



— City of —
Melville

MINUTES

OF THE

ORDINARY MEETING OF THE COUNCIL

TO BE HELD ON

TUESDAY, 21 OCTOBER 2008

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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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 6.30PM ON TUESDAY 21 OCTOBER 2008.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Cr H Everett (Until 6.57pm)
Cr N Pazolli
Cr D Macphail, Cr T Ceniviva
Cr R Subramaniam, Cr C W Robartson
Cr P M Phelan, Cr C M Halton
Cr J M Barton, Cr G Wieland
Cr L M Reynolds

WARD

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

3. IN ATTENDANCE

Dr S Silcox
Mr M Tieleman
Mr C McClure
Mr J Christie
Ms C Young

Mr D Vinicombe

Mr B Taylor

Mr J Clark

Ms C Rourke

POSITION TITLE

Chief Executive Officer
Director Customer & Corporate Services
Director Urban Planning
Director Technical Services
Director Strategic Community
Development
Manager Planning & Development
Services
Manager Information, Technology &
Support
Governance & Compliance Program
Manager
Minute Secretary

At the commencement of the Meeting there were 3 members of the public in the Public Gallery and 2 members of the Press in the Press Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE

Cr J Bennett

University

5. PUBLIC QUESTION TIME

Nil

6. AWARDS AND PRESENTATIONS

Nil

7. ELECTION OF DEPUTY MAYOR 2008/2009

Acknowledging that the provisions of the Local Government Act allow the person elected to occupy the position for a period of twenty-four (24) months, Elected Members have indicated their desire to elect the Deputy Mayor for a period of only twelve (12) months, candidates are asked to declare that they will stand down from the position and allow another ballot to be conducted in October 2009. This decision regarding the term of the Deputy Mayor can be amended by the majority of Elected Members.

Cr Everett tendered his resignation in writing for the position of Deputy Mayor to take effect from 18 October 2008 when his twelve month tenure of Office concludes. The Mayor invited nominations for the Office of Deputy Mayor for the 2008/2009 period. Nominations were received in writing (form provided) and Nominees advised the Mayor if they were willing to be nominated.

The Chief Executive Officer assisted the Mayor in conducting the Election in accordance with the provisions of the Local Government Act.

The following nominations for the position of Deputy Mayor were received in writing: -

Cr P Phelan
Cr R Subramaniam

Following the conduct of a secret ballot, the Mayor declared Cr P Phelan elected to the position of Deputy Mayor expiring on 17 October 2009.

DECLARATION

The Chief Executive Officer requested Cr Patricia Phelan, the newly elected Deputy Mayor to make the **DECLARATION OF OFFICE**, in accordance with Section 2.29 of the Local Government Act 1995, which was duly signed by the Deputy Mayor and the Mayor.

At 6.55pm Cr Pazolli left the meeting.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY MEETING OF COUNCIL – 23 SEPTEMBER 2008
Min 23Sept 2008

At 6.56pm Cr Robartson moved, seconded Cr Everett -

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 23 SEPTEMBER 2008 BE CONFIRMED AS A TRUE AND ACCURATE RECORD.

At 6.56pm the Mayor submitted the motion, which was declared
CARRIED WITHOUT DISSENT (11/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 14 OCTOBER 2008
Notes 14Oct 2008

At 6.56pm Cr Subramaniam moved, seconded Cr Robartson -

THAT THE NOTES OF THE AGENDA BRIEFING FORUM HELD ON TUESDAY 14 OCTOBER 2008 BE RECEIVED.

At 6.56 pm the Mayor submitted the motion, which was declared
CARRIED WITHOUT DISSENT (11/0)

At 6.57pm Cr Everett left the meeting.
At 6.57pm Cr Pazolli returned to the meeting.

9. DECLARATIONS OF INTEREST

Cr G Wieland P08/5023

10. APPLICATIONS FOR NEW LEAVE OF ABSENCE

Nil

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

12. PETITIONS

12.1 Multi-signature Letter Re: Proposed Building on Lot 101 No. 54 River View Terrace, Mt Pleasant

A multi-signature letter signed by six (6) residents was received by the City of Melville on Friday 5 September 2008. The multi signature letter reads as follows:

“We the under signed owners of Lot 103 River View Terrace (House No. 52); Lot 101 River View Terrace (House No. 56) and Lot 105 Gunbower Road (House No. 5) have been contacted by person named David Savietto from Sovereign Building Company.

The company wants to remove the boundary fence and build a brick wall 1.3 metre higher than the existing fence. The existing fence is 2 metres high on the boundary with Lot 102 and 103 which would have the proposed boundary brick wall 3.3 metres above the natural ground level. It is worthy of note that Lot 102 already has a brick retaining wall and has been back-filled 800mm to 900mm above the natural ground level with Lot 103.

We the undersigned owners object to the Builder’s proposed height of 3.3 metres from the boundary walls on Lot 102 River View Terrace, Mt Pleasant”.

The Presiding Member advised the meeting that this was a multi signature letter and not a petition and as such did not need to be formally noted by the Council. The multi signature letter has been referred to the Manager Planning & Development Services for action and response.

The Presiding Member read aloud and tabled the following petition –

12.2 Petition – Traffic Calming Devices in Dunkley Avenue, Applecross

A petition signed by 366 residents was received by the City of Melville on Friday 17th October 2008 and a further 9 signatures received on Monday 20th October 2008. The petition reads as follows:

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

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

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

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

COUNCIL RESOLUTION

At 6.58pm Cr Phelan moved, seconded Cr Pazolli -

THAT THE PETITION BEARING 375 SIGNATURES BE NOTED AND A REPORT BE PRESENTED TO A FUTURE COUNCIL MEETING.

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

CARRIED WITHOUT DISSENT (11/0)

12. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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

P08/3048 – TEMPORARY HIGH-IMPACT TELECOMMUNICATIONS PHONE TOWER ON LOT 2 AND LOT 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Ward	: Applecross/Mt Pleasant
Category	: Operational
Application Number	: DA-2008-753
Property	: 23 Queens Road, Mount Pleasant
Proposal	: Temporary High Impact Telecommunications Tower
Applicant	: Harden Jones Architects
Owner	: The Hollioake Group Pty Ltd
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	: Mr David Vinicombe Manager Planning and Development Services
Previous Items	: Nil

AUTHORITY / DISCRETION

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

P08/3048 – TEMPORARY HIGH-IMPACT TELECOMMUNICATIONS PHONE TOWER ON LOT 2 AND LOT 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Application is for a temporary high-impact mobile phone tower whilst existing shops containing the existing low-impact telecommunication facilities being redeveloped.
- Application varies Council Policy on Telecommunication Towers are
- 1 objection has been received.
- Recommended for approval.

BACKGROUND**Scheme Provisions**

MRS Zoning	:	Urban
CPS 5 Zoning	:	Community Centre Precinct (CCR)
R-Code	:	R40
Use Type	:	N/A
Use Class	:	N/A

Site Details

Lot Area	:	854.822sqm
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	N/A
Street Furniture (drainage pits etc)	:	N/A
Site Details	:	P08 3048 Site Photo.pdf P08 3048 Property Map.pdf

DETAIL**Development Requirements**

Not applicable

Setbacks

Not applicable

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required:	Yes
Neighbour's Comment Supplied:	2 comments received
Reason:	High Impact Tower
Support/Object:	1 support, 1 object

P08/3048 – TEMPORARY HIGH-IMPACT TELECOMMUNICATIONS PHONE TOWER ON LOT 2 AND LOT 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1.	No objections	Support	Noted	Uphold
2.	<p>Objecting for the following reasons:</p> <p>a) Health - "We hold health concerns about such a facility located in close proximity to our home."</p> <p>b) Property Value - "...the proposed tower will negatively impact upon the value of property in the immediate area."</p>	Object	<p>a) Similar telecommunications equipment is already sited on the existing building. The relocation of this equipment from the existing building to the new tower for a temporary period does not introduce any further health implications.</p> <p>b) Property value is not a material consideration in the assessment of applications for planning approval. In any event the telecommunications equipment will be sited on this tower for a temporary period of 1 year from the date of initial erection only, after which time it will be relocated onto the new building proposed for construction on this site. It is recommended that it be made a condition of planning approval that the telecommunications phone tower be removed from the site and the land reinstated to a suitable condition at the end of that 1 year period.</p>	<p>a) Not uphold</p> <p>b) Not uphold</p>

P08/3048 – TEMPORARY HIGH-IMPACT TELECOMMUNICATIONS PHONE TOWER ON LOT 2 AND LOT 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

REFERRALS TO GOVERNMENT AGENCIES

Not required.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no anticipated financial implications.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no anticipated strategic / risk implications.

POLICY IMPLICATIONS

Strategic Land Use and Planning Policy 28-PL-003 – Development of Telecommunication Towers and Associated Infrastructure states the following:

A) General

Each proposal for a telecommunication tower and associated facilities requires the submission to the Council for its consideration of a duly completed application for development consent with supporting information.

Each application for development consent for a telecommunication tower and associated infrastructure shall be accompanied by:

- (1) Justification and proof of need for the facility (demonstrating all alternatives have been exhausted) at development application stage; and
- (2) A composite predicted mobile telephone coverage plot of the service area (current and proposed) using all existing facilities and regardless of the telecommunication carrier, and
- (3) A coverage plot shall be provided that demonstrates the intensity and extent of EMR emissions from the telecommunication tower and associated facilities.

P08/3048 – TEMPORARY HIGH-IMPACT TELECOMMUNICATIONS PHONE TOWER ON LOT 2 AND LOT 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

B) Location of Telecommunication Towers and Associated Infrastructure.

- (1) The following locations are supported subject to the issue of a planning approval, building license and all other statutory processes being compiled with:
 - (a) One (1) tower for four (4) telecommunication carriers centrally located on the Point Walter Golf Course (Precinct 1 – refer Telecommunication Strategy Plan).
 - (b) One (1) tower or two (2) smaller slimline poles at Wireless Hill Park (Precinct 2 – refer Telecommunication Strategy Plan) with the possible removal of the existing tower.
 - (c) One (1) tower for all telecommunication carriers centrally located at the Melville Glades Golf Course (Precinct 4 – refer Telecommunication Strategy Plan) or the adjoining Western Power facility.
 - (d) One (1) tower for four (4) telecommunication carriers located in the Kwinana Freeway / Leach Highway road reserve (Precinct 5 – refer Telecommunication Strategy Plan) equally distanced from Bateman and Bull Creek residential areas and subsequently integrated into the architecture of the station building.
 - (e) Preference for the existing sites to be used for co-location, however, one (1) tower for all telecommunication carriers located in the Kwinana Freeway / South Street road reserve (Precinct 6 – refer Telecommunication Strategy Plan) equally distanced from Bateman / Bull Creek / Leeming residential areas and subsequently integrated into the architecture of the station building and subject to:
 - 1) The removal of the existing Bob Gordon / Parry Avenue tower site by a date agreed by the City of Melville Chief Executive Officer.

P08/3048 – TEMPORARY HIGH-IMPACT TELECOMMUNICATIONS PHONE TOWER ON LOT 2 AND LOT 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

- 2) No telecommunication tower and associated infrastructure at a location other than that listed in this Policy or the Telecommunication Strategy Plan will be considered for approval by the Council pending the review of the Telecommunication Strategy Plan at a time determined by the Council or the expiry of five (5) year term from the date of adoption of the Telecommunication Strategy Plan, whichever comes first. This is to be provided in a legal agreement between the City of Melville and telecommunication carriers.

C) Design

- (1) All future co-location poles to be of a slimline pole design and appropriately screened and camouflaged / landscaped to lessen their visual impact when otherwise approved by the Council.
- (2) The design of any telecommunication towers and associated facilities should have minimal impact as determined by the Council on the streetscape and the visual amenity of the surrounding built and natural environment in which it is located. The applicant is to demonstrate that they have applied all methods available to assimilate the structure with its surrounding environment.

Photographic imaging and other methods are to be used to prove to the satisfaction of the Council that no adverse amenity impacts will occur.

- (3) Telecommunication towers and associated facilities are to be designed to blend in with the local environment or associated building(s) with the use of natural, non-reflective, compatible colours and finishes where possible.
- (4) Surrounding vegetation is to be retained as far as possible. Any proposed removal of vegetation is to be shown on the submission of site plans and is to be approved by the Executive Manager Development and Neighbourhood Amenity prior to removal. Any new landscaping must include advanced species of vegetation endemic to the surrounding area.
- (5) All obsolete telecommunications infrastructure must be removed and land reinstated with landscaping within three (3) months of the shut down.

P08/3048 – TEMPORARY HIGH-IMPACT TELECOMMUNICATIONS PHONE TOWER ON LOT 2 AND LOT 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Clause 9.6(f) of Community Planning Scheme No 5 provides for Council to vary any Policy after having due regard to the provisions of the Policy and provided the application is not prejudicial to the objectives of the Policy.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council could refuse to vary its Policy with regard to telecommunications infrastructure, however this would impact on mobile phone telephone coverage in the Mount Pleasant locality whilst the new building is being constructed on site.

CONCLUSION

The application for a high-impact telecommunications tower has been made to ensure a high level of telecommunications connectivity is maintained within the immediate locality whilst the current building on 23 Queens Road, Mount Pleasant is demolished and rebuilt.

The City of Melville has approved a mixed-use development to be erected on 23 Queens Road, Mount Pleasant (DA-2007-499 approved on 27 November 2007). The current building contains telecommunications equipment which will need to be temporarily relocated during the clearance and construction phases of the proposed redevelopment. At present the telecommunications equipment is classed as 'low-impact' as a direct consequence of its sitting on a building. In that way it is viewed against the backdrop of the building and its visual impact is reduced, hence the "low impact" classification attributed to it.

It is proposed to maintain the telecommunications equipment on a temporary stand alone tower. The tower is sited in the south east corner of the application site close to its boundary with Reynolds Road. The tower will rise approximately 12m from natural ground level, and will be topped with a 3m high aerial. The equipment will be highly visible within the streetscape and from wider view and its immediate impact will be felt most acutely by the occupiers of residential properties on Reynolds Road, particularly the occupier of No 151. The mast is classed as "high impact".

Whilst it is accepted that the telecommunications equipment will have a temporary visual impact on the locality, this impact will be limited to a minimal period (to maintain mobile telephone coverage in the locality whilst the existing building is being reconstructed) only. To further mitigate against its impact, and in accordance with the Councils Policy, it is recommended a condition be applied to require the tower and its associated equipment be of suitable light colour in terms of its appearance. Once the proposed mixed-use building on the site is constructed to a height capable of re-housing the telecommunications equipment the tower will be removed from site and the equipment will once again be classed as 'low-impact'.

P08/3048 – TEMPORARY HIGH-IMPACT TELECOMMUNICATIONS PHONE TOWER ON LOT 2 AND LOT 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

Accordingly, it is considered that the temporary proposal is consistent with the objectives of Council Policy and it is recommended that the application be approved subject to conditions which limit the period of erection and regulate the colour of the tower to address short term residential amenity impacts. Whilst the DAU report on this matter limited the term of this approval to 12 months, consideration should be given to providing some flexibility relative to delays in construction of the development for unforeseen circumstances. Whilst it is the developer's intension to re-erect the communications equipment on the new building as soon as practical, it is recommended an extension period for a further 3 months be provided for at the discretion of the Manger Planning and Development Services to address construction delays if required. This will avoid re-referral of the matter back to Council in this instance.

OFFICER RECOMMENDATION (3048)

APPROVAL

At 7.00pm Cr Reynolds moved, seconded Cr Pazolli -

- A) THAT STRATEGIC LAND USE AND PLANNING POLICY 28-PL-003 – DEVELOPMENT OF TELECOMMUNICATION TOWERS AND ASSOCIATED INFRASTRUCTURE BE VARIED AND THE APPLICATION FOR A TEMPORARY HIGH-IMPACT TELECOMMUNICATIONS TOWER ON LOT 2 AND LOT 25 (23) QUEENS ROAD, MOUNT PLEASANT BE APPROVED SUBJECT TO THE FOLLOWING CONDITION:**

SPECIAL CONDITIONS:

- 1. THAT THE APPROVED TOWER AND ASSOCIATED EQUIPMENT BE REMOVED FROM SITE NO LATER THAN ONE YEAR FROM THE DATE OF ITS INITIAL ERECTION, OR WITHIN A FURTHER EXTENSION PERIOD UP TO THE MAXIMUM OF 3 MONTHS TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES TO ACCOMMODATE DELAYS IN THE CONSTRUCTION OF THE DEVELOPMENT AND THE LAND SHALL THEN BE REINSTATED IN ACCORDANCE WITH THE REQUIREMENTS OF PLANNING APPROVAL REFERENCE DA-2007-499.**
- 2. THAT THE APPROVED TOWER AND ASSOCIATED EQUIPMENT BE FINISHED IN A LIGHT COLOUR TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**

STANDARD CONDITIONS:

NIL

- B) THE RESPONDENT OBJECTING TO THE PROPOSAL BE ADVISED IN WRITING OF (A) ABOVE.**

P08/3048 – TEMPORARY HIGH-IMPACT TELECOMMUNICATIONS PHONE TOWER ON LOT 2 AND LOT 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

At 7.01pm Cr Ceniviva left the meeting.

Amendment

At 7.01pm Cr Robartson moved, seconded Cr Subramaniam that the following condition be added to the Officer Recommendation Approval Conditions.

- 3. SIGNAGE BEING ERECTED AT THE BASE OF THE TOWER WHICH CLEARLY INDICATES TO THE PUBLIC THAT THE TOWER IS A STRUCTURED ERECTED TO MAINTAIN MOBILE TELEPHONE COVERAGE IN THE LOCALITY WHILST THE SITE IS BEING REDEVELOPED.**

At 7.03pm Cr Ceniviva returned to the meeting.

At 7.06pm the Mayor submitted the amendment, which was declared

CARRIED (10/1)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3048)

APPROVAL

At 7.09pm Cr Reynolds moved, seconded Cr Pazolli the substantive motion as amended, being -

- A) THAT STRATEGIC LAND USE AND PLANNING POLICY 28-PL-003 – DEVELOPMENT OF TELECOMMUNICATION TOWERS AND ASSOCIATED INFRASTRUCTURE BE VARIED AND THE APPLICATION FOR A TEMPORARY HIGH-IMPACT TELECOMMUNICATIONS TOWER ON LOT 2 AND LOT 25 (23) QUEENS ROAD, MOUNT PLEASANT BE APPROVED SUBJECT TO THE FOLLOWING CONDITION:**

SPECIAL CONDITIONS:

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- 2. THAT THE APPROVED TOWER AND ASSOCIATED EQUIPMENT BE FINISHED IN A LIGHT COLOUR TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.**
- 3. SIGNAGE BEING ERECTED AT THE BASE OF THE TOWER WHICH CLEARLY INDICATES TO THE PUBLIC THAT THE TOWER IS A STRUCTURED ERECTED TO MAINTAIN MOBILE TELEPHONE COVERAGE IN THE LOCALITY WHILST THE SITE IS BEING REDEVELOPED.**

P08/3048 – TEMPORARY HIGH-IMPACT TELECOMMUNICATIONS PHONE TOWER ON LOT 2 AND LOT 25 (23) QUEENS ROAD, MOUNT PLEASANT (REC) (ATTACHMENT)

STANDARD CONDITIONS:

NIL

B) THE RESPONDENT OBJECTING TO THE PROPOSAL BE ADVISED IN WRITING OF (A) ABOVE.

At 7.10pm the Mayor submitted the substantive motion as amended, which was declared
CARRIED (10/1)

P08/3049 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) ON LOT 4 (30) KINTAIL ROAD, APPLECROSS (SMREC) (ATTACHMENT)

Ward	: Applecross / Mount Pleasant
Category	: Operational
Application Number	: DA-2008 - 852
Property	: 30 Kintail Road, Applecross
Proposal	: Mixed Use Development (offices and 4 multiple dwellings)
Applicant	: McDonald Jones Architects Pty Ltd
Owner	: Franck Teissier
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	: David Vinicombe Manager Planning & Development Services
Previous Items	: Not applicable

AUTHORITY / DISCRETION

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

P08/3049 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) ON LOT 4 (30) KINTAIL ROAD, APPLECROSS (SMREC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- Proposal is for a three storey mixed-use building with offices and 4 multiple dwellings.
- Undercroft carparking for 29 vehicles including 1 disabled bay.
- Total plot ratio is 1.233: non-residential - 0.634 and residential - 0.559.
- Development exceeds the permitted plot ratio of 1.2 by 0.033 (32.3 sqm).
- Eastern and northern setback variations are proposed to the third storey and rear setback to the commercial ground floor.
- Height limit variation is proposed for a small portion of the rear north eastern corner of roof of 13.8 m in lieu of 13.5 m.
- 3 submissions have been received objecting the proposal and 1 petition with 45 supporting the proposal.
- Recommended for approval subject to conditions.

BACKGROUND

This matter was presented to an Elected Member Workshop on 9 September 2008. Plans presented at that time proposed a plot ration variation to 1.32. Concern was raised that the development should not gain plot ratio benefits without a corresponding community benefit, possibly in the form of a contribution to a water feature/entry statement in the round-about at the intersection of Kintail and Forbes Roads. The applicant has revised the plans to significantly reduce the proposed plot ratio variation – now the subject of this assessment.

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: CBF - Canning Bridge Frame
R-Code	: R50
Use Type	: Office / Residential
Use Class	: Office: "S" Use – Council discretion required following advertising. Residential: "D" Use – Council discretion required.

Site Details

Lot Area	: 991 sqm
Retention of Existing Vegetation	: No
Street Tree(s)	: Yes
Street Furniture (drainage pits etc)	: No

Site Details	: P08 3049 PROPERTY MAP.pdf P08 3049 September 2008.pdf P08 3049 Impression.pdf
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**P08/3049 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) ON LOT 4 (30) KINTAIL ROAD, APPLECROSS
(SMREC) (ATTACHMENT)****DETAIL**

The application proposes a three storey building for mixed use development with offices on the ground floor, second storey and third storey; and 4 multiple dwellings, 2 on the second storey and 2 on the third storey.

A total of 29 carparking bays are proposed (including disabled bay) within the undercroft carparking; 21 bays for the non-residential component and 8 bays for the residential component.

A total plot ratio of 1.233 is proposed with 0.634 for the non-residential component and 0.599 for the residential component.

The proposed development requires variations to the eastern setbacks for the third storey - 5.7 m in lieu of 6.0 m for the study/bed 3 and 3.0 m in lieu of 4.75 m for the master bedroom/balcony, as required under the Residential Design Codes.

Setback variations are also proposed to the northern boundary for the third storey Unit 4 - 7.5 m in lieu of 8.0 m, required under the Residential Design Codes. Unit 3 has the same setback; however this portion of the building complies with setback requirements in terms of its reduced height relative to Unit 4. In addition the office terrace is setback 2.7 m, which does not comply with CPS no 5 requirements for a 6.0 m setback for commercial development abutting residential.

The proposal indicates a landscaping area of 14.5% (143.75 sqm) in lieu of 25% (247.75 sqm) required under the City of Melville Community Planning Scheme No. 5 (104 sqm variation required).

The proposal indicates a small portion of the rear roof, which is 13.8 m in height above the natural ground level which is marginally above the maximum height of 13.5 m as provided by the Scheme. This situation is due to the natural ground level dropping abruptly on the north eastern corner of the property.

P08/3049 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) ON LOT 4 (30) KINTAIL ROAD, APPLECROSS (SMREC) (ATTACHMENT)

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Plot Ratio Non-Residential	0.6	0.634	Does Not Comply	MPDS	
Plot Ratio Residential	0.6	0.599	Complies		
Total Plot Ratio	1.2	1.233	Does Not Comply	MPDS	
Landscaping	25% (247.75 sqm)	14.5% (to be increased to 16.9%) (143.75 sqm – to be increased to 167.75 sqm)	Does Not Comply	MPDS	
Building Height	13.5 m	13.8 m	Does Not Comply	MPDS	
Carparking Non resident Residential	25 bays 21 bays 4 bays	29 bays 21 bays 8 bays	Complies		
Privacy	7.5 m cones of vision from balcony to the east	4.5 m	Does Not Comply	MPDS	

(Note: Non compliance is emphasised in bold)

P08/3049 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) ON LOT 4 (30) KINTAIL ROAD, APPLECROSS (SMREC) (ATTACHMENT)

Setbacks

Wall	Acceptable Dev. req.	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front GF 2 nd Storey 3 rd Storey	Nil Nil Nil	Nil 4.0 m 4.0 m	Complies		
Rear Basement GF 2 nd Storey 3rd Storey	Nil 6.0 m 5.0 m 8.0 m	Nil 2.7 m 7.5 m 7.5 m	Complies Does Not Comply Complies Does Not Comply		
East Side Basement GF 2 nd Storey 3rd Storey	Nil 2.0 m 4.8/2.9 m 6.0/4.75 m	Nil 3.0 m 5.7/3.0 m 5.7/3.0 m	Complies Complies Complies Does Not Comply	MPDS	
West Side (Secondary Street) Basement GF 2 nd Storey 3 rd Storey	Nil Nil Nil Nil	Nil Nil/1.0 m Nil/1.0 m Nil/1.0 m	Complies Complies Complies Complies		

(Note: Non-compliances are emphasised in bold)

P08/3049 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) ON LOT 4 (30) KINTAIL ROAD, APPLECROSS (SMREC) (ATTACHMENT)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: "S" use (Office) – Council discretion required following advertising and "D" (Residential) use - Council discretion required
 Support/Object: 4 Submissions: 3 objecting and 1 petition supporting

SUBMISSIONS 30 KINTAIL ROAD, APPLECROSS

No.	Summary of Submission	Support/Objection	Officer's Comments	(Condition/Uphold/Not Uphold)
1	Despite any compliance of the proposal should be refused.	Objection	In general the proposal complies with the requirement of the City of Melville Community Planning Scheme No. 5 and the Residential Design Codes 2008. Therefore there is no sound reason for refusal and accordingly the proposal is supported for approval subject to conditions.	Not Uphold
	The proposal will increase traffic on Kintail Road which is busy and dangerous with all traffic using it as a thoroughfare.	Objection	Kintail Road has the potential to incorporate the traffic generated by the proposal.	Not Uphold
	The infrastructure of Kintail Road is inadequate for the mooted development of the area.	Objection	The infrastructure of Kintail Road is sufficient to accommodate mixed uses within the Canning Bridge Frame Precinct in accordance with the City of Melville Community Planning Scheme No. 5.	Not Uphold

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	It is unfortunate that Council allowed mixed development in any part of Kintail Road because it has and will continue to detract from the orderly development and continue to increase the traffic hazard associated with the area.	Objection	The proposal is in accordance with Clause 7.8 of the City of Melville Community Planning Scheme No. 5 in relation to orderly a proper planning of the locality. As above, Kintail Road has the potential to incorporate the traffic generated form the proposal.	Not Uphold
2	Safety concern about parking on Forbes Road during office hours due to vehicles from the proposal entering onto this road. The application should be refused or change the parking restrictions on Forbes Road or the carpark entry to be relocated to Kintail Road.	Objection	The proposal exceeds the carparking requirements of the City of Melville Community Planning Scheme No. 5, Carparking Policy and the Residential Design Codes.	Not Uphold
		Objection	As above.	Not Uphold
3	To have a mixed use building right next to and opposite to fully residential and extremely busy and dangerous intersection would be a disaster. The building will be contrary to orderly and proper planning and most likely non compliant in relation to overlooking and privacy issues.	Objection	The proposal is located in the Canning Bridge Frame Precinct and complies with the Statement of Intent of the Precinct. Both Kintail Road and Forbes Road have the capacity to accommodate the traffic generated by the proposal.	Not Uphold
		Objection	The proposal complies with Clause 7.8 Community Planning Scheme No. 5 in relation to orderly and proper planning and complies with the Element 8 of the Residential Design Codes 2008 in relation to privacy issues and overlooking.	Not Uphold

P08/3049 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) ON LOT 4 (30) KINTAIL ROAD, APPLECROSS (SMREC) (ATTACHMENT)

4	A petition with 19 signatures in support of the development application	Support	Noted.	Uphold
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REFERRALS TO GOVERNMENT AGENCIES

Nil

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Nil

POLICY IMPLICATIONS

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

Policy No. 06-PL-036 Planning Process and Decision Making. The Planning Process Matrix indicates that major applications with minor variations are to be referred to a Portfolio Meeting and then the Development Advisory Unit, but not Council. In this instance, the development has not been presented to a Portfolio Meeting as these meetings have been replaced with Elected Member Workshops. The initial proposal, which proposed a plot ratio of 1.32, was presented to the Workshop held on 9 September, 2008.

