



City of Belmont
ORDINARY COUNCIL MEETING
MINUTES
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27 February 2018

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CONFIDENTIAL ATTACHMENTS INDEX

- Confidential Attachment 1 – Item 12.10 refers**
- Confidential Attachment 2 – Item 12.10 refers**

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

MINUTES

PRESENT

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

IN ATTENDANCE

Mr J Christie	Chief Executive Officer
Mr R Garrett (<i>arr 7.07pm</i>)	Director Corporate and Governance
Mrs J Hammah	Director Community and Statutory Services
Mr R Lutey	Director Technical Services
Mr J Olynyk, JP	Manager Governance
Ms L Bradley	Manager Communications and Marketing
Mrs M Lymon	Principal Governance and Compliance Advisor
Mr G Todd (<i>dep 7.07pm & did not return</i>)	Coordinator Community Safety
Ms D Morton	Media and Communications Officer
Ms S D'Agnone	Governance Officer

MEMBERS OF THE GALLERY

There were 11 members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

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

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

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

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

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

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

4.1 ANNOUNCEMENTS

The Presiding Member made the following announcement:

'I am pleased to announce that Mr Bernie Durkin, State Director of Neighbourhood Watch visited and presented a Certificate of Recognition to the City on 19 February 2018.

This achievement commends the City's commitment towards Neighbourhood Watch goals of building safe and connected communities.

The City looks forward to its continued support towards Neighbourhood Watch goals to connect people where they live, work and play, and enable them to work together to build safer local neighbourhoods.'

4.2 DISCLAIMER

7.07pm The Presiding Member drew the public gallery's attention to the Disclaimer.

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

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

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

7.07pm The Director Corporate and Governance entered the meeting.

7.07pm The Coordinator Community Safety departed the meeting and did not return.

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 MR P HITT, 14 MCLACHLAN WAY, BELMONT, ON BEHALF OF THE BELMONT RESIDENTS AND RATEPAYERS ACTION GROUP INC. (BRRAG)

The following questions were taken on notice at the 12 December 2017 Ordinary Council Meeting. Mr Hitt was provided with a response on 25 January 2018. The response from the City is recorded accordingly:

1. Will the City of Belmont pursue Airservices Australia to drill and sink a comprehensive coverage of water bores throughout the City of Belmont to actively monitor the plumes of contaminated ground water under the City of Belmont?

Response

In WA, contaminated sites are regulated by the Department of Water and Environmental Regulation (DWER) through the Contaminated Sites Act 2003 and the Contaminated Sites Regulations 2006. DWER works in consultation with the Department of Health (DoH) in relation to public health issues at contaminated sites.

DWER through investigation has detected chemicals known as perflouroalkyl and polyflouroalkyl substances (PFAS) in the groundwater beneath the former Brearley Avenue and some adjoining road reserves and public open space (aka “Brearley Avenue” site). In accordance with an interim Guideline for PFAS these sites have been classified as contaminated.

The concentrations of PFAS recorded are one tenth of the current interim screening level for non-potable uses (garden / irrigation uses) of groundwater. It is not considered to pose a health risk, provided groundwater is used in accordance with long-standing DoH advice.

Constant monitoring and testing of groundwater quality is being conducted on the Redcliffe Train Station construction site through a network of wells within the contaminated area.

Perth Airport (PAPL) and Airservices Australia are investigating the presence of PFAS in the estate and are supportive of and are contributing towards the development of appropriate regulations and guidelines for PFAS management. Detailed investigations will be carried out which will include further testing on airport land to determine potential migration pathways. This may include site testing but at this stage there is no intention to undertake spear bore testing.

Given that DWER are the regulatory agency for contaminated sites and the willingness of stakeholders within the contaminated area to contribute towards the process of investigation, classification and possible remediation of PFAS, the City does not require any further action from the Public Transport Authority (PTA), Perth Airport or Airservices Australia at this stage.

2. Will the City of Belmont actively pursue damages from Airservices Australia on behalf of individuals whose land and lifestyle has been impacted by chemical contamination emanating from Perth Airport?

Item 5.1.4 Continued

Response:

Under the Contaminated Sites Act, the person responsible for the remediation of a source site is also responsible for the remediation of any associated affected sites.

The City will be guided by advice from DWER who will determine the responsibility and remediation requirements of the Brearley Avenue site.

3. Will the Belmont City Council actively pursue Airservices Australia for damages for the contamination of land held by the City of Belmont?

Response:

Within the site known as “Brearley Avenue”, the City manages the road reserves of Second Street, Central Avenue and an area of open space. The City will be guided by advice from DWER on contamination levels, areas of responsibility and remediation if required.

4. If the answer to either questions 1, 2 or 3 are in the negative can the representative for the City of Belmont give a comprehensive explanation as the reason why?

No response required.

5.1.2 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE

The following questions were taken on notice at the 12 December 2017 Ordinary Council Meeting. Mr Childs was provided with a response on 19 December 2017. The response from the City is recorded accordingly:

1. Have we received any Christmas cards or any acknowledgement from the families receiving the free after school minding services for their High School youth? After School Care for primary school children cost around \$20 per child per day.

Response

There is no expectation to receive acknowledgement gifts in the form of cards or presents etc., however, positive feedback/acknowledgement is received from young people, families and other key stakeholders ie: Department of Communities (who fund services at The Base), on a regular basis. Christmas cards have been received from a variety of people including families.

2. Is it time to reassess the services and cost of the free after school youth minding services at The Base?

Response

The City in partnership with an external consultant is currently in the process of reviewing the Youth Strategic Plan. This review includes consultation with young people accessing the services and a thorough assessment of all aspects of the Youth Services programs and activities to inform the next iteration of the City’s Youth Strategic Plan to be implemented in 2018. The City has no intention in the foreseeable future to charge young people for access services offered at The Base.

The City’s Youth Services are not considered or classified as ‘after school child or youth minding services’ as this type of service is delivered and regulated in a very different way and is not the model of service delivery that is offered from The Base.

Item 5.1.4 Continued

Please feel free to contact Lisa Dobrin, Manager Community Development if you would like to discuss either of these responses further as she is more than willing to provide additional information if required.

5.1.3 DR D MOSSENSON, 401 GREAT EASTERN HIGHWAY, REDCLIFFE, ON BEHALF OF ZONIE PTY LTD

The following questions were taken on notice at the 12 December 2017 Ordinary Council Meeting. Dr Mossenson was provided with a response on 25 January 2018. The response from the City is recorded accordingly:

1. Has COB seen the MRWA supportive data to justify the closing of Brearley Avenue and to prove the benefits for the traffic flow along Great Eastern Highway (GEH), and if not, why not, and if so, what does the data reveal, and will the data be released to ratepayers upon request?

Response:

Should Brearley Avenue be closed by Main Roads WA (MRWA), the removal of these two existing carriageways of Brearley Avenue eliminates an entire signal phase from the intersection which improves the overall efficiencies of the remaining intersection and more importantly, along Great Eastern Highway (GEH) itself.

In addition, the removal of the Brearley Avenue leg will reduce delays and increase capacity on the on and off ramps from Tonkin Highway onto GEH.

MRWA are the responsible authority for both Brearley Avenue and GEH and are responsible for the planning and operational aspects of these roads. To justify any traffic modification of this magnitude, a number of traffic modelling and intersection software models would have been carried out by MRWA. As this detailed modelling information is MRWA's property and the City does not have access to the information, you may wish to contact MRWA directly.

The City however, is supportive of the improvements to efficiencies on GEH that would result from the closure of Brearley Avenue.

- 2a My company's property is situated at 397-401 GEH and the long term tenant is a funeral business including a chapel for services. We are substantial ratepayers to the City of Belmont. At 3pm today, I wished to turn left out of my property using the Boulder Avenue left turn into GEH. The lights had turned red and cars banked up well past the intersection. My next turn was right into Tonkin Highway just a little further up the road.

I was only able to access GEH due to the courtesy of a driver who let me in. I then had to negotiate another two lanes of traffic for the right turn. 80% of the business that runs out of the property consists of funerals that go to Karrakatta. How many courteous drivers will be required and what do you estimate would be the time required for a funeral cortege and say 30 following cars to exit the premises and proceed up GEH towards Karrakatta?

- 2b What alternative route can Council suggest for such a funeral procession take in order to allow the mourners appropriate dignity in following the hearse?

Item 5.1.4 Continued

Response

The closure of Brearley Avenue will improve the traffic flow and efficiency of GEH/Tonkin Highway intersection which as a result will increase available gaps between traffic on GEH. Notwithstanding, any un-signalised access onto a road such as GEH, will have similar issues and restrictions.

Using an alternative will be at the discretion of the business proprietor, however the GEH/Coolgardie Avenue signalised intersection could be considered. It should be noted that the available “green time” from Coolgardie Avenue (controlled by MRWA) may not suit the needs of the business.

2c The City has never conducted its own traffic modelling to assess the need for local residents to safely and efficiently enter and exit their own suburb, let alone their own premises. In view of the current circumstances, will the Council consider doing its own independent modelling for its own purposes now, and if not, why not?

Response:

As part of the development of the DA6 Vision Plan, the City and the DA6 Community Reference Group were presented with traffic modelling information from MRWA and Perth Transport Authority’s traffic consultant in regards to the wider impacts of traffic within the DA6 area. This traffic modelling and information was based on a future DA6 Vision, completed Rail Station and the Airport Master Plan.

The level of traffic modelling provided was at a sufficient level of detail for Council to approve the DA6 Vision Plan. Notwithstanding, the Vision Plan now has to develop through a number of planning processes, including the finalisation of a Structure Plan. To develop the Structure Plan a number of key parcels of work needs to be carried out. One parcel of work includes further traffic analysis for DA6. A traffic consultant has been appointed by the City and commenced the assessment for the structure planning process.

5.1.4 MS L RADLOFF, 3/26-28 KIMBERLEY STREET, BELMONT, ON BEHALF OF THE ABORIGINAL REFERENCE COMMITTEE

The following question was taken on notice at the 12 December 2017 Ordinary Council Meeting. Ms Radloff was provided with a response on 9 January 2018. The response from the City is recorded accordingly:

1. We, the Aboriginal Reference Committee of the City of Belmont, who belong to the oldest continual living culture in the world, respectfully formally request that the City of Belmont Council seriously consider changing the celebration of Australian Day, January 26, 2018 and beyond to another date.

In this request, we voice and advocate for the City of Belmont Australia Day celebrations and citizenship ceremony in partnership with the RSL, being moved to another date ie: January 28, 2018 (and beyond) as well as a shift in the focus of these events to a less prominent celebration.

The City of Belmont is seen as a progressive and community focused organisation and Council, and so we implore you as the decision makers to take action by re-evaluating your position and stance on Australia Day celebrations.

We thank you for your genuine consideration of the important request.

Item 5.1.4 Continued

Response

The City appreciates your views on this matter, which will be tabled for further discussion at the next Aboriginal Reference Committee meeting.

The City does not provide Australia Day events and activities, however, funding is provided annually to the Belmont RSL Sub-branch, who hold a subsidised Australia Day luncheon at their club located at 22 Leake Street, Ascot.

The Belmont RSL Sub-branch 2018 luncheon arrangements were already in place prior to your question, therefore the luncheon will proceed as arranged.

The City will reconsider the 2019 Australia Day funding arrangements and Citizenship Ceremony, based on the agreed position of the City's Aboriginal Reference Committee.

5.1.5 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

The following questions were taken on notice at the 12 December 2017 Ordinary Council Meeting. Ms Hollands was provided with a response on 20 December 2017. The response from the City is recorded accordingly:

1. With respect to the closure of Brearley Avenue, Main Roads have given a 35 day period for comment and submission on the closure. This submission opened on 7 November and closed on 20 December 2017. Has Belmont City Council put in a submission since submissions opened regarding the closure and the complaints they have received on the extra traffic that is already through the local areas, particularly near the school on Stanton Road?

Response

Yes, the City of Belmont has made a submission to Main Roads WA (MRWA) supporting the closure of Brearley Avenue on the basis of traffic safety and road network efficiency. The City's submission also highlights that the closure is consistent with the Vision Plan and Implementation Strategy (Local Planning Policy No. 14) for Development Area 6 which encompasses Brearley Avenue and the future Redcliffe Train Station.

2. If the City has not done so, why hasn't the City done so to support the residents of Redcliffe?

Response

The City of Belmont has made a submission to Main Roads supporting the closure of Brearley Avenue.

3. Have any of the other elected representatives, particularly those in the East Ward made any?

Response

As the Council's position to support the closure of Brearley Avenue is clear in the adoption of Local Planning Policy No. 14, and the submission to MRWA is administrative in nature, it is not necessary for Councillors to make individual submissions on the matter to MRWA.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.09pm **The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that he had registered four members of the public who had given prior notice to ask questions.**

The Presiding Member invited members of the public who had yet to register their interest to ask a question to do so. Five further registrations were forthcoming.

5.2.1 MS B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE

1. Can the Council Officers advise how many vehicles per day are currently (ie: during February 2018) travelling from the junction of Epsom Avenue and Stanton Road, to the termination of Second Street at Central Avenue?

If Council Officers do not have this information, how soon can City of Belmont provide this information to residents? Or, will this information not be made available to residents and if not, why?

Response

The Director Technical Services advised the City did not carry out traffic counts in February 2018, however the most recent count is available and can be provided. The question was taken on notice.

2. When was the latest traffic count?

Response

The Director Technical Services advised he believed there was a count done in 2017 but would take the question on notice.

3. There have been complaints made to City of Belmont and the Police about traffic congestion on Stanton Road at Saint Maria Goretti School which is creating road rage incidents and impatient drivers crossing onto the wrong side of the road to overtake banked up traffic. What measures has City of Belmont put in place to address these hazardous traffic conditions, given this is a City of Belmont road?
If City of Belmont believes it has no responsibility in relation to these problems can City of Belmont Officers advise what residents can do to address this matter?

Response

The Director Technical Services advised he was not aware of any complaints received by the City, however he would take the question on notice.

The Presiding Member advised that complaints addressed to the City will be actioned accordingly, and encouraged the public to ensure that all incidents were reported.

Item 5.2.1 Continued

4. The Director Community and Statutory Services has advised that and I quote, "DA6 Community Stakeholder engagement is projected to occur in April/May 2018 once a draft Structure Plan report has been prepared."

Can Council Officers advise when this Community and stakeholder engagement may occur, and may I formally request this community engagement include a one hour question and answer session for residents, together with the usual format of pictures on noticeboards?

