City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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25 August 2015

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

MINUTES

PRESENT

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

IN ATTENDANCE

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

MEMBERS OF THE GALLERY

There were 21 members of the public in the gallery and no press representative.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.10pm, welcomed those in attendance and invited Cr Powell to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Powell read aloud the affirmation.

Affirmation of Civic Duty and Responsibility

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

2. APOLOGIES AND LEAVE OF ABSENCE

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 P Marks	Item 14.1 - Faulkner Park Village Lease Management
Cr R Rossi	Item 14.1 - Faulkner Park Village Lease Management
Mr S Cole Chief Executive Officer	Item 14.1 - Faulkner Park Village Lease Management
Mr R Garrett Director Corporate and Governance	Item 14.1 - Faulkner Park Village Lease Management

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

4.1 ANNOUNCEMENTS

Nil.

4.2 DISCLAIMER

7.12pm The Presiding Member drew the public gallery's attention to the Disclaimer.

"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 S Clarke, 113 Central Avenue, Redcliffe

The following questions were taken on notice at the Ordinary Council Meeting of 28 July 2015. Ms Clarke was provided with a response on 6 August 2015. The response from the City is recorded accordingly:

1. Why is micro chipping required for dogs? This is an added expense for owners especially the elderly and disadvantaged. It is also stressful for older dogs to be micro chipped.

2. I read the article in the Southern Gazette about micro chipping. Is this Council or State Government? What will happen to people who ignore this? Will they get fined up to $5,000 as the article states?

Response

The Amendments to the *Dog Act 1976* a few years ago (*Dog Amendment Bill 2013* passed by Parliament on 24 October 2013) introduced the requirement for all dogs to be micro-chipped. For the last two years, the requirement has only been applicable to dogs that are required to renew their expired registration and pups, so this has caught some dogs and all pups as they reach the age of 3 months.

However, as of 1 November 2015, all dogs over the age of 3 months regardless of age/registration status must be micro-chipped. This requirement applies to all dogs.

The only exemption is if a veterinarian certifies that the micro-chipping process would have an adverse health impact on a dog, generally for very old dogs. As the process is simply an injection to the loose skin of the neck, this would probably only apply in reality to seriously old/crippled dogs (which would be unlikely to stray anywhere far from their bedding).

Micro-chipping is beneficial in tracing and returning stray and lost dogs to their owners and if the dog does not regularly stray, it means a Ranger would return it to the owner's house with only a warning. If unidentifiable, the owner would be responsible for impound costs and possibly an infringement.

Item 5.1.1 Continued

3. The bollard at Epsom Street shops is only approx. 1.2m (4ft) high. It can't be seen by larger cars, SUVs etc. It is not on the kerb. My question is could the bollard be removed from the parking bay edge and placed near the kerb and made taller to be seen.

Response:

The City's investigations have confirmed that the existing bollard located in the bay adjacent to the disabled parking bay outside 146 Epsom Avenue, Belmont is in full compliance with Australian Standards. In response to requests to install a taller bollard, the City will arrange to replace the existing bollard with a 1.3 metre high bollard. While the Standards do not require or recommend this bollard height, on careful reading, they do not appear to preclude it. However, the requirements of the standard preclude the location of the bollard from being altered.

5.1.2 Ms J Gee, 44B Treave Street, Cloverdale

At the Ordinary Council Meeting of 28 July 2015, the City undertook to further investigate the standard and bollard height requirements for the parking bay at Epsom Avenue. Ms Gee was provided with a response on 10 August 2015. The response from the City is recorded accordingly:

Response

The City's investigations have confirmed that the existing bollard located in the bay adjacent to the disabled parking bay outside 146 Epsom Avenue, Belmont is in full compliance with Australian Standards. However, in response to requests to install a taller bollard, the City will arrange to replace the existing bollard with a 1.3m high bollard. While the Standards do not require or recommend this bollard height, on careful reading, they do not appear to preclude it.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

5.2.1 Mrs L Hitt, 14 McLachlan Way, Belmont

If Council intends to pursue the opening of the walkway from Mustica Walk through to Wallace Street after twelve months will Council give an assurance that all residents affected by the opening of the walkway be notified in writing before any action is taken?

Response

The Director Community and Statutory Services advised that it would be unwise to place a task on a future Council. It is intended that this issue will be researched and further discussed at an Information Forum as Councillors will need to consider all of the issues and implications before a final decision is made.

The Director Community and Statutory Services advised there is no issue in consulting with affected landowners and that there may also be a need for more widespread consultation as there are already a number of issues that may have City wide implications.

Mrs Hitt stated that in the past, protocol had not been followed and that is why she has made her request in writing.

Response

The Presiding Member advised that the City makes every effort to follow correct procedures.

5.2.2 Mrs R Waters, 71A Keymer Street Belmont

Further to our previous attendance at this meeting, in relation to Reserve 41536 and a proposed Access Way from Wallace Street through to Keymer Street. Officer Neville Deague responded by email dated 29th July 2015 and suggested we arrange a meeting with the Water Corporation in an effort to resolve the issues. Correspondence has been received from the Water Corporation, dated 5th August 2015 acknowledging their preparedness to offer a 12 month licence for us as the owners of this portion of land.

1. My question to Council is why have we not received a letter from Council or Mr Deague retracting their proposal of the Access Way? Or can Mr Deague confirm today that this has in fact been retracted, as there has been ample time to do so?

Response

The Director Community and Statutory Services advised that it is the intention of the City to inform all landowners of the situation, however the City is awaiting formal advice from the Water Corporation that Mr and Mrs Waters have accepted the terms of the twelve month licence. This advice has not been received to date. On receipt of this formal advice from the Water Corporation, the City will inform landowners that the issue is in abeyance for twelve months, after which time Council will deliberate on the matter.

Item 5.2.2 Continued

2. Secondly I ask that the Council or Mr Deague to share with us here, what you plan to achieve once the 12 months license expires in 2016? Will there be a repeat of the past few months events?

Response

The Director Community and Statutory Services advised that this will be a decision of Council. An Information Forum will be scheduled in twelve months, in which the facts and issues will be explored, then Council will direct Officers on the course of action to be taken.

Mrs Waters advised that a three year licence had been requested from the Water Corporation and asked if the Director was aware of this request.

Response

The Director Community and Statutory Services stated that he had not been advised of the request for a three year licence and that the differing terms might account for the delay in confirmation from the Water Corporation.

5.2.3 Mr R Foster, 140 Coolgardie Avenue, Redcliffe

1. Knowing that the local government elections are in October, why is the revised draft of the DA6 Vision Plan and Implementation strategy being presented to Council in October when it is likely new Councillors will be elected who are not conversant with the project, or the concerns of local residents towards it.

Response

The Director Community and Statutory Services advised that the proposed date for Council consideration of the DA6 Vision Plan and Information Strategy is tentative, however in the case of Council deliberations being made after local government elections, any new Councillors will be briefed to ensure that they are fully informed.

The Director Community and Statutory Services advised that further information would be sought and took the question on notice.

Mr Foster stated that decisions on DA6 seem to occur around local government elections, as was the case in 2013 and now again in 2015.

Response

The Chief Executive Officer advised that important Council decisions are made at all times as the business of Council cannot be affected by elections. The City and Council are dealing with a number of State and Federal Government Departments and these decisions must continue to be made.

Item 5.2.3 Continued

2. Safety in the suburb is not being addressed by this vision plan and implementation strategy. With the closing of Brearley Avenue and subsequently Coolgardie Avenue being only traffic lighted entrance into the suburb, will create significant safety issues for traffic turning right into Coolgardie Avenue from Great Eastern.

Response

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

3. The current design for buses entering the proposed train station from Dunreath and the newly created road shows no consideration for pedestrian or cyclists traversing these roads. Why has this shortcoming not been acknowledged, or addressed?

Response

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

The Director Community and Statutory Services advised that Councillors and Officers have strongly expressed the view that safety is paramount, and this is also a desirable planning outcome. Consultants are still working on traffic impact studies and the City is awaiting the results of these studies. The City is aware of these concerns and is looking at how these issues will be addressed.

The Director Community and Statutory Services advised that the proposed train station will be assessed as a development application, Council will formally consider the application and then forward this recommendation to the Western Australian Planning Commission (WAPC) which is responsible for the final decision on the train station. Community concerns and feedback will be included as part of the assessment of the development application.

Mr Foster stated that Qantas have recently launched a new lounge at the current domestic terminal and asked if there was any indication from Perth Airports Proprietary Limited (PAPL) as to when Qantas would be moving to the consolidated terminal. Mr Foster further stated that Qantas have a permanent lease on the current land at the domestic terminal.

Response

The Chief Executive Officer advised Qantas do not have a permanent lease on the land as the Federal Government owns the airport land and leases the land to PAPL, PAPL then sub-leases to operators such as Qantas. It is the City's understanding that Qantas has an option to extend their lease at the current domestic terminal to 2022. At present the infrastructure at the consolidated terminal is not there for Qantas to make the move. Qantas will be at the current domestic terminal for some time while infrastructure upgrades are made, however, Qantas will not be at the current domestic terminal long term.

The recent Qantas announcement of the purchase of 787-9 Dreamliners which allow for non-stop flights to Europe and the United States will change the way Perth Airport operates.

Item 5.2.3 Continued

Mr Foster advised that the issues surrounding the opening of streets to Perth Airport, the opening of Central Avenue and the access from Great Eastern Highway to Perth Airport has been raised at Community Reference Group meetings and it is felt that these resident concerns are not listened to.

Response

The Chief Executive Officer advised that the Director has taken the main part of the question on notice and reassured Mr Foster that the City is taking these concerns on board. The traffic studies have not yet been completed and decisions cannot be made until this data is received and analysed. The interests of residents are paramount in these discussions, and these concerns will be addressed as part of the assessment of the train station.

4. Will all Councillors attend the Saturday PTA workshop? If not we strongly recommend they do, to more fully comprehend the scope of the project and the impact as seen on the ground, and most importantly, to speak with local residents to determine their concerns or otherwise in relation to this project.

Response

The Presiding Member thanked Mr Foster for his question and advised that the workshop would be held on Saturday from 11.00am to 3.00pm.

5.2.4 Ms S Clarke, 113 Central Avenue, Redcliffe

I don't have a question. I would like to respond to the outcome of a question I put forward at last month's meeting.

I would like to THANK the City for increasing the size of the bollard in Epsom Avenue Redcliffe. Very positive comments have been made to me from various people who appreciated the taller bollard. It can be seen.

Thank you again

Response

The Presiding Member thanked Ms Clarke for her comments.

5.2.5 Ms J Gee, 44B Treave Street, Cloverdale

My first questions relate to the minutes of the July OCM and the need to have the minutes recorded for accuracy.

1. My question 5 on page 13 of the minutes – I asked what the full development will be – can that be answered?

Response

The Chief Executive Officer advised there are two components to understand. The Faulkner Civic Precinct Master Plan is a plan for the whole precinct, which is the area bordered by Wright Street, Abernethy Road, Alexander Road and Robinson Avenue. This Master Plan is currently out for consultation and Council will formally adopt the Master Plan as a guide for future development in the precinct.

The Faulkner Community Building is a component of the Faulkner Civic Precinct and is for a specific site located where the Senior Citizens Building is currently located. The City has lodged a grant application for Federal funding to contribute towards the estimated cost of the Faulkner Community Building, which is currently estimated to be $28.3 Million. However, as stated previously, the total costs for this development cannot be definitively given at this stage.

2. On page 32 you have Cr Bass moving the officer recommendation (item 10.3 statutory budgets) are you aware this is incorrect as Cr Bass is later recorded as voting against this item? And this is only a part of the inaccuracy as Cr Bass asked to remove the $850,000 for your office Mr CEO – you answered and this is not in the minutes either.

Response

The Presiding Member advised that Item 10.3 was withdrawn by Cr Bass so that further debate on this item could occur. Cr Bass asked to isolate the $850,000 allocation for the CEO's Office and vote on that expenditure separately; however, the Mayor as Presiding Member did not allow this isolation to occur and advised Cr Bass that if she did not agree with this budget allocation she could vote against the entire budget. As there was no formal alternative recommendation, this was not minuted. Cr Bass then moved the recommendation and spoke against the recommendation, then subsequently voted against the motion. The *Local Government Act 1995* and the City's *Standing Orders Local Law 2012* allow for a Councillor to move or second a recommendation and then vote against it.

