City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

TABLE OF CONTENTS

22 November 2016

ATTACHMENTS INDEX

CONFIDENTIAL ATTACHMENTS INDEX

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

MINUTES

PRESENT

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP, Deputy Mayor	West Ward
Cr L Cayoun	West Ward
Cr P Hitt	West Ward
Cr M Bass	East Ward
Cr B Ryan	East Ward
Cr P Gardner	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward

IN ATTENDANCE

Mr S Cole	Chief Executive Officer
Mr N Deague	Director Community and Statutory Services
Mr R Garrett	Director Corporate and Governance
Mr J Olynyk, JP	Manager Governance
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms D Morton	Media and Communications Officer
Ms S D'Agnone	Governance Officer

MEMBERS OF THE GALLERY

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

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.04pm, welcomed those in attendance and read the Acknowledgement of Country.

It is important that we acknowledge the traditional owners of the land on which we are meeting today the Noongar Whadjuk people and pay respect to Elders both past and present

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

Affirmation of Civic Duty and Responsibility

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

2. APOLOGIES AND LEAVE OF ABSENCE

Mr R Lutey (Apology) Director Technical Services

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title
Cr R Rossi	Item 12.2 Review of the City of Belmont (Heritage) Inventory
Cr R Rossi	Item 12.5 Continuation of Rate Exemption Review Process

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

4.1 ANNOUNCEMENTS

The Presiding Member made the following announcement:

"It is with mixed feelings that I announce tonight another retirement. The City's Director of Community and Statutory Services, Mr Neville Deague has advised the CEO that he intends to retire next year. Neville's last working day will be Friday 17 February 2017 after which time he will take some long service leave and annual leave.

Neville's retirement brings to conclusion an extensive career in Planning in both Local Government and overseas in Papua New Guinea spanning 44 years. Neville has been with the City of Belmont for 29 years following 7 years at the Shire of Mundaring. Whilst more will be said at the time of Neville's retirement it must be recognised that Neville has been the architect of significant progression in the City of Belmont and has worked tirelessly to ensure Belmont reaches its full potential in a planned manner.

Neville will not only be a significant loss to Belmont but also the broader Planning profession as he is a highly regarded and respected professional whose opinion is regularly sought and valued by external stakeholders. I am sure you will all agree and join me in thanking Neville and congratulate him on an outstanding career."

4.2 DISCLAIMER

7.07pm The Presiding Member advised the following.

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

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

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE

The following question was taken on notice at the Ordinary Council Meeting of 25 October 2016. Mr Childs was provided with a response on 9 November 2016. The response from the City is recorded accordingly:

1. The information received on the Security tender included the number of tenders submitted and the process of how the successful tenderer was selected. These details were not included in the information provided for the Youth Services tender. It would be reassuring to know correct tender procedures were followed.

Response

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

An invitation to tender for the Provision of Youth Services was advertised in the West Australian on Saturday, 6 February 2016, closing on Wednesday, 9 March 2016 at 2:00pm.

Thirteen sets of tender documents were issued to prospective tenderers and four responses were received as follows:

- **Australian Red Cross**
- **Lifestyle Solutions**
- **Life without Barriers**
- **YMCA Perth Youth and Community Services Inc. (YMCA WA).**

The Evaluation Committee consisted of the Coordinator Contracts and Tenders, the Manager Community Development and the Coordinator Community Development. The tenders were assessed on the same selection criteria included within the tender, being:

	CRITERIA	WEIGHTING
1	Experience	25%
2	Company Capacity	10%
3	Methodology	30%
4	Value Adding	10%
5	Safety	15%
6	Price	10%
	TOTAL	100%

Item 5.1.1 Continued

While all of the tenderers are not for profit organisations who work with young people providing support services for those identified as being at risk and/or disadvantaged, none of these organisations apart from YMCA WA were able to evidence and demonstrate that they have extensive experience in providing activities and programmes that engage young people and encourage them to participate in their community, as per the City's expectations for the provision of Youth Services.

The core business of YMCA WA is to support young people transitioning into adulthood and community leadership and they have demonstrated this in both their tender submission and in the programmes they run from various locations in Western Australia, including The Base@Belmont.

YMCA WA has been providing activities and workshops for the youth of the City of Belmont for over three years and during that time has seen a 70% increase in participation rates. Case management services and ongoing support is also available and they have developed a successful partnership with Belmont City College, providing significant support through the mediums of workshops and case management to students on a daily basis. They also provide support to staff and teachers where required.

As the highest scorer on the Evaluation Matrix, YMCA WA was the recommended provider of youth services.

Please note that all of the abovementioned information was provided in Item 12.4 of the Council Minutes of the 26 April 2016. YMCA WA was awarded a three year term commencing on the 1 July 2016, with a two year extension at the discretion of the City.

Council resolved as follows:

"That Council:

1. ***Accept the tender submitted by YMCA Perth Youth and Community Services Inc for the Provision of Youth Services for the sum of $670,022.00 excluding GST per annum for the initial term of the contract as the most advantageous.***

2. ***Award the contract to YMCA Perth Youth and Community Services Inc for an initial term of three years commencing 1 July 2016 with a two year extension option at the sole discretion of the City."***

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.08pm **The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (l), the Mayor advised that he had registered three members of the public who had given prior notice to ask questions.**

The Presiding Member invited members of the public who had yet to register their interest to ask a question to do so. No further registrations were forthcoming.

5.2.1 MR M MCCASKER, 80/5 HAWKSBURN ROAD, RIVERVALE

Will the Council be enforcing the parking bylaws in The Springs as vehicles continue to park in blatant disregard of the No Parking signs as the owners know there is little or no consequences?

Mr McCasker provided Councillors with documentation consisting of photos of illegally parked vehicles in The Springs.

Response

The Director Community and Statutory Services advised that a Planning Officer attended The Springs after hours to assess the car parking situation at that time and discovered a great deal of the provided car parking was not being used and residents were instead parking on the streets. The extent of this activity during daytime hours is not known however the City will be raising the issues with strata bodies and advising that residents are required to park in their allocated bays.

The City's Parking Local Law has not been enforced in The Springs in recent times due to the extensive building activity in the area.

Rangers will soon commence enforcement of the City's Parking Local Law and following a warning period, will infringe all illegally parked vehicles, including those of residents, visitors and contractors.

As an initial step Rangers will endeavour to talk to offenders, however action will begin to be taken and an improvement in the parking situation in The Springs should be evident in the short term.

5.2.2 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE

1. Youth Services Tender - can you explain the 70% increase in participation rate?

Response

The Director Community and Statutory Services advised that the question would be taken on notice.

2. Violence Against Women/Domestic Violence - In July it was referred to an Information Forum. What was the outcome?

Response

The Presiding Member advised that the matter of domestic violence was discussed at an Information Forum. Council then resolved to approve funding for a Domestic Violence Advocate position to assist victims of domestic violence. This funding is for the advocate to be based at Belmont Police Station.

3. Ascot Waters/Grandstand Road – What changes to policy and procedure have been implemented to ensure this debacle doesn't happen again?

Response

The Presiding Member advised that Council had been in the process of determining the Development Application for 52 Grandstand Road, however a decision was made midway through that process and it was not completed to its end.

The public consultation carried out met all requirements. Residents often do not take an interest when they receive a consultation letter and it may not be until residents start talking amongst themselves that some become aware of the details of a proposed development. It is not possible to advise all residents of every Development Application.

The Director Community and Statutory Services advised that the City followed and exceeded all statutory requirements for consultation relating to the relevant stages of the development at 52 Grandstand Road. There are many different methods of public engagement however there is some difficulty with Development Applications that have statutory timeframes. Timeframes for Joint Development Assessment Panel (JDAP) applications where there is no room to manoeuvre are particularly restricting.

When a Development Application is assessed on a non-statutory basis there is a great deal more time to engage and consult with the community. In this way the community can be provided more opportunity to understand the vision for Belmont and what is planned for the future.

5.2.3 Ms J Gee, 97 Gabriel Street, Cloverdale

1. Do you have process and policy on complaints given to Council?

Response

The Manager Governance advised that the City has a Customer Complaint Management Procedure in place, and asked if Ms Gee could be more specific regarding the nature of the complaint she is referring to.

2. Can it be emailed to me?

Response

The Manager Governance advised that the Customer Complaint Management Procedure is an internal working document and is not available on the City's website, however he would be pleased to organise a meeting with Ms Gee at her convenience where she could view and be guided through the document in detail.

3. So a copy of the current processes can't be emailed to me?

Response

The Manager Governance further advised that the document was created to address complaints to Officers, Management and Councillors and is not a public document. If Ms Gee was to provide details of a specific type of complaint, a copy of the relevant extract could be viewed.

The Director Corporate and Governance advised that there is an outline of this information available on the City's website under the Customer Service page.

7.28pm **As there were no further questions, the Presiding Member declared Public Question Time closed.**

6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 25 OCTOBER 2016
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, GARDNER SECONDED,

That the minutes of the Ordinary Council Meeting held on 25 October 2016 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 9 VOTES TO 0

6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 15 NOVEMBER 2016
(Circulated under separate cover)

OFFICER RECOMMENDATION

HITT MOVED, CAYOUN SECONDED,

That the Information Matrix for the Agenda Briefing Forum held on 15 November 2016 as printed and circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

11.1 STANDING COMMITTEE (AUDIT AND RISK) HELD 24 OCTOBER 2016
(Circulated under separate cover)

OFFICER RECOMMENDATION

CAYOUN MOVED, RYAN SECONDED,

That the minutes for the Standing Committee (Audit and Risk) meeting held on 24 October 2016 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

11.2 STANDING COMMITTEE (COMMUNITY VISION) HELD 7 NOVEMBER 2016
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, ROSSI SECONDED,

That the minutes for the Standing Committee (Community Vision) meeting held on 7 November 2016 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

11.3 STANDING COMMITTEE (ENVIRONMENTAL) HELD 14 NOVEMBER 2016
(Circulated under separate cover)

OFFICER RECOMMENDATION

WOLFF MOVED, RYAN SECONDED,

That the minutes for the Standing Committee (Environmental) meeting held on 14 November 2016 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Hitt.

POWELL MOVED, BASS SECONDED,

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

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.1 MULTIPLE DWELLINGS – LOTS 100 AND 5 (346 AND 348) ABERNETHY ROAD, CLOVERDALE

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.1 refers	**Development Plans (Site Plan, Floor Plans, Elevations)**
Attachment 2 – Item 12.1 refers	**Letter from Department of Planning dated 21 September 2016**
Attachment 3 – Item 12.1 refers	**Traffic Impact Assessment Report**
Attachment 4 – Item 12.1 refers	**Letter from Department of Planning dated 14 October 2016**
Attachment 5 – Item 12.1 refers	**Ambient Noise Assessment**

Voting Requirement	:	Simple Majority
Subject Index	:	115/001–Development/Subdivision/Strata–Applications and Application Correspondence
Location / Property Index	:	Lots 100 and 5 (346 and 348) Abernethy Road, Cloverdale
Application Index		294/2016/DA
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Danmar Developments
Owner	:	G Carver
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	**Executive**	*The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**Legislative**	*Includes adopting local laws, local planning schemes and policies.*
☐	**Review**	*When Council reviews decisions made by Officers.*
☒	**Quasi-Judicial**	*When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

Item 12.1 Continued

PURPOSE OF REPORT

For Council to consider a development application for 23 multiple dwellings located at Lot 100 (346) and Lot 5 (348) Abernethy Road, Cloverdale (refer Attachment 1).

SUMMARY AND KEY ISSUES

The City has received an application for planning approval for 23 multiple dwellings consisting of six–one bedroom units, ten–two bedroom units and seven–three bedroom units. The development is four storeys with ground floor parking, swimming pool and gym facilities, and an upper floor communal recreational area, at Lot 100 (346) and Lot 5 (348) Abernethy Road, Cloverdale.

The subject lot is zoned Residential R20/50/100 under the City of Belmont Local Planning Scheme No. 15 (LPS15).

The application complies with the City's LPS15 and Local Planning Policy No. 1 – *Town Centre Density Bonus Requirements* (LPP1) but proposes a variation to the side setback requirements of the Residential Design Codes (R-Codes).

The variation to side setback was referred to adjoining owners.

The subject lots abut Abernethy Road which is designated as an 'Other Regional Road'. A vehicle access plan (VAP) has been approved for properties fronting this portion of Abernethy Road. A variation to the crossover location within the VAP is proposed.

Council is required to determine the application as the cost of the development is $5.5 million, which exceeds the $5 million threshold delegated to officers.

It is recommended that Council approve the application.

Item 12.1 Continued

LOCATION

The subject site comprises of Lot 100 (346) and Lot 5 (348) Abernethy Road with a total area of 1568 square metres (refer Figure 1).

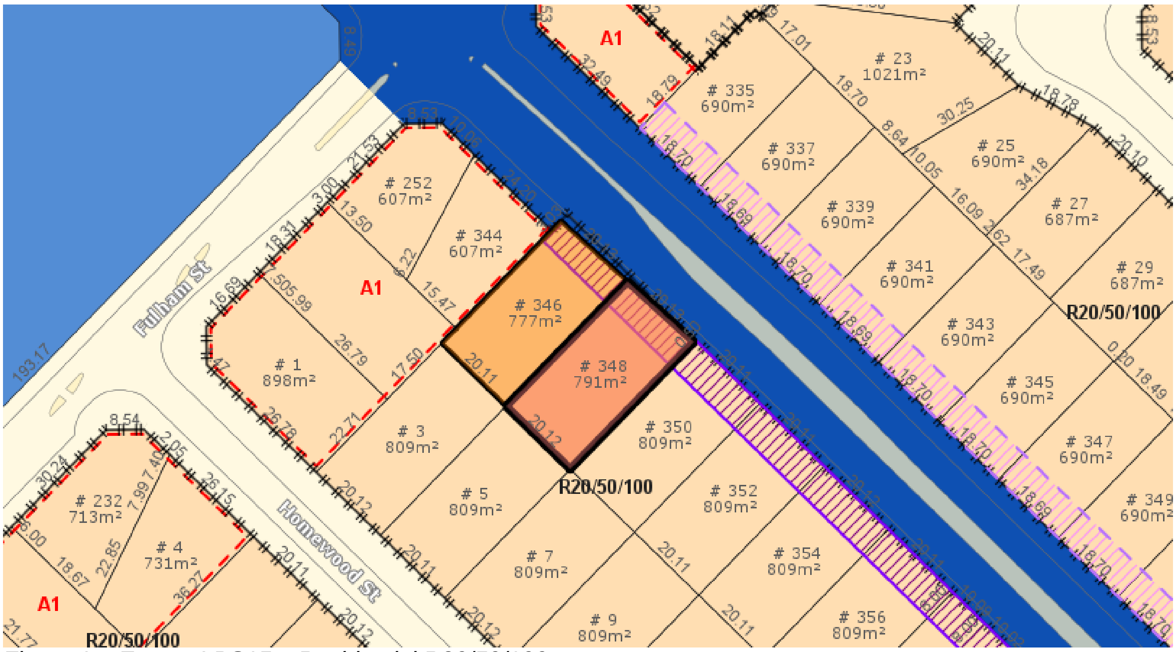


Figure 1 – Extract LPS15 – Residential R20/50/100


Figure 2 – Aerial - Nearmaps

Item 12.1 Continued

CONSULTATION

Category C applications are those that need external referrals from third parties such as the Environmental Protection Authority, Western Australian Planning Commission (WAPC), Swan River Trust, Heritage Council etc. Category C applications may also require statutory advertising, referral to neighbours or consideration by Council.

