



— City of —
Melville

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

HELD ON

TUESDAY, 16 DECEMBER 2008

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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— City of —
Melville

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

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY 16 DECEMBER 2008.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr J Clark the Governance and Compliance Program Manager read aloud the Disclaimer and the Deputy Mayor, Cr P Phelan, read aloud the Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Cr H Everett, Cr N Pazolli
Cr D Macphail, Cr T Ceniviva
Cr R Subramaniam, Cr C W Robartson
Cr P M Phelan, Cr C M Halton
Cr J M Barton,
Cr L M Reynolds, Cr J Bennett

WARD

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

3. IN ATTENDANCE**POSITION TITLE**

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Mr C McClure	Director Urban Planning
Mr J Christie	Director Technical Services
Ms K Johnson	Manager Organisational Development
Mr T Cahoon	Acting Director Strategic Community Development
Mr D Vinicombe	Manager Planning & Development Services
Mr B Taylor	Manager Information, Technology & Support
Mr J Clark	Governance & Compliance Program Manager
Mr J Gonzalez (until 7.10pm)	Planning Services Coordinator
Ms C Rourke	Minute Secretary

At the commencement of the Meeting there were 11 members of the public in the Public Gallery and 3 members of the Press in the Press Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APPROVED LEAVE OF ABSENCE**

Nil

4.2 APOLOGIES

Cr G Wieland

Bicton/Attadale Ward

5. PUBLIC QUESTION TIME**5.1 Mr A McLeod, Leeming**Question 1

“What alternative gym and swimming facilities will be made available to Leeming residents which are reasonably close to their area?”

The Chief Executive Officer referred the resident to the agenda in the Council report which advises that there is a study in relation to the number of recreation centres provided by the private sector which has come on board in the last 10 years. This has been a major reason for significant reduction in membership at the Leeming Recreation Centre.

Question 2

“If the centre is handed over to the Education Department, will Council ensure that the agreement contains a provision for residents to have daytime access to swimming and gym facilities at a concessional cost?”

The Chief Executive Officer advised that, if council agrees, the pool would be closed and it is not expected to be re-opened. In relation to use of the gym for public purposes within that facility, this needs to be ascertained along with any other services run out of it.

Question 3

“How will Council ensure that the money which is earmarked for the Leeming Recreation Centre upgrade is used for the benefit of Leeming residents and not lumped in with general recreation budget items?”

The City can't make decisions based on words. Currently the Centre requires funding of \$1m per year to keep it open. Suggesting closure and money going back to Leeming it is assumed, is not the intention of the questioner. Council will consider alternative options.

5.2 Mr D Bradley, Leeming

Question 1

“With regards to the closure of Leeming Recreation Centre, has the option of closing the wet side and keeping the dry open been looked into? According to the figures attached to the minutes of the meeting, the wet side accounts for about 75% of the centres loss. Also, the wet side of the centre is the largest user of gas, hence the recent closure of the pool. If this option was taken the losses would be acceptable and the reduction in CO2 emissions would play a large part in the City's planned target of a 25% reduction in CO2 emissions. Melville City's Health and Lifestyle Manager, Mr Todd Cahoon, stated in February this year that “Leeming Recreation Centre ran at a loss but that wasn't the issue. The purpose of local government is not to make a profit but to provide essential services to the local community”. Also, he stated “The centres are also considered community hubs, providing a social meeting place for users to interact and make new friends. We are committed to promoting catering for physical activity to help maximise resident's participation in physical exercise”. If this is indeed his wish, why is he proposing the closure of the Centre?”

The Chief Executive Officer responded by saying that a lot of the issues raised were addressed in response to the previous questions. Wet site closure was considered. The point of the recreation centre being a social hub is correct, but only if the community does support it. The report presented looks at alternatives, the market place, declining membership before the pool was closed and it is evident that the support from the local community is not there. The number of rate payers serviced by recreation facilities shows that the City of Melville is over-servicing compared with other Councils. The Council report and resultant decision has not been an easy one to make. The Chief Executive Officer and Council Officers are happy to meet with members of the public should they wish to have more detailed discussions.

5.3 Mr K Slipper, LeemingQuestion 1

“Will the proposed Melville Aquatic Centre upgrade have all the facilities currently at Leeming Recreation Centre eg. Basketball and squash courts, R.P.M? If not would the cost of providing these cost more than the budgeted \$4.5 million?”

The Chief Executive Officer advised that the cost of an upgrade of the Melville Aquatic Centre was in vicinity of \$4.5m – however, one problem is that the Centre is losing membership there also, as the gym is not large enough. The money will be used to extend the Melville Aquatic Centre gym to help grow membership. There are no plans for any basketball or squash courts.

Question 2

“Will the final decision on the future of Leeming Recreation Centre be dependent on detailed costs of all the alternatives being obtained and communicated to Leeming residents?”

The Chief Executive Officer responded by advising that the information is already available in the report. A number of options have been put forward to Council and these are outlined in the report.

5.4 Ms A Wilson, ApplecrossQuestion 1

“We would be interested to know who will be liable (or more likely when!!) a serious accident occurs when a kite lands on/or across Melville Beach Road, as is frequently the case, to a motorist, a pedestrian, baby in a pram or cyclist? The dangers have been pointed out to Melville City Council and to the Swan River Trust on numerous occasions, but no one body is taking responsibility. These kites are often swept up by the strong and unpredictable gusts of wind, and when they cannot be controlled they can land very quickly, with a terrifying force and noise on impact.”

The Chief Executive Officer advised that essentially the City can't be held responsible for negligence or stupidity of other people. Any incident will have to be investigated on a case by case basis and any action resulting from an incident would be based on negligence.

All the surrounding circumstances of an incident would need to be looked at and examined to see whether any person was negligent which could have contributed to the incident. This does not mean that in the case of the City we are responsible for anything unforeseen. We would have to look at the level of regulation and signage and whether in the general scheme of things we have done what could be reasonably expected of us to take care. For example, we would not allow anyone to launch a kite from the residential side of the road. We cannot however be responsible for any stupidity or negligence on the part of a kite surfer, or wind or weather conditions. As a further example, we do not prohibit the dangerous use of cars or motorbikes, the City manages the roads.

5.4 Ms A Wilson, Applecross
Question 1 Continued.

City is in process of reviewing the item and a request for a Licence for a kite surfing/wind surfing school to operate from Melville Beach which the City has not supported. At a later stage Council may decide a local law is required. There is the battle of over-regulating and we may come in to criticism due to over regulation. If we find that activities are a problem we may then need to look at regulating.

6. AWARDS AND PRESENTATIONS

His Worship the Mayor, R A Aubrey, will present the Local Government TravelSmart Champion Award to Mr John Christie, Director Technical Services who received the award behalf of Leon Ebbelaar, TravelSmart Officer in recognition of the City of Melville's role as a champion of the Western Australian TravelSmart Program.

The City of Melville's involvement in the TravelSmart Household program, SMARTi's resulted in a 16% reduction in single occupant vehicle trips in Canning Bridge Precinct and the Silhouette Children that had a significant reduction in vehicle speeds in school zones and it's uptake by other Local Governments.

7. CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 18 NOVEMBER 2008
[Min 18 Nov 2008.pdf](#)

At 6.51pm Cr Reynolds moved, Cr Robartson seconded -

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 18 NOVEMBER 2008 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.

At 6.51pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

7.2 ANNUAL GENERAL MEETING OF ELECTORS – 26 NOVEMBER 2008
[Min 26 Nov 2008.pdf](#)

At 6.51pm Cr Macphail moved, Cr Subramaniam seconded -

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

THAT THE MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON WEDNESDAY 26 NOVEMBER 2008 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.

At 6.51pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

[Questions On Notice 2008.pdf](#)

At 6.51pm Cr Robartson moved, Cr Phelan seconded -

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

THAT THE RESPONSES TO THE QUESTIONS TAKEN ON NOTICE AT THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON WEDNESDAY 26 NOVEMBER BE TABLED AND RECEIVED.

At 6.51pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

7.3 NOTES OF AGENDA BRIEFING FORUM – 9 DECEMBER 2008

[Notes 9 Dec 2008.pdf](#)

At 6.51pm Cr Pazolli moved, Cr Phelan seconded -

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

THAT THE NOTES OF AGENDA BRIEFING FORUM HELD ON TUESDAY 9 DECEMBER 2008 BE RECEIVED.

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

CARRIED WITHOUT DISSENT (12/0)

8. DECLARATIONS OF INTEREST

Cr Macphail	C08/8010
Cr Macphail	C08/5038
Cr Robartson	C08/5038
Mr Shayne Silcox	C08/5038
Mr Shayne Silcox	C08/8010
Mayor R Aubrey	C08/8010
Mr D Vinicombe	P08/3054
Cr Ceniviva	C08/8010

9. APPLICATIONS FOR NEW LEAVE OF ABSENCE

Nil

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

11. PETITIONS

11.1 Petition – Traffic Calming Devices in Dunkley Avenue, Applecross

A petition signed by 366 residents was received by the City of Melville on Friday 17th October 2008, a further 9 signatures were received on Monday 20th October 2008. On Friday 21 November a further 9 signatures were received. The petition reads as follows -

“We, the undersigned, all being Electors of the City of Melville, do humbly pray that Council will install traffic calming devices in Dunkley Avenue, Applecross between Tompkins Park and Cunningham Street to deter drivers from speeding in the area.

Between October 2003 and January 2006 alone, 39 security incidents, such as speeding motorcyclists and vehicles driving on residents’ front verges were reported to the City of Melville. In 2004, a young child was run over and killed by a car on that road. Had the traffic calming devices been present, this death may have been prevented.

The area is popular with families and students who use it for recreational purposes but despite the high patronage, drivers and motorcyclists continue to display anti-social behaviour and hoon driving along Dunkley Avenue, endangering people’s lives.

We ask that Council install traffic calming measures in that area as a matter of priority to ensure the ongoing safety of the community.”

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

At 6.58pm Cr Everett moved, Cr Pazolli seconded -

THAT THE PETITION BEARING 9 SIGNATURES BE NOTED AND A REPORT BE PRESENTED TO A FUTURE COUNCIL MEETING.

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

CARRIED WITHOUT DISSENT (12/0)

REPORTS OF THE CHIEF EXECUTIVE OFFICER

The Presiding Member is to advise Elected Members that when dealing with the following Reports they act in their Quasi-Judicial capacity which means that they are performing functions which involve the exercise of discretion and require a part of the decision making process be conducted in a Judicial Manner. The judicial character arises from the obligation to abide by the principles of natural justice. This on it's part requires the application of the relevant facts to the appropriate statutory regime.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**

Disclosure of Interest

Item No.	P08/3054
Councillor/Officer	Mr D Vinicombe
Type of Interest	Interest under Code of Conduct 8.28
Nature of Interest	Previously undertaken work for applicant
Request	Leave
Decision of Council	Not Required – The Presiding Member advised that as this was an Interest under Code of Conduct Mr Vinicombe was able to stay and observe

Ward	: Applecross – Mount Pleasant
Category	: Operational / Strategic
Application Number	: DA-2008-505
Property	: 26 Kintail Rod, Applecross
Proposal	: Three storey office building
Applicant	: Tuscom Subdivision Consultant Pty Ltd
Owner	: Starworld Holdings Pty Ltd
Disclosure of any Interest	: David Vinicombe Manager Planning and Development Services
Responsible Officer	: Julio Gonzalez Planning Services Coordinator
Previous Items	: DA-2004-1981/ DA-2006-1962

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**

AUTHORITY / DISCRETION

Definition

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

KEY ISSUES / SUMMARY

- Proposal is for a three storey office building with undercroft car parking for 16 vehicles plus 8 bays at the ground floor level.
- The application site is a vacant lot comprising an area of 786 sq m. For the purposes of this determination and in accordance with Amendment 46, the site area of the subject lot and that of the adjoining lot to the immediate north at 13 Tweeddale Road are considered as one entity for the purposes of plot ratio, density and coverage.
- Total plot ratio is 0.96, calculated to include 0.35 for the proposed non-residential element and 0.61 for the existing residential building facing Tweeddale Road.
- Rear setback variations are proposed at 1.8 metres in lieu of 6.0 metres.
- Landscaping 13.87% in lieu of 25%.
- No submissions were received during the advertising period.
- Recommended for approval subject to conditions.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)****BACKGROUND**

This matter was presented to an Elected Members Workshop on Tuesday 4 November 2008. No concerns were raised with the exception of the lots being subdivided after amalgamation. However Amendment No. 46, Clause 4.3.3 considers the combination of Lots for the purposes of calculation of Plot Ratio.

On 17 April 2007 the Council approved, DA-2006 – 1962 for “amendments to penthouse and balconies on Lot 1057 (13) Tweeddale Road and Lot 1068 (26) Kintail Road, Applecross subject to the following conditions:

1. That lot 1057 (13) Tweeddale Road and lot 1062 (26) Kintail Road, Applecross be amalgamated or resubdivided so that the residential components of the development are wholly within a single lot.
2. That the residential plot ratio be limited to 0.61:1 (as detailed in this application).
3. That the deed of agreement dated 17 July 2006 between Starworld Holdings Pty Ltd and the City of Melville be modified to the satisfaction of the Chief Executive Officer to reflect special conditions 1 & 2 above.
4. That compliance with all conditions stipulated in the Council approval dated 15 March 2005 other than condition 2 and 3 which limits the residential plot ratio to 0.6:1 and conditions 7 and 21 deleted in the planning approval issued on 6 October 2005.

This approval resulted in an increase in the residential area from 1214 sqm to 1232 sqm with the total plot ratio area being increased from 1580 sqm to 1598 sqm accordingly.

On 15 March 2005, the Council approved, DA-2004 -1981 for a “Five (5) level apartment building containing seven (7) residential units and three (3) storey office building on Lots 1057 (13) Tweeddale Road and 1062 (26) Kintail Road, Applecross.

The application was approved with Condition 2 “*The development shall not exceed a maximum plot ratio of 0.8:1 (1619 sqm)*”. The application proposed a total floor area of 1610 sq metres, 1214 sq metres for residential use and 396 sq metres for commercial purposes.

On 21 September 2005 an application to reduce the extent of the commercial floor space from 396 sq m to 366 sq m, with a total plot ratio area of 1580 sq m was approved by DAU.

The March 2005 approval was subject to the amalgamation of Lots 1057 Tweeddale Road and 1062 Kintail Road. In order to satisfy this requirement, the applicant entered into a deed of amalgamation with the City of Melville on 17 July 2006 which required the properties to be amalgamated within 12 months of the issue of a Building Licence (11 September 2006). It is also noted that the agreement stipulated that the maximum residential component facing Tweeddale Road be capped at 0.6:1 (1232 sq m) and the commercial component facing Kintail Road be capped at 0.2:1 (366 sq m).

On 4 July 2007, the Western Australian Planning Commission approved a green title subdivision into 2 lots, one facing 13 Tweeddale Road with 1235 sqm containing the multiple dwellings building and one facing 26 Kintail Road with 786 sqm as a vacant lot.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Commercial Centre Frame
 R-Code : R50
 Use Type : Office
 Use Class : "S" use – Council discretion required after following advertising.

Site Details

Lot Area : 786 sqm (original lot 2021 sqm)
 Retention of Existing Vegetation : Not applicable
 Street Tree(s) : Two(2)
 Street Furniture (drainage pits etc) : Not applicable
 Site Details : [3054 PLans Kintail 2008.pdf](#)

DETAIL

Planning consent is sought for the erection of a 3 storey office building. It is proposed to provide 2 offices, gymnasium and amenities (toilets and kitchen) to the ground floor; and 4 offices plus amenities to each of the upper floors. A basement car park with 16 bays and 3 bays on gradient; plus 6 additional bays on the ground floor is also proposed.

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	N/A				
Plot Ratio	0.6	0.35	Complies		
Landscaping	25%	13.87%	Does Not Comply	MPDS	
Building Height	13.5 metres	13.5 metres	Complies		
Car parking	19 bays	24 bays	Complies		

(Note: Non compliance is emphasised in bold)

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	Nil	3.4 metres	Complies		
Rear	6.0 metres	1.8 metres	Does Not Comply	MPDS	
Side West	Nil	5.8 metres	Complies		
Side East	2.0 metres	2.3/4.1 metres	Complies		

(Note: Non compliance is emphasised in bold)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: No
 Reason: "S" use (Office) – Council discretion required following advertising.
 Support/Object: No submissions were received during the advertising period.

REFERRALS TO GOVERNMENT AGENCIES

Not Applicable

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Not Applicable

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not Applicable

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)****POLICY IMPLICATIONS**

Policy No. 06-PL-024 Car Parking (Non-Residential) – compliant.

Policy No. 06-PL-036 Planning Process and Decision Making. The Planning Process Matrix indicates that major applications with minor variations are to be referred to a Portfolio Meeting and then the Development Advisory Unit, but not Council. In this instance, the development has not been presented to a Portfolio Meeting as these meetings have been replaced with Elected Member Workshops. The proposal was presented to the Elected Member Workshop on 4 November 2008.

Policy No. 25-PL-002 Arts and Culture. This Policy requires all major commercial developments to provide public art to the value of 1% of the development cost.

Policy Ref No 06-PL-035 “Aesthetics” exists to assist and guide staff and Councillors in dealing with aesthetics as part of the Planning Approval process. This Policy recommends that in dealing with suburban residential developments architectural advice should be sought where necessary.

Policy Ref No 06-PL-031 “Architectural and Urban Design Advisory Panel” provides the ability to procure this advice in the context of an Advisory Panel. A “Panel” considered the details of this application on 5th November 2008.

COMMENTS

The current proposal raises the following matters for consideration:

Amendment 46

On 4 July 2007, the Western Australian Planning Commission approved a green title subdivision into 2 lots, one facing 13 Tweeddale Road with 1235 sqm containing the multiple dwellings building and one facing 26 Kintail Road with 786 sqm as a vacant lot.

Amendment No. 46 of the Community Planning Scheme No 5 was endorsed by the Council and referred to the Minister for final approval. The Western Australian Planning Commission in correspondence dated 31 July 2008 advised that *“The Minister for Planning and Infrastructure has decided not to approve the above amendment until such time as the following modifications are effected:*

1. *Modify clause 4.3.1 to read:*

“development land” means land in any form of tenure which is the subject of a planning approval and consisting of:

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**

- (a) *the lot or combination of lots; or*
- (b) *the combination of a lot or lots with any part lot of lots; or*
- (c) *a part lot or combination of part lots.*

2. *Modify clause 4.3.3 to read:*

When the Council is considering a development proposal on any portion of development land, any existing development (to remain and that complies with the Scheme), or any development the subject of a current planning approval on any portion is to taken into consideration and aggregated for the purpose of calculation plot ratio, residential density or site cover.”

These modifications have been incorporated within the Amendment and this awaits final Council Approval. For the purposes of the current application it is necessary to consider the combined area of the subject lot and the lot to the north when calculating plot ratio, residential density and site cover.

Plot Ratio

In simple terms, plot ratio is the ratio of built area relative to the site area. This planning tool provides some rational for the assessment of building bulk on a property. However, other considerations such as setback, parking and building height, together with the visual aesthetics of a development have equal or more significance when considering the bulk of a development. The plot ratio requirements are complex and in many instances do not give a true representation of building bulk.

Plot ratio exclusions for non-residential development were previously contained under the Uniform Building Bylaws (but are not included under the current Building Code of Australia). In practice, however, the former Uniform Building Bylaw requirements are generally applied and in this regard, and plot ratio for commercial development excludes external walls of the commercial building, plant rooms, lift shafts, stairs, toilets and amenities and all floor areas for vehicle parking, whether at or below ground floor or above.

Taking this into consideration the development proposes a non-residential plot ratio of 0.35 (708 sq m) which is 504.6 sq m less than the 0.6 maximum (1212.6 sq m) permissible under the provisions of the Canning Bridge Frame. The residential development already provided on the lot to the north at 13 Tweeddale Road was approved by Council with a plot ratio of 0.61 (1232 sqm). Taking into consideration the requirements of Amendment No. 46, the total plot ratio for the combination of that lot and the subject lot is 0.96 (1940 sq m), which is 485.2 sq m less than the maximum plot ratio of 1.2 (2425.2) permitted “as of right” based on the Council’s legal interpretation of plot ratio for mixed-use development.

