City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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28 November 2017

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<u>ATTACHMENTS INDEX</u>

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 Davis	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward
Cr L Cayoun	West Ward
Cr G Sekulla, JP	West Ward

IN ATTENDANCE

Mr J Christie	Chief Executive Officer
Mr R Garrett	Director Corporate and Governance
Mrs J Hammah	Director Community and Statutory Services
Mr J Olynyk, JP	Manager Governance
Ms L Bradley	Manager Marketing and Communications
Mr J Hardison *(dep 8.20pm & did not return)*	Manager Property and Economic Development
Mr S Morrison	Manager Works
Mr W Stephens *(dep 8.20pm & did not return)*	Manager Parks and Environment
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms D Morton	Media and Communications Officer
Ms S D'Agnone	Governance Officer

MEMBERS OF THE GALLERY

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

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.12pm, welcomed those in attendance, and read the Acknowledgement of Country.

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

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

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

2. APOLOGIES AND LEAVE OF ABSENCE

Mr R Lutey (Apology) 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

The Presiding Member made the following announcements:

Announcement 1

'On 12 November 2017, I attended the Belmont Sport and Recreation Club's "Eat Greet and Meet" event, where I was presented with a Certificate of Appreciation on behalf of the City recognising its valuable contribution and dedication to improve the sustainability of the Club.

The City has worked hard, and looks forward to continued support to ensure the Belmont Sport and Recreation Club remains a big part of the Belmont community.'

Announcement 2

'In addition to the City of Belmont supporting the 'Light up our Landmarks' initiative, as part of WA's version of the international 16 Days of Activism to Eliminate Gender-based Violence, Councillors are wearing an item of orange clothing tonight to show their support for this campaign.

Councillors have previously voted in support of intervention measures to supplement and support existing domestic violence services locally - this is a 'visual' way of showing support.

A photo of Councillors will be taken at the conclusion of the OCM which will be used in a media release and communicated through our social media channels.'

4.2 DISCLAIMER

7.15pm 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 MR H HAFID, 84 MERCURY STREET, KEWDALE

The following question was taken on notice at the 31 October 2017 Ordinary Council Meeting. Mr Hafid was provided with a response on 17 November, 2017. The response from the City is recorded accordingly:

1. Are there any plans or intention for park improvement, beautification or landscaping on the vacant land between the end of Mercury Street and Orrong Road?

Response

Officers from the City's Parks and Environment section will assess the road reserve area between Orrong Road and the Mercury Road cul de sac with a view to planting additional trees during the winter of 2018 (May to August).

Currently the City is developing a strategy to reduce the possibility of vehicle access from or to Orrong Road via Mercury Street. This will be achieved by installing additional bollards at both ends and connecting them using either chain or a solid rail.

Footpath access will also be restricted by installing a staggered fence treatment in the form of using pedestrian barrier grab rails.

These measures should eliminate any vehicle access however any treatment needs to consider disability access and inclusion guidelines which will allow wheelchair, gopher and pram access but also motorbikes. Illegal activity should be reported to the Western Australian Police.

It should also be noted that the City has adopted a vehicle access plan for the future development of properties adjacent to Orrong Road (house numbers 315 – 325). This is shown shaded purple on the plan below and when developed in the future has the potential to affect any treatment installed in the interim.

5.1.2 MS L RAVAILLION, 409 HARDEY ROAD, CLOVERDALE

The following question was taken on notice at the 31 October 2017 Ordinary Council Meeting. Ms Ravaillion was provided with a response on 10 November 2017. The response from the City is recorded accordingly:

1. Eyes on the Street: Parked every day, for long periods at the multipurpose centre (corner Keane Street and Abernethy Road). Is this the base for the vehicles? If not is it possible for them to maybe sit in an area with people present (eg: Belvidere Street shops) while not patrolling?

Response

In regard to the particular location referenced, CCTV footage has been reviewed between the available date periods of 7 October 2017 until 31 October 2017. Security were seen at the Centre on numerous occasions where they were either carrying out building checks and/or having their meal break. In all of the footage checked there was only one day, on two separate occasions on 31 October 2017 where both 24 hour vehicles were seen at the Centre for short periods of time. After reviewing the evidence the City has no concerns that the cars are spending time at the location without justification.

In a more general sense, the cars do meet up occasionally at various locations throughout the City to discuss site issues or assist one another if one area is busier than the other. The vast majority of the time the cars are on the road and are very busy. It should also be noted that security are also entitled to have a break or their lunch and where they choose to do that is at their discretion.

5.1.3 MR P HITT, 14 MCLACHLAN WAY, BELMONT ON BEHALF OF BELMONT RESIDENTS/ RATEPAYERS ACTION GROUP INC.

The following questions were taken on notice at the 31 October 2017 Ordinary Council Meeting. Mr Hitt was provided with responses on 10 November 2017. The responses from the City are recorded accordingly:

1. Wright Street - Why when many Council Officers use this thoroughfare has the condition of the road been left to deteriorate, to the point of presenting a danger to all who use this road or the footpaths adjoining it?

2. When will action be taken to remediate these issues along the whole length of Wright Street?

Response

The City of Belmont is proactive in assessing the condition of all of its infrastructure assets.

In Wright Street from Orrong Road to Hardey Road there are 55 median trees of various species, size and maturity. A recent audit shows that there are some locations where there is conflict with the road surface/pavement which is mainly confined to within the median.

Three locations in Wright Street adjacent to Peet Park have been identified where damage caused by the existing trees will require remediation works in the very near future. All other locations will be monitored and maintenance will be carried out when required.

Item 5.2.1 Continued

3. Will the Mayor and the CEO take steps immediately to stop the practice of Councillors using the resources of the Council lounge outside of official duties and meeting times?

Response

There are no current plans to change the use of the Councillors' lounge, which is currently used by Councillors whether that be for official duties or meetings to discuss Council business.

5.1.4 MR R BROINOWSKI, 66 ARMADALE ROAD, RIVERVALE

The following questions were taken on notice at the 31 October 2017 Ordinary Council Meeting. Mr Broinowski was provided with a response on 10 November 2017. The response from the City is recorded accordingly:

1. How many public functions has the Local Member of Parliament been invited to attend this year and how many has she attended?

Response

During the 2017 calendar year to date, the State Member of Parliament, (both past and present) has not received invitations to attend public functions. Generally speaking, the City does not send invitations to its stakeholders for public functions as all of the City's functions open to the public are advertised in the local newspaper and/or on one or more of the City's media platforms.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.17pm **The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (l), the Mayor advised that he had registered five members of the public who had given prior notice to ask questions.**

The Presiding Member invited members of the public who had yet to register their interest to ask a question to do so. No further registrations were forthcoming.

5.2.1 MS B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE

1 (a) What consideration has been given to how vehicles will execute a right hand turn out of Kanowna into Second/Stanton against 1230 vehicles per hour peak. This is when parents are picking and dropping off their children and are exiting Kanowna.
(b) What measures will City of Belmont put in place to prevent future congestion and traffic accidents?
(c) Why is there no mention of Kanowna Avenue in the SIDRA Movement Summary? Why has this been overlooked?

2. (a) How will the two contiguous 40 kph speed limits and traffic calming structures impede the flow of traffic on Stanton Road/Second Street, and how will this affect the existing congestion? Can City of Belmont provide its mathematical analyses to demonstrate its conclusions?
(b) Has DFO traffic been factored into the 1230 vehicle per hour predictions?
(c) In the event of gridlocks occurring (bear in mind a proportion of these vehicles will be the "super buses"), what is the static weight bearing capacity of the Stanton Road Bridge?
(d) In the event of a traffic accident resulting in injury or fatality, given these concerns have been raised with the City of Belmont, will the City bear liability?

Response

The Manager Works advised that the questions would be taken on notice to provide a comprehensive response. The overarching answer is that the City will be conducting comprehensive traffic analysis which will consider most of the issues raised in the questions. The City will be better able to provide answers when the analysis is complete. Consultants have commenced working on the implementation plan, pending the complete closure of Brearley Avenue, upon which the DA6 Vision Plan is based.

The volume of traffic on the Stanton Road bridge does not impact on its weight bearing capacity. The design of the bridge allows for significantly greater capacity (traffic/weight) than present and predicted future traffic volumes. Information relating to the static weight bearing capacity of the bridge can be obtained from Main Roads WA (MRWA).

3. (a) Has the City now adopted a different policy for dealing with queries from residents and is that policy to ignore letters at the discretions of its officers? Is it now a pointless exercise for residents to write to the City of Belmont Officers?
   (b) Can City of Belmont advise whether it believes my queries warrant a response, or not, and if not, why? I believe my questions are valid and on that basis when can I anticipate an informative reply?

Response

The Chief Executive Officer advised that the City does not have a policy of not responding to customer requests and apologised for any oversight that may have occurred. The City's Customer Service Charter states that all enquiries must be responded to within ten working days and this standard is adhered to. He was unaware of the particular circumstances in this case, and undertook to follow up and ensure a response is provided.

5.2.2 MS B SCHARFENSTEIN, ON BEHALF OF BELMONT RESIDENTS' AND RATEPAYERS ACTION GROUP INC. (BRRAG)

1. What is the level (international standard measure) of PFAS contamination on the site of Redcliffe train station and DFO site?

   How does this compare to levels deemed not to be detrimental to
   (i) human beings;
   (ii) native fauna and habitat; and
   (iii) aquatic species and marine (river/stream) habitats being in this instance,
   (a) The Southern main drain;
   (b) The Northern main drain
   (c) Swan river where silt from the drain/s, originating from PTA works and the DFO, has been deposited?
2. Have fish been tested for PFAS levels and has the City of Belmont put signs in the area to alert anglers to the presence of PFAS in the marine environment?
3. Given the wind-borne distribution of soils from the Airport West station site, what testing has City of Belmont undertaken to determine whether there is cumulative PFAS toxicity of soils deposited outside the station site?
4. Can the City of Belmont at best guarantee or at a minimum assure residents that the airborne dust contamination from the Redcliffe train station site will not result in cumulative toxicity and is not detrimental to the health of local residents whose properties are subject to excessive dust contamination?
5. a) Is it correct to assume that once soil and dust leaves the Redcliffe station site that such dust becomes the responsibility of the City of Belmont and not the PTA?
   b) If that is the case what measures will City of Belmont undertake to mitigate against airborne dust contamination of Redcliffe residents' properties?
   (Note: Several residents in Redcliffe DA6 are currently experiencing severe dust contamination from the train station site, due to inadequate dust suppression measures.)

Response

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

5.2.3 MR R FOSTER, 140 COOLGARDIE AVENUE, REDCLIFFE

1. Were the upgrades and subsequent opening of Central Avenue to the Perth Airport Estate undertaken by the Public Transport Authority and the City of Belmont without the proper advertisement and submission period?

Response

The Chief Executive Officer advised that the City is aware that there were some issues concerning MRWA advertising regarding the opening of Central Avenue, however the question would be taken on notice to provide a more comprehensive response.

2. Will the “living Stream” be fenced off and or isolated from the Public Open Space between First Street and Bulong Ave and has the City of Belmont undertaken any action regarding the sandbank in the river, the lack of dust suppression coming from the Airport Estate and works in the immediate vicinity of Central Avenue and the amenity of residents and ratepayers regarding this dust which possibly contains PFAS.?

Response

The Chief Executive Officer advised that the question would be taken on notice in order to provide a more comprehensive response.

5.2.4 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE

1. At the September OCM, free speaking by the retiring and councillors seeking re-election, had the Gallery believing we heard a concerning statement relating to honesty, several of the Gallery were puzzled. Could we have an explanation of what was said?

Response

The Presiding Member advised that as he was unsure of the matter Mr Childs was referring to and as Mr Childs was reluctant to name the Councillor in question, he suggested a private meeting between himself and Mr Childs where the matter could be discussed in greater detail.

2. Could our new CEO Mr John Christie expand on the article featured in the Belmont Bulletin and perhaps refer to his culture, virtues and manner he will apply when dealing with staff and community members?

Response

The Chief Executive Officer advised although it may appear he has had a rapid rise to his current position, he has been in local government for 37 years, with the past nine years holding a senior position as Director Technical Services.

The Chief Executive Officer further advised that in regard to culture and values, honesty and integrity are what he sees as most important, closely followed by team work and collaboration. All Officers working at the City’s Civic Centre and Operations Centre are here to provide quality services that meet the needs of the residents of Belmont. He is open and approachable and certainly happy to meet with members of the public. Officers and community members are worked with openly and honestly to produce outcomes that are for the betterment of the Belmont community. The City of Belmont has a culture that is one of the best in the Perth metropolitan area, and he looks optimistically towards the City’s future.

5.2.5 MS J GEE, 97 GABRIEL STREET, CLOVERDALE

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

Response

The Director Community and Statutory Services advised that the Colmax Recycling facility is the subject of an ongoing non-compliance investigation which includes numerous breaches and amenity impacts on surrounding properties. As the site is clearly non-compliant, dust measurements are not required to be carried out.

2. Considering there is 188m^2 less space for our senior's in the new building, can you please clarify the following:
   (a) Why is the kitchen inefficient space and what is the kitchen design in the new building?
   (b) Why is the dining room inefficient space and what is the dining room design in the new building?
   (c) What is the area of the terrace and why is this being included in the comparison with the old building when this is space that is not able to be used all year round due to weather constraints?

Response

The Director Community and Statutory Services advised that inefficient space in this instance refers to areas of 'dead space' that cannot be utilised due to movement restrictions, and that the floor space in the new building is being used to its maximum potential.

The Presiding Member further advised that the Senior Citizens' area was designed with input from the Senior Citizens Club who are extremely satisfied with what is being proposed, however the question would be taken on notice to provide a more comprehensive response.

3. There is a lot of talk about recording the minutes and I have asked the question before so -
   (a) Is council aware that both Kalamunda and Swan record theirs and Swan is looking at live streaming their meetings?
   (b) So what is this council afraid of?
   (c) Why do councillors vote that the minutes are correct when it is known that there are inconsistencies?

Response

The Presiding Member advised that Councillors make the decision to accept the minutes to the best of their ability and that no Councillor is deliberately endorsing incorrect minutes.

Item 5.2.5 Continued

The Manager Governance further advised that the City's *Standing Orders Local Law 2017* require Council to confirm the accuracy of the minutes and there is a process in place for Councillors who believe the minutes require amendment.

On the last occasion that the audio recording matter was presented to Council, the report summarised how other local governments managed meetings, which includes recording and live streaming. Legal advice was also included and a presentation from the City's lawyers was conducted for Council. Based upon the facts in the report, Council made the decision not to record the City's meetings. Any future changes will be at the discretion of Council.

