



**City of Belmont**  
**ORDINARY COUNCIL MEETING**  
**MINUTES**  
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26 March 2013

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### **ATTACHMENTS INDEX**

- Attachment 1-Item 12.1 refers**
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**Attachment 18–Item 12.10 refers**

**Attachment 19–Item 12.10 refers**

**Attachment 20–Item 12.11 refers**

**Attachment 21–Item 12.11 refers**

**CONFIDENTIAL ATTACHMENTS INDEX**

**Confidential Attachment 1–Item 12.7 refers**

**Confidential Attachment 2–Item 12.7 refers**

<p><b>Councillors are reminded to retain the OCM Attachments for discussion with the Minutes</b></p>
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## MINUTES

### PRESENT

Cr P Marks, Mayor	East Ward
Cr S Wolff, Deputy Mayor	South Ward
Cr J Powell	South Ward
Cr M Bass	East Ward
Cr R Rossi, JP	West Ward
Cr B Martin	West Ward
Cr P Hitt	West Ward
Cr J Gee	Central Ward

### IN ATTENDANCE

Mr S Cole	Chief Executive Officer
Mr N Deague	Director Community and Statutory Services
Mr R Lutey	Director Technical Services
Mr R Garrett	Director Corporate and Governance
Mr J Olynyk, JP	Manager Governance
Mr M Ridgwell	Principal Governance and Compliance Advisor
Ms S Johnson	Governance Officer

### MEMBERS OF THE GALLERY

There were 14 members of the public in the gallery and no press representative.

#### 1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.03pm, welcomed those in attendance and invited Cr Martin to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Martin 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 G Dornford (Apology)	Central Ward
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#### 3. DECLARATIONS OF INTEREST

##### 3.1 FINANCIAL INTERESTS

Nil.

**3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

Nil.

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

**4.1 ANNOUNCEMENTS**

The Presiding Member made the following announcement.

Announcement 1

*“I am happy to announce Glenys Godfrey has had a successful campaign and won the Belmont seat in the Legislative Assembly.*

*As a result of the Legislative Assembly appointment, she has resigned from her position as an East Ward Councillor.*

*Glenys has been a Councillor at the City of Belmont for over 15 years and six of these as the Mayor.*

*We are looking forward to working with Glenys in her new Parliamentary role and wish her all success for the future.”*

**4.2 DISCLAIMER**

**7.06pm** 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**

The following question was taken on notice at the Ordinary Council Meeting of 26 February 2013.

Mr Childs was provided with a response on 15 March 2013. The response from the City is recorded accordingly.

1. At the Ordinary Council Meeting, November 2012, I asked for confirmation of a given assets list, however you choose to question the validity of my list and not answer the question.

Is this because you have failed to keep an accurate register of the Youth and Family Services assets on handover to Police and Citizen's Youth Club (PCYC) and then from PCYC to Young Men's Christian Association (YMCA)? Or are you embarrassed at the huge loss of assets during your strong support of PCYC involvement?

**Response**

**On commencement of the past and current Youth Service contractors, the City of Belmont has updated and further developed its Asset Register for the Youth Centre. This includes all furnishings, equipment and resources. The most current Asset Register was updated in October 2012 and will be reviewed in early May 2013. This review is due at the end of the interim contract and on commencement of the successful Tenderer, to be announced at the March Ordinary Council Meeting.**

## 5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.07pm 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 five members of the public who had given prior notice to ask questions, these being Mr Fitzgerald, Mr Broinowski, Ms Carton, Ms VanDerSnoek and Mr Zadnik.

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 P Fitzgerald, 58 Redfern Street, North Perth

1. Is the City aware that if we end up in arbitration on this DCP, it won't be LandCorp or the Commission sitting on the other side of the table; instead it will be your staff? Does Council understand that it will be the City not LandCorp that will administer the DCP and, ultimately, have to defend it?

#### Response

The Director Community and Statutory Services replied that Council is aware that the City of Belmont will be responsible for the administration of the Development Contribution Plan, including any mediation/arbitration should it arise.

2. Is it reasonable that landowners should contribute a greater amount to DCP costs than the works they generate? Are some landowners entitled to pay less than what they generate and if so, why?

#### Response

The Director Community and Statutory Services replied that the method the City undertook to calculate the apportionment of costs was the most fair and equitable possible. Although difficult, the City believes it has achieved the fairest outcome possible for landowners.

Landowners concerns will be made clear when the City meets with the Department of Planning Officers.

3. Is there any statutory or practical reason why the modifications we have requested cannot be adopted by the City?

#### Response

The Director Community and Statutory Services replied that there is no statutory reason against the Council modifying an amendment to agree or partly agree with a submission. The City understands there are some anomalies, but has endeavoured to be as fair and equitable as it could for all the Springs landowners in producing the DCP.

**5.2.2 Mr R Broinowski, 66 Armadale Road, Rivervale**

1. Port Augusta City Council has adopted a 'Total Dry Zone Regulation' which makes the consumption of alcohol in any public place throughout the City (with exclusions) illegal. Can the City of Belmont consider adopting such a Regulation?

**Response**

The Chief Executive Officer replied that the City would look into the Total Dry Zone Regulation administered by the Port Augusta City Council.

**5.2.3 Ms T Carton, 82 Gladstone Road, Rivervale**

1. How is the City of Belmont dealing with the crime and anti social behaviour at the Kooyong Road shopping centre?

**Response**

The Chief Executive Officer replied that the City shared concerns regarding the anti social behaviour and crime that occurs at the shopping centre.

The City has on many occasions made a number of representations to various departments including the Department of Housing and the Minister to seek help in finding a solution to the problem. In addition, the City believes there is a disproportionate amount of Homeswest accommodation and much of the undesirable behaviour has been caused by a minority of disruptive Homeswest tenants. It is a difficult social problem of law and order and the City has applied a significant amount of resources to resolve the issue.

As well as expressing its concerns to the appropriate parties, the City has undertaken improvements to the CCTV program in the area and has liaised with schools and youth services on social issues in the community.

The City has and will remain committed to resolving the problem for its residents.

**5.2.4 Mr O Petrolati, 82 Gladstone Road, Rivervale**

1. There seems to be a lot of Homeswest tenants that are involved in crime and anti social behaviour, is there a high concentration of Homeswest housing in this area?

**Response**

Refer to the Response for Item 5.2.3.



**5.2.5 Ms M VanDerSnoek, 130 Waterhall Road, South Guildford**

1. What can the City of Belmont do to help with the parking situation at Redcliffe Primary School?

**Response**

The Director Technical Services replied that the City was aware of the parking situation. Works will be undertaken shortly to improve the traffic movement at the Brearley Avenue intersection and discussions are being held with the Education Department regarding parking options on the school grounds.

2. Why wasn't the parallel parking continued further down Kanowna Avenue?

**Response**

The Director Technical Services replied that previous works carried out were expected to resolve the problem. As stated in the response to Question 1, discussions are being held with the Education Department to help resolve the matter.

**5.2.6 Mr J Zadnik, 48 Riversdale Road, Rivervale**

1. Given the majority of works have already been carried out and paid for, given we had no opportunity to comment on those costs and works, given the agreement between LandCorp and the WAPC to carry out works in advance of a DCP—again to which we were not party—and given the current Officer recommendation, what action has been undertaken by the City to demonstrate we were wrong? That the DCP costs and their apportionments have not always been a fait accompli?

**Response**

The Director Community and Statutory Services advised that the City understands there are some anomalies; however, it has endeavoured to be as fair and equitable as it could in producing the DCP. Officers have held many discussions in the past regarding landowner contributions with the WA Planning Commission and LandCorp expecting the Council to initiate the required Amendment. The requirement for contributions was reinforced in the Structure Plan and subdivision approvals. A failure by the Council to initiate the Amendment would likely mean an intervention by the Minister for Planning and a direction to do so.

The DCP will be submitted to the Minister for Planning for his approval in due course.

It was suggested that Mr Zadnik approach the Minister for Planning personally to discuss his concerns.

*Item 5.2.6 Continued*

2. Why are Lots 3, 6 and 10 Riversdale Road excluded from the DCP when Local Planning Scheme No 15 inferred on them greater development potential?

**Response**

The Director Community and Statutory Services stated that the subject lots have always been excluded and it was considered unlikely that the lots could be redeveloped to maximise the allowable density. To include the lots would mean a re-working of the DCP and for it to be readvertised.

- 7.40pm 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 26 FEBRUARY 2013**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

***POWELL MOVED, HITT SECONDED, That the minutes of the Ordinary Council Meeting held on 26 February 2013 as printed and circulated to all Councillors, be confirmed as a true and accurate record.***

**CARRIED 8 VOTES TO 0**

- 6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM  
HELD 19 MARCH 2013**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

***MARTIN MOVED, GEE SECONDED, That the Information Matrix for the Agenda Briefing Forum held on 19 March 2013 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**

Nil.

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

Nil.

**10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING**

Nil.

**11. REPORTS OF COMMITTEES**

- 11.1 STANDING COMMITTEE (COMMUNITY VISION) HELD 11 FEBRUARY 2013**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

***ROSSI MOVED, BASS SECONDED, That the Minutes for the Standing Committee (Community Vision) meeting held on 11 February 2013 as previously circulated to all Councillors, be received and noted.***

**CARRIED 8 VOTES TO 0**

- 11.2 STANDING COMMITTEE (AUDIT AND RISK) HELD 25 FEBRUARY 2013**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

***POWELL MOVED, MARTIN SECONDED, That the Minutes for the Standing Committee (Audit and Risk) meeting held on 25 February 2013 as previously circulated to all Councillors, be received and noted.***

**CARRIED 8 VOTES TO 0**

**12. REPORTS OF ADMINISTRATION**

**WITHDRAWN ITEMS**

Item 12.1 was withdrawn at the request of Cr Wolff.  
Item 12.5 was withdrawn at the request of Cr Hitt.  
Item 12.11 was withdrawn at the request of Cr Wolff.

***HITT MOVED, GEE SECONDED, That with the exception of Item 12.1, 12.5 and 12.11 which are to be considered separately, that the Officer Recommendations specifically for Items 12.2, 12.3, 12.4, 12.6, 12.7, 12.8, 12.9 and 12.10 be adopted en-bloc by an Absolute Majority decision.***

**CARRIED BY ABSOLUTE MAJORITY 8 VOTES TO 0**

**12.1 AMENDMENT NO 2 TO LOCAL PLANNING SCHEME NO 15 (DEVELOPMENT CONTRIBUTION AREA 1-THE SPRINGS)**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 1–Item 12.1 refers</b>	<a href="#">Scheme Amendment No. 2 Submission Table</a>
<b>Attachment 2–Item 12.1 refers</b>	<a href="#">Greg Rowe and Associates-Additional Information</a>
<b>Attachment 3–Item 12.1 refers</b>	<a href="#">Summary of Changes and Modifications to Infrastructure Items</a>
<b>Attachment 4–Item 12.1 refers</b>	<a href="#">Final Development Contribution Plan Schedule (Schedule 16 of Local Planning Scheme No. 15)</a>
<b>Attachment 5–Item 12.1 refers</b>	<a href="#">Advertised Development Contribution Plan Schedule (Schedule 16 of Local Planning Scheme No. 15)</a>
<b>Attachment 6–Item 12.1 refers</b>	<a href="#">Final Cost Apportionment Schedule (including Cost Breakdown Summary Sheet)</a>
<b>Attachment 7–Item 12.1 refers</b>	<a href="#">Advertised Cost Apportionment Schedule (including Cost Breakdown Summary Sheet)</a>
<b>Attachment 8–Item 12.1 refers</b>	<a href="#">Scheme Amendment Report</a>

Voting Requirement : Simple Majority  
 Subject Index : LPS15/002  
 Location / Property Index : N/A  
 Application Index : N/A  
 Disclosure of any Interest : Nil  
 Previous Items : 28 February 2012 Ordinary Council Meeting Item 12.6  
 Applicant : N/A  
 Owner : N/A  
 Responsible Division : Community & Statutory Services

**COUNCIL ROLE**

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

*Item 12.1 Continued*

### **PURPOSE OF REPORT**

To consider final adoption of Amendment No 2 to the City of Belmont (CoB) Local Planning Scheme No 15 (LPS15) following public advertising of the Amendment, and subsequently make a recommendation to the Minister for Planning (Refer to Attachments [1](#), [2](#), [3](#), [4](#), [5](#), [6](#), [7](#) and [8](#)).

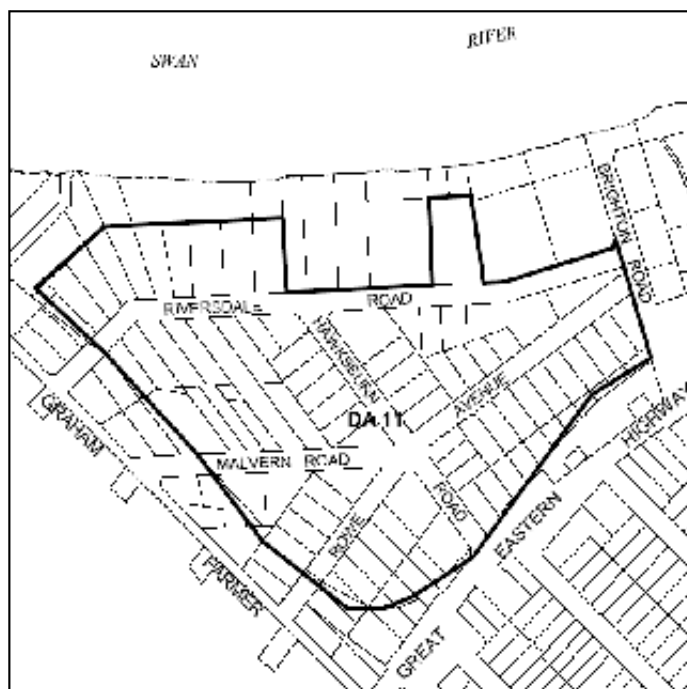
### **SUMMARY AND KEY ISSUES**

- The subject item is for Council to consider granting final adoption of Amendment No 2 to LPS15 prior to forwarding the Amendment to the Minister for Planning.
- At the Ordinary Council Meeting (OCM) of 28 February 2012, Council resolved to initiate Amendment No 2 to LPS15 to introduce landowner development contribution arrangements for Development Area 11 (DA11) (The Springs Special Development Precinct).
- The Amendment, including the proposed infrastructure items and associated costs, were advertised for public comment in accordance with the *Town Planning Regulations 1967*.
- The advertising occurred from 28 August 2012 until 10 October 2012. The City also held a series of one-on-one meetings with affected landowners prior to the commencement of advertising. At the closure of the advertising period, five submissions were received.
- Two submissions strongly objected to the proposed Amendment. City Officers have considered the areas of objection and responded to these matters within this report.
- It is recommended that Council grant final adoption of Amendment No 2 to LPS15 with modifications and refer the Amendment to the Minister for Planning.

### **LOCATION**

Amendment No 2 relates to DA11 (The Springs Special Development Precinct), as shown in the location plan below.

*Item 12.1 Continued*



**CONSULTATION**

Amendment No 2 was advertised in accordance with the *Town Planning Regulations 1967*. The statutory local planning consultation requirements in relation to Local Planning Scheme amendments are considered adequate in terms of informing the community of the proposal.

**PRE-ADVERTISING MEETINGS WITH LANDOWNERS**

As per the 28 February 2012 Council resolution, letters were sent to all affected landowners within The Springs inviting them to attend a meeting so City Officers could explain the detail, operation and function of the development contribution arrangements for The Springs.

Meetings were attended by the Coordinator Planning Services and the Manager Projects and Development as follows:

- **Wednesday 22 August 2012**
  - Mr Zadnik (of Riversdale Road) and Mr Fitzgerald (Greg Rowe and Associates)
  - Mr and Mrs Lauterbach (of Riversdale Road) and Ms Sharpe (daughter)
  - Mr Cheng (representative for Active Trade Pty Ltd of Riversdale Road).

*Item 12.1 Continued*

- **Thursday 23 August 2012**

- Ms Meyer (of Riversdale Road)
- Mr Lang (representative for Motherwell Properties Pty Ltd of Riversdale Road).

## **ADVERTISING OF AMENDMENT NO 2**

Amendment No 2 was advertised from Tuesday, 28 August 2012 to Friday, 12 October 2012. A total of 36 letters were sent to affected landowners, and 19 letters were sent to government agencies and utility providers. At the conclusion of the advertising period, five submissions were received.

The submission table is provided under [Attachment 1](#). Copies of the full submissions are available to Councillors on request.

Pursuant to Regulation 18 of the *Town Planning Regulations 1967*, the Council is required to make a recommendation in respect of each submission. If the Council is not prepared to modify the amendment as a result of a submission, then the submission is dismissed.

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

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

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

## **POLICY IMPLICATIONS**

### **STATE PLANNING POLICY 3.6 (DEVELOPER CONTRIBUTIONS FOR INFRASTRUCTURE)**

The Western Australian Planning Commission (WAPC) has prepared and adopted State Planning Policy 3.6 (SPP3.6) to assist with the preparation and implementation of development contributions for infrastructure. SPP3.6 sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas, so as to:

*Item 12.1 Continued*

- Promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development
- Ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided
- Ensure consistency and transparency in the system for apportioning, collecting and spending development contributions
- Ensure the social well-being of communities arising from, or affected by, development.

SPP3.6 states that the following principles are applied to development contributions:

- **Need and Nexus**  
The infrastructure has a clearly demonstrated need and the connection between the demand and the development is clearly established.
- **Transparency**  
Method for calculating and its application is clear, transparent and simple to understand/administer.
- **Equity**  
Must be levied from all developments based on need.
- **Certainty**  
Contributions must be clearly identified and methods for accounting determined at the start of the process.
- **Efficiency**  
Contributions are justified on a whole of life capital cost consistent with maintaining financial discipline on service providers by precluding over recovery of costs.
- **Consistency**  
Uniformly applied across Development Contribution Area (DCA) and methods being consistent.
- **Right of Consultation and Review**  
Owners have the right to be consulted and have the Development Contribution Plan (DCP) reviewed by a third party if they consider it's not reasonable.
- **Accountable**  
Accountability is required in relation to the manner in which contributions are determined and expended.



