



# City of Belmont

## ORDINARY COUNCIL MEETING

### MINUTES

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14 December 2021

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- Confidential Attachment 1 – Item 12.1 refers**
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**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 14 DECEMBER 2021 COMMENCING AT 7.00PM.**

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## MINUTES

### PRESENT

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP, Deputy Mayor	West Ward
Cr M Bass	East Ward
Cr B Ryan	East Ward
Cr N Carter	South Ward
Cr J Davis	South Ward
Cr S Wolff	South Ward
Cr G Sekulla, JP	West Ward
Cr D Sessions	West Ward

### IN ATTENDANCE

Mr J Christie	Chief Executive Officer
Ms J Gillan	Director Development and Communities
Ms M Reid	Director Infrastructure Services
Ms V Govender	Acting Director Corporate and Governance
Mr D Boylan ( <i>dep 8.15pm</i> )	Manager City Facilities and Property
Mr M Hayward	Manager Design, Assets and Development
Mrs M Lymon	Acting Manager Governance
Mr S Glassborow ( <i>dep 8.15pm</i> )	Acting Manager Parks, Leisure and Environment
Ms D Morton	Media and Communications Adviser
Mrs J Cherry-Murphy	Senior Governance Officer
Mrs H Mark	Governance Officer

### MEMBERS OF THE GALLERY

There were 10 members of the public in the gallery and no press representative.

## 1. OFFICIAL OPENING

7.00pm The Presiding Member welcomed all those in attendance and declared the meeting open.

The Presiding Member read aloud the Acknowledgement of Country.

***Before I begin I would like to acknowledge the Noongar Whadjuk people as the Traditional Owners of this land and pay my respects to Elders past, present and emerging. I further acknowledge their cultural heritage, beliefs, connection and relationship with this land which continues today.***

The Presiding Member invited Cr Davis to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Davis read aloud the affirmation.

**Affirmation of Civic Duty and Responsibility**  
***I make this affirmation in good faith and declare that I will duly, faithfully, honestly, and with integrity fulfil the duties of my office for all the people in the City of Belmont according to the best of my judgement and ability. I will observe the City's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.***

## 2. APOLOGIES AND LEAVE OF ABSENCE

Ms M Bell (Apology)

Director Corporate and Governance

## 3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

### 3.1 FINANCIAL INTERESTS

Nil.

### 3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Mr J Christie	Item 12.6 Local Government Reform – City of Belmont Responses	Report refers to the Key Performance Indicators of the CEO being made public.
Cr P Marks	Item 13.2.1 – Notice of Motion (Cr Davis)	Cr Marks is the current sitting Mayor.

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

**4.1 ANNOUNCEMENTS**

Nil.

**4.2 DISCLAIMER**

**7.03pm The Presiding Member drew the public gallery's attention to the Disclaimer.**

The Presiding Member advised the following:

*'I wish to draw attention to the Disclaimer Notice contained within the Agenda document and advise members of the public that any decisions made at the meeting tonight can be revoked, pursuant to the Local Government Act 1995.*

*Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received.'*

**4.3 DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING**

Nil.

**5. PUBLIC QUESTION TIME**

**5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

**5.1.1 MS L HOLLANDS ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG)**

The following questions were taken on notice at the 23 November 2021 Ordinary Council Meeting. Ms Hollands was provided with a response on 3 December 2021. The response from the City is recorded accordingly:

1. I asked about the new Gratuity Policy recently and was told the changeover to State awards was still being done. How many new staff have joined the City of Belmont since 1 July 2021 and are they still being signed up on the Federal Agreement or have they been signed up on a State Agreement. If it is a State Agreement, has the City of Belmont amended the gratuity component to reflect the regulations of the payment limit to be \$5,000?

**Response**

**12 staff have commenced at the City since 1 July 2021.**

*Item 5.1.1 Continued*

**As previously advised, the City does not have approval under the Act to amend the Agreements at will and is required to comply with the current conditions of the Enterprise Agreement. Any action to amend the current Enterprise Agreements would necessitate full consultation and negotiation with affected employees and their representatives with approval by employee ballot to be achieved before it can be sent for approval by the Fair Work Commission.**

2. The Chief Executive Officer previously did state that the greens would be used to the standard, whether or not the agreement was signed, so why has that changed?

**Response**

**The greens are still being maintained by the Belmont Sports and Recreation Club contractor, they are not being maintained to Bowls WA standard as there is no agreement or contribution from a third party to use the greens. Without a contribution, the BSRC have advised they cannot continue to maintain the greens to Bowls WA competition standard.**

**5.1.2 MR L ROSOLIN, 355 SYDENHAM STREET, BELMONT**

The following questions were taken on notice at the 23 November 2021 Ordinary Council Meeting. Mr Rosolin was provided with a response on 2 December 2021. The response from the City is recorded accordingly:

1. My question is in relation to Item 12.5 on the Agenda. Are we still charging them rubbish, now that they are not paying rates?

**Response**

**Only rates are exempt, the charges for Bins (waste) are levied in accordance with section 67/68 of the WAAR Act 2007 (Waste Avoidance and Resource Recovery) and are therefore payable.**

*Note: The following question relates to entries for the Mayoral Dinner on the Accounts for Payment attachment at Item 12.8 on the Ordinary Council Meeting 23 November 2021 Agenda.*

2. How many people attended this function?

**Response**

**98 people attended the 2021 Mayoral Dinner.**

*Note: The following question relates to entries on the Accounts for Payment attachment at Item 12.8 on the Ordinary Council Meeting 23 November 2021 Agenda.*

3. The total outstanding Creditor account as at 31 October 2021 is \$793,660.97, what is that referring to?

**Response**

**The outstanding amount of \$793,660.97 refers to the accounts that the City needs to pay its Creditors, that are ready to be paid, but not due at 31 October 2021.**

### **5.1.3 Ms J GEE, 2/97 GABRIEL STREET, CLOVERDALE**

The following question was taken on notice at the 23 November 2021 Ordinary Council Meeting. Ms Gee was provided with a response on 3 December 2021. The response from the City is recorded accordingly:

1. Can Council tell me how many employees, who worked for the City of Belmont for five years or more, have left within the last two years and can this please be broken down to departments? Out of those how many were of retirement age?

#### **Response**

**52 employees who have been with the City for more than five years have left within the last two years.**

**25 Employees - Development & Communities:**  
13 x Redundancy (due to the HACC service transition)  
4 x Retired  
4 x Resigned  
4 x Casual

**16 Employees - Infrastructure Services:**  
7 x Retired  
1 x End of Contract  
1 x Deceased  
7 x Resigned

**10 Employees - Corporate & Governance:**  
1 x End of Contract  
6 x Retired  
2 x Resigned  
1 x Casual

**1 Employee - Executive Services:**  
1 x Redundancy

### **5.1.4 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE**

The following questions were taken on notice at the 23 November 2021 Ordinary Council Meeting. Ms Hollands was provided with a response on 2 December 2021. The response from the City is recorded accordingly:

1. Why are Councillors raising Points of Order during Public Question Time, and where does it specifically say that this can be done?

#### **Response**

**Part 9, section 9.2(1)(a) of the City of Belmont Standing Orders Local Law 2017 sets out that a Member may raise a point of order to a breach of any of these Standing Orders. Section 9.2(2) states that the Member raising the point of order must specify the grounds of the breach of order before speaking further on the matter.**

*Item 5.1.4 Continued*

2. In terms of the Standards Panel, if this behaviour is allowed and is incorrect, who is the guilty party, the Mayor who allowed it, or the Councillor who called the Point of Order?

**Response**

**If there is an alleged breach of the Standing Orders, the appropriate outcome would be determined by the Standards Panel following an investigation of the occurrence based on the evidence provided.**

3. I previously asked what percentage of members in the Belmont area made up the list of members of the BSRC and the Minutes indicate more than 50%. Could the City of Belmont please provide the specific percentage, as we, the Belmont ratepayer have funded this club significantly over the years?

**Response**

**50.25%.**

**5.1.5 MR P HITT, 14 MCLACHLAN WAY, BELMONT**

The following question was taken on notice at the 23 November 2021 Ordinary Council Meeting. Mr Hitt was provided with a response on 2 December 2021. The response from the City is recorded accordingly:

1. Can the Acting Chief Executive Officer please inform the ratepayers why the Elected Member's Contact Details and Membership Register has not been updated on the Council website yet?

**Response**

**The Elected Member Contact Details and Membership Register is updated regularly and contains information as provided by Elected Members. Following the 2021 Local Government Election, forms have been distributed to Elected Members and the Register will be updated as required.**

**5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

**7.04pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Public Question Time Form. In accordance with rule (I), the Mayor advised that he had registered six members of the public who had given prior notice to ask questions.**

**The Presiding Member invited members of the public who had yet to register their interest to ask a question to do so. Two further registrations were forthcoming.**

### **5.2.1 Ms L HOLLANDS ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG)**

In both the Local Government Reform submission and the Motion on Livestreaming, it states it is the CEO's responsibility to ensure the safety of all officers at the City of Belmont. John Carey, on 6PR, stated there is no suggestion or connection that livestreaming increases violence or provides a greater security risk.

1. Is the embarrassing comment going to be removed from the local government review document by Council, or are any Councillors likely to pull it from the package and get it changed?

#### **Response**

**The Presiding Member stated the matter is here to be debated tonight and a decision will be made one way or the other.**

2. If there is such a risk of increased violence to members of the public, why does the City leave our names and addresses in the Minutes? If someone who is not a public figure asks a question during Public Question Time, when will the City start providing police or security escorts for the public when we leave meetings to ensure our safety and how much is it likely to cost?

#### **Response**

**The Chief Executive Officer stated there is a requirement when asking questions at a Council Meeting to provide your name and address to verify you are a resident of the City. The Chief Executive Officer stated he does not believe there is a requirement or need for the City to provide security services for individuals coming to this meeting to ask questions, but will take the question on notice to provide a more comprehensive response.**

3. Last month, a resident asked how many staff had left within the previous two years and what departments they came from. According to the Minutes, there were 13 redundancies due to the closure of Home and Community Care (HACC) there was also another redundancy in Executive Services. Why was a position on the Executive Leadership Team made redundant and if Annemarie was the HR person, do we have an existing HR person?

#### **Response**

**The Chief Executive Officer stated the question would be taken on notice.**

4. We note that the local government is part of the federal system and receives federal grants. The Occupational Health Safety Policy review states, the City of Belmont will ensure all employees have safe workplace conditions and systems of work that minimise risk or injury to our people, including employees, contractors, labour hire, visitors, volunteers and customers and damage to council property and the environment. Why has this specific reference to the federal government legislative been removed from BEXB10.2 Occupational Health and Safety Policy?

*Item 5.2.1 Continued*

**Response**

**The Chief Executive Officer stated the question would be taken on notice.**

5. The Policy also mentions stakeholders but there are no definitions as to who these stakeholders are. Do we assume that the stakeholders are those I've just mentioned and if so, why is there no mention of Councillors, or members of the public gallery?

**Response**

**The Chief Executive Officer stated the question would be taken on notice.**

**5.2.2 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE**

1. The Belmont City Bowling Club (BCBC) has now been advised by Bowls WA that the greens are not up to their standard and will be unable to hold any more home games this year. At the July 2021 Ordinary Council Meeting (OCM), John Christie publicly stated that the greens were to be maintained to the correct standard and this is why a breach was issued on the day of that meeting. In previous Cr Powell's Motion, put forward prior to the election, Council agreed to get advice as to the situation and what could be done if an agreement between the parties was not reached by 30 September 2021. Given the next meeting is not until February, what is Council going to do about the situation in the meantime?

**Response**

**The Chief Executive Officer stated the breach was in relation to the BSRC not maintaining greens at all. With regard to the action the City will take as a result of previous Cr Powell's Motion, that is in progress at the moment and we are hoping to provide a report to the February Council Meeting on the options that are to be progressed.**

**The Manager City Facilities and Property further stated the breach was issued for the BSRC not maintaining greens and that situation was rectified. Currently there is no agreement between the BSRC and BCBC, therefore it is not incumbent on the BSRC to maintain the greens to Bowls WA standard until such time that an agreement is in place.**

2. The CEO at that meeting did indicate that they had to be maintained. What has changed?

**Response**

**The Chief Executive Officer stated the new Lease includes entering into a Sublease with the BCBC (a third party), to contribute to the maintenance of the greens that the Bowling Club use. This continues to be unresolved.**

*Item 5.2.2 Continued*

**The Manager City Facilities and Property stated if an agreement was in place, the BSRC would be responsible for maintaining the greens up to Bowls WA standard. The BSRC had been maintaining the greens to the required standard until October, but have stated they can no longer afford to employ a greenkeeper to maintain the greens to that standard without a contribution from the Bowling Club. The BSRC are maintaining the greens as per the Lease Agreement.**

3. Back in July there was no agreement signed and Mr Christie did say they had to be maintained to the standard until an agreement was signed. What has changed?

**Response**

**The Chief Executive Officer stated he is not aware of anything changing. The previous Lease discussed maintaining the lease area, which included the bowling greens and the new Lease that was introduced would better define the responsibilities for the maintenance of the greens. Because there has been no contribution from the Bowling Club, the BSRC cannot afford to maintain the greens to the Bowls WA standard. Although the greens are not being maintained to the Bowls WA standard, they are still maintaining the greens, and are not in breach of the Lease.**

4. Why does Section 6.34 of the Standing Orders, Prevention of a Disturbance by the Public only apply to the public when they sit in the gallery observing Councillors on their mobile phone.

**Response**

**The Chief Executive Officer stated, the *City of Belmont Standing Orders Local Law 2017* apply to everyone in this Chamber.**

5. What sort of behaviour does the Code of Conduct provide for and does it provide for all public places like public events, clubs, hotels, taverns and restaurants and any place a Councillor attends in their personal life?

**Response**

**The Chief Executive Officer stated the question would be taken on notice.**

6. When penalties apply for unacceptable behaviour, what penalties can apply for unacceptable behaviour in the event of a complaint and who do you take it to?

**Response**

**The Chief Executive Officer stated it would depend on the nature of the complaint, whether it was a minor, or more serious complaint. Complaints could be dealt with by the Crime and Corruption Commission (CCC), the Public Sector Commission, the Department, or the Council themselves. The penalties would then be determined by those groups.**

### **5.2.3 Ms S HOLT ON BEHALF OF THE ASCOT KILNS AND PARRY FIELD ACTION GROUP**

1. I am asking if Item 12.3 on the Agenda tonight could be deferred to the February meeting. The Ascot Kilns and Parry Field Action Group have concerns regarding the Kilns site and whether this development application accurately reflects what was agreed by Council at its meeting dated 23 June 2020 in relation to the Golden Gateway development. Has there been full disclosure and transparency by the officers and was their interpretation correct regarding the Ascot Kilns site and what was passed at that meeting? Are Councillors properly informed with regard to the zoning, especially as we have some new Councillors?

#### **Response**

**The Presiding Member stated for this to be deferred, one of the Councillors would have to move a Motion of Deferral at the time of the item.**

**The Chief Executive Officer stated it is unfair to make a statement that officers have not conducted due diligence or disclosure. There is a requirement when preparing a report to disclose any interest that the officer may have. The Chief Executive Officer stated he is not aware of any misinterpretations, and this is separate from the Golden Gateway Structure Plan.**

2. Some of the comments made in the report refer to the June 2020 meeting include, the Ascot Kilns site as requiring a Local Development Plan to be prepared and to identify the requirement for a minimum 10% Public Open Space on the site. We do not believe that is what was agreed back in 2020.

#### **Response**

**The Director Development and Communities stated this is Development Application for the conservation of the kilns and related chimney stacks, it is not a Local Development Plan, which is a separate process, which the City is still going through. Council's resolution and that advice, which was sent through to the Department of Planning, Lands and Heritage still stands. This item is for the conservation of the kilns to ensure they are still standing in the future. What happens with the Local Development Plan and the future development proposal for this site is a separate matter.**

3. In the report, the officer still refers to the need to sell off land to develop around the stacks and the kilns, which I believe is inappropriate.

#### **Response**

**The Director Development and Communities stated the continued comments regarding the officer are offensive. There was public consultation and Council made a recommendation. The City is not the decision-making authority. A recommendation was sent to the Western Australian Planning Commission, but no decision has been made.**

#### **5.2.4 MR T METCALF, 258A ARMADALE ROAD, KEWDALE**

1. There has been 12 months of heated debate on the new Lease Agreement between the City of Belmont and the BSRC and how it has affected our local Bowling Club. The BCBC has run the bowls and the greens maintenance for the past 25 years. The BSRC have no knowledge as far as bowling greens are concerned. When this new agreement was made there was no consultation with the Bowling Club, which is the biggest influence down at the BSRC. How did you think the BSRC are going to run Bowling Club activities?

#### **Response**

**The Chief Executive Officer stated the City have a Lease Agreement with the BSRC for them to maintain and run that facility.**

2. Why wasn't the Bowling Club consulted?

#### **Response**

**The Chief Executive Officer stated the lease negotiations were directly between the City and the BSRC. The Bowling Club are a third-party and are not a party to the Lease.**

3. An independent inquiry was suggested a few months ago by Cr Powell. This should have been dealt with by December, as it was voted on here at the Council Meeting. Why has this been pushed back to February?

#### **Response**

**The Chief Executive Officer stated for the last 12 months the City has been trying to resolve the issue between the BSRC and BCBC. There are a number of Councillors who would potentially have a conflict of interest, as would the officers who have been working on this report. An independent review will be undertaken to assess the situation between the two clubs and to put forward what they believe to be the solution to the problem. A report will then be prepared, which is the fairest way to deal with this issue. Council does not meet in January, so an Administration report will be presented at the February meeting.**

4. Recently, a WA Bowls Inspector came to the greens and met with the Manager at the BSRC who was advised that the greens were unsuitable to play Pennant matches unless they are mowed on Pennant days of play. In the Lease Agreement, it said that these greens are supposed to be maintained to the Pennant standard of play. Why wasn't this corrected?

#### **Response**

**The Chief Executive Officer stated the issue with the negotiations between the BSRC and the BCBC have not been concluded. The BSRC have made it clear, that after maintaining the greens for a number of months to Bowls WA standard, they couldn't continue to do so without any form of agreement or contribution from the Bowling Club. The BSRC have not been able to maintain the bowling greens to Bowls WA standards because there is no contribution from the Bowling Club toward the maintenance of the greens, even though there is \$32,000 sitting in this Council to assist with the maintenance of the greens.**

*Item 5.2.4 Continued*

5. That has been coming to the Bowling Club for last three or four years. We have approached to have it so that we can contribute, but we have not received the \$32,000 contribution.

**Response**

**The Manager City Facilities and Property stated the Bowling Club provided the formal accounts for last year, which were audited and approved by the City. The request for the \$32,000 was submitted last week.**

**The Chief Executive Officer further stated the funds have been available since 1 July and if the request was only made last week, officers will progress the request as quickly as possible.**

**5.2.5 Ms G GODFREY, 11 MORGAN ROAD, REDCLIFFE**

1. I refer to the Minutes of the BSRC dated 18 May 1993, which states that “due to the financial stringency of the BSRC, it was proposed that the care and maintenance of the bowling greens be handed over on contract and that the Belmont Sports and Recreation Club would pay \$28,000 towards such a contract.” In June 2021, the BCBC were advised by the BSRC that they were taking over maintenance and control of the greens. Are Council aware that under the current management of the BSRC, Bowls WA have ruled that the greens are not good enough for inter-club Pennant competition?

**Response**

**The Presiding Member stated there is still a Bowling Club but, the greens are not for the level of play for Pennant matches.**

2. In good faith, the BCBC allow the BSRC greenkeeper to access our machinery. Is Council aware that the Manager of the BSRC has now changed the locks on the shed to prevent our members accessing our own machinery?

**Response**

**The Manager City Facilities and Property stated the sheds fall under the leased area, of which the BSRC are responsible. People were accessing the shed and tampering with equipment, moving stuff around and making things difficult for the greenkeeper, therefore the Manager of the BSRC changed the lock to restrict access to those only authorised to access the equipment and machinery.**

3. In a letter from Ian Davis of the BSRC, he states the greens do not have to be maintained to Bowls WA standard. Has the City of Belmont taken any legal advice concerning the obligations of the BSRC under Clause 12.3 of the Lease?

**Response**

**The Manager City Facilities and Property stated that particular Clause states that the BSRC must maintain the greens to a Bowls WA standard on the condition that there is a sub-lease between the BSRC and the third-party. As there is no sub-lease, there is no obligation for them to maintain the greens to Bowls WA standard. The Lease was prepared by McLeods Lawyers and the City have also sought a second opinion on that from another legal firm who agree with the recommendation the City received from McLeods.**

*Item 5.2.5 Continued*

**The Chief Executive Officer further stated that legal advice from McLeods indicated there is no need to maintain the greens to Bowls WA standard. The City then sought a second opinion, which confirmed the advice obtained from McLeods.**

4. Has the independent person been engaged to provide a report and if so, by what time?

**Response**

**The Chief Executive Officer stated it is anticipated that the report will be available for the February meeting.**

5. Will it be available for public inspection?

**Response**

**The Chief Executive Officer stated the report will be available to the public as part of the Council Agenda, though some parts may need to be confidential.**

**7.46pm ROSSI MOVED, WOLFF SECONDED that Public Question Time be extended.**

**CARRIED 9 VOTES TO 0**

**5.2.6 MR R BROINOWSKI, 66 ARMADALE ROAD, RIVERVALE**

1. Could Council get some more information on Facebook and other internet spaces so people can become aware that Ibis carry diseases which could be a danger to their health and their life? Can something be done to alert the public on how to safeguard themselves and their families?