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

P08/3049 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) ON LOT 4 (30) KINTAIL ROAD, APPLECROSS (SMREC) (ATTACHMENT)

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

COMMENTS

The current proposal raises the following matters for consideration.

Plot Ratio

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

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

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

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

The development proposes a non-residential plot ratio of 0.634 (628 sqm) which is 33.4 sqm more than the 0.6 maximum (594.6 sqm) in the Canning Bridge Frame. The residential component proposes a plot ratio of 0.599 (593.5 sqm), which is 1.1 sqm less than the maximum 0.6 (594.6 sqm) permitted. The combined plot ratio equates to 1.233 (1221.5 sqm), which is 32.3 sqm more than the maximum 1.2 (1189.2 sqm) permitted “as per right” based on the Council’s legal interpretation of plot ratio for mixed-use development.

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The “as of right” plot ratio (subject to discretionary consideration under Clause 7.8 of CPS No 5) applicable for a Mixed Use Development consists of the plot ratio of the commercial floor area plus the plot ratio of the residential area provided under the R-Coding. Legal advice from Council’s Solicitors indicates that the Plot ratio requirement of Community Planning Scheme No 5 work in hand with the requirements of the Residential Design Codes. As of right, mixed use developments within the Canning Bridge Frame Precinct can achieve a plot ratio of 0.6 for the residential component (relative to R50 development) and 0.6 for non residential development (total plot ratio of 1.2). In addition, the “as of right” plot ratio requirements do not require consideration of any bonus applied under the terms of Council Policy 06-PL-029 Mixed Use Plot Ratio Bonus Application. Notwithstanding, any variation to the plot ratio beyond the “as of right” plot ratio may be subject to consideration of community benefits relative to Council Policy No. 06-PL-029 Mixed Use Plot Ratio Bonus Application and Community Benefit.

The subject property is located in the Canning Bridge Frame Precinct and is subject to the R50 density coding, which provides a residential plot ratio for multiple dwellings of 0.6. The properties across the road are contained within the Applecross 1 Living Precinct, provides for an R15 density where no multiple dwellings are presently permitted under the Residential Design Codes. It is noted that the Codes do not provide plot ratio requirements for residential development at these lower density codings.

Discretion is available under the Scheme to increase the plot ratio for the non-residential component. 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. In this regard, the variation to plot ratio relates to the specific variation relates to the commercial floorspace. Clause 4.2(d) of Community Planning Scheme No 5 requires that a Special Majority vote in favour of the variation in consideration of Clause 7.8 of the Scheme.

The additional plot ratio is primarily due to the applicant taking into account the existing corner truncation. This is not expressly allowed under the Residential Design Codes 2008 or Community Planning Scheme No. 5. The applicant is of the view that a concession for the plot ratio floorspace relative to the truncation area should be supported for the following reasons:

1. *It is of community benefit that the truncation has been provided to the City of Melville council. It provides a visual truncation and prevents development encroaching to close proximity of the round-about located at the intersection of Kintail and Forbes Road. Before the truncation was given to the council, previous developments would have been able to include this area within plot ratio calculations. Whether it was past, present, or future developments, this area should still be included in calculations as it is still to the public’s benefit to have the truncation present.*

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2. *Consulting the Residential Design Codes, Part 6 discusses density and plot ratio in tandem and states that a maximum of 18 square metres of the truncation may be included in calculations. The Codes also note that truncations are normally indistinguishable from the lot itself and are visually part of the site. The Department of Planning and Infrastructure also confirmed, via telephone conversation, that this information is correct and unless a council has a specific policy outlining the non-use of truncations in any calculations, then it may be included.*
3. *Additionally, other councils within Perth specifically note that truncations may be used in both density and plot ratio calculations, so it was of surprise that the City of Melville may not.*

In response, it is noted that the specific provisions of the R-Codes only specify that the truncation area may be taken into account in determination of applicable site areas for subdivision and development. The definition of Plot Ratio under the Codes makes specific reference to the “*ratio of the gross total of all floors of buildings on a site to the area of land in the site boundaries.*” Accordingly, it is considered that the specific reference above overrides any general statement in the Explanatory Guidelines. Therefore any concession to plot ratio taking into account the truncation area will need to be assessed as a variation to the normal requirements.

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

- a) The Statement of Intent for the Canning Bridge Frame (CBF) which indicates that offices may be supported where privacy of neighbours is respected and the design has a residential character. In this regard, the proposal is in context with the residential character of the area (developing to be contemporary in nature) and the adjoining 5 storey mixed use development at 28 Kintail Road.
- b) Orderly and proper planning for the locality in that the development is considered to be consistent with the adjacent development and streetscape.
- c) Existing and future amenity of the locality along Kintail Road which is within the Canning Bridge Frame. This area is currently being developed with similar proposals, ie: adjoining 28 Kintail Road is a 5 storeys mixed use building; an application for a 3 storey office building at 26 Kintail Road is currently under assessment, a 4 storey mixed use building at 21 Kintail Road was approved by Council in June 2008 and an application for a 3 storey mixed use development at 1 First Avenue is currently under assessment.

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It is considered that this increase in plot ratio may be supported subject to provision of a suitable Community Benefit contribution or alternatively a condition to reduce the plot ratio floorspace may be imposed to bring the proposal into compliance with the Scheme and R-Codes.

Community Benefit

Council Policy No. 06-PL-029 Mixed Use Plot Ratio Bonus Application and Community Benefit determines the value of the additional floorspace by ascertaining the value of the land which would have to be purchased to accommodate the additional floorspace. The Policy lists a number of facilities and amenities which may contribute to community benefits to offset this development benefit. These include the provision of public art (in accordance with Council Policy No. 25-PL-002 Arts and Culture) and facilitation of alternative transport facilities and services (end-of-trip facilities - bike rack and showers (male and female) on the ground floor within the amenities area – to be conditioned to include lockers). The suggestion that the truncation area be recognised as a community benefit is not consistent with the Policy.

These end-of-trip facilities and public art requirements have been valued to exceed the plot ratio benefit for the development and in accordance with Council Policy, the plot ratio variations are supported without the provision of any further community contributions.

Car Parking

In accordance with the Residential Design Codes a total of 8 carparking bays are required for the 4 multiple dwellings, which may be reduced to 4 bays where on-site parking required for other users is available outside normal business hours. No visitor bays are required for the residential development in accordance with the Residential Design Codes as only 4 dwellings are proposed.

In accordance with the City of Melville Policy No. 06-PL-024 Car Parking (Non-Residential), 21 bays would be required for the non-residential component (offices).

The total parking requirement is 25 bays. The development initially proposed 30 bays, however in order for the parking area to comply with Australian Parking standards relative to vehicle manoeuvring, one bay at the rear of the parking area has been deleted and converted to a reversing bay. Accordingly, the result is that 29 bays are available, 21 for the office component and 8 for the residential component.

P08/3049 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) ON LOT 4 (30) KINTAIL ROAD, APPLECROSS (SMREC) (ATTACHMENT)

All of the proposed bays are contained behind security gates. Conditions will need to apply to ensure that the gates remain open during business hours.

Traffic

Based on NSW Roads and Traffic Authority standards, the total vehicular trips generated by the proposed development should be in the order of 6 (5 to 6.5) vehicle trips per day (VTPD) per dwelling and 10 VTPD per 100 sqm of offices. Accordingly, the proposed 4 multiple dwellings will generate 24 VTPD and the 618 sqm of offices will generate additional 62 VTPD. A total of 86 VTPD (vehicle trips per day) is considered to have no further impact onto Forbes or Kintail Roads.

Traffic volumes counts in 2004 were 7243 Average Weekday Traffic (AWT) along Kintail Road (137 m east of the subject property), 1585 AWT on Forbes Road (at the western side of the subject property) and 3184 AWT on Forbes Road (110 m south of the subject property).

The total traffic volumes generated by the proposal is less than 1.3% of the traffic along Kintail Road and 3% along Forbes Road.

The proposal has been referred to the City of Melville Engineering Services for comment. The proposal has been supported subject to the following requirements:

1. Provision of a service vehicle embayment on Forbes Road.
2. Reinstatement of existing verges relative to existing crossovers not required by this development.
3. Suitable arrangement being made with Waste Services for the collection of rubbish.
4. Realignment of the existing Forbes Road footpath from the kerb line to the property line to allow for bin collection, service delivery. Landscaping and verge treatment for the development to be provided to the satisfaction of the Executive Manager Engineering Services. This is consistent with development approval requirements applied to the recently approved mixed use development at 21 Kintail Road.
5. Signage to be provided advising motorists egressing from the basement parking to give way to pedestrians.

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With regard to 4 above, it is noted that on completion of the Canning Bridge Study, a streetscape design study is proposed to establish a high standard of pavement, street furniture and landscaping requirements for the locality which will be consistently applied within the precinct. It is likely that this study will be completed or at least be progressed to a final stage prior to works in the street being applied to this proposed development.

Setbacks

Northern Setbacks

The rear setback to the office component does not comply with the City of Melville Community Planning Scheme No. 5, which requires a minimum of 6.0 m when abutting a residential property. The proposal shows a reduced setback of 2.7 m. The 6.0 m setback requirement is essentially designed to provide a suitable separation distance between commercial and residential activities and to protect residential amenity. In order to reduce the impact of the proposed terrace on the adjoining residential property the applicant has proposed a combination of landscaping, timber screening and obscure glazing. This will still allow for an effective elevated seating area adjacent to the northern residence which is likely to have an impact on the amenity of adjoining property owner. An alternative presented to the applicant is to effectively reinstate the 6.0 m setback by provision a larger planter box at the rear of the development. This will prevent any office activities (apart from access and parking in the basement parking area) from taking place within the 6.0m setback area. This is proposed to be provided for by way of inclusion of a suitable condition.

On the third storey a 7.5 m rear setback in lieu of 8.0 m required under the Residential Design Codes 2008 is proposed. The proposal complies with the minimum balcony setback required to satisfy Visual Privacy under the Codes and also considered to comply with the Performance Criteria 6.3.1 Buildings setback from the boundary of the Codes as follows:

- It provides adequate direct sun and ventilation to the building;
- It ensures adequate direct sun and ventilation availability to the adjoining property as it is located 7.5 m south of the boundary;
- It provides adequate direct sun to the building and appurtenant open spaces, being to the south of the adjoining property;
- It assists with protection of access to direct sun to adjoining property as the proposal is located to the south;
- It assists in ameliorating the impacts of building bulk on adjoining property with a setback of 7.5 m to the boundary, articulation and inclusion of open balcony areas; and

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- It assists in protecting privacy between adjoining properties as proposal is setback 7.5 m and therefore complies with the visual privacy requirements of the Residential Design Codes 2008.

Eastern Setbacks

The eastern side setback to the third storey, study/bed 3, is proposed to be 5.7 m in lieu of 6.0 m. In addition, the master bedroom balcony is proposed to be 3.0 m in lieu of the 4.75 m requirement of the Residential Design Codes 2008. The proposal satisfies performance criteria relative to Visual Privacy under the Codes (further details provided below) and is also considered to comply with the Performance Criteria 6.3.1 Buildings setback from the boundary of the Codes as follows:

- It provides adequate direct sun and ventilation to the building;
- It ensures adequate direct sun and ventilation availability to the adjoining property as it is located 3.0 m west of the boundary;
- It provides adequate direct sun to the building and appurtenant open spaces, being to the east of the adjoining property;
- It assists with protection of access to direct sun to adjoining property as the proposal is located to the west;
- It assists in ameliorating the impacts of building bulk on adjoining property with a setback of 3.0 m to the boundary articulation and inclusion of balcony areas with obscure glazing; and
- It assists in protection privacy between adjoining properties as proposed setbacks comply with the visual privacy required under the Residential Design Codes 2008 due to inclusion of obscure glazing (further details provided below).

Height of the Building

The application proposes a maximum building height of 13.8 m for a small portion of the roof, at the north eastern corner, in lieu of 13.5 m. This non-compliance is only for approximately 25 sqm of the roof and is due to the change in levels of the natural ground level in the rear corner of the site. Should Council insist on reducing the height to comply with the Scheme requirement, 100 mm of height could be removed from each floor. This matter has been discussed with the applicant and was not favoured as it would impact on ceiling heights and reduce the openness of the apartments which is a feature of this style of accommodation. Alternatively, Council could require the overall development to be reduced in height by 300 mm. This would significantly increase development costs; however it would not detrimentally impact on the grade of the accessway to the basement parking and reduce the overall building bulk.

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Whilst the above alternatives may be favourable to the development outcome, the benefits should be viewed in the context of the overall height of the proposed building measured. The north-west and south-east corners will be 1.0 m under the height requirement and the south-west corner will be 2.0 m under the height restriction. As the subject portion of the roof primarily relates to a balcony extension of the roof, its bulk is reduced and accordingly its impact on adjoining property owners is also reduced.

Given the extension is limited in size and is not visible from the street, it is reasonable to support a variation to the height in this regard.

Privacy

The application proposes an encroachment of the 7.5m cone of vision (at 45% from the north face of the upper level balconies) into the adjoining property at 28 Kintail Road. The performance criteria (6.8.1) of the Codes provides for variations where direct overlooking of active habitable spaces and outdoor living areas is minimized.

In this instance, it is considered that the performance criteria are satisfied as the area overlooked is a parking area (with shade sails).

Landscaping

The proposal indicates a landscaping area of 14.5% (143.75 sqm) in lieu of 25% (247.75 sqm) required under the City of Melville Community Planning Scheme No. 5 (104 sqm variation required). It is noted that modifications to landscape the office terrace area required above will result in an additional 24 sqm of landscaping, which will increase provision to 167.75 sqm (16.9% - 80 sqm variation required). Given the extensive frontage along Forbes Road and the loss of substantial trees within the development site due to the development, it is proposed that two advanced specimen Jacaranda trees be planted in the verge area as part of the extensive landscaping and verge treatment requirements raised in the Traffic section above. It is noted that the Residential Design Codes 2008 does not require landscaping for mixed use development, however in the context of the Scheme provisions, the proposal is supported on the basis of the improvements to the Forbes and Kintail Road streetscapes as provided for in appropriate conditions.

P08/3049 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) ON LOT 4 (30) KINTAIL ROAD, APPLECROSS (SMREC) (ATTACHMENT)**Crime Prevention through Environmental Design Assessment**

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

Submissions

Three (3) submissions have been received objecting the proposal and a petition with 45 signatures has been submitted to support the proposal. The objections mainly refer to increase in traffic and potential for accidents and carparking on the street and are not supported as detailed in the Submission Table above. The petition is stating general support for the development.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

The Council may refuse the application should it be considered that the development does not comply with the provision of the City of Melville Community Planning Scheme No. 5, as the proposed plot ratio of 1.233 exceeds the maximum total plot ratio of 1.2. However the proposal can be conditioned to comply with maximum plot ratio of 1.2.

In addition, Council may require that the proposed building be reduced in height to achieve the maximum of 13.5 m under the Scheme.

CONCLUSION

In view of the above and the development satisfying in general the City of Melville Community Planning Scheme No. 5 and the Residential Design Codes, the proposal is supported for a Special Majority Approval subject to appropriate conditions.

OFFICER RECOMMENDATION (3049)**SPECIAL MAJORITY APPROVAL**

At 7.11pm Cr Reynolds moved, seconded Cr Robartson -

- A) THAT COUNCIL VARY POLICY 06-PL-036 RELATIVE TO THE DECISION MAKING PROCESS AND THAT THE APPLICATION FOR PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) AT LOT 4 (30) KINTAIL ROAD, APPLECROSS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

P08/3049 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) ON LOT 4 (30) KINTAIL ROAD, APPLECROSS (SMREC) (ATTACHMENT)

SPECIAL CONDITIONS:

1. THE DIMENSIONS OF ALL CAR PARKING BAYS, AISLE WIDTHS AND CIRCULATION AREAS COMPLYING WITH AUSTRALIAN STANDARD AS2890.1.
2. SECURITY GATES TO THE BASEMENT PARKING AREA ARE TO REMAIN OPEN DURING BUSINESS HOURS, WITH APPROPRIATE ARRANGEMENTS BEING MADE FOR VISITOR ACCESS AFTER WORKING HOURS PRIOR TO THE ISSUE OF A BUILDING LICENCE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
3. DETAILS WITH REGARD TO CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN RELATIVE TO CAMERA SURVEILLANCE AND LIGHTING BEING PROVIDED PRIOR TO THE ISSUE OF A BUILDING LICENCE TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
4. PROVISION OF LOCKERS FOR END OF TRIP FACILITIES AND PERMANENT DEVICES OR AN AREA FOR CLOTHES DRYING FOR EACH RESIDENTIAL DWELLING UNIT SEPARATE TO THE OUTDOOR LIVING AREAS AND NOT VISIBLE TO THE STREET. DETAILS OF THE PROPOSED LOCKERS AND DEVICES OR AREAS ARE TO BE INCLUDED ON THE DEVELOPMENT PLANS TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
5. PRIOR TO THE ISSUE OF THE BUILDING LICENCE, THE APPLICANT IS REQUIRED TO SUBMIT A CONSTRUCTION MANAGEMENT PLAN FOR THE PROPOSAL, TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES, DETAILING HOW IT IS PROPOSED TO MANAGE:
 - THE DELIVERY OF MATERIALS AND EQUIPMENT TO THE SITE;
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9. PROVISION OF A SERVICE VEHICLE EMBAYMENT ON THE FORBES ROAD FRONTAGE AND RELOCATION AND UPGRADE OF THE FOOTPATH ON FORBES AND KINTAIL ROADS TO THE PROPERTY LINE AT A HIGH STANDARD CONSISTENT WITH STREETScape IMPROVEMENT DIRECTIONS FOR THE PRECINCT TO THE APPROVAL OF THE EXECUTIVE MANAGER ENGINEERING SERVICES. DETAILS IN THIS REGARD ARE TO BE SUBMITTED FOR APPROVAL PRIOR TO THE COMPLETION OF THE DEVELOPMENT.
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12. SIGNAGE TO BE PROVIDED ADVISING MOTORISTS EGRESSING FROM THE BASEMENT PARKING TO GIVE WAY TO PEDESTRIANS.
13. 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.
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16. THE USE AND/OR DEVELOPMENT HEREBY PERMITTED SHALL AT ALL TIMES COMPLY WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. APPLICANT IS REQUIRED TO CONSULT WITH CITY OF MELVILLE HEALTH SERVICES PRIOR TO THE INSTALLATION OF ANY NOISE EMITTING EQUIPMENT SUCH AS AIR CONDITIONERS.
17. THE FAÇADE OF THE BUILDING AND WALLS TO BE TREATED WITH AN ANTI-GRAFFITI AGENT TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.

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19. THE ROOF OF THE BUILDING NOT TO BE ZINCALUME OR WHITE METAL (E.G. COLORBOND SURFMIST) OR ANY OTHER MATERIAL / COLOUR CONSIDERED TO BE HIGHLY REFLECTIVE UNLESS OTHERWISE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES. DETAILS OF THE PROPOSED ROOF MATERIAL AND COLOUR TO BE SHOWN ON THE DEVELOPMENT PLANS PRIOR TO THE ISSUE OF A BUILDING LICENCE.
20. THE SUBMISSION OF A COLOUR SCHEDULE BOARD DETAILING THE USE OF MATERIALS, FINISHES AND COLOURS FOR THE MIXED USE BUILDING TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE.
21. DETAILS OF THE PUBLIC ART AS REQUIRED BY COUNCIL POLICY 25-PL-002 ARTS AND CULTURE TO BE APPROVED BY THE MANAGER PLANNING AND DEVELOPMENT SERVICES PRIOR TO THE ISSUE OF A BUILDING LICENCE. THE APPROVED ARTWORK SHALL BE CONSTRUCTED AND INSTALLED PRIOR TO THE OCCUPATION OF THE BUILDING AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
22. EQUIPMENT SUCH AS AIR CONDITIONERS OR EXHAUST VENTS, BUT NOT INCLUDING ANY SOLAR PANEL, WHICH ARE LIKELY TO DETRACT FROM THE VISUAL APPEARANCE OF THE BUILDING SHALL NOT BE LOCATED ON THE ROOF OR OTHERWISE EXPOSED TO PUBLIC VIEW.
23. 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.
24. THE TWO (2) STREET TREES ON THE KINTAIL ROAD VERGE TO BE MAINTAINED AND PROTECTED DURING THE CONSTRUCTION PROCESS.

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STANDARD CONDITIONS:

26. THE CONSTRUCTION OF RETAINING WALLS NOT TO EXCEED THE HEIGHTS SPECIFIED ON THE APPROVED PLANS UNLESS OTHERWISE APPROVED BY COUNCIL. DETAILS, SIGNED BY A PRACTICING STRUCTURAL ENGINEER MUST BE SUBMITTED FOR APPROVAL AT THE TIME OF SUBMITTING A BUILDING LICENCE APPLICATION.
27. THE DEVELOPMENT IS TO BE CONNECTED TO THE WATER CORPORATION'S RETICULATED SEWERAGE SYSTEM.
28. GROUND LEVELS MAY NOT BE CHANGED OTHER THAN APPROVED AS PART OF THIS APPROVAL.
29. LIGHTING TO BE PROVIDED TO ALL CARPARKING AREAS AND THE EXTERIOR ENTRANCES TO ALL BUILDINGS IN ACCORDANCE WITH AUSTRALIAN STANDARD AS 1158.3.1 (CAT. P). ALL EXTERNAL LIGHTING TO BE HOODED AND ORIENTED SO THAT THE LIGHT SOURCE IS NOT DIRECTLY VISIBLE TO THE TRAVELLING PUBLIC OR ABUTTING RESIDENCES.
30. ALL SEWERAGE WASTES AND WATER PIPES TO BE CONCEALED WITHIN THE BUILDING.
31. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION THE COUNCIL REQUIRES THE PROVISION OF A SUITABLE RECEPTACLE FOR THE CONTAINMENT OF WINDBLOWN RUBBISH. THE RECEPTACLE (GENERALLY A WIRE MESH CAGE) SHOULD HAVE MAXIMUM OPENINGS OF 100MM; HAVE A BASE OF 4MP2P AND A HEIGHT OF 1M AND A HINGED LID. THE RECEPTACLE SHOULD NOT BE ALLOWED TO OVERFILL.

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32. DURING CONSTRUCTION ACCESS TO THE LOT TO BE VIA THE STREET FRONTAGE ONLY AND THAT NO BUILDING RUBBLE BE PERMITTED TO OVERSPILL THE SITE.
33. ELECTRICAL INSTALLATION TO BE CONSTRUCTED AND MAINTAINED TO THE SATISFACTION OF WESTERN POWER IN ACCORDANCE WITH THE SAA WIRING RULES NO.CC1, PART 1, 1961.
34. ALL STORMWATER AND DRAINAGE RUN OFF TO BE CONTAINED ON SITE. AN ONSITE STORMWATER DRAINAGE SYSTEM WITH A CAPACITY TO CONTAIN A 1:100 YEAR STORM OF A TWENTY-FOUR (24) HOUR DURATION IS TO BE PROVIDED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. ALL DOWNPIPES TO BE CONNECTED TO SOAKWELLS. THE PROPOSED STORMWATER DRAINAGE SYSTEM IS REQUIRED TO BE SHOWN ON THE BUILDING LICENCE SUBMISSION FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE LODGING OF DETAILED LANDSCAPE AND RETICULATION PLANS, TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES FOR THE DEVELOPMENT OF THE SITE AND THE ADJOINING ROAD VERGE(S) AT THE TIME OF SUBMITTING A BUILDING LICENCE APPLICATION.
35. A SEPARATE APPLICATION FOR PLANNING APPROVAL AND A SIGNS LICENCE IS REQUIRED FOR ALL SIGNAGE.
36. THE LAND SHALL NOT BE USED FOR THE PURPOSE APPROVED UNTIL COUNCIL HAS ISSUED A CERTIFICATE OF CLASSIFICATION FOR THAT USE AND THE MANAGER PLANNING AND DEVELOPMENT SERVICES IS SATISFIED THAT ALL RELEVANT CONDITIONS OF THIS APPROVAL HAVE BEEN SATISFIED.

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

FOOTNOTES

1. WITH RESPECT TO SPECIAL CONDITION 10, THE APPLICANT IS REQUIRED TO LIAISE WITH THE CITY OF MELVILLE WASTE SERVICES.
2. A HEALTH LICENCE IS REQUIRED FOR THIS DEVELOPMENT AT THE BUILDING APPROVAL STAGE.

- B) THE RESPONDENTS WHO MADE SUBMISSIONS INCLUSIVE OF THE ORGANISER OF THE PETITION BE ADVISED IN WRITING OF (A) ABOVE.**

Amendment

At 7.12pm Cr Halton moved, seconded Cr Phelan the following condition be added to the Officer Recommendation Approval Conditions.

- 38. THE DEVELOPMENT IS TO ACHIEVE AN ENERGY EFFICIENCY RATING IN EXCESS OF THE BUILDING CODE OF AUSTRALIA REQUIREMENTS FOR THE RESIDENTIAL COMPONENT.**

At 7.25pm the Mayor submitted the amendment, which was declared **CARRIED (10/1)**

**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3049)
SPECIAL MAJORITY APPROVAL**

At 7.27pm Cr Reynolds moved, seconded Cr Robartson the substantive motion as amended, being -

- A) THAT COUNCIL VARY POLICY 06-PL-036 RELATIVE TO THE DECISION MAKING PROCESS AND THAT THE APPLICATION FOR PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) AT LOT 4 (30) KINTAIL ROAD, APPLECROSS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

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- 32. DURING CONSTRUCTION ACCESS TO THE LOT TO BE VIA THE STREET FRONTAGE ONLY AND THAT NO BUILDING RUBBLE BE PERMITTED TO OVERSPILL THE SITE.**
- 33. ELECTRICAL INSTALLATION TO BE CONSTRUCTED AND MAINTAINED TO THE SATISFACTION OF WESTERN POWER IN ACCORDANCE WITH THE SAA WIRING RULES NO.CC1, PART 1, 1961.**
- 34. ALL STORMWATER AND DRAINAGE RUN OFF TO BE CONTAINED ON SITE. AN ONSITE STORMWATER DRAINAGE SYSTEM WITH A CAPACITY TO CONTAIN A 1:100 YEAR STORM OF A TWENTY-FOUR (24) HOUR DURATION IS TO BE PROVIDED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. ALL DOWNPIPES TO BE CONNECTED TO SOAKWELLS. THE PROPOSED STORMWATER DRAINAGE SYSTEM IS REQUIRED TO BE SHOWN ON THE BUILDING LICENCE SUBMISSION FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE LODGING OF DETAILED LANDSCAPE AND RETICULATION PLANS, TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES FOR THE DEVELOPMENT OF THE SITE AND THE ADJOINING ROAD VERGE(S) AT THE TIME OF SUBMITTING A BUILDING LICENCE APPLICATION.**
- 35. A SEPARATE APPLICATION FOR PLANNING APPROVAL AND A SIGNS LICENCE IS REQUIRED FOR ALL SIGNAGE.**
- 36. THE LAND SHALL NOT BE USED FOR THE PURPOSE APPROVED UNTIL COUNCIL HAS ISSUED A CERTIFICATE OF CLASSIFICATION FOR THAT USE AND THE MANAGER PLANNING AND DEVELOPMENT SERVICES IS SATISFIED THAT ALL RELEVANT CONDITIONS OF THIS APPROVAL HAVE BEEN SATISFIED.**

P08/3049 – PROPOSED THREE STOREY MIXED USE DEVELOPMENT (OFFICES AND FOUR MULTIPLE DWELLINGS) ON LOT 4 (30) KINTAIL ROAD, APPLECROSS (SMREC) (ATTACHMENT)

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

- 38. THE DEVELOPMENT IS TO ACHIEVE AN ENERGY EFFICIENCY RATING IN EXCESS OF THE BUILDING CODE OF AUSTRALIA REQUIREMENTS FOR THE RESIDENTIAL COMPONENT.**

FOOTNOTES

- 1. WITH RESPECT TO SPECIAL CONDITION 10, THE APPLICANT IS REQUIRED TO LIAISE WITH THE CITY OF MELVILLE WASTE SERVICES.**

 - 2. A HEALTH LICENCE IS REQUIRED FOR THIS DEVELOPMENT AT THE BUILDING APPROVAL STAGE.**
- B) THE RESPONDENTS WHO MADE SUBMISSIONS INCLUSIVE OF THE ORGANISER OF THE PETITION BE ADVISED IN WRITING OF (A) ABOVE.**

At 7.27pm the Mayor submitted the substantive motion as amended, which was declared
CARRIED BY SPECIAL MAJORITY (11/0)

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
CANNING BEACH ROAD, APPECROSS (REC) (ATTACHMENT)**

Ward : Applecross/Mt Pleasant
Category : Operational
Application Number : DA-2008-2
Property : 35a Canning Beach Road, Applecross
Proposal : Two Storey Single House with Undercroft
Applicant : Private Horizon Planning Solutions
Owner : Ms L D Masi
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer : Mr David Vinicombe
Manager Planning and Development Services
Previous Items : Nil

AUTHORITY / DISCRETION

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

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
CANNING BEACH ROAD, APPLECROSS (REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The application is for a 2 storey residence with an undercroft garage;
- The application proposes several variations to the Residential Design Codes;
- 3 objections have been received from potentially affected neighbours;
- The application is recommended for approval.
- Proposal was considered by the Development Advisory Unit (DAU) on 9 September 2008, reported to Elected Members on 12 September.
- Following reporting through the DAU process, two of the adjoining property owners raised additional concerns to Elected Members of Council and further assessment of the proposal uncovered some inconsistencies, particularly with regard to overshadowing impacts to the property to the south.
- The applicant was requested to modify the plans to address the overshadowing inconsistencies.
- Initially the applicant submitted plans which made some attempt to address these issues, however, has now withdrawn those plans.
- Accordingly, the Elected Members involved in this application have requested that the matter be referred to Council for further consideration.
- The modified plans (now formally withdrawn) will be referred to in this report and form the basis for modified conditions of approval for the proposed development.