Response

The Director Community and Statutory Services advised the exact nature of the community engagement was yet to be decided. At present, work continues on the Structure Plan which has been significantly delayed due to a portion of Brearley Avenue remaining open.

The Director Community and Statutory Services further advised that as Ms Scharfenstein's request will be recorded in the minutes, it would be considered a formal request and will be taken into consideration when considering what community engagement will be undertaken.

5.2.2 MR R FOSTER, 140 COOLGARDIE AVENUE, REDCLIFFE

1. Why does the City of Belmont support opening a 'dangerous' intersection on GEH with a stop sign and closing a road less than 45 metres away with traffic lights?
2. Why does the City of Belmont support MRWA with the continual creating of this new rat run of Boulder onto (GEH), knowing that residents across the Redcliffe DA6 have been very vocal about rat running through suburban streets?

Response

The Director Technical Services advised that the questions would be taken on notice.

3. Would yourself, Mr Mayor, with the knowledge that the City of Belmont planning department has briefed you on, be able to tell me why and how closing Brearley Avenue solves the rat running problems within the DA6 into the Airport Estate, particularly as you personally have identified problems with entrance roads to the DA6, Epsom and Stanton?
4. Wouldn't the closing of Central Avenue at the Perth Airport Estate solve all the rate running issues, particularly the Epsom/Stanton/Central rat run?

Response

The Presiding Member advised that the questions would be taken on notice.

5.2.3 DR D MOSSENSON, ON BEHALF OF ZONIE PTY LTD, 24 CARNARVON CRESCENT, COOLBINIA

1. Has the City calculated the development potential of DA6 and how this potential may be increased if Brearley Avenue were to stay open? If not, then why not and if so, could these figures be made available to the ratepayers?

Response

The Director Community and Statutory Services advised that development potential was not the primary factor taken into account in the development of the Vision Plan. The decision to close Brearley Avenue was very much a community led decision. The community was asked if Brearley Avenue should be closed. Community feedback was that Brearley Avenue should become a green spine providing a link between GEH and the train station.

2. Why does the City of Belmont continue to ignore the repeated requests of ratepayers to comprehensively assess the current and future traffic requirements for businesses and residents in the DA6 area, particularly when no evidence has been produced to date as to why Brearley Ave should be closed nor any analysis has been carried out to suggest it cannot remain open?

Response

The Director Technical Services advised that the question would be taken on notice.

- 3a. Has the City of Belmont sought independent advice whether legal or otherwise as to the compensation which may be required to be paid to landowners within the DA6 area, in particular in relation to claims for damages which may arise as a result of the proposed closure of Brearley Avenue, the need for upgrading/widening of other intersections and the widening of existing local roads to support significantly more traffic than those roads are currently designed for?
- 3b. If the answer is yes, what is the result of that advice and why has it not been made public?
- 3c. If the answer is no, why hasn't the City of Belmont obtained independent advice?

Response

The Director Technical Services advised that the question would be taken on notice.

5.2.4 MR M WREN, 23 DAYANA COURT, REDCLIFFE

1. There has been an increase in break-ins and attempted break-ins. What is being done to increase Police presence in the area?

Response

The Chief Executive Officer advised that Police have not reported an increase in house break-ins in Belmont, however an increase in car break-ins has been reported. City Officers work in conjunction with Police and where a problem is identified, patrols are increased.

2. Lack of lighting in Dayana Court is a problem. One street light is above a tree and the tree blocks most of the light. Can we request that the street light be moved?

Response

The Chief Executive Officer advised that he would take the question on notice in order to clarify with the City's Parks and Environment Department whether the tree canopy can be cut back to improve lighting in the street.

3. I know work has been done to stop 'off road' motorbikes, and the activity does stop for a few weeks, but then the same people start up again. What can residents do to help with this problem?

Response

The Chief Executive Officer advised that all sightings of off road motorbikes should be reported to the Belmont Security patrols and to the Police. Belmont Security Patrol vehicles are equipped with CCTV cameras and may be able to record incidents to provide evidence.

5.2.5 Ms J GEE, 97 GABRIEL STREET, CLOVERDALE

1. What is being done about the parking bay shortage outside the Civic Centre?

Response

The Chief Executive Officer advised that the City is aware that parking is currently at a premium around the Civic Centre. Grassed areas adjacent to the Civic Centre and Library have been allocated for overflow parking and signs will be erected shortly. Street parking is available in Laurie and Ross Streets. The City appreciates that this current situation could at times be difficult and will continue during the construction of the Community Building.

2. Regarding Colmax Recycling I would like the following answered:
 - a) How often is the dust blown out by the 2 extractors measured?
 - b) When was it last measured?
 - c) What was the recording and was it analysed?
 - d) Is the EPA involved in anyway?
 - e) Is the noise being monitored and how often?

Item 5.2.5 Continued

Response

The Director Community and Statutory Services advised that as Ms Gee's question was answered at the meeting a written reply was not considered necessary, however the Director will contact Ms Gee to clarify further.

3. Can Council please tell us what measures are being taken in regard to the increasing crime occurring in Belvidere Street? Going forward what measures are being looked at to reduce crime in that area? (ie: CCTV)

Response

The Presiding Member advised that the Noongar Outreach Service will be present from early evenings on Saturday nights, followed by the City's Security patrols who will arrive later.

The Chief Executive Officer advised the City is in constant contact with Police and is aware of the issues that are occurring on Friday and Saturday nights. The security patrols are working in conjunction with the Police to assist in addressing these issues.

4. This is not only happening on Friday and Saturday nights, it is happening during the day. People are going down on Saturday lunch time and having things thrown at them. This is going on during the day. Maybe going forward install CCTV cameras. It might be time to look at other measures, eg: lighting, position of bus stop. These are being brought to me as things that Council should look at.

Response

The Presiding Member advised that there are shop owners on Belvidere Street who will not permit the City to install CCTV cameras on their shop frontages.

The Chief Executive Officer advised that any person impacted by the anti-social behaviour issues at this location should contact both the Police and the City's Security patrols.

The Chief Executive Officer further advised that the question would be taken on notice and a more comprehensive reply provided.

5. What can Security do in the boundaries of their authority?

Response

The Chief Executive Officer advised that the City has a duty of care to all its Officers and procedures are in place to keep Officers safe at all times. Security Patrol Officers will attend and observe, and in serious situations they will contact and advise Police, however they are not Police Officers and their safety must be foremost at all times.

5.2.6 MR P HITT, 14 MCLACHLAN WAY, BELMONT

1. In the response printed in the minutes of the Annual Electors' Meeting held on 13 December 2017 it states *'No official meetings are held in the Councillors Lounge'*. If no official meetings are taking place and items are being discussed why then, are Councillors on the premise and if they partake of liquid refreshment and food who pays for this?

Response

The Presiding Member advised that as the bar is part of the Councillor's lounge, and although the amount is minimal, the City pays for refreshments consumed.

2. This being the case, how can the Mayor police conversations that take place when it is known that not all Councillors attend these Friday evening gatherings?

Response

The Presiding Member advised that in the same way as when a member of the public contacts a Councillor to discuss an issue, he cannot police conversations in the Councillors' lounge.

3. Is the Minister for Local Government the Hon. David Alan Templeman MLA aware of the current situation within the Council of the City of Belmont, where Councillors meet on Council premises in an unofficial capacity, with no Officers present and partake of liquid refreshment and food at the ratepayer's expense?

Response

The Presiding Member advised that he did not know if the Minister for Local Government the Hon. David Alan Templeman MLA was aware.

5.2.7 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

1. How many times in the last four years has Councillor Ryan made a declaration regarding Planning and Development?
2. Is the list of declarations accurate? If so, why did last year's TAB declaration of Cr Ryan not appear on the list?
3. When a declaration is made why do some Councillors leave the room and others don't? Is there a certain type of declaration that requires a Councillor to leave the room?

Response

The Presiding Member advised that there are different types of declarations with different requirements.

The Manager Governance advised that the questions would be taken on notice.

5.2.8 MR R BROINOWSKI, 66 ARMADALE ROAD, RIVERVALE

1. Will Council give residents an update on the next stage of works at Copley Park?

Response

The Director Technical Services advised that the question would be taken on notice.

7.43pm BASS MOVED, POWELL SECONDED, that question time be extended.

CARRIED 9 VOTES TO 0

2. Will Council talk to the Minister for the Western Australia Police to get more back-up for their security people?
3. Will the Council advise the public of my Camwatch pamphlet?

Response

The Chief Executive Officer advised that it is important to remember the perception of crime can often differ from the actual number of incidents of crime that occur. Individuals need to consider their own personal safety and decide for themselves what their security requirements are.

The City carries out a significant amount of work in crime prevention and has installed in excess of 350 CCTV cameras across the City. A Certificate of Recognition from Neighbourhood Watch was presented to Council tonight, which in itself acknowledges the vital role the City of Belmont plays in crime prevention.

4. Can Council keep in tune with Ken Wyatt's office and the office of Donna Faragher regarding aboriginal people on Francisco Street being threatened by a radical group who label themselves ISIS and KKK?

Response

The Presiding Member acknowledged that this is a concern and that the City will keep in touch with what is happening in that area.

5.2.9 Ms L UGLE, 7 STANTON ROAD, REDCLIFFE

1. Why is the lighting so dim in the area around Belvidere Street when there seems to be a lot of trouble there?

Response

The Director Technical Services advised that he was unaware of the lighting being dimmer in this area, however he would take the question on notice.

2. Could the City of Belmont run a program that subsidises CCTV installation so that residents can purchase and install them at a reduced rate?

Response

The Chief Executive Officer advised there are currently in excess of 350 CCTV cameras across the City of Belmont. Police requests for footage are increasing and cases that include CCTV footage have a 34% prosecution rate.

The Chief Executive Officer further advised there would be significant cost in subsidising CCTV cameras for all residential properties in the City and a business case would be required to provide scope for this service.

3. My question was more about if the City could source a company that could provide a discount to residents due of the large amount of customers approaching them based on referral from the City.

Response

The Chief Executive Officer advised he was unsure if the possibility of this type of program has been investigated by the City in the past, however he would take the question on notice.

The Presiding Member advised that Neighbourhood Watch have considered introducing a similar project, as they encourage CCTV cameras on residential properties. Until recently, the City did subsidise security alarms, however current technology has overtaken these services and they are no longer relevant.

The Chief Executive Officer further advised that the City offers free home security appraisals to residents where a Crime Prevention Officer will visit a property, conduct a security assessment and provide feedback to the homeowner. Residents who have home security concerns should contact the City.

- 8.02pm As there were no further questions, the Presiding Member declared Public Question Time closed.**

6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 12 DECEMBER 2017
(Circulated under separate cover)

OFFICER RECOMMENDATION

SEKULLA MOVED, POWELL SECONDED,

That the minutes of the Ordinary Council Meeting held on 12 December 2017 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 9 VOTES TO 0

6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 20 FEBRUARY 2018
(Circulated under separate cover)

OFFICER RECOMMENDATION

DAVIS MOVED, BASS SECONDED,

That the Information Matrix for the Agenda Briefing Forum held on 20 February 2018 as printed and circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

Nil

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

Nil.

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.3 was withdrawn at the request of Cr Rossi.

CAYOUN MOVED, SEKULLA SECONDED,

That with the exception of Item 12.3, which are to be considered separately, the Officer Recommendations for Items 12.1, 12.2, 12.4, 12.5, 12.6, 12.7, 12.8, 12.9, 12.10, 12.11, 12.12, 12.13 and 12.14 be adopted en bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.1 DEDICATION OF PORTION OF LOT 19 (237) ORRONG ROAD

BUILT BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	68/002 Acquisition – Orrong Road Upgrade 68/004 Council Land Acquisitions and Management
Location/Property Index	:	Lot 19 (237) Orrong Road
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	State of WA
Owner	:	State of WA
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval for the dedication of land, the subject of Certificate of Title for Lot 19 Diagram 43063, as Road pursuant to Section 56 of the *Land Administration Act 1997*.

Item 12.1 Continued

SUMMARY AND KEY ISSUES

In June 1972 the property 237-239 Orrong Road was subdivided and a portion transferred to the Crown. This portion, Lot 19, is now part of the Orrong road reserve.

At the time of subdivision the dedication of the land as a road did not occur.

This parcel of land is currently under Main Roads WA's management and Main Roads WA, as part of a general land "housekeeping" exercise, has requested that Council resolve to dedicate this parcel as a road to align with the current use.

LOCATION



CONSULTATION

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

Item 12.1 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

This matter is governed by Section 56 of the *Land Administration Act 1997* – Dedication of land as road

56. Dedication of land as road

(1) *If in the district of a local government —*

(a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*

(b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*

(i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*

(ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*

or

(c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

(2) *If a local government resolves to make a request under subsection (1), it must —*

(a) *in accordance with the regulations prepare and deliver the request to the Minister; and*

(b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*

Item 12.1 Continued

- (3) *On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —*
 - (a) *subject to subsection (5), by order grant the request; or*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- (4) *On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.*
- (5) *To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —*
 - (a) *unallocated Crown land or, in the case of a private road, alienated land; and*
 - (b) *designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.*
- (6) *If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.*

BACKGROUND

Main Roads WA has highlighted an ambiguity with this land parcel. Whilst it is owned by the State it is in principal under the City's control by virtue of Section 3.53 of the *Local Government Act 1995*.

To undertake a general land "housekeeping" exercise and to align with the current land uses Main Roads WA has requested that Council resolve this issue by agreeing to the dedication of this parcel of land as a road.

OFFICER COMMENT

Lot 19 is wholly included in the Orrong Road reserve and is managed by Main Roads WA.

The City will need to indemnify the Minister for Lands against any claims or costs arising from the dedication. Main Roads WA has stated that this is simply a procedural requirement as the land is already owned by the State.

This minor land administrative change will enable Main Roads WA to finalise records for this section of road and will have no impact on the City.