4. What can a member of the gallery do if they believe the minutes are incorrect?

Response

The Manager Governance advised that if a member of the public has a question regarding the accuracy of the minutes, the correct process is to contact the Chief Executive Officer or a Director so that the matter can be investigated.

As they are the minutes of Council, it is the Councillors' responsibility to read and confirm their accuracy. Councillors can ask questions during the confirmation period.

It is a statutory requirement that Council minutes are available to the public within 10 days of the date of a meeting. Members of the public are able to peruse the minutes and ask questions, however it should be noted that the questions and responses are not recorded verbatim. When a question is provided in writing it will be transcribed as written, however if no copy of a question is received, a short precis will be noted in the minutes. The *Local Government Act 1995* requires that a summary of questions and responses be recorded in the minutes.

5. When a Special Council Meeting is called, such as the one held on 22 November 2017, can you please ensure that advertisements go into the newspaper the week before and not be hidden in the back of the paper?

Response

The Manager Governance advised that the 22 November 2017 Special Council Meeting was advertised in a large display and in a prominent position of the newspaper the week before the meeting and the day before the meeting.

7.54pm ***ROSSI MOVED, BASS SECONDED*** ***that question time be extended.***

CARRIED 9 VOTES TO 0

5.2.6 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

Ms Hollands queried the format of a question and response at the 31 October 2017 Ordinary Council Meeting and how it was recorded in the minutes.

Response

The Manager Governance reiterated that the *Local Government Act 1995* states that questions and responses given during Public Question Time are summarised in the minutes and not recorded verbatim.

1. The Shires of Swan, Kalamunda and Victoria Park do not provide vehicles for their Mayor. Vincent does not provide a vehicle but an electric bike for the Mayor to use and Stirling gives an option to use a vehicle but the Mayor prefers to use their own. According to the budget all of the Mayoral allowances total $139,409. How much does it cost per year for the vehicle for our Mayor and why are we providing a vehicle to the Mayor when other shires do not? Is this something necessary, given other Shires are not providing this benefit when the pay allowance although (sic).

Response

The Presiding Member advised that he keeps a log of private use of the Mayoral vehicle and is charged by the City accordingly. In his capacity as Mayor, he attends meetings all over the metropolitan area, from Kalamunda to Rockingham, and covers many work related kilometres per year.

The Presiding Member further advised that it is his understanding that the City of Stirling Mayor is provided with a vehicle, which currently is a Mercedes. The City of Stirling purchased a higher model vehicle that will hold its resale value better than other models.

The Director Corporate and Governance advised that the question relating to the cost would be taken on notice to provide a more comprehensive response.

2. Which of the committees that councillors were appointed to at the Special Council Meeting when they swore in new councillors are paid positions and which Councillors have these?

Response

The Presiding Member advised that as members of the Eastern Metropolitan Regional Council (EMRC) an allowance is payable though he elects not to receive the allowance as a proxy, however the two Councillor representatives, Cr Powell and Cr Wolff, do receive the allowance.

The Presiding Member further advised that as a member of the Perth Airports Municipalities Group Inc (PAMG) he is entitled to an allowance but has declined it.

8.01pm **As there were no further questions, the Presiding Member declared Public Question Time closed.**

6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX

6.1 SPECIAL COUNCIL MEETING HELD 23 OCTOBER 2017
(Circulated under separate cover)

OFFICER RECOMMENDATION

SEKULLA MOVED, ROSSI SECONDED,

That the minutes of the Special Council Meeting held on 23 October 2017 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 9 VOTES TO 0

6.2 ORDINARY COUNCIL MEETING HELD 31 OCTOBER 2017
(Circulated under separate cover)

MOTION

ROSSI MOVED, SEKULLA SECONDED,

That the following wording be included at Item 5.2.5

5.2.5 Mr P Hitt, 14 McLachlan Way, Belmont, on behalf of the Belmont Residents/Ratepayers Action Group (BRRAG) Inc

1. Why when many Council Officers use this thoroughfare (Wright Street) has the condition of the road been left to deteriorate, to the point of presenting a danger to all who use this road or the footpaths adjoining it?

2. ***When will action be taken to remediate these issues along the whole length of Wright Street?***

Response

The Manager Infrastructure Development advised that the City is aware of this ongoing issue. The City has a strong focus on retaining tree canopy, and continues to investigate solutions which do not necessitate removing trees. As these trees are now impacting the use of the carriageway and may be becoming a safety hazard, the question will be taken on notice and the matter further investigated.

CARRIED 9 VOTES TO 0

Item 6.2 Continued

MOTION

ROSSI MOVED, POWELL SECONDED,

That the following wording be amended at Item 5.2.7

5.2.7 Mr R Greenwood, 151 Coolgardie Avenue, Redcliffe, on Behalf of the Belmont Residents/Ratepayers Action Group (BRRAG) Inc

1. What action did City of Belmont Mayor Marks take, following our 25 minutes conversation on Friday 22 September 2017 when the then weather forecast predicted the possibility of heavy sustained rains in the Avon catchment over the long weekend and following the gale force winds on Thursday 21 and Friday 22 September, and, request for urgent FESWA disaster modelling of how the citizens and City of Belmont would be affected, in a major sustained Avon catchment rainfall event which fortunately for all of us in the City of Belmont did not eventuate over that long weekend?

2. Mayor and Councillors, do we know what height of floor above AHD would affect this building we are meeting in tonight, and, do we know the respective flood height for every other building in use in the City? On Friday last, Jason Millsteed, Acting Programme Manager, Department of Water (3-4 years) stated; 'Department of Water ~~***will***~~ ***cannot*** provide predictive analysis of water flows in the Avon and Swan Rivers based on Bureau of Meteorology forecasts Department of Water can only calculate post flood flows'; How then can we as Citizens, and, our City of Belmont Council plan for and advise and warn residents of potentially catastrophic Swan River flows, and future often silent inundations of this City?

Response

The Presiding Member advised that he had a discussion with the A/Chief Executive Officer at the time after speaking to Mr Greenwood. It is the City's understanding, on advice from the Swan River Trust, that a king tide plus flooding in the hills would be required for Belmont to experience a significant flooding event.

The Manager Infrastructure Development further advised that the City obtains its advice relating to flood risks from government agencies, including the Water Corporation, who have the resources to model impacts, and who deal with these matters in the course of their day to day duties.

CARRIED 9 VOTES TO 0

Item 6.2 Continued

OFFICER RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 31 October 2017 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

AMENDED OFFICER RECOMMENDATION

DAVIS MOVED, WOLFF SECONDED,

That the minutes of the Ordinary Council Meeting held on 31 October 2017, *as amended,* ~~*as printed and circulated to all Councillors*~~*,* be confirmed as a true and accurate record.

Reason:

To rectify transcription errors.

CARRIED 9 VOTES TO 0

6.3 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 21 NOVEMBER 2017

(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, CAYOUN SECONDED,

That the Information Matrix for the Agenda Briefing Forum held on 21 November 2017 as printed and circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

11.1 STANDING COMMITTEE (AUDIT AND RISK) HELD 30 OCTOBER 2017
(Circulated under separate cover)

OFFICER RECOMMENDATION

SEKULA MOVED, BASS SECONDED,

That the minutes for the Standing Committee (Audit and Risk) meeting held on 30 October 2017 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

11.2 STANDING COMMITTEE (COMMUNITY VISION) HELD 6 NOVEMBER 2017
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, RYAN SECONDED,

That the minutes for the Standing Committee (Community Vision) meeting held on 6 November 2017 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

11.3 STANDING COMMITTEE (ENVIRONMENTAL) HELD 20 NOVEMBER 2017
(Circulated under separate cover)

OFFICER RECOMMENDATION

WOLFF MOVED, CAYOUN SECONDED,

That the minutes for the Standing Committee (Environmental) meeting held on 20 November 2017 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Rossi
Item 12.2 was withdrawn at the request of Cr Rossi

CAYOUN MOVED, RYAN SECONDED,

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

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.1 CITY OF BELMONT LOCAL PLANNING SCHEME NO. 15 – SCHEME AMENDMENT NO. 10 (TO MODIFY CLAUSE 5.12.1(A))

BUILT BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	LPS15/010 Scheme Amendment 10 – To Clause 5.12.1(a) – Outdoor Storage
Location / Property Index	:	N/A
Application Index		N/A
Disclosure of any Interest	:	N/A
Previous Items	:	Nil
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To initiate Scheme Amendment No. 10 to the City of Belmont Local Planning Scheme No. 15 (LPS15) to introduce provisions allowing controlled outdoor storage.

Item 12.1 Continued

SUMMARY AND KEY ISSUES

1. Clause 5.12.1(a) of LPS15 prohibits outdoor storage in the Mixed Business Zone.

2. An amendment is proposed to introduce provisions to permit outdoor storage in the Mixed Business Zone.

3. The proposed amendment stipulates that all outdoor storage in the Mixed Business Zone is to be approved by the City and must address provisions relating to:
   - Visual amenity
   - Site function
   - Natural environment
   - Health and safety
   - Storage of sea containers.

4. The proposed amendment will allow greater flexibility to existing and future businesses in establishing and/or operating in the Mixed Business Zone and will have economic and social benefits for the City.

5. It is recommended that Council adopts the proposed amendment for the purpose of advertising.

LOCATION

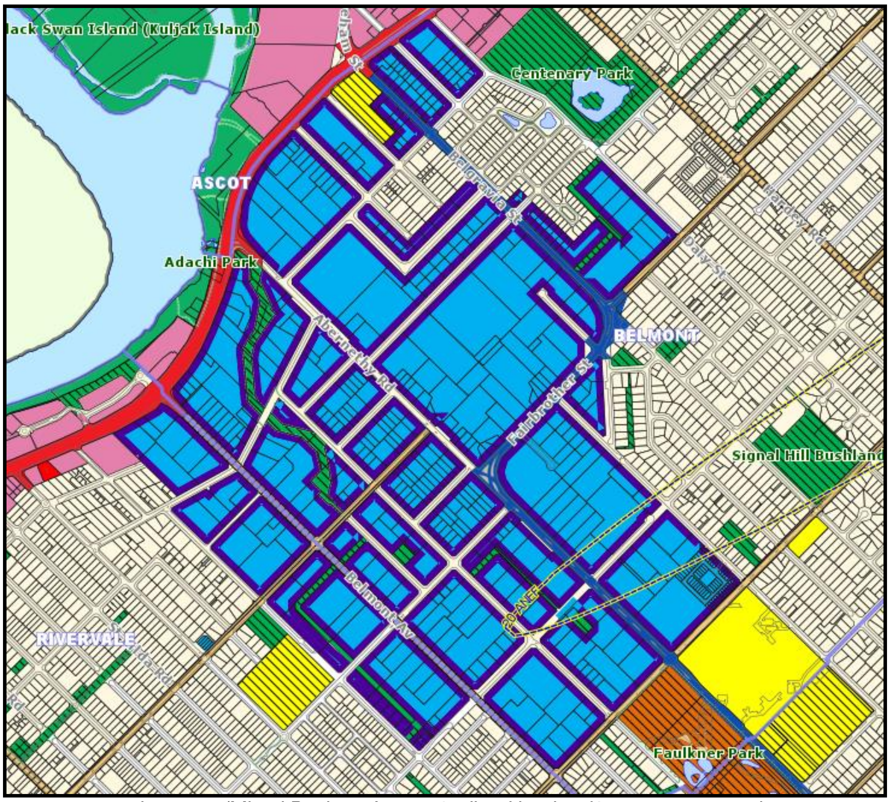


Figure 1 – 'Mixed Business' Zone Outlined in Blue (Source: IntraMaps)

The proposed amendment relates only to the Mixed Business Zone which is generally bounded by Great Eastern Highway, Belgravia and Fisher Streets, Alexander Road, Knutsford Avenue and Belmont Avenue.

Item 12.1 Continued

CONSULTATION

Through the City's Property and Economic Development Department, a number of business operators have raised their desire for the City to consider greater flexibility by allowing outdoor storage associated with their business' in the Mixed Business Zone. This proposed amendment has been prepared in consultation with the City's Property and Economic Development Department.

No public consultation has been undertaken at this stage. Public consultation is required under Part 5 Division 3 Section 47(2) and 47(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). The Regulations stipulate that the period for submissions set out in the notice of advertisement must be no less than 42 days.

Should Council resolve to initiate the Scheme Amendment, it is recommended that advertising be undertaken by:

- Placing an advertisement in the West Australian, Southern Gazette and on the City's website; and
- Writing to existing business owners and occupiers and other relevant stakeholders in the Mixed Business Zone.

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.

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

Objective: Maximise business development opportunities.

Strategy: Promote development opportunities through effective land asset management.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

Item 12.1 Continued

STATUTORY ENVIRONMENT

Section 75 of the *Planning and Development Act 2005* refers to the amendment of a Local Planning Scheme. The procedures for amending a Local Planning Scheme are contained within Part 5 of the *Regulations*.

The Planning and Development (Local Planning Schemes) Regulations 2015 operates under the *Act*, with Part 5 Division 1 Section 34 of the *Regulations* identifying classification criteria for the three amendment types – Basic, Standard and Complex. It is considered that the amendment is a 'Standard' amendment, as outlined below.

Amendment Type	Regulations Criteria	City's Comments
Standard Amendment	*means any of the following amendments to a Local Planning Scheme —*	
	(a) An amendment relating to a zone or reserve that is consistent with the objectives identified in the Scheme for that zone or reserve.	*The proposed amendment relates to the 'Mixed Business' Zone and is consistent with the objectives of LPS15 for that zone.*
	(b) An amendment that is consistent with a local planning strategy for the Scheme that has been endorsed by the Commission.	*The proposed amendment is consistent with the objectives for the Mixed Business Zone under the Local Planning Strategy.*
	(c) An amendment to the Scheme so that it is consistent with a Region Planning Scheme that applies to the Scheme area, other than an amendment that is a basic amendment.	*Lots in the Mixed Business Zone are zoned 'Industrial' or 'Urban' under the Metropolitan Region Scheme (MRS). The proposed amendment is not considered to be contrary to these zones, as it does not limit the type of land uses which may be approved on lots within the Mixed Business Zone.*
	(d) An amendment to the Scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the Scheme for the land to which the amendment relates if the Scheme does not currently include zones of all the types that are outlined in the plan.	*N/A*
	(e) An amendment that would have minimal impact on land in the Scheme area that is not the subject of the amendment.	*N/A*
	(f) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area;	*The proposal provides environmental controls/ standards for outdoor storage, greater flexibility for businesses and therefore contributes to economic benefits to land in the Scheme area.*

Item 12.1 Continued

Amendment Type	Regulations Criteria	City's Comments
	(g) Any other amendment that is not a complex or basic amendment.	*As detailed above, the subject amendment is considered a standard amendment.*

The proposed amendment falls within the standard amendment criteria. However, it is noted that Part 5 Division 3 Section 54 of the Regulations gives the Western Australian Planning Commission (WAPC) the ability to change this classification upon their assessment.

