

MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

16 NOVEMBER 2010

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY, 16 NOVEMBER 2010.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. PRESENT

His Worship the Mayor, Russell Aubrey

COUNCILLORS

Cr M Reynolds (Deputy Mayor)
Cr R Subramaniam, Cr C Robartson
Cr N Pazolli, Cr P Reidy
Cr A Nicholson, Cr A Ceniviva
Cr J Barton,
Cr N Foxtton

WARD

University
Bull Creek/Leeming
Applecross/Mount Pleasant
City
Bicton/Attadale
University

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Mr S Cope	Director Urban Planning
Mr J Christie	Director Technical Services
Ms C Young	Director Community Development
Mr D Vinicombe	Manager Planning and Development Services
Mr B Taylor	Manager Information, Technology & Support
Ms T Hirst (From 6.39pm to 6.42pm)	Business Improvement Coordinator
Mr J Clark	Governance & Compliance Program Manager
Ms D Beilby	Minute Secretary

At the commencement of the meeting there were three members of the public in the Public Gallery. One member from the Press arrived at 6.48pm.

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

Cr G Wieland – Bicton/Attadale Ward
Cr B Kinnell – Palmyra/Melville/Willagee

4.2 APPROVED LEAVE OF ABSENCE

Cr C 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.**

Nil.

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

Nil.

6. QUESTION TIME

Stanley – Kardinya

My compliments to all the people who played a part in the upgrade of the Garling Street and North Lake Road intersection with the separate turning lane from Garling Street.

His Worship the Mayor acknowledged the compliment on behalf of staff.

7. AWARDS AND PRESENTATIONS

At 6.40pm His Worship the Mayor presented the Western Australia Service Excellence Award to Ms T Hirst, Business Improvement Coordinator, who received the award on behalf of the City of Melville.

The Australian Service Excellence Awards were held on 9 November 2010. The winners are chosen from a field of Australia's top and most successful customer service organisations.

The Customer Service Institute of Australia (CSIA) Australian Service Excellence Awards showcase achievement in Customer Service. Reaching the finals and winning an award illustrates the highest standards of management, training and commitment to excellence within those organisations.

In the Local Government category the City of Melville was 'winner' for Western Australia Service Excellence and received 'highly commended' in the National Service Excellence Award.

At 6.42pm Ms T Hirst left the meeting.

8. CONFIRMATION OF MINUTES

8.1 **ORDINARY MEETING OF COUNCIL – 19 OCTOBER 2010** **Min 19 October 2010**

COUNCIL RESOLUTION

At 6.44pm Cr Reynolds moved, seconded Cr Foxtton -

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

At 6.44pm the Mayor submitted the motion which was declared

CARRIED (10/0)

8.2 NOTES OF AGENDA BRIEFING FORUM – 2 NOVEMBER 2010
Notes 2 November 2010**COUNCIL RESOLUTION**

At 6.44pm Cr Barton moved, seconded Cr Reidy -

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

At 6.45pm the Mayor submitted the motion which was declared

CARRIED (10/0)

Disclosure of Interest

Item No	:	C10/5144 Legal Status Report
	:	(Financial Management, Audit,
	:	Risk & Compliance Committee
	:	3 November 2010)
Elected Member/Officer	:	Cr C Robartson
Type of Interest	:	Financial Interest
Nature of Interest	:	Item relates to SAT appeal by RAAF
	:	Association Bull Creek, where Cr Robartson
	:	is a resident
Request	:	Leave
Decision of Council	:	Not Applicable

At 6.45pm having declared an interest in this item, Cr Robartson left the meeting.

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

At 6.45pm Cr Ceniviva moved, seconded Cr Reynolds -

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.

At 6.46pm the Mayor submitted the motion which was declared

CARRIED (9/0)

At 6.47pm Cr Robartson returned to the meeting.

8.4 SPECIAL MEETING OF COUNCIL – 9 NOVEMBER 2010
Min 9 November 2010**COUNCIL RESOLUTION**

At 6.47pm Cr Foxtton moved, seconded Cr Barton -

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

At 6.47pm the Mayor submitted the motion which was declared

CARRIED (10/0)

9. DECLARATIONS OF INTEREST**9.1 FINANCIAL INTERESTS**

- **C10/5144** Cr C Robartson
- **C10/5141** Jeff Clark – Governance and Compliance Program Manager

9.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

10. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

12. PETITIONS

Nil.

13. REPORTS OF THE CHIEF EXECUTIVE OFFICER

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

**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.

**P10/3175 - PROPOSED TWO-STOREY HOUSE ON BATTLE-AXE STRATA LOT 2 (78)
HOLMAN STREET, ALFRED COVE (SMREC) (CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3175)****SPECIAL MAJORITY APPROVAL**

At 6.48pm Cr Subramaniam moved, seconded Cr Barton -

- 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:**

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).**

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

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.

At 6.49pm the Mayor submitted the motion which was declared

CARRIED BY SPECIAL MAJORITY (10/0)

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.	
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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 existing 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 & COUNCIL RESOLUTION (3177) 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.**

At 6.50pm the Mayor submitted the motion which was declared

CARRIED EN BLOC (9/1)

LATE ITEM - P10/3176 - PROPOSED TWO SINGLE-STOREY AGED OR DEPENDENT PERSONS' DWELLINGS ON LOT 311 (25) AINSLIE COURT, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)

Ward : University
 Category : Operational
 Application Number : DA-2010-920
 Property : Lot 311 (25) Ainslie Court, Kardinya
 Proposal : Two Single-Storey Aged or Dependent Dwellings
 Applicant : Mr J G Clifford and Ms M Clifford
 Owner : Mr J G Clifford and Ms M Clifford
 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 (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

LATE ITEM - P10/3176 - PROPOSED TWO SINGLE-STOREY AGED OR DEPENDENT PERSONS' DWELLINGS ON LOT 311 (25) AINSLIE COURT, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)**KEY ISSUES / SUMMARY**

- The application seeks Planning Approval for a two single-storey Aged or Dependent Persons' Dwellings on a corner lot.
- Due to the lie of the land and drainage network in the locality, the property has been the subject of major flooding during heavy deluge which has caused the property owner's considerable stress and financial hardship.
- Council has previously undertaken rectification work in the locality in an attempt to reduce the potential for drainage overflows onto the subject property.
- The owners recently approached Council to consider the option of subdividing into two lots in order to financially assist redevelopment of the property at a higher level, so as to avoid further flood inundation.
- Whilst the property is too small to allow subdivision under a single-house of grouped-dwelling arrangement, the Residential Design Codes of WA (R-Codes) provides for a density bonus to apply to reduce the minimum site area requirement by one third for Aged or Dependent Person' Dwellings.
- The proposed development seeks variations to the Acceptable Development provisions of the R-Codes, relative to aged or dependent person' dwellings: these consisting of a front setback variation and, plot ratio area and minimum number of dwellings permissible under Clause 7.1.2 of the R-Codes.
- Furthermore, the application seeks a variation to Clause 5.2 of the City of Melville Community Planning Scheme No. 5 (CPS5) which prevents the general application of the R-Codes density bonus provisions.
- Notwithstanding, Clause 4.3 of CPS5 provides Council the power to vary Clause 5.2 above subject to a Special Majority decision of the Council.
- The variations have been the subject of neighbour consultation with no objections being received.
- As far as can be determined, the concessions to the density bonus and associated Special Majority decision of Council in allowing such a variation to the provisions of CPS5 have not been used previously.
- Notwithstanding, it is noted that the major provider of aged and dependant persons' accommodation in the State, the Department of Housing (DoH), are specifically exempt from CPS5 R-Code density provisions. In recent times, DoH has gained approvals (through the State Administrative Tribunal) for development which exceeds the density provisions of CPS 5.
- Whilst Council could undertake further works on the verge to increase levels and reduce the potential for flooding, the option presented by the applicant of raising the finished floor levels 500mm above the floor levels of Ainslie Court and Fredrick Baldwin Park lake (to be established) offers the best solution to the issue.
- Given the extreme circumstances that have lead to this application, the proposal is considered to be a special case which warrants favourable consideration to a variation to CPS5 provisions which would otherwise prevent a density bonus being applied in this instance.
- The application is recommended for conditional approval.

