



City of Belmont
ORDINARY COUNCIL MEETING
MINUTES
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23 February 2016

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CONFIDENTIAL ATTACHMENTS INDEX

Confidential Attachment 1 – Item 12.10 refers

<p>Councillors are reminded to retain the OCM Attachments for discussion with the Minutes</p>
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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 (<i>arr 7.08pm</i>)	East Ward
Cr B Ryan	East Ward
Cr P Gardner (<i>arr 7.09pm</i>)	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 Lutey	Director Technical Services
Mr R Garrett	Director Corporate and Governance
Mr J Olynyk, JP	Manager Governance
Mr J Hardison (<i>arr 7.08pm, dep 9.24pm & did not return</i>)	Manager Property and Economic Development
Mrs M Lymon	Principal Governance and Compliance Advisor
Mrs D Morton	Media and Communications Officer
Ms E Cashman	Senior Governance Officer
Ms S D'Agnone	Governance Officer

OBSERVERS

Mr J Ross (<i>dep 9.24pm & did not return</i>)	Associate, Taylor Burrell Barnett
Mr S Herring	Redfish Technologies
Mr M Thornber (<i>dep 9.24pm & did not return</i>)	Compliance Administrator

MEMBERS OF THE GALLERY

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

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.07pm, welcomed those in attendance and invited Cr Cayoun to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Cayoun read aloud the affirmation.

Affirmation of Civic Duty and Responsibility

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

7.08pm Cr Bass entered the meeting.

7.08pm The Manager Property and Economic Development entered the meeting.

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

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 L Cayoun	Item 12.8 Policy Review - BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions
Cr P Gardner	Item 12.8 Policy Review - BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions

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

4.1 ANNOUNCEMENTS

The Presiding Member made the following announcements:

1. The City welcomes Mr Stuart Herring of Redfish Technologies to the meeting. Mr Herring is the Audio Visual integrator who installed the new audio visual system in the Council Chamber and will be conducting monitoring and testing of the system during tonight's meeting.

7.09pm Cr Gardner entered the meeting.

2. The Presiding Member asked the Director Corporate and Governance to pass on Council's congratulations to City of Belmont staff who did a magnificent job organising and running Kidz Fest on Sunday 21 February 2016 and feedback received has been overwhelmingly positive. With over 5,000 attending, it was easily the most well attended to date.

4.2 DISCLAIMER

7.10pm 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 Ms J GEE, 44B TREAVE STREET CLOVERDALE

The following question was taken on notice at the Ordinary Council Meeting of 15 December 2015. Ms Gee was provided with a response on 21 January 2016. The response from the City is recorded accordingly:

1. How many more three storey apartments are planned and/or approved? Have we set a precedent and opened the floodgates that will see the whole of Belmont become a high rise jungle?

Response

The following information is based on Planning Applications for multiple dwellings lodged and determined between 1 January 2015 and 31 December 2015.

During 2015, 62 planning approvals were issued for multiple dwellings. A further nine applications were lodged and are still under assessment.

Of the 62 Planning Approvals, 20 applications were for multiple dwellings three storey or higher. Of the nine further applications still under assessment, three applications are for multiple dwellings three storey or higher.

Of the 62 planning approvals, to date 11 building permits applications have been lodged, 10 building permits have been issued and one is under assessment.

5.1.1 Continued

Below is a breakdown of the 62 planning approvals for multiple dwellings issued between 1 January 2015 and 31 December 2015, by number of storeys and suburb:

Total Number of Two Storey Multiple Dwelling Approvals	42
• Belmont	10
• Cloverdale	14
• Kewdale	6
• Redcliffe	1
• Rivervale	11
Total Number of Three Storey Multiple Dwelling Approvals	9
• Belmont	2
• Cloverdale	5
• Kewdale	2
Total Number of Four Storey Multiple Dwelling Approvals	7
• Cloverdale	2
• Kewdale	5
Total Number of Six Storey Multiple Dwelling Approvals	1
• Rivervale	1
Total Number of Nine Storey Multiple Dwelling Approvals	1
• Rivervale	1
Total Number of 14 Storey Multiple Dwelling Approvals	1
• Rivervale	1
Total Number of 20 Storey Multiple Dwelling Approval	1
• Rivervale	1

Below is a breakdown of the nine applications for planning approval for multiple dwellings lodged between 1 January 2015 and 31 December 2015 still under assessment, by number of storeys and suburb:

Total Number of Two Storey Multiple Dwelling Approvals	6
• Cloverdale	5
• Rivervale	1
Total Number of Four Storey Multiple Dwelling Approvals	1
• Kewdale	1
Total Number of Eight Storey Multiple Dwelling Approvals	1
• Ascot	1
Total Number of Ten Storey Multiple Dwelling Approvals	1
• Belmont	1

Local Planning Scheme No.15 (LPS15) limits the extent of medium to high density dwellings and the numbers built reflect the demand in the market. Based on LPS15, it is considered unlikely that “the whole of Belmont will become a high rise jungle”.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.11pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that he had registered five members of the public who had given prior notice to ask questions.

The Presiding Member invited the public gallery members who had yet to register their interest to ask a question to do so. One further registration from Ms J Gee was forthcoming.

5.2.1 MR W CHILDS, 122 SYDENHAM STREET KEWDALE

1. Are we likely to have better representation from our Councillors for our Ratepayers following the October Elections?

Response

The Presiding Member advised that individual Councillors could provide an answer to Mr Childs privately after the meeting.

2. What initiative is our local government doing for our local community to alleviate the trauma of domestic violence?

Response

The Presiding Member advised that crime statistics show that attacks on the person in Belmont are the lowest of the eastern suburbs. This is a Police matter and the City listens to and follows Police advice.

Mr Childs advised that a City of Busselton Councillor is running a self-funded program called 'Mates4Mates' in partnership with the Police. He encouraged Council to look at this program and undertook to forward information on the program to the Mayor.

The Presiding Member thanked Mr Childs for the suggestion and information.

3. Do the Council Officers support the Minister of Local Government's encouragement for Councillors to gain qualifications to serve the community as a Councillor?

Response

The Presiding Member advised that the Minister has put forward recommendations about Councillor training and education. At the WALGA East Zone meetings, of which the City of Belmont is a member, Council supported further education and training requirements for Councillors. WALGA will then make the final recommendation on behalf of local governments.

Item 5.2.1 Continued

Council has a policy detailing Elected Member training and development requirements. This policy is developed by Officers, but ultimately endorsed by Council.

4. Can we have an explanation of the award given to The Base by the National YMCA body as presented in the Southern Gazette, accompanied by a photo of David Reid, The Base Manager, Mr Ross Kyrwood, CEO of YMCA WA, and Stuart Cole, CEO of City of Belmont?

Response

The Director Community and Statutory Services advised the national award was in recognition of the well-attended, innovative services offered at The Base Belmont.

Cr Gardner requested any information relating to domestic violence provided from Mr Childs be distributed to all Councillors.

5.2.2 MR R BIRCH, 195 KNUTSFORD AVENUE, KEWDALE

1. Is it contravening any Bylaws to leave 240 litre bins permanently on the street verge?

Response

The Director Community and Statutory Services advised there is no Local Law requiring that bins must be bought in after being emptied, however, it is expected that occupiers only have their bins out for a reasonable period before and after collection time. The Director thanked Mr Birch for notifying Council of the issue and undertook to advise Mr Birch of further information on this matter and to take action on the particular case Mr Birch referred to.

2. Belmont Oasis. Is there any proposal to upgrade the Oasis and what is the plan for air conditioning?

Response

The Chief Executive Officer advised that there is currently a Request for Quote process being undertaken for the development of a Master Plan for Belmont Oasis and noted Mr Birch's feedback and suggestions about air conditioning.

5.2.3 Ms D MOSSENSON ON BEHALF OF ZONIE PTY LTD, 401 GREAT EASTERN HIGHWAY, REDCLIFFE

Correspondence with the Minister for Transport

1. Has the Council written to the Minister for Transport, or the delegates in his office, to ask whether keeping Brearley Avenue open in some capacity is an option?
2. If so:
 - 2.1 when?
 - 2.2 has the Minister responded? And
 - 2.3 what was the Minister's response?
3. If not, will the Council write to the Minister as per my submission of last week?
4. If the Council will not write to the Minister, what is the reason for this refusal?

Responses 1-4

The Director Community and Statutory Services advised that the City has had a fair amount of contact with the Minister for Transport through meetings and briefing sessions, but has not formally written a letter to the Minister requesting that Brearley Avenue remain open in some capacity.

City Officers have not requested that Brearley Avenue remain open for the following reasons:

- **Keeping a portion of Brearley Avenue open in any capacity will compromise the Great Eastern Highway/Tonkin Highway intersection.**
- **Experts in transport and planning have concluded that keeping Brearley Avenue open in any capacity will not work.**
- **From a town planning perspective, leaving Brearley Avenue open will compromise the DA6 Vision Plan which would need to change substantially if Brearley Avenue was to remain open.**
- **Keeping Brearley Avenue open would affect the amount of Public Open Space available in DA6.**

The Presiding Member advised that he lobbied extremely hard and exercised an enormous amount of pressure to ensure that the upgrade of the Coolgardie Avenue intersection was a priority, which was undertaken on the understanding that Brearley Avenue was to close. It would be awkward for Council to now request that Brearley Avenue remain open.

The submission period indicated that only a small number of people want Brearley Avenue to remain open.

Item 5.2.3 Continued

Public Open Space

5. What percentage of usable public open space will be lost if Brearley Avenue is retained in a modification form of just two lanes to First Street?
6. It has been stated that development above the proposed railway tunnel will be restricted. What effect will this restriction have on the DA6 plan, and in particular, on the areas of usable Public Open Space provided?

Responses 5-6

The Director Community and Statutory Services advised that the Vision Plan shows Public Open Space at 8.2%, the remaining 1.8% is suggested to be cash in lieu contributions. The exact figure of Public Open Space if Brearley Avenue remains open and the Public Open Space provided through the Brearley Avenue reserve is not known.

The final decision on the amount of Public Open Space required rests with the Western Australian Planning Commission (WAPC). If WAPC require 10% Public Open Space, this will be indicated during the structure planning phase. This will involve the acquisition of private property and compensation for affected landowners. There is a process that needs to be followed which will include consulting affected landowners.

7. Two statements have been made regarding Brearley Avenue. Is Brearley Avenue considered part of DA6?

Response

The Director Community and Statutory Services advised that Brearley Avenue is definitely considered part of DA6.

Access Issues

8. In the Council's response to submissions on the DA6 plan, it stated that it is the Council's responsibility to provide us with reasonable access to a gazetted road.

Does the Council consider it is reasonable in the case that the road is closed, for funeral processions, sometimes up to 25 vehicles long, to have to drive 500m past the site to Coolgardie Avenue, wait for an available gap in the traffic, turn right, travel 250m down Coolgardie Avenue, turn right, travel 500m down First Street, turn right, travel 150m down Kanowna Avenue East, turn right, travel 150m down a proposed new road, turn left, then travel 100m down Boulder Avenue, before reaching the Funeral Parlour?

Item 5.2.3 Continued

9. In the Council's view, what reasonable access will be provided to our property for customers when approaching from the Central Business District or Tonkin Highway?
10. In the Council's view, what reasonable access will be provided to our property for customers seeking to leave the property when departing for the Midland or Guildford Cemeteries?
11. What effect will those proposed routes have on the traffic flow in surrounding streets?

Responses 8-11

The Director Community and Statutory Services advised that Main Roads WA (MRWA) is ultimately responsible for the closure of Brearley Avenue.

MRWA will need to work directly with Ms Mossenson to determine acceptable access to properties, however the degree of access cannot be replicated once Brearley Avenue has been closed.

MRWA is responsible for access to properties, and cannot shirk its responsibility in this area. At this stage there has been no decision in regard to road connections via Boulder Avenue.

The City will ensure reasonable access is provided, but this detail will come in the future.

12. Have there been any changes to what was seen in December regarding the suggestion of keeping Brearley Avenue open to Boulder Street for a time?

Response

The Director Community and Statutory Services took the question on notice.

13. What effects will the construction restrictions above the rail tunnel have on development in the DA6 precinct and Public Open Space?

Response

The Director Community and Statutory Services took the question on notice.

5.2.4 MR R FOSTER, 140 COOLGARDIE AVENUE, REDCLIFFE

A dictionary meaning of the word Commonplace ... boring Ordinary everyday ... as in "If I have an ordinary mars bar every day that is considered to be commonplace" or something commonly found.

With regard to the feedback forms that were filled in at the Community Open Days in November at the Redcliffe Primary School question 8 asks "would you prefer better quality POS if this means that the total POS is less than 10% of the **total land area**."

The 4 responses listed were "10% is better", "Don't mind either way", "No more open is better than less" and "should not be less than 10%":

1. This is a 'yes or no' question. Does this indicate that the residents of DA6 want 10% if not more, POS? *I calculate that at 87.5% of resident.*

Why was this question put in the feedback form when it is obvious that 10% or above is the required amount of POS for this revised Vision Plan?

Response

The Director Community and Statutory Services advised the decision on the quantum of Public Open Space rests with the WAPC, and their policy is that if 10% land area is not possible they will accept 8% with the remaining 2% as a cash in lieu contribution which will be used to upgrade the Public Open Space. The WAPC will consider what Public Open Space is currently available, such as Garvey Park and Selby Park, and then make a determination.

If more Public Open Space is required, the WAPC will consider their policy and the detailed planning undertaken during the structure planning phase to determine where additional Public Open Space land will be located.

2. POS in the DA6 – time frame 2016-2021.
With construction of the railway and POS not being able to be used between the airport and First Street along Brearley Ave...
And the gradual closure of Brearley from GEH to First Avenue and construction of living stream and the park,
and with the remaining open part of Brearley Ave still being used to park construction vehicles until 2020-21 when the train station is completed.
**what allowances have the City of Belmont made to retain the amenity of current residents with regard to POS in the DA6?

With Regard to the City of Belmont's revised DA6 Vision Plan and the COB suggesting that the Redcliffe DA6 could share school ovals as POS with Redcliffe Primary school.

Response

The Director Community and Statutory Services advised that maintaining amenity for residents is paramount and the City's Technical Services Division will explore these very important issues. Decisions on movement of construction vehicles and the methodology of how things are done in the area will be based on preserving amenity for residents.

Item 5.2.4 Continued

The Director Community and Statutory Services further advised that the Vision Plan is still at a very early stage of the process and this first step must be completed before more detailed planning can be undertaken.

3. What percentage of schools in the CoB share ovals as POS with unfettered or free access in the commonplace manner?

Response

The Director Community and Statutory Services advised that there is no shared Public Open Space with schools currently in the City.

4. With reference to construction vehicles and increased traffic, will Coolgardie Avenue from GEH to First Street including and especially the intersection of Coolgardie Avenue and then First Street/Kanowna/New Road to Boulder Avenue be upgraded or constructed BEFORE Brearley Avenue is shut?

I support any questions regarding Brearley Avenue and the City of Belmont approaching the Minister of Transport to keep Brearley Avenue open in some form.

Response

The Director Technical Services advised that the City's understanding is that all construction vehicle access will be via Dunreath Drive, irrespective of contractor or subcontractor status.

7.47pm The Manager Property and Economic Development departed the meeting.

7.47pm **ROSSI MOVED, HITT SECONDED, that Public Question Time be extended.**

CARRIED 9 VOTES TO 0

5.2.5 Ms B SCHARFENSTEIN, 140 COOLGARDIE AVENUE REDCLIFFE

1. Schedule of Submissions – Draft Development Area 6 Vision and Implementation Strategy A3 Item 1

I refer to the Response from CoB Officers to the Submission of Margaret Elkington.

The statements made by Council Officers are conflicting:

1. A partial opening of Brearley Avenue will not only fail to address regional network issues it will result in many of the open space outcomes for the local community (sic) being achieve.
2. In regards to the road network for the area, this is done as part of the technical analysis undertaken at structure planning stage, whereby the design, hierarchy and function of the road and movement networks, including street design, traffic movements and traffic volumes, cycle ways and footpaths etc. It is premature to undertake detailed analysis of the above matters as part of a visioning exercise.

And yet, contrary to the above claims about the requirement for advance planning to undertake a technical analysis at the structure planning stage and stating that it is premature to undertake detailed analysis as part of a visioning exercise, City of Belmont has somehow determined to accept that Brearley Avenue should close; that is would fail to address regional road network issue; and that its retention would be a dis-benefit to the greater majority (of DA6 residents)

I therefore conclude that without said technical analysis these comments are pure supposition by the City of Belmont and have no basis in fact.

Therefore, please explain this contradiction and also outline how the retention of Brearley Avenue will be a dis-benefit to the greater majority.

Response

The Director Community and Statutory Services advised that as previously stated, concerns and views of residents regarding the closure of Brearley Avenue have been taken into account and the issue was discussed at length with the Community Reference Group. The initial traffic modelling was undertaken by Aurecon on behalf of MRWA, and its conclusions were provided to and discussed with the Community Reference Group.

In terms of the process, the Vision Plan demonstrates the general future direction of the area. In the next phase technical analysis will be undertaken, which will include additional extensive traffic modelling.

From the analysis undertaken, and looking at the projected 3,500 dwellings for an approximate population of 6,000, the conclusion reached was that Brearley Avenue needed to be closed.

Item 5.2.5 Continued

The next phase of the process, the Structure Planning phase will determine densities, which will generally be highest at the train station, then radiate out, and provide more clarification surrounding traffic movements, road treatments and the preservation of amenity for residents. It is not possible to have all the answers at this stage, it is a step by step process.

An enormous amount of traffic modelling was undertaken for DA6 and the surrounding areas which led to the MRWA decision to close Brearley Avenue. The traffic modelling demonstrated that the closure of Brearley Avenue was justified, and the Vision Plan reflects this.

7.54pm The Manager Property and Economic Development returned to the meeting.

2. Public Open Space
Please advise what is the square metre size of the public open space which the DA6 will be located at the T Junction of Boulder Avenue and First Street.

What is higher quality Public Open Space? Can cash in lieu be used to make up the shortfall to purchase extra space?

Response

The Director Community and Statutory Services advised that cash in lieu of Public Open Space can be expended to buy additional land for this purpose.

Developers will often leave Public Open Space clear so Council can carry out work to upgrade the area. Cash in lieu funds can then be used to upgrade Public Open Space through installation of turf, landscaping and the provision of park furniture and other equipment.

3. Works on Central Avenue

Will CoB be writing to all residents in the DA6 and Tibbradden Gardens area:

- Advising the exact date that upgrade of Central Avenue will Commence
- When and what type of works will be undertake;
- Provide a project time frame for how and where these works will roll out (from Dunreath to GEH) and
- How these works are likely to affect movement through area.

I include Tibbradden Gardens as the parents of children attending Redcliffe and Maria Goretti Primary reside here. Also the Mulberry Day Care Centre bus travels through DA6 to access these schools for pre and after school care.

If Council does not deem this necessary or important, we request they reconsider to provide this important information to residents.

Item 5.2.5 Continued

Response

The Director Community and Statutory Services advised that it is very important to keep residents informed. The City may not be able to provide all the information, however every effort will be undertaken to keep residents as informed as possible.

5.2.6 Ms J GEE, 44B TREAVE STREET CLOVERDALE

1. What strategies are in place around bin collections?

Response

The Director Community and Statutory Services advised that he would take the question on notice.

5.2.7 Mr D Mossenson, on behalf of Zoonie Pty Ltd, 401 Great Eastern Highway, Redcliffe

1. What traffic modelling was done with Brearley Avenue being shown as open?

Response

The Director Community and Statutory Services advised he was not aware of details of how the traffic modelling was undertaken on behalf of MRWA by Aurecon. The City was assured that all factors were taken into account when the traffic modelling was undertaken.

2. In relation to the rail tunnel, is Council aware that there is a need for a 30 metre buffer on either side of the tunnel? If so, what implications will this have on the high rise developments proposed for Brearley Avenue?

Response

The Director Technical Services advised that the City was not aware of a 30 metre buffer zone requirement. The City is aware that any design for construction over or adjacent to the rail tunnel will have certain restrictions based on the load requirements of the rail tunnel. The restrictions will impact the load and foundation requirements of the development.

5.2.8 MR R FOSTER, 140 COOLGARDIE STREET, REDCLIFFE

1. Could Mr Deague please clarify what he stated were the dwelling and population figures expected in the DA6 area? Submissions were based on 10,000 dwellings.

Response

The Director Community and Statutory Services advised that the Vision Plan is based on approximate figures. Indicative figures used show a population of between 6,000 and 10,000 and the general magnitude of development. Detailed planning work in the structure planning phase will more accurately define population levels.

5.2.9 MS D MOSSENSON, ON BEHALF OF ZONIE PTY LTD, 401 GREAT EASTERN HIGHWAY, REDCLIFFE

1. Will the Council write to the Public Transport Authority for clarification on building requirements over the rail tunnel?

Response

The Director Community and Statutory Services undertook to write to the Public Transport Authority seeking clarification of building requirements over and adjacent to the rail tunnel.

8.15pm 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 15 DECEMBER 2015
(Circulated under separate cover)

OFFICER RECOMMENDATION

***POWELL MOVED, ROSSI SECONDED*, that the minutes of the Ordinary Council Meeting held on 15 December 2015 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 16 FEBRUARY 2016
(Circulated under separate cover)

OFFICER RECOMMENDATION

***GARDNER MOVED, WOLFF SECONDED*, that the Information Matrix for the Agenda Briefing Forum held on 16 February 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)

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

10 BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

Nil.

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Gardner.

Item 12.2 was withdrawn at the request of Cr Powell.

Item 12.5 was withdrawn at the request of Cr Rossi.

Item 12.7 was withdrawn at the request of Cr Rossi.

Item 12.8 was withdrawn at the request of Cr Gardner.

