a Planning Approval may provide for the removal and replacement of street trees. Normal processes ensure that advice from the Council's Horticultural Officer is first obtained.

- Planning and Related Matters

This proposed delegation has been simplified as a result of the proposed adoption of a policy on Planning Process and Decision Making which requires Elected Members involvement at various levels.

Additionally the delegation provides that the Chief Executive Officer proposes to sub delegate some of the approval and other powers to other staff depending upon the complexity of the activity.

- Prosecutions, Notices and Legal Proceeding – Town Planning Matters

The enforcement provisions of the new Town Planning and Development Act 2005 have been broadened and to ensure that the Council has the full array of powers to act with the appropriate speed and action the delegation has been reviewed.

- Approvals under Local Laws

Often planning and building approvals rely on the standards set out in local laws. In many instances the local laws require approvals and the exercise of discretion.

- Strata Titles

The Strata Titles Act 1985 requires the Council to issue a variety of certificates. The previous delegation was limiting.

## **PUBLIC CONSULTATION/COMMUNICATION**

No external public consultation has been carried out as these delegations are considered to be an internal matter requiring only the Councils consideration.

## **CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

The City of Melville Delegated Authority Manual has been modelled on the Department of Local Governments guidelines introduced in the February 2007. These guidelines were prepared in collaboration between Department of Local Government & Regional Staff, McLeods Barristers & Solicitors, and officers from various local governments including the City of Melville.

**P07/1005 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY FOR PLANNING AND DEVELOPMENT (AMREC) (ATTACHMENT)**

**STATUTORY AND LEGAL IMPLICATIONS**

The following are the key issues under the Act affecting delegated authority:

Delegations (to Committees and the Chief Executive Officer) must be made by an absolute majority decision [s.5.16(1) and s.5.42(1)].

- Delegations (whether to Committees or the Chief Executive Officer) must be in writing, and may be general or as otherwise provided in the instrument of delegation [s.5.16(2), s.5.42(2) and s.5.44(2)].
- All Delegations will have effect for the period of time specified in the delegation, or if not specified, indefinitely. Any decision to amend or revoke a delegation must be by absolute majority [s.5.16(3)].
- Any of the Council powers or duties under the Act can be delegated to a Committee comprising Council members only, EXCEPT any power or duty requiring absolute or special majority decisions; or any other power or duty as prescribed [s.5.17(1)(a)].
- Delegations CANNOT be made to Committees comprised of “other persons” only [s.5.9(2)(f)] (ie with no council members or employees). Following from this, delegations cannot be made to a committee comprised of employees only [such a committee cannot exist by virtue of s.5.9(2)].
- A Local Government may delegate to the Chief Executive Officer, by absolute majority, any of its powers or duties under the Act [s.5.42(1)], EXCEPT those identified in s.5.43 as listed below:
  - (a) any power or duty that requires an absolute or special majority decision or seventy five percent (75%) majority of the Local Government;
  - (b) accepting a tender which exceeds an amount determined by the Local Government;
  - (c) appointing of an auditor;
  - (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government;
  - (e) any powers under s.5.98 (fees for Council Members), s.5.99 (annual fee for Council Members in lieu of fees for attending meetings), or s.5.100 (payments for certain Committee Members);
  - (f) borrowing money on behalf of the local government;
  - (g) hearing or determining an objection of a kind referred to in s.5.95;
  - (h) any power or duty requiring the approval of the Minister or the Governor;

**P07/1005 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY FOR PLANNING AND DEVELOPMENT (AMREC) (ATTACHMENT)**

- (i) such other powers or duties as may be prescribed.
  - Any powers or duties which can be delegated to the Chief Executive Officer in accordance with s.5.42 and s.5.43, can be delegated to a Committee comprising Council members and employees [s.5.17(1)(b)]. Further, the Chief Executive Officer may delegate to any employee any of these powers or duties (other than the power of delegation) [s.5.44(1)]
  - Any powers or duties that are necessary or convenient for the proper management of the City of Melville's property or related to an event in which the City of Melville is involved, can be delegated to the following types of Committee:
    - (i) comprised of council members, employees and other persons
    - (ii) comprised of council members and other persons
    - (iii) comprised of employees and other persons [s.5.17(1)(c)]
- Registers must be kept of all Delegations made to Committees, the Chief Executive Officer and employees, and such Delegations are to be reviewed at least once every financial year. [s.5.18, s.5.46(1) & (2)]
- The Chief Executive Officer and any other employee who has been delegated a power or duty under the Act is required to keep a written record of:
  - (i) how and when the power was exercised or the duty discharged
  - (ii) the persons or classes of persons directly affected (other than Council or Committee members, or employees) by the use of the delegation [s.5.46(3) and Reg. 19].