In addition to the above, Clause 7.8 of Community Planning Scheme No. 5 provides guidelines in relation to matters to be taken into account when considering planning applications, such as the objectives of the Scheme, orderly and proper planning and existing and future amenity of the area. In this regard, the proposal is considered to be consistent with the following:

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**

- a) The Statement of Intent for the Canning Bridge Frame (CBF) which indicates that offices may be supported where privacy of neighbours is respected and the design has a residential character. In this regard, the way in which the proposal has been designed is consistent with the existing residential character of the area. In relation to privacy considerations the proposal exhibits higher levels of privacy for the benefit of existing local residents than would normally be the case under the R-Codes.
- b) The orderly and proper planning for the locality. The development, in terms of its land use and design, is consistent with the pattern of land use in the locality, particularly from a streetscape perspective.
- c) The existing and future amenity of the locality along Kintail Road which is within the Canning Bridge Frame. This area is currently being developed with similar proposals, i.e.: 28 Kintail Road is a 4/5 storey mixed use building; a 4 storey mixed use building at 21 Kintail Road (approved by Council in June 2008) is located across the road; a 4 storey mixed use development at 4 Forbes Road (approved by SAT on appeal on 10 April 2008); a 3 storey mixed use development was approved by Development Advisory Unit (DAU) on 28 October 2008 and a 3 storey mixed use development at 30 Kintail road was approved by Council on 21 October 2008. The subject proposal is therefore consistent with this emerging pattern of development in the locality.

Traffic

Based on NSW Roads and Traffic Authority standards, the total vehicular trips generated by the proposed development should be in the order of 10 Vehicle Trips Per Day (VTPD) per 100 sq m of offices. Accordingly, the proposed 570 sq m (NLA) of office floor space will generate a total of 57 VTPD.

Traffic volume counts in 2004 were 7243 Average Weekday Traffic (AWT) along Kintail Road (137 m east of the subject property). It is considered that Kintail Road has the potential to accommodate the traffic generated by this proposal as it amounts to only 0.8% of the total amount of traffic along Kintail Road as highlighted by the 2004 traffic count figures.

In traffic terms the proposal has been the subject of consideration by the Councils Highway Engineers who offer support subject to the following:

1. The construction of a paved bin storage area sited to the side of the new crossover.
2. The reinstatement of road kerbing and verge in the position where the existing crossover is proposed to be removed...
3. Landscaping to verge areas to the satisfaction of Manager Planning and Development Services.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**

The provision of a parking embayment for service vehicles, generally sited within the verge area adjacent to the development, is usually required for this type of development. In this case however, there are two (2) mature trees on the verge which effectively prohibit this from happening. The trees make a positive contribution to the streetscape along Kintail Road and as such their retention is a prerequisite for this development to proceed. An alternative to provide the service vehicle embayment within the parking area adjacent to the proposed building is considered acceptable in this case. A condition of planning approval is recommended in order to achieve this.

Car Parking

In accordance with the City of Melville Policy No. 06-PL-024 Car Parking (Non-Residential), 19 bays would be required for the non-residential component (offices). The development proposes 25 bays (24 once the service embayment is taken into account), 16 of these bays are provided within the secure undercroft car parking area whilst the remaining 8 bays are provided for visitors at ground floor level.

Setbacks

Under the provisions of the CPS No 5 a rear setback of 6.0 metres is required for developments of this nature. In this case a 1.8 metre setback is proposed, 4.2 metres less than that envisaged by the Scheme. It is considered however that this reduced setback does not prejudice the intent of the Scheme for the following reasons:

1. There will be 13.5 metres separating the opposing buildings on the combined lot, brought about by the existing 11.7 metre rear setback of the residential complex on the northern part of the combined lot, coupled with the 1.8 metres now proposed.
2. The area within the rear setback of the residential complex houses a recreational cabana and a communal gymnasium facility with a solid masonry wall constructed between. These building elements provide a useful buffer between the office development proposed and the residential complex recently developed. This buffer mitigates against any adverse impact that may otherwise have resulted.
3. The proposal was the subject of consultation from 17 June 2008 to 11 July 2008. No objections were received. Subsequent to that consultation period the strata plan was approved by the Western Australian Planning Commission and the residential complex was completed. A number of these apartments are now sold and the new owners have therefore not benefited from the consultation exercise previously undertaken.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**Privacy

Commercial buildings are not required to demonstrate compliance with the Visual Privacy Requirements of the Residential Design Codes. Notwithstanding this, the proposed development has been designed to provide high level window openings only on those elevations that face existing residential buildings on adjoining lots. This safeguards the occupiers of those buildings from visual intrusion thereby maintaining the levels of residential amenity that they currently enjoy. On the western elevation proposed windows are setback 5.8 and 8.0 metres from the common boundary and overlook the adjacent mixed use building. They do not overlook the more sensitive residential elements of that mixed use complex thereby safeguarding amenity for occupiers of those units.

It is concluded therefore that the proposed commercial office development may be accommodated on this lot without prejudice to privacy standards.

Landscaping

The proposal indicates a landscaping area of 13.87% which is in lieu of the 25% required under CPS No. 5. Additional landscaping and maintenance is to be required within the verge area, including the retention of two (2) matures trees. These should be protected during the construction process, and a suitable condition of planning approval is proposed to ensure that this is the case.

Crime Prevention through Environmental Design Assessment

The application has been assessed against Crime Prevention through Environmental Design (CPTD) principles adopted by the WA Planning Commission. The development already includes a security gate to the basement parking area. Use of security lighting and camera surveillance will improve compliance with these requirements. A condition in this regard is recommended for inclusion.

Architectural and Urban Design Advisory Panel

The Council Architectural and Urban Design Advisory Panel reviewed the proposal on Wednesday 5 November 2008. Panel members were in collective agreement that the Architectural character of the building was acceptable in principle. The following comments were raised:

1. The extent of the two proposed crossovers should be narrowed.
2. The proposed masonry balustrade of the stairs at the main entry to be replaced using clear glass.
3. No reflective materials to be used within the facades of the building.
4. The proposal should be considered with a residential component.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**

The 3 first comments have been considered within the assessment and conditions are proposed to address the concerns raised. In relation to the 4th comment the Panel members were concerned that the proposal should incorporate a residential element within the proposed building in order that the scheme be considered “mixed use”: It is considered that the development of the combined lot satisfies the aspiration for mixed use development and no further land use benefits would accrue from the inclusion of a further residential element within the fabric of the building now proposed..

CONCLUSION

In view of the above and the development satisfying in general the City of Melville Community Planning Scheme No. 5, the proposal is recommended for approval subject to appropriate conditions.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council may refuse the application should it be considered that the development does not comply with the provision of the City of Melville Community Planning Scheme No. 5, however the proposal complies with the maximum plot ratio of 1.2 based on the Council's legal interpretation and Clause 4.3.3 of Amendment No. 46 and therefore an appeal to the State Administrative Tribunal (SAT) would be difficult to defend.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3054)**APPROVAL**

THAT COUNCIL VARY POLICY 06-PL-036 RELATIVE TO THE DECISION MAKING PROCESS AND THAT THE APPLICATION FOR PROPOSED THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD, APPLECROSS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

SPECIAL CONDITIONS

- 1. THE DIMENSIONS OF ALL CAR PARKING BAYS, AISLE WIDTHS AND CIRCULATION AREAS COMPLYING WITH AUSTRALIAN STANDARD AS2890.1.**
- 2. DETAILS WITH REGARD TO CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) RELATIVE TO CAMERA SURVEILLANCE AND LIGHTING BEING PROVIDED PRIOR TO THE ISSUE OF A BUILDING LICENCE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 3. PRIOR TO THE ISSUE OF THE BUILDING LICENCE, THE APPLICANT IS REQUIRED TO SUBMIT A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL, TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES, DETAILING HOW IT IS PROPOSED TO MANAGE:**

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**

- THE DELIVERY OF MATERIALS AND EQUIPMENT TO THE SITE;
 - THE STORAGE OF MATERIALS AND EQUIPMENT ON THE SITE;
 - THE PARKING ARRANGEMENTS FOR CONTRACTORS AND SUBCONTRACTORS;
 - IMPACT ON TRAFFIC MOVEMENT AND;
 - OTHER MATTERS LIKELY TO IMPACT ON THE SURROUNDING RESIDENTS.
4. DURING EXCAVATIONS, ALL NECESSARY PRECAUTIONS TO BE TAKEN TO PREVENT DAMAGE OR COLLAPSE OF ANY ADJACENT STREETS OR ADJOINING PROPERTIES. IT IS THE RESPONSIBILITY OF THE BUILDER TO LIAISE WITH ADJOINING AND ADJACENT PROPERTY OWNERS PRIOR TO CARRYING OUT WORK.
 5. A DETAILED LANDSCAPING AND RETICULATION PLAN BEING SUBMITTED AND APPROVED FOR THE SUBJECT SITE AND ROAD VERGE ADJACENT TO THE SITE BY THE EXECUTIVE MANAGER ENGINEERING SERVICES PRIOR TO COMPLETION OF THE DEVELOPMENT. THE PLAN IS TO ADDRESS MODIFICATIONS TO THE FOOTPATH AND VERGE AREAS OF KINTAIL ROAD TO ACHIEVE A HIGH LEVEL OF AMENITY CONSISTENT WITH STREETScape IMPROVEMENT DIRECTIONS FOR THE PRECINCT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
 6. THE TWO (2) EXISTING MATURE TREES ON THE VERGE TO BE RETAINED AND PROTECTED DURING THE CONSTRUCTION PROCESS.
 7. PROVISION OF A SERVICE VEHICLE EMBAYMENT AS MARKED IN RED ON THE APPROVED PLANS. DETAILS IN THIS REGARD ARE TO BE SUBMITTED FOR APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE COMPLETION OF THE DEVELOPMENT.
 8. SUITABLE ARRANGEMENTS BEING MADE FOR THE STORAGE OF BINS AND COLLECTION OF WASTE FROM THE SITE TO THE APPROVAL OF THE WASTE SERVICES MANAGER.
 9. EXISTING CROSSOVERS NOT REQUIRED BY THIS DEVELOPMENT BEING CLOSED AND VERGES REINSTATED TO THE SATISFACTION OF THE EXECUTIVE MANAGER ENGINEERING SERVICES.
 10. SIGNAGE TO BE PROVIDED ADVISING MOTORISTS EGRESSING FROM THE BASEMENT PARKING TO GIVE WAY TO PEDESTRIANS.
 11. ON COMPLETION OF CONSTRUCTION, ALL EXCESS ARTICLES, EQUIPMENT, RUBBISH OR MATERIALS AND TEMPORARY FACILITIES ARE TO BE REMOVED AND THE SITE AND SURROUNDING AREA USED DURING THE DEVELOPMENT IS TO BE MADE GOOD AND LEFT IN AN ORDERLY AND TIDY CONDITION TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**

12. ALL SECURITY ALARM DEVICES TO BE “SILENT MONITORED” SYSTEMS TO ADDRESS POTENTIAL IMPACTS ON SURROUNDING RESIDENTIAL AMENITY TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
13. PROVISION OF A NOISE MANAGEMENT PLAN FOR THE DEVELOPMENT INDICATING HOW THE NOISE FROM THE CARPARKING, AIR CONDITIONING AND OTHER MECHANICAL EQUIPMENT WILL IMPACT ON THE NEIGHBOURING PROPERTIES AND RECOMMENDATIONS FOR REDUCING ANY POTENTIAL NOISE IMPACT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. THE RECOMMENDATIONS SHALL BE INCORPORATED IN THE PLANS SUBMITTED FOR A BUILDING LICENCE.
14. THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. APPLICANT IS REQUIRED TO CONSULT WITH CITY OF MELVILLE HEALTH SERVICES PRIOR TO THE INSTALLATION OF ANY NOISE EMITTING EQUIPMENT SUCH AS AIR CONDITIONERS.
15. THE FAÇADE OF THE BUILDING AND WALLS TO BE TREATED WITH AN ANTI-GRAFFITI AGENT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
16. SUBMISSION OF A GLARE REFLECTIVITY STUDY BY A SUITABLY QUALIFIED PROFESSIONAL AND ANY GLARE ISSUES TO BE ADDRESSED PRIOR TO THE ISSUE OF A BUILDING LICENCE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT.
17. THE ROOF OF THE BUILDING NOT TO BE ZINCALUME OR WHITE METAL (E.G. COLORBOND SURFMIST) OR ANY OTHER MATERIAL / COLOUR CONSIDERED TO BE HIGHLY REFLECTIVE UNLESS OTHERWISE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES. DETAILS OF THE PROPOSED ROOF MATERIAL AND COLOUR TO BE SHOWN ON THE DEVELOPMENT PLANS PRIOR TO THE ISSUE OF A BUILDING LICENCE.
18. THE SUBMISSION OF A COLOUR SCHEDULE BOARD DETAILING THE USE OF MATERIALS, FINISHES AND COLOURS FOR THE MIXED USE BUILDING TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.
19. DETAILS OF THE PUBLIC ART, WITH A MINIMUM VALUE OF 1% OF THE DEVELOPMENT, AS REQUIRED BY COUNCIL POLICY 25-PL-002 ARTS AND CULTURE, TO BE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE. THE APPROVED ARTWORK SHALL BE CONSTRUCTED AND INSTALLED PRIOR TO THE OCCUPATION OF THE BUILDING AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**

20. EQUIPMENT SUCH AS AIR CONDITIONERS OR EXHAUST VENTS, BUT NOT INCLUDING ANY SOLAR PANEL, WHICH ARE LIKELY TO DETRACT FROM THE VISUAL APPEARANCE OF THE BUILDING SHALL NOT BE LOCATED ON THE ROOF OR OTHERWISE EXPOSED TO PUBLIC VIEW.
21. PRIOR TO THE OCCUPATION OF THE BUILDING A SIGN STRATEGY FOR THE BUILDING IS TO BE SUBMITTED AND APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
22. A 1.8 METRE HIGH FENCE TO BE PROVIDED FROM THE HIGHEST RETAINED GROUND LEVEL. ALL FENCING TO BE PROVIDED IN ACCORDANCE WITH THE DIVIDING FENCES ACT AND BE CONSTRUCTED AS A MINIMUM STANDARD OF FIBRE CEMENT TO THE EAST AND MASONRY TO THE NORTH (UNLESS A LESSER STANDARD IS NEGOTIATED WITH THE ADJOINING PROPERTY OWNER) TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
23. THE BALUSTRADE OF THE STAIRS AT THE MAIN ENTRY TO BE OF CLEAR GLASS.
24. THE TWO (2) PROPOSED CROSSOVERS TO HAVE A MAXIMUM TOTAL WIDTH OF 9.0 METRES.

STANDARD CONDITIONS:

25. THE CONSTRUCTION OF RETAINING WALLS NOT TO EXCEED THE HEIGHTS SPECIFIED ON THE APPROVED PLANS UNLESS OTHERWISE APPROVED BY COUNCIL. DETAILS, SIGNED BY A PRACTICING STRUCTURAL ENGINEER MUST BE SUBMITTED FOR APPROVAL AT THE TIME OF SUBMITTING A BUILDING LICENCE APPLICATION.
26. THE DEVELOPMENT IS TO BE CONNECTED TO THE WATER CORPORATION'S RETICULATED SEWERAGE SYSTEM.
27. GROUND LEVELS MAY NOT BE CHANGED OTHER THAN APPROVED AS PART OF THIS APPROVAL.
28. LIGHTING TO BE PROVIDED TO ALL CARPARKING AREAS AND THE EXTERIOR ENTRANCES TO ALL BUILDINGS IN ACCORDANCE WITH AUSTRALIAN STANDARD AS 1158.3.1 (CAT. P). ALL EXTERNAL LIGHTING TO BE HOODED AND ORIENTED SO THAT THE LIGHT SOURCE IS NOT DIRECTLY VISIBLE TO THE TRAVELLING PUBLIC OR ABUTTING RESIDENCES.
29. ALL SEWERAGE WASTES AND WATER PIPES TO BE CONCEALED WITHIN THE BUILDING.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**

30. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION THE COUNCIL REQUIRES THE PROVISION OF A SUITABLE RECEPTACLE FOR THE CONTAINMENT OF WINDBLOWN RUBBISH. THE RECEPTACLE (GENERALLY A WIRE MESH CAGE) SHOULD HAVE MAXIMUM OPENINGS OF 100MM; HAVE A BASE OF 4M² AND A HEIGHT OF 1M AND A HINGED LID. THE RECEPTACLE SHOULD NOT BE ALLOWED TO OVERFILL.
31. DURING CONSTRUCTION ACCESS TO THE LOT TO BE VIA THE STREET FRONTAGE ONLY AND THAT NO BUILDING RUBBLE BE PERMITTED TO OVERSPILL THE SITE.
32. ELECTRICAL INSTALLATION TO BE CONSTRUCTED AND MAINTAINED TO THE SATISFACTION OF WESTERN POWER IN ACCORDANCE WITH THE SAA WIRING RULES NO.CC1, PART 1, 1961.
33. ALL STORMWATER AND DRAINAGE RUN OFF TO BE CONTAINED ON SITE. AN ONSITE STORMWATER DRAINAGE SYSTEM WITH A CAPACITY TO CONTAIN A 1:100 YEAR STORM OF A TWENTY-FOUR (24) HOUR DURATION IS TO BE PROVIDED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. ALL DOWNPIPES TO BE CONNECTED TO SOAKWELLS. THE PROPOSED STORMWATER DRAINAGE SYSTEM IS REQUIRED TO BE SHOWN ON THE BUILDING LICENCE SUBMISSION FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
34. A SEPARATE APPLICATION FOR PLANNING APPROVAL AND A SIGNS LICENCE IS REQUIRED FOR ALL SIGNAGE.
35. THE LAND SHALL NOT BE USED FOR THE PURPOSE APPROVED UNTIL COUNCIL HAS ISSUED A CERTIFICATE OF CLASSIFICATION FOR THAT USE AND THE MANAGER PLANNING AND DEVELOPMENT SERVICES IS SATISFIED THAT ALL RELEVANT CONDITIONS OF THIS APPROVAL HAVE BEEN SATISFIED.
36. PRIOR TO OCCUPANCY OR COMMENCEMENT OF THE LAND USE THE APPLICANT IS TO ARRANGE FOR A PRACTICAL COMPLETION INSPECTION TO BE UNDERTAKEN BY THE CITY AND FOR ALL RELEVANT CONDITIONS TO BE SATISFIED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. IN CERTAIN CIRCUMSTANCES, AND AT ITS DISCRETION, A CONDITION MAYBE SATISFIED IN PART BY WAY OF A LEGAL AGREEMENT BEING IN PLACE AND BOND/BANK GUARANTEE BEING SUBMITTED BY THE APPLICANT/OWNER TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. WHERE THE DEVELOPMENT INVOLVES THE ERECTION OF A BUILDING A CERTIFICATE OF CLASSIFICATION BEING OBTAINED PRIOR TO OCCUPANCY.

**P08/3054 - THREE STOREY OFFICE BUILDING ON LOT 289 (26) KINTAIL ROAD
APPLECROSS (REC) (ATTACHMENT)**

FOOTNOTES

- 1. WITH RESPECT TO SPECIAL CONDITION 8, THE APPLICANT IS REQUIRED TO LIAISE WITH THE CITY OF MELVILLE WASTE SERVICES.**
- 2. A HEALTH LICENCE IS REQUIRED FOR THIS DEVELOPMENT AT THE BUILDING APPROVAL STAGE.**

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

CARRIED EN BLOC (12/0)

P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)

Ward : Applecross/Mount Pleasant Ward
 Category : Operational
 Application Number : DA-2008-858
 Property : 45 Ardross Street, Applecross
 Proposal : Three Storey With Undercroft Mixed Use Development
 Applicant : Tuscom Subdivision Consultants Pty Ltd
 Owner : Netpoint Nominees Pty Ltd
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Mr David Vinicombe
 Manager Planning and Development Services
 Previous Items : Not Applicable

AUTHORITY / DISCRETION

Definition

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

**P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS
ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS
STREET, APPECROSS (SMREC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The application is for a new 3 storey mixed use (4 multiple dwellings and non-residential carparking) plus addition of a second storey office (over existing commercial building) development with undercroft and ground floor carparking.
- The development proposes a non-residential plot ratio of 0.33 in lieu of 0.3. The residential plot ratio is 0.508 and the total plot ratio is 0.838. Maximum plot ratio permitted is 0.9.
- 6 submissions were lodged, 4 against the proposal (including 1 multi signature letter with 174 signatures) and 2 submissions supporting.
- The proposal complies with the maximum height limit of 10.5m.
- The application is recommended for conditional approval.

BACKGROUND

The Development Advisory Unit on 18 March 2008 approved a change of use from shops to restaurant allocating 22 bays to the existing building, 15 for the restaurant and 7 for the existing offices.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Community Centre Precinct (CCR)
R-Code	: R40
Use Type	: Office / Residential
Use Class	: "P" use – Permitted Use / "D" use – Council discretion required.

Site Details

Lot Area	: 1012 sqm
Retention of Existing Vegetation	: Not Applicable
Street Tree(s)	: Three (2) small trees, McDonald Road
Street Furniture (drainage pits etc)	: None
Site Details	: 3055 Elevations 2008.pdf 3055 Ground Floor.pdf 3055 Undercroft 2008.pdf 3055 Upper Floors 2008.pdf

P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)

DETAIL

The application proposes to build a new three (3) storey mixed use building, comprising 4 multiple dwellings (2 on the second storey and 2 on the third storey), carparking for non-residential uses (commercial) on the ground floor and basement carparking. The carparking on the ground floor proposes 17 carparking bays and additional carparking is proposed in the basement for 13 bays more. A total of 30 carparking bays is proposed. One (1) additional office is proposed to be located on the second storey of the commercial building that faces Ardross Street.