Item 12.9 was withdrawn at the request of Cr Rossi.

POWELL MOVED, HITT SECONDED, that with the exception of Items 12.1, 12.2, 12.5, 12.7, 12.8, and 12.9, which are to be considered separately, the Officer Recommendations for Items 12.3, 12.4, 12.6, 12.10, 12.11, 12.12, 12.13, 12.14, 12.15, 12.16 and 12.17 be adopted en bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.1 FINAL ADOPTION OF DRAFT LOCAL PLANNING POLICY NO. 14 ‘DEVELOPMENT AREA 6 – VISION PLAN AND IMPLEMENTATION STRATEGY’ FOLLOWING PUBLIC ADVERTISING

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.1 refers	Public Advertising Submissions Table
Attachment 2 – Item 12.1 refers	Community Open Day Feedback Forms Summary
Attachment 3 – Item 12.1 refers	Belmont Connect Comments Summary
Attachment 4 – Item 12.1 refers	Revised Local Planning Policy No. 14 – Development Area 6 Vision
Attachment 5 ¹ – Item 12.1 refers	Revised Development Area 6 Vision Plan and Implementation Strategy
Attachment 6 – Item 12.1 refers	Traffic and Transport Analysis
Attachment 7 – Item 12.1 refers	Coolgardie Avenue Interim Upgrade Design

Voting Requirement : Simple Majority
 Subject Index : LPP15/014–LPS15 Local Planning Policy 14
 Location / Property Index : Multiple
 Application Index : N/A
 Disclosure of any Interest : Nil
 Previous Items : 17 December 2013 Ordinary Council Meeting Item 12.1
 27 October 2015 Ordinary Council Meeting Item 10.1
 Applicant : City of Belmont and Perth Airport Pty Ltd
 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.*

¹ Attachment 5 amended. Refer OCM 22/03/16, Item 6.1 for confirmation of amendment.

Item 12.1 Continued

PURPOSE OF REPORT

To consider:

1. The submissions made during the advertising of the Revised Draft Local Planning Policy No. 14 (Development Area 6 Vision) (refer [Attachment 4](#)); and
2. The final adoption of the Policy.

SUMMARY AND KEY ISSUES

Local Planning Policy No.14 - Development Area 6 (DA6) Vision Plan and Implementation Strategy ('LPP14') was initially adopted by Council at the Ordinary Council Meeting on 17 December 2013.

In 2014 the Public Transport Authority (PTA) confirmed the alignment of the proposed Forrestfield Airport Rail Link and the proposed location of the 'Airport West' station within Development Area 6 (DA6).

In response to this the City of Belmont (CoB) initiated a review of LPP14 to accommodate the revised station location.

In consultation with the relevant government agencies and a Community Reference Group (CRG), the CoB has prepared a revised version of LPP14 for consideration of Council.

The revised LPP14 was advertised for a period of 42 days and included two Community Open Days. A number of submissions and feedback forms were received, some of which objected to the closure of Brearley Avenue as well as concerns regarding public open space, densities and road networks within the subject development area.

A number of the concerns raised are matters dealt with at the structure planning stage; however it is recommended that the revised Vision Plan and Implementation Strategy be updated to provide clarity on certain components of the plan.

LOCATION

The subject area is identified as 'DA6' in the Local Planning Scheme No. 15 (LPS15) maps, and incorporates areas of Perth Airport and the locality of Redcliffe, with a total area of 174 hectares. The area is generally bounded by Tonkin Highway to the south-west, Great Eastern Highway to the north-west, Fauntleroy Avenue to the north-east and Perth Airport to the south-east, and is outlined in Figure 1.

Item 12.1 Continued

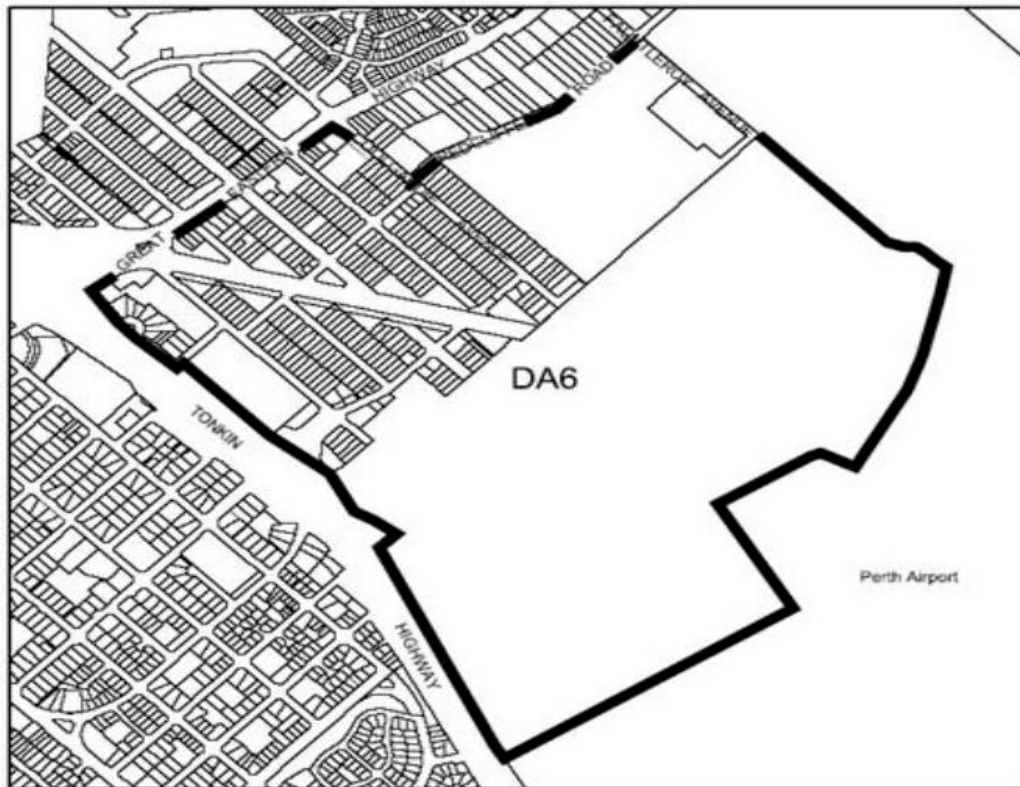


Figure 1: Location Plan

CONSULTATION

Consultation is a statutory process required under Schedule 2, Part 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes), where a draft local planning policy has been prepared.

The City, in conjunction with the PTA, Perth Airport Pty Ltd (Perth Airports) and the Department of Planning (DoP), has undertaken several additional community engagement and consultation events in the preparation of the proposed revision to LPP14. At the 27 October 2015 Ordinary Council Meeting (OCM), Council granted permission to initiate public advertising under the provisions at the time of LPS15 for the revised LPP14. The extent and details of the public advertising are outlined below.

Public Advertising

In accordance with Schedule 2, Part 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes), an amendment to a local planning policy is to be advertised for a minimum period of 21 days from the date of publication of a notice in a newspaper circulating within the Scheme area. Given the scale and importance of DA6 it was considered that the standard 21 days of advertising would be insufficient, therefore it was approved to extend this to 42 days.

Item 12.1 Continued

The revised LPP14 was advertised from 10 November 2015 to 22 December 2015. The following measures were undertaken to advertise the proposal:

- On Friday 6 November a total of 747 letters were posted to each landowner and occupier within DA6 and the surrounding area notifying them that the Policy is available for public comment. The letter included a flyer and directions to the City's website to make comment online, or a hard copy form to complete and send back in the post. The referral area is shown in Figure 2 below:



Figure 2 – Referral Area

- Notices were published in 'The Southern Gazette' newspaper advising the revised draft Policy is available for public inspection and comment from Tuesday 10 November 2015 until close of business on Tuesday 22 December 2015;
- A notification was placed in the 'The Weekend West' on Saturday 7 November and Saturday 21 November 2015 notifying interested persons that the Policy was available for public comment;
- Two Community Open Day events were held on Saturday 14 November 2015 (morning) and Wednesday 25 November 2015 (evening);
- A dedicated section of the City's website was created to encourage interested persons to make specific comment about the Policy through online surveys, comment sections and an interactive map; and

Item 12.1 Continued

- Flyers and hard copy feedback forms and plans were made available at the City's Civic Centre and the Ruth Faulkner Public Library encouraging interested persons to visit the City's website and/or complete a feedback form.

At the conclusion of the advertising period 17 submissions were received, as follows:

- Eleven (11) submissions were either in support of, or provided neutral feedback on draft LPP14 and the DA6 Vision Plan.
- Six (6) submissions provided specific objections to draft LPP14 and/or the DA6 Vision Plan.

The six (6) objections raised a variety of matters that revolve around:

- The closure of Brearley Avenue;
- Road traffic and access concerns;
- Lack of open space and potential shared use of school ovals; and
- Uncertainty on density and zonings.

A detailed summary of the submissions (including a summarised response to the content of the submission) is contained in [Attachment 1](#). Further discussion of the above matters has been undertaken in the Officer Comment sections of this report. Full copies of the submissions made in all forums are available to Councillors on request.

Community Open Days

Two Community Open Day events were held on Saturday 14 November 2015 (morning) and Wednesday 25 November 2015 (evening) with a range of information and plans displayed on the Policy and associated Vision Plan and Implementation Strategy. The Open Days were held at Redcliffe Primary School and attended by 60 and 25 persons respectively. City Officers, the DoP, PTA and Perth Airports were available to explain presented material and answer questions.

In follow up to the Open Days, 11 of the attendees completed feedback forms. The feedback forms asked specific questions and gave opportunities for respondents to make comment on any aspect of the redevelopment area. The summary of the feedback forms and comments made is contained in [Attachment 2](#).

The detail provided from the community via the completed feedback forms during the two Community Open Days has been considered in conjunction with the submissions received during the advertising period.

Belmont Connect

Belmont Connect is an online tool the City of Belmont uses to encourage community discussion on key projects. A section for DA6 was created in Belmont Connect which allowed users to view a range of project information, navigate around an interactive map, make comment on the five vision plans, complete online surveys and ask questions. A total of six comments were received during the advertising period, and a summary is provided in [Attachment 3](#). These comments have been considered in conjunction with the submissions received during the advertising period.

Item 12.1 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area:

Built Belmont

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

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

Objective: Provide and maintain a safe and efficient transport infrastructure.

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.

Business Belmont

Objective: Maximise Business Development Opportunities.

Strategy: In partnership with Perth Airport Corporation support the business development of the airport.

Natural Belmont

Objective: Protect and enhance our natural environment.

Strategy: Develop quality POS in accordance with community needs.

POLICY IMPLICATIONS

The revised version of LPP14 is ultimately intended to be adopted by Council (with or without modification) and will thereafter replace the initial version of LPP14 adopted by Council in December 2013.

STATUTORY ENVIRONMENT

The procedure for making and amending a local planning policy was previously done as outlined under Clause 2.4 of LPS15. However, the Planning and Development (Local Planning Schemes) Regulations 2015 now supersede LPS15 in this regard. Clause 2.4 of LPS15 is now superseded by Clauses 4 and 5 from Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes). Clauses 4 and 5 of the Planning and Development (Local Planning Schemes) Regulations 2015 are as follows:

“4. Procedure for Making Local Planning Policy

- (1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*

Item 12.1 Continued

- (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
 - (i) *the subject and nature of the proposed policy; and*
 - (ii) *the objectives of the proposed policy; and*
 - (iii) *where the proposed policy may be inspected; and*
 - (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
- (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
- (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- (3) *After the expiry of the period within which submissions may be made, the local government must —*
 - (a) *review the proposed policy in the light of any submissions made; and*
 - (b) *resolve to —*
 - (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modification; or*
 - (iii) *not to proceed with the policy.*
- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) *A policy has effect on publication of a notice under Subclause (4).*
- (6) *The local government —*
 - (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*

Item 12.1 Continued

- (b) *may publish a copy of each of those local planning policies on the website of the local government.*

5. Procedure for Amending Local Planning Policy

- (1) *Clause 4, with any necessary changes, applies to the amendment to a local planning policy.*
- (2) *Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.”*

BACKGROUND

The subject area has been identified as a suitable location for redevelopment that provides for medium to high density residential uses, in addition to strategically located commercial and retail mixed-use development as a component of the ongoing redevelopment of the wider Perth Airport precinct.

In 2013 the City of Belmont, in conjunction with Perth Airports, prepared a ‘Vision Plan and Implementation Strategy’ to guide the redevelopment of DA6. As a component of this plan the Working Group undertook substantial consultation with local residents, businesses and government agencies that were either directly affected by the proposed redevelopment, or had a direct or indirect interest in the redevelopment. The results of these consultation exercises, along with substantial urban design and planning work, provided the basis for the endorsement and publication of the Vision Plan and Implementation Strategy as a local planning policy under Clause 2.4 of LPS15 (refer [Attachment 5](#)).

In early 2014 the PTA progressed with their planning for the Forrestfield Airport Link and an announcement was made by the State Government that:

- (a) The alignment would include twin bored tunnels underneath the Brearley Avenue Reserve;
- (b) The Airport West Station would be located within the Brearley Avenue reserve; and
- (c) Construction would commence in 2017 with the aim to have the Airport West station operational by 2020.

In response to these announcements the CoB proceeded to review the endorsed Vision Plan and Implementation Strategy with a view to accommodating the confirmed rail alignment and station location. This required the establishment of a Project Steering Group and Project Working Group comprising of key Officers from the DoP, Department of Transport (DoT), PTA, Transperth, Main Roads Western Australia (MRWA) and Perth Airports.

The Project Steering Group and Working Group were formulated in late 2014 and have overseen the task of reviewing the Vision Plan and Implementation Strategy and progressing the plans for the railway construction. Working Group meetings are held on a fortnightly basis and are a successful method of achieving collaboration, integration and critical analysis.

Item 12.1 Continued

In November 2014 the City placed advertisements seeking expressions of interest for community members interested in DA6 to nominate for a Community Reference Group (CRG). The City received a total of 12 nominations and all persons were subsequently appointed to the CRG. The terms of reference for the CRG outlined the function of the Group is to advise on key matters of importance to the local community, and not to act as a decision making body. The Project Steering Group facilitated a total of five meetings with the CRG, including an additional meeting requested by members of the CRG. At all times the Project Steering Group and Working Group members listened to the feedback and input of Reference Group members and advised on technical matters and constraints where relevant.

At the 27 October 2015 OCM, the City adopted the Revised Draft LPP14 for the purpose of initiating public advertising under the provisions of LPS15.

OFFICER COMMENT

The revised Vision Plan and Implementation Strategy maintain the same overall objectives and ideology as the original LPP14 as these continue to be sound principles that should be upheld. However, changes have been made to the Vision Plan largely focused on the four elements of land use, built form, movement network and the public realm.

Of the 746 letters sent out re-advertising the draft LPP14, only six (6) objections were received representing a very small percentage of those consulted. City Officers are of the view that while some objections have been received, most of the submissions received are generally positive, with other comments being constructive suggested modifications the City can take on board in the next stages of the planning process for DA6.

With this in mind, in making a decision on the final adoption of LPP14, Council must also decide whether the revised Vision Plan is acceptable, or whether there are necessary changes that need to be made.

Closure of Brearley Avenue

From the initial Vision Plan for DA6, the most substantial alteration to the movement network is the relocation of the proposed Airport West train station from the domestic airport car-park to the Brearley Avenue Road Reserve where it intersects with Second Street. The revised location, whilst beneficial for a variety of reasons, shifts the focal point of vehicle movements so that they are now split between Perth Airport estate and the surrounding residential areas.

Six submissions received raised concerns regarding the need to close Brearley Avenue and the impact this may have on residents and businesses, and whether there was an alternative solution to the road closure. Over the last 20 years, and again during the Community Open Days and discussions held with residents, the Project Working Group has continually been advised that MRWA, as the responsible authority for Great Eastern Highway and Brearley Avenue, do not support the retention of the Brearley Avenue/Great Eastern Highway intersection in any format. The continued operation of the intersection, even with a reduced number of lanes, will continue to cause congestion on Great Eastern Highway and the Tonkin Highway off-ramp, and will continue to contribute to the traffic safety issues present at this intersection and throughout the regional road network.

Item 12.1 Continued

The closure of Brearley Avenue is not a result of the Vision Plan for DA 6, although the station has brought the timetable forward. The decision to close Brearley Avenue has been made by MRWA and will be undertaken in late 2016. All lot parcels are entitled to have lawful access to a gazetted road, and this will continue to be provided upon closure of Brearley Avenue. Some landowners may consider that their road access will not be as convenient as it is currently with Brearley Avenue open. However this is not a result of the Vision Plan for DA6, it is as a result of the decision of MRWA to close Brearley Avenue. The Vision Plan recognises this future road closure and makes provision for the best use of that land.

From an implementation viewpoint, it is considered that fully closing Brearley Avenue, rather than keeping Brearley Avenue open or retaining a portion of Brearley Avenue between Great Eastern Highway and First Avenue, is not supported as:

- It will encourage motorists to 'rat run' through the residential area to access the domestic airport;
- It will compromise the ability to deliver a high quality and sizeable portion of public open space (POS) and compromise the ability to redesign and integrate the Southern Main Drain within the public realm;
- Main Roads Western Australia has advised that retention of the intersection will compromise the efficiency of Great Eastern Highway and the associated exit ramps from Tonkin Highway. This is unacceptable from a traffic efficiency and safety perspective and is not supported by MRWA as the responsible agency for Brearley Avenue; and
- Retention of a section of Brearley Avenue and its intersection with Great Eastern Highway would be contrary to preferences expressed by some at community workshops and open days held through 2013 and 2015 to remove the barrier of the road and the volume of traffic and adhoc parking associated with the domestic airport.
- For over 25 years it has been the stated position of MRWA that once there was an alternative access from Tonkin Highway to the Domestic Airport, Brearley Avenue would be closed.

Given the above, the City's Officers are of the view that there are strong planning and traffic arguments in support of the closure of Brearley Avenue, as it will ultimately deliver a better design outcome for the entire precinct and will ensure a safe and improved regional road network. A Traffic and Transport Analysis is contained in [Attachment 6](#).

Road Traffic and Access Movement Networks

The primary road traffic and access concerns raised in the submissions were as follows:

- The increased pressure this will create on adjacent streets such as Stanton Road and Coolgardie Avenue;
- Intersection at Coolgardie Avenue and Great Eastern Highway will not be able to cope with additional traffic;

Item 12.1 Continued

- Potential for 'rat running' on quieter streets; and
- Traffic modelling provided shouldn't be accepted as being accurate by the City, and hasn't taken internal roads into account.

Traffic modelling undertaken on behalf of the project team and used for the Vision Plan does not demonstrate that vehicle movements on Stanton Road and Coolgardie Avenue will exceed reasonable expectations for these roads as a result of the closure of Brearley Avenue. The modelling does indicate however, that traffic flows will increase as a result of the introduction of the railway station and increased development within the precinct. The City will continue to monitor traffic volumes along these streets to ensure that vehicle numbers do not exceed expectations and action can be taken if required in further stages of the project.

In regards to the Coolgardie Avenue/Great Eastern Highway intersection, the traffic modelling undertaken indicates that the Coolgardie Avenue/Great Eastern Highway intersection will have a very poor level of service at 2021, and should be upgraded prior to this occurring. The City has taken the position that the upgrade should occur before the Brearley Avenue closure and in conjunction with the upgrade to Fauntleroy Avenue/Great Eastern Highway intersection. The Minister of Transport and MRWA have confirmed that the Coolgardie Avenue and Great Eastern Highway intersection will undergo an interim upgrade as a result (refer [Attachment 7](#)).

Traffic modelling indicates that movements along Great Eastern Highway and through to the airport via Dunreath Drive will be greatly improved, which will reduce the motivation for cars to use local roads. The comment in some submissions that no modelling has been undertaken for internal DA6 streets is entirely incorrect. The modelling undertaken spanned from Hardey Road in the west to Fauntleroy Avenue in the east, and incorporated the entire project area, inclusive of all local roads. This information and the modelling outcomes were presented to the CRG and made available to the wider community to view and ask questions at the Open Days in late 2015. Extensive data was collated from a number of agencies including, MRWA, Perth Airports, PTA and CoB traffic information as part of this extensive modelling exercise. The resultant traffic model is currently the most comprehensive traffic model available, across all government agencies, relating to the DA6 area. The modelling considered the likely stages or levels of development at 2021 and 2031 to align with MRWA and City modelling programs.

The project further proposes to redesign the local road network to ensure that vehicle speeds are reduced and improve pedestrian safety, further reducing motivation to use these streets as a 'rat run'. The Vision Plan proposes 'slow streets' which will be designed to encourage traffic to move slowly and to reduce potential impacts within the neighbourhood, particularly cyclists and pedestrians. The notion of 'slow streets' has been informally supported by the CRG and community discussions at the Open Days held.

It is acknowledged that upgrades would be required to internal roads such as Coolgardie Avenue and Stanton Road, in order for the road network to function in the intended manner. The extent of any upgrades will be dependent on technical analysis that is undertaken at the structure planning stage; however expected works would include aspects such as widening of road carriageways, installation of traffic islands and other calming measures, installation of new footpaths, cycle-lanes, upgraded lighting and tree planting.

Item 12.1 Continued

On the basis of the above, the definition of a vision for an area permits the commencement of structure planning, which is where technical detail of how the vision can realistically be implemented is analysed and tested. The technical analysis undertaken at the structure planning stage in regards to the traffic and access issues raised above will take into account all factors, including (but not limited to):

- The design, hierarchy and function of the road and movement networks, including street design, traffic movements and traffic volumes, cycleways and footpaths, etc;
- Any required land acquisitions;
- Implementation and funding arrangements; and
- Economic feasibility.

Therefore, the information and details outlined for the road network for DA6, as detailed as part of the Vision Plan and Implementation Strategy is considered acceptable at this stage in the project.