**FINANCIAL IMPLICATIONS**

Failure to provide for delegated authority will considerably add to the cost of determining development and other applications.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

| <b>Risk Statement</b>   | <b>Level of Risk*</b>   | <b>Risk Mitigation Strategy</b>  |
|---|---|--|
| An issue arises that requires urgent attention of officers to ensure public safety. | Moderate consequences which are almost certain, resulting in a <b>High</b> level of risk. | Implementation of delegation of power to authorise officers to enter site to make a situation safe or take appropriate action. |

**P07/1005 - REVIEW OF CITY OF MELVILLE DELEGATED AUTHORITY FOR PLANNING AND DEVELOPMENT (AMREC) (ATTACHMENT)****POLICY IMPLICATIONS**

A number of Council policies adopted by Council have enabling delegations to the Chief Executive Officer who in turn may on delegate to other appointed officers.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

All delegations are subject to the discretion of Council and can be removed at any given time. Council may choose to remove delegations which in turn will then require formal Council consideration at the next available meeting of Council.

**CONCLUSION**

It is important to note that major decisions or actions made under delegation are as a matter of procedure referred onto Elected Members for their information. In addition whilst many decisions may be procedural, circumstances may make a decision contentious and therefore may be referred onto Council for formal decision despite the enabling delegation.

**COUNCIL RESOLUTION (1005)****ABSOLUTE MAJORITY**

The Mayor submitted the motion, being -

**THAT BY ABSOLUTE MAJORITY OF THE COUNCIL THE CITY OF MELVILLE DELEGATED AUTHORITY FOR PLANNING AND DEVELOPMENT AS ATTACHED BE ADOPTED.**

Which was declared

**CARRIED ENBLOC**

**C07/5008 – INTRODUCTION OF PAID PARKING AT THE CITY OF MELVILLE PARKING STATION #17, ST JOHN OF GOD HOSPITAL, MURDOCH (AMREC)**

Ward : University  
Category : Operational  
Subject Index : Parking Control  
Customer Index : 1679211  
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
Previous Items : Not Applicable  
Works Programme : Not Applicable  
Funding : Not Applicable  
Responsible Officer : Peter Carrie  
Coordinator Neighbourhood Amenity

**AUTHORITY / DISCRETION**

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

**C07/5008 - INTRODUCTION OF PAID PARKING AT THE CITY OF MELVILLE PARKING STATION #17, ST JOHN OF GOD HOSPITAL, MURDOCH (AMREC)****KEY ISSUES / SUMMARY**

- The St John of God Hospital, Murdoch is designated as a Parking Station # 17 under the City of Melville Parking Facilities Local Law.
- A Deed of Agreement between the Council and St John of God Hospital, Murdoch was entered into in 1998 allowing for the enforcement of the Parking Facilities Local Law in the whole of the Parking Station created by the Deed. The St John of God Hospital, Murdoch wishes to introduce fee paid parking to the Hospital car park.
- It is necessary for the Council to impose and determine a fee for the purpose of this Parking Station in accordance with Section 6.16 – 6.19 of the Local Government Act 1995.

**BACKGROUND**

The St John of God Hospital, Murdoch is designated as Parking Station # 17 under the City of Melville Parking Facilities Local Law. A Deed of Agreement signed in October 1998 allowed for the enforcement of parking restrictions in the Hospital car park under the Parking Facilities Local Law. In accordance with the Deed, St John of God Hospital Security staff are Authorised Officers under the City of Melville Local Law and are able to issue infringements on behalf of the City.

The Hospital is experiencing parking problems in particular with persons taking advantage of the free parking when they have no business at the Hospital. As a result genuine visitors and patients are not always able to find a space in the designated areas, leading to them being late for appointments and in some instances being issued with an infringement notice. The Hospital is of the view that introduction of paid visitor parking will assist in dealing with these issues. The Hospital would therefore like to formally advise the City of Melville of its intention to introduce paid visitor parking from 1 July 2007.

