



— *City of* —
Melville

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

20 MARCH 2007

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DISTRIBUTED: 23 MARCH 2007



— City of —
Melville

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.39PM ON TUESDAY, 20 MARCH 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 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
R G C Willis

B Searle

D Gillam (Departed at 7.42pm)
B Taylor

K Weymes (Departed at 7.01pm)

T Cahoon (Departed at 7.42pm)
M Ridgwell
T Hirst
R Dougall

POSITION TITLE

Chief Executive Officer
Director Strategic Community
Development
Director Strategic Urban Planning
Director Technical & Development
Services
A/Director Customer & Corporate
Services
Manager Health & Leisure Services
Manager Information & Corporate
Support
Manager Planning & Development
Services
Recreation & Business Manager
Property & Corporate Support Manager
Senior Administration Officer
Minutes Secretary

At the commencement of the Meeting, there were 9 people present in the public gallery, including 2 staff. There were 2 members of the Media in the Media gallery.

3. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr H R Everett
Director Customer & Corporate Services

4. PUBLIC QUESTION TIME

Mr J Addvalue of Applecross

“1. *The Council has recently provided a Car Park on the western side of Moreau Mews in Applecross. The time is ripe to decommission the single car bay that is situated adjacent to the Baptist building, and opposite to the Post Office and its tree short term parking spaces. The present arrangement of ‘vertical’ parking spaces on opposite sides of narrow Moreau Mews, and near its junction with Kishorn Road is both dangerous and inconvenient. Further it does not facilitate short-term parking.*

The proposed solution could be affected quickly and cheaply. Perhaps later the adjacent double-day could be considered for decommissioning also?

Will the Council consider acting promptly on this matter of safety and convenience?”

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

The Parking request will be considered. An Officer will inspect the situation this week to determine whether we can respond as you asked.

“2. *Does the Council intend to replace three trees which have been cut down, all presumably by the Council*
A) *two trees formerly near the riverside path and its junction with Dunvegan Road. If so, could seating be provided?*
B) *a flame tree on the verge adjacent to the Western Side of the Raffles?”*

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

I was not aware of 2 trees being cut down in Dunvegan Road. The tree on the Canning Beach Road foreshore adjacent to the western side of the Raffles will be replaced as part of the approved landscape plan relating to the Raffles Development.

We will have the trees in Dunvegan Road inspected and once we are aware of what is happening we will advise you.

A seat as requested can be provided. To ensure that we have the correct location of the seat, an officer will be in contact with you to confirm your desired location.

4. PUBLIC QUESTION TIME (cont'd)

J Pritchard of Booragoon

“1. *This matter has created significant upset for residents and has proven to be a highly expensive exercise for Council. Can you please advise me on whether any action has been taken to change the zoning scheme (i.e. special use as per the above day care centre) in order to prevent a recurrence of what has happened to us?*

- *There was a mention in a Planning Committee Report 2 years ago to review this.*

The Manager Planning & Development Services, My Keith Weymes, responded as follows:

No separate action is being undertaken. The intent is to consider those changes as part of the Scheme review which is now underway.

2. *Considering the amount of angst associated with this proposed development, why were the final conditions agreed between the Planning Dept. and the application not put through Council?”*

The Manager Planning & Development Services, My Keith Weymes, responded as follows:

Because of the deadlines set by SAT.

B Rettinger of Booragoon

“The State Administrative Tribunal (SAT) has recently ruled in favour of upholding the Developers Appeal (Ref. 2007 WASAT 56) in favour of the Child Minding Centre at 2 Worthington Road. Will the MCC now negotiate in good faith and/or will they enforce the Conditions that have previously been agreed at the SAT Hearings?”

Some of the Conditions previously discussed at the SAT include:

- *No Parking on either side of Worthington Road*
- *Limiting the number of children using the Centre and allowable ration of children to staff, and also number of staff members to the usable Parking Spaces located inside the Centre*
- *Require 2m high masonry walls on at least the Northern and Eastern sides of the boundary*
- *Centre starting time to begin no earlier than 7.15am to limit noise emissions*
- *A carport structure to be built over all parking bays to minimize noise emitted to the adjacent/neighbouring residential properties*
- *Require a written Management Plan to be submitted (to the MCC?) by the Centre operator which deals with all of their operational issues?*

The Manager Planning & Development Services, My Keith Weymes, responded as follows:

No separate action is being undertaken. The intent is to consider those changes as part of the Scheme review which is now underway

5. AWARDS AND PRESENTATIONS

A record of functions attend by the Mayor, and Elected Members representing the Mayor for the Council, for the period 20 February 2007 to 19 March 2007, forms an attachment to the Minutes of the Meeting.

[Mayoral Representation March 2007.pdf](#)

At 6.47pm Cr J R Bennett moved, seconded Cr J Phillips -

THAT THE RECORD OF FUNCTIONS ATTENDED BY THE MAYOR, AND ELECTED MEMBERS REPRESENTING THE MAYOR ON BEHALF OF THE COUNCIL, FOR THE PERIOD 20 FEBRUARY 2007 TO 19 MARCH 2007, BE NOTED.

At 6.47pm the Mayor submitted the motion, which was declared

CARRIED WITOUT DISSENT (12/0)

6. CONFIRMATION OF MINUTES

6.1 ORDINARY MEETING OF THE COUNCIL - 20 FEBRUARY 2007

At 6.49pm Cr J R Bennett moved, seconded Cr L M Reynolds -

THAT THE MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD ON TUESDAY, 20 FEBRUARY 2007 BE CONFIRMED.

At 6.49pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

6.2 AUDIT, RISK AND COMPLIANCE COMMITTEE MEETING – 6 MARCH 2007

At 6.49pm Cr J Phillips moved, seconded Cr C Halton -

THAT MR SEAN PITT BE APPOINTED AS THE EXTERNAL COMMITTEE MEMBER OF THE CITY OF MELVILLE AUDIT, RISK AND COMPLIANCE COMMITTEE FOR A TERM TO EXPIRE ON 10 JANUARY 2009.

At 6.49pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

6.1 AGENDA FORUM – 6 MARCH 2007

At 6.49pm Cr L J Wyatt moved, seconded Cr C W Robartson -

THAT THE NOTES OF THE AGENDA FORUM HELD ON TUESDAY, 6 MARCH 2007 BE CONFIRMED.

At 6.49pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

7. DISCLOSURES OF INTEREST

Mayor, K J Jackson	C07/8002
Cr R Aubrey	C07/8002
Cr M J Barton	C07/8002
Cr D J Macphail	C07/8002

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Cr M J Barton

At 6.52pm Cr P M Phelan moved, seconded Cr J R Bennett –

THAT THE REQUEST FOR LEAVE OF ABSENCE FOR CR M J BARTON BE ACCEPTED.

At 6.52pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10. PETITIONS

Nil.

11. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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**P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE
ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)**

Ward : University
Category : Strategic
Application Number : DA-2006-466
Property : Lot 17 (1-15) South Street, Kardinya
Proposal : Additions and Alterations to Kardinya Park Shopping Centre
Applicant : Greg Row & Associates
Owner : Dato Holdings Pty Ltd
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer : Keith Weymes
Manager Planning and Development Services
Previous Items : Nil

AUTHORITY / DISCRETION

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

**P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE
ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The Council is in receipt of a Planning Application for additions and alterations to Kardinya Park Shopping Centre, Lot 17 (1-15) South Street, Kardinya (Kardinya Park).
- Kardinya Park forms part of the Kardinya District Centre Precinct of *City of Melville Community Planning Scheme No.5 (CPS5)*.
- The proposed development includes an additional 4,609.5m² net lettable area (NLA) with decked and undercroft parking. Council's consideration is required for the following:
 - a) A reduced car parking provision;
 - b) Landscaping and amenity;
 - c) Traffic impact; and
 - d) Integration with the adjacent Kardinya Square Shopping Centre.
- It is recommended that Council approve the application subject to conditions.

BACKGROUND**Scheme Provisions**

MRS Zoning	: Urban
CPS 5 Zoning	: District Centre
R-Code	: R60
Use Type	: Shop
Use Class	: P - Permitted

Site Details

Lot Area	: 47,316.8sqm
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: Upgrade of landscaping within South Street road reserve is recommended.
Street Furniture (drainage pits etc)	: Not affected
Site Details	: U07_0059_PROPERTY_MAP.pdf

[U07_0059_February_2007.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Thursday 1 March 2007

**P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE
ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)**

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Shop Floor Space	20,000sqm NLA Retail	19427sqm NLA Retail (Inclusive of adjoining Kardinya Square)	Complies		
Landscaping	10% of site area 4731.7sqm	1650sqm 3.5%*	Variation	DTDS	
Carparking	7 bays per 100sqm NLA 1251 bays	5.4 bays per 100sqm NLA 965	Variation**	Council	
Plot Ratio	0.6	0.38	Complies		
Height	10.5m max	10.3m	Complies		
Front Setback	Nil	1.0m	Complies		
Rear Setback	2.0m	16.5m	Complies		
East Setback	Nil	5.5m	Complies		

* This figure is approximate as landscaping has not been delineated on the plans

** This variation if approved would have a value of approximately \$8million

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	Nil	1.0m	Complies		
Rear	2.0m	16.5m	Complies		
Side (East)	Nil	5.5m	Complies		

**P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE
ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)**

The bulk of the proposed additions are focused to the east of the existing shopping centre and include an extension of the mall area and additional shop floor space at the same level as the existing shopping centre. The application also includes an expansion of the supermarket (Coles) and the discount department store (K-Mart). The additions are characterised by an undercroft car park accessible via an access road which abuts the eastern boundary of the site. The undercroft and upper car parks are linked by a proposed vehicle ramp adjacent to the main South Street entry.

Retail Floor Space (NLA)

The Kardinya District Centre is comprised of Kardinya Park, the adjoining Kardinya Square Shopping Centre (Kardinya Square) and eight (8) residential properties fronting Gilbertson Road.

CPS5 states that Retail Floor Space within the Kardinya District Centre Precinct is to be generally in accordance with the Local Commercial Strategy (LCS). The LCS sets a maximum of 20,000 square metres NLA Retail for the Kardinya District Centre Precinct. NLA Retail includes only those types of shop/retail floor space included in Appendix 4 of the WAPC Metropolitan Centres Policy SPP4.2 (i.e. PLUC5 shop floor space). Consequently, not all the NLA within a shopping centre will necessarily be NLA Retail.

The proposed development of Kardinya Park would provide a total of 17,872 square metres NLA within Kardinya Park shopping centre. The applicant's advise that the existing NLA Retail floorspace for Kardinya Park is 11,652 square metres least 1,125 square metres of the existing NLA within the shopping centre is not NLA Retail therefore the development would result in 16,747 square metres NLA Retail (assuming that all of the additional NLA resulting from the proposed development is NLA Retail).

This would leave 3,253 square metres NLA Retail for the development of the adjacent lot, currently known as Kardinya Square Shopping Centre. The data collected by the Department for Planning and Infrastructure (DPI) and used in the preparation of the Draft LCS indicates that there is 2,680sqm NLA Retail within Kardinya Square Shopping Centre therefore there would be 573 square metres of NLA Retail floor space remaining for the potential future development of this lot.

Car Parking

CPS5 requires that car parking be provided on the basis of 7 bays per 100 square metres NLA. This equates to a scheme requirement for 1,251 car parking bays

The documentation supplied by the applicant indicates a car parking provision of 978 bays. However, a site inspection showed that the area to the south-west of the Coles Supermarket is used as a service/loading area and not for car parking. The carparking requirement is calculated on the NLA floorspace of the existing and proposed development – 17,872 square metres. Consequently, these 10 car bays cannot be included in the car parking assessment. The car parking provision is 965 bays.

**P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE
ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)**

Clause 4.2 of CPS5 enables Council to approve a variation from the development requirements prescribed there under. Clause 5.8 of CPS5 refers specifically to car parking provision. The applicant has provided documentation in support of the shortfall in car parking.

The applicant notes that the recommended floor space for a District Centre under WAPC SPP4.2 is 15,000 square metres NLA; however the permitted floor space for the Kardinya District Centre is 20,000 square metres NLA, reflected in the LCS, Draft LCS and CPS5. The applicant considers that the imposition of the car parking requirement for District Centres (i.e. 7 bays per 100sqm NLA) in this circumstance is unreasonable as the permitted floor space is commensurate with that of a Regional Centre. The Car Parking Policy recognises the reduced parking demand of larger centres, requiring 5.5 bays per 100 square metres NLA for Regional Centres. This would equate to a car parking requirement of 983 bays and a shortfall of 18 bays.

The applicant notes that the reciprocity of uses at shopping centres is a factor in reducing actual parking demand. For example, the uses on the periphery of a shopping centre and those accessible from the outside of the shopping centre building would peak in demand for parking at different times to the internal retail uses. The applicant has not provided specific details but uses the general examples of videos stores, fast food outlets, restaurants and like that would have different peak parking demands to a supermarket. However, both internal uses and the uses on the periphery would have a Thursday night peak parking demand.

The applicant has undertaken a car parking survey to determine the current vacancy rates experienced by Kardinya Park. A technical report was prepared by a qualified traffic consultant (Riley Consulting) based on the results of the survey. The report was prepared on the basis of the following factors:

- A required car parking provision of 5.5 bays per 100 square metres;
- A total of 18,090 square metres NLA; and
- A car parking provision of 978 bays.

Subsequent to the submission of the technical report, specific details of floor space have been provided showing that the existing development is comprised of 12,823 square metres NLA. The proposed development will add an additional 4,609.5 square metres NLA (rather than 4,570sqm) giving a total of 17,872.5 square metres NLA (rather than 18,090sqm NLA). The NLA within the Service Station is not included in this total and this is reasonable for the purpose of car parking assessment as the Service Station does not involve longer term parking in association with the shopping centre.

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

The technical report made the following key points and conclusions:

- The existing car park at the shopping centre has a peak occupancy of 62%, an average occupancy of 44% during the peak Thursday evening period (5pm) and 57% during the peak Saturday period (11am). The car park is typically half empty at the peak times.
- Based on the peak occupancy rate of 62% (peak parking demand) and the required car parking provision of 995 bays, the proposed development would demand a maximum of 617 bays resulting in a surplus of 361 bays or 37% of the parking provision.
- Based on the expected 26% increase in traffic flow generated by the development (determined by the Director General Transport South Australia – *Guide to Traffic Generation Developments*) and the current peak parking demand, the future demand would be 716 bays providing a surplus of 262 bays or 27% of the parking provision.
- Based on the proposed increase in floor area of the shopping centre and the current peak parking demand, the future demand would be 760 bays which results in a surplus of 218 bays or 22% of the parking provision.
- Whilst the parking provision for the proposed development is short of CPS5 requirements, the analysis demonstrates that the actual peak demand would still leave at least 20% of the car park vacant.

The car parking assessment methodology may be acquainted relative to the following;

- The current utilisation rate cannot be applied to the proposed discounted parking rate. It should be applied to a ratio of current parking requirement per unit of floor space.
- The methodology takes no account of the need for vacant bays for circulation.
- It assumes that an enhanced larger, more convenient and newer centre (of regional status as expressed by the applicant) will have the same attraction as the current centre.

It assumes that there is a direct linear relationship between the existing parking demand and trip generation but does not add or subtract for the possible enhanced performance of the centre.

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

There are several tests as to whether the proposed parking provision is reasonable as discussed below:

- The existing occupancy rate of 62% (568 bays) equates to a car parking rate of 4.2 bays per 100 square metres NLA. The required car parking provision at this rate is 751 bays. An additional 10% for circulation purposes gives a total of 826 bays.
- The applicant contends that the centre should be considered as a Regional Centre to obtain a reduced car parking requirement based on the area of the expanded centre to 20,000sqm NLA. Kardinya is not a Regional Centre; nor does it or will it have the attributes of a Regional Centre.

CPS5 requires the provision of 7 bays per 100 square metres NLA for District Centres or 1,251 bays. This ratio is considered to be excessive and the draft requirement being used in the review of Community Planning Scheme No.5 relies on the standard established by the Road Traffic Authority of NSW (RTA) following extensive surveys of shopping centres and parking demand. For District Centres, the RTA recommends a ratio of 5.6 bays per 100 square metres of **Gross** Leasable Floor Area (GLFA – equivalent of NLA under Community Planning Scheme No.5) or a requirement of approximately 1,001 bays.

- The RTA also provides a formula for the calculation of car parking based on the mix of retail types. This formula indicates a requirement of approximately 83 bays after providing for a conversion between the differing floor space measures.

The City of Melville's Transport Planner has advised that the proposed car parking provision is sufficient to cater for the peak parking demand expected to be generated by the redevelopment of the shopping centre.

The car parking rate being considered in the Scheme review indicates that the proposed car parking provision is sufficient to cater for the redevelopment of Kardinya Park.

Landscaping and Amenity

CPS5 requires a minimum 10% landscaping (4,731.7sqm). The exact landscaping provision is unclear as a landscaping plan has not been provided. However, an estimate of the landscaping provision over the site is 1,650 square metres. This is based on the landscaping illustrated on the development plans and reference to the aerial photography to determine existing landscaping areas. This represents a 3,081.7 square metre shortfall in landscaping.

In accordance with CPS5 requirements, the existing and proposed landscaping is located with emphasis to the street frontages including the main access road and the two main access points off South Street. The landscaping on the South Street and North Lake Road frontages extends into the respective road reserves.

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ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)**

It is considered that the reduced landscaping should be compensated by enhanced architectural features and quality finishes of the development including the provision of artwork in accordance with Council's Policy.

It is noted that there is a 1.0 metre wide setback/landscaping strip between the car park deck and the southern boundary of the site to provide for the establishment of trees/shrubs to screen and soften the visual impact of the car park deck as viewed from South Street. The applicant has obtained written advice from a Landscape Architect regarding the sufficiency of this space to provide for this screening. The Architect states that "*this is sufficient space in which to establish both shrub planting and medium size trees.*" The species proposed for this area was the Manchurian Pear (*Purus ussurienis*). The Architect states that:

"This particular tree is known for its ability to grow within confined spaces and tends to shape to the allocated area available. In the case of Kardinya Park Shopping Centre, the Manchurian Pear will simply spread laterally along the face of the carpark deck until it reaches beyond the parapet wall, at which point it will spread out further over the carpark."

This proposed species has been replaced with the Flowering Ash (*Fraxinus griffithii*) which has the same nature as the Manchurian Pear as described above but is not deciduous therefore it would maintain its screening ability throughout the year.

In response to the City of Melville's further concerns about the visual impact of the car park deck and the ability of the landscaping to minimise this impact, a cross section of the deck and the adjacent verge and South Street has been submitted to provide a clear illustration of the bulk of the deck in relation to South Street. The cross section is from the eastern end of the deck where the difference in height between the deck and the adjacent road verge would be at its greatest. The height of the deck relative to the verge is slightly less than 2 metres. This height would progressively reduce towards the western end of the deck. The height of the deck in relation to the level of the verge and therefore the visual impact of the deck is not as significant as originally thought and therefore the degree of screening afforded by the landscaping strip within the 1.0 metre setback area is less critical. However, for the purpose of enhancing the amenity of the development as viewed from South Street, it is considered that the landscaping within the verge area should be upgraded including the planting of mature trees for the purpose of screening the car park deck.

