



— City of —
Melville

**MINUTES
OF THE
ORDINARY MEETING OF THE COUNCIL
HELD ON
TUESDAY 18 MARCH 2008**

DISCLAIMER:

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

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

DISTRIBUTED: 20 MARCH 2008

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— City of —
Melville

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.34PM ON TUESDAY 18 MARCH 2008

1. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

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

WARD

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

2. IN ATTENDANCE

Ms A Banks-McAllister
Mr J Cameron

Mr C McClure

Mr D Vinicombe

Mr B. Taylor

Mr M Jenkins
Mr J Clark

Ms B Mitchell / L Croxford

POSITION TITLE

Acting Chief Executive Officer
A/Director Technical & Development
Services
Director Strategic Urban Planning
Services
A/Manager Planning & Development
Services
Representing A/Director Customer &
Corporate Support
A/Director Community Development
Governance & Compliance Program
Manager
Minute Secretary

At the commencement of the Meeting there were no people in the Public Gallery and 1 member of the Press in the Press Gallery.

3. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr Reynolds

University

4. PUBLIC QUESTION TIME

Nil

5. AWARDS AND PRESENTATIONS

Nil

6. CONFIRMATION OF MINUTES

6.1 ORDINARY MEETING OF COUNCIL – 19 FEBRUARY 2008
[MIN_OMC_190208.pdf](#)

At 6.37pm Cr H R Everett moved, seconded Cr R Subramaniam -

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 19 FEBRUARY 2008 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.

At 6.37 pm the Mayor submitted the motion, which was declared

CARRIED (12/0)

6.2 SPECIAL MEETING OF THE COUNCIL – 27 FEBRUARY 2008
[MIN_Special Meeting 2008.pdf](#)

At 6.38pm Cr D J McPhail moved, seconded Cr M J Barton -

THAT THE MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD ON WEDNESDAY 27 FEBRUARY 2008 BE CONFIRMED AS A TRUE AND ACCURATE RECORD SUBJECT TO COUNCIL RESOLUTION C08/5003 BEING AMENDED BY THE INSERTION OF “CR J BENNETT REQUESTED THAT HIS DISSENTING VOTE BE RECORDED” IMMEDIATELY AFTER THE WORDS “CARRIED (11/1)”.

At 6.38pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

6.3 NOTES OF AGENDA FORUM – 4 MARCH 2008
[Notes_AF_March.2008.pdf](#)

At 6.39pm Cr C M Halton moved, seconded Cr R Subramaniam –

THAT THE NOTES OF THE AGENDA FORUM HELD ON TUESDAY 4 MARCH 2008 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.

At 6.39pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

6.4 FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE MEETING – 11 MARCH 2008 [MIN_FMARCCM_2008.pdf](#)

At 6.40pm Cr C M Halton moved, seconded Cr M J Barton –

THAT THE MINUTES OF THE FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE MEETING HELD ON 11 MARCH 2008 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.

At 6.40pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (12/0)

DISCLOSURE OF FINANCIAL INTERESTS LOCAL GOVERNMENT ACT 1995

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

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

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

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

Meeting to be informed of disclosures

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

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

Disclosing members not to participate in meetings

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

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

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

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

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

7. DISCLOSURES OF INTEREST

- T08/2000 Cr HR Everett

8. APPLICATIONS FOR NEW LEAVE OF ABSENCE

Cr D J MacPhail - Ordinary Meeting of Council - 15 April 2008
Cr C W Robartson - Ordinary Meeting of Council - 15 April 2008

At 6.45pm Cr M J Barton moved, seconded Cr J R Bennett -

THAT LEAVE OF ABSENCE BE APPROVED.

At 6.45pm the Mayor submitted the motion, which was declared **CARRIED (12/0)**

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10. PETITIONS

On Tuesday 19 February 2008 a petition bearing 54 signatures was received at the City of Melville Civic Centre from Audrey Cochrane on behalf of the Brentwood Elderly Citizens which reads as follows:

“We the undersigned, all being Electors of the City of Melville, would like the City of Melville to approach Transperth Services to have the bus route re-installed to include Cranford Avenue and Moolyeen Road, Brentwood as it previously existed.

At 6.47pm Cr H R Everett moved, seconded Cr Pazolli -

THAT THE PETITION BEARING 54 SIGNATURES RELATING TO THE BUS ROUTE IN BRENTWOOD BE NOTED AND A REPORT BE PRESENTED TO A FUTURE COUNCIL MEETING.

At 6.48pm the Mayor submitted the motion, which was declared **CARRIED (12/0)**

11. REPORTS OF COMMITTEES

11.1 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE MEETING – 11 MARCH 2008.

EN BLOC ITEMS

At 6.50pm Cr R Subramaniam moved, seconded Cr D J MacPhail -

THAT THE RECOMMENDATIONS FOR ITEM C08/5004, BE CARRIED EN BLOC

At 6.50pm the Mayor submitted the motion, which was declared **CARRIED (12/0)**

C08/5004 – COMPLIANCE AUDIT RETURN 2007 (REC) (ATTACHMENT)

Ward	: All
Category	: Operational
Subject Index	: Audits – Compliance
Customer Index	: Department of Local Government & Regional Development
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: C07/5001 – Compliance Audit Return 2006 – 20 February 2007
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Jeff Clark Governance and Compliance Program Manager

AUTHORITY /DISCRETION

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

C08/5004 - COMPLIANCE AUDIT RETURN 2007 (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

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

BACKGROUND

The completed 2007 Compliance Audit Return forms part of the Attachments to the Agenda. [5004 March 2008.pdf](#) The return covers the period 1 January 2007 to 31 December 2007.

The Compliance Audit Return is presented to the Council for adoption. A copy of the Council report and a certified copy of the return are required to be endorsed by the Mayor and Chief Executive Officer and submitted to the Department of Local Government by 31 March 2008.

DETAIL

This year's audit has in the opinion of Officers provided 95.50% compliance. The 275 questions from 2006 have risen to 346 in 2007. Of the 346 fields of compliance that have been tested, 15 items revealed non compliance. The increase in the number of questions is in part due to 35 questions on the conduct of the 2007 Local Government Election.

The return has been compiled with greater rigour than that of 2006. Officers have been required to demonstrate compliance and provide detail of their work to ensure the work procedures of the City assist to meet obligations of the Act and Regulations. Some procedures have been found to require revision and in other areas there have been small matters that must be included or actioned to achieve complete compliance. Of the 15 items of non-compliance, 12 items were identified as being the responsibility of various staff across the organisation that had resigned or changed positions in the last 18 months.

Where matters of non-compliance have been identified or there is uncertainty as to the interpretation of the Act and Regulations, Officers have reviewed and implemented revised procedures and will prepare a list of interpretation matters to be discussed with the Department of Local Government and Regional Development.

C08/5004 - COMPLIANCE AUDIT RETURN 2007 (REC) (ATTACHMENT)

The attachment containing the questions and responses has included an additional column for use by the City's Officers for "Notes/Evidence" in which Officers have provided either comment or references to substantiation of their responses. The additional column information will not be loaded to the on-line response form on the Department of Local Government and Regional Development's website as it is not part of their requirements.

The Process Improvement Auditor has been undertaking extensive examination of the responses by all sections and will provide a separate report and on his findings and suggestions for improvement.

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

"Delegated Authority – Recording of Exercise of Delegation"

Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.

Officer Comment:

There were instances discovered where recording of an exercise of delegation did not occur. The sections now have implemented a revised procedure that is expected to ensure compliance.

"Disclosure of Interest"

Was a primary return lodged by all newly designated employees within three months of their start day.

Officer Comment:

This item was overlooked when existing staff were moved to positions that held a delegation. A review of procedures is expected to develop a robust procedure that will meet these requirements. A perspective on this item is that there were 5 instances identified in a staff numbering in excess of 880.

On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.

Officer Comment:

One acknowledgement was overlooked. It is not anticipated that this will be repeated.

C08/5004 - COMPLIANCE AUDIT RETURN 2007 (REC) (ATTACHMENT)

Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.

Officer Comment:

All Elected Member's returns had been removed. However, it was found that returns for some former staff had not been removed. The task was overlooked due to staff movement. This process will now be incorporated in a work program of an allocated position.

“Elections”

Did the CEO, within 14 days after receiving a claim for enrolment, decide whether the claimant was eligible or not eligible under s4.30(1)(a)&(b) and accept or reject the claim accordingly.

Officer Comment:

On occasions leading up to the Local Government election in October, the response time of 14 days was exceeded due to workload and staff shortage. This item will be monitored in future to ensure compliance.

Did the CEO give written notice to the person before making a decision under subsection (1)(c) and allow 28 days for the person to make submissions on the matter.

Officer Comment:

Written notice was provided but may not have specifically mentioned that submissions were required in 28 days.

Did the CEO give written notice on all occasions to the person, where after considering submissions made under subsection 2, the CEO decided that the person was still eligible under s4.30 to be enrolled to vote at elections for the district or ward.

Officer Comment:

On occasions advice was provided by phone. Whilst this was recorded, it does not comply and procedures have been amended to ensure a written advice is provided.

C08/5004 - COMPLIANCE AUDIT RETURN 2007 (REC) (ATTACHMENT)

Has the relevant information as listed in Election Regulation 13 been recorded in the owners and occupiers register.

Officer Comment:

The current data base does not have a field for this information to be captured other than in the comments are. There is specific wording required in the Regulations and this will now be included in the "Comments" section of the entry screen for future entries.

"Executive Functions"

Where the owner of the vehicle was identified within 7 days after its removal under s3.40A(1), did the local government give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice.

Officer Comment:

The requirement is to identify the owner within 7 days if possible. If the owner cannot be identified it is permissible to no longer make enquiries as to the owner. If the owner is identified it is a requirement to notify the owner as soon as possible, not necessarily within 7 days of the impounding. The current process is being reviewed to ensure we respond in writing to the identified owner as soon as possible after the identification has been made. There was one instance where the parent of the owner and not the owner indicated that the vehicle was a wreck and could be taken away.

"Finance"

Are the contents of the local government's reminder notice for instalment payments in accordance with the Financial Management Regulations.

Officer Comment:

One required item, being a separate listing of accrued interest is not provided as per the Regulations. This matter will be addressed on future notices.

"Meeting Process"

Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution.

Officer Comment:

On 4 occasions a request for leave was noted in the minutes, but Council did not pass a resolution granting leave. Officers will provide guidance to presiding members on this matter when appropriate.

C08/5004 - COMPLIANCE AUDIT RETURN 2007 (REC) (ATTACHMENT)

Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public.

Officer Comment:

Council meetings have been advertised as required but Committee meetings were not advertised as Committees meet on a needs basis, thus identifying meetings date and time twelve months in advance proved difficult. Officers will meet this requirement by advertising that Committees will be held on as needs basis and will provide separate local public notice of meeting dates on the occasion that a meeting is planned.

Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings.

Officer Comment:

Due to staff turnover, this requirement has been missed for 2 Governance and 3 Financial Management, Audit, Risk and Compliance Committees where minutes were not published on the website or distributed to libraries. These minutes have now been published to the website and procedures have been amended to ensure that both agendas and minutes of relevant committees will be made available for public inspection.

Were notice papers, agenda and other documents relating to any Council or committee meeting, (other than those referred to in Administration Regulation 14(2)) made available for public inspection.

Officer Comment:

Due to staff turnover, this requirement has been missed as disclosed in the item above. Procedures have been amended to ensure that notice papers, agendas and documents of relevant committees will be made available for public inspection.

“Swimming Pools”

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

Officer Comment:

Officers have experienced difficulty in gaining access on occasions and where repeat inspections are required. These and other circumstances mean that of 8,135 pools to be inspected, 46 or 0.5% remained un-inspected from the 2007 inspection programme.

C08/5004 - COMPLIANCE AUDIT RETURN 2007 (REC) (ATTACHMENT)

Audit findings which have been identified for further improvement

All identified non-compliant areas will or have already, been identified for further improvement.

“Executive Functions’

Question No 8 deals with impounding vehicles and providing notice to owners.

“Where the owner of the vehicle was identified within 7 days after its removal under s3.40A(1), did the local government give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice.”

The Regulations do not provide a time frame and this is a clear example of an item where the intent of the Regulations is not apparent. In this instance this is one of 29 impoundings where there is dispute as to the requirement to provide notice to the owner within an open timeframe. This matter has been identified for further improvement.

“Finance”

Question No 40 concerning the charging of fees for applications for approval, granting an approval or issuing a licence, permit where the fee or charge is limited to the cost of providing the service.

“Were the fees or charges imposed for receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate, limited to the cost of providing the service or goods.”

One fee, being liquor licence section 40 application is much higher than other local governments. The reason for a higher fee will be investigated but initial discussions have identified that some applications require extensive research from prior documents and can be complex to determine. The officer's time to undertake the required review for each application is anticipated to at least equal the current fee although there is discretion to charge a lesser fee for straightforward applications.

PUBLIC CONSULTATION/COMMUNICATION

No external consultation has been carried out.

C08/5004 - COMPLIANCE AUDIT RETURN 2007 (REC) (ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not Applicable

CONCLUSION

The areas in which Officers have provided supplementary comment are regarded as procedural and have or will be addressed prior to the completion of the 2008 Compliance Audit.

C08/5004 - COMPLIANCE AUDIT RETURN 2007 (REC) (ATTACHMENT)

OFFICER RECOMMENDATION & COMMITTEE RESOLUTION

Cr R Subramaniam moved, seconded Cr L M Reynolds -

THAT THE COMPLIANCE AUDIT RETURN FOR THE PERIOD 1 JANUARY 2007 TO 31 DECEMBER 2007 [5004 March 2008.pdf](#) BE ADOPTED AND FORWARDED TO THE DEPARTMENT OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT FOLLOWING CERTIFICATION BY HIS WORSHIP THE MAYOR AND THE CHIEF EXECUTIVE OFFICER.

The Presiding Member submitted the motion, which was declared **CARRIED (7/0)**

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

At 6.50pm Cr R Subramaniam moved, seconded Cr D J MacPhail -

THAT THE COMPLIANCE AUDIT RETURN FOR THE PERIOD 1 JANUARY 2007 TO 31 DECEMBER 2007 BE ADOPTED AND FORWARDED TO THE DEPARTMENT OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT FOLLOWING CERTIFICATION BY HIS WORSHIP THE MAYOR AND THE CHIEF EXECUTIVE OFFICER.

At 6.50pm the Mayor submitted the motion, which was declared **CARRIED EN BLOC (12/0)**

C08/6005 - MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

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

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

This report presents a Budget Review for consideration as required by Regulation 33A of the Local Government (Financial Management) Regulations 1996 (FM Regulations) and recommends that the surplus identified be transferred to the Community Facilities Reserve as part of the year end processes

C08/6005 - MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)**BACKGROUND**

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

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

DETAIL

A budget review based on the eight months to the end of February 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 2008 is a surplus of \$2,588,876. This surplus is summarised in the table attached [6005A March 2008.pdf](#) together with the make up of the figures by Operational Unit. Attachments [6005C March 2008.pdf](#), [6005D March 2008.pdf](#) and [6005E March 2008.pdf](#) summarise the projected year end position in the format recommended by the Department of Local Government and Regional Development.

