

AGENDA

FOR THE

ORDINARY MEETING OF COUNCIL

TO BE HELD ON

16 NOVEMBER 2010

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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NOTICE OF MEETING

I respectfully bring to the attention of Elected Members that an Ordinary Meeting of the Council will be held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon commencing at 6.30pm on Tuesday, 16 November 2010.

The business paper for the Meeting is scheduled below and your attendance is requested.

DR SHAYNE SILCOX
CHIEF EXECUTIVE OFFICER

AGENDA

1. OFFICIAL OPENING

The Presiding Member will cause the Disclaimer to be read aloud by the Governance and Compliance Program Manager.

The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be read aloud by an Elected Member.

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

3. IN ATTENDANCE

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APOLOGIES****4.2 APPROVED LEAVE OF ABSENCE**

Cr Halton – Palmyra/Melville/Willagee Ward

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS

5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.

5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.

6. QUESTION TIME**7. AWARDS AND PRESENTATIONS****8. CONFIRMATION OF MINUTES****8.1 ORDINARY MEETING OF COUNCIL – 19 OCTOBER 2010**
Min 19 October 2010**RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 19 October 2010, be confirmed as a true and accurate record.

8.2 NOTES OF AGENDA BRIEFING FORUM – 2 NOVEMBER 2010

(Notes of the Agenda Briefing Forum will be available on Friday, 5 November 2010)

RECOMMENDATION

That the Notes of Agenda Briefing Forum held on Tuesday, 2 November 2010, be received.

8.3 FINANCIAL MANAGEMENT, AUDIT, RISK AND COMPLIANCE COMMITTEE (FMARC) – 3 NOVEMBER 2010

RECOMMENDATION

That the Minutes of the Financial Management, Audit, Risk & Compliance Committee Meeting held on Wednesday 3 November 2010 be noted.

NB:

Minutes to be confirmed at next Financial Management, Audit, Risk & Compliance Committee Meeting.

8.4 SPECIAL MEETING OF COUNCIL – 9 NOVEMBER 2010

(The Minutes of the Special Meeting of Council will be available on Friday 12 November 2010)

RECOMMENDATION

That the Minutes of the Special Meeting of Council held on Tuesday, 9 November 2010, be confirmed as a true and accurate record.

9. DECLARATIONS OF INTEREST

The Members' and Officers' attention is drawn to the following provisions of the Local Government Act 1995 regarding disclosures of interest;

9.1 FINANCIAL INTERESTS

- **C10/5141** Jeff Clark – Governance and Compliance Program Manager

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Councillors and staff are required, in addition to declaring any financial interest, to declare any interest arising from the City of Melville Code of Conduct, that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making processes.

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

The matter is confidential in accordance with Section 5.23 (d) of the Local Government Act 1995, legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

12. PETITIONS

13. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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

**P10/3175 - PROPOSED TWO-STOREY HOUSE ON BATTLE-AXE STRATA LOT 2 (78)
HOLMAN STREET, ALFRED COVE (SMREC) (CONFIDENTIAL ATTACHMENT)**

Ward : Bicton/Attadale
 Category : Operational
 Application Number : DA-2010-840
 Property : Lot (2) 78 Holman Street, Alfred Cove
 Proposal : Two Storey Single House
 Applicant : Design Better Buildings
 Owner : Ms H Diedricks and Mr M Diedricks
 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 : Not applicable

AUTHORITY / DISCRETION

DEFINITION

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

**P10/3175 - PROPOSED TWO-STOREY HOUSE ON BATTLE-AXE STRATA LOT 2 (78)
HOLMAN STREET, ALFRED COVE (SMREC) (CONFIDENTIAL ATTACHMENT)**

KEY ISSUES / SUMMARY

- An application is submitted for approval of a two-storey single house on a survey strata battle-axe lot.
- The subject lot falls within the Living Area Precinct - Melville ML1 which is subject to additional battle-axe development provisions.
- The application seeks approval for variations relative with the Living Area Precinct – Melville ML1 battle-axe lot development provisions and requires a Special Majority decision of Council to allow the variations.
- The application also seeks approval for variations relative to requirements contained under the provisions of the Residential Design Codes of WA (R-Codes).
- The application has been advertised to surrounding landowners in relation to the variations to the battle-axe lot development requirements and R-Codes variations.
- It is noted Council has recently considered and approved a number of similar development applications seeking variations to the battle-axe lot provisions for two-storey dwellings on these types of lots.
- The subject application is not considered to have an adverse amenity impact upon surrounding residences and as such, satisfies the objectives of Clause 7.8 of the City of Melville Community Planning Scheme No. 5 (CPS5).
- The application is recommended for conditional approval by a Special Majority decision of Council.



**P10/3175 - PROPOSED TWO-STOREY HOUSE ON BATTLE-AXE STRATA LOT 2 (78)
HOLMAN STREET, ALFRED COVE (SMREC) (CONFIDENTIAL ATTACHMENT)****BACKGROUND**

The subject lot is located in the Living Area Precinct – Melville ML1. Community Planning Scheme No. 5 (CPS5) contains battle-axe development requirements which require consideration as part of this application.

Council resolved on 17 July 2007, 17 March 2009, 18 May 2010, 20 July 2010 and most recently on 17 August 2010 to approve similar battle-axe developments on Kitchener Road, Melville, Braunton Street, Bicton, Joiner Street, Melville, Beach Street, Bicton, Latham Street, Alfred Cove, Sweetman Street, Ardross, Lee Place, Bicton and Blackwall Reach Parade, Bicton (respectively) which sought variations to the battle-axe lot development requirements but were otherwise in compliance with the Acceptable Development provisions and/or Performance Criteria of the Residential Design Codes (R-Codes).

It is noted that the battle-axe lot requirements of CPS5 (and in some instances – Council Policy) do not apply to the development of rear strata lots where grouped dwellings (as opposed to single dwellings), are proposed. This anomaly means that the impact of the battle-axe lot requirements of CPS5 in regulating and guiding the development of rear lots can be inconsistently applied.

As an additional outcome of the earlier decisions referred to above, Council requested that a Draft Policy be prepared to relax the battle-axe requirements of CPS5 where the proposed development is consistent with the requirements of the R-Codes. The issue was detailed in a presentation to Council at an Elected Members Workshop October 2008. It was indicated that options for a review of Policy and Delegations could be considered for the Living Area Precincts - Applecross A1 and Attadale AT1; however, other Precincts where these requirements exist under the Precinct Development Requirements of CPS5, would require an amendment to the Scheme to remove these requirements. It was considered at the time that given the low number of applications received which sought a variation to the battle-axe lot requirements, Council would continue to determine each application based on the individual merits.

Scheme Provisions

| | |
|--------------|---------------------------------------|
| MRS Zoning | : Urban |
| CPS 5 Zoning | : Living Area Precinct – Melville ML1 |
| R-Code | : R20 |
| Use Type | : Residential |
| Use Class | : 'P' - Permitted |

Site Details

| | |
|---------------------------------------|--|
| Lot Area | : 560sqm (Effective Lot Area – 403sqm) |
| Retention of Existing Vegetation | : Not applicable |
| Street Tree(s) | : Not applicable |
| Street Furniture (drainage pits etc.) | : Not applicable |
| Site Details | : Refer to photo above |

[3175 78 Holman Street Elevation & Site Plans](#)

**P10/3175 - PROPOSED TWO-STOREY HOUSE ON BATTLE-AXE STRATA LOT 2 (78)
HOLMAN STREET, ALFRED COVE (SMREC) (CONFIDENTIAL ATTACHMENT)**

DETAIL

Development Requirements

| Development Requirement | Required/ Allowed | Proposed | Comments | Delegation to approve variation | Plan Notation |
|-------------------------|---------------------------|--------------------|-----------------------|---------------------------------|---------------|
| Open Space | 50% (280sqm) | 59% (231.11sqm) | Complies with R-Codes | | |
| Building Height | 8.0m to eaves 10.5 max | 5.4m 7.0m | Complies with CPS5 | | |

Battle-axe Development Requirements: CPS5

| Development Requirement | Required/ Allowed | Proposed | Comments | Delegation to approve variation | Plan Notation |
|---|--|--|--|---------------------------------|---------------|
| Plot Ratio - 0.4 of effective lot area | 161sqm | 283.47sqm (0.7 plot ratio) | Does not comply | Council | |
| First Floor (Second Storey) area | 30% of Ground Floor Area (67.74sqm) | 40.7% (91.99sqm) | Does not comply | Council | |
| Minimum side & rear setbacks to the Second Storey | 4.0m | 8.0m (south/rear) 1.2m (east) 4.3m (west) 5.2m (north/front) | Complies Does not comply Complies Complies | Council | |
| Rear Ground Floor Setback | 3.0m (min) 6.0m (avg) | 1.5m (min) 3.7m (avg) | Does not comply Does not comply | Council Council | |

(*Non-compliance in bold)

**P10/3175 - PROPOSED TWO-STOREY HOUSE ON BATTLE-AXE STRATA LOT 2 (78)
HOLMAN STREET, ALFRED COVE (SMREC) (CONFIDENTIAL ATTACHMENT)**

Setbacks: R-Codes

| Wall | Required | Proposed | Comments | Delegation to approve Variation | Plan Notation |
|-----------------------------|-------------|-----------|------------------------|---------------------------------|---------------|
| Rear (South) | | | | | |
| Ground – Games meals family | 1.5m | 4.0m | Complies | | |
| Upper - Bed 3 to Bed 4 | 3.3m | 8.0m | Complies | | |
| - Stair | 1.2m | 8.6m | Complies | | |
| Side (East) | | | | | |
| Ground – Garage | 0m | 0m | Complies | | |
| - Family | 1.5m | 2.4m | Complies | | |
| Upper - Bed 2 and 3 | 1.2m | 1.2m | Complies | | |
| Side (West) | | | | | |
| Ground - Games | 1.0m | 1.5m | Complies | | |
| - Games, Ldry, Ens | 1.5m | 1m | Does Not Comply | MPDS | |
| - Bed 1 | 1.0m | 1.5m | Complies | | |
| Upper - Stair | 1.2m | 4.3m | Complies | | |
| - Nursery | 1.2m | 5.6m | Complies | | |
| Front (North) | | | | | |
| Ground - Bed 1 | 1.5m | 2.1m | Complies | | |
| - WIR | 1.0m | 3.4m | Complies | | |
| - Theatre | 1.5m | 5.1m | Complies | | |
| - Entry | 1.0m | 8.5m | Complies | | |
| - Garage | 1.0m | 6.5m | Complies | | |
| Upper - Nursery | 2.8m | 5.2m | Complies | | |
| - Hall | 1.6m | 8.7m | Complies | | |
| - Bed 2 | 2.8m | 6.4m | Complies | | |

(*Non-compliance in bold)

Privacy: R-Codes

| Room | Required | Proposed | Comments | Delegation to approve Variation | Plan Notation |
|---------|-------------------------|----------|------------------------|---------------------------------|---------------|
| Bed 2 | 4.5m min setback | 3.1m | Does Not Comply | MPDS | |
| Bed 3 | 4.5m min setback | 3.3m | Does Not Comply | MPDS | |
| Nursery | 6m min setback | 5.6m | Does Not Comply | MPDS | |

(*Non-compliance in bold)

**P10/3175 - PROPOSED TWO-STOREY HOUSE ON BATTLE-AXE STRATA LOT 2 (78)
HOLMAN STREET, ALFRED COVE (SMREC) (CONFIDETNIAL ATTACHMENT)**

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Variation to CPS5
 Support/Object: No objection to development.

| Affected Property | Summary of Submission | Support/Objection | Officer's Comment | Action (Uphold / Not Uphold) |
|--------------------------|------------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. | No concerns raised | Support | Noted | Uphold |
| 2. | No concerns raised | Support | Noted | Uphold |
| 3. | No concerns raised | Support | Noted | Uphold |

REFERRALS TO GOVERNMENT AGENCIES

There are no referral requirements to external agencies.

STATUTORY AND LEGAL IMPLICATIONS

Should the Council refuse the application for planning approval, the applicant will have the right to have the decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no financial implications for Council in this application.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no strategic and risk management implications for Council.

POLICY IMPLICATIONS

There are no policy implications for Council to consider as part of this application.

**P10/3175 - PROPOSED TWO-STOREY HOUSE ON BATTLE-AXE STRATA LOT 2 (78)
HOLMAN STREET, ALFRED COVE (SMREC) (CONFIDENTIAL ATTACHMENT)****ALTERNATE OPTIONS & THEIR IMPLICATIONS**

This application may be refused by Council however such a decision is not considered appropriate as the application is deemed to satisfy the relevant Acceptable Development provisions and Performance Criteria of the R-Codes (see details below). Furthermore, the Council has approved other developments with similar Scheme variations relative to battle-axe lot development at the following localities:

- Kitchener Road, Melville;
- 7B Braunton Street, Bicton;
- 50A Joiner Street, Melville;
- 5A Beach Street, Bicton;
- 27B Latham Street, Alfred Cove;
- 2A Lee Place, Bicton;
- 24A Sweetman Street, Ardross; and,
- 34C Blackwall Reach Parade, Bicton.

Given the increased prevalence of these types of applications at this point, Council may wish to reconsider the present approach on these matters by reviewing its options to modify Council Policy/Delegations for the Living Area Precincts - Applecross A1 and Attadale AT1 and amend the Scheme requirements for the 12 other Precincts in this regard.