It is noted that owners in the adjoining Kardinya Square have requested the provision of planter boxes along the eastern wall of the decked parking area to reduce the visual impact and bulk of the extension. In addition supplementary landscaping along the northern side of Brophy Street and Calston Crescent would be desirable to improve the streetscape.

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

Also for the purpose of enhancing the amenity of the deck as viewed from South Street, the architectural detail along edge the of the deck has been extended, replacing the transparent railing and providing screening of cars parked on the deck. An entry feature/statement is also shown at the eastern end of the deck.

A detailed landscaping plan is required to be submitted with the application for building licence. This is to include trees within the car park at a rate of 1 tree per 4 car bays to break up to expanse of the car parking area (excluding the under croft car park which lacks sunlight). Alternative landscaped measures should be applied to the car park deck such as the provision of potted plants or shade sails

Traffic Impact

A traffic analysis of the proposed development was undertaken and a report submitted in support of the application. The traffic analysis anticipates that the proposed expansion of the shopping centre will increase traffic flows by 26%. The anticipated increase to traffic flows was applied to the Saturn traffic model using the proposed centre layout.

The traffic analysis found that the existing shopping centre operates in an acceptable manner during the peak Thursday evening period however the 'main street' right turn into South Street would not operate in an acceptable manner with the proposed increase in floor area (i.e. the right turn would not operate at-capacity which is unacceptable). The analysis indicates that all other intersections will continue to operate in an acceptable manner.

The report indicates that upgrading of Brophy Street and a 'main street' design that encourages the use of Brophy Street would provide for the acceptable operation of all access points. The report notes that the current layout of the shopping centre focuses traffic towards the main South Street exit therefore it would be expected that the majority of traffic uses this intersection. There are currently multiple access points to the eastern car park of the existing shopping centre which are proposed to be reduced to 2 focal access points to the under croft parking area including an central and northern access point towards Brophy Street.

It is noted that the results of the traffic modelling that indicated the acceptable operation of all access points included the introduction to the traffic model of a traffic signal staging at South Street involving a dedicated right turn stage for Gilbertson Road north to further encourage the use of Brophy Street.

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

The report makes the following recommendations:

- *Brophy Street should be upgraded to provide a focal entry to the shopping centre and primary entry/exit to the shopping centre car park.*
- *As required, the traffic signals at Gilbertson Road/South Street area be modified to provide a right turn filter arrow for Gilbertson Road north.*

The City of Melville's Transport Planner recommends that a SIDRA analysis of the intersection of Gilbertson Road and South Street be undertaken in relation to the proposed modification to the traffic signals and the results to be to the satisfaction of Main Roads WA and the City of Melville. A copy of the Traffic Assessment is attached.

Drainage

A suitably qualified consultant has provided a preliminary stormwater management report which outlines two possible options for site drainage including:

- a) The installation of sufficient underground storage to contain the 1 in 10 year 72 hour storm and 1 in 100 year 24 hour storm on site both within the underground system and to a safe level on the surface including the undercroft parking area.
- b) Continue the utilisation of the overflow pipe into the City of Melville's drainage system on North Lake Road and reduce the amount of onsite storage required. The consultant acknowledges that a study would be required to determine the allowable flow into the system and drainage rates may be payable.

The City of Melville's Technical Services is satisfied with the preliminary report and the options outlined. The 'critical event' will need to be confirmed to ensure that stormwater is maintained on site at all times and that there is no overflow into the adjoining streets and residential properties.

Whilst the consultants report suggested 2 options for resolution of the drainage issues it has not submitted any evidence that either can be achieved. In the absence of that evidence and in the case of option (b), approval by the Council to use its drainage system it is appropriate that a condition be imposed which required the implantation of option (a) with details approved by the Council prior to the issue of a Building Licence

**P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE
ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

Advertising Required: No
Neighbour's Comment Supplied: Yes
Support/Object: General Support

The various owners of the adjoining Kardinya Square Shopping Centre (Lot 23, No. 17-23) were consulted (through the Strata Manager) regarding the proposed increase in retail floor space within the District Centre. A formal submission has not been received however discussion with a number of the strata members has indicated qualified support for the proposal. There is concern however regarding the utilisation of almost all of the available shop floor space permitted by City of Melville Community Planning Scheme No. 5 (CPS5) and the City of Melville Local Commercial Strategy (LCS), the lack of integration between the two centres and the potential for future integration upon development of Kardinya Square. There was also concern expressed in particular by the owner of Kardinya Tavern regarding the car park deck and its potential impact on the amenity of the Tavern.

REFERRALS TO GOVERNMENT AGENCIES

Required: The application was referred to Main Roads WA notwithstanding that there are no new crossovers proposed.
Support/Object: Support subject to conditions.

**P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE
ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)**

Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Support/ Dismiss)
Main Roads WA	<p>The proposed development is acceptable to Main Roads subject to the following conditions being imposed:</p> <ol style="list-style-type: none"> 1. No earthworks shall encroach onto the South Street reserve. 2. No stormwater drainage shall discharge onto the South Street reserve. 3. All vehicle access shall be restricted to the existing driveway(s). 4. The applicant shall make good any damage to the existing verge vegetation within the South Street reservation. 5. Redundant driveways shall be removed and the verge and it vegetation made good at the applicant's cost. <p>In addition to the above, Main Roads advise that traffic noise may be a problem for owners adjacent to South Street and consideration should be given to some form of noise attenuation (i.e. sound barriers or house design amenities such as double glazing).</p>	Support	<p>The recommended conditions are relevant and appropriate and should be attached to the planning approval.</p> <p>It is considered that impact of traffic noise from South Street would not be exacerbated by the proposed development.</p>	<p>Support</p> <p>Dismiss</p>

**P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE
ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)**

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The proposed increase in shop floor space complies with CPS5, the LCS and Draft LCS. In accordance with the floor space provisions of Western Australian Planning Commission's Statement of Planning Policy 4.2 (SPP4.2), District Centres are not to exceed 15,000 square metres NLA Retail or an amount consistent with a Local Commercial Strategy adopted by the Western Australian Planning Commission (WAPC). The LCS and draft LCS recommend a floor space limit of 20,000 square metres NLA Retail for the Kardinya District Centre.

POLICY IMPLICATIONS

City of Melville Policy 06-PL-24 'Car Parking (Non-Residential)' requires the provision of 7 bays per 100 square metres NLA for District Centres. The proposed additions would result in a total of 17,872.5 square metres NLA therefore the required car parking provision is 1,251 car bays. The application includes a total car parking provision of 965 car bays (a shortfall of 286 bays).

City of Melville Policy 06-PL-017 'Bicycle Planning and End of Trip Facilities in Non Residential Areas' (Bicycle Policy) allows for a reduction in car parking bays at the rate of 1 bay per 6 bicycle parking facilities. The application includes 18 bicycle parking bays therefore a reduction of 3 car bays is permitted. The resultant parking requirement is reduced to 1,248 bays (283 bay shortfall).

City of Melville Policy 25-002 'Arts and Culture' requires the allocation of funds for public art for projects of a reasonable size. The target of 1% of the project cost is to be used as a guide. The proposed Kardinya Park redevelopment is a significant development project therefore funds should be allocated for public art.

**P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE
ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

Council may at its discretion resolve to either refuse or further defer determination of this application in order to provide the adjoining landowners of Kardinya Square Shopping Centre the opportunity to liaise with the applicant to prepare a comprehensive redevelopment plan for the District Centre. It is noted that the applicant has expressed a concern over further delays in the determination of this application. A refusal or further deferral could possibly result in lodgement of an appeal to the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* and effectively limit Council's ability to determine appropriate conditions for an approval which addresses amenity considerations and provide for future redevelopment options should the adjoining owners wish to pursue this option.

CONCLUSION

The proposed development complies with CPS5 and Policy requirements other than car parking and landscaping provision. The car parking rate being considered in the Scheme review suggests that the proposed carparking provision is sufficient to cater for the proposed development. It is considered that the shortfall in landscaping is acceptable subject to the provision of quality landscaping focused along the frontages, the car park deck and car parking areas. The traffic report indicates the acceptable operation of all access points subject to the upgrade of Brophy Street and the modification of the signals and the Gilbertson Road/South Street intersection. Numerous conditions of planning approval are recommended to ensure a minimum of car parking bays, quality landscaping, acceptable traffic movement, the preparation and implementation of a detailed stormwater/drainage management plan and service management plan.

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

Officer Recommendation

At 6.52pm Cr D J Macphail moved, seconded Cr A Ceniviva -

That Council approve the application for additions and alterations to Kardinya Park Shopping Centre, Lot 17 (1-15) South Street, Kardinya subject to the following conditions:

Special Conditions:

- 1. The area of the Kardinya Park Shopping Centre inclusive of these additions shall be not more than 17,872 square metres gross NLA and not more than 16,750 square metres NLA retail. NLA retail means only those types of floor space included in appendix 4 of the Western Australian Planning Commission's Statement of Planning Policy 4.2.**
- 2. Brophy Street shall be upgraded to provide an entry to Kardinya Park Shopping Centre and a primary entry/exit to the shopping centre car park at the applicant/owners full cost to the satisfaction of the Manager Infrastructure Services. In this regard, detailed design plans shall be submitted to and approved by the Manager Infrastructure Services prior to the issue of a Building Licence and the approved plans shall be fully implemented prior to the occupation of the development the subject of this approval.**
- 3. The upgrade of Brophy Street shall include the construction of a 2 metre high masonry wall along the full length of the northern side of the road reserve and the southern side of the road reserve adjacent to lot 30 (1) Brophy Street, Kardinya. The wall may be a lesser height of 1.8 metres subject to the approval of the adjoining residential landowners. The wall shall be treated with a non-sacrificial anti-graffiti agent. The finish of the wall is to be to the satisfaction of the Manager Planning and Development.**
- 4. Prior to the issue of a Building Licence, the applicant to undertake a 'sidra' analysis of the proposed district centre to the satisfaction of Main Roads WA and the City of Melville subject to the 'sidra' analysis confirming the need for signal modifications the applicant is to modify the traffic signals at the intersection of Gilbertson Road and South Street to provide a dedicated right turn stage for Gilbertson Road North and Gilbertson Road South prior to the occupation of the development the subject of this approval.**
- 5. The vehicle ramp and parking area hereby approved is that illustrated on approved plan no.2, not plan no.1.**
- 6. The width of the shopping centre entry/exit marked in red on approved plans no.1 and no.2 shall be increased to a minimum of 3m to provide improved access to the shopping centre from the main pedestrian link through the car park. this increased width shall be achieved by a reduction to the floor space of the adjacent speciality shops.**

**P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE
ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)**

7. A detailed landscaping and reticulation plan shall be submitted and approved for the subject site and the South Street Reserve adjacent to the site. the approved landscaping and reticulation plan shall be fully implemented prior to first commencement of operation or occupation of the development and maintained thereafter to the satisfaction of the manager Planning and Development Services.
8. The landscaping and reticulation plan shall include mature trees within the South Street verge adjacent to the car park deck and details relative to upgrading the verges of Brophy Street and Dalston Crescent. The details, species selection and container size shall be to the satisfaction of the Manager Infrastructure Services. The landscaping reticulation plan shall also include detail on creeper/climber type plants and/or hanging potted plants along the full length of the east facing car park deck with the purpose of improving the amenity of the car park deck as viewed from the adjoining lot to the East.
9. One (1) tree per four (4) car bays shall be provided within the existing and proposed car parking areas, other than above the undercroft car park and in areas that have no access to sunlight. Shade sails shall be provided on the car park deck as shown on approved plan no.2. The car park trees and shade sails shall be included in the landscaping and reticulation plan.
10. Bicycle parking facilities shall be provided in the locations shown on the approved plans, at the existing entries to the shopping centre and adjacent to the travelator to the satisfaction of the Manager Infrastructure Services. Design and setout details shall be submitted to and approved by the Manager Infrastructure Services prior to the issue of a building licence.
11. Not less than 965 car parking bays being provided.
12. All car bays adjacent to columns shall be a minimum 2.8m wide or otherwise comply with as 2890.1.
13. The two tandem car bays marked in red on the approved plans shall be for staff parking only, designated with a sign and permanently maintained for staff parking only.
14. Disabled car parking bays shall be provided, clearly designated as such, located conveniently to the principle building entrances and with dimensions in accordance with Australian Standards. Bicycle parking facilities shall not obstruct access to disabled parking bays.
15. Protective rails or a buffer strip shall be provided to car bays adjoining boundary fences and the edges of the car park deck.
16. The median island adjacent to the eastern entrance/exit off South Street shall be reduced in length to maintain access to the vehicular access way and parking area to the south of Kardinya Tavern.

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

17. All stormwater and drainage run off shall be contained on site. an onsite stormwater drainage system with capacity to contain a 1 in 100 year storm of a 24 hour duration, and the below ground drainage system catering for a 1 in 10 year critical storm event shall be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Infrastructure Services. A detailed stormwater drainage plan shall be submitted to and approved by the Manager Infrastructure Services prior to the issue of a Building Licence.
18. A detailed service management plan shall be submitted to and approved by the Manager Infrastructure Services prior to the issue of a Building Licence. The servicing management plan shall include details of proposed truck movements, loading areas, rubbish storage and pick up. Rubbish storage areas shall be screened from public view to the satisfaction of the Manager Planning and Development Services and shall not be located within the parking or landscaping area.
19. The ten car bays to the south of the Coles Supermarket are hereby deleted and the area designated as a service area for rubbish storage/pick up and/or other Shopping Centre Services as detailed in the service management plan to be prepared.
20. A construction parking management plan shall be submitted to and approved by the Manager Planning and Development Services prior to the issue of a Building Licence.
21. All pedestrian paths and crossings shall be illuminated to the levels recommended in the Australian Standard 1158 light for roads and public spaces.
22. The footpath along South Street immediately adjacent the main central crossover to be the subject of a safety audit and modification as required to the satisfaction of Manager Infrastructure Services.
23. A proportion of the overall construction cost to a minimum of 1% of the construction cost shall be allocated towards public art on the site. The public art shall be approved by the City of Melville and completed prior to the occupation of the development the subject of this approval.

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

24. CCTV shall be installed and continuously operated and monitored within the undercroft parking area to the satisfaction of the Manager Planning and Development Services.
25. This approval is valid for a period of two years from the date of the approval.
26. Lighting on the subject property is to be designed and maintained in accordance with Australian Standard as 4282, (1997) control of obtrusive effects of outdoor lighting. A lighting plan demonstrating compliance with this requirement shall be submitted prior to the issue of a Building Licence.
27. All new security alarm devices to be 'silent monitored' systems to address potential impacts on surrounding residential amenity to the satisfaction of the Manager Planning and Development Services.

Standard Conditions:

COM01, COM03, COM04, COM06, COM08, COM11, COM13, COM14, COM15, COM16, COM26, COM28, COM32, COM38, COM47, RESGD1

Health Conditions:

1. The approved development shall comply with the assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*. This includes all plant and equipment, construction and delivery noise.
2. The approved development shall comply with the Health (*Public Building*) *Regulations 1992* which includes exits, exit signage, emergency lighting and access/egress.
3. Any new uses that involve handling, storing or preparation of food shall be subject to a separate application for a fit out licence to ensure compliance with the *Health (Food Hygiene) Regulations 1993*.

Footnotes:

1. The applicant is advised of Council's desire to see the development of a Main Street with Commercial activities at ground level when and if the owners of the adjacent lot to the east redevelop.
2. Council note that the reduced parking requirement is valued at approximately \$8 million dollars.

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

Amendment 1

At 6.52pm Cr J R Bennet moved, seconded Cr L M Reynolds -

That condition 18 be amended to read as follows:

- 18. A detailed service management plan shall be submitted to and approved by the Manager Infrastructure Services prior to the issue of a Building Licence. The servicing management plan shall include details of proposed truck movements, which maintain present controlled access and egress from North Lake Road, loading areas, rubbish storage and pick up. Rubbish storage areas shall be screened from public view to the satisfaction of the Manager Planning and Development Services and shall not be located within the parking or landscaping area.**

At 6.53pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

COUNCIL RESOLUTION (3006)

APPROVAL

At 6.55pm the Mayor submitted the substantive motion being -

THAT COUNCIL APPROVE THE APPLICATION FOR ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE, LOT 17 (1-15) SOUTH STREET, KARDINYA SUBJECT TO THE FOLLOWING CONDITIONS:

SPECIAL CONDITIONS:

- 1. THE AREA OF THE KARDINYA PARK SHOPPING CENTRE INCLUSIVE OF THESE ADDITIONS SHALL BE NOT MORE THAN 17,872 SQUARE METRES GROSS NLA AND NOT MORE THAN 16,750 SQUARE METRES NLA RETAIL. NLA RETAIL MEANS ONLY THOSE TYPES OF FLOOR SPACE INCLUDED IN APPENDIX 4 OF THE WESTERN AUSTRALIAN PLANNING COMMISSION'S STATEMENT OF PLANNING POLICY 4.2.**
- 2. BROPHY STREET SHALL BE UPGRADED TO PROVIDE AN ENTRY TO KARDINYA PARK SHOPPING CENTRE AND A PRIMARY ENTRY/EXIT TO THE SHOPPING CENTRE CAR PARK AT THE APPLICANT/OWNERS FULL COST TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES. IN THIS REGARD, DETAILED DESIGN PLANS SHALL BE SUBMITTED TO AND APPROVED BY THE MANAGER INFRASTRUCTURE SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE AND THE APPROVED PLANS SHALL BE FULLY IMPLEMENTED PRIOR TO THE OCCUPATION OF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL.**

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

3. THE UPGRADE OF BROPHY STREET SHALL INCLUDE THE CONSTRUCTION OF A 2.0 METRE HIGH MASONRY WALL ALONG THE FULL LENGTH OF THE NORTHERN SIDE OF THE ROAD RESERVE AND THE SOUTHERN SIDE OF THE ROAD RESERVE ADJACENT TO LOT 30 (1) BROPHY STREET, KARDINYA. THE WALL MAY BE A LESSER HEIGHT OF 1.8 METRES SUBJECT TO THE APPROVAL OF THE ADJOINING RESIDENTIAL LANDOWNERS. THE WALL SHALL BE TREATED WITH A NON-SACRIFICIAL ANTI-GRAFFITI AGENT. THE FINISH OF THE WALL IS TO BE TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT
4. PRIOR TO THE ISSUE OF A BUILDING LICENCE, THE APPLICANT TO UNDERTAKE A 'SIDRA' ANALYSIS OF THE PROPOSED DISTRICT CENTRE TO THE SATISFACTION OF MAIN ROADS WA AND THE CITY OF MELVILLE SUBJECT TO THE 'SIDRA' ANALYSIS CONFIRMING THE NEED FOR SIGNAL MODIFICATIONS THE APPLICANT IS TO MODIFY THE TRAFFIC SIGNALS AT THE INTERSECTION OF GILBERTSON ROAD AND SOUTH STREET TO PROVIDE A DEDICATED RIGHT TURN STAGE FOR GILBERTSON ROAD NORTH AND GILBERTSON ROAD SOUTH PRIOR TO THE OCCUPATION OF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL.
5. THE VEHICLE RAMP AND PARKING AREA HEREBY APPROVED IS THAT ILLUSTRATED ON APPROVED PLAN NO.2, NOT PLAN NO.1.
6. THE WIDTH OF THE SHOPPING CENTRE ENTRY/EXIT MARKED IN RED ON APPROVED PLANS NO.1 AND NO.2 SHALL BE INCREASED TO A MINIMUM OF 3.0M TO PROVIDE IMPROVED ACCESS TO THE SHOPPING CENTRE FROM THE MAIN PEDESTRIAN LINK THROUGH THE CAR PARK. THIS INCREASED WIDTH SHALL BE ACHIEVED BY A REDUCTION TO THE FLOOR SPACE OF THE ADJACENT SPECIALITY SHOPS.
7. A DETAILED LANDSCAPING AND RETICULATION PLAN SHALL BE SUBMITTED AND APPROVED FOR THE SUBJECT SITE AND THE SOUTH STREET RESERVE ADJACENT TO THE SITE. THE APPROVED LANDSCAPING AND RETICULATION PLAN SHALL BE FULLY IMPLEMENTED PRIOR TO FIRST COMMENCEMENT OF OPERATION OR OCCUPATION OF THE DEVELOPMENT AND MAINTAINED THEREAFTER TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
8. THE LANDSCAPING AND RETICULATION PLAN SHALL INCLUDE MATURE TREES WITHIN THE SOUTH STREET VERGE ADJACENT TO THE CAR PARK DECK AND DETAILS RELATIVE TO UPGRADING THE VERGES OF BROPHY STREET AND DALSTON CRESCENT. THE DETAILS, SPECIES SELECTION AND CONTAINER SIZE SHALL BE TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES. THE LANDSCAPING RETICULATION PLAN SHALL ALSO INCLUDE DETAIL ON CREEPER/CLIMBER TYPE PLANTS AND/OR HANGING POTTED PLANTS ALONG THE FULL LENGTH OF THE EAST FACING CAR PARK DECK WITH THE PURPOSE OF IMPROVING THE AMENITY OF THE CAR PARK DECK AS VIEWED FROM THE ADJOINING LOT TO THE EAST.

