City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

TABLE OF CONTENTS

21 March 2006

ITEM SUBJECT HEADING PAGE

NOTICE OF MEETING

1. OFFICIAL OPENING....1

2. APOLOGIES & LEAVE OF ABSENCE....1

2.1 APOLOGIES....1

2.2 LEAVE OF ABSENCE....1

3. DECLARATIONS OF INTEREST....2

3.1 FINANCIAL INTERESTS....2

3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT....2

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS....2

4.1 ANNOUNCEMENTS....2

4.2 DISCLAIMER....4

4.3 DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING....4

4.4 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE 'COUNCILLORS INFORMATION BULLETINS' AS DETAILED IN ITEM 12.1....4

5. PUBLIC QUESTION TIME....5

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE....5

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC....5

5.2.1 Mr Michael Ryan, 60 Riversdale Rd, Rivervale....5

5.2.2 Ms A Irvine, 228 Epsom Avenue, Belmont....6

5.2.3 Mr S Wolff, 191 Kew Street, Kewdale....6

5.2.4 Mr Michael Ryan, 60 Riversdale Rd, Rivervale....6

5.2.5 Mr T Dawes, 228 Epsom Avenue, Belmont....7

5.2.6 Mr Michael Ryan, 60 Riversdale Rd, Rivervale....7

5.2.5 Mr T Dawes, 228 Epsom Avenue, Belmont....7

5.2.7 Mr J Maguire, 11 Hillcrest Road, Kewdale....8

5.2.8 Mr Michael Ryan, 60 Riversdale Rd, Rivervale....8

ITEM SUBJECT HEADING PAGE

6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX......9
6.1 ORDINARY COUNCIL MEETING HELD 28 FEBRUARY 2006 9
6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 14 MARCH 2006** 9

7. QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION) 9

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

9. BUSINESS ADJOURNED FROM A PREVIOUS MEETING 9

10. REPORTS OF COMMITTEES 10

11. REPORTS OF ADMINISTRATION 11
11.1 BUILT BELMONT 11
11.1.1 Closure of Chamberlain Road Reserve between Gladstone Road and Surrey Road in Rivervale ** 11
11.1.2 Discussion Draft Paper for the Proposed Building Act for Western Australia** 15
11.1.3 Appointment of Sister City Tour Leader 27
11.1.4 Request for Parking Restrictions – Daly Street Cloverdale...........31
11.1.5 Request for Parking Restrictions – Gerring Court Adjacent to Wilson Park, Rivervale 36
11.1.6 Request for Parking Restrictions – St Augustine's Primary School, 22-34 Gladstone Road, Rivervale 41
11.1.7 Request for Parking Restrictions – Lapage Street, Belmont.........45
11.1.8 Collection and Disposal of Used Syringes 50
11.1.9 Lot 951 (228) Epsom Avenue, Belmont - Keeping of Excess Numbers of Cats for Scientific Purposes 54
11.2 SOCIAL BELMONT 61
11.3 ECONOMIC BELMONT...61
11.3.1 Belmont Community Nursing Home & Lodge – Lease Variation & Renewal 61
11.4 NATURAL BELMONT 66
11.5 BUSINESS EXCELLENCE..66
11.5.1 Accounts for Payment** 66
11.5.2 Financial Reports as at 31 January 2006**..................................69
11.5.3 WALGA Survey – Daylight Savings 76
11.5.4 WA Local Government Association East Metropolitan Zone - Delegates 80
11.5.5 Statutory Compliance Audit Return 2005.....................................85
11.5.6 Annual Civic Functions 2006 (Resubmitted)................................97
11.5.7 Commercial and Scientific Whaling – City of Belmont Position ..103
11.5.8 Review of Podiatry Service 107
11.5.9 March Budget Review** 113

12. REPORTS BY THE ACTING CHIEF EXECUTIVE OFFICER 117
12.1 INFORMATION BULLETINS...117
12.2 REQUESTS FOR LEAVE OF ABSENCE 117

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED 118
13.1 CONFIDENTIAL ITEM – Gratuity Payment – Mr John Politis.....119
13.2 CONFIDENTIAL ITEM – Disposal of Council Owned Land within The Springs** (Circulated under Separate Cover)......................119

ITEM	SUBJECT HEADING	PAGE

14. CLOSURE 120

ATTACHMENTS INDEX

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

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

****BB Attachment 3 – Item 11.1.2 refers**

****BEXB Attachment 4 – Item 11.5.1 refers**

****BEXB Attachment 5 – Item 11.5.2 refers**

****BEXB Attachment 6 – Item 11.5.5 refers**

****BEXB Attachment 7 – Item 11.5.9 refers**

CONFIDENTIAL ATTACHMENTS INDEX – (ISSUED UNDER SEPARATE COVER)

****Confidential Attachment 1 – Item 13.1 refers**
****Confidential Attachment 2 – Item 13.2 refers**
****Confidential Attachment 2.1 – Item 13.2 refers**

**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, 21 MARCH 2006, COMMENCING AT 7.00PM

PRESENT

Cr G Godfrey, Mayor	East Ward
Cr P Marks	East Ward
Cr M Bass	East Ward
Cr R Rossi	West Ward
Cr B Martin	West Ward
Cr P Hitt	West Ward
Cr E Teasdale	South Ward
Cr B Whiteley	South Ward
Cr J Powell	South Ward
Cr G Dornford	Central Ward

IN ATTENDANCE

Mr N Deague	Acting Chief Executive Officer
Mr R Lutey	Director Technical Services
Mr S Cole	Director – Corporate & Governance
Mr P Varris	Manager - Governance
Mr J Blanchard	Principal Legal & Compliance Adviser
Mr J Hardison	Property & Economic Development Manager
Ms S Johnson	A/Agenda & Minutes Officer
Ms A Lowenhoff	Executive Assistant

MEMBERS OF THE GALLERY

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

1. OFFICIAL OPENING

The Mayor opened the meeting at 7.00pm, welcomed those in attendance, including Mr Rob Pederson from the Police Department and invited Cr Marks to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Marks read aloud the affirmation.

2. APOLOGIES & LEAVE OF ABSENCE

2.1 APOLOGIES

Cr M Blair — Central Ward

2.2 LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST

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

3.1 FINANCIAL INTERESTS

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

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

Name	Item No.	Nature of Interest (and extent, where appropriate)
Cr Dornford	13.1 / 11.5.9	Budget review – Project no: 81199. Cr Dornford is the lessee of the Child Care Centre

3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

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

Name	Item No.	Details of Interest
Peter Varris, Manager - Governance	11.5.4	Mr Varris is the report writer and one of the delegates referred to in this report.
Cr Blair	11.3.1	Her brother-in-law is a resident at the Nursing Home.

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

4.1 ANNOUNCEMENTS

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

4.1.1 Harmony Day

The Mayor stated that approximately 150 children from Belmay Primary, Tranby Primary, Carlisle Primary, St Maria Goretti, Cloverdale Primary and the Kewdale Islamic College came together at the Ruth Faulkner Library last Friday, 17 March 2006 to celebrate Harmony Day.

The children were encouraged to embrace this year's Harmony Day theme of "whatever our differences we are all entitled to a fair go".

She thanked Councillors Rossi, Whiteley, Martin and Teasdale who attended and participated in the activities.

Item 4 Continued

4.1.2 Islamic College celebrating Harmony Week

The Mayor stated that she was invited to the Kewdale Islamic College to celebrate Harmony Day, and was joined by two officers from the City of Belmont.

They were made to feel very welcome by the students and teachers at the school and it was great to see high school students from the Islamic College being joined by students from Belmont City College, Kent Street High School and Thornlie High School to learn, experience and understand about the Islamic culture.

A full report will be sent to Councillors in the next Elected Members Bulletin.

4.1.3 Petition

The Mayor advised that she was in receipt of a petition under covering letter of Ms P Massey of Cloverdale, enclosing 77 signatories opposing the development of multiple government housing dwellings on the site of 14 and 16 Goodall Street, Cloverdale. She understood that there were not any planning applications or referrals lodged with the City in respect to the land. She stated that she had passed the petition to the Acting Chief Executive Officer with a request that a response be provided to Ms Massey and the petition be retained should an application for development be received.

4.2 DISCLAIMER

****7.05pm The Mayor drew the public gallery's attention to the Disclaimer and the Manager – Governance read the Disclaimer aloud.**

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

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

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

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

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

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

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

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

Nil.

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

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

Nil.

5. PUBLIC QUESTION TIME

****7.07pm The Mayor drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that she had registered five members of the public who had given prior notice to ask questions, these being Mr M Ryan, Ms A Irvine, Mr T Dawes, Mr J Maguire and Mr S Wolff.**

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 by Mr Ryan.

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

5.2.1 Mr Michael Ryan, 60 Riversdale Rd, Rivervale

1) Why is this item [1](13.2) being dealt with behind closed doors, given the proposed sale prices have been published in the Major Land Transaction Business Plan and have been subject to public submissions?

The Director Corporate and Governance advised that this matter is being dealt with behind closed doors in accordance with the Local Government (Administration) Regulation 4A. This regulation deals with Meetings, or part of a meeting, may be closed to the public.

It states the following;

"The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23 (2) (h)"

5.23 (2) of the Local Government Act deals with closing meetings to the public.

2) Has there been any change to the proposed sale prices as advertised in the Major Business Plan? If so, are these prices higher or lower than those advertised?

The Director Corporate and Governance advised that yes, there has been a change to the proposed sale prices as updated valuations have been sought. The details will be discussed with Council this evening.

[1] (13.2) inserted

Item 5 continued

5.2.2 Ms A Irvine, 228 Epsom Avenue, Belmont

1) Have Councillors been given and read the correspondence (in respect to Item 11.1.9) sent by us to the City of Belmont as requested by your Officers?

The Mayor replied and she and the Councillors would be discussing this item on the agenda tonight. Councillors declare that they have read all information provided in respect to matters on the agenda this evening.

2) How can Councillors make a decision tonight if they do not have all the facts?

The Mayor replied that this question had already been answered above.

5.2.3 Mr S Wolff, 191 Kew Street, Kewdale

1) If the Belmont Residents/Ratepayer Action Group (BRRAG) invites a Councillor or City of Belmont staff member to attend a BRRAG meeting, is the Councillor or staff member permitted to attend?

The Manager Governance replied that Councillors are able to attend any meeting whatsoever if they are representing themselves rather than the City. Administration staff are able to attend meetings representing the City if they have Chief Executive Officer approval.

2) If no, does the rule apply to all other community groups within the City of Belmont?

The Manager Governance replied that the question was answered in Question 1 above. The Mayor replied that she would discuss the issue with Mr Wolff after the meeting if he wished.

5.2.4 Mr Michael Ryan, 60 Riversdale Rd, Rivervale

1) When will Councils responses to public submissions [2](Item 13.2) be available on the public record?

The Director Corporate and Governance advised that it was always an intention that once Council has decided on this matter, a response will be sent to the author of the submission that was received.

2) By adopting Landcorp's valuation figures (without being afforded full copies of the actual valuations) to determine the sale prices for Councils land holdings in The Springs, have Council forgone the right to claim compensations from the valuers, in the event that the land has been undervalued? The undervaluation is the main [3]~~contender~~ contention in my submissions.

The Director Corporate and Governance advised that both Council's and Landcorp's valuations have been updated and compared. The details will be discussed by Council this evening. The valuation figures that will be discussed are fair market values.

[2] (Item 13.2) inserted

[3] Should read contention and not contender

Item 5 continued

5.2.5 Mr T Dawes, 228 Epsom Avenue, Belmont

1) Will Councillors consider deferring this (Item 11.1.9) until they have read all our correspondence?

The Mayor replied that this question had been answered at Item 5.2.2.

2) Has Council given exemption to the Health Local Law 2002 to other pet owners, allowing them to keep more than two cats or dogs?

The Mayor replied that this question was not relevant, each case is dealt with on its own merits.

5.2.6 Mr Michael Ryan, 60 Riversdale Rd, Rivervale

1) Are Councillors fully informed and certain that this behind closed doors transaction [4](Item 13.2) is capable of passing the scrutiny of outside Agencies if the proposed sale is adopted this evening?

   *Please note that I can only assume the purpose of this item is to indeed sell Councils landholdings due to the Confidentiality placed on the item.

The Director Corporate and Governance advised that at the conclusion of the discussions this evening on the proposed sale of Council's land holdings in the Springs, Councillors will have all the latest information on which to make a decision.

5.2.7 Mr T Dawes, 228 Epsom Avenue, Belmont

1) Have they (refer question 5.2.5 (2)) had to follow the stringent scrutiny and reporting that we have been subjected to?

The Mayor replied that each case is taken on its own merits.

2) Why does this Council when they were alerted to our case not inform us to the contents of the case pertaining to use at the Forum meeting so that we could be prepared to answer questions pertaining to us? This had hindered us in addressing the issues pertaining to our case?

The Mayor replied that Officers prepare items to bring to Councillors' attention.

3) Why have we still not been sent a copy of these notes by Council knowing that we would be in attendance for tonight's meeting?

The Mayor replied that Councillors need to be fully informed of the contents of agendas before they attend meetings. There is no requirement to provide any information to the applicants in respect to this matter.

[4] (Item 13.2) inserted

Item 5 continued

5.2.8 Mr J Maguire, 11 Hillcrest Road, Kewdale

1) Mr Maguire enquired about the air conditioning in the Chambers and asked when Council would be correcting the temperature?

The Director Technical Services replied that the air conditioning had been examined and that a variable speed drive had been installed. There were several issue affecting the temperature including the amount of people in the chambers, the volume of air circulating and individual's body temperature preferences.

The Mayor stated that this question would be taken on notice.

2) Mr Maguire queried the plans for Rosina Street and mentioned the pylons which cut the street in half and asked if the road could run straight through to Cohn Street without being blocked off?

The Acting Chief Executive Officer replied that the proposed subdivisional design of portion of the Australian Islamic College was imposed on the Council by the Western Australian Planning Commission. It does show a proposed connection of Rosina Street with Cohn Street.

The Council does not have to accept a road connection of Rosina Street with Cohn Street and this will be a matter for the future consideration of Council upon receipt of a development application.

The Mayor stated that this question would be taken on notice.

3) Mr Maguire asked Council if the sandpits in the parks in the City were raked and cleared of needles and debris?

The Mayor stated the question would be taken on notice.

5.2.9 Mr Michael Ryan, 60 Riversdale Rd, Rivervale

1) Mr Ryan asked why the Agenda Briefing Forum Information Matrix was not included in the agenda papers in the Chambers?

The Mayor replied that this was an administrative error and would be corrected.

2) Mr Ryan queried the Business Plan for The Springs project [5](Item 13.2) and asked again why this item on the agenda tonight was being held behind closed doors?

The Director Technical Services replied that this question had already been answered in a previous question.

*****7.28 pm There being no further questions remaining, the Mayor declared Public Question Time closed.**

[5] (Item 13.2) inserted

6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 28 FEBRUARY 2006

POWELL MOVED, WHITELEY SECONDED, that the minutes of the Ordinary Council Meeting held on 28 February 2006 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 10 VOTES TO 0

6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 14 MARCH 2006**

Council Attachment 1 – Item 6.2 refers

HITT MOVED, MARTIN SECONDED, that the Information Matrix for the Agenda Briefing Forum held on 14 March 2006 as circulated in the attachment, be received and noted.

CARRIED 10 VOTES TO 0

*****7.31pm The Manager Governance departed the meeting.**

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

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

Nil.

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

Nil.

9. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

10. REPORTS OF COMMITTEES

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

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

Nil.

11. REPORTS OF ADMINISTRATION

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

11.1 BUILT BELMONT

WITHDRAWN ITEMS

Item 11.1.3 was withdrawn at the request of Cr Powell.
Item 11.1.9 was withdrawn at the request of Cr Bass.

WHITELEY MOVED, MARTIN SECONDED, that with the exception of Items 11.1.3 and 11.1.9, which are to be considered separately, the Officer Recommendations in the Built Belmont Key Result Area Reports, specifically Items 11.1.1, 11.1.2, and 11.1.4 to 11.1.8 be adopted en bloc.

CARRIED 10 VOTES TO 0

11.1.1 Closure of Chamberlain Road Reserve between Gladstone Road and Surrey Road in Rivervale **

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

Report by Technical Services Division

DATE

27 February 2006

PURPOSE OF REPORT

To seek Council's approval for the closure of Chamberlain Road reserve located between Gladstone Road and Surrey Road in Rivervale.

SUMMARY AND KEY ISSUES

Summary and Key Issues

- The Chamberlain Road reserve between Gladstone Road and Surrey Road is currently not a formed road access and is used as a public open space.
- The road closure will allow the conversion of the subject land to a recreation reserve.
- In accordance with Section 58 of the Land Administration Act 1997, the road closure is subject to public advertisement for a period of 35 days including consultation with the service authorities and the Department for Planning and Infrastructure.

Item 11.1.1 Continued

Officer Recommendation Summation

That it be recommended to Council that:

1. In accordance with the provisions of Section 58 of the Land Administration Act 1997, the proposal to close the Chamberlain Road reserve between Gladstone Road and Surrey Road in Rivervale, as shown on the attached Drawing No. 22-06 be advertised, and comments be sought from service authorities and the Department for Planning and Infrastructure; and

2. Subject to a favourable response from the advertising, the service authorities and the Department for Planning and Infrastructure, the road closure be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for action.

LOCATION

Chamberlain Road Reserve between Gladstone Road and Surrey Road, Rivervale

APPLICANT

Not Applicable

FILE REFERENCE

102/007 – Permanent Road Closure

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

Based on the consultation assessment process, the "Inform" style of consultation is determined. The consultation proposed will comprise public advertisement, site inspections and referrals to service authorities and the Department for Planning and Infrastructure.

Item 11.1.1 Continued

It is important to note that the provisions of Section 58 of the Land Administration Act 1997 require that the road closure proposal be advertised for public comments over a period of 35 days.

STRATEGIC PLAN IMPLICATIONS

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

"Maintain public open space in accordance with the needs and expectations of the community"

POLICY IMPLICATIONS

There are no significant policy implications at this time.

STATUTORY ENVIRONMENT

Land Administration Act 1997

BACKGROUND

The Chamberlain Road reserve between Gladstone Road and Surrey Road currently does not have a formed road pavement and is not used for vehicular access. It is grassed and used as a public open space with footpath access. The location and extent of the road closure is shown on the attached City of Belmont's Drawing No. 22-06.

As part of the City's Action Plans, it is proposed that the Chamberlain Road reserve be closed and the subject land be converted to a recreation reserve.

OFFICER COMMENT

A preliminary check of utility services has revealed existing service infrastructures located within the section of road reserve. Subject to referral of the proposal to service authorities, the proposed road closure may require services relocation which will be confirmed at the consultation stage.

The closure of the Chamberlain Road reserve will facilitate the conversion of the subject land, to a recreation reserve.

This will enable the implementation of enhancements to the parkland in accordance to the needs and expectations of the community.

The proposed road closure will require public advertising for a period of 35 days, including seeking comments from service authorities and the Department for Planning and Infrastructure.

Based on the above information, it is recommended that, subject to a favourable response from the advertising, the service authorities and the Department for Planning and Infrastructure, the proposal be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for further action, in accordance with the provisions of Section 58 of the Land Administration Act 1997.

Item 11.1.1 Continued

FINANCIAL IMPLICATIONS

The City will incur all costs associated with the road closure process including the advertising cost and administration costs. There may be other costs related to service relocations if the road closure proceeds.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
2	Drawing No. 22-06

OFFICER RECOMMENDATION

That it be recommended to Council that:

1. ***In accordance with the provisions of Section 58 of the Land Administration Act 1997, the proposal to close a portion of Chamberlain road reserve as shown on the City of Belmont's Drawing No. 22-06 be advertised, and comments be sought from service authorities and the Department for Planning & Infrastructure; and***

2. ***Subject to a favourable response from the advertising, the service authorities and the Department for Planning and Infrastructure, the road closure be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for action.***

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

11.1.2 Discussion Draft Paper for the Proposed Building Act for Western Australia**

****BB Attachment 3 – Item 11.1.2 refers**

Report by Community & Statutory Services Division
– Building and Customer Services

DATE

23 February 2006

PURPOSE OF REPORT

To advise Council of proposed changes to the legislation relating to Building Control with the intention for Council to make a submission prior to the closure date of 28 April 2006.

SUMMARY AND KEY ISSUES

The former Minister for Housing and Works, the Hon Francis Logan MLA, released on 8 November 2005 a Daft Discussion Paper for the Proposed Building Act for Western Australia.

The Manager-Building & Customer Services has carried out a review of the draft discussion paper and his comments are included within this report under Background. Comments are made under the following headings.

- “The new Act will cover the whole of the State”.
- “The Council retain the authority to issue Building Licences in its locality”.
- “The State Government can be a “Licence Issuing Authority”.
- “Special Authorities can be “Licence Issuing Authorities”.
- “The State will be bound to comply with the Act”.
- “There have been no fee structures applied for building approvals, building licences, dealing with non-compliance and various tasks that Council carry out on behalf of the Community”.
- “The Council issues “Building Approval” to owner, “Building Licence” to the Builder and “Occupancy Certificate” to the Builder on all structures except “Class 10” buildings which are sheds and the like”.
- “Ancillary buildings to a Class 1 (residence) are not required to have a building licence issued before or after construction. These structures are patios, pergolas, carports, fences and aerials”.
- “Registration of all practitioners associated with Building Works”.
- “Certificate of “Classification” to be changed to “Certificate of Occupancy” with this now applying to residences “Class 1” buildings”.

Item 11.1.2 Continued

- "Requirement for the maintenance of essential services to commercial/industrial buildings, with a formal notification requirement to Council".
- "Certificates of liability to be provided by specialist fields involved with the project from design to completion with one purpose being that shared liability can be determined".
- "Approval of unauthorised works with penalties and fees".
- "The ability to determine inspection regime of a project at the Licence issue stage based on risk assessment".
- "Monitoring "conflicts of interest" over the various stages of the project".
- "Requirement on all Councils to engage a registered Building Surveyor to determine building approval prior to the issue of a building licence".
- "Additional processes to the current practice of issuing building licences".
- "Self certification allowed".
- "Requirement for building licence to be issued within 14 days".
- "Provision of clear definition of a "building".

<u>Officer Recommendation Summation</u>

That the Director of the Department of Housing and Works be advised:

1. That the Council fully supports the proposed introduction of a "New Building Act".

2. That prior to the introduction of the new Legislation the Council suggests that the following matters be considered and resolved:

   (a) In regard to the application of the Residential Design Codes for residential and ancillary structures that a common legislative resolution be applied to all local government town planning schemes to ensure consistency of approach for applicants of building approvals.

   (b) Resolution of the registration and auditing of all practitioners associated with building works and the setting of appropriate qualifications for persons dealing with building assessments, approvals inspections and certification.

   (c) The installation of regulations for licence and approval fees and serving of "Notices" that fully represent the actual cost recovery to the Council for building activities in its locality.

   (d) Resolution of the differences and overlapping with respect to the Health Act and the Building Code for Public Buildings and general health issues.

   (e) That the legislation addresses the matter of self certification in that it is acceptable at a technical level but cannot be used for certification of Building Code of Australia compliance over the whole building proposal. The assessment of BCA Compliance is to be carried out independently from the project team or designer of the building.