COMMENTS

As detailed in the preceding sections, the proposed development proposes to vary a number of development requirements relative to the Living Area Precinct – Melville ML1 battle-axe development provisions contained under CPS5 as well as Acceptable Development provisions of the R-Codes. Specifically, these variations relate to the following:

- The western ground floor 'Games, Laundry and Ensuite' wall setback 1.0m in lieu of 1.5m (R-Codes variation);
- Visual privacy setbacks of the windows to Bed 2 and 3 and the Nursery (R-Codes variation);
- Variation to the maximum plot ratio - 0.7 in lieu of 0.4 (CPS5 variation).
- Variation to the first floor area relative to the gross floor area being 40.7% in lieu of 30% (CPS5 variation);
- Variation to the eastern upper-floor side setback of 1.2m in lieu of 4.0m (CPS5 variation); and
- Variation to the 3.0m minimum and 6.0m average rear ground floor setback being 1.5m and 3.7m respectively (CPS5 variation).

The above variations to the R-Code development requirements may be considered under the Performance Criteria of the R-Codes. Clause 4.3 of CPS5 provides Council the power to vary the Scheme's Precinct development requirements relative to two storey development on battle-axe lots.

The following sections address these variations in greater detail.

**P10/3175 - PROPOSED TWO-STOREY HOUSE ON BATTLE-AXE STRATA LOT 2 (78)
HOLMAN STREET, ALFRED COVE (SMREC) (CONFIDENTIAL ATTACHMENT)**Buildings Setback from the Boundary (R-Codes)

The proposed western side setback variation relates to the western ground floor Games, Laundry and Ensuite wall - setback 1.0m in lieu of 1.5m. The wall measures approximately 8.8m in length and 2.65m in height. Where a variation of the Acceptable Development provisions is sought consideration must be given to the relevant Performance Criteria of the R-Codes.

The Performance Criteria of Clause 6.3.1 of the R-Codes requires buildings to be setback from boundaries to provide adequate direct sun and ventilation to the proposal and adjoining properties, ameliorate the impacts of building bulk and protect privacy between properties.

The impact of the setback variation is not considered to have any undue impact on the amenity levels currently enjoyed by the adjoining neighbour. It is stated that the wall the subject of the variation abuts a carport area which is located approximately 500mm from the common boundary. As the carport is not classified as a 'habitable room' or 'outdoor living area' under the R-Codes, it does not have the same level of significance relative to privacy, building bulk and solar protection compared to habitable areas. With regard to building bulk, the fact that the subject wall abuts a carport but is otherwise of single-storey height only is considered to result in minimal bulk impact upon the adjoining property. In terms of solar impact, the additional shadow created by the reduced setback is not deemed to be of particular significance by virtue of the fact that existing dense vegetation on the boundary (which is proposed to be removed as part of this application) creates a greater shadow impact upon the adjoining property.

Based on the above and in the absence of any objection from the adjoining neighbour relative to the variation, the setback variation under the R-Codes is supported.

Visual Privacy (R-Codes)

As detailed in the development table above, visual privacy setback requirements in respect of the windows to Bed 2, Bed 3 and Nursery (classified as living room due to open nature of design) are not satisfied.

Although the R-Codes provides Performance Criteria to provide for variations to the Acceptable Development provisions in relation to privacy matters, such Performance Criteria cannot be satisfied in this instance. Accordingly, in order for above major openings to comply with the Acceptable Development provisions of the R-Codes, the proposal is required to be amended by way of screening, fixed obscure glass treatment or other alternative which complies with the provisions of Clause 6.8.1 of the R-Codes. Such a requirement can be made conditional as part of any determination, which would achieve compliance with the relevant privacy provisions of the R-Codes. These matters have been discussed with the applicant and the options available to satisfy the R-Code requirements can be easily satisfied.

**P10/3175 - PROPOSED TWO-STOREY HOUSE ON BATTLE-AXE STRATA LOT 2 (78)
HOLMAN STREET, ALFRED COVE (SMREC) (CONFIDENTIAL ATTACHMENT)**Battle-axe Lot Development Requirements (CPS5)

- *Maximum plot ratio – 0.4 of effective lot area and the floor area of any dwelling above ground floor shall be limited to a maximum of 30% of the gross floor area*

With regard to plot ratio and the second storey being limited to 30% of the area of the ground floor, it is considered that the proposal does not create an issue regarding building bulk and would not present unreasonable amenity issues to neighbouring properties. It is consistent with the type of dwelling which would be acceptable / approved as a grouped dwelling if it were determined purely based on the provisions of the R-Codes. The R-Codes do not contain plot ratio requirements, and it is only the land title classification which brings this matter into non-compliance with the Scheme development requirements relevant to battle-axe lots.

Based on the above, and in the absence of any objection from the adjoining neighbours relative to the variations to the plot ratio and second floor space requirements under CPS5, the variations are supported.

- *Side and rear setbacks to the second storey shall be a minimum of 4 metres*

In relation to the 4.0m side setback requirement for the second floor the proposal has been designed to achieve a minimum 4.0m side and rear setback in most instances.

Only the eastern wall 'Bed 2 and 3' encroaches into this setback requirement with a setback of 1.2m. The setback variation does not impose significant impacts on the neighbouring property, particularly in terms of amenity, privacy (addressed by conditions) and bulk as it adjoins an area of driveway. Major openings and outdoor living areas, both of which are located on the eastern side of the adjoining lot are not compromised by the subject proposal. It is noted that the proposed setback satisfies the Acceptable Development provisions of the R-Codes, it is only the land title classification which brings this matter into non-compliance with the Scheme development requirements relevant to battle-axe lots.

Based on the above, and in the absence of any objection from the adjoining neighbour, the setback variation under CPS5 is supported.

- *The rear ground floor setback for all two storey development shall be a minimum of 3.0m with an average of 6.0m*

The purpose and intent of rear setback requirements is to provide for private open space on development sites and suitable setbacks to adjacent properties in order to reduce issues associated with building bulk. In this regard, a significant portion of the non-complying area of the rear setback associated with the proposal is comprised of a proposed alfresco area. The alfresco contributes a valuable element to the outdoor living area. It also does not pose the same level of bulk as would a part of the main dwelling. Setting aside the alfresco, the setback to the main dwelling is 4.0m, which would comply with the minimum scheme setback requirement of 3.0m. Notwithstanding that the rear setback does not average 6.0m, the 4.0m setback to the main structure (not including the alfresco area) is considered to provide for a reasonable rear yard area and separation from development on the adjoining property to the rear (note – the rear development is setback approximately 1.5m from the rear boundary).

**P10/3175 - PROPOSED TWO-STOREY HOUSE ON BATTLE-AXE STRATA LOT 2 (78)
HOLMAN STREET, ALFRED COVE (SMREC) (CONFIDENTIAL ATTACHMENT)**

The development satisfies the R-Codes setback requirements of 1.5m, therefore it is consistent with the type of dwelling which may be constructed as a grouped dwelling. It is only the land title classification which brings this matter into non-compliance with the Scheme development requirements relevant to battle-axe lots.

Based on the above, and in the absence of any objection from the adjoining neighbour, the setback variation is supported.

Clause 7.8 of CPS5 Considerations

The provisions of CPS5 do not specify any applicable standards against which to assess and determine the appropriateness of the variations other than in consideration of matters raised under Clause 7.8. In this regard, applications for development are to take into account such matters as the objectives of the Scheme, orderly and proper planning, existing and likely future amenity, the nature of development relative to adjoining land, the size, shape and character of the lot and its influence on the new building, the design and external appearance of the building and the influence it may have on the area, any relevant submission(s), and any other relevant planning considerations.

In essence, the above considerations relate to amenity matters. In support of the proposal is the fact that all variations sought adequately satisfy the relevant Performance Criteria of the R-Codes. Furthermore, the development will maintain adequate direct sun (and ventilation) to the proposed residence, its neighbours and the open spaces in and around it, assist with the 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. It is reiterated that all neighbours have indicated conditional support for all of the variations sought, in this instance, indicating that from the neighbour's point of view, the variations sought do not have an unacceptable amenity impact.

Accordingly, the proposal is considered to satisfy the provisions of Clause 7.8 of CPS5.

CONCLUSION

It is considered that the application (subject to appropriate conditions) suitably addresses the provisions and requirements of CPS5 and the R-Codes. Notwithstanding the non-compliance with the Precinct requirements for two-storey development on battle-axe lots, the proposal is considered reasonable to support and is consistent with previous determinations made by Council on similar proposals within the City. Accordingly, it is appropriate for the application to be approved by Council with a Special Majority decision in accordance with Clause 4.3 of CPS5.

OFFICER RECOMMENDATION (3175)**SPECIAL MAJORITY APPROVAL**

- A) That the application for a two-storey single house on Strata Lot 2 (78) Holman Street, Alfred Cove be approved by a Special Majority of Council pursuant to Clause 4.3 of Community Planning Scheme No. 5 subject to the following Special and Standard Conditions:**

**P10/3175 - PROPOSED TWO-STOREY HOUSE ON BATTLE-AXE STRATA LOT 2 (78)
HOLMAN STREET, ALFRED COVE (SMREC) (CONFIDENTIAL ATTACHMENT)****SPECIAL CONDITIONS**

1. In order to comply with Clause 6.8.1 (A1) Visual Privacy of the Residential Design Codes (2008), the windows of Bedroom 2 and 3 and the Nursery as shown in red on the approved plans being modified to either: fixed obscure glazing to a minimum height of 1.65 metres above the finished floor level; or a minimum sill height of 1.6 metres above the finished floor level; or an obscure awning type window; or any other alternative that complies with the above Clause 6.8.1 (A1).
2. During excavations all necessary precautions shall be taken to prevent damage or collapse of any adjoining properties (driveways, garden beds, walls, etc), streets or right-of-ways. It is the responsibility of the builder/owner to liaise with adjoining and adjacent property owners prior to carrying out work.

STANDARD CONDITIONS:

3. Nothing in this Planning Approval authorises any works outside the surveyed boundaries of the lot the subject of this Planning Approval.
4. The external face of the parapet wall(s) on the boundary is to be finished to an equivalent standard of finish and colour of the dwelling (or fence) on the adjoining property.
5. 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.
6. Roofing materials shall not be highly reflective (e.g. Zinc, white or Surfmist colour metal roofing may only be permitted through special planning consent).
7. Prior to the commencement of any construction the City of Melville requires the provision of a suitable receptacle for the containment of windblown rubbish. The receptacle (generally a wire mesh cage) should have maximum openings of 100mm; have a base of 4sqm and a height of 1m and a hinged lid. The receptacle should not be allowed to overflow.
8. Ground levels may not be changed other than approved as part of this approval.
9. The external face of the parapet wall to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute to be finished to the satisfaction of the Manager Planning and Development Services.

P10/3177 - PROPOSED SECOND STOREY ADDITION AND GROUND FLOOR ALTERATIONS TO EXISTING SINGLE HOUSE – LOT 1 (19B) GANNETT STREET, BATEMAN (REC) (CONFIDENTIAL ATTACHMENT)

Ward : City
 Category : Operational
 Application Number : DA-2010-407
 Property : 19B Gannett Street, Bateman
 Proposal : Proposed Second Storey Addition and Ground Floor Alterations to Existing Single House
 Applicant : P R Roberts
 Owner : P R Roberts
 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 : Not applicable

AUTHORITY / DISCRETION

DEFINITION

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

P10/3177 - PROPOSED SECOND STOREY ADDITION AND GROUND FLOOR ALTERATIONS TO EXISTING SINGLE HOUSE – LOT 1 (19B) GANNETT STREET, BATEMAN (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

- The application seeks approval for second storey additions and ground floor alterations to an existing single house located on a survey strata lot without common property.
- The proposed development seeks a variation to the Acceptable Development provisions of the Residential Design Codes of WA (R-Codes) relating to an upper floor side setback.
- The variation sought has been the subject of neighbour consultation with one objection being received relative to the setback variation. Concerns relate to building bulk resulting from continuous solid wall and overshadowing.
- The resultant setback is considered to satisfy the relevant Performance Criteria of the R-Codes and the amenity provisions contained under Clause 7.8 of Community Planning Scheme No. 5 (CPS5).
- The application was considered by the Development Advisory Unit (DAU) on 5 October and reported in DAU Minutes on 11 October 2010.
- In accordance with Council Policy OP – 06-PL-004 Development Advisory Unit, the application has been “called-up” by Cr Nicholson due to concerns over the bulk impacts of the proposed second storey wall on the neighbour.
- In accordance with the recommendation from the DUA, the application is recommended for conditional approval.



Note: Aerial photograph does not depict redeveloped Lot 2 (19A) Gannett Street, Bateman)

P10/3177 - PROPOSED SECOND STOREY ADDITION AND GROUND FLOOR ALTERATIONS TO EXISTING SINGLE HOUSE – LOT 1 (19B) GANNETT STREET, BATEMAN (REC) (CONFIDENTIAL ATTACHMENT)

BACKGROUND

The application was considered by the Development Advisory Unit (DAU) on 5 October and reported in DAU Minutes on 11 October 2010. In accordance with Council Policy CP – 06-PL-004 Development Advisory Unit, the application has been “called-up” by Cr Nicholson due to concerns over the bulk impacts of the proposed second storey wall on the neighbour.