Item 12.1 Continued

FINANCIAL IMPLICATIONS

There are no significant financial implications evident at this time other than administrative costs.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

- 1. Agree to the dedication by the Minister of Lands of Lot 19 on Diagram 43063 Orrong Road as a road pursuant to Section 56 of the Land Administration Act 1997.**
- 2. Indemnify the Minister of Lands against any costs or claims that may arise as a result of the dedication in accordance with Section 56(4) of Land Administration Act 1997.**

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

12.2 THIRD PARTY APPEAL RIGHTS IN PLANNING - WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION REQUEST FOR COMMENT

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.2 refers	<u>City of Belmont Submission to the Western Australian Local Government Association</u>
Attachment 2 – Item 12.2 refers	<u>Outcomes of Consultation Report prepared by the Western Australian Local Government Association</u>
Attachment 3 – Item 12.2 refers	<u>Fact Sheet on the New South Wales System on Third Party Planning Appeals</u>

Voting Requirement	:	Simple Majority
Subject Index	:	119/005–Policy and Directives
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

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

PURPOSE OF REPORT

For Council to recommend to the Western Australian Local Government Association (WALGA) a preferred model for proposed Third Party Appeal Rights in Planning.

Item 12.2 Continued

SUMMARY AND KEY ISSUES

- Western Australian planning legislation currently does not allow for planning Third Party Appeal Rights.
- The introduction of Third Party Appeal Right provisions under the *Planning and Development Act 2005* has been a topic of discussion amongst State Government agencies over the past decade.
- Since 2009, a number of changes have been implemented to the State's planning framework, directly impacting on decision making powers of local government. This includes:
 - The establishment of the Metropolitan Redevelopment Authority (MRA).
 - Changes to the Structure planning processes.
 - Changes to Section 76 of the *Planning and Development Act 2005* to give the Minister for Planning the power to order a local government to prepare or adopt an Amendment to a Local Planning Scheme.
 - Introduction of Improvement Schemes and Plans.
 - Introduction of Development Assessment Panels.
 - The introduction of the deemed provisions for Local Planning Schemes in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Given the changes that have occurred within the decision making environment in Western Australia and recent concerns over the creation of Development Assessment Panel (DAP) processes to determine development applications in place of local government, the debate on the role of Third Party Appeal Rights in the Western Australian planning system has ignited again.
- Feedback has been sought by WALGA on Third Party Appeal Rights from local government in Western Australia, in light of the above changes. Five options have been provided by WALGA for local government to consider.
- It is recommended that the City of Belmont advise WALGA that it supports the introduction of Third Party Appeal Rights in Western Australia for decisions made by a DAP only.

LOCATION

Not applicable.

CONSULTATION

There has been no public consultation undertaken in respect to this matter. The Western Australia Local Government Association has requested that Council provides a response.

Item 12.2 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

BACKGROUND

Unlike most of the other states in Australia, Third Party Appeal Rights in Western Australia do not exist under the *Planning and Development Act 2005* (although in the past some local government planning schemes allowed them).

In 2007, a Private Member's Bill for Third Party Appeals was proposed by Dr Janet Woollard, the then MLA Member for Alfred Cove, which was modelled on Victoria's *Planning and Development Act 1987*. The justification for the introduction of the Bill was primarily based on Western Australia being the only state without third party appeals. However it failed to acknowledge that significant differences exist between the Victorian and Western Australian planning system.

At the February 2008 meeting of State Council, WALGA formed a Policy position against the introduction of Third Party Appeal Rights. The report noted that the main arguments against the proposal were that:

1. The current strategic and statutory planning processes and consideration of applications by Councils, already takes into account the views of affected parties and the community generally.
2. Third party appeals could be lodged because of vexatious or commercial interests, not because of genuine planning matters.
3. Such appeals would cause significant delays and additional costs for development, as even lodgement of an appeal would put a development on hold.
4. Additional planning appeals would place a further burden on already stretched local government resources. Local governments would incur additional cost for new administrative steps in processing development applications, preparing for and responding to appeals lodged with the State Administrative Appeals Tribunal and legal representation. (This is particularly the case since the establishment of the State Administrative Tribunal (SAT) which has seen planning appeals become more legalistic, costly and resource intensive for local governments).

Item 12.2 Continued

Additionally, it was considered that the SAT system at the time was an efficient means to reconsidering the merits of planning applications and there were existing ways for a third party to participate in a planning matter being considered by SAT, namely:

- Being called as a witness by the respondent.
- Making a submission under Section 242 of the *Planning and Development Act 2005*.
- Intervening under Section 37(3) of the *State Administrative Tribunal Act 2004*, whereby the third party acquires rights and responsibilities as a party under the Act.
- Possible participation in mediation.

Subsequently, the State Council resolved there was no justification for legislative changes to incorporate Third Party Appeal Rights and there would be significant negative implications for local government, industry and the community. Local government continued to be opposed to the introduction of Third Party Appeal Rights in Western Australia.

The above arguments for WALGA's position remain. However, the decision making environment in Western Australia has changed since the formation of the position in 2008 with changes to legislation arising from the State's planning reform 'Planning Makes it Happen: Phases 1 and 2', and the introduction of DAPs.

In December 2016, WALGA State Council resolved to undertake research on third party appeals around Australia and further consult with members regarding its current policy position. The Association prepared a discussion paper which provided background on the development of WALGA's position and a review of the arguments both for and against third party appeals which was then circulated to the local government sector for comment and feedback.

A copy of the City of Belmont submission to the discussion paper is outlined within [Attachment 1](#) of this report which captures the following key aspects:

- Legislative changes arising from the State's Planning Policy Reform Initiatives.
- Ensuring up-to-date Local Planning Instruments.
- Adequacy of Current Third Party Channels.
- Cost of Third Party Intervention.

Feedback provided on the discussion paper was presented to State Council at its 8 September 2017 meeting, where it was resolved that:

1. *State Council notes that there is increased support for the introduction of some form of Third Party Appeal rights.*
2. *The Western Australian Local Government Association undertakes further consultation with members on Third Party Appeal Rights, including Elected Members workshops, discuss the various concerns and suggestions raised in response to the discussion paper, the form and scope of any such appeal right should include the appropriate jurisdiction including Joint DAPs, SAT and Western Australian Planning Commission (WAPC) to determine a preferred model.*

Item 12.2 Continued

3. *The findings to be distributed for comment and the Item then be reconsidered by State Council.*
4. *The Western Australian Local Government Association continue to advocate that an independent review of decision making within the Western Australian planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunals appeals process.*

The submissions received on the discussion paper were collated into four options which broadly capture the range of responses in support of Third Party Appeal Rights. Two workshops were held on 1 November 2017, and a webinar held on 9 November 2017 to review these options with members and determine a preferred model for any proposed rights. The workshop had 40 attendees representing 25 local governments.

The purpose of the consultation was to determine members' preferred model for any proposed appeal rights in Western Australia. Based on the outcomes of the workshops, the Association is requiring that members consider the following (Option 1) as the preferred model for Third Party Appeal Rights in planning in Western Australia:

Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels.

A copy of the Outcomes of Consultation report and documented comments 'for' and 'against' WALGA's preferred option is contained within [Attachment 2](#).

OFFICER COMMENT

The Western Australian Local Government Association collated the feedback received on the discussion paper and came up with five options which broadly capture the range of responses in support of Third Party Appeal Rights. These options were as follows:

	Option
1	Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels.
2	Support the introduction of Third Party Appeal Rights for decisions where discretion has been exercised under the R-Codes, Local Planning Policies and Local Planning Schemes.
3	Support the introduction of Third Party Appeal Right against development approvals.
4	Support the introduction of Third Party Appeal Rights against development approvals and/or the conditions or absence of conditions of an approval.
5	Other – Range of options provided by members including maintaining WALGA's current policy position of not supporting Third Party Appeal Rights.

The Western Australian Local Government Association stated that Option 1 above was the preferred model for Third Party Appeal Rights in Planning, based on the outcomes from the workshop.

Item 12.2 Continued

Option 1 would be broadly similar to the New South Wales system whereby appeal rights are limited to uses where the development has high impact and possibly of state significance such as DAP applications. Option 1 would also give Third Party Appeal Rights for an amendment to an application. It is assumed that appeal rights for applications seeking amendments would only be limited to those aspects of the application which are proposed to be amended and not those aspects which are part of the previous approval.

A fact sheet on the New South Wales system is provided as [Attachment 3](#). The NSW Appeal rights are limited to major developments where the development is high impact and possibly of state significance. A third party objector can bring a merit based appeal in the Land and Environmental Court against a decision to grant development consent only if the development is designated as a significant state or major development. Similarly third party appeals under the WALGA Option 1 has a clear and narrow focus and relates to only major development as defined and determined under the *Planning and Development (Development Assessment Panel) Regulations 2011*.

The responsibility of local government in a DAP application is to provide a report to DAP for the Panel Members to consider and determine. An appeal against an application which is determined by DAP would be to DAP and not the local government. Therefore local government would not be required to pay the primary legal fees and costs to defend an appeal, as this would be covered by the DAP. However, local government may incur associated costs to assist the DAP in defending an appeal or, if the local government itself chooses to lodge a third party appeal against a DAP determination.

The appeal process would not change for applications which are submitted under the *Planning and Development (Local Planning Scheme) Regulations 2015* (i.e. non DAP applications). The current processes are considered appropriate for third party involvement in planning review of these applications.

Widening the scope for third parties to be involved is unlikely to bring further significant benefit to planning decisions.

Broader Options 2-5 identified by WALGA are not supported as they have the potential to significantly impact the operations of local government by:

- Loss of certainty for applicant.
- Increase legal fees for local government.
- Potential to delay decisions until the local government has resolved 'possible' third party disputes to provide absolute certainty in decision.
- Additional cost to developments to cover legal fees should an approval be challenged.
- Any third party appellant may do so in their own right without legal counsel. Local government would still be required to be represented by legal counsel.

Third Party Appeal Rights is a complex issue with arguments for and against it being applied in the Western Australian planning system. The current planning legislation does provide for a democratic process whereby potentially affected third parties can outline their concerns early on in the process. Given the administrative costs associated with an additional appeals process, the Council should be mindful of the planning outcomes and overall benefit to the community that Third Party Appeal Rights will apparently deliver (which is why it would be applicable to review DAP decisions).

Item 12.2 Continued

It is considered that the current planning environment and SAT processes allow third parties to have sufficient participatory involvement in decision making, and may be called as witnesses by respondents in the event a planning matter is challenged via an appeal. The SAT may currently allow a third party to intervene in a planning matter under Section 37(3) of the *State Administrative Tribunal Act 2004*. If SAT allows a third party to intervene, then the third party acquires rights and responsibilities as a party under Section 36(1) of the *State Administrative Tribunal Act 2004*. This provides a certain degree of accountability for potentially aggrieved parties and the planning merits of their argument rather than creating an additional appeals process by accommodating adversarial or vexatious claims.

On the basis of the above, it is recommended that Council support WALGA's preferred model for Third Party Appeal Rights in planning in Western Australia as it only applies to applications which are held under the *Planning and Development (Development Assessment Panel) Regulations 2011*. This would ensure that Third Party Appeal Rights in planning is restricted to DAP applications in which the City is part of the administration process, and not the determining authority.

FINANCIAL IMPLICATIONS

Staff resources and costs would be required to lodge a third party appeal on behalf of Council against a DAP decision and possibly to support or refute the original Third Party Appeal Rights applications lodged by another party to a DAP decision.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

Introduction of Third Party Appeal Rights could impact socially on the wider community if development which brings benefit to the wider community is appealed against by a disgruntled third party.

OFFICER RECOMMENDATION

That Council support the Western Australian Local Government Association (WALGA) Option 1 – 'Support the Introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels' as the preferred model for Third Party Planning Appeal Rights in Western Australia.

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

12.3 CITY OF BELMONT ACCESS AND INCLUSION PLAN 2018-2021

SOCIAL BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 4 – Item 12.3 refers	Access and Inclusion Plan 2018-2021
Attachment 5 – Item 12.3 refers	Requirements for Access and Inclusion Plans
Attachment 6 – Item 12.3 refers	Access and Inclusion Plan Public Comment Feedback Report

Voting Requirement : Simple Majority
Subject Index : 140/006–Disability Access and Inclusion Plan
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : 27 March 2012 OCM - Item 12.2
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

Council to adopt the Access and Inclusion Plan (AIP) 2018-2021 (refer [Attachment 4](#)).

Item 12.3 Continued

SUMMARY AND KEY ISSUES

Under the Western Australian *Disability Services Act 1993*, local governments are required to develop and implement a Disability Access and Inclusion Plan (DAIP) (the Plan) to ensure people with disability have equal access to services and facilities. The Plan is to be reviewed no less than every five years and is to be submitted to the Department of Local Government and Communities–Disability Services.

The City's recent DAIP 2012-2017 has been reviewed in accordance with legislative requirements, and a new Plan has been developed for the period of 2018-2021.

LOCATION

Not applicable.

CONSULTATION

A number of engagement strategies were implemented to gather feedback from community members in regard to accessibility and inclusion within the City of Belmont. These included two community forums, one held at Harman Park with 45 participants and a second held at Forster Park Community Centre with 17 participants. A focus group was formed with carers and residents of a number of residential community homes for people living with disability. An online survey was made available on the City's online engagement platform Belmont Connect from 25 July 2017 to 5 September 2017. An internal working group consisting of key officers from across the City was formed with the first meeting held to gather staff feedback on existing and potential actions, to ensure the City is accessible and inclusive.

The final draft Plan was released for public comment from Friday, 1 December 2017 to Friday, 5 January 2018. This was promoted using the City's online consultation platform Belmont Connect and on display at both the Civic Centre's reception area and the Ruth Faulkner Public Library.

During the public comment period, two responses were received – one from an officer and one from the Department of Local Government and Communities–Disability Services (refer [Attachment 6](#)). The feedback was considered and incorporated into the final plan as appropriate.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Develop community capacity and self-reliance.

Strategy: A 'whole of community' inclusive approach is adopted emphasising the intrinsic value of committing time and resources to relationship building amongst the City and the community.

Corporate Key Action: Ongoing implementation and review of the City of Belmont DAIP 2012-2017.

Item 12.3 Continued

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Under the Western Australian *Disability Services Act 1993*, local governments are required to develop and implement a DAIP to ensure people with disability have equal access to services and facilities.

BACKGROUND

The City's previous Disability Access and Inclusion Plan expired at the end of 2017 and a new Access and Inclusion Plan (AIP) has been developed to guide the City for the period of 2018-2021.

In the latest version of the Plan, the title of the document has been changed from the previously named DAIP, to the City's AIP. The name change recognises the need to involve the whole community in addressing issues of access and inclusion and the broader benefits that this brings and is supported by Disability Services Commission (refer [Attachment 5](#)).

The AIP is legislated to address seven key outcome areas as defined by the *Disability Services Act 1993* (amended 2004) and *Disability Services Regulations*. Outcome 8 continues to be included as an additional area of focus to address actions identified as key to maintaining an accessible and inclusive community.

