City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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13 March 2007

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****BEXB Attachment 5 – Item 12.5.2 refers**

****BEXB Attachment 6 – Item 12.5.2 refers**

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****BEXB Attachment 11 – Item 12.5.7 refers (circulated under separate Cover 9/03/07)**

****BEXB Attachment 12 – Item 12.5.8 refers (circulated under separate Cover 9/03/07)**

CONFIDENTIAL ATTACHMENTS INDEX

****Confidential Attachment 1 - Item 12.5.1 refers (circulated under separate cover)**

****Confidential Attachment 2 - Item 12.5.8 refers (circulated under separate cover 9/03/07)**

**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 MARCH 2007, COMMENCING AT 7.05PM.

MINUTES

PRESENT

Cr G Godfrey, Mayor	East Ward
Cr P Marks, Deputy Mayor	East Ward
Cr R Rossi	West Ward
Cr B Martin	West Ward
Cr P Hitt	West Ward
Cr B Whiteley	South Ward
Cr J Powell	South Ward
Cr T Teasdale	South Ward
Cr G Dornford	Central Ward
Cr B Brennan	Central Ward

IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr N Deague	Director Community & Statutory Services
Mr S Cole	Director Corporate & Governance
Mr J Christie	A/Director Technical Services
Mr J Olynyk JP	Manager Governance
Mr J Blanchard	Principal Legal & Compliance Advisor
Ms J Everett	A/Agenda & Minute Officer

MEMBERS OF THE GALLERY

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

1. OFFICIAL OPENING

The Mayor opened the meeting at 7.05pm welcomed those in attendance, and invited Cr Rossi to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Rossi read aloud the affirmation.

2. APOLOGIES & LEAVE OF ABSENCE

2.1 APOLOGIES

Mr R Lutey	Director Technical Services

2.2 LEAVE OF ABSENCE

Cr Bass – 27 February to 16 March 2007 inclusive.

3. DECLARATIONS OF INTEREST

3.1 FINANCIAL INTERESTS

Name	Item No. & Title	Nature of Interest (and extent, where appropriate)
Cr Teasdale	12.5.4 Accounts for Payment	Financial

3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Name	Item No. & Title
Nil.	

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

4.1 ANNOUNCEMENTS

The Mayor advised the following:

- Councillors are invited to provide feedback on the new adjustments to the Chambers air-conditioning.
- Additional speakers have been temporarily located at the front of the gallery to improve the audibility for members of the public.
- A bicycle stolen from the Council building earlier this week was reported and has been recovered. The offender was recognised by a police officer shortly after a BeCrimeAlert™ photograph was distributed, subsequently the offender was arrested and charged with stealing.

The Manager Governance read aloud the disclaimer.

4.2 DISCLAIMER

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of a written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or any thing sought to be relied upon as a representation by the City should be sought in writing and should make clear the purpose of the request.

Item 4 Continued

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

Nil.

4.4 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE 'COUNCILLORS INFORMATION BULLETINS' AS DETAILED IN ITEM 13.1

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Mr J Zadnik, 48 Riversdale Road, Rivervale

The following questions were taken on notice at the Ordinary Council Meeting of 20 February 2007. Mr Zadnik was provided with a response on 1 March 2007. The response from the City is recorded accordingly –

1. Do the Councillors know that the development I am proposing will have no overshadowing on other properties?

The Councillors are not aware of the shadow effects of Mr Zadnik's development. This and other related issues will be assessed by the Council once the consultation period has closed.

2. Do the Councillors know and understand:

a) My proposed development would enhance the whole of "The Springs" redevelopment with an "icon" building of only 8 storeys?

The Councillors will need to consider the merits of an 8 storey building on Mr Zadnik's property.

b) Landcorp is proposing buildings of up to 18 storeys for their benefit and that Council has approved several 9 and 10 storey buildings along the foreshore including the Hill 60 development and Balneum apartments?

The Councillors know and understand what is being proposed by LandCorp and the height and bulk of buildings between Great Eastern Highway and the River.

Item 5 Continued

5.1.2 Mr R Harris, 481 Abernethy Road, Belmont

The following question was taken on notice at the Ordinary Council Meeting of 20 February 2007. Mr Harris was provided with a response on 1 March 2007. The response from the City is recorded accordingly –

1. Tonight will you give a firm date for the return of 60% of restored grass with reticulation at Hardey Park as promised and advertised on your public notice board 9 years ago?

As a result of the land exchange with portion of Hardey Park for Lot 712 Great Eastern Highway, the excision of land from Hardey Park for the widening of Great Eastern Highway and Tanunda Drive, the balance of Hardey Park was 42.3% of the original area.

The Government was aware of this information.

It is not possible to provide a firm date on when the balance of Hardey Park will be landscaped.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

**7.08pm The 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 Mayor advised that she had registered two members of the public who had given prior notice to ask questions, these being Mr Ryan and Mr Harris.

The Mayor invited the public gallery members, who had yet to register their interest to ask a question, to do so. One further registration was forthcoming from the gallery that being from Mr Greenwood.

5.2.1 Mr M Ryan, 60 Riversdale Road, Rivervale

The following questions were asked in relation to The Springs redevelopment:

1. Does Council accept that Landcorp and indeed Council itself may have a major conflict of interest in that both parties are in the process of granting huge density bonuses on the Landcorp landholdings, and that some landowners have been told to accept and do what Landcorp tell them?

2. Can Council please advise where other R250 sites exist in the City?

The following questions were asked in relation to the proposed redevelopments on Riversdale Road:

3. Is it fair, reasonable and legal that the heights are being tampered with and restricted so that Landcorp and other landholdings "may" get views from the other side of Riversdale Road?

Item 5 Continued

4. Have the various propositions proposed on the waterfront land actually been tested to see if:

   a) The lower heights on the waterfront actually deliver any views; and
   b) Are we again being subjected to untested rhetoric as I believe the height required on Riversdale Road (south) needs to be 15 storeys to see the far bank?

5. If the heights have been tested, who did the calculations and can these be made available to landowners during the consultation process?

6. Who instructed and paid the "independent" planner to review the structure plan for the Springs as I have not been contacted and question whether my interests and those of other landowners are being properly represented?

The Mayor took these Questions on Notice.

5.2.2 Mr R Harris, 481 Abernethy Road, Belmont

The following questions were asked in relation to Hardey Park:

1. a) With reference to the OCM minutes held on 5 September 2006, page 26 (third paragraph) - "the remainder of the park will be landscaped". When will the remainder of the park be landscaped and why has the area not been maintained so now there is no grass?

   b) When does the apology from Council arrive for sign-posting "you drop 40% and now its offer is a plaque for a park? *(sic)*

2. The limestone wall nearest the river and the Bike Path has vanished. Has it been donated to the Bike Path? *(sic)*

The following question made reference to a map provided by Mr Harris:

3. Why was Esther Street chosen for the bike path and not Sinclair, Dudley or Gibbs Street?

The Mayor took these Questions on Notice.

The following question was made in reference to the draft Hardey Park information and feedback Brochure:

4. On the second page of the brochure bullet point 3 "…there was concern raised that this would exasperate potential road incidents", should this not read "exacerbate".

The Mayor responded that this was probably a typographical error.

Item 5 continued

5.2.3 Mr R Greenwood, 151 Coolgardie Avenue, Redcliffe

The following questions were asked in relation to the draft Hardey Park Brochure:

1. (a) Can Council ensure that the Belmont Resident Ratepayer Action Group (BRRAG) have equal opportunity during the public consultation to provide a citizens point of view in regard to Cityscape's:

   (i) Proposal to increase their corporate use of Hardey Park A Class Reserve?

   (ii) Proposed development area to be moved 8.7 metres closer to the Swan River to maximise their profits?

   and

   (b) Is Council aware that Community groups are being prevented from handing out information at Belmont Forum unless they have $10m public liability insurance?

The Mayor responded that there was nothing preventing groups from holding a public meeting at another venue and that this may also alleviate the requirement for public liability insurance.

The Chief Executive Officer added that he believed that BRAGG could not necessarily express the view of all citizens of the City.

The Mayor further commented that perhaps the $10m public liability insurance requirement at the Belmont Forum applies to using display equipment.

Chief Executive Officer Comment

Responses to Mr Greenwood's questions 1(a) (i) and (ii) were not addressed during public question time and have been retrospectively taken on notice.

The following questions were asked in relation to Council's decision at the OCM held on 20 February 2007 in regard to development areas under Town Planning Scheme 14, Scheme Amendment 49:

2. Are Councillors aware and is it fair and reasonable that the following was not reflected in the Officer Recommendation to Council:

   a) All 62 objections contained in 35 submissions including those from BRRAG were dismissed?

   b) Five submissions in support namely, Landcorp, Water Corporation, Main Roads and the Swan River Trust were all upheld?

The Director Community & Statutory Services responded that Council made a decision with consideration to all submissions. Assessments were made on planning merits and on this occasion all objections were dismissed.

Item 5 continued

3. What public consultation/market research has Council undertaken to determine if residents are in favour of extending the development precincts?

The Mayor responded that Council is still in the consultation process.

Mr Greenwood asked a further question:

4. Are there any other representative Resident and Ratepayer Action Groups in Belmont?

The Mayor responded that she was unaware of any other resident groups apart from "Friends of Ascot Waters".

****7.29pm** **As there were no further questions, the Presiding Member declared Public Question Time closed.**

6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX

6.1 REVOCATION OF ITEM 6.3 - OCM MEETING 20 FEBRUARY 2007

At the Ordinary Council Meeting held on 20 February 2007 Item 6.3, Council resolved the following:

> *"POWELL MOVED, MARKS SECONDED, that the Information Matrix for the Agenda Briefing Forum held on 13 February 2007 as circulated in the attachment, be received and noted including the following amendment on Page 6:*
>
> *** 8.58pm Cr Martin departed the meeting and did not return."*

This resolution is required to be revoked as the amendment passed by Council was incorrect. The amendment related to the ISCF Notes of 6 February 2007 not the Information Matrix for the Agenda Briefing Forum held on 13 February 2007.

Revoking a Council Decision

In regard to the revoking or changing a decision made at a Council meeting, the Local Government (Administration) Regulations 1996, part 10 states:

> ***"10. Revoking or changing decisions made at council or committee meetings - s. 5.25(e)***
>
> *1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported-*
>
> *(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
>
> *(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
>
> *1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
>
> *2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made-*
>
> *(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
>
> *(b) in any other case, by an absolute majority.*
>
> *3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different."*

Item 6 continued

A notice to revoke a decision for Item 6.3 (OCM 20/02/07) was tabled at the Ordinary Council Meeting on 13 March. 2007. Ten Councillors indicated their support of the revocation which was subsequently put as follows:

BRENNAN MOVED, POWELL SECONDED, that Council revoke the decision at Item 6.3 of the 20 February 2007 Ordinary Council Meeting as follows:

> ***"POWELL MOVED, MARKS SECONDED, that the Information Matrix for the Agenda Briefing Forum held on 13 February 2007 as circulated in the attachment, be received and noted including the following amendment on Page 6:***
>
> ***** 8.58pm Cr Martin departed the meeting and did not return."***

CARRIED 10 VOTES TO 0

6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 13 FEBRUARY 2007

HITT MOVED, WHITELEY SECONDED, that the Information Matrix for the Agenda Briefing Forum held on 13 February 2007 as circulated on 16 February 2007, be received and noted.

CARRIED 10 VOTES TO 0

6.3 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 6 MARCH 2007**

****Council Attachment 1 – Item 6.3 refers**

BRENNAN MOVED, HITT SECONDED, that the Information Matrix for the Agenda Briefing Forum held on 6 March 2007 as circulated on 16 February 2007,in the attachment, be received and noted.