Scheme Provisions

MRS Zoning : Urban
 CPS 5 Zoning : Living Area-BN1
 R-Code : R20
 Use Type : Residential
 Use Class : P - permitted

Site Details

Lot Area : 399sqm
 Retention of Existing Vegetation : Not applicable
 Street Tree(s) : Not applicable
 Street Furniture (drainage pits etc) : Not applicable
 Site Details : Refer to photo above

[3177 19B Gannett Street Shadow Line Photos](#)

[3177 19B Gannett Shadow line](#)

[3177 19B Gannett Amended Site Plans](#)

DETAIL

Development Requirements

| Development Requirement | Required/ Allowed | Proposed | Comments | Delegation to approve variation | Plan Notation |
|-------------------------|--------------------------------|-----------------------|----------|---------------------------------|---------------|
| Open Space | Min. 50% | 70% | Complies | | |
| Garage Frontage | Max. 50% | 24% | Complies | | |
| Building Height | 8m (to eaves) | 5.2m | Complies | | |
| Parking | Two (2) bays (one (1) covered) | Two (2) covered bays | Complies | | |
| Shadow Impact | 25% | 0% (shadow to street) | Complies | | |

P10/3177 - PROPOSED SECOND STOREY ADDITION AND GROUND FLOOR ALTERATIONS TO EXISTING SINGLE HOUSE – LOT 1 (19B) GANNETT STREET, BATEMAN (REC) (CONFIDENTIAL ATTACHMENT)

Setbacks

| Wall | Required | Proposed | Comments | Delegation to approve Variation | Plan Notation |
|----------------------------------|------------------------------|--------------|------------------------|---------------------------------|---------------|
| Primary Street (south) | | | | | |
| UF | 6.0m average with 3.0m (min) | 10.5m (min) | Complies | | |
| Rear (north) | | | | | |
| UF | 1.5m | 15.4m | Complies | | |
| Side (east) | | | | | |
| UF – WIR and stairs | 1.5m | 0.44m | Does not comply | MPDS | |
| UF – Gym | 1.2m | 1.34m | Complies | | |
| Side (west) | | | | | |
| UF – WIR, bed 2, bath and studio | 1.5m | 2.6m | Complies | | |
| GF – Garage | 0m | 0m | Complies | | |

(Note: *non-compliance in bold, GF – Ground Floor, UF – Upper Floor)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes
 Neighbour's Comment Supplied: Yes
 Reason: Variation to R-Codes
 Support/Object: One (1) objection

| Affected Property | Summary of Submission | Support/Objection | Officer's Comment | Action (Uphold / Not Uphold) |
|-------------------|---|-------------------|---|------------------------------|
| 1. | Concerns have been raised by an adjoining neighbour stating that the proposal to build on top of common (party) wall will result in increased overshadowing and blockage of ventilation, thus reducing light permeating through their bedroom window. | Object | Based on the north-south orientation of the lot, shadow impact onto the adjacent property is nil when calculated at 12.00 pm on 21 st June as per the R-Codes. | Not uphold |

P10/3177 - PROPOSED SECOND STOREY ADDITION AND GROUND FLOOR ALTERATIONS TO EXISTING SINGLE HOUSE – LOT 1 (19B) GANNETT STREET, BATEMAN (REC) (CONFIDENTIAL ATTACHMENT)

| | | | | |
|--|--|--|---|--|
| | Continuous length of the solid wall will also result in building bulk impacts. | | With regard to bulk, amended plans have been submitted depicting an upper floor setback of 0.44m with added articulation which would reduce the impacts of building bulk. | |
|--|--|--|---|--|

REFERRALS TO GOVERNMENT AGENCIES

Referral to Government Agencies is not required as part of this application.

STATUTORY AND LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with this application.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no strategic and risk management implications for Council.

POLICY IMPLICATIONS

There are no Policy implications the subject of this application other than the fact that this matter has been “called-up” for Council consideration in accordance with the provisions of Council Policy CP – 06-PL-004 Development Advisory Unit.

P10/3177 - PROPOSED SECOND STOREY ADDITION AND GROUND FLOOR ALTERATIONS TO EXISTING SINGLE HOUSE – LOT 1 (19B) GANNETT STREET, BATEMAN (REC) (CONFIDENTIAL ATTACHMENT)

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council may refuse the application or recommend conditions which further reduce the potential amenity impacts on the neighbour, however, in this context, the amenity assessment of the proposal as detailed in this report are considered acceptable. Accordingly, any Council decision which modifies the DAU recommendation may be subject to review by the State Administrative Tribunal (SAT).

COMMENTS

The subject application seeks Planning Approval for a second-storey addition and ground floor alterations to an exiting single storey house situated on located on a survey strata lot without common property (herein referred to as the 'subject site'). The subject site was a strata (i.e. traditional 'purple title') with an adjoining duplex half which has recently redeveloped as a single-storey single house. The subject site is located within the 'Living Area – BN1' Precinct and has an applicable residential density coding of 'R20'. Consideration relative to the variation sought is detailed in the sections below.

Buildings Setback from the Boundary

A side setback variation is applicable relative to the upper floor WIR and Stairway wall which measures approximately 10.0m in length and 5.5m in height. The wall presents a setback variation of 0.44m in-lieu of 1.5m. In not meeting the Acceptable Development provisions of the R-Codes, Performance Criteria consideration is necessary. In this regard, the Performance Criteria Clause 6.3.1 P1 of the R-Codes stipulates as follows:

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.*

P10/3177 - PROPOSED SECOND STOREY ADDITION AND GROUND FLOOR ALTERATIONS TO EXISTING SINGLE HOUSE – LOT 1 (19B) GANNETT STREET, BATEMAN (REC) (CONFIDENTIAL ATTACHMENT)

With regard to the above, due to the north-south orientation of the subject lot, no overshadowing would arise from the proposed development as at midday on 21 June, nor would it restrict direct sun or ventilation to either the subject lot or adjoining property. Notwithstanding, as detailed in the 'Public Consultation/Communication' section above, an objection has been submitted by the adjoining neighbour to the east raising concerns on overshadowing to the west side of their building and the resultant loss of natural heating. Whilst the concerns raised are acknowledged, it is stated that the R-Codes provides for shadow impact to be calculated on midday, 21 June (winter sun) at which time the sun is situated to the north. Given the north-south orientation of the lot, no shadowing will occur to the objector's property at that time.

It is also noted that the stated shadow to the western side of the objector's property will only be cast during afternoon periods. Whilst the R-Codes do not provide for shadow calculation during afternoon times, it is noted that whether the upper floor setback variation was made to comply with the required 1.5m setback or not, it would still result in the western side of the adjoining property being shaded during the afternoon. This is due to the reduced setback on the objector's property and dropping sun-angle after noon.

With regard to building bulk, the objector has also raised concerns relative to a continuous length of wall proposed to be built above the existing common wall. In this regard, it is noted that plans were revised to set the overall wall off the boundary by 0.44m but also incorporate articulation. It is also noted that the bulk of the upper floor wall is reduced by virtue of the fact that it abuts a service corridor and boundary garage wall on the objector's property and not any outdoor living areas. Whilst a bedroom window on the adjoining property faces onto the subject wall, it is noted that it will only be partly visible given the reduced setback of the objector's bedroom window limiting views up towards the wall.

In relation to privacy impact, the wall does not contain any major openings as such, and does not involve any variation to the Acceptable Development provisions relating to privacy under the provisions of the R-Codes.

Based on the above, whilst the concerns raised by the adjoining neighbour are acknowledged, the setback variation is supported in this instance.

P10/3177 - PROPOSED SECOND STOREY ADDITION AND GROUND FLOOR ALTERATIONS TO EXISTING SINGLE HOUSE – LOT 1 (19B) GANNETT STREET, BATEMAN (REC) (CONFIDENTIAL ATTACHMENT)

Clause 7.8 of CPS5

Clause 7.8 provides matters to be considered by Council in determining an application for Planning Approval. Notwithstanding the justification provided against the relevant Performance Criteria of the R-Codes (as detailed above), specific consideration is necessary against Clause 7.8(b), (c), (h), (i), (j) and (k) which provides for the following considerations:

- (b) The orderly and proper planning of land within the area;*
- (c) The existing and likely future amenity of the area.*
- (h) The nature of the proposed development in relation to development either existing or proposed on adjoining land and the need to upgrade existing roads;*
- (i) The size, shape and character of the lot upon which the development is to be carried out, and the influence which this may have on the sitting and nature of any new building;*
- (j) The design and external appearance, including the exterior cladding, of any new building and its effect upon the amenity of existing buildings and the area generally; and,*
- (k) Any relevant submissions received on the application.*

The proposal (and its variation) were considered in the context of existing development on the adjoining lots, is considered to be consistent with the established residential character and orderly and proper planning for the locality.

With respect to amenity impact, whilst the objection relative to the proposed setback variation is acknowledged, in light of the proposed modifications no undue amenity impact is envisaged. It is considered that the proposed development otherwise meets the Performance Criteria relative to Clauses 6.3.1 which addresses similar provisions forming part of Clause 7.8(c), (h), (j) and (k).

Based on the above, it is considered that the proposal satisfies the provisions of Clause 7.8 and does not result in an unacceptable amenity impact on the adjoining property.

P10/3177 - PROPOSED SECOND STOREY ADDITION AND GROUND FLOOR ALTERATIONS TO EXISTING SINGLE HOUSE – LOT 1 (19B) GANNETT STREET, BATEMAN (REC) (CONFIDENTIAL ATTACHMENT)

CONCLUSION

As the proposed development and its variations are deemed to satisfy the Performance Criteria of the R-Codes and as is otherwise in compliance with the provisions of the R-Codes and CPS5, it is recommended that the application be conditionally approved.

OFFICER RECOMMENDATION

APPROVAL

- A) That the proposed second-storey addition and ground floor alterations to existing single house on Lot 1 (19B) Gannett Street, Bateman, be approved subject to the following Standard Conditions:**

STANDARD CONDITIONS:

- 1. During excavations all necessary precautions shall be taken to prevent damage or collapse of any adjoining properties (driveways, garden beds, walls, etc), streets or right-of-ways. It is the responsibility of the builder/owner to liaise with adjoining and adjacent property owners prior to carrying out work.**
- 2. 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.**
- 3. Nothing in this Planning Approval authorises any works outside the surveyed boundaries of the lot the subject of this Planning Approval.**
- 4. The materials and finishes of the development to complement the existing building to the satisfaction of the Manager Planning and Development Services.**
- 5. The external face of the parapet wall to be finished to the satisfaction of the adjoining neighbour or, in the event of a dispute to be finished to the satisfaction of the Manager Planning and Development Services.**
- 6. Roofing materials shall not be highly reflective (e.g. Zinc, white or Surfmist colour metal roofing may only be permitted through special planning consent).**

P10/3177 - PROPOSED SECOND STOREY ADDITION AND GROUND FLOOR ALTERATIONS TO EXISTING SINGLE HOUSE – LOT 1 (19B) GANNETT STREET, BATEMAN (REC) (CONFIDENTIAL ATTACHMENT)

- 7. Prior to the commencement of any construction the Council requires the provision of a suitable receptacle for the containment of windblown rubbish. The receptacle (generally a wire mesh cage) should have maximum openings of 100mm; have a base of 4sqm and a height of 1m and a hinged lid. The receptacle should not be allowed to overfill.**
 - 8. Ground levels may not be changed other than approved as part of this approval.**
- B) That the adjoining neighbour who objected to the proposal be notified in writing of A) above.**

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

T10/3172 - DEDICATION OF LAND FOR INTERSECTION IMPROVEMENTS – MURDOCH DRIVE / MURDOCH UNIVERSITY ENTRANCE (REC) (ATTACHMENT)

Ward : University
 Category : Operational
 Subject Index : Murdoch Drive / Discovery Drive
 Customer Index : Main Roads Western Australia
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Not Applicable
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : John Cameron
 Executive Engineer, Design

AUTHORITY / DISCRETION

DEFINITION

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

T10/3172 - DEDICATION OF LAND FOR INTERSECTION IMPROVEMENTS – MURDOCH DRIVE / MURDOCH UNIVERSITY ENTRANCE (REC) (ATTACHMENT)**KEY ISSUES / SUMMARY**

- To formalise the dedication of all land identified and required for improvement works to be carried out on the intersection of Murdoch Drive and the Murdoch University entrance road (Discovery Drive).
- To enable the land to be dedicated as road reserve, it is a requirement of the Land Administration Act that the Local Authority give its concurrence to the dedication.
- The City needs to advise Main Roads Western Australia of the Council's resolution.

BACKGROUND

As part of the development and accommodation works required for the Fiona Stanley Hospital (FSH), the intersection of Murdoch Drive and the new entrance road to Murdoch University, Discovery Drive, needs to be modified. This will allow for the provision of traffic signals and allow connection of Discovery Drive into the FSH main street which is now named as Barry Marshall Parade.

In their letter dated 20 August 2010, Main Roads Western Australia requested that Council consider the matter and provide a resolution of concurrence to satisfy the requirement of the Lands Division of the Department for Regional Development and Lands.

DETAIL

In order for these works to proceed, approximately 700m² of land is required to be taken from the Murdoch University's landholding and to be dedicated as road reserve. This would then allow that land to become a public thoroughfare under the care, control and management of the City of Melville.

This dedication will allow the traffic signal works to be installed within this public road reserve area and not within University property. The traffic signal installation works would include such items as signal posts and lanterns, vehicle detection loops, cables, conduits and the traffic signal control equipment. A typical design layout for the signal installation forms part of the attachments for this Item – [3172 Traffic Signal Detail](#).

The traffic signal infrastructure will become the property of Main Roads Western Australia and also managed by them. The signals have been funded as part of the overall development of the FSH.

The extent of the land taking and the area to be dedicated is shown shaded on Main Roads Plan number 1060-058, which forms an attachment to this Item – [3172 Main Roads Plan Number 1060-58](#).

T10/3172 - DEDICATION OF LAND FOR INTERSECTION IMPROVEMENTS – MURDOCH DRIVE / MURDOCH UNIVERSITY ENTRANCE (REC) (ATTACHMENT)

To meet the Department of Regional Development and Lands requirements, a copy of the formal Council resolution and a copy of the meeting minutes relating to the concurrence of the taking of land and dedication, is also requested to be supplied.