The application was referred to the adjoining side owners for comment as the development incorporates a variation to the side setbacks of the 'Deemed to Comply' standards under Table 5 of the Residential Design Codes (R-Codes), which require a 4 metre side setback. The application was advertised for more than 14 days from the 20 September 2016 until 7 October 2016. At the close of the submission period no comments were received.

The proposal was not referred to the adjoining rear lots as the proposal complies with the R-Codes with respect to the rear setbacks, privacy and overshadowing.

Figure 3 – Referral Plan

Department of Planning

The application was referred to the Department of Planning (DoP) as the subject lots abut Abernethy Road which is reserved as a Category 2 '*Other Regional Road' (ORR)* in the Metropolitan Region Scheme. The City received advice dated 21 September 2016 that the DoP has no objection to the proposal in principle, however requested a Transport Impact Statement in accordance with the WAPC's Transport Impact Assessment Guidelines (August 2016) (refer Attachment 2).

The Transport Impact Assessment Report by ML Traffic Engineers was forwarded to the DoP on 11 October 2016 (refer Attachment 3).

On 14 October 2016 the City received written advice from the DoP that the Transport Impact Assessment report confirming that the additional traffic will not adversely affect the operation of Abernethy Road or the intersection of Abernethy Road and Fulham Street. There is ample spare capacity to accommodate the traffic from the proposed

Item 12.1 Continued

development and therefore the DoP has no objection to the proposal on regional transport grounds (refer Attachment 4).

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Objective: Provide a safe, efficient and well maintained transport network.

Strategy: Encourage a broad range of transport alternatives and provide adequate management of traffic density, parking, congestion and safety of the transport network, in and surrounding the City of Belmont.

POLICY IMPLICATIONS

State Planning Policy 3.1–Residential Design Codes

The development standards for medium residential multiple dwellings are required to adhere to the provisions as stated in Part 6 of the R-Codes (design elements for multiple dwellings in areas coded R30 or greater and within mixed use development and activity centres).

Part 6 comprises of four parts and any development application assessed against the R-Codes must satisfy the deemed-to-comply provisions under each part. Should the application not be able to satisfy the deemed-to-comply provision, an assessment under the Design Principles is undertaken which requires the applicant to provide further justification as to why the application is acceptable and complies with the objectives of the R-Codes.

State Planning Policy 5.4–Road and Rail Transport Noise and Freight Considerations in Land Use Planning

Clause 5.2.2 major roads includes urban primary distributors as described on the metropolitan functional road hierarchy network.

Clause 5.3 provides noise criteria for new development on major roads to ensure an acceptable level of acoustic amenity is achieved.

Local Planning Policy No. 1–Performance Criteria Town Centre Density bonus Requirements

The provisions of LPP1 complement the R-Codes to achieve the highest standard of streetscape and quality living environments within the Town Centre Precinct. The Policy outlines the criteria against which all applications are required to be assessed where the density is proposed above the R50 coding.

The subject proposal complies with the seven points specified under LPP1.

Item 12.1 Continued

Local Planning Policy No 13–Vehicle Access for Residential Development

Local Planning Policy No. 13 (LPP13) Clause 4.4 states that for all developments comprising ‘Multiple Dwellings’ on a lot, a maximum of one vehicle crossover shall be permitted.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 15

The property is zoned Residential with a density of R20/50/100.

The purpose and intent of the Residential Zone is to increase the population base of the City of Belmont by permitting a mix of housing types to reflect household composition and thereby increase the resident population.

Clause 5.2 states that unless otherwise provided for in the Scheme, the development of land for any residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

Clause 5.5.1 relates to the variation of the site and development standards of the various zones. This Clause reads as follows:

> *“If a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.”*

Clause 5.7.1 states that where residential land abuts a regional reserve, vehicular access to the road shall not be permitted for residential development other than for a single house, unless a vehicular access plan has been approved by the responsible authority.

Clause 5.7.3 sets out the development standards that apply when contemplating the development of land within any of the flexible coded areas above the base coding of R20. These provisions include:

(a) The frontage of the lot is not less than 16 metres.

(b) Any existing building or development which, in the opinion of the City, is of low quality and incapable of being upgraded to a standard commensurate with new development is demolished.

(c) Developments of two or more dwellings shall have a minimum side setback of 6 metres between the side wall of the first dwelling fronting the public street and the side boundary of the parent lot.

(d) Rear dwellings shall be designed so that significant sections of the front elevations have an outlook to, and be visible from the public street.

(e) Single storey dwellings shall be permitted only up to an R30 density with a mix of single and two storey dwellings up to a density of R40 provided that 50% or greater of the dwellings are two storey.

Item 12.1 Continued

(f) Solid external or internal fencing is not permitted where, in the opinion of the City, views from dwellings to the public street will be limited.

(g) Dwellings located on the front portion of a lot, or where there is more than one street frontage, shall be oriented to address the public street(s).

(h) Dwellings located adjacent to public open space shall be oriented to provide informal surveillance of public areas.

(i) Solar design principles shall be incorporated in the dwelling design.

(j) For developments that propose dwellings adjacent to each other, carports and garages shall be incorporated into the house design so they do not dominate the appearance of the dwelling and the streetscape.

(k) Development on corner lots or lots with more than one frontage shall have driveways from the street with lesser traffic.

(l) The number of crossovers for any development shall be minimised.

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 10.2 of LPS15 is amended by Schedule 2, Clause 67 of the Deemed Provision of the *Regulations 2015*. Clause 67 of the *Regulations 2015* states the matters to be considered by the local government in determining a planning application. The following matters are of particular relevance to this application:

(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;

(b) The requirements of orderly and proper planning;

(c) Any approved State planning policy;

(g) Any local planning policy for the Scheme area;

(m) The compatibility of the development with its setting including the relationship of the development to development adjoining on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

(n) The amenity of the locality including environmental impacts, the character of the locality and any social impacts of the development.

(p) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether trees or other vegetation should be preserved;

(s) The adequacy of –

    i. The proposed means of access to and egress from the site; and

    ii. Arrangements for the loading, unloading, manoeuvring and parking of vehicles;

Item 12.1 Continued

(t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

(u) The availability and adequacy for the development with respect to public transport services, public utility services, storage, management and collection of waste, access for pedestrians and cyclist and access for older people and people with disability.

(y) Any submissions received on the application;

(za) The comments or submissions received from any authority consulted under Clause 66; and

(zb) Any other planning consideration the local government considers appropriate.

Deemed Refusal

Clause 10.9.2 of LPS15 is amended by Schedule 2, Clause 75 of the Deemed Provision of the *Regulations 2015*. Clause 75 of the *Regulations 2015* states that the local government must determine an application for development approval within 90 days where the application has been advertised in accordance with Clause 64 or otherwise within 60 days (where advertising is not required) and in either case within a longer time agreed in writing between the applicant and the local government. In this case there is no written agreement for the timeframe to be extended beyond the 90 days.

Under Clause 75 (3) the local government may determine whether or not to grant the development approval after the applicable timeframe has expired and the validity of the determination is not affected by the expiry.

The deemed refusal date for this application passed on 30 August 2016 and the applicant already has deemed refusal rights.

Right of Review

Is there a right of review? ☒ Yes ☐ No

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

Item 12.1 Continued

BACKGROUND

Lodgement Date:	1 June 2016	**Use Class:**	D - Discretionary Use
Lot Area:	777m^2 and 791m^2	**TPS Zoning:**	Residential R20/50/100
Estimated Value:	$545,545.40	**MRS:**	Urban, abuts Other Regional Road

Site Description

The subject property is surrounded by single houses, grouped dwellings and medical consulting rooms. The site is within 250 metres of a high frequency bus route and 60 metres of the Belmont Forum Shopping Centre. Abernethy Road is designated as an 'ORR' which requires a vehicle access plan which was endorsed by Council at its Ordinary Council Meeting held on 22 June 2010.

The Proposal

The application proposes the construction of 23 multiple dwellings comprising of four storeys (see below). The site will be accessed via a proposed central crossover providing ingress/egress to the 8 metre wide vehicle access easement. The development is proposed at a density of R100 with a residential plot ratio area of 1996.74 square metres. Each floor of the development is outlined below:

Ground Floor

Entry, lobby, gymnasium, pool, drying court, bin store, stores, bicycle parking, and car-parking bays.

First Floor – Nine Dwellings

- Three, one bedroom dwellings
- Five, two bedroom dwellings
- One, three bedroom dwelling.

Second Floor – Nine Dwellings

- Three, one bedroom dwellings
- Five, two bedroom dwellings
- One, three bedroom dwelling.

Third Floor – Five Dwellings

- Five, three bedroom dwellings
- Communal Recreational Area.

All units are provided with a minimum of a 10 square metre outdoor living area and a minimum 4 square metre store.

Item 12.1 Continued

Development Component	Required / Permitted	Proposed	Comment
Local Planning Scheme No. 15 and Local Planning Policy No. 13			
Land Use	Any use with a use class of P, D or A may be considered.	Multiple Dwellings – 'D'.	The Scheme provides discretion for approval; Multiple Dwellings at the R100 density are a development type consistent with the Residential R20/50/100 zoning.
Frontage	16m	40.26m	Complies
View corridors down the access leg	6m side setback between side wall of front unit and side boundary. Rear dwellings to address the street.	Design incorporates 2 x 6 metre wide driveway access to ground floor parking bays.	The Scheme provides discretion for approval; Multiple Dwellings at the R100 density are a development type consistent with the Residential R20/50/100 zoning.
Solid internal fencing	Solid internal fencing is not permitted where, in the opinion of the City, views from dwellings to the street will be limited.	The design includes feature masonry planter boxes and screen wall with open infill.	Complies
Front dwellings address the street	Dwellings located on the front portion of a lot or where there is more than 1 street frontage, are oriented and designed to address all public street(s).	Building has habitable rooms and balconies addressing the street.	Complies
Solar design principles	Solar design principles are incorporated in the design.	Primarily north facing outdoor living areas, doors and windows positioned to take advantage of south westerly breezes, eaves provided.	Complies
Crossovers	The number of crossovers for any development is minimised, having regard to the relevant Local Planning Policy.	1 crossover provided to the vehicle access easement.	Complies
Local Planning Policy No. 1			
1. Dwelling Diversity	Dwelling diversity (a minimum of 6 single bedroom units required).	Units 3, 5, 7, 9, 12, 14 and 16 are proposed as single bedroom units.	Complies
2. Design standards	High standard of development in accordance with LPS15.	Complies with Clause 5.7.3 of LPS15.	Complies

Item 12.1 Continued

Development Component	Required / Permitted	Proposed	Comment
Local Planning Policy No. 1			
3. Overshadowing	No overshadowing greater than 50%.	Development does not overshadow any of the adjacent properties by greater than 50%: • 350 Abernethy Road – 24.7% • 7 Homewood Street – 14.7% • 5 Homewood Street - 20% • 3 Homewood Street – 15.9%.	Complies
4. Solar access and ventilation	Maximum winter sunlight and ventilation to the development whilst maintaining privacy.	Majority of dwellings oriented to maximise passive solar design - 13 dwellings have northern orientation with major openings to habitable rooms and balconies. - 10 dwellings face south-west rear elevation; however the design includes light towers and does not compromise ventilation or privacy.	Complies
5. Urban design	Exceptional urban design standards and internal feature provided.	High design standard proposed with feature walls on both sides of the façade fronting Abernethy Road. The design also includes recreational area providing amenity facilities for occupants and visitors and planter boxes on the balconies of the rear elevation providing screening and visual amenity.	Complies
6. Community/streetscape benefit	External benefit to wider community/ streetscape (ie public art).	Public art is proposed as a feature wall on both sides of the front façade of the development. This will be a condition of the approval.	Details of artwork to be provided and will be conditioned.

Item 12.1 Continued

Development Component	Required / Permitted	Proposed	Comment
Local Planning Policy No. 1			
7. Energy efficiency /sustainability	High standard of energy efficient design and sustainable design.	Justification provided – northern orientation, shading through eaves, ventilation and light well located in central hallway.	Complies
Residential Design Codes			
Plot Ratio	Maximum 1.25 plot ratio of 1568m^2 = 1960m^2.	1993.5m^2 plot ratio area equates to 1.27.	Minor variation equates to 33.5m^2. **Refer Officer comment.**
Building height	Max wall height – 12m. Max pitched roof height – 15m.	Max wall height proposed for 3rd storey component – 11.5m. 12.8 highest point of skillion roof.	Complies
Building setbacks	Table 4 – general site requirements and Table 5 side setbacks – 4m. As per Table 2A and B of the R-Codes.	Proposal does not comply with the 4m side setback (Table 5).	**Variation – addressed in Officer Comment section of report.**
Boundary walls	Table 4 permits height of boundary walls up to 7 metres with an average of 6 metres. Max 2/3 at no higher than 3.5m on one side only.	The application proposes boundary walls for stores measuring 14.4m on each side boundary and 1.64m x 2 on the rear boundary.	Individually each boundary wall for the stores complies. – **Refer Officer Comment**.
Open space	N/A	N/A	Complies
Street surveillance	The building has habitable room windows or balconies that face the street.	Building has habitable room windows and balconies addressing the street.	Complies
Front walls and fences	Front walls and fences within the primary street setback area that is visually permeable 1.2m above natural ground level.	Minimal fencing proposed which is visually permeable fencing above 1.2m.	Complies
Outdoor living area	Each unit is to be provided with at least 1 balcony or equivalent, accessed directly from a habitable room with a minimum area of 10m² and a minimum dimension of 2.4m.	Each dwelling provided with terrace/courtyard located next to main living area of at least 10m².	Complies
Landscaping	Landscaping plan.	Landscaping areas provided.	Detailed landscape plan to be submitted/approved by the City – standard condition.