Local Planning Scheme 15

Local Planning Scheme No. 15 sets out the following objective for the Mixed Business Zone:

> *'The 'Mixed Business' zone is intended to allow for the development of a mix of varied but compatible business uses such as offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of residents and workforce. Uses can mix on adjacent lots of land or on the same lot and uses may mix horizontally on the same or separate lots and/or vertically in buildings. Buildings should be of a high standard of architectural design set in pleasant garden surrounds with limited vehicular access from properties to primary roads.'*

The proposed amendment supports the objectives of the Mixed Business Zone by outlining provisions to manage and control the impact of outdoor storage on the amenity of the Zone.

City of Belmont Mixed Business Area Brand Strategy

The *City of Belmont Mixed Business Area Brand Strategy* identifies the Mixed Business Zone as 'Belmont Business Park' and sets out the following vision statement for the Park:

> *'Achieve and maintain an image of Belmont as an ideal location for business growth and opportunities – to promote the City of Belmont through various promotional, informative materials, facilitated networks and media targeting the business community that will make it clear that the City is a great place to do business'.*

The vision intends to attract businesses to establish and grow in the Mixed Business Zone. The proposed amendment will support this vision by providing greater flexibility to businesses in establishing and/or operating in the zone.

Item 12.1 Continued

Strategic Planning Framework

State Planning Policy 3.7 Planning in Bushfire Prone Areas

A portion of the Mixed Business Zone (ie: lots abutting Severin Walk) falls within a designated bushfire prone area. State Planning Policy 3.7 (SPP3.7) provides a basis for land use planning in addressing bushfire risk management in Western Australia and gives guidance to decision-makers to achieve acceptable bushfire protection outcomes. It is applied in conjunction with the *Guidelines for Planning in Bushfire Prone Areas*.

State Planning Policy 3.7 applies to development in areas designated as bushfire prone, that have or will have a Bushfire Hazard Attack Level as well as where:

> *'An area is not yet designated as a bushfire prone area but is proposed to be developed in a way that introduces a bushfire hazard, as outlined in the guidelines'*.

Clause 6.5 of SPP3.7 outlines that where a development application is proposed on land with a Bushfire Attack Level above BAL-LOW or which will introduce a bushfire hazard because of a proposed development, it must be accompanied by the following information:

- A Bushfire Attack Level assessment.
- Identification of any issues arising from the Bushfire Attack Level assessment.
- Assessment of proposal against criteria set out in the guidelines.

Given that certain types of outdoor storage have the potential to introduce a bushfire hazard (e.g. flammable liquids), the proposed 'Health and Safety' provision require that the relevant report and/or management plan be submitted to identify and address issues arising from a Bushfire Attack Level assessment for the site.

Development Control Policy 4.2 Planning for Hazards and Safety

Development Control Policy 4.2 *Planning for Hazards and Safety* (DC4.2) provides guidance on planning for the prevention of potentially hazardous events caused by hazardous industry and impact mitigation.

Clause 6.1 of DC4.2 outlines provisions relating to the storage of dangerous goods. Specifically, it states:

> *'6.1.1 Significant quantities of dangerous goods should be stored in areas zoned Industrial or reserved for an appropriate special purpose'*.
>
> *'6.1.2 In considering proposals for development of warehouses, open air storage and industries involving storage, a planning authority should establish whether dangerous goods, or materials that may cause a hazard in the event of a fire, are to be stored on site'.*

The proposed amendment includes a provision for consideration to be given to the type of goods/materials stored and the potential for fire risk and impact on human health and safety. In accordance with DC4.2, it also implies that where a particular type of good/material is considered to pose significant risk, it will not be permitted or alternatively, a management plan may be required to manage the storage of goods.

Item 12.1 Continued

BACKGROUND

Outdoor storage in the Mixed Business Zone is prohibited under Clause 5.12.1(a) of LPS15. In response to feedback from the business community, the City's Property and Economic Development Department engaged Shape Urban consultants to review the current City of Belmont Scheme provisions and compare them to the provisions in other local government areas.

The report identified that the current Clause 5.12.1(a) is a deterrent in attracting suitable businesses to establish in the Belmont Business Park and to business development in the area. It indicated that it will have negative social and economic impacts for the Mixed Business Zone and the overall City, including:

- Reduced business activity
- Loss of employment
- Loss of income and investment for the City.

The intent of the Mixed Business Zone is to provide for a variety of compatible uses, including offices, showrooms and appropriate industrial activity, in accordance with its objective under LPS15. It is not envisaged that the Mixed Business Zone will be entirely dominated by offices and other uses which are characteristic of the Central Business District. Therefore, it is reasonable to accommodate outdoor storage in association with an approved development.

The report compared the City of Belmont to a number of local governments across Western Australia in terms of how their respective Local Planning Schemes address outdoor storage in business and light-industry type zones. This comparison revealed that most other local governments, particularly those with major business parks (i.e. Cities of Canning, Gosnells, Wanneroo, Joondalup and Stirling), either have specific provisions in their Scheme to manage outdoor storage or do not explicitly prohibit it.
The following factors make it desirable to amend Clause 5.12.1(a) to allow for properly managed outdoor storage in the Mixed Business Zone:

- To increase building occupancy rates in the Mixed Business Zone.
- To improve business prospects and certainty for local business in-line with the Belmont Business Park vision statement.
- To increase employment opportunities in the City.
- To remove perceived limitation on the ability of businesses to expand and operate as a result of current Scheme provisions.
- To preserve attractive and open streetscapes in-line with the LPS15 objective of the Mixed Business Zone.

OFFICER COMMENT

The current Scheme provisions prohibit any outdoor storage. However, it is considered that some limited controlled outdoor storage could appropriately be located in the Zone without negatively impacted on neighbourhood amenity.

The proposed amendment will allow flexibility for businesses to establish and/or operate in the Mixed Business Zone. The proposed scheme provisions for outdoor storage will help prevent and/or manage adverse impacts to streetscape/visual amenity, site function, the natural environment as well as health and safety.

Item 12.1 Continued

The proposed amended clause is detailed in the table below along with explanatory comment:

Proposed Scheme Clause	Explanatory Comment
5.12.1 Site and Development Requirements *The following site and development requirements shall apply within the 'Mixed Business' Zone with the exception of residential development which, subject to subclause 5.12.6 shall conform with the provisions of the Residential Design Codes.* *a) External Space:* *i. The use of any space external to a building for the conduct of any business activity such as fabrication, or manufacturing, or servicing of vehicles or equipment is prohibited.* *ii. The outdoor storage of goods, materials, liquid, machinery, equipment or any other thing is prohibited, except where approved by the City pursuant to an application for development approval.* *An application for outdoor storage may only be approved if the proposed development complies with all the following provisions:*	
1) Visual Amenity: Outdoor storage areas must be screened from public view, and must not be located between the street alignment(s) and the building setback line(s); and	The 'Visual Amenity/Streetscape' provision prohibits outdoor storage being located within the primary and/or secondary setback areas. This relates to the Mixed Business Zone objective under LPS15 in terms of contributing to 'high standards of architectural design set in pleasant garden surrounds'. This provision is also consistent with Clause 5.12.1(e) which prohibits the use of the area between the street alignment and building setback line for anything other than landscaping, pedestrian and vehicle movement.
2) Site Function: Outdoor storage shall be in a designated area and not conflict with areas used or needed for vehicle parking, loading, manoeuvring or access, landscaping, drainage or effluent disposal, and any other thing or area considered by the City to be necessary for the proper functioning of the development approved on the land; and	The 'Site function' provision is intended to control the location of outdoor storage so that it does not conflict with other essential development functions including landscaping, vehicle manoeuvring and parking areas as well areas for drainage and effluent disposal. This provision is necessary to ensure the approved development functions as intended and that other development requirements outlined under Clause 5.12 of LPS15 are not compromised because of proposed outdoor storage.

Item 12.1 Continued

Proposed Scheme Clause	Explanatory Comment
3) *Natural Environment: Outdoor storage areas must be located on an adequately paved and drained surface. If in the view of the City the things to be stored, or the proposed method of storage, pose an unacceptable risk to the natural environment, the outdoor storage shall not be permitted; and*	The ‘Natural Environment’ and ‘Health and Safety’ provisions address technical matters such as pollution and stormwater drainage.
4) *Health and Safety: Where appropriate an application for outdoor storage shall be accompanied by a report which addresses matters such as fire risk, impact on human health and safety, drainage, and compliance with relevant legislation. The City may require an applicant to prepare such a report, and/or a management plan to address any matter associated with the outdoor storage which in the view of the City requires ongoing management; and*	The ‘Health and Safety’ provisions address technical matters such as fire risk.
5) *If outdoor storage involves the use of sea containers, the sea containers may only be stored at ground level, and may not be stacked one on top of the other.*	Proposed Clause 5.12.1(a)(ii)(5) refers to the storage of sea containers, which will not be permitted to be stacked above ground level to ensure that sea containers do not dominate the streetscape or resemble outdoor storage which would normally occur in the Industrial Zone.
iii. Where outdoor storage is approved, the outdoor storage area shall be maintained in a tidy, safe and orderly condition, and in accordance with any approved management plan.	Proposed Clause 5.12.1(a)(iii) refers to the ongoing maintenance and upkeep of the approved outdoor storage in a ‘tidy, safe and orderly condition’. This may require the applicant to demonstrate (in a Management Plan or other means to the satisfaction of the City) how this will be achieved and outline any mechanisms and/or procedures which will be implemented. The provision is necessary to ensure that any of the requirements of the Clause are not compromised for the life of the approved outdoor storage.

The proposed amendment separates the existing clause into the use of external space for (i) business activity and (ii) outdoor storage. In this way, outdoor storage may be dealt with separately whilst ‘business activity’ in open areas will remain prohibited under the amended Clause 5.12.1(a)(i). Examples of prohibited business activity in open areas would be activities such as fabrication, or manufacturing, or servicing of vehicles or equipment.

In conclusion, the proposed amendment provides sufficient planning controls to ensure consistency with relevant State Planning Policies, the objective of the Mixed Business Zone under the LPS15 and overall vision for the Belmont Business Park. The proposed Amendment is not considered to have any detrimental impacts on the function of the Mixed Business Zone and is appropriate for advertising for comment.

Item 12.1 Continued

<u>FINANCIAL IMPLICATIONS</u>

There are no financial implications evident at this time.

<u>ENVIRONMENTAL IMPLICATIONS</u>

The Natural Environment' provisions under proposed Clause 5.12.1(a)(ii)(3) of LPS15 refer to the management of potential environmental impacts which may result from an outdoor storage proposal.

<u>SOCIAL IMPLICATIONS</u>

The proposed amendment will allow greater flexibility to existing and future businesses in establishing and/or operating in the Mixed Business Zone and will therefore have economic and social benefits to the City.

<u>OFFICER RECOMMENDATION</u>

That Council:

1. Progress the proposed amendment to Local Planning Scheme No. 15 as a Standard amendment for the following reasons:

   Under the Planning and Development (Local Planning Scheme) Regulations 2015, the proposal satisfies the following standard amendment criteria:

   (a) The amendment relates to a zone or reserve that is consistent with the objectives identified in the Scheme for that zone or reserve;

   (b) The amendment is consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;

   (c) The amendment to the Scheme is consistent with Metropolitan Region Scheme that applies to the Scheme area;

   (f) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area; and

   (g) The amendment is not a complex or basic amendment.

2. Pursuant to Section 75 of the Planning and Development Act 2005, adopt for the purpose of advertising the amendment to Local Planning Scheme No. 15 by:

   A. Deleting Clause 5.12.1(a), which states:

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

Item 12.1 Continued

B. Inserting the following clause in its place:

(a) External Space:

i. The use of any space external to a building for the conduct of any business activity such as fabrication, or manufacturing, or servicing of vehicles or equipment is prohibited.

ii. The outdoor storage of goods, materials, liquid, machinery, equipment or any other thing is prohibited, except where approved by the City pursuant to an application for development approval.

An application for outdoor storage may only be approved if the proposed development complies with all the following provisions:

(1) Visual Amenity: Outdoor storage areas must be screened from public view, and must not be located between the street alignment(s) and the building setback line(s);

(2) Site Function: Outdoor storage shall be in a designated area and not conflict with areas used or needed for vehicle parking, loading, manoeuvring or access, landscaping, drainage or effluent disposal, and any other thing or area considered by the City to be necessary for the proper functioning of the development approved on the land;

(3) Natural Environment: Outdoor storage areas must be located on an adequately paved and drained surface. If in the view of the City the things to be stored, or the proposed method of storage, pose an unacceptable risk to the natural environment, the outdoor storage shall not be permitted;

(4) Health and Safety: Where appropriate an application for outdoor storage shall be accompanied by a report which addresses matters such as fire risk, impact on human health and safety, drainage, and compliance with relevant legislation. The City may require an applicant to prepare such a report, and/or a management plan to address any matter associated with the outdoor storage which in the view of the City requires ongoing management; and

(5) If outdoor storage involves the use of sea containers, the sea containers may only be stored at ground level, and may not be stacked one on top of the other.

iii. Where outdoor storage is approved, the outdoor storage area shall be maintained in a tidy, safe and orderly condition, and in accordance with any approved management plan.

3. Forward the proposed amendment to the Environmental Protection Authority for assessment in accordance with Section 82 of the Planning and Development Act 2005; and

4. Advertise the proposed amendment in accordance with Part 5, Division 3, Section 47 (2), (3) and (4) of Planning and Development (Planning Schemes) Regulations 2015.

Item 12.1 Continued

Note:

Cr Rossi put forward the following Alternative Councillor Motion.