**DETAIL**

The rates proposed for paid parking are similar to paid parking areas adjacent to the Hospital, at \$1 per hour and a maximum of \$5 per day. The parking fees would be paid between the hours of 7.00am and 5.00pm Monday to Friday, exclusive of Public Holidays.

**PUBLIC CONSULTATION/COMMUNICATION**

The St John of God Hospital, Murdoch intends to advertise its intention to introduce paid parking in the local press. It will also provide information to visitor and patients of the Hospital regarding the proposed changes.

**C07/5008 - INTRODUCTION OF PAID PARKING AT THE CITY OF MELVILLE PARKING STATION #17, ST JOHN OF GOD HOSPITAL, MURDOCH (AMREC)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable

**STATUTORY AND LEGAL IMPLICATIONS**

By Clause 7 of the Parking Deed the provisions of the Local Law apply to the Parking Station. It is open to the Hospital, as a consequence, to impose and determine a fee in accordance with Clause 7 (1) albeit that the determination of the fee is required to accord with the provisions of Section 6.16 – 6.19 of the Local Government Act 1995. It is therefore necessary for the Council to impose and determine a fee for the purposes of this Parking Station in accordance with those Sections of the Act.

The Council must give a Local Public Notice of its intention to introduce a fee and the date from which it is to be imposed.

**FINANCIAL IMPLICATIONS**

Not Applicable

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

The St John of God Hospital, Subiaco has introduced similar fee paid parking for visitors.

**POLICY IMPLICATIONS**

Not applicable

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable

**CONCLUSION**

The introduction of paid parking at the City of Melville Parking Station # 17, St John of God Hospital, Murdoch is allowable under the Deed of Agreement with the Hospital.

**COUNCIL RESOLUTION (5008)****ABSOLUTE MAJORITY**

The Mayor submitted the motion, being -

**THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL THE FEES FOR THE ST JOHN OF GOD HOSPITAL, MURDOCH CAR PARK NO 17 BE SET AT \$1 PER HOUR TO A MAXIMUM OF \$5 PER DAY BETWEEN 7.00AM AND 5.00PM MONDAY TO FRIDAY, EXCLUSIVE OF PUBLIC HOLIDAYS.**

Which was declared

**CARRIED ENBLOC**

**CO44/06 – RECONSTRUCTION OF THE MOUNT HENRY JETTY AT THE ESPLANADE  
MOUNT PLEASANT (AMREC) (ATTACHMENT)**

|                            |   |
|----------------------------|---|
| Ward                       | : All   |
| Category                   | : Operational   |
| Subject Index              | : Tenders   |
| Customer Index             | : City of Melville  |
| Disclosure of any Interest | : No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items             | : T06/2005 Mt Henry Jetty Development   |
| Works Programme            | : Not Applicable  |
| Funding                    | : 2006/2007 Budget  |
| Responsible Officer        | : Paul McAllister<br>Client Liaison Contract Manager  |

**AUTHORITY / DISCRETION**

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

**CO44/06 – RECONSTRUCTION OF THE MOUNT HENRY JETTY AT THE ESPLANADE MOUNT PLEASANT (AMREC) (ATTACHMENT)**

**KEY ISSUES / SUMMARY**

- To accept the recommendation of the Contract and Tender Advisory Unit to award the tender for the Reconstruction of the Mount Henry Jetty at The Esplanade Mount Pleasant.
- Item T06/2005 Mt Henry Jetty Development – Council Meeting 20 June 2006

**BACKGROUND**

Tenders for the Reconstruction of the Mount Henry Jetty at The Esplanade Mount Pleasant were invited by advertisement in The West Australian on Wednesday 4 April 2007, closing at 4.00 p.m. on Friday 27 April 2007.

The Mount Henry Jetty was built as a construction jetty for the works undertaken in the mid seventies to construct the Mount Henry freeway bridge. Following the completion of the bridgeworks the jetty remained and passed into the ownership of the City of Melville.