*Item 12.1 Continued*

## **STATUTORY ENVIRONMENT**

### **LOCAL PLANNING SCHEME NO 15**

The Springs is zoned 'Special Development Precinct' under City of Belmont LPS15. The Springs is also designated as DA11 in Schedule 14 of the Scheme.

Clause 6.3 of LPS15 contains provisions relating to 'Development Contribution Areas'.

### **THE SPRINGS STRUCTURE PLAN**

Development and land use within The Springs is guided by 'The Springs Structure Plan'. The Springs Structure Plan was adopted by Council at its OCM on 23 November 2009 and endorsed by the WAPC on 20 December 2009.

The implementation measures of The Springs Structure Plan incorporates the requirement for an infrastructure cost sharing mechanism for landowners within The Springs (referred to as Amendment No 53 to Town Planning Scheme No 14 (TPS14)- this Amendment supersedes Amendment No 53 as TPS14 is no longer current).

Although the Structure Plan identifies that a cost sharing arrangement is "*not integral to the implementation of the structure plan and ultimate delivery of the planning vision*", it does state that such arrangements are advantageous in helping initial developers to recover the high upfront costs and in providing more equitable distribution of the cost of infrastructure. Therefore, the implementation measures require a DCP to be prepared.

The Structure Plan identifies that shared costs may include infrastructure such as roads, public utility services, public open space, other public facilities normally required to be provided by the developer, and costs associated with creating and implementing the contribution scheme (including professional fees, administration costs, interest, statutory fees, auditing, etc). Part 7 of the Structure Plan acknowledges that the specific detail on the required infrastructure was yet to be settled at finalisation of the Structure Plan, however identifies the items that should typically be included as development costs. These are:

- Road works to existing roads-pavements of Riversdale Road, Hawksburn Road and Malvern Road.
- Parking and footpaths-on-street car bays and footpaths.
- Drainage to existing roads-pipe work and drainage pits, plus gross pollutant traps at Cracknell Park and the Rowe Avenue drainage basin.
- Stormwater-additional storage at Cracknell Park and Rowe Avenue basin, as well as additional land required at Rowe Avenue.
- Services-sewer, water and power (transformers, switchgear and high voltage cabling).
- Landscaping-streetscape irrigation, soil and turf, street trees, Great Eastern Highway verge planting and street furniture, street furniture in other roads, improvements to Cracknell Park, an entry statement at Great Eastern Highway as well as updates to the Foreshore Management Plan.

*Item 12.1 Continued*

Although the above items are identified as being necessary for development in The Springs precinct, there is emphasis in the Structure Plan that not all infrastructure works should necessarily be construed as shared costs. Items specifically identified as being 'shared costs' are sewer, power, water and landscaping. Other shared items are to be determined based on development need.

## **BACKGROUND**

### **CONTENT OF A DEVELOPMENT CONTRIBUTION PLAN**

As outlined at the OCM of 28 February 2012, a DCP is made up of:

- An administrative component that becomes inserted into Schedule 16 of LPS15
- A non-statutory supporting document that identifies the total development contribution amount for each lot if and when a landowner chooses to develop.

The critical consideration for a DCP is ensuring that the infrastructure items that are identified as shared costs reasonably relate to the development needs of the precinct – this is referred to as the 'needs' and 'nexus' test. It is also critical that the methodology for apportioning the costs amongst landowners is reasonable and equitable, having regard to the requirement for the infrastructure. These matters provide the fundamental basis for the preparation and administration of a DCP.

Once the administrative component of a DCP is settled, the cost of the required infrastructure must be calculated in order to give landowners certainty as to the financial contribution that they will be required to make if and when they develop. This component forms part of the non-statutory supporting document which is in essence an attachment to the DCP.

In most cases, the cost of infrastructure is forecasted in advance of the works being undertaken (and may be subject to change). However, in some circumstances the infrastructure costs may be known, such as where there are engaged tenders with contractors or where works have been completed in advance of the finalisation of a DCP. Although actual costs give greater certainty, there may also be arguments about whether the expended amounts were necessary, or were at a specification that was appropriate to the type of development occurring.

Although the payable development contribution is of most interest to landowners, it is important that decision makers give primary regard to the administrative component when considering final adoption of a DCP, this being the appropriateness of the infrastructure items as well as the method for apportionment of costs. The financial cost of the required infrastructure should not be a primary consideration so long as it can be demonstrated that the costs associated with providing the required infrastructure is relevant and reasonably relates to the development precinct.

### **COMMENCEMENT OF CIVIL WORKS**

In 2010, the WAPC granted conditional approval for two subdivision applications to create parent development lots within The Springs. The first of these applications was approved with a condition requiring the preparation of a DCP, as per The Springs Structure Plan.

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A request for reconsideration of this requirement was submitted by the applicant (Landcorp) to the WAPC, with the grounds for reconsideration being that the preparation of a DCP was a requirement of the Structure Plan and the responsibility for the implementation and administration of a DCP rested with the City by virtue of the provisions of its Local Planning Scheme. In this regard, Landcorp was of the view that its only obligation with respect to the DCP insofar as obtaining final subdivision approval was to provide the required information relating to infrastructure costs so that the City could prepare and finalise the DCP and associated scheme amendment.

The reconsideration was supported by the City on the basis that Landcorp provide an undertaking to the City that acknowledges the risks associated with the finalisation of subdivision and progression of civil works without a DCP in place, in that some or all of the development costs associated with any works undertaken prior to a DCP or interim mechanism being adopted may not be able to be recovered. A copy of the letter is included in Appendix D to [Attachment 8](#).

In light of the above, the reconsideration was upheld by the WAPC and the relevant condition was reworded to the effect of: *“The subdivider is to submit to the City of Belmont a cost contribution schedule for the equitable apportionment of costs for the provision of common services and infrastructure associated with the development of The Springs to the satisfaction of the City of Belmont”*.

Landcorp provided the relevant cost contribution schedule to the City of Belmont on 25 November 2011, which allowed for the progression of this Amendment. The submission of the information from Landcorp allowed for clearance of the relevant conditions of subdivision. Civil works have been undertaken in the absence of a DCP, which means that there is a risk that Landcorp may not have a mechanism to recover costs should the Amendment not be finalised.

The length of time taken to progress the Amendment to this point has resulted from the complexity of issues associated with the Amendment, including public advertising and the progression of subdivision works.

## **INITIATION AND PURPOSE OF AMENDMENT**

At the Council Meeting of 28 February 2012 (Item 12.6), Amendment No 2 was initiated for the purposes of public advertising. The Amendment was initiated to identify The Springs Special Development Precinct (DA11) as Development Contribution Area 1 in Schedule 16–DCP of LPS15, with the purpose of providing a cost sharing mechanism for public infrastructure.

## **INFRASTRUCTURE ITEMS**

Clause 3.4.2 of the Structure Plan states, *“Although services and infrastructure are already located on site, they are not sufficient for the proposed density of development”*. Accordingly, Part 4 of The Springs Structure Plan provides a summary of the status of the existing infrastructure prior to commencement of civil works, and Part 6.3.8 identifies the infrastructure servicing requirements necessary for development to occur, such as road works, drainage and stormwater management, water supply, sewer, underground power and site works. The implementation provisions of the Structure Plan identify that the cost of such items should be shared between all landowners.

*Item 12.1 Continued*

Table 2 below identifies common public infrastructure items that have been identified in Amendment No 2. The right hand column identifies the status of the infrastructure items prior to commencement of civil works.

Infrastructure Item	Status
Mobilisation and Management	Not specifically provided for in Structure Plan however relate to the progression of the infrastructure works.
Site Works and Retaining Walls	Structure Plan does not provide specific details of works required, however it is identified as a required infrastructure work.
Sewer	<p>The Structure Plan states that the majority of lots were currently serviced by sewer with the exception of the lots in the eastern portion of Riversdale Road. However, clause 6.3.8.4 of the Structure Plan states <i>“As part of the redevelopment of the area it will be necessary to ensure all lots have access to sewer. A suitable strategy to service the currently unsewered areas adjacent to Riversdale Road would be an extension of the existing gravity sewer system. Lots on the north side of Riversdale Road are proposed to be serviced via private pump stations to be individually provided by landowners/developers when sites are developed. This strategy would need approval from the Water Corporation but preliminary advice is that it would be accepted. In terms of the timing of these works, given that all streets in the precinct are to be reconstructed, it would be logical to undertake the sewer upgrade works (except the private pump stations) at the same time, minimising disruption and cost”</i>.</p> <p>The City’s engineering services have confirmed that upgrade of the existing sewer system was necessary to ensure capacity for the ultimate development outcome.</p>
Stormwater and Drainage	<p>The Structure Plan identifies that the existing stormwater pipes and catchment were adequate for a one in five year storm event, however the drainage pipework within the road reserves was limited and would not meet Council’s current minimum requirements. Water quality control was also identified as a potential issue as there was no pollution control infrastructure installed within the precinct.</p> <p>Clause 6.3.8.2 of the Structure Plan states <i>“A preliminary review of the existing drainage catchments indicates that the 225mm diameter pipe to the Cracknell Park Reserve will require an upgrade to include stormwater treatment and retention. The Rowe Avenue basin currently appears undersized and will need to be increased in volume to accommodate extreme storm events. This will be achieved by removing the existing car park which is currently leased by Council to the adjoining commercial premises and enlarging the volume of the basin. It is proposed that this basin will incorporate an underground soakage cell to accommodate minor storm events such that the area can form an attractive and useable public open space”</i>.</p>
Water Supply	The Structure Plan identifies that all lots were connected to water. However, clause 6.3.8.3 of the Structure Plan states: <i>“Although all lots currently have access to water, the existing smaller diameter pipe sizes are considered inadequate for the demands which will be generated from the proposed increases in residential density. Hence upgrading of existing pipework will be necessary.</i>

*Item 12.1 Continued*

Infrastructure Item	Status
	<p><i>The following sections of pipework will require upgrading:</i></p> <ul style="list-style-type: none"> <li>• <i>100mm diameter pipework in Riversdale Road to 200mm diameter;</i></li> <li>• <i>90mm/100mm diameter pipework in Brighton Road to 200mm diameter;</i></li> <li>• <i>75mm/100mm diameter pipework in Rowe Avenue to 150mm diameter”.</i></li> </ul>
Road Works to Existing Roads	<p>The Structure Plan identifies that the subgrade of existing roads were sound, however the wearing course would require rehabilitation and replacement. Accordingly, clause 6.3.8.1 of the Structure Plan states “(geotechnical) investigations concluded that all existing roads within the precinct require profiling of the existing wearing course, tyne and compaction of the base course and placement of a new wearing course consisting of a 25mm thick asphalt layer. With the proposed increase in residential density there will also need to be an allowance for embayed parking bays to the existing carriageways to accommodate visitors and occasional parking. Additional concrete footpaths will also be required such that footpaths will be available on each side of the existing roads. All proposed new roads will be constructed to Council standard and include embayed parking bays and footpaths”.</p>
Telecommunications	<p>The Structure Plan identifies that existing Telstra cables existed in the precinct. Clause 6.3.8.6 of the Structure Plan identified that this infrastructure was sufficient to service the ultimate development of The Springs.</p>
Gas	<p>No information was contained in the Structure Plan relating to gas upgrades.</p>
Landscaping	<p>Part 6.3.6 of the Structure Plan provided identification of the landscaping principles and concepts for streetscapes and public open space. The City’s Parks Department has confirmed that all works undertaken are consistent with the principles and concepts outlined in the Structure Plan.</p>
Provisional Sums	<p>No specific provision is made in the Structure Plan for provisional items.</p>
Contract Variations	<p>No specific provision is made in the Structure Plan for contract variations.</p>
Public Art	<p>Public art is identified as a critical component of The Springs in the public realm; how ever no mention is made of this being a shared cost.</p>
Underground Power and High Voltage Power Reinforcement	<p>The Structure Plan states that underground power existed in The Springs with the capacity to meet demands of the existing land uses. However, the Structure Plan identifies that the existing infrastructure would not be sufficient when redevelopment of the land occurs. Accordingly, clause 6.3.8.5 of the Structure Plan states: “Any redevelopment of the area which will increase power demands will necessitate significant upgrading of the existing infrastructure. This upgrade will include new high and low voltage</p>

*Item 12.1 Continued*

Infrastructure Item	Status
	<i>cable, switchgear and transformers. Western Power has also indicated that a new high voltage feeder from the Rivervale Zone Substation may be required for the proposed development. However, no formal feasibility study has been undertaken. This work is off-site, and will have no physical impact on the precinct, but may represent a cost to the development”.</i>

**PUBLIC CONSULTATION AND LANDOWNER INPUT**

As stated, Amendment No 2 was advertised to all landowners within The Springs in accordance with the requirements of the *Town Planning Regulations 1967*. In addition, City Officers provided affected landowners with the opportunity to have a one-on-one meeting to discuss the particulars and implications of the development contribution arrangements.

The two objections that were received from landowners during the advertising period generally focussed on the following key issues:

- The Riversdale North precinct has existing infrastructure and can develop independently from the balance of The Springs. It is therefore inequitable to expect an equal contribution from all landowners.
- A number of the infrastructure works undertaken by the developer are amenity based and not ‘necessary’ for development to be undertaken. Therefore, the need and nexus of the infrastructure items contained in the Amendment is not proven for all lots within The Springs.
- It is unreasonable to retrospectively progress a development contribution arrangement when civil infrastructure works by the lead developer has occurred prior to finalisation of a cost sharing arrangement, as contributing landowners have not had the opportunity to agree on the infrastructure items and associated costs.
- The infrastructure cost contribution is significantly higher under Amendment No 2 than previously indicated under past cost contribution propositions for The Springs.
- Three strata properties on the north side of Riversdale Road are not part of The Springs and are not contributing to infrastructure. It should be ‘all’ or ‘none’.

The above points have been responded to in [Attachment 1](#) and will be elaborated on in the Officer Comment section.

In recognition of the merits of some components of the submissions, City Officers have provided additional opportunities for two owners in Riversdale Road (and their representative Greg Rowe and Associates) to participate in further dialogue on the Amendment post advertising. This has occurred in the form of additional correspondence, dialogue and meetings.

[Attachment 2](#) is the most recent correspondence provided by Greg Rowe and Associates, which is a series of suggested amendments to the proposed contents of Schedule 16 of LPS15.

*Item 12.1 Continued*

In summary, the majority of suggested amendments are supported, with the exception of the suggested changes to the cost apportionment methodology. This is discussed further in the Officer Comment section.

**OFFICER COMMENT**

The proposed development contribution arrangements for The Springs have been closely reviewed in light of the submissions made by landowners and it is evident that there continues to be considerable debate about the most appropriate approach to sharing the costs of infrastructure between landowners.

**AMENDMENT RATIONALE**

The requirement for landowners to make a development contribution for infrastructure has been well established over the life of The Springs project. The first infrastructure sharing provisions were identified under Town Planning Scheme No 13 (TPS13) as early as 1996, and subsequently under Amendment No 53 to TPS14 which this Amendment supersedes. The current planning framework for The Springs continues to incorporate a statutory requirement for a DCP by virtue of the provisions of The Springs Structure Plan.

Notwithstanding that existing infrastructure was available in The Springs prior to the commencement of subdivision works, the provisions of The Springs Structure Plan clearly identify that the pre-existing infrastructure was not sufficient for the proposed density of development of The Springs as an entire precinct. All supporting statutory mechanisms identify The Springs as a development precinct, and therefore it is not reasonable in a unified development precinct to consider infrastructure capacity as a 'first come, first serve' arrangement. Instead, a coordinated approach to the provision of infrastructure is required, as identified in the Structure Plan and outlined in this Amendment.

The provisions of The Springs Structure Plan provide Landcorp (as the lead developer) with the statutory support to seek infrastructure contributions from other benefiting landowners where infrastructure has been provided for the benefit of landowner's development need. Although it is noted that any other landowner may have fulfilled the role of lead developer, it is however considered that the Structure Plan and redevelopment of The Springs would not have progressed without Landcorp's involvement and decision to commence subdivision works prior to a cost sharing mechanism being implemented.

In conventional circumstances where a DCP is prepared prior to commencement of works, development contribution arrangements would be a well accepted requirement. However, Landcorp's decision to commence subdivision works prior to the finalisation of Amendment No 2 has made it extremely difficult to achieve unanimous landowner support, as some contributing landowners believe that they were not provided with the opportunity to review the infrastructure items and costs in order to ascertain whether they are fair and reasonable. Although there is some validity to this concern, with the City's vetting of the included infrastructure items it is considered that there is a greater level of certainty for landowners as the expended costs are primarily based on actual amounts rather than forecasts.

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City Officers consider that the infrastructure works undertaken by Landcorp have been done so for public need and for the benefit of all lots within The Springs, and therefore are of the view that all landowners within The Springs Special Development Precinct should be required to make a proportionate contribution to common infrastructure items. On this basis, the progression of Amendment No 2 is necessary to fulfil the requirements of The Springs Structure Plan and should therefore proceed.

## **INFRASTRUCTURE ITEMS**

It is emphasised that the critical consideration for Amendment No 2 is correctly identifying the items of infrastructure that are appropriate for cost sharing and the method for apportionment between landowners, rather than explicitly focusing on the cost amounts themselves. Provided that the included infrastructure meets the needs and nexus tests, the cost of those infrastructure items should not be used as the basis for debate as to whether that piece of infrastructure should be included in the development contribution schedule, nor whether a landowner should be required to contribute.