Development Requirements

Development Requirement	Required / Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	N/A				
Plot Ratio	0.9	0.838	Complies		
Residential	0.6	0.508	Complies		
Non-residential	0.3	0.330	Does Not Comply	MPDS	
Landscaping	N/A				
Building Height	10.5m	10.5m	Complies		
Carparking	28 bays	29 bays	Complies		

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	Nil	Nil	Complies		
Secondary Street (Buckley Lane)	Nil	1.5m	Complies		
Rear					
GF	Nil	Nil	Complies		
2 nd storey	1.5m	3.8m	Complies		
3 rd storey	1.9m	3.8m	Complies		
Side Ardross Street					
2 nd storey	Nil	3.0m	Complies		

P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
Neighbour's Comment Supplied: Yes
Reason: "D" use – Council discretion required.
Support/Object: 6 submissions: 2 supporting and 4 objecting (including a multi-signature letter with 174 signatures).

Please refer to submissions table attached to this report.
[3055 Submissions 2008.pdf](#)

REFERRALS TO GOVERNMENT AGENCIES

Not Applicable

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Not Applicable

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not Applicable

POLICY IMPLICATIONS

Policy No. 06-PL-024 Car Parking (Non-Residential) – compliant.

Policy No. 06-PL-036 Planning Process and Decision Making. The Planning Process Matrix indicates that major applications with minor variations are to be referred to a Portfolio Meeting and then the Development Advisory Unit, but not Council. In this instance, the development has not been presented to a Portfolio Meeting as these meetings have been replaced with Elected Member Workshops. The proposal was however presented to the Workshop held on 20 November 2008.

P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)

Policy No. 06-PL-029 Mixed Use Plot Ratio Bonus Application and Community Benefit. Although this Policy is in many regards overridden by the R-Code and Scheme provisions (as per legal advice), it still has relevance in guiding the assessment and calculation of the value of community benefits and determining the application of offsets.

Policy No. 25-PL-002 Arts and Culture. This Policy requires all major commercial developments to provide public art to the value of 1% of the development cost.

COMMENTS

The current proposal raises the following matters for consideration.

Plot Ratio

In simple terms, plot ratio is the ratio of built area relative to the site area. The planning tool aims to provide some rational for the assessment of building bulk on a property. However, other considerations such as setback, parking and building height, together with the visual aesthetics of a development have equal or more significance when considering the bulk of a development.

The plot ratio requirements are complex and in many instances do not give a true representation of building bulk.

In this regard, for residential development, the definition includes the area of walls and provides for a number of exclusions which still add to the bulk of a building. Exclusions for residential development include areas for lifts, stairs or landings for more than one dwelling, machinery, air conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used for parking at or below natural ground level, lobbies or amenity areas common to one or more dwellings, balconies or verandahs open on at least two sides.

Plot ratio exclusions for non-residential development were previously contained under the Uniform Building Bylaws (but are not included under the current Building Code of Australia). In practice, however, the former Uniform Building Bylaw requirements are generally applied and in this regard, plot ratio for commercial development also excludes external walls of the commercial building, plant rooms, lift shafts, stairs, toilets and amenities and all floor areas for vehicle parking, whether at or below ground floor or above.

**P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS
ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS
STREET, APPECROSS (SMREC) (ATTACHMENT)**

The plot ratio “as of right” (subject to discretionary consideration under Clause 7.8 of CPS No 5) applicable for a Mixed Use Development consists of the plot ratio of the commercial floor area plus the plot ratio of the residential area provided under the R-Coding.

The “as of right” plot ratio (subject to discretionary consideration under Clause 7.8 of CPS No 5) applicable for a Mixed Use Development consists of the plot ratio of the commercial floor area plus the plot ratio of the residential area provided under the R-Coding. Legal advice from Council’s Solicitors indicates that the plot ratio requirement of Community Planning Scheme No 5 work in hand with the requirements of the Residential Design Codes. As of right, mixed use developments within the Community Centre Precinct (CCR) can achieve a plot ratio of 0.6 for the residential component (relative to R40 development) and 0.3 for non residential development (total plot ratio of 0.9). In addition, the “as of right” plot ratio requirements do not require consideration of any bonus applied under the terms of Council Policy 06-PL-029 Mixed Use Plot Ratio Bonus Application.

The development proposes a non-residential plot ratio of 0.330 (334.22 sqm) which is 30.62 sqm more than the 0.3 maximum (303.6 sqm) in the Community Centre Precinct (CCR). The residential component proposes a plot ratio of 0.508 (513.8 sqm), which is 93.4 sqm less than the maximum 0.6 (607.2 sqm) permitted. The combined plot ratio equates to 0.838 (848.02 sqm), which is 62.78 sqm less than the maximum 0.9 (910.8 sqm) permitted “as per right” based on the Council’s legal interpretation of plot ratio for mixed-use development.

The variation to the non-residential plot ratio requirement under the CCR Precinct requirements in Part 4 of the CPS No 5 requires a Special Majority decision of Council under Clause 4.2(d). The Scheme requires that such a decision take into account considerations under Clause 7.8 of the Scheme and ensure that the non-compliance will not have an adverse affect on the occupiers or users of the development, inhabitants of the locality or the likely future development of the locality. In this regard, the variation of 30.62 sqm for the commercial component is minimal and unlikely to have any adverse affect.

Clause 7.8 of Community Planning Scheme No. 5 includes a number of matters to be taken into account when considering planning applications, such as the objectives of the Scheme, orderly and proper planning and existing and future amenity of the area. In this regard, the proposal is considered to be consistent with the following:

- a) The Statement of Intent for the Community Centre Precinct (CCR) indicates that medium density residential may be included to take advantage of facilities. In this regard, the proposal is located on the border of the Community Centre Precinct (CCR) next to the facilities offered by the Applecross Village.

P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)

- b) Orderly and proper planning for the locality - the development is not considered to be inconsistent with the development and streetscape trends emerging within the locality. It could be considered that the three storey height is inconsistent with the existing predominant housing form of the locality, however, CPS No 5 provides for 3 storey development within the height limitation of 10.5m within both the Community Centre Precinct (CCR) and the adjoining Living Area A1 (Applecross 1) Precinct and, as indicated above, three storey development is an emerging trend within the locality.
- c) Existing and future amenity of the locality along within the Community Centre Precinct (CCR). See comments at b) above.

In the context of the above, it is considered that the minor variation to the commercial component of the development is consistent with the current expectations for development within the locality. Although, the commercial component of the development exceeds the basic as of right allowance by 30.62 sqm, as the combined plot ratio is 62.78 sqm less than the maximum "as of right" plot ratio, it is considered that a contribution to community benefits in accordance with Policy No. 06-PL-029 Mixed Use Plot Ratio Bonus Application and Community Benefit is not applicable. Notwithstanding, in accordance with the Policy, provision of public art may offset any plot ratio benefit gained by the development (1% in accordance with Council Policy No. 25-PL-002 Arts and Culture).

Accordingly, the proposed plot ratio is supported.

Access and Car Parking

Vehicular access to the site is proposed off MacDonald Street and the adjoining ROW – Buckley Lane. Considerable fence damage to the adjacent property on the western side of the Lane has occurred. There is potential for further damage to result from vehicles reversing directly onto the Lane – provision of barrier railing (or similar) to protect this fence is recommended.

In accordance with the Residential Design Codes a total of 8 carparking bays are required for the 4 multiple dwellings, which may be reduced to 4 bays where on-site parking required for other users is available outside normal business hours. No visitor bays are required for the residential development in accordance with the Residential Design Codes as only 4 dwellings are proposed. In accordance with the City of Melville Policy No. 06-PL-024 Car Parking (Non-Residential), 24 bays would be required for the non-residential component (offices). The total parking requirement is 28 bays. The development proposed 30 bays, however in order for the parking area to comply with Australian Parking standards relative to vehicle manoeuvring, one bay at the rear of the basement parking area has been deleted (bay no. 9) and converted to a reversing bay. Accordingly, the result is that 29 bays are available.

**P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS
ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS
STREET, APPECROSS (SMREC) (ATTACHMENT)**

A total of 4 bays for the residential development and 4 after business hours will be available on the basement plus additional 4 bays for the commercial component. All of these proposed bays are contained behind security gates. Seventeen (17) carparking are located at ground level.

A mature tree within the property and transformer is located in the area of the ramp to the basement. It is recommended that a replacement tree be provided in the MacDonald Street verge and that the transformer be relocated at the owner's expense.

Traffic

Based on NSW Roads and Traffic Authority standards, the total vehicular trips generated by the proposed development should be in the order of 6 (5 to 6.5) vehicle trips per day (VTPD) per dwelling and 10 VTPD per 100 sqm of offices. Accordingly, the proposed 4 multiple dwellings will generate 24 VTPD and the 70.62 sqm of the new office will generate additional 7 VTPD. A total of 31 VTPD (vehicle trips per day) is considered to have no significant impact on McDonald Road / Ardross Street.

Traffic volumes counts in 2003 were 1694 Average Weekday Traffic (AWT) along Ardross Street (55 m north of the subject property) and 830 AWT on McDonald Road in 2001 (at front of subject property).

The total traffic volume generated by the proposal is only 1.8% of the traffic along Ardross Street and 3.7% along McDonald Road in relation to those years stated above.

Height of the Building

The application proposes a maximum building height of 10.5 metres in compliance with the requirements of the City of Melville Community Planning Scheme No. 5.

At the present, there is not a 3 storey building within the Applecross Village Community Centre Precinct. The maximum heights developed are 2 storeys for 3 buildings within this Precinct. However a 3 storey residential building with 8 units is located on 108 Tweeddale Road, which is adjacent the north side of the Applecross Village CCR.

Bin Storage

A bin storage area is proposed in the ground floor next to the foyer. It is proposed that a condition be required for the suitable collection of bins from the site.

**P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS
ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS
STREET, APPECROSS (SMREC) (ATTACHMENT)**Landscaping

No landscaping is required under the Residential Design Codes for mixed use developments. Notwithstanding, the CCR Precinct requires the provision of 10% landscaping for non-residential development. In this context, the property contains non-residential development which attracts a landscaping requirement of 101 sqm. A total of 45 sqm landscaping is provided, which represents a variation of 56 sqm. Technically, this variation requires an Absolute Majority decision of the Council. In order to address this matter, it is proposed that landscaping on the MacDonald Street verge be upgraded inclusive of the provision of 2 Jacaranda *mimosifolia* trees. In addition, it is noted that one of the existing trees on the verge is in poor condition and will need to be removed and replaced.

Privacy

The application proposes windows facing west, from ensuite, master bedroom, kitchen and dining. Also, the end of a balcony faces the west boundary, which adjoins Buckley Lane. Buckley Lane has a width of 6.0m and the proposal has a setback of 1.5m. Accordingly, the distance of the windows and balcony to the western boundary of Buckley Lane is 7.5m, which is compliant with (and in most respects exceeds) privacy requirements of the Residential Design Codes (ensuite - N/A, bedroom - 4.5m, kitchen and dining – 6.0m and balcony – 7.5m).

Concerns raised by a representative of the owner of the property on the western side of Buckley Lane relative to privacy have been referred to the applicant for consideration of additional screening. It is noted that the applicant has indicated that the ensuite (closest room to rear yard of adjacent property) is to be obscure glazed. The next closest window (Master Bedroom) is located approximately 17m from the rear yard area. Notwithstanding the compliance with privacy requirements of the Codes, the applicant has offered to provide obscure glazing film on the window (to a height of 1.5m) or a side screen to the window. The normal screening height under the Codes is 1.65m. Both of these options will improve the privacy of the adjacent owner, whilst still maintaining adequate levels of public surveillance of the ROW. The adjacent owner's representative has indicated support for either of these options. The kitchen and living room windows are further away from the adjacent rear courtyard and do not present an issue for the adjacent owner. The balcony is adjacent the adjacent properties front yard which is partially enclosed with masonry fencing to a height of approximately 1.5m with associated landscaping. Whilst this fencing and landscaping does not provide full screening of the front yard from the street, it does provide for a degree of privacy from the road. Notwithstanding compliance with the Codes for the balcony separation, provision of obscure glazing on the side of the balcony to a height of 1.5m would provide a balance between privacy and public surveillance objectives. The applicant and adjacent owner's representative have supported this proposal. Accordingly, a condition relative to additional screening is proposed.

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Some submissions make reference to potential for overlooking from balconies to the dwellings across the road. However these balconies are also in compliance with the Visual Privacy requirements of the Residential Design Codes.

Crime Prevention through Environmental Design Assessment

The application has been assessed against Crime Prevention through Environmental Design (CPTD) principles adopted by the WA Planning Commission. The development already includes a security gate to the basement parking area. Use of security lighting and camera surveillance will improve compliance with these requirements. A condition in this regard is accordingly proposed. Comments in relation to privacy aspects of the proposal above are noted in this regard.

Submissions

Six (6) submissions have been received, 2 are supporting and 4 objecting the proposal (including a multi-signature letter with 174 signatures). The submissions in support express concerns in relation to Visual Privacy, however the proposal complies with the Residential Design Codes in that regard. Notwithstanding, comments above in relation to privacy screening concessions above are noted.

The submissions objecting mainly refer to height of the building being of 3 storeys which is out of character in relation to existing buildings within Applecross Village. The multi-signature letter states *“There is a wide acceptance for the office fronting Ardross Street but not the three storey residential component of the proposal.”* This matter is addressed in detail in the Schedule of Submissions (**attached**) and above in comments on orderly and proper planning under the Plot Ratio section of this report.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council may refuse the application should it be considered that the development does not comply with the provisions of the City of Melville Community Planning Scheme No. 5 or have specific concerns relative to the height and number of storeys proposed by the development. However the proposal complies with the maximum plot ratio of 0.9 based on the Council's legal interpretation, complies with the maximum height in accordance with the CPS No 5 and with the requirements of the Residential Design Codes. Therefore a refusal may result in an appeal to the State Administrative Tribunal (SAT) which may be difficult to defend.

**P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS
ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS
STREET, APPLECROSS (SMREC) (ATTACHMENT)****CONCLUSION**

In view of the above and the development satisfying in general the City of Melville Community Planning Scheme No. 5 and the Residential Design Codes, the proposal is supported for approval subject to appropriate conditions. This matter requires referral to Council for determination given the significant number of objections raised against the proposal, particularly in regards to the three storey height and as the variation to the landscaping requires an Absolute Majority decision of the Council and plot ratio for the commercial component requires a Special Majority decision of the Council. As the Special majority decision requires more votes, such a determination will cover off on the Absolute Majority decision.

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3055)
SPECIAL MAJORITY APPROVAL**

At 6.57pm Cr Robartson moved, Cr Everett seconded -

- A) THAT BY SPECIAL MAJORITY APPROVAL COUNCIL VARY POLICY 06-PL-036
RELATIVE TO THE DECISION MAKING PROCESS, THE APPLICATION FOR
THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS
ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45)
ARDROSS STREET, APPLECROSS BE APPROVED SUBJECT TO THE
FOLLOWING CONDITIONS:**

SPECIAL CONDITIONS:

- 1. THE DIMENSIONS OF ALL CAR PARKING BAYS, AISLE WIDTHS AND
CIRCULATION AREAS COMPLYING WITH AUSTRALIAN STANDARD
AS2890.1.**
- 2. APPLICANT PROVIDING BARRIER RAILING ADJACENT TO THE
REVERSING AREA FOR CAR BAYS ADJOINING THE RIGHT OF WAY TO
PROTECT ADJACENT FENCING ON THE WESTERN SIDE OF THE RIGHT
OF WAY TO THE SATISFACTION OF THE MANAGER PLANNING AND
DEVELOPMENT SERVICES.**
- 3. DETAILS WITH REGARD TO CRIME PREVENTION THROUGH
ENVIRONMENTAL DESIGN (CPTED) RELATIVE TO CAMERA
SURVEILLANCE AND LIGHTING BEING PROVIDED PRIOR TO THE ISSUE
OF A BUILDING LICENCE TO THE APPROVAL OF THE MANAGER
PLANNING AND DEVELOPMENT SERVICES.**

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4. **APPLICANT TO PROVIDE OBSCURE GLAZING FILM TO THE MASTER BEDROOMS TO A HEIGHT OF 1.5 METRES OR A SIDE SCREEN TOGETHER WITH OBSCURE GLAZING FOR THE ENSUITE WINDOWS AND OBSCURE GLAZING TO A HEIGHT OF 1.5 METRES TO THE WESTERN SIDE OF THE BALCONIES FOR UNITS 2 AND 4 TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
5. **PRIOR TO THE ISSUE OF THE BUILDING LICENCE, THE APPLICANT IS REQUIRED TO SUBMIT A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES DETAILING HOW IT IS PROPOSED TO MANAGE:**
 - **THE DELIVERY OF MATERIALS AND EQUIPMENT TO THE SITE;**
 - **THE STORAGE OF MATERIALS AND EQUIPMENT ON THE SITE;**
 - **THE PARKING ARRANGEMENTS FOR EXISTING BUSINESSES ON SITE CONTRACTORS AND SUBCONTRACTORS;**
 - **IMPACT ON TRAFFIC MOVEMENT AND;**
 - **OTHER MATTERS LIKELY TO IMPACT ON THE SURROUNDING RESIDENTS.**
6. **DURING EXCAVATIONS, ALL NECESSARY PRECAUTIONS TO BE TAKEN TO PREVENT DAMAGE OR COLLAPSE OF ANY ADJACENT STREETS OR ADJOINING PROPERTIES. IT IS THE RESPONSIBILITY OF THE BUILDER TO LIAISE WITH ADJOINING AND ADJACENT PROPERTY OWNERS PRIOR TO CARRYING OUT WORK.**
7. **A DETAILED LANDSCAPING AND RETICULATION PLAN BEING SUBMITTED AND APPROVED FOR THE SUBJECT SITE AND ROAD VERGE ADJACENT TO THE SITE BY THE EXECUTIVE MANAGER ENGINEERING SERVICES PRIOR TO COMPLETION OF THE DEVELOPMENT.**
8. **THE PROVISION OF TWO (2) NEW AND ONE (1) REPLACEMENT JACARANDA *MIMOSIFOLIA* TREES IN THE MCDONALD STREET VERGE AREA OF THE SUBJECT PROPERTY IN 200L CONTAINERS, AT THE APPLICANTS / OWNERS FULL COST TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. DETAILS OF THE PROPOSED STREET TREES AND LOCATION TO BE INCLUDED IN THE LANDSCAPING AND RETICULATION PLAN STATED IN SPECIAL CONDITION 7.**

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9. **SUITABLE ARRANGEMENTS BEING MADE FOR THE STORAGE OF BINS AND COLLECTION OF WASTE FROM THE SITE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
10. **SIGNAGE TO BE PROVIDED ADVISING MOTORISTS EGRESSING FROM THE BASEMENT PARKING TO GIVE WAY TO PEDESTRIANS TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
11. **ON COMPLETION OF CONSTRUCTION, ALL EXCESS ARTICLES, EQUIPMENT, RUBBISH OR MATERIALS AND TEMPORARY FACILITIES ARE TO BE REMOVED AND THE SITE AND SURROUNDING AREA USED DURING THE DEVELOPMENT IS TO BE MADE GOOD AND LEFT IN AN ORDERLY AND TIDY CONDITION TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
12. **ALL SECURITY ALARM DEVICES TO BE “SILENT MONITORED” SYSTEMS TO ADDRESS POTENTIAL IMPACTS ON SURROUNDING RESIDENTIAL AMENITY TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
13. **PROVISION OF A NOISE MANAGEMENT PLAN FOR THE DEVELOPMENT INDICATING HOW THE NOISE FROM THE CARPARKING, AIR CONDITIONING AND OTHER MECHANICAL EQUIPMENT WILL IMPACT ON THE ADJACENT PROPERTIES AND RECOMMENDATIONS FOR REDUCING ANY POTENTIAL NOISE IMPACT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. THE RECOMMENDATIONS SHALL BE INCORPORATED IN THE PLANS SUBMITTED FOR A BUILDING LICENCE.**
14. **THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. APPLICANT IS REQUIRED TO CONSULT WITH CITY OF MELVILLE HEALTH SERVICES PRIOR TO THE INSTALLATION OF ANY NOISE EMITTING EQUIPMENT SUCH AS AIR CONDITIONERS.**
15. **THE FAÇADE OF THE BUILDING AND WALLS TO BE TREATED WITH AN ANTI-GRAFFITI AGENT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

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16. THE ROOF OF THE BUILDING NOT TO BE ZINCALUME OR WHITE METAL (E.G. COLORBOND SURFMIST) OR ANY OTHER MATERIAL / COLOUR CONSIDERED TO BE HIGHLY REFLECTIVE UNLESS OTHERWISE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES. DETAILS OF THE PROPOSED ROOF MATERIAL AND COLOUR TO BE SHOWN ON THE DEVELOPMENT PLANS PRIOR TO THE ISSUE OF A BUILDING LICENCE.
17. THE SUBMISSION OF A COLOUR SCHEDULE BOARD DETAILING THE USE OF MATERIALS, FINISHES AND COLOURS FOR THE MIXED USE BUILDING TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.
18. DETAILS OF THE PUBLIC ART, TO THE VALUE OF 1% OF THE DEVELOPMENT COST, AS REQUIRED BY COUNCIL POLICY 25-PL-002 ARTS AND CULTURE TO BE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE. THE APPROVED ARTWORK SHALL BE CONSTRUCTED AND INSTALLED PRIOR TO THE OCCUPATION OF THE BUILDING AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
19. EQUIPMENT SUCH AS AIR CONDITIONERS OR EXHAUST VENTS, BUT NOT INCLUDING ANY SOLAR PANEL, WHICH ARE LIKELY TO DETRACT FROM THE VISUAL APPEARANCE OF THE BUILDING SHALL NOT BE LOCATED ON THE ROOF OR OTHERWISE EXPOSED TO PUBLIC VIEW.
20. RELOCATION OF THE TRANSFORMER LOCATED ALONG BUCKLEY LANE AT THE ENTRY OF THE BASEMENT CARPARKING, AT THE OWNER EXPENSES AND THE NEW LOCATION BEING TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

STANDARD CONDITIONS:

21. THE CONSTRUCTION OF RETAINING WALLS NOT TO EXCEED THE HEIGHTS SPECIFIED ON THE APPROVED PLANS UNLESS OTHERWISE APPROVED BY COUNCIL. DETAILS, SIGNED BY A PRACTICING STRUCTURAL ENGINEER MUST BE SUBMITTED FOR APPROVAL AT THE TIME OF SUBMITTING A BUILDING LICENCE APPLICATION.
22. THE DEVELOPMENT IS TO BE CONNECTED TO THE WATER CORPORATION'S RETICULATED SEWERAGE SYSTEM.

