

MOTIONS – MR M McLERIE**Proposed Motion - Improving Council oversight of complaints**

At 8.51pm Mr M McLerie of Booragoon moved, seconded Mr A Syed of Attadale –

Council adopt a Complaints Policy that at a minimum requires:

1. The City CEO to provide a report on all written complaints to Council at least monthly. The report should include at a minimum:
 - 1.1. Complainant name.
 - 1.2. A summary of the nature of the complaint.
 - 1.3. Date complaint received and if resolved a summary of the outcome.
 - 1.4. If not resolved whether escalated and/or referred to an external body.
2. If a Complaint has been escalated to any external body the CEO must inform Council as soon as possible.
3. A Council member can request the City administration to provide a briefing on any specific complaint at any time. A Council member may meet with the complainant and relevant City officers at any time to better understand the nature and detail of the complaint.
4. Council must form a specific complaints committee to investigate and provide a report with recommendations back to Council (Complaints Committee) in the event a complaint is about the CEO or Mayor, is referred to an external body or at least 2 Councillors request to do so for any complaint or series of complaints.
5. The Complaints Committee, supported by independent advisers as required by the committee, must consist of at least 2 independent Council members for any complaint other than those about the City CEO or Mayor in which case the committee must consist of at least 3 independent Council members.
6. Any Council member can elect to join any Complaint Committee.

At 8.57pm the motion was declared

CARRIED (20/0)

On behalf of the Elected Members and Staff of the City of Melville, His Worship the Mayor thanked everyone for their attendance and wished everyone a Merry Christmas and a Happy and safe New Year.

10. CLOSURE

There being no further business, His Worship the Mayor, R Aubrey, declared the Meeting closed at 8.58pm.

Issued Building Order Register

Building Act 2011, Section s.128, 129,130 and131, and
Building Regulations 2012 r.11, 12, 13

Issue Date	Building Order No	Description	Address
1 12-February-2013	BA-2013-01	Dividing Fence	14 Beach Street, Bicton
2 03-June-2014	BA 2014-01	Wall non-compliance	14 Beach Street, Bicton
3 05-January-2016	BA 2016 -01	Unauthorised Use	48 McCoy Street, Myaree
4 05-January-2016	BA 2016-02	Unauthorised Use	50 McCoy Street, Myaree
5 02-March-2016	BA 2016-03	Unauthorised Wall	13 Renton Street, Melville
6 21-June-2016	BA 2016-04	Unauthorised Building	17 North Lake Road, Alfred Cove
7 14-December-2016	BA-2016-11	Deck and Fence	14 Beach Street, Bicton
8 23-February-2017	BA 2017-01	Not Built to Approval	37 Harris Street, Bicton
9 23-February-2017	BA 2017-02	Not Built to Approval	1 / 37 Harris Street, Bicton
10 23-February-2017	BA 2017-03	Not Built to Approval	2 / 37 Harris Street, Bicton
11 23-February-2017	BA 2017-04	Not Built to Approval	3 / 37 Harris Street, Bicton
12 05-July-2017	BA 2017-08	Unauthorised Wall	4 Kinnane Place, Attadale
13 19-July-2017	BA 2017-06	Dangerous Wall	22A Murray Road, Palmyra
14 19-July-2017	BA 2017-07	Dangerous Wall	22B Murray Road, Palmyra
15 27-July-2017	BA 2017-09	Unauthorised Room	Unit 1/370-372 Canning Highway, Bicton
16 16-March-2018	BA 2018-04	Unauthorised Wall	10 Ince Road, Attadale
17 02-April-2018	BA 2018-05	Unauthorised Roof	34A Sergeant Road, Melville
18 14-December-2018	BO-2018-07	Not Constructed to Flame Zone	37 Beckley Circle, Leeming
19 04-January-2019	BO 2018-06	Neglected Dwelling	40 Wichman Road, Attadale

MELVILLE

CRAP FORD

19 September 2012

Enquiries: Gerard Russell – 9364 0231
Our Ref: 2831269

Mr [REDACTED]
PO Box 1093
BOORAGOON WA 6954

Dear [REDACTED]

Limestone block dividing fence - 12/14 & 14A Beach St Bicton

I refer to the limestone block dividing fence and retaining wall erected at the above addresses.

The City was made aware of a concern with the construction of the existing limestone fence and a site inspection was carried out on 13 August 2012. A part of the rear section of the fence had a separation crack and the fence appeared to be founded on limestone blocks on the flat as a footing.