In order to identify appropriate infrastructure items for inclusion in the DCP and the apportionment method, the principles of development contributions outlined in SPP3.6 must be satisfied. The view of City Officers is that the majority of infrastructure items proposed for inclusion in The Springs DCP are necessary for high density development to be undertaken in The Springs as an integrated development precinct. Notwithstanding this, in responding to public submissions, City Officers have considered that there are some items of infrastructure that should not be included as a shared infrastructure cost. [Attachment 3](#) has been provided to outline the rationale for the inclusion and exclusion of each item that originally formed part of the advertised version of the Amendment. In summary, items that are proposed to be retained as shared costs and incorporated into Schedule 16 of LPS15 are:

- **Professional Fees**
  - Planning Fees (Structure Plan preparation)
  - Environmental Fees (remediation of public open space only)
  - Engineering Fees (pertaining to civil works)
  - Hydrological Engineering Fees (pertaining to urban water management)
  - Landscape Architecture Fees (pertaining the public landscaping works)
  - Urban Design Fees (2007 Design Guidelines and Detailed Area Plans)
  - Civil Construction Fees (mobilisation and management of civil works).
- **Infrastructure Items**
  - Site works and retaining walls (in public areas)
  - Sewer reticulation
  - Stormwater and drainage



*Item 12.1 Continued*

- Water reticulation
- Power (reticulation and high voltage reinforcement)
- Road works to existing roads (excluding Riversdale Road east of Rowe Avenue and west of Brighton Road)
- Landscaping (streetscape and public open space).

Items that have been excluded from the advertised version of the Amendment are:

- **Professional Fees**

- Transport Engineering (traffic and parking study)
- Public Art.

- **Infrastructure Items**

- Public Art
- Telecommunications
- Gas
- Contract Variations (these have been attributed to the specific infrastructure items where necessary and appropriate)
- Provisional Sums (these have been attributed to the specific infrastructure items where necessary and appropriate).

A copy of the revised DCP Schedule (the administrative component) is included in [Attachment 4](#). The revised Schedule also takes into account other suggestions made in the Greg Rowe and Associates submission that have been supported by City Officers. Landcorp has been informed of these proposed modifications and have provided agreement to the revised schedule.

## **METHODOLOGY**

A key component of the Greg Rowe and Associates submission (and additional information) related to the methodology for the apportionment of infrastructure costs. The submission suggests that there is a clear distinction between the infrastructure need in the Riversdale North precinct versus the remainder of The Springs (south of Riversdale Road) by virtue of existing development and capacity of the infrastructure prior to subdivision works. On that basis the Riversdale North precinct should have its infrastructure contribution apportioned differently.

Although there may be merit to this argument, the City's experience with TPS13 is evidence that such an approach is extremely technical, complex and subjective, particularly in relation to ascertaining the expected demand for servicing infrastructure as it is speculative on the final built form.

*Item 12.1 Continued*

Reaching agreement between landowners on what the demand for infrastructure may have been prior to the commencement of civil works is also considered to be difficult to achieve having regard to the longevity of The Springs project. Similarly, it must also be reiterated that each of the precincts within The Springs are not intended to be developed in isolation under the Structure Plan—each precinct forms part of a greater development concept, with necessary infrastructure to be provided for the benefit of all lots. This therefore supports a uniform approach to apportioning the development costs.

Under Amendment No 2, City Officers consider that retaining the apportionment methodology based on lot size (for infrastructure) and demand (for power) represents a simple and clear apportionment approach consistent with the principles of SPP3.6 in relation to transparency and consistency, because the larger lots are those that have the greatest development potential provided under the Structure Plan. The apportionment of high voltage power reinforcement only to the Mixed Use lots has also ensured greater equity for other landowners who do not derive a direct benefit from these works.

Any decision to change the apportionment of costs to a precinct by precinct basis would constitute a major departure from the advertised Amendment and subsequently necessitate further public consultation. This would be unfavourable for the City given the lodgement of development applications on land requiring a development contribution is imminent.

#### **COST APPORTIONMENT SCHEDULE**

As stated, the Cost Apportionment Schedule is a supporting attachment to the DCP which specifies the indicative financial contribution that each landowner will be required to make towards infrastructure. The updated Cost Apportionment Schedule is included in [Attachment 6](#). The Schedule shows that the overall cost of infrastructure that has been identified for apportionment has reduced by \$442,615.70 from \$14,061,286.92 (as advertised) to \$13,618,671.22. Landcorp will still be responsible for approximately 67% of the infrastructure costs by virtue of their current and former landownership.

The development contributions outlined in this Schedule are primarily based on the actual cost of the infrastructure items contained in the DCP. The only remaining forecasted cost is the landscaping for Stage 2, and given this work is under tender it is not expected to significantly vary.

As previously stated the infrastructure costs themselves should not be a point of contention in their own right provided that each infrastructure item contained in the DCP meets the needs and nexus tests. City Officers are of the view that all infrastructure items included in The Springs DCP (as modified) are necessary for development of The Springs as a precinct, and on this basis the Cost Apportionment Schedule is supported.

#### **OPTIONS**

The proposed amendments to the DCP intend to achieve a compromise position between the rights of an initial developer to recover the costs associated with the provision of infrastructure and the requirement for need, nexus and equity for contributing landowners.

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However, it is also evident from the comprehensive nature of submission made by Greg Rowe and Associates that the need and nexus tests in relation to future development are subjective and open to challenge, particularly in relation to the Brownfields redevelopment. As such, it is acknowledged that there may be alternative approaches to the apportioning of costs between landowners.

Council has two options in relation to the proposed Amendment:

1. Grant final adoption to the Amendment with the modifications as indicated within this report
2. Refuse to give final approval of the Amendment.

In relation to Option 1, City Officers consider that the proposed DCP (with modifications) is consistent with the underlying principles set out in SPP3.6, as follows:

**1. Need and Nexus**

The Springs Structure Plan identifies a variety of vital infrastructure items that are necessary for the redevelopment to be undertaken. The infrastructure items that have been identified in the modified Development Contribution Schedule are clearly required based on the need and demand resulting from projected urban growth within the precinct (as outlined in the Structure Plan), as well as development benefit through enhancement of amenity.

**2. Transparency**

The method for calculating the proposed DCP incorporates equations that are clear, transparent and relatively simple for landowners to understand. The approach to apportioning costs based on land size for infrastructure and expected demand for power is sound and has regard to development potential provided.

**3. Equity**

The DCP is proposed to apply to all land contained within The Springs Special Development Precinct which has development potential. A number of adjoining strata complexes on the north side of Riversdale Road have been historically excluded from The Springs Special Development Precinct as the sites were unlikely to redevelop in the near future by virtue of the large number of owners and limited (if any) additional development potential. The redevelopment of these strata properties is also constrained by the provisions and requirements of the *Strata Titles Act 1985*. All benefiting owners have had costs apportioned based on the size of their lots (in which The Structure Plan generally provides greater development potential to larger lots), with electricity infrastructure based on anticipated demand.

**4. Certainty**

Infrastructure items to which contributions relate are set out in the proposed DCP, along with the methodology for calculating Owner's contributions. 67% of the costs are based on actual amounts expended to date, with the remaining 33% based on current tender documents and best available estimates. The initial costs were independently audited by an external agency.

**5. Efficiency**

The items included have been based on the infrastructure required and has taken into account whole of life cycle.

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**6. Consistency**

The methodology applied within the DCP is consistent across the DCA.

**7. Right of Consultation and Arbitration**

The City has had the DCP audited by an external party and also undertook extensive public consultation as part of the Scheme Amendment process. This included a series of meetings with individual landowners explaining the implications and requirements of the DCP, as well as advertising for 45 days. Should the Amendment be gazetted, the provisions of the Scheme provide an affected Owner with the right to request the review of a calculated cost contribution by an independent expert, and ultimately for the matter to be settled by arbitration in the event agreement between the City and the Owner cannot be reached.

**8. Accountable**

The City is accountable for both determination and expenditure of development contributions under the provisions of the Scheme. In this regard, the Scheme provides Owners with the right to seek review of cost contribution calculations, the City may only expend funds for the purpose of carrying out administration and infrastructure items identified in the DCP, and the City is required to undertake an annual audit of accounts.

Although there may be some merits to considering alternative apportionment methods, Option 2 (Council's refusal of the Amendment) is not recommended on the basis that such a decision would be contrary to the requirements of The Springs Structure Plan to implement a DCP, particularly given how far development at The Springs has progressed and the imminence of development applications. Council's refusal of the Amendment would still necessitate assessment by the WAPC.

In the event that Council resolves to grant final adoption to the Amendment as proposed (Option 1), the WAPC will be required to undertake an assessment of the DCP prior to making a recommendation to the Minister for Planning. The WAPC's assessment of the DCP and the Ministers final decision will have regard to previous decisions relating to development contribution arrangements across the state. This exists as an additional opportunity for vetting of the DCP, and any landowner(s) that remains aggrieved by the content of the DCP will have the opportunity to convey their concerns to the WAPC and the Minister for Planning.

In conclusion, the proposed DCP (as amended) is considered to be consistent with the objectives and principles of State Planning Policy No 3.6 as well as the provisions of LPS15, as it provides a suitable mechanism for the sharing of the costs of infrastructure necessary for development to proceed in accordance with the endorsed Structure Plan for The Springs. On the basis of the above, it is recommended that Council grant final approval of the Amendment with modification, and accordingly forward the Amendment to the WAPC for assessment and a recommendation to the Minister for Planning.

**FINANCIAL IMPLICATIONS**

It is expected that some discontent by landowners and developers in The Springs may arise in relation to the requirement for the outlay of financial resources.

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Council is however reminded that the development potential provided and potential capital gain for landowners within The Springs is dependent on the provision of such infrastructure, and it is therefore appropriate for equitable contributions to be levied from all property owners.

The City of Belmont will incur costs in regard to management of the Cost Contribution Plan, as Landcorp does not have the authority to accept or manage payments for provision of community services and infrastructure.

The City is required to establish and maintain a reserve account for the DCA (in accordance with the *Local Government Act 1995*). The reserve account is then used for crediting the required contribution for the payment for infrastructure and administration costs. The funds in the relevant reserve account can only be used relative to the DCA, and any interest earned in the reserve account is to be applied in the DCA.

An annual audited statement of accounts for the DCA is to be published.

If there is a shortfall or an excess of funds in the account upon completion of the DCP, the City of Belmont is required to make good the shortfall, or enter into agreements with the owners to fund the shortfall. The City may also raise loans or borrow from a financial institution, including raising a differential rate for the DCA should it see fit.

If there is an excess of funds in the reserve account upon completion of the DCP, the City is then required to refund the excess in a proportionate manner to all landowners who had made a contribution. If this can't be determined, then the funds shall be applied to the DCA.

The above financial implications are not considered to present any significant risk to the Council, given that the majority of costs are based on actual costs and the remaining forecasts likely to be confirmed within the short term. There is also opportunity for the development costs to be reviewed annually and updated to reflect any significant changes.

### **ADVERTISING COSTS**

Amendment No 2 was advertised for public comment in the 28 August 2012 Southern Gazette and 29 August 2012 West Australian editions.

The total cost for the advertising was \$1,491.76.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

The infrastructure that is in the process of being provided and to which the development contributions relate will allow for the implementation of The Springs Structure Plan and create a vibrant inner city urban precinct consistent with the Council's vision for the area.

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**OFFICER RECOMMENDATION**

That in relation to Amendment No 2 to the City of Belmont Local Planning Scheme No 15, Council:

1. Dismiss the submissions lodged by Active Trade Pty Ltd and Greg Rowe and Associates (on behalf of J P Zadnik and Motherwell Properties Pty Ltd) in accordance with Regulation 18 of the Town Planning Regulations 1967.
2. Uphold the submissions lodged by Western Power, Shire of Kalamunda, Water Corporation in accordance with Regulation 18 of the Town Planning Regulations 1967.
3. Adopt Amendment No 2 to the City of Belmont Local Planning Scheme No 15 (as amended) as follows:

Reference No	Development Contribution Plan 1
Area Name:	The Springs Special Development Precinct (Development Area 11)
Relationship to other planning instruments:	<p>The development contribution plan has been prepared having regard to:</p> <ul style="list-style-type: none"> <li>• City of Belmont Strategic Plan 2010-15</li> <li>• Local Planning Scheme No 15</li> <li>• Western Australian Planning Commission State Planning Policy 3.6 (Development Contributions for Infrastructure)</li> <li>• The Springs Structure Plan.</li> </ul>
Infrastructure and administrative costs to be funded:	<p>Contributions shall be made towards the following items:</p> <ol style="list-style-type: none"> <li>1. Civil construction costs relating to the provision and upgrading of necessary and shared public infrastructure, specifically: <ul style="list-style-type: none"> <li>• Mobilisation</li> <li>• Site works</li> <li>• Retaining walls</li> <li>• Sewer reticulation</li> <li>• Stormwater and drainage</li> <li>• Water reticulation</li> <li>• Road works to existing roads (excluding Riversdale Road east of Rowe Avenue and west of Brighton Road).</li> </ul> </li> <li>2. Electrical infrastructure costs, including high voltage reinforcement where necessary.</li> <li>3. Landscaping construction and remediation costs, specifically:</li> </ol>

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Reference No	Development Contribution Plan 1
	<ul style="list-style-type: none"> <li>• Public open space</li> <li>• Streetscape and public realm.</li> </ul> <p>4. Professional and administrative fees relating to:</p> <ul style="list-style-type: none"> <li>• Urban Planning (relating to the preparation of The Springs Structure Plan and associated reports)</li> <li>• Environmental Remediation (remediation of public open space only)</li> <li>• Civil Engineering (relating to civil design and public utility upgrades)</li> <li>• Urban Water Management</li> <li>• Landscape Architecture (associated with public open space, streetscape and public realm)</li> <li>• Urban Design (associated with the preparation of the 2007 Design Guidelines)</li> <li>• Civil Construction (relating to management of civil works).</li> </ul>
<p>Method for Calculating Contributions:</p>	<p>All landowners within the Development Contribution Area shall make a proportional contribution to the infrastructure items contained in this Development Contribution Plan.</p> <p>The contributions outlined in the Cost Contribution Schedule shall be derived based on the need for infrastructure generated by additional development in the Development Contribution Area.</p> <p>The development contribution for each lot within The Springs shall be calculated on the basis of Infrastructure Costs+Electricity Upgrade Costs, as follows:</p> <ul style="list-style-type: none"> <li>• <u>Infrastructure Cost</u> The contribution for individual lots for Infrastructure Costs shall be apportioned pro-rata based on the square meterage of each lot</li> <li>• <u>Electricity Upgrade Cost</u> The contribution for individual lots for Electricity Upgrade Costs shall be calculated pro-rata based on the anticipated demand generated by each lot (based on development potential) less the current electricity capacity</li> <li>• <u>High Voltage Electricity Reinforcement</u> The contribution for high voltage electricity reinforcement shall be apportioned to lots designated as 'Mixed Use' under The Springs Structure Plan and calculated pro-rata based on the anticipated demand generated by each lot (based on development potential) less the current electricity capacity.</li> </ul> <p>The following areas shall be excluded from the land area calculations of both the total land area in the Development Contribution Area and the Owner's land in the Development Contribution Area:</p> <ul style="list-style-type: none"> <li>• Roads designated under the Metropolitan Region Scheme as Primary Regional Roads and Other Regional Roads</li> </ul>

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Reference No	Development Contribution Plan 1
	<ul style="list-style-type: none"> <li>• Existing public open space</li> <li>• Drainage reserves</li> <li>• Public utility sites</li> <li>• Other land required for Infrastructure Works.</li> </ul>
Period of operation:	The Development Contribution Plan shall operate for a period of five years from the date of gazettal but may be extended.
Priority and timing:	<ul style="list-style-type: none"> <li>• Clearing and Earthworks (Complete)</li> <li>• Drainage Basin Retaining Walls (Complete)</li> <li>• Roads (Complete)</li> <li>• Drainage (Complete)</li> <li>• Water Reticulation (Complete)</li> <li>• Sewer Reticulation (Complete)</li> <li>• Street Lighting and Power (Complete)</li> <li>• Landscaping (Stage 2).</li> </ul>
Participants / Contributors:	All landowners within Development Area 11 (The Springs) and the Development Contribution Area.
Review process:	<p>The Development Contribution Plan shall be reviewed when considered appropriate having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs contained in the Cost Contribution Schedule shall be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by the qualified person undertaking the certification of costs referred to in Clause 6.3.11.3 of Local Planning Scheme No 15.</p>

4. Seek approval of the amendment from the Minister for Planning.
5. Advise those who made a submission of the Council's decision.



Item 12.1 Continued

**Note**

Cr Wolff put the following Alternative Motion.

