



City of Belmont
ORDINARY COUNCIL MEETING
MINUTES
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27 March 2018

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CONFIDENTIAL ATTACHMENTS INDEX

Confidential Attachment 1 – Item 12.4 refers
Confidential Attachment 2 – Item 12.4 refers
Confidential Attachment 3 – Item 12.5 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
Mrs J Hammah	Director Community and Statutory Services
Mr J Olynyk, JP	A/Director Corporate and Governance
Mr M Ralph	A/Director Technical Services
Ms L Bradley	Manager Marketing and Communications
Mr S Monks (<i>dep 8.31pm & did not return</i>)	Manager Finance
Mrs M Lymon	A/Manager Governance
Ms D Morton	Media and Communications Officer
Ms S D'Agnone	Governance Officer

MEMBERS OF THE GALLERY

There were 15 members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

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

Mr R Garrett (Apology)
Mr R Lutey (Apology)

Director Corporate and Governance
Director Technical Services

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

Nil.

4.2 DISCLAIMER

7.09pm The Presiding Member drew the public gallery's attention to the Disclaimer.

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

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

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

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Ms B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE

The following questions were taken on notice at the 27 February 2018 Ordinary Council Meeting. Ms Scharfenstein was provided with a response on 13 March 2018. The response from the City is recorded accordingly:

- 1(a) 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?
- 1(b) 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?
2. When was the latest traffic count?

Response

Due to the initial road works and construction activities associated with the Central Avenue link to Dunreath Drive in 2016, there were many traffic impacts on local roads such as Stanton Avenue, Second Street, Kanowna Avenue and Boulder Avenue during this construction phase.

The closure of Brearley Avenue in February 2017 subsequently provided additional traffic impacts on all of these local streets, in particular Boulder Avenue, as a new link opportunity through to the Airport.

As the City awaits a decision on the closure of Brearley Avenue, the traffic movements on all of these local streets are recognised as not operating under the normal road network environment. Should Brearley Avenue be closed, the City will be undertaking an extensive traffic assessment for DA6, which will include traffic counts on all streets within DA6.

In the meantime we can provide some existing traffic count information, however, on the basis that this information does not represent the usual operational situation until the Brearley Avenue closure:

- **Stanton Road (between Epsom Avenue and Tonkin Highway): 7,191 vehicles per day (August 2017)**
 - **Second Street (between Tonkin Highway and Central Avenue): 5,107 vehicles per day (December 2016)**
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?

Item 5.1.1 Continued

Response

The City has not received any formal road complaints about traffic congestion at this location. The only known incident involved the driver of a Transperth Bus on Stanton Road, which is currently being investigated further by the City's Rangers. The City continues to work collaboratively with the School Principal on all traffic and parking issues as this school has increased in size over the recent years.

All schools within the metropolitan area experience some form of traffic and parking issues during the peak operational times. The City works with the appropriate school administration should issues arise. The City continues to have a positive and collaborative relationship with the administration of both Redcliffe Primary School and St Maria Goretti's School.

5.1.2 MR R FOSTER, 140 COOLGARDIE AVENUE, REDCLIFFE

The following questions were taken on notice at the 27 February 2018 Ordinary Council Meeting. Mr Foster was provided with a response on 13 March 2018. The response from the City is recorded accordingly:

1. Why does the City of Belmont support opening a dangerous intersection on Great Eastern Highway with a stop sign and closing a road less than 45 metres away with traffic lights?

Response:

The Boulder Avenue/Great Eastern Highway intersection, where Main Roads WA (MRWA) have provided an additional left in arrangement, is supported by the City. This provides additional access, to service the businesses along this section of Great Eastern Highway.

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 thru suburban streets?

Response

The City is currently only aware of the 'rat run' which currently impacts the residents of Boulder Avenue, from southbound Brearley Avenue traffic, currently travelling towards the airport. This issue was clearly highlighted by the City to MRWA and other parties as a consequence of leaving Brearley Avenue open to First Street.

If you are suggesting, that the proposed interim access, from First Street to Boulder Avenue (subject to the closure of Brearley Avenue) will become a 'rat run' for north bound vehicles, the City does not believe this will be a traffic movement that will create a significant volume of traffic wishing to undertake this route. It is noted that this interim solution is as a consequence of the decision to leave Brearley Avenue open to First Street. The ultimate DA6 Vision Plan is to construct a link road from Boulder Avenue to Kanowna Avenue East, which will further negate the likelihood of traffic using this route as a 'rat run' to Great Eastern Highway.

Item 5.1.2 Continued

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?

Response

The predominant rat running movement that currently exists is from east bound traffic on Great Eastern Highway, which historically has used Brearley Avenue to access the Airport, and are still able to use Brearley Avenue as a rat run through Boulder Avenue and Central Avenue instead of using the designated route via Tonkin Highway.

The formal closure of Brearley Avenue at Great Eastern Highway will physically not allow these movements to occur and thus minimise the current rat running that exists through Boulder.

The use of Epsom Avenue and Stanton Road has always historically had a connection through to the original Brearley Avenue and link into the airport. This existing traffic connection has now been replicated, with the addition of the Central Avenue extension to the airport in lieu of the closed section of Brearley Avenue. Should Brearley Avenue be closed at Great Eastern Highway, MRWA will be able to provide significant lane modifications at the Great Eastern Highway/Tonkin Highway interchange to provide greater efficiencies through this interchange and further promote the use of the dedicated access to Tonkin Highway and onto the airport.

Whilst there are physical constraints with the existing bridge, MRWA also have long term planning in place for major interchange improvements, which will provide further access opportunities onto and off Tonkin Highway for airport connections.

It is important to note that the City has always recognised that with any redevelopment to the Redcliffe Area, there will be a graduated increase of traffic using Stanton Road. As with any road experiencing a growth pattern, traffic investigations and consideration of any further traffic treatments will be considered.

4. Wouldn't the closing of Central Avenue at the Perth Airport Estate solve all the rat running issues, particularly the Epsom/Stanton/Central rat run?

Response:

The closure of Central Avenue at the Perth Airport Estate would deny residents of Redcliffe and Belmont local access to the airport for work, transport and shopping opportunities into the future.

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

The following questions were taken on notice at the 27 February 2018 Ordinary Council Meeting. Dr Mossenson was provided with a response on 13 March 2018. The response from the City is recorded accordingly:

1. 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

Following an extensive consultation process in 2016, the City adopted the DA6 Vision Plan, which at its core design, included the full closure of Brearley Avenue. Prior to that adoption, the City and the DA6 Community Reference Group were presented with traffic modelling information from Main Roads and the Perth Transport Authority's Traffic Consultant in regards to the closure of Brearley Avenue, and also 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 Masterplan.

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 need 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.

- 2(a) 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?
- 2(b) If the answer is yes, what is the result of that advice and why has it not been made public?

Response

Your question is not totally clear in regards to what you mean by 'claims for damages which may arise as a result of the proposed closure of Brearley Avenue.'

In regards to the decision to close Brearley Avenue:

As Brearley Avenue is a State Government road, under the care and control of MRWA, it is ultimately up to that agency and the Minister to make that final decision. As the City does not have a role in this closure process, the City has not sought any legal advice on possible claims for damages.

Item 5.1.3 Continued

Should you mean claims or damages resulting from any future road upgrades/modifications to existing local roads, as part of the future implementation of DA6 Structure Plan:

Until the Structure Plan is fully developed and specific road configurations are defined, it is premature to speculate on possible claims for damages which may arise. Notwithstanding, the final design, layout and construction activities will meet the appropriate standards.

2(c) If the answer is no, why hasn't the City of Belmont obtained independent advice?

Response

Until a decision on the closure of Brearley Avenue is made and the full details of the future DA6 Structure Plan are developed, it would be premature to speculate on possible future claims or damage issues.

5.1.4 MR R BROINOWSKI, 66 ARMADALE ROAD, RIVERVALE

The following question was taken on notice at the 27 February 2018 Ordinary Council Meeting. Mr Broinowski was provided with a response on 13 March 2018. The response from the City is recorded accordingly:

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

Response

Following the appointment of a contractor for the implementation works of Stage 3, the City will be updating the residents and users of Copley Park on progress via our normal media channels including the website, social media, signage at the park and via a letter drop if considered appropriate.

5.1.5 MS L UGLE, 7 STANTON ROAD, REDCLIFFE

The following questions were taken on notice at the 27 February 2018 Ordinary Council Meeting. Ms Ugle was provided with a response on 12 March 2018. The response from the City is recorded accordingly:

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 Western Power standard for street lighting within residential areas allow for every second power pole to have a street light mounted on it. This is the standard adopted for most streets, including those around Belvidere Street. By contrast, the section of Belvidere Street between Epsom Avenue and Keymer Street has 10 power poles located on the north-west side of the road and each of them has a street light mounted on it.

Item 5.1.5 Continued

Therefore the lighting level of the Belvidere Street shopping precinct is double the Western Power standard and further enhanced by the lack of verge trees. This higher level of lighting may have the effect of making the standard lighting in surrounding streets with verge trees seem dim.

If there is an issue with the quality of one or some of the existing luminaires in any street it can be brought to the attention of the lighting provider, Western Power, by members of the public by visiting Western Power's website at <https://westernpower.com.au/power-outages/report-a-faulty-streetlight> or calling on 13 13 51.

2. 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 Alarm Assist Program was developed in 2009 and the main purpose for the program was to assist residents who would not normally be able to afford an alarm system to purchase a low cost alarm system and monitoring, through the City's preferred supplier. A service like this can however create a two tiered system where all ratepayers who can afford to pay for a security service or product will benefit and those who can't will lose out. As this really is not a core Council business this could open the City up to scrutiny from private service providers who lose customers or feel they are being undercut.

This type of program is very time consuming and difficult to manage. Officers have to deal with customer complaints, finance issues and performance issues in relation to the contractor all of which take up a disproportionate amount of Officers' time.

Home CCTV systems are readily available in retail outlets and online and aren't that expensive. Residents and businesses should make their own enquiries into a suitable system for their property. The City does offer a free security assessment at www.becrimefree.com.au, where a resident can either conduct the assessment themselves using the self-assessment form or they can request a visit from a Crime Prevention Officer to assess their premises.

5.1.6 Ms L Hollands, 2 Miller Avenue, Redcliffe

The following questions were taken on notice at the 27 February 2018 Ordinary Council Meeting. Ms Hollands was provided with a response on 6 March 2018. The response from the City is recorded accordingly:

1. How many times in the last four years has Councillor Ryan made a declaration regarding Planning and Development?

Response

The City's record shows that Cr Ryan had made no declarations in the last four years relevant to planning and development.