CARRIED 10 VOTES TO 0

Item 6 continued

6.4 ORDINARY COUNCIL MEETING HELD 20 FEBRUARY 2007

POWELL MOVED, BRENNAN SECONDED, that the minutes of the Ordinary Council Meeting held on 20 February 2007 as printed and circulated to all Councillors be accepted as a true and accurate record noting the revocation of Item 6.1 and inclusion of the following resolution put and carried at Item 6.2 of this meeting:

> ***"HITT MOVED, WHITELEY SECONDED that the Information Matrix for the Agenda Briefing Forum held on 13 February 2007 as circulated on 16 February 2007, be received and noted."***

CARRIED 10 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

11.1 STANDING COMMITTEE (ENVIRONMENTAL) MEETING HELD 26 FEBRUARY 2007**

****Council Attachment 2 – Item 11.1 refers**

TEASDALE MOVED, WHITELEY SECONDED, that the Minutes of the Standing Committee (Environmental) Meeting held on 26 February 2007 as circulated in the attachment, be received and noted.

CARRIED 10 VOTES TO 0

12. REPORTS OF ADMINISTRATION

12.1 BUILT BELMONT

12.1.1 Advertising Signage on a Telstra Phone Booth and Telephone Pedestals**

****BB Attachment 3 – Item 12.1.1 refers**
****BB Attachment 4 – Item 12.1.1 refers**

Report by Community & Statutory Services Division

DATE

23 February 2007

PURPOSE OF REPORT

To consider an application for third party advertising on a Telstra phone booth and telephone pedestals within the road reserves in front of shopping centres.

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

Three applications have been lodged to erect third party advertising signage on Telstra structures being:

1. A telephone booth on Wright Street near Lot 56 (6) Wright Street, Kewdale at the shopping centre at the corner of Wright Street[1] and Orrong Road[2].
2. Two of the three telephone pedestals on Belmont Avenue near Red Dot, but abutting Lot 9 (227-267) Belmont Avenue, Cloverdale.
3. A telephone pedestal on Belgravia Street in front of Lot 94 (371) Belgravia Street, Cloverdale.

Officer Recommendation Summation

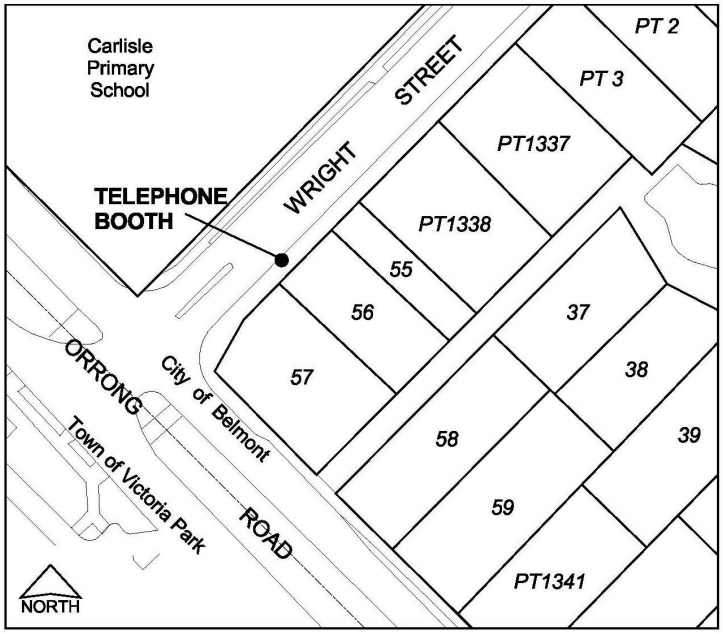
It is considered that the proposed signage will not significantly impact on the amenity of the subject areas and accordingly approval is recommended subject to conditions.

[1] Inserted the word "Street"
[2] Deleted the words "Oats Street" and inserted the words "Orrong Road"

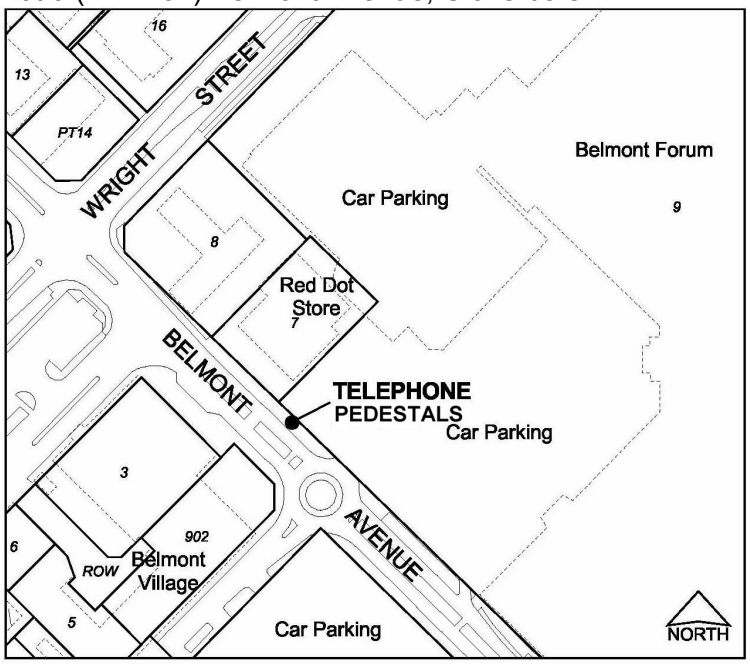
Item 12.1.1 continued

LOCATION

Telephone booth and pedestals located within the road reserve in front of Lot 56 (6) Wright Street, Kewdale.



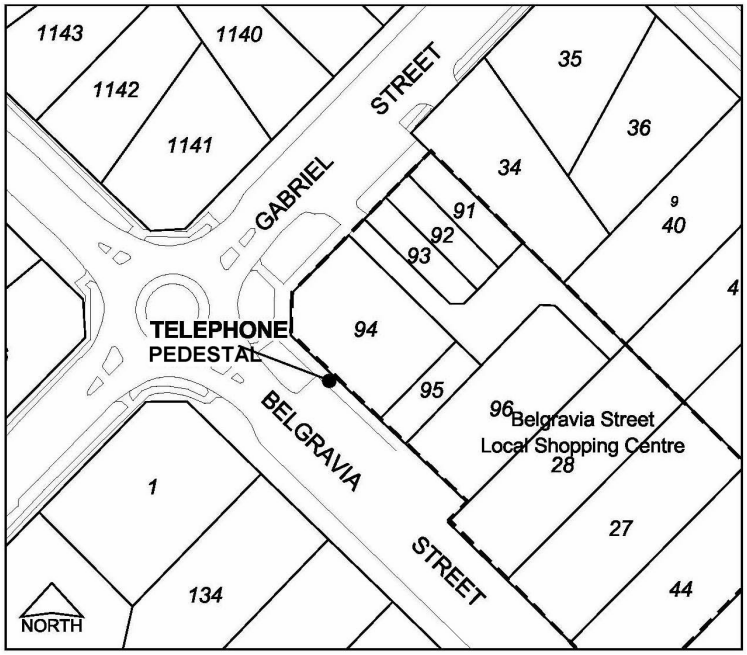
Lot 9 (227-267) Belmont Avenue, Cloverdale[3]



Lot 94 (371) Belgravia Street, Cloverdale.[4]

[3]Deleted word "Booths" and inserted word "Pedestals" on Map
[4]Deleted word "Booths" and inserted word "Pedestal" on Map

Item 12.1.1 continued



APPLICANT

The Planning Group

FILE REFERENCE

409/2006/DA	Application File
409/2006/DA/1	Application File
409/2006/DA/2	Application File
115/001	Subject File
P/BEL.1/371	Property Files
P/WRI.6	
P/BMT.227-267	

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

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

Item 12.1.1 continued

STRATEGIC PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

Local Planning Policy No. 12 – Sign Applications

This policy is more applicable to land other than road reserves.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14

Part 8 of Town Planning Scheme No. 14 contains provisions for the control of advertising within the City. The objectives of the provisions for control of advertisements are:

(a) To ensure that the visual quality and character of particular localities and transport corridors are not eroded;

(b) To achieve advertising signs that are not misleading or dangerous to vehicular or pedestrian traffic;

(c) To minimise the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising;

(d) To prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;

(e) To reduce and minimise clutter; and

(f) To promote a high standard of design and presentation in outdoor advertising.

The City's Principal-Legal and Compliance Advisor has advised that the provision of advertising for third party purposes that do not relate to the provision of standard telephone services requires development approval. This advice has been confirmed verbally by McLeods, Council's Solicitors.

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.

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 deemed refusal date for this application passed on 3 November 2006 and the applicant already has foregone the right of appeal to the State Administrative Tribunal because of a deemed refusal.

Item 12.1.1 continued

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

The applicant / owner may appeal a planning approval / planning refusal to the State Administrative Tribunal (SAT) subject to Part 14 of the Planning and Development Act 2005. Appeals must be lodged with SAT within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.

Land Ownership

The proposal falls within the road reserve under the care and control of the Council. The Chief Executive Officer of the City of Belmont is required to sign the applications as the land owner. Signing of the applications does not mean that the Council supports the proposals.

BACKGROUND

Owner:	City of Belmont	**Ward:**	West Central South
Lodgement Date:	4 September 2006	**Use Class:**	Advertising
Lot Area:	N/A	**TPS Zoning:**	No zone (road reserve)
Estimated Value:	$5,000	**MRS:**	Urban

Three applications have been lodged to erect third party advertising signage on Telstra structures.

The telephone booth on Wright Street near Lot 56 (6) Wright Street, Kewdale at the shopping centre at the corner of Wright Street[5] and Orrong Road[6]will be replaced with a new telephone booth and it is proposed to have a sign of 1.03m^2 (1.47 m by 0.7 m).

The area for signage is to be sited 460mm above the footpath level. Once in place, signs will be poster mounted behind a glass panel and illuminated by fluorescent tubes built into the booth.

Provided under BB Attachment 3 to this report is a photograph of the existing booth and Telstra signage and what is proposed.

It is proposed that two of the three telephone pedestals on Belmont Avenue near Red Dot, but abutting Lot 9 (227-267) Belmont Avenue, Cloverdale will each have signage of 1.35m^2 (1.6 m by 0.84 m).

The telephone pedestal on Belgravia Street in front of Lot 94 (371) Belgravia Street, Cloverdale will also have signage of 1.35m^2 (1.6 m by 0.84 m).

Provided under BB Attachment 4 to this report are photographs of the existing pedestals and the proposed Telstra signage.

The applicant has advised that the advertising will:

[5] Inserted the word “Street”
[6] Deleted the words “Oats Street” and inserted the words “Orrong Road”

Item 12.1.1 continued

- Be managed, maintained, well lit to provide a superior community resource – this is on the basis that the new structures are easier to maintain and clean, thus improving city amenity;
- Be cleaned at least fortnightly;
- Provide a 1800 number for repairs and maintenance which will be acted upon within 24 hours;
- Provide the opportunity for advertising locally available goods and services;
- Contribute to the improvement of the public realm. The proposed sign will be regularly changed and create visual stimulation where currently there is either a blank façade (rear of existing booths) or nothing (pedestals).
- Provide improved security, ventilation and audio environment; and
- Only allow advertising which will comply with the Australian Advertising Code of Ethics.