**ALTERNATIVE MOTION**

**WOLFF MOVED, POWELL SECONDED. That in relation to Amendment No 2 to the City of Belmont Local Planning Scheme No 15, Council:**

1. **Dismiss the submissions lodged by Active Trade Pty Ltd and Greg Rowe and Associates (on behalf of J P Zadnik and Motherwell Properties Pty Ltd) in accordance with Regulation 18 of the Town Planning Regulations 1967.**
2. **Uphold the submissions lodged by Western Power, Shire of Kalamunda, Water Corporation in accordance with Regulation 18 of the Town Planning Regulations 1967.**
3. **Adopt Amendment No 2 to the City of Belmont Local Planning Scheme No 15 (as amended) as follows:**

<i>Reference No</i>	<i>Development Contribution Plan 1</i>
<i>Area Name:</i>	<i>The Springs Special Development Precinct (Development Area 11)</i>
<i>Relationship to other planning instruments:</i>	<p><i>The development contribution plan has been prepared having regard to:</i></p> <ul style="list-style-type: none"> <li>• <i>City of Belmont Strategic Plan 2010-15</i></li> <li>• <i>Local Planning Scheme No 15</i></li> <li>• <i>Western Australian Planning Commission State Planning Policy 3.6 (Development Contributions for Infrastructure)</i></li> <li>• <i>The Springs Structure Plan.</i></li> </ul>
<i>Infrastructure and administrative costs to be funded:</i>	<p><i>Contributions shall be made towards the following items:</i></p> <ol style="list-style-type: none"> <li>1. <i>Civil construction costs relating to the provision and upgrading of necessary and shared public infrastructure, specifically:</i> <ul style="list-style-type: none"> <li>• <i>Mobilisation</i></li> <li>• <i>Site works</i></li> <li>• <i>Retaining walls</i></li> <li>• <i>Sewer reticulation</i></li> <li>• <i>Stormwater and drainage</i></li> <li>• <i>Water reticulation</i></li> </ul> </li> </ol>

Item 12.1 Continued

Reference No	Development Contribution Plan 1
	<ul style="list-style-type: none"> <li>• Road works to existing roads (excluding Riversdale Road east of Rowe Avenue and west of Brighton Road).</li> </ul> <p>2. Electrical infrastructure costs, including high voltage reinforcement where necessary.</p> <p>3. Landscaping construction and remediation costs, specifically:</p> <ul style="list-style-type: none"> <li>• Public open space</li> <li>• Streetscape and public realm.</li> </ul> <p>4. Professional and administrative fees relating to:</p> <ul style="list-style-type: none"> <li>• Urban Planning (relating to the preparation of The Springs Structure Plan and associated reports)</li> <li>• Environmental Remediation (remediation of public open space only)</li> <li>• Civil Engineering (relating to civil design and public utility upgrades)</li> <li>• Urban Water Management</li> <li>• Landscape Architecture (associated with public open space, streetscape and public realm)</li> <li>• Urban Design (associated with the preparation of the 2007 Design Guidelines)</li> <li>• Civil Construction (relating to management of civil works).</li> </ul>
<p><i>Method for Calculating Contributions:</i></p>	<p>All landowners within the Development Contribution Area shall make a proportional contribution to the infrastructure items contained in this Development Contribution Plan.</p> <p>The contributions outlined in the Cost Contribution Schedule shall be derived based on the need for infrastructure generated by additional development in the Development Contribution Area.</p> <p>The development contribution for each lot within The Springs shall be calculated on the basis of Infrastructure Costs+Electricity Upgrade Costs, as follows:</p> <ul style="list-style-type: none"> <li>• <u>Infrastructure Cost</u> The contribution for individual lots for Infrastructure Costs shall be apportioned pro-rata based on the square meterage of each lot</li> <li>• <u>Electricity Upgrade Cost</u> The contribution for individual lots for Electricity Upgrade Costs shall be calculated pro-rata based on the anticipated demand generated by each lot (based on development potential) less the current electricity capacity</li> <li>• <u>High Voltage Electricity Reinforcement</u></li> </ul>

Item 12.1 Continued

Reference No	Development Contribution Plan 1
	<p><i>The contribution for high voltage electricity reinforcement shall be apportioned to lots designated as 'Mixed Use' under The Springs Structure Plan and calculated pro-rata based on the anticipated demand generated by each lot (based on development potential) less the current electricity capacity.</i></p> <p><i>The following areas shall be excluded from the land area calculations of both the total land area in the Development Contribution Area and the Owner's land in the Development Contribution Area:</i></p> <ul style="list-style-type: none"> <li>• <i>Roads designated under the Metropolitan Region Scheme as Primary Regional Roads and Other Regional Roads</i></li> <li>• <i>Existing public open space</i></li> <li>• <i>Drainage reserves</i></li> <li>• <i>Public utility sites</i></li> <li>• <i>Other land required for Infrastructure Works.</i></li> </ul>
<p><b>Period of operation:</b></p>	<p><i>The Development Contribution Plan shall operate for a period of five years from the date of gazettal but may be extended.</i></p>
<p><b>Priority and timing:</b></p>	<ul style="list-style-type: none"> <li>• <i>Clearing and Earthworks (Complete)</i></li> <li>• <i>Drainage Basin Retaining Walls (Complete)</i></li> <li>• <i>Roads (Complete)</i></li> <li>• <i>Drainage (Complete)</i></li> <li>• <i>Water Reticulation (Complete)</i></li> <li>• <i>Sewer Reticulation (Complete)</i></li> <li>• <i>Street Lighting and Power (Complete)</i></li> <li>• <i>Landscaping (Stage 2).</i></li> </ul>
<p><b>Participants / Contributors:</b></p>	<p><i>All landowners within Development Area 11 (The Springs) and the Development Contribution Area.</i></p>
<p><b>Review process:</b></p>	<p><i>The Development Contribution Plan shall be reviewed when considered appropriate having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing.</i></p> <p><i>The estimated infrastructure costs contained in the Cost Contribution Schedule shall be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by the qualified person undertaking the certification of costs referred to in Clause 6.3.11.3 of Local Planning Scheme No 15.</i></p>

*Item 12.1 Continued*

- 4. Seek approval of the amendment from the Minister for Planning.**
- 5. Advise those who made a submission of the Council's decision.**
- 6. Advise those who have made a submission, but are not satisfied with the Council recommendation, to approach the Minister for Planning or West Australian Planning Commission for an independent assessment.**

**CARRIED 7 VOTES TO 1**

*For: Gee, Hitt, Marks Martin, Powell, Rossi, Wolff  
Against: Bass*

**Reason**

**To advise those who made a submission and who are dissatisfied with the Council decision to make contact with the Department of Planning and/or the Minister's office.**

**7.57pm The Principal Governance and Compliance Advisor departed the meeting.**

**12.2 REDEVELOPMENT OF THE CENTENARY PARK COMMUNITY CENTRE**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 9-Item 12.2 refers</b>	<a href="#"><u>Floor Plan and Elevations</u></a>
<b>Attachment 10-Item 12.2 refers</b>	<a href="#"><u>25 September 2012 (Item 12.6 Centenary Park Funding Application) Plan</u></a>

Voting Requirement	:	Absolute Majority
Subject Index	:	125/022
Location/Property Index	:	Centenary Park, corner of Daly and Barker Street, Belmont
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	25 September 2013 Ordinary Council Meeting Item 12.6
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community and Statutory Division

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To advise Council of the progress on the refurbishment of the Centenary Park Community Centre and to seek approval to proceed to full contract documentation and then on to the construction phase of the project (Refer to [Attachment 9](#)).

*Item 12.2 Continued*

### **SUMMARY AND KEY ISSUES**

- To advise Council of the outcome of consultation with stakeholders and the finalised design.
- To seek Council's approval to proceed to full contract documentation and then on to the construction phase for the redevelopment of the refurbished community centre at Centenary Park.
- To seek Council's approval to authorise the Director Community and Statutory Services or Manager Planning Services to consider the Development Application. This delegation will streamline the planning approval process.

### **LOCATION**

The existing Centenary Park Clubroom facility is located on the corner of Daly and Barker Streets in Belmont (107 Daly Street, Belmont).



### **CONSULTATION**

Hoffman Architecture was contracted to provide architectural services for the design development, documentation and contract administration for this project.

During the design development stage the Project Architect met with internal stakeholders from within the Community Lifestyle and Learning Department and other relevant Managers and incorporated their operational requirements into the design.

An offer was made to those organisations that registered an interest in utilising or occupying the facility to meet with the Architect. One organisation, the Belmont Toy Library which is presently housed at the Redcliffe Community Centre, but wish to relocate, took up the offer and met with the Architect and subsequently the design was slightly amended to accommodate group requirements, without greatly impacting on the functionality of the facility. The building will cater for a variety of other community groups' requirements and needs.

*Item 12.2 Continued*

The City has also liaised with the Western Australian Rugby League (WARL), which previously leased the facility for a period of 10 years. This lease has expired and the City has permitted that lessee to continue to use the premises on a monthly basis until the 30 September 2013, which will be the end of their season. Handover of the site for building works to commence will not occur until 1 October 2013.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the Strategic Community Plan Key Result Areas:

#### **SOCIAL BELMONT**

**Objective 2:** Ensure access to services and facilities for a changing community.

**Strategy:** Identify and assist those in need by connecting them with appropriate internal or external service providers.

**Objective 3:** Develop community capacity and self reliance.

**Strategy:** Assist clubs and community groups to be viable and active.

#### **NATURAL BELMONT**

**Objective 2:** Enhance the City's environmental sustainability through the efficient use of natural resources.

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

#### **BUILT BELMONT**

**Objective 2:** Maintain public infrastructure in accordance with sound asset management practices.

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

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

The Centenary Park Community Centre project is required to obtain development approval and a building permit.

Delegation Authority 34—*“Development Applications—City Developments on Reserved Land”* allows Officers to determine the development applications for City developments subject to conditions as noted below.

*Item 12.2 Continued*

The delegation must not be exercised by the Delegated Officer unless:

- The City is listed as an applicant
- The development is on land owned or under the care and control of the City of Belmont
- The works have been approved on the current annual budget
- The value of the development is less than \$300,000
- Where significant variations to the Scheme are evident
- The decision does not require the exercise of any of the powers of the Council under Local Planning Scheme No.15 (LPS15) clauses:
  - 4.4.2 Interpretation of the Zoning Table (Uses Not Listed)
  - 10.8 Approval Subject to Later Approval of Details
  - 10.6 Temporary Planning Approval.

The redevelopment at Centenary Park meets all the conditions other than the value; as the proposed project has a budget of \$1,528,000. It is requested that Council consider authorising the Director Community and Statutory Services or Manager Planning Services to consider the Development Application.

Council have previously been presented with a report and draft Plan of the proposal at the Ordinary Council Meeting held on 25 September 2012 (Item 12.6 Centenary Park Funding Application). The finalised plans are shown on [Attachment 10](#).

By granting this delegation the approval process will be streamlined as the matter will not be required to be brought to Council again as a dedicated Planning matter.

## **BACKGROUND**

The Centenary Park Clubrooms have been leased to WARL and utilised for training purposes. The lease has expired and the City has permitted WARL to continue to utilise the facility on a monthly tenancy until the 30 September 2013, which is the end of their season. The successful builder will not be permitted to take occupancy of the site until 1 October 2013 unless WARL advises they wish to vacate the premises prior to 30 September 2013.

A need was identified for more facilities for recreation groups and community service providers within the Belmont Local Government District by Community Development, through the 2009-10 Community Infrastructure Review.

Major components of the Centenary Park Community Centre were identified in the City's Asset Plan as requiring to be refurbished. The facility is outdated, does not function very well and is not compliant or friendly for persons with disabilities.



*Item 12.2 Continued*

It was decided to refurbish the existing facility much the same as the Forster Park Community Centre project. The design of the new facility separates the facility into two distinctive areas. These being as follows:

Community facility, which incorporates:

- Main hall with ample store rooms
- Lesser hall
- Meeting room
- Storage for the Toy Library
- Kitchen
- Male/Female and Accessible toilets
- Undercover entry and areas outside main and lesser halls.

Sports facility, which incorporates:

- Clubrooms with two storage rooms
- Dedicated kitchen/kiosk
- Two change rooms
- Male/female and accessible toilets.

The architectural brief included the requirement for the refurbishment to ensure that both the community and sports facilities were compliant with disability requirements. The ability to separate the facility into two separate uses allowed the City to proceed to apply to LotteryWest and to the Department of Sport and Recreation (Community Sporting and Recreation Facilities Fund Application) for grant contributions towards the refurbishment of these facilities.

The City has been successful in securing a grant from both LotteryWest and the Department of Sport and Recreation (DSR), which will ensure the City achieves the best outcome and provides a quality community and sporting facility for its ratepayers.

### **OFFICER COMMENT**

City Officers are confident that there is a need within the community for a multi-user Community and Recreation Centre as identified in the Wellbeing Surveys and Infrastructure Needs Assessments.

According to a Health Profile of Adults in the Belmont District 2006-09, as prepared by the Western Australian Department of Health, Belmont residents have a much higher rate of insufficient physical activity than the State average, with 59% of women and 61% of men not getting enough. By increasing access to recreational activities the City hopes to lower these figures.

*Item 12.2 Continued*

The refurbishment of the Centenary Park Community Centre will ensure that an outdated building will be upgraded to a functional community and recreational facility that can be utilised by community and sporting groups located within the City.

If approval to proceed to full contract documentation and then on to the construction phase is granted, it is intended to advertise for construction services in June 2013 and the results of the tender process by report to Council in August 2013 with the view to commence works on site early in October 2013.

**FINANCIAL IMPLICATIONS**

The quantity surveyors estimated cost to complete the project is \$1,528,000. The City has received confirmation from LotteryWest and the DSR that their combined contribution to this project will be \$685,653. Based on these figures the City's contribution to the project will be \$842,347.

One hundred and twenty thousand dollars of the City's contribution was budgeted in this the 2012-2013 financial year and utilised for Architectural Services. It is estimated that approximately \$80,000 of that budget will be expended this financial year and the remaining \$40,000 carried forward to the next financial year and utilised on this project.

The City will need to contribute \$762,347 to this building project in the 2013-2014 financial year.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

The social implications for the proposal are as follows:

- The City will create a facility that the community has access to and that will be able to provide a range of services
- It is expected that the proposed redesign and renovation of the Centenary Park Clubrooms to become a multi-user Community and Recreation Centre will assist in developing community capacity through an increased level of support for local community groups and sporting clubs.

*Item 12.2 Continued*

**OFFICER RECOMMENDATION**

***That Council:***

- 1. Approve the design of the refurbished Centenary Community Centre and direct Council Officers to commence the tender process.***
- 2. Delegate Authority to the Director Community and Statutory Services or Manager Planning Services to determine the development application for planning approval.***

***(Notes:***

- Absolute Majority required.***
- A delegation of authority made by the Council pursuant to subclause 11.3 shall have effect for the period of 12 months following the resolution, unless the Council stipulates a greater or lesser period in the resolution.)***

<b>***ABSOLUTE MAJORITY REQUIRED</b>
--------------------------------------

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

**12.3 GREAT EASTERN HIGHWAY UPGRADE—EXCISION AND DEDICATION OF LAND AS ROAD—LOTS 303 AND 304 GREAT EASTERN HIGHWAY, RIVERVALE**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 11—Item 12.3 refers</b>	<a href="#"><b>McMullen Nolan's Deposited Plans 72051 and 72052</b></a>

Voting Requirement	:	Simple Majority
Subject Index	:	138/005 Great Eastern Highway Widening Project Stage 1—Kooyong Road to Hardey Road
Location/Property Index	:	Lot 304 (39) Great Eastern Highway and Lot 303 (41) Great Eastern Highway, Rivervale
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	Main Roads WA (MRWA)
Owner	:	Various
Responsible Division	:	Technical Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

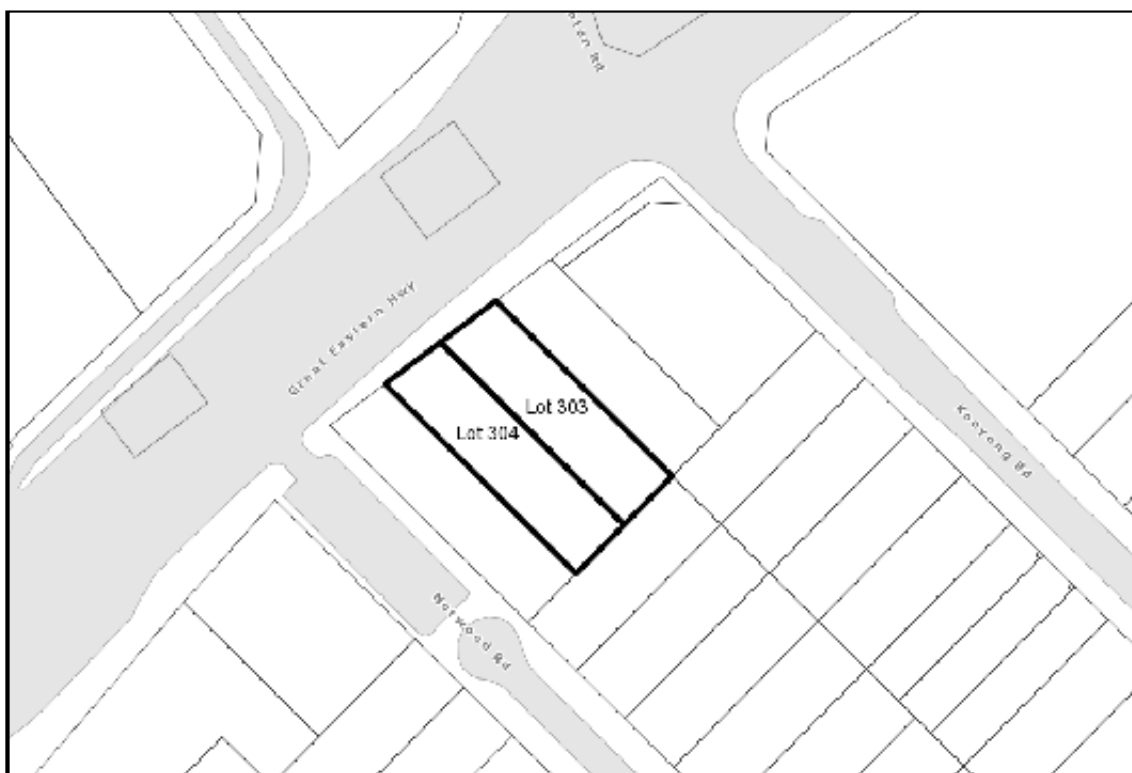
Council's resolution is sought for the excision and dedication of land, the subject of Deposited Plans 72052 and 72051, as road reserve under Section 56 of the *Land Administration Act 1997* (Refer to Attachment 11) for the purpose of road widening to Great Eastern Highway reserve.

*Item 12.3 Continued*

### **SUMMARY AND KEY ISSUES**

- As part of the Great Eastern Highway Upgrade project, Main Roads Western Australia (MRWA) is undertaking major upgrades to improve the safety and efficiency of the road network between Kooyong Road and Tonkin Highway.
- It is necessary to acquire land from adjoining properties to accommodate the road widening works required as part of the Great Eastern Highway upgrade.
- MRWA has initiated the acquisition of portions of land on Lots 701 (26m<sup>2</sup>) and 703 (9m<sup>2</sup>) from the parent Lots 304 and 303 respectively, the details of which are shown on McMullen Nolan Surveyor's Deposited Plans 72051 and 72052 (Refer to [Attachment 11](#)).

### **LOCATION**



Lots 303 and 304 Great Eastern Highway, Rivervale

### **CONSULTATION**

The City's Officers have consulted extensively with MRWA over land to be taken for road purposes and assisted MRWA wherever possible in their dealing with landowners.

*Item 12.3 Continued*

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective 3:** Provide and maintain a safe and efficient transport infrastructure.

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

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

Section 56 of the *Land Administration Act 1997 (Road Dedication) and Main Roads Act 1930*.

