# City of Belmont

## ORDINARY COUNCIL MEETING

# MINUTES

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**CONFIDENTIAL ATTACHMENTS**



**Councillors are reminded to**
**retain the OCM Attachments for discussion with the Minutes**

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS OF THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 13 JUNE 2006, COMMENCING AT 7.03PM.**

## PRESENT

| | |
|---|---|
| Cr P Marks, Acting Mayor | East Ward |
| Cr M Bass | East Ward |
| Cr R Rossi | West Ward |
| Cr B Martin | West Ward |
| Cr P Hitt | West Ward |
| Cr E Teasdale | South Ward |
| Cr B Whiteley | South Ward |
| Cr J Powell | South Ward |
| Cr M Blair | Central Ward |

## IN ATTENDANCE

| | |
|---|---|
| Mr R Lutey | Acting Chief Executive Officer |
| Mr N Deague | Director Community & Statutory Services |
| Mr S Cole | Director Corporate & Governance |
| Mr J Olynyk | Manager Governance |
| Mr J Blanchard *(arrived 7.09pm)* | Principal Legal & Compliance Adviser |
| Mr J Christie | Manager Parks, Leisure & Environment |
| Ms S Johnson | Agenda & Minutes Officer |

## MEMBERS OF THE GALLERY

There were nine attendees in the gallery and one press representative.

## 1. OFFICIAL OPENING

The Acting Mayor opened the meeting at 7.03pm, and welcomed those in attendance and invited Cr Hitt to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Hitt read aloud the affirmation.

## 2. APOLOGIES & LEAVE OF ABSENCE

### 2.1 APOLOGIES

Nil.

### 2.2 LEAVE OF ABSENCE

*Record Councillor Leave of Absence where previously endorsed for this meeting.*

| | |
|---|---|
| Dr Shayne Silcox | 10/06/06 to 21/06/06 inclusive. |
| Cr Godfrey | 09/06/06 to 18/06/06 inclusive. (OCM 23/05/06) |
| Cr Dornford | 01/06/06 to 31/07/06 inclusive. (OCM 02/05/06) |

## 3. DECLARATIONS OF INTEREST

*Councillors / Staff are reminded of the requirements of s5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the City's Code of Conduct.*

### 3.1 FINANCIAL INTERESTS

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

*Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.*

| Name | Item No. | Nature of Interest (and extent, where appropriate) |
|---|---|---|
| Cr Teasdale | OCM Item 11.5.6 | Wife receives a City Sister Honorarium |
| Cr Teasdale | OCM Item 11.5.9 | Wife receives a City Sister Honorarium |
| Cr Bass | OCM Conf Item 13.1 | Councillor may benefit financially. |

### 3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

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

| Name | Item No. | Details of Interest |
|---|---|---|
| Cr Hitt | OCM Item 11.1.1 | Partner is a Member of BRRAG |
| Cr Bass | OCM Item 11.1.1 | Partner is a Member of BRRAG |
| Cr G Dornford | OCM Item 11.5.1 | Uses Greg Rowe Consultants |
| Cr T Teasdale | OCM Conf Item 13.2 | Owner of property nearby |

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

### 4.1 ANNOUNCEMENTS

*Written announcements by the Presiding Member or important forthcoming functions to be tabled at this point. The Presiding Member may, at their discretion, wish to make verbal announcements.*

### 4.1.1 Meeting with Minister for Local Government

The Acting Mayor announced that the Acting Chief Executive Officer and himself had breakfast with the Minister for Local Government and Regional Development, the Hon Jon Ford on Monday morning. The meeting was genial and informative and the Minister could be described as a hands-on, practical politician. He expressed his desire for Local Government to act with him as a team to present a united front to the Federal Government for appropriate funding. He intends to be available and open to all Councils and will be holding several meetings each year with various Councilsl to make certain he is across both the big and the small issues facing Local Government. The Acting Mayor stated that he left the meeting feeling that the Minister will serve Council well.

### 4.2 DISCLAIMER

****7.07pm The Acting Mayor drew the public gallery's attention to the Disclaimer and the Manager Governance read the Disclaimer aloud.**

*No responsibility whatsoever is implied or accepted by the City of Belmont for any act, omission or statement or intimation occurring during Council or Committee meetings.*

*The City of Belmont disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.*

*Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.*

*In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation or approval made by any member or Officer of the City of Belmont during the course of any meeting is not intended to be and is not taken as notice of approval from the City of Belmont.*

*The City of Belmont warns that anyone who has any application lodged with the City of Belmont must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the City of Belmont in respect of that application.*

*The City of Belmont wishes to advise that any plans or documents contained within this agenda may be subject to copy right law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.*

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

*Councillors who have not read the business papers make a declaration at this point.*

Cr Bass declared that she had not given due consideration to all matters contained in the business papers presently before the meeting, specifically Confidential Item 13.1 and 13.2. She stated that she had only been given the Items shortly before the opening of the Council Meeting.

On investigation, it was found that the Administration had made an administrative error in not supplying Cr Bass with the necessary electronic copy of the Confidential Item Steps will be taken to ensure this does not reoccur.

### 4.4 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE 'COUNCILLORS INFORMATION BULLETINS' AS DETAILED IN ITEM 12.1

*Councillors who have received and not read the 'Councillor Information Bulletins' as detailed in Item 12.1 of this agenda, to make declarations at this point.*

Nil.

## 5. PUBLIC QUESTION TIME

****7.13pm The Acting Mayor drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (l), the Acting Mayor advised that he had registered four members of the public who had given prior notice to ask questions, these being Mr T Dawes, and Mr R Harris.**

**The Acting Mayor invited the public gallery members, who had yet to register their interest to ask a question, to do so. Further registrations were received from Mr S Wolff and Mr R Greenwood.**

### 5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

### 5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

### 5.2.1 Mr T Dawes, 228 Epsom Avenue, Belmont

Mr Dawes submitted questions to Council prior to the commencement of the meeting but withdrew the questions at Public Question Time and did not proceed.

### 5.2.2 Mr R Harris, 481 Abernethy Road, Cloverdale

1. Will the Council consider the termination of all funding to the Adachi-Ku Sister City on or before 1 July 2007?

*The Acting Mayor replied he would take the Question on Notice.*

2. Did the Council consider itself to be in a Nuclear Free Zone?

*This question was taken on notice but answered in response to question 2. at 5.2.3. below.*

3. Mr Harris requested time to give a preamble under the new Volunteer Request clause.

*The Acting Mayor stated that he was able to have this time in accordance with the rules of public question time.*

### 5.2.3 Mr S Wolff, 191 Kew Street, Kewdale

1. Mr Wolff spoke on behalf of the Belmont Resident/Ratepayers Action Group (BRRAG) and asked if Council had considered other environmentally friendly options such as rail for relieving traffic congestion other than widening Great Eastern Highway?

*The Acting Chief Executive Officer replied that Great Eastern Highway in the City of Belmont attracted traffic from the eastern suburbs and that there is already a rail terminal located in Midland which served to relieve some of the traffic congestion.*

*He added that if the highway was widened and the flow of traffic improved, it would reduce the generation of greenhouse effects from that of the congested traffic. Further, it may be possible to have a dedicated bus lane to improve overall traffic flows at least on some sections of the highway.*

*The City is also employing a Travel Smart Officer to work with the community to promote the reduction of car usage in the community by promoting public transport and car pooling. It is hoped that this would reduce vehicle usage by up to 10% amongst those taking part in the programme.*

2. Mr Wolff asked if the City could confirm that the City is a Nuclear Free Zone?

*The Acting Chief Executive Officer replied that he believed that there were Nuclear Free Zone signs erected in the main entrances to the City, however, it was how the City acted on this issue rather than the amount of signage and promotion it gave to the issue.*

*Several Councillors were asked if they recalled the City being a Nuclear Free Zone by the Acting Mayor. The Councillors replied that there were signs erected at the four main entry points to the City, however, the City was unable to stop trucks passing through the City if they were carrying nuclear material.*

### 5.2.4 Mr R Greenwood, 151 Coolgardie Avenue, Redcliffe

1. Mr Greenwood asked Council if they would support mass transit systems (eg Cat Bus) that would reduce commuting traffic, car dependence, the use of fossil fuels and remove some of the direct causes of greenhouse gases rather than using the option of widening Great Eastern Highway?

*The Acting Chief Executive Officer replied that the widening of the highway was a State Government project supported by the Council and if the State Government proposed some additional major public transport initiative, it would very likely also be supported by the Council.*

2. Mr Greenwood referred to Item 11.1.1 - Keeping of Excess Numbers of Cats at Lot 951 (228) Epsom Avenue, Belmont and asked if Council would give consideration to allowing the owners of the cats to keep them on compassionate grounds.

*The Acting Mayor replied that the item would be debated at the appropriate time on the Agenda tonight.*

****7.34pm As there were no further questions, the Presiding Member declared Public Question Time closed.**

## 6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX

### 6.1 ORDINARY COUNCIL MEETING HELD 23 MAY 2006

***<u>POWELL MOVED, HITT SECONDED</u>, that the minutes of the Ordinary Council Meeting held on 23 May 2006 as printed and circulated to all Councillors, be confirmed as a true and accurate record.***

***<u>CARRIED 9 VOTES TO 0</u>***

### 6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 6 MAY 2006**

****Council Attachment 1 – Item 6.2 refers**

***<u>WHITELEY MOVED, HITT SECONDED</u>, that the Information Matrix for the Agenda Briefing Forum held on 6 May 2006 as circulated in the attachment, be received and noted.***

***<u>CARRIED 9 VOTES TO 0</u>***

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

*<u>DISCLAIMER</u>: Where the City's Administration has provided any assistance to a Councillor, with the framing and / or wording of any motion / amendment / question to the Council, who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion / amendment is solely that of the intended mover and not that of the officer / officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by the City's administration to the Council meeting considering the motion.*

Nil.

## 8. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil.

## 9. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

## 10. REPORTS OF COMMITTEES

*<u>NOTE</u>: Regulation 11(da) of the Local Government (Administration) Regulations 1996 requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in the Local Government Act 1995 s5.70 (but not a decision to only note the matter or to return the recommendation for further consideration).*

*<u>NOTE</u>: Council in receiving and noting the Minutes of Standing Committee are not adopting or in anyway endorsing the recommendations or comments contained therein. Committee Recommendations will be the subject of separate reports to Council at this or a future Council Meeting, at which time Council will consider the matter.*

Nil.

## 11. REPORTS OF ADMINISTRATION

*NOTE: Regulation 11(da) of the Local Government (Administration) Regulations 1996 requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration).*

## 11.1 BUILT BELMONT

**WITHDRAWN ITEMS**

Item 11.1.1 was withdrawn at the request of Cr Bass.

***POWELL MOVED, TEASDALE SECONDED*, that with the exception of Item 11.1.1 which is to be considered separately, the Officer Recommendations in the Built Belmont Key Result Area Reports, specifically Items 11.1.2 to 11.1.5 be adopted en bloc.**

***CARRIED 9 VOTES TO 0***

### 11.1.1 Keeping of Excess Numbers of Cats at Lot 951 (228) Epsom Avenue, Belmont**

****BB Attachment 2 – Item 11.1.1 refers**
****BB Attachment 3 – Item 11.1.1 refers**
****BB Attachment 4 – Item 11.1.1 refers**

Report by Community & Statutory Services Division

**DATE**

26 May 2006

**PURPOSE OF REPORT**

To consider an application to keep more than two (2) cats at Lot 951 (228) Epsom Avenue, Belmont.

**COUNCIL ROLE**

Quasi-Judicial

*The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

*Item 11.1.1 Continued*

## SUMMARY AND KEY ISSUES

### Summary and Key Issues

On 21 March 2006, Council considered an application to keep more than two (2) cats at Lot 951 (228) Epsom Avenue, Belmont. The Council believed the owner was running a cat breeding operation and that the scientific research as indicated was not legitimate or sanctioned by any approving authority. It was decided that "Council not approve the keeping of more than two cats over the age of three months at 228 Epsom Avenue and that the current number of cats be reduced within 45 days of notification of Council's decision and if this recommendation is not complied with, Council authorise the Manager-Health & Ranger Services to initiate legal proceedings."

The owner has since reapplied to Council for an exemption under the Health Local Laws 2002 to keep six (6) cats as "pets only" on the basis that the excess numbers of cats will not be a nuisance or injurious or dangerous to health.

### Officer Recommendation Summation

The purpose of the Health Local Laws is to effectively limit the number of cats kept on a residential property to two. The intent of the exemption within that Local Law to allow the keeping of more than two cats is to give the City the flexibility to allow the keeping of more than two adult cats in special circumstances.

The types of special circumstances that would be given favourable consideration would be those of a compassionate nature and before giving approval, the City would need to be satisfied that no health risk would be created in each specific circumstance.

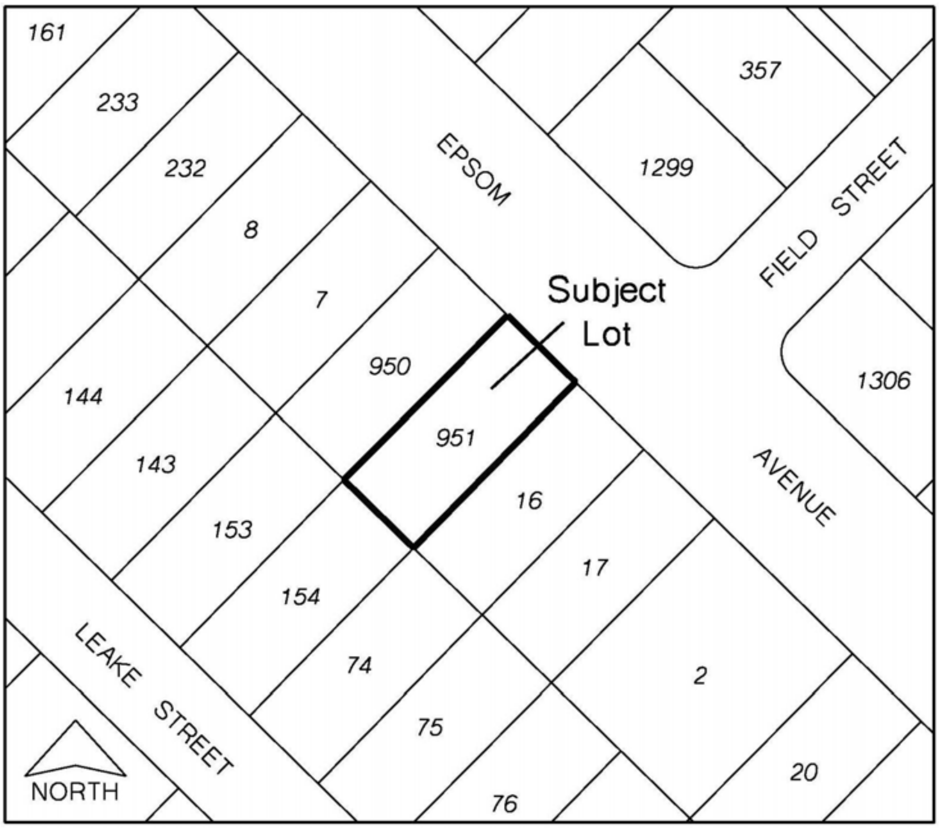
It is the opinion of the Manager-Health and Ranger Services that in this application the owner has not provided sufficient reason for Council to consider this application is a special circumstance or that the reason for keeping six cats would not be for the purpose of running a cat breeding operation.

Therefore, it is recommended that Council not approve the keeping of more than two cats over the age of three months at Lot 951 (228) Epsom Avenue, Belmont and that the current number be reduced to two adult cats within 14 days of notification of Council's decision.

## LOCATION

Lot 951, PL 34178 known as 228 Epsom Avenue, Belmont WA 6104

*Item 11.1.1 Continued*




**APPLICANT**

Angela Irvine and Trevor Dawes

**FILE REFERENCE**

16/004 Horse/Livestock/Cat Complaints

**DISCLOSURE OF INTEREST**

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| | | | |

**VOTING REQUIREMENT**

Simple majority required.

**CONSULTATION**

No further consultation carried out.

**STRATEGIC PLAN IMPLICATIONS**

There are no strategic plan implications at this time

*Item 11.1.1 Continued*

## POLICY IMPLICATIONS

There are no policy implications relating to this item.

## STATUTORY ENVIRONMENT

Health Act 1911 (as amended)
City of Belmont Health Local Law 2002 (Division 2, Section 63)
City of Belmont Town Planning Scheme No.14

## BACKGROUND

In response to a previous application received by Council on 2 December 2005 to keep excess numbers of cats for scientific purposes at Lot 951 (228) Epsom Avenue, Belmont, Council's decision on 21 March 2006, based on issues of activity and location was that "Council not approve the keeping of more than two cats over the age of three months at 228 Epsom Avenue, Belmont and that the current number of cats be reduced to two adult cats within 45 days of notification of Councils decision. If this recommendation was not complied with, Council authorise the Manager-Health & Ranger Services to initiate legal proceedings."

On 22 March 2006, the applicant submitted a "statement of appeal" detailing twenty reasons why Council should reconsider its decision.

On 24 March 2006, a letter was hand delivered to the applicant confirming Council's decision and informing the applicant of the correct procedure of appeal through the State Administrative Tribunal.

On 18 April 2006, a letter was received by Council from the applicant requesting an exemption to the Health Local Laws 2002 to allow the keeping of six (6) adult cats as "pets only" as they *"…are not a nuisance as they live in enclosures nor are they injurious to anyone or a danger to anyone's health. (sic)."*

On 26 April 2006, the Senior Environmental Health Officer contacted the State Administrative Tribunal and confirmed no appeal had been lodged against Council's decision within the required 28 days.

## OFFICER COMMENT

Clause 63 (3) of the City of Belmont Health Local Law 2002 states, "the local authority shall not grant an exemption under this clause unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health". The intent of the exemption within the Local Law is to allow the keeping of more than two cats is to give the City the flexibility to allow the keeping of more than two adult cats in special circumstances. Examples of such circumstances are as follows:

- death of a family member;
- where a person already has two cats and is left with a cat that a family member is no longer able to look after or where a younger cat is acquired to take the place of a family cat that is nearing its life expectancy;
- where an existing resident has two cats and their partner moves in with them bringing their own cat resulting in three cats living on the property.

*Item 11.1.1 Continued*

Favourable consideration would be given to circumstances of a compassionate nature subject to the Manager-Health and Ranger Services being satisfied that the keeping of three (3) cats on the property would not be a nuisance or injurious or dangerous to health. Such approvals would be subject to a condition providing that when one of the cats dies that it is not replaced resulting in no more than two cats being kept on the property thereafter.

The applicant on this occasion has requested to keep six (6) cats as "pets only" which is not in keeping with the intent of the exemption.

In addition, on 14 November 2005, when the Senior Environmental Health Officer (SEHO) was investigating the applicant's first application to keep excess numbers of cats for scientific purposes Ms Irvine stated that she wanted to get down to a "workable six". At that time it was suspected that the cats were being kept for breeding purposes and nothing the applicant has submitted since has changed this view.

The Manager-Health and Ranger Services contacted the animal cruelty section of the RSPCA to enquire whether the RSPCA had any concerns or restrictions on the keeping of cats in cages. The RSPCA Officer advised that there were some concerns as to why people would want to keep pet cats in a cage, however, if the cages were large enough and allowed the cats enough freedom there may not be any problem.

The large cages at 228 Epsom Avenue, seen by the Councillors during an on-site visit, were described to the RSPCA Officer and his comment was that as described they appeared to be satisfactory for two cats. He also stated that keeping cats in cages in this manner raised the question as to the purpose and whether the cat owners were breeders as this seemed to be a typical breeding set up.

The operation of a cattery is also not a permitted use in a residential area as specified in the Town Planning Scheme No.14, whether it is for scientific purposes or for sale and profit.

Based on the aforementioned information it is the opinion of the Manager Health and Ranger Services that the application to keep six (6) cats is not in keeping with the intent of the exemption to the Health Local Laws.

**FINANCIAL IMPLICATIONS**

There are no significant financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident at this time.

**ATTACHMENT DETAILS**

| Attach. No. | Details |
|---|---|
| 2 | Copy of letter from Trevor Dawes & Angela Irvine dated 22/03/06; |
| 3 | Copy of letter to Angela Irvine & Trevor Dawes from Manager of Health & Ranger Services dated 24/03/06; and |
| 4 | Copy of letter from Trevor Dawes & Angela Irvine dated 18/04/06. |

*Item 11.1.1 Continued*

**Additional information was tabled by the Director Community & Statutory Services for Council consideration. This information was received by officers at 5.05pm, 12 June 2006 from Ms Irvine and Mr Dawes as follows:**

*"Angela Irvine*
*Trevor Dawes*
*228 Epsom Ave*
*Belmont 6104*

*11/06/06*

*RE: Cats at 228 Epsom Ave*

*Dear Sir*

*With reference to your comments made at the Council Forum Meeting this month, I would like to reply.*

*Firstly under the Local Health Act there is no mention of an exemption given only on compassionate grounds. This is what you stated in your recommendation to Council. Can you please clarify this and explain to me where I can find this statement within the Local Health Act?*

*Secondly, I find your comments regarding my integrity quite appalling. You state that there is no evidence I will not continue to breed. Well if you talk with Mr Kevin Davidson he will tell you that we have always acted professionally and politely to him and have never denied him access to our home or tried to hide anything from him. We have always answered his questions honestly and he knows he has freedom of this property anytime he wishes to inspect. Now tell me would I do this if I had something to hide? I don't think so therefore the comments you made are very unprofessional and quite attacking on us as human beings attacking our honesty, professionalism and integrity.*

*Thirdly if you are talking "compassionate" I would think that I fall into this catagery.*

1) *I have rehomed at my own expense most of my cats on your recommendation.*
2) *I have asked to keep six cats under the juristriction of the points outlined in the Local Health Act.*
3) *Two of these cats are desexed males that belong to Trevor. They were his inspiration to a full recovery from two spinal fusion operations. You can understand why the ties to these two boys is so strong for him*
4) *Another cat that I want to keep has a congenital middle ear imbalance and requires medication and careful nursing and the giving of medication at regular intervals. She trusts me and should not be put to sleep because she requires care.*
5) *Another cat has an allergy and her eyes constantly require medicating and cleaning. Also when this happens she loses sight and she knows her whereabouts here and could not be placed in another environment. Again she would have to be put to sleep.*
6) *I want to keep a desexed male who constantly sprays. He has been a working stud for many years and deserves to see his life out now. He does not deserve to be put to sleep for no reason. He requires to be housed correctly and is not suitable to be rehomed as he would wander and be a nuisance to society. With us he would have a comfortable life in an enclosure where he would not worry anyone.*
7) *Finally I have a vacecomised male who is nearly 16 years old and just sleeps. Again he does not deserve to be put to sleep and certainly at his age would not be able to be rehomed. Time will take him soon and he has been with me since 8 weeks of age so I owe it to him to see out his last few months with dignity.*

*Item 11.1.1 Continued*

*Once these cats pass on to kitty heaven they will not be replaced but I do have a commitment to them all to allow them the dignity to see their lives out comfortably and stress free. They may only be animals to some of you but to us they are a little more and giving them the respect they deserve is paramount. Like children no animal askes to be born but once they are we as humans have a responsibility to look after them and nuture them and give them a happy and healthy life. They rely on us the human race for survival. We domesticated them so we have a resposiblity to look after them and this is all we ask; an opportunity to look after the six we now have until their days on this earth are over.*

*Once again we ask Council to look at our request favourably and take into consideration the contents of this letter and the points we have raised.*

*Sincerely"*

## OFFICER RECOMMENDATION

That Council not approve the keeping of more than two cats over the age of three months at 228 Epsom Avenue, Belmont and that the current number of cats be reduced to two adults cats within 14 days of notification of Councils decision.

***BASS MOVED, HITT SECONDED*, that the Council grant exemption to Ms Angela Irvine and Mr Trevor Dawes for the keeping of a maximum of six cats at Lot 951 (228) Epsom Avenue, Belmont subject to the following conditions:**

***1. The six cats to be kept at the subject premises are those specifically referred to in the applicants' correspondence dated 11 June 2006 and in this regard detailed identification is required including photographs.***
***2. That no cat be replaced unless there is a maximum of two cats in accordance with Division 2, Clause 63 of the City of Belmont Health Local Law 2002.***

***LOST 7 VOTES TO 2***

*For: Bass, Hitt*
*Against: Teasdale, Powell, Whiteley, Blair, Rossi, Marks, Martin*

***TEASDALE MOVED, POWELL SECONDED*, that the matter be deferred to enable Councillors more time to consider the additional information.**

***CARRIED 5 VOTES TO 4***

*For: Teasdale, Rossi, Marks, Martin, Powell*
*Against: Bass, Hitt, Whiteley, Blair*

## 11.1.2 Lot 74 (19) Laurie Street - Temporary Demonstration Home and Office and Lot 54 (211) Knutsford Avenue, Kewdale – Temporary Car Park**

****BB Attachment 5 – Item 11.1.2 refers**

Report by Community & Statutory Services Division

**DATE**

19 May 2006

**PURPOSE OF REPORT**

To consider an application for a temporary demonstration home and office at Lot 74 (19) Laurie Street and a car park at Lot 54 (211) Knutsford Avenue, Kewdale.

**COUNCIL ROLE**

Quasi-Judicial

*The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

An application to use a single dwelling as a 12 month temporary demonstration home and office was submitted on 8 February 2006 for Lot 74 (19) Laurie Street, Kewdale. A demonstration home is a 'Use Not Listed' under Town Planning Scheme No. 14. An office is not permitted within the 'Residential' zone, however can be approved on a temporary basis.

Five car parking bays are required for the demonstration home. These are proposed to be located on Lot 54 (211) Knutsford Avenue, Kewdale, which is located 100m down the road.

**Officer Recommendation Summation**

Advertising in accordance with clause 5.7 of the Scheme is required prior to determining the application.

It is recommended that the application be advertised to all landowners and occupiers on Laurie Street between Belmont Avenue and Knutsford Avenue, and all land owners and occupiers on Knutsford Avenue between Ross Street and Wright Street for a 21 day period.

*Item 11.1.2 Continued*

## LOCATION

Lot 74 (19) Laurie Street, Kewdale and Lot 54 (211) Knutsford Avenue, Kewdale.


## APPLICANT

Jade Projects Australia

## FILE REFERENCE

52/2006/DA Application file
115/001 Subject file
LAU.19 Property file

## DISCLOSURE OF INTEREST

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| | | | |

## VOTING REQUIREMENT

Simple majority required.

## CONSULTATION

**Demonstration Home – Use Not Listed**

Under Clause 4.2.3(b) of the Scheme, should Council determine that the proposed land use may be consistent with the objectives and purposes of the 'Residential' zone the "S" notification procedures of clause 5.7 shall be followed in dealing with the application for Planning Approval.

*Item 11.1.2 Continued*

**<u>Office – Temporary Use</u>**
Under Clause 5.13.3 of the Scheme, should Council consider that the office be allowed on the land temporarily, Council is required to advertise the proposal and consult with the public in accordance with the manner prescribed for “S” uses under subclause 5.7.3 of the scheme.

It is recommended that the application be advertised to all land owners and occupiers on Laurie Street between Belmont Avenue and Knutsford Avenue, and all land owners and occupiers on Knutsford Avenue between Ross Street and Wright Street.

## STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT - *"Encourage the upgrading and compatible redevelopment of the City."*

## POLICY IMPLICATIONS

There are no policy implications evident at this time.

## STATUTORY ENVIRONMENT

**<u>Demonstration Home – Use Not Listed</u>**
A ‘Demonstration Home’ is a use not listed within the Zoning Table of the City of Belmont Town Planning Scheme No. 14. Clause 4.2.3 of the Scheme contains provisions for determining a use not listed.

*“4.2.3 Uses Not Listed*

*If a use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes in the Zoning Table, the Council in dealing with an application for Planning Approval involving that use may:*

*(a) determine that the use is consistent with the objectives and purposes of the zone in which the subject land is situated and therefore should be treated as a permitted use, and thereafter follow the procedures appropriate to a development involving a permitted use in dealing with the application for Planning Approval; or*

*(b) determine that the proposed use may be consistent with the objectives and purposes of the relevant zone and thereafter follow the “S” notification procedures of clause 5.7 in dealing with the application for Planning Approval; or*

*(c) determine that the use is not consistent with the objectives and purposes of the relevant zone and is therefore not permitted.”*

**<u>Office – Temporary Use</u>**
An ‘Office’ is an ‘X’ use (not permitted), under the Zoning Table of the City of Belmont Town Planning Scheme No. 14. Notwithstanding, Clause 5.13 of the Scheme contains provisions for temporarily approving a land use otherwise not permitted for a maximum of two years.