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23. GROUND LEVELS MAY NOT BE CHANGED OTHER THAN APPROVED AS PART OF THIS APPROVAL.
24. LIGHTING TO BE PROVIDED TO ALL CARPARKING AREAS AND THE EXTERIOR ENTRANCES TO ALL BUILDINGS IN ACCORDANCE WITH AUSTRALIAN STANDARD AS 1158.3.1 (CAT. P). ALL EXTERNAL LIGHTING TO BE HOODED AND ORIENTED SO THAT THE LIGHT SOURCE IS NOT DIRECTLY VISIBLE TO THE TRAVELLING PUBLIC OR ABUTTING RESIDENCES.
25. ALL SEWERAGE WASTES AND WATER PIPES TO BE CONCEALED WITHIN THE BUILDING.
26. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION THE COUNCIL REQUIRES THE PROVISION OF A SUITABLE RECEPTACLE FOR THE CONTAINMENT OF WINDBLOWN RUBBISH. THE RECEPTACLE (GENERALLY A WIRE MESH CAGE) SHOULD HAVE MAXIMUM OPENINGS OF 100MM; HAVE A BASE OF 4SQM AND A HEIGHT OF 1M AND A HINGED LID. THE RECEPTACLE SHOULD NOT BE ALLOWED TO OVERFILL.
27. DURING CONSTRUCTION ACCESS TO THE LOT TO BE VIA THE STREET FRONTAGE ONLY AND THAT NO BUILDING RUBBLE BE PERMITTED TO OVERSPILL THE SITE.
28. ELECTRICAL INSTALLATION TO BE CONSTRUCTED AND MAINTAINED TO THE SATISFACTION OF WESTERN POWER IN ACCORDANCE WITH THE SAA WIRING RULES NO.CC1, PART 1, 1961.
29. ALL STORMWATER AND DRAINAGE RUN OFF TO BE CONTAINED ON SITE. AN ONSITE STORMWATER DRAINAGE SYSTEM WITH A CAPACITY TO CONTAIN A 1:100 YEAR STORM OF A TWENTY-FOUR (24) HOUR DURATION IS TO BE PROVIDED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. ALL DOWNPIPES TO BE CONNECTED TO SOAKWELLS. THE PROPOSED STORMWATER DRAINAGE SYSTEM IS REQUIRED TO BE SHOWN ON THE BUILDING LICENCE SUBMISSION FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

P08/3055 - THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS (SMREC) (ATTACHMENT)

- 30. THE LAND SHALL NOT BE USED FOR THE PURPOSE APPROVED UNTIL COUNCIL HAS ISSUED A CERTIFICATE OF CLASSIFICATION FOR THAT USE AND THE MANAGER PLANNING AND DEVELOPMENT SERVICES IS SATISFIED THAT ALL RELEVANT CONDITIONS OF THIS APPROVAL HAVE BEEN SATISFIED.**

- 31. PRIOR TO OCCUPANCY OR COMMENCEMENT OF THE LAND USE THE APPLICANT IS TO ARRANGE FOR A PRACTICAL COMPLETION INSPECTION TO BE UNDERTAKEN BY THE CITY AND FOR ALL RELEVANT CONDITIONS TO BE SATISFIED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. IN CERTAIN CIRCUMSTANCES, AND AT ITS DISCRETION, A CONDITION MAYBE SATISFIED IN PART BY WAY OF A LEGAL AGREEMENT BEING IN PLACE AND BOND/BANK GUARANTEE BEING SUBMITTED BY THE APPLICANT/OWNER TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. WHERE THE DEVELOPMENT INVOLVES THE ERECTION OF A BUILDING A CERTIFICATE OF CLASSIFICATION BEING OBTAINED PRIOR TO OCCUPANCY.**

FOOTNOTES

- 1. WITH RESPECT TO SPECIAL CONDITION 7, THE APPLICANT IS REQUIRED TO LIAISE WITH THE CITY OF MELVILLE WASTE SERVICES.**

 - 2. A HEALTH LICENCE IS REQUIRED FOR THIS DEVELOPMENT AT THE BUILDING APPROVAL STAGE.**
- B) THOSE THAT MADE SUBMISSIONS ON THE PROPOSED THREE STOREY MIXED USE WITH UNDERCROFT CARPARKING PLUS ADDITIONAL SECOND STOREY OFFICE DEVELOPMENT ON LOT 645 (45) ARDROSS STREET, APPECROSS, BE ADVISED IN WRITING OF (A) ABOVE.**

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

CARRIED BY SPECIAL MAJORITY APPROVAL (12/0)

P08/3057 - STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)

Ward : Applecross/Mount Pleasant Ward
 Category : Operational
 Application Number : SN-2008-24
 Property : Units 1-7/832-834 Canning Highway, APPECROSS WA and 63 Glenelg Street, APPECROSS WA
 Proposal : Street Renumbering From Canning Highway Address To Glenelg Street Address - 1-7/832 Canning Highway, Applecross
 Applicant : Mr D Agar
 Owner : Mr D Agar and Mr P Cox
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : Mr David Vinicombe
 Manager Planning and Development Services
 Previous Items : U08/0115 – Proposed street renumbering along western side of Glenelg Street, between MacRae Road and Canning Highway and renumbering of units 1-7/832 Canning Highway to Glenelg Street Applecross (DAU - 29 July 2008).
 U08/0261 - Street Renumbering From Canning Highway address to Glenelg Street address of Lot 1 (Units 1-7/832) Canning Highway, Applecross (DAU – 28 October 2008).

AUTHORITY / DISCRETION

Definition

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

P08/3057 - STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPECROSS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The application results from a request from owners / residents of seven (7) (reduced to 6 due to withdrawal of request from one of the unit owners) units on the corner of Canning Highway and Glenelg Street. The primary relationship for these properties is with Glenelg Street with post boxes sited there and vehicular access taken directly from it, but they have a Canning Highway address. According to the City of Melville Street Numbering Policy, it is more appropriate that the property has a Glenelg Street address.
- There is no Glenelg Street number available to allocate without inconveniencing at least one property.
- The application proposes to renumber the subject property comprising seven (7) strata units with a Glenelg Street number by leaving suffixes A, B, and C available for future subdivision of Lot 436 (63) Glenelg Street, and numbering the subject property units 1-7 63D or 63D-J.Glenelg Street.
- A previous application for renumbering by the owners of the seven (7) units, which involved renumbering several properties by utilising street numbers from nearby Gairloch Reserve, was refused by the Development Advisory Unit on 14 August 2008. This was refused at that time as the proposed renumbering exercise envisaged by that application would have inconvenienced a number of other owner/occupiers residing within this stretch of Glenelg Street whose property numbers would have also been changed as part of that proposal. Those residents objected to the proposal and there was a shared concern that the proposed renumbering would create other problems if it was allowed to proceed. Furthermore it was considered that improved signage on the subject property would assist in more clearly identifying the properties in question.
- The affected landowners in this proposal at Lot 436 (63) Glenelg Street have been formally consulted as part of this application and an objection has been submitted. The key concern expressed relates to the potential confusion which will be caused by sharing a number.
- In view of the relationship which the subject property has with Glenelg Street, coupled with the fact that the current proposal affects only the adjoining residence at No 63 Glenelg Street, does not actually alter that properties street number and also on the basis of similar approaches being applied to numbering of properties in similar situations along this stretch of Canning Highway, it was recommended that the proposed street numbering be approved.
- Following reporting of this matter, an Elected Member of Council “called up” the report for Council consideration.
- In preparing this report to Council, further comment from one of the residents and the adjoining property owner has been included.
- It is recommended that Council approve the renumbering of the property from Units 1-7 832 Canning Highway to Units 1-7 / 63D Glenelg Street.

**P08/3057 - STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO
GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY,
APPLECROSS (REC) (ATTACHMENT)****BACKGROUND**

A previous application for street numbering was lodged by the applicant on behalf of the seven (7) strata unit's owners on 10 August 2007. The proposal sought to have a Glenelg Street number allocated to the subject property which is on the corner of Canning Highway and Glenelg Street. The subject property had, and still has, a Canning Highway address despite the fact that its driveways and letterboxes face onto Glenelg Street. This causes confusion for mail deliveries and general accessibility. Due to the lack of an available Glenelg Street numbers to allocate to the subject property, the previous proposal involved the renumbering of all of the properties along the western side of Glenelg Street, between MacRae Road and Canning Highway, by utilising Glenelg Street numbers from Gairloch Reserve which were not in use. Consultation with the affected landowners was undertaken with thirteen (13) responses received – five (5) supporting and eight (8) objecting to the proposal. The key concern expressed in the objections related to the inconvenience of having to notify personal and business contacts of the change of address. These concerns were shared by the Council and the application was refused accordingly. An alternative option as currently being considered was informally consulted with the neighbour and not supported. Following the Development Advisory Unit (DAU) decision, the applicant raised concerns about inconsistencies with other similar situations for corner grouped dwelling sites along this section of Canning Highway. It was suggested that this matter could be reviewed by submission of a new application, which is now the subject of this report.

The new application was considered by the DAU on 28 October and reported on 31 October 2008. Following the report, the matter was “called” up by an Elected Member for referral to the next available meeting. The “call-up” was too late to be included on the Agenda for Council on 18 November. Further comments have been received from the adjoining owner and from one of the unit owners which are referred to in detail in this report.

Scheme Provisions

MRS Zoning	:	Urban Primary Regional Roads
CPS 5 Zoning	:	Living Area Precinct – Canning Highway
R-Code	:	R15/R25
Use Type	:	N/A
Use Class	:	N/A

P08/3057 - STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS (REC) (ATTACHMENT)

	<p>Questions why renumbering has become an issue now after 20 years.</p>		<p>The applicant has stated that until recently most of the units have been rentals. However, now that most of the units are owner-occupied, they wish to have the street numbering reviewed. Also, the Local Law was not in place at the time of subdivision and was developed to address issues of inconsistency of street numbering within the City of Melville.</p>	<p>Not uphold.</p>
	<p>Questions what will happen with the number sequence if they subdivide, or alternatively if they do not. Believe this would cause confusion as A, B and C suffixes would be unused.</p>		<p>The proposed renumbering does not technically comply with the City of Melville Street Numbering Policy, however, as there is no available Glenelg Street number to allocate to the subject property, this alternative solution is considered to represent the best available option at this time.</p>	<p>Not uphold</p>

P08/3057 - STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS (REC) (ATTACHMENT)

	<p>The subject property was previously 2 lots which were granted approval to subdivide (amalgamate) with the understanding that the property would have a Canning Highway address. Question why this approval condition should be allowed to be altered, thereby inconveniencing them.</p>		<p>Local Law in relation to street numbering was not in place at the time of the subdivision application. If it had been, then the likelihood is that the address allocated to the subject property would have been Glenelg Street on the basis that this was the primary street based on access and orientation of properties. It is not a normal requirement of subdivision to stipulate street numbers and street numbering is a separate process controlled by the Council, not the WA Planning Commission (or its associated predecessor). The claim that the subdivision of the subject lot was conditional upon the property retaining a Canning Highway address is not substantiated and in any event irrelevant to the Council's consideration of the current street numbering proposal.</p>	<p>Not uphold.</p>
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P08/3057 - STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS (REC) (ATTACHMENT)

	Believe that the real reasons stated for wanting the renumbering are being masked. Believe there are no issues with mail or the location of the property, and that the proposal is to improve the subject property's value by removing the stigma of a highway address.		This comment is unsubstantiated. Noted.	Not uphold
	The issue is not with locating the subject property, but with identifying individual units within the property.		Site inspection conducted did not identify an issue with locating the individual units within the property.	Not uphold
	They are emphatically opposed to the sharing the number they have had for the past 27 years.		Noted, however it is not unreasonable to share a street number particularly when this would assist access to all properties by enunciating the access from the street which access is provided – particularly in emergency situations.	Not uphold
	Further comment – request permission to present case to Council at meeting.		Noted. Both the applicant and respondent have the opportunity to request permission to make a deputation to the Agenda Briefing meeting to be held on 9 December.	Uphold

P08/3057 - STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS (REC) (ATTACHMENT)

2.	Wishes to withdraw support for the renumbering proposal. Owns the unit closest to 63 Glenelg with separate access to the street and drives taxi for a living. Consider that the units have an entrance off Glenelg Street no different to many situations throughout Applecross and the metropolitan suburbs. We have had more time to consider the application to change the address and now consider this to be a waste of time and money.	Objection	It is noted that many other properties in similar situations have the Highway address, however, by the same token, other instances have the side street address consistent with the principles of Council Local Law – “to ensure unambiguous and easy identification of every individual lot”. As the access to the property is off Glenelg Street, it is more appropriate to apply a Glenelg Street address.	Not uphold
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REFERRALS TO GOVERNMENT AGENCIES

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

P08/3057 - STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS (REC) (ATTACHMENT)

POLICY IMPLICATIONS

City of Melville Local Law Relating to Street Numbering

The intent of the Local Law is to regulate the application of street numbers in accordance with Council Policy so as to ensure unambiguous and easy identification of every individual lot.

City of Melville Street Numbering Policy

The Policy provides for corner lots to be allocated a number in either street frontage. The number initially allocated should be in the street with the smaller frontage. The Policy also indicates that “where it is necessary to adjust existing street numbers to overcome anomalies, the method causing the least convenience is to be chosen. The philosophy should be – ‘if we can we will try to help’ without disadvantage”.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council refuse the application and recommend improved signage as previously determined relative to the former refused application on the basis that the renumbering will disadvantage the adjoining property owner.

CONCLUSION

The subject property has relatively even frontages to each street, so in accordance with Council Policy may have addresses allocated to either street. In order to ensure unambiguous and easy identification of the property, it is desirable to have a Glenelg Street address consistent with Council’s Local Law and Policy in relation to street numbering. It will result in very limited inconvenience to the occupiers of the neighbouring property at No 63 as that property will retain its existing street number. In addition, suffixes will remain available for any future subdivision of that property. The inconvenience that would have resulted for numerous occupiers with the previous proposal will not be an issue with the current proposal.

Access to the subject property is solely via two (2) driveways facing Glenelg Street, and the letterbox is also facing Glenelg Street. The property’s entire relationship is with Glenelg Street, and in accordance with the City of Melville Street Numbering Local Law and Policy, the request for a Glenelg Street number is reasonable and would be approved without encumbrance if there was an available number to allocate. Due to a Glenelg Street number not being left available for the subject property, the current proposal is deemed to be an acceptable compromise.

P08/3057 - STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS (REC) (ATTACHMENT)

Previous examples considered relative to the former applications were of resubdivided “green title” lots where no alternative numbering was available. In the case of strata titled grouped dwelling developments on corner lots alternate street numbers may apply.

It is noted that there are similar examples which provide precedent for this approach to street numbering in close proximity to the subject site. For example 1-8/25B Ullapool Road, 16A Ullapool Road, 18A Ullapool Road, 111A and 111B Ardross Street, 106D and 106E Ardross Street, 63C-63I Alness Street, and 41 Simpson Street are all strata developments with dual road frontages with similar approaches to street numbering. One example cited at 63C-63I Alness Street is particularly relevant as it abuts number 63 Alness Street, which has freehold title and therefore has no relationship with the adjoining property.

In view of these precedents, the lack of convenience caused to the occupier of the neighbouring property, and the strong relationship that exists with Glenelg Street which will assist in enunciating the property address and access in emergency situations, it is recommended that the seven (7) strata units on the subject property be renumbered as Units 1-7/63D Glenelg Street. It is noted that the DAU report recommended another alternative of renumbering the property 63D -63J Glenelg Street, however it would be preferable for Units 1-7 / 63 D to apply in order to reduce interrelationships between the two properties and provide for a greater degree of independence.

OFFICER RECOMMENDATION (3057)

REFUSAL

- A) THAT THE APPLICATION FOR STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (832) CANNING HIGHWAY, APPLECROSS, BE APPROVED AS UNITS 1-7 / 63D GLENELG STREET SUBJECT TO THE FOLLOWING:**

SPECIAL CONDITIONS:

- 1. THE NEWLY ALLOCATED STREET NUMBER TO BE PAINTED ON THE KERB ADJACENT TO THE LOT AS PER THE CITY OF MELVILLE LOCAL LAW RELATING TO STREET NUMBERING (CLAUSE 3.2).**
- 2. KEY SERVICING AUTHORITIES, EMERGENCY SERVICES, LANDGATE AND AUSTRALIA POST BE ADVISED OF THE STREET NUMBERING CHANGE.**

- B) THE ADJOINING PROPERTY OWNER BE ADVISED IN WRITING OF A) ABOVE.**

FOOTNOTES

- 1. APPLICANT BE ADVISED THAT CLEARER NUMBERING IN THE FORM OF NUMBERS THAT CONTRAST AGAINST THE DARK BRICK LETTERBOX IS RECOMMENDED TO IMPROVE LEGIBILITY OF THE PROPERTY AND THE INDIVIDUAL UNITS, ESPECIALLY UNIT 7.**

P08/3057 - STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (UNITS 1-7/832) CANNING HIGHWAY, APPLECROSS (REC) (ATTACHMENT)

2. IT SHOULD BE NOTED THAT STREET NUMBERING POLICY 06-PL-039 THAT WAS ADOPTED ALONG WITH THE STREET NUMBERING LOCAL LAW BY COUNCIL AT THE MEETING HELD ON 20 DECEMBER 2005 APPLIES TO THE ITEM.

COUNCIL RESOLUTION (3057)

APPROVAL

Reject & Replace

Cr Pazolli advised that the reason for rejection and replacement of the Officer Recommendation was that the proposal was in contravention of Policy 06-PL-039 relating to street numbering.

At 7.00pm Cr Pazolli moved, seconded Cr Bennett -

THAT THE APPLICATION FOR STREET RENUMBERING FROM CANNING HIGHWAY ADDRESS TO GLENELG STREET ADDRESS OF LOT 1 (832) CANNING HIGHWAY, APPLECROSS, NOT BE APPROVED.

At 7.10pm the Mayor submitted the motion, which was declared

CARRIED (9/3)

At 7.10pm Julio Gonzalez, Planning Services Coordinator, left the meeting.

The Presiding Member to advise Elected Members that the Meeting is now moving out of the Quasi-Judicial phase.

T08/1003 - SOUTHERN METROPOLITAN REGIONAL COUNCIL STRATEGIC WASTE MANAGEMENT PLAN (REC) (ATTACHMENT)

Ward : All
 Category : Strategic
 Subject Index : Recycling
 Customer Index : South Metropolitan Regional Council
 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 : Stuart Edwards
 Waste Manager

AUTHORITY / DISCRETION

Definition

<input type="checkbox"/>	Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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>

**T08/1003 - SOUTHERN METROPOLITAN REGIONAL COUNCIL STRATEGIC WASTE
MANAGEMENT PLAN (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

The Waste Avoidance Resource Recovery Act 2007 requires all Local Governments to provide a Strategic Waste Management Plan in order to access funding under the Zero Waste Plan Development Scheme.