**Response**

**The Acting Manager Parks, Leisure and Environment stated the question will be taken on notice to provide a comprehensive response, though it is not the City's responsibility to be broadcasting public health advice and the Department of Health should be consulted.**

**5.2.7 MR P HITT, 14 MCLACHLAN WAY, BELMONT**

1. At the last Council Meeting, I asked the Acting CEO, "Can the CEO please inform the ratepayers why the Elected Members' Contact Details and Membership Register has not been updated on the Council website?" I was informed in writing that this Register is always being updated. At 2.30pm today, it had not been updated. Councillors have been and presently are, voting on matters that affect the community in the City of Belmont. The CEO is responsible for this important requirement to be fulfilled. Why has this situation not been remedied before this Council Meeting, when it is important to ascertain if there is a possibility of a Conflict of Interest by a Councillor on an Agenda Item?

*Item 5.2.7 Continued*

### **Response**

**The Chief Executive Officer stated the assumption that it has not been updated may not be correct, it could be that there was no change to the actual document required as a result of the information the City has. The register was last updated on 3 December.**

**The Acting Manager Governance stated the website shows the register was last updated on 3 December 2021. The information that has been provided to the City is contained in the register.**

2. In a report presented to the Councillors tonight, Council Officers via the CEO put forward their reasons for recommending that the City of Belmont do not undertake live streaming of Council Meetings to its residents and ratepayers. This recommendation was commented on in the print and over the radio by the Minister for Local Government, who basically shot down some of the reasons presented by the officers and approved by the CEO and left the City of Belmont looking very unprofessional and an inept organisation. Has the CEO presented the Councillors a copy of the 6PR interview with the Minister for Local Government before this Council Meeting tonight when you will all vote on it?

### **Response**

**The Chief Executive Officer stated he has not.**

3. If the CEO has not presented information, why not?

### **Response**

**The Chief Executive Officer stated the document, and the reforms are out for comment. Officers or any member of public can provide comment on the proposals that are released by the State Government with regard to changes to the *Local Government Act 1995*. Comments and commentary are presented for consideration by Council, who will determine whether they agree with the comments, whether they wish to change those comments, or whether they wish to endorse they are in support of live streaming. These are comments that are being provided by the City during the consultation period.**

4. I have listened to what was said about the Belmont Sports and Recreation Club, is the Council assured that this club is still solvent?

### **Response**

**The Manager City Facilities and Property stated the City received the audited accounts from the BSRC on 1 October 2021, in line with the Lease which shows the club to be financially solvent.**

**5.2.8 Ms J GEE, 2/97 GABRIEL STREET, CLOVERDALE**

1. Ratepayers' names are ok but, with regard to addresses, I would like to look at these being withheld. You are letting people know where we live and therefore are you putting us at risk? If I come to a Council Meeting and people know I come every meeting, then putting my name and address in there tells them I am going to be here. I don't mind giving my name and address to prove that I live in the City of Belmont. Why can't Council just print the names of the people asking questions but leave addresses out?

**Response**

**The Chief Executive Officer stated the question would be taken on notice.**

**8.02pm As there were no further questions, the Presiding Member declared Public Question Time closed.**

**6. CONFIRMATION OF MINUTES/RECEIPT OF MATRIX**

- 6.1 **ORDINARY COUNCIL MEETING HELD 23 NOVEMBER 2021  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**DAVIS MOVED, SEKULLA SECONDED**

*That the Minutes of the Ordinary Council Meeting held on 23 November 2021 as printed and circulated to all Councillors, be confirmed as a true and accurate record.*

**CARRIED 9 VOTES TO 0**

- 6.2 **MATRIX FOR THE AGENDA BRIEFING FORUM HELD 7 DECEMBER 2021  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**WOLFF MOVED, CARTER SECONDED**

*That the Matrix for the Agenda Briefing Forum held on 7 December 2021 as printed and circulated to all Councillors, be received and noted.*

**CARRIED 9 VOTES TO 0**

**7. QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN  
(WITHOUT DISCUSSION)**

Nil.

**8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

Nil.

**8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.2.1 CR SEKULLA**

1. Can you explain to me the difference between using an iPhone which has several apps and has the capacity to make notes, use the internet and access emails and using a laptop, an iPad or a tablet, which does the same things? There are currently four Councillors presently using a laptop of sorts.

**Response**

The Presiding Member stated the mobiles phones that were referred to at Public Question Time were those in the gallery. Some Councillors require a laptop to be able to perform their duties here tonight. However, I have seen Councillors use their mobiles and their laptop at meetings, but I have not been able to tell who is using devices in the gallery. The use of electronic devices in the gallery is against our rules. If someone from the gallery is asking a question, I would not expect Councillors to be on their mobile phone.

2. Can you recall in recent years if at any point during a Council Meeting, a Councillor has been talking on a phone?

**Response**

The Presiding Member stated there is nothing stopping a Councillor from bringing a mobile phone into a meeting. Councillors should however ensure they are paying full attention to anything that is being asked and should not be using their computer or a mobile phone, but at this point, it was the gallery using phones that was being discussed.

**9. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION**

Nil.

**10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING**

Nil.

**11. REPORTS OF COMMITTEES**

**11.1 STANDING COMMITTEE (AUDIT AND RISK) HELD 24 NOVEMBER 2021**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

**DAVIS MOVED, BASS SECONDED**

*That the Minutes for the Standing Committee (Audit and Risk) meeting held on 24 November 2021 as previously circulated to all Councillors, be received and noted.*

**CARRIED 9 VOTES TO 0**

**12. REPORTS OF ADMINISTRATION**

**WITHDRAWN ITEMS**

Item 12.1 was withdrawn at the request of Cr Rossi  
Item 12.2 was withdrawn at the request of Cr Rossi  
Item 12.3 was withdrawn at the request of Cr Rossi  
Item 12.6 was withdrawn at the request of Cr Rossi

**SEKULLA MOVED, SESSIONS SECONDED**

*That with the exception of Items 12.1, 12.2, 12.3, and 12.6, which are to be considered separately, the Officer or Committee Recommendations for Items 12.4, 12.5, 12.7, 12.8, 12.9, 12.10, 12.11, and 12.12 be adopted en bloc by an Absolute Majority decision.*

**CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0**

## 12.1 WALGA POWER PURCHASE AGREEMENT

### ATTACHMENT DETAILS

<b>Attachment No</b>	<b>Details</b>
Confidential Attachment 1 – Item 12.1 refers	<a href="#"><u>Synergy Electricity Sales Agreement (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)(e))</u></a>

Voting Requirement	:	Simple Majority
Subject Index	:	70/028; 119/001
Location/Property Index	:	Several Property Addresses
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A

### COUNCIL ROLE

- |                                     |                       |   |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/>            | <b>Advocacy</b>       | <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"/> | <b>Executive</b>      | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>  |
| <input type="checkbox"/>            | <b>Legislative</b>    | <i>Includes adopting local laws, local planning schemes and policies.</i>   |
| <input type="checkbox"/>            | <b>Review</b>         | <i>When Council reviews decisions made by Officers.</i>   |
| <input type="checkbox"/>            | <b>Quasi-Judicial</b> | <i>When Council determines an application/matter that directly affect 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 local 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> |

### PURPOSE OF REPORT

To seek Council approval to award a three (3) year contract for the supply of electricity to Contestable Sites through Synergy and the Western Australian Local Government Association (WALGA) Power Purchase Agreement (PPA).

*Item 12.1 Continued*

**SUMMARY AND KEY ISSUES**

- The City's existing contract for the supply of electricity to its Contestable Sites (sites using more than 50,000 kilowatt hours (kWh) per annum) is due to expire on 30 April 2022.
- WALGA and a panel of local governments have undertaken a tendering process to bundle and secure a discounted rate for the supply of electricity to Contestable Sites.
- WALGA awarded the PPA to Synergy with participating local governments being able to access the discounted rate upon the expiry of existing contracts.
- Various scenarios for the purchase of green (renewable) power were explored and it is recommended that the City purchase 100% renewable electricity for its Contestable Sites across the life of the Agreement.
- Over three years the total contract price is expected to be \$1,215,083 for 100% renewable energy for the duration of the contract, versus \$1,114,963 for 100% brown power (fossil fuels) and is required to purchase credits to offset 25% of the carbon dioxide equivalent (CO<sub>2</sub>e) emissions per annum (at a cost of approximately \$12,000 per annum).
- The City currently purchases brown power and offsets 25% of Contestable Sites' carbon emissions by purchasing Gold Standard offsets, which equates to approximately 300 tonnes of CO<sub>2</sub>e per annum.
- Under the recommended option through the PPA, the City would offset 100% of the electricity consumed at Contestable Sites which is the equivalent of 1,200 tonnes of CO<sub>2</sub>e each year.

**LOCATION**

The agreement will cover the supply of electricity to the following Contestable Sites:

- The City's Operations Centre – Lot 1000 (180) Planet Street, Carlisle
- Civic Centre Administration building and Belmont Hub - Lot 33 (213 & 215) Wright Street, Belmont
- Gerry Archer Athletic Track – Lot 1000 PL 22003, Lot 9426 PL 181731, Lot 10915 PL 187904 Kew Street, Cloverdale
- Ascot Waters Freshwater Lake - Lot 2 Tidewater Way, Ascot
- Youth and Family Services Centre - Lot 33 (275) Abernethy Road, Cloverdale
- Centenary Park - Lot 43 Daly Street, Belmont
- Ascot Waters Compensating Basin (Aerator and irrigation pump for Ascot Waters) - Lot 1 Stoneham Street, Belmont.

**CONSULTATION**

In June 2021 the City and 50 other local governments entered into a non-binding Memorandum of Understanding (MoU) with WALGA which demonstrated interest in the City entering into a joint power purchasing partnership.

On behalf of the interested parties, WALGA invited energy supply companies to quote for the supply of electricity to Contestable Sites (sites using more than 50,000 kWh per annum). This included WALGA electing a panel of local government members to assess and evaluate the responses.

*Item 12.1 Continued*

In addition, WALGA applied to the Australian Competition and Consumer Commission (ACCC) for authorisation for a joint power purchasing group where members can pool their aggregate forecast demand in order to jointly acquire electricity from the South West Interconnected System, as well as renewable energy providers such as Large-scale Generation Certificates, Small-scale Technology Certificates, Australian Carbon Credit Units, etc. On 26 August 2021, the ACCC granted WALGA authorisation for the joint power purchasing group for 15 years, until 30 September 2036.

The contracts and pricing have been reviewed by the following parties:

City of Joondalup	Finance Analyst
City of Bayswater	Sustainable Environment Strategy Officer
City of Mandurah	Energy Efficiency Project Officer
City of Wanneroo	Sustainability Officer Strategic Landuse Planning & Environment
City of Armadale	Manager Environmental Services
City of Cockburn	Strategic Procurement Manager
City of Stirling	Senior Sustainability Officer (Energy)
WALGA	Contract Manager, Commercial Management
WALGA	Executive Manager, Commercial and Communications
WALGA	Chief Executive Officer
Australian Competition & Consumer Commission	Commissioners Keogh, Rickard, Brakey, Ridgeway

The City undertook internal consultation with the Manager Finance and Coordinator Procurement who have reviewed the contract. Advice was also sought from other Local Authorities who will be participating in this initiative.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

#### **Goal 3: Natural Belmont.**

##### **Strategy:**

- 3.5 Promote energy and water efficiency, renewable energy sources, and reduce emissions and waste

#### **Goal 5: Responsible Belmont**

##### **Strategy:**

- 5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.

*Item 12.1 Continued*

## **POLICY IMPLICATIONS**

BEXB7.1–Purchasing

### **Policy Objective**

This policy aims to deliver a high level of accountability whilst providing a flexible, efficient and effective procurement framework.

While the City did not undertake the procurement process associated with this initiative, WALGA has followed a robust process that complies with all legislative requirements associated with purchasing.

## **STATUTORY ENVIRONMENT**

This issue is governed in the main by the *Local Government Act 1995*, in particular Regulation 11(2)(b) which states that “*Tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA*”.

As noted under Consultation, the ACCC has granted WALGA authorisation for the joint power purchasing group until 30 September 2036, being a period of 15 years.

## **BACKGROUND**

In August 2021, WALGA concluded a procurement process associated with the PPA and the panel selected Synergy as the preferred supplier. The City's current contract is with Alinta Energy and will end on 30 April 2022, and while Alinta responded to WALGA's invitation to quote, Synergy was the successful respondent. As a participating local government, the City now has the opportunity to join the Power Purchase Agreement.

Through this process and a panel of Local Governments, WALGA has entered into a PPA with Synergy for the supply of electricity to Contestable Sites (sites using more than 50,000kWh per year) at reduced rates. The PPA also includes the opportunity to select a percentage of electricity sourced through renewable sources throughout the term of the contract. As a signatory to the MOU, the City has the opportunity to consider participation in the PPA.

The PPA has been reviewed by City officers, the terms and conditions proposed are acceptable in relation to the supply of electricity, with the proposed term being for a period of three years commencing 1 May 2022 (commencing upon the expiry of the existing contract on 30 April 2022).

The PPA provides participants with the option to consider bundled or unbundled supply, and green or brown power options.

Bundled supply consists of the bundling of all charges into a fixed price with a daily supply fee - as there are potential risks for the retailer associated with this option, this results in a higher fee being charged to the customer. With an unbundled supply, charges (which include third party charges such as those levied by Western Power) are broken down as part of the supply charge and this enables the supplier to pass on any fluctuations to customers.

*Item 12.1 Continued*

An unbundled supply also provides financial incentives in relation to reducing electricity use during peak periods (this is most appropriate where electricity use is effectively managed). On this basis unbundled is the recommended option for supply.

In addition, the City currently implements effective management practices in relation to the use of electricity, including utilising building management software for Belmont Hub and Azility, an online water and energy management platform that tracks energy accounts and usage, reporting any sites which exceed historical trends. This process, coupled with a proactive approach in relation to installing energy efficient options when renewing or replacing assets, demonstrates the existing practices that target an overall reduction in energy consumption and emissions.

In relation to green versus brown power options, green power is sourced through a renewable energy supply and in the proposed agreement this will be supplied through wind farms based in Western Australia. The term brown power is used to describe energy that is sourced through non-renewable sources such as fossil fuels. The proposed agreement enables the City to select from varying levels of green power being 25%, 50%, 75% or 100% for each year of supply.

### **OFFICER COMMENT**

The City has the opportunity to consider multiple options for the supply of electricity as a participant in the PPA. As outlined in the Financial Implications section of this report, entering into the PPA will secure the supply of brown power to Contestable Sites at a discounted market rate (Table 1), with various options available to secure green power (Table 2) which would result in an increase in cost compared to brown power.

In addition to offsetting the City's light vehicle fleet, the current Environment and Sustainability Strategy commitment is to offset 25% of Contestable Sites' carbon emissions either through purchasing green power or through purchasing offsets. During 2019-2020 the carbon dioxide equivalent (CO<sub>2</sub>e) credits to offset 25% of the emissions cost approximately \$6,597 and future credits are subject to market changes. Current market research indicates carbon credits may rise to approximately \$40 a unit. The purchase of green power through the PPA would remove the requirement to purchase offsets for Contestable Sites and may reduce the requirement to purchase offsets for the fleet (depending on how much green power is purchased and vehicle emissions).

To put this in perspective, the electricity generated for Contestable Sites produces approximately 1,200 tonnes of CO<sub>2</sub>e per annum and 300 tonnes (25%) is currently offset through purchasing Gold Standard Credits (or equivalent).

In relation to the selection of bundled versus unbundled billing, and green versus brown power, the recommendation is to opt for the unbundled option and 100% renewable electricity for the full three-year period. This will result in the City fully offsetting its Contestable Sites by purchasing 100% renewable energy.

Based on the financial analysis undertaken, the recommendation to opt for 100% renewable energy will result in an increase in expenditure (\$100,121) associated with the supply of electricity, however purchasing 100% renewable electricity will result in significant environmental benefits (3,600 tonnes of CO<sub>2</sub>e as opposed to 900 tonnes of CO<sub>2</sub>e offset). This is the preferred option as the environmental benefits are considered to outweigh the costs.

*Item 12.1 Continued*

As noted earlier, the current contract for the supply of electricity for Contestable Sites is currently with Alinta Energy and expires 30 April 2022. The City recommends awarding the Contestable Sites contract to Synergy via the PPA as this will provide the City with the opportunity to secure either discounted brown power or competitively priced green power for its Contestable Sites. Advice received from other local governments has indicated that rates being quoted for Contestable Sites under the PPA are competitive, based on recent market research undertaken.

**FINANCIAL IMPLICATIONS**

Whilst electricity charges are consumption dependent (pay for use), based on 2020-2021 consumption figures, the PPA would reduce the brown power cost for the City over the next three years, if the City were to opt for continuing to use brown power.

Table 1 demonstrates the reduction in brown power expenditure by comparing the expenditure of 2020-2021 versus what may be expected within the proposed Agreement. The 2020-2021 financial years' Contestable Sites were charged at \$370,047 (ex GST and including service charges of \$5,084). The new rates are expected to reduce to approximately \$359,654 per annum and do not attract a service charge.

Brown Power Current vs Potential	Annually	Life of contract
<b>2020-2021 - Brown power expense</b>	\$370,047	\$1,110,141
<b>PPA - Brown power estimate</b>	\$359,654	\$1,078,962

*Table 1: Annual brown power expenditure (excluding purchase of green power or carbon offsets)*

However, with growing concerns regarding climate change and the environment coupled with the City's commitment to the environment through its Environment and Sustainability Strategy and the Strategic Community Plan, options in relation to increasing the City's use of renewable energy has been investigated under the PPA.

The table below demonstrates various options considered to increase the City's use of renewable energy/green power:

Options	Option 1	Option 2	Option 3	Option 4
<b>Type</b>	100% Brown power each year	Split of 75% brown power and 25% Green power each year	100% brown power Year 1-2 and 100% Green power final year	100% Green power each year
Year 1	\$359,654	\$372,693	\$359,654	\$411,808
Year 2	\$359,654	\$370,954	\$359,654	\$404,854
Year 3	\$359,654	\$369,346	\$398,421	\$398,421
<b>Total</b>	<b>\$1,078,962</b>	<b>\$1,112,993</b>	<b>\$1,117,729</b>	<b>1,215,083</b>
<b>Cost to Purchase Additional Carbon Credits *</b>				
Year 1	\$12,000	\$0	\$12,000	\$0
Year 2	\$12,000	\$0	\$12,000	\$0
Year 3	\$12,000	\$0	\$0	\$0
<b>Total</b>	<b>\$36,000</b>	<b>\$0</b>	<b>\$24,000</b>	<b>\$0</b>
<b>TOTAL</b>	<b>\$1,114,962</b>	<b>\$1,112,993</b>	<b>\$1,141,730</b>	<b>\$1,215,083</b>

*\* to achieve 25% Environment and Sustainability Strategy target - assuming each credit is approx. \$40 per tonne/current market rate*

*Item 12.1 Continued*

<b>Legend</b>	<b>Breakdown</b>
	100% brown power
	75% brown / 25% green power
	100% green power

As shown above, the City can choose to offset a percentage of CO<sub>2</sub>e generated by Contestable Sites through purchasing green power or elect to purchase credits. The options above explored various scenarios in relation to the split of green and brown power across the three-year contract period. It is relevant to note that the premium rate for green power does reduce over the three years, meaning green power is more affordable in the final year (2024).

By purchasing a minimum of 25% green power each year, the City would meet the current Environment and Sustainability Strategy target. In the options above, for years where green power is not proposed, the cost of purchasing CO<sub>2</sub>e offsets has been included. Risks associated with the purchase of CO<sub>2</sub>e offsets would be anticipated rises expected in relation to the cost of offsets, however at this time it is difficult to forecast the extent of the rise in cost.

A table of the CO<sub>2</sub>e offsets that will be achieved under each option above, is included under the Environmental Implications section below.

Expenditure associated with the supply of electricity is spread across relevant budget lines within the 2021-2022 budget for each Contestable Site, with total funds available of \$438,000 this financial year and expected expenditure of \$411,807. As the increased expenditure will only apply to two months electrical supply, there are sufficient funds in the current financial year to cover the cost of the recommended option. The increased expenditure will be included in the 2022-2023 operational budget.

## **ENVIRONMENTAL IMPLICATIONS**

The City's original target in the Environment and Sustainability Strategy 2019-2021 was to:

*“Purchase 25% renewable energy or equivalent in “Gold standard” carbon offsets certified under the National Carbon Offset Standard, for the City’s contestable electricity consuming sites and to fully offset the City’s light vehicle fleet emissions”.*

Under the current target above, the City would normally offset 300 tonnes of CO<sub>2</sub>e per year at market cost (purchasing carbon credits).