Key findings from the 2008 Budget Review include:

- Investment earnings expected to finish the year \$150,000 under budget.
- Parking income from the Canning Bridge/Raffles precinct likely to exceed budget by \$100,000.
- It is anticipated that the entire Forward Works Programme will be at the design completion stage at year end. The construction of most projects should also be completed with the exception of the Tamar/Carrington Commercial Precinct and a number of other small carry overs. Estimated under spend \$400,000. Because of the difficulty in accurately forecasting completion dates and the availability of contractors, this figure may increase.
- The former Melville Primary School development is likely to complete the year \$675,167 under budget. Funds to be carried forward.
- Both planning and building approvals have generated increased income, expected to be in the vicinity of \$344,300.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable

C08/6005 - MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

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

“33A. Review of budget

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

**Absolute majority required.*

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

FINANCIAL IMPLICATIONS

- A forecast surplus of \$2,588,876 has been identified following the Budget Review. This includes projects that will be carried forward. Because of the difficulty in accurately forecasting completion dates of Capital Projects and the availability of contractors, this figure 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

C08/6005 - MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

The Budget Review process has identified an expected surplus of \$2,588,876. It is proposed that, of this figure, an amount of \$2,000,000 be utilised towards funding the 2008/2009 Annual Budget in line with the policy adopted for the 2007/2008 Budget. It is recommended that any remaining surplus be transferred to Insurance Equalisation Reserve to mitigate against any potential loss from Investments.

OFFICER RECOMMENDATION (6005)

ABSOLUTE MAJORITY

1. THAT BY ABSOLUTE MAJORITY DECISION THE BUDGET REVIEW BASED ON THE EIGHT MONTHS ENDED 29 FEBRUARY 2008, AS DETAILED IN ATTACHMENT [6005A_March_2008.pdf](#) BE ACCEPTED.
2. THAT BY ABSOLUTE MAJORITY DECISION AN AMOUNT OF \$2,000,000 OF THE SURPLUS IDENTIFIED BY THE BUDGET REVIEW SHALL BE UTILISED TOWARDS FUNDING THE BUDGET FOR THE YEAR 2008/2009.
3. THAT BY ABSOLUTE MAJORITY DECISION ANY REMAINING SURPLUS BE TRANSFERRED TO THE INSURANCE EQUALISATION RESERVE TO MITIGATE AGAINST ANY POTENTIAL LOSS FROM INVESTMENTS.

COMMITTEE RESOLUTION (6005)

ABSOLUTE MAJORITY

Cr C M Halton moved, seconded Cr N Pazolli -

1. THAT BY ABSOLUTE MAJORITY DECISION THE BUDGET REVIEW BASED ON THE 8 MONTHS ENDED 29 FEBRUARY 2008, AS DETAILED IN ATTACHMENT [6005A_March_2008.pdf](#), BE ACCEPTED.
2. THAT BY ABSOLUTE MAJORITY DECISION AN AMOUNT OF \$2,000,000 OF THE SURPLUS IDENTIFIED BY THE BUDGET REVIEW SHALL BE UTILISED TOWARDS FUNDING THE BUDGET FOR THE YEAR 2008/2009.
3. THAT BY ABSOLUTE MAJORITY DECISION ANY REMAINING SURPLUS BE TRANSFERRED TO THE INSURANCE EQUALISATION RESERVES AND BE SUBJECT TO FURTHER REVIEW DURING THE BUDGET PROCESS.

The Presiding Member submitted the motion, which was declared

CARRIED(7/0)

C08/6005 - MID YEAR BUDGET REVIEW (AMREC) (ATTACHMENT)

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6005)
ABSOLUTE MAJORITY**

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

1. **THAT BY ABSOLUTE MAJORITY DECISION THE BUDGET REVIEW BASED ON THE EIGHT MONTHS ENDED 29 FEBRUARY 2008, AS DETAILED IN ATTACHMENT [6005A_March_2008.pdf](#) BE ACCEPTED.**
2. **THAT BY ABSOLUTE MAJORITY DECISION AN AMOUNT OF \$2,000,000 OF THE SURPLUS IDENTIFIED BY THE BUDGET REVIEW SHALL BE UTILISED TOWARDS FUNDING THE BUDGET FOR THE YEAR 2008/2009.**
3. **THAT BY ABSOLUTE MAJORITY DECISION ANY REMAINING SURPLUS BE TRANSFERRED TO THE INSURANCE EQUALISATION RESERVE TO MITIGATE AGAINST ANY POTENTIAL LOSS FROM INVESTMENTS.**

At 6.52pm the Mayor submitted the motion, which was declared **CARRIED (12/0)**

12. REPORTS OF THE ACTING CHIEF EXECUTIVE OFFICER

EN BLOC ITEMS

At 6.50pm Cr R Subramaniam moved, seconded Cr J MacPhail –

THAT THE RECOMMENDATIONS FOR ITEMS T08/1000, P08/3031, C08/5000, C08/8001, C08/6000 AND C08/6001 BE CARRIED EN BLOC.

At 6.50pm the Mayor submitted the motion, which was declared

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

T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)

Ward	:	All
Category	:	Facilities Management
Strategic / Policy / Operational	:	Operational
Subject Index	:	Asset Management
Customer Index	:	N/A
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	December 2007 Elected Members Workshop
Works Programme	:	Asset management programmes
Financial Implications	:	Ongoing budget allocations to preserve and maintain assets and infrastructure
Responsible Officer	:	Ian Davis Manager Infrastructure Services

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

The goal of this policy is to provide a required level of service in the most cost effective way through the City of Melville's asset management plans. These plans identify and formalise the approach to the management of infrastructure assets including the creation, acquisition, maintenance, operation, renewal and disposal of assets for present and future customers.

T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)**BACKGROUND**

Each year a report is presented to the Council detailing the asset management issues. In the past this has centred on the engineering assets of roads and paths but more recently we have been able to include other asset categories such as buildings, jetties and boardwalks, and playground equipment.

DETAIL

Traditionally this report presented an overview of the preservation of all the infrastructure assets and their existing condition and indeed this has been continued in this particular version.

However, we are now in a position to add in all of the asset management plans for each class of asset and a strategic policy statement and direction for the adoption in relation to our asset management planning and management process.

Elected Members will recall that in April of 2007 the City of Melville signed up for the Western Australian Asset Management Improvement Program (WAAMI). This program follows a set course over 18 months to aid the development of asset management practices and procedures and the embedment of asset policies into operational areas within an organisation.

This program seeks to:

“The principal objective of the WAAMI programme is to create greater awareness and stewardship of Asset Management at the Council and Corporate Management level and to assist Councils in determining their asset renewal funding gap utilising a structured asset management process implemented over an extended period of time.”

Elected Members were invited to participate in a workshop run by the consultants employed to roll out the WAAMII program for WALGA. This workshop was held in May of 2007.

From this first phase of the program the City of Melville has progressed to phase two, the six monthly review, and has now completed writing all the asset management plans. Much of the information contained in the plans has been presented to the Council on a number of occasions previously and the plan templates merely serve to formalise and standardise the approach to reporting and presentation across the many different classes of asset that the City deals with.

With any major strategic issues such as presented via this report there needs to be a very clear direction and commitment from the top of the organisation to ensure that practices and principals are observed and adopted. This then translates into consistent actions over time.

As the ultimate decision makers on behalf of the community, Council with appropriate advice from Officers needs to make policy and develop strategies that will create, maintain and preserve the assets and infrastructure that benefits the community in a safe and functional manner.

T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)

The Council can commit to such actions and directions by adopting an Asset Management Policy; this is one of the major outcomes of the WAMMI program.

Having established a need to develop and foster better asset management practices the Council can, if seen fit, adopt a new policy to provide guidance and a consistent approach to the ongoing development of the asset management program. A draft policy is listed below for consideration.

The Draft Asset Management Policy forms part of the Attachments to the Agenda.

[1000 March 2008.pdf](#)

The Asset Management Plans referred to have now been written for all ten classes of asset. The plans are formulated according to the policy. The plans are in a continuous process of development and will always be under review with new data added and updated on an on going basis.

Asset Valuation Update

The details listed below are included to provide an overview of the current status of the major classes of assets. This report has been present on a number of previous occasions and serves to provide a consistent reporting strategy.

Road Infrastructure Asset Preservation

The primary purpose of setting up a road asset management system with associated inventory data is to facilitate the development of a Road Asset Preservation Strategy, consistent with the status of the City of Melville road infrastructure condition.

The current inventory status of the City of Melville road network is as follows:

Total Number of Roads	1,292 roads.
Total Length of Roads	536.23 kilometres
Total Area of Roads	4,168,886 square metres
Australian Accounting Standards, AAS27 Valuation	\$180,500,000 asset replacement value
TOTAL RESURFACING	\$50,000,000 to resurface all roads

The recent infrastructure asset valuation reported for the 2006/2007 Australian Accounting Standards AAS27 requirements, valued the road asset at \$180,486,820. However, this represents a total replacement figure, which includes initial land clearing and earthworks costs.

T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)**Asphalt Surface Status**

Based on fundamental asset preservation principle it would cost approximately \$50,000,000 to resurface the whole road network. This is based on the consideration that the accepted asphalt surface life cycle of district distributor roads would be fifteen years, and local distributor roads to be twenty years.

Local roads due to the lower traffic volumes could be resurfaced once every twenty-seven years. Based on these details a budget of \$2,500,000 annually will have to be achieved. This includes \$2,200,000 for asphalt works only and \$300,000 for ancillary works. Previous reports have highlighted this need indicating that expenditure would reach \$2,400,000 in the 2009/2010 financial year and increasing to \$3,500,000 in the 2011/2012 year.

Asphalt Surface Status (Cont'd)

However, a realistic resurfacing strategy must take into account other variables such as overall road condition, traffic factors and treatment options. The 2007/08 budget included a resurfacing budget of \$2,200,000 (a shortfall). In other words if Melville's total road network consisting of district distributors, local distributor and local roads were to be resurfaced at the same rate that they were deteriorating, annual road rehabilitation costs of \$2,500,000 would be required now. These costs would increase to \$3,500,000 p.a. by 2011/12. Any deferment of road resurfacing costs now will result in an escalation of the future costs required to maintain optimum road condition

It should also be noted that the current pricing of asphalt products has been static up until this financial year but with the price of commodities such as oil increasing we can expect higher product prices for our resurfacing program.

The current budget of \$2,200,000 includes employee costs (\$250,000) and ancillary works (\$650,000), therefore the actual expenditure on resurfacing is approximately \$1,300,000. This funding has been increased substantially in the past five years.

Roads are significantly the most used asset within the City of Melville and they must be properly preserved. They are not simply used by the City of Melville residents as many users are from other localities. Therefore, it is imperative that our roads are properly maintained and functional for all users.

This average resurfacing age of twenty-seven years for local roads is only an approximation. To further refine this estimation we have engaged Australian Road Research Board (ARRB), Transport and Research to conduct a study about the deterioration of roads. This study is being carried out with twenty-nine other Councils throughout Western Australia. The study will go for five years, with surveys conducted in years one, three and five. The first year survey was completed in December 2002 and February 2003. The survey looked into the performance of cracks, binder hardness, stone loss, rutting, roughness (ride quality), skid resistance and structural strength. The results of this study will provide better deterioration models for our roads and will bring the estimated time between resurfacing to an accurate figure.

T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)

Further refinement of the City's road deterioration modelling, in conjunction with the Asset Management Plans will provide the City with the ability to strongly correlate road condition with financial commitments required to maintain its road asset in the long term.

Car Parks

In June 2002, BSD Consultants surveyed all of the City of Melville's car parks, as we had no asset register of them. The survey included areas of each car park, type of surface, surface defects, cracking severity, deformation severity, line marking, garden bed, kerbing, drainage, signage, street furniture, lighting and footpath conditions.

This survey will enable us to formulate a resurfacing programme for car parks. There are a total of 213 car parks throughout the City of Melville, with a total asphalt area of 232,000 square metres. This equates to an extra \$1,900,000 of asphalt surfacing assets.

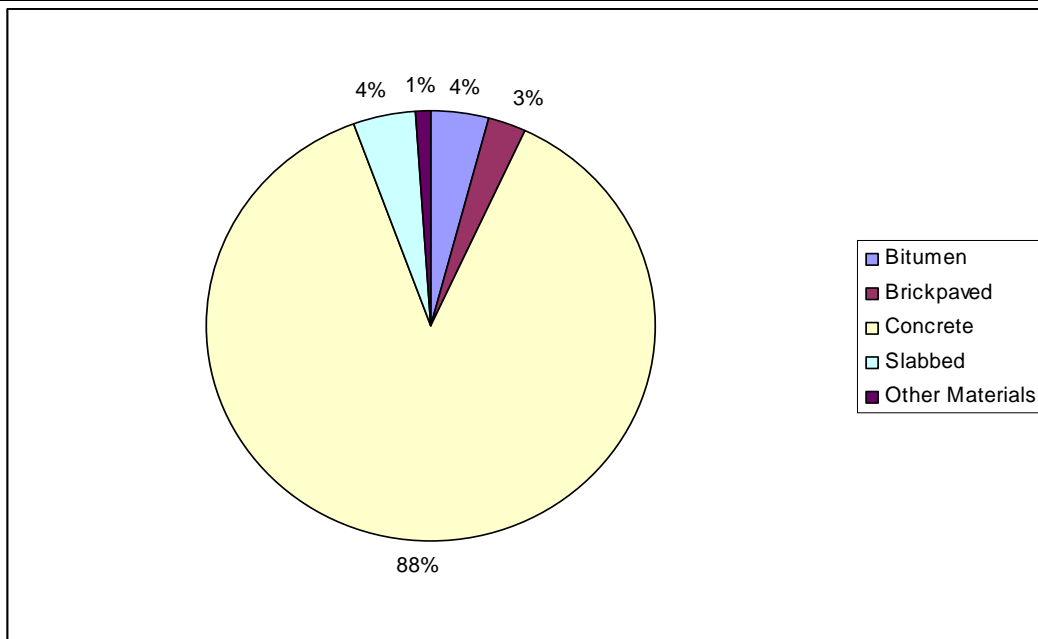
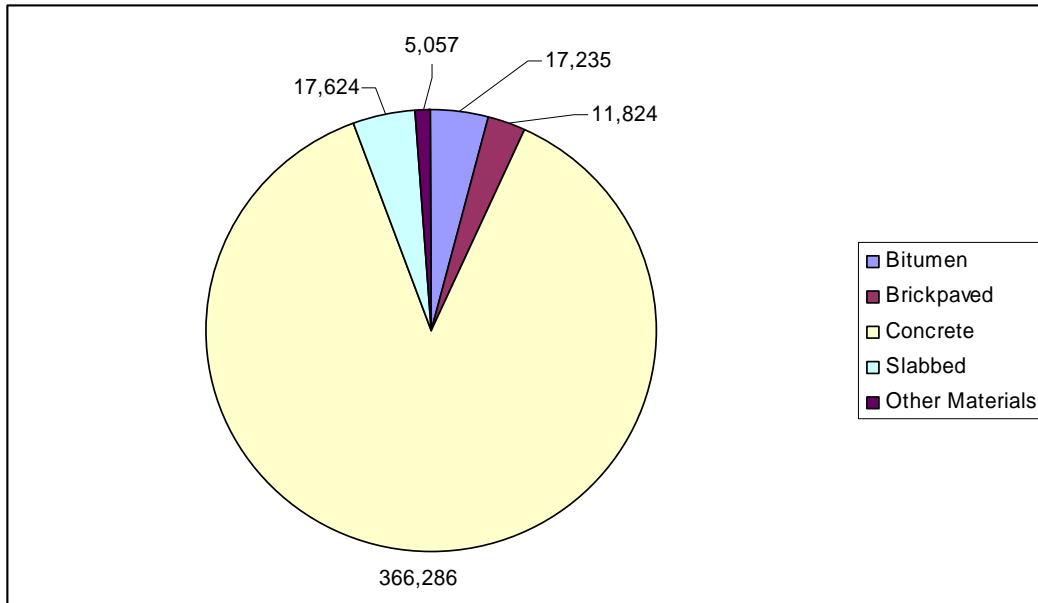
In future years these assets will deteriorate and funding will be required to preserve these as they are highly used by the general public.