Main Roads Western Australia has confirmed that it will indemnify the City against all costs and charges relating to the taking and dedication action.

PUBLIC CONSULTATION/COMMUNICATION

The connection of Barry Marshall Parade across Murdoch Drive to a realigned Discovery Drive has been identified at the early stages of the FSH development and was also included as part of the Murdoch University's Master Plan.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Consultation has taken place with Main Roads Western Australia and the City must advise them of Council's decision.

STATUTORY AND LEGAL IMPLICATIONS

To allow the formal dedication of the road reserve process to proceed, the Land Administration Act requires the Local Authority to formally concur with the dedication.

FINANCIAL IMPLICATIONS

Main Roads Western Australia indemnifies the City of Melville against all costs and charges relating to the taking and dedication action.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

There are no strategic and risk management implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

There are no alternate options presented with this report.

T10/3172 - DEDICATION OF LAND FOR INTERSECTION IMPROVEMENTS – MURDOCH DRIVE / MURDOCH UNIVERSITY ENTRANCE (REC) (ATTACHMENT)**CONCLUSION**

The concurrence by Council with the taking of approximately 700m² of land and its dedication as road reserve, at the Murdoch Drive and Murdoch University entrance is a formality to enable the Lands Division of the Department for Regional Development and Lands to vest the land as a public roadway.

OFFICER RECOMMENDATION (3172)**APPROVAL**

That the Council: -

- 1. Concur with the taking of the land, at the junction of Murdoch Drive and the Murdoch University entrance (Discovery Drive), the subject of Main Roads Western Australia Drawing Number 1060-058 and also to its dedication as road under Section 56 of the Land Administration Act.**
- 2. Advise Main Roads Western Australia in writing of the Council's resolution and that they are supplied with a copy of the relevant Council Minutes.**

C10/5141 - CITY OF MELVILLE 2011 LOCAL GOVERNMENT ELECTIONS (AMREC)

| | |
|----------------------------|---|
| Ward | : All |
| Category | : Operational |
| Subject Index | : Elections |
| Customer Index | : Western Australian Electoral Commission |
| Disclosure of any Interest | : Mr J Clark – Governance & Compliance Program Manager – Financial Interest in Accordance with the Act |
| Previous Items | : C09/5040 – City of Melville 2009 Local Government Elections |
| Works Programme | : Not Applicable |
| Funding | : Budgeted in 2011/2012 |
| Responsible Officer | : Bruce Taylor Manager Information & Corporate Support |

AUTHORITY / DISCRETION

DEFINITION

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

C10/5141 - CITY OF MELVILLE 2011 LOCAL GOVERNMENT ELECTIONS (AMREC)**KEY ISSUES / SUMMARY**

- The local government elections are being held on 15 October 2011 in accordance with the Local Government Act 1995.
- The Local Government Act 1995 requires that prior to formally requesting the Electoral Commissioner to conduct the City of Melville election, the Council approve motions regarding;
 - a) the Electoral Commissioner being responsible for the elections and;
 - b) the election being conducted as a postal election by absolute majority.

BACKGROUND

The next local government elections will be held on 15 October 2011.

Prior to requesting the Electoral Commissioner to conduct election, there is a requirement under the Local Government Act 1995 to appoint the Electoral Commissioner and confirm the elections are to be conducted by the postal method.

DETAIL

The City of Melville has successfully undertaken seven postal elections (in 1997, 1999, 2001, 2003, 2005, 2007 and 2009), and has found postal elections to elicit greater voter response. The voter response in 2009 achieved 36.24% of enrolled persons compared to a State average of 33.35%.

PUBLIC CONSULTATION/COMMUNICATION

Not required.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

The City of Melville has received a written quotation from the Western Australian Electoral Commission (WAEC) to conduct the 2011 ordinary elections as postal elections and confirmation that the Electoral Commissioner has agreed to conduct the election, if formally requested.

STATUTORY AND LEGAL IMPLICATIONS

In accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner must agree to be responsible for the conduct of a postal election. Councils can request the Electoral Commission to conduct the election following the passing of two motions by absolute majority;

C10/5141 - CITY OF MELVILLE 2011 LOCAL GOVERNMENT ELECTIONS (AMREC)

1. Declare in accordance with section 4.20(4) of the Local Government Act 1995 that the Electoral Commissioner be responsible for the conduct of the 2011 ordinary elections with any other elections or polls which may also be required; and
2. Decide in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

According to the Local Government Act 1995 4.20 (2)(3)(4), the last day for agreement of the Electoral Commissioner to conduct a postal election is eighty days prior to the election (i.e. 27 July 2011).

FINANCIAL IMPLICATIONS

The Western Australian Electoral Commission (WAEC) has quoted \$190,000 including GST to conduct the City of Melville October 2011 elections. This is an estimate only, and has been based on the following assumptions;

- 67,400 electors
- Response rate of approximately 38%
- Seven vacancies (six Ward Councillor elections and one City wide Mayoral election) and
- Count to be conducted at the premises of the City of Melville.

The WAEC is required by the Local Government Act 1995 to conduct the local government elections on a full cost recovery basis, therefore the final cost may vary. The WAEC charge all materials at cost and a margin only on staff time.

There will also be additional costs incurred directly by the City of Melville (for salary costs, non statutory advertising and potential legal expenses). These additional costs have been provisionally estimated at \$15,000.

An allocation for these funds will need to be included in the 2011/12 budget submission.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The risk of an election being conducted by the Western Australian Electoral Commission and having significant problems is assessed to be low. The risk of an election conducted by the Chief Executive Officer as Returning Officer is increased by the two year cycle of elections that do not allow skill levels of many staff to be maintained to the same level as those of the Electoral Commission. The risk of reduced voter participation for an in-person election is acknowledged from previous results.

| Risk Statement | Level of Risk | Risk Mitigation Strategy |
|--|---|--|
| The risk of a postal election conducted by WAEC being deemed invalid, is slight. | Moderation consequences which are slight, resulting in a Low level of risk | Close liaison with WAEC to ensure all facilities and staffing provided by the City meet the WAEC requirements. |

C10/5141 - CITY OF MELVILLE 2011 LOCAL GOVERNMENT ELECTIONS (AMREC)**POLICY IMPLICATIONS**

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

There is an alternate option of the Chief Executive Officer conducting the election as Returning Officer. The election would be an in person election (i.e. requiring votes to be cast in person). This may result in a lower cost but experience has indicated also lower voter participation. Should any issues arise in the election period, there is a potential for the future working relationship of the Chief Executive Officer and Elected Members to be effected.

CONCLUSION

The effectiveness and acceptance of a postal election by the community demonstrated by the ongoing greater elector participation supports a continuation of a postal election. It is recommended that the Western Australian Electoral Commissioner conduct the City of Melville 2011 election and for the election to be held as a postal election.

OFFICER RECOMMENDATION (5141)**ABSOLUTE MAJORITY**

- 1. That by absolute majority decision of the Council in accordance with section 4.20(4) of the Local Government Act 1995, the Western Australian Electoral Commissioner be requested to be responsible for the conduct of the 2011 ordinary elections together with any other elections or polls which may also be required.**
- 2. That by absolute majority decision of the Council in accordance with section 4.61(2) of the Local Government Act 1995, the method of conducting the election will be as a postal election.**

**C10/5142 - PROPOSED AMENDMENT TO THE LOCAL LAW RELATING TO FENCES
(REC) (ATTACHMENT)**

Ward : All
 Category : Operational
 Subject Index : Acts, Statutes and Local Laws
 Customer Index : City of Melville.
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : C09/5096 – Review of Local Laws 17 November 2009.
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Jeff Clark
 Governance and Compliance Program Manager

AUTHORITY / DISCRETION

DEFINITION

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

**C10/5142 - PROPOSED AMENDMENT TO THE LOCAL LAW RELATING TO FENCES
(REC) (ATTACHMENT)****KEY ISSUES / SUMMARY**

- The City previously initiated a review of all its local laws in accordance with s. 3.16 of the *Local Government Act 1995* and adopted a number of review recommendations. The City is now placing these recommendations before Council to begin the local law making process.

BACKGROUND

In November 2009, the Council resolved to adopt a number of proposed recommendations made as a result of a review of its local laws. One of the recommendations was to amend the Local Law Relating to Fences.

DETAIL

The Local Law Relating to Fences was gazetted in 1985 and has been amended in 1991 and 1996. While the local law works well in practice, in reviewing the local law it was noted that there were some amendments that needed to be made.

Firstly, a new definition of delegated officer has been proposed for inclusion. This reflects the Delegation No. DA-016 Approvals under Local Laws. Clause 1 has been further amended with the definition of a dividing fence being amended to exempt a retaining wall structure. The definition of land is amended to reflect that the Interpretation Act 1918 has been repealed and replaced with the Interpretation Act 1984. The definition of the Town Planning Scheme has been amended to reflect the current title.

Clause 4, 5, 6, 8, 10 and 11 have been amended to reflect the delegation to the Principal Building Surveyor to approve Building Licences.

Clause 9 has been amended to correct a drafting irregularity. Clause 12 and clause 13 have similarly been amended.

Clause 14 has been amended to reflect the legislative change in penalties under the current *Local Government Act 1995*.

Clause 15 has been amended to repeal a reference to a specific Australian Standard and refer to the general Standard.

The First Schedule has been amended at paragraph (a) to reflect the ability of the Principal Building Surveyor to approve licence variations; and paragraph (d) to include colourbond metal frame.

The Second Schedule has been deleted to allow Administration greater flexibility to amend forms.

**C10/5142 - PROPOSED AMENDMENT TO THE LOCAL LAW RELATING TO FENCES
(REC) (ATTACHMENT)***Local Law making Process*

Under the *Local Government Act 1995* s. 3.12 sets out the process in order to make a local law. Council should note that commencement of this part of the process does not bind them to adopt the local law but only starts the process and allows for public comment to be made concerning the proposed adoption of the amendment local law.

At the meeting the Presiding Member is to give notice of the purpose and effect of the proposed local law.

The purpose of the proposed local law is to amend the City of Melville's Local Law Relating to Fences.

The effect of this local law is to ensure consistency with current legislation, administrative practice and remove some inconsistencies for greater clarity.

Under s. 3.12(3) a local government is required to give statewide public notice that the local government proposes to make a local law.

The notice is to include:

- (a) the purpose and effect of the local law;
- (b) advice that copies of the proposed local law can be obtained from the local government; and
- (c) is to invite submissions for a period of six weeks.

Competition Principles Agreement – Clause 7

The Commonwealth Competition Principles Agreement is an agreement between the Commonwealth and State Governments that stipulates the manner in which governments will apply competition policy principles to public sector organisations under their jurisdiction. While local governments are not a signatory to the Agreement they are bound to apply the same competition principles to their activities and functions by virtue of Clause 7 of the Agreement. One of these principles under clause 5 of the Agreement is legislation review.

With regard to the proposed amendment that is currently before Council there does not appear to be any implications for competition.

PUBLIC CONSULTATION/COMMUNICATION

The City is required to provide Statewide and local public notice and advertise the amendment in accordance with s. 3.12(3) of the Local Government Act 1995.

**C10/5142 - PROPOSED AMENDMENT TO THE LOCAL LAW RELATING TO FENCES
(REC) (ATTACHMENT)**

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 3.12 of the *Local Government Act 1995* outlines the procedure that a Local Government must follow for making a Local Law.

FINANCIAL IMPLICATIONS

The cost implications are for the costs associated with advertising and gazetting the local law.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Adequate local laws allow for protection of members of the community through the regulation of activities in controlled parameters. It is therefore a requirement, that local laws are relevant, easy to understand and adequate.

| Risk Statement | Level of Risk | Risk Mitigation Strategy |
|--|---|---|
| Risk of the local law being inconsistent with State legislation and impractical application. | Likelihood of possible challenges to the application of the local law a moderate consequence resulting in a Moderate level of risk | Correct inconsistencies in practical application. |

POLICY IMPLICATIONS

There are no policy implications in this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council has resolved to amend this local law.

CONCLUSION

In reviewing the City's Local Law Relating to Fences it was determined that the delegated authority and current practice be reflected in the local law, as well as amending the local law to remove drafting inconsistencies and reflect current terms.

**C10/5142 - PROPOSED AMENDMENT TO THE LOCAL LAW RELATING TO FENCES
(REC) (ATTACHMENT)****OFFICER RECOMMENDATION (5142)****APPROVAL**

That the Council resolves to advertise the amendments to the Local Law Relating to Fences as contained in [5142 Fencing Local Law](#) for public comment, in accordance with the requirements of Section 3.12(3) of the Local Government Act 1995.

C10/5000 – COMMON SEAL REGISTER (REC)

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

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

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

C10/5000 – 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 |
|---------------------------|---|---|-----------------------|
| 439 | Minister for Transport & City of Melville | Agreement between the Minister for Transport and City of Melville Funding Agreement for Point Walter Boat Ramp Planning | 2300883 |
| 444 | City of Melville | Local Law Amendment - Adoption of the Proposed Amendment to City of Melville Dog Local Law | 2330767 |
| 445 | City of Melville | Adoption of the Proposed Repeal of City of Melville Local Law Relating to the Keeping of Bees | 2330768 |
| 446 | City of Melville | Adoption of the Proposed Amendment to City of Melville Parking Facilities Local Law | 2330766 |
| 450 | City of Melville S Lim & A E Kuck | Notification Under Section 70A - Ancillary Accommodation - To Satisfy Condition No 3 - 7 Clifford Way, Bull Creek | 2331609 |

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

C010/5000 – COMMON SEAL REGISTER (REC)**CONSULTATION WITH OTHER AGENCIES / CONSULTANTS**

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Section 2.5(2) of the Local Government Act 1995.