The table below demonstrates the CO<sub>2</sub>e offsets that would be achieved under each option outlined under the Financial Implications section of this report:

*Item 12.1 Continued*

<b>CO2e Offsets</b>	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>	<b>Option 4</b>
<b>Type</b>	100% Brown power each year	Split of 75% brown power and 25% Green power each year	100% brown power Year 1-2 and 100% Green power final year	100% Green power each year
<b>2022</b>	0	300	0	1,200
<b>2023</b>	0	300	0	1,200
<b>2024</b>	0	300	1,200	1,200
<b>Total</b>	<b>0 CO2e</b>	<b>900 CO2e</b>	<b>1,200 CO2e</b>	<b>3,599 CO2e</b>

As demonstrated above, the City would achieve a far superior environmental outcome by purchasing 100% green power, with 3,600 tonnes of CO2e offset under the recommended Option 4 over the duration of the contract. As highlighted earlier, the City's current offset achieved through purchasing offset credits is 900 tonnes of CO2e.

Under the Western Australian Climate Policy, the State Government has outlined its plans to work with the economy to achieve net zero greenhouse emissions by 2050. Participants in the PPA will be demonstrating environmental leadership and commitment to supporting the State Government with this goal.

**SOCIAL IMPLICATIONS**

By electing to purchase green power and entering into the Agreement, the City demonstrates its commitment to addressing climate change and reducing its carbon emissions.

**OFFICER RECOMMENDATION**

**ROSSI MOVED, WOLFF SECONDED**

*That Council:*

- Approves the purchase of 100% green power/renewable energy for the City's Contestable Sites under the WALGA Power Purchase Agreement.***
- Approves the electricity supply being provided based on an unbundled supply for the City's Contestable Sites under the WALGA Power Purchase Agreement.***
- Authorises the Chief Executive Officer to sign the Synergy Electricity Sales Agreement (refer [Confidential Attachment 1](#)) through the WALGA Power Purchase Agreement for the supply of electricity to Contestable Sites for a period of three years from 1 May 2022 to 30 April 2025.***

**CARRIED 9 VOTES TO 0**

**8.15pm The Manager City Facilities and Property and Acting Manager Parks, Leisure and Environment departed the meeting and did not return.**

## 12.2 DEVELOPMENT AREA 6 (REDCLIFFE TRAIN STATION PRECINCT) ROAD NAMING

### ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.2 refers	<a href="#">Council Policy SB3.2 – Schedule of Names for Streets and Parks</a>

Voting Requirement	: Simple Majority
Subject Index	: 20/004 – Naming of Streets – Roads – Suburbs – Localities – Parks – Reserves - Bridges
Location / Property Index	: Various
Application Index	: N/A
Disclosure of any Interest	: Nil
Previous Items	: Nil
Applicant	: N/A
Owner	: State of Western Australia
Responsible Division	: Development and Communities Division

### COUNCIL ROLE

- |                                     |                       |   |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/>            | <b>Advocacy</b>       | <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"/> | <b>Executive</b>      | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>  |
| <input type="checkbox"/>            | <b>Legislative</b>    | <i>Includes adopting local laws, local planning schemes and policies.</i>   |
| <input type="checkbox"/>            | <b>Review</b>         | <i>When Council reviews decisions made by Officers.</i>   |
| <input type="checkbox"/>            | <b>Quasi-Judicial</b> | <i>When Council determines an application/matter that directly affect 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 local 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> |

### PURPOSE OF REPORT

For Council to endorse names for two roads (one constructed and one proposed), within Development Area 6 (Redcliffe Station Precinct), for the purpose of undertaking public advertising.

*Item 12.2 Continued*

**SUMMARY AND KEY ISSUES**

- At the 23 March 2021 Ordinary Council Meeting, Council adopted the draft Redcliffe Station Precinct Activity Centre Plan for the purpose of undertaking public advertising (Item 12.1).
- The draft Activity Centre Plan proposes two new road connections within Development Area 6. These roads are described as follows:
  - Road 1: Proposed to connect Kanowna Avenue to Boulder Avenue.
  - Road 2: Linking Central Avenue and Bulong Avenue.
- Road 2 has been constructed by the Public Transport Authority as a component of the Redcliffe Train Station. The construction of Road 1 is proposed to be funded through a Development Contribution Plan as provided by the draft Activity Centre Plan.
- The Public Transport Authority has submitted a request for the City of Belmont to consider a name for Road 2. Although Road 1 is yet to be constructed, it is appropriate for Council to concurrently consider a name for this road.
- The City is responsible for proposing road names and undertaking the required public consultation in accordance with Landgate Policies and Standards. Following consultation and Council endorsement, the proposed road names are submitted to Landgate's Geographic Names Committee for review and final adoption.
- The following have been identified as suitable names for the two roads:
  - Road 1: Yarkan
  - Road 2: Ngoolyark.
- The proposed road names are consistent with Council Policy SB3.2 Naming or Renaming of Streets, Park and Reserves and Landgate's Policies and Standards for Geographical Naming in Western Australia.
- It is recommended that Council endorse the proposed road names for the purpose of undertaking public advertising.

**LOCATION**

Road 1 and Road 2 are located within Development Area 6 (Redcliffe Station Precinct) as shown in Figure 1.

*Item 12.2 Continued*



Figure 1 – Location of roads

## **CONSULTATION**

Landgate's Policies and Standards require that Aboriginal names are supported by relevant local Aboriginal groups prior to public consultation. To assist in ensuring the proposed road names meet the criteria, Landgate provides a preliminary validation process through their website where proposed road names can be entered and checked against the criteria prior to public consultation. The proposed road names were then considered by the City of Belmont Aboriginal Advisory Group on 29 November 2021. At this meeting the names Yarkan and Ngoolyark were supported for Road 1 and Road 2.

Should Council endorse the road names, public consultation shall be undertaken for 30 days in accordance with Landgate's Policies and Standards. For the naming of a new road, a public notice is required to be published at the City's Offices and in a local newspaper.

It is intended that consultation will be undertaken by way of:

- Sending letters to landowners and occupiers within the Redcliffe Train Station Precinct.
- Placing a public notice on the City's website and notice boards.
- Publishing a notice in the local newspaper.

*Item 12.2 Continued*

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

### **Goal 1: Liveable Belmont.**

#### **Strategy:**

- 1.1 Respect, protect and celebrate our shared living histories and embrace our heritage.

### **Goal 5: Responsible Belmont**

#### **Strategy:**

- 5.5 Engage and consult the community in decision-making.
- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

## **POLICY IMPLICATIONS**

### **Landgate's Policies and Standards for Geographical Naming in Western Australia**

These Policies and Standards have been developed to guide the naming of places, features, administrative boundaries and roads across Western Australia. The Policies and Standards contain information and requirements relating to the aspects detailed below:

#### **Language and Spelling**

Names should be short, easy to pronounce, spell and write, an exception to this is use of Aboriginal words. Spelling of names should conform to Australian English where possible. Aboriginal words must be written in a standard recognised format. New road names shall not include following:

- The definite article 'The', for example, The Avenue.
- Prepositions.
- The use of name extensions, prefixes or suffixes.
- The words 'city', 'town' or 'shire'.
- Possessive apostrophe.
- Punctuation marks including hyphens.
- Numerical digits or roman numerals.
- Abbreviations.

*Item 12.2 Continued*

## **Road Types**

Road names must only consist of a single name element followed by a road type (i.e. Jones Street). Road types must be selected from the Australian/New Zealand Standards AS/NZS 4819:2011 and reflect the function and characteristics of the road.

## **Commemorative Names**

Landgate encourages recognition of outstanding achievements, contributions to the community and significant events through commemorative naming. A commemorative naming request can only be considered for individuals who have an outstanding national or international reputation and have had a direct association with the area in which it is to be located.

A commemorative naming request will not be considered for:

- Past or ongoing public service within any level of government.
- Prior or current owners of land, a developer or person who sponsored a development.

## **Use of Aboriginal Names**

When proposing an Aboriginal name, the following shall apply:

- The name shall be in the Aboriginal language local to the area.
- The name shall be written in the standard recognised format.

## **Name Duplication**

Duplicated names may lead to confusion for the public and to emergency service responders. Duplications therefore cannot be supported less than 10km from an existing name. Duplicated names are road names that, regardless of road type are:

- Spelt or sound similar to an existing road name.
- Located in the same or an adjoining locality as an existing road name.

## **City of Belmont Council Policy Manual 'Naming or Renaming of Streets, Parks and Reserves' (SB3.2)**

This Policy aims to ensure the naming or renaming of streets, parks and reserves within the City of Belmont conform to accepted criteria. The Policy is to be read in conjunction with the requirements listed in Landgate's Policies and Standards for Geographical Naming in Western Australia.

The Policy provides that names be drawn from the following sources:

- Elected Members who have completed service to the community for a minimum of two terms and who have continued to make significant contributions to the community.

*Item 12.2 Continued*

- Persons, who in the opinion of the Council, have made an outstanding contribution to the community of the City of Belmont by extensive time volunteering, participation in service organisations, or by their philanthropy.
- Surnames of pioneering families, who originally lived in the City of Belmont for an extended period of time, prior to 1955.
- Aboriginal names of places, flora and fauna, as well as their locally understood names, which have been or are currently existing in the City of Belmont.
- Horses that have been winners of two or more major racing events (applicable to Ascot).

A schedule of names for streets and parks is contained within the City of Belmont Council Policy SB3.2 'Naming or Renaming of Streets, Parks and Reserves' ([Attachment 1](#)). It should be noted however that the names currently on the schedule do not meet Landgate's criteria for road naming.

### **City of Belmont Reconciliation Action Plan**

The City of Belmont Reconciliation Action Plan contains a number of actions that the City will take to:

- Recognise the importance of meaningful engagement and mutual respect.
- Use culturally appropriate practices and protocols to understand and meet the needs of local communities.
- Continue to build trust and create opportunities to develop positive outcomes.
- Continue to build strong relationships with the local Aboriginal community and organisations to help Aboriginal people to have their voices heard.

A key action of the Reconciliation Action Plan is to develop and implement the use of significant Noongar Whadjuk names within relevant resources, public information, public spaces and public buildings.

### **STATUTORY ENVIRONMENT**

#### **Land Administration Act 1997**

Landgate acts on behalf the Minister of Lands, through delegated authority under the *Land Administration Act 1997*, to undertake the administrative responsibilities required for the formal approval of naming submissions.

For Landgate to consider and subsequently approve a road name, the proposed name shall meet Landgate's Policies and Standards, have undergone appropriate consultation and be endorsed by the relevant Local Council.

Item 12.2 Continued

## **BACKGROUND**

Redcliffe Train Station is currently being constructed within the Development Area 6 precinct as part of the State Government's Metronet Forrestfield Airport Link project. To facilitate redevelopment and support the effective operation of the Redcliffe Train Station, the City of Belmont is preparing a draft Activity Centre Plan for the Development Area 6 precinct.

The draft Redcliffe Station Precinct Activity Centre Plan proposes two new road connections (Road 1 and Road 2). The location of the roads is illustrated in Figure 2 below.

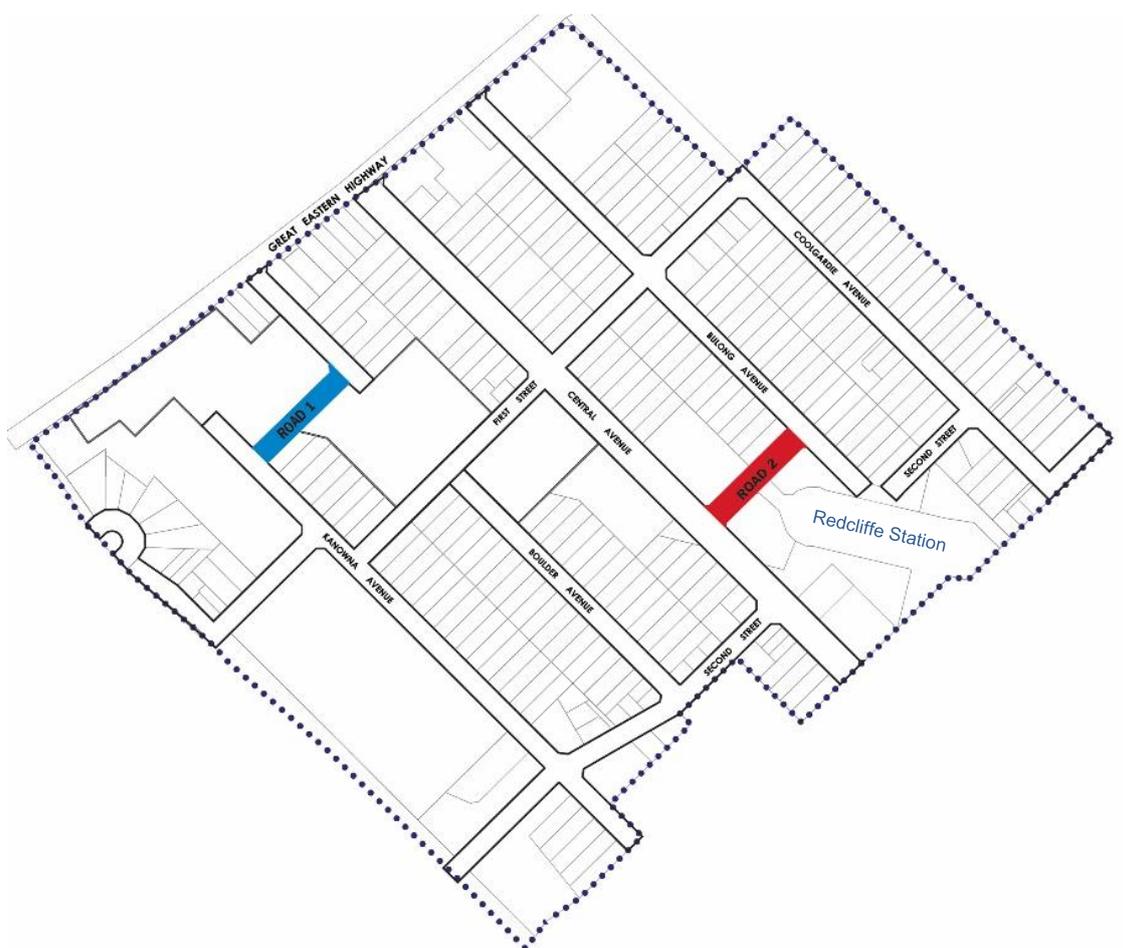


Figure 2 – New road connections

Road 1 is proposed as a new 20m wide road reserve linking Kanowna Avenue to Boulder Avenue. The construction of Road 1 will be funded through a Development Contribution Plan as proposed by the draft planning framework for the precinct.

Road 2 is a new 20m wide road reserve linking Central Avenue to Bulong Avenue. This road provides a connection for the bus interchange within the station precinct. The Public Transport Authority has requested that Road 2 be named prior to Redcliffe Station opening in the first half of 2022. Whilst Road 1 is yet to be constructed, it is appropriate for Council to also consider a name for this road in anticipation of its future construction.

*Item 12.2 Continued*

It is recognised that there is an opportunity to incorporate the use of the local Noongar language in proposing names for Road 1 and Road 2. The Council Policy Manual supports the use of Aboriginal names of places, flora and fauna so long as these have been or currently exist in the City of Belmont. In light of the above, the following road names are proposed:

- Road 1 – Yarkan
- Road 2 – Ngoolyark.

**Yarkan (Road 1)**

Yarkan is the Noongar word for turtle. Turtles were traditionally hunted by Aboriginal people for food and continue to be found in wetlands within the Redcliffe area and Munday Swamp, which is located within the adjacent Perth Airport Estate. The name Yarkan is proposed for Road 1 as this road is located near the public open space spine, which is proposed to contain a living stream.

**Ngoolyark (Road 2)**

Ngoolyark is the Noongar word for Carnaby's Black Cockatoo which is also known as the White-Tailed Black Cockatoo. The Carnaby's Cockatoo are a threatened species which are endemic to south west Western Australia and are commonly seen in the Belmont and Redcliffe areas. The Carnaby's Cockatoo facilitates the dispersal of native plant seeds, which helps to connect and create ecosystems. To recognise the importance of this species, it is recommended that Road 2 be called Ngoolyark.

The spelling of the name is consistent with the names published on the South West Aboriginal Land and Sea Council website. Both names have been supported by the Aboriginal Advisory Group, comply with Landgate's requirements for road names and have passed the online preliminary validation process.

**Alternative Names**

Whilst all efforts have been made to ensure that the proposed road names meet Landgate's requirements, there is a possibility that Landgate may not support them. Landgate has therefore recommended that additional names be provided. In light of this, it is recommended that the following names are considered:

- Yoorn (Bobtail)
- Boorn (Flooded Gum).

These names are recommended as they relate to flora and fauna that is endemic to the local area, however are less prominent or significant than the occurrence of Yarkan and Ngoolyark. The spelling of the names has been sourced from the South West Aboriginal Land and Sea Council website. These names have also been endorsed by the City of Belmont Aboriginal Advisory Group and meet the criteria contained within the Council Policy Manual as well as Landgate's Policies and Standards.

*Item 12.2 Continued*

### **Road Typology**

Both Road 1 and Road 2 are proposed to be publicly accessible, contain footpaths and be located adjacent to buildings. In accordance with the Australian Standards (Road Types – Australia), both Road 1 and Road 2 meet the function and characteristics of a 'Street'. As a result, the roads are proposed to be named Yarkan Street and Ngoolyark Street.

### **OFFICER COMMENT**

In considering potential road names, the schedule of names contained within Council Policy SB3.2 'Naming or Renaming of Streets, Parks and Reserves' ([Attachment 1](#)) was reviewed and the names were cross referenced against Landgate's requirements. The names on the schedule did not meet Landgate's requirements for the following reasons:

- The names were similar to existing streets within the City of Belmont and the surrounding area, therefore not satisfying Landgate's criteria to avoid name duplication.
- The names of persons did not meet Landgate's Commemorative criteria because:
  - The persons did not have an outstanding national or international reputation.
  - The names related to people associated with public service within government.

Given that there are no suitable names listed in the Council Policy SB3.2 'Naming or Renaming of Streets, Parks and Reserves', alternative names need to be selected. The State Government and Landgate both strongly support Aboriginal heritage and the use of Aboriginal names for geographical features or places that have not been named. This is recognised through Landgate's Guidelines to Aboriginal Naming, which highlight the importance of using Aboriginal names to preserve Aboriginal heritage and progress reconciliation between Aboriginal and non-Aboriginal people in Western Australia. Using Aboriginal names also allows for Aboriginal culture and history to be celebrated within the community, which is aligned with the objectives of the City's Reconciliation Action Plan.

Given the road network in the City of Belmont was established many years ago, there are currently limited Aboriginal road names. The construction of Road 1 and Road 2 presents a great opportunity for Aboriginal names to be selected and recognised.

### **Conclusion**

As outlined in the Background section of this report, it is recommended that Road 1 and Road 2 be named Yarkan Street and Ngoolyark Street respectively. These names are the Noongar words for turtle and Carnaby's Black Cockatoo which are commonly found within the Redcliffe area. These names have been supported by the Aboriginal Advisory Group, provide recognition of Aboriginal culture and heritage and comply with Landgate's requirements for road names.

*Item 12.2 Continued*

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

The naming of the new roads provides an opportunity to incorporate Noongar language into everyday use, celebrating our shared living histories and embracing our heritage.

### **OFFICER RECOMMENDATION**

That Council:

1. Endorse the proposed names:
  - Yarkan Street for Road 1; and
  - Ngoolyark Street for Road 2for the purpose of initiating public consultation in accordance with the Landgate Policies and Standards for Geographical Naming in Western Australia.
2. Endorse the names Yoorn and Boorn as alternative names for the purpose of public consultation in accordance with the Landgate Policies and Standards for Geographical Naming in Western Australia.
3. Following the closure of the advertising period:
  - If no objections are received, authorise Officers to seek approval from Landgate's Geographic Names Committee; or
  - If objections are received, then the matter shall be referred to a future Council meeting for formal consideration.

### **ALTERNATIVE COUNCILLOR MOTION**

That Council:

1. Endorse the proposed names:
  - Yarkan Street for Road 1; and
  - Ngoolyark Street for Road 2for the purpose of initiating public consultation in accordance with the Landgate Policies and Standards for Geographical Naming in Western Australia.

*Item 12.2 Continued*

2. Endorse the names Yoorn and Boorn as alternative names for the purpose of public consultation in accordance with the Landgate Policies and Standards for Geographical Naming in Western Australia.
3. Following the closure of the advertising period:
  - If no objections are received, authorise Officers to seek approval from Landgate's Geographic Names Committee; or
  - If objections are received, then the matter shall be referred to a future Council meeting for formal consideration.
4. Direct the CEO to explore development of a policy to guide placement of translations/meanings associated with street names where deemed suitable.
5. Subject to Landgate's approval of the preferred names, place an English translation or picture to illustrate the meaning of the two preferred Aboriginal names

Reason

To educate the public on the meaning of the Noongar names.