Footpaths

The City of Melville footpaths have an annual preservation budget of \$550,000. This is used to upgrade those paths that have deteriorated and are causing hazards for pedestrians. Below is a summary of the footpath assets:

Material	Length (m)	% Total Paths
Concrete	366,286	87.6%
Slab	17,624	4.2%
Bitumen	17,235	4.1%
Brick paved	11,824	2.8%
Other materials	5,057	1.2%
TOTAL	418,026	

T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)

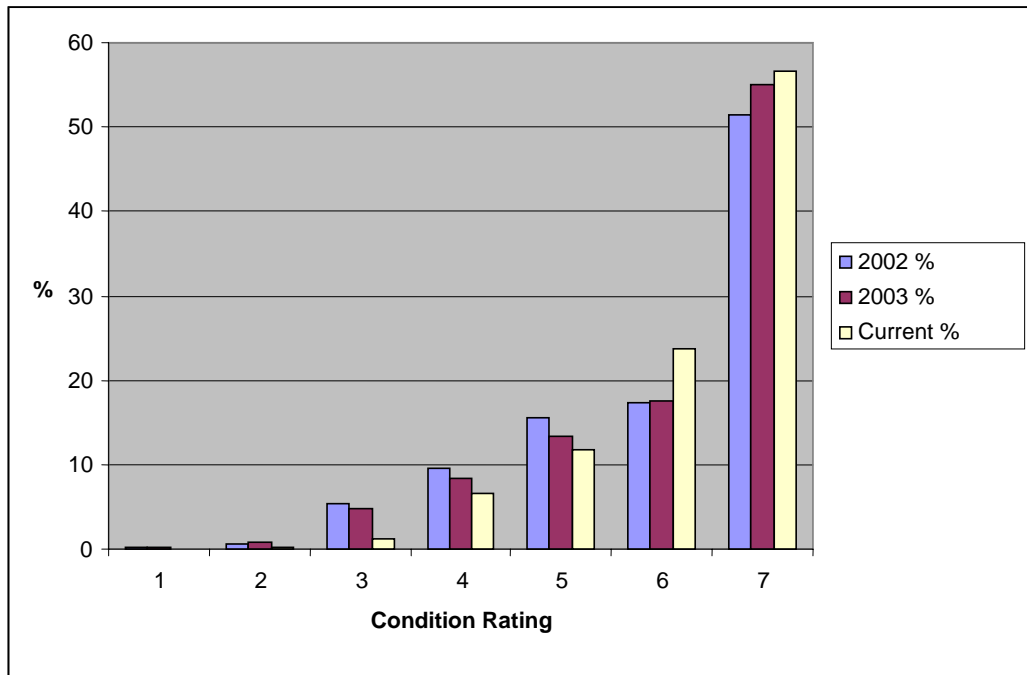


Once every five years the footpaths must be assessed and a condition rating is recorded for each segment of path. This has been carried out in 2003. Below is a comparison of the footpath condition prior to the survey and after the survey has been undertaken. Each section of path was rated between 1 and 7, with 1 being the worst condition and 7 the best condition.

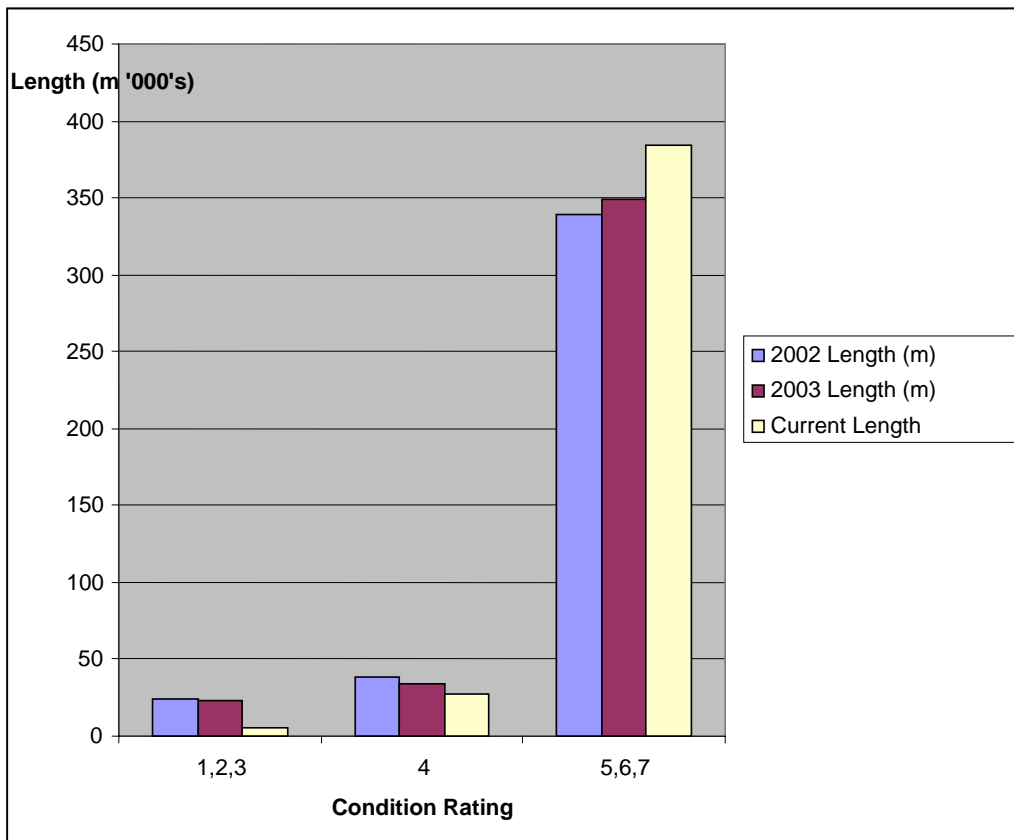
These results show that our footpath assets have not deteriorated significantly and the asset as a whole is in very good condition through our past and present efforts to upgrade paths.

T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)

Condition	2002	Length (m)	2003	Length (m)	Current %	Current Length
1	0.15	616	0.16	632	0.03	140
2	0.58	2,323	0.76	3,078	0.11	464
3	5.37	21,585	4.72	19,213	1.28	5,369
4	9.63	38,739	8.45	34,364	6.56	27,407
5	15.54	62,486	13.35	54,303	11.8	49,310
6	17.37	69,844	17.58	71,488	23.63	98,799
7	51.37	206,597	54.98	223,559	56.58	236,537



T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)



Three years ago in recognition of the deterioration occurring of the slab path network funding was reduced for construction of new paths and the budget transferred to the reconstruction of the slab path network. The table above shows that this change in budget has resulted in less deterioration of the asset.

It is projected that by the end of the 2008-2009 financial year all paths currently having a condition rating of 1, 2 or 3 will be upgraded to insitu concrete or another material where appropriate.

Along with the annual preservation budget there is a maintenance budget of \$430,000. This is used for the up keep of the footpaths, repairing trip hazards and replacing deteriorated panels of concrete.

T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)

Reticulation

The reticulation assets are one of the assets that are in continual use and need continual maintenance, either being a day-to-day activity or total replacement. Pumps, bores, controllers, sprinklers and pipes need to be replaced and from time to time these systems do not last their full life span. Annually, \$380,000 is spent replacing these assets. There is a listed replacement programme in place detailing what needs to be done, however, as already stated these systems do fail and need to be replaced immediately.

If a bore at a sporting field fails it cannot be left untreated as the park will die, therefore, it must be replaced and the cost of which offsets the listed replacement programme.

The table below lists the total value of the reticulation assets:

	Amount	<i>Value</i>
Controller	160	\$721,352
Pump	158	\$1,049,290
Bore	144	\$2,001,907
Infield Reticulation	194 - locations	\$5,719,890
Miscellaneous		\$1,130,614
Total		\$10,960,823

In future years more funds will be needed to replace and preserve this asset. Many sporting clubs rely on a dependable and reliable reticulation system so that the reserves are to playing standards. The current replacement is only 3% of the total value; this asset should not be ignored and needs to be properly preserved.

Drainage

The drainage assets are similar to the reticulation assets in that they are underground and go unnoticed. However, the drainage system needs sufficient maintenance such as cleaning and an annual upgrade of the system to comply with new standards and rainfall predictions, designed for the 100 year storm.

Below is a table summarizing the drainage assets:

	Amount	
Pipes	282,780 metres	
Side Entry Pits and Gullies	8,270	
Manholes	2,877	
Headwalls	296	
Flood Pumps	8	
Total Value		\$46,356,317

T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)

The annual maintenance on all of our drainage systems including sumps is only \$308,000. This is used to clean out all gullies, side entry pits, manholes and sumps, and replace damaged gullies and side entry pits. \$450,000 will be spent in this financial year on the City of Melville's drainage systems. This amount includes approximately \$250 000 for the upgrade of current systems.

Playgrounds

Our playground equipment is one of our assets that is constantly used and needs to be monitored constantly for defects. Currently 136 reserves have playground equipment for the utilisation of the general public. These are used daily and are an asset that needs constant audits and maintenance as the users are young children.

Annually, an external consultant assesses these assets for condition and defects. This audit is used as a guide of what and when playground equipment needs to be replaced or repaired. The total value of these assets is approximately \$2,500,000. The annual preservation on these assets is \$140,000.

This is used to replace redundant playground equipment that does not comply with Australian Standards and equipment that has deteriorated to a point where it is unsafe for use.

Park Furniture

This asset includes items on parks and reserves other than playground equipment. This includes; bollards, tables, chairs, gazebos, fences, gates, signs, drinking fountains, crickets nets, basketball courts, retaining walls, barbeques, lighting and grassing. Our Operations Business Unit maintains these assets annually and the preservation of these assets comes from the annual reserve budget.

The total value of these assets is approximately \$4,000,000. This is an approximate figure at this point in time as City of Melville Officers are currently in the process of assessing and picking these assets up with a mobile Global Positioning System (GPS). As we determine the location, condition and value of these assets we will be in a better position to determine replacement programs. Thirty-three reserves have been completed to date. At current resource levels all assets will be mapped by 2012/2013.

T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)**Street Furniture**

The street furniture assets are similar to the park assets in that they are continually used and need to be put onto an asset register. These assets include bus shelters, street signs, street nameplate signs, bollards and grab rails. The total value of these assets is approximately \$4,400,000. This figure does not include grab rails and bollards as this asset still needs to be quantified and added to the register.

The annual maintenance budget for the street signs and street nameplate signs is \$203,000, which also includes new signs. The 2007–2008 PAP at the present time includes an additional \$64,000 to upgrade parking signs throughout the city.

There is a budget of \$60,000 income from advertising of shelters, which is primarily used for purchasing new shelters. There is a maintenance budget of \$35,000 for these shelters.

Buildings

There are 138 buildings that we own and maintain within the City of Melville. These buildings are worth in excess of \$256,293,846.

Many of the buildings are leased out to local sporting clubs or community groups. The annual building maintenance budget is \$650,000. Of this total, \$338,000 is for the Civic Centre maintenance. Over half of these funds are taken up by insurance, power, gas and water bills for the buildings. Therefore, only \$310,000 is left for actual building maintenance.

There is also a specified maintenance budget of \$980,000. This is used for the replacement of certain elements to a building; for example the replacement of roofs, gutters, and external painting, with the specific objective of preserving the life of the building.

Currently building condition surveys are being carried out on each building, which will determine what needs to be repaired and replaced in our buildings. These surveys will help the specified maintenance budget process and give a more detailed estimate of funding that will be required in future budgets to appropriately maintain and preserve these buildings to acceptable standards. To help manage the huge facility portfolio the Archibus Facility Management System is being used not just for building assets but irrigation assets, utility usage, leasing and space management. The potential is there for Archibus to take over the management of all of the City of Melville's assets. All of the building surveys will be input into this system, with building maintenance data being entered as well.

T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)

With this system, reports can be generated and the results will show where buildings are deteriorating and what elements need replacing. To date seventy buildings have been surveyed.

This auditing and recording of our building facilities is now well advanced and will provide an enhanced level of service for this large asset portfolio.

PUBLIC CONSULTATION / COMMUNICATION

The current trend across Australia is for a greater accord between the communities needs and the Council, taking into account the communities opinions and perceptions into asset preservation and levels of service provision. The City of Melville has developed many networks and partnerships with the community which provide improved insight into the communities desires and aspirations. This is a fundamental principal of the Asset Management Policy.

COMMENT

This report addresses the details and value of all the City of Melville's Infrastructure assets, identifying the need to preserve these assets so that they adhere to Australian Standards and are functional. The infrastructure assets have a grand total replacement value of over \$531,752,793.

Many of these assets already have annual preservation budgets. However, with unexpected failure and deterioration through constant use, and the addition of new assets these budgets are stretched. With the constant construction of new assets, the attention to preserving these assets needs to be addressed.

At the present time funding levels have remained relatively constant. For example; in the last five years we have added \$4,500,000 of irrigation assets and approximately \$100,000,000 of building assets. Heathcote for example presents us with unique maintenance issues and it is estimated that to preserve these buildings in good order over the next seven years will cost \$550,000.

STATUTORY AND LEGAL IMPLICATIONS

There are requirements to submit returns to the Local Government Grants Commission to help determine Road and Infrastructure needs and funding throughout the State.

T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

Funding arrangements for asset preservation are always going to present challenging issues for the Community and the Council to deal with. These challenges need to be addressed in light of service levels that are acceptable for the usefulness of our many assets.