BACKGROUND

This application was referred to the Development Advisory Unit (DAU) on 9 September 2008. The application was reported through the DAU process on 12 September 2008. Two of the adjoining property owners raised concerns to Elected Members of Council. These concerns are summarised as follows:

1. Concerns from southern adjoining property owners;
 - a) Many variations are proposed which will have a significant impact on the amenity of my property. No consideration at all has been given to my concerns, with significant leniency and discretion given to the owner at No. 35A. I strongly urge the council to review the proposed plan and change it to a building plan which has less variation. Variations always tend to disadvantage the neighbours. The proposed finished floor levels, reduced setbacks and overshadowing all combine to significantly create excessive building bulk which impedes the amount of direct sun to my property, ultimately having an adverse affect on my amenity.

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
CANNING BEACH ROAD, APPLECROSS (REC) (ATTACHMENT)**

- b) Comments in the DAU report are contradictory and do not appear to demonstrate how the proposed development would not impact my property. The development will create an unacceptable amount of shade on major openings and onto my outdoor living area, which when compounded, are significant and contravene the Codes. The statement that the ground floor windows are overshadowed by my first floor is incorrect. The first floor does not impede on the sun light obtained by major openings on the north side of my home. However, access to direct sun will be significantly affected by the proposed development.

The design of the proposed dwelling is possible to achieve and retain a reasonable amount of solar access to my property just by maintaining the required setbacks, particularly to the first floor.

In addition, the above variations to the southern side of the proposed development are a significant cause of the shadow and therefore should be made to comply. Variations of such significant scale and to the south side would no doubt have an adverse affect on overshadowing and as demonstrated previously, would affect my amenity.

The overall shadowing is non-compliant and the proposed building as a whole will significantly affect solar access to my major openings and outdoor living area and will create a compound affect on access to direct sun to my entire northern aspect.

Compliance with a maximum 25% overshadowing is possible to achieve by providing the required setbacks which are derived from the proposed height and length of walls, particularly to southern boundaries.

- c) The proposed side setback variations do not address overshadowing performance criteria of the Codes. The proposed development does not provide adequate direct sun to major openings on my north side or the building as a whole and its appurtenant open spaces. Nor does it assist with protection of access to direct sun or on ameliorating the bulk of the building.

The affects on building bulk and overshadowing are significant and demonstrate that the reduced setbacks to the ground and first floor do not meet the performance criteria and should be essential to comply.

- d) On the proposed plan (Lot 501) that I received, showed that the porch level is RL 2.471, the Terrace level is RL 3.500 and front part level is RL 2.472. I would like to ask the Terrace area level drop to RL 2.200, the same as my front house current level. As promised by the council "will never allow adjoining neighbour" to have a FFL higher than ours. A promise made by Melville City Council should be adhered to or never given in the first place. This is complete dishonour by Melville City Council.

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
CANNING BEACH ROAD, APPLECROSS (REC) (ATTACHMENT)**

The porch level is too high, should be dropped to RL 2.100 especially the walk way must not be raised, it is an area frequently used by visitors and would have great impact to our privacy especially to our ground floor bed room, which has the window exactly in front of the entrance area.

I would like to have a hard copy of Councils Building Policy and Development Standards, including both the previous and current standards which identify the policy has been changed with regards to FFL's.

2. Concerns from northern adjoining property owners;
 - a) The application proposes 13 variations that do not comply with the Residential Design Codes. For each of these 13 variations Council's Planning and Development Services (P&DS) Department has assessed the variations under the "Performance Criteria". In each case the P&DS has determined in favour of the applicant developer.
 - b) Our major concern is that reduced northern setbacks (and to a lesser extent the reduced western setback) will exacerbate the effect of building bulk from our perspective. In connection with the matter of building bulk, it is significant to note that the room most adversely affected by the proposed reduced setbacks is the kitchen of our home.

The Planning Department gives considerable weight to the use of a bedroom on the property to the south and should seriously reconsider the impact of the reduced setbacks on our kitchen, bearing in mind that it is the most frequently used room in our home.

The Planning Department should also reconsider the issue of vegetation along our boundary fence. The vegetation on our boundary is certainly NOT "extensive dense mature vegetation" and therefore it is incorrect for the Planning Department to claim "the length of the wall will be predominantly screened, if not completely obscured" Comments concerning reduced impact vegetation are irrelevant as the three trees (*ficus benjamina*) are to be removed as they have highly invasive roots and cause damage to plumbing and foundations. (One was cut back to a stump about 6 weeks ago and the other two have been pruned). Hence the reduced setback of the side wall to 1.209 m. instead of 1.8 m will certainly heighten the adverse effect of visual bulk.

Setback northern setback variations are for walls/structures approximately 9.4 m high by 16 m long and 5.2 m high by 6.2 m long respectively, i.e. the walls/structures of concern are long and high and accordingly the visual bulk impact will be significant. The impact of the reduced northern setbacks is heightened by the applicant developer proposing to have a rear setback of

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
CANNING BEACH ROAD, APPLECROSS (REC) (ATTACHMENT)**

1.5 m in lieu of 6 m. In other words, the proposed development will extend along our boundary from about 9.7 m at the front to within 1.5 m at the back, i.e. a total length of 41m.

- c) With regard to unauthorised fill on the property, the fill has never been removed - as is attested by the profusion of weeds on Lot 501.

As a result of these submissions from the owner to the south, further assessment of the proposal uncovered some inconsistencies on the plans, particularly with regard to overshadowing impacts to the property to the south. The applicant was requested to modify the plans to address the overshadowing inconsistencies and improve the overshadowing result. Initially the applicant submitted plans dated 22 September which made some attempt to address these issues, however, those plans have now been officially withdrawn. Accordingly, the Elected Members involved in this application have requested that the matter be referred to Council for further consideration. The following report is a modified version of the DAU report to address the further comments raised from the two adjoining owners as summarised above.

Scheme Provisions

MRS Zoning	:	Urban
CPS 5 Zoning	:	River Foreshore RFS
R-Code	:	R12.5
Use Type	:	Residential
Use Class	:	P

Site Details

Lot Area	:	695sqm
Retention of Existing Vegetation	:	N/A
Street Tree(s)	:	No
Street Furniture (drainage pits etc)	:	No
Site Details	:	P08_3050_PROPERTY_MAP.pdf

[P08_3050_October_2008.pdf](#)

[P08_3050_October_2008_Amended_Plans.pdf](#) : (refer to revised dated 22 September 2008)

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
CANNING BEACH ROAD, APPLECROSS (REC) (ATTACHMENT)**

DETAIL

Development Requirements

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Open Space	55% (382.25sqm)	50% (348sqm)	Does not comply	MPDS	
Building Height	8m to eaves 10.5m max.	7.1m to eaves 9.4m max.	Complies		
Carparking	2 bays (1 covered)	2 bays (2 covered)	Complies		
Fencing within the street setback area	Solid to 1.2m above NGL	Solid to 1.8m above NGL	Does not comply	MPDS	
Overshadowing	25% of adjoining neighbour	35.7%	Does not comply	MPDS	
Site Works	500mm Fill	Up to 750mm	Does not comply	MPDS	
Overlooking from Balcony – North	7.5m setback or screening	5.2m setback, no screening	Does not comply	MPDS	
Overlooking from Terrace - North	7.5m setback or screening	3m setback, no screening	Does not comply	MPDS	
Overlooking from Balcony – South	7.5m setback or screening	1.79m setback with screening	Complies		
Overlooking from Terrace - South	7.5m setback or screening	1.79m setback with screening	Complies		

(Note: Non compliance is emphasised in bold)

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
CANNING BEACH ROAD, APPLECROSS (REC) (ATTACHMENT)**

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Front	7.5m avg.	7.5m avg.	Complies		
Rear	6m	1.35m	Does not comply	MPDS	
Northern Setbacks					
(GF) Theatre	1.1m	1.009m	Does not comply	MPDS	
(GF) Kitchen / Dining / Alfresco	1.8m	1.209m	Does not comply	MPDS	
(GF) Theatre eaves	0.75m	0.7m	Does not comply	MPDS	
(UF) Ensuite / WC / WIR's	1.7m	1.209m	Does not comply	MPDS	
Southern Setbacks					
(GF) Entire southern wall	2.3m	1.5m	Does not comply	MPDS	
(UF) Balcony / Master Suite / Void	2.3m	1.79m	Does not comply	MPDS	

(Note: Non compliance is emphasised in bold)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: R-Codes variations
 Support/Object: 3 neighbour's consulted, 3 submissions received objecting to the proposal.

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
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Submission Number	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
1.	<p>No specific reasons given however the objections related to the following:</p> <p>a) The reduced rear ground floor setback of 1.35m in lieu of 6m;</p> <p>b) The reduced ground floor side setback to the kitchen / dining / alfresco of 1.209m in lieu of 2m;</p> <p>c) The reduced first floor setback to the ensuite / wc / wir of 1.209m in lieu of 1.8m;</p>	Object	<p>The neighbour's concerns were taken into consideration during the assessment and are considered in the main body of this report.</p> <p>a) Considered in the main body of this report.</p> <p>b) This setback is actually proposed at 1.209m in lieu of 1.8m. This issue is considered further in the main body of this report.</p> <p>c) Setback is actually proposed at 1.209m in lieu of 1.9m. This issue is considered further in the main body of this report.</p>	<p>a) Not upheld</p> <p>b) Not upheld</p> <p>c) Not upheld</p>

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
CANNING BEACH ROAD, APPLECROSS (REC) (ATTACHMENT)**

	d) The proposed retaining wall on the northern boundary to a height of 1.4m above Natural Ground Level in lieu of 0.5m.		(d) The retaining wall has been reduced to a maximum of 0.5m above NGL on the northern boundary and therefore now complies with the Acceptable Development Standards of the Residential Design Codes.	d) Not upheld
	e) The over height boundary fence of 3.2m in lieu of 1.8m.		e) The fence height has been reduced to 1.8m to comply with the City of Melville's Local Law relating to Fencing.	e) Not upheld
2.	The neighbour has expressed the following concerns: a) The Finished Floor Level (FFL) of the proposed dwelling is inconsistent with the level required by the City of Melville at the time when the Planning Application for their residence at 35B was considered in May 1995.	Object	The neighbour's concerns were taken into consideration during the assessment and are discussed in the comments section of the report. a) This issue is considered further in the main body of this report.	a) Not upheld

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	<p>b) The gate house structure (which is incorporated with the southern side fence) proposed at the point of entry will comprise a bulky element of the building, particularly when viewed from the street and from their property. In addition the gate house structure will not protect the occupiers of the property from noise and glare, nor will it act to enhance their privacy. .</p>		<p>(b) The applicant has modified the plans to ensure the gate house and solid fencing does not encroach further than 3.75m to the front boundary which complies with minimum front setback requirement. To that end the height of the fence forward of the average 3.75m setback has been reduced to 1.2m, and the remainder of the fencing behind the average 3.75m setback is retained at a height of 1.8m. This is considered acceptable as it provides security to the dwelling without detriment to the streetscape.</p>	<p>b) Not upheld</p>
	<p>c) The proposed setback variations to the southern side boundary will prejudice the level of direct sun and ventilation to existing major openings contained within the northern side elevation of their property. This is as a result of excessive amounts of overshadowing from the proposed dwelling. The reduced side setback exacerbates the detrimental impact that the proposed structure will have in this regard.</p>		<p>c) This issue is considered further in the main body of this report.</p>	<p>c) Partially upheld</p>

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
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	<p>d) Their home was designed with major openings located along the northern side elevation in order to maximise solar benefit. The proposal will result in overshadowing in excess of the 25% tolerated by the R Codes to the detriment of solar access.</p>		<p>d) This issue is considered further in the main body of this report. Conditions to apply</p>	<p>d) Partially upheld</p>
	<p>e) That the proposed development does not allow for an adequate level of open space provision. In so doing the resultant building is larger than would usually be the case on a lot of this size to the detriment of their residential amenity.</p> <p>f) The design of the proposed dwelling to incorporate an undercroft garage necessitates the raising of the natural ground level and results in the walls of the proposed dwelling being artificially raised. This results in additional bulk, overshadowing and loss of privacy for the respondent.</p>		<p>(e).This issue is considered further in the main body of this report.</p> <p>f) The retaining walls have since been modified to a maximum height of 0.6m on the neighbour's boundary. Discussed in Comments section below.</p>	<p>e) Not upheld</p> <p>f) Not upheld</p>

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
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3.	a) The reduced side setbacks (1.209m in lieu of 2m and 1.209m in lieu of 1.8m) are considered to adversely impact on the neighbours amenity. This is further considered to be an impact due to the walkway that abuts the boundary which is used for entering and exiting the property;	Object	a) This issue is considered further in the main body of this report.	a) Not upheld
	b) The proposed screening to the alfresco as well as the area next to the spa does not comply as there are still views into the neighbours property;		b) The applicant has since modified the proposal to incorporate the construction of a pergola which proposes to provide privacy screening. A condition will be applied to reinforce compliance with the privacy requirements.	b) Upheld
	c) The proposed 1.8m high solid boundary fencing in front of the proposed dwelling is considered to detract from the amenity of the area and should be made open.		c) This has since been modified to a maximum height of 1.2m within 7.5m of the front boundary along the northern side boundary. This now complies with the Acceptable Development Standards of the Residential Design Codes.	c) Upheld

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
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	<p>d) There is a note on the plans stating "Earthworks / Set-out dimensions may vary on site at builder's discretion". This note provides unacceptable licence to the builder.</p>		<p>d) There must always be a degree of tolerance for the earthworks and set-out dimensions on site. This is a standard note on the plans and is not be construed as providing the builder the freedom of modifying the plans without prior approval from Council. The Council may take the appropriate action to resolve the matter should any unauthorised changes be made on site without prior approval of Council.</p>	<p>d) Not upheld</p>
	<p>e) Approximately two years ago the owners placed a significant volume of fill on the lot without Council's permission.</p>		<p>e) This issue is considered further in the main body of this report.</p>	<p>e) Upheld</p>

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
CANNING BEACH ROAD, APPLECROSS (REC) (ATTACHMENT)**

REFERRALS TO GOVERNMENT AGENCIES

Required: Yes, Swan River Trust
Reason: Abutting Swan River Trust Management Area
Support/Object: Support

Agency	Summary of Submission	Support/ Objection	Officer's Comment	Action (Condition/ Uphold/ Not Uphold)
Swan River Trust	<p>Support subject to the following conditions / advice notes:</p> <p><u>Conditions</u></p> <ol style="list-style-type: none"> 1. No development, fill, building materials, rubbish or any other deleterious matter shall be deposited on the Parks and Recreation Reservation or allowed to enter the river as a result of the development. 2. Stormwater drainage shall be contained on site or connected to the Local Government stormwater drainage system. 3. Any fence or gate to be constructed along the boundary of the Parks Recreation Reserve shall be open view with a maximum height of no more than 1.8m including any retaining walls. 	Support	<p>Noted. Conditions and Advice Note will be applied to approval with exception to condition 2 which will be modified to read "Stormwater drainage shall be contained on site."</p> <p>It is also noted that Informal consultation was undertaken with the Department of Water in relation to the proposed finished levels of the development relative to the water level. The Department of Water confirmed that they have no objections to the development provided there are no habitable rooms located less than 1.9m above the Australian Height Datum. The development complies with this requirement.</p>	Uphold

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	<p><u>Advice to Applicant</u></p> <p>1. The applicant is advised that the proposed development is located in an Acid Sulphate Soil Risk Area, and it is therefore recommended that an Acid Sulphate Soil Risk Assessment be carried out prior to development, and if necessary, a management plan be prepared and implemented.</p>			
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STATUTORY AND LEGAL IMPLICATIONS

Should the Council refuse the application for planning approval or apply a condition which is considered inappropriate, the applicant will have the right to have the decision or condition reviewed in accordance with Part 14 of the Planning and Development Act 2005.

FINANCIAL IMPLICATIONS

There are no anticipated financial implications.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no anticipated strategic and risk management implications.

POLICY IMPLICATIONS

06-PL-008 - Residential Development

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Nil

**P08/3050 - TWO STOREY SINGLE HOUSE WITH UNDERCROFT ON LOT 501 (35A)
CANNING BEACH ROAD, APPLECROSS (REC) (ATTACHMENT)****COMMENTS**

The application proposed several variations to the Residential Design Codes. The Residential Design Codes provides the option of the application being assessed under the Acceptable Development Standards (prescriptive) or the Performance Criteria (performance based). Where the applicant applies under the Performance Criteria the onus is on him / her to provide sufficient information demonstrating how the Performance Criteria has been satisfied. The application can be supported if the applicant can, to the satisfaction of the City, demonstrate compliance with the Performance Criteria regardless of any neighbours objections received however the objections received will be considered as part of the assessment process. In addition, the number of variations proposed is of no consequence. The issue is whether each can satisfy the performance criteria of the Codes.

The following matters require detailed examination with regard to compliance with the Performance Criteria of the Codes.

Open Space

The application proposes a total of 50% open space. The Acceptable Development standards require properties coded R12.5 to have a minimum of 55% open space.

The application must be assessed against the Performance Criteria 6.4.1 Open space provision, which states:

- “P1 Sufficient open space around buildings*
- to complement the building;*
 - to allow attractive streetscapes;*
 - to suit the future needs of residents, having regard to the type and density of the dwelling.”*

Open space is primarily required to benefit the occupant's of the dwelling by providing recreational opportunities on site, enhance the streetscape by ensuring appropriate setback distances from the street are maintained and complement the building by controlling the scale and setback of the development.

The alfresco area on the plans is treated as site cover as it is enclosed on three sides, whereas the requirement is for at least two sides to be open. The alfresco area, whilst not defined as open space, is considered to serve the purpose of open space. If the City required another wall of the alfresco to be removed so as to specifically comply with the definition of open space, privacy relative to northern neighbours would be impacted and the alfresco area would not become more useable as open space. The open space requirement would comply if the City enforced this requirement by removal of a wall. However this would provide for a worse outcome as privacy to the resident's open space would be compromised and the occupants of the dwelling would have no additional benefit.

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Some other points to consider are:

- a) The open face of the alfresco facing the outdoor living area allows for the alfresco to be used in conjunction with the outdoor living area enhancing the amenity of the development; and
- b) The proposal concentrates the location of the open space to ensure the maximum possible utilisation of this area.

The neighbour's comments have been taken into consideration, however the comments primarily relate to overshadowing and boundary setbacks, which are addressed under separate design elements of the Residential Design Codes. These issues are further discussed throughout the remainder of the report.

The open space is considered to satisfy the Performance Criteria and variation is supported.

Fencing

The application proposes a solid fence measuring 1.8m in height within the primary street setback area with a built in gate house setback 3.757m from the front boundary. The Acceptable Development standards require fencing within the primary street setback area (7.5m) to be visually permeable 1.2m above natural ground level.

The application must be assessed against the Performance Criteria 6.2.5 Street walls and fences, which states:

- “P5 Front walls and fences to promote surveillance and enhance streetscape, taking account of:*
- the need to provide protection from noise and headlight glare where roads are designated as primary or district distributors or integrator arterials; or*
 - the need to provide screening to the front setback; or*
 - the need to provide privacy to north facing outdoor living areas.”*

The side fencing exceeding 1.2m in height is considered to be acceptable as the fencing is setback 3.757m from the front boundary. Whilst the Codes require fencing within the primary street setback area (7.5m) to be visually permeable 1.2m above natural ground level, the impact is considered to be lesser than that of a building which could be built at the minimum 3.75m setback from the front boundary (as the Codes have provisions for buildings to be setback half of the required setback distance). The wall is not considered to have an impact on the neighbour for the reason discussed above as well as the fact that the wall will be abutting the neighbouring driveway.

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The applicant has also indicated that the fencing is desirable to provide restricted views / access to the area located behind the gatehouse enhancing the level of security and privacy for the occupants of the dwelling.

It is considered that the variation is supported as the wall will not detrimentally impact on the neighbour or the streetscape.

Overshadowing

The application proposes a total of 35.7% overshadowing. The Acceptable Development standards provide for a maximum of 25% overshadowing. The revised plans (now withdrawn) propose a reduced overshadowing area of 27.9% achieved through modifications to the roof design at the rear of the upper floor. It is noted that the plans indicate the overshadowing angle at 33° whereas the Codes stipulate 34°. This will accordingly reduce the overshadowing impact on the adjoining property, however, the extent of this reduction cannot be quantified at this point.

The application must be assessed against the Performance Criteria 6.9.1 Solar access for adjoining sites, which states:

“P1 Development designed to protect solar access for neighbouring properties taking account the potential to overshadow:

- *outdoor living areas;*
- *major openings to habitable rooms;*
- *solar collectors; or*
- *balconies or verandahs.”*

The current application proposes 35.7% overshadowing of the neighbours lot. The Performance Criteria Codes identify that the main overshadowed areas of concern are outdoor living areas, major openings to habitable rooms, solar collectors and balconies / verandahs.

The neighbouring lot does not appear to have any balconies / verandahs or solar collectors which are affected by the proposed overshadowing. Based on the neighbour's approved plans, the areas of concern are the neighbour's major openings to habitable rooms and outdoor living areas.

The neighbour's property contains a number of ground and upper floor major openings. The DAU report indicated that whilst the affected neighbour has raised concerns relating to the overshadowing of their property due to setbacks, it must be noted that most of the ground floor windows are already being overshadowed by the cantilevered upper floor of the neighbour's own property. This assessment was partially attributed to the manner in which the plans portrayed the two storey development on the adjoining property which resulted in the assessing officer having the impression that the overhang was considerably greater than existing and that the overhang would overshadow the lower level.

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The revised plans (now withdrawn) correctly indicate the adjoining development and its impact on major openings at both the upper and ground floors. It is accordingly agreed that the proposed development will have a significant impact on the ground floor guest bedroom window. It is noted however, that no overshadowing impact will result on the ground floor study window or the upper floor master bedroom window at the front of the property, as was previously envisaged in the DAU report, as the angle of the northern aspect provides these windows with direct solar access at midday on 21 June.

In accordance with the above revised assessment, the primary concern is the overshadowing impact on the upper floor bedroom 2 window, the ground floor guest bedroom window and outdoor living areas.

With regard to the guest bedroom window on the ground floor, the proposed development and revised plans dated 22 September completely overshadow this window. The impact could be considerably reduced (to approximately half of the window) by relocating the proposed stairs 1.3m to the west of their proposed location. This would slightly reduce the length of the Master Suite and family room below, but would increase the size of the entry and could be designed so as not to impact on the undercroft garage area. It is considered that the reduced impact on solar access resulting from this requirement would significantly reduce the overshadowing impact on the guest bedroom to the extent that the performance criteria would be satisfied relative to this window.

The original application eliminated all sunlight to the upper floor bedroom 2 window, however some minor amendments were made which now allow for around 16% (of the windows surface area) direct sunlight to this major opening. The DAU report proposed to apply a condition requiring a portion of the proposed development's upper floor and eaves (Linen cupboard area of master suite) to be setback in line with the upper floor void. This would provide an additional 0.5m setback (approximately) and an additional 16% of sunlight bringing the total sunlight access for this window to 32% of its surface area. Furthermore, this room also contains major openings on the eastward face of this room. Whilst this window is not in a position to receive direct sunlight, its slight orientation to the north east will also allow it to receive approximately 32% of direct sunlight which will provide additional sunlight to this room. This is deemed to be a reasonable level of sunlight provision to this bedroom, which is limited in primary habitation periods. It is noted that although the requirement for the wall to be reduced in length in the area of the linen cupboard, this was not reflected on the revised plans dated 22 September (now withdrawn).

It is also noted that if the revised plans dated 22 September were to be further amended by way of conditions above, the overshadowing impact would be further reduced to approximately 26.77% in lieu of the required 25%.

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Aside from this, the only other area which may be a concern is the neighbour's outdoor living area which appears to be located adjacent to the proposed development's single storey component. This will create some minor overshadowing, however the impact is considered acceptable given that the outdoor living area is roofed by a translucent material and also features a reasonable sized tree to the north which also contributes to the overshadowing.

It is considered that subject to the applicant modifying plans to accord with the revised plans dated 22 September together with further modifications as detailed above, the overshadowing satisfies the Performance Criteria of the Codes and the variation is supported.

Southern Setbacks

The application proposes several setback variations which do not comply with the Acceptable Development standards. The variations are as follows:

- Setback of 1.5m in lieu of 2.3m to the southern ground floor.
- Setback of 1.79m in lieu of 2.3m to the southern upper floor.

Due to the variation to the Acceptable Development standards, the application must be assessed against Performance Criteria 6.3.1 Buildings setback from the boundary and 6.3.2 Buildings on boundary, which state:

- "P1 Buildings setback from boundaries other than street boundaries so as to:*
- provide adequate direct sun and ventilation to the building;*
 - ensure adequate direct sun and ventilation being available to adjoining properties;*
 - provide adequate direct sun to the building and appurtenant open spaces;*
 - assist with protection of access to direct sun for adjoining properties;*
 - assist in ameliorating the impacts of building bulk on adjoining properties; and*
 - assist in protecting privacy between adjoining properties."*

and

- "P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:*
- make effective use of space; or*
 - enhance privacy; or*
 - otherwise enhance the amenity of the development;*
 - not have any significant adverse effect on the amenity of the adjoining property; and*
 - ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted."*

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The applicant has indicated that the setback variations are due to the total wall length being considered as a single wall only. They are not considered to be variations that will create any detrimental impact on the adjoining neighbour. No overlooking is created by the proposed setback. Only the window of the stairwell faces the adjoining lot which does not require privacy screening under the Codes, however, in order to respect neighbour privacy concerns, the south facing window of the stairwell is to be obscure glazed. The proposed setback of 1.79m is more than sufficient to allow sufficient ventilation to the adjoining dwelling. Both lots are within a low density locality which does not experience the ventilation impedance of high density locations. Finally, extensive amendments have been made to this proposal to remove over height boundary retaining walls, stair case to the elevated front door and associated over height boundary fence. The total building height has been reduced by more than 500mm, the level of the front courtyard and front fence has been substantially reduced to a reasonable height, the wall height of the rear media room has been reduced, and numerous side setback modifications have been applied to further reduce the impact of concerns raised by adjoining property owners.

Other factors which are considered to reduce the impact are as follows:

- a) Building bulk is considered to be minimised as the southern face of the building contains many features which assist in breaking up the blankness of a plain wall. The features incorporated in the design include various window sizes such as highlight and regular windows, various privacy screening such as wooden balustrading and obscure glazing, various building materials such as rendered walls with stone clad features and a variety of building articulations. All of these elements are considered to substantially reduce the impact of building bulk; and
- b) The neighbour's driveway is located on the north of their boundary which provides for additional separation from the proposed building and the neighbour's building. This is considered to lessen the visual impact by providing a greater visual separation buffer.

The applicant's comments are considered to satisfy the Performance Criteria. Comments raised with regard to overshadowing and building bulk above are also relevant in regard to these setback variations. The setbacks are considered to satisfy the Performance Criteria and accordingly may be supported.