OFFICER COMMENT

The application was considered for comment at the Environmental Committee held 4 December 2006 (Item 9.1.8, SC(ENV) 04/12/06 minutes refers). The Committee advised that it does not support the proposal.

The view of the Environmental Committee is understood as presumably there was concern with the increase in advertising signage in the road reserves and whether there was a demonstrable benefit to the public.

These issues do need to be taken into account from a town planning perspective, but consideration must also be given to what is stated under the City of Belmont Town Planning Scheme No. 14 and relevant Council Policies. The Council must be fair and reasonable in assessing the merits of the proposal.

Part 8 of the City of Belmont Town Planning Scheme No. 14 refers to 'Control of Advertisements'. Applications for advertising should have regard to these objectives (refer to the heading in this report 'Statutory Environment').

Advertising in road reserves

The Council has approved of advertising in bus shelters throughout the City which has signage not related to the operations of Transperth.

A 15 year contract was entered into in 1997. The benefit to the City is that modern shelters are provided at no cost to the Council and they are regularly maintained.

At its meeting held on 28 November 2006, the Council approved a proposal for advertising on litter bins and enclosures (Item 12.2.1 28/11/2006 OCM refers). This was approved on the basis that there would be several benefits to the City. These being:

- The supply and placement of litter bins surrounds at no cost to the City of Belmont.
- The maintenance of these bins being the sole responsibility of the contractor.

Item 12.1.1 continued

- Ongoing savings to the Council in the areas of maintenance and replacement of existing bins.
- Improvement in the appearance of the litter bins through upgrade to a modern design and regular maintenance.
- On each bin supplied, one panel of advertising will be dedicated to the City for community notices or litter disposal messages.
- Providing local business with a legal, affordable means of advertising.

Council has also approved 'Illuminated Street Signs' (formerly known as 'Identilites') in particular locations throughout the City, which often incorporate the advertising and location of a particular business or commercial premises. Council receives an income of $7,000 (based on 20 signs at $350 per sign per year); street names are more visible to the public at night; and business in the local area can be promoted. It avoids the proliferation of the blue business direction signs of the past.

The deduction from the above is that the Council is prepared to accept advertising in the road reserves but with limitations to the sign size, content and location. Therefore, in principle, it is considered difficult to argue that advertising on telephone booths or structures should be disallowed in road reserves.

Locational Characteristics

The Council could make a case to refuse such advertising if a telephone booth were to be located in an area where there was no advertising at all. A defensible argument could be mounted that the advertising would have an adverse effect on the amenity of the area.

The applicants have applied for three areas only, two are located on road reserves abutting the 'Commercial' zone and the other area is on Belmont Avenue abutting the 'Town Centre' zone.

There is significant signage in these streetscapes and it is difficult to prove that the additional advertising by these proposals will have a demonstrable adverse impact on the amenity of the subject areas.

Type of Advertising

The telephone booth on Wright Street currently displays advertising for Telstra. This is permitted under the legislation. If such advertising were to be replaced by advertising the name or symbol of a third party, it is difficult to prove that an adverse impact on amenity would result.

It is therefore possible for Telstra to advertise its services on all its structures. The key issue is whether replacing that advertising with the name of a third party would make a demonstrable difference to the amenity of the area. It is considered that this would be unlikely.

Local Planning Policy No 12

The Policy is directed towards signage on land other than road reserves and describes the types of signs and appropriate sizes.

It is considered to be irrelevant to apply this policy to the current proposal.

Item 12.1.1 continued

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
BB Attach 3	Telephone booth on Wright Street near Lot 56 (6) Wright Street, Kewdale - Existing Booth and Telstra signage and what is proposed
BB Attach 4	Three telephone pedestals on Belmont Avenue near Red Dot, abutting Lot 9 (227-267) Belmont Avenue, Cloverdale & telephone pedestal on Belgravia Street in front of Lot 94 (371) Belgravia Street, Cloverdale - existing pedestals and the proposed Telstra signage

OFFICER RECOMMENDATION

That Council approve the applications lodged by The Planning Group for third party advertising at the sites listed below:

(A) Telstra booth in the location of Lot 56 (6) Wright Street, Kewdale which includes illumination;

(B) Two of the three Telstra pedestals in the location of Lot 9 (227-267) Belmont Avenue Cloverdale;

(C) Telstra pedestal in the location of Lot 94 (371) Belgravia Street Cloverdale;
subject to the following conditions:

1. All advertising shall comply with the Australian Advertising Code of Ethics.

2. The advertising signage and structure being maintained to the satisfaction of the Council.

3. Damage to the advertising and structure being repaired within 48 hours of notice to the contractor nominated by Telstra.

4. The area in the immediate vicinity of the structures being kept clean of litter to the satisfaction of the Council.

5. Opportunities being given to advertise local business and community messages to the satisfaction of the Manager Marketing and Communications of the City of Belmont.

Item 12.1.1 continued

Chief Executive Officer Comment

On the request of Cr Hitt an alternative recommendation was circulated with this meetings Agenda to all Councillors in a memo dated 9 March 2007. The alternative recommendation included conditions on cleaning, maintenance, repairs, advertising a number for reporting faults and a weekly inspection of the structures.

Councillors were also advised that in regard to the suggested Condition 7 below, that the applicants are likely to contest that requirement through the State Administrative Tribunal. Telstra have advised that the cleaning of the structures would remain fortnightly and that the 1800 number would be placed on each of the structures and reports made to this line will be acted on within 24 hours.

The alternative recommendation was as follows:

That Council approve the applications lodged by The Planning Group for third party advertising at the sites listed below:

(A) Telstra booth in the location of Lot 56 (6) Wright Street, Kewdale which includes illumination;

(B) Two of the three Telstra pedestals in the location of Lot 9 (227-267) Belmont Avenue Cloverdale;

(C) Telstra pedestal in the location of Lot 94 (371) Belgravia Street Cloverdale;
subject to the following conditions:

1. *All advertising shall comply with the Australian Advertising Code of Ethics.*

2. *The advertising signage and structures being maintained to the satisfaction of the Council.*

3. *Damage to the advertising and structure being repaired within 24 hours of notice to the contractor nominated by Telstra.*

4. *The 1800 number for repairs and maintenance be placed in a prominent position on the telephone structures and also provided to the Council.*

5. *The area within a radius of 10m of the structures is kept clean of litter to the satisfaction of the Council.*

6. *Opportunities being given to advertise local business and community messages to the satisfaction of the Manager Marketing and Communications of the City of Belmont.*

7. *The structures and the surrounds as described in Condition 5 above are inspected on a weekly basis.*

Item 12.1.1 continued

Chief Executive Officer Comment

During discussion Cr Hitt proposed an amended motion to delete condition No. 7 from the alternative recommendation. The reason for the amendment was that the telephone structures are in a prominent position and the deletion of Condition No. 7 still allows the safety and cleanliness of these areas to be addressed.

An amended motion was subsequently voted on as follows:

HITT MOVED, ROSSI SECONDED, that Council approve the applications lodged by The Planning Group for third party advertising at the sites listed below:

(A) Telstra booth in the location of Lot 56 (6) Wright Street, Kewdale which includes illumination;

(B) Two of the three Telstra pedestals in the location of Lot 9 (227-267) Belmont Avenue Cloverdale;

(C) Telstra pedestal in the location of Lot 94 (371) Belgravia Street Cloverdale;
subject to the following conditions:

1. ***All advertising shall comply with the Australian Advertising Code of Ethics.***

2. ***The advertising signage and structures being maintained to the satisfaction of the Council.***

3. ***Damage to the advertising and structure being repaired within 24 hours of notice to the contractor nominated by Telstra.***

4. ***The 1800 number for repairs and maintenance be placed in a prominent position on the telephone structures and also provided to the Council.***

5. ***The area within a radius of 10m of the structures is kept clean of litter to the satisfaction of the Council.***

6. ***Opportunities being given to advertise local business and community messages to the satisfaction of the Manager Marketing and Communications of the City of Belmont.***

CARRIED 10 VOTES TO 0

12.2 SOCIAL BELMONT

Nil.

12.3 ECONOMIC BELMONT

Nil.

12.4 NATURAL BELMONT

Nil.

12.5 BUSINESS EXCELLENCE

WITHDRAWN ITEMS

Item 12.5.4 was withdrawn at the request of Cr Powell.

POWELL MOVED, BRENNAN SECONDED, that with the exception of Item 12.5.4 which is to be considered separately, the Officer Recommendations in the Business Excellence Belmont Key Result Area Reports, specifically Items 12.5.1, 12.5.2, 12.5.3,12.5.5,12.5.6,12.5.7,12.5.8 be adopted en bloc.

CARRIED 10 VOTES TO 0

12.5.1 Tender 08/2007 – Vegetation Watering Within the City of Belmont**

****Confidential Attachment 1 - Item 12.5.1 refers**
(Circulated under separate cover)

Report by Technical Services Division / Parks, Leisure & Environment

DATE

20 February 2007

PURPOSE OF REPORT

To seek Council's approval to award Tender 08/2007 for the watering of vegetation (trees and planted areas) within the City of 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

The provision of a mobile watering service of trees and shrubs within the City of Belmont was tendered, with two complying tenders and one alternative tender being received. Information on the submissions is provided, along with the evaluation assessments and a recommendation for awarding the tender.

Item 12.5.1 continued

Officer Recommendation Summation

That Council accept the contract from Pysco[7] Sand for the vegetation watering process as specified in Tender 08/2007 - Vegetation Watering Within the City of Belmont, from 1 July 2007 to 30 June 2010.

LOCATION

Streetscape (street trees and roundabout / median planted areas) and park / reserve (garden beds and bushland and revegetation areas) areas within the City of Belmont that require watering.

APPLICANT

Not applicable.

FILE REFERENCE

114/174 – 08/2007 – Vegetation Watering Within the City of Belmont.

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest
Nil			

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

There is no requirement for public consultation in respect of this matter, as this tender relates to the maintenance issue of watering of vegetation within the City of Belmont. A team of Council officers assessed this tender.

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

Policy Manual, Section 3.5.2 – Tenders Calling and Acceptance.

[7] Deleted the word “Psycho” inserted the word “Pysco”

Item 12.5.1 continued

STATUTORY ENVIRONMENT

This issue is governed in the main by the Local Government Act, 1995, in particular Section 3.57 which states that "a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services".

BACKGROUND

The watering of the City's trees and shrubs has been undertaken under tender since 1 January 2003. Prior to this date this activity was performed in-house. Tender 23/2002 – Road Reserve Vegetation Maintenance was for a contract period of 1 January 2003 to 30 June 2007, with an option of 5 years being 1 July 2007 to 30 June 2012. It was determined that the contract period would not be extended in order to allow for a review of the tender specifications and improved functioning and management of the tender.

Tender 08/2007 – Vegetation Watering Within the City of Belmont was advertised in the West Australian on Saturday 20 and 27 January 2007 and was available on the City's website, with the tender closing on Tuesday 13 February 2007 at 2:00pm.

Two complying tender submissions were received, being from Pysco[8] Sand and Tree Planting & Watering, and one alternative tender from Tree Planting & Watering.

A table showing a summary of the tender prices of the complying tender submissions is included as **Confidential Attachment 1**.

OFFICER COMMENT

A team of three Council Officers from the City's Parks and Environment Sections assessed the tender submissions.