Item 12.1 Continued

Development Component	Required / Permitted	Proposed	Comment
Residential Design Codes			
Car parking	24 resident bays, 6 visitor bays and 11 bicycle bays/visitor bicycle bays.	30 resident bays, 6 visitor bays and 2 areas for bicycle bays provided.	A condition shall be included requiring 11 bicycle spaces to be provided.
Vehicle access	Formed driveways designed for two-way access and for vehicles to enter the street in forward gear.	6 metre wide two-way access provided in accordance with Vehicle Access Plan	Complies
Visual privacy	Screening if necessary.	Screening provided for balconies and minor openings proposed to ensure all setback appropriately as per the R-Codes.	Complies
Solar overshadowing	50%.	Development does not overshadow any of the adjacent properties by greater than 50%.	Complies
Drainage	On-site	On-site	Complies – standard condition.
Storerooms	Each dwelling provided a 4m² storeroom with a min. dimension of 1.5m.	The development plans indicate a total of 23 storerooms.	Complies
Waste Management	8 x 1100L bins stored on-site (4 x waste and 4 x recycle bins).	Bin store provided with internal chute.	Complies – **Refer Officer Comment.**

Table 1- Assessment Table

<u>OFFICER COMMENT</u>

Council is to determine the proposal as the cost exceeds $5 million.

The primary matter for Council to consider is whether it is appropriate to approve the side boundary setback variation. In accordance with R-Codes standards, the side setback variations were referred to impacted neighbours for comment with no submissions received.

Land Use

The subject property is zoned R20/R50/R100 under the City of Belmont's LPS15 which was gazetted on the 1 December 2011. In the process of developing LPS15, extensive community consultation was undertaken including advertising of the draft LPS15 prior to final adoption and gazettal. The consultation process identified the desire for a variety of housing types in the area, including multiple dwellings where strict development standards are satisfied. These development standards are outlined in Clause 5.7.3 of LPS15, LPP1 when developing above the R50 density, LPP13 and State Planning Policy 3.1–R-Codes.

Item 12.1 Continued

The R-Codes provide a basis for control of residential development throughout Western Australia and are produced by the WAPC. Where a development is in strict compliance with the 'Deemed-to-Comply' provisions, the development is considered to satisfy the objectives and design principles of the R-Codes. This means that the local government is required to approve that component of the proposal. Where a development does not meet one or a number of the 'Deemed-to-Comply' provisions, approval is discretionary and can only be granted by the local government where it is demonstrated that the related 'Design Principle' is adequately addressed.

Whilst multiple dwellings are a discretionary land use, Officers consider the land use appropriate for this zone and area as it is the clear intent of the Scheme to encourage infill housing at the higher density under the performance criteria and in close proximity to the Town Centre.

Plot Ratio

Table 4 of the R-Codes permits a plot ratio of 1.25 at R100 density which equates to 1960 square metres. A plot ratio area of 1993.5 square metres is proposed which equates to an additional plot ratio area of 33.5 square metres.

It is the City's practice to accept a variation to the plot ratio area of no more than 2% (ie plot ratio of 1.27 at the R100 density). This ensures that any variations to plot ratio area will not constitute the equivalent of an extra dwelling (R-Codes Clause 6.4.3 C3.2 states that a minimum plot ratio area of 40 square metres per dwelling is required). The proposed plot ratio area variation of 33.5 square metres is therefore not considered to constitute an additional dwelling. Furthermore, under the design principles the R-Codes, the development shall be consistent with the existing or future desired built form of the locality. As stated above, the City has previously entertained minor variations to plot ratio area depending on the design of the development with respect to the number and size of the dwellings and the location. In this instance, a total of 23 dwellings are provided with a mix of single, two and three bedroom dwellings. The development is located within 60 metres of the Town Centre zone with the surrounding lots also zoned R20/50/100. Having regard for all these factors, the plot ratio area variation is considered to be minor and within the 2% variation, and as the design provides for a mix of dwelling sizes located close to the Belmont shopping centre, the variation is considered acceptable.

Setbacks

The application proposes a variation to Table 5 of the R-Codes which specifies that a 4 metre side setback is required when the width of a lot is 16 metres or greater. In this case, the side setback ranges on the ground floor from a nil setback to 1.38 metres adjacent to the central walkway and on the upper floors from 2.55 metres to 3.03 metres to the dwellings.

The City has previously varied the 4 metre side setback having considered each development on its merits with respect to overlooking and privacy. The side setback variation was referred to the adjoining owners with no comments or objections received.

In assessing this setback variation in accordance with the design principles, consideration must be given to the provisions of adequate daylight, direct sun, ventilation and open space for the development together with the adjoining properties, and any visual impact of the building bulk together with the protection of privacy

Item 12.1 Continued

between the properties. In this instance all windows on the side elevations are highlight and therefore there are no overlooking or privacy issues. Stores boundary walls are proposed on each side boundary measuring 14.3 metres. Individually, the boundary walls comply and are therefore supported. However the upper floors are setback 2.55 metres with the central stair well setback just over 3 metres rather than the 4 metre setback specified in Table 5. These indentations together with the highlight windows break up the expanse of the side elevations. In addition the proposed side feature wall, which will be clearly visible from Abernethy Road, will provide variety in materials and colours which will also enhance the façade.

The surrounding lots are zoned R20/50/100; additional uses of art gallery, consulting rooms, office and studio are also permitted for lots abutting Fulham Street as they are located within the town centre frame (refer LPS15 Schedule 2–Additional Uses). Development approval has been granted for an office development (two-storey) on the adjoining properties (Lot 54 (344) Abernethy Road and Lot 53 (252) Fulham Street, Cloverdale). Although this approval has now lapsed, it is considered that the subject residential development would not have any detrimental impact on any future development of these lots or the existing consulting rooms located at 250 Fulham Street. Furthermore, the proposed building bulk does not cause any overshadowing or visual privacy issues on the abutting 'Residential' zoned properties.

It is therefore considered appropriate to approve the side setback variation.

Noise Report

The subject lots are located on Abernethy Road which is designated as an 'ORR. State Planning Policy No. 5.4–Road and Rail Transport noise and Freight Considerations in Land Use Planning provides outdoor noise criteria for new noise-sensitive development.

The objectives of State Planning Policy No. 5.4 are to protect people from unreasonable levels of transport noise. The applicant has provided a Noise Report by Lloyd George Acoustics (refer Attachment 5) which includes noise modelling for existing conditions and future traffic volumes. The results of the noise modelling indicates the predicted daytime levels for existing and future traffic conditions do not achieve the target level of 60dB for some of the dwellings. Accordingly, the Noise Report recommends noise mitigation treatments such as increased thickness of the glazing for the affected windows and sliding doors. A condition of the approval would include noise mitigation measures to ensure compliance with State Planning Policy No. 5.4.

Traffic Report

The application was referred to the DoP with respect to Abernethy Road being designated 'ORR'. The applicant was requested to provide a Transport Impact Assessment report which was forwarded to DoP for comment. The DOP has now confirmed that they have no objection to the proposed development.

The City's Project/Traffic Officer also considered the Traffic Report and supports the findings that the proposed 23 multiple dwelling development will not have a detrimental impact on Abernethy Road.

Item 12.1 Continued

Vehicle Access

The subject site abuts Abernethy Road which is designated as an 'ORR'. Accordingly, a vehicle access plan is required. Council at its Ordinary Council Meeting of 22 June 2010 approved the vehicle access plan for this portion of Abernethy Road. The plan shows an 8 metre wide easement in gross comprising of a 6 metre wide two-way access with the crossover access located in the northern most corner. In order to facilitate access to the site and allow for rubbish collection on-site, it is proposed to modify the vehicle access plan by having a central 8 metre wide crossover access.

The central crossover also provides access to both portions of the ground floor parking and allows for the rubbish truck to enter the site and collect the rubbish whilst within the easement area. The Manager Infrastructure and Development has advised that the modifications provide a better traffic outcome and the amendment to the vehicle access plan is supported. A condition of approval will require the easement in gross to be constructed and drained.

Health Requirements

The City's Health Services Department has assessed the application and have advised that the proposal complies with the requirements with respect to the bin store and the location of the laundries. It is the City's practice to reduce the number of bins for multiple dwelling developments by 70%. This would mean that a total of 16 recycle and 16 waste 240 litre bins. Given the development is located on Abernethy Road the City has resolved with the assistance of the applicant, to provide four 1100 litre waste and four 1100 litre recycle bins to be stored in a central bin store area.

The City's rubbish collection contractor (Cleanaway) has agreed to enter the site via the vehicle access easement and manually wheel the bins to the truck for emptying and return them to the bin store area.

The design also incorporates a bin chute to the central bin store area. The applicant advised that the residents will be allocated two different waste bags (eg green for general waste and yellow for recyclable waste). Both will be disposed of down the chute and prior to Cleanaway collection day the on-site caretaker will divide the waste and recyclable bags into the appropriately assigned bins.

The Manager Health and Community Safety has confirmed that the waste management plan is acceptable.

Each dwelling is also eligible for a 3 cubic metre green or blue bulk bin per financial year. To allow for these bins to be dropped and picked up safety utilising the easement in gross, a designated area has been provided adjacent to the crossover. The Manager Health and Community Safety and the Manager Infrastructure Development have both confirmed that the location as shown on the amended plan dated 21 October 2016 is acceptable.

Landscaping

Landscaping is proposed along the front boundary and along the front of the development. Landscaping is also to be located in the screening planter boxes adjacent to the balconies on the rear southwest elevation. These plans were referred to the City's Parks Technical Officer for assessment who has advise that the location of

Item 12.1 Continued

landscaping is acceptable however further detailed landscape plans are required. This will included as a condition of the approval.

Conclusion

The proposal complies with the deemed to comply provisions and where there are variations, has been assessed in accordance with the design principles of the R-Codes. The proposal also complies with Clause 5.7.3 of LPS15, plus LPP1 and LPP13. Given the above, it is considered that the proposal is consistent with the provisions for development within the 'Residential R20/50/100' zone and the development application is recommended for conditional approval.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

As of the 1 July 2003, Energy Efficiency requirements were implemented via the Building Code of Australia (BCA) and all residential and commercial buildings at the time of application of a Building Permit need to comply with the 'deemed to satisfy' requirements, or alternatively a compliant Energy Audit Report can be submitted by an accredited person.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.1 Continued

OFFICER RECOMMENDATION

HITT MOVED, CAYOUN SECONDED,

That Council approve planning application 294/2016 as detailed in plans received 20 September 2016 submitted by Danmar Developments on behalf of the owner Gerard Carver for 23 multiple dwellings at Lots 100 and 5 (346 and 348) subject to the following conditions:

1. ***Development/land use shall be in accordance with the attached approved plan(s) received 20 September 2016 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the City's Manager Planning Services.***

2. ***All existing buildings and structures on the lots, including soakwells, leach drains septic tanks and waste water disposal systems, shall be removed and the land levelled.***

3. ***Prior to occupation or use of the development, the external face of the store walls built on the boundary shall be finished in either:***

   (a) face brick;

   (b) painted render; or

   (c) painted brick work.

4. ***A landscaping and irrigation plan for the subject development site and street verge is to be prepared and submitted to the City for approval within three months of the date of this approval.***

5. ***Prior to occupation or use of the development, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan for the duration of the approved development to the satisfaction of the City's Manager Parks and Environment.***

6. ***Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:***

   (a) The approved plan (30 residents car bays);

   (b) Schedule 11 of City of Belmont Local Planning Scheme No. 15; and

   (c) Council's engineering requirements and design guidelines.

   The areas must be sealed in concrete or brick paving in accordance with the City of Belmont specifications, unless otherwise approved by the City's Director Technical Services. All parking bays must be clearly line marked.

Item 12.1 Continued

7. ***The six visitor car-parking bays are to be constructed and maintained in accordance with the City's engineering requirements and design guidelines to the satisfaction of the City's Director Technical Services. The bays must be individually marked on site as 'Visitor Bays' and made available for use by visitors at all times.***

8. ***A minimum of 11 bicycle spaces are to be provided on-site and designed in accordance with AS2890.3 (as amended) to the satisfaction of the City's TravelSmart Officer.***

9. ***In order to facilitate and coordinate the orderly movement of vehicular traffic associated with future development abutting Abernethy Road, an easement in gross is to be granted free of cost to the City of Belmont as a public access easement in the location/s marked in 'RED' on the approved plans. The easement documentation is to be prepared by the City's solicitors at the applicant/owner's full expense and registered on the certificate of title for the land prior to lodgement of an application for a building permit, unless otherwise agreed in writing by the City.***

10. ***Prior to the occupation of the development/commencement of the use, the part of Lots 100 and 5, the subject of any access easement shall be paved, kerbed and drained in accordance with the City's engineering requirements and design guidelines and thereafter maintained to a standard satisfactory to the City's Director Technical Services. Any construction and maintenance costs are to be borne by the owner. The maintenance obligation is to be stated in the grant of easement documentation.***

11. ***All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.***

12. ***The vehicle entry points to building shall be signposted with a 'Low Clearance' sign in accordance with Australian Standard AS2890.1:2004.***

13. ***Prior to occupation or use of the development, the owner/applicant shall, after having obtained written approval from the City's Technical Services (Technical Services Clearance application); construct a vehicle crossover in accordance with the approved plans and Council's engineering specifications to the satisfaction of the City's Manager Infrastructure Development.***

14. ***Prior to occupation or use of the development, the redundant crossover(s), as shown on the approved plans, shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications, to the satisfaction of the City's Manager Infrastructure Development.***

15. ***All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's engineering requirements and design guidelines.***

Item 12.1 Continued

16. ***Any fences/walls in the front setback of the property are to comply with the provisions of the Residential Design Codes, which require front walls and fences to be visually permeable:***

- ***(a)*** ***1.2 metres above natural ground level within the primary street setback area; and***

- ***(b)*** ***0.75 metres above natural ground level within 1.5 metres of the intersection of a driveway and a public street or where two streets intersect.***

17. ***Prior to occupation or use of the development, the developer shall implement noise attenuation measures to satisfy the noise criteria outlined in State Planning Policy 5.4 ‘Road and Rail Transport Noise and Freight Considerations in Land Use Planning’ to the satisfaction of the City’s Manager Planning Services.***

18. ***Prior to occupation or use of the development, details of the proposed feature wall material and artistic graphic design (as indicated on the approved plans) required under Clause 6 of the City’s Local Planning Policy No. 1 shall be provided to the satisfaction of the Director Community and Statutory Services, Manager Planning Services and/or Coordinator Planning Services. The artwork shall be thereafter installed and maintained for the duration of the development.***

19. ***No services, such as air conditioners or water heaters shall be visible from the street.***

20. ***All clothes drying devices and clothes drying areas shall be located and positioned so as not to be visible from the street or a public place.***

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

12.2 REVIEW OF THE CITY OF BELMONT (HERITAGE) INVENTORY

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 6 – Item 12.2 refers	**Heritage Inventory – Submission (State Housing Group)**
Attachment 7 – Item 12.2 refers	**Proposed New Place Records**
Attachment 8 – Item 12.2 refers	**Submission and Correspondence – 57 Wright Street, Kewdale**
Attachment 9 – Item 12.2 refers	**Proposed Modifications to Place Records**

Voting Requirement	:	Simple Majority
Subject Index	:	86/001–City of Belmont Local Heritage
Location / Property Index	:	Various
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	26 November 2013 Ordinary Council Meeting Item 12.4 28 February 2012 Ordinary Council Meeting Item 12.4 22 September 2009 Ordinary Council Meeting Item 12.4 11 December 2007 Ordinary Council Meeting Item 12.1.6
Applicant	:	City of Belmont
Owner	:	Various
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	**Executive**	*The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☒	**Legislative**	*Includes adopting local laws, local planning schemes and policies.*
☐	**Review**	*When Council reviews decisions made by Officers.*
☐	**Quasi-Judicial**	*When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

Item 12.2 Continued

PURPOSE OF REPORT

For Council to review the City of Belmont (Heritage) Inventory in accordance with the requirements of the *Heritage of Western Australia Act 1990* and Local Planning Scheme No. 15 (LPS15) by considering nominations for new place entries (refer Attachment 7) and modifications to existing place entries (refer Attachment 9) in the City of Belmont (Heritage) Inventory.