LATE ITEM - P10/3176 - PROPOSED TWO SINGLE-STOREY AGED OR DEPENDENT PERSONS' DWELLINGS ON LOT 311 (25) AINSLIE COURT, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)



BACKGROUND

Scheme Provisions

MRS Zoning	: Urban
CPS 5 Zoning	: Living Area – Kardinya K1 Precinct
R-Code	: R17.5
Use Type	: Residential
Use Class	: Permitted

Site Details

Lot Area	: 807sqm
Retention of Existing Vegetation	: Not applicable
Street Tree(s)	: Not applicable
Street Furniture (drainage pits etc)	: Yes – 3 x drainage pits
Site Details	: Refer to photo above

[3176 25 Ainslie Court Aged and Dependant Person's Dwellings Photo's](#)

LATE ITEM - P10/3176 - PROPOSED TWO SINGLE-STOREY AGED OR DEPENDENT PERSONS' DWELLINGS ON LOT 311 (25) AINSLIE COURT, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)

DETAIL

Development Requirements – R-Codes (Cl. 7.1.2)

Development Requirement	Required/ Allowed	Proposed	Comments	Delegation to approve variation	Plan Notation
Building Height	8.0m 10.5m	3.1m (max) 6.0m (max)	Complies Complies		
Car parking	2 bays per unit	2 bays per unit	Complies		
Max. plot ratio	100sqm per dwelling	Unit 1 – 170.23sqm Unit 2 – 139.24sqm	Does not Comply Does not Comply	MPDS	
No. of dwellings per single development	Min. of Five (5)	Two (2) dwellings	Does not Comply	MPDS	
Compliance with AS4299 - 1995 Adaptable Housing Clause 3.3.2	Access path from street frontage / car park area or drop-off point	Condition	Complies		
Entrance level	Level entry to front door and other entries	Condition	Complies		
External and internal doors	Minimum 820mm wide opening.	Condition	Complies		
Internal corridors	Min. 1000mm wide; or 1200mm where openings on side walls	Condition	Complies		
Compliance with AS4299 - 1995 Adaptable Housing Clause 1.4.12	Provision of visitable toilet	Condition	Complies		
Toilet and toilet approach doors	Min. 250mm nib wall on the door handle side of the door and grab rails as per AS4299 - 1995 Adaptable Housing, Clause 4.4.4 (h).	Condition	Complies		

LATE ITEM - P10/3176 - PROPOSED TWO SINGLE-STOREY AGED OR DEPENDENT PERSONS' DWELLINGS ON LOT 311 (25) AINSLIE COURT, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)

Visitors car spaces	One per four dwellings, with a minimum of one space	Condition – hardstand can be provided within front setback area	Complies		
Visitors car spaces	First visitors car space to provide wheelchair access and be minimum width of 3.8m	Condition	Complies		
Legal Agreement	Min. one occupant is disabled or physically dependent person or aged over 55, or is the surviving spouse of such a person.	Condition requiring legal agreement	Complies		
Outdoor Living Area	36sqm; but having due regard to one third reduction in the area specified in Table 1 (24sqm min.).	Unit 1 - 24sqm Unit 2 - 32sqm	Complies Complies		

(Note: *non-compliance in bold)

Setbacks

Wall	Required	Proposed	Comments	Delegation to approve Variation	Plan Notation
Primary Street Setback					
Unit 1	Avg 6.0m Min 3.0m	Avg 6.0m Min 2.5m	Complies Does not Comply	MPDS	
Unit 2	Avg 6.0m Min 3.0m	Avg 5.25m Min 4.5m	Does not Comply Complies	MPDS	
Secondary Street					
Unit 1	R-Codes - 1.5m Policy - 3.0m	4.6m to wall – 1.5 to alfresco	Does not Comply	MPDS	
Rear Setback					
Unit 1 – Study / ENS / Bed 1	1.5m	2.0m	Complies		
Unit 2 – Bed 1 / Alfresco	1.5m	2.0m	Complies		

LATE ITEM - P10/3176 - PROPOSED TWO SINGLE-STOREY AGED OR DEPENDENT PERSONS' DWELLINGS ON LOT 311 (25) AINSLIE COURT, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)

Side Setback (north) – Unit 1					
Bath/study	1.0m	1.0m	Complies		
Bed 2	1.5m	1.5m	Complies		
Garage	0m	0m	Complies		

Side Setback (north) – Unit 2					
Garage	1.0m	1.0m	Complies		
L'dry / Bed 2 / Ens	1.5m	2.0m	Complies		
Side Setback (south) – Unit 2					
Alfresco	1.0m	1.5m	Complies		
Living	1.5m	2.2m	Complies		
Store	0m	0m	Complies		

(Note: *non-compliance in bold)

PUBLIC CONSULTATION/COMMUNICATION

Advertising Required: Yes.
 Neighbour's Comment Supplied: Yes.
 Reason: Variation to R-Codes / CPS5
 Support/Object: Two (2) letters of support.

Affected Property	Summary of Submission	Support/Objection	Officer's Comment	Action (Uphold / Not Uphold)
1.	Neighbour agrees provided that the air conditioner is placed on the northern wall.	Support	Noted – Advice note regarding air-conditioner location to be applied.	Uphold
2.	Neighbour requests the height of the common fence be raised accordingly to the new floor height. We would also like the Council to put in an extra stormwater drain if possible.	Support	Noted – Condition to be applied to ensure minimum 1.8m high fence to be provided from highest finished ground level. Additional stormwater drain cannot form part of this application.	Partially Uphold

LATE ITEM - P10/3176 - PROPOSED TWO SINGLE-STOREY AGED OR DEPENDENT PERSONS' DWELLINGS ON LOT 311 (25) AINSLIE COURT, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)

In addition to the formal consultation undertaken with regard to this application, community consultation received from the Age-Friendly Cities project indicated a desire by older people to have the opportunity to downsize within their existing area of residence. The recent review of Age-Friendly Melville – Directions for Seniors Strategy 2010-2012 again highlights the desire for seniors to downsize accommodation and the lack of suitable smaller detached homes or units in the City of Melville. A strategy within Directions for Seniors makes particular reference to the City “facilitating suitable affordable housing options to allow seniors to remain in contact with their social networks”.

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 in accordance with Part 14 of the *Planning and Development Act 2005*.

FINANCIAL IMPLICATIONS

There are no up front financial implications for Council in this application.

STRATEGIC AND RISK MANAGEMENT IMPLICATIONSStrategic Implications

There are no strategic implications for Council.

Risk Management Implications

Council is advised that the subject property has been the subject of flooding during the course of several years which have resulted from the levels associated with the land and the drainage network. Essentially the drainage problems extend from overflow of the lake at Frederick Baldwin Park. Notwithstanding works carried out at the property by Council and to the drainage system by Water Corporation, drainage issues still exist in the locality. The Finished Floor Level (FFL) of the existing dwelling is 7.6m and the flood levels have been recorded at 7.8m. The proposal provides for the FFL to be increased to 8.1m (Unit 1) and 8.2m (Unit 2), to provide sufficient (300mm) freeboard to the recorded flood levels whilst at the same time providing for levels relatively consistent with adjoining development (FFL's of 7.9m and 8.43m).

LATE ITEM - P10/3176 - PROPOSED TWO SINGLE-STOREY AGED OR DEPENDENT PERSONS' DWELLINGS ON LOT 311 (25) AINSLIE COURT, KARDINYA (SMREC) (CONFIDENTIAL ATTACHMENT)

The application and its variations proposed presents an opportunity for Council to address the ongoing flood issues and potential future risk implications associated with the ongoing failure of the stormwater drainage system.

POLICY IMPLICATIONS

Council Policy CP – 06-PL-008 Residential Development provides for secondary street setbacks to be 3.0m.

ALTERNATE OPTIONS & THEIR IMPLICATIONS

Council may take the view that the proposal, as presented, seeks variations outside the scope of the amenity provisions contained under Clause 7.8 of CPS5 and that the density bonus concession is inappropriate. Accordingly, in those instances, the application may be refused.

With regard to a refusal, Council's attention is brought to the anticipated risk implications associated with the past and future flood issues as detailed under the preceding sections of this report.

Council could also undertake further works within the verge area adjoining the property and raise the driveway and fencing associated with the property. The increased level of the verge is not however expected to provide the same measure of flood protection as proposed by raising the overall levels of development as proposed by this application.

