City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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25 March 2014

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NOTICE OF MEETING

ATTACHMENTS INDEX

ITEM	SUBJECT HEADING	PAGE

CONFIDENTIAL ATTACHMENTS INDEX

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

MINUTES

PRESENT

Cr P Marks, Mayor	East Ward
Cr R Rossi JP, Deputy Mayor	West Ward
Cr L Cayoun	West Ward
Cr P Hitt	West Ward
Cr B Ryan	East Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward
Cr P Gardner	South Ward

IN ATTENDANCE

Mr S Cole	Chief Executive Officer
Mr R Garrett	Director Corporate and Governance
Mr S Morrison	A/Director Technical Services
Mr J Pol	A/Director Community and Statutory Services
Mr J Olynyk, JP	Manager Governance
Mr W Loh *(dep 8.09pm & did not return)*	Senior Planning Officer
Mrs R Brockman	Senior Governance Officer
Ms S Johnson	Governance Officer

MEMBERS OF THE GALLERY

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

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.07pm, 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

Cr M Bass (Apology)	East Ward
Mr R Lutey (Apology)	Director Technical Services
Mr N Deague (Apology)	Director Community and Statutory Services

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Cr P Gardner	12.3 Quotation 21/2013 - Provision of Financial Audit Services.	Indirect Financial Interest Employer is on panel of preferred suppliers.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

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

4.1 ANNOUNCEMENTS

Nil.

4.2 DISCLAIMER

7.09pm The Presiding Member advised the following:

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

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.09pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (l), the Presiding Member advised that he had registered six members of the public who had given prior notice to ask questions, these being Mr R Foster, Ms G O'Donovan, Mr R Haysom, Ms L Coops, Mr T Weston and Mr Z Morrow.

The Presiding Member invited the public gallery members, who had yet to register their interest to ask a question, to do so. There were no further questions.

5.2.1 Mr R Foster, 140 Coolgardie Avenue, Redcliffe

1. What consultations or meetings has the City of Belmont undertaken with:

   - The State Planning Commission
   - Perth Airport Pty Ltd

   and what have these meetings determined in relation to:

   - DA6 Structure Plan
   - Closure of Brearley Avenue
   - Future of Coolgardie Avenue?

2. When will the City of Belmont's Department of Planning Services communicate its progress in relation to DA6 and the outcomes of meetings it has held with other statutory authorities and organisations in relation to DA6?

3. When can residents anticipate the announcement of the rezoning in the DA6 area? Currently residents are left in limbo as to their future and what they can and cannot do with their properties.

Response to Questions 1-3

The Chief Executive Officer replied that consultants had been engaged to work on the Vision Plan and made assurances that residents will be informed of any changes, of which currently there are none.

Item 5.2.1 Continued

4. The distribution system of the City of Belmont is failing the ratepayers and residents of Belmont. Would it be possible to review and improve this distribution system? Over 400 forms were delivered by a few residents of Coolgardie Avenue to all houses on the airport side of Tonkin Highway. We are still waiting for the City of Belmont's distribution system to put one in our letterboxes.

Response

The Chief Executive Officer replied that as a result of feedback from the community forum, the City's Marketing Department had been in contact with the distribution company regarding complaints from residents not receiving forms. The distribution group followed up by contacting random residents to ask if they had received the forms and reported no problems.

The Chief Executive Officer thanked Mr Foster for distributing the forms and undertook to follow up on any further issues with distribution in the future.

5.2.2 Ms G O'Donovan, (on behalf of Mr B Childs, 122 Sydenham Street, Kewdale)

The responses to my questions taken on notice from the Ordinary Council Meeting of 17 December 2013 are not adequately answered, so we leave them, at this stage unanswered.

In reference to the response to Question 6 being "Can I be directed to where I might find the progress to the worthy mantra – "better for more for less", my initial look at documents to which you refer: Strategic Community Plan 2013-2032 and Corporate Business Plan 2013-2017, find my simple question may not be answerable. I again trust that you and your fellow Councillors would be abreast of these documents.

1. Can you direct me to a Councillor who may guide me to an understanding?

Response

The Presiding Member took the question on notice.

2. Mr Mayor several responses to my questions have been given by the Director or Manager. Can you assure me that the Chief Executive Officer wholly endorses and embraces these responses, ie Neville Deague and Lisa Dobrin are acting as the endorsed and authorised responder of the Chief Executive Officer – effectively being the co-signor of the given responses?

Response

The Chief Executive Officer stated that he signs the majority of correspondence in reply to questions directed to Council and fully endorses and takes full responsibility for all correspondence sent from the City of Belmont.

5.2.3 Mr R Haysom, 26 Bowkett Street, Redcliffe

1. I believe that there is inadequate parking provided for the proposed development on Bowkett Street and it should be more like 12 car bays and at least four visitor cay bays?

Response

The Presiding Member replied that the matter was on the Agenda tonight.

5.2.4 Ms L Coops, 12 Mathews Place, Belmont

1. In reference to the Belmont Community Group Brochure, I ask if you are not affiliated with any political party and to join is free, where does the money come from for the Brochure and by answering this question you would put aside any doubts that people have?

Response

The Presiding Member stated that this is not Council related business and that the Councillors in question have no obligation to answer, however, if the Secretary or Treasurer of the Belmont Community Group (Group) wished to answer the question from the public gallery, then they may do so.

Cr Gardner stated that he found it perplexing that this issue should be raised and it was not a matter of Council business.

Cr Cayoun added that it would be appropriate to approach the President of the Group who would respond to the question and reiterated that the question was not a matter of Council business.

2. I do not believe that politics of any political party should be in Local Government to gain profile, will Councillors Gardner and Cayoun have any intention of running in any future State or Federal elections?

[1] **Response**

Cr Cayoun replied that she had no current plans for running in any State or Federal elections and that her current interest was performing her duties as a Councillor for the City of Belmont. If she believed there was any conflict of interest, she would raise it.

3. As Councillors Gardner and Cayoun are members of the Belmont Community Group, could they please make available the website that they advertise for input from the residents of Belmont, as if this had been available, I would not have had to ask these questions in Council?

Response

Cr Cayoun replied that contact information was available through the distributed newsletter, however she would approach the Group's President regarding the unavailability of the website.

[1] Refer to OCM 22/04/14, Item 6.1 for amended corrections.

5.2.5 Mr T Weston, 15 Mathews Place, Belmont

1. I once again ask Council, as to the correctness and legality of the Belmont Community Group and their direct involvement with the Labor Party and Unions?

2. Is the Belmont Community Group in fact a front for these groups and their propaganda as they seem to be hiding within a shroud of secrecy?

3. Hansard noted that there was no existence of the Belmont Community Group Website?

[2]Responses 1-3

The Presiding Member stated that this is not Council related business and that the Councillors in question have no obligation to answer, however, if the Secretary or Treasurer of the Belmont Community Group (Group) wished to answer the question from the public gallery, then they may do so.

Cr Gardner said he was unaware of the Hansard extract which quoted that the Group's website did not exist and stated that this issue was not a matter of Council business.

Cr Cayoun stated that the Group was not a front for any party or union group and is not affiliated with any political group. The Group has hundreds of members coming from all manners of political persuasion.

4. Where does funding come from to publish a newsletter if membership is free?

Response

Cr Gardner refuted the Group was a front for the Labor Party and stated that there must be technical difficulties with the website if it could not be opened. He added that contact details could be found in the Group's newsletter which has been circulated to the community.

5.2.6 Mr Z Morrow (on behalf of Momentum Wealth), 2/1 Tully Road, East Perth

1. Are the Councillors aware that our client bought the property in good faith, after receiving written advice from the planning department, confirming this type of development was appropriate?

Response

The Chief Executive Officer replied yes, Councillors were provided with information pertaining to the proposed development.

[2] Refer to OCM 22/04/14, Item 6.1 for amended corrections.

Item 5.2.6 Continued

2. Are the Councillors willing to waste their ratepayer's money engaging in a legal battle which we have been advised we would win anyway? The amendment to LPS15 has not come into effect and the proposed development application should be determined on the current LPS15.

Response

The Chief Executive Officer stated that Council was aware of its responsibilities as far as committing rate payers funds and that the threat of legal action was not a consideration when approving planning applications - decisions are made on planning grounds only.

7.43pm As there were no further questions, the Presiding Member closed question time.

6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 25 FEBRUARY 2014
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, CAYOUN SECONDED*, *That the minutes of the Ordinary Council Meeting held on 25 February 2014 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 8 VOTES TO 0

6.2 SPECIAL COUNCIL MEETING HELD 10 MARCH 2014
(Circulated under separate cover)

OFFICER RECOMMENDATION

CAYOUN MOVED, POWELL SECONDED*, *That the minutes of the Special Council Meeting held on 10 March 2014 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 8 VOTES TO 0

6.3 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 18 MARCH 2014
(Circulated under separate cover)

OFFICER RECOMMENDATION

HITT MOVED, WOLFF SECONDED*, *That the Information Matrix for the Agenda Briefing Forum held on 18 March 2014 as printed and circulated to all Councillors, be received and noted.

CARRIED 8 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

8.1 CR J POWELL

1. Is it possible to explain the difference between a community group and a political group?

Response

The Presiding Member stated he understood that the difference was the intent of the group when it came to elections; whether the group put forward members to run for elections or whether the group attempted to influence the beliefs of those who ran at elections. It is a fine line as to how a community group runs and how a political party runs.

2. There appears to be lack of information regarding the Belmont Community Group, does the City of Belmont still use the community publication which contains contact details for groups and goes out to residents?

Response

The Chief Executive Officer replied yes, the Community Directory provides contact details for various community groups in the City of Belmont.

3. Mr Mayor, are you or any officers aware of where or when the Belmont Community Group meets?

Response

The Presiding Member directed the question to the relevant Councillors.

Councillor Gardner stated that information regarding the Belmont Community Group would be provided. He was unsure of why there was no access to the website, however believed it was probably being updated.

Councillor Cayoun stated that information can be provided to anyone requesting details through the Group's President.

8.2 CR L CAYOUN

1. Is it common that Councillors are interrogated in Council for their other activities in the community?

Response

The Presiding member advised that at times, community members did attend Council meetings and asked these type of questions, which they are entitled to do. In past times, many questions were asked in Council from community members regarding the Belmont Residents Ratepayers Action Group (BRRAG).

8.3 CR B RYAN

1. If the general public is concerned about this particular group, it might be an idea for them to publish their contact details in a local newspaper, advising they are not political and assure ratepayers of their intentions?

Response

Councillor Gardner advised that it was possible to submit this information to the local newspaper and added that the website associated with the Group may be being updated and may not always be accessible to the public at these times.

8.4 CR J POWELL

1. I was just trying to clarify for the public gallery what details could be provided regarding the Belmont Community Group?

Response

The Presiding Member stated that contact details of the public gallery members would be obtained and the President of the Belmont Community Group would provide the requested information.

8.5 CR P HITT

1. Is it appropriate that requests for information regarding the Belmont Community Group be discussed at a Council meeting, shouldn't the requests be made directly to the Group?