The previous DAIP was reviewed by an external consultant (Strategic Support) providing feedback and recommendations to be considered in the development of the new AIP. A broad engagement process was undertaken between June 2017 and September 2017 with feedback used to guide the development of strategies and actions to be implemented over the life of the AIP.

An internal working group consisting of key officers from across the City was created and continues to support the development and on-going implementation of the AIP. The City's Disability Access and Inclusion Focus Group consisting of City officers, service providers and community members has played a key role in the development of the AIP and will continue to support its implementation and monitoring through bi-monthly meetings.

Item 12.3 Continued

OFFICER COMMENT

The newly developed AIP 2018-2021 is an important document as it supports and directs the City in maintaining and increasing the accessibility and inclusivity of the City of Belmont, primarily for people living with or caring for someone with disability.

As a result of the public comment process two changes have been made to the final AIP document (refer [Attachment 6](#)):

1. Recommended change to wording of Outcome 2 Strategy (page 8):

*“Promote the inclusion of universal design principles in scheme and policy review”
to be replaced with*

“As part of the Local Planning Scheme, Local Planning Policy and Local Housing Strategy reviews ensure standards and incentives reflect current good practice in providing for an accessible and inclusive built environment”.

2. Recommended changes by Senior Access and Inclusion Officer, Disability Services, Western Australia Department of Communities:

- (a) To include following statement in Introduction – Page 3

“Under the Western Australian Disability Services Act 1993, local governments are required to develop and implement a Disability Access and Inclusion Plan to ensure people with disability have equal access to services and facilities. This Access and Inclusion Plan fulfils the requirements of the Act”.

- (b) To modify wording under Outcome and Strategies heading on page 7 from:

“The Access and Inclusion Plan is legislated to address seven key outcomes as defined by the Act and Regulations”; to be replaced with

“The Access and Inclusion Plan is legislated to address seven key Outcome areas as defined by the Disability Services Act 1993 (amended 2004) and Disability Services Regulations”.

FINANCIAL IMPLICATIONS

There are a number of items in the new Plan leading to actions that will incur costs. Implementation of the Plan will be factored into the development of future operational and capital budgets and be considered as part of the annual budget process.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

Item 12.3 Continued

SOCIAL IMPLICATIONS

The AIP will contribute to:

- Maintaining and improving the built environment to ensure greater accessibility for all.
- Developing an inclusive and welcoming environment and community for all.
- An increased level of awareness of the needs of people living with disability, their families and carers.

OFFICER RECOMMENDATION

ROSSI MOVED, SEKULLA SECONDED,

That Council adopt the Access and Inclusion Plan 2018-2021 ([Attachment 4](#)).

CARRIED 9 VOTES TO 0

12.4 ANNUAL ELECTORS' MEETING MINUTES – 13 DECEMBER 2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 7 – Item 12.4 refers	<u>Annual Electors' Meeting Minutes – 13 December 2017</u>

Voting Requirement : Simple Majority
Subject Index : 154/006 Annual Electors Meeting
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil.
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider the outcomes and confirm the minutes of the Annual Electors' Meeting held on Wednesday, 13 December 2017 (refer [Attachment 7](#)).

SUMMARY AND KEY ISSUES

In accordance with section 5.33 of the *Local Government Act 1995*, Council endorsement and confirmation of the minutes of the Annual Electors' Meeting held on Wednesday, 13 December 2017 is required.

Council is also required to consider decisions made at the electors' meeting and record the reason for any decision made at a Council Meeting in response to a decision made at an electors' meeting in the minutes.

Item 12.4 Continued

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

Strategy: Ensure that community requirements drive internal policies and processes.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

5.27 Electors' general meetings

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

The City of Belmont 2016-2017 Annual Report was accepted at the 28 November 2017 Ordinary Council Meeting.

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

Item 12.4 Continued

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

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

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

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

BACKGROUND

The Annual Electors' Meeting was held on Wednesday, 13 December 2017 at the City of Belmont Civic Centre, 215 Wright Street, Cloverdale.

OFFICER COMMENT

Public notice of the Annual Electors' Meeting was placed in the Southern Gazette on Tuesday, 24 January 2017; Tuesday, 31 January 2017; Tuesday, 5 December 2017 and Tuesday, 12 December 2017.

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

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

The following decisions were made at the Annual Electors' Meeting held on Wednesday, 13 December 2017.

Receipt of the following reports included in the City of Belmont 2016-2017 Annual Report:

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

Item 12.4 Continued

There were 14 members of the public in attendance, being:

Mr J Bass	Mr M Heldberg
Mr B Childs	Mr P Hitt
Mr R Foster	Ms L Hollands
Ms J Gee	Ms S McLaren
Ms G Godfrey	Dr D Mossenson
Mr M Goff	Mr S Quinn
Mr R Greenwood	Ms B Scharfenstein

Questions and responses in relation to the reports included in the 2016-2017 Annual Report are included in the minutes of the meeting.

The following question from Dr Mossenson was taken on notice at the 13 December 2017 Annual Electors Meeting. Dr Mossenson was provided with a response on 12 February 2018. The response from the City is recorded accordingly:

5. As part of the street tree audit, were the trees in Brearley Avenue included as part of the tree count in the Urban Forest Strategy?

Response

Yes, the street trees located within the Brearley Avenue road reserve between Dunreath Drive and GEH were surveyed by Paperbark Technology between 17 and 18 January 2017.

Under general business, the Mayor invited any further questions or statements. The subsequent questions and responses received are recorded in the minutes (refer [Attachment 7](#)). The following motions were put forward and are to be considered by Council:

- a. **'MR PAUL HITT MOVED, MS JANET GEE SECONDED**

That all Council meetings be electronically recorded and these recordings be made available to the public.

CARRIED 11 VOTES TO 1

Reason:

To enhance the accountability and transparency of the City of Belmont, its staff and council representatives.'

Officer Comment:

Council has considered the matter of audio recording meetings on a number of occasions in recent years and resolved to continue with the current practice for recording the proceedings of meetings. It is considered that no further action is required at this time.

Item 12.4 Continued

The following table outlines previous items considered by Council:

Meeting	Recommendation Summary	Outcome
24 February 2009	Notice of Motion (Cr Dornford) – Council shall in each and every OCM and SCM provide for electronic recordings of all debates, discussions and deliberations of a non-confidential nature, and shall be made available for reference by any Councillor or any member of the public if and when so required at any time	Lost 3 votes to 8
24 June 2014 - Ordinary Council Meeting	Notice of Motion (Cr Cayoun) – Proposal be prepared for consideration by Council for immediate implementation of voice recording	Lost 4 votes to 5
15 February 2016 - Special Information Forum	Draft Policy for discussion – Recording and Access to Recorded Information	N/A
22 March 2016 - Ordinary Council Meeting	Officer Recommendation – Adopt Policy – Council Meetings – Recording and Access to Recorded Information – adopt a fee of \$55 per provision of access to audio recording	Alternative Councillor Motion put forward
	Alternative Councillor Motion – Adopt Policy – Recording and Access to Recorded Information with an amendment to allow for open access to twelve months of recordings via the City of Belmont website – to occur once all systems and processes are in place	Lost 4 votes to 5
25 October 2016 - Ordinary Council Meeting	Notice of Motion (Cr Hitt) – To adopt a policy relating to audio recording meetings and that audio record/recordings of all Council Meetings be kept and these records be made available to all Councillors and the public on request	Lost 4 votes to 5
	Foreshadowed Motion (Cr Powell) – That the matter of audio recording of Council meetings be referred to an Information Forum	Carried 5 votes to 4
5 December 2016 – Workshop	Discussion of Audio Recording of Council Meeting with Denis McLeod, the City’s Solicitor in attendance to provide comment	N/A
28 February 2017 – Ordinary Council Meeting	Officer Recommendation - That Council does not implement audio recording and maintains its existing practice for minute taking at Council Meetings	Carried 4 votes to 3

Item 12.4 Continued

b. **'DR DIANNE MOSSENSON MOVED, MS BELLA SCHARFENSTEIN SECONDED**

That Council do forthwith write to Main Roads WA (MRWA) requesting that Brearley Avenue remain open to all traffic from Great Eastern Highway to First Street until such time as the City has had the opportunity to undertake a detailed traffic modelling by a qualified traffic engineer and produced an analytical report.

That Council do review and investigate the traffic flow in DA6 in real time while Brearley Avenue remains open between Great Eastern Highway and First Street for now until after the second quarter 2017 for local traffic by engaging a highly qualified traffic engineer to undertake comprehensive traffic modelling and assessment for the needs of the area for now and into the future.

To support the outcome of the Special Electors' Meeting held April 2016 and to action the Motion moved by Councillor Rossi and seconded by Councillor Powell on 24 May 2016.

CARRIED 11 VOTES TO 1'

Officer Comment:

The City currently has a Council adopted Development Area 6 Vision Plan which is fundamentally based on the full closure of Brearley Avenue.

Main Roads WA (MRWA), who have control of both Brearley Avenue and GEH have advertised for public submissions and are currently assessing these as part of their overall process for justifying the closure of Brearley Avenue.

The City has undertaken "real time" traffic monitoring of local roads since Brearley Avenue remained open to First Street in February 2017. This monitoring clearly confirmed the negative impacts of traffic on local streets with Brearley Avenue remaining open. Whilst the City has commenced detailed traffic modelling and investigation for Development Area 6 (DA6), this is based on the planned road structure that has been adopted by Council for the AD6 Vision Plan.

Correspondence to MRWA seeking Brearley Avenue to remain open is in opposition and in conflict with a position already adopted by Council on the DA6 Vision Plan. It is considered that no further action is required at this time.

c. **Motion (Ms Bella Scharfenstein)**

'MS BELLA SCHARFENSTEIN MOVED, MR ROBERT GREENWOOD SECONDED

That Central Avenue be closed at Dunreath Drive to prevent a rat run through DA6.

CARRIED 10 VOTES TO 0'

Item 12.4 Continued

Officer Comment:

The Council adopted DA6 Vision Plan includes the Central Avenue connection to the Airport.

It is anticipated that current known rat running via Brearley Avenue, Boulder Avenue, Second Street and Central Avenue will reduce, should Brearley Avenue be closed at GEH by MRWA. It is considered that no further action is required at this time.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

- 1. Note the decisions to receive the following reports included in the City of Belmont 2016-2017 Annual Report:**
 - ***Annual Financial Statements***
 - ***Auditor's Report***
 - ***Report of the Mayor***
 - ***Report of the Chief Executive Officer***
 - ***Report of the Presiding Member – Executive Committee***
 - ***Report of the Presiding Member – Standing Committee (Audit and Risk)***
 - ***Report of the Presiding Member – Standing Committee (Community Vision)***
 - ***Report of the Presiding Member – Standing Committee (Environmental).***
- 2. Note that consideration has been given to the motions put forward during General Business at the Annual Electors' Meeting held on Wednesday, 13 December 2017, with no further action required.**
- 3. Confirm the minutes of the Annual Electors' Meeting held on Wednesday, 13 December 2017 (refer [Attachment 7](#)) as a true and accurate record.**

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

12.5 POLICY BEXB44 – ELECTED MEMBERS - COMMUNICATION

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 8 – Item 12.5 refers	<u>BEXB44 – Elected Members Communication</u>
Attachment 9 – Item 12.5 refers	<u>State Records Office Local Government Elected Members Records Information Sheet</u>
Attachment 10 – Item 12.5 refers	<u>City of Belmont Facebook Engagement Guidelines</u>

Voting Requirement	:	Simple Majority
Subject Index	:	32/015 Council Policy Manuals/Code of Conduct
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	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

Policy BEXB44 – Elected Members – Communication (refer [Attachment 8](#)) aims to identify obligations and requirements that apply, in regards to communication, as a result of an Elected Member's status as a public officer whose conduct is governed by the statutory framework which applies to local government.

This policy is not intended to discourage nor unduly limit an Elected Member's personal expression or other communications. This policy provides Elected Members with a clear understanding of the use of communications in their role as an Elected Member of the City of Belmont.

Item 12.5 Continued

SUMMARY AND KEY ISSUES

Numerous legal and code of conduct issues have arisen around the nation in recent years in regards to Elected Members communication both verbal, written, electronic and in social media.

Also, as highlighted in the Governance Bulletin – August 2017 edition from the Department of Local Government, Sport and Cultural Industries the use of communications and in particular social media use by Elected Members has received attention from the Local Government Standards Panel.

This Policy will provide Elected Members with the information to assist them when communicating with their stakeholders and reduce the risk of any adverse implications.

LOCATION

Not applicable.

CONSULTATION

Consultation with Councillors was undertaken at the 13 February 2018 Information Forum.

Relevant City of Belmont officers and the Executive Leadership Team have been consulted.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

Council endorsement of this Policy will necessitate amendment to the City of Belmont Policy Manual.

Item 12.5 Continued

STATUTORY ENVIRONMENT

There are various statutory requirements relevant to Elected Member communications as follows:

- a) State Records Act 2000 requires that all correspondence, including email and social media posts and comments, relating to the business of the City and the Council must be retained in the official records of the City.
Sections 2.8(1)(d) and 5.41(f) of the Local Government Act 1995, provides that only the Mayor may speak on behalf of the City (or the CEO if authorised by the Mayor to do so).*
- b) Freedom of Information Act 1992 requires the preservation of correspondence and its availability for Freedom of Information purposes.*
- c) Section 5.93 of the Local Government Act 1995 provides that an Elected Member (as well as employees) must not make improper use of any information acquired.*
- d) Regulation 6 of the Local Government (Rules of Conduct) Regulations 2007 provides for Elected Members to maintain confidentiality.*
- e) City of Belmont Policy BEXB29.1 - Roles and Responsibilities - Elected Members, in regards to record keeping.*
- f) City of Belmont Code of Conduct also provides further guidance to communication.*

BACKGROUND

With the increased use of digital communication Elected Members are able to engage with their stakeholders instantly and more publically than ever before. Together with the overall organisational management of key messages and media enquiries it is timely for the City of Belmont to develop a Policy that ensures good governance is maintained which ensures appropriate guidance to Elected Members.

FINANCIAL IMPLICATIONS

There are no significant financial implications for the City if this Policy were to be implemented.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council Adopt Policy BEXB44 Elected Members - Communication as detailed in [Attachment 8](#).