Item 5.1.6 Continued

2. Is the list of declarations accurate? If so, why did last year's TAB declaration of Cr Ryan not appear on the list?

Response

The Elected Members Disclosure of Interest Register as it appears on the City's website is correct. Your question references "*last year's TAB declaration of Cr Ryan*". In 2017 the Council did not consider any reports dealing with the privatisation matter of the TAB and potential impacts on Perth Racing. This matter was last discussed by Council in September 2016, for which Cr Ryan declared an impartiality interest, and this appears on the Elected Members Disclosure of Interest Register on the City's website.

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 *Local Government Act 1995* places specific obligations on elected members who have financial, proximity or impartiality interest in an item before a meeting.

A. Direct and Indirect Financial Interests, and Proximity Interests

A financial interest occurs if the elected member, or a person closely associated with the elected member (such as a spouse or child living at home or the person's employer) has a matter before the Council which, if dealt with in a particular way, will result in a financial gain or loss to the elected member or the closely associated person.

The three key elements of this definition are:

- there must be a reasonable expectation of a financial gain or loss (it should not be too remote or speculative);
- the matter must be capable of being dealt with by the Council (such as by giving an approval or rejecting a recommendation); and
- the manner in which the matter is dealt with could result in financial gain or loss to the elected member or the closely associated person.

Having disclosed a financial interest in an item, the elected member is required to leave the meeting when that item is considered.

A proximity interest exists if the elected member, or a closely associated person, has an interest in a matter that concerns:

- a proposed change to a planning scheme affecting land that adjoins the person's land;
- a proposed change to the zoning or use of land that adjoins the person's land; or
- a proposed development of land that adjoins the person's land (development refers to the development, maintenance or management of the land or of services or facilities on the land).

Item 5.1.6 Continued

The existence of a proximity interest is established purely by the location of the land. A financial effect does not have to be established. Having disclosed a proximity interest in an item, the elected member is required to leave the meeting when that item is considered.

Please refer to the link below for further detail.

<https://www.dlqc.wa.gov.au/Publications/Pages/LG-Operational-Guidelines-20.aspx>

B. Impartiality Interests

In addition to financial interests, elected members are required to disclose interests which would also give rise to a reasonable belief that the impartiality of the member could be adversely affected when making a decision on an item.

The disclosure by an elected member of an impartiality interest does not stop them discussing, or voting on an item.

Please refer to the link below for further detail.

<https://www.dlqc.wa.gov.au/Publications/Pages/LG-Operational-Guidelines-01.aspx>

The responses to your question 3 as detailed above should not be considered as complete answers. The subject material dealing with Direct and Indirect Financial Interests and Proximity Interests as well as Impartiality Interests is extensive and complex and may be different from case to case depending upon the facts. The decision to make a declaration or not is the sole responsibility of each elected member.

5.1.7 MR M WREN, 23 DAYANA COURT, REDCLIFFE

The following question was taken on notice at the 27 February 2018 Ordinary Council Meeting. Mr Wren was provided with a response on 13 March 2018. The response from the City is recorded accordingly:

1. 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 City is investigating options with Western Power to extend the outreach of the light and/or move the pole to a more suitable location within the cul-de-sac.

5.1.8 Ms J GEE - 97 GABRIEL STREET CLOVERDALE

The following question was taken on notice at the 27 February 2018 Ordinary Council Meeting. Ms Gee was provided with a response on 9 March 2018. The response from the City is recorded accordingly:

1. *Regarding crime prevention in Belvidere Street*

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 e.g. lighting, position of bus stop. These are being brought to me as things that Council should look at.

Response

The City has eight CCTV cameras installed at the medical centre on Belvidere Street which provide good coverage of the main shopping area. The Police have identified approximately 40% of offenders from footage where incidents/ offenders have been caught on CCTV.

The City did investigate installing cameras in other locations on Belvidere Street however the owners of premises in some of the preferred locations refused to allow the City to do this. If the City was to install extra CCTV cameras on Belvidere Street without the support of the business community the cost for this would rise significantly.

The City's Community Watch patrols are targeting the area and reporting all incidents that they witness to the Police. Members of the public should also report all incidents that they witness to Police on 131 444 and the Community Watch 1300 655 011. This then gives police a chance to respond within an appropriate timeframe. The City is also using its variable message sign (VMS) in the area reminding the community to report all incidents to police and the Community Watch patrols.

The City will continue to work with Belmont Police to address the community concerns on Belvidere Street.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.10pm 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 six members of the public who had given prior notice to ask questions.

5.2.1 MS M SALDANHA, 63A WESTON STREET, CARLISLE, OWNER OF 337 SYDENHAM STREET, BELMONT

1. How much has the Council spent on legal fees to date on the case of City of Belmont vs Saldanha?

Response

The Chief Executive Officer advised that legal expenses to date are \$521,480.

2. Why did the City choose to spend the huge amount on lawyers when they could have spent the same amount on resolving the access, safety and security issues for the owners of 2/339, 9/339 and 337 Sydenham Street?

Response

The Chief Executive Officer advised that in 1993 the then owner of 337 Sydenham Street (Mr Callaghan) sought to develop a triplex solely on his site prior to the development of an Outline Development Plan to address development on his site and the adjoining site at 339 Sydenham Street.

Subsequently, to allow the development to occur on 337 Sydenham Street, a condition was imposed requiring an easement to allow future sharing of access with the neighbouring property at 339 Sydenham Street. The easement was subsequently used by persons authorised by the City as the only means of access to the dwellings on the rear strata lots at 339 Sydenham Street when they were developed in 1995-1996.

Ms Saldanha and Mr Chia became the registered owners of 337 Sydenham Street on 8 August 2014. On 28 August 2014, twenty-one years after the easement was imposed, and after nineteen years of the easement working effectively to provide shared access between adjoining lots, Ms Saldanha and Mr Chia pursued their intention of withdrawing the easement.

The issue was considered by a trial judge who rejected the proposal that the easement should be removed and awarded costs to the City.

Ms Saldanha subsequently appealed to the Supreme Court of WA against the trial judge's finding. The Supreme Court of WA in January 2018 found that there was no basis to overturn the decision by the trial judge and dismissed the appeal.

The appeal outcomes included rulings on the following:

- The appellants' application under S129C of the Transfer of Land Act 1893 seeking to have easement removed from the title.
- Whether the deed granting the easement was valid and enforceable.
- Whether S33A of the Public Works Act 1902 and S195 of the Land Administration Act 1997 limited easements for the purpose of Public Works
- The effect of indefeasibility provisions of Transfer of Land Act
- Whether the trial judge erred in ordering the appellants to pay the first respondents costs.

Item 5.2.1 Continued

As detailed previously, the Supreme Court of WA dismissed the appeal and awarded costs to the City.

Legal action in regard to this matter has extended over four years between 2014 to 2018 and has consumed considerable resources of the City. Numerous attempts were made to resolve the matter with the owner of 337 Sydenham Street whilst guaranteeing continued access to the rear strata owners at 339 Sydenham Street and defending a number of legal principles (which would have had repercussions State-wide if not upheld). The likely costs to the owners of 337 Sydenham Street were also made clear in their continued pursuit of the removal of the easement.

The attempts by the City to resolve the issue incurred significant costs, some of which are unable to be recovered by the City. However, as found by the trial judge and the Supreme Court of WA, the owners of 337 Sydenham Street are liable to pay costs to the City. On this basis, the City will be pressing to recover as much of its legal bill as possible through the taxation process of the Courts.

3. How does the City intend to address the safety and security issues for the owners of 337 Sydenham Street, given since the property was purchased in 2014 there have been:
- Two attempted break-ins resulting in: a) the security door of Unit 1 having to be replaced, b) the ceiling of the carport to Unit 2 having to be replaced because of an attempt to access the house via the roof space in the carport/home
 - Two break-ins to Unit 1/337 resulting in: a) the master bedroom window panes having to be replaced, b) The lounge room window panes needing to be replaced and the tenants losing property resulting in them not renewing their lease due to security concerns.
 - Two attempts to steal from the cars parked at Unit 2/337 resulting in the tenants who are students from Bangladesh requesting (and being granted) to move out before their lease expired.
 - Numerous disturbances by men knocking on the door of 1/337 Sydenham Street late at night looking for 1/339 Sydenham Street where prostitutes were operating until the tenants at 1/337 collected evidence and provided it to the Police who subsequently raided the premises and put a stop to the practice.
 - A car accident on the easement between a tenant of 337 Sydenham Street and the owner of 339 Sydenham Street which was not covered by insurance and the owner of 339 who admitted fault not compensating the tenant of 339 for the damage which was assessed at \$5,000.

Response

The Chief Executive Officer advised that the City offers a free security assessment at www.becrimefree.com.au where a resident can either conduct the assessment themselves using the self-assessment form or they can request a visit from a Crime Prevention Officer to assess their premises.

Item 5.2.1 Continued

The City also operates a 24 hour security patrol service to support the Police in maintaining law and order. The patrol officers can be contacted directly on 1300 655 011, 24 hours a day, 365 days a year.

For Police matters assistance can be sought on 131 444 or in an emergency on 000.

In regard to the alleged prostitution at 1/339 Sydenham Street, following a complaint to the Planning Department, the landowner was contacted and a site inspection undertaken. No evidence was found of any land use other than a grouped dwelling, however both the landowner and the tenants were advised that a complaint had been received, and if the property is being used for an alternative purpose the City would commence prosecution. Both the landowner and the tenants advised that they understood this and had not been, nor had any intention of, operating the property as anything other than a grouped dwelling. They indicated that they often have visitors coming to the property, but were not operating for any commercial purpose.

City of Belmont security patrols continued to monitor the property for several months to check if suspect activity was occurring but found no evidence to pursue.

The issue of the alleged car accident is a matter between the parties involved.

4. How does the City propose to address the safety issues when the owners of 337 Sydenham Street fence off the boundary between 337 and 339 Sydenham Street adjoining the garden beds on 337 Sydenham Street as it will be difficult to see cars/pedestrians when coming out from 339 Sydenham Street?

Response

The Chief Executive Officer advised that should the owner of 337 Sydenham Street pursue a boundary fence on that portion of the boundary not impacted by the easement, it is in their own interests to ensure that site lines allow for visual surveillance of potential risks to cars and pedestrians. Possible approaches are mirrors in strategic locations or open style garrison fencing. However that is a matter for the adjoining landowners not the City.