<u>ALTERNATIVE COUNCILLOR MOTION</u>

<u>ROSSI MOVED, CAYOUN SECONDED,</u>

That Council:

1. ***Progress the proposed amendment to Local Planning Scheme No. 15 as a Standard amendment for the following reasons:***

   Under the Planning and Development (Local Planning Scheme) Regulations 2015, the proposal satisfies the following standard amendment criteria:

   (a) The amendment relates to a zone or reserve that is consistent with the objectives identified in the Scheme for that zone or reserve;

   (b) The amendment is consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;

   (c) The amendment to the Scheme is consistent with Metropolitan Region Scheme that applies to the Scheme area;

   (f) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area; and

   (g) The amendment is not a complex or basic amendment.

2. ***Pursuant to Section 75 of the Planning and Development Act 2005, adopt for the purpose of advertising the amendment to Local Planning Scheme No. 15 by:***

   A Deleting Clause 5.12.1(a), which states:

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

   B Inserting the following clause in its place:

   (a) External Space:

   i. The use of any space external to a building for the conduct of any business activity such as fabrication, or manufacturing, or servicing of vehicles or equipment is prohibited.

   ii. The outdoor storage of goods, materials, liquid, machinery, equipment or any other thing is prohibited, except where approved by the City pursuant to an application for development approval.

   An application for outdoor storage may only be approved if the proposed development complies with all the following provisions:

Item 12.1 Continued

(1) Visual Amenity: Outdoor storage areas must be screened from public view, and must not be located between the street alignment(s) and the building setback line(s). Where trees are used for screening they must be mature trees or non-visually permeable screens required; and

(2) Site Function: Outdoor storage shall be in a designated area and not conflict with areas used or needed for vehicle parking, loading, manoeuvring or access, landscaping, drainage or effluent disposal, and any other thing or area considered by the City to be necessary for the proper functioning of the development approved on the land; and

(3) Natural Environment: Outdoor storage areas must be located on an adequately paved and drained surface. If in the view of the City the things to be stored, or the proposed method of storage, pose an unacceptable risk to the natural environment, the outdoor storage shall not be permitted; and

(4) Health and Safety: Where appropriate an application for outdoor storage shall be accompanied by a report which addresses matters such as fire risk, impact on human health and safety, drainage, and compliance with relevant legislation. The City may require an applicant to prepare such a report, and/or a management plan to address any matter associated with the outdoor storage which in the view of the City requires ongoing management; and

(5) If outdoor storage involves the use of sea containers: the sea containers may only be stored at ground level; may not be stacked one on top of the other; must be screened off and behind the primary street building line.

iii. Where outdoor storage is approved, the outdoor storage area shall be maintained in a tidy, safe and orderly condition, and in accordance with any approved management plan.

3. Directs the Chief Executive Officer to forward the proposed amendment to the Environmental Protection Authority for assessment in accordance with Section 82 of the Planning and Development Act 2005; and

4. Approves the advertising of the proposed amendment in accordance with Part 5, Division 3, Section 47 (2), (3) and (4) of Planning and Development (Planning Schemes) Regulations 2015.

5. Directs the Chief Executive Officer to require that, six months after approval is granted for Outdoor Storage in the Mixed Business Zone, Planning Services assess the site for compliance against the conditions of approval.

CARRIED 9 VOTES TO 0

12.2 REQUEST FOR REMOVAL OF VERGE TREES AT 42 COPELAND DRIVE, REDCLIFFE

NATURAL BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.2 refers	**Arboricultural Report - 42 Copeland Drive Redcliffe**
Attachment 2 – Item 12.2 refers	**Street Tree Plan (Revision 2017)**
Attachment 3 – Item 12.2 refers	**City of Belmont BB3 Streetscape Policy**

Voting Requirement	:	Simple Majority
Subject Index	:	110/002
Location/Property Index	:	42 Copeland Drive, Redcliffe
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	L Searle
Owner	:	L Searle
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

For the Council to consider a request by Mr Searle, the owner of 42 Copeland Drive, Redcliffe to remove the existing River Red Gum and Spotted Gum trees from the verge adjacent to the property.

Item 12.2 Continued

SUMMARY AND KEY ISSUES

- On 22 September 2017 a minor storm event occurred resulting in a tree branch causing damage to the tile roof of the residence. Structural and water damage resulted, further exacerbated by the resident being away over the long weekend.
- The tree concerned has a history of branch failure.
- Subsequent to the storm event, the City's Arborist has conducted an inspection complying with the Quantitative Tree Risk Assessment (QTRA) methodology (refer Attachment 1).
- An insurance claim has been lodged with the City by the resident in relation to the incident; however the City's insurers have declined the claim based on the City not being negligent in the management and maintenance of the trees.
- The resident has requested that the City undertake to remove these trees based upon the further potential risk of damage to the property, the resident is supportive of replacement trees of a more suitable species.
- Whilst the City regards trees as community assets that enhance the environment and contribute to the amenity of the streetscape, there are however times when trees are not suitable for their present location. Removal of the trees is recommended.

LOCATION

42 Copeland Drive, Redcliffe

CONSULTATION

There has been no specific external consultation undertaken in respect to this matter other than with the resident. Internal consultation with the City's Arborist confirms the trees are healthy specimens of *Eucalyptus camaldulensis var.obtusa* (Northern River Red Gum) and *Corymbia maculata* (Spotted Gum).

Item 12.2 Continued

STRATEGIC PLAN IMPLICATIONS

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

Objective: Protect and enhance our natural environment.

Strategy: Ensure the City has policies and practices that safeguard and enhance the natural environment.

POLICY IMPLICATIONS

City of Belmont Policy – BB3 Streetscape Policy states:

……..To provide a streetscape that is conducive to, and encourages physical activity and community interaction in an attractive and pleasant setting, by creating a streetscape environment that is attractive, functional and vibrant……

Streetscape Operation

Street Tree Management

Street trees are regarded as community assets, and have a significant role in the provision of attractive and welcoming streetscapes.

In considering any tree removal, trees listed on the Local Planning Scheme No. 15 Tree Register or the City of Belmont (Heritage) Inventory require special consideration as does any tree that may be protected under law.

Tree removal shall only be undertaken when the tree is deemed to be dead, diseased, dying, or otherwise dangerous, or as determined by the City's Arborist in accordance with the Street Tree Plan.

It is the City's position that the protection and enhancement of existing street trees contributes to the ongoing development of sustainable and highly liveable yet urbanised environments.

In accordance with the City's Street Tree Plan:

The City will not remove a street tree if:

- *It is "a nuisance" (looks bad, disliked, drops too many leaves/nuts/bark/flowers, attracts fauna – insects, bees, birds etc.)*
- *Someone wishes to develop their land without approval*
- *Someone wishes to install a permitted verge treatment*
- *It shades pools, lawns, gardens or solar panels (PV or hot water)*
- *It results in unsubstantiated allergy or health complications*
- *Based on QTRA methodology a qualified arborist deems the tree to present a low risk of harm*
- *A request by the tenant is not supported by the property owner*
- *It is protected under Law*

Item 12.2 Continued

The City may remove a street tree if:

- *It is dead, diseased or dying*
- *It is structurally unsound (dangerous) and cannot be remediated*
- *An application (i.e. Development, Crossover) has been approved and the tree will be replaced or compensated*
- *It has been affected by infrastructure works and cannot be retained*
- *Based on QTRA methodology a qualified arborists deems the tree to present an unacceptable risk of harm*
- *There is a contributing substantiated link causing a serious or severe medical condition*

If retaining a street tree(s) prevents the development of an adjacent property and all possible design solutions have been deemed exhausted, removal of a street tree may be granted under this policy. Pruning and/or removal of street trees shall be undertaken by the City following defined arboricultural specifications and in accordance with the Street Tree Plan.

<u>*Street Tree Removal Disputes*</u>

In the event that a property owner wishes to dispute the City's decision to retain a street tree, a written request must be received by the CEO prior to any further consideration. On receipt of the written request, the City will undertake a cost assessment for the removal and replacement of the street tree in accordance with the Street Tree Plan. All associated costs, including officer time, street tree removal and replacement, will be the responsibility of the property owner to be paid in full prior to any works commencing. In this instance, the City will only consider the removal of the street tree whereby it is agreed that a new street tree will be planted.

Residents are encouraged to be involved in improvements to their street by requesting the planting of street trees. Planting of street trees shall be undertaken by the City in accordance with the City's Street Tree Plan or at the specific direction of the City.

A full copy of BB3 Streetscape Policy is provided at Attachment 3.

STATUTORY ENVIRONMENT

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

Item 12.2 Continued

BACKGROUND

Mr Searle (the owner) of No.42 Copeland Drive, Redcliffe has requested the removal of two large verge trees adjacent to No.40 and No.42 Copeland Drive, Redcliffe believing that they are a significant risk to human life and property. A storm event producing high wind gusts on 22 September 2017 resulted in a windblown branch breaking from high in the canopy and impacting the roof, damaging several clay roof tiles. Water damage occurred, which was exacerbated by the owner being away over a long weekend, unable to address the issue immediately.

The western most tree, a *Corymbia maculata* (Spotted Gum) is a mature tree specimen in good health with good structure. The tree is 20 metres tall with a canopy spread of 12 metres and a canopy height of 17 metres. Observations at the time of the most recent data collection on 13 February 2017 notes excess limb load and previous major limb removal.

The excess limb load is best described as excessively heavy leaf volume in proportion to the branch structures' ability to remain intact whilst dealing with the dynamic and changeable forces exerted by winds, in particular high wind gusts.

The eastern most tree, a *Eucalyptus camaldulensis var.obtusa* (Northern River Red Gum) is a mature tree specimen in good health with good structure. The tree is 22.3 metres tall with a canopy spread of 13 metres and a canopy height of 16 metres. Observations at the time of the most recent data collection on 13 February 2017 notes mechanical damage and necrotic (dead) bark around the wounds.

The owners dwelling was constructed in 2001 and is set back approximately 5.5 metres from the front boundary with the subject trees encroaching over the property boundary by approximately 3 metres i.e. the distance between the front of the dwelling and the closest limb is approximately 2.5 metres. The trees have been in their existing location since some time in the mid 1970's. At that time the original dwelling was in a similar location to the new dwelling but the trees were significantly smaller.

The owner advises that branches often fall from the trees, particularly in high winds, and there is evidence of this noted in the City's Pathway customer request system.

In support of BB3 Streetscape Policy, the City has an approved Street Tree Plan (Revision 2017), refer Attachment 2.

Section 5.2.of the Street Tree Plan deals with the removal of street trees:

It is the City's desire that only street trees that are dead, diseased or dying will be removed. Due to the prior mentioned benefits of street trees and canopy loss across the City, it is not the City's intention to remove trees without justification, for example, they are considered "wrongly placed", "annoying" or, in the absence of a professional assessment, are considered "a risk".

Whilst the majority of complaints and requests for street tree removals are due to nuisance factors (leaf litter and nut drop), it is the City's responsibility to remove and/or maintain street trees. Via the Local Government Act 1995, it is also unlawful for a person to remove or interfere with a street tree and therefore they may be infringed or prosecuted.

Therefore, it will be the City's authorised officer who will make the final decision on whether a street tree is to be removed. Notwithstanding this, some trees that are in-situ may be reviewed and if appropriate be replaced with trees that will achieve greater outcomes in regards to streetscape amenity and environmental benefits.

Item 12.2 Continued

OFFICER COMMENT

The owner has requested that Council remove the trees due to the potential risk of damage, particularly in relation to the recent branch fall and resultant property damage. The City has responded by inspecting the trees and an arboricultural report (refer Attachment 1) has been completed by the City's ISA qualified arborist, addressing the potential of risk of harm using the QTRA methodology.

This report identified a low risk to human life and an elevated, but still tolerable risk to property. However, the elevated risk of harm to property, the history of branch drop and the incompatibility with the built form suggests the trees are not suitable for their present location.

These tree species are not on the current list of recommended street trees as a result of their propensity for limb failures.

Street trees are only removed under exceptional circumstances. In this case, due to the history, location and inter-relationship of the two trees, there are only two possible outcomes. One is to retain both trees noting the high probably of a future limb failure and the inability to predict when this will happen, or the likely extent of damage to persons or property. The second is to remove both trees.

The importance of trees within the City is recognised clearly through BB3 Streetscape Policy, the Street Tree Plan (Revision 2017) and the Urban Forest Strategy 2014. The intention to retain and grow the tree canopy within the City is a priority and is currently being worked on diligently by Officers in conjunction with the community.

However, there are circumstances surrounding this particular issue that make it difficult to retain the trees concerned, primarily related to the ongoing potential risk to the property, its occupants and the potential liability imposed upon the City. The trees have a history of dropping limbs and are of a species not suitable as a verge tree in this location. On that basis, Officers recommend the removal of the trees at no cost to the property owner and a program of replacement in Copeland Drive to improve the number of trees and the streetscape. The trees to be used for replacement will be a variety more suitable to the area and listed within the Street Tree Plan. This action is seen as the best outcome for the owner, the residents of Copeland Drive and the City in general.

FINANCIAL IMPLICATIONS

Removal of the trees would be charged in accordance with the current tendered rates and replacement trees are in accordance with the current list of fees and charges. The estimated cost of removal is $1,661.55 (ex GST) per tree with each replacement tree costing $640.

The alternative to not removing the trees will expose the City to an ongoing degree of risk, possibly leading to further insurance claims made against the City and ultimately escalating costs. All of these factors would be determined based upon an ongoing reporting and maintenance regime (attracting costs) and other mitigating factors that may be associated with any further damage to the property. These costs are difficult to quantify and would be determined based upon the circumstances at that point in time.

Item 12.2 Continued

ENVIRONMENTAL IMPLICATIONS

The removal of the two trees would reduce the City's tree canopy by approximately 300 m^2 and impact the visual amenity of the streetscape. At present there are only 6 verge trees on Copeland Drive between Grande Parade and the Tonkin Highway noise wall which is a road length of approximately 200 metres with 20 separate dwellings.

The removal of these trees may be compensated to some degree through an opportunity to replace them with a species of tree more suitable within the immediate vicinity. Copeland Drive provides an opportunity in terms of verge space to locate anywhere up to twelve 100 litre trees. Further additional trees can be planted throughout adjoining streets and parkland locations.

Environmental Benefits as contained in the Street Tree Plan 2017 include:

- Improve air quality through filtering pollutants
- Sequester carbon dioxide
- Cool the air through transpiration (7 to 47% cooler)
- Reduce stormwater runoff and erosion
- Improve water quality
- Provide habitat for wildlife

SOCIAL IMPLICATIONS

In the future as housing density and redevelopment increases, there will be fewer and fewer mature trees on private property, increasing the importance of verge and park trees as an essential element in ensuring a feeling of wellbeing in the Community. However it is important that trees are suitable for their locations.