The Southern Metropolitan Regional Council (SMRC) has developed a regional Strategic Waste Management Plan on behalf of the City of Melville, City of Cockburn, City of Rockingham, Town of Kwinana and City of Fremantle. The plan includes improvement strategies in order to achieve best practice in Municipal Waste Management.

BACKGROUND

The Waste Avoidance Resource Recovery Act 2007 requires completion of Zero Waste Plans by Local Governments in order to achieve the aspirational goal of “Zero Waste” by 2020. The Southern Metropolitan Regional Council has developed a Regional Waste Management Plan in consultation with officers from the City of Melville.

At the Ordinary Southern Metropolitan Regional Council meeting of 27 November 2008, Council resolved:

- “1. *The minor amendments itemised in the report be incorporated into the Final Plan.*
2. *The Southern Metropolitan Regional Council Strategic Waste Management Plan be adopted.*
3. *That the adopted Strategic Waste Management Plan be sent to the member Council’s CEO’s for endorsement with a request that it be addressed at their respective December meetings of Council.”*

DETAIL

All Local Governments that wish to access funding under the Zero Waste Plan Development Scheme are required to develop a Strategic Waste Management Plan. The Waste Management Board’s vision for Waste Management is to work “Towards Zero Waste”.

The Zero Waste Plan Development Scheme Goals are:

- Minimise direct and indirect environmental impacts of waste;
- Management of waste in a sustainable manner; and
- Increased community awareness of the impact of waste on the environment

T08/1003 - SOUTHERN METROPOLITAN REGIONAL COUNCIL STRATEGIC WASTE MANAGEMENT PLAN (REC) (ATTACHMENT)

The purpose and objectives of the scheme are:

- To protect human health and the environment;
- To confirm current levels of service and details of infrastructure;
- To identify priorities and associated costs and timeframes to improve waste management within the City of Melville;
- To form partnerships where feasible;
- To increase community awareness of waste related issues;
- To plan actions and timeframes; and
- To define a performance assessment schedule.

Development of the scheme was in two phases, with the first phase being data collection to establish a baseline and the second phase being formulation of a Zero Waste Plan.

PUBLIC CONSULTATION/COMMUNICATION

The Department of Environment and Conservation has advised the Southern Metropolitan Regional Council of the requirements in terms of communication and consultation.

The Southern Metropolitan Regional Council has agreed to undertake the following steps:

- Advertisement of the draft Plan to be placed in local newspapers across the region.
- Copies of the Plan to be made available from both the Southern Metropolitan Regional Council offices and websites.
- Initiation of the consultation process and provision of media releases.
- Invitation of public comment (30 days) which are to be collated and provided to the Regional Council prior to adoption of the Plan.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The Southern Metropolitan Regional Council appointed Bowman & Associates Pty Ltd to act as the Project Manager during the development of the data and facilitation of the Plan development. A total of 7 working groups were established and contributed to the Regional Plan.

STATUTORY AND LEGAL IMPLICATIONS

The development of a Strategic Waste Plan is a prerequisite for a Local Government to request funding under the Zero Waste Plan Development Scheme.

The City of Melville is committed to the Southern Metropolitan Regional Council Project 2000 under the Regional Resource Recovery Centre Project Participants agreement.

**T08/1003 - SOUTHERN METROPOLITAN REGIONAL COUNCIL STRATEGIC WASTE
MANAGEMENT PLAN (REC) (ATTACHMENT)**

FINANCIAL IMPLICATIONS

There are no up front financial implications for the City in this application nevertheless there are several possible initiatives which will require future funding. Any initiatives proposed to be implemented as a result of the Plan will be fully assessed and reported to Council prior to implementation.

It is important to note that the development of the Strategic Waste Management Plan was undertaken prior to the Department of Environment and Conservation's investigation and subsequent report on odours emanating from the Regional Resource Recovery Centre.

While the Southern Metropolitan Regional Council are currently challenging the findings of the report, consideration to the longer term financial implications associated with the Department of Environment and Conservation's report have not been included within the Strategic Waste Management Plan.

There exists the potential for increased costs to the City as the Southern Metropolitan Regional Council considers the financial implications of implementing the findings of the Department of Environment and Conservation's report. Should there be an increase cost to the City; careful consideration will need to be given to the financial implications associated with the "possible developments" detailed below under Strategic and Risk Management Implications.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Possible developments for consideration include:

- Investigation into development of a community recyclables drop off point;
- Investigation into provision of a weekly recycling service;
- Development of commercial recycling services;
- Expansion of recycling bins (including surrounds) to parks;
- Explore ways to reduce illegal dumping;
- More recycling in Council buildings particularly organics separation in kitchen areas;
and
- Promotion / expansion of commercial recycling service.

POLICY IMPLICATIONS

There are no Policy implications evident at this time; however the Strategic Waste Management Plan supports the City of Melville's Waste Minimisation Policy 31-PL-001.

**T08/1003 - SOUTHERN METROPOLITAN REGIONAL COUNCIL STRATEGIC WASTE
MANAGEMENT PLAN (REC) (ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

The alternative to the SMRC Strategic Waste Management Plan would be to develop a Strategic Waste Management Plan for the City of Melville as a stand alone document. However, the implications of this approach would be a reduction in likely regional partnership opportunities and since we already have strongly aligned goals with neighbouring Councils from the Regional Waste Collection Strategy, it would likely result in duplication of effort.

CONCLUSION

The Strategic Waste Management Plan assists with the development of Waste Minimisation initiatives and provides the opportunity to access funding for related activities.

The Strategic Waste Management Plan will enable Local Governments to commence or improve existing Strategies for the achievement of best practice municipal waste management in alignment with the State Government's vision of "Towards Zero Waste" over the next five years.

It is possible that the findings of the Department of Environment and Conservation could have a detrimental impact on the Regional Resource Recovery Centre, which in turn could have a serious long term financial impact on the City of Melville and its ratepayers.

It is therefore recommended that Council, provide "in principal" endorsement of the Southern Metropolitan Regional Council's Strategic Waste Management Plan and that should there be a significant increased burden on the City as a result of the Department of Environment and Conservation's report and it's implementation, that Council review it's commitment to implementing the "possible developments listed in the Strategic Waste Management Plan.

OFFICER RECOMMENDATION (1003)**APPROVAL**

At 7.11pm Cr Robartson moved, Cr Barton seconded -

THAT THE CITY OF MELVILLE PROVIDE "IN PRINCIPLE" ENDORSEMENT OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL'S STRATEGIC WASTE MANAGEMENT PLAN 1003 Report 2008.pdf DATED 14 SEPTEMBER 2008.

THAT THE CHIEF EXECUTIVE OFFICER OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL PROVIDE A DETAILED REPORT ON THE POTENTIAL FINANCIAL IMPLICATIONS ASSOCIATED WITH IMPLEMENTING THE FINDINGS OF THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION'S REPORT RELATING TO ODOUR MANAGEMENT, AT THE NEXT MEETING OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL.

THAT SUBJECT TO THE FINANCIAL IMPLICATIONS ASSOCIATED WITH IMPLEMENTING THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION'S REPORT RELATING TO ODOUR MANAGEMENT, THE CITY OF MELVILLE REVIEW ITS COMMITMENT TO IMPLEMENTING THE STRATEGIC WASTE MANAGEMENT PLAN.

T08/1003 - SOUTHERN METROPOLITAN REGIONAL COUNCIL STRATEGIC WASTE MANAGEMENT PLAN (REC) (ATTACHMENT)Amendment 1

At 7.11pm Cr Robartson moved, Cr Barton seconded, that the Officer Recommendation be amended as follows:

- 1. THAT THE COUNCIL ENDORSE THE SOUTHERN METROPOLITAN REGIONAL COUNCIL'S STRATEGIC WASTE MANAGEMENT PLAN DATED 1 DECEMBER 2008 WHICH WAS BY SOUTHERN METROPOLITAN REGIONAL COUNCIL ON BEHALF OF ALL MEMBER COUNCILS WITH THE EXCEPTION OF THE CITY OF CANNING. THE REPORT AIMS TO:**
 - A) DEVELOP IMPROVEMENT STRATEGIES IN ORDER TO ACHIEVE BEST PRACTICE IN MUNICIPAL WASTE MANAGEMENT AND**
 - B) ACCESS GRANT FUNDING AVAILABLE UNDER THE ZERO WASTE DEVELOPMENT SCHEME**
- 2. THAT THE COUNCIL ENDORSE THE INTENT OF THE STRATEGIC WASTE MANAGEMENT PLAN AND GIVE "IN PRINCIPLE" SUPPORT FOR THE RECOMMENDATIONS DEVELOPED AS PART OF THE PLAN AND THAT THE CHIEF EXECUTIVE OFFICER OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL BE ADVISED ACCORDINGLY.**
- 3. THAT THE CHIEF EXECUTIVE OFFICER OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL PROVIDE A REPORT ON THE POTENTIAL FINANCIAL IMPLICATIONS ASSOCIATED WITH IMPLEMENTING THE FINDINGS OF THE DEPARTMENT OF ENVIRONMENT & CONSERVATION'S REPORT RELATING TO POSSIBLE OPERATIONAL ISSUES AT THE SITE AND THE ODOR ACTION REPORT PREPARED BY THE SOUTH METROPOLITAN REGIONAL COUNCIL FOR THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, AT THE NEXT MEETING OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL.**

At 7.37pm the Mayor submitted the motion, which was declared

CARRIED (11/1)

COUNCIL RESOLUTION (1003)

APPROVAL

At 7.37pm Cr Robartson moved, Cr Barton seconded the substantive motion -

- 1. THAT THE COUNCIL ENDORSE THE SOUTHERN METROPOLITAN REGIONAL COUNCIL'S STRATEGIC WASTE MANAGEMENT PLAN DATED 1 DECEMBER 2008 WHICH WAS BY SOUTHERN METROPOLITAN REGIONAL COUNCIL ON BEHALF OF ALL MEMBER COUNCILS WITH THE EXCEPTION OF THE CITY OF CANNING. THE REPORT AIMS TO:**

T08/1003 - SOUTHERN METROPOLITAN REGIONAL COUNCIL STRATEGIC WASTE MANAGEMENT PLAN (REC) (ATTACHMENT)

- A) DEVELOP IMPROVEMENT STRATEGIES IN ORDER TO ACHIEVE BEST PRACTICE IN MUNICIPAL WASTE MANAGEMENT AND**
 - B) ACCESS GRANT FUNDING AVAILABLE UNDER THE ZERO WASTE DEVELOPMENT SCHEME**
- 4. THAT THE COUNCIL ENDORSE THE INTENT OF THE STRATEGIC WASTE MANAGEMENT PLAN AND GIVE "IN PRINCIPLE" SUPPORT FOR THE RECOMMENDATIONS DEVELOPED AS PART OF THE PLAN AND THAT THE CHIEF EXECUTIVE OFFICER OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL BE ADVISED ACCORDINGLY.**
- 5. THAT THE CHIEF EXECUTIVE OFFICER OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL PROVIDE A REPORT ON THE POTENTIAL FINANCIAL IMPLICATIONS ASSOCIATED WITH IMPLEMENTING THE FINDINGS OF THE DEPARTMENT OF ENVIRONMENT & CONSERVATION'S REPORT RELATING TO POSSIBLE OPERATIONAL ISSUES AT THE SITE AND THE ODOR ACTION REPORT PREPARED BY THE SOUTH METROPOLITAN REGIONAL COUNCIL FOR THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, AT THE NEXT MEETING OF THE SOUTHERN METROPOLITAN REGIONAL COUNCIL.**

At 7.38pm the Mayor submitted the substantive motion, which was declared

CARRIED (11/1)

C08/8010 – LEEMING RECREATION CENTRE OPTION REVIEW (REC) (ATTACHMENT)

Disclosure of Interest

Item No.	C08/8010
Councillor/Officer	His Worship the Mayor R Aubrey
Type of Interest	Interest under Code of Conduct 6.1
Nature of Interest	Code of Conduct
Request	Stay
Decision of Council	Not Required

Disclosure of Interest

Item No.	C08/8010
Councillor/Officer	Dr Shayne Silcox
Type of Interest	Interest under Code of Conduct 6.1
Nature of Interest	Code of Conduct
Request	Stay
Decision of Council	Not Required

Disclosure of Interest

Item No.	C08/8010
Councillor/Officer	Cr D Macphail
Type of Interest	Interest under Code of Conduct 6.1
Nature of Interest	Code of Conduct
Request	Stay
Decision of Council	Not Required

Disclosure of Interest

Item No.	C08/8010
Councillor/Officer	Cr A Ceniviva
Type of Interest	Interest under Code of Conduct 6.1
Nature of Interest	Code of Conduct
Request	Stay
Decision of Council	Not Required

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	: C07/8002 – Leeming Recreation Centre – March 2007 & July 2007
Works Programme	: Not Applicable
Funding	: Existing Funding Amount: \$8.1 million
Responsible Officer	: Todd Cahoon Manager Health & Lifestyle Services

C08/8010 – LEEMING RECREATION CENTRE OPTION REVIEW (REC) (ATTACHMENT)

AUTHORITY / DISCRETION

Definition

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

KEY ISSUES / SUMMARY

- The purpose of this report is to seek Council approval on the future operations of Leeming Recreation Centre and development of recreation facilities in the City of Melville.

C08/8010 – LEEMING RECREATION CENTRE OPTION REVIEW (REC) (ATTACHMENT)

BACKGROUND

Following detailed analysis, which included extensive community consultation, the Council in July 2007 resolved to proceed with detailed design, documentation and tender on a redevelopment of Leeming Recreation Centre (LRC) to the value of \$8,100,000.

In May 2008 officers presented to Executive and Elected Members an update on the development that highlighted an estimated budget increase to \$12,500,000.

Following this presentation officers were instructed to revisit the original report and recommendation, review the current situation and present a number of options with a recommendation for council to consider.

An update of background information [8010 Section1 Background.pdf](#) has been completed and distributed to the executive management team and elected members. The information contained in the background report provides a detailed analysis of the current and future needs for indoor recreation facilities in the city, building condition and performance review of LRC, building renewal cost analysis of the 3 recreation centres and a summary of the Crime Prevention Through Environmental Design (CPTED) review of the LRC site.

Key findings from the background report:

- LRC current deficit is considered unsustainable & unacceptable.
- Overall the facility presents in below average condition and is not considered to be to contemporary standards.
- The over servicing of indoor recreation facilities suggests that rationalisation of COM owned facilities could occur.
- One COM regional recreation and aquatic facility centrally located would service the COM community.
- There was a need to provide some local services in Leeming for the aging population and youth.
- Issues with anti-social behaviour at Peter Ellis Park would need to be addressed within any development at the reserve.
- Current building renewal for the Recreation Centres is considerably under funded.

C08/8010 – LEEMING RECREATION CENTRE OPTION REVIEW (REC) (ATTACHMENT)

Key objectives were developed from the onset of the LRC review and these objectives have been constantly revisited to ensure the project will achieve the overall desired outcome. These objectives are an integral tool in guiding any future development decision.

- Provide facilities that meet the current and future recreational needs of residents.
- Present contemporary well maintained leisure facilities.
- Reduced reliance on rates to fund indoor recreation facilities.
- Incorporate sustainability principles into the design, construction and operation of leisure facilities.

DETAIL

The due diligence process consists of an analysis of four options against the needs as identified in the background report and the key objectives that were developed from the onset of the LRC review and highlighted above;

These factors are considered in the 'LRC Review of Options' report and grouped under the triple bottom line headings of social, economic and environmental;

- **Social/Stakeholder Impact.** What are the benefits/disadvantages in regards to access, amenity and quality/quantity/variety of community services? The impact of this on all stakeholders?
- **Economic Impact.** What are the economic benefits, potential cost savings, return on investment?
- **Environmental Impact.** How environmentally sustainable is the option (Greenhouse emissions, utility consumption, POS, etc.) Contribution to the COM's commitment to the 'City's for Climate Protection' (CCP) Program (25% reduction in carbon footprint by 2011 from the 1996 base level).

The 'LRC Review of Options' report forms part of the attachment to this item. Following a comprehensive analysis detailed in the report the recommended option for implementation is Option 4.

[8010 Section2 Options.pdf](#)

[8010 Appendix1.pdf](#)

[8010 Appendix2a.pdf](#)

[8010 Appendix2b.pdf](#)

[8010 Appendix3.pdf](#)

[8010 Appendix4.pdf](#)

[8010 Appendix5.pdf](#)

[8010 Appendix 6.pdf](#)

C08/8010 – LEEMING RECREATION CENTRE OPTION REVIEW (REC) (ATTACHMENT)

Key elements of the preferred option 'Cease City run programs from LRC, increase and enhanced Melville Aquatic and Fitness Centre (MAFC) & Physical Activity Initiatives' (option 4);

Leeming Recreation Centre

- Minor demolition and make good for the Department of Education and Training (DET) (Leeming Senior High School).

Enhancements at Melville Aquatic and Fitness Centre

- Relocation of identified services and facilities namely:
 - Larger Gymnasium of 600m² inclusive of dedicated areas for circuits and personal training.
 - Group Cycling facility.
 - Additional room to service the increasing popularity of 'wellness' programs 140-150m².
 - Expanded childcare facilities to accommodate a license for up to 59 places in total.
- Additional improvements to the current facility:
 - Reconfiguration of the reception desk to improve traffic flow and ease of service and incorporate a self service café, swim shop and additional office space for 3-4 work stations. Additionally to support new technology the foyer area will need to accommodate public access computers.
 - Upgrade an expansion of toilets and changing facilities of the existing café seated area toilets.
 - Create additional commercial lease opportunities for allied health.
 - Premium interactive water play ground
 - Installation of geothermal heating for pool and space heating.

Community Physical Activity initiatives

- Provision of interactive water playground (highly interactive fun water spaces that have no pooling water eliminating the risk of drowning as water drains away before it can accumulate), outdoor gym equipment area, BBQ's, shade structures and additional playground equipment specifically in the Leeming/Bull Creek area.
- Installation of additional free to use outdoor gym equipment at 4 locations throughout the City
- Installation of an additional free to use interactive water playground
- Installation of an outdoor interactive electronic gaming station (electronic game that requires physical exertion while playing)
- Active reserve master plans and asset improvements

C08/8010 – LEEMING RECREATION CENTRE OPTION REVIEW (REC) (ATTACHMENT)

Summary of impact

Social & Stakeholder

- 'Closing LRC' may have a negative social impact on the immediate community. The impact of this is mitigated though, as evident from the community research and analysis of historical data, which indicates that there is an over supply of some services and other options are still available to meet the health, fitness & wellbeing needs of the COM community including those in the Leeming/Bull Creek neighbourhoods.
- The facility provision exceeds the requirements of DET.
- Current community groups utilising LRC are likely to retain their access to LRC outside school hours through the DET.
- MAFC will be able to accommodate any increase in demand for recreational swimming and aqua aerobics classes from LRC.
- An estimated 100 to 150 additional swim school enrolments of a possible 400 COM residents from LRC could be catered for at MAFC??
- Physical activity programs for youth may still be offered through LRC.
- The provision of free interactive water play grounds, outdoor gym equipment and associated auxiliary facilities throughout the City will provide more localised opportunities to participate in unorganised physical activity.
- More opportunities for the aging population at MAFC with the extended gymnasium are to accommodate Living Longer Living Stronger and forever fit classes and improved access facility designs.
- By MAFC being in the centre of the COM its 5km catchment area it is ideally situated to service the health & fitness needs of COM residents.

Economic

- This option offers many potential financial benefits to the City; a reduction in total leisure asset maintenance and replacement costs, less capital expense and a significant reduction in operating deficit (\$1,436,890 improvement on 2007/2008 budget predictions).
- Relocating the Booragoon Occasional Child Care Service to the expanded crèche at the MAFC allows the potential rationalising of a COM building, whilst providing improved access to childcare.
- The enhancements at MAFC are estimated to improve the current operating performance by \$725,090 per annum creating an operating surplus of \$514,090.

Environmental

- Green house gas emissions from LRC will reduce by up to 704 tonnes pa (89%) from the closure of the Leeming pool.
- The installation of 'green' heating options at MAFC would reduce gas emissions by 491 tonnes pa.

C08/8010 – LEEMING RECREATION CENTRE OPTION REVIEW (REC) (ATTACHMENT)

- A total reduction of more than 12% in the City's 2005/2006 total greenhouse gas emissions, which is a significant contribution to the City's commitment of a 25% reduction by 2011.
- The installation of physical activity initiatives across the City will improve the 'walk ability' to unorganised activity spaces assisting in the reduction of vehicle use.

Option 4 delivers the lowest cost in terms of capital development, and the greatest reductions in operational subsidy, asset maintenance and renewal.