*Item 11.1.2 Continued*

*"5.13 Temporary Uses*

*5.13.1 Notwithstanding any other provision of the Scheme to the contrary, if the Council considers that any use should be permitted on any land temporarily, it may give Planning Approval strictly limited in time as a temporary use.*

*5.13.2 The Council may approve a temporary use in respect of any use class, but it shall only give such approval in respect of a use which would not ordinarily be permissible in the relevant zone where:*

*(a) no building would be placed on the land unless it could be readily adapted for use for a purpose permitted in the zone, or which might preclude or inhibit the ultimate use of the land for a permitted purpose;*
*(b) the use would be compatible with the use of adjoining properties or the predominant use of land in the immediate locality; and*
*(c) the use would not be prejudicial to the amenity of the locality.*

*5.13.3 Before approving a temporary use under the provisions of this subclause the Council shall advertise the proposal and consult with the public in accordance with the manner prescribed for "S" uses under subclause 5.7.3 of the scheme.*

*5.13.4 The Council shall not approve a temporary use for more than two years."*

**Deemed Refusal**
Under Clause 5.5.1 of the City of Belmont Town Planning Scheme No. 14 an application is 'deemed to be refused' if it is not determined within a 60 day period.

Clause 5.5.2 of the City of Belmont Town Planning Scheme No. 14 applies where a land use is classified as a 'D' or 'S' use under the City of Belmont Town Planning Scheme No. 14 Zoning Table and is subject to advertising requirements detailed in Clause 5.7 of the Scheme. As such the application is 'deemed to be refused' if it is not determined within a 90 day period.

The only exception to these cases is where there is a written agreement for further time between the applicant and the City of Belmont. The applicant has provided written agreement to an extension to allow for determination.

**BACKGROUND**

| | | | |
|---|---|---|---|
| **Owner:** | Jade Projects Australia | **Ward:** | West |
| **Lodgement Date:** | 8 February 2006 | **Use Class:** | Demonstration Home – Use not listed<br>Office – X<br>Car Park - D |
| **Lot Area:** | 390m2 | **TPS Zoning:** | Residential R20/40 |
| **Estimated Value:** | $180,000 | **MRS:** | Urban |

*Item 11.1.2 Continued*

**Sustainable Dwelling**

A building licence was issued on 10 October 2005 for a single dwelling at Lot 74 (19) Laurie Street, Kewdale. Prior to the issue of the licence the dwelling was required to satisfy minimum energy efficiency requirements. Under the First Rate Energy Efficiency Program a five star rating is required. The dwelling achieved a higher rating than required of 8.5 stars.

The dwelling is currently under construction, and is nearing completion.

**Application**

An application was lodged on 8 February 2006 to temporarily use the dwelling as a demonstration home and office for 12 months. The applicant met with the Planning Officer and Manager-Planning Services on 21 March 2006 to discuss car parking and land use requirements. Details of the off-site car parking for the demonstration home and office layout were submitted to Council on 3 May 2006.

- **Demonstration Home**
  The applicant advises that the demonstration home is different from a typical display home. Rather than homes sales, the demonstration home focuses on providing information to promote sustainability to those who would like to find out more. The demonstration home provides examples of ways in which a dwelling can address sustainability and includes brochures on different aspects.

  The applicant has advised that the demonstration home will be open on Saturdays 1pm to 4pm. The applicant anticipates that 1 to 10 visitors would view the dwelling during opening hours, based on similar displays in Perth.

- **Office**
  The applicants also propose to use the dwelling as their own building company's office. The office would accommodate four staff members, with one client visiting the site per day. The office is proposed to operate Weekdays 8am to 5pm, closed on weekends.

- **Car Park**
  It is proposed to construct 5 car parking bays to the rear of the single dwelling at Lot 54 (211) Knutsford Avenue, Kewdale to be used for the demonstration home. As this is a corner lot, access is proposed from Laurie Street. This property is located 100m from the proposed demonstration home.

A copy of the applicant's submission is provided under the attachment to this report.

## OFFICER COMMENT

**Land Uses**

Residential display homes have previously been approved within the Residential zone after following the 'Use Not Listed' procedures set out in the Scheme. These display homes have operated without complaint.

The intention of the Residential zone is to permit a mix of housing types to encourage families to the district and increase the resident population. It is considered that the demonstration home may be consistent with the intention of the residential zone as the building is residential in appearance and will eventually be converted to a dwelling.

*Item 11.1.2 Continued*

**Office Use**

In considering the office, the Council needs to be satisfied that the land use meets criteria set out in Clause 5.13.2(a), (b) and (c) of the Scheme.

In respect of clause 15.13.2(a), the building has been constructed as a dwelling, and can be readily converted to a single dwelling on completion of the 12 month temporary land use.

The applicant has advised that the office is a low-key operation, with only four staff and limited visitors to the site. It is considered that the office is likely to operate within the bounds of the City of Belmont Town Planning Scheme No. 14 definition of a 'Home Business', as it:

- is unlikely to adversely affect the amenity of the neighbourhood,
- does not occupy an area greater than 50m2,
- does not involve retail sales
- is unlikely to result in traffic increases and parking of commercial vehicles; and
- does not involve the use of an essential service greater than normally required for residential.

The exception to the home business requirements is that the business operators are not living in the dwelling, and four staff are employed in lieu of two staff. A home business is a permitted use within the Residential zone.

In respect of clause 15.13.2(b) the use may be compatible with the residential use of adjoining properties provided that the office operates as indicated by the applicant. This also applies in terms of clause 15.13.2(c). The office use may not be prejudicial to the amenity of the locality, provided that the office operates discreetly.

The City's Building Department has raised concerns that the dwelling (Class 1a building) will not comply with the Building Code of Australia fire requirements if it is used as an office (Class 5 building). The applicant will need to provide the City's Building Department with a fire solution to resolve the issue prior to occupying the building as an office. The applicant will need to request a change of classification.

To ensure that the land uses are compatible with the surrounding residential land, any approval issued for the development should include conditions relating to:

- Demonstration home and office opening hours; and
- Number of office staff.

**Car Parking**

Car parking required for the development in summarised in the following table.

| Land Use | Area | Car Parking Requirement | Total Required | Total Provided |
|---|---|---|---|---|
| Demonstration Home | N/A | 5 bays per display home | 5 bays | 5 off-site |
| Office | 37m2<br>4 staff | 1 space for every $20m^2$ of NLA or 1 space for each employee, whichever is greater | 4 bays | 2 on site |
| **Total** | | | **9 bays** | **7 bays** |

*Item 11.1.2 Continued*

**Demonstration Home**

Whilst the applicant has advised that the dwelling will not operate as a display home, it is considered that this is the land use which the demonstration home will most closely emulate, and that the site requirements for display homes should be attributed to this development. A standard of five car parking bays per dwelling is required for a display home.

Under Clause 10.9 of the Scheme Council has the ability to approve car parking on land close to the development. The land owners of Lot 54 (211) Knutsford Avenue will need to enter into a legal agreement with the applicant to provide access to the car parking for the life of the temporary land use.

The City's Engineering Department has advised that due to its temporary status, it is acceptable for the car parking area at 211 Knutsford Avenue to be constructed of compacted stabilised limestone and drained using soakwells on-site.

The City's Engineering Department however has concerns that with the car parking being located 100m, visitors to the demonstration home will park on the street and verge. This may cause a potential nuisance to residents of Laurie Street, depending on the nature and frequency of the visitors.

The car parking would become a management issue, which the applicant could address by:

- Advising prospective visitors of where the designated car park is located;
- Requesting visitors not to park on the street; or
- Allowing visitors by appointment only.

Such measures however would be difficult for the City's Planning Department to enforce. Should car parking become a significant issue, Council could consider installing 'No Parking' signs on the verge, however this would also become an enforcement issue.

**Office**

Two car bays are provided within the garage, and as such sufficient parking for a single residence is provided on-site. The driveway is not included in the car parking calculations for the change of use, as cars would encroach onto the Council verge.

The applicant has advised that two staff cars will be parked on site during office hours, with a third car occasionally on site. The shortfall of office car parking is not considered to be an issue, as the car parking for the demonstration home will be available for the office.

**Options**

- **Option 1 - Refuse**
  Council may refuse the application for a demonstration home, office and car park on the basis that the car parking for the proposal is situated too far from the dwelling to be effective. If visitor car parking occurs within the Laurie Street road reserve this may affect the amenity of the street and cause a nuisance to residents.

*Item 11.1.2 Continued*

This option is not preferred as it is considered that the land uses may be consistent with the intent of the zone, and car parking may not cause a problem provided it is effectively managed. The sustainable demonstration home may be a valuable resource, and it is considered appropriate to advertise the proposal prior to determination.

- **Option 2 - Consultation**
  Council may determine that:
  - the demonstration home may be consistent with the intent of the Residential zone; and
  - the office:

    (a) will not inhibit the ultimate use of the building for residential purposes;
    (b) is compatible with the adjoining residential land use; and
    (c) will not be prejudicial to the amenity of the locality.

  And consult with land owners for 21 days in accordance with clause 5.7 of the Scheme.

  At the conclusion of the advertising period, if there are no submissions opposing the proposal, delegation can be provided to the Director-Community and Statutory Services or the Manager-Planning Services to determine the application.

  This option is preferred as it will provide the opportunity to determine the application in light of the opinion of potentially impacted local residents.

## FINANCIAL IMPLICATIONS

The cost of advertising can be recouped from the applicant.

## ENVIRONMENTAL IMPLICATIONS

As of the 1 July 2003, Energy Efficiency requirements were implemented via the Building Code (BCA) of Australia Volume 2. All residential buildings need to comply with the 'deemed to satisfy' requirements, or alternatively an Energy Audit Report can be submitted by an accredited person. The sustainable demonstration home will provide builders with innovative examples of energy efficiency.

## ATTACHMENT DETAILS

| Attach. No. | Details |
|---|---|
| 5 | Applicant's submission & Development plans |

*Item 11.1.2 Continued*

**OFFICER RECOMMENDATION**

***That:***

***1. Council determine that:***

> ***(a) the demonstration home may be consistent with the intent of the Residential zone; and***
>
> ***(b) the office:***
>
> > ***(i) will not inhibit the ultimate use of the building as residential;***
> >
> > ***(ii) is compatible with the adjoining residential land use; and***
> >
> > ***(iii) will not be prejudicial to the amenity of the locality.***

***2. Council advertise the proposal and consult with all land owners and occupiers on Laurie Street between Belmont Avenue and Knutsford Avenue, and all land owners and occupiers on Knutsford Avenue between Ross Street and Wright Street for 21 days in accordance with Clause 5.7 of the City of Belmont Town Planning Scheme No. 14.***

***3. Council pursuant to Clause 9.10 of Town Planning Scheme No. 14, authorise the Director-Community and Statutory Services or the Manager-Planning Services to determine the application for a temporary demonstration home and office at Lot 74 (19) Laurie Street and a temporary car park at Lot 54 (211) Knutsford Avenue, Kewdale.***

***4. Any approval be subject to a condition requiring staff to park their vehicles on Lot 54 (211) Knutsford Avenue, Kewdale to ensure that the maximum number of on-site bays are available for visitor parking.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –***
***REFER TO RESOLUTION APPEARING AT ITEM 11.1***

## 11.1.3 Lot 48 (300) Robinson Avenue, Cloverdale – Proposed Carport

Report by Community & Statutory Services Division

**DATE**

31 March 2006

**PURPOSE OF REPORT**

To consider a development application for a proposed flat roof carport located within the front setback area of a residence.

**COUNCIL ROLE**

Quasi-Judicial

*The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

A development application was submitted seeking Council consideration for a proposed flat roof carport located in the front setback area of an existing residence. The setback is a variation from the outbuilding provisions of the City of Belmont's District Zoning Scheme No. 14.

This matter was deferred by the Council at its 2 May 2006 meeting (Item 11.1.14 refers).

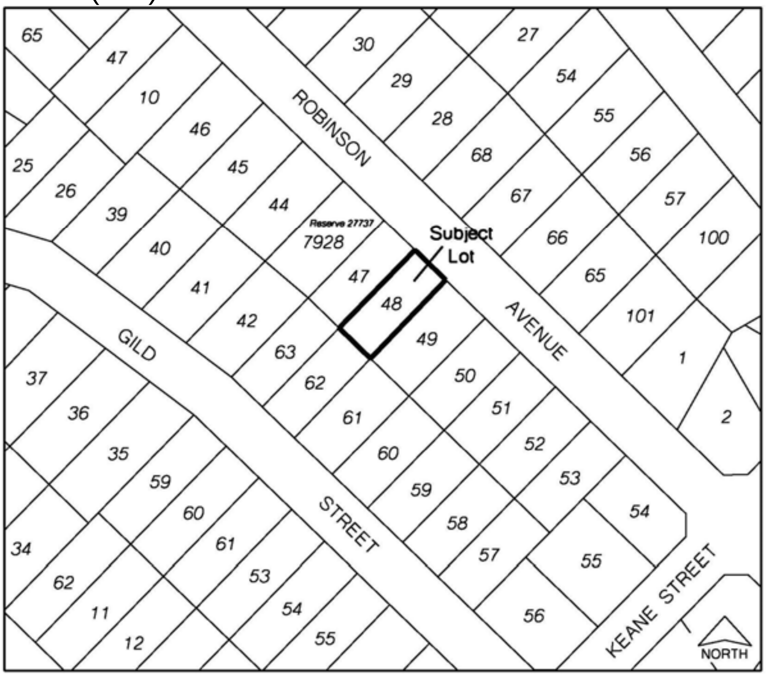
**Officer Recommendation Summation**

Conditional support is recommended.

*Item 11.1.3 Continued*

## LOCATION

Lot 48 (300) Robinson Avenue Cloverdale




## APPLICANT

Daniel Byron Bell & Kristy Lee Bell

## FILE REFERENCE

82/2006/DA Development application folder
Property 300 Robinson Avenue

## DISCLOSURE OF INTEREST

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| | | | |

## VOTING REQUIREMENT

Simple majority required.

## CONSULTATION

Consultation with adjoining property owners is discretionary. The applicant submitted signed letters of non-objection for the proposed carport from adjacent property owners at numbers 298, 299 & 301 Robinson Avenue, Cloverdale.

*Item 11.1.3 Continued*

## STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT – *"Encourage the upgrading and compatible redevelopment of the City".*

## POLICY IMPLICATIONS

There are no significant Policy implications evident at this time.

## STATUTORY ENVIRONMENT

Under Clause 10.1.5.1 of Town Planning Scheme No. 14, Council has the discretion to approve outbuildings that do not comply with the Scheme with or without conditions.

When exercising discretion, Council can advertise the proposal or consult with affected parties. The discretionary clause can be invoked where Council is satisfied that the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

Under Clause 10.3.1.7 of the Scheme, an outbuilding erected forward of the front setback line shall be erected of materials which complement the residential component of the development in terms of style, materials, colours and roof pitch. In considering the proposal Council may have regard for any significant effect on the amenity of the adjoining properties and any adverse impact on the streetscape. Clause 10.3.1.7(ii) details that an outbuilding can be adequately screened from public view if considered necessary by the Council.

### Deemed Refusal

Under Clause 5.5.1 of the City of Belmont Town Planning Scheme No. 14 an application is 'deemed to be refused' if it is not determined within a 60 day period.

Clause 5.5.2 of the City of Belmont Town Planning Scheme No. 14 applies where a landuse is classified as a 'D' or 'S' use under the City of Belmont Town Planning Scheme No. 14 Zoning Table and is subject to advertising requirements detailed in Clause 5.7 of the Scheme. As such the application is 'deemed to be refused' if it is not determined within a 90 day period.

The only exception to these cases is where there is a written agreement for 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 was the 26 April 2006.

### Right of Appeal

The applicant / owner may appeal a planning approval / planning refusal to the State Administrative Tribunal (SAT) subject to Section 8A of the Town Planning and Development Act 1928 (as amended). Appeals must be lodged with SAT within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.

*Item 11.1.3 Continued*

## BACKGROUND

| | | | |
|---|---|---|---|
| **Owner:** | D.B. & K.L. Bell | **Ward:** | South |
| **Lodgement Date:** | 28 February 2006 | **Use Class:** | Residential |
| **Lot Area:** | 647sq metres | **TPS Zoning:** | R20 |
| **Estimated Value:** | $11000 | **MRS:** | Urban |

### Outbuildings

In September 2004, Council (Item 10.3.1 OCM 28/09/04 refers) reviewed Town Planning Scheme Provisions relating to outbuildings. It was resolved "*that the existing Scheme provisions as they relate to outbuildings on residential lots are appropriate for the purpose of promoting a high standard of development, and that it be noted it is possible for the Council to consider variations depending on the merits of a particular case*."

### Application for Flat Roof Carport

On the 1 March 2006, a building licence application was submitted for the construction of a patio, residential alterations and a carport. Due to the proposal to locate the carport within the front setback area a development application was also submitted on the 1 March 2006. A building licence was issued on the 10 March 2006 for the proposed patio and residential alterations with the carport being deleted from the application at the request of the applicant.

The carport is proposed to be of steel construction with a flat roof. The carport is to be located to allow vehicles to be parked parallel to the street alignment. It is proposed 1.8 metres from the front and right (north-west) boundaries.

The proposed carport complies with the acceptable development setback provisions of the R-Codes where no minimum front setback is detailed.

The property owners purchased the property at 300 Robinson Avenue Cloverdale in early 2005 and engaged an Architect to prepare plans to modernise the residence. This included a design for a flat roofed carport and patio as an integral part of the aesthetic design and renovation of the residence.

The property has an existing solid 1.8 metre high masonry front fence. It is understood that the fence was in place prior to the current owners purchasing the property. A search of Council's records failed to locate any approval for the front boundary fence. The front fence does not comply with the City's current Local Laws Relating to Fencing as the fence is not of open construction. Under the Residential Design Codes high walls should be limited to the minimum necessary, however as the wall to the front of the property does not extend along the complete front boundary, adequate visual surveillance for the street is deemed to be maintained.

The adjoining property at 298 Robinson Avenue Cloverdale has two flat roofed carports which were approved by Council in March 2002 (Item 8.1.4 PDC 18/03/02 refers).

*Item 11.1.3 Continued*

The Council at its meeting of 2 May 2006 when considering the application resolved as follows:

> *"That the matter be deferred to enable Councillors to workshop the issue in respect to flat roof carports."*

**OFFICER COMMENT**

**Fencing**
The matter of the front fence was the subject of Item 11.1.5 considered by the Council at its meeting of 23 May 2006. The Council resolved as follows:

> *"That the landowner be required to insert open panels into the fence so as to make the fence compliant and that the panels should cover at least half of the length of the fence."*

The landowners advised in a letter dated 18 May 2006 *"we are willing to make alterations to the wall to the Council's current guidelines if the carport which we must add has been architecturally designed and is not just some type of 'lean to' construction, is looked upon favourably."*

**Carport**
As detailed previously, the property owners' intention is to renovate the property and modernise the aesthetic appearance with a new alfresco/patio area and carport. The design Architect has provided a written justification for the carport design based on not detracting from the existing roof form of the residence and having the horizontal lines of the patio, carport and dwellings facias complementing each other. **A copy can be provided to Councillors on request.**

Given the existence of the flat roof carports on the adjoining property and the siting of the proposed carport, it is considered that the flat roof in this instance is preferable as it continues the horizontal emphasis of this section of the streetscape. Whilst pitched carports are in most cases preferred in terms of adding to the streetscape, it is considered that in this instance a pitched roof would appear incongruous with the adjoining development. Had the driveway been on the opposite side of the lot, a pitched roof could have been required without having such an impact.

*Item 11.1.3 Continued*


*Photo of front fence at 300 Robinson Avenue.*


*Photo of front fence at 300 Robinson Avenue adjoining Lot 49 (302) Robinson Avenue.*

*Item 11.1.3 Continued*


*Photo of front fence at 300 Robinson Avenue adjoining Lot 47 (298) Robinson Avenue.*

It is considered that the proposed carport is consistent with the existing streetscape given its scale and location. It can be viewed as being complementary with the development existing on 298 Robinson Avenue and therefore support for the proposal will not set a precedent for the proliferation of flat roof carports in this section of Robinson Avenue.

This matter has been again placed before the Council for determination on the basis as follows:

1. Although Council has requested that the subject of flat roofed carports be further considered with a view to preparing a policy, it is not fair and reasonable to defer consideration of an application that has already been lodged until a policy position has been decided. This has been the ruling by many appeal bodies over the years.

2. The landowners have indicated a preparedness to modify the front boundary wall in accordance with the decision of the Council, but this requirement cannot be linked by way of a condition of planning approval if Council were to approve the flat roofed carport.

*Item 11.1.3 Continued*

3. It is considered that a desirable streetscape result would be achieved by the modification of the wall and in this case, permitting the flat roofed carport. The Planning Department is of the strong opinion that relying on the sole criterion of roof pitch to determine whether a carport should be allowed is not the correct approach, as materials, particularly the piers and their matching with the house, as well as the type of support structure of the roof are equally important factors. In the subject application, the existence of the wall, albeit one that is non-compliant, reduces the visual impact of the carport to the streetscape.

## FINANCIAL IMPLICATIONS

There are no financial implications to Council relating to this item.

## ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this application.

## ATTACHMENT DETAILS

Nil.

## OFFICER RECOMMENDATION

***That Council approve the application to construct a flat roof carport within the front setback area at Lot 48 (300) Robinson Avenue, Cloverdale subject to the following conditions:***

***1. The colour of the carport is to complement the colour scheme of the residence to the satisfaction of the Manager-Planning Services or Manager-Building and Customer Services.***

***2. All stormwater from roofed and paved areas shall be collected and disposed of on site in accordance with Council's engineering requirements and design guidelines.***

***3. The stamped and dated plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –***
***REFER TO RESOLUTION APPEARING AT ITEM 11.1***

## 11.1.4 Surrender of Drainage Easements on Lot 18 (11) Brindley Street, Belmont

Report by Technical Services Division / Project Development

**DATE**

22 May 2006

**PURPOSE OF REPORT**

To seek Council's approval for the surrender of two drainage easements located on Lot 18 (11) Brindley Street in Belmont.

**COUNCIL ROLE**

Executive

*The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.*

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

- A written request was received from Mr Simon Blake, the property owner of Lot 18 (11) Brindley Street to remove two drainage easements located on his lot, which are vested in the City of Belmont.
- The investigation into the easements has not revealed any existing drains located within the easements and the easements are not required for any future drainage purposes.
- Therefore, it is recommended that the City surrenders the drainage easements registered in the Certificate of Title on Lot 18 (11) Brindley Street.

**Officer Recommendation Summation**

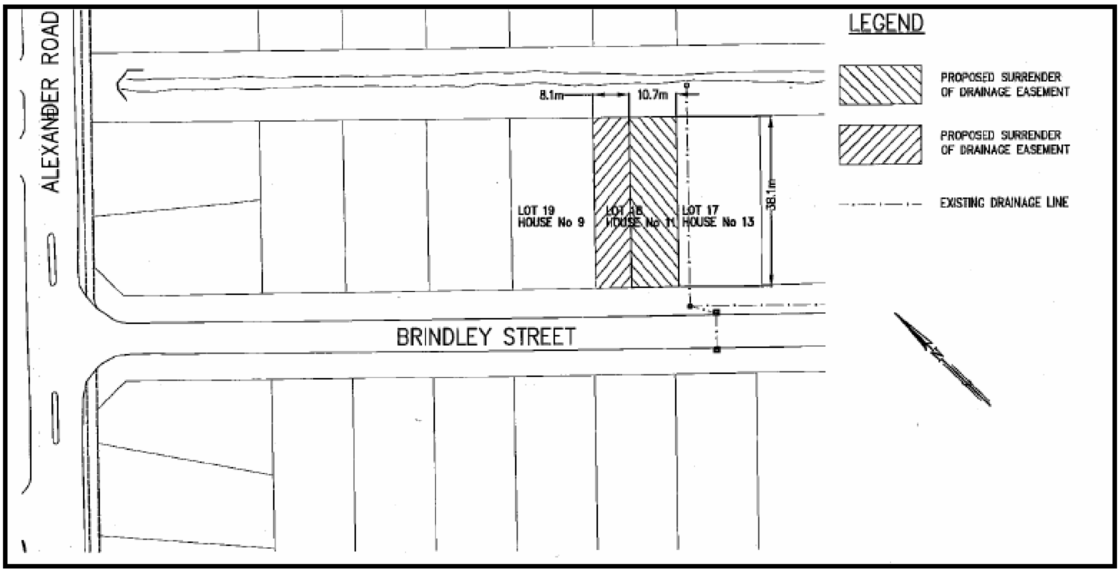
That it be recommended to Council that:

1. The surrender of two drainage easements on Lot 18 (11) Brindley Street in Belmont, be approved, subject to a favourable outcome from an independent inspection by a consultant to be engaged by the applicant; and
2. Subject to Item 1, the City's solicitor, McLeods be requested to undertake the execution of the surrender of the easements on Lot 18 (11) Brindley Street in Belmont.

*Item 11.1.4 Continued*

**LOCATION**

Lot 18 (11) Brindley Street, Belmont




**APPLICANT**

Mr Simon Blake of Lot 18 (11) Brindley Street, Belmont

**FILE REFERENCE**

70/008 – Easements

**DISCLOSURE OF INTEREST**

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| Nil | Nil | Nil | Nil |

**VOTING REQUIREMENT**

Simple Majority Required

**CONSULTATION**

As the activity involves operational requirements and has very limited impact on the community, a "no action" style of consultation plan applies.

*Item 11.1.4 Continued*

**STRATEGIC PLAN IMPLICATIONS**

The proposal relates to the Built Belmont key result area of the City's Strategic Plan as follows:

"Maintain public infrastructure in accordance with sound economic practices, taking into consideration the community's needs and expectations"

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY ENVIRONMENT**

There are no significant statutory environment requirements in respect to this matter.

**BACKGROUND**

A written request was received from Mr Simon Blake, owner of Lot 18 (11) Brindley Street for the removal of two drainage easements registered over the lot.

A title search has revealed the easements registered in favour of the City of Belmont for the purpose of exercising stormwater drainage rights on the lot. Preliminary investigation shows two easements of 8.1 metres and 10.7 metres wide extending over the whole lot.

Before the status of the easements can be determined, Council's records were checked for any evidence of pipes. The stormwater catchment plans were assessed to determine any future drainage requirements for the easements.

**OFFICER COMMENT**

A site inspection and investigation of Council's records by Council's officers did not reveal any evidence of existing drainage pipes located within the easements. There was also no record of the easements being taken. The surrounding street drainage system was also investigated and no evidence of pipe connection coming from the easements was found.

The easements are located in the vicinity of the low point on Brindley Street and form part of the drainage catchment which drains into the Water Corporation's open drains located to the rear of the lot. Currently the catchment is adequately served by an existing drainage system on Brindley Street, which discharges into the Water Corporation's open drain via an existing outlet pipe located within a 3.0 metres wide easement on the adjoining Lot 17 (13).

It is possible that the easements were taken for drainage purposes for the catchment at the time of subdivision many years ago. There is a house located over the easements on the lot. If the easement remains, it will be an encumbrance to future development on the lot.

*Item 11.1.4 Continued*

In addition to the City's investigation, it is considered appropriate to require the applicant to engage an independent party to confirm that there is no infrastructure currently in place which may impede its removal. It is reasonable that the City reimburses the applicant for the cost of the independent inspection if a drainage infrastructure is found within the easements.

It is recommended that the City approves the removal of the two drainage easements on Lot 18(11) Brindley Street subject to a favourable outcome from an independent inspection of the easements.

It is proposed that the City's solicitors, McLeods be requested to prepare the necessary legal documentation for the execution of the surrender of the easements. It is fair that the City be responsible for all expenses associated with the surrender of the drainage easements on the lot.

**FINANCIAL IMPLICATIONS**

The financial costs involve mainly the fees charged by the City's solicitor and the expenses associated with plan preparation, registration and lodgement of title with the Department of Land Information. The total costs incurred will be costed to Works and Technical Services budget allocation: Services – Legal Account no. 940.00.0.270. The City will need to reimburse the applicant for the cost of the independent inspection if a drainage infrastructure is found.

**ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident at this time.

**ATTACHMENT DETAILS**

**Attach. No.** **Details**

Nil.