It is noted that discussions with Water Corporation have indicated that drainage issues became apparent in the locality following subdivision work and the removal of the pre-existing pine plantations and the consequential impact on the hydrology of the location. Removal of the root structures associated with the plantation has resulted in the ground water levels rising significantly and contributing to the flood conditions. The flooding first became evident in 1987 following a 1 in 50 year rainfall event. Subsequently the Water Corporation "took over" the regional drainage responsibilities for this area and declared it a main drainage catchment and installed pumping plant and a drainage outfall from Frederick Baldwin Lake. The Water Corporation's Operating Licence requires it to provide flood protection for a 1 in 5 year event.

The flooding experienced at 25 Ainslie Court is only evident in major storm events in excess of the 1 in 5 year and can be attributed to the high lake levels in major storm events and the impact of those high water levels on the City's local drainage networks which drain into the lake. As the area is a declared drainage catchment, the Water Corporation levies all homeowners in the catchment with annual main drainage charges in addition to sewerage rates.

**LATE ITEM - P10/3176 - PROPOSED TWO SINGLE-STOREY AGED OR DEPENDENT PERSONS' DWELLINGS ON LOT 311 (25) AINSLIE COURT, KARDINYA (SMREC)
(CONFIDENTIAL ATTACHMENT)**

The Water Corporation also advised that although it requires landowners in the locality to contribute to a rate for main drainage, significant works would be required to further improve the drainage network which are not funded or a requirement of their Operating Licence. Additional drainage works have not been planned or budgeted for in the foreseeable future as the current flood levels do not exceed the Water Corporation's Operating Licence of providing suitable drainage for a 1 in 5 year storm event.

The City's Executive Engineer Design has advised that similarly the City would have a significant cost exposure to any drainage improvement works if an attempt was made to flood proof the lot. Further, it would be appropriate to ensure that any remedial development on the property be subject to the applicant confirming the 100 year flood level and provide for any development to have a finished floor level of 300mm above that flood level. The flood level is not expected increase significantly above those recorded on 22 March this year as that storm event has been recognised as a 1 in 80 year event. Accordingly, the fill levels to be established for the 1 in 100 year storm event and associated additional fill are not expected to raise the levels on the site significantly above those currently proposed.

Further, Council could resolve to initiate an amendment to increase the density coding of the subject (and adjacent) properties to R25. This may be considered as either a separate amendment or alternatively by considered as part of the Scheme review process.

COMMENT

This application seeks Planning Approval for a two Aged and Dependent Persons' dwellings on a property currently occupied by a single-storey single house. The subject property is located at the lowest point within the Somerville Estate at the north-eastern bend of Ainslie Court. The subject site is located within the 'Living Area – Kardinya K1' Precinct and has an applicable residential density coding of 'R17.5'.

Drainage Considerations

It is noted that the property has been the subject of major flooding during heavy deluge which has caused the property owner's considerable stress and financial hardship. Flooding at the property has occurred periodically since the mid 1980's when the property was initially developed by the applicant. Whilst the exist dwelling could have been constructed at a higher level, the finished floor level of the existing development is set a t a reasonable level relative to the road - 7.6m. The road adjacent the property at the kerb line ranges from 7.47m to 7.86m, with an average level of 7.665m. Accordingly, the existing level is 65mm below the average level of the road and 130mm above the lowest point of the road (immediately adjacent the crossover). Since that time flooding has occurred on at least 12 occasions. The most recent flooding event on 22 March 2010 has been documented and forms an Attachment to this report.

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The Ainslie Road reserve opposite the subject property has been the subject of major flooding during heavy deluge over past 20 years which has been caused by the lake to the north at Frederick Baldwin Park reaching flood levels resulting in stormwater overflow at the nearest low point: being the stormwater drainage pits adjacent to the subject site.

Attempts have been made by the City of Melville and the Water Corporation to resolve the issue of flooding, these including the City of Melville allocating \$18,000 in the 1992/1993 Works Program for flood protection, the lifting the verge and crossover; lowering of the present landscaped area between Ainslie Court and Le Souef Drive as an overflow area and, the construction of a new pipeline across Ainslie Court to improve the hydraulic efficiency of the existing drainage system. Furthermore, the Water Corporation has installed a pumping system to control lake water-level which pumps the drainage water to the Canning River at Bull Creek. To date, the systems put in place have failed to resolve the flooding issue.

Given the failure of existing civil works to adequately control the flood levels in this location, the applicant has considered that the most appropriate action would be to redevelop the property with raised Finished Floor Levels to provide freeboard to the recorded flood levels.

Density Considerations

In seeking assistance for redevelopment of the property, the applicant has approached the City to consider an option of subdividing into two lots.

Given the R17.5 density coding of the Precinct, the average and minimum lot sizes (571sqm and 500sqm respectively) and applicable variations for lot sizes provided for under the Residential Design Codes (R-Codes) and Western Australian Planning Commission (WAPC) Policy guidelines, it is not possible to subdivide the property into two single house or grouped dwelling lots without an Amendment to the density coding under the Scheme. One off Amendments to the Scheme to increase the density coding are generally not supported and need to be addressed on strategic grounds relative to larger tracts of land or multiple land holdings.

Whilst the property is too small to allow subdivision under a single-house of grouped-dwelling arrangement, the R-Codes provides for a density bonus to apply to reduce the minimum site area requirement by one third for Aged or Dependent Person' Dwellings. Notwithstanding, Clause 5.2 of the City of Melville Community Planning Scheme No. 5 (CPS5) prevents the general application of the R-Codes density bonus provisions.

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Specifically, Clause 5.2(c) of CPS5 provides a limitation as follows:

- (c) *in the case of special purpose dwellings the Council shall not exercise discretion in accordance with sub-clauses 5.1.3 or 5.2.1 of the Residential Planning Codes to permit the number of dwellings to be up to 50% greater than provided for by the Code applying to the site, and in the case of car parking bays for aged or dependent persons' dwellings the Council shall exercise its discretion in accordance with sub-clause 5.1.5 of the Residential Planning Codes to require the provision of one (1) bay per dwelling;*

Notwithstanding, Clause 4.3 of CPS5 provides Council the power to vary Clause 5.2 above subject to a Special Majority decision of the Council. As far as can be determined, the concessions to the density bonus and associated Special Majority decision of Council in allowing such a variation to the provisions of CPS5 have not been used previously and accordingly, the circumstances in which such a variation should apply should be exceptional.

It is also noted that the major provider of Aged and Dependant Persons' accommodation in the State, the Department of Housing (DoH), is specifically exempt from CPS5 R-Code density provisions. In recent times, DoH has gained approvals (through the State Administrative Tribunal) for development which exceeds the density provisions of CPS 5.

Finally, it is noted that the Department of Planning has indicated that the current restrictions applied by Clause 5.2 are unlikely to be transferred to Community Planning Scheme No 6 under the current review.

Clause 7.8 of CPS5 lists a range of matters which may be considered in dealing with a Planning Application (see further comments at end of this report on Clause 7.8 considerations). These include matters such as the character of a lot, any relevant submission received, existing and likely future amenity of the area and any other planning consideration that the Council thinks relevant. In this regard, it is noted that the character (level) of the lot and existing development results in an exposure to flooding which impacts on the amenity levels of the residents. In addition, the variations have been the subject of neighbour consultation with no objections being received. Whilst the drainage considerations are not normal considerations which would influence a planning outcome, in the circumstances they are highly relevant and accordingly, a variation to Clause 5.2 of CPS5 to allow the density bonus provisions of the R-Codes to apply to provide for the development of two Aged or Dependant Persons' Dwellings is supported.

R-Code Considerations

As detailed above, the application seeks a number of variations under the provisions of the R-Codes relative to setback, plot ratio area and required number of dwellings.

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(CONFIDENTIAL ATTACHMENT)**Maximum Plot Ratio

The Acceptable Development provisions of Clause 7.1.2 A2i) of the R-Codes provides to a maximum plot ratio area in the case of aged or dependent persons' dwellings to be 100sqm in size. The proposed Unit 1 and 2 seek a variation to this with a plot ratio area of 170.23sqm and 139.24sqm respectively.

Where a variation is sought to any of the Acceptable Development provisions of Clause 7.1.2, consideration of the Performance Criteria is required. In this regard, the Performance Criteria of Clause 7.1.2 states:

Dwellings that accommodate the special needs of aged or dependent persons and which:

- *Are designed to meet the needs of aged or dependent persons;*
- *Are located in close proximity to public transport and convenience shopping;*
- *Have due regard to the topography of the locality in which the site is located; and,*
- *Satisfy a demand for aged or dependent persons' accommodation.*

In considering the above, it is noted that the Australian Urban and Housing Research Institute indicated in 2010 that the vast majority of older people (aged 55 and over) in Australia live as singles or couples in owner-occupied separate houses, most with three or more bedrooms. When considering future decline in abilities, most older home owners considered it important that their dwellings would accommodate their needs, either by being easily and inexpensively modified, or being suitably designed so that modifications were unnecessary. Further to this, older home owners wish to live in areas that are well serviced by a combination of facilities. They value convenient access to public transport, retail, and medical, community, cultural and recreational facilities.