Item 11.1.2 Continued

(f) That all minor structures (class 10a and 10b) be required to obtain a building licence from the Local government prior to installation.

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

81/001 Policy / Directive / Correspondence

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

The implications to the Strategic Plan will be limited as the role of Council is to continue to deal with the building activities in its own locality including the issue of Building Licences.

POLICY IMPLICATIONS

There are a number of Policies relating to the delegation of authority to the Manager-Building and Customer Services and the Building Surveyors that will need to be reconsidered. In addition, consideration will need to be given to new policies that may deal with Council engaging qualified persons to provide certification in a competitive market place.

STATUTORY ENVIRONMENT

The current legislation remains applicable until such time as any proposed Acts and Regulations are gazetted.

Item 11.1.2 Continued

BACKGROUND

The former Minister for Housing and Works, the Hon Francis Logan MLA, released on 8 November 2005 a [6]Daft Discussion Paper for the Proposed Building Act for Western Australia.

When the Local Government Act was amended in 1996 the section relating to building activities was separated to create the Local Government (Miscellaneous Provisions) Act 1960 with the view that building reform was happening on a National basis and therefore the State legislation introduced in 1960 required updating.

The Draft proposes various changes that will have some effect on the operations of the Council activities relating to construction of buildings as currently being carried out. The document does not refer to costs for the services to be provided and therefore it is difficult to fully ascertain the financial implications on the Council. Comments in this area are further explained in the report.

Based on the information that is within the Draft it is expected that a significant impact on the Council will be in the area of income by the way of Building Licence Application fees.

With the changes proposed there are also the opportunities for Council with respect to staffing levels and competitive practices.

The following are the “key issues” within the proposed “Building Act”:

1. ***“The new Act will cover the whole of the State”.*** (1.2.1 p47) Currently there are areas of the State that are not required to have building licence approvals granted such as for rural areas.

2. ***“The Council retain the authority to issue Building Licences in its locality”.*** (1.1.2 p43) Nothing will change with respect to licence issue, where in other States this can be done privately.

3. ***“The State Government can be a “Licence Issuing Authority”.*** (1.2.3 p48) The State does not issue licences at present it just commits to the project and builds it. The idea is to ensure that the State by issuing the licence then has to comply with all other parts of the Act.

4. ***“Special Authorities can be “Licence Issuing Authorities”.*** (1.1.1 p42 & 43) The proposal if for regional authorities and authorities set up by the State to be able to issue building licences and then they are obliged to comply with the Act in all other areas.

5. ***“The State will be bound to comply with the Act”.*** (1.2.2 p47) As noted in item number 3.

[6] Daft Discussion Paper should read Draft Discussion Paper.

Item 11.1.2 Continued

6. ***"There have been no fee structures applied for building approvals, building licences, dealing with non-compliance and various tasks that Council carry out on behalf of the Community".*** (1.4.13 p58) The **State** has not determined what Council should receive for the services it is to provide. This is the current practice and should be changed to allow the local government to set the fee to recover its costs.

7. ***"The Council issues "Building Approval" to owner, "Building Licence" to the Builder and "Occupancy Certificate" to the Builder on all structures except "Class 10" buildings which are sheds and the like".*** (1.3.2 – 1.4.13 pgs 51 – 58) This now becomes a three step procedure which will add to confusion. An applicant may consider an "approval" as with any other term that it is okay to proceed. Who will have to police it, the local government of course?

8. ***"Ancillary buildings to a Class 1 (residence) are not required to have a building licence issued before or after construction. These structures are patios, pergolas, carports, fences and aerials".*** (1.3.3 – 1.3.5 pgs 51 & 52) This removal although it appears an attempt to stop delays where Councils apply the Planning Scheme and R-Codes to minor structures, will create a nuisance and time spent resolving the matters will cost local governments.

9. ***"Registration of all practitioners associated with Building Works".*** (Part 3 pgs 92 – 104) This practice is in place in other States and allows the auditing of all persons associated from start to finish of a project.

10. ***"Certificate of "Classification" to be changed to "Certificate of Occupancy" with this now applying to residences "Class 1" buildings".*** (1.6.1 – 1.6.9 pgs 67 – 68) This is a significant change and a needed improvement on the current legislation. It also brings the State in line with the other States.

11. ***"Requirement for the maintenance of essential services to commercial/industrial buildings, with a formal notification requirement to Council".*** (1.7.1 -1.7.7 pgs 69 & 70) This is a must with the technical changes that are occurring to buildings with fire engineering solutions. The safety of the occupants is paramount and the ability for a new owner of the building to know what is being purchased does comply is important.

12. ***"Certificates of liability to be provided by specialist fields involved with the project from design to completion with one purpose being that shared liability can be determined".*** (1.4.3 – 1.4.5 pgs 54 & 55) Although the law changed in December with respect to shared liability this proposal clearly defines the roles and allows easier determination of what part the person played in the process.

13. ***"Approval of unauthorised works with penalties and fees".*** (1.4.14 p58) The State is currently considering a Regulation change to deal with the number of appeals that are going to the State Administrative Tribunal for illegal structures. The Council currently has a policy to deal with this matter which is in the best interests of our ratepayers. The penalties should be off sufficient amount to deter the idea of starting building activities without approval.

Item 11.1.2 Continued

14. ***"The ability to determine inspection regime of a project at the Licence issue stage based on risk assessment".*** (1.4.10 p57, 1.5.2 – 1.5.13 pgs 61 - 64) This is a difficult area in that it is up to the local government to apply inspections to a licence based on an assumption of a risk. One of the statements by the officers from the Department of Housing and Works was that if the Council considered that a particular builder was carrying out the project that the Council has experienced problems with in the past, that they could apply additional inspections. This in itself is a litigious area and should be avoided. The State should set an inspection regime.

15. ***"Monitoring "conflicts of interest" over the various stages of the project".*** (1.1.2 p43 third dot point) How can a Council employee know that there is a conflict of interest such as the architect being the builder's brother and they are building a house for the sister-in-law? This is not a local government issue and should be monitored by the State through an auditing process of all practitioners. The previous proposed draft on the Act dealt with this matter in a clearer manner.

16. ***"Requirement on all Councils to engage a registered Building Surveyor to determine building approval prior to the issue of a building licence".*** (1.1.3, 1.1.4, 1.1.5 p44 & 1.4.1 p53) This will affect country Councils greater than the City counterparts. It should be noted by the meaning of "engage" this could be on contract.

17. ***"Additional processes to the current practice of issuing building licences".*** (1.4.1- 1.4.7 pgs 53-56) The idea of seeking an approval prior to a licence is an additional practice that many people may not understand and is likely to lead to confusion. The "approval" is a statement that all the certificates and documentation is in place and all that is needed is the builders' details.

18. ***"Self certification allowed".*** (Compared to the previous proposed "Building Act" this document does not require independence from the parties that are preparing the documentation with the persons certifying it to the Council.) The "Draft is not clear in this area and by the scenarios given indicates that there can be self certification by the project manager that the project as a whole complies with the BCA. This is not acceptable in other States and was not acceptable with the initial draft on the Act by the Department of Local Government. There should be independent auditing of the documentation to ensure compliance with the Building Code of Australia. This is one area where there are delays currently in building approvals due to the lack of information on building plans.

19. ***"Requirement for building licence to be issued within 14 days".*** (1.4.9 p56) Previously this period was 35 days and if it was not issued then it was deemed refused. The 14 days is unlikely to be a problem if the "building approval" precedes the application for licence as the documentation should have already been assessed. Again it is considered that the community and applicants will struggle for a while to understand the changes in this area.

20. ***"Provision of clear definition of a "building".*** (1.3.1 p50) Currently there is no clear definition in this area and the change can only improve the ability to determine matters for prosecutions and serving of notices.

Item 11.1.2 Continued

The above list of key issues has been identified by the Manager Building and Customer Services with separate matters that may affect Compliance, Health and Planning, have been provided by the relevant Managers.

With respect to **Planning** matters there are a number of key issues that need to be considered:

1. Compliance of minor structures (not required to have a building licence and can be constructed before submission of plans to the Council) with the R – Codes. Approximately 60% of applications for a building licence for minor structures have variations to the R-Codes.

2. Compliance of residential buildings with the R-Codes due to the TPS not requiring a Form 1 for single residential buildings. Only variations to the Codes require submission for Planning Approval. This would affect approximately 35 – 45% of the average of 237 building licence applications per year.

The above matters will place a significant burden on Council with respect to staffing levels in the Planning/Building area to follow up, policing of non-compliance issues with respect to minor structures and resolution of R-Code variations.

Health
The Draft document refers to approval from all other areas including the Health Department of the local government. The current practice is that the Building Surveyors apply Health Conditions to residential buildings and have the Environmental Health Officers assess and condition plans for other forms of building construction. (Provided under the attachment to this report is the current work flow practices)

Where independent certification is applied the applicant will be dealing direct with the Environmental Health Officer and the documentation will need to address the issues prior to submission to the Council for "Building Approval" and then subsequent "Building Licence" issue.

This is likely to place a burden on the Health area due to staffing levels. Pages 54 – 56 deal of the "Draft" document with this area.

Comments from Principal-Legal and Compliance Advisor

- **Liability**
  The Report on the Proposed New Building Act claims that the process will be more robust because responsibility for each aspect of the building licence process will be allocated between the owner, the builder, the architect and the local government. However, there seems to be overlap between each of these responsibilities. Despite the claims of the accompanying material, there is not one person who is responsible for the development throughout the process and this is concerning. The Act should clearly allocate responsibility for a development on the owner who becomes responsible for allocating responsibility for various aspects to other parties.

Item 11.1.2 Continued

- **Checking Accreditation and Registration of Various People**
  Under the Proposed New Building Act, the local government is responsible for ensuring that inspections have been conducted by people who are registered and authorised to conduct these in sections. To discharge this responsibility effectively a local government will need to check credentials at each stage of the development and for each new application. It will be administratively burdensome for a local government to have to check credentials on each occasion. The Act should make the person claiming to be accredited responsible for this and create an offence for acting without accreditation. This responsibility should not be passed to the local government

- **Proliferation of Legislation and Administering Bodies**
  The Proposed New Building Act there will be a range of legislation including the Architects Act, Engineers Act, Building Act, Builders Act etc. Where possible all of these should be consolidated into one piece of legislation with one administering body. Local government does not support duplication of licensing authorities and legislative structures where this is possible.

- **Duplication of Approvals**
  Under the Proposed New Building Act there is a duplication of the local government's current role as in some circumstances both a building approval and a building licence is required. Currently only one approval is required.

- **Delegations**
  Any delegations that a local government is permitted under the Proposed New Building Act should be in accordance with the provisions of the Local Government Act 1995. That is the Council should have the power to delegate authority to the Chief Executive Officer and the Chief Executive Officer the power to on delegate to an appropriately qualified building surveyor. The delegation of authority directly from the Council to the building surveyor does not align with the Local Government Act governance structure whereby employees are responsible to the Chief Executive Officer who is responsible to the Council. A delegation from Council to the Chief Executive Officer may only be the power of delegation, and not the power to exercise authority, if the Chief Executive Officer is not a Building Surveyor.

- **Disputes Between Neighbours**
  The local government is to act as determining authority for disputes between neighbours about access during construction on boundaries. These disputes should be referred directly to the State Administrative Tribunal as it is not considered appropriate for a local government to intervene in neighbourhood disputes.

- **Regional Councils as Special Licence Issuing Authority**
  There is an ability for a Special Licence Issuing Authority to be appointed, for example where a group of local governments wish to appoint a regional local government to undertake duties on their behalf. However, the Special Licence Issuing Authority will only be able to enforce compliance for failure to comply with conditions on licences that it has issued. Where a regional local government operates as a Special Licence Issuing Authority it should be able to enforce compliance for all licences it has issued as well as licences issued by the member local governments of the regional Council.

Item 11.1.2 Continued

> If this is not the case each local government will have to retain resources to enforce compliance for its licences and there will be no regional efficiency gains.

It should be noted that there has been no indication from the new Minister for Housing and Works that the proposed "Draft" will continue to be considered in its current form. The idea of the implementation of a "New Building Act" has been handballed around the various State Governments since 1992, yet all the other States on Australia have adopted new building legislation.

With respect to the "Draft" document as proposed there are some concerns that there may be a misunderstanding by the legislators of the processes that Councils have in dealing with applications for its prospective residents.

There is a necessity to improve the current legislation with the increase of penalties applicable for non-compliance, the change of "Certificate of Classification" to Certificate of Occupancy", the requirement for continuing maintenance of essential services by building owners", but in creating new legislation there also needs to be consideration of the effects on the community as well as the applicants wanting to build in Belmont.

Currently the applicant can lodge building plans for assessment and hold discussions with the Building Surveyors and distribution throughout the office for further comment during the Planning Application stage. What the Draft proposes is that the applicant is required to have all approvals in place and cleared before submission of the documentation for a "Building Approval" (it must be remembered that this is not a licence) and then when the builder is selected for a "Building Licence" which can take another 14 days. The "Draft" requires that prior to the issue of a "Building Licence" the Local government is to seek advice from an appropriately qualified Building Surveyor that all details are in compliance and that the licence can be issued.

A survey carried out by the Department of Housing and Works of Local Governments in the Metropolitan area almost two years ago revealed that the major delays with the building licence issued from local government was the lack of information submitted with the applications. This will be addressed by the "New Act" with the Certifying Building Surveyor and Licence Issuing Building Surveyors returning the documentation back to the applicant as the cost recovery to assess the plans, hold them and collate the details will not be there.

There is an administrative burden applied to the Council by the current legislation, but there is also the ability to offset the costs by the application fees collected. With the proposed "Draft" the administrative role applies with the policing requirement of the Council in serving notices, yet the income from building applications is expected to be reduced significantly. To offset the expectations of the Council administrative costs to police projects where there may have been limited income, it would be appropriate for the "Act" to include for cost recovery for serving of any notices and site inspections.

There are significant other legislative issues and changes proposed that form part of the overall management of building legislation in this State that if not introduced either before or at the same time as the "Act" there will be confusion and uncertainty for all parties concerned. These include:

Item 11.1.2 Continued

- In regard to the application of the Residential Design Codes for residential and ancillary structures that a common legislative resolution be applied to all local government town planning schemes to ensure consistency of approach for applicants of building approvals.
- Resolution of the registration and auditing of all practitioners associated with building works and the setting of appropriate qualifications for persons dealing with building assessments, approvals inspections and certification.
- The installation of regulations for licence and approval fees and serving of “Notices” that fully represent the actual cost recovery to the Council for building activities in its locality.
- Resolution of the differences and overlapping with respect to the Health Act and the Building Code for Public Buildings and general health issues.
- That the legislation addresses the matter of self certification in that it is acceptable at a technical level but cannot be used for certification of Building Code of Australia compliance over the whole building proposal. The assessment of BCA Compliance is to be carried out independently from the project team or designer of the building.
- That all minor structures (class 10a and 10b) be required to obtain a building licence from the local government prior to installation.

The current Act requires that local governments with a population exceeding 15,000 are required to employ a Building Surveyor who holds the Local Government Certificate of Qualification as a Building Surveyor. The local government then is able to delegate to this person the role of issuing Building Licences on behalf of the Council.

The proposed “Draft” requires that all local government are to engage an appropriate qualified Building Surveyor either by contract or full time employment. This proposal is likely to have a limited effect on most metropolitan local governments but is likely to have a greater impact in the country areas.

OFFICER COMMENT

The proposed “Draft” document has a number of issues which may lead to confusion in the community if the Department of Housing and Works does not take out an extensive advertisement campaign prior to the changes. It is likely that the burden of explaining the changes and dealing with confusion will rest with the Local Government if the “Draft is taken as a given and introduced without further consultation or change.

The State Government has not followed the path of the other States and introduced a fully competitive system of building licence approval and building certification. It has the view that the local government is best kept informed if it controls the issue of building licences. Yet the competitive system has been working well in all the other States.

There are opportunities for the Council to obtain with appropriate staffing levels additional income (and to offset licence income losses) by providing additional services to country local government, providing certification services, carrying out additional inspection services such as pre-purchase and building construction inspections.

Item 11.1.2 Continued

The critical issue will be the detail that will be applied when the “Act” is drafted and unless there is an opportunity to see the content before it is adopted by Parliament the matters raised by this Council or all the others making a submission may not be addressed.

FINANCIAL IMPLICATIONS

Based on the evidence of the changes that occurred in the other States where there was additional parties introduced into the legislative building approval process, there is likely to be a reduction of income to the Council for building licence applications.

Although the building application fee structure in the Building Regulations 1989 has not changed for over five years it is likely that the percentage rate per dollar value of construction applied now will be halved in a competitive market.

Without the State advising of the costs that can be charged by local government it is difficult to determine the income that will be received.

What is known is that if the classs10a and 10b buildings are exempt from a building licence there is the potential loss of $17,500.00 per annum based on the average number of licences issued over the past five years.

Where there is self certification for residential construction Council could potentially lose up to 50% of the average annual income of $168,000.00.

It is most likely that with major projects unless the Council can establish a competitive certification process, that the income in this area will be reduced by greater that 50%.

As previously explained, that with proper planning and sufficient staffing levels the income loss may be able to be offset by providing new services.

It should be noted that although the licensing and approval areas of Council generate an income they generally do not fully cover the expenditure of the services provided to the community.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ATTACHMENT DETAILS

Attach. No.	**Details**
3	Process Maps for processing of Building Licences.

Item 11.1.2 Continued

OFFICER RECOMMENDATION

That the Director of the Department of Housing and Works be advised:

1. ***That the Council fully supports the proposed introduction of a "New Building Act".***

2. ***That prior to the introduction of the new Legislation the Council suggests that the following matters be considered and resolved:***

   (a) ***In regard to the application of the Residential Design Codes for residential and ancillary structures that a common legislative resolution be applied to all local government town planning schemes to ensure consistency of approach for applicants of building approvals.***

   (b) ***Resolution of the registration and auditing of all practitioners associated with building works and the setting of appropriate qualifications for persons dealing with building assessments, approvals inspections and certification.***

   (c) ***The installation of regulations for licence and approval fees and serving of "Notices" that fully represent the actual cost recovery to the Council for building activities in its locality.***

   (d) ***Resolution of the differences and overlapping with respect to the Health Act and the Building Code for Public Buildings and general health issues.***

   (e) ***That the legislation addresses the matter of self certification in that it is acceptable at a technical level but cannot be used for certification of Building Code of Australia compliance over the whole building proposal. The assessment of BCA Compliance is to be carried out independently from the project team or designer of the building.***

   (f) ***That all minor structures (class 10a and 10b) be required to obtain a building licence from the Local government prior to installation.***

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

*****7.34pm The Manager Governance returned to the meeting.**

11.1.3 Appointment of Sister City Tour Leader

Report by Community & Statutory Services Division
- Community & Library Services

DATE

23 February 2006

PURPOSE OF REPORT

Council to consider the appointment of a Councillor to act in the capacity of official Tour Leader for the Student Exchange program visiting Adachi, Japan in January 2007.

SUMMARY AND KEY ISSUES

Council is required to consider the appointment of its official Tour Leader for the 2007 Student Exchange to Adachi City, Tokyo.

Officer Recommendation Summation

That Council nominate a Councillor for the position of 'Tour Leader' for the 2007 Student Exchange to Council's Sister City, Adachi City, Tokyo.

LOCATION

Not applicable.

APPLICANT

Not Applicable.

FILE REFERENCE

106/004 Sister City Student Delegation

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

Item 11.1.3 Continued

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

Officers are in regular liaison with the Belmont Sister City Association and the Adachi Tourism and Exchange Section concerning delegation dates, itinerary and numerous other aspects associated with the annual student exchange between the two Cities.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan impacts are evident at this time.

POLICY IMPLICATIONS

Council has an adopted 'Guide for Tour Leaders', which outlines the roles and responsibilities of the position. The guide also outlines the parameters of expense, reimbursement (refer OCM-11/03/2002; ACS-05/03/2002 Item 8.51 refers).

STATUTORY ENVIRONMENT

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

BACKGROUND

Council previously resolved (11 April 1989) that:

> *"Council's representative for Sister City Student Exchange visits each year, should be an elected member. In order to promote the ideals and objectives of the Sister City Exchange, a different elected member be selected each year. In the event that no elected member is able to participate in an exchange visit, then an officer may be considered."*

Tour Leaders for the last several student exchanges have been:

1989 Cr M Blair	*1998 Cr D Symonds*
1990 Cr D Ferguson	*1999 Cr A Murfin*
1991 Cr R Belton	*2000 Cr R Swann*
1992 Cr D Powell	*2001 Cr G Godfrey*
1993 Cr E Teasdale	*2002 deferred to January 2003*
1994 Cr C Rich	*2003 Cr J Powell*
1995 Cr M Godsell	*2004 Delegation cancelled*
1996 Cr L Coops	*2005 Cr G Grant*
1997 Cr A Richardson	*2006 Cr B Martin*

The 2004 Student delegation was cancelled as a result of a low response rate from students, which was thought to be due to the emergence of the SARS epidemic throughout Asia and China and the perceived level of safety for global travel.

Item 11.1.3 Continued

OFFICER COMMENT

The Belmont Sister City Association has drafted a proposed timeline (detailed below) for the advertisement and selection process of students and Chaperones for the 2007 exchange. Potential Tour Leaders may wish to consider their availability for this process.

- **Friday, 24 February 2006 -** Closing date for articles to be submitted to the Belmont Bulletin.
- **Tuesday, 7 March 2006 and Tuesday, 9 May 2006 -** Advertisement lodged in the Southern Gazette for Belmont Student Delegation (and Chaperone) members.
- **Tuesday, 21 March 2006 -** Proposed date for the next Belmont Bulletin to be delivered to the Belmont Community in which an article for the Sister City delegation will be displayed.
- **4.00pm, Friday, March 31st 2006 -** Applications for Belmont Student Delegation members close.
- **April 2006 -** Selection of Tour Leader proposed.
- **To be advised -** Interview dates for Chaperones and Students.

The Belmont Student delegation proposes to visit Adachi, Japan from 14-23 January 2007. These delegation dates are however, subject to confirmation by the Adachi Tourism and Exchange Section.

FINANCIAL IMPLICATIONS

In addition to student and chaperone exchange expenses (some $18,000 – $20,000) Council allocates, via the annual budget process, funds to provide airfare, accommodation and minor expenses for the Student Delegation Tour Leader. The expected Tour Leader costs are anticipated to be in the vicinity of $1,500 (airfares), $500 (accommodation) and $300 - $500 (sundry expenses).

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That Councillor be nominated as Tour Leader for the 2007 Student Exchange to Council's Sister City, the City of Adachi, Tokyo for the proposed dates 14-23 January 2007.

Item 11.1.3 Continued

***POWELL MOVED, HITT SECONDED**, that the Officer Recommendation be amended and adopted to read as follows –*

That the Deputy Chairperson of the Sister City Association, (Mrs Wendy Parsons) be nominated as Tour Leader for the 2007 Student Exchange to Council's Sister City, the City of Adachi, Tokyo for the proposed dates 14-23 January 2007.

CARRIED 10 VOTES TO 0

11.1.4 Request for Parking Restrictions – Daly Street Cloverdale

Report by Community & Statutory Services Division
- Health & Ranger Services

DATE

24 February 2006

PURPOSE OF REPORT

To consider parking restrictions in Daly Street, Cloverdale near Wright Street between Wright Street and Oswell Street.