**OFFICER RECOMMENDATION**

***That it be recommended to Council that:***

1. ***The surrender of two drainage easements on Lot 18 (11) Brindley Street, Belmont, be approved, subject to a favourable outcome from an independent inspection by a consultant to be engaged by the applicant; and***

2. ***Subject to Item 1, the City's solicitor, McLeods be requested to undertake the execution of the surrender of the easements on Lot 18 (11) Brindley Street in Belmont.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –***
***REFER TO RESOLUTION APPEARING AT ITEM 11.1***

## 11.1.5 Surrender of Drainage Easement on Lot 54 (155) Fisher Street, Cloverdale

Report by Technical Services Division / Project Development

**DATE**

22 May 2006

**PURPOSE OF REPORT**

To seek Council's approval for the surrender of the drainage easement located on Lot 54 (155) Fisher Street, Cloverdale.

**COUNCIL ROLE**

Executive

*The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.*

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

- A written request was received from Mr David Tonkin, the property owner of Lot 54 (11) Fisher Street to remove a drainage easement on his lot, which is vested in the City of Belmont.
- Investigation has revealed that the drainage easement does not contain any existing pipes and is not required for any future drainage purposes.
- Therefore, it is recommended that the City surrenders the drainage easement registered in the Certificate of Title on Lot 54 (155) Fisher Street.

**Officer Recommendation Summation**

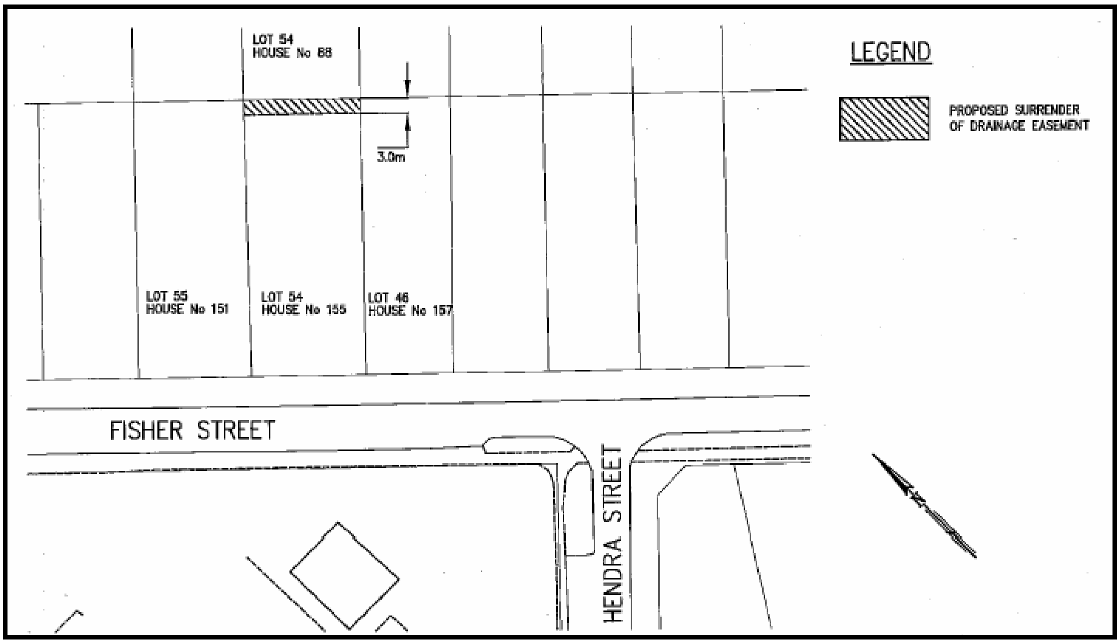
That it be recommended to Council that:

3. The surrender of the drainage easement on Lot 54 (155) Fisher Street in Cloverdale, be approved, subject to a favourable outcome from an independent inspection by a consultant to be engaged by the applicant; and
4. Subject to Item 1, the City's solicitor, McLeods be requested to undertake the execution of the surrender of the easements on Lot 54 (155) Fisher Street, Cloverdale.

*Item 11.1.5 continued*

## LOCATION

Lot 54 (155) Fisher Street, Cloverdale




## APPLICANT

Mr David Tonkin of Lot 54 (155) Fisher Street, Cloverdale

## FILE REFERENCE

70/008 – Easements

## DISCLOSURE OF INTEREST

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| Nil | Nil | Nil | Nil |

## VOTING REQUIREMENT

Simple Majority Required

## CONSULTATION

As the activity involves operational requirements and has very limited impact on the community, a “no action” style of consultation plan applies.

*Item 11.1.5 Continued*

## STRATEGIC PLAN IMPLICATIONS

The proposal relates to the Built Belmont key result area of the City's Strategic Plan as follows:

"Maintain public infrastructure in accordance with sound economic practices, taking into consideration the community's needs and expectations"

## POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

## STATUTORY ENVIRONMENT

There are no significant statutory environment requirements in respect to this matter.

## BACKGROUND

An investigation was undertaken following a written request from Mr David Tonkin, owner of Lot 54 (155) Fisher Street for the removal of a stormwater drainage easement registered over his lot.

A title search reveals the easement being registered in favour of the City of Belmont for the purpose of exercising stormwater drainage rights on the lot. The easement is 3.0 metres (15 links) wide and is located along the rear property boundary.

To determine the status of the easement, Council's records were checked for any evidence of pipes, including assessing stormwater catchment plans to determine any future drainage requirements for the easement.

## OFFICER COMMENT

A site inspection and investigation of Council's records by Council's officers did not reveal any evidence of existing drainage pipes located within the easements. The surrounding street drainage system was also investigated and no evidence of pipe connection coming from the easement was found. However, a Deed of Grant document was obtained indicating the drainage easement being taken in 1968 for a subdivision development.

Currently, the catchment area is adequately served by an existing drainage network system and there are no records of any drainage problem.

It is possible that the easement was intended for the installation of sub soil drains to lower groundwater table in order to allow septic tanks to work effectively. Now that the area is provided with infill sewer, the sub soil drains are no longer required. If the easement remains, it will have impact on the extent of the building envelope on the lot.

*Item 11.1.5 Continued*

Given the above, it can be deduced that the easement is now redundant and there is no requirement to keep it for future drainage needs. Nevertheless, it is considered appropriate to require the applicant to engage an independent party to confirm that there is no infrastructure currently in place which may impede its removal. The applicant has indicated his agreement to undertake an independent inspection based on the City reimbursing for the cost if an existing drainage infrastructure is found within the easement. For the protection of the City's interests, this proposal is acceptable and reasonable.

It is recommended that the City approves the removal of the drainage easement on Lot 54(155) Fisher Street subject to a favourable outcome from an independent inspection of the easement.

It is proposed that the City's solicitors, McLeods be requested to prepare the necessary legal documentation for the execution of the surrender of the easement. It is fair that the City be responsible for all expenses associated with the surrender of the drainage easement on the lot.

## FINANCIAL IMPLICATIONS

The financial costs involve mainly the fees charged by the City's solicitor and the expenses associated with plan preparation, registration and lodgement of title with the Department of Land Information. The total costs incurred will be costed to Works and Technical Services budget allocation: Services – Legal Account no. 940.00.0.270. The City will need to reimburse the applicant for the cost of the independent inspection if a drainage infrastructure is found.

## ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

## ATTACHMENT DETAILS

**Attach. No.** **Details**

Nil.

## OFFICER RECOMMENDATION

***That it be recommended to Council that:***

1. ***The surrender of the drainage easement on Lot 54 (155) Fisher Street in Cloverdale, be approved, subject to a favourable outcome from an independent inspection by a consultant to be engaged by the applicant; and***

2. ***Subject to Item 1, the City's solicitor, McLeods be requested to undertake the execution of the surrender of the easement on Lot 54 (155) Fisher Street, Cloverdale.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –***
***REFER TO RESOLUTION APPEARING AT ITEM 11.1***

## 11.2 Social Belmont

## 11.3 Economic Belmont

## 11.4 Natural Belmont

**WITHDRAWN ITEMS**

Item 11.4.1 was withdrawn at the request of Cr Teasdale.

***BLAIR MOVED, WHITELEY SECONDED*, that with the exception of Item 11.4.1 which is to be considered separately, the Officer Recommendation in the Natural Belmont Key Result Area Reports, specifically Item 11.4.2 be adopted en bloc.**

***CARRIED 8 VOTES TO 1***

*For: Teasdale, Martin, Blair, Hitt, Rossi, Marks, Powell, Whiteley*

*Against: Bass*

## 11.4.1 Proposed Centenary Park Upgrade

****NB Attachment 6 – Item 11.4.1 refers**
****NB Attachment 7 – Item 11.4.1 refers**

Report by Technical Services Division / Parks, Leisure & Environment

**DATE**

31 May 2006

**PURPOSE OF REPORT**

To present the proposed concept design for Centenary Park upgrade to Council for endorsement.

**COUNCIL ROLE**

Executive

*The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.*

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**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

As part of the development of the old Western Power site, work has recently been undertaken on the Daly Street side of Centenary Park to smooth out the bund, alter the alignment of the footpath further from the lakes edge and reinstate irrigation and turf. The smoothing of the bund was intended to restrict overland flow directly into the lake (to minimise nutrients and gross pollution entering the water) and to realign the path to a higher area so it doesn't become waterlogged in winter.

As part of the subdivision, a swale has also been constructed from Belgravia Parklands into Centenary Park as a water feature and to aerate and strip nutrients from the stormwater leaving the subdivision.

As part of the Belgravia Parklands subdivision and the works undertaken on the Daly Street side of the park, an opportunity now exists to upgrade the rest of Centenary Park to improve its environmental and drainage features and to provide improved park facilities for the public.

A concept design for the proposed upgrade to Centenary Park was presented to the Environmental Committee on the 27th March 2006. Their recommendation was:

*Item 11.4.1 continued*

*<u>"BLAIR MOVED, ROSSI SECONDED</u>, that the Environmental Committee recommend to Council that:*

1. *The proposed concept plan for Centenary Park be endorsed;*

2. *The upgrade of Centenary Park be considered as part of the 2006/2007 Parks, Leisure and Environment Department's Capital Improvement Programme;*

3. *Officers prepare a detailed submission to the Western Australian Planning Commission requesting that the upgrade of Centenary Park be funded from the $262.616 Belgravia Parklands cash-in-lieu contribution (20C funds), with the remainder sourced from 20C funds from previous cash-in-lieu contributions (for the development of Public Open Space);*

4. *In the event that the submission to the Western Australian Planning Commission is unsuccessful, consideration be given to funding the project from Municipal Funds.*

*<u>CARRIED 5 VOTES TO 0"</u>*

The main aspects of the proposed upgrade include smoothing of the other existing bunded areas to create a more natural slope / aspect and to raise areas that are regularly waterlogged from the shallow depth to groundwater; realign portions of the existing path network and to upgrade the current path; provide information signage throughout the site; upgrade the existing playground equipment; incorporate benches along the path network (for people to sit and enjoy the park); include a gazebo overlooking the lake (as recommended at the 12 September 2005 Environmental Committee meeting); provide a BBQ and seating area along Daly Street; increase native planting both around the lake's edge and on the island; incorporate wading areas for birds at several points around the lake; .

The intention of the proposed upgrade is to increase native bird usage and breeding at the site as well as to increase passive usage by City of Belmont residents.

**<u>Officer Recommendation Summation</u>**

That:

1. Council endorses the proposed concept plan for Centenary Park;

2. The upgrade of Centenary Park is considered as part of the 2006/2007 Parks, Leisure and Environment Department's Capital Improvement Programme;

3. Officers prepare a detailed submission to the Western Australian Planning Commission requesting that the upgrade of Centenary Park be funded from the $262.616 Belgravia Parklands cash-in-lieu contribution (20C funds), with the remainder sourced from 20C funds from previous cash-in-lieu contributions (for the development of Public Open Space);

4. In the event that the submission to the Western Australian Planning Commission is unsuccessful, consideration be given to funding the project from Municipal Funds.

5. The concept plan for Centenary Park is released for public consultation.

*Item 11.4.2 Continued*

## LOCATION

Lot 107 Day Street, Belmont

## APPLICANT

Nil

## FILE REFERENCE

115/001 – Development / Subdivision

## DISCLOSURE OF INTEREST

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| Nil | | | |

## VOTING REQUIREMENT

Simple Majority

## CONSULTATION

Once the indicative concept plan is endorsed by Council, it will be released for public comment .

## STRATEGIC PLAN IMPLICATIONS

If the proposed upgrade to Centenary Park is adopted, it will directly progress several aspects of the City's Strategic Plan 2005-2010, including:

NATURAL BELMONT

- *Protect and enhance local biodiversity values;*
- *Maintain public open space in accordance with the needs and expectations of the community;*
- *Minimise the risk of pollution incidence and impact;*
- *Develop stormwater as a resource and maximise the use of stormwater for irrigation and other suitable purposes;*
- *Improve the quality of stormwater being discharged into the Swan River;*
- *Promote community awareness of environmental issues and management in an effort to protect and enhance the City's natural environment.*

*Item 11.4.2 Continued*

**POLICY IMPLICATIONS**

The upgrade of Centenary Park relates to Council policy *C4.8.1 Environmental Enhancement*, particularly section (ii).

Objective: to develop a strategy to protect and enhance the natural environment

(i) Is committed to the principle of 1S0 14000 "International Environmental Management Standards."
(ii) Is committed to the protection and enhancement of the natural environment and creation of a sustainable urban environment.
(iii) Will manage its development process in order to achieve sustainable environmental outcomes.
(iv) Will comply with relevant environmental legislation and monitor its actions in order to improve its performance.

(v) Where possible, the City of Belmont will promote environmental issues and activities within Council and to the wider Belmont community.

**STATUTORY ENVIRONMENT**

The site is recognised in the *Environmental Protection (Swan Coastal Plains Wetlands) Policy 2004* as an EPP Wetland, which legally enforces no detriment to the waterbody and its immediate surrounds within the EPP boundary.

**BACKGROUND**

Centenary Park has always been a low-lying area which becomes flooded in the winter months. Historically, the area was excavated by the City of Belmont to deepen the lake to increase its capacity to hold stormwater. The excavated fill was left on the site and has resulted in the steep mounds that now exist throughout the passive portion of the park. Over the years, a large amount of native plants have been planted at the site to improve the water quality, which is now in relatively good condition.

The Manager - Parks, Leisure & Environment; the Coordinator - Environment and the (then) Parks Environmental Officer undertook a site visit 2nd May 2005 to develop a concept design for future upgrades to Centenary Park. The concept design was for the entire passive area of Centenary Park to ensure that what is proposed for the Belgravia Parklands subdivision was consistent with Council's future plans for Centenary Park.

The initial concept design incorporated increased native planting around the lake and a mixture of bird wading areas, thick fringing vegetation cover and areas where people could sit and enjoy looking across the lake. The concept design also included redistribution or modification of most of the existing sand piles to create a more natural look, to raise those areas that are currently waterlogged during the winter months and to reduce the steep gradients that may channel nutrients into the lake during high flow events. In addition, the intention of the concept design was to remove portions of the path closest to the lake due to waterlogging and it being slippery during winter.

*Item 11.4.2 Continued*

The initial concept design for Centenary Park was sent to Urban Endeavour (previously Acalinovich & Co.) on 4th May 2005. Since then consultants for Urban Endeavour, following consultation with the City's staff, designed a landscape plan for the subdivision which indicated how the landscaping on the subdivision would link with the Centenary Park concept.

The landscape architects formalised the concept design the City's officers prepared and this was submitted to the Environmental Committee for review and comment.

**OFFICER COMMENT**

Very recent work has been undertaken on the Daly Street side of Centenary Park by Urban Endeavour to smooth out the bund, alter the alignment of the footpath further from the lakes edge and replace the irrigated turf. The smoothing of the bund is intended to restrict overland flow directly into the lake (to minimise nutrients from the grass entering the water) and to realign the path to a higher area so it doesn't become waterlogged in winter. A swale has also been constructed from Belgravia Parklands into Centenary Park as a water feature and to aerate and strip nutrients from the stormwater leaving the subdivision.

As part of the Belgravia Parklands subdivision and the works being undertaken on the park, an opportunity currently exists to create a linkage between the development and Centenary Park. The proposed upgrade for the rest of Centenary Park is intended to improve its environmental and drainage features and to provide improved park facilities for public use.

The landscape and reticulation plans for the subdivision were submitted to the Environmental Committee at its meeting on 12 September 2005. Included in the designs was the concept design (developed by the City and formalised by Urban Endeavour) for Centenary Park. The Committee recommended the following in regards to the item:

"*MARKS MOVED, GODFREY SECONDED, that in order to clarify the elements to be contained in the landscape design, the Officer Recommendation be modified as follows:*

1. *The Environmental Committee supports the proposed concept design for Centenary Park prepared by the officers.*

2. *That a full report on the two landscape designs be prepared for a future meeting seeking a recommendation from the Environmental Committee and endorsement by Council of their preferred design.*

3. *That the provision of a gazebo structure (federation style) or a lookout be included in the landscape designs being prepared for Centenary Park.*

4. *That if possible, the path be a predetermined distance for walkers with distance markings and coloured to increase amenity.*

5. *That the playground area be battered to reduce differentials in ground height and shade cloth covering included to make the area safer for users.*

*Item 11.4.2 Continued*

*6. That the designs retain as many mature trees as possible.*

*7. That the Officers look for opportunities for alternative funding streams for the project which enhance tourism potential for the park.*

*8. That consideration be given in the design process, to visually blocking any property that may detract from the amenity of the park.*

*CARRIED 5 VOTES TO 0"*

A concept design for the proposed works at Centenary Park has now been finalised and is attached. The features recommended above have been incorporated into the final concept design where possible.

Based on the updated concept design, the main aspects of the proposed upgrade include:

- smoothing of the existing bunded areas to create a more natural slope / aspect and to raise areas that are regularly waterlogged from the shallow depth to groundwater;
- realigning unnecessary portions of the existing path network and to upgrade the current path (from 1.5m wide to 2.5m wide and terracotta coloured);
- upgrading the existing playground equipment;
- incorporating park benches along the path network (for people to sit and enjoy the park);
- providing a BBQ area with picnic tables and a shade sail;
- including a gazebo overlooking the lake;
- increasing native planting around the lake's edge and on the island and throughout the Park itself;
- incorporating sand wading areas for birds and turtles at several points around the lake (including the central island);
- incorporating informative signage for environmental education along the path network and within the gazebo;
- recycled plastic bollards along Daly Street.

The location main sign (corner Hardey Road and Elmsfield Road) and the park benches and picnic tables are likely to be constructed from strong, recycled plastic.

There is also the ability to incorporate a statue with an environmental theme within a triangular section of the path network (eg. swan taking off). However, this could prove costly, with initial estimates around $25,000 minimum. This triangular area will also be planted with native plant species.

The intention of the proposed upgrade has always been to increase native bird usage and breeding at the site as well as to increase passive usage by City of Belmont residents.

Currently, the City is applying to the WAPC to request that the entire cash-in-lieu contribution from Belgravia Parklands be spent on upgrading Centenary Park as per the attached concept plan and cost breakdown.

*Item 11.4.2 Continued*

The concept design for the proposed upgrade to Centenary Park was presented to the Environmental Committee on the 27th March 2006. Their recommendation was:

*“<u>BLAIR MOVED, ROSSI SECONDED</u>, that the Environmental Committee recommend to Council that:*

1. *The proposed concept plan for Centenary Park be endorsed;*

2. *The upgrade of Centenary Park be considered as part of the 2006/2007 Parks, Leisure and Environment Department’s Capital Improvement Programme;*

3. *Officers prepare a detailed submission to the Western Australian Planning Commission requesting that the upgrade of Centenary Park be funded from the $262.616 Belgravia Parklands cash-in-lieu contribution (20C funds), with the remainder sourced from 20C funds from previous cash-in-lieu contributions (for the development of Public Open Space);*

4. *In the event that the submission to the Western Australian Planning Commission is unsuccessful, consideration be given to funding the project from Municipal Funds.*

*<u>CARRIED 5 VOTES TO 0”</u>*

<u>A recommendation relating to public consultation has been added to the Environmental Committee's original recommendation.</u>

## <u>FINANCIAL IMPLICATIONS</u>

The Western Australian Planning Commission (WAPC) granted approval for the Belgravia Parklands subdivision on the 1 October 2004. The applicants are providing the required 10% Public Open Space through a combination of 4918m2 parkland within the subdivision, and the remainder as cash-in-lieu ($328,270).

In a footnote on the subdivision approval, the WAPC have advised that up to 20% of the cash-in-lieu ($65,654) can be used for the development of parkland within the subdivision area. The City is able to utilise the remaining 80% of cash-in-lieu ($262,616) to upgrade existing public open space and intends to utilize the entirety of this to upgrade Centenary Park.

A formal submission is now being made to the WAPC to use the entire 80% of the cash-in-lieu contribution from the subdivision to upgrade Centenary Park. In order to make the submission to the WAPC, estimated costs for the proposed upgrade have been prepared. Details of the estimated cost for the entire upgrade, which totals approximately $465,000, are attached.

The estimated cost above does not take into consideration the proposed artwork (with an environmental theme – eg. swan). Preliminary quotes have indicated that prices for this would start at around $25,000.

To meet the $202,500 short-fall in funds for proposed upgrades at Centenary Park, Officers will be preparing a submission to the WAPC requesting access to 20C funds from previous Public Open Space cash-in-lieu contributions.

*Item 11.4.2 Continued*

**ENVIRONMENTAL IMPLICATIONS**

The proposed upgrade will improve the environmental aspects of the site by increasing the native planting in and around the lake. The proposed modifications to the ground surface levels in some areas will reduce the risk of waterlogging and thus potential mosquito breeding areas. The informative signage is intended to educate the public on bird species using the lake and the history of the site, thus increasing ownership of Centenary Park and ultimately assistance in managing and looking after the site.

The Department of Environment has registered Centenary Park as Multiple Use management category waterbody which means that work that improves or enhances the environmental features of the waterbody is acceptable.

The site is also recognised in the *Environmental Protection (Swan Coastal Plains Wetlands) Policy 2004* as an EPP Wetland, which legally enforces no detriment to the waterbody and its immediate surrounds within the EPP boundary.

The City is currently negotiating with the Department of Environment to secure additional funding for improving the quality of the lake water. As part of the Drainage Nutrient Improvement Programme it is expected that Department of Environment will contribute to the planting of macrophytes within the lake to assist with nutrient stripping.

**ATTACHMENT DETAILS**

| **Attach. No.** | **Details** |
|---|---|
| 6 | Final Proposed Design for Centenary Park |
| 7 | Proposed Indicative Costs for Centenary Park Works |

***TEASDALE MOVED, BLAIR SECONDED*, that the Officer Recommendation be adopted without amendment or modification as follows –**

1. ***Council endorses the proposed concept plan for Centenary Park;***

2. ***The upgrade of Centenary Park is considered as part of the 2006/2007 Parks, Leisure and Environment Department's Capital Improvement Programme;***

3. ***Officers prepare a detailed submission to the Western Australian Planning Commission requesting that the upgrade of Centenary Park be funded from the $262.616 Belgravia Parklands cash-in-lieu contribution (20C funds), with the remainder sourced from 20C funds from previous cash-in-lieu contributions (for the development of Public Open Space);***

4. ***In the event that the submission to the Western Australian Planning Commission is unsuccessful, consideration be given to funding the project from Municipal Funds.***

5. ***The concept plan for Centenary Park is released for public consultation***

***CARRIED 9 VOTES TO 0***

## 11.4.2 Regional Biodiversity Enhancement Strategy[1]

Report by Technical Services Division / Parks, Leisure & Environment

**DATE**

1 June 2006

**PURPOSE OF REPORT**

To seek Council reconsideration of support towards the development of a regional Biodiversity Enhancement Strategy in conjunction with the City of Bayswater and Town of Bassendean.

## COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

An item requesting Council support and financial contribution for the development of a regional Biodiversity Enhancement Strategy with the Town of Bassendean and City of Bayswater was presented at the Ordinary Council Meeting on 23 May 2006. Council resolved:

> *"TEASDALE MOVED, ROSSI SECONDED, that the Officer Recommendation not be adopted and that Council reject the allocation of $15,000 for the Regional Biodiversity Strategy due to the funds being better allocated to the purchase of trees.*
>
> *CARRIED 8 VOTES TO 3"*

Correspondence has since been received from the EMRC (1/6/06) advising that the report submitted to Council contained information that may have contributed towards misinterpretation of the intent of the proposal. The EMRC Environmental Service was approached by the member Council officers to provide a costed proposal and methodology for the initiative.

The Regional Biodiversity Enhancement Strategy, covering the City of Belmont, Town of Bassendean and City of Bayswater has a total cost of $30,000. It has now been clarified that $15,000 is the total value of contributions required by the three Councils, with the contribution being sought from the City of Belmont $3,720.

[1] Report Item amended since printing of Agenda.

*Item 11.4.2 Continued*

The remaining $15,000 is being requested from the Perth Biodiversity Project. In view of this information, the original recommendation to Council has been modified to clarify the financial contribution required from the City of Belmont.

The development of a regional Biodiversity Enhancement Strategy is consistent with the City's Strategic Plan, and relates to the following actions from the City's Environment Plan;

- 3.1 Undertake a study to develop feasibility and concept plans for creation of vegetation corridors (by linking significant bushland) throughout the City of Belmont
- 4.4 Prepare a Local Biodiversity Enhancement Strategy to improve the biodiversity levels outside the Perth Airport

The strategy will collate information on our existing bushland areas, identify management/ rehabilitation options for existing natural areas within the City and provide a clear plan for future ecological restoration works to link these areas. A regional approach will enable the consideration of ecological linkages in a broad landscape context, not simply within municipal boundaries, as well as providing information sharing and potential cost savings benefits.

**<u>Officer Recommendation Summation</u>**

That Council :

1. Endorses preparation of a regional Biodiversity Enhancement Strategy in conjunction with the City of Bayswater and Town of Bassendean.

2. Considers the allocation of $3,720 for development of the Strategy in the 2006/07 budget, with a further $11,280 also being included in the budget towards implementation of on-ground works within the City of Belmont municipality that flow from the strategy.

3. Notes that a funding application will be submitted to the Perth Biodiversity Project's 'Local Biodiversity Planning Targeted Grants' for a further $15,000 of project costs.

4. Notes that if the grant application is not successful, the allocation of budgeted funds will be referred to Council for their consideration in respect to other environmental works

*Item 11.4.2 Continued*

## LOCATION

The Regional Biodiversity Enhancement Strategy will cover the municipalities of the Cities of Belmont and Bayswater and Town of Bassendean.

## APPLICANT

Not applicable.

## FILE REFERENCE

30/012 : Perth Biodiversity Project – Reports and Correspondence

## DISCLOSURE OF INTEREST

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| | | | |

## VOTING REQUIREMENT

Simple majority required.

## CONSULTATION

It is proposed that a Steering Committee consisting of Environmental Officers from each of the three Councils will guide development of the Strategy.

## STRATEGIC PLAN IMPLICATIONS

The development of a Biodiversity Enhancement Strategy will have a positive impact on Natural Belmont, and represents a specific action in the City's Strategic Plan. Development of the Strategy will achieve several objectives of 'Natural Belmont', including:

- Protect and enhance local biodiversity values.
- Maintain public open space in accordance with the needs and expectations of the community.
- Improve the quality of stormwater being discharged into the Swan River.
- Promote community awareness of environmental issues and management in an effort to protect and enhance the City's natural environment

*Item 11.4.2 Continued*

Development of the Regional Biodiversity Enhancement Strategy will also complete the following actions from the City's Environment Plan:

- 3.1 Undertake a study to develop feasibility and concept plans for creation of vegetation corridors (by linking significant bushland) throughout the City of Belmont
- 4.4 Prepare a Local Biodiversity Enhancement Strategy to improve the biodiversity levels outside the Perth Airport

**POLICY IMPLICATIONS**

The development of a Biodiversity Enhancement Strategy relates to Council policy *C4.8.1 Environmental Enhancement*, particularly section (ii).

Objective: to develop a strategy to protect and enhance the natural environment

(vi) Is committed to the principle of ISO 14000 "International Environmental Management Standards."
(vii) Is committed to the protection and enhancement of the natural environment and creation of a sustainable urban environment.
(viii) Will manage its development process in order to achieve sustainable environmental outcomes.
(ix) Will comply with relevant environmental legislation and monitor its actions in order to improve its performance.
(x) Where possible, the City of Belmont will promote environmental issues and activities within Council and to the wider Belmont community.

