



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

TABLE OF CONTENTS

26 March 2019

ITEM	SUBJECT HEADING	PAGE
NOTICE OF MEETING		
1.	OFFICIAL OPENING	2
2.	APOLOGIES AND LEAVE OF ABSENCE	2
3.	DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT	2
3.1	FINANCIAL INTERESTS	2
3.2	DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY	2
4.	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS	3
4.1	ANNOUNCEMENTS.....	3
4.2	DISCLAIMER.....	3
4.3	DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING	3
5.	PUBLIC QUESTION TIME.....	4
5.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE	4
5.1.1	MS B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE	4
5.1.2	MR S QUINN, 15 DURBAN STREET, BELMONT	6
5.1.3	MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE	6
5.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	7
5.2.1	MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE, ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP INC. (BRRAG)	7
5.2.2	MR B CHILDS, 122 SYDENHAM STREET, KEWDALE	8
5.2.3	MR P HITT, 14 MCLACHLAN WAY, BELMONT	9
5.2.4	MS J GEE, 97 GABRIEL STREET, CLOVERDALE	10
5.2.5	MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE	11
6.	CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX	12
6.1	SPECIAL COUNCIL MEETING HELD 19 FEBRUARY 2019	12
6.2	ORDINARY COUNCIL MEETING HELD 26 FEBRUARY 2019	12
6.3	INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 19 MARCH 2019.....	12

ITEM	SUBJECT HEADING	PAGE
7.	QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION).....	12
8.	QUESTIONS BY MEMBERS WITHOUT NOTICE	13
8.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE	13
8.2	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	13
9.	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION	13
10.	BUSINESS ADJOURNED FROM A PREVIOUS MEETING	13
11.	REPORTS OF COMMITTEES	13
11.1	STANDING COMMITTEE (AUDIT AND RISK) HELD 25 FEBRUARY 2019	13
12.	REPORTS OF ADMINISTRATION	14
12.1	CHANGE OF USE FROM MULTIPLE DWELLING TO USE NOT LISTED – SHORT STAY ACCOMMODATION AT LOT 26, STRATA LOT 1 (1/21) STANLEY STREET, BELMONT	14
12.2	DEDICATION OF RIGHT OF WAYS AS A ROAD – LOT 66 AND 67 ADJACENT 375 BELGRAVIA STREET, CLOVERDALE	26
12.3	REQUEST FOR RATE EXEMPTION – STELLAR LIVING LIMITED – 90A LEAKE STREET, BELMONT	31
12.4	2018-2019 MARCH BUDGET REVIEW	36
12.5	LOCAL GOVERNMENT ACT REVIEW – STAGE 2: COMMUNITY CONSULTATION.....	42
12.6	STATUTORY COMPLIANCE AUDIT RETURN 2018.....	48
12.7	TERMS OF REFERENCE FOR THE STANDING COMMITTEE (AUDIT AND RISK)	53
12.8	TENDER 17/2018 – PROVISION OF SERVICES TO DESIGN, DEVELOP AND IMPLEMENT WEBSITE FOR CITY OF BELMONT.....	60
12.9	ACCOUNTS FOR PAYMENT – FEBRUARY 2019.....	66
12.10	MONTHLY ACTIVITY STATEMENT AS AT 28 FEBRUARY 2019.....	69
13.	REPORTS BY THE CHIEF EXECUTIVE OFFICER.....	76
13.1	REQUESTS FOR LEAVE OF ABSENCE	76
13.2	NOTICE OF MOTION (COUNCILLOR DAVIS) – COMMONWEALTH HOME SUPPORT PROGRAMME	76
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	79
15.	CLOSURE	79

ATTACHMENTS INDEX

Attachment 1 – Item 12.1 refers
Attachment 2 – Item 12.1 refers
Attachment 3 – Item 12.1 refers
Attachment 4 – Item 12.4 refers
Attachment 5 – Item 12.4 refers
Attachment 6 – Item 12.4 refers
Attachment 7 – Item 12.5 refers
Attachment 8 – Item 12.6 refers
Attachment 9 – Item 12.7 refers
Attachment 10 – Item 12.7 refers
Attachment 11 – Item 12.7 refers
Attachment 12 – Item 12.9 refers
Attachment 13 – Item 12.10 refers

CONFIDENTIAL ATTACHMENTS INDEX

Confidential Attachment 1 – Item 12.8 refers
Confidential Attachment 2 – Item 12.8 refers

<p>Councillors are reminded to retain the OCM Attachments for discussion with the Minutes</p>
--

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 J Davis	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward
Cr L Cayoun	West Ward
Cr G Sekulla, JP (<i>arr 7.01pm</i>)	West Ward

IN ATTENDANCE

Mr J Christie	Chief Executive Officer
Mr R Garrett	Director Corporate and Governance
Mrs J Hammah	Director Community and Statutory Services
Mr A Sheridan	Director Infrastructure Services
Ms L Bradley	Manager Marketing and Communications
Mrs M Lymon	A/Manager Governance
Ms D Morton	Media and Communications Officer
Mrs J Barnes	Senior Governance Officer
Ms S D'Agnone	Governance Officer

MEMBERS OF THE GALLERY

There were seven members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

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

The Presiding Member read the Acknowledgement of Country.

Before I begin I would like to acknowledge the traditional owners of the land on which we are meeting today, the Noongar Whadjuk people, and pay respect to Elders past, present and future leaders.

The Presiding Member invited Cr Bass to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Bass 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 the efficient, effective and orderly decision making within this forum.

7.01pm Cr Sekulla entered the meeting.

2. APOLOGIES AND LEAVE OF ABSENCE

Mr J Olynyk, JP (Apology)

Manager Governance

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

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

4.1 ANNOUNCEMENTS

Nil.

4.2 DISCLAIMER

7.01pm 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 B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE

The following questions were taken on notice at the 26 February 2019 Ordinary Council Meeting. Ms Scharfenstein was provided with a response on 12 March 2019. The response from the City is recorded accordingly:

1. Please advise whether ratepayers can access the raw traffic count data from traffic counting which was undertaken within DA6, Second Street, Stanton Road, Epsom Avenue and Durban Street in November 2018. If not, can we apply for copies of this data via a Freedom of Information application and if so, how much information is the City likely to redact?
2. Is there any previous traffic analysis or data from traffic counts done in prior years and whether the City holds that data.

Response:

Raw traffic data is retrieved through traffic counters which are placed on roads and the information calibrated and processed through industry specific software to provide the speed and traffic volume output at that particular location. These two output parameters are the information that the City requires for our ongoing monitoring and assessments of traffic throughout the City. Without the relevant traffic associated software, these two outputs cannot be produced. Consequently the more appropriate information to provide to you, is the final output information of volume and speed which is produced by this software.

We have mapped this information onto two plans, Redcliffe East and Redcliffe West. In addition we have provided traffic count details at the intersection of Epsom Avenue and Stanton Road for the November 2018 traffic data.

You have also requested any historical traffic data that the City has carried out in this DA6 area. The City has undertaken a number of traffic monitoring counts over a number of years and therefore we have also included this information on the attached plans.

As you are aware, there have been a number of road changes over the years that have significantly and temporarily impacted on the traffic volumes and speeds at that particular time and therefore certain traffic counts would have to be read in context of the situation at that time.

For your information 'AWT' is the abbreviation for the average weekday traffic and the speed listed is the 85% percentile speed. This value means 'the speed at or below which 85% of all vehicles are observed to travel under free flowing conditions past a nominated point'. This is also referred to as the general 'operating speed' of the road.

Whilst the posted speed limit is 50km/hr, most urban roads operate within a 10km/hr buffer of this speed limit and it is only if 85% percentile speeds are in excess of the 60km/hr range that the City would generally consider intervention with the possible implementation of traffic management devices. Currently none of the speeds throughout the study area highlight excessive speeds. Notwithstanding this, speed profiles will be the subject of ongoing monitoring.

Item 5.1.1 Continued

3. What is the City's budget allocation for foreshore restoration in the 2018-2019 and 2019-2020 financial years and what percentage of the annual budget does this represent?

Response:

A total of \$144,000 is budgeted in 2018-2019 towards foreshore restoration works, which represents 0.14% of the total operating and capital expenditure budgets from the rate setting budget for 2018-2019. This comprises of:

\$64,554 for on-ground capital works:

- **Stabilisation of Ascot Racecourse foreshore (Capital Works) \$46,000 - project completed**
- **Stabilisation of Bilya Kard Boodja landslip (Capital Works) \$19,000 - project completed.**

\$79,091 design and consultation required prior to implementing foreshore restoration:

- **Erosion assessment - Bilya Kard Boodja Lookout and Gould Reserve (assessment) \$44,000 committed - 80% complete**
- **Design development, Esplanade foreshore (design) \$20,000 budgeted - seeking quotes**
- **Garvey Park Foreshore Stabilisation Section 2 (consultation) \$15,000 budgeted - seeking quotes.**

A total of \$200,000 is proposed (subject to approval) for inclusion in the 2019-2020 budget towards foreshore restoration works:

- **Garvey Park Section 2 (design work only) \$50,000**
- **The Esplanade Park/Foreshore (details not confirmed) \$100,000**
- **Bilya Kard Boodja Lookout foreshore (design work only) \$50,000**

As the 2019-2020 budget is currently in the process of being prepared, the total figure is not yet confirmed.

The locations of concern (east of Redcliffe Bridge and Garvey Park) are on the City's list of future priority sites for stabilisation, as identified in an annual foreshore erosion assessment. These sites are monitored regularly to determine the progression of erosion, with the priority for stabilisation also dependent on potential impacts to assets (both natural and structural). Due to budget limitations and the cost of stabilisation (\$1000-\$4000 per linear metre) this prioritisation is essential.

4. Will any further foreshore restoration be undertaken by the City prior to 30 June 2019 and if so in which area?

Response

No further foreshore restoration is planned prior 30 June 2019, as both on-ground projects have already been completed. All foreshore works are implemented between October and April when tide conditions are suitable.

5.1.2 MR S QUINN, 15 DURBAN STREET, BELMONT

The following question was taken on notice at the 26 February 2019 Ordinary Council Meeting. Mr Quinn was provided with a response on 13 March 2019. The response from the City is recorded accordingly:

At last September's Ordinary Council Meeting in response to my question regarding the many trees in the Golden Gateway and DA6 precinct not being on the Council's Tree Register, the Acting Director of Technical Services advised that some layers on the Intramaps site were not yet fully developed and would be added in due course. Can the Director advise if this has now been done (if not, why not) and will tree preservation orders also be applied?

Response

All City trees in the streetscapes of the Golden Gateway and DA6 have been surveyed and entered into the City's mapping system Intramaps. Those trees not surveyed are trees on private lands and trees on public open space.

Council is in the process of considering a draft Urban Forest Policy. The draft document addresses Council's commitment to preserving and enhancing the growth of the urban forest through a policy statement and a series of policy commitments. The new policy document provides a satisfactory level of protection for such trees and provides the ability for penalties to be applied which are based on the amenity value of the tree and for planting offsets. Imposing tree preservation orders in addition to adopting the new policy would not offer any greater level of protection.

5.1.3 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

The following question was taken on notice at the 26 February 2019 Ordinary Council Meeting. Ms Hollands was provided with a response on 11 March 2019. The response from the City is recorded accordingly:

How much per year does it cost the City of Belmont to be a member of the WALGA and what do we get for that money?

Response

The City's record shows that the Western Australian Local Government Association (WALGA) subscriptions for the period 1 July 2018 to 30 June 2019 totals \$52,505.89 (including GST).

For this subscription, the City receives policy support, advocacy, advice and services in the following areas:

- Association Membership
- Governance
- Taxation
- Employee Relations
- Procurement
- Local Laws

WALGA also provides a number of training activities for both Officers and Elected Members, advocates on behalf of the industry with government and publishes information about local government for the community. Additional information can be found on WALGA's website: walga.asn.au.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Presiding Member advised that Public Question Time during Council meetings is audio recorded for minute verification purposes and requested that the Governance Officer commence recording.

7.03pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that he had registered two 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. Three further registrations were forthcoming.

5.2.1 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE, ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP INC. (BRRAG)

1. How much were the premiums paid to LGIS in the last three years in the following categories: a) Property? b) Liability? c) Workers Compensation?

Response

The Director Corporate and Governance advised that Insurance Premiums paid (exclusive of GST) were as follows:

	2016-2017	2017-2018	2018-2019
Property	\$217,534	\$188,589	\$194,307
Liability	\$220,548	\$209,519	\$219,995
Workers Compensation	\$314,836	\$213,704	\$206,466

2. The amount of rebate/dividend from LGIS for the same period?

Response

The Director Corporate and Governance provided the following figures:

2016-2017	2017-2018	2018-2019
\$59,059	\$92,434	59,054 to date, with the balance yet to be confirmed

3. On 9 March 2019 BRRAG emailed all Councillors requesting that they put the following motion:

'That the City of Belmont has a complete insurance review and that they go to tender for all insurances.'

Please advise if there is any update in regards to this motion and if there are any Councillors that consider it worthwhile to look at potentially saving the ratepayers significant money?

Response

The Director Corporate and Governance advised that no Councillor Motion has been received at this point, however a request for further information on the LGIS Scheme has been made by Council.