Response

The Presiding Member stated that as previously advised information will be provided to community members by the President of the Group.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

11.1 STANDING COMMITTEE (AUDIT AND RISK) HELD 24 FEBRUARY 2014
(Circulated under separate cover)

OFFICER RECOMMENDATION

***GARDNER MOVED, CAYOUN SECONDED*, That the Minutes for the Standing Committee (Audit and Risk) meeting held on 24 February 2014 as previously circulated to all Councillors, be received and noted.**

CARRIED 8 VOTES TO 0

11.2 STANDING COMMITTEE (COMMUNITY VISION) HELD 10 MARCH 2014
(Circulated under separate cover)

OFFICER RECOMMENDATION

***POWELL MOVED, ROSSI SECONDED*, That the Minutes for the Standing Committee (Community Vision) meeting held on 10 March 2014 as previously circulated to all Councillors, be received and noted.**

CARRIED 8 VOTES TO 0

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.2 was withdrawn at the request of Cr Powell.
Item 12.3 was withdrawn at the request of Cr Rossi.
Item 12.7 was withdrawn at the request of Cr Gardner.

***CAYOUN MOVED, POWELL SECONDED*, That with the exception of Items 12.2, 12.3 and 12.7 which are to be considered separately, that the Officer Recommendations specifically for Items 12.1, 12.4, 12.5, 12.6 and 12.8 be adopted en-bloc by an Absolute Majority decision.**

CARRIED BY ABSOLUTE MAJORITY 8 VOTES TO 0

12.1 SIX MULTIPLE DWELLINGS – LOT 94 (1) BOWKETT STREET, REDCLIFFE

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.1 refers	Table of Submissions
Attachment 2 – Item 12.1 refers	Development Plans (7 February 2014)
Attachment 3 – Item 12.1 refers	Supporting Legal Opinion from Applicant
Attachment 4 – Item 12.1 refers	Traffic Impact Assessment from Applicant

Voting Requirement	:	Simple Majority
Subject Index	:	115/001
Location / Property Index	:	Lot 94 (1) Bowkett Street, Redcliffe
Application Index		503/2013/DA
Disclosure of any Interest	:	N/A
Previous Items	:	29 October 2013 Ordinary Council Meeting Item 12.1 17 December 2013 Ordinary Council Meeting Item 12.2
Applicant	:	Momentum Wealth Projects
Owner	:	J Smith and S Smith
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider a development application for six multiple dwellings at Lot 94 (1) Bowkett Street, Redcliffe.

Item 12.1 Continued

SUMMARY AND KEY ISSUES

The City has received an application for approval to develop six multiple dwellings at Lot 94 (1) Bowkett Street, Redcliffe, which is located at the corner of Grand Parade. The property is zoned 'Residential' with an R20 density code.

Clause 5.3.2(2) of Local Planning Scheme No. 15 (LPS15), provides Council discretion to approve development of R20 coded corner lots to a maximum density of R30.

The application proposes development of multiple dwellings under the R30 density provisions.

In October 2013, Council resolved to initiate an amendment to LPS15 to prohibit development of multiple dwellings at the R30 density on R20 coded corner lots.

It is recommended that Council refuse the application as the development of multiple dwellings at the R30 density on corner lots in a R20 coded area is contrary to the intent of LPS15.

LOCATION

The subject property is located at the corner of Bowkett Street and Grand Parade in Redcliffe. The site has an area of 741m² with a 16.10 metre (approximate) frontage to Grand Parade and an 18.09 metre (approximate) frontage to Bowkett Street as shown in Figure 1 below. Belmay Primary School is located at the intersection of Sydenham Street and Epsom Avenue, approximately 130 metres to the southwest of the subject site. The property is located to the southwest of the Perth Airport and is within the 20-25 Australian Noise Exposure Forecast (ANEF) contours as shown in Figure 2 below.

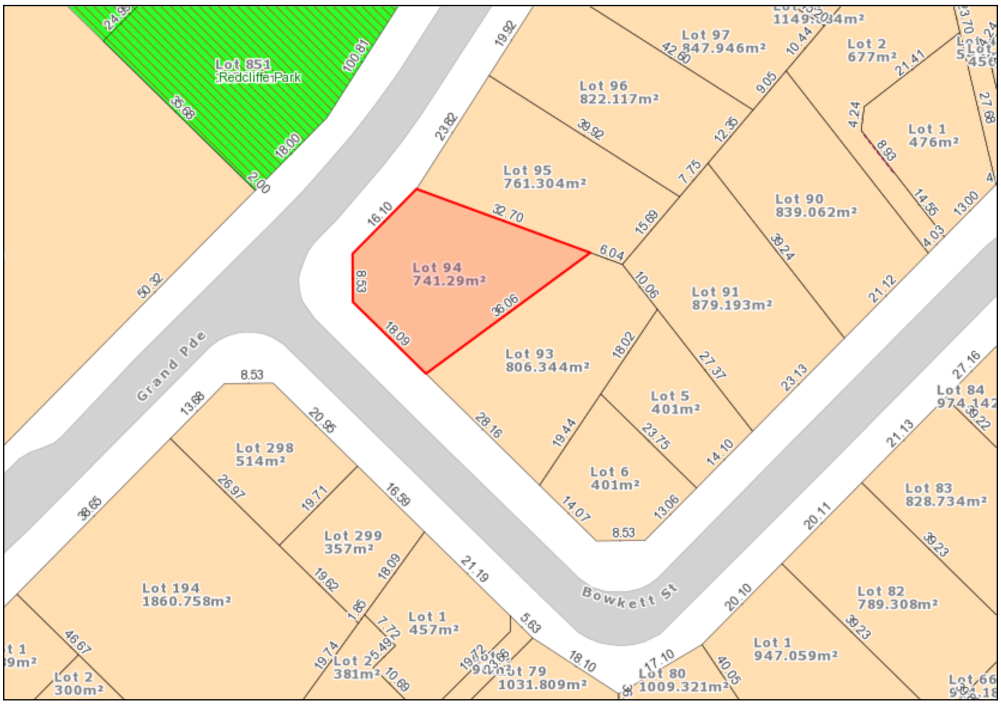


Figure 1 – Location Plan

Item 12.1 Continued

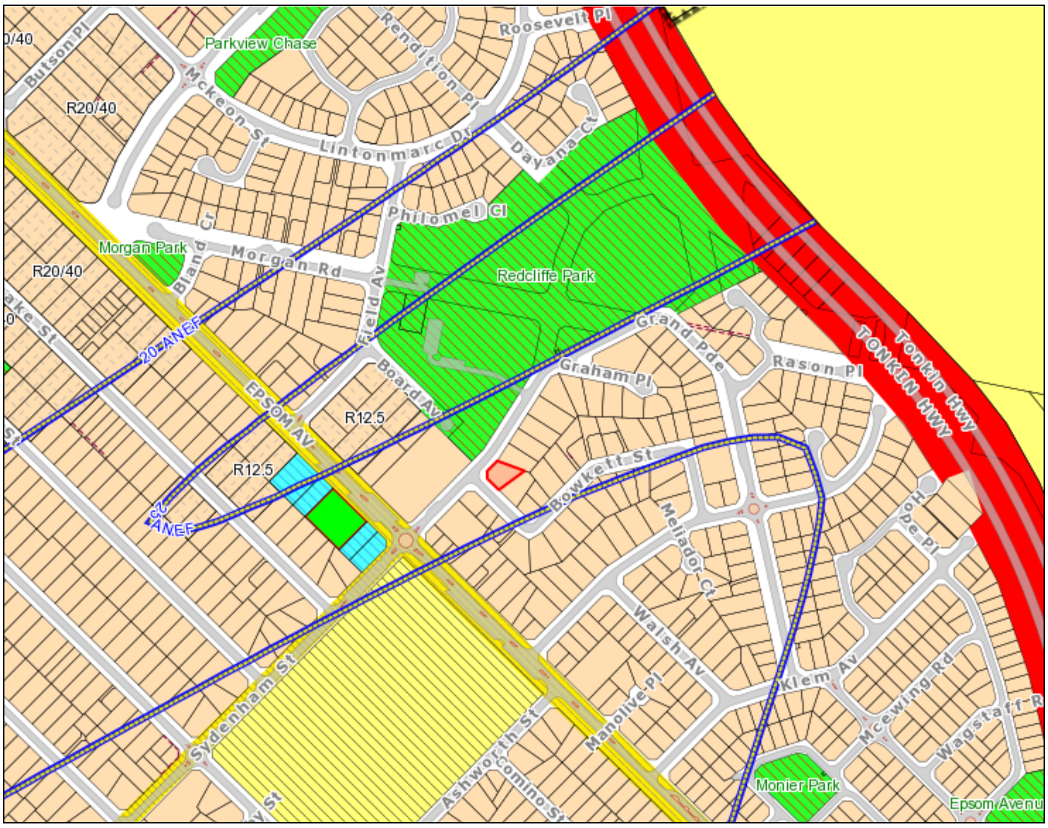


Figure 2 – Aircraft Noise – Australian Noise Exposure Forecast Contours

The site currently contains a single house. Other single-storey single houses are developed on the adjoining lots (12 Grand Parade and 3 Bowkett Street) as reflected in the aerial photograph (Figure 3 below). It is noted that other dwellings in the vicinity are predominantly single storey dwellings.

Figure 3 – Aerial Photograph

Item 12.1 Continued

CONSULTATION

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

Clause 9.4.2 of LPS15 provides discretion for the City to advertise a proposal whether or not it is mandatory under the Scheme. Given the application is considered contrary to the intent of LPS15, public consultation was considered beneficial as part of the planning assessment process. The proposal was advertised for a period of 18 days to owners and occupiers of properties in the vicinity as outlined in 'Red' in Figure 4 below:

Figure 4 – Advertising Referral Area

A total of 12 submissions were received during the advertising period. Two submissions expressed no objection to the proposal, but neither submission provided reasons why the development should be supported. Ten (10) submissions were opposed to the development. The key matters raised in the submissions are:

- The limited on-site car parking provided for the development
- The additional traffic generated from the development is likely to impact on the amenity of the area
- The character and intensity of the proposed multiple dwellings are inconsistent with the low density character of the area
- The proposed development sets an undesirable precedent for similar development in the future.

Item 12.1 Continued

The above matters are further discussed in the Officer Comment section of this report. A table summarising all the submissions with corresponding Officer comments is contained in Attachment 1.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Local Housing Strategy 1999

To enable Town Planning Scheme No. 14 (TPS14), the Housing Strategy was reviewed in 1999 whereby Council decided to limit the majority of the residential area to a density code of R20. This was intended to encourage families into the locality, through the larger R20 lots being best suited to cater for family needs through providing private recreational space for children.

Local Housing Strategy 2010

The City of Belmont Local Housing Strategy review was undertaken in conjunction with the review of TPS14 in 2010. The Strategy provided the basis for the planning of housing and residential densities within the City.

The Strategy for low density residential R20 areas should generally be maintained in line with the City's previous strategy. This is aimed at promoting increased growth, whilst assisting in accommodating affordable low density, family type housing and ensuring a variety of housing density and types within the City.

The location of the 20-30 ANEF contours across the City limits the ability to increase residential density in specific locations. Notwithstanding this limitation, the Strategy detailed that this may also be seen as an opportunity for the City to ensure that existing low density development is retained within the City to provide a mix of housing densities. The strategy concluded that low density residential development should continue to apply to areas affected by the 20-25 ANEF contour.

Under particular requirements the R20 density provides for the ability of corner lots to develop to an R30 density. The strategy maintained this provision to provide for some medium density within low density areas to add variety of housing density and form. The location on a street corner, where development has the opportunity to address both street frontages through the minimisation of solid boundary fencing, reduces the impact of this density in the R20 coded areas, which within the City of Belmont, predominantly represents single residential housing.

The District Open Space in the vicinity includes Redcliffe Park, Redcliffe. The park is predominantly within the 25-30 ANEF contours, the strategy is for densities to remain low in this area.