SUMMARY AND KEY ISSUES

The *Heritage of Western Australia Act 1990 (Clause 45)* requires local governments to compile and maintain an inventory of buildings and sites of cultural significance (municipal inventory). The inventory is to be compiled with proper public consultation and reviewed every four years.

Part 7 of the City's LPS15 *'Heritage Protection and Tree Preservation'* provides a mechanism and process for places with cultural heritage significance to be included on a Heritage List and offers protection under the Scheme.

The Municipal Inventory required under the *Heritage Act of Western Australia (1990)* and the Heritage List under the LPS15 are combined to form the City of Belmont (Heritage) Inventory (here in referred to as the 'Inventory').

Pursuant to the above, the Inventory was adopted by Council at the 28 February 2012 Ordinary Council Meeting (OCM). Subsequently modifications and an additional entry were adopted at the 26 November 2013 OCM.

As part of this review, a total of six new place nominations are to be considered for inclusion in the Inventory, together with modifications to several place records.

It is recommended that Council adopt the proposed additions and modification to form part of the City of Belmont (Heritage) Inventory.

LOCATION

There are six proposed new place entries as follows:

- Lot 6 (34) Alfred Street, Belmont (McKenzie Residence)
- Lot 46 (10) Ruan Place, Kewdale (former Kelly Residence)
- Lot 64 (9a) Wedderburn Place, Ascot (Invercloy Park)
- Lot 14 (57) Wright Street (Boucher Residence)
- Peet Park
- Tomato Lake Park.

Item 12.2 Continued

CONSULTATION

Public Advertising

In accordance with the *Heritage of Western Australia Act 1990* and LPS15 the following advertising calling for place nominations were undertaken:

- Public Notices were published in the Southern Gazette newspaper on 3 and 17 May 2016.
- Public notices were placed on the City's notice boards in the Civic Centre, Library from 2 to 27 May 2016.
- A public notice was uploaded to the City's website from 2 to 27 May 2016.
- A feature advertisement calling for nominations was also included in the City's full page advertisement in the Southern Gazette on the 10 May 2016.

Nominations were required to be lodged by 27 May 2016. One submission was received from the public advertising (refer Attachment 6).

Notwithstanding the above, 11 submissions were received prior to the public advertising period. These nominations have been assessed as part of this review

Notification of Owners

Where a place has been nominated, the owner must be notified in writing in accordance with LPS15 Clause 7.1.3. Accordingly, the owners of the nominated sites were notified in writing of the proposed inclusion, inviting submissions for a 21 day period.

From notifying the owners, one submission was received regarding the level of significance allocated to the place and some details in the historical background. The owner's concerns have been addressed and the place entry was modified. The concerns are discussed in the Officer Comments section of this report.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Corporate Business Plan Key Result Area: Built Belmont.

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

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

Key Action: Implement LPS15.

In accordance with the Corporate Business Plan Key Result Area: Social Belmont.

Objective: Ensure that the cultural and historical significance of the City is identified and captured.

Item 12.2 Continued

Strategy: Recognise all aspects of historical significance within the City.

Key Action: Operational activities which support predominantly 'historical significance' strategy.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Heritage of Western Australia Act 1990

Section 45 of the *Heritage of Western Australia Act 1990* states as follows:

***"45. Local Government Inventories**:*

(1) A local government shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance.

(2) The inventory required by subsection (1) shall be compiled no later than four years from the commencement of this Act and shall be:

(a) Updated annually; and

(b) Reviewed every four years after compilation.

(3) A local government shall provide the Council with a copy of the inventory compiled pursuant to this section.

(4) A local government shall ensure that the inventory required by this section is compiled with proper public consultation".

State Planning Policy 3.5 Historic Heritage Conservation

The Policy sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage and provides measures for identification and assessment of places for inclusion in a local government inventory. A local government inventory is a survey that may be used to identify places for inclusion in a heritage list under the Local Planning Scheme. *The Policy sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage. The Policy provides measures for identification and assessment of places for inclusion in a local government inventory*.

Item 12.2 Continued

Local Planning Scheme No 15

- Part 7 of LPS15 Relates to Heritage Protection and Tree Preservation.

- Clause 7.1.3 contains provisions relating to establishing and maintaining a Heritage List.

- Clause 8.2 states that planning approval is required for all building works and demolition of heritage listed properties.

BACKGROUND

Process and Consultation Outcomes

The City of Belmont combines its Municipal Inventory as required under the *Heritage of Western Australia Act 1990 (Clause 45)* and Heritage List which is created in accordance with Part 7 of LPS15 into one document – the City of Belmont (Heritage) Inventory.

As the City of Belmont (Heritage) Inventory includes the Municipal Inventory, a review is required every four years in accordance with the *Heritage of Western Australia Act 1990.*

One submission was received as a result of the public advertising process. This submission included a review of, and additional information relating to, the existing State Housing Commission Group.

All nominations were reviewed by History Now, an external consultant engaged by the City. Where the place was recommended for inclusion on the Inventory, the place record was completed by History Now.

Management Categories

All Place Records on the City of Belmont (Heritage) Inventory are allocated a management category. The four management categories are based on the level of significance as follows:

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

Item 12.2 Continued

'C' Significant	Contributes to the heritage of the locality. Conservation of the place is desirable. Any alterations or extensions should be sympathetic to the heritage values of the place, and original fabric should be retained wherever feasible.
'D' Some Significance	Contributes to the heritage of the locality. Photographically record prior to major development or demolition. Recognise and interpret the site if possible.

OFFICER COMMENT

The current City of Belmont (Heritage) Inventory 2012 can be viewed on the City's website http://www.belmont.wa.gov.au/Services/Planning/Pages/Heritage.aspx. The place records have also been uploaded to inHerit (http://inherit.stateheritage.wa.gov.au) which is an online database, accessed through the State Heritage Office that includes information about heritage places listed in the State Register of Heritage Places, local government inventories and other lists, the Australian Government's heritage list, and other non-government lists and surveys.

New Nominations to be Included:

The following six places have been nominated as new entries to be included on the City of Belmont (Heritage) Inventory. For further information on the heritage significance and history please refer to the place records (Attachment 7).

Lot 6 (34) Alfred Street, Belmont (McKenzie Residence)

This place was nominated for inclusion due to the connection with Mr Fred McKenzie and his contributions to the City of Belmont.

The place does not have sufficient architectural values for inclusion other than its association with Mr McKenzie. As such it is recommended for inclusion as a Site Only. The proposed management category is 'D' (Site Only).

Lot 46 (10) Ruan Place, Kewdale (Former Kelly House)

At the OCM held on 22 September 2009, Council resolved to exclude the nomination for the Kelly house located at Lot 46 (10) Ruan Place, Kewdale but include in a future review.

Kelly House (1966) was an elliptical dome residence constructed of a thin concrete shell supported on brickwork under walls, and brick piers. It had five parabolic arches reminiscent of Roy Ground's design for The Shine Dome (1959), Canberra.

The dwelling has been demolished and the site has been subdivided. However photographs of the dwelling where sourced prior to the demolition and a place entry was prepared to ensure a historic record of the unique dwelling was retained.

Item 12.2 Continued

While the loss of this unique property is regretted, the inclusion of the place as a site ensures the history is available for future residents and researchers.

The proposed management category is 'D' (Site Only).

Lot 64 (9A) Wedderburn Place, Ascot (Invercloy Park)

The four mature Canary Island Date Palms (Phoenix Canariensis) located on the former garden of Invercloy are a significant landmark with a strong historic and aesthetic connection to Invercloy (Invercloy was later called Wedderburn and then Nulsen Haven).

The Palms are significant and mentioned in the place entry on the State's Heritage Register for Invercloy.

The proposed management category is 'B'.

Lot 14 (57) Wright Street, Kewdale (Boucher Residence)

The Boucher Residence is a typical 1920s-30s weatherboard, fibro and iron cottage. It has an intact front verandah, well-kept front garden and appears well-maintained from an external inspection. This property is also associated with the Boucher Family, who were early settlers in Belmont.

The owner of 57 Wright Street responded to the invitation for comments, raising concerns about the proposed management category 'B' for the dwelling (refer Attachment 8). The owner believes the house was transported from Victoria Park in the 1930s to its current location, so may not be a typical 1920-30s weatherboard house. History Now has looked into this and confirmed that notwithstanding the new information, it is still a typical example of the housing of that era.

The owner also provided some additional clarity and information relating to the Boucher Family, however History Now couldn't find any recorded sources that supported the additional information.

In light of the information provided by the owner, and their intent to develop in the future, the property is recommended for inclusion with a management category 'C'. This would allow the City to consider an application for future development of the site where a photographic record of the place is provided to the City.

Recommended for inclusion with a Management Category 'C'.

Peet Park

Peet Park is one of the earliest reserves in the City of Belmont and was the second major reserve to be acquired in the Belmont District in 1914. The Park has social significance as a sporting venue and used by a number of local sporting clubs.

Recommended for inclusion with a Management Category 'B'.

Item 12.2 Continued

Tomato Lake Park

Tomato Lake Park has aesthetic, social and historic values. The park is highly valued by the local community as a place for recreation with 1.6 kilometres of walking paths, wetland and lake, and other facilities including a playground and café.

Historically the park area was a swamp and used to grow tomatoes for a local poultry farmer. From 1945, South Belmont State School started using the swamp for excursions to study nature, which drew attention to the site's environmental importance.

Recommended for inclusion with a Management Category 'A'.

Minor Changes to Existing Place Entries

The proposed modifications to the following place records are shown in Attachment 9.

Pt Lot 197, Lots 236, 237, 78-84, 105 and 12 (80) Grandstand Road Ascot (The Kilns)

The Bristile Kilns and Stacks are listed on the State Register of Heritage Places. As part of this review, the management category is proposed to be upgraded from 'B' to 'A' to appropriately reflect the level of significance.

The change in management category is to reflect the heritage values already associated with the site and that are reflected in its inclusion on the State Register of Heritage Places.

Given the inclusion on the State Register already affords a high level of protection, the increase in the management category will not prejudice the proposed local development plan currently being prepared by the Department of Planning.

Lot 256 (213) Great Eastern Highway, Belmont (Belmont Primary School)

- Update details to include Lot 256.
- Update of management category from 'C' to 'B'.
- The increase in management category will more accurately reflect the historical and architectural values of the place as the only remaining school in the City of Belmont from the early twentieth century which still operates on its original site and which retains a number of its earlier buildings.

Lot 603 (60-62) Riversdale Road, Rivervale

An application for demolition of the building was received by the City and approved on the 6 March 2007. As part of the application a heritage report including photographs was undertaken by an Architect as required by the City. The dwelling was subsequently demolished in early 2009.

Update place entry to 'D' - Site Only.

Item 12.2 Continued

State Housing Commission Group, Rivervale

Retain the management 'D' but update to 'Site Only', pending future identification of any remaining State Housing Commission (SHC) buildings.

Additional information provided to the City of Belmont as a result of the advertising period (refer Attachment 6), suggested the group of eight representative SHC buildings (38-46 and 50-54 Surrey Road, Rivervale) were not consistent with the standard design for SHC at the time.

Consequently, each of the nine places was re-examined individually and each compared with the standard model used by the SHC for development in this area. Although there are similarities in design between the SHC model and the individual buildings, this research, both architectural and archival, casts substantial doubt on the original information supplied by the State Heritage Office. Approximate dates of construction for the places are:

- 38 Surrey Road — 1945
- 40 Surrey Road — 1941
- 42 Surrey Road — 1945
- 44 Surrey Road — 1946
- 46 Surrey Road — 1941
- 50 Surrey Road — 1938
- 52 Surrey Road — 1952
- 54 Surrey Road — 1946
- 89 Gladstone Road — no date identified, but not standard SHC design.

While each of these places contributes to the streetscape individually, in the light of this new research they cannot be considered a group, and it is currently unknown if any of the 1950 SHC standard designs remain in the Rivervale area.

Given the above, it is recommended that the State Housing Commission Group, Rivervale, be updated to Site Only, pending future identification of any remaining SHC housing.

Administrative Changes

The proposed administrative changes to the following place records are shown in Attachment 9.

Lot 66 (131) Belgravia Street and Reserve 28241 Belgravia Street, Belmont

- Update species of tree to Port Jackson Fig (Ficus Fubiginosa).
- Update name of place to Alfred Reserve, include new photo.

Item 12.2 Continued

Belmont War Memorial

- Update record to remove Faulkner Park from name.
- Update location to Specify Faulkner Civic Precinct.
- Update to include brief description of upgrades undertaken for the Anzac Centenary (2015) and inclusion of new photos.