In addition, the Australian Bureau of Statistics indicated in 2003 (document 4102.0 - Australian Social Trends) that during the last decade of the 20th century, a number of factors influenced the types of dwellings being added to Australia's housing stock. The demand for more variety in dwelling types was influenced by changes in the age structure of the population, household and family composition and size, as well as demand for lower priced accommodation and housing closer to employment centres. During this period, government and urban planners supported and promoted increased housing choice, essentially seeking to increase the availability of various types of higher density housing. Other factors influenced this Policy push towards higher density housing, including the price of land close to city centres, the infrastructure costs of developing non-urban land, and environmental concerns relating to the spread of urban development.

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Specifically, the applicant has advised that there is a limited supply of suitable housing for over 55's in the Kardinya locality who are considering downsizing, but not ready for a retirement home. Unit 1 has been designed to meet their long term housing requirements and they already have interest from another friend (over 55) to occupy proposed Unit 2. It is noted that the size of Unit 1 was initially proposed at 188.28sqm, which was considered to be considerably larger than the standard 100sqm allowance. In discussions with the applicant, the size has been slightly reduced by removal of a study and allocation of multiple functions to other rooms, thereby maintaining the applicant's housing requirements and not excessively varying the plot ration size requirements of the R-Codes.

Based on the above, the proposed plot ratio variations are supported in this instance.

Number of Dwellings per Single Development

The Acceptable Development provisions of Clause 7.1.2 A2ii) of the R-Codes requires "...a minimum number of five dwellings within any single development". The application proposes two dwellings only. In considering a variation to the Acceptable Development provisions, consideration of the abovementioned Performance Criteria is necessary.

A variation to the dwelling number is considered acceptable in this instance as it is considered that the number of residents provided is not a critical consideration in providing housing choice that accommodates the needs of aged or dependent persons. Specifically, in considering the Performance Criteria, the number of dwellings provided is not considered to have a direct association with the need to provide residences designed to meet the needs of aged or dependent persons (other than by providing for a larger development pool of applicants for this form of accommodation as detailed below), proximity to public transport or convenience shopping, topographical limitations or demand for such type of housing choice. This consideration exists purely to provide for larger developments of this nature in residential areas and to avoid a multitude of private developments where it is possible that developers are purely attempting to circumvent density limitations for development of a property as provided for under normal density allowances. This matter is not directly addressed in the relative performance criteria and as such is out of the scope of formal consideration. Notwithstanding, as presented as part of this application, the provision of Aged or Dependent Persons' housing in this instance provides for a desirable planning outcome and it is considered that the reduced number of units proposed is not a critical consideration as part of this application.

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In considering the specific locational performance criteria provisions, it is noted that the subject property is only 78m from the nearest bus stop. Bus Route 511 provides service to Kardinya Shopping Centre and Murdoch Train Station which satisfy both proximity to public transport and convenience shopping. Kardinya Shopping Centre is located 900m to the south, Murdoch Hospital 3.0km to the south-east, Murdoch Train Station 4.7km to the south-east. Other local shops and a Senior Citizens Club are located within 1.7km of the property. By way of topography, the area surrounding the subject site is generally flat and as such, is not considered to have constraints relative to access for both able and disabled persons. The property overlooks the parklands and has access to northern light for the proposed living areas.

Based on the above, the proposed variation to the minimum number of units is supported in this instance.

Front Setbacks – Primary Street

Under the Acceptable Development provisions of Clause 6.2.1 A1.1i) of the R-Codes, buildings are to achieve a 6.0m average setback from the primary street. In this regard, both units 1 and 2 propose a variation, these being a minimum building setback of 2.5m in lieu of 3.0m for Unit 1 and an average building setback of 5.25m in lieu of 6.0m.

Where a variation is sought to the Acceptable Development provisions, consideration under the relevant Performance Criteria is required. The Performance Criteria relative to the above requires buildings to be setback an appropriate distance to ensure they:

- *Contribute to the desired streetscape;*
- *Provide adequate privacy and open space for dwellings; and,*
- *Allow safety clearances for easements for essential service corridors.*

With regard to Unit 1, it is considered that the variation to the minimum building setback will have limited impact to the existing streetscape given the building intrusion relates to an open-side portico area. Compared to the intrusion of a main part of the dwelling which can result in excessive building bulk and streetscape impact by virtue of its solid walls, the portico is to have a far lesser impact.

With regard to Unit 2, the variation to the average front setback is considered to have minimal impact to the streetscape as the variation is only minor. As the minimum building setback is 4.5m, the overall impact is considered less in comparison to a development that achieves the average however seeks a minimum setback of 3.0m.

By way of privacy, open space and safety clearances for essential service corridors, both units do not represent a departure from the relevant Acceptable Development provisions of the R-Codes.

Accordingly, the front setback variations are supported.

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Front Setback – Secondary Street

Council Policy CP – 06-PL-008 Residential Development requirements for 3.0m secondary street setbacks are regularly varied, particularly when the setback provided is still consistent with the Acceptable Development setbacks provided by the R-Codes and where articulation or the open nature of construction of the building reduces bulk impacts on the streetscape. In this instance, the main building is to be setback a minimum of 4.6m and the subject variations relates to an open sided alfresco area. In this context a variation to Council Policy is supported.

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.*
- (l) The nature of the proposed development in relation to development either existing or proposed on adjoining land and the need to upgrade existing roads;*
- (m) 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;*
- (n) 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,*
- (o) Any relevant submissions received on the application.*

In addition to comments provided previously in regards to Density Considerations, the proposal (and its variations) where considered in the context of existing development on the adjoining lots is considered to be entirely consistent with the established residential character and orderly and proper planning for the locality.

Based on the above, it is considered that the proposal satisfies the provisions of Clause 7.8.

CONCLUSION

As the proposed development and its variations are deemed to satisfy the Performance Criteria of the R-Codes and amenity provisions of Clause 7.8 of CPS5, it is recommended that the application be approved by way of a Special Majority decision of Council.

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**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (3176)
SPECIAL MAJORITY APPROVAL**

At 6.50pm Cr Reynolds moved, seconded Cr Foxton -

- (A) That the proposed two single-storey Aged or Dependent Persons' Dwellings on Lot 311 (25) Ainslie Court, Kardinya be approved with a Special Majority decision of Council subject to the following Standard Conditions:**

SPECIAL CONDITIONS:

- 1. At least one occupier of Units 1 and 2 must be disabled, a physically dependent person or aged over 55, or is the surviving spouse of such a person. The owner of the land is to enter into a legal agreement, binding the owner, their heirs and successors in title requiring that this provision be maintained.**
- 2. Units 1 and 2 are to comply with the following provisions of Clause 7.1.2 of the Residential Design Codes of WA:**
 - i) Provision of an access path from the street frontage, car parking area or drop-off point in accordance with the requirements of AS4299:1995 Clause 3.3.2.**
 - ii) Level entry to the front entry door with preferably all external doors having level entries (diagrams, figure C1 of AS4299:1995).**
 - iii) All external and internal doors to provide a minimum 820mm clear opening. (AS4299:1995 Clause 4.3.3).**
 - iv) Internal corridors to be a minimum 1000mm wide, width to be increased to a minimum of 1200mm in corridors with openings on side walls.**
 - v) A visitable toilet is to be provided, preferably located within a bathroom in accordance with AS4299:1995, Clause 1.4.12.**
 - vi) Toilet and toilet approach doors shall have a minimum 250mm nib wall on the door handle side of the door and provision for the installation of grab rails in accordance with AS4299:1995, Clause 4.4.4 (h).**
 - vii) One visitor car space is to be provided. The visitor car space shall provide a wheelchair accessible parking space and be a minimum width of 3.8m and designed in accordance with AS4299:1995, Clause 3.7.1.**
- 3. The applicant is to establish with the Water Corporation the 1 in 100 year flood water level for the Fred Baldwin Park lake and the associated flood level for Ainslie Court in front of the subject property. Once these levels are established, the minimum finished floor level of the proposed development is to be 300mm above the highest flood level.**

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STANDARD CONDITIONS:

4. 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.
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. Nothing in this Planning Approval authorises any works outside the surveyed boundaries of the lot the subject of this Planning Approval.
7. 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.
8. Roofing materials shall not be highly reflective (e.g. Zinc, white or Surfsmist colour metal roofing may only be permitted through special planning consent).
9. 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.
10. All unused crossover(s) to be removed and the kerbing and verge to be reinstated at the applicant/owner's full expense to the satisfaction of the Manager Planning and Development Services.