The jetty is 56 meters long with a large, 103 square meters, head at the northern end. The construction techniques used to build the jetty are typical of a construction that is mostly temporary in nature. Had the jetty been built for the long term, it is doubtful that the City would now be looking at a complete deck and sub structure replacement after only 30 years of life.

The jetty has been closed for the past two and a half years as it is too dangerous to allow public use of the facility.

The proposed reconstruction shows the jetty being built as one 56 meter long structure with the removal of the large head structure on the northern end. The head is being removed to reduce the cost of refurbishment and it is not required for what is now a recreational fishing facility with the occasional use as boat mooring.

The jetty will comply with all disability access and inclusion guidelines and will be fully lit for safe use at night time.

The following items are included in the scope of works.

- demolition of the redundant jetty decking;
- construction of a new deck using recycled plastic material;
- restoration of the existing piles;
- handrails for inclusion and access and safety; and
- supply and installation of lighting to the jetty deck.

**CO44/06 – RECONSTRUCTION OF THE MOUNT HENRY JETTY AT THE ESPLANADE  
MOUNT PLEASANT (AMREC) (ATTACHMENT)****Price Schedule**

The Price Schedule forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday, 15 June 2007 under confidential cover.

**Tender Evaluation Process**

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

The Evaluation Sheet forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday, 15 June 2007 under confidential cover.

The Evaluation Committee consisted of the Purchasing Coordinator, the Client Liaison Contract Manager, the Manager Infrastructure Services and the Senior Design Engineer.

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

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

**DETAIL**

12 sets of tender documents were issued and 2 tenders were received as follows:

Jomar Contracting  
Jonor Construction Pty Ltd.

A third tender which was received after the closing time for the tender was not considered for evaluation. Under the *Local Government (Functions and General) Regulations*:

“A tender that is not submitted at a place, and within the time, set out in the Invitation for Tenders must be rejected”.

**CO44/06 – RECONSTRUCTION OF THE MOUNT HENRY JETTY AT THE ESPLANADE  
MOUNT PLEASANT (AMREC) (ATTACHMENT)**

The two tender submissions received on time successfully addressed the tender selection criteria and subsequently were considered for evaluation by the tender evaluation panel.

Neither Jomar Contracting nor Jonor Construction Pty Ltd has had previous relationships with the City of Melville. Reference checks were performed with three local councils (City of Gosnells, City of Canning and City of Swan) and with Main Roads Western Australia (MRDWA). All the aforementioned referees confirmed that Jomar Contracting and Jonor Construction were highly experienced in works of the nature of this tender, and MRDWA in particular praised both organizations for completing works on time, to specification and to budget.

The tender submissions for both organizations clearly demonstrated that they have the capacity, the resources, the skills and expertise to successfully complete the reconstruction of the Mount Henry jetty to the City's requirements.

The pricing schedules asked for a fixed lump sum and the prices submitted by the tenderers differed substantially with Jonor Construction being 60% more expensive. Both organisations were invited to clarify their submissions and in particular to confirm that the prices quoted included all aspects of the works as specified in the tender documents. This was confirmed by both tenderers.

Investigations revealed that Jomar Contracting Pty is a small organization specializing in timber bridge and jetty construction. The organization has basic back office support and low overhead costs hence pricing is very competitive.

As the timber piles supporting the Mount Henry jetty under-structure and decking are to be restored and not replaced, it would be prudent in this instance to provide for a contingency sum in addition to the contract fixed lump sum. The contingency sum would be used in the event that the restoration of the piles is more complex than currently specified. The contingency sum would be controlled by the City's representative and expended only when required. An amount of \$30,000.00 is considered an appropriate contingency sum.

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Planning approval for the works is currently being sought from the Department of Planning & Infrastructure and the Swan River Trust. Works on the reconstruction of the jetty shall not commence until such approvals are received. It is the opinion of Officers of the City that such approvals shall not be withheld.

**CO44/06 – RECONSTRUCTION OF THE MOUNT HENRY JETTY AT THE ESPLANADE  
MOUNT PLEASANT (AMREC) (ATTACHMENT)****STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

Council, at its meeting on 20 June 2006, approved the amount of \$507,000 for funding the reconstruction of the Mount Henry Jetty to be taken from the Community Facilities Reserve Account.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

No strategic implications are applicable to this item.