The local government is a body corporate with perpetual succession and a common seal.

Section 9.49. Documents, how authenticated.

A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.

FINANCIAL IMPLICATIONS

Not applicable.

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 (5000)**NOTING**

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.

C10/6000 - INVESTMENT STATEMENTS (REC)

| | | |
|----------------------------|---|---|
| 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 | : | Khris Yeoh - Senior Financial Accountant |

AUTHORITY / DISCRETION

DEFINITION

| | | |
|-------------------------------------|------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
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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 the investment statements for the month of September 2010 and recommends that the information detailed in the attachments be noted.
- One credit event (Takefuji) was recorded in relation to one of Council's Collateralised Debt Obligation (CDO) investments (Aphex Glenelg) in the month of September 2010.
- An A rated Suncorp Metway Bank Authorised Deposit Taking Institution (ADI) investment with a book value of \$978,800 was recalled/repaid at the 1st call date for its full face value of \$1m plus interest earned for the quarter. This further reduces the City's exposure to legacy investments that no longer meet the City's current investment policy.
- The real value of Council's Reserve funds has now been restored to pre global financial crisis levels.
- When compared to the valuations used as at 30 June 2010, valuations obtained from Denison as at 30 September 2010 show that:
 - ADIs have increased in value by \$20K.
 - CDOs have increased in value by \$2.04m.

C10/6000 - INVESTMENT STATEMENTS (REC)

BACKGROUND

The City has cash holdings as a result of timing differences between the collection of revenue and its expenditure. Whilst these funds are held by the City, they are invested in appropriately rated and liquid investments.

The investment of cash holdings is undertaken in accordance with Council's Investment of Funds Policy CP-009, with the objective of maximising returns whilst maintaining low levels of credit risk exposure.

DETAIL

Summary details of investments held at 30 September 2010 are shown in the table below.

**CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 30 SEPTEMBER 2010**

| SUMMARY BY FUND | PURCHASE PRICE \$ | ESTIMATED BOOK VALUE 30/06/2010 \$ | ESTIMATED CURRENT MARKET VALUE \$ | BOOK PROFIT/(LOSS) \$ | BOOK PROFIT/(LOSS) % |
|-----------------|-----------------------|--|--------------------------------------|--------------------------|-------------------------|
| MUNICIPAL | \$ 50,220,537 | \$ 50,219,776 | \$ 50,219,882 | \$ 105 | 0.00% |
| RESERVE | \$ 50,264,465 | \$ 30,587,899 | \$ 32,642,638 | \$ 2,054,739 | 4.09% |
| TRUST | \$ 713,687 | \$ 713,687 | \$ 713,687 | \$ - | 0.00% |
| CRF | \$ 170,718 | \$ 170,718 | \$ 170,718 | \$ - | 0.00% |
| | \$ 101,369,407 | \$ 81,692,080 | \$ 83,746,924 | \$ 2,054,844 | 2.03% |

| SUMMARY BY FUND | PURCHASE PRICE \$ | ESTIMATED BOOK VALUE 30/06/2010 \$ | ESTIMATED CURRENT MARKET VALUE \$ | BOOK PROFIT/(LOSS) \$ | BOOK PROFIT/(LOSS) % |
|------------------------|-----------------------|--|--------------------------------------|--------------------------|-------------------------|
| ADI | \$ 6,000,000 | \$ 5,827,335 | \$ 5,846,850 | \$ 19,515 | 0.33% |
| CDO | \$ 21,220,000 | \$ 1,715,338 | \$ 3,750,668 | \$ 2,035,330 | 9.59% |
| CAP | \$ 1,150,000 | \$ 1,150,000 | \$ 1,150,000 | \$ - | 0.00% |
| TERM DEPOSIT 11AM | \$ 67,957,273 | \$ 67,957,273 | \$ 67,957,273 | \$ - | 0.00% |
| UNITS (Local Govt Hse) | \$ 4,811,489 | \$ 4,811,489 | \$ 4,811,489 | \$ - | 0.00% |
| | \$ 230,645 | \$ 230,645 | \$ 230,645 | \$ - | 0.00% |
| | \$ 101,369,407 | \$ 81,692,080 | \$ 83,746,924 | \$ 2,054,845 | 2.03% |

| SUMMARY BY FUND | PURCHASE PRICE \$ | ESTIMATED BOOK VALUE 30/06/2010 \$ | ESTIMATED CURRENT MARKET VALUE \$ | BOOK PROFIT/(LOSS) \$ | BOOK PROFIT/(LOSS) % |
|------------------------|-----------------------|--|--------------------------------------|--------------------------|-------------------------|
| AAA | \$ - | \$ - | \$ - | \$ - | 0.00% |
| AA | \$ 33,468,762 | \$ 32,456,901 | \$ 33,138,762 | \$ 681,861 | 2.04% |
| AA- | \$ 35,150,000 | \$ 35,132,270 | \$ 35,132,350 | \$ 80 | 0.00% |
| A | \$ 4,500,000 | \$ 4,410,105 | \$ 4,418,130 | \$ 8,025 | 0.18% |
| BBB+ | \$ 1,000,000 | \$ 983,880 | \$ 984,500 | \$ 620 | 0.06% |
| BBB | \$ 1,500,000 | \$ 1,481,630 | \$ 1,487,250 | \$ 5,620 | 0.37% |
| BBB- | \$ 2,000,000 | \$ 125,600 | \$ 100,000 | \$ -25,600 | -1.28% |
| BB+ | \$ 1,800,000 | \$ 355,140 | \$ 793,620 | \$ 438,480 | 24.36% |
| CCC+ | \$ 3,300,000 | \$ 28,500 | \$ 160,920 | \$ 132,420 | 4.01% |
| CCC | \$ 1,885,000 | \$ 159,456 | \$ 764,426 | \$ 604,970 | 32.09% |
| CCC- | \$ 4,935,000 | \$ 47,500 | \$ 261,702 | \$ 214,202 | 4.34% |
| C | \$ 5,300,000 | \$ 11,003 | \$ - | \$ -11,003 | -0.21% |
| UNITS (Local Govt Hse) | \$ 230,645 | \$ 230,645 | \$ 230,645 | \$ - | 0.00% |
| | \$ 101,369,407 | \$ 81,692,080 | \$ 83,746,924 | \$ 2,054,845 | 2.03% |

C10/6000 - INVESTMENT STATEMENTS (REC)

The following statements detail the investments held by the City. Marketable investments are shown at their estimated market value (Estimated Market Value).

**CITY OF MELVILLE
STATEMENT OF INVESTMENTS
FOR THE PERIOD ENDING 30 SEPTEMBER 2010**

| INSTITUTION / INVESTMENT | RISK of IMPAIRMENT | INVESTMENT TYPE | Current Interest Rate % | S & P RATING | PROPORTION | MAX. PER INSTITUTION POLICY 13-PL-003 | PURCHASE PRICE \$ | BOOK VALUE AT 30/6/2010 \$ | CURRENT EST MARKET VALUE \$ | INVESTMENT GAIN / (LOSS) SINCE 30/6/09 \$ |
|----------------------------------|--------------------|-----------------|-------------------------|--------------|-------------|---------------------------------------|----------------------|----------------------------|-----------------------------|---|
| BANKWEST (11AM) | | 11AM | 4.45% | AA | 2% | 20% | \$2,411,489 | \$2,411,489 | \$2,411,489 | \$0 |
| WESTPAC (MAXI BONUS 1) | | 11AM | 4.55% | AA- | 1% | 20% | \$1,200,000 | \$1,200,000 | \$1,200,000 | \$0 |
| WESTPAC (MAXI BONUS 2) | | 11AM | 4.55% | AA- | 1% | 20% | \$1,200,000 | \$1,200,000 | \$1,200,000 | \$0 |
| | | | | | | | \$4,811,489 | \$4,811,489 | \$4,811,489 | \$0 |
| BANKWEST (TERM) | | TERM | 5.70% | AA | 12% | 20% | \$12,557,273 | \$12,557,273 | \$12,557,273 | \$0 |
| COMMONWEALTH BANK | | TERM | 5.51% | AA | 16% | 20% | \$16,500,000 | \$16,500,000 | \$16,500,000 | \$0 |
| SUNCORP METWAY LTD (TERM) | | TERM | 5.98% | A+ | 5% | 20% | \$5,300,000 | \$5,300,000 | \$5,300,000 | \$0 |
| ING BANK | | TERM | 6.32% | A | 3% | 20% | \$3,000,000 | \$3,000,000 | \$3,000,000 | \$0 |
| NAB | | TERM | 5.74% | AA | 16% | 20% | \$16,000,000 | \$16,000,000 | \$16,000,000 | \$0 |
| ST GEORGE BANK (TERM) | | TERM | 5.58% | AA- | 1% | 20% | \$1,500,000 | \$1,500,000 | \$1,500,000 | \$0 |
| WESTPAC (TERM) | | TERM | 6.26% | AA- | 13% | 20% | \$13,100,000 | \$13,100,000 | \$13,100,000 | \$0 |
| | | | | | | | \$67,957,273 | \$67,957,273 | \$67,957,273 | \$0 |
| ADELAIDE BANK | Very Low | ADI | 5.31% | BBB+ | 1% | 10% | \$1,000,000 | \$983,880 | \$984,500 | \$620 |
| ELDERS RURAL BANK | Very Low | ADI | 5.55% | BBB | 1% | 0% | \$1,500,000 | \$1,481,630 | \$1,487,250 | \$5,620 |
| MACQUARIE BANK | Very Low | ADI | 5.22% | A | 1% | 15% | \$1,500,000 | \$1,410,105 | \$1,418,130 | \$8,025 |
| SUNCORP METWAY LTD | Very Low | ADI | 5.16% | A+ | 1% | 15% | \$1,000,000 | \$969,450 | \$974,620 | \$5,170 |
| WESTPAC BANK | Very Low | ADI | 5.09% | AA- | 1% | 20% | \$1,000,000 | \$982,270 | \$982,350 | \$80 |
| DEUTSCHE BANK | Very Low | CAP | 7.05% | AA- | 1% | 20% | \$1,150,000 | \$1,150,000 | \$1,150,000 | \$0 |
| APHEX (GLENELG) | High | CDO | 6.53% | BBB- | 2% | 0% | \$2,000,000 | \$125,600 | \$100,000 | -\$25,600 |
| BERYL FINANCE GLOBAL BANK NOTE | Early Term. | CDO | 0.00% | C | 2% | 0% | \$2,000,000 | \$1 | \$0 | -\$1 |
| BERYL FINANCE GLOBAL BANK NOTE 2 | Early Term. | CDO | 0.00% | C | 0% | 0% | \$450,000 | \$1 | \$0 | -\$1 |
| CORSAIR (CAYMAN) KAKADU | High | CDO | 6.14% | CCC | 1% | 0% | \$1,500,000 | \$76,950 | \$473,250 | \$396,300 |
| CORSAIR (CAYMAN) TORQUAY | Very High | CDO | 6.34% | CCC- | 2% | 0% | \$1,885,000 | \$23,000 | \$66,352 | \$43,352 |
| ETHICAL LIMITED GREEN | High | CDO | 5.74% | CCC- | 1% | 0% | \$1,000,000 | \$11,000 | \$183,400 | \$172,400 |
| HELIUM CAPITAL (ESPERANCE) | High | CDO | 6.44% | BB+ | 2% | 0% | \$1,800,000 | \$355,140 | \$793,620 | \$438,480 |
| HELIUM CAPITAL (SCARBOROUGH) | High | CDO | 6.63% | CCC+ | 2% | 0% | \$1,800,000 | \$21,000 | \$160,920 | \$139,920 |
| MAGNOLIA FLINDERS | Moderate | CDO | 6.24% | AA | 2% | 20% | \$2,000,000 | \$988,139 | \$1,670,000 | \$681,861 |
| MANAGED ACES CLASS 11A PARKES | Very High | CDO | 8.04% | CCC- | 1% | 0% | \$1,000,000 | \$3,000 | \$2,500 | -\$500 |
| MANAGED ACES CLASS 1A PARKES | High | CDO | 6.37% | CCC- | 1% | 0% | \$1,050,000 | \$10,500 | \$9,450 | -\$1,050 |
| OMEGA CAPITAL CLASS A HENLEY | Moderate | CDO | 5.70% | CCC | 0% | 0% | \$385,000 | \$82,506 | \$291,176 | \$208,670 |
| STARTS (CAYMAN) BLUE GUM | Very High | CDO | 6.23% | CCC+ | 1% | 0% | \$1,500,000 | \$7,500 | \$0 | -\$7,500 |
| ZIRCON FINANCE COOLANGATTA | Early Term. | CDO | 0.00% | C | 1% | 0% | \$1,500,000 | \$9,300 | \$0 | -\$9,300 |
| ZIRCON FINANCE MERIMBULA | Early Term. | CDO | 0.00% | C | 0% | 0% | \$500,000 | \$1,700 | \$0 | -\$1,700 |
| ZIRCON FINANCE MIAMI | Early Term. | CDO | 0.00% | C | 1% | 0% | \$850,000 | \$1 | \$0 | -\$1 |
| | | | | | | | \$28,370,000 | \$8,692,673 | \$10,747,518 | \$2,054,845 |
| UNITS IN LOCAL GOVT HOUSE | | UNITS | 0.00% | | | | \$230,645 | \$230,645 | \$230,645 | \$0 |
| TOTAL FUNDS INVESTED | | | | | 100% | | \$101,369,407 | \$81,692,080 | \$83,746,924 | \$2,054,845 |