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

9. ONE (1) TREE PER FOUR (4) CAR BAYS SHALL BE PROVIDED WITHIN THE EXISTING AND PROPOSED CAR PARKING AREAS, OTHER THAN ABOVE THE UNDERCROFT CAR PARK AND IN AREAS THAT HAVE NO ACCESS TO SUNLIGHT. SHADE SAILS SHALL BE PROVIDED ON THE CAR PARK DECK AS SHOWN ON APPROVED PLAN NO.2. THE CAR PARK TREES AND SHADE SAILS SHALL BE INCLUDED IN THE LANDSCAPING AND RETICULATION PLAN.
10. BICYCLE PARKING FACILITIES SHALL BE PROVIDED IN THE LOCATIONS SHOWN ON THE APPROVED PLANS, AT THE EXISTING ENTRIES TO THE SHOPPING CENTRE AND ADJACENT TO THE TRAVELATOR TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES. DESIGN AND SETOUT DETAILS SHALL BE SUBMITTED TO AND APPROVED BY THE MANAGER INFRASTRUCTURE SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.
11. NOT LESS THAN 965 CAR PARKING BAYS BEING PROVIDED.
12. ALL CAR BAYS ADJACENT TO COLUMNS SHALL BE A MINIMUM 2.8M WIDE OR OTHERWISE COMPLY WITH AS 2890.1.
13. THE TWO TANDEM CAR BAYS MARKED IN RED ON THE APPROVED PLANS SHALL BE FOR STAFF PARKING ONLY, DESIGNATED WITH A SIGN AND PERMANENTLY MAINTAINED FOR STAFF PARKING ONLY.
14. DISABLED CAR PARKING BAYS SHALL BE PROVIDED, CLEARLY DESIGNATED AS SUCH, LOCATED CONVENIENTLY TO THE PRINCIPLE BUILDING ENTRANCES AND WITH DIMENSIONS IN ACCORDANCE WITH AUSTRALIAN STANDARDS. BICYCLE PARKING FACILITIES SHALL NOT OBSTRUCT ACCESS TO DISABLED PARKING BAYS.
15. PROTECTIVE RAILS OR A BUFFER STRIP SHALL BE PROVIDED TO CAR BAYS ADJOINING BOUNDARY FENCES AND THE EDGES OF THE CAR PARK DECK.
16. THE MEDIAN ISLAND ADJACENT TO THE EASTERN ENTRANCE/EXIT OFF SOUTH STREET SHALL BE REDUCED IN LENGTH TO MAINTAIN ACCESS TO THE VEHICULAR ACCESS WAY AND PARKING AREA TO THE SOUTH OF KARDINYA TAVERN.

P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)

17. ALL STORMWATER AND DRAINAGE RUN OFF SHALL BE CONTAINED ON SITE. AN ONSITE STORMWATER DRAINAGE SYSTEM WITH CAPACITY TO CONTAIN A 1 IN 100 YEAR STORM OF A 24 HOUR DURATION, AND THE BELOW GROUND DRAINAGE SYSTEM CATERING FOR A 1 IN 10 YEAR CRITICAL STORM EVENT SHALL BE PROVIDED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES. A DETAILED STORMWATER DRAINAGE PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE MANAGER INFRASTRUCTURE SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.
18. A DETAILED SERVICE MANAGEMENT PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE MANAGER INFRASTRUCTURE SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE. THE SERVICING MANAGEMENT PLAN SHALL INCLUDE DETAILS OF PROPOSED TRUCK MOVEMENTS, WHICH MAINTAIN PRESENT CONTROLLED ACCESS AND EGRESS FROM NORTH LAKE ROAD, LOADING AREAS, RUBBISH STORAGE AND PICK UP. RUBBISH STORAGE AREAS SHALL BE SCREENED FROM PUBLIC VIEW TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES AND SHALL NOT BE LOCATED WITHIN THE PARKING OR LANDSCAPING AREA.
19. THE TEN CAR BAYS TO THE SOUTH OF THE COLES SUPERMARKET ARE HEREBY DELETED AND THE AREA DESIGNATED AS A SERVICE AREA FOR RUBBISH STORAGE/PICK UP AND/OR OTHER SHOPPING CENTRE SERVICES AS DETAILED IN THE SERVICE MANAGEMENT PLAN TO BE PREPARED.
20. A CONSTRUCTION PARKING MANAGEMENT PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.
21. ALL PEDESTRIAN PATHS AND CROSSINGS SHALL BE ILLUMINATED TO THE LEVELS RECOMMENDED IN THE AUSTRALIAN STANDARD 1158 LIGHT FOR ROADS AND PUBLIC SPACES.
22. THE FOOTPATH ALONG SOUTH STREET IMMEDIATELY ADJACENT THE MAIN CENTRAL CROSSOVER TO BE THE SUBJECT OF A SAFETY AUDIT AND MODIFICATION AS REQUIRED TO THE SATISFACTION OF MANAGER INFRASTRUCTURE SERVICES.
23. A PROPORTION OF THE OVERALL CONSTRUCTION COST TO A MINIMUM OF 1% OF THE CONSTRUCTION COST SHALL BE ALLOCATED TOWARDS PUBLIC ART ON THE SITE. THE PUBLIC ART SHALL BE APPROVED BY THE CITY OF MELVILLE AND COMPLETED PRIOR TO THE OCCUPATION OF THE DEVELOPMENT THE SUBJECT OF THIS APPROVAL.

**P07/3006 – ADDITIONS AND ALTERATIONS TO KARDINYA PARK SHOPPING CENTRE
ON LOT 15 (1-15) SOUTH STREET, KARDINYA (REC) (ATTACHMENT)**

24. CCTV SHALL BE INSTALLED AND CONTINUOUSLY OPERATED AND MONITORED WITHIN THE UNDERCROFT PARKING AREA TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
25. THIS APPROVAL IS VALID FOR A PERIOD OF TWO YEARS FROM THE DATE OF THE APPROVAL.
26. LIGHTING ON THE SUBJECT PROPERTY IS TO BE DESIGNED AND MAINTAINED IN ACCORDANCE WITH AUSTRALIAN STANDARD AS 4282, (1997) CONTROL OF OBTRUSIVE EFFECTS OF OUTDOOR LIGHTING. A LIGHTING PLAN DEMONSTRATING COMPLIANCE WITH THIS REQUIREMENT SHALL BE SUBMITTED PRIOR TO THE ISSUE OF A BUILDING LICENCE.
27. ALL NEW SECURITY ALARM DEVICES TO BE 'SILENT MONITORED' SYSTEMS TO ADDRESS POTENTIAL IMPACTS ON SURROUNDING RESIDENTIAL AMENITY TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

STANDARD CONDITIONS:

COM01, COM03, COM04, COM06, COM08, COM11, COM13, COM14, COM15, COM16, COM26, COM28, COM32, COM38, COM47, RESGD1

HEALTH CONDITIONS:

1. THE APPROVED DEVELOPMENT SHALL COMPLY WITH THE ASSIGNED NOISE LEVELS UNDER THE *ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997*. THIS INCLUDES ALL PLANT AND EQUIPMENT, CONSTRUCTION AND DELIVERY NOISE.
2. THE APPROVED DEVELOPMENT SHALL COMPLY WITH THE HEALTH (*PUBLIC BUILDING*) *REGULATIONS 1992* WHICH INCLUDES EXITS, EXIT SIGNAGE, EMERGENCY LIGHTING AND ACCESS/EGRESS.
3. ANY NEW USES THAT INVOLVE HANDLING, STORING OR PREPARATION OF FOOD SHALL BE SUBJECT TO A SEPARATE APPLICATION FOR A FIT OUT LICENCE TO ENSURE COMPLIANCE WITH THE *HEALTH (FOOD HYGIENE) REGULATIONS 1993*.

FOOTNOTES:

1. THE APPLICANT IS ADVISED OF COUNCIL'S DESIRE TO SEE THE DEVELOPMENT OF A MAIN STREET WITH COMMERCIAL ACTIVITIES AT GROUND LEVEL WHEN AND IF THE OWNERS OF THE ADJACENT LOT TO THE EAST REDEVELOP.
2. COUNCIL NOTE THAT THE REDUCED PARKING REQUIREMENT IS VALUED AT APPROXIMATELY \$8 MILLION DOLLARS.

which was declared **CARRIED WITHOUT DISSENT (12/0)**

P07/3005 – PROPOSED MEZZANINE FLOOR EXTENSION TO LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT (SMREC) (ATTACHMENT)

Ward	:	Applecross / Mount Pleasant
Category	:	Planning / Building Development
Application Number	:	DA-2006-1589
Property	:	1/85 The Promenade, Mount Pleasant WA 6153
Proposal	:	Mezzanine Floor Extension
Applicant	:	Mr J R Massey
Owner	:	Mr J R Massey and Mrs M E Massey
Disclosure of any Interest	:	No officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Keith Weymes, Manager Planning & Development Services
Previous Items	:	Nil

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- The application is for a 41sqm extension to the existing mezzanine floor on Lot 1 (1/85) The Promenade, Mount Pleasant. The proposal involves a significant variation to the permitted plot ratio under Community Planning Scheme No. 5 but only a minor variation to the plot ratio already approved.
- The application is recommended for approval. **Requires a Special Majority Decision.**

P07/3005 – PROPOSED MEZZANINE FLOOR EXTENSION TO LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT (SMREC) (ATTACHMENT)

BACKGROUND

The subject site has the following development history:

- An application for Planning Approval was refused by the City of Melville on 22 November 2000 for a five unit office development. The application was refused on the grounds of non-compliance with the required plot ratio, access being from The Promenade, and insufficient landscaping.
- An application for a five unit office development was re-submitted in 2001 and subsequently granted Planning Approval on 2 July 2001 subject to a number of conditions. The approval was granted with a plot ratio variation of 0.48 in lieu of 0.3, on the basis that Amendment No. 1 to Community Planning Scheme No. 5, which proposed to increase the plot ratio for Community Centre Precincts to 0.5, was being considered by the Council. A number of the conditions were appealed to the Minister for Planning, after which condition J, which related to the deletion of the crossover from The Promenade and instead being located on Queens Road, was removed. The application was approved with seventeen (17) on-site carparking bays.
- A revised application was then received in 2002, which proposed a six unit office, retail and café development. The proposed uses required twenty eight (28) carparking bays, however the application only proposed twenty six (26) carparking bays. The application was granted Planning Approval on 25 September 2002, however an amendment that proposed to relocate the café to the corner unit was refused by the City of Melville on 24 December 2002. The applicant appealed the refusal to Council, and the appeal was upheld on 15 April 2003. On 13 August 2004, Planning Approval was granted for the swapping of the use of Unit Two and Unit Four, which did not alter the carparking requirements.
- An application for Planning Approval for an alfresco addition to the café component of the development was approved by the City of Melville on 25 May 2004. The number of carparking bays provided remained at twenty six (26) bays, and a condition of the Planning Approval prevented the café from having an additional seats as this would require additional carparking.
- The Built Strata Plan was endorsed by the City of Melville on 8 June 2006.
- An application for change of use from “café/restaurant” to “office” (DA-2006-1231) was approved by the City of Melville on 6 September 2006. As a result of the change of use, a surplus of 5 carparking bays exist on the site.

P07/3005 – PROPOSED MEZZANINE FLOOR EXTENSION TO LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT (SMREC) ATTACHMENT

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Community Centre Precinct (CCR)
 R-Code : R40
 Use Type : Office
 Use Class : P

Site Details

Lot Area : 1036sqm
 Retention of Existing Vegetation : No
 Street Tree(s) : No
 Street Furniture (drainage pits etc) : Yes
 Site Details : [U07_0034_PROPERTY_MAP.pdf](#)

[U07_0034 February 2007.pdf](#) A copy of the plans forms part of the Attachments to the Agenda, which were distributed to Members of the Council on Friday 9 February 2007

DETAIL

The subject development proposes to increase the floor area of the subject tenancy by adding to the existing mezzanine floor by an additional 41 square metres. The tenancy is occupied by a building surveying consultancy, and the proposed mezzanine extension is proposed for plan storage and plan layout, rather than for additional staff members. The mezzanine floor extension generally complies with the provisions of planning policy, however will result in an addition to the significant variation to the permitted plot ratio for the overall development.

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Plot Ratio	0.3 (311 sqm) Approved 0.49 (505sqm)	0.53 (546 sqm)	Does Not Comply	DTDS	
Tenancy Carparking	5 carparking bay	5 carparking bays	Complies		
Site Carparking	22 carparking bays	26 carparking bays	Complies		

(Note: Non-compliance is emphasised in bold)

P07/3005 – PROPOSED MEZZANINE FLOOR EXTENSION TO LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT (SMREC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Not required.

REFERRALS TO GOVERNMENT AGENCIES

Not required.

STATUTORY AND LEGAL IMPLICATIONS

Should the City of Melville refuse the application for Planning Approval, or impose a condition in the event of approval of the application, 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

None.

POLICY IMPLICATIONS

Community Planning Scheme No. 5

Community Planning Scheme No. 5 stipulates a maximum plot ratio of 0.3 for properties within Community Centre Precincts. Amendment No. 1 to the Scheme proposed to increase the permitted plot ratio in Community Centre Precincts to 0.5, however this Amendment is currently inactive pending the review of the Scheme.

Variations to the permitted plot ratio require determination by a Special Majority of the Council.

Development and Building Controls Policy 06-PL-024 (Carparking – Non-Residential)

The City of Melville non-residential carparking policy requires 1 carparking bay to be provided for every 30 square metres of net lettable area for professional and/or commercial office uses.

P07/3005 – PROPOSED MEZZANINE FLOOR EXTENSION TO LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT (SMREC) (ATTACHMENT)*Plot Ratio*

Community Centre Precincts have a maximum plot ratio of 0.3 under Community Planning Scheme No. 5. Prior to this application being made, the subject development had a plot ratio of 0.48, which was granted by Council under DA-360/2002/DAC on the basis that Amendment No. 1 to Community Planning Scheme No. 5 was being considered at that point in time. Amendment No. 1 is currently inactive, and at this point in time, it is unlikely that the plot ratio for Community Centre Precincts will be reviewed until the implementation of a new town planning scheme, which is in its early stages of preparation.

The intention of plot ratio is to control the bulk, scale and intensity of non-residential land uses so that they contribute to the desired character of the precinct. Community Planning Scheme No. 5 indicates that small-scale offices may be permitted within Community Centre Precincts provided that they do not disturb the precinct.

This proposal is to increase the overall approved plot ratio floor space from 505sqm to 546sqm. In considering the impact of the increase in plot ratio, it is noted that the mezzanine extension is internal only and does not modify the external appearance of the building in any way. This means that the existing character of the precinct is unlikely to be unduly impacted because the increased scale and intensity of the development will not be perceived from outside of the building.

The implication of the development proposal is regulating the use of the additional floor space, which may have the ability to bring additional staff members and subsequently additional people to the tenancy and the precinct. Bearing this in mind, the previous use of the tenancy as a restaurant / café had a higher patronage and higher car parking requirement, and hence it is expected that the office use will have a less significant impact upon the amenity and character of the local area.

The applicant has indicated that in the circumstances of their business, the mezzanine extension is for plan storage and plan layout only and will not be used for additional staff members.

From an amenity perspective, the plot ratio bonus is not likely to unduly impact upon the amenity, character and intention of the precinct given that there are no changes proposed to the external appearance of the building. In order to ensure that no changes occur, a condition relating to this is recommended in the event of planning approval being granted. It is considered that this proposal is minor and will have no impact on the scale or bulk of the development.

P07/3005 – PROPOSED MEZZANINE FLOOR EXTENSION TO LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT (SMREC) ATTACHMENTCar parking

Despite exceeding the permitted plot ratio, the development complies with the Development and Building Controls Policy 06-PL-024 (Car parking – Non-Residential). The policy requires 1 car parking bay to be provided for every 30 square metres of net lettable area for professional and/or commercial office uses. In this instance, 5 car parking bays are required for the office, which contributes to overall on-site car parking of 22 bays for all of the uses within the development. There are presently 26 bays provided on-site, which means that there is a surplus of 4 bays.

Community Benefit

The plot ratio bonus requested over the previous approval is minor and has to some extent been offset by a surplus of on site car parking. Additionally the road verge has been upgraded and large street tree planted. No additional works are recommended.

CONCLUSION

From the perspective of the impact on amenity, the plot ratio variation is considered to be reasonable in the context of the overall development and is unlikely to have any significant impact on the scale and intensity of development within the precinct. The application is recommended for approval, subject to referral to Council for determination.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Refuse for non-compliance with Community Planning Scheme Number 5, in which case the applicant will have the right to have the decision reviewed in accordance with Part 14 of the Planning and Development Act 2005.