Risk factors were considered during the evaluation process of this tender and were not considered to be of extreme or high risk.

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Both companies are capable of completing the works on time to specification and within budget. In this instance Jomar Contracting Pty submitted a significantly more attractive price schedule.

**CONCLUSION**

Jomar Contracting, being the highest scorer on the evaluation matrix and the most economical, are the preferred supplier.

**CO44/06 – RECONSTRUCTION OF THE MOUNT HENRY JETTY AT THE ESPLANADE  
MOUNT PLEASANT (AMREC) (ATTACHMENT)**

**COUNCIL RESOLUTION (CO44/06)**

**ABSOLUTE MAJORITY**

The Mayor submitted the motion, being -

1. THAT THE TENDER SUBMITTED BY JOMAR CONTRACTING FOR THE RECONSTRUCTION OF THE MOUNT HENRY JETTY AT THE ESPLANADE MOUNT PLEASANT AS SPECIFIED FOR THE SUM OF \$279,875.00 EXCLUDING GST BE ACCEPTED AS THE MOST ADVANTAGEOUS.
2. THAT A CONTINGENCY SUM OF \$30,000.00 BE APPROVED IN ADDITION TO THE SPECIFIED TENDER SUM.
3. THAT BY ABSOLUTE MAJORITY DECISION OF THE COUNCIL THE CLIENT LIAISON CONTRACT MANAGER BE GIVEN APPROVAL TO EXPEND THE CONTINGENCY SUM AS REQUIRED.

Which was declared

**CARRIED ENBLOC**

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

|                            |   |   |
|----------------------------|---|---|
| Ward                       | : | All   |
| Category                   | : | Operational   |
| Subject Index              | : | Common Seal Register  |
| Customer Index             | : | City of Melville  |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items             | : | Standard Item   |
| Works Programme            | : | Not applicable  |
| Funding                    | : | Not applicable  |
| Responsible Officer        | : | Bruce Taylor<br>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> |
|-----------------------------|--|---|-----------------------|
| Deed of Licence             | Willetton Hickey Club Inc                                | Portion of Trevor Gribble Reserve                                     | 1675822               |
| Deed of Assignment of Lease | Steve Blanchard and Alberto Di Rocco – Stonecity Pty Ltd | Deep Water Point Café   | 1679555               |
| Easement                    | Western Power Corporation                                | Underground Power – Cnr Canning Avenue and Moolyeen Road, Mt Pleasant | 1690447               |
| Deed of Variation Lease     | Applecross Tennis Club                                   | Lot 264 The Strand, Applecross  | 1689394               |
| Deed of Variation           | Kardinya Tennis Club                                     | Portion of Morris Buzacott Reserve                                    | 1686791               |
| Scheme Amendment            | WAPC   | Amendment Number 50   | 1647745               |

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

Section 2.5 of the Local Government Act 1995.

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

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Not applicable.

**POLICY IMPLICATIONS**

Not applicable.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

That is a standard report for Elected Members information.

**COUNCIL RESOLUTION (5000)**

**NOTED**

The Mayor submitted the motion, being -

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

Which was declared

**CARRIED ENBLOC**

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

|                            |   |   |
|----------------------------|---|---|
| Ward                       | : | All   |
| Category                   | : | Operational   |
| Subject Index              | : | Financial Investments and Statements  |
| Customer Index             | : | Not applicable  |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items             | : | Standard Item   |
| Works Programme            | : | Not applicable  |
| Funding                    | : | Not applicable  |
| Responsible Officer        | : | Bob Searle<br>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.<br/>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 May 2007 and recommends that the information detailed in the attachments be noted.

**BACKGROUND**

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

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

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

The Investment of Surplus Funds is undertaken in accordance with the Finance Investment Policy document for the City of Melville. [6000D June 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 Friday, 15 June 2007.

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

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

As at the end of May 2007, total interest, excluding Reserve Fund interest, earned was \$2,260,138 against a budget year to date of \$1,862,000. The full year budget is \$1,968,000.

Reserve Fund interest earned was \$1,416,739 against a budget year to date of \$737,200. The full year budget is \$867,800.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Not applicable.