Community Health and Social Benefits as contained in the Street Tree Plan 2017 include:

- Reduce stress and mental fatigue
- Supports mental health
- Improved recovery time
- Reduce crime and enhanced community sense of place
- Increase recreational opportunities
- Healthy well developed street trees create a 'shade-ways' over the footpath which reduces exposure to ultra-violet radiation
- Encourages physical activity (walking, cycling or running through shade-ways)

Item 12.2 Continued

OFFICER RECOMMENDATION

ROSSI MOVED, POWELL SECONDED,

That Council:

1. ***Approve the removal of the two verge trees located adjacent to 42 Copeland Drive, Redcliffe at no cost to the property owners.***

2. ***Approve the planting of up to twelve 100 litre trees within Copeland Drive, Redcliffe as an offset for the canopy loss, with additional trees to be planted in available locations in the vicinity.***

3. ***Request the Chief Executive Officer to write to all residents in Copeland Drive, Redcliffe to notify them of points 1 and 2 above.***

CARRIED 8 VOTES TO 1

For: Bass, Cayoun, Davis, Marks, Powell, Rossi, Ryan, Sekulla
Against: Wolff

12.3 RATE EXEMPTION REQUEST – AMANA LIVING INCORPORATED

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 – Rate Exemption
Location/Property Index	:	7 Tanunda Drive, Rivervale
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	Nil
Applicant	:	Cityscape Holdings Pty Ltd
Owner	:	Cityscape Holdings Pty Ltd
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

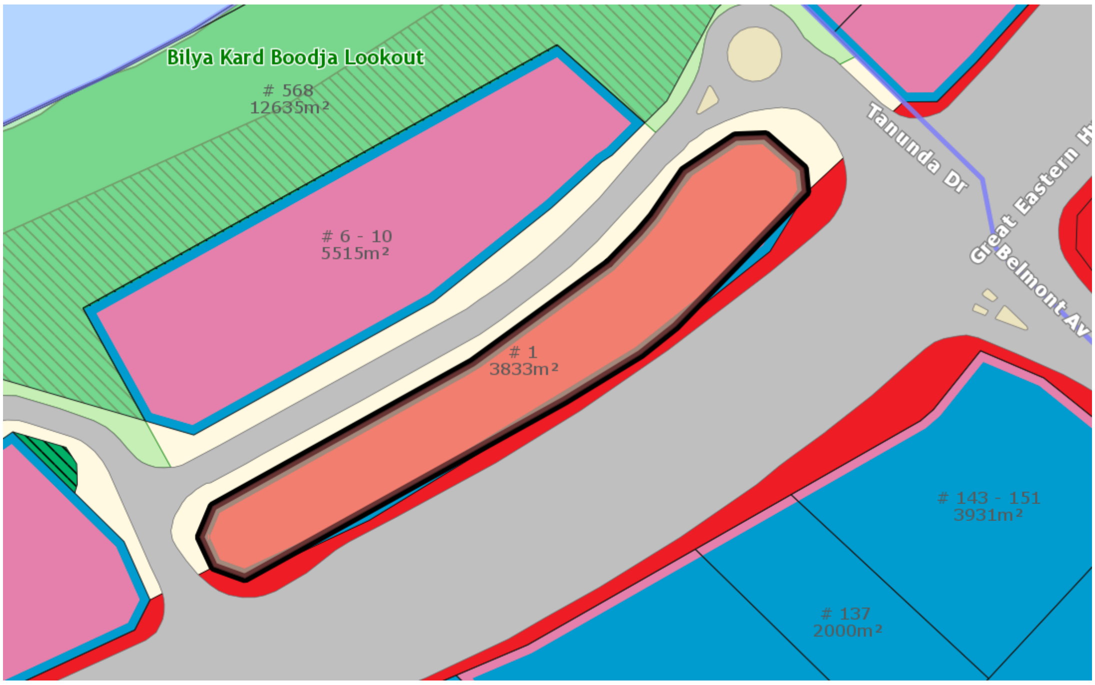
To consider a request for rate exemption at 7 Tanunda Drive, Rivervale.

SUMMARY AND KEY ISSUES

Amana Living Incorporated have a lease with Cityscape Holdings Pty Ltd and have made an objection under Section 6.76 of the *Local Government Act 1995* (the Act) to the Rate Book and provided documentation to support their claim.

Item 12.3 Continued

LOCATION



Strata Lot 20 on Strata Plan 61306 known as 7 Tanunda Drive, Rivervale. It should be noted that 7 Tanunda Drive is only the top floor of the property.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Apply sound and sustainable business management principles.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

Item 12.3 Continued

STATUTORY ENVIRONMENT

The relevant sections of the Act that apply are:

1. Section 6.26 of the Act states:

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

(2) The following land is not rateable land

(g) land used exclusively for charitable purposes;”

2. Section 6.53 of the Act states:

“Land becoming or ceasing to be rateable land:

Where during a financial year -

(a) land that was not rateable becomes rateable land; or

(b) rateable land becomes land that is not liable to rates,

the owner of that land -(c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or

(d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,

as the case requires”

3. Section 6.76 of the Act states:

“(1) A person may, in accordance with this section, object to the rate record of a local government on the ground —

(a) that there is an error in the rate record —

(ii) on the basis that the land or part of the land is not rateable land;

(3) An objection under subsection

(1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.”

BACKGROUND

The objectives of Amana Living Incorporated are to be carried out in accordance with Christian principles and teachings and shall be to (a) provide direct services to the community by relieving the burdens of the aged and / or disabled persons by (i) providing housing for the aged and / or disabled persons; (ii) deploying within the community aged and / or disabled persons and (iii) providing services and facilities for the benefit and relief of the aged and / or disabled persons.

Item 12.3 Continued

OFFICER COMMENT

The following documentation has been provided:

- An application for Rate exemption from the Best Practices Guidelines (Western Australian Local Government Association approved documentation)
- Statutory Declaration confirming the property use and confirmation that the City will be advised immediately if the use of the property changes
- Current Lease
- Constitution
- 2016 Audited Financial report
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office
- Australian Charities and Not for Profit Commission Certification.

The property at 7 Tanunda Drive, Rivervale is used to train staff in all levels of service. The offices are the main location for operations of the Home Care and Housing departments which manage the Home Care and Independent Living Services deliveries. These departments are co-located with the Work Force team which coordinates and schedules staff resources for Amana Livings Residential Care facilities. In addition to this, training is offered to external students / trainees wishing to obtain the necessary certifications, hereby improving their chances in obtaining employment in the industry, as well as for staff and other aged care providers. Any monies received for training via external sources are retained and used by Amana Living to support charitable services provided to the community.

Council staff have conducted an onsite visit to ensure the property is being used for the same purposes as which is pertained in the exemption request.

FINANCIAL IMPLICATIONS

Section 6.26(2)(g) of the Act states that the property must be used exclusively for charitable purposes. Section 6.53 of the Act defines the property as being non-rateable effective from the date of the lease or 1 July of the year the application is being made.

The current lease on the property is effective from 1 April 2017 for five years expiring on 31 March 2022 with a further five year option which would expire 31 March 2027.

The 2017 revaluation GRV of $1,168,700 with a Commercial rate in the dollar equates to a loss in revenue for 2017-2018 of $70,972.81.

The Emergency Fire Services Levy is still applicable to each property and is required to be paid in full with the payments forwarded to the Department of Fire and Emergency Services as per their legislative requirements.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 12.3 Continued

SOCIAL IMPLICATIONS

Amana Living promotes the integration of aged and/or disabled persons into the community at large and promotes the interaction of those persons with the community at large. This includes, identifying the needs of aged and/or disabled persons and thereby alleviate the burdens of those persons; and advocate the needs of the aged and/or disabled including but not limited to participation in and experimentation of the formulation and development of social policies to all community and government levels.

OFFICER RECOMMENDATION

That Council:

Endorse the rate exemption for the property situated at 7 Tanunda Drive, Rivervale under Section 6.26 (2)(g) and Section 6.53 of the Local Government Act 1995 effective from 1 July 2017.

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

12.4 RATE EXEMPTION REQUEST – GIRL GUIDES WESTERN AUSTRALIA INC.

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 – Rate Exemption
Location/Property Index	:	265 Great Eastern Highway, Belmont
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	Nil
Applicant	:	Pitt Minerals Pty Ltd and Mark and Paula Witt
Owner	:	Pitt Minerals Pty Ltd and Mark and Paula Witt
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

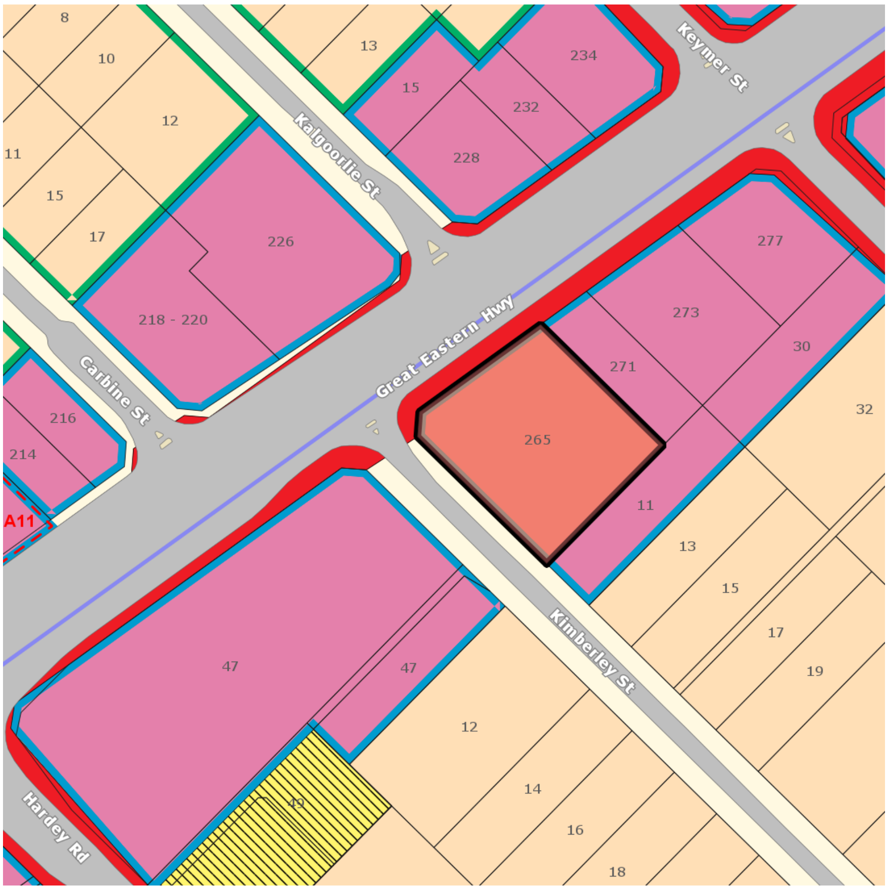
To consider a request for rate exemption at 265 Great Eastern Highway, Belmont.

SUMMARY AND KEY ISSUES

Pitt Minerals Pty Ltd and Mark and Paula Witt (on behalf of their tenants Girl Guides Western Australia Inc.), have made an objection under Section 6.76 of the *Local Government Act 1995* (the Act) to the Rate Book and provided documentation to support their claim.

Item 12.4 Continued

LOCATION



Strata Lot 1 on Strata Plan 16576 known as 265 Great Eastern Highway, Belmont.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Apply sound and sustainable business management principles.

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

Item 12.4 Continued

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The relevant sections of the Act that apply are:

1. Section 6.26 of the Act states:

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

(2) The following land is not rateable land

(g) land used exclusively for charitable purposes;"

2. Section 6.53 of the Act states:

"Land becoming or ceasing to be rateable land:

Where during a financial year -

(a) land that was not rateable becomes rateable land; or

(b) rateable land becomes land that is not liable to rates, the owner of that land –

(c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or

(d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,

as the case requires"

3. Section 6.76 of the Act states:

"(1) A person may, in accordance with this section, object to the rate record of a local government on the ground —

(b) that there is an error in the rate record —

(ii) on the basis that the land or part of the land is not rateable land;
(3) An objection under subsection

(1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person."

BACKGROUND

Guiding in Western Australia was established in 1915. Girl Guides Western Australia Inc. was incorporated by Royal Charter in December 1922. They have grown into one of the largest youth organisations for girls and young women in Western Australia with over 2000 youth members and over 500 volunteer leaders and adult members. Girl Guides aim is to create safe and friendly environments for children and young people where they have fun and make friends, feel safe and protected, are respected, try new challengers and are listened to regardless of race, ethnic, religious or socio-economic backgrounds.

Item 12.4 Continued

OFFICER COMMENT

The following documentation has been provided:

- An application for Rate exemption from the Best Practices Guidelines (Western Australian Local Government Association approved documentation)
- Statutory Declaration confirming the property use and confirmation that the City will be advised immediately if the use of the property changes
- Current lease
- Constitution
- 2016 Audited Financial report
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office
- Australian Charities and Not for Profit Commission Certification.

The property is being used by the Girl Guides Western Australia Inc. as their head office. It also contains a volunteer training centre for training of over 300 volunteers and also houses the organisations historical archives. The warehouse attached to the offices is used to store equipment, uniforms and the Girl Guide biscuits which are sold as part of their fundraising activities.

Council staff conducted an onsite visit to ensure the property is being used for the same purposes as described in the exemption request.

FINANCIAL IMPLICATIONS

Section 6.26(2)(g) of the Act states that the property must be used exclusively for charitable purposes. Section 6.53 of the Act defines the property as being non-rateable effective from the date of the lease or 1 July of the year the application is being made.

The current lease on the property is effective from 1 July 2016 for five years expiring on 30 June 2021. There are also two further options to renew each for a period of three years with a final expiration of 30 June 2027.

The 2017 revaluation GRV of $112,316 with a Commercial rate in the dollar equates to a loss in revenue for 2017-2018 of $6,820.73.

The Emergency Fire Services Levy is still applicable to each property and is required to be paid in full with the payments forwarded to the Department of Fire and Emergency Services as per their legislative requirements.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 12.4 Continued

SOCIAL IMPLICATIONS

The mission of the Girl Guides is to enable girls and young women to grow into confident self-respecting, responsible community members.

OFFICER RECOMMENDATION

That Council:

Endorse the rate exemption for the property situated at 265 Great Eastern Highway, Belmont under Section 6.26 (2)(g) and Section 6.53 of the Local Government Act 1995 effective from 1 July 2017.