5.2.2 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE

In recent times it has become my knowledge that a Belmont citizen and the Belmont City Council have been in a dispute about residential planning, privacy and access. I have heard the Belmont City Council's legal costs were around \$500,000 of ratepayers' funds. I suggest the expectation of Belmont home owners would be that the Council regulations be clear and applied such that a dispute of facts would not eventuate.

1. What changes have been or are now being made such that this doesn't happen again?

Response

The Director Community and Statutory Services advised that there has been no recent change to regulations or anticipated change that would relate to these particular matters. The easement which was challenged was imposed prior to 1996 after which time the legislation changed. The court case and subsequent Supreme Court decision affirmed that the subject easement was valid under law.

2. It appears that the legal fees for the Council are more than double that of the Belmont citizen, why would that be?

Response

The Director Community and Statutory Services advised that the City has no knowledge of the actual costs for legal counsel of the individual referred to, therefore cannot comment on the cost differential relating to the legal fees incurred.

3. Last year I had a short discussion with Councillor Powell, where we agreed it was good for Councillors to have a time and place to meet together in a relaxed manner to discuss Council matters. I understand that may be a Friday afternoon or evening gathering. How many Councillors attend this weekly gathering?

Response

The Chief Executive Officer advised that he is not aware of any weekly gathering of Councillors on Friday afternoons or evenings.

5.2.3 MR P HITT, 14 MCLACHLAN WAY, BELMONT

1. The following questions are directed to the CEO. Are you ultimately responsible for the administration of the staff and the effective organisation of staff and health and safety standards of the City of Belmont:

Response

The Chief Executive Officer advised that yes he was.

2. During the last three weeks I have reported on a number of occasions at your customer/information counter, rubble and sand being spread over the footpath at 79 Oats Street. I stated my concerns, this obstruction formed a very real risk to the safety of sight impaired residents and people with physical disabilities and the aged. I note that Council staff and Officers use this transit route on numerous occasions and it would seem they are oblivious to such an obvious health and safety hazard in their immediate area. I ask why has this hazard been allowed to be left in situ for so long without any action being taken or if action was taken by Council, why has this issue been allowed to continue, to present a real risk to the health and safety of residents of Belmont? Is the lack of action on behalf of Officers an indicator of poor management or an indicator of how people with disabilities and the aged are valued within the City of Belmont?

Response

The Chief Executive Officer advised that he is not aware of the specific issues raised, and refuted the suggestion that matters are not dealt with satisfactorily due to poor management. If a matter is brought to the City's attention or if an Officer becomes aware of an issue, the expectation is that appropriate action will be taken. The question will be taken on notice and investigated.

3. You may also check your customer/information counter records that I have reported numerous cases of dumped settees, chairs, beds etc. on major roads. As a resident why do I have to report these instances of dumping when Council staff and Officers drive past them every day? What do your Rangers and Community Watch do? As the items in many cases are obvious and cannot be missed, why are your Officers and staff not reporting this illegal dumping?

Response

The Chief Executive Officer advised that staff do report illegally dumped materials and Rangers are also responsible for addressing this issue. Not knowing the specifics the question will be taken on notice and Officers will be informed. Any outstanding issues will be addressed.

5.2.4 Ms J GEE, 97 GABRIEL STREET, CLOVERDALE

1. Can Council look at the trees on Oakland Avenue. These trees have not been trimmed in many years.

Response

The Director Infrastructure Services advised that he cannot comment on this specific street. The City has a requirement to trim trees under powerlines, however as long as a tree with no powerlines above it is healthy and not causing a risk, it will be left to grow to its full potential. The specifics of this particular issue will be taken on notice and investigated.

2. Looking through the Council Minutes, Item 12.5 Local Government Act review, I notice at the bottom is complaints management. Does this mean that Council might now look at doing a Complaints Management Policy or procedure that anybody can look at?

Response

The Director Corporate and Governance advised that the particular item referred to does not necessarily mean that. The item is in relation to a request for feedback on the Local Government Act requested by the State Government.

3. Is Council going to look at having a Complaints Management Policy that people can request to have a look at?

Response

The Director Corporate and Governance advised that the City does currently have a Customer Service Charter available publicly and information is readily available on the City's website.

5.2.5 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

1. The Urban Forest Strategy commenced in 2014 and with the City still calling for input on the Canopy Plan, how many more years is this likely to take and when will an outcome and more trees be seen?

Response

The Director Infrastructure Services advised the Urban Forest Policy was presented to the Standing Committee (Environmental) on 25 March 2019 and that policy will be presented to Council in April 2019. The Canopy Plan is currently in draft format and, subject to internal review, will be presented to Council shortly after.

2. The Urban Forest Strategy brochure states loss of trees is partly due to developments. What steps has the City of Belmont taken with their own policies to address this and when can we expect to see local policies that will force developers to retain trees when they lodge their applications for developments?

Response

The Director Community and Statutory Services advised that managing development sites can be difficult as the majority are governed by the Residential Design Codes. This issue is being addressed by Design WA who are currently in the process of bringing out amendments which will allow local governments to consider existing and future trees and to have greater control over development sites. The City is not permitted to have individual policies in this regard. The Urban Forest Policy coming before Council shortly will talk about trees in general principals, however in regard to development sites it is Design WA that will give the City the authority to take action.

3. What is the budget amount allocated for planting and how many trees?

Response

The Director Infrastructure Services advised that in the last two years the City has planted in the vicinity of 1,000 verge trees per year, however the budget figures are not available and the question will be taken on notice.

- 7.21pm As there were no further questions, the Presiding Member declared Public Question Time closed and requested that the Governance Officer cease audio recording.**

6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX

6.1 SPECIAL COUNCIL MEETING HELD 19 FEBRUARY 2019
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, RYAN SECONDED,

That the Minutes of the Special Council Meeting held on 19 February 2019 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 9 VOTES TO 0

6.2 ORDINARY COUNCIL MEETING HELD 26 FEBRUARY 2019
(Circulated under separate cover)

OFFICER RECOMMENDATION

DAVIS MOVED, SEKULLA SECONDED,

That the Minutes of the Ordinary Council Meeting held on 26 February 2019 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 9 VOTES TO 0

6.3 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 19 MARCH 2019
(Circulated under separate cover)

OFFICER RECOMMENDATION

BASS MOVED, POWELL SECONDED,

That the Matrix for the Agenda Briefing Forum held on 19 March 2019 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

8.1.1 CR CAYOUN

1. What has been done to ensure that residents are aware of the *Local Government Act 1995* Review and how they are able to make a submission, and can we do more?

Response

The City has made residents aware of the *Local Government Act 1995* Review, and encouraged them to make submissions, via posts on the City of Belmont's Facebook page, Twitter, Belmont Be-news (e-newsletter) and the City's website. The Mayor has also encouraged people to have their say on the review in his Mayor's Message in the March 2019 edition of the Belmont Bulletin.

8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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 25 FEBRUARY 2019**
(Circulated under separate cover)

OFFICER RECOMMENDATION

SEKULLA MOVED, DAVIS SECONDED,

That the Minutes for the Standing Committee (Audit and Risk) meeting held on 25 February 2019 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

12. REPORTS OF ADMINISTRATION

POWELL MOVED, WOLFF SECONDED,

That the Officer or Committee Recommendations for Items 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 12.9 and 12.10 be adopted en bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.1 CHANGE OF USE FROM MULTIPLE DWELLING TO USE NOT LISTED – SHORT STAY ACCOMMODATION AT LOT 26, STRATA LOT 1 (1/21) STANLEY STREET, BELMONT

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.1 refers	<u>Property Management Plan</u>
Attachment 2 – Item 12.1 refers	<u>Schedule of Submissions</u>
Attachment 3 – Item 12.1 refers	<u>Development Plans</u>

Voting Requirement	:	Simple Majority
Subject Index	:	115/001 – Development/Subdivision/Strata – Applications and Application Correspondence
Location / Property Index	:	Lot 26, Strata Lot 1 (1/21) Stanley Street, Belmont
Application Index	:	623/2018
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	M Bruce
Owner	:	M Bruce
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly 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 determine a development application for a Change of Use from 'Multiple Dwelling' to 'Use Not Listed – Short Stay Accommodation' at Lot 26, Strata Lot 1 (1/21) Stanley Street, Belmont.

Item 12.1 Continued

SUMMARY AND KEY ISSUES

- The applicant seeks approval to use an existing 'Multiple Dwelling' at Lot 26, Strata Lot 1 (1/21) Stanley Street, Belmont as a 'Short Stay Accommodation'.
- The 'Short Stay Accommodation' land use is not listed in Table 1 of the Local Planning Scheme No. 15 (LPS 15).
- The subject site is zoned 'Residential R20/40' under LPS 15.
- The application was advertised to adjacent landowners and occupiers for a period of 14 days, during which time two objections were received. The main issues raised in the submissions related to land use, car parking, noise, amenity, waste collection and safety/security.
- A Property Management Plan (refer [Attachment 1](#)) provides detailed tenancy rules that seek to protect the amenity of neighbouring properties.
- The Property Management Plan is an appropriate instrument that can be enforced to address the concerns raised by the submitters and ensure that the use is managed appropriately within a 'Residential' zone.
- The Change of Use is considered appropriate, as the proposed 'Short Stay Accommodation' will function in a similar manner to a single household dwelling.
- Pending the outcome of a Parliamentary inquiry into short-stay accommodation land uses, it is recommended that Council approve the application subject to conditions for a temporary period of 12 months.

Item 12.1 Continued

LOCATION

The subject site is located within an established residential area in Belmont. The site is 999 square metres in area and contains two two-storey buildings encompassing eight multiple dwellings. Surrounding development consists predominantly of single-storey dwellings, some of which are provided in a battle-axe configuration. The location of the subject site is shown in Figure 1.

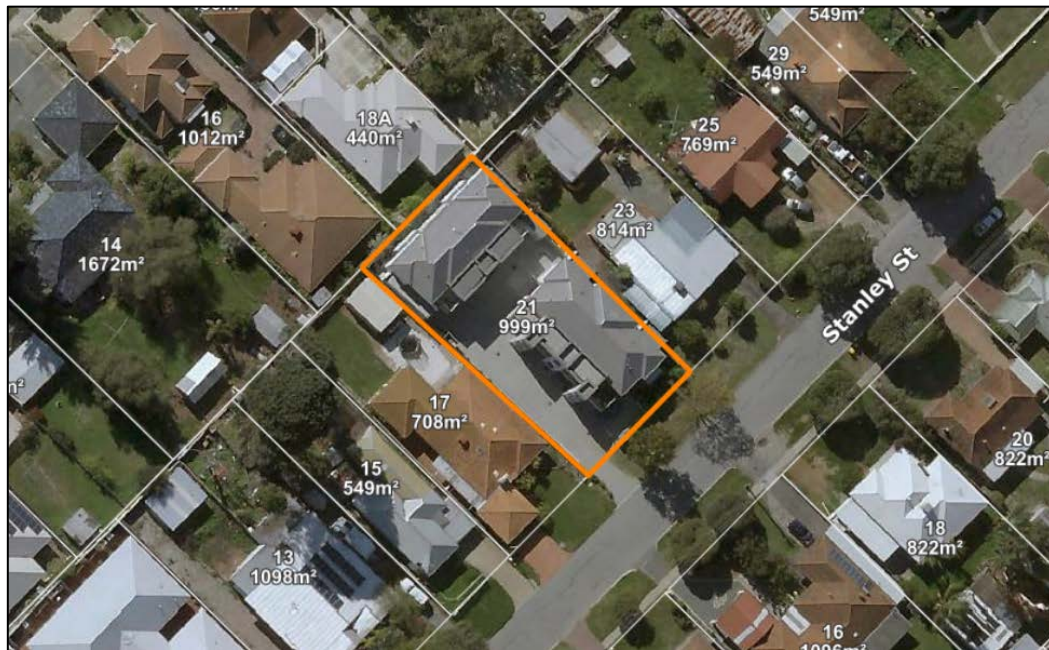


Figure 1 – Location Plan (Source: IntraMaps)

Item 12.1 Continued

CONSULTATION

Public 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 proposal was advertised to adjacent landowners and occupiers for 14 days from 9 January 2019 to 23 January 2019 inclusive (refer Figure 2).



Figure 2: Referral Area (Owners and Occupiers – Subject Site in **ORANGE**)

Submissions Received

At the conclusion of the advertising period, a total of two submissions were received, both of which objected to the proposed development. The main issues raised in the submissions are as follows:

- The appropriateness of the land use within the area and establishing an undesirable precedent.
- The management of car parking and bin collection for the proposed use.
- The impact of the land use on the amenity of the locality in relation to noise, safety and security.
- The lack of proper legislation in place to govern short-term accommodation.

The summary of the public submissions is provided in [Attachment 2](#) and the main issues are discussed in the Officer Comments section below.

Item 12.1 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Built Belmont.

Objective: Achieve a planned City that is safe and meets the needs of the community.

Strategy: Encourage a wide choice and consistent implementation of development approaches.