SUMMARY AND KEY ISSUES

Council Officers have been approached by members of the public advising that the recent roadworks in Daly Street near Wright Street Cloverdale has created a line of sight issue for motor vehicles that are entering Daly Street from Wright Street.

No Standing signs will assist in keeping the area free from motor vehicles, particularly during peak school periods.

The signs are required on the Southern side of Daly Street near the Wright Street intersection between Wright Street and Oswell Street.

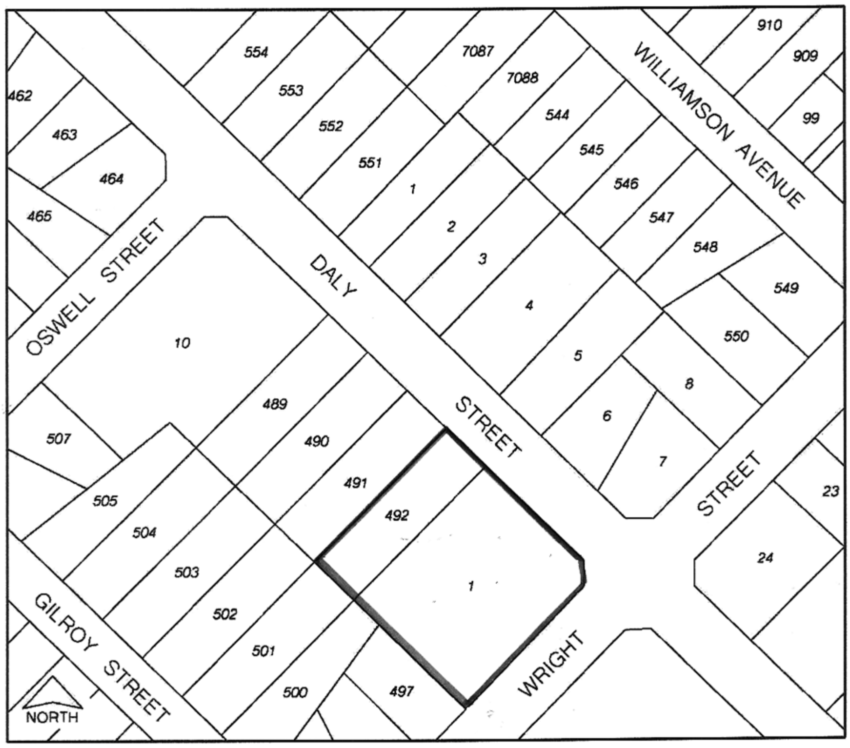
Officer Recommendation Summation

That the restrictive signs be approved in Daly Street Cloverdale to improve the line of sight and reduce traffic incidents.

Item 11.1.4 Continued

LOCATION

Daly Street Cloverdale near Wright Street



APPLICANT

Not applicable.

FILE REFERENCE

92/005 Parking Complaints

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

As a result of a request from the public a letter was sent out on 17 February 2006, asking residents in the nearby street to consider the proposal and comment.

Item 11.1.4 Continued

The properties notified were:

- 345 Wright Street
- 1 / 353 Daly Street
- 354 Daly Street
- 355 Daly Street
- 357 Daly Street
- 359 Daly Street
- 361 Daly Street
- 363A Daly Street
- 365 Daly Street
- 367 Daly Street
- 369 Daly Street

No objections were received.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan implications are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The City of Belmont Parking Local Laws would apply should Council establish parking restrictions in this area.

BACKGROUND

Council Officers have been approached by the public advising that the recent roadworks including the installation of parking bays adjacent to the school in Daly Street near Wright Street Cloverdale, has, when vehicles park outside the embayment, created a line of sight issue for motor vehicles that are entering Daly Street from Wright Street.

Concern has been raised that on turning into Daly Street from Wright Street, any vehicles parked on the left side of the carriageway have the potential to obstruct the vision of oncoming vehicles.

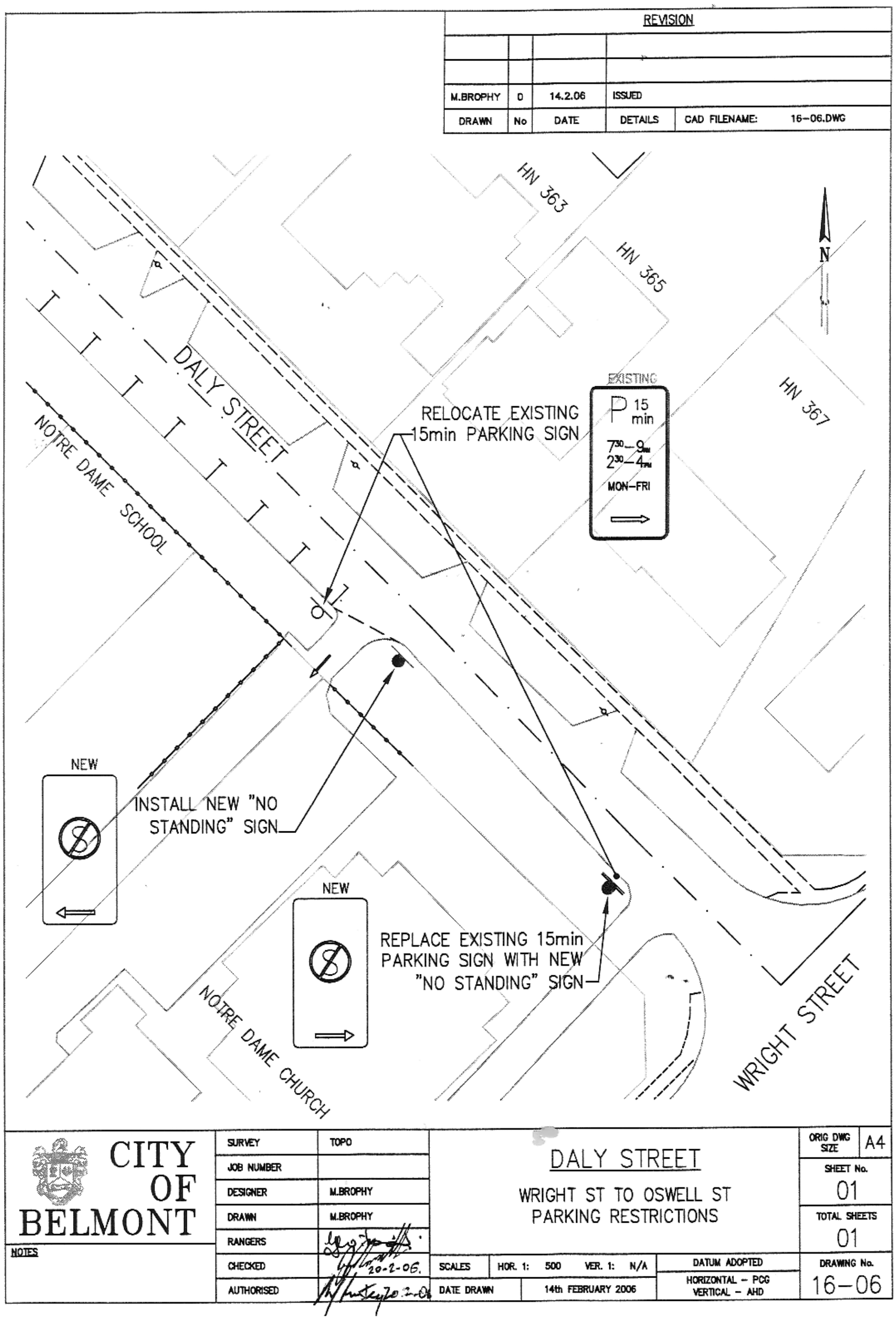
Confrontations also occur when vehicles exit the grounds of the Notre Dame Church into Daly Street.

No Standing signs in Daly Street between Wright Street and the new parking embayment will assist in keeping the area free from stationary motor vehicles during peak school times and improve the line of sight from the Church grounds back to Wright Street.

OFFICER COMMENT

Council Officers have visited this location and believe that the signs as shown on the plan below will be of benefit to the school community and road users in general.

Item 11.1.4 Continued



Item 11.1.4 Continued

FINANCIAL IMPLICATIONS

One post and two signs are required to complete this at a cost of approximately $100 each, including installation.

ENVIRONMENTAL IMPLICATIONS

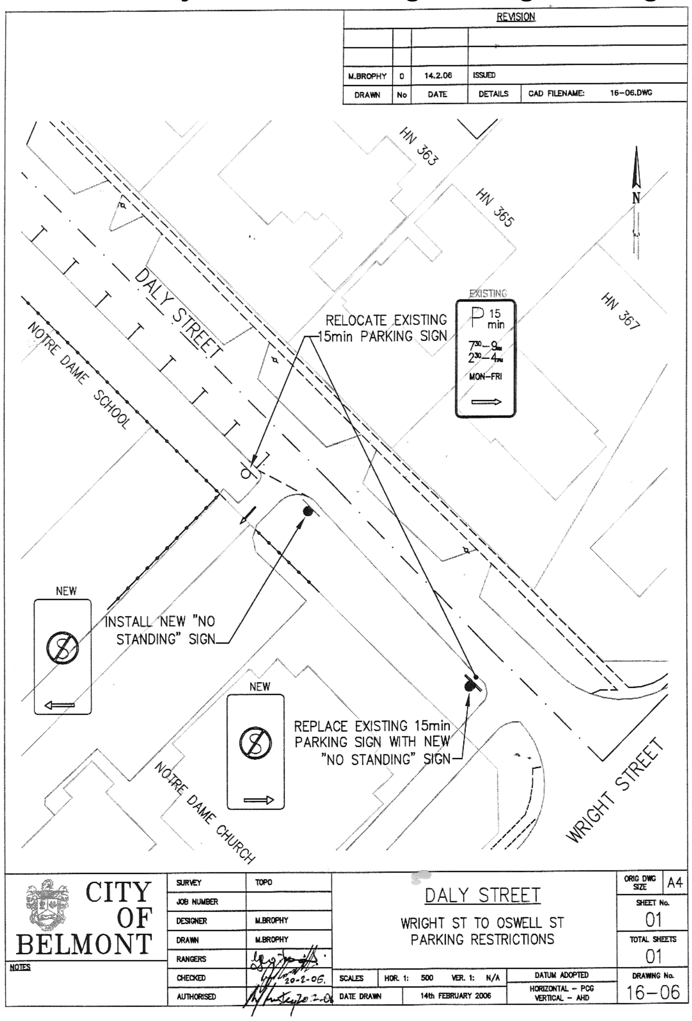
There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That the restrictive signs "No Standing" be approved along the Southern side of Daly Street outside the Notre Dame Church area on the Wright Street end as shown on City of Belmont Engineering Drawing Number 16-06 below.



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

11.1.5 Request for Parking Restrictions – Gerring Court Adjacent to Wilson Park, Rivervale

Report by Community & Statutory Services Division
- Health & Ranger Services

DATE

27 February 2006

PURPOSE OF REPORT

To approve parking restrictions in Gerring Court Rivervale.

SUMMARY AND KEY ISSUES

Council Officers have been approached by the Belmont Netball Association (Inc), with a request to install two ACROD bays with signage for wheel chair bound spectators and disabled access outside the Wilson Park Netball courts in Gerring Place, Rivervale.

The Belmont Netball Association (INC) has also requested a marked ambulance bay with appropriate “No Standing Anytime” signage be installed closest to the access gate that leads onto the bitumen courts area in Gerring Court.

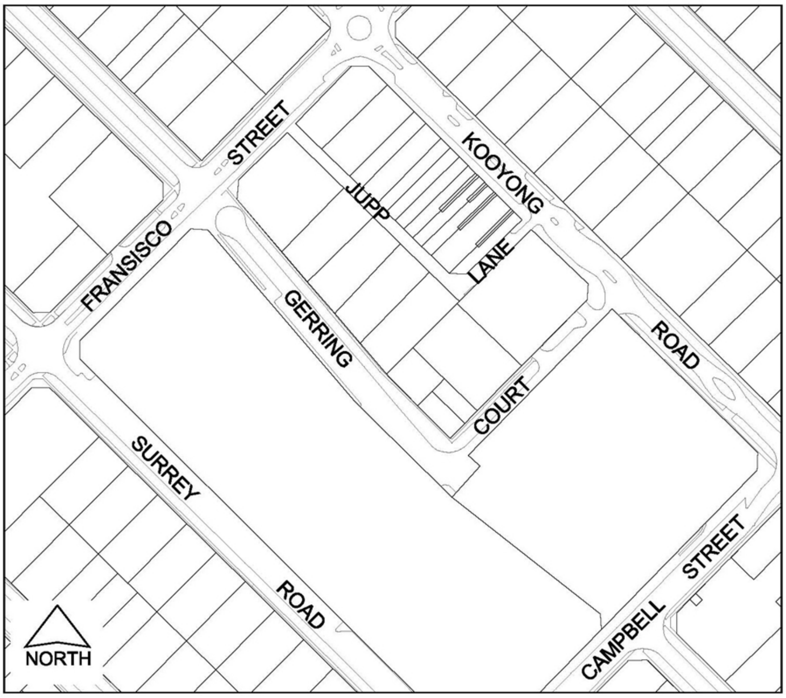
Officer Recommendation Summation

That the parking plan and restrictive signs be approved in Gerring Court Rivervale.

Item 11.1.5 Continued

LOCATION

Gerring Court Rivervale



APPLICANT

Not applicable.

FILE REFERENCE

92/005 Parking Complaints

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

As a result of a request from the Belmont Netball Association to install new signage, an information letter was sent out on 1 February 2006 asking residents in the nearby street, to consider the proposal and comment.

Item 11.1.5 Continued

The properties notified were:

- 1/7 Gerring Court, Rivervale
- 9 Gerring Court, Rivervale
- 13 Gerring Court, Rivervale
- 15 Gerring Court, Rivervale
- 17 Gerring Court, Rivervale
- 19 Gerring Court, Rivervale
- 21 Gerring Court, Rivervale
- 23 Gerring Court, Rivervale

No objections were received.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan impacts are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The City of Belmont Parking Local Laws would apply should Council establish parking restrictions in this area.

BACKGROUND

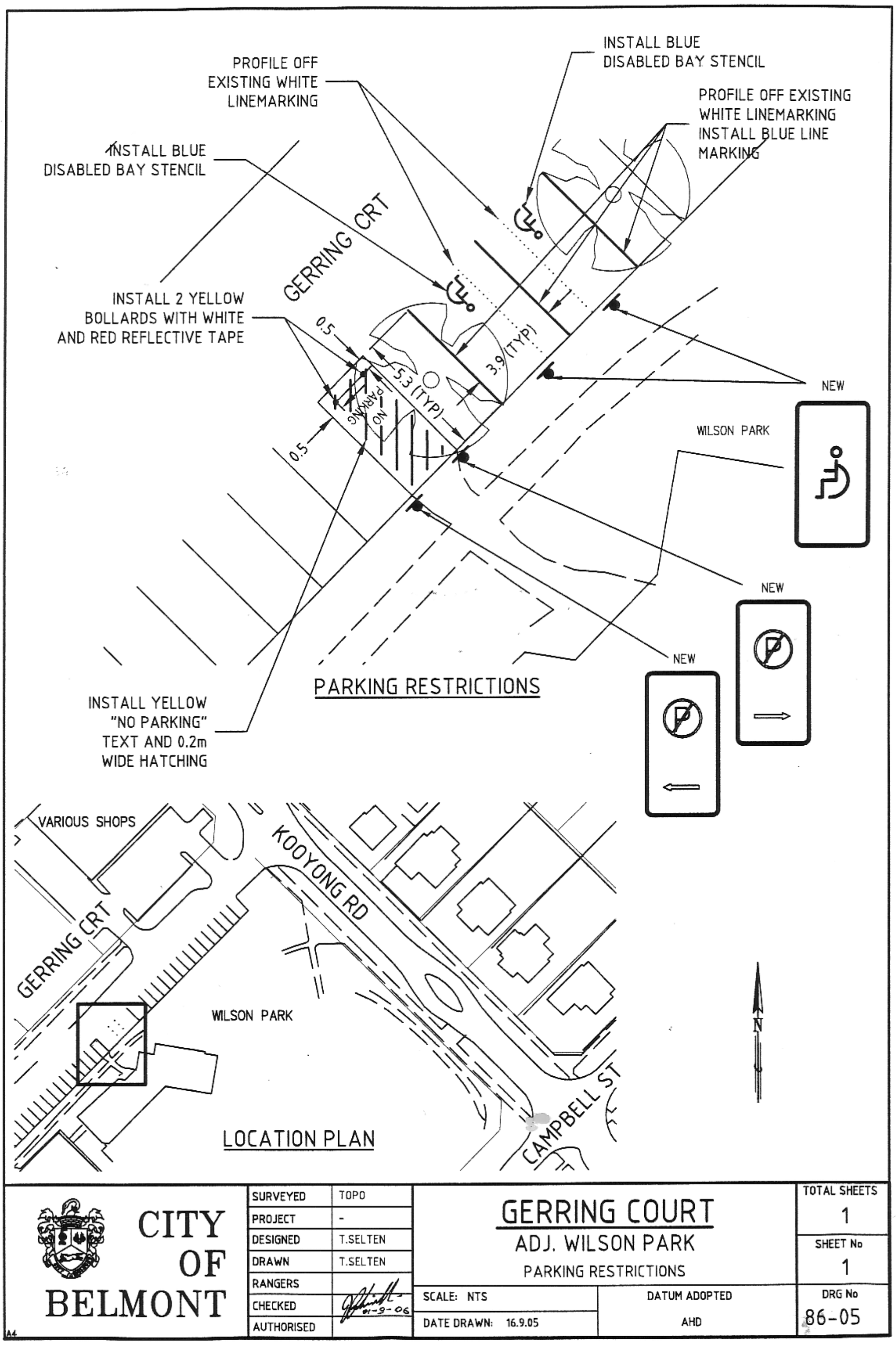
Council Officers have been approached by the Belmont Netball Association (INC), with a request to install two ACROD bays with signage for wheel chair bound spectators and disabled access outside the Wilson Park Netball courts in Gerring Place, Rivervale.

The Belmont Netball Association (INC) has also requested a marked ambulance bay with appropriate "No Standing Anytime" signage be installed closest to the access gate that leads onto the bitumen courts area in Gerring Court.

OFFICER COMMENT

Council Officers have visited this location and agree that the marked bays and signs (as shown in the plan below) will be of benefit to the community.

Item 11.1.5 Continued



Item 11.1.5 Continued

FINANCIAL IMPLICATIONS

Four posts and four signs are required to complete this at a cost of approximately $100 each, including installation.

ENVIRONMENTAL IMPLICATIONS

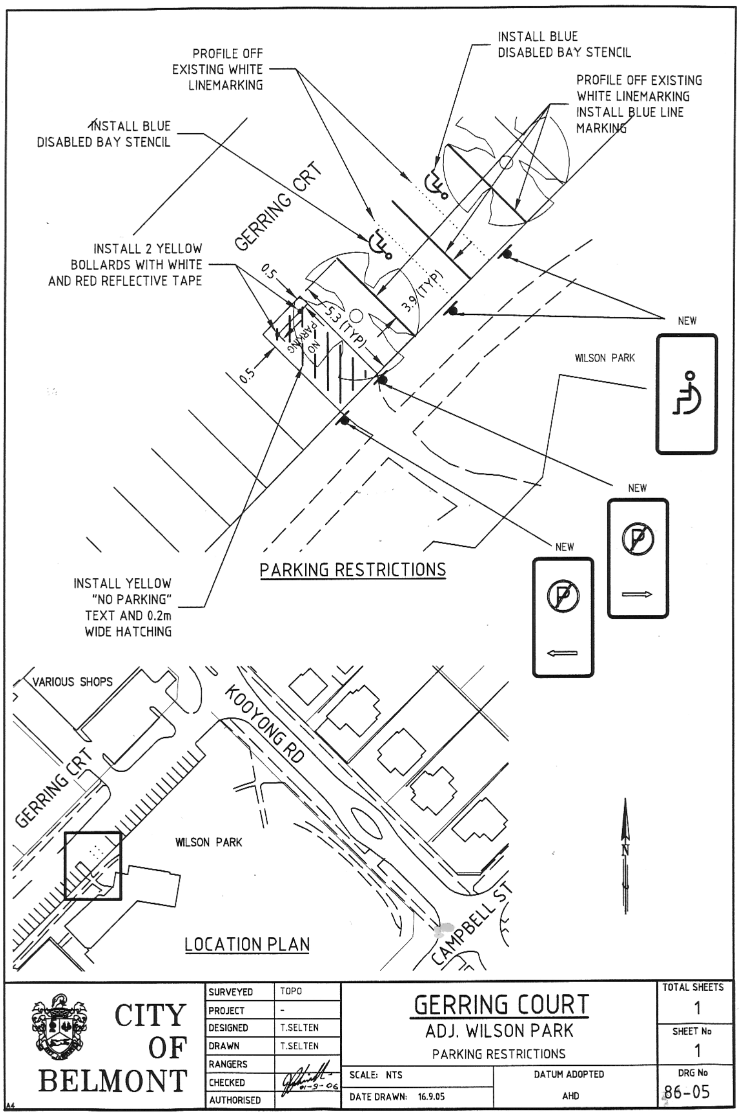
There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That restrictive parking signs be approved along the western end of Wilson Park Netball Courts, Gerring Court, Rivervale as shown on City of Belmont Engineering Drawing Number 86-05 below.



Officer Recommendation Adopted En Bloc – Refer To Resolution Appearing at item 11.1

11.1.6 Request for Parking Restrictions – St Augustine's Primary School, 22-34 Gladstone Road, Rivervale

Report by Community & Statutory Services Division
- Health & Ranger Services

DATE

27 February 2006

PURPOSE OF REPORT

To approve parking restrictions near St Augustine's Primary School, Rivervale.

SUMMARY AND KEY ISSUES

Council Officers have been approached by the Principal of St Augustine's Primary School to have two ACROD bays installed in Gladstone Road Rivervale outside the school.

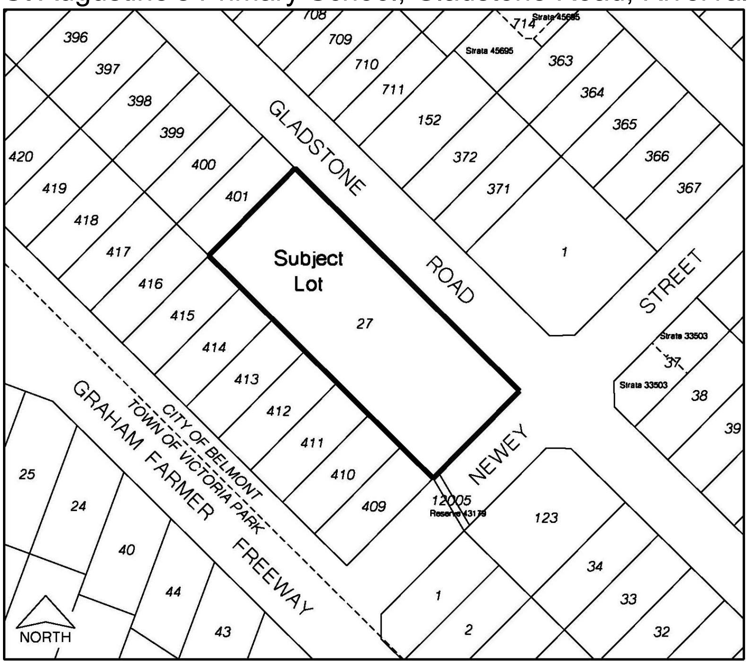
At present there are none available in the immediate vicinity.