Item 12.1 Continued

POLICY IMPLICATIONS

Statement of Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport

Clause 4.3.2 of the Western Australian Planning Commission's (WAPC) Statement of Planning Policy 5.1 (SPP5.1) states that residential development density should generally be limited to R20 except where:

- There is a strategic need for more consolidated development
- A higher density coding is desirable to facilitate redevelopment or infill development of an existing residential area
- There is some other public interest reason which justifies the need for higher density coding.

State Planning Policy 3.1 – Residential Design Codes (Gazettal 2 August 2013)

The Residential Design Codes (R-Codes) are a State Planning Policy of the West Australian Planning Commission (WAPC) which applies to all residential developments within Western Australia. The R-Codes are adopted under the Local Planning Scheme and apply to residential development unless otherwise specifically varied.

Development standards for multiple dwellings are required to adhere to the provisions as stated in Part 5 of the R-Codes (design elements for multiple dwellings in areas with a coding of R30 or less).

Part 5 comprises of five parts and any development application assessed against the R-Codes must satisfy deemed-to-comply requirements under each element. Should the application not be able to satisfy the deemed-to-comply requirements, an assessment under the Design Principles is undertaken which requires the applicant to provide further justification as to why the application is acceptable and complies with the objectives of the R-Codes.

State Planning Policy 3.1 – Residential Design Codes (gazettal 10 November 2010)

The R-Codes were updated on 10 November 2010. This update changed the way the number of multiple dwellings per lot were calculated. At a density of R30, a plot ratio of 0.6 now applied, rather than a dwelling yield similar to grouped dwelling development as was previously used. This had the impact of permitting a greater number of dwellings per lot.

Council initiated advertising of LPS15 in mid 2010, before the November 2010 version of the R-Codes was gazetted. On the 14 February 2011, LPS15 was adopted by Council and approved and gazetted by the WAPC nine months later on 1 December 2011. The impact of this delay is discussed in the Background and Officer Comment section of this report.

Item 12.1 Continued

Local Planning Policy No. 13 – Vehicular Access for Residential Development

4.3.1 Development of Multiple Dwellings

(a) For all developments comprising ‘multiple dwellings’ on a lot, a maximum of one vehicle crossover shall be permitted to provide access to all dwellings.

The subject application proposes one crossover and complies with the Policy.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme

The land is zoned ‘Urban’ under the Metropolitan Region Scheme (MRS). The site is appropriately zoned for the proposed land use.

Local Planning Scheme No. 15

- Clause 1.4 states the Scheme is to be read in conjunction with the Local Planning Strategy

- The subject property is zoned ‘Residential R20 under the City of Belmont LPS15

- ‘Multiple dwellings’ are a discretionary land use within the City’s ‘Residential’ zone which means the use is not permitted unless the local government exercises its discretion by granting planning approval

- Clause 5.3.2(2) states that the City may permit the development, or support the subdivision of an existing flexible-coded or R20-coded corner lot to a maximum density of R30 provided:

  (a) All existing improvements which in the opinion of the City is:

    (i) Of low quality or incapable of being upgraded to a standard commensurate with new development or

    (ii) Is poorly sited and fails to maximise opportunities in relation to proposed lot boundaries

    are demolished.

  (b) The lot has frontage to two constructed roads and

  (c) The created lots are not of an irregular shape or can demonstrate that a dwelling can be accommodated on any new lot.

- Clause 10.2 lists matters the Council may consider and includes:

  (a) The aims and provisions of the Scheme

  (e) Any relevant policy or strategy of the Commission, Government or the State

Item 12.1 Continued

(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

(n) The preservation of the amenity of the locality

(o) The relationship of the proposal to development on adjoining land including the likely effect of the height, bulk, scale, orientation and appearance of the proposal

(p) Whether adequate provision has been made for the parking of vehicles

(q) The amount of traffic likely to be generated by the proposal and the probable effect on traffic flow and safety

(y) Any relevant submissions received on the application

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

Amendment 3 – Local Planning Scheme No. 15

Amendment 3 to LPS15 was gazetted on 28 February 2014. Prior to Amendment 3, Clause 5.5.1 of LPS15 did not permit the City to approve variations to the development standards under the Scheme for residential development.

The City may now grant planning approval for developments where variations to the standards under the Scheme are proposed, regardless of the land use or development type.

Amendment 4 – Local Planning Scheme No. 15

Council at its meeting of 19 October 2013, resolved to initiate Amendment 4 to LPS15. The purpose of the amendment is to clarify that Clause 5.3.2 of LPS15 which allows a R20 corner lot to be developed or subdivided as the R30 density does not apply to multiple dwellings.

The City is currently awaiting approval from WAPC to advertise the proposed amendment.

Local Planning Scheme Report

The Local Planning Scheme Report provided background to Council for the review of TPS14. A separate supporting document comprising the City's Housing Strategy was prepared, in which a number of recommendations were made.

That report stated that land affected by ANEF contours should remain at low densities of R12.5 and R20, unless presently developed or coded in excess of these codes.

The ability to develop R20 corner lots at a density of R30 was retained from TPS14 in the current LPS15. Council's intent of the clause, as highlighted in the Local Housing Strategy, is to provide for family orientated single or grouped dwellings which address both street frontages.

Item 12.1 Continued

As part of the report, the City conducted research into how many additional dwellings could be developed in the City of Belmont using current densities. Based on conservative estimates; noting maximum densities are not used on all occasions when redeveloping, an estimated 13,311 additional dwellings could be developed in the City of Belmont. This figure did not take into account multiple dwelling development using a plot ratio. Directions 2031 was released in August 2010 and assigned a requirement to the City of Belmont to provide for 5,500 additional dwellings. As such LPS15 provided for far in excess of the State Government dwelling target as specified.

Deemed Refusal

Clause 10.9.2 of the City of Belmont LPS15 applies where an application is advertised under the provisions of Clause 9.4 of the Scheme. As such, the application is 'deemed to be refused' if it is not determined within a 90 day period.

The only exception to these cases is where there is a written agreement for further time between the applicant and the City of Belmont. In this case, there is no written agreement for the statutory time period to be extended.

The deemed refusal date for this application passed on 1 March 2014 and the applicant already has deemed refusal rights.

Right of Review

Is there a right of review? ☒ Yes ☐ No

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

BACKGROUND

Lodgement Date:	5 December 2013	**Use Class:**	Multiple Dwellings
Lot Area:	741m²	**LPS Zoning:**	Residential R20
Estimated Value:	$1,080,000	**MRS:**	Urban

Proposal

The development plans are contained in Attachment 2. The application proposes construction of six, two bedroom multiple dwellings contained in two by two storey buildings on the property. Two dwellings are located on the ground floor and four dwellings are located on the upper floor of the development.

Table 4 of the R-Codes specifies a maximum plot ratio of 0.5 for development of multiple dwellings at the R30 density, this equates to a maximum plot ratio area of 370.5 square metres. The development has a total plot ratio area of 372 square metres with a resultant plot ratio of 0.502 which represents a marginal variation to the 0.5 specified under the R-Codes.

Item 12.1 Continued

A crossover centrally located along the Bowkett Street boundary of the subject property provides vehicle access to the development. A total of eight car parking spaces are provided for the development, of which six are allocated for the use of residents and two are allocated for visitors.

The proposal is consistent with the R-Code provisions for development of multiple dwellings at the R30 density.

The applicant is of the view that Clause 5.3.2 of LPS15 provides for R20 coded corner lots may be developed to a maximum density of R30. The reference to development density in LPS15 does not exclude multiple dwellings. The proponent has sought legal advice on the interpretation of the Scheme and Local Housing Strategy provisions in support of their proposal (Attachment 3). The applicant has also provided a Traffic Impact Assessment (TIA) in support of their proposal (Attachment 4). On this basis, the applicant is of the view that the proposal should be approved.

Land Use

'Multiple dwellings' are classified as a 'D' use in the 'Residential' zone under Table 1 of LPS15. This means that the use is not permitted unless the local government exercises its discretion by granting planning approval. Discussion of the suitability of the land use is contained in the Officer Comment section of this report.

R-Code Multiple Dwelling Provisions

Prior to 10 November 2010, the R-Code provision for development of multiple dwellings at the R30 density was based on a specified minimum lot area of 333 square metres per dwelling. The parent lot area was simply divided by 333 square metres to determine the permitted number of dwellings on the lot. Specifying the minimum lot area per dwelling, provided certainty on the dwelling yield of a lot.

On 10 November 2010, the R-Codes introduced a 0.5:1 maximum plot ratio provision in lieu of the specified minimum lot area for development of multiple dwellings at the R30 density. The parent lot area is multiplied by the plot ratio (0.5 in the case of the R30 density), providing the plot ratio area for development. The maximum number of dwellings is not specified; this provides flexibility for the developer to incorporate a variety of large and/or small dwellings within the plot ratio area, provided no dwelling has an area[3] less than 40 square metres.

The change in the R-Code provisions for development of multiple dwellings at the R30 density gave rise to significant differences in development outcomes, specifically the intensity of development and number of dwellings capable of being developed on a lot where the R30 density is applied. Table 1 below provides a comparison between the minimum area per lot provision and the plot ratio provision and the resultant number of dwellings on the subject lot (741 square metres).

[3] The use of the word 'area' refers to the term 'Plot Ratio Area' under Clause 6.4.3(C3.2) of the R-Codes 2013.

Item 12.1 Continued

Lot Area	Pre-November 2010	Current
Parent Lot Area	741m²	741m²
Plot Ratio (Plot Ratio Area)	Not Specified	0.5 (370.5m^2)
Minimum Area per Dwelling	333m²	40m^2
Number of Dwellings	Divide 741m^2 by 333m^2 = **2.23**	Divide 370.5m^2 by 40m^2 = **9.26**

Table 1 – Dwelling Yield Comparison – R-Codes Pre-November 2010 vs Current

The above comparison clearly shows the significant difference of **two dwellings** under the pre-November 2010 provisions versus the **nine dwellings** on the same lot allowed by the provisions introduced in November 2010.

There is also a significant difference in the required number of car parking spaces for R30 multiple dwellings developed under the pre-November 2010 R-Code standards and the current standards. Previously, two car parking bays for residents were required for each dwelling. Under the current standards, the required car parking for residents is calculated on a ratio of 0.75/dwelling. Based on the example of Table 1 above, only seven resident bays would be required among the nine dwellings. This means that seven of the dwellings may be allocated a car parking bay each, while two of the dwellings will have no car parking provided. Any demand for additional parking from the development will have to be accommodated off-site (ie on the street).

<u>Local Planning Scheme No. 15</u>

The R30 density bonus for R20 coded corner lots has been in place in the City of Belmont since the early 1990s. Council adopted this approach under the Scheme at the time to achieve its objective of providing family orientated residential development whilst also increasing the housing stock. This type of development also avoids the typical 1.8 metre high solid fencing which is often installed along the secondary street boundary of corner lots.

The November 2010 version of the R-Codes introduced a plot ratio provision in lieu of the previous minimum lot area per dwelling requirement. There was a significant delay in the time between the gazettal of this version of the R-Codes and the City of Belmont's LPS15.

LPS15 was advertised beginning mid 2010, before the November 2010 version of the R-Codes was gazetted. Under the proposed LPS15, the City had already adopted changes to increase densities in certain areas, and had not considered how the changes to the multiple dwelling provisions in the R-Codes, with respect to a plot ratio being attributed to R30 development, would impact the Scheme. After this advertising period, Council adopted the Scheme on 14 February 2011 and nine months later on 1 December 2011, the WAPC approved and gazetted the Scheme.