Public Open Space

The amount of POS and the inclusion of the ovals at Redcliffe Primary School as shared POS were two main issues raised.

The Vision Plan identifies an appropriate level of open space for active and passive public use to meet the standards of the City and the State Government. The proposed POS network is conceptual only, and the next stages of design will provide further detail on the retention of mature trees and the high quality spaces that will be created. The amount of space provided is generally consistent with that amount of dedicated open space areas currently available to the local community. The integration of the Southern Main Drain will improve the open space network and ensure that all open space in the area is of a high quality and fit for a wide range of community purposes.

The shared use of school ovals is commonplace throughout the Perth metropolitan area. Sharing facilities for activities such as recreation and events can create a focal point for the community, where families gather and build a sense of community. There is an added benefit of the particular school reducing their maintenance burden, by adopting a more efficient and effective use of their open space resources. City Officers have received positive indications from the Department of Education and Redcliffe Primary School regarding the potential shared usage of the school oval in the future. The potential shared use of school facilities is not included in areas calculated as available for POS within DA6.

It is generally accepted that a minimum of 10% of net developable area within any development precinct or subdivisible area must be made available for the purposes of POS. This can be in the form of active or passive recreation areas, and may include turfed areas, natural areas and 'hardscaped' areas such as piazzas and town squares. However, one of the most critical considerations in planning for POS is to ensure the adequate provision of active open space together with additional land for supporting infrastructure. The POS within DA6 will endeavour to ensure that useable and well-designed areas of POS are provided.

Item 12.1 Continued

The draft POS strategy for the CoB prepared as part of the supporting documents for LPS15 acknowledged that there are areas where there are under provisions of POS within the City. It was also acknowledged that where there is a shortfall consideration should be given to the quality and functionality of the POS that is provided. If the consequence of delivering a high quality outcome in DA6 is that the WAPC 10 percent POS requirement cannot be achieved, but the POS is designed to accommodate organised sport and active open space, then this is will be of more benefit to the community rather than just delivering an amount of POS to comply with the Planning Policy. Notwithstanding that, more work needs to be carried out as part of the Structure Planning works to ensure that the quantity and quality of POS is appropriate for the future community needs of residents in DA6.

The proposed Vision Plan makes good use of surplus Brearley Avenue land to provide high quality and well located public spaces throughout the redevelopment area. These spaces include a dedicated 'kickabout' area of approximately 1.2 hectares in the central portion of the study area, a public piazza adjacent to the Airport West station to accommodate informal meeting spaces and alfresco dining, and a number of smaller parks to be designed for leisure activities.

The total area of POS to be provided within DA6 will not be known until such time as detailed planning is undertaken, as this calculation requires knowledge of the land area required to accommodate surface water drainage. Additional spaces throughout the area beyond those shown in the Vision Plan may be considered at the detailed planning stages, including any additional surplus government land and the shared use of the Redcliffe Primary School oval. However, area available for public usage within the school site depends on the school's future development plans as well as the size of an oval within the redeveloped site that may or may not be available for shared use.

Density and Zoning

The introduction of the railway station has increased the potential for higher density development radiating throughout the residential areas of DA6. From the consultation process, concerns were raised that the distribution of density throughout the area may not be equitable, with some areas being rezoned for much higher densities than others and potentially some locations not being suitable to cope with high density development. It needs to be reinforced that specific densities are not provided as part of the Vision Plan with only approximate figures in regards to dwelling yields and height provided in addition to the mapping being indicative only. Specific densities will only be confirmed at the point in which a Scheme Amendment under LP15 is finalised.

In addition, some submissions raised concerns regarding the time periods for the Scheme Amendment to take place. The preparation, engagement, revision, endorsement and implementation of a comprehensive planning framework take time to achieve. It is likely that the preparation of this planning framework would take a minimum of 12-18 months to achieve, and is more than likely to be in place by 2018.

The distribution of land uses and interface between commercial and residential land uses is determined at the structure planning stage. It is however accepted that the Structure Plan will need to address interface issues and that the Vision Plan does not explicitly identify this relevant to properties abutting land uses on Great Eastern Highway.

Whilst the predominant intended land uses within DA6 have not changed, the introduction of the railway station within the residential community has increased the potential for higher density development branching out from the station plaza. This

Item 12.1 Continued

density likely provides the opportunity for a greater diversity of land uses to be accommodated within the precinct, as the increased number of residents and employees will improve the viability of retail, commercial and office developments within the local area.

Therefore, while the comments made during the public advertising period are noted, as detailed above, these aspects will be addressed in more detail at the structure planning stage and should not delay the adoption of the Vision Plan and Implementation Strategy.

Options

In making a decision on the revised LPP14 based on the consultation undertaken, Council has three options. These are:

- **Option 1**
Accept the Vision Plan as proposed and grant final adoption to draft LPP14; or
- **Option 2**
Accept the Vision Plan as proposed with additional clarity and modifications included in relation to the submissions received on revised draft LPP14; or
- **Option 3**
Rescind Council's adoption of the Vision Plan and request the Planning Department prepare an alternative Vision Plan.

In making a decision on this matter, Council is reminded that DA6 is a redevelopment area, and strategic planning exercises are required to be forward thinking. In the case of visioning exercises, Council should be assuming a leadership role and promoting best practice urban planning and design principles, which in many cases may be at odds with the existing character and nature of an area.

The DA6 Vision Plan integrates leading practice in urban design to create character and a sense of place with a potential population that would support a mix of facilities and activities, as well as a movement network that facilitates these outcomes. The Vision Plan is considered to represent the highest and best land use and will promote development outcomes that take advantage of the strategic opportunities provided by the future Perth Airport train station. For these reasons, Option 3 would be contrary to Council's strategic objectives and is therefore not recommended.

While the concerns of some local residents and other stakeholders within the DA6 area are noted, it is considered that since the Vision Plan was first adopted by Council at its OCM of 27 August 2013, considerable work has been done by all relevant stakeholders to ensure those initial community concerns have been addressed. Therefore, Option 2 is considered appropriate for a number of reasons:

- It validates and justifies the amount of public consultation undertaken in the form of public advertising and Community Open Days, along with the forming of a CRG to ensure the concerns of the residents and interested stakeholders are identified and addressed;
- It still allows for the Vision Plan to be finalised which gives the ability for the Council and City Officers to progress the initiation of structure planning; and
- It will ensure that decision-making by other agencies gives due regard to the Vision Plan.

Item 12.1 Continued

On the basis of the above, it is recommended that Council give final adoption to draft LPP14 and make updates to the Vision Plan and Implementation Strategy to reflect some of the questions and comments raised during the consultation process.

FINANCIAL IMPLICATIONS

There were costs associated with the advertising of the draft Policy, including the costs associated with a precinct wide mail out, updating and maintaining the City's website and facilitating the proposed community events.

ENVIRONMENTAL IMPLICATIONS

The proposed Vision Plan is considered to be a high quality method of protecting the natural environment within the precinct area.

SOCIAL IMPLICATIONS

The proposed Vision Plan is considered to be a suitable starting point for improving social interaction and cohesion within the Redcliffe community. For many years the community has largely been divided by the physical barrier of Brearley Avenue and its role as a main road to the airport. The removal of this barrier and enhancement of public streets and public spaces will provide the community with an opportunity to develop a stronger sense of identity and pride of place.

OFFICER RECOMMENDATION

That Council:

1. Amend the revised Development Area 6 Vision Plan and Implementation Strategy ([Attachment 5](#)) as follows:
 - (A) In relation to the Vision Plan Report:
 - (i) On pages 13, 32, 34 and 35, reference to 'Villas' being removed as this is inconsistent with the vision for the area;
 - (ii) On page 34, reference to height not being visible from the street to be altered, to better convey the intended built form at a street level;
 - (iii) On page 35, reference to building heights of up to 13 storeys near the train station be modified as Perth Transport Authority have advised of concerns that the Forrestfield-Airport link tunnels will not be able to directly support development with this load;
 - (iv) On page 38, clarify the location and number of layover bays and active bus stands for the station to be consistent with Public Transport Authority and Department of Transport standards;
 - (v) On page 38, deletion of text in relation to feeder bus service plans as this does not accord with the plans of Public Transport Authority;

Item 12.1 Continued

- (vi) On page 39, deletion of text in relation to 2031 Public Transport Plan as this plan is no longer current; and
 - (vii) All reference to Swan River Trust should be changed to Department of Parks and Wildlife.
- (B) In relation to the Implementation Strategy:
- (i) Where reference is made to the Department of Planning, this should be expanded to include the Western Australian Planning Commission in recognition of its decision-making function;
 - (ii) The Vision Plan should clearly state a Development Contribution Plan will be required and the expected items normally applied in line with State Planning Policy 3.6; and
 - (iii) On page 58, removal of note in relation to additional bus services to be provided prior to the rail station opening, as Department of Transport have advised this is unlikely.
2. Adopt Local Planning Policy No. 14 'Development Area 6 Vision' in accordance with Clauses 4 and 5 of Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 as detailed in [Attachment 5](#), with the proposed amendments to the Vision Plan and Implementation Strategy as detailed in Part 1 of the resolution.

Note

Cr Gardner put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

GARDNER MOVED, CAYOUN SECONDED,

That Council:

1. Defer this item to an Information Forum to obtain further Councillor input regarding the primary issues cited through the submission period.
2. Formally request that the Minister of Transport reconsider the ramifications of closing Brearley Avenue and request more localised traffic modelling based on the future population estimates outlined in the Vision Plan.

LOST 4 VOTES TO 5

*For: Bass, Cayoun, Gardner, Hitt
Against: Marks, Powell, Rossi, Ryan, Wolff*

Reason

To obtain further Councillor input regarding the primary issues cited through the submission period.

Item 12.1 Continued

Note

Cr Wolff foreshadowed the Officer Recommendation.

Cr Rossi suggested an amendment to the Officer Recommendation which was agreed to by Cr Wolff and Cr Powell.

AMENDED FORSHADOWED MOTION

WOLFF MOVED, POWELL SECONDED,

That Council:

1. Amend the revised Development Area 6 Vision Plan and Implementation Strategy ([Attachment 5](#)) as follows:

(A) In relation to the Vision Plan Report:

- (i) On pages 13, 32, 34 and 35, reference to 'Villas' being removed as this is inconsistent with the vision for the area;**
- (ii) On page 34, reference to height not being visible from the street to be altered, to better convey the intended built form at a street level;**
- (iii) On page 35, reference to building heights of up to 13 storeys near the train station be modified as Perth Transport Authority have advised of concerns that the Forrestfield-Airport link tunnels will not be able to directly support development with this load;**
- (iv) On page 38, clarify the location and number of layover bays and active bus stands for the station to be consistent with Public Transport Authority and Department of Transport standards;**
- (v) On page 38, deletion of text in relation to feeder bus service plans as this does not accord with the plans of Public Transport Authority;**
- (vi) On page 38², deletion of text in relation to 2031 Public Transport Plan as this plan is no longer current; and**
- (vii) All reference to Swan River Trust should be changed to Department of Parks and Wildlife.**

² Reference to page 38 replaces reference to page 39. Refer OCM 22/03/16, Item 6.1 for confirmation of amendment.

Item 12.1 Continued

(B) In relation to the Implementation Strategy:

- (i) Where reference is made to the Department of Planning, this should be expanded to include the Western Australian Planning Commission in recognition of its decision-making function;**
 - (ii) The Vision Plan should clearly state a Development Contribution Plan will be required and the expected items normally applied in line with State Planning Policy 3.6; and**
 - (iii) On page 58, removal of note in relation to additional bus services to be provided prior to the rail station opening, as Department of Transport have advised this is unlikely.**
- 2. Adopt Local Planning Policy No. 14 'Development Area 6 Vision' in accordance with Clauses 4 and 5 of Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 as detailed in [Attachment 5](#), with the proposed amendments to the Vision Plan and Implementation Strategy as detailed in Part 1 of the resolution.**
- 3. Seek further clarification from the Minister for Transport regarding the closure of Brearley Avenue.**

CARRIED 5 VOTES TO 4

*For: Marks, Powell, Rossi, Ryan, Wolff
Against: Bass, Cayoun, Gardner, Hitt*

9.24pm Cr Bass departed the meeting.

9.24pm The Manager Property and Economic Development, Compliance Administrator and Mr Ross departed the meeting and did not return.

9.24pm The Manager Governance departed the meeting.

12.2 ASCOT WATERS MARINA VILLAGE UPDATED CAR PARKING STRATEGY

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 8 – Item 12.2 refers	2007 Car Parking Strategy
Attachment 9 – Item 12.2 refers	2016 Car Parking Strategy

Voting Requirement : Simple Majority
Subject Index : 116/007–Ascot Waters
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : N/A
Previous Items : 30 October 2007 Ordinary Council Meeting
Item 12.1.3
Applicant : i3 Consultants Western Australia on behalf of
Blackburne Property Group
Owner : N/A
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.*

PURPOSE OF REPORT

To consider the attached revised 2016 Car Parking Strategy for Ascot Waters Marina Village (refer [Attachment 9](#)).

Item 12.2 Continued

SUMMARY AND KEY ISSUES

Council at its 30 October 2007 Ordinary Council Meeting (OCM) considered and resolved to endorse 'in principle' a Car Parking Strategy (CPS) for the Ascot Waters Marina Village Precinct subject to modifications.

The above resolution required that the relevant tables of the endorsed 2007 CPS be updated and submitted with future development applications. This revision has been triggered by the lodgement of a development application seeking approval for 85 apartments and a café at Lot 345 (16) Marina Drive, Ascot. The development intends to locate all visitor car-parking on existing on-street/public car-parking bays (43 bays).

The 2007 CPS identified that sufficient capacity existed to accommodate the proposed visitor car-parking requirement. However, given the time that has passed and the development that has occurred within the Marina Precinct, an update of the 2007 CPS is required.

The 2016 CPS has been prepared by i3 Consultants Western Australia (WA) and is considered by Officers to be based on an appropriate methodology providing sound results in terms of the supply and demand of visitor parking in the Marina Precinct. The 2016 CPS also recommends the City considers introducing parking restrictions in the form of time-limited bays for on-street car bays on Marina Drive.

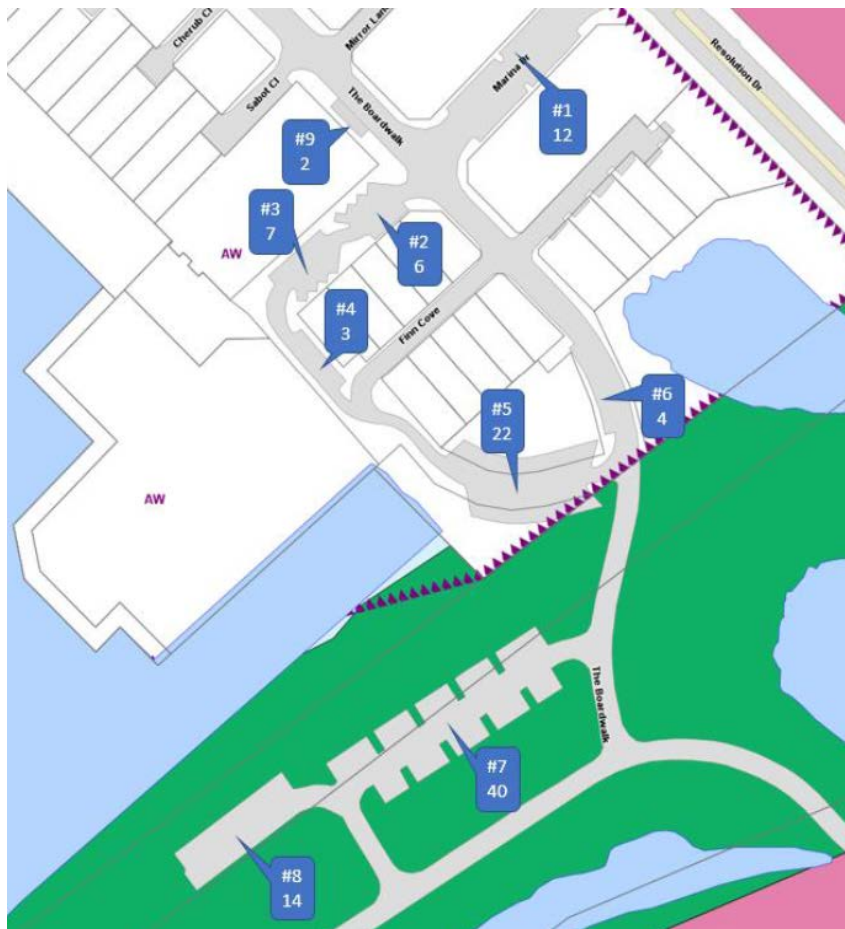
i3 have been appointed by the applicants of the proposed development at 16 Marina Drive to update the 2007 CPS. The revised CPS uses similar methodology and because of this, it was not considered necessary to refer to an independent consultant to ratify the findings.

It is recommended that Council resolve to support the 2016 CPS and consider appropriate parking controls on Marina Drive as part of the 'Belmont on the Move' process.

LOCATION

The plan below shows the area covered by the 2016 CPS and the location of on-street/public car-park car-bays. The plan shows there are 34 on-street car bays (numbers 1-4, 6 and 9) and 76 bays in public car-parks (numbers 5, 7 and 8).

Item 12.2 Continued



CONSULTATION

There has been no specific consultation undertaken in respect to this matter. No consultation was carried out prior to the endorsement of the CPS in 2007.

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: Maintain public infrastructure in accordance with sound Asset Management practises.

Strategy: Manage the City's infrastructure and other assets to ensure that an appropriate level of service is provided to the community.

Item 12.2 Continued

POLICY IMPLICATIONS

Development within the Ascot Waters Special Development Precinct is governed by Local Planning Policy No. 6–Ascot Waters Special Development Precinct Policy (LPP6).

Section 5.3 of LPP6 provides the following residential parking requirements:

- No less than two car-parking spaces shall be provided within each lot with a minimum of one space to be covered. Parking may be in either parallel or tandem form.
- Parking requirements for grouped dwelling lots shall be in accordance with the Residential Design Codes (R-Codes).
- Parking requirements for non-residential development are to be in accordance with the provisions of the Local Planning Scheme No. 15 (LPS15).

The CPS is to be read in conjunction with the R-Codes, LPP6 and LPS15.

STATUTORY ENVIRONMENT

Residential Design Codes

The design principles of Clause 6.3.3 of the R-Codes identify that adequate car-parking should be provided taking into account the number and size of dwellings, the availability of on-street and off-site parking and the proximity of public transport. The Clause also identifies that some or all of the required car-bays may be located off-site where they are sufficiently close to the development and convenient for residents and visitors.

Deemed-to-Comply criteria C3.1 of the R-Codes provides the minimum number of on-site car parking spaces per multiple dwelling which are set out in the table below:

Plot ratio area and type of multiple dwelling	Car parking spaces Location A*
Less than 110m² and/or 1 or 2 bedrooms	1
110m² or greater and/or 2 or 3 bedrooms	1.25
Visitors car-parking spaces (per dwelling)	0.25

**Location A = within 250 metres of a high frequency bus route.*

It should be noted that single dwellings do not require visitor car-bays.

City of Belmont Local Planning Policy No. 1

The Clauses within 5.16, Vehicle Parking and Loading, in LPS15 specifies the number, layout and location of car-parking required for developments. The number of bays required as part of a development is determined by its land use classification.

Clause 5.16.4 (3) states that the City shall have regard to any existing or proposed public parking facilities nearby.

Clause 5.3.4 provides discretion for the Council to vary the R-Code requirements in relation to car-parking within Ascot Waters Special Development Precinct.

Item 12.2 Continued

BACKGROUND

Council at its OCM on 30 October 2007 considered and resolved to endorse 'in principle' a CPS for the Ascot Waters Marina Village Precinct subject to modifications.

The modified CPS (refer [Attachment 8](#)) herein referred to as the 2007 CPS, identified supply and demand for visitor car-parking utilising on-street car-bays and public car-parks. The results of the 2007 CPS are provided in Table 1 below:

Parking Supply	124 Bays (96 existing / 28 future)
Parking Demand	123 bays (Supply =124 bays – demand 123 = 1 bay surplus)
Reciprocal Parking Demand	120 bays (Supply =124 bays – demand 120 = 4 bay surplus.)

Table 1 – Results of the 2007 Car Parking Strategy

The 2007 CPS identified that peak reciprocal parking demand would occur during the evening at weekends and that based on the methodology applied at that time, there would be a surplus of four bays.

Reasons for Updating the 2007 Car Parking Strategy

The resolution of Council on 30 October 2007 required that the relevant tables of the endorsed 2007 CPS be updated and submitted with future development applications.

An application for the development of 16 Marina Drive for 85 apartments and a café has been submitted for determination of the Metro Central Joint Development Assessment Panel (JDAP). The development proposes that the statutory visitor car-parking requirements (a total of 43 bays) can be accommodated solely by existing on-street and public car-parking facilities within Ascot Waters Marina Village.

At 43 bays, the visitor parking to be accommodated in existing on-street and public car-parking facilities by the proposed development is the same as that originally considered by the 2007 CPS. Given the time that has passed, and the development that has taken place in Ascot Waters Marina Village, an up-date to the 2007 CPS was requested in accordance with the resolution, to ensure that sufficient capacity exists with the on-street car-bays and public car-parks to accommodate the requirements of the development without impacting on the surrounding area.

2016 Car Parking Strategy for Ascot Waters Marina Precinct

The 2016 Updated CPS (refer [Attachment 9](#)) herein referred to as the 2016 CPS, addresses the following:

- The current applicable car-parking standards for a restaurant, convenience store and office from LPS15, Table 2, LPP6 and the R-Codes have been identified and applied to the existing and proposed developments across the five sites identified in the 2007 CPS to establish the current on-street and public car-parking requirements.