Financial planning through the Forward Works Program and Long term Financial Plan is essential to demonstrate the commitment to looking after ones assets into the future. However with the number of assets in the infrastructure portfolio there is currently a substantial funding gap. This gap is estimated at \$35 million over the next ten years and is made up of the following categories:

Estimated Asset Management funding gap 2008-2018

Buildings	Includes: Maintenance, replacement of all building elements.	\$14m - calculated
Parks and Landscape	Includes: Irrigation, turf, gardens, verges.	\$6m - calculated
Reserve Equipment	Includes: Play equipment, park seating, cricket nets, etc.	\$1.2m - estimate
Jetties and boardwalks	Includes: Maintenance, replacement of all jetty/boardwalk elements.	\$2.5m - estimate
Drainage	Includes: Side entry pits, sump pumps, piping etc.	\$2m - estimate
Property	Includes: Leased property maintenance and acquisition.	\$2m - estimate
Paths	Includes: Concrete, bitumen, slab and crossovers.	OK
Street furniture	Includes: Bus stops, bollards, etc.	\$3m - estimate
Roads	Includes: Asphalt, kerbing, calming, signage, line marking, etc.	\$40m - calculated
TOTAL		\$70.7 MILLION OVER TEN YEARS

However the current expenditure is increasing each year and whilst costs are also increasing there has been an improvement in the level of funding being made available for asset management.

In the 2007/2008 financial year the capital works budget has an allocation of \$30,621,000 of which \$9,331,000 is allocated to replacement or refurbishment of assets. This represents an investment of about 30% of total capital budget. There is no magic percentage that can be applied across the broad range of the assets that are contained in the City's portfolio but the individual asset management plans do prescribe levels of service and funding requirements.

T08/1000 - ASSET MANAGEMENT PLANNING (REC) (ATTACHMENT)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Our Community Plan has the objective of:

A safe, attractive City where the consequences of our actions for future generations are taken into account; natural and built facilities are accessible to everyone and a sense of place and community spirit is generated with our voices being heard through opportunities to participate in decisions that affect our lives.

The strategic implications of not addressing Asset and Infrastructure issues are significant. As infrastructure deteriorates it becomes less functional and increases risk to the community. The policy developed to steer the City of Melville in the direction of prudent stewardship of these assets will serve the Council and the community well into the future of Asset Management Planning.

POLICY IMPLICATIONS

This creates a new policy to direct actions towards planned Asset management.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (1000)

APPROVAL

THAT THE ASSET MANAGEMENT POLICY [1000 March 2008.pdf](#) BE ADOPTED AND THE FUNDING GAP BE NOTED FOR CONSIDERATION IN DEVELOPING THE LONG TERM FINANCIAL PLAN.

At 6.50pm the Mayor submitted the motion, which was declared

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

T08/2000 - WIRELESS HILL BUSHLAND MANAGEMENT PLAN (REC) (ATTACHMENT)

Declaration of Interest

Item No: T08/2000 – Wireless Hill Bushland Management Plan
Member: Cr H R Everett
Type of Interest: Proximity Interest in Accordance with the Act (s 5.60B)
Nature of Interest: Resides over the road from Wireless Hill
Extent of Interest: Interest under Proximity
Request: Stay, discuss and vote
Decision of Council: Stay, discuss and vote

At 6.48pm Cr H R Everett left the meeting.

Cr J R Bennett moved, seconded Cr C W Robartson that Cr H R Everett be permitted to stay, discuss and vote on this item. **CARRIED 11/0**

At 6.48pm Cr H R Everett returned to the meeting.

Ward	:	Applecross/Mt Pleasant
Category	:	Policy
Subject Index	:	Environment
Customer Index	:	Wireless Hill
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	N/A
Works Programme	:	2008/09 to 2012/13
Funding	:	Operational : \$264,387 over 5 years Capital: \$144,700 over 5 years
Responsible Officer	:	Ian Davis Manager Infrastructure Services

AUTHORITY / DISCRETION

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

T08/2000 - WIRELESS HILL BUSHLAND MANAGEMENT PLAN (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

As part of the natural resource inventory, staff have developed management plans for all priority one bushland areas. These management plans aim to provide a summary of existing features and issues in natural areas and provide recommendations for management in the future.

Staff at the City of Melville have written a draft bushland management plan for Wireless Hill Reserve in Ardross.

BACKGROUND

Wireless Hill Reserve has had two previous management plans – one written and approved in 1985 and one in 1999. Revision of the current management plan is overdue and the new plan will direct the maintenance and capital works for the reserve for the next five years.

DETAIL

This plan has been produced to undertake active management of the bushland in this reserve with the aim to improve and protect the area for the future. The plan presents a summary of:

- Soil Types;
- Topography;
- History;
- Physical Environment;
- Existing Vegetation Condition;
- Tree Management;
- Current Weeds Present;
- Native and Introduced Fauna;
- Fire Management;
- Erosion;
- Vandalism and Security;
- Access and Track Management; and
- Environmental Education and Community Involvement

Management recommendations that are consistent with the vision for the management of natural areas within the City of Melville were formed using this information to enhance and protect the bushland remaining at this site. Several of the major recommendations include:

- The Fencing of the Perimeter of the Whole Reserve;
- Weed Management Techniques and Recommendations;
- Fire Management Recommendations;
- Signage and Education;
- Feral Animal Control; and
- Support and Communication with the Friends Group

T08/2000 - WIRELESS HILL BUSHLAND MANAGEMENT PLAN (REC) (ATTACHMENT)

For specific details on the plan, see attached copy of the Draft Wireless Hill Bushland Management Plan 2008. [2000 March 2008.pdf](#)

PUBLIC CONSULTATION/COMMUNICATION

Public consultation is part of the decision making process. This plan is due to be released in a draft form for public comment.

The Friends of Wireless Hill have been consulted on key issues in the development of this draft.

COMMENT

The plan should be released for public comment for a minimum period of 6 weeks prior to being endorsed by the Council. This process will allow for more community input prior to the plan being finalised. The long-term implications of allowing the community an opportunity to comment are that it will ease future management encourage support from volunteer organisations and ensure a smooth transition from development of the plan to implementation. Allowing for a community consultation process will also prevent future discrepancies in management undertaken by the Council once the plans are finalised.

Specific draft copies will be forwarded to interested neighbours in Applecross, Ardross, Booragoon and Alfred Cove, posted on the Internet and available at the Council and distributed to City of Melville Libraries.

Once the submission period closes, all comments will be assessed as to their appropriateness for inclusion in the final management plan. An appendix will be included listing all comments and recommendations made during the public submission period.

Once adopted by the Council, the Draft Wireless Hill Bushland Management Plan will form a comprehensive work plan for this bushland over the next five years.

STATUTORY AND LEGAL IMPLICATIONS

Nil

T08/2000 - WIRELESS HILL BUSHLAND MANAGEMENT PLAN (REC) (ATTACHMENT)**FINANCIAL IMPLICATIONS**

	2008/09	2009/2010	2010/2011	2011/2012	2012/2013
Operating	\$51,300	\$52,050	\$52,838	\$53,665	\$54,534
Capital	\$97,200	\$10,600	\$8,700	\$20,700	\$8,000

There is sufficient funding within the operating and capital budgets of Environmental Services to cover the costs of the management plan.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The implications for not implementing this management plan would include a lack of direction in planning to manage the bushland. Bushland condition would deteriorate due to lack of control of weed species and costs for remediation in the future would increase. Without a management plan the assets in the Reserve would deteriorate due to lack of regular maintenance resulting in the need for further capital works to replace or repair items.

The bushland management plan directs the most effective way of managing the reserve with the funds and resources available. The bushland management plan also helps direct the actions of community groups involved in protecting and preserving bushland reserves. The existence of a current management plan also assists the Council and community groups in applying for funding for natural resource management projects within the reserve.

POLICY IMPLICATIONS

Vision 3: A City of people leading healthy lifestyles and enjoying access to a variety of natural and structured leisure and community service opportunities, which meet their needs.

Vision 4: A City where the natural environment is preserved and the actions of today are taking account of the consequences for tomorrow.

Vision 4.1: Develop, implement and review management plans that help restore and preserve the natural assets in the City of Melville.

CONCLUSION

The Draft Wireless Hill Bushland Management Plan (2008) sets out the management directions and actions for the preservation and restoration of the reserves remnant bushland for the next five years. It reviews the previous management plan actions and implementation and details the current threats to the bushland. The management plan makes recommendations about the management of the bushland in the Reserve and links those recommendations to both maintenance and capital works budgets. The management plan will be used by City of Melville staff to undertake maintenance and capital works programmes over the next five years.

T08/2000 - WIRELESS HILL BUSHLAND MANAGEMENT PLAN (REC) (ATTACHMENT)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION(2000)

APPROVAL

At 6.51pm Cr R Subramaniam moved, seconded Cr P M Phelan -

- 1 THAT THE DRAFT WIRELESS HILL BUSHLAND MANAGEMENT PLAN BE RELEASED FOR A PERIOD OF 6 WEEKS FOR PUBLIC COMMENT.**
- 2. THAT THE WIRELESS HILL VISION 2020 GROUP BE PROVIDED WITH A COPY OF THE DRAFT WIRELESS HILL BUSHLAND MANAGEMENT PLAN.**
- 3 THAT THE ITEM BE RECOMMITTED TO THE COUNCIL AFTER APPROPRIATE CONSIDERATION OF PUBLIC COMMENTS.**

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

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

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

Ward	:	Palmyra/Melville/Willagee
Category	:	Operational
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	None.
Application Number	:	DA-2007-1603
Property	:	28A Foss Street, Palmyra WA 6157 28B Foss Street, Palmyra WA 6157
Proposal	:	Three-Storey Mixed Use Development (Five Multiple Dwellings and Eleven Office Units)
Applicant	:	Interweave Pty Ltd
Owner	:	Interweave Pty Ltd
Responsible Officer	:	Mr David Vinicombe A/ Manager Planning and Development Services

AUTHORITY / DISCRETION

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

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- The application is for a three-storey mixed use development comprising 5 residential dwelling units and 11 office units (possibly to be reduced to 8) on the subject property
- The development proposes a number of variations, including boundary setbacks, plot ratio, landscaping and retaining.
- A number of submissions were received in relation to the development, in which concerns were expressed regarding traffic safety and on-street parking, privacy, height, size, bulk of the building and the use (mixed use) being inappropriate in the street. Six submissions were received relative to the proposal, four of which objected and two of which supported the development.
- The applicant has submitted a traffic / transport study to address traffic safety issues raised in the submissions. The report indicates that the development will not result in an adverse impact on traffic movement and parking relative to morning and afternoon peak periods, inclusive of peaks relating to drop-off and pick-up times of the nearby school. The traffic report has been analysed and supported by the City's Engineering Services.
- It is recommended that the application be conditionally approved by Council.

BACKGROUND

The development site is currently a strata-titled parent lot with one grouped dwelling on the front lot (28A Foss Street, Palmyra) and one vacant rear strata lot (28B Foss Street, Palmyra).

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Commercial Centre Frame – Melville Frame
R-Code	: R50
Use Type	: Residential / Office
Use Class	: D / S

Site Details

Lot Area	: 1073sqm
Retention of Existing Vegetation	: No
Street Tree(s)	: 1 Weeping Peppermint – To be retained
Street Furniture (drainage pits etc)	: Footpath
Site Details	: 3031 March 2008.pdf

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Plot Ratio	Residential Max 0.6 Non-Residential Max 0.6 Total Max 1.2	Residential 672sqm - 0.63 Non-Residential 648sqm - 0.604 (To be reduced to 592sqm - 0.55) Total 1.234 (To be reduced to 1'264sqm - 1.178)	Does Not Comply Does Not Comply Complies Does Not Comply Complies		
Landscaping	Min 25% (268sqm) of site area	19.6% (210sqm) of site area (To be increased by 56sqm – 266sqm – 2sqm short)	Does Not Comply		
Building Height	Max 8.0m to eaves Max 10.5m to ridge	8.0m to eaves 10.5m maximum	Complies Complies		
Carparking	31 bays (10 res, 1 vis.& 18 office) (To be reduced to 29 bays)	32 bays (To be reduced to 31 bays – 2 excess bays)	Complies Complies		
Overshadowing	Max 50% of adjoining residential site	27% of adjoining residential site	Complies		

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

Retaining Walls / Site Filling	Max 0.5m above natural ground level	Max 1.4m on southern boundary at one point relative to stairs and landing.	Does Not Comply		
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Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front (W)	4.0m average, 2.0m min	4.0m average, 3.86m min	Complies		
Rear (E) <u>Ground (Under ground parking)</u> <u>Middle (Office)</u> <u>Upper (Res.)</u>	N/A (Wholly below NGL at rear) 6.0m 2.0m	N/A 2.054m (To be increased to 6.0m) 1.2m	Complies Does Not Comply Does Not Comply		
Side (N) <u>Ground (Parking)</u> <u>Middle (Office)</u> <u>Upper (Res.)</u>	Nil 2.0m 4.3m	Nil 2.0m 1.5m	Complies Complies Does Not Comply		
Side (S) <u>Ground (Parking)</u> <u>Middle (Office – lift and foyer)</u> <u>Upper (Res.)</u>	2.0m 2.0m 4.1m	2.0m 1.4m 1.4m to wall of lift and foyer, 1.18m to stairs, 2.0m to passage and 2.0m-3.205 to units.	Complies Does Not Comply Does Not Comply		

(Note: Non compliance is emphasised in bold)

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes – Formal Advertising (21 Days)
Neighbour's Comment Supplied: Yes – 6 Submissions Received
Reason: Uses and variations to planning requirements
Support/Object: 2 support, 4 object

Submission Number	Summary of Submission	Support/Objection	Officer's Comment	Action (Condition/Uphold/Not Uphold)
1.	<p>I have viewed the plans and on paper they look acceptable. Two concerns raised.</p> <p>Privacy of surrounding dwellings.</p> <p>Parking on the street. City of Melville does not patrol this area and help to avoid trouble as they have in previous years. More traffic - more trouble.</p>	Support in principle.	<p>Privacy is considered to comply with the acceptable development provisions of the R-Codes. The portion of pathway adjacent retaining along the southern side boundary will require screening in accordance with the Codes. In addition, it is proposed that the residential passage ways, external stairways and landings adjacent the southern boundary are to be obscure glazed protected to protect adjoining residential privacy.</p> <p>Existing parking restrictions which prevent parking during business hours on the eastern side of Foss Street are sign posted and will continue to be monitored by City of Melville Ranger Services. Traffic matters are addressed below.</p>	<p>Uphold support for development and partially uphold privacy concern</p> <p>Not uphold</p>

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

2.	<p>Very concerned about the huge building. The visual amenity of the street will certainly decrease, which may or may not impact property values. The area is primarily residential. This is likely to change the character of the local area and is not consistent with expectations for the area.</p> <p>Believes that privacy will be invaded from windows of the apartments. Doesn't believe that it is fair to have overlooking.</p>	Object	<p>The size of the building is compliant in terms of building height. Bulk of the building is reduced by articulation of the roof line.</p> <p>Property values are not a planning consideration.</p> <p>The Zoning and Statement of Intent for the Commercial Centre Frame – Melville Frame allows Office uses and the development does have a significant residential component to promote a more community-friendly balance of land uses.</p> <p>Privacy is compliant with the acceptable development standards of the R-Codes. The portion of pathway adjacent retaining along the southern side boundary will require screening in accordance with the Codes. In addition, it is proposed that the residential passage ways, external stairways and landings adjacent the southern boundary are to be obscure glazed to protect adjoining residential privacy.</p>	<p>Not uphold</p> <p>Not uphold</p> <p>Not uphold</p> <p>Partially uphold</p>
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P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