**Note:**

**Cr Davis suggested an amendment to the Alternative Councillor Motion, which was agreed to by Cr Rossi.**

**ALTERNATIVE COUNCILLOR MOTION**

**ROSSI MOVED, DAVIS SECONDED**

***That Council:***

1. ***Endorse the proposed names:***
  - ***Yarkan Street for Road 1; and***
  - ***Boorn Street for Road 2***

***for the purpose of initiating public consultation in accordance with the Landgate Policies and Standards for Geographical Naming in Western Australia.***
2. ***Endorse the names Yoorn and Ngoolyark as alternative names for the purpose of public consultation in accordance with the Landgate Policies and Standards for Geographical Naming in Western Australia.***
3. ***Following the closure of the advertising period:***
  - ***If no objections are received, authorise Officers to seek approval from Landgate's Geographic Names Committee; or***

*Item 12.2 Continued*

- ***If objections are received, then the matter shall be referred to a future Council meeting for formal consideration.***
- 6. ***Direct the CEO to explore development of a policy to guide placement of translations/meanings associated with street names where deemed suitable.***
- 7. ***Subject to Landgate's approval of the preferred names, place an English translation or picture to illustrate the meaning of the two preferred Aboriginal names.***

**CARRIED 9 VOTES TO 0**

Reason

To educate the public on the meaning of the Noongar names and to prevent any confusion in reading or saying the proposed street names with the correct pronunciation, and any potential problems finding the address.

**12.3 DEVELOPMENT APPLICATION – CONSERVATION WORKS TO ASCOT KILNS –  
LOTS 713, 236, 237, 197 (80) GRANDSTAND ROAD, ASCOT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 2 – Item 12.3 refers</b>	<a href="#"><u>Heritage Impact Statement</u></a>
<b>Attachment 3 – Item 12.3 refers</b>	<a href="#"><u>Development Plans</u></a>
<b>Attachment 4 – Item 12.3 refers</b>	<a href="#"><u>Heritage Council of Western Australia Referral Response</u></a>
<b>Attachment 5 – Item 12.3 refers</b>	<a href="#"><u>Schedule of Submissions</u></a>

Voting Requirement : Simple Majority  
Subject Index : 115/001 – Development/Subdivision/Strata –  
Application Correspondence  
Location / Property Index : Lots 713, 236, 237, 197 (80) Grandstand Road, Ascot  
Application Index : 483/2021/DA  
Disclosure of any Interest : N/A  
Previous Items : Nil  
Applicant : Hocking Heritage + Architecture  
Owner : Western Australian Planning Commission  
Responsible Division : Development and Communities Division

**COUNCIL ROLE**

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect 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 local 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.*

**PURPOSE OF REPORT**

For Council to consider a development application for conservation works and the ‘Brick Man’ statue at the Ascot Kilns site at 80 Grandstand Road, Ascot (refer [Attachment 2](#) and [Attachment 3](#)).

*Item 12.3 Continued*

**SUMMARY AND KEY ISSUES**

- The Ascot Kilns site contains remnant heritage structures from the former Bristle Kilns factory, including eight kilns and five chimney stacks.
- The subject application is for conservation works to the site, and includes:
  - Remediation, repair and reconstruction works to the kilns and chimney stacks.
  - Installation of structural supports to stabilise the kilns and stacks.
  - Replacement of the existing roof canopy with a new structure to cover all eight kilns.
  - Replacement of the existing perimeter fencing with new fencing around the structures.
  - Installation of security and decorative lighting to the structures.
- The aim of the works is to preserve the structures and to avoid structural collapse, and to facilitate future stages associated with planning and reuse of the site.
- The application also proposes the retention of a statue on the site which was installed without planning approval.
- The site is included on the State Register of Heritage Places, and the application was referred to the Heritage Council of Western Australia who support the proposal subject to a number of conditions (refer [Attachment 4](#)).
- The application was advertised to the surrounding property owners and occupiers for comment. Seven submissions were received (refer [Attachment 5](#)).
- It is considered that the works will have an overall positive impact on the cultural heritage significance of the place. As such, it is recommended that Council approve the application subject to conditions.

**LOCATION**

The subject site consists of a number of lots, bound by Grandstand Road, Resolution Drive and Lee-Steere House (Perth Racing administration office) as illustrated in **Figure 1**.

Item 12.3 Continued



Figure 1 – Aerial of subject site

The site is predominantly zoned Mixed Use and designated as Additional Use site No. 3. Part of the site is located within the road reserve which is remnant from historical land/road reassembly as illustrated in **Figure 2** below.

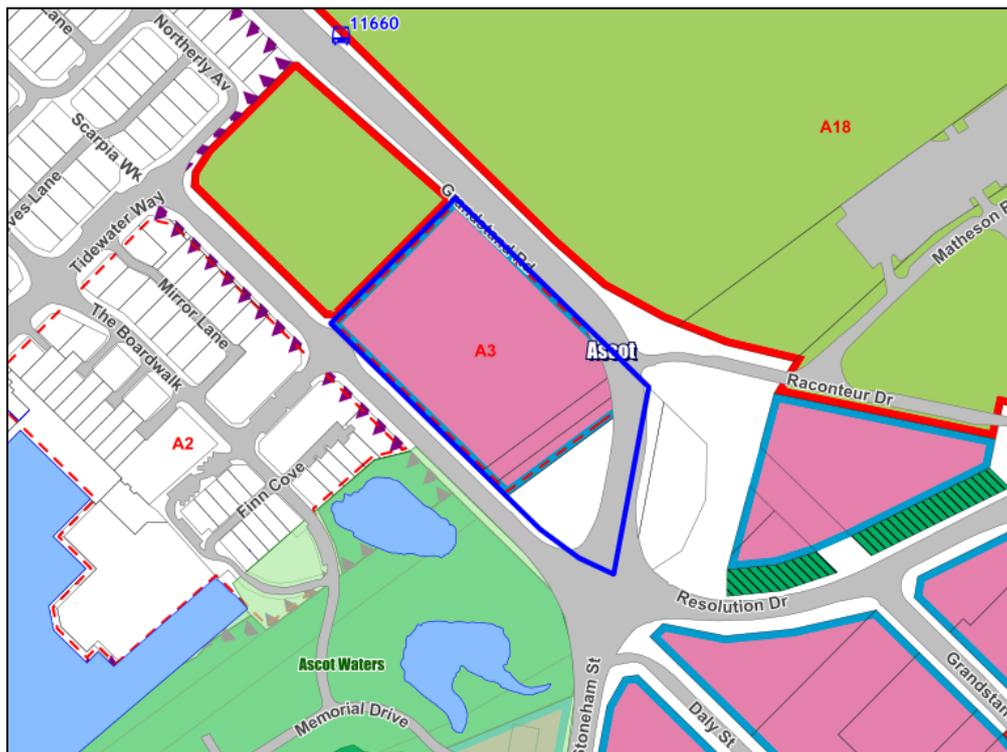


Figure 2 – Zoning of subject site (outlined in blue)

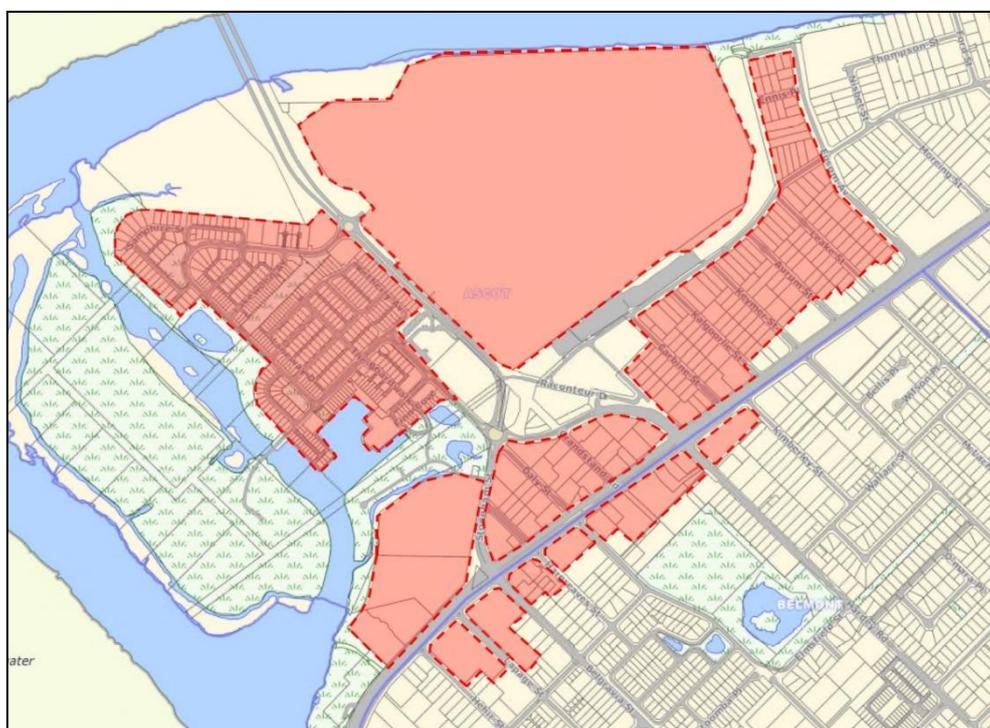
*Item 12.3 Continued*

**CONSULTATION**

Category B applications are those that need advertising, additional information, documentation or revisions, approvals from other bodies such as Committees or Council, or are building licences that required a development application. Category B applications may need statutory advertising, referral to neighbours or consideration by Council.

The subject site is located on the State Register of Heritage Places. As such, referral to the Heritage Council of Western Australia was required.

While there are no statutory requirements for the application to be advertised, the City considered that restoration of the kilns is a matter of interest to the community, and the opportunity for submissions should be provided. The application was advertised to surrounding landowners and occupiers as illustrated in **Figure 3** from 10 November 2021 to 24 November 2021 inclusive.



**Figure 3** – Public consultation mail out area

At the conclusion of advertising, seven submissions were received which are summarised in [Attachment 5](#). The following key issues were raised in submissions:

- The site should remain undeveloped and be repurposed as a public park.
- The roof canopy as proposed is a lost opportunity to construct a more dramatic but sympathetic structure.
- The overall development as proposed is a lost opportunity to deliver a more interactive public space.

*Item 12.3 Continued*

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

### **Goal 1: Liveable Belmont**

#### **Strategy:**

- 1.1 Respect, protect and celebrate our shared living histories and embrace our heritage.

### **Goal 5: Responsible Belmont**

#### **Strategy:**

- 5.5 Engage and consult the community in decision-making.
- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

### **Planning and Development (Local Planning Schemes) Regulations 2015**

Schedule 2 Part 9 Clause 67(2) of the Planning Regulations states the matters to be considered by local government in determining a development application. In summary, the following matters are of particular relevance to this application:

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.*
- (b) *The requirements of orderly and proper planning.*
- (k) *The built heritage conservation of any place that is of cultural significance.*
- (l) *The effect of the proposal on the cultural heritage significance of the area in which the development is located.*
- (w) *The history of the site where the development is to be located.*
- (x) *The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.*
- (y) *Any submissions received on the application.*
- (za) *The comments or submissions received from any authority consulted under clause 66.*

### **Heritage Act 2018**

The subject site is entered on the State Register. Division 2 – *Referral of proposals* of the *Heritage Act 2018* sets out the requirements for applications that would affect a registered place. The following matters are of particular relevance to this application:

*Item 12.3 Continued*

**73 Referral of certain proposals to Council<sup>1</sup>**

- (1) *A decision-maker considering a proposal to which this Subdivision applies must refer the proposal to the Council for its advice.*

**75 Decision on referred proposal**

- (1) *In respect of a referred proposal, a decision-maker must not make a decision that would, or would be likely to, adversely affect to a significant extent a place mentioned in section 72(1) (even though the decision is not directly related to that place) unless —*
- (a) *the decision-maker has used its best endeavours to ensure that each person involved in the implementation of the proposal will take all measures to minimise any adverse effect that they can reasonably take; and*
  - (b) *the decision-maker has complied with section 73; and*
  - (c) *the decision-maker has either received advice on the referred proposal from the Council under section 74 or waited the prescribed period to receive advice; and*
  - (d) *subject to subsection (2), the decision made is consistent with advice received from the Council.*
- (2) *Subsection (1)(d) does not apply if the decision-maker finds that there is no feasible and prudent alternative to the decision made.*

**Deemed Refusal**

Under Clause 75 of the Deemed Provisions, the local government is taken to have refused to grant development approval if an application is not determined within 90 days from lodgment.

The deemed refusal date for this application is on 5 January 2022.

**Right of Review**

Is there a right of review?  Yes  No

The applicant/owner may make an application for review of a planning approval/planning refusal to the State Administrative Tribunal (SAT) subject to Part 14 of the *Planning and Development Act 2005*. Applications for review must be lodged with SAT within 28 days. Further information can be obtained from the SAT website—[www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au).

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<sup>1</sup> 'Council' referring to the Heritage Council of Western Australia

Item 12.3 Continued

## **BACKGROUND**

<b>Lodgement Date:</b>	7 October 2021	<b>Use Class:</b>	N/A
<b>Lot Area:</b>	18,590m <sup>2</sup>	<b>LPS Zoning:</b>	Mixed Use; Local Road reserve
<b>Estimated Cost of Development:</b>	\$4.6 million	<b>MRS:</b>	Urban

### **Subject Site and Heritage Value**

The subject site has remained unused since the closure of the Bristle Kilns factory in 1982. The land was purchased by the Western Australian Planning Commission (WAPC) in 1985.

The remaining structures (kilns and chimney stacks) were included on the State Register as an interim registration in 1992 and permanently in 2020 (Place No. 00868). The site was included on the City's Municipal Inventory in 1996.

The site has state level heritage significance as the location of the first pottery works in Western Australia. The site is also the largest cluster of circular downdraught kilns and associated stacks in Australia, and forms a landmark entry point to the City of Belmont.

The City's Heritage Inventory listing sets out the site's level of significance and management category as follows:

*A - Exceptional Significance - Essential to the heritage of the locality. Rare or outstanding example. The place should be retained and conserved unless there is no feasible and prudent alternative. Any alterations or extensions should be sympathetic to the heritage values of the place and in accordance with a Conservation Plan (if one exists for the place).*

*Three kilns and a chimney stack be retained. If possible a cross section to the kiln should also be retained. Photographically record the site prior to any major redevelopment or demolition.*

In April 2021, the State Government announced the appointment of Hocking Heritage + Architecture and a commitment of \$6 million over three years to the conservation project. It is intended that conservation works be completed by mid-2023.

### **Existing Development**

The subject site contains the remnant heritage structures from the former Bristle Kilns factory, including:

- Eight masonry kilns and five chimney stacks in varying states of repair.
- Protective roof canopy constructed in the 1990s, which is in poor condition and has been compromised following a vehicle incident.
- Remnant concrete pads from the former factory buildings.
- Protective fencing around the site perimeter.

*Item 12.3 Continued*

### **Ascot Kilns Statue**

In December 2020, the City was alerted to the presence of a 2.5m high brick statue, thought to be of Western Australian industrialist Sir Lancelot Brisbane who was the Chairman of the company that operated the Bristle Kilns. It is not known who installed or created the statue. No statutory approvals were sought or granted by the City prior to the statue's installation.

This issue was considered by Council at its meeting on 27 April 2021 (Item 13.2.1) where the following resolution was made:

*That Council:*

*Direct the Chief Executive Officer to write to the Minister for Planning and the Director General of the Department of Planning, Lands and Heritage (DPLH) to –*

- 1. Acknowledge that an illegal structure (statue) has been erected on the Ascot Kilns site.*
- 2. The Council takes no responsibility for the removal, re-erection or ongoing maintenance of the structure.*
- 3. For the structure to remain at the site, it must have all statutory approvals required to be obtained and a Development Application be presented to the City of Belmont.*
- 4. Acknowledge that the DPLH will retain the structure at the Western Australian Planning Commission (WAPC) Kiln site if ownership is transferred to the WAPC. The structure to be used in the interpretation of the site.*

To address the above, the subject development application includes the 'Brick Man' statue.

### **Strategic Planning**

The site is located within the Golden Gateway Local Structure Plan area. The Draft Golden Gateway Local Structure Plan refers specifically to the Ascot Kilns Local Development Plan (LDP) and design guidelines to guide any future development on the site.

The Department of Planning, Lands and Heritage (DPLH) prepared a draft LDP for the site to facilitate adaptive reuse of the site. Council at its meeting on 12 December 2017 (Item 12.2) considered the draft LDP and resolved to require modifications to limit building height, and readvertise the LDP and the corresponding local planning policy.

Advice received from the Minister for Planning in July 2018 indicates that redevelopment of the site is essential to pay for the restoration of the heritage structure. The matter will be re-evaluated upon the return of more favourable market conditions. No further progress on the LDP or local planning policy has occurred.

*Item 12.3 Continued*

### **OFFICER COMMENT**

The key planning considerations relating to the application are discussed below.

### **Local Planning Scheme No. 15 requirements**

#### **Aims of the Scheme**

Clause 1.6 sets out the aims of Local Planning Scheme No. 15 (LPS 15). Of particular relevance is the following aim:

- (f) *to safeguard and enhance the character and amenity of the built and natural environment of the local government*

As outlined in the applicant's Heritage Impact Statement ([Attachment 3](#)) and the Heritage Council's referral response ([Attachment 4](#)), the conservation works will enhance the cultural heritage significance of the site and the locality. Restoration and protection of the structures is consistent with aim (f) of LPS 15 as it is safeguarding the character of the built environment.

#### **Mixed Use Zone Requirements**

The subject site is located in the Mixed Use zone, and it is necessary to consider the proposal against the site and development requirements as set out in Clause 4.11 of LPS 15. An assessment is provided as follows:

- With regard to lot coverage, the heritage structures and proposed roof canopy structure cover significantly less than the permitted 60%, thereby complying with Clause 4.11.1(c).
- With regard to street setbacks, the proposed roof canopy structure is setback approximately 1m from the Grandstand Road site boundary which does not comply with the 15m requirement of Clause 4.11.1(d). The variation is considered to be capable of support as:
  - The existing structure is setback approximately 0.2m from Grandstand Road, and the proposal is not introducing a new variation.
  - The location and scale of the structure is necessary to protect the remnant heritage kilns, and the variation is unavoidable.
  - The proposed structure is unenclosed mitigating any undue adverse impact of building bulk.
- With regard to fencing and walls, the proposal is considered to suitably minimise street fencing, as the garrison fencing is to be erected around the heritage structures rather than around the site perimeter, replacing existing barbed wire fencing, and therefore improving compliance with Clause 4.11.5 relative to the existing situation and enhancing the appearance of the site.

*Item 12.3 Continued*

The proposed conservation works and replacement roof canopy and fencing are considered to be consistent with the site and development requirements of LPS 15.

**Statue Retention**

On 18 November 2021 the applicant updated the proposal to seek planning approval for the retention of the 'Brick Man' statue on the site in its current location. The Heritage Impact Statement notes that the statue is to be relocated to a more appropriate location on the site after completion of the works, and details will be provided accordingly.

The revised application that includes the statue was received after advertising had commenced. It was not considered necessary to readvertise the application for the purpose of approving the statue. As outlined in the 27 April 2021 Ordinary Council Meeting report (Item 13.2.1), the community had expressed a desire for the statue to remain on the site.

The City has limited information about the identity(s) of the creator and installer, their professional artistic background and qualifications and how the statue was designed and installed. Notwithstanding this, statues may be an appropriate means of interpreting and/or expressing the history and significance of a place.

As the site is included on the State Register, the updated application including the statue retention was re-referred to the Heritage Council who raised no objection provided that details of any future reinstatement are provided for review.

While it is recommended that the retention of the statue in its current location be supported, it is desirable that the statue as an interpretation or expression of the history of the site is documented under the City's Public Art framework. It is therefore necessary for the Department of Planning, Lands and Heritage to provide further information on the identity of the creator and installer of the 'Brick Man' statue, their professional artistic background and qualifications, and how the statue was designed and installed.

Notwithstanding Development Approval for the statue at its current location, the structure is not exempt under the *Building Regulations 2012* and therefore requires an application for a Building Approval Certificate.

It is noted that any future changes, including the relocation of the statue, would require further development approval from the City and referral to the Heritage Council.

**Heritage Considerations**

The Heritage Council has advised that the works will have an overall positive impact on the cultural heritage significance of the place, and the proposal is supported subject to a number of conditions ([Attachment 4](#)). These conditions address matters including the following:

- Further investigation shall be undertaken on several matters prior to conservation works.
- Works shall be carried out in a like for like manner.
- Submission of a condition report and proposed scope of works for each kiln.

*Item 12.3 Continued*

- Details of works and new grates to tunnel openings.
- Details of new lighting and security installations.
- An Archaeological Management Plan for the site.
- Details of the replacement fencing.

As stipulated in Section 75 of the Heritage Act, the determination of this application must be consistent with advice received from the Heritage Council, unless there is no feasible or prudent alternative. Should Council determine to approve the application, it is necessary to impose the conditions detailed in the Heritage Council's response.

### **Submission Comments**

#### **Future Reuse and Redevelopment**

Several submissions raised the matter of the future reuse of the subject site, namely that it be repurposed as public open space. This application does not consider or propose the redevelopment of the site.