5. How does the City intend to address a situation where the owners of 1/339 Sydenham Street fence off their property and the owners of 2/339 and 3/339 Sydenham Street will not have access to the mailbox?

Response

The Chief Executive Officer advised that this is a matter to be resolved between the three owners at 339 Sydenham Street should it ever arise.

6. Agenda Item 12.3 Statutory Compliance Audit Return 2017
For how long has McLeods provided legal services to the City of Belmont? Has the City tendered to have a panel of legal firms to provide legal services at a competitive price to the City of Belmont? If not, why not? If yes, when was the last tender issued?

Item 5.2.1 Continued

Response

The Chief Executive Officer advised that McLeods Barristers and Solicitors have been the City's preferred legal supplier for an extended period of time and from our records, at least the past 12 years. The City utilises the Western Australian Local Government Association (WALGA) Preferred Supplier Program which exempts the City from the requirement to tender (Local Government (Function and General) Regulations 1996, reg 11 (2) (b)). McLeods Barristers and Solicitors are listed on this Preferred Supplier Program.

7. Agenda Item 13.2 Restriction on Multiple Dwellings
How many complaints have been received regarding multiple dwellings and have they been reviewed?

The Chief Executive Officer advised that the number of complaints relating to multiple dwelling developments has not been collated as these can range between concerns regarding a specific development impacting on adjoining land parcels to concerns over impacts of multiple dwellings in a general sense.

No they are not available for review.

8. Is any compensation going to be paid to those who have a R20 or R40 zoning on their land if the zoning is changed? Are prospective buyers of land with R20 or R40 zoned properties going to be advised of the plans to remove the zoning and if so, when and how is this notification going to be provided?

Response

The Chief Executive Officer advised that under the Councillor Recommendation in 13.2, the zoning is not proposed to be changed. The Recommendation simply requires investigation into a limitation on multi-units within a 400 metre radius of the Town Centre and in special zones prescribed by Council. Issues such as density and built form outcomes will be pursued in consultation with the local community in the upcoming review of the housing strategy.

Should an Amendment arise out of the review of the Housing Strategy, any amendment to a local planning scheme has prescribed consultation requirements.

5.2.2 MR S QUINN, ON BEHALF OF BELMONT RESIDENTS AND RATEPAYERS' ACTION GROUP (INC), PO BOX 73, CLOVERDALE

1. Residents of Kanowna Avenue, east of Second Street, have requested clarification as to whether:
 - a) The southern side of this section of Kanowna Avenue is to be developed for multi storey public housing, or
 - b) The corner section of Kanowna Avenue and Second Street, bordering the Redcliffe Primary School is to be redeveloped for multi storey public housing?
2. In the event of either one of these sites being redeveloped for public housing, can Council advise whether it has taken into account the parking requirements of tenants in such multi storey multiple dwellings and the entry and exit access of vehicles from this section of Kanowna Avenue, and how this will affect the already high volume of traffic on these roads?

Response

The Director Community and Statutory Services advised that the southern side of Kanowna Avenue is owned by the Department of Communities (formerly Department of Housing) and that their Vision Plan indicates this area will be housing. The corner section of Kanowna Avenue and Second Street is also owned by the Department of Communities and is shown as part of the school site.

The Presiding Member advised that if redevelopment occurs the traffic impact is currently unknown.

3. Can Council advise:
 - a) Why the last block of land on the northern side of this eastern section of Kanowna Avenue has been levelled and remains vacant?
 - b) What future uses this block has been earmarked for?
 - c) What are the City of Belmont plans for this area?

Response

The Director Community and Statutory Services advised that the site was previously a residential development being a detention centre on Perth Airport land which falls outside the jurisdiction of the City and under the *Airports Act 1996* and the Perth Airport Masterplan. The City is unaware of whether the site has been earmarked for any future use.

5.2.3 MR R FOSTER, 140 COOLGARDIE AVENUE, REDCLIFFE

1. Regarding the JDAP for the service station/fast food outlet on the corner of GEH and Bulong Ave, MRWA supported the City of Belmont's submission by saying that that intersection and the new U turn at GEH and Coolgardie was inadequate for anything larger than a small car and the congestion caused by this development would be unsafe.

MRWA has also said that this intersection and U turn at GEH and Coolgardie which the COB supported MRWA would be adequate for traffic servicing the Airport side of GEH and the DA6. Which statement by MRWA and the COB is correct? Safe or unsafe?

Response

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

2. How are MRWA going to view any Development Applications in the DA6 as they monitor traffic flows against development applications?

Response

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

3. The City of Belmont answered one of my questions at the last OCM by saying that Stanton/Second to Brearley Ave was a historical link to the Airport Estate and because Brearley was to be shut, Central Avenue was to be carried thru to the Airport so as to retain this historical connection. The Second Street right turn into Brearley Avenue was closed as voted on by the COB and approved by MRWA two years before the Vision Plan was presented to the residents/ratepayers in the DA6.

Why is the COB now saying that the Central Avenue access to the Airport is maintaining this historical link while safety past two schools, proposed State Housing at the corner of Kanowna and Second and the safety of residents living along Stanton is being ignored?

Response

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

5.2.4 Ms B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE

1.
 - a) What type of road is Stanton Road and Second Street designated by MRWA, and what is the recommended number of vehicles per day (vpd) the City of Belmont believes these roads should carry?
 - b) What is the maximum number of vpd City of Belmont will accept that Stanton Road and Second Road will carry? (7,000 vpd, 8,000 vpd, 10,000 vpd, 12,000 vpd or above?)
 - c) At what point will City of Belmont consider that the vehicles per day using this route has reached an unacceptable level and take action, and what are those actions likely to be?

Response

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

2. Please explain the distinction, as to why the City considers traffic using Brearley and Boulder Avenues to travel to Central Avenue to enter the airport estate is rat running, whilst traffic using Stanton Road, Second Street and Central Avenue to enter the airport estate is not rat running; and that by doing so, explain why the City is prepared to give precedence to the safety and wellbeing of one group of residents over another.

Response

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

3.
 - a) Why has the City omitted to determine the vpd for Second Street between Tonkin Highway and Central Avenue since 2016?
 - b) Will The City put traffic counters on Second Street before October 2018 to determine the volume of traffic currently travelling to the airport and undertake a further traffic count after October 2018 to determine the impact of the opening of the Direct Factory Outlet (DFO)? If not, why?

Response

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

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

1. a) Is anyone present at this meeting who is representing the City of Belmont aware of the statutory process which MRWA is required to follow in order to close a road? If so, please explain what is the process and whether or not it was followed in 2015 when Council drew up its Vision Plan and became invested in the closure of Brearley Avenue?
- b) If no one is aware of the requirements, then please explain why not and how could the City progress with its DA6 vision based only on the closing of Brearley Ave, when there was always the possibility that MRWA may not in fact close the road?

Response

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

2. The two entry roads into the DA6 areas as proposed in the Vision Plan to service between 6–10,000 residents are Coolgardie Avenue and Stanton Road. Currently the population of the DA6 area is around 500 residents. As Stanton Road is currently carrying nearly three times the optimum level of vehicles and the intersection of Coolgardie Avenue will become an F level intersection, should Brearley Avenue close, what other streets in the DA6 area would the City of Belmont then propose as being suitable access roads for residents of the DA6 area?

Response

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

3. Many months ago, the Mayor stated at a Council meeting that should circumstances change then the Council would need to rethink their DA6 Vision Plan. Do you, Mr Mayor, think that the time has now come for Council to ask for a review and reappraisal of the DA6 Vision Plan particularly looking at the road network, and development potential of the DA6 Area?

Response

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

7.42pm ROSSI MOVED, SEKULLA SECONDED, that question time be extended.

CARRIED 9 VOTES TO 0

7.42pm The Manager Finance departed the meeting.

5.2.6 MR L LOVETT, 242 KOOYONG ROAD, KEWDALE

1. Who is responsible to monitor submissions to Council to ensure that they are presented in a fair and accurate manner, and that they comply with the Code of Conduct and result in natural justice?

7.46pm The Manager Finance returned to the meeting.

Response

The Chief Executive Officer advised that Council do not always know the content of a submission before it is presented, however it expects the person delivering the submission to comply with the requirements.

2. With regards to submissions to Council, is it acceptable to mislead the Council during a submission?

Response

The Chief Executive Officer advised that it is not acceptable to mislead Council during a submission.

3. What has happened to the street tree that was previously located on the verge at 6 Fulham Street, Kewdale?

Response

The Chief Executive Officer advised that the question would be taken on notice.

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

5.2.7 ROB GREENWOOD, ON BEHALF OF THE BELMONT RESIDENTS/RATEPAYERS ACTION GROUP (BRRAG) INC.

In reply to question on the method of funding the proposed Belmont Community Centre at the COB Annual Electors' Meeting of 13.12.2017, many in the Public Gallery heard A/CEO Robin Garrett make the following statement; *"that one third of the cost, that is \$15 million dollars, is to be borrowed money at an interest rate of between 5% and 6%, with a repayment of \$1.35 million per year for 20 years (with reason for borrowing cited as 'there are low interest rates at the moment')"*.

1. Do you recall those statements? Are the figures correct Mayor Marks? \$15 million x 5% = \$750kpa, \$15 million x 6% = \$900kpa, so are we to assume the balance of each 20 loan repayments of \$1.35 million per annum is principal reduction; total cost over loan of \$27 million?

Response

The Presiding Member advised that he accepts what Mr Greenwood has said to be a statement.

2. Also at the 13.12.2017 Annual Electors Meeting the A/CEO continued: *"The planned borrowings were an Intergenerational Responsibility Payment by the ratepayers of Belmont into the future"*. What is your interpretation of that statement, Mayor Marks?

Response

The Presiding Member advised that his interpretation of the statement quoted is that the whole of the community into the future will take financial responsibility for the new community building.

The Chief Executive Officer further advised that the people who use the asset will fund the asset.

3. If you have both agreed that one third of the cost of the proposed Belmont Community Centre as stated on 13.12.2017; is \$15 million, then your projected final cost of the Belmont Community Centre (to Ratepayers) must then be \$45 million.

Response

The Chief Executive Officer advised that a tender item for construction of the Faulkner Civic Precinct Community Centre with an approximate cost of \$37.7M, excluding GST, was endorsed by Council in September 2017.

4. East Ward Councillor Mayor Marks, having recently spent some \$12 million on the refurbishment of this Council Chamber building scant twelve years ago, your previous oral and published statements on the proposed Belmont Community Centre were; *"to cost \$30 million fully funded from CoB ratepayer reserves"*; Have you gone back to the ratepayers of Belmont either by consultation or by election Mr Mayor to ask for their approval, or, to receive their rejection, of this further expenditure now an extra \$15 million; a 50% increase on your original stated cost (to ratepayers) of the proposed Belmont Community Centre?