Officer Recommendation Summation

That the parking plan and restrictive signs be approved in Gladstone Road Rivervale to allow the installation and marking of two parking bays to be designated for use as ACROD only.

LOCATION

St Augustine's Primary School, Gladstone Road, Rivervale



Item 11.1.6 Continued

APPLICANT

Not applicable.

FILE REFERENCE

92/005 Parking Complaints

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

As a result of a request from the Principal of St Augustine's Primary School, an information letter was sent out on 1 February 2006 asking residents in the nearby street to consider the proposal and comment.

The properties notified were:

- 6 Newey Street, Rivervale
- 18 Gladstone Road, Rivervale
- 19 Gladstone Road, Rivervale
- 20 Gladstone Road, Rivervale
- 21 Gladstone Road, Rivervale
- 23 Gladstone Road, Rivervale
- 25 Gladstone Road, Rivervale
- 27 Gladstone Road, Rivervale
- 29 Gladstone Road, Rivervale
- 31/35 Gladstone Road, Rivervale
- 36/38 Gladstone Road, Rivervale
- 39 Gladstone Road, Rivervale
- 40 Gladstone Road, Rivervale

No objections were received.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan impacts are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The City of Belmont Parking Local Laws would apply should Council establish parking restrictions in this area.

Item 11.1.6 Continued

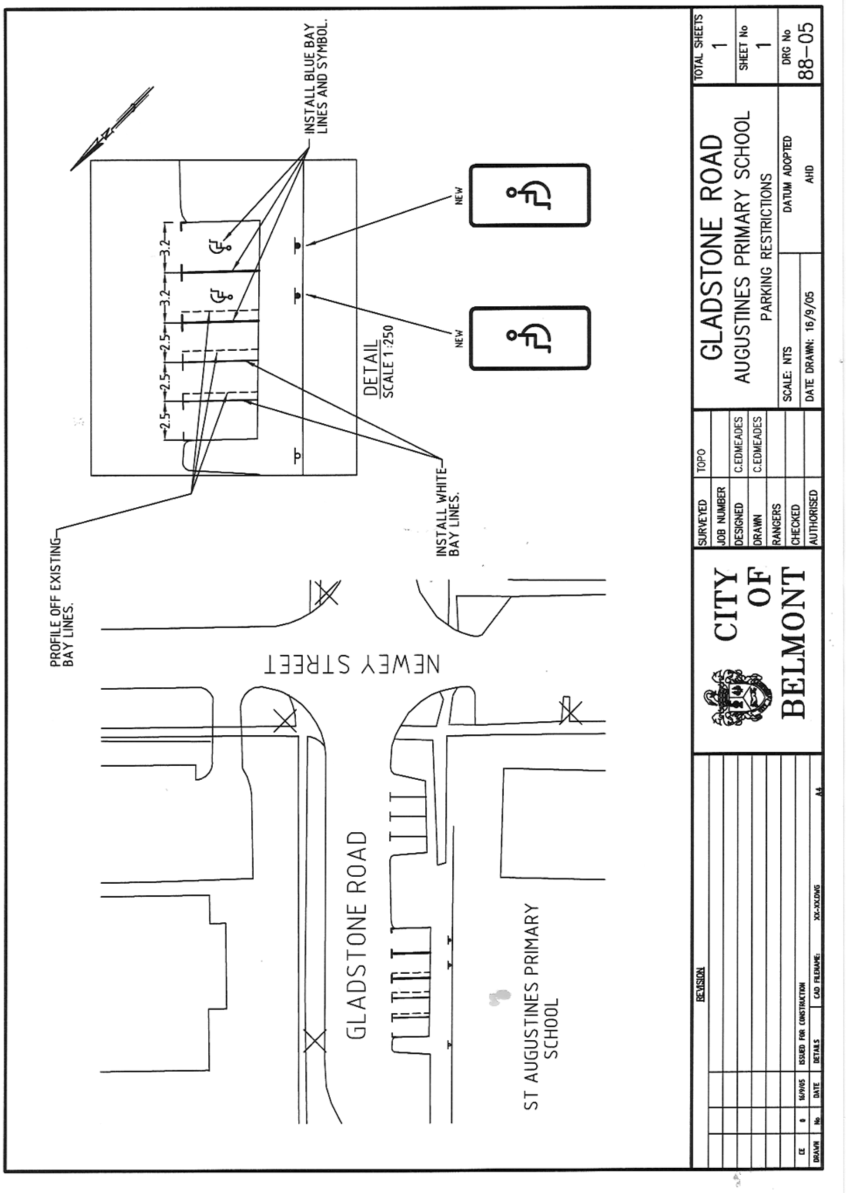
BACKGROUND

Council Officers have been approached by the Principal of St Augustine's Primary School, Gladstone Road Rivervale to have Council install two ACROD bays directly outside the school to facilitate the free movement of disabled persons and the associated parking of motor vehicles.

St Augustine's Primary School has requested that the area closest to the school entrance be considered for convenience when installing the marked bays and signage.

OFFICER COMMENT

Council Officers have visited this location (as shown below) and agree that the marked bays and signs will of benefit to the school and the community.



Item 11.1.6 Continued

FINANCIAL IMPLICATIONS

Two posts and two signs are required to complete this at a cost of approximately $100 each, including installation.

ENVIRONMENTAL IMPLICATIONS

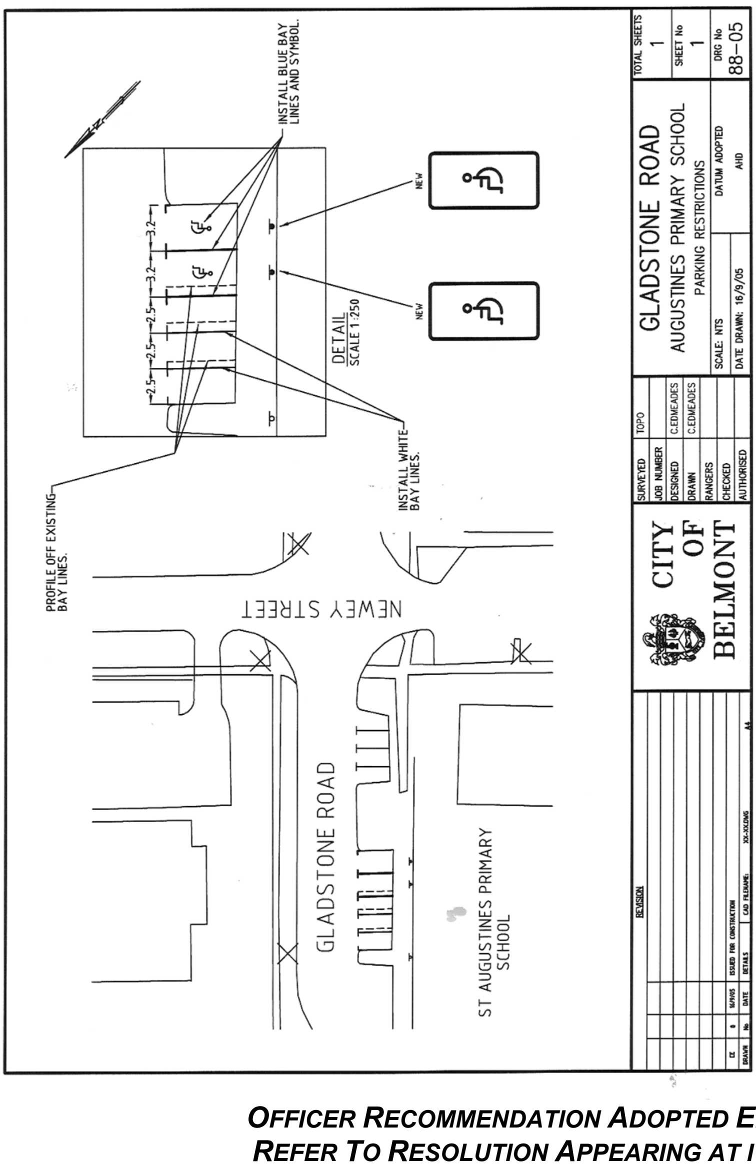
There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That the ACROD bays and associated restrictive parking signs be approved along the northern side of St Augustine's Primary School in Gladstone Road Rivervale as shown on City of Belmont Engineering Drawing Number 88-05 below.



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

11.1.7 Request for Parking Restrictions – Lapage Street, Belmont

Report by Community & Statutory Services Division
- Health & Ranger Services

DATE

20 February 2006

PURPOSE OF REPORT

To approve parking restrictions in Lapage Street near Barker Street in Belmont.

SUMMARY AND KEY ISSUES

Council Officers have noted that vehicular traffic has had difficulty with movement in the area of Lapage Street closest to the intersection of Barker Street in Belmont.

Council Officers have regularly attended this location over the past twelve months, having been called there by various complainants because of the parking problems.

These violations have been dealt with independently and to further improve safety in this area, restrictive signage is required in Lapage Street at the Barker Street end.

This area incorporates the Belmont Primary School and is opposite the St John's Ambulance Headquarters and the Roman Catholic Church grounds.

A large number of vehicles utilise this area for parking purposes and restrictive parking signs will assist in freeing up this congestive point.

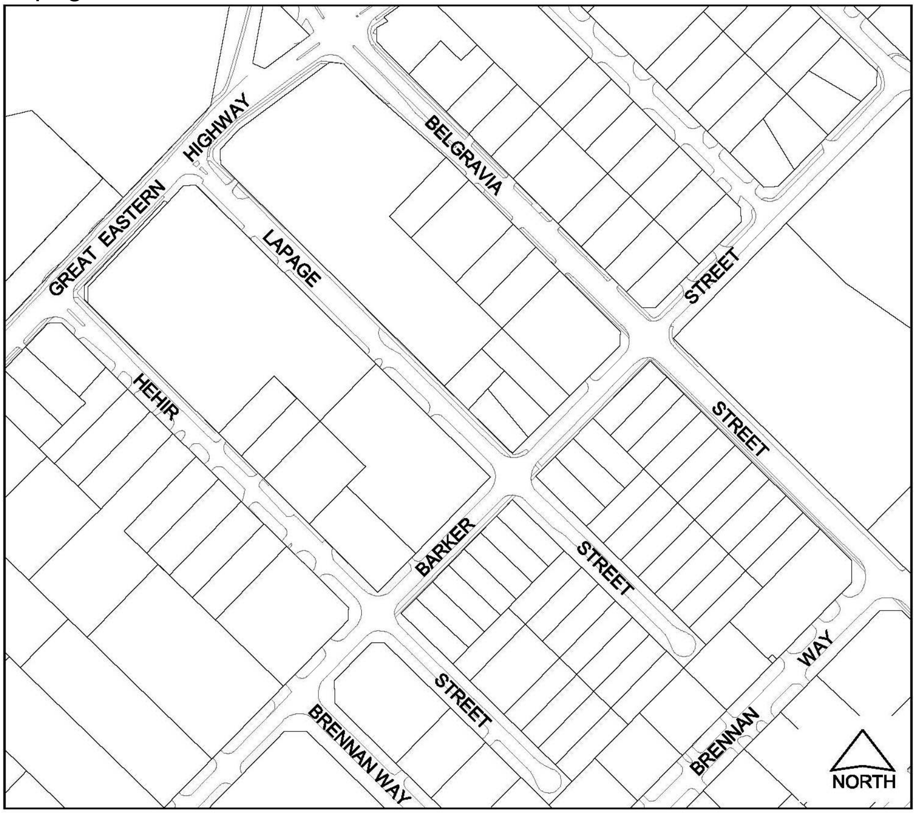
Officer Recommendation Summation

That parking restriction signs be approved in Lapage Street closest to the intersection of Barker Street.

Item 11.1.7 Continued

LOCATION

Lapage Street Belmont



APPLICANT

Not applicable.

FILE REFERENCE

92/005 Parking Complaints

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

Item 11.1.7 Continued

CONSULTATION

Following observations by Council Officers who have been called to this location regarding other illegal parking activities, a letter dated 1 February 2006 was forwarded to the nearby properties in Lapage Street Belmont requesting their comments on the installation of Parking Restriction signs in the form of 'No Standing on Road or Verge' signs.

The properties notified were:

- 203-209 Great Eastern Highway, Belmont
- 11-13 Hehir Street, Belmont
- 9 Lapage Street, Belmont
- 49 Barker Street, Belmont
- 51 Barker Street, Belmont
- 213 Great Eastern Highway, Belmont

No objections were received.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan impacts are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The City of Belmont Parking Local Laws would apply should Council establish parking restrictions in this area.

BACKGROUND

Council Officers are in receipt of requests to attend the area of Lapage Street regarding on street parking problems. Part of these problems resulted from motor vehicles parking alongside the end of the embayment parking area outside the Belmont Primary School.

These motor vehicles cause obstruction to vehicles travelling in the opposite direction because there currently are no parking restrictions.

The position in question where motorists are parking creates a blind spot and thus an obstruction and a safety problem.

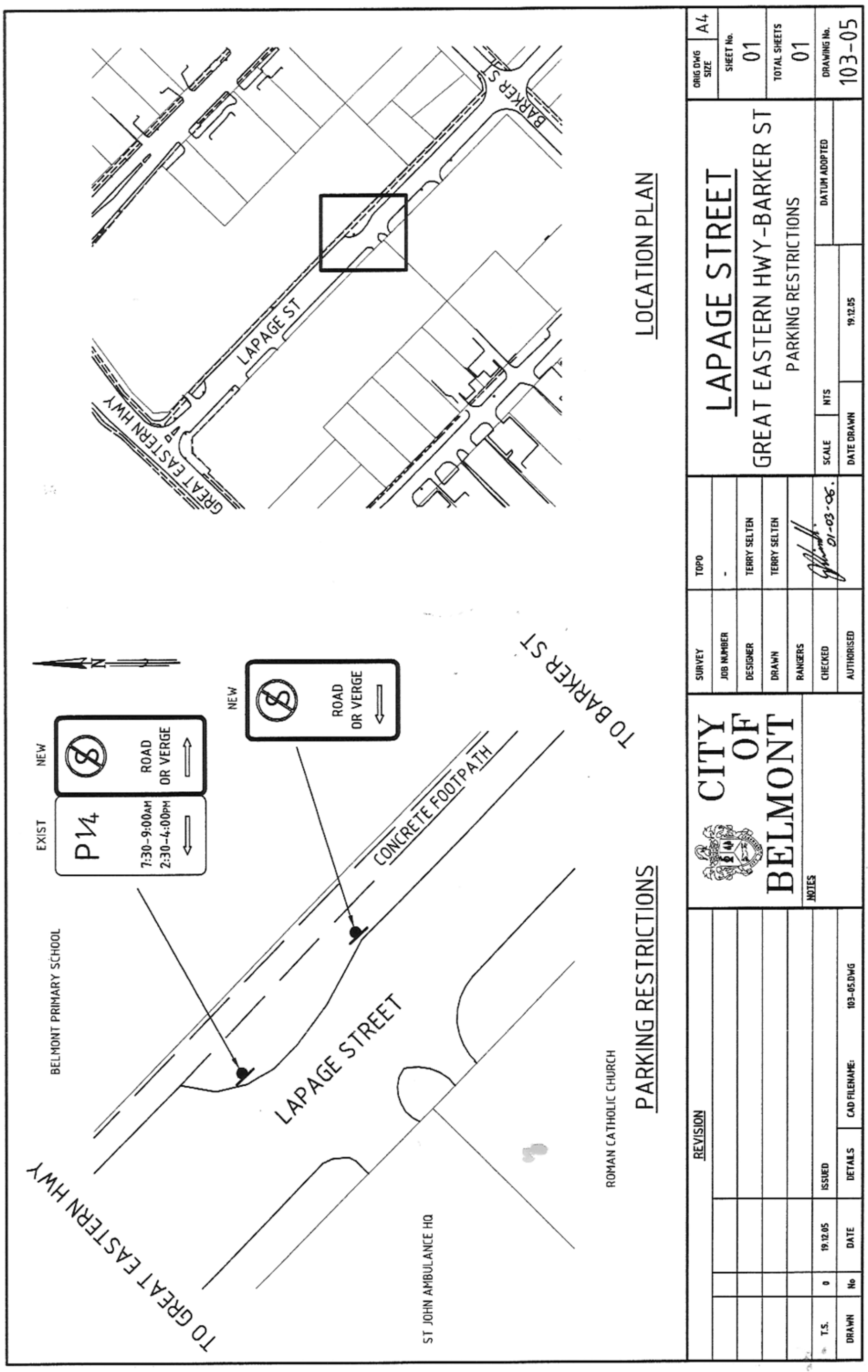
Restrictive Parking signs will clear this point of carriageway and give a clear field of vision for motor vehicles travelling along Lapage Street towards Barker Street.

Item 11.1.7 Continued

OFFICER COMMENT

Council Officers have visited this location over the past twelve months after receiving complaints from business owners and proprietors and have witnessed the obstruction to driveways/verges.

It is recommended that restrictive parking signs be approved for the north east side of Lapage Street Belmont, as shown in the plan below, to advise motorists that parking is restricted in that area.



Item 11.1.7 Continued

FINANCIAL IMPLICATIONS

Two x posts and two signs are required to complete this at a cost of approximately $100 each, including installation.

ENVIRONMENTAL IMPLICATIONS

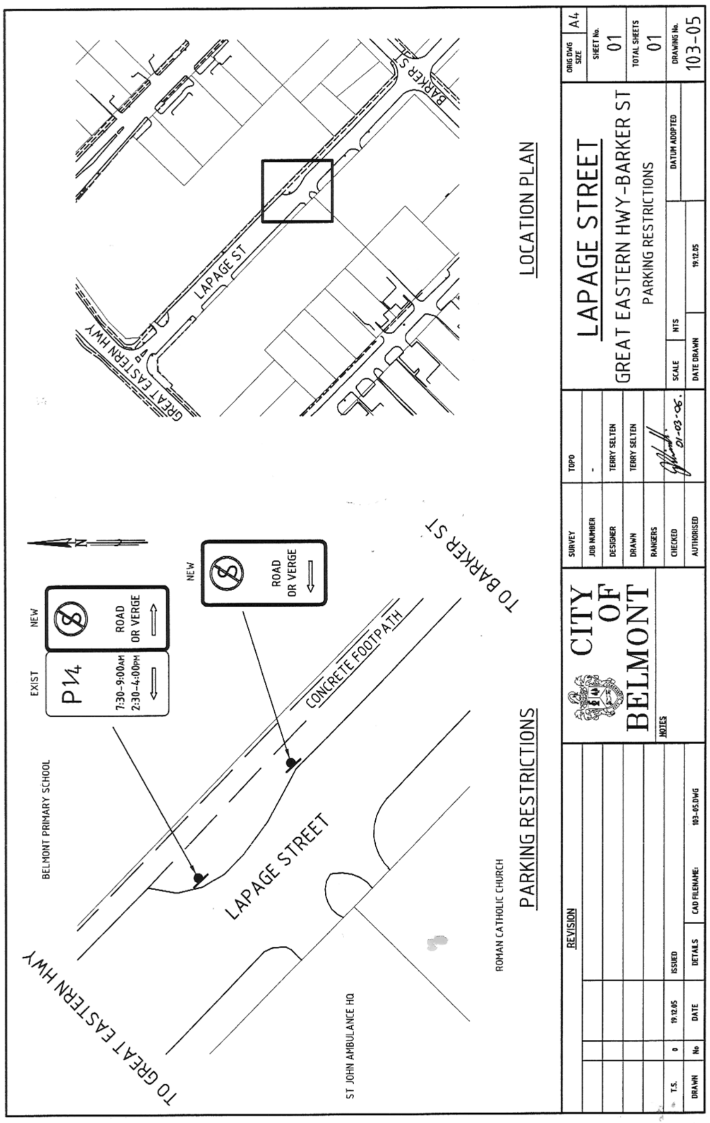
There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That restrictive parking signs be approved along the north east side of Lapage street Belmont prior to Barker Street as shown on City of Belmont Engineering Drawing Number 103-05 below.



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

11.1.8 Collection and Disposal of Used Syringes

Report by Community & Statutory Services Division
- Health & Ranger Services

DATE

20 February 2006

PURPOSE OF REPORT

Council is required to decide whether to provide a syringe collection and disposal service to pharmacy outlets.

SUMMARY AND KEY ISSUES

Council's Health Department was requested to provide a report to Council to determine the feasibility of providing a syringe collection and disposal service to Pharmacy outlets within the City of Belmont.

The request arose as a result when a Pharmacist's clients enquired how she could dispose of used needles and syringes. The Pharmacist had then enquired whether the City has any such service it can offer.

Officer Recommendation Summation

Because avenues already exist for the appropriate disposal of needles and syringes for diabetics, it was considered that the provision of the service by the City would not be as beneficial as originally anticipated therefore. It is therefore recommended that:

1. The City does not provide a needle and syringe collection service to its Pharmacies.

2. The Health Department write to all the pharmacies within the City and advise them of the National Diabetes Service Scheme and provide them with the NDSS website and a list of the closest sub-agents.

LOCATION

All Pharmacy outlets within the City of Belmont.

APPLICANT

Not applicable.

FILE REFERENCE

49/010 General Enquiries & Information

Item 11.1.8 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

The majority of Pharmacies within the City of Belmont were contacted and surveyed on what they do in regard to the collection and disposal of used syringes.

STRATEGIC PLAN IMPLICATIONS

No Strategic plan impacts are evident at this time.

POLICY IMPLICATIONS

If Council resolves to provide this service a new policy will need to be created.

STATUTORY ENVIRONMENT

The local Government Act 1995 details an "Executive Function Test" for the provision of services by a Local Government. Section 3.18 of the Act states:

> *"A local Government is to satisfy itself that services and facilities that it provides:*
>
> *(a) Integrate and coordinate, as far as practicable, with any provided by the Commonwealth, the State or any public body.*
>
> *(b) Do not duplicate to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
>
> *(c) are managed efficiently and effectively."*

In applying this test, it is considered inappropriate for the Council itself to provide a service of collection and disposal of used syringes when this is offered by the private sector.

BACKGROUND

It has been requested that a report be put to Council to determine the feasibility of providing a syringe collection and disposal service to Pharmacy outlets within the City of Belmont.

Item 11.1.8 Continued

A local Pharmacist has enquired whether the City has or could provide a syringe collection and disposal service.

OFFICER COMMENT

The Health Department conducted a survey of most of the City's Pharmacies to determine what the pharmacies were doing about the collection and disposal of used needles and syringes.

It was initially thought there may have been a potential problem with the disposal of used needles and syringes and there may have been an opportunity to provide a means of preventing a perceived problem. The survey, however, showed that the greatest majority of persons requiring the disposal of used needles and syringes through pharmacy outlets were diabetics and that an existing free service was also already available through the National Diabetes Service Scheme.

The Survey also revealed that some local pharmacists in the City of Belmont refer diabetic patients requiring syringe disposal to the Soul Pattison, East Victoria Park Pharmacy that offer a free disposal service. Soul Pattison in East Victoria Park is a sub-agent as a part of the National Diabetes Service Scheme (NDSS). Others either refer their clients to their doctors or in one case provide a collection service as a customer service and dispose of the used needles and syringes through its franchise.