The process to identify the potential future use of the site will be dealt with through the Ascot Kilns Local Development Plan. This is still being progressed as Council resolved at its meeting on 12 December 2017 (Item 12.2) to require modifications and seek further public comment on the LDP.

It is not known if the DPLH intends to make the requested modifications and resubmit the previous LDP, or undertake further work and submit a new LDP to the City. In either instance, further public consultation would occur accordingly.

#### **Missed Opportunities to Further Enhance the Site**

Several submissions raised the matter that the works as proposed fall short of community aspirations, such as for the construction of a more dramatic but sympathetic roof canopy, and for public interactive elements to be provided.

With regard to the roof canopy, the application proposes to replace the existing structure which is currently in poor condition. With the exception of site coverage and street setback requirements of LPS 15, there are no specific development requirements within the existing planning framework that would enable the City to compel the landowner to modify the proposed design.

With regard to providing public access and interactivity, there is no requirement that the site be open to the public and the City is unable to compel the landowner to provide public access through this application.

Notwithstanding the above points, it is considered that these works would not prevent the landowner from replacing the roof canopy structure, or removing the fencing and providing public access to the heritage structures in the future.

*Item 12.3 Continued*

### **FINANCIAL IMPLICATIONS**

Should Council determine to refuse the application, the applicant may seek to exercise their right of review by the State Administrative Tribunal. There would be costs associated with the City addressing the review.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

The subject site has exceptional heritage significance and is currently disused. The remnant structures are largely in poor condition and need remediation and stabilising to prevent further decay.

The proposed works are considered essential conservation, will ensure that the site maintains its cultural heritage significance and enhance the community's sense of place.

### **CONCLUSION**

The proposed works to the kilns and chimney stacks involve the conservation and reconstruction of the heritage structures and stabilisation to ensure their structural integrity. The works will have an overall positive impact on the cultural heritage significance of the place.

In terms of the site's inclusion on the State Register, the conservation works as well as retention and future relocation of the statue have been reviewed and are supported by the Heritage Council.

On this basis, it is considered appropriate to approve the application subject to conditions.

### **OFFICER RECOMMENDATION**

That Council:

- A. Approve planning application 483/2021 as detailed in plans received 18 November 2021 submitted by Hocking Heritage + Architecture on behalf of the Western Australian Planning Commission for Conservation Works to Ascot Kilns at 80 Grandstand Road, Ascot subject to the following conditions:
  1. Development/land use shall be in accordance with the attached approved plans received 18 November 2021, and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the City.
  2. All stormwater from roofed and paved areas shall be collected and disposed of via piped connection to the existing system on the site in accordance with

*Item 12.3 Continued*

the City of Belmont's engineering requirements and design guidelines. All new and existing drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction.

3. The applicant shall arrange for the preparation and implementation of a Construction and Traffic Management Plan in accordance with the requirements of AS 1742 Pt 3 prior to the commencement of works. The Construction and Traffic Management Plan shall be submitted for the approval of the City no later than 14 days prior to the commencement of site works, and shall be implemented throughout the construction of the development.
4. Prior to lodging an application for a building permit, the applicant shall provide to the satisfaction of the City in consultation with the Heritage Council of Western Australia:
  - (a) A condition report and proposed scope of works and plans for each kiln;
  - (b) Details of conservation works and new grates to tunnel openings at chimney stacks S4 and S5;
  - (c) Details of new lighting and security installations;
  - (d) An Archaeological Management Plan for the site, prepared by a suitably qualified archaeologist; and
  - (e) Details of replacement fencing.
5. The applicant shall ensure that:
  - (a) The arched entrances to the kilns shall only be reconstructed where they are already substantially collapsed. Reconstruction shall be undertaken strictly in accordance with physical and documentary evidence of the original. All other arches shall be stabilised through repairs to the bricks and mortar and, if required, by also using simple lightweight perforated steel mesh support that does not require strip footing support;
  - (b) Further investigation shall be undertaken on the composition and use of mortar in the construction of the kilns to inform the conservation works;
  - (c) Conservation and repair works shall be carried out in a like for like manner that matches existing materials, compositions, profiles, and finishes;
  - (d) Removal of graffiti, acrylic paint and salt deposits shall not cause surface damage to fabric. Test panels on a small section of fabric shall be undertaken before implementing a technique;
  - (e) The top level of service pipes running along the edge of the dome shall be retained; and

*Item 12.3 Continued*

- (f) The new glass floor to kiln 5 shall be designed and detailed as not to cause structural damage to the kiln

to the satisfaction of the City in consultation with the Heritage Council of Western Australia.

B. Include the following footnotes to the Development Approval:

1. The statue is not an exempt structure under the Building Regulations 2012, therefore an application for a Building Approval Certificate must be submitted to the City.
2. Any future changes, including the relocation of the statue, would require further development approval from the City and referral to the Heritage Council.

C. Direct the Chief Executive Officer to seek information from the Department of Planning, Lands and Heritage in relation to the identity of the creator and installer of the 'Brick Man' statue, their professional artistic background and qualifications, and how the statue was design and installed.

**ALTERNATIVE COUNCILLOR MOTION**

**ROSSI MOVED, SEKULLA SECONDED**

**That Council:**

**A. Approve planning application 483/2021 as detailed in plans received 18 November 2021 submitted by Hocking Heritage + Architecture on behalf of the Western Australian Planning Commission for Conservation Works to Ascot Kilns at 80 Grandstand Road, Ascot subject to the following conditions:**

1. **Development/land use shall be in accordance with the attached approved plans received 18 November 2021, and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the City.**
2. **All stormwater from roofed and paved areas shall be collected and disposed of via piped connection to the existing system on the site in accordance with the City of Belmont's engineering requirements and design guidelines. All new and existing drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction.**
3. **The applicant shall arrange for the preparation and implementation of a Construction and Traffic Management Plan in accordance with the requirements of AS 1742 Pt 3 prior to the commencement of works. The Construction and Traffic Management Plan shall be submitted for the approval of the City no later than 14 days prior to the commencement of site works, and shall be implemented throughout the construction of the development.**

*Item 12.3 Continued*

- 4. Prior to lodging an application for a building permit, the applicant shall provide to the satisfaction of the City in consultation with the Heritage Council of Western Australia:**
  - (a) A condition report and proposed scope of works and plans for each kiln;**
  - (b) Details of conservation works and new grates to tunnel openings at chimney stacks S4 and S5;**
  - (c) Details of new lighting and security installations;**
  - (d) An Archaeological Management Plan for the site, prepared by a suitably qualified archaeologist; and**
  - (e) Details of replacement fencing; and**
  - (f) Amended plans for a curved roof structure in lieu of the proposed hipped roof structure to befit this important location and reflect the kilns underneath.**
  
- 5. The applicant shall ensure that:**
  - (a) The arched entrances to the kilns shall only be reconstructed where they are already substantially collapsed. Reconstruction shall be undertaken strictly in accordance with physical and documentary evidence of the original. All other arches shall be stabilised through repairs to the bricks and mortar and, if required, by also using simple lightweight perforated steel mesh support that does not require strip footing support;**
  - (b) Further investigation shall be undertaken on the composition and use of mortar in the construction of the kilns to inform the conservation works;**
  - (c) Conservation and repair works shall be carried out in a like for like manner that matches existing materials, compositions, profiles, and finishes;**
  - (d) Removal of graffiti, acrylic paint and salt deposits shall not cause surface damage to fabric. Test panels on a small section of fabric shall be undertaken before implementing a technique;**
  - (e) The top level of service pipes running along the edge of the dome shall be retained;**
  - (f) The new glass floor to kiln 5 shall be designed and detailed as not to cause structural damage to the kiln; and**

*Item 12.3 Continued*

- (g) Any tunnels to Stack 5 near the roundabout be retained to preserve the total integrity of the site, and that no structures or activities are permitted above the tunnels to protect them from any disturbance.

to the satisfaction of the City in consultation with the Heritage Council of Western Australia.

**B. Include the following footnotes to the Development Approval:**

1. The statue is not an exempt structure under the *Building Regulations 2012*, therefore an application for a Building Approval Certificate must be submitted to the City.
2. Any future changes, including the relocation of the statue, would require further development approval from the City and referral to the Heritage Council.
3. The landowner should give consideration to the site being open to the public.
4. The landowner should give consideration to the option of placing lighting inside Stacks 4 & 5 to give the stacks dramatic lighting and making it a destination feature, as proposed by the Belmont Historical Society many years ago.
5. The landowner should place glass panels in the roof structure around Stacks 1, 2 and 3 to allow them to be lit up as in Stack 4 & 5.

**C. Direct the Chief Executive Officer to seek information from the Department of Planning, Lands and Heritage in relation to the identity of the creator and installer of the 'Brick Man' statue, their professional artistic background and qualifications, and how the statue was design and installed.**

Reason:

It is important to achieve the site's full potential and use this opportunity to ask for additional points to highlight this site's unique importance to Belmont, Western Australia and Australia.

**CARRIED 9 VOTES TO 0**

**12.4 BELMONT BUSINESS AND ENTERPRISE CENTRE FUNDING REQUEST SUPPORT FOR 2022 BELMONT AND WESTERN AUSTRALIAN SMALL BUSINESS AWARDS**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 6 – Item 12.4 refers	<a href="#"><u>29th Belmont Small Business Awards 2022 Sponsorship Proposal</u></a>
Attachment 7 – Item 12.4 refers	<a href="#"><u>29th Belmont Small Business Awards 2021 Media Release</u></a>
Attachment 8 – Item 12.4 refers	<a href="#"><u>2022 Small Business Awards – Category Sponsorship Proposal</u></a>
Confidential Attachment 2 – Item 12.4 refers	<a href="#"><u>2021 and 2022 Budget Allocation (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(e)(iii))</u></a>
Confidential Attachment 3 – Item 12.4 refers	<a href="#"><u>2021 Awards Statistics (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(e)(iii))</u></a>

Voting Requirement : Absolute Majority  
 Subject Index : 22/003 – Funding – Donations and Sponsorship  
 Location/Property Index : N/A  
 Application Index : N/A  
 Disclosure of any Interest : Nil  
 Previous Items : 28 March 2017 Ordinary Council Meeting Item 12.7  
 12 December 2017 Ordinary Council Meeting Item 12.8  
 11 December 2018 Ordinary Council Meeting Item 12.4  
 10 December 2019 Ordinary Council Meeting Item 12.7  
 23 February 2021 Ordinary Council Meeting Item 12.3  
 Applicant : Carol Hanlon, Belmont Business Enterprise Centre  
 Owner : N/A  
 Responsible Division : Development and Communities Division

**COUNCIL ROLE**

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect 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 local 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.*

*Item 12.4 Continued*

## **PURPOSE OF REPORT**

The report seeks the approval of Council for an allocation of funds in the 2022-2023 Annual Budget for the purpose of supporting the Belmont Business Enterprise Centre (BBEC) in delivering the 2022 Belmont and Western Australian Small Business Awards (Awards).

## **SUMMARY AND KEY ISSUES**

The BBEC has run the Awards since 1994. The City of Belmont has traditionally provided some level of funding support for the Awards and has sponsored an award category.

The BBEC is seeking \$39,000 (ex GST) funding support to run the Awards in 2022. Half of this funding is requested to be paid under the current budget and a commitment given for the remaining amount in the 2022-2023 budget period. If approved, this activity would be included in the draft 2022-2023 Annual Budget.

A Council resolution of 28 March 2017 approved the application of an annual CPI increase for the contribution, which would calculate for the 2022 Belmont and Western Australian Small Business Awards to have a maximum contribution of \$40,058 (ex GST). For the 2022 Awards it is recommended that the requested amount of \$39,000 (ex GST) be provided.

## **LOCATION**

Not applicable.

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

### **Goal 1: Liveable Belmont.**

#### **Strategy:**

- 1.4 Attract public and private investment and businesses to our City and support the retention, growth and prosperity of our local businesses.

### **Goal 4: Creative Belmont.**

#### **Strategy:**

- 4.3 Support and collaborate with local schools and businesses.

*Item 12.4 Continued*

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

There are no specific statutory requirements in respect to this matter.

## **BACKGROUND**

The BBEC is a non-profit community organisation established in 1994. It seeks funding from a range of sources to provide training and mentoring support services to individuals to start or improve their small business and operates from 216 Belmont Avenue, Cloverdale. It also runs the Belmont and Western Australian Small Business Awards.

The Awards attract local media interest and corporate support and seek to recognise businesses that strive for business excellence. The 2021 Awards Presentation Night was held at the Perth Convention and Exhibition Centre. Information on the 2021 Awards Night as well as the request for 2022 funding support, is provided in the attachments to this report (refer [Attachment 6](#), [Attachment 7](#), [Confidential Attachment 2](#) and [Confidential Attachment 3](#)).

The City has provided funding support to the BBEC since 1994 for hosting the annual Awards. The funding and hosting of the event is guided by the following Council Resolution:

### **28 March 2017 Ordinary Council Meeting Item 12.7 Resolution**

*“That Council:*

1. *Approve the inclusion of \$37,250 (ex GST) for the 2017 Belmont and Western Australian Small Business Awards within the 2017/2018 Annual Budget for the purpose of sponsoring the Best New Business Award.*
2. *Agree to immediately prefund \$18,625 (ex GST) of the amount contained in Item 1 for the same event, upon approval of this item, from the 2017/2018 Annual Budget.*
3. *Approve the application of an annual CPI increase to the amount referred to in Item 1 above (\$37,250) effective from 1 July 2018.*
1. *As a condition of sponsorship for all future funding approved to the Belmont Business Enterprise Centre for the Belmont and Western Australian Small Business Awards require:*
  - i. *The Belmont Business Enterprise Centre, prior to payment of sponsorship, provide information to the City of Belmont detailing:*
    - a. *the expected total cost of the Event,*
    - b. *details of the judges for the Event,*
    - c. *the marketing and advertising that the City will receive at the Event, and as a result of the Event.*

*Item 12.4 Continued*

- ii. *The Belmont Business Enterprise Centre, following the Awards Night, provides a report to the City of Belmont detailing:*
  - a. *the number of Belmont businesses compared to the total number of finals participants,*
  - b. *the benefits that the Event has provided to the City of Belmont.”*

Prior to 2017, concerns were held that the level of annual contributions requested by the BBEC had been increasing significantly in excess of CPI increases, having increased from just over \$5,000 in 2007 to \$37,500 in 2017. At the 28 March 2017 Ordinary Council Meeting, Council adopted a recommendation that any increase in annual funding for the Belmont and Western Australian Small Business Awards be consistent with annual increases in the CPI.

The sponsorship funding paid by the City in 2021 was \$38,892 (ex GST). Considering the 3% Perth CPI for the 12 months to September 2021 the level of funds that can be provided for the 2022 Belmont and Western Australian Small Business Awards should not be higher than \$ 40,058 (ex GST).

The BBEC is seeking \$39,000 (ex GST) direct financial support. This is \$1,058 less than the maximum amount set by Council resolution of the 28 March 2017 Ordinary Council Meeting (Item 12.7).

During September 2020 the City entered into a Memorandum of Understanding (MOU) to monitor and report all payments to the BBEC, including funding for the Awards. The development of the 2021-2022 MOU is still in progress. Should this report be endorsed, the conditions of sponsorship for the Awards as specified by Council will be contained within the 2021-2022 MOU.

### **OFFICER COMMENT**

The City of Belmont has traditionally provided funding support for the Awards and has sponsored the Best New Business Award. This event is a well organised and well attended celebration of business achievement. The Awards attract sponsorships from a diverse range of organisations, including Belmont Forum, Perth Now and Storage King Perth Airport. Through sponsorship the City continues to publicly demonstrate its support for business.

This proposal is considered to be in line with the City's sponsorship guidelines, though the level of funding makes it a significant contribution.

The City has a number of options in relation to the funding request from the BBEC.

1. Not to support the request for funding. This would have a significant impact on the ability for the BBEC to deliver the 2022 Belmont and Western Australian Business Awards. The City would also not be funding or sponsoring any business awards in 2022 which may have a negative impact on the City's reputation in the Business community.
2. Support the sponsorship package in accordance with the 28 March 2017 Council Resolution being \$40,058 (ex GST).
3. Support the sponsorship package as requested for \$39,000 (ex GST). This is \$1,058 less than the amount determined according to the 28 March 2017 Resolution.
4. To withdraw as a Major Sponsor but provide support as a Category Sponsor only. The cost for each category sponsorship is \$4,200 (ex GST) and the details of the

*Item 12.4 Continued*

sponsorship package are at [Attachment 8](#). The BBEC has advised that should the City of Belmont not take up Major Sponsorship this may result in the Awards being adjusted to remove the word 'Belmont'.

Due to the association of the Awards with the City of Belmont through major sponsorship and in order to maintain 'Belmont' in the naming of the Awards it is recommended to continue as the Major Sponsor for 2022. The funding of \$39,000 (ex GST) for 2022 can be paid in two payments. Half of this funding, \$19,500 (ex GST) is to be paid upon approval of this Council item. The current request means a forward commitment of \$19,500 (ex GST) from the 2022-2023 budget.

The City also promotes the Awards through its business e-news to showcase the Belmont based businesses that win awards at this event. This is neither a direct, nor indirect subsidy for the Awards themselves as the purpose of the e-news is to promote local business excellence to the rest of the business community.

It is anticipated that in the future the City will have an Economic Development Strategy to guide the future of the City's Award/Sponsorship approach should the BBEC request funding for the Awards next year.

### **FINANCIAL IMPLICATIONS**

There is currently sufficient funds available in the 2021-2022 Budget allocation to fund the \$19,500 first half of the funding as requested. The remaining allocation of \$19,500 will need to be included in the upcoming 2022-2023 Budget process.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **OFFICER RECOMMENDATION**

***That Council:***

- 1. Endorse a payment of \$19,500 (ex GST), for the 2022 Belmont and Western Australian Small Business Awards from within the current Economic and Community Development 2021-2022 Annual Budget allocation for the purpose of sponsoring the Best New Business Award.***
- 2. Approve the inclusion of \$19,500 (ex GST), for the 2022 Belmont and Western Australian Small Business Awards within the 2022-2023 Annual Budget for the purpose of sponsoring the Best New Business Award.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –  
REFER TO RESOLUTION APPEARING AT ITEM 12***

**12.5 TENDER 15/2021 – REMOVAL OF ASBESTOS CONTAINING MATERIAL FROM THE GLASSHOUSE – ACCEPTANCE OF TENDER**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Confidential Attachment 4 – Item 12.5 refers	<a href="#"><u>Evaluation Matrix (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)(e))</u></a>
Confidential Attachment 5 – Item 12.5 refers	<a href="#"><u>Price Schedule (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)(e))</u></a>

Voting Requirement : Absolute Majority  
Subject Index : 114/2021-15  
Location/Property Index : Lot 33 PL1029 (215) Wright Street  
Application Index : N/A  
Disclosure of any Interest : Nil  
Previous Items : N/A  
Applicant : N/A  
Owner : N/A  
Responsible Division : Infrastructure Services

**COUNCIL ROLE**

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect 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 local 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.*

**PURPOSE OF REPORT**

To seek Council approval to award Tender 15/2021 – Removal of Asbestos Containing Material from The Glasshouse.

*Item 12.5 Continued*

## **SUMMARY AND KEY ISSUES**

This report outlines the process undertaken to invite and evaluate the tenders received for Tender 15/2021 – Removal of Asbestos Containing Material from The Glasshouse and includes a recommendation to award the tender to Brajkovich Demolition & Salvage (WA) Pty Ltd in accordance with the requirements of the *Local Government Act 1995*.

At the 24 August 2021 Ordinary Council Meeting - Item 12.3, Council resolved to enter into a building contract with Geared Construction to refurbish The Glasshouse, which would convert the space into an event/function centre for the benefit of the community. The original scope of works included the removal of asbestos containing material (ACM) from within the facility. However, it wasn't until demolition works commenced on site that additional ACM was discovered, concealed beneath ceiling linings. A further Intrusive Hazardous Material Survey revealed that the sprayed on decorative acoustic ceiling coating contained friable ACM that would become airborne during the removal process. It was determined that a specialist asbestos removal contractor with an unrestricted licence be engaged to safely remove the friable material. It was deemed necessary to stop any further interior construction works until the ACM was safely removed.

## **LOCATION**

The Glasshouse, 215 Wright Street, Cloverdale



*Item 12.5 Continued*

## **CONSULTATION**

Internal consultation has been conducted within the organisation in respect to this matter and it was determined that a separate tender process should be undertaken in order to meet legislative requirements in relation to the procurement of goods and services, and to obtain the best value for money for the City.

Geared Construction were also consulted as building works need to cease onsite whilst the ACM is removed. This will result in the completion date of the building project being extended until June 2022.

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

### **Goal 1 Liveable Belmont**

#### **Strategy:**

- 1.2 Plan and deliver vibrant, attractive, safe and economically sustainable activity centres

### **Goal 5: Responsible Belmont.**

#### **Strategy:**

- 5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.

## **POLICY IMPLICATIONS**

### **BEXB7.1–Purchasing**

This policy aims to deliver a high level of accountability whilst providing a flexible, efficient and effective procurement framework.