Faulkner Civic Precinct

Update record title from Faulkner Park to Faulkner Civic Precinct.

Hawksburn Road, Rivervale (Flame Trees)

Update to include a site plan showing the location of the trees.

Lot 50 (97) Matheson Road Ascot (Ascot Water Playground) (Site Only)

Update to include aerial photo from 1985 showing the water playground and lot boundaries.

Level of Significance explanations

For clarity, update the table for ‘A” Exceptional Significance as follows:

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

Nominations not to be Included

The following places were nominated for inclusion due to their association with former residents. Notwithstanding the nominations, the original dwellings have been demolished and the sites are not considered to have a level of significance appropriate for inclusion on the City of Belmont (Heritage) Inventory.

Item 12.2 Continued

112 Alexander Road, Rivervale (Site has been subdivided and redeveloped)

133 President Street, Kewdale (site has been subdivided and redeveloped)

Item 12.2 Continued

113 Wright Street, Kewdale (site has been cleared)

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

This update to the City of Belmont (Heritage) Inventory will assist in ensuring that the history and heritage of the City are appropriately protected and recorded.

Item 12.2 Continued

OFFICER RECOMMENDATION

That Council:

1. ***Modify the City of Belmont (Heritage) Inventory 2016 as follows:***
   (a) ***Include the following new place records (refer Attachment 7):***
   - ***Lot 6 (34) Alfred Street, Belmont (McKenzie Residence)***
   - ***Lot 46 (10) Ruan Place, Kewdale (former Kelly Residence)***
   - ***Lot 64 (9a) Wedderburn Place, Ascot (Invercloy Park)***
   - ***Lot 14 (57) Wright Street (Boucher Residence)***
   - ***Peet Park***
   - ***Tomato Lake Park.***

   (b) ***Modify the following existing place records (refer Attachment 9):***

   i. ***Pt Lot 197, Lots 236, 237, 78-84, 105 and 12 (80) Grandstand Road Ascot (The Kilns)***

   ii. ***Lot 256 (213) Great Eastern Highway, Belmont (Belmont Primary School)***

   iii. ***Lot 603 (60-62) Riversdale Road, Rivervale***

   iv. ***State Housing Commission Group, Rivervale***

   v. ***Lot 66 (131) Belgravia Street and Reserve 28241 Belgravia Street, Belmont***

   vi. ***Belmont War Memorial***

   vii. ***Faulkner Civic Precinct***

   viii. ***Hawksburn Road, Rivervale (flame trees)***

   ix. ***Lot 50 (97) Matheson Road Ascot (Ascot Water Playground)(Site Only)***

   x ***Level of Significance table ('A' Exceptional Significance)***

2. ***Adopt the City of Belmont (Heritage) Inventory as amended (refer Attachment 7 and Attachment 9) as the City's Heritage List under Local Planning Scheme No. 15 Clause 7.1 and the Municipal Inventory under the Heritage Act of Western Australia 1990.***

3. ***Advise the State Heritage Office of the above review and forward a copy of the new and updated place entries for their records.***

4. ***Advise the owners of Lot 14 (57) Wright Street (Boucher Residence) and Lot 6 (34) Alfred Street, Belmont (McKenzie Residence) of the above review and Council's decision.***

OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12

12.3 FORMAL ADOPTION OF THE ANNUAL REPORT 2015-2016

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	**Details**
Attachment 10 – Item 12.3 refers	**City of Belmont Annual Report 2015-2016**

Voting Requirement	:	Absolute Majority
Subject Index	:	32/001 – Operational/Strategic Planning-Originals
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	**Executive**	*The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**Legislative**	*Includes adopting local laws, local planning schemes and policies.*
☐	**Review**	*When Council reviews decisions made by Officers.*
☐	**Quasi-Judicial**	*When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To adopt Council's Annual Report for 2015-2016.

SUMMARY AND KEY ISSUES

The statutory Annual Report is prepared to advise the Community on the activities of the local government and includes the audited Annual Financial Report. The Annual Report also contains an overview of the Plan for the Future. The Annual Report is to be presented to the Annual meeting of electors that must be conducted prior to the 31 December of the financial year being reported on, however, if the Auditor's Report is not available in time for acceptance by 31 December, then it must be accepted within two months of receiving the Auditor's Report.

Item 12.3 Continued

LOCATION

N/A

CONSULTATION

No public consultation was considered to be required in respect to this matter. The Annual Financial Report and Audit Report have been considered by the Audit and Risk Committee.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 5.53(1) of the *Local Government Act 1995* prescribes that a Local Government must prepare an Annual Report and Section 5.53(2) prescribes what must be contained within the Annual Report.

Section 5.54 of the *Local Government Act 1995* prescribes that the Annual Report be accepted by the Local Government by 31 December after that financial year however, if the Auditor's Report is not available in time for acceptance by 31 December, then it must be accepted within two months after the receipt of the Auditor's Report.

Section 5.55 of the *Local Government Act 1995* prescribes that local public notice is to be given as soon as practicable, as to the availability of the Annual Report after its acceptance by the Local Government.

Section 29(2) of the *Disability Services Act 1993* requires a Local Government with a Disability Services Plan to report via its Annual Report on the implementation of this Plan.

Principle 6 of the State Records Principles and Standards 2002 (*State Records Act 2000)* requires that the City's Annual Report include evidence on the efficiency and effectiveness of the City's Record Keeping Plan, training and induction programs.

Section 94 of the *Freedom of Information Act 1992* requires the City to provide an "Information Statement" that outlines the structure of the City, access to information and a range of other information. The City provides details of our "Information Statement" in our Annual Report.

Item 12.3 Continued

BACKGROUND

The local government is required to prepare, adopt and advertise its Annual Report, prior to the Elector's Meeting. The Annual General Meeting of Electors is scheduled to take place at 7.00pm on Wednesday, 14 December 2016.

OFFICER COMMENT

The Annual Report contains:

- Reports from the Mayor and Chief Executive Officer together with reports from individual Committee Presiding Members
- A copy of the Financial Statements including the Auditor's Report
- An overview of the Plan for the Future
- Report on the City's Disability Access and Inclusion Plan achievements
- Details of the City's Freedom of Information Act - Information Statement
- Report on the status of the City's Record Keeping Plan.

In accordance with the City's Policy BEXB11B, a table is included which discloses the total expenditure on Professional Development activities by Councillors for the year being reported on. The listed expenditure does not include Council Nominated Professional Development and Authorised Travel as defined in the policy.

A copy of the Annual Report has been provided (refer Attachment 10) and a final "published" version will be circulated to all Councillors when they become available.

The official published copy of the Annual Report will be available for members of the public at the Electors Meeting and includes a complete Annual Financial Report, however a copy will be made available for public inspection as soon as practicable following Council's resolution on this report.

Council is also advised that arrangements have been made for the appropriate advertising to be carried out once the Annual Report has been accepted.

FINANCIAL IMPLICATIONS

There are no significant financial implications evident at this time other than the costs associated with publication of the Annual Report and statutory advertising.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.3 Continued

<u>OFFICER RECOMMENDATION</u>

That:

1. ***Council accept the 2015-2016 Annual Report, including the Annual Financial Report and Independent Auditors Report, as included in <u>Attachment 10</u>.***

2. ***The availability of the Annual Report is advertised in accordance with Section 5.55 of the Local Government Act 1995.***

3. ***The Annual Report be available for distribution to members of the public at the Annual Meeting of Electors on Wednesday, 14 December 2016 and a copy be available for inspection by the public as soon as practicable after this meeting.***

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

12.4 RATE EXEMPTION REQUEST – ST JOHN AMBULANCE WESTERN AUSTRALIA LTD

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 – Rate Exemption
Location/Property Index	:	5 Cowcher Place, Belmont
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	St John Ambulance Western Australia Ltd
Owner	:	St John Ambulance Western Australia Ltd
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	**Executive**	*The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**Legislative**	*Includes adopting local laws, local planning schemes and policies.*
☐	**Review**	*When Council reviews decisions made by Officers.*
☒	**Quasi-Judicial**	*When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

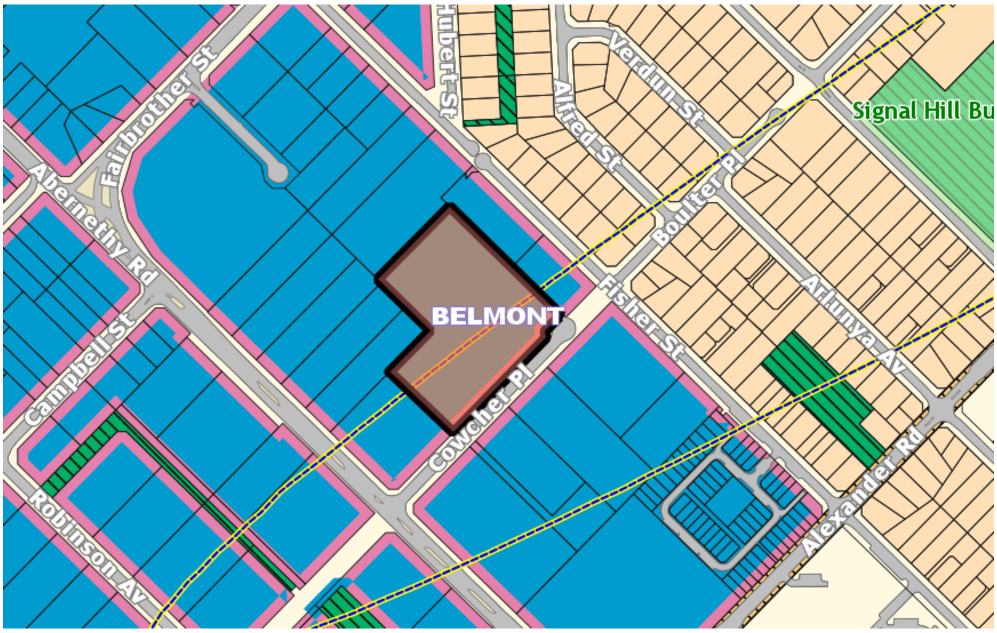
To consider a request for rate exemption at 5 Cowcher Place, Belmont.

SUMMARY AND KEY ISSUES

St John Ambulance Western Australia Ltd have made an objection under Section 6.76 of the *Local Government Act 1995* (the *Act*) to the Rate Book and provided documentation to support their claim.

Item 12.4 Continued

LOCATION



Part Lot 23 on Diagram 93043 known as 5 Cowcher Place, Belmont.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Apply sound and sustainable business management principles.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

Item 12.4 Continued

STATUTORY ENVIRONMENT

The relevant sections of the *Act* that apply are:

1. Section 6.26 of the *Act* states:

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

> *(2) The following land is not rateable land*
> *(g) land used exclusively for charitable purposes;"*

2. Section 6.53 of the *Act* states:

"Land becoming or ceasing to be rateable land:

Where during a financial year -

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

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

> *the owner of that land -*
> *(c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or*
> *(d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,*
> *as the case requires"*

3. Section 6.76 of the *Act* states:

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

> *(a) that there is an error in the rate record —*
> *(ii) on the basis that the land or part of the land is not rateable land;*
> *(3) An objection under subsection*
> *(1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person."*

BACKGROUND

Part of the Objects and Purposes of the Order under their Constitution is to encourage and promotion of all work of humanity and charity relief of persons in sickness, distress, suffering or danger, without distinction of race, class or creed.

OFFICER COMMENT

St John Ambulance of Western Australia Ltd have provided copies of the following documents:

- Individual applications for Rate exemption from the Best Practices Guidelines (Western Australian Local Government Association approved documentation)
- Statutory Declaration confirming the property use and confirmation that the City will be advised immediately if the use of the property changes
- Individual Lease agreements

Item 12.4 Continued

- Constitution / Rules or Organisation
- 2015 Audited Financial report
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office
- Australian Charities and Not for Profit Commission Certification.

The property is being used as a St John Ambulance Event Health Services administration and logistics centre. The property also contains a volunteer training and engagement centre, fleet equipment and radio workshop, supply and distribution warehouse and volunteer education administration centre.

FINANCIAL IMPLICATIONS

Section 6.26(2)(g) of the *Act* states that the property must be used exclusively for charitable purposes. Section 6.53 of the *Act* defines the property as being non-rateable effective from the date of the lease or 1 July of the year the application is being made. In this instance the property had an extensive redevelopment and was issued an Occupancy Permit on 3 October 2016. Under the circumstances, the rate exemption would be effective from date of occupancy.

As the exemption could only take effect from 3 October 2016 and the building refurbishment being new, the City has not been advised of an amended Gross Rental Valuation (GRV) so the final loss of rate revenue is not currently known.

However using the current GRV for an industrial rated property, the loss of income would be no less than $44,400.00 (effective from 3 October 2016).

The Emergency Fire Services levy is still applicable to each property and is required to be paid in full with the payments forwarded to the Department of Fire and Emergency Services as per their legislative requirements.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The organisation assists in the development and sustainability of strong community care with volunteer training services which will help to improve the health and wellbeing of people in the municipality.

OFFICER RECOMMENDATION

That the property known as 5 Cowcher Place, Belmont be granted rate exemption under section 6.26 (2)(g) and Section 6.53 of the Local Government Act 1995 effective from 3 October 2016.

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

12.5 CONTINUATION OF RATE EXEMPTION REVIEW PROCESS

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 – Rate Exemption
Location/Property Index	:	Listed below
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	25 August 2015
Applicant	:	As listed in report
Owner	:	As listed in report
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	**Executive**	*The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**Legislative**	*Includes adopting local laws, local planning schemes and policies.*
☐	**Review**	*When Council reviews decisions made by Officers.*
☒	**Quasi-Judicial**	*When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

This report presents a further update of the City's review of those properties with a rates exempt status for Council's endorsement.

SUMMARY AND KEY ISSUES

The group of properties reviewed are those that have been granted rate exemption for Charitable Use and / or Religious purposes. Each owner was sent a letter giving them the opportunity to provide documentation to confirm that their respective properties have continued to be used for charitable and / or religious purposes.

This review has so far resulted in two properties being identified as rateable.

Item 12.5 Continued

CONSULTATION

There has been no specific consultation undertaken in respect to this matter other than with the owners and / or lessees of each property.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Apply sound and sustainable business management principles.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

1. Section 6.26 of the *Act* states:

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

(2) The following land is not rateable land

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

(e) land used exclusively by a religious body as a school for the religious instruction of children; and

2. Section 6.53 of the *Act* states:

"Land becoming or ceasing to be rateable land:

Where during a financial year –

(a) land that was not rateable becomes rateable land; or
(b) rateable land becomes land that is not liable to rates,
the owner of that land –
(c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or
(d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,

as the case requires."