<p>2. Cont'd</p>	<p>Believes that parking on street will become an issue – there are already “No Parking” signs but these are not policed. This makes driving down the street difficult particularly around peak school times.</p> <p>Does not believe that eleven businesses and six three-bedroom dwellings is acceptable for what is currently a one dwelling block and believes that this will increase stress on environment. Questions whether it is acceptable for all blocks to be developed this way and where the line is drawn. Believes it will reduce property value and desire to live in Melville.</p>		<p>Existing parking restrictions which prevent parking during business hours on the eastern side of Foss Street are sign posted and will continue to be monitored by City of Melville Ranger Services. See comments on Traffic Study below.</p> <p>The Zoning and Statement of Intent for the Commercial Centre Frame – Melville Frame allows Office uses and the development does have a significant residential component to promote a more community-friendly balance of land uses.</p> <p>Property values are not a planning consideration.</p>	<p>Not uphold</p> <p>Not uphold</p>
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P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

3.	<p>Opposed to development on the basis that enquiry into the affected property 4 years ago indicated that it was a “quiet residential street” and Melville House was a quiet office building.</p> <p>Changes to Melville House have resulted in increased activity and resulted in a busy and hazardous corner at Canning Highway with many vehicles parked on the street. This, combined with the 4 or 5 food outlets on the corner of Canning Highway and Foss Street and the slope of Canning Highway results in high traffic congestion, making it a dangerous intersection. Believes that the proposed development would result in more traffic and congestion in peak periods.</p>	Object	<p>Zoning and development standards have been applicable since 1999. The Zoning and Statement of Intent for the Commercial Centre Frame – Melville Frame allows Office uses and the development does have a significant residential component to promote a more community-friendly balance of land uses.</p> <p>Existing parking restrictions which prevent parking during business hours on the eastern side of Foss Street are sign posted and will continue to be monitored by City of Melville Ranger Services. See comments on Traffic Study in this report.</p>	<p>Not uphold</p> <p>Not uphold</p>
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P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

<p>3 Cont'd.</p>	<p>Also concerned about privacy from the top residential floor that overlooks the adjoining residential dwellings.</p>		<p>Privacy is compliant with the acceptable development standards of the R-Codes. The portion of pathway adjacent retaining along the southern side boundary will require screening in accordance with the Codes. In addition, it is proposed that the residential passage ways, external stairways and landings adjacent the southern boundary are to be obscure glazed to protect adjoining residential privacy.</p>	<p>Partially uphold</p>
<p>4.</p>	<p>Traffic – Foss Street is already heavily used by parents dropping children off and collecting from a local primary school. Foss Street and Canning Highway intersection is a nightmare in peak periods and believes that additional non-residential development will add danger by bringing more traffic down the street.</p> <p>Would have no objection to a residential development but disagree with mixed use and commercial development in Foss Street.</p>		<p>See comments on Traffic Study below.</p> <p>As above, zoning does allow for a mix of uses.</p>	<p>Not uphold</p> <p>Not uphold</p>

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

5.	<p>Opposed to development on the basis that existing non-residential uses contribute to traffic and that the proposed development would result in additional traffic. States that a number of cars are constantly parked on street for school assembly's and masses, resulting in a busy portion of road. Also states that the abutting office site is constantly up for lease. Believes that more traffic results in safety issues for local residents and that there have been a lot of accidents at the Foss Street and Canning Highway intersection and believes that it will undoubtedly increase.</p>	Object	See comment on Traffic Study below.	Not uphold
6.	<p>No objections to the proposal as long as it complies with all Council guidelines relating to mixed use development incorporating office and residential land uses within a residential area.</p>	Support	Noted.	Uphold

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

REFERRALS TO GOVERNMENT AGENCIES

Not required.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

None.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

None.

POLICY IMPLICATIONS

Community Planning Scheme No. 5

Part 4 of CPS No. 5 outlines the general development requirements for the “Commercial Centre Frame – Melville Frame” precinct. The statement of intent for the precinct is:

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

Table 1 of CPS No. 5 identifies the types of uses that may or may not be permitted within areas zoned “Commercial Centre Frame”.

Clause 5.7(c) (Non-Residential Amenity) of CPS No. 5 stipulates that:

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

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

Residential Design Codes 2002

The Residential Design Codes 2002 is a State Government Planning Policy that applies to residential development in Western Australia. It is assumed that the provisions of the R-Codes apply unless otherwise specified in a local planning scheme or local planning policy.

Special Provisions 4.2 of the R-Codes relate to Mixed Use Development. Of particular relevance are the provisions relating to on-site car parking, which allows for a reduction of one bay per dwelling where on-site parking required for other uses is available outside normal business hours, and plot ratio, which allows for the ground floor non-residential uses to be excluded from the plot ratio calculations. (See comments below on Plot Ratio).

City of Melville Development & Building Controls Policy 06-PL-024 – Car Parking (Non Residential)

The City of Melville's non-residential car parking policy imposes car parking standards based on different types of non-residential uses. The policy requires car parking for office at 1 bay per 30 sqm of net lettable area for Professional and Commercial Offices. Governmental offices require the provision of 1 bay per 40 sqm of net lettable area.

City of Melville Development & Building Controls Policy 06-PL-029 – Mixed Use Plot Ratio Bonus Application

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 Melville Commercial Centre Frame can achieve a plot ratio of 0.6 for the residential component (relative to R50 development) and 0.6 for non-residential development under CPS No. 5 and a total plot ratio of 1.2. In addition, these requirements do not require consideration of any bonus applied under the terms of Council Policy 06-PL-029 - Mixed Use Plot Ratio Bonus Application (e.g. – bonus for community benefits) and accordingly, the Policy requires review. Further, discretion is available under both the Residential Design Codes (PC 4.2.1 P1) and Clause 4.3 of the Scheme to increase the plot ratio for the residential component. In these instances Council may consider such matters as community benefit in order to warrant an increase in plot ratio. Notwithstanding, Council also has the power to reduce the applicable plot ratio under Clause 7.8 of the Scheme in consideration of a number of matters inclusive of local amenity.

City of Melville Policy 25-PL-002 - Arts and Culture

The City of Melville Arts and Culture Policy requires 5% of the estimated cost of significant developments to be allocated to public art. The style of public art is flexible and may occur in a number of ways, including statues, art features, brick-paving, or some incorporation of art into the design of the building.

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The City of Melville may either approve the application with or without conditions or refuse the application should it be considered that the development does not comply with the provisions of Community Planning Scheme No. 5, Council Policy or the Residential Design Codes 2002. Refusal or application of conditions which are considered unreasonable by the applicant may give rise to an application of review by the State Administrative Tribunal.

COMMENT

A number of aspects of the development proposal require further discussion.

Melville Commercial Centre Frame

The proposal is in accordance with the Frame requirements as it includes residential and office uses, privacy and adjoining residential properties are respected (conditions are to apply – see detail below) and the design has a residential character with a residential front façade and articulated roofline which is designed to reduce the impacts of bulk on the development and promote a residential appearance.

Setbacks

The subject development proposes a number of setback variations to the side and rear boundaries lieu of the requirements that exist under the provisions of CPS No. 5 and the Residential Design Codes.

The office level of the building (middle level) is required to comply with Clause 5.7 of CPS No. 5 in relation to setbacks from adjoining residential development. This requires 6.0m at the rear and 2.0m to the side. The office level proposed 2.054m at the rear and a minimum of 1.4m on the southern side relative to a lift and foyer areas.

In relation to the office level, it can be considered reasonable that the development be setback a greater distance at the rear than what is currently proposed to assist in maintaining residential amenity on adjoining properties and reducing the amount of building bulk and plot ratio. Increasing the setback to the office level will assist in overcoming the plot ratio non-compliance (see Plot Ratio comments below) and will not significantly impact on the overall design of the building. It is therefore recommended in the event of approval that the middle office floor be setback a minimum of 6.0m. This may reduce the number of offices within the development and provide an undercover outdoor seating area for the office complex at the rear of the site which will also contribute to landscaping requirements on site.

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

Setbacks (Cont'd)

With respect to the southern side boundary of the office level, the 1.4m setback variation relates only to the portion of wall abutting the lift shaft of the development, with the remainder of the development being set back the required 2.0m and increases to 2.4m towards the front of the building. This area includes stairways and landings. However, as indicated below, it is recommended that these elements be screened for improved privacy. The southern portion of the building on this level contains a number of hi-light windows which assist in ameliorating the impacts of building bulk on the adjoining southern property in conjunction with the articulation of the wall and the staggering of the roof level from front to rear. In this regard, there is not considered to be any significant impact on the residential amenity of the adjoining property and it is recommended that a variation to this requirement be supported.

The upper floor residential component of the development varies from the required standards of the Residential Design Codes 2002 in regards to the setbacks from both side and rear boundaries. This requires an assessment under Performance Criteria 3.3.1 of the R-Codes, which reads as follows:

“Buildings set back from boundaries other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building and open spaces;*
- *Ensure and assist adequate direct sun and ventilation being available to adjoining properties;*
- *Assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *Assist in protecting privacy between adjoining properties”.*

Although a variation does exist, the proposed setbacks can be considered to comply with the Performance Criteria of the R-Codes on the following basis:

- Access to sunlight for subject property - the residential component of the dwelling has sufficient openings to habitable rooms and outdoor living areas to the north of the dwelling that allow for sunlight access;
- Access to sunlight for adjoining properties - the overshadowing diagram of the subject dwelling indicates that any shadow cast by the building complies with the acceptable standards of the R-Codes and has only a minor impact on the dwelling to the south of the property and no shadow impacts on the property to the east, and;
- Building bulk - the building has articulation in the walls and the presence of minor openings to assist in ameliorating the bulk of the building on adjoining properties.

No objections to the setbacks were raised by the affected landowners as part of the formal advertising process.

On the basis of the above, the variations to the residential setbacks are recommended for support in the event that the application is approved.

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)*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 and balconies or verandas 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 applied and in this regard, plot ratio for non-residential development also exclude outer walls of the building and all floor areas for vehicle parking, whether at, below or above ground floor.

The plot ratio of the subject development varies from the standards of the Council. The plans submitted indicate the residential component has been calculated at 0.63 (672sqm) in lieu of a maximum of 0.6 (644sqm), which is a variation of 28sqm, and the non-residential component calculated at 0.604 (648sqm) in lieu of 0.6 (644sqm), which is a minor variation of 4sqm. The total plot ratio is therefore 1.23 (1320sqm) in lieu of 1.2 (1288sqm), which is a variation of 32sqm.

It is considered that a design change could be readily undertaken to ensure compliance in this regard. As detailed above, the rear boundary setback for the office level does not comply with Clause 5.7 of CPS No. 5, and therefore is recommended to be increased to 6.0m in the event of approval (the applicant has been advised of this requirement). In achieving this setback, the plot ratio area of the building would be reduced by 56sqm, resulting in a compliant non-residential plot ratio of 0.55 (592sqm – 52sqm less than maximum of 644sqm) and a compliant total plot ratio of 1.178 (1264sqm – 24sqm), which is consistent with the total plot ratio requirements of the Council. The minor increase in non-residential plot ratio is considered acceptable in this context.

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The landscaping requirement for non-residential use, in accordance with the City of Melville's CPS No. 5, is 25% (268sqm) of the site area. The subject development proposes approximately 19.6% (210sqm) landscaping, which is a 58sqm variation to this requirement.

Clause 5.9(b) of Community Planning Scheme No. 5 (Landscaping - Non-Residential) states that "*landscaping shall be located with special attention to street frontage(s), any adjoining river foreshore reserve and any adjoining residential use...*". Details of the landscaping are provided. Although slightly below the required proportion of the site area, the plan demonstrates that the proposed landscaping be provided with attention to the street frontage and the adjoining residential development and will include the use of native species. Additional landscaping could be accommodated for by landscaping the verge and providing an additional street tree to complement the existing street tree, which would enhance the amenity of the development. Further details shall be requested regarding the landscaping, however in principle the proposed landscaping is recommended for support.

It is noted that reduction of the rear office area to increase the rear setback and reduce the overall plot ratio of the development will provide opportunity for additional landscaping of approximately 56sqm. This results in a reduced landscaping shortfall of 2sqm. Accordingly, the reduced landscaping area is considered reasonable.

Retaining / Site Filling

Generally, the maximum height of retaining and site filling is 0.5 metres above the natural ground level. However, the undercroft level of the development protrudes from the ground level on the northern and southern sides of the property to a maximum height of 1.4 metres on the southern side and 3.5 metres on the northern side. It can be considered that the northern side is a boundary wall that complies with the acceptable development standards of the R-Codes. However, the portion on the southern boundary wall acts as a pedestrian thoroughfare and therefore increases the ground level on the southern side of the building by a maximum of 1.4 metres above the natural ground level. The top of this wall and stairs will require 2.0m high masonry fencing in accordance with standard conditions for commercial development abutting residential property. This fencing will also need to provide appropriate levels of privacy to the adjoining residential property in accordance with the provisions of the Residential Design Codes.

In considering the ground level changes, there is no significant impact on the amenity of the adjoining property resulting from the retaining wall and fencing as the affected area of the adjoining site contains non-habitable structures and the main dwelling is set back a considerable distance. It is also considered that in general, the development satisfies the Performance Criteria of the Residential Design Codes (3.6.1 Excavation or Fill – P1) in that the retaining follows the natural contour of the land as viewed from the street and adjoining property by having areas that cut into the site to reduce the amount of required fill and bulk of the development. In this regard, the variation is recommended for support.

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)Traffic & On-Street Parking – Traffic Study

It is apparent that traffic and on-street parking are significant considerations for the subject development. Foss Street is one of a number of local residential roads that provide access to Canning Highway and contains a number of non-residential land uses that are situated in the Melville District Centre Precinct and adjoining Commercial Centre Frame Precinct. Foss Street also provides access to Our Lady of Fatima Catholic Primary School, which generates additional traffic around school drop-off and pick-up times.

The responses of the submissions generally express concerns over traffic and on-street car parking. This is therefore a serious consideration in determining the subject application given non-residential land uses within the proposed development.

The Traffic Study submitted by the applicant demonstrates that any traffic generation will not be detrimental to the local area or the peak morning and afternoon period for the local businesses and and the primary schools. The report specifically indicates that;

- *“The maximum number of vehicles along Foss Street is around 30 to 40 vehicles per direction per hour during school drop-off and pick-up times, and during commuter peak periods. At other times, traffic volumes range between 20 and 25 vehicles per direction per hour.*
- *The additional traffic generated as a result of the proposal will be low, in the order of 5 to 8 vehicles per direction per hour.....and would not adversely affect the operation of Foss Street, Hammad Street, Canning Highway and their associated intersections.*
- *The level of additional traffic generated would not impact on the ability of parents to drop-off and pick-up their children at the Our Lady Fatima Primary School.”*

The traffic report has been assessed by the City of Melville Engineering Services and its conclusions have been supported.