Information on this scheme was sought at http://www.dawa.asn.au/ndss, the website for the Western Australian division of Diabetes Australia Ltd. Essentially, Diabetes Australia Ltd appoints pharmacies to be Sub-Agents as a part of the NDSS. The NDSS service ensures that people with diabetes have access to a service specific to their needs. People diagnosed with diabetes can register with the NDSS to receive subsidised prices for equipment and services.

The other problem associated with indiscriminate disposal of syringes is generally not associated with Diabetics. There is a problem with the occasional needle and syringe being found in the recycling bins and this issue has been raised at the EMRC with the intention of addressing this issue. The disposal in the general rubbish bin creates a lesser problem because there is no manual handling of the rubbish.

The City's Health Department has placed tamper proof needle and syringe disposal containers throughout the City in locations where discarded needles were a problem. These containers are regularly emptied and have significantly reduced the number of discarded needle and syringe complaints.

Given that there is an existing free service already in place and there is an option for diabetics to return needles to their doctor the perceived problem is not as problematic as originally thought. This being the case, it would seem that the provision of a special needle and syringe collection service to the Pharmacies, within the City of Belmont, by the City's Health Department would not achieve a great deal but would impact on the resources and budget of the Health Department.

Item 11.1.8 Continued

FINANCIAL IMPLICATIONS

There would be financial implications with current disposal costs being charged by MEDI COLLECT being $55 for the first 35 kilos then an additional $2 per kilo after that. It is not possible to give an accurate cost because there will be influencing factors that would need to be monitored before true costs could be estimated. There would also be costs associated with providing resources to this service but again it is difficult to estimate accurately because of such factors as the uptake of the service and the frequency required, however it is considered that it would require an officer approximately a morning to service all 14 pharmacies within the City.

ENVIRONMENTAL IMPLICATIONS

It is not considered that this service would change the current environmental status.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That:

1. ***The City not provide a needle and syringe collection service to its Pharmacies.***

2. ***The Council's Health Department write to all the pharmacies within the City and advise them of the National Diabetes Service Scheme and provide them with the NDSS website and a list of the closest sub-agents.***

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

11.1.9 Lot 951 (228) Epsom Avenue, Belmont - Keeping of Excess Numbers of Cats for Scientific Purposes

Report by Community & Statutory Services Division
- Health and Ranger Services

DATE

20 February 2006

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

The owner has equipped the garage at Lot 951 (228) Epsom Avenue, Belmont with cages and runs to house breeding cats which she claims are not for sale but are being used for research into cystic fibrosis in humans. For this reason the owner has requested permission to keep more than the two adult cat limit that is prescribed in the City of Belmont Health Local Laws 2002. Council's Manager-Health and Rangers Services believes that the owner is running a cat breeding operation and the research is not legitimate or sanctioned by any approving authority.

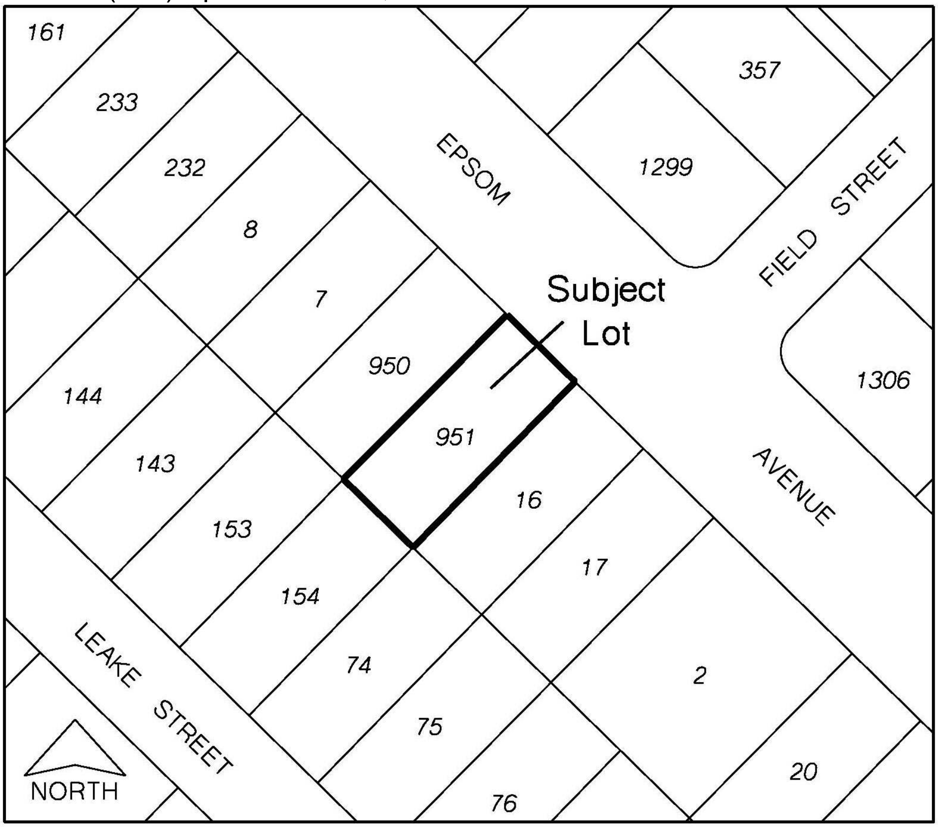
Officer Recommendation Summation

Because there have been no sanctions or approvals for any research to be carried out on these cats and as we have been informed by Dr Jeni Hood, from the Department of Local Government and Regional Development that to do so without specific approvals would be an illegal practice, it is recommended that Council not approve the keeping of more than two cats over the age of three months at Lot 951 (228) Epsom Avenue, Belmont and that the current number of cats be reduced to two adult cats within 14 days of notification of Council's decision.

Item 11.1.9 Continued

LOCATION

Lot 951 (228) Epsom Avenue, Belmont



APPLICANT

Angela Irvine and Trevor Dawes

FILE REFERENCE

16/004 Horse / Livestock / Cat Complaints

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

Item 11.1.9 Continued

CONSULTATION

Consultation has taken place with Ron Soutar, Chief Inspector of the RSPCA (WA) and Dr Jeni Hood, Special Advisor Live Export & Scientific Officer with the Department of Local Government & Regional Development.

Consultation with Ron Soutar has been through a meeting at Council offices, telephone discussions, correspondence and emails. Consultation with Dr Hood has been by email.

STRATEGIC PLAN IMPLICATIONS

No strategic plan impacts are evident at this time

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

BACKGROUND

On 17 October 2005, Council's Health & Ranger Services received a complaint regarding an excessive number of cats being kept at Lot 951 (228) Epsom Avenue, Belmont and that the waste bins had an offensive odour.

That same day Council's Senior Environmental Health Officer (SEHO) in the company of the district Environmental Health Officer (EHO) visited the property and discussed the complaint with Ms Irvine who invited both the officers in to inspect the garage at the rear of the property. The garage had been converted into about seven pens with access to external runs down the side of the garage. The majority of pens were occupied and a pen had one female nursing a small litter of kittens. Approximately four other cats were noted inside the house. Ms Irvine was notified that the City of Belmont Health Local Laws 2002 stated she could only keep two adult cats over the age of three months and she would have to reduce the numbers accordingly.

When the SEHO returned to the Council Offices an email had been received from Ms Irvine stating she had checked the City's Health Local Laws and would like to apply for an exemption to allow her to keep extra cats as she was conducting animal research into the link between hairless cats and Cystic Fibrosis in humans. She also stated that any breeding of cats was done as part of this research work and she gained no financial benefit from the program as she did not sell the kittens.

Item 11.1.9 Continued

The only cost to purchasers of the kittens was to cover sterilisation, micro-chipping and vaccination costs incurred by Ms Irvine prior to re-homing. It was also stated that she currently had 11 breeding cats, one litter of kittens and two other kittens that were of no use to her program and would be re-homed once they reached three months of age. Ms Irvine confirmed she would forward reports by her vet detailing their involvement in this research.

At this stage the SEHO contacted Ron Soutar, Chief Inspector of the RSPCA (WA) and discussed Ms Irvine's comments in regard to her breeding of cats for research purposes. Mr Soutar expressed concerns as any form of animal research requires licensing, assessment by ethical review panels and other strict controls covered by animal welfare legislation.

In response to the email provided by Ms Irvine, a letter dated 20 October 2005 was sent by Council's Health Department, requesting letters of support from surrounding properties, a report from her vet detailing their involvement in the research and details of the numbers of kittens she had bred and re-homed since moving into the property. Ms Irvine was requested to submit these requirements to Councils Health Department within 21 days.

On 1 November 2005, Ms Irvine submitted a facsimile showing a cargo consignment note that indicated one male Syphnx cat had been sent to Kuala Lumpur.

By 14 November 2005, Council had only received the aforementioned facsimile from Ms Irvine and no response to Council's letter dated 20 October 2005. The SEHO again visited the property and discussed the matter with Ms Irvine and her partner Mr Trevor Dawes. Ms Irvine showed the SEHO three more consignment notes showing four more cats had been re-homed as she was wanting to get down to a "workable six".

The SEHO reminded them that Council still needed more information before it could consider her request and Ms Irvine responded by advising that her vet was on holidays but was due back on 16 November 2005 and she would obtain a report. The SEHO asked for a report by 18 November 2005 so that the matter could be put to Council for consideration.

Ms Irvine went onto say she had been breeding cats for this purpose for the last seven years, the previous five years having been from premises in Gosnells with the knowledge of that local government.

The SEHO asked Ms Irvine how many kittens she had bred and re-homed in the last one and half to two years to which she replied about 11. The SEHO enquired if that would be about two litters plus the three kittens he had seen in the garage previously to which Ms Irvine agreed and reiterated that none had ever been sold for profit and she only charged to cover her expenses.

On 21 November 2005, the SEHO left a message for Ms Irvine to contact him as nothing had yet been submitted to Council. An email received from Ms Irvine on 22 November 2005 stated that another cat had been re-homed and that she would submit her report to Council that week.

Item 11.1.9 Continued

On 29 November 2005, the SEHO again telephoned Ms Irvine enquiring as to the status of the report, Ms Irvine stated that her vet was the cause for the delay.

On 2 December 2005, Ms Irvine submitted her report to Council for consideration. The report reiterated Ms Irvine's previous statements that she was breeding cats to assist in research into Cystic Fibrosis with supporting letters from Dr Brendan Kay and Dr Steven Metcalfe of the Applecross Veterinary Hospital. Also attached was a petition of support from neighbours at 248, 230 & 222 Epsom Avenue and 205 Leake Street (however this resident later retracted his support).

The SEHO met with Ron Soutar, Chief Inspector of RSPCA (WA) who expressed concerns regarding the legitimacy of the research. A copy of the Ms Irvine's report was given to Mr Soutar to allow him to liaise with Dr Jeni Hood, Special Advisor Live Export & Scientific Officer with the Department of Local Government and Regional Development.

On 12 January 2006 & 13 January 2006 the Acting Chief Executive Officer had telephone conversations with Trevor Dawes with the results of their discussions confirmed in a letter to Mr Dawes and Ms Irvine dated 13 January 2006.

A letter received from Mr Soutar dated 30 January 2006 confirmed Dr Hoods' investigations had revealed that there was no evidence that the veterinarians at the Applecross Veterinary Hospital were involved in conducting scientific trials with these cats.

An email received from Dr Hood on 6 February 2006 confirmed that Angela Irvine did not hold a licence under the Animal Welfare Act 2002 to conduct research, including the breeding of cats. Dr Hood also advised that any use of animals for scientific purposes, including non-invasive research, is prohibited unless it is licensed and accords with the scientific code.

On 9 February 2006, a letter was received signed by four of the five property owners directly adjacent to Lot 951 (228) Epsom Avenue, Belmont. The signatories expressed great concern about the activities and practices associated with the cats that were taking place at the said property and also that they believed Ms Irvine and Mr Dawes were conducting an illegal business under the guise of medical research. Within the letter it is also mentioned that when the daytime temperature exceeds 30°C there is an "unbearable" smell that emanates from the garage in which the cats are kept.

OFFICER COMMENT

During a visit to the property it was confirmed that the garage had been fitted out specifically for the keeping of cats in cages.

All cats on the property were either caged or confined within the house.

A letter received from four out of the five surrounding property owners, expressed objection to the keeping and breeding of cats on the property for a number of reasons. In particular, that the use of medical research as justification for the breeding was untrue and simply an excuse for the breeding and sale for profit. Other health matters claimed by the petitioners have not been confirmed.

Item 11.1.9 Continued

Ms Irvine and Mr Dawes requested an exemption from the Local Laws based on the premise that all cats bred on the property are used for scientific purposes and any unsuitable kittens are simply re-homed on a non-profit basis. During conversations with the SEHO they have flatly denied being cat breeders.

By Ms Irvine's own admission she originally had 11 adult breeding cats, but since the matter has come to the attention of the SEHO she wished to reduce their numbers to a "workable six". Ms Irvine also stated to the SEHO that in the last year and a half they have only bred about 11 kittens.

Feedback from Ron Soutar of the RSPCA (WA) and Dr Jeni Hood has confirmed that in their opinions the research has no scientific legitimacy which undermines Ms Irvine and Mr Dawes request for an exemption to the Local Laws. If any scientific research was being done, it would be unlicensed and therefore illegal and could not be sanctioned by the City.

Further, investigations have revealed Ms Irvine is a member of the Waratah National Cat Alliance and their website (www.wnca.com.au) lists Ms Irvine as a breeder of Russian Blue Ragdolls and Syphnx cats. This site also provides a link to Ms Irvine's own website www.ragtail.com. The home page has a banner stating "Newsflash- We now have chocolate and lilac ragdoll kittens available for sale in pointed, bicolour and tabby patterns". A second page headed "Buying a Ragdoll" gives instructions as to how a customer would go about buying a kitten from them. This site was last updated on 27 November 2005 which is at least a month after the SEHO first visited the property.

Based on the aforementioned information, it is the opinion of the Manager-Health and Ranger Services that Ms Irvine and Mr Dawes are not breeding cats for research purposes but rather for the purpose of sale. Any research into Cystic Fibrosis is considered secondary to the sale of kittens and also has no legal sanction by animal welfare bodies.

A record of relevant correspondence relating to the above can be made available to Councillors on request.

<u>Planning Implications</u>

The operation of a cattery is a use not listed under the City of Belmont Town Planning Scheme No. 14. If a use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes in the Zoning Table, the Council in dealing with an application for Planning Approval involving that use may:

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

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

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

Item 11.1.9 Continued

FINANCIAL IMPLICATIONS

It should be appreciated by Council that considerable officer time was involved in the discussion and research of this item.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That

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

2. If part 1 of the recommendation is not complied with, Council authorise the Manager-Health & Ranger Services to initiate legal proceedings.

***BASS MOVED, DORNFORD SECONDED*, that the item be deferred to give Councillors the opportunity to obtain further information required to make a decision.**

LOST 2 VOTES TO 8

For: Bass, Dornford

Against: Godfrey, Hitt, Marks, Martin, Powell, Rossi, Teasdale, Whiteley

***TEASDALE MOVED, MARTIN SECONDED*, that to provide additional time for the applicant to take action the Officer Recommendation be amended and adopted to read -**

1. that Council not approve the keeping of more than two cats over the age of three months at Lot 951 (228) Epsom Avenue, Belmont and that the current number of cats be reduced to two adults cats within 45 days of notification of Council's decision.

2. If part 1 of the recommendation is not complied with, Council authorise the Manager-Health & Ranger Services to initiate legal proceedings.

CARRIED 9 VOTES TO 1

For: Godfrey, Hitt, Marks, Martin, Powell, Rossi, Teasdale, Whiteley, Bass

Against: Dornford

11.2 SOCIAL BELMONT

Nil.

11.3 ECONOMIC BELMONT

11.3.1 Belmont Community Nursing Home & Lodge – Lease Variation & Renewal

Report by Corporate & Governance Division

DATE

2 March 2006

PURPOSE OF REPORT

To seek Council's endorsement for the variation & renewal of the Belmont Community Nursing Home & Lodge leases between the City of Belmont and Danvero Pty Ltd, a member of the Hall & Prior Aged Care Organisation.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The City has two existing lease agreements with Danvero Pty Ltd for both the Belmont Nursing Home – located on 5 Kemp Place, Rivervale and the Belmont Lodge – located on 14 Cleaver Terrace, Rivervale.

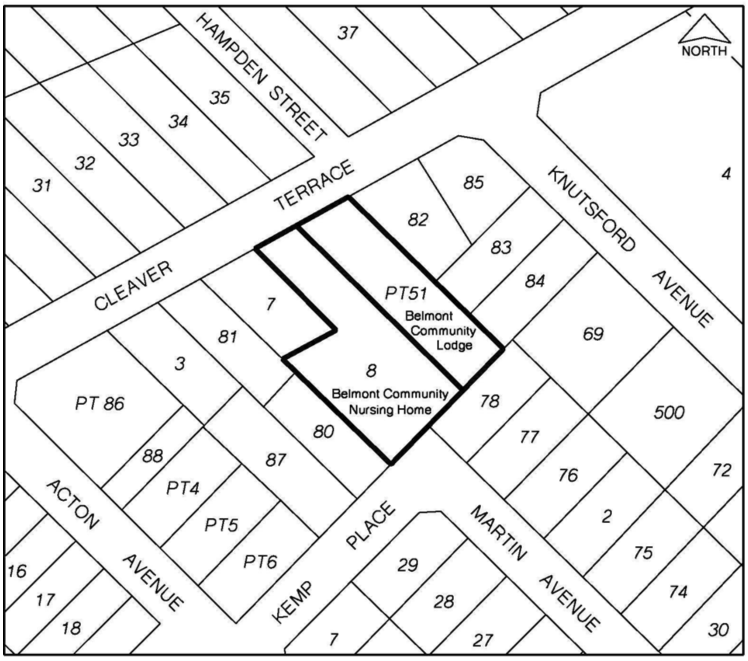
Officer Recommendation Summation

To reaffirm the Council's consent to the option of renewal and approve several lease variations.

Item 11.3.1 Continued

LOCATION

Belmont Community Nursing Home - Lot 8 (5) Kemp Place, Rivervale.
Belmont Community Lodge - Pt Lot 51 (14) Cleaver Terrace, Rivervale.



APPLICANT

Danvero Pty Ltd, a member of the Hall & Prior Aged Care Organisation.

FILE REFERENCE

70/007 Lease of Council Property.

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

This matter has not been subject to community consultation as the lease matters are regarded as operational.

Item 11.3.1 Continued

STRATEGIC PLAN IMPLICATIONS

The City's Strategic Plan 2006 – 2010 includes the following Strategy: -

> *"Operate Council's land and facilities portfolio as a capital-efficient investment."*

POLICY IMPLICATIONS

C3.8.1 – Asset Management

"Provide a framework for implementing Asset Management to enable a consistent, co-ordinated and strategic approach at all levels of Council."

C4.6.2 - Improvements to Become the Property of Council

"To maintain a high standard of appearance of Council property."

STATUTORY ENVIRONMENT

Aged Care Act 1997 (Commonwealth)

The objects of this Act are to provide for funding of aged care that takes account of:

- (i) The quality of the care; and
- (ii) The type of care and level of care provided; and
- (iii) The need to ensure access to care that is affordable by, and appropriate to the needs of, people who require it; and
- (iv) Appropriate outcomes for recipients of the care; and
- (v) Accountability of the providers of the care for the funding

BACKGROUND

In late 2004 the City of Belmont received notification by the Lessee (Hall & Prior) of its intention to exercise the lease renewal option term of ten (10) years for both the Belmont Community Nursing Home and Lodge. The City subsequently approved the extension of both leases in September 2004 and Officers have attempted to formalise the endorsement of the leases.

At its Ordinary Meeting of Council held on the 28 September 2004 it was resolved;

"That Council –

1. Note the exercising of the option terms by Davero Pty Ltd for the Leases of the Belmont Community Nursing Home and Lodge and authorise the Chief Executive Officer to negotiate a lease rental for the extended lease terms in accordance with the lease conditions and not being less than that currently being received (plus CPI indexes);

2. Consent to Danvero Pty Ltd mortgaging the above leases to St Georges Bank; and

3. Authorise the application of the Common Seal of the City of Belmont to all documents required to facilitate the above approvals."

Item 11.3.1 Continued

Hall & Prior have since ceased operations from the Lodge owing to the building not being suitable for their use. In addition the Nursing Home requires significant structural improvements in order for it to achieve Commonwealth accreditation in 2008.

These issues have resulted in significant discussions being undertaken in order to ensure Hall & Prior's services continue to be supplied to Belmont residents and return an acceptable commercial return on the City of Belmont's property portfolio.

Hall & Prior have expressed the desire to demolish the Lodge and install landscaped gardens at their cost in order to provide greater external amenity to residents & visitors of the Belmont Community Nursing Home. This is supported by Officers on the condition that the lease fee for the Lodge's land area is calculated on carparking (11 bays) and an unimproved land value for the remaining portion of land.

A valuation undertaken by the City of Belmont's valuer confirmed that a fair market rental for Belmont Community Nursing Home (5 Kemp Place, Rivervale) would reside in the range of $2,500 - $3,000 per bed per annum and that any figure inside this range would be appropriate. Negotiations with Hall & Prior have resulted in a figure of $2,750 per bed per annum being recommended for approval. This amount when calculated over the 52 licensed beds equates to a commencement rental of $143,000 per annum (excluding GST).

The Belmont Community Nursing Home is subject to the Aged Care Act 1997 (C'wealth) accreditation requirement in 2008. Accreditation itself comprises of both physical and procedural compliance. Preliminary advice is that the Nursing Home requires structural alterations & improvements in order to achieve compliance. It is proposed that the City of Belmont seek an independent engineers report detailing the estimated costs of structural compliance for accreditation purposes.

Under the current lease it is not certain as to whether the Lessee (Hall & Prior) or Lessor (City of Belmont) is responsible for such works. Regardless it is in the City of Belmont's interest that the Nursing Home achieves accreditation in order for the continuance of a commercial return for the subject sites (In excess of $1,300,000 for the term of the lease).

Therefore it is proposed that the City of Belmont forfeit the equivalent amount of rent up to a maximum of the 2007 rental amount (approximately $150,000) in order for the funds to be used by Hall & Prior for structural accreditation works. Hall & Prior would be required to enter into a contractual agreement for an equal amount that would be payable to the City of Belmont should Hall & Prior not achieve accreditation.

Hall & Prior have requested annual rent reviews be fixed against the Commonwealth Own Purpose Outlays Index (COPO). COPO is the mechanism the Commonwealth uses to determine increases in funding from year to year. This index is historically lower than the Consumer Price Index and could potentially see a reduction in the City's future commercial return. Officers do not support the use of COPO as the rental index method on the basis that the City of Belmont should not bear the costs of any reduction in Federal funding granted to the aged care industry.

OFFICER COMMENT

By undertaking a contractual agreement Hall & Prior will remain focused on accreditation and in the event they are unsuccessful in accreditation then the City of Belmont would recoup the forfeited rental amount.