The Chief Executive Officer advised that Cr Bass had also queried the accuracy of this item.

The Chief Executive Officer further advised that a number of Officers keep notes recording Councillor votes and on conferral with these notes, all Officers had Cr Bass moving the recommendation, speaking against the recommendation and subsequently voting against the recommendation.

Item 5.2.5 Continued

In relation to 13.1 and 13.2

3. Where is Cr Ryan's question to Cr Cayoun?

4. Where is Cr Gardner's questions to Cr Ryan?

Response

The Chief Executive Officer advised that these questions occurred during debate and that the City does not record debate in the minutes. Official questions are recorded in the minutes, however these questions are not recorded verbatim.
The Presiding Member further advised that Cr Ryan requested that his question be minuted but this request was not allowed, and as such this particular question was not recorded in the minutes.

5. What is the reasoning behind moving Questions by Member from after Public Question time to near the end?

Response

The Presiding Member advised that members of the public in the gallery are often in attendance to see Council decision making. At the 28 July 2015 OCM, Public Question time went for one hour and 25 minutes and Questions by Members Without Notice took 45 minutes. Prior to the Questions by Members Without Notice item being moved, members of the public would have had to have waited over two hours before the agenda items were considered. As the agenda items and the decisions made on these items are an important part of Council's role, a three month trial of having Members Questions Without Notice at the end of the agenda is occurring.

6. Are the officers and maybe the councillors (although I would hope not) hoping that people in the gallery do not stick around – lessening the impact of the councillors questions?

Response

The Presiding Member advised that this was not the case. As an example, at the 28 July 2015 OCM the wait between Public Question Time and Members Questions Without Notice was eleven minutes, which is not a significant delay.

7. It may not be apparent for some time but the cost of this major part of the Civic Precinct project will have an effect on residents via reserves, assets and rate increases – so will Council put this to the people via a poll/vote? We have elections on the horizon this would be a good opportunity.

Response

The Presiding Member advised there is an item on the agenda tonight concerning this issue.

Item 5.2.5 Continued

8. Why has council allowed multi story developments such as the corner of Epsom Ave and Gt Eastern Highway?

Response

The Presiding Member advised there is an item on the agenda tonight concerning this issue.

7.40pm 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 28 JULY 2015
(Circulated under separate cover)

OFFICER RECOMMENDATION

ROSSI MOVED, POWELL SECONDED, That the minutes of the Ordinary Council Meeting held on 28 July 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 18 AUGUST 2015.
(Circulated under separate cover)

OFFICER RECOMMENDATION

GARDNER MOVED, CAYOUN SECONDED, That the Information Matrix for the Agenda Briefing Forum held on 18 August 2015 as printed and circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

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

Nil.

8. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

9. REPORTS OF COMMITTEES

9.1 STANDING COMMITTEE (AUDIT AND RISK) HELD 27 JULY 2015 (Circulated under separate cover)

OFFICER RECOMMENDATION

GARDNER MOVED, POWELL SECONDED That the Minutes for the Standing Committee (Audit and Risk) meeting held on 27 July 2015 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

10. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Nil.

HITT MOVED, POWELL SECONDED, That the Officer or Committee Recommendations specifically for Items 10.1, 10.2, 10.3, 10.4 and 10.5 be adopted en-bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 9 VOTES 0

10.1 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	:	12.8 - 27 August 2013
Applicant	:	As listed in report
Owner	:	As listed in report
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

The group of properties reviewed are those that have been granted rate exemption for Charitable Use status. Each owner was sent a letter giving them the opportunity to provide documentation to prove that their respective properties continue to be used for charitable purposes. In the case of the property being leased, the tenant through the owner has provided the required documentation.

This review has so far resulted in one property being identified as rateable.

Item 10.1 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Apply sound and sustainable business management principles.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

1. Section 6.26 of the Act states:

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

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

Item 10.1 Continued

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 —
(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

In June 2013 officers commenced the process of reviewing all properties that had been granted rate exemptions previously to ensure they were being used for that same purpose as for which the exemption was originally granted. At that stage there were 83 properties with current rate exemptions and there are now 92 with the list being broken down to three (3) main categories:

- Charitable Use Exemption (18)
- Aged and Crisis Accommodation (33)
- Religious Purposes (41).

The Charitable use exempt properties were previously reviewed and the outcome of that process was presented to Council at *Item 12.8 Rate Exemption Review Process* at the Council meeting held on 27 August 2013. Further reviews have unfortunately been delayed due to pending amalgamations and resourcing issues.

There are 27 properties currently being reviewed under the category of Aged and Crisis Accommodation with six (6) still pending.

Due to the requirement to obtain updated and substantial information (eg evidence of tax exempt and non-for-profit status, constitutions, lease information, financial reports, etc) from owners and lessees, the reviews take significant time to complete.

Following the review of the six (6) pending Aged and Crisis Accommodation properties, those properties currently exempt due to Religious Purposes will be reviewed. It is intended that all rate exemptions will be reviewed every three (3) years in the future.

OFFICER COMMENT

Aged and Crisis Accommodation is broken down 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

Item 10.1 Continued

organisations, the properties included in Table 1 meet the definition of "*land used exclusively for charitable purposes*" in accordance with the relevant sections of the Act and are deemed to be non-rateable.

Table 2 consists of a sole property that has been rented by the current tenant since August 2012. The tenant is on the Department of Housing (DoH) 'Social and Affordable - Low Income wait list' and Stellar Living has advised the tenant will continue to lease the property while on the DoH wait list. In this case the rent is consistent with DoH rent modelling and there is nothing to suggest that the property is being used for charitable purposes.

Table 1 – Continued Exempt Status

ORIGINAL EXEMPTION GRANTED TO	***PROPERTY ADDRESS***	***USE OF PROPERTY***	***RATE TYPE***	***PROPERTY OWNER***
Brightwater Care Group	11 Stanley Street, Belmont	Community Home - Specific needs -24/7 care	RES	Housing Authority
Brightwater Care Group	17-19 Manuel Crescent, Redcliffe	Accommodation - Aged Care	COM	Brightwater Care Group
Cerebral Palsy Association (Now known as Ability Centre)	67 Scott Street, Kewdale	Community Home - Specific needs -24/7 care	RES	Ability Centre
Park erville Children's Home	4 Pontiac Avenue, Cloverdale	Community Home for Children and Youth	RES	Minister of Community Welfare
Parkerville Children's Home	212 Knutsford Avenue, Cloverdale	Community Home for Children and Youth	RES	Minister of Community Welfare
Parkerville Children's Home	106 Gabriel Street, Cloverdale	Community Home for Children and Youth	RES	Minister of Community Welfare
St Bartholomew's House	10 Drummond Street, Redcliffe	Specific needs Accommodation	RES	Housing Authority
St Bartholomew's House	18 Grand Parade, Redcliffe	Specific needs Accommodation	RES	Housing Authority
St Bartholomew's House	73 Second Street, Redcliffe	Specific needs Accommodation	RES	Housing Authority
St Bartholomew's House	372 Sydenham Street, Cloverdale	Specific needs Accommodation	RES	Housing Authority
St Bartholomew's House	1/20 Towton Street, Redcliffe	Specific needs Accommodation	RES	Housing Authority
St Bartholomew's House	2/20 Towton Street, Redcliffe	Specific needs Accommodation	RES	Housing Authority
St Bartholomew's House	1/25 Kimberley Street, Belmont	Specific needs Accommodation	RES	Housing Authority

Item 10.1 Continued

St Bartholomew's House	248B Kew Street, Kewdale	Specific needs Accommodation	RES	Housing Authority
St Bartholomew's House	248A Kew Street, Kewdale	Specific needs Accommodation	RES	Housing Authority
St Bartholomew's House	24/103 Daly Street, Belmont	Specific needs Accommodation	RES	Housing Authority
St Bartholomew's House	20E Hehir Street, Belmont	Specific needs Accommodation	RES	Housing Authority
St Bartholomew's House	Unit 1/37 Beverley Place, Cloverdale	Specific needs Accommodation	RES	Housing Authority
St Bartholomew's House	2/382 Wright Street, Cloverdale	Specific needs Accommodation	RES	Housing Authority
St Bartholomew's House	3/39 McGlinn Way, Cloverdale	Specific needs Accommodation	RES	Housing Authority
Stellar Living Limited	93(A) Central Avenue, Redcliffe	Crisis Accommodation	RES	Housing Authority
Stellar Living Limited	220 Fisher Street, Cloverdale	Crisis Accommodation (DoH Priority List)	RES	Housing Authority
Stellar Living Limited	7 Desmond Place, Rivervale	Crisis Accommodation (DoH Priority List)	RES	Housing Authority
Victoria Park Youth Association	1E/66 Great Eastern Highway, Rivervale	Crisis Care Accommodation	RES	Helen Margaret Creed
Victoria Park Youth Association	8F/66 Great Eastern Highway, Rivervale	Crisis Care Accommodation	RES	Housing Authority
Zonta House Refuge Association	292 Belgravia Street, Cloverdale	Community Home	RES	Housing Authority

Table 2 – Exemption No Longer Applicable

ORIGINAL EXEMPTION GRANTED TO	PROPERTY ADDRESS	USE OF PROPERTY	RATE TYPE	PROPERTY OWNER
Stellar Living Limited	9 Morgan Road, Redcliffe	Accommodation	RES	Housing Authority

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.

It is recommended that the property at 9 Morgan Road, Redcliffe no longer be eligible for rate exemption effective from the date of lease being 1st August 2012. This results in Stellar Living having to repay rates of $2611.25

Item 10.1 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

Where applicable site visits were undertaken. Based on the site visits and supporting documentation it is evident the respective organisations play a significant role within the community. They each give support and access to services and facilities which clearly enhance the wellbeing of members of our community who are in need of an environment in which they feel safe and secure within their homes and the surrounding area.

OFFICER RECOMMENDATION

As contained in the Officer Report, Council:

1. ***Approve that the properties in "Table 1 – Continued Exempt Status" continue to receive rate exemption under section 6.26 (2)(g) and Section 6.53 of the Local Government Act 1995 effective from 1 July 2015.***

2. ***Approve amendment to the rate record for the property in "Table 2 – Exemption No Longer Applicable" as at the effective date and that the property be rated as provided by the Local Government Act 1995.***

OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 10

10.2 INTERIM FINANCIAL AUDIT REPORT-CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 5.23

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Confidential Attachment No	Details
Confidential Attachment 1 – Item 10.2 refers	**Interim Audit Report Letter**

Voting Requirement	:	Simple Majority
Subject Index	:	19/001
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	Nil
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 affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

This report provides Council feedback from the City's auditors as a result of their interim audit conducted in April 2015.

Item 10.2 Continued

SUMMARY AND KEY ISSUES

The Interim Audit Report provides a background of the audit including the approach, methodology and preliminary risk assessment carried out by the City's auditors including any findings.

The Audit Report was presented to the Audit and Risk Committee on 27 July 2015 with no findings reported.

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.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 7.2 of the *Local Government Act 1995* requires that "the accounts and Annual Financial Report of a local government for each financial year are audited by an auditor appointed by the local government."

BACKGROUND

During April 2015, Grant Thornton, the City's appointed auditors, undertook an interim audit for the purposes of assessing the internal controls and compliance aspects of the City's operations. This provides the auditors with an indication of the extent to which they can rely on the City's systems and controls in determining the accuracy of the City's Annual Financial Report as at 30 June of the year in question.

Item 10.2 Continued

OFFICER COMMENT

The audit letter from Grant Thornton (refer Confidential Attachment 1) details key aspects of the audit. It should be noted that there were no items found during the audit to be raised with the Audit Committee.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

COMMITTEE RECOMMENDATION

That Council note the results of the 2014-2015 Interim Audit Report as detailed in Confidential Attachment 1.