A check of the City's records shows that an approval had been issued for 14 Beach Street for a limestone fence, and in part a limestone retaining wall. The approved plans shows that an engineered designed concrete footing to be installed under the fence. The plan shows attached piers to be installed on the 14 Beach Street side of the fence.

It appears the fence and retaining wall may be straddling the lot boundaries. The approval issued is for the fence and retaining wall to be erected wholly within 14 Beach Street.

There is no record found for limestone fencing to 12 or 14A Beach Street.

You are instructed to provide the City within 21 days time from the date of this letter the following information:

-
1. Identify the lot boundaries and any encroachments by a licenced land surveyor.
 2. Engage a practising structural engineer to provide a written report on the retaining and fence to determine the adequacy of the structure.
 3. If there are no encroachments or impediments to encroachments, and the fence is or can be made structurally adequate, there you are to apply to the City for a Building Approval Certificate for the unauthorised fence construction.

PROVIDED
ALREADY

If upon this investigation the fence and retaining is found to be inadequate it is to be removed and made safe without delay. A Building Permit application can then be submitted to the City to legally construct the dividing limestone fence



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I respectfully suggest you discuss the fence with your adjoining owners to reach a solution on the matter, as this is a dividing fence matter and a possible civil matter of encroachment.

Should you require further information please contact Gerard Russell on 9364 0231 or email gerard.russell@melville.wa.gov.au.

Yours sincerely

**GERARD RUSSELL
BUILDING SERVICES COORDINATOR**

Cc

Mrs Ann Lesley Quinn and Mr John Anthony Quinn

Mr Michal Koleszko & Ms Sarina Koleszko

Applicants	Mr Mark McLerie and wife (12 Beach St owners)
Respondent	Ms Sarina Koleszko (nee Fazio) (14 Beach St owner, registered owner building of house and wall, and shareholder of Italia Stone Group a current and/or past supplier to the City)

Extract from pages 9 & 10

16. The respondent did not then agree to the demolition of the wall. **This resulted in the City issuing a building order against her on 12 February 2013.** The respondent sought a review of that order before the Tribunal but ultimately agreed to carry out remedial work to address the structural concerns raised.
17. **The applicants were incensed that the City had only taken up the structural inadequacies of the wall because they had also established that the wall encroached into their property, contrary to the building licence and approved plans.** The encroachment is established by a surveyor's report (BOD vol 2 p 337). The encroachment extended over the full length of the wall dividing 14 and 14A Beach Street with the applicants' property to an extent of 0.17 metres at the northern end of the boundary and 0.14 metres at the southern end of the boundary.
18. **In June 2014, the City issued the respondent with a further building order requiring the wall to be demolished on the grounds of the encroachment.** The respondent again applied to the Tribunal for a review of the decision but, following mediation at the Tribunal, agreed to demolish the wall. An order to that effect was issued on 23 September 2014 (BOD vol 4 p 678). It was a term of that order that only upon completion of the demolition will the building order be set aside. With that background, we turn to consider each of the issues requiring determination.

03 November 2016
4855.4

Mr Mark McLerie
12 Beach Street
BICTON WA 6157

Attention: Mr Mark McLerie

Dear Sir

WALL INSPECTION – 18TH OCTOBER 2016
12/14 BEACH STREET, BICTON

As requested I attended the above site on the 10th October 2016 to inspect the existing wall construction along the boundary.

The boundary wall construction in question runs from the front property line and extends approximately 32m back along this boundary. It is of mixed construction materials exhibiting as:

- Partial retaining:
 - o mass concrete
 - mass limestone
 - cut soil face (exposed soil)
 - rubble and mortar conglomerate
- Void space below suspended timber deck
- Overhanging mortared rubble
- Metal framed fibre cement screen over.

We have been advised that:

- 1) The retaining wall and green steel framed screen fence construction is essentially wholly on the No.14 Beach Street property;
- 2) The screen fence was fabricated on top of the structures that remained post removal of the old limestone later 2015/ early 2016 and that;
- 3) The old limestone wall was manually removed on or around November 2014.

The remnant retaining and decking structures are present in a manner consistent with the old limestone boundary screen/retaining wall having been manually removed from the 12 beach Street side of the property.