Item 11.3.1 Continued

FINANCIAL IMPLICATIONS

As the annual lease term resides over two financial periods the forfeiture of the 2007 rental amount would have an impact on the 2006/2007 and 2007/2008 operating budgets and will need to be adjusted to reflect the reduced income amount.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this application.

ATTACHMENT DETAILS

Nil.

WHITELEY MOVED, MARKS SECONDED, that Council –

1. ***Subject to standard statutory approvals & conditions gives in principle support to Hall & Priors desire to demolish the Lodge and install landscaped gardens in order to provide greater external amenity to residents & visitors of the Belmont Community Nursing Home.***
2. ***Base the rental amount for the Lodge site (14 Cleaver Terrace, Rivervale) on carparking and an unimproved land value for the remaining portion of land.***
3. ***Base the rental amount for the Belmont Nursing Home (5 Kemp Place, Rivervale) at $143,000 per annum (excluding GST).***
4. ***Agrees to the forfeiture of the 2007 rental amount or up to a maximum of (approximately $150,000) in order for the funds to be used by Hall & Prior for structural accreditation works. This is subject to Hall & Prior entering into a contractual agreement for an equal amount that would be payable to the City of Belmont should Hall & Prior not achieve accreditation.***
5. ***Reaffirms it's position of 28 September 2004 that the annual rental reviews will be indexed by the Consumer Price Index All Groups (Perth).***
6. ***Authorise the application of the Common Seal of the City of Belmont to all documents required to facilitate the above approvals.***

CARRIED 10 VOTES TO 0

11.4 NATURAL BELMONT

Nil.

11.5 BUSINESS EXCELLENCE

WITHDRAWN ITEMS

Item 11.5.6 was withdrawn at the request of Cr Rossi.
Item 11.5.9 was withdrawn at the request of Cr Dornford.

***POWELL MOVED, MARTIN SECONDED*, that with the exception of Items 11.5.6 and 11.5.9, which are to be considered separately, the Officer Recommendations in the Business Excellence Key Result Area Reports, specifically Items 11.5.1 to 11.5.5, 11.5.7 and 11.5.8 be adopted en bloc.**

CARRIED 10 VOTES TO 0

11.5.1 Accounts for Payment**
****BEXB Attachment 4 – Item 11.5.1 refers**

Report by Corporate Services Division

DATE

28 February 2006

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

Summary and Key Issues

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

Officer Recommendation Summation

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

Item 11.5.1 Continued

LOCATION

Not applicable

APPLICANT

Not applicable

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."

Item 11.5.1 Continued

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	762455-762909	$2,311,957.39
Trust Fund Cheques	905180-905182	$23,663.93
Property Development Fund Cheques		$0
	Total of Cheques for January 2006	$2,335,621.32

A copy of the Authorised Cheque Listing is included as an Attachment 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
4	Accounts for payment listing

OFFICER RECOMMENDATION

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

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

11.5.2 Financial Reports as at 31 January 2006**
****BEXB Attachment 5 – Item 11.5.2 refers**

Report by Corporate Services Division

DATE

28 February 2006

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

Summary and Key Issues

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

Officer Recommendation Summation

That the Monthly Financial Reports as at 31 January 2006 be received.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

32/009 – Financial Operating Statements

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

Item 11.5.2 Continued

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:-

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

Item 11.5.2 Continued

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.

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.

Item 11.5.2 Continued

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

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

Report Section	***YTD Budget***	***YTD Actual***	***Comment***
Applications of Funds - Capital			
Computing	606,520	82,491	Substantial portion of budget allocated to July due to uncertainty in the timing of a number of acquisitions
Ascot Close Housing	100,985	193	Planned major refurbishment process has been revised to be undertaken as required.
Belmont Oasis	71,966	11,444	Anticipated equipment purchases in July had not occurred to budgeted extent.
Ruth Faulkner Library	89,938	0	Refurbishment underway so far no capital. Additional expense anticipated late in financial year
Grounds Operations	323,599	436,512	Ongoing expenditure finalising Faulkner Park Playground plus other projects commenced.
Road Works	2,849,300	1,978,862	Variation to anticipated expenditure patterns.
Streetscapes	68,345	4,307	Variation to anticipated expenditure patterns.
Footpath Works	276,037	170,064	Variation to anticipated expenditure patterns.
Drainage Works	404,306	247,966	Variation to anticipated expenditure patterns.
Operations Centre	668,487	341,096	Fleet/Plant change overs timing delays (dates vary to comply with usage patterns)
Building Operations	2,820,168	1,114,621	Variation to anticipated expenditure patterns.
Applications of Funds – Operating			
Finance Department	794,695	725,300	Variation to anticipated expenditure patterns.
Computing	616,584	452,138	Licence payments for business applications yet to be finalised. Equipment maintenance cost varied to anticipated patterns.
Executive Services	795,422	741,326	Variation to anticipated expenditure patterns.
Governance	1,578,851	1,394,903	Variation to anticipated expenditure patterns.
Belmont Community Watch	230,234	160,957	ABC allocations higher than anticipated at this point.
Community Services	160,095	95,998	Variation to anticipated expenditure

Item 11.5.2 Continued

Report Section	YTD Budget	YTD Actual	Comment
			patterns.
Youth Services General	278,465	182,063	Salaries and ABC allocations low compared to estimated expenditure patterns.
Public Facilities Operations	77,909	179,378	ABC allocations higher than anticipated at this point.
Ruth Faulkner Library	727,502	649,014	Variation to anticipated expenditure patterns.
Building – Active Reserves	266,513	125,885	Variation to anticipated expenditure patterns.
Grounds Operations	1,170,796	944,414	Variation to anticipated expenditure patterns.
Grounds – Active Reserves	503,928	265,071	Limited activity for wages and turf maintenance October 2005. This will vary with maintenance requirements
Grounds Overheads	847,032	794,418	Variation to expenditure with regard to Agency Staff to be reviewed in March budget.
Road Works	378,044	286,664	Variation to anticipated expenditure patterns.
Streetscapes	557,915	469,004	Variation to anticipated expenditure patterns.
Operations Centre	311,115	255,729	Variation to anticipated expenditure patterns.
Building Overheads	134,782	74,650	Variation to anticipated expenditure patterns.
Technical Services	877,159	798,099	Variation to anticipated expenditure patterns.
Sources of Funds – Capital			
General Purpose Income	-1,210,000	-585,455	Not all land sale settlements taken place to date.
Operations Centre	-293,907	-181,022	Variation to anticipated plant replacement patterns.
Building Operations	-2,287,500	0	Variation to anticipated income patterns.
Sources of Funds – Operating			
Rates	-21,042,281	-21,212,504	Invoiced airport rates following revaluation process.
General Purpose Income	-527,702	-407,165	Significant capital growth and investment revenue early in the year.
Financing Activities	-678,068	-591,491	Significant capital growth and investment revenue early in the year.
Finance Department	-785,265	-724,552	Variation to anticipated revenue patterns.
Ascot Close Housing	-91,984	-31,432	Rental and Maintenance variation to anticipated patterns.
Ruth Faulkner Library	-54,304	-113,431	Variation to anticipated grant funding.
Grounds Overheads	-780,470	-629,296	Overheads recovery rate and time spent on jobs.
Road Works	-934,056	-361,830	Timing of grant funding varied to anticipated revenue patterns
Streetscapes	-101,318	0	Timing of contributions varied to

Item 11.5.2 Continued

Report Section	YTD Budget	YTD Actual	Comment
			anticipated revenue patterns
Footpath Works	-54,375	0	Timing of grant funding varied to anticipated revenue patterns
Building Control	-194,137	-296,723	Variation to anticipated revenue patterns
Building Operations	-178,734	-7,883	Variation to expenditure budget.
Public Works Overheads	-668,966	-493,551	Overheads recovery rate and time spent on jobs.
Plant Operating Costs	-636,871	-694,697	Plant recovery through usage 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 attached report.

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 Jan 2006	**$**	**Comment**
Cash and investments	21,028,343	Includes municipal, reserves & deposits
- less non rate setting cash	-6,731,363	Reserves and deposits held
Receivables	3,738,784	Mostly rates levied yet to be received
- less non rate setting receivables	-459,049	ESL levied and GST payable
Stock on hand	192,095	
Total Current Assets	**$17,768,810**	
Current Liabilities		
Creditors and provisions	-4,784,796	Includes deposits, GST and ESL payable
- less non rate setting creditors & provisions	2,973,346	ESL, GST and deposits held
- less cash backed provisions	376,459	Long service leave funded by reserve
Total Current Liabilities	**$ -1,434,991**	
Nett Current Assets 31 Jan 2006	**$ 16,333,819**	
Nett Current Assets as Per Financial Activity Report	16,333,819	
Less Restricted Assets	-1,433,025	Unspent grants held for specific purposes (Grandstand Road)
Less Committed Assets	-17,266,844	All other budgeted expenditure
Estimated Closing Balance	**500,000**	

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

FINANCIAL IMPLICATIONS

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

Item 11.5.2 Continued

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
5	Monthly Financial Activity Statement as at 31 January 2006

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 January 2006 be received.

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

11.5.3 WALGA Survey – Daylight Savings

Report by Corporate and Governance Division

DATE

28 February 2006

PURPOSE OF REPORT

To determine a Council position on the introduction of daylight savings time in Western Australia.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The issue of daylight savings reform has been prominent in the media in recent times and the Western Australian Local Government Association (WALGA) is surveying member Councils on their position in respect to the introduction of daylight savings time in Western Australia and whether WALGA should pursue the matter as a policy initiative. There are advantages and disadvantages to the proposal which are highlighted in this report.

Western Australia, Queensland and the Northern Territory do not utilise daylight savings time. Western Australia has held 3 referenda on the issue, the most recent being 1992. On each occasion the introduction of daylight savings time has been rejected.

Officer Recommendation Summation

That Council advise the Western Australia Local Government Association that it supports the introduction of daylight saving time in Western Australia due to the economic, environmental and lifestyle community gains that can be derived from its initiation and that Council seek WALGA to pursue the matter as a policy matter.

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

119/001 WALGA – Enquiries and Information

Item 11.5.3 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority only.

CONSULTATION

The community has not been consulted as WALGA is seeking only Council's position on the matter. Any introduction of daylight savings time would be more widely canvassed in the community by the State Government, possibly through referendum.

STRATEGIC PLAN IMPLICATIONS

There are no specific strategic plan implications evident.

POLICY IMPLICATIONS

There are no specific policy implications evident.

STATUTORY ENVIRONMENT

There are no specific legislative implications evident.

BACKGROUND

The Western Australian Local Government Association (WALGA) is seeking feedback form member Councils in respect to their support or not of the introduction of daylight savings time (DST) in Western Australia. WALGA is seeking guidance in whether it should develop a local government policy position accordingly. The issue of DST has been prominent in the media in recent times. At present the Queensland State Government is holding two e-petitions which support/oppose the introduction of DST. The petitions that conclude on 12 March 2006 have over 58,000 registrations of support and 6,500 opposed.

DST in Australia was introduced during World War I (01/01/1917 to 25/03/1917) and World War II for three summers commencing January 1942. Western Australia did not use DST during the summer of 1943.

Tasmania has had DST since 1968, and a national trial (with the exception of WA and NT) was conducted in 1971. New South Wales, Victoria and South Australia adopted DST in 1972. Queensland conducted a further trial in 1989 and did not adopt the initiative.

Item 11.5.3 Continued

In 1991 a private members bill was introduced in the Federal Parliament to uniform DST in Australia. The Federal Government chose not to proceed with the bill and as a consequence the setting of time zones and DST remains a State Responsibility. NSW, Tasmania, SA, Victoria and the ACT currently use DST.

WA has held three referenda on the issue of DST, these being 8 March 1975, 7 April 1984 and 4 April 1992. On all occasions the proposal to introduce DST has been rejected.

OFFICER COMMENT

The aim of 'Daylight Saving' is to make better use of daylight. Clocks are moved forward an hour during the summer months to move an hour of daylight from the morning to the evening (as per the States that have DST). Countries near the equator generally do not change their clocks as day and night are nearly the same length. This would coincide with the longer hours of daylight during the summer, where the community would 'better' utilise the daylight hours by starting earlier and having more sunlight do access in the latter part of the day. The introduction of DST in WA would reduce the time difference between WA and NSW to the normal two hours (which exists in all seasons except summer which is currently three hours).

One advantage is that energy is saved during 'Daylight Saving Time' as there is effectively one hour less between sunset and bedtime. So, people use less electricity for lighting and appliances late in the day. People also take part in outdoor activities more when it is daylight, so they are not indoors using electrical lighting and appliances. A strong argument in support of DST is that there is better interaction in business activities between the States. Arguments against suggest that those in cities benefit more that those in rural and remote areas. Some concern is also expressed regarding the impact on people (particularly children) having to wake an hour earlier and going to sleep while it is still light.

At present 70 out of 268 nations utilise DST in at least some portion of their country. Japan is the only major industrialised country not to have introduced DST. The success of DST in these countries and in other States of Australia suggests that the benefits outweigh the disadvantages.

FINANCIAL IMPLICATIONS

There are no specific financial implications evident (in putting a position to WALGA).

ENVIRONMENTAL IMPLICATIONS

There are no specific environmental implications evident (in putting a position to WALGA).

ATTACHMENT DETAILS

Nil.

Item 11.5.3 Continued

OFFICER RECOMMENDATION

That Council advise the Western Australia Local Government Association that it supports the introduction of daylight saving time in Western Australia due to the economic, environmental and lifestyle community gains that can be derived from its initiation and that Council seek WALGA to pursue the matter as a policy matter.

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

11.5.4 WA Local Government Association East Metropolitan Zone - Delegates

Report by Corporate and Governance Division

DATE

28 February 2006

PURPOSE OF REPORT

To appoint a replacement representative and a deputy delegate to the WALGA East Metropolitan Zone.

SUMMARY AND KEY ISSUES

Summary and Key Issues

At the 5 July 2005 Council meeting, Mr Peter Varris (Manager – Governance) was appointed as one of the representatives of the City (joining the Mayor and Cr Dornford) on the WA Local Government Association East metropolitan Zone. Mr Varris filled the delegate position held by the former Deputy Chief Executive Officer, Mr Hartley.

Mr Varris has tendered his resignation and will be leaving the City in mid May 2006 and a replacement representative will be required.

In recent meetings of the Zone, it has been evident that the appointment of a deputy delegate for the Mayor and Cr Dornford would be beneficial. It would seem appropriate for the Deputy Mayor, Cr Marks to be appointed as the deputy delegate for the Zone.

Officer Recommendation Summation

That Council –

1. Appoint the successor of Mr Peter Varris (in his position of Manager – Governance) as the City's delegate to the WA Local Government Association East Metropolitan Zone (or his nominee).

2. Appoint Deputy Mayor, Cr Marks as deputy delegate to the WA Local Government Association East Metropolitan Zone for the Mayor and Councillor Dornford.

3. The above arrangements are for the term of the existing delegates appointments.

Item 11.5.4 Continued

LOCATION

Not Applicable.

APPLICANT

Not Applicable.

FILE REFERENCE

35/004 Committee Representation

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest
Peter Varris	Manager - Governance	Impartiality	Mr Varris is the report writer and one of the delegates referred to in this report.

VOTING REQUIREMENT

Simple majority.

CONSULTATION

No community consultation is necessary in this regard.

STRATEGIC PLAN IMPLICATIONS

BUSINESS EXCELLENCE – Achieve excellence in the management and operation of the local government activities.

POLICY IMPLICATIONS

No significant policy implications are evident.

STATUTORY ENVIRONMENT

No significant statutory implications are evident for the City, however, City representatives appointed to various groups should note the following responsibilities:

Some of the powers and duties of committee members are laid down by the association's constitution. Councillors/officers who are committee members should make themselves familiar with the relevant provisions of the constitution.

Item 11.5.4 Continued

Further:

(a) **The duty to act bona fide in the interests of the association as a whole.** Generally the committee members are vested with a right and duty of deciding where the association's interests lie, and how they are to be served, so their judgement is generally not open to review provided that the committee members have exercised their powers and good faith and not for irrelevant purposes or arbitrarily or capriciously.

(b) **Duty not to act for an improper purpose.** For example, to benefit oneself or one's associate, or to act in such a way as to put a disadvantage on members of the association whilst advantaging others.

(c) **Duty to avoid conflicts of interest.** This is particularly important where the committee member has in mind to enter into a contract with the association in his or her own right.

(d) **Duty not to abuse confidential information or corporate opportunities obtained in the course of committee membership**.

(e) **Duty of care**. The standards expected of company directors are changing with the changing expectations of the community. Despite this, the law still recognises a distinction between the duty of care of the chief executive and executive directors on one hand, and non-executive directors on the other.

Given the voluntary nature of service on a committee, it is unlikely that a duty of care of an association committee member would be any greater than that of a non-executive director of a company. That duty of care is said to be a duty to take reasonable steps to place oneself in a position to guide and monitor the management of the company or association (Halsbury's Laws of Australia [120-7430]).

Committee members should be capable of understanding the association's affairs to the extent of reaching a reasonably informed opinion on the association's financial capacity. They must keep abreast of the association's affairs and act appropriately if they have reason to expect that the association will not be able to meet all of its debts. Reliance on the judgement of delegates or consultants would only be unreasonable where the committee member was aware of circumstances of such character that no person with any degree of prudence could have had such reliance. (AWA Ltd v. Daniel (1992) 7 ACSR 759).

BACKGROUND

At the 9 May 2005 Special Council meeting and the 5 July 2005 Ordinary Council meeting, the representatives of the City on the WA Local Government Association East Metropolitan Zone were made. The details are as follows -

WA Local Government Association East Metropolitan Zone

Members:
Cr Godfrey (Mayor)
Cr Dornford
Manager - Governance

Item 11.5.4 Continued

Purpose of Zone: A designated zone (which incorporates the local governments of Belmont, Bassendean, Bayswater, Kalamunda, Mundaring and Swan) of the Local Government Association that has input into the Western Australian Local Government Association agenda. The Western Australian Local Government Association is the peak representative body for the state's local governments.

Meeting Information: Meetings are held bi-monthly usually at the Eastern Metropolitan Regional Council Offices, on the last Thursday of the month at 6pm. Meeting duration approximately 1 ½ - 2 hours.

The next meeting of the East Zone of WALGA is scheduled for 13 March 2006.

The Manager – Governance has tendered his resignation and will be leaving the City in mid May 2006 and a replacement representative will be required. Furthermore, in recent meetings of the Zone, it has been evident that the appointment of a deputy delegate for the Mayor and Cr Dornford would be beneficial.

OFFICER COMMENT

The City has three votes at the East Zone of WALGA and in order to ensure our voice is suitably heard, all three positions should be filled.

In respect to the filling of the vacancy of Mr Varris, it would be beneficial for Mr Varris' successor as Manager – Governance to be appointed as a voting delegate.

The Mayor has suggested that a deputy delegate be appointed to represent the City should the Mayor or Cr Dornford not be able to attend. It would seem appropriate for the Deputy Mayor, Cr Marks to be appointed as the deputy delegate for the Zone.

FINANCIAL IMPLICATIONS

The only expense borne in respect to the attendance at East Zone meetings is for the evening meal.

ENVIRONMENTAL IMPLICATIONS

No significant environmental implications are evident.

ATTACHMENT DETAILS

Nil.

Item 11.5.4 Continued

<u>OFFICER RECOMMENDATION</u>

That Council –

1. ***Appoint the successor of Mr Peter Varris (in his position of Manager – Governance) as the City's delegate to the WA Local Government Association East Metropolitan Zone (or his nominee).***
2. ***Appoint Deputy Mayor, Cr Marks as deputy delegate to the WA Local Government Association East Metropolitan Zone for the Mayor and Councillor Dornford.***
3. ***The above arrangements are for the term of the existing delegate appointments.***

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

11.5.5 Statutory Compliance Audit Return 2005
****BEXB Attachment 6 – Item 11.5.5 refers**

Report by Corporate and Governance Division

DATE

2 March 2006

PURPOSE OF REPORT

Seek Council's adoption of the completed 2005 Compliance Audit Return and endorsement for certification and return to the Department of Local Government and Regional Development.

SUMMARY, KEY ISSUES

Summary and Key Issues

The report outlines the City's level of compliance in each of the legislative areas submitted for assessment by the Department of Local Government and Regional Development in the 2005 Compliance Audit Return. The City of Belmont has achieved the following:-

(a)	Local Laws	Full Compliance
(b)	Executive Functions	Full Compliance
(c)	Thoroughfares	Full Compliance*
(d)	Tenders for Providing Goods or Services	Minor non-compliance
(e)	Commercial Enterprises by Local Governments	Full Compliance
(f)	Meeting Process	Minor non-compliance
(g)	Delegation of Power / Duty	Full Compliance
(h)	Disclosure of Interest	Full Compliance
(i)	Finance	Minor non-compliance
(j)	Elections	Minor non-compliance
(k)	Local Government Employees	Full Compliance
(l)	Local Government Grants Commission, Miscellaneous Provisions and Disposal of Property	Minor non-compliance
(m)	Swimming Pools, Cemeteries, Caravan Parks and Camping Grounds	Full Compliance

*Within the reasonable ability of the City.

Officer Recommendation Summation

Recommends adoption and certification of the completed 2005 Compliance Audit Return for subsequent submission to the Department of Local Government and Regional Development, noting a 93% compliance.

Item 11.5.5 Continued

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 2005 Compliance Audit Return, consultation has occurred internally with relevant responsible officers.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Strategic Plan
The City of Belmont's Strategic Plan 2002-2007 outlines that the City will….

- **Act responsibly, with openness, honesty and impartiality;**
- **Ensure that through an ongoing program of best practice, officers and Councillors perform to their optimum.**

Operational Plan
Not applicable.

POLICY IMPLICATIONS

Not applicable.

STATUTORY ENVIRONMENT

Local Government Act (Audit) Regulations 1996, Regulation 14 – 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.

Item 11.5.5 Continued

Local Government Act (Audit) Regulations 1996, Regulation 15, 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.

The Compliance Audit Return is one of the tools that assist local government in monitoring performance in legislative compliance. The 2005 Return has covered all of the statutory requirements listed in the Local Government (Audit) Regulations, except for:

- Financial Interest Returns – as this information was sought by the Department of Local Government and Regional Development in August 2005; and,
- Plans for the Future – these were not required to be adopted during the audit period.

The compliance audit period is 1st January 2004 to 31st December 2005 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 2006.

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

The subsequently completed Compliance Audit Return is now provided as an attachment and each Councillor has the opportunity to review the Return and to make comment to the Council. The particulars of any matters of concern relating to the Return must then be recorded in the minutes of this meeting.

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 will then be 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.

Item 11.5.5 Continued

OFFICER COMMENT

In 2005, City officers adopted a more comprehensive approach to the 2005 Compliance Audit Return. The activities of the City have therefore been audited either wholly or by sample, by our internal audit team. This critical review provides a valuable opportunity to assess processes and practices and identify and implement improvements to support a pro-active compliance approach.

Undertaking the audit in this manner has increased the level of detailed scrutiny, and therefore we have identified some additional non-compliances which have been addressed in this report.

Outlined below is an overview of the compliance assessment for each section of the 2005 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.

(a) LOCAL LAWS **FULL COMPLIANCE**

During the review period there has been no activity in regard to Local Laws. The City's statutory periodic review is due to be concluded in 2009.