COUNCIL RESOLUTION (3005)**SPECIAL MAJORITY APPROVAL**

At 6.55pm the Mayor submitted the motion which was declared -

THAT THE APPLICATION FOR A MEZZANINE FLOOR EXTENSION INCLUDING A PLOT RATIO OF 0.53 ON LOT 1 (1/85) THE PROMENADE, MOUNT PLEASANT, BE APPROVED BY A SPECIAL MAJORITY DECISION SUBJECT TO THE FOLLOWING CONDITIONS:

SPECIAL CONDITIONS:

- 1. MODIFICATION TO THE EXTERNAL FACE OF THE BUILDING IS NOT PERMITTED.**

STANDARD CONDITIONS:

COM08; 31; 46; 48

CARRIED EN BLOC

P07/3003 – RENAMING OF OPEN SPACE AS RED GUM PARK, ELLIS ROAD, KARDINYA (REC) (ATTACHMENT)

Ward	:	University
Category	:	Planning / Building Development
Application Number	:	Not applicable
Property	:	Gilbertson Road, Kardinya
Proposal	:	Naming of Open Space as Red Gum Park
Applicant	:	Kardinya Residents Association
Owner	:	City of Melville
Disclosure of any Interest	:	No officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Keith Weymes, Manager Planning & Development Services
Previous Items	:	Nil

AUTHORITY / DISCRETION

	<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 & 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>

**P07/3003 – RENAMING OF OPEN SPACE AS RED GUM PARK, ELLIS ROAD,
KARDINYA (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City of Melville has received a request from the Kardinya Residents Association to name the area of open space at the southern end of Gilbertson Road as 'Red Gum Park'.
- The subject area is located south of Ellis Road within the Gilbertson Road reserve and has been referred to informally as 'Ellis Road Reserve'.
- 'Red Gum Park' is proposed to be adopted as the official name. The proposed name is considered to be suitable and is recommended for adoption by Council.

BACKGROUND**Scheme Provisions**

Not applicable

Site Details

[P07_3003 Property Map.pdf](#)

DETAIL

The subject area of open space is at the southern end of Gilbertson Road, south of Ellis Road. The name 'Ellis Road Reserve' has been informally applied to the site, the origin of the name being Ellis Road to the north. 'Red Gum Park' is proposed to be adopted as the official name.

The subject site is located within the Gilbertson Road reserve. Landgate has advised that an official name can be given to open space that is within a road reserve rather than in a reserve in its own right.

Development Requirements

Not applicable

Setbacks

Not applicable

P07/3003 – RENAMING OF OPEN SPACE AS RED GUM PARK, ELLIS ROAD, KARDINYA (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
Neighbour's Comment Supplied: Yes
Support/Object: Support

Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Support/Dismiss)
Submission 1	Name change is supported.	Support from nearby resident	Noted	Support

The submission of 'Red Gum Park' by the Kardinya Residents Association is a further indication of community support for the proposal. The proposal was advertised in the Melville Times, a sign was erected on site and surrounding residents were notified in writing. The advertising period was 21 days concluding on 20 February 2007. One (1) submission was received during the consultation period as detailed above.

REFERRALS TO GOVERNMENT AGENCIES

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Nil

P07/3003 – RENAMING OF OPEN SPACE AS RED GUM PARK, ELLIS ROAD, KARDINYA (REC) (ATTACHMENT)

POLICY IMPLICATIONS

The City of Melville's Nomenclature Policy provides guidelines for naming roads, reserves, parks etc. under the Council's jurisdiction. The proposed name 'Red Gum Park' is in accordance with the Policy as it is a descriptive name which reflects the numerous Red Gum trees which characterise the site. The submission from the Kardinya Residents Association states that the site contains more than 100 specimens of marri, more commonly known as the Red Gum. This is the dominant species within the site with some of the trees being more than 100 years old. The submission explains that the red gums are an important part of the local biodiversity and support a variety of birds and insects. The name 'Red Gum Park' recognises these natural heritage features.

The Nomenclature Policy requires a rationale for renaming. The rationale submitted by the Kardinya Residents Association is that there is another park within 4km which has a similar name to 'Ellis Road Reserve' (ie Bill Ellis Park) whereas 'Red Gum Park' is distinctly different and would clearly differentiate the two.

The Nomenclature Policy requires evidence of community support which is to be determined by one or more of the methods listed in the Policy. Notwithstanding that the proposal was initiated by a local community association it was considered that further community consultation should be undertaken to gather further evidence of community support for the proposal in accordance with the Nomenclature Policy. Consultation was undertaken for a period of 21 days, as detailed below.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

There are no other names proposed.

The alternative is for the open space to remain as it is commonly referred to as Ellis Road Park/Reserve.

P07/3003 – RENAMING OF OPEN SPACE AS RED GUM PARK, ELLIS ROAD, KARDINYA (REC) (ATTACHMENT)**CONCLUSION**

The proposal to adopt the name 'Red Gum Park' for the subject area of open space is in accordance with City of Melville Policy as it is a descriptive name which reflects the large number of dominant red gum trees within the site. Evidence of community support was determined by means of advertising for a period of 21 days with no objections to the proposal received. It is recommended that the name 'Red Gum Park' be adopted by Council and that all relevant details be forward to Geographic Names Committee and Landgate for final adoption.

COUNCIL RESOLUTION (3003)**ADOPTION**

At 6.55pm the Mayor submitted the motion, which was declared -

- 1. THAT THE THE REQUEST TO NAME THE AREA OF OPEN SPACE BOUND BY GILBERTSON ROAD, ELLIS ROAD AND LOT 60 FARRINGTON ROAD, KARDINYA AS 'RED GUM PARK' BE APPROVED.**
- 2. THAT DETAILS OF THE PROPOSED NAMING BE FORWARDED TO THE GEOGRAPHIC NAMES COMMITTEE AT LANDGATE FOR FINAL ADOPTION; AND**
- 3. THAT THE KARDINYA RESIDENTS ASSOCIATION AND THE NEARBY RESIDENT WHO MADE A SUBMISSION ON THE PROPOSAL BE ADVISED IN WRITING OF COUNCIL'S DECISION.**
- 4. THAT UPON GEOGRAPHIC NAMES APPROVAL OF THE PROPOSAL, INFRASTRUCTURE SERVICES IS TO BE ADVISED OF THE REQUIREMENT TO ERECT APPROPRIATE SIGNAGE.**

CARRIED EN BLOC

P07/3004 - THREE STOREY SINGLE HOUSE ON LOT 31 (56) DUNCRAIG ROAD, APPECROSS (REC) (ATTACHMENT)

Ward	:	Applecross / Mount Pleasant
Category	:	Planning / Building Development
Application Number	:	DA-2006-1715
Property	:	56 Duncraig Road, Applecross WA 6153
Proposal	:	Three Storey Single House
Applicant	:	Design & Construct
Owner	:	Leseur Investments Pty Ltd
Disclosure of any Interest	:	No officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	:	Keith Weymes, Manager Planning & Development Services
Previous Items	:	Three Grouped Dwellings approved. Three Storey Single House refused. One Additional Grouped Dwelling refused. Three Storey Single House refused. Subdivision approved by the WAPC.

AUTHORITY / DISCRETION

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

**P07/3004 - THREE STOREY SINGLE HOUSE ON LOT 31 (56) DUNCRAIG ROAD,
APPLECROSS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The proposal is for a three storey single house, which requires performance criteria assessment relative to the north eastern side setback to the second and third storeys and potential for overlooking into the adjoining properties from rear balconies and second and third storeys north eastern windows.
- The application is recommended for approval subject to conditions.

BACKGROUND

DA 2004 – 913, Council approved Three Grouped Dwellings.

DA 2005 – 51, Council refused a Three Storey Single House on 15 February 2005 but proposal was upheld by SAT on 30 May 2005.

DA 2005 – 52. Council refused One Additional Grouped Dwelling on 15 February 2005 but proposal was upheld by SAT on 30 May 2005.

DA 2005 – 347. Council refused Three Storey Single House but proposal was upheld by SAT on 2 June 2005.

Subdivision 124491 approved by the Western Australian Planning Commission on 22 January 2007

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area
R-Code	: R12.5
Use Type	: Residential
Use Class	: P

Site Details

Lot Area	: 659sqm
Retention of Existing Vegetation	: Vacant
Street Tree(s)	: Yes
Street Furniture (drainage pits etc)	: Nil
Site Details	: P07_3004_PROPERTY_MAP.pdf

[P07_3004_March_2007.pdf](#)

P07/3004 - THREE STOREY SINGLE HOUSE ON LOT 31 (56) DUNCRAIG ROAD, APPLECROSS (REC) (ATTACHMENT)

DETAIL

The proposal is for a three storey single house with reduced setbacks to the second and third floor side setback to the north eastern boundary and potential for overlooking into the adjoining properties to the north east and south west.

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	55 %	63.9 %	Complies		
Building Height	8.0 metres 10.5 metres	7.5 metres 9.8 metres	Complies		
Carparking	2 bays	2 bays	Complies		

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front G 2 nd F 3 rd F	3.75 metres 3.75 metres 3.75 metres	7.5 metres 6.5 metres 6.5 metres	Complies		
Rear G 2 nd F 3 rd F	6.0 metres 6.0 metres 6.0 metres	16.0 metres 16.0 metres 16.0 metres	Complies		
NE Side G 2 nd F 3 rd F	1.0/1.5 metres 2.0 metres 2.0/3.3 metres	2.2/3.0 metres 1.91 metres 1.91/3.0 metres	Complies Does not comply Does not comply	DTDS DTDS	
SW Side G 2 nd F 3 rd F	1.0/1.5 metres 1.1/1.5 metres 1.3/1.5 metres	1.2/1.7 metres 1.7/2.1 metres 1.7/2.1 metres	Complies		

(Note: Non-compliances are emphasised in bold. Refer to comments)

PUBLIC CONSULTATION/COMMUNICATION

Not applicable

REFERRALS TO GOVERNMENT AGENCIES

Required: Yes
Reason: Heritage
Support

P07/3004 - THREE STOREY SINGLE HOUSE ON LOT 31 (56) DUNCRAIG ROAD, APPLECROSS (REC) (ATTACHMENT)

Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Support/ Dismiss)
Heritage Council of WA	<p>Support for proposal subject to :</p> <ol style="list-style-type: none"> 1. The north-east elevation to be revised to show a more simplistic articulation as this elevation is not to dominate or detract from Duncraig House. Proposed segments window is considered inappropriate. 2. The new development shall match the eaves of Duncraig House. 3. Landscaping plan required to reflect the context of Duncraig House, with no solid fencing between the two buildings or the frontage of the site. 4. A schedule of materials and colours that reflects Duncraig House shall be prepared. 5. Details with regard to the above to be submitted to the Heritage Council for approval prior to application for a Building Licence. 	Support	Heritage Council of WA comments and the plans have also been referred to a private heritage consultant for comment and verification. These comments are not expected to be received prior to distribution of this agenda, but will be distributed as an attachment prior to the Council meeting.	Support by inclusion of appropriate conditions – subject to possible variation on receipt of advice from the heritage consultant.

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.

**P07/3004 - THREE STOREY SINGLE HOUSE ON LOT 31 (56) DUNCRAIG ROAD,
APPLECROSS (REC) (ATTACHMENT)****FINANCIAL IMPLICATIONS**

Not applicable

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

An alternate option is to refuse the application. However, Council has refused two previous applications for a three storey building and the applications were upheld by SAT. The Council had to pay legal fees.

CONCLUSION

The applicant is seeking approval for a 3 storey single house on a new green title lot, just approved by the Western Australian Planning Commission on 22 January 2007, which was part of the Duncraig House site at 56 Duncraig Road, Applecross.

The proposal in general complies with the requirements of the City of Melville's Community Planning Scheme No. 5 and the Residential Design Codes with the exception of:

- North eastern side setback of 1.91 metres in lieu of 2.0 metres to the second storey and 1.91/3.0 metres in lieu of 3.3 metres to the third storey.

Potential for overlooking into the adjoining properties.

Side Setbacks

In relation to the north eastern side setback, the reduced setback is supported as the proposal suitably addresses Clause 3.3.1 Buildings Set Back from the Boundary, P1 Performance Criteria of the Residential Design Codes. In this regard, the applicant also currently owns Duncraig House and the setback reductions are minor and provide for adequate light and ventilation on both properties.

**P07/3004 - THREE STOREY SINGLE HOUSE ON LOT 31 (56) DUNCRAIG ROAD,
APPLECROSS (REC) (ATTACHMENT)**

Privacy

In relation to the potential for overlooking into the adjoining properties, amended plans have been received showing windows on the second and third storey as obscure windows; screening of rear balconies to the side; and mature vegetation is proposed along the boundary on the side of the Duncraig House property and also along the south western boundary to avoid overlooking. This is considered acceptable under the performance criteria of the Codes, however a condition will be imposed to maintain the vegetation and for the building to comply at all times with Clause 3.8.1 Visual Privacy of the Residential Design Codes.

The existing Duncraig House has a significant street setback of approximately 19 metres. The proposal is 7.5 metres, which is the standard setback along the streetscape on both sides of Duncraig Road. The design of the proposal is of contemporary style, which is not in keeping with the adjoining character Duncraig House. The proposal is located on a newly approved lot by the Western Australian Planning Commission on 22 January 2007 which is separated from the Duncraig House lot with no requirements applicable to control the design of the new dwelling. Furthermore, the proposal is in keeping with the streetscape along Duncraig Road, which is a mixture of dwelling designs of single, two and three storeys with flat and pitched roofs. The proposed design is therefore considered acceptable as it integrates with the current streetscape.

In general the proposal complies with the requirements of the City of Melville's Community Planning Scheme No. 5 and Residential Design Codes, however as a similar proposal has been refused in the past by Council, this proposal was recommended for referral to the next available Council meeting for determination.

P07/3004 - THREE STOREY SINGLE HOUSE ON LOT 31 (56) DUNCRAIG ROAD, APPECROSS (REC) (ATTACHMENT)

Officer Recommendation

That the application for three storey single house on Lot 31 (56) Duncraig Road, Applecross be approved subject to;

Special Conditions:

1. The proposed mature plantings are to be provided prior to the occupancy of the approved building and maintained to the satisfaction of the Manager Planning and Development Services. The building is to comply at all times with clause 3.8.1 Visual Privacy of the Residential Design Codes and in the event of removal of any of those plantings in the future, either new mature planting or screening is to be provided to avoid overlooking from the rear balconies into the adjoining properties.
2. In order to comply with clause 3.8.1(a1) of the Residential Design Codes, the windows to the study on the second storey and the retreat's windows on the third storey are to be screened as shown in red on the approved plans. Screening is to consist of fixed obscure glazing to a minimum height of 1.6 metres above the finished floor level, a minimum sill height of 1.6 metres above the finished floor level, an obscure awning type window or any other alternative that complies with clause 3.8.1 (a1) of the Residential Design Codes.
3. The Duncraig Road Reserve and footpath to be modified and reinstated to the satisfaction of the Manager Infrastructure Services.
4. The north-east elevation shall be revised to show a more simple articulation. This elevation shall not dominate or visually detract from Duncraig House. In this context the segmented window element is considered inappropriate.
5. The new development shall match the eaves height of Duncraig House.
6. A landscape plan shall be prepared in the context of Duncraig House. No solid fencing is to be used for demarcating the boundaries between the new development and Duncraig House or on the Duncraig Road side of the site.
7. A schedule of external materials and colours that reflects Duncraig House shall be prepared.
8. Details showing the resolution of the above, including perspectives and contextural elevations regarding (4) and (5) above, shall be submitted to the Heritage Council for favourable consideration prior to the application for a Building Licence.

Standard Conditions:

RESGD: 1, 7

RESSD: 01, 06, 08, 09, 10, 11, 14, 15, 16, 19.

P07/3004 - THREE STOREY SINGLE HOUSE ON LOT 31 (56) DUNCRAIG ROAD, APPLECROSS (REC) (ATTACHMENT)

Note: The City of Melville commissioned an independent heritage assessment of the proposed development and Heritage Council comments. The report received concurs with the requirements of the Heritage Council and as such it is recommended that a number of conditions be modified.

COUNCIL RESOLUTION (3004)

APPROVAL

At 6.56pm Cr J Phillips moved, seconded Cr J R Bennett -

THAT THE APPLICATION FOR THREE STOREY SINGLE HOUSE ON LOT 31 (56) DUNCRAIG ROAD, APPLECROSS BE APPROVED SUBJECT TO;

SPECIAL CONDITIONS:

- 1. THE PROPOSED MATURE PLANTINGS ARE TO BE PROVIDED PRIOR TO THE OCCUPANCY OF THE APPROVED BUILDING AND MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. THE BUILDING IS TO COMPLY AT ALL TIMES WITH CLAUSE 3.8.1 VISUAL PRIVACY OF THE RESIDENTIAL DESIGN CODES AND IN THE EVENT OF REMOVAL OF ANY OF THOSE PLANTINGS IN THE FUTURE, EITHER NEW MATURE PLANTING OR SCREENING IS TO BE PROVIDED TO AVOID OVERLOOKING FROM THE REAR BALCONIES INTO THE ADJOINING PROPERTIES.**
- 2. IN ORDER TO COMPLY WITH CLAUSE 3.8.1(A1) OF THE RESIDENTIAL DESIGN CODES, THE WINDOWS TO THE STUDY ON THE SECOND STOREY AND THE RETREAT'S WINDOWS ON THE THIRD STOREY ARE TO BE SCREENED AS SHOWN IN RED ON THE APPROVED PLANS. SCREENING IS TO CONSIST OF FIXED OBSCURE GLAZING TO A MINIMUM HEIGHT OF 1.6 METRES ABOVE THE FINISHED FLOOR LEVEL, A MINIMUM SILL HEIGHT OF 1.6 METRES ABOVE THE FINISHED FLOOR LEVEL, AN OBSCURE AWNING TYPE WINDOW OR ANY OTHER ALTERNATIVE THAT COMPLIES WITH CLAUSE 3.8.1 (A1) OF THE RESIDENTIAL DESIGN CODES.**
- 3. THE DUNCRAIG ROAD RESERVE AND FOOTPATH TO BE MODIFIED AND REINSTATED TO THE SATISFACTION OF THE MANAGER INFRASTRUCTURE SERVICES.**
- 4. THE NORTH-EAST ELEVATION SHALL BE REVISED TO SHOW A MORE SIMPLE ARTICULATION. THIS ELEVATION SHALL NOT DOMINATE OR VISUALLY DETRACT FROM DUNCRAIG HOUSE. IN THIS CONTEXT THE SEGMENTED WINDOW ELEMENT IS CONSIDERED INAPPROPRIATE.**

**P07/3004 - THREE STOREY SINGLE HOUSE ON LOT 31 (56) DUNCRAIG ROAD,
APPLECROSS (REC) (ATTACHMENT)**

- 5. THE NEW DEVELOPMENT SHALL MATCH THE EAVES HEIGHT OF DUNCRAIG HOUSE.**
- 6. A LANDSCAPING PLAN SHALL BE PREPARED IN THE CONTEXT OF DUNCRAIG HOUSE TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. NO SOLID FENCING IS TO BE USED FOR DEMARCATING THE BOUNDARIES BETWEEN THE NEW DEVELOPMENT AND DUNCRAIG HOUSE OR THE DUNCRAIG ROAD SIDE OF THE SITE. IN ADDITION, MATURE PLANTING PROPOSED TO SATISFY PRIVACY REQUIREMENTS OF THE RESIDENTIAL DESIGN CODES ARE NOT TO IMPACT ON THE STRUCTURAL INTEGRITY OF DUNCRAIG HOUSE.**
- 7. THE SCHEDULE OF MATERIALS AND FINISHES OF THE PROPOSED DEVELOPMENT ARE TO REFLECT THE CONTEXTURAL HERITAGE OF DUNCRAIG HOUSE TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 8. PRIOR TO THE ISSUE OF A BUILDING LICENCE, THE APPLICANT TO SUBMIT REVISED DESIGN DETAILS WITH REGARD TO CONDITIONS 4,5,6 AND 7 ABOVE, INCLUSIVE OF PERSPECTIVES AND CONTEXTURAL ELEVATIONS FOR REVIEW AND COMMENT OF THE HERITAGE COUNCIL OF WESTERN AUSTRALIA AND HOCKING PLANNING AND ARCHITECTURE TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

STANDARD CONDITIONS:

RESGD: 1, 7

RESSD: 01, 06, 08, 09, 10, 11, 14, 15, 16, 19.