**STATUTORY ENVIRONMENT**

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

**BACKGROUND**

The creation of vegetation corridors linking existing natural bushland areas within the City of Belmont has been identified as a significant environmental opportunity. The creation of such corridors will enhance the limited biodiversity values of existing remnants, provide habitat for native fauna and improve streetscapes. Key actions relating to the creation of vegetation corridors have therefore been included in the City's Strategic and Environment Plans.

**OFFICER COMMENT**

An item requesting Council support and financial contribution for the development of a regional Biodiversity Enhancement Strategy with the Town of Bassendean and City of Bayswater was presented at the Ordinary Council Meeting on 23 May 2006. Council resolved:

> *"TEASDALE MOVED, ROSSI SECONDED, that the Officer Recommendation not be adopted and that Council reject the allocation of $15,000 for the Regional Biodiversity Strategy due to the funds being better allocated to the purchase of trees.*
>
> *CARRIED 8 VOTES TO 3"*

*Item 11.4.2 Continued*

This resolution put into some doubt the Council commitment to the biodiversity strategies contained in the Environment Plan, however following discussions at the Information/ Strategy Concept Forum on the 31 May 2006, this commitment was reinforced.

Correspondence has since been received from the EMRC (1/6/06) advising that the report submitted to Council contained information that may have contributed towards misinterpretation of the intent of the proposal. The EMRC Environmental Service was approached by the member Council officers to provide a costed proposal and methodology for the initiative. This identified that the Biodiversity Strategy could be undertaken within the budget constraints of the three Councils and PBP grant funding, based on the EMRC undertaking the project and member Council consulting rates.

The Regional Biodiversity Enhancement Strategy, covering the City of Belmont, Town of Bassendean and City of Bayswater has a total cost of $30,000. It has now been clarified that $15,000 is the total value of contributions required by the three Councils, with the contribution being sought from the City of Belmont $3,720. The remaining $15,000 is being requested from the Perth Biodiversity Project. In view of this information, the original recommendation to Council has been modified to clarify the financial contribution required from the City of Belmont.

The opportunity for development of a regional strategy with neighbouring Local Governments will enable creation of ecological linkages on a much broader scale ie. along the Swan River foreshore, than if completed individually. It will also offer considerable financial savings, particularly in relation to obtaining funding through the Perth Biodiversity Project. Without support from the City of Belmont, the regional Biodiversity Enhancement Strategy is unlikely to receive funding through this programme.

The City of Belmont, City of Bayswater and Town of Bassendean are developed urban environments adjacent to the Swan River, and as such share similar landscape qualities. Similarities in biodiversity between the Councils present synergy for local biodiversity planning. For the three Councils, securing the protection of natural areas is no longer a consideration, with the management and enhancement of natural areas within reserves and drainage lines of greater importance.

The development of a regional Biodiversity Enhancement Strategy will enable the three Councils to review current management practices within reserves and drainage lines and ensure the commitment of resources in a consistent manner. A collective approach will also enable the consideration of ecological linkages within a broad landscape context, not simply within municipal boundaries.

The undertaking of a regional Biodiversity Enhancement Strategy will provide a strategic commitment to the protection and enhancement of a network of connected Local Natural Areas within the inner Eastern Metropolitan Region.

The Eastern Metropolitan Regional Council (EMRC) will be providing input through the Town of Bassendean’s Environmental Officer, who is contracted from the EMRC.

The regional Biodiversity Enhancement Strategy will undertake two primary activities for Belmont:

*Item 11.4.2 Continued*

1) The development of management options to control internal threatening processes of existing local natural areas.

2) Broad analysis of the landscape context of local natural areas, and the identification of appropriate linkages between these areas to provide a network of ecological links in the inner Eastern Metropolitan Region.

The Strategy will include the following components in accordance with the *Local Government Biodiversity Planning Guidelines for the Perth Metropolitan Region*:

- Target setting
- Assessment of local natural areas
- Identification of management/rehabilitation options
- Policy review
- Report & recommendations
- Liaison and meetings with Steering Committee
- Liaison with Water Corporation regarding management of drainage lines

In order to apply for grant funding through the Perth Biodiversity Project, a commitment from Council to complete the Strategy is required.

## FINANCIAL IMPLICATIONS

An application for funding will be submitted through the Perth Biodiversity Project, which if successful will fund 50% ($15,000) of the total project cost of $30,000. Assuming the grant application is successful, the financial contribution required by the City of Belmont for development of the Strategy is $3720 for the 2006/07 financial year. It is proposed that an additional $11,280 be allocated in the budget to implementation of on-ground works within the Belmont municipality that flow on from the strategy. This total amount of $15,000 has been included in the 2006/07 proposed Environment Budget.

If the grant application is not successful, Council will need to reconsider how the $15,000 budget allocation can be used for other environmental work.

## ENVIRONMENTAL IMPLICATIONS

The development of a regional Biodiversity Enhancement Strategy will benefit the environment through identification of management/ rehabilitation options for existing natural areas and provision of a clear plan for future ecological restoration works to link these areas. This will better enable the City to apply for grant funding from State and Federal sources, by demonstrating a strategic and prioritised approach to environmental improvements.

## ATTACHMENT DETAILS

Nil.

*Item 11.4.2 Continued*

## OFFICER RECOMMENDATION

***That Council :***

1. ***Endorses preparation of a regional Biodiversity Enhancement Strategy in conjunction with the City of Bayswater and Town of Bassendean.***

2. ***Considers the allocation of $3,720 for development of the Strategy in the 2006/07 budget, with a further $11,280 also being included in the budget towards implementation of on-ground works within the City of Belmont municipality that flow from the strategy.***

3. ***Notes that a funding application will be submitted to the Perth Biodiversity Project's 'Local Biodiversity Planning Targeted Grants' for a further $15,000 of project costs.***

4. ***Notes that if the grant application is not successful, the allocation of budgeted funds will be referred to Council for their consideration in respect to other environmental works.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –***
***REFER TO RESOLUTION APPEARING AT ITEM 11.4***

## 11.5 BUSINESS EXCELLENCE

Item 11.5.6 was withdrawn at the request of Cr Powell.
Item 11.5.8 was withdrawn at the request of Cr Teasdale.
Item 11.5.9 was withdrawn at the request of Cr Powell.

***POWELL MOVED, BLAIR SECONDED, that with the exception of Items 11.5.6, 11.5.8 and 11.5.9, which are to be considered separately, the Officer Recommendations in the Business Excellence Belmont Key Result Area Reports, specifically Items 11.1.1 to 11.5.5, 11.5.7 AND 11.5.10 be adopted en bloc.***

***CARRIED 9 VOTES TO 0***

### 11.5.1 City of Belmont Streetscape Strategy
****BEXB Attachment 8 – Item 11.5.1 refers[2]**

Report by Technical services Division / Parks, Leisure & Environment

**DATE**

22 May 2006

**PURPOSE OF REPORT**

To seek Council endorsement of the Streetscape Strategy for the City.

**COUNCIL ROLE**

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

As part of the City's ongoing commitment to strategic objectives Council requested the development of a streetscape strategy. An overarching streetscape strategy has been developed with Councillors having the opportunity to contribute to the content.

[2] **A revised copy of the proposed Streetscape Strategy was tabled at the meeting and replaces the attachment provided with the Agenda.**

*Item 11.5.1 Continued*

It is envisaged that the Streetscape Strategy will set the future direction for the City's streetscape environment.

It is recommended that a structured five phased approach be adopted for the implementation of the streetscape strategy.

**Officer Recommendation Summation**

That the City of Belmont Streetscape Strategy be adopted.

## LOCATION

Not applicable.

## APPLICANT

Not applicable.

## FILE REFERENCE

32/005 – Internal Policy and Procedure Documents

## DISCLOSURE OF INTEREST

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| Nil | | | |

## VOTING REQUIREMENT

Simple Majority.

## CONSULTATION

The Manager Parks, Leisure and Environment presented a broad outline of streetscape issues to the 18 April 2006 Information Strategy Concept Forum requesting input form Councillors to further develop an overall streetscape strategy for the City.

Six submissions were received from Councillors which have been considered and these comments have been included where possible into the strategy. It should be noted that as the strategy is further developed and implemented the comments received will be progressed further.

*Item 11.5.1 Continued*

## STRATEGIC PLAN IMPLICATIONS

The adoption of the Streetscape Strategy will assist with the achievement of key outcomes contained within the City Strategic Plan 2006-2010, in particular Built Belmont and Natural Belmont.

## POLICY IMPLICATIONS

Adoption of the officer recommendation will result in a review of current policies in relation to streetscape elements and result in the development of an overarching streetscape policy.

## STATUTORY ENVIRONMENT

There are no significant statutory environment requirements in respect to this matter.

## BACKGROUND

As part of the City's ongoing commitment to strategic objectives Council requested the development of a Streetscape Strategy for the City with the intent to create a streetscape that was dynamic, different, and diverse that would enhance the quality of life for its Community.

## OFFICER COMMENT

The Streetscape Strategy will set the future direction for the City's streetscape environment. It will ensure the establishment of goals, strategies and performance objectives to deliver key outcomes for the City and the Community.

The overall objective of the strategy will be to improve the appearance and amenity of the streetscape environment by creating a streetscape that is functional, practical, vibrant and distinctive.

It is however recommended that there be a phased implementation of the streetscape strategy to ensure a structured approach is achieved. It is essential that this phased approach identifies the key stages for implementation of the strategy.

Stage 1 would be the adoption of an overarching Streetscape Strategy for the City. (Which this report identifies).

Stage 2 would be the development of a overarching Streetscape Management Policy, which would be presented to Council for consideration.

Stage 3 would be the development of street infrastructure components, which would include design standards and themes for all components, such as street furniture, bins, bus shelters, light poles etc. These again would be presented to Council for consideration.

*Item 11.5.1 Continued*

Stage 4 would be the identification of major transport and distributor routes through the City and the development of standards for such access ways. At this stage concept designs would be prepared for Council consideration and would include components and standards developed as part of Stage 3 including themed plantings and possible verge maintenance.

Stage 5 would be the development of precinct plans for areas such as shopping centres, residential areas, business areas etc and again concept designs would be prepared and presented to Council for consideration. These precinct plans would include standards for street infrastructure as developed as part of stage 3, themed plantings and include physical activity components where appropriate.

When considering the 5 stages of implementation it could be considered that Stages 1, 2 and 3 to be the foundation stages of the project, with stages 4 and 5 being considered as the community service delivery stages. It is considered that by implementing the streetscape strategy in this phased manner it would deliver a comprehensive approach and a consistent theme for the entire City.

The identification of key officers to deliver this phased approach will be critical to the success of this project and it will be the responsibility of the Manager Parks, Leisure and Environment to report periodically to Council on the progress.

## FINANCIAL IMPLICATIONS

There will be a financial obligation to support the development and implementation of the streetscape strategy, however it is envisaged that the structured phased implementation would form part of the Streetscape Capital Improvement Programmes in future years which would be considered by Council when adopting the annual budget.

## ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time. It is however expected that as the Streetscape Strategy is progressed the impact on the environment will be a positive one. It is expected that the Environment Plan and the Streetscape Strategy will be progressed in harmony to achieve a better outcome for the Community.

## ATTACHMENT DETAILS

| Attach. No. | Details |
|---|---|
| 8 | Streetscape Strategy Document. |

### Acting Chief Executive Officers Comment

**A revised copy of the proposed Streetscape Strategy was tabled at the meeting and replaces the attachment provided with the Agenda.**

*Item 11.5.1 Continued*

**OFFICER RECOMMENDATION**

***That the City of Belmont Streetscape Strategy be adopted.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –***
***REFER TO RESOLUTION APPEARING AT ITEM 11.5***

## 11.5.2 Annual Review – Delegation Register** (Absolute Majority Required)
****BEXB Attachment 9 – Item 11.5.2 refers**

Report by Corporate and Governance Division

**DATE**

26 May 2006

**PURPOSE OF REPORT**

This report seeks Council's consideration of the statutory annual review of the City's Register of Delegations

**COUNCIL ROLE**

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

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**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

This review considers a significant change in the City's approach to Delegations, moving from a general delegation, to a range of delegations specific to the purpose or functions to be undertaken. It is considered that this approach will provide better management of the delegations process and therefore clearer decision making when working within a delegation.

**Officer Recommendation Summation**

Recommends for adoption of the 2006 Delegation Register.

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**LOCATION**

Not applicable.

**APPLICANT**

Not applicable.

**FILE REFERENCE**

11/005 – Delegation of Powers Authorisation

*Item 11.5.2 Continued*

**DISCLOSURE OF INTEREST**

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| | | | |

**VOTING REQUIREMENT**

****Absolute Majority Required**

**CONSULTATION**

No public consultation was considered to be required in respect to this matter.

**STRATEGIC PLAN IMPLICATIONS**

BUSINESS EXCELLENCE - *Objective: Maximise Organisational Effectiveness*
*Strategy: Ensure that the capacity and capability of the organisation meets strategic, customer and operational needs*.

**POLICY IMPLICATIONS**

Policy C3.7.7 Decision Making is applicable as it sets out how the City ensures that decisions are made by the appropriate level within the organisation. The principles of this policy have been applied in developing the delegations proposed for Council's consideration.

There are a range of Council policies which influence the decisions made under Delegated Authority.

Council's decision in making a delegation of authority will have no effect on Council's policies.

**STATUTORY ENVIRONMENT**

The following sections of the *Local Government Act 1995* are relevant in regard to Delegations:

- s5.16 Delegation of some powers and duties to certain committees,
- s5.17 Limits on delegation of powers and duties to certain committees,
- s5.18 Register of delegations to Committees,
- s5.42 Delegation of some powers and duties to CEO,
- s5.43 Limits on delegations to CEO's,
- s5.44 CEO may delegate powers and duties to other employees,
- s5.45 Other matters relevant to delegations under this Division; and,
- s5.46 Register of, and records relevant to, delegations to CEO's and employees.

*Item 11.5.2 Continued*

The *Local Government Act 1995* s5.46(2) requires that *"at least once each financial year, delegations are to be reviewed…"*.

In regard to specific delegations other sections of the Local Government Act 1995 and other statutes also apply; *Strata Titles Act 1985*. *Bush Fires Act 1954* and the *Town Planning Scheme No.14*.

## BACKGROUND

The City of Belmont Register of Delegations was last reviewed at the Ordinary Council meeting held 3 May 2005 refer item 11.3.3.

The City, in developing and reviewing delegations, has previously applied the principle of 'general competence (i.e. unless it is expressly prohibited by this or another statute, the local government can provide good government as it sees fit) and this approach resulted in a small number of delegations which supported broad application.

Changes in the City's management philosophies outlined in the Decision Making (OCM 02.05/06 – 11.5.5) and Compliance Management (OCM 21/12/05 – 11.5.1) models recently adopted by Council have encouraged the administration to now seek more specific and defined delegations which support a greater level of control; clearly identifying decisions which occur under Delegated Authority.

## OFFICER COMMENT

The 2005 Delegation Register has been reviewed and the content reviewed and considered in context with the City's Decision Making Plan and operational efficiencies.

The majority of delegations placed for Council's consideration have previously been undertaken under the general competence delegation DCLG1 – City's Powers and Duties.

The following listed delegations however, arise from specific delegations listed in the 2005 Delegation Register.

| ***Local Government Act 1995* - s5.16 and s5.17**<br>Delegation to **Executive Standing Committee** | | |
|---|---|---|
| **Delegation Title** | **Statutory Power to be Delegated** | **Comment** |
| **Executive Standing Committee** | Local Government Act 1995 s2.7<br>The role of the Council | 2005 Delegation Register – DCLG2 – Executive Committee Powers |

| ***Local Government (Miscellaneous Provisions) Act 1960*– s374(1b)**<br>Delegation to **Building Surveyors** | | |
|---|---|---|
| **Delegation Title** | **Statutory Power to be Delegated** | **Comment** |
| **Building Licences** | Local Government (Miscellaneous Provisions) Act 1960:<br>s374(1b) Plans of buildings to be approved by local government | 2005 Delegation – DCLG(MP)374 – Building Licences |
| **Demolition Licences** | Local Government (Miscellaneous Provisions) Act 1960:<br>s374A Demolition Licences | 2005 Delegation – DCLG(MP)374A – Demolition Licences |

*Item 11.5.2 Continued*

| ***Local Government (Miscellaneous Provisions) Act 1960*– s374(1b)** Delegation to **Building Surveyors** | | |
|---|---|---|
| **Delegation Title** | **Statutory Power to be Delegated** | **Comment** |
| **Certificates of Classifciation** | Local Government (Miscellaneous Provisions) Act 1960:- s374C Classification of buildings | 2005 Delegation – DCLG(MP)374C – Issue of Certificates of Classification |
| **Building Licences – Assessment of Building Code Relevance for Alternation, Addition, Restoration or Repair** | Building Regulations 1989:- s5(2) Building Code adopted | 2005 Delegation – DCBR1989(5) – Assessment of Building Code Relevance to Building Licence for Alteration, Addition, Restoration or Repair. |

| ***Strata Titles Act 1985* - s23(4) Certificate of Local Government** Delegation to **Director Statutory & Community Services and Manager Building & Customer Services** | | |
|---|---|---|
| **Delegation Title** | **Statutory Power to be Delegated** | **Comment** |
| **Strata Title Clearances** | Strata Titles Act 1985:- s23(5) Certificate of Local Government | 2005 Delegation - DCST23(4) Strata Title Clearances (Form 7) |

| ***Bush Fires Act 1954* - s48 Delegation by local governments** Delegation to **Chef Executive Officer** | | |
|---|---|---|
| **Delegation Title** | **Statutory Power to be Delegated** | **Comment** |
| **Bush Fires Act – Powers and Functions** | All powers, duties and functions of the local government under the Bush Fires Act 1954 | 2005 Delegation - DCBF48 Functions of the Bush Fires Act 1954 |

Review of the 2005 Delegation Register, has identified that the following activities listed do not in fact require a Delegation. The Dog Act 1976 and the Health Act 1911 respectively, require that Council appoint Authorised Officers for the purposes of each statute:-

| 2005 Delegations Register | Outcome of 2006 Delegation Register Review |
|---|---|
| **DCD33E(1) Dangerous Dogs [Dog Act 1976 s33E(1)]** | Deleted. The Dog Act has no provisions for Delegation and therefore the functions of this statute require Council to Appoint Authorised Officers.<br><br>The matter is placed for Council's consideration under separate report. |
| **DCH26 Health Status – Powers and Duties** | Deleted. The Health Act 1911 requires that Council appoint and authorise a person to discharge all or any of the powers and functions of the local government.<br><br>The matter is placed for Council's consideration under separate report. |

## FINANCIAL IMPLICATIONS

There are no financial implications evident.

## ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident.

*Item 11.5.2 Continued*

## ATTACHMENT DETAILS

| **Attach. No.** | **Details** |
|---|---|
| 9 | 2006 Delegation Register |

## OFFICER RECOMMENDATION

***That Council:-***

1. ***Delegate Authority outlined below, inclusive of conditions shown in detail in the 2006 Delegations Register provided as an attachment to this report.***

| **Local Government Act 1995 - s5.16 and s5.17**<br>Delegation to **Executive Standing Committee** | |
|---|---|
| **Delegation Title** | **Statutory Power to be Delegated** |
| **Executive Standing Committee** | Local Government Act 1995 s2.7 The role of the Council |

| **Local Government Act 1995 - s5.42 and s5.43**<br>Delegation to **Chief Executive Officer** | |
|---|---|
| **Delegation Title** | **Statutory Power to be Delegated** |
| **Administration Of The City** | Local Government Act 1995:-<br>s5.2 Administration of Local Governments |
| **Audit Duties** | Local Government Act 1995:-<br>s7.12A Duties of a local government in respect of audits |
| **Authorised Officers - Appoint** | Local Government Act 1995<br>s3.24 Authorising Officers under Part 3 Division 3 Subdivision 2<br>s9.10 Appointment of Authorised Officers |
| **Bank Accounts** | Local Government (Audit) Regulations 1996:-<br>r8 Bank accounts |
| **Business Plan - Preparation** | Local Government Act 1995<br>s3.59(2) Commercial enterprises by local government – Prepare a Business Plan |
| **CEO And Senior Employee – Advertise Vacancy** | Local Government (Administration) Regulations 1996:-<br>Regulation 18A Advertisement for position of CEO or senior employee – s5.36(4) and s5.37(3) |
| **Compliance Audit Return** | Local Government Act 1995:-<br>s7.13(1)(i) Regulations about Audits<br>Local Government (Audit) Regulations 1996:-<br>r14(1) & (2)– Compliance audit return to be prepared |
| **Court Procedings** | Local Government Act 1995 s2.5(6) “Proceedings may be taken by or against the local government in its corporate name.” |
| **Crossovers** | Local Government (Uniform Provisions) Regulations 1996:-<br>r12 Crossing from public thoroughfare to private land or private thoroughfare – LGA-Sch 9.1[7(2)]<br>r13 Requirement to construct or repair crossing – LGA-Sch 9.1 [7(3)] |
| **Dangerous Excavation – Public Thoroughfares** | Local Government (Uniform Provisions) Regulations 1996:-<br>Regulation 11 Dangerous excavation in or near public thoroughfare – LGA-Sch.9.1(6) |
| **Disposal Of Property** | Local Government Act 1995<br>s3.58 Disposing of Property |
| **Duties When Performing** | Local Government Act 1995:- |

*Item 11.5.2 Continued*

**Local Government Act 1995 - s5.42 and s5.43**
Delegation to **Chief Executive Officer**

| Delegation Title | Statutory Power to be Delegated |
|---|---|
| **Functions** | s3.21 Duties when performing functions |
| **Gates Across Public Thoroughfares** | Local Government (Uniform Provisions) Regulations 1996:-<br>Regulation 9 Permission to have gate across public thoroughfare – LGA-Sch9.1[5(1)] |
| **Impounding Goods** | Local Government Act 1995<br>s3.42 Impounded non-perishable goods<br>s3.44 Notice to collect goods if not confiscated.<br>s3.45 Goods may be withheld until costs paid<br>s3.47 Disposing of confiscated or uncollected goods<br>s3.47A Disposal of sick or injured animals |
| **Investments** | Local Government Act 1995:<br>s6.14 Power to invest<br>Local Government (Financial Management) Regulations 1996:-<br>r19 Management of investments |
| **Local Law – Periodic Review & Administration Of** | Local Government Act 1995<br>s3.16(1) (2) (2a) (3) Periodic Review of Local Laws<br>s3.18(1) Administer Local Laws |
| **Municipal Fund – Procedures and Payments** | Local Government Act 1995:-<br>s6.7 Municipal Fund<br>Local Government (Financial Management) Regulations 1996:-<br>r11 Payment of accounts.<br>r12 Payments from municipal fund or trust fund |
| **Organisational Structure and Employees** | Local Government Act 1995:-<br>s5.36(1)(b) Local Government Employees |
| **Powers of Entry** | Local Government Act:-<br>Part 3, Division 3, Subdivision3 – Powers of Entry |
| **Private Works in Public Places** | Local Government (Uniform Provisions) Regulations 1996:-<br>r17 Private works on, over, or under public places – LGA-Sch 9.1 [8] |
| **Rate Instalment Agreements** | Local Government Act 1995:-<br>s6.49 Agreement as to payment of rates and service charges |
| **Rate Record and Service** | Local Government Act 1995<br>s6.39 Rate Record<br>s6.40 Effect of amendment of rate record<br>s6.41 Service of rate notice |
| **Rates – Recovery of Unpaid** | Local Government Act 1995:-<br>Part 6, Division 6, Subdivision 5 – Recovery of unpaid rates and service charges |
| **Road Closures - Temporary** | Local Government Act 1995<br>s3.50 Closing certain thoroughfares to vehicles<br>s3.50A Partial closure of thoroughfares for repairs or maintenance<br>s3.51 Affected owners to be notified of certain proposals<br>s3.52 Public access to be maintained. |
| **Tenders** | Local Government Act 1995:-<br>s3.57 Tenders for providing goods and services<br>Local Government (Functions & General) Regulations 1996:-<br>Part 4 – r11 to 24 |
| **Trust Fund – Procedures and Payments** | Local Government Act 1995:-<br>s6.9 Trust Fund<br>Local Government (Financial Management) Regulations 1996:-<br>r12 Payments from Municipal or Trust Fund |
| **Waiver or Concessions - Granting** | Local Government Act 1995:-<br>s6.12(1)(b)(c) and (3) Power to defer, grant discounts, waive or |

*Item 11.5.2 Continued*

| Town Planning Scheme No.14 | | |
|---|---|---|
| **Delegation Title** | **Delegation To** | **Statutory Power to be Delegated** |
| **TPS - Development Applications** | Director Community & Statutory Services<br>Manager Planning<br>Senior Planning Officer | CONDITIONAL:-<br>Town Planning Scheme No.14, as amended:-<br>Part 4 Zones<br>Part 5 Use and Development of Land<br>Part 8 Control of Advertisements<br>Part 10 General Development Requirements<br>Clause 9.4 Entry to Premises<br>Clause 9.5 Agreements<br>Clause 9.8 Arbitration |
| **TPS – Development Applications – Minor Variations** | Manager Building & Customer Services | CONDITIONAL:-<br>Town Planning Scheme No.14, as amended:-<br>Part 4 Zones<br>Part 5 Use and Development of Land<br>Clause 9.4 Entry to Premises<br>Clause 9.8 Arbitration |
| **Development Applications – City Developments** | Director Community & Statutory Services<br>Manager Planning<br>Senior Planning Officer | CONDITIONAL:-<br>Town Planning Scheme No.14, as amended: -<br>Part 3 Reserves<br>Part 5 Use and Development of Land<br>Part 10 General Development Requirements<br>Clause 9.4 Entry to Premises<br>Clause 9.5 Agreements<br>Clause 9.8 Arbitration |

| **Local Government Act 1995 - s5.42 and s5.43**<br>Delegation to **Chief Executive Officer** | |
|---|---|
| **Delegation Title** | **Statutory Power to be Delegated** |
| | write off debts |

| **Local Government (Miscellaneous Provisions) Act 1960 – s374(1b)**<br>Delegation to **Building Surveyors** | |
|---|---|
| **Delegation Title** | **Statutory Power to be Delegated** |
| **Building Licences** | Local Government (Miscellaneous Provisions) Act 1960:<br>s374(1b) Plans of buildings to be approved by local government |
| **Demolition Licences** | Local Government (Miscellaneous Provisions) Act 1960:<br>s374A Demolition Licences |
| **Certificates of Classifciation** | Local Government (Miscellaneous Provisions) Act 1960:-<br>s374C Classification of buildings |
| **Building Licences – Assessment of Building Code Relevance for Alternation, Addition, Restoration or Repair** | Building Regulations 1989:-<br>s5(2) Building Code adopted |
| **Strata Titles Act 1985 - s23(4) Certificate of Local Government**<br>Delegation to **Director Statutory & Community Services and Manager Building & Customer Services** | |
| **Delegation Title** | **Statutory Power to be Delegated** |
| **Strata Title Clearances** | Strata Titles Act 1985:-<br>s23(5) Certificate of Local Government |
| **Bush Fires Act 1954 - s48 Delegation by local governments**<br>Delegation to **Chef Executive Officer** | |
| **Delegation Title** | **Statutory Power to be Delegated** |

*Item 11.5.2 Continued*

| | |
|---|---|
| **Bush Firest Act – Powers and Functions** | All powers, duties and functions of the local government under the Bush Fires Act 1954 |

2. ***Council determines that under clause 9.10.3 of the Town Planning Scheme No.14, delegations made under the Scheme will remain effective until the end of the 2006/07 financial year.***

***ABSOLUTE MAJORITY REQUIRED***

***OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 11.5***

### 11.5.3 Dog Act 1976 – Appoint Authorised Officers

Report by Corporate and Governance Division

**DATE**

25 May 2006

**PURPOSE OF REPORT**

To seek Council's consideration of appointing nominated officers for the purposes of the Dog Act 1976.

**COUNCIL ROLE**

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

The statutory annual review of the City's Delegation Register initiated a further review of the Dog Act 1976requirements for authorised officers.

In order to maintain the City's compliance with and effectiveness of Dog Act requirements, Council is requested to review and appoint a range of Authorised Officers.

**Officer Recommendation Summation**

Recommends for Council to appoint positions as Authorised Officers for the purposes of the Dog Act 1976.

**LOCATION**

Not applicable.

**APPLICANT**

Not Applicable.