COMMITTEE RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 10

10.3 OPERATIONAL RISK COMPARISON - CCC REPORT ON MISCONDUCT RISK IN LOCAL GOVERNMENT PROCUREMENT

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 10.3 refers	**Corruption and Crime Commission Report**
Attachment 2 – Item 10.3 refers	**City of Belmont Fraud Control Plan**
Attachment 3 – Item 10.3 refers	**Extract of City of Belmont Policy Manual**
Confidential Attachment 2 – Item 10.3 refers	**Accounts for Payment Test Sample**

Voting Requirement	:	Simple Majority
Subject Index	:	67/002 – Inter Governmental Relations
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	City of Belmont
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

To present an assessment of the City of Belmont's (the City's) operations in comparison with risks noted in a recent Corruption and Crime Commission (CCC) report on Misconduct Risk in Local Government Procurement (refer Attachment 1).

Item 10.3 Continued

SUMMARY AND KEY ISSUES

Investigations by the CCC into procurement related misconduct in local government resulted in eleven (11) risks being noted where situations have lead to misconduct in the cases investigated. These risks in relation to the processes at the City of Belmont have been audited by the Governance Department for compliance and then assessed by the Risk and Insurance Advisor, and are explained further in the Officer Comments section of this report.

This operational comparison has reinforced the need to continually audit, review and update the processes and work instructions to reflect the City's ongoing commitment to business excellence and risk management in all areas of its operations.

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 decision making is supported by effective information and knowledge management.

Corporate Key Action: The City must remain capable of fulfilling its strategic objectives which are supported by customer needs and operational activities. Capacity for growth to meet future needs is an imperative.

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 10.3 Continued

BEXB31 Compliance Management

Policy Objective

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

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

BEXB34 Risk Management

Policy Objective

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

BEXB38 Business Improvement Policy

Policy Objective

The City of Belmont will be recognised as a leader in business improvement by demonstrating responsible stewardship of our operations in Local Government.

Refer Attachment 3 for an extract of the Policy Manual.

STATUTORY ENVIRONMENT

In February 2013 the *Local Government (Audit) Regulations 1996* were amended to include a requirement for the Chief Executive Officer of a local government to review the appropriateness and effectiveness of its systems and procedures in relation to:

- risk management
- internal control
- legislative compliance.

A report on the Chief Executive Officer's Systems and Procedures Review: *Local Government (Audit) Regulations 1996*, Regulation 17 was presented to the Standing Committee (Audit and Risk) at its meeting on 27 October 2014, and subsequently to the Ordinary Council Meeting for adoption on 25 November 2014. This report provided information on the various systems and procedures the City of Belmont has in place to demonstrate compliance with Regulation 17 of the *Local Government (Audit) Regulation 1996.*

The City currently has a Fraud Control Plan (refer Attachment 2) and is developing a Fraud Management Strategy to ensure that not only will it comply legislatively across the organisation but will continue to proactively identify key areas of potential risk and misconduct.

Item 10.3 Continued

BACKGROUND

In February 2015 the CCC released a Report on Misconduct Risk in Local Government Procurement. While this report was specifically pertaining to procurement it also addressed issues of misconduct risk for local governments and provided examples of six individual investigation case studies.

These six investigations demonstrated how the systems and processes of local governments can be exploited by employees, suppliers and contractors to obtain benefit through fraud, corruption and misconduct.

The CCC reported that lessons from the investigations include the view that there is a systemic weakness across the local government sector and the necessity for local governments to have proper systems and procedures in place to mitigate risks.

The CCC also outlined in the report that in addition to their investigations, they subsequently commissioned independent audits by RSM Bird Cameron of five local governments and their capacity to prevent, identify and deal with misconduct, especially in relation to procurement. These local governments were chosen purely because of their size and the scale of their operations, and were the Cities of Cockburn, Joondalup, Perth, Swan and Wanneroo.

It was found that the five local governments audited spent a combined total of $401 million on procurement in 2011-2012.

One of the first observations during the audits was that “the local governments had not undertaken an assessment to determine their specific fraud and misconduct risks.” In the context of this RSM Bird Cameron found that the absence of a specific fraud and misconduct risk assessment indicated that the local government may not have been managing procurement related misconduct risks effectively, their controls in identifying non-compliance with procurement policies and procedures are unlikely to be effective in detecting and managing misconduct and fraud risks, and the governance and frameworks can only provide limited assurance that they are managing the risks effectively.

The independent audits identified specific financial governance weaknesses related to procurement, which existed in some local governments and not others. The main weaknesses identified during the relevant period were in the key areas of:

- internal audit procedures relevant to misconduct risk
- lack of separation of duties
- tendering and quotation procedures
- adherence to procedures, particularly in relation to authorisation to make decisions and justifications of those decisions
- education and training about misconduct
- dealing with conflicts of interest.

These six areas of weakness in governance systems also featured in the CCC case study investigations.

Since the procurement audits all five of the local governments have conducted an assessment, or were in the process of assessing the misconduct risks, and have

Item 10.3 Continued

addressed weaknesses in their financial governance systems. The actions undertaken included:

- developing and implementing a fraud prevention policy and fraud control plan
- reviewing risk management policies and frameworks, including updating corporate risk registers
- undertaking risk assessments which include fraud, corruption and misconduct risks in procurement
- testing key controls
- establishing strategies to mitigate identified risks
- requiring independent review of tenders and sole supplier applications before they are approved, and improved record keeping for this purpose
- reviewing segregation of purchasing duties
- developing a corporate credit card policy
- developing a statement of business ethics for suppliers and contractors
- expanding terms of reference for an Audit Committee to include risk management, internal control and legislative compliance, as required by the *Local Government (Audit) Regulations 1996.*

In addition to the annual financial audit, the City of Belmont has sturdy processes in place and quality assurance practices that are audited regularly. The City has a Fraud Control Plan and Policies for corporate credit and debit cards, purchasing, risk control, compliance and business improvement. All elected members and staff are bound by the Code of Conduct.

A risk assessment is conducted on all tenders prior to advertising, and credit checks are undertaken as part of the tender evaluation process.

OFFICER COMMENT

The annual spend for the City of Belmont on procurement during the 2013-2014 financial year was approximately $30.4M.

The following operational comparison outlines an assessment of the operational processes of the City of Belmont against the eleven (11) risks noted within the CCC report as a result of the investigations into misconduct related to procurement in local government.

The City maintains work instructions, process maps and forms for all areas of business. The City's ongoing quality assurance program and audit regime highlight any areas of non-compliance and opportunities for improvement.

Following are the City of Belmont responses to the situations around the eleven (11) risks noted in the course of the CCC investigations.

1. Risks Noted in the CCC Report on Misconduct Risk in Local Government Procurement

1.1 ONE PERSON IS ABLE TO BE INVOLVED IN VARIOUS STAGES OF ORGANISING CONTRACTS AND AUTHORISING PAYMENTS, THAT IS, THERE IS NO SEPARATION OF DUTIES

Item 10.3 Continued

City of Belmont Response

The City has made a deliberate decision to separate the duties of Officers responsible for the different stages of procurement. The City's organisational structure includes Officers in different business units dealing with contracts and tendering, purchasing, contract management, goods receival and creditors payment processing. A process map is in place for the Tender Process, this process has been assessed to have a moderate risk.

The following diagram outlines the officers involved in the procurement process and the separation of duties.

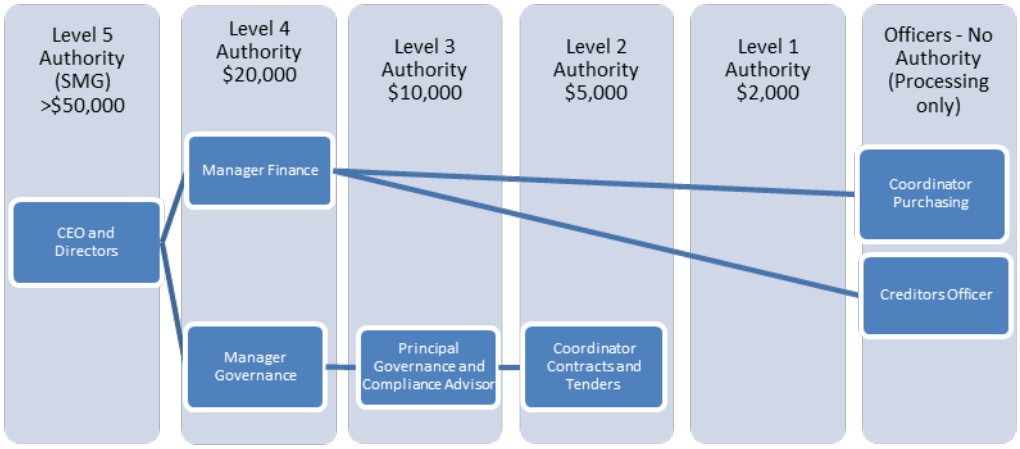

Diagram 1. Organisational outline of purchasing responsibilities/separation of duties

The duties carried out by Officers include the following in relation to purchasing;

Various Officers within Purchase Order Authorisation Limit
- Raise and authorise purchase requisitions within appropriate level of authority.

Coordinator Contracts and Tenders
- Process tender requirements
- Evaluate tender submissions
- Contract management
- Coordinate quote and tender documentation.

Coordinator Purchasing
- Release requisitions.

Creditors Officer
- Creditors invoice review
- Creditors payment processing
- Assess and input new creditors into system.

The City has a centralised process where the Purchasing Officer releases all purchase orders and checks for the requirements relevant to the purchase prior to authorisation. Authorised Officers are required to authorise the purchase orders prior to release by the Purchasing Officer.

Item 10.3 Continued

Further Action: Adherence to current documented process.

1.2 SUPERVISORS DO NOT CHECK TENDER AND PAYMENT PROCESSES, AND WORK ACTUALLY DONE ON CONTRACTS, WITH A VIEW TO PREVENTING MISCONDUCT

City of Belmont Response

System Procedure 16 – Procurement describes the method and responsibilities in place for purchasing and tendering.

The Coordinator Tenders and Contracts records all current Tenders and Contracts in a "Contract Book" which is updated monthly. The Contract Book is available to all staff through Belnet and summarises the details of each tender and contract to ensure that payments are made in line with the correct rates and payment arrangements for each agreement.

For authorisation of payments the appropriate Officer is to sign that the goods or services have been received. It is the responsibility of authorising Officers to control this process within relevant levels of authority and be aware of the responsibility expectation for the authorisation of payments.

Further Action:

a. A review of documentation to include greater clarity around the responsibility and expectation of Officers when receiving goods and authorising payments
b. A bi-annual item in Team Brief to remind staff of the requirement to adhere to procedures, particularly in relation to authorisation to make decisions and justifications and record keeping of those decisions
c. Tighter controls on authorising and releasing purchase orders to ensure relevant documentation and justification is included and recorded on purchase order.

1.3 AUDITS ARE NOT CARRIED OUT, OR ARE SUPERFICIAL OR INEFFECTIVE, IN RELATION TO USE OF PURCHASING CARDS AND CONTRACTS ADMINISTRATION

City of Belmont Response

The City currently undertakes both internal and external audits regularly. An Audit Plan is adopted by Council annually to ensure that audits are carried out in a timely manner. The Audit Plan includes organisational self-assessment, statutory compliance audits, business improvement reviews, Business Management Systems external audits, integrated internal audits and financial audits.

Audits are carried out by Grant Thornton Audit Pty Ltd, SGS Systems and Certification Australia Pty Ltd, and internally. The last internal audit was conducted between November 2014 and February 2015 at the Civic Centre, Belmont Museum and Operations Centre. Twenty one (21) internal auditors who are staff volunteers from across the City's four divisions were involved.

Item 10.3 Continued

All internal auditors have undergone the minimum two-day training by either SAI Global on Auditing Quality Management Systems or a two day in-house training session conducted by SGS Australia on Integrated Management Systems – Internal Auditor Training prior to conducting the internal audit.

Policy BEXB37 Corporate Credit and Debit Cards is in place to ensure that appropriate internal controls are in place regarding the management and use of corporate credit/debit cards.