Item 5.2.7 Continued

Response

The Presiding Member advised that the original estimated cost of the Community Building was \$28M and Council decided that with the City's funds in reserve, that was affordable. The decision was made that a proportion of the costs would be funded by borrowings, enabling the City to keep some funds in reserve for future projects.

The Chief Executive Officer advised that it was not a requirement for the matter to go back to Council. The decision was considered and made by this Council.

5. In these global, national and state financially constrained times, while many ratepayers of Belmont are doing it tough, how are we the ratepayers of Belmont to have any confidence in our Council, Mayor and CEO to only spend our ratepayer funds prudently, strategically and judiciously into the future? From \$30 million to \$45 million to \$57 million over the 20 years?

Response

The Presiding Member advised that there has been significant development within the City and progress has been made. The City now has the second lowest rate in the dollar in the metropolitan area and healthy Reserve funds. This is a clear indication that the City's finances are being well managed.

The Chief Executive Officer seconded the Presiding Member's sentiments and added that in the past the City has been very responsible in its financial decision making process, has spent very prudently, and will continue to do so.

6. Under your duty of care to residents, ratepayers, employees of COB, CEO, does the CO
7. B have maps of Perth Airport sites where Poly and Perfluoralkyd (PFAS) were used, when, and for how long, and, in what quantities (likely available from FAC, Air Services Australia, WAC and PAPL records)? The BRRAG Belmont Ratepayer Association requests copies of that information.

Note

At this point the Presiding Member questioned Mr Greenwood in relation to the number of questions being asked on behalf of the Belmont Residents/Ratepayers Action Group (BRRAG) Inc as he was the second representative from the group to ask questions.

The Presiding Member advised Mr Greenwood that in future only one representative from the Belmont Residents/Ratepayers Action Group (BRRAG) Inc will be permitted to ask questions on behalf of the group.

Response

The Chief Executive Officer advised that Mr Greenwood should direct his questions to the Perth Transport Authority (PTA) or the Department of Health.

Item 5.2.7 Continued

8. Are groundwater flow maps available from DWER showing likely direction and flow of contaminants through and beyond at least the CoB part of Perth Airport boundaries, into the Redcliffe and Ascot Residential Communities, and into the Swan River; their likely dispersal rates, timelines for the breakdown of pollutants, and/or concentrations of PFAS over time?

Response

The Chief Executive Officer reiterated that Mr Greenwood should direct these questions to the PTA or the Department of Health.

9. Are ground water test results available from the piezometer test bores along the Swan River at Garvey Park, particularly those bores between the Perth Airport Northern and Southern Main Drains, and including historical test results from these test bores?

Response

The Chief Executive Officer advised that the question would be taken on notice.

10. Under your duty of care CEO, what levels of PFAS have been detected in bore water being used to reticulate turf at Selby Park and Garvey Park, how does PFAS build up in the soils and in the grasses of these public parks where people and their pets frequently walk with bare feet (paws), how is PFAS absorbed through our skin and what are the likely effects on the unborn, young children, adults and their pets from that absorption?

Response

The Chief Executive Officer advised it is his understanding that the PFAS levels in the City's public areas are not significant enough to cause any health concerns to residents and pets, however if Mr Greenwood is seeking further clarification on this matter, he is advised to contact the Department of Health.

5.2.8 Ms J GEE, 97 GABRIEL STREET, CLOVERDALE

Ms Gee advised that she is still waiting on a reply to questions asked in the Chamber regarding the Colmax recycling plant.

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

Response

The Director Community and Statutory Services advised that the City has previously responded to Ms Gee advising that this is a compliance matter. The development on the site does not comply with planning conditions and this is a concern to the City and some residents.

The Director Community and Statutory Services further advised that residents could approach the Environmental Protection Authority directly with their concerns.

The Director Community and Statutory Services advised that the extremely strict planning conditions that were placed on this development have not been adhered to and if these matters cannot be rectified, the matter will progress to Court.

2.
 - a) Will Cr Ryan and Cr Powell be supporting Cr Rossi's Motion about higher density?
 - b) Have or are Council going to look at addressing the mixed use zone, like making it into sub categories?

8.04pm The Manager Marketing and Communications departed the meeting.

Response

The Mayor advised that Cr Ryan and Cr Powell will be voting on the motion later in the meeting.

The Director Community and Statutory Services advised that the majority of the Mixed Use zone is along Great Eastern Highway. The City is currently in the process of creating a Corridor Plan along Great Eastern Highway and looking at different precincts and what would be relevant for each precinct. The State Government is moving towards fewer numbers of zones under the deemed planning regulations and trying to increase the number would be difficult. The Strategic Plans for the Great Eastern Highway Corridor were more in regard to land uses.

8.06pm The Manager Marketing and Communications returned to the meeting.

5.2.9 MS DUNWOODY, 5 KLEM AVENUE, REDCLIFFE

1. Could you please advise what is happening about the crime in Belvidere Street and surrounding areas, and if the City is going to do anything about it?

Response

The Presiding Member advised that the City is aware of a spike in criminal activity around Belvidere Street in recent weeks and is endeavouring to assist where possible. The Noongar Outreach Patrols are now attending the area regularly and the City has doubled the security patrols in the area. The City also continues to work with the Police, however it is vital that all crimes are reported to the Police and not just logged on community Facebook pages.

The Chief Executive Officer reiterated that the City is working closely with the Police to improve the situation for residents. He undertook to contact the Belmont Police over the next few days for an update on any progress made to date.

The Director Community and Statutory Services advised the City is endeavouring to work with the business owners on Belvidere Street to increase the number of CCTV cameras in the area. Security patrols have been increased and display units have been positioned to warn and inform people.

Reporting all instances of crime to the Police is vital so that their statistics can reflect a true picture of the situation.

8.14pm **ROSSI MOVED, SEKULLA SECONDED** that question time be extended.

CARRIED 9 VOTES TO 0

5.2.10 Ms L Hollands, 2 Miller Avenue, Redcliffe

1. How many Planning and Development applications have come before the Councillors in the last four years and on what dates?

Response

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

2. What is the update on the parking plan that Cr Powell promised us prior to the last election?

Response

The Presiding Member advised that there is no update on the parking plan other than Cr Powell requesting it.

Item 5.2.10 Continued

3. Is the Colmax plant a health concern for residents?

Response

The Director Community and Statutory Services advised that Colmax is a glass recycling plant located in an industrial area away from residential homes. Worksafe have attended the site to investigate employee safety and as the plant remains in operation it could be assumed that there are no health risks to residents, however health concerns should be addressed to the Department of Health.

4. I put an application in for Planning Approval yesterday. It has been a complete nightmare from day one dealing with the Planning Staff. On 19th February emails went between myself and a Senior Planner regarding the term owner. I responded in my case I would only need a copy of the probate which would include my dad's will and now I am told after lodging by another staff member that I need the Executor to sign it. I am also told I need a copy of the Title. I have not been able to find as yet the bit in the legislation regarding the requirement of proof of title.

What section in the Act is this?

Why is there so much inconsistency with the staff in Planning?

Why is this being made so difficult for me? My father is dead, a subdivision is planned and approved, you have the Will which says the block is to be mine and now at this late stage you are expecting the Executor to sign papers. You allowed me to put up a structure previously with nothing signed from the Executor?

Response

The Director Community and Statutory Services advised that in Ms Hollands' particular case a preliminary request was originally submitted with the assessing officer rightly advising her that it did not comply with planning standards. The Director Community and Statutory Services spoke to Ms Hollands after an Ordinary Council Meeting and advised her that in principal the City did not have an objection to her proposal.

Ms Hollands' application was complicated by the fact that the site in question is a deceased estate and it is therefore not as straightforward a case as completing and signing a standard Form 1. The owner of a site must be identified and proof must be provided, and this can include a request for a copy of the Certificate of Title.

The Presiding Member assured Ms Hollands that she was not being targeted by the City and advised her to speak to the Director Community and Statutory Services again to discuss her application.

The Director Community and Statutory Services advised she is satisfied that all the requested documentation is required by the City and in conjunction with the Planning regulations. The Director is happy to discuss the matter again with Ms Hollands and will follow up on why the Certificate of Title has been requested.

Item 5.2.10 Continued

5. When is the fountain in Tomato Lake going to be fixed? I have rung up and reported it several times and it is still not fixed

Response

The Chief Executive Officer advised that he would follow the matter up with the Manager Parks and Environment and endeavour to get the tap fixed as soon as possible.

8.26pm 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 27 FEBRUARY 2018
(Circulated under separate cover)

OFFICER RECOMMENDATION

SEKULLA MOVED, POWELL SECONDED,

That the minutes of the Ordinary Council Meeting held on 27 February 2018 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 MARCH 2018
(Circulated under separate cover)

OFFICER RECOMMENDATION

DAVIS MOVED, WOLFF SECONDED,

That the Information Matrix for the Agenda Briefing Forum held on 20 March 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

8.2.1 Cr Wolff

Cr Wolff referred to an article on the front page of the 20 March 2018 edition of the Southern Gazette titled '*Hitt Claims City Clique*', where former Cr Hitt claimed that a purple circle exists within Councillors of the City. Cr Wolff could not recount a time since his commencement as a Councillor where any Councillor was excluded from a gathering of Councillors, and asked the Mayor if he had any knowledge of this happening?

Response

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

8.2.2 Cr Cayoun

Cr Cayoun requested that the City run an awareness campaign to inform residents in the area of the recent spike in crime and provide emergency numbers. Residents could also be made aware of the free home security service available to them.

Response

The Presiding Member advised that yes the City could run an awareness campaign for the residents around Belvidere Street.

8.2.3 Cr Powell

Cr Powell made reference to the Southern Gazette 'purple circle' article and advised she would have liked to have seen some knowledge of proof behind the statements made. What is the City doing to address the risk created by this article?

Response

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

8.2.4 Cr Bass

Cr Bass suggested that the three East Ward Councillors set up a table in front of the Belvidere Street IGA to hand out literature to residents and reiterate to them that all incidents of crime must be reported to the Police.

Cr Rossi advised that Neighbourhood Watch set up outside the Belvidere Street IGA last Saturday morning and distributed a great deal of information to residents, plus fridge magnets with emergency numbers, and personal alarms. Residents were encouraged again to report all incidents of crime to the Police.