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

12.5 FORMAL ADOPTION OF THE ANNUAL REPORT 2016-2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 4 – Item 12.5 refers	**City of Belmont Annual Report 2016-2017**

Voting Requirement	:	Absolute Majority
Subject Index	:	32/001 – Operational/Strategic Planning-Originals
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	Nil
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	**Executive**	*The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**Legislative**	*Includes adopting local laws, local planning schemes and policies.*
☐	**Review**	*When Council reviews decisions made by Officers.*
☐	**Quasi-Judicial**	*When Council determines an application/matter that directly 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 adopt Council's Annual Report for 2016-2017.

SUMMARY AND KEY ISSUES

The statutory Annual Report is prepared to advise the Community on the activities of the local government and includes the audited Annual Financial Report. The Annual Report also contains an overview of the Plan for the Future. The Annual Report is to be presented to the Annual meeting of electors that must be conducted prior to the 31 December of the financial year being reported on, however, if the Auditor's Report is not available in time for acceptance by 31 December, then it must be accepted within two months of receiving the Auditor's Report.

Item 12.5 Continued

LOCATION

N/A

CONSULTATION

No public consultation was considered to be required in respect to this matter. The Annual Financial Report and Audit Report have been considered by the Standing Committee (Audit and Risk).

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 5.53(1) of the *Local Government Act 1995* prescribes that a Local Government must prepare an Annual Report and Section 5.53(2) prescribes what must be contained within the Annual Report.

Section 5.54 of the *Local Government Act 1995* prescribes that the Annual Report be accepted by the Local Government by 31 December after that financial year however, if the Auditor's Report is not available in time for acceptance by 31 December, then it must be accepted within two months after the receipt of the Auditor's Report.

Section 5.55 of the *Local Government Act 1995* prescribes that local public notice is to be given as soon as practicable, as to the availability of the Annual Report after its acceptance by the Local Government.

Section 29(2) of the *Disability Services Act 1993* requires a Local Government with a Disability Services Plan to report via its Annual Report on the implementation of this Plan.

Principle 6 of the State Records Principles and Standards 2002 (*State Records Act 2000)* requires that the City's Annual Report include evidence on the efficiency and effectiveness of the City's Record Keeping Plan, training and induction programs.

Section 94 of the *Freedom of Information Act 1992* requires the City to provide an "Information Statement" that outlines the structure of the City, access to information and a range of other information. The City provides details of our "Information Statement" in our Annual Report.

Item 12.5 Continued

BACKGROUND

The local government is required to prepare, adopt and advertise its Annual Report, prior to the Elector's Meeting. The Annual General Meeting of Electors is scheduled to take place at 7.00pm on Wednesday, 13 December 2017.

OFFICER COMMENT

The Annual Report contains:

- Reports from the Mayor and Chief Executive Officer together with reports from individual Committee Presiding Members
- A copy of the Financial Statements including the Auditor's Report
- An overview of the Plan for the Future
- Report on the City's Disability Access and Inclusion Plan achievements
- Details of the City's Freedom of Information Act - Information Statement
- Report on the status of the City's Record Keeping Plan.

In accordance with the City's Policy BEXB11B, a table is included which discloses the total expenditure on Professional Development activities by Councillors for the year being reported on. The listed expenditure does not include Council Nominated Professional Development and Authorised Travel as defined in the policy.

A copy of the Annual Report has been provided (refer Attachment 4) and a final "published" version will be circulated to all Councillors when they become available.

The official published copy of the Annual Report will be available for members of the public at the Electors Meeting and includes a complete Annual Financial Report, however a copy will be made available for public inspection as soon as practicable following Council's resolution on this report.

Council is also advised that arrangements have been made for the appropriate advertising to be carried out once the Annual Report has been accepted.

FINANCIAL IMPLICATIONS

There are no significant financial implications evident at this time other than the costs associated with publication of the Annual Report and statutory advertising.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.5 Continued

OFFICER RECOMMENDATION

That:

1. ***Council accept the 2016-2017 Annual Report, including the Annual Financial Report and Independent Auditors Report, as included in Attachment 4.***
2. ***The availability of the Annual Report is advertised in accordance with Section 5.55 of the Local Government Act 1995.***
3. ***The Annual Report be available for distribution to members of the public at the Annual Meeting of Electors on Wednesday, 13 December 2017 and a copy be available for inspection by the public as soon as practicable after this meeting.***

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

12.6 CHIEF EXECUTIVE OFFICER'S SYSTEMS AND PROCEDURES REVIEW: *LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996*, REGULATION 17

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 5 – Item 12.6 refers	**BEXB31 Compliance Management and BEXB38 Business Improvement Policy**
Attachment 6 – Item 12.6 refers	**Terms of Reference – Business Improvement Team**

Voting Requirement	:	Simple Majority
Subject Index	:	19/003 Audit and Risk Committee
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	24 November 2015 OCM – Item 12.4 22 November 2016 OCM – Item 12.7
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 information and to seek endorsement of the various systems and procedures to demonstrate compliance with Regulation 17 of the *Local Government (Audit) Regulations 1996.*

Item 12.6 Continued

SUMMARY AND KEY ISSUES

The City is required, in accordance with the *Local Government (Audit) Regulations 1996,* to undertake a biennial review of its systems and procedures relevant to risk management, internal control and legislative compliance. Having reviewed risk management in 2016, this review is focused on internal control and legislative compliance.

This review of the City's internal control and legislative compliance systems follows the initial review undertaken in October 2014 and the subsequent review undertaken in October 2015 as required by Regulation 17 of the *Local Government (Audit) Regulations 1996*. The 2018 review will focus on risk management.

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

Strategy: Ensure Council is engaged at a strategic level to enable effective decision making and ensure decision making is supported by effective information and knowledge management.

POLICY IMPLICATIONS

Council has in place a number of policies that support the intent of this regulation which are relevant to internal control and legislative compliance. These policies include:

BEXB31 Compliance Management

Policy Objective

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

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

Item 12.6 Continued

BEXB38 Business Improvement Policy

Policy Objective

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

Refer Attachment 5 for an extract of the Policy Manual.

STATUTORY ENVIRONMENT

Regulations 16 and 17 of the *Local Government (Audit) Regulations 1996* state:

"16. Audit committee, functions of

An audit committee —

(c) is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —

(i) report to the council the results of that review; and

(ii) give a copy of the CEO's report to the council.

[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043; amended in Gazette 8 Feb 2013 p. 867.]

17. CEO to review certain systems and procedures

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

(a) risk management; and

(b) internal control; and

(c) legislative compliance.

(2) The review may relate to any or all of the matters referred to in subregulation (1) (a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.

(3) The CEO is to report to the audit committee the results of that review.

[Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]"

BACKGROUND

The Standing Committee (Audit and Risk) is to consider the CEO's biennial review of the appropriateness and effectiveness of the City's systems and procedures in regards to internal control and legislative compliance, and report to Council the results of those reviews.

The Department of Local Government, Sport and Cultural Industries (DLGSCI) has produced an Operational Guideline (No 9 – Revised September 2013) addressing the conduct of audits in local government. Part of this document outlines issues that should be considered as part of this biennial review:

Item 12.6 Continued

Internal Control

Internal control is a key component of a sound governance framework, in addition to leadership, long-term planning, compliance, resource allocation, accountability and transparency. Strategies to maintain sound internal controls are based on risk analysis of the internal operations of a local government.

An effective and transparent internal control environment is built on the following key areas:

- integrity and ethics
- policies and delegated authority
- levels of responsibilities and authorities
- audit practices
- information system access and security
- management operating style
- human resource management and practices.

Internal control systems involve policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with legislation and achieve effective and efficient operations and may vary depending on the size and nature of the local government.

Aspects of an effective control framework will include:

- delegation of authority
- documented policies and procedures
- trained and qualified employees
- system controls
- effective policy and process review
- regular internal and external audits
- documentation of risk identification and assessment
- regular liaison with auditor and legal advisors.

The following are examples of controls that are typically reviewed:

- separation of roles and functions, processing and authorisations
- control of approval of documents, letters and financial records
- comparison of internal data with other or external sources of information
- limit of direct physical access to assets and records
- control of computer applications and information system standards
- limit access to make changes in data files and systems
- regular maintenance and review of financial payments and reconciliations
- comparison of the result of physical cash and inventory counts with accounting records.

Item 12.6 Continued

Legislative Compliance

The compliance programs of a local government are a strong indication of attitude towards meeting legislative requirements. Audit committee practices in regard to monitoring compliance programs typically include:

- Monitoring compliance with legislation and regulations
- Reviewing the annual Compliance Audit Return and reporting the review to Council
- Staying informed about how management is monitoring the effectiveness of its compliance and making recommendations for change as necessary
- Reviewing whether the local government has procedures for it to receive, retain and treat complaints, including confidential and anonymous employee complaints
- Obtaining assurance that adverse trends are identified and review management's plans to deal with these
- Reviewing management disclosures in financial reports of the effect of significant compliance issues
- Reviewing whether the internal and/or external auditors have regard to compliance and ethics risks in the development of their audit plan and in the conduct of audit projects, and report compliance and ethics issues to the audit committee
- Considering the internal auditor's role in assessing compliance and ethics risks in their plan
- Monitoring the local government's compliance frameworks dealing with relevant external legislation and regulatory requirements
- Complying with legislative and regulatory requirements imposed on audit committee members, including not misusing their position to gain an advantage for themselves or another or to cause detriment to the local government and disclosing conflicts of interest.

The Standing Committee (Audit and Risk) plays a key role in assisting and guiding the local government to fulfil its commitment to good governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

The Standing Committee (Audit and Risk) is to consider the CEO's reviews (Regulation 17) of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance and report to the Council the results of those reviews.

Committees of Council have no delegated authority from the Council and consequently undertake a review and advisory function with recommendations made to Council for formal decisions. No Committee can be given a management function where the legislation makes the CEO specifically responsible. Where the local government is assigned the function through legislation, the Standing Committee (Audit and Risk) may have a role unless the function has been delegated to the CEO by the Council.

Item 12.6 Continued

<u>OFFICER COMMENT</u>

<u>Internal Control</u>

The internal control aspects for a broad and diversified business such as local government are extensive. All of the aspects mentioned by the DLGSCI are deployed by the City; delegation of authority, documented policies and procedures, trained and qualified employees, system controls, effective policy and process review, regular internal and external audits, documentation of risk identification and assessment, and regular liaison with the auditor and legal advisors.

In addition to the above aspects and one which distinguishes the City from many other local governments is its commitment to quality and continuous improvement through the use of various International and Australian Standards and the Australian Business Excellence Framework. These tools have assisted the City to design, implement and monitor a Business Management System placing the City in the top performing local governments in Western Australia.

The Business Improvement Team (BIT) is primarily responsible for maintaining certification in ISO9001 Quality Management Systems, AS4801 Occupational Health and Safety Management Systems and ISO14001 Environmental Management Systems. Refer <u>Attachment 6</u> for the Terms of Reference for the Business Improvement Team.

To achieve this, the BIT plays a primary role in leading, training and developing individuals and teams, in establishing, developing and implementing key operational functions and drivers within a Business Excellence framework. This includes but is not limited to: Continuous Improvement Teams, Australian Business Excellence Framework (ABEF) self-assessments, continual improvement, customer service, operational innovations and upgrades, etc.

Through this, the Business Improvement Team is committed and responsible for driving a Business Excellence culture within the organisation; to achieve a culture where Quality, Safety, Environmental and Risk Management become the philosophies for individual employees and is embedded in the City's Strategic Community Plan. Some examples that drive internal control are:

1. <u>Business Management System</u>

   The City's Business Management System (BMS) forms the foundation for organisational process control within a well-structured documentation model. The system adopted by the City is certified by SGS Australia Pty Ltd in conformance to the Standard requirements of ISO9001 Quality Management Systems, AS4801 Occupational Health and Safety Management Systems and ISO14001 Environmental Management Systems.

   The formal review of the Business Management System from both internal and external system audits forms a qualitative measure of the systems acceptability and conformity.

   The BMS is integrated into the City's electronic document control system Enterprise Content Management (ECM) to ensure overall integration and control of organisational systems and resources.

Item 12.6 Continued

2. <u>Documented Procedures</u>

The City uses internal controls for documented procedures in the BMS to achieve the following:

- Ensure compliance with policies, plans, procedures, laws and regulations
- Ensure the efficient, economical and effective use of resources
- Enable the accomplishment of established objectives and goals for operations or programs.

Clarity and continuity in the operation of any internal control is achieved by documenting the controls appropriately. Appropriate documentation has the effect of clarifying the control activity and creating the appropriate control environment by improving the awareness and actions of staff.

Each procedure documents the responsible staff and all documents in the BMS are reviewed within a standardised three year period. New or amended control documentation follow a clearly defined approval process to ensure all relevant staff are aware of the new or amended control and have been appropriately trained in its application.

Retention of documents resulting from the operation of control is essential to provide evidence of its existence and operation but also to provide a trail in the event of a breakdown of the control. The City has an over-arching System Procedure to instruct staff in the retention of records in addition to process steps about retaining records in individual documented processes.

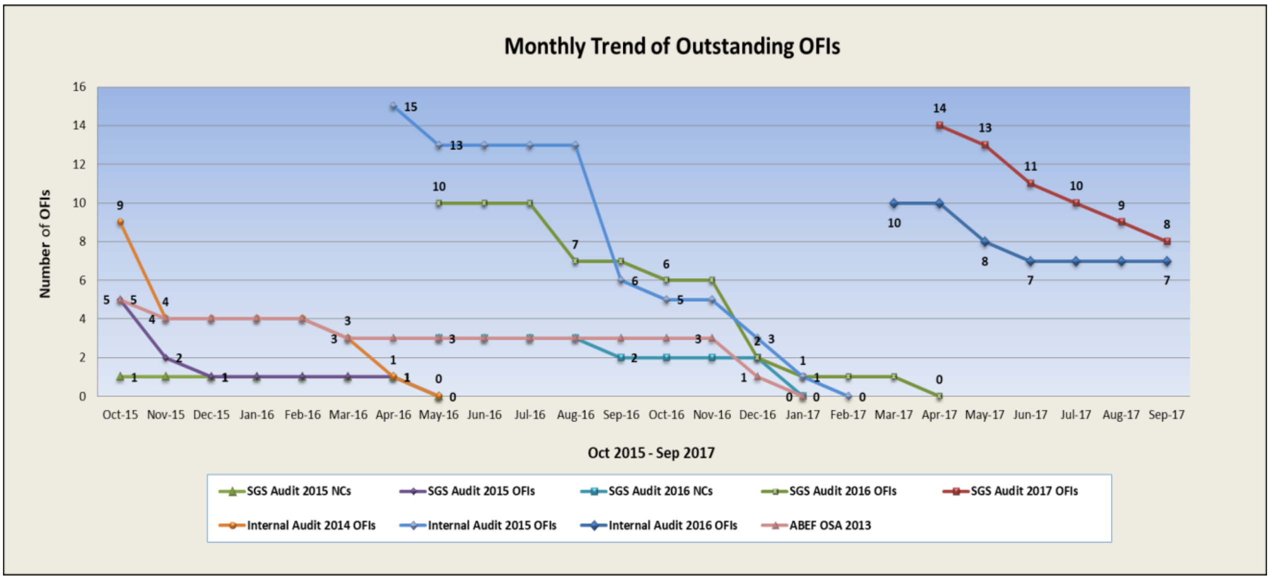
3. <u>Reports.</u>

Reports provide an overview of how the City is progressing in terms of performance and control of the Quality, Safety and Environmental Management Systems and the BMS for the period under review.