The process associated with this tender was undertaken in accordance with policy requirements.

### **BB1.1- Asset Management**

The policy aims to provide a framework for implementing asset management to enable a consistent, co-ordinated and strategic approach at all levels of Council, ensuring that appropriate planned maintenance regimes will be initiated in the most cost-effective manner to enable the City's assets to achieve effective economic lives.

The work associated with this tender aligns with this policy.

*Item 12.5 Continued*

## **STATUTORY ENVIRONMENT**

This issue is governed in the main by the *Local Government Act 1995*, in particular Section 3.57 which states:

*‘3.57. Tenders for providing goods or services*

- (1) 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.*
- (2) Regulations may make provision about tenders.’*

Clause 21A of the Local Government (Function and General) Regulations 1996 allows contract variations if

- (a) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract;’

## **BACKGROUND**

At the 24 August 2021 Ordinary Council Meeting (Item 12.3) Council endorsed the officer recommendation to award a contract to Geared Construction Pty Ltd to undertake the refurbishment of The Glasshouse to create a function space with a capacity of up to 400 persons.

It had been identified in the City’s Asbestos Management Plan, completed in October 2020, that the facility contained a quantity of ACM. This ACM was deemed to be low risk if left bonded and maintained. A portion of The Glasshouse refurbishment scope of works included the requirement to remove the identified ACM. However, during the demolition phase of the refurbishment works, it was discovered that there was significantly more ACM concealed under ceiling linings than had been anticipated and documented in the asbestos management plan. The process of removing the ACM will alter its structure into a friable air born state and given the increased quantum of ACM together with the specialised method required for removal, a contractor with an unrestricted licence must be engaged to undertake the works.

In November 2020, the Western Australian Government endorsed targets one to seven of the National Strategic Plan (NSP) for Asbestos Awareness and Management 2019-2023 (NSP 2019-2023), to identify and safely remove asbestos from publicly owned buildings, if required. The NSP 2021-2023 will ensure government departments, agencies, local governments and government enterprises identify and assess the risks associated with the asbestos containing materials within government-controlled buildings, land and infrastructure. In endorsing the NSP 2019-2023 targets, the Western Australian Government has agreed that government organisations will develop and maintain risk-based management plans for management of asbestos which includes the removal of the asbestos where required or feasible opportunities exist.

In accordance with this directive and in support of the NSP 2019-2023, the City determined the safest approach would be to remove the ACM from The Glasshouse while refurbishment works are underway, this will ensure compliance with the NSP 2019-2023 and make this a safer facility aligned with the City’s Strategic Community Plan.

*Item 12.5 Continued*

### **OFFICER COMMENT**

The legislation that deals with the removal of friable ACM dictates that it must be completed by a competent contractor who holds an unrestricted licence registered with WorksafeWA. The estimated cost of undertaking these works necessitated that the scope for the removal of some of the original identified ACM be excluded from Geared Constructions building contract and the City separately tender for a suitable contractor.

An invitation to tender for the removal of ACM from The Glasshouse was advertised in the West Australian on Saturday, 13 November 2021 and closed on Tuesday, 30 November 2021 at 2.00pm.

Four companies attended the mandatory site inspection on Wednesday 17 November 2021 and two responses were received from:

- Brajkovich Demolition & Salvage (WA) Pty Ltd
- Savana Environmental Australia Pty Ltd

The evaluation panel consisted of the Manager City Facilities & Property, Coordinator Building Operations and Coordinator Procurement. The Coordinator Occupational Safety and Health reviewed the safety methodology of the tenders received and provided the evaluation panel with an assessment. The tenders were also reviewed by 360 Environmental who have been appointed by the City to undertake air monitoring, clearance inspections and the issuing of a clearance certificate for asbestos removal works.

Each panel member has signed a Declaration of Confidentiality and Impartiality Form confirming that they have no known conflict of interest to disclose.

	<b>CRITERIA</b>	<b>WEIGHTING</b>
1	Company Profile	5%
2	Experience	20%
3	Company Capacity	20%
4	Methodology	25%
5	Safety	10%
6	Price	20%
	<b>TOTAL</b>	<b>100.00%</b>

Brajkovich Demolition & Salvage (WA) Pty Ltd has experience with large demolition projects that included the removal of decorative asbestos containing material. Their tender submission demonstrated their understanding of the contract requirements and that they have the capacity to complete the works within the required timeframe or earlier.

[Confidential Attachment 4](#) – Evaluation Matrix details the evaluation panel's assessments of the tender submissions.

### **FINANCIAL IMPLICATIONS**

While the tender awarded in August 2021 included an allowance for the removal of ACM, the allowance was insufficient to cover the extent of removal required once the concealed ACM was identified. On the basis of the additional work being unforeseen, there was no allowance made in the 2021/2022 budget for the additional works associated with the removal of the ACM from The Glasshouse.

*Item 12.5 Continued*

It is recommended a new budget account be approved for the amount of \$217,800 which includes a 10% contingency fund to enable the City to address any latent conditions detected upon removal of the ACM. This to be funded from the Building Maintenance Reserve, which currently has available funds of \$5,677,933.

The preferred contractor has tendered the fixed price amount of \$198,000 to remove the identified ACM from The Glasshouse. [Confidential Attachment 5](#) – Price Schedule details the tendered prices.

### **ENVIRONMENTAL IMPLICATIONS**

Undertaking this work will ensure that the City is aligned with the State Government goal of removing ACM from all public buildings by 2023.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **OFFICER RECOMMENDATION**

***That Council:***

- 1. Accepts the tender submitted by Brajkovich Demolition & Salvage (WA) Pty Ltd for Tender 15/2021 – Removal of Asbestos Containing Material from The Glasshouse as specified for the lump sum of \$198,000 excluding GST as the most advantageous;***
- 2. Approves an amendment to the 2021-2022 budget for the additional expenditure of \$217,800 and transfer of funds of the same value from the Building Maintenance Reserve, with the adjustments to be made at the March 2022 Budget Review; and***
- 3. Delegates authority to the Chief Executive Officer to approve contract variations necessary to give effect to the contract within the Chief Executive Officer's authorised purchasing limits, and in accordance with Regulation 21A of the Local Government (Functions and General) Regulations 1996.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –  
REFER TO RESOLUTION APPEARING AT ITEM 12***

## 12.6 LOCAL GOVERNMENT REFORM – CITY OF BELMONT RESPONSES

### ATTACHMENT DETAILS

Attachment No	Details
Attachment 9 – Item 12.6 refers	<a href="#">Local Government Reform – Consultation Paper</a>
Attachment 10 – Item 12.6 refers	<a href="#">DLGSCI Fact Sheets – Local Government Reform Consultation</a>

Voting Requirement : Simple Majority  
Subject Index : 39/002 DLGSCI  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil  
Previous Items : N/A  
Applicant : N/A  
Owner : N/A  
Responsible Division : Corporate and Governance

### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect 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 local 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.*

### PURPOSE OF REPORT

This report seeks Council's endorsement of the City of Belmont submission to the Department of Local Government, Sport and Cultural Industries (DLGSCI) and the WA Local Government Association (WALGA) on the proposed reforms that were announced on 10 November 2021.

*Item 12.6 Continued*

### **SUMMARY AND KEY ISSUES**

The DLGSCI is inviting comments from local governments and the wider community to inform implementation of proposed reforms.

The proposed reforms are based on six themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

A submission for the City of Belmont has been prepared and is for Council consideration and endorsement (refer [Attachment 9](#)).

WALGA is also seeking feedback to inform a local government sector position. The City's submission will be provided to WALGA.

### **LOCATION**

Not applicable.

### **CONSULTATION**

The DLGSCI is inviting comments from local governments and the wider community to inform implementation of the proposed local government reforms. The Executive Leadership Team (ELT) and the Organisational Leadership Team (OLT) have provided input to the submission.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

#### **Goal 5: Responsible Belmont.**

##### **Strategy:**

- 5.1 Support collaboration and partnerships to deliver key outcomes for our City.
- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

*Item 12.6 Continued*

## **STATUTORY ENVIRONMENT**

The *Local Government Act 1995* provides the framework for Western Australian local government. Local governments are created by the Act which sets out the functions, responsibilities and powers of local government. This review and reform process may have long term impacts of beneficial or other nature for the community, councils and the administration.

## **BACKGROUND**

In 2017 the McGowan Government announced a review of the *Local Government Act 1995*. Stages 1 and 2 of the review were progressed with several amendments implemented in recent years across local government.

The Minister for Local Government has now announced another significant package of major reforms for local government in Western Australia. These reforms are the most significant reforms since the *Local Government Act 1995* was passed more than 25 years ago.

The package is based on six major themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

Fact sheets have been prepared by the DLGSCI summarising the proposed reforms in line with the six themes (refer [Attachment 10](#)).

The reforms are based on consultation undertaken by the DLGSCI over the past five years with consideration given to the Local Government Review Panel Final Report, a number of other reports relevant to local government within Western Australia, other State Acts and industry consultation.

On 10 November 2021, the DLGSCI announced the reform package and released a summary of the proposed reforms inviting feedback from local governments and the wider community to inform the implementation of the proposed reforms.

WALGA is also consulting with Western Australian local government to obtain feedback on the proposed reforms to collate the responses and inform a WALGA submission to the DLGSCI. The WALGA consultation paper and draft responses have been provided by Memorandum to Councillors for information.

## **OFFICER COMMENT**

The DLGSCI require submissions no later than 4 February 2022 and WALGA have requested feedback prior to 12 January 2022. Due to Council recess in January, it is necessary for Council consideration at the December 2021 Ordinary Council Meeting to meet the required timeframes.

*Item 12.6 Continued*

Responses to the proposed reforms have been prepared in consultation with Departmental Managers at the City (Organisational Leadership Team) and the Executive (Executive Leadership Team) and are for Council consideration. The City's responses are based on previous positions of Council and operational knowledge.

**FINANCIAL IMPLICATIONS**

There are a range of financial implications that may arise through the outcomes of this reform process. Presently none of these are quantifiable.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**Mr Christie declared an interest that may affect impartiality in Item 12.6 Local Government Reform – City of Belmont.**

**OFFICER RECOMMENDATION**

That Council:

1. Endorse the City of Belmont's Submission to the Department of Local Government, Sport and Cultural Industries (DLGSCI) in response to the proposed reforms announced on 10 November 2021 ([Attachment 9](#)); and
2. Approve for a copy of the Submission ([Attachment 9](#)) to be provided to the Western Australian Local Government Association to inform its sector wide submission to the DLGSCI.

**AMENDED OFFICER RECOMMENDATION**

**ROSSI MOVED, SESSIONS SECONDED**

***That Council defer consideration of the City's response to the Local Government Proposed Reform to the 22 February 2022 Ordinary Council Meeting subject to further discussion at the 1 February 2022 Information Forum.***

**CARRIED 9 VOTES TO 0**

## 12.7 COUNCIL POLICY UPDATES

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 11 – Item 12.7 refers	<a href="#">Policy Updates (with Tracked Changes)</a>
Attachment 12 – Item 12.7 refers	<a href="#">Policy Updates (Clean Copy)</a>

Voting Requirement	:	Simple Majority
Subject Index	:	32/015 Council Policy Manuals/Code of Conduct
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item 12.7 – 23 February 2021
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect 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 local 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.*

### PURPOSE OF REPORT

To seek Council endorsement of three reviewed and amended policies for the City of Belmont (City).

### SUMMARY AND KEY ISSUES

In accordance with section 2.7(2)(b) of the *Local Government Act 1995*, Council is to determine the local government's policies.

To consider amendments to three Policies in the City's Policy Manual that require annual review.

*Item 12.7 Continued*

### **LOCATION**

Not applicable.

### **CONSULTATION**

Consultation was undertaken with the relevant policy owners and their respective Directors.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

#### **Goal 5: Responsible Belmont**

##### **Strategy:**

- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

### **POLICY IMPLICATIONS**

Council endorsement of the reviewed and amended policies will necessitate amendment of the current City of Belmont Policy Manual.

### **STATUTORY ENVIRONMENT**

The *Local Government Act 1995* provides the basis for many of the City's policies, therefore consistency with this legislation has been reflected in the review, assessment and amendments proposed.

Section 2.7 of the *Local Government Act 1995* outlines the role of Council.

Section 2.7(2)(b) requires the Council to determine the local government's policies.

### **BACKGROUND**

All policies in the Policy Manual have previously undergone a risk assessment and been allocated a risk rating. A review of the Policy Manual is inclusive of policies requiring review annually, those scheduled for review and the review, amendment and inclusion of any other policies as required by legislative change.

A review of all Council Policies will be undertaken early in 2022.

At this time, three policies have been amended and require endorsement by Council.

*Item 12.7 Continued*

### **OFFICER COMMENT**

Endorsement by Council is sought for the policies set out below.

- NB2.1 Environment and Sustainability Policy
- BEXB10.1 Occupational Safety and Health
- BEXB10.3 Quality Policy

The above policies are due for review in 2021 and under ISO9001 must be communicated to all staff. These policies require endorsement by Council to ensure the City meets this requirement.

The tracked change amendments made to the above policies are shown at [Attachment 11](#). Clean versions of the above policies are shown at [Attachment 12](#).

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **OFFICER RECOMMENDATION**

*That Council endorse:*

1. *The policy amendments in relation to the following policies ([Attachment 12](#) refers):*
  - *NB2.1 Environment and Sustainability Policy*
  - *BEXB10.1 Occupational Safety and Health*
  - *BEXB10.3 Quality Policy.*
2. *Any further minor administrative amendments/layout changes as required prior to publication of the updated Council Policy Manual.*

**OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –  
REFER TO RESOLUTION APPEARING AT ITEM 12**

## 12.8 2022 CONSOLIDATED ASSURANCE MAP

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 13 – Item 12.8 refers	<a href="#">Proposed 2022 Consolidated Assurance Map</a>

Voting Requirement	: Simple Majority
Subject Index	: 19/003: Audit and Risk Committee
Location/Property Index	: N/A
Application Index	: N/A
Disclosure of any Interest	: Nil
Previous Items	: OCM 15 December 2020 – Item 12.2 Standing Committee (Audit and Risk) 10 November 2020 - Item 11.2
Applicant	: N/A
Owner	: N/A
Responsible Division	: Corporate and Governance

### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect 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 local 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.*

### PURPOSE OF REPORT

To seek Council endorsement of the City's 2022 Consolidated Assurance Map (refer [Attachment 13](#)).

### SUMMARY AND KEY ISSUES

The City of Belmont conducts and undertakes a range of audit and review activities.

The City has developed a coordinated approach to these activities, managed year to year by an annual plan. This report is for endorsement of the Consolidated Assurance Map (formerly named Audit Plan) for the forthcoming year – 2022.

*Item 12.8 Continued*

### **LOCATION**

Not applicable.

### **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

#### **Goal 5: Responsible Belmont.**

##### **Strategy:**

- 5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.
- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

Section 7.2 of the *Local Government Act 1995* requires annual financial audits.

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires that a compliance audit for the period 1 January to 31 December is completed each year in a form approved by the Minister.

Regulation 17 of the *Local Government (Audit) Regulations 1996* states the following:

- '17.** CEO to review certain systems and procedures
- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
    - (a) *risk management; and*
    - (b) *internal control; and*
    - (c) *legislative compliance.*
  - (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
  - (3) *The CEO is to report to the audit committee the results of that review.'*  
*Regulation 5(2) of the Local Government (Financial Management) Regulations 1996 states the following:*

Item 12.8 Continued

(2) The CEO is to —

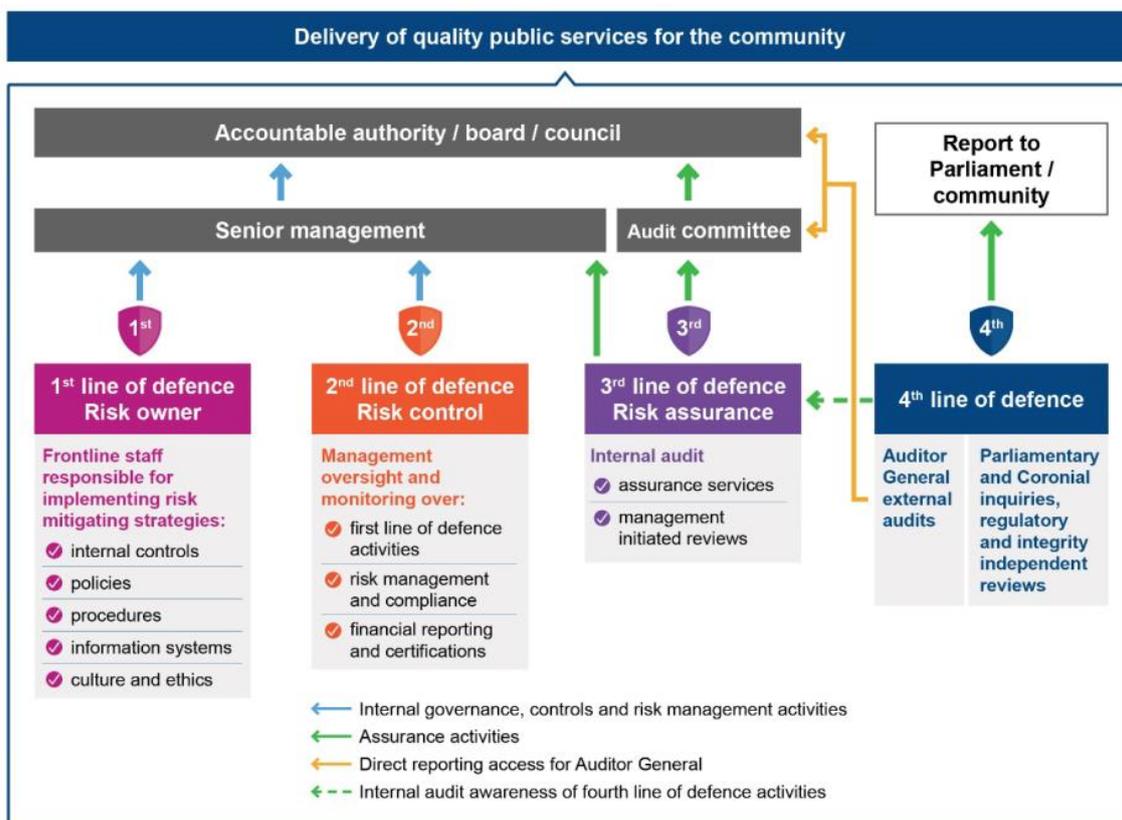
- (a) ensure that the resources of the local government are effectively and efficiently managed; and
- (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
- (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.’

In addition, under the International Standard of ISO 9001:2015 Quality Management Systems, the City is required to conduct an annual program of internal and external audits to maintain certification of the ISO Standards.

**BACKGROUND**

Historically an annual Audit Plan has been endorsed by Council outlining the audits for the coming year.

Following the release of the WA Auditor General’s Report 26: 2019-20 ‘Western Australian Public Sector Audit Committees – Better Practice Guide’ (OAG Report) and the introduction of the Internal Auditor role at the City, referencing has been updated to reflect the WA Public Sector ‘Lines of Defence Model’ as included in the OAG Report and included in Figure 1 below.



Source: OAG

Figure 1: WA public sector four lines of defence model

*Item 12.8 Continued*

As stated in the OAG Report 'To apply the model, entities need to understand and assess business activities performed by each line of defence. This is often referred to as 'assurance mapping'. This mapping helps the accountable authority, audit committee and management to understand whether there are any gaps in assurance activities that manage key risks or whether there is duplication of effort. This can help inform the internal audit program, improve efficiency and assist the audit committee in their oversight responsibilities.'

The 2022 Consolidated Assurance Map provides an overview of the audits and reviews planned for 2022 and is presented to the Standing Committee (Audit and Risk) for endorsement prior to consideration by Council.

### **OFFICER COMMENT**

The 2022 Consolidated Assurance Map is based on:

- Internal control and legislative compliance
- Statutory audit requirements
- The Integrated Management System (IMS) approach of integrating the Quality, Environment and Occupational Safety and Health management systems with other initiatives implemented by the City (such as Risk, Compliance and Records Management)
- The need to support the City's chosen governance approach
- The requirement to provide a comprehensive solution that can be undertaken with existing resources.

The City's approach to the internal audit function is currently being implemented. Audit Plans are being developed and are not included in the Consolidated Assurance Map. The 2022 Consolidated Assurance Map ([Attachment 13](#)) outlines the audits and reviews as proposed at the current time.

There are a number of focus audits that any area of the City could be subject to each year, these could be conducted as internal audits or reviews, operational comparison reports, or by external third parties, the Department of Local Government, Sport and Cultural Industries, the Corruption and Crime Commission, Public Sector Commission or the Western Australian Office of the Auditor General. As these audits are carried out as required, they are not identified on the Consolidated Assurance Map.

An outline of the actual audits undertaken in 2022 will be reported to the February 2023 Standing Committee (Audit and Risk) meeting.