*Item 11.5.3 Continued*

## FILE REFERENCE

32/022 Authorised Officers

## DISCLOSURE OF INTEREST

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| | | | |

## VOTING REQUIREMENT

Simple Majority required.

## CONSULTATION

No public consultation was considered to be required in respect to this matter.

## STRATEGIC PLAN IMPLICATIONS

BUSINESS EXCELLENCE - *Objective: Maximise Organisational Effectiveness Strategy: Ensure that the capacity and capability of the organisation meets strategic, customer and operational needs*.

## POLICY IMPLICATIONS

There are no policy implications evident.

## STATUTORY ENVIRONMENT

The Dog Act 1976 applies and states:

s3 Interpretation…..

**"authorised person"** means a person who is appointed by a local government, to exercise powers on behalf of the local government, under section 29(1);

**"registration officer"** means a person authorised by the local government to effect the registration of dogs pursuant to this Act;

s29(1) requires a local government to, in writing, appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by the Dog Act.

s33E(1) *A dog may be declared to be a dangerous dog:* - this section requires a local government, or an authorised person or a person specifically authorised by the local government for the purposes of this section to undertake the considerations and requirements of declaring a dog to be a dangerous dog.

*Item 11.5.3 Continued*

## BACKGROUND

The City has previously established a range of authorised persons for the purposes of the Dog Act 1976.

The statutory annual review of the City's Delegation Register initiated a further review of the Dog Act 1976 requirements for authorised officers and it has been identified that the authorised activity of declaring a dangerous dog has been recorded as a 'delegation'.

In correcting this error, it was considered an opportune time to review all authorised officers for the purposes of the Dog Act 1976.

## OFFICER COMMENT

The range of activities and functions required of a local government under the Dog Act 1976 have been reviewed and a number of Officers are nominated for Authorisation by Council.

## FINANCIAL IMPLICATIONS

There are no financial implications evident.

## ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident.

## ATTACHMENT DETAILS

Nil.

*Item 11.5.3 Continued*

## OFFICER RECOMMENDATION

***That Council:-***

***Appoint the following nominated officer positions as Authorised Officers for the purposes of the Dog Act 1976, and further that the Chief Executive Officer issue the prescribed Certificate of Authorisation for each:-***

**Registration Officer:**

| | |
|---|---|
| Clerical Officer – Rangers | Craig Bell |
| Senior Ranger | Graham Wilson |
| Ranger | Joseph Zygadlo |
| Ranger | Alex Butcher |
| Ranger | Marc Stolp |
| Cashier | Rebecca Dreher |
| Cashier - Relief | Nicole Vincicguerra |
| Cashier – Relief | Robin Garrett |
| Cashier – Relief | Brad Lalley |

**s29(1) Authorised Officer:**

| | |
|---|---|
| Senior Ranger | Graham Wilson |
| Ranger | Joseph Zygadlo |
| Ranger | Alex Butcher |
| Ranger | Marc Stolp |

**s33E(1) Authorised Officer – Declare Dangerous Dogs:**

| | |
|---|---|
| Chief Executive Officer | Shayne Silcox |
| Manager Health & Ranger Services | Maurice Ferialdi |

***OFFICER RECOMMENDATION ADOPTED EN BLOC –***
***REFER TO RESOLUTION APPEARING AT ITEM 11.5***

## 11.5.4 Health Act 1911 – Appointment of Authorised Officer

Report by Corporate & Governance Division

**DATE**

25 May 2006

**PURPOSE OF REPORT**

To seek Council's consideration of appointment of Authorised Officer/s for the purposes of the Health Act 1911.

**COUNCIL ROLE**

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

The Health Act 1911 provides for a local government to appoint and authorise a person to exercise and discharge all or any of the powers and functions of the local government under the Health Act. This report seeks Council's endorsement of nominated officers for this purpose.

**Officer Recommendation Summation**

Recommends for Council to appoint the following officers as Authorised Officers for the purposes of exercising and discharging within the district of the City of Belmont all or any of the provisions of the Health Act 1911 and its relevant regulations, local laws, and orders:-

- Chief Executive Officer
- Director Community & Statutory Services
- Manager Health & Ranger Services.

**LOCATION**

Not applicable.

**APPLICANT**

Not applicable.

*Item 11.5.4 Continued*

**FILE REFERENCE**

32/022 Authorised Officers

**DISCLOSURE OF INTEREST**

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| | | | |

**VOTING REQUIREMENT**

Simple majority required.

**CONSULTATION**

No public consultation was considered to be required in respect to this matter.

**STRATEGIC PLAN IMPLICATIONS**

BUSINESS EXCELLENCE - *Objective: Maximise Organisational Effectiveness*
*Strategy: Ensure that the capacity and capability of the organisation meets strategic, customer and operational needs*.

**POLICY IMPLICATIONS**

There are no policy implications evident.

**STATUTORY ENVIRONMENT**

The **Health Act 1911** s26 Powers of local government; authorises and directs every local government to carry out within its district the provisions of the Act and its relevant regulations, local laws, and orders.

This section also places a proviso that the local government appoint and authorise a person to exercise and discharge all or any of the powers and functions of the local government under the Health Act subject to conditions and limitations (if any) as determined by the local government.

Appointment of an authorised person does not affect the exercise or discharge by the local government itself of any power or function.

The Health Act provides that Environmental Health Officers are authorised officers for the purposes of the functions of their position under the Act.

**BACKGROUND**

The City has previously established the Chief Executive Officer, Director Statutory and Community Services and the Manager Health & Ranger Services as authorised persons for the purposes of the Health Act 1991.

*Item 11.5.4 Continued*

This authorisation has previously been recorded in the City's Delegation Register.

## OFFICER COMMENT

The authorisation of officers for the purposes of the Health Act 1911

## FINANCIAL IMPLICATIONS

There are no financial implications evident.

## ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident.

## ATTACHMENT DETAILS

Nil.

## OFFICER RECOMMENDATION

***That Council:-***

***Appoint the following officers as Authorised Officers for the purposes of exercising and discharging within the district of the City of Belmont all or any of the provisions of the Health Act 1911 and its relevant regulations, local laws, and orders:-***

- ***Chief Executive Officer***
- ***Director Community & Statutory Services***
- ***Manager Health & Ranger Services.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.5***

## 11.5.5 Local Government Week WA 2006 Convention –August 2006

Report by Corporate and Governance Division

**DATE**

22nd May 2006

**PURPOSE OF REPORT**

To consider Council placing the following items on the Agenda for the Annual General Meeting of the west Australian Local Government Association.

**COUNCIL ROLE**

Advocacy

*Council undertakes an advocacy role when it advocates on its own behalf or on behalf of its community to another level of government or another body or agency.*

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

The Western Australian Local Government Association (WALGA) has advised that their annual convention is to be held at the Burswood Convention Centre from Saturday 5th August to Monday 7th August 2004. The convention is organised by WALGA (the peak policy making body for local government in Western Australia).

During Local Government Week Councils may at the Annual General Meeting place items on the Agenda for general discussion and action by the WALGA Executive.

There are a few issue that it is felt should be raised at the WALGA AGM by the City Of Belmont these are:

1. State Administrative Tribunal Nursing Homes rates exemption
2. Graffiti
3. Image Enhancement Strategies
4. FBT Legislation
5. Overlapping Legislation

*Item 11.5.5 Continued*

**<u>Officer Recommendation Summation</u>**

***1. Recommendation.***

*That the West Australian Local Government Association strongly lobby the Hon Jon Ford Minister for Local Government and Regional Development seeking an amendment to the Local Government Act 1995 to clarify the extent to which charitable purposes and nature of charitable organisations qualify for the exemption in respect to rates.*

***2. <u>Recommendation</u>***

*That the West Australian Local Government Association lobby the State Government to address the issue of graffiti by*

- *a) Ensuring a State-wide approach is taken to graffiti;*
- *b) Making graffiti a criminal damage offence;*
- *c) Developing alternatives to current penalties;*
- *d) Making penalties for Juvenile Justice Team agreements that are not honoured. (Imposing mandatory sentences if agreements not honoured).*
- *e) State Government setting up a central reporting point through the Western Australian Police Service;*
- *f) Allowing sufficient resources to the Western Australian Police Service so they can properly record and investigate graffiti offences*
- *g) Give the Western Australian Police Service the Ability to shut down websites specifically used for displaying illegal graffiti tags.*
- *h) Changing Legislation to make it easier to convict offenders especially for multiple offences*

***3. <u>Recommendation</u>***

*That the West Australian Local Government Association Lobby the State Government to implement plans and schemes that positively promote Local Government to the local Community, which support and compliment WALGA initiatives and media campaigns.*

***4. <u>Recommendation</u>***

*That the West Australian Local Government Association lobby the Federal Government to put in place amending legislation to the Fringe Benefit Tax system that rewards employees and employers for implementing the use of environmentally friendly vehicles such as gas or other hybrid vehicles, and other programs which reduce the use of company vehicles for the benefit of reducing green house emissions.*

*As the current Legislation promotes higher vehicle use to decrease the FBT liability and therefore creates higher emissions.*

*Item 11.5.5 Continued*

### *5. Recommendation*

*That the West Australian Local Government Association lobby the State Government to have processes in place that require State Government Agencies who have received planning applications from Local Governments for comment or action, to fully liaise with Local Government, to ensure there is no conflict on decisions being made that effect the applications or there decision is substantially different to the Local Governments decisions such as issuing or not issuing demolition licences.*

## LOCATION

Not Applicable.

## APPLICANT

Not Applicable.

## FILE REFERENCE

51/001 Local Government Week

## DISCLOSURE OF INTEREST

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| | | | |

## VOTING REQUIREMENT

Simple majority required.

## CONSULTATION

Internal discussion has been held with relevant officers.

No public consultation has been undertaken in respect to this matter.

## STRATEGIC PLAN

There are no significant strategic plan implications evident at this time.

## POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

## STATUTORY ENVIRONMENT

There are no specific legislative requirements evident in respect to this matter.

*Item 11.5.5 Continued*

**BACKGROUND**

The Western Australian Local Government Association (WALGA) has advised that their annual convention is to be held at the Burswood Convention Centre from Saturday 5th August to Monday 7th August 2005. The convention is organised by WALGA (the peak policy making body for local government in Western Australia).

Incorporated into the Local Government Week Convention, is the Western Australian Local Government Association's AGM.

The Annual General Meeting allows Council the opportunity to present items that are of an industry wide issue to members for general discussion and action by the West Australian Local Government Associations Executive.

There are a few issues that the City of Belmont considers should be raised at the WALGA AGM.

**OFFICER COMMENT**

The following are issues that are put before Council for consideration to be raised at the WALGA Annual General Meeting.

**1. State Administrative Tribunal Retirement Villages Rates Exemption**

The decision by the State Administrative Tribunal (Uniting Church Homes v City of Stirling) last year has opened the door to aged care homes run by Church groups and charities to challenge rates levied against properties owned or occupied by them. The decision may also lead to challenges from "for profit" organisations running nursing homes and retirement villages.

Facilities run by a charitable organisation that provide independent living units coupled with age hostels and/or nursing home accommodation with residents being able to age in place is likely to be accepted by the tribunal as having a charitable purpose.

A private operator also running such facilities may also be accepted as having a charitable purpose by the tribunal. This is less clear and is yet to be tested.

This does not mean though that all facilities fit the criteria of a charitable purpose. Purely independent living unit facilities for people aged 55 or over with some support facilities run by private operators for profit may not meet the necessary criteria

The critical question is whether the land which the independent living units are erected on would be exempt from rates on the basis that it is used exclusively for the charitable purpose of relief of the aged.

*Section 6.26 of the Local Government Act 1995 (WA) (the Act) provides, in part, as follows:*

*6.26. Rateable land*

*(1) Except as provided in this section all land within a district is rateable land.*

*Item 11.5.5 Continued*

*(2) The following land is not rateable land*

*(a) Land which is the property of the Crown and*

*I) is being used or held for a public purpose; [or]*

*(g) land used exclusively for charitable purposes; …*

*(6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public n*ature.

The West Australian Local Government Association has raised this issue with the Local Government Minister John Ford who has advised that he was considering this matter.

The reported cost of the Tribunal's decision to the City of Stirling is estimated at $300,000 per year.

**2. <u>Graffiti</u>**

The problem of Graffiti for the City of Belmont is a major one and is costing more and more each year. The incidence of graffiti has nearly quadrupled over the last three years. It can be generally attributed to the better reporting of instances and the improved manner in which the City of Belmont deals with graffiti.

Reasons given for graffiti are

| | | |
|---|---|---|
| 1. | Lack of Social Support | High cost of joining clubs etc |
| 2. | Feeling of Value | Belonging etc |
| 3. | Loss of Identity | Lack of esteem |
| 4. | Parents | Lack of support, parents powerless. |
| 5. | Disconnection from community | don't fit in, only way of being heard. |
| 6. | Boredom | No outlet for Artistic needs |

There are currently a number of Legislative issues that arise that could assist in the reduction of graffiti for the City of Belmont.

Some of these are.

1. The high cost of conviction of offenders
2. Difficulty in enforcing current legislation.
3. Graffiti seen as a minor offence
4. No Penalties
5. No Alternative to Penalties.

To overcome some of the current legislation issues it may be possible to consider the following changes to legislation requirements.

1. Increasing penalties
2. Changing Community perception of offence by characterising graffiti as criminal damage

*Item 11.5.5 Continued*

3. Making a penalty for Juvenile Justice Team agreements not being honoured – Impose mandatory sentences if agreements not honoured.
4. Changing Legislation to make it easier to convict offenders especially for multiple offences

Other issues required to fully combat graffiti may be along the following lines-.

1. Police need to record offences - Police at the moment are not recording offences or occurrences and have not done so for the past four years.
2. There needs to be a central reporting point for graffiti offences.
3. Ability to link offences from other districts and prosecute as one offence. I.e. if tag is copied, original tagger can also be prosecuted.
4. Ability to shut down websites specifically used for displaying illegal graffiti tags.

To help overcome the issue of graffiti there needs to be a State-wide approach through a graffiti taskforce. It has been said that graffiti is costing Local Government around $25 million per annum to combat and remove graffiti

**3. <u>Image Enhancement Strategies</u>**

Due to a number of recent events it appears once again the public profile and the perception of Local Government within the community is not held in high esteem.

With recent Inquiries into Local Government and the announcement by the Minister of the complete review of ward boundaries for some Local Governments generates a negative perception of Local Government within the local community.
One of the goals of the West Australian Local Government Association is to “Improve the public image of Local Government”. It would appear from recent media releases and comments made in the “West Australian” that Local Government has been unable in the past to positively promote itself, particularly in response to crisis issues.

The City of Belmont fully supports and commends WALGA on its current initiatives and advertising program but strongly believes that the State Government needs to be a partner in these programs and initiatives.

It is imperative that the West Australian Local Government Association vigorously pursue the development of appropriate plans and schemes to promote Local Government more positively within the community in times of crisis and instability.

There needs to be a comprehensive strategic approach undertaken on image enhancement strategies for local Government in the immediate future. For this to be successful there needs to be a joint approach between all Local Governments and the State Government on appropriate strategies to change the perception of Local Government with in all communities.

*Item 11.5.5 Continued*

**4. FBT Legislation**

The City of Belmont has some concern that the current Fringe Benefit Tax system prohibits positive environmental outcomes.

The reason for this comment is due to the current legislation penalising the employee if they do less kilometres in their company vehicles when calculating the payment for the FBT liability.

This actually means that if you use alternative methods to reduce the green house effects of burning carbon based fuels and not using your company vehicle you are penalised under the current FBT legislation for doing so.

If the Federal Government is committed to reducing green house emissions then there needs to be legislation aimed at reducing the FBT liability or the inclusion of incentives for employees who do not use there vehicles as much and are helping to reduce green house emissions.

The current system is not allowing any incentives for employees that do reduce the use of their vehicles and the current green house emissions coming from that vehicle.

Alternatively an incentive could be to reduce the FBT impost for environmentally friendly vehicles such as gas or other hybrid vehicles.

**5. Overarching Legislation**

There is a need for further consolidation of the various acts and legislation effecting the overall operations of Local Government when undertaking its role in the area of Town Planning.
There are a number of areas where Legislation effects the operations and processes of the day to day functions of the planning functions within Local Government.

The major issues are not always the legislation but the attached policies and guidelines that are part of the legislation and the various state agencies that administer this legislation.

Another major cause of concern is the West Australian Planning Commissions level of inconsistency in planning issues due to the high turnover off staff.

Council has various pathways and procedures in place for required approval processes. These processes include where necessary the need to forward application to State or Federal Government Agencies for information and or action under the various Acts and regulations they administer.

Each item needs to be dealt with application by application as there is wide ranging differences in applications from Planning, Building, Heritage and Environmental issues.

To have overlapping Legislation that covers all the various Acts, Regulations, Policies and Guidelines that Local Government deals with on a daily basis is unachievable

*Item 11.5.5 Continued*

The issue may be more along the lines off where applications are forwarded to other agencies for comment or approval that Agency ensures it liaises with the City of Belmont officers to ensure there is no conflict on any decision being made.

Examples include the inconsistent treatment of Heritage listed properties under the following:

- Local Government (miscellaneous provisions) Act 1960
- Planning and Development Act 2005
- Local Town Planning Schemes
- Heritage of W.A. Act 1990.

**FINANCIAL IMPLICATIONS**

There are no financial implications evident

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident

**ATTACHMENT DETAILS**

Nil.

**OFFICER RECOMMENDATION**

**1. Recommendation.**

**That the West Australian Local Government Association strongly lobby the Hon Jon Ford Minister for Local Government and Regional Development seeking an amendment to the Local Government Act 1995 to clarify the extent to which charitable purposes and nature of charitable organisations qualify for the exemption in respect to rates.**

**2. Recommendation**

**That the West Australian Local Government Association lobby the State Government to address the issue of graffiti by**

**a) Ensuring a State-wide approach is taken to graffiti;**
**b) Making graffiti a criminal damage offence;**
**c) Developing alternatives to current penalties;**
**d) Making penalties for Juvenile Justice Team agreements that are not honoured. (Imposing mandatory sentences if agreements not honoured).**
**e) State Government setting up a central reporting point through the Western Australian Police Service;**
**f) Allowing sufficient resources to the Western Australian Police Service so they can properly record and investigate graffiti offences**
**g) Give the Western Australian Police Service the Ability to shut down websites specifically used for displaying illegal graffiti tags.**

*Item 11.5.5 Continued*

h) **Changing Legislation to make it easier to convict offenders especially for multiple offences**

***3. Recommendation***

***That the West Australian Local Government Association Lobby the State Government to implement plans and schemes that positively promote Local Government to the local Community, which support and compliment WALGA initiatives and media campaigns.***

***4. Recommendation***

***That the West Australian Local Government Association lobby the Federal Government to put in place amending legislation to the Fringe Benefit Tax system that rewards employees and employers for implementing the use of environmentally friendly vehicles such as gas or other hybrid vehicles, and other programs which reduce the use of company vehicles for the benefit of reducing green house emissions.***

***As the current Legislation promotes higher vehicle use to decrease the FBT liability and therefore creates higher emissions.***

***5. Recommendation***

***That the West Australian Local Government Association lobby the State Government to have processes in place that require State Government Agencies who have received planning applications from Local Governments for comment or action, to fully liaise with Local Government, to ensure there is no conflict on decisions being made that effect the applications or there decision is substantially different to the Local Governments decisions such as issuing or not issuing demolition licences.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –***
***REFER TO RESOLUTION APPEARING AT ITEM 11.5***

****7.49pm Having earlier declared an interest Cr Teasdale departed the meeting.**

## 11.5.6 Accounts for Payment
****BEXB Attachment 10 – Item 11.5.6 refers**

Report by Corporate Services Division

**DATE**

26 May 2006

**PURPOSE OF REPORT**

Confirmation of accounts paid and authority to pay unpaid accounts.

**COUNCIL ROLE**

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

**SUMMARYAND KEY ISSUES**

**Summary and Key Issues**

A list of cheque payments is presented to Council each month for confirmation and endorsement in accordance with the Local Government Finance regulations.

**Officer Recommendation Summation**

That the Authorised Cheque Listing as included in the Attachment to this item be confirmed and endorsed.

**LOCATION**

Not applicable

**APPLICANT**

Not applicable

**FILE REFERENCE**

54/007 – Creditors – Payment Authorisations

*Item 11.5.6 continued*

## DISCLOSURE OF INTEREST

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| | | | |

## VOTING REQUIREMENT

Simple majority required

## CONSULTATION

No public consultation was considered to be required in respect to this matter.

## STRATEGIC PLAN IMPLICATIONS

No Strategic Plan implications are evident.

## POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

## 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 Cheque Listing are recommended for confirmation and endorsement.

| | | |
|---|---|---|
| ***Municipal Fund Cheques*** | 736814-764255 | $3,296,325.72 |
| ***Trust Fund Cheques*** | 905189-905191 | $ 23,739.20 |
| | **Total of Cheques for April 2006** | $3,320,064.92 |

A copy of the Authorised Cheque Listing is included as an Attachment to this item.

*Item 11.5.6 Continued*

## FINANCIAL IMPLICATIONS

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

## ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

## ATTACHMENT DETAILS

| Attach. No. | Details |
|---|---|
| 9 | Accounts for payment listing |

***POWELL MOVED, BLAIR SECONDED*, that the Officer Recommendation be adopted without amendment or modification as follows – the Authorised Cheque Listing as included in the Attachment to this item be confirmed and endorsed.**

***CARRIED 8VOTES TO 0***

****7. 54pm Cr Teasdale returned to the meeting.**

**11.5.7 Financial Reports as at 30 April 2006**
****BEXB Attachment 11 – Item 11.5.7 refers**

Report by Corporate Services Division

**DATE**

26 May 2006

**PURPOSE OF REPORT**

To provide Council with information relating to accounting reports and statements.

**COUNCIL ROLE**

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

The Local Government Act 1995 and Local (Financial Management) Regulations 1996 as amended requires a monthly financial activity statement to be presented to Council.

**Officer Recommendation Summation**

That the Monthly Financial Reports as at 30 April 2006 be received.

**LOCATION**

Not applicable

**APPLICANT**

Not applicable

**FILE REFERENCE**

32/009 – Financial Operating Statements

*Item 11.5.7 Continued*

**DISCLOSURE OF INTEREST**

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| | | | |

**VOTING REQUIREMENT**

Simple majority required

**CONSULTATION**

No public consultation was considered to be required in respect to this matter.

**STRATEGIC PLAN IMPLICATIONS**

Key Result Area: Business Excellence.

"Improve knowledge management and ensure organisational compliance to statutory record keeping obligations"

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY ENVIRONMENT**

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

Regulation 34 was amended as at 1 July 2005 to require a Statement of Financial Activity reporting on the sources and applications of funds for that month. A quarterly or tri-annual statement is no longer required under the amended Regulation.

Regulation 34(5) determines the mechanism required to ascertain the definition of material variances which are require 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 Comment section.

**BACKGROUND**

The Local Government (Financial Management) Regulations 1996 require that financial statements are presented on a monthly basis to Council. In July this year, Council adopted 10 percent of the budgeted closing balance as the materiality threshold.

*Item 11.5.7 Continued*

**OFFICER COMMENT**

The statutory monthly financial report is to consist of a Statement of Financial Activity reporting on sources and applications of funds as set out in the Annual Budget. It is required to include:-

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

The amendment to the Regulations has fundamentally changed the reporting structure which has been used to 30 June 2005, as it now requires reporting of information consistent with the "cash" component of Council's budget rather than being "accrual" based. The monthly Statement of Financial Activity now ties in more closely with the Management Report provided to Council quarterly.

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 eg tied grants.*

As identified above, Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards (AAS) 5.
AAS5 discusses the principles to be applied in determining if a variance is material. AAS5 states that:

"*Information is material if its omission, misstatement or non-disclosure has the potential to adversely affect:*
*(a) decisions about the allocation of scarce resources made by users of the financial report; or*
*(b) the discharge of accountability by the management or governing body of the entity*".

AAS5's guidance notes provide for a quantitative determination as to whether an amount is material, this being that if an amount is…

- less than or equal to 5 percent of the appropriate base amount then it is not material
- greater than or equal to 10 percent of the appropriate base amount then it is material.

*Item 11.5.7 Continued*

In the application of this method, consideration must be given to what appropriate base amount is to be used. The AAS5 guidance notes provide details discussion on this aspect, however one example would seem to be appropriate to the needs of Council in the consideration of its monthly Statement of Financial Activity. The example provided relates to the interpretation of a statement of financial performance. In this case, the appropriate base amount can be determined as operating result(profit or loss)for the reporting period.

In the case of Council's Annual Budget (and related monthly Statement of Financial Activity), it is felt that the potential impact on the estimated closing balance should determine if an item is material or not. For this reason, Council adopted 10 percent of the budgeted closing balance as the materiality threshold

It should also be noted that many of the variances listed in the monthly Statement of Financial Activity would not technically fall within the auspices of AAS5 as they are timing differences only, and would not generally have the potential to adversely affect either the decision making or the discharge of accountability for Council. Regardless of this, it is proposed that all variances in excess of the specified percentage will have details reported. All variances calculated are a comparison of year to date actual vs year to date budget.

In order to provide more details regarding significant variations in the attached report, the following summary is provided.

| ***Report Section*** | ***YTD Budget*** | ***YTD Actual*** | ***Comment*** |
|---|---|---|---|
| **Applications of Funds - Capital** | | | |
| Computing | 759,020 | 525,844 | Substantial portion of budget allocated to July due to uncertainty in the timing of a number of acquisitions |
| Belmont Oasis | 127,000 | 15,363 | Anticipated equipment purchases in July had not occurred to budgeted extent. |
| Road Works | 4,332,915 | 3,037,500 | Variation to anticipated expenditure patterns. |
| Footpath Works | 394,930 | 175,565 | Variation to anticipated expenditure patterns. |
| Drainage Works | 585,134 | 457,594 | Variation to anticipated expenditure patterns. |
| Operations Centre | 864,050 | 369,306 | Fleet/Plant change overs timing delays (dates vary to comply with usage patterns) |
| Building Operations | 4,101,754 | 1,627,689 | Variation to anticipated expenditure patterns. |
| **Applications of Funds – Operating** | | | |
| Computing | 752,725 | 582,612 | Licence payments for business applications yet to be finalised. Equipment maintenance cost varied to anticipated patterns. |
| Executive Services | 1,104,368 | 984,321 | Variation to anticipated expenditure patterns. |
| Governance | 2,202,513 | 1,886,095 | Variation to anticipated expenditure patterns. |

*Item 11.5.7 Continued*

| Report Section | YTD Budget | YTD Actual | Comment |
|---|---|---|---|
| Youth Services General | 386,870 | 243,777 | Variation to anticipated expenditure patterns. |
| Public Facilities Operations | 98,820 | 231,619 | ABC allocations higher than anticipated at this point. |
| Building – Active Reserves | 358,206 | 189,887 | Variation to anticipated expenditure patterns. |
| Grounds Operations | 1,674,863 | 1,412,158 | Variation to anticipated expenditure patterns. |
| Grounds – Active Reserves | 681,775 | 418,499 | Limited activity for wages and turf maintenance. This will vary with maintenance requirements |
| Road Works | 553,414 | 423,378 | Variation to anticipated expenditure patterns. |
| Streetscapes | 825,263 | 648,950 | Variation to anticipated expenditure patterns. |
| Technical Services | 1,299,867 | 1,139,915 | Variation to anticipated expenditure patterns. |
| **Sources of Funds – Capital** | | | |
| General Purpose Income | -1,810,000 | -898,182 | Not all land sale settlements taken place to date. |
| Operations Centre | -381,366 | -181,022 | Variation to anticipated plant replacement patterns. |
| Building Operations | -2,343,361 | -16,364 | Loan funds yet to be drawn down. |
| **Sources of Funds – Operating** | | | |
| Rates | -21,225,959 | -21,426,225 | Invoiced airport rates following revaluation process. |
| Financing Activities | -903,379 | -1,015,927 | Variation to anticipated revenue patterns |
| Computing | -830,450 | -582,617 | Variation to anticipated revenue patterns |
| Executive Services | -1,099,432 | -983,642 | Variation to anticipated revenue patterns |
| Grounds Overheads | -1,095,556 | -917,749 | Overheads recovery rate and time spent on jobs. |
| Road Works | -1,512,386 | -656,715 | Timing of grant funding varied to anticipated revenue patterns |
| Footpath Works | -128,446 | 0 | Timing of grant funding varied to anticipated revenue patterns |
| Building Control | -282,546 | -431,627 | Variation to anticipated revenue patterns |
| Building Operations | -106,514 | -8,626 | Contributions to building yet to be received. |
| Public Works Overheads | -928,543 | -727,527 | Contracts overhead allocation to be undertaken. |

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 30 Apr 2006** | **$** | **Comment** |
| Cash and investments | 18,387,721 | Includes municipal, reserves & deposits |
| - less non rate setting cash | -7,136,148 | Reserves and deposits held |
| Receivables | 1,786,560 | Mostly rates levied yet to be received |

*Item 11.5.7 Continued*

| | | |
|---|---|---|
| - less non rate setting receivables | -269,109 | ESL levied and GST payable |
| Stock on hand | 220,291 | |
| **Total Current Assets** | **$12,989,315** | |
| **Current Liabilities** | | |
| Creditors and provisions | -4,977,312 | Includes deposits, GST and ESL payable |
| - less non rate setting creditors & provisions | 3,185,186 | ESL, GST and deposits held |
| - less cash backed provisions | 376,459 | Long service leave funded by reserve |
| **Total Current Liabilities** | **$ -1,415,667** | |
| **Nett Current Assets 30 Apr 2006** | **$ 11,573,648** | |
| | | |
| Nett Current Assets as Per Financial Activity Report | 11,573,648 | |
| Less Restricted Assets | -957,996 | Unspent grants held for specific purposes (Grandstand Road) |
| Less Committed Assets | -12,031,644 | All other budgeted expenditure |
| **Estimated Closing Balance** | **500,000** | |

In addition to the statutorily required reports, Council is provided quarterly with a complete copy of the Monthly Management Report utilised by officers for daily budget control over the Municipal Fund. This report is accumulated into cost Centres and reports at a detailed level within each of these cost centres.