This Option does have a reduced community access to indoor recreation services; however it offsets the potential loss of access to LRC with free to use physical activity initiatives, which will provide improved access to the wider community. Analysis also highlights an over supply of indoor recreation services in the geographical area surrounding the LRC.

DET has indicated that they would be prepared to take on the asset with minor make good works. Negotiated continued use with DET for sports clubs and community groups will ensure continued community access of LRC.

This option achieves a significant reduction in the City's carbon footprint with minimal impact of services.

PUBLIC CONSULTATION/COMMUNICATION

An extensive period of public, stakeholder and industry consultation and communication was undertaken throughout the review process.

It is also proposed that further consultation will be conducted on the placement of the physical activity initiatives in local neighbourhoods including the Leeming/Bull Creek area.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

A number of meetings were held with Acting Executive Director of Infrastructure for Department of Education & Training to ascertain the level of interest in the LRC facility. Preceding the meetings a letter was also received confirming that DET would be very interested in utilising the facilities at LRC.

A number of workshop session were conducted with a multi disciplinary team and industry leaders to provide feedback and advice.

STATUTORY AND LEGAL IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It is proposed that the \$5,900,000 upfront capital cost be funded by a principle and interest loan and the repayments funded from the estimated \$1,436,890 annual improved operating net.

C08/8010 – LEEMING RECREATION CENTRE OPTION REVIEW (REC) (ATTACHMENT)

The projected lifecycle cost over 20 years of the proposed development represents a \$53,000,000 improvement when compared to the current operations with appropriate renewal funding.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Risk of increased and further operating deficit	Moderate consequences which are almost certain, resulting in an Extreme level of risk.	Undertake preferred option.
Risk of over supply of recreation facilities resulting in excessive building renewal costs and cannibalisation of the available market.	Major consequences which are almost certain, resulting in an Extreme level of risk.	Rationalise facilities as identified in the preferred option.
Risk of community backlash from the closure of LRC	Minor consequences which are likely, resulting in a Moderate level of risk.	Installation of the free to use physical activity initiatives throughout the city and upgrades to MAFC.

* As derived from using the Risk Assessment Matrix

For further information on risk management http://melvillenet/risk/risk_intro.html

POLICY IMPLICATIONS

Nil

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Option 1 Continue Current Operations.

Option 2 Redevelop the centre in order to present a contemporary leisure facility.

Option 3 Refocus LRC and relocate services to MAFC.

Despite initiatives to improve financial performance including process reviews, staffing restructure and pricing reviews, **Option 1** will not address the continuing operational decline of the centre, or provide contemporary facilities. Additionally, problems will continue to exist with inefficiencies in space usage and access to program areas. Furthermore, this option does not address the on-going problem of the wet component of the facility that is unable to meet current and future needs of centre users. Importantly, this option will not address on-going competition from neighbouring facilities that will continue to impact on the viability of the centre.

C08/8010 – LEEMING RECREATION CENTRE OPTION REVIEW (REC) (ATTACHMENT)

Option 2 is considered to be a viable option in regard to operational performance as a result of major redevelopment; however the overall increased lifecycle and substantial capital outlay highlight a less favourable outcome.

It is anticipated that this option will result in a more contemporary facility with additional facilities and program options for customers. This option will also ensure that the Leeming Senior High School will continue to have access to its current facilities (performing arts), albeit this area will not be redeveloped as part of this project.

The Centre will continue to operate within a highly competitive environment and the continued impact of this competition even on a redeveloped facility is largely unknown. Importantly, the retention of the LRC will mean that the residents of the City of Melville will be over serviced in terms of recreation centres in accordance with the findings outline in the background report.

Option 3 is considered to be viable option as it provides a significantly improved operational performance, and results in the provision of a contemporary regional facility that meets AMCORD (Australian Model Code for Residential Development) standards for a municipality of the size of the City of Melville with significantly enhanced facilities and programs.

The proposed new facilities at Melville Aquatic Fitness Centre are designed to complement the Melville Recreation Centre. This option also ensures that residents of Leeming will continue to have access to identify 'at need' recreation and leisure facilities in their locality, and ensures that the Leeming Senior High School maintains access to its current facilities.

This option achieves a reasonable reduction in the City's carbon footprint with minimal impact of services.

An additional option of ceasing city run programs from LRC, as in option 4 but with no enhancement at MAFC or physical activity initiatives, was identified. This option would see no additional facilities across the city resulting in a loss of some services and facilities to the community. There would be a substantially improved financial position when compared to current operations, however when compared to option 4 an increased annual subsidy of \$100,000 is evident. A reasonable reduction in the City's carbon footprint is achieved from the closure of LRC. The limited community outcomes resulted in this option not been investigated further.

C08/8010 – LEEMING RECREATION CENTRE OPTION REVIEW (REC) (ATTACHMENT)

CONCLUSION

In conclusion, the analysis of options demonstrates that Option 4 is considered to be the most advantageous and will deliver the following strategic outcomes:

- Will result in the provision of contemporary recreation facilities with the capacity to meet the needs of all City of Melville residents in accordance with key findings in the background report and AMCORD standards.
- The development of the Melville Aquatic Fitness Centre as a large regional facility will cater for 95% of the population of Melville within a 5 km radius and provide a range of enhanced facilities and programs.
- Will provide Leeming Senior High School (DET) with facilities that meet their on-going requirements and potential future development needs.
- Ensures community recreation facilities are still available to Leeming and Bull Creek residents through the provision of quality free to use physical activity facilities and neighbouring facilities provided by other commercial and non-commercial providers.
- The provision of new outdoor leisure facilities (e.g. Outdoor gym's & interactive water playgrounds) will provide free access to quality Public Open Space (POS) for residents across the City.
- Provides a substantially improved financial position that will reduce the on-going financial impact on the community and provides the best alignment with the Strategic objectives in terms of asset management and increased health, fitness and wellbeing opportunities for our residents.
- Substantially reduced carbon footprint achieving a 12% reduction of the City's total greenhouse gas emissions with minimal impact of services to the community.

OFFICER RECOMMENDATION (8010)

APPROVAL

THAT FOR THE REASONS OUTLINED IN REPORT C08/8010 LEEMING RECREATION CENTRE OPTION REVIEW NO FURTHER ACTION BE UNDERTAKEN IN RESPECT TO COUNCILS PREVIOUS RESOLUTION MADE ON 17 JULY 2007 ARISING FROM REPORT C07/8002 LEEMING RECREATION CENTRE;

- 1. THAT THE ARCHITECTS BOLLIG DESIGN GROUP ARE NOTIFIED IN WRITING OF THIS DECISION AND REQUESTED FOR A FINAL INVOICE OF ANY AMOUNTS OWING FOR WORKS COMPLETED;**
- 2. THAT SUPPORT BE GIVEN TO OPTION 4 'CEASE CITY RUN PROGRAMS FROM LEEMING RECREATION CENTRE, ENHANCE MELVILLE AQUATIC FITNESS CENTRE & PHYSICAL ACTIVITY INITIATIVES';**
- 3. THAT NEGOTIATIONS ARE COMMENCED WITH THE DEPARTMENT OF EDUCATION AND TRAINING (DET) FOR THE MANAGEMENT AND COMMUNITY USE OF THE LEEMING RECREATION CENTRE AND THE RESULTS OF THOSE NEGOTIATIONS BE REPORTED TO COUNCIL FOR APPROVAL;**

C08/8010 – LEEMING RECREATION CENTRE OPTION REVIEW (REC) (ATTACHMENT)

4. THAT COUNCIL ENDORSE THE MELVILLE AQUATIC FITNESS CENTRE IMPROVEMENT CONCEPT PLAN AS OUTLINED IN OPTION 4 OF REPORT C08/8010, NOTES THE \$4.5M COST ESTIMATE ASSOCIATED WITH THAT CONCEPT AND AUTHORISES THE INVITATION OF PROPOSAL TO EACH OF THE PANEL OF ARCHITECTS TO PREPARE DETAILED DESIGN, DOCUMENTATION AND COST ESTIMATES FROM WHICH AN ARCHITECT WILL BE SELECTED.
5. THAT FUNDING OPTIONS FOR THE MELVILLE AQUATIC FITNESS CENTRE IMPROVEMENT PROJECT BE SUBMITTED TO COUNCIL FOR CONSIDERATION FOLLOWING RECEIPT OF DETAILED DESIGN, DOCUMENTATION AND COST ESTIMATES;
6. THAT OFFICER'S COMMENCE A CONSULTATIVE PLANNING PROCESS TO IDENTIFY THE MOST SUITABLE LOCATIONS FOR THE PHYSICAL ACTIVITY INITIATIVES.

Note: Officers have provided an amended Officer Recommendation with Items 3, 4 & 6 being amended from the original Officer Recommendation.

The amended recommendation was put forward for consideration by council

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8010)

APPROVAL

At 7.39pm Cr Ceniviva moved, Cr Phelan seconded -

THAT FOR THE REASONS OUTLINED IN REPORT C08/8010 LEEMING RECREATION CENTRE OPTION REVIEW NO FURTHER ACTION BE UNDERTAKEN IN RESPECT TO COUNCIL'S PREVIOUS RESOLUTION MADE ON 17 JULY 2007 ARISING FROM REPORT C07/8002 LEEMING RECREATION CENTRE;

1. THAT THE ARCHITECTS BOLLIG DESIGN GROUP ARE NOTIFIED IN WRITING OF THIS DECISION AND REQUESTED FOR A FINAL INVOICE OF ANY AMOUNTS OWING FOR WORKS COMPLETED;
2. THAT NEGOTIATIONS ARE COMMENCED WITH THE DEPARTMENT OF EDUCATION AND TRAINING (DET) FOR THE MANAGEMENT AND COMMUNITY ACCESS OF THE LEEMING RECREATION CENTRE AND THE RESULTS OF THOSE NEGOTIATIONS BE REPORTED TO COUNCIL FOR APPROVAL;
3. THAT COUNCIL INSTIGATE A PLANNED WITHDRAWAL OF COUNCIL PROVIDED PROGRAMS FROM THE LEEMING RECREATIONAL CENTRE INCLUDING THE DECOMMISSIONING OF THE POOL;
4. THAT COUNCIL ENDORSE THE MELVILLE AQUATIC FITNESS CENTRE IMPROVEMENT CONCEPT PLAN AS OUTLINED IN OPTION 4 OF REPORT C08/8010 AND AUTHORISES THE SELECTION BY TENDER PROCESS OF SUITABLY QUALIFIED AND EXPERIENCED ARCHITECTS FROM COUNCIL'S PANEL OF ARCHITECTS TO PREPARE DETAILED DESIGN, DOCUMENTATION AND COST ESTIMATES;

C08/8010 – LEEMING RECREATION CENTRE OPTION REVIEW (REC) (ATTACHMENT)

5. THAT FUNDING OPTIONS FOR THE MELVILLE AQUATIC FITNESS CENTRE IMPROVEMENT PROJECT BE SUBMITTED TO COUNCIL FOR CONSIDERATION FOLLOWING RECEIPT OF DETAILED DESIGN, DOCUMENTATION AND COST ESTIMATES;
6. THAT COUNCIL ENDORSE THE PHYSICAL ACTIVITY INITIATIVES AS OUTLINED IN OPTION 4 OF REPORT C08/8010 AND OFFICER'S COMMENCE A CONSULTATIVE PLANNING PROCESS TO IDENTIFY THE MOST SUITABLE LOCATIONS AND OBTAIN DETAILED DESIGN, DOCUMENTATION AND COST ESTIMATES FOR THE PHYSICAL ACTIVITY INITIATIVES.

FOOTNOTE

IT WAS NOTED THAT THE DRAFT REPORT WAS CONFIDENTIAL BUT THE FINAL REPORT IS NOT CONFIDENTIAL AND IS AVAILABLE TO THE PUBLIC.

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

CARRIED (9/3)

C08/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

Definition

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

KEY ISSUES / SUMMARY

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

C08/5000 – COMMON SEAL REGISTER (REC)**BACKGROUND**

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

DETAIL

Register Reference*	Party	Description	File Reference
0230	Belgravia Leisure Group Pty Ltd	Deed of Variation to Management Agreement - Belgravia Leisure Group Pty Ltd	1971521
0233	City of Melville	Amendment No.51 Amending The Scheme By Rezoning From Industrial To Residential Inserting New Precinct P2	1918980

* Documents relating to register numbers not appearing on the above table did not need to be signed under Common Seal.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 2.5 of the Local Government Act 1995.

C08/5000 – COMMON SEAL REGISTER (REC)

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members information.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5000)

NOTED

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

At 8.00pm the Mayor submitted the motion which was declared

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

**C08/5038 - EXPRESSIONS OF INTEREST - LEASE OR SALE – WHOLE OR PART LOTS
15, 180 AND 181 CANNING BEACH ROAD APPLECROSS (REC)**

Disclosure of Interest

Item No.	C08/5038
Councillor/Officer	Cr C Robartson
Type of Interest	Interest under Code of Conduct 6.1
Nature of Interest	Code of Conduct
Request	Stay
Decision of Council	Not Required

Disclosure of Interest

Item No.	C08/5038
Councillor/Officer	Dr Shayne Silcox
Type of Interest	Interest under Code of Conduct 6.1
Nature of Interest	Code of Conduct
Request	Stay
Decision of Council	Not Required

Disclosure of Interest

Item No.	C08/5038
Councillor/Officer	Cr D Macphail
Type of Interest	Interest under Code of Conduct 6.1
Nature of Interest	Code of Conduct
Request	Stay
Decision of Council	Not Required

Ward	: All
Category	: Strategic
Subject Index	: Strategic Planning
Customer Index	: Local Government House Trust Western Australian Local Government Association.
Disclosure of any Interest	: Cr C W Robartson is a member of the Board of Management of the Local Government House Trust. The City of Melville is a unit holder of 10 of the 620 units being held by beneficiaries of the Trust. The Chief Executive Officer is a member of WALGA's Finance & Services Committee.
Previous Items	: Nil
Works Programme	: Not Applicable
Funding	: \$20,000
Responsible Officer	: Marten Tieleman Director Corporate Services

**C08/5038 - EXPRESSIONS OF INTEREST - LEASE OR SALE – WHOLE OR PART LOTS
15, 180 AND 181 CANNING BEACH ROAD APPLECROSS (REC)**

AUTHORITY / DISCRETION

DEFINITION

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

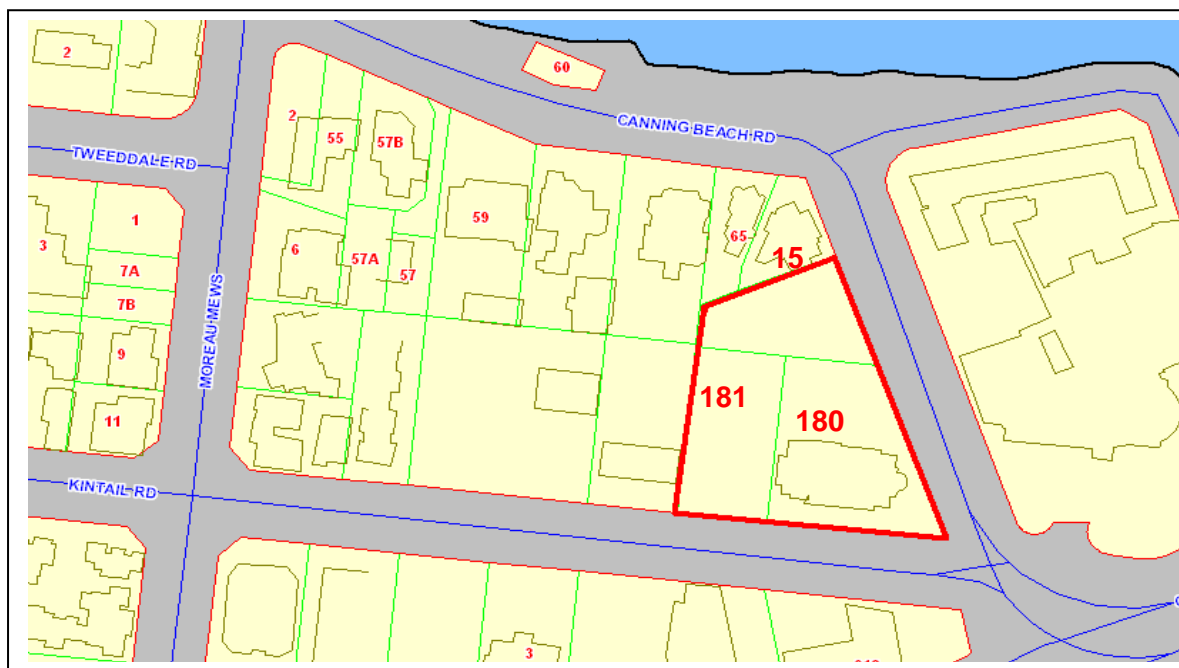
KEY ISSUES / SUMMARY

- This report requests Council's consent to advertise for the submission of expressions of interest for the lease, lease with the first right of refusal option for the lessee to purchase in part or whole in the future, or for the outright sale of the whole or part of Lots 15, 180 and 181 fronting Canning Beach and Kintail Roads, Applecross.
- The report also notifies Council of the interest shown by the Local Government House Trust and their desire to enter into a non-binding Memorandum of Understanding in regards to development by them of a "Local Government House" on all or part of the site.
- Any dealings with or development of the land would ensure the retention of and be sympathetic to the heritage value of the Tivoli heritage building.

**C08/5038 - EXPRESSIONS OF INTEREST - LEASE OR SALE – WHOLE OR PART LOTS
15, 180 AND 181 CANNING BEACH ROAD APPLECROSS (REC)**

BACKGROUND

The City of Melville has been approached by the Local Government House Trust who have expressed an interest in leasing, with an option to purchase at some future time, the Council owned land comprising Lots 15, 180 & 181 Canning Beach and Kintail Roads, Applecross. This land is owned in freehold title by the City of Melville.



The land is currently zoned District Centre with a density code of R60 and is considered one of the most desirable prime commercial development sites in the City of Melville due to its close proximity to a major highway, freeway and other transport infrastructure and is situated approximately 8 kilometres from the Perth CBD.

The Tivoli heritage building is situated on Lot 180 and any lease or sale of the whole or part of the site would need to ensure retention and that any development on or adjacent to it be sympathetic to that building.

**C08/5038 - EXPRESSIONS OF INTEREST - LEASE OR SALE – WHOLE OR PART LOTS
15, 180 AND 181 CANNING BEACH ROAD APPLECROSS (REC)****DETAIL**

The Local Government House Trust have indicated a desire to enter into a Memorandum of Understanding (MOU) in order to progress and manage an opportunity to build a new high quality 6 Star Energy rated Western Australian Local Government Association (WALGA) headquarters and Local Government House at Canning Bridge, Applecross. An MOU does not commit the Council to any decision or fetter its discretion. It does however demonstrate an intent to explore an opportunity and how this opportunity may be managed by the two parties to achieve mutually acceptable outcomes. The process of negotiating an MOU to achieve mutually agreeable terms and then to undertake further research and obtain advice, will involve the expenditure of funds by both parties. It is therefore appropriate for the Council to endorse this activity and once the MOU has been negotiated authorise it to be signed by The Mayor and the CEO. As part of the MOU, a number of indicative sketches of how the subject land (Lots 15, 180 & 181) Canning Beach Road) could be developed and how the development would integrate with adjoining land users and the precinct would be provided.

Whilst the approach by the Local Government House Trust is worthy of serious consideration, Council needs to ensure that any process by which it chooses to dispose of its land is open, transparent and accountable and enables an appropriate level of community participation in the affairs of the Local Government. To this end it is considered appropriate to call for expressions of interest for all interested parties. This process will enable Council to understand the level of interest in the site, approximate valuations, types of development etc. that will assist in the development of a Major Land Transaction Business Plan which will be required to be developed as part of the disposal process.

As the Local Government House Trust has already indicated their interest in the site and have submitted a draft MOU for consideration, it is considered useful to continue the process of refining that draft document in order that it would be considered suitable for endorsement by Council. It should be noted that the MOU is non binding and does not commit the Council to any actions other than to work with the Local Government House Trust in relation to their proposal.

**C08/5038 - EXPRESSIONS OF INTEREST - LEASE OR SALE – WHOLE OR PART LOTS
15, 180 AND 181 CANNING BEACH ROAD APPLECROSS (REC)**

It is also considered that due to the significance of the Canning Bridge land that a Project Steering Group be established . It is recommended that such a committee be entitled The “Canning Bridge Project Steering Group” and that it comprise the following members:-

- Mayor, City of Melville;
- CEO, City of Melville;
- Two Councillors to be nominated and selected by the Council;
- The Presiding Member of the Financial, Management, Audit, Risk and Compliance Committee of the City of Melville.

The steering group will be advised by suitably qualified:-

- City of Melville officers;
- External Property advisor(s) when and if required and
- External Architectural / Engineering / Environmental Sustainable Design advisor(s) when and if required.

The group would deliberate on any submissions of interest that are received and other matters concerning the possible redevelopment or lease/sale of the site.