The City has been internationally certified in the areas of quality assurance, environmental management and occupational safety and health. External accreditation body SGS Systems have certified that the requirements of the International Organisation's Standard ISO 9001 for Quality, ISO 14001 for Environment and AS4801 for Safety are compliant.

Further Action: Adherence to current process.

1.4 INADEQUATE TRAINING IS PROVIDED AND/OR THE POLICIES AND PROCEDURES ON PURCHASING ARE NOT PROVIDED TO EMPLOYEES OR ENFORCED

City of Belmont Response

The City regularly provides new and existing staff with updates and training within the financial management and purchasing software as well on all relevant internal documents.

Funds have been included in the 2015-2016 Budget to conduct Contract Management training for all staff involved in the management of tenders and contracts.

System Procedures and Work Instructions are available to all staff through the City's intranet, Belnet. The Policy Manual is reviewed annually, with each policy being assessed in accordance with its risk classification and all staff are made aware of the updated Policy Manual after adoption by Council.

Further Action:

a. Implement Contract Management Training as included in 2015-2016 Budget
b. Further internal training for staff involved in raising and authorising purchase requisitions on the requirements outlined in the purchasing policy.

1.5 RECORDS ARE INADEQUATE, PARTICULARLY IN RELATION TO DOCUMENTING DECISIONS, AND THE REASONS FOR THOSE DECISIONS, ABOUT TENDERS AND CONTRACTS

City of Belmont Response

Policy BEXB29 – Organisational Record Keeping outlines the City's record keeping requirements and defines the City's record keeping principles. The policy establishes the City's record keeping framework, and this is supported by Process Maps, Work Instructions and assistance and training from the Records Division.

Item 10.3 Continued

Policy BEXB29.2 – Roles and Responsibilities – Employees, further details the roles and responsibilities of all employees and contractors in accordance with legislation, the policy and best practice standards.

Policy BEXB28 – Purchasing, includes requirements specifically relating to record keeping to include that all records required under this policy must be referenced in the City's purchasing system and stored in the City's records management system. Records must be kept of a request for quotation and any submissions of quotation even if there is no subsequent purchase.

All procurement including tenders and contracts are reported to Senior Management or Council, dependent on delegation limits and reports and minutes of the meetings are kept on the City's electronic records management system.

Further Action: Adherence to current process.

1.6 CONFLICTS OF INTEREST ARE NOT DECLARED BY EMPLOYEES OR RECORDED, FOR EXAMPLE, WHEN CONTRACTS ARE AWARDED TO FAMILY MEMBERS, FRIENDS OR ASSOCIATES

City of Belmont Response

All City of Belmont Councillors and staff with delegated authority complete primary and annual returns declaring property owned, income sources, interests in trusts, gifts received, contributions to travel, interests and positions in corporations (shares, bonds, etc.), debts and any discretionary disclosures. At meetings of Council, Councillors and officers are required to declare any interest of a financial or impartiality nature prior to discussions taking place.

The Tender Process includes a declaration on the Tender evaluation scorecard by the Officer that they "have no impartiality interest or anticipate having one as a result of the tender submissions (ie friends or relatives employed by one of the tenderers)".

A register of disclosures of interest and Councillor and staff financial interest returns are held in the Governance Department of the City of Belmont and can be viewed at any time on request.

Further Action: Adherence to current process and inclusion of an item in Team Brief annually to remind staff of the declaration of any interest by Officers involved in procurement of goods.

1.7 EMPLOYEES DO NOT DECLARE SECONDARY EMPLOYMENT OR PRIVATE BUSINESS INTERESTS

City of Belmont Response

All staff identified in a delegated authority position are required to complete both a primary return (within three (3) months of commencement) and an annual return (by 31 August each year). All staff preparing a report to Council or involved in tender evaluations are required to disclose any financial or impartiality interests.

Item 10.3 Continued

This is in addition to all staff being made aware through Team Brief biennially and within the Human Resource Policy 8.2 – External Employment as follows:

8.2 External Employment

In accordance with the Code of Conduct, all employees are required to apply in writing through their supervisor/manager to the Chief Executive Officer for approval, prior to commencing any secondary employment external to their employment with the City.

In assessing an employee's request to engage in external employment, the Chief Executive Officer will consider a number of factors which include but are not limited to the following; potential conflict of interest, current employment status, hours of work, duties and workload associated with the employee's position in conjunction with those that will be expected in the external position. The Chief Executive Officer has the right to reasonably refuse such requests if there are grounds to believe an employee's performance or impartiality in their position with the City may suffer as a result, or if any potential conflict of interest is identified.

It should also be noted that the Local Government (Long Service Leave) Regulations Clause 10 states that *'A worker shall not, during any period when … on long service leave, engage in any employment ….'* Further, *'If … a worker fails to comply … he shall forfeit his right to the unexpired portion of the period and the employer shall be entitled to withhold any further payment in respect of the period and to reclaim any payments already made …'*

Further Action: Adherence to current process.

1.8 RECEIPT OF GIFTS IS PERMITTED OR GIFT REGISTERS ARE NOT USED

City of Belmont Response

In accordance with the *Local Government (Rules of Conduct) Regulations 2007*, the City maintains a Gifts/Hospitality Register for both staff and elected members. The gift register is available electronically and in hard copy and is located within the Governance Division. The gift register is audited annually in line with the Department of Local Government and Communities Compliance Audit Return process.

Clause 7.8 – Gifts and Benefits of the Code of Conduct outlines the restrictions and requirements for the acceptance and recording of gifts received. An annual reminder of the requirements relating to the declaration and acceptance of gifts and hospitality is included in the Team Brief in November to coincide with the Christmas period. Councillors are also provided with an annual reminder of the requirements relating to the declaration and acceptance of gifts via a memorandum published on the Councillor Portal.

All electoral candidates must comply with the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997* in disclosing electoral donations or gifts. A candidate must disclose to the CEO information about any electoral or related gift with a value of $200 or more that is promised or received

Item 10.3 Continued

within six months before the relevant election day. Information and declaration forms are provided to all candidates at the close of nominations and a separate Electoral Gifts Register is maintained by the City.

Further Action: Adherence to current process.

1.9 A CLEAR CODE OF CONDUCT IS NOT BROUGHT TO THE INTENTION OF EMPLOYEES ON A REGULAR BASIS

City of Belmont Response

All City of Belmont staff and elected members are required to complete and certify the Code of Conduct prior to commencing employment with the City or their term on Council.

All staff act under the City of Belmont Code of Conduct. The Code of Conduct is referenced regularly in the monthly Team Brief. The Code of Conduct is reviewed and endorsed by Council biennially following the local government elections.

Further Action: Adherence to current process.

1.10 ALLEGATIONS ABOUT MISCONDUCT MADE TO THE LOCAL GOVERNMENT ARE NOT DEALT WITH APPROPRIATELY

City of Belmont Response

The City of Belmont, like all local governments is required to report any possible misconduct to the Corruption and Crime Commission in accordance with *s89* of the *Corruption and Crime Commission Act 2003.*

In accordance with the *Public Interest Disclosure Act 2003,* the City has internal procedures relating to Public Interest Disclosure requirements with information available to all staff, and designated officers to deal with any disclosures.

The City has Process Maps in place for both “Manage Internal Accountability” and “Manage External Accountability”. These processes outline the process of monitoring, investigation, reporting and reviewing any allegations of misconduct.

The Complaint Management process also includes reference to reporting agencies if escalation of a complaint is required.

Premier Colin Barnett confirmed on 1 July 2015 that the proclamation of remaining provisions of the *Corruption, Crime and Misconduct (Amendment) Act 2014* would occur on that day transferring responsibility for dealing with matters of minor misconduct by public officers and its corruption prevention and education roles from the Corruption and Crime Commission (CCC) to the Public Sector Commission (PSC).

When the City receives the proposed information resource from these agencies setting out a new framework for notification of misconduct allegations the City’s processes will be assessed to ensure the correct procedure is followed.

Item 10.3 Continued

Further Action: Adherence to current process.

1.11 LOCAL GOVERNMENTS DO NOT REPORT POSSIBLE MISCONDUCT TO THE COMMISSION.

City of Belmont Response

The City reports annually to the Department of Local Government and Communities in accordance with the *Local Government Act 1995 s7.13(1)(i)*by providing them with a copy of the Compliance Audit Return, which is endorsed by the Standing Committee (Audit and Risk) and Council which includes details where audit outcomes have been determined as being non-compliant.

As outlined in risk 1.10 the City has a "Manage External Accountability" Process Map which outlines the process for reporting matters including misconduct. The Customer Complaint Management Procedure includes information on reporting complaints that require escalation to another agency.

The CEO has and will continue to report potential misconduct of any nature and has a legal obligation to do so.

Further Action: Adherence to current process.

A Fraud Management Strategy is being developed and will apply to all work practices undertaken by Councillors, staff, volunteers, contractors, customers and committees of Council.

The Fraud Management Strategy will facilitate the development of controls that support the determent, detection and prevention of fraud in our internal and external dealings. It outlines the City's approach to establish an environment and culture where fraudulent behaviour is not accepted and is reported to the appropriate level of management, investigated and resolved in a timely and fair manner.

The City established a Fraud Control Plan in 2009, which was reviewed in 2012. It is proposed that the Fraud Management Strategy will replace the Fraud Control Plan as all risks outlined in the Fraud Control Plan are now managed through the City's Risk Management Software. The risks have been assessed and are covered under broad assessments for "Minor acts of Fraud" and "Major acts of Fraud".

Following is an example of the ongoing improvement as a result of non-compliance or areas for improvement notes throughout the audit process.

An item was included in the June Team Brief (CEO's brief to all staff at the City of Belmont) as follows:

The 'Provide Purchasing Services' Process Map and '*SP16 – Purchasing*' have recently been updated following a non-conformance identified as part of the recent SGS recertification audit.

When obtaining quotes a copy of the quoted pricing schedule must be attached to the purchase requisition (within the attachments field). A copy of the full quotation must also be registered within ECM. If the quote simply consists of one page then it still needs to be attached to the requisition and registered in ECM.

Item 10.3 Continued

The key change is that the quoted pricing schedule must be attached to the purchase requisition as opposed to simply the ECM number.

This change will enable:

1. **The auditors to quickly identify that the correct number of quotes have been obtained**
2. **Enable the officer approving the requisition to quickly ascertain that the quotation process has been duly followed.**

Officers approving requisitions are ultimately responsible for compliance with the City's Purchasing Policy (BEXB28).

Following the above non compliance identified during the SGS audit in May 2015 a test sample of payments has been audited by Officers with the results outlined in Confidential Attachment 2.

The Standing Committee (Audit and Risk) considered the Operational Risk Comparison - CCC Report on Misconduct Risk in Local Government Procurement report at its meeting of the 27 July 2015.

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

- Councillors and employees are bound by the requirements of the *Local Government Act 1995* and the City's Code of Conduct.

- If there is any suspicion that information that is not in the public domain has been misused by an employee, Councillor or retired Councillor, there is an obligation for the CEO to report these suspicions to the CCC.

- If a complaint is lodged against a retired Councillor, civil action may be possible but there are limits on what actions may be undertaken.

- Councillors and designated employees are required to disclose interests in primary and annual returns. Complaints against Councillors and employees are handled through the City's complaint management procedure or the relevant statutory procedures.

- Training and education is a key factor in preventing wrongdoing. Systems and procedures at the City are robust, but there is always room for improvement.

- There is always an element of risk in procurement. Ongoing training and awareness through organisation wide reminders are critical in minimising procurement risk.

- Formal induction training at the City is robust. Governance and Code of Conduct obligations are explained to all new employees through this process.

- The 'Team Brief' provides monthly reminders to employees on organisational issues such as purchasing and occupational health and safety.

Item 10.3 Continued

- This CCC report is focused on local government purchasing, not external activities. These purchasing issues have a continual focus through the external financial audit, the external SGS audit and the internal audit. The internal audit in November 2015 will continue to focus on this area.

- Further sampling of purchasing has also been completed and this will be continually monitored.