## FINANCIAL IMPLICATIONS

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

## ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

## ATTACHMENT DETAILS

| Attach. No. | Details |
|---|---|
| 11 | Monthly Financial Activity Statement as at 30 April 2006 |

## OFFICER RECOMMENDATION

***That the Monthly Financial Reports as at 30 April 2006 be received.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –***
***REFER TO RESOLUTION APPEARING AT ITEM 11.5***

## 11.5.8 Adoption of Fees and Charges for 2006-2007

Report by Corporate and Governance Division

**DATE**

26 May 2006

**PURPOSE OF REPORT**

To adopt Council's fees and charges applicable for the 2005-2006 financial year.

**COUNCIL ROLE**

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

Each Division has reviewed its fees and charges for the 2006-2007 Budget process and Council has endorsed each Division's review. This report now brings all the fees and charges together for inclusion in the 2006-2007 Budget.

**Officer Recommendation Summation**

1. That the Schedules of Fees and Charges as listed below be adopted by Council for the 2006-2007 financial year, noting the distinction drawn between GST applicable fees and GST free fees.
2. That Officers be authorised to advise any affected parties of the new fees and charges immediately to ensure collection systems are in place by 1 July 2006 where required.

**LOCATION**

Not applicable

**APPLICANT**

Not applicable

**FILE REFERENCE**

54/004 – Budget Documentation Council

*Item 11.5.8 continued*

**DISCLOSURE OF INTEREST**

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| | | | |

**VOTING REQUIREMENT**

Simple Majority (although an absolute majority will be required when the Budget is formally adopted).

**CONSULTATION**
No public consultation was considered to be required in respect to this matter.

**STRATEGIC PLAN IMPLICATIONS**

The imposition of various fees and charges assists with achieving the objectives and outcomes included in the Strategic Plan.

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY ENVIRONMENT**

Section 6.16 of the Local Government Act covers the imposition of fees and charges and Section 6.17 covers setting the levels of fees and charges. Section 6.2.4 (c) of the Local Government Act requires the Annual Budget to include a schedule of fees and charges.

**BACKGROUND**

In order to comply with the provisions of the Local Government Act 1995, all fees and charges to be levied by Council for the financial year are to be submitted for adoption by Council.

**OFFICER COMMENT**

Each Division has reviewed the fees and charges applicable to their particular area and has submitted their recommendations to Council for consideration as part of the Budget adoption process. The fees and charges are shown below, together with an allowance for Goods and Services Tax (GST). Those fees that are deemed to be subject to GST have been included in the column marked “GST Inclusive Fee”. The difference between the Proposed Fee and the GST inclusive fee is the amount that will be remitted to the Taxation Office, with the amount shown in the GST Exclusive Fee column being the amount the Council will actually receive.

Where the GST Inclusive Fee is the same as the Proposed Fee, this indicates that there is a GST liability, however, this will be borne by Council as the amounts involved are minor and the ability to charge the fee in a lot of cases does not exist - ie coin operated photocopiers. The rounding of the fee also becomes an issue that is not worth the effort for the minor amounts involved.

*Item 11.5.8 Continued*

Those fees marked “Input Taxed” are not subject to GST due to legislation. Council is unable to claim Input Tax Credits for expenditure related to these revenues.

| *COMMITTEES AND DESCRIPTION OF FEES & CHARGES* | *2005-2006 FEE (EX GST)* | *2006-2007 FEE (EX GST)* |
|---|---|---|
| **Corporate & Governance** | | |
| **Rates Instalment Fee** | | |
| Rates Instalment Scheme Fee | $15.00 per application | $15.00 per application |
| **Rates Enquiry Fee** | | |
| Ownership details | $10.00 per enquiry | $10.00 per enquiry |
| Land Information Certificates / Zoning details | Fee is now charged directly by relevant sections | Fee is now charged directly by relevant sections |
| Settlement Agents Enquiry Fee | $10.00 per property | $10.00 per property |
| **Rates General Fees** | | |
| Legal costs | Cost of recoverable legal expenses | Cost of recoverable legal expenses |
| Rate Book Extract (hard copy only) | $250.00 per copy | $250.00 per copy |
| **Electoral Rolls (Hard Copy Only)** | | |
| Set of 4 Wards | $30.00 per copy | $30.00 per copy |
| Individual Wards | $10.00 per copy | $10.00 per copy |
| **Other** | | |
| Emergency Services Levy Administration Fee | Determined by FESA | Determined by FESA |
| BRB Administration Fee | Determined by legislation | Determined by legislation |
| BCITF Administration Fee | Determined by legislation | Determined by legislation |
| Credit Card Surcharge for all payments made by credit card | 0 | Credit card merchant fee as applicable at the time of payment. |
| Miscellaneous Leases and Property Management fees | As per agreements | As per agreements |
| **Marketing & Communication** | | |
| Rent / Lease Charges | Cost of Leased Equipment | Cost of Leased Equipment |
| Stallholder applications | | |
| General Stalls | | |
| - Community Groups | $25.00 | $25.00 |
| - Private Individuals | $65.00 | $65.00 |
| - Commercial Traders | $155.00 | $155.00 |

*Item 11.5.8 Continued*

| Food Stalls | | |
|---|---|---|
| ***COMMITTEES AND DESCRIPTION OF FEES & CHARGES*** | ***2005-2006 FEE (EX GST)*** | ***2006-2007 FEE (EX GST)*** |
| - Community | $35.00 | $35.00 |
| - Commercial | $230.00 | $230.00 |
| Rides | | |
| - Animal Rides | $85.00 | $85.00 |
| Other Rides | | |
| - Sat & Sun | $305.00 | $305.00 |
| - Sunday Only | $155.00 | $155.00 |
| - Additional rides | $55.00 each | $55.00 each |
| **Governance** | | |
| Freedom of Information | | |
| - Application Fee | $30.00 | $30.00 |
| - Per Hour Labour | $30.00 | $30.00 |
| - Per A4 Copy | $0.30 | $0.30 |
| Sale of Council Minutes | | |
| - Council Meeting Agenda / Minutes – per copy | $37.50 | $37.50 |
| - Plus Postage | $4.00 | $4.00 |

| ***COMMITTEES AND DESCRIPTION OF FEES & CHARGES*** | ***2005-2006 FEE (EX GST)*** | ***2006-2007 FEE (EX GST)*** |
|---|---|---|
| **Community & Statutory Services** | | |
| **Planning Department** | | |
| **Development Applications** | | |
| **Preliminary Comment on Proposals Prior to formal lodgement** | $50.00 | $50.00 |
| **Determination of development application where the estimated cost of the development is:** | | |
| - not more than $50,000 | $100.00 | $100.00 |
| - more than $50,000 but not more than $500,000 | 0.23% of the estimated cost of development | 0.23% of the estimated cost of development |
| - more than $500,000 but not more than $2.5 million | $1,150 + 0.18% for every $1 in excess of $500,000 | $1,150 + 0.18% for every $1 in excess of $500,000 |

*Item 11.5.8 Continued*

| ***COMMITTEES AND DESCRIPTION OF FEES & CHARGES*** | ***2005-2006 FEE (EX GST)*** | ***2006-2007 FEE (EX GST)*** |
|---|---|---|
| - more than $2.5 million but not more than $5 million | $4,750 + 0.15% for every $1 in excess of $2.5 million | $4,750 + 0.15% for every $1 in excess of $2.5 million |
| - more than $5 million but not more than $21.5 million | $8,500 + 0.1% for every $1 in excess of $5 million | $8,500 + 0.1% for every $1 in excess of $5 million |
| - more than $21.5 million | $25,000.00 | $25,000.00 |
| *Request for minor amendment to an approved development* | *$50.00* | *$50.00* |
| *Request for major amendment to an approved development* | | *50% of regular fee with a minimum of $100* |
| ***Fees for Sign Applications*** | | |
| - Signage less than or equal to 4 sqm | $50.00 | $50.00 |
| - Signage greater than 4 sqm | $100.00 | $100.00 |
| ***Provision of a subdivision clearance:*** | | |
| - not more than 5 lots | $50.00 per lot | $50.00 per lot |
| - more than 5 lots but not more than 195 lots | $50 per lot for the first 5 lots and then $25 per lot | $50 per lot for the first 5 lots and then $25 per lot |
| - more than 195 lots | $5,000.00 | $5,000.00 |
| *Application for approval of home occupation* | No fee | No fee |
| *Application for change of use or for change or continuation of a non-conforming use where development is not occurring* | *$200.00* | *$200.00* |
| ***Advertising*** | | |
| - "SA" and "AA" uses | $150.00 | $150.00 |
| ***Orders & Requisitions & Advice*** | | |
| - Zoning | $50.00 | $50.00 |
| - Landuse/History | $50.00 | $50.00 |
| **Publications** | | |
| Scheme Text for TPS 14 | $25.00 | $25.00 |
| Scheme Report for TPS 14 | $15.00 | $15.00 |
| Scheme Map for TPS 14 | $20.00 ($3.00 ea for colour A3 size sheet) | $20.00 ($3.00 ea for colour A3 size sheet) |
| Housing Strategy Map | $4.00 each | $4.00 each |
| **Town Planning Scheme Amendments** | | |
| Director | $60.00 per hr | $60.00 per hr |
| Manager | $45.00 per hr | $45.00 per hr |

*Item 11.5.8 Continued*

| ***COMMITTEES AND DESCRIPTION OF FEES & CHARGES*** | ***2005-2006 FEE (EX GST)*** | ***2006-2007 FEE (EX GST)*** |
|---|---|---|
| Planning Officer | $25.00 per hr | $25.00 per hr |
| Other Staff | $25.00 per hr | $25.00 per hr |
| Secretary / Administration Clerk | $20.00 per hr | $20.00 per hr |
| **Planning Approvals Report** | | |
| Individual over the counter sales | | $10.00 |
| Yearly subscription (12 copies per year – applicant to provide 12 stamped self addressed envelopes / or copy can be emailed) | | $80.00 |
| **Building** | | |
| Swimming Pool Mandatory Inspection. | $12.50 | $12.50 |
| Property Settlement Enquiry Swimming Pool Inspection. | $60.00 | $63.00 |
| Property Settlement Enquiry Orders & Requisitions only | $20.00 | $21.00 |
| *Property Settlement Enquiry Site Inspection Compliant Buildings Residential.* | $75.00 | $78.00 |
| Property Settlement Enquiry Site Inspection Compliant Buildings Commercial/Industrial | $125.00 | $131.00 |
| Location and copying of building plans. | $35.00 | $37.00 |
| Building Licence Amendment Fee Residences class 1a, Minor Structures class 10. (Minimum fee $40.00, costs above the minimum as per the Regulations 0.35% of value of construction.) | $40.00 | $40.00 |
| Building Licence Amendment Fee Multi-Residential class 1a, Residential units class 2, Commercial, Industrial classes 3 to 9. (Minimum fee $40.00, costs above the minimum as per the Regulations 0.20% of the value of construction.) | $40.00 | $40.00 |
| Planning Applications for Residential Class 1a | $100.00 | $100.00 |
| R-Codes variations for minor structures classes 10a & 10b. | $50.00 | $52.50 |
| Reinspection costs per inspection for Strata Title and Certificate of Classification clearances. | | $78.00 |
| **Building Statistics** | | |
| - Yearly subscription (12 copies per year – applicant to provide 12 stamped self addressed envelopes / or copy can be emailed) | | $80.00 |
| - monthly (sold over the counter) | | $10.00 |
| **Statutory Building Application Fees** | | |
| - All Classes Buildings value less than $12500.00 -. $40.00 | | |
| - Class 1 & 10 Buildings exceeding $12500.00 estimated on construction value – 0.35% | | |
| - Classes 2 – 9 Buildings Exceeding $12500.00 estimated on construction value – 0.20% | | |
| - Building and Construction Industry Training Fund Levy – 0.182% of estimated construction cost inclusive of GST for projects exceeding $20,000.00 | | |
| - Demolition Licence minimum fee – per storey. $50.00. | | |

*Item 11.5.8 Continued*

| ***COMMITTEES AND DESCRIPTION OF FEES & CHARGES*** | ***2005-2006 FEE (EX GST)*** | ***2006-2007 FEE (EX GST)*** |
|---|---|---|
| - Strata Title Form 7 Certificate – minimum fee $100.00 or 20c per m2 floor area which ever is the greater. | | |
| - Builders Registration Board Levy per building application - $35.00. | | |
| - Thoroughfares Local Law – Portable Directional Sign Permit Fee. - $100.00 per sign.<br>Election Sign - $25.00 per sign. | | |
| **Health** | | |
| Registration of eating house | $270.00 | $270.00 |
| Licence to conduct eating house | $30.00 | $30.00 |
| Licence as itinerant vendor | $270.00 | $270.00 |
| Transfer of licence to conduct eating house | $30.00 | $30.00 |
| Registration of lodging house | $180.00 | $180.00 |
| Registration of morgue | $80.00 | $80.00 |
| Registration of offensive trade | As per regulations | As per regulations |
| Testing of commercial microwave ovens | $20.00 | $20.00 |
| ***Stall Holders*** | | |
| - Permit | $40.00 | $40.00 |
| - Permit Renewals | $40.00 | $40.00 |
| *Stall Holders – Additional Fees* | | |
| - Per day | $10.00 | $10.00 |
| - Per week | $50.00 | $50.00 |
| - Per month | $100.00 | $100.00 |
| - Per annum | $1,000.00 | $1,000.00 |
| ***Traders*** | | |
| - Permit – includes maximum 20 sqm of area | $150.00 | $150.00 |
| - Fee per sq m exceeding 20 sq m of area | $10.00 | $10.00 |
| - Permit Renewal Fee (as per Traders Permit fee plus $10.00 per sq m exceeding 20 sqm of area) | | |
| - Permit Transfer Fee | $20.00 | $20.00 |
| ***Outdoor Eating Facility*** | | |
| - Outdoor Eating Facility – includes maximum 20 sqm of area | $150.00 | $150.00 |
| - Outdoor Eating Facility – exceeding 20 sqm of area | $10.00 | $10.00 |
| - Outdoor Eating Facility Renewal Fee (as per Outdoor Eating Facility Permit | | |

*Item 11.5.8 Continued*

| ***COMMITTEES AND DESCRIPTION OF FEES & CHARGES*** | ***2005-2006 FEE (EX GST)*** | ***2006-2007 FEE (EX GST)*** |
|---|---|---|
| Fee plus $10.00 per sq m exceeding 20 sq m of area) | | |
| - Outdoor Eating Facility Permit transfer fee | $20.00 | $20.00 |
| ***Street Entertainers*** | | |
| - Street Entertainers Permit | $10.00 | $10.00 |
| - *Street Entertainers Fee per day* | $2.00 | $2.00 |
| ***Cat Traps*** | | |
| - Cat trap bond | $25.00 | $25.00 |
| - Cat trap fee - per week | $5.00 | $5.00 |
| *Stable Registration Fees* | $10.00 per stall (maximum $1,000) | $10.00 per stall (maximum $1,000) |
| ***Sanitation Charges – Refuse Removal*** | | |
| - 240 litre bin – removed weekly rateable properties | $175 | $190.00 |
| - Additional full service | $175 | $190.00 |
| - Additional rubbish only service | $122.50 | $133.00 |
| - Additional recycling only service | $61.25 | $66.50 |
| - 240 litre bin – removed weekly non rateable | $236.25 | $256.50 |
| - Exempt commercial/industrial property levy | $61.25 | $66.50 |
| - R80B and above coded multi-residential properties | $122.50 | $133.00 |
| - Non rateable properties – additional | $175.00 | $190.00 |
| **Rangers** | | |
| ***Dog Registration Licences (as per Dog Act)*** | | |
| *Sterilised Dogs - 1 year* | $10.00 | $10.00 |
| *- 3 years* | $18.00 | $18.00 |
| *Un-sterilised Dogs - 1 year* | $30.00 | $30.00 |
| *- 3 years* | $75.00 | $75.00 |
| *50% discount for eligible pensioners* | | |
| ***Kennel Licence*** | | |
| - *Per Kennel* | $100 | $100 |
| ***Keeping of Dogs*** | | |
| - *Site inspection fee* | $35.00 | $35.00 |
| ***Poundage*** | | |

*Item 11.5.8 Continued*

| ***COMMITTEES AND DESCRIPTION OF FEES & CHARGES*** | ***2005-2006 FEE (EX GST)*** | ***2006-2007 FEE (EX GST)*** |
|---|---|---|
| *- Poundage Fee (*Includes sustenance and RSPCA costs)* | $100 | $100 |
| ***Other Animal Fees*** | | |
| *- Euthanasia* | $50.00 | $50.00 |
| ***Motor Vehicle Impounding*** | | |
| *- Poundage* | $60.00 | $60.00 |
| *- Towing* | $50.00 | $50.00 |
| *- Plus per day charge* | $6.00 | $6.00 |
| ***Shopping Trolley Impounding*** | | |
| *Poundage - per trolley* | $25.00 | $25.00 |
| ***Fines*** | | |
| *- Various* | | |
| **Library** | | |
| *Damaged / Lost Membership Card* | $3.00 ea | $3.00 ea |
| *Missing Stationery - Barcodes* | $2.00 ea | $2.00 ea |
| *- Other* | $2.00 minimum | $2.00 minimum |
| *Book repairs* | $2.00 minimum | $2.00 minimum |
| *Books Lost / Unrepairable* | $5.00 minimum | $5.00 minimum |
| *7 Up Book Club Membership* | $5.00 per annum | $5.00 per annum |
| *Internet Kiosk - per 15 minutes* | $1.00 | $1.00 |
| ***Photocopy Charges*** | | |
| *- Black / White A4 - per copy (including computer printing)* | $0.25 | $0.25 |
| *- Black / White A3 - per copy* | $0.40 | $0.40 |
| *- Colour A4 - per copy* | $2.50 | $2.50 |
| *- Colour A3 - per copy* | $4.00 | $4.00 |
| *- Overhead - colour per copy* | $4.50 | $4.50 |
| *- Overhead - black per copy* | $3.50 | $3.50 |
| *- Internet Research - per page* | $0.30 | $0.30 |
| ***Laminating*** | | |
| *- A4 - per sheet* | $1.50 | $1.50 |

*Item 11.5.8 Continued*

| COMMITTEES AND DESCRIPTION OF FEES & CHARGES | 2005-2006 FEE (EX GST) | 2006-2007 FEE (EX GST) |
|---|---|---|
| - A3 - per sheet | $3.00 | $3.00 |
| - Business cards - per sheet | $1.00 | $1.00 |
| **Other** | | |
| - Personal Computer Use - per half hour | $2.00 | $2.00 |
| - Typewriter - per half hour | $1.00 | $1.00 |
| - Meeting Room - per half hour | $4.00 | $4.00 |
| - per hour | $8.00 | $8.00 |
| - Library Bags - natural | $3.00 | $3.00 |
| - colour | $4.50 | $4.50 |
| - Late Return Fine -per borrower | $5.00 | $5.00 |
| - Membership Re-registration fee | $20.00 | $20.00 |
| - Long Term Overdue (6 months plus) – per person | $20.00 | $20.00 |
| **Housing** | | |
| **Ascot Close** | | |
| Rent (per week) - Single | $23.00 | $24.00 |
| - Double | $47.00 | $48.00 |
| Maintenance Charge - Single** | $41.00 | $43.00 |
| - Double** | $53.00 | $56.00 |
| **Wahroonga** | | |
| Rent (per week) - Single | $24.00 | $25.00 |
| - Double | $47.00 | $48.00 |
| Maintenance Charge - Single** | $42.00 | $44.00 |
| - Double** | $54.00 | $57.00 |
| **Orana** | | |
| Rent (per week) - Single | $64.00 | $67.00 |
| - Double | $100.00 | $104.00 |
| **Gabriel Gardens** | | |
| Rent (per week) - Single | $71.00 | $74.00 |
| - Double | $107.00 | $112.00 |
| Carport Hire (per week) | | $2.00 |

*Item 11.5.8 Continued*

| ***COMMITTEES AND DESCRIPTION OF FEES & CHARGES*** | ***2005-2006 FEE (EX GST)*** | ***2006-2007 FEE (EX GST)*** |
|---|---|---|
| ***PLEASE NOTE: Charges vary pending factors such as number of occupants (lower charge for single residents, higher charge for resident couples). Lump sum entry fee paying residents pay maintenance charges only.* | | |
| **Meals on Wheels** | | |
| *Meals at Centre - per meal* | Suppliers cost +$0.30 | Suppliers cost +$0.30 |
| *Meals Delivered - per meal* | Suppliers cost +$0.30 | Suppliers cost +$0.30 |
| **Podiatry** | | |
| *Per Session* | Session cost $18.00 | Session cost $18.00 |
| **Belmont HACC Services** | | |
| ***Fee Per Unit***** | | |
| *- Income Level Pensioner* | $6.00 | $6.00 |
| *- Service Level Part Pensioner* | $9.00 | $9.00 |
| *- Income Level <$77,000* | Actual Cost | Actual Cost |
| *- Income Level >$77,000* | Billing at actual cost | Billing at actual cost |
| ***Transport – Local Belmont Area*** | | |
| *- Income Level Pensioner* | $5.00 | $5.00 |
| *- Service Level Part Pensioner* | $7.00 | $7.00 |
| *- Income Level <$77,000* | $10.00 | $10.00 |
| *- Income Level >$77,000* | $10.00 | $10.00 |
| ***Transport – 25 km – Bentley, RPH etc*** | | |
| *- Income Level Pensioner* | $7.00 | $7.00 |
| *- Service Level Part Pensioner* | $9.00 | $9.00 |
| *- Income Level <$77,000* | $15.00 | $15.00 |
| *- Income Level >$77,000* | $15.00 | $15.00 |
| ***Transport – Further (Sir Charles Gardiner / Murdoch)*** | | |
| *- Income Level Pensioner* | $13.00 | $13.00 |
| *- Service Level Part Pensioner* | $16.00 | $16.00 |
| *- Income Level <$77,000* | $20.00 | $20.00 |
| *- Income Level >$77,000* | $20.00 | $20.00 |
| ***Minor Home Maintenance***** | | |
| *- Income Level Pensioner* | $7.50 p/hr | $7.50 p/hr |

*Item 11.5.8 Continued*

| ***COMMITTEES AND DESCRIPTION OF FEES & CHARGES*** | ***2005-2006 FEE (EX GST)*** | ***2006-2007 FEE (EX GST)*** |
|---|---|---|
| *- Service Level Part Pensioner* | $10.00 p/hr | $10.00 p/hr |
| *- Income Level <$77,000* | Billing at actual cost | Billing at actual cost |
| *- Income Level >$77,000* | Billing at actual cost | Billing at actual cost |
| ***Major Home Maintenance**** | | |
| *- Income Level Pensioner* | To be negotiated | To be negotiated |
| *- Service Level Part Pensioner* | To be negotiated | To be negotiated |
| *- Income Level <$77,000* | To be negotiated | To be negotiated |
| *- Income Level >$77,000* | To be negotiated | To be negotiated |
| ***PLEASE NOTE: A unit of care will be 1 hour or part of the first hour. The HACC cap will then apply. This does not include Transport or Home Maintenance or Meals.* | | |
| ***Ascot Park Adult Day Care*** | | |
| *Patron Fees - per person* | $6.00 | $6.00 |
| *Client Meals - per meal* | Suppliers cost +$0.50 | Suppliers cost +$0.50 |
| **Youth Services** | | |
| *School Holiday Programmes* | Based on means test and activities cost | Based on means test and activities cost |
| *Activity & Development Programmes* | Based on means test and activities cost | Based on means test and activities cost |

| ***COMMITTEES AND DESCRIPTION OF FEES & CHARGES*** | ***2005-2006 FEE (EX GST)*** | ***2006-2007 FEE (EX GST)*** |
|---|---|---|
| **Technical Services** | | |
| Major Subdivision & Development | 1.5% of contract price (road & drainage works) where Consulting Engineer is engaged; 3.0% of contract price where Consultant is not engaged | 1.5% of contract price (road & drainage works) where Consulting Engineer is engaged; 3.0% of contract price where Consultant is not engaged |
| Miscellaneous works on road reserves (eg sewer, drainage, water, cabling etc) | $150 minimum per application | $150 minimum per application |
| Off-site drainage connection to Council's system | $250 per connection per item | $250 per connection per item |
| Closure of road, ROW & RAW | $150 minimum per application plus advertisement cost | $150 minimum per application plus advertisement cost |
| Temporary road closure for private works | $150 minimum per application plus advertisement cost | $150 minimum per application plus advertisement cost |

*Item 11.5.8 Continued*

| | | |
|---|---|---|
| Property Settlement Enquiries (Orders & Requisitions) | $10 | $10 |
| Plans, maps etc – per sheet | A1 - $10.00<br>A3 - $5.00<br>A4 - $2.00 | A1 - $10.00<br>A3 - $5.00<br>A4 - $2.00 |
| Defects liability bond for major subdivisions & developments | 2.5% of contract price (road & drainage works) to be retained by Consultant | 2.5% of contract price (road & drainage works) to be retained by Consultant |
| Verge/Footpath Bond | $500 minimum | $500 minimum |
| Opening Road Pavements Bond | $1,000 minimum | $1,000 minimum |

## FINANCIAL IMPLICATIONS

In the adopted Budget, the table detailed will also show the level of income being budgeted as a result of the imposition of these fees and charges in the Budget document that will be presented for formal adoption in the prescribed manner.

## ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

## ATTACHMENT DETAILS

Nil.

***TEASDALE MOVED, POWELL SECONDED**, that the Officer Recommendation be adopted without amendment or modification as follows –*

***1.*** ***That the Schedules of Fees and Charges as listed above be adopted by Council for the 2006-2007 financial year, noting the distinction drawn between GST applicable fees and GST free fees.***

***2.*** ***That Officers be authorised to advise any affected parties of the new fees and charges immediately to ensure collection systems are in place by 1 July 2006 where required.***

***CARRIED 9 VOTES TO 0***

****8.10pm Cr Teasdale having earlier declared an interest departed the meeting.**

### 11.5.9 2006-2007 Budget[3]

****BEXB Attachment 12 – Item 11.5.9 refers[4]**
****BEXB Attachment 13 – Item 11.5.9 refers**
****BEXB Attachment 14 – Item 11.5.9 refers**
****BEXB Attachment 15 – Item 11.5.9 refers**

Report by Corporate Services Division

**DATE**

29 May 2006

**PURPOSE OF REPORT**

To present the 2006-2007 Budget for consideration.

**COUNCIL ROLE**

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

To consider each Division's 2006-2007 Budget and endorse the Municipal Fund Budget for the Rate Setting Purpose so that the differential rates in the dollar can be advertised in the lead up to the formal adoption of the Budget on 17 July 2006.

**Officer Recommendation Summation**

That the 2006-2007 Municipal Fund Budget be endorsed for the rate setting purpose.