### **BACKGROUND**

The upgrade of Great Eastern Highway between Kooyong Road and Tonkin Highway has been designed to improve the safety and efficiency of the road network. In order to accommodate the widening of Great Eastern Highway, MRWA has initiated the acquisition of portions of land on Lots 701 (26m<sup>2</sup>) and 703 (9m<sup>2</sup>) from the parent Lots 304 and 303 respectively, the details of which are shown on McMullen Nolan Surveyor's Deposited Plans 72051 and 72052 (Refer to [Attachment 11](#)).

MRWA requires the consent of the City for the excision and dedication of Lots 701 and 703.

### **OFFICER COMMENT**

The land requirement for road purposes has been determined from the detailed design of the road network for the Great Eastern Highway Upgrade Project. The land take for the widening of Great Eastern Highway is being undertaken by MRWA.

MRWA has negotiated with the private land owners of Lot 303 (balanced Lot 702) and Lot 304 (balanced Lot 700) Great Eastern Highway, Rivervale, and will be responsible for the financial compensation associated with the land acquisition.

Lot 701 represents 26m<sup>2</sup> portion of land to be excised from Lot 304 and Lot 703 represents 9m<sup>2</sup> portion of land to be excised from Lot 303 Great Eastern Highway for the road widening purposes. The land acquisition will not affect the existing car parking bays on Lots 304 and 303.

*Item 12.3 Continued*

The excision and dedication of the portions of land on Lots 701 and 703 as road reserve is appropriate and can therefore be supported. The excision and dedication of the land as road will be undertaken by Main Roads in accordance with the provisions of Section 56 of the *Land Administration Act 1997*.

**FINANCIAL IMPLICATIONS**

Any financial implication in regards to compensation for the land taking is the responsibility of MRWA. The costs incurred with the excision and dedication process will also be the responsibility of MRWA.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER RECOMMENDATION**

***That Council resolves to support the excision and dedication of land, the subject of McMullen Nolan Surveyor's Deposited Plans 72051 and 72052 as shown in [Attachment 11](#), as road reserve under Section 56 of the Land Administration Act 1997.***

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

**12.4 LIBRARY AND HERITAGE PLAN 2013-2017**

**SOCIAL BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 12–Item 12.4 refers</b>	<a href="#"><u>Library and Heritage Plan 2013-2017</u></a>

Voting Requirement	:	Simple Majority
Subject Index	:	72/005
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	29 November 2010 Standing Committee (Community Capacity) Item 5.3 Ordinary Council Meeting 21 December 2010 Item 1.1 11 February 2013 Standing Committee (Community Vision) Item 11.1
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community and Statutory Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To develop a working document that outlines the performance benchmarks for the Ruth Faulkner Public Library and Belmont Museum to be achieved over the period from 2013-2017 (Refer to [Attachment 12](#)).



*Item 12.4 Continued*

### **SUMMARY AND KEY ISSUES**

With the successful completion of the Ruth Faulkner Library Plan 2010-2012, Library and Heritage Services have developed a new Plan that incorporates the Museum into future planning. The new Library and Heritage Plan 2013-2017 will provide direction for both the Library and Museum.

The Library and Heritage Plan is a five year plan of action, which aims to support the community in lifelong learning by providing resources, innovative services and welcoming spaces that every member of the community can enjoy. Actions within the Plan ensure the Ruth Faulkner Public Library and the Belmont Museum deliver vibrant and diverse core services to the City's residents. The Plan also takes into account access for people with disabilities and migrants for whom English is a second language.

To meet the needs of the City's socially diverse community, the Library and Heritage Plan 2013-2017 addresses the key areas of literacy, social inclusion and the conservation and celebration of the City's rich and diverse local history.

The actions within the Plan have been identified as a result of an assessment of current services and resources offered by Ruth Faulkner Public Library and the Belmont Museum.

It is vital that the Library and Museum continue to grow and adapt to meet the changing needs of the community. The Plan will result in streamlining work practices and improving efficiencies.

There are five key themes underpinning the Library and Heritage Plan 2013-2017:

- 1. Enrichment**  
Providing welcoming, free and neutral community spaces that promote a sense of belonging. Places for reflection and sharing of ideas.
- 2. Engagement**  
Providing places and activities that encourage social interaction and a greater appreciation of the City's diverse cultural identity.
- 3. Education**  
Advocating the benefits of lifelong learning by offering collections, educational resources, programs and events that allow individuals to continue learning beyond formal education.
- 4. Entertainment**  
Delivering free programs, activities and resources for all ages to enjoy.
- 5. Empowerment**  
Offering collections, resources and electronic information that empower individuals to make informed life choices and decisions.

### **LOCATION**

N/A.

*Item 12.4 Continued*

### **CONSULTATION**

- Community Feedback Forums-through Consulting firm AEC Limited Group (September 2012)
- Library and Heritage Survey September 2012.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Ensure access to services and facilities for a changing community.

**Strategy:** Identify and assist those in need by connecting them with appropriate internal or external service providers.

**Strategy:** Provide leisure and recreation programs suited to existing and future community needs.

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

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

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

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

### **BACKGROUND**

In March 2012, Council formally took financial and operational responsibility for the Belmont Museum. The City employs a Local History Curator and a Museum Clerical Officer to ensure the Museum is run by a team of suitability qualified staff.

In 2012, the Council formalised the Belmont Museum Advisory Group (BMAG). Comprising of members of the Belmont Historical Society and Council, its purpose is to guide the City on the future direction of the Museum.

Community consultation took place during the month of September 2012 and included a survey and two Community Focus Group sessions. The survey was mailed out to 200 Library members and also distributed in hard copy in the Library, Museum and the Front Counter of the Civic Centre. Due to their significant knowledge of the City's local history, the survey was also distributed to the members of the Historical Society for inclusion into the Library and Heritage Plan 2013-2017. Furthermore, an electronic copy was made available on the City's website.

*Item 12.4 Continued*

The survey and focus group sessions were advertised and promoted through the Southern Gazette newspaper to ensure residents were provided the opportunity to participate and provide feedback.

AEC Limited Group were engaged to undertake two Community Focus Group sessions with the local community in September 2012. Feedback from the Focus Group sessions and the findings extracted from the survey formed the foundation of the draft Library and Heritage Plan 2013-2017.

In addition, Library and Museum staff were invited to provide their input into the development of the Plan as they have firsthand knowledge of customer experiences with these services.

Further research into best practice for public libraries and museums identified areas where the service can improve and grow to ensure the City of Belmont is amongst the leaders in the provision of public library and museum services.

**OFFICER COMMENT**

The Ruth Faulkner Public Library aims to be a leader in the provision of Public Library services. Its current extensive range of services and resources are highly sought after by the local community and beyond. Whilst the annual Catalyse Community Perception Surveys continue to indicate that the Library Service is achieving a very high standard there is significant scope to further develop services and resources for the benefit of the City's community. The City aims to equally concentrate its efforts on delivering a best practice Local Government Museum.

With rapidly changing technologies and the introduction of social media, the Library and Museum face many challenges but also many opportunities. The Library and Museum will need to have a greater online presence for the sharing of information. Physical space will be used more for events and programs as digital content increases. Greater emphasis will be placed on engaging and involving people to provide community learning experiences and build community connections.

Closer interaction between the Library and Museum will maximise operational efficiencies and lead to improved services. The Library and Museum will need to be flexible, adaptable and innovative to prosper into the future. The actions within the Library and Heritage Plan 2013-2017 will ensure the Library and Museum strive to achieve beyond the high level of service delivery that it already provides.

The Library and Heritage Plan 2013-2017 is part of the City's adopted Corporate Business Plan 2013-2017.

The draft of the Library and Heritage Plan 2013-2017 was presented to the Standing Committee (Community Vision) on 11 February 2013. The Committee recommended that Council adopt the Library and Heritage Plan 2013-2017.

*Item 12.4 Continued*

### **FINANCIAL IMPLICATIONS**

It is anticipated that a significant proportion of actions within the Plan will be achievable with minimal financial impact to the Library's annual budget allocation. Actions within the Plan that may have an immediate financial impact will be raised for consideration in the 2013-2014 budget.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

The adoption of the Library and Heritage Plan will:

- Ensure that the community has access to the services and facilities it needs
- Assist in developing community capacity
- Support community groups
- Enhance a sense of community and the image of Belmont.

### **COMMITTEE RECOMMENDATION**

***That Council adopt the Library and Heritage Plan 2013-2017 as detailed in [Attachment 12](#).***

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

**12.5 PETITION—REQUESTING REMOVAL OF SEATS OUTSIDE RIVERVALE IGA**

**BUSINESS BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 13—Item 12.5 refers</b>	<a href="#"><b>Petition</b></a>

Voting Requirement	:	Simple Majority
Subject Index	:	11/010-Petitions
Location/Property Index	:	126 Kooyong Road, Rivervale
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance and Technical Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

The purpose of this report is to consider a petition received requesting the urgent removal of seats outside the Rivervale IGA.

Item 12.5 Continued

### **SUMMARY AND KEY ISSUES**

On 20 February 2013, a petition (as per [Attachment 13](#)) bearing 329 signatures was received which reads as follows:

*“The undersigned residents of Rivervale request the seats outside the IGA in Rivervale be urgently removed because of serious assaults and abuse to shoppers and passersby. Offences include spitting, foul language, anti-social and disorderly conduct.”*

### **LOCATION**

The petition specifically relates to the seats outside of the IGA Rivervale located at 126 Kooyong Road, Rivervale. The seats in question are located at the intersection of Gerring Court and Kooyong Road, Rivervale.



\*Ariel View

### **CONSULTATION**

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

*Item 12.5 Continued*

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

**Corporate Key Action:** To ensure that assets provide a level of service commensurate with the needs of the current and future community.

### **POLICY IMPLICATIONS**

*BEXB3 Correspondence from Members of the Public*

*"In regard to petitions (or items of correspondence submitted by multiple correspondents), the City:*

- will promote to the community, guidelines consistent with the City of Belmont Standing Orders Local Law for the submission of petitions*
- will generally correspond with the petition initiator, expecting that this person (or group) will correspond with all petitioners*
- will in the case of petitions with a small number of petitioners, endeavour where practicable, to provide individual response to each correspondent."*

### **STATUTORY ENVIRONMENT**

City of Belmont Standing Orders Local Law 2012 stipulates:

#### **"6.8 Petitions**

- (1) A petition is to –
  - (a) be addressed to the Mayor;*
  - (b) be made by electors of the district;*
  - (c) state the request on each page of the petition;*
  - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;*
  - (e) contain a summary of the reasons for the request; and*
  - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.**
- (2) Upon receiving a petition, the local government is to submit the petition to the relevant employee to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subsection (3).*

*Item 12.5 Continued*

- (3) *At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—*
- (a) the matter is the subject of a report included in the agenda; and*
  - (b) the Council has considered the issues raised in the petition.”*

**BACKGROUND**

The seats were installed in 2010, to provide additional shade and shelter to those making use of the nearby bus stop and to provide an increased social amenity in the area.

**OFFICER COMMENT**

The seats associated with the planter box outside the IGA in Rivervale were put in place to provide increased social amenity in the area. Throughout the world there is a movement towards increasing social amenity in retail areas through introducing planting and having seats, and this model was used for the Kooyong Road Shopping Centre. It is worth noting that the seats in question were put in place during 2010, but have only recently become a location for anti-social and disorderly conduct. It is felt that the problems currently in evidence at the Kooyong Road Shopping Centre do not stem from the seats, but from an increased number of people residing in specific and particular Department of Housing accommodation in the area.

It is unlikely that the removal of the seats will lead to a cessation of anti-social and disorderly conduct in the area. The perpetrators of this behaviour can just as easily sit on the edge of the planter box or on the ground if the seats were removed. Rather than focussing on removing the seats, which would only detract from attempts to increase amenity in the area, residents would be better served if they were to continually and immediately report any and all anti-social or disorderly conduct to the Police. Residents should also communicate concerns over the current status of specific Department of Housing homes directly to the Department.

Concerns over alleged excessive consumption of alcohol in the area should be directed to the Department of Racing, Gaming and Liquor.

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

Removal of the seats in this area would impact on those who use public transport facilities and those who may walk to the area to complete their shopping.



*Item 12.5 Continued*

**OFFICER RECOMMENDATION**

**HITT MOVED, ROSSI SECONDED.**

1. *That the petition which reads:*

*“The undersigned residents of Rivervale request the seats outside the IGA in Rivervale be urgently removed because of serious assaults and abuse to shoppers and passersby. Offences include spitting, foul language, anti-social and disorderly conduct.”*

*be received.*

2. *That Council does not support the removal of the seats outside the Rivervale IGA at the intersection of Gerring Court and Kooyong Road, Rivervale.*

**CARRIED 8 VOTES TO 0**

8.01pm The Principal Governance and Compliance Advisor returned to the meeting.

**12.6 STATUTORY COMPLIANCE AUDIT RETURN 2012**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 14–Item 12.6 refers</b>	<a href="#"><b>2012 Compliance Audit Return</b></a>

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 12.13 Ordinary Council Meeting 28 February 2012  
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 2012 to 31 December 2012 as provided in [Attachment 14](#).

*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 provided a set of questions during late December 2012.

Following adoption of the 2012 Statutory Compliance Audit Return, monitoring of actions arising from the non-compliance will be reported to the Standing Committee (Audit and Risk).

It should be noted that our 2011 compliance score was 97.4%. Our 2012 compliance score is again 97.4%.

### **LOCATION**

N/A.

### **CONSULTATION**

In completing the 2012 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.

*Item 12.6 Continued*

## **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 that the audit committee is 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.

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 2012 statutory Compliance Audit Return has followed on from the reduced number of questions as seen in the 2011 return. 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 2012 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 2012.

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 on-line via its website, and the completed copy of the report is provided as [Attachment 14](#) 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 and the recommended remedial actions, it can be jointly certified by the Mayor and the 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) at its meeting of the 25 February 2013 considered the findings of the Compliance Audit Return.

*Item 12.6 Continued*

**OFFICER COMMENT**

The analysis has been completed and identified non-compliance has been assessed as a:

**Non-Compliance**-there has been a failure to comply with the substantial requirements of the compliance obligation due to a process failure.

The City of Belmont has achieved the following:

<b>Compliance Area</b>	<b>Number Full Compliance</b>	<b>Non-Compliance</b>
Commercial Enterprises by Local Governments	5	0
Delegation of Power/Duty	13	0
Disclosure of Interest	15	1
Disposal of Property	2	0
Elections	1	0
Finance	15	0
Local Government Employees	5	0
Official Conduct	6	0
Tender for Providing Goods and Services	14	1
<b>Total</b>	<b>76</b>	<b>2</b>

**The 2012 Compliance Score is 97.4%**

When reading the questions shown in the Compliance Audit Return (Refer to [Attachment 14](#)), 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*

Outlined below is an overview of the non-compliance matters identified for Council's consideration.

<b>Question</b>	<b>City's Response</b>	<b>Officer Comment</b>
<p>Tenders for Providing Goods and Services.</p> <p><i>Local Government Act 1995 s3.57; Local Government (Functions and General) Regulations 11.</i></p> <p>Did the Local Government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions and General) Regulations (subject to Functions and General Regulation 11(2)).</p>	<p>No.</p> <p>LoGo Appointments–supply of temporary professional/administrative staff.</p> <p>Waiting on Western Australian Local Government Association (WALGA) to appoint a panel of suppliers.</p>	<p>This was identified following a regular monthly review of the City's consultants.</p> <p>Prior to the City going to tender, WALGA announced they were to appoint a panel of suppliers. This appointment has been delayed with a new appointment date yet to be confirmed.</p>

*Item 12.6 Continued*

<p>Disclosure of Interest.</p> <p><i>Local Government Act 1995 s5.75(1); Local Government (Administration) Regulations 22 Form 2.</i></p> <p>Was a primary return lodged by all newly designated employees within three months of their start day.</p>	<p>No.</p> <p>Two instances of non-compliance occurred out of a total of twelve primary returns.</p>	<p>Non Compliance related to two Officers which were granted Sub-Delegated Authority by the Chief Executive Officer.</p> <p>As part of this process an Authority Memorandum was issued, however the requirement for a Primary Return was not identified prior to the three month requirement within the <i>Local Government Act 1995</i>.</p> <p>This non-compliance was identified prior to the completion of the Compliance Audit Return (CAR). Neither Officer had exercised their Delegated Authority during this period.</p> <p>Steps will be established within City of Belmont Work Instructions to eliminate future risk of this occurring in the future.</p>
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The non compliance for completion of a Primary Return for two designated employees was as a result of a procedural issue, which has now been rectified.

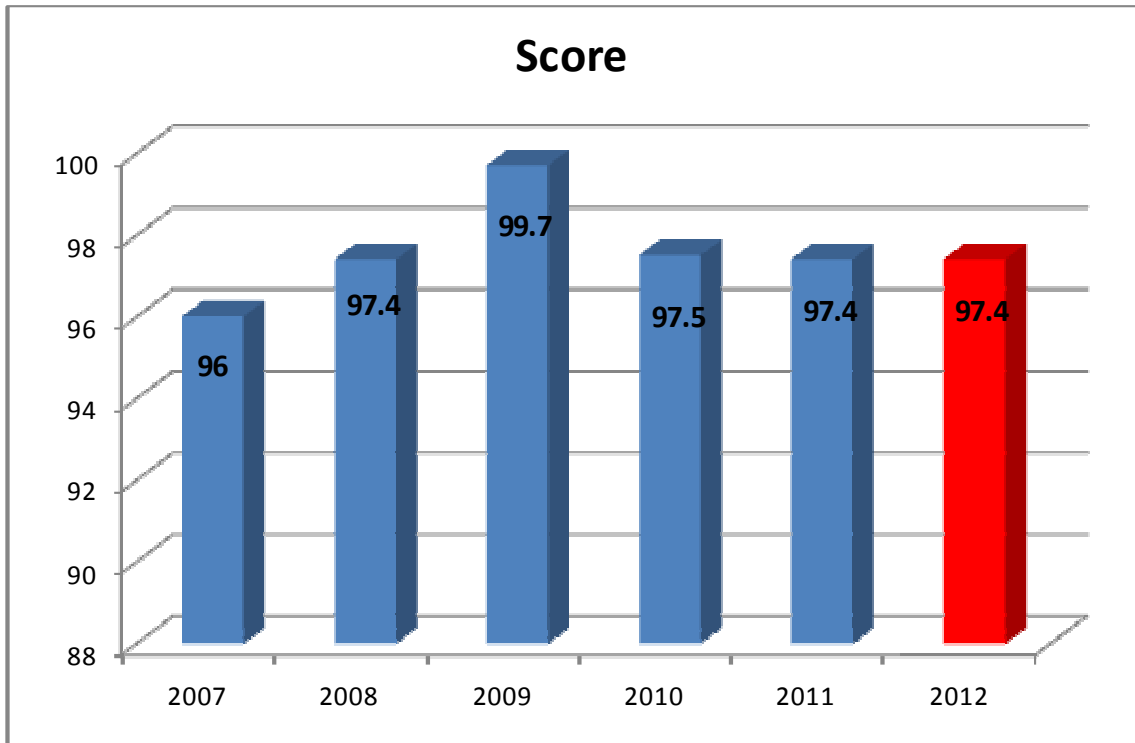
The second non-compliance related to the supply of temporary professional/administrative staff. This was identified following a regular monthly review of the City's consultants.