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

CARRIED WITHOUT DISSENT (12/0)

T07/1001 - AMENDMENT TO TRAFFIC MANAGEMENT BUDGET (AMREC)
(ATTACHMENT)

Ward	:	Bull Creek/Leeming University Ward
Category	:	Operational
Subject Index	:	Traffic management
Customer Index	:	Insert the Customer Index from Dataworks (check DW first to get exact match)
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	T06/1008 – Capital Works Programme 2006/2007 (June 2006) 1008A June 2006.pdf
Works Programme	:	2006/2007
Funding	:	\$30,000 for traffic treatment of Westminster Road
Responsible Officer	:	Philip Gale, Manager Infrastructure Services

AUTHORITY / DISCRETION

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

T07/1001 - AMENDMENT TO TRAFFIC MANAGEMENT BUDGET (AMREC)
(ATTACHMENT)**KEY ISSUES / SUMMARY**

- A review of projects in the traffic management budget has identified that Westminster Road is not a priority for traffic calming and it is recommended that project not proceed this financial year.
- It is recommended that funding for that project be transferred to the traffic management project planned for Somerville Boulevard that is on the current budget.

BACKGROUND

The decision making process for the justification and prioritisation of traffic calming and traffic management projects has improved in recent years as tools such as traffic calming warrant systems, Benefit-Cost ratio calculations, and risk assessment software are increasingly utilised by Officers. The result is that the decisions on these projects will become more consistent in practice and more transparent to the community

These decision making tools are being used to review traffic projects that have been included on the current and future works programmes to ensure the projects are warranted. By directing funding to the highest priority projects we will ensure that the community will receive the greatest benefits to improvements in road safety and amenity.

Some of those projects have been listed on the works programme for a number of years prior to the current evaluation tools being implemented. A recent review of the traffic projects in the current budget has identified that one road, Westminster Road, is operating acceptably and is a low priority for treatment. As further review of traffic projects on the Forward Works Programme is planned to be done prior to the adoption of the next budget it is anticipated there will be further changes to those projects in that program.

DETAIL

Westminster Road, Leeming, is a 680 metre long Local Distributor road that connects Karel Avenue and Findlay Road. The land use along the road is residential and the Leeming Primary School has a frontage to the road. The road pavement is 11 metres wide and the road layout includes:

- 2 x 4.0 metre wide traffic lanes and 2 x 1.5 metre wide on-road cycle lanes between Findlay Road and Butson Road, and between Burnett Avenue (east) and Karel Avenue.
- 2 x 3.0 metre wide traffic lanes, 2 x 1.5 metre wide on-road cycle lanes, a 2.0 metre wide painted median, and 2 x speed platforms (installed in 1990) between Butson Road and Burnett Avenue (east) in front of the school.

**T07/1001 - AMENDMENT TO TRAFFIC MANAGEMENT BUDGET (AMREC)
(ATTACHMENT)**

[T07 1001A March 2007.pdf](#) A locality plan and photographs of Westminster Road form an attachment to this report. Traffic volumes along the road vary between approximately 2,500 vehicles per weekday at its western end close to Findlay Road to just less than 2,000 vehicles at its eastern end close to Karel Avenue. These volumes are less than the 3,000 – 6,000 vehicles per day range considered acceptable for a Local Distributor road. The road has a 50km/h speed limit and the highest eighty-fifth percentile traffic speed recorded along the road is 57km/h. The crash rate for the road is low and is approximately $\frac{1}{3}$ the average crash rate for a local undivided road in a built-up area.

Funding of \$30,000 for a median treatment and tree planting was nominated for the Forward Works Programme by officers in July 1998. That traffic treatment typically involves the installation of pavement markings and traffic islands, some with trees, to delineate 2 x on-road cycle lanes, 2 x traffic lanes and a central median and is a treatment typically applied to Local Distributor roads with a pavement width in the order of 11 metres.

In more recent years since this project was added to the Forward Works Program a traffic calming warrant system has been in use to evaluate the need and priority for traffic calming and traffic management works in a more consistent and transparent manner than has been done in the past. The characteristics of Westminster Road were applied to this warrant system with a resulting score of 21.8, which rates the road as a site with low safety and amenity concerns, requiring no further action. [T07 1001B March 2007.pdf](#) A copy of that assessment forms an attachment to this report.

In addition to the road being a low priority for traffic calming, it is also difficult to retrofit the type of median treatment proposed to the existing road. This is because it is very difficult to design the placement of traffic islands of an effective length amongst the many crossovers to homes along this road, without restricting access to some of those homes which we want to avoid.

It is recommended that the funding for this project be added to the budget for the Somerville Boulevard traffic management project on this year's budget. There is currently \$74,500 proposed for verge trees and median planting along that road and the additional \$30,000 would provide a total budget of \$104,500. As Somerville Boulevard is 2.8 kilometres the extra funding will allow more of the locations to be treated where crashes are occurring on that road, typically at the roundabouts and the driveway to the Winthrop Shopping Centre.

That project is currently planned to include:

- Widening of the westbound lanes at North Lake Road to allow separate left and right turn lanes of a greater length to be created.
- Extension of median islands at roundabouts along Somerville Boulevard to encourage slower travel speeds through the roundabouts.
- Installation of median islands in the high activity section of road in front of the Winthrop Shopping Centre and the church, to encourage slower vehicle speeds and improve pedestrian safety.
- Installation of pedestrian refuge islands at key locations to improve pedestrian and cyclist crossing safety.
- Median and verge tree planting.

**T07/1001 - AMENDMENT TO TRAFFIC MANAGEMENT BUDGET (AMREC)
(ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

No consultation has been carried out for the Westminster Road traffic project.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

The City of Melville is responsible for the management of Westminster Road and Somerville Boulevard.

FINANCIAL IMPLICATIONS

The amount of \$30,000 provided in the 2006/2007 budget for median treatment and tree planting in Westminster Road be transferred to the Somerville Boulevard project.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The decision making tools increasingly being used to justify and prioritise traffic projects will result in more robust projects being identified for the Forward Works Program. They will generally prioritise the locations where safety risks are highest, whether that relates to excessive traffic volumes, speeds, crashes or a combination of these factors.

POLICY IMPLICATIONS

Nil.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Nil

**T07/1001 - AMENDMENT TO TRAFFIC MANAGEMENT BUDGET (AMREC)
(ATTACHMENT)****CONCLUSION**

If traffic calming or traffic management was being considered for Westminster Road as a totally new project, it would not be considered justifiable by officers using current decision making methods. The road is performing its Local Distributor function satisfactorily and the very low crash rate indicates safety is not a problem.

It is, therefore, recommended that the funding allocated to that project be transferred to the Somerville Boulevard traffic project to maximise the benefit in reducing road trauma and improving amenity along that road.

COUNCIL RESOLUTION (1001)**ABSOLUTE MAJORITY**

At 6.58pm the Mayor submitted the motion, which was declared -

- 1. THAT THE WESTMINSTER ROAD TRAFFIC PROJECT BE REMOVED FROM THE 2006/2007 CAPITAL WORKS PROGRAMME BUT THE PROJECT REMAIN IN THE FORWARD WORKS PROGRAMME FOR FUTURE REFERENCE.**
- 2. THAT WESTMINSTER ROAD CONTINUES TO BE MONITORED TO ASSESS ANY FUTURE NEED FOR TRAFFIC TREATMENT.**
- 3. THAT BY ABSOLUTE MAJORITY DECISION OF COUNCIL THE \$30,000 FUNDING ALLOCATED TO WESTMINSTER ROAD TRAFFIC PROJECT BE TRANSFERRED TO THE SOMERVILLE BOULEVARD TRAFFIC PROJECT.**

CARRIED EN BLOC

C07/4000 - SUPPLY OF BUILDING MAINTENANCE SERVICES FROM MARCH 2007 TO FEBRUARY 2010 (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Tender CO28/06
Customer Index	:	City of Melville
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	CO28/06 Supply of Building Maintenance Services from March 2007 to February 2010 (CTAU 28 February 2007)
Works Programme	:	Not Applicable
Funding	:	2006/2007 Budget
Responsible Officer	:	Paul McAllister Client Liaison Contract Manager

AUTHORITY / DISCRETION

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

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

**C07/4000 - SUPPLY OF BUILDING MAINTENANCE SERVICES FROM MARCH 2007 TO
FEBRUARY 2010 (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- To accept the recommendation of the Contract and Tender Advisory Unit to award the tender for the Supply of Plant Hire for the period from 1 December 2006 – 30 June 2008.

BACKGROUND

Tenders for the Supply of Building Maintenance Services from March 2007 to February 2010 were invited by advertisement in The West Australian on Wednesday 10 January 2007, closing at 4.00 p.m. on Thursday 8 February 2007.

Price Schedule

The Price Schedule forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Thursday 1 March 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 Thursday 1 March 2007 under confidential cover.

The Evaluation Committee consisted of the Purchasing Coordinator, the Client Liaison Contract Manager and the Facilities/Assets Manager.

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

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

C07/4000 - SUPPLY OF BUILDING MAINTENANCE SERVICES FROM MARCH 2007 TO FEBRUARY 2010 (REC) (ATTACHMENT)

DETAIL

40 sets of tender documents were issued and 15 tenders were received as follows:

Diamond Lock & Key
Robinson Buildtech
Fannon Plumbing
Cary's Myaree Electrical Services Pty Ltd
Programmed Maintenance Services
Men Behaving Handy
Davey Glass
Crabclaw Holdings Pty Ltd
CPD Group Pty Ltd t/as Atwell Building
RDB Services
Riley's Electrical Service
Calibre Coatings Pty Ltd
By Gobo
The Total Group Australasia Pty Ltd
Northlake Electrical Pty Ltd

All 15 submissions met the tender selection criteria. Those tenders that demonstrated a greater level of resourcing and expertise scored higher on the tender evaluation matrix.

With the exception of Calibre Coatings Pty, all other tenderers are well known to the City and have provided building maintenance services previously. The quality and timeliness of those services has generally been to a high standard.

In regards to Calibre Coating Pty who are offering painting services to the City a reference check was completed by the tender evaluation panel which proved satisfactory.

The City has a need for building maintenance services on a daily basis; the diversity and volume of those services varies from day to day, therefore the tender evaluation panel believes it would be beneficial for the City to have access to as many services providers as possible. That being said the tender evaluation panel recommends that all tenderers be appointed as approved building maintenance services providers as all tenderers met the tender selection criteria.

The panel further recommends that services providers be utilised in an order of preference with those tenderers scoring higher on the tender evaluation matrix being first choice service providers.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable

**C07/4000 - SUPPLY OF BUILDING MAINTENANCE SERVICES FROM MARCH 2007 TO
FEBRUARY 2010 (REC) (ATTACHMENT)****CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not Applicable

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

A total of approximately \$1.5 million per annum is spent on planned and reactive maintenance services. The cost breakdown for maintenance works is as follows:

a) painting	\$135,000
b) carpentry works	\$300,000
c) plumbing	\$165,000
d) electrical	\$180,000
e) glazing	\$ 40,000
f) building service miscellaneous	\$680,000
such as lift maintenance, airconditioning maintenance, cleaning, fire prevention and inspection, etc	

Each facility has its own maintenance budget for minor maintenance items with the planned building maintenance budget being the responsibility of the Manager Assets & facilities.

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

C07/4000 - SUPPLY OF BUILDING MAINTENANCE SERVICES FROM MARCH 2007 TO FEBRUARY 2010 (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

By asking tenderers to submit prices through a tender process the City has a fixed a schedule of rates from each provider for the next three years.

The prices submitted do increase significantly over the three year period and while it is difficult to foresee how long the current resource boom will last and whether this prices rise is reasonable it does provide the City with fixed rates on which to base budgets.

If fewer services providers are appointed to the approved service provider panel the City may find itself in a situation where it has limited or no access to services providers at periods of peak demand; leaving the City vulnerable to open market pricing and long delays for repair works

CONCLUSION

To give the City the security of a fixed schedule of rates for building maintenance services for the next 3 years it is recommended that all tenderers are appointed to the panel and that service providers are called upon in order of preference based upon their scores in the evaluation matrix.

COUNCIL RESOLUTION (4000)**APPROVAL**

At 6.58pm the Mayor submitted the motion, which was declared -

THAT THE TENDERS SUBMITTED BY THE FOLLOWING COMPANIES TO CARRY OUT GENERAL AND SPECIFIED MAINTENANCE FOR THE PERIOD MARCH 2007 TO FEBRUARY 2010 BE ACCEPTED AS THE MOST ADVANTAGEOUS:

PLUMBING:

- (A) FANNON PLUMBING**
- (B) MEN BEHAVING HANDY**

ROOF PLUMBING

- (A) ROBINSON BUILDTECH**
- (B) RDB SERVICES**
- (C) CPD GROUP**
- (D) MEN BEHAVING HANDY**

ELECTRICAL SERVICES

- (A) CARY'S MYAREE ELECTRICAL SERVICES PTY LTD**
- (B) NORTHLAKE ELECTRICAL PTY LTD**
- (C) RILEY'S ELECTRICAL SERVICE**

**C07/4000 - SUPPLY OF BUILDING MAINTENANCE SERVICES FROM MARCH 2007 TO
FEBRUARY 2010 (REC) (ATTACHMENT)**

PAINTING

- (A) PROGRAMMED MAINTENANCE SERVICE
- (B) CALIBRE COATINGS
- (C) CPD GROUP
- (D) MEN BEHAVING HANDY

GLAZING

- (A) DAVEY GLASS
- (B) BY GOBO
- (C) MEN BEHAVING HANDY

CARPENTRY

- (A) PROGRAMMED MAINTENANCE SERVICE
- (B) CRABCLAW HOLDINGS
- (C) ROBINSON BUILDTECH
- (D) RDB SERVICES
- (E) CPD GROUP
- (F) MEN BEHAVING HANDY

LOCKSMITH SERVICES

- (A) DIAMOND LOCK & KEY

CARPET CLEANING

- (A) MEN BEHAVING HANDY
- (B) TOTAL GROUP

CARRIED EN BLOC

**C07/5027- HEATHCOTE FUNDING REQUEST FOR UPGRADED PRECINCT LIGHTING
(AMREC) (ATTACHMENT)**

Ward	:	Applecross/Mt Pleasant
Category	:	Operational
subject Index	:	Heathcote
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	:	C06/5027 - Heathcote funding request for upgraded precinct lighting – December 2006
Works Programme	:	Not Applicable
Funding	:	\$250,000 transferred from the Community Facilities Reserve Fund. Seeking an additional \$130,000.
Responsible Officer	:	Mark Ridgwell Property & Corporate Support 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>
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**C06/5027- HEATHCOTE FUNDING REQUEST FOR UPGRADED PRECINCT LIGHTING
(AMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- In December 2006 Council approved the allocation of \$250,000 towards upgraded precinct lighting for Heathcote.
- Tenders were called in January 2007 with the project costs increasing to \$380,000.
- This report seeks Councils consideration in approval for an additional \$130,000 being transferred from the Community Facilities Reserve Fund.

BACKGROUND

In December 2006 Council approved the allocation of \$250,000 towards the upgrading of lighting at the Heathcote Heritage Precinct. The upgrade was recommended to combat antisocial behaviour within the precinct.

DETAIL

The designed lighting plan addresses the areas in the precinct in which lighting is deficient and has also been prepared to ensure light spill from the precinct minimises the impact on adjoining residences. Please note that the scope of works only includes land owned or controlled by the City of Melville and therefore does not include Duncraig House. Some existing lighting will be upgraded and the majority of new lighting will be contained within stages 1 and 2.

[5027 March 2007.pdf](#) A copy of the proposed lighting upgrade forms part of the Attachments to the Agenda, which was distributed to Members of the Council on Thursday, 1 March 2007.

Sage Consulting Engineers were requested to prepare a design for the precinct that would upgrade the lighting to meet Australian Standards. The project was initially estimated at \$250,000 but the tender process has revealed that all three tender respondents identified costs that were not previously identified and therefore needed to be included in the scope of works.

The City of Melville has 90 days from the close of tender to consider the applications and have sought Councils consideration in the additional funding of \$130,000 from the Community Facilities Reserve Fund.

PUBLIC CONSULTATION/COMMUNICATION

Nil

**C06/5027- HEATHCOTE FUNDING REQUEST FOR UPGRADED PRECINCT LIGHTING
(AMREC) (ATTACHMENT)**

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Precinct stakeholders have been informed of the proposal and are supportive of the upgrade.

STATUTORY AND LEGAL IMPLICATIONS

Local Government (Functions and General) Regulations 1996

“11. Tenders to be invited for certain contracts

- (1) *Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50 000 unless subregulation (2) states otherwise.”*

FINANCIAL IMPLICATIONS

It is recommended that an additional figure of \$130,000 be funded from the Community Facilities Reserve Fund.

This fund was set up with the purpose of funding the provision, refurbishment or improvement of community facilities located in the City of Melville. In the budget for 2006/2007 this reserve fund had a balance of \$3,114,620 as at 30 June 2006. Any use of the reserve to fund this project would reduce that balance accordingly.

For the 2006/2007 financial period \$1,163,831 and \$505,000 has been allocated for transfer to fund the partial acquisition of Melville Primary School site and works on the Mt Henry Jetty. \$164,139 is also being transferred into the Reserve Fund which will leave a balance after the lighting request of an amount of \$1,359,928.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
If lighting is not upgraded the continuation of antisocial behaviour and criminal activity will continue to occur within the precinct.	Major consequences which are possible, resulting in a High level of risk	Whilst upgraded lighting will not eliminate all risks it will hopefully reduce the number of occurrences of antisocial behaviour and possibly reduce the severity of certain incidents that have previously occurred.

* As derived from using the Risk Assessment Matrix

**C06/5027- HEATHCOTE FUNDING REQUEST FOR UPGRADED PRECINCT LIGHTING
(AMREC) (ATTACHMENT)****POLICY IMPLICATIONS**

There is no policy related to this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The project could be listed for consideration in the five year forward works programme but as the site has been identified as being deficient in lighting and any delay would be both costly and a risk to public safety.