**LOCATION**

Not applicable

**APPLICANT**

Not applicable

[3] Item amended as per Memo to Councillors 9 June 2006.
[4] Attachment amended as per Memo to Councillors 9 June 2006.

*Item 11.5.9 Continued*

## FILE REFERENCE

54/004 – Budget documentation – Council

## DISCLOSURE OF INTEREST

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| | | | |

## VOTING REQUIREMENT

Simple Majority required.

## CONSULTATION

The advertising of Council's Plan for the Future and the invitation to make submissions is designed to fulfil the consultation process required by the Local Government Act.

## STRATEGIC PLAN IMPLICATION

The rate setting budget provides the financial framework to enable the objectives and outcomes of the Strategic Plan to be achieved.

## POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

## STATUTORY ENVIRONMENT

There are no statutory implications as Council is not adopting its budget through this process. This report is a step in the process that culminates in the adoption of the Budget in the prescribed manner on 17 July 2007.

## BACKGROUND

The Budget Working Papers are attached and follows the same basic format as previous years.

The Budget Report as attached contains the following information:

2005-2006 Adopted Budget.
2005-2006 Revised Budget (as reviewed in October 2005 and March 2006).
2005-2006 Actuals (to 26 May 2006).
2006-2007 Budget estimates.
Comments providing further explanation where applicable.

*Item 11.5.9 Continued*

There have been some changes to the format to better reflect the responsible officer format that has been introduced into the Management Reporting Structure. The most significant change has been to present the budget in a format that reflects the new 3 Division Structure. The Chief Executive Officers section, including Human Resources has also been separated out to more accurately reflect the true costs of each section of the organisation. A number of new sections have been created, again to allow responsible officers to have a clearer picture of those sections of the budget under their responsibility.

The format of the Working Papers is in fact Council's Rate Setting Budget as it is Council's Cash Budget and shows the projected incomes and expenditures for 2006-2007. This particular report does not deal with the rate in the dollar setting process as such as that is the subject of a separate report in this agenda. Once Council is satisfied with the Rate Setting Budget the rates in the dollar etc are dealt with in the Rate Calculations Report. Every attempt has been made however, to keep the rate increase at an acceptable level. A balanced budget has been achieved with a 3.9% increase in rates in the dollar and with the rubbish service costs increasing by $15.00 to $190.00 (8.57%), to cover increased disposal costs, landfill levy increase and collection costs as the separate rubbish charge is a fee for service.

The Consumer Price Index (CPI) for the Perth metropolitan area for the 12 months ended 31 March 2006 was 4.2%. The last 12 months has seen a steady increase in CPI driven mainly by wages growth and fuel increases. The following table illustrates the period since June 2002.

| ***The Annual CPI for the Period Ended*** | ***%*** |
|---|---|
| June 2002 | 2.4 |
| September 2002 | 3.3 |
| December 2002 | 2.9 |
| March 2003 | 2.8 |
| June 2003 | 2.1 |
| September 2003 | 2.1 |
| December 2003 | 2.1 |
| March 2004 | 1.6 |
| June 2004 | 2.6 |
| September 2004 | 2.5 |
| December 2004 | 2.9 |
| March 2005 | 3.4 |
| June 2005 | 3.8 |
| September 2005 | 4.1 |
| December 2005 | 4.0 |
| March 2006 | 4.2 |

*Item 11.5.9 Continued*

The latest economic forecasts as published by the Western Australian Department of Finance and Treasury in their 2006-2007 Budget papers states that the Consumer Price Index is projected to follow national trends and remain consistent at 3.0% for the 2006-07 budget period and 2.5% for future years. This is not currently reflected in the Western Australian CPI figures as at March 2006 which shows an annual increase of 4.2%. Wages growth is currently 4.5% on average in Western Australia and is expected to continue at 4.25% before steadying at 3.5% to 3.25% in future years. Average weekly earnings have been increased by 5.75%. This is being driven by tight labour market conditions.

It is therefore important for Council to adopt a Budget that takes account of any inflationary factors. The Draft Budget has been prepared adopting a responsible approach to rate increases and expenditures and using a growth factor of 3.9% when CPI is running at 4.2% demonstrates some efficiency gains.

The State Government Economic Forecast Statement reads as follows:-

*"Growth in Western Australia's economy is estimated to be 4.75% in 2005-06. Growth will be driven by a strong domestic economy, with household consumption and business investment the main contributors to economic growth, and dwelling investment and the public sector also making positive contributions. However, net trade (exports less imports) is forecast to detract from growth in 2005-06, as strong imports growth more than offsets a moderate increase in the volume of exports (despite exports growing strongly in value terms due to commodity price rises).*

*In 2006-07, gross State product (GSP) growth is forecast to strengthen to 5.25%, as net trade takes the lead as the major driver of economic growth. Exports are forecast to grow by 10.0% in 2006-07, as additional capacity resulting from the strong resource sector investment of recent years begins to generate increased production and exports. Domestic economic activity is expected to ease, with growth in household consumption expenditure, business investment and dwelling investment all slowing. However, this is more a reflection of the current record high levels of activity that have been reached through the strong growth in recent years than a downturn in underlying conditions.*

*In 2007-08, the State's domestic economic growth is forecast to moderate to 2.75%, somewhat below its longer-term trend, because of a minor dip in dwelling investment and weaker growth in business investment (both from very high levels). However, net trade is expected to partly offset this weaker growth in domestic demand, with export growth of*
*8.0%. As a result, the Western Australian economy is forecast to grow by 3.75% in 2007-08.*

*Conditions in the State's labour market are forecast to remain tight, reflecting the expected strength of the economy over the next couple of years. Employment is forecast to grow by 2.0% in 2006-07 (following growth of 4.5% expected in 2005-06), but this relatively slow growth reflects labour supply constraints rather than weak demand for workers. The unemployment rate is forecast to maintain a 29-year low of 4.25% over 2005-06 and through 2006-07. In 2007-08, labour market conditions are expected to remain relatively tight, with employment growth forecast to pick up slightly (to 2.25%), but with the unemployment rate also forecast to rise marginally (to 4.75%). Both these movements reflect a small increase in labour supply.*

*Item 11.5.9 Continued*

*Wages are forecast to increase by 4.5% in 2005-06 and 4.25% in 2006-07, largely as a result of tight labour market conditions. Wages growth is expected to ease to 3.5% in
2007-08, as the supply of labour increases, and economic growth eases."*

The overall Budget being presented at this point in time is a balanced Budget. The net actual incomes and expenditures of each Division have been reviewed with the likelihood of a surplus at 30 June 2006 of approximately $4.456m which is derived as follows:-

| ♦ | COST CENTRE | ♦ | AMOUNT | ♦ | COMMENT |
|---|---|---|---|---|---|
| ♦ | 115 – Computing | ♦ | $150,000 | ♦ | Unspent capital carried forward for implementation of Finance 1. |
| ♦ | 135 – Financing Activities | ♦ | $50,000 | ♦ | Increased return on investments. |
| ♦ | 805 – Building Control | ♦ | $100,000 | ♦ | Additional application fees |
| ♦ | 815 – Building Operations | ♦ | $925,000 | ♦ | Garvey Park $400,000, Middleton Park $250,000, Tennis Club $105,000, Gerry Archer $170,000 |
| ♦ | 900 – Roadworks | ♦ | $1,500,000 | ♦ | Grandstand Parade $1,000,000 + various projects |
| ♦ | 910 – Footpaths | ♦ | $100,000 | ♦ | Various projects |
| ♦ | 960 – Grounds Operations | ♦ | $550,000 | ♦ | Garvey Park $100,000 Faulkner Park Playground $50,000, Sandringham Foreshore $100,000 Maintenance Savings $300,000 |
| ♦ | General savings over numerous cost centres | ♦ | $1,081,000 | ♦ | Various Accounts. |

## OFFICER COMMENT

Each Division has provided a report on its 2006-2007 Budget to highlight particular parts of their budget and add further explanation to the comments contained in the working papers.

As has been the case in previous years, the 2005-2006 Budget has been subject to two major reviews in October and March. This ensures the Budget reflects changing priorities and acts as an accurate comparison. This report is designed to address some of the major variances or projects contained within the budget and not each individual line item. Councillors with specific queries can seek further explanation at either the Agenda Briefing Meeting or by contacting the appropriate Director, prior to the meeting.

*Item 11.5.9 Continued*

## Chief Executive Officer's Section

Chief Executive Officer

This is a new section created to show only those costs directly associated with the CEO's section. These costs were previously contained in the Executive Services section (200).

Human Resources

The Human Resources section is now reported in the CEO's part of the budget as this section reports directly to the CEO.

Further restructuring in the Occupational Health and Safety area has seen increased resources allocated to this section that were previously supplied at a cost by the EMRC.

## Corporate Services Division

Rates

A full rates report is presented as part of this agenda; however, the budget is based on a 3.9% rate increase, growth in the rate base during 2005-2006 and an allowance for some further growth in 2006-2007.

General Purpose Income

All income and expenditure that relates to property has now been transferred to the Property and Economic Development section (119) that has been created. Only the general purpose grant remains as the main item in general purpose income.

Finance Department

The majority of accounts in this section are very much in line with the previous year's budget and therefore there is only a small variance that does not warrant any further comment.

Computer Services

This budget contains an allocation to employ a Pathway / Dataworks Coordinator to assist various parts of the organisation with implementing, testing and better utilising those elements of the Pathway and Dataworks systems that will assist them with their jobs. Increased activity in the approvals area requires better use of software tools to improve efficiency. There are a number of Pathway and Dataworks projects that need implementing or completing to achieve these efficiency gains. These include e-pathway, customer requests (including Councillors), Dataworks training and integration with Pathway, major maintenance of the central name and address register together with overall better use of the products through increased training and support.

To achieve this position, a position in Records (Part Time Project Officer - .8 FTE) has been removed through some further restructuring.

*Item 11.5.9 Continued*

Communications & Marketing

This budget continues a strong focus on community events that provide so many opportunities for Council to interact with the Community in a positive way and enable residents to feel a real sense of Community by living in Belmont.

The Communications and Marketing Budget now plays a key role in the strategic gathering of research and customer feedback to assist other parts of the organisation. There is also increased emphasis on media, communications and stakeholder management that is now reaching a level that has been expected by Council and the Organisation.

Property and Economic Development

All the costs associated with the Property and Economic Development activities have been extracted from General Purpose (105) and Finance (110) and placed in this activity including all income and expenditure associated with land transactions.

Donations and Grants

Donations general have been reduced to reflect the one off donation Council made in 2005-2006 for the Tsunami appeal.

Financing Activities

There is a budgeted increase in returns from investments mainly from Reserve Accounts, with a fairly conservative approach taken to interest on Municipal Fund returns. There is an increase in debt servicing costs as the first repayments for the loan to fund the Oasis refurbishment come due.

Insurance

This section has a zero net effect on the overall Budget as any surplus/deficiency is transferred to/from the insurance reserve.

The Insurance Reserve was established in the first years of self insurance by not passing on all the savings generated by self insurance, and placing them in Reserve. This has enabled increases in premiums to be phased in and thus, reduce the impact on the various activities of Council.

The 2006-2007 budget for insurance has been put together on the basis of generating further funds to place in the Insurance Reserve to offset future increases.

The projected balance of the Insurance Reserve as at 30 June 2007 is approximately $560,000 which is in place to cover any unanticipated workers compensation claims (though this is being managed very closely) or future increases in public liability contributions and other classes of insurance.

*Item 11.5.9 Continued*

Transfers to Reserve

There remains a strong commitment to placing monies in Reserve Accounts for specific purposes and each Reserve Account earns and retains investment income to ensure it retains its value. There are however a number of transfers to reserve other than just the Reserve Account's investment earnings.

A copy of the projected Reserve Account balances including all movements is included as an attachment for the periods ended 30 June 2006 and 30 June 2007.

Executive Services

Executive Services now only covers those areas related to Governance. The CEO's costs together with all compliance costs have been moved to the appropriate areas with the budget. This results in a considerable reduction in operating expenditure that is offset by the CEO and Compliance Section.

Legal and Compliance Services

This section now includes all costs associated with Compliance including the Tenders and Contracts role that was created during the restructure.

Records Management

There is a reduction in Salaries due to some restructuring that removed the Projects Officer's position to create the Pathway / Dataworks Coordinator.

Governance

The Governance budget has reduced primarily due to the Activity Based Costing allocation reducing. This has come about due to the reduction in the Executive Services budget and the creation of the CEO's section. In the statutory reporting format the CEO's section is combined with the Governance section to show the total cost of Governance.

Belmont Trust

Reflects the cost of managing the trust land.

Regional Development

This budget provides contributions towards regional projects undertaken by the EMRC.

## Community and Statutory Services Division

The Community & Statutory Services Division covers the following major activities.

- **Planning Department**
  - Forward and statutory planning
  - Maintenance of the Council's cadastre using a computerised mapping system

*Item 11.5.9 Continued*

- **Building and Customer Services Department**
  - Building Control – issuance of building and swimming pool licences
  - Construction and maintenance of Council Buildings
  - Graffiti removal
  - Customer service – staff at the front counter

- **Health and Ranger Services**
  - Environmental Health Control
  - Rangers
  - Crime prevention

- **Community and Library Services**
  - Library
  - Home Care Services
  - Seniors accommodation
  - Meals on Wheels
  - Adult day care
  - Youth services

The Division has an overall budget of approximately $6.84 million.

**Divisional Staff Resources**

It has been proposed in the budget to make the following changes:

- To increase the hours of the Divisional Secretary from being permanent part-time at two days per week to a full time position.
- A new position of Planning Officer Level 4/6 be created for the 2006-2007 budget year to replace the vacant job share position.
- A new position of trainee Building Surveyor be created.

**Planning Department**

The more significant issues of the Planning Department budget are highlighted as follows:

- The account for 'Services – Advertising' has been increased by approximately 18% from the last budget to an amount of $20,000. This reflects the costs associated with consultation, Scheme Amendments and advertising policies.
- The account for 'Services – Legal' has been increased by approximately 33% from the last budget to an amount of $40,000. This is intended to cover specialist legal advice on 'The Springs', the new Town Planning Scheme and possible appeals to the State Administrative Tribunal.
- The account for 'Services – Other Consultants' has been increased by approximately 64% from the last budget to an amount of $82,000. This covers the following projects: updating Local Commercial Strategy ($7,000); Scheme Review ($20,000); specialist advice 'The Springs' ($15,000); structure plan areas for example Development Area 6 (airport / Brearley Avenue - $35,000); and provision for other consultant costs for example public consultation / facilitators ($5,000).

*Item 11.5.9 Continued*

- The account for 'settlement enquiries' is expected to increase by approximately 50% from the last budget to an amount of $30,000. It is assumed there will be an increased number of enquiries for land sales.
- The account for 'application fees' is expected to increase by approximately 40% from the last budget to an amount of $286,000. This is difficult to predict, but it is assumed there will be continuing growth in the property sector.

**Building and Customer Services Department**

Building Control and Customer Services
The salaries budget for the Building Control area has increased by 25% from the previous budget to accommodate the inclusion of a cadet/trainee Building Surveyor and qualified temporary staff whilst annual leave is taken.

In regard to income, the 2005-2006 year has been exceptional with a significant amount of large projects proceeding during this period. Although there are the opportunities for further growth in the areas of the Belgravia Residential Estate and the Springs, it is expected that some of the development will extend into 2007-2008. The amount of $350,000.00 building licence income is a conservative figure based on the growing trend over the past five years.

For the first time there has been a separate budget allocation to the Customer Service area of Council. This was considered as appropriate to show the extent of the service that is provided to the community and allow consideration of correct allocation of costs to this area. The budget in this area was previously included in the Planning Budget.

There have been ongoing problems with the photocopier and printer to the area of the front counter due to the significant amount of use to satisfy the customer's needs and each time there is a break down the officers cannot continue to provide a quality service therefore new equipment is required. There has been an allocation of $8,000.00 to purchase the new equipment.

With the allocation of costs throughout the organisation the Customer Service area provides, the 2006-2007 budget costs indicate that there is an income of $40,000.00 to this area.

The 2005-2006 year has been one of the worst for graffiti removal since the program commenced. The Coordinator-Crime Prevention is aware of the problem and working towards issues with the local Police to change the criminal description of this activity. The budget allocation of $108,493.00 provides a service to the community as well as maintaining the standard of Council's Community assets. This allocation covers increases in salaries, materials and sub-contracting costs.

*Item 11.5.9 Continued*

Building Operations

(Refer to Attachment No. 8 for Schedules 1, 2, 3, 4, 5, 6 and 7).

The format for the presentation of the building construction and maintenance budgets has been changed to reflect the requirements to be addressed in asset management. The grouping of the budget is now presented in four activities namely: Capital Upgrades / Expansion; Rehabilitation / Renewal / Disposal; Maintenance and; Operations.

The definition of these activities as noted in the International Infrastructure Management Manual is as noted in the following table:

| **Activity** | **Definition** |
|---|---|
| Operations | Active process of using an asset which will consume resources eg labour, energy, chemicals, materials. |
| Maintenance | Actions for retaining an asset close to its original (or current) condition. |
| Rehabilitation / Renewal / Disposal | Rebuild or replace components of an asset and restore it to a required functional condition and extend its current remaining life.<br><br>Works to upgrade, refurbish or replace existing assets with assets of equivalent capacity or performance. |
| Capital Upgrades / Expansion | Actions to create new assets or increase the capacity of existing assets beyond their original design capacity or service potential. |

1. Building Construction (Capital Upgrade and Renewal)

Schedule 1 – Building and Lighting Capital Upgrades 2006-2007.

The “2006/2007 Budget” column in this schedule identifies the capital building and lighting works items that are to be considered for the proposed budget. The items have been obtained from Schedules 3 and 4. (These Schedules have been modified since last year.)

Schedule 2 – Building and Lighting Renewal 2006-2007.

The “2006/2007 Budget” column in this schedule identifies the building and lighting renewal works items that are to be considered for the proposed budget. The items have been obtained from Schedules 5 and 6. (These Schedules have been modified since last year.)

*Item 11.5.9 Continued*

Schedule 3 – Asset Creation and Improvement Program.

This schedule identifies the requirements for the Capital Upgrade of existing facilities and the creation of new facilities. Those that need to be considered for the proposed budget are shown in the 2006/2007 column.

Schedule 4 – Asset Renewal/Disposal Program.

This schedule identifies the requirements for the renewal of existing facilities by the rebuilding or the replacement of components and fixtures (eg roof finishes, hot water systems, floor finishes, sewer connections, etc). Those that need to be considered for the proposed budget are shown in the 2006/2007 column.

Schedule 5 – Lighting Capital Upgrade Program.

This schedule identifies lighting projects on reserves and car parks at Council facilities that need new lighting installations or need a major upgrade and considered for funding in the coming financial year and future years. Those that need to be considered for the proposed budget are shown in the 2006/2007 column.

Schedule 6 – Lighting Renewal Program.

This schedule identifies existing lighting projects on reserves and car parks at Council facilities that need to be renewed and considered for funding in the coming financial year and future years. Those that need to be considered for the proposed budget are shown in the 2006/2007 column.

These long-term programs above have been extended to 2013/2014, which will enable Council to spread the load on its financial resources. As noted last year, the timing of the listed items and the items themselves, will over the years have to be flexible and/or changed to meet the ever-changing demands on Council facilities and the available funds. As noted previously there have again been changes from last year's schedule. The jobs listed for future years will need to be reviewed annually as part of the budget deliberations.

The items shown are a combination of all the items that have been suggested for consideration during the year, identified during inspections, recommended by Council to be considered or have been listed for consideration previously.

As mentioned, this program has been extended to 2013/2014 with suggestions for future priorities. However, it is proposed to work towards a well developed and defined Asset Management model for all of Council's asset classes. As part of this process all Council Facilities, current and future, will be assessed against a pre-determine "Level of Service" that will more clearly define the most appropriate Maintenance (routine and special), Refurbishment and/or Capital Improvements and Construction required. This will also give rise to a prioritised works programme that may differ from the schedules noted above.

*The Major projects listed for consideration for 2006-2007 are shown in the column headed 2006/07 Budget in Schedule 1 & 2 as noted above, those requiring special notes are listed below:*

*Item 11.5.9 Continued*

B0204 Architectural Services – Building Projects $60,000
Consultancy services for the design of proposed facilities, Middleton Park, Belmont Oasis, Bristile Park toilet, Gerry Archer athletic and Garvey Park Facility.

B0303 Ascot Close Upgrades $100,000
Replace/upgrade kitchens and surfaces in units as required.

B0311 Disability Access Upgrades $50,000
This is to fund the ongoing project to bring existing facilities up to the required standard.

B0413 Garvey Park Building Improvements $400,000
This allocation will provide for the ongoing construction of the replacement Kayak facility, public toilets and kiosk. This project is part funded from a CSRFF grant.

B0601 Belmont Oasis upgrade $650,000
The ongoing construction costs of the proposed upgrade of Belmont Oasis Leisure Centre by the extension of the Health Club and office space, the relocation of the Kiosk and the upgrade of the aquatic change rooms.

B0602 Middleton Park Facility Upgrade $250,000
The ongoing construction costs of the proposed refurbishment of the existing change room and clubroom. This project is part funded from a CSRFF grant.

B0604 Gerry Archer Athletic Facility Upgrade $250,000
Construction costs of the proposed refurbishment of the existing clubroom, change rooms and an accessible toilet. This project is to be part funded from a CSRFF grant.

B0705 Belmont Tennis Club Court and Lighting Upgrade $105,000
Construction costs of the proposed Court and Lighting upgrade. This project is to be part funded from a CSRFF grant and a contribution from the Club.

2. Building Maintenance

(i) 2005-2006 Expenditure

The total allocation to Building Maintenance for the 2005-2006 financial year (as reviewed March 2006) was $1,340,650 plus an allowance for vandalism and graffiti damage of $129,875 that is not claimable through Council's insurance.

All 2005-2006 works will be attended to as programmed or allocated and will be completed within budget estimates. The anticipated expenditure is approximately $1,150,000, plus approximately $115,000 spent on the repair of Vandalism (including Graffiti on Council buildings).

(ii) 2006-2007 Building Maintenance Budget (Maintenance and Operation)

Schedule 7 - Building Maintenance & Operations 2006-2007

The column marked "2006-2007 Budget Maintenance" and "2006-2007 Budget Operations" is the total proposed Building Maintenance and Operations Budget.

*Item 11.5.9 Continued*

Maintenance estimates are based on work determined as being required, requests received during the year, contingencies for un-programmed maintenance and programmed maintenance activities. The allocation for 2006-2007 is $596,734.

Operation costs include allowances for significant costs such as cleaning, Water Corporation, Western Power Charges, Alinta Gas, Telstra and Building insurance. The allocation for 2006-2007 is $694,270.

The summary of these combined costs can be seen in Schedule 7, Building Maintenance & Operations 2006-2007, with the total recommended budget for this area being $1,291,004

Councillors will note that the Building Maintenance Budget as detailed in Schedule 7 includes all Council owned buildings. These figures appear in various sections of the Municipal Budget.

3. Building Maintenance Reserve

The Building Maintenance Reserve Fund was established a number of years ago and has again been included in this Budget. This fund will have a transfer to reserve of $400,000 plus interest this coming year for the provision for future maintenance and refurbishment requirements and to protect Council from the peaks and troughs associated with this maintenance.

The $400,000 this year is only a portion of what it should be, but we have to continue to “grow” this reserve.

As the fund grows it will also provide a cash base for a contribution to any refurbishment and eventually the replacement of facilities when they have reached the end of their design life.

As noted 1 above, the proposed Asset Management model for all of Council’s facilities, current and future, assessed against a pre-determine “Level of Service” will give rise to a prioritised works programme. It will also clearly identify the level of funding required over the life of the assets. The balance of the funds not spent in any one year will need to go into this reserve to fund those future works.

4. Building Operations Overheads

The budget for Building Operations Overheads is generally on par with 2005-2006 including the allowance for Activity Based Costing. These overhead costs will need to be recouped by allocations attracted from building works during 2006-2007.

**Health and Ranger Services**

Rangers

There are no significant changes proposed in the 2006-2007 budget.

*Item 11.5.9 Continued*

Crime Prevention

This is a newly introduced initiative which stems from the Community Safety and Crime Prevention partnership recently entered into by the City. Neighbourhood Watch and Belmont Community Watch are now all part of the Crime Prevention and Community Safety program. A significant allocation has been placed on this year's budget to enable additional programmes to commence. It is proposed to have a greater community involvement by inclusion of education campaigns, multi media marketing and community engagement programmes. Costs associated with some of the proposed programmes are:

- Community engagement programme - $30,000
- Student / School Crime Prevention Marketing programme - $7,000
- Community Crime Prevention Portal and Community Spirit Programme - $33,000.

Health Services

The Immunisation programme will again be provided at minimal cost with some of the costs being offset by the Medicare rebate which the City receives for each vaccination issued. The cost to the City for this programme excluding ABCs is $2,900. The Immunisation programme has been supported by Council and is strongly promoted by the Health Department, as it is believed that the minimal costs associated with the delivery of this programme are an insurance against the potential costs associated with a disease outbreak.

Rubbish rates have been increased by $10.00 per service to cover increases in collection and disposal costs that were not in the Council's control. A number of factors contributed to the increase in rubbish rates such as disposal rates, CPI increases for service delivery, increased fuel costs and the increase in the State landfill levy.

There has again been a positive trend however to the amount of rubbish requiring to be disposed of. The trend has shown that although there has been an increase in the number of services provided, the actual amount of rubbish per household has not increased at the same rate. This positive trend has been continued from last year and assists in keeping disposal costs down. The education programme will continue through schools and media to reinforce the need to minimise waste. The State has also declared that some of the landfill levy fee will go toward a broad multi media campaign.

**Community & Library Services**

Ruth Faulkner Library

The Library will complete the replacement of the old timber shelving with more ergonomic and flexible metal shelves. The first area to be undertaken will be the junior section with the adult non-fiction and adult fiction collections to follow. The upgrading of the scanning system at the front counter will take place to ensure that handling is reduced to minimise repetition of manual tasks.

*Item 11.5.9 Continued*

HACC

The Home and Community Care is a fully funded budget from the Commonwealth Government and includes $25,000 debt repayment to Council.

At the conclusion of the 2004-2005 financial year, the City of Belmont HACC Services program had shown an over expenditure of $58,034. It was initially anticipated at the commencement of 2004-2005 period that the HACC program would be underspent by $70,000. This effectively equated to a budget deficit of $128,034.

A repayment schedule for repayment of the outstanding debit has been proposed. The allowance previously allocated to the Community Services Department for advice and advocacy will be utilised to repay the debt. At the end of the current final year, an amount of $28,034 will be paid to the Council. For the financial years up to 2009-2010, an amount of $25,000 will be paid for each financial year.

Aged Care and Housing

Capital works program to continue.

ACHA is a fully funded budget - continued funding has been indicated for the 2006-2007 budget period.

Community Services

Funds previously allocated to the now defunct RAPID (Recreation Advice Promotion & Integration for People with Disabilities) program has been allocated to the update of the Disability Access and Inclusion Plan and ongoing consultancy.

The ‘Salaries’ account has increased by approximately 209% from the last budget to $101,800. This account now includes the salaries for the Manager-Community & Library Services and the temporary part-time Aged Care Assistant. It also includes 7.5 hours per fortnight for the Coordinator-Accommodation Outreach for Aged Care accommodation and provision for officer time to compile the Community Directory.

Senior Citizens / Meals on Wheels & Podiatry

There are no significant changes proposed for the 2006-2007 Budget.

The account for ‘Salaries’ for Meals on Wheels has increased by approximately 24% from the last budget to $66,217 to allow for casual relief. Previously, no relief had been allowed for to cover holiday and sick leave. Allowance also made for the pending retirement of the current Coordinator-Meals on Wheels.

For Podiatry, the account for ‘Services – Other Consultants’ has increased by approximately 20% from the last budget to $28,000 to allow for more consultation. It is anticipated that this cost will be offset by Operating Income which is estimated to be $35,000.

*Item 11.5.9 Continued*

Youth Services General

The account in 'Alternative Youth Programs' show $16,000 which forms part of a Memorandum of Understanding (MOU) between the Council and the Belmont City College to facilitate educational programs and marketing the College.

The VIP Program funding of $20,000 remains unchanged. The VIP plus Project is a partnership approach to providing a relevant and engaging learning experience for youth at risk. The project is supported and funded by Victoria Park Safer WA, the Commonwealth Dept of Education & Training, the City of Belmont, the Town of Victoria Park, the Department of Justice and the Department of Community Development. The Target group is 10-19 years of age who have exited the school system without a Year 10 pass and reside in the City of Belmont and Town of Victoria Park.