Prior to the City going to tender, WALGA announced they were to appoint a panel of suppliers. This appointment has been delayed with a new appointment date yet to be confirmed.

Any identified areas of non-compliance will be monitored by the Senior Management Group via regular reporting functions to ensure a repeat does not occur.

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 2012 Compliance Audit Return, as provided in [Attachment 14](#) 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 2012 Compliance Audit Report and a copy of the minutes relative to this report be forwarded to the Department of Local Government by 31 March 2013.***
- 4. The Standing Committee (Audit and Risk) monitor for compliance those aspects identified as non compliant within the 2012 Compliance Audit Return.***

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

12.7 TENDER 02/2013-PROVISION OF YOUTH SERVICES

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Confidential Attachment 1–Item 12.7 refers	<a href="#">Price Schedule</a>
Confidential Attachment 2–Item 12.7 refers	<a href="#">Evaluation Matrix</a>

Voting Requirement : Simple Majority  
Subject Index : 114/2013-02  
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 : 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 seek Council approval to award Tender 02/2013–Provision of Youth Services.

*Item 12.7 Continued*

### **SUMMARY AND KEY ISSUES**

To seek Council approval to award Tender 02/2013 in accordance with the requirements of the *Local Government Act 1995*.

The tender is for the provision of Youth Services for a one year period with the option of two one year extensions at the sole discretion of the City.

Sixteen sets of tender documents were issued to prospective tenderers and six tenders were received as follows:

- Edventures WA Incorporated
- Children's Services Support Unit Inc
- Centrecare Inc
- Anglicare WA
- Australian Red Cross Society
- Young Men's Christian Association (YMCA) Perth Youth and Community Services Inc.

Australian Red Cross Society subsequently withdrew their tender and was therefore not evaluated. All the other tenderers met the compliance criteria and were assessed against the weighted criteria.

### **LOCATION**

N/A.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Ensure access to services and facilities for a changing community.

**Strategy:** Identify and assist those in need by connecting them with appropriate internal or external service providers.

**Corporate Key Action:** Deployment of Youth and Family Services Plan.

*Item 12.7 Continued*

## **POLICY IMPLICATIONS**

BEXB28–Purchasing

Policy Objective

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

## **STATUTORY ENVIRONMENT**

This issue is governed in the main by the *Local Government Act 1995*, in particular Section 3.57 which states that “a Local Government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services”.

## **BACKGROUND**

In October 2011, the City made the decision to outsource its Youth and Family Services to an experienced provider who was best placed to offer a more diverse and enhanced service to the Belmont community in line with the City's new focus for expanded services.

Tenders were invited in January 2012 with one response received from PCYC livALIVE™ (PCYC) who were subsequently awarded the contract. However, in September 2012, PCYC found itself unable to meet the obligations of the contract due to resourcing challenges and limits on their capacity and had to withdraw its services. YMCA Perth Youth and Community Services Inc (YMCA) has since been acting as an interim service provider whilst the City of Belmont undergoes a tender process to appoint a contractor for a one year period, with the option of two one year extensions at the sole discretion of the City.

An invitation to tender for the provision of Youth Services was advertised in the West Australian on Saturday, 12 January 2013, closing on Tuesday, 7 February 2013 at 2.00pm.

## **OFFICER COMMENT**

### **Price Schedule**

The Price Schedule (Refer to [Confidential Attachment 1](#)) shows the Tenderers' price submissions.

### **Evaluation Criteria**

The Evaluation Committee consisted of the Coordinator Purchasing, the Manager Community Development, the Youth and Community Project Coordinator and an external agency representative.

All tenders were assessed based on the same selection criteria that was included within the tender, being:

*Item 12.7 Continued*

	<b>Criteria</b>	<b>Weighting</b>
1.	Organisational Capacity, Capability and Experience	20%
2.	Methodology	40%
3.	Safety	10%
4.	Value for Money	30%
	<b>Total</b>	<b>100%</b>

The Evaluation Matrix (Refer to [Confidential Attachment 2](#)) shows the scores of the Evaluation Committee following a review of the tender submissions received. Anglicare WA and YMCA both scored very highly and were invited to meet with the Evaluation Committee and respond to a series of questions.

Anglicare WA was established in 1976 as a not for profit community service organisation. It currently delivers youth support services in the form of a street-based outreach service, drug education and support service, young parents support program and supporting educators through the development of community based learning initiated by young people. The Evaluation Committee was impressed with the presentation and it was felt that if Anglicare was appointed it would become a valuable asset in assisting the City of Belmont to engage and support young people.

YMCA is the current provider of youth services at the City of Belmont Youth and Family Centre. Attendance at the Centre increased 57% during the first three months of the YMCA tenure. YMCA are continually seeking feedback from the young people attending to ensure the programmes offered meet their needs. The team of staff is highly qualified and motivated.

The Evaluation Committee recognises that both tenderers have the experience and capacity to deliver quality programmes for youth within the City of Belmont. However, YMCA is the highest scorer on the evaluation matrix and as the present incumbent the award of the contract to YMCA would ensure that the service will continue without disruption. It is therefore recommended that YMCA should be appointed as the successful contractor.

### **FINANCIAL IMPLICATIONS**

The tendered price of \$536,891 is within the budgeted figure of \$539,195 for the provision of Youth Programs for the 2012-2013 financial year.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

*Item 12.7 Continued*

**SOCIAL IMPLICATIONS**

This proposal contributes to the City's objective to provide support for young people (12 to 18 years) and their family members who may be experiencing a range of difficult life issues and who live within the City of Belmont by:

- ensuring young people and their family members have access to services from a range of experienced professionals
- assisting in developing community capacity
- enhancing a sense of community and the positive image of Belmont.

**OFFICER RECOMMENDATION**

***That Council accepts the tender submitted by YMCA Perth Youth and Community Services Inc for the Provision of Youth Services, as specified for the lump sum of \$536,891 per annum exclusive of GST, for a period of one year commencing 6 May 2013 with the option of two one year extensions at the sole discretion of the City of Belmont.***

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

**12.8 ACCOUNTS FOR PAYMENT—FEBRUARY 2013**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 15—Item 12.8 refers</b>	<a href="#"><b>Accounts for Payment February 2013</b></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

Confirmation of accounts paid and authority to pay unpaid accounts.

**SUMMARY AND KEY ISSUES**

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

*Item 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**

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	784705-784750	\$219,258.73
Municipal Fund EFTs	EF026452-EF026840	\$3,305,249.89
Municipal Fund Payroll	February 2013	\$1,196,716.94
Trust Fund Cheques	905380	\$12,103.34
Trust Fund EFTs	EF026573 and EF026574	\$15,814.35
Total Payments for February 2013		<b>\$4,749,143.25</b>



*Item 12.8 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 2013 as provided under [Attachment 15](#) be received.*

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

**12.9 MONTHLY ACTIVITY STATEMENT AS AT 28 FEBRUARY 2013**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 16—Item 12.9 refers	<a href="#"><u>Monthly Activity Statement as at 28 February 2013</u></a>

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.

*Item 12.9 Continued*

### **SUMMARY AND KEY ISSUES**

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

### **LOCATION**

N/A.

### **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 percent of the budgeted closing balance as the materiality threshold.

### **OFFICER COMMENT**

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

*Item 12.9 Continued*

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

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

The monthly financial report is to be accompanied by:

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

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

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

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

In order to provide more details regarding significant variations as included in [Attachment 16](#) the following summary is provided.

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.

<b>Report Section</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Comment</b>
<b>Expenditure–Capital</b>			
Computing	367,121	96,112	IT equipment purchases are behind budget.
Property and Economic Development	889,000	837,775	Recent land acquisitions cost slightly less than budget.
Community Services	89,155	0	Relates to deferred purchase of fleet.
Technical Services	510,546	303,876	Relates mainly to the Swan River foreshore erosion project which is currently underway.
Grounds Operations	914,536	610,874	Irrigation replacement projects are expected to be less than budget.
Road Works	3,579,228	2,903,614	Invoices are generally paid one month in arrears and some of the projects have started slightly later than expected.
Footpath Works	382,402	222,481	Although some projects are expected to be less than budget there has also been a delay in two

Item 12.9 Continued

<b>Report Section</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Comment</b>
			projects due to the NBN rollout.
Operations Centre	626,937	490,734	Plant purchases and sales are behind budget.
Building Operations	2,121,261	1,346,354	Projects are generally progressing well although some projects will carry over into next financial year.
<b>Expenditure—Operating</b>			
Finance Department	1,166,474	1,102,649	Relates to an outstanding Salaries allocation.
Computing	1,240,639	1,129,590	Business Applications, Consulting and Communications related costs are below budget.
Marketing and Communications	811,421	715,631	Salary related costs are below budget and Kidz Fest costs are outstanding.
Insurance	901,441	972,275	Relates to a workers' comp premium adjustment which will be funded from reserve.
Executive Services	1,033,451	927,310	Salaries and employee related costs are below budget.
Records Management	472,085	413,195	Consulting costs are below budget.
Governance	2,034,063	1,719,268	Activity Based Costing (ABC's) allocations and Functions and Catering costs are below budget.
Belmont Trust	100,000	24,454	Consulting and legal costs are below budget.
Property and Economic Development	398,865	347,322	Property settlement and consulting costs are below budget.
Criminal Damage	238,469	153,784	Graffiti removal costs are less than expected.
Health	646,353	585,950	Relates to an outstanding Salaries allocation.
Community Services	451,347	284,940	Vacancies have resulted in employee costs being under budget.
Belmont HACC Services	1,437,333	1,282,772	Vacancies have resulted in employee costs being under budget.
Youth Services General	445,455	302,210	Costs associated with running Youth Programs are under budget.
Town Planning	1,304,316	1,120,382	Variance mainly relates to outstanding Salaries and Consulting costs.
Sanitation Charges	2,873,889	2,643,400	Outstanding rubbish collection costs.
Ruth Faulkner Library	1,237,399	1,105,618	Salaries related and building maintenance costs are under budget.
Grounds Operations	2,893,616	2,722,606	Parks maintenance and

Item 12.9 Continued

<b>Report Section</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Comment</b>
			consulting costs are currently under budget.
Grounds-Active Reserves	526,976	608,857	Turf disposal costs to date are above budget.
Grounds Overheads	1,026,781	927,267	Wages are below budget.
Road Works	624,555	556,305	Relates to outstanding street lighting costs.
Streetscapes	708,285	653,359	Roundabout maintenance and verge maintenance costs are below budget.
Drainage Works	181,833	104,935	Drainage maintenance costs are less than expected.
Building Control	781,248	720,784	Relates to an outstanding Salaries allocation.
Technical Services	1,353,744	1,301,715	Private works requests are lower than expected.
<b>Revenue-Capital</b>			
Belmont Trust	(121,700)	(24,558)	Reserve transfers are lower than anticipated.
Property and Economic Development	(275,000)	(626,118)	Budgeted land sales ahead of budget.
Ground Operations	(0)	(56,000)	Additional income for tree removal.
Road Works	(288,608)	(173,203)	Grant income outstanding.
Building Operations	(30,166)	(182,864)	Grant income received earlier than anticipated.
<b>Revenue-Operating</b>			
Finance Department	(1,161,717)	(1,102,649)	ABC Cost recovery lower than anticipated.
Records Management	(471,979)	(413,195)	ABC Cost recovery lower than anticipated.
Accommodation Costs	(416,063)	(364,993)	ABC Cost recovery lower than anticipated.
Rates	(36,047,446)	(36,163,428)	Interim rates higher than anticipated.
General Purpose Income	(177,139)	(265,708)	Financial assistance grant received earlier than expected.
Financing Activities	(1,432,186)	(1,333,500)	Actual excludes interest accrued on bank deposits.
Belmont HACC Services	(1,459,013)	(1,662,272)	Operating grant income received earlier than that budgeted.
Town Planning	(614,067)	(755,228)	Application fees are higher than anticipated.
Grounds Overheads	(972,099)	(818,253)	Internal overhead recovery is less than expected.
Roadwork's	(102,543)	(153,814)	Financial assistance grant received earlier than expected.
Public Works Overheads	(938,824)	(828,379)	Internal overhead recovery is less than expected.
Plant Operating Costs	(894,963)	(828,187)	Internal overhead recovery is less than expected.
Technical Services	(325,150)	(256,151)	Relates to an outstanding

Item 12.9 Continued

Report Section	YTD Budget	YTD Actual	Comment
			contribution from Main Roads.
Other Public Works	(120,000)	(48,164)	Private works requests have been less than expected.

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 2013	\$	Comment
Cash and investments	45,486,670	Includes municipal, reserves and deposits
-less non rate setting cash	(26,768,314)	Reserves and deposits held
Receivables	5,047,070	Rates levied yet to be received and Sundry Debtors
-less non rate setting receivables	(797,816)	ESL levied and GST payable
Stock on hand	279,224	
<b>Total Current Assets</b>	<b>23,246,834</b>	
<b>Current Liabilities</b>		
Creditors and provisions	(5,126,042)	Includes deposits
-less non rate setting creditors and provisions	2,203,133	ESL, GST and deposits held
<b>Total Current Liabilities</b>	<b>(2,922,908)</b>	
<b>Nett Current Assets 28 February 2013</b>	<b>20,323,926</b>	
<b>Nett Current Assets as Per Financial Activity Report</b>		
Less Restricted Assets	<b>(485,321)</b>	Unspent grants held for specific purposes
Less Committed Assets	<b>(19,338,605)</b>	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

### **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.

*Item 12.9 Continued*

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER RECOMMENDATION**

*That the Monthly Financial Report as at 28 February 2013 as included in [Attachment 16](#) be received.*

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



**12.10 2012-2013 MARCH BUDGET REVIEW**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 17–Item 12.10 refers</b>	<a href="#"><u>2012-13 March Budget Review Detailed Report</u></a>
<b>Attachment 18–Item 12.10 refers</b>	<a href="#"><u>2012-13 March Budget Review Statement</u></a>
<b>Attachment 19–Item 12.10 refers</b>	<a href="#"><u>2012-13 Reserve Balances</u></a>

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 2012-2013 Adopted Budget. (Note: Details of Income and Expenditure adjustments are included as [Attachment 17](#)).

*Item 12.10 Continued*

### **SUMMARY AND KEY ISSUES**

In keeping with sound financial management practices, a further review of the 2012-2013 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 2013-2014 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. 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 12.10 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	17,428
• Corporate and Governance Division	1,185,110
• Technical Services Division	(258,942)
• Community and Statutory Services Division	(1,047,596)
• Closing Balance	104,000
<b>Net Cost</b>	<b>0</b>

Whilst this Budget Review is comprehensive and covers a myriad of issues that are briefly explained in [Attachment 18](#), some of the more significant budget adjustments are detailed below:

- The Human Resource expenditure budget has increased by more than \$70,000 due to the subscription to an online learning service and staff recognition costs following the City's Worksafe Platinum award. The latter is funded by Reserve.
- Executive Services costs have been reduced by \$54,682 mainly due to a vacant Compliance Administrator position.
- Records Management have reduced total costs by \$43,000 which is predominantly capital expenditure. This follows the purchase of a Scanner being funded by IT and office improvements now expected to be carried out next financial year.
- There is no overall change to rates income although each rates class has been adjusted to reflect interims.
- Information Technology budget has been reduced by \$252,486 mainly due to the delay in both the availability of an integrated telephony solution and updated version of Enterprise Content Management from Technology One. These funds have been transferred to the IT Equipment Reserve for the future undertaking of these projects.
- Property and Economic Development have reduced the capital income budget with the expectation that the property market will improve and returns will be greater by postponing land sales. This is offset by a reduction in the transfer to the Land Acquisition Reserve.

*Item 12.10 Continued*

- The Technical Services consultancy budget has been reduced by \$59,000 due to the removal of the 400 Abernethy Road Sporting Complex study. This is because one of the realignment design options put forward by Gateway WA has been supported by both the City and relevant sporting clubs, possibly negating the need to relocate the facility elsewhere within the complex.
- The Road Construction budget has not altered in total however there have been adjustments between projects. 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. Kewdale Road at Aitken Road modifications has been removed from the program as the Gateway WA works will affect this intersection.
- 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, Waterway Crescent–Lakewood Avenue to Cyngus Road.
- The Drainage construction budget hasn't changed overall although there has been a reallocation of funds due to the completion of various projects. The Daly Street-Barker Street intersection has been deferred to be constructed in conjunction with the car park modifications for the Centenary Park change room upgrade.
- There have been a number of adjustments within Parks Construction as a number of projects are expected to cost less than budget. Excess funds have generally been allocated to existing and new Parks Construction jobs. Notable changes include:
  - Copley Park upgrade continues to experience issues in relation to access to private property and will be deferred to next year.
  - Middleton Park and Redcliffe Park irrigation upgrades cost significantly less than budget and the funds have been reallocated to upgrading the irrigation and landscaping at Morgan and Arlunya Park as well as bore installation at (former) Hardey Park.
  - Ascot Water Compensation Basin Upgrade requires further investigation and the remaining funds have been transferred to Reserve for future use.
- Following removal of a tree within the Springs Precinct the developer contributed \$56,000 to the City to be used for future parks development within the precinct. The funds have been budgeted within Parks Administration and transferred to the Parks Development Reserve.
- Within Environment the most significant adjustment is a reduction of \$50,000 for the Aquifer Project which requires the support of various working groups. The funds have been transferred to the Environment Reserve. The Swan River Foreshore Erosion Control project requires an additional budget of \$45,750 due to a change in scope. This has been funded through other more minor budget adjustments within the Environment section.
- Planning application fees have grown significantly with the Spring's precinct playing a key role in fee income increasing by \$120,000. The City also recently successfully prosecuted which has led to additional planning income of \$215,184.