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

12.6 STANDING ORDERS AMENDMENT LOCAL LAW 2018 – FINAL ADOPTION

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 11 – Item 12.6 refers	<u>Proposed Standing Orders Amendment Local Law 2018</u>
Attachment 12 – Item 12.6 refers	<u>Joint Standing Committee on Delegated Legislation Letter</u>

Voting Requirement : Absolute Majority
Subject Index : 76/008 – Local Laws – Standing Orders
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : 31 October 2017 OCM – Item 12.5
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider any submissions and final adoption of the *City of Belmont Standing Orders Amendment Local Law 2018* (refer [Attachment 11](#)).

Item 12.6 Continued

SUMMARY AND KEY ISSUES

At the Ordinary Council Meeting of 31 October 2017, Council resolved to undertake public advertising of the *City of Belmont Standing Orders Amendment Local Law 2017*.

In accordance with the legislative requirements the proposed local law was advertised calling for public submissions. No public submissions were received.

Additionally, a copy of the proposed local law was reviewed by the Department of Local Government, Sport and Cultural Industries (the Department). This report considers the submission made on behalf of the Department and proposes final adoption of the Local Law as required as an undertaking to the Joint Standing Committee on Delegated Legislation (the Committee).

LOCATION

Not applicable.

CONSULTATION

The proposed Local Law was advertised for the purpose of calling for public submissions for a period of six weeks from Saturday, 9 December 2017 to Wednesday, 31 January 2018.

No public submissions were received.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Item 12.6 Continued

STATUTORY ENVIRONMENT

It should be noted that any amendment to a local law requires full compliance with the same legislative procedure as creation of any new local law. Legislation for making Local Laws is set out in Part 3 – Division 2 of the *Local Government Act 1995*. The statutory procedure for adopting a Local Law is prescribed in section 3.12 as follows:

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

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

3) The local government is to-

(a) give Statewide public notice stating that-

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

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

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

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

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

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

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

**Absolute majority required.*

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

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

(a) stating the title of the Local Law; and

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

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

Item 12.6 Continued

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

BACKGROUND

The City adopted the *City of Belmont Standing Orders Local Law 2017* (Standing Orders) at the Ordinary Council Meeting of 27 June 2017.

The Committee wrote to the City of Belmont (11 October 2017) seeking an undertaking to amend the standing orders.

The problematic sections and reasons requested for the undertaking are set out in the Committee's letter to the City, provided in [Attachment 12](#). In summary, the following amendments were requested:

- replacing the definition of 'District'
- amending sections 6.2(10) and 6.6(4) with additional wording
- correcting drafting punctuation in section 5.3(7)
- correcting a cross- referencing error in section 14.2(c).

At the Ordinary Council Meeting of 31 October 2017, as advised by the Committee, the Council resolved to complete the undertakings within six months.

In order to commence the process, notice of the purpose and effect of the *Standing Orders Amendment Local Law 2017* was resolved unanimously at the Ordinary Council Meeting of 31 October 2017.

OFFICER COMMENT

The proposed amendments do not represent a significant change to the *Standing Orders Local Law 2017*. However, the reason for these minor amendments is a requirement of a recent undertaking given by the Council to the Committee.

No submissions were received during the public submission period.

Commentary from the Department of Local Government, Sport and Cultural Industries was received with a primary recommendation to change the title to reflect the year in which the amendment would take place. Consequently the title of the amendment local law has now been changed to *City of Belmont Standing Orders Amendment Local Law 2018*.

Further editing recommendations of a minor nature, such as formatting and numbering were also suggested by the Department and have been adopted.

FINANCIAL IMPLICATIONS

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

Item 12.6 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

- 1. Acknowledge that no public submissions were received.*
- 2. Acknowledge the submission received from the Department of Local Government, Sport and Cultural Industries on the City of Belmont Standing Orders Amendment Local Law 2017.*
- 3. Adopt the City of Belmont Standing Orders Amendment Local Law 2018, as detailed in [Attachment 11](#), as a local law of the City of Belmont.*
- 4. Instruct the Chief Executive Officer to undertake statutory advertising, Gazettal and all other actions necessary to ensure the City of Belmont Standing Orders Amendment Local Law 2018 comes into force.*

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

12.7 STRATEGIC COMMUNITY PLAN 2016-2036: KEY PERFORMANCE INDICATOR REVIEW

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 13 – Item 12.7 refers	BEXB – Strategic Community Plan 2016-2036 KPI Review

Voting Requirement	:	Simple Majority
Subject Index	:	32/027, 32/001
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	15 December 2015 OCM – Item 12.8 24 February 2014 OCM – Item 12.11 20 December 2011 OCM – Item 12.11 21 December 2010 OCM – Item 12.13
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider amendments to the Key Performance Indicators associated with the Strategic Community Plan 2016-2036.

Item 12.7 Continued

SUMMARY AND KEY ISSUES

The City's Strategic Community Plan 2016–2036 was revised and adopted by Council at its meeting in December 2015. Key Performance Indicators provide a summary of Councils overall performance. These are the key indicators which determine how successful and sustainable the City is in the activities it undertakes.

The Corporate Business Plan is formulated to support delivery of objectives and strategies emanating from the Strategic Community Plan 2016-2036 as well as the legislative and Integrated Planning Framework Standards imposed by the Minister for Local Government through the Department of Local Government and Communities (DLGC).

LOCATION

Not applicable.

CONSULTATION

The Strategic Community Plan was created through a process of significant public consultation initially during 2009-2010, further revised and adopted as the Strategic Community Plan 2012-2032 in December 2011 and again in December 2015 resulting in the current Strategic Community Plan 2016-2036. Community consultation occurs annually through the Community Perceptions Survey, and the outcomes of this survey are considered as required.

The Key Performance Indicators (KPIs) supporting the Strategic Community Plan 2016-2036 has been formulated by the City's executive and management teams in conjunction with Elected Members. Elected Members received a presentation and documentation demonstrating the proposed amendments at the Information Forum on 4 December 2017.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Achieve excellence in the management and operation of the local government and Apply sound and sustainable business management principles.

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Item 12.7 Continued

STATUTORY ENVIRONMENT

The *Local Government (Administration) Regulations 1996* state:

Part 5 — Annual reports and planning

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

Division 1 — Preliminary

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

19BA. Terms used

In this Part —

corporate business plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

strategic community plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

[Regulation 19BA inserted in Gazette 26 Aug 2011 p. 3482-3.]

19CA. Information about modifications to certain plans to be included (Act s. 5.53(2)(i))

- (1) This regulation has effect for the purposes of section 5.53(2)(i).
- (2) If a modification is made during a financial year to a local government's strategic community plan, the annual report of the local government for the financial year is to contain information about that modification.
- (3) If a significant modification is made during a financial year to a local government's corporate business plan, the annual report of the local government for the financial year is to contain information about that significant modification.

[Regulation 19CA inserted in Gazette 26 Aug 2011 p. 3483.]

Division 3 — Planning for the future

[Heading inserted in Gazette 26 Aug 2011 p. 3483.]

19C. Strategic community plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.

(3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.

(4) A local government is to review the current strategic community plan for its district at least once every 4 years.

Item 12.7 Continued

(5) In making or reviewing a strategic community plan, a local government is to have regard to —

- (a) the capacity of its current resources and the anticipated capacity of its future resources; and*
- (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
- (c) demographic trends.*

(6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.

(7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

(8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

(9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

(10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

[Regulation 19C inserted in Gazette 26 Aug 2011 p. 3483-4.]

19DA. Corporate business plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

(3) A corporate business plan for a district is to —

- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
- (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
- (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*

(4) A local government is to review the current corporate business plan for its district every year.

(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.

Item 12.7 Continued

(6)A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

(7)If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

19D. Adoption of plan, public notice of to be given

(1)After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).

(2)The local public notice is to contain —

(a)notification that —

(i) a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and

(ii) details of where and when the plan may be inspected;

or

(b)where a strategic community plan for the district has been modified —

(i)notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and

(ii)details of where and when the modified plan may be inspected.

[Regulation 19D inserted in Gazette 31 Mar 2005 p. 1033-4; amended in Gazette 26 Aug 2011 p. 3486.]

BACKGROUND

In 2010, the Integrated Planning and Reporting (IPR) Framework and Guidelines were introduced in Western Australia (WA) as part of the State Government's Local Government Reform Program. All local governments were required to have their first suite of IPR documents in place by 1 July 2013.

In essence, IPR is a process designed to:

- Articulate the community's vision, outcomes and priorities
- Allocate resources to achieve the vision, striking a considered balance between aspirations and affordability
- Monitor and report progress.

These plans will drive the development of each local government's Annual Budget and will ultimately help local governments plan for the future of their communities.

Item 12.7 Continued

The Strategic Community Plan:

- Establishes the community's vision for the local government's future, including aspirations and high level service expectations
- Drives the development of local government area / place / regional plans, resourcing and other informing strategies, e.g. workforce, asset management and services
- Will ultimately be a driver for all other planning.

OFFICER COMMENT

The Strategic Community Plan needs to be clear about how its progress will be monitored and reported.

Every second year, a minor review is undertaken and focussed upon the Key Performance Indicators in the Plan.

A review of the Key Performance Indicators was undertaken by the Chief Executive Officer, the Executive and Management teams, together with the organisation, to facilitate the review process.

Elected Members have also had an opportunity for input to the process at the Information Forum on 4 December 2017. Information to Councillors on the proposed amendments was provided in hard copy form prior to the workshop in the understanding that sufficient lead time was required for Councillors to absorb the detail from this comprehensive document.

Summary of fundamental amendments follow (Reference should be made to the Strategic Community Plan 2016-2036, on the City's Website, for expanded detail):

Key Performance Indicators.

Success.

1. Councillor satisfaction survey was previously discontinued; however it is proposed to be reinstated at the request of the CEO as part of the CEO's Performance Review Process.

Sustainability.

No change.

Other Community Satisfaction and Wellbeing.

No change.

Item 12.7 Continued

KRA: Built Belmont.

1. Average age of building assets calculation amended to accurately reflect how it is calculated. **From** "Total age of building assets divided by number of building assets" **To** "Total age of building asset components divided by number of building asset components."
2. **(New)** Average Condition of building assets. The average condition of all building assets in a 1 **(new)** - 10 (end of life) range. (The set intervention level average is currently 5.93). Calculated as the total condition score of building assets divided by number of building assets. Source data is from the Building services database with a desired trend lowering (currently 3.09). Responsible officer is the Manager Building Services.

KRA: Business Belmont.

No change.

KRA: Business Excellence.

1. Debt Service Cover Ratio is capacity to meet annual debt commitments as indicated in the *Local Government Act 1995*. This is calculated as the (Annual Operating Surplus before interest and depreciation) / (Annual principal and interest repayments). This is being amended from >2 to >5 being the advanced standard which is consistent with the Annual Financial Report.

KRA: Natural Belmont.

1. Corporate scheme water consumption calculation **Amended** from "Inventories carried out annually to measure against adopted ICLEI Campaign goals" **To** "Inventories carried out annually to measure against targets set in the endorsed Water Efficiency Action Plan."
2. Waste to landfill description to be **Amended** from "Tonnes of waste to landfill per capital per annum" **To** "Percentage of waste diverted from landfill from residential recycling and bulk bin waste streams."

KRA: Social Belmont

1. Hectares of public open space description **Amended** from "Hectares of Public Open Space per 1000 residents" **To** "Hectares of Usable Public Open Space per 1000 residents." The current calculations include drainage sumps and drainage reserves that are neither accessible nor usable.
2. Number of over 18's engaged in organised sport. **Amend** description from "Number of juniors participating in organised sport" **To** "Number of adults (18 years +) engaged in organised sport using City of Belmont sporting reserves." **Amend** calculation from "Total annual people engaged in organised sport." **To** "Total annual participation of adults engaged in organised sport."

Item 12.7 Continued

3. Number of juniors in organised sport. **Amend** description from “Number of people engaged in organised sport” **To** “Number of juniors (under 18 yrs.) engaged in organised sport using City of Belmont sporting reserves.” **Amend** calculation from “Total annual participation.” **To** “Total annual participation of juniors engaged in organised sport.”
4. Number of registered volunteers. **Amend** source from “Community service records” **To** “Volunteer Database.”
5. **(New)** Number of volunteers referred to non-Council volunteer opportunities. The number of volunteers referred to non-Council related volunteer opportunities via the City's Volunteer e-Hub. Source data is derived from the Volunteer Database with an expected higher trend. Responsible officer is the Manager Community Development.
6. **(New)** Number of young people participating in Youth Services programs. The number of young people who participated in structured programs facilitated by YMCA. Source data from Youth Services Database. Expectation is to maintain or improve participation. Responsible officer is the Manager Community Development.
7. **(New)** Number of people supported through Domestic Violence Support Services. The number of people provided support services through the City's contracted supplier. Source data is from the Domestic Violence Provider Database. Desired expectation is to meet the community need. Responsible officer is the Manager Community Development.
8. **(New)** Number of people supported though Home and Community Care (HACC) and Commonwealth Homes Support Program (CHSP) services. Measured by the total number of individuals supported. Source data derive from the HACC / CHSP Community Services Database. Expectation is to maintain or increase service provision. Responsible officer is the Manager Community Development.
9. **(New)** Number of organisations supported through financial contributions. Measured by the total number of organisations assisted. Source data is from the Community Development Funding Database. Expectation is to meet community needs. Responsible officer is the Manager Community Development.

Strategic and Corporate Business Plan performance will continue to be monitored and provided to Elected Members on a monthly basis via the Councillors Portal with quarterly reviews facilitated at an appropriate Information Forum.

FINANCIAL IMPLICATIONS

Some of the KPIs are closely related to financial performance and based on achievement can have an effect on the financial wellbeing of the organisation.

It should be noted that the KPIs derived from the Long Term Financial Plan are within or above the targets set by the DLGC.

ENVIRONMENTAL IMPLICATIONS

There are numerous references to the environment in the Strategic Community Plan and KPIs that will see the City's Environmental Plan delivered and measured.

Item 12.7 Continued

SOCIAL IMPLICATIONS

There are numerous references to the social aspect in the Strategic Community Plan and KPIs that will see a range of Plans delivered and measured.