Item 12.2 Continued

- A comparison is provided between the on-street and public car parking requirements identified by the 2016 CPS and the 2007 CPS.
- An on-street and public car-park utilisation survey from 5:00pm until midnight on 14 January 2016 has been completed.
- Boat Pen utilisation surveys were completed on Saturday 16 January 2016 and 17 January 2016 from 10:30am until 3:30pm.
- An assessment of the maximum demand for on-street and public car-parking based on the findings of the surveys has been provided.
- An assessment of the reciprocal and shared parking demand based on the findings of the survey has been provided.
- Findings and recommendations are made.

The 2016 CPS has identified the following in terms of supply and demand for visitor car-parking utilising on-street car-bays and public car-parks. The findings of the 2016 CPS are shown in Table 2 below:

Parking Supply	110 Bays (constructed)
Parking Demand	82 bays (Supply =110 bays – demand 82 = 28 bay surplus)
Reciprocal Parking Demand	68 bays (Supply =110 bays – demand 68 = 42 bay surplus.)

Table 2 – Results of the 2016 Car Parking Strategy

The 2016 CPS identified that peak reciprocal parking demand would occur at 10:30am on Saturday mornings. Based on the methodology applied, there would be a surplus of 42 car-bays.

Recommendations of the 2016 Car Parking Strategy

In addition to establishing visitor parking supply and demand for the Marina precinct, the 2016 CPS has also made the following recommendations:

- Implement Council resolution made 15 May 2007, relating to the development approval for a café, delicatessen and commercial office at Marina View Apartments that required a loading bay be provided at a 'location to the satisfaction of the City's Project/Development Engineer to service development'.
- Consider the introduction of car-parking restrictions to the on-street car-bays on Marina Drive to encourage long term parking in the public car-parks opposite the Marina.
- Consider introducing directional signage and removing the trees and hedges in the public car-parks in accordance with Crime Prevention Through Environmental Design (CPTED) guidance.
- Review the existing 'no parking' signs on Resolution Drive to replace those signs which do not meeting legibility requirements.

Item 12.2 Continued

OFFICER COMMENT

The 2016 CPS is based on appropriate methodology that complies with the requirement of Council's resolution to update the endorsed 2007 CPS. The 2016 CPS has applied the current relevant parking standards.

Car Parking Demand

A comparison of the visitor car-parking supply and demand from the two Car Parking Strategies is set out in Table 3 below:

	2007 Car Parking Strategy	2016 Car Parking Strategy	Difference in Car-Bays
Parking Supply	124 Bays (96 existing / 28 future)	110 Bays (constructed)	14 Bays (2016 has only considered constructed bays)
Parking Demand	123 bays (Supply =124 bays – demand 123 bays = 1 bay surplus)	82 bays (Supply =110 bays – demand 82 bays = 28 bay surplus)	41 Bays (Difference attributable to different R-Code standards, boat pen standards and mix of land use/number of units/seats)
Reciprocal Parking Demand	120 bays (Supply =124 bays – demand 120 bays = 4 bay surplus.)	68 bays (Supply =110 bays – demand 68 bays = 42 bay surplus.)	52 Bays (Difference attributable to different parking standards applied, boat pen standards and mix of land use/number of units/seats)

Table 3 – Comparison of Results from the 2007 Car Parking Strategy and the 2016 Car Parking Strategy

The differences between the two strategies are discussed further below.

Parking Supply

The difference in the number of car-bays between the two strategies is 14. The 2007 CPS drew on a total supply of 124 bays of which only 96 were constructed. Since the 2007 CPS was endorsed, 14 of the proposed 28 bays (identified as Car-Park 7 on the location plan) have been constructed creating a total supply of 110 on-street/public car-parking car-bays.

The findings of the 2016 CPS imply that there are already more than enough on-street/public car-park car-bays to meet forecast demand. The view of Officers is that the remaining 14 future bays identified in the 2007 CPS are not required.

Parking Demand

The differences in parking demand between the two strategies are a result of changes in the mix of land uses as well as the number of units or seats. The R-Code parking standards have also changed. In 2007 the standard at that time for visitor parking was 0.2 bays per dwelling. The current increased standard of 0.25 bays per dwelling has been applied in the 2016 CPS.

Item 12.2 Continued

Different parking standards have been applied to visitor car-bay requirements of the boat pens. The 2007 CPS applied a standard of 0.1 for boat pens allocated to residents and a standard of 0.3 for boat pens allocated to non-residents. The 2016 CPS has used a standard of 0.2 for all boat pens. The methodology is based on observations made while the surveys were undertaken and are considered appropriate by Officers.

Reciprocal Parking Demand

The key reasons for the differences in reciprocal parking demand are because the 2007 CPS included a restaurant which would attract more visitors during the evening. The 2007 CPS did not apply the R-Code parking standard of 0.2 for the purposes of calculating reciprocal parking demand. Instead a parking standard of 0.4 bays per dwelling was used in order to provide a conservative estimate which could be adjusted downward as future developments are delivered and the Strategy is updated.

The 2016 CPS has applied the current R-Code standard of 0.25 bays per dwelling.

Recommendations of the 2016 Car Parking Strategy

It is considered that the implementation of the recommendations for parking management made by the 2016 CPS would be premature at this stage. The reason for this is that the City is currently developing 'Belmont on the Move' an integrated transport strategy for the whole of the City. The intention of 'Belmont on the Move' is to provide a 'place based' strategy for Ascot Waters that will introduce a range of implementation measures that will benefit different transport modes and allowing people to travel more efficiently.

The implementation measures for Ascot Waters include timed parking restrictions with completion anticipated in the medium term. The implementation of timed parking restrictions would involve a review of existing signage and the replacement of signage that is no longer required or illegible.

The implementation of directional signage and CTPED guidance to guide visitors to underutilised parking facilities and improve the perception of crime could be implemented as part of a holistic approach to timed parking restrictions. Alternatively they could be implemented via conditions attached to appropriate development applications.

Moreover there is particular concern over the proposal to remove trees and hedges. Given the City's Urban Forest Strategy, careful consideration needs to be given to the removal of any vegetation.

The proposed loading bay discussed in the Council resolution made on 15 May 2007 relates to the operational needs of that development. To date, the delicatessen or café at Marina View Apartments has not been delivered which means that presently, there is no requirement to provide this facility. Should either the proposed café or delicatessen be opened in the future the land owner will be required to provide an appropriate loading bay that complies with the resolution.

The 2016 CPS is an appropriate document to establish the provision of car-parking for development in the precinct, and provides clear guidance and certainty.

Item 12.2 Continued

If the 2016 CPS is not supported, there would be no updated strategy in place to guide future development. This leaves the standards for car-parking open to interpretation and would be inconsistent with the approach taken by Council previously.

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.

- 9.25pm Cr Bass returned to the meeting.
- 9.25pm The Manager Governance returned to the meeting.
- 9.27pm The Director Community and Statutory Services departed the meeting.
- 9.28pm The Chief Executive Officer and the Senior Governance Officer departed the meeting.
- 9.29pm The Chief Executive Officer and the Senior Governance officer returned to the meeting.
- 9.32pm The Director Community and Statutory Services returned to the meeting.

OFFICER RECOMMENDATION

That:

1. Council supports the 2016 Car Parking Strategy for Ascot Waters Marina Precinct for incorporation within the 'Belmont on the Move' study.
2. i3 Consultants Western Australia be advised that the Council's support should not be construed as Council support for any proposed development.
3. Council revisit parking management issues on Marina Drive and the wider Ascot Waters area when considering the outcomes and recommendations arising from the 'Belmont on the Move' study.

Item 12.2 Continued

Note

Cr Powell put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

POWELL MOVED, ROSSI SECONDED,

That:

- 1. Council supports the 2016 Car Parking Strategy for Ascot Waters Marina Precinct for incorporation within the 'Belmont on the Move' study.***
- 2. i3 Consultants Western Australia be advised that the Council's support should not be construed as Council support for any proposed development.***
- 4. Council revisit parking management issues on Marina Drive and the wider Ascot Waters area when considering the outcomes and recommendations arising from the 'Belmont on the Move' study.***
- 5. The 14 bays as allocated in the 2007 Car Parking Strategy remain to be utilised when considering 'Belmont on the Move'.***

CARRIED 9 VOTES TO 0

Reason

To ensure there is adequate parking in the vicinity of the new developments.

12.3 PROPOSED ROAD DEDICATION – VARIOUS LOTS – TONKIN HIGHWAY

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 10 – Item 12.3 refers	<u>Road Reserve Rationalisation – Tonkin Highway (Swan River to Albany Highway)</u>

Voting Requirement	:	Simple Majority
Subject Index	:	102/007, Permanent Road Closure
Location/Property Index	:	Various, along Tonkin Hwy
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	Main Roads WA
Owner	:	Crown
Responsible Division	:	Technical 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.*

PURPOSE OF REPORT

To seek Council approval to give concurrence to Main Roads WA for the overall majority of the land shown in [Attachment10](#) to be dedicated as road reserve.

Item 12.3 Continued

SUMMARY AND KEY ISSUES

A request has been received from Main Roads WA seeking Council's concurrence that a number of properties along Tonkin Highway be dedicated as road reserve. This request stems from the finalisation of Gateway WA and the need to ensure that properties which are now incorporated in the expanded road reserve area are appropriately dedicated.

Of the 99 land parcels identified in Attachment10, 92 are owned by the State of WA, Main Roads WA, the State Housing Authority, or the WA Planning Commission. There are no issues associated with concurring to these being dedicated as road reserve.

Three (3) of the land parcels are in private ownership. These are excluded from this dedication request. Main Roads WA will need to enter into negotiations with the owner and, once acquisition action is concluded, return to the City seeking Council's concurrence for dedication.

Four (4) of the land parcels are owned by the City of Belmont. These are also excluded from this dedication request. Again, Main Roads WA will need to enter into negotiations with the City to acquire this land. Subsequent to this being successful they will need to seek concurrence from Council for the land to be dedicated as road reserve.

LOCATION

Properties shown in [Attachment 10](#).

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: Built Belmont Business Belmont.

Objective: Maintain public infrastructure in accordance with sound asset management practices

Strategy: Manage the City's infrastructure and other assets to ensure that an appropriate level of service is provided to the community.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

Item 12.3 Continued

STATUTORY ENVIRONMENT

Section 56 of the *Land Administration Act 1997* outlines the process associated with the Dedication of Roads by a Local Government.

BACKGROUND

A request has been received from Main Roads WA seeking Belmont City Council's concurrence that a number of properties along Tonkin Highway be dedicated as road reserve. This request stems from the finalisation of Gateway WA and the need to ensure that properties which are now incorporated in the expanded road reserve area are appropriately dedicated.

This is a standard requirement after any significant road works are undertaken and is consistent with previous practice.

The overwhelming majority of the land parcels captured under this dedication request are already owned by State Government or a relevant State Government Department. As such, the request for concurrence to the properties being dedicated as road reserve is an administrative task required by Section 56 of the *Land Administration Act 1997*.

Three of the properties shown on Sheet 1 of the Road Reserve Rationalisation document ([Attachment 10](#)) are in private ownership. These are shown as Item 35E. These properties all comprise 401 Great Eastern Hwy, which is currently operated by Seasons Funerals. These properties are specifically not included in this request for concurrence for dedication as road reserve. Main Roads WA will need to enter into direct negotiations with the owners of 401 Great Eastern Hwy and finalise the acquisition of a portion or all of the land there prior to any consideration by Council for concurrence for dedication as road reserve.

Four of the properties shown on Sheet 1 of the Road Reserve Rationalisation document ([Attachment 10](#)) are owned by the City of Belmont. These are shown as Items 38A, 38B, 38C and 41A. Items 38A, 38B and 38C are all sections of Selby Park. The proposed dimensions of the new road reserve do not require the taking of all of these three land holdings. These properties are specifically not included in this request for concurrence for dedication as road reserve. Main Roads WA will need to enter into direct negotiations with the City of Belmont for this acquisition. A report will be brought to Belmont City Council before any negotiations are concluded. This will all need to be finalised prior to any consideration by Council for concurrence for dedication of Items 38A, 38B and 38C as road reserve.

Item 41A is the small crescent of land at the end of The Court in Redcliffe. Again, this property is specifically not included in this request for concurrence for dedication as road reserve. Main Roads WA will need to enter into direct negotiations with the City of Belmont for this acquisition. A report will be brought to Belmont City Council before any negotiations are concluded. This will all need to be finalised prior to any consideration by Council for concurrence for dedication of Item 41A as road reserve.

Item 12.3 Continued

OFFICER COMMENT

In accordance with the provisions of Section 56 of the *Land Administration Act 1997*, it is a requirement for the Local Government to advise the Minister for Lands for the road dedication and to indemnify the Minister against any claim arising from the undertaking of this process.

The City supports this dedication as the subject land as it is a logical finalisation of the Gateway WA project.

FINANCIAL IMPLICATIONS

There are no immediate financial implications evident at this time. Main Roads WA have committed to indemnifying the City against any and all costs relating to the dedication action.

The City will eventually receive income pursuant to the finalisation of Main Roads WA acquiring a portion of the properties at Selby Park. No estimate of this income can be made at this time as it is unclear how much land Main Roads WA will be seeking to acquire.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council concur to the dedication of the land reserved as Primary Regional Road, Tonkin Highway – Swan River to Kalamunda Shire boundary as shown in [Attachment 10](#) with the exception of Items 35E, 38A, 38B, 38C and 41A (outlined in red on Sheet 1), as road under Section 56 of the Land Administration Act 1997.

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

**12.4 RATE EXEMPTION – SOUTHERN CROSS HOUSING LTD – 154A KEW STREET,
KEWDALE AND UNITS 2,3,5 AND 9 AT 35 LOVE STREET, CLOVERDALE**

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 – Rate Exemption
Location/Property Index	:	154A Kew Street, Kewdale and Units 2,3,5 and 9 at 35 Love Street, Cloverdale
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	Southern Cross Housing Ltd
Owner	:	Housing Authority (previously known as Department of Housing)
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

Item 12.4 Continued

PURPOSE OF REPORT

To consider a request for rate exemption for the following properties:

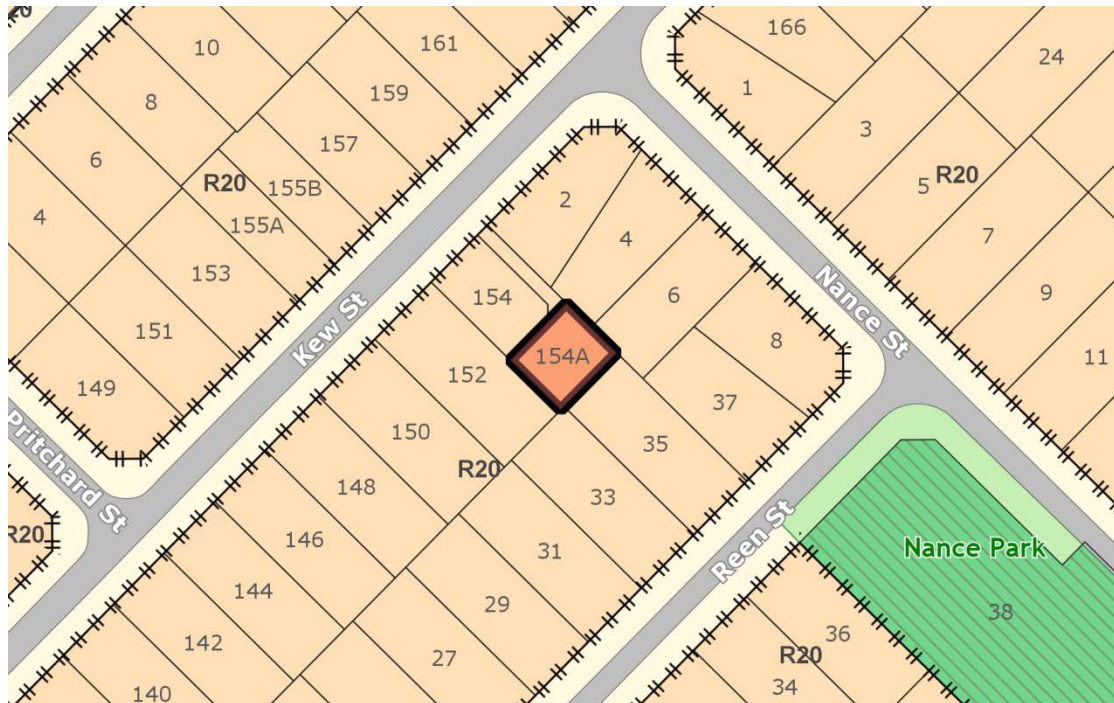
Lot number	Property known as	Lease date with Housing Authority	Expiration date on Lease
Strata Lot 1	154A Kew Street, Kewdale	15/03/2012	14/03/2022
Strata Lot 2	2/35 Love Street, Cloverdale	19/10/2012	18/10/2037
Strata Lot 3	3/35 Love Street, Cloverdale	19/10/2012	18/10/2037
Strata Lot 5	5/35 Love Street, Cloverdale	19/10/2012	18/10/2037
Strata Lot 9	9/35 Love Street, Cloverdale	19/10/2012	18/10/2037

SUMMARY AND KEY ISSUES

Southern Cross Housing Ltd have made an objection under section 6.76 of the *Local Government Act 1995* to the Rate Book and provided documentation to support their claim.

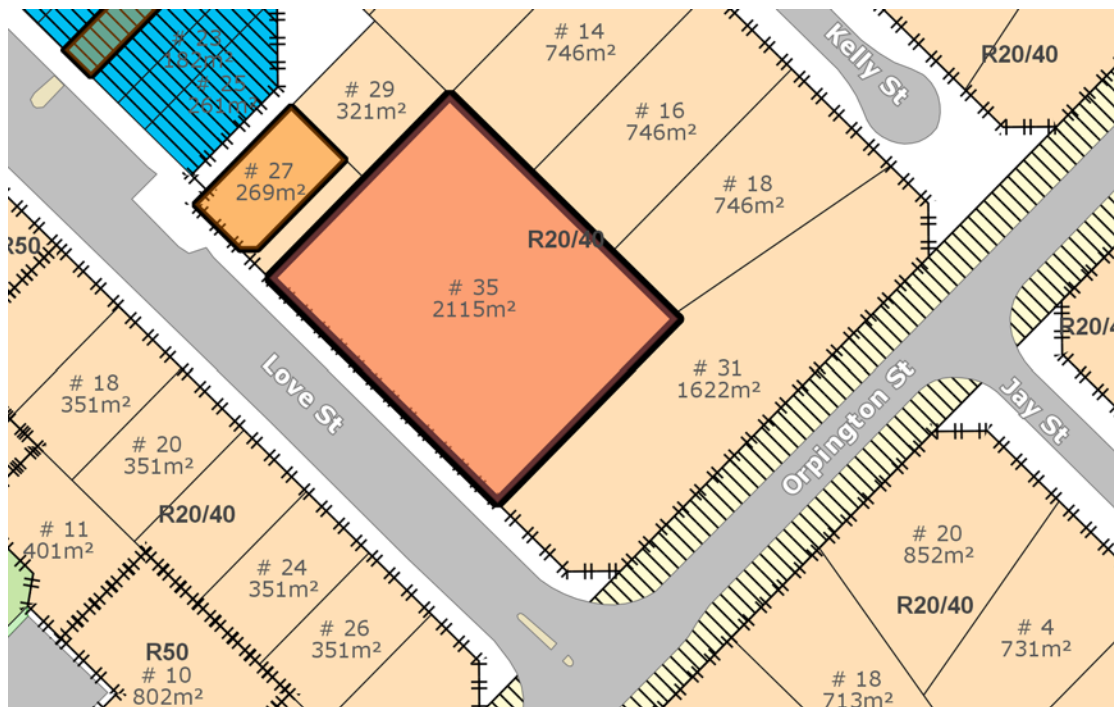
LOCATION

Property known as Strata Lot 2, 154A Kew Street, Kewdale.



Item 12.4 Continued

Four (4) Strata units in a nine (9) strata unit complex at property known as 35 Love Street, Cloverdale.



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

There are three sections of the *Local Government Act 1995* (the Act) that apply.

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

Southern Cross Housing Limited (SCHL) is a registered charitable and not for profit public benevolent organisation. It is also an accredited and registered Community Housing Growth Provider with the Housing Authority (HA) which is part of the federal government stimulus asset transfer project and such activities are primarily focussed on the aged and disabled groups.

The Public Housing Leasing program (PHLP) has a leasing arrangement whereby the HA offers properties to PHLP at a peppercorn rent. The properties are to be managed for a period of thirty years. They are to be maintained to the defined standard of Public Housing.

Item 12.4 Continued

The primary objectives as advised in their constitution is to provide excellent accommodation, support and care, whilst their subsidiary objectives also include but are not limited to:

1. To undertake the care and welfare of, and to provide facilities and services for the aged, disabled and other persons in the state of Western Australia or elsewhere and to this end without limiting the generality of the foregoing to provide homes, accommodation or other care facilities.
2. To operate on a non-for-profit making basis and, where possible on a charitable or benevolent basis with services and facilities to be provided for conformity with all requirements of the federal, state and local governments and the work of the SCHL is to be based on need regardless of sex, marital status, race, religion, colour, nationality, ethnicity or physical impairment.

OFFICER COMMENT

SCHL has provided copies of the following documents:

- Letter from Housing Authority supporting their application for rate exemption
- Individual signed application for each property
- Statutory Declaration for each property confirming current property use and confirmation that the City will be advised immediately if the use of that property changes
- Lease agreements
- SCHL constitution
- 2014 Audited Financial report
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office
- ASIC register showing the registration of an Australian Public Company, Limited by Guarantee
- Preferred provider registration with the Department of Housing, Australian Charities and Not-for-profit Commission Registration certificate.