*Item 12.10 Continued*

- 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:
  - The Multi-Purpose Community Facility budget has been reduced to \$50,000 to reflect the estimated cost for this financial year to engage the services of an architect to assist with preparation of a revised concept plan for Council consideration.
  - Harman Street is expected to be largely completed in the 2013-2014 financial year and the majority of costs (and grant income) will be carried forward. The Municipal contribution for this project of \$200,000 has been transferred to the Building Maintenance Reserve.
  - The Centenary Park Community Centre budget has been reduced by \$40,000 to reflect the cost of engaging an architect to finalise the design and provide the necessary documentation in readiness to proceed to tender. The remaining architectural fees will be budgeted in the 2013-2014 financial year.
  - The Administration Building Improvement budget has been increased by \$60,000 to reflect the expenditure required to remodel the Community Development Area. This includes the area that was previously occupied by podiatry services.
  - The Miles Park lighting budget has been postponed (Council Contribution \$17,000) and is pending finalisation of the design and cost and further consultation with the club.
  - The Acton Avenue Facility budget has increased by \$18,000 to reflect estimated cost for refurbishment of the toilet area.
  - The Greenshields Facility budget has decreased by \$18,000 to reflect a change in the scope of works. It was originally proposed to refurbish the toilet and attempt to re-let the facility but due to its poor condition the old kindergarten building would need significant funding. The remaining budget will be used to investigate the future use of the building.
  - The Belmont Oasis budget has increased by \$35,000 to pay for the additional cost associated with replacing the hot water flow and return pipe, ceiling repairs and replacement of four evaporative air conditioning units over the gym area.
- The cost of graffiti removal is expected to reduce by \$70,000. The Closed Circuit Television (CCTV) program and night works along Great Eastern Highway are likely contributors.
- The budget for CCTV installation has been reduced by \$50,000 due to technical issues with some programs now expected to carry over to next financial year.
- The City is applying to the Gaming Community Trust to partake in a very exciting initiative tentatively called 'Belmont On The Move'. This involves a custom built mobile unit that will extend existing Council services directly out into the community. The grant application also includes the cost of staffing the vehicle for a period of three years.

*Item 12.10 Continued*

The proposed mobile unit will focus on delivering services and resources relating to the key areas of literacy, community wellbeing and lifelong learning and will aim to reach sections of the community that have limited access to the City's existing services. The custom built vehicle will attract a whole range of community users that can embrace the City's lifestyle and learning opportunities.

The overall amount of funding being sought is over \$500,000 with the expectation that the funds will be staggered over the three year period. If the City is successful, it is expected that the first year grant will be received prior to the end of the current financial year and will be in excess of \$285,000. These funds will be used to proceed with purchase and fit out of the vehicle to ensure the project is ready to get underway in July 2013.

- Operating costs within Community Development have been reduced by approximately \$130,000 due to staff vacancies experienced during the year.
- Following the change of service provider Youth Services have reduced total operating expenditure by \$94,760.
- The current provision for Long Service Leave (LSL) is expected to be in excess of \$1.2m by 30 June 2013. The City funds this provision by way of Reserve and an additional transfer to the LSL Reserve is required to meet the City's obligation.
- In addition to the reserve transfers mentioned, the reduction in expected operating costs and additional (Planning) income has enabled the City to transfer an additional \$320,000 and \$365,938 to the Building Maintenance Reserve and Miscellaneous Entitlements Reserve respectively.

The cost of building renewal, based on asset management plans, is expected to average close to \$2,000,000 per annum for the next 20 years. This is significant and it is important that the Building Maintenance Reserve is financially resourced when the opportunity arises. The Miscellaneous Entitlements Reserve is used to resource unforeseen staff costs including gratuities. Given 33 of the City's staff are eligible for a gratuity payment should they retire and with ongoing Local Government reform it is also very important that this reserve is adequately funded.

An updated list of the estimated Reserve balances can be found in [Attachment 19](#).

- Overall, the March budget review adjustments have resulted in a balanced budget with the closing balance increasing by \$104,000. This represents the expected unspent 'On the Move' grant funding which is to be carried forward and used for this project in the new financial year.

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 17](#)) includes substantial comment, however, should further explanation be required then 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.

*Item 12.10 Continued*

Also attached is a 'Statement of Budget Review' ([Attachment 18](#)) which compares the proposed March Budget Review to the current Authorised Budget as requested by the Department of Local Government.

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.

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, adopt the amendments contained in the 2012-2013 Budget Review Attachments 17, 18 and 19 including the descriptions of variations and closing fund amendments.***
- 2. Authorise the Director Corporate and Governance to amend the 2012-2013 Budget in accordance with all resolved variations.***

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





*Item 12.11 Continued*

### **PURPOSE OF REPORT**

To adopt the City of Belmont's response to the Minister for Local Government the Hon John Castrilli MLA dealing with the Metropolitan Local Government Review, Final Report of the Independent Panel, July 2012, joint Local Government submissions and an alternative boundary proposal for the City of Belmont.

### **SUMMARY AND KEY ISSUES**

An independent Metropolitan Local Government Review Panel (the Panel) was appointed to consider terms of reference provided by the Minister for Local Government, Hon John Castrilli MLA in his announcement of the Local Government boundaries review.

The Panel's objective was to submit recommendations on appropriate boundaries and governance models for Local Governments in the Perth metropolitan area to the Minister by 30 June 2012.

The Panel's Final Report dated July 2012 is now the subject of further public comment and Minister Castrilli has requested feedback by 5 April 2013.

The City of Belmont's response to the Panels Final Report is attached to this report. (Refer to [Attachment 20](#)).

A number of Mayors and Chief Executive Officers (G20) across metropolitan Perth have met and discussed a range of alternative Local Government boundaries resulting in a reduction of Local Governments but a more viable alternative to that proposed by the Panel. A position of the Council on this subject is requested.

### **LOCATION**

N/A.

### **CONSULTATION**

Community consultation has not taken place. Members of the community have the opportunity to make submissions directly to the Minister.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

The Strategic Community Plan 2012–2032 sets the direction that Council will take and Management will follow. It establishes objectives, strategies to achieve them and measurable performance indicators to enable Council and the Community to review progress.

The Plan is far-reaching. Many of the strategies that will be required for success are beyond the responsibility and powers of Local Government. Where necessary in these cases, Council has still recognised the need for change and has committed to encourage and facilitate the efforts of others—including other levels of government—to achieve results for the City.

*Item 12.11 Continued*

Local Government reform based upon the Panel's Final Report will have a significant impact upon the existing Plan and the City's intention for service and infrastructure delivery and improvement.

Maintaining as much control as possible toward the destiny of the City of Belmont and its community is imperative and the proposed alternative outlined in Part B of this report will assist in maintaining the integrity of Belmont and the community aspirations expressed in the Strategic Community Plan, as well as linking the communities of interest associated with the Specialised Centre of the Perth Airport and the Strategic Industrial Precinct of Kewdale/Welshpool, all of which has been supported in the previous submissions made by the City of Belmont.

The success of the proposed alternative will be greatly dependent upon the joint submissions of other participating Local Governments and the State Governments desire to accept these alternatives to the Panels suggested course of action.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

### **BACKGROUND**

In February 2009, the Minister for Local Government, Hon John Castrilli MLA, announced his wide-ranging Local Government Reform Strategies. In the Minister's release it was noted that there has been widespread recognition for many years that the existing Local Government structure, with 138 Local Governments, some of which have less than 200 electors, is not sustainable.

On 24 June 2011, the Minister for Local Government announced an independent review of Perth metropolitan Local Government and broader governance structures. The review panel's terms of reference included an expectation that the Panel would directly engage with the Perth community, Local Governments, peak bodies, and government agencies.

The Independent Metropolitan Governance Review Panel (the Panel) was asked by the Minister for Local Government to:

- Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years.
- Identify current and anticipated national and international factors likely to impact in the next 50 years.

*Item 12.11 Continued*

- Research into improved Local Government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, and accountability and State imperatives among other things the panel may identify during the course of the review.
- Identify new Local Government boundaries and a resultant reduction in the overall number of Local Governments to better meet the needs of the community.
- Prepare options to establish the most effective Local Government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact.
- Present a limited list of achievable options together with a recommendation on the preferred option.

The Panel was chaired by Professor Alan Robson AM CitWA. Other members are Dr Peter Tannock and Dr Sue van Leeuwen.

Two advisory groups provided expert advice to the Panel. One consisted of the Directors General of the Departments of Local Government and Planning, while the other consisted of the President and Deputy President of the Western Australian Local Government Association.

The Panel was also asked to report back to the Minister by 30 June 2012.

### **OFFICER COMMENT**

The Panel was appointed to examine the social, economic and environmental challenges facing metropolitan Perth. The Panel in its final report of July 2012 made 30 recommendations. This final report was preceded by two other important Panel documents.

Firstly, the Panel's Issues Paper, released in October 2011, was an opportunity for the Panel to gather community opinions on the broader issues of Local Government in metropolitan Perth.

Secondly, the Panel's Draft Findings, released in April 2012, were an indication of the Panel's thoughts on the future of Local Government in metropolitan Perth, and was viewed as a progress report and not a final position (Refer to [Attachment 21](#), City of Belmont Response). The Panel's Draft Findings Report provided the opportunity to gather further opinions.

The following principles have been developed by the Panel to guide its decision making:

*“Long-term approach: the Panel's recommendations will focus on long term and strategic proposals for local government in the metropolitan area. This approach will ensure Perth is prepared for the future and able to sustain a productive economy, diverse communities and a healthy environment.*”

*Item 12.11 Continued*

*Community outcomes: community wellbeing, both short and long term, will underpin the Panel's recommendations. Change to local government, if required, should improve metropolitan Perth for the people that live in it, work in it, and visit the area.*

*Equity: the Panel's recommendations will seek equity, not only among the residents of the metropolitan area, but equity between generations. Decisions made now should not adversely affect future generations.*

*Clarity: the Panel's recommendations will seek clarity as to which level of government, or other organisation, is best placed to provide services to communities. The recommendations will identify funding sources, and provide evidence of the sustainability of any proposed arrangements.*

*City scale: the Panel will make recommendations for the benefit of metropolitan Perth as a city. While acknowledging the diversity of local communities, and the value of local level governance, the Panel will focus on outcomes that are best for the metropolitan area as a whole.*

*Best city: the Panel's recommendations will build on the best of Perth's attributes, ensuring its future as a sustainable, liveable, attractive, competitive, dynamic and connected city while building its international reputation as one of the world's most successful cities.*

*Evidence based: the Panel's recommendations will be based on thorough investigation and sound research."*

**Part A: The Panel's Final Report July 2012**

The Panel advised the Minister that:

*"The Panel has unanimously made 30 recommendations, in accordance with its Terms of Reference, which we believe will build the strength, capacity, effectiveness and authority of local government.*

*The Panel sees a stronger local government sector in metropolitan Perth as the key outcome of this Review. The Panel believes that implementation of its recommendations will enhance the role that local government plays in supporting communities. I am sure that you will agree that the Review is an opportunity for State and local governments, and the community, to support changes that will strengthen the standing of local government in community life."*

After nearly a year's work, the Panel has concluded that maintaining the status quo, comprising 30 metropolitan Local Governments of varying sizes and capacities, is not in the best interests of metropolitan Perth. To reach this conclusion, the Panel considered a broad range of evidence, including:

- Over 40 specifically prepared information papers
- Academic literature from various sources
- The views expressed at two community forums and one Local Government forum
- Over 250 submissions on its Issues Paper and 195 submissions on its Draft Findings
- Direct conversations with representatives of Local Governments, State Government agencies, community organisations and individuals

*Item 12.11 Continued*

- Advice from the expert representatives on its Advisory Groups.

The Panel found weaknesses with the current metropolitan Local Government arrangements:

- There is a significant level of duplication and wasted resources
- There are great inconsistencies in processes and approaches which result in difficulties for business, lost opportunities for communities, and confusion for consumers
- The fragmented approach to local planning results in a system that is unnecessarily complicated, uncoordinated and lacking in strategic focus
- Some Local Government boundaries are illogical
- There is a great variation in the size and capacity of Local Governments
- A large disparity in service levels between different Local Governments exists
- The structure has limited ability to address region-wide issues
- The current structure will not serve Perth's future needs.

Many issues of metropolitan governance examined by the Panel do not have quick or one-off solutions. Due to their complexity, and the fact that they usually span more than one Local Government area, they require cooperation and support between agencies, and a joint commitment to reach outcomes. In examining the critical and strategic issues affecting the future of metropolitan Perth, pertaining to the natural environment and to the urban environment and infrastructure, the Panel has concluded that some issues are beyond the current capacity of Local Government and a more strategic response is required.

In summary, the Panel was unanimous in its finding that 30 Local Governments are too many for the Perth region.

The Panel recommended that:

1. The State Government give consideration to the inequities that exist in Local Government rating, including rate-equivalent payments and State Agreement Acts
2. A collaborative process between State and Local Government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and Local Government
3. The State Government facilitate improved co-ordination between State Government agencies in the metropolitan area, including between State Government agencies and Local Government
4. A full review of State and Local Government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process
5. In conjunction with the proposed structural and governance reforms, that Local Government planning approval powers be reinstated in metropolitan Perth by the State Government

*Item 12.11 Continued*

6. The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with Local Government
7. A shared vision for the future of Perth be developed by the State Government, in conjunction with Local Government, stakeholder and community groups
8. A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth
9. The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance
10. The newly created Local Governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open-government platforms
11. The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the *Local Government Act 1995* be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed
12. The State Government give consideration to transferring oversight responsibility for developments at Perth's airports, major hospitals and universities to the Metropolitan Redevelopment Authority
13. Periodic Local Government boundary reviews are undertaken by an independent body every 15 years to ensure the City's Local Government structure continues to be optimal as the metropolitan region develops
14. The Local Government Advisory Board be dissolved and its operating and process provisions in the *Local Government Act 1995* be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews
15. A new structure of Local Government in metropolitan Perth be created through specific legislation which:
  - a) incorporates all of the Swan and Canning Rivers within applicable Local Government areas
  - b) transfers Rottnest Island to the proposed Local Government centred around the City of Fremantle
  - c) reduces the number of Local Governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report.
16. Consideration be given to all Local Government elections being conducted by the Western Australian Electoral Commission
17. Compulsory voting for Local Government elections be enacted

*Item 12.11 Continued*

18. All Mayors and Presidents be directly elected by the community
19. Party and group nominations for Local Government electoral vacancies be permitted
20. Elected members be limited to serving three consecutive terms as Councillor and two consecutive terms as Mayor/President
21. Elected members be provided with appropriate training to encourage strategic leadership and board-like behaviour
22. A full review of the current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the-post is inappropriate for the larger districts that it has recommended)
23. Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal
24. Payments made to elected members be reported to the community on a regular basis by each Local Government
25. The Public Sector Commission provide advice and assistance to Local Governments in the appointment and performance management of Local Government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees
26. A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay
27. Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future
28. The State Government assist and support Local Governments by providing tools to cope with change and developing an overarching communication and change management strategy
29. A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and Local Government
30. The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.

City of Belmont key responses to Panel's Final Report July 2012

1. The City of Belmont supports the view that leadership and strategic thinking for metropolitan Perth should come from the State Government. It is a function of the State and needs to be facilitated in conjunction with key stakeholders inclusive of Local Government.

*Item 12.11 Continued*

Directions 2031 is a research, data and assumptions based document, like most strategic documents, but does not represent a 50 year timeframe which is quite clearly a part of the Terms of Reference of the Panel, *“Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years. Identify current and anticipated national and international factors likely to impact in the next 50 years.”*

An immediate review of activity centres contained in Directions 2031 and the definitions should occur and consider a 50 year timeframe. Local Government reform should not proceed until this is completed.

Business is a major feature of the City—contributing to the economy and employment on a City and metropolitan area scale. The City of Belmont recognises the value of ensuring the continued sustainability of its business base. This is consistent with the factors influencing liveability detailed in the Network City Community Planning Strategy for Perth and Peel for 2030. Of specific note in this regard are those factors influencing employment, interaction, urban form, location of services and facilities and local role and function.

2. The City of Belmont supports the need for change. However, change is also required at a state level in order to achieve the desired outcome. Without a partnership approach the solution will be one of a short term nature and not provide the gains required to meet future demand. The division of responsibilities and powers between the State and Local Government must be addressed before any final recommendation of a new structure can be made.

The relationship between the State Government and Local Government sector is one which detracts greatly from the required performance of the industry. Until such issues are adequately resolved and a workable partnership established performance will not reach a satisfactory level.

3. The City of Belmont through its relationship with the Perth Airport and its strong focus with major business stakeholders both within the Perth Airport precinct and the Kewdale/Welshpool precinct asserts that it fundamentally has a better understanding of what is to be developed in these areas over the next 50 years and how this will impact on surrounding land holders and the community than any other state instrumentality. The City of Belmont is in this position because of its strategic focus and understanding of the importance of these facilities.

The City of Belmont has worked tirelessly for almost 30 years to establish a professional and effective partnership with the Perth Airport Pty Ltd. This has been an extensive effort involving countless hours and significant costs through meeting with Perth Airport and Commonwealth agencies in Canberra. The City of Belmont has and will continue to work actively with Perth Airport in realising the potential of the Airport while working to minimise impacts and integrating the Airport with the surrounding community.

The Panel clearly did not understand the relationship of the Commonwealth and Airports across the nation and has chosen to ignore evidence provided by the City of Belmont and Perth Airports Corporation.



*Item 12.11 Continued*

Directions 2031, a key State Government strategic document, designate Perth Airport as a Specialised Centre and Kewdale/Welshpool as a Strategic Industrial Centre.