- There is a focus on ensuring employees understand their obligations in relation to the Code of Conduct. This training and awareness is undertaken internally through on-the-job training and reminders and external training is not always necessary in this instance.

- Extra funding has been included in the 2015-2016 budget for the provision of contract management training.

- The City has a number of internal tools, such as 'e-learning' modules that can be created and customised to provide employee training on a number of issues.

- A decision was made over ten years ago to provide for continuous improvement and business excellence through the pursuit of accreditation through the SGS external audit process.

- The independent quality assurance audit allows the integrity and independence of the City's systems and procedures to be quantified.

- The objective of the City's continuous improvement and business excellence focus is the provision of the best possible customer service and experience.

- Local government has changed over the last twenty years and will continue to change with the future demanding that things be done differently, a move away from regulator to facilitator.

- The Department of Local Government and Communities' focus on integrated planning endorses the City's focus on continuous improvement. Local governments across Australia provide for continuous improvement in a number of different ways, business excellence framework, six sigma and quality assurance etc.

- The best results come from consistent training, education and documented procedures.

- The SGS accreditation costs the City approximately $16,000 per annum, which is a small percentage of the City's expenditure.

- The right systems, and the continual improvement of these systems means the likelihood of a correct answer the first time is greater than if there were no systems and procedures in place, a preferred customer expectation.

- Continually improving systems and procedures creates higher reliability in data. Accurate and reliable data provides for information to be provided for in a timely fashion.

Item 10.3 Continued

- SGS audit a wide variety of organisations and often provide insights into other organisations. A number of 'opportunities for improvement' have come from systems and procedures that other organisations have in place.

- Documented systems and procedures capture the knowledge of employees and provide valuable information when employees leave the organisation. Work instructions, systems and procedures allow new employees to quickly understand organisational expectations which in turn reduces costs.

- There is no obligation for the City to undertake an external quality assurance audit other than to remain certified to ISO standards if that is the City's expectation.

- There is a legislated obligation for the City to have an independent financial auditor.

2. Conclusion

As a result of the findings by the CCC the City will continue to review risk management policies and frameworks including updating corporate risk registers, undertake risk assessments including fraud, corruption and misconduct risks in procurement, test key controls and establish strategies including the development of a Fraud Management Strategy to monitor fraudulent activity.

Further action is required as noted in the City of Belmont Responses above to ensure appropriate controls are in place and staff are reminded of their responsibilities when procuring goods.

Further action required as noted will be undertaken and reported to the next meeting of the Standing Committee (Audit and Risk) scheduled on 26 October 2015.

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 10.3 Continued

COMMITTEE RECOMMENDATION

That:

1. ***The report from the Corruption and Crime Commission "Misconduct Risk in Local Government Procurement 2015" as detailed in Attachment 1 be received.***

2. ***A copy of this report "Operational Risk Comparison – CCC Report on Misconduct Risk in Local Government Procurement" be forwarded to the Minister for Local Government.***

3. ***Further action to be undertaken as identified with outcomes reported to the Standing Committee (Audit and Risk) at its next meeting on 26 October 2015.***

COMMITTEE RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 10

10.4 ACCOUNTS FOR PAYMENT – JULY 2015

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 4 – Item 10.4 refers	Accounts for Payment – July 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	:	N/A

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 10.4 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	786397 to 786447	$217,901.22
Municipal Fund EFTs	EF039279 to EF039774	$3,567,077.47
Municipal Fund Payroll	July 2015	$1,795,819.51
Trust Fund EFTs	EF039326 to EF039328 and EF039443	$57,035.50
Total Payments for July 2015		$5,637,833.70

Item 10.4 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 July 2015 as provided under Attachment 4 be received.

OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 10

10.5 MONTHLY ACTIVITY STATEMENT AS AT 31 JULY 2015

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 5 – Item 10.5 refers	**Monthly Activity Statement as at 31 July 2015**

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 10.5 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. In previous years, Council has adopted 10% 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

Item 10.5 Continued

- Material variances between comparable amounts
- Net current assets as at the end of the reporting month.

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

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.*

Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards.

AASB108 discusses the principles to be applied in determining if a variance is material. AASB108 states that:

Information is material if its omission, misstatement or non-disclosure has the potential, individually or collectively, to influence the economic decisions of users taken on the basis of the financial statements or affect the discharge of accountability by the management or governing body of the entity. In deciding whether an item or an aggregate of items is material, the size and nature of the omission or misstatement of the items usually need to be evaluated together.

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

It should also be noted that many of the variances listed in the monthly Statement of Financial Activity would not technically fall within the auspices of the Accounting Standards as they are timing differences only, and would not generally have the potential to adversely affect either the decision making or the discharge of accountability for Council.

Regardless of this, it is proposed that all variances in excess of the specified percentage will have details reported. All variances calculated are a comparison of year to date actual vs year to date budget.

In order to provide more details regarding significant variations as included in Attachment 5 the following summary is provided.

Item 10.5 Continued

Report Section	*YTD Budget*	*YTD Actual*	*Comment*
Expenditure – Capital			
Road Works	206,927	259,664	Variance relates to a job (Kooyong Road) that is ahead of budget.
Operations Centre	14,003	83,339	Chargeable Plant and Fleet ordered in 2014-2015 were received in July.
Expenditure – Operating			
Computing	283,742	376,031	Annual software licencing and maintenance costs recognised in July.
Rates	201,390	89,810	Budget spread issue regarding the rates discount.
Belmont Community Watch	110,128	5,740	July invoices (contractors) are outstanding.
Belmont HACC Services	223,083	274,045	Activity Based Cost (ABC's) and internal cost allocations are above budget.
Youth Services General	63,918	12,709	July invoices (contractors) are outstanding.
Town Planning	271,536	343,033	Consulting costs are above budget.
Sanitation Charges	93,063	267,374	The variance relates to June expenses that have yet to be accrued.
Ruth Faulkner Library	195,493	253,946	ABC allocations are ahead of budget.
Grounds Operations	502,215	375,391	July invoices (contractors) are outstanding.
Other Public Works	70,894	15,409	July invoices (street lighting) are outstanding.
Revenue – Capital			
Property and Economic Development	0	(1,174,000)	Relates to the sale of land that had been expected to settle in 2014-2015.
Revenue – Operating			
Finance Department	(162,335)	(232,363)	ABC recoveries are above budget.
Computing	(182,765)	(376,031)	ABC recoveries are above budget.
Human Resources	(110,942)	(168,321)	ABC recoveries are above budget.
Financing Activities	(62,656)	(11,483)	Interest income is expected to be close to the annual budget but monthly variances are expected as term deposit mature throughout the year.
Health	(30,751)	(84,334)	Budget spread issue as annual licences were issued in July.

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.

Item 10.5 Continued

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 July 2015	**$**	**Comment**
Cash and investments	41,130,328	Includes municipal and reserves
- less non rate setting cash	(31,350,848)	Reserves
Receivables	41,198,046	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(8,005,806)	ESL Receivable
Stock on hand	203,255	
Total Current Assets	**43,174,974**	
Current Liabilities		
Creditors and provisions	(14,788,089)	Includes ESL and deposits
- less non rate setting creditors and provisions	10,524,213	Cash Backed LSL, current loans and ESL
Total Current Liabilities	**(4,263,876)**	
Nett Current Assets 31 July 2015	38,911,098	
Nett Current Assets as Per Financial Activity Report	38,911,098	
Less Restricted Assets	(690,484)	Unspent grants held for specific purposes
Less Committed Assets	**(37,720,614)**	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 10.5 Continued

OFFICER RECOMMENDATION

1. ***That Council adopt 10% of the estimated closing balance as the base amount for determining materiality of variations in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996.***

2. ***That the Monthly Financial Reports as at 31 July 2015 as included in Attachment 5 be received.***

OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 10

11. REPORTS BY THE CHIEF EXECUTIVE OFFICER

11.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

11.2 NOTICE OF MOTION (CR GARDNER) – CITY OF BELMONT FINANCIAL INTEREST, COUNCILLOR TRAVEL AND GIFT/ HOSPITALITY REGISTERS TO BE AVAILABLE ON THE CITY OF BELMONT WEBSITE

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Tabled Attachment 2 – Item 11.2 refers	**2015 WALGA AGM Minutes Extract – 4.12B Local Government Governance**
Tabled Attachment 3 – Item 11.2 refers	**Councils an Open Book on Integrity –The West Australian 18 August 2015**
Tabled Attachment 4 – Item 11.2 refers	**Accountability Motion Defeated – Southern Gazette 18 August 2015**
Tabled Attachment 5 – Item 11.2 refers	**Local Government must be more Transparent – The West Australian 19 August 2015**

Voting Requirement	:	Simple Majority
Subject Index	:	35/002 – Notice of Motions
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.*

Item 11.2 Continued

PURPOSE OF REPORT

The purpose of this report is to submit for Council consideration a Notice of Motion prepared by Councillor Gardner regarding the publication of electronic copies of the City of Belmont (the City's) Financial Interest Register, Councillor Travel Register and Councillor Gift / Hospitality Register on the City's website.

SUMMARY AND KEY ISSUES

Cr Gardner has submitted a Notice of Motion to the 25 August 2015 Ordinary Council Meeting for Council to consider the Financial Interest Register, Councillor Travel Register and Councillor Gift / Hospitality Register being made available in electronic format on the City's website to increase the transparency and accountability of Council.

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

Strategy: Ensure effective communication and consultation with the community and other stakeholders.

POLICY IMPLICATIONS

There are no specific Policy implications evident in relation to this matter.

Item 11.2 Continued

STATUTORY ENVIRONMENT

A. Part 5, Division 7 of the *Local Government Act 1995* states:

5.94. Public can inspect certain local government information

A person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government and whether or not it is current at the time of inspection —

(a) any code of conduct;

(aa) any regulations prescribing rules of conduct of council members referred to in section 5.104;

(b) any register of financial interests;

(u) such other information relating to the local government —

(i) required by a provision of this Act to be available for public inspection; or

(ii) as may be prescribed.

5.95. Limits on right to inspect local government information

(1) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information —

(a) which is not current at the time of inspection; and

(b) which, in the CEO's opinion, would divert a substantial and unreasonable portion of the local government's resources away from its other functions.

(6) Subject to subsection (7), a person's right to inspect information referred to in section 5.94 does not extend to the inspection of information —

(a) referred to in a paragraph of that section that is prescribed as being confidential information for the purposes of this subsection; or

(b) referred to in that section of a type prescribed as confidential for the purposes of this subsection,

for the period of time prescribed in relation to the information.

(7) Subsection (6) does not apply in respect of information in relation to a local government if —

(a) the information is prescribed as information that is confidential but that may be available for inspection if the local government so resolves; and

(b) the local government has resolved that the information is to be available for inspection.

5.96. Copies of information to be available

If a person can inspect certain information under this Division, the person may request a copy of the information and, unless regulations prescribe otherwise, the local government is to ensure that copies are available and that the price at which it sells copies does not exceed the cost of providing the copies.

Item 11.2 Continued

5.97. Freedom of Information Act 1992 not affected

Nothing in this Division affects the operation of the Freedom of Information Act 1992.

B. The *Local Government (Administration) Regulations 1996* states:

29. Information to be available for public inspection (Act s. 5.94)

(1) Subject to subregulation (2), the information prescribed for the purposes of section 5.94(u)(ii) is —

(ba) the information contained in an electoral gift register established and maintained under regulation 30G(1) of the Local Government (Elections) Regulations 1997;

(baa) the information contained in a register maintained under regulation 12(5) of the Local Government (Rules of Conduct) Regulations 2007;

(bb) the information contained in a register of notifiable gifts referred to in regulation 34B(5);

(2) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in subregulation (1)(c) if the meeting or that part of the meeting to which the information refers —

(a) was closed to members of the public; or

(b) in the CEO's opinion, could have been closed to members of the public but was not closed,

unless the information to be inspected is a record of a decision made at the meeting.