Item 12.5 Continued

3. Section 6.39 of the *Act* states

"(2) A local government -

(b) may amend the rate record for the 5 years preceding the current financial year."

4. Section 6.76 of the *Act* states:

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

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

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

(3) An objection under subsection (1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person."

<u>BACKGROUND</u>

In June 2013 Council staff commenced the process of reviewing all properties that had been granted rate exemptions previously to ensure they were being used for that same purpose as for which the exemption was originally granted. The list has been broken down to three main categories:

- Charitable Use Exemption
- Aged and Crisis Accommodation
- Religious Purposes.

This report focuses on the final major listing of the properties that have as yet not been reviewed in the three yearly review cycle required to be reported to Council.

There are still four properties that are under review and will be reported to Council once all documentation has been received.

Those four properties are:

- 96-98 Norwood Road, Rivervale
- 23 Paterson Road, Kewdale
- 1/79 Robinson Road, Belmont
- 61 Alexander Road, Kewdale.

Item 12.5 Continued

OFFICER COMMENT

The below properties comprise the listing of properties included in this review with all owners completing the Rates and Charitable Land Use Exemption Application and providing necessary supporting documentation.

Table 1 – Continued Exempt Status

Exemption Granted To	Property Address	Property Use	Rate Type
Baptist Churches of WA	19 Rowe Avenue, Rivervale	Parking for office staff	Res
Baptist Churches of WA	2/21 Rowe Avenue, Rivervale	Administration Centre	Com
Baptist Churches of WA	3/21 Rowe Avenue, Rivervale	Administration Centre	Com
Baptist Churches of WA	4/21 Rowe Avenue, Rivervale	Administration Centre	Com
Uniting Care West (Previously known as Food Rescue)	3/130 Francisco Street, Belmont	Storing and sorting of donated foods	Ind
Foundation Housing Limited	35 Gardner street, Belmont (All 9 Units)	Seniors Housing	Res
Foundation Housing Limited	41A Gardiner Street, Belmont	Disability Housing	Res
Foundation Housing Limited	148C Leake Street, Belmont	Disability Housing	Res
Foundation Housing Limited	7 Owens Court, Belmont	Social Housing	Res
Foundation Housing Limited	7A Owens Court, Belmont	Social Housing	Res
Foundation Housing Limited	8/276 Belmont Avenue, Kewdale	Disability Housing	Res
Girl's Brigade of WA	2/407 Great Eastern Highway, Redcliffe	Administration Centre	Com
Good Samaritan Industries	8/199 Abernethy Road, Belmont	Not for Profit shop that trains people with disabilities	Ind
Jacaranda Community Centre	146 Epsom Avenue, Belmont	Counselling/ Support Service	Com
Nardine Wimmins Refuge	93(B) Central Avenue, Redcliffe	Accommodation - Crisis	Res
Outcare Incorporated	20/54 Nannine Place, Rivervale	Accommodation - Crisis	Res
Outcare Incorporated	36B Finnan Street, Cloverdale	Accommodation - Crisis	Res
Sisters of St Joseph	109 Hardey Road, Belmont	Nuns residence	Res
St John Ambulance Association	7 Hehir Street, Belmont	Ambulance Centre - Store, Workshop, Training	Com
St John Ambulance Association	526 Abernethy Road, Kewdale	Ambulance Depot	Ind
St John Ambulance Association	203-209 Great Eastern Highway, Belmont	Ambulance Call Centre - Admin duties, Education, Training, Operations Centre	Com
St Vincent De Paul Society	110 Kooyong Road, Rivervale	Not for profit shop	Com
St Vincent De Paul Society	3/199 Abernethy Road, Belmont	Not for profit shop	Com
St Vincent De Paul Society	17-21 Camden Street, Belmont	Administration Centre	Com
Wanslea Charitable Group Inc	311-313 Abernethy Road, Cloverdale	Administration Centre	Com

Item 12.5 Continued

Table 2 – Exemption No Longer Applicable

Exemption Granted To	Property Address	Property Use	Rate Type
The Cenacle Sisters	3/337 Daly Street, Belmont	Sisters Residence	Res
Advocare Incorporated	1/190 Abernethy Road, Belmont	Advocacy for Seniors	Com

The Cenacle Sisters have had a change in business structure and are no longer a registered charitable tax exempt organisation.

Advocare Incorporated did not renew their lease which expired on 31 July 2016.

FINANCIAL IMPLICATIONS

Section 6.53 of the *Act* defines the property as being non-rateable effective from the date of the lease or 1 July of the year the application is being made.

The two properties listed in Table 2 have already been interim rated and the rates have been paid in full. The Cenacle Sisters were rated effective from 17 December 2013 whilst Advocare Incorporated were rated effective from 1 August 2016.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The City's Rates staff undertook site visits where applicable. Based on the site visits and supporting documentation it is evident the respective organisations play a significant role within the Community. They each give support and access to services and facilities which clearly enhances the wellbeing of members of our community who are in need.

OFFICER RECOMMENDATION

As contained in the Officer Report, Council:

1. ***Approve that the properties in "Table 1 – Continued Exempt Status" continue to receive rate exemption under Section 6.26 (2)(g) and Section 6.53 of the Local Government Act 1995 effective from 1 July 2016.***

2. ***Note amendment to the rate record for the properties in "Table 2 – Exemption No Longer Applicable" as at the effective dates applicable and that the properties have been rated as provided by the Local Government Act 1995.***

OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12

12.6 AUDIT PLAN 2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 11 – Item 11.5 refers	**Proposed 2017 Audit Plan**
Attachment 12 – Item 11.5 refers	**2016 Audit Plan**

Voting Requirement	:	Simple Majority
Subject Index	:	19/003 Audit and Risk Schedule
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 24/11/2015 – Item 12.5
Applicant	:	N/A
Owner	:	City of Belmont
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	**Executive**	*The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**Legislative**	*Includes adopting local laws, local planning schemes and policies.*
☐	**Review**	*When Council reviews decisions made by Officers.*
☐	**Quasi-Judicial**	*When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To seek Council endorsement of the City's 2017 Audit Plan (refer Attachment 11).

SUMMARY AND KEY ISSUES

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

The City has developed a coordinated approach to these audit activities, the activities are managed year to year by an Audit Plan. The adopted 2016 Audit Plan is attached for reference (refer Attachment 12).

Item 12.6 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Apply sound and sustainable business management principles.

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

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

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

POLICY IMPLICATIONS

The adoption of the Audit Plan is supported by Council Policies BEXB31 Compliance Management and BEXB38 Business Improvement.

STATUTORY ENVIRONMENT

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

Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* requires the Chief Executive Officer (CEO) to *"undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and no less than once in every 4 financial years) and to report to the local government the results of those reviews.*

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

Under the International Quality Management Standard ISO 9001:2015 Quality Management Systems the City is required to conduct a program of internal audits.

BACKGROUND

The 2017 Audit Plan was presented to the Standing Committee (Audit and Risk) for endorsement prior to consideration by Council.

Item 12.6 Continued

OFFICER COMMENT

The 2017 Audit Plan is based on:

- Internal audit best practice
- Statutory audit requirements
- The integration of the internal audit approach with other management system initiatives being produced by the City (such as Quality Assurance, Risk Management and Process Mapping)
- The need to support the City's chosen governance approach
- The requirement to provide a comprehensive solution that can be undertaken with existing resources.

A presentation was made to the 24 October 2016 Standing Committee (Audit and Risk) meeting on the City's progress in respect of the 2016 Audit Plan (refer Attachment 12) and the proposed 2017 Audit Plan (refer Attachment 11).

A series of questions were asked and responded to as follows:

- There are two types of external audits conducted, recertification audits, which occur every three years and surveillance audits which occur during the other years. The surveillance audit monitors the City's compliance with Quality Assurance during the period of certification.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

COMMITTEE RECOMMENDATION

That Council endorse the City of Belmont 2017 Audit Plan as outlined in Attachment 11.

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

12.7 Chief Executive Officer's Systems and Procedures Review: *Local Government (Audit) Regulations 1996*, Regulation 17

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 13 – Item 11.4 refers	**BEXB34 Risk Management**
Attachment 14 – Item 11.4 refers	**Terms of Reference – Business Improvement Team**

Voting Requirement	:	Simple Majority
Subject Index	:	19/003
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	City of Belmont
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	**Executive**	*The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**Legislative**	*Includes adopting local laws, local planning schemes and policies.*
☐	**Review**	*When Council reviews decisions made by Officers.*
☐	**Quasi-Judicial**	*When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To provide the Standing Committee (Audit and Risk) and Council with information, and to seek endorsement of its risk management systems and procedures, to demonstrate compliance with Regulation 17 of the *Local Government (Audit) Regulations 1996.*

Item 12.7 Continued

SUMMARY AND KEY ISSUES

The City is required, under the *Local Government (Audit) Regulations 1996,* to undertake a biennial review of its systems and procedures relevant to risk management, internal control and legislative compliance. Having reviewed internal control and legislative compliance in 2015, this review is focused on risk management.

This review of the City's risk management system follows the initial review undertaken in October 2014 as part of the inaugural report as required by Regulation 17 of the *Local Government (Audit) Regulations 1996*.

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

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

POLICY IMPLICATIONS

BEXB34 Risk Management

POLICY OBJECTIVE

To develop a culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects within the City of Belmont and to reduce the potential costs of risk through the implementation of an organisation wide risk management framework.

Item 12.7 Continued

STATUTORY ENVIRONMENT

Regulations 16 and 17 of the *Local Government (Audit) Regulation 1996* state:

16. Audit committee, functions of

An audit committee —

> *(c) is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
>
> > *(i) report to the council the results of that review; and*
> >
> > *(ii) give a copy of the CEO's report to the council.*

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

17. CEO to review certain systems and procedures

> *(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
>
> > *(a) risk management; and*
> >
> > *(b) internal control; and*
> >
> > *(c) legislative compliance.*
>
> *(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
>
> *(3) The CEO is to report to the audit committee the results of that review.*

[Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]

BACKGROUND

The Standing Committee (Audit and Risk) is to consider the CEO's biennial review of the appropriateness and effectiveness of the City's systems and procedures in regards to risk management, and report to the Council the results of those reviews.

The Department of Local Government and Communities (DLGC) has produced an Operational Guideline (No 9 – Revised September 2013) addressing the conduct of audits in local government. Part of this document outlines issues that should be considered as part of this biennial review:

<u>Risk Management</u>

Internal control and risk management systems are a key expression of a local government's attitude to effective controls. Good audit committee practices in monitoring internal control and risk management programs typically include:

- Reviewing whether the local government has an effective risk management system and that material operating risks to the local government are appropriately considered
- Reviewing whether the local government has a current and effective business continuity plan (including disaster recovery) which is tested from time to time

Item 12.7 Continued

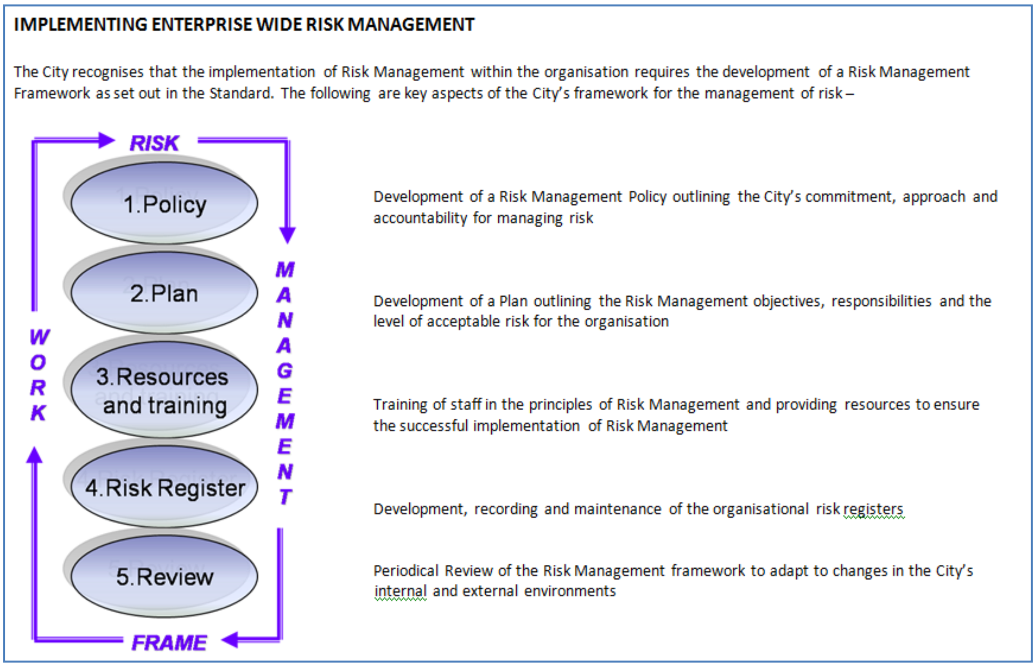
- Assessing the internal processes for determining and managing material operating risks in accordance with the local government's identified tolerance for risk, particularly in the following areas:
  - potential non-compliance with legislation, regulations and standards and local government's policies
  - important accounting judgements or estimates that prove to be wrong
  - litigation and claims
  - misconduct, fraud and theft
  - significant business risks, recognising responsibility for general or specific risk areas, for example, environmental risk, occupational health and safety, and how they are managed by the local government
- Obtaining regular risk reports, which identify key risks, the status and the effectiveness of the risk management systems, to ensure that identified risks are monitored and new risks are identified, mitigated and reported
- Assessing the adequacy of local government processes to manage insurable risks and ensure the adequacy of insurance cover, and if applicable, the level of self-insurance
- Reviewing the effectiveness of the local government's internal control system with management and the internal and external auditors
- Assessing whether management has controls in place for unusual types of transactions and/or any potential transactions that might carry more than an acceptable degree of risk
- Assessing the local government's procurement framework with a focus on the probity and transparency of policies and procedures/processes and whether these are being applied
- Should the need arise, meeting periodically with key management, internal and external auditors, and compliance staff, to understand and discuss any changes in the local government's control environment
- Ascertaining whether fraud and misconduct risks have been identified, analysed, evaluated, have an appropriate treatment plan which has been implemented, communicated, monitored and there is regular reporting and ongoing management of fraud and misconduct risks.