8.2.5 Cr Powell

Cr Powell requested that a cost estimate of delivering Councillors' papers to their home be provided.

Response

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

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

11.1 STANDING COMMITTEE (AUDIT AND RISK) HELD 26 FEBRUARY 2018
(Circulated under separate cover)

OFFICER RECOMMENDATION

SEKULLA MOVED, BASS SECONDED,

That the minutes for the Standing Committee (Audit and Risk) meeting held on 26 February 2018 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

12. REPORTS OF ADMINISTRATION

POWELL MOVED, BASS SECONDED,

That all items be adopted en bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

**12.1 CHANGE OF USE FROM SINGLE HOUSE TO HOLIDAY HOUSE AT LOT 92, STRATA LOT 1
(38) GREGORY STREET, BELMONT**

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.1 refers	<u>Development Plans</u>
Attachment 2 – Item 12.1 refers	<u>Applicant’s Supporting Information – Cover Letter and Property Management Plan</u>
Attachment 3 – Item 12.1 refers	<u>Schedule of Public Submissions</u>

Voting Requirement : Simple Majority
Subject Index : 115/001–Development/Subdivision/Strata-Applications and Application Correspondence
Location / Property Index : Lot 92, Strata Lot 1 (38) Gregory Street, Belmont
Application Index : 579/2017/LAND
Disclosure of any Interest : Nil.
Previous Items : N/A
Applicant : Soeiyanti
Owner : Soeiyanti
Responsible Division : Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to determine a development application for a Change of Use from ‘Single House’ to ‘Holiday House’ at Lot 92, Strata Lot 1 (38) Gregory Street, Belmont.

Item 12.1 Continued

SUMMARY AND KEY ISSUES

- The development application seeks approval to use an existing 'Single House' at Lot 92, Strata Lot 1 (38) Gregory Street, Belmont for the purposes of a 'Holiday House'.
- The 'Holiday House' land use is not listed in Table 1 of the Local Planning Scheme No. 15 (LPS15).
- The subject site is zoned 'Residential R20'.
- The application was advertised to the neighbouring property owners and occupiers for comment. Two submissions were received, both of which objected to the proposal. These objections relate primarily to noise, car parking and security.
- In support of the proposal, the applicant has provided a Property Management Plan (refer [Attachment 2](#)) which details tenancy rules that are aimed at protecting the amenity of neighbouring properties.
- It is recommended that Council approve the application subject to conditions.

LOCATION

The subject site is located within an established residential area in Belmont. The site is 440 square metres in area and contains an existing single-storey house with a detached double carport provided in front of the house and aligned parallel to the street. Surrounding development consists predominantly of single-storey dwellings, some of which are provided in a battle-axe configuration.



Figure 1 – Location Plan (Source: IntraMaps)

Item 12.1 Continued

CONSULTATION

Public Consultation

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

In accordance with Clause 64(1)(b)(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015–Schedule 2–Deemed Provisions*, the application was required to be advertised, as a ‘Holiday House’ is not a land use listed in Table 1 of LPS15. The subject application was advertised to surrounding landowners/occupiers from **8 January 2018** to **29 January 2018** inclusive (refer to Figure 2).



Item 12.1 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Corporate Key Action: Implement LPS15.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 64(1)(b)(i) of the Regulations requires an application for development approval to be advertised where:

1. The application relates to a use not specifically referred to in the zoning table of the Scheme; and
2. The local government determines that the use may be consistent with the objective of the zone.

Clause 67 of the Regulations sets out the matters to be considered by the local government when determining an application for development approval. The following matters are considered to be of particular relevance to the subject application:

- “(a) the aims and provisions of the Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning...;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following:*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development.*

Item 12.1 Continued

- (s) *the adequacy of:*

 - (i) *the proposed means of access and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, maneuvering and parking of vehicles.*

- (y) *any submissions received on the application.”*

City of Belmont Local Planning Scheme No. 15

The subject application seeks to use the existing Single House as a Holiday House to provide short-stay accommodation. LPS 15 provides the following definitions of Holiday House and Short Stay Accommodation:

*“**Holiday house** means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;”*

*“**Short stay accommodation** means the accommodation of short stay guests providing on site facilities for the convenience of guests and, management of the development, where occupation by any person is limited to a maximum of three months in any 12 month period, and excludes any other use falling within a use class specifically defined in this Scheme;”*

The land use of ‘Holiday House’ is not listed in Table 1 – Zoning Table of LPS 15.

Under Clause 4.4.2 of LPS 15, if a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:

- “(a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures in considering an application for planning approval;*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

Local Planning Scheme No. 15 states that the objective of the Residential zone is “...to increase the population base of the City of Belmont by permitting a mix of single housing and other housing types to reflect household composition and thereby increase the resident population.”

Item 12.1 Continued

Right of Review

Deemed Refusal

Under Clause 75 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if an application is advertised, it is 'deemed to be refused' if it is not determined within a 90 day period.

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

The deemed refusal date for this application is 19 March 2018. Deemed refusal rights arise after this date.

Is there a right of review? Yes No

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

BACKGROUND

Lodgement Date:	19 December 2017	Use Class:	Use Not Listed – Holiday House
Lot Area:	440m ²	LPS Zoning:	Residential R20
Estimated Value:	N/A	MRS:	Urban

Existing Development

The existing dwelling on the site, comprising three bedrooms (plus study) and two bathrooms, was approved for construction on 6 December 1967. In 2015, the rear portion of the property was subdivided in a 'battle-axe' configuration. A dwelling was subsequently constructed on the new lot to the rear of the site; however it remains within the same ownership as the subject site.

Proposal

The application involves the following:

- The use of the existing dwelling for the purposes of 'Holiday House'.
- The entire dwelling, comprising three bedrooms (plus study) and two bathrooms, will be rented out together as a single booking for a maximum of six tenants at any one time.
- The minimum duration for stay will be two nights.
- Tenants will be required to comply with the terms set out in the Property Management Plan (contained as [Attachment 2](#)).

Item 12.1 Continued

It should be noted that the subject application does not propose any alterations or additions to the existing dwelling and the operator will not provide any food to any tenants.

Plans illustrating the subject site including the configuration of the existing dwelling are contained as [Attachment 1](#).

OFFICER COMMENT

Land Use

In accordance with Clause 4.4.2 of LPS15, consideration is required as to whether the proposed use of 'Holiday House' is consistent with the objectives of the Residential zone. In this regard, the following points are considered relevant:

- Given that the use will be operated for single group bookings only (as opposed to smaller unrelated groups) it will not be dissimilar to the composition of a single household occupying a Single House.
- The use will contribute to the residential population base in the area which might not otherwise be provided should the dwelling be otherwise left vacant.
- The use does not prejudice the ability to provide additional housing and increased population in the vicinity of the site.
- The application does not propose any alterations or additions to the property which might otherwise detract from the residential character of the area.

In light of the above, it is considered that the proposed use is consistent with the objective of the Residential zone under LPS15.

Amenity Impacts

The objections received from advertising have raised concerns that the proposed use would result in negative impacts on the amenity of the surrounding residential properties. More specifically, concerns have been raised regarding noise from tenants and security due to the number of guests residing on the property. These matters are discussed below.

Noise

The Property Management Plan outlines multiple rules which are expected to limit any unreasonable noise from the premises, including:

- Requiring any noise from the premises to cease after 9:00pm.
- Prohibiting any sort of functions or parties.
- Prohibiting any powered sound systems.

Given that the proposed use is residential in nature, it is not expected to generate a level of noise that would be unreasonable in a residential area or greater than that of a Single House. In any event, the use will be required to comply with the *Environmental Protection (Noise) Regulations 1996*.

Item 12.1 Continued

Security

In considering security concerns, it should be noted that the applicant proposes to only allow for single bookings of the premises, as opposed to smaller unrelated groups renting individual rooms. Furthermore, as mentioned above, the premises will not be permitted to be used for any functions or parties which might otherwise attract anti-social behaviour. As such, the operation of the premises will be similar to that of a Single House. Therefore it is considered that the concerns raised over security are unfounded.

Car Parking

The submissions received during the advertising period raised concerns about the adequacy of parking on the premises to support the proposed use. In terms of the car parking standard for land uses which are not listed in LPS15, Clause 5.16.4(1) stipulates:

“The number of spaces to be provided in respect of any particular site shall be determined by the City, having regard to the nature of the use and the known or likely volume of goods, material or people moving to and from the site...”

In considering the above, it is noted that the proposed Holiday House will operate in a similar manner as a Single House. As such, it is considered reasonable to have due regard to the requirements of the Residential Design Codes (R-Codes) when considering the car parking provision for the site. In this regard, the R-Codes stipulate a minimum requirement of one car parking space per dwelling providing it is located within 250 metres of a high frequency bus route, and two car parking spaces per dwelling in all other circumstances (excluding one-bedroom dwellings).

The subject site is approximately 70 metres from a high frequency bus route that operates along Hardey Road, and therefore it is only required to provide one car parking space to be used for permanent residential accommodation (i.e. a Single House). The site provides two car parking spaces that allow for vehicles to enter the street in forward gear, or three car parking spaces should vehicles be parked informally in a tandem arrangement where they would reverse onto the street. As such, it is considered that the on-site car parking provision adequately support the proposed use.

To control and manage the car parking provision on the site, the Property Management Plan includes a requirement for tenants to park any vehicles within allocated bays and that no parking should occur on the street.

FINANCIAL IMPLICATIONS

Should the applicant seek to exercise their right to review by the SAT then there would be costs associated with the City addressing the review.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

Item 12.1 Continued

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

A. Approve planning application 579/2017 as detailed in the plans dated 18 January 2018 and 6 February 2018, for a Holiday House at Lot 92, Strata Lot 1 (38) Gregory Street, Belmont subject to the following conditions:

- 1. Development/land use shall be in accordance with the attached approved plan(s) dated 18 January 2018 and 6 February 2018 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the City's Manager Planning Services.***
- 2. The approved Property Management Plan shall be implemented by the property manager and adhered to by guests at all times, to the satisfaction of the City's Manager Planning Services.***
- 3. There shall be no more than six persons on-site at any one time.***
- 4. The whole property is to be rented as one booking only. No bedrooms or other areas of the house are to be rented on an individual basis.***

B. Write to adjoining landowners and occupiers:

- 1. To advise them that a planning approval for a Holiday House has been granted subject to conditions including:***
 - i. The requirement for the implementation of the Property Management Plan.***
 - ii. The maximum of six persons on-site at any one time.***
 - iii. The prohibition of renting individual bedrooms separately.***
- 2. To provide a copy of the Property Management Plan.***
- 3. Request that adjoining landowners and occupiers report any contraventions from the subject premises relating to noise or any disruption to the amenity of surrounding areas, and report to the City's Planning Department if they become aware of any breach to the conditions of the planning approval.***

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

12.2 2017-2018 MARCH BUDGET REVIEW

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 4 – Item 12.2 refers	2017-2018 March Budget Review
Attachment 5 – Item 12.2 refers	Statement of Budget Review
Attachment 6 – Item 12.2 refers	Reserve Accounts 30 June 2018

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

COUNCIL ROLE

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

PURPOSE OF REPORT

This report is prepared to conduct the March review of the Budget and recommend adjustments to the 2017-2018 Adopted Budget.