34B. Codes of conduct about gifts, content of (Act s. 5.103(3))

(1) In this regulation —

***activity involving a local government discretion** means an activity —*

(a) that cannot be undertaken without an authorisation from the local government; or

(b) by way of a commercial dealing with the local government;

***gift** has the meaning given to that term in section 5.82(4) except that it does not include —*

(a) a gift from a relative as defined in section 5.74(1); or

(b) a gift that must be disclosed under regulation 30B of the Local Government (Elections) Regulations 1997; or

(c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;

notifiable gift, in relation to a person who is an employee, means —

(a) a gift worth between $50 and $300; or

(b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between $50 and $300;

Item 11.2 Continued

***prohibited gift**, in relation to a person who is an employee, means —*

(a) a gift worth $300 or more; or

(b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth $300 or more.

(2) A code of conduct is to contain a requirement that a person who is an employee refrain from accepting a prohibited gift from a person who —

(a) is undertaking or seeking to undertake an activity involving a local government discretion; or

(b) it is reasonable to believe is intending to undertake an activity involving a local government discretion.

(3) A code of conduct is to contain a requirement that a person who is an employee and who accepts a notifiable gift from a person who —

(a) is undertaking or seeking to undertake an activity involving a local government discretion; or

(b) it is reasonable to believe is intending to undertake an activity involving a local government discretion,

notify the CEO, in accordance with subregulation (4) and within 10 days of accepting the gift, of the acceptance.

(4) A code of conduct is to require that the notification of the acceptance of a notifiable gift be in writing and include —

(a) the name of the person who gave the gift; and

(b) the date on which the gift was accepted; and

(c) a description, and the estimated value, of the gift; and

(d) the nature of the relationship between the person who is an employee and the person who gave the gift; and

*(e) if the gift is a notifiable gift under paragraph (b) of the definition of **notifiable gift** in subregulation (1) (whether or not it is also a notifiable gift under paragraph (a) of that definition) —*

(i) a description; and

(ii) the estimated value; and

(iii) the date of acceptance,

of each other gift accepted within the 6 month period.

(5) A code of conduct is to require that the CEO maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under subregulation (3).

[Regulation 34B inserted in Gazette 21 Aug 2007 p. 4190-1.]

Item 11.2 Continued

C. The *Local Government (Rules of Conduct) Regulations 2007* state:

11. Disclosure of interest

(1) In this regulation —

***interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*

(2) A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest —

(a) in a written notice given to the CEO before the meeting; or

(b) at the meeting immediately before the matter is discussed.

(3) Subregulation (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subregulation (2) does not apply if —

(a) a person who is a council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or

(b) a person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.

(5) If, under subregulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then —

(a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and

(b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.

(6) If —

(a) under subregulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or

(b) under subregulation (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

Item 11.2 Continued

12. Gifts

(1) In this regulation —

***activity involving a local government discretion** means an activity —*

(a) that cannot be undertaken without an authorisation from the local government; or

(b) by way of a commercial dealing with the local government;

***gift** has the meaning given to that term in section 5.82(4) of the Act except that it does not include —*

(a) a gift from a relative as defined in section 5.74(1) of the Act; or

(b) a gift that must be disclosed under regulation 30B of the Local Government (Elections) Regulations 1997; or

(c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;

***notifiable gift**, in relation to a person who is a council member, means —*

(a) a gift worth between $50 and $300; or

(b) a gift that is one of 2 or more gifts given to the council member by the same person within a period of 6 months that are in total worth between $50 and $300;

***prohibited gift**, in relation to a person who is a council member, means —*

(a) a gift worth $300 or more; or

(b) a gift that is one of 2 or more gifts given to the council member by the same person within a period of 6 months that are in total worth $300 or more.

(2) A person who is a council member must not accept a prohibited gift from a person —

(a) who is undertaking or seeking to undertake; or

(b) who it is reasonable to believe is intending to undertake,

an activity involving a local government discretion.

(3) A person who is a council member and who accepts a notifiable gift from a person —

(a) who is undertaking or seeking to undertake; or

(b) who it is reasonable to believe is intending to undertake,

an activity involving a local government discretion must, within 10 days of accepting the gift, notify the CEO of the acceptance in accordance with subregulation (4).

(4) Notification of the acceptance of a notifiable gift is to be in writing and is to include —

(a) the name of the person who gave the gift; and

(b) the date on which the gift was accepted; and

(c) a description, and the estimated value, of the gift; and

(d) the nature of the relationship between the person who is a council member and the person who gave the gift; and

Item 11.2 Continued

(e) if the gift is a notifiable gift under paragraph (b) of the definition of "notifiable gift" (whether or not it is also a notifiable gift under paragraph (a) of that definition) —

(i) a description; and

(ii) the estimated value; and

(iii) the date of acceptance,

of each other gift accepted within the 6 month period.

(5) The CEO must maintain a register of gifts in which details of notices received under subregulation (4) are recorded.

D. The *Local Government (Elections) Regulations 1997* Part 5A states:

30G. Register

(1) The CEO is to establish and maintain an electoral gift register.

(2) The CEO is to ensure that all 'disclosure of gifts' forms completed by candidates and donors and received by the CEO are placed on the electoral gift register —

(a) upon receipt by the CEO; and

(b) in a manner that clearly identifies and distinguishes the forms relating to each candidate.

(3) When the period under regulation 30C has concluded in relation to any election, the CEO is to remove any 'disclosure of gifts' forms relating to an unsuccessful candidate from the electoral gift register, and retain those forms separately for a period of at least 2 years.

(4) When a successful candidate completes the term of office resulting from an election, the CEO is to remove any 'disclosure of gifts' forms relating to that person for that election from the electoral gift register, and retain those forms separately for a period of at least 2 years.

30H. Public to have access to electoral gift register

The electoral gift register is to be kept at the appropriate local government offices.

[Regulation 30H inserted as regulation 30I in Gazette 20 Nov 1998 p. 6276; renumbered as regulation 30H in Gazette 22 Dec 1998 p. 6869.]

30I. Offence to publish information in certain cases

(1) A person must not publish —

(a) any information derived from an electoral gift register unless that information constitutes a fair or accurate report or summary of information contained in the register and is published in good faith; or

(b) any comment on the facts set forth in an electoral gift register unless that comment is fair and published in good faith.

Penalty: $5 000.

Item 11.2 Continued

(2) In subregulation (1) —

***publish** has the same meaning in relation to any information or comment referred to in that subregulation as it has in sections 348 and 349 of The Criminal Code [2] in relation to the publication of defamatory matter.*

E. The City of Belmont Code of Conduct states:

7.6 Statutory requirements to disclose financial interests

7.61 Elected members, committee members and employees will abide by the requirements to disclose financial (including proximity) interests in accordance with Division 6 of Part 5 of the Local Government Act 1995.

7.62 Elected members and 'designated employees' will provide primary and annual returns in accordance with the requirements of Part 5 of Division 6 of the Local Government Act 1995.

Note: 'designated employee' is defined in Part 11 of this Code of Conduct.

7.63 If you are a client or adviser of an elected member or employee then you may be considered a closely associated person and, if so, must disclose relevant interests in accordance with the Local Government Act 1995.

7.8 Gifts and Benefits

A gift means any item of value which a person or organisation other than the City, presents to elected members and employees of the City as a consequence of their employment or position with the City.

A benefit is a non-tangible item of value that one person or organisation confers on elected members and employees. A benefit includes hospitality.

Elected members and employees must:

a) not seek gifts and benefits;
b) refuse all offers of money, gift vouchers or items easily converted to money such as shares;
c) refuse bribes and report bribery attempts to the Chief Executive Officer and to the West Australian Police;
d) if unsure about how to respond to an offer of a gift, benefit or hospitality, seek advice from the relevant Director or the Chief Executive Officer; and
e) declare all gifts and benefits which have a commercial value of $50 or more on the 'Gift Declaration Form'

7.8.1 Acceptance of Gifts or Benefits

Elected members and employees may accept a gift or benefit provided its commercial value is within the thresholds set out below and that they comply with clause 7.8 (a) – (e) above.

a) Value of the gift or benefit is under $50 Elected members and employees may accept a gift or benefit that has a commercial value of less than $50.

Item 11.2 Continued

b) Value of the gift or benefit is between $50 and $300 ("notifiable gift or benefit") Gifts and benefits with a commercial value between $50 and $300 may be accepted by an elected member or employee provided that:

(i) a gift declaration form is submitted to the CEO within 10 days of accepting the gift or benefit; and
(ii) that the total commercial value of all gifts and benefits received from that organisation or person (if they are not representing an organisation) does not exceed $300 in the previous six months (includes gifts received with a commercial value of less than $50).

c. Value of the gift is greater than $300 and in the public's interest. Gifts with a commercial value greater than $300 and considered to be in the public's interest, may be accepted on behalf of the City provided that:

(i) ownership of the gift is transferred to the City; and
(ii) the elected member or employee submits a 'Gift Declaration Form' and evidence of the Director or Chief Executive Officer's approval within 10 days of accepting the gift.

7.8.2 Gift Declaration Form

a. A 'Gift Declaration Form; must be in writing and include –
b. the name of the person who gave the gift;
c. the date on which the gift was accepted;
d. a description, and the estimated value of the gift;
e. the nature of the relationship between the person who gave the gift and the elected member or employee who accepted the gift; and
f. if the gift is a 'notifiable gift' –
   i. a description;
   ii. the estimated value; and
   iii. the date of acceptance
   iv. of each gift received in within the six month period.

Note: A gift with a commercial value of less than $50 (which is not a 'notifiable gift') is not required to be declared. However, elected members and employees are encouraged to submit a Gift Declaration Form voluntarily.

7.8.3 Gift Register

In accordance with the requirements of the Local Government Act 1995 the Chief Executive Officer will maintain a register of gift declarations which is a public record and may be inspected on request.

As soon as practicable upon the receipt of a gift declaration form, the Compliance Administrator shall record all gifts and benefits declared by elected members and employees in the Gifts Register.

Item 11.2 Continued

7.8.4 Reporting

The Compliance Administrator will provide the Chief Executive Officer and Directors with a half-yearly report of all gifts and benefits declared by elected members and employees.

BACKGROUND

A Notice of Motion by Councillor Gardner reads as follows:

"Motion

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

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

Reason:

To increase the transparency and accountability of the Council."

OFFICER COMMENT

There has been recent media coverage in relation to the transparency and accountability of the local government sector as a whole.

At the WA Local Government Association (WALGA) General Meeting held on Wednesday, 5 August 2015 a motion was put forward by the City of Vincent Mayor, John Carey with the stated intent being to make councils more accountable (refer Tabled Attachment 2).

The West Australian Newspaper dated Tuesday, 18 August 2015 included an advertisement from Councillor Lynne Craige, newly appointed President of WALGA defending the accusations levelled at Local Government and the lack of transparency and accountability (refer Tabled Attachment 3).

The Southern Gazette Tuesday, 18 August 2015 also contained an article around the defeated WALGA motion of City of Vincent Mayor John Carey as the City of South Perth and the Town of Victoria Park were among the five councils who backed the motion (refer Tabled Attachment 4).

The West Australian of Wednesday, 19 August also contained an article titled 'Local government must be more transparent' (refer Tabled Attachment 5).

Item 11.2 Continued

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.

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*.

There have been four instances over the past 15 years of persons requesting to view the register and obtain copies of documents contained within the register. These instances are as follows:

Date	**Person Reviewing Register**	**Copies requested**
21 September 2001	Member of the public	Y
8 February 2011	Councillor	N
24 April 2012	Councillor	N
14 January 2015	Media Representative	Y

Councillor Travel Register

There is no legislative requirement to keep a register of Councillor Travel.

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

Any reimbursement for travel expenses is in line with City of Belmont Policy BEXB11B. 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.

Statutory reimbursements are made for mileage to Elected Members, if claimed, as required by legislation.

The Professional Development Expenses for Elected Members is tracked by officers and reported in the City's Annual Report.

Councillor 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

Item 11.2 Continued

Conduct refer specifically to the disclosure of gifts by elected members and staff of the City.

The City has a 'Councillor Notification of Gift/Hospitality' Form available to all elected members and reminders are issued annually to ensure that the requirement to notify of any gifts received is known.

It is a requirement under legislation that the CEO must maintain a register of gifts, and this register is to be available for public inspection.