DIVERSIFICATION / CREDIT RISK COMPARISON

| CREDIT RISK | PURCHASE PRICE \$ | CURRENT ESTIMATED MARKET VALUE | ACTUAL PROPORTION | MAX. % AMOUNT IN TOTAL PORTFOLIO POLICY 13-PL-003 | Comments |
|----------------------------|--------------------|--------------------------------|-------------------|---|----------------------------------|
| AA | \$49,468,762 | \$49,138,762 | 59% | 80% | |
| AA- | \$19,150,000 | \$19,132,350 | 23% | 80% | |
| A+ | \$6,300,000 | \$6,274,620 | 7% | 50% | |
| A | \$4,500,000 | \$4,418,130 | 5% | 50% | |
| BBB+ | \$1,000,000 | \$984,500 | 1% | 20% | |
| BBB | \$1,500,000 | \$1,487,250 | 2% | 0% | Purchased Prior To Policy Change |
| BBB- | \$2,000,000 | \$100,000 | 0% | 0% | |
| BB+ | \$1,800,000 | \$793,620 | 1% | 0% | |
| CCC+ | \$3,300,000 | \$160,920 | 0% | 0% | |
| CCC | \$1,885,000 | \$764,426 | 1% | 0% | |
| CCC- | \$4,935,000 | \$261,702 | 0% | 0% | |
| C | \$5,300,000 | \$0 | 0% | 0% | |
| UNITS IN LOCAL GOVT: HOUSE | \$230,645 | \$230,645 | 0% | 0.1% | Council Decision |
| TOTAL | 101,369,407 | 83,746,924 | 100% | | |

C10/6000 - INVESTMENT STATEMENTS (REC)
DIVERSIFICATION RISK

| INSTITUTION | INVESTMENT TYPE | S & P RATING | CURRENT ESTIMATED MARKET VALUE | ACTUAL PROPORTION | INSTITUTION PROPORTION | MAX. % WITH ANY ONE INSTITUTION | Comments |
|---|-----------------|--------------|--------------------------------|-------------------|------------------------|---------------------------------|----------------------------------|
| BANKWEST (11AM) | 11AM | AA | 2,411,489 | 2.88% | | 20% | |
| BANKWEST (TERM) | TERM | AA | 12,557,273 | 14.99% | 17.87% | 20% | |
| COMMONWEALTH BANK | TERM | AA | 16,500,000 | 19.70% | 19.70% | 20% | |
| MACQUARIE BANK | ADI | A | 1,418,130 | 1.69% | | 15% | |
| MACQUARIE BANK (TERM) | TERM | AAA | - | 0.00% | 1.69% | 20% | |
| NAB | TERM | AA | 16,000,000 | 19.11% | 19.11% | 20% | |
| ING BANK | TERM | A | 3,000,000 | 3.58% | 3.58% | 20% | |
| ST GEORGE BANK (TERM) | TERM | AA- | 1,500,000 | 1.79% | 1.79% | 20% | |
| WESTPAC (MAXI BONUS 1) | 11AM | AA- | 1,200,000 | 1.43% | | 20% | |
| WESTPAC (MAXI BONUS 2) | 11AM | AA- | 1,200,000 | 1.43% | | 20% | |
| WESTPAC (MAXI DIRECT) | 11AM | AA- | - | 0.00% | | 20% | |
| WESTPAC (TERM) | TERM | AA- | 13,100,000 | 15.64% | | 20% | |
| WESTPAC BANK | ADI | AA- | 982,350 | 1.17% | 19.68% | 20% | |
| ADELAIDE BANK | ADI | BBB+ | 984,500 | 1.18% | 1.18% | 10% | |
| ELDERS RURAL BANK | ADI | BBB | 1,487,250 | 1.78% | 1.78% | 10% | |
| SUNCORP METWAY LTD (TERM) | TERM | A+ | 5,300,000 | 6.33% | | 15% | |
| SUNCORP METWAY LTD | ADI | A+ | 974,620 | 1.16% | 7.49% | 15% | |
| DEUTSCHE BANK - CAPITAL GUARANTEED NOTE | CAP | AAA | 1,150,000 | 1.37% | 1.37% | 20% | |
| CDO - Various | CDO | | 3,750,668 | 4.48% | 4.48% | | Purchased Prior To Policy Change |
| UNITS IN LOCAL GOVT HOUSE | UNITS | | 230,645 | 0.28% | 0.28% | | |
| | | | \$83,746,924 | 100% | 100% | | |

MATURITY COMPARISON

| TERM to MATURITY | CURRENT ESTIMATED MARKET VALUE | ACTUAL PROPORTION | MAX. % IN ANY ONE YEAR | Comments |
|-------------------------|--------------------------------|-------------------|------------------------|----------------------------------|
| MUNICIPAL & TRUST FUNDS | | | | |
| < 1 year | 50,677,870 | 100% | 100% | |
| < 2 years | - | 0% | 10% | |
| < 3 years | - | 0% | 10% | |
| < 4 years | - | 0% | 0% | |
| < 5 years | - | 0% | 0% | |
| > 5 years | 25,054 | 0% | 0% | Purchased Prior To Policy Change |
| | 50,702,923 | 100% | | |
| RESERVE FUNDS | | | | |
| < 1 year | 21,920,174 | 67% | 100% | |
| < 2 years | 4,095,676 | 13% | 80% | |
| < 3 years | 859,972 | 3% | 80% | |
| < 4 years | 817,570 | 3% | 40% | |
| < 5 years | 111,950 | 0% | 40% | |
| > 5 years | 4,837,296 | 15% | 20% | Purchased Prior To Policy Change |
| | 32,642,638 | 100% | | |

C10/6000 - INVESTMENT STATEMENTS (REC)

Valuations shown for 30 September 2010 were provided by Council's new independent financial adviser Denison Financial Advisory. This supports the current positive improvements in the market, evident by the increase in valuations of Council ADIs, CDOs and Capital Guaranteed (CAP) investments. When compared to the valuations used as at 30 June 2010, valuations obtained from Denison as at 30 September 2010 show that:

- ADIs have increased in value by \$20Km.
- CDOs have increased in value by \$2.04m.

The values ascribed to Authorised ADIs by the independent financial advisers are based on current market evidence. Current positive improvements in the market, is evident by an increase in valuations. These valuations assume that the City will be required to sell those investments prior to maturity. The City is however a holder to maturity of these investments as there is no need to sell ADIs. There is therefore no reason to expect that any loss will be incurred. Recent repurchases by the issuing banks at their full value supports this view. The City expects that further ADIs will be repurchased by the issuing banks as they reach their call dates over the next 24 months. Since 30 June 2009 \$12,500,000 worth of ADIs had been repurchased by the issuing banks. These had been written down in previous financial years, to a book value of \$12,288,900. A book profit of \$211,100 has therefore been realised.

Due to the absence of an active market for CDOs and the ongoing uncertainty in financial markets in general, the City continued to take a very conservative approach when valuing its CDOs for 30 June 2010. The valuations shown in the accounts were based on the lowest applicable valuation after comparing information obtained from Denison, CPG Research & Advisory (Council's former independent financial adviser) and valuations used for 30 June 2009. CDOs that have been identified by Denison as at 30 September 2010 as having a "Very High or High" risk of impairment (see above) are due to the heightened risk of corporate defaults for entities referenced by the CDOs.

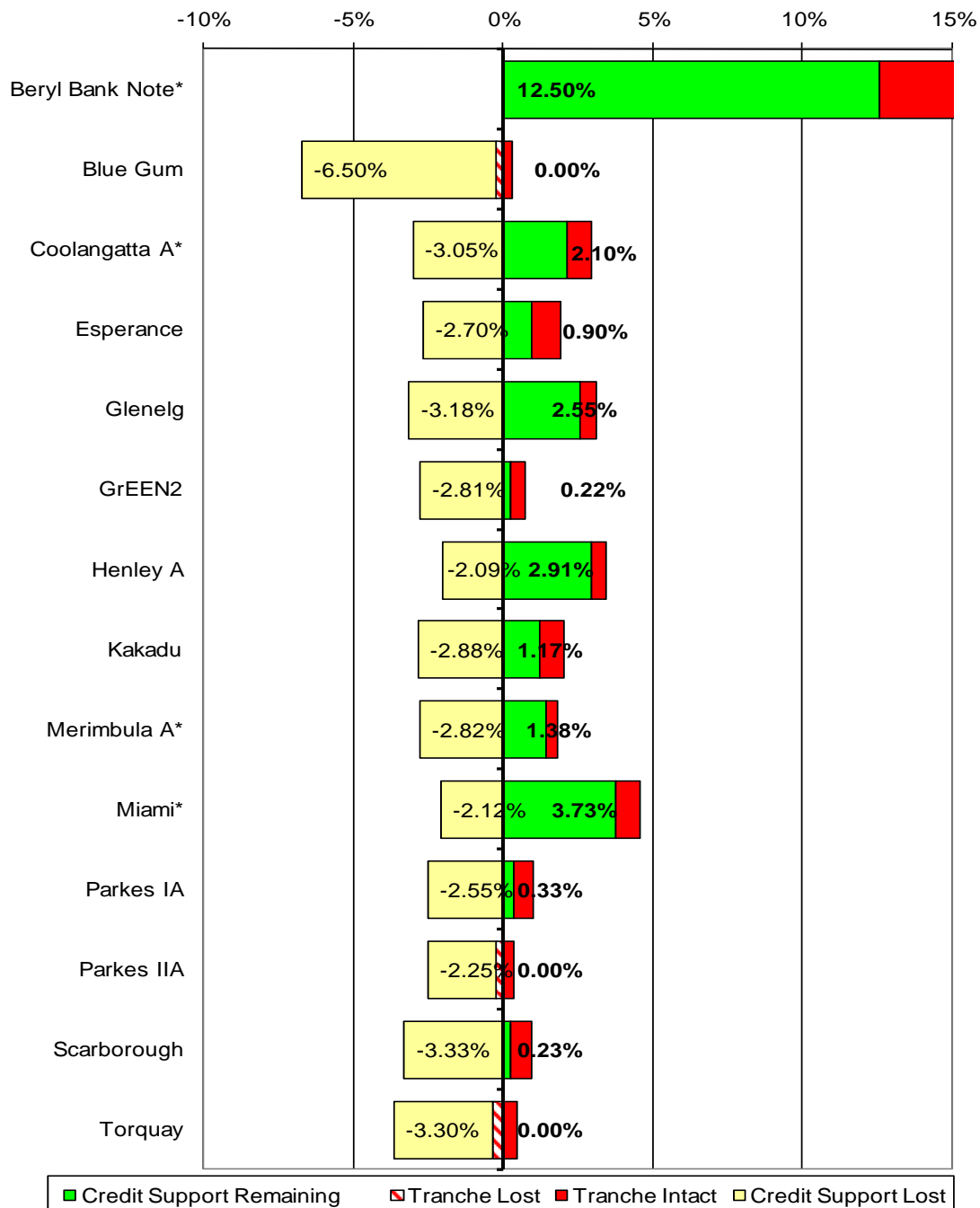
Non Lehman Brothers arranged CDOs continue to pay coupon payments (albeit some at significantly reduced levels due to the erosion of credit support and therefore underlying capital) and this is expected to continue. Based on independent advice from a number of sources, the City's policy has been to continue to hold these investments to maturity unless opportunities to sell at realistic values are presented. No realistic offers have been received to date.

Credit support lost and remaining for Council CDOs are summarised below from Denison as at 30 September 2010. As shown, three CDOs have exhausted their credit support and are in partial default. Four others (marked with an asterisk) have defaulted due to the bankruptcy of Lehman Bros, and their subsequent failure to meet obligations as counterparty. They are shown on the basis of the Lehman Bros position that the termination notices were invalid – if reinstated under a new counterparty, the credit support would be as shown.

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

C10/6000 - INVESTMENT STATEMENTS (REC)

CDO Credit Support



Explanation of terms within the graph:

- Credit Support Remaining - Amount of structural support in the CDO not already eroded by credit events or defaults.
- Tranche Lost - Amount of investor's principal (as a % of tranche) lost through credit events eroding subordination and reducing investor's CDO principal investment.
- Tranche Intact - Balance of investor's CDO exposure still intact (i.e. Defaults that have not yet reduced investor's CDO principal investment).
- Credit Support Lost - Amount of CDO subordination or protection eroded via credit events occurring in the CDO portfolio.

C10/6000 - INVESTMENT STATEMENTS (REC)

Credit Ratings and Credit Events

There was one credit event (Takefuji) in September that affected one of Council's CDOs, Aphex Glenelg. It should be noted that the CDOs are structured in such a manner so as to provide for a level of defaults of a number of the entities referenced by the CDOs before there is loss of value at maturity of the CDOs themselves. In light of the extreme downturn experienced in many world economies the risk of defaults of corporations referenced by CDOs owned by the City, has increased significantly. The continuing poor state of the US and European economic situation will no doubt result in still further corporate failures, some of which may be represented in CDOs owned by the City.