(b) EXECUTIVE FUNCTIONS **FULL COMPLIANCE**

(c) THOROUGHFARES **FULL COMPLIANCE**

Question 3 *The local government has kept plans of the level and alignments of all public thoroughfares that are under its control or management in the metropolitan area or on land that has been constituted a townsite under section 23 of the Land Administration Act, and made those plans available for public inspection. [s3.52(4)]*

This matter has previously been discussed with the Department of Local Government's Senior Compliance Officer; who acknowledged that there is limited ability for local governments to be fully compliant with this requirement, and that a demonstrated commitment to moving toward compliance is expected. The Department of Local Government also conducted a survey in late 2005 in relation to this but the results are not available at this time.

Therefore as in previous returns, the City has reported a non-compliance in accordance with the legislative requirement however our practices are accountable and meet the expectations of the department. The following outlines the point in question and the City's qualified response.

City's Response: To the best of our knowledge, the City has complied with the provisions of s3.52(4) in that records have been kept of alterations to public thoroughfares since the early 1990's. The City will continue to move toward compliance in future roadwork programmes.

Item 11.5.5 Continued

ACTION: No action required. City is progressively moving toward compliance in accordance with the expectations of the Department of Local Government and Regional Development.

(d) <u>TENDERS FOR PROVIDING GOODS OR SERVICES</u> **MINOR NON-COMPLIANCE**

Question 5
Outlines the range of information required [via Local Government (Functions & General) Regulations 1996] to be included in information provided to prospective tenderers.

This matter was recorded as a non-compliance in the 2004 Compliance Audit Return and the 2005 audit has identified that in only one case where the City did not provide a statement to prospective tenderers as to *'whether <u>or not</u>'* the local government is considering to submitting a tender. The City must therefore report non-compliance for this question.

It should be noted that the City of Belmont has never undertaken a process of internal submission of tenders for goods or services that are the subject of a public tender.

City's Response: **Minor Non-Compliance recorded.** Auditing for the purposes of this Return identified that for the City's tender 08/2005 Provision of Home Support Services (114/129) did not include advice to prospective tenderers that the City was NOT tendering.

ACTION: The City has recently restructured resources to provide a dedicated officer to manage tender and contract processes. The City is currently mapping these processes in accordance with the City's Quality Management System to enhance compliance and accountabilities.

Question 11 *All details of the tender (except the consideration sought) were recorded in the tender register immediately after opening.*
F&G Reg 16 (3)(c)

City's Response: **Minor Non-Compliance recorded.** At the time of the Audit, a number of Tender Register entries remained incomplete.

ACTION: Officers responsible for the non-compliance have been instructed to complete the register. As noted above the City is currently mapping the Tender process.

Item 11.5.5 Continued

Question 14 *The local government's Tender Register includes for each invitation to tender:*

- *a brief description of the goods or services required;*
- *particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1);*
- *particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest;*
- *any list of acceptable tenderers that was prepared under regulation 23(4);*
- *a copy of the notice of invitation to tender;*
- *the name of each tenderer whose tender was opened;*
- *the name of the successful tenderer; and*
- *the amount of consideration or the summary of the amount of the consideration sought in the tender accepted.*

F&G Reg 17 (2) & (3)

City's Response: **Minor Non-Compliance recorded.** Whilst the City's Tender Register format includes the required data, at the time of the Audit, a number of Tender Register entries remained incomplete.

ACTION: Officers responsible for the non-compliance have been instructed to complete the register. As noted above the City is currently mapping the Tender process.

Question 15 *Each tenderer was sent written notice advising particulars of the successful tender or advising that no tender was accepted.*

F&G Reg 19

City's Response: **Minor Non-Compliance recorded.** Auditing for the purposes of this Return identified that for tender 08/2005 Provision of Home Support Services (114/129) the City failed to provide written advice to tenderers of the tender outcome.

ACTION: As noted in response to Question 5 of this section.

(e) <u>COMMERCIAL ENTERPRISE BY LOCAL GOVERNMENTS</u> **FULL COMPLIANCE**

(f) <u>MEETING PROCESS</u> **MINOR NON-COMPLIANCE**

Question 16 *The minutes of all Council and committee meetings were:*

- *submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation; and*
- *signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed.*

s5.22(2)(3)

Item 11.5.5 Continued

City's Response: **Minor Non-compliance recorded.** Audit review of Minute Books has shown that the Minutes for the Ordinary Council Meeting held 15 August 2005 had not been certified.

ACTION: Certification of the minutes for 15 August 2005 has been undertaken in accordance with the resolutions of OCM-06/09/05-6.1. Internal process has also been reviewed to ensure future compliance.

Question 18 *On all occasions, the reason, or reasons, for closing any Council or committee meeting to members of the public was:*

- *in accordance with the Act; and*
- *recorded in the minutes of that meeting.*

s5.23(2)(3

City's Response: **Minor Non-compliance recorded.** Audit of a range of minute examples where the meeting was closed to the public, has shown that the relevant specific reason has not been recorded. The resolution to close the meeting, only records a reference to s5.23(2). Not withstanding on each occasion the closing of the meeting to the public was for a reason stipulated by s5 23(2).

ACTION: The standardised wording for motions to close the meeting has been amended to require the recording of the specific reason for closing a meeting.

(g) DELEGATION OF POWER / DUTY **FULL COMPLIANCE**

(h) DISCLOSURE OF INTEREST **FULL COMPLIANCE**

(i) FINANCE **MINOR NON-COMPLIANCE**

(i)Question 11 *Council, prior to 31 August in the review period, adopted by absolute majority, a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act.*

Date of Council Resolution

SpCM-17/07/05-6.1

If 'no', Ministerial approval was sought for an extension.

s6.2

City's Response: **Minor Non-compliance** has been recorded as the City omitted to include the details relevant to Discounts i.e. total costs for each type of discount, equivalent reduction in revenue and write off, as required by FM Reg 22(1)(h) refers FM Reg.26.

Item 11.5.5 Continued

ACTION: The City is undertaking a review of budget preparation process to ensure that the process includes a 'cross check' of the final budget document occurs against statutory requirements.

(i) Question 16 *The annual financial report was submitted to the Department of Local Government and Regional Development within 30 days of the receipt by the CEO of the Auditor's report.*

FM Reg 51(2)

City's Response: **Minor Non-compliance recorded** as the Auditors Report was received by the City on 31 October 2005 however due to administrative error the Annual Financial Statements were not forwarded to the DLGRD until 16 December 2005.

ACTION: The City is reviewing the Annual Report preparation process to include all compliance requirements.

For the benefit of clear understanding, the legislative references for Questions 49 and 50 has been included:-

(i) Question 49 *The Auditor's report for the financial year ended 30 June 2005 was received by the local government within 30 days of completion of the audit.*

Audit Reg 10

"Local Government (Audit) Extract - Regulation 10: - Report by auditor
(1) An auditor's report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit….."

City's Response: **Minor Non-Compliance recorded.** The audit report was received by City on 31/10/05 however advice from the City's appointed auditors, Barrett & Partners, indicates that they forwarded the audit report to the Minister on 10 February 2006. Barrett & Partners also advised that they forwarded audit information for all their local government clients at this same time. However, this non-compliance was the responsibility of the City's auditors and is largely out of the City's hands.

ACTION: As noted above, the City is reviewing the Annual Report preparation process to include compliance requirements regarding the Audit Report.

(i) Question 50 *The Auditor's report for 2004/2005 was received by the local government by 31 December 2005.*

s7.9(1)

Item 11.5.5 Continued

"Local Government Act 1995 – Extract - s7.9. Audit to be conducted
(1) 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) the CEO of the local government; and
(c) the Minister…."

City's Response: As noted above.

ACTION: As noted above.

(j) <u>ELECTIONS</u> **MINOR NON-COMPLIANCE**

(j) Question 4 *The CEO kept a register of enrolment eligibility claims of non-resident owners and occupiers which included the following information:*

- *full name and postal address (unless the address is suppressed in accordance with regulation 13(2)) of each person making an enrolment eligibility claim;*
- *each decision to accept or reject an enrol eligibility claim;*
- *date of the decision; and*
- *where the eligibility claim was accepted,*
- *the expiry date of the claim,*
- ***details of each parcel of rateable land subject of the claim,***
- *whether the person making the claim was an owner or occupier or as a nominee of joint owners or joint occupiers or of a body corporate and the ward to which the claim related.*

s4.32(6), Electoral Reg 13

City's Response: **Minor Non-Compliance recorded.** Audit identified that the Register kept by the City does not include "*details of each parcel of rateable land subject of the claim"*.

ACTION: The City has implemented an amendment to the register format to capture all required information.

(j) Question 13 *The local government has kept:*

- *accepted enrolment eligibility claim forms for a period of two years after the claim expires;*
- *a copy of notices of acceptance of enrolment eligibility claims for a period of two years after the claim expires;*
- *rejected enrolment eligibility claim forms for a period of two years after the claim was rejected;*
- *a copy of the notice of rejection of enrolment eligibility claims for a period of two years after the claim was rejected.*

E Reg 17

Item 11.5.5 Continued

City's Response: Audit of this question identified an anomaly in the State Records Office - General Destruction Authority for Local Government Records (1999), reference 4.3.2. The GDA indicates that for "accepted" eligibility claims disposal is authorised at 6 years after date of last action.

Electoral.Reg.17 outlines specifically that the claim for eligibility if accepted must be retained for 2 yrs after the claim expires. Claims would not expire until the property is disposed of and therefore remain current for the term of the elector's ownership of the property, which could potentially be far longer that the above noted 6yrs.

ACTION: The City to seek a determination from the DLGRD & LISWA to identify the appropriate retention period for this record.

(k) LOCAL GOVERNMENT EMPLOYEES **FULL COMPLIANCE**

(l) LOCAL GOVERNMENT GRANTS COMMISSION, MISCELLANEOUS PROVISIONS AND DISPOSAL OF PROPERTY **MINOR NON-COMPLIANCE**

(l) Question 1 *The local government supplied to the Grants Commission such financial and other information as to its affairs as specified and required by the Commission.*

s12(4)
Local Government Grants Act 1978

City's Response: **Minor Non-compliance recorded**. Audit identified that the Road Information Return was due by 9 December 2005 however was not sent until 20 February 2006.

ACTION: The City is reviewing its Grants administration processes to ensure that statutory requirements are accurately reflected and included in the City's Quality Management System.

(m) Swimming Pools, Cemeteries, Caravan Parks And Camping Grounds **FULL COMPLIANCE**

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

Item 11.5.5 Continued

<u>ATTACHMENT DETAILS</u>

<u>Attach. No</u>.	**<u>Details</u>**
6	Copy of completed 2005 Compliance Audit Return

<u>OFFICER RECOMMENDATION</u>

1. ***The 2005 Local Government Compliance Audit Return be adopted as a true and accurate representation of the outcomes of audit of statutory activities noting a 93% compliance 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, Regulation 15 the certified 2005 Local Government Compliance Audit Return and a copy of the minutes relative to this report be forwarded to the Department of Local Government and Regional Development.***
3. ***That the following listed remedial actions be implemented in order to enhance the City's compliance capacity:-***

<table>
<tr><td>(d)5</td><td>Information provided to prospective tenderers</td><td rowspan="3">Tender processes to be mapped and implemented in accordance with the City's Quality Management System</td></tr>
<tr><td>(d)11</td><td>Details of tenders recorded in Tender Register at time of opening</td></tr>
<tr><td>(d)14</td><td>Tender register must include the specified range of data for each invitation to tender.</td></tr>
<tr><td>(f)16</td><td>Adoption and certification of meeting minutes</td><td>Agenda & minute production processes to be reviewed and implemented to ensure compliance.</td></tr>
<tr><td>(f)18</td><td>Record in minutes the reasons for closing a meeting.</td><td>Implement standardised resolution that requires the inclusion of relevant specific reason for closing a meeting.</td></tr>
<tr><td>(i)11</td><td>Finance - Budget adoption to include information as required by Financial Management Reg.22</td><td>Budget process to be mapped and implemented in accordance with the City's Quality Management System.</td></tr>
<tr><td>(i)16</td><td>Finance - Annual Financial Report submitted to the DLGRD within 30 days of receipt of the Auditors Report.</td><td rowspan="3">Annual Report preparation, inclusive of the Audit Report requirements, to be mapped and implemented in accordance with the City's Quality Management System.</td></tr>
<tr><td>(i)49</td><td>Finance - Audit Report received by Mayor, CEO and Minister, within 30 days of completion of the Audit</td></tr>
<tr><td>(i)50</td><td>Finance - Auditor to prepare report and forward to Mayor, CEO and Minister by 31 December.</td></tr>
</table>

Item 11.5.5 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 RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.5

11.5.6 Annual Civic Functions 2006 (Resubmitted)

Report by Corporate and Governance Division

DATE

3 March 2006

PURPOSE OF REPORT

This report seeks Council's consideration of a program for its 2006 annual civic functions.

SUMMARY AND KEY ISSUES

Summary and Key Issues

This report proposes a programme for the major civic functions hosted by Council for 2006 and seeks Council consideration accordingly. Previously submitted to Council in November 2005 (Ref OCM 29/11/05 – 11.5.5) a minor change of date was proposed and some debate arose as to altering the nature and eligibility criteria for the Pioneers Afternoon Tea. Council decided to defer the matter pending investigation into the impact of the changes.

Officer Recommendation Summation

The schedule of 2006 annual civic functions be adopted.

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

51/003 – Civic Functions

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

Item 11.5.6 Continued

VOTING REQUIREMENT

Simple majority only.

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

Strategic Plan
Economic Belmont – Provide effective management of, and communication with the community and other stakeholders.

Business Excellence – Manage and communicate with stakeholders effectively.

POLICY IMPLICATIONS

Policy C1.7.9 – "To recognise the contribution of members of the community and past Councillors in working for the good of the City of Belmont."

Policy C1.6.3 – 'Gifts to Departing Elected Members' applies to the extent that gifts are generally presented at the Annual Civic Dinner.

STATUTORY ENVIRONMENT

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

BACKGROUND

The matter of the purpose, structure and timing of Annual Civic Functions has been presented to Council and reviewed in the past few years, most recently June 2005.

> *"At that meeting Council resolved –*
>
> - *That the Civic Dinner continue to be annual;*
> - *The Essential Services function become an annual sundowner;*
> - *The Chief Executive Officer be authorised to review the guest list of the Mayoral Dinner, in conjunction with the Mayor annually to ensure the invitation of the appropriate stakeholders;*
> - *That the Retired Councillors Reunion Dinner be removed as a Council function and that current Councillors be empowered to request the Chief Executive Officer to consider inviting identified retired Councillors to attend the Civic Dinner (on a four (4) yearly basis) to recognise the service's made for the working good of the City of Belmont and direct officers to make corresponding alterations to Policy C1.7.9;*
> - *The Pioneer Afternoon Tea remain."*

Item 11.5.6 Continued

At the Council meeting held 29 November 2005 an alternative motion was put and lost as follows –

> *"ROSSI MOVED, BASS SECONDED, that to accommodate the changing demographic of 'pioneers' and to better serve the aims of the Annual Civic Function, the Officer Recommendation not be adopted and –*
>
> 1. *That the Pioneers Afternoon Tea be renamed as 'Early Settlers Afternoon Tea' and the criteria determining eligibility to be attend be 'to have resided in the District of Belmont prior to 1950'.*
> 2. *That a Register is established for those persons meeting the eligibility criteria of 'Early Settler' and that invitations for nominations to the Register be annually advertised in the local newspaper and Belmont Bulletin.*
> 3. *That the Register of Pioneers be retained to specifically recognise the contribution of those registered and that those people listed are invited to the Early Settlers Afternoon Tea.*
> 4. *That the following dates be set for civic functions for the 2006 calendar year:*

▪ *Early Settlers Afternoon Tea*	*Friday 7 April 2006*
▪ *Volunteer/ Essential Services Function*	*Friday 23 June 2006*
▪ *Mayoral Dinner*	*Saturday 16 September 2006*
▪ *Annual Civic Dinner*	*Friday 10 November 2006*

LOST 4 VOTES TO 7

For: Bass, Dornford, Hitt, Rossi

Against: Godfrey, Martin, Teasdale, Whiteley, Powell, Blair, Marks"

Council subsequently unanimously resolved that Council defer the item until further information is obtained.

OFFICER COMMENT

As stated in the original report, the Mayor had suggested that some efficiency gains and effective stakeholder management might be achieved through combining the Volunteers Function and the Essential Services Sundowner. This appears to be a good initiative and should the combined function be held near mid-year the resultant schedule would offer an even spread of functions through the year enabling both Councillors and staff the opportunity to focus on the core purpose of each function.

Consequently the table below highlights the purpose of each of the five identified functions.

Item 11.5.6 Continued

Function	**Details**
Mayoral Dinner	
Purpose	To enable the City to thank government, community and business representatives for their assistance in the past (and for the future) and to highlight to these key stakeholders Belmont's significance.
Annual Civic Dinner	
Purpose	To show gratitude to the many people who contribute to the betterment of the district. Councillors are entitled to nominate up to 2 couples to be invited to the Annual Civic Dinner. The persons nominated should have contributed to the wellbeing of the district.
Volunteers Function	
Purpose	To enable the City to recognise and thank the volunteers for their service and to provide 'long service' badges (5, 10, 15 years, etc) to the volunteers.
Pioneers Afternoon Tea	
Purpose	Council established the Register of Pioneers in 1976 together with a function to recognise the contribution made by these community members to the development of the City. The current criteria determining eligibility to be included on the Register of Pioneers is "to have resided in the District of Belmont prior to 1926".
Essential Services Sundowner	
Purpose	To enable the City to thank organisations like SES; Police; Ambulance etc. for their assistance over the year. Acknowledge the co-operation which has been shown to Council and its officers by the above groups throughout the year.

The officer proposed schedule incorporating the Mayor's initiative was:

- Pioneer Afternoon Tea — Friday, 7 April 2006
- Volunteer/Essential Services Function — Friday, 23 June 2006
- Mayor Dinner — Saturday, 16 September 2006
- Annual Civic Dinner — Friday, 15 December 2006

Councillor debate at the November 29 meeting indicated a sense that a move of the Annual Civic Dinner to a November date would be beneficial and the date of 10 November was proposed. This is the Friday proceeding the annual City Fair weekend and is not recommended. A shift of the date to the Friday 17 November 2006 would suit staffing arrangements and the Mayor's schedule.

The uncertainty of what the impact to the City (in respect to number of possible attendees and costs) of the proposed change in the eligibility criteria for the pioneers function (and the renaming of the event) initiated the deferral of the report. As noted above, the eligibility requirement for a 'pioneer' is to have resided in the district o Belmont prior to 1926. The 2004 invitation list for the event contained approximately 40 eligible people. It should be noted that in the past there had been some proposals to alter the eligibility requirement, however Council had resolved not to dilute the value and recognition of those original people classed as 'pioneers'

Item 11.5.6 Continued

The proposal to change the criteria to *"to have resided in the District of Belmont prior to 1950"* has been difficult to assess. There is no ready data on how many residents (still alive) that may have resided in the district prior to 1950. Likewise the cost of obtaining data of those current residents that have resided in the district from 1950 and earlier is prohibitive in cost to obtain. The impact of a 24 year jump in eligibility could probably only be assessed through advertising for registrations of interest, and developing some way of assessing the veracity of the application. This in itself could create an expectation of recognition in those registering, and should the response be in excess of anticipated, Council would need to reconsider the criteria.

Should Council wish to proceed with a change it is suggested that this be done over several years to gauge response over time. Council may wish to introduce the change for the 2007 year and expand the criteria for an 'early settler' to that of a ten year increase (say 1936). The impact could be assessed accordingly and consideration of a further 5 year increase may be warranted in a further year or two, and so on. Notwithstanding this, the original date for the Pioneers function is rapidly approaching and it is not feasible to hold it on that date given the date of this report. A revised date is proposed.

FINANCIAL IMPLICATIONS

The City budgets annually for the conduct of each of these functions in account 215.00.0.385 for which the amount of $37,000.00 is allocated. The impact of an 'early settlers' event is unknown.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

1. That the following dates be set for Civic functions for the 2006 calendar year:

Annual Civic Functions 2006

• Pioneer Afternoon Tea	Friday, 28 April 2006
• Volunteer/Essential Services Function	Friday, 23 June 2006
• Mayor Dinner	Saturday, 16 September 2006
• Annual Civic Dinner	Friday, 17 November 2006

2. That the Mayor be authorised to set the dates of the above annual Civic functions for future years in consultation with Administration and Councillors.

Item 11.5.6 Continued

<u>ROSSI MOVED, MARKS SECONDED</u>, that to accommodate the changing demographic of 'pioneers' and to better serve the aims of the Annual Civic Function, the Officer Recommendation not be adopted and –

1 That the Pioneers Afternoon Tea be renamed as 'Early Settlers Afternoon Tea' and the criteria determining eligibility to be attend be 'to have resided in the District of Belmont prior to 1936'.

2 That a Register is established for those persons meeting the eligibility criteria of 'Early Settler' and that invitations for nominations to the Register be annually advertised in the local newspaper and Belmont Bulletin.

3 That the Register of Pioneers be retained to specifically recognise the contribution of those registered and that those people listed are invited to the Early Settlers Afternoon Tea.

4 That the following dates be set for civic functions for the 2006 calendar year:

▪ ***Pioneers/ Early Settlers Afternoon Tea***	***Friday 28 April 2006***
▪ ***Volunteer/ Essential Services Function***	***Friday 23 June 2006***
▪ ***Mayoral Dinner***	***Saturday 16 September 2006***
▪ ***Annual Civic Dinner***	***Friday 17 November 2006***

5. That the Mayor be authorised to set the dates of the above annual Civic functions for future years in consultation with Administration and Councillors.

<u>CARRIED 10 VOTES TO 0</u>

11.5.7 Commercial and Scientific Whaling – City of Belmont Position

Report by Corporate and Governance Division

DATE

3 March 2006

PURPOSE OF REPORT

To establish a Council position in respect to scientific and commercial whaling.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The issue of scientific and commercial whaling has been of significant debate in the past six months, precipitated in part by the Japanese Government's plans to extend its 'scientific' whaling program in Australia's Antarctic waters. The City of Belmont has a strong sister city relationship with Adachi-Ku in Japan, and there has been some community interest in what stance the City of Belmont will take in respect to the matter of whaling and what effect this may have on its relationship with Adachi-Ku. The 2005 National General Assembly of Local Government passed a resolution in respect to the Japanese Government's intention to extend whaling, and in doing so established a national local government position on the issue.

Officer Recommendation Summation

That Council support the resolution of the 2005 National General Assembly of Local Government (Motion: 46) opposing the Japanese whaling program, and authorise the Mayor to write to her counterpart at our sister city of Adachi-Ku putting Council's stance and asking for support to end Japanese whaling.

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

106/003 Sister City Enquiries

Item 11.5.7 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority only.

CONSULTATION

No direct community consultation has been undertaken in respect to this matter.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications evident.

POLICY IMPLICATIONS

There are no policy implications evident. The taking of a position against whaling would be in accordance with the National General Assembly of Local Government position and that of the Australian Federal Government.

STATUTORY ENVIRONMENT

There are no statutory implications evident.