The complying tenders were assessed, through demonstrated compliance, on the Weighted Criteria, as given below:

Experience…… 10%
Personnel …….. 5%
Quality ……10%
Company capacity ……15%
Safety …….. 10%
Referee Check ……..15%
Price ……35%

[8] Deleted the word "Psyco" inserted the word "Pysco"

Item 12.5.1 continued

Table 1 below details the results of the scored assessment for the vegetation watering:

TABLE 1				
Tenderer	**Non-price Score (out of 65)**	**Price Score (out of 35)**	**Total Score (out of 100)**	**Ranking**
Pysco[9] Sand	35	35	70	1
Tree Planting & Watering	35.5	7.7	45.2	2

The non-price comparison of the two tenders provided very little separation in terms of capability to undertaken the contract works. It is considered that both tenderers are capable of fulfilling the contract specification.

It was when the submitted Schedule of Rates was taken into account that a significant variance emerged. The scoring of the pricing was undertaken, using the indicative quantities given in the Tender Specifications 4.1 Scope of Works, and separating these amounts into likely volume of water to be applied (known as the ‘’average shopping basket” technique).

While Tree Planting & Watering submitted prices for the unit rate per tree in all instances was lower than that of Pysco[10] Sand, the reverse was true in terms of the square meter rate for vegetation in streetscape / park environments or environmental sites (both on flat ground and sites with accessibility issues). In fact, Pysco[11] Sand submitted a significantly lower price for this aspect of the watering.

As the watering of shrubs will be a greater proportion of the ordered works than tree watering, this price difference in the submitted rates created a significant difference in the price score (out of 35).

Referee checking was undertaken on both tenderers, with five questions asked of each of the 3 referees contacted for each tenderer. The questions dealt with issues of compliance with tender requirements and willingness to rectify non-compliance, ability to meet deadlines, quality of product and service provision, safety and environment performance and ability to work effectively with the City. All referees provided positive issues and no areas of concern were identified.

The tenderers were then ranked, with the highest scorer being considered the most advantageous tenderer.

The alternative tender submitted by Tree Planting & Watering varied only in terms of the Schedule of Rates, by providing hourly rates based on the tank volume, and separate rates for each year of the contract period. Clause 1.12 of the tender allows for the submission of an alternative tender “that will meet the intent of the Contract and which would offer some benefit in terms of cost, completion date or use of innovative technology or process”.

[9] Deleted the word “Psyco” inserted the word “Pysco”
[10] Deleted the word “Psyco” inserted the word “Pysco”
[11] Deleted the word “Psyco” inserted the word “Pysco”

Item 12.5.1 continued

While an alternative costing structure is provided in the alternative tender, it is not clear how this will offer a benefit to the City in terms of cost. It is considered that there is a reduction in the level of accountability and increased difficulty in terms of management with this alternative form of pricing of the Schedule of Rates. As such, the Alternative Tender was not assessed against the complying tenders.

It is recommended that Tender 08/2007 - Vegetation Watering Within the City of Belmont be awarded to Pysco[12] Sand as the most advantageous tender submission to the City. Reporting and ongoing monitoring and management of the tender will ensure that the works are undertaken fully as per the tender specification, whilst charged at the lower Schedule of Rates.

FINANCIAL IMPLICATIONS

Tender 08/2007 is due to commence on 1 July 2007, and will continue for three years until 30 June 2010. The vegetation watering is not for a fixed quantity of trees or planted areas, but will vary dependant on the City's winter planting schedule. These activities will be allowed for in the budget, under P59915-10-1279-000 (Street Trees – Watering), and specific park locations for the environmental areas for the duration of the tender.

ENVIRONMENTAL IMPLICATIONS

The City is committed to the continued planting of trees, shrubs (use of native plants where possible) and revegetation of environmental areas throughout the City and the efficient watering of these plantings for the initial one to two summers is critical in the success of any plantings. The vegetation watering tender uses bore water supplies for all activities.

ATTACHMENT DETAILS

Attach. No. Details

Conf Attach 1 Summary: Tender Prices of the Complying Tender Submissions

OFFICER RECOMMENDATION

That Council accept the contract from Pysco Sand for the vegetation watering process as specified in Tender 08/2007 - Vegetation Watering Within the City of Belmont, from 1 July 2007 to 30 June 2010.

OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 12.5

[12] Deleted the word "Psyco" inserted the word "Pysco"

12.5.2 Proposed Response to the Discussion Paper "Airports and their Local Communities: A Way Forward" Senator Kerry O'Brien, Shadow Minister for Transport**

****BEXB Attachment 5 – Item 12.5.2 refers**
****BEXB Attachment 6 – Item 12.5.2 refers**
****BEXB Attachment 7 – Item 12.5.2 refers**
****BEXB Attachment 8 – Item 12.5.2 refers**

Report by Technical Services Division

DATE

20 February 2007

PURPOSE OF REPORT

To provide comment to Senator O'Brien's discussion paper and clearly identify the City's preferred option with regard to cooperative working arrangements with Airports.

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

Senator O'Brien has issued a discussion paper outlining the Federal Opposition's commitment to:

1. a comprehensive review of the *Airports Act 1996* and associated Regulations to establish whether the current regulatory regime is sufficient for a modern and vibrant aviation industry;

2. the adoption of a set of clear and open planning principles that will be applied to any airport development;

3. fostering a sense of involvement and encouraging input for communities into the planning of airport developments; and

4. transparency in the airport planning and development decision making process.

Senator O'Brien is seeking comment from interested parties on his proposals.

Item 12.5.2 continued

Officer Recommendation Summation

That the City of Belmont support the preparation of a formal response to Senator O'Brien's discussion paper reflecting its:

1. Support of the systematic review of the *Airports Act 1996* and in particular Part 5 - Land use, planning and building controls of the Act;

2. Support of the proposed inclusion of the additional planning principles for non aviation development;

3. Support for Option 2 – Establishment of Consultative Committees for "Fostering a Sense of Involvement in The Planning of Airport Developments"; and

4. Involvement in the PAMG/AMAC framework.

LOCATION

Not Applicable

APPLICANT

Not Applicable

FILE REFERENCE

15/003 - Perth Airports Municipalities Group - Policies

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest
Nil			

VOTING REQUIREMENT

Simple Majority

CONSULTATION

This item was presented to the Perth Airports Municipalities Group (PAMG) at its Ordinary General Meeting of 8 February 2007 and the PAMG agreed that Option 2 of the Senator's discussion paper relating to "Fostering a Sense of Involvement in the Planning of Airport Development" i.e. establishment of consultative committees, provided the most benefit to local governments and their communities.

Item 12.5.2 continued

STRATEGIC PLAN IMPLICATIONS

The following objectives in the City's Strategic Plan are in step with the Labor Party's commitments outlined by Senator O'Brien.

Business Belmont

Objective: Maximise business development opportunities within the City.

Strategy: Pursue the business and tourism development of the airport to the best advantage of the community.

Key Actions: Pursue the construction of an alternative road access to the Domestic Terminal from Tonkin Highway to remove the traffic black spot at Brearley Avenue and allow for the redevelopment of the Redcliffe area.

Built Belmont

Objective: Provide and maintain safe transport infrastructure at lowest whole-of-life costs.

Strategy: Promote the redevelopment of major transport routes to enhance the economic viability of the City.

Key Action: Secure a commitment and timetable from the State Government for the funding / provision of major regional road projects within the city, including Brearley Ave realignment.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Airports Act 1996 and its associated Regulations.

BACKGROUND

In September 2006, Senator Kerry O'Brien issued a discussion paper titled "Airports and Their Communities: A Way Forward". The paper provides an overview of the importance of airports to the nation's transport infrastructure and economic wellbeing. Senator O'Brien outlines the Labor Party's commitment to supporting the Australian aviation industry in general, whilst ensuring airports meet the requirements of the Federal, State and Local Governments and the community at large.

Item 12.5.2 continued

The Senator outlines 3 key actions to which the Federal Labor Party intends to commit i.e.

1. Review of the *Airports Act 1996*.
2. Proposed Planning Principles for Non Aviation Development.
3. Fostering a Sense of Involvement in the Planning of Airport Developments.

Review of the *Airports Act 1996* (*the Act*)

The Senator indicates that an open and transparent review process will be undertaken rather than the closed door review undertaken by the Federal Government in 2005.

The proposed review will include a full examination of Part 5 of *the Act* relating to land use, planning and building controls.

Proposed Planning Principles for Non Aviation Development

The Senator claims that Sections 81 and 94 of *the Act* relating to Ministerial approvals are insufficient and proposes to include additional principles which will improve community consultation. The principles outlined by the Senator relate to airport safety and security, current and future aviation needs, potential impact of proposed developments, resident and stakeholder concerns, current and future needs of the local community and a genuine regard to planning principles of the state, territories and local government.

Fostering a Sense of Involvement in the Planning of Airport Developments.

The Senator proposes to establish cooperative working relationships between all the parties involved i.e. local communities, local authorities, state and territory authorities and airport operators and outlines four options appropriate to achieving the desired outcome. These options are:

Option 1 – Appoint an Airport Ombudsman

The independent ombudsman would have significant powers to investigate, make recommendations, report/publish findings and respond to individual complaints.

The ombudsman would be independent of the Department of Transport and Regional Services (excepting secretariat support).

Option 2 – Establishment of Consultative Committees

Committees would be established comprising of stakeholders and the surrounding community and modelled on the successful UK Airport Consultative Committees system.

These Committees would act as a forum for open and informed discussion for all parties to express their points of view on all aviation issues and for the Committee to make recommendations to airport operators and Ministers alike. These Committees would not replace the public consultation process required under the *Airports Act 1996*.

Item 12.5.2 continued

Option 3 – Hybrid Model

This option is a merging of options 1 and 2 whereby the Airport Consultative Committee would be able to refer matters to the Ombudsman.

Option 4 – Status Quo

No change to current arrangements.

OFFICER COMMENT

Review of the *Airports Act 1996 (the Act)*

The Senator's first key action to review the *Airports Act 1996* would, if undertaken in accordance with the Senator's outline, be of benefit to the City, particularly any amendment to the planning provisions that give more direction and consideration to the City of Belmont and its residents.

Proposed Planning Principles for Non Aviation Development

The Senator's second key action to amend the planning principles for non aviation development would be beneficial to the City of Belmont and its residents, particularly in light of recent events such as the BGC[13] Brick Works development. The Senator claims that additional principles would include a "genuine regard to the planning principles of state, territory and local governments, including consideration of the current zoning of the surrounding area and the airport to ensure that any proposed development is not out of character."

Fostering a Sense of Involvement in the Planning of Airport Developments.

The option which provides the greatest benefit to all parties concerned is Option 2 – Establishment of Consultative Committees. This option parallels existing arrangements i.e. the Perth Airports Municipalities Group (PAMG) and the Australian Mayoral Aviation Council (AMAC).

Existing Arrangements

The City of Belmont is a current member of the Perth Airports Municipalities Group (PAMG).

The objectives of the PAMG are the primary guidelines for setting the Group's strategic direction. The current objectives are:

(a) To provide a forum of meaningful discussion on issues which affect Metropolitan Airports and their environments.

(b) To investigate, report and formulate recommendations in respect of matters affecting or likely to affect the development of Metropolitan Airports.

(c) To monitor the use and environmental impact of Metropolitan Airports on neighbouring communities.

[13] BCG changed to BGC

Item 12.5.2 continued

(d) To advise relevant State and Federal ministers, State and Commonwealth government departments, the Noise Management Committee, and the Owner/s of Perth and Jandakot airports on issues of major concern affecting airports and the surrounding communities.

(e) To establish and maintain a strong partnering relationship with the Owner/s of Perth and Jandakot airports for the purpose of open and effective dialogue to identify, discuss, advise, research and seek proactive resolutions to issues affecting the airports and the immediate local community.