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

**POLICY IMPLICATIONS**

Corporate Policy 13-002.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

Base interest rates softened slightly in the period. The rates for thirty day bank bills rose 0.0033%, ending May at 6.34% whilst longer term returns fell slightly, with the ninety day rate falling by 0.025% to 6.3583%. The performance of the City of Melville portfolio managed by Grange Securities exceeded the agreed benchmark of the UBS Bank Bill Index plus 0.35% by 0.72% annualised in the month and has exceeded the benchmark by 0.87% over the last twelve months.

**COUNCIL RESOLUTION (6000)**

The Mayor submitted the motion, being -

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

[6000A June 2007.pdf](#)

[6000B June 2007.pdf](#)

[6000C June 2007.pdf](#)

[6000D June 2007.pdf](#)

Which was declared

**CARRIED ENBLOC**

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

|                            |   |   |
|----------------------------|---|---|
| Ward                       | : | All   |
| Category                   | : | Operational   |
| Subject Index              | : | Financial Statement and Investments   |
| Customer Index             | : | Not applicable  |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items             | : | Standard Item   |
| Works Programme            | : | Not Applicable  |
| Funding                    | : | 2006/2007 Budget  |
| Responsible Officer        | : | Bob Searle<br>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.<br/>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> |

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

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

**BACKGROUND**

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

**DETAIL**

The Schedules of Accounts for the period ending 31 May 2007 [6001 June 2007.pdf](#) including Payment Registers numbers thirteen and fourteen were distributed to the Members of Council on Friday, 15 June 2007.

**PUBLIC CONSULTATION/COMMUNICATION**

Not applicable.

**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

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

**STATUTORY AND LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

Expenditures were provided for in the 2006/2007 Budget.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Not applicable.

**POLICY IMPLICATIONS**

Management Procedure 1.8 - Certification of Accounts.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

This is a regular monthly report for Elected Members information.

**COUNCIL RESOLUTION (6001)**

The Mayor submitted the motion, being -

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

Which was declared

**CARRIED ENBLOC**

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

|                            |   |   |
|----------------------------|---|---|
| Ward                       | : | All   |
| Category                   | : | Operational   |
| Subject Index              | : | Financial Statements and Investments  |
| Customer Index             | : | Not applicable  |
| Disclosure of any Interest | : | No Officer involved in the preparation of this report has a declarable interest in this matter. |
| Previous Items             | : | Standard Item   |
| Works Programme            | : | Not applicable  |
| Funding                    | : | Not applicable  |
| Responsible Officer        | : | Bob Searle<br>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.<br/>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 May 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 May 2007 have been prepared and tabled in accordance with Regulation thirty-four (34) of the Local Government (Financial Management) Regulations 1996 as amended in March 2005, which requires that:

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

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

**DETAIL**

A mid year budget review based on the figures to the end of January 2007 was presented to the March Council meeting. The normal monthly review – “Notes on Operating Statements” is attached for the May month and includes relevant elements of that review. Once again the variances are greater than normally reported and this continues to reflect the reduced emphasis that it has been possible to give to reviewing budget phasing in the face of the pressures of the implementation of the new system and development of reporting.

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

| <b>DESCRIPTION</b>  | <b>LINK</b>                                |
|---|--|
| Statement of Financial Activity – May 2007  | <a href="#"><u>6002A June 2007.pdf</u></a> |
| Operating Statements by Program for the period ended 31 May 2007                    | <a href="#"><u>6002B June 2007.pdf</u></a> |
| Representation of Working Capital as at May 2007                                    | <a href="#"><u>6002E June 2007.pdf</u></a> |
| Reconciliation of Net Working Capital as at 31 May 2007                             | <a href="#"><u>6002F June 2007.pdf</u></a> |
| Notes on Operating Statements for May 2007 reporting on variances of 10% or greater | <a href="#"><u>6002H June 2007.pdf</u></a> |
| Details of Budget Amendments requested during the month of May 2007                 | <a href="#"><u>6002J June 2007.pdf</u></a> |
| Summary of Rates debtors as at 31 May 2007  | <a href="#"><u>6002L June 2007.pdf</u></a> |
| Graph showing Rates Collections as at 31 May 2007                                   | <a href="#"><u>6002M June 2007.pdf</u></a> |
| Summary of general Debtors aged 90 days old or greater as at 31 May 2007            | <a href="#"><u>6002N June 2007.pdf</u></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 2006/2007 Budget have been included in the budget amendment report.