Whilst it has been noted that there are more and more organisations requesting rate exemptions on similar joint venture type arrangements and community housing organisations, the properties are seen to be used for charitable use and are therefore in accordance with the relevant sections of the Act, deemed to be non-rateable.

Whilst the initial request for exemption on these properties was received in August 2015, the final documentation has now only been received.

Item 12.4 Continued

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. The rate exemption request is therefore effective from 1 July 2015.

All properties are rated residential and the loss of revenue is shown below:

<i>Property address</i>	<i>2015/2016 Rates</i>	<i>Properties</i>	<i>Loss of Revenue</i>
154A Kew Street, Kewdale	\$972.28	1	\$972.28
4 units at 35 Love Street, Cloverdale	\$790.00	4	\$3160.00
<i>Total loss of revenue</i>			<i>\$4132.28</i>

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

Affordable housing is intended to contribute to creating a diverse range of housing to meet the needs of a diverse community. In this case to ensure that housing for the over 55's population particularly those at risk of being homeless is being catered for as well as providing a much needed in-home care service.

OFFICER RECOMMENDATION

That the properties known as 154A Kew Street, Kewdale and Strata Units 2, 3, 5 and 9 at 35 Love Street, Cloverdale be granted rate exemption under section 6.26 (2)(g) and Section 6.53 of the Local Government Act 1995 effective from 1 July 2015.

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

- 12.5 RATE EXEMPTION – NULSEN HAVEN ASSOCIATION INCORPORATED - 35 MCKEON STREET, REDCLIFFE, 34 SOMERS STREET, BELMONT, 15 TOWIE STREET, CLOVERDALE, 24 ST KILDA ROAD, RIVERVALE AND 67 SURREY ROAD, RIVERVALE**

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	:	Nil.
Previous Items	:	N/A
Applicant	:	Nulsen Haven Association Incorporated
Owner	:	Housing Authority (previously known as Department of Housing)
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

Item 12.5 Continued

PURPOSE OF REPORT

To consider a request for rate exemption for the following properties:

<i>Property known as</i>	<i>Use of Property</i>	<i>CDHP Housing Authority Lease -commenced</i>
35 McKeon Street, Redcliffe	6 bed mobility dwelling (currently accommodation for 5 residents)	3 October 2013
34 Somers Street, Belmont	6 bed mobility dwelling (currently accommodation for 3 residents)	18 October 2013
15 Towie Street, Cloverdale	6 bed mobility dwelling (currently accommodation for 4 residents)	20 September 2013
24 St Kilda Road, Rivervale	6 bed mobility dwelling (currently accommodation for 5 residents)	21 December 1998
67 Surrey Road, Rivervale	6 bed mobility dwelling (currently accommodation for 4 residents)	15 July 2002

SUMMARY AND KEY ISSUES

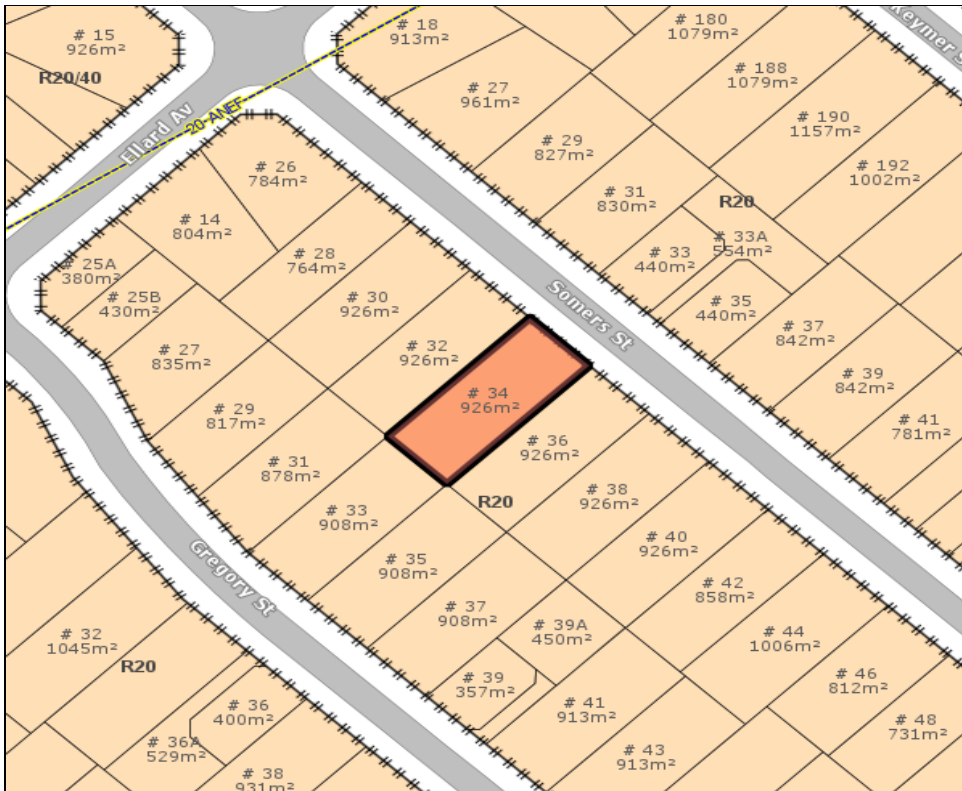
Nulsen Haven Association Incorporated (Trading as Nulsen Disability Services) – (Nulsen) have made an objection under section 6.76 of the *Local Government Act 1995* to the Rate Book and have provided documentation to support their claim.

Item 12.5 Continued

LOCATION

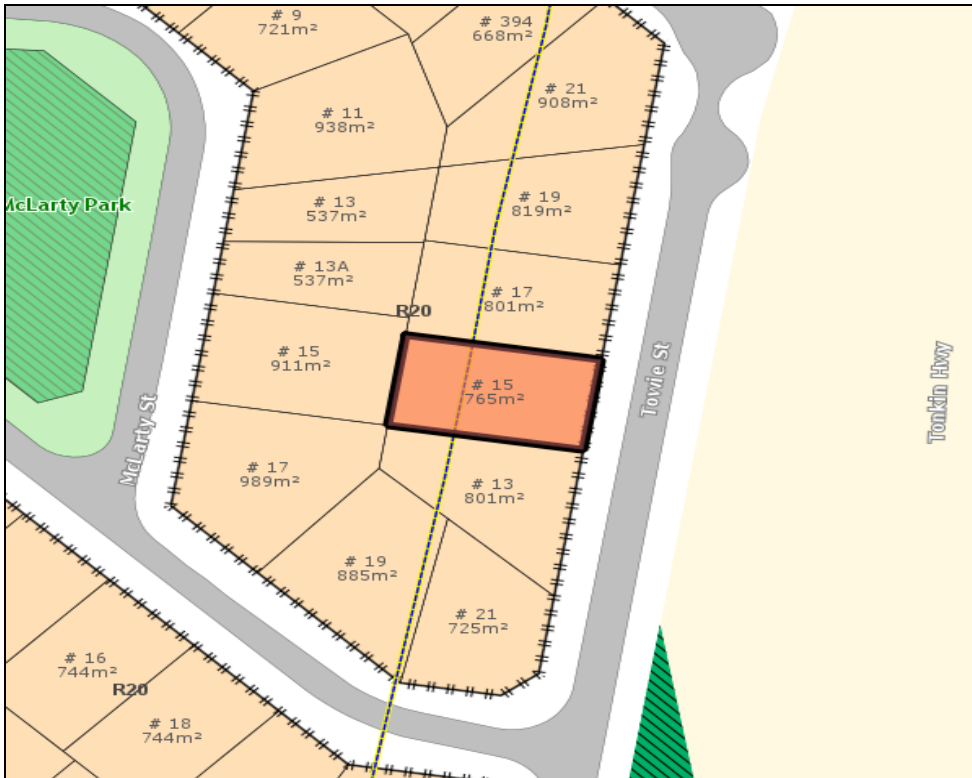


Lot 676 (Hs 35) McKeon Street, Redcliffe.



Lot 105 (Hs 34) Somers Street, Belmont.

Item 12.5 Continued

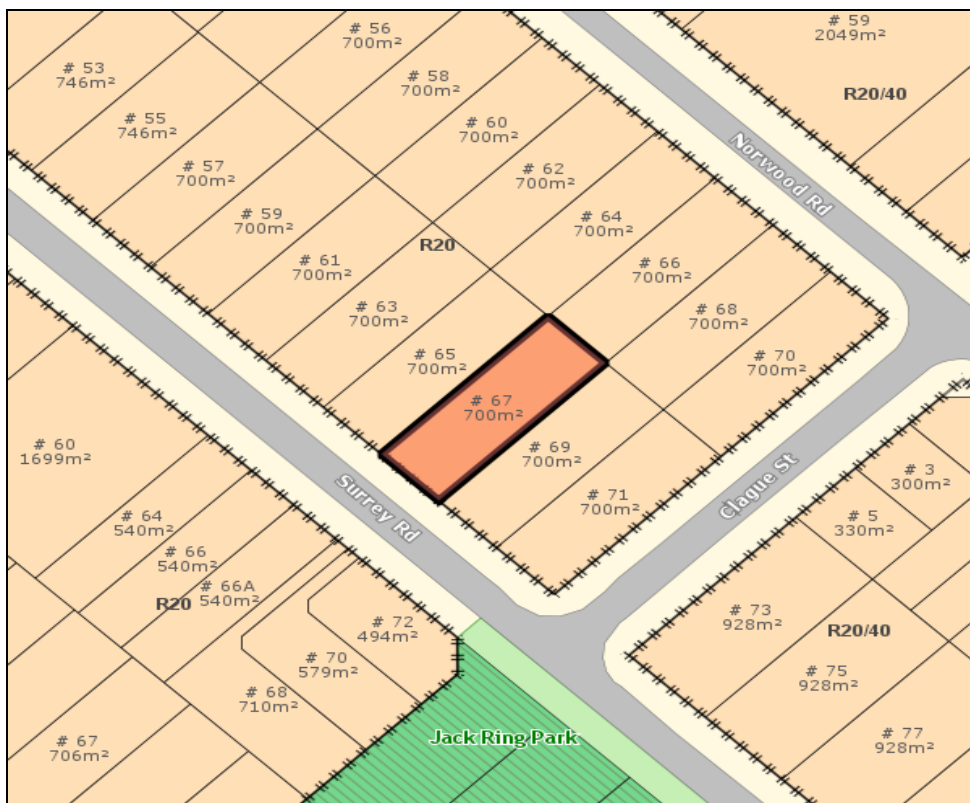


Lot 87 (Hs15) Towie Street, Cloverdale.



Lot 7 (Hs 24) St Kilda Road, Rivervale.

Item 12.5 Continued



Lot 15 (Hs 67) Surrey Road, Rivervale.

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 12.5 Continued

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*
- (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 6.39(2)(b) states - a local government

“may amend the rate record for the five (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.”*

BACKGROUND

Nulsen was officially opened on 7 October 1956 being the first home of its kind in Australia. Today Nulsen is one of Western Australia’s leading disability service organisations focusing on people with complex disabilities.

Nulsen is a registered charitable organisation and a not for profit public benevolent institution.

Some of Nulsen objectives for which the association is established *“are to exist for the benefit of the public and have a sole purpose that is a charitable purpose under law which enables people with disabilities to achieve and maintain a valued quality of life as part of an accepting community/society. The association provides and arranges services that support and enhance health, wellness, education, personal development and accommodation requirements of people with disabilities.”*

Item 12.5 Continued

OFFICER COMMENT

The head lease between the Housing Authority and Nulsen is a Community Disability Housing program (CDHP) Lease which has residents living in purpose built mobility dwellings.

All Nulsen residents require 24 hour support and supervision. The properties have both full time and part time support staff depending on the resident's different needs.

Nulsen has provided copies of the following documents:

- Letter from Housing Authority supporting their application for rate exemption
- Individual signed application for each property
- Copies of house plans for each dwelling
- Statutory Declaration for each property confirming current property use and confirmation that the City will be advised immediately if the use of that property changes
- Lease agreement
- Nulsen constitution
- 2014 Audited Financial report
- Annual report 2014
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office
- Australian Charities and Not-For-Profit Commission (ACNC) Charity register document showing Nulsen as a registered Charity and a Public Benevolent Institution.

Whilst it has been noted that there are more and more organisations requesting rate exemptions on similar joint venture type arrangements and community housing organisations, the properties are seen to be used for charitable use and are therefore in accordance with the relevant sections of the Act, deemed to be non-rateable.

Whilst the initial request for exemption on these properties was received in October 2015, the final documentation has only now been received.

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. The rate exemption request is therefore effective from 1 July 2015.

All properties are rated residential with the loss of revenue shown below for 2015/16 totalling \$6,343.51.

<i>Property Address</i>	<i>2015/16 Loss of income</i>
35 McKeon St, Redcliffe	\$1,280.56
34 Somers Street, Belmont	\$1,375.42
15 Towie Street, Cloverdale	\$1,102.70
24 St Kilda Rd, Rivervale	\$1,280.56
67 Surrey Rd, Rivervale	\$1,304.27

Item 12.5 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

Nulsen continue to ensure that people with disabilities have the right to dignity and respect to grow, develop and pursue their aspirations as other citizens do. This allows their clients a quality of life as one where people participate in their community, gaining the respect of others and having the opportunities to express themselves.

OFFICER RECOMMENDATION

That the properties known as 35 McKeon Street, Redcliffe, 34 Somers Street, Belmont, 15 Towie Street, Cloverdale, 24 St Kilda Road, Rivervale and 67 Surrey Road, Rivervale be granted rate exemption under section 6.26 (2)(g) and Section 6.53 of the *Local Government Act 1995* effective from 1 July 2015.

ALTERNATIVE OFFICER RECOMMENDATION

ROSSI MOVED, POWELL SECONDED,

That the property known as 67 Surrey Road, Rivervale be granted rate exemption under Section 6.26(2)(g) and Section 6.53 of the Local Government Act 1995 effective from 1 July 2015.

That subject to the Owner providing written proof that planning development approval has been issued for the land use, the properties known as 35 McKeon Street, Redcliffe, 34 Somers Street, Belmont, 15 Towie Street Cloverdale and 24 St Kilda Road, Rivervale be granted rate exemption under Section 6.26(2)(g) and Section 6.53 of the Local Government Act 1995, effective from the date of issue of the development approval.

CARRIED 9 VOTES TO 0

Reason

Current use of the properties do not conform to Local Planning Scheme No. 15. Upon approval being granted Council can reconsider the Rate Exemption application.

12.6 RATE EXEMPTION REVIEW

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	:	OCM 25 August 2015 – Item 10.1
Applicant	:	As listed in report
Owner	:	As listed in report
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

This report presents a further stage in the City's review of rate exempt property status for Council's resolution.

SUMMARY AND KEY ISSUES

A group of properties were reviewed in August 2015 for continued rate exemption purposes. The properties were leased through charitable organisations and used for Aged and Crisis Accommodation purposes. Of the 27 properties reviewed, only 9 Morgan Road, Redcliffe was recommended to no longer remain eligible for rates exemption. Additional information has since been received which impacts that decision.

Item 12.6 Continued

LOCATION

N/A.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter other than with the agents of the property and the City's solicitor.

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

(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"

Item 12.6 Continued

3. Section 6.39(2)(b) states - a local government

“may amend the rate record for the five (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 —

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

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

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

BACKGROUND

A review of Aged and Crisis Accommodation was carried out and reported as *Item 10.1 Rate Exemption Review* at the Ordinary Council Meeting held 25 August 2015.

The review included 27 properties that were leased by charitable organisations predominantly from the Department of Housing (Housing Authority).

This review resulted in all properties, with the exception of 9 Morgan Road, having their rates exemption status continued. Although 9 Morgan Road is leased to Stellar Housing Ltd, a charitable organisation and effectively the agent of the property, based on the information received it was determined that the property was not being used for charitable purposes.

The tenant of 9 Morgan Road is on the Housing Authority ‘Social and Affordable - Low Income wait list’ and Stellar Living Ltd advised that the tenant will continue to lease the property while on the Housing Authority wait list. In this case the rent is consistent with Housing Authority rent modelling and the tenant is not receiving any additional services from their sub-lease with Stellar Living Ltd.

OFFICER COMMENT

Aged and Crisis Accommodation is categorised into:

1. Community Home - Specific needs – Community housing is designed to meet the needs of people provided with 24/7 care
2. Aged Care Accommodation – Specific designed housing for the aged to allow them to retain independence and be provided with additional care services
3. Specific Needs Accommodation – Independent living program to accommodate people with mental health illness who are case managed by the Mental Health Service
4. Crisis Accommodation – Emergency accommodation (normally short term lease) for homeless persons with/without children.

Whilst it has been noted that there are more and more organisations requesting rate exemptions on similar joint venture type arrangements and community housing organisations, the 26 properties previously reviewed were clearly within one of the above mentioned categories and met the definition of “*land used exclusively for charitable purposes*” in accordance with the relevant sections of the Act.

Item 12.6 Continued

In the case of 9 Morgan Road, simply providing affordable housing consistent with the Housing Authority's approach was not seen as sufficient to meet the definition of charitable purposes.

Based on additional information and advice from the City's solicitors it would appear that 9 Morgan Road should be considered eligible for rates exemption. The key difference between the Department of Housing paying rates and the current circumstance is that Stellar Living Ltd is a charitable organisation and manages 9 Morgan Road within the scope of their constitution and their Community Housing Agreement with the Housing Authority.

This effectively means that crown owned *social* or *affordable* housing leased to the public through charitable organisations based on criteria consistent to that of the Housing Authority (ie low income earning) is deemed to be "*land used exclusively for charitable purposes*", providing the agent is a charitable organisation.

Although the recommendation is that rates exemption be granted for 9 Morgan Road only, this item highlights a significant issue for all Local Governments. The number of charitable organisations leasing property from the Housing Authority is rapidly growing and represents a major financial risk within the industry.

FINANCIAL IMPLICATIONS

It is recommended that the property at 9 Morgan Road, Redcliffe be eligible for rate exemption effective from the date of lease being 1st August 2012, resulting in a financial loss to the City of \$2611.25.

Should the Department of Housing continue to lease properties to charitable organisations in relation to either social or affordable housing, the legal advice received would suggest that full divestment by the Department of Housing could potentially put at risk approximately \$1M in rate revenue to the City of Belmont.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.6 Continued

OFFICER RECOMMENDATION

That Council:

- 1. Approve that 9 Morgan Road continue to be classified as exempt from rates under section 6.26 (2)(g) and Section 6.53 of the Local Government Act 1995 effective from the date of lease being 1st August 2012.***
- 2. Request support from WA Local Government Association (WALGA), Local Government Managers Australia (WA) and other relevant organisations to establish a review and legislative clarification of charitable exemptions available under the Local Government Act 1995 in keeping with the interests of the broader community.***

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

12.7 POLICY REVIEW – BEXB11A ELECTED MEMBERS FEES, ALLOWANCES AND SUPPORT

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 11 – Item 12.7 refers	<u>BEXB11A Elected Members Fees, Allowances and Support</u>

Voting Requirement : Simple Majority
Subject Index : 32/015 Council Policy Manuals/Code of Conduct
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil.
Previous Items : OCM 22 September 2015 – Item 10.7
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 endorsement of policy BEXB11A Elected Members Fees, Allowances and Support (refer [Attachment 11](#)).

Item 12.7 Continued

SUMMARY AND KEY ISSUES

Council endorsement of policy BEXB11A Elected Members Fees, Allowances and Support is required.

The City's 2015 Policy Manual review was undertaken at the 22 September 2015 Ordinary Council Meeting and further discussion was undertaken at the 13 October 2015 Information Forum and the 7 December 2015 Special Information Forum.

LOCATION

N/A.

CONSULTATION

Consultation with Councillors was undertaken at the 13 October 2015 Information Forum and the 7 December 2015 Special Information Forum.

Relevant internal staff, the Senior Management Group and other local governments have also been consulted.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

BEXB11A Elected Members Fees, Allowances and Support is currently endorsed by Council with a review of the policy to be undertaken in 2016. Any amendment to BEXB11A will necessitate amendment to the current City of Belmont Policy Manual.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* provides the basis for many of the City's Policies.

Section 2.7 of the *Local Government Act 1995* outlines the Role of Council.

Section 2.7(2)(b) requires the Council to determine the local government's policies.

Section 5.98(2) of the *Local Government Act 1995* and Regulation 31 of the *Local Government (Administration) Regulations 1996* outlines the requirements for the reimbursement of expenses.

Item 12.7 Continued

BACKGROUND

At the 22 September 2015 Ordinary Council Meeting, the 2015 Policy Manual Review was discussed and adopted. In addition to the Officer Recommendation to adopt a number of policy amendments (1), new policies (2) and policies without amendment (3), Cr Gardner put forward the following additions to the motion.

‘That Council:

4. Amend the draft policy for inclusion, BEXB40, to include ‘Members for the East Metropolitan Region’ against function type ‘Official Openings of Major Council Facilities’.

Reason

To maximise the exposure of the City of Belmont’s external events to all relevant stakeholders and to consistently align with the remainder of BEXB40.

5. Amend the draft policy for inclusion, BEXB11A, to remove the allowance available to Councillors for the following:

- a. Clothing, footwear and suit hire;
- b. Personal grooming;
- c. Dry cleaning.

Reason

To align with community expectations of the local government sector and to remove allowances that are not regularly drawn on by Councillors.

Cr Powell put forward the following amendment to the motion.

‘That Council:

4. Refer draft policy for inclusion, BEXB40, to include ‘Members for the East Metropolitan Region’ against function type “Official Openings of Major Council Facilities” to an Information Forum for further information and discussion with a further report to be considered by Council.

5. Refer policy BEXB11A, to remove the allowance available to Councillors for the following:

- a. clothing, footwear and suit hire;
- b. personal grooming;
- c. dry cleaning

to an Information Forum for further information and discussion with a further report to be considered by Council.