CONCLUSION

The Heathcote precinct is one of the City of Melville's greatest assets that is proudly embraced by residents and visitors to the site. The installation of lighting is intended to ensure that antisocial behaviour is reduced and the safety of visitors and staff to the site is improved.

COUNCIL RESOLUTION (5027)**ABSOLUTE MAJORITY DECISION**

At 6.58pm the Mayor submitted the motion , which was declared -

THAT BY AN ABSOLUTE MAJORITY DECISION OF COUNCIL AN ADDITIONAL AMOUNT OF \$130,000 BE APPROVED FOR THE UPGRADE OF LIGHTING TO THE HEATHCOTE PRECINCT WITH FUNDING BEING TRANSFERRED FROM THE COMMUNITY FACILITIES RESERVE FUND ACCOUNT NUMBER 71.8107.722.312.

CARRIED EN BLOC

C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)

Ward	:	All
Category	:	Operational
Subject Index	:	Acts, Statutes and Local Laws
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	:	P04/1020
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Malcolm Jenkinson Manager Neighbourhood Amenity

AUTHORITY / DISCRETION

	<u>Definition</u>
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C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)**KEY ISSUES / SUMMARY**

- A petition from the Winthrop/Murdoch Community Group regarding the condition of verges within the City resulted in a Verge and Adjacent Private Property Maintenance Policy being adopted by the Council (P04/1020).
- It was proposed to implement a Local Law relating to the condition of land to allow the Council to enforce its policy on verge and adjacent private property maintenance.
- A meeting with the Department of Local Government and Regional Development identified a more effective outcome could be achieved by not adopting this proposed Local Law and instead creating two (2) new and complimentary Local Laws.

BACKGROUND

At its June 2006 meeting (item P06/8005) the Council resolved to advertise for public comment a proposed Local Law Relating to the Condition of Land.

The City of Melville is committed to enhancing the positive, visual, amenity and safety of road reserves and adjacent private property in front of the building line. A Verge and Adjacent Private Property Maintenance Policy statement states the following guidelines for vegetation control:

1. Vacant block – general species to be kept to a maximum height of three hundred millimetres (300mm) but comply at all times with the fire break standards as a minimum; and
2. Verges and developed properties – general grass species to be kept to a maximum height of one hundred millimetres (100mm) or appropriate to the standards set by the surrounding properties in the street or general locality.

DETAIL

To enforce the Policy in relation to verge and adjacent private property maintenance, it is necessary to adopt a Local Law that gives the power to Council to issue an infringement for failure to comply with a notice to clear land. It should be noted that where a road verge joins privately owned land and the owner or occupier of the land has undertaken or maintained any substantial improvement to the verge, then that road verge for the purpose of this Local Law shall be treated as if it was part of the land of that owner or occupier and is referred to as “improved verge”.

The intention of this is to impose an obligation in regard to a road verge if the owner or occupier of adjoining land has used the verge in affect as the extension of the adjoining land or has modified its condition. Consequently an owner or occupier of land does not have any liability under this Local Law for improved verge if the owner or occupier satisfies the Council that neither the owner nor the occupier has made or maintained any improvement to the road verge and does not use the road verge.

C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)

PUBLIC CONSULTATION/COMMUNICATION

The minimum standard for public consultation in relation to the adoption of a Local Law is set in the Local Government Act 1995. This provision complies with the requirements of Public Consultation Policy C20 in relating to the desire to adequately inform the community of the proposal. The Local Government Act 1995 Section 3.12 (3) requires that state wide notice of the proposal must be given with a minimum of a six (6) week comment period, after which the Council must consider any responses received.

The Local law has been advertised in the West Australian newspaper (12 July 2006) and the Melville Times (11 July 2006) inviting submissions on the proposed Local Law.

The proposed Local Law relating to Condition of Land has been drafted by our solicitors, McLeod's Barristers and Solicitors.

A summary of the written submissions is shown in the table below:

No	Respondent	Summary of submission	Support Objection	Officer's comment
1	Department of Local Government & Regional Development	<p>It appears as though the proposed Local Law is attempting to transfer the responsibility and liability of the maintenance of Council owned verges to the owner/occupier; impose a penalty on the owner/occupier should they not comply with the notice; and for the Local Government to enter onto their own property to carry out the work specified in the notice and recover the cost of doing that work from the owner/occupier.</p> <p>This proposed Local Law is likely to attract criticism from the Parliament's Joint Standing Committee on Delegated Legislation which has discussed the matter of verge treatments, liability and indemnity at length.</p>	Objection	<p>Local Law was drafted by McLeods Solicitors.</p> <p>May have trouble getting Local Law passed by Joint Standing Committee on Delegated Legislation.</p> <p>Suggest further negotiation with DLG&RD.</p>

C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)

No	Respondent	Summary of submission	Support or Objection	Officer's comment
2	Durdham Crescent BICTON	Not in favour. Smacks of over regulation. There are already fire regulations which govern this.	Objection	Noted.
3	Garvier Street LEEMING	We do not all live in Murdoch or Winthrop and making the law standard across all of Melville is not warranted.	Objection	Noted.
4	Address unknown	Verges are Council's responsibility, and payment of rates should cover this service.	Objection	Dismiss.
5	Stone Court KARDINYA	The term "unsightly" is very subjective and therefore could be used to force owners to clear native vegetation. Owners and occupiers require appeal rights to an independent third party after being issued with a notice.	Objection	Supported.

C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)

No	Respondent	Summary of submission	Support Objection	Officer's comment
6	Kardinya Residents' Association	<p>The KRA supports the intention of the Local Law relating to the condition of land. Keen to see that all property owners keep their premises in a safe and tidy condition, and we believe that this Local Law will achieve those goals.</p> <p>Several minor concerns in relation to "unsightly" being subjective. Any requirement to clear native vegetation should be exempted and rights of appeal requested.</p>	Support	Supported.
7	Houghton Way Winthrop	Fully supports proposal, but recommends fines be increased to \$300 for verges and \$500 for vacant land.	Support	Noted. Dismiss.
8	Cunningham Street Applecross	Agrees with proposal to make verges safe for pedestrians to traverse.	Support	Supported.
9	Address unknown	In favour of verges being maintained to standard which makes pedestrian access easier.	Support	Supported.
10	Foss Street Bicton	<p>Supports the proposed Local Law and makes sense to control unsightly Council verges.</p> <p>Sought clarification on minimum and maximum heights.</p>	Support	Noted.

C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)

No	Respondent	Summary of submission	Support Objection	Officer's comment
11	Pickering Way Booragoon	Supports the spirit of the proposed Local Law, however, it does appear that the proposal potentially penalises those who maintain and improve verges, whereas owners/occupiers who make no effort to maintain their verge are not penalised.	Support	Noted.
12	Endeavour Avenue Bull Creek	Supports the idea to increase the visual appeal of all street frontages.	Support	Noted.
13	Moreing Road Attadale	Seeks clarification on minimum and maximum heights of grass.	No Objection	Noted.
14	Bridges Road Melville	Native plant species and native trees should be exempt from the height law.	No Objection	Supported.
15	Trinnick Place Booragoon	The real problem is households which collect rubbish and cars on their front verge and private property.	No Objection	Noted. Covered under separate legislation
16	Scand Way Bateman	Requests consideration for native fauna to be maintained.	No Objection	Supported.
17	Pembroke Street Bicton	Made recommendation into wording of Local Law.	No Objection	Noted.

C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)

No	Respondent	Summary of submission	Support or Objection	Officer's comment
18	View Road Mt Pleasant	The concept is good. It should be made very clear that householders should not be allowed to block pedestrian access along the verge by means of flower beds from property line to the kerb as is happening in some places already.	Support	Noted.
19	Brockman Avenue Bull Creek	I support the proposal one hundred percent. I consider the streetscape to be an important part of my local environment.	Support	Noted.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No other meetings have been held with other groups or Departments

STATUTORY AND LEGAL IMPLICATIONS

Section 3 (5) of the Local Government Act 1995 allows a Local Government to make Local Laws prescribing all matters that are required or permitted to be prescribed by a Local Law for it to perform any of its functions under the Act.

The discussions with the Department identified how the City of Melville could develop the current "Model Local Law" developed by WALGA to achieve the desirable outcomes from the Verge and Adjacent Private Property Maintenance Policy and have a higher probability of acceptance from the Joint Standing Committee on Delegated Legislation

C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)

FINANCIAL IMPLICATIONS

There are no direct up front financial implications. Those residents who take advantage of the additional garden opportunities available by carefully incorporating the reserve into their own garden will continue to do so.

There are no additional on-going costs associated with this proposal. The Council will continue to look after the verges in its care..

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
The adoption of the Local Law as originally advertised is very likely to fail the scrutiny of the Joint Standing Committee on Delegated Legislation because of the perception that the Council might be transferring the responsibility of verge maintenance to residents	High: The DLGRD has already flagged its intention to challenge the proposed Local Law with the Committee	The new recommendation provides for an alternative approach which has already been successfully reviewed by the Joint Standing Committee in its approval of the Model Local Laws developed by WALGA and published in April 2005.

C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)**POLICY IMPLICATIONS**

Verge and Adjacent Private Property Maintenance Policy has already been adopted by the Council (P04/1020). No new policy objectives arise from this proposal

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There is no absolute requirement to create a Local Law. There is already provision in the Local Government Act 1995 and the Local Government (Miscellaneous Provisions) Act to bring prosecutions where necessary. The experience of the officer group however is that the prosecution process is difficult to achieve and is very expensive to undertake. Even when Local Laws are enacted, the ability of prosecute under the various Acts still exists.

Lower value infringements generally have a salutary effect when used judiciously and are much less expensive to use. A good example would be the use of parking infringements as an alternative to individual prosecutions under the Road Traffic Act

CONCLUSION

In relation to private land the Bush Fires Act is utilised during the period from the 15 November to the following 30 April of each year to ensure that vacant lots and private properties are cleared of a fire hazard during this period.

In response to the disquiet shown by the Department for Local Government and Regional Development, officers sought a meeting to discuss the nature of the objections in more detail. Department staff were unequivocal in their view that the intention to make verges an included part of the land being treated under this proposed Local Law would be seen as ultra vires by the Joint Standing Committee on Delegations. Their advice is to not adopt this proposed Local Law and instead to develop two (2) new Local Laws.

The first of the new Local Laws would be, in essence, the same as this proposed Local Law, but without the inclusion of verges. This would provide the necessary powers to manage the visual amenity of private property visible from the streetscape to a common standard for the locality.

The second Local Law would be framed in such a way as to provide "permitted uses" for verges which are adjacent to private property, similar to those described in the WALGA model Local Laws which have already been approved by the Joint Standing Committee. The recommendation below therefore calls for this Local Law to not be adopted.

C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)

COUNCIL RESOLUTION (5002)

ABSOLUTE MAJORITY

At 6.58pm the Mayor submitted the motion , which was declared -

- 1. THAT BY ABSOLUTE MAJORITY DECISION, THE FOLLOWING LOCAL LAW NOT BE ADOPTED.**

LOCAL GOVERNMENT ACT 1995
CITY OF MELVILLE
LOCAL LAW RELATING TO THE CONDITION OF LAND 2006

Under the Powers conferred by the Local Government Act 1995 and under all other powers, the Council of the City of Melville resolved on_____2006 to make a Local Law Relating to the Condition of Land 2006.

1. Citation and Application

This Local Law may be cited as the City of Melville Local Law relating to the Condition of Land 2006 and shall apply throughout the district.

2. Definitions

In this Local Law, unless the context requires otherwise –

“Act” means the Local Government Act 1995;

“district” means the district of the Local Government;

“disused material” means any thing new or old which does not appear to be in active use for the purpose for which it was designed, or which appears to be so altered damaged or decayed as to be incapable of being used for the purpose for which it was designed, but the term does not include any thing which has been adapted for use for some purpose other than that for which it was designed and appears to be in active use for that purpose;

“improved verge” has the meaning given to it in section 3.1;

“land” means and includes all land within the district and without limiting the generality of the foregoing includes both vacant and occupied privately owned land and includes anything built or growing on the land and any other fixture to the land;

“local government” means the City of Melville;

“road verge” means the part of a road reserve situated between the road pavement and the boundary of other land;

“unkempt”:

- (a) in relation to things growing on land means vegetation, scrub or undergrowth that is so overgrown or lacking in maintenance that it appears unsightly, and in any case includes grass or weeds more than 300mm in height;

C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)

- (b) in relation to any building or built improvement on land means so dilapidated and lacking in maintenance that it appears unsightly; and
- (c) otherwise means that the land is unsightly by reason of the fact that refuse, rubbish, waste or disused material accumulated on the land is visible from adjacent public or private land;

“unsightly” means having an appearance which in the opinion of the Council of the local government is manifestly below the average standard of other land in the neighbourhood, or having an appearance which would likely be recognized by neighbouring landowners of ordinary susceptibility as being manifestly below the average standard of other land in the neighbourhood.

3. Improved Verge

- 3.1 Where a road verge adjoins privately owned land, and the owner or occupier of the privately owned land has undertaken or maintained any substantial improvement to the verge, including, but without limiting the generality of the foregoing, the planting or improvement of grass or other vegetation, landscaping, reticulation, paving or mulching, that road verge for the purpose of this local law shall be treated as if it was part of the land of that owner or occupier and is referred to as an “improved verge”.
- 3.2 The intention of this section is only to impose an obligation in regard to a road verge if the owner or occupier of adjoining land has used the verge in effect as an extension of the adjoining land or has modified its condition. Consequently an owner or occupier of land does not have any liability under this local law for an improved verge if the owner or occupier satisfies the Council that neither the owner nor the occupier has made or maintained any improvement to the road verge and does not use the road verge and does not intend in the future to use, improve or maintain the road verge.

C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)

4. Condition of Land

The owner and the occupier of land whether vacant or not, must each ensure that the land and any adjoining improved verge is sufficiently well maintained that it:

- (a) is not unsightly;
- (b) does not have growing on or from it any vegetation which overhangs any road or road reserve or other public land, at a height of less than 3 metres above ground level;
- (c) is not a haven for snakes, rodents, nuisance insects or other vermin, or noxious weeds;
- (d) does not have on it any excavation or stockpiled or stored filling or other materials whatsoever which have remained on the land for more than 3 months, visible from adjacent public or private land, and not having been significantly used in that period for any approved or otherwise legal work on the land; or
- (e) is not in such a condition that there is an apparent risk of damage to the person or property of a person who might enter the land inadvertently or as an invitee or licensee, or a young child.

5. Vacant Land

The owner of vacant land must ensure that the land does not have grass, weeds or undergrowth growing on it that is higher than 300mm above the ground, and any land in that condition for the purpose of this local law is deemed to be unsightly.

6. Notice

If in the opinion of the Council the owner or occupier of any land is in breach of any obligation imposed by this local law, the Council may give notice in writing to the owner and/or to the occupier requiring that the breach be rectified within 14 days or such other time as is specified in the notice. The notice is to specify the provision in this local law which is considered to have been breached, and must set out a brief statement of the facts or circumstances which are considered to constitute the breach.

C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)

7. Offence

- 7.1 An owner or occupier who fails to remedy the breach referred to in a notice within the period of 14 days or such other period as is stipulated in the notice, commits an offence and is liable upon conviction to a maximum penalty of \$5,000 and the offence is a continuing offence, an additional maximum daily penalty of \$500 for each day the offence continues after the date of notification.
- 7.2 An offence under any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- 7.3 The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

- 8.** In addition to taking action for an offence and the recovery of a penalty, if the breach referred to in the notice is not remedied within the period of 14 days or such other period as is stipulated in the notice, the local government may carry out such work and/or do such things on the land as are necessary to remedy the breach and may recover the cost of doing so from the owner or occupier to whom the notice was addressed in a court of competent jurisdiction. The local government shall not be liable for a loss or damage claimed to be suffered as a result of carrying out such work unless negligence is proved.

C07/5002 - LOCAL LAW RELATING TO THE CONDITION OF LAND 2006 (AMREC)

SCHEDULE 1:

CLAUSE	NATURE OF OFFENCE	MODIFIED PENALTY
6	FAILURE TO COMPLY WITH A NOTICE TO CLEAR LAND.	\$100
2.	THAT NEW LOCAL LAWS BE DEVELOPED TO MEET THE OBJECTIVES OF THE VERGE AND ADJACENT PRIVATE PROPERTY MAINTENANCE POLICY.	

CARRIED EN BLOC

C07/8002 - LEEMING RECREATION CENTRE (REC) (ATTACHMENT)

Ward	:	Bull Creek / Leeming
Category	:	Strategic
Subject Index	:	Leeming Recreation Centre
Customer Index	:	Leeming Recreation Centre
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	Nil
Works Programme	:	Nil
Funding	:	Contained in the body of the report
Responsible Officer	:	Dennis Gillam Manager Health & Lifestyle Services

AUTHORITY / DISCRETION

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

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The purpose of this report is to present plans for redevelopment of the Leeming Recreation Centre and to seek Council approval to proceed to detailed design and costings.

BACKGROUND

The Leeming Recreation Centre (LRC) is now 20 years old and over time the expectations of the market have increased and the area in which LRC is located has seen the emergence of many new competitors offering both specific and a more contemporary range of facilities.

These factors have seen the reduction in attendances of 38% in the last 5 years, together with an increasing deficit due to decreasing income and increasing operational costs. This is particularly evident in the “wet area”.

The City identified a need to review the existing centre and assess options in keeping with the community’s expectations. The City of Melville (COM) aims to present contemporary leisure facilities, preserve asset quality and realise an improved financial operating performance for Recreation Centres.

A number of models and plans have been considered and these were presented to Council at a workshop in September 2006.

Following this presentation other alternative models were considered in consultation with the Councils architects James Christou and Partners.

DETAIL

In developing the current plans, a number of factors were considered and utilized in the “due diligence” process. These included:

- The LRC joint use agreement with the Leeming Senior High School (Department of Education and Training).
- Demographic information.
- Facility assessment.
- Competitors impact on LRC’s performance.
- Market testing; where 5 separate surveys were undertaken with both members and stakeholders.

These factors are considered in the “LRC Redevelopment Proposal” which forms part of the attachment to this item.

[8002B March 2007.pdf](#)

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)

The specifics of this current plan have been developed taking into account the increasing deficit, the capital funding required and the implications contained in the redevelopment report with the view to:

- Reducing the operational deficit.
- Providing a realistic capital funding option.
- Minimizing impact on stakeholders and avoiding a reduced level of service.
- Creation of a modern and contemporary facility in keeping with community and stakeholder expectations.
- Creation of a “community hub” within the Leeming area in keeping with the “place planning” concepts currently being developed for the City.

The costings for this preferred option have been estimated at \$7.1 million and have been calculated by Ralph Beatty Bosworth quantity surveyors appointed by the architects. It is proposed to fund the capital expenditure over 2 financial years 2007/2008 and 2008/2009.