Item 12.2 Continued

SUMMARY AND KEY ISSUES

In keeping with sound financial management practices, a further review of the 2017-2018 Adopted Budget has been conducted. The Budget remains in balance and a summary of significant adjustments has been included.

The March Budget Review ensures that a sound financial position is maintained for the end of the financial year and a sound base is created to prepare the 2017-2018 Budget.

LOCATION

Not applicable.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter other than internal staff. Community consultation is not required.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires a local government to carry out a review of its Budget between 1 January and 31 March each year, report it to Council and then report the outcome of the review to the Department of Local Government. The City of Belmont has for many years now conducted two budget reviews, one in October and one in March.

BACKGROUND

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

Item 12.2 Continued

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

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

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

OFFICER COMMENT

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

(brackets indicate increased income/reduced expenditure)

➤ Chief Executive Officer Section	(33,368)
➤ Corporate and Governance Division	2,667,088
➤ Technical Services Division	(2,454,324)
➤ Community and Statutory Services Division	(10,979,396)
➤ Opening / Closing Balances	10,800,000
	<hr/>
	Net Cost
	0

A detailed listing of budget adjustments can be found in [Attachment 4](#). It should be noted that the report includes only those line items that have changed during the review process, all other line items remain as per the Adopted Budget. Those noteworthy adjustments are further explained in the summary that follows.

- There are a number of vacancies throughout the organisation that have resulted in a collective net decrease to the salaries budget (net of additional agency costs) of approximately \$150,000. Sections with the more significant reductions include Executive Services and Parks Administration.
- The reduction in workers compensation premiums have allowed individual budgets to be reduced by a combined \$131,581.
- A reduction in expected Belmont Trust consultancy costs for the financial year has been offset by a reduction in the transfer from reserve.
- As new borrowings for the new community centre will be drawn down in May 2018 there will be no repayments in 2017-2018 reducing net debt servicing costs (i.e. principal and interest) by more than \$500,000.

Item 12.2 Continued

- There have been some significant adjustments to the Transfers to Reserve, namely:
 - Budget reductions in IT for various projects which are largely to be undertaken next financial year has resulted in an additional transfer to the Information Technology Reserve of \$305,000.
 - As there are no significant shopping centre revitalisation projects to occur in 2017-2018 the capital budget of \$150,000 has been transferred to the Streetscapes Reserve which is available for future projects including the Belvidere Main Street Precinct.
 - An additional \$190,000 has been transferred to the Parks Development Reserve to fund the upgrading of Forster Park and Wicca Park playground during 2018-2019.
 - The transfer to the Property Development Reserve has increased by \$2,902,221. This represents the funds available following all other budget adjustments although the funds are predominantly from the deferral of the Belmont Avenue upgrade as well as other adjustments highlighted in this report.
 - Following a review of the fuel tax credit scheme the City has been reimbursed approximately \$100,000 (as reflected in Plant overheads) which has resulted in an additional transfer to the Plant Replacement Reserve.
- Additional (Commercial) rates income and take-up of the rates discount has resulted in net additional funds of \$151,558.
- A number of IT purchases have been largely deferred resulting in a reduction in expenditure of \$309,512.
- Land transactions have been updated with the net selling price of 464 Belmont Avenue being transferred to the Public Open Space trust account as required under the *Planning and Development Act 2005, section 154*.
- The Technical Services consultant's budget has been reduced by \$140,000 which was earmarked to support underground power along a section of Robinson Avenue. This project will be further reviewed as the new community centre nears completion.
- Road Construction budgets have been adjusted significantly following the deferral of the Belmont Avenue upgrade including underground power. The deferral has been due to:
 - Western Power not having available resources which has now been resolved.
 - The time taken to find four landowners along Belmont Avenue willing to provide the necessary land required to install Ring Main Units on for power distribution. This also impacts on the ability of Western Power to finalise design and tender documents.
 - Other road jobs that form a part of the National Stronger Regions Fund (NSRF) program of works have been brought forward to 2017-2018 however the removal / reduction of the Belmont Avenue upgrade has also resulted in a slipping of both NSRF and Road to Recovery funding to 2018-2019. The latter has been delayed as the City's net spend on roads over the previous and current financial years has fallen below a threshold set by the Department of Infrastructure, Regional Development and Cities. This should be rectified in 2018-2019 when Belmont Avenue is upgraded.
- Footpath jobs have been updated to reflect final costs with the notable item being the removal of Road to Recovery funding and associated jobs.

Item 12.2 Continued

- Drainage budgets have been reallocated with funds transferred from drainage extensions to side entry pits due to demand.
- The retirement of an officer has resulted in an eligible termination payment in Public Works overheads that has been funded through appropriate reserves.
- Following the carry forward of Forster Park (\$130K) and Wicca Park playground (\$60K), re-scoping of various jobs and contribution income (\$96K) for upgrade works at the tennis club, Parks Construction budgets have been reduced by \$300,550.
- Although some funds have been transferred to the Environment Reserve the total Environment budget has been reduced by \$194,382 with foreshore stabilisation works completed at a lower cost than anticipated in 2017-2018.
- Planning consultant's costs are expected to be less than originally budgeted with many projects to continue into 2018-2019. This has unfortunately been more than offset by a significant reduction in application fee income. The net impact is the overall Planning budget has increased by \$41,307.
- Building application fees are also expected to decrease in line with market demand which has been partially offset by reductions in expenditure budgets. Overall Building Control has a net budget increase of \$42,907.
- Building Construction budgets have been updated based on actual costs and / or quotes and allows for an expected carry forward of projects into next financial year. The more significant adjustments include:
 - The budget for the new community centre is reduced from \$15,000,000 to \$4,200,000 to reflect the likely expenditure for 2017-2018. Associated architectural fees have been reduced by \$90,995. Given very low interest rates the 20 year \$15,000,000 loan will be drawn down this financial year with the unspent portion used to fund ongoing construction in 2018-2019.
 - Upgrading the Nursing Home will not occur in 2017-2018 although the removal of the budget (\$150,000) has a nil impact as it was offset by a reserve transfer.
 - Various improvements to the tennis club including a new kitchen requires a budget of \$105,000 funded by transfers from the building maintenance budget and the respective reserve.
- Faulkner Park Retirement Village budgets have been updated as the City has contributed to the upgrade of several properties and has also been reimbursed for contributions to Board operations that were not fully spent in previous years. This has no net impact on the budget with the additional funds transferred to reserve.
- The budgeted closing balance has been increased by the \$10,800,000 of anticipated unspent borrowings that will help fund ongoing construction of the new community centre in 2018-2019.

The March Budget Review has been an extensive exercise to ensure the budget remains in balance and reflects the current expenditure trends. The detailed March Review Report ([Attachment 4](#)) includes substantial comment. Also to be noted is that comments relate to Authorised Budget, October Review and March Review. Comments relating to the current (March) review are prefaced with the word "March" and are normally at the end of the comment detail.

Also attached is a 'Statement of Budget Review' ([Attachment 5](#)) which compares the proposed March Budget Review to the current Authorised Budget as requested by the Department of Local Government and Communities.

Item 12.2 Continued

An updated listing of budgeted reserve balances ([Attachment 6](#)) has also been included. The March Budget Review is an important step in the process of vigilance, as it maintains a balanced Budget and ensures Services and Capital Works Programmes are adequately resourced.

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

The effective management of the City's Annual Budget ensures that the community has access to the services and facilities it needs now and into the future.

OFFICER RECOMMENDATION

That Council:

- 1. In accordance with Local Government (Financial Management) Regulations 1996 Regulation 33A, adopt the amendments contained in the 2017-2018 Budget Review (Attachments 4, 5 and 6), including the descriptions of variations and closing fund amendments.***
- 2. Authorise the Director Corporate and Governance to amend the 2017-2018 Budget in accordance with all resolved variations.***

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

12.3 STATUTORY COMPLIANCE AUDIT RETURN 2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 7 – Item 12.3 refers	2017 Compliance Audit Return

Voting Requirement	:	Simple Majority
Subject Index	:	39/005 Statutory Compliance Return
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	28 March 2017 Ordinary Council Meeting – Item 12.7
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 provide Council with the outcomes of the Statutory Compliance Audit Return for the period 1 January 2017 to 31 December 2017 as provided in [Attachment 7](#).

Item 12.3 Continued

SUMMARY AND KEY ISSUES

It is a requirement of the *Local Government Act 1995* that all local governments carry out an audit of compliance in the prescribed manner and form approved by the Minister.

The Department of Local Government, Sport and Cultural Industries (DLGSCI) provided a set of questions via the Departmental Portal in late December 2017. This year additional questions relating to Integrated Planning and Reporting were included whilst the majority of the audit questions focussed on key areas of potential non-compliance as in previous years

The City of Belmont's 2017 compliance score is 100%, continuing the ongoing 100% compliance from the previous years.

LOCATION

Not applicable.

CONSULTATION

In completing the 2017 Statutory Compliance Audit Return, internal consultation has occurred with relevant Officers of each department.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Item 12.3 Continued

STATUTORY ENVIRONMENT

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires that a compliance audit for the period 1 January to 31 December is completed each year in a form approved by the Minister. Regulation 14 also requires the audit committee to review the compliance audit return and present those results to Council. The compliance audit return is then to be adopted by Council and recorded in the minutes.

Regulation 15 of the *Local Government (Audit) Regulations 1996* requires that after the adoption by Council of the compliance audit return, a certified copy (signed by both the Mayor and Chief Executive Officer) of the return, together with a copy of the minutes of the meeting in which the return was adopted and any additional information is to be submitted to the Executive Director of the DLGSCI by 31 March.