The subject application for multiple dwellings in the R20 coded area is the second application the City has received which proposes to apply the R30 density bonus.

In the report to Council (29 October 2013, Ordinary Council Meeting, Item 12.1), it was highlighted that an additional 1,670 grouped dwellings could be developed at the R30 density on R20 coded corner lots. In contrast, 4,288 multiple dwellings could be developed. The implications of this vast difference in the number of additional dwellings are discussed in the Officer Comment section of this report.

Item 12.1 Continued

Previous Council Decision

At its Ordinary Council Meeting (OCM) on 29 October 2013, Council refused a similar proposal for development of four multiple dwellings at Lot 87 (27) Middleton Street. The proposal was refused for the following reason:

- Approval of the application would set an undesirable precedent for the Residential R20 area within the City of Belmont.

Approval of the application would be inconsistent with the Local Housing Strategy.

The proposal is contrary to the intent of State Planning Policy 5.1 which seeks to limit the density of development in the 20-25 ANEF.

OFFICER COMMENT

Council has the role of determining whether it is appropriate to grant planning approval for development of six multiple dwellings on the subject property. In making its decision, Council must consider the following matters in the context of this proposal:

Local Housing Strategy and Statement of Planning Policy 5.1

The City's Local Housing Strategy outlines that development of R20 coded corner lots to a maximum density of R30 is not intended to facilitate higher density multiple dwelling development. Rather, it is intended to complement development in the R20 coded area and allow development of single or grouped dwellings to better address the street corner, while maintaining a low density character to support development of dwellings suited to accommodate families.

Under WAPC's planning strategy – Directions 2031, the City of Belmont is required to supply an additional 5,500 dwellings within the next 20 years. After this document was released the City conducted research and estimated at least 13,311 more dwellings could be provided within existing residential areas using a conservative application of existing densities. The City's figure of 13,311 dwellings was based on grouped dwelling development and did not take into account multiple dwellings. Multiple dwellings allow for a greater number of dwellings to be developed per site as compared with grouped dwellings. The City considers that adequate provision has been made for development of multiple dwellings in the flexible coded areas. Permitting the development of multiple dwellings at the R30 density on R20 coded corner lots is likely to cause adhoc erosion of the character of the lower density coded areas which compromises the intent of the Housing Strategy; as was seen prior to the 1999 blanket split coding across the City which led to a decline in population and affected the sustainability of the City. Since the gazettal of TPS14, the City has successfully fought to turn that trend around.

Based on estimates for the development of grouped dwellings, the City is likely to exceed the requirements of Directions 2031. Multiple dwellings at the R30 density developed on R20 coded corner lots could result in over 2,000 additional dwellings – this figure does not include the additional multiple dwellings that may be developed in the flexible density code areas. In light of this, there is no strategic basis to permit more residential infill in the form of R30 multiple dwellings on R20 coded corner lots above the current capacity intended under the Scheme provisions.

Item 12.1 Continued

Given the above, low density R20 coded areas should be maintained in line with the Local Housing Strategy recommendation. This will encourage affordable, low density, family friendly development with the provision of sufficient private recreational space, distinct from the character of multiple dwelling developments. It is crucial that Council takes into account the intent of the Local Housing Strategy given the *Planning and Development Act 2005* states that the Scheme must be read in conjunction with the Local Planning Strategy.

Additionally, the property is located within the 20-25 ANEF contour and proposes development of six multiple dwellings at the R30 density. This represents development at an intensity that is contrary to the intent of SPP5.1, which is aimed at limiting development to a low density of R20 within the ANEF contour.

Having regard for Clause 10.2(e) of LPS15, the proposal cannot be supported, as it is inconsistent with the intent of the Local Housing Strategy and SPP5.1.

Residential R20 Zone

The proposal is for development of multiple dwellings at the R30 density in an R20 zone. As outlined in the background section of this report, Clause 5.3.2 of LPS15 provides that Council may approve development to a maximum density of R30 for an R20 coded corner lot. At the time of creating this Scheme provision, the maximum number of multiple dwellings permitted on a lot was determined by applying a minimum area per lot requirement which resulted in a specified dwelling yield. The November 2010 version of the R-Codes substituted the specified dwelling yield provision with a maximum plot ratio provision which provided no certainty on the maximum number of dwellings.

The City's Officers consider that the development of multiple dwellings at the R30 density with the application of a maximum plot ratio provision was never envisaged in the creation of Clause 5.3.2 of LPS15. It is further noted that Council has initiated Amendment No. 4 to LPS15 which clarifies that development to the R30 density on R20 coded corner lots does not apply to multiple dwellings. Given the above, development of multiple dwellings at the R30 density on an R20 coded corner lot is contrary to the aim of the Scheme and cannot be supported as it does not satisfy Clause 10.2(a) of LPS15.

Submissions

As outlined under Clause 10.2(y) of LPS15, Council must have regard for any relevant submissions in determining a planning application. The key matters raised in submissions from advertising of the proposal are to do with car parking, traffic, appropriateness of the development in its setting and the undesirable precedent brought about for other similar developments in the future.

Car Parking and Traffic

Although the provision of one resident car parking space for each dwelling is compliant with the standards under the R-Codes, The Australian Bureau of Statistic's 2013 (ABS2013) data indicates that motor vehicle ownership in Western Australia is at 0.828 vehicles per person. Given all the dwellings in the subject proposal are two bedroom dwellings, it is likely that at least two persons will occupy each dwelling. Based on the ABS2013 data, each dwelling is likely to have 1.656 vehicles or 9.936 vehicles for the six multiple dwellings.

Item 12.1 Continued

This exceeds the provision of six resident car parking bays for the development and is likely to result in the demand for overflow parking. Over-flow parking from this development will have to be accommodated as on-street parking.

It is noted that on-street parking may be appropriate and perhaps characteristic of higher density areas, but is likely to impact on the amenity of a predominantly low density area. It is further noted that if multiple dwellings at the R30 density is supported on corner lots of an R20 coded area, the demand for on-street car parking is likely to be concentrated at street intersections. This is likely to cause traffic safety concerns and will impinge on the verge space required for rubbish bin presentation and collection.

Multiple dwelling developments in low density areas have the potential to impact traffic through an increased number of resident and visitor vehicle movements. As outlined in the Traffic Impact Assessment (TIA) submitted by the applicant (refer Attachment 4), based on average vehicles trips per property per day of six to eight trips, two grouped dwellings would generate 12 to 16 trips per day. In comparison, six multiple dwellings will generate 36 to 48 trips; which is three times the number of trips per day from the same site. It is noted from the TIA that a maximum of four to five additional trips are anticipated during peak hour and will not have any significant effect on the capacity of the road. The TIA does not consider the impact of on-street parking likely to be generated from the development.

In accordance with Clause 10.2(q) of LPS15, it is inappropriate to support the proposed development given the likely additional vehicle movements, coupled with on-street parking generated from the development is concentrated on the street intersection and is likely to impact on traffic safety.

R30 Multiple Dwellings in a R20 Coded Area and Undesirable Precedence

The submissions have identified that residents in the area are concerned that the intensity of the proposed development is inconsistent with the low density character of the area. This reiterates concerns that the proposed multiple dwellings will prejudice the aims of LPS15 and the intent of the Local Housing Strategy to preserve the remnant land for low density housing stock within the City.

The expectation when the Local Planning Scheme was compiled was that the provisions of the R-Codes would support the initiatives of the Scheme. Given the delay between the City advertising LPS15 and the Planning Commission gazetting it, the impact brought about by the changes to the Multiple Dwelling provisions of the R-Codes was not foreseen. The inconsistency between the R-Codes and the intent of the Scheme is now evident, and the City is taking measures to amend and clarify the provisions of the Scheme. Approving this proposal for six multiple dwellings at 1 Bowkett Street compromises the City's position and will set an undesirable precedent.

Item 12.1 Continued

Options for Determination

Council has three options for determining this application:

1. *Approve the Application*

   Should Council consider that permitting multiple dwellings on R20 coded corner lots is consistent with the City's Planning Framework and the City's vision for the R20 residential zone, Council may exercise its discretion and approve the application.

   This option is not recommended as the proposal is considered to undermine the strategy for low density development as outlined in the Local Housing Strategy. Approving a six unit multiple dwelling development will vary the character of the Residential R20 zone and set a precedent for development of multiple dwellings on R20 corner lots.

2. *Defer Determining the Application*

   Council has the option to defer determining the application and provide the applicant with the opportunity to revise the development plans to be commensurate with the development intensity of two grouped dwellings on the lot. The development would be required to comply with the relevant requirements under the R-Codes and LPS15.

   Reducing the intensity of the multiple dwelling development to an intensity commensurate with two grouped dwellings on the site may be considered consistent with the aims of the Scheme, the Local Housing Strategy and SPP5.1.

   It is noted that deferring determination of the application for the purpose of such an amendment to the development plans represents a significant departure from the proponent's aspiration to develop six multiple dwellings and is unlikely to achieve an amicable outcome.

3. *Refuse the Application*

   Council may consider the development of multiple dwellings on the subject site inappropriate and refuse the application for the following reasons:

   (1) The proposal does not satisfy Clause 10.2(a) of LPS15 as it is inconsistent with the aims of the Scheme and the intent of the Local Housing Strategy vision for low density R20 coded areas.

   (2) The proposal does not satisfy Clause 10.2(e) of LPS15 as it is contrary to the intent of State Planning Policy 5.1 which seeks to limit the density of development in the 20-25 ANEF area.

   (3) The proposal detracts from the low density residential character of the locality, contrary to the requirement to preserve the amenity of the locality under Clause 10.2(n) of LPS15.

Item 12.1 Continued

(4) The proposed development will create an undesirable relationship to development on adjoining land under Clause 10.2(o) of LPS15.

(5) Approval of the application would set an undesirable precedent for the Residential R20 area within the City of Belmont.

Option 3 is recommended as consistent with Council's decision at the 29 October 2013 Ordinary Council Meeting to refuse a similar application.

FINANCIAL IMPLICATIONS

If the application is refused and the applicant chooses to exercise their right for a review through the State Administrative Tribunal, the City will have the task of defending the decision to refuse the application. This would involve significant costs of engaging Solicitors to act for the City.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

1. That Council refuse planning application 503/2013/DA as detailed in plans received on 7 February 2014 submitted by Momentum Wealth Projects on behalf of the owner J Smith and S Smith for six multiple dwellings at Lot 94 (1) Bowkett Street, Redcliffe for the following reasons:

a) The proposal does not satisfy Clause 10.2(a) of LPS15 as it is inconsistent with the aims of the Scheme, and the intent of the Local Housing Strategy vision for low density R20 coded areas.

b) The proposal does not satisfy Clause 10.2(e) of LPS15 as it is contrary to the intent of State Planning Policy 5.1 which seeks to limit the density of development in the 20-25 Australian Noise Exposure Forecast area.

c) The proposal detracts from the low density residential character of the locality, contrary to the requirement to preserve the amenity of the locality under Clause 10.2(n) of LPS15.

d) The proposed development will create an undesirable relationship to development on adjoining land under Clause 10.2(o) of LPS15.

e) Approval of the application would set an undesirable precedent for the Residential R20 area within the City of Belmont.

Item 12.1 Continued

2. That Council advise the applicant that the Council would be supportive of an amended application for two grouped dwellings that complies with Local Planning Scheme No. 15 and the Residential Design Codes, to the satisfaction of the Director Community and Statutory Services and/or Manager Planning Services.