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11. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Council Plan Nos 528A2-91E (barrier kerb crossover), 284A2/84E/7 (minimum clearances) unless otherwise specified by this approval. Where any damage is caused to a Council facility, tree or street furniture, or where alteration to a Council facility is required, the cost of the applicant shall pay for such damage or alteration. A concrete apron having width of 0.75m must be installed between a brick paved crossing and the bitumen surface of a road. The cost of damage to a street tree will be determined in accordance with the "Tree Amenity Valuation Formula" adopted by the Council.
12. A 1.8 metre high fence to be provided from the highest retained ground level. All fencing to be provided in accordance with the Dividing Fences Act and be constructed as a minimum standard of fibre cement.

ADVICE NOTES:

13. With regard to Special Condition 1 above, a notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to Landgate (formerly the Department of Land Administration) and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the issue of a Building Licence. This notification is to be sufficient to alert prospective landowners of the use restrictions of the aged or dependent persons' dwellings as stipulated under this approval. All costs associated with the fulfillment of this condition shall be met by the landowner.
14. In order to avoid disturbance to the adjoining property owner to the south, it is recommended that any airconditioner for proposed Unit 2 be located away from the common boundary with that property.

At 6.57pm the Mayor submitted the motion which was declared

CARRIED BY SPECIAL MAJORITY (10/0)

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 & COUNCIL RESOLUTION (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.**

At 6.57pm the Mayor submitted the motion which was declared

CARRIED EN BLOC (9/1)

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

Disclosure of Interest

Item No : C10/5141
 Elected Member/Officer : Mr J Clark
 Type of Interest : Financial Interest
 Nature of Interest : Occasional employment as a Returning Officer
 Request : Stay and Observe
 Decision of Council : Not Applicable

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>
<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>

C10/5141 - 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**

At 6.58pm Cr Robartson moved, seconded Cr Reidy -

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.**

Amendment

At 6.58pm Cr Robartson moved, seconded Cr Reidy that Point 3 be added to the Officer Recommendation as follows –

3. ***That the Council requires the Chief Executive Officer to write to the Department of Local Government and the Western Australian Local Government Association to press for a change in the Local Government Act 1995 to allow other agencies to conduct postal elections on behalf of local governments.***

At 7.07pm the Mayor submitted the amendment which was declared

CARRIED (10/0)

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

To enable other qualified agencies to provide alternative tenders for electoral services.

COUNCIL RESOLUTION (5141)**ABSOLUTE MAJORITY**

At 7.07pm the Mayor submitted the substantive motion as amended -

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.**
3. ***That the Council requires the Chief Executive Officer to write to the Department of Local Government and the Western Australian Local Government Association to press for a change in the Local Government Act 1995 to allow other agencies to conduct postal elections on behalf of local governments.***

At 7.07pm the Mayor declared the motion **CARRIED BY ABSOLUTE MAJORITY (10/0)**

**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

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<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 & COUNCIL RESOLUTION (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.

At 7.07pm the Mayor submitted the motion which was declared **CARRIED EN BLOC (9/1)**

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

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<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
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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 & COUNCIL RESOLUTION (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.

At 7.07pm the Mayor submitted the motion which was declared **CARRIED EN BLOC (9/1)**

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

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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.

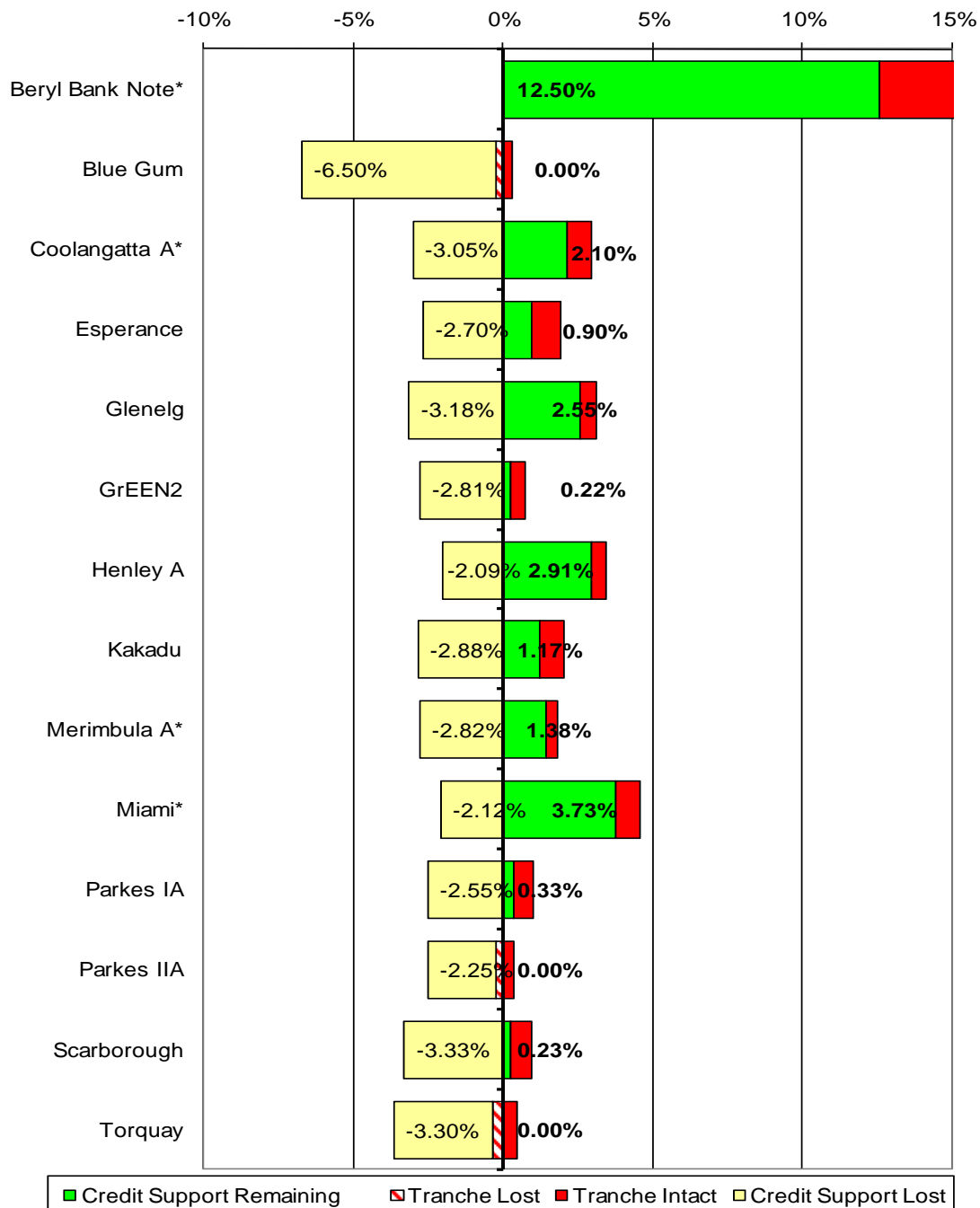
Non Lehman Brothers arranged CDOs continue to pay coupon payments (albeit some at significantly reduced levels due to the erosion of credit support and therefore underlying capital) and this is expected to continue. Based on independent advice from a number of sources, the City's policy has been to continue 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	