Nineteen credit events impacting Council's CDOs that have been recorded. The Companies involved are Takefuji, AMBAC Assurance, AIFUL, Tribune, Thomson, Financial Guaranty Insurance Company (FGIC), XL Capital Assurance, Bank TuranAlem, Idearc, Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), Lehman Brothers, WaMu, Glitnir, Kaupthing, Landsbanki, Chemtura, Abitibi and CIT Group. The impact of these credit events on each of Council's CDOs is shown below:

| CDO Arranger Face Value | No. of Credit Events | Remaining Credit Support before FIRST Loss of Principal | Remaining Credit Support before TOTAL Loss of Principal | Comments |
|---|---|--|--|--|
| Aphex Glenelg Arranger: Nomura International \$2.0m | 6 credit events: Takefuji, AIFUL, Tribune, Thomson, Lehman's, Landsbanki & CIT Group. | 3 | 3.8 | |
| Beryl Finance Global Bank Note Arranger: Lehman Brothers \$2.45m | Nil credit events: | 1 | N/A | Being terminated due to trustee taking control of underlying security. |
| Corsair Cayman Kakadu Arranger: J.P. Morgan Australia \$1.5m | 9 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu, Kaupthing & CIT Group. | 3 | 5 | |
| Corsair Cayman Torquay Arranger: J.P. Morgan Australia \$1.885m | 8.5 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Idearc, Freddie Mac, Lehman, WaMu, Glitnir, Kaupthing & CIT Group. | 0 (-0.39) | 1 | Partial loss (49%) of principal has occurred. Very high likelihood of total default. |

C10/6000 - INVESTMENT STATEMENTS (REC)

| CDO Arranger Face Value | No. of Credit Events | Remaining Credit Support before FIRST Loss of Principal | Remaining Credit Support before TOTAL Loss of Principal | Comments |
|--|---|---|---|--|
| Ethical Limited Green Arranger: J.P. Morgan Australia \$1.0m | 7.5 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Idearc, Lehman's, WaMu, Glitnir, Kaupthing & CIT Group. | 0.6 | 1.9 | High likelihood of total default. |
| Helium Capital Esperance Arranger: Merrill Lynch International \$1.80m | 2.5 credit events: Idearc, Tribune, Thomson, Lehman's & CIT Group. | 1.5 | 3.2 | |
| Helium Capital Scarborough Arranger: Merrill Lynch \$1.8m | 6.0 credit events: AIFUL, Idearc, Freddie Mac, Fannie Mae, Tribune, Lehman's, Kaupthing & Landsbanki. | 0.5 | 2 | High likelihood of total default. |
| Magnolia Flinders Arranger: Credit Suisse First Boston \$2.0m | Nil CDO defaults: | N/A | N/A | A "CDO-squared" of four individual standard CDOs. |
| Managed Aces Class Parkes 1A Arranger: Morgan Stanley \$1.05m | 8.0 credit events: AMBAC Assurance, AIFUL, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu & CIT Group. | 1 | 3 | High likelihood of total default. |
| Managed Aces Class Parkes 11A Arranger: Morgan Stanley \$1.0m | 9.0 credit events: AMBAC Assurance, AIFUL, FGIC, XL Capital Assurance, Freddie Mac, Fannie Mae, Lehman's, WaMu & CIT Group. | 0 (-0.5) | 1 | Partial loss (47%) of principal has occurred. Very high likelihood of total default. |
| Omega Capital Class A Henley Arranger: BNP Paribas \$0.385m | 6.0 credit events: AMBAC Assurance, Freddie Mac, Fannie Mae, Thomson, Lehman's & CIT Group. | 5 | 5.9 | |

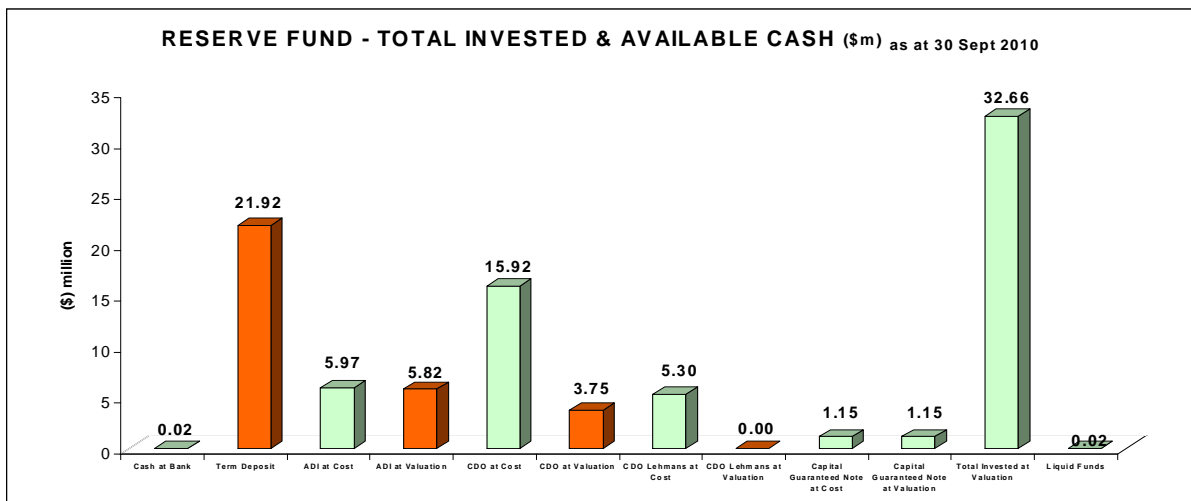
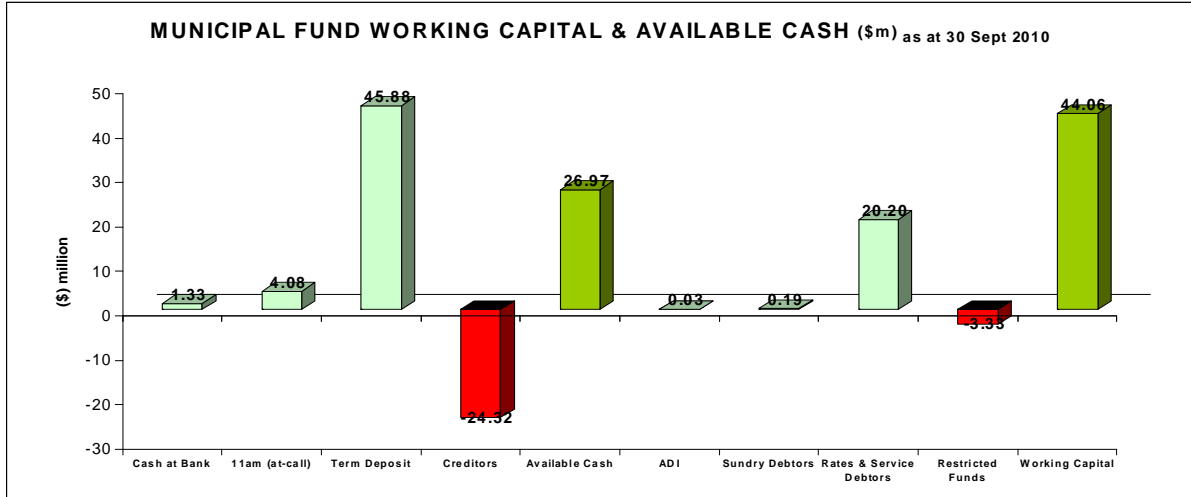
C10/6000 - INVESTMENT STATEMENTS (REC)

| CDO Arranger Face Value | No. of Credit Events | Remaining Credit Support before FIRST Loss of Principal | Remaining Credit Support before TOTAL Loss of Principal | Comments |
|--|---|--|--|---|
| Starts Cayman Blue Gum Arranger: HSBC Bank USA \$1.50m | 9.0 credit events: Bank TuranAlem, Freddie Mac, Fannie Mae, Lehman's, WaMu, Glitnir, Kaupthing, Landsbanki & CIT Group. | 0 (-0.40) | 0.4 | Partial loss (52%) of principal has occurred. Very high likelihood of total default. |
| Zircon Finance Coolangatta Arranger: Lehman Brothers \$1.50m | 8.0 credit events: Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group. | 4.7 | 6.5 | Being terminated due to trustee taking control of underlying security. |
| Zircon Finance Merimbula A Arranger: Lehman Brothers \$0.50m | 8.0 credit events: Ambac Assurance, Aiful, FGIC, Freddie Mac, Fannie Mae, WaMu, Chemtura & Cit Group. | 2.9 | 3.7 | Being terminated due to trustee taking control of underlying security. |
| Zircon Finance Miami Arranger: Lehman Brothers \$0.85m | 7.0 credit events: Ambac Assurance, Aiful, Thomson, Freddie Mac, Fannie Mae, Abitibi & CIT Group. | 8.4 | 10.1 | Being terminated due to trustee taking control of underlying security. |

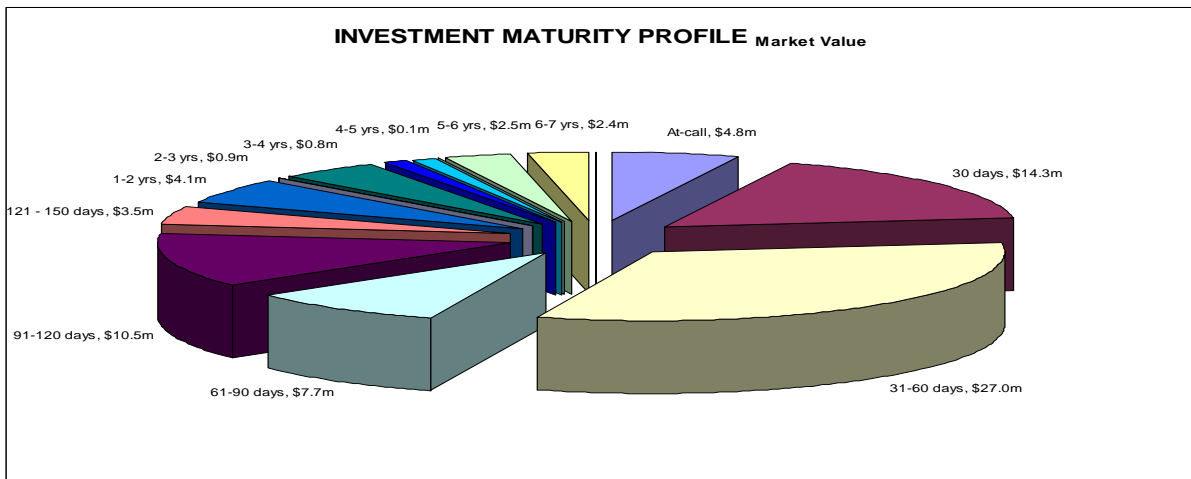
C10/6000 - INVESTMENT STATEMENTS (REC)

Net Funds Held

The graphs below summarise the Municipal Fund working capital and available cash and the funds held in the Reserve Fund at purchase price and last valuation, for September 2010.



The graph below summarise the maturity profile of Council's investments at market value as at 30 September 2010.



C10/6000 - INVESTMENT STATEMENTS (REC)**PUBLIC CONSULTATION/COMMUNICATION**

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

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

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Denison Financial Advisory, the City's current investment Advisor, has reviewed the current investment portfolio and we will be working with them to review the City's investment strategy going forward.

CPG (formerly Grove) Research and Advisory, the City's former investment advisor also reviewed the current investment portfolio.

In 2007 Price Waterhouse Coopers (PWC) were 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 2008, well after the global financial crisis, and Council's investment policy has been amended to give effect to the guidelines.

STATUTORY AND LEGAL IMPLICATIONS

The following legislation is relevant to this report:

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

The legal firm Piper Alderman have been engaged to seek recovery of any losses that may eventually be realised and to seek early termination of the Lehman arranged CDOs, so that Council gains access to the more valuable collateral representing Council's original investments which are held by Trustees for the Lehman Brothers arranged CDOs.

In conjunction with approximately 55 other corporations and local government authorities the City of Melville has engaged litigation funder IMF Australia to seek recovery of book losses from Lehman Brothers Australia. Whilst the decisions taken by the various courts have been positive for the City the legal process is lengthy and it will still be some time before certainty is achieved.

Legal actions are taking place between the United Kingdom (UK) and United States (US) courts as to whose laws should be applied in respect of the Lehman Brothers arranged CDOs, which is subject of an early termination. Lehman Brothers was successful in gaining the right to appeal the current UK judgement in favour of investors to the Supreme Court of England and Wales. This is the highest possible court whose decision will bring finality to the legal process in the UK. A hearing date has been set down for March 2011, ten months in

C10/6000 - INVESTMENT STATEMENTS (REC)

the future. It is therefore likely that the legal process will continue for at least another year as the US court has not yet issued its first judgement, which is almost certain to be appealed.

FINANCIAL IMPLICATIONS

For the financial year ending 30 September 2010, interest earned on the Municipal and Trust Funds was \$589,888 against a budget of \$380,125. This represents a \$209,763 positive variance. Reserve Fund interest earned for the year ending 30 September 2010 was \$478,686 against a budget of \$200,000. This represents a positive variance of \$278,686.

Investment earnings received in respect to CDO investments since 1 July 2007 has been \$4.04m and \$2.63m in respect to ADIs.

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

Due to Lehman Brothers entering into Chapter 11 bankruptcy proceedings, the City has not received interest payments on the \$5.3m face value of Lehman Brothers arranged CDOs. At this time we understand that interest on the underlying collateral is being retained by the trustee who has taken control of that collateral.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

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

Due to the continuing credit market concerns, the risks associated with Council's investment portfolio also increased to levels which are of concern. Whilst Council continues to earn and be paid interest from its non Lehman arranged CDOs, 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 do not meet Council's investment policy.

Due however to the lack of an active market for CDOs, these investments must continue to be held.

The risk of loss due to the default of some of the CDOs is very high whilst the risk of loss due to the default of deposits with banks or ADIs is considered extremely low.

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

C10/6000 - INVESTMENT STATEMENTS (REC)**POLICY IMPLICATIONS**

Council Policy CP-009 – Investment of Funds.