Corporate Key Action: Implement LPS 15.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* – Schedule 2 – Deemed Provisions sets out the matters to be considered by the local government when determining an application for development approval. The following matters are considered to be of particular relevance to the subject application:

- “(a) the aims and provisions of the Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following:*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development.*
- (s) the adequacy of:*
 - (i) the proposed means of access and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles.*
- (y) any submissions received on the application.”*

Item 12.1 Continued

City of Belmont Local Planning Scheme No. 15

The subject application seeks to use one of the existing multiple dwellings located at the front of the property, to provide short-stay accommodation. Local Planning Scheme No 15 provides the following definition of Short Stay Accommodation:

“Short stay accommodation means the accommodation of short stay guests providing on site facilities for the convenience of guests and, management of the development, where occupation by any person is limited to a maximum of three months in any 12 month period, and excludes any other use falling within a use class specifically defined in this Scheme.”

The land use of ‘Short Stay Accommodation’ is not listed in Table 1 – Zoning Table of LPS 15.

Under Clause 4.4.2 of LPS 15, if a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:

- “(a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particulars zone and is therefore not permitted.”*

Local Planning Scheme No. 15 states that the objective of the Residential zone is “...to increase the population base of the City of Belmont by permitting a mix of single housing and other housing types to reflect household composition and thereby increase the resident population”.

Right of Review

Under Clause 75 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this application is ‘deemed to be refused’ if it is not determined within a 90 day period.

The only exception is where there is a written agreement for a further time between the applicant and the City of Belmont. In this case, there is no written agreement for the statutory time period to be extended.

The deemed refusal date for this application is 10 March 2019. Deemed refusal rights arose after this date.

Is there a right of review? ☒ Yes ☐ No

The applicant/owner may make 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 on the SAT website – www.sat.justice.wa.gov.au.

Item 12.1 Continued

BACKGROUND

Lodgement Date:	10 December 2018	Use Class:	Use Not Listed – Short Stay Accommodation
Lot Area:	999m ²	TPS Zoning:	Residential R20/40
Estimated Value:	N/A	MRS:	Urban

Existing Development

The subject site contains an existing multiple dwelling development comprising two two-storey buildings and a total of eight dwellings. There are a total of 10 car parking spaces on the property – two visitor parking bays and one car parking bay for each dwelling. The development was constructed in 2015.

The subject application relates to Unit 1 which is located on the ground floor and fronts Stanley Street. The dwelling is approximately 80 square metres in area and contains two bedrooms, one bathroom, a kitchen, a living room and an outdoor living area.

The applicant has been operating a ‘short stay accommodation’ land use since May 2018 without having obtained a development approval from the City. The applicant is trying to rectify this compliance issue and has submitted a retrospective application for development approval.

A ‘Bed and Breakfast’ was recently approved in Unit 2 which is located immediately above Unit 1 on the site.

Proposal

The application involves the following:

- The use of Unit 1 for the purposes of ‘Short Stay Accommodation’.
- Bookings will be taken and managed via booking website ‘Airbnb’.
- Unit 1 will be tenanted to a maximum of four guests in a single booking. Infants would be allowed to stay also, and would not contribute to the total guest number.
- The minimum duration of stay will be one night.
- Guests will be required to comply with the terms set out in the Property Management Plan (contained as [Attachment 1](#)).

It should be noted that the subject application does not propose any alterations or additions to the existing dwelling.

Plans illustrating the subject site including the configuration of the existing dwelling are contained as [Attachment 3](#).

Item 12.1 Continued

OFFICER COMMENT

Land Use

Submissions received from advertising raised concerns regarding the proliferation of short-term accommodation operators in Belmont. In addition, submitters questioned the need for the use given that there is ample existing, legitimate short-term accommodation options in the area in the form of hotels and motels. Whilst this is not a valid planning consideration, it is necessary to consider the appropriateness of the use in the context of the Residential zone objectives. In this regard, the following points are considered relevant:

- The use does not prejudice the ability to provide additional housing and increased population in the vicinity.
- Though transient in nature, the use will not reduce the residential population base in the area.
- Given the use only permits a maximum of four guests in a single booking, it will not be dissimilar to the composition of a single household.
- The application does not propose any alterations or additions to the property which might otherwise detract from the residential character of the area.

In light of the above, it is considered that the proposed use is consistent with the objectives of the Residential zone under LPS 15.

Amenity Impacts

Submissions received from advertising raised concerns that the use would negatively impact the amenity of the surrounding residential properties by way of excessive noise and reduced security. In considering these concerns, the following points are relevant:

- Unit 1 will not be permitted to be used for any functions or parties which might otherwise attract antisocial behaviour. This is re-enforced on the Airbnb website listing for this premises, however it is not stated in the Property Management Plan.
- A copy of the Property Management Plan would be provided to the surrounding neighbours, which includes the operators' contact details in the case of any emergency or should they wish to make a complaint. Alternatively, neighbours would be able to contact the City should there be a breach to the Property Management Plan.
- The premises will be occupied by a maximum of four guests in a single booking. Guests will not be permitted to have pets, but will be allowed to have infants and children on site. This living arrangement is not unusual for a two bedroom dwelling in a medium density context.
- The use will be required to comply with the *Environmental Protection (Noise) Regulations 1997*.
- The proposed 'Short Stay Accommodation' use is located directly below an approved 'Bed and Breakfast' in Unit 2 which is also situated towards the front of the complex. As such it should have limited impact to the existing residents located in the units at the rear of the site.

Item 12.1 Continued

It should be noted that the Property Management Plan stipulates rules, including those referred to above, and it is considered that its proper implementation can appropriately mitigate any amenity impacts. Notwithstanding, it is considered that the following further amendments should be made to the Property Management Plan:

- Prohibit checking-in of guests between 10:00pm and 7:00am on any day.
- Ensure that any activities causing a breach of the *Environmental Protection (Noise) Regulations 1997* will result in termination of permission to occupy the property.
- No functions or parties are to be hosted on site.

Car Parking

One submission has stated that guests are parking vehicles in the designated common visitor parking bays and on the verge or street, with the latter interfering with waste collection, and damaging the reticulation and landscaping. In terms of a car parking standard, LPS 15 does not include a specific standard for the 'Short Stay Accommodation' use, and instead Clause 5.16.4(1) stipulates:

"The number of spaces to be provided in respect of any particular site shall be determined by the City, having regard to the nature of the use and the known or likely volume of goods, material or people moving to and from the site..."

In terms of the existing parking provision, the subject site includes one car parking bay for each dwelling on site (a total of eight bays) and two visitor car parking bays shared amongst the complex. The applicant has stated in the Property Management Plan that guests will utilise the allocated car parking bay for Unit 1. The Property Management Plan has included the following requirements in relation to parking management:

- Guests will be informed of car parking arrangements prior to arrival in a guest booklet.
- The owner will outline to guests that they are to utilise the car parking bay allocated to the unit.

The Property Management Plan does not restrict the number of cars guests are able to bring to the site. Furthermore, the applicant's advertisement on Airbnb states that additional car parking is available in the two visitors' bays and on the verge.

The purpose of the two visitor bays at the front of the property is to provide car parking for visitors of the residents of the Multiple Dwelling. The occupation of these bays by the Short Stay Accommodation guest(s) is inappropriate, limiting the ability for visitors to park on site or within close proximity, and therefore affect the amenity of the residents. The concern raised regarding guests occupying the visitor bays and verge spaces is valid. On this basis, it is recommended that the Property Management Plan and the website are updated to include the following:

- Only one car parking space is available for guests, and shall be limited to the carport for Unit 1.
- No parking is to occur in the visitors' bays or on the verge of the property.

Item 12.1 Continued

- A log book to register any vehicles that are to be used by guests. The log book shall require guests to register the licence plate(s), make and model of the vehicle(s), and the dates of their length of stay. The log book should also be made available for inspection by the City upon request.

The modifications required to the Property Management Plan will address the parking demand generated from the use and protect the amenity of the other residents. The requirement for a log book will ensure that guests are parking within the designated carport or off site. It should be made available to the City upon request if there are concerns raised by the adjoining owners of guests parking in the visitor bays or on the verge.

The modifications relating to address parking and amenity concerns are consistent with the amendments required to the Property Management Plan for the 'Bed and Breakfast' at Unit 2. Should Council approve the application, an advice note will be included to ensure that any advertising for the use is consistent with the terms of the Property Management Plan.

Temporary Approval and Management Plan Review

There is a Parliamentary Inquiry investigating the level of regulation required for short stay accommodation. The inquiry examines a range of elements associated with short-stay accommodation including:

- Customer safety
- Insurance
- Land use planning
- Building standards
- Length of stay
- Neighbourhood amenity
- Registration
- Licensing
- Taxation.

A report of the above findings is due to Parliament on the 27 June 2019. Until the outcome of the inquiry is known and direction from the State Government is provided, it is appropriate that short stay accommodation approvals are only granted on a temporary basis of 12 months at a time. The 12 month period allows the City to consider the findings of the Parliamentary inquiry and to develop a planning framework for short stay accommodation.

After the 12 month approval period expires, the applicant/owner will have the opportunity to reapply for another approval. The new application will be assessed against the planning framework in place at that point in time.

Item 12.1 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

There are no social implications associated with this report.

OFFICER RECOMMENDATION

A. That Council approve development application 623/2018/DA, as detailed in plans and the Property Management Plan dated 7 December 2018 as submitted by M Bruce for Short Stay Accommodation at Strata Lot 1 (1/21) Stanley Street, Belmont subject to the following conditions:

- 1. Development/land use shall be in accordance with the attached approved plan(s) and the Property Management Plan dated 7 December 2018, 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's Manager Planning Services.***
- 2. Within 30 days of this approval, the landowner shall modify the Property Management Plan to include the following:***
 - (a) Guest check-in is not permitted between the hours of 10:00pm and 7:00am on any day.***
 - (b) Any activities causing a breach of the Environmental Protection (Noise) Regulations 1997 will result in termination of permission to occupy the property.***
 - (c) Only one car parking space is available for guests, and shall be limited to the carport for Unit 1.***
 - (d) No parking by guests is to occur in the visitors' bays or on the verge of the property.***
 - (e) A log book to register the vehicles that are to be used by guests. The log book shall require guests to register the licence plate, make and model of any vehicles, and the dates of their length of stay. The log book shall be made available for inspection by City upon request.***

Item 12.1 Continued

- 3. The landowner shall implement the approved Property Management Plan (as well as any subsequently updated and approved versions of the Property Management Plan) to the satisfaction of the City's Manager Planning Services.**
- 4. There shall be no more than four guests residing at the property at any one time.**
- 5. This is a temporary approval only, valid for a period of 12 months from the commencement of the use. After this period the approval is no longer valid and the 'Use Not Listed – Short Stay Accommodation' use shall cease.**

B. Write to adjoining landowners and occupiers:

- 1. To advise them that a development approval for a Short Stay Accommodation has been granted subject to conditions including:
 - i. The requirement for the updating and implementation of the Property Management Plan.**
 - ii. The maximum of four guests at any one time.**
 - iii. The temporary nature of the approval.****
- 2. To provide a copy of the Property Management Plan.**
- 3. Request that adjoining landowners and occupiers report any contraventions from the subject premises relating to noise or any disruption to the amenity of the surrounding areas, and report to the City's Planning Department if they become aware of any breach to the conditions of the planning approval.**

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

**12.2 DEDICATION OF RIGHT OF WAYS AS A ROAD – LOT 66 AND 67 ADJACENT 375
BELGRAVIA STREET, CLOVERDALE**

BUILT BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	68/004 Council Land Acquisitions and Management
Location/Property Index	:	Lot 66 and 67 – ROWs (Right of Way) adjacent 375 Belgravia Street, Cloverdale
Application Index	:	Not applicable
Disclosure of any Interest	:	Nil.
Previous Items	:	Not applicable
Applicant	:	City of Belmont
Owner	:	Lot 66 – Philip Henry Ryan (deceased) Lot 67 – Gerald Leslie Jupp, Margaret Valmai Jupp and Leyland Leslie Jupp (deceased)
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly 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 make a request to the Minister for Lands (Minister) that two privately owned right of ways situated within the district, known as ROW 66 and ROW 67, be dedicated as roads pursuant to Section 56(1)(c) of the *Land Administration Act 1997* (LAA).