(f) To provide a conduit and consultation mechanism for the expression of community views and a proper exchange of information with members of the community.

(g) To consider all proposals affecting airport development and operations before policy decisions are made and before changes are effected in relevant legislation and regulations.

(h) To liaise with the airport emergency procedures committees where necessary on matters involving emergency co-ordination and rescue response.

(i) To pursue active participation on AMAC and such other bodies that may come into existence for the purpose of fostering participation in the development, use and monitoring the impact of airports.

(j) To promote the economic benefits of civil aviation airports.

(k) To liaise with local government on issues of concern to the community, and to provide a forum for discussion of planning and development issues affecting future communities close to the major municipal airports.

The PAMG objectives follow the line that the Senator proposes for Airport Consultative Committees.

Proposed New Arrangements

The difference being that the running of the Airport Consultative Committee (ACC) would be somewhat more detached and minimise conflict of interest by:

(a) The airport operator being responsible for ensuring the Committee meets;
(b) The appointment of an independent Chairperson; and
(c) The secretariat also being independent.

Under the Senator's proposal, the Consultative Committee would be set up utilising the Guidelines developed by the UK Department of Transport. Under these guidelines the airport operators are required under legislation to set up an Airport Consultative Committee (ACC). The ACC is to be headed by an independent chairperson and include representatives from those sectors of the local and business community affected by airports.

Item 12.5.2 continued

The objectives of the ACC are:

- Provides for awareness between the parties of each others policies, future proposals, issues of risk, noise abatement, economic impact, world events affecting the aviation industry, development proposals etc.

- Provides an avenue for open and transparent consultation, due diligence and the ability to make informed decisions.

- Allows for opportunities to find common ground and negotiate acceptable solutions.

- Allows the ACC to take a proactive role and react to local pressures and opinion and therefore encourage the ACC to make submissions/recommendations to Government, its Ministers, State Authorities and the Airport Operators.

- Act as a repository of reliable information for the local community.

In June 2006, Cr Glenys Godfrey and the City's Chief Executive Officer, Dr Shayne Silcox participated in a European Study Tour sponsored by the Australian Mayoral Aviation Council. The study tour included visits to Toulouse – Airbus A380 Site Visit, Amsterdam – Schiphol Airport, UK - Heathrow and Manchester Airports.

The "Airport Study Tour Report Findings" authored by Cr Glenys Godfrey and Dr Silcox details the benefits achievable with the establishment and operation of an Airport Consultative Committee (ACC). Some of the benefits are:

- Central Government develop guidelines for what is suitable development around airports.
- Noise restrictions and appropriate fines for breaches (Airports has noise monitoring equipment) and the fines are used to support local governments in managing traffic.
- Agreements with local governments over developments that can occur.
- Legislative requirements for airports to consult with the community i.e. community liaison group and noise committee.
- Airports acquire houses in high noise profile areas and pay for resident relocations.
- Sound insulation schemes available to residents.
- Airport lessees pay all costs including estate costs.
- Airport 'capped' on retail by local government so doesn't adversely affect other retailing centres.
- All planning approvals undertaken by relevant local government.

The Airport Study Tour Report recommendations and conclusions are also supportive of Option 2.

The City of Belmont is in a prime position to provide informed comment to the Senator's discussion paper.

Item 12.5.2 continued

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
BEXB Attach 5	Discussion Paper "Airports and Their Local Communities: A Way Forward" by Senator O'Brien.
BEXB Attach 6	Guidelines for Airport Consultative Committees by British Dept of Transport.
BEXB Attach 7	The Role of Airport Consultative Committees.
BEXB Attach 8	Airport Study tour – Report of Findings by Cr Glenys Godfrey and Dr Shayne Silcox.

OFFICER RECOMMENDATION

That the City of Belmont support the preparation of a formal response to Senator O'Brien's discussion paper reflecting its:

1. ***Support of the systematic review of the Airports Act 1996 and in particular Part 5 - Land use, planning and building controls of the Act;***

2. ***Support of the proposed inclusion of the additional planning principles for non aviation development;***

3. ***Support for Option 2 – Establishment of Consultative Committees for "Fostering a Sense of Involvement in The Planning of Airport Developments"; and***

4. ***Involvement in the PAMG/AMAC framework.***

OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.5

12.5.3 Financial Reports as at 31 January 2007**
****BEXB Attachment 9 – Item 12.5.3 refers**

Report by Corporate & Governance Division

DATE

23 February 2007

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

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 31 January 2007 be received.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

32/009 – Financial Operating Statements

Item 12.5.3 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.

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:-

Item 12.5.3 continued

- 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.

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.

Item 12.5.3 continued

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 at BEXB Attachment 9, the following summary is provided.

Report Section	*YTD Budget*	*YTD Actual*	*Comment*
Applications of Funds – Capital			
Computing	479,800	157,209	Capital acquisitions not yet undertaken.
Road Works	2,509,769	2,314,095	Capital works not yet undertaken.
Building Operations	2,130,662	1,629,126	Capital works not yet fully realised.
Applications of Funds – Operating			
Finance Department	774,259	668,484	Printing and Copying work expenditure lower than anticipated for this time of the year.
Computing	833,678	485,712	Payments for business applications maintenance yet to be finalised.
Marketing & Communications	539,508	408,650	Printing and promotions work expenditure lower than anticipated for this time of year.
Reimbursements	71,760	-38,397	Reimbursement of Utilities expenditure lower than anticipated for this time of the year.
Human Resources	435,724	317,044	Services – Other Consultants work expenditure lower than anticipated for this time of year.
Property & Economic Development	274,618	120,225	Salaries/Wages & Consultants expenditure lower than anticipated. ABC allocations are also below budget due to the overlying Cost Centres being under expended.
Ruth Faulkner Library	806,030	588,277	Salaries/Wages & Consultants expenditure lower than anticipated. ABC allocations are also below budget due to the overlying Cost Centres being under expended.
Grounds Operations	1,134,224	1,013,751	Maintenance works expenditure lower than anticipated for this time of year.
Streetscapes	607,446	447,218	Other Services work expenditure lower than anticipated for this time of year.
Sources of Funds – Capital			
General Purpose Income	0	(2,511,718)	Final recognition for sale of Springs Land

Item 12.5.3 continued

Report Section	*YTD Budget*	*YTD Actual*	*Comment*
Grounds Operations	0	(200,046)	Riverbank Funding Project income received and not budgeted.
Operations Centre	(76,835)	(273,385)	Large fleet changeover from previous year – funded from reserve.
Sources of Funds – Operating			
Rates	(22,180,049)	(22,481,335)	Rates in lieu received, and interim rating commenced earlier than anticipated.
Financing Activities	(870,657)	(999,071)	Managed Funds Growth & Land acquisition Reserves higher than anticipated for this time of year.
Belmont HACC Services	(753,098)	(1,018,526)	Third quarter grant funds received in advance.
Public Works Overheads	(474,159)	(646,543)	Public Works Overhead recovery higher than anticipated.

In accordance with Local Government (Financial Management) Regulations 1996, Regulation 34 (2)(a) the following table explains the composition of the net current assets amount which appears at the end of the report at BEXB Attachment 9.

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 Jan 2006	**$**	**Comment**
Cash and investments	23,793,664	Includes municipal, reserves & deposits
- less non rate setting cash	-8,650,766	Reserves and deposits held
Receivables	3,154,440	Mostly rates levied yet to be received
- less non rate setting receivables	-545,801	ESL levied and GST payable
Stock on hand	229,726	
Total Current Assets	**$17,981,263**	
Current Liabilities		
Creditors and provisions	-5,667,377	Includes deposits, GST and ESL payable
- less non rate setting creditors & provisions	3,714,975	ESL, GST and deposits held
Total Current Liabilities	**-$1,952,402**	
Nett Current Assets 31 Dec 2006	**$16,028,861**	
Nett Current Assets as Per Financial Activity Report	16,028,861	
Less Committed Assets	-15,028,861	All other budgeted expenditure
Estimated Closing Balance	**1,000,000**	

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.

Item 12.5.3 continued

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
BEXB Attach 9	Monthly Financial Activity Statement as at 31 January 2007

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 January 2007 be received.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.5***

12.5.4 Accounts for Payment**

****BEXB Attachment 10 – Item 12.5.4 refers**

Chief Executive Officer Comment

Prior to any debate on Item 12.5.4, the Mayor read aloud the following financial interest declaration:

Name	Item No. & Title	Nature of Interest (and extent, where appropriate)
Cr Teasdale	12.5.4 Accounts for Payment	Financial

****7.39pm Cr Teasdale having declared a financial interest left the meeting.**

Report by Corporate & Governance Division

DATE

7 September 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.

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 at BEXB Attachment 10 to this item be confirmed and endorsed.

LOCATION

Not applicable

APPLICANT

Not applicable

Item 12.5.4 Continued

FILE REFERENCE

54/007 – Creditors – Payment Authorisations

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.

Item 12.5.4 Continued

OFFICER COMMENT

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

Municipal Fund Cheques	775024-775565	$4,581,043.71
Trust Fund Cheques	905216-905218	$9,748.15
Total Payments for January 2007		$4,590,791.86

A copy of the Authorised Cheque Listing is included at BEXB Attachment 10 to this item.

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
BEXB Attach 10 Accounts for payment listing

POWELL MOVED, BRENNAN SECONDED, that the Authorised Cheque Listing as included at BEXB Attachment 10 to this item be confirmed and endorsed.

CARRIED 9 VOTES TO 0

****7.40pm Cr Teasdale returned to the Meeting.**

12.5.5 Request for Rate Exemption – Zion Family Church

Report by Corporate & Governance Division

DATE

22 February 2007

PURPOSE OF REPORT

To consider an application from Zion Family Church for a rate exemption

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

Request for rate exemption for Zion Family Church. under section 6.26 (2)(d) and Section 6.53 of the Local Government Act 1995

Officer Recommendation Summation

The property at 329 Orrong Road, Kewdale be granted rate exemption under 6.26 (2)(d) of the Local Government Act 1995 effective from 1 July 2006 until 30 January 2007.

LOCATION

Lot 85 on Diagram 71643 known as 329 Orrong Road, Kewdale

APPLICANT

Zion Family Church

FILE REFERENCE

98/008 - Exemptions

Item 12.5.5 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

There are no Strategic Planning implications evident at this time.

POLICY IMPLICATIONS

There are significant Policy implications evident at this time.

STATUTORY ENVIRONMENT

In this instance, these are the sections of the Local Government Act that apply:

1. Section 6.26(2)(d) of the Local Government Act States:
Except as provided in this section all land within a district is rateable land.

d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;

2. Section 6.53 of the Local Government Act states:
Land becoming or ceasing to be rateable land:

Where during a financial year –
(a) land that was not rateable land; or
(b) rateable land becomes land that is not liable to rates,

the owner of that land –
(c) is liable for rates proportionate to the portion if the year during which the land is rateable land: or
(d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,
as the case requires.

Item 12.5.5 continued

BACKGROUND

The Zion Family Church's objectives are to establish a centre or centres for the promotion of the Christian faith including providing Christian education for all age groups, Christian Counselling to those in need and administering the Word of God. The property at 329 Orrong Road, Kewdale is used for church services.

Zion Family Church has an endorsement for Charity tax concessions with the Australian Taxation Office dated September 2006 and has been registered with an ABN effective from 28 July 2006 as an Unincorporated Organisation. Council also has a copy of the Zion Family Church constitution.