**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Not applicable.

**POLICY IMPLICATIONS**

Not applicable.

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

**CONCLUSION**

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

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

**COUNCIL RESOLUTION (6002)**

The Mayor submitted the motion, being -

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

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

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

Which was declared

**CARRIED ENBLOC**

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

At 9.04pm Cr P M Phelan requested a decision to make a personal statement to the Council regarding a comment in the local community paper.

At 9.04pm Cr C W Robartson moved, seconded Cr R Aubrey -

**THAT CR P M PHELAN BE PERMITTED TO MAKE A PERSONAL STATEMENT TO THE COUNCIL.**

At 9.04pm the Mayor submitted the motion, which was declared **CARRIED (11/2)**

Mayor K J Jackson requested her name be recorded as having voted against the motion.

At 9.09pm Cr P M Phelan moved, seconded Cr R Aubrey –

**THAT CR P M PHELAN'S SPEECH BE TABLED. [Tabled Speech](#)**

At 9.09pm the Mayor submitted the motion, which was declared **CARRIED (9/4)**

Mayor K J Jackson requested that names be recorded.

For

Cr M J Barton  
Cr L J Wyatt  
Cr P M Phelan  
Cr C Halton  
Cr J R Bennett  
Cr L M Reynolds  
Cr D J Macphail  
Cr C W Robartson  
Cr R Aubrey

Against

Mayor K J Jackson  
Cr H R Everett  
Cr J Phillips  
Cr A Ceniviva

### 12.1 On Tuesday, 29 May 2007, Cr H R Everett gave notice of the following motion:

*“That Council replaces and/or repairs the steps leading to the top of the lookout towers (most anchor points) for the benefit of the public; and that funds from Lottery West be sought to cover the costs.”*

By Memorandum dated Saturday, 16 June 2007, Cr H R Everett amended his motion as follows:

*“That a report be prepared concerning the repair and/or replacement of the steps leading to the top of the lookout towers (formerly the mast anchor points) for the benefit of the public, and that funds be sought from Lottery West to cover cost.”*

*Note: A recent advertisement in “The West Australian” of May 19, 2007, page 14 indicated that funds were available for such a purpose.”*

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN (Continued)

**COUNCIL RESOLUTION**

At 9.10pm Cr H R Everett moved, seconded Cr J Phillips -

**THAT A REPORT BE PREPARED CONCERNING THE REPAIR AND/OR REPLACEMENT OF THE STEPS LEADING TO THE TOP OF THE LOOKOUT TOWERS (FORMERLY THE MAST ANCHOR POINTS) FOR THE BENEFIT OF THE PUBLIC, AND THAT FUNDS BE SOUGHT FROM LOTTERY WEST TO COVER COST.**

At 9.11pm the Mayor submitted the motion, which was declared

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

12.2 On Tuesday, 29 May 2007, Cr H R Everett gave notice of the following motion:

At 9.12pm Cr H R Everett moved, seconded Cr J Phillips -

*“That Council form an ad hoc Committee comprising of:*

*Mayor and Deputy Mayor*

*2 x Applecross / Mt Pleasant Ward Councillors*

*2 x Council Officers*

*A Representative from the Friends of Wireless Hill*

*A Representative from the Melville History Society*

*4 x Interested community members.*

*Total 12 specifically to commence planning the various aspects related to the centenary on 30 September 2012 of the first transmission of long wave radio communication from Wireless Hill.”*

\*\* At 9.15pm Cr Wyatt departed the Meeting and re-entered the Meeting at 9.17pm.