This report was endorsed by the Standing Committee (Audit and Risk) at the meeting held on 24 November 2021.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

*Item 12.8 Continued*

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**COMMITTEE RECOMMENDATION**

***That Council endorse the City of Belmont 2022 Consolidated Assurance Map as outlined in [Attachment 13](#).***

***COMMITTEE RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –  
REFER TO RESOLUTION APPEARING AT ITEM 12***

**12.9 WESTERN AUSTRALIAN AUDITOR GENERAL'S REPORT – PERFORMANCE AUDIT - LOCAL GOVERNMENT COVID - 19 FINANCIAL HARDSHIP SUPPORT - REPORT 5: 2021-22**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 14 – Item 12.9 refers	<a href="#"><u>Auditor General's Report - Local Government COVID - 19 Financial Hardship Support - Report 5: 2021-22</u></a>
Attachment 15 – Item 12.9 refers	<a href="#"><u>City of Belmont Local Government COVID - 19 Financial Hardship Support Action Plan</u></a>

Voting Requirement : Simple Majority  
Subject Index : 19/005 Statutory Compliance Return  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil  
Previous Items : N/A  
Applicant : N/A  
Owner : N/A  
Responsible Division : Corporate and Governance

**COUNCIL ROLE**

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect 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 local 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.*

**PURPOSE OF REPORT**

To consider the findings and information on the recent performance audit carried out by the Office of the Auditor General (OAG) on 'Local Government COVID - 19 Financial Hardship Support - Report 5: 2021-22' (the Report) (refer [Attachment 14](#)).

*Item 12.9 Continued*

The City of Belmont was a participant in the audit. As an audited entity, the City is required to prepare an action plan addressing relevant recommendations for submission to the Minister within 3 months of the tabling of the report in Parliament.

## **SUMMARY AND KEY ISSUES**

The Office of the Auditor General (OAG) conducted a performance audit into whether local government entities provided effective financial hardship support to assist ratepayers impacted by COVID-19 response measures.

The City of Rockingham and the Shire of Northampton were also included in this performance audit. All WA local governments were asked whether a financial hardship policy was in place for 2020-2021 and continuing for 2021-2022.

The Report found:

- The 3 LG entities reviewed had policies and provided financial support at their own discretion to all ratepayers (not just those experiencing financial hardship), such as waiving interest or allowing additional time to pay rates.
- Northampton did not promote its policy or the availability of financial support to its ratepayers and did not establish processes to implement its policy. The Shire did not receive any financial hardship applications.
- Belmont and Rockingham promoted the availability of financial support to their ratepayers, made their policies and application forms available on their websites, and established eligibility criteria and processes to assess applications in line with their policies:
  - Belmont's processes reflected the dollar value of support available to each ratepayer and the administration costs and risks to the LG entity.
  - Rockingham's policy and processes were designed to cover both general and COVID-19 specific financial hardship and to provide applicants with the maximum financial assistance they were entitled to under the policy. OAG considered this approach as time consuming and onerous for ratepayers in need of short term support, and likely meant the City's costs to process each application exceeded the risks and dollar value of COVID specific support available to individual ratepayers. Streamlining processes could reduce information requirements for applicants and provide more timely responses.
- Of WA's 137 LG entities, 123 had a financial hardship policy in 2020-2021 and at the time of the report (October 2021), 109 LG entities have policies in 2021-2022.

The Report contained six recommendations that local government entities should implement:

- “
1. *have a current Council-approved financial hardship policy*
  2. *actively promote the policy to ratepayers and make the policy and application form publicly available (Northampton)*

*Item 12.9 Continued*

3. *put in place clear eligibility and assessment criteria and timeframes to process applications (Northampton and Rockingham)*
4. *maintain records of applications and outcomes*
5. *identify and manage actual, potential and perceived conflicts of interest for staff who assess applications (Belmont, Northampton and Rockingham)*
6. *review their application and assessment processes in response to complaint feedback.”*

The findings of the report indicated that the City of Belmont did manage the perceived conflicts of interest for staff who assessed hardship applications.

### **LOCATION**

Not applicable.

### **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

#### **Goal 5: Responsible Belmont.**

##### **Strategy**

- 5.2: Manage the City’s assets and financial resources in a responsible manner and provide the best possible services for the community.
- 5.6: Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

#### ***Local Government Act 1995***

s7. 12A. Duties of local government with respect to audits

(3) A local government must —

- (aa) examine an audit report received by the local government; and
- (a) determine if any matters raised by the audit report, require action to be taken by the local government; and
- (b) ensure that appropriate action is taken in respect of those matters.

*Item 12.9 Continued*

- (4) A local government must—
  - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
  - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.
- (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

**Local Government (Audit) Regulations 1996**

16. Functions of audit committee

An audit committee has the following functions —

- (a) to guide and assist the local government in carrying out —
  - (i) its functions under Part 6 of the Act; and
  - (ii) its functions relating to other audits and other matters related to financial management;
- (f) to oversee the implementation of any action that the local government —
  - (i) is required to take by section 7.12A(3); and
  - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a);

**BACKGROUND**

The audit was focussed on whether local government entities have an effective financial hardship policy and processed applications for financial hardship effectively. The OAG also audited compliance with the financial hardship aspects of the Local Government (COVID-19 Response) Order 2020 issued by the Minister for Local Government on 8 May 2020 and Ministerial Circular 03-2020 issued on the same date.

The City of Belmont was requested by the OAG to provide information to allow for scoping on the audit in March 2021 and was subsequently advised in May 2021 that the City had been selected to participate in the performance audit. Subsequent information was sought by and provided to the OAG and a series of meetings were held with relevant City staff. The OAG provided the City with the summary of findings in August 2021 and provided the City with the opportunity to comment on the findings and recommendations contained within the draft report.

The final report was tabled in Parliament on 15 October 2021.

**OFFICER COMMENT**

The Report found that the City's processes to assess applications, were in accordance with policy and that appropriate records were kept. For the period the City received 53 applications and approved 32. Most approved applicants received more than one type of support including waivers of interest and administration charges and extra time to pay. Around one-third also received a rates rebate of up to \$250 (of which the median value received was \$40). Applications were rejected for reasons including being assessed as not experiencing COVID-19 related hardship and providing insufficient information. The OAG reviewed in depth 10 applications and found:

*Item 12.9 Continued*

- *Clear eligibility and assessment criteria that aligned with the intent of the City's policy. This supported consistent and timely assessment of applications and provision of support to the City's ratepayers.*
- *Minimal supporting information requirements that reflected the dollar value of support available to each ratepayer and the administration costs and risks to the City. The City accepted a Centrelink Job Keeper or Job Seeker statement, or a redundancy letter from an employer as sufficient evidence for reduced income.*
- *Six of the 10 applications were submitted with sufficient information to demonstrate eligibility and did not require staff follow-up. These applications were processed, approved and a decision communicated to the applicant within three days (which is less than the 10-day target established by the City's customer service charter). The remaining four applicants had to provide further supporting information. Three were advised of the outcome in four, 21 and 96 days from the time they applied, and one was pending further information at the time of our review.*
- *Consistent with the Order, the City did not charge interest or administration fees to approved applicants.*
- *The City relied on existing employee declarations against its code of conduct to identify and manage conflicts of interest in the assessment process.*
- *The City's complaints register did not list any formal complaints from ratepayers about its hardship policy, processes or decisions.*

The OAG has indicated an opportunity for improvement through the Report recommendations for the City to implement improved processes relating to the management of conflicts of interest of those individuals assessing the applications. No conflicts for the applications were identified during the audit.

The City accepts this recommendation and will ensure a conflict of interest declaration is completed by all staff members assessing hardship application every financial year.

As required under the *Local Government Act 1995* s7.12A an Action Plan (refer [Attachment 15](#)) has been developed addressing the recommendations and is attached for endorsement. The Action Plan is to be provided to the Minister for Local Government within three months of the City receiving the report. The Action Plan must also be published on the City's website within 14 days of the letter being forwarded to the Minister.

The Standing Committee (Audit and Risk) endorsed the report at the meeting held on 24 November 2021.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

*Item 12.9 Continued*

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**COMMITTEE RECOMMENDATION**

***That Council:***

- 1. Receive the Auditor General's Report - Local Government COVID - 19 Financial Hardship Support - Report 5: 2021-22 ([Attachment 14](#));***
- 2. Endorse the City of Belmont Local Government COVID - 19 Financial Hardship Support Action Plan ([Attachment 15](#)) addressing the recommendations;***
- 3. Authorise the Chief Executive Officer to advise the Minister for Local Government of the City of Belmont's proposed actions; and***
- 4. Request that the Chief Executive Officer include actions onto the Audit Log and provide a report at the next Standing Committee (Audit and Risk) Meeting detailing progress of actions outlined in the Action Plan ([Attachment 15](#)).***

**COMMITTEE RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –  
REFER TO RESOLUTION APPEARING AT ITEM 12**

## 12.10 TERMS OF REFERENCE FOR INTERNAL AUDIT

### ATTACHMENT DETAILS

Attachment No	Details
Attachment 16 – Item 12.10 refers	<a href="#">Terms of Reference – Internal Audit – tracked changes</a>
Attachment 17 – Item 12.10 refers	<a href="#">Terms of Reference – Internal Audit – clean copy</a>
Attachment 18 – Item 12.10 refers	<a href="#">International Standard for the Professional Practice of Internal Auditing</a>

Voting Requirement : Simple Majority  
Subject Index : 32/034 – Terms of Reference  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil  
Previous Items : N/A  
Applicant : N/A  
Owner : N/A  
Responsible Division : Executive Services

### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect 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 local 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.*

### PURPOSE OF REPORT

To present Terms of Reference for the internal audit activity to Council (refer [Attachment 17](#)) for endorsement.

*Item 12.10 Continued*

## **SUMMARY AND KEY ISSUES**

The position of Internal Auditor is a new activity for the City of Belmont and an initial Terms of Reference has been created to direct the function.

## **LOCATION**

Not applicable.

## **CONSULTATION**

There has been consultation between the Internal Auditor and the City's Executive Leadership Team in the development of the Terms of Reference. The Internal Auditor has also recently met with the City of Melville's Internal Auditor to share information and clarify the audit function and the role it plays in relation to their Financial Management Audit and Risk and Compliance Committee. This discussion was of benefit to both organisations and has resulted in improvements to the terms of reference tabled for consideration.

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

### **Goal 5: Responsible Belmont.**

#### **Strategy:**

- 5.2. Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

Section 7.1A(1) of the *Local Government Act 1995* requires the local government to establish an audit committee of three or more persons to exercise the powers and discharge the duties conferred on it.

Regulation 16 of the *Local Government (Audit) Regulations 1996* requires an audit committee to guide and assist the local government in areas of:

1. Financial Management.
2. Supporting external auditors conduct the annual audit.
3. Following up external audit recommendations.
4. Reviewing CEO reports made in accordance with regulation 17(1) relating to risk management, internal control, and legislative compliance.
5. Reviewing CEO reports made in accordance with Local Government (Financial Management Regulations 1996, regulation 5(2)(c) relating to effectiveness of financial management systems.

*Item 12.10 Continued*

The Terms of Reference provide sufficient scope for the Internal Auditor to conduct audits to assist the Standing Committee (Audit and Risk) meet its statutory requirements.

**BACKGROUND**

International Standard for the Professional Practice of Internal Auditing 1000 (refer [Attachment 18](#)) requires the purpose, authority and responsibility for the internal audit activity to be formally defined in an internal audit charter, which is presented to senior management and the board for approval.

Please note when international standards use the term “board” (as above) the meaning in the Terms of Reference is Council. The proposed Terms of Reference (refer [Attachment 17](#)) are being presented to Council for endorsement.

**OFFICER COMMENT**

The recent appointment of the Internal Auditor will enhance the internal audit function at the City and an initial Terms of Reference has been created to provide governance for the function.

The Terms of Reference will ensure a consistent approach to the audit function of the City. It will provide an independent assessment of the City’s core functions to ensure the City accomplishes its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

At the 24 November 2021 Standing Committee (Audit and Risk) meeting, the Terms of Reference – Internal Audit were reviewed and amended (refer [Attachment 16](#)) to confirm the Committee performs a review function.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

*Item 12.10 Continued*

**COMMITTEE RECOMMENDATION**

***That Council endorse the Terms of Reference for the Internal Audit function with the following amendments (refer [Attachment 16](#) and [Attachment 17](#)):***

- ***Under the heading “Purpose”, the meaning of “board” should be Council, not “and the Standing Committee (Audit and Risk)” and activities requested by the CEO should state “... and Council via the Standing Committee (Audit and Risk).***
- ***Reference to the “Council” should be added throughout the document where required to confirm the Standing Committee (Audit and Risk) performs a review function.***

***COMMITTEE RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –  
REFER TO RESOLUTION APPEARING AT ITEM 12***

## 12.11 ACCOUNTS FOR PAYMENT – NOVEMBER 2021

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 19 – Item 12.11 refers	<a href="#"><u>Account for Payment – November 2021</u></a>

Voting Requirement	:	Simple Majority
Subject Index	:	54/007-Creditors-Payment Authorisations
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance Division

### COUNCIL ROLE

- |                                     |                       |  |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/>            | <b>Advocacy</b>       | <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"/> | <b>Executive</b>      | <i>The substantial direction setting and oversight role of the Council eg. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>  |
| <input type="checkbox"/>            | <b>Legislative</b>    | <i>Includes adopting local laws, local planning schemes and policies.</i>  |
| <input type="checkbox"/>            | <b>Review</b>         | <i>When Council reviews decisions made by Officers.</i>  |
| <input type="checkbox"/>            | <b>Quasi-Judicial</b> | <i>When Council determines an application/matter that directly affect 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 local 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> |

### PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

### SUMMARY AND KEY ISSUES

A list of payments is presented to the Council each month for confirmation and endorsement in accordance with the *Local Government (Financial Management) Regulations 1996*.

*Item 12.11 Continued*

### **LOCATION**

Not applicable.

### **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

#### **Goal 5: Responsible Belmont.**

##### **Strategy:**

- (c) Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.
- (d) Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* states:

*“If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:*

- (a) the payee's name;*
- (b) the amount of the payment;*
- © the date of the payment; and*
- (d) sufficient information to identify the transaction.”*

### **BACKGROUND**

Checking and certification of Accounts for Payment required in accordance with *Local Government (Financial Management) Regulations 1996*, Clause 12.

*Item 12.11 Continued*

**OFFICER COMMENT**

The following payments as detailed in the Authorised Payment Listing are recommended for confirmation and endorsement.

Municipal Fund Cheques	788737 to 788745	\$25,325.10
Municipal Fund EFTs	EF076221 to EF076649	\$3,388,434.05
Municipal Fund Payroll	November 2021	\$1,847,370.75
Trust Fund EFTs	EF076263	<u>\$55,180.53</u>
Total Payments for November 2021		<b>\$5,316,310.43</b>

A copy of the Authorised Payment Listing is included as [Attachment 19](#) to this report.

**FINANCIAL IMPLICATIONS**

Provides for the effective and timely payment of Council's contractors and other creditors.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

*That the Authorised Payment Listing for November 2021 as provided under [Attachment 19](#) be received.*

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –  
REFER TO RESOLUTION APPEARING AT ITEM 12***

## 12.12 MONTHLY ACTIVITY STATEMENT AS AT 30 NOVEMBER 2021

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 20 – Item 12.12 refers	<a href="#"><u>Monthly Activity Statement as at 31 October 2021</u></a>

Voting Requirement	:	Simple Majority
Subject Index	:	32/009-Financial Operating Statements
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect 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 local 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.*

### PURPOSE OF REPORT

To provide Council with relevant monthly financial information for the 2021-2022 financial year.

### SUMMARY AND KEY ISSUES

The following report includes a concise list of material variances and a Reconciliation of Net Current Assets at the end of the reporting month.

### LOCATION

Not applicable.

*Item 12.12 Continued*

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

### **Goal 5: Responsible Belmont.**

#### **Strategy:**

- 5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the Community.
- 5.6 Deliver effective, fair, and transparent leadership and decision-making, reflective of community needs and aspirations.

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

Section 6.4 of the *Local Government Act 1995* in conjunction with Regulations 34 (1) of the *Local Government (Financial Management) Regulations 1996* requires monthly financial reports to be presented to Council.

Regulation 34(1) requires a monthly Statement of Financial Activity reporting on revenue and expenditure.

Regulation 34(5) determines the mechanism required to ascertain the definition of material variances which are required to be reported to Council as a part of the monthly report. It also requires Council to adopt a "percentage or value" for what it will consider to be material variances on an annual basis. Further clarification is provided in the Officer Comments section.

## **BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* requires that financial statements are presented on a monthly basis to Council. Council has adopted 10% of the budgeted closing balance as the materiality threshold.

Item 12.12 Continued

### **OFFICER COMMENT**

The Statutory Monthly Financial Report is to consist of a Statement of Financial Activity reporting on revenue and expenditure as set out in the Annual Budget. It is required to include:

- Annual budget estimates
- Budget estimates to the end of the reporting month
- Actual amounts to the end of the reporting month
- Material variances between comparable amounts
- Net current assets as at the end of the reporting month.

The monthly financial report is to be accompanied by:

- An explanation of the composition of the net current assets, less committed\* and restricted\*\* assets
- An explanation of material variances\*\*\*
- Such other information as is considered relevant by the local government.  
\*Revenue unspent but set aside under the annual budget for a specific purpose.  
\*\*Assets which are restricted by way of externally imposed conditions of use e.g. tied grants.  
\*\*\*Based on a materiality threshold of 10%.

In order to provide more details regarding significant variations as included in [Attachment 20](#) the following summary is provided.

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Expenditure Capital</b>	-		
Computing	270,833	45,206	Timing issue regarding the payment of business applications and equipment.
City Facilities & Property	59,167	Nil	Timing issues regarding purchase of equipment for Glasshouse Project
Crime Prevention & Community Safety	83,394	Nil	Variance relates to the purchase of fleet and equipment which has not yet occurred.
Technical Services	83,674	Nil	Esplanade Foreshore Stabilisation project delayed commencement.
Grounds Operations	655,503	309,876	Mainly relates to various irrigation projects with delayed commencement.
Road Works	1,280,801	1,044,976	Variance relates to timing of various projects and delays in receipt of outstanding invoices.
Footpath Works	269,995	169,489	Mainly related to footpath projects with delayed commencement.
Operations Centre	174,730	3,892	Variance due to timing of replacement of plant.

Item 12.12 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Building Operations	1,412,574	748,660	Variance mainly due to budget timing of the Glass House Project and the timing of invoice payments for Oasis Leisure Centre.
<b>Expenditure - Operating</b>			
Finance Department	848,047	912,797	Employment entitlement costs not included in budget and ABC cost allocations are above budget.
Computing	1,354,933	1,467,847	Business application licensing paid earlier than budgeted.
Marketing & Communications	948,262	767,132	A number of items are below budget with no specific items having a material variance.
Executive Services	594,020	711,688	Variance relates to employee entitlement costs.
Chief Executive Officer	371,365	426,553	Entitlement and Consultants costs are ahead of the budget spread.
Governance	1,427,945	1,002,367	Variances due to ABC cost allocations are below budget and timing of budget spread of members sitting fees.
Belmont Community Watch	550,898	438,484	Relates to invoices still to be received.
Engagement Strategies	695,952	598,635	Favourable variance for donations and salaries.
Faulkner Park Retirement Village	23,000	74,227	Additional contribution for insurance, to be included in March budget review
Town Planning	1,298,335	1,191,977	Favourable variance for agency staff costs and ABC Cost Allocations.
Sanitation Charges	2,000,378	1,927,203	Timing issue relating to the spread of Rubbish services costs.
Marketing & Communications	290,900	159,785	Variance relates to outstanding invoices for Lets Celebrate Belmont & Avon Descent.
Ruth Faulkner Library	1,240,156	1,301,962	Timing variance regarding the spread of internal allocations. Will be reviewed at March budget review
Community Place Making	65,625	12,063	Timing variance relates to Arts and Place projects
Community Development	319,528	181,026	Favourable variance mainly due to the spread of donations and project management costs.

Item 12.12 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Grounds Overheads	685,996	754,709	Variance relates mainly to employee entitlements to be adjusted in March budget review.
Road Works	436,592	492,639	Variance relates to street maintenance and sweeping costs which are ahead of the budget spread.
Streetscapes	950,244	447,335	Street tree maintenance programs are currently below budget.
Building Operations	568,869	476,701	Variance due to timing of general property ESL levy payment
Technical Services	1,091,753	1,180,605	Employee entitlement costs and other consultant costs are above budget, to be adjusted in March budget review
City Projects	336,652	244,014	Favourable variance due to consultant costs being below budget.
Other Public Works	352,672	289,624	Street lighting costs are paid one month in arrears.
<b>Revenue - Capital</b>			
Human Resources	(123,410)	(33,975)	Miscellaneous Entitlements Reserve are below budget spread.
Grounds Operations	Nil	(53,650)	Grant Income for Gerry Archer turf was received ahead of budget.
Road Works	(555,993)	(143,867)	Timing variance for grant income correlates to timing of capital works.
Operations Centre	(307,186)	Nil	Sale of Fleet & Plant has yet to occur.
City Projects	(228,250)	Nil	Timing variance regarding grant income for Wilson Park project.
<b>Revenue - Operating</b>			
Computing	(1,343,957)	(1,467,847)	Activity Based Costing (ABC's) recoveries are above budget.
Insurance	(861,910)	(360,460)	Variance due to timing of insurance allocation recoveries.
Human Resources	(628,903)	(838,021)	ABC recoveries are above budget.
Rates	(52,540,898)	(52,490,042)	Variance due to timing of interim rating.
City Facilities & Property	(655,368)	(726,586)	Variance due to income received ahead of the budget spread.
Financing Activities	(197,432)	(90,844)	Bank interest is lower than anticipated
Crime Prevention & Comm Safety	(46,667)	(98,410)	Grant income for Safer Schools Project was received ahead of budget.
Health	(176,885)	(231,410)	Mosquito Control contribution received ahead of budget spread.