OFFICER COMMENT

The property was purchased in October 2005 by Vinci & Sons Pty Ltd and Robert Phillip Vinci. The owners then commenced planning procedures under the City of Belmont TPS No14, District Zoning Scheme No 48 to have the zoning amended from 'Place of Public Assembly' to 'Residential - R20/R60'. That approval was finalised and published in the Government Gazette dated 30 January 2007.

Council had received as part of the exemption request, a copy of a letter dated 21 June 2006, confirming the details of the agreement for use of the property for a payment of rent over 6 months. A further letter has been received from the owners of the property advising that the Zion Family Church have been allowed an extension to that lease of a further two months. As the property has now been rezoned to 'Residential - R20/R60', the exemption can only be granted until 30 January 2007.

FINANCIAL IMPLICATIONS

Under Section 6.53 of the Local Government Act, it defines the property as being non rated effective from the date of the lease or 1 July of the year the application is being made. As the initial request for rate exemption was received in October 2006 rates exemption if granted would be effective from 1 July 2006.

Under the circumstances, the loss of rate revenue for the period 1 July 2006 to 30 January 2007 would be $2,822.77.

Under the Fire Emergency Services Act, the Emergency Services levy is still applicable and is required to be paid with the payment being forwarded to the Fire Emergency Services Authority as per their current legislative requirements.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil

Item 12.5.5 continued

OFFICER RECOMMENDATION

That in accordance with the provisions of Section 6.26(2)(g) and Section 6.53 of the Local Government Act 1995, the property at (Lot 85 Diagram 71643) 329 Orrong Road, Kewdale be granted rate exemption effective from 1 July 2006 until 30 January 2007 when the zoning amendment was Gazetted and changed to Residential - R20/R60'.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.5***

12.5.6 Western Australian Local Government Association (WALGA): East Metropolitan Zone Representation

Report by Corporate & Governance Division

DATE

26 February 2007

PURPOSE OF REPORT

To seek Council adoption of the Chief Executive Officer as the third voting delegate for the City of Belmont on the East Metropolitan Zone of the WA Local Government Association.

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

1. The East Metropolitan Zone is a designated zone of the Western Australian Local Government Association encompassing the Local Governments of Belmont, Bassendean, Bayswater, Kalamunda, Mundaring and Swan.
2. Current voting delegates for the City of Belmont include Mayor Godfrey, Cr Dornford and the Manager Governance.
3. The Mayor has requested on the basis of voting delegates from other member Local Governments that the City include the Chief Executive Officer as a change in the City's current delegation.

Officer Recommendation Summation

1. That the Chief Executive Officer or his nominee be appointed as the third voting delegate on behalf of the City of Belmont on the WALGA East Metropolitan Zone.

LOCATION

Not applicable.

Item 12.5.6 continued

APPLICANT

Not applicable.

FILE REFERENCE

42/001

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority.

CONSULTATION

Not applicable.

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

Not applicable.

STATUTORY ENVIRONMENT

Appointments to committees is governed by Section 5.10 of the *Local Government Act 1995.* This appointment is to the Western Australian Local Government Association East Metropolitan Zone which is not a committee of the Council and therefore is not subject to the *Local Government Act 1995*.

BACKGROUND

Council representation on the East Metropolitan Zone presently includes Mayor Godfrey, Cr Dornford and the Manager Governance. This designated Zone incorporates the Local Governments of Belmont, Bassendean, Bayswater, Kalamunda, Mundaring and Swan of the Local Government Association and has input into the WALGA Agenda. WALGA is the key representative body of the States Local Governments.

Meetings are held on a bi-monthly basis usually at the EMRC offices, commencing at 6.00pm and normally for a duration of approximately 1.5 – 2.0 hours.

Item 12.5.6 continued

OFFICER COMMENT

Other Local Governments are represented on the East Metro Zone by Elected Members and Chief Executive Officers. The Mayor has requested for Council consideration that the Chief Executive Officer be appointed as the City's third voting delegate on the basis of consistency of representation as compared to other Local Governments.

FINANCIAL IMPLICATIONS

Nil.

ENVIRONMENTAL IMPLICATIONS

Nil.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That Council appoint the Chief Executive Officer or his nominee as the third voting delegate on behalf of the City of Belmont upon the Western Australian Local Government Association East Metropolitan Zone in support of the current delegates being Mayor Godfrey and Cr Dornford.

OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 12.5

12.5.7 LATE ITEM: Strategic Plan 2006/10 – Priority Listing
(Circulated under separate cover) – 9/03/07

****BEXB Attachment 11 – Item 12.5.7 refers**
(Circulated under separate Cover)

Report by Corporate & Governance Division

DATE

26 February 2007

PURPOSE OF REPORT

To seek Council adoption of the reviewed "Priority Listing" for the City of Belmont Strategic Plan 2006-2010.

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 City's Strategic Plan was adopted by Council at its meeting of 19 December 2006. As agreed the Chief Executive Officer undertook to submit a further report to Council in 2007 establishing a priority rating system toward the implementation of the City of Belmont Strategic Plan 2006-2010.

A low, medium, high and critical priority system has been implemented by the City's Executive Management Team and demonstrated in Attachment BEXB 11.

Officer Recommendation Summation

That the City of Belmont Strategic Plan 2006-2010 Priority Listing as appended to this report; BEXB Attachment 11 be adopted.

Item 12.5.7 continued

LOCATION

Not Applicable.

APPLICANT

Not Applicable.

FILE REFERENCE

32/001

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority Required.

CONSULTATION

The Executive Management Team in conjunction with line managers have consulted over the attached proposed priority listing.

STRATEGIC PLAN IMPLICATIONS

The adopted Strategic Plan has considered new strategies and indicators to ensure the best possible alignment to the Key Result Areas, as well as being refined to clearly represent the direction for the organisation in the forthcoming years. The adoption of the priorities as listed will assist the organisation to focus its resources in achieving the desired outcomes for the Council and the community.

POLICY IMPLICATIONS

There are no significant policy implications evident in respect to this matter.

STATUTORY ENVIRONMENT

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

BACKGROUND

The revised City of Belmont Strategic Plan 2006-2010 was adopted by Council in December 2006.

Item 12.5.7 continued

"MARKS MOVED, ROSSI SECONDED, that

1. *The City of Belmont 2006- 2010 Strategic Plan at BEXB 17 be adopted.*
2. *That the Chief Executive Officer undertake to submit a further report to Council in 2007 establishing a priority rating system toward the implementation of the City of Belmont Strategic Plan 2006-2010*

CARRIED 10 VOTES TO 0."

This was the first full review of the existing Strategic Plan which demonstrated achievement toward key result areas together with suggested amendments. The original plan was formulated through various workshops, meetings and presentations. The Strategic Plan sets the direction that Council will take and management will follow at the City of Belmont.

The first year of the Strategic Plan has seen a range of more detailed planning activities occur and the establishment of detailed strategies including:

- Asset Management Strategy
- Customer Focus Strategy
- Streetscape Strategy
- Environmental Strategy
- Safety and Security Strategy
- Business Strategy
- Commercial Strategy
- Local Housing Strategy
- Open Space Strategy
- Heritage Strategy
- Crime Prevention Strategy
- Land Asset Management Plan

The format of the Strategic Plan presents a clear and accountable direction for Council and the organisation that can be measured. The implementation of GEAC Strategy Manager across the organisation has provided a valuable tool for management to utilise in the control and reporting of the Strategic Plan. The implementation of Strategy Manager has also focussed officers on performance measures by ensuring indicators and key actions can actually be measured effectively and data is available to measure.

Strategy Manager is now implemented and is being used to report on the progress of the Strategic Plan. Whilst the development of Strategy Manager still has some way to go as far as reporting and budgeting functionality, the product is now being used on a monthly basis and gives a very good overview of progress in implementing the strategic plan.

Item 12.5.7 continued

OFFICER COMMENT

Deployment of the Strategic Plan is well underway across the organisation with Strategy Manager being utilised to implement divisional plans that support the Strategic Plan.

As stated in the "Purpose of the Plan" section of the document, the Strategic Plan sets the direction that Council will take, and management will follow, in the City of Belmont. It establishes goals, strategies to achieve them and measurable performance objectives to enable Council and the Community to review progress.

The prioritisation of the Plan will assist in providing clear direction from both a Council and administrative point of view. It will provide the Chief Executive Officer with the guidance required to direct the necessary resources to achieve the desired outcomes. A simplistic ranking system has been utilised, low, medium, high and critical. This has been colour coded for ease of reference and attached in BEXB Attachment 11.

FINANCIAL IMPLICATIONS

The Strategic Plan provides the overall framework for the Council's Budget. The adoption of the Plan in December 2006 is timely in regard to the budget process commencing for the City of Belmont during March 2007.

There will continue to be strong links developed between the City's Strategic Plan, its priorities and the budget which will result in more accountability in Council's budget process that in turn will result in greater efficiency.

ENVIRONMENTAL IMPLICATIONS

Not Applicable

ATTACHMENT DETAILS

Attach. No.	Details
BEXB Attach 11	City of Belmont 2006-2010 Strategic Plan: Priority Listing

OFFICER RECOMMENDATION

That the City of Belmont 2006-2010 Strategic Plan: Priority Listing at BEXB Attachment 11 be adopted.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.5***

12.5.8 LATE ITEM - Statutory Compliance Audit Return 2006

****BEXB Attachment 12 – Item 12.5.8 refers**
(Circulated under separate cover) – 9/03/07
****Confidential Attachment 2 - Item 12.5.8 refers**
(Circulated under separate cover) – 9/03/07

Report by Corporate and Governance Division

DATE

24 February 2007

PURPOSE OF REPORT

Seek Council's adoption and endorsement for certification of the completed 2006 Compliance Audit Return for return to the Department of Local Government and Regional Development.

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 report outlines the City's level of compliance for each of the legislative areas submitted for assessment by the Department of Local Government and Regional Development in the 2006 Compliance Audit Return. The City of Belmont has achieved the following:-

Caravan Parks and Camping Grounds	Full Compliance
Cemeteries	Not applicable
Commercial Enterprises by Local Governments	Full Compliance
Delegation of Power / Duty	Full Compliance
Disclosure of Interest	Partial Compliance
Disposal of Property	Full Compliance
Finance	Partial Compliance
Local Government Employees	Partial Compliance
Local Government Grants Commission	Non - Compliance
Local Laws	Full Compliance
Meeting Process	Partial Compliance
Miscellaneous Provisions	Partial Compliance
Swimming Pools	Full Compliance
Tenders for Providing Goods and Services	Partial Compliance

Item 12.5.8 continued

Officer Recommendation Summation

Recommends for adoption and certification of the completed 2006 Compliance Audit Return for submission to the Department of Local Government and Regional Development.

Recommends for implementation of a range of remedial action to address identified non-compliances.

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

39/005 Statutory Compliance Returns

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

In completing the 2006 Compliance Audit Return, consultation has occurred internally with relevant responsible officers and with officers of the Department of Local Government & Regional Development for clarification purposes.

STRATEGIC PLAN IMPLICATIONS

The City of Belmont's Strategic Plan 2006-2010 outlines the following objective and strategy which broadly relate to the function of the Compliance Audit Return.

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

Item 12.5.8 continued

POLICY IMPLICATIONS

There are no policy implications evident.

STATUTORY ENVIRONMENT

Local Government Act (Audit) Regulations 1996, r14 – requires that a Compliance Audit be carried out and Compliance Audit Return be prepared annually for the period 1st January to 31st December in a form prescribed by the Minister. It also requires that the Compliance Audit Return be; presented to a meeting of Council, adopted by Council and recorded in the meeting minutes.