OFFICER COMMENT

Risk Management

In 2006 the City of Belmont introduced a comprehensive Enterprise Wide Risk Management framework. This aligns with AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines which defines the framework as "*a set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation*." This includes plans, objectives, accountabilities, processes and activities which support effective risk management within the City.

Item 12.7 Continued



IMPLEMENTING ENTERPRISE WIDE RISK MANAGEMENT

The City recognises that the implementation of Risk Management within the organisation requires the development of a Risk Management Framework as set out in the Standard. The following are key aspects of the City's framework for the management of risk –

Development of a Risk Management Policy outlining the City's commitment, approach and accountability for managing risk

Development of a Plan outlining the Risk Management objectives, responsibilities and the level of acceptable risk for the organisation

Training of staff in the principles of Risk Management and providing resources to ensure the successful implementation of Risk Management

Development, recording and maintenance of the organisational risk registers

Periodical Review of the Risk Management framework to adapt to changes in the City's internal and external environments

The framework provides the foundations and arrangements that embed risk management across the City. It assists in managing risks effectively through the application of the risk management process within specific contexts of the City. The framework ensures information derived from the risk management process is adequately reported and used as a basis for decision making.

The City's risk management framework is supported by a Council adopted policy (BEXB34) (refer Attachment 13), demonstrating commitment to managing risks in improving organisational objectives and better delivery of service. The framework provides for the assignment of risk ownership to ensure it is managed effectively. The framework is documented and made available to all staff on the City's intranet (Belnet). It is reviewed periodically to ensure the policy, plan, resources and training requirements are updated as necessary as the City matures in its understanding of risk.

The risk management process is applied across the business by identifying both strategic and operational risks that may cause financial, environmental, reputational, operational or health and safety impacts on the organisation's deliverables. Operational risk assessments are conducted and recorded in the City's Risk Management Software System (RMSS). Strategic risk assessments are conducted at a high level and recorded as part of the strategic planning documentation.

Risks identified are recorded in RMSS and are subject to regular review by responsible officers within each Department through the assigning of automated actions that need to be addressed and completed in a specific time frame.

The City's Business Continuity and Risk Coordinator sits on the Business Improvement Team and reports on the progression of Risk Management within the organisation. Attachment 14 is a copy of the Terms of Reference for the Business Improvement Team.

Item 12.7 Continued

Risk reports are drawn from the risk registers by the Business Continuity and Risk Coordinator and presented to the Standing Committee (Audit and Risk) annually. Identified risks are managed using the City's Risk Criteria:

- Risks with a Low – Moderate rating are monitored on a regular basis by the appropriate levels of Management
- Risks with a High – Extreme rating are addressed by the appropriate levels of Management and where deemed necessary, escalated to the Senior Management Group (SMG) for its attention when identified.

Where possible the City aims to reduce the risk exposure to the business in the first instance. However, the majority of risks identified are inherent in the functions of the business and as such need to be managed and mitigated accordingly. This is fulfilled by internal controls as part of a number of other management systems including Safety Management, Environmental Management, and Emergency Management. Risk is also shared or transferred in line with good business practice through the management of the City's Insurance portfolio where insurance policies are procured to address and treat specific risks.

Business Continuity management practices, introduced in 2010, form a part of the risk framework by providing an organised response to disaster events. The City's Business Continuity Plans aim to contain damage, minimise consequences, and ensure business continuity throughout recovery and to restore business capabilities as quickly as possible. The plans meet the requirements of ISO 22301:2012 Societal security - Business continuity management systems and are regularly reviewed and updated. Periodic desktop testing validated by the Local Government Insurance Services (LGIS) is in place, and live testing and review has occurred as incidents have been identified.

Revised standards ISO 9001:2015 and ISO 14001:2015 place a greater emphasis on risk management. SGS Australia Pty Ltd as part of the Quality Management System audit review the City's Risk Management system and processes. In the 2016 surveillance audit conducted by SGS, it was expressed that the initiatives taken by the City to progress risk management placed it well to meet requirements of the new standards.

The City's Risk Management Framework is also regarded as a leading example by LGIS who continually recommend the City as a referral site to other local governments. LGIS considers the overall risk profile of a local government and evidence of a structured Risk Management Framework in determining contributions towards the self-insurance schemes.

Item 12.7 Continued

The City has successfully maintained a discount in contributions due to its low claims experience and ongoing commitment to Risk Management at all levels of the organisation.

The City recently received the Worksafe Platinum Award for Safety for a second time, being the first Local Government to achieve this award back in 2012, highlighting a high level of process and management to sustain this level of compliance.

To further its risk management processes, the City has begun implementing a risk marker project. This involves the assessment of functions / activities detailed in the City's 279 process maps. The project output is a 'risk marker' hyperlink on each process map to the related RMSS risk assessment. The project is scheduled for completion in December 2016.

The table below contains a sample of the key documents utilised in delivering and controlling risk management for the City. It is by no means reflective of all supporting documentation.

Document Title	Document Title
Policy BEXB34 Risk Management	Records Disaster Recovery Plan
SP10 Organisational Risk Assessment	PM Risk Management Framework
Risk Management Plan	PM Business Continuity Plan Activation
Risk Definition and Classification Document	PM RMSS Action Manager
Business Continuity Plans	WI RMSS Action Manager
Fraud Control Plan	WI Hazard Risk Reporting
IT Disaster Recovery Plan	

(SP = System Procedure, PM = Process Map, WI = Work Instruction, RMSS = Risk Management and Safety System, ECM = Enterprise Content Management, SIR = System Improvement Request, OSA = Organisational Self Assessment, FOI = Freedom of Information)

Item 12.7 Continued

The Standing Committee (Audit and Risk) considered the findings of the CEO's review of Risk Management, in accordance with the *Local Government (Audit) Regulations 1996* Reg. 17, at its meeting of 24 October 2016.

The Chief Executive Officer provided an update as follows:

- This is a comprehensive report which reflects the City's mature risk management approach
- The City has dedicated risk management resources embedded in the organisation, which allows the Senior Management Group to have a good hand on risk management issues
- Business Excellence processes and the integration of quality assurance with occupational safety and health practices shows that the City is as well placed as any local government
- This report demonstrates compliance with the legislative requirement to show that the necessary controls are in place.

Following this, a series of questions were asked and responded to as follows:

- A change in Chief Executive Officer could mean changes to the City's practices, however following the principles of risk management are good business practice
- The Chief Executive Officer has ensured that good structures and frameworks are in place, these practices are embedded within the organisation and that processes work
- Positive risk management practices ensure that outcomes such as service delivery and capital works are well managed
- The requirements of Regulation 17 have been segmented. Risk management has been reviewed in 2016, and internal controls and legislative compliance will be reviewed in 2017.

<u>FINANCIAL IMPLICATIONS</u>

There are no financial implications evident at this time.

<u>ENVIRONMENTAL IMPLICATIONS</u>

There are no environmental implications at this time.

<u>SOCIAL IMPLICATIONS</u>

There are no social implications at this time.

Item 12.7 Continued

COMMITTEE RECOMMENDATION

1. ***That the Chief Executive Officer's review, as outlined in the above report, addressing the requirements of Local Government (Audit) Regulations 1996, Regulation 17:***

   "CEO to review certain systems and procedures

   (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

   (a) risk management "

   is endorsed.

2. ***That Council note that this review has been undertaken by the Chief Executive Officer to provide information on the various risk management systems and procedures to demonstrate compliance with Regulation 17 of the Local Government (Audit) Regulation 1996.***

3. ***That Council note that the 2017 review undertaken by the Chief Executive Officer will provide information on the various internal control and legislative compliance systems and procedures that demonstrate compliance with Regulation 17 of the Local Government (Audit) Regulations 1996.***

COMMITTEE RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12

12.8 OPERATIONAL COMPARISON – REPORT OF THE INQUIRY INTO THE LORD MAYOR OF THE CITY OF PERTH MS LISA SCAFFIDI

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 15 – Item 11.3 refers	**Report of the Inquiry into the Lord Mayor of the City of Perth Ms Lisa Scaffidi**

Voting Requirement	:	Simple Majority
Subject Index	:	32/001 Operational / Strategic Planning
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
☒	**Executive**	*The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**Legislative**	*Includes adopting local laws, town planning schemes and policies.*
☐	**Review**	*When Council reviews decisions made by Officers.*
☐	**Quasi-Judicial**	*When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

This report presents an assessment of the City's operations in comparison with findings from the recent Department of Local Government and Communities' inquiry into the operations of the City of Perth (refer Attachment 15). The report seeks Council's endorsement of the report and the use of this comparison to provide for strategic planning for operational improvements.

SUMMARY AND KEY ISSUES

The operational comparison has reinforced the need to proactively address issues around gift and travel contribution disclosures arising from recently amended legislation.

Item 12.8 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

BEXB31 – Compliance Management

Policy Objective

The City recognises that its organisational value of INTEGRITY is a prerequisite to the City being able to act to achieve its Vision.

The objective of this policy is to provide a framework that supports the City in identifying, applying and monitoring compliance requirements across the City's activities and services.

Item 12.8 Continued

STATUTORY ENVIRONMENT

The key elements of this comparison report are governed by s5.82 Gifts and s5.83 Contribution to Travel in the *Local Government Act 1995.* Further relevant regulations include both the *Local Government (Rules of Conduct Regulations) 2007* Regulation 11 and Regulation 12 for Elected Members and the *Local Government (Administration) Regulations 1996* Regulation 34B for staff. A summary of key legislation is outlined below:

Legislation	**Summary**	**Persons Affected**
Local Government Act 1995	**s5.82 Gift and s5.83 Contributions to Travel** Relevant persons, as prescribed under Section 5.74 of the *Local Government Act 1995* are to declare gifts and contributions to travel, in writing, to the CEO within 10 days of receipt. This includes multiple gifts made within a year by the same person, the aggregate value of which reaches the prescribed amount of $200. The disclosure for a gift must include – – a description of the gift; – the name and address of the person who made the gift; – the date on which the gift was received; – the estimated value of the gift at the time it was made; and – the nature of the relationship between the relevant person and the person who made the gift. For contributions to travel, the disclosure must include – – a description of the contribution; – the name and address of the person who made the contribution; – the date on which the contribution was received; – the estimated value of the contribution at the time it was made; – the nature of the relationship between the relevant person and the person who made the contribution; – a description of the travel; and – the date of the travel.	All
Local Government (Rules of Conduct Regulation) 2007	**Regulation 12 Gifts** The definition of the following types of gifts for declaration purposes – **"Notifiable Gift"** is any gift between $50 - $300 in value. **"Prohibited Gift"** are two or more gifts given by the same person within a 6 month period that is over $300.	Elected Members
Local Government (Administration) Regulations 1996	**Regulation 34B Codes of Conduct about gifts, content of (Act s5.103(3))** The definition of the following types of gifts for declaration purposes: **"Notifiable Gift"** is any gift between $50 - $300 in value. **"Prohibited Gift"** are two or more gifts given by the same person within a 6 month period that is over $300.	Employees

Item 12.8 Continued

BACKGROUND

To stay abreast of industry best practices, it has been standard protocol for the City to conduct internal audits and comparison reports in response to inquiries that may be relevant to the organisation. Previous reports to Council include the City's response to the following inquiries:

1. City of Wanneroo – Royal Commission 1998
2. City of Cockburn – Inquiry 1999
3. City of Belmont – Inquiry 2001
4. City of South Perth – Inquiry 2002
5. City of Joondalup – Inquiry 2004
6. City of South Perth – Inquiry 2006
7. Shire of Shark Bay – Inquiry 2011
8. CCC Report on Misconduct in Procurement – Inquiry 2015.

In accordance with previous practice, the Standing Committee (Audit and Risk) considered the findings of the City of Perth – Inquiry 2016 comparison report at its meeting of the 24 October 2016.

The Manager Governance provided an update as follows:

- It is the City's practice to undertake comparisons and review procedures in relation to the findings of the Corruption and Crime Commission or the Department of Local Government and Communities
- A comprehensive presentation and discussion in relation to gifts will be provided at an Information Forum before the end of the year
- As demonstrated by the report, the City is well positioned in relation to gift and travel declarations.

Following this, a series of questions were asked and responded to as follows:

- It is always a good idea for organisations to review the findings of these types of reports
- The City's practice to date has been to assess the findings from other local government inquiries and send the results to the Department of Local Government and Communities and the Minister for Local Government for information
- There are numerous risk issues concerning the use of corporate credit cards. Very stringent controls are required; however credit cards are required to conduct certain business
- The City and Council are aware of these types of risk management issues through the preparation and investigation of these reports.

Item 12.8 Continued

<u>OFFICER COMMENT</u>

This comparison report represents an assessment of the operational processes of the City of Belmont against the selected allegations found in the City of Perth Inquiry.

The methodology used in assessing the City's rating against allegations raised in the City of Perth Inquiry was through an internal audit of a random sample group. The audit period was conducted in line with the City of Perth Inquiry, inspecting annual returns, gift / hospitality / travel contribution declarations, and disclosures of interests lodged during the period between 2008 and 2015. The City believes that the audit sample depicts an accurate picture of the City's current practices.

The City of Belmont responses and assessment scores have been compiled as a result of the internal audit, reflecting consideration of the findings in comparison with the non-compliances found in the City of Perth Inquiry report.

While it is recommended that priority be given to areas scoring below 5, it is considered equally important to address issues that have scored a 5 to scope for potential opportunities for improvement.

Score	Assessment Criterion
5	Fully complies with recommendations
4	Mostly complies with recommendations – good process in place
3	Partially complies with recommendations – reasonable process in place
2	Some compliance with recommendations – requires review of process
1	Does not comply with the recommendation.

1. Issues arising from the City of Perth Inquiry

The main events covered by the Inquiry relate to the following:

- Appropriate disclosure of gifts and contributions to travel
- Refraining from accepting prohibited gifts
- Disclosing interests affecting impartiality
- Timely lodgement of Annual Returns.

The City of Belmont's current practices were audited against the above issues.

1.1 Appropriate disclosures of gifts and contributions to travel

Assessment Score	5

The City of Belmont's requirements in disclosure and acceptance of gifts for both elected members and employees are outlined in Section 7.8.1 ('Acceptance of Gifts or Benefits') of the City of Belmont Code of Conduct. The City's current Code of Conduct is undergoing a full review to include legislative changes around disclosure of gifts and contributions to travel. In the interim, both elected members and employees have been advised of the changes as of 4 March 2016. Results from the internal review found that the City's current practices are in line with industry standards.