Item 12.2 Continued

SUMMARY AND KEY ISSUES

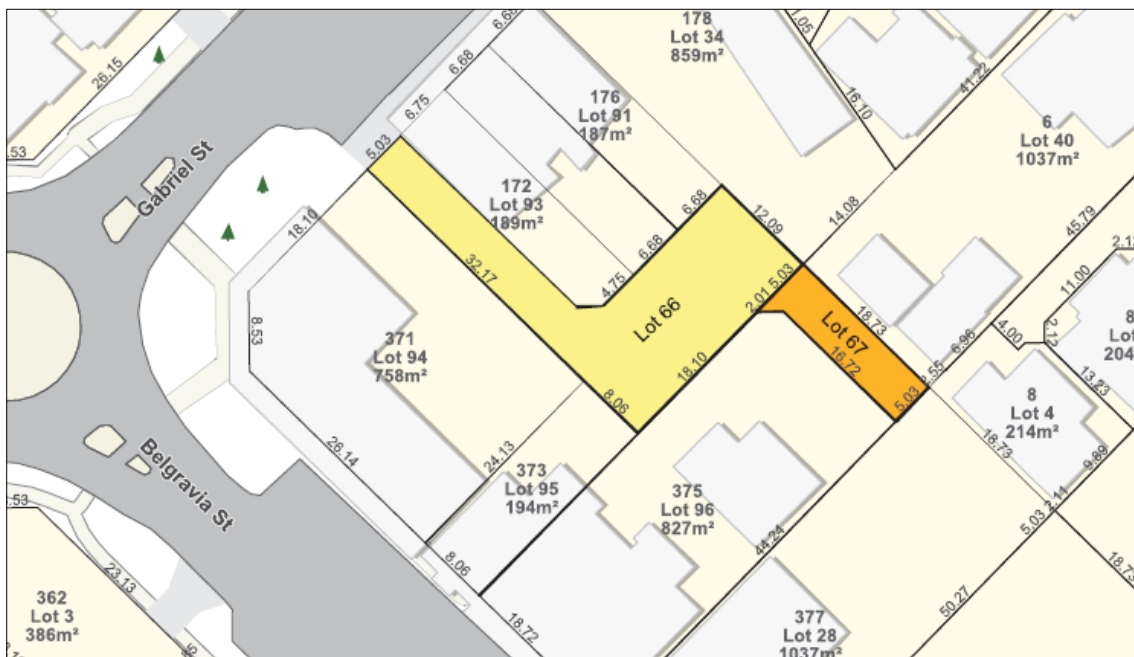
Following an enquiry regarding rear access from a potential purchaser of 375 Belgravia Street it was identified that ROW 66 and ROW 67 adjacent to the property are privately owned by deceased registered proprietors. The two ROWs are remainders from the subdivision of a much larger property in the 1950's.

Initially acquisition by, and transfer of ownership to, the City was considered the best course of action. However, external legal and administrative costs have now escalated and it is now considered that estimated expenses are prohibitive.

As a result, an alternative course of action, based on recent legal advice, is that the City may request that the Minister dedicate the ROWs as roads, thereby transferring ownership of both ROWs to the Crown, with the City having responsibility for the care, control and management of the roads pursuant to section 55(2) of the LAA.

LOCATION

Lot 66 and Lot 67, 2 ROWs at the rear of 371, 373 and 375 Belgravia Street, Cloverdale with access from Gabriel Street, Cloverdale.



CONSULTATION

All identified descendants of the registered proprietors of ROW 66 and ROW 67 were contacted in 2017 by the City and since then the City's lawyers have been in regular contact with them. All have been made aware of the land value and the City's intentions. All eight descendants of the original four owners have indicated their support for the City's intention.

Item 12.2 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Belmont.

Objective: Maximise Business Development Opportunities.

Strategy: Promote development opportunities through effective land asset management.

Corporate Key Action: 039 Operational activities which support predominantly this 'land asset management' strategy.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

This matter is governed by Section 56 of the LAA (in particular, section 56(1)(c)) – Dedication of land as road:

56. Dedication of land as road

- (1) *If in the district of a local government —*
.....
(c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*
and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.
- (2) *If a local government resolves to make a request under subsection (1), it must —*
(a) *in accordance with the regulations prepare and deliver the request to the Minister; and*
(b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*
- (3) *On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —*
(a) *subject to subsection (5), by order grant the request; or*
(b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
(c) *refuse the request.*
- (4) *On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.*
- (5) *To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —*
(b) *designated in the relevant plan of survey, sketch plan or document as having the purpose of a road."*

Item 12.2 Continued

BACKGROUND

The land described as Lot 66 on Diagram 26745 being the whole of the land in Certificate of Title Volume 1250 Folio 169 (**ROW 66**) and Lot 67 on Diagram 28951 being the whole of the land in Certificate of Title Volume 1174 Folio 585 (**ROW 67**) have, since the time the land was originally subdivided in the 1950s, been used by the public as right of ways to access the rear of business properties on Belgravia Street, Cloverdale.

The registered proprietors for both ROWs are all deceased, with the land never having been dealt with as part of the estates of the registered proprietors following their respective deaths.

Valuations were sought on the two lots in January 2018 and they were assessed at \$1,500 (ROW 66) and \$750 (ROW 67) respectively.

City officers took the position that purchase of the ROWs should be pursued. Eight descendants of the four owners were identified and all were contacted and advised of the City's intention. All eight descendants of the original four owners have indicated their support for the City's intention.

In April 2018 a legal firm, Jackson McDonald, was engaged by the City to manage, what was originally thought to be, a simple acquisition of the ROWs.

Following investigation it became apparent that:

- when the original registered proprietors of the ROWs died, the ROWs were not identified as being owned by those registered proprietors. Therefore, when the original registered proprietors' estates were administered, the ROWs did not form part of the estates and so did not transfer to the executors / beneficiaries of the registered proprietors;
- to further complicate matters, the parties who originally would have inherited the ROWs themselves died without having acquired ownership of the ROWs;
- for the current descendants to be able to transfer the ROWs to the City, they would first have to re-administer the earlier estates and reconstruct the chain of transfers;
- to carry out this process the current descendants would require their own legal representation;
- the lawyers who were to act for the descendants estimated that the cost of carrying out this task would be approximately \$22,370.00, and the descendants expected the City to pay for these costs; and
- legal costs would also be incurred in drafting contracts for sale and attending to settlement, meaning that to acquire the ROWs, total legal costs for the City would likely be in the vicinity of \$45,000 to \$50,000.

To date the City has paid Jackson McDonald \$9,200.

Given the increasing costs Jackson McDonald has advised it would be a better option for the City to request that the land comprising ROW 66 and ROW 67 be dedicated as roads pursuant to section 56 of the *Land Administration Act 1997* and section 8 of the *Land Administration Regulations 1998*. The legal costs estimated to complete this task are \$3,500 plus GST.

Item 12.2 Continued

OFFICER COMMENT

Currently, as the two ROWs are privately owned, the City of Belmont cannot approve any planning applications that wish to rely on access to the business premises via the two ROWs.

In order to provide the community with equal access to these ROWs the City needs to either purchase the land or have the ROWs dedicated as roads. In the latter case, this will result in the ROWs becoming Crown land of which the City will have the care, control and management.

While purchase of the two ROWs was originally thought to be the best option, due to costs escalating, dedication as a road is now considered the more appropriate course of action.

It is unlikely that the City, if it did own the ROWs, would be in a position to utilise the two portions of land for any purpose other than a ROW for the adjacent properties. As such, it is considered the cost to purchase the land is prohibitive and far outweighs the value of the land.

FINANCIAL IMPLICATIONS

The City will incur further legal costs in undertaking this process. Jackson McDonald has estimated that proceeding under section 56 of the *Land Administration Act 1997* in respect of both ROWs would incur additional costs in the vicinity of \$3,500.

The City currently attends to the upkeep of the two ROWs. However, costs are minimal.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

Better opportunities for businesses to access the ROWs for deliveries and/or vehicular access for customers.

OFFICER RECOMMENDATION

That Council:

- 1. Request the Minister for Lands to dedicate the land described as Lot 66 on Diagram 26745 being the whole of the land in Certificate of Title Volume 1250 Folio 169 and Lot 67 on Diagram 28951 being the whole of the land in Certificate of Title Volume 1174 Folio 585 as roads pursuant to Section 56 (1)(c) of the Land Administration Act 1997.***
- 2. Agrees to indemnify the Minister for Lands against any costs or claims that may arise as a result of the dedication of Lot 66 on Diagram 26745 and Lot 67 on Diagram 28951, in accordance with Section 56(4) of Land Administration Act 1997.***

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

12.3 REQUEST FOR RATE EXEMPTION – STELLAR LIVING LIMITED – 90A LEAKE STREET, BELMONT

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 Rate Exemptions
Location/Property Index	:	90A Leake Street, Belmont
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	Stellar Living Ltd
Owner	:	Department of Housing (now known as Housing Authority)
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | |
|---|---|
| <input type="checkbox"/> Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> Review | <i>When Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> Quasi-Judicial | <i>When Council determines an application/matter that directly 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 request for rate exemption at 90A Leake Street, Belmont.

SUMMARY AND KEY ISSUES

An objection to the rate record under Section 6.76 of the *Local Government Act 1995* has been received from Stellar Living Ltd with relevant documentation to support their claim for rate exemption.

Item 12.3 Continued

LOCATION

Strata Lot 1 on Strata Plan 8014, (Certificate of Title Volume 1742, Folio 442) known by Housing Authority as 90A Leake Street, Belmont.



CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There is no specific strategy associated with rating practices; however the consideration of this report is consistent with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

Objective: Apply sound and sustainable business management principles.

Strategy: Ensure competitive and sustainable financial performance through effective modelling, financial management and reporting practices which underpin capacity building.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Item 12.3 Continued

STATUTORY ENVIRONMENT

The relevant sections of the *Local Government Act 1995* that apply are:

1. Section 6.26 of the *Local Government Act 1995* states:

“Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land

(g) land used exclusively for charitable purposes;”

2. Section 6.53 of the *Local Government Act 1995* states:

“Land becoming or ceasing to be rateable land:

Where during a financial year -

(a) land that was not rateable becomes rateable land; or

(b) rateable land becomes land that is not liable to rates,

the owner of that land -

(c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or

(d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,

as the case requires”

3. Section 6.76 of the *Local Government Act 1995* states:

“(1) A person may, in accordance with this section, object to the rate record of a local government on the ground —

(a) that there is an error in the rate record —

(ii) on the basis that the land or part of the land is not rateable land;

(3) An objection under subsection

(1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.”

BACKGROUND

A “*Lease of Premises for Residential Purposes to a Non-Government Organisation or Community Housing Organisation for the Justice Adult Re-Integration Program*” was signed between the Housing Authority and Stellar Living Ltd on 9 July 2018 for a period of 2 years.

In the Defined Terms and Interpretation of the lease, Community Housing means housing for people on a very low, low or moderate income or for people with additional needs that is provided by non-government organisations in accordance with any relevant Policy. As required, the current weekly rent being paid at this property is below market rent.

Item 12.3 Continued

Some of their main objectives written into the recently amended Constitution are:

- to provide for the direct relief of poverty, suffering, destitution, misfortune, helplessness and distress through the provision of low cost and affordable housing
- Acquire, construct and provide low cost and affordable housing stock for people in poverty, with low income, who are homeless, socially marginalised, inadequately housed or otherwise disadvantaged
- Provide property and tenancy management services for the provision of low cost rental housing
- Work in partnership with the community to ensure that tenants have access to the support services they require.

Activities of the company that have been established are to secure the transfer of housing assets from the Housing Authority to the company as part of the State Government housing reform initiative and to continue to grow stock numbers through various supported head leasing programs.

OFFICER COMMENT

The following documentation has been provided:

- An application for Rate exemption from the Best Practices Guidelines (Western Australian Local Government Association approved documentation)
- Statutory Declaration confirming the property use and confirmation that the City will be advised immediately if the use of the property changes.
- Current Constitution
- 2017 Audited Financial Report
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office
- Australian Charities and Not for Profit Commission Certification.

This property is being used as part of the Justice Program called ReSet (prisoners exiting prison and having available short term accommodation usually for a period of 3 to 6 months). The property is used exclusively for the program and sometimes as part of rehabilitation; the tenant is allowed to have some family members stay with them over the term of their lease.

With the information provided by Stellar Living Ltd, the use of this strata unit for this purpose is not considered to alter the use from a dwelling to a 'community home' under LPS15 given that only one person occupies the dwelling at a time. Should that situation change an application for a change of use will be required from the operator.

Item 12.3 Continued

FINANCIAL IMPLICATIONS

Section 6.26(2)(g) of the *Local Government Act 1995* states that the property must be used exclusively for charitable purposes. Section 6.53 of the *Local Government Act 1995* defines when during a financial year the land is rateable compared to non-rateable.

The 2017 revaluation GRV of \$16,900 with a Residential rate in the dollar would equate to a loss in revenue for the 2018-2019 financial year of \$885.95. However as the lease only commenced on 9 July 2018 in this instance the loss of income is \$864.10.

The Fire Services levy is still applicable and is required to be paid in full and the payment forwarded to the Department of Fire and Emergency Services (DFES) as per the current legislative requirements.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

To respond to changing client and community needs and maintain high quality client and housing services within the City and to work in partnership within the community to ensure that tenants have access to the support services they require.

OFFICER RECOMMENDATION

That Council endorse the rate exemption for the property situated at (Strata Lot 1 on Strata Plan 8014) known as 90A Leake Street, Belmont under section 6.26 (2)(g) and Section 6.53 of the Local Government Act 1995 effective from 9 July 2018.

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

12.4 2018-2019 MARCH BUDGET REVIEW

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 4 – Item 12.4 refers	<u>2018-2019 March Budget Review</u>
Attachment 5 – Item 12.4 refers	<u>Statement of Budget Review</u>
Attachment 6 – Item 12.4 refers	<u>Reserve Accounts 30 June 2019</u>

Voting Requirement : Absolute Majority Required
Subject Index : 54/004 – Budget Documentation-Council
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 is prepared to conduct the March review of the Budget and recommend adjustments to the 2018-2019 Adopted Budget.