Local Government Act (Audit) Regulations 1996, r15, requires that after the Compliance Audit Return has been presented to Council, a certificate (signed by Mayor and Chief Executive Officer) must be forwarded to the Director General of the Department including a copy of the relevant Council minute and any supplementary documentation providing explanation or qualification of the Compliance Audit.

BACKGROUND

Each year Western Australian local governments are required to complete a Compliance Audit Return for the Department of Local Government and Regional Development (DLGRD).

The Compliance Audit Return assists in monitoring the City's performance in legislative compliance and the 2006 Return covers a range of the statutory requirements listed in the Local Government (Audit) Regulations, with specific questioning determined by the DLGRD.

The compliance audit period is 1st January to 31st December 2006 and once the audit is completed the City is required to: -

- Present the Compliance Audit Return to Council;
- Seek Council's endorsement of the completed Compliance Audit Return; and,
- Return the endorsed and certified Compliance Audit Return, along with a copy of the Council minute, to the Department of Local Government and Regional Development by no later than 31st March 2007.

In completing the Compliance Audit Return the Chief Executive Officer and other designated Officers have undertaken an audit of the City's activities, practices and procedures applicable to each section and requirement.

This year for the first time, the DLGRD has required that the Return be completed on line via their website, and the completed copy of the return is provided as BEXB Attachment 12 to this report and is a printout of the City's registered responses.

Each Councillor has the opportunity to review the Return and to make comment to the Council and the particulars of any matters of concern relating to the Return must then be recorded in the minutes of this meeting.

Item 12.5.8 continued

Once Council has resolved its satisfaction with the contents of the return and the recommended remedial actions, it can be jointly certified by the Mayor and the Chief Executive Officer and then submitted to the Department for Local Government and Regional Development.

Any person who is not satisfied with the manner in which the compliance assessment process has been handled by the City or believes there may be a discrepancy in the Return, may bring the particular issue to the attention of the Department.

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

Last year, in resolving to endorse the 2005 Compliance Audit Return (OCM 21/03/06 – 11.5.5), Council endorsed implementation of a range of remedial actions designed to resolve non-compliances recorded. Council's relevant resolution is shown below:-

3. That the following listed remedial actions be implemented in order to enhance the City's compliance capacity:-

(d)5	*Information provided to prospective tenderers*	*Tender processes to be mapped and implemented in accordance with the City's Quality Management System*
(d)11	*Details of tenders recorded in Tender Register at time of opening*	
(d)14	*Tender register must include the specified range of data for each invitation to tender.*	
(f)16	*Adoption and certification of meeting minutes*	*Agenda & minute production processes to be reviewed and implemented to ensure compliance.*
(f)18	*Record in minutes the reasons for closing a meeting.*	*Implement standardised resolution that requires the inclusion of relevant specific reason for closing a meeting.*
(i)11	*Finance - Budget adoption to include information as required by Financial Management Reg.22*	*Budget process to be mapped and implemented in accordance with the City's Quality Management System.*
(i)16	*Finance - Annual Financial Report submitted to the DLGRD within 30 days of receipt of the Auditors Report.*	*Annual Report preparation, inclusive of the Audit Report requirements, to be mapped and implemented in accordance with the City's Quality Management System.*
(i)49	*Finance - Audit Report received by Mayor, CEO and Minister, within 30 days of completion of the Audit*	
(i)50	*Finance - Auditor to prepare report and forward to Mayor, CEO and Minister by 31 December.*	

Item 12.5.8 continued

(j)4	*Elections - Register of enrolment eligibility claims.*	*Register to be reviewed and amended to ensure compliance.*
(j)13	*Elections - Retention of Eligibility Claim records*	*City to seek a determination from the DLGRD and LISWA.*
(l)1	*Provision of information required by the Local Government Grants Commission.*	*Grants management process to be mapped and implemented in accordance with the City's Quality Management System.*

OFFICER COMMENT

The City has continued to adopt a comprehensive approach to the Compliance Audit Return, undertaking audit of the City's activities either wholly or by sample. This critical review provides a valuable opportunity to assess processes and practices and identify and implement improvements to support both pro-active compliance and our quality management approach.

Conducting the audit in this manner increases the level of detailed scrutiny, and consequently the number of non-compliances identified however, importantly it also provides the City with greater opportunity to improve our processes and practices.

This year, further analysis has occurred and the identified non-compliances have been assessed in terms of:

- **Substantive Non-Compliance** – there has been a failure to comply with the substantial requirements of the compliance obligation due to a process failure; or,
- **Technical Non-Compliance** – whilst a substantive requirement has been met, there has been a minor human error, a minor misinterpretation of the technical requirements or a slight over-run on a statutory deadline.

The level of compliance has then been expressed as a percentage for Substantive and also the combined Substantive and Technical Compliance.

When reading the questions shown in the Compliance Audit Return (refer to BEXB Attachment 12), it should be noted, they should be read in conjunction with the relevant extract of the Local Government Act and / or Regulations, as there are some instances where the manner of expression of the question may mislead in the specific statutory requirements.

Outlined below is an overview of the compliance assessment for each section of the 2006 Compliance Audit Return. Where an issue of non-compliance has been identified or where improvement may be required information has been provided for Council's consideration.

Caravan Parks and Camping Grounds FULL COMPLIANCE
Assessment Criteria - 1

Cemeteries NOT APPLICABLE
Assessment Criteria – (3)

Item 12.5.8 continued

Commercial Enterprises by Local Governments FULL COMPLIANCE
Assessment Criteria - 5

Delegation of Power / Duty FULL COMPLIANCE
Assessment Criteria - 13

Disclosure of Interest PARTIAL COMPLIANCE
Assessment Criteria - 13

Question 5: **Local Government Act 1995 s5.75(1)**
Local Government (Administration) Regulations 1996 r22
Was a primary return lodged by all newly designated employees within three months of their start day?

City's Response: **Substantive Non-Compliance recorded.**
In regard to officers relieving in positions with Delegated Authority, on five occasions during 2006 the City failed to request relieving officers to provide Primary Returns.

ACTION: Primary Returns have now been requested and received from relevant officers.

Advice of this breach is to be provided to both the Department of Local Government & Regional Development and the Corruption and Crime Commission in accordance with Ministerial instructions.

The City has reviewed the Human Resources process for notification of higher duties to ensure that supervising officers advise the Compliance Officer when officers relieve in positions with delegated authority and that Primary Return requirements are detected in a timely manner.

Disposal of Property FULL COMPLIANCE
Assessment Criteria - 2

Item 12.5.8 continued

Finance **PARTIAL COMPLIANCE**

Assessment Criteria - 94

Question 8: **Local Government Act 1995 s5.98**
Local Government (Administration) Regulation 1996 r.31
Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed?

City's Response: **Substantive Non-Compliance recorded.**

Review of the City's payments to Councillors identified the payment of the Sundry Expenses Allowance, which is supported by the City's Policy C1.6.1(1) Elected Member Fees and Allowances, which states:-

Sundry Expenses Allowance

Elected members may claim an annual Sundry Expenses Allowance of up to $2000 without actual verification of expenditure, paid in lieu of reimbursement for expenses incurred in undertaking the activities of their office under the express authority of Council.

Such sundry expenses include, but are not limited to: -

a. Travel and child care costs arising from elected members attending meetings and undertaking activities for which Council has provided express approval, including: -

- *Council, Committee and other groups / forums for which the elected member is the City's appointed delegate or representative;*
- *Events and functions to which the elected member has been appointed to attend as the City's representative.*

Comparison of this policy extract with the requirements of regulation 31, shows that this part of the City's policy is not in accord with the statutory requirements. It is acknowledged that this policy was adopted by Council based on a draft policy presented in an officer report. The officer had prepared the policy after taking advice from the Department of Local Government regarding Council member expense and allowance entitlements. However, due to the recognised complexity of the Act and Regulations, the provisions were misinterpreted resulting in the policy being out of alignment with the requirements of the Local Government Act 1995.

ACTION: It is recommended that the Policy and the scope of the City's non conformance is reviewed and advice sought from the Department of Local Government & Regional Development in order to determine:

Item 12.5.8 continued

- the period of relevant payments,
- remedial action required; and,
- amendment of the policy to ensure it is in accord with Local Government (Administration) Regulation 1996 r31.

Question 56: **Local Government Act 1995 s6.36**
Did the local government, before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so by extending an invitation for a period of 21 days or longer for submissions?

City's Response: **Technical Non-Compliance recorded.**
The Submission period was advertised in the West Australian on 15 June 2005 and Southern Gazette on 20 June 2006. The submission period closed on 5 July 2006.

The Interpretations Act 1984 s61(c) applies and requires in this instance, that the time calculation include the first day of advertising and not include the closing date.

Therefore on this occasion clerical error has occurred in calculating the submission period, resulting in effectively only a 20 day submission period.

ACTION: Review and implement process to ensure that statutory time calculations occur in accordance with the Interpretations Act 1984.

Question 85: **Local Government Act 1995 s7.9(1)**
Was the Auditor's report for 2005/2006 received by the local government by 31 December 2006?

City's Response: **Technical Non-Compliance recorded.**
s7.9 states:-
An Auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to
(a) the mayor or president
(b) CEO
(c) the Minister.

The City's auditors have advised that a copy of the Audit Report was not forwarded to the Minister until 30/01/07.

Item 12.5.8 continued

ACTION: Review the contract for Audit Services and ensure that this requirement is clearly outlined, and monitored as part of the performance of the contract. Write to the auditors to confirm their obligation to submit the City's audit report to the Minister before 31 December each year.

Local Government Employees PARTIAL COMPLIANCE
Assessment Criteria - 22

Question 10: **Local Government Act 1995 s5.38**
Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment?

City's Response: **Substantive Non-Compliance recorded.**
Performance reviews have been conducted for the Chief Executive Officer and Directors in the latter part of 2006.

For all remaining staff it was agreed to extend the performance reviews from the previous year to cover the 2006 calendar year. Whilst fresh performance reviews were not undertaken in 2006, the reviews conducted in the previous year were extended to cover this calendar year. The City is currently implementing an improved approach and has delayed the process to now occur in context of the financial year, rather than the calendar year. As a result, whilst a non-conformance is recorded, the City made a decision to extend existing performance reviews to allow for the development of an improved system.

ACTION: Monitor the implementation of the improved Staff Development Review process, which includes maintaining a register of completed reviews, will support future compliance.

Local Government Grants Commission NON - COMPLIANCE
Assessment Criteria - 1

Question 1: **Local Government Grants Act 1978 s12(4)**
Did the local government supply to the Grants Commission such financial and other information as to its affairs as specified and required by the Commission?

City's Response: **Technical Non-Compliance recorded.**
The WA Local Government Grants Commission Road Information Return was due by 8 December 2006. The City's return was sent 11 January 2007.

Item 12.5.8 continued

ACTION: The 2005 Audit recommended that the City's review its grants administration processes to incorporate statutory requirements and record this in the City's Quality Management System. At the time of this report the process has not been finalised.

Recommended that finalisation of an organisational process for Grants Administration and Management occur as a matter of priority.

Local Laws **FULL COMPLIANCE**
Assessment Criteria - 18

Meeting Process **PARTIAL COMPLIANCE**
Assessment Criteria - 57

Question 1: **Local Government Act 1995 s2.25(1), (3)**
Where Council granted leave to a member from attending six or less consecutive ordinary meetings of Council, was it recorded in the minutes of the meeting at which the leave was granted?

City's Response: **Technical Non-Compliance recorded.**
Elected members requested leave at Ordinary Council meetings held 15 August 2006 and 28 November 2006, however the minutes do not record Council's resolution to grant leave.