**COUNCIL RESOLUTION**

**THAT COUNCIL FORM AN AD HOC COMMITTEE COMPRISING OF:**

**MAYOR AND DEPUTY MAYOR**

**2 X APPLECROSS / MT PLEASANT WARD COUNCILLORS**

**2 X COUNCIL OFFICERS**

**A REPRESENTATIVE FROM THE FRIENDS OF WIRELESS HILL**

**A REPRESENTATIVE FROM THE MELVILLE HISTORY SOCIETY**

**4 X INTERESTED COMMUNITY MEMBERS.**

**TOTAL 12 SPECIFICALLY TO COMMENCE PLANNING THE VARIOUS ASPECTS RELATED TO THE CENTENARY ON 30 SEPTEMBER 2012 OF THE FIRST TRANSMISSION OF LONG WAVE RADIO COMMUNICATION FROM WIRELESS HILL.**

At 9.39pm the Mayor submitted the motion, which was declared **CARRIED (7/6)**

- \*\* At 9.40pm Cr M J Barton departed the Chamber.  
\*\* At 9.40pm Her Worship the Mayor, K J Jackson vacated the chair and the Deputy Mayor Cr D J Macphail chaired the Meeting.

Disclosures of Interest

|                              |   |
|------------------------------|---|
| <b>Item No</b>               | : Motion of which previous notice has been given – 12.3   |
| <b>Member</b>                | : Cr M J Barton   |
| <b>Type of Interest</b>      | : Proximity Interest in Accordance with the Act (s 5.60B) |
| <b>Nature of Interest</b>    | : Lives opposite Point Walter                             |
| <b>Extent of Interest</b>    | : N/A   |
| <b>Request</b>               | : Stay, Discuss and Vote                                  |
| <b>Decision of Committee</b> | : Not Applicable  |
| <b>Decision of Council</b>   | : Observe Only.   |

- \*\* At 9.40pm Cr C W Robartson departed the Chamber and re-entered at 9.42pm.

Mayor K J Jackson moved, seconded Cr L J Wyatt -

***That Cr M J Barton be allowed to stay and discuss but not vote.***

At 9.42pm Her Worship the Mayor, K J Jackson, with the support of the seconder, Cr L J Wyatt amended the resolution, to read as follows:

***That Cr M J Barton be allowed to stay and observe only.***

At 9.43pm the Deputy Mayor submitted the motion, which was declared

**CARRIED (11/1)**

- \*\* At 9.44pm the Manager Information & Corporate Support departed the Chamber and re-entered at 9.45pm.

- \*\* At 9.45pm Cr M J Barton re-entered the Chamber.

- 12.3** On Thursday, 14 June 2007, Her Worship the Mayor, K J Jackson gave notice of the following motion:

At 9.45am Her Worship the Mayor, K J Jackson moved, seconded Cr L J Wyatt –

*“That the Telecommunications Policy 28/003 endorsed by Council in 2003 identifying Point Walter as a high impact site be amended by deleting any reference to High Impact facilities at Point Walter as low impact facilities are preferred to high impact facilities in this locality, as to date, telecommunication providers have not demonstrated or provided;*

- 1. The need for such facilities in the locality*
- 2. Consideration of all alternatives to a tower i.e., low impact facilities, upgrading of existing infrastructure, etc*
- 3. Data relating to existing and predicted coverage and usage patterns for the locality*
- 4. Composite plots for all facilities in the region.”*

At 9.55am Her Worship the Mayor, K J Jackson, with the support of the seconder, Cr L J Wyatt withdrew her previous motion.

## **COUNCIL RESOLUTION**

At 9.56pm Her Worship the Mayor, K J Jackson moved, seconded Cr L J Wyatt -

**THAT THE MATTER BE DEFERRED TO ENABLE A REPORT TO BE PREPARED BY THE DIRECTOR STRATEGIC URBAN PLANNING AND THAT REPORT BE REFERRED TO THE PLANNING AND DEVELOPMENT PORTFOLIO FOR CONSIDERATION PRIOR TO THE MATTER BEING PRESENTED TO COUNCIL FOR DETERMINATION.**

At 9.56pm the Mayor submitted the motion, which was declared

**CARRIED WITHOUT DISSENT (12/0)**

At 9.57pm the Deputy Mayor, Cr D J Macphail vacated the chair and Her Worship the Mayor, K J Jackson chaired the Meeting.

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

Nil.

Cr C W Robartson informed members of the Council with regard to the Queens Birthday Honours and the news that Ricky Burgess, the Chief Executive Officer of the WA Local Government Association was awarded a Public Service Medal.

Cr C W Robartson also wished to bring to members of the Councils attentions that the Shire of Quairading's centenary will be held soon and suggested that the City of Melville consider presenting Quairading with a suitable gift to acknowledge their centenary.

## **14. CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 9.59pm