OFFICER RECOMMENDATION

That Council:

- 1. Adopt the revised Key Performance Indicators as per [Attachment 13](#), and***
- 2. Update the Strategic Community Plan 2016-2036 accordingly.***

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

12.8 CORPORATE BUSINESS PLAN 2018-2022

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 14 – Item 12.8 refers	Corporate Business Plan 2018 - 2022

Voting Requirement	:	Absolute Majority
Subject Index	:	32/027, 32/001
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	28 February 2017 OCM – Item 12.7 22 March 2016 OCM – Item 12.6 15 December 2015 OCM – Item 12.8 23 June 2015 OCM – Item 12.2
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To undertake the Annual Review of the Corporate Business Plan, consider amendments and adopt the Corporate Business Plan 2018-2022 ([Attachment 14](#)).

Item 12.8 Continued

SUMMARY AND KEY ISSUES

The City's Strategic Community Plan 2016–2036 was revised and adopted by Council at its meeting in December 2015.

The current Corporate Business Plan 2017-2021 supports the delivery of objectives and strategies emanating from the Strategic Community Plan as well as the legislative and Integrated Planning Framework Standards imposed by the Department of Local Government, Sport and Cultural Industries (DLGSCI).

The revised Corporate Business Plan 2018–2022 requires Council endorsement.

LOCATION

Not applicable.

CONSULTATION

The Corporate Business Plan has been formulated by the City's Executive and Management team in conjunction with Elected Members who received an opportunity to comment and provide input at the Information Forum held on Monday, 4 December 2017.

The DLGSCI, by way of its Integrated Planning and Reporting Standard, with reference to regulations also require that public notice be given when the Corporate Business Plan is adopted or modified.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Achieve excellence in the management and operation of the local government and apply sound and sustainable business management principles.

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.

Item 12.8 Continued

STATUTORY ENVIRONMENT

The *Local Government (Administration) Regulations 1996* state:

Part 5 — Annual Reports and Planning

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

Division 1 — Preliminary

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

19BA. Terms used

In this Part —

Corporate Business Plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

Strategic Community Plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

[Regulation 19BA inserted in Gazette 26 Aug 2011 p. 3482-3.]

19CA. Information about modifications to certain plans to be included (Act s. 5.53(2)(i))

- (1) This regulation has effect for the purposes of section 5.53(2)(i).
- (2) If a modification is made during a financial year to a local government's strategic community plan, the annual report of the local government for the financial year is to contain information about that modification.
- (3) If a significant modification is made during a financial year to a local government's corporate business plan, the annual report of the local government for the financial year is to contain information about that significant modification.

[Regulation 19CA inserted in Gazette 26 Aug 2011 p. 3483.]

Division 3 — Planning for the future

[Heading inserted in Gazette 26 Aug 2011 p. 3483.]

19DA. Corporate Business Plans, Requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

Item 12.8 Continued

- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
**Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

19D. Adoption of Plan, Public Notice of to be Given

- (1) *After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).*
- (2) *The local public notice is to contain —*
 - (a) *notification that —*
 - (i) *a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*
 - (ii) *details of where and when the plan may be inspected;*
or
 - (b) *where a strategic community plan for the district has been modified —*
 - (i) *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and*
 - (ii) *details of where and when the modified plan may be inspected.*

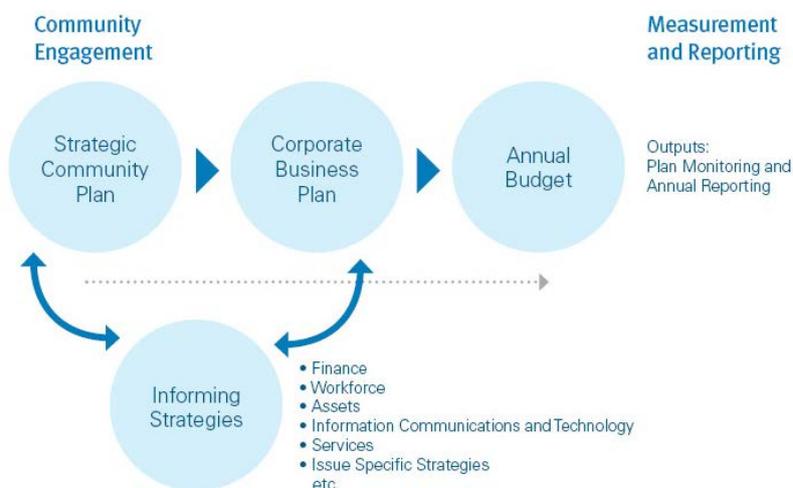
[Regulation 19D inserted in Gazette 31 Mar 2005 p. 1033-4; amended in Gazette 26 Aug 2011 p. 3486.]

BACKGROUND

The City of Belmont's strategic and corporate planning processes are designed to meet the business needs of the City whilst addressing the requirements of the *Local Government Act 1995* and the DLGSCI Integrated Planning Framework and Guidelines.

Under these regulations, all local governments in Western Australia are required to have developed and adopted two key documents: a Strategic Community Plan and a Corporate Business Plan - supported and informed by resourcing and delivery strategies. These plans will drive the development of each local government's Annual Budget and will ultimately help local governments plan for the future of their communities. This is demonstrated in the model below.

Item 12.8 Continued



Elements of Integrated Planning and Reporting Framework

The City's Strategic Community Plan 2016–2036 was adopted by Council at its meeting in December 2015.

This report focuses upon the Corporate Business Plan element of the Integrated Planning Framework. The Corporate Business Plan is an internal business planning tool that translates Council priorities into operations within the resources available.

The Plan details the services, operations and projects a local government will deliver within a defined period. It also includes the processes for delivering these and the costs associated.

The Corporate Business Plan has been formulated to support delivery of the objectives and strategies emanating from the Strategic Community Plan 2016-2036 as well as the legislative and Integrated Planning Framework Standards imposed by the DLGSCI.

OFFICER COMMENT

The Chief Executive Officer has engaged the Executive and Management teams, together with the organisation, to facilitate the review process of the Corporate Business Plan. Elected Members have also had an opportunity for input into the Corporate Business Plan via an Information Forum conducted on Monday, 4 December 2017. Information to Councillors on the proposed amendments to the Corporate Business Plan was provided in hard copy and electronic form (22 November 2017) prior to the Information Forum in the understanding that sufficient lead time was required for Councillors to absorb the detail from this document.

Item 12.8 Continued

Summary of fundamental amendments follow:

KRA: Built Belmont.

1. **Key Actions 1,191, 3, 222, 197.** Minor word changes to reflect the status of the key actions moving from encouragement to facilitation or preparation, review and adjustment of timeframes as required.
2. **Key Action 196**
Amend - "Finalise detailed drawings following a value management process. Call tenders for the construction of the Building including the demolition of the existing Seniors Centre. Finalise café operator's contract." **to** "Progress the construction and reporting requirements for the Faulkner Civic Precinct Community Centre." Change the measure of success from "Construction tender called" **to** "Reports provided to Council in accordance with requirements." Completion timeframe is December 2020.
3. **Key Action 195**
Delete – "Preparation of a Vision Plan for the Ascot Kilns and surrounding area (Golden Gateway)." Ascot Kilns Local Development Plan and Golden Gateway Local Structure Plan action have been separated into two new actions reflected in the table below.
4. **Key Action 18**
Delete – "Through community consultation and involvement determine standards and levels of service for each asset group." Asset service levels are determined as each asset group is reviewed based upon industry standards.
5. **Key Action 223**
Delete – "Update the City of Belmont TravelSmart Plan." A new Key Action "Develop the City's new Sustainable Transport Plan 2018-2023" will replace this as indicated in the table below.
6. **Key Action 229**
Delete – "Develop the City's new Local Bike Plan." A new Key Action "Develop the City's new Sustainable Transport Plan 2018-2023" will replace this as indicated in the table below.

KRA: Business Belmont.

1. **Key Action 63** - Minor word changes to reflect the status of the key actions moving from encouragement to facilitation or preparation, review and adjustment of timeframes as required.

KRA: Business Excellence.

1. **Key Actions 86, 89, 101, 102, 108.** Minor word changes to reflect the status of the key actions moving from encouragement to facilitation or preparation, review and adjustment of timeframes as required.

Item 12.8 Continued

KRA: Natural Belmont.

1. **Key Actions 119, 124, 126, 130, 231.** Minor word changes to reflect the status of the key actions moving from encouragement to facilitation or preparation, review and adjustment of timeframes as required.
2. **Key Action 216**
Amend – Methodology change from “Participation in Flood Mapping project, post 30 June 2017.” **to** “Participate in Stage 4: Flood Intelligence and Adaptation Planning. Requires involvement of relevant internal Departments including Risk and Business Continuity and Built BLT and external stakeholders.”

Amend - Measure of success from “Decision made on participation in Stage 3 of the Flood Mapping project (Flood risk and vulnerability assessment, Floodplain Development Strategy), prior to closure of NDRP grant funding.” **to** “Development of a local government specific flood risk adaptation plan for Belmont based on outcomes of Stages 2 and 3 of the Flood Risk project, involving relevant internal and external stakeholders.” Timeframe 1 June 2019.
3. **Key Action 217**
Amend – Methodology change from “Assigned to responsible officers in RMSS” **to** “Review of City of Belmont Local Climate Change Adaptation Action Plan, involving Risk and Business Continuity and risk owners identified in RMSS.”

KRA: Social Belmont

1. **Key Actions 180, 169, 201, 177, 198, 199, 141, 149, 151, 154, 203, 161, 160, 164, 206, 208, 136, 138, 209, 185, 187.** - Minor word changes to reflect the status of the key actions moving from encouragement to facilitation or preparation, review and adjustment of timeframes as required.
2. **Key Action 200**
Amend – “Facilitate the transition of the City's Independent Living Units to an experienced service provider with relevant expertise in the management of Aged Accommodation.” **to** “Oversee effective contract management of Independent Living Units in partnership with Southern Cross Care (WA) Inc.”
3. **Key Action 192**
Amend – “Ongoing implementation and review of Moving Forward, City of Belmont Youth Strategic Plan 2015 and Beyond.” **to** “Implementation and ongoing review of Youth Strategic Plan 2018 and Beyond.”
4. **Key Action 194**
Amend – “Facilitate and support Early Years focused activities and opportunities to the local community.” **to** “In partnership with early year providers, support the facilitation and delivery of early years initiatives to the local community.”
5. **Key Action 170**
Amend – “Ongoing implementation and review of Multicultural Action Plan 2016-2018.” **to** “Review of Multicultural Action Plan 2016-18 and development and implementation of Multicultural Action Plan 2018 and beyond.”

Item 12.8 Continued

6. Key Action 157

Amend – “Ongoing implementation and review of Multicultural Action Plan 2016-2018.” **to** “Review of Multicultural Action Plan 2016-18 and development and implementation of Multicultural Action Plan 2018 and beyond.”

Note: Key Actions 170 and 157 are the same but are mentioned in and support two different strategies.

7. Key Action 205

Delete – “Develop new Environmental Health Plan to replace current 2013-2016.” Key Action Number 165 amended to implement adopted Environmental Health Plan.

New Key Actions

KRA Built Belmont		
Strategy	New Corporate Key Action	Responsible Officer
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.	Develop the City's Sustainable Transport Plan 2018-2023.	Travel Smart Officer
Strategy	New Corporate Key Action	Responsible Officer
Encourage a wide choice and consistent implementation of development approaches.	Investigate aged housing opportunities on the City's land (Beverly Road) with a view to rationalisation of the City's current Independent Living Unit aged housing options.	Manager Property and Economic Development
	Liaise with the Department of Planning, Lands and Heritage regarding the Preparation of a Local Development Plan for the Ascot Kilns.	Manager Planning Services
	Prepare Local Structure Plan for the Golden Gateway precinct.	Manager Planning Services

Item 12.8 Continued

KRA Social Belmont		
Strategy	New Corporate Key Action	Responsible Officer
Adopt a collaborative approach through the development of partnerships with services providers, to ensure maximum benefit for community groups and individuals.	Effective delivery of Belmont Sister City program.	Manager Community Development
	Implementation of Volunteer Program strategy.	Manager Community Development
	Facilitate review of the City's aged and community care portfolio in relation to state and federal government reform transition processes.	Manager Community Development

The Corporate Business Plan provides a greater level of detail in support of the Strategic Community Plan which sets the direction that Council will take, and management will follow, in the City of Belmont.

It establishes key actions, methodology considerations, financial impacts, human resource requirements, measure of success, targets, timeframes and risk assessments, all enabling Council the opportunity to review its progress in a professional businesslike manner.

It is a requirement of the DLGSCI that notice be given to the public when the Corporate Business Plan is adopted or modified. This notice will be undertaken after adoption by the Council.

Strategic and Corporate Business Plan performance will continue to be monitored and provided to elected members on a monthly basis via the Councillor's Portal with quarterly reviews facilitated at an appropriate Information Forum.

FINANCIAL IMPLICATIONS

The Corporate Business Plan has been assessed to gauge estimated additional costs which have been included in the City's Long Term Financial Plan (LTFP). The LTFP is integrated with other strategic plans including Asset Management Plans and allows the City to assess not only its ability to fund the Corporate Business Plan but also ensure the City's financial sustainability.

The LTFP is based on the City's current operational budgets and is underpinned by a number of key assumptions. These are listed in the Corporate Business Plan and are determined through a combination of external source (e.g. Australian Bureau of Statistics) and historical trend data. The LTFP currently covers the period 2019–2028 and will be updated on an annual basis to be used in the development of Annual Budgets.

It should be noted that The Key Performance Indicators (KPI's) derived from the LTFP are within or above the targets set by the DLGSCI.

Item 12.8 Continued

ENVIRONMENTAL IMPLICATIONS

There are numerous references to the environment in the Corporate Business Plan that will see the City's Environmental Plan delivered.

SOCIAL IMPLICATIONS

There are numerous references to the social aspect in the Corporate Business Plan that will see a range of Plans delivered.

OFFICER RECOMMENDATION

That Council adopt the Corporate Business Plan 2018–2022 ([Attachment 14](#)).

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

12.9 TIMETABLE: 2018-2019 ANNUAL BUDGET

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil

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

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's endorsement of the 2018-2019 Annual Budget timetable.

SUMMARY AND KEY ISSUES

The 2018-2019 Annual Budget timetable enables the Budget to be prepared in a disciplined manner, meet all statutory obligations and adopt the Annual Budget in a timely manner.

LOCATION

Not applicable.

Item 12.9 Continued

CONSULTATION

There has been no specific consultation undertaken in respect to this matter other than with the Executive and Management teams.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

BACKGROUND

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

OFFICER COMMENT

The timetable has been endorsed by the members of the Executive Leadership Team. Should Council require additional time to consider the Budget then Special Meetings will be called to accommodate this. There has been more time allowed for consideration of the Budget with up to three Information Forums being identified to receive presentations.