Public Art

The applicant has proposed two options for the public art contribution for the development:

- Option 1 - Externally mounted sculpture of a local fauna at the top of the feature turret facade wall. A gecko has been proposed in this case as it has a distinctive shape easily portrayed and recognisable in sculpture. The material of the sculpture is subject to further investigation.
- Option 2 - Wrought iron or colour powder-coated sheet metal silhouettes overlaid on custom security grills to be installed within the void opening between the undercroft car park and front setback landscaping. Proposed silhouettes are of a young family (representing the local school at the other end of Foss St) and office workers / professionals (representing the new business community occupying the proposed office development).

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

Discussions with the City of Melville Cultural Development (Arts) Department have indicated that either option is acceptable, however Option 2 is believed to be more appropriate in terms of its representation of the site and local context. This will be subject to further discussion and investigation.

Access to Parking

Discussions with the applicant regarding the parking area have concluded that there are to be two security doors. The first at the rear secures 12 residential parking bays and the second (night door) is located behind the 4 front bays. The night door will be open during the day and allow free egress from the end bays in front of the night gate. During the evening, only 1 visitor bay is required (two provided) out of the front 4 bays. Accordingly, providing the four bays comply with the required width adjacent obstructions to allow doors to freely open in accordance with Australian standards, access and egress to the visitor bays are compliant. In order to provide for the re-design in accordance with Australian Standards, it is likely that one bay will be removed from the parking area. Notwithstanding, the parking area will still provide an excess of two parking bays (total of 31 bays).

Drying Area

The provisions of the Residential Design Codes 2002 require each multiple dwelling to have provision of an area for clothes drying that is screened from the street. The subject development does not have an area for clothes drying external to the dwelling and it does not appear as though it could be achieved without having an impact on the size of the outdoor living areas (screened balconies for all units except the front).

On this basis, it can be considered that in the event of approval, it be reasonable to impose a condition that means are provided for permanent mechanical drying devices to be installed for each residential dwelling or suitable alternative separate to the outdoor living areas.

Privacy

The proposal complies with privacy requirements of the Codes except with regard to the portion of pathway (technically defined as an outdoor living area under the Codes) adjacent retaining along the southern side boundary. This pathway will require screening in accordance with the Codes. In addition, it is proposed that the upper residential passage way, external stairways and landings adjacent the southern boundary be obscure glazed / screened to prevent overlooking from these elements of the building into adjoining residential properties. Although privacy from stairways, landings and passage ways is not strictly covered by the privacy requirements of the Codes, it is considered this will provide for improved amenity of the adjoining residential properties and improve neighbourly relations between residents. Given the scale of the development, this requirement can be justified under the amenity considerations of Clause 7.8 of CPS No 5.

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)*Crime Prevent through Environment Design (CPTED) Principles*

The application is required to address these principles by the provision of security gates, public surveillance and security lighting. In general, the applicant is agreeable to inclusion of these design principles and it is apparent that compliance can be achieved with minor modifications to the plan. Accordingly, if supported, a suitable condition may be required in this regard.

Rubbish Collection

Storage areas for bins are provided in the undercover parking area. Given the volume of bins required to service this development and the limited road frontage, the proposal has been referred to Waste Services to determine whether any modifications are required. Waste Services are satisfied that the property can be adequately serviced by two staggered collections each week.

Submissions

As identified in earlier sections of this report, 6 submissions were received regarding the development application, of which 4 objected on the grounds of character and nature of the development, mix of uses, on-street car parking, traffic and safety, and visual privacy.

In relation to the mix of uses and the general size and scale of the development, it is considered that these aspects are generally compliant with the provisions of CPS No. 5. The Zoning and Statement of Intent for the Commercial Centre Frame – Melville Frame precinct allows for non-residential land uses in conjunction with the primarily residential nature of the area and it is considered that this development is consistent with these expectations for the precinct. Visual privacy is also deemed to comply as all of the windows are considered to be minor openings and therefore not subject to an overlooking assessment. The only element of privacy concern relates to the elevated pathway, upper residential passage way, and external stairs and landings along portion of the southern side boundary.. However these openings are to be screened or obscure glazed as described in this report to provide heightened levels of privacy for adjoining residents.

Traffic and safety was identified in most of the submissions. A traffic study has been submitted which suitably addresses these concerns.

CONCLUSION

In considering the above, the development generally complies with the provisions of CPS No. 5, Council Policy and the Residential Design Codes 2002. Although a number of objections have been received, it is considered that a number of the concerns have been addressed in relation to the type and nature of the development, visual privacy, and the character of the area.

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

A transport study has been undertaken to address the impact of the development on the local area in terms of traffic safety. The report concludes that morning and afternoon peak periods of the nearby school and local businesses will not be detrimentally impacted.

Accordingly, it is recommended that the application be conditionally approved.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3031)**APPROVAL**

THE APPLICATION FOR PLANNING APPROVAL OF A THREE-STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA, BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

SPECIAL CONDITIONS:

- 1. THE REAR OFFICE WALL ON LEVEL 2 OF THE DEVELOPMENT TO BE SETBACK A MINIMUM OF 6.0 METRES FROM THE REAR BOUNDARY AND THE OFFICE FLOOR SPACE BEING ACCORDINGLY REDUCED BY APPROXIMATELY 56 SQUARE METRES AS INDICATED IN RED ON THE APPROVED PLANS. THE REDUCED FLOOR AREA IS TO BE SUITABLY LANDSCAPED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 2. THE PARKING DESIGN BEING MODIFIED TO PROVIDE A MINIMUM OF TWELVE SECURED RESIDENTIAL PARKING BAYS AT THE REAR OF THE SITE, FIFTEEN PARKING BAYS BEHIND A FRONT NIGHT SECURITY DOOR FOR THE OFFICE USES AND FOUR ADDITIONAL BAYS IN FRONT OF THE NIGHT SECURITY DOOR FOR THE OFFICE USES WITH ONE RESIDENTIAL VISITOR PARKING BAY DURING BUSINESS HOURS TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 3. A MINIMUM OF TWO CAR PARKING BAYS TO BE PROVIDED ON SITE IN FRONT OF NIGHT SECURITY DOOR FOR THE EXCLUSIVE USE OF RESIDENTIAL VISITORS AFTER BUSINESS HOURS. THESE BAYS SHALL BE ACCESSIBLE AT ALL TIMES.**
- 4. DIMENSIONS OF ALL CAR PARKING BAYS, AISLE WIDTHS AND CIRCULATION AREAS COMPLYING WITH AUSTRALIAN STANDARD AS2890.1.**
- 5. DETAILS WITH REGARD TO PARKING REVISIONS REQUIRED BY CONDITIONS 2, 3 AND 4 ABOVE ARE TO BE PROVIDED PRIOR TO THE APPLICATION FOR BUILDING LICENCE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES AND BE INCORPORATED INTO THE BUILDING LICENCE APPLICATION.**

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

6. PROVISION OF PERMANENT DEVICES OR AN AREA FOR CLOTHES-DRYING FOR EACH RESIDENTIAL DWELLING UNIT SEPARATE TO THE OUTDOOR LIVING AREAS AND NOT VISIBLE FROM THE STREET. DETAILS OF THE PROPOSED DEVICES OR AREAS TO BE INCLUDED ON THE DEVELOPMENT PLANS TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.
7. RETAINED WALL AND STAIRWAY ALONG THE SOUTHERN SIDE BOUNDARY TO BE SUITABLY SCREENED IN ACCORDANCE WITH THE REQUIREMENTS OF ELEMENT 8 OF THE RESIDENTIAL DESIGN CODES TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
8. THE ELEVATED STAIRWAYS ADJACENT THE SOUTHERN SIDE BOUNDARY BEING SCREENED TO ADDRESS RESIDENTIAL AMENITY WITHIN THE DEVELOPMENT AND PREVENT OVERLOOKING FROM THE STAIRWAYS AND LANDINGS INTO ADJACENT RESIDENTIAL PROPERTIES TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
9. A DETAILED LANDSCAPING AND RETICULATION PLAN BEING SUBMITTED AND APPROVED FOR THE SUBJECT SITE AND ROAD VERGE ADJACENT TO THE SITE. THE APPROVED LANDSCAPING PLAN SHALL BE FULLY IMPLEMENTED PRIOR TO THE FIRST COMMENCEMENT AND OPERATION OR OCCUPATION OF THE DEVELOPMENT AND MAINTAINED THEREAFTER TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
10. ALL EXISTING STREET TREES TO BE RETAINED, TO BE INCLUDED IN THE LANDSCAPING AND RETICULATION PLAN STATED IN SPECIAL CONDITION 9.
11. THE PROVISION OF ONE ADDITIONAL STREET TREE IN THE VERGE AREA OF THE SUBJECT PROPERTY IN A 100L CONTAINER, AT THE APPLICANTS / OWNERS FULL COSTS TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. DETAILS OF THE PROPOSED STREET TREE AND LOCATION TO BE INCLUDED IN THE LANDSCAPING AND RETICULATION PLAN STATED IN SPECIAL CONDITION 9.

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

12. A MINIMUM OF TWO METRE HIGH MASONRY FENCING TO BE PROVIDED AROUND THE INTERNAL RESIDENTIAL BOUNDARIES TOGETHER WITH SCREEN LANDSCAPING ADJACENT THE REAR BOUNDARY AND THE NORTHERN SIDE BOUNDARY TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES IN ORDER TO ADDRESS THE AMENITY OF ADJACENT RESIDENTIAL PROPERTIES.
13. THE BUILDING LICENCE APPLICATION TO INCLUDE DETAILS ON MANAGEMENT OF THE COMMERCIAL PARKING AREA TO ENSURE THAT IT IS OPEN FOR PUBLIC USE DURING BUSINESS HOURS TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
14. 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.
15. 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.
16. 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.
17. THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. APPLICANT IS REQUIRED TO CONSULT WITH CITY OF MELVILLE HEALTH SERVICES PRIOR TO THE INSTALLATION OF ANY NOISE EMITTING EQUIPMENT SUCH AIR CONDITIONERS.

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

18. 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.
19. PEDESTRIAN ACCESS, PARKING AND OPEN AREA SURROUNDING THE BUILDING TO BE DESIGNED TO COMPLY WITH CRIME PREVENT THROUGH ENVIRONMENT DESIGN (CPTED) PRINCIPLES TO ADDRESS LIGHTING AND SURVEILLANCE OF PEDESTRIAN MOVEMENT AROUND THE BUILDING AND WITHIN THE CARPARKING AREA TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
20. THE FAÇADE OF THE BUILDING AND WALLS TO BE TREATED WITH A NON-SACRIFICIAL ANTI-GRAFFITI AGENT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
21. THE BUILDING SHALL NOT USE REFLECTIVE OR MIRROR GLASS EXTERNALLY, TO BE SHOWN ON THE DEVELOPMENT PLANS PRIOR TO THE ISSUE OF A BUILDING LICENCE.
22. THE ROOF OF THE BUILDING NOT TO BE ZINCALUME OR WHITE METAL (E.G. COLORBOND SURF MIST) 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.
23. SUBMISSION OF A GLARE REFLECTIVITY STUDY BY A SUITABLY QUALIFIES 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 SERVICES.
24. EQUIPMENT SUCH AS AIR CONDITIONERS OR EXHAUST VENTS WHICH ARE LIKELY TO DETRACT FROM THE VISUAL APPEARANCE OF THE BUILDING SHALL NOT BE LOCATED ON THE ROOF OR OTHERWISE EXPOSED TO PUBLIC VIEW.
25. THE SUBMISSION OF A COLOUR SCHEDULE BOARD DETAILING THE USE OF MATERIALS, FINISHES AND COLOURS FOR THE MIXED USE BUILDING TO THE APPROVAL OF MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.

P08/3031 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (FIVE MULTIPLE DWELLINGS AND ELEVEN OFFICE UNITS) ON LOT 1 (28A) AND LOT 2 (28B) FOSS STREET, PALMYRA (REC) (ATTACHMENT)

26. DETAILS OF THE PROPOSED PUBLIC ART SHALL BE APPROVED BY THE MANAGER OF 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.
27. PRIOR TO THE ISSUE OF THE BUILDING LICENCE, THE APPLICANT/OWNER IS REQUIRED TO SUBMIT A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL, TO THE APPROVAL OF THE MANAGER PLANNING SERVICES, DETAILING HOW IT IS PROPOSED TO MANAGE:
 - THE DELIVERY OF MATERIALS AND EQUIPMENT TO THE SITE;
 - THE STORAGE OF MATERIALS AND EQUIPMENT ON THE SITE;
 - THE PARKING ARRANGEMENTS FOR CONTRACTORS AND SUBCONTRACTORS;
 - IMPACT ON TRAFFIC MOVEMENT AND;
 - OTHER MATTERS LIKELY TO IMPACT ON THE SURROUNDING RESIDENTS.
28. SIGNAGE IS NOT APPROVED AS PART OF THIS APPLICATION.
29. 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.
30. SUITABLE ARRANGEMENTS BEING MADE FOR THE STORAGE OF BINS AND COLLECTION OF WASTE FROM THE SITE TO THE APPROVAL OF THE MANAGER WASTE SERVICES.

STANDARD CONDITIONS:

**COM 06; 07; 09; 11, 12; 13; 14; 15; 16; 22; 24; 25; 26; 27; 28; 30; 31; 32; 33; 47; 50;
RESSD 19.**

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

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 & Corporate Support

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- 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

Document Type	Party	Description	File Reference
Notification Under Section 70A	84 Burke Drive Attadale	Planning Approval	1841561
Debenture – Loan 382	Melville Glades Golf Club	Debenture – Loan 382	1827799
Deed of Licence	Leeming Recreation Centre	Deed of Licence	1524365
Deed of Agreement	Athol Fredericks Blair Stone & David Blair Stone & Susan Stone	Deed of Agreement	1850846

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 2.5 of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

Nil.

C08/5000 – COMMON SEAL REGISTER (REC)

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 AND COUNCIL RESOLUTION (5000) NOTED

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

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

**C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER
RESERVE (REC)**

Ward	:	City
Category	:	Strategic
Subject Index	:	Location – Reserve Len Shearer
Customer Index	:	David Miller
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	:	Malcolm Jenkinson Manager Neighbourhood Amenity

AUTHORITY / DISCRETIONDefinition

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

**C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER
RESERVE (REC)****KEY ISSUES / SUMMARY**

- A petition containing 110 signatures was collected over a period of 3 hours at the Junior Registration Day of Melville City Soccer Club, Sunday 9th December 2007
- 28 of the 110 petitioners are not residents of the City of Melville
- The petition called for “dogs to be on a leash at all times” in Len Shearer Reserve
- Len Shearer has always been a dog exercise area, except when sport is being played at which time dogs must be on a lead –i.e. it is a dual use reserve; signage to this effect is placed around the reserve

BACKGROUND

Len Shearer Reserve is bounded by Marmion Street to the north west, Marcus Avenue to the south west, Hatfield Way to the south east and Neesham Street to the north east.