BACKGROUND

The compliance audit period is 1 January to 31 December 2017 and once the audit is completed, the City is required to:

1. Present the Compliance Audit Return to the Standing Committee (Audit and Risk)
2. Present the Compliance Audit Return to Council
3. Seek Council's endorsement of the completed Compliance Audit Return
4. Return the endorsed and certified Compliance Audit Return, along with a copy of the Council Minutes, to the DLGSCI by no later than 31 March 2018.

In completing the Compliance Audit Return, the Chief Executive Officer and other designated officers have undertaken an audit of the City's activities, practices and procedures applicable to each section and requirement of the return to ensure that an independent, thorough and rigorous process is undertaken.

This year additional questions relating to Integrated Planning and Reporting were included whilst the majority of the audit questions focussed on key areas of potential non-compliance as in previous years

The Compliance Audit Return is required to be completed online through the DLGSCI website. A copy of the completed return is provided as [Attachment 7](#) to this report and is a printout of the City's registered responses.

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

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

The Standing Committee (Audit and Risk) considered the findings of the Compliance Audit Return 2017 at its meeting of the 26 February 2017.

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

- The City has achieved full compliance in all areas. Each area has a different number of questions around its statutory requirements, with a total of 94 questions. Many questions related to key local government areas that are currently seen as higher risk.

Item 12.3 Continued

- The City of Belmont's process is considered to be more comprehensive than many other local governments. Each relevant area responds to questions and provides supporting evidence which is validated by the Governance unit.
- The Chief Executive Officer (CEO) advised there is an expectation that the City obtains full compliance every year. This ensures the City's governance structures are in place and it would be disappointing if this were not the case.
- Research of publicly available information of comparative councils indicates that the City is one of only a small number of local governments to achieve 100% compliance on an ongoing basis.
- Depending on the degree of non-compliance, the Department of Local Government, Sport and Cultural Industries (DLGSCI) may simply offer advice, however systemic non-compliance will peak their interest and further investigation will likely follow.
- The City's lower compliance results in 2010 to 2012 reflect a period where the number of questions was greater. There were approximately 130 questions covering a broader range of City activities. This was reflective of issues faced in the industry at that time.
- The City of Belmont will always aim to be fully compliant; however this type of audit allows an opportunity to focus on areas of risk. It has been the City's practice to self-impose strict conditions on their compliance matters and will continue to do so.
- If any non-compliance is identified, the City will implement changes for improvements in the relevant area; these changes will be documented and monitored regularly.

OFFICER COMMENT

The City of Belmont has achieved the following:

Compliance Area	Full Compliance	Non-Compliance
Commercial Enterprises by Local Government	5	0
Delegation of Power/Duty	13	0
Disclosure of Interest	16	0
Disposal of Property	2	0
Elections	1	0
Finance	14	0
Integrated Planning and Reporting	7	0
Local Government Employees	5	0
Official Conduct	6	0
Tenders for Providing Goods and Services	25	0

The 2017 Compliance Score is 100%.

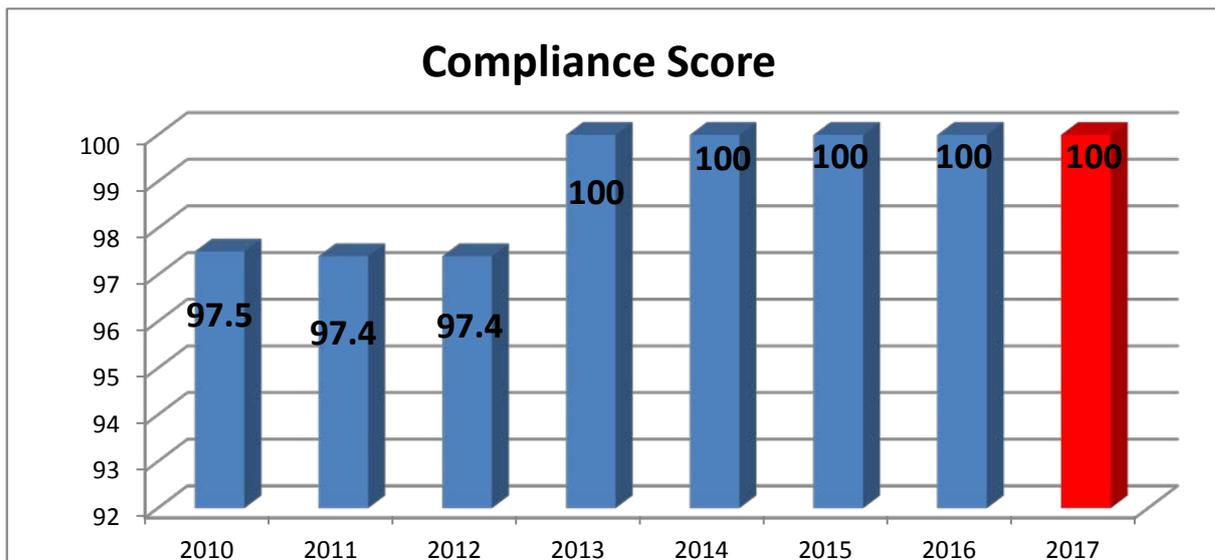
Item 12.3 Continued

The City of Belmont conducted an internal audit to determine responses to questions in the Compliance Audit Return. To further substantiate its responses, the City has opted to provide concrete evidence through citation of items from the City's Council meetings and documents registered on ECM. Reference is also made to information contained in hard copy, which includes original copies of Elected Member and designated officer Primary and Annual Returns.

When reading the questions shown in the Compliance Audit Return (refer [Attachment 7](#)) it should be noted that they should be read in conjunction with the relevant extract of the *Local Government Act 1995* and / or associated Regulations.

The 2017 Statutory Compliance Audit Return contains a total of 94 questions. This is an increase from the 2016 return due to the inclusion of a new section relating to Integrated Planning and Reporting. These additional questions were optional however the City of Belmont was able to respond positively to these questions relating to Corporate Business Plans, Asset Management, Workforce and Long Term Financial Planning.

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



FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

Item 12.3 Continued

COMMITTEE RECOMMENDATION

That:

- 1. The 2017 Compliance Audit Return, as provided in [Attachment 7](#) be received and adopted as a true and accurate representation of the outcomes of the audit of statutory activities.***
- 2. That the Mayor and Chief Executive Officer be authorised to complete the 'Joint Certification'.***
- 3. In accordance with the Local Government (Audit) Regulations 1996, the certified 2017 Compliance Audit Return and a copy of the minutes relative to this report be forwarded to the Department of Local Government, Sport and Cultural Industries by 31 March 2018.***

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

12.4 TENDER 01/2018 - SUPPLY, INSTALLATION AND MAINTENANCE OF BORES AND PUMPS

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 1 – Item 12.4 refers	<u>Evaluation Matrix</u>
Confidential Attachment 2 – Item 12.4 refers	<u>Price Schedule</u>

Voting Requirement : Simple Majority
Subject Index : 114/2018-01
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil.
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Technical Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval to award Tender 01/2018 - Supply, Installation and Maintenance of Bores and Pumps.

Item 12.4 Continued

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite and evaluate tenders and includes a recommendation to award Tender 01/2018 in accordance with the requirements of the *Local Government Act 1995*.

The contract is for the maintenance of bores and pumps through the City of Belmont and the supply and installation of replacement pumps as required. The contract period is three years with the option of two, one year extensions at the sole discretion of the City.

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

- Hydroquip Pumps
- Total Eden Pty Ltd.

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: Maintain Public Infrastructure in accordance with sound Asset Management practices.

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

Corporate Key Action: Maintain Assets in accordance with Asset Management Strategy and associated Plans.

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

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

Strategy: Manage water use with a view to minimising consumption.

Item 12.4 Continued

POLICY IMPLICATIONS

BEXB28–Purchasing

POLICY OBJECTIVE

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

STATUTORY ENVIRONMENT

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

BACKGROUND

An invitation to tender for the Supply, Installation and Maintenance of Bores and Pumps was advertised in the West Australian on Saturday, 27 January 2018, closing on Tuesday, 13 February 2018 at 3pm.

OFFICER COMMENT

The Evaluation Committee consisted of the Coordinator Contracts and Tenders, A/Coordinator Parks and Irrigation Supervisor.

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

	CRITERIA	WEIGHTING
1	Company Profile	15%
2	Experience	15%
3	Company Capacity	15%
4	Methodology	10%
6	Safety	15%
6	Price	30%
	TOTAL	100%

Total Eden’s pumping division, formerly known as Hydro Engineering, was established in 1990. With a staff of 14 they supply, install and maintain pumps for clients both in local government and the private sector. They have a licensed electrician capable of connecting and disconnecting motors when repairs are undertaken but will utilise subcontractors for bore redevelopment and diver services to inspect pumps located in lakes.

Item 12.4 Continued

Hydroquip Pumps has been operating since 1995 and have 16 full time employees, including three qualified divers. Electrical works would be subcontracted. They have extensive local government experience and their methodology demonstrated that they have a good understanding of the scope of works and the required response times and can provide scheduled maintenance services to comply with the City's programme.

The Evaluation Matrix (refer [Confidential Attachment 1](#)) identifies Hydroquip Pumps as the preferred supplier.

FINANCIAL IMPLICATIONS

Tenderers were required to provide a service charge for each pump to include removal and dis-assembly of the unit as well as re-assembly, re-installation and testing once the service is completed. The service charge does not include replacement parts. The score for the Price criterion was calculated using the total service charge for all pumps listed.

Rates for the provision of replacement pumps, bore redevelopment and depth to groundwater measurement were also provided and these are set out in the Price Schedule [Confidential Attachment 2](#).

Annual expenditure for this contract is \$300,000 - \$400,000 per annum.

ENVIRONMENTAL IMPLICATIONS

The City has a groundwater licence allocation of 7500 kL per hectare of Public Open Space per year and seeks to improve water efficiency in groundwater consumption. Ensuring that the bores and pumps are maintained in good working order helps to ensure this objective is achieved. With the pumps working at optimum level energy consumption is also reduced.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

- 1. Accept the tender submitted by Hydroquip Pumps for the Supply, Installation and Maintenance of Bores and Pumps as specified and in accordance with the schedule of rates provided as the most advantageous solution.***
- 2. Award the contract to Hydroquip Pumps for an initial period of three years with the option of two, one year extensions at the sole discretion of the City.***

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

12.5 QUOTATION Q01/2018 - ELECTRICAL ENERGY SUPPLY FOR CONTESTABLE SITES

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 3 – Item 12.5 refers	<u>Electrical Energy Supply For Contestable Sites Cost Comparison</u>

Voting Requirement : Simple Majority
Subject Index : 135/2018-01
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil.
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval to award Quotation 01/2018 - Electrical Energy Supply for Contestable Sites.