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

Item 12.9 Continued

The proposed Budget Timetable is shown below:

CITY OF BELMONT
TIMETABLE
2018-2019 BUDGET

1 February 2018	Commence March Budget Review on-line (Finance 1)
20 February 2018	Last day for Budget Review Information
20 February 2018	Budget Timetable Presented To Agenda Briefing Forum
27 February 2018	Budget Timetable endorsed by Council (this document)
1 March 2018	Commence Salaries Worksheets (Finance 1)
13 March 2018	Information Forum to consider March Budget Review
16 March 2018	Final date to complete Salaries Worksheets
19 March 2018	Commence Annual Budget update on-line (Finance 1) Commence review of Fees and Charges (shared Excel file)
21 March 2018	Business cases to be supplied to Manager Finance for all proposed new capital (i.e. improvements - not renewals) and operational items of a material nature.
27 March 2018	OCM - Full Council – March Budget Review
28 March 2018	Proposed 2018-2019 Capital Works Programme as per Asset Management Plans and Upgrades to be discussed at ELT (Performance Management) with relevant managers.
10 April 2018	Information Forum to consider Proposed 2018-2018 Capital Works Programmes as per respective Asset Management Plans
19 April 2018	Last day for on-line Annual Budget update Last day for review of Fees and Charges
27 April 2018	Last day to send Budget Review to the Department of Local Government
3 May 2018	First draft of Budget available to the Executive Leadership Team
5 June 2018	Special Information Forum to be advised of Divisional Budgets, Rate Setting Information and Fees and Charges
12 June 2018	Information Forum follow-up of Divisional Budgets, Rate Setting Information and Fees and Charges (if required)
26 June 2018	OCM - Full Council – to adopt Rate Setting Budget
30 June 2018 – 21 July 2018	Statutory advertising period commences for proposed differential rates (21 days)
23 July 2018	Closure of Rate Submissions and Assessment of Submissions
24 July 2018	OCM - Full Council – formal adoption of 2018-2018 Budget
13 August 2018	Rates issue date
23 August 2018	Last day to send Budget to the Department of Local Government
3 September 2018	Commence October Budget Review on-line (Finance 1)
17 September 2018	Rates Due Date (35 days following issue date)
20 September 2018	Last day for October Budget Review Information
9 October 2018	Information Forum to consider October Budget Review
5 December 2018	ELT to consider business cases as presented by respective Manager's for new capital projects in preparation for the 2019-2020 budget

Item 12.9 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

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

OFFICER RECOMMENDATION

That Council endorse the 2018-2019 Annual Budget Timetable.

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

12.10 TENDER 11/2017 - SUPPLY, INSTALLATION AND MAINTENANCE OF CCTV SYSTEMS

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 1 – Item 12.10 refers	<u>Tender 11/2017 Price Schedule</u>
Confidential Attachment 2 – Item 12.10 refers	<u>Tender 11/2017 Evaluation Matrix</u>

Voting Requirement : Simple Majority
Subject Index : 114/2017-11
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 11/2017 - Supply, Installation and Maintenance of CCTV Systems.

Item 12.10 Continued

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite and evaluate tenders and includes a recommendation to award Tender 11/2017 in accordance with the requirements of the *Local Government Act 1995*.

The contract is for the maintenance of existing Closed-Circuit Television (CCTV) systems and the supply and installation of new projects for a period of two years with the option of two, one year extensions at the sole discretion of the City.

Sixteen prospective tenderers downloaded the tender documents from the City's eTendering portal and five responses were received from:

- BJ Systems
- Dataline Visual Link Pty Ltd
- Downer EDI Engineering Power Pty Ltd
- Edge Security Professionals Pty Ltd
- Zenien.

LOCATION

Not applicable.

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: Create a city that leads to feelings of wellbeing, security and safety.

Strategy: The City will continue to design and implement programs which enhance safety, security and wellbeing in the community.

Corporate Key Action: Implement Community Safety and Crime Prevention Plan.

POLICY IMPLICATIONS

BEXB28–Purchasing

POLICY OBJECTIVE

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

Item 12.10 Continued

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government 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

The City currently operates over 350 CCTV cameras which require maintenance and there is scope to expand the existing network. The City’s three security vehicles are also equipped with CCTV cameras which require maintenance and changeover when the vehicles are replaced.

The existing CCTV system uses Milestone Systems open platform IP video management software with data transmitted back to the Civic Centre to allow for the viewing of live footage.

Although the Western Australian Local Government Association (WALGA) has a preferred supplier panel for CCTV systems, only two of the panel members are certified Milestone resellers. An invitation to tender for the Supply, Installation and Maintenance of CCTV Systems was therefore advertised in the West Australian newspaper on Saturday, 28 October 2017 and closed on Tuesday, 14 November 2017 at 3pm.

OFFICER COMMENT

The Evaluation Committee consisted of the Coordinator Contracts and Tenders, Coordinator Community Safety and Acting Manager Health and Community Safety.

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

	CRITERIA	WEIGHTING
1	Company Profile	20%
2	Experience	20%
3	Company Capacity	20%
4	Methodology	5%
5	Suitability	5%
6	Safety	20%
7	Price	10%
	TOTAL	100%

Of the five respondents who submitted a tender, BJ Systems and Dataline Visual Link are in the process of obtaining Milestone certification, although to what level is not known. Downer EDI has a Milestone Certified Technician on their team and Zenien is a Milestone Platinum Reseller indicating that they have received the highest level of training and certification and have the experience and skills to handle projects of any complexity working with Milestone products.

Item 12.10 Continued

Zenien has been working with the City since 2009 when they installed the first CCTV cameras at Kooyong Road. Since then they have designed, installed and maintained the entire network of cameras and have detailed knowledge of the system. Their tender submission demonstrates that, as a WALGA preferred supplier, they have significant experience in installing and maintaining CCTV systems for local governments and the majority of their personnel are certified Milestone engineers and / or technicians. Their methodology indicates that they have a sound understanding of issues not only relevant to installing and maintaining a network of cameras but also those specific to local governments, such as the WA State CCTV Strategy.

Having assessed all tender responses the Evaluation Panel consider Zenien to be the most advantageous supplier as evidenced by the score on the Evaluation Matrix (refer [Confidential Attachment 2](#)).

FINANCIAL IMPLICATIONS

The budget for the current financial year includes \$75,000 for CCTV maintenance and security vehicles and \$219,000 for capital works. There are plans to extend the network system though future projects will depend on annual budgets and funding available to the City.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

The CCTV network contributes to the City of Belmont's objective to evoke feelings of wellbeing, security and safety within the community.

OFFICER RECOMMENDATION

That Council:

- 1. Accept the tender submitted by Zenien for Tender 11/2017 - Supply, Installation and Maintenance of CCTV Systems as specified and in accordance with the schedule of rates provided as the most advantageous solution; and***
- 2. Award the contract to Zenien for an initial term of two years with two, one year extension options at the sole discretion of the City.***

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

12.11 ACCOUNTS FOR PAYMENT – DECEMBER 2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 15 – Item 12.11 refers	Accounts for Payment - December 2017

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

COUNCIL ROLE

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

PURPOSE OF REPORT

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 12.11 Continued

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications associated with this report.

POLICY IMPLICATIONS

There are no significant policy implications associated with this report.

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	787602 to 787633	\$246,894.87
Municipal Fund EFTs	EF053512to EF053967	\$4,024,042.22
Municipal Fund Payroll	December 2017	\$1,526,991.76
Trust Fund EFTs	EF053519 to EF053520	\$97,203.64
Total Payments for December 2017		<u>\$5,895,132.49</u>

Item 12.11 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for December 2017 as provided under [Attachment 15](#) be received.

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

12.12 ACCOUNTS FOR PAYMENT - JANUARY 2018

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 16 – Item 12.12 refers	Accounts for Payment - January 2018

Voting Requirement	:	Simple Majority
Subject Index	:	54/007 – Creditors – Payment Authorisations
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

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*.

LOCATION

Not applicable.

Item 12.12 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

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	787634 to 787662	\$211,553.36
Municipal Fund EFTs	EF053968 to EF054338	\$2,832,344.59
Municipal Fund Payroll	January 2018	\$1,571,029.92
Trust Fund EFTs	EF054048 to EF054049	\$23,130.81
Total Payments for January 2018		<u>\$4,638,058.68</u>

FINANCIAL IMPLICATIONS

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

Item 12.12 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for January 2018 as provided under [Attachment 16](#) be received.

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

12.13 MONTHLY ACTIVITY STATEMENT AS AT 31 DECEMBER 2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 17 – Item 12.13 refers	<u>Monthly Activity Statement as at 31 December 2017</u>

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

LOCATION

Not applicable.

Item 12.13 Continued

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 policy implications associated with this report.

STATUTORY ENVIRONMENT

Section 6.4 of the *Local Government Act 1995* in conjunction with Regulations 34(1) of the *Local Government (Financial Management) Regulations 1996* requires monthly financial reports to be presented to Council.

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

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

BACKGROUND

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

OFFICER COMMENT

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

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

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

Item 12.13 Continued

The monthly financial report is to be accompanied by:

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

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

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

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

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

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Finance Department	114,368	39,582	Fleet expected to be purchased later in the year.
Technical Services	116,347	39,353	Foreshore restoration / erosion control projects are currently under budget.
Road Works	3,865,945	2,226,830	Variance mainly relates to the Surrey Road Bike Boulevard which is pending planning approval from Main Roads WA.
Footpath Works	441,961	79,970	Variance relates to the budget spread of certain projects.
Drainage Works	540,133	299,718	Variance relates to the budget spread of certain projects.
Operations Centre	568,148	336,496	Plant purchases are under budget.
Building Control	72,941	Nil	Fleet expected to be purchased later in the year.
Building Operations	4,474,327	665,635	Variance relates to the construction of the new Community Centre that is to begin later than expected.
Expenditure - Operating			
Computing	1,414,298	1,340,930	Software maintenance costs are currently under budget.
Marketing and Communications	581,208	489,060	Variance mainly relates to community survey costs.
Executive Services	884,528	798,333	Employee costs are under budget.
Governance	2,038,337	1,811,259	Variance predominantly relates to Activity Based Costing allocations (ABC's).
Rangers	481,297	416,084	Employee costs are under budget.
Health	658,896	594,147	Employee costs are under budget.
Aboriginal Strategies	141,579	89,744	Employee costs are under budget.
Community Services	486,487	420,332	Consulting costs are under budget.
Community Lifestyle and Learning	186,471	130,324	Employee costs are under budget.

Item 12.13 Continued

Report Section	Budget YTD	Actual YTD	Comment
Belmont HACC Services	1,391,395	1,302,444	Employee costs are under budget.
Faulkner Park Retirement Village	80,000	151,900	Additional contributions required for refurbishments.
Town Planning	1,602,148	1,520,535	Variance mainly relates to consulting costs.
Sanitation Charges	2,510,367	2,418,078	Invoices are paid one month in arrears.
Donations and Grants	250,720	166,040	Budget spread issue regarding MOU payments.
Community and Recreation Service	581,821	491,679	Employee related and public art costs are under budget.
Building - Active Reserves	419,331	362,535	Building maintenance costs are currently under budget.
Grounds Operations	2,774,650	2,551,050	Invoices are paid one month in arrears.
Grounds - Active Reserves	465,505	594,874	Turf maintenance costs are above budget following a change in contractor and tender rates.
Road Works	495,373	431,102	Maintenance costs are currently under budget.
Building Operations	517,047	458,740	Consulting costs are under budget.
Technical Services	1,369,727	1,256,341	Consulting costs are under budget.
Revenue - Capital			
Road Works	(1,245,094)	(1,347,698)	Road grants are above budget.
Operations Centre	(241,818)	(121,134)	Plant disposals are under budget.
Building Operations	(15,025,000)	(32,273)	New loan borrowings have been approved and will be received in May 2018.
Revenue - Operating			
Computing	(1,192,070)	(1,340,930)	ABC recoveries are above budget.
Accommodation Costs	(324,540)	(256,287)	ABC recoveries are below budget.
Rates	(46,728,248)	(47,199,742)	Interim rates are currently above budget.
Financing Activities	(244,412)	(416,750)	Variance is simply a result of the timing of term deposits maturing.
Faulkner Park Retirement Village	(100,000)	(160,570)	Income from unit sales is above budget.
Town Planning	(764,629)	(633,025)	ABC recoveries and application fee income are below budget.
Building Control	(267,941)	(208,890)	Application fee income is below budget.
Public Works Overheads	(802,401)	(680,868)	Overhead recoveries are currently below budget.
Plant Operating Costs	(859,770)	(715,571)	Plant recoveries are currently below budget.

Item 12.13 Continued

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 December 2017	\$	Comment
Cash and investments	75,973,517	Includes municipal and reserves
- less non rate setting cash	(45,880,202)	Reserves
Receivables	10,931,594	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(1,873,309)	ESL Receivable
Stock on hand	212,817	
Total Current Assets	39,364,417	
Current Liabilities		
Creditors and provisions	(8,892,864)	Includes ESL and deposits
- less non rate setting creditors and provisions	4,620,019	Cash Backed LSL, current loans and ESL
Total Current Liabilities	(4,272,845)	
Nett Current Assets 31 December 2017	35,091,572	
Nett Current Assets as Per Financial Activity Report		
Nett Current Assets as Per Financial Activity Report	35,091,572	
Less Restricted Assets	(1,565,946)	Unspent grants held for specific purposes
Less Committed Assets	(33,025,627)	All other budgeted expenditure
Estimated Closing Balance	500,000	

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 December 2017 as included in [Attachment 17](#) be received.

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

12.14 MONTHLY ACTIVITY STATEMENT AS AT 31 JANUARY 2018

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 18 – Item 12.14 refers	<u>Monthly Activity Statement as at 31 January 2018</u>

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

LOCATION

Not applicable.

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 policy implications associated with this report.

STATUTORY ENVIRONMENT

Section 6.4 of the *Local Government Act 1995* in conjunction with Regulations 34 (1) of the *Local Government (Financial Management) Regulations 1996* requires monthly financial reports to be presented to Council.