The reserve is home to Melville City Soccer Club and Melville Little Athletics as well as providing casual recreational and sporting opportunities to residents wishing to exercise or spend time out of doors. For many years, it has also been a very regular location for residents to take their dogs for a walk or some exercise. It has always been a dog exercise area and when sport was introduced, the “dual use” rules were introduced which required dogs to be on a lead when sport is being played

DETAIL

The petitioners seek to have the status of Len Shearer as a dog exercise area changed so as to require dogs to be on a lead at all times, even when sport is not being played. The petitioners’ reason for seeking this change is the presence of “piles of dog excreta on the playing surfaces of the soccer pitches” and the associated potential health hazards.

The rationale for making the change is that when dogs run free the owners are less likely to clean up because the dog is not close by when it defecates; instead, if dogs were on a lead at all times owners would be more likely to pick up excreta because they would see it happening. The petitioner’s also concerned about dogs running amongst soccer players during practice and dog owners being unresponsive to requests to keep the dogs away which can lead to “altercations and arguments which could lead to a breach of the peace”.

The petitioners’ further state that even if excreta is picked up, bacteria can still linger which is a safety issue so if dogs were “on a leash at all times there would be no reason for the playing fields to be used as dog toilets in preference to other public areas such as verges which are not used by children to fall, slide and roll”. The petition seeks to have signage erected around the playing fields to inform of the changes.

C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER RESERVE (REC)

The reserve has been a dual use facility for a number of years, with a large number of regular users enjoying the opportunity to exercise their dogs and socialise with other dog owners. The current dual use designation meets the City of Melville “Physical Activity Policy” which seeks to maximise participation in and promote the benefits of physical activity. The president of the WA Veterinary Association, Dr Mark Hopwood in his written submission to the consultation pointed to the “several studies... that draw a positive correlation between human psychological and medical (benefits) and pet ownership.”

There are a number of reserves within the City of Melville which are completely dog free such as Point Walter, Deep Water Point, Heathcote and sections of Piney Lakes. Dual use reserves include Shirley Strickland, John Creaney, Bob Gordon, Winnacott, Webber, and Morris Buzzacott. Making changes to Len Shearer Reserve’s status would have implications for those reserves too.

The feedback from the consultation with residents pointed to a number of issues. The respondents who were against the petition identified that: -

- Dog owners who are non-compliant (irresponsible) now will probably stay that way without more “policing” of the location, i.e. putting a dog on a lead is not a guarantee of compliance
- More bins and bag dispensers would assist the “lazy” owners to be more responsible
- Improved signage would assist the Rangers and the regular users to “educate” irresponsible users
- It is unfair to “punish” the very many responsible owners because of a few irresponsible ones; more effort needed to educate or infringe irresponsible owners
- Children, adults and dogs socialising together is healthy on a number of levels
- Using a leash is unsatisfactory for some breeds of dog
- Litter and broken glass after sports events are more of a hazard to all concerned than excreta – more bins would help

PUBLIC CONSULTATION/COMMUNICATION

In the light of the petition’s purpose to change the nature of use of an important reserve, it was important to gauge the range of reactions from residents who might be affected. Approximately 1500 letters were sent out to residents in an area bordered by Leach Highway, Riseley Street, Davy Street and Norma Road. 146 responses were received, just under a 10% response rate. Despite the official closing date of 1 February for submissions, those received up to 20 February have been included

41 respondents supported the petition, 106 were against the petition, including 30 signatures to a multi signature letter, 1 response was equivocal and 1 response was about Booragoon Primary School oval. The signatures on the multi signature letter which also appeared as individual responses were excluded to prevent duplication, hence 113 numbered responses in the table below. In summary, those against the petition and thus in favour of the status quo, responded 2:1 which is a clear majority

C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER RESERVE (REC)

RESPONSES IN FAVOUR OF THE CHANGE

Respondent	Suburb	Other comments made
1	Not given	Wants all parks with play equipment to be dogs on lead
2	Booragoon	Reports personally experiencing 2 dog attacks in one day: dogs are not under effective control without leads
3	Booragoon	N/A
4	Booragoon	Excreta and selfish owners are a health hazard
5	Not Given	Have experienced problems with boisterous or aggressive dogs and owners
6	Not given	The inconsiderate few are spoiling it for the many and believes dogs on leads are more likely to have their poo be cleaned up
7 - Name withheld on request	Booragoon	Hard to police a dog from 50 meters especially if it turns violent
8	Booragoon	Unrestricted dogs are a hazard to children
9	Booragoon	Dog owners chat socially and do not manage their animals
10	Booragoon	Owners allow dogs to defecate on private lawns on the way to the park too
11	Booragoon	All dogs not on private property should be on a lead at all times and in all places
12	Booragoon	Their children are afraid to go on the reserve as one of them was recently knocked to the ground by an unruly dog
13	Not given	Joggers have to slow their stride to avoid dogs sometimes
14	Booragoon	Uses the reserve to train and regularly has to avoid dog mess
15	Myaree	Sporting facilities and children should be free of dog excreta
16	Booragoon	All reserves should be dogs on leads at all times
17	Booragoon	Dogs are potentially vicious/ dangerous
18	Booragoon	Regular walker with friends – too much dog mess

C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER RESERVE (REC) (ATTACHMENT)

RESPONSES IN FAVOUR OF THE CHANGE (CONT'D)

Respondent	Suburb	Other comments made
19	Booragoon	Worried about the spate of dog attacks reported and only a matter of time before one happens at this reserve
20	Booragoon	Too much dog mess; no longer use the grassed areas
21	Not given	No reason given
22	Not given	Dogs should be on leads at all times in all public areas
23	Booragoon	Ideally, dogs should be only in fenced off areas specified for the purpose
24 - Name withheld by request		Not happy going to the playground and having to dodge clumps of poo
25	Booragoon	Her children have been approached by dogs whose owners were some distance away; hard to relax
26	Booragoon	Disabled child in wheelchair was recently subject to an aggressive dog
27	Not given	Too much excreta is left
28	Booragoon	Believe the presumption that when a dog is on a lead the owner is more likely to clean up
29	Booragoon	Ideally dogs should be banned from the reserve.
30	Not given	Recommends spot fines for owners not obeying the Local Law
31	Booragoon	Has small children
32	Booragoon	Wants to see dogs on leads at all times
33	Not given	No reason given
34	Booragoon	Small children have been threatened
35	Booragoon	Supports petition for the general safety of users of the oval
36	Booragoon	Regular walker; children running should be able to concentrate on that and not worry about loose dogs
37	Booragoon	Petition does not go far enough – owners should clear up mess wherever it is made
38	Booragoon	Recommends a total ban of dogs on the reserve for health reasons
39	Booragoon	Dogs that do not respond to commands are a danger to children
40	Booragoon	No reason given
41	Booragoon	No experience of being menaced but big dogs running around appear to be uncontrolled

C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER RESERVE (REC) (ATTACHMENT)

RESPONSES AGAINST THE CHANGE

Respondent	Suburb	Further comments made
1	Not given in email	Former Captain and Life Member of the Melville Athletics Club, who is also now a coach for Melville Athletics and Booragoon Junior Footy Club at Karoonda Reserve. Serving Police officer (Fit for Life project) Dog owners at Len Shearer are good people, do not penalise them. More education and presence for Rangers should suffice; Karoonda is much worse
2	Booragoon	Irresponsible owners are a minority: Dogs need to socialise when young for training purposes; responsible owners will instead drive to Piney Lakes, putting pressure on that location: As responsible owners, carries spare bags and picks up what they see
3	Not Given	Double the fines for irresponsible owners
4	Booragoon	Truly irresponsible owners will still not pick up poo, but this proposal punishes the many responsible owners who live locally to benefit the sporting groups who generally do not
5	Booragoon	Has 2 young children and a dog and their shared exercise is healthy. Some dog breeds cannot be sufficiently exercised on a lead: sporting groups leave litter and wake residents at 7:30 am with loudspeakers
6	Not given	As a responsible owner, carries spare bags and picks up what she sees
7 (2 responses)	Not given	Healthy / exercised dogs are happier and better socialised, bark less. Punishing the many responsible owners for the few irresponsible ones (about 5%) is unfair. Irresponsible owners will still be that, a lead is unlikely to make a difference. More poo bags and more bins would help those who might just be lazy.
8	Not given	Respondent and friends are diligent and rarely see the claimed poo lying about
9	Booragoon	Respondent and children use the reserve every day with their dogs. Irresponsible owners are a small minority, and the lease rule would not make a difference

C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER RESERVE (REC) (ATTACHMENT)

RESPONSES AGAINST THE CHANGE (CONT'D)

Respondent	Suburb	Further comments made
10	Booragoon	Dogs in their experience are always well socialised and play together. Dogs that exercise well are happier and bark less. There is a small number of irresponsible dog owners, but also irresponsible others who leave litter about on the grass
11	Booragoon	Blatant behaviour is a matter of choice – a lead is unlikely to make a difference
12	Booragoon	Majority of park users should not be disadvantaged by the negligence of a few: more Ranger presence would help
13	Booragoon	For the number of users there is little poo left – there is usually more litter left around after sporting events
14	Booragoon	Bought a house in this location because of access to dog exercise area at Len Shearer. Pick up odd poo they find but also pick up rubbish after sporting events
15	Booragoon	Parents picking up children for sports training regularly bring dogs and let them run free without dealing with poo; 30 year resident and dog owner in the area; finds litter after Saturday sport is more of a problem
16	Booragoon	Dog poo is rarely present; the problem is not regular users it is sports parents bringing dogs that run free and poo is not cleaned up, nor is the litter they leave.
17	Booragoon	More bins and poo bag dispensers needed; Very unfair if a few irresponsible owners are allowed to spoil it for the many responsible owners
18	Booragoon	Rarely see poo; poor behaviour will not be improved by a lead.
19	Booragoon	Some breeds of dog need excessive vigorous exercise which cannot be achieved on a lead; most unfair for the dogs and those who exercise with their dogs
20	Booragoon	Rarely sees poo but regularly sees litter and rubbish; closing this park will put pressure on other parks

C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER RESERVE (REC) (ATTACHMENT)

RESPONSES AGAINST THE CHANGE (CONT'D)

Respondent	Suburb	Further comments made
21	Booragoon	Excreta claims are exaggerated, most owners are responsible
22	Booragoon	Husband and children regularly use the park to exercise their dog and to train for sport – excreta is not a problem: more signs would be good; adults leading soccer training have acted aggressively to her son when walking a dog on a lead
23	Booragoon	Use of leads would not assist- there is no data to support such an assumption; more concerned with parents who leave soiled nappies on the ground
24	Booragoon	Leashes will not improve the situation; there is a strong social culture among regular users and high levels of compliance
25	Not given	Lack of bins and bag dispensers on the oval; access to other ovals is difficult and not “walkable” for current users; sporting users should check the ground before playing if concerned; exercising with a dog is good for the health; minorities should not dictate to the majority
26	Booragoon	Yes there is some excreta, but it is not great considering the number of dogs who are exercised. More signs and more Ranger presence required only
27	Booragoon	
28	Booragoon	Many years of being a responsible owner; better signage, more bins and bag dispensers might help
29-64	Booragoon	The signatories believe that the current regulations are more than adequate to maintain a harmonious neighbourhood environment. This submission was accompanied by a multi signature letter containing 44 signatures. 7 of these respondents also wrote individual submissions

C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER RESERVE (REC) (ATTACHMENT)

RESPONSES AGAINST THE CHANGE (CONT'D)

Respondent	Suburb	Further comments made
65	Booragoon	Believe the proposal to be disproportionate and inappropriate; more bag dispensers would help; sports clubs have obligations too
66	Booragoon	8 year user; left over poo is rare; supports on the spot fines
67	Booragoon	
68	Booragoon	Socialisation is healthy; most owners are responsible; the playground area could be fenced off if that is a problem; More bags and more consistent supply would help
69	Booragoon	8 year resident has observed occasional breaches; there is a shortage of bins and bags on the Aquatic side of the park
70	Booragoon	Not enough bins; lots of bottles and cans left by sports clubs; owners use the reserve 2 times per day every day, sporting clubs use it less frequently
71	Booragoon	6 year resident with 4 children who all use the reserve; most owners are responsible; strongly supports the current arrangements
72	Booragoon	Plays sport on the reserve, the current practice works well; left over poo is rare though frustrating: dual use is a great draw card to living in the area
73	Booragoon	Petition does not address (deal with) the irresponsible owners
74	Booragoon	Post game litter is a bigger problem and more hazardous
75	Booragoon	List of good reasons to keep the status quo; unfair to deal with a few irresponsible owners like this
76	Booragoon	
77	Booragoon	Is gathering a group of “responsible” owners to assist with policing the “irresponsible” owners
78	Booragoon	Has experience no adverse effects from the current policy
79	Booragoon	Petition seeks to punish the dogs, not the owners: increased penalties and policing should be introduced

C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER RESERVE (REC) (ATTACHMENT)

RESPONSES AGAINST THE CHANGE (CONT'D)

Respondent	Suburb	Further comments made
80	Booragoon	Not a dog owner, but supports the dogs' healthy exercise; Community as a whole needs to assist in being proactive with the issue
81	Booragoon	Not a dog owner; uses the oval for Little Athletics and has never seen any poo
82	Booragoon	Shortfall in social responsibility occurs in all aspects of life; bag dispensers are sometimes empty and the bins full; some people are simply "anti dog".
83	Booragoon	Not a dog owner; supports education campaign, fines and social support from other owners to encourage compliance
84	Booragoon	Rangers should be policing more closely if there is a problem
85	Booragoon	Regulars always do the right thing; minority of accessional users who are the problem: sad if the small minority are allowed to spoil it for the vast majority
86	Booragoon	Dogs visiting with soccer players are sometimes left to roam freely and without supervision; have had to clean up after the soccer fans, especially litter. Little Athletics supporters are generally responsible
87	Booragoon	The premise of the petition is flawed; it is the owners who are the problem, not the dogs: socialisation between dogs and humans is healthy for both
88	Booragoon	Regular user for many years; irresponsible owners are the small minority and do much less than the rubbish left by sporting activities
89	Booragoon	Not a dog owner; assumption that a lead would solve the problem is false: believes 98% of owners do the right thing
90	Booragoon	Not a dog owner; dog poo in the playground is awful; better signage, more bag dispensers and more bins would be a big help
91	Booragoon	On the few occasions poo is found, the regulars pick it up: a greater hazard is the broken glass and bottles from the sports supporters

C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER RESERVE (REC) (ATTACHMENT)

RESPONSES AGAINST THE CHANGE (CONT'D)

Respondent	Suburb	Further comments made
92	Booragoon	Not a dog owner; socialisation is healthy for humans and dogs
93	Booragoon	Not a dog owner :Lives across from the reserve (for several years) and excreta is not the problem it is being made out to be
94	Booragoon	More bag dispensers and bins could help, signage too and more close policing
95	Booragoon	The majority do the right thing; shame about the small minority
96	Booragoon	Uses the reserve twice a day, every day; better policing from Rangers could help: asks if there is a similar problem at Karoonda, also a dual use area?
97	Booragoon	Former dog owner; son played soccer for 7 years on the oval
98	Booragoon	Owners not dogs are the problem and it is the minority; suggests better policing including a concerted education campaign
99	Booragoon	Residents do not complain about sports folk parking on their verges and leaving litter – requests a bit more tolerance from them about dogs when most owners do the right thing
100	Booragoon	Not a dog owner; over reacting to a small minority; uses the reserve for Little Athletics; signage could be improved
101	Booragoon	Have live by the reserve for 13 years and have exercised their dog; kids love to play freely with their dogs
102	Booragoon	Has exercised her dog(s) for 25 years on the reserve; only a small minority are irresponsible; leads would probably not make them more responsible
103	Booragoon	With or without a leash will not make a difference to the irresponsible owners
104	Booragoon	Better signage and more bins/bag dispensers would assist: sporting groups could be encouraged to pick up the the litter that they leave after sports and training
105	Booragoon	Supports the status quo with conditions, i.e. that no dogs off leads during training either

C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER RESERVE (REC) (ATTACHMENT)

RESPONSES AGAINST THE CHANGE (CONT'D)

106	Booragoon	Excreta on the reserve is very rare, but is aware of unsupervised dogs, probably local being allowed to wander freely from their homes: new signage would be beneficial
107	Booragoon	Former junior sporting official who prefers live and let live; better monitoring if needed
108	Mt Pleasant	More concerned with needles and broken bottles left lying around
109	Booragoon	Recognises elderly people cannot exercise at the same rate as their dogs, so off lead is required
110	Booragoon	Juvenile requesting dogs not be punished for a few poor owners
111	Booragoon	Cruel to restrict dogs; owners who are badly behaved will stay that way so no progress; owners would have to drive to an alternative location which is bad for the environment and puts pressure on that location
112	Booragoon	Is concerned about Booragoon Primary school oval
113	Booragoon	Partial agreement; a leash will not cause improved clean ups but penalties and prosecutions might for the few offenders

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation occurred with other agencies

STATUTORY AND LEGAL IMPLICATIONS

The City of Melville operates a Local Law in relation to dogs which is derived from the requirements placed on local governments by the Dog Act 1976, as amended. Retaining the status quo would not require any further action to be taken on this matter. An initial decision to change the status of the reserve would require a full public consultation process to be undertaken and a further decision by the Council following that consultation before the change could be gazetted.