## Technical Services Division

In line with past practice, preliminary programmes for Roads, Drainage and Footpaths were submitted to Council for consideration at its Ordinary Council meeting of 23 May 2006. These programs have since been included in the budget document which is appended for councillor's consideration.

The draft budget for each program is based on a similar financial allocation to that provided last financial year. This budget represents marginal decreases in the roads, drainage and footpath projects with the Environment and the Parks areas absorbing a majority of the projected increases. The environmental budget has increased considerably to enable officers to implement the many actions needed to progress the Environmental Plan. The overall Technical Services Division budget has increased by only 1.54% which is considerably less than the CPI increase over the last year.

The following provides a brief précis of the major areas of expenditure in each program.

Roads Program

Major works projected in the coming financial year include:

- A municipal road program valued at approximately $4.4 Million – inclusive of works on Grandstand Road
- $433,000 State and National Blackspot program including intersection improvements at Belgravia Street and Barker Street.
- $261,000 allocation for the third instalment of the Roads to Recovery program
- $106,764 Local Road Program funded on 2 for 1 basis by the State Government under the local road funding agreement.

*Item 11.5.9 Continued*

Drainage

The Drainage Programme has been developed through analysis of the current stormwater network and recognises the commitments given in the Belmont Stormwater Management Plan (2003-2004 – 2006-2007) which was adopted by Council in 2002. Projects include both drainage extensions and drainage upgrades.

Footpaths

The draft programme maintains Council's commitment to the ongoing rehabilitation and repair of the existing infrastructure as necessary to minimise the City's potential liability. The Rehabilitation Program will address the paths identified in the footpath audit undertaken annually. The Various Path Repairs allocation of $35,000 will be used for general repair and replacement of footpaths, including installation of disabled access handrails, alterations to ramps, minor path maintenance and upgrades, and other projects identified throughout the upcoming budget period. Projects include concrete path replacements - $34,000, and a new path program of $138,000. Two major projects include Tomato Lake Stage 3 and Grandstand Road path network.

Environment

The environment budget has increased from $145,000 to $315,000 in the draft budget which is a reflection of the increased effort of Council in progressing the recommendations of the Environment Plan. The recent workshop has identified a number of key actions which are not only to be implemented in the coming year and are not only focused on the strategy development but 'works on ground'.

Whilst implementing the recommendations of the Environment Plan takes precedence in this budget, $20,000 has been allocated for a review of the many compensating basins throughout the City and a $25,000 allocation has been identified to undertake some rehabilitation of at least one basin.

Grounds Operations

The Grounds Operations cost centre accommodates the traditional areas of Ground Maintenance and Ground Improvements and is designed to assist with the continuous improvement of the City's Parks and Reserves with the ultimate aim of providing a healthy and friendly environment for the residents and visitors to the City of Belmont.

Parks ground maintenance is a significant and substantial area with over 200 hectares of parkland and public open space being maintained to a high standard. These areas include "Active" and "Passive" reserves, rehabilitated water sumps and bushland, streetscape treatments and verges, the Swan River foreshore, the management of arboriculture assets and other areas.

Historically there has been sustained increase in the area of Parkland and Public Open Space, which in turn has an effect on the operational costs of maintenance for the City of Belmont. Council should be aware that whilst the standard of Parkland and Public Open Space development continues to increase so does the expectations of the residents for Council to continue to deliver a value for money quality service.

*Item 11.5.9 Continued*

Grounds Improvements

In recent years the City's Trust Reserve Accounts (20A & 20C funds) became depleted as a result of minimal contributions to Public Open Space from developments within the City. This resulted in the City funding the majority of capital improvement works from municipal funds. However, the past two years have seen an increase in contributions from developers as the City opted to request cash in lieu of public open space rather than the provision of additional open space.

The Parks Improvement budget for 2006/2007 totals $2,246,153 with funding from trust accounts totalling $1,240,301. Officers are currently preparing an application to the Western Australian Planning Commission (WAPC) requesting permission to use the 20C funds to fund a number of improvement programmes throughout the City. Major improvements include the upgrade and development of the following projects:

*Lot 712 Great Eastern Highway*

The redevelopment of Lot 712 will include the construction of a car park, turf development, tree planting, installation of irrigation, installation of leisure equipment and park furniture. The concept design is currently being prepared and will be presented to Council for consideration in the near future.

*185 President Street*

The City has recently negotiated for the Department for Planning and Infrastructure (DPI) to acquire lot 185 President Street with the intent of incorporating the site into Tomato Lake. DPI has agreed to contribute $125,000 to this project, funding $30,000 in the 2005/2006 financial year and $95,000 in the 2006/2007 financial year. Officers are currently developing a concept plan before undertaking and Environmental and Hydrology study of the site. The concept design will again be presented to Council for consideration.

*Centenary Park*

The City has been working with the developers of the Belgravia Parklands site to upgrade Centenary Park. The upgrade of Centenary Park will include the installation of park furniture, BBQ's, additional footpaths, removal of existing fencing, playground equipment, and a gazebo. Officers are currently in discussions with the Department of Environment who are prepared to contribute funds to improve the water quality of the lake. The concept design is currently being prepared in house and will be presented to council for endorsement prior to going out for public comment.

*Garvey Park*

With the majority of the Garvey Park redevelopment now complete officers are currently preparing a concept plan for the inclusion of walking trails throughout the park. These walking trails will be constructed from crushed limestone with the intent of creating a native bush walk within the City. The trails would be designed to increase physical activity in a natural environment.

*Item 11.5.9 Continued*

It should be noted that if the Western Australian Planning Commission does not support the use of the 20C funds for these major projects then Council would need to consider either funding these projects from municipal funds, or consider a phased approach to the implementation over a number of years. Should this be the case then a report to Council would be prepared and any adjustments to the improvement programme or budget be submitted as part of the October Budget Review.

Council should also be aware that all subsequent maintenance on these improvements will impact of future grounds maintenance costs and that maintenance costs are funded through municipal funds.

*Leisure Services*

The Leisure Services budget continues to provide programmes to encourage meaningful leisure and active recreation in the community. These include Health and Fitness programmes, the Art and Photographic expo and Skate Park events. Allowances have also been made for club development and for the opening of the refurbished Oasis Leisure Centre.

Summary

The preparation of the City's Annual Budget continues to be a challenging process as the community's expectations increase, the cost of legislative compliance soars and the desire to make Belmont a better place to live and work, remains strong. Balancing the priorities and allocating sufficient funds to meet all the demands, requires a cohesive and co-operative approach. The preparation of the 2006-2007 Annual Budget has been no exception.

The following summary represents the 2006-2007 Rate Setting Budget as it stands now:

| | |
|---|---:|
| ➢ Estimated Opening Balance | (4,456,662) |
| ➢ Chief Executive Officer's Section | 316,268 |
| ➢ Corporate and Governance Division | (16,652,768) |
| ➢ Community and Statutory Services Division | 6,845,685 |
| ➢ Technical Services Division | 12,947,477 |
| ➢ Closing Balance | 1,000,000 |
| | 0 |

Significant Projects and Funding Sources

Following a request in previous budget deliberations, a table showing the significant building and grounds improvements projects together with the various funding sources is included for information.

*Item 11.5.9 Continued*

| SIGNIFICANT PROJECTS IN 2004-2005 BUDGET | | | | | | |
|---|---|---|---|---|---|---|
| **PROJECT DESCRIPTION** | **PROJECT VALUE** | **FUNDING SOURCES** | | | | |
| | **$** | **MUNICIPAL** | **GRANTS** | **RESERVE** | **LOAN or TRUST** | **TOTAL** |
| Playground Equipment | **131,000** | 131,000 | | | | **131,000** |
| Ascot Water Playground Demolition | **300,000** | 300,000 | | | | **300,000** |
| Garvey Park Building Improvements | **400,000** | 152,708 | 147,292 | | 100,000 | **400,000** |
| Gerry Archer Athletic Centre | **250,000** | 250,000 | | | | **250,000** |
| Middleton Park Upgrade | **250,000** | 234,250 | 15,750 | | | **250,000** |
| Garvey Park Grounds Improvements | **135,751** | 100,229 | | | 35,522 | **135,751** |
| Goodwood Parade / Balbuk Way Improve | **215,075** | 17,238 | 157,210 | | 40,627 | **215,075** |
| Faulkner Park Playground | **120,150** | 120,150 | | | | **120,150** |
| Oasis Upgrade | **650,000** | | | | 650,000 | **650,000** |
| Belmont Tennis Club | **105,000** | 52,500 | 52,500 | | | **105,000** |
| Ascot Close Refurb | **100,000** | | | 100,000 | | **100,000** |
| 185 President Street – Tomato Lake | **274,825** | 52,741 | 90,000 | | 132,084 | **274,825** |
| Lot 712 Gt Eastern Hwy | **219,825** | | | | 219,825 | **219,825** |
| Irrigation enhancements | **210,730** | 210,730 | | | | **210,730** |
| Centenary Park Upgrades | **523,400** | 18,584 | | | 504,816 | **523,400** |
| **TOTAL** | **3,885,756** | **1,640,130** | **462,752** | **100,000** | **1,682,874** | **3,885,756** |

**FINANCIAL IMPLICATIONS**

The adoption of this report will ultimately drive the formal adoption of the budget as this report performs the role of the rate setting process. Whilst the actual rate calculation process is the subject of a separate report, the rate setting process settles the required income and expenditures that when combined with the rates levied results in a balanced budget.

**ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident at this time.

**ATTACHMENT DETAILS**

| Attach. No. | Details |
|---|---|
| 12 | Rate Setting Income Expenditure by Cost Centre |
| 13 | Project and Major Maintenance Report |
| 14 | Reserve Accounts Budget |
| 15 | Building Operations Schedules 1,2,3,4,5,6 & 7 |

*Item 11.5.9 Continued*

**OFFICER RECOMMENDATION**

1. That the following account in the Municipal Fund budget be endorsed for the rate setting purposes:
   ***Account No: 215.03.0.284 (Sister City Secretarial Honorarium)***

2. That the Municipal Fund Budget be endorsed for the rate setting purpose noting the exclusions in recommendation 1.

3. That Reserve Accounts Budget be endorsed.

4. That the Policies for Sporting / Cultural and General Donations be reviewed to establish the framework for administering the Donations Budgets.

***BLAIR MOVED, POWELL SECONDED, that the following account in the Municipal Fund budget be endorsed for the rate setting purposes:***

- ***Account No: 215.03.0.284 (Sister City Secretarial Honorarium)***

***CARRIED 8 VOTES TO 0***

****8.15pm Cr Teasdale returned to the meeting**

***BASS MOVED, HITT SECONDED,***

1. ***That the Municipal Fund Budget be endorsed for the rate setting purpose noting the exclusions in recommendation 1.***

2. ***That Reserve Accounts Budget be endorsed.***

3. ***That the Policies for Sporting / Cultural and General Donations be reviewed to establish the framework for administering the Donations Budgets.***

4. ***That Council withdraw item B0702 and the project associated with Lot 712 - G0633 for further consideration by Council.***

***LOST 6 VOTES TO 3***

*For: Whiteley, Hitt, Bass*

*Against: Blair, Powell, Teasdale, Martin, Rossi, Marks*

*Item 11.5.9 Continued*

***<u>POWELL MOVED, BLAIR SECONDED</u>, that***

1. ***The following account in the Municipal Fund budget be endorsed for the rate setting purposes:***

   ***Account No: 215.03.0.284 (Sister City Secretarial Honorarium)***

2. ***That the Municipal Fund Budget be endorsed for the rate setting purpose noting the exclusions in recommendation 1.***

3. ***That Reserve Accounts Budget be endorsed.***

4. ***That the Policies for Sporting / Cultural and General Donations be reviewed to establish the framework for administering the Donations Budgets.***

***<u>CARRIED 9 VOTES TO 0</u>***

## 11.5.10 2006-2007 Rate Calculations
****BEXB Attachment 16 – Item 11.5.10 refers**

Report by Corporate and Governance Division

**DATE**

29 May 2006

**PURPOSE OF REPORT**

To set the rates in the dollar, minimum rates, rubbish charges and associated charges for 2006-2007.

**COUNCIL ROLE**

Executive

*The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.*

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

This report covers the new rates in the dollar that are calculated for the forthcoming 2006-2007 rating period. This report also introduces a new differential rate for Marina (Boat Pens). The minimum rates together with the separate rubbish charge and all payment arrangements are also resolved via this report.

**Officer Recommendation Summation**

1. That the following general rates be adopted that equate to 3.90% increase in rate yield. A differential rate for Marina (boat pens) be introduced at 50% of the Commercial Rate in the dollar.

| *Rate* | *Cents in the Dollar* |
|---|---|
| Residential | 8.13283 |
| Commercial | 8.37682 |
| Industrial | 8.45815 |
| Cinema | 7.53914 |
| Marina | 4.18841 |

*Item 11.5.10 continued*

2. That the following minimum rates that equate to a 3.64% increase for Residential properties and a 0% increase for Commercial, Industrial and Cinema minimum rates. A minimum rate for the Marina (boat pens) at Ascot Waters has also been introduced.

| ***Rate*** | ***$*** |
|---|---|
| Residential | 570 |
| Commercial | 895 |
| Industrial | 895 |
| Cinema | 895 |
| Marina | 500 |

## LOCATION

Not applicable

## APPLICANT

Not applicable

## FILE REFERENCE

54/004 – Budget Documentation Council

## DISCLOSURE OF INTEREST

| Name | Position | Type of Interest | Nature / Extent of Interest |
|---|---|---|---|
| | | | |

## VOTING REQUIREMENT

Simple Majority required.

## CONSULTATION

The advertising of the Plan for the Future and the invitation to make submissions is designed to fulfil the consultation process required by the Local Government Act together with the requirement for Council to advertise its intention to levy the proposed differential rates in the dollar.

## STRATEGIC PLAN IMPLICATIONS

The rate calculation process provides significant income to enable the objectives and outcomes of the Strategic Plan to be achieved.

## POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

*Item 11.5.10 Continued*

## STATUTORY ENVIRONMENT

There are no statutory implications as Council is not adopting its budget through this process. This report is a further step in the process that will result in the adoption of the Budget in the prescribed manner on 17 July 2006.

## BACKGROUND

A final and significant step in the preparation of the Budget is the process of setting the rates to be charged for the 2006-2007 rate levy. The 2006-2007 rating period is a straight forward exercise in that there is not a revaluation year as that took place last year (2005-2006). The only change for 2006-2007 is the growth that occurs as a result of new valuations being provided by the Valuer General's Office. The Valuer General's Office (VGO) sets the Gross Rental Values (GRV) and the Council determines the rate in the dollar. The GRV is multiplied by the rate in the dollar, to give the total rates payable.

Council has four differential rates being Residential, Commercial, Industrial and Cinema. It is proposed to introduce a fifth differential rate to satisfy the requirements of an existing lease for Ascot Waters. In accordance with the Deed of Lease between the City of Belmont and Ascot Fields Nominees Pty Ltd there is a provision to apply rates to the Marina Development, specifically the area of the pontoons and pens. The lease specifies that there is a rating concession applicable;

*"Fifty percent (50%) of the Lessor's commercial rates in the dollar on gross rental value during the initial fifteen (15) years of the term and thereafter at the Lessor's commercial rate."*

Stage one of the pens is complete with stages 2 & 3 currently being planned. The total rates expected from stage 1 are approximately $1600. One rate notice will issued and apportioned to the pen lessees.

Council must also set a minimum rate for each rating category that cannot be charged on more than 50% of the total properties for any rate category ie Residential, Commercial or Industrial.

As is reported in the budget report, the Consumer Price Index (CPI) for Perth (all groups), for the 12 months ended 31 March 2006, was 4.2%. This is much higher than the weighted average for all 8 capital cities which is 3.0%. It also represents an increase from the corresponding period of March 2005 – 3.4%. The setting of Council's rates must take account of economic factors to ensure the real value of funds does not decrease and reduce the funds available to continue Council services and complete the capital works programme.

## OFFICER COMMENT

The first exercise is to analyse the growth in valuations for each rate category. The following table shows the values used last year, and the new values as supplied by the Valuer General's Office (VGO) that are applicable for the 2006 –2007 financial year.

*Item 11.5.10 Continued*

Valuations change throughout the year as a result of subdivisions, properties being demolished, vacant land being developed and any appeals against values supplied by the VGO. The only change affecting the 2006-2007 rating exercise is the growth that has been experienced during the 2005-2006 financial year. The following table lists total valuations used for modelling.

| Rate Category | Values 2005-2006 | Values 2006-2007 | % Change |
|---|---|---|---|
| Residential | 110,701,334 | 113,520,651 | 2.55% |
| Commercial | 66,418,200 | 67,157,477 | 1.11% |
| Industrial | 53,313,319 | 53,772,333 | .86% |
| Cinema | 1,396,044 | 1,396,044 | 0.00% |
| Marina | 0 | 38,896 | 100.00% |
| | 231,828,897 | 235,885,401 | 1.75% |

Growth continues to be steady with a higher increase in GRV's expected during 2006-2007 as many planning and building approvals have not yet materialised in completed rateable properties.

The Cinema's rates are set at 90% of the Commercial rate in the dollar in accordance with Council's resolution at the 2003-2004 budget meeting with 100% of the Commercial rate being levied by 2007-2008.

The following explanations are provided for each rate model which will form the basis for the recommendations that come from this report.

***Rate Model No 1***

This Model is the final outcome that was adopted for the 2005-2006 rating year.

***Rate Model No 2***

This model shows the current GRV's that will apply for the 2006-2007 rating year incorporating the growth. By applying the same rates in the dollar, differentials and minimum rates that applied to the 2005-2006 rating year, an amount of $19,207,104 is generated.

***Rate Model No 3***

This Model shows the outcome of applying an increase of 3.90%. This model produces rate income of $19,940,653 and together with some projected growth in 2006-2007 results in a balanced 2006-2007 Budget.

The final process in model 3 is to review the minimum rates. The following table shows the impact of the suggested minimum rates, compared to the existing minimum rates.

| Rate Category | Existing Minimums | No. of Properties | % | Proposed Minimums | No. of Properties | % |
|---|---|---|---|---|---|---|
| Residential | 550 | 5858 | 41.54 | 570 | 5856 | 41.52 |
| Commercial | 895 | 199 | 24.00 | 895 | 178 | 21.47 |
| Industrial | 895 | 16 | 3.97 | 895 | 15 | 3.72 |
| Cinema | 895 | 0 | 0 | 895 | 0 | 0 |
| Marina | 0 | 0 | 0 | 500 | 0 | 0 |

*Item 11.5.10 Continued*

The City of Belmont continues to have a large cluster of residential properties around the minimum GRV. The minimum rates for Commercial and Industrial were increased significantly in 2002-2003 as it was deemed important to ensure vacant land and undeveloped properties are developed and the general amenity of the City improved. This is certainly the case for Commercial / Industrial properties, and to a lesser extent with Residential properties.

The Residential minimum rate has been increased to $570 which is a 3.63% increase. Due to the significant increase in 2002-2003 for Commercial and Industrial minimums and feedback received from affected ratepayers, there is again no proposed increase in Commercial and Residential minimums as was the case in 2003-2004, 2004-2005 and 2005-2006. The number of Commercial and Industrial properties that fall into the minimum rate category is now reducing and may require revisiting in the 2007-2008 budget.

Other issues that Council needs to consider in relation to the Rate Setting process are the rubbish charges and the statutory levies applicable to rates instalments and penalties. As is reported in the Budget Working papers, a rubbish charge of $190 is proposed – an increase of 8.57%. This is to take account of an increase in disposal costs (tipping fees) of $1 and an increase in the landfill levy of $3 to $6. Collection costs due mainly to increased fuel costs have also risen significantly. The rubbish charge is seen as a fee for service and is budgeted on a full cost recovery basis. Council's Rubbish Policy of various rubbish rates for additional services etc, uses the $190 as its base. This is highlighted in the recommendation.

As a result of increased compliance issues, the Swimming Pool Levy for inspections was increased from $7.50 per annum to $12.50 in 2002-2003 and therefore there cannot be any further increases in 2006-2007 as this is now the maximum fee allowable as per legislation.

## FINANCIAL IMPLICATIONS

The adoption of this report sets the rate calculations, rubbish charges and other charges that will be included in the Budget that will be adopted in the prescribed manner at the 17 July 2005 Special Council Meeting.

## ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

## ATTACHMENT DETAILS

| Attach. No. | Details |
|---|---|
| 16 | Rates Model 1, 2, 3 |

*Item 11.5.10 Continued*

**OFFICER RECOMMENDATION**

***1. That the following general rates be adopted that equate to a 3.90% average increase in rate yield and that a further differential rate be adopted for Marina (Boat Pens) calculated at 50% of the Commercial rate in the dollar.***

| *Rate* | *Cents in the Dollar* |
|---|---|
| *Residential* | *8.13284* |
| *Commercial* | *8.37682* |
| *Industrial* | *8.45815* |
| *Cinema* | *7.53914* |
| *Marina* | *4.18841* |

***2. That the following minimum rates that equate to a 3.63% increase for Residential properties and a 0% increase for Commercial, Industrial and Cinema minimum rates and a new minimum rate for Marina ( Boat Pens) be adopted:***

| *Rate* | *$* |
|---|---|
| *Residential* | *570* |
| *Commercial* | *895* |
| *Industrial* | *895* |
| *Cinema* | *895* |
| *Marina* | *500* |

***3. That in accordance with Section 6.46 of the Local Government Act 1995, Council offers a 5% discount to ratepayers who pay the full amount owing within 35 days of issuing the rate notice.***

***4. That in accordance with previous practice, Council continues to offer incentive prizes for payment of rates within 35 days of issuing the rates notice.***

***5. That Council offer the following instalments for payment of Council Rates:***
***Single payment (all charges);***
***Two equal instalments (all charges);***
***Four equal instalments (all charges)***
***in accordance with Section 6.45 of the Local Government Act 1995.***

***6. That in accordance with Section 6.45 of the Local Government Act 1995, Council imposes a $15 Administration Fee for instalment payments and also imposes a 5.5% instalment interest rate.***

***7. That in accordance with Section 6.51 of the Local Government Act, Council imposes an 11% penalty interest rate for overdue rates.***

***8. That Council continue to offer arrangements to Ratepayers suffering hardship in accordance with Council's Policy relating to the payment of***

*Item 11.5.10 Continued*

***rates and in accordance with Section 6.49 of the Local Government Act 1995. (In general, this will only apply to single residential property, owner/occupier).***

***9. That the payments in lieu of rates received by Council continue to be rated at the Commercial Differential Rate in the dollar on Gross Rental Values.***

***10. That the following Rubbish Charges be adopted that equates to a 8.75% increase:***

***$190 per annum for one 240 litre cart removed weekly;***
***additional service rubbish = $133.00;***
***additional service recycling = $66.50;***
***$256.50 per annum for non rateable properties for one 240 litre cart removed weekly;***
***Exempted Commercial and Industrial properties = $66.50;***
***R80B and above coded multi-residential properties = $133.00 per unit.***

***11. That a Swimming Pool Levy be charged to owners of Swimming Pools within the Municipality at a rate of $12.50 per annum.***

***12. That in accordance with Section 6.36 of the Local Government Act 1995, the Director – Corporate and Governance be authorised to advertise the proposed differential rates in the dollar for the statutory 21 day period.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –***
***REFER TO RESOLUTION APPEARING AT ITEM 11.5***

## 12. REPORTS BY THE CHIEF EXECUTIVE OFFICER

### 12.1 INFORMATION BULLETINS

The following Elected Members Bulletin was distributed to Councillors:

Elected Members Bulletin 26 May 2006.

***POWELL MOVED, WHITELEY SECONDED**, that the information provided to all Councillors and listed in the following Elected Members Bulletin be noted and received:*

***Elected Members Bulletin 26 May 2006.***

***CARRIED 9 VOTES TO 0***

### 12.2 REQUESTS FOR LEAVE OF ABSENCE

Nil.

## 13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

*<u>NOTE</u>: Section 5.23(2) of the Local Government Act 1995, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: - matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters, security matters, among others.*

*<u>NOTE</u>: Section 5.93 of the Local Government Act 1995, details that an elected member or employee may not make improper use of any information acquired in the performance of their function under this Act or any written law. Penalty $10,000. The City of Belmont Standing Orders Local Law Clause 4.2(2) details that an elected member or employee in receipt of Confidential Information may not disclose such information to any person other than another City of Belmont elected member or employee. Penalty $5,000.*

*(The correct part of the LG Act needs to be stated after the heading - dependant on what the matter relates to, explaining why the meeting needs to go behind closed doors).*
e.g. Confidential Matter in accordance with Section 5.23(2)(a)
e.g. Confidential Matter in accordance with Section 5.23(2)(c)&(e)(ii)

**The Mayor referred to the two Confidential Items for consideration and requested the meeting go behind closed doors.**

****8.20pm** ***<u>POWELL MOVED, WHITELEY SECONDED</u>, that in accordance with section 5.23(2) of the Local Government Act, Council proceed behind closed doors to discuss the Confidential Items 13.1 and 13.2***

***<u>CARRIED 9 VOTES TO 0</u>***

****8.21pm The meeting reconvened in the absence of the public gallery.**

### 13.1 CONFIDENTIAL ITEM – REQUEST FOR LEGAL REPRESENTATION ASSISTANCE

**Confidential Attachment 1 – Refers 13.1**
**(Circulated under separate cover)**

****8.20pm Having declared a financial interest, Cr Bass departed the meeting.**

****8.24pm The Presiding Member withdrew the item**

****8.25pm Cr Bass returned to the meeting.**

**13.2 CONFIDENTIAL ITEM – STATE ADMINISTRATIVE TRIBUNAL - TOWN PLANNING APPEAL – LOCATION 4516 (84-94) COHN STREET, KEWDALE****

**Confidential Attachment 2 – Refers 13.2**
**Confidential Attachment 2.1 – Refers 13.2**
**(Circulated under separate cover)**

*****8.36pm** ***BLAIR MOVED, POWELL SECONDED**, that Council suspend Clause 9.5 of the City of Belmont Standing Orders.***

***CARRIED 9 VOTES TO 0***

*****8.54pm** ***WHITELEY MOVED, ROSSI SECONDED**, that Council resume Clause 9.5 of the City of Belmont Standing Orders.***

***CARRIED 9 VOTES TO 0***

*****8.54pm** ***TEASDALE, ROSSI SECONDED**, that the public be invited to return to the meeting and that the resolutions passed behind closed doors be read.***

***CARRIED 9 VOTES TO 0***

****8.54pm The public were readmitted to the meeting and the Manager – Governance read aloud the resolutions passed behind closed doors, namely –**

*13.1 CONFIDENTIAL ITEM – Request For Legal Representation Assistance*
*Confidential Attachment 1 – Refers 13.1*
*(Circulated under separate cover)*

***8.24pm The Presiding Member withdrew the item as a result of the applicant requesting the item be withdrawn with no further discussion and in accordance with the City of Belmont Standing Orders.*

*13.2 CONFIDENTIAL ITEM – State Administrative Tribunal - Town Planning Appeal – Location 4516 (84-94) Cohn Street, Kewdale***
*Confidential Attachment 2 – Refers 13.2*
*Confidential Attachment 2.1 – Refers 13.2*
*(Circulated under separate cover)*

*POWELL MOVED, BLAIR SECONDED, that*

*1. Council authorise the Director of Community and Statutory Services to negotiate a mediated outcome at the State Administrative Tribunal subject to the following limits.*

*1.1 The final built form of the development to contain no more than 33 dwellings*

*1.2 The final built form of the development to contain at least two driveways entering the development from Cohn Street.*

*1.3 The final grouped dwelling to incorporate loft style upper stories on at least 50 percent of the dwellings facing Cohn Street,*

*1.4 The final form of development contain treatments acceptable to the Director – Community and Statutory Services to address elevation concerns,*

*1.5 The approval of the development to be subject to similar conditions outlined in the officer recommendation at item 11.1.8 of the agenda of the ordinary Council meeting held 2 May 2006.*

*2. The Mayor (or nominee) and Cr Blair be nominated to attend the mediation and also at the hearing if required.*

*3. The item remain confidential until such time that the matter is finalised.*

*CARRIED 9 VOTES TO 0*

## 14. CLOSURE

There being no further business to discuss, the Acting Mayor thanked all those in attendance and declared the meeting closed at 8.55pm.