A register of all 'Notification of Gift/Hospitality' Forms is kept by the Compliance Administrator and is available for viewing if requested.

No instances are recorded where the Gift Register has been publicly inspected.

FINANCIAL IMPLICATIONS

Additional officer time would be required to implement the availability of the Financial Interest Register, Councillor Travel Register and Councillor Gift/Hospitality Register for public access through the City's website. The registers would need to be designed and implemented in a format suitable for publication on the website if required. Regular updating procedures will need to be implemented to ensure that only current information is available as per legislation.

The additional time required by staff to implement the process and update work instructions is dependent on the required format of the registers to be published electronically and the regularity of updates required.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

COUNCILLOR RECOMMENDATION

GARDNER MOVED, CAYOUN SECONDED

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

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

Reason

To increase the transparency and accountability of the Council.

Item 11.2 Continued

Note

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.
3. ***yThat 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

11.3 NOTICE OF MOTION (CR BASS) – POLL – FAULKNER COMMUNITY BUILDING EXPENDITURE

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	35/002 – Notice of Motions
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

The purpose of this report is to consider a Notice of Motion prepared by Councillor Bass regarding a poll to all City of Belmont residents and ratepayers on the proposed expenditure of an estimated $28.3M for the Faulkner Community Building.

SUMMARY AND KEY ISSUES

Cr Bass has submitted a Notice of Motion seeking a report to be presented to the 25 August 2015 Ordinary Council Meeting for Council to consider holding a poll in conjunction with the forthcoming Local Government Election to all City of Belmont residents and ratepayers on the proposed expenditure of an estimated $28.3M for the Faulkner Community Building.

Item 11.3 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: Social Belmont.

Objective: The City will take a key leadership role in the development of the community through facilitative and consultative approach including partnerships and alliances.

Strategy: Community development and services are sourced, developed, prioritised and implemented to ensure maximum benefit for community groups and individuals.

POLICY IMPLICATIONS

There are no specific Policy implications evident in relation to this matter.

STATUTORY ENVIRONMENT

A. Part 4, Division 12 of the *Local Government Act 1995* states:

4.99. Election procedures to apply to polls and referendums

a. To the extent to which the provisions of this Part are capable of being applied with or without adaptation in respect of polls under another Part, those provisions apply with or without adaptation in respect of those polls.

b. Despite subsection (1), regulations may make necessary or convenient provisions in relation to preparing for, conducting and ascertaining the result of polls under another Part of this Act and for ensuring the purity of the conduct of them.

c. Regulations may make necessary or convenient provisions in relation to preparing for, conducting and ascertaining the result of polls and referendums held by local governments, whether under local laws or otherwise, and for ensuring the purity of the conduct of them.

d. Without limiting subsection (2) or (3), regulations may provide for the electoral rolls that are to be used, or prepared and used, for polls and referendums.

Item 11.3 Continued

B. Part 16 of the *Local Government (Elections) Regulations 1997* state:

88. Election procedures apply to polls and referendums not required under Act — s. 4.99(3) and (4)

Subject to regulation 89, to the extent to which the provisions of Part 4 of the Act are capable of being applied with or without adaptation in respect of polls and referendums referred to in section 4.99(3), those provisions apply with or without adaptation in respect of those polls and referendums.

89. Election procedures need not be applied in certain cases — s. 4.99(2) to (4)

(1) A local government can conduct a poll or referendum in such manner as it considers appropriate if —

(a) the poll or referendum is not held in conjunction with an election; and

(b) voting at the poll or referendum is not confined to electors.

(3) Where the Electoral Commissioner is to be responsible for the conduct of a poll, other than an electoral poll, the local governments involved in that poll may, with the agreement of the Electoral Commissioner, abridge the time periods set out in sections 4.20(5) and (6), 4.39(1) and (2), 4.40(1) and (2), 4.41(1), and 4.61(3) and (5), to take account of periods in Part 4 of the Act that only apply to electoral polling.

90. Electoral Commissioner may assist

The Electoral Commissioner may, on behalf of a local government, conduct —

(a) polls and referendums referred to in section 4.99(3); or

(b) other kinds of surveys,

on such terms and conditions as the Electoral Commissioner and the local government may agree.

91. Expenses of Electoral Commissioner — s. 2.12A(2)(c)

The expenses of the Electoral Commissioner in connection with a poll conducted under section 2.12A are to be met by the local government to the extent agreed between the Electoral Commissioner and the local government.

[Regulation 91 inserted in Gazette 21 Jan 2005 p. 266.]

92. Declaration and notice of results of poll under s. 2.12A

(1) The RO is to publicly declare the result of a poll under section 2.12A.

(2) The declaration is to include —

(a) the question that was voted on; and

(b) the answer to that question as determined by the results of the poll.

(3) The RO is also to give local public notice of the result of the poll (Form 23).

Item 11.3 Continued

BACKGROUND

A Notice of Motion by Councillor Bass reads as follows:

"Motion

That council conducts a poll to all City of Belmont Residents & Ratepayers on the proposed expenditure of an estimated $28.3m for Civic Centre Complex Faulkner Park, in conjunction with the forthcoming Local Government Election Packages.

Reason:

When dealing with large amounts of Ratepayers funds residents need to know what the risks of debt and costs are."

OFFICER COMMENT

Council resolved by absolute majority at its Ordinary Council Meeting on 24 February 2015:

"That Council:

1. *Subject to receipt of written agreement from the Electoral Commissioner, declare the Western Australian Electoral Commissioner to be responsible for the conduct of the 2015 Local Government Ordinary Election, together with any other elections or polls which may also be required.*

2. *Declare that the method of conducting all City of Belmont Elections will be by the postal voting method."*

For a poll to be included with the 2015 Local Government Elections, advertising is required under legislation in line with the notices for the election. The Western Australian Electoral Commission (WAEC) has notified that for inclusion in the advertising, final details of the poll are required by the 31 August 2015.

A clear question for the poll and a balanced argument are required for the inclusion on the poll paper. Cases for and against are to be printed on the poll paper to provide electors with a summary case for the question posed.

A poll paper consists of a single A4 sheet folded into thirds in brochure format. The ballot paper is a tear off third of the page, the remaining two thirds back and front show background information and a balanced for and against summary case for each way of answering the question posed.

Item 11.3 Continued

FINANCIAL IMPLICATIONS

An indicative quote of $7,000 has been obtained from the WAEC for the cost of including a poll with the 2015 Local Government Election.

This cost includes the printing of the poll paper and inclusion with the mail out of the 2015 electoral papers. Additional time required for the Returning Officer and staff to count the ballot papers at the close of the poll is also included in the cost.

For a poll to be held as a stand-alone postal poll, the cost estimate provided by the WAEC is $46,000 based on 21,400 electors and a 35% return.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

9.36pm The Principal Governance and Compliance Advisor departed the meeting.

9.37pm The Principal Governance and Compliance Advisor returned to the meeting

COUNCILLOR RECOMMENDATION

BASS MOVED, CAYOUN SECONDED,

That Council conducts a poll to all City of Belmont residents and ratepayers on the proposed expenditure of an estimated $28.3M for the Civic Centre Complex Faulkner Park, in conjunction with the forthcoming 2015 Local Government Election Packages.

LOST 4 VOTES TO 5

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

Reason

When dealing with large amounts of Ratepayers funds residents need to know what the risks of debt and costs are.

Item 11.3 Continued

Note

Cr Rossi put forward the following foreshadowed motion:

FORSHADOWED MOTION

ROSSI MOVED, POWELL SECONDED,

That Council write to the residents explaining the need for a Multi-Purpose Community Building, the estimated costs, proposed funding methodology and that there is no risk of a rate rise associated with the construction of the Multi-Purpose Community Building and to also ask for their feedback on the building.

CARRIED 5 VOTES TO 4

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

Reason

So the public understand the need for the building and that there is no direct cost to be borne by them.

11.4 NOTICE OF MOTION (CR BASS) – REZONING OF LAND ALONG GREAT EASTERN HIGHWAY ABUTTING RESIDENTIAL AND STABLES ZONE

BUILT BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	35/002 – Notice of Motions
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	:	Community & 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

The purpose of this report is to consider a Notice of Motion prepared by Councillor Bass regarding the rezoning of land along Great Eastern Highway, Ascot abutting the Residential and Stables Area to preclude further developments under the City of Belmont current zoning that at present allows eight storey apartments.

Item 11.4 Continued

SUMMARY AND KEY ISSUES

Cr Bass has submitted a Notice of Motion seeking a report to be presented to the 25 August 2015 Ordinary Council Meeting for Council to consider the rezoning of land along Great Eastern Highway Ascot abutting the Residential and Stables Area to preclude further developments under the City of Belmont current zoning that at present allows eight storey apartments.

LOCATION

The proposal impacts on all Mixed Use properties located along Great Eastern Highway abutting the Residential and Stables Zone.

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.

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

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

Item 11.4 Continued

STATUTORY ENVIRONMENT

Section 75 of the *Planning and Development Act 2005* refers to the amendment of a Local Planning Scheme. The procedures for amending a Local Planning Scheme are contained within the Act.

The clauses of *Local Planning Scheme 15* (LPS15) relevant to this report are clauses 5.11, 5.19 and 10.2.

5.11 Mixed Use Zone

5.11.1 Site and Development Requirements: The following site and development requirements shall apply within the Mixed Use Zone with the exception of residential development which, subject to subclause 5.11.6 shall conform with the provisions of the Residential Design Codes.

(a) External Space: The use of external space for storage or the conduct of any business activity associated with a premises is prohibited.

(b) Lot Area and Dimensions: The minimum lot area shall be 2000 square metres with a minimum effective frontage of 30 metres. However, the City may support subdivision or approve development of a lot with a lesser area or a lesser effective frontage in circumstances where:

(i) The lot existed prior to the approval of this Scheme, or

(ii) The City is satisfied that the proposal appropriately addresses issues relating to:

(1) Motor vehicle access, parking and circulation;

(2) Easements in gross for the creation of shared accessways;

(3) Rubbish disposal; and

(4) Building footprints and design, or

(iii) The Commission has approved a subdivision of the subject land which creates a lot or lots with an area or effective frontage less than those nominated in this clause.

(c) Lot Coverage: Building including accessory buildings shall not cover a total of more than 60 percent of the area of any lot. The City may consider an increase to 70 percent of the area of any lot where the coverage includes a multi storey car park associated with the development which consists of a ground floor and uncovered upper deck.

(d) Setbacks of Buildings from Site Boundaries: No part of any building shall be built upon that area of land between the street alignment and the building setback line drawn parallel thereto a distance of 15 metres within the site. In regard to any site having more than one street frontage, the minimum setback from the street alignment shall apply to the frontage of the site to the road or roads of higher category as determined by the City and the setback from the lesser roads shall not be less than a distance of 7.5 metres.

Item 11.4 Continued

The City will only permit averaging of building setbacks in those cases where it is satisfied that the functioning of any proposed use will be improved without detriment to the appearance of the development or the street scene or to the safe movement of traffic on or about the site and in case will the City permit a part of any building to be built closer to the street than one half of an average building setback.

(e) Setback Areas: No use of the area between the street alignment and building setback lines shall be permitted other than for planting or for pedestrian and vehicular circulation and vehicle parking in accordance with the provisions of this Scheme, except that an area up to 25 percent of the building setback area may be used for trade display purposes with the approval of the City.

(f) Pedestrian and Garden Areas: No less than 3 metres of the building setback area to the primary street frontage and 1 metre to the secondary street frontage must be set aside, developed and maintained as garden space for pedestrian use only. A landscaping and reticulation plan must be submitted to the City for approval. The landscaping subsequently carried out shall be in accordance with the approved plan. The City will require as a condition of Planning Approval the reticulation and landscaping of the street verge.

5.11.2 Parking and Loading Requirements

Adequate off-street parking shall be provided on site in accordance with the requirements of Table 2, together with adequate parking space for customers and visitors as required by the City. The City shall also require adequate space for parking, loading and unloading of trade vehicles to be provided on site.