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

12.2 PROPOSAL FOR NAME TO BE INCLUDED IN THE CITY OF BELMONT SCHEDULE OF NAMES RESERVED FOR STREETS AND PARKS

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 5 – Item 12.2 refers	'The Independent' News Article, 1 June 1969 and Various Photographs

Voting Requirement	:	Simple Majority
Subject Index	:	117/008
Location / Property Index	:	N/A
Application Index		N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Rasma Rusling
Owner	:	N/A
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider the suitability of including the name 'Liepa' in the City's 'Schedule of Names Reserved for Streets and Parks'.

Item 12.2 Continued

SUMMARY AND KEY ISSUES

A request has been received to include the name 'Liepa' in the City's Schedule of Names Reserved for Streets and Parks. Under the category, '3(e)', the name 'Liepa' complies with the requirements of the City of Belmont Policy Manual SB3 'Naming of Streets, Parks and Reserves'.

It is recommended that the name 'Liepa' be included in the City's Schedule of Names Reserved for Streets and Parks located within the Policy Manual.

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

City of Belmont Policy Manual SB3 'Naming or Renaming of Streets, Parks and Reserves':

> "***POLICY OBJECTIVE***
>
> *To ensure the naming or renaming of streets, parks and reserves within the City conform to accepted criteria.*
>
> *To retain the original street name for the longest segmented length(s) of road(s).*
>
> ***POLICY STATEMENT***
>
> *1. A Schedule of Names Reserved for Streets and Parks be maintained by the Planning Department following advice from the Geographic Names Committee of Landgate.*
>
> *2. The Planning Department will be responsible for recommendations to the Council that relate to the naming or renaming of all streets, parks and reserves within the City. Such recommendations are to comply with the Guidelines of the Geographic Names Committee of Landgate or justification be provided for any exception to the Guidelines that is likely to be acceptable to the Geographic Names Committee.*
>
> *3. Unless otherwise determined by resolution of the Council, names shall be drawn from the following sources:*

Item 12.2 Continued

Criteria for Recognition

(a) The surnames of pioneering families.
(b) Prominent district identities.
(c) Persons who have made a significant contribution to the community.
(d) Councillors who have retired and completed a service to the community of approximately six years or more. (Corresponding to the original two terms of three years).
(e) Encouragement of ethnic and gender diversity.
(f) Horses that have been winners of two or more major racing events.
(g) Flora and fauna that is recognised as being unique to the location encompassed by the Swan Coastal Plain.

Priority for Use of Names

The use of a name be determined by where the person resided. The horse names to apply to Ascot.

4. Where Council has in its opinion sufficient community or government emergency services agencies requests for the rectification of problems associated with segmented sections of a street, the Council may instigate the re-naming of the segmented portions after seeking comments from all property owners within the affected street sections.

To enable the process to continue and be completed there is to be 75% support from the affected owners for the proposed change.
Where a street is to be renamed, the original street name shall be applied to the longest segmented length(s) of road(s).

5. All new persons listed within the Schedule of Names, be first consulted (or where relevant their next of kin) to ensure their written consent is given."

STATUTORY ENVIRONMENT

Landgate's Geographic Names Committee – Policies and Standards for Geographical Naming in Western Australia include the following guidelines for selection of names:

Part 3.8.1 'Use of Personal Names':

Proposals to assign a name to commemorate an individual shall only be considered if:

- Such application is in the public interest
- There is evidence of broad community support for the proposal
- The person has been deceased for at least two years
- Where the applicant requesting the new name is not an immediate relative, written permission of the family is obtained

Item 12.2 Continued

- The person being honored by the naming has had either some direct and long-term association, 20 or more years, with the feature or has made a significant contribution to the area in which it is located

- The proposal commemorating an individual with an outstanding national or international reputation has had a direct association with the area in which it is located. If the person has not been directly associated with the area the name shall not be considered.

A commemorative name applied to an administrative boundary or road shall only use the surname of a person and shall not include the first or given names.

Current or recent ownership of the land or recent public service shall not form sufficient grounds for a naming request.

Requests to approve names that commemorate, or that may be construed to commemorate, living persons shall not be considered.

If a local government or community group wishes to commemorate a living person, they are encouraged to use commemorative plaques or name a particular community facility, such as a building or oval, after that person. It is however required that the normal required naming policies and standards still be applied to avoid unnecessary duplications and any possible confusion with other such facilities.

Part 8.4 Road Name Duplication:

There shall be no road name duplication within a local government, regardless of any differences of road types. Road names submitted for approval cannot be:

- Homonymous (ie similar in spelling to an existing road name)

- Similar in sound to an existing road name

- In the same locality as an existing road name

- In an adjoining locality

- In the same local government area

- Duplicated more than six times in the metropolitan area, three north and three south of the Swan River

- Duplicated more than 15 times within Western Australia

- Less than 10km from the existing duplication in the metropolitan area

- Less than 50km from an existing duplication in rural areas.

Road name duplication should be avoided in adjoining Local Governments.

Item 12.2 Continued

BACKGROUND

A request has been received from Rasma Rusling that the name ‘Liepa’ be included in the City’s Schedule of Names Reserved for Streets and Parks.

A brief summary on the life of Vera and Edmund Liepa is provided below:

Vera Liepa (1929–Present):

Vera Liepa was born in Latvia and married Edmund Liepa on 24 December 1948. Ms Liepa still resides within Redcliffe in the original house constructed shortly after arriving in Western Australia and turns 105 this upcoming August. The couple has a son and a daughter: Rasma Rusling (1947) and Laimonis Liepa (1944).
The family migrated to Redcliffe, Western Australia from Germany in 1949 and have since bought six lots and constructed five single houses in Redcliffe.

Ms Liepa’s accomplishments and contributions to the local community are best remembered by her assistance in the construction of three single houses in Redcliffe and the production and sale of locally made yoghurt and cottage cheese. Ms Liepa’s work as a dairy farmer was also acknowledged in Attachment 5, a newspaper article published in ‘The Independent’ dated 1 June 1969. Photographs of some of the constructed houses and original deeds are also included in the attachment.

Edmund Liepa (1915–1999):

Edmund (Eddie) Liepa was also born in Latvia and predominantly worked in Redcliffe as a local cabinet maker from a small workshop located at the rear of their original house. Mr Liepa built much of the furniture for the racing community that lived and still reside within Ascot and Redcliffe, including the successful Western Australian Jockey Frank Tween. Mr Liepa also assisted in the construction of three homes built for the family and many other migrant homes in the surrounding Redcliffe area.

After arriving at Fremantle Port, both Edmund and Vera Liepa were housed at the Redcliffe migrant camp on Stanton Road and soon after earned enough money to buy a lot and construct their first home at 90-92 Bulong Avenue, Redcliffe. The couple also assisted many other migrant families from Poland, Ukraine, Germany, Russia etc to build a house and start a new life in Redcliffe and it is requested their work for the community be recognised by the City.

OFFICER COMMENT

In accordance with the City of Belmont Policy Manual SB3 ‘Naming of Streets, Parks and Reserves’, the name ‘Liepa’ meets the criteria of Part 3(e), ‘Encouragement of Ethnic and Gender Diversity’.

As noted under the heading ‘Statutory Environment’, Landgate’s – Geographic Names Committee Western Australia: Principles, Guidelines and Procedures, the preference of the Geographic Names Committee is to only use the first name and surname combination where there is a problem with duplication, as the use of a surname only is preferred.

Item 12.2 Continued

The Guidelines also state that duplication of names should be avoided. It further states: "*When a duplicated name is proposed elsewhere, it must not be duplicated more than five times in the metropolitan region, must be at least 10 kilometres from the existing duplication and must have a different road type. These exclusions apply to similar sounding or written names, and also apply to those within similar sounding suburbs even if more than 10 kilometres away.*"

On checking the 2012 Street Smart Perth Street Directory (produced by Landgate) and additional resources including White Pages and Google Maps, it was noted that the name 'Liepa' is not listed within the Perth Metropolitan Area.

Landgate's Geographic Names Committee has confirmed that on the basis of Edmund Liepa being deceased for more than two years, the Committee can consider the surname 'Liepa', even though other family members are still living and is technically not compliant with Landgate's standards, subject to compliance with all other criteria.
It is considered that Vera and Edmund Liepa are a recognised early migrant family within the suburb of Redcliffe and provide a significant example of ethnic diversity contributing to the growth and community development of the City. The proposed name 'Liepa' complies with the relevant criteria for both Local and State Government and as such should be included in the City's Schedule of Names Reserved for Streets and Parks.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.2 Continued

OFFICER RECOMMENDATION

***POWELL MOVED, ROSSI SECONDED*, That Council:**

1. Determine that the request to include the name 'Liepa' in the Schedule of Names Reserved for Street and Parks meets the criteria listed under the City of Belmont Policy Manual SB3 'Naming or Renaming of Streets, Parks and Reserves'.

2. Approve the inclusion of the name 'Liepa' (for Vera and Edmund Liepa) in the Schedule of Names Reserved for Street and Parks with the following summary:

Vera and Edmund Liepa	***Vera (1929–Present) and Edmund (1915–1999) Liepa were both born in Latvia and migrated to Redcliffe, Western Australia in 1949. Mr Liepa was best known for his cabinet making skills and both were recognised migrant community members. Some of their contributions include:*** • ***Assistance to other migrant families and construction of early settlers homes in the suburb of Redcliffe*** • ***Locally made furniture that can still be found in many residences within the Redcliffe and Ascot areas*** • ***Production and sale of local yoghurt and cottage cheese.***

CARRIED 8 VOTES TO 0

12.3 QUOTATION 21/2013 - PROVISION OF FINANCIAL AUDIT SERVICES

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 1 – Item 12.3 refers	Price Schedule
Confidential Attachment 2 – Item 12.3 refers	Evaluation Matrix

Voting Requirement	:	Absolute Majority
Subject Index	:	135/2013-21
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval to award Quotation 21/2013 - Provision of Financial Audit Services.

Item 12.3 Continued

SUMMARY AND KEY ISSUES

To seek Council approval to award Quotation 21/2013 in accordance with the requirement of the *Local Government Act 1995* and the City of Belmont's purchasing policy.

Six quotes for the provision of financial audit services were invited from members of the West Australian Local Government Association's (WALGA) preferred supplier panel as follows:

- AMD Chartered Accountants
- Deloitte (Private)
- Grant Thornton Audit Pty Ltd
- Macri Partners
- Paxon Group
- UHY Haines Norton Chartered Accountants.

AMD Chartered Accountants and Paxon Group declined to respond.

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

BEXB28–Purchasing

Policy Objective

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

Item 12.3 Continued

STATUTORY ENVIRONMENT

Section 7.3 of the *Local Government Act 1995* requires "*A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the audit committee, to be its auditor*.

Due to the decision to make the appointment for a term of two years plus one one year option, the total cost wouldn't exceed the $100,000 tender threshold and therefore no tender was required. However, under Council's Purchasing Policy BEXB28, more than two written quotes and a formal assessment was required.

BACKGROUND

The City's Standing Committee (Audit and Risk) reviewed the proposed Quotation specifications and evaluation criteria at its meeting of 28 October 2013 and an Invitation to quote for the provision of Financial Audit Services was emailed through the WALGA eQuotes system on Friday, 15 November 2013, closing on Tuesday, 3 December 2013.