BACKGROUND

The City has in the recent past received questions from the community in respect to the City's position on the Japanese Government decision to expand its 'scientific' whaling operations in Australian Antarctic waters. The City of Belmont has a long and strong sister city relationship established with Adachi-Ku, Japan and questions have been raised whether the City should use this relationship to express its view in respect to the Japanese Government's decision. Council has no position on the matter at this time, and although being the major sponsor of the Belmont Sister City Association, and having direct participation through Association membership, the Association is an independent body.

At the 2005 National General Assembly of Local Government three motions were proposed seeking action to protest the Japanese Government's decision in respect to its whaling program. Two were withdrawn in favour of the final resolution that was passed. This resolution (Motion:46) was –

"That delegates of this National General Assembly –

1. *write to the Japanese Government to express our deep concern about Japanese plans to extend its 'scientific' whaling program in Australia's Antarctic waters.*

Item 11.5.7 Continued

2. *draw the Japanese Government's attention to reports that Japan has asked the International Whaling Commission to approve plans to extend Japan's whaling program to kill 80 each of humpback and fin whales, and to increase the number of minke whales killed from 440 to 850.*
3. *advise the Japanese Government that both the Australian and New Zealand Governments are strongly opposed to this move because it threatens the survival of these beautiful animals which have been hunted close to extinction during the 20th century.*
4. *inform the Japanese Government that both whale watching and related eco tourism have been growing at the local, national and international level and that many Australians (and other nationalities) have been delighted to participate in whale watching along our coast."*

The withdrawn motions at the National General Assembly, echoed that of the supported resolution, however also sought the end of defacto commercial and scientific whaling and utilise sister city relationships as a vehicle to obtain Japanese support.

The Mayor wishes to pursue this matter with her counterpart at Adachi-Ku and to do so requires a Council rather than National position on the matter.

OFFICER COMMENT

There are no barriers to the City taking a position of opposing whaling. This would support the position of the National General Assembly and the Australian Government. Caution is required in ensuring that the matter is dealt with an appropriate level of sensibility and diplomacy as it would be disappointing to unravel the excellent sense of cooperation and understanding that has been built through our long standing relationship with Adachi-Ku.

A Council position of supporting the resolution of the 2005 National General Assembly and authorising the mayor to write to the Mayor of Adachi advising of Council's position and its community's concern, and asking for Adachi's support in seeking the end of the Japanese whaling program would be in order. The draft text of the letter is suggested as follows –

Dear Mayor Tsunetoshi Suzuki

The City of Belmont remains committed to our longstanding Sister City relationship and continues to value and appreciate the friendship and goodwill that extends between our respective communities. Particularly through our program of Student Exchanges, as the exposure to cultural and social experiences ensure that our youth have knowledge and understanding that will influence the future for both our Cities.

It is from this basis of confidence in the strength of our relationship, that on behalf of the Council of the City of Belmont, I bring to you, our concerns with the decisions of the Japanese Government to expand their program of hunting whales for scientific purposes.

It has been reported in Australia that the Japanese Government has asked the International Whaling Commission to approve plans to extend Japan's whaling program to kill 80 humpback whales, 80 fin whales, and to increase the number of minke whales killed from 440 to 850.

Item 11.5.7 Continued

Members of our community have expressed to our Council their deep concern at the substantial increases proposed and the ramification for the protection of these threatened species and this has encouraged us to write to you.

Our Council and community ask you, your Council and community, to consider the benefits of alternative opportunities that the protection of these majestic mammals may offer through both whale watching and related eco tourism; areas of innovative tourism which are proving potential for substantial economic value.

We also ask you to pursue a dialogue with your government to ensure the protection of whale species for generations to come and we would welcome your advice as to how best to progress discussion on this sensitive issue.

Regards,

Cr Glenys Godfrey
MAYOR

FINANCIAL IMPLICATIONS

There are no financial implications of any significant evident.

ENVIRONMENTAL IMPLICATIONS

The positioning of the City of Belmont as being against whaling would be in the best interests of environmental and biological sustainability.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That Council support the resolution of the 2005 National General Assembly of Local Government (Motion: 46) opposing the Japanese whaling program, and authorise the Mayor to write to her counterpart at our sister city of Adachi-Ku putting Council's stance and asking for support to end Japanese whaling.

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

11.5.8 Review of Podiatry Service

Report by Community and Statutory Services Division

DATE

27 February 2006

PURPOSE OF REPORT

To submit to Council a further report on podiatry services with additional information as requested by Council at its 27 September 2005 meeting (Item 11.5.7 refers).

SUMMARY AND KEY ISSUES

Reference is made to 27 September 2005 Council Minutes, Item 11.5.7 - Review of Podiatry Services. Further information was requested by Councillors detailing other podiatry services available within the Belmont area and surrounding district and options available to Council.

Alternative available options have been identified and the details of the services are included within this report under Officer Comment.

Officer Recommendation Summation

That Council pursue the closure of the podiatry service and cease providing a podiatry service from 1 July 2007. Officers advise the clients, podiatrists and volunteers of the podiatry service of Council's decision and the reasons.

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

122/001 Podiatry Services

Item 11.5.8 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

Consultation was carried out by telephone with the Centres mentioned in this report.

STRATEGIC PLAN

BUSINESS EXCELLENCE – *“Ensure competitive financial performance”*

Key Action - *Identify service; specify total cost of delivery, desired outcomes of service and report unit cost for service offered.*

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The local Government Act 1995 details an “Executive Function Test” for the provision of services by a Local Government. Section 3.18 of the Act states:

> *“A local Government is to satisfy itself that services and facilities that it provides:*
>
> *(d) [7]Integrate and coordinate, as far as practicable, with any provided by the Commonwealth, the State or any public body.*
>
> *(e) Do not duplicate to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
>
> *(f) are managed efficiently and effectively.”*

As outlined in the September report to Council the continued provision of the services does not comply with (b) and it could be interpreted that supplying a non-means tested and heavily subsidised service that we do not comply with (c).

[7] Typographical error - (d) (e) (f) should read (a) (b) (c)

Item 11.5.8 Continued

BACKGROUND

At its 27 September 2005 meeting, the Council resolved:

> *"THAT IN AN ENDEAVOUR TO ENSURE THE MINIMUM OF INCONVENIENCE TO THE EXISTING CLIENTS OF THE CITY'S PODIATRY SERVICE, THE REPORT BE REFERRED BACK TO THE ADMINISTRATION FOR –*
>
> *1. A FULL REPORT DETAILING PODIATRY SERVICES AVAILABLE TO BELMONT RESIDENTS WITHIN THE DISTRICT AND SURROUNDS, INCLUDING THE HAWTHORNE CENTRE; AND*
>
> *2. WITHIN THAT REPORT IDENTIFY ALL OPTIONS AVAILABLE TO COUNCIL."*

As reported in the September 2005 Council Minutes, the City has for the past 20 years provided a podiatry service to approximately 150 clients aged 60 and over who are retired from full-time employment. The service is non-means tested and clients are charged $18 per session with the City paying the podiatrist(s) $13 per session. This represents a significant subsidy.

The podiatrist cannot by law put their Provider Number on receipts as is required for a rebate. Provider Numbers cannot be given because the podiatrist is working on behalf of Council and not providing the service through their private practice.

Due to the above points, if the clients attend private clinics and have private health cover they are eligible to receive a rebate for most of the cost of their treatment. Others who have medical problems with their feet could visit their doctor to enquire about the Extended Care Program and they may then have the full cost of their treatment refunded.

Up until the advent of Activity Based Costing (ABC) in 1997/1998, the service appeared to have a balanced budget, however there were no internal administrative costs included. With the introduction of ABC in 1998 the cost of the service to the Council was evident and indicated a deficit and as such the Council was providing a significant subsidy.

The Operating Expenditure budget for podiatry in the 2005/2006 financial year is $73,262. Of this amount, $45,312 is for Activity Based Costing (ABC). It is anticipated that the account will attract $35,650 in Operating Income in the 2005/2006 financial period. Based on a continuation of providing 1,800 sessions, it is anticipated there would be a projected operating deficit of $37,612.

Historically, local governments commenced providing podiatry services to maintain foot and toe nail health therefore reducing accidents and minimising risk to aged people, in particular diabetics. Discussions with the Department of Health have indicated the following:

1. Less than 10 local governments in Western Australia receive the subsidy towards a podiatry service.

Item 11.5.8 Continued

2. The City's criteria for accessing the service is far more relaxed than what the Department originally intended. The present lack of defined criteria creates inequitable access to the service.

3. The Department intends to discontinue the grant of $3,500 for the podiatry service. No time-frame has been given.

4. Clients with diabetes receive a free podiatry service from specialised clinics at Royal Perth Hospital and Bentley Health Service.

5. Podiatry is at present not a health and wellness priority as clients most at risk are considered to be adequately provided for.

Presently the City applies for an annual subsidy of up to $3,500 which is received in June each year.

COMMENT

Further information was requested by Councillors detailing other podiatry services available within the Belmont area and surrounding districts and also other options. The following available options have been identified:

- **Option 1 - Utilisation of City of Belmont Podiatry Service Providers**

  Belmont Podiatry Clinic
  Located at 257 Wright Street, Belmont – Phone: 9478 3405

  The Podiatrist is Deborah Marsh. Her clinic is currently open for full days on Tuesday and Wednesday and Monday and Thursday from 9:00am-2:30pm.

  Charges are as follows:

  - First visit $47.00 – this includes a full assessment.
  - Subsequent visits for clients not on an Extended Care Program (ECP) - $39.00 – rebates are available depending on the client's Health Fund.
  - Clients on Extended Care Program – those who are under referral from a Doctor and Medicare, due to high needs - $45.00 – will receive a full rebate through the ECP. The ECP allows five visits a year including physiotherapy.

  Rivervale Podiatry
  Located at 102 Kooyong Road, Rivervale – Phone: 9362 3668

  The Podiatrist is David Lane. His clinic is currently open for full days on Tuesday and Fridays from 8.00am-6.00pm.

  Charges are as follows:

  - First visit - $47.00 if using credit card or Eftpos, or $45.00 if paying cash.
  - Subsequent visits for clients not on an Extended Care Program (ECP) - $39.00 if using credit card or Eftpos, or $37.00 if paying cash.

Document Set ID: 1036744
Version: 2, Version Date: 16/11/2007

Item 11.5.8 Continued

- Rebates for the above costs are available depending on the client's Health Fund.
- Clients on Extended Care Program – those who are under referral from a Doctor and Medicare, due to high needs - $47.00 if using credit card or Eftpos or $45.00 if paying cash – Those paying $45.00 will receive a full refund through the ECP.

- **Option 2 – Utilisation of Podiatry Services Within Neighbouring Local Governments**

  Harold Hawthorne Centre
  Located at 2 Memorial Avenue, Carlisle – Phone: 9470 1155. Provides a podiatry service.

  The clinic is currently open on Monday, Wednesday and Thursday mornings from 9.00am-12.00pm.

  Belmont residents are welcome to use this Clinic, however they must pay a yearly membership fee for the Centre of $20.00. They require payment in advance, therefore the first visit will cost $38.00 and subsequent visits are $18.00.

  'Harold Hawthorne' is an incorporated body and not supported by the Town of Victoria Park and therefore is not subject to ABC.

  Bentley Health Clinic
  Located at Mills Street, Bentley – Phone: 9334 3750

  The office is open on weekdays between 8.00am & 4.00pm. The Podiatrist works each weekday except for Mondays. This is a free clinic and clients are assessed for eligibility.

  The clinic is for high risk diabetic patients only. Once patients are assessed as no longer "high risk" they will be referred to another clinic in the local area.

  Other Podiatry Services
  There are two podiatrists in East Victoria Park, two in Cannington and two at Midland.

  - Active Podiatry, 165 Swansea Street, East Victoria Park – Phone: 9470 9969
  - Ann and Chris Rollins, 5/734 Albany Highway, East Victoria Park – Phone: 9361 3044
  - Tim Blair, Carousel Village, 29/53 Cecil Avenue, Cannington – Phone: 9258 8993
  - Cannington Podiatry, Suite 6, 9 Pattie Street, Cannington – Phone: 9351 8334
  - Amanda Ewin, Suite 3/40 Victoria Street, Midland – Phone: 9250 3422
  - Junction Podiatry (Julie & Michael Taranto), 17 The Crescent, Midland – Phone: 9250 1676

Item 11.5.8 Continued

In relation to Option 2, transport to appointments in Carlisle and other nearby areas may be an issue for some clients; however clients of Home and Community Care (HACC) could access the Transport service.

Clients assessed as being 'high need' would have access to free treatment at the Bentley Health Clinic and also receive transport through the HACC service if eligible.

- **Option 3 – Maintaining Existing Services**
  The City could decide to continue to provide a podiatry service using the same guidelines as the Harold Hawthorn Centre, i.e. an annual membership/administration fee. If $20 is charged it should be noted that it is anticipated that this will only reduce the projected budget deficit by approximately $3,000.

It should be appreciated by Council that funds available for a podiatry service could be utilised for other Community Service projects and facilities for the aged. The podiatry clinic and volunteers could be utilised for Justice of the Peace appointments or other community services.

FINANCIAL IMPLICATIONS

The service receives $3,250 pa Government funding with the City projected to incur an operating deficit of approximately $38,000 this financial year. This equates to a subsidy of approximately $21.00 for each of the 1,800 individual podiatry sessions provided to clients.

ENVIRONMENTAL IMPLICATIONS

Not applicable.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That Council:

1. ***Cease providing a podiatry service from 1 July 2007.***

2. ***Officers advise the clients, podiatrists and volunteers of Council's decision and the reasons.***

3. ***Advise all clients of its current podiatry service of the options available for their ongoing podiatry needs.***

4. ***HACC eligible clients be transported to alternative venues.***

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

*****8.07pm Having earlier declared a financial interest Cr Dornford departed the meeting.**

11.5.9 March Budget Review**
****BEXB Attachment 7 – Item 11.5.9 refers**

Report by Corporate and Governance Division

DATE

9 March 2006

PURPOSE OF REPORT

To conduct a review and make adjustments to the 2005-2006 Budget.
(Note: A Summary of Income and Expenditure Variances are included as an attachment to this item.)

SUMMARY AND KEY ISSUES

Summary and Key Issues

The March 2006 Budget Review has resulted in an increase in the projected closing balance and an increased transfer to the Land Acquisition Reserve. The March Budget Review ensures that a sound financial position is maintained for the end of financial year and a sound base is created to prepare the 2006-2007 Budget. Details are provided in the officer comment below.

Officer Recommendation Summation

1. That the variations to the Budget as detailed in the attached 2005 - 2006 March Budget Review adjustments document be approved.

2. That the Director – Corporate and Governance be authorised to amend the budget in accordance with all resolved variations.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

54/004 – Budget Documentation - Council

Item 11.5.9 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Absolute majority required.

CONSULTATION

Consultation has been undertaken with all Managers throughout the organisation.

Community consultation is not required.

STRATEGIC PLAN IMPLICATIONS

Achieve excellence in the management and operation of the local government's activities.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

BACKGROUND

In keeping with Council's ongoing budget control and financial management, a number of adjustments are required to ensure Council's Budget continues to reflect an accurate position. The March Budget Review is a very significant review that ensures Council's finances remain on track in the lead up to the end of the financial year and therefore set a very sound base for the development of the following year's Budget. For statutory reporting purposes, the adopted Budget is used, however, for sound management purposes, the adjusted Budget will be used on a day to day basis in the Management Reports.

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

- Resolutions of Council referred for funding;
- Resolutions of Council referred for consideration;
- Identify projects (particularly those funded by grants) that will carry over to the next budget and need to be budgeted again in 2006-2007.
- All other Budget matters as identified by Directors and their staff; and
- That a balanced budget be maintained.

Item 11.5.9 Continued

OFFICER COMMENT

The following summary lists the Divisional adjustments from the summary of income and expenditure variances.

➢ Opening Balance - Surplus	0
➢ Corporate and Governance	203,063
➢ Statutory and Community Services	(188,179)
➢ Technical Services	(414,884)
➢ Closing Balance	400,000
➢ Net Cost	0

Whilst this Budget Review is particularly comprehensive and covers a myriad of issues that are briefly explained in the summary document, there are some issues that warrant further comment.

- There has been no adjustment at this stage to the Airport Rates Budget as the full amount is deemed to be due and payable. The Services – Legal budget has been increased to allow all of Council's options to be explored. Some contingency has also been built into the projected closing balance.

- An increased transfer to the Land Acquisition Reserve has been included as this reserve has been under pressure in recent years due to some significant projects. There are still some outstanding land sales and settlements to take place prior to 30 June 2006 that will also increase the Land Acquisition Reserve Balance.

- The projected closing balance has been increased to allow for grants that have been received that will not be fully expended this financial year and also to cater for some projects that will not be completed this financial year that will need to be budgeted for in 2006-2007.

- The Finding My Place programme has now become a significant activity of Council with additional funding being received from the education department. A separate section has been created within the Library Budget to account for the programme.

- The Home and Community Care (HACC) Budget is being monitored closely and changes have been made to reflect the shift from some salaried services to purchased services. It is anticipated that this programme will finish with a surplus to offset previous year's deficits.

- Various projects have been deferred in the Technical Services Division to be budgeted in 2006-2007. These are detailed in the projects section of the budget review.

The remainder of the Budget Review is covered in the Budget Review schedules with comments that explain significant line items.

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

Item 11.5.9 Continued

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

FINANCIAL IMPLICATIONS

Budget Reviews ensure that the City's Budget remains in balance and all matters relating to Income and Expenditure are addressed in a responsible and accountable manner. They also ensure sufficient resources are available to meet all statutory obligations as well as delivering services and completing capital works.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
7	2005-2006 March Budget Review document

OFFICER RECOMMENDATION

1. That the variations to the Budget as detailed in the attached 2005-2006 March Budget Review adjustments document be approved.

2. That the Director – Corporate and Governance be authorised to amend the budget in accordance with all resolved variations.

MARKS MOVED, POWELL SECONDED, that the variation to the budget as detailed in the attached 2005/2006 March review adjustments document, specifically project 81199 Child Care, be approved.

CARRIED 9 VOTES TO 0

*****8.12pm Cr Dornford returned to the meeting.**

TEASDALE MOVED, WHITELEY SECONDED, that

1. The variations to the Budget as detailed in the attached 2005-2006 March Budget Review adjustments document with the exception of project 81199 Child Care, be approved.

2. That the Director – Corporate and Governance be authorised to amend the budget in accordance with all resolved variations.

CARRIED 10 VOTES TO 0

12. REPORTS BY THE ACTING CHIEF EXECUTIVE OFFICER

12.1 INFORMATION BULLETINS

The following Elected Members Bulletin was distributed to Councillors:

Elected Members Bulletin 3 March 2006.

OFFICER RECOMMENDATION

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

Elected Members Bulletin 3 March 2006.

CARRIED 10 VOTES TO 0

12.2 REQUESTS FOR LEAVE OF ABSENCE

Cr Bass - 29 March 2006 to 8 April 2006 inclusive.

*****8.14pm The Director Corporate & Governance departed the meeting.**

***ROSSI MOVED, HITT SECONDED*, that the following leave of absence be granted:-**

Cr Bass – 29 March 2006 to 8 April 2006, inclusive.

CARRIED 10 VOTES TO 0

*****8.14pm The Director Corporate & Governance returned to the meeting.**

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

<u>NOTE</u>: Section 5.23(2) of the Local Government Act 1995, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: - matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters, security matters, among others.

<u>NOTE</u>: Section 5.93 of the Local Government Act 1995, details that an elected member or employee may not make improper use of any information acquired in the performance of their function under this Act or any written law. Penalty $10,000. The City of Belmont Standing Orders Local Law Clause 4.2(2) details that an elected member or employee in receipt of Confidential Information may not disclose such information to any person other than another City of Belmont elected member or employee. Penalty $5,000.

*****8.15pm Cr Whiteley departed the meeting.**
*****8.16pm Cr Whiteley returned to the meeting.**
*****8.17pm Cr Bass departed the meeting.**

The Mayor referred to the two Confidential Items for consideration and requested the meeting go behind closed doors.

<u>POWELL MOVED, MARKS SECONDED</u>, that in accordance with Section 5.23(2) (a) (c) & (e) (ii) of the Local Government Act 1995 and clause 4A of the Local Government (Administration) Regulations, Council proceed behind closed doors (including the presence of Council Officers).

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

***** 8.20pm The meeting reconvened in the absence of the public gallery.**
Cr Bass rejoined the meeting.

13.1 CONFIDENTIAL ITEM – Gratuity Payment – Mr John Politis (Circulated under Separate Cover)

Confidential Matter in accordance with Section 5.23(2)(a)

13.2 CONFIDENTIAL ITEM – Disposal of Council Owned Land within The Springs** (Circulated under Separate Cover)

Confidential Matter in accordance with Section 5.23(2)(c)&(e)(ii) and clause 4A of the Local Government (Administration) Regulations

*****8.18pm*** ***<u>BASS MOVED, MARKS SECONDED</u>, that Council suspend Clause 9.5 of the City of Belmont Standing Orders.***

<u>CARRIED 10 VOTES TO 0</u>

*****9.21pm*** ***<u>MARKS MOVED, TEASDALE SECONDED</u>, that Council resume Clause 9.5 of the City of Belmont Standing Orders.***

<u>CARRIED 9 VOTES TO 1</u>

For: Godfrey, Bass, Hitt, Marks, Martin, Powell Rossi Teasdale, Whiteley

Against: Dornford

*****9.29pm*** ***<u>MARTIN MOVED, ROSSI SECONDED</u>, that the public be invited to return to the meeting and that the resolutions passed behind closed doors be read.***

<u>CARRIED 10 VOTES TO 0</u>

Item 13.2 Continued

****9.29pm The public were readmitted to the meeting and the Manager – Governance read aloud the resolutions passed behind closed doors, namely –**

13.1 CONFIDENTIAL ITEMS - Gratuity Payment – Mr John Politis
(Circulated under Separate Cover)

<u>TEASDALE MOVED, POWELL SECONDED</u>, that

1. *As Council's gratuity policy C2.1.3 gives Council discretion to approve gratuity payments to staff, Council approve the payment of a gratuity (of one week's pay for each year of service) to Mr John Politis.*

2. *Further, that Council congratulate John on his service and wish him well in his retirement.*

<u>CARRIED 10 VOTES TO 0</u>

*13.2 CONFIDENTIAL ITEM – Disposal of Council Owned Land within The Springs***
(Circulated under Separate Cover)

<u>MARKS MOVED, TEASDALE SECONDED</u>, that Council, in accordance with Section 3.59 of the Local Government Act 1995,

1. *Consider any submissions received in response to the Statewide public notice advising of Council's intent to commence this major land transaction.*

2. *As a result of updated valuations approve the sale of Lots 100 – 103 Great Eastern Highway, Lot 62 Malvern Road and Lot 89 Rowe Avenue, Rivervale to LandCorp for $2,425,000 (GST exclusive) with the proceeds being placed in the City's Land Acquisition Reserve.*

<u>CARRIED BY ABSOLUTE MAJORITY 7 VOTES TO 3</u>

For: Godfrey, Marks, Martin, Powell, Rossi Teasdale, Whiteley

Against: Hitt, Bass, Dornford

14. CLOSURE

There being no further business to discuss, the Mayor thanked all those in attendance and particularly Cr Marks, Deputy Mayor for Acting as Mayor in her absence and closed the meeting at 9.31pm.