Reason

For further research and discussion to take place regarding the proposed policy amendments.

Consultation with Councillors regarding policy BEXB11A was undertaken at the 13 October 2015 Information Forum and the 7 December 2015 Special Information Forum.

Item 12.7 Continued

OFFICER COMMENT

Direction from Council was sought on the requirement for any change to the current policy.

Officers provided further information on legislative requirements, Elected Member remuneration figures and comparisons to other local government policies regarding the reimbursement of sundry expenses.

Further discussion and debate raised several pertinent issues:

- The *Local Government Act 1995* outlines the legislative framework and each individual Council sets a policy which includes guidelines for the reimbursement of expenses.
- Statutory reimbursements include child care costs, travel expenses and other expenses in line with undertaking activities as an Elected Member.
- Statutory reimbursements are automatically available. Sundry expenses are at the discretion of Council.
- Other local government reimbursement policies include provisions for different expenses.
- Every local government manages reimbursement of Councillor expenses differently.
- As Councillor sitting fees are paid in arrears, there may be implications for other payments and benefits that cause hardship.
- Councillors are not required to claim expenses. This is a personal choice and professional advice should be sought for taxation implications.
- Council can set up a voluntary policy for specific fees and allowances.
- As Councillor sitting fees have increased significantly, these allowances are not as relevant, as evidenced by the reduction of claims over the past few years.

As per the requirements of Council's resolution from its meeting of the 22 September 2015, Council endorsement of policy BEXB11A Elected Members Fees, Allowances and Support is required.

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.

Item 12.7 Continued

OFFICER RECOMMENDATION

That Council adopt policy BEXB11A Elected Members Fees, Charges and Support as detailed in [Attachment 11](#).

Note

Cr Rossi put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

ROSSI MOVED, POWELL SECONDED,

That Council adopt policy BEXB11A Elected Members Fees, Charges and Support as detailed in [Attachment 11](#), with the following amendment:

Sundry Expenses:

- a. clothing, footwear and suit hire;*
- b. personal grooming;*
- c. dry cleaning;*

The sundry expenses as mentioned above may only be claimed by a Councillor in receipt of a pension.

CARRIED 9 VOTES TO 0

Reason

These sundry expenses are presently not claimed on a regular basis and are seen as an unnecessary expense at this point. This policy is reviewed on an annual basis and should the need arise Council may reconsider the policy position at a later stage.

12.8 POLICY REVIEW – BEXB40 ATTENDANCE BY DIGNITARIES AT CIVIC FUNCTIONS, CEREMONIES AND RECEPTIONS

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 12 – Item 12.8 refers	<u>BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions</u>

Voting Requirement : Simple Majority
Subject Index : 32/015 Council Policy Manuals/Code of Conduct
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil.
Previous Items : OCM 22 September 2015 – Item 10.7
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 endorsement of policy BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions (refer [Attachment 12](#)).

Item 12.8 Continued

SUMMARY AND KEY ISSUES

Council endorsement of policy BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions is required.

The City's 2015 Policy Manual review was undertaken at the 22 September 2015 Ordinary Council Meeting and further discussion was undertaken at the 13 October 2015 Information Forum and the 7 December 2015 Special Information Forum.

LOCATION

N/A.

CONSULTATION

Consultation with Councillors was undertaken at the 13 October 2015 Information Forum and the 7 December 2015 Information Forum.

Relevant internal staff, the Senior Management Group and other local governments have also been consulted.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions is currently endorsed by Council with a review of the policy to be undertaken in 2019. Any amendment to BEXB40 will necessitate amendment to the current City of Belmont Policy Manual.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* provides the basis for many of the City's Policies.

Section 2.7 of the *Local Government Act 1995* outlines the Role of Council.

Section 2.7(2)(b) requires the Council to determine the local government's policies.

Item 12.8 Continued

BACKGROUND

At the 22 September 2015 Ordinary Council Meeting, the 2015 Policy Manual Review was discussed and adopted. In addition to the Officer Recommendation to adopt a number of policy amendments (1), new policies (2) and policies without amendment (3), Cr Gardner put forward the following additions to the motion.

‘That Council:

4. Amend the draft policy for inclusion, BEXB40, to include ‘Members for the East Metropolitan Region’ against function type ‘Official Openings of Major Council Facilities’.

Reason

To maximise the exposure of the City of Belmont’s external events to all relevant stakeholders and to consistently align with the remainder of BEXB40.

5. Amend the draft policy for inclusion, BEXB11A, to remove the allowance available to Councillors for the following:

- a. Clothing, footwear and suit hire;
- b. Personal grooming;
- c. Dry cleaning.

Reason

To align with community expectations of the local government sector and to remove allowances that are not regularly drawn on by Councillors.

Cr Powell put forward the following amendment to the motion.

‘That Council:

4. Refer draft policy for inclusion, BEXB40, to include ‘Members for the East Metropolitan Region’ against function type “Official Openings of Major Council Facilities” to an Information Forum for further information and discussion with a further report to be considered by Council.

5. Refer policy BEXB11A, to remove the allowance available to Councillors for the following:

- a. clothing, footwear and suit hire;
- b. personal grooming;
- c. dry cleaning

to an Information Forum for further information and discussion with a further report to be considered by Council.

Reason

For further research and discussion to take place regarding the proposed policy amendments.’

Consultation with Councillors regarding policy BEXB40 was undertaken at the 13 October 2015 Information Forum and the 7 December 2015 Special Information Forum.

Item 12.8 Continued

OFFICER COMMENT

Direction from Council was sought on the requirement for any change to the current policy.

Officers provided further information on the comparison made with East Metropolitan Regional Council (EMRC) local governments.

No other EMRC local government has a policy outlining this; internal practices and procedures are followed when inviting dignitaries to Council events. Policies and processes on the invitation of dignitaries to Council functions and openings are significantly different between local governments.

Further discussion and debate raised several pertinent issues:

- The Council needs to make a decision on what it deems appropriate for the City of Belmont and to give clear direction to Officers.
- With decentralisation of responsibilities for certain functions, there has been confusion surrounding who is appropriate to attend events. Clarity is required for event organisers on invitations to dignitaries.
- The present policy allows the Mayor some discretion.
- There is an expectation that appropriate Government representatives are invited to Council functions.
- Other EMRC local government invite dignitaries that are relevant to the items at hand. There could be a link to the Member's portfolio, particularly funding, a Member with a particular interest in the relevant area, or a Member with a strong association with relevant clubs or sporting bodies. A major consideration is funding.
- Funding agreements often stipulate an invitation to the opening of the project.

As per the requirements of Council's resolution from its meeting of 22 September 2015, Council endorsement of policy BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions is required.

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.

Item 12.8 Continued

OFFICER RECOMMENDATION

That Council adopt policy BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions as detailed in [Attachment 12](#).

Note

Cr Gardner put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

GARDNER MOVED, CAYOUN SECONDED,

That Council:

1. *Adopt policy BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions as detailed in [Attachment 12](#).*
2. *Amend the draft policy for inclusion, BEXB40, to include 'Members for the East Metropolitan Region' against the function type "Official Openings of Major Council Facilities".*

CARRIED 6 VOTES TO 3

*For: Bass, Cayoun, Gardner, Hitt, Powell, Ryan
Against: Marks, Rossi, Wolff*

Reason

To maximise the exposure of the City of Belmont's external events to all relevant stakeholders and to consistently align with the remainder of BEXB40.

9.42pm The Director Technical Services departed the meeting.

9.42pm The Director Technical Services returned to the meeting.

12.9 POLICY BEXB41 – PUBLICLY AVAILABLE REGISTERS

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 13 – Item 12.9 refers	<u>BEXB41 Publicly Available Registers</u>

Voting Requirement	:	Simple Majority
Subject Index	:	32/015 Council Policy Manuals/Code of Conduct
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 25 August 2015 – Item 11.2
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council endorsement of policy BEXB41 Publicly Available Registers (refer [Attachment 13](#)) to enable publication of the Gift/Hospitality Register and the Contribution to Travel Register on the City of Belmont website.

Item 12.9 Continued

SUMMARY AND KEY ISSUES

Council endorsement of policy BEXB41 Publicly Available Registers is required.

The *City of Perth Bill 2015* is currently before Parliament. The Bill proposes boundary changes to the City of Perth taking effect on and from 1 July 2016 and among other provisions, proposes consequential amendments to various legislation including the *Local Government Act 1995*.

The changes to the *Local Government Act 1995* include amendment to section 5.82 relating to the disclosure of gifts and section 5.83 relating to the disclosure of contributions to travel, and a new section 5.89A providing for a register of gifts and contribution to travel to be included and published on the local government's website.

LOCATION

N/A.

CONSULTATION

Consultation with Councillors was undertaken at the 7 December 2015 Special Information Forum.

Relevant internal staff and the Senior Management Group have also been consulted.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

Council endorsement of policy BEXB41 Publicly Available Registers will necessitate amendment to the City of Belmont Policy Manual.

STATUTORY ENVIRONMENT

The *City of Perth Bill 2015* proposes consequential amendments to the *Local Government Act 1995*. This legislation is proposed to be amended and in place on 1 July 2016.

Item 12.9 Continued

The relevant provisions of the *City of Perth Bill 2015* are as follows:

35. Section 5.82 amended

(1) *Delete section 5.82(1) and insert:*

- (1A) *A relevant person is to disclose each gift received by the person.*
- (1B) *The disclosure is to be made in writing to the CEO.*
- (1C) *The disclosure is to be made within 10 days of receipt of the gift by the relevant person.*
- (1) *The disclosure is to include the following —*
 - (a) *a description of the gift;*
 - (b) *the name and address of the person who made the gift;*
 - (c) *the date on which the gift was received;*
 - (d) *the estimated value of the gift at the time it was made;*
 - (e) *the nature of the relationship between the relevant person and the person who made the gift.*

(2) *In section 5.82(2):*

- (a) *delete “in a return”;*
- (b) *in paragraph (a)(i) delete “the return period; and” and insert:*

a year; and

36. Section 5.83 amended

(1) *Delete section 5.83(1) and insert:*

- (1A) *A relevant person is to disclose each financial or other contribution that has been made to any travel undertaken by the person.*
- (1B) *The disclosure is to be made in writing to the CEO.*
- (1C) *The disclosure is to be made within 10 days of receipt of the contribution by the relevant person.*
- (1) *The disclosure is to include the following —*
 - (a) *a description of the contribution;*
 - (b) *the name and address of the person who made the contribution;*
 - (c) *the date on which the contribution was received;*
 - (d) *the estimated value of the contribution at the time it was made;*
 - (e) *the nature of the relationship between the relevant person and the person who made the contribution;*
 - (f) *a description of the travel;*
 - (g) *the date of travel.*

(2) *In section 5.83(2):*

- (a) *delete “in a return”;*
- (b) *in paragraph (d)(i) delete “the return period; and” and insert:*

a year; and

Item 12.9 Continued

37. Sections 5.89A and 5.89B inserted

After section 5.88 insert:

5.89A. Register of gifts and contributions to travel

- (1) *A CEO is to keep a register of gifts and contributions to travel.*
- (2) *The register is to contain a record of the disclosures made under sections 5.82 and 5.83.*
- (3) *The register is to be in the form that is prescribed (if any).*
- (4) *The CEO is to make the register available for public inspection.*
- (5) *The CEO is to publish the register on the local government's official website.*
- (6) *As soon as practicable after a person ceases to be a person who is required under section 5.82 or 5.83 to make a disclosure, the CEO is to remove from the register all records relating to that person.*
- (7) *Disclosures made under section 5.82 or 5.83 and removed from the register under subsection (6) are, for a period of at least 5 years after the person who made the disclosure ceases to be a person required under section 5.82 or 5.83 to make a disclosure —*
 - (a) *to be kept by the CEO; and*
 - (b) *to be made available for public inspection.*

5.89B. Offence to fail to disclose under sections 5.82 and 5.83

A relevant person must comply with the requirements of sections 5.82 and 5.83 in relation to the disclosure of information.

Penalty: a fine of \$10 000 or imprisonment for 2 years.

BACKGROUND

At the 25 August 2015 Ordinary Council Meeting, Cr Gardner put forward a Notice of Motion for Council consideration regarding the publication of electronic copies of the City of Belmont's Financial Interest Register, Councillor Travel Register and Councillor Gift/Hospitality Register on the City's website.

COUNCILLOR RECOMMENDATION

GARDNER MOVED, CAYOUN SECONDED

That the following documents be made publicly available as electronic versions via the City of Belmont website:

- Financial Interest Register
- Councillor Travel Register
- Councillor Gift/Hospitality Register

Reason

To increase the transparency and accountability of the Council.

Item 12.9 Continued

Cr Rossi put forward the following amendment motion:

COUNCILLOR AMENDMENT MOTION

ROSSI MOVED, POWELL SECONDED

1. ***That the following documents be discussed at the Information Forum with the prospect of them being made publicly available as electronic versions, via the City of Belmont's website be put into place after the October 17 2015 election:***
 - ***Financial Interest Register***
 - ***Council Travel / Conference Registers***
 - ***Councillor Gift / Hospitality Register***

2. ***That Councillors consider expanding the register at the Information Forum to also discuss:***
 - ***Political Affiliations***
 - ***Community Group Affiliations***
 - ***Closely Associated Person's Financial Interests and Affiliations***

CARRIED 5 VOTES TO 4

*For: Marks, Powell, Rossi, Ryan, Wolff
Against: Bass, Cayoun, Gardner, Hitt*

Reason

To allow for greater transparency and to allow Councillor input to occur into how this transparency will be formulated.

COUNCILLOR MOTION, AS AMENDED

GARDNER MOVED, CAYOUN SECONDED

- 1 ***That the following documents be discussed at the Information Forum with the prospect of them being made publicly available as electronic versions, via the City of Belmont's website be put into place after the October 17 2015 election:***
 - ***Financial Interest Register***
 - ***Council Travel / Conference Registers***
 - ***Councillor Gift / Hospitality Register***

- 2 ***That Councillors consider expanding the register at the Information forum to also discuss:***
 - ***Political Affiliations***
 - ***Community Group Affiliations***
 - ***Closely Associated Person's Financial Interests and Affiliations***

CARRIED 5 VOTES TO 4

*For: Marks, Powell, Rossi, Ryan, Wolff
Against: Bass, Cayoun, Gardner, Hitt*

Item 12.9 Continued

Consultation with Councillors regarding Publicly Available Registers was undertaken at the 7 December 2015 Special Information Forum.

When the *City of Perth Bill 2015* receives Royal Assent, the *Local Government Act 1995* will be amended and all Western Australian local government Elected Members and Designated Employees will be required to disclose any gifts and financial or other contributions towards travel. The CEO will be required to make a register and publish the register on the City's official website. This legislation is proposed to be amended and in place on 1 July 2016.

OFFICER COMMENT

Direction from Council was sought on the publication of registers to the City's website.

Officers provided further information on legislative requirements, activities undertaken by other local governments and Department of Local Government and Communities guidelines.

Financial Interest Register

All Elected Members and staff must consider their personal and professional activities in context with the requirements of the *Local Government Act 1995*, *The Local Government (Administration) Regulations 1996*, the *Local Government (Rules of Conduct) Regulations 2007* and the City's Code of Conduct, specifically in regard to:

- Conflicts of interest
 - Financial
 - Proximity
 - Impartiality
 - Membership of Groups and Associations

Disclosures of any of these conflicts of interest must be made as soon as the conflict is known.

All 'Disclosures of Interest that Might Cause a Conflict' regarding items before Council are disclosed in the Minutes of the Council Meeting.

A register of 'Disclosures of Interest that Might Cause a Conflict' Forms is kept by the Compliance Administrator and is available for viewing as required under section 5.94 of the *Local Government Act 1995*.

Publication of a Financial Interests Register is not required by the amendments proposed in the *City of Perth Bill 2015*.

Council Travel/Conference Register

City of Belmont Elected Members undertake travel in relation to professional development and through their functions as Elected Members.

The City's expenditure relating to Elected Member travel for Council business is reported monthly in the Accounts for Payment Report to Council.

Conference and Training expenditure is published annually in the City of Belmont Annual Report.

Item 12.9 Continued

Any reimbursement for travel expenses is in line with policy BEXB11B Elected Member Professional Development and Authorised Travel. This provides for a maximum allocation of \$20,000 over the four year term of office for professional development and includes the cost of any travel requirements for professional development.

Publication of a Council Travel/Conference Register is not required by the amendments proposed in the *City of Perth Bill 2015*.

The *City of Perth Bill 2015* requires the publication of a Contribution to Travel Register. This register is to detail any financial or other contribution that has been made to any travel undertaken by a person.

Gift/Hospitality Register

The *Local Government Act 1995*, *Local Government (Rules of Conduct) Regulations 2007*, *Local Government (Elections) Regulations 1997 Part 5A* and the City's Code of Conduct refer specifically to the disclosure of gifts/hospitality by Elected Members and staff of the City.

The City has 'Notification of Gift/Hospitality' Forms available to all Elected Members and staff and reminders are issued annually to ensure that the requirement to notify the CEO of any gifts received is known.

It is a legislative requirement that the CEO maintains a register of gifts/hospitality and that the register is available for public inspection.

The proposed amendments to the *Local Government Act 1995* enacted by the *City of Perth Bill 2015* will require the City's Gift/Hospitality Register to be published on the City's website.

Political and Community Group Affiliations and Closely Associated Person's Financial Interest and Affiliations

There is currently no legislative requirement for disclosures of this nature to be recorded.

If disclosure of a financial interest or an impartiality interest is required in relation to any of these affiliations, they are required by legislation to be disclosed in relation to specific items on an Agenda.

The Department of Local Government and Communities have published a number of operational guidelines (Number 1 – Disclosures of Interest Affecting Impartiality, Number 20 – Disclosure of Financial Interests at Meetings and Number 21 – Disclosure of Financial Interests in Returns) which provide the definition of a 'closely associated person'.

Publication of a Register of Political and Community Group Affiliations and Closely Associated Person's Financial Interest and Affiliations is not required by the amendments proposed in the *City of Perth Bill 2015*.

Item 12.9 Continued

FINANCIAL IMPLICATIONS

Additional Officer time will be required to implement the availability of the Gift/Hospitality Register and the Contribution to Travel Register for public access through the City's website. These registers will be designed and implemented in a format suitable for publication on the website. Regular updating procedures will be implemented to ensure that relevant information is available as per legislation.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council:

1. Adopt policy BEXB41 Publicly Available Registers as detailed in [Attachment 13](#).
2. Authorise the Chief Executive Officer to publish the Gift/Hospitality Register and the Contribution to Travel Register on the City of Belmont website.

9.59pm The Manager Governance departed the meeting.

10.01pm The Manager Governance returned to the meeting.

Item 12.9 Continued

Note

Cr Rossi put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

ROSSI MOVED, POWELL SECONDED,

That Council:

- 1. Adopt policy BEXB41 Publicly Available Registers as detailed in Attachment 13.***
- 2. Authorise the Chief Executive Officer to publish the Gift/Hospitality Register and the Contribution to Travel Register on the City of Belmont website.***
- 3. Request the Chief Executive Officer to further develop Policy BEXB41 – Publicly Available Registers or create new policies that will provide for the following registers and information relevant to Councillors being made available on the City of Belmont website:***
 - Declaration of financial and impartiality interest register.***
 - Travel and conference register.***
 - Attendance registers for all functions & events.***
 - Political affiliations.***
 - Community group affiliations.***
 - Full residential address.***
- 4. Request the Chief Executive Officer to develop a policy that will preclude Councillors from receiving any gifts or donations, outside of official Council functions and invitations, at any time from Developers and considers the development of a register recording all Councillor contact with Developers.***
- 5. Request the Chief Executive Office to write to the Hon Tony Simpson MLA, Minister for Local Government; Community Services; Seniors and Volunteering; Youth and the Hon Peter Collier MLA, Minister for Education; Aboriginal Affairs; Electoral Affairs, the Western Australian Local Government Association and the Western Australian Electoral Commission requesting that an amendment to the Local Government (Elections) Regulations 1997, Part 5A – Disclosure of Gifts, be made making it a requirement for all election candidates to make a Statutory Declaration of their compliance to the requirements Part 5A.***

CARRIED 9 VOTES TO 0

Reason

To improve the public perception of the Council in regard to openness and accountability.

12.10 QUOTATION Q01/2016 – ELECTRICAL ENERGY SUPPLY FOR CONTESTABLE SITES

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 1 – Item 12.10 refers	<u>Price Schedule</u>

Voting Requirement : Simple Majority
Subject Index : 135/2016-01
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 Q01/2016 – Electrical Energy Supply for Contestable Sites.

Item 12.10 Continued

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to obtain quotes for the supply of electrical energy and puts forward a recommendation to award Quotation Q01/2016 in accordance with the requirements of the *Local Government Act 1995*.

In accordance with the City of Belmont's purchasing policy, three quotations were invited from members of the West Australian Local Government Association's preferred supplier panel for Energy - Contestable Energy and Related Services as follows:

- Alinta Energy
- Perth Energy Pty Ltd
- Synergy.

LOCATION

- Gerry Archer and Belmont Oval (bore)
- Ascot Waters (lake circulating pump and bollard park lighting)
- Centenary Park (lake pump, Daly Street barbecues and park lighting)
- Operations Centre
- Administration Building.

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: Natural Belmont.

Objective: Enhance the City's environmental sustainability through the efficient use of natural resources.

Strategy: Manage energy use with a view to minimising greenhouse gas emissions.

Corporate Key Action: Implement the Key Actions in the Climate Change chapter of the Environment Plan 2010-2016.

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.

Item 12.10 Continued

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government (Functions and General) Regulations 1996*, in particular Regulation 11(2) (b) which states that “Tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program”.