Northern Setbacks

The application proposes several setback variations which do not comply with the Acceptable Development standards. The variations are as follows:

- Setback of 1.009m in lieu of 1.1m to the ground floor theatre;
- Setback of 1.209m in lieu of 1.8m to the ground floor kitchen / dining / alfresco;
- Setback of 0.7m in lieu of 0.75m to the ground floor theatre eaves; and
- Setback of 1.209m in lieu of 1.7m to the upper floor ensuite / wc / wir

Due to the variations to the Acceptable Development standards, the application must be assessed against Performance Criteria 6.3.1 Buildings setback from the boundary and 6.3.2 Buildings on boundary, which state:

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- “P1 *Buildings setback from boundaries other than street boundaries so as to:*
- *provide adequate direct sun and ventilation to the building;*
 - *ensure adequate direct sun and ventilation being available to adjoining properties;*
 - *provide adequate direct sun to the building and appurtenant open spaces;*
 - *assist with protection of access to direct sun for adjoining properties;*
 - *assist in ameliorating the impacts of building bulk on adjoining properties; and*
 - *assist in protecting privacy between adjoining properties.”*

and

- “P2 *Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:*
- *make effective use of space; or*
 - *enhance privacy; or*
 - *otherwise enhance the amenity of the development;*
 - *not have any significant adverse effect on the amenity of the adjoining property; and*
 - *ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.”*

The applicant has indicated that the setback variations are created primarily by the height of the subject wall, as approximately 1/3 of the height consists of the under-croft below. This length of wall proposes no sources of overlooking, will not restrict ventilation or direct sunlight into the adjoining northern lot or overshadow that property. It is noted that the adjoining property contains a kitchen window for which the adjoining owner raises concerns over access to light. It should be noted that access to light from the south is indirect and the R-Codes takes into account access to light from the north. The only impact that it may create is visual bulk, particularly with regard to the two storey section with undercroft garage. It is noted that the existing kitchen window is located adjacent to the proposed spa and pool area adjacent the side boundary (original plans have been modified by the applicant to reduce the impact on the adjoining property), with the proposed single storey portion of the development being setback a minimum of 5.7m (predominantly 6.1m). The bulk of the building relative to the two storey and undercroft section is not considered to be of major impact given that the adjoining development is setback between 3.2 and 4.8m and the existence of extensive dense mature vegetation on the common boundary adjacent to the subject wall. Whilst it is now acknowledged that the adjoining owner has intentions to remove this vegetation, the existing setbacks of the adjoining development provides ample room for replanting of vegetation should the neighbour wish to maintain screening of the new development. Notwithstanding, it is appropriate to assess the impact of the application relevant to the existing vegetation at the time of writing this report.

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It is noted that the applicant has removed the Loggia and over height boundary retaining wall from the revised proposal in response to initial concerns raised by the adjoining owner relative to bulk adjacent the kitchen window and access to sun light (indirect) to the adjacent kitchen.

Further to the applicant's comments, the variations are also considered to satisfy the Performance Criteria for the following reasons:

- a) The neighbouring property is located to the north of the development site. Given the rotation of the sun any shadows will only be cast into the development site; and
- b) The neighbour's comments refer to a loss of amenity resulting from the use of a walkway to enter and exit the property located adjacent to the subject walls. This is considered to have a minor impact on the neighbour given that the walkway is not the primary outdoor living area of the residence and is not an area frequently used or occupied for extended periods of time.

The applicant's comments and the abovementioned points are considered to satisfy the Performance Criteria and accordingly, the setback variations are supported.

Rear Setback

The development proposes a rear setback of 1.35m in lieu of 6m to the building, which does not comply with the Acceptable Development standards.

Due to the variations to the Acceptable Development standards, the application must be assessed against Performance Criteria 6.3.1 Buildings setback from the boundary and 6.3.2 Buildings on boundary, which state:

- "P1 *Buildings setback from boundaries other than street boundaries so as to:*
- *provide adequate direct sun and ventilation to the building;*
 - *ensure adequate direct sun and ventilation being available to adjoining properties;*
 - *provide adequate direct sun to the building and appurtenant open spaces;*
 - *assist with protection of access to direct sun for adjoining properties;*
 - *assist in ameliorating the impacts of building bulk on adjoining properties; and*
 - *assist in protecting privacy between adjoining properties."*

and

- "P2 *Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:*
- *make effective use of space; or*
 - *enhance privacy; or*
 - *otherwise enhance the amenity of the development;*

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- *not have any significant adverse effect on the amenity of the adjoining property; and*
- *ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

The applicant's have indicated that as the site survey illustrates, the majority of the adjoining lots to the rear boundary of the subject lot exist with similar boundary setbacks to that which are proposed. The proposed rear setback will be of no more impact to the adjoining landowners than that of a compliant side setback which each currently experience on other adjoining boundaries. As the subject portion of the dwelling is only single storey with a shallow skillion roof, the proposed rear setback variation will have minimal bearing upon the natural sunlight and ventilation available to these adjoining dwellings. Specifically, this variation is considered to have no detrimental impact on the adjoining southern lot given that it abuts a metal type garage setback approximately 1.0m from the common boundary. It will have less impact on the adjoining rear neighbour than that of a regular single storey side setback. The minimum rear setback proposed is 1.5m and occurs at a corner wall only before increasing in setback as it tapers away from the boundary. The total width of the rear portion of the dwelling is less than 11.0m and is visually articulated into 3 separate wall lengths to further reduce impact on adjoining property owners. The rear courtyard and pool area has been orientated to the north for maximum passive solar exposure, as have the highlight windows beneath the skillion roof for the length of the dwelling.

The applicant's comments are considered to satisfy the Performance Criteria and accordingly the setback variation is supported.

Site Works

The application proposes a maximum of 0.75m of fill. The Acceptable Development standards only allow for a maximum of 0.5m of fill.

The application must be assessed against the Performance Criteria 6.6.1 Excavation or fill, which states:

"P1 Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property."

The applicant's advise that considerable amendments have been made from the original proposal. The amendments now bring the proposal into near compliance with the Site Works element of the R-Codes. In particular, the walkways to both sides of the development have been reduced in height of fill to approximately 0.5m to reduce the impact on adjoining property owners.

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The proposal is deemed to satisfy the Performance Criteria as the visual impression of the natural level of the site (as seen from neighbours and the street) gradually increases from the front to the rear of the lot. Likewise, the house has been designed in such a way that the levels gradually increase from the front of the lot to the rear. This is considered to maintain the visual impression of the natural level of the site and is supported.

The application also proposes to increase the levels of a platform at the front of the property by 0.75m. This does not comply with the Acceptable Development Standards (0.5m), however was deemed in the DAU report to satisfy the above Performance Criteria as the site fill has lesser impact than that of a front fence built in accordance with R-Codes. The current proposal is for 0.75m retaining wall (solid) with a 1m clear glass balustrade above. The R-Codes allow for a 1.2m solid front fence with the area between 1.2m and 1.8m being visually permeable (e.g. Clear glass). The proposal therefore has lesser impact than a front fence and therefore the site works are considered to satisfy the Performance Criteria. Whilst this remains the case, it is noted that the revised plans dated 22 September proposed to reduce this level to a maximum of 0.5m. This was achieved with little consequence to the design and accordingly it is recommended that the reduced fill level of 0.5m be required as a condition of development approval.

Overlooking

The application proposes several privacy variations which do not comply with the Acceptable Development standards. The variations are as follows:

- Cone of vision setback of 3m in lieu of 7.5m to the ground floor terrace;
- Cone of vision setback of 5.2m in lieu of 7.5m to the upper floor balcony; and
- Cone of vision from entrance porch resulting from 0.51m fill in this location.

Due to the variations to the Acceptable Development standards, the application must be assessed against the Performance Criteria 6.8 Privacy requirements, which states:

"P1 Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.

Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.

Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.

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Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.”

The Performance Criteria requires that direct overlooking to the neighbour’s active habitable spaces and outdoor living areas is to be minimised - not prohibited.

The balcony and terrace appear to be primarily overlooking the neighbouring property’s front yard. There are glimpses into the neighbour’s balcony and porch area, however the impact of this is considered to be minimal given the expanse of vegetation on the boundary. Other factors that have been considered in determining compliance with the Performance Criteria is the fact that the areas being overlooked by the balcony and terrace are areas which are visible from the street and can be seen by pedestrians or vehicles travelling on Canning Beach Road. Therefore the approval of these variations does not further reduce the level of privacy enjoyed by the occupants.

Aside from the above, the proposed terrace may have the opportunity to overlook one of the neighbour’s major openings to a habitable room. It is considered that this may have an impact on the neighbour’s privacy as this window is not visible from the street. A condition is proposed requiring the terrace to be modified to comply with the privacy requirements of the R-Codes. Notwithstanding, the proposed balcony does not appear to have any views into this window for the following reasons:

1. The balcony is setback approximately 5m from the boundary resulting in an effective separation distance of 11m between the balcony on the subject site and the neighbour’s dining room. This does not meet the ideal aggregated separation distance of 13.5m as referred to in the Residential Design Codes Explanatory Guidelines. However, these Guidelines acknowledge that such an aggregated separation distance may not be realistically achievable and accordingly recognises that satisfaction of the higher separation distance for the subject elements (7.5m to balcony on development site) is an acceptable compromise.
2. The location of the remainder of the upper floor only allows the balcony to view into the front 10.2m of the neighbouring property. This appears to encroach onto a ground and upper floor major opening. However there is a reasonable amount of vegetation which is denser towards the upper reaches which will provide for suitable privacy screening to the openings when viewed from the balcony.

It is noted that the alfresco and decked area adjacent the spa is proposed to be provided with pergola to address privacy impacts on the adjoining property. A condition is proposed which ensure that the privacy requirements of the Codes are satisfied.

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With regard to potential for minor overlooking from the porch to the southern property, it is noted that the plans indicate that proposed fencing will achieve the required 1.65m screening requirements. Notwithstanding, a condition of development approval will require the provision of 1.8m high fencing above the highest retained level to further improve privacy. This will accordingly address any privacy implications. It is considered that the balcony satisfies the respective Performance Criteria however a condition will be applied requiring the terrace to comply with the privacy element of the Residential Design Codes.

Other Concerns – Approval History

Some concerns were raised by a neighbour as to the inconsistent approach of Council in reference to the application of the development provisions. According to the neighbour, their house was originally approved with a finished floor level of 2.6m relative to their datum. Another neighbour then objected to the proposed levels and the City of Melville applied a requirement to reduce the finished floor level to 2.2m relative to their datum (0.4m decrease in finished levels). This was required prior to the issuing of their building licence. The owner was assured that all other properties in the immediate vicinity would not be allowed to exceed a finished floor level of 2.2m relative to their datum.

The neighbour has queried why the City of Melville would be considering the current application with the ground floor finished levels varying from 2.407m, 2.579m & 3.436m relative to the neighbour's datum (2.472m – to be reduced to approximately 2.222m, 3.5m and 3.586m to applican't datum) given the above assurances. In addition the neighbour seeks urgent attention to this issue with an immediate explanation sought on the inconsistency permitted to floor levels.

In this regard, the development is required by law to be assessed against current R-Code requirements, which have varied considerably since 1991 (with two reviews in 2002 and 2008) and since the assessment and determination of the neighbour's development application in 1995. The application has been assessed in accordance with these standards and is deemed to satisfy the acceptable requirements for the most part with exception to the items discussed in this report. These exceptions still satisfy the Performance Criteria and therefore most have been supported. In this regard, previous requirements and assurances are not relevant considerations.

Other Concerns – Previous Site Works

One neighbour has raised an issue relating to the previous soil added to the site. Whilst it is disputed by the neighbour, City of Melville records indicate that previous unlawfully added site fill has since been removed. Notwithstanding, the site survey submitted with the application indicates that the natural levels of the development site on the boundary are the same as the natural levels of the neighbouring properties. If fill the former unapproved fill was not removed, either the natural site levels would be higher than the

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neighbouring properties or the original site level would have been lower than the adjoining sites.

It is noted that the current R-Codes does not require approval for up to 0.5m of fill on a residential property. The proposed finished levels are relative to the natural levels on the site survey. As the natural levels on the survey plan are consistent with the neighbouring properties natural levels, the proposal gains no additional concession for fill levels. The plans also appear to be an accurate representation of the natural levels as shown on the Metropolitan Water Authority Perth BG 2000 Series maps.

CONCLUSION

It is considered that the proposal, with variations to the Acceptable Development standards of the Codes relative to setbacks, fencing/walls, open space, overshadowing, setbacks, fill and privacy suitably satisfies the Performance Criteria of the Residential Design Codes 2008 and the City of Melville Community Planning Scheme No. 5. Further modifications to the conditions recommended by the DAU are proposed as detailed in this report to address additional comments raised by the adjoining property owners. Accordingly, the proposal is supported for conditional approval.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3050) APPROVAL**A) THAT THE APPLICATION FOR A TWO STOREY SINGLE HOUSE WITH UNDERCROFT GARAGE ON LOT 501 (35A) CANNING BEACH ROAD, APPLECROSS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:****SPECIAL CONDITIONS:**

- 1. NO DEVELOPMENT, FILL, BUILDING MATERIALS, RUBBISH OR ANY OTHER DELETERIOUS MATTER SHALL BE DEPOSITED ON THE PARKS AND RECREATION RESERVATION OR ALLOWED TO ENTER THE RIVER AS A RESULT OF THE DEVELOPMENT.**
- 2. STORMWATER DRAINAGE SHALL BE CONTAINED ON SITE.**
- 3. ANY FENCE OR GATE TO BE CONSTRUCTED ALONG THE BOUNDARY OF THE PARKS RECREATION RESERVE (CANNING BEACH ROAD) SHALL BE OPEN VIEW ABOVE 1.2 METRES WITH A MAXIMUM HEIGHT OF NO MORE THAN 1.8 METRES INCLUDING ANY RETAINING WALLS.**

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4. THE NORTH FACE OF THE TERRACE BEING MADE TO COMPLY WITH DESIGN ELEMENT 8 – PRIVACY OF THE RESIDENTIAL DESIGN CODES 2008 TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
5. THE PROPOSED ALFRESCO / DECK / SPA AREA AND ASSOCIATED PRIVACY PERGOLA SHALL COMPLY WITH DESIGN ELEMENT 8 – PRIVACY OF THE RESIDENTIAL DESIGN CODES TO THE APPROVAL OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES.
6. PLANS TO BE MODIFIED TO ACCORD WITH SUBMITTED PLANS DATED 22 SEPTEMBER 2008 AND FURTHER MODIFIED TO SATISFY CONDITIONS 7 AND 8 BELOW TO REDUCE THE IMPACT OF OVERSHADOWING ON THE ADJOINING PROPERTY.
7. PORTION OF THE PROPOSED DEVELOPMENT'S UPPER FLOOR AND EYES (LINEN CUPBOARD AREA OF MASTER SUITE) TO BE SETBACK IN LINE WITH THE UPPER FLOOR VOID AS MARKED IN RED ON APPROVED PLANS TO REDUCE THE IMPACT OF OVERSHADOWING ON THE ADJOINING PROPERTY.
8. PORTION OF THE REAR STAIRWAY TO THE MASTER SUITE TO BE SETBACK A FURTHER 1.3M TO THE WEST TO REDUCE THE IMPACT OF OVERSHADOWING ON THE ADJOINING PROPERTY.
9. THE FRONT ELEVATED PLATFORM AT A HEIGHT OF RL 2.472 TO BE REDUCED TO A MAXIMUM FILL HEIGHT OF 0.5M TO REDUCE THE IMPACT OF FILL ON THE STREETScape.

STANDARD CONDITIONS:

10. ALL STORMWATER AND DRAINAGE RUN OFF TO BE CONTAINED ON SITE. AN ONSITE STORMWATER DRAINAGE SYSTEM WITH A CAPACITY TO CONTAIN A 1:100 YEAR STORM OF A TWENTY-FOUR (24) HOUR DURATION IS TO BE PROVIDED PRIOR TO THE DEVELOPMENT FIRST BEING OCCUPIED AND THEREAFTER MAINTAINED TO THE SATISFACTION OF THE MANAGER PLANNING AND DEVELOPMENT SERVICES. ALL DOWNPIPES TO BE CONNECTED TO SOAKWELLS. THE PROPOSED STORMWATER DRAINAGE SYSTEM IS REQUIRED TO BE SHOWN ON THE BUILDING LICENCE SUBMISSION FOR APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

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11. ROOFING MATERIALS BEING OF A NON-REFLECTIVE MATERIAL (ZINC OR WHITE COLOUR METAL ROOFING MAY ONLY BE PERMITTED THROUGH SPECIAL PLANNING CONSENT).
12. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION THE COUNCIL REQUIRES THE PROVISION OF A SUITABLE RECEPTACLE FOR THE CONTAINMENT OF WINDBLOWN RUBBISH. THE RECEPTACLE (GENERALLY A WIRE MESH CAGE) SHOULD HAVE MAXIMUM OPENINGS OF 100MM; HAVE A BASE OF 4M² AND A HEIGHT OF 1M AND A HINGED LID. THE RECEPTACLE SHOULD NOT BE ALLOWED TO OVERFILL.
13. ALL COMMON BOUNDARY FENCING WHERE ABUTTING RESIDENTIAL LOTS TO BE 1.8 METRES IN HEIGHT AT ANY POINT ALONG THE DIVIDING BOUNDARIES MEASURED FROM THE HIGHEST RETAINED GROUND LEVEL. ALL FENCING TO BE PROVIDED IN ACCORDANCE WITH THE DIVIDING FENCES ACT AND BE CONSTRUCTED AS A MINIMUM STANDARD OF FIBRE CEMENT. GROUND LEVELS MAY NOT BE CHANGED OTHER THAN APPROVED AS PART OF THIS APPROVAL.
14. THE CONSTRUCTION OF RETAINING WALLS NOT TO EXCEED THE HEIGHTS SPECIFIED ON THE APPROVED PLANS UNLESS OTHERWISE APPROVED BY COUNCIL. DETAILS, SIGNED BY A PRACTICING STRUCTURAL ENGINEER MUST BE SUBMITTED FOR APPROVAL AT THE TIME OF SUBMITTING A BUILDING LICENCE APPLICATION.
15. THE DEVELOPMENT IS TO BE CONNECTED TO THE WATER CORPORATION'S RETICULATED SEWERAGE SYSTEM.
16. THE DEVELOPMENT COMPLYING WITH ANY AMENDMENTS AND NOTATIONS MARKED IN 'RED' AS SHOWN ON THE APPROVED PLANS.

SPECIAL FOOTNOTES:

17. THE APPLICANT IS ADVISED THAT THE PROPOSED DEVELOPMENT IS LOCATED IN AN ACID SULPHATE SOIL RISK AREA, AND IT IS THEREFORE RECOMMENDED THAT AN ACID SULPHATE SOIL RISK ASSESSMENT BE CARRIED OUT PRIOR TO DEVELOPMENT, AND IF NECESSARY, A MANAGEMENT PLAN BE PREPARED AND IMPLEMENTED.

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18. THE AIR CONDITIONING AND POOL EQUIPMENT WILL NEED TO COMPLY WITH THE ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS 1997. NOTE THAT AIR-CONDITIONING OR POOL EQUIPMENT LOCATED ADJACENT TO THE BOUNDARY IS UNLIKELY TO COMPLY. THE LOCATION OF ANY POOL EQUIPMENT OR AIR CONDITIONING SHOULD BE SHOWN ON THE PLANS AT BUILDING LICENCE STAGE.

B) ADJOINING PROPERTY OWNERS WHO MADE SUBMISSIONS ON THE PROPOSED DEVELOPMENT BE ADVISED OF A) ABOVE.

At 7.28pm the Mayor submitted the motion, which was declared

**CARRIED EN BLOC
WITHOUT DISSENT (11/0)**

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

P08/5027 – FINAL APPROVAL AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE ‘MEDICAL CENTRE’, ‘OFFICE’ AND ‘RESTAURANT’ (REC) (ATTACHMENT)

Ward : Palmyra – Melville - Willagee
 Category : Strategic
 Application Number : CPS 5-41
 Property : Lot 100 (109) North Lake Road and Lot 9 (241) Leach Highway, Willagee
 Proposal : Amendment No. 41 to CPS No. 5, Lot 100 (109) North Lake Road and Lot 9 (241) Leach Highway, Willagee, Amending the density coding from R20 to R60 and amending Schedule 3 to include medical centre, office and restaurant.
 Applicant : City of Melville
 Owner : City of Melville
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Responsible Officer : David Vinicombe
 Manager Planning and Development Services
 Previous Items : P08/5027 to Council on 20 May 2008

AUTHORITY / DISCRETION

Definition

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

P08/5027 – FINAL APPROVAL AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE ‘MEDICAL CENTRE’, ‘OFFICE’ AND ‘RESTAURANT’ (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- Amendment 41 proposes to increase the density of Lot 100 (109) North Lake Road and Lot 9 (241) Leach Highway, Willagee from R20 to R60 following advice from the then Hon Minister for Planning and Infrastructure. Also proposes to amend the Schedule 3 to include additional uses of Medical Centre, Office and Restaurant.
- The revised amendment was readvertised for a further 42 days in accordance with the Council resolution of 20 May 2008.
- During the advertising period 10 submissions were received including a petition with 19 signatures.
- In order to address concerns raised relative to traffic matters, it is proposed that access arrangements be further addressed with detailed traffic analysis when considering the future development options on the site following conclusion of the amendment process. These options may include provision of a direct access to Leach Highway and provision of a cul-de-sac in Moorhouse Street near the intersection with North Lake Road. These options may involve separate closure procedures involving extensive community consultation and also negotiations with Main Roads WA and the Public Transport Authority.
- In order to address other amenity impacts on Moorhouse Street, parking restrictions may be considered at the development application stage together with masonry wall construction requirements.
- Masonry wall and location of restaurant/s on site towards the intersection in order to address residential amenity can be included in the Design Guidelines for the site which are appended to the Amendment.
- Recommended for Final Approval.

BACKGROUND

The Council at its Ordinary Meeting on 20 May 2008 resolved:

- “1. That the Design Guidelines for development of Lot 100 (109) North Lake Road and Lot 9 (241) Leach Highway, Willagee be adopted with the following modifications:
- a) Increase the maximum height to 13.5 metres and
 - b) Providing for an additional mid-block left-in and left-out access/egress point along the North Lake Road frontage of the site with associated median island modifications to control traffic movement at the intersection to the satisfaction of Main Roads WA.

P08/5027 – FINAL APPROVAL AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE ‘MEDICAL CENTRE’, ‘OFFICE’ AND ‘RESTAURANT’ (REC) (ATTACHMENT)

2. Amendment No. 41 be modified as follows:
 - a) Residential density to be increased from R20 to R60,
 - b) Inclusion of a “maximum of two restaurants only with a maximum seating area of 80 square metres each”, and
 - c) “Compliance with the Design Guidelines for the site as adopted by Council (and amended by Council as required)” be added to the “special conditions” relative to the amendment.
3. The amendment be re-advertised in accordance with advice from the Honourable Minister for Planning and Infrastructure.”

SCHEME PROVISIONS

MRS Zoning	:	Urban
CPS 5 Zoning	:	Living Area Precinct – Willagee – W1
R-Code	:	R20
Use Type	:	As per Use Class Table (The amendment will modify Schedule 3 by adding Medical Centre, Office and Restaurant as additional uses to the subject sites.)
Use Class	:	Not Applicable

SITE DETAILS

Lot Area	:	Lot 100 - 4131 square metres Lot 9 – 757 square metres
Retention of Existing Vegetation	:	Not Applicable
Street Tree(s)	:	No verge trees. There are three trees on sites.
Street Furniture (drainage pits etc)	:	Not Applicable
Site Details	:	

DEVELOPMENT REQUIREMENTS

Not Applicable

P08/5027 – FINAL APPROVAL AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE ‘MEDICAL CENTRE’, ‘OFFICE’ AND ‘RESTAURANT’ (REC) (ATTACHMENT)

RELEVANT POLICIES

Not Applicable

PUBLIC CONSULTATION

Amendment No. 41 was advertised for public comments between 22 July 2008 and 2 September 2008, with 37 letters sent to local residents. Two signs on site were erected and a notice was placed in the Melville Times.

During the advertising period 10 submissions were received: 2 submissions supporting, 1 submission only expressing concerns, 7 submissions (including a petition with 19 signatures) objecting the amendment. Please refer to the attached Schedule of Submissions: [P08 5027 Submissions.pdf](#)

STATUTORY AND LEGAL IMPLICATIONS

Not Applicable

COMMENT

Lot 100 (No. 109) North Lake Road corner Leach Highway, Willagee is currently vacant and has an area of 4131.9 sqm. Adjacent Lot 9 (No. 241) Leach Highway contains a dwelling and has an area of 757.2 sqm. The two properties are owned by the City of Melville and have a combined area of 4889.1 sqm. The dwelling at Lot 9 is currently rented and occupied. The term of the tenancy is periodic requiring a 60 day notice period to vacate the dwelling.

Development surrounding the two lots includes residential to the south and west and local open space to the east of North Lake Road. Development to the north of Leach Highway forms part of the Myaree Mixed Business Zone and includes a Bunnings Warehouse carpark and Toyota car sales yard. The Hulme Court commercial centre complex is approximately 180 m to the north-west of the subject sites.

The two parcels of land are strategically located at the junction of two regional roads with high traffic exposure and are positioned opposite a thriving and vibrant commercial area (Myaree Mixed Business Precinct). Whilst the location of the two lots is significant, the use of the sites is constrained to low-density residential use with opportunity for other minor commercial uses at the discretion of Council. Other ‘higher order’ uses better suited to the strategic location include office, medium density residential or restaurant/café.

P08/5027 – FINAL APPROVAL AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE ‘MEDICAL CENTRE’, ‘OFFICE’ AND ‘RESTAURANT’ (REC) (ATTACHMENT)

The use of the combined sites for residential purposes alone does not present the highest and best use of the sites, particularly given the high traffic volumes on adjacent Leach Highway and impacts from traffic activity (i.e. noise). Furthermore, the location of the two properties adjacent to the Myaree Mixed Business Area are better suited to support a combination of land uses appropriately designed to suit the unique corner location and be sympathetic to the surrounding residential area (i.e. commercial land use fronting Leach Highway and North Lake Road with Residential to the rear of the land adjacent to existing residential areas or on top of commercial development). Furthermore, a well designed development at this landmark location will present a suitable entry statement to the suburb of Willagee and improve the identity of this strategic location within the City of Melville. Notwithstanding, it is emphasised that the demand for a combination of potential commercial uses has not been tested in the marketplace.

Modifications to Amendment

In response to the then Minister’s advice to provide development details for the site, the City of Melville’s Strategic Urban Planning department prepared Draft Design Guidelines for Development of Lot 100 (109) North Lake Road and Lot 9 (241) Leach Highway, Willagee. In addition, and as encouraged by the Minister, the document now provides for residential development at the R60 density. It is noted that the previously deleted “Restaurant” in accordance with the Council resolution from its Meeting on 20 June 2006 is proposed to be reinstated into the Amendment to provide for greater vitality and diversity within the development site. Design Guidelines for the Restaurant are also proposed as per the attached.

Traffic Generation

In accordance with the Roads and Traffic Authority of NSW standards, the proposed Amendment may generate the following traffic:

Residential: A total of 4888 sqm at R60 coding provides for a maximum of 29 units which would generate a total of 174 trips (6 trips per unit).

Restaurant: 2 restaurants with a maximum capacity of 80 seats (1.5 sqm per seat) with a total floor area of 240 sqm will generate 144 trips (60 trips per 100 sqm of GLA).

Offices: A maximum plot ratio of 0.6 (4888 sqm – 160 sqm = 2772 sqm) for the office component will generate 277 trips (10 trips per 100 sqm of GLA).

TOTAL TRIPS: 595 trips

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A traffic count conducted on December 2002 along North Lake Road, indicates an average traffic volume of 24,700 vehicles per day.

It has been proposed as part of the Amendment to allow for a turn left in / turn left out from / into North Lake Road. No access will be permitted from Leach Highway into the subject property. It is considered that North Lake Road has the potential to accommodate this increase in traffic being only 2.4 % of the traffic count in 2002.

Submissions

Ten (10) submissions were received during the advertising period:

Two (2) Submission were received supporting the Amendment, however these submissions express concerns about carparking and traffic to be generated with the restaurant and the medical centre. One of the submissions suggests the closure of Moorhouse Street at the end or near to North Lake Road. The other submission is in support for office and medical centre but opposes any facility that may operate outside of standard business hours such as the restaurant.

One (1) submission expressed concerns in relation to noise, security, privacy, alarms, lighting, rates, traffic and restaurants.