Item 12.4 Continued

SUMMARY AND KEY ISSUES

In keeping with sound financial management practices, a further review of the 2018-2019 Adopted Budget has been conducted. The Budget remains in balance and a summary of significant adjustments has been included.

The March Budget Review ensures that a sound financial position is maintained for the end of the financial year and a sound base is created to prepare the 2018-2019 Budget.

LOCATION

Not applicable.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter other than internal staff. Community consultation is not required.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Belmont.

Objective: Achieve excellence in the management and operation of the local government.

Strategy: Ensure Council is engaged at a strategic level to enable effective decision making.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires a local government to carry out a review of its Budget between 1 January and 31 March each year, report it to Council and then report the outcome of the review to the Department of Local Government, Sport and Cultural Industries (DLGSCI). The City of Belmont has for many years conducted two budget reviews, one in October and one in March.

BACKGROUND

In keeping with Council's ongoing budget control and financial management, a number of adjustments are required to ensure Council's Budget continues to reflect an accurate position. For statutory reporting purposes, the Adopted Budget is used, however, for sound management purposes, the adjusted Budget will be used on a day to day basis in the Management Reports.

Item 12.4 Continued

The March Budget Review is a significant review that ensures Council's finances remain on track in the lead up to the end of the financial year and therefore set a sound base for the development of the following year's Budget.

The March Budget Review process is aimed at addressing the following issues:

- Resolutions of Council referred for funding;
- Resolutions of Council referred for consideration;
- All other Budget matters as identified by Directors and their staff; and
- That a balanced budget be maintained.

OFFICER COMMENT

The following summary lists the Divisional adjustments from the Summary of Income and Expenditure Variances.

Note: *(brackets indicate increased income/reduced expenditure)*

➤ Chief Executive Officer Section	(24,750)
➤ Corporate and Governance Division	4,590,572
➤ Infrastructure Services Division	(396,223)
➤ Community and Statutory Services Division	(2,856,406)
➤ Opening/Closing Balances	(1,313,192)

Net Cost	0
----------	---

A detailed listing of budget adjustments can be found in [Attachment 4](#). It should be noted that the report includes only those line items that have changed during the review process, all other line items remain as per the Adopted Budget. Those noteworthy adjustments are further explained in the summary that follows.

Belmont Trust

- \$120,000 reduction in the consulting budget that relates to the draft strategic plan. This will be re-budgeted in 2019-2020 and given it is fully funded from the Belmont Trust Reserve has a nil impact.

Finance

- Due to a better than expected cash flow position during 2018-2019 the investment interest is budgeted to increase by \$137,000.

Financing Activities

- With the transition of the state based HACC program to the federal government, prior years accumulated surpluses of \$740,718 have been transferred to a new Aged Care Community Reserve, subject to a determination by the federal government of the amount to be retained and any additional restrictions. The purpose of the new reserve is to fund aged care community services. For financial management purposes this requires an initial transfer into the rate setting budget. Again this has a nil overall impact.

Item 12.4 Continued

Reserves

- Land sales proposed in the original budget have been removed (as per Property and Economic Development budget) which is completely offset by a reduction in the transfer to the Land Acquisition Reserve of \$1,088,000.
- A large component of the reduction in the IT Business Applications budget (as per the Information Technology budget) relates to website redevelopment that will now continue into 2019-2020. This has resulted in a \$184,000 transfer to the Information Technology Reserve to fund next year's expenditure.
- An additional amount of \$4,704,776 has been transferred to the Property Development Reserve that will be used to fund the new Faulkner Park Civic Community Centre and associated projects in 2019-2020. The transfer has largely been created due to a reduction and subsequent carryover of the construction costs of the new community centre.

Rates

- Growth in the rates base (interim rates) has been down on previous years which has resulted in a reduction of both residential and commercial rates income.

Property and Economic Development

- Decrease in operating expenditure of \$93,180 reflecting the removal of land transactions in 2018-2019 and potential power supply issues at the Belmont Nursing Home has deferred the land amalgamation process.

Technical Services

- Due to a number of staff vacancies and the deferral of the Faulkner Park Civic Precinct geotechnical and groundwater monitoring consultancy total costs have decreased \$160,450.

Road Construction and Maintenance

- Total grant income has been reduced by \$1.3M which largely results from grants being prepaid and recognised in 2017-2018 (as per the Closing Balance adjustment). Grant income for the National Stronger Regions Fund projects was also reduced reflecting the agreed 2018-2019 scope of works (as mentioned below). Black Spot funding has been deferred to 2019-2020 although this was offset by Road to Recovery grants.
- Total road construction expenditure has been reduced by \$1.6M reflecting the deferral of projects, particularly the Belmont Avenue upgrade that is dependent upon Western Power completing the underground power. The Alexander Road / Belmont Avenue roundabout upgrade which is part of the Black Spot programme has been delayed as this requires further assessment by Main Roads Western Australia.
- Due to potential (earthing) issues with Ascot Waters Street Lighting a maintenance budget of \$85,000 has been provided.

Operations Centre

- Based on condition assessments a truck, sprayer and loader won't require replacing in 2018-2019 leading to a budget adjustment of \$616,000. As plant replacement is funded from reserve there is a corresponding reduction in the reserve transfer so this has a nil net budget impact.

Item 12.4 Continued

Parks Administration

- Consulting costs have been increased by \$50,000 to allow for detailed scoping/design considerations for Wilson Park.

Planning

- Although the agency budget has increased to allow for backfilling of certain positions this has been largely offset by a reduction in other expenses including anticipated legal fees. Income has increased by more than \$200,000 following the receipt of court costs awarded to the City.

Building Construction

- Administration building alterations have increased \$100,000 to allow for potential operational restructure needs.
- The new Faulkner Civic Precinct Community Centre anticipated spend in 2018-2019 has been reduced by more than \$9M which will be incurred in 2019-2020. This has also resulted in a reduction in required funding from both grants and Reserves which will also be utilised in 2019-2020.
- It is expected that the Middleton Park Community Centre extension will largely be carried out in 2019-2020 as reflected in both the expenditure and recognition of grant income.
- A new budget allocation of \$120,000 for the replacement and upgrade to the Administration Centre electrical switchboards to facilitate electrical connection to the new Community Centre.

Environmental Health

- Total operating expenses have decreased by \$80,000 as agency staff requirements have been reduced and a private property demolition didn't proceed.

Library

- Initial procurement of the automated return systems for the new Library costing \$124,500 has been budgeted.

Faulkner Park Retirement Village

- A contribution of approx. \$150,000 is required to refurbish a number of units that are due to be sold. This has been funded through applicable reserves.

Opening Balance

- Increased \$1.3M due to grants that had originally been budgeted in 2018-2019 being prepaid and recognised in 2017-2018. These largely relate to road construction grants.

The March Budget Review has been an extensive exercise to ensure the budget remains in balance and reflects the current expenditure trends. The detailed March Review Report (refer [Attachment 4](#)) includes substantial comment. Also to be noted is that comments relate to Authorised Budget, October review and March review. Comments relating to the current (March) review are prefaced with the word "March" and are normally at the end of the comment detail.

Item 12.4 Continued

Also attached is a 'Statement of Budget Review' (refer [Attachment 5](#)) which compares the proposed March Budget Review to the current Authorised Budget as requested by the Department of Local Government, Sport and Cultural Industries (DLGSCI).

An updated listing of budgeted reserve balances (refer [Attachment 6](#)) has also been included.

The March Budget Review is an important step in the process of vigilance, as it maintains a balanced Budget and ensures Services and Capital Works Programmes are adequately resourced.

As has been the case in the past, Council's financial position will be closely monitored in the lead up to the end of the Financial Year and should any significant issues require attention, then they will be raised with Council accordingly.

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 effective management of the City's Annual Budget ensures that the community has access to the services and facilities it needs now and into the future.

OFFICER RECOMMENDATION

That Council:

- 1. In accordance with Local Government (Financial Management) Regulations 1996 Regulation 33A, adopt the amendments contained in the 2018-2019 Budget Review ([Attachment 4](#), [Attachment 5](#) and [Attachment 6](#)), including the descriptions of variations and closing fund amendments.***
- 2. Authorise the Director Corporate and Governance to amend the 2018-2019 Budget in accordance with all resolved variations.***

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

12.5 LOCAL GOVERNMENT ACT REVIEW – STAGE 2: COMMUNITY CONSULTATION

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 7 – Item 12.5 refers	<u>Community Engagement Discussion Paper</u>

Voting Requirement	:	Simple Majority
Subject Index	:	119/001 WALGA 39/002 DLGSCI
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	WALGA and DLGSCI
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

This report seeks Council's endorsement of the City of Belmont submission to the Western Australian Local Government Association (WALGA) and the Department of Local Government, Sport and Cultural Industries (DLGSCI) on Stage 2 of the Local Government Act Review – Community Engagement.

Item 12.5 Continued

SUMMARY AND KEY ISSUES

Stage 2 of the Local Government Act Review is currently in progress and addresses three themes, Agile, Smart and Inclusive through nine key topic areas:

- Beneficial enterprises
- Financial management
- Rates, fees and charges
- Administrative efficiencies and local laws
- Council meetings
- Interventions
- Community engagement — IPR
- Complaints management
- Elections

Council resolved its position on the above at a Special Council Meeting held on 19 February 2019.

An additional response is required addressing generic Community Engagement in addition to the above listed Community engagement – IPR.

LOCATION

Not applicable.

CONSULTATION

The DLGSCI have engaged with communities across Western Australia through its website and community forums. 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 Strategic Community Plan Key Result Area: Business Excellence Belmont.

Objective: Achieve excellence in the management and operation of the local government.

Strategy: Ensure Council is engaged at a strategic level to enable effective decision making.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Item 12.5 Continued

STATUTORY ENVIRONMENT

The *Local Government Act 1995 (the Act)* 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 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*. This is the first significant reform of local government conducted in more than two decades. The objective is for Western Australia to have a new, modern Local Government Act that empowers local governments to better deliver for the community. The vision is for local governments to be agile, smart and inclusive.

Both the WALGA and Local Government Professional Association reviews released in November 2018 did not address community engagement. The DLGSCI Community Engagement Paper is attached for reference (refer [Attachment 7](#)).

The Discussion Paper states that local governments often need to make difficult decisions. Matters such as planning, whether to invest in a project, or the future direction can divide communities. While local governments are tasked with providing for the good governance of their district and elected members with representing the interests of their community, it can be a challenge balancing the community's competing priorities.

Community engagement is the process of working collaboratively with and through groups of people affiliated by geographic proximity, special interest, or similar situations to provide input that enhances decision making processes on issues that may impact on their well-being or interests. It can be used as a key method for local government to navigate community priorities. It encompasses the way in which local governments inform, consult, engage and empower activity by the community.

Effective community engagement contributes to building trust between the community and the council and raises the quality of decision making which reflects the needs and aspirations of the community. Community engagement works best where it is an ongoing process enabling relationships and trust to build and strengthen over time, and strengthens representative democracy while building community capacity.

OFFICER COMMENT

Council resolved its position at a Special Council Meeting on 19 February 2019.

ALTERNATIVE COUNCILLOR MOTION

DAVIS MOVED, SEKULLA SECONDED,

A. *That Council:*

Agrees with the Local Government Act 1995 Item 5.28 Electors' Special Meetings

- (1) A special meeting of the electors of a district is to be held on the request of not less than —***

Item 12.5 Continued

- (a) 100 electors or 5% of the number of electors — whichever is the lesser number, or**
- (b) 1/3 of the number of Council members.'**

And the City of Belmont does not agree with WALGA's position to amend Section 5.28(1) (a) of the Local Government Act 1995 be amended:

- (a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and**
- (b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.**

CARRIED 5 VOTES TO 4

*For: Bass, Cayoun, Davis, Rossi, Sekulla
Against: Marks, Powell, Ryan, Wolff*

Reason:

Amending section 5.28 of the *Local Government Act 1995* would restrict the residents and rate payers voicing their concerns as a collective group to Council due to the increase in numbers required to request a special meeting.

Cr Rossi put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

ROSSI MOVED, CAYOUN SECONDED,

- B. That the Council does not support an amendment to the Local Government Act 1995 enabling the opportunity to establish Beneficial Enterprises.**

CARRIED 5 VOTES TO 4

*For: Bass, Cayoun, Davis, Rossi, Sekulla
Against: Marks, Powell, Ryan, Wolff*

Reason:

The ability to form arm's length business entities would allow councils to develop and regenerate land is not something that councils should be involved, it has the potential to lead to misuse and entering into joint venture and partnering relationships with the private sector on conventional commercial terms is fraught with dangers.

Cr Rossi put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

ROSSI MOVED, WOLFF SECONDED,

- C. The Council support the need to create a new offence for improper use of position applicable to the Chief Executive Officer and employees.**

CARRIED 9 VOTES TO 0

Item 12.5 Continued

Reason:

This would ensure that Chief Executive Officers and employees do not escape liability for improperly using their position, especially in situations where the conduct of the individual does not fall within the jurisdiction of the Corruption and Crime Commission or the Public Sector Commission.