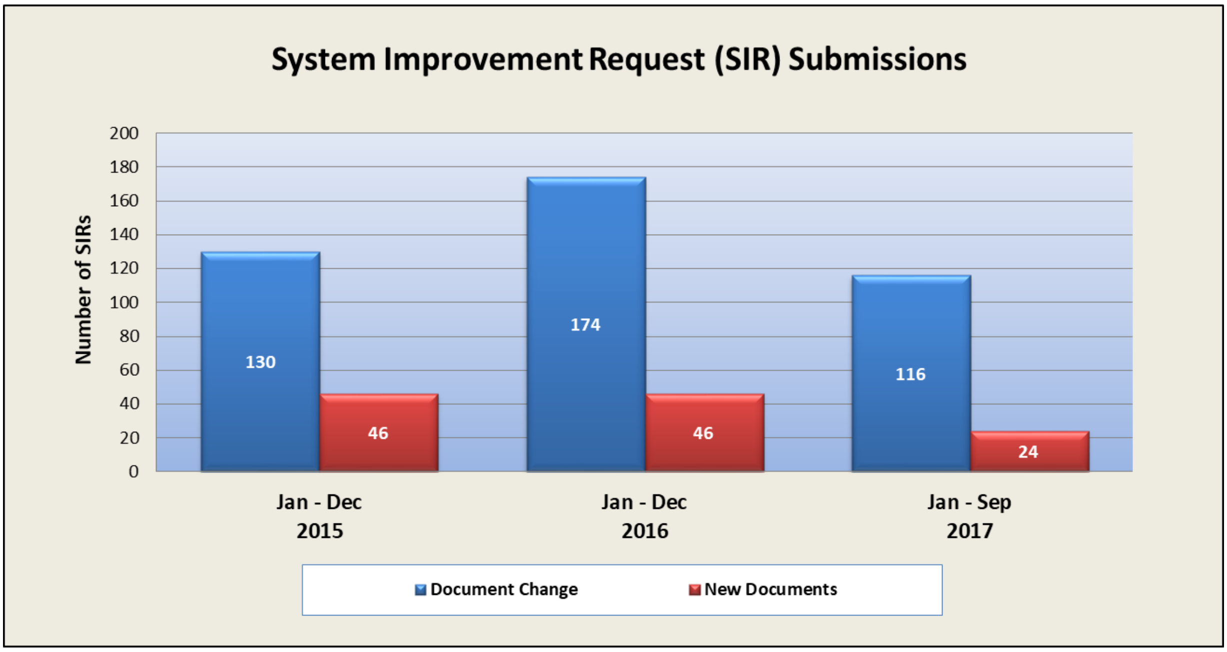
The following sample reports provide the progress and status updates for activities such as opportunities for improvement (OFI) identified from the City's Internal and SGS Audits, the Australian Business Excellence Framework's Organisational Self-Assessment (OSA) and the management of documented processes and procedures using the System Improvement Requests (SIR) as per the City's Business Management System framework. The OFI items are reported to the Executive at bi-monthly Business Improvement Team meetings until they are closed out.

Item 12.6 Continued

3.1 Internal and SGS Audits and OSA – Opportunity For Improvement (OFI)



3.2 Documentation of Processes and Procedures – SIR Submission



Item 12.6 Continued

4. Performance Management Review

The Performance Management Review (PMR) is a monthly meeting of the Senior Management Team and at the end of each quarter includes the entire management team. The purpose of the PMR is to consider information both of a strategic and operational nature so as to ensure that the organisation is effective, efficient, legislatively compliant, risk controlled and meeting the required objectives of a best practice local government.

A typical agenda may include such items as:

KEY TREND CHARTS	
Recruitment and selection	Youth Centre attendances
Terminations	Youth Centre outreach work
Staff availability (trend)	Library statistics
Terminations/total staff	Number of planning applications lodged
Employee opinion survey	Value of planning applications lodged
Staff development reviews	Number of building applications approved in Belmont
Full time equivalents	Value of building works approved in Belmont
Rehabilitation and return to work programmes	Building maintenance expenditure
Occupational Safety and Health training and development	Building projects expenditure
Capital grant/contribution income	Building capital works expenditure
Operating grant/contribution income	Public art status report
Infrastructure expenditure to rate revenue	Media and communications
Capital/operations ratio	Technical Services update
Wages/salaries margin	Assets report – paths
Rates outstanding by period	Assets report – drainage
Divisional financial analysis	Assets report playgrounds
Strategic Community Plan and Corporate Business Plan	Assets report – Public Open Space and irrigation
Business Improvement report	Reactive maintenance
Emergency Management update	Assets report - buildings
Belmont HACC Services programme statistics	Assets report – public art
Youth Centre contacts	

Item 12.6 Continued

The table below contains a sample of the key documents utilised in delivering internal controls for the City. It is by no means reflective of all supporting documentation.

Document Title	Document Title
Policy BEXB38 Business Improvement	SP22 Training and Competency
SP01 Data Analysis	Audit Plan 2017
SP02 Audit of BMS	Business Management System Manual
SP08 Document Control	BMS Documentation Structure and Definition
SP13 Legal and Compliance Requirements	City of Belmont Values
SP14 Management Review	Continuous Improvement Management System
SP15 Strategic Community Plan	Customer Complaint Management Procedure
SP17 Records Management	Customer Focus Plan 2014-2017
SP21 System Improvement Request and Innovation Management	Customer Focus Strategy
Customer Service Charter	PM Internal Audit Evaluation Process
Decision Making Structure – Meeting Cycle	PM Business Excellence OSA Process
Delegated Authority Register	PM SIR Creation and Submission
ECM Guidelines	PM Develop and Maintain Policies
Continuous Improvement Process and Manual	PM Standard Monthly Finance Reports
Information Knowledge Management Strategy	PM Receipting Payments
IT Security Policy	PM Provide Purchasing Services
Process Management Strategy	PM Petty Cash
Public Interest Disclosure Procedures	PM Bank Reconciliations
Record Keeping Plan	PM Investments
Human Resources Policy Manual	PM Manage Recruitment
PM Manage Records	WI Submitting New Documents on BelNet
PM Process Tender Documents	WI RMSS Compliance Manager Audit Guide
PM Process Legal Documents	WI Conducting Internal Audit of BMS
PM Manage FOI Applications	WI Strategic Policy Development
PM Document Box Audits	WI Vital Records
PM Manage Staff Development Reviews	WI Retention and Disposal
PM Manage Payroll	WI Staff Development Reviews
PM Internal Audit Report Preparation	WI Recruitment and Selection

(SP = System Procedure, PM = Process Map, WI = Work Instruction, RMSS = Risk Management and Safety System, ECM = Enterprise Content Management, SIR = System Improvement Request, OSA = Organisational Self Assessment, FOI = Freedom of Information)

<u>Legislative Compliance</u>

The legislative requirements for local government extend into hundreds of statutes, regulations, policies and guidelines etc. set down by all levels of government. This responsibility requires significant effort and sound systems to be implemented in order to address these many requirements.

Item 12.6 Continued

1. <u>Compliance Management Plan</u>

The City's Compliance Management Plan sets out the essential elements of the City's compliance program. The Compliance Management Plan is used to meet the organisation's structural, operational and maintenance requirements and is formatted to reflect Australian Standard 3806-2006 Compliance Programs and aims to:

- Prevent, and where necessary, identify and respond to, breaches of law, regulations, codes or organisational standards
- Promote the City's organisational value of **Integrity** *(to act in an honest, professional, open and accountable manner)*
- Assist the City in remaining a good corporate citizen.

The City is committed to an operational environment that rigorously supports the organisation in achieving the highest standards in compliance. This is supported by the:

- *City of Belmont Policy Manual*
- *Code of Conduct*
- *ISO9001 Quality Management Systems, AS4801 Occupational Health and Safety and ISO14001 Environmental Management Systems designed to include specific compliance requirements within processes*
- *Deployment of the Australian Business Excellence Framework and Guidelines*
- *Strategic Community Plan 2016-2036*
- *Corporate Business Plan 2017-2021*
- *Compliance Management Policy (BEXB31)*
- *Standing Committee (Audit and Risk).*

The City's organisational structure supports the delivery of professional advice and support for compliance matters, through the Governance Section. This section has appropriate experience and authority to lead and direct the organisation in compliance matters.

The Governance Section has responsibility for the City's Business Management System, which incorporates delivery of compliance requirements throughout the organisation. The City's Business Management System provides Process Owners the mechanism to record succinct details of compliance within Process Maps and outline greater detail in subsequent Work Instructions.

The Business Management System is easily accessible to employees via the City's intranet, BelNet, which also provides access to supplementary information (legislation, policies, codes, industry and organisational standards).

Outsourcing of City activities and therefore the relevant compliance matters are identified, monitored and reported on via the City's Contract Management Process.

The Business Management System is subject to continuous review by Process Users and Owners who are supported with appropriate training and exposure to ensure understanding of their compliance responsibilities.

Item 12.6 Continued

2. <u>Compliance Accountability Listing</u>

The City maintains a Compliance Accountability Listing, which is a comprehensive list of all identified compliance requirements.

Each compliance influence captured within this listing is assigned to a Compliance Driver. This Officer is identified as the individual within the organisation with sufficient relevant experience and knowledge of that compliance document and who has an appropriate level of authority. This Officer is subsequently responsible for actively monitoring and responding to any changes arising from this driver.

Appropriate responses to changes arising from compliance accountability listings require Officers to test for impact on the City's Business Management System and, by using the BMS System Procedures, engage Process Owners to review existing BMS documents.

Where review (or testing) of the Business Management System fails to identify an existing BMS document that supports a Compliance Accountability Listing item, the relevant Officer must identify and ensure that the relevant Manager progresses the development of any necessary new BMS documents. Authorising Officers for new documents and changes to BMS documents are required to critically review and 'sign off' each process for compliance with the Compliance Accountability influences.

This management approach proactively influences the development of the City's processes and practices to ensure they are continually developed and improved to meet compliance requirements.

3. <u>Department of Local Government, Sport and Cultural Industries– Statutory Compliance Audit Return</u>

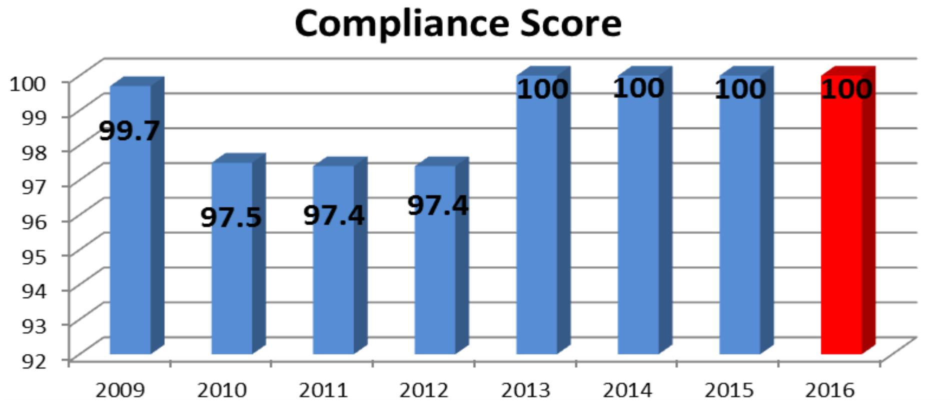
It is a requirement of the *Local Government Act 1995* that a Statutory Compliance Audit Return (CAR) is completed by 31 March of each year. The DLGSCI provided a set of questions in early January 2017. It should be noted that the City's 2013, 2014, 2015 and 2016 compliance scores were 100%.

The elements tested for the 2016 DLGSCI CAR are represented below:

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
Local Government Employees	5	0
Official Conduct	6	0
Tenders for Providing Goods and Services	25	0

Item 12.6 Continued

City of Belmont Annual Compliance Audit Return Compliance Rates.



The Standing Committee (Audit and Risk) considered the findings of the Compliance Audit Return at its meeting of the 27 February 2017 and Council subsequently at the 28 March 2017 meeting confirmed these findings.

4. <u>Department of Local Government, Sport and Cultural Industries – Compliance Reviews</u>

The DLGSCI review all Statutory Budgets, Budget Reviews and Annual Financial Reports to ensure they comply with the *Local Government Act 1995* and relevant regulations. Items of non-compliance are reported to the Chief Executive Officer and depending on the severity of the non-compliance could result in further action.

Relevant sections from the *Local Government Act 1995* and associated regulations have been extracted to formulate a comprehensive compliance checklist that is used to ensure non-compliance issues are mitigated.

5. <u>External Audit</u>

Section 7.2 of the *Local Government Act 1995* requires that “the accounts and Annual Financial Report of a local government for each financial year are audited by an auditor appointed by the local government.” This comprises the external audit of the Annual Financial Report and interim audit. The interim audit in particular reviews (predominantly finance related) internal controls and legislative compliance.

The Annual Financial Report has more of a focus on compliance with Australian Accounting Standards. Audit Reports are then presented to the Standing Committee (Audit and Risk) before being reported to Council.

The interim audit includes the following areas:

- Purchasing
- Payments and Creditors
- Rate Receipts and Rate Debtors
- Receipts and Sundry Debtors
- Bank Reconciliations
- Payroll
- General Accounting and IT General Controls

Item 12.6 Continued

- Investments
- Minutes
- Property, Plant and Equipment and Infrastructure.

Items raised that could be improved upon (including areas of non-conformance) are identified in the Auditors report and monitored on a monthly basis by the Business Improvement Team to ensure they are actioned. They are also reviewed by the auditors in subsequent audits.