One (1) objection refers to disapproval of the use of Moorhouse Street as an access and exit for traffic. No objection is raised to the restaurant, offices, medical centres or increase in R coding.

One (1) objection requests closure of the North Lake intersection with Moorhouse Street to prevent commercial traffic intrusion into the residential streets.

One (1) submission objects mainly due to traffic problems along Moorhouse Street and its related issues (safety, amenity, non-residential uses and health). The writer makes suggestions such as Moorhouse Street having a cul-de-sac at the North Lake Road end to avoid through-traffic and no access from Moorhouse Street to the subject site.

Three (3) submissions of objection raise concerns over the increase in density, generation of additional traffic (cars and heavy vehicles early in the morning patrons late during night time) relative to the non-residential uses, associated carparking problems of noise, smell, lights and the lack of traffic management plan.

The petition with 19 signatures, mainly objects any restaurant, café, drive thru, any food service, service station or other commercial activity other than medical centre and offices. The petition also states that the R60 should be of a single storey in keeping with the local amenity. In this regard it is considered that location of the restaurants should be permitted only if located away from the residential area and to be conditioned within the Design Guidelines.

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The submissions of objection mainly related to the increase in traffic that the proposal will generate due to the restaurant, medical centre and offices. This increase in traffic will affect the amenity of the residential area along Moorhouse Street. Three (3) objections proposed the cul-de-sac of Moorhouse Street with the intention to avoid commercial traffic intrusion into Moorhouse Street and retention of the amenity and safety of the residential area.

In summary only three (3) submissions object to the proposal in relation to density and commercial activities. Another three (3) submissions also object to the proposal due to the significant increase in traffic along Moorhouse Street, however the objections also recommend measures to address traffic impact through the creation of a cul-de-sac at the eastern end of the road, adjacent to North Lake Road. Whilst this may occur at the western end of the adjacent property at 30 Moorhouse Street (to the east of the existing crossover so as to allow for a short portion of Moorhouse Street to provide additional access to the site), it is considered that it is premature to initiate closure proceedings at this point. Closure procedures are in any case subject to formal road closure procedures, involving extensive consultation with affected property owners and the end result of this process cannot be guaranteed. In addition, it is normal practice to require the submission of a Traffic Study as part of any major development application. This report should take into account the impacts of the proposed development and address access issues in general as well as the impacts of the development on the surrounding residential road network. Should the study identify that road closures or alternative means to address commercial traffic intrusion into the residential area be required, then any formal procedures may be initiated. Whilst Council presently owns the property, a higher degree of control in regard to remedial action is maintained. It is accordingly appropriate that these matters be further addressed at the development application stage.

It is also considered premature to consider parking restrictions as these will be highly dependant on the final form of development, whether road closures are implemented and should be assessed following detailed assessment of the development's impacts when the project is completed.

In order to address concerns over amenity impacts of the development relative to adjacent residential properties, the Design Guidelines should be amended to provide for the extension of the masonry fencing required along the western side boundaries to the entrance off Moorhouse Street. Whether or not the above road closure option is initiated and finalised, the above fencing requirements should be incorporated into the Design Guidelines to provide for additional amenity protection for adjacent residents in Moorhouse Street.

Reference has been made to this side of Willagee being only residential and no others uses have been developed. Commercial uses and restaurants have been developed in Myaree area across the Leach Highway and therefore there is no need for this type of use in the southern side of the Highway. It should be considered that the corridor along Leach Highway has the potential for a higher residential density and the intersection of Leach Highway and North Lake Road presents a unique opportunity for development of non-residential uses, to complement the uses across the road and for the benefit of the surrounding residents.

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CONCLUSION

The proposed amendment in general is supported on the basis that:

- The location of the subject property at the corner of North Lake Road and Leach Highway, Willagee is considered to be a landmark site and worthy of an iconic development to improve the viability and identity of the two (2) land parcels;
- Whilst low density residential development can still be accommodated on the land under the proposed new coding of R60, a well designed mix of land use inclusive of restaurant use will optimise the development of this strategically located site; and
- The subject Lot 100 has been vacant for several years and it is not in the best interest of the amenity of the area for it to remain vacant. Any opportunity to redevelop the site is welcomed.
- Development of the site with a substantial development will assist in provision of an appropriate buffer between the heavy traffic on Leach Highway and the residential areas of Willagee behind the development site.

The submissions received objecting to commercial traffic intrusion into the residential area may be partially upheld as measures to reduce commercial traffic intrusion into Moorhouse Street will be considered by the Council in the context of development proposals for the site following conclusion of the Amendment process. Further, it is recommended that the Design Guidelines for the site be amended to provide for the extension of masonry fencing along Moorhouse Street to the access point to reduce the impact of future development on the adjacent properties and that the location of the two (2) Restaurants be towards the front of the development site and away from residential properties.

OFFICER RECOMMENDATION (5027)

FINAL APPROVAL

At 7.29pm Cr Subramaniam moved, seconded Cr Ceniviva -

1. **THAT COUNCIL RESOLVE, PURSUANT TO TOWN PLANNING REGULATION 17(1), TO ADOPT THE RECOMMENDATIONS CONTAINED WITHIN THIS REPORT AND THE ATTACHED SCHEDULE OF SUBMISSIONS AND FURTHER RESOLVE, PURSUANT TO REGULATION 17(2), THAT AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE, FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE MEDICAL CENTRE, OFFICE AND RESTAURANT, BE ADOPTED FOR FINAL APPROVAL.**
2. **THAT THE SCHEME AMENDMENT NO. 41 DOCUMENTS BE EXECUTED BY THE MAYOR AND CHIEF EXECUTIVE OFFICER AND HAVE THE COMMON SEAL AFFIXED.**

P08/5027 – FINAL APPROVAL AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE ‘MEDICAL CENTRE’, ‘OFFICE’ AND ‘RESTAURANT’ (REC) (ATTACHMENT)

3. **AMENDMENT NO. 41 DOCUMENTS BE FORWARDED TO THE HONOURABLE MINISTER FOR PLANNING FOR FINAL APPROVAL ALONG WITH THE SCHEDULE OF SUBMISSIONS AND ADVICE THAT THE ENVIRONMENTAL PROTECTION AUTHORITY HAS NO OBJECTION TO THE AMENDMENT.**

4. **THAT THE DESIGN GUIDELINES FOR DEVELOPMENT OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE BE ADOPTED WITH THE FOLLOWING MODIFICATIONS:**

A) **THE FOLLOWING STATEMENT BE ADDED TO THE EXISTING SEPARATION OF RESIDENTIAL AND NON RESIDENTIAL USES REQUIREMENTS:**

“ANY RESTAURANTS TO BE LOCATED FACING NORTH LAKE ROAD OR LEACH HIGHWAY, AWAY FROM THE RESIDENTIAL PROPERTIES.”

B) **FENCING REQUIREMENTS BEING MODIFIED AS FOLLOWS:**

“THE WESTERN AND SOUTHERN INTERNAL BOUNDARIES OF THE SITE TOGETHER WITH THE PORTION OF MOORHOUSE STREET FRONTAGE TO THE ACCESS ROAD OFF MOORHOUSE STREET BE FENCED BY CONSTRUCTION OF A 1.8 METRE HIGH SOLID MASONRY WALL TO THE SATISFACTION OF COUNCIL.”

C) **THE SECOND PARAGRAPH OF THE ACCESS AND PARKING REQUIREMENTS BE MODIFIED AS FOLLOWS:**

“DEVELOPMENT OF THE SITE WILL BE SUBJECT TO SUBMISSION OF A TRAFFIC STUDY WHICH IS TO ADDRESS ACCESS DETAILS FOR THE DEVELOPMENT AND TAKE INTO CONSIDERATION IMPACTS OF THE DEVELOPMENT RELATIVE TO THE ADJACENT RESIDENTIAL STREETS AND OPPORTUNITIES TO ACHIEVE IMPROVED ACCESS TO THE SITE DIRECTLY OFF LEACH HIGHWAY AND NORTHLAKE ROAD. ACCESS OFF LEACH HIGHWAY AND NORTH LAKE ROAD TO INCLUDE LEFT-IN AND LEFT-OUT ACCESS / EGRESS AND IN THE CASE OF NORTH LAKE ROAD, THE ACCESS / EGRESS IS TO BE LOCATED MID-BLOCK AND WILL REQUIRE MODIFICATIONS TO THE MEDIAN ISLAND TO CONTROL CROSS TRAFFIC MOVEMENT AT THE INTERSECTION WITH LEACH HIGHWAY. ALL ACCESS PROPOSALS TO LEACH HIGHWAY AND NORTH LAKE ROAD WILL BE SUBJECT TO NEGOTIATION WITH AND APPROVAL OF MAIN ROADS WA.”

P08/5027 – FINAL APPROVAL AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE ‘MEDICAL CENTRE’, ‘OFFICE’ AND ‘RESTAURANT’ (REC) (ATTACHMENT)

5. **THOSE THAT MADE SUBMISSIONS ON THE PROPOSED AMENDMENT BE ADVISED OF 1, 2, 3 AND 4 ABOVE AND THAT PROPOSALS TO CUL-DE-SAC MOORHOUSE STREET WILL FURTHER CONSIDERED AT THE DEVELOPMENT APPLICATION STAGE FOR THE SITE.**

Amendment

At 7.29pm Cr Phelan moved, seconded Cr Halton the following amendment be made to the Officer Recommendation Approval Conditions.

1. **THAT COUNCIL RESOLVE, PURSUANT TO TOWN PLANNING REGULATION 17(1), TO ADOPT THE RECOMMENDATIONS CONTAINED WITHIN THIS REPORT AND THE ATTACHED SCHEDULE OF SUBMISSIONS AND FURTHER RESOLVE, PURSUANT TO REGULATION 17(2), THAT AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE, FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE MEDICAL CENTRE, OFFICE AND ONE (1) OR TWO (2) RESTAURANT/S ONLY WITH A COMBINED MAXIMUM SEATING FOR 80 PATRONS BE ADOPTED FOR FINAL APPROVAL.**

At 7.33pm Cr Reynolds left the meeting.

At 7.35pm Cr Reynolds returned to the meeting.

At 7.51pm the Mayor submitted the motion, which was declared

DECLARED LOST (5/6)

OFFICER RECOMMENDATION & COUNCIL RESOLUTION (5027)

FINAL APPROVAL

At 7.53 pm Cr Subramaniam moved, seconded Cr Ceniviva the substantive motion as amended, being-

1. **THAT COUNCIL RESOLVE, PURSUANT TO TOWN PLANNING REGULATION 17(1), TO ADOPT THE RECOMMENDATIONS CONTAINED WITHIN THIS REPORT AND THE ATTACHED SCHEDULE OF SUBMISSIONS AND FURTHER RESOLVE, PURSUANT TO REGULATION 17(2), THAT AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE, FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE MEDICAL CENTRE, OFFICE AND ONE (1) OR TWO (2) RESTAURANT/S ONLY WITH A COMBINED MAXIMUM SEATING FOR 80 PATRONS BE ADOPTED FOR FINAL APPROVAL.**

P08/5027 – FINAL APPROVAL AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE ‘MEDICAL CENTRE’, ‘OFFICE’ AND ‘RESTAURANT’ (REC) (ATTACHMENT)

- 2. THAT THE SCHEME AMENDMENT NO. 41 DOCUMENTS BE EXECUTED BY THE MAYOR AND CHIEF EXECUTIVE OFFICER AND HAVE THE COMMON SEAL AFFIXED.**

- 3. AMENDMENT NO. 41 DOCUMENTS BE FORWARDED TO THE HONOURABLE MINISTER FOR PLANNING FOR FINAL APPROVAL ALONG WITH THE SCHEDULE OF SUBMISSIONS AND ADVICE THAT THE ENVIRONMENTAL PROTECTION AUTHORITY HAS NO OBJECTION TO THE AMENDMENT.**

- 4. THAT THE DESIGN GUIDELINES FOR DEVELOPMENT OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE BE ADOPTED WITH THE FOLLOWING MODIFICATIONS:**
 - A) THE FOLLOWING STATEMENT BE ADDED TO THE EXISTING SEPARATION OF RESIDENTIAL AND NON RESIDENTIAL USES REQUIREMENTS:**

“ANY RESTAURANTS TO BE LOCATED FACING NORTH LAKE ROAD OR LEACH HIGHWAY, AWAY FROM THE RESIDENTIAL PROPERTIES.”

 - B) FENCING REQUIREMENTS BEING MODIFIED AS FOLLOWS:**

“THE WESTERN AND SOUTHERN INTERNAL BOUNDARIES OF THE SITE TOGETHER WITH THE PORTION OF MOORHOUSE STREET FRONTAGE TO THE ACCESS ROAD OFF MOORHOUSE STREET BE FENCED BY CONSTRUCTION OF A 1.8 METRE HIGH SOLID MASONRY WALL TO THE SATISFACTION OF COUNCIL.”

 - C) THE SECOND PARAGRAPH OF THE ACCESS AND PARKING REQUIREMENTS BE MODIFIED AS FOLLOWS:**

“DEVELOPMENT OF THE SITE WILL BE SUBJECT TO SUBMISSION OF A TRAFFIC STUDY WHICH IS TO ADDRESS ACCESS DETAILS FOR THE DEVELOPMENT AND TAKE INTO CONSIDERATION IMPACTS OF THE DEVELOPMENT RELATIVE TO THE ADJACENT RESIDENTIAL STREETS AND OPPORTUNITIES TO ACHIEVE IMPROVED ACCESS TO THE SITE DIRECTLY OFF LEACH HIGHWAY AND NORTHLAKE ROAD. ACCESS OFF LEACH HIGHWAY AND NORTH LAKE ROAD TO INCLUDE LEFT-IN AND LEFT-OUT ACCESS / EGRESS AND IN THE CASE OF NORTH LAKE ROAD, THE ACCESS / EGRESS IS TO BE LOCATED MID-BLOCK AND WILL REQUIRE MODIFICATIONS TO THE MEDIAN ISLAND TO CONTROL CROSS TRAFFIC MOVEMENT AT THE INTERSECTION WITH LEACH HIGHWAY. ALL ACCESS PROPOSALS TO LEACH HIGHWAY AND NORTH LAKE ROAD WILL BE SUBJECT TO NEGOTIATION WITH AND APPROVAL OF MAIN ROADS WA.”

P08/5027 – FINAL APPROVAL AMENDMENT NO. 41 TO COMMUNITY PLANNING SCHEME NO. 5 BY AMENDING THE DENSITY CODING OF LOT 100 (109) NORTH LAKE ROAD AND LOT 9 (241) LEACH HIGHWAY, WILLAGEE FROM “R20” TO “R60” AND AMENDING SCHEDULE 3 TO INCLUDE ‘MEDICAL CENTRE’, ‘OFFICE’ AND ‘RESTAURANT’ (REC) (ATTACHMENT)

- 5. THOSE THAT MADE SUBMISSIONS ON THE PROPOSED AMENDMENT BE ADVISED OF 1, 2, 3 AND 4 ABOVE AND THAT PROPOSALS TO CUL-DE-SAC MOORHOUSE STREET WILL FURTHER CONSIDERED AT THE DEVELOPMENT APPLICATION STAGE FOR THE SITE.**

At 7.54pm the Mayor submitted the substantive motion as amended, which was declared
CARRIED (9/2)

P08/5023 – DEDICATION OF A RIGHT OF WAY AS A PUBLIC ROAD - SWAN LOCATION 70 ON DIAGRAM 5983 BETWEEN STOCK ROAD AND WADDELL ROAD, BICTON (REC)

Disclosure of Interest

Item No.	P08/5023
Councillor/Officer	Cr Wieland
Type of Interest	Interest under Code of Conduct 6.8
Nature of Interest	Proximity Interest
Request	Leave
Decision of Council	Not Required

At 7.54pm Cr Wieland, having declared an interest in this item, left the meeting.

Ward	: Bicton / Attadale
Category	: Operational
Application Number	: Not applicable
Property	: Portion of Location 70 Stock Road, Bicton
Proposal	: To dedicate a private Right of Way
Applicant	: City of Melville
Owner	: Public Trustee – Estate of Louisa Mabel Regan
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	: Bruce Taylor Manager Information & Corporate Support
Previous Items	: Nil

AUTHORITY / DISCRETION

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

P08/5023 – DEDICATION OF A RIGHT OF WAY AS A PUBLIC ROAD - SWAN LOCATION 70 ON DIAGRAM 5983 BETWEEN STOCK ROAD AND WADDELL ROAD, BICTON (REC)**KEY ISSUES / SUMMARY**

- The land was created as a Private Right of Way (ROW), is constructed and has been in existence since 1934.
- The land is privately owned and forms part of Location 70 on Diagram 9583.
- The adjoining landowners have a right of carriage way over the land.
- The land has been and is required to provide portion of a service road between Stock and Waddell Roads, in particular to service the adjacent properties.
- The Public Trustee who manages the Estate of the deceased owner has advised that they would not object if the City of Melville sought to have the ROW formally dedicated as a public road.
- The ROW is required for reasons of orderly and proper planning, traffic management and safety and has long term strategic significance for the redevelopment of properties facing Canning Highway.

BACKGROUND

At the August 2008 Ordinary Meeting of Council the Council resolved to acquire a private Right of Way (ROW) being Lot 66, between Waddell Road and Stock Road. The ROW was to be acquired so that it could be dedicated as a Public Road pursuant to Section 56 of the Land Administration Act (LAA). Lot 66 and a portion of Location 70 Stock Road were created as private ROW's which together form a continuous link between Stock Road and Waddell Road.

This ROW (portion of Location 70) has been in existence since 1934 giving access rights to Part Lot 1, Part Lot 2, Lot 24, No 165 (formerly Lot 6) and No 42 Waddell Road. More recently, this ROW and Lot 66 have been utilised by the public, and delivery vehicles to the businesses fronting Canning Highway. This usage has raised concerns amongst the residents of the eight (8) units regarding noise, speed, two way traffic flow and access to their garages.

DETAIL

This ROW, fronting Stock Road, together with the adjoining ROW (Lot 66) that fronts Waddell Road form a continuous link between Waddell and Stock Roads. This ROW is paved, drained and kerbed to the City's standards and has been available for the use of the public for a period well in excess of 10 years. The City of Melville has undertaken both construction and maintenance works on the ROW now for several years and it has been identified as being suitable to be taken over by the City.

The ROW portion of Location 70 is owned by the estate of Louisa Mabel Regan who died 7 August 1946. The estate is administered by the Public Trustee who has advised the Council in writing that the Trustee would not object if the City of Melville sought to have the ROW formally dedicated as a Public Road.

**P08/5023 – DEDICATION OF A RIGHT OF WAY AS A PUBLIC ROAD - SWAN
LOCATION 70 ON DIAGRAM 5983 BETWEEN STOCK ROAD AND WADDELL ROAD,
BICTON (REC)**

While making enquiries with the Public Trustee about the possibility of having the ROW formally dedicated as a Public Road, Officers advised the Trustee that *"Following your concurrence, all adjoining owners who currently enjoy access to the ROW would be notified of the City's intentions prior to commencing the process of dedication of the ROW as a public roadway"*

Section 56(1)(i) of the Land Administration Act 1997 (Act) provides authority for the holder of the freehold in that land to apply to the local government, requesting dedication of the private road.

Section 56(1)(c) of the Act provides authority for a local authority to request the Minister of Lands to dedicate a private road that the public has had uninterrupted use of, for a period not less than 10 years. Under Section 56 of the Act, compensation is not payable to the owner of the right of way however it should be noted that this provision does not apply in this instance as the Trustee has agreed to transfer the land for nil consideration.

It is noted that residents of the units at 165 Stock Road have raised concerns through a local politician objecting to any proposal to increase or consolidate the use of the ROW. The future of the ROW's has been referred to Strategic Urban Planning that has provided the following comments:

- It is desirable that the ROW remain open to the public;
- The ROW is an important link between Waddell and Stock Roads and is required for both access and servicing of the adjoining properties; and
- The ROW should continue to be widened as opportunities arise to provide for both 2 way vehicle access and a footpath.

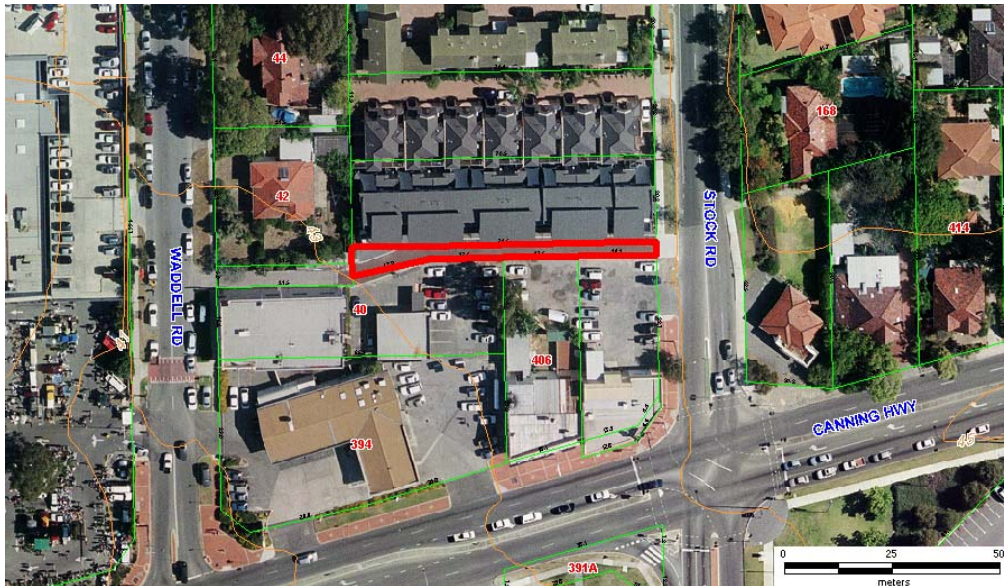
The ROW is required for reasons orderly and proper planning, traffic management and safety and has long term strategic significance for the redevelopment of properties facing Canning Highway.

An indicative plan has been developed to allow for future widening opportunities and it is appropriate that the ROW be set aside for public use and to enable the planned widening to be implemented. Future widening opportunities would need to address pedestrian safety and allow safe two-way vehicular access. Implementation of the plan will require negotiation with respective landowners or may be considered as part of determining any relevant development application.

**P08/5023 – DEDICATION OF A RIGHT OF WAY AS A PUBLIC ROAD - SWAN
LOCATION 70 ON DIAGRAM 5983 BETWEEN STOCK ROAD AND WADDELL ROAD,
BICTON (REC)**

Site Details

Location Map showing the right of way to be dedicated



PUBLIC CONSULTATION/COMMUNICATION

Public consultation was not specifically required with respect to this proposal; however the Council has previously advised the Public Trustee that all adjoining owners who currently enjoy access to the ROW would be notified of the City's intentions prior to commencing the process of dedication of the ROW as a public roadway"

REFERRALS TO GOVERNMENT AGENCIES

Nil

STATUTORY AND LEGAL IMPLICATIONS

In this instance the Council is not required to make an assessment for compensation to the owner of the land or the Easement holders. Commercial property Easement holders are unlikely to be compensated as the road dedication process will continue to provide for public use.

For the Right Of Way to be set aside for public use it is necessary that the ROW be dedicated as a public road.

**P08/5023 – DEDICATION OF A RIGHT OF WAY AS A PUBLIC ROAD - SWAN
LOCATION 70 ON DIAGRAM 5983 BETWEEN STOCK ROAD AND WADDELL ROAD,
BICTON (REC)**

Section 56 of the Land Administration Act 1997 states

56. Dedication of roads

(1) If in the district of a local government -

(a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;

(b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government -

(i) the holder of the freehold in that land applies to the local government, requesting it to do so; or

(ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

or

(c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

(2) If a local government resolves to make a request under subsection (1), it must

(a) in accordance with the regulations prepare and deliver the request to the Minister; and

(b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.

(3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then -

(a) subject to subsection (5), by order grant the request;

(b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or

(c) refuse the request.

**P08/5023 – DEDICATION OF A RIGHT OF WAY AS A PUBLIC ROAD - SWAN
LOCATION 70 ON DIAGRAM 5983 BETWEEN STOCK ROAD AND WADDELL ROAD,
BICTON (REC)**

- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be -
 - (a) unallocated Crown land or, in the case of a private road, alienated land; and
 - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

In respect to this lot the land is a private ROW which has been constructed and maintained to the satisfaction of the local government and to which the public has had uninterrupted use for a period of not less than 10 years and it follows that it is open to the Council to request the Minister to have the land dedicated as a road.

The Council has received legal advice confirming that this action is appropriate and available to it.

Section 8 of the Land Administration Regulations 1998 outlines the process required to prepare and deliver under section 56(2) (a) of the Act a request to the Minister to dedicate land as a road.

FINANCIAL IMPLICATIONS

There would be no compensation paid or cost involved in acquiring to ROW. Only minor costs would be incurred in undertaking the administrative process to dedicate to ROW as a Private Road. The ROW would become a public road and the Council would become responsible for ongoing costs to care, control and maintain the road.

The Council will be required to meet various miscellaneous costs associated with the dedication as required by sub section 56 (4) of the Land Administration Act 1997

**P08/5023 – DEDICATION OF A RIGHT OF WAY AS A PUBLIC ROAD - SWAN
LOCATION 70 ON DIAGRAM 5983 BETWEEN STOCK ROAD AND WADDELL ROAD,
BICTON (REC)**

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The ROW would become a road reserve and the City of Melville be responsible for associated risks and the will assume ongoing construction and maintenance responsibilities for the road.

POLICY IMPLICATIONS

Nil

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Apart from undertaking the action proposed in this report the Council could do nothing and leave the ROW privately owned to be used by the benefit/easement holders.

CONCLUSION

The land was and still is a ROW and the Right of Carriageway Easement cannot be extinguished or use inhibited by some other purpose without the other Easement holders' approval. The dedication of the ROW as a road is essential to ensure that the land is able to be used by the public at large for the purpose of access. This would enable the road to be widened for the benefit of the general community. It is therefore recommended that the Council commence resumption proceedings in accordance with the provisions of the Land Administration Act.

The land was and still is a ROW and can not be used for some other purpose without the other easement holders' approval. The dedication of the ROW (portion of Location 70) as a road is essential to ensure that the land is able to be used by the public at large for the purpose of access. This would enable the road to be widened for the benefit of the general community.

P08/5023 – DEDICATION OF A RIGHT OF WAY AS A PUBLIC ROAD - SWAN LOCATION 70 ON DIAGRAM 5983 BETWEEN STOCK ROAD AND WADDELL ROAD, BICTON (REC)

The Chief Executive Officer advised the meeting of an objection to the dedication of the right of way had been received from an adjoining land owner, Mr Darren Miller.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5023) APPROVAL

At 7.55pm Cr Barton moved, seconded Cr Reynolds -

- 1. THAT STATE LAND SERVICES AT THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE (DPI) BE REQUESTED TO DEDICATE THE RIGHT OF WAY OFF STOCK ROAD, BEING PORTION OF LOCATION 70 STOCK ROAD, BICTON, AS A PUBLIC ROAD, PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997.**
- 2. THAT STATE LAND SERVICES AT THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE (DPI) BE INDEMNIFIED FROM ANY CLAIMS ARISING FROM THE DEDICATION ACTIONS AS REQUIRED BY SUBSECTION 4 OF THE LAND ADMINISTRATION ACT 1997.**
- 3. THAT THE ADJOINING OWNERS TO THE RIGHT OF WAY PORTION OF LOCATION 70 STOCK ROAD BE ADVISED IN WRITING OF THE COUNCIL RESOLUTION TO REQUEST THE DEDICATION OF THE RIGHT OF WAY PORTION OF LOCATION 70 STOCK ROAD AS A PUBLIC ROAD.**

At 7.55pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (10/0)

At 7.56pm Cr Wieland returned to the meeting.

C08/5024 CITY OF MELVILLE ANNUAL REPORT 2007-2008 (REC) (ATTACHMENT)

Ward	: All
Category	: Operational
Subject Index	: City of Melville Annual Report
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	: Not Applicable
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officers	: Dudley Smith, Manager Financial Services Roshan Weddikkara, Marketing & Communications Coordinator

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 text component of the 2007-2008 Annual Report for the Council's acceptance together with draft financial figures.

C08/5024 CITY OF MELVILLE ANNUAL REPORT 2007-2008 (REC) (ATTACHMENT)

BACKGROUND

In accordance with Section 5.53(1) of the Local Government Act 1995, a local government is required to prepare an Annual Report for each financial year. Section 5.54 of the Act requires that the Annual Report be accepted by the Local Government no later than 31 December for the previous financial year. Section 5.27 requires the Annual Report to be accepted prior to the Annual Meeting of Electors.