All participants in the sample group audited for the purpose of this comparison report are consistent in declaration of gifts. While there have been no instances of contributions to travel declared within the sample group, this is historically

Item 12.8 Continued

characteristic of the City. The nature of business undertakings of the City fall within its district and, thus, elicit little reason for outside travel for both elected members and employees.

1.2 Declining 'Prohibited Gifts'

Assessment Score	5

The City of Belmont's current Code of Conduct Section 7.8.1(c) states that, "gifts with a commercial value greater than $300 and considered to be in public's interest may be accepted on behalf of the City provided that (i) ownership is transferred to the City; and (ii) the elected member or employee submits a 'Gift Declaration Form' and evidence of the Director or Chief Executive Officer's approval within 10 days of the gift." While this provision is valid, debate about the recently changed legislation has brought about much industry-wide confusion around the topic of accepting "Prohibited Gifts" and surrounding issues such as taking into account "consideration" and the nature of the donor making the gift. This has been identified as an opportunity for improvement by way of conducting a full review of the City of Belmont's Code of Conduct, gift / hospitality / contribution to travel practices, and associated forms, in light of the new legislation. In commencing the review process, the City has sought advice from the Department of Local Government and Communities. Officers have been advised that the Department is not considering a review of the current legislation prior to the 2017 State election.

Results from the internal audit are dependent upon the interpretation of current legislation and, as such, are largely subjective. Some gifts received by the sample group might fall over the "notifiable gift" threshold and classified as a "prohibited gift", however, each of these cases can easily be rebuked by way of justification through potential "considerations" surrounding each gift.

Accordingly, Officers have developed a 'Gift Disclosure Guidelines' matrix to assist elected members and officers in making informed decisions regarding acceptance of gifts (this will be the subject of an Information Forum discussion). As part of the guidelines, it has been deemed appropriate to take into account any factors of "consideration" provided by the attendee relative to the gift. This will discount the overall value of the gift as seen appropriate (more specifically in the case of hospitality invitations) when calculating both its true and cumulative value. The determination of "consideration" for each gift will be on a case by case basis.

The current 'Notification of Gift / Hospitality / Contribution to Travel' Form has been amended to reflect the changes above, and to allow further comment on the nature of the gift received to justify any "consideration" allocated.

1.3 Disclosure of interests affecting impartiality

Assessment Score	5

Disclosures of interests are governed by Section 7.6 *Statutory requirements to disclose financial interests* and Section 7.7 *Impartiality Interests* of the City of Belmont's Code of Conduct. These provisions state that elected members and employees are required to disclose any of the above interests in the course of meetings, and in their annual financial returns. Where applicable, elected members and employees are advised to refrain from contributing to the decision making process where there may be any kind of conflict of interest. In its 23 August 2016 Ordinary Council Meeting, Council also adopted policy BEXB42 Elected Members Disclosure of Interests Register with the objective to "provide clear guidelines on the publication of the City of

Item 12.8 Continued

Belmont Elected Member Disclosure of Interest Register on the City's website" in order to "provide the highest standards in openness and accountability the City of Belmont will, in addition to the requirements of the *Local Government Act 1995* and the *Local Government (Rules of Conduct) Regulations 2007* in relation to the keeping of a register of interests disclosed, publish a register of the elected member disclosures of interest on the City of Belmont website."

Results from the internal audit identify a total of 87 financial interest disclosures and 81 conflicts that may affect impartiality disclosures between 2008 and 2015. While these results show that provisions regarding disclosures of interests, as per the *Local Government Act 1995*, are being followed in practice, it is (will remain) inconclusive on whether all disclosures are being reported as this is at the discretion of the elected member or employee in question.

1.4 Management of annual returns for elected members and staff with delegated authority

Assessment Score	**5**

As per the City of Belmont's Work Instruction 'Manage Annual (Financial) Returns' the annual return process is coordinated by the City's Compliance Administrator with the aim to ensure that all returns are submitted within the prescribed timeframe. This process spans from distributing the initial memo advising elected members and employees with delegated authority of statutory obligation to accurately complete annual return forms, to a rigorous reminder and monitoring system leading up to the 31 August due date of each financial year. As included in the Work Instruction, any non-compliance to this process is to be reported to the Department of Local Government and Communities. There have been no reported breaches of this process within the City to date.

The efficacy of this current process is substantiated through results of the internal audit. From the sample group chosen, all persons have completed and submitted Annual Returns before the due date every year during the period audited.

2. Conclusion

Of the four findings identified through the Inquiry, the City of Belmont complies with all of the findings with assessment scores of 5. This was assessed using the Assessment Criterion Scores adopted.

<u>FINANCIAL IMPLICATIONS</u>

There are no financial implications evident at this time.

<u>ENVIRONMENTAL IMPLICATIONS</u>

There are no environmental implications at this time.

<u>SOCIAL IMPLICATIONS</u>

There are no social implications at this time.

Item 12.8 Continued

<u>COMMITTEE RECOMMENDATION</u>

That:

1. ***The report from the Department of Local Government and Communities "Report of the Inquiry into the Lord Mayor of the City of Perth Ms Lisa Scaffidi" be received (refer [Attachment 15](#)).***

2. ***A copy of the report "Operational Comparison – Report of the Inquiry into The Lord Mayor of The City of Perth Ms Lisa Scaffidi" be forwarded to the Minister for Local Government.***

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

12.9 QUOTATION 21/2016 - PROVISION OF FINANCIAL AUDIT SERVICES

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 1 – Item 12.9 refers	**Evaluation Matrix**
Confidential Attachment 2 – Item 12.9 refers	**Price Schedule**

Voting Requirement	:	Simple Majority
Subject Index	:	135/2016-21
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	**Executive**	*The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**Legislative**	*Includes adopting local laws, local planning schemes and policies.*
☐	**Review**	*When Council reviews decisions made by Officers.*
☐	**Quasi-Judicial**	*When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To seek Council approval to award Quotation 21/2016 - Provision of Financial Audit Services.

Item 12.9 Continued

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite and evaluate quotations for the provision of financial audit services in accordance with Australian Auditing Standards, the *Local Government Act 1995 (*the *Act*) and regulations under the *Act*.

Seven quotes were invited from members of the West Australian Local Government Association's (WALGA) preferred supplier panel as follows:

- AMD Chartered Accountants
- Butler Settineri (Audit) Pty Ltd
- Deloitte Risk Advisory Pty Ltd
- Grant Thornton Audit Pty Ltd
- Macri Partners
- Moore Stephens
- Paxon Group.

Five of the invitees declined to respond but submissions were received from:

- Grant Thornton Audit Pty Ltd
- Moore Stephens.

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Objective: Apply sound and sustainable business management principles.

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

Item 12.9 Continued

POLICY IMPLICATIONS

BEXB28–Purchasing

POLICY OBJECTIVE

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

STATUTORY ENVIRONMENT

Section 7.3 of the *Act* requires "*A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the audit committee, to be its auditor*."

As the State Government intends to amend the *Act* to allow for the Auditor General and the Office of the Auditor General to take responsibility for local government financial audits from 1 July 2017 the decision was made to appoint an auditor for a term of one year with a one year extension option.

As the total cost would not exceed the $150,000 tender threshold, no tender was required. However, under Council's Purchasing Policy BEXB28, three or more written quotes need to be invited, with a formal assessment of the responses received to be undertaken.

BACKGROUND

The City's Standing Committee (Audit and Risk) reviewed the proposed Quotation specifications and evaluation criteria at its meeting of 22 February 2016 and an Invitation to Quote for the Provision of Financial Audit Services was issued through the WALGA eQuotes system on Monday, 15 August 2016, closing on Tuesday, 30 August 2016. The results of the Evaluation Committee were presented to the Standing Committee (Audit and Risk) at its meeting of 24 October 2016.

OFFICER COMMENT

The Evaluation Committee consisted of Coordinator Contracts and Tenders, Director Corporate and Governance and Manager Finance.

The responses were assessed on the same selection criteria included within the tender, being:

	CRITERIA	**WEIGHTING**
1	Company Profile	20%
2	Experience	20%
3	Company Capacity	20%
4	Methodology	10%
5	Price	30%
	TOTAL	**100%**

Item 12.9 Continued

Grant Thornton and Moore Stephens both have experience in conducting financial audits for local governments within Western Australia. However, Grant Thornton provided more examples of providing similar services to metropolitan local governments of a similar size to the City of Belmont. They also confirmed their ability to meet the City's timeframes and provided a timeline to show how the services would be undertaken to meet the deadlines while demonstrating they have the necessary resources.

Having achieved the highest score on the Evaluation Matrix (refer Confidential Attachment 1), Grant Thornton Audit Pty Ltd are the recommended service provider.

FINANCIAL IMPLICATIONS

The accepted price represents an increase of 10% on the current price.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

COMMITTEE RECOMMENDATION

That Quotation 21/2016 for the Provision of Financial Audit Services be awarded to concurring partners Patrick Warr and Michael Hillgrove of Grant Thornton Audit Pty Ltd for the financial year 2016/2017 with the option of a one year extension at the sole discretion of the City, for the lump sum of $22,500 excluding GST for the first year.

COMMITTEE RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12

12.10 ACCOUNTS FOR PAYMENT - OCTOBER 2016

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 16 – Item 12.10 refers	Accounts for Payment - October 2016

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

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	**Executive**	*The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**Legislative**	*Includes adopting local laws, local planning schemes and policies.*
☐	**Review**	*When Council reviews decisions made by Officers.*
☐	**Quasi-Judicial**	*When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

Item 12.10 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications evident at this time.

POLICY IMPLICATIONS

There are no 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*
> *(d) sufficient information to identify the transaction."*

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	787131 to 787168	$238,768.76
Municipal Fund EFTs	EF046648 to EF047083	$8,028,477.58
Municipal Fund Payroll	October 2016	$1,461,404.21
Trust Fund EFTs	EF046645, EF046646 and EF046647	$126,172.34
Total of Payment for October 2016		$9,854,822.89

Item 12.10 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for October 2016 as provided under Attachment 16 be received.

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

12.11 MONTHLY ACTIVITY STATEMENT AS AT 31 OCTOBER 2016

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 17 – Item 1.11 refers	**Monthly Activity Statement as at 31 October 2016**

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

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	**Executive**	*The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

LOCATION

N/A

Item 12.11 Continued

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

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 Regulations 34 (1) of the *Local Government (Financial Management) Regulations 1996* requires monthly financial reports to be presented to Council.

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

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

BACKGROUND

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

OFFICER COMMENT

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

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

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

Item 12.11 Continued

The monthly financial report is to be accompanied by:

- An explanation of the composition of the net current assets, less committed* and restricted** assets
- An explanation of material variances***
- Such other information as is considered relevant by the local government.

  **Revenue unspent but set aside under the annual budget for a specific purpose.*

  ***Assets which are restricted by way of externally imposed conditions of use e.g. tied grants.*

  ****Based on a materiality threshold of 10 percent of the budgeted closing balance as previously adopted by Council.*

In order to provide more details regarding significant variations as included in Attachment 17 the following summary is provided.

Report Section	***Budget YTD***	***Actual YTD***	***Comment***
Expenditure - Capital			
Computing	208,250	14,099	Capital purchases are on order.
Technical Services	28,425	113,256	Budget spread issue regarding projects.
Grounds Operations	725,159	1,088,173	Bilya Kard Boodja upgrade currently above budget.
Road Works	1,528,902	1,457,802	Budget spread issue regarding projects.
Footpath Works	230,049	150,576	Budget spread issue regarding projects.
Building Operations	434,803	300,072	Variance mainly relates to the new Community Centre being under budget.
Expenditure - Operating			
Executive Services	604,086	509,782	Employee costs currently under budget due to budget spreads.
Chief Executive Officer	336,262	264,504	Consulting costs are below budget.
Governance	1,174,839	1,088,537	ABC Allocations are under budget.
Health	459,575	324,991	Employee costs currently under budget due to budget spreads.
Community Services	297,879	226,379	Agency costs are below budget.
Belmont HACC Services	904,716	832,923	Employee costs currently under budget due to budget spreads.
Town Planning	998,978	869,900	Variance mainly relates to consultants.
Sanitation Charges	1,494,866	1,394,423	Contractor invoices are paid one month in arrears.
Grounds Operations	1,740,703	1,582,895	Parks maintenance costs are currently under budget.
Grounds - Active Reserves	286,729	224,569	Contractor invoices are paid one month in arrears.
Grounds Overheads	649,368	593,525	Employee costs currently under budget due to budget spreads.
Building Control	474,763	400,023	Employee costs currently under budget due to budget spreads.

Item 12.11 Continued

Report Section	***Budget YTD***	***Actual YTD***	***Comment***
Public Works Overheads	636,094	544,888	Employee costs currently under budget due to budget spreads.
Technical Services	857,234	715,332	Employee costs currently under budget due to budget spreads.
Revenue - Capital			
Nil			
Revenue - Operating			
Insurance	(927,295)	(828,272)	Insurance premiums (and recovery) were less than anticipated.
Rates	(45,603,352)	(45,664,896)	Residential interim rates are above budget.
General Purpose Income	(206,151)	(339,198)	Reimbursement of ESL has resulted in additional income.
Town Planning	(638,152)	(355,988)	Variance mainly relates to application fee income.
Plant Operating Costs	(475,521)	(414,969)	Plant recoveries are under budget.

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 October 2016	**$**	**Comment**
Cash and investments	72,620,230	Includes municipal and reserves
- less non rate setting cash	(40,697,356)	Reserves
Receivables	14,581,879	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(2,735,651)	ESL Receivable
Stock on hand	252,702	
Total Current Assets	**44,021,804**	
Current Liabilities		
Creditors and provisions	(9,994,584)	Includes ESL and deposits
- less non rate setting creditors and provisions	5,672,424	Cash Backed LSL, current loans and ESL
Total Current Liabilities	**(4,322,159)**	
Nett Current Assets 31 October 2016	39,699,645	
Nett Current Assets as Per Financial Activity Report	39,699,645	
Less Restricted Assets	(509,329)	Unspent grants held for specific purposes
Less Committed Assets	**(38,690,316)**	All other budgeted expenditure
Estimated Closing Balance	**500,000**	

Item 12.11 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 October 2016 as included in Attachment 17 be received.

OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

15. CLOSURE

There being no further business the Presiding Member thanked everyone for their attendance and closed the meeting at 7.52pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 22 November 2016 were confirmed as a true and accurate record at the Ordinary Council Meeting held 13 December 2016.

Signed by the Person Presiding: ______________________

PRINT name of the Person Presiding: Philip Marks