POWELL MOVED, CAYOUN SECONDED,

- D. That Council adopt the remainder of [Attachment 1](#) as its Submission to the Western Australian Local Government Association and the Department of Local Government, Sport and Cultural Industries on Stage 2 of the Local Government Act Review.***

CARRIED 9 VOTES TO 0

There is currently nothing in Western Australia to guide community engagement although some local governments undertake community engagement very well. This review presents an opportunity to provide guidance to local government by legislation, guidelines, policy, strategies, plans and or charters.

There is currently no requirement for community engagement beyond Integrated Planning and Reporting in Western Australia. Identifying the role of the community clearly in the objects of the Act may be a good starting point to identify how engagement should be determined. The Act could set out principles that guide how a local government should address community engagement, including how it will engage with those that are socially disadvantaged. By providing a principle-based framework instead of being prescriptive on how engagement should be conducted, there is an opportunity to create a space for genuine engagement instead of just another criterion with which local governments have to comply. Local governments are then able to determine how to best put the principles into practice.

As social media continues to advance, platforms such as Twitter, Facebook and Instagram are being used by local governments as a tool to strengthen community engagement. While social media is being embraced by the sector, concerns have been expressed at the negative and undisciplined way it is being used. This was especially evident during the 2017 local government election. Though it can be a great tool for community engagement, social media has unfortunately also given rise to “keyboard warriors” who have launched attacks against elected members and local government employees. Other than pursuing defamation, there is no specific legislation that addresses this issue. An option for reform is to introduce a legislative requirement that local governments must adopt a social media policy. The policy would not only address the use of social media by elected members and staff, but also the appropriate use of social media in community engagement.

This policy would be supported by the Mandatory Code of Conduct that will apply to elected members and candidates and is being introduced as part of earlier Local Government Act Review consultation.

The Community Discussion Paper makes reference to a range of matters with varying examples from across Australia. (refer [Attachment 7](#)).

Item 12.5 Continued

Conclusion

The City recognises that engagement with the community and other stakeholders is an important part of the democratic process. Community and stakeholder engagement enables Elected Members and staff to be confident that all views are considered along with technical requirements, research and any other policy or legislative considerations.

Stakeholder engagement complements, but does not replace the decision making role of Council. Whether community or stakeholder opinion is divided or overwhelmingly of one opinion, it remains for the Council to make strategic decisions and staff to make operational decisions.

The following are the key points that the City supports as its submission on community engagement to WALGA and the DLGSCI as part of the Local Government Act review:

1. The City supports an amendment to the *Local Government Act 1995* that includes the provision for the establishment of community engagement principles to be applied across the industry
2. The City supports WALGA, Local Government Professionals Association and the DLGSCI working in consultation to establish model policy, strategy and supporting guidelines in order to provide guidance and standardise practice where possible.

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are currently no social implications associated with this report.

OFFICER RECOMMENDATION

That Council adopt as its Submission to the Western Australian Local Government Association and the Department of Local Government, Sport and Cultural Industries on Stage 2 of the Local Government Act Review: Community Engagement:

- 1. An amendment to the Local Government Act 1995 that includes the provision for the establishment of community engagement principles to be applied across the industry.***
- 2. The Western Australian Local Government Association, Local Government Professionals Association and the Department of Local Government, Sport and Cultural Industries working in consultation to establish model policy, Strategy and supporting guidelines in order to standardise practice where possible.***

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

12.6 STATUTORY COMPLIANCE AUDIT RETURN 2018

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 8 – Item 12.6 refers	2018 Compliance Audit Return

Voting Requirement : Simple Majority
Subject Index : 39/005 Statutory Compliance Return
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil.
Previous Items : 27 March 2018 OCM - Item 12.3
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 the outcomes of the Statutory Compliance Audit Return for the period 1 January 2018 to 31 December 2018 as provided in [Attachment 8](#).

Item 12.6 Continued

SUMMARY AND KEY ISSUES

It is a requirement of the *Local Government Act 1995* that all local governments carry out an audit of compliance in the prescribed manner and form approved by the Minister.

The Department of Local Government, Sport and Cultural Industries provided a set of questions via the Departmental Portal in January 2019. This year the audit questions focussed on key areas of potential non-compliance as in previous years.

The City of Belmont's 2018 compliance score is 100%, continuing the ongoing 100% compliance from the previous years.

LOCATION

Not applicable.

CONSULTATION

In completing the 2018 Statutory Compliance Audit Return, internal consultation has occurred with relevant officers of each department.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

Objective: Maximise organisation effectiveness and reputation as an organisation employer and a community.

Strategy: Ensure that the organisation's capacity and capability meets strategic, customer and operational needs.

Corporate Key Action: The City must remain capable of fulfilling its strategic objectives which are supported by customer needs and operational activities. Capacity for growth to meet future needs is an imperative.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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 14 also requires the Standing Committee (Audit and Risk) to review the Compliance Audit Return and present those results to Council. The Compliance Audit Return is then to be adopted by Council and recorded in the minutes.

Item 12.6 Continued

Regulation 15 of the *Local Government (Audit) Regulations 1996* requires that after the adoption by Council of the Compliance Audit Return, a certified copy (signed by both the Mayor and Chief Executive Officer) of the return, together with a copy of the minutes of the meeting in which the return was adopted and any additional information is required to be submitted to the Executive Director of the Department of Local Government, Sport and Cultural Industries by 31 March.

BACKGROUND

The compliance audit period is 1 January to 31 December 2018 and once the audit is completed the City is required to:

1. Present the Compliance Audit Return to the Standing Committee (Audit and Risk)
2. Present the Compliance Audit Return to Council
3. Seek Council's endorsement of the completed Compliance Audit Return
4. Return the endorsed and certified Compliance Audit Return, along with a copy of the Council Minutes, to the Department of Local Government, Sport and Cultural Industries by no later than 31 March 2019.

In completing the Compliance Audit Return, the Chief Executive Officer and other designated officers have undertaken an audit of the City's activities, practices and procedures applicable to each section and requirement of the return to ensure that an independent, thorough and rigorous process is undertaken.

The audit questions for the 2018 period focussed on key areas of potential non-compliance and were the same as previous years with the exception of election-based questions.

The Compliance Audit Return is required to be completed online through the Department of Local Government, Sport and Cultural Industries website. A copy of the completed return is provided as [Attachment 8](#) to this report and is a printout of the City's registered responses.

Once Council has resolved its satisfaction with the contents of the return, it can be jointly certified by the Mayor and Chief Executive Officer and then submitted to the Department of Local Government, Sport and Cultural Industries.

Council may also refer the completed Compliance Audit Return to the Auditor or other external inspection service for an independent check.

The Standing Committee (Audit and Risk) considered the findings of the Compliance Audit Return 2018 at its meeting of the 25 February 2019.

Item 12.6 Continued

OFFICER COMMENT

The City of Belmont has achieved the following:

Compliance Area	Full Compliance	Non-Compliance
Commercial Enterprises by Local Government	5	0
Delegation of Power/Duty	13	0
Disclosure of Interest	16	0
Disposal of Property	2	0
Finance	16	0
Integrated Planning and Reporting	7	0
Local Government Employees	5	0
Official Conduct	6	0
Tenders for Providing Goods and Services	25	0

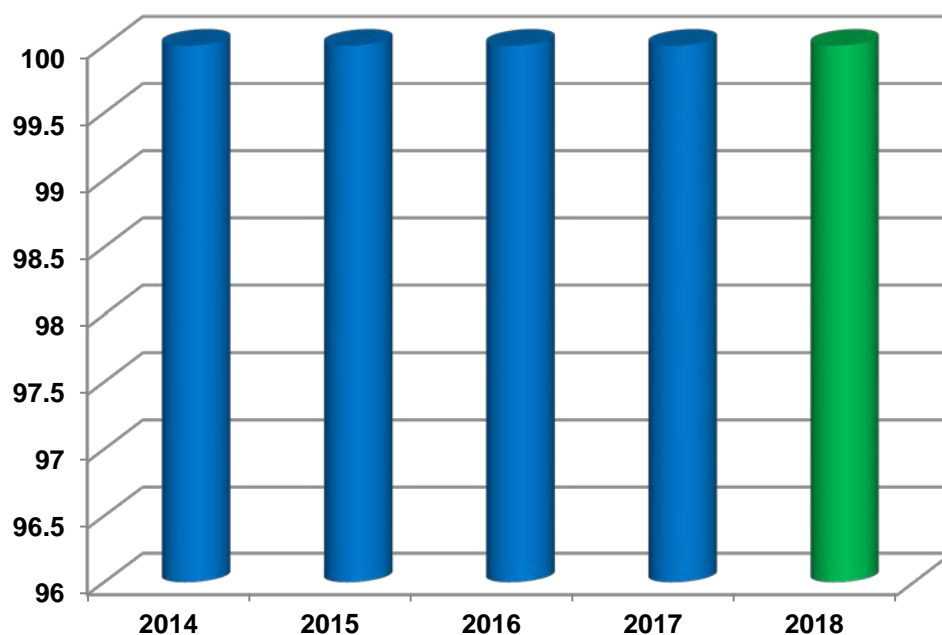
The 2018 Compliance Score is 100%.

The City of Belmont conducted an internal audit to determine responses to questions in the Compliance Audit Return. To further substantiate its responses, the City has opted to provide evidence through citation of items from the City's Council meetings and documents registered on ECM. Reference is also made to information contained in hard copy, which includes original copies of Elected Member and designated officer Primary and Annual Returns.

When reading the questions shown in the Compliance Audit Return (refer [Attachment 8](#)) it is to be noted that they should be read in conjunction with the relevant extract of the *Local Government Act 1995* and / or associated Regulations.

The 2018 Statutory Compliance Audit Return contains a total of 95 questions. This is an increase from the 2017 return due to the inclusion of new questions within the Finance compliance area relating to *Local Government (Audit) Regulations 1996*, Regulation 17 and the CEO systems and procedures review.

Figure 1 – City of Belmont Annual Compliance Audit Return Compliance Rates.



Item 12.6 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

There are no social implications associated with this report.

COMMITTEE RECOMMENDATION

That:

- 1. The 2018 Compliance Audit Return, as provided in [Attachment 8](#) be received and adopted.***
- 2. The Mayor and Chief Executive Officer be authorised to complete the ‘Joint Certification’.***
- 3. The Chief Executive Officer forward the certified 2018 Compliance Audit Return and a copy of the minutes relative to this report to the Department of Local Government, Sport and Cultural Industries by 31 March 2019 in accordance with the requirements of the Local Government (Audit) Regulations 1996.***

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

12.7 TERMS OF REFERENCE FOR THE STANDING COMMITTEE (AUDIT AND RISK)

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 9 – Item 12.7 refers	Revised Terms of Reference – Standing Committee (Audit and Risk)
Attachment 10 – Item 12.7 refers	Letter dated 12 December 2018 from the Department of Local Government, Sport and Cultural Industries
Attachment 11 – Item 12.7 refers	Letter dated 18 January 2019 from West Australian Local Government Association (WALGA)

Voting Requirement	:	Simple Majority
Subject Index	:	154/007 – Standing Committee
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	27 September 2018 OCM - Item 12.14 29 October 2018 OCM - Item 11.4 25 February 2019 OCM - Item 11.4
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | |
|--|---|
| <input type="checkbox"/> Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> Quasi-Judicial | <i>When Council determines an application/matter that directly 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 present revised Terms of Reference for the Standing Committee (Audit and Risk) (refer [Attachment 9](#)) for Council endorsement.

Item 12.7 Continued

SUMMARY AND KEY ISSUES

Following changes to the *Local Government (Audit) Regulations 1996* commencing 27 June 2018, amendments to the Terms of Reference for the Standing Committee (Audit and Risk) are required.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

Objective: Achieve excellence in the management and operation of the local government.

Strategy: Ensure decision making is supported by effective information and knowledge management.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Part 7 of the *Local Government Act 1995* details the audit of the financial accounts of the local government. Section 7.1A states:

7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.
* *Absolute majority required.*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

Item 12.7 Continued

The *Local Government (Audit) Regulations 1996* detail the role and requirements of local government audit committees, in particular, Regulation 16 outlines the functions of the audit committee:

16. Audit Committee, functions of

An audit committee —

- (a) *is to provide guidance and assistance to the local government —*
 - (i) *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
 - (ii) *as to the development of a process to be used to select and appoint a person to be an auditor; and*
- (b) *may provide guidance and assistance to the local government as to —*
 - (i) *matters to be audited; and*
 - (ii) *the scope of audits; and*
 - (iii) *its functions under Part 6 of the Act; and*
 - (iv) *the carrying out of its functions relating to other audits and other matters related to financial management; and*
- (c) *is to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the council.*

[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043; amended in Gazette 8 Feb 2013 p. 867.]

BACKGROUND

On 24 August 2017, amendments to the *Local Government Act 1995* were passed by State Parliament that will enable the Auditor General to audit local government finances and performance.

The changes to the Act have been supported by amendments to the *Local Government (Audit) Regulations 1996*, gazetted on Tuesday, 26 June 2018.

Regulations 9 and 16 of the *Local Government (Audit) Regulations 1996* have been deleted and replaced as follows:

9. Performance of Audit

(1) *In this regulation-*

Australian Accounting Standards means the standards made and amended from time to time by the Australian Accounting Standards Board continued under the Australian Securities and Investments Commission Act 2001 (Commonwealth) section 261.