Like the 2006-2007 Annual Report, this year's report takes the form of a 'Community Annual Report' which features a full text summary [C08_5024A_Oct_2008.pdf](#), and an abridged set of Financial Statements [Annual Report 2007-08 ABRIDGED.pdf](#). The full set of Financial Statements [Annual Report 2007-08.pdf](#) is available to ratepayers on request.

Due to severe time constraints on the auditors, the audited abridged set of Financial Statements, and the full set of Financial Statements are not yet available and will be tabled at the next available meeting, however draft figures are attached and are not expected to change materially. Any changes will be notified to Elected Members.

The Council is required to accept the 'full' version, which is the 'Community Annual Report' plus the Full Financial Statement as per Section 6.4(2) of the Act, and electors will be made aware that the full version, including the complete financial statements, is available on request.

The complete Report requires acceptance by the Council prior to the Annual General Meeting of Electors to be held on Wednesday, 26 November 2008.

DETAIL

Section 5.53 of the Act requires the Annual Report to contain the following:

- a) A report from the Mayor
- b) A report from the Chief Executive Officer; and
- c) An overview of the plan for the future of the City made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
- d) The financial report for the financial year under review; and
- d) Such information as may be prescribed in relation to the payments made by employees
 - The number of employees of the local government entitled to a salary of one hundred thousand dollars (\$100,000) or more; and
 - The number of those employees with an annual salary entitlement that falls within each band of ten thousand dollars (\$10,000) or more; and

C08/5024 CITY OF MELVILLE ANNUAL REPORT 2007-2008 (REC) (ATTACHMENT)

- f) The Auditor's report for the financial year; and
- g) Information required by the Disability Services Act 1993; and
- h) Details of entries made under section 5.121 during the financial year in the register of complaints, including –
 - (i) the number of complaints recorded in the register of complaints;
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
- i) Such other information as may be prescribed.
- j) Information required by the National Competition Policy; and
- k) Information required by the State Records Act; and

In relation to paragraph (i), no other matters have been prescribed at this time.

The 2007-2008 Annual Report has been prepared and includes the following:

1. The Mayoral Report.
2. Report by the Chief Executive Officer.
3. Report on major initiatives in the Strategic Plan (which includes the Principal Activities).
4. All other requirements of the Act.
5. Auditor's Report.
6. Audited Financial Statements (abridged).

PUBLIC CONSULTATION/COMMUNICATION

No external public consultation has been carried out.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

No consultation with other agencies/consultants has been carried out.

STATUTORY AND LEGAL IMPLICATIONS

Section 5.54 of the Local Government Act specifies that the Annual Report for the financial year is to be accepted by the Local Government no later than 31 December after that financial year.

Section 5.27 of the Act specifies that a General Meeting of Electors is to be held within fifty-six (56) days after the local government accepts the Annual Report for the previous financial year.

C08/5024 CITY OF MELVILLE ANNUAL REPORT 2007-2008 (REC) (ATTACHMENT)

FINANCIAL IMPLICATIONS

The Annual Report has been prepared in accordance with all relevant legal requirements and accounting standards. It should be noted that whilst the Rate Setting Statement shows a surplus position based on the information required to be shown therein, the Income Statement includes a write down in respect of Investment holdings and as such shows a deficit position.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Nil.

POLICY IMPLICATIONS

14-PL-001 – Annual Meeting of Electors

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil.

CONCLUSION

The text of this Annual Report was developed from key information gathered from all areas of the organisation from quarterly and end-of-year reports, the Community Plan, the Plan for the Future, and other corporate documents.

The information was edited to present a simple language report aimed at providing succinct and relevant information to the community. The final published report will be known as a 'Community Annual Report'. The full financial statements will not be part of the final publication but are available on request.

The audited abridged and full financial statements will be tabled at the next available Ordinary Meeting of Council together with the words of the report in order that the full Annual report can be accepted by Council. It is also intended that the financial statements will be presented to the Financial Management, Audit, Risk & Compliance Committee for consideration.

C08/5024 CITY OF MELVILLE ANNUAL REPORT 2007-2008 (REC) (ATTACHMENT)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5024)

APPROVAL

- 1 THAT THE TEXT COMPONENT OF THE CITY OF MELVILLE 2007-2008 ANNUAL REPORT BE ACCEPTED.**
- 2 THAT THE DRAFT ABRIDGED AND FULL FINANCIAL REPORTS BE REFERRED TO THE FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE FOR REVIEW AND RECOMMENDATION TO COUNCIL.**

At 7.57pm the Mayor submitted the motion, which was declared

**CARRIED EN BLOC
WITHOUT DISSENT(11/0)**

**C08/5025 – REVIEW OF POLICY 14-PL-001 ANNUAL MEETING OF ELECTORS
(AMREC)**

Ward	: All
Category	: Policy
Property	: N/A
Proposal	: N/A
Applicant	: N/A
Owner	: N/A
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Responsible Officer	: Bruce Taylor Manager Information & Corporate Support
Previous Items	: Special Meeting of Council held 22 October 2007, Item C07/5015 – Dates of Council and Committee Meetings 2007/2008

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

- | |
|--|
| <ul style="list-style-type: none"> • To consider a change of date that the Annual Meeting of Electors is held each year. • A change, by absolute majority of the Council, to Policy Number 14-PL-001 – Annual Meeting of Electors would be required if the Policy is to be deleted or the date and time of the meeting is to be changed. |
|--|

**C08/5025 – REVIEW OF POLICY 14-PL-001 ANNUAL MEETING OF ELECTORS
(AMREC)****BACKGROUND**

At the Special Meeting of Council held 22 October 2007 where the Council considered the date of Council and Committee Meetings for 2007/2008 it was resolved that in relation to the Electors General Meeting that the *“Date to be determined by a future meeting of the Council”*.

The date that the Electors General Meeting is held is determined by Policy. Policy Number 14-PL-001 – Annual Meeting of Electors states that *“Subject to receipt of the Auditor’s Report, the Annual Meeting of Electors shall be held in an appropriate venue in the Administration precinct at the discretion of the Chief Executive Officer, on the last Wednesday evening in November at 7.00pm in accordance with the Local Government Act 1995.”*

The November meeting date has previously conflicted with the Australian Local Government Associations National General Assembly of Local Government, however the timing of the Assembly has now been changed.

OTHER CONSIDERATIONS

Issues that impact on the timing of the Electors Meeting are the date of Local Government Elections, the availability of the Auditors’ Report and ability to publish the Annual Report for presentation at the Annual Meeting of Electors and the availability of Elected Members to attend.

Difficulties have been experienced with getting the annual audit completed and the Audit Report presented in time for the Annual Report to be prepared and published. A change of date to the first or second Wednesday in December each year may help alleviate this problem. However, holding the meeting in December, particularly late in the month may be too close to school holidays and the Christmas holiday period.

The Local Government Act (Section 5.54) requires that the Annual Report be adopted by the Council no later than 31 December each year.

It should be noted that the Department of Local Government is considering a proposal to amend the Local Government Act to make Annual Electors meetings optional.

PUBLIC CONSULTATION/COMMUNICATION

No Public consultation has been held in relation to this Item. The date, time and venue that the Electors General Meeting is held is advertised extensively prior to the meeting being held.

REFERRALS TO GOVERNMENT AGENCIES

Nil

**C08/5025 – REVIEW OF POLICY 14-PL-001 ANNUAL MEETING OF ELECTORS
(AMREC)**

STATUTORY AND LEGAL IMPLICATIONS

The meeting allows the Council the opportunity to present its activities for the previous year to electors and allows electors an opportunity to evaluate the Council and contribute to the development of the City.

The following sections of the Local Government Act 1995 relate to the conduct of the electors meeting.

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving —*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice,**of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

Section 5.4 of the Act determines the method of calling Council meetings -

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) *if called for by either —*
 - (i) *the mayor or president; or*
 - (ii) *at least $\frac{1}{3}$ of the councillors,**in a notice to the CEO setting out the date and purpose of the proposed meeting; or*
- (b) *if so decided by the council*

**C08/5025 – REVIEW OF POLICY 14-PL-001 ANNUAL MEETING OF ELECTORS
(AMREC)**

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

FINANCIAL IMPLICATIONS

There are no Financial Implications relating to changing the date of the Electors General meeting.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Nil

POLICY IMPLICATIONS

The Policy can be deleted as Section 5.29(1) of the Act provides that the CEO can convene the Annual Electors Meeting by giving public notice and giving each Elected Member 14 days notice of the date, time, place and purpose of the meeting.

Should Elected Members wish to retain the Policy but change the date and time that the Electors General Meeting is held a change to Policy Number 14-PL-001 – Annual Meeting of Electors would be required.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Other options are to retain the Policy and keep the meeting scheduled for the last Wednesday in November each year so that Members and the Public are aware of the date each year. Where this date is not suitable due to the required information not being available, the policy could state that the Chief Executive Officer could then determine and convene the meeting at an alternative date as allowed by Section 5.29(1) of the Local Government Act

Another option would be for the Council to formally consider by way of Officer Report the date to hold the meeting each year. This option would require an Item to be presented to the Council each year for adoption and is not supported.

**C08/5025 – REVIEW OF POLICY 14-PL-001 ANNUAL MEETING OF ELECTORS
(AMREC)**

CONCLUSION

The Act provides a mechanism for the CEO to convene the meeting each year and there is no need for a Policy.

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5025)
ABSOLUTE MAJORITY APPROVAL**

At 7.58pm Cr Robartson moved, seconded Cr Subramaniam -

**THAT POLICY 14-PL-001 – ANNUAL MEETING OF ELECTORS - BE DELETED AND
THE CHIEF EXECUTIVE OFFICER CONVENE THE ANNUAL MEETING OF ELECTORS
EACH YEAR IN ACCORDANCE WITH SECTION 5.29(1) OF THE LOCAL GOVERNMENT
ACT 1995.**

At 7.58pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

Ward	: All
Category	: Policy
Subject Index	: Elected Members Profile
Customer Index	: Elected Members
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Ordinary Meeting of Council 20 November 2007 - Item C08/5026 – Election of Representatives to Occasional, Advisory, Local Government and Community Committees
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Bruce Taylor Manager Information and 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 review decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

KEY ISSUES / SUMMARY

- This Item provides the Council with the opportunity to review the continuation of each Committee and if still required, to elect representatives to the various Occasional, Advisory, Local Government and Community Committees.

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

BACKGROUND

The annual review of the various Occasional, Advisory, Local Government and Community Committees and the Elected Member and officer representation on each Committee's is due to be undertaken.

The last review was held in November 2007 after the October biennial election. Since this time a reorganisation of the Council Committee structure has been undertaken resulting in Portfolios and Portfolio Committees being disbanded.

At the November 2007 review the following Committees were removed from the list of Committees requiring Elected Member Representation -

TRAVELSMART REFERENCE GROUP (formerly *Pedestrian & Cycling Reference Group*)
Deleted from list of Committees as group has been disbanded.

SOUTH METROPOLITAN EAST-WEST PUBLIC TRANSPORT STUDY
Delete from list of Committees as group has been disbanded.

The BIRRA-LI CHILD CARE CENTRE INC, BLUE GUM CHILD CARE ASSOCIATION INC, BOORAGOON OCCASIONAL CHILD CARE CENTRE INC have been removed from the 2008/09 list of Committees as last year no elected representatives were nominated. The Community Development Coordinator was the representative. At the Council Meeting held on 27 May 2003 it was resolved that the Council Representation on the Birra-Li Child Care Centre Inc, Blue Gum Child Care Association Inc, Booragoon Occasional Child Care Centre Inc be optional as the City of Melville is no longer a sponsor for the group, and autonomous funding is now available to them.

During this review Officers have recommended that the following Committees or Groups be deleted from the list as they are no longer required or have been disbanded

CANNING BRIDGE PRECINCT WORKING GROUP
Function – To consider urban design framework for future development of the Canning Bridge Precinct

HEATHCOTE OCCASIONAL COMMITTEE
Function - to consider the Future Uses of the Heathcote Site

LEEMING RECREATION CENTRE ADVISORY COMMITTEE
Function – to advise the Council on the operations of the Leeming Recreation Centre.

ST JOHN OF GOD MURDOCH COMMUNITY HOSPICE INC
Function - to conduct, manage and maintain the St John of God Murdoch Community Hospice.

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

The COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE has been replaced by the SAFER MELVILLE ADVISORY COMMITTEE

DETAIL

Part of the process for electing representatives on Committees should include a review of the need for the Committee to see if it should continue, combine with another Committee or be disbanded. Policy 14-PL-010 Advisory and Management Committees - requires that a report to be presented to the appropriate Committee every two (2) years where the performance and role of each committee will be assessed and a determination made on whether the Advisory Committees will continue.

Due to the small membership of most Occasional Committees, difficulty is sometimes experienced in obtaining a quorum. It is therefore suggested that **TWO DEPUTIES BE APPOINTED FOR EACH OCCASIONAL COMMITTEE.**

Under Section S5.10(4) of the Local Government Act 1995, where a Council representative is required on any Standing or Advisory Committee of the Council, His Worship the Mayor has the right to be appointed as one of the representatives. This does not apply to representation on non-Council committees.

1.1 OCCASIONAL COMMITTEES 2008/2009

1.1.1 WIRELESS HILL VISION 2020 STAKEHOLDER REFERENCE GROUP

(Meets as required)

Function – To provide an interactive stakeholder forum to share information and develop an agreed vision for Wireless Hill for consideration by Council..

The 2007/2008 representatives on the Wireless Hill Vision 2020 Stakeholder Reference Group were;

Four (4) Elected Members

- Mayor R Aubrey,
- Cr H R Everett,
- Cr N Pazolli,
- Cr C Halton

Twenty five (25) Community and other stakeholders

- Wireless Hill Action Group
- Friends of Wireless Hill
- Tenants of Wireless Hill
- Local Residents
- Capital Community Radio
- Morse Codeines
- Melville History Society
- Aboriginal

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

Officers in Attendance (4)

- Director Strategic Community Development
- Manager Strategic Planning
- Manager Community Services
- Curator/Cultural Development Officer

Maximum Elected Membership (4)

REPRESENTATIVES 2008/2009	DEPUTIES

1.1.2 WIRELESS HILL CENTENARY WORKING GROUP

(Meets as required)

Function –Is to plan for the commemoration of the Centenary of Wireless Hill. The celebration will raise awareness, educate people about the historical significance of the site and increase community

The 2007/2008 representatives on the Wireless Hill Centenary Working Group were;

Four (2) Elected Members

- Cr H R Everett,
- Cr C Halton

Twelve (12) Community and other stakeholders

- WA VHF Group (1)
- Park User (1)
- Local Resident (4)
- Melville History Society (1)
- Friends of Wireless Hill (2)
- Capital Community Radio (1)
- Light & Sound Centre (1)
- Vintage Wireless Gramophone Club (1)

Officers in Attendance (4)

- Manager Community Services
- Curator/Cultural Development Officer
- Community Development Officer Festivals & Events
- Marketing Officer

Maximum Elected Membership (2)

REPRESENTATIVES 2008/2009	DEPUTIES

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.2 MANAGEMENT & ADVISORY COMMITTEES 2008/2009

1.2.1 CITY OF MELVILLE EMERGENCY MANAGEMENT COMMITTEE

Function - to oversee the City of Melville Emergency Management Plan; to clarify the roles of each of the various organisations to ensure coordination of the resources during emergency situations; and to plan and conduct an emergency management exercise each year to test the City of Melville Emergency Management Plan.

The 2007/2008 representatives on the City of Melville Emergency Management Committee were Cr H Everett, Cr J Barton, Cr R Subramaniam with Cr G Wieland and the Manager Neighbourhood Amenity as deputies. Officers are allocated to attend to meetings of the Emergency Management Committee in their Administrative capacity and it is requested that staff not be appointed to this committee as a Deputy member.

The Committee consists of -

- Four (4) Elected Members
Representative from -
- St John Ambulance
 - Department of Community Services
 - Red Cross Society
 - Police Officer in Charge – Murdoch & Palmyra
 - SES Melville Coordinator
 - District Officer WA Fire Brigade

- Officers in Attendance -
- Neighbourhood Amenity Coordinator
 - Community Development Coordinator
 - Engineering Operations Coordinator

Maximum Elected Membership (4)

REPRESENTATIVES 2008/2009	DEPUTIES

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.2.2 MUSEUMS & LOCAL HISTORY SERVICES ADVISORY COMMITTEE (formerly *Local History & Museum Services Advisory Committee*)
(Meets bi-annually – *time and date to be advised*)

Function –

- a) *To increase the usage of the museums and local history service by the local community and visitors to Melville through the contribution of ideas and strategies to actively promote the service*
- b) *To assist with the recruitment of volunteers to support the work of the museums and local history service*
- c) *To provide suggestions and comment on education and community programme development and the “use” of museum sites in order to relate the history of Melville*
- d) *To advise on the acquisition of new items and de-accessioning of existing items in line with the museum and local history service Collections Policy*
- e) *To advise on other museum and local history matters referred to the Committee from time to time*

The 2007/2008 representatives on the Local History & Museum Services Advisory Committee were Cr H Everett and Cr C Halton.

The Committee consists of -

- One (1) Elected Member
- Two (2) Community and/or Business Representatives
- Four (4) Representatives from the following groups -
 - Melville History Society (1)
 - Melville District Education Department (1)
 - Youth (1)
 - Aboriginal (1)

Officers in Attendance (3)

- Manager Community Services
- Curator/Cultural Development Officer
- Local History Officer

Maximum Elected Membership (1) & (1) Deputy

REPRESENTATIVES 2008/2009	DEPUTIES

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.2.3 CITY OF MELVILLE ROADWISE TASKFORCE

(Meets quarterly - at 6.30pm)

Function –

- 1) *To develop and implement road safety strategies and action plans with an emphasis on community input, with the aim of achieving a safer environment for all road users by reducing the number and severity of road crashes within the City of Melville; and*
- 2) *To act as an Advisory Committee to the Melville Council on road safety strategy issues.*

The 2007/2008 representatives on the Melville Community RoadWise Taskforce were Cr N Pazolli and Cr C Halton, with Cr C Robartson as deputy.

Committee Representation

- Elected Members (2)
 - (1) Chairperson of RoadWise Committee
 - (2) Deputy Chairperson of RoadWise Committee;
- Representative from -
RoadWise;
WA Police; and
- Representatives from the Community, Groups and Schools

Officers in Attendance

- TravelSmart Officer
- Executive Engineer
- (Design Engineer/Transport & Safety Coordinator – as and when required);
- Minute Secretary

Maximum Elected Membership (2)

- Elected Member representatives hold the positions of Chairperson and Deputy Chairperson of the Committee

REPRESENTATIVES 2008/2009	DEPUTIES

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.2.4 ROAD SAFETY ADVISORY COMMITTEE

(Meets quarterly - at 4.30pm)

Function – *To improve communication and share information and resources between Government Authorities to improve the safety and efficiency of roads within the City of Melville.*

The 2007/2008 representatives on the Road Safety Advisory Committee were Cr N Pazolli and Cr R Subramaniam, with the Director Technical Services as deputy.

The Committee consists of -

The Presiding Member of the then Technical Services Committee, (Presiding Member); and

One (1) Elected Member

Representatives from -

- Police Department of WA
 - Main Roads Western Australia;
 - Office of Road Safety
- State Politicians from the Local Area -
- Christian Porter MLA; (Member for Murdoch, representing the Government) and
 - Dr Janet Woollard MLA, (member For Alfred Cove).

Officers in Attendance

- Director Technical Services
- Executive Engineer
- (Design Engineer/Traffic & Safety Coordinator – as and when required)

Maximum Elected Membership (2)

REPRESENTATIVES 2008/2009	DEPUTIES
	Director Technical Services

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.2.5 YOUTH SPORT SCHOLARSHIP SCHEME ASSESSMENT PANEL

(Annually for Assessment purposes)

Function - to administer a Scheme which allows young people who are under 18 and residents of the City of Melville, the opportunity to use Council-managed recreational and leisure facilities free of charge.

The 2007/2008 representative on the Youth Sport Scholarship Scheme Assessment Panel were Crs L M Reynolds, H R Everett, and D J Macphail, with His Worship the Mayor R Aubrey and the Community Recreation Coordinator as deputy.

The Committee consists of

- Three (3) Elected Member Representatives from -
 - Community Representatives (2);
 - Ministry of Sport & Recreation (1);
- Officer in Attendance -
 - Community Recreation Coordinator

Maximum Elected Membership (3)

REPRESENTATIVES 2008/2009	DEPUTIES
	Community Recreation Coordinator

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.2.6 SAFER MELVILLE ADVISORY COMMITTEE

Meetings held every two months on the third Wednesday of the month at 7.00pm.

During the November 2007 review of committees and representation the Safer Melville Advisory Committee was withdrawn from the list because the Community Safety & Crime Prevention committee replaced the Safer Melville Advisory Committee (SMAC).

The Committee has now been reformed and the City of Melville is currently developing a 2008-2012 Community Safety Crime Prevention Plan (CSCPP). Requirements of the CSCPP are to provide regular progress report to the committee for their recommendations.

Function –

- *To facilitate formation of Local Community Safety and Crime Prevention Partnerships within the District of the City of Melville;*
- *To coordinate development of a Local Community Safety & Crime Prevention Plan in partnership with relevant stakeholders for adoption by the City of Melville;*
- *To develop Local Community Safety and Crime Prevention strategies and to negotiate Local Service Agreements to ensure delivery of those strategies in accordance with the predetermined standards and timing;*
- *To periodically review the Local Community Safety and Crime Prevention Plan and make recommendation to the City of Melville for adoption.*

The 2005/2006 representative on the Safer Melville Advisory Committee was the Director Strategic Community Development or her nominee.

Committee Representation

- Murdoch Police Station (1);
- Palmyra Police Station (1);
- Neighbourhood Watch (1);
- Department of Housing & Works (1);
- Department of Community Development (1);
- Department of Indigenous Affairs (1);
- Department of Health (1);
- Youth Advisory Council (1);
- Four Members of the Community to be selected to ensure representation from other ethnic groups, families, people with disabilities and older people.
- City of Melville (2 Elected Members)

Officer in Attendance

Manager Neighbourhood Amenity
Business Manager Community Safety Security
Coordinator Community Safety & Crime Prevention

Maximum Elected Membership (2) with an Elected Member as Deputy

REPRESENTATIVES 2008/2009	DEPUTIES

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.3 APPOINTMENT OF DELEGATES 2008/2009

1.3.1 SOUTHERN METROPOLITAN REGIONAL COUNCIL

(Monthly)

Function - Acts as the Board of Directors for development and operations of the Southern Metropolitan Regional Council's Regional Resource Recovery Centre, and other activities applicable under the Southern Metropolitan Regional Council's Terms of Reference

The 2007/2008 representative on the Southern Metropolitan Regional Council was Cr C W Robartson, with Cr D Macphail as deputy and the Director Technical Services as advising Officer and Director Customer & Corporate Services as alternate Advising Officer.

The Committee consists of -

One (1) Elected Member
from -

- City of Melville
- City of Canning
- Town of East Fremantle
- City of Fremantle
- City of Cockburn
- Town of Kwinana
- City of Rockingham

Officers in Attendance

- Director Technical Services – Advising Officer
- Director Customer & Corporate Services alternate Advising Officer.

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.3.2 SOUTH WEST GROUP DISTRICT PLANNING COMMITTEE

(Meets bi-monthly commencing 23 June 2005 at 5.30pm)

Function - set up under the old Metropolitan Region Town Planning Scheme Act and is the organ of the Councils (six) of the South West Group on planning matters, one of which is appointed to represent the Group on the Executive of the Metropolitan Region Planning Association.

The 2007/2008 representative on the South West Group District Planning Committee was Cr D J Macphail, with Cr A Ceniviva and Director Urban Planning as deputies.

The Committee consists of -

One (1) Elected Member

Representatives from -

- Town of East Fremantle
- Town of Kwinana
- City of Cockburn
- City of Fremantle
- City of Rockingham

Officer in Attendance

- Director Urban Planning (or his representative)

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES
	Director Urban Planning

NB: As only one representative is required for this Committee, a ballot may be required to be held if more than one nomination is received.

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.3.3 SOUTH WEST GROUP PLANNING AND INFRASTRUCTURE COMMITTEE

(Meets Thursday mid month, every second month at 4.00 pm)

Function - to address the Planning and Infrastructure issues currently faced by the South West Metropolitan Region.

The 2007/2008 representative on the South West Group - Planning and Infrastructure Committee were Cr C M Halton, with the Director Technical Services and Director Urban Planning as deputies.

The Committee consists of -

One (1) Elected Member
Representatives from -

- City of Cockburn
- City of Fremantle
- City of Rockingham
- City of Melville
- Town of East Fremantle
- Town of Kwinana
- Two planning and/or engineering staff members from each member Local Government Agency

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES
	Director Technical Service
	Director Urban Planning

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.3.4 SWAN RIVER TRUST

(Meets first Monday of each month at 9.00am)

Function - to manage and protect the Swan River.

The 2007/2008 delegate to the Swan River Trust was Cr C W Robartson with the Director Urban Planning as the deputy.

The Trust representatives will consist of -

Representatives from -

- The City of Melville
- Swan River Trust
- Planning & Development Environmental Quality Committee

Officer in Attendance

- Director Urban Planning and or Director Technical Services

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES
	Director Urban Planning or
	Director Technical Services

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.3.5 WESTERN AUSTRALIAN LOCAL GOVERNMENT (WALGA) - SOUTH METROPOLITAN ZONE

(Meets bi-monthly on the last Monday of the month at 5.30pm)

Function - to examine issues relative to the industry within the South Metropolitan Zone and provide feedback to Zone Representatives voting at the Local Government Association and Western Australian Municipal Association.

The 2007/2008 delegates to the Local Government Association of Western Australia (Inc) - South Metropolitan Zone, were Cr P M Phelan, Cr L M Reynolds and D J Macphail, with the Chief Executive Officer as the deputy.

The Zone Membership will consist of -

- Three (3) Elected Members
- Representatives from -
 - City of Fremantle
 - Town of East Fremantle
 - City of Cockburn
 - City of Rockingham
 - Town of Kwinana
 - Local Government Association
- Officer in Attendance
 - Chief Executive Officer

Committee Representation

Three (3) Elected Members

REPRESENTATIVES 2008/2009	DEPUTIES
	Chief Executive Officer

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.3.6 SOUTH WEST CORRIDOR ENVIRONMENT AND SERVICES COMMITTEE

(Meets at 5.00pm, six times a year, day still to be agreed.)

Function - to provide advice on environmental, recreation and community services issues

The 2007/2008 delegate to the Committee were Cr C Halton and Cr C W Robartson.

The Committee representatives consist of -

Two representatives from the six member Local Government Agencies of the South West Group.

Committee Representation

Two (2) Nominees (Elected Members and/or Staff Members)

REPRESENTATIVES 2008/2009	DEPUTIES

1.4 APPOINTMENT OF REPRESENTATIVES 2008/2009

1.4.1 AVIATION MUSEUM COMMITTEE

(Meets first Tuesday of each month at 9.30am)

Function - to examine and make decisions on the development of the RAAF Aviation Heritage Museum.

The 2007/2008 representatives on the Aviation Museum Committee was Cr C Robartson and the Coordinator Heritage & Museum Services.

The Committee consists of -

Representatives from -

- The City of Melville
- Education Representative from Kent Street High School
- Aviation Library
- RAAF members (7)

Officer in Attendance

- Curator/Cultural Development Officer

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.2 ALCHERA LIVING

Formerly City of Melville Aged Persons Trust (Inc)
(First Monday of second month from July at 5.00pm)

Function - to promote and undertake benevolent assistance for elderly people (Housing) including management of Retirement Villages.

The 2007/2008 representative on Alchera Living were Cr L M Reynolds, Cr P M Phelan and Cr C W Robartson.

The Committee consists of -

- Representatives from -
- City of Melville
 - Rotary Club of Applecross
 - Melville Lions Club
 - Booragoon Lions Club
 - Bull Creek Lions Club
 - South Perth Zonta Club
 - Kardinya Lions Club
 - Inner Wheel Club of Melville

Officers in Attendance

- Director Strategic Community Development

Committee Representation

Was the Presiding Member Community Planning Portfolio, (which has now been disbanded) and one other Representative

REPRESENTATIVES 2008/2009	DEPUTIES

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)**1.4.3 CITY OF MELVILLE CITIZENS RELIEF FUND (Inc)**

(Meets bi-monthly - Wednesday evening)

Function - to oversee the management of the Relief Fund and approval of applicants.