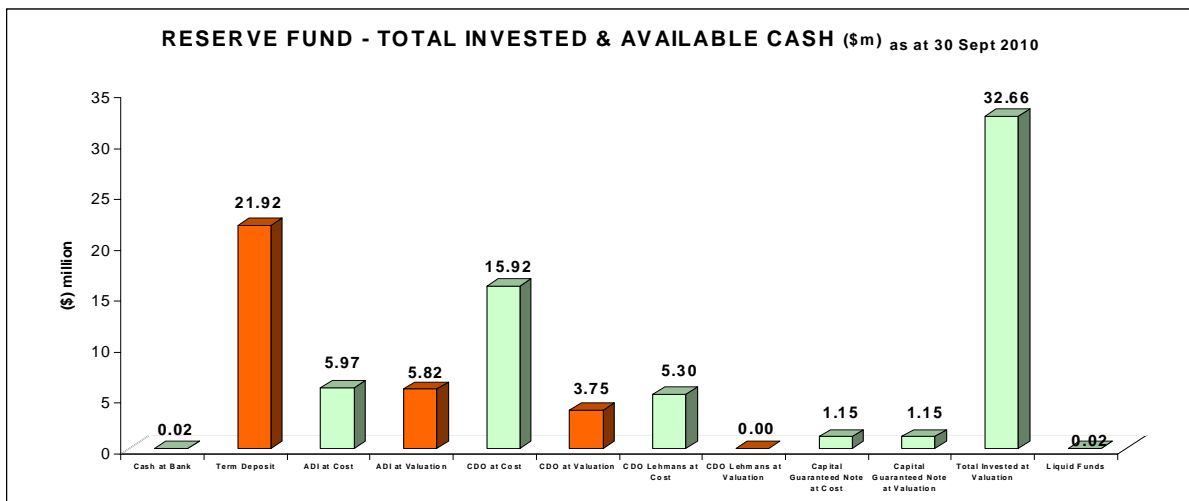
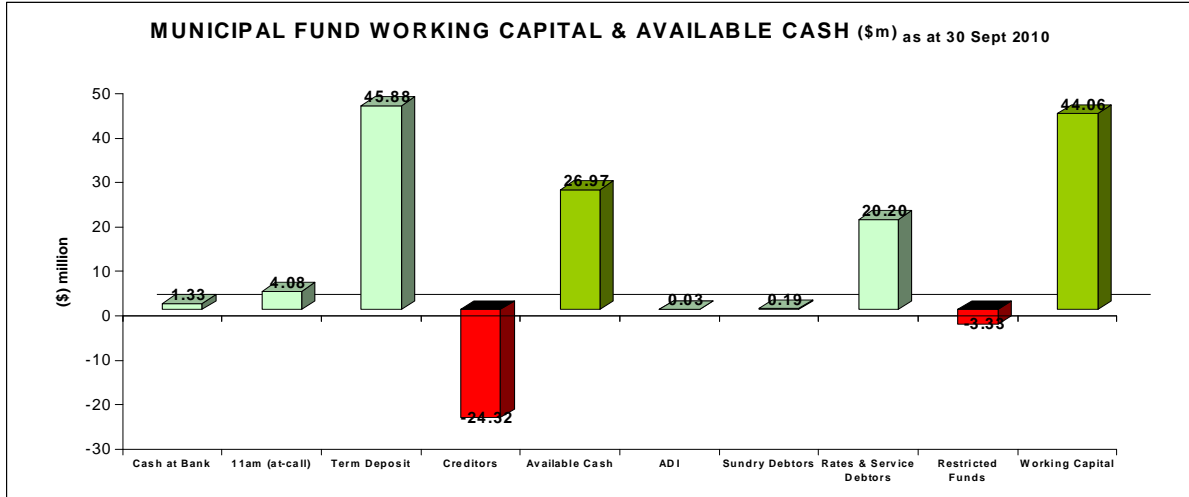
C10/6000 - INVESTMENT STATEMENTS (REC)

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.

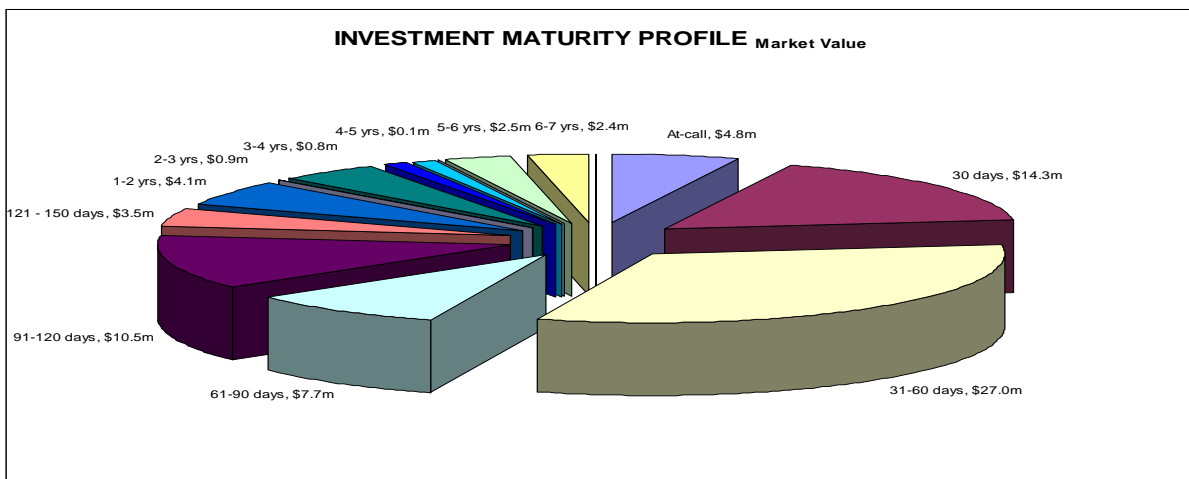
C10/6000 - INVESTMENT STATEMENTS (REC)

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 & COUNCIL RESOLUTION (6000)**NOTING**

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

At 7.08pm the Mayor submitted the motion which was declared **CARRIED EN BLOC (9/1)**

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.

C10/6001 – SCHEDULE OF ACCOUNTS (REC) (ATTACHMENT)**OFFICER RECOMMENDATION & COUNCIL RESOLUTION (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.

At 7.08pm the Mayor submitted the motion which was declared **CARRIED EN BLOC (9/1)**

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

<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>

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 variances 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	<u>6002A September 2010</u>
Operating Statements by Program for the period ended September 2010	<u>6002B September 2010</u>
Representation of Working Capital as at 30 September 2010	<u>6002E September 2010</u>
Reconciliation of Net Working Capital as at 30 September 2010	<u>6002F September 2010</u>
Notes on Operating Statements for September 2010 reporting on variances of 10% or greater	<u>6002H September 2010</u>
Details of Budget Amendments requested during the month of September 2010	<u>6002J September 2010</u>
Summary of Rates debtors as at 30 September 2010	<u>6002L September 2010</u>
Graph showing Rates collections as at 30 September 2010	<u>6002M September 2010</u>
Summary of general debtors aged 90 days old or greater as at 30 September 2010	<u>6002N September 2010</u>
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 & COUNCIL RESOLUTION (6002)
ABSOLUTE MAJORITY**

At 7.09pm Cr Subramaniam moved, seconded Cr Reynolds -

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.

At 7.09pm the Mayor submitted the motion which was declared

CARRIED BY ABSOLUTE MAJORITY (10/0)

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)**

Ward : All
 Category : Operational
 Subject Index : Tenders
 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 : Not Applicable
 Works Programme : Not Applicable
 Funding : 2010/2011 Budget
 Responsible Officer : Lew Bell
 Facilities & Asset Coordinator

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>

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- To recommend acceptance of a tender for the supply of trade services for a period of three years.

BACKGROUND

Tenders for the Supply of Trade Services for a Three Year Period were invited by advertisement in the West Australian on Wednesday 8 September 2010 and closed on Thursday 23 September 2010 at 4.00pm.

Tenders were called for Trade Services (formerly called Building Maintenance Services) as the previous tender had expired and was operating under an agreed extension with panel suppliers.

Price Schedule

The Price Schedule was distributed to Elected Members on Tuesday, 2 November 2010 under confidential cover.

Tender Evaluation Process

Tenderers were scored on weighted qualitative criteria excluding price. Each tender is assigned a score out of 100. Tenderers were required to achieve above 60% scoring to be considered for appointment to the panel supply arrangement.

The following tender evaluation process is undertaken after qualitative scoring:

“Once the Tenders have been ranked based on qualitative criteria, the evaluation panel will make a value judgement as to the cost affordability, qualitative ranking, and risk of each Tender, in order to determine the Tender which is the most advantageous to the City (Under the City’s best value for money approach it should be noted that , although price is important, the tender with the lowest price may not necessarily be the most advantageous).

The proposed price will be considered along with related factors affecting the total cost to the City e.g., the lifetime operating costs of goods or the City’s contract management costs may also be considered in assessing the best value for money outcome.