The key elements of this proposal include:

- Redevelop the aquatic facility to a 25m warm water program upgrading plant and equipment as required.
- Relocate gymnasium downstairs to the former water play area for improved access and safety (approximately 400m²) and relocation of the circuit room next to the new gym (approximately 170 m²).
- Open up the “core” of the facility by removing existing kiosk and male dry side toilets and providing glass viewing from courts through new gymnasium to ward water program pool.
- Extended Group Fitness area into former gymnasium area on the mezzanine floor (approximately 525m²) to serve needs of functions, meeting and general programming when not being utilised as group fitness studio.
- Reconfigured reception for greater efficiency, security and staff comfort.
- General refurbishment and updating of facility.
- Remedial works to buildings as per Building Code and Disability requirements.

Impact of this Proposal:

Positive:

- Increased swim school enrolments.
- Increased memberships.
- Increased casual gym and group fitness income.
- Reduced energy consumption and water usage.

Negative:

Pool Closure – for the redevelopment of the pool area to take place the pool would need to be shutdown for a minimum period of 12 months. While this will reduce the services to the community over the 12 month period, it will also have a positive financial impact on the facility in the vicinity of \$250,000 per year. During this period every effort will be made to accommodate aquatic patrons from Leeming to Melville Aquatic Fitness Centre.

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

It is proposed to undertake extensive consultation with stakeholders, centre members and the Department of Education and Training should this plan be endorsed by the Council. There has been limited consultation to date although the community is aware through previous press releases, surveys conducted and centre signage that redevelopment options are being considered.

The consultation is expected to take place during March/April with a further report to Council in May outlining the results of the feedback and seeking final ratification by the Council should the feedback be positive.

The most severe impact can be expected in relation to the pool closure during the construction phase, however, it is proposed to handle this process sensitively and with empathy.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The Department of Education and Training is aware of the redevelopment plans although no formal consultation has taken place.

STATUTORY AND LEGAL IMPLICATIONS

There are no Statutory and Legal Implications.

FINANCIAL IMPLICATIONS

It is proposed to fund the capital costs of \$7.1 million for this redevelopment over 2 successive financial years ie. 2007/2008 and 2008/2009. Funding considerations will occur during the 2007/2008 budget deliberations.

The pool closure for 12 months during the construction phase will provide savings of approximately \$250,000 in operational costs.

Projected over a 20 year period the expected reduction in operating costs that would flow from this redevelopment when compared to the “do nothing” option provide net savings of approximately \$9 million.

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of increased and further operating deficit.	High	Undertake redevelopment
Risk of further dilapidation of the facility.	High	Undertake redevelopment
Risk of public backlash from pool closure during construction and removal of water play area upon completion.	Medium	Undertake sensitive consultation with stakeholders before, during and after the final Council resolution.
Risk of not undertaking Building compliance and access issues.	High	Undertake redevelopment incorporating the works necessary to bring the building into compliance.

POLICY IMPLICATIONS

There are no Council Policy Implications.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil

CONCLUSION

- The capital investment for the proposed redevelopment of approximately \$7.1 million will ensure a continuation of current services whilst at the same time provide a more contemporary and modernised facility.
- There will be minimal impact to services during the redevelopment with the exception of the pool closure for a period of approximately 12 months. Aquatic users will be catered for at Melville Aquatic Fitness Centre.
- The proposal to remove the water play feature from the existing pool configuration and the intended improvements to the 25m pool will see better utilization of wet areas with a potential for increased and diversified programming.
- As compared to current operations the proposed redevelopment will have a positive impact on the operations, key stakeholders and is designed to cater for the future needs of the community.

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)

- The operating deficit is expected to be reduced to approximately \$313,000 per year by decreased operating costs and corresponding increases in income.
- The joint use arrangement with the LSHS will not be affected.
- The completion of stages 1 and 2 simultaneously will provide a better working environment for staff, better increased centre security and better utilization of program spaces.
- The facility will be brought into compliance with building and access regulations.
- The improved facility will better cater for future use in terms of being the centre for the “place planning” concepts currently being considered for Leeming.

Disclosures of Interest

Item No	:	C07/8002 – Leeming Recreation Centre
Member	:	Mayor, K J Jackson
Type of Interest	:	Interest under Code of Conduct
Nature of Interest	:	Is a Multi-Value member of the Recreation Centres
Extent of Interest	:	User Only
Request	:	Stay, Discuss & Vote
Decision of Committee	:	Not Applicable
Decision of Council	:	Decision not Required.

Disclosures of Interest

Item No	:	C07/8002 – Leeming Recreation Centre
Member	:	Cr R Aubrey
Type of Interest	:	Interest under Code of Conduct
Nature of Interest	:	I am a Healthy Lifestyle Member of Leeming Recreation Centre
Extent of Interest	:	User Only
Request	:	Stay, Discuss & Vote
Decision of Committee	:	Not Applicable
Decision of Council	:	Decision not Required.

Disclosures of Interest

Item No	:	C07/8002 – Leeming Recreation Centre
Member	:	Cr M J Barton
Type of Interest	:	Interest under Code of Conduct
Nature of Interest	:	Daughter and Son in Law live in Leeming and are regular users of the Leeming Recreation Centre
Extent of Interest	:	User Only
Request	:	Stay, Discuss & Vote
Decision of Committee	:	Not Applicable
Decision of Council	:	Decision not Required.

C07/8002 – LEEMING RECREATION CENTRE (REC) (ATTACHMENT)Disclosures of Interest

Item No	:	C07/8002 – Leeming Recreation Centre
Member	:	Cr D J Macphail
Type of Interest	:	Interest under Code of Conduct
Nature of Interest	:	Fee paying member of the Healthy Lifestlye Membership - Melville
Extent of Interest	:	User Only
Request	:	Stay, Discuss & Vote
Decision of Committee	:	Not Applicable.
Decision of Council	:	Decision not Required.

Recommittal

At 6.58pm Cr A Ceniviva moved, seconded Cr J R Bennett –

That this item be recommitted following referral to the Financial Management, Audit, Risk and Compliance Portfolio.

At 7.18pm the Mayor submitted the motion, which was declared **LOST (3/9)**

**** At 7.01pm the Manager Planning & Development Services departed the Chamber.**

COUNCIL RESOLUTION (8002)**APPROVAL**

At 7.18pm Cr R Aubrey moved, seconded Cr C W Robartson -

THAT THE REDEVELOPMENT AND REFOCUSING OF THE LEEMING RECREATION CENTRE IN ACCORDANCE WITH THE PLANS PRESENTED IN THIS REPORT BE ENDORSED BY THE COUNCIL SUBJECT TO:

- 1. A PUBLIC CONSULTATION PROCESS BEING UNDERTAKEN WITH STAKEHOLDERS AND;**
- 2. THE CAPITAL COSTS OF \$7.1 MILLION BEING CONSIDERED DURING THE 2007/2008 BUDGET DELIBERATIONS AND FUNDED OVER 2 SUCCESSIVE FINANCIAL YEARS AND;**
- 3. A FURTHER REPORT BEING PRESENTED TO THE COUNCIL IN MAY 2007 INCORPORATING THE FEEDBACK FROM THE STAKEHOLDER CONSULTATION PROCESS AND SEEKING FINAL COUNCIL ADOPTION.**

At 7.41pm the Mayor submitted the motion, which was declared **CARRIED (10/2)**

C07/5001 COMPLIANCE AUDIT RETURN 2006 (REC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Audits – Compliance
Customer Index	:	Department of Local Government & Regional Development
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	C06/5017 – Compliance Audit Return 2005 – 7 February 2006
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Mark Ridgwell Property & Corporate Support 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 type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input checked="" type="checkbox"/> Review	<i>when Council 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

- All Western Australian Local Authorities are required to undertake a compliance return and submit its findings to the Department of Local Government and Regional Development by 31 March each year.
- Four areas of non compliance were identified and are detailed within the report including the action being undertaken to address the areas where the City of Melville did not meet its statutory obligations.

C07/5001 COMPLIANCE AUDIT RETURN 2006 (REC) (ATTACHMENT)

BACKGROUND

[5001 March 2007.pdf](#) The completed 2006 Compliance Audit Return forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 14 March 2007. The return covers the period 1 January 2006 to 31 December 2006.

The Compliance Audit Return is presented to the Council for adoption. A copy of the Council report and a certified copy of the return are endorsed by the Mayor and Chief Executive Officer, and submitted to the Department of Local Government by the 31 March 2007.

DETAIL

This years audit has in the opinion of Officers revealed 98.5% compliance. Of the 275 fields of compliance 4 areas revealed non compliance.

Detailed below are the areas which have required an Officer response.

“Delegated Authority Review

- Has Council reviewed delegations to its committees in the 2005/2006 financial year.”

Officer Comment:

No review was undertaken in 2005/2006. The Department of Local Government & Regional Development is in the process of producing guidelines which the City hopes to adopt and present to Council in April 2007.

“Recording of Minutes

- Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision.”

Officer Comment:

The audit revealed that on several occasions this was omitted in the recording of minutes. Procedures have been revised to ensure compliance for future items.

C07/5001 COMPLIANCE AUDIT RETURN 2006 (REC) (ATTACHMENT)**“Swimming Pools**

- Have inspections of known private swimming pools, either been, or are proposed to be, carried out as required by section 245A(5)(aa) of the Local Government (Miscellaneous Provisions) Act 1960.”

Officer Comment:

Officers have undertaken 96% of all required inspections due to problems associated with access to properties and the additional inspection requirement of changed legislation.

“Review of Local Laws

- In June 2004 the City of Melville’s Local Laws were reviewed and the following required amendment;
 - Local Law relating to the control of and management of Community Halls and Recreation Centres.
 - Local Law relating to Fences.
 - Local Law relating to Hawkers, Stall Holders and Street Traders.
 - Local Law relating to Signs Hoardings and Bill Posters.
 - Local Law relating to Outdoor Eating Areas.
 - Local Law relating to Public Jetties.
 - Local Law relating to Point Walter Golf Course.
 - Local Laws relating to Parks and Recreation Grounds and Public Reserves.”

Officer Comment:

The Compliance Audit process has identified that these Local Laws have not been amended and will be actioned to ensure Compliance in the 2007 Return.

PUBLIC CONSULTATION/COMMUNICATION

No external consultation has been carried out.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Ongoing guidance and liaison through the Department of Local Government and Regional Development.

C07/5001 COMPLIANCE AUDIT RETURN 2006 (REC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

Section 7.13(i) of the Local Government Act and Audit Regulations 13 provide the basis for the requirement to complete the audit.

FINANCIAL IMPLICATIONS

There are no financial implications for Council in regards to this compliance audit.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

This compliance audit will not impact on the strategies of the Council.

POLICY IMPLICATIONS

There are no specific policy implications, except where it can be determined that a matter may be subject to policy change where it does not currently comply with the requirements. There are no such instances identified in the return.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not Applicable

CONCLUSION

The areas in which Officer's have provided supplementary comment are regarded as procedural and have or will be addressed prior to the completion of the 2007 Compliance Audit.

**** At 7.42pm Cr L M Reynolds departed the Chamber.**

COUNCIL RESOLUTION (5001)

NOTED

At 7.42pm the Mayor submitted the motion, which was declared -

THAT THE COMPLIANCE AUDIT RETURN FOR THE PERIOD 1 JANUARY 2006 TO 31 DECEMBER 2006 BE ADOPTED AND FORWARDED TO THE DEPARTMENT OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT FOLLOWING CERTIFICATION BY HER WORSHIP THE MAYOR AND THE CHIEF EXECUTIVE OFFICER.

CARRIED EN BLOC

C07/8003 – MELVILLE ARTS TRUST FUND (AMREC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	COM Art Foundation & Melville Arts Trust; Art Award
Customer Index	:	Melville Arts Foundation
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	16 May 1995 (A95/7015) – Proposed Melville Arts Foundation 25 September 1995 (A95/1019) – Deed of Trust Melville Arts Trust Fund – Fund Review Committee 28 May 1996 (XA20/1/31/3) – City of Melville Arts Foundation – Election of Representatives 1996/97 18 July 2006 (C06/8003) – Melville Arts Trust Fund
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Anne McAllister Director Strategic 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 & policies.</i>
<input type="checkbox"/> Review	<i>when Council review decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

KEY ISSUES / SUMMARY

- The purpose of this report is to finalise the winding up of the Melville Arts Trust as requested by Council at its meeting of 18 July 2006.

C07/8003 – MELVILLE ARTS TRUST FUND (AMREC) (ATTACHMENT)

BACKGROUND

At its meeting of 18 June 2006, Council resolved to re-constitute the Fund Review Committee for the purpose of winding-up the Trust in accordance with the City of Melville's legal advice. The following recommendations were adopted:

1. That the Mayor, Presiding Member of the Community and Technical Service Committee, and the Chief Executive Officer be appointed to the Melville Arts Trust – fund Review Committee
2. The Fund Review Committee be advised that the City of Melville, as Trustee of the Melville Arts Trust, requests that in accordance with Clauses 11.1 and 11.2 of the Trust Deed, the Committee approved the City of Melville's request to wind-up the Trust and re-allocate all funds held in trust to the City of Melville's public art program.

DETAIL

The Fund Review Committee was re-constituted and met on 17 October 2006. The Committee resolved:

- I. To endorse the appointment of Katherine Jackson JP, Cr Duncan Macphail and Eric Lumsden PSM to the Fund Review Committee.
- II. To endorse by written consent to the request of the Trustee (City of Melville) to terminate the Trust as per clause 11.1 of the Trust Deed.
- III. To endorse that funds in the Trust are paid by the City of Melville to the City of Melville Public Art Program.
- IV. To recommend that the Trustee (City of Melville) formally terminate the Trust and the Fund Review Committee inform the City of Melville Arts Foundation Inc as a matter of courtesy that the Trust has been wound up.

[8003A March 2007.pdf](#)

[8003B March 2007.pdf](#)

PUBLIC CONSULTATION/COMMUNICATION

No consultation was required for this process.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation was required.

C07/8003 – MELVILLE ARTS TRUST FUND (AMREC) (ATTACHMENT)**STATUTORY AND LEGAL IMPLICATIONS**

As reported in the June 2006 report, legal advice was sought from the City of Melville's solicitors Kott Gunning. They recommended the following process for winding-up the Trust:

1. The City of Melville selects three (3) people to be the members of the Fund Review Committee
2. The members are notified of their appointment by the City of Melville and also notify that the City of Melville requests the termination of the Trust pursuant to Clause 11.1 of the Trust Deed
3. The Fund Review Committee meets and approves the request, providing the City of Melville with a written consent signed by all three to that effect
4. The funds be paid by the City of Melville into the Public Arts Program.
5. The Trustees formally terminate the Trust, advises the members of the Fund Review Committee that they are no longer members of the Committee which has ceased to exist on termination and informs the last President of the City of Melville Arts Foundation Inc, purely as a matter of courtesy that the Trust has been wound up.

FINANCIAL IMPLICATIONS

An amount of \$7,956 is currently held in the Trust. It is proposed that these funds be re-allocated to the City of Melville's existing public art program administered by the Cultural Development Officer – Arts.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Strategic and Risk implications were assessed in the report considered by Council at its 20th June 2006 meeting and determined to be insignificant.

POLICY IMPLICATIONS

There is no Council Policy that relates to this item.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C07/8003 – MELVILLE ARTS TRUST FUND (AMREC) (ATTACHMENT)

CONCLUSION

In accordance with legal advice, the Fund Review Committee has now met and approved the City's request to terminate the Trust pursuant to Clause 11.1 of the Trust Deed. They further resolved to recommend that the funds in the Trust be re-allocated to the City's Public Art Program.

The City is now required to:

1. Formally wind up the trust
2. Advise the members of the Fund Review Committee that they are no longer members of the Committee
3. Informs the last President of the City of Melville Arts Foundation Inc. that the Trust has been wound up

** At 7.42pm the Manager Health & Leisure Services and the Recreation Business Manager departed the Chamber.

** At 7.44pm Cr L M Reynolds re-entered the Chamber.

COUNCIL RESOLUTION (8003)

ABSOLUTE MAJORITY

At 7.42pm Cr C W Robartson moved, seconded Cr J Phillips -

1. **THAT THE MELVILLE ARTS TRUST BE FORMALLY WOUND UP**
2. **THAT THE MEMBERS OF THE FUND REVIEW COMMITTEE BE ADVISED THAT THEY ARE NO LONGER MEMBERS OF THE COMMITTEE**
3. **THAT THE LAST PRESIDENT OF THE CITY OF MELVILLE ARTS FOUNDATION INC. BE ADVISED THAT THE MELVILLE ARTS TRUST HAS BEEN WOUND UP**
4. **THAT FUNDS REMAINING IN THE TRUST BE RE-ALLOCATED TO THE CITY OF MELVILLE'S PUBLIC ART PROGRAM**

At 7.45pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

C07/8001 - REVIEW OF MELVILLE ADVISORY COMMITTEE ON SENIORS INTERESTS AND MULTICULTURAL AND CITIZENSHIP COMMITTEE (AMREC) (ATTACHMENT)

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

KEY ISSUES / SUMMARY

- This item deals with the current status of the Melville Advisory Committee on Seniors Interest (MACSI) and the Multicultural and Citizenship Committee (MCC). Both committees have struggled to have quorums throughout 2006 and officers supporting these committees have received feedback from some members that they feel the committees are no longer purposeful.
- Officers recommend that both committees be disbanded and that other methods to engage members of the community from both the senior and multicultural demographic be implemented on an as needs basis.
- A memorandum was sent to Her Worship the Mayor and Elected Members on 25 January 2007 [8001_March_2007.pdf](#) and forms an attachment to this item.

C07/8001 - REVIEW OF MELVILLE ADVISORY COMMITTEE ON SENIORS INTERESTS AND MULTICULTURAL AND CITIZENSHIP COMMITTEE (AMREC) (ATTACHMENT)**BACKGROUND**

The Festivals Committee was disbanded in 2001 for similar reasons, the original purpose of the committee had been attained and attendance at meetings had begun to wain.

The MCC has been in existence for over ten years and the MACSI committee for eight years. The purpose of both committees has been reviewed over the years and membership has changed. The expectations of both committees has changed over the years as we have recruited professional staff into the Community Development team who have implemented some of the original objectives of the committees. Therefore the roles of the committee members have changed from quite active committees to passive committees receiving information from the officers and sharing information with the committee.

The Mayor is the Chairman of both committees and has encouraged ideas from committee members to renew their participation and improve the purposefulness of their attendance. While committee members that have attended meetings have had some great ideas they are busy individuals and not able to participate in implementing the ideas themselves. Furthermore, there has sometimes been an expectation for officers to progress the ideas which didn't always fit within the strategic direction set for the supporting officer.

Feedback from some committee members has indicated that over the past few years they have gained an increased confidence in the officer's ability to ensure fair representation of the community is gained for projects involving seniors and residents from different cultures which meant that community members felt less need to advocate on their behalf.

DETAIL

From ID profile the demographics showed that in 2005 8% of our population was between 60 – 75 years of age and 8% was over 75 years of age. However, all of the community members on the committee are over 75 years of age and the majority are from an Anglo-Saxon background. Strategies have been implemented to broaden the representation of seniors on the committee, however, for the past two years there have been no "younger" seniors and only one senior representing a culture other than English.