Following the evaluation process the Officers' recommendation was adopted by the Standing Committee (Audit and Risk) at its meeting of 24 February 2014.

OFFICER COMMENT

The Price Schedule (refer to Confidential Attachment 1) shows the respondents' price submissions.

Evaluation Criteria

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

The quotations were evaluated against the same selection criteria that was included within the request for quotation documents, being:

	Criteria	***Weighting***
1.	Experience	20%
2.	Personnel	10%
3.	Quality	10%
4.	Methodology	10%
5.	Company Capacity	20%
6.	Price	30%
	Total	**100%**

The Evaluation Matrix (refer to Confidential Attachment 2) shows the scores of the Evaluation Committee.

The four companies that responded had varying degrees of experience in providing financial auditing services in regards to entities similar to the City of Belmont.

Item 12.3 Continued

Grant Thornton Audit Pty Ltd has many years experience as an organisation as do the nominated personnel. They provided a detailed methodology which was in line with the City's processes and allowed for a realistic time frame which was priced accordingly. As a result, Grant Thornton Audit Pty Ltd is the highest scorer on the evaluation matrix and as such is the recommended provider of financial audit services.

FINANCIAL IMPLICATIONS

The accepted price represents an increase of 2.6% on the current price with costs increasing by just over 5% during the possible three years of the contract term.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

8.09pm Having previously declared an Indirect Financial Interest in Item 12.3 - Quotation 21/2013 - Provision of Financial Audit Services, Cr Gardner departed the meeting.

8.09pm The Senior Planning Officer departed the meeting and did not return.

COMMITTEE RECOMMENDATION

***ROSSI MOVED, POWELL SECONDED*, That quotation 21/2013 for the provision of financial audit services be awarded to concurring partners Patrick Warr and Michael Hillgrove of Grant Thornton Audit Pty Ltd for the two financial years 2013-2014 and 2014-2015, with the option of a one year extension at the sole discretion of the City, for the lump sum of $19,500 excluding GST for the first year.**

CARRIED BY ABSOLUTE MAJORITY 7 VOTES TO 0

8.11pm Having previously declared an Indirect Financial Interest in Item 12.3 - Quotation 21/2013 - Provision of Financial Audit Services, Cr Gardner returned to the meeting.

12.4 2013-2014 MARCH BUDGET REVIEW

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 6 – Item 12.4 refers	**2013-14 March Budget Review Detailed Report**
Attachment 7 – Item 12.4 refers	**2013-14 March Budget Review Statement**
Attachment 8 – Item 12.4 refers	**2013-14 Reserve Balances**

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

COUNCIL ROLE

☐	**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 is prepared to conduct the March review of the Budget and recommend adjustments to the 2013-2014 Adopted Budget. (Note: Details of all Income and Expenditure adjustments are included as Attachment 6).

Item 12.4 Continued

SUMMARY AND KEY ISSUES

In keeping with sound financial management practices, a further review of the 2013-2014 Adopted Budget has been conducted. The Budget remains in balance and a summary of significant adjustments has been included.

The March Budget Review ensures that a sound financial position is maintained for the end of the financial year and a sound base is created to prepare the 2014-2015 Budget.

LOCATION

N/A.

CONSULTATION

Consultation has been undertaken with all directors, managers and relevant officers throughout the organisation. Community consultation is not required.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

BACKGROUND

In keeping with Council's ongoing budget control and financial management, a number of adjustments are required to ensure Council's Budget continues to reflect an accurate position. For statutory reporting purposes, the adopted Budget is used, however, for sound management purposes, the adjusted Budget will be used on a day to day basis in the Management Reports.

Item 12.4 Continued

The March Budget Review is a very significant review that ensures Council's finances remain on track in the lead up to the end of the financial year and therefore set a very sound base for the development of the following year's Budget.

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

- Resolutions of Council referred for funding
- Resolutions of Council referred for consideration
- All other Budget matters as identified by Directors and their staff
- That a balanced budget be maintained.

OFFICER COMMENT

The following summary lists the Divisional adjustments from the Summary of Income and Expenditure Variances.

• Chief Executive Officer Section	(2,000)
• Corporate and Governance Division	970,222
• Technical Services Division	(328,404)
• Community and Statutory Services Division	(639,818)
• Closing Balance	0
Net Cost	**0**

Whilst this Budget Review is comprehensive and covers a myriad of issues that are briefly explained in Attachment 6, some of the more significant budget adjustments are detailed below:

- Executive Services costs have been reduced by $93,508 mainly due to the vacant Principal Governance and Compliance Advisor position.

- The Long Service Leave (LSL) Reserves requires a net budget increase of $97,267. This comprises $194,057 being transferred to the reserves and $96,790 being transferred from the reserves to fund LSL utilised by employees.

- Rates income has increased by 0.25% ($76,711) reflecting the receipt of additional interim rates.

- Within the Information Technology budget the Mobility and Unified Communications project is to be deferred to next year due to the uncertainty of Local Government reform. Given this project was reserve funded the financial impact on the Municipal Fund is nil.

- The Road Construction expenditure budget has not altered in total however there have been adjustments between projects and additional grant income. Some projects have been completed within budget and those funds have been reallocated to projects that require additional funds mainly due to an increased scope of works. Barker Street rehabilitation will be delayed until the Water Corporation have completed the installation of a sewer rising main in 2014-2015. The Esplanade upgrade will also be deferred and completed following foreshore stabilisation works and boundary changes to the Matheson Road subdivision.

Item 12.4 Continued

- The Footpath Construction budget hasn't changed overall although there has been a reallocation of funds following the completion of jobs. A new project has been listed, Matheson Road Bridle Path Widening.

- The Drainage construction budget hasn't changed overall although there has been a reallocation of funds due to the completion of various projects.

- Within the Streetscapes budget, verge maintenance jobs have been adjusted to reflect the impact of the Gateway project although verge maintenance agreements with Main Roads are still being negotiated.

- Increased street lighting tariffs have been closer to 7% as opposed to the expected 12% resulting in the street lighting budget being reduced by $75,500.

- There have been a number of adjustments within the Parks Construction Budget, the most significant being:

  - Copley Park private property access issues were only resolved during the year, as such the upgrade will be deferred to 2014-2015 with funds to remain in reserve.

  - Wicca Park playground equipment and Centenary Park exercise equipment will be purchased in 2013-2014 however will not be installed until next year. The Wicca Park project was delayed due to concerns raised during the community consultation process. External funding was withdrawn for the Centenary Park exercise equipment, while its location is pending confirmation of potential use of the sporting field for Gaelic Football.

  - Public Open Space funds that had been earmarked for works completed at Redcliffe Park are not required and will remain in Trust.

  - Park Landscape - Alfred Park Improvements will not be implemented in 2013-2014 as the irrigation requires upgrading before other improvements are made.

  - Funds are not required for Morgan Park improvements, as works were implemented in 2012-2013.

  - New budget code created for 'Ayers Bushland Boardwalk Design and Documentation' with funds previously allocated in Parks Administration.

  - Those projects listed that will not be finalised in the 2013-2014 financial year have had their respective budgets transferred to the Parks Development Reserve. The total transfer is $184,250 and will be used to fund the completion of those projects in 2014-2015.

- Within the Environment section the significant adjustments include:

  - The delay of The Esplanade - Ford Street to Forbes Street project until 2014-2015 due to the timing of community consultation and the requirement to undertake Aboriginal Heritage Trial Protocol. The funds ($50,000) have been transferred to the Environment Reserve and will fund the completion of the project in 2014-2015.

Item 12.4 Continued

- ➢ The Swan River Foreshore Erosion Control project (the section that adjoins the Ascot Racecourse to Gould Reserve) is expected to cost $40,000 (net) less than expected with the remaining funds to also be transferred to the Environment Reserve to be used for ongoing erosion control projects.

- ➢ Additional Funds ($20,650) have been allocated for the Faulkner Park LED lighting upgrade.

- Regarding Belmont Oasis the Master Plan will be deferred due to a refocus on determining the wider vision for the Civic Precinct. This has resulted in a reduction to the consultant's budget of $35,000.

- Planning and building application fee income has increased by $100,000 and $30,000 respectively mainly due to the development of the Springs precinct.

- Building Construction projects have been updated based on actual costs/quotes and allows for an expected carry forward of projects into next financial year. The more significant adjustments include:

  - ➢ Forster Park Community Centre budget has been increased to $26,148 to locate and repair an apparent blockage to the roof drainage system before the winter.

  - ➢ Centenary Park Community Centre project is progressing well this financial year, however the project will flow over to the 2014-2015 financial year and therefore the current expenditure budget is to be reduced by $360,000. This will not require the $98,730 from the Building Maintenance Reserve this financial year but will allow the difference of $261,270 to be transferred to the reserve and this will contribute to the works to be completed next financial year.

  - ➢ The Jetty works budget has been reduced by $10,000 to reflect the estimated expenditure on jetties this financial year with this amount being transferred to Building Maintenance Reserve for works in 2014-2015.

  - ➢ The Harman Park Community Centre budget has increased by $20,000, to allow for additional minor works outside the building contract, such as signage, additional security fencing, opening plaque etc, to be completed.

  - ➢ The Miles Park lighting project has been postponed (Council Contribution $17,000) and is pending further consultation with the club. These funds have also been transferred to the Building Maintenance Reserve.

  - ➢ The Matheson Road Sub-division Demolition scope of works was reviewed and budget reduced to $50,000 to reflect the possible works required this financial year. The work undertaken is currently pending a Goods and Services Tax submission with the Australian Taxation Department.

  - ➢ The Lintonmarc Drive Sub-division Demolition has been postponed for this financial year as land transfers are still to be negotiated with Department of Lands.

Item 12.4 Continued

- ➢ The budget for the Civic Centre Revitalisation Project is reduced to $75,000 to reflect the likely expenditure for the 2013-2014 financial year. Work is progressing with concept designs and will progress to further consultation, thus expected design development work will not proceed this financial year.

- ➢ A new budget of $25,000 is included to fund the demolition of the former Greenshields Kindergarten.

- ➢ A new budget of $35,000 is included to fund the Centenary Park Community Centre car park lighting project. The funds are required to engage an electrical contractor to oversee the installation of conduits and for the purchase of the cages, light poles and fittings.

- The cost of graffiti removal is expected to reduce by $39,750 which is possibly due to the City's Closed Circuit Television (CCTV), security patrols and police initiatives.

- The more significant budget adjustment within the Rangers Section relates to additional income of $38,000 for dog and cat registration.

- Operating costs within the Aboriginal and CaLD programs have been reduced by $94,942. This reduction is mainly due to the delay in the recruitment of the Cultural Diversity Engagement Officer and Consultant to develop the Cultural Diversity Engagement Plan.

- Due predominantly to delays in finalising design/layout of publications and delays in the purchase of display cabinets (following a deferment of possible grant funding by Lotterywest) the budget for the Local History Project has been reduced by $82,196. These funds have been transferred to the History Reserve and will be available to complete the projects in 2014-2015.

- Overall operating expenditure has been reduced by 1.07% and income has increased by 0.06%. This has enabled Council to transfer an additional $387,985 to the Property Development Reserve.

An updated list of the estimated Reserve balances can be found in Attachment 8.

The March Budget Review has been an extensive exercise to ensure the budget remains in balance and reflects the current expenditure trends. The detailed March Review Report (Attachment 6) includes substantial comment, however, should further explanation be required please contact the appropriate Director. Also to be noted is that comments relate to Authorised Budget, October Review and March review. Comments relating to the current (March) review are prefaced with the word "March" and are normally at the end of the comment detail.