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite and evaluate quotations and includes a recommendation to award Quotation Q01/2018 in accordance with the requirements of the *Local Government Act 1995*.

Item 12.5 Continued

In accordance with the City of Belmont's purchasing policy, three quotes for the supply of electricity to six contestable sites were invited from members of the West Australian Local Government Association's (WALGA) Energy-Contestable Energy and Related Services preferred supplier panel as follows:

- Alinta Energy
- Perth Energy Pty Ltd
- Synergy

LOCATION

- Gerry Archer and Belmont Oval (bore)
- Ascot Waters (lake circulating pump and bollard park lighting)
- Operations Centre
- Administration Building
- Centenary Park (lake pump, Daly Street barbecues and park lighting)
- Youth and Family Services Centre, 275 Abernethy Road, Cloverdale.

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

BEXB28–Purchasing

POLICY OBJECTIVE

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

STATUTORY ENVIRONMENT

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

Item 12.5 Continued

BACKGROUND

Large electricity users with energy consumption over the regulatory threshold, currently 50,000 kWh (units) of electricity per annum, are able to choose their supplier of electricity.

The following six City of Belmont sites have been identified as eligible:

- Gerry Archer and Belmont Oval (bore)
- Ascot Waters (lake circulating pump and bollard park lighting)
- Operations Centre
- Administration Building
- Centenary Park (lake pump, Daly Street barbecues and park lighting)
- Youth and Family Services Centre, 275 Abernethy Road, Cloverdale.

Energy consumption at Gerry Archer / Belmont Oval bore and Ascot Waters has now fallen below 50,000 kWh per annum however these sites still qualify for inclusion in the agreement.

As members of the West Australian Local Government Association's (WALGA) preferred supplier panel for the retail supply of energy to contestable sites, Alinta Energy, Perth Energy Pty Ltd and Synergy were invited to provide a price and all three responded.

The invitation to quote was issued on Thursday, 25 January 2018 and closed on Tuesday, 13 February 2018.

OFFICER COMMENT

All three respondents offered a two year agreement with network and regulatory charges included in their quoted rates. However, all three will pass on any changes to these charges as they occur.

The prices quoted by the three respondents are listed in Table 1 of the Cost Comparison while the estimated cost per annum is detailed in Table 2. (refer [Confidential Attachment 3](#))

As can be seen from Table 2, Perth Energy offers the most favourable solution. The electricity supply component of their rates would be subject to an increase in accordance with Consumer Price Index (All Groups Perth) on the anniversary date of the contract, however over the two year term it is considered that this would still be the most advantageous option for the City.

FINANCIAL IMPLICATIONS

The solution offered by Perth Energy is estimated to be 0.9% less than the current rates, however this is subject to a minimum annual consumption for both peak and off peak electricity (for the combined six sites), based on 80% of annual agreed consumption.

Item 12.5 Continued

ENVIRONMENTAL IMPLICATIONS

The City of Belmont's Environment and Sustainability Strategy 2016-2021 includes an ongoing action to: *Purchase 25% renewable energy or equivalent in "Gold standard" carbon offsets certified under the National Carbon Offset Standard, for the top five highest electricity consuming sites.*

It is intended that quotes will be sought for decoupled Green Power or "Gold Standard" offsets for 25% of the consumption at the end of each financial year, separate to this contract.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council accept the quotation submitted by Perth Energy for the Electrical Energy Supply for Contestable Sites for two years, in accordance with the schedule of rates provided, as the most advantageous.

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

12.6 ACCOUNTS FOR PAYMENT – FEBRUARY 2018

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 8 – Item 12.6 refers	Accounts for Payment - February 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

- | | | |
|-------------------------------------|-----------------------|---|
| <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 12.6 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 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	787663 to 787687	\$190,290.45
Municipal Fund EFTs	EF054339 to EF054765	\$4,038,107.61
Municipal Fund Payroll	February 2018	\$1,549,757.57
Trust Fund EFTs	EF054414 to EF054415	\$28,110.34
Total Payments for February 2018		<u>\$5,806,265.97</u>

Item 12.6 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 February 2018 as provided under [Attachment 8](#) be received.

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

12.7 MONTHLY ACTIVITY STATEMENT AS AT 28 FEBRUARY 2018

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 9 – Item 12.7 refers	<u>Monthly Activity Statement as at 28 February 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 and recommend a change to the materiality threshold adopted by Council in August 2017.

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 12.7 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 significant 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 10 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 12.7 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.

The closing balance is due to increase significantly with the inclusion of unspent loan funds for the New Community Centre. For this reason it would be more prudent to base the 10 percent on the July 2017 adopted authorised budgeted closing balance which would continue the same materiality threshold (i.e. \$50,000) as has been the case.

In order to provide more details regarding significant variations as included in [Attachment 9](#) 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	158,845	52,504	Foreshore restoration/erosion control projects have cost less than anticipated primarily as the progress of the erosion was less than anticipated.
Grounds Operations	897,815	608,503	Some projects are expected to be less than budget and both Wicca and Forster Park upgrades are expected to carry over to 2018-2019.
Road Works	7,808,542	3,105,602	Variance mainly relates to the Surrey Rd Bike Boulevard and Belmont Ave upgrade with the latter now expected to occur in 2018-2019 due to delays with Western Power and finding available land for installation of the ring main units.
Footpath Works	793,100	271,122	Variance relates partially to outstanding invoices although due to grant income no longer being available some jobs have been removed.
Drainage Works	705,894	407,354	Variance relates to the budget spread of certain projects.
Operations Centre	849,586	407,383	Variance relates to the replacement of major plant which is largely expected to occur over the remainder of the financial year.
Building Control	87,941	8,630	Fleet expected to be purchased later in the year.

Item 12.7 Continued

Report Section	Budget YTD	Actual YTD	Comment
Building Operations	8,180,427	786,108	Variance mainly relates to the budget spread of the new Community Centre.
Expenditure – Operating			
Marketing and Communications	724,839	631,890	Variance relates to employee and community survey costs.
Executive Services	1,154,471	1,055,695	Variance mainly relates to employee costs.
Governance	2,680,077	2,370,142	Variance predominantly relates to Activity Based Costing allocations (ABC's).
Accommodation Costs	397,195	329,546	Variance relates to outstanding invoices.
Belmont Community Watch	786,163	733,006	Variance relates to outstanding invoices.
Rangers	632,670	550,777	Employee costs are under budget.
Health	860,522	776,212	Employee and legal costs are under budget.
Aboriginal Strategies	176,325	115,625	Employee costs are under budget.
Community Services	616,189	548,434	Consulting costs are under budget.
Community Lifestyle and Learning	243,165	165,053	Employee costs are under budget.
Belmont HACC Services	1,825,960	1,682,696	Employee and training costs are under budget.
Faulkner Park Retirement Village	80,000	165,400	Additional contributions required for refurbishments.
Town Planning	2,174,910	1,976,503	Variance mainly relates to consulting costs.
Sanitation Charges	3,714,466	3,527,470	Variance relates to outstanding invoices.
Community and Recreation Service	701,758	602,114	Employee and public art costs are under budget.
Building - Active Reserves	530,597	468,322	Building maintenance costs are currently under budget.
Grounds Operations	3,657,684	3,408,115	Employee and contractor costs are under budget.
Grounds - Active Reserves	650,209	866,463	Turf maintenance costs are above budget following a change in contractor and tender rates..
Grounds Overheads	1,013,748	1,069,521	Variance relates to an Eligible Termination Payment to a retiring staff.
Streetscapes	652,122	773,455	Budget spread issue regarding verge and street tree maintenance.
Building Control	902,124	837,912	Employee costs are under budget.
Building Operations	647,758	591,675	Consulting costs are under budget.
Plant Operating Costs	787,577	724,470	Fuel and maintenance costs are under budget.
Technical Services	1,799,536	1,632,476	Variance mainly relates to consulting costs.

Item 12.7 Continued

Revenue - Capital			
Property and Economic Development	Nil	(3,150,000)	Revenue received earlier than expected.
Road Works	(1,366,894)	(1,464,533)	Road grants are above budget.
Footpath Works	(140,000)	Nil	Grant income and associated jobs have been removed from the budget (March review).
Operations Centre	(341,424)	(165,771)	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			
Human Resources	(918,127)	(859,853)	ABC recoveries are below budget.
Accommodation Costs	(432,721)	(329,546)	ABC recoveries are below budget.
Rates	(47,146,713)	(47,634,952)	Interim rates (Commercial) are currently above budget.
Faulkner Park Retirement Village	(100,000)	(160,570)	Income from unit sales is above budget.
Town Planning	(1,019,506)	(792,115)	ABC recoveries and application fee income are below budget.
Public Works Overheads	(1,087,034)	(923,899)	Overhead recoveries are currently below budget.
Plant Operating Costs	(1,160,970)	(1,053,286)	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 28 February 2018	\$	Comment
Cash and investments	76,904,707	Includes municipal and reserves
- less non rate setting cash	(45,880,202)	Reserves
Receivables	5,851,662	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(935,352)	ESL Receivable
Stock on hand	203,577	
Total Current Assets	36,144,392	
Current Liabilities		
Creditors and provisions	(8,609,579)	Includes ESL and deposits
- less non rate setting creditors and provisions	3,669,927	Cash Backed LSL, current loans and ESL
Total Current Liabilities	(4,939,652)	
Nett Current Assets 28 February 2018	31,204,741	
Nett Current Assets as Per Financial Activity Report	31,204,741	
Less Restricted Assets	(1,519,800)	Unspent grants held for specific purposes
Less Committed Assets	(29,184,941)	All other budgeted expenditure
Estimated Closing Balance	500,000	

Item 12.7 Continued

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

- 1. That Council adopt 10 percent of the July 2017 authorised budgeted closing balance as the base amount for determining materiality of variations in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996.***
- 2. That the Monthly Financial Reports as at 28 February 2018 as included in [Attachment 9](#) be received.***

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

8.31pm The Manager Finance departed the meeting and did not return.

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

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 (ie: 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 inappropriate 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 associated with this report.

COUNCILLOR RECOMMENDATION

ROSSI MOVED, POWELL SECONDED,

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 and ask for support from 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.***

CARRIED 9 VOTES TO 0

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.

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 8.50pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held on 27 March 2018 were confirmed as a true and accurate record at the Ordinary Council Meeting held 24 April 2018:

Signed by the Person Presiding: _____



PRINT name of the Person Presiding: _____

PHILIP MARKS