(2) *An auditor must carry out an audit in accordance with the Australian Auditing Standards made or formulated and amended from time to time by the Auditing and Assurance Standards Board established by the Australian Securities and Investments Commission Act 2001 (Commonwealth) section 227A.*

Item 12.7 Continued

(3) *An auditor must carry out the work necessary to form an opinion whether the annual financial report —*

- (a) is based on proper accounts and records; and*
- (b) fairly represents the results of the operations of the local government for the financial year and the financial position of the local government at 30 June in accordance with —*
 - (i) the Act; and*
 - (ii) the Australian Accounting Standards (to the extent that they are not inconsistent with the Act).*

9A. CEO to provide documents to Auditor General carrying out financial audit

(1) *In this regulation —*

audit document *means —*

- (a) the strategic community plan as defined in the Local Government (Administration) Regulations 1996 regulation 19BA; or*
 - (b) the corporate business plan as defined in the Local Government (Administration) Regulations 1996 regulation 19BA; or*
 - (c) another plan or informing strategy specified by the Auditor General; or*
 - (d) another document specified by the Auditor General.*
- (2) *The CEO must provide a copy of an audit document to the Auditor General within 14 days after the Auditor General requests it for the purposes of a financial audit under Part 7 Division 3A of the Act.*

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;*
- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*
 - (i) report to the council the results of that review; and*
 - (ii) give a copy of the CEO's report to the council;*
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
 - (i) regulation 17(1); and*
 - (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*

Item 12.7 Continued

- (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); and*
 - (iii) *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
 - (iv) *has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (g) *to perform any other function conferred on the audit committee by these regulations or another written law.*

As notified at the Standing Committee (Audit and Risk) meeting held on Monday, 30 October 2017, the *Local Government Amendment (Auditing) Act 2017* was gazetted on Friday, 27 October 2017 and therefore the Auditor General will now conduct or arrange financial audits for local government and this is applicable to the City of Belmont.

A revision to the Standing Committee (Audit and Risk) Terms of Reference is pertinent to ensure consistency with amended legislation and responsibilities of the Standing Committee (Audit and Risk).

OFFICER COMMENT

The revised Terms of Reference reflect the amendments made to the *Local Government (Audit) Regulations 1996*.

The amendments made to the Terms of Reference are shown by track changes in [Attachment 9](#).

The key changes to the Terms of Reference include:

- Duties and responsibilities - deletion of b, c, d and e as the Office of the Auditor General is now responsible for appointing an auditor
- An additional duty regarding support to the auditor
- A change to the CEO reports review period.

At the 29 October 2018 Meeting of the Standing Committee (Audit and Risk), it was resolved:

That the Standing Committee (Audit and Risk) defer the recommendation to adopt the reviewed Terms of Reference for the Standing Committee (Audit and Risk) pending further written advice and information being received from the Department of Local Government, Sport and Cultural Industries and the Western Australian Local Government Association.

Letters were sent to the Department of Local Government, Sport and Cultural Industries (DLGSCI) and the Western Australian Local Government Association (WALGA) on 26 November 2018. A response from the DLGSCI dated 12 December 2018 was received by the City on 18 December 2018 (refer [Attachment 10](#)) and a response from WALGA dated 18 January 2019 was received on 22 January 2019 (refer [Attachment 11](#)).

Item 12.7 Continued

With regard to the response from the DLGSCI, the Committee should note that in paragraph three, the DLGSCI state “the function of the audit committee to ‘guide and assist’, as referred to in Regulation 16, is to occur at the strategic level, not at the operational level.”

With regard to the response from WALGA, Council resolved its position on the Local Government Act Review – Stage 2 at a Special Council Meeting held on 19 February 2019. The following position was included in the submission:

Audit Committee: Local Government (Audit)
Regulations 1996

The City of Belmont Standing Committee (Audit and Risk) raised concerns in regard to the context of recent amendments to Regulation 16 of the *Local Government (Audit) Regulations 1996* and the implications of the audit committee assisting with a local government’s financial management.

Regulation 16 states:

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;’

Part 6 of the Act includes the preparation of the annual budget, preparing the annual financial report and other general financial responsibilities of the local government many of which have significant operational components.

WALGA also considered this issue when providing feedback on the draft Regulation to the Department of Local Government, Sport and Cultural Industries, through our State Council meeting resolution on 7 March 2018:

“Proposed amendment of Regulation 16 - Supported subject to:

- (i) Sub-regulation 16(a) being deleted as Audit Committee involvement in ‘guiding and assisting’ Local Government to prepare budgets, financial reports, rates, etc. compromises the Committee’s objectivity /impartiality when undertaking the audit role.*

The redraft is proposed to avoid any confusion between the Audit Committee function and the CEO’s responsibilities for the administration of the Local Government.”

City of Belmont Position:

That Regulation 16 of the *Local Government (Audit) Regulations 1996* be amended to clarify the separation of operational matters, the function of the Administration by the CEO, and that of Council and the Audit and Risk Committee.

Item 12.7 Continued

At the 25 February 2019 Meeting of the Standing Committee (Audit and Risk), it was resolved:

‘That the Standing Committee (Audit and Risk) recommend that Council endorse the revised Terms of Reference for the Standing Committee (Audit and Risk) (refer Attachment 6) with the inclusion of the wording ‘Financial management systems’ at item 3 (c)(iv).’

The wording ‘Financial management systems’ has been included at item 3(c)(iv) of the revised Terms of Reference - Standing Committee (Audit and Risk) [Attachment 9](#).

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.

COMMITTEE RECOMMENDATION

That Council endorse the revised Terms of Reference for the Standing Committee (Audit and Risk) ([Attachment 9](#)).

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

12.8 TENDER 17/2018 – PROVISION OF SERVICES TO DESIGN, DEVELOP AND IMPLEMENT WEBSITE FOR CITY OF BELMONT

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 1 – Item 12.8 refers	<u>Confidential - Evaluation Matrix</u>
Confidential Attachment 2 – Item 12.8 refers	<u>Confidential - Price Schedule</u>

Voting Requirement : Simple Majority
Subject Index : 114/2018-17
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 seek Council approval to award Tender 17-2018 – Provision of Services to Design, Develop and Implement Website for City of Belmont.

Item 12.8 Continued

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite and evaluate tenders and includes a recommendation to award Tender 17/2018 in accordance with the requirements of the *Local Government Act 1995*.

The contract is for a website development service provider to build and provide support and maintenance for a fully user-focused, responsive and personalised website that serves the City's customers now and into the future.

LOCATION

Not applicable.

CONSULTATION

Internal

In 2018 the Marketing and Communications department consulted with all departments in the City to ascertain their needs, requirements and wish list of functionalities for a new website for their area of the business.

Information on the website development proposal was presented to Council at the Special Information Forum held 5 March 2019.

External

External Consultation will begin in March 2019 which will include:

- An online survey to residents, businesses and Elected Members to ascertain perceptions of the current site and expectations for a new site.
- Creation of an online consultation group for testing and further consultation during the project.
- Later in the development internal and external testing will take place both online and by way of focus groups.

From this consultation amendments may be made to the functionality/design or content of the website before a fully functioning site is launched.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

While the development of a new website will be of great benefit to the whole organisation and the community in general, the following strategies highlight where the redevelopment of a new website will directly facilitate achievement of the following strategies in the Corporate Business Plan.

- Business Excellence
 - Promote the City as the City of Opportunity
 - Ensure effective communication and consultation with the community and other stakeholders.

Item 12.8 Continued

- Ensure decision making is supported by effective information and knowledge management.
 - Ensure information systems and technology support knowledge management in order to meet the community and organisation requirements.
- Business Belmont
 - Promote the City of Belmont through various promotional and informative materials, facilitated networks and media to make it clear that the City is a great place to do business.
 - Attract and support high quality business development and the sustainable use of land in Belmont, including Perth Airport, by providing information and assistance to businesses seeking to establish operations in the City of Belmont
 - Enhance the relationship and interaction with existing business entities within the City.
- Social Belmont
 - The City will continue to design and implement programs which enhance safety, security and wellbeing in the community.
 - A 'whole of community' inclusive approach is adopted emphasising the intrinsic value of committing time and resource to relationship building amongst the City and the community.
 - Adopt a multi-generation approach (from seniors to younger generations), to identify and address community needs, to maximise individual and collective potential to live and thrive together.
 - Identify and address the needs of Aboriginal people and people from culturally diverse backgrounds to maximise individual collective potential to live and thrive together.
 - Promote and deliver resources and opportunities for the community to engage in lifelong learning.
 - Identify and support initiatives that promote healthier and more active lifestyles
 - Recognise all aspects of historical significance within the City.
 - Provide art and cultural opportunities as a means of community engagement and inclusion.

POLICY IMPLICATIONS

There are no direct policy implications associated with this report. Some Council and Corporate policies may need to be considered in the development of content and processes within the website.

STATUTORY ENVIRONMENT

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

Item 12.8 Continued

BACKGROUND

In September 2018 the City purchased a content management system with which to develop the new website.

An invitation to tender for the design, development and implementation of a new flexible and future proofed website was advertised in the West Australian newspaper on Saturday, 17 November 2018, closing on Tuesday, 4 December 2018 at 2pm.

Nineteen sets of tender documents were downloaded from the City's eTendering portal by prospective tenderers and two responses were received from:

- Alyka Pty Ltd
- Integranet Technology Group Pty Ltd.

OFFICER COMMENT

The Evaluation Panel consisted of Manager Marketing and Communications, Media and Communications Officer, Digital Marketing and Communications Officer, Manager Information Technology and Coordinator Web and Office Applications.

The Evaluation Panel assessed the tenders on the same selection criteria included with the tenders, being:

	CRITERIA	WEIGHTING
1	Company Profile and Experience	15%
2	Company Capacity	10%
3	Methodology	10%
4	Demonstrated Experience in Specifications	30%
5	Support and Maintenance	15%
6	Value Add	5%
7	Price	15%
	TOTAL	100%

Both Alyka and Integranet were considered well equipped to develop a corporate website on the Kentico platform, however Integranet demonstrated that they can provide the most advantageous solution to design, develop and implement the website and this is reflected in the scores on the Evaluation Matrix (refer [Confidential Attachment 1](#)). Integranet's expertise in integration to the Technology One products (in particular those used for document management at the City) was one of the main benefits to their development expertise.

Integranet have also developed their own widgets and add-on programs created to a client's specific need and then offer these for free to their other clients. This shows an excellent ability to customise options and then altruistically in making them available to other clients for free.

Integranet's overall development process demonstrated that they are very customer focused and motivated by creating a partnership with the City rather than simply being a service provider.

Item 12.8 Continued

Integranet has shown a determination to work with the City's specifications to obtain the optimal site for the City rather than just integrate with third party products. The City had clearly articulated the requirement for a fully owned and operated website developing its own applications to reduce long term costs and the reliance on third party programs. Integranet was able to clearly demonstrate challenges they had overcome for other clients that could be used to resolve some of the City's more difficult specifications.

Overall Integranet demonstrated it is the most advantageous solution for the development of the website.

FINANCIAL IMPLICATIONS

The Price Schedule (refer [Confidential Attachment 2](#)) shows the tendered prices for the development of the website as well as ongoing annual fees for hosting and support and maintenance.

An amount of \$153,500 was allocated in the 2018-2019 budget for website development. As part of the March Budget Review, an adjustment to this has been made based on estimated works to be completed this financial year which results in a remaining allocation of \$85,200 in expenditure. The balance of the original budget (\$68,300) has been allocated to the Information Technology Reserve to partially facilitate continuation of the development in 2019-2020 with an additional allocation of \$130,600 to finalise the development (total \$284,100).

It is possible that development will be complete by 30 June 2020, however this will be dependent on an initial scoping exercise once the developer is engaged. If the scoping exercise shows feasibility in completing the major part of the development by 30 June 2020 budget allocations will need to be brought forward.

ENVIRONMENTAL IMPLICATIONS

The major impact of a new redeveloped and fully inclusive website is the reduction in the use of paper based promotional brochures etc. While the website will not completely replace print material it has the capacity from both internal and external stakeholders to minimise the use of printed material.

SOCIAL IMPLICATIONS

The development and implementation of a new website on the Kentico platform will ensure our community, businesses and other stakeholders have a website that is:

- easy to use and find what you are looking for;
- is mobile optimised – easily viewed on any device;
- Improved search functionality
- Online community and business directories
- Improved Community Engagement Portal
- Integrated Maps for location finding
- Integration to the City's records management system

Item 12.8 Continued

- Improved design
- Ability to develop multiple sites
- Advanced marketing functionality
- Improved accessibility design
- Interactive content;
- Ultimately this will be the platform that the City utilises to undertake all of its digital communications now and into the future. It will be adaptable and scalable to ensure the City is able to evolve and grow to both the City's requirements and that of the community ie app development, digital transactions etc.