Reporting of progress made in relation to the project will be made to the Council on a regular basis and any actions which propose to bind the City to financial or other obligations will be brought to the Council for decision. The Canning Bridge Project steering group will have no delegated authority.

PUBLIC CONSULTATION/COMMUNICATION

Public consultation would be undertaken as a result of either:-

- a) the advertisement of a Major Land Transaction Business Plan in accordance with Section 3.59 – “*Commercial Enterprises by Local Governments*” of the Local Government Act 1995 (The Act). A minimum public submission period of 42 days is required – or
- b) in accordance with Section 3.58 (3) of The Act - “*Disposing of Property*” which would require Council to advertise the disposal to an intended party by way of Statewide Public Notice. A minimum public submission period of two weeks is to be provided.

In either case Council needs to consider submissions made and determine whether or not to modify the business plan or the disposing of property arrangement, as a result of those submissions.

The public consultation process in regards to the built form, land use and zoning densities for the broader precinct has been commenced through the Canning Bridge Precinct Study consultation process.

Previous public consultation has been undertaken through the “Riverside Project” seeking comment regarding a community/library facility in the vicinity of the existing Canning Bridge Library. Development potential, transport and land use issues has been considered as part of the recent Local Planning Strategy neighbourhood meetings.

**C08/5038 - EXPRESSIONS OF INTEREST - LEASE OR SALE – WHOLE OR PART LOTS
15, 180 AND 181 CANNING BEACH ROAD APPECROSS (REC)**

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Swan River Trust, Heritage Council and Department for Planning and Infrastructure consultation will be undertaken in due course.

STATUTORY AND LEGAL IMPLICATIONS

Disposal of land either by way of lease or outright sale is dealt with by sections 3.58 and 3.59 of the Local Government Act 1995 and the Local Government (Functions & General) Regulations 1996.

FINANCIAL IMPLICATIONS

In its present form the site provides a minimal rate of return to the City when compared to the potential return it could provide if developed.

The costs associated with this project are capable of being funded through existing Strategic Urban Planning budget - \$20,000.

Costs incurred would include fees associated with external advisors as well as an independent valuation of the land, which would be obtained once the details of any proposed development and land required to accommodate the footprint of the development is identified.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The site and project are considered to be of high financial and strategic value. At this point in time project is considered to be low risk. The future level of risk will depend on the nature of the submissions received following the call for expressions of interest.

Due to value of the Council owned land and the heritage value of the Tivoli building any future lease, sale or development will need to be managed very carefully.

Revenues generated from the lease or sale of the land will used to meet Councils strategic objective of reducing the reliance on rates by building a future fund contributed to by non-rate revenues and in particular income generated from Council substantial holdings of freehold land which currently generate either negative or minimal returns on their capital value.

POLICY IMPLICATIONS

Council policy will be developed through the Canning Bridge Precinct Study due for completion May 2009.

**C08/5038 - EXPRESSIONS OF INTEREST - LEASE OR SALE – WHOLE OR PART LOTS
15, 180 AND 181 CANNING BEACH ROAD APPECROSS (REC)**

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

1. Continue to hold the land as land bank – this will result in minimal financial returns being achieved from this valuable land and will not result in the improvement of the visual amenity of the land.
2. The City of Melville carry out a development of the land in it's own right – the City has no previous experience in this regard and such action would require the engagement of a high level of external expertise and would require the City to take on the full development risks associated with this action.

CONCLUSION

Lots 15, 180 and 181 Canning Beach and Kintail Roads Canning Bridge, Applecross comprise a highly desirable development site that has very significant strategic, visual and land values.

The site is currently under-utilised, provides a poor return on capital invested, to the City.

The site fronts the northern entry to the City of Melville, and apart from the Tivoli building, does not present a suitable entry statement to the City

Developments that take place on the site will also kick start the redevelopment and set the tone for the future redevelopment of the Canning Bridge Precinct.

It is therefore essential that any lease or sale of the whole or part of the site and any subsequent developments on the site are conducted in such a manner so as to maximise the economic, social/cultural and environmental outcomes for the City of Melville.

OFFICER RECOMMENDATION (5038)

APPROVAL

1. **THAT COUNCIL ENDORSE THE CALLING OF EXPRESSIONS OF INTEREST FOR THE LEASE, LEASE WITH THE OPTION OF FIRST RIGHT OF REFUSAL FOR FUTURE PURCHASE, OR THE OUTRIGHT SALE OF THE WHOLE OR PART OF LOTS 15, 180 AND 181 CANNING BEACH AND KINTAIL ROADS APPECROSS.**
2. **THAT COUNCIL APPOINT HIS WORSHIP THE MAYOR, THE PRESIDING MEMBER OF THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE, COUNCILLOR (TO BE NOMINATED), COUNCILLOR (TO BE NOMINATED) AND THE CHIEF EXECUTIVE OFFICER TO SIT ON THE CANNING BRIDGE PROJECT “STEERING GROUP”.**
3. **THAT COUNCIL AUTHORISE THE CHIEF EXECUTIVE OFFICER TO DEVELOP, AFTER TAKING APPROPRIATE LEGAL ADVICE, A FINAL DRAFT OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MELVILLE AND THE LOCAL GOVERNMENT HOUSE TRUST.**

**C08/5038 - EXPRESSIONS OF INTEREST - LEASE OR SALE – WHOLE OR PART LOTS
15, 180 AND 181 CANNING BEACH ROAD APPECROSS (REC)**

4. UPON COMPLETION OF THE FINAL DRAFT OF THE MEMORANDUM OF UNDERSTANDING IT BE SENT TO ALL ELECTED MEMBERS FOR COMMENT FOR A 1 WEEK PERIOD AND SHOULD NO MATTERS OF SIGNIFICANCE BE RAISED IT BE SIGNED BY THE CHIEF EXECUTIVE OFFICER AND MAYOR.

Note: Officers have provided an alternative Officer Recommendation in relation to this Item.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5038)

ABSOLUTE MAJORITY

At 8.00pm Cr Barton moved, Cr Subramaniam seconded -

1. THAT COUNCIL ADVERTISE A BUSINESS PLAN/MAJOR LAND TRANSACTION IN ACCORDANCE WITH SECTION 3.59 OF THE LOCAL GOVERNMENT ACT 1995 FOR THE DISPOSAL BY WAY OF LEASE, LEASE WITH THE OPTION OF A FUTURE PURCHASE, OR THE OUTRIGHT SALE OF THE WHOLE OR PART OF LOTS 15, 180 AND 181 CANNING BEACH AND KINTAIL ROADS APPECROSS.
2. THAT COUNCIL APPOINT HIS WORSHIP THE MAYOR, THE PRESIDING MEMBER OF THE FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE, COUNCILLOR PAZOLLI, COUNCILLOR HALTON, AND THE CHIEF EXECUTIVE OFFICER TO SIT ON THE CANNING BRIDGE PROJECT “STEERING GROUP”.
3. THAT COUNCIL AUTHORISE THE CHIEF EXECUTIVE OFFICER TO DEVELOP, AFTER TAKING APPROPRIATE LEGAL ADVICE, A FINAL DRAFT OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MELVILLE AND THE LOCAL GOVERNMENT HOUSE TRUST.
4. UPON COMPLETION OF THE FINAL DRAFT OF THE MEMORANDUM OF UNDERSTANDING IT BE SENT TO ALL ELECTED MEMBERS FOR COMMENT FOR A 1 WEEK PERIOD AND SHOULD NO MATTERS OF SIGNIFICANCE BE RAISED IT BE SIGNED BY THE CHIEF EXECUTIVE OFFICER AND MAYOR.

At 8.24pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

At 8.17pm Cr Subramaniam left the meeting.

At 8.19pm Cr Subramaniam returned to the meeting.

C08/6000 - 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	:	Dudley Smith Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 November 2008 and recommends that the information detailed in the attachments be noted.
- The report highlights significant reductions in the estimated market value of many of Councils' investments and discusses the actions being taken by Council Officers to ameliorate in so far as possible the risk of further losses in value.

C08/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**BACKGROUND**

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

DETAIL

The investment of surplus funds is undertaken in accordance with the City of Melville's Investment of Surplus Funds Policy 13-PL-003.

[6000A November 2008.pdf](#) and [6000B November 2008.pdf](#) contain specific details (including estimated market valuations) of the investments held at 30 November 2008. Agenda attachment [6000C November 2008.pdf](#) is a graph showing the total of funds invested and their estimated market valuations at the end of each month over the past financial year.

Elected Members are aware of the continuing uncertainty and extreme volatility in world financial markets and the negative impact that it is having on most classes of investments as well as individuals and corporations. This volatility, and the subsequent lack of an active market for Collateralised Debt Obligations (CDO's), has created a situation whereby it continues to be extremely difficult to arrive at truly meaningful market valuations for the (CDO) element of the investment portfolio. Advice received from the Council's investment advisers, Grove Research & Advisory Pty Ltd, confirms that the valuations provided by Council's former advisor and investment managers, Lehman Brothers up until August 2008, were soundly based. Lehman Brothers ceased operation during September 2008 and valuations are now being assessed in accordance with advice from Grove Research & Advisory Pty Ltd, after taking into account the level of credit events suffered by each CDO and the likelihood of survival of the CDO to maturity. It should be noted that due to the bankruptcy proceedings for Lehman Brothers, the collateral of the five Lehman Brothers arranged CDO's owned by Council is now under the control of trustees and it is expected that on sale of the collateral a capital return in the order of 70% may be returned.

It should be noted that these valuations do not imply that should the Council decide to liquidate the CDO's, the prices received would be in line with these valuations as the valuations are based on an active market being present. As this has not been the case since the advent of the credit crisis in July/August last year, any offers to purchase would likely be at levels commensurate with distressed debt levels and not reflective of underlying value. As the Council is not in the position of requiring these funds at this time, the advice from the Council's investment advisers is to continue to hold these investments and take advantage of the above bank bill interest rate return being earned from them.

Following the modest improvements seen in April and May, June saw a dramatic decline in values, with a small recovery in the July valuations, but followed by a further fall in August. October saw an additional 4 credit events that have affected Council's CDOs, which has lead to substantially lower values as highlighted below. However, there were no credit events in November 2008.

C08/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

The estimate based on the valuations provided as at 31st October 2008, is that if it had been possible to dispose of all investments at the end of November, a loss of \$14,123,513 (20.65%, October 20.25%) would have been realised. The market valuation of the CDO element of the investment portfolio at the end of November represented 37.19% (October 37.19%) of its cost figure, with individual valuations ranging between 8.22% and 70%.

Major credit rating agencies Standard and Poors, Moodys and Fitch have also reviewed their methodology for assessing the credit ratings of CDO's. This has resulted in many of the CDO's being downgraded to levels where they are not, and would never have been, considered appropriate for inclusion in the Council's portfolio of investments. It must be pointed out that some of the CDO's do however continue to retain AA credit ratings. The review by the credit rating agencies of their CDO credit rating models affirms what some commentators were saying many months ago ie: that the models used to rate CDO's were flawed in some respects. This has unfortunately led to inappropriate investment by many Councils and other bodies holding public monies on the mistaken belief that the ratings applied by these agencies were sound. This post event review by the credit rating agencies is therefore of little value to the present situation the Council finds itself in and the Council's focus must remain on recovering from the situation it finds itself in.

Loss mitigation and recovery strategies such as obtaining expert and independent advice and amending the investment policy have already been undertaken and Council officers will continue to pursue other avenues including investigating the possibility of legal action against the Council's former investment advisors and fund managers, Lehman Brothers.

Summary details of investments held at 30 November 2008 are shown in the table below.

**CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 30 NOVEMBER 2008**

SUMMARY BY FUND	FACE VALUE \$	PURCHASE PRICE \$	ESTIMATED MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL	\$ 42,274,846	\$ 42,321,697	\$ 41,777,431	(\$ 544,266)	-1.29%
RESERVE	\$ 25,098,163	\$ 25,118,250	\$ 11,539,003	(\$ 13,579,247)	-54.06%
TRUST	\$ 784,485	\$ 784,485	\$ 784,485	\$ -	0.00%
CRF	\$ 157,329	\$ 157,329	\$ 157,329	\$ -	0.00%
	\$ 68,314,823	\$ 68,381,761	\$ 54,258,248	(\$ 14,123,513)	-20.65%

SUMMARY BY INVESTMENT TYPE	FACE VALUE \$	PURCHASE PRICE \$	ESTIMATED MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
ADI	\$ 14,500,000	\$ 14,559,078	\$ 13,871,774	(\$ 687,304)	-4.72%
CDO	\$ 21,220,000	\$ 21,227,860	\$ 7,895,152	(\$ 13,332,709)	-62.81%
CAP GUARANTEED NOTE	\$ 1,150,000	\$ 1,150,000	\$ 1,046,500	(\$ 103,500)	-9.00%
TERM DEPOSIT	\$ 24,500,000	\$ 24,500,000	\$ 24,500,000	\$ -	0.00%
11AM	\$ 6,904,089	\$ 6,904,089	\$ 6,904,089	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 40,734	\$ 40,734	\$ 40,734	\$ -	0.00%
	\$ 68,314,823	\$ 68,381,761	\$ 54,258,248	(\$ 14,123,513)	-20.65%

SUMMARY BY RATING	FACE VALUE \$	PURCHASE PRICE \$	ESTIMATED MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AA	\$ 2,000,000	\$ 2,016,710	\$ 1,400,000	(\$ 616,710)	-30.58%
AA-	\$ 28,554,089	\$ 28,554,899	\$ 28,381,666	(\$ 173,234)	-0.61%
A+	\$ 5,983,634	\$ 5,984,293	\$ 5,920,339	(\$ 63,955)	-1.07%
A	\$ 2,016,366	\$ 2,020,167	\$ 1,897,874	(\$ 122,292)	-6.05%
A-	\$ 500,000	\$ 500,160	\$ 461,535	(\$ 38,625)	-7.72%
BBB+	\$ 5,500,000	\$ 5,536,105	\$ 5,410,961	(\$ 125,144)	-2.26%
BBB	\$ 4,500,000	\$ 4,517,543	\$ 4,249,988	(\$ 267,555)	-5.92%
BBB-	\$ 2,000,000	\$ 2,000,270	\$ 689,400	(\$ 1,310,870)	-65.53%
BB+	\$ 1,800,000	\$ 1,800,072	\$ 593,460	(\$ 1,206,612)	-67.03%
BB	\$ 1,050,000	\$ 1,049,965	\$ 86,310	(\$ 963,655)	-91.78%
BB-	\$ 385,000	\$ 385,000	\$ 148,649	(\$ 236,352)	-61.39%
B	\$ 1,000,000	\$ 982,890	\$ 129,900	(\$ 852,990)	-86.78%
B-	\$ 2,885,000	\$ 2,885,831	\$ 487,703	(\$ 2,398,128)	-83.10%
CCC+	\$ 4,800,000	\$ 4,807,122	\$ 761,940	(\$ 4,045,182)	-84.15%
C	\$ 5,300,000	\$ 5,300,000	\$ 3,597,790	(\$ 1,702,210)	-32.12%
UNITS (Local Govt Hse)	\$ 40,734	\$ 40,734	\$ 40,734	\$ -	0.00%
	\$ 68,314,823	\$ 68,381,761	\$ 54,258,248	(\$ 14,123,513)	-20.65%

C08/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**Credit Ratings**

There were no credit rating changes in CDOs during November

Seven credit events impacting on CDOs held by the City have now been recorded. The Companies involved were the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), Lehman Brothers, WaMu, Glitnir, Kaupthing and Landsbanki. The impact on CDOs is shown below:

- Beryl Global Bank Note - Nil credit events. – remaining credit support for 1.0 credit event (Being terminated due to trustee taking control of underlying security).
- Blue Gum - Arranger HSBC Bank US – 7.0 credit events - Freddie Mac, Fannie Mae, Lehman's, WaMu, Glitnir, Kaupthing & Landsbanki – remaining credit support for 2.2 credit events.
- Esperance - Arranger Merrill Lynch International – 1.0 credit event - Lehman's – remaining credit support for 5.0 credit events.
- Glenelg - Arranger Nomura International – 2.0 credit events - Lehman's & Landsbanki – remaining credit support for 7.0 credit events.
- Green - Arranger J.P. Morgan Australia – 4.0 credit events - Lehman's, WaMu, Glitnir & Kaupthing – remaining credit support for 2.4 credit events.
- Henley A - Arranger BNP Paribas – 3.0 credit events – Freddie Mac, Fannie Mae & Lehman's – remaining credit support for 7.0 credit events.
- Kakadu - Arranger J.P. Morgan Australia – 5.0 credit events - Freddie Mac, Fannie Mae, Lehman's, WaMu & Kaupthing – remaining credit support for 6.7 defaults.
- Miami Arranger Lehman Brothers 3.0 credit events - Freddie Mac, Fannie Mae & WaMu – remaining credit support for 12.8 credit events. (Being terminated due to trustee taking control of underlying security)
- Merimbula A – Arranger Lehman Brothers 2.0 credit events - Freddie Mac & Fannie Mae – remaining credit support for 7.9 credit events. (Being terminated due to trustee taking control of underlying security)
- Parkes 1A - Arranger Morgan Stanley – 4.0 credit events - Freddie Mac, Fannie Mae, Lehman's & WaMu – remaining credit support for 5.0 credit events.
- Parkes 11A - Arranger Morgan Stanley – 4.0 credit events - Freddie Mac, Fannie Mae, Lehman's & WaMu – remaining credit support for 3.0 credit events.
- Scarborough - Arranger Merrill Lynch – 5.0 credit events - Freddie Mac, Fannie Mae, Lehman's, Kaupthing & Landsbanki – remaining credit support for 3.0 credit events.
- Torquay - Arranger J.P. Morgan – 4.0 credit events - Freddie Mac, Lehman, Glitnir & Kaupthing – remaining credit support for 4.2 credit events.

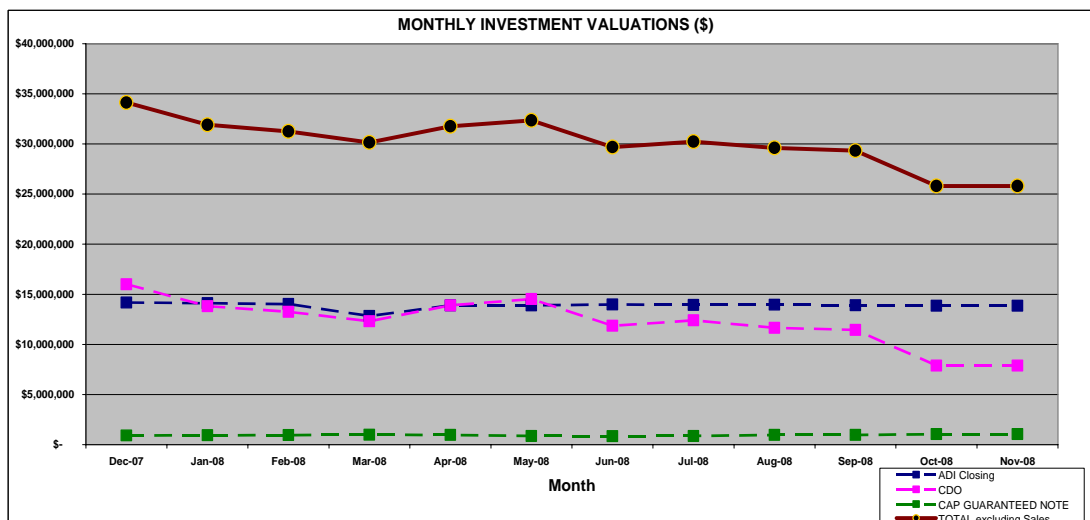
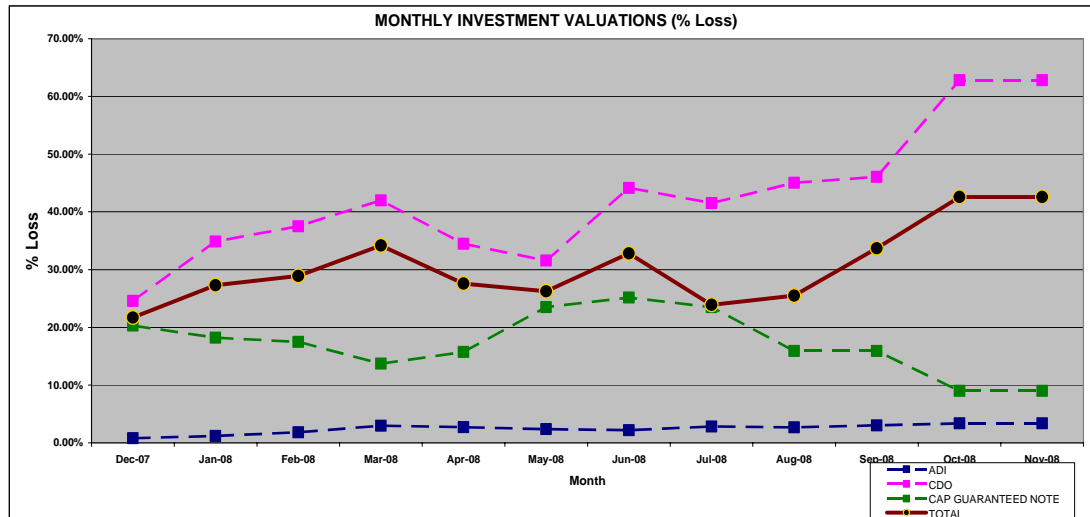
It should be noted that further investment in CDO's is specifically excluded under the current Investment Policy.