Similarly, the Multicultural and Citizenship Committee (MCC) representation of members has not reflected the demographics of the community.

Going forward, the Community Plan and future Neighbourhood Plans would provide an opportunity for us to improve equitable and inclusive participation from across all demographic groups in our community, the place-based planning approach and the asset-based community development techniques will support relationship building across all demographics in a neighbourhood.

The recent WHO consultative forums, conducted by the Office of Seniors' Interests and Volunteering (OSIV), was a good example of how to engage residents in meaningful dialogue relevant to seniors from across all demographic profiles, age, culture and physical ability.

This style of engagement is what we plan to use in the future

**C07/8001 - REVIEW OF MELVILLE ADVISORY COMMITTEE ON SENIORS INTERESTS
AND MULTICULTURAL AND CITIZENSHIP COMMITTEE (AMREC) (ATTACHMENT)****PUBLIC CONSULTATION/COMMUNICATION**

Officers consulted members of the committees to gain their views with regard to the continuation of the committees.

Most members stated that committees no longer reached desired outcomes or met for a specific purpose, and felt the committees no longer focused on the original purpose for which they were set up. Attendance at meetings was poor.

Many members commented that consultation and participation in such events as the WHO project and Seniors Forums was more meaningful to members.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Consultation with members of the committees included agencies represented such as the Senior Citizens Club and the Seniors Recreation Council. These representatives agreed with the proposal to disband the committees and made similar comments to other members ie lack of focus and purpose to the meetings.

STATUTORY AND LEGAL IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

There are no upfront or ongoing financial implications for Council in this application.

C07/8001 - REVIEW OF MELVILLE ADVISORY COMMITTEE ON SENIORS INTERESTS AND MULTICULTURAL AND CITIZENSHIP COMMITTEE (AMREC) (ATTACHMENT)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Disbanding of these committees may result in groups such as the Senior Citizens Clubs relationship with Council weakening.	Moderate consequences resulting low risk	<p>Ensure strategies to involve community members from all cultures and across age groups are in place.</p> <p>Ensure current committee members are invited to participate in future activities involving them in the community via consultation or other strategies as developed.</p> <p>Ensure a stakeholder management strategy is in place to continue to strengthen relations with groups such as the Senior Citizens Clubs</p>

POLICY IMPLICATIONS

14-PL-010 – Advisory and Management Committees

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There are a range of alternative methods for engaging with those sectors of our community.

Many committee members feel they have a voice by participating in public forums such as the south of the river forums and network meetings, as well as focus groups such as the World Health Organisation consultation forums. Chinese New Year and the International Film Festival are very popular and provide Elected Members and Officers opportunities to engage with and gain feedback from a broader representation of these groups.

In addition, having direct access to the CDOs was identified as very positive.

Most members welcomed the suggestion that they be called upon to assist and participate in specific projects, focus groups and discussion groups throughout the year. They believe that should there be a specific purpose or project, those with a particular interest will be more willing to contribute and commit to attending on a regular basis.

C07/8001 - REVIEW OF MELVILLE ADVISORY COMMITTEE ON SENIORS INTERESTS AND MULTICULTURAL AND CITIZENSHIP COMMITTEE (AMREC) (ATTACHMENT)

Members believe that the council must continue maintaining strong ties with its community to enable them to receive feedback and enable residents and Council to share information.

All members are in favour of disbanding the Melville Advisory Committee on Seniors Interests (MACSI), but one or two MCAC members thought new membership may rejuvenate this committee.

CONCLUSION

Committee Members from both committees have contributed in many ways to projects/activities that the City of Melville has developed. Some key projects to which the MACSI committee has contributed include the Seniors Citizens Clubs becoming incorporated; the research leading to the development of the Seniors' Assistance Fund; involvement in a range of seniors' activities and the Seniors' Forums. Key projects that MCC members have contributed to include the appointment of a Multicultural Officer; appointment of an Aboriginal Liaison Officer; research into the Chinese community resulting in our EMAS groups; the organising of Melfestiva many years ago which grew into what we now know as the Festival of Melville.

With the appointment of Community Development Officers many of the original projects have continued to strengthen and now much of the time at meetings is devoted to sharing information. Officers are confident that committee members will continue to be involved as they have built strong relationships with some of the individuals who have been part of these committees for many years. Officers will continue to share information with the current members and ensure that when they are engaged in a form of consultation it will be meaningful and relevant to everyone.

Furthermore the Community Plan and subsequent Neighbourhood Plans will provide opportunities for participation across the demographic spectrum. This will include Elected Members in dialogue relevant to the whole community in a neighbourhood rather than a small group of individuals representing the whole of Melville for a sector of the community.

COUNCIL RESOLUTION (8001)**ABSOLUTE MAJORITY**

At 7.45pm Cr P M Phelan moved, seconded Cr C W Robartson -

- 1. THAT THE MELVILLE ADVISORY COMMITTEE ON SENIORS INTERESTS (MACSI) BE DISBANDED AND THAT COMMITTEE MEMBERS WISHING TO MAINTAIN INVOLVEMENT BE INVITED TO REGISTER THEIR INTEREST FOR FUTURE RELEVANT OPPORTUNITIES.**
- 2. THAT THE MULTICULTURAL AND CITIZENSHIP COMMITTEE (MCC) BE DISBANDED AND THAT COMMITTEE MEMBERS WISHING TO MAINTAIN INVOLVEMENT BE INVITED TO REGISTER THEIR INTEREST FOR FUTURE RELEVANT OPPORTUNITIES.**
- 3. THAT ALL MEMBERS FROM BOTH COMMITTEES BE THANKED FOR THEIR PARTICPATION AND CONTRIBUTION TO THE COMMITTEE.**

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

CARRIED WITHOUT DISSENT (12/0)

C07/6005 - MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

Ward	:	All
Category	:	Operational
Subject Index	:	Financial Statements and Investments
Customer Index	:	Department of Local Government and Regional Affairs
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	:	Bob Searle Manager Financial Services

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

This report presents a Budget Review for consideration as required by Regulation 33A of the Local Government (Financial Management) Regulations 1996 (FM Regulations) and recommends various uses for the estimated surplus with any remaining balance being transferred to the Community Facilities Reserve as part of the year end processes

C07/6005 - MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**BACKGROUND**

Local Governments are required to conduct a budget review between 1 January and 31 March each financial year. This is a requirement covered by Regulation 33A of the FM Regulations. The intention of the legislation is to ensure local governments conduct at least one budget review between six and nine months into a financial year. Historically the City of Melville has reviewed its budget position on an ongoing basis with reporting of budget variations and a budget variances report forming part of the monthly financial statements submitted to Council.

The requirement has been responded to by combining the summary reports proposed by the Department of Local Government and Regional Development with a modified version of the “Notes on Operating Statements” report with which Councillors are already familiar.

DETAIL

A budget review based on the eight months to the end of February 2007 has been undertaken with full participation of the Management team and Budget Responsible Officers. The projected financial position of the City of Melville to the end of June 2007 is a surplus of \$2,589,665. This surplus is summarized in the table attached [6005A March 2007.pdf](#) and the make up of the figures by Operational Unit is listed in attachment [6005B March 2007.pdf](#). The two most significant areas are interest earned from investments (\$500,000 surplus) and delayed infrastructure capital projects (\$626,000).

Attachments [6005C March 2007.pdf](#), [6005D March 2007.pdf](#) and [6005E March 2007.pdf](#) summarize the projected year end position in the format recommended by the Department of Local Government and Regional Development.

During the Budget Review process it has been identified that as a result of changed operational requirements there will be a need to increase the funding to be allocated to the Plant Replacement Reserve for the year by an estimated amount of \$592,000. Any final changes will be subject to the normal variation process, but in order to highlight this issue, a separate recommendation has been included at the end of this report. The most material items creating the need for this extra funding are:

C07/6005 - MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

- Upgrade of base Crew Cab utility specification from Ford Triton to Toyota Hilux for safety reasons \$86,000
- Purchase of equipment for the Point Walter Contract \$231,200
- Truck sales included in the 2006/07 Budget, but effected in 2005/06 \$73,100
- Retention of Road Sweeper due for part exchange – to be used for resource sharing with neighbouring Councils \$72,900
- Purchase of vehicle to be leased from City of Melville by SW Group \$27,100
- Decreased retention period for Security Vehicles (to be changed at 150,000 km rather than 200,000km) \$50,000
- Additional Mower Decks – decks on the 6 Iseki outfront mowers to be replaced between 12 and 24 months rather than refurbished \$20,850

A further item that could impact on the Plant Replacement Reserve replenishment requirement is the current review of the roadside green waste and white goods collection service. No acceptable tender was received for this service under the Southern Metropolitan Regional Council tender process, and the implications of taking on this work in house are being reviewed. If a decision were to be taken to bring this service in house, there would be an initial capital requirement of approximately \$750,000, although there are funds available of \$302,663 in the Refuse Disposal Reserve that could be used to partly fund this outlay.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable

C07/6005 - MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

STATUTORY AND LEGAL IMPLICATIONS

Regulation 33A, which was inserted into the FM Regulations on 31 March 2005, reads as follows

“33A. Review of budget

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”

FINANCIAL IMPLICATIONS

A forecast surplus of \$2,589,665 has been identified following the Budget Review. It is proposed that, of this figure:

- An amount of \$592,000 be utilised to increase funding for the Plant Replacement Reserve.
- The amount of \$105,171 identified in the Waste area be transferred to the Refuse Facilities Reserve in accordance with legislation.
- Amounts relating to uncompleted infrastructure and other projects be utilised to complete those projects in the 2007/2008 financial year.
- Should the Council decide to conduct its own kerbside green waste and white goods bulk collection programme the additional funds totalling \$750,000 required to purchase the vehicle and plant required to carry out the collections be funded by a \$303,000 transfer from the Refuse Disposals Reserve and the balance of \$447,000 from the current years surplus
- The amount of surplus remaining be utilised in the process of preparing the funding requirements for the 2007/2008 Budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Following a review of the risks implicit in the subject of this agenda item, no high or extreme risks have been identified.

POLICY IMPLICATIONS

Not applicable.

C07/6005 - MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Not applicable.

CONCLUSION

The Budget Review process has identified an expected surplus of \$2,589,665. It is proposed that, of this figure, an amount of \$592,000 be utilised to increase funding for the Plant Replacement Reserve with the balance of \$1,997,665 (\$1,694,665 if kerbside green waste and white goods bulk collection process undertaken by the Council), as in previous years, being transferred to the Community Facilities Reserve at the year end.

COUNCIL RESOLUTION (6005)**ABSOLUTE MAJORITY**

At 7.49pm Cr A Ceniviva moved, seconded Cr L M Reynolds -

1. **THAT BY ABSOLUTE MAJORITY DECISION THE BUDGET REVIEW BASED ON THE EIGHT MONTHS ENDED 28 FEBRUARY 2007, AS DETAILED IN ATTACHMENTS:**
[6005A March 2007.pdf](#),
[6005B March 2007.pdf](#)
[6005C March 2007.pdf](#)
[6005D March 2007.pdf](#)
[6005E March 2007.pdf](#) **BE ADOPTED, AND**
2. **THAT BY ABSOLUTE MAJORITY DECISION AN AMOUNT OF \$592,000 OF THE SURPLUS IDENTIFIED BY THE BUDGET REVIEW SHALL BE TRANSFERRED TO THE CREDIT OF THE PLANT REPLACEMENT RESERVE AS PART OF THE YEAR END ACCOUNTING PROCESSES, AND**
3. **THAT BY ABSOLUTE MAJORITY DECISION AN AMOUNT OF \$105,171 OF THE SURPLUS IDENTIFIED BY THE BUDGET REVIEW SHALL BE TRANSFERRED TO THE CREDIT OF THE REFUSE FACILITIES RESERVE AS PART OF THE YEAR END ACCOUNTING PROCESSES, AND**
4. **THAT BY ABSOLUTE MAJORITY DECISION AMOUNTS RELATING TO UNCOMPLETED INFRASTRUCTURE AND OTHER PROJECTS BE UTILISED TO COMPLETE THOSE PROJECTS IN THE 2007/2008 BUDGET, AND**
5. **THAT BY ABSOLUTE MAJORITY DECISION SHOULD THE COUNCIL DECIDE TO CONDUCT ITS OWN KERBSIDE GREEN WASTE AND WHITE GOODS BULK COLLECTION PROGRAMME THE ADDITIONAL FUNDS TOTTALLING \$750,000 REQUIRED TO PURCHASE THE VEHICLES AND PLANT REQUIRED TO CARRY OUT THE COLLECTIONS BE FUNDED BY A \$303,000 TRANSFER FROM THE REFUSE DISPOSAL RESERVE AND THE BALANCE OF \$447,000 FROM THE CURENT YEAR'S SURPLUS, AND**
6. **THAT BY ABSOLUTE MAJORITY DECISION THE REMAINING SURPLUS IDENTIFIED BY THE BUDGET REVIEW SHALL BE TRANSFERRED TO THE CREDIT OF THE COMMUNITY FACILITIES RESERVE AT YEAR END.**

At 7.52pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

C07/5000 - COMMON SEAL REGISTER (REC)

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

SUMMARY

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

BACKGROUND

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

DETAIL

Document Type	Party	Description	File Ref
	Multiplex Raffles Pty Ltd	Application to vary Strata	1627148
Deed of Agreement	Roman Catholic Archbishop of Perth	Lot 3 Foss Street, Palmyra	1627016
Deed of Assignment of Lease	Walters River WA	Walters River Cafe	1628146
Purchase of land	City of Melville	3 Willcock Street, Ardross	1592955
Deed of Agreement	Cunderdin Shire Council	Rates Service	1636408

C07/5000 - COMMON SEAL REGISTER (REC)

PUBLIC CONSULTATION

Not applicable.

COMMENT

Nil.

STATUTORY ENVIRONMENT

Section 2.5 of the Local Government Act 1995.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

COUNCIL RESOLUTION (5000)

NOTED

At 7.52pm the Mayor submitted the motion, which was declared -

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

CARRIED EN BLOC

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

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

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of February 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 March 2007.pdf](#) and [6000B March 2007.pdf](#) the Investment Statements for the month of February 2007, form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 14 March 2007.

The Investment of Surplus Funds is undertaken in accordance with the Finance Investment Policy document for the City of Melville. [6000D March 2007.pdf](#) a graph showing the total levels of funds invested forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 14 March 2007.

A report prepared by Grange Securities has again been included for members' information. [6000C March 2007.pdf](#) The reports form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 14 March 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 February 2007, total interest, excluding Reserve Fund interest, earned was \$1,640,771 against a budget year to date of \$1,415,000. The full year budget is one million nine hundred and sixty eight thousand dollars (\$1,968,000).

Reserve Fund interest earned was \$1,066,147 against a budget year to date of \$578,400. The full year budget is eight hundred and sixty seven thousand eight hundred dollars (\$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 showed an decrease of 0.047% and longer term returns showed a similar trend, with the ninety day rate decreasing by 0.048%. 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 0.12% annualised in the month and has exceeded the benchmark by 0.74% over the last twelve months.

COUNCIL RESOLUTION (6000)**NOTED**

At 7.52pm the Mayor submitted the motion, which was declared -

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

[6000A March 2007.pdf](#)

[6000B March 2007.pdf](#)

[6000C March 2007.pdf](#)

[6000D March 2007.pdf](#)

CARRIED EN BLOC

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

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

AUTHORITY / DISCRETION

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

C07/6001 – 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 February 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 28 February 2007 [6001 March 2007.pdf](#) including Payment Registers numbers thirteen and fourteen were distributed to the Members of Council on Wednesday, 14 March 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)**NOTED**

At 7.52pm the Mayor submitted the motion, which was declared -

THAT THE SCHEDULE OF ACCOUNTS FOR THE PERIOD ENDED 28 FEBRUARY 2007 [6001 March 2007.pdf](#), AS APPROVED BY THE DIRECTOR CUSTOMER AND CORPORATE SERVICES IN ACCORDANCE WITH DELEGATED AUTHORITY CE23, AND DETAILED IN ATTACHMENT BE NOTED.

CARRIED EN BLOC

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

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

AUTHORITY / DISCRETION

	<u>Definition</u>
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<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>
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<input type="checkbox"/> Review	<i>when Council review decisions made by Officers.</i>
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KEY ISSUES / SUMMARY

- This report presents the financial statements to the end of February 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 February 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**

Work has been completed on a mid year budget review and the outcomes of this review are the subject of a separate report to be presented to the March Council meeting. The normal monthly review – “Notes on Operating Statements” is attached for the February month. 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.

It should be remembered that the variances highlighted in the budget review are year end forecasts, whereas the figures in the variance report accompanying this document are as at the end of February.

The following attachments form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Wednesday, 14 March 2007.

DESCRIPTION	LINK
Statement of Financial Activity – February 2007	<u>6002A March 2007.pdf</u>
Operating Statements by Program for the period ended 28 February 2007	<u>6002B March 2007.pdf</u>
Representation of Working Capital as at February 2007	<u>6002E March 2007.pdf</u>
Reconciliation of Net Working Capital as at 28 February 2007	<u>6002F March 2007.pdf</u>
Notes on Operating Statements for February 2007 reporting on variances of 10% or greater	<u>6002H March 2007.pdf</u>
Details of Budget Amendments requested during the month of February 2007	<u>6002J March 2007.pdf</u>

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 28 February 2007.

C07/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)**COUNCIL RESOLUTION (6002)****ABSOLUTE MAJORITY**

At 7.52pm the Mayor submitted the motion, which was declared -

- 1. THAT THE STATEMENTS OF FINANCIAL ACTIVITY AND THE OPERATING STATEMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2007 AS DETAILED IN THE FOLLOWING ATTACHMENTS BE ADOPTED:**

DESCRIPTION	LINK
STATEMENT OF FINANCIAL ACTIVITY – FEBRUARY 2007	<u>6002A March 2007.pdf</u>
OPERATING STATEMENTS BY PROGRAM FOR THE PERIOD ENDED 28 FEBRUARY 2007	<u>6002B March 2007.pdf</u>
REPRESENTATION OF WORKING CAPITAL AS AT FEBRUARY 2007	<u>6002E March 2007.pdf</u>
RECONCILIATION OF NET WORKING CAPITAL AS AT 28 FEBRUARY 2007	<u>6002F March 2007.pdf</u>
NOTES ON OPERATING STATEMENTS FOR FEBRUARY 2007 REPORTING ON VARIANCES OF 10% OR GREATER	<u>6002H March 2007.pdf</u>

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

CARRIED EN BLOC

ADOPTION OF ITEMS NOT WITHDRAWN

At 7.52pm Cr D J Macphail moved, seconded Cr J Phillips -

THAT THE REPORTS OF THE CHIEF EXECUTIVE OFFICER EXCLUDING ITEMS P07/3006, P07/3004, C07/8002, C07/8003, C07/8001 AND ITEM C07/6005 BE RECEIVED AND THE RECOMMENDATIONS CONTAINED THEREIN BE ADOPTED.

At 7.52pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

14. CLOSURE

There being no further business, the Mayor declared the Meeting closed at 7.53pm.