Unless otherwise indicated prices proposed shall include materials, equipment, plant, consumables, uniforms, delivery, unloading and all applicable licenses, levies, duties, taxes and charges. Any charge not stated in the Tender, as being additional will not be allowed as a charge for any transaction under any resultant Contract.”

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)**

The Evaluation Sheet was distributed to Elected Members on Tuesday, 2 November 2010 under confidential cover.

The Evaluation Committee consisted of the Purchasing Coordinator, the Facilities and Asset Coordinator and the Manager Asset Management.

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

1. Relevant Experience
2. Capacity to deliver the services
3. Methodology
4. References

DETAIL

45 sets of tender documents were issued and 16 submissions were received as follows:

CPD Group
Spectrum Fire Security
E Fire & Safety
Pearmans Electrical Services
Perrott Painting
By Gobo
Fire Technologies Australia Pty Ltd
Pianda Maintenance
Calibre Coatings
Seme
Robinson Buildtech
Rhysco Electrical Services
Crabclaw Holdings
Bullant Security
Northlake Electrical
Cary's Electrical Services

No late tenders were received.

No late tenders were received.

All 16 submissions were assessed initially against the selection and qualitative criteria.

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)**

A bench mark of 60% was agreed to by the Evaluation Panel members as the minimum percentage required to be considered for shortlisting. Those tenders that scored under the required percentage were not shortlisted for further comparison.

With the exception of Bullant Security, Pearmans Electrical, Perrot Painting, Seme, Fire Technologies and Rhysco Electrical Services, all other tenderers are well known to the City and have provided building maintenance services previously. The quality and timeliness of those services has generally been to a high standard. Reference checks were conducted on contractors not known to the City and returned positive feedback on performance.

As the City has a need for building maintenance services and minor project works on a daily basis and the diversity and volume of those services varies from day to day it is beneficial to appointment a number of contractors to the panel with the exception of Fire Prevention and Inspection Services which will benefit from one contractor being appointed to control the entire inspection program.

In summary each trade service is listed below, scores are with price removed:

Plumbing & Gas Fitting Services (Received submissions: 2)

CPD Group Pty Ltd Score - 59.75%

Robinson Buildtech Score - 82.23%

CPD Group Pty Ltd submission did not score above the required 60% benchmark set for qualitative criteria and was therefore not considered for recommendation. Robinson Buildtech is recommended for appointment. Contractor is competent, has demonstrated experience, sound management systems and has conducted a number of projects for the City.

Roof Plumbing Services (Received submissions: 2)

CPD Group Pty Ltd Score - 59.75%

Robinson Buildtech Score - 82.23%

CPD Group Pty Ltd submission did not score above the required 60% benchmark set for qualitative criteria and was therefore not considered for recommendation. Robinson Buildtech is recommended for appointment. Contractor is competent, has demonstrated experience, sound management systems and has conducted a number of projects for the City.

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)****Electrical Services (Received submissions: 7)**

Northlake Electrical Score - 83.38%

Cary's Electrical Score - 78.81%

Pearmans Electrical Score – 76.23%

Spectrum Fire & Security Score - 65.33%

Rhysco Electrical Score - 63%

SEME Score - 60.93%

CPD Group Score - 58.17%

CPD Group Pty Ltd submission did not score above the required 60% benchmark set for qualitative criteria and was therefore not considered for recommendation. Of the seven submissions the following four contractors are recommended for a panel supply arrangement due to high levels of demand for these services:

Northlake Electrical

Cary's Electrical

Rhysco Electrical

Pearmans Electrical

Northlake and Cary's have had considerable experience in dealing with the City and the submissions clearly outlined sound management systems and methodology. Clarification was sought from Pearmans over some specific projects and this was provided to the satisfaction of the panel. Rhysco Electrical was selected over Spectrum even though Spectrum scored slightly higher.

The owner and key electrical contractor of Rhysco is a former employee of Cary's Electrical and has considerable experience and knowledge of the City's systems and locations of electrical equipment. Due to the business being relatively new the submission scored lower in relevant experience however this was not seen by the panel to affect the ability of this contractor to perform the services. Spectrum's submission was well received by the panel however its core business is related to Fire & Security Services and not general electrical services which was seen as a key component to selection.

Due to the business being relatively new the submission scored lower in relevant experience however this was not seen by the panel to affect the ability of this contractor to perform the services. Spectrum's submission was well received by the panel however its core business is related to Fire & Security Services and not general electrical services which was seen as a key component to selection.

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)****Carpentry Services (Received submissions: 4)**

Robinson Buildtech Score - 82.23%

Crabclaw Holdings Score - 71.96%

Pianda Maintenance Score - 63.77%

CPD Group Pty Ltd Score - 59.75%

CPD whilst specialising in this type of work could not provide sufficient information even after clarification requests regarding methodology, relevant projects etc to satisfy the panel and subsequently did not score above the required 60% benchmark set for qualitative criteria and was therefore not considered for recommendation. Opportunities to quote on larger projects outside of this tender may be offered to this contractor in the future, however they would be required to satisfy the qualitative criteria in more detail than that submitted for this tender.

Of the four submissions received therefore, the following three contractors are recommended:

Robinson Buildtech

Crabclaw Holdings

Pianda Maintenance

These contractors have all performed works for the City previously and have achieved good project outcomes. Demand for small to medium size projects is common and these contractors can provide the diversity in business size to meet these needs.

Locksmith Services (Received submissions: 2)

BullAnt Security Score – 73.40%

CPD Group Pty Ltd Score – 56.19%

CPD Group Pty Ltd submission did not score above the required 60% benchmark set for qualitative criteria and was therefore not considered for recommendation. Of the two submissions received only one contractor is recommended:

BullAnt Security

BullAnt Security has the required demonstrated experience in providing the services, sound management systems and resources and provided good detail regarding methodology.

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)****Painting Services (Received submissions: 4)**

Calibre Coatings Score - 76.13%
Perrott Painting Score – 76.12%
Crabclaw Holdings Score – 67.83%
CPD Group Score – 59.75%

CPD Group Pty Ltd submission did not score above the required 60% benchmark set for qualitative criteria and was therefore not considered for recommendation. Of the four submissions received the following three contractors are recommended:

Calibre Coatings
Perrott Painting
Crabclaw Holdings

These contractors demonstrate relevant experience in the provision of the services, and sound methodology with ability to perform small to medium sized works. Two are known to the City and the third (Perrott) had reference checks conducted.

Glazing Services (Received submissions: 2)

By Gobo Score – 67.79%
CPD Group 56.19%

CPD Group Pty Ltd submission did not score above the required 60% benchmark set for qualitative criteria and was therefore not considered for recommendation. Of the two submissions received only one contractor is recommended:

By Gobo

This contractor specialises in glazing services and has satisfied all the required qualitative criteria in a concise manner.

Carpet Laying Services (Received submissions: 1)

CPD Group 56.19%

CPD Group Pty Ltd submission did not score above the required 60% benchmark set for qualitative criteria and was therefore not considered for recommendation. In addition Carpet Laying is not a core business function of CPD Group and the submission did not identify any personnel that could carry out the works. These works will be quoted on an as needs basis in accordance with the Councils Purchasing Policy .

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)****Fire Prevention & Inspection Services (Received submissions: 5)**

Seme Score – 66.93%

Spectrum Fire & Security Score – 63.13%

E-Fire & Safety Score – 56.69%

CPD Group Score – 56.19%

Fire Technologies Aust Pty Ltd Score – 41.97%

CPD Group Pty Ltd, E-Fire & Safety and Fire Technologies Aust Pty Ltd submissions did not score above the required 60% benchmark set for qualitative criteria and were not considered for recommendation.

The remaining two submissions received were shortlisted for further consideration with the aim of appointing only one contractor to be responsible for the provision of Fire services.

Seme

Spectrum Fire & Security

Clarification was requested from Spectrum surrounding relevant experience and this was provided to the satisfaction of the panel. The submission was scored again, and Spectrums score increased to 80%, making this contractor the preferred supplier of Fire Services.

Reference checks were very positive with projects being of equal size and larger to that proposed by the City. Key personnel are experienced and methodology sound.

Summary

All recommended contractors for the supply of trade services who did not have the required level of Public Liability Insurance (\$20M) were requested to agree to provide additional cover and all provided written agreement to do so.