The Investment Policy was reviewed and readopted at the Ordinary Meeting of Council held on 15 December 2009 and is considered to represent a low risk approach to investing.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

Whilst the situation regarding the CDO investments remains tenuous, the full impact of the book value devaluation of those investments had been accounted for over the past financial years. Due to the return to more normal credit market conditions, no further substantial devaluations are expected over the course of the current and future financial years. The City also expects that further ADIs will be repurchased by the issuing banks as they reach their call dates over the next 24 months.

OFFICER RECOMMENDATION (6000)**NOTING**

That the Investment Report for the month of September 2010 be noted.

C10/6001 – 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 : 2010/2011 Budget
 Responsible Officer : Khris Yeoh
 Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

| | | |
|-------------------------------------|------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of 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> |

C10/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

KEY ISSUES / SUMMARY

This report presents details of the payments made to suppliers for the provision of goods and services for the month of September 2010 and recommends that the Schedule of Accounts be noted.

BACKGROUND

Delegated Authority DA-035 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 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 2010, [6001 September 2010](#) including Payment Registers numbers **169 to 185** were distributed to the Members of Council on 16 November 2010.

Payments in excess of \$25,000 in the month are as follows:-

| Supplier Name | Remittance Number | Remittance Details | Amount |
|--|--------------------------------------|--|---------------|
| Active Tree Service | Chq 040674 | Tree Pruning | \$37,493.35 |
| Amcom Telecommunications | E021464 | Telecommunications | \$105,837.16 |
| Australian HVAC Services | E021112, E021225 & E021426 | Air Conditioner | \$43,706.97 |
| Boral Construction | E021107 & E021340 | Road Construction Materials | \$475,842.08 |
| City of Cockburn | E021345 | Tip Fees | \$63,065.84 |
| Complete Tyre Solutions | E021247 | Tyre Supplies | \$26,181.35 |
| Downer EDI Works Pty Ltd | E021275 & E021336 | Road Works | \$305,535.48 |
| Dowsing Concrete | E0121320, E021508, E021122 & E021338 | Concrete Works | \$244,331.98 |
| Earthcare | E021448 | Melville Parklands and Electrical Variations | \$751,325.36 |
| Fire & Emergency Services Authority WA | E021463 | ESL Remittance For June 2010 | \$93,075.49 |
| Flexi Staff | E021166 & E021377 | Staff Hire | \$68,519.21 |
| Fuji Xerox Australia Pty Ltd | E021211 & E021414 | Photocopy | \$30,537.22 |

C10/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)

| Supplier Name | Remittance Number | Remittance Details | Amount |
|---|--------------------------|--|---------------|
| Heydon Films | E021206 | Production payment 2 for The Gathering DVD | \$37,292.20 |
| Hydroquip Pumps | E021383 & E021331 | Reticulation Pump Repairs | \$32,088.50 |
| LGIS Workcare | E021126 | Workcare Scheme Contribution – First Installment | \$357,461.50 |
| LGIS Insurance Broking | E021125 | 2010-11 Motor Vehicle Insurance | \$309,900.80 |
| LGIS Property | E021124 | 2010-11 Property Scheme Contribution | \$307,006.24 |
| Natural Area Management & Services | E021310 & E021499 | Natural Management & Services | \$49,994.00 |
| North Lake Electrical Pty Ltd | E021457 & E021274 | Electrical Maintenance | \$43,557.74 |
| Perth Engineering And Maintenance WA Pty Ltd | E021226 | Gate Fees For Recyclable Materials For August 2010 | \$92,379.23 |
| Quayclean Australia Pty Ltd | E021114 & E021268 | Cleaning Services | \$46,921.18 |
| Robinson Buildtech | E021151 & E021361 | Building Maintenance | \$27,067.36 |
| Shacks Holden | Chq 040420 | Holden Commodore VE International Sportswagon | \$33,515.09 |
| Sirsi Dynix Pty Ltd | E021371 | Annual Software Maintenance | \$26,904.41 |
| Southern Metropolitan Regional Council | E021434 & E021239 | Gate Fees for August 2010 and RRRC Loan Repayment for September 2010 | \$797,370.54 |
| Synergy | Chqs 040601 & 040302 | Electricity | \$64,519.49 |
| Total Eden | E021402 & E021200 | Reticulation Services | \$192,638.05 |
| Tree Amigos Tree Surgeons | Chq 040407 | Tree Pruning | \$34,116.39 |
| Western Power | Chqs 040301 & 040356 | Electricity Supply | \$352,530.32 |
| Western Australian Local Government Association | E021435 | Advertisements | \$44,069.32 |
| Western Australian Planning Commission | Chq 040702 | Grant Monies For Financial Contribution For Murdoch Structure Plan | \$110,000.00 |

C10/6001 – 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 2010/2011 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 (6001)**NOTING**

That the Schedule of Accounts for the period ended 30 September 2010 as approved by the Director Corporate Services in accordance with delegated authority DA-035, and detailed in attachment [6001 September 2010](#) be noted.

C10/6002 – FINANCIAL STATEMENTS FOR SEPTEMBER 2010 (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 : Khris Yeoh - Senior Financial Accountant

AUTHORITY / DISCRETION

DEFINITION

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

KEY ISSUES / SUMMARY

- This report presents the financial statements for the financial year ending 30 September 2010 and recommends that they be noted by Council.
- No debts were written off by Council staff under delegated authority during the month of September 2010.

**C10/6002 – FINANCIAL STATEMENTS FOR SEPTEMBER 2010 (AMREC)
(ATTACHMENT)**

BACKGROUND

The Financial Statements for the financial year ending 30 September 2010 have been prepared and tabled in accordance with the Local Government (Financial Management) Regulations 1996 as amended.

DETAIL

The attached reports have been prepared in compliance with the requirements of the legislation and Council policy.

To the end of September 2010, a net operating positive variance of \$115K was recorded. Net capital expenditure was \$3.42m positive variance. The majority of these early variances are a result of phasing, as budget responsible officers continue to refine their estimated income and expenditure patterns.

Variations

An analysis of the significant variations is included below.

| | September Actual+Comm \$ | YTD Budget \$ | YTD Actual+Comm \$ | Variance \$ | Variance % | Annual Budget \$ | Annual Revised Budget \$ |
|-----------------------------|--------------------------------|---------------------|--------------------------|----------------|---------------|------------------------|--------------------------------|
| Revenues | | | | | | | |
| General Purpose Funding | 1,102,111 | 1,438,625 | 1,674,470 | 235,845 | 16% | 5,479,500 | 5,479,500 |
| Transport | 1,323,813 | 2,294,603 | 2,862,197 | 567,594 | 25% | 5,578,277 | 5,578,277 |
| Other Property and Services | 77,661 | 334,635 | 232,672 | (101,963) | -30% | 483,487 | 483,487 |
| | 3,767,913 | 23,338,833 | 24,227,741 | | 4% | 39,722,733 | 39,758,264 |
| Expenses | | | | | | | |
| Governance | (3,224,994) | (4,978,389) | (5,703,351) | (724,962) | 15% | (15,011,328) | (15,124,328) |
| General Purpose Funding | (3,669,081) | (3,451,250) | (3,865,433) | (414,183) | 12% | (5,025,000) | (5,025,000) |
| Law, Order, Public Safety | (341,815) | (872,445) | (806,716) | 65,729 | -8% | (3,497,119) | (3,538,097) |
| Education & Welfare | (536,374) | (1,402,937) | (1,170,671) | 232,266 | -17% | (5,854,237) | (5,854,237) |
| Community Amenities | (891,968) | (4,638,361) | (4,126,024) | 512,338 | -11% | (17,809,560) | (17,876,560) |
| Recreation and Culture | (3,135,194) | (6,157,345) | (5,969,675) | 187,669 | -3% | (24,325,221) | (24,432,666) |
| Transport | (1,489,679) | (2,291,299) | (2,090,748) | 200,551 | -9% | (9,478,996) | (9,498,996) |
| Economic Services | (79,839) | (35,705) | (103,552) | (67,846) | 190% | (142,822) | (142,822) |
| Other Property and Services | (592,162) | (213,547) | (1,120,777) | (907,231) | 425% | (2,609,224) | (2,609,224) |
| | (14,104,066) | (24,327,145) | (25,206,147) | | 4% | (84,708,299) | (85,110,312) |

Revenue

\$51.39m in Rates have been raised to 30 September 2010. This is compared with a year to date budget of \$51.2m, resulting in a positive variance of \$0.19m.

- General Purpose Funding: 16% positive variance, due mainly to an increase in investment earnings.
- Transport: 26% positive variance, due mainly to incorrectly phased income on various road grants funding.
- Other Property & Services: 30% negative variance, due mainly to incorrectly phased income on fleet sales.

**C10/6002 – FINANCIAL STATEMENTS FOR SEPTEMBER 2010 (AMREC)
(ATTACHMENT)**

Expenditure

- Governance: 15% negative variance, due mainly to incorrect phasing in various projects.
- General Purpose Funding: 12% negative variance, due mainly to incorrect phasing for the Attadale South Underground Power project.
- Law, Order, Public Safety: 8% positive variance, due mainly to incorrect phasing in various projects.
- Education & Welfare: 17% positive variance, due mainly to incorrect phasing in various projects.
- Community Amenities: 11% positive variance, due mainly to incorrect phasing in Waste services.
- Recreation & Culture: 3% positive variance, due mainly to incorrect phasing in various projects.
- Transport: 9% positive variance, due mainly to incorrect phasing in various projects.
- Economic Services: 190% negative variance, due to costs from South West Group not yet recovered.
- Other Property & Services: 425% negative variance, due to lower recovery of fleet charges.

The following attachments form part of the Attachments to the Agenda.

| DESCRIPTION | LINK |
|---|--------------------------------------|
| Statement of Financial Activity – September 2010 | 6002A September 2010 |
| Operating Statements by Program for the period ended September 2010 | 6002B September 2010 |
| Representation of Working Capital as at 30 September 2010 | 6002E September 2010 |
| Reconciliation of Net Working Capital as at 30 September 2010 | 6002F September 2010 |
| Notes on Operating Statements for September 2010 reporting on variances of 10% or greater | 6002H September 2010 |
| Details of Budget Amendments requested during the month of September 2010 | 6002J September 2010 |
| Summary of Rates debtors as at 30 September 2010 | 6002L September 2010 |
| Graph showing Rates collections as at 30 September 2010 | 6002M September 2010 |
| Summary of general debtors aged 90 days old or greater as at 30 September 2010 | 6002N September 2010 |
| Detail of Debts Written Off for the Month of September 2010 | Not Applicable |

**C10/6002 – FINANCIAL STATEMENTS FOR SEPTEMBER 2010 (AMREC)
(ATTACHMENT)****Granting of concession or writing off debts owed to Council**

Delegation DA-032 empowers the Chief Executive Officer (CEO) to grant concessions and rates off monies owing to the City to a limit of \$10,000 for any one item. The CEO has partially on-delegated this to the Director Corporate Services to write off debts or grant concessions to a value of \$5,000. The delegation is conditioned on the basis that a quarterly report detailing any debts written off is to be submitted to Council.

No debts were written off during the month of September 2010.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable.

STATUTORY AND LEGAL IMPLICATIONS

Local Government Act 1995 Division 3 – Reporting on Activities and Finance Section 6.4 – Financial Report.

Local Government (Financial Regulations) 1996 Part 4 – Financial Reports
Regulation 34 of the Local Government (Financial Management) Regulations 1996 as amended in March 2005, requires that:

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

**C10/6002 – FINANCIAL STATEMENTS FOR SEPTEMBER 2010 (AMREC)
(ATTACHMENT)**

- (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 Council-
 - (i) at the next ordinary meeting of 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 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.

The variance adopted by Council at its meeting held on 22 June 2010, which also adopted the 2010/11 Budget, was 10% or \$50,000 whichever is greater.

Local Government Act 1995 Division 4 – General Financial Provisions Section 6.12; Power to defer, grant discounts, waive or write off debts.

FINANCIAL IMPLICATIONS

No significant variances have been identified. Variances identified are a result of phasing and will be rectified by Budget Responsible Officers.

Amendments to the 2010/2011 Budget have been included in the budget amendment reports.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

The format of the financial statements as presented to Council and the reporting of significant variances is undertaken in accordance with Council's Accounting Policy CP-025.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

**C10/6002 – FINANCIAL STATEMENTS FOR SEPTEMBER 2010 (AMREC)
(ATTACHMENT)**

CONCLUSION

The attached reports reflect a positive financial position of the City of Melville as at 30 September 2010.

OFFICER RECOMMENDATION (6002)

ABSOLUTE MAJORITY

1. That the Statements of Financial Activity and the Operating Statements for the period ending 30 September 2010 as detailed in the following attachments be noted:

| DESCRIPTION | LINK |
|---|--------------------------------------|
| Statement Of Financial Activity – September 2010 | 6002A September 2010 |
| Operating Statements By Program For The Period Ended 30 September 2010 | 6002B September 2010 |
| Representation Of Working Capital As At 30 September 2010 | 6002E September 2010 |
| Reconciliation Of Net Working Capital As At 30 September 2010 | 6002F September 2010 |
| Notes On Operating Statements For September 2010 Reporting On Variances Of 10% Or Greater | 6002H September 2010 |
| Summary Of Rates Debtors As At 30 September 2010 | 6002L September 2010 |
| Graph Showing Rates Collections As At 30 September 2010 | 6002M September 2010 |
| Summary Of General Debtors Aged 90 Days Old Or Greater As At 30 September 2010 | 6002N September 2010 |
| Detail of Debts Written Off For The Month of September 2010 | Not Applicable |

2. That by Absolute Majority Decision the budget amendments, as listed in the Budget Amendment Reports for September 2010, as detailed in attachment [6002J September 2010](#), be adopted.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
15. EN BLOC ITEMS
16. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL
17. CLOSURE