5.11.3 Vehicular Cross Access

Where necessary vehicular cross access shall be provided over all parcels of land to give customer and service traffic access to streets wherever access to Great Eastern Highway or other important roads is inappropriate or should be minimised. Cross access provision shall take the form of easements in gross or encumbrances on titles granting right of carriageway with the City a party to the agreements. All documentation costs shall be met by respective owners.

5.11.4 Building Facades

The primary street frontage of all buildings must have a facade predominantly constructed of brick, concrete, glass or steel or a combination of these materials acceptable to the City. Where a proposed structure is to extend from one street frontage to another, as distinct from the double street frontage of a corner lot, the there must be a full height facade to both street frontages of the above materials or similar materials to acceptable to the City.

In the cases of walls fronting secondary streets, the construction must be as above to a minimum height of two metres except that in the case of a building having walls in excess of five metres to plate height the construction must be increased to half the vertical height of the wall. The City shall retain the

Item 11.4 Continued

discretion to determine which is a primary and which is a secondary street frontage.

5.11.5 Fencing and Walls

(1) It is the City's intention that in the Mixed Use zone fencing facing any street frontage should be kept to a minimum to allow for an attractive and open streetscape. In special circumstances, the City may allow fencing facing a street frontage or along a secondary street frontage, provided that in the opinion of the City it is of exceptionally high quality, is visually permeable, and visually appealing.

(2) Notwithstanding clause 5.5, in the Mixed Use zone:

(a) the use of cyclone link mesh fencing is prohibited for any fence other than a boundary fence; and

(b) the use of barbed wire in any fence is prohibited.

5.11.6 Discretion to Vary Standards:

Without affecting the generality of clause 5.2.3, for residential development in the Mixed Use Zone the City may allow a relaxation or variation of the standards and requirements applicable to the Mixed Use Zone if the City is satisfied that the matters referred to in items (a) and (b) conditioning the discretion in clause 5.5.3 are complied with.

5.19 Development on Great Eastern Highway

5.19.1 In addition to other matters to which the City is required to have regard, in considering applications for multi-storey buildings along Great Eastern Highway, the City shall also have regard to the following:

(a) The purpose of the proposed building;

(b) The bulk and height of adjoining and nearby buildings;

(c) Potential impact of overlooking and/or overshadowing;

(d) Potential impact of the proposal on the existing and proposed streetscape; and

(e) The effect of the proposed building on the amenity of adjoining and nearby properties.

5.19.2 In addition to other matters to which the City is required to have regard, in considering applications any development along Great Eastern Highway, the City shall also have regard to the requirement for a limited number of crossovers to the Highway and shall require any applicant to gain the approval of a vehicular access plan by the responsible authority.

Item 11.4 Continued

10.2 Matters to be considered by local government

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application:

(a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);

(b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;

(c) any approved statement of planning policy of the Commission;

(d) any approved environmental protection policy under the Environmental Protection Act 1986;

(e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;

(f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;

(g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;

(h) the conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;

(i) the compatibility of a use or development with its setting;

(j) any social issues that have an effect on the amenity of the locality;

(k) the cultural significance of any place or area affected by the development;

(l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;

(m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;

(n) the preservation of the amenity of the locality;

Item 11.4 Continued

(o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;

(p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;

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

(r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;

(s) whether public utility services are available and adequate for the proposal;

(t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);

(u) whether adequate provision has been made for access by disabled persons;

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

(w) whether the proposal is likely to cause soil erosion or land degradation;

(x) the potential loss of any community service or benefit resulting from the planning approval;

(y) any relevant submissions received on the application;

(z) the comments or submissions received from any authority consulted under clause 10.1.1;

(za) any other planning consideration the local government considers relevant.

Item 11.4 Continued

BACKGROUND

A Notice of Motion by Councillor Bass reads as follows:

"*Motion*

That Council rezone land along Great Eastern Highway Ascot abutting the Stable Area, to preclude further developments under City of Belmont current zoning, that at present allows eight storey apartment.

Reason:

If this type of development continues the traffic in this area will escalate. Creating adverse effect on the people in the stable area."

OFFICER COMMENT

Land abutting the Residential and Stables zone located along Great Eastern Highway is zoned 'Mixed Use'. The 'Mixed Use' zone is "*intended to allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents*." The Mixed Use zone extends beyond the abutting Residential and Stables zone so any amendment to Scheme clauses relating to the Mixed Use zone has widespread implications for land for the entire length of Great Eastern Highway.

Clause 5.19.1 of the LPS specifies that in considering any multi-storey buildings along Great Eastern Highway regard shall be given to:

(a) The purpose of the proposed building;

(b) The bulk and height of adjoining and nearby buildings;

(c) Potential impact of overlooking and/or overshadowing;

(d) Potential impact of the proposal on the existing and proposed streetscape; and

(e) The effect of the proposed building on the amenity of adjoining and nearby properties.

Issues regarding height of development and the impact on amenity of development on adjoining properties are therefore covered under this existing Scheme provision and that of Clause 10.2 (matters to be considered when exercising discretion).

If the intent of the proposal is to limit height more specifically under the Scheme, then detailed planning analysis would be required to be undertaken. Such a design study has not been carried out. The Planning Department is not resourced to carry out such a study at present due to limited resources and no budget allocation. Should the Council want to pursue an urban design study for Great Eastern Highway consideration would need to be given to which other major project(s) should be placed in abeyance. Major projects include but are not limited to: Development Area 6; Development Area 7; Development Area 8; Development Area 9; Belmont on the Move (Integrated Movement Network Strategy); Belvidere Shopping Centre Amendment and Urban

Item 11.4 Continued

Design Study; Ascot Kilns Structure Plan; Multi-unit Code study; and minor review of the Housing Strategy.

It should be noted that any Council Resolution in accordance with the Councillor Motion serves only as a statement of intent and cannot be used to formally initiate an amendment to LPS 15.

FINANCIAL IMPLICATIONS

There are costs associated with the advertising of a Scheme Amendment.

Additional Officer time would be required to progress and implement an urban design study into heights along Great Eastern Highway. There is no current budget allocation for such a study, and further evaluation of the potential resourcing impacts would be required to quantify the likely financial cost.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

COUNCILLOR RECOMMENDATION

BASS MOVED, CAYOUN SECONDED

That Council rezone land along Great Eastern Highway Ascot abutting the Stable Area, to preclude further developments under City of Belmont current zoning, that at present allows eight storey apartments.

Reason

If this type of development continues the traffic in this area will escalate.
Creating adverse effect on the people in the stable area.

Item 11.4 Continued

Note

Cr Rossi put forward the following Amendment Motion:

COUNCILLOR AMENDMENT MOTION

ROSSI MOVED, POWELL SECONDED

That Council consider and discuss at an Information Forum the rezoning of land along Great Eastern Highway Ascot abutting the Stable Area, to preclude further developments under City of Belmont current zoning, that at present allows eight storey apartments.

CARRIED 9 VOTES TO 0

Reason

If this type of development continues the traffic in this area will escalate. Creating adverse effect on the people in the stable area.

COUNCILLOR MOTION, AS AMENDED

***BASS MOVED, CAYOUN SECONDED*,**

That Council consider and discuss at an Information Forum the rezoning of land along Great Eastern Highway Ascot abutting the Stable Area, to preclude further developments under City of Belmont current zoning, that at present allows eight storey apartments.

CARRIED 9 VOTES TO 0

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

Nil.

13 QUESTIONS BY MEMBERS WITHOUT NOTICE

13.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS BY MEMBERS WITHOUT NOTICE

13.2.1 Cr Cayoun

There are regular reports that the intersection of Great Eastern Highway and Coolgardie Avenue is dangerous. Can the Main Roads modifications to this intersection be fast tracked and what can the City do to push for the modifications to take place as soon as possible?

Response

The Chief Executive Officer advised that Officers meet with various State Government Director Generals and raise and push this issue constantly. The City sees this modification as an important part of the traffic solution and is raising and will continue to raise this important issue to ensure that it is part of Main Roads planning.

1. Has any confirmation been received from Main Roads?

Response

The Chief Executive Officer advised that no confirmation has been received from Main Roads but that the issue is continually raised with them.

2. When is the next forum that this issue can be raised occurring?

Response

The Chief Executive Officer advised that there are a number of technical forums that occur on a regular basis. The City raises this issue with the Public Transport Authority and Main Roads constantly and that it is a standing agenda item in a number of these technical forums.

Item 13.2.1 Continued

3. In relation to the movement of Members Questions Without Notice to the end of the agenda, how often has a two hour plus wait for the Reports of Administration item occurred?

Response

The Presiding Members advised that three to four months ago after a meeting with a lengthy Public Question Time and Members Questions Without Notice the issue was raised and then further discussed at an Information Forum. It was decided that it would be professional to address this issue through the use of a trial.

4. The only occasion that this has occurred was when there was a full public gallery waiting for Members Questions Without Notice. When have there been other examples of lengthy waits for the Reports of Administration?

Response

The Presiding Member advised that this is the second month of a three month trial. There have been instances in the past where members of the public in the gallery are waiting a substantial amount of time before any decisions of Council were made.

At the 28 July 2015 OCM, Public Question time went for one hour and 25 minutes and Questions by Members Without Notice took 45 minutes. Prior to the Questions by Members Without Notice item being moved, members of the public would have had to have waited over two hours before any Council decisions were made. At the 28 July 2015 OCM there was a wait of eleven minutes between Public Question Time and Members Questions Without Notice.

Council is here to address public questions, however decision making is a very important part of Council's role and an important part of the Council meeting.

The Presiding Member urged Councillors to give the trial a fair go. It may not be the perfect solution, but the intent is to improve the working of the OCM.

5. Can you acknowledge that this is not a regular occurrence and that in general these items do not take that long?

Response

The Presiding Member advised that while it may not be a regular occurrence it has been occurring lately. The upcoming elections may be a factor. Results and feedback from the trial period will be considered before a decision is made.

13.2.2 Cr Hitt

1. The importance of decisions on agenda items is understood, however can the priorities of residents who attend Council meetings be considered when a decision is made on where the Members Question Without Notice is placed? Seniors attending the meeting may not like being out late at night.

Response

The Presiding Member advised that Public Question Time is at the beginning of the agenda and it is then up to members of the public to decide if they wish to stay for Councillor questions. It should be noted that most Councils do not have a 'Members Questions Without Notice' item and those that do place it at the end of the agenda. Lengthy discussions not related to the decision making of Council was the primary reason that the 'General Business' item was disallowed.

2. Cr Hitt stated that he believed that having the Questions by Members Without Notice item at the beginning of the agenda places the City of Belmont at the forefront of Councils in the state and is to be commended. He further advised that he would advocate for this item to remain at the beginning of the agenda.

Response

The Presiding Member stated that the Department of Local Government and Communities may be in disagreement. A decision on this item will be made at the end of the trial period.

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Note

As there was no discussions or debate on Confidential Item 14.1 the meeting did not proceed behind closed doors.

14.1 FAULKNER PARK RETIREMENT VILLAGE LEASE MANAGEMENT – CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 5.23(2)(E)(II)

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 3 – Item 14.1 refers	Report Item – Faulkner Park Retirement Village Lease Management
Confidential Attachment 4 – Item 14.1 refers	Letter A
Confidential Attachment 5 – Item 14.1 refers	Letter B
Confidential Attachment 6 – Item 14.1 refers	Letter C

OFFICER RECOMMENDATION

POWELL MOVED, WOLFF SECONDED,

That Council:

1. ***Authorise the Chief Executive Officer to issue a No Marketing Notice in accordance with Clause 10.6 of the lease agreement.***

2. ***Authorise the use of the Common Seal, where required, on any documentation associated with the transfer of the property described in this report.***

3. ***Authorise the expenditure of the amount offered plus related ancillary costs to be funded from the Faulkner Park Retirement Village Buy Back Reserve if required.***

*****ABSOLUTE MAJORITY REQUIRED*****

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

15 CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 9.54pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held on 25 August 2015 were confirmed as a true and accurate record at the Ordinary Council Meeting held 22 September 2015:

Signed by the Person Presiding: P. Marks

PRINT name of the Person Presiding: Philip Marks.