OFFICER RECOMMENDATION

That Council:

- 1. Accept the tender submitted by Integranet Technology Group Pty Ltd for Tender 17/2018 - Provision of Services to Design, Develop and Implement Website for City of Belmont as specified for the lump sum of \$284,077.14 excluding GST.***
- 2. Notes that the development will occur over at least 2 financial years.***

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

12.9 ACCOUNTS FOR PAYMENT – FEBRUARY 2019

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 12 – Item 12.9 refers	Accounts for Payment – February 2019

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"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly 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 12.9 Continued

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 evident at this time.

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;*
- (c) 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.

OFFICER COMMENT

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

Municipal Fund Cheques	788026 to 788054	\$169,947.07
Municipal Fund EFTs	EF060281 to EF060664	\$4,683,023.57
Municipal Fund Payroll	January 2019	\$1,660,837.25
Trust Fund EFT	EF060310 to EF060311	<u>\$18,607.97</u>
Total Payments for February 2019		\$6,532,415.86

A copy of the Authorised Payment Listing is included as [Attachment 12](#) to this report.

Item 12.9 Continued

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 February 2019 as provided under [Attachment 12](#) be received.

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

12.10 MONTHLY ACTIVITY STATEMENT AS AT 28 FEBRUARY 2019

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 13 – Item 12.10 refers	<u>Monthly Activity Statement as at 28 February 2019</u>

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.

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.

Item 12.10 Continued

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 evident at this time.

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 ten percent of the budgeted closing balance as the materiality threshold.

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.

Item 12.10 Continued

Previous amendments to the Regulations fundamentally changed the reporting structure which requires reporting of information consistent with the “cash” component of Council’s budget rather than being “accrual” based.

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 percent of the July authorised budgeted closing balance as previously adopted by Council.*

In order to provide more details regarding significant variations as included in [Attachment 13](#) the following summary is provided.

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Computing	200,900	94,144	Business application website redevelopment not yet commenced.
Chief Executive Officer	57,003	Nil	Relates to purchase of fleet that is currently on order.
Crime Prevention and Community Safety	65,667	9,420	Relates to CCTV installation that is currently on order.
Town Planning	95,814	42,801	Purchase of fleet has been reviewed due to usage/mileage.
Grounds Operations	1,504,629	992,346	Variance relates to budget spread on Wicca Park playground and sporting facilities renewal and the Faulkner Civic Precinct Irrigation Mainline project.
Road Works	6,412,541	6,960,852	Upfront payment for Underground Power project paid earlier than expected.
Streetscapes	148,496	38,260	Budget spread issue with budgeted projects underway or due to start in the new financial year.
Footpath Works	468,392	101,897	Budget spread issue with a number of projects due to start shortly.
Drainage Works	594,233	468,152	Budget spread issue with a number of projects due to start shortly.
Operations Centre	853,070	349,411	Purchase of Plant has been deferred pending a review.
Building Operations	13,192,531	9,726,410	Combination of timing of invoices and scheduling of work for the New Community Centre with costs to be deferred into next financial year.
Technical Services	179,500	109,464	Purchase of fleet has been reviewed due to usage/mileage.

Item 12.10 Continued

Report Section	Budget YTD	Actual YTD	Comment
Expenditure – Operating			
Computing	1,678,816	1,523,699	IT communications and consulting costs are below budget.
Marketing and Communications	814,220	726,778	Variance relates customer service and sponsorship costs.
Governance	2,478,964	2,238,516	Activity Based Costing (ABC) allocations are below budget.
Belmont Trust	85,000	6,461	The budget is an anticipated cost for the year and actual cost is dependent on fees charged.
Accommodation Costs	396,595	330,265	Power costs are currently well below budget.
Property and Economic Development	689,346	589,541	Services and amalgamation costs associated with the Nursing Home Property won't be incurred this financial year.
Rangers	633,817	558,866	Variance predominantly relates to employee costs.
Crime Prevention and Community Safety	476,976	355,601	Employee costs are under budget as well as those costs associated with the Community Safety Taskforce that has only recently commenced.
Health	960,137	848,158	Employee related and agency costs are below budget.
Aboriginal Strategies	195,319	134,018	A number of activities have been delayed including a review of the Reconciliation Action Plan.
Community Lifestyle and Learning	442,752	363,105	Employee related and consulting costs are below budget.
Belmont HACC Services	1,619,199	1,542,691	Employee related costs are below budget.
Faulkner Park Retirement Village	40,000	213,833	Contribution towards refurbishment costs for 4 units was required which is funded by reserve.
Town Planning	1,927,683	1,723,653	Legal and consulting costs are currently below budget.
Sanitation Charges	3,968,590	3,746,552	Sanitation costs (and revenue) are expected to be slightly below budget at the end of the year.
Donations and Grants	252,002	191,665	Relates to budget spread issue regarding the Community Contribution Fund.
Ruth Faulkner Library	1,583,182	1,464,207	Variance predominantly relates to consulting costs.
Building - Active Reserves	618,361	539,771	Building maintenance costs associated with Forster Park, Centenary Park, Miles Park, Redcliffe Hall and Rivervale Community Centre are below budget.
Grounds Operations	3,759,097	3,552,064	Consulting, agency and contractor costs are currently below budget.

Item 12.10 Continued

Report Section	Budget YTD	Actual YTD	Comment
Grounds - Active Reserves	686,704	857,093	Turf renovation programme is ahead of schedule.
Grounds Overheads	1,038,231	923,936	Variance predominantly relates to employee costs.
Road Works	676,122	730,987	Road maintenance costs have been higher than anticipated with an additional provision requested as part of the budget review.
Streetscapes	774,198	833,625	Street tree watering and maintenance costs are currently above budget.
Drainage Works	251,887	186,274	Maintenance expenditure is variable and budgeted evenly over the year as it is difficult to predict on a monthly basis.
Public Works Overheads	1,071,033	1,131,494	Employee related costs are above budget.
Technical Services	1,732,474	1,565,228	Employee related costs are below budget.
Revenue - Capital			
Town Planning	(67,079)	(331,775)	Contribution received for the Springs Landowners Development Group - to be paid to Landcorp.
Road Works	(3,930,231)	(1,610,626)	Road grants for Surrey Rd and National Stronger Regions Funded projects were recognised in 2017-2018. This has a nil overall budget impact and will be offset by an increased opening balance. NSRF grants will also be reduced as part of the budget review along with the associated cost of works.
Operations Centre	(341,213)	(109,909)	Disposal of Plant has been reviewed as the tender for purchase of replacement plant will occur in early 2019.
Building Operations	(1,835,018)	(2,080,351)	Relates to grant income invoiced for the New Community Centre.
Revenue - Operating			
Computing	(1,615,067)	(1,523,699)	ABC recoveries currently below budget.
Accommodation Costs	(399,722)	(330,265)	ABC recoveries currently below budget.
Rates	(49,957,240)	(48,801,601)	Interim rates for the DFO have yet to be levied and interims for Residential and Commercial sectors are less than anticipated.
Financing Activities	(1,340,809)	(1,198,985)	Monthly variances are expected due to the timing of term deposits maturing.
Faulkner Park Retirement Village	(150,000)	(94,211)	Unit sales at the village were less than anticipated.

Item 12.10 Continued

Report Section	Budget YTD	Actual YTD	Comment
Town Planning	(755,499)	(852,395)	Additional income resulting from a successful court case.
Sanitation Charges	(6,452,789)	(6,337,326)	Additional bin services were slightly less than anticipated.
Public Works Overheads	(929,043)	(681,443)	Overhead recoveries currently below budget.
Plant Operating Costs	(1,095,205)	(943,019)	Plant recoveries currently below budget.
Technical Services	(324,476)	(252,827)	ABC recoveries currently below budget.
Other Public Works	(34,667)	(111,326)	More Private Works jobs than anticipated.

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.

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 28 February 2019	\$	Comment
Cash and investments	85,704,173	Includes municipal and reserves
- less non rate setting cash	(54,016,811)	Reserves
Receivables	4,129,514	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(905,855)	ESL Receivable
Stock on hand	227,516	
Total Current Assets	35,138,536	
Current Liabilities		
Creditors and provisions	(8,617,309)	Includes ESL and deposits
- less non rate setting creditors and provisions	3,636,206	Cash Backed LSL, current loans and ESL
Total Current Liabilities	(4,981,103)	
Nett Current Assets 28 February 2019	30,157,433	
Nett Current Assets as Per Financial Activity Report	30,157,433	
Less Restricted Assets	(277,747)	Unspent grants held for specific purposes
Less Committed Assets	(29,379,686)	All other budgeted expenditure
Estimated Closing Balance	500,000	

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.

Item 12.10 Continued

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 28 February 2019 as included in [Attachment 13](#) 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 (COUNCILLOR DAVIS) – COMMONWEALTH HOME SUPPORT PROGRAMME

SOCIAL BELMONT

ATTACHMENT DETAILS

Nil.

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	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

<input checked="" type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, local planning schemes and policies.</i>
<input type="checkbox"/>	Review	<i>When Council reviews decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly 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 a Notice of Motion prepared by Councillor (Cr) Davis proposing to direct the Chief Executive Officer to write to the relevant Federal and Shadow Ministers requesting information on the future funding of the Commonwealth Home Support Programme, to provide copies of the correspondence to local Western Australian State and Federal Politicians, and to inform the Council of any responses that are to be considered at a future Information Forum.

SUMMARY AND KEY ISSUES

Cr Davis has proposed a motion for the Chief Executive Officer to write to the Federal and Shadow Governments of Australia, seeking information relating to future funding arrangements of aged care services, specifically the ongoing funding of the Commonwealth Home Support Programme.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Social Belmont.

Objective: The City will take a key leadership role to ensure access to services and facilities and developing collaborative partnerships that enable greater accessibility for a changing community.

Strategy: Adopt a Collaborative approach through the development of partnerships with service providers, to ensure maximum benefit for community groups and individuals.

Strategy: Identify and assist those in need by connecting them with appropriate internal or external service providers.

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

A Notice of Motion by Cr Davis reads as follows:

'That Council:

1. *Directs the Chief Executive Officer to write to the Hon Ken Wyatt, Federal Minister for Senior Australians and Aged Care requesting information on the Liberal Party of Australia's plan for the future funding of the Commonwealth Home Support Programme should they be re-elected to Government at the next Federal election.*

2. *Directs the Chief Executive Officer write to the Hon Julie Collins, Shadow Minister for Ageing and Mental Health, requesting information on the Australian Labor Party's plan for the future funding of the Commonwealth Home Support Programme should they be elected to Government at the next Federal election.*
3. *Directs the Chief Executive Officer to provide a copy of the correspondence stated in points 1 and 2 above to local WA State and Federal Politicians.*
4. *Pending receipt of information as detailed in points 1 and 2 above, Council requests the Chief Executive Officer to arrange an Information Forum to consider the responses.'*

Reason:

- *To ensure the City of Belmont can make informed decisions about future delivery of the Commonwealth Home Support Programme in light of ongoing sector wide reform to the aged care industry.*
- *So that the City of Belmont is adequately informed so as to ensure aged residents have appropriate access to information, services and advocacy that best meet their aged care needs.*

OFFICER COMMENT

As outlined in the 2011 Council of Australian Governments (COAG) National Health Reform Agreement, the Commonwealth holds full responsibility for the funding, policy, management and delivery of a national aged care system.

From February 2017 a range of important reforms to the aged care system have been implemented. This included the extension of Commonwealth Home Support Programme grant agreements with service providers and Regional Assessment Services nationally until 30 June 2020. This extension of agreements was designed to allow these extensive changes to be implemented and also to prepare the way for future reform.

At this point in time, the Commonwealth has not announced details of the future integrated care at home program and how this would be funded post 30 June 2020.

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 City has a role in advocating and engaging with the aged community. In supporting Cr Davis' motion the City is able to remain informed and ensure that aged residents, their families and carers have access to the services and facilities they require.

COUNCILLOR RECOMMENDATION

DAVIS MOVED, ROSSI SECONDED,

That Council:

1. Directs the Chief Executive Officer to write to the Hon Ken Wyatt, Federal Minister for Senior Australians and Aged Care requesting information on the Liberal Party of Australia's plan for the future funding of the Commonwealth Home Support Programme should they be re-elected to Government at the next Federal election.
2. Directs the Chief Executive Officer write to the Hon Julie Collins, Shadow Minister for Ageing and Mental Health, requesting information on the Australian Labor Party's plan for the future funding of the Commonwealth Home Support Programme should they be elected to Government at the next Federal election.
3. Directs the Chief Executive Officer to provide a copy of the correspondence stated in points 1 and 2 above to local WA State and Federal Politicians.
4. Pending receipt of information as detailed in points 1 and 2 above, Council requests the Chief Executive Officer to arrange an Information Forum to consider the responses.

CARRIED 8 VOTES TO 1

*For: Bass, Cayoun, Davis, Marks, Powell, Rossi, Ryan, Sekulla
Against: Wolff*

Reason:

- To ensure the City of Belmont can make informed decisions about future delivery of the Commonwealth Home Support Programme in light of ongoing sector wide reform to the aged care industry.
- So that the City of Belmont is adequately informed so as to ensure aged residents have appropriate access to information, services and advocacy that best meet their aged care needs.

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 7.46pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 26 March 2019 were confirmed as a true and accurate record at the Ordinary Council Meeting held 16 April 2019:

Signed by the Person Presiding: _____



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

This page
has purposely
been left
blank