The 2007/2008 representative on the City of Melville Citizens Relief Fund (Inc) was Cr J Barton, with His Worship the Mayor R Aubrey as the deputy.

Officer in Attendance -

- Financial Counsellor/Emergency Relief Officer

Note – Cr Robartson is on this Committee in his own right as member of the Community.

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.4 [COASTAL BUSINESS ENTERPRISE CENTRE INCORPORATED](#)

(Meets first Thursday of each month at 7.00am at Fremantle Jail)

Function - to maximise development and growth opportunities for Small Business within the Region.

The 2007/2008 representatives on the Coastal Business Enterprise Centre (Inc) was Cr A Ceniviva, with Cr R Subramaniam and the Director Urban Planning as deputies.

Committee Representation

Two (2) Members

REPRESENTATIVES 2008/2009	DEPUTIES
	Director Urban Planning

1.4.5 [JANDAKOT AIRPORT CONSULTATIVE COMMITTEE](#)

(Two - three times per year as advised)

Function - to provide a forum for discussion of all aspects of Airport planning and operations.

The Council representative on the 2007/2008 Jandakot Airport Advisory Committee was His Worship the Mayor R Aubrey, with Cr J R Bennett as deputy.

The Committee consists of -

Representatives from -

- City of Melville
- Civil Aviation Authority
- Trades & Labour Council
- Ministry for Planning
- City of Cockburn
- City of Canning
- Aviation Industry

Officer in Attendance

- Manager Health & Lifestyle Services
- Director Technical Services

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES

1.4.6 MELVILLE CARES INC

(Meets last Tuesday of each month at 1.30pm)

Function - to provide home care services for residents in need with the aim of maintaining persons in their own homes for as long as possible.

The 2007/2008 representative on the Melville Cares Inc Committee was Cr C M Halton with the Coordinator Home and Community Care in attendance. An Officer is allocated to attend to meetings of Melville Cares Inc Committee in their Administrative capacity and it is requested that staff not be appointed to this committee as a Deputy member.

The Committee consists of -

Representatives from -

- City of Melville
- Melville Cares Presiding Member (D Feeney)
- Melville Cares Deputy Presiding Member
- Melville Cares Secretary
- Melville Cares Treasurer
- Community representatives (6)

Officer in Attendance

- Coordinator Home and Community Care

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.7 MELVILLE/COCKBURN CHAMBER OF COMMERCE INC

(Meets monthly as advised)

Function - assisting local businesses in the City of Melville, with the role of the representative being to enhance the communication lines between the Chamber and the Council.

The 2007/2008 representative on the Melville/Cockburn Chamber of Commerce was Cr Ceniviva, with Cr Phelan and the Director Urban Planning as deputy.

Council Officer Contact

- Director Urban Planning

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES
	Director Urban Planning

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.8 MELVILLE LOCAL DRUG ACTION GROUP (MLDAG)

(Afternoon meetings on a monthly basis at approximately 3.30pm – Venue Melville Senior High School – City of Melville representatives called upon on adhoc basis)

Function – To provide information and support services regarding drug issues to the general community and to organise drug-free recreation and development opportunities for young people in the Melville Area.

The 2007/2008 representatives on the Melville Local Drug Action Group was Cr C M Halton, with the Youth Development Officer as contact.

The Committee consists of -

Representatives from -

- City of Melville
- Community Police, Palmerston
- South Metro Community Drug Service Team
- Department for Community Development
- Family & Children's Services
- Community Members
- Youth Advisory Council representative; and
- Parents and Staff from the Melville Senior High School

Contact Officer

Youth Development Officer

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	Contact
	Youth Development Officer

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.9 MELVILLE HISTORY SOCIETY - MILLER BAKEHOUSE MUSEUM

Function - to curate the Miller Bakehouse Museum, preserve the archival collection, respond to public enquires and coordinate educational and heritage activities.

The 2007/2008 representative on the Melville History Society Miller Bakehouse Museum was Cr H R Everett, with Cr C M Halton and the Curator/Cultural Development Officer as deputies.

The Committee consists of -

Representatives from -

- City of Melville
- Melville History Society Members
 - President
 - Vice-President
 - Treasurer
 - Secretary
 - Research Secretary
 - Members (2)

Officer in Attendance

- Coordinator Heritage & Museums Services

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES
	Curator/Cultural Development Officer

NB: It was resolved at the meeting held on 27 May 2003 that the Council Representation on the Melville History Society – Miller Bakehouse Museum be optional as the City of Melville is no longer a sponsor for the group, and autonomous funding is now available to them.

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.10 MELVILLE MEWS INC

(Meets bi-monthly - at 6.00pm)

Function - to manage the five units (Melville Mews) occupied by four adults with disabilities (Cerebral Palsy)

The 2007/2008 representative on the Melville Mews Inc Advisory Committee was Cr M J Barton, with Cr C M Halton and the Community Development Officer (Disability Services) as deputies.

The Committee consists of -

Secretary

Treasurer

With representatives from -

- City of Melville
- Two parents of tenants
- Two tenant representatives
- Other interested local people

Officer in Attendance

- Community Development Access & Inclusion Officer

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES
	Community Development (Access & Inclusion) Officer

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.11 MURDOCH PRECINCT STRATEGY GROUP

(Meets quarterly - at 7.00am)

Function - to share information on the proposed development of the Lakes Site.

The 2007/2008 representatives on the Lakes Site User Group were Crs L M Reynolds (University Ward Member) and D J Macphail, with Cr J R Bennett and the Director Urban Planning as deputies.

The Committee consists of -

Representatives from -

- City of Melville
- St John of God Healthcare Murdoch
- Murdoch Challenger TAFE
- Spotless Linen
- Rangeview Remand Centre
- Murdoch University
- Murdoch Police Service
- Department of Planning & Infrastructure
- Health Department of WA
- Fire & Emergency Services
- Public Transport Authority
- Western Power
- Department of Agriculture & Food
- Wesfarmers Energy
- South West Group

Local Politicians -

- Christian Porter MLA
- Sue Ellery MLC

Officer in Attendance

- Director Urban Planning

Committee Representation

One (1) University Ward Member and one (1) other Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES
(University Ward Member)	
	Director Urban Planning

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.12 NEIGHBOURHOOD WATCH - CITY OF MELVILLE SUBURBS MANAGERS COMMITTEE

(Meets bi-monthly - at 7.30pm)

Function - to advise the Council on matters associated with Neighbourhood Watch coordination with the City of Melville area.

The 2007/2008 representative on the Neighbourhood Watch - Melville Area Coordinators Committee was Cr Everett, with the Manager Neighbourhood Amenity as deputy.

The Committee consists of -

Representatives from -

- City of Melville
- Neighbourhood Watch Area Coordinators Group
- Police Department WA
- Community Policing Department

Officer in Attendance

- Coordinator Community Safety & Crime Prevention
- Business Manager Community Safety Security (CSS)

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES
	Coordinator Community Safety & Crime Prevention

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.13 SOUTH WEST CORRIDOR DEVELOPMENT FOUNDATION (INC)

(Meets fourth Monday of each second month at 4.00pm, preceding the WALGA Zone Council Meeting)

Function - to facilitate appropriate economic growth and the development of vocational skills in the interests of the Region's existing and future residents, employers and workforce.

The 2007/2008 representative on the South West Corridor Development Foundation (Inc) was Cr D J Macphail, with the Director Urban Planning as deputy.

The Committee includes -

Representatives from -

- City of Melville
- Director South West Group
- Murdoch University
- Department of Employment & Training
- SMYL
- South Coast Regional Chambers of Commerce
- Melville/Cockburn Chamber of Commerce
- Fremantle Chamber of Commerce
- Bridging the Gap
- City of Cockburn
- City of Rockingham
- City of Fremantle
- Town of Kwinana
- Town of East Fremantle

Officer in Attendance

- Director Urban Planning

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES
	Director Urban Planning

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)**1.4.14 VOLUNTEER HOME SUPPORT**

(Meets fourth Thursday of each month between 9.00am and 11.00am)

Function - to manage the Volunteer Taskforce.

The 2007/2008 representative on the Volunteer Home Support Foundation was the Community Development Coordinator Seniors, with Cr H R Everett as deputy.

City of Melville Contact Officer

- Community Development Coordinator

Contact Officer

- Community Development Coordinator (Seniors)

Committee Representation

Not required

Contact Officer	Deputy
Community Development Coordinator (Seniors)	

NB: It was resolved at the meeting held on 27 May 2003 that the Council Representation on the Volunteer Home Support be optional as the City of Melville is no longer a sponsor for the group, and autonomous funding is now available to them.

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.15 WILLETTON DRUG ACTION GROUP

(Meets second Thursday of each month from 7.00pm) COM representatives called up on adhoc basis

Function - to coordinate drug prevention programmes within the local area of Willetton.

The 2007/2008 representative on the Willetton Drug Action Group was the Youth Development Officer.

City of Melville Contact Officer
 ▪ Manager Cultural & Community Development
Contact Officer
 Youth Development Officer

Committee Representation

Not required

Contact Officer	
Youth Development Officer	

1.4.16 PERTH AIRPORTS MUNICIPALITIES GROUP

At the 19 August 2008 Ordinary Meeting of Council the Council resolved to rejoin the Perth Airports Municipalities Group. The Mayor R Aubrey was nominated as the Council delegate and it was resolved *“That Council Nominate a Deputy Delegate at the October 2008 Ordinary Meeting when electing representatives to Committee”*

The objects of the Group are -:

- (a) *To provide a forum of meaningful discussion on issues which affect Metropolitan Airports and their environs;*
- (b) *To investigate, report and formulate recommendations in respect of matters affecting or likely to affect the development of Metropolitan Airports;*
- (c) *To monitor the use and environmental impact of Metropolitan Airports on neighbouring communities;*
- (d) *To advise relevant State and Federal ministers, State and Commonwealth government departments, the Noise Management Committee, and the Owner/s of Perth and Jandakot airports on issues of major concern affecting airports and the surrounding communities;*
- (e) *To establish and maintain a strong partnering relationship with the Owner/s of Perth and Jandakot airports for the purpose of open and effective dialogue to identify, discuss, advise, research and seek proactive resolutions to issues affecting the airports and the immediate local community;*

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

(f) To provide a conduit and consultation mechanism for the expression of community views and a proper exchange of information with members of the community;

(g) To consider all proposals affecting airport development and operations before policy decisions are made and before changes are effected in relevant legislation and regulations;

(h) To liaise with the airport emergency procedures committees where necessary on matters involving emergency co-ordination and rescue response;

(i) To pursue active participation on AMAC and such other bodies that may come into existence for the purpose of fostering participation in the development, use and monitoring the impact of airports;

(j) To promote the economic benefits of civil aviation airports; and

(k) To liaise with local government on issues of concern to the community, and to provide a forum for discussion of planning and development

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES
His Worship the Mayor, R Aubrey	

PUBLIC CONSULTATION/COMMUNICATION

Nil

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Nil

STATUTORY AND LEGAL IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)**STRATEGIC AND RISK MANAGEMENT IMPLICATIONS**

Nil

POLICY IMPLICATIONS

Under the Council Policy Number 14-PL-010 Advisory and Management Committees the number of Elected Members on Advisory Committees should be restricted to no more than one-third of the total number of members of the committee. This does not prevent other Elected Members from attending as Observers.

Where one third of the total number of Members is not a whole number the lesser number shall apply, i.e. thirteen (13) members equals four (4) Elected Members.

The Policy requires that a report be presented to the appropriate Committee every two (2) years. The report will outline the objectives, role, terms of reference, membership and achievements or benefits of each Advisory Committee and recommend that the Committee continue, combine with another Committee or be disbanded. The performance and role will be assessed and a determination made on which Advisory Committees will continue.

Policy 14-PL-009 covers the process for submitting Nominations on Western Australian Local Government Association Committees.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternative option is not to have Elected Member representation on some Committees and where permitted, for Officers to represent the Council.

CONCLUSION

The Council should review the continuation of each Committee and where retained and continued a representative or representatives should be appointed to each Committee.

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5026)

ABSOLUTE MAJORITY

At 8.04pm Cr Subramaniam moved, seconded Cr Macphail -

THAT BY ABSOLUTE MAJORITY DECISION, THE APPOINTMENTS TO THE FOLLOWING OCCASIONAL, MANAGEMENT, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES, BE ADOPTED.

1.1 OCCASIONAL COMMITTEES 2008/2009

1.1.1 WIRELESS HILL VISION 2020 STAKEHOLDER REFERENCE GROUP

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Everett	Cr Pazolli
Cr Halton	

1.1.2 WIRELESS HILL CENTENARY WORKING GROUP

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Everett	
Cr Halton	

1.2 MANAGEMENT & ADVISORY COMMITTEES 2008/2009

1.2.1 CITY OF MELVILLE EMERGENCY MANAGEMENT COMMITTEE

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Subramaniam	Cr Wieland

1.2.2 MUSEUMS & LOCAL HISTORY SERVICES ADVISORY COMMITTEE

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Halton	Cr Everett

1.2.3 CITY OF MELVILLE ROADWISE TASKFORCE

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Pazolli	Cr Wieland
	Cr Halton

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.2.4 ROAD SAFETY ADVISORY COMMITTEE

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Pazolli	Director Technical Services
	Cr Wieland

1.2.5 YOUTH SPORT SCHOLARSHIP SCHEME ASSESSMENT PANEL

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Everett	Community Recreation Coordinator
Cr Macphail	
Cr Reynolds	

1.2.6 SAFER MELVILLE ADVISORY COMMITTEE

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Subramaniam	Cr Bennett

1.3 APPOINTMENT OF DELEGATES 2008/2009

1.3.1 SOUTHERN METROPOLITAN REGIONAL COUNCIL

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Robartson	His Worship the Mayor, R Aubrey

1.3.2 SOUTH WEST GROUP DISTRICT PLANNING COMMITTEE

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Macphail	Director Strategic Urban Planning

1.3.3 SOUTH WEST GROUP PLANNING AND INFRASTRUCTURE COMMITTEE

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Halton	Director Technical Service
	Director Urban Planning

1.3.4 SWAN RIVER TRUST

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Robartson	Director Urban Planning or
	Director Technical Services

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.3.5 WESTERN AUSTRALIAN LOCAL GOVERNMENT (WALGA) - SOUTH METROPOLITAN ZONE

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Phelan	Chief Executive Officer
Cr Reynolds	Cr Subramaniam
Cr Macphail	Cr Barton

1.3.6 SOUTH WEST CORRIDOR ENVIRONMENT AND SERVICES COMMITTEE

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Robartson	
Cr Barton	

1.4 APPOINTMENT OF REPRESENTATIVES 2008/2009

1.4.1 AVIATION MUSEUM COMMITTEE

REPRESENTATIVES 2008/2009	DEPUTIES
Curator/Cultural Development Officer	Cr Robartson

1.4.2 ALCHERA LIVING

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Phelan	His Worship the Mayor, R Aubrey
Cr Robartson	
Cr Reynolds	

1.4.3 CITY OF MELVILLE CITIZENS RELIEF FUND (Inc)

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Barton	His Worship the Mayor, R Aubrey

1.4.4 COASTAL BUSINESS ENTERPRISE CENTRE INCORPORATED

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Ceniviva	Director Urban Planning
	Cr Subramaniam

1.4.5 JANDAKOT AIRPORT CONSULTATIVE COMMITTEE

REPRESENTATIVES 2008/2009	DEPUTIES
His Worship the Mayor, R Aubrey	Cr Bennett

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.6 MELVILLE CARES INC

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Halton	Cr Phelan

1.4.7 MELVILLE/COCKBURN CHAMBER OF COMMERCE INC

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Ceniviva	Director Urban Planning

1.4.8 MELVILLE LOCAL DRUG ACTION GROUP (MLDAG)

REPRESENTATIVES 2008/2009	Contact
Cr Barton	Youth Development Officer

1.4.9 MELVILLE HISTORY SOCIETY - MILLER BAKEHOUSE MUSEUM

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Everett	Curator/Cultural Development Officer

1.4.10 MELVILLE MEWS INC

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Barton	Community Development (Access & Inclusion) Officer

1.4.11 MURDOCH PRECINCT STRATEGY GROUP

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Reynolds (University Ward Member)	Cr Subramaniam
Cr Macphail	Director Urban Planning

1.4.12 NEIGHBOURHOOD WATCH - CITY OF MELVILLE SUBURBS MANAGERS COMMITTEE

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Barton	Coordinator Community Safety & Crime Prevention

1.4.13 SOUTH WEST CORRIDOR DEVELOPMENT FOUNDATION (INC)

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Macphail	Director Urban Planning

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

1.4.14 VOLUNTEER HOME SUPPORT

Contact Officer	Deputy
Community Development Coordinator (Seniors)	Cr Barton

1.4.15 WILLETTON DRUG ACTION GROUP

Contact Officer	
Youth Development Officer	Not Applicable

1.4.16 PERTH AIRPORTS MUNICIPALITIES GROUP

REPRESENTATIVES 2008/2009	DEPUTIES
His Worship the Mayor, R Aubrey	Cr Robartson

At 8.05pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

COUNCIL RESOLUTION (5026)

APPROVAL

At 8.06pm Cr Subramaniam moved, seconded Cr Macphail -

THAT THE NAME OF THE CITY OF MELVILLE ROADWISE TASKFORCE THAT APPEARS IN THE LIST OF OCCASIONAL, MANAGEMENT, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES FOR 2008/2009, BE AMENDED TO CHANGE THE NAME TO THE CITY OF MELVILLE ROADWISE TRAVELSMART TASKFORCE

At 8.06pm the Mayor submitted the motion, which was declared

CARRIED WITHOUT DISSENT (11/0)

COUNCIL RESOLUTION (5026)

ABSOLUTE MAJORITY

At 8.07pm Cr Subramaniam moved, seconded Cr Macphail -

THAT THE SOUTH WEST SUB GROUP OF THE METROPOLITAN REGIONAL ROAD GROUP BE ADDED TO THE LIST OF OCCASIONAL, MANAGEMENT, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES FOR 2008/2009

THAT BY ABSOLUTE MAJORITY DECISION, THE FOLLOWING APPOINTMENTS BE MADE TO THE SOUTH WEST SUB GROUP OF THE METROPOLITAN REGIONAL ROAD GROUP

C08/5026 - ELECTION OF REPRESENTATIVES TO OCCASIONAL, ADVISORY, LOCAL GOVERNMENT AND COMMUNITY COMMITTEES (AMREC)

SOUTH WEST SUB GROUP OF THE METROPOLITAN REGIONAL ROAD GROUP

(At least annually – Aug/Sept or as required)

Function – To assess and prioritise the annual Metropolitan Region Road Programme grant submissions from the Sub Group for Road Improvement, Road Rehabilitation and Black Spot funded projects prior to submission to Main Roads.

To make recommendations to the State Roads Funds to Local Government Advisory Committee on these projects prior to endorsement from the Commissioner Main Roads and Ministerial approval of successful grant submissions.

The Sub Group also elects an Elected Member to represent the South West Group's interests at the Metropolitan Region Road Group (Elected Members) meeting (held November each year) which makes recommendations on grant projects to the State Roads Funds to Local Government Advisory Committee prior to approval from the Minister in December each year

The 2007/2008 representative on the South West Sub Group of the Metropolitan Regional Road Group was Cr C Halton, with the Director Technical Services and Executive Engineer as Technical Officer representatives.

Cr Halton also represented the Sub Group at the Metropolitan Region Road Group (Elected Members) meeting.

The South West Sub Group Committee consists of -

One (1) Elected Member
from -

- City of Melville
- Town of East Fremantle
- City of Fremantle
- City of Cockburn
- Town of Kwinana
- City of Rockingham

Officers in Attendance

- Technical Officer representatives from each Local Government

Committee Representation

One (1) Elected Member

REPRESENTATIVES 2008/2009	DEPUTIES
Cr Halton	Cr Phelan

At 8.07pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

C08/8009 – COMMUNITY SPORTING AND RECREATION FACILITIES FUND (REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Community Sport and Recreation Facilities Fund
Customer Index	:	Department of Sport and Recreation
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	C06/8007 Community Sports and Recreation Facility Funds 2006/2007 (October 2006). C07/8004 Community Sport and Recreation Facility Funds (April 2007).
Works Programme	:	2009/2010
Funding	:	\$50,000
Responsible Officer	:	Todd Cahoon Manager Health and Lifestyles

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

This report seeks Council approval, priority and ranking for one grant application received as part of the annual Community Sport and Recreation Facility Fund (CSRFF) facilitated by the Department of Sport and Recreation (DSR). The project is for:

- The upgrading of floodlights at the Karoonda Reserve. (Brentwood Karoonda Sporting Association).

The report also details why officers do not support an application from the Southside BMX club for facility improvements at the Bob Gordon Reserve.

C08/8009 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (REC)**BACKGROUND**

This year officers received a range of requests from 9 community groups regarding a number of proposed CSRFF projects:

- Brentwood Karoonda Sporting Association (BKSA) for the upgrading of floodlights at the Karoonda reserve.
- The Southside BMX (SBMX) Club for facility upgrades at the Bob Gordon Reserve.
- The Melville Braves Softball Club (MBSC) for upgrading storage and batting cages at the Winnacott Reserve.
- The Blue Gum Park Tennis Club (BGPTC) for the installation of a green keepers compound and upgrading of fencing and shade areas.
- Winnacott Kats Junior Football Club (WKJFC) installation of Floodlighting at Winnacott Oval.
- Bull Creek Leeming Junior Football Club (BCLJFC) installation of floodlights at the Peter Ellis reserve.
- Leeming Bowling Club (LBC) Installation of synthetic bowling green surfaces.
- Bowmen of Melville (BOM) and the Amalgamated Pigeon Club (APC) for upgrading facilities at John Connell Reserve.

Subsequently the City of Melville has received two actual applications for the 2008 funding round from BKSA (supported) and the SBMX (not supported) which are detailed later in this report.

The MBSC needed more time to work on the costs of the proposed improvements and to consult with the other user groups at the Winnacott Reserve. Consequently they have decided to put an application in next years funding round.

The BGPTC, WKJFC and the BCLJFC projects were costed higher than expected and became too expensive for the clubs who are not in a position to contribute to these projects and have declined to put an application in. Officers from Infrastructure Services and Community Recreation have been dealing with the BGPTC in an attempt to solve some conflict issues between the maintenance of the tennis courts and the surrounding bush forever site at the BGPTC. Further discussions with officers from the DSR indicated that the application for the green keeper's compound would not be seen as a high priority as it does not promote Physical Activity. A business case will be developed by officers of the City of Melville for the green keeper's compound to be listed as part of the 2009/2010 budget considerations to address these operational conflicts.

It is the intention of both the WKJFC and the BCLJFC clubs to put an application in next years funding round giving them the opportunity to raise additional funds to contribute towards the projects.

The LBC made initial enquiries regarding the installation of two synthetic playing surfaces but are not in a position to apply for the grant at this stage. It is likely that the club will put an application in next years funding round.

C08/8009 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (REC)

The design concept for the developments at the John Connell Reserve for the BOM and the APC has been presented to the Ward Councillors and to the Elected Members at portfolio meetings. The design concept has not been fully costed and because there will be significant costs involved in the project, officers will be working with the clubs over the coming twelve months with the view of putting in a possible CSRFF application in 2009.

DETAIL**BRENTWOOD KAROONDA SPORTING ASSOCIATION (BKSA) FOR THE UPGRADING OF FLOODLIGHTS AT THE KAROONDA RESERVE.**

The BKSA have investigated a number of options for the possibility of lighting the far Southern side of the Karoonda reserve. These options included installing new lighting towers and upgrading the floodlight globes on the Northern and Southern Floodlight towers. Because of the advances in floodlight globe technology this CSRFF application seeks to upgrade the globes only utilising the existing towers and creating significant cost savings due to no additional floodlight towers being required. (Subject to confirmation that the existing towers are capable of withstanding additional wind-loadings).

Whilst the main funding body is the Booragoon Junior Football Club the project will also benefit the following sporting groups:

- Brentwood Karoonda Football Club,
- CBC Cricket Club,
- Users of the reserve.

Additional benefits of the project include:

- Providing safer use of the ground by lighting the majority of the reserve,
- Enhancing participation in junior sports by players, officials and spectators,
- Spreading the wear and tear of the reserve,
- Providing a safer environment with training drills that may involve contact,
- Providing for the development of players skills.
- Providing for evening matches and additional training sessions.

This year the ground has experienced significant degeneration due to the football clubs training and playing under the floodlit areas and the wet winter season. The lighting of the Southern end of the reserve will allow for a greater spread of use lessening the chance of such degeneration in future years. This may also reduce the costs involved when returfing worn areas. Additionally as part of the ground allocation process for the next winter season the clubs will be provided with a placement schedule that will identify the duration that specific areas can be used for training purposes during the winter period. These areas will regularly change so that one part of the reserve does not get overused.

Collectively the total membership of the clubs that make up the Brentwood Karoonda Sports Association stands at 573 members of which 67 are not resident within the City of Melville. The football clubs will benefit the most from the floodlighting project and of the 389 junior and senior football club members 47 are not resident within the City of Melville.

C08/8009 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (REC)

The Karoonda Reserve falls within the community category of the hierarchy of reserves and facilities allowing for funding of up to one third of the total costs of the project. The proposed improvements to the floodlighting also fit within the minimum infrastructure identified within the hierarchy.

The total cost of the project exclusive of Goods and Services Tax (GST) is \$62,150.

It is the experience of the City of Melville that lighting project costs have increased dramatically over the past 24 months. It is likely that this will continue and a further 15% escalation cost is added to the cost of the project. As the City of Melville Infrastructure services will be managing this project a further 10% is added to the cost of the project management including the tender process. Therefore the total project costs are \$78,621

Project Quote	Escalation 15%	Management fee 10%	Total Costs
\$62,150	\$71,473 (\$9,323)	\$78,621 (\$7,148)	\$78,621

Subject to the application receiving a grant the breakdown for the funding of the project will be as follows:

City of Melville	\$26,207
CSRFF Grant	\$26,207
Club Contribution	<u>\$26,207</u>
Total	<u>\$78,621</u>

The DSR have advised officers that they may or may not fund part of the escalation and management costs. Because of this it is proposed that the City of Melville contribution covers one third of any potential short falls from the DSR grant. Any additional amounts will be the responsibility of the clubs.

SOUTHSIDE BMX

A CSRFF application from the SBMX was considered by the City of Melville at its October 2006 round of Council meetings (C06/8007) where the project received number one ranking (of five applications) with a priority A. Unfortunately the CSRFF application was eventually withdrawn by officers and Elected Members were advised of this via the EMB. The application was withdrawn due to it being incomplete. At the April 2007 round of Council meetings agenda item C07/8004 was considered and the previous resolutions from Agenda item C06/8007 rescinded.

The SBMX have requested facilities to accommodate event registrations, scorers, first aid rooms, shade shelter and an operational kitchen/kiosk. Additionally they have asked for improvements to the starting ramp, lighting, track and spectator seating. The most recent discussions between officers and the SBMX have concentrated on providing a purpose built facility. Separate to this the SBMX have indicated that they would be in a position to conduct a range of improvements via donated materials and voluntary labor.

C08/8009 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (REC)

Officers have been working with the SBMX club in regards to facility improvements and a number of options have being investigated and include:

- Facilitated sessions with the 1st Bull Creek Lemming Scouts and the SBMX regarding the use of the scout hall which is approximately 50 metres away from the BMX track.
- Redesigning the Start and Finish points of the track so that they are nearer to the scouts main entrance and canteen,
- Moving the track away from Parry Avenue and adjacent to the scout hall, with an additional option of removing the skate park facility from John Creaney Park and placing it where the BMX track currently is.
- Designing a purpose build facility accommodating the needs of the SBMX club

The SBMX and the 1st Bull Creek Leeming Scouts have developed an understanding with the scouts for the use of the facility for club presentations and fund raising events. However the kitchen facilities do not suit the SBMX clubs requirements.

Redesigning the start and finish points has proven too difficult due to the fauna that is in the area and the location of the existing BMX track.

Officers provided an alternative track location and design that meets Australian Standards and this was estimated to be in the region of \$535,000. (SBMX believe they could build a track for considerably less). Additional costs would be involved to relocate the Skate park from John Creaney Park. These options were considered too expensive with minimal benefits.