It is clear that the Perth Airport is an essential and significant element of the State's economy and that it is crucial for the relationship between Perth Airport and Local Government to be positive and supportive. But, currently, Perth Airport is divided between the City of Belmont, City of Swan and Shire of Kalamunda. The City of Belmont has demonstrated its capacity to work effectively with the management of Perth Airport.

The Kewdale-Hazelmere transport, logistics and industrial precinct is also of strategic importance to Perth and WA. The efficient movement of freight in Western Australia is essential to the state economy. The freight industry is growing rapidly and the volume of freight and number of freight movements is expected to increase significantly.

Within the City of Belmont, the Kewdale-Hazelmere Integrated Masterplan provides the direction for land use and transport infrastructure planning in the area. The Kewdale-Hazelmere area has been identified as a strategic precinct for the freight industry in Perth and Western Australia.

It is an area that experiences complexities due to intermodal freight infrastructure networks, overlap of the three levels of government jurisdictions, the rapid expansion and change occurring within the freight industry and the fact that the area falls within the borders of four different Local Governments.

The City seeks to actively implement the recommendations of the Kewdale Hazelmere Integrated Master Plan through Local Planning Scheme No15.

The Panel clearly did not consider nor demonstrate in its final report a degree of social justice toward what it was portraying as a more equitable spread of resources. For example, certain Local Governments and their communities have consciously made strategic decisions to exclude commercial and industrial development of land within their districts. This is a lifestyle choice that carries consequences. This lifestyle choice is evident in a number of Local Government districts but is now being used as an excuse for being disadvantaged and is specifically highlighted by the Panel as an outcome to be addressed in reform.

The City of Belmont refutes that lifestyle choices should be subsidised by those Local Governments having previously made strategic decisions for the benefit of not only lifestyle but that of business and industry. There are significant advantages in having strong commercial and industrial precincts, ie Rate revenue and an employment base, but this comes at a cost, a social and community cost.

These precincts must be protected and enhanced for the benefit and future development of metropolitan Perth. Revenue obtained from these precincts must be spent or returned to improve the amenity of the commercial and industrial areas and not just syphoned off to residential communities.

*Item 12.11 Continued*

4. The City of Belmont does not support the Panel's reasoning toward 12 Local Governments nor the proposed boundaries of those Local Governments. A new City consisting of Belmont, Bayswater and Bassendean may be considered attractive on the basis of population but is separated by the Swan River which is a significant divide. Whilst there may be some Communities of Interest, the river is a significant divide and would split those Communities. The City of Belmont supports the need for some structural reform and through this submission will make certain recommendations. One size does not fit all, form must follow function, and objectives must be clear.

It follows that consolidation is best approached in the context of broader reform packages so that complementary improvements, such as enhanced political governance, better financial and asset management, or organisation development, are also on the table. This is not achieved in the Panel's proposed new structure.

[Attachment 20](#) provides the City's responses to the Panel's Final Report and its 30 recommendations of July 2012 and has been compiled to accord with the City's resolved position and its previous submissions of December 2011 and May 2012.

**Part B: Joint Local Government submissions and alternative City of Belmont Boundary.**

Many Local Governments have expressed concern and disagreement with the Panel's Final Report of July 2012, details of which will follow. Essentially a large number of metropolitan Local Governments are of the view that reform is required for which there are varying opinions about the degree of reform required. However, it is also evident that a political desire at State level to undertake Local Government reform exists.

As there is general disagreement with the Panel's Final Report a number of Mayor's and Chief Executive Officer's (G20) have taken the initiative to meet and discuss alternative boundary changes that would result in a reduction in the number of Local Governments and an in principle support of new boundaries that would address the strategic desire of such key documents as Directions 2031, whilst having regard to important factors such as community of interest, economic factors, physical and topographic features, demographic trends, transport and communication, matters affecting the viability of Local Governments and the effective delivery of Local Government services.

The Local Governments that have participated in these discussions and pending Council agreement intend to submit an alternative to the Minister for Local Government demonstrating a mature and professional approach to resolving the current impasse, the outcome of which will be supported by those Local Governments for the benefit of metropolitan Perth and the communities of the participating Local Governments.

The statements that follow are the views of the City of Belmont. These views have been formulated following a number of discussions with representatives of those Local Governments and are not purported to represent any resolved positions of those Local Governments.

**City of Belmont**

The City of Belmont does not support the recommendations contained in the Panel's Final Report as they relate to Belmont and many other surrounding areas.

*Item 12.11 Continued*

A new City consisting of Belmont, Bayswater and Bassendean may be considered attractive on the basis of population but is separated by the Swan River which is a significant divide.

Whilst there may be some Communities of Interest, the river is a significant divide and would split those Communities. The City of Belmont supports the need for some structural reform and through this submission will make certain recommendations.

Town of Bassendean

The City of Belmont has met with Bassendean and understands that it does not support the Panel's Final Report recommendations in relation to Bayswater and Belmont. The Town of Bassendean supports the need for some structural reform and sees a Community of Interest with the City of Swan, particularly Guildford. The City of Belmont would support the Town of Bassendean merging with the City of Swan.

City of Swan

The City of Belmont has met with the City of Swan and understands that it does not support the Panel's Final Report. The proposed merger of the City of Swan and the Shire's of Mundaring and Kalamunda is not supported as it would constitute a significant geographical size with questionable sustainability and capacity. The City of Belmont also supports the City of Swan retaining Malaga and Ballajura as key components to the City of Swan's sustainability. There is also in principle agreement between the City's of Swan and Belmont that the remainder of Perth Airport be located within the boundary of the City of Belmont encompassing Kalamunda Road. This would ensure all terminal consolidation at Perth Airport would be under one Local Government and not face the prospect of a boundary running through the International Terminal.

Shire of Mundaring

The City of Belmont has had discussions with the Shire of Mundaring and is aware that it does not support the Panel's Final Report recommendations for a merger with the City of Swan and the Shire of Kalamunda. Mundaring have looked at the notion of a hills Local Government incorporating the majority of Mundaring and Kalamunda. The City understands some preliminary work has been conducted on the feasibility of a "Hills" Local Government with the financial sustainability being a key component. The City of Belmont believes that a funding model to reflect the unique challenges of managing a hills environment and the disadvantage and constraints coming from large tracts of State forests should be looked at by the State Government to ensure a hills community can thrive. The Shire of Mundaring also views Roe Highway as a potential western boundary for a Hills Local Government. Discussions have been preliminary and no significant agreement has been reached.

Shire of Kalamunda

The City of Belmont has met with the Shire of Kalamunda and understands they do not support the Panel's Final Report in regard to mergers with the Shire of Mundaring and the City of Swan. Despite its current financial position, Kalamunda believes its future is about remaining as it is and firmly believe that its financial position is being addressed. It has been previously suggested that Kalamunda and Belmont look at merging but this is no longer Kalamunda's position.

*Item 12.11 Continued*

The City of Belmont has no interest in merging with the Shire of Kalamunda on the basis that the Communities of Interest do not exist and a boundary running from the Swan River to the back of the hills is illogical. The City of Belmont considers Roe highway as a logical boundary with Kalamunda, but appreciates that this position is not likely to be supported by Kalamunda.

The City of Belmont firmly believes that it has the capacity and skills to better develop and integrate land surrounding Perth Airport as it develops into an Airport City. This would also result in the community of High Wycombe becoming part of the City of Belmont as it is a community affected by being located closely to the Perth Airport. Many social dividends being delivered to the community of Belmont like Security Patrols and enhanced infrastructures and facilities could be extended to the residents of High Wycombe.

City's of Gosnells, Canning, Melville, South Perth, Fremantle and the Town of Victoria Park.

This group of Local Governments do not support the Panel's Final Report but are looking at the potential of an industry led alternative model. The City of Belmont has participated in the production of a joint submission coordinated by the City of Melville. The joint submission is based on the fundamental premise of dividing up the City of Canning between Belmont, Gosnells, Melville, South Perth and Victoria Park. The addition of Welshpool to Kewdale is an extremely important community of interest in consolidating this strategic industrial precinct, particularly as Perth Airports Terminal 1 and Terminal 2 develop in the middle of these two precincts. This would mean adjusting the City of Belmont's southern boundary to Orrong Road up to Roe Highway. The infrastructure in the northern part of Welshpool looks in need of some investment and the strong Community of Interest with Kewdale would certainly be enhanced. This would result in the key inner City Industrial Precinct being in one Local Government. When placed together with Gateway WA, Perth Airport and Rail this is the centre of the State's supply chain and must be managed in a coordinated and integrated manner.

The City of South Perth and the Town of Victoria Park have had some preliminary discussions however, based on Community feedback; Victoria Park's preferred position is to remain unchanged with some boundary adjustments with Canning. This group of Local Governments does not support the City of Perth expanding its boundaries across the river and undoing the State Government's decision of the 90's to break up the City of Perth. The Town of Victoria Park may have to reconsider its position as this project unfolds.

This group of Local Governments (with the exception of Canning) believe that the latest report into the City of Canning highlights the systemic governance problems in the Elected Council that have resulted in two (2) previous dismissals of Council and a likely third (3<sup>rd</sup>) dismissal as a result of the latest report. Should the City of Canning Council be allowed to reform in the future, it is strongly believed that the systemic problems will re-emerge.

The City of Gosnells should also straighten its boundary with Kalamunda on Welshpool Road making it a more logical and clear boundary.

*Item 12.11 Continued*

Concluding Remarks

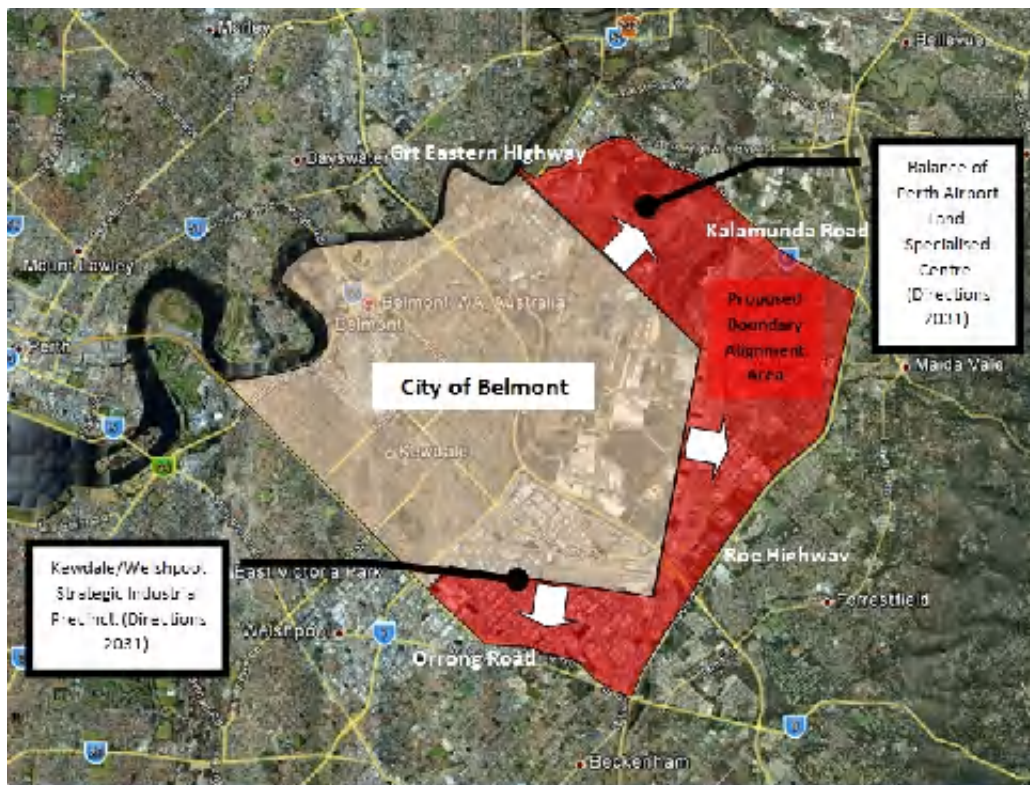
1. Local Governments in metropolitan Perth taking the initiative and submitting joint proposals addressing State Government reform expectations are likely to be well received by the Minister for Local Government.
2. The City of Belmont alternative proposal will address:
  - A daily resident and transient population approaching 100k or more
  - Significant employment generation
  - Diversity of housing and social economic status
  - Consolidation of the Specialised Centre identified in Directions 2031, Perth Airport
  - Consolidation of the Strategic Industrial Precinct identified in Directions 2031, Kewdale/Welshpool, and Secondary Centres
  - Share a community of interest
  - Keep established suburbs together
  - Use existing council boundaries where logical
  - Use logical physical or road/rail boundaries
  - Respect existing Regional Council Arrangements.
3. The City of Belmont proposal will assist the State Government in establishing a world class Airport City precinct inclusive of the adjoining transport and logistical hubs of Kewdale and Welshpool. This key infrastructure is vital in terms of state and national economic development. Further consideration of amalgamation will only erode the financial capacity to develop the district. The intention of the City of Belmont is to assist the State Government in delivering a showcase for global investors that will grow and prosper Western Australia.

These precincts must be protected and enhanced for the benefit and future development of metropolitan Perth. Revenue obtained from these precincts must be spent or returned to improve the amenity of the commercial and industrial areas and not just syphoned off to residential communities. The City of Belmont is actively facilitating this through its contemporary Local Planning Scheme No15.

Generally, people with greater wealth choose to live in a location based upon lifestyle and would not live in the areas subject to the impacts of industry and commerce. Those people that do reside closer to these areas, in many instances, are at the lower end of the socio economic scale and are not in a position to choose residence based upon a lifestyle decision. These communities also have needs identical to other communities but in addition they have special needs that require attention. The overflow impact of industry, commerce and in Belmont's case the Perth Airport allows this revenue to be spent on the area's most affected. It is socially immoral to rob these communities of this necessary support.

4. The diagram below indicates the amendment of the current City of Belmont boundaries in particular, the current Orrong Road boundary in the south being extended to its intersection with Roe Highway. The eastern boundary moved to Roe Highway and terminating at its intersection with Kalamunda Road. The northern boundary becoming Kalamunda Road heading northwest and the Great Eastern Highway in a southerly direction until it intersects with the existing boundary.

*Item 12.11 Continued*



5. Maintaining as much control as possible toward the destiny of the City of Belmont and its community is imperative and the proposed alternative helps to maintain the integrity of Belmont.
6. The City of Belmont proposal is not inconsistent with discussions held with G20 Local Governments and should Council support this proposed alternative its ultimate success will be dependent upon the joint submissions of other participating Local Governments and the State Governments desire to accept these alternatives to the Panels suggested course of action.

**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 direct social implications at this time.

*Item 12.11 Continued*

**OFFICER RECOMMENDATION**

Part A: Independent Panel's Final Report July 2012

1. That Council adopt [Attachment 20](#) as its response to the Metropolitan Local Government Review, Final Report of the Independent Panel, July 2012.

Part B: Joint Local Government submissions and alternative City of Belmont Boundary.

That Council:

1. Subject to the requirements of the Local Government Act 1995 being fulfilled, endorses the alternative boundary proposal amendments for the City of Belmont as indicated within the report as part of its response to the Minister for Local Government on the Metropolitan Local Government Review, Final Report of the Independent Panel, July 2012.
2. Notes and supports the concepts and principles of joint submissions of the Local Governments mentioned within the report.
3. Authorises the Mayor and Chief Executive Officer to continue discussion and undertake the necessary communication with other Local Government representatives and State Government agencies.
4. Request that the Mayor and Chief Executive Officer undertake to update Councillors in the appropriate manner on the joint Local Government submissions progress

**AMENDED OFFICER RECOMMENDATION**

**WOLFF MOVED, POWELL SECONDED.**

***Part A: Independent Panel's Final Report July 2012***

1. ***That Council adopt [Attachment 20](#) as its response to the Metropolitan Local Government Review, Final Report of the Independent Panel, July 2012.***

***Part B: Joint Local Government submissions and alternative City of Belmont Boundary.***

***That Council:***

1. ***Subject to the requirements of the Local Government Act 1995 being fulfilled, endorses the alternative boundary proposal amendments for the City of Belmont as indicated within the report as part of its response to the Minister for Local Government on the Metropolitan Local Government Review, Final Report of the Independent Panel, July 2012.***
2. ***Notes and supports the concepts and principles of joint submissions of the Local Governments mentioned within the report.***

*Item 12.11 Continued*

3. ***Following receipt of a draft report prepared on behalf of the “G20 group of Councils”, Council supports Option C (18 Councils) of the G20 Councils options for the future makeup of Metropolitan Local Government. Council does not support Option D (16 Councils), Option E (15 Councils) and Option F (9 Councils) of the G20 Councils options.***
4. ***Authorises the Mayor and Chief Executive Officer to continue discussion and undertake the necessary communication with other Local Government representatives and State Government agencies.***
5. ***Request that the Mayor and Chief Executive Officer undertake to update Councillors in the appropriate manner on the joint Local Government submissions progress.***

**CARRIED 7 VOTES TO 1**

*For: Gee, Hitt, Marks, Martin, Powell, Rossi, Wolff  
Against: Bass*

#### **Reason**

The final vote between 18 (option C) and 16 (option D) was very close; however option D recommends that Belmont amalgamate with Kalamunda. Belmont does not support this position and Kalamunda has advised that they do not support this amalgamation either. There are significant Communities of Interest issues, Geographical problems and Significant Financial risks associated with an amalgamation between Belmont and Kalamunda. The option of a Hills based Council incorporating Kalamunda and Mundaring has not been extensively explored recognising its community of interest and the challenges of having large areas of State Forrest and the unique position that presents.



**13. REPORTS BY THE CHIEF EXECUTIVE OFFICER**

**13.1 REQUESTS FOR LEAVE OF ABSENCE**

**OFFICER RECOMMENDATION**

***ROSSI MOVED, BASS SECONDED, That Cr Dornford's request for Leave of Absence for 27 March 2013 to 24 April 2013 (inclusive) be approved.***

***CARRIED 8 VOTES TO 0***

**14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

**15. CLOSURE**

There being no further business the Presiding Member closed the meeting at 8.18pm.