SCOTT &

ASSOCIATES

ABN 69 439 470 727

SUITE TWO

37 WILLCOCK STREET
ARDROSS WA 6153
TELEPHONE 08 9315 5531
FACSIMILE 08 9364 8926
www.scotteng.com.au

- Photos 16-17 Mass concrete and crude mass limestone wall, render over rubble with voids and some render falling off. The reinforcement bars projecting from the soil are from a previous construction that is understood to have been the subject of an order to remove.
- Photos 18-19 This portion of wall includes significant sand inclusions and inadequately mortared conglomerates of limestone rubble waste. The face is eroding and disintegrating, it is not an adequate retaining wall. Further reinforcement and service pipes protrude. This is not an adequate retaining wall construction.
- Photo 20 The balance of the retaining wall constructed is crudely mortared and exhibits significant soil inclusions. This is not an adequate retaining wall construction.
- Photos 21-23 A significant length of approximately 1.6m high screen wall has been constructed along the deck edge for a length of 4.9m. This screen relies on its bolted fixing to overhanging 19mm decking boards. This screen is not adequately structurally restrained to resist the required minimum designed winds in accordance with the Australian Standard AS 1170.2 (Wind Code). A similar inadequate screen fixing is exhibited in Photos 4-8 in the front north of this wall.
- Photo 24 Water is pooling within undrained length of screen wall framing. It represents a mosquito breeding hazard.

In summary we confirm that the majority of the lengths of retaining wall that has been provided along this boundary is not structurally adequate. Un-retained vertical soil faces remain. Zones of void and zones of poorly mortared rubble require replacement and the eroded overhanging mortar rubble shelf is at risk of collapse. The retaining provided is not adequate to prevent soil and water ingress from 14 Beach Street onto 12 Beach Street. In addition the noted lengths of screen wall framing have inadequate restraint from their bolted attachment only to the ends of decking timbers 19mm thick.

If you have any queries on the above please don't hesitate to call our office.

Please accept my apologies for the delay in completing this report.

Yours faithfully



Phillip Scott, MIEAust
Principal Engineer
Scott & Associates



Photo No.6



Photo No.10

<https://www.commerce.wa.gov.au/> Yangebup building company cautioned

Yangebup building company **Bellagio Homes Pty Ltd** (reg. BC11833) has been formally cautioned by the Building Services Board for failing to comply with an order of the State Administrative Tribunal (SAT).

In May 2014, the SAT ordered Bellagio Homes to remedy its construction of a boundary wall at a Bicton property, obtain certification from a structural engineer and pay costs of \$1,500 to the home owner by 17 June 2014.

Bellagio Homes failed to comply with the order in that it did not complete the rectification work or provide the required structural engineering certification by the due date. However, the company did rectify the work and provide the required certification shortly after the due date.

"For Bellagio Homes to fail to meet its obligations in this matter is unacceptable and not what we expect of a registered builder," said Building Commissioner Peter Gow.

"This case highlights the importance of our registration system. A person may make a building service complaint about any work done by a registered builder, and the Building Commissioner or the SAT can make an order to remedy or to pay money.

"Registered builders who fail to maintain proper standards or who act inappropriately can be disciplined or deregistered.

"The Building Commission will continue to hold to account and name those who put consumer interests and the reputation of the building industry at risk."

For information on builders' responsibilities, visit the Building Commission website www.dmirs.wa.gov.au/building-commission ([/building-commission](http://building-commission)), phone 1300 489 099 or email be.info@dmirs.wa.gov.au (<mailto:be.info@dmirs.wa.gov.au>).

END OF RELEASE

[Media contacts](http://building-commission/building-commission-media-contacts) ([/building-commission/building-commission-media-contacts](http://building-commission/building-commission-media-contacts)) (for journalists/producers only)

[General enquiries](http://building-and-energy/building-and-energy-contact-details) ([/building-and-energy/building-and-energy-contact-details](http://building-and-energy/building-and-energy-contact-details))

WESTERN AUSTRALIA

**Civil Judgments Enforcement Act 2004,
Part 4 Division 3
FORM 15 - TIME FOR PAYMENT ORDER**

**Magistrates Court of Western
Australia**

**Registry: Perth
Court Ref No: MC/CIV/PER/ROO/4213
/2019**

Judgment Creditor	Mark MCLERIE
Judgment Debtor	Action Demolition (WA) PTY LTD

Order :

1. Pursuant to sections 21 and 32 of the Civil Judgments Enforcements Act 2004 (WA) the Judgment Debtor is to pay the Judgment Debt of \$15,109.20 (inclusive of costs) plus interest, payable at 6% pa, on \$14,281.00, to be paid on or before the 15th day of February 2020.
2. No order as to costs.

All moneys under this order must be paid to the judgment creditor or the lawyer for the judgment creditor.

By the Court

Date 10 December 2019 9:30AM

Registrar

To: Mark MCLERIE
12 Beach St
BICTON WA 6157