Pricing was then considered across recommended contractors where a panel supply arrangement would operate and all were considered to be within acceptable market rates. Prices do vary and in some circumstances careful selection based on whether the works are considered emergency or programmed should be considered. The terms of engagement of individual contractors where a panel supply exists would be based on type of service required, availability within the time frame required and best value for money. Appointing a single contractor for trades services (with the exception of Fire Services) based on the lowest price tendered is not recommended. (See Alternate Options and their Implications).

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)**

In conclusion the panel is satisfied that the recommended contractors will be able to provide the services required based on relevant experience and required expertise. Contract performance reviews will be conducted every 12 months along with contract performance being conducted after works completion, which will ensure that all contractors are performing to the required standard.

Where more than one contractor is appointed for a service the selection will be based on type of service required, availability within the time frame required and best value for money. The City reserves the right to engage other contractors outside of the panel if the required timeframe cannot be met and this would be undertaken in accordance with the Councils Purchasing Policy.

PUBLIC CONSULTATION/COMMUNICATION

Not applicable.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

Section 3.57 of the Local Government Act 1995 states “A Local Government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services”.

FINANCIAL IMPLICATIONS

A total budget of \$4,779,052 is allocated for planned and reactive maintenance services (Operational \$2,294,561, Planned \$2,484,491).

It should be noted that these figures also include miscellaneous services including utilities, depreciation and FESA which is not included in the table below.

The cost breakdown for identified maintenance works is as follows:

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)**

Service	2009			2010		
	Operational (Maintenance & Reactive)	Planned (Capital Renewal)	Total	Operational (Maintenance & Reactive)	Planned (Capital Renewal)	Total
Plumbing	\$124,627	\$61,013	\$185,640	\$136,660	\$168,816	\$305,476
Roof						
Plumbing	\$88,620	\$201,086	\$289,706	\$116,040	\$163,950	\$279,990
Electrical	\$189,403	\$99,964	\$289,367	\$166,530	\$181,628	\$348,158
Carpentry	\$189,569	\$498,049	\$687,618	\$160,550	\$539,699	\$700,249
Locksmith	\$32,161	0	\$32,161	\$20,000	\$16,238	\$36,238
Painting	0	\$393,873	\$393,873	0	\$604,622	\$604,622
Glazing	\$67,433		\$67,433	\$50,000	0	\$50,000
Fire Protection	\$166,832	\$395	\$167,227	\$188,102	0	\$188,102
			\$2,113,025			\$2,512,835

Each facility has its own maintenance budget for minor maintenance items with the planned building maintenance budget being the responsibility of the Manager Asset Management.

Year Three rates from the previous tender from contractors who are also being recommended for award for this tender, have been compared to obtain percentage increase/decrease information.

Electrical Services Increase 6%

Roof Plumbing Services Increase 28%

Painting Services Increase 9%

Carpentry Increase 6% and 28%

Locksmith Decrease -42%

STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

No strategic implications are applicable to this item.

Risk management factors were considered during the evaluation process of this tender and none were considered to be of extreme risk.

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)****POLICY IMPLICATIONS**

Procurement of Goods and Services Policy CP-023.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

By asking tenderers to submit prices through a tender process the City has a fixed a schedule of rates from each provider for the next 3 years. If fewer services providers are appointed to the approved service provider panel the City may find itself in a situation where it has limited or no access to services providers at periods of peak demand, leaving the City vulnerable to open market pricing and long delays for repair works

CONCLUSION

The Council is required to consider this tender and the recommendation from the Contract and Tender Advisory Unit because the value of the contract exceeds the \$500,000 limit delegated to the Unit. It is the opinion of the Contract and Tender Advisory Unit that the tenderers recommended below for the Supply of Trade Services for a Three Year Period selected on relevant experience, sound methodology in the delivery of the services, qualified staff for the delivery of services and an acceptable range of rates should be accepted as the most advantageous.

EVALUATION PANEL RECOMMENDATION (5149) (CO12/10)**APPROVAL**

1. **That the tenders submitted by the following Contractors for the Supply of Trade Services for a Three Year Period be accepted as the most advantageous:**

Plumbing and Gas Fitting Services:

- **RWE Robinson & Sons Pty Ltd Acting For The Robinson Unit Trust Trading as Robinson Buildtech**

Roof Plumbing

- **RWE Robinson & Sons Pty Ltd Acting For The Robinson Unit Trust Trading as Robinson Buildtech**

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)****Electrical Services**

- Leedenn and Lorsen Pty Ltd acting for the Graesslin Family Trust trading as Cary's Electrical Services;
- Northlake Electrical Pty Ltd;
- Pearmans Electrical and Mechanical Services Pty Ltd; and
- Rhysco Holdings Pty Ltd as Trustee for the Lawton Family Trust trading as Rhysco Electrical Services.

Painting

- Perrott Painting Maintenance Contracts Pty Ltd
- The Trustee for the KIS Trust trading as Calibre Coatings
- Crabclaw Holdings Pty Ltd acting for the EMSO Investment Trust trading as EMSO Maintenance

Glazing

- By Gobo (Australia) Pty Ltd trading as By Gobo

Carpentry

- RWE Robinson & Sons Pty Ltd acting for the Robinson Unit Trust trading as Robinson Buildtech
- Crabclaw Holdings Pty Ltd acting for the EMSO Investment Trust trading as Emso Maintenance
- Wilroy Pty Ltd trading as Pianda Maintenance

Locksmith Services

- Bullant Security Pty Ltd

Carpet Laying Services

- No Tender be awarded

Fire Prevention and Inspection Services

- Hastie Services Pty Ltd trading as Spectrum Fire & Security

2. That the terms of engagement of individual contractors from the panel be:

- a) type of service required;
- b) availability within the time frame required; and
- c) best value for money .

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)****CONTRACT AND TENDER ADVISORY UNIT RECOMMENDATION & COUNCIL
RESOLUTION (5149) (CO12/10) APPROVAL**

1. That the tenders submitted by the following Contractors for the Supply of Trade Services for a Three Year Period be accepted by the Council as the most advantageous:

Plumbing and Gas Fitting Services:

- RWE Robinson & Sons Pty Ltd Acting For The Robinson Unit Trust Trading as Robinson Buildtech

Roof Plumbing

- RWE Robinson & Sons Pty Ltd Acting For The Robinson Unit Trust Trading as Robinson Buildtech

Electrical Services

- Leedenn and Lorsen Pty Ltd acting for the Graesslin Family Trust trading as Cary's Electrical Services;
- Northlake Electrical Pty Ltd;
- Pearmans Electrical and Mechanical Services Pty Ltd; and
- Rhysco Holdings Pty Ltd as Trustee for the Lawton Family Trust trading as Rhysco Electrical Services.

Painting

- Perrott Painting Maintenance Contracts Pty Ltd
- The Trustee for the KIS Trust trading as Calibre Coatings
- Crabclaw Holdings Pty Ltd acting for the Emso Investment Trust trading as Emso Maintenance

Glazing

- By Gobo (Australia) Pty Ltd trading as By Gobo

Carpentry

- RWE Robinson & Sons Pty Ltd acting for the Robinson Unit Trust trading as Robinson Buildtech
- Crabclaw Holdings Pty Ltd acting for the Emso Investment Trust trading as Emso Maintenance
- Wilroy Pty Ltd trading as Pianda Maintenance

**LATE ITEM C10/5149 – SUPPLY OF TRADE SERVICES FOR A THREE YEAR PERIOD
(CO12/10) (REC) (CONFIDENTIAL ATTACHMENT)****Locksmith Services**

- **Bullant Security Pty Ltd**

Carpet Laying Services

- **No Tender be awarded**

Fire Prevention and Inspection Services

- **Hastie Services Pty Ltd trading as Spectrum Fire & Security**

2. **That the terms of engagement of individual contractors from the panel be:**
 - a) **type of service required;**
 - b) **availability within the time frame required; and**
 - c) **best value for money.**

At 7.09pm the Mayor submitted the motion which was declared **CARRIED EN BLOC (9/1)**

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**15. EN BLOC ITEMS**

At 7.09pm Cr Reynolds moved, seconded Cr Foxton-

That the recommendations for items P10/3177, T10/3172, C10/5142, C10/5000, C10/6000, C10/6001 and C10/5149 be carried En Bloc.

At 7.09pm the Mayor submitted the motion which was declared **CARRIED (9/1)**

16. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

17. CLOSURE

There being no further business to discuss His Worship the Mayor declared the meeting closed at 7.10pm.