Officers provided a design of a purpose build facility consisting of a kiosk, first aid, toilet, registration and scorers areas to accommodate the priority needs of the SBMX club and this was costed as follows:

Section	Project Quote	10% for Unknown Contingency	Escalation 15%	Management fee 10%	Total Costs
One Building	\$322,000	\$32,200	\$53,130	\$40,733	\$448,063

The funding of the \$448,063 would be as follows:

City of Melville	\$227,708
CSRFF Grant	\$149,355
Club Contribution	<u>\$ 71,000</u> (\$30,000 Cash and \$41,000 Voluntary)
Total	<u>\$448,063</u>

Officers do not support funding up to 50% of the building costs for a single use facility which will have limited use by the general community. However, officers acknowledge the need for some facilities at the Bob Gordon Reserve and will work with the SBMX on alternative options.

C08/8009 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (REC)

PUBLIC CONSULTATION/COMMUNICATION

In the case of the floodlighting project, should it be determined that planning approvals may not be required, it is the intention of officers to ensure that public consultations be conducted. As a minimum this would include the City of Melville writing to the surrounding residents, the club conducting a letter box drop, the possibility of placing adverts in the local community newspapers and the possible erection of a sign for the planned development.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The Department of Sport and Recreation is aware of this application.

STATUTORY AND LEGAL IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The financial impact to the City of Melville has previously been discussed within this report and are summarised as follows:

Capital Costs – Shared Costs

Project	Total Project Cost	Cost to the CoM
BKSA - Floodlights	\$ 78,621	\$ 26,207
2009/2010 CSRFF Budget Amount plus 1/3 rd DSR short fall	\$ 78,621	\$ 29,000

It should also be noted that the DSR will only fund one third of the total costs of any project. Should the construction costs, management fees or contingencies be less than expected the grant will be reduced to represent the one third contribution to the total project costs.

The City of Melville's contribution for this project will form part of the annual recurrent CSRFF budget allocation of \$50,000.

Operating Costs – Paid by Club

The cost to run all globes is approximately \$2.70 per hour. As an example if the floodlights were used for 15 hours per week the power consumption would be approximately \$40.50 per week and is payable by the sporting association.

C08/8009 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (REC)

Maintenance Costs – Paid by City of Melville

The current cost of each globe is \$111 (excluding GST), therefore the current estimated cost to replace the all 12 lamps is \$1,500 (excluding GST) which includes the cost of providing cherry picker, labor and globe removals. The globes have a life expectancy of approximately 5000 hours creating an estimated ongoing maintenance cost to the City of Melville of \$1,500 every 12 years (based on the 15 hours per week over 26 weeks, mainly winter season)

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The BKSA application has been assessed against a risk category of low, medium and high and is listed below

Floodlighting Improvements at Karoonda Reserve

Risk Statement	Level of Risk*	Risk Mitigation Strategy
Risk of increased ongoing maintenance expenses to the City of Melville, below standard facilities for summer sports and increased light spill impacting on surrounding residents.	Minor consequences which are almost certain, resulting in a Low level of risk	Review floodlighting of the reserve with the view of spreading the wear and tear during the winter months and providing a schedule for use of training area. The application will also be subject to public consultations as mentioned in this report.

POLICY IMPLICATIONS

The application is supported by the recently adopted Support for Sports Club and Physical Activity Policies. The Active Melville Plan provides for a strategic approach for the development of community facilities and this project is covered within this plan.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

As discussed within detail of the BKSA application.

CONCLUSION

The floodlighting at the Karoonda reserve will provide a number of benefits to the users and assist in the overall management of the very well utilised reserve.

C08/8009 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (REC)

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8009) APPROVAL

- 1. THAT THE 2009/2010 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (CSRFF) APPLICATION FOR THE FLOODLIGHTING UPGRADES AT THE KAROONDA RESERVE BE RANKED AS FOLLOWS:**

**PRIORITY 1: BRENTWOOD KAROONDA SPORTING ASSOCIATION FOR THE FLOODLIGHTING UPGRADE AT KAROONDA RESERVE:
NUMBER 1 PRIORITY - RANKING A.**

At 8.07pm the Mayor submitted the motion, which was declared

**CARRIED EN BLOC
WITHOUT DISSENT (11/0)**

C08/8010 - PUBLIC ART POLICY (REC) (ATTACHMENTS)

Ward	:	All
Category	:	Policy
Subject Index	:	Arts Policies & Procedures Arts – Public Art
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	:	Nil
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Hannah Katarski Community Development Officer – Arts

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input checked="" type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & 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 current Arts and Culture Policy refers to public art in relation to percent for art projects only.
- A large financial and administrative commitment is made to procuring and maintaining public art and the attached policy has been prepared to make the purpose of the public art clear.
- A policy specific to public art is required to provide guidance, consistency and transparency around accession and de-accession of public artworks.

C08/8010 - PUBLIC ART POLICY (REC) (ATTACHMENTS)**BACKGROUND**

The current Arts and Culture Policy refers to public art in the context of the percent for art scheme whereby new developments are required to allocate a percentage of their budget to public artwork. The breadth and complexity of provisions concerning public art outside this scheme requires an independent policy.

Through the purchase of Public Art the City of Melville aims to:

- Enliven and enhance public buildings and spaces.
- Facilitate the integration and utilisation of contemporary art into daily life.
- Increase public awareness of the value of art and design.
- Heighten the public profile of visual arts within the City of Melville.
- Enhance the potential for cultural tourism within the City of Melville through the development of the city's cultural heritage.
- Create new opportunities for community expression.
- Establish new design partnerships between artists, architects, urban planners and other professionals involved in the development and planning of community facilities within the City of Melville.
- Support local artists through the purchase of their work.
- Allow for and co-ordinate the provision of, public art in streetscaping, master planning and urban design projects for Melville's urban centres.

The term 'public art' refers to artistic works or activities created for, located in, or which are part of a public space or facility. They are non-moveable art works listed on or intended for the City of Melville Register of Public Art Works, which does not include objects listed in the City of Melville Art Collection or holdings in the Museums and Local History Collection.

DETAIL

The Arts and Culture Policy (Policy No. 25-PL-002:[C08 8010 Existing Policy.pdf](#)) was endorsed in 2006 to provide guidance on community art projects, the Art Collection and Public Art – Percent for Art. Whilst the Arts and Culture Policy is in place it does not include provisions relating to the commissioning and purchase of public artworks by the City of Melville. Nor does it cover the loan and donation of works to the City of Melville.

The Public Art Policy is needed to provide clear guidelines that enable transparency and consistency in decision making regarding the acquisition, donation, loan and disposal of public artworks. This policy also addresses the long term plan for management of artworks throughout the life of the work and introduces a list of provisions to provide a focus for the purchase of new works.

PUBLIC CONSULTATION/COMMUNICATION

No external consultation has been carried out as this is a policy governing internal operations.

C08/8010 - PUBLIC ART POLICY (REC) (ATTACHMENTS)**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

The current public art policies of a number of Western Australian and New South Wales Councils have been examined in the process of developing the draft Public Art Policy for the City of Melville.

STATUTORY AND LEGAL IMPLICATIONS

There are no statutory or legal implications relating to the endorsement of this policy.

FINANCIAL IMPLICATIONS

Whilst there is no upfront cost associated with the endorsement of this policy, Council has budgeted an amount of \$100,000 for public art commissions and projects annually over the last several years.

Implementing a policy supports good governance of this budget.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The reason for endorsing a policy relating to public art is to reduce the likelihood of future negative consequences associated with public art projects or acquisitions.

Implementation of the policy will minimise the negative financial and reputation consequences that may arise from issues for which there is currently no guidance. Currently there is a lack of clarity surrounding provisions for acquiring new public artworks.

Not implementing the policy could result in higher financial costs in maintaining and installing artworks. A negative public image could also result from the lack of transparency in the decision making process surrounding public art.

The endorsement of the Public Art Policy poses a low risk to the City of Melville according to the 'Risk Management Matrix'.

POLICY IMPLICATIONS

Art and Culture Policy 25-PL-002

1. The Current Council Policy does not relate to the acquisition, donation, loan or disposal of public artworks.
2. The current Council Policy will be reviewed to reflect the introduction of the new Public Art Policy

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

N/A

C08/8010 - PUBLIC ART POLICY (REC) (ATTACHMENTS)**CONCLUSION**

Having a Public Art Policy ensures the following:

- Consistency and transparency in managing requests and decision making
- Clarity and purpose for the acquisition of public art works in the City of Melville
- A structured and considered approach to the support of public art works in the City of Melville
- Identifying and managing potential risks associated with public perception and understanding in relation to the intent and purpose of public art work in the City of Melville.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (8010)**APPROVAL**

1. **THAT COUNCIL ADOPT THE 'PUBLIC ART POLICY' -**
[C08 8010 Proposed Policy.pdf](#)

At 8.08pm the Mayor submitted the motion, which was declared

CARRIED EN BLOC
WITHOUT DISSENT (11/0)

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

Register Reference*	Party	Description	File Reference
0215	Amend Scheme for Local Open Space from Unzoned Land Lot 301 Duncraig Road	CPS Amendment No. 54	1833779
0218	Condition of Approval for Ancillary Accommodation – 321 Preston Point Road, Attadale	Section 70A Notification	1966903
0221	Capital Community Radio	Deed of Variance	1923042
0222	Scouts Australia Brentwood Hall	Deed of Variance to Lease	1943058
0223	Condition of Approval for Ancillary Accommodation – 192 Preston Point Road, Bicton	Section 70A Notification on Title	1971581

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

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 2.5 of the Local Government Act 1995.

C08/5000 – COMMON SEAL REGISTER (REC)

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

This is a standard report for Elected Members information.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5000)

NOTED

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

At 8.08pm the Mayor submitted the motion, which was declared

**CARRIED EN BLOC
WITHOUT DISSENT (11/0)**

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	:	Dudley Smith Manager Financial Services

AUTHORITY / DISCRETION

	<u>Definition</u>
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KEY ISSUES / SUMMARY

- This report presents the investment statements for the month of August 2008 and September 2008, and recommends that the information detailed in the attachments be noted.
- The report highlights significant reductions in the estimated market value of many of Councils' investments and discusses the actions been taken by Council Officers to ameliorate in so far as possible the risk of further losses in value.

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

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

DETAIL

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

Agenda attachments [6000A August 2008.pdf](#) [6000A September 2008.pdf](#) and [6000B August 2008.pdf](#) [6000B September 2008.pdf](#) contain specific details (including estimated market valuations) of the investments held at 31 August 2008. Agenda attachments [6000C August 2008.pdf](#) [6000C September 2008.pdf](#) are graphs showing the total of funds invested and their estimated market valuations at the end of each month over the past financial year.

Elected Members are aware of the continuing uncertainty and extreme volatility in world financial markets and the negative impact that is having on most classes of investments as well as individuals and corporations. This volatility, and the subsequent lack of an active market for Collateralised Debt Obligations (CDO's), has created a situation whereby it continues to be extremely difficult to arrive at truly meaningful market valuations for the (CDO) element of the investment portfolio. Advice received from Council's investment advisers, Grove Research & Advisory Pty Ltd, confirms however that the valuations provided by Lehman Brothers, Council's former advisor and investment managers who provided monthly valuations for the CDO and ADI products, were soundly based. Lehman Brothers ceased operation during September and it is not yet clear how valuations will be obtained in the near future.

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

Following the modest improvements seen in April and May, June saw a dramatic decline in values, with a small recovery in the July valuations, but followed by a further fall in August. The estimate based on the valuations provided is that if it had been possible to dispose of all investments at the end of August, a loss of \$10,611,625 (13.87%, July 23.06%) would have been realised. The market valuation of the CDO element of the investment portfolio at the end of August represented 53.94% (July 58.2%) of its cost figure, with individual valuations ranging between 29.7% and 78.8%. The CDO's however continue to pay their full interest yield.

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

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

Loss mitigation and recovery strategies such as obtaining expert and independent advice and amending the investment policy have already been undertaken and Council officers will continue to pursue other avenues including investigating the possibility of legal action against Councils former investment advisors and fund managers, Lehman Brothers. Such action however is costly and would only be undertaken should losses be realised.

Summary details of investments held at 31 August 2008 are shown in the table below.

SUMMARY BY FUND	FACE VALUE \$	PURCHASE PRICE \$	ESTIMATED MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
MUNICIPAL RESERVE	\$ 42,387,187	\$ 42,400,584	\$ 42,212,505	(\$ 188,078)	-0.44%
TRUST CRF	\$ 33,119,459	\$ 33,173,000	\$ 22,749,454	(\$ 10,423,546)	-31.42%
	\$ 796,760	\$ 796,760	\$ 796,760	\$ -	0.00%
	\$ 157,329	\$ 157,329	\$ 157,329	\$ -	0.00%
	\$ 76,460,735	\$ 76,527,673	\$ 65,916,048	(\$ 10,611,625)	-13.87%

SUMMARY BY INVESTMENT TYPE	FACE VALUE \$	PURCHASE PRICE \$	ESTIMATED MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
ADI	\$ 14,500,000	\$ 14,559,078	\$ 13,908,830	(\$ 650,248)	-4.47%
ADI (CRF)	\$ -	\$ -	\$ -	\$ -	0.00%
CDO	\$ 21,220,000	\$ 21,227,860	\$ 11,449,333	(\$ 9,778,527)	-46.06%
BANK BILL	\$ -	\$ -	\$ -	\$ -	0.00%
CAP GUARANTEED NOTE	\$ 1,150,000	\$ 1,150,000	\$ 967,150	(\$ 182,850)	-15.90%
TERM DEPOSIT	\$ 21,500,000	\$ 21,500,000	\$ 21,500,000	\$ -	0.00%
11AM	\$ 18,050,001	\$ 18,050,001	\$ 18,050,001	\$ -	0.00%
UNITS (Local Govt Hse)	\$ 40,734	\$ 40,734	\$ 40,734	\$ -	0.00%
	\$ 76,460,735	\$ 76,527,673	\$ 65,916,048	(\$ 10,611,625)	-13.87%

SUMMARY BY RATING	FACE VALUE \$	PURCHASE PRICE \$	ESTIMATED MARKET VALUE \$	BOOK PROFIT/(LOSS) \$	BOOK PROFIT/(LOSS) %
AAA	\$ 2,450,000	\$ 2,450,000	\$ 1,930,474	(\$ 519,526)	-21.21%
AA	\$ 4,935,000	\$ 4,952,506	\$ 2,866,949	(\$ 2,085,557)	-42.11%
AA-	\$ 43,200,001	\$ 43,206,740	\$ 42,247,311	(\$ 959,428)	-2.22%
A+	\$ 1,378,037	\$ 1,381,590	\$ 1,333,879	(\$ 47,711)	-3.45%
A	\$ 745,967	\$ 747,546	\$ 706,024	(\$ 41,522)	-5.55%
A-	\$ 3,375,996	\$ 3,375,754	\$ 2,418,123	(\$ 957,631)	-28.37%
BBB+	\$ 10,100,000	\$ 10,121,547	\$ 7,923,958	(\$ 2,197,589)	-21.71%
BBB	\$ 5,500,000	\$ 5,517,543	\$ 4,564,504	(\$ 953,039)	-17.27%
BBB-	\$ -	\$ -	\$ -	\$ -	0.00%
BB-	\$ 1,350,000	\$ 1,350,000	\$ 497,887	(\$ 852,113)	-63.12%
BB	\$ 385,000	\$ 385,000	\$ 256,960	(\$ 128,040)	-33.26%
B+	\$ 3,000,000	\$ 2,998,714	\$ 1,129,247	(\$ 1,869,467)	-62.34%
UNITS (Local Govt Hse)	\$ 40,734	\$ 40,734	\$ 40,734	\$ -	0.00%
	\$ 76,460,735	\$ 76,527,673	\$ 65,916,048	(\$ 10,611,625)	-13.87%

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

There were no credit rating changes in the CDOs during August; however, two CDOs have had their credit ratings increased by Standard & Poors during September as at the time of writing, as shown below

- Helium Capital Scarborough \$1,800,000 from BBB+ to A-
- Managed Aces Parkes IIA \$1,000,000 from BBB to BBB+

During September there have been three credit events impacting on CDOs held by the City. The Companies involved are the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac) and Lehman Brothers. It is worth noting that some debate is still ongoing on the question of whether or the Fannie Mae and Freddie Mac arrangements do in fact represent a credit event. The impact on CDOs is shown below

- Blue Gum - Arranger HSBC Bank US - 2 credit events Freddie Mac (AAA) & Lehman's (A+)
- Esperance - Arranger Merrill Lynch International - 1 credit event - Lehman's (A+)
- Glenelg - Arranger Nomura International - 1 credit event - Lehman's (A+)
- Green - Arranger J.P. Morgan Australia - 1 credit event - Lehman's (A+)
- Henley - Arranger BNP Paribas - 3 credit events Freddie Mac (AAA), Fannie Mae (AAA) & Lehman's (A+)
- Kakadu - Arranger J.P. Morgan Australia - has now had 2 credit events Freddie Mac (AAA), & Lehman's (A+)
- Parkes - Arranger Morgan Stanley - 3 credit events Freddie Mac (AAA), Fannie Mae (AAA) & Lehman's (A+)
- Scarborough - Arranger Merrill Lynch - 3 credit events Freddie Mac (AAA), Fannie Mae (AAA) & Lehman's (A+)
- Torquay - Arranger J.P. Morgan - 2 credit events Freddie Mac (AAA) & Lehman (A+)

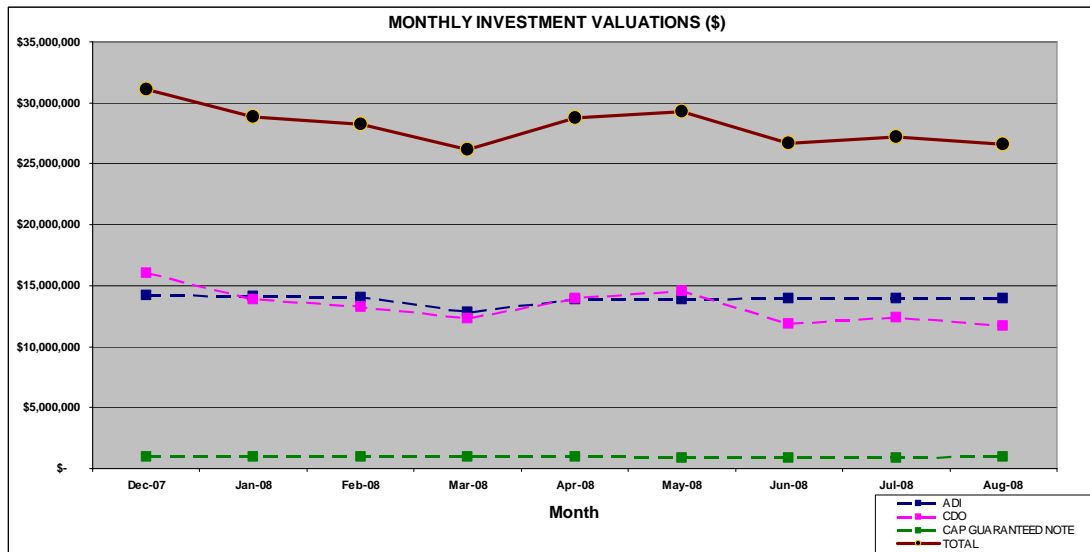
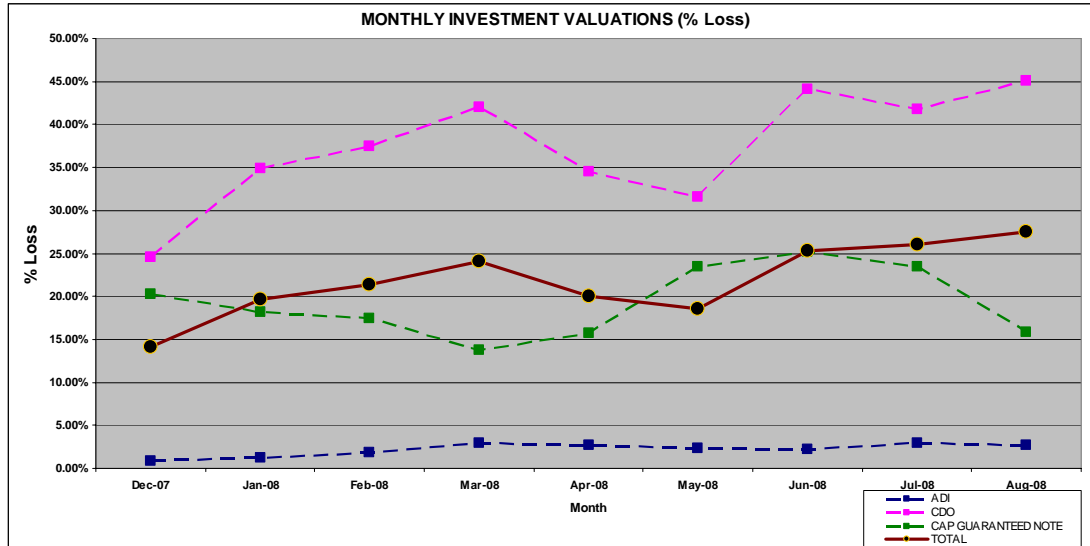
It should be noted that any new CDO investment is specifically excluded under the current Investment Policy.

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

Interest rates fell appreciably in this period, with the rate for ninety day bank bills falling by 0.5% to 7.26%, while the 30 day rates fell by 0.25% from 7.52% to 7.27%.

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

The graphs below summarise movements in valuation since December 2007.



C08/6000 - INVESTMENT STATEMENTS (REC) (ATTACHMENT)**PUBLIC CONSULTATION/COMMUNICATION**

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

In addition Councils bi-monthly newsletter, Mosaic, contained an article that highlights this issue.

The matter will also be listed as an important item of business at Councils Annual Meeting of Electors that will be held in November 2008 following completion and audit of the Annual Financial Statements for the financial year ended 30 June 2008. Council officers and Councils current investment advisors and auditors will be requested to be present so that those attending the meeting can be fully informed of the situation and have any questions they may have answered.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

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 have reviewed the current investment portfolio with a view to providing strategies to minimise any unnecessary risks.

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

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

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 August 2008, total interest excluding Reserve Fund interest earned was \$199,662, against a year to date budget of \$449,400. This represents a \$249,738 shortfall variance. The shortfall is attributed to the later issue date of rates notices, an increase in the number of Ratepayers paying by instalments and reduced interest rates due to the need to invest very conservatively as well as reducing market rates. The full year budget is \$2,550,000.

Reserve Fund interest earned was \$453,868 against a budget of \$280,000, a positive variance of \$173,868. The full year budget is \$1,400,000. Reserve fund interest continues to be high due to the attractive interest rates applicable to the CDO's.

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

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

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

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

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

As resolved at the November 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.

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

The current position in regards to Council's investments appears very poor. However to date there have been no defaults of any CDO's. It should be noted that the CDO's are structured in such a manner so as to provide for a level of defaults of a number of the entities referenced by the CDO's before there is loss of value at maturity of the CDO's themselves. In light of the extreme downturn being experienced in many world economies the risk of defaults of corporations referenced by CDO's owned by the City has however increased significantly. The perceived view at the time of writing is that the economic situation may deteriorate further and for an extended period of time. The level of provisions that need to be established in case default events transpire, will be determined in conjunction with Council's auditors and investment advisors in the process of preparing the 2007/2008 annual financial statements.

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

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (6000) NOTING

THAT THE INVESTMENT STATEMENTS FOR THE MONTHS OF AUGUST 2008 AND SEPTEMBER 2008, AS DETAILED IN THE FOLLOWING ATTACHMENTS BE NOTED:

[6000A August 2008.pdf](#)

[6000A September 2008.pdf](#)

[6000B August 2008.pdf](#)

[6000B September 2008.pdf](#)

[6000C August 2008.pdf](#)

[6000C September 2008.pdf](#)

At 8.08pm the Mayor submitted the motion, which was declared

**CARRIED EN BLOC
WITHOUT DISSENT (11/0)**

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	:	2008/2009 Budget
Responsible Officer	:	Dudley Smith Manager Financial Services

AUTHORITY / DISCRETION

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

KEY ISSUES / SUMMARY

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

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

Delegated Authority 13-DA-015 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 Council. The list is to show each payment, payee name, amount and date of payment and sufficient information to identify the transaction.

DETAIL

The Schedule of Accounts for the period ending 30 September 2008, [6001 September 2008.pdf](#) including Payment Registers numbers 53 to 58 were distributed to the Members of Council on Friday 10 October 2008.

Payments in excess of \$50,000 in the month were as follows:-

- AGP Door Systems – E011674 – Civic Centre Front Entrance - \$57,079.00
- Australia Post – E011352 & EO11669 – Merchant fees and mail delivery - \$86,636.12
- Bollig Design Group – EO11492 – Architectural Services re Leeming Recreation Centre - \$59,206.95
- BPA Engineering – EO11492– Civil Engineering Fees re Leeming Recreation Centre - \$53,900.00
- Cary's Electrical Services – 031584 & 031795 – Electrical Services and Lighting Towers for Gairloch & Troy Park - \$81,581.91
- City of Cockburn – E011361 – Tip Fees - \$73,996.26
- Dickies Tree Service – E011366 & EO11592– Tree Pruning and Storm Recovery Costs - \$64,115.70
- Jomar Contracting – 031568 – Reconstruction of Mt Henry Jetty - \$62,700.00
- LGIS Property – E011469 – Industrial Special Risk Insurance 2nd instalment for 2008/09 - \$135,308.18
- Metro Concrete – E011505 – Supply and Installation of Crossovers - \$54,787.35
- Southern Metro Regional Council – EO11494 & EO11682 – Recycling & Waste Collection - \$785,887.80
- Synergy – 031522 & 031751 - Electricity Usage - \$125,962.45
- Western Power – 031521 & 031750 – Underground Power Scheme Mt Pleasant - \$831,341.00

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

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditures were provided for in the 2008/2009 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 AND COUNCIL RESOLUTION (6001) NOTING

THAT THE SCHEDULE OF ACCOUNTS FOR THE PERIOD ENDED 30 SEPTEMBER 2008, AS APPROVED BY THE DIRECTOR CUSTOMER AND CORPORATE SERVICES IN ACCORDANCE WITH DELEGATED AUTHORITY 13-DA-015, AND DETAILED IN ATTACHMENT [6001 September 2008.pdf](#) BE NOTED.

At 8.08pm the Mayor submitted the motion, which was declared

**CARRIED EN BLOC
WITHOUT DISSENT (11/0)**

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

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

AUTHORITY / DISCRETION

	<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 August 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 August 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. It should be noted that the figures reflect the initial phasing of budgets, which need to be further as Responsible Officers review their management reports.

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

Variances

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

Revenue

- Governance – 12% under budget
- General Purpose Funding – 15% under budget.
- Health – 89% over budget.
- Education & Welfare – 60% under budget.
- Recreation & Culture – 10% under budget.
- Transport – 27% under budget.
- Other Property & Services – 127% over budget.

Expenditure

- Governance – 10% under budget.
- Law, Order, Public Safety – 16% under budget.
- Health – 10% under budget.
- Education & Welfare – 13% over budget.
- Community Amenities – 48% under budget.
- Recreation & Culture – 23% under budget.
- Transport – 17% under budget.
- Economic Services – 25% over budget.
- Other Property & Services – 209% under budget.

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

The following attachments form part of the Attachments to the Agenda, which was distributed to the Members of the Council on Friday 15 August 2008.

DESCRIPTION	LINK
Statement of Financial Activity – August 2008	6002A August 2008.pdf
Operating Statements by Program for the period ended 31 August 2008	6002B August 2008.pdf
Representation of Working Capital as at August 2008	6002E August 2008.pdf
Reconciliation of Net Working Capital as at 31 August 2008	6002F August 2008.pdf
Notes on Operating Statements for August 2008 reporting on variances of 10% or greater	
Details of Budget Amendments requested during the month of August 2008	6002J August 2008.pdf
Summary of Rates debtors as at 31 August 2008	6002L August 2008.pdf
Graph showing Rates collections as at 31 August 2008	6002M August 2008.pdf
Summary of general debtors aged 90 days old or greater as at 31 August 2008	6002N August 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 2008/2009 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 31 August 2008.

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

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

At 8.08pm Cr Robartson moved, seconded Cr Ceniviva -

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

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

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

At 8.08pm the Mayor submitted the motion, which was declared

CARRIED BY ABSOLUTE MAJORITY (11/0)

EN BLOC ITEMS

At 8.09pm Cr Halton moved, seconded Cr Phelan -

THAT THE RECOMMENDATIONS FOR ITEMS P08/3050, P08/5024, C08/8009, C08/8010, C08/5000, C08/6000 and C08/6001 BE CARRIED EN BLOC

At 8.10pm the Mayor submitted the motion which was declared

**CARRIED
WITHOUT DISSENT (11/0)**

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil

15. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

16. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 8.11pm.