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

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

BACKGROUND

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

OFFICER COMMENT

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

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

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

The monthly financial report is to be accompanied by:

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

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

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

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

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

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Finance Department	114,368	39,582	Fleet expected to be purchased later in the year.
Governance	61,262	1,703	Fleet expected to be purchased later in the year.
Technical Services	137,596	45,775	Foreshore restoration/erosion control projects are currently under budget.
Grounds Operations	657,815	529,905	Playground renewal programme is currently under budget.
Road Works	7,187,768	2,617,399	Variance mainly relates to the Surrey Rd Bike Boulevard and Belmont Ave upgrade.
Footpath Works	612,638	107,030	Variance relates partially to outstanding invoices although some projects are to be reduced during the budget review.
Drainage Works	632,464	323,689	Variance relates to the budget spread of certain projects.
Operations Centre	719,003	369,751	Plant purchases are under budget.
Building Control	72,941	Nil	Fleet expected to be purchased later in the year.
Building Operations	6,093,011	738,093	Variance relates to the budget spread of the new Community Centre.
Expenditure – Operating			
Marketing and Communications	648,820	563,270	Variance mainly relates to community survey costs.
Executive Services	1,015,850	927,310	Employee costs are under budget.
Governance	2,355,555	2,077,813	Variance predominantly relates to Activity Based Costing allocations (ABC's).
Rangers	555,616	487,505	Employee costs are under budget.
Health	756,571	684,111	Employee and legal costs are under budget.
Aboriginal Strategies	158,919	99,497	Employee costs are under budget.

Report Section	Budget YTD	Actual YTD	Comment
Community Services	548,736	491,097	Consulting costs are under budget.
Community Lifestyle and Learning	213,787	146,761	Employee costs are under budget.
Belmont HACC Services	1,606,174	1,502,423	Employee and training costs are under budget.
Faulkner Park Retirement Village.	80,000	151,900	Additional contributions required for refurbishments.
Town Planning	1,882,829	1,771,108	Variance mainly relates to consulting costs.
Sanitation Charges	2,879,988	3,010,029	Currently over budget but expected to be within budget over the year.
Donations and Grants	265,440	188,560	Budget spread issue regarding MOU payments.
Community and Recreation Service	641,899	551,400	Employee related and public art costs are under budget.
Building - Active Reserves	468,663	390,284	Building maintenance costs are currently under budget.
Grounds Operations	3,169,666	2,997,391	Invoices are paid one month in arrears.
Grounds - Active Reserves	576,619	723,560	Turf maintenance costs are above budget following a change in contractor and tender rates.
Road Works	575,751	507,408	Maintenance costs are currently under budget.
Streetscapes	578,119	662,770	Budget spread issue regarding verge and street tree maintenance.
Building Control	793,287	740,627	Employee costs are under budget.
Building Operations	582,062	515,140	Consulting costs are under budget.
Plant Operating Costs	701,245	645,534	Employee costs are under budget.
Technical Services	1,575,773	1,452,010	Consulting costs are under budget.
Revenue - Capital			
Property and Economic Development	Nil	(3,150,000)	Sale of land budgeted later in the financial year.
Road Works	(1,266,894)	(1,464,533)	Road grants are above budget.
Operations Centre	(301,121)	(144,837)	Plant disposals are under budget.
Building Operations	(15,025,000)	(32,273)	New loan borrowings have been approved and will be received in May 2018.
Revenue - Operating			
Computing	(1,390,748)	(1,500,259)	ABC recoveries are above budget.
Human Resources	(803,361)	(752,958)	ABC recoveries are below budget.
Accommodation Costs	(378,631)	(313,389)	ABC recoveries are below budget.
Rates	(46,896,547)	(47,322,418)	Interim rates are currently above budget.
Financing Activities	(497,970)	(555,880)	Variance is simply a result of the timing of term deposits maturing.
Faulkner Park Retirement Village.	(100,000)	(160,570)	Income from unit sales is above budget.
Town Planning	(892,068)	(720,479)	ABC recoveries and application fee income are below budget.
Building Control	(309,947)	(230,228)	Application fee income is below budget.

Report Section	Budget YTD	Actual YTD	Comment
Public Works Overheads	(942,852)	(777,741)	Overhead recoveries are currently below budget.
Plant Operating Costs	(1,006,873)	(923,928)	Plant recoveries are currently below budget.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 January 2018	\$	Comment
Cash and investments	82,265,304	Includes municipal and reserves
- less non rate setting cash	(45,880,202)	Reserves
Receivables	6,103,245	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(1,085,459)	ESL Receivable
Stock on hand	210,799	
Total Current Assets	41,613,687	
Current Liabilities		
Creditors and provisions	(10,953,383)	Includes ESL and deposits
- less non rate setting creditors and provisions	4,421,593	Cash Backed LSL, current loans and ESL
Total Current Liabilities	(6,531,789)	
Nett Current Assets 31 January 2018	35,081,898	
Nett Current Assets as Per Financial Activity Report	35,081,898	
Less Restricted Assets	(1,790,275)	Unspent grants held for specific purposes
Less Committed Assets	(32,791,622)	All other budgeted expenditure
Estimated Closing Balance	500,000	

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 January 2018 as included in [Attachment 18](#) be received.

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

13 REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Cr Cayoun requested leave of absence for the period 12 April 2018 to 2 May 2018 inclusive.

POWELL MOVED, ROSSI SECONDED,

That Cr Cayoun be granted leave of absence for the period 12 April 2018 to 2 May 2018 inclusive.

CARRIED 9 VOTES TO 0

13.2 NOTICE OF MOTION (Cr Rossi) – RESTRICTION ON MULTIPLE DWELLING DEVELOPMENTS

BUILT BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	35/002–Notices of Motion
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	NA
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider a Notice of Motion prepared by Councillor (Cr) Rossi regarding a request for Council to direct the Chief Executive Officer (CEO) to investigate the implementation of the removal of the provision for multiple dwelling developments from R20/40 zones and only allowing multiple dwelling developments within a 400 metre radius of the Town Centre in the R20/50/100 zone and specific zones as prescribed by Council.

Item 13.2 Continued

SUMMARY AND KEY ISSUES

Cr Rossi has submitted a Notice of Motion to be presented to the 27 February 2018 Ordinary Council Meeting for Council to consider directing the CEO to investigate removal of the provision for multiple dwelling developments from R20/40 zones, and only allowing multi-unit developments within a 400 metre radius of the Town Centre in R20/50/100 zones and specific zones as prescribed by Council.

The Notice of Motion requests that Council direct the CEO to write to the Western Australian Planning Commission (WAPC) and the Honourable Minister for Transport, Planning and Lands advising that the City will be working towards this approach due to the adverse impacts being experienced by the inappropriate number and location of multiple dwelling developments in the City's R20/40 zones.

The Notice of Motion also requests that copies of all correspondence and information be provided to the Member for Belmont.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

Western Australian Planning Commission – State Planning Policy 3.1 (Residential Design Codes)

The WAPC *State Planning Policy 3.1 Residential Design Codes* (R-Codes) provides the basis for the control of residential development throughout the State. The R-Codes provides for:

- Multiple dwelling developments from an R10 density code to R160 density.
- The control over the number of dwellings within a development being based on an average site area between the R10 to R35 codes and, on the basis of plot ratio (with minimum dwelling size of 40 square metres) between the R40 to R160 code.

Item 13.2 Continued

Perth and Peel @ 3.5 Million

Perth and Peel @ 3.5 million is a suite of documents that aim to address the challenge of supporting a predicted increase in population to 3.5 million by 2050. The aims of Perth and Peel @ 3.5 million are delivered via the Draft Central Sub-Regional Planning Framework, which aims to provide opportunities for higher density residential development particularly around activity centres, station precincts and along high frequency public transport routes. The planning framework provides requirements for housing choice, various density, and setting specific population and density targets for local government.

City of Belmont

Local Planning Policy No. 1 *Performance Criteria–Town Centre Density Bonus Requirements* provides the basis for assessment of residential development in excess of the R50 density code within the R20/50/100 zone around the Town Centre.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

The procedure for amending a local planning scheme is outlined under *Part 5–Amending Local Planning Scheme* of the *Regulations*.

The procedure for the review and consolidation of a local planning scheme is outlined under *Part 6–Review and Consolidation of Local Planning Schemes* of the *Regulations*.

Local Planning Scheme No. 15

The City of Belmont Local Planning Scheme No. 15 (LPS15) - Clause 5.2 *Residential Design Codes* requires residential development to conform to the provisions of the R-Codes. The LPS15 provides for a range of densities within the Residential zone of the City, which includes R12.5, R20, R20/40, R40, R20/60, R100 and R20/50/100. The residential density provisions within non-residential zones is controlled by a specific Local Planning Policy (e.g. The Springs Design Guidelines) and/or within Scheme provisions within the non-residential zones.

The R20/40 zones within LPS15 are centred around local and neighbourhood commercial centres and public transport routes, which accords with State Planning Policies and direction.

Local Planning Scheme No. 15 provides for multiple dwelling developments as a discretionary (D) land use within the following zones: Residential, Town Centre, Commercial, Mixed Use, Special Development Precinct and a Discretionary (A) land use in the Mixed Business zone.

Clause 5.7.3 of LPS15 outlines the planning criteria to assess residential development within any flexible coded area (i.e. R20/40, R20/60, R20/50/100) where the development is above the base code of R20 and up to a maximum density of R50. This clause predominantly controls the built form, number of crossovers and sets a minimum lot frontage of 16 metres.

Item 13.2 Continued

BACKGROUND

A number of concerns have been raised from residents in the City about the impact of multiple dwellings, particularly the perceived incompatibility of such development with existing single houses and grouped dwellings in the area. Residents have raised concern that the size and scale of multiple dwelling developments unreasonably over-shadow and over-look their property, impacting on their access to sunlight as well as impinging on their privacy. There is also concern that the R-Codes do not require sufficient car parking to be provided for multiple dwelling developments which results in parking along the streets. This is felt by residents to adversely impact on the character of the street.

OFFICER COMMENT

The review of LPS15 and associated strategy documents that support the Scheme (including the City's Local Housing Strategy) is expected to commence around April 2018 and extend over three to five years. This review will investigate the residential development that has occurred within the flexible coded R20/40 and R20/50/100 residential areas since the December 2011 gazettal of LPS15. Local Planning Scheme No. 15 included Clause 5.7.3 which specifically enabled multiple dwellings within these codes.

The introduction of multiple dwellings into the flexible coded areas was also affected by WAPC modifications to *State Planning Policy 3.1 R-Codes*. The modifications included a reduction in parking requirements for dwellings within 250 metres of a high frequency bus route and the removal of site area requirements for multiple dwelling developments at R40. The latter modification removed the certainty of a maximum number of dwellings based on the R-Code minimum/average site areas. Consequently, the development potential of a site became largely influenced by a minimum dwelling size of 40 square metres, the provision of parking on site (often reduced to one bay per dwelling) and other R-Code development criteria.

It is noted that some sectors of the public, local government and/or planning profession have the opinion that the development of multiple dwellings within an existing residential area is undesirable. This perception may arise due to a range of matters such as the resultant built form, parking shortfall, reduced landscaping and reduced privacy for adjacent residents. At this stage, there has not been any research in these matters specifically for the City of Belmont. However, it is recognised that the provision of multiple dwellings within the City of Belmont also provides positive aspects which include improved and increased range of housing choice, redevelopment of older sites, housing affordability and supports adjacent public transport routes and local commercial centres.

Any proposal to remove the current provision for multiple dwellings within the R20/40 code should not be undertaken in a single ad hoc approach. It is essential that any changes to planning provisions which relate to zoning, residential density, dwelling type (i.e. grouped dwellings, multiple dwellings), built form and other development standards be undertaken in a considered, comprehensive and planned approach across the City.

It is noted that there has been a recent decline in the number of multiple dwelling applications – likely influenced by the reported general oversupply of multiple dwellings, the downturn and uncertainty in the economy and the reduced ability for investors to obtain finance for developments. Notwithstanding this, it is necessary to commence the investigative work now and gain the support of the WAPC to ensure that further appropriate multiple dwelling developments do not continue to occur in the future. The review of the LPS15 and Local Housing Strategy should therefore be prioritised.

Item 13.2 Continued

FINANCIAL IMPLICATIONS

The City will incur costs associated with the review of the LPS15 and associated planning strategies (e.g. Housing Strategy) which arise from the engagement of consultants and/or temporary planning staff to review the Scheme and/or strategies, public consultation and mapping.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications at this time.

COUNCILLOR RECOMMENDATION

That Council directs the Chief Executive Officer to:

- A. Commence investigation as a priority in the review of Local Planning Scheme No. 15 to work towards the implementation of the removal of multi-units from the 20/40 zone and allow multi-units only within a 400 metre radius of the Town Centre in the 60/100 zoning and in special zones as prescribed by Council.
- B. Write to the Western Australian Planning Commission and the Honourable Minister for Transport, Planning and Lands to advise that the City will be working towards:
 - The implementation of the removal of multi-units from the 20/40 zone.
 - Allowing multi-units only within a 400 metre radius of the Town Centre in the 60/100 zoning and in special zones as prescribed by Council.

This approach is being pursued on the basis of the adverse impacts being experienced by inappropriately located and numbers of multi-units in the City's R20/40 coded areas.

- C. Provide a copy of any correspondence and/or information to the local Member for Belmont.

Reason:

Urgency is needed to stop multi-units encroaching with adverse impacts into all parts of the City. Without the Western Australian Planning Commission's support this amendment will fail as the Planning Commission must give the tick of approval for Council to implement it. Also, to wait for the full review of the City's Town Planning Scheme could take up to five years and is an unreasonable timeframe, as these developments continue to pop up throughout the City. A loophole in Residential Design Code standards that allows a greater number of multiple dwellings than it does grouped dwellings is not what our current Scheme or our community envisaged. The Character of our City is slowly being eroded.

Item 13.2 Continued

ALTERNATIVE COUNCILLOR MOTION

ROSSI MOVED, DAVIS SECONDED,

That Item 13.2 Notice of Motion (Cr Rossi) – Restriction on Multiple Dwelling Developments be deferred to the March Information Forum to allow all Councillors an opportunity to familiarise themselves with the issues surrounding this matter with subsequent Notice of Motion being presented to the Ordinary Council Meeting in March 2018.

CARRIED 9 VOTES TO 0

Reason:

To allow all Councillors the opportunity to gain as much information as possible in respect to the matter.

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15 CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 8.18pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held on 27 February 2018 were confirmed as a true and accurate record at the Ordinary Council Meeting held 27 March 2018:

Signed by the Person Presiding: _____



PRINT name of the Person Presiding: _____ PHILIP MARKS

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