Statements 6000A, 6000B and the graph 6000C show the value of the investments based on cost, which is consistent with long standing practice.

Interest rates fell quite substantially in this period, with the rates for 90 day bank bills falling by 1.04% from 5.85% to 4.81%, while the 30 day rates fell by 0.92% from 6.00% to 5.08%.

C08/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)

The graphs below summarise movements in valuation since December 2007.



PUBLIC CONSULTATION/COMMUNICATION

This report is available to the public on the Council’s web-site and hard copies of this agenda and attachments are available for viewing at the Council’s 5 public libraries.

In addition the Council’s bi-monthly newsletter, Mosaic, has contained several articles that highlight this issue. Numerous press articles have also been published on this topic.

C08/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

In line with the decision of the Council at its February meeting, Grove Research and Advisory have been appointed as the City's investment adviser and have reviewed the current investment portfolio with a view to providing strategies to minimise any unnecessary risks.

In 2007 Price Waterhouse Coopers (PWC) was engaged to provide advice in regards to the appropriateness of the City's investment strategy in light of the recent volatility in the credit markets. Following the receipt of their report and further clarification, a revised investment policy was adopted.

The Department of Local Government and Regional Development issued Investment Policy Guidelines during February and these are being reviewed with a view to making any necessary changes to the existing Investment Policy adopted by the Council.

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

- Local Government (Financial Management) Regulations 1996 Regulation 19 – Management of Investments.
- Trustee Act 1962 (Part 3)

FINANCIAL IMPLICATIONS

As at the end of November 2008, total interest excluding Reserve Fund interest earned was \$1,227,035, against a year to date budget of \$1,263,500. This represents a \$36,465 shortfall variance. The shortfall is attributed to the later issue date of rates notices and the increased level in Ratepayers paying by instalments. The full year budget is \$2,550,000, which due to the above and more recent very significant reductions in interest rates is now highly unlikely to be achieved.

Reserve Fund interest earned was \$669,785 against a budget of \$680,000, a negative variance of \$10,215. The full year budget is \$1,400,000.

In accordance with the Council's revised Investment Policy any surplus investment returns derived as a result of investing in ADI's & CDO's when compared to Bank Bills or Term Deposits will be credited to the Risk Management Reserve.

The most material current financial implication in relation to the cash position of the Council relates to the book value of investments moving according to the very significant market volatility that has been experienced since July 2007, which has impacted negatively on the market price and saleability of our ADI and CDO investments.

C08/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

The Council's investment policy was constructed to minimise credit risk through investing in highly rated securities and diversification.

Due to the continuing and increasing credit market concerns, the risks associated with the Council's investment portfolio have also increased to levels which are of concern. Whilst the Council continues to earn and be paid interest from its CDO investments, the reassessment by the major rating agencies of their credit risk models used to assess the credit ratings associated with CDO portfolios, has resulted in significant downgrading of CDO investments to credit rating levels that would not meet the Council's investment policy. However, due to the lack of an active or sensibly priced market for CDO's, these investments are being held.

In response to the current market conditions, surplus funds are currently being invested for short periods and only with highly credit rated major Australian banking institutions.

POLICY IMPLICATIONS

Corporate Policy 13-PL-003 – Investment of Surplus Funds.

As resolved at the November 2007 Ordinary Meeting of Council, the policy has been amended to incorporate mechanisms that protect the Council's investments from undue volatility risk as well as the risk to reputation as a result of investments that may be perceived as unsuitable by the Community.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

C08/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**CONCLUSION**

The current position in regards to the Council's investments appears very poor. It should be noted that the CDO's are structured in such a manner so as to provide for a level of defaults of a number of the entities referenced by the CDO's before there is loss of value at maturity of the CDO's themselves. In light of the extreme downturn being experienced in many world economies the risk of defaults of corporations referenced by CDO's owned by the City has however increased significantly. The perceived view at the time of writing is that the economic situation, although appearing to have stabilised somewhat, will result in still further corporate failures some of which may be represented in CDO's owned by the City

It should also be noted however that the concerns with these investments will not impact on the Council's day to day operations or capital works programme as adequate funding is available to carry out the works identified in the Council's 2008/2009 Budget. Due to the long term nature of these investments, future impacts will be determined as the credit market situation becomes clearer.

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

THAT THE INVESTMENT STATEMENTS FOR THE MONTH OF NOVEMBER 2008, AS DETAILED IN THE FOLLOWING ATTACHMENTS BE NOTED:

[6000A November 2008.pdf](#)

[6000B November 2008.pdf](#)

[6000C NOVEMBER 2008.PDF](#)

At 8.24pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC
WITHOUT DISSENT (12/0)

C08/6002 – 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	:	Dudley Smith Manager Financial Services

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input 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 financial statements to the end of October 2008 and recommends that they be noted by the Council.

C08/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)**BACKGROUND**

The Financial Statements for the end of the month of October 2008 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996 as amended.

DETAIL

The attached reports have been prepared in compliance with the requirements of the legislation. It should be noted that the figures reflect the initial phasing of budgets, which need to be further refined as Responsible Officers review their management reports.

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

Variiances

The following variances are a result of phasing that will be adjusted accordingly.

Revenue

- General Purpose Funding – 17% under budget.
- Health – 35% over budget.
- Education & Welfare – 27% under budget.
- Transport – 23% under budget.
- Other Property & Services – 39% under budget.

Expenditure

- General Purpose Funding – 24% over budget.
- Law, Order, Public Safety – 21% under budget.
- Health – 16% under budget.
- Education & Welfare – 19% under budget.
- Community Amenities – 34% under budget.
- Recreation & Culture – 14% under budget.
- Other Property & Services – 41% over budget.

Whilst permanent budget variances are generally difficult to determine this early in the financial year, following the completion of the 2007/2008 Annual Financial Statements a negative variance of \$193,800 has been realised. This is in addition to other permanent negative variances that have since been identified.

- \$1,000,000 investment earnings due to slower than expected rates collections, significant reductions in interest rates and investing is very low risk, low return term deposit investments. Should Council choose to avail itself of the Federal Governments recently announced guarantee for bank deposits over \$1m fee, the potential could be greater.
- \$178,000 storm damage that occurred early this financial year.
- \$265,000 increase in electricity costs across all areas.
- \$50,000 increase gas costs for Melville Aquatic Fitness Centre.
- \$45,000 to replace a boiler at Melville Aquatic Fitness Centre.

C08/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

These major variances are the subject of a separate Budget Review report C08/6018 that has been submitted to this meeting.

The following attachments form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday 7 November 2008.

DESCRIPTION	LINK
Statement of Financial Activity – October 2008	6002A October 2008.pdf
Operating Statements by Program for the period ended 31 October 2008	6002B October 2008.pdf
Representation of Working Capital as at October 2008	6002E October 2008.pdf
Reconciliation of Net Working Capital as at 31 October 2008	6002F October 2008.pdf
Notes on Operating Statements for October 2008 reporting on variances of 10% or greater	6002H October 2008.pdf
Details of Budget Amendments requested during the month of October 2008	6002J October 2008.pdf
Summary of Rates debtors as at 31 October 2008	6002L October 2008.pdf
Graph showing Rates collections as at 31 October 2008	6002M October 2008.pdf
Summary of general debtors aged 90 days old or greater as at 31 October 2008	6002N October 2008.pdf

C08/6002 – 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
Regulation 34 of the Local Government (Financial Management) Regulations 1996 as amended in March 2005, 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 sub-regulation (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.

C08/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (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.

FINANCIAL IMPLICATIONS

Amendments to the 2008/2009 Budget have been included in the budget amendment reports.

Further amendments will be necessary in response to several significant variances that have or are expected to be realised over the course of the financial year.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The attached reports reflect the financial situation of the City of Melville as at 31 October 2008.

C08/6002 – FINANCIAL STATEMENTS (AMREC) (ATTACHMENT)

**OFFICER RECOMMENDATION & OFFICER RECOMMENDATION (6002)
ABSOLUTE MAJORITY**

At 8.24pm Cr Ceniviva moved, seconded Cr Reynolds -

- 1. THAT THE STATEMENTS OF FINANCIAL ACTIVITY AND THE OPERATING STATEMENTS FOR THE PERIOD ENDING 31 OCTOBER 2008 AS DETAILED IN THE FOLLOWING ATTACHMENTS BE ADOPTED:**

DESCRIPTION	LINK
STATEMENT OF FINANCIAL ACTIVITY – OCTOBER 2008	<u>6002A October 2008.pdf</u>
OPERATING STATEMENTS BY PROGRAM FOR THE PERIOD ENDED 31 OCTOBER 2008	<u>6002B October 2008.pdf</u>
REPRESENTATION OF WORKING CAPITAL AS AT OCTOBER 2008	<u>6002E October 2008.pdf</u>
RECONCILIATION OF NET WORKING CAPITAL AS AT 31 OCTOBER 2008	<u>6002F October 2008.pdf</u>
NOTES ON OPERATING STATEMENTS FOR OCTOBER 2008 REPORTING ON VARIANCES OF 10% OR GREATER	<u>6002H October 2008.pdf</u>
SUMMARY OF RATES DEBTORS AS AT 31 OCTOBER 2008	<u>6002L October 2008.pdf</u>
GRAPH SHOWING RATES COLLECTIONS AS AT 31 OCTOBER 2008	<u>6002M October 2008.pdf</u>
SUMMARY OF GENERAL DEBTORS AGED 90 DAYS OLD OR GREATER AS AT 31 OCTOBER 2008	<u>6002N October 2008.pdf</u>

- 2. THAT BY ABSOLUTE MAJORITY DECISION, THE BUDGET AMENDMENTS, AS LISTED IN THE BUDGET AMENDMENT REPORTS FOR OCTOBER 2008, AS DETAILED IN ATTACHMENT [6002J October 2008.pdf](#) BE ADOPTED.**

At 8.24pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

C08/6017 – REVIEW OF INVESTMENT OF FUNDS POLICY (REC) (ATTACHMENT)

Ward : All
 Category : Policy
 Subject Index : Corporate Policy & Investments
 Customer Index : Nil
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Marten Tieleman
 Director Corporate Services

AUTHORITY / DISCRETION

Definition

<input type="checkbox"/>	Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & 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 report presents a revised investment policy which incorporates many features of the Department of Local Government & Regional Development's "Investment Policy - Local Government Operational Guidelines - Number 19" as well as providing for the soon to be implemented Australian Federal Governments deposit guarantee scheme.

C08/6017 – REVIEW OF INVESTMENT OF FUNDS POLICY (REC) (ATTACHMENT)**BACKGROUND**

The Department of Local Government and Regional Development released an operational guideline in regards to the development of investment policies for Local Governments in March this year.

In addition the Federal Government has also indicated that it will be implementing a deposit guarantee scheme for certain types of deposits made with Australian based Authorised Deposit Taking Institutions (ADI's).

A comment submitted to the Annual Meeting of Electors held in November 2008 also indicated the need for a minor change to the policy to clarify the authorisation process.

DETAIL

In light of the above officers have reviewed the Investment of Funds Policy 13-PL-003 [6017 Policy 13PL003 Investment of Funds.pdf](#) that was distributed to the Members of the Council on Friday 5 December 2008.

As the legislation is still being developed, specific details of the Federal Governments deposit guarantee scheme are limited at this time. The Government has indicated however, that the guarantee will be in effect for a period of three years from early December 2008. This guarantee will have the effect of virtually removing credit risk (the residual risk being that of the sovereign risk of the Australian Federal Government) from guaranteed deposits with ADI's. Use of the deposit guarantee will be voluntary. Guaranteed deposits will incur a guarantee fee of between 0.7% and 1.5% on deposits greater than \$1m with ADI's. This fee may be met by the ADI itself or passed onto depositors. If the fee is passed on by the ADI's Council invests with this would have the direct impact of reducing the net return on investments by up to \$600,000. Added to the already significant reductions in interest rates over recent months and the possibility of further reductions in the next few months, the total impact on Council's full year investment earnings budget of \$3.95m would be to reduce it by up to \$2m.

Strategies to overcome the additional cost of the Federal Governments guarantee fee would be:-

1. Limit deposit with each ADI to less than \$1m so as not to incur the fee – this would necessitate splitting funds invested between many ADI's thus creating a significant administrative burden; (preferred option)
2. Deposit with ADI's who will be absorbing the cost of the Guarantee Fee. Some financial institutions have advised that they will be passing the fee on whilst others have advised that they will be absorbing the fee as the cost will be less than raising funds in the wholesale market. (preferred option)
3. Invest in guaranteed deposits and incur the guarantee fee
4. Continue to invest in non-guaranteed deposits with the four major ADI's and therefore not incur the guarantee fee, on the basis that these organisations have very sound balance sheets and reserves and are unlikely to fail.

C08/6017 – REVIEW OF INVESTMENT OF FUNDS POLICY (REC) (ATTACHMENT)

Due to the guarantee having the effect of placing all ADI's at effectively the same level of credit risk (for deposits made in guaranteed deposit accounts), there would appear to be no reason to limit deposits based on the ADI's credit rating or limiting percentage exposure to single institutions.

In addition a ratepayer has raised the issue that the current policy which states "To ensure that when investments are made they are appropriately authorised" gives the impression that authorisation occurs after the event. It was further suggested that the clause should be amended to read "To ensure before investments are made they are appropriately authorised." This suggestion has been incorporated into the revised policy.

PUBLIC CONSULTATION/COMMUNICATION

No specific external public consultation has taken place, however the feedback received from residents over the past year has been taken into account when reviewing the policy, and the clauses highlighting the need for security of capital have been strengthened further.

Additionally, the comment raised by Mr Williams at the General Meeting of Electors and noted by the Chief Executive Officer has been addressed in the revision of this policy.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Significant extracts for the revised policy have been taken from the Department of Local Government and Regional Development's - Investment Policy - Local Government Operational Guidelines - Number 19 February 2008.

Link to Guideline 19 [6017 Investment Policy Guidelines](#)

STATUTORY AND LEGAL IMPLICATIONS

Local Government investments are to be made in accordance with The Local Government Act 1995 – Section 6.14 and The Trustees Act 1962 – Part III Investments as amended by The Trustees Amendment Act 1997.

Whilst not legally binding, the Department's operational guidelines indicate what could be [6017 Investment Policy Guidelines.pdf](#) Guideline No. 19 have been included into the City of Melville's policy.

C08/6017 – REVIEW OF INVESTMENT OF FUNDS POLICY (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

The proposed changes to the policy will limit the return on Councils investment portfolio by placing emphasis on preservation of capital over rates of return.

The cost implications of incurring the Federal Governments Deposit Guarantee Fee which will evidently be between 0.7 and 1.5% would be up to \$600,000 per annum.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk*	Risk Mitigation Strategy
In the absence of appropriate policy, investments may be made that will incur a capital loss, a diminished rate of return or not be ethically appropriate resulting in a financial loss and or loss of reputation for the Council.	High level of risk without specific policy in place. Level of Risk After Application of Risk Mgt Strategy - Low level of risk with policy in place & adhered to by the Council.	Adopt a revised Investment of Surplus Funds Policy that places appropriate ratings, benchmark returns and limits on types of investments that may be acquired.

POLICY IMPLICATIONS

This report presents a revision of Councils Investment of Surplus Funds Policy 13-PL-003

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil

CONCLUSION

The attached Investment of Funds Policy incorporates much of the text incorporated in the Department of Local Government and Regional Development's –"Investment Policy - Local Government Operational Guidelines - Number 19". It also incorporates changes to enable the investment of funds in the soon to be implemented Federal Government Guaranteed deposit accounts for Authorised Deposit Taking Institutions with deposits with any institution being to a higher percentage with any one ADI than would be permitted were the guarantee not in place.

C08/6017 – REVIEW OF INVESTMENT OF FUNDS POLICY (REC) (ATTACHMENT)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6017)

APPROVAL

**1. THAT REVISED INVESTMENT OF FUNDS POLICY 13-PL-003
6017 Policy 13PL003 Investment of Funds.pdf BE ADOPTED.**

At 8.25pm the Mayor submitted the motion, which was declared

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

At 8.26pm Cr Pazolli left the meeting.

At 8.28pm Cr Pazolli returned to the meeting.

C08/6018 – BUDGET REVIEW TO 31 OCTOBER 2008 (AMREC) (ATTACHMENT)

Ward : All
 Category : Operational
 Subject Index : Financial Statements and Investments
 Customer Index : Department of Local Government and Regional Development
 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 : Dudley Smith
 Manager Financial Services

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

This report presents a Budget Review for the 4 months to 31 October 2008 for consideration and recommends that the deficit identified be adjusted as detailed.

C08/6018 – BUDGET REVIEW TO 31 OCTOBER 2008 (AMREC) (ATTACHMENT)**BACKGROUND**

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.

This is an interim budget review prior to the Mid Year Budget Review to highlight the significant items which have now become apparent.

DETAIL

A budget review based on the four months to the end of October 2008 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 2009 is a deficit of \$1,788,000. This deficit is summarised in the table attached [6018 December 2008.pdf](#)

Key findings from the Budget Review to 31 October 2008 include:

- Investment earnings expected to finish the year \$1,000,000 under budget.
- Storm damage to be \$176,000 adverse to budget.
- Electricity costs to be \$265,000 adverse to budget.
- Melville Aquatic Centre gas costs to be \$50,000 adverse to budget
- Melville Aquatic Centre replacement boiler to be \$45,000 adverse to budget
- Surplus carried forward to be \$194,000 adverse to budget.
- PAW Lighting and Minor Lighting work to be \$58,000 adverse to budget

The strategy to offset this deficit of \$1,788,000 has been the review of all operational units with a view to reducing operating and capital costs.

Major reductions in operational units include:

- Civic Centre building modification not going ahead saving \$500,000
- Mount Henry Jetty already complete saving \$70,000
- State Black Spot Cnr Riesley and Kearns not proceeding saving \$80,000
- Streetscape on Canning Hwy not proceeding saving \$160,000
- Deep Water Point Jetty saving of \$100,000
- Various Community services cost reductions or increased income \$230,000
- Reduction in transfer to Land and Property Reserve of \$280,000

PUBLIC CONSULTATION/COMMUNICATION

Not applicable

C08/6018 – BUDGET REVIEW TO 31 OCTOBER 2008 (AMREC) (ATTACHMENT)**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

A forecast deficit of \$1,788 000 has been identified following the Budget Review. Because of the difficulty in accurately forecasting future interest rates changes the reduced investment earnings may increase.

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The Budget Review to 31 October process has identified an expected deficit of \$1,788,000. It is proposed that, the budget be revised as detailed in attachment 6005A October 2008.pdf.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6018)**ABSOLUTE MAJORITY**

At 8.25pm Cr Ceniviva moved, Seconded Cr Halton -

- 1. THAT BY ABSOLUTE MAJORITY DECISION THE BUDGET AMENDMENTS AS DETAILED IN ATTACHMENT [6018 December 2008.pdf](#) BE ADOPTED.**

At 8.25pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (12/0)

EN BLOC ITEMS

At 8.25pm Cr Bennett moved, Cr Subramaniam seconded –

THAT THE RECOMMENDATIONS FOR ITEMS P08/3054, C08/5000, C08/6000 & C08/6017 BE CARRIED EN BLOC

At 8.26pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil

15. OTHER BUSINESS

At 8.25pm Cr Macphail gave a verbal report to Council on his attendance at the Local Government Constitutional Summit held in December 2008 in Melbourne.

At 8.27pm Cr Robartson sought leave to present a motion without notice. Cr Bennett seconded -

THAT LEAVE BE GRANTED TO CR ROBARTSON TO PRESENT A MOTION WITHOUT NOTICE.

At 8.27pm the Mayor submitted the motion which was

CARRIED BY ABSOLUTE MAJORITY (12/0)

COUNCIL RESOLUTION

APPROVAL

THAT THE CITY OF MELVILLE FORMALLY EXPRESS THEIR DEEP REGRET WITH THE PASSING OF CITY OF SWAN MAYOR, THE LATE CHARLIE GREGORINI, AND PASS ON THE CITY OF MELVILLE'S CONDOLENCES TO THE CITY OF SWAN.

At 8.28pm the Mayor submitted the motion which was

CARRIED BY ABSOLUTE MAJORITY (12/0)

16. CLOSURE

There being no further business to discuss the Mayor declared the meeting closed at 8.34pm