BACKGROUND

Large electricity users with energy consumption over the regulatory threshold, currently 50,000 kWh (units) of electricity per annum, are able to choose their supplier of electricity. The following five contestable sites were identified in 2008:

- Gerry Archer and Belmont Oval (bore)
- Ascot Waters (bore)
- Youth and Family Services Centre
- Operations Centre
- Administration Building.

The City entered into a contract with Synergy for four of the sites commencing 1 April 2014 for two years.

At this time it was noted that the Youth and Family Services Centre was utilising an irregular amount of electricity and a separate one year contract was agreed to while an investigation of the cause of this was conducted. Following an energy audit and a noticeable decrease in energy use, a two year contract for this site alone was entered into commencing 1 April 2013. When the contract reached its expiry date quotes were again sought and an agreement signed with Alinta Energy for two years commencing 1 April 2015.

A request for quotation was issued for the other four sites and, as energy consumption at Centenary Park has now increased to a level that also makes it contestable, this site was also included. This account is associated with the lake pump and barbecues and park lighting on the Daly Street side of the park.

Three members of the West Australian Local Government Association's (WALGA) preferred supplier panel for the retail supply of energy to contestable sites were invited to respond. Although the establishment of this panel eliminates the need for the City to go to public tender, it still has an obligation under its Purchasing Policy to obtain three written quotes where the contract value is over \$150,000.

The invitation to quote was issued on Thursday, 7 January 2016 and closed on Friday, 22 January 2016. Responses from all three of the invited panel members were received and an assessment was conducted to see which submission offered the best value for money.

Item 12.10 Continued

OFFICER COMMENT

The prices offered are detailed in Table 1 of the Price Schedule (refer [Confidential Attachment 1](#)). A brief description of each of the submissions is set out below

Perth Energy offered the same on and off peak rates for all sites. These rates include IMO Market Fees at the current rate and are subject to CPI adjustment on the anniversary date.

Synergy provided three options:

- A group price with all sites subject to the same on and off peak rates
- Individual pricing for each site
- The option to have the Ascot Water and Gerry Archer sites on tariff as energy consumption at these sites has now made them non contestable

Synergy is also the only organisation at this time that is able to provide an online portal that stores energy data, billing and payment history for each site. This allows customers to track their electricity usage and review the usage history.

There were two options offered by **Alinta Energy** and both included the Youth and Family Services Centre which is currently half way through a separate agreement with Alinta Energy. The two options were:

- Two year fixed price term
- Three year term with price increases each year.

All three companies will pass on any increases in Western Power's network charges and all included an option to purchase 25% natural power.

Table 2 of the Price Schedule shows a comparison of estimated costs for the first 12 month period based on electricity consumption in the last year. The following points should be noted:

- The tariff price for Gerry Archer and Ascot Waters has been used when calculating the Synergy costs as this rate is lower;
- As the City is currently committed to purchasing 25% renewable energy from the top five highest electricity consuming sites and Centenary Park bore has overtaken consumption at Ascot Waters, natural power for the Ascot Waters site has not been included;
- The breakdown between on and off peak usage at Centenary Park is not available and has therefore been estimated at 50% each based on the nature of the use;
- As the Youth and Family Services Centre is under an agreement with Alinta Energy, the costs will remain at the current rate if another provider is selected. Electricity costs at this site are recouped from the user groups with the City paying about 20% of the total cost.

Based on the rates offered, the Grouped Price option from Synergy represents the best value for money and it is therefore recommended that this offer is accepted.

Item 12.10 Continued

FINANCIAL IMPLICATIONS

The cost of electricity at the six contestable sites will not change much under the proposed new agreement. However, increases in network, access or regulatory charges will be passed on.

ENVIRONMENTAL IMPLICATIONS

In accordance with the Environment Plan 2010-2016, the quoted prices include the purchase of 25% natural power for the top five highest electricity consuming sites.

Due to the capabilities of Synergy's online "My Account" service, the selection of their proposal will benefit the Strategic Plan objective to manage energy use with a view to minimising greenhouse gas emissions.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council accepts the Grouped Price proposal submitted by Synergy for the provision of energy to the contestable sites at Gerry Archer, Ascot Waters, Centenary Park, Operations Centre and Administration Building for a two year period, including the purchase of 25% natural power for the top four sites and in accordance with the schedule of rates submitted, as the most advantageous.

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

12.11 TIMETABLE: 2016-2017 ANNUAL BUDGET

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	54/004 Budget Documentation-Council
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council's endorsement of the 2016-2017 Annual Budget timetable.

SUMMARY AND KEY ISSUES

The 2016-2017 Annual Budget timetable enables the Budget to be prepared in a disciplined manner, meet all statutory obligations and adopt the Annual Budget in a timely manner.

Item 12.11 Continued

LOCATION

N/A.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter other than with the Executive and Managers of this organisation.

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.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 6.2 of the *Local Government Act 1995* (the Act) requires Council to prepare an Annual Budget and specifies the basic form, content and timeframe.

This timetable has been prepared to ensure that all requirements of the Act and the *Local Government (Financial Management) Regulations 1996* have been considered to enable statutory advertising and public consultation requirements are adhered to.

BACKGROUND

Each year the Council formally adopts a timetable for the preparation of the Annual Budget to ensure the Annual Budget is prepared in a timely manner and all the statutory advertising periods are adhered to. This process needs to commence in February to enable a Budget to be adopted in July.

OFFICER COMMENT

The timetable has been endorsed by the members of the Senior Management Group. Should Council require additional time to consider the Budget then special meetings will be called to accommodate this. There has been more time allowed for consideration of the Budget with up to three Information Forums being identified to receive presentations.

Item 12.11 Continued

The timetable is obviously dependent on the receiving of relevant budget information in a timely manner.

The proposed Budget Timetable is shown below–

CITY OF BELMONT
TIMETABLE
2016-2017 ANNUAL BUDGET

3 February 2016	Commence March Budget Review on-line (Finance 1)
16 February 2016	Budget Timetable Presented To Agenda Briefing Forum
19 February 2016	Last day for Budget Review Information
23 February 2016	Budget Timetable endorsed by Council (this document)
3 March 2016	Commence Salaries Worksheets (Finance 1)
23 March 2016	Proposed 2016-2017 Capital Works Programme as per Asset Management Plans to be discussed at SMG with relevant managers
8 March 2016	Information Forum to consider March Budget Review
18 March 2016	Final date to complete Salaries Worksheets
21 March 2016	Commence Annual Budget update on-line (Finance 1) Commence review of Fees and Charges (shared Excel file)
22 March 2016	OCM - Full Council – March Budget Review
12 April 2016	Information Forum to consider Proposed 2016-2017 Capital Works Programmes as per respective Asset Management Plans
19 April 2016	Last day for on-line Annual Budget update Last day for review of Fees and Charges
21 April 2016	Last day to send Budget Review to the Department of Local Government
2 May 2016	First draft of Budget available to SMG
7 June 2016	Special Information Forum to be advised of Divisional Budgets, Rate Setting Information and Fees and Charges
14 June 2016	Information Forum follow-up of Divisional Budgets, Rate Setting Information and Fees and Charges (if required)
28 June 2016	OCM - Full Council – to adopt Rate Setting Budget
2 July 2016 - 23 July 2016	Statutory advertising period commences for proposed differential rates (21 days)
25 July 2016	Closure of Rate Submissions and Assessment of Submissions
26 July 2016	OCM - Full Council – formal adoption of 2016-2017 Budget
15 August 2016	Rates issue date
25 August 2016	Last day to send Budget to the Department of Local Government.

Item 12.11 Continued

1 September 2016	Commence October Budget Review on-line (Finance 1)
19 September 2016	Rates Due Date (35 days following issue date)
21 September 2016	Last day for October Budget Review Information
11 October 2016	Information Forum to consider October Budget Review

FINANCIAL IMPLICATIONS

The timetable ensures that the Budget is adopted on a date as early as possible in July to ensure a positive cash flow can be generated as soon as possible and the organisation is aware of approved incomes and expenditure items.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time, although the actual preparation of the Annual Budget will consider any social implications as part of the process.

OFFICER RECOMMENDATION

That the 2016-2017 Annual Budget timetable be endorsed.

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

**12.12 AMENDMENT TO DELEGATED AUTHORITY REGISTER 2015-2016 – DA30
PRELIMINARY AND FINAL BUILT STRATA APPROVAL**

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 14 – Item 12.12 refers	<u>DA 30 Preliminary and Final Built Strata Approval</u>

Voting Requirement : Absolute Majority
Subject Index : 11/005 - Delegation of Powers/Authorisations - Forms
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 endorsement of a proposed amendment to DA30 Preliminary and Final Built Strata Approval within the 2015-2016 Delegated Authority Register 2015-2016 as detailed in [Attachment 14](#).

Item 12.12 Continued

SUMMARY AND KEY ISSUES

In accordance with section 5.46 of the *Local Government Act 1995*, the Delegated Authority Register was reviewed and endorsed by Council at the Ordinary Council Meeting on 23 June 2015.

Delegations are most commonly used in organisations where a particular person has authority to exercise discretion and enforce a right or discharge a duty on behalf of the organisation. The Delegated Authority Register is structured to provide for a best practice approach to the City's operations and efficiency in the delivery of strategic outcomes.

Due to recent restructuring in the Planning Department and a newly created Coordinator Design Projects position it is proposed to amend DA30 Preliminary and Final Built Strata Approval to include the power of delegation to this position.

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.

POLICY IMPLICATIONS

Policy BEXB32 – Decision Making is applicable as it sets out how the City ensures that decisions are made at an appropriate level within the organisation. The principles of this policy have been applied in developing the delegation proposed for Council consideration.

Item 12.12 Continued

STATUTORY ENVIRONMENT

The following sections of the *Local Government Act 1995* are applicable when considering delegations:

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

The legislation that allows for delegation of this function to the local government is the *Planning and Development Act 2005*.

BACKGROUND

The Delegated Authority Register was last reviewed at the Ordinary Council Meeting of 23 June 2015 – Item 12.6.

The use of delegations is supported by the Department of Local Government and Communities (Department), and a guideline for the creation, use and review of delegations has been published by the Department – Local Government Operational Guideline No. 17 – Delegations.

This amendment has been undertaken in line with the Department's Local Government Operational Guideline No. 17 – Delegations.

OFFICER COMMENT

Delegations by Council are an effective way to reduce red tape and improve customer satisfaction through quicker decision making processes. Using the power of delegation appropriately assists local government to efficiently deal with a wide range of operational matters that are minor, administrative in nature and time consuming

Certain safeguards are incorporated into delegations such as limiting the use of when a delegation can be exercised as well as granting appeal rights to the Council when an impacted individual is aggrieved with an Officer's decision. Furthermore, Officers are not obliged to use a delegation and at times will defer a matter to Council where it is determined to be of a contentious nature.

The function of DA30 Preliminary and Final Built Strata Approval is to determine applications for preliminary built strata approval, and final built strata approval and endorse the applicable Form 26 after the conditions of preliminary strata plan approval have been fulfilled, as delegated by the Western Australian Planning Commission.

Currently DA30 is delegated to:

- Director Community and Statutory Services
- Manager Planning Services
- Coordinator Planning Services
- Senior Planning Officer

Item 12.12 Continued

The Coordinator Design Projects is a newly created position. The position description includes the requirement to assess and make determination on the built strata approvals, including the endorsement of the necessary documentation. Enabling this power to delegate to the Coordinator Design Projects would provide for efficient, expedited customer service.

The proposed delegation to the Coordinator Design Projects for DA30 is shown in [Attachment 14](#).

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.

OFFICER RECOMMENDATION

That Council endorse the amendment to DA30 Preliminary and Final Built Strata Approval within the Delegated Authority Register 2015-2016 as detailed in [Attachment 14](#).

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

12.13 ANNUAL ELECTORS' MEETING MINUTES – 16 DECEMBER 2015

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 15 – Item 12.13 refers	Annual Electors Meeting Minutes – 16 December 2015

Voting Requirement : Simple Majority
Subject Index : 154/006 Annual Electors Meeting
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

For Council to consider the outcomes and confirm the minutes of the Annual Electors' Meeting held on Wednesday, 16 December 2015 (refer [Attachment 15](#)).

Item 12.13 Continued

SUMMARY AND KEY ISSUES

In accordance with section 5.33 of the *Local Government Act 1995*, Council endorsement and confirmation of the minutes of the Annual Electors' Meeting held on Wednesday, 16 December 2015 is required.

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 that community requirements drive internal policies and processes.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 5.27 of the *Local Government Act 1995* requires that a general meeting of electors be held once every financial year. The meeting is to occur not more than 56 days after the local government accepts the annual report

5.27 Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

The City of Belmont 2014-2015 Annual Report was accepted at the 24 November 2015 Ordinary Council Meeting.

Item 12.13 Continued

Regulation 15 of the *Local Government (Administration) Regulations 1996* outlines the matters to be discussed at the electors' general meeting.

15. Matters to be discussed at general meeting (Act s. 5.27(3))

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

Section 5.32 of the *Local Government Act 1995* requires that the minutes of the electors' general meeting be kept and made available for public inspection before the Council Meeting at which decisions made at the electors' meeting are first considered.

Section 5.33 of the *Local Government Act 1995* requires all decisions made at electors' meetings be considered at the next available Ordinary Council Meeting or, if not possible at a Special Council Meeting called for that purpose, whichever happens first. The reasons for a decision made at a Council Meeting in response to a decision made at an electors' meeting are to be recorded in the minutes of the Council Meeting.

BACKGROUND

The Annual Electors Meeting was held on Wednesday, 16 December 2015 at the City of Belmont Civic Centre, 215 Wright Street, Cloverdale.

OFFICER COMMENT

Public notice of the Annual Electors' Meeting was placed in the Southern Gazette on Tuesday, 1 December 2015 and Tuesday 8 December 2015.

Public notice was also placed on the notice boards of the Ruth Faulkner Public Library and the City of Belmont Civic Centre and was available on the City of Belmont website.

In accordance with section 5.33 of the *Local Government Act 1995*, all decisions made at an electors' meeting are to be considered at the next Ordinary Council Meeting or, should this not be possible, at a Special Council Meeting called for that purpose.

The following decisions were made at the Annual Electors' Meeting held on Wednesday, 16 December 2015.

Receipt of the following reports included in the City of Belmont 2014-2015 Annual Report:

- Annual Financial Statements
- Auditor's Report
- Report of the Mayor
- Report of the Chief Executive Officer
- Report of the Presiding Member – Standing Committee (Audit and Risk)
- Report of the Presiding Member – Executive Committee
- Report of the Presiding Member – Standing Committee (Environmental)
- Report of the Presiding Member – Standing Committee (Community Vision)

Item 12.13 Continued

There were five members of the public in attendance, being:

- Mrs G Godfrey, 11 Morgan Road, Redcliffe
- Mrs C Marks, 4/12 Tanunda Drive, Rivervale
- Mr J Van Nus, 5 Azennis Court, Ascot
- Mrs B Whiteley, 71A Wicca Street, Kewdale
- Mrs P Wolff, 23/294 Knutsford Avenue, Rivervale

Questions and responses in relation to the reports included in the 2015-2015 Annual Report are included in the minutes of the meeting. Under general business, the Mayor invited any further questions or statements and the subsequent statement received was recorded in the minutes (refer [Attachment 15](#)).

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.

OFFICER RECOMMENDATION

That Council:

1. ***Note the decisions to receive the following reports included in the City of Belmont 2014-2015 Annual Report:***
 - ***Annual Financial Statements***
 - ***Auditor's Report***
 - ***Report of the Mayor***
 - ***Report of the Chief Executive Officer***
 - ***Report of the Presiding Member – Standing Committee (Audit and Risk)***
 - ***Report of the Presiding Member – Executive Committee***
 - ***Report of the Presiding Member – Standing Committee (Environmental)***
 - ***Report of the Presiding Member – Standing Committee (Community Vision)***
2. ***Confirm the minutes of the Annual Electors' Meeting held on Wednesday, 16 December 2015 (refer [Attachment 15](#)) as a true and accurate record.***

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

12.14 ACCOUNTS FOR PAYMENT – DECEMBER 2015

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 16 – Item 12.14 refers	Accounts for Payment December 2015

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

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

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

Item 12.14 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	786676 to 786742	\$276,272.17
Municipal Fund EFTs	EF041908 to EF042410	\$3,866,298.12
Municipal Fund Payroll	December 2015	\$1,940,153.53
Trust Fund EFTs	EF041974 to EF041976, EF42072	<u>\$46,237.18</u>
Total Payments for December 2015		\$6,128,961.00

Item 12.14 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 December 2015 as provided under [Attachment 16](#) be received.

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

12.15 ACCOUNTS FOR PAYMENT – JANUARY 2016

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 17 – Item 12.15 refers	Accounts for Payment – January 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 12.15 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*, Regulation 12.

OFFICER COMMENT

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

Municipal Fund Cheques	786743 to 786789	\$191,906.98
Municipal Fund EFTs	EF042411 to EF042760	\$2,696,634.46
Municipal Fund Payroll	January 2016	\$1,347,382.30
Trust Fund EFTs	EF042411 to EF042413	\$70,543.03
Total of January 2016 Payments		<u>\$4,306,466.77</u>

Item 12.15 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 January 2016 as provided under [Attachment 17](#) be received.

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

12.16 MONTHLY ACTIVITY STATEMENT AS AT 31 DECEMBER 2015

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 18 – Item 12.16 refers	<u>Monthly Activity Statement as at 31 December 2015</u>

Voting Requirement : Simple Majority
Subject Index : 32/009-Financial Operating Statements
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : 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 provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

Item 12.16 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

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 per cent of the budgeted closing balance as the materiality threshold.

OFFICER COMMENT

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

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

Item 12.16 Continued

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

The monthly financial report is to be accompanied by:

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

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

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

****Based on a materiality threshold of ten per cent of the budgeted closing balance as previously adopted by Council.*

In order to provide more details regarding significant variations as included in [Attachment 18](#) the following summary is provided.

Report Section	YTD Budget	YTD Actual	Comment
Expenditure – Capital			
Property and Economic Development	810,450	730,000	Budget spread issue regarding land acquisition.
Belmont Community Watch	108,489	56,456	Fleet is currently on order.
Technical Services	217,160	97,640	Variance relates to outstanding invoices for the Garvey Park Foreshore Restoration project.
Grounds Operations	273,750	36,108	Most projects are tracking well although it is expected some of the budgeted funds won't be required this financial year.
Road Works	2,417,919	2,176,867	Projects are generally tracking well with invoices paid one month in arrears.
Footpath Works	291,738	144,817	Budget spread issue regarding certain projects.
Drainage Works	511,652	439,362	A project that had budgeted to conclude by December but will now be finalised by February.
Operations Centre	803,620	307,973	Plant purchases expected later in the year.
Technical Services	209,069	157,748	Fleet is currently on order.
Expenditure Operating	–		
Reimbursements	113,500	168,046	Wage cost allocations are outstanding.

Item 12.16 Continued

Report Section	YTD Budget	YTD Actual	Comment
Human Resources	697,856	627,347	Employee related costs are below budget.
Governance	1,790,749	1,654,372	Activity Based Costing (ABC's) allocations are below budget.
Community Services	412,154	359,112	Under budget in regards to seniors and disability programs.
Sanitation Charges	2,409,556	2,301,443	Invoices (contractors) are paid one month in arrears.
Building - Active Reserves	354,668	290,506	Contractor costs are currently behind budget.
Grounds Operations	2,606,576	2,535,410	Consulting and contractor costs are under budget.
Grounds Overheads	831,795	715,471	Employee related costs are below budget.
Road Works	498,561	428,886	Unplanned road maintenance costs are less than expected.
Streetscapes	521,415	401,526	Invoices (contractors) are paid one month in arrears.
Reimbursements	113,500	168,046	Wage cost allocations are outstanding.
Revenue – Capital			
Grounds Operations	(345,000)	Nil	Developer contribution (Bilya Krd Boodya) is expected to be received later in the year.
Road Works	(697,818)	(851,334)	Grant funding has been received earlier than expected with NSRF funding expected to be \$90k more than budget.
Operations Centre	(315,913)	(145,864)	Income from the sale of plant is expected to occur later in the year.
Technical Services	(119,000)	(56,818)	Income from the sale of fleet is expected to occur later in the year.
Revenue – Operating			
Insurance	(922,254)	(985,308)	Income from insurance adjustments is higher than expected.
Rates	(42,341,376)	(42,434,568)	Significant residential interim rates growth.
Financing Activities	(261,125)	(192,641)	Interest income is expected to be close to the annual budget but monthly variances are expected as term deposit mature throughout the year.
Faulkner Park Retirement Vill.	(161,250)	(324,715)	Income received from unit sales is higher than expected.
Grounds Overheads	(743,068)	(685,568)	Overhead recoveries are below budget.
Public Works Overheads	(842,898)	(685,696)	Overhead recoveries are below budget.
Plant Operating Costs	(769,340)	(570,676)	Plant recoveries are below budget.
Other Public Works	(16,750)	(77,719)	Private works income is above budget.

Item 12.16 Continued

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.

Current Assets as at 31 December 2015	\$	Comment
Cash and investments	64,850,763	Includes municipal and reserves
- less non rate setting cash	(34,837,757)	Reserves
Receivables	9,001,669	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(1,619,622)	ESL Receivable
Stock on hand	279,437	
Total Current Assets	37,674,490	
Current Liabilities		
Creditors and provisions	(10,386,182)	Includes ESL and deposits
- less non rate setting creditors and provisions	4,194,165	Cash Backed LSL, current loans and ESL
Total Current Liabilities	(6,192,017)	
Nett Current Assets 31 December 2015	31,482,473	
Nett Current Assets as Per Financial Activity Report	31,482,473	
Less Restricted Assets	(260,587)	Unspent grants held for specific purposes
Less Committed Assets	(30,721,886)	All other budgeted expenditure
Estimated Closing Balance	500,000	

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.16 Continued

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 December 2015 as included in [Attachment 18](#) be received.