Also attached is a 'Statement of Budget Review' (Attachment 7) which compares the proposed March Budget Review to the current Authorised Budget as requested by the Department of Local Government and Communities.

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

Item 12.4 Continued

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

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council:

1. ***In accordance with Local Government (Financial Management) Regulations 1996 Regulation 33A, Council adopts the amendments contained in the 2013-2014 Budget Review Attachments 6, 7 and 8 including the descriptions of variations and closing fund amendments.***

2. ***Authorise the Director Corporate and Governance to amend the 2013-2014 Budget in accordance with all resolved variations.***

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

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

12.5 STANDING ORDERS AMENDMENT LOCAL LAW 2014

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 9 – Item 12.5 refers	**Proposed Standing Orders Amendment Local Law 2014**
Attachment 10 – Item 12.5 refers	**Joint Standing Committee on Delegated Legislation Letter**
Attachment 11 – Item 12.5 refers	**Public Notice – Table of Submissions**

Voting Requirement	:	Absolute Majority
Subject Index	:	76/008 – Local Laws – Standing Orders
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 17/12/2013 – Item 12.8 OCM 25/06/2013 – Item 12.14
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 consider any submissions and final adoption of the *City of Belmont Standing Orders Amendment Local Law 2014* (refer Attachment 9).

Item 12.5 Continued

SUMMARY AND KEY ISSUES

At the Ordinary Council Meeting of 17 December 2013, Council resolved to undertake public advertising of the *Standing Orders Amendment Local Law 2013*.

In accordance with the legislative requirements the proposed Local Law was advertised calling for public submissions. No public submissions were received. Additionally, a copy of the proposed local law was forwarded to the Department of Local Government and Communities. This report considers the submission made on behalf of that Department and consequently proposes minor amendments to the Local Law.

LOCATION

N/A.

CONSULTATION

The proposed Local Law was advertised for the purpose of calling for public submissions for a period of six weeks.

The results of the public advertising and a detailed consideration of the one submission received are set out under the Officer Comment section below.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Achieve excellence in the management and operations 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

Legislation for making Local Laws is set out in Part 3 – Division 2 of the *Local Government Act 1995*. The statutory procedure for adopting a Local Law is prescribed in section 3.12 as follows:

1) In making a Local Law a local government is to follow the procedure described in this section, in the sequence in which it is described.

Item 12.5 Continued

2) At a Council Meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed Local Law in the prescribed manner.

3) The local government is to-

  a) give Statewide public notice stating that-

    (i) the local government proposes to make a Local Law the purpose and effect of which is summarized in the notice

    (ii) a copy of the proposed Local Law may be inspected or obtained at any place specified in the notice

    (iii) submissions about the proposed Local Law may be made to the local government before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given.

  b) as soon as the notice is given, give a copy of the proposed Local Law and a copy of the notice to the Minister and, if another Minister administers the Act under which the Local Law is proposed to be made, to that other Minister

  c) provide a copy of the proposed Local Law, in accordance with the notice, to any person requesting it.

3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

4) <u>After the last day for submissions, the local government is to consider any submissions made and may make the Local Law* as proposed or make a Local Law* that is not significantly different from what was proposed.</u>

**Absolute majority required.*

5) After making the Local Law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the Local Law is proposed to be made, to that other Minister.

6) After the Local Law has been published in the *Gazette* the local government is to give local public notice-

  a) stating the title of the Local Law

  b) summarising the purpose and effect of the Local Law (specifying the day on which it comes into operation)

  c) advising that copies of the Local Law may be inspected or obtained from the local government's office.

7) The Minister may give directions to local governments requiring them to provide to the Parliament, copies of Local Laws they have made and any explanatory or other material relating to them.

Item 12.5 Continued

BACKGROUND

The City adopted the current *Standing Orders Local Law 2012* (Standing Orders) at the Ordinary Council Meeting of 27 November 2012.

The Joint Standing Committee on Delegated Legislation (Committee) wrote to the City of Belmont (11 June 2013) seeking an undertaking to delete Part 12 of the Standing Orders or face a notice of motion for the Legislative Council to disallow the entire Standing Orders.

Part 12 contained the following sections:

12.1 Disclosure of interests

Members and employees must deal with all interests and potential conflicts of interests in accordance with the requirements of the Act, the *Local Government (Rules of Conduct) Regulations 2007,* the Code of Conduct and all other legal obligations.

12.2 Disclosure by members who are observers at committee meetings

The obligation under section 12.1 to disclose an interest is to apply to all Members present at a committee, including an elected member attending a committee in the capacity of an observer.

These sections and the reasons requested for the deletions are set out in the Committee's letter to the City (refer Attachment 10). In summary, the Committee's view is that section 3.5(1) of the *Local Government Act 1995* does not permit or authorise sections 12.1 or 12.2 to be prescribed in a local law.

At the Ordinary Council Meeting of 25 June 2013, as advised by the Committee, the Council undertook to do the following within six months:

1. Delete sections 12.1 and 12.2 of the *Standing Orders Local Law 2012*
2. Make consequential amendments to the *Standing Orders Local Law 2012.*

To commence the process the *Standing Orders Amendment Local Law 2013* was presented at the Ordinary Council Meeting of 17 December 2013, where it was resolved unanimously:

> *"That in accordance with the provisions of the Local Government Act 1995, Council gives notice of the purpose and effect of the proposed Standing Orders Amendment Local Law 2013."*

OFFICER COMMENT

Amending Local Law

It should be noted that any amendment to a local law requires full compliance with the same legislative procedure as creation of any new local law, as outlined in section 3.12 of the *Local Government Act 1995.*

Item 12.5 Continued

Minor Changes

The proposed *Standing Orders Amendment Local Law 2014* does not represent a significant change to the *Standing Orders Local Law 2012.* The reason for amending this local law is the Committee's view that the requirements detailed in Part 12 of the *Standing Orders Local Law 2012* are already detailed in the *Local Government Act 1995* and its regulations, and therefore it is not permitted or authorised to prescribe these sections in a local law.

During the public submission period, one submission was received from the Department of Local Government and Communities. Attachment 11 sets out each of the matters raised in the submission and the officer response to the submission.

FINANCIAL IMPLICATIONS

There will be costs associated with publishing the Local Law in the Government Gazette. Once gazettal has occurred the City will be required to place further state wide notice, which will incur advertisement costs.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council:

1. ***Acknowledge that no public submissions were received.***

2. ***Acknowledge the submission received from the Department of Local Government and Communities on the Standing Orders Amendment Local Law 2013.***

3. ***Adopt the Standing Orders Amendment Local Law 2014, as detailed in Attachment 9, as a Local Law of the City of Belmont.***

4. ***Instruct the Chief Executive Officer to undertake statutory advertising, Gazettal and all other actions necessary to ensure the Standing Orders Amendment Local Law 2014 comes into force.***

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

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

12.6 STATUTORY COMPLIANCE AUDIT RETURN 2013

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 12 – Item 12.6 refers	2013 Compliance Audit Return

Voting Requirement	:	Simple Majority
Subject Index	:	39/005 Statutory Compliance Return
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	Item 12.6 Ordinary Council Meeting 26 March 2013
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 the outcomes of the Statutory Compliance Audit Return for the period 1 January 2013 to 31 December 2013 as provided in Attachment 12.

Item 12.6 Continued

SUMMARY AND KEY ISSUES

It is a requirement of the *Local Government Act 1995* that a Statutory Compliance Audit Return is completed by 31 March of each year.

The Department of Local Government and Communities provided a set of questions during early January 2014.

It should be noted that our 2012 compliance score was 97.4%. Our 2013 compliance score is 100%.

LOCATION

N/A.

CONSULTATION

In completing the 2013 Statutory Compliance Audit Return, internal consultation has occurred with relevant officers of each department and the Senior Management Group.

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

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

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The *Local Government (Audit) Regulations 1996 r14* requires that a compliance audit for the period 1 January to 31 December is completed each year in a form approved by the Minister. It also requires the Audit Committee to review the compliance audit and present those results to Council. The compliance audit is then to be adopted by the Council and recorded in the minutes.

Item 12.6 Continued

The *Local Government (Audit) Regulations 1996 r15* requires that after adoption, a certified copy (signed by both the Mayor and the Chief Executive Officer) of the return, together with a copy of the minutes and any additional information is to be submitted to the Executive Director by 31 March.

The 2013 Statutory Compliance Audit Return has followed on from the reduced number of questions as seen in the 2012 and 2011 returns. This reduced number of questions is in line with amendments to the *Local Government (Audit) Regulations 1996* which were gazetted on 30 December 2011.

BACKGROUND

The compliance audit period is 1 January to 31 December 2013 and once the audit is completed the City is required to:

1. Present the Compliance Audit Return to the Standing Committee (Audit and Risk)
2. Present the Compliance Audit Return to Council
3. Seek Council's endorsement of the completed Compliance Audit Return
4. Return the endorsed and certified Compliance Audit Return, along with a copy of the Council Minutes, to the Department by no later than 31 March 2014.

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

The Department has required that the return be completed online via its website, and the completed copy of the report is provided as Attachment 12 to this report and is a printout of the City's registered responses.

Once Council has resolved its satisfaction with the contents of the return, it can be jointly certified by the Mayor and Chief Executive Officer and then submitted to the Department.

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

The Standing Committee (Audit and Risk) considered the findings of the Compliance Audit Return in its meeting of the 24 February 2014

A series of questions were asked and responses provided as follows:

- The City did not conduct a major undertaking in 2013. The Fleet of Vehicles does not constitute a major undertaking.

- Section 5.43 of the *Local Government Act 1995* outlines powers or duties which cannot be delegated to the Chief Executive Officer. These include decisions of Council which require an absolute majority, appointing the Auditor, borrowing of money, accepting a tender for an amount greater than specified by the Council to name a small number.

Item 12.6 Continued

- The register of delegations is presented to Council on an annual basis for review. During this review, if Council wish to withdraw a delegation, Council has the discretion and authority to do so.

- Council has elected not to delegate any powers or duties to Committees of Council.

- All tenderers are provided with the same information. Where a question is asked related to the information provided, this response is provided to all tenderers.

- No feedback is received from the Department of Local Government and Communities which may assist in benchmarking the City's responses to the Compliance Audit Return against those of other Local Governments.

- The preparation of the Compliance Audit Return involves a thorough review process including sighting of documents and discussions with relevant officers. This process takes approximately 4-5 weeks.

- Non-compliances identified in the 2012 return related to a tender and a primary return.

- Where non-compliances are identified as part of the Compliance Audit Return process or an internal review process, a thorough review of procedures is undertaken and managed through the Business Improvement Team.