ACTION: Review the City's meeting management processes to ensure that necessary resolutions occur at the meeting and are reflected in the minutes.

Question 5: **Local Government Act s5.4**
On all occasions when the mayor or president called an ordinary or special meeting of Council, was it done by notice to the CEO setting out the date and purpose of the proposed meeting?

City's Response: **Substantive Non-Compliance recorded.**
Special Council meetings held 27 June 2006, 13 July, 2006 and 8 August 2006 were requested verbally only, with no follow up written request to the CEO.

ACTION: Review the City's meeting processes to ensure that this written record of requests for Special Council meetings is created.

Item 12.5.8 continued

Question 20: **Local Government Act 1995 s5.22(2)(3)**
Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or Committee were confirmed?

City's Response: **Substantive Non-Compliance recorded.**
Review of the City's Minute Books shows that several minutes which have not been signed as confirmed. These minutes have however, been received and confirmed by Council.

ACTION: Review the City's meeting management processes to ensure that the Minute Book copy of minutes are presented to relevant Presiding Members for certification at the time of confirmation.

Question 22: **Local Government Act 1995 s5.23(1)**
Where all meetings of committees to which a power or duty had been delegated open to members of the public (subject to section 5.23(2) of the Act)?

City's Response: **Substantive Non-Compliance recorded.**
Meetings of the Standing Committee (Executive) are required to be publicly advertised via Local Public Notice which includes both a notice on the City's public notice boards and in a newspaper generally circulating in the district.

The City's records are unable to demonstrate that advertising occurred for the Standing Committee (Executive) meeting held 20 April 2006.

ACTION: Review the City's meeting management processes to ensure that statutory advertising occurs and is recorded as required.

Question 24: **Local Government Act 1995 s5.23(2)(3)**
On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting?

City's Response: **Technical Non-Compliance recorded.**
The City's minutes show that on a number of occasions when Council resolved to go 'behind closed doors', the reason recorded only refers to s5.23(2), without referencing the specific relevant subclause.

ACTION: Review the City's meeting management processes to ensure that the specific statutory reason for closing a meeting is recorded in the minutes as required.

Item 12.5.8 continued

Question 35: **Local Government (Administration) Regulations 1996 r11**
Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting?

City's Response: **Technical Non-Compliance recorded.**
An error has been identified in that the minutes failed to record a Councillor leaving the meeting however the minutes show where the Councillor returned to the meeting. It is difficult for the minute taker to monitor the movements of all Councillors in the Council chambers. Clause 5.3 of the City's Standing Orders Local Law requires all Council Members to advise the person presiding when they leave a Council or committee meeting.

ACTION: Officers will conduct a further briefing to Councillors to reinforce their obligation under the Standing Orders Local Law to advise the person presiding when they leave the chamber. This will ensure the minute taker is aware of all Council members who leave the chamber and allow the minute taker to record this information in the minutes.

Question 38: **Local Government (Administrative) Regulations 1996 r11**
Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision.

City's Response: **Substantive Non-Compliance recorded.**
Review of the City's minute documents for 2006 shows a range of approaches to recording differences between officer recommendations and Council's ultimate decision. In a number of instances the minutes reflect this (or similar) statements:

> *"Following the circulation of this meetings agenda Council received further information, subsequently an Alternative Motion was moved".*

For the purposes of the minutes and compliance with Administrative Regulation 11, this does not provide the reader with sufficient information to determine the reason that Council made a decision different that was recommended in the agenda.

ACTION: It is recommended that the City's meeting process is reviewed to ensure that officers and Presiding Members are aware of this requirement both during the meeting and in the process of preparing the minute documentation, to ensure that sufficient information is caused to be recorded.

Item 12.5.8 continued

Question 41: **Local Government (Administration) Regulations 1996 r12(1)**
Did the local government, at least once during the period covered by this return give local public notice for the next twelve months of the date, time and place of ordinary Council meetings?

City's Response: **Substantive Non-Compliance recorded.**
The advertisement promoting 2006 meeting schedule was placed to appear in the Southern Gazette on 25 October 2005 and did not appear during the 2006 period.

ACTION: Review the City's meeting processes to clearly identify requirement for each year's meeting schedule to be advertised, as a minimum, in January of that year.

Miscellaneous Provisions PARTIAL COMPLIANCE
Assessment Criteria - 2

Question 2: **Local Government Act 1995 s9.29(2)(b)**
On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO?

City's Response: **Substantive Non-Compliance recorded.**
Audit identified that an officer had attended a Juvenile Justice Hearing on behalf of the City, and was not at the time authorised in accordance with s9.29.

ACTION: Conduct a comprehensive review of the City's Authorisations in accordance with the requirements of the Local Government Act.

Swimming Pools FULL COMPLIANCE
Assessment Criteria - 1

Tenders for Providing Goods and Services PARTIAL COMPLIANCE
Assessment Criteria - 44

Question 9: **Local Government (Functions & General) Regulations 1996 r14 (3) (4)**
Did the local government ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender?

City's Response: **Technical Non-Compliance recorded.**
Tender documentation for plant did not include a statement to the effect the City would not be tendering.

Item 12.5.8 continued

ACTION: Whilst it is beyond the City's functions or capabilities to tender for the supply of plant, the City will review its tender documentation and ensure that all tender documents include a statement to this the effect that the City will not tender in the matter.

It is noted that there are a number of areas of activity which have been identified as non-compliant in both the 2005 and 2006 audits, and it is considered that a greater level of focus is required to ensure the City's processes are driving more consistent compliance performance.

Overall the City's compliance can be expressed as follows:-

2006 Compliance Audit Return	Total Possible	Non-Compliance Recorded	Level of Compliance Achieved
Overall Compliance (Substantive & Technical)	**273**	**15**	**94%**
Substantive Compliance	273	9	97%

This compares favourably with the performance in the 2006 Compliance Audit Return for the 2005 Calendar Year of 93% Overall Compliance.

This report recommends that Council consider establishing a minimum target for achievement in each of these assessment levels.

In establishing a target it should be considered that in ideal circumstances the City aims for 100% compliance, it is however appropriate to provide a reasonable tolerance allowing for human error.

FINANCIAL IMPLICATIONS

If Council resolves to undertake independent assessment of the Compliance Audit Return, costs for such services would be incurred.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident.

ATTACHMENT DETAILS

Attach. No.	Details
BEXB Attach 12	2006 Compliance Audit Return
Conf Attach 2	Letter- McLeods legal advice

Item 12.5.8 continued

OFFICER RECOMMENDATION

1. The 2006 Compliance Audit Return be adopted as a true and accurate representation of the outcomes of the audit of statutory activities and that the Mayor and the Chief Executive Officer be authorised to complete the 'Joint Certification' on Council's behalf.

2. In accordance with the Local Government Act (Audit) Regulations 1996, r15 the certified 2006 Compliance Audit Return and a copy of the minutes relative to this report be forwarded to the Department of Local Government and Regional Development by 31 March 2007.

3. That Chief Executive Officer pursue the implementation of the following listed remedial actions in order to enhance the City's compliance capacity:-

Declaration of Interest		***Remedial Action:***
5	***Local Government Act 1995 s5.75(1) Local Government (Administration) Regulations 1996 r22 Primary Returns lodged by newly designated employees within three months of their 'start day'.***	***The City review and monitor the process for notification of higher duties to ensure that supervising officers provide timely advice when officers relieve in positions with delegated authority.***
Finance		***Remedial Action:***
8	***Local Government Act 1995 s5.98 Local Government (Administration) Regulations 1996 r31 Was reimbursement to elected members within prescribed ranges or as prescribed?***	***The City's Policy C1.6.1(1) Elected Members Expenses to be reviewed in consultation with the Department of Local Government, with a further report to be provided to Council to revise the policy to align with the Act requirements.***
56	***Local Government Act s6.36 Public Notice for imposition of differential rates – submission period of 21 days.***	***Implement organisational process to ensure that statutory timeframes are calculated in accordance with the Interpretation Act 1984.***
Finance		***Remedial Action:***
85	***Local Government Act s7.9(1) Statutory distribution of the Audit Report***	***Review the contract for Audit Services and incorporate this requirement into the next contract. Write to the auditor to remind them of their obligations to submit the audit by 31 December each year.***
Local Government Employees		***Remedial Action:***
10	***Local Government Act 1995 s5.38 Performance for each employee reviewed within each 12 months of their employment.***	***Monitor the new Performance Review process to ensure that compliance is achieved in 2007.***
Local Government Grants Commission		***Remedial Action:***
1	***Local Government Grants Act 1978 s12(4) Provide Grants Commission with information as specified and required.***	***Develop and implement process to monitor and guide grants administration and management as a matter of priority.***

Item 12.5.8 continued

Meeting Processes		***Remedial Action:***
1	***Local Government Act 1995 s2.25(1), (3)*** ***Resolutions to grant leave to elected members.***	***Complete a review of meeting management processes, to consolidate and record in the City's Quality Management System.***
5	***Local Government Act 1995 s5.4*** ***Requirement for notice from Mayor to CEO requesting the calling of Special Council Meetings.***	
20	***Local Government Act 1995 s5.22(2), (3)]*** ***Minutes of meetings to be signed and certified.***	
22	***Local Government Act 1995 s5.23(1)*** ***Advertising of committee (with delegated authority) meetings to the public.***	
24	***Local Government Act 1995 s5.23(2), (3)*** ***Record reasons for closing a meeting in the minutes.***	
35	***Local Government (Administration) Regulations 1996 r11*** ***Record in the minutes where a member leaves and enters a meeting.***	
38	***Local Government (Administration) Regulations 1996 r11*** ***Record in the minutes reasons, where a decision is significantly different from officer recommendation***	
41	***Local Government (Administration) Regulations 1996 412(1)*** ***Local Public Notice of meeting schedules – annually.***	
Miscellaneous Provisions		***Remedial Action:***
2	***Local Government Act 1995 s9.29(2)(b)*** ***Authorisation of Employees to represent the City in Court.***	***Undertake a comprehensive review of the City's Authorisations to ensure they occur in accordance with the requirements of the Act.***
Tenders for provision of Goods and Services		***Remedial Action:***
9	***Local Government (Functions & General) Regulations 1996 r14(3) (4)*** ***Provide information to tenders – whether or not the local government has decided to submit a tender.***	***Review tender documentation to ensure that a statement outlining the City's status in regard to in-house tenders is included in every tender.***

4. The Chief Executive Officer provides a further report in July 2007 outlining progress toward implementation of remedial actions in regard to the 2006 Compliance Audit Return results.

Item 12.5.8 continued

5. That in assessing the Department of Local Government and Regional Development 2007 Compliance Audit Return, the City aim for:

i. 98% Substantive Compliance; and,
ii. 95% Overall Compliance (Substantive & Technical).

6. The CEO write to the Director-General of the Department of Local Government requesting amendments to simplify the complex provisions of the Local Government Act 1996 and Local Government (Administration) Regulations 1996 relating to Council member fees, allowances and expense reimbursements.

OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 12.5

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 INFORMATION BULLETINS

The following Elected Members Bulletin was distributed to Councillors:

- Elected Members Bulletin 23 February 2007.

HITT MOVED, MARKS SECONDED, that the information provided to all Councillors and listed in the following Elected Members Bulletin be noted and received:

Elected Members Bulletin 23 February 2007.

CARRIED 10 VOTES TO 0

13.2 REQUESTS FOR LEAVE OF ABSENCE

Nil.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 7.45pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 13 March 2007 were confirmed as a true and accurate record at the Ordinary Council Meeting held 3 April 2007:

❑ Without amendment ❑ With amendment

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____