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

12.17 MONTHLY ACTIVITY STATEMENT AS AT 31 JANUARY 2016

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 19 – Item 12.17 refers	<u>Monthly Activity Statement as at 31 January 2016</u>

Voting Requirement	:	Simple Majority
Subject Index	:	32/009-Financial Operating Statements
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	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 provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

Item 12.17 Continued

LOCATION

N/A.

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

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

Item 12.17 Continued

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

The monthly financial report is to be accompanied by:

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

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

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

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

In order to provide more details regarding significant variations as included in [Attachment 19](#) the following summary is provided.

Report Section	YTD Budget	YTD Actual	Comment
Expenditure – Capital			
Computing	104,814	188,548	Audio and visual equipment (Council Chambers) was purchased earlier than expected.
Property & Economic Development	810,450	730,000	Budget spread issue regarding land acquisition.
Crime Prevention & Community Safety	107,330	41,105	Fleet and CCTV equipment is currently on order.
Technical Services	325,740	197,319	Variance relates to outstanding invoices for the Garvey Park Foreshore Restoration project.
Grounds Operations	314,167	85,371	Most projects are tracking well although it is expected some of the budgeted funds won't be required this financial year.
Road Works	2,763,633	2,381,671	Projects are generally tracking well with invoices paid one month in arrears.
Footpath Works	343,365	159,060	Budget spread issue regarding certain projects.
Drainage Works	595,539	479,910	Budget spread issue regarding a project (Whiteside St).
Operations Centre	817,623	344,576	Plant purchases expected later in the year.
Building Operations	415,527	331,385	Projects are generally tracking well with invoices paid one month in arrears.
Expenditure Operating	–		
Finance Department	1,187,722	1,111,839	Employee related costs are below budget.
Executive Services	972,475	911,749	Employee related costs are below

Item 12.17 Continued

Report Section	YTD Budget	YTD Actual	Comment
			budget.
Human Resources	802,096	705,486	Employee related costs are below budget.
Governance	2,036,487	1,860,934	Activity Based Costing (ABC's) allocations are below budget.
Property & Economic Development	500,825	435,188	Variance mainly relates to various contributions (e.g. Innovation Grants).
Health	655,951	602,295	Slightly under budget regarding employee related and legal costs.
Community Services	479,494	406,688	Under budget in regards to seniors and disability programs.
Belmont HACC Services	1,420,432	1,355,294	Budget spread issue regarding internal cost allocations.
Sanitation Charges	2,833,385	2,751,281	Invoices (contractors) are paid one month in arrears.
Building - Active Reserves	399,748	333,832	Contractor costs are currently behind budget.
Grounds Operations	2,987,932	2,927,670	Consulting and contractor costs are slightly under budget.
Grounds Overheads	946,369	806,987	Employee related costs are below budget.
Road Works	582,386	494,527	Unplanned road maintenance costs are less than expected.
Streetscapes	591,291	514,726	Invoices (contractors) are paid one month in arrears.
Building Control	728,745	673,277	Employee related costs are below budget.
Revenue – Capital			
Grounds Operations	(345,833)	Nil	Developer contribution (Bilya Kard Boodya) is expected to be received later in the year.
Road Works	(697,818)	(851,334)	Grant funding has been received earlier than expected with NSRF funding expected to be \$90k more than budget.
Operations Centre	(318,659)	(145,864)	Income from the sale of plant is expected to occur later in the year.
Revenue – Operating			
Insurance	(928,118)	(990,607)	Income from insurance adjustments is higher than expected.
Human Resources	(776,592)	(705,487)	ABC recoveries are below budget.
Volunteer Emergency Services	(41,937)	(92,590)	Grant funding received earlier than expected.
Faulkner Park Retirement Vill.	(161,250)	(324,715)	Income received from unit sales is higher than expected.
Road Works	(121,072)	(172,307)	Additional contribution from Dod Green development.
Public Works Overheads	(942,677)	(782,717)	Overhead recoveries are below budget.
Plant Operating Costs	(874,601)	(663,472)	Plant recoveries are below budget.
Other Public Works	(19,542)	(88,246)	Private works reimbursement income is above budget.

Item 12.17 Continued

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 January 2016	\$	Comment
Cash and investments	63,580,203	Includes municipal and reserves
- less non rate setting cash	(34,837,757)	Reserves
Receivables	5,002,392	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(955,963)	ESL Receivable
Stock on hand	263,428	
Total Current Assets	33,052,303	
Current Liabilities		
Creditors and provisions	(8,270,235)	Includes ESL and deposits
- less non rate setting creditors & provisions	3,940,391	Cash Backed LSL, current loans & ESL
Total Current Liabilities	(4,329,844)	
Nett Current Assets 31 January 2016	28,722,458	
Nett Current Assets as Per Financial Activity Report		
Nett Current Assets as Per Financial Activity Report	28,722,458	
Less Restricted Assets	(501,511)	Unspent grants held for specific purposes
Less Committed Assets	(27,720,947)	All other budgeted expenditure
Estimated Closing Balance	500,000	

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.17 Continued

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 January 2016 as included in [Attachment 19](#) 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.

13.2 DONATION – LORD MAYOR’S DISTRESS RELIEF FUND – WAROONA AND DISTRICTS FIRE APPEAL 2016

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	41/003 – Charity Appeals
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	:	Chief Executive’s Office

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

That Council consider making an additional financial donation to the Lord Mayor’s Distress Relief Fund (LMDRF) – Waroona and Districts Fire Appeal 2016.

Item 13.2 Continued

SUMMARY AND KEY ISSUES

The bushfires of January 2016 have razed much of the township of Yarloop, and damaged parts of Waroona.

Destruction, property damage and the loss of lives caused by the catastrophic fires in the State's South-West has led to the activation of the LMDRF.

The LMDRF is the recognised state emergency fund and provides relief for personal hardship and distress arising from natural disasters occurring within Western Australia.

In accordance with Council Policy SB2 Donations – Financial Assistance, the Chief Executive Officer has approved a \$5,000 donation (under Delegated Authority 20 Donations – Disaster Relief) to the LMDRF.

Given the significant losses, hardship and distress caused by the bushfires, Council support is requested for an additional donation of \$10,000 to the LMDRF.

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

Council Policy SB2 Donations – Financial Assistance details the guidelines and process for disaster relief contributions. The Chief Executive Officer has been delegated the authority to make donations up to \$5,000. Any additional contribution requires a Council decision to determine the amount.

STATUTORY ENVIRONMENT

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

BACKGROUND

Through the allocation of funds set aside for donations, Council has contributed towards the LMDRF – 2015 Esperance Fires Appeal (\$5,000), the LMDRF – 2014 Parkerville Fire Appeal (\$5,000), the LMDRF – 2011 Margaret River Fire Appeal (\$5,000) and made a number of contributions elsewhere, such as donations towards the 2009 Victorian Bushfires Appeal, the 2004 Asian Tsunami Appeal and the 2002 Bali Bombing Appeal.

Item 13.2 Continued

The magnitude of each of these events was considered and reflected in the contributions made.

OFFICER COMMENT

The magnitude of the Waroona and Districts Fire disaster is yet to be finally determined, however when the loss of homes, livelihoods and lives lost to the fires is considered, it will have a significant economic and emotional impact on the victims. The impact on the immediate communities and surrounding communities will continue to be significant.

On this basis, Council support is requested for a contribution in excess of \$5,000.

FINANCIAL IMPLICATIONS

The budget allocation for donations for 2015-2016 is \$10,000. This allocation has now been utilised through the donations to the LMDRF for the 2015 Esperance Fires Appeal (\$5,000) and the 2016 Waroona and Districts Fire Appeal (\$5,000).

Any further donation to the 2016 Waroona and Districts Fire Appeal will be referred to the March 2016 Budget Review for funding.

ENVIRONMENTAL IMPLICATIONS

There are no local environmental implications at this time.

SOCIAL IMPLICATIONS

There are no local social implications at this time.

OFFICER RECOMMENDATION

POWELL MOVED, ROSSI SECONDED,

That:

- 1. Council extend its sympathies to the communities affected by the Waroona and Districts bushfires.***
- 2. Council contribute an amount of \$10,000 to the Lord Mayor's Distress Relief Fund – Waroona and Districts Fire Appeal 2016.***
- 3. The donation amount of \$10,000 is financed from the Municipal Fund and subject to approval at the March 2016 Budget Review.***

CARRIED 9 VOTES TO 0

13.3 NOTICE OF MOTION (CR GARDNER) – METHOD OF ELECTING MAYOR

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Special Majority
Subject Index	:	35/002
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	OCM 24 February 2003 – Item 11.2.1 REPOL 18 February 2003 – Item 9.1.1 OCM 13 August 2001 – Item 12.2.4 ACS 7 August 2001 – Item 8.5.4
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider a Notice of Motion prepared by Councillor Gardner regarding the method of filling the office of Mayor of the City of Belmont.

SUMMARY AND KEY ISSUES

Councillor Gardner has submitted a Notice of Motion to be presented to the 23 February 2016 Ordinary Council Meeting for Council to consider amending the method by which the Mayor is elected to the electors method, which allows for the direct election for the office of Mayor by local electors.

Item 13.3 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: 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.

Strategy: Ensure community requirements drive internal policies and processes.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Part 2, Division 3 of the *Local Government Act 1995* states:

2.11. Alternative methods of filling office of mayor or president

- (1) *When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be —*
 - (a) *elected by electors of the district under Part 4; or*
 - (b) *elected by the council from amongst the councillors under Schedule 2.3, Division 1.*
- (2) *A local government may change* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.*

** Special majority required.*

NB: See Part 1, s1.10 below for explanation of special majority

- (3) *A local government may exercise the power conferred by subsection (2) whether or not a proposal has been made under section 2.12.*

Item 13.3 Continued

- (4) *The method of filling the office of mayor or president used by a local government is changed from the election by the electors method to the election by the council method if the result of a poll declared under section 2.12A(4) is that a majority of electors of the district who voted at the poll voted in favour of the change.*

[Section 2.11 amended by No. 49 of 2004 s. 17(1) and (2).]

2.12. Electors may propose change of method

- (1) *A proposal to change the method of filling the office of mayor or president used by a local government to the other method mentioned in section 2.11(1)(a) or (b) may be made to the local government by electors of the district who —*
- (a) *are at least 250 in number; or*
 - (b) *are at least 10% of the total number of electors of the district.*
- (2) *The proposal is to comply with any regulations about such proposals.*
- (3) *If the proposal is to change the method of filling the office of mayor or president from the election by the council method to the election by the electors method, consideration is to be given to the proposal by such means as the council thinks fit after which a motion to change the method of filling the office of mayor or president is to be put to the council for decision under section 2.11(2).*

[Section 2.12 amended by No. 49 of 2004 s. 17(3).]

****Part 1 of the Local Government Act 1995 states:**

1.10. Decisions by special majority

The footnote Special majority required applying to a power conferred in this Act on a local government, means that —

- (a) *if there are more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of a 75% majority of the council;*
or
- (b) *if there are not more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of an absolute majority of the council.*

BACKGROUND

A Notice of Motion by Councillor Gardner reads as follows:

“Motion:

That Council resolve to allow for the direct election for the office of Mayor by local electors, by the electors method in accordance with s2.11(2) of the Local Government Act 1995:

A local government may change the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.*

**Special majority required*

Item 13.3 Continued

Reason:

To allow electors in the City of Belmont to directly elect a candidate to the office of Mayor.”

In August 2001 the Administration and Community Services Committee meeting considered a report requesting a change to the method of electing the Mayor in response to a petition signed by approximately 775 electors. It was noted that this issue was discussed at length at informal briefing sessions with strong support by Councillors for retaining the existing method of electing a Mayor and subsequently the Committee endorsed the following recommendation:

COMMITTEE & OFFICER RECOMMENDATION

GODFREY MOVED, POWELL SECONDED, THAT IT BE RECOMMENDED TO COUNCIL THAT THE CURRENT PRACTICE OF ELECTING THE MAYOR (I.E. BY THE COUNCIL) BE RETAINED.

CARRIED 4 VOTES TO 1

For: Passeri, Doney, Godfrey, Powell

Against: Dornford

This decision was endorsed by Council at the 13 August 2001 Ordinary Council Meeting.

12.2.4 Withdrawn Item 8.5.4 – Method of Electing Mayor

BASS MOVED, DONEY SECONDED, THAT THE COMMITTEE RECOMMENDATION BE ADOPTED WITHOUT AMENDMENT OR MODIFICATION.

CARRIED 8 VOTES TO 2

*For: Passeri, Richardson, Marks, Blair,
Doney, Godfrey, Teasdale, Powell*

Against: Bass, Dornford

At the 16 December 2002 Ordinary Council Meeting, Councillor Bass lodged a Notice of Motion as follows:

“That the method of filling the office of Mayor in the City of Belmont be changed to elected by the electors of the district under Part 4 of the Local Government Act.

That this motion be placed on the agenda of the first Resources and Policy Committee meeting held in 2003 for serious discussion and debate.”

The Resources and Policy Committee considered a report on the method of electing the Mayor at its 18 February 2003 meeting. The Committee endorsed the following recommendation:

Item 13.3 Continued

COMMITTEE RECOMMENDATION

DORNFORD MOVED, THAT IT BE RECOMMENDED TO COUNCIL –

That the method of filling the office of Mayor in the City of Belmont be changed to elected by the electors of the district under Part 4 of the Local Government Act.

The motion lapsed for want of a seconder.

RICHARDSON MOVED, PASSERI SECONDED, THAT IT BE RECOMMENDED TO COUNCIL THAT THE CURRENT PRACTICE OF ELECTING THE MAYOR AT THE CITY OF BELMONT (I.E. BY THE COUNCIL) BE RETAINED.

CARRIED

**FOR: Godfrey, Blair, Teasdale, Richardson
AGAINST: Dornford**

At the 24 February 2003 Ordinary Council Meeting, further discussion and debate on the issue occurred and the following recommendation was endorsed:

11.2.1 Withdrawn Item 9.1.1 – Policy Amendment – Method of Electing Mayor

DORNFORD MOVED, BASS SECONDED, that in order to provide an improved Mayoral election system, the Committee recommendation not be adopted and that the Mayor be elected by the ratepayers and electors of the City of Belmont.

During debate on the above proposal, Cr Bass foreshadowed a motion if the above resolution was lost, namely –

“That a referendum be held in conjunction with the upcoming Council election, allowing the voters of the City to decide whether they support direct elections of the Mayor in 2003 as an alternative to the Councillors electing the Mayor”

Cr Dornford departed the Chamber and did not return.

Cr Teasdale foreshadowed a motion should the above motion and foreshadowed motion be lost, namely –

“That the Committee recommendation not be adopted and the possibility be put to the Western Australian Local Government Association of having an item dealing with the ‘Election of Mayors State wide’ placed on the agenda (preferably through an exhaustive workshop format) at the next State Conference and further, that the matter be referred to the Resources and Policy Committee for investigation.

MURFIN MOVED, RICHARDSON SECONDED, that the motion now be put.

CARRIED 10 VOTES TO 1

*For: Godfrey, Teasdale, Passeri
Blair, Godsell, Doney
Marks, Murfin, Powell
Richardson
Against: Bass*

Item 13.3 Continued

The substantive motion was then put, namely –

“That in order to provide an improved Mayoral election system, the Committee recommendation not be adopted and that the Mayor be elected by the ratepayers and electors of the City of Belmont”

and was LOST 1 VOTE TO 10

For: Bass
Against: Godfrey, Teasdale, Passeri
Blair, Godsell, Doney
Marks, Murfin, Powell
Richardson

Cr Bass’ foreshadowed motion, namely –

“That a referendum be held in conjunction with the upcoming Council election, allowing the voters of the City to decide whether they support direct elections of the Mayor in 2003 as an alternative to the Councillors electing the Mayor”

was brought forward and lapsed for want of a seconder.

Cr Teasdale’s foreshadowed motion was brought forward.

TEASDALE MOVED, POWELL SECONDED, that the Committee Recommendation not be adopted and the possibility be put to the Western Australian Local Government Association of having an item dealing with the ‘Election of Mayors State wide’ placed on the agenda (preferably through an exhaustive workshop format) at the next State Conference and further, that the matter be referred to the Resources and Policy Committee for investigation.

CARRIED 7 VOTES TO 4

For: Teasdale, Bass, Marks
Godsell, Powell, Richardson, Murfin
Against: Passeri, Blair
Godfrey, Doney

OFFICER COMMENT

Section 2.11 of the *Local Government Act 1995* provides local governments with two methods for the election of the office of Mayor. The Mayor can be elected by the electors of the district, or elected by Council from amongst the elected members.

Council has historically chosen to elect its Mayor from amongst its elected members.

Of the 30 metropolitan local governments in Western Australia, 17 of the Mayors are elected by the electors and 13 are elected by the Council.

Local Government	Method of Electing Mayor
City of Armadale	Council
Town of Bassendean	Council
City of Bayswater	Council
City of Belmont	Council
Town of Cambridge	Electors

Item 13.3 Continued

Local Government	Method of Electing Mayor
City of Canning	Electors
Town of Claremont	Electors
City of Cockburn	Electors
Town of Cottesloe	Electors
Town of East Fremantle	Electors
City of Fremantle	Electors
City of Gosnells	Council
City of Joondalup	Electors
Shire of Kalamunda*	Council
City of Kwinana	Council
City of Melville	Electors
Town of Mosman Park	Electors
Shire of Mundaring*	Council
City of Nedlands	Electors
Shire of Peppermint Grove*	Council
City of Perth**	Electors
City of Rockingham	Council
Shire of Serpentine-Jarrahdale*	Council
City of South Perth	Electors
City of Stirling	Council
City of Subiaco	Electors
City of Swan	Council
Town of Victoria Park	Electors
City of Vincent	Electors
City of Wanneroo	Electors

**The Shires of Kalamunda, Mundaring, Peppermint Grove and Serpentine-Jarrahdale elect a President of Council from amongst the Councillors. There is no provision for Shires to directly elect a President.*

***The Lord Mayor of Perth must be elected by the electors of the district.*

There are arguments for and against the popular election of Mayors within the local government industry.

Arguments for popular election of Mayors

- The position of Mayor, as the leader of Council should be determined directly by the electors with the Mayor accountable to residents and ratepayers.
- Popular election of the Mayor would give predictability about the style and direction of the Council leadership and stability to the office for a period of four years.
- The Mayor would be able to provide leadership, adhere to agreed strategic directions and influence long term planning and policy setting.
- Election of the Mayor by the electors would remove the internal politics of Councillors during the time leading up to the election of the Mayor.
- Popular election of the Mayor would give electors an opportunity to consider Mayoral candidates policies and vote accordingly.
- Popular election of the Mayor would make the position of Mayor more accountable to residents.

Item 13.3 Continued

Arguments for election of Mayor by Councillors

- The elected Council (Councillors) should determine the leader of their Council and not have a leader imposed upon them with whom they could be at variance or unable to work cooperatively or constructively.
- The positions of Prime Minister and Premier are not elected by popular vote.
- Councillors should retain the option of assessing the performance of their leader on a biennial basis and be able to change that person if conflict develops or if the leader does not perform to expectation.
- A popularly elected Mayor and their planning and policy directions, views and actions may not have the support of a majority of the other Councillors.
- Electors would not be able to change an unsatisfactory Mayor before the next election.
- The financial costs of running a Mayoral campaign.

The procedure to change the method of filling the office of Mayor requires a decision of Council. The next election for implementation, if the method is changed for the election of the Mayor would be the 21 October 2017 ordinary election.

An important consideration is the makeup of Council should the Mayor be elected by the electors of the district, namely the following options:

1. Three wards of three Councillors plus a directly elected Mayor resulting in a ten member Council.
2. An amendment to ward boundaries and representation to retain a nine member Council comprising of eight ward Councillors plus a directly elected Mayor.
3. Dissolution of the ward system to allow for eight district Councillors plus a directly elected Mayor.
4. Any other scenario considered appropriate by Council.

FINANCIAL IMPLICATIONS

Additional election costs would be charged by the Western Australian Electoral Commission (WAEC) to include a mayoral election ballot paper and envelope to the election packages with the ordinary election material. The approximate additional cost would be between \$8,000 and \$10,000 every two years.

If a poll is considered to go to the electors to vote for their preferred method of electing the Mayor, it would cost approximately \$46,000 if conducted independently to an ordinary election.

Other costs to consider are associated with the requirements for advertising to meet statutory obligations for any amendment to the number of Elected Members or a Ward Boundary review, if required.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 13.3 Continued

SOCIAL IMPLICATIONS

There are no social implications at this time.

COUNCILLOR RECOMMENDATION

GARDNER MOVED, CAYOUN SECONDED,

That Council resolve to allow for the direct election for the office of Mayor by local electors, by the electors method in accordance with s2.11(2) of the Local Government Act 1995:

A local government may change* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.

*Special majority required

Reason

To allow electors in the City of Belmont to directly elect a candidate to the office of Mayor.

LOST 4 VOTES TO 5

*For: Bass, Cayoun, Gardner, Hitt
Against: Marks, Powell, Rossi, Ryan, Wolff*

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 10.40pm.

Item 13.3 Continued

COUNCILLOR RECOMMENDATION

GARDNER MOVED, CAYOUN SECONDED,

That Council resolve to allow for the direct election for the office of Mayor by local electors, by the electors method in accordance with s2.11(2) of the Local Government Act 1995:

A local government may change* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.

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For: Bass, Cayoun, Gardner, Hitt
Against: Marks, Powell, Rossi, Ryan, Wolff

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 10.40pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 23 February 2016 were confirmed as a true and accurate record at the Ordinary Council Meeting held 22 March 2016.

Signed by the Person Presiding: 

PRINT name of the Person Presiding: Philip Marks.