Item 12.12 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Faulkner Park Retirement Village	(50,000)	(127,731)	Faulkner Park Retirement Village proceeds received ahead of budget.
Sanitation Charges	(6,394,163)	(6,331,657)	Sanitation Charges are below budget. Budget timing is dependent on interim rating.
Marketing & Communications	(52,083)	Nil	Grant income not yet received.
Streetscapes	(60,000)	Nil	Contribution income for Orrong Road is expected to be received later in the financial year.
Customer Service	(224,766)	(312,118)	ABC recoveries are above budget, to be reviewed during March budget review.

In accordance with *Local Government (Financial Management) Regulations 1996*, Regulation 34 (2)(a) the following table explains the composition of the net current assets amount which appears at the end of the attached report.

<b>Reconciliation of Net Current Assets to Statement of Financial Activity</b>		
<b>Current Assets as at 30 November 2021</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	78,782,000	Includes municipal and reserves
- less non rate setting cash	(51,135,124)	Reserves
Receivables	23,073,827	Mostly rates levied yet to be received.
ESL Receivable	(2,131,834)	ESL Receivable
Stock on hand	218,128	
<b>Total Current Assets</b>	<b>48,806,998</b>	
<b>Current Liabilities</b>		
Creditors and provisions	(12,004,660)	Includes Creditors and provisions.
- less non rate setting creditors & provisions	5,751,956	Cash Backed LSL, current loans & ESL
<b>Total Current Liabilities</b>	<b>(6,252,704)</b>	
<b>Nett Current Assets 30 November 2021</b>	<b>42,554,294</b>	
<b>Nett Current Assets as Per Financial Activity Report</b>	<b>42,554,294</b>	
Less Committed Assets	(42,054,294)	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

*Item 12.12 Continued*

**FINANCIAL IMPLICATIONS**

The presentation of these reports to Council ensures compliance with the *Local Government Act 1995* and associated Regulations, and also ensures that Council is regularly informed as to the status of its financial position.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

*That the Monthly Financial Reports as at 30 November 2021 as included in [Attachment 20](#) be received.*

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –  
REFER TO RESOLUTION APPEARING AT ITEM 12***

### 13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

#### 13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

#### 13.2 NOTICE OF MOTION

##### 13.2.1 NOTICE OF MOTION (CR DAVIS) – METHOD OF ELECTION OF THE MAYOR

#### ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Absolute Majority
Subject Index	:	35/002 – Notice of Motion
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	23 February 2016 – Item 13.3
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

#### COUNCIL ROLE

- |                                     |                       |   |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/>            | <b>Advocacy</b>       | <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"/> | <b>Executive</b>      | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>  |
| <input type="checkbox"/>            | <b>Legislative</b>    | <i>Includes adopting local laws, local planning schemes and policies.</i>   |
| <input type="checkbox"/>            | <b>Review</b>         | <i>When Council reviews decisions made by Officers.</i>   |
| <input type="checkbox"/>            | <b>Quasi-Judicial</b> | <i>When Council determines an application/matter that directly affect 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 local 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> |

#### PURPOSE OF REPORT

To consider the Notice of Motion received from Councillor (Cr) Davis for Council to consider adapting the process of direct election of the Mayor for future local government elections commencing in 2023.

*Item 13.2.1 continued*

## **SUMMARY AND KEY ISSUES**

A request has been received from Cr Davis for Council to consider adapting the process of direct election of the Mayor for future local government elections commencing in 2023.

## **LOCATION**

Not applicable.

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

There are no strategic community plan implications in respect to this matter.

## **POLICY IMPLICATIONS**

There are no specific policy implications in respect to this matter.

## **STATUTORY ENVIRONMENT**

Part 2, Division 3 of the *Local Government Act 1995* states:

*'s.2.11 Alternative methods of filling office of mayor or president*

- (1) When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be —
  - (a) elected by electors of the district under Part 4; or
  - (b) elected by the council from amongst the councillors under Schedule 2.3, Division 1.
- (2) A local government may change\* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.

\*Absolute majority required.
- (3) A local government may exercise the power conferred by subsection (2) whether or not a proposal has been made under section 2.12.
- (4) The method of filling the office of mayor or president used by a local government is changed from the election by the electors method to the election by the council method if the result of a poll declared under section 2.12A(4) is that a majority of electors of the district who voted at the poll voted in favour of the change.'

*Item 13.2.1 continued*

*'s.2.13. When new method takes effect*

- (1) A decision under section 2.11(2) to change to the election by electors method has effect in relation to the filling of the office of mayor or president at the next ordinary elections of the local government held after the decision is made and from then on until a change under section 2.11(4) to the election by the council method takes effect.
- (2) A change under section 2.11(4) to the election by the council method has effect in relation to the filling of the office of mayor or president at the first meeting of the council after the ordinary elections of the local government in the year in which the term of office of the incumbent mayor or president ends and from then on until a decision under section 2.11(2) to change to the election by electors method takes effect.
- (3) A decision under section 2.11(2) has no effect if it is made during, and a decision under section 2.12A(2) has no effect unless a poll resulting from it is held before, the period beginning on the 80th day before, and ending on, the ordinary election day in the year in which the term of office of the incumbent mayor or president ends.'

Part 2, Division 4 of the *Local Government Act 1995* states:

*'2.17. Members of council*

- (1) If the method of filling the office of mayor or president is election by electors, *the council is to consist of —*
  - (a) *the mayor or president; and*
  - (b) *not less than 5 nor more than 14 councillors one of whom is to hold the office of deputy mayor or deputy president in conjunction with his or her office as a councillor.*
- (2) *If the method of filling the office of mayor or president is election by the council, the council is to consist of not less than 6 nor more than 15 councillors of whom —*
  - (a) *one is to hold the office of mayor or president as well as the office of councillor; and*
  - (b) *another is to hold the office of deputy mayor or deputy president as well as the office of councillor.*
- (3) *If the council has 15 councillors and a decision is made under section 2.11(2) to change the method of filling the office of mayor or president to election by electors, the council may, despite subsection (1)(b), continue to have 15 councillors after the decision has effect.'*

## **BACKGROUND**

A Notice of Motion received from Cr Davis reads as follows:

The City of Belmont endorses and adapts the process of Direct Election of the Mayor for future local government elections commencing in 2023.

Reasons:

- The City of Belmont electors will be able to vote directly for the Mayor giving the ratepayers more power to choose the leadership of their Council.

*Item 13.2.1 continued*

- This reflects a broader trend, with councils such as Stirling and Rockingham already having moved to a public vote for the election of their Mayors.
- Electors can vote for a Mayor based on the candidates policies and facilitates construction of vision.
- Increases public interest in elections.
- Direct election gives substantial democratic legitimacy and makes Mayors more accountable.

**OFFICER COMMENT**

This matter has been considered by Council on a several occasions as set out below:

<b>Meeting</b>	<b>Recommendation Summary</b>	<b>Outcome</b>
13 August 2001	That the current practice of electing the Mayor be retained. (Options considered following receipt of a petition signed by approximately 775 electors requesting a change to the method of electing the Mayor).	Carried 8 Votes to 2
16 December 2002  18 February 2003	Councillor Notice of Motion That the Resources and Policy Committee consider a report on the filling of the office of Mayor be changed to elected by electors of the district. Resources and Policy Committee considered the report and recommended to Council that the current practice of electing the Mayor (i.e. by the Council) be retained.	Carried 4 Votes to 1
24 February 2003	Following alternative and foreshadowed motions, the Council endorsed: That the Committee Recommendation not be adopted and WALGA be requested to place this item at the next State Conference and that the matter be referred to the Resources and Policy Committee for investigation.	Carried 7 Votes to 4
23 February 2016	Councillor Notice of Motion That Council resolve to allow for the direct election for the office of Mayor by local electors.	Lost 4 Votes to 5

Current reforms proposed by the Minister for Local Government include at section 4.4 and 4.5 of the Local Government Reform Consultation paper that the method of election of the Mayor or President for all Band 1 and 2 Councils be through a vote of electors of the district and to limit the number of Councillors based on the population of the entire local government. The proposal is for local governments with a population of between 5,000 and 75,000 to have between five and nine councillors (including the Mayor/President). The City has prepared comment on the proposed reforms which is covered by a separate report for consideration by Council.

*Item 13.2.1 continued*

If this motion is supported and approved by the Local Government Advisory Board and Minister, an additional election will be required during the 2023 local government elections, and all electors of the district will receive election papers for their Ward election, if required, and election papers for the Mayoral election. This will result in the City having nine Councillors and one Mayor, a total of ten elected members.

A Ward and Representation Review may be necessary to reassess the representation and consult with the electors regarding Ward boundaries and Councillor numbers for the district. If the proposed reforms are implemented, it may be mandatory to reduce the number of City of Belmont Councillors in accordance with the number of elected members for the population.

### **FINANCIAL IMPLICATIONS**

Changing the method of election of the Mayor for the 2023 local government elections will increase elected member costs to allow for nine Councillors and the Mayor. The cost for one Councillor includes meeting fees, allowances, training and professional development and associated governance costs, equating to approximately \$40,000 additional expenditure per year.

Additional election costs would be incurred for the popular election of the Mayor. If the Mayoral election is carried out in conjunction with the local government elections, the additional cost would be approximately \$6,000. The costs would be charged by the Western Australian Electoral Commission (WAEC) to include a mayoral election ballot paper and envelope with the election packages for the ordinary election.

If there is a requirement to hold an extraordinary election outside the normal election cycle, the additional costs would be approximately \$80,000 for a Mayoral election, or \$32,000 for the election of a single Councillor.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

*Item 13.2.1 continued*

**8.49pm        The Chief Executive Officer departed the meeting.**

**8.51pm        The Chief Executive Officer returned to the meeting.**

**Cr Marks declared an interest that may affect impartiality in Item 13.2.1 Notice of Motion (Cr Davis) – Method of Election of the Mayor.**

COUNCILLOR MOTION

DAVIS MOVED, SEKULLA SECONDED

That the City of Belmont endorses and adapts the process of Direct Election of the Mayor for future local government elections commencing in 2023.

Reasons:

- The City of Belmont electors will be able to vote directly for the Mayor giving the ratepayers more power to choose the leadership of their Council.
- This reflects a broader trend, with councils such as Stirling and Rockingham already having moved to a public vote for the election of their Mayors.
- Electors can vote for a Mayor based on the candidates policies and facilitates construction of vision.
- Increases public interest in elections.
- Direct election gives substantial democratic legitimacy and makes Mayors more accountable.

LOST 2 VOTES TO 7

*For: Davis, Sekulla*

*Against: Bass, Carter, Marks, Rossi, Ryan, Sessions, Wolff*

FORESHADOWED COUNCILLOR MOTION

ROSSI MOVED, SESSIONS SECONDED

1. That Council support the Motion in principle and await the outcome of the reforms proposed by the Minister for Local Government.
2. If no decision is reached by the Minister by early 2023 regarding the method of election of the Mayor for Band 1 Local Governments, Council support a referendum to be incorporated into the next cycle of council elections to seek feedback from the ratepayers of the City.

LOST 3 VOTES TO 6

*For: Davis, Rossi, Sekulla*

*Against: Bass, Carter, Marks, Ryan. Sessions, Wolff*

Reason:

Important to engage residents in this significant decision process.

*Item 13.2.1 continued*

**PROCEDURAL MOTION**

**RYAN MOVED, WOLFF SECONDED**

***That Council refer this matter to the 1 February 2022 Information Forum for discussion.***

**CARRIED 9 VOTES TO 0**

**Reason**

To enable the matter to be discussed in conjunction with the Local Government Reform responses.

### 13.2.2 NOTICE OF MOTION (CR SESSIONS) – LIVE STREAMING OF COUNCIL MEETINGS

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 21 – Item 13.2.2 refers	<a href="#">Audio Recording Statistics</a>

Voting Requirement	:	Simple Majority
Subject Index	:	35/002 – Notices of Motion
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	20 November 2018 Item 13.2 29 October 2019 Item 13.2
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

#### COUNCIL ROLE

- |                                     |                       |   |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/>            | <b>Advocacy</b>       | <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"/> | <b>Executive</b>      | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>  |
| <input type="checkbox"/>            | <b>Legislative</b>    | <i>Includes adopting local laws, local planning schemes and policies.</i>   |
| <input type="checkbox"/>            | <b>Review</b>         | <i>When Council reviews decisions made by Officers.</i>   |
| <input type="checkbox"/>            | <b>Quasi-Judicial</b> | <i>When Council determines an application/matter that directly affect 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 local 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> |

#### PURPOSE OF REPORT

To consider the Notice of Motion received from Councillor (Cr) Sessions for Council to consider livestreaming Council Meetings.

#### SUMMARY AND KEY ISSUES

A request has been received from Cr Sessions for Council to consider livestreaming Council Meetings.

#### LOCATION

Not applicable.

*Item 13.2.2 Continued*

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter.

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

### **Goal 5: Responsible Belmont.**

#### **Strategy:**

- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

## **POLICY IMPLICATIONS**

Policy BEXB1.5 'Ordinary Council Meetings – Audio Recording' will require review and consideration by Council if this recommendation is endorsed.

## **STATUTORY ENVIRONMENT**

There are no specific statutory requirements in respect to this matter.

## **BACKGROUND**

A Notice of Motion received from Cr Sessions reads as follows:

- That Council agree to move towards a system of live streaming of Council Meetings in order to offer the public a convenient alternative to attending Council Meetings and promote greater engagement in Council processes.
- That City of Belmont Officers prepare a report to present to Council at the February Ordinary Council Meeting containing costings for the installation of any additional equipment required in the Chamber to allow for live streaming.
- That City of Belmont Officers prepare a live streaming policy to present to Council at the February Ordinary Council meeting after consultation with: Other Councils that live stream; and City of Belmont Councillors through an Information Forum.

#### **Reasons:**

- It is clear that there is an expectation from the public and the State Government that larger councils across WA should make meetings accessible to the public through live streaming.
- Members of the public have called on the City of Belmont to live stream meetings for some time. Whilst door knocking, it was raised by residents. We shouldn't wait for the State Government's mandate to take effect – we should show leadership by introducing live streaming as soon as possible.

*Item 13.2.2 Continued*

- This motion allows us to agree in principle to live streaming but provides officers with time to prepare costings and relevant policies for presentation to Council.

**OFFICER COMMENT**

The matter of livestreaming Council meetings was first considered at the Ordinary Council Meeting held on 20 November 2018 and again at the Ordinary Council Meeting held on 29 October 2019. A summary of these items is shown below:

<b>Meeting</b>	<b>Recommendation Summary</b>	<b>Outcome</b>
20 November 2018 Ordinary Council Meeting	Councillor Notice of Motion – agree in principle to move towards a system of live audio-visual streaming of Ordinary Council Meetings.	Lost 2 Votes to 7
20 November 2018 Ordinary Council Meeting	Foreshadowed Councillor Motion– Request Officers to investigate: <ul style="list-style-type: none"> <li>• other Western Australia Local Governments’ live audio-visual streaming</li> <li>• costs and legal matters</li> <li>• draft a audio-visual streaming Policy</li> <li>• report back to an Information Forum</li> </ul>	Lost 4 Votes to 5
29 October 2019 Ordinary Council Meeting	Councillor Notice of Motion– to adopt a system of electronically recording video and audio from Ordinary Council Meetings and uploading to the City of Belmont website; to be implemented within six months.  Amended Councillor Recommendation To adopt a system of electronically recording audio recording Ordinary Council Meetings and uploading to the City of Belmont website; to be implemented within six months.  Chief Executive Officer (CEO) to provide a report to an Information Forum regarding financial, legal, policy and livestreaming related matters.  CEO to provide an update to an Information Forum after the system has been in place for six months.	Carried 9 Votes to 0

Following the Resolution of Council on 29 October 2019, Council Policy ‘Council Meetings – Audio Recording Public Question Time’ was amended significantly as part of the Council Policy Manual Review and endorsed by Council at its 10 December 2019 Ordinary Council Meeting. Audio recording of the full Ordinary Council Meetings commenced in February 2020 in accordance with the amended policy.

An update was provided to Councillors at the 29 September 2020 Information Forum, which included information on legal and policy matters as well as livestreaming and costings.

A further update was provided at the 11 May 2021 Information Forum regarding the number of people listening to the audio recordings for the six months’ following implementation of the City’s new website in September 2020. To provide an update to Councillors, further data in this regard is attached at [Attachment 21](#).

*Item 13.2.2 Continued*

There is currently no legislative requirement for local governments to audio record, video record or livestream the meetings.

The Minister for Local Government recently announced a significant package of major reforms to local government in Western Australia. Comments on the proposed reforms are being sought by the Department of Local Government, Sport and Cultural Industries, with the closing date for submissions being 4 February 2022.

The City has prepared comment on the proposed reforms which are covered by a separate report for consideration by Council. Section 3.1 of the Local Government Reform Consultation proposes reforms to recordings and livestreaming of all Council Meetings. The proposed reform includes:

- It is proposed that all local governments will be required to record meetings.
- Band 1 and 2 local governments would be required to livestream meetings and make video recordings available as public archives.
- All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all confidential items would also need to be submitted to the DLGSC for archiving.

The City of Belmont is a Band 1 local government. Dependent on any amendments that are passed through Parliament following the consultation period, it may be a requirement for the City to record and livestream meetings, and make the recordings available as public archives. The legislation may set out or prescribe requirements for the implementation and management of the recordings and livestreaming.

As included in the City of Belmont submission on the proposed reforms, the City does not support livestreaming of all Council meetings due to concerns of personal security and safety for Councillors and Officers attending meetings.

It is the Chief Executive Officer's responsibility to ensure the safety of all Officers at the City. It is considered that all Officers, Councillors, other members of the public, and the families of those in attendance at the meetings are at risk of increased violence and it poses personal safety concerns with regard to recent incidents involving public officers including those toward the Premier of WA and the murder of a Member of Parliament in the United Kingdom.

Livestreaming meetings poses a direct risk to the safety of all attendees at the meetings.

### **FINANCIAL IMPLICATIONS**

Additional expenditure will be associated with purchase of the necessary equipment to enable livestreaming and officer time to manage the system. Further research is required and would be included in a future report to Council.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

*Item 13.2.2 Continued*

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report. If recording and livestreaming of meetings are implemented, there are potential implications that will be outlined in a future report to Council.

**9.34pm Cr Davis departed the meeting.**

**9.35pm Cr Davis returned to the meeting.**

### **COUNCILLOR MOTION**

#### **SESSIONS MOVED, ROSSI SECONDED**

That Council:

1. Agree to move towards a system of live streaming of Council Meetings in order to offer the public a convenient alternative to attending Council Meetings and promote greater engagement in Council processes.
2. Request City of Belmont Officers to prepare a report to present to Council at the February Ordinary Council Meeting containing costings for the installation of any additional equipment required in the Chamber to allow for live streaming.
3. Request that City of Belmont Officers prepare a live streaming policy to present to Council at the February Ordinary Council meeting after consultation with: Other Councils that live stream; and City of Belmont Councillors through an Information Forum.

**LOST 3 VOTES TO 6**

*For: Davis, Rossi, Sessions  
Against: Bass, Carter, Marks, Ryan, Sekulla, Wolff*

#### **Reasons:**

- It is clear that there is an expectation from the public and the State Government that larger councils across WA should make meetings accessible to the public through live streaming.
- Members of the public have called on the City of Belmont to live stream meetings for some time. Whilst door knocking, it was raised by residents. We shouldn't wait for the State Government's mandate to take effect – we should show leadership by introducing live streaming as soon as possible.
- This motion allows us to agree in principle to live streaming but provides officers with time to prepare costings and relevant policies for presentation to Council.

*Item 13.2.2 Continued*

**PROCEDURAL MOTION**

**BASS MOVED, WOLFF SECONDED**

***That Council refer this matter to the 1 February 2022 Information Forum for discussion.***

**CARRIED 9 VOTES TO 0**

**Reason**

To enable the matter to be discussed in conjunction with the Local Government Reform responses.

**14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

**15. CLOSURE**

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 9.38pm.

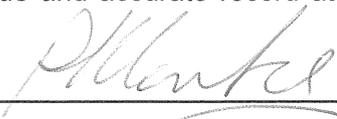
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**MINUTES CONFIRMATION CERTIFICATION**

The undersigned certifies that these Minutes of the Ordinary Council Meeting held on 14 December 2021 were confirmed as a true and accurate record at the Ordinary Council Meeting held 22 February 2022:

Signed by the Person Presiding: \_\_\_\_\_



PRINT name of the Person Presiding: **PHILIP MARKS**

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