OFFICER COMMENT

The City of Belmont has achieved the following:

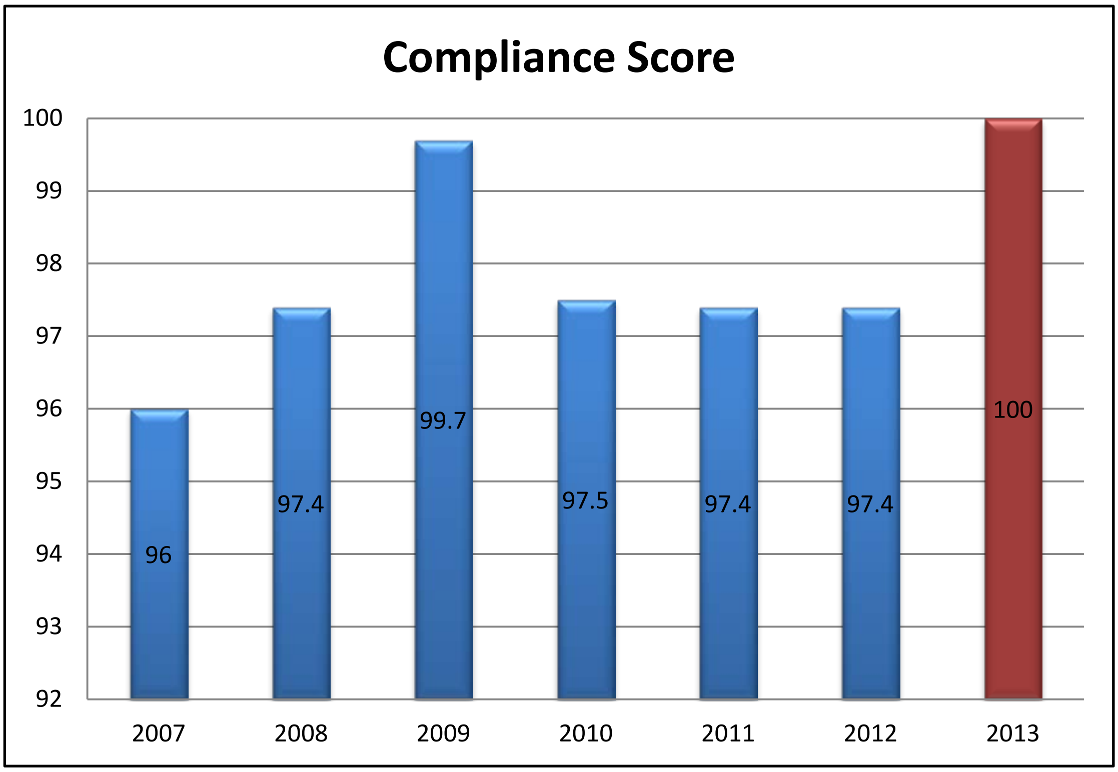
Compliance Area	Full Compliance	Non-Compliance
Commercial Enterprise by Local Governments	5	0
Delegation of Power/Duty	13	0
Disclosure of Interest	16	0
Disposal of Property	2	0
Elections	1	0
Finance	15	0
Local Government Employees	5	0
Official Conduct	6	0
Tenders for Providing Goods and Services	15	0
Total	**78**	**0**

The 2013 Compliance Score is 100%.

When reading the questions shown in the Compliance Audit Return (refer to Attachment 12), it should be noted, that they should be read in conjunction with the relevant extract of the *Local Government Act 1995* and/or associated Regulations.

Item 12.6 Continued

Figure 1 - City of Belmont Annual Compliance Audit Return Compliance Rates.



FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.6 Continued

COMMITTEE RECOMMENDATION

That:

1. ***The 2013 Compliance Audit Return, as provided in Attachment 12 be received and adopted as a true and accurate representation of the outcomes of the audit of statutory activities.***

2. ***The Standing Committee (Audit and Risk) recommend to Council that the Mayor and Chief Executive Officer be authorised to complete the 'Joint Certification'.***

3. ***In accordance with the Local Government Act (Audit) Regulations 1996, the certified 2013 Compliance Audit Return and a copy of the minutes relative to this report be forwarded to the Department of Local Government and Communities by 31 March 2014.***

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

12.7 ACCOUNTS FOR PAYMENT – FEBRUARY 2014

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 13 – Item 12.7 refers	Accounts for Payment – February 2014

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

COUNCIL ROLE

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

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

Item 12.7 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	785475 to 785527	$237,008.31
Municipal Fund EFTs	EF031619 to EF032008	$3,092,564.61
Municipal Fund Payroll	February 2014	$1,282,162.44
Trust Fund Cheques	905416 to 905417	$36,606.76
Trust Fund EFTs	EF031631 to EF031632	$29,150.95
Total Payments for February 2014		**$4,677,493.07**

Item 12.7 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 February 2014 as provided under Attachment 13 be received.

Cr Gardner put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

That

1. the Authorised Payment Listing for February 2014 as provided under Attachment 13 be received.

2. the Delegation of Authority Manual be reviewed by Councillors at the April 2014 Information Forum.

Reason

A review of the entire Delegation of Authority Manual would give Elected Members a better understanding of the City's officers and their own responsibilities of delegation.

Note:

After receiving advice from the Chief Executive Officer that a Workshop for Elected Members will be held on 9 April 2014 regarding the Delegated Authority Review, Cr Gardner withdrew the Alternative Councillor Motion.

OFFICER RECOMMENDATION

GARDNER MOVED, CAYOUN SECONDED, That the Authorised Payment Listing for February 2014 as provided under Attachment 13 be received.

CARRIED 8 VOTES TO 0

12.8 MONTHLY ACTIVITY STATEMENT AS AT 28 FEBRUARY 2014

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 14 – Item 12.8 refers	**Monthly Activity Statement as at 28 February 2014**

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

Item 12.8 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* require that financial statements are presented on a monthly basis to Council. Council has adopted ten per cent of the budgeted closing balance as the materiality threshold.

OFFICER COMMENT

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

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

Item 12.8 Continued

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

The monthly financial report is to be accompanied by:

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

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

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

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

In order to provide more details regarding significant variations as included in Attachment 14 the following summary is provided.

Report Section	***YTD Budget***	***YTD Actual***	***Comment***
Expenditure – Capital			
Finance Department	164,937	80,049	Fleet to be replaced later than expected.
Governance	54,064	3,075	Fleet to be replaced later than expected.
Technical Services	316,587	162,482	Variance is mainly due to the Swan River foreshore erosion control project being delayed (started in January) due to a delay in the availability of funding.
Grounds Operations	591,010	251,435	Parks projects are generally tracking well with invoices paid one month in arrears although some projects are expected to be carried forward.
Road Works	3,138,780	2,814,447	Roads projects are tracking well with invoices paid one month in arrears.
Footpath Works	598,537	97,617	The footpath replacement program is on track to be delivered by the end of the financial year.
Drainage Works	540,966	620,294	Drainage construction is ahead of schedule.
Operations Centre	740,511	410,837	Chargeable plant is on order and awaiting delivery.
Building Operations	3,003,747	1,442,023	The variance mainly relates to the Civic Centre Revitalisation, Matheson Road Subdivision and Centenary Park which are all expected to at least be partially carried forward.
Expenditure – Operating			
Donations and Grants	0	64,302	Timing issue regarding the budget spread.
Executive Services	1,148,922	1,030,322	Employee and Local Government Reform related expenses are below

Item 12.8 Continued

Report Section	***YTD Budget***	***YTD Actual***	***Comment***
			budget.
Governance	2,191,497	1,907,361	Activity Based Costing (ABC's) allocations are under budget.
Belmont Trust	100,000	5,392	Legal and consulting costs are below budget.
Property and Economic Development	454,627	379,195	Relates to consulting costs and contributions to the Belmont Business Enterprise Centre.
Criminal Damage	197,243	134,758	Graffiti removal costs are below budget.
Aboriginal Strategies	213,968	79,473	The Aboriginal Engagement Officer and CALD Officer positions are currently vacant.
Community Services	388,526	306,448	Consulting costs are below budget.
Belmont HACC Services	1,431,496	1,486,802	Timing issue regarding the budget spread of internal allocations.
Ruth Faulkner Library	1,334,027	1,267,183	Local History Project (printing and consulting) costs are below budget.
Community and Recreation Services	588,349	510,300	Public Art and Kidsport costs are below budget.
Grounds Operations	2,964,008	2,849,461	Contractor costs are behind budget with invoices generally paid in arrears.
Grounds Active Reserves	584,533	675,378	Turf maintenance programs are ahead of schedule.
Grounds Overheads	1,118,304	923,714	Employee related costs are currently behind budget.
Road Works	620,997	536,045	Maintenance costs are lower than expected however expenditure will increase as specific projects are scheduled.
Drainage Works	210,000	135,512	Timing issue regarding the budget spread.
Grounds Operations	85,371	34,083	Maintenance costs at Ascot Waters Marina are behind budget.
Building Control	834,477	780,388	Employee related and advertising costs are behind budget.
Building Operations	400,877	345,172	Building maintenance and consultants costs are behind budget.
Other Public Works	548,735	495,967	Street Lighting costs are expected to be less than budget.
Revenue – Capital			
Finance Department	(90,000)	(30,000)	Fleet sales are behind budget.
Belmont Trust	(118,865)	(16,518)	Reserve transfers are lower than anticipated.
Property and Economic Development	(665,000)	(113,135)	Land sales are behind budget with income from lot 166 Morgan Road partially received.
Road Works	(391,997)	(244,361)	Capital grants (Roads To Recovery) outstanding.
Operations Centre	(285,941)	(166,451)	The sale of chargeable plant is dependent on the arrival of plant that is currently on order.

Item 12.8 Continued

Report Section	***YTD Budget***	***YTD Actual***	***Comment***
Building Operations	(347,884)	(189,064)	Capital grants (Harman Street Community facility) outstanding.
Revenue – Operating			
Rates	(38,086,574)	(38,231,950)	Growth through interim rates is slightly stronger than expected.
General Purpose Income	(225,293)	(307,940)	Grant funding received earlier than expected.
Financial Activities	(646,116)	(780,685)	Investment income is currently above budget.
Rangers	(89,756)	(139,977)	Cat and dog registration numbers have been higher than expected.
Volunteer Emergency Services	(51,802)	(136,215)	Grant income received earlier than expected.
Belmont HACC Services	(1,696,664)	(1,761,870)	The quarterly operating grant allocation was slightly higher than expected.
Grounds Overheads	(1,053,336)	(914,738)	The use of contract staff has led to a lower recovery of overheads.
Road Works	(125,003)	(187,504)	Grant funding received earlier than expected.
Streetscapes	(105,427)	(6,799)	Verge maintenance invoicing is on hold as agreements are currently being re-negotiated with Main Roads WA.
Building Control	(414,371)	(482,469)	Building Applications income is ahead of the budget.
Public Works Overheads	(1,038,901)	(887,036)	The use of contract staff has led to a lower recovery of overheads.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 28 February 2014	**$**	**Comment**
Cash and investments	50,789,787	Includes municipal, reserves and deposits
- less non rate setting cash	(29,717,711)	Reserves and deposits held
Receivables	3,942,416	Rates levied yet to be received and Sundry Debtors
- less non rate setting receivables	(756,147)	ESL levied and GST payable
Stock on hand	261,925	
Total Current Assets	**24,520,270**	
Current Liabilities		

Item 12.8 Continued

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Creditors and provisions	(6,302,578)	Includes deposits
- less non rate setting creditors and provisions	2,694,362	ESL, GST and deposits held
Total Current Liabilities	**(3,608,216)**	
Nett Current Assets 28 February 2014	20,912,054	
Nett Current Assets as Per Financial Activity Report	20,912,054	
Less Restricted Assets	(314,398)	Unspent grants held for specific purposes
Less Committed Assets	**(20,097,656)**	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.

OFFICER RECOMMENDATION

That the Monthly Financial Report as at 28 February 2014 as included in Attachment 14 be received.

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

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15. CLOSURE

There being no further business the Presiding Member closed the meeting at 8.22pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Meeting held 25 March 2014 were confirmed as a true and accurate record at the Ordinary Council Meeting held 22 April 2014:

Signed by the Person Presiding: ______________________

PRINT name of the Person Presiding: Phil Marks