FINANCIAL IMPLICATIONS

The recommendation calls for some additional signage and new dog litter bins on the reserve. Existing budgets are able to handle this type of minor upgrade. There would be no ongoing financial implications which require a budget adjustment.

C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER RESERVE (REC) (ATTACHMENT)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The officer's recommendation is to maintain the status of Len Shearer Reserve as a dog exercise area with dogs on a lead when sport is being played. If the recommendation is changed to make the reserve "dogs on a lead at all times" it is very probable that sections of the community would move to change the status of all dual use reserves, such as Shirley Strickland, John Creaney, Bob Gordon, Winnacott, Webber, and Morris Buzzacott to match.

The City of Melville actively promotes healthy activity and physical exercise for residents and many of them achieve that by walking their dog. Most medium to large breeds require considerable exercise to be in good condition and the ability to chase a ball or romp with other dogs is important not just for the exercise but for the socialisation of the animals. There is a strong correlation between poorly exercised dogs and nuisance barking.

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Maintaining the status of dog exercise area with dogs on a lead during sporting activity will generate disappointment with the petitioners	High	The recommendations to improve signage, locate additional bag dispensers and poo waste bins and the increased level of monitoring and educating of the dog owners will significantly reduce the amount of waste left after sports events and the amount of dog excreta left on the grass which should minimise the risk of harm for the soccer and athletics participants

POLICY IMPLICATIONS

There are a number of policies which directly or indirectly impact upon this matter. They include the Physical Activity Policy which calls for shared use of facilities for structured and unstructured physical recreation of all types, as well as the Support for Sport Clubs Policy which identifies a hierarchy of sporting locations with only the "specialised" venues having restrictions or exclusions and which does not include the soccer club nor the athletics club;

C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER RESERVE (REC) (ATTACHMENT)**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There is a strong feeling among respondents who were against the petition that several quite simple changes to the current set up would be beneficial for all concerned. These were that improved signage identifying when dogs must be on a lead be erected; that more bins be provided; that more bag dispensers be installed and finally that Rangers implement an education plan, and where necessary issue infringements for non compliance or persistent offending. In addition, the extra bins would go some way towards minimising the reported litter left after sporting events are held. 14 of the 76 respondents identified this as the biggest issue facing the reserve.

CONCLUSION

In general terms, dual use of facilities, with restrictions on dogs during sporting activity, works well across the City as an approach to allowing sports and dogs to cheerfully coexist. Where poor compliance is identified the Rangers have in the past run education programs which have significantly improved behaviour in the short to medium term. Irregular monitoring and enforcement action is applied from time to time to maintain acceptable levels of compliance.

Increased presence of bins, bag dispensers and signage, especially on the Aquatic side of the reserve will be very helpful in reinforcing the message and encouraging less diligent owners to do the right thing as well as sports spectators to clean up their own litter.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (8001)**REFUSAL**

- 1. THAT THE PETITION SIGNED BY 110 PERSONS, 82 OF WHOM ARE RESIDENTS OR RATEPAYERS OF THE CITY OF MELVILLE, CALLING FOR THE STATUS OF LEN SHEARER RESERVE TO BE CHANGED TO BE “DOGS ON A LEAD AT ALL TIMES” BE DECLINED AS NOT IN THE BEST INTERESTS OF THE RESIDENTS AND RATEPAYERS OF THE CITY OF MELVILLE**
- 2. THAT ADDITIONAL DOGGY DUMPAGE BAG DISPENSERS AND WASTE BINS BE PROVIDED AT STRATEGIC LOCATIONS AROUND THE LEN SHEARER RESERVE TO ASSIST IN MAINTAINING THE AMENITY OF THE RESERVE**
- 3. THAT ADDITIONAL SIGNAGE BE LOCATED AT STRATEGIC LOCATIONS AROUND THE LEN SHEARER RESERVE TO ASSIST WITH EDUCATING THE USERS OF THE RESERVE**

**C08/8001 – PETITION - CHANGE OF STATUS FOR DOGS USING LEN SHEARER
RESERVE (REC) (ATTACHMENT)**

- 4. THAT ADDITIONAL RANGER PATROLS BE CONDUCTED ON THE LEN SHEARER
RESERVE TO EDUCATE DOG OWNERS AND ENFORCE DOG RESTRICTIONS
DURING SPORTING EVENTS AND TO ENCOURAGE THE RESPONSIBLE
DISPOSAL OF LITTER**

- 5. THAT THE PETITIONER BE ADVISED OF THE DECISION OF THE COUNCIL**

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

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	:	Bob Searle Manager Financial Services

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of February 2008 and recommends that the information detailed in the attachments be noted.

BACKGROUND

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

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

[6000A March 2008.pdf](#) and [6000B March 2008.pdf](#) ,the Investment Statements for the month of February 2008, form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Thursday, 13 March 2008.

The Investment of Surplus Funds is undertaken in accordance with the Finance Investment Policy document for the City of Melville. [6000C March 2008.pdf](#) a graph showing the total levels of funds invested forms part of the Attachments to the Agenda, which was distributed to the Members of the Council on Thursday, 13 March 2008.

Elected Members are aware of the continuing volatility in world financial markets and the negative impact on investments. This volatility has created a situation whereby it has been extremely difficult to arrive at a true meaningful valuation for the Collateralised Debt Obligation (CDO) element of the investment portfolio. The estimate based on the valuations provided is that had all investments been disposed of at the end of February, a loss of 15.0% would have been realised. The market valuation of the CDO element of the investment portfolio at the end of February represented 62.44% of its cost figure, with individual valuations ranging between 41.5% and 72.4%. The investment products in question continue to retain their high credit ratings and it is believed that they will continue to pay their full interest yield and to pay full value on maturity. One CDO, Esperance, had its credit rating reduced from A+ to A- on 27 February. To date there have been no defaults by any of the Corporate entities referenced within the CDOs.

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

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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

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

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

STATUTORY AND LEGAL IMPLICATIONS

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

Trustee Act 1962 (Part 3)

FINANCIAL IMPLICATIONS

As at the end of February 2008, total interest excluding Reserve Fund interest earned was \$1,780,865, against a year to date budget of \$1,935,690. This represents a \$154,825 negative variance. The full year budget is \$2,555,887. The shortfall arises due to the following reasons:-

1. The investment revenue budgets being set at levels exceeding preceding years;
2. Cash received in the 2007/2008 financial year investments being invested in Term Deposits which yield lower returns than the Authorised Deposit Taking Institution (ADI's) subordinated debt and Collateralised Debt Obligations (CDO's) Council previously invested in;
3. A significant reduction in Trust Fund interest earnings due to the above as well as funds being reclassified as Municipal Funds thereby reducing the amount of invested Trust Funds and accordingly investment revenue. A \$150,000 adjustment is proposed in the mid year budget review.

Reserve Fund interest earned was \$1,105,420 against a budget of \$801,200. The full year budget is \$1,175,245. This result is due to Reserve Fund balances being higher than anticipated and the strong income returns being received from Council's ADI and CDO investments which due to their longer terms to maturity are primarily held within the Reserve Fund.

In accordance with Council's recently adopted 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 an investment volatility reserve.

Apart from 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 there are no financial implications in relation to the cash position of Council.

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

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

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

POLICY IMPLICATIONS

Corporate Policy 13-PL-003 – Investment of Surplus Funds.
As resolved at the November full meeting of Council, the policy has been amended to incorporate mechanisms that protect Council's investments from undue volatility risk as well as the risk to reputation as a result of investments that may be perceived as unsuitable by the Community.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

Interest rates rose again in this period, with the rate for ninety day bank bills increasing by 0.61% to 7.99%, whilst 30 day rates increased for 7.2% to 7.52%.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (6000)

NOTING

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

[6000A March 2008.pdf](#)

[6000B March 2008.pdf](#)

[6000C March 2008.pdf](#)

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

C08/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

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

AUTHORITY / DISCRETION

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

C08/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- This report presents details of the payments made to suppliers for the provision of goods and services for the month of February 2008 and recommends that the Schedule of Accounts be noted.

BACKGROUND

Delegated Authority CE23 has been granted to the Chief Executive Officer to make payments from the Municipal and Trust Funds. This authority has then been on-delegated to the Director Customer and Corporate Services. In accordance with Regulation 13.2 and 13.3 of the Local Government (Financial Administration) Regulations 1996 where this power has been delegated, a list of payments for each month is to be compiled and presented to the Council. The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

DETAIL

The Schedules of Accounts for the period ending 29 February 2008 [6001 March 2008.pdf](#) including Payment Registers numbers 39 and 40 were distributed to the Members of Council on Friday 14 March 2008.

Payments in excess of \$100,000 in the month were as follows:-

- Floreat Constructions Pty Ltd – E008423 - \$108,659.42 – Claim No.2, Meals on Wheels Kitchen Refurbishment
- SMRC Reg Resource Recovery Centre – E008667 - \$336,666.06 – Tip Fees for January 2008
- SMRC Reg Resource Recovery Centre – E008412 - \$383,330.30 – Tip Fees for December 2007
- Synergy – Cheque 029051 - \$100,359.75 – Electricity Charges January 2008
- Total Eden – E008544 - \$112,685.30 – Supply and installation of irrigation system at Peter Ellis reserve, plus general supply of reticulation parts.
- Commander – E008660 - \$126,799.37 – Hitachi Data Protection Suite - Disc backup system

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

C08/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2007/2008 Budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Management Procedure 1.8 - Certification of Accounts.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a regular monthly report for Elected Members information.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

NOTING

THAT THE SCHEDULE OF ACCOUNTS FOR THE PERIOD ENDED 29 FEBRUARY 2008, AS APPROVED BY THE ACTING DIRECTOR CUSTOMER AND CORPORATE SERVICES IN ACCORDANCE WITH DELEGATED AUTHORITY CE23, AND DETAILED IN ATTACHMENT [6001_March_2008.pdf](#) BE NOTED.

**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	:	Bob Searle Manager Financial Services

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- This report presents the financial statements to the end of February 2008 and recommends that they be noted by Council.

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

BACKGROUND

The Financial Statements for the end of the month of February 2008 have been prepared and tabled in accordance with Regulation thirty-four of the Local Government (Financial Management) Regulations 1996 as amended in March 2005, which requires that:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail-
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in 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.
- (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.

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

DETAIL

The attached reports have been prepared in compliance with the requirements of the legislation. Budget Responsible Officers were requested to review their operational and capital figures during the month of January and notify the finance team of any issues identified, including phasing. These have been addressed during the half yearly budget review.

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

The following attachments form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday 14 March 2008.

DESCRIPTION	LINK
Statement of Financial Activity – February 2008	6002a March 2008.pdf
Operating Statements by Program for the period ended 29 February 2008	6002b March 2008.pdf
Representation of Working Capital as at February 2008	6002E March 2008.pdf
Reconciliation of Net Working Capital as at 29 February 2008	6002F March 2008.pdf
Notes on Operating Statements for February 2008 reporting on variances of 10% or greater	6002H March 2008.pdf
Details of Budget Amendments requested during the month of February 2008	6002J March 2008.pdf
Summary of Rates debtors as at 29 February 2008	6002L March 2008.pdf
Graph showing Rates collections as at 29 February 2008	6002M March 2008.pdf
Summary of general debtors aged 90 days old or greater as at 29 February 2008	6002N March 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

FINANCIAL IMPLICATIONS

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

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The attached reports reflect the financial situation of the City of Melville as at 29 February 2008.

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

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

At 6.54pm Cr C W Robartson moved, seconded Cr H R Everett –

- 1. THAT THE STATEMENTS OF FINANCIAL ACTIVITY AND THE OPERATING STATEMENTS FOR THE PERIOD ENDING 29 FEBRUARY 2008 AS DETAILED IN THE FOLLOWING ATTACHMENTS BE ADOPTED:**

DESCRIPTION	LINK
STATEMENT OF FINANCIAL ACTIVITY – FEBRUARY 2008	<u>6002a March 2008.pdf</u>
OPERATING STATEMENTS BY PROGRAM FOR THE PERIOD ENDED 29 FEBRUARY 2008	<u>6002b March 2008.pdf</u>
REPRESENTATION OF WORKING CAPITAL AS AT FEBRUARY 2008	<u>6002E March 2008.pdf</u>
RECONCILIATION OF NET WORKING CAPITAL AS AT 29 FEBRUARY 2008	<u>6002F March 2008.pdf</u>
NOTES ON OPERATING STATEMENTS FOR FEBRUARY 2008 REPORTING ON VARIANCES OF 10% OR GREATER	<u>6002H March 2008.pdf</u>
SUMMARY OF RATES DEBTORS AS AT 29 FEBRUARY 2008	<u>6002L March 2008.pdf</u>
GRAPH SHOWING RATES COLLECTIONS AS AT 29 FEBRUARY 2008	<u>6002M March 2008.pdf</u>
SUMMARY OF GENERAL DEBTORS AGED 90 DAYS OLD OR GREATER AS AT 29 FEBRUARY 2008	<u>6002N March 2008.pdf</u>

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

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

CARRIED BY ABSOLUTE MAJORITY (12/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

14. CLOSURE

There being no further business, the Mayor declared the Meeting closed at 7.56pm.