6. Investment Compliance

On a monthly basis the City's independent investment advisor (CPG Research and Advisory Pty Ltd) reviews the City's investment portfolio. This includes measuring the portfolio's credit quality, counterparty exposure and maturity profile to ensure compliance with both the City's Investment Policy (BEXB35 – Investment of Funds) and the *Local Government (Financial Management) Regulations 1996.* The results of this monthly review have not identified any matters of non-conformance.

7. Financial Management Review

Section 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* requires the Chief Executive Officer (CEO) to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every four financial years) and report to Council the results of those reviews.

The Financial Management Review was undertaken by the City's external auditors and the results reported to the Standing Committee (Audit and Risk) on 23 February 2015 and subsequently endorsed by Council on 24 March 2015. There were no issues raised as a result of the review.

The table below contains a sample of the key documents utilised in delivering legislative compliance to the City. It is by no means reflective of all supporting documentation.

Document Title	Document Title
Policy BEXB31 Compliance Management	PM Develop or Major Review of Strategic Community Plan
Policy BEXB16 Legal Representation for Council Members and Employees	PM Manage Local Laws
Policy BEXB 27 Financial Management – Major Land Transactions	PM Manage Internal Accountability
Policy BEXB28 Purchasing	PM Tender Process
Policy BEXB 29 Organisational Record Keeping	WI Standing Committees – Meeting Preparation, Agenda and Minute Production
SP13 Legal and Compliance Requirements	WI Special Council Meeting – Meeting Preparation, Agenda and Minute Production
SP15 Strategic Community Plan	WI Ordinary Council Meeting – Meeting Preparation, Agenda and Minute Production

Item 12.6 Continued

SP16 Procurement	WI Information Forum – Meeting Preparation, Agenda and Minute Production
SP17 Records Management	WI Agenda Briefing Forum – Meeting Preparation, Agenda and Minute Production
Strategic Community Plan 2016-2036	WI Councillor Workshops
Corporate Business Plan 2017-2021	WI Receiving Served Legal Documents
Standing Orders Local Law 2017	WI Disruptive Behaviour at Council Meetings
City of Belmont Code of Conduct	WI Annual Electors Meeting – Meeting Preparation, Agenda and Minute Production
Compliance Management Plan	WI Notification of Gifts/Hospitality
Compliance Accountability Listing	WI Compliance Accountability Listing
Compliance Calendar	WI Appointment of Authorised Officers
Delegated Authority Register	WI Administer the use of the Common Seal
Freedom of Information Guidelines	WI Tenders Stage 1 Plan and Specify
Public Interest Disclosure Procedures	WI Tenders Stage 2 Invite, Receive and Check
PM Manage External Accountability	WI Tenders Stage 3 Assess and Select
PM Manage Delegations and Authorisations	WI Tenders Stage 4 Award Contract and Update Records
PM Manage Decision Reviews	WI Belmont Trust – Meeting Preparation, Agenda and Minute Production
PM Manage Compliance Calendar	WI Review and Disposal of Electoral Material
PM Develop and Manage Compliance Management Plan	WI Representing the City in Court Proceedings
PM Compliance Audit Return	WI Manage Primary/Annual Returns
PM Audit Planning and Management	WI Manage Delegated Authority Review
PM Administer Local Government Postal Elections	WI Manage Compliance Audit Return
PM Manage Strategic Community Plan	WI Manage Code of Conduct
PM Manage Corporate Business Plan	WI Manage Compliance Calendar
PM Develop and Maintain Policies	

(SP = System Procedure, PM = Process Map, WI = Work Instruction, RMSS = Risk Management and Safety System, ECM = Enterprise Content Management, SIR = System Improvement Request, OSA = Organisational Self Assessment, FOI = Freedom of Information)

The City also undertakes operational risk comparisons from time to time to assess the City's operations in comparison with reports from DLGSCI inquiries, Corruption and Crime Commission (CCC) reports and other relevant reports.

A recent report assessed the City's operations in comparison with risks noted in a CCC report on a matter of Governance at the Shire of Dowerin. This operational comparison was presented to the 24 July 2017 Standing Committee (Audit and Risk) and subsequently endorsed by Council at the 22 August 2017 Ordinary Council Meeting.

The operational comparison report assessed the City's current practices in relation to Council oversight in the management of its financial operations. While the City's current controls are in line with best practice recommendations as outlined in the Shire of Dowerin inquiry, the importance of appropriate Councillor training has been highlighted as a crucial element in ensuring the effective governance of the local government.

The results of this operational comparison reflect the strength and sophistication of the City's internal control and legislative compliance processes and procedures.

Item 12.6 Continued

The City also proactively reviews high risk functions, and as such an independent external review of the City's procurement function was conducted by consulting firm Blue Zoo to measure the City's current performance and identify any areas for improvement. The review was considered a 'health check' and an opportunity to ensure the City has the capacity and capability to provide an effective and efficient procurement function.

The City has achieved 100% compliance in tenders and contracts for the compliance audit return and financial audit in recent years. The procurement review was undertaken to assess the current practice and identify any areas for improvement, and was not intended as a compliance audit.

The main areas identified for improvement were Strategic Planning and Contract Management. It was noted within the report that other processes are relatively mature against current compliance obligations and only need extending a little in terms of sustainability concepts.

The Standing Committee (Audit and Risk) considered the findings of the CEO's review of Internal Control and Legislative Compliance, in accordance with the *Local Government (Audit) Regulations 1996* Reg. 17, at its meeting of 30 October 2017.

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

- A number of approaches are undertaken in relation to the training and upskilling of employees. Training opportunities are identified as part of the annual Staff Development Review process both by the employee and supervisor, then dependent on the circumstances, there will be a progression to training undertaken.
- Additionally, training is undertaken as opportunities arise. The City has an internal, online training system which delivers programs on a range of topics, such as occupational safety and health and customer service. Training providers are engaged to provide appropriate organisation wide training on subjects such as diversity, cultural awareness and customer service. Conferences, seminars and external training courses are also undertaken where appropriate.
- The City also provides training for internal auditors, and currently more than 20 auditors are trained across the three ISO Standards and in the business excellence framework.
- Operational comparisons to CCC reports are undertaken by a few other local governments, such as the City of Melville; however this is not believed to be standard practice across the industry.
- In addition to the operational comparison being reviewed by management and Council, the City submits its report and findings to the Department of Local Government, Sport and Cultural Industries.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 12.6 Continued

SOCIAL IMPLICATIONS

There are no social implications at this time.

COMMITTEE RECOMMENDATION

1. That the Chief Executive Officer’s review, as outlined in the above report, addressing the requirements of Local Government (Audit) Regulations 1996, Regulation 17:

“CEO to review certain systems and procedures

(1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to –

(a) risk management; and

(b) internal control; and

(c) legislative compliance.”

is endorsed.

2. That Council note that this 2017 review undertaken by the Chief Executive Officer provides information on the various internal control and legislative compliance systems and procedures that demonstrate compliance with Regulation 17 of the Local Government (Audit) Regulations 1996.

3. That Council note that the 2018 review undertaken by the Chief Executive Officer will provide information on the various risk management systems and procedures that demonstrate compliance with Regulation 17 of the Local Government (Audit) Regulations 1996.

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

12.7 AUDIT PLAN 2018

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 7 – Item 12.7 refers	Proposed 2018 Audit Plan
Attachment 8 – Item 12.7 refers	2017 Audit Plan

Voting Requirement	:	Simple Majority
Subject Index	:	19/003 Audit and Risk Committee
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	22 November 2016 OCM – Item 12.6
Applicant	:	N/A
Owner	:	City of Belmont
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	**Executive**	*The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**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 endorsement of the City's 2018 Audit Plan (refer Attachment 7).

SUMMARY AND KEY ISSUES

The City of Belmont conducts and undertakes a range of audit activities.

The City has developed a coordinated approach to these audit activities, managed year to year by an Audit Plan. The adopted 2017 Audit Plan is attached for reference (refer Attachment 8).

Item 12.7 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Apply sound and sustainable business management principles.

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

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

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

POLICY IMPLICATIONS

The adoption of the Audit Plan is supported by Council Policies BEXB31 Compliance Management and BEXB38 Business Improvement.

STATUTORY ENVIRONMENT

Section 7.2 of the *Local Government Act 1995* requires the City to conduct annual financial audits.

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.

Under the International Quality Management Standard ISO 9001:2015 Quality Management Systems the City is required to conduct a program of internal audits.

BACKGROUND

The 2018 Audit Plan was presented to the Standing Committee (Audit and Risk) for endorsement prior to consideration by Council.

Item 12.7 Continued

OFFICER COMMENT

The 2018 Audit Plan is based on:

- Internal audit best practice
- Statutory audit requirements
- The integration of the internal audit approach with other management system initiatives being produced by the City (such as Quality Assurance, Risk Management and Process Mapping)
- The need to support the City's chosen governance approach
- The requirement to provide a comprehensive solution that can be undertaken with existing resources.

A presentation was made to the 30 October 2017 Standing Committee (Audit and Risk) meeting on the City's progress in respect of the 2017 Audit Plan (refer Attachment 7) and the proposed 2018 Audit Plan (refer Attachment 8).

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

- The Strategic Community Plan (SCP) is a 20 year plan, which in accordance with legislation requires a minor review every two years and a major review every four years. A minor review is scheduled for 2017.
- The Organisational Self-Assessment (OSA) is a separate process.
- The Corporate Business Plan (CBP) is a four year plan, reviewed annually. The CBP is currently under review and will be presented to Council in February 2018.
- The OSA is used to measure against a set of guidelines for quality assurance, in accordance with the Australian Business Excellence Framework. Regular assessment gives a measure of how the City is performing day-to-day. The OSA is a testing tool, to assess how the City is functioning.
- The OSA focuses on business practice rather than community outcomes, therefore does not particularly feed into all aspects of corporate planning.
- The SCP is an aspirational plan detailing where the community would like the City to be in 20 years. The CBP is a series of key actions which assist the City to achieve SCP outcomes.
- The OSA is an internal approach to activities to ensure that the organisation is operating optimally.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 12.7 Continued

SOCIAL IMPLICATIONS

There are no social implications at this time.

COMMITTEE RECOMMENDATION

That Council endorse the City of Belmont 2018 Audit Plan as outlined in Attachment 7.

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

12.8 ACCOUNTS FOR PAYMENT – OCTOBER 2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 9 – Item 12.8 refers	**Accounts for Payment – October 2017**

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

COUNCIL ROLE

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

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

Item 12.8 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* states:

> *"If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:*
>
> *(a) the payee's name*
>
> *(b) the amount of the payment*
>
> *(c) the date of the payment*
>
> *(d) sufficient information to identify the transaction."*

BACKGROUND

Checking and certification of Accounts for Payment required in accordance with *Local Government (Financial Management) Regulations 1996*, Clause 12.

OFFICER COMMENT

The following payments as detailed in the Authorised Payment Listing are recommended for confirmation and endorsement.

Municipal Fund Cheques	787533 to 787566	$192,583.17
Municipal Fund EFTs	EF052534 to EF052995	$7,232,240.45
Municipal Fund Payroll	October 2017	$1,641,811.04
Trust Fund EFTs	EF052538, EF052539 and EF052707	$46,925.99
Total Payments for October 2017		$9,113,560.65

Item 12.8 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for October 2017 as provided under Attachment 9 be received.

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

12.9 MONTHLY ACTIVITY STATEMENT AS AT 31 OCTOBER 2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 10 – Item 12.9 refers	Monthly Activity Statement as at 31 October 2017

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

LOCATION

N/A

Item 12.9 Continued

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

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

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

Item 12.9 Continued

The monthly financial report is to be accompanied by:

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

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

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

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

In order to provide more details regarding significant variations as included in Attachment 10 the following summary is provided.

Report Section	***Budget YTD***	***Actual YTD***	***Comment***
Expenditure - Capital			
Chief Executive Officer	59,083	Nil	Expenditure expected in November.
Financing Activities	41,565	117,340	Loan repayments are budgeted in November.
Rangers	70,544	5,400	Fleet currently on order.
Grounds Operations	122,815	275,444	Parks projects are ahead of budget.
Road Works	2,181,626	1,521,449	Variance relates to the Surrey Rd Bike Boulevard which is pending planning approval from Main Rds.
Footpath Works	152,061	52,393	Variance mainly relates to Kooyong Rd works that are due to begin in November.
Expenditure – Operating			
Marketing and Communications	386,746	332,750	Currently behind budget in regards to community survey costs.
Governance	1,288,017	1,094,425	Variance predominantly relates to Activity Based Costing allocations (ABC's).
Faulkner Park Retirement Village	80,000	131,000	Additional contributions required for refurbishments.
Grounds Operations	1,889,731	1,673,632	Invoices are paid one month in arrears.
Road Works	328,426	266,982	Maintenance costs are currently under budget.
Streetscapes	291,931	343,050	Verge maintenance costs are currently above budget.
Revenue - Capital			
Road Works	(1,245,094)	(1,100,752)	Road grants yet to be received.
Revenue - Operating			
Computing	(794,713)	(1,117,037)	ABC recoveries are above budget.
Accommodation Costs	(216,360)	(164,020)	ABC recoveries are below budget.
Rates	(46,480,433)	(46,866,058)	Interim rates are currently above budget.
Town Planning	(509,753)	(414,580)	ABC recoveries and application fee income are below budget.
Building Control	(183,927)	(131,761)	Application fee income is below budget.

Item 12.9 Continued

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 October 2017	**$**	**Comment**
Cash and investments	82,183,033	Includes municipal and reserves
- less non rate setting cash	(45,880,202)	Reserves
Receivables	15,291,441	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(2,659,805)	ESL Receivable
Stock on hand	225,724	
Total Current Assets	**49,160,192**	
Current Liabilities		
Creditors and provisions	(11,806,768)	Includes ESL and deposits
- less non rate setting creditors and provisions	5,558,462	Cash Backed LSL, current loans and ESL
Total Current Liabilities	**(6,248,306)**	
Nett Current Assets 31 October 2017	42,911,885	
Nett Current Assets as Per Financial Activity Report	42,911,885	
Less Restricted Assets	(2,111,302)	Unspent grants held for specific purposes
Less Committed Assets	**(40,300,584)**	All other budgeted expenditure
Estimated Closing Balance	**500,000**	

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 October 2017 as included in Attachment 10 be received.

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

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

13.2 NOTICE OF MOTION (CR CAYOUN) – METHOD OF ELECTING MAYOR

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Special Majority
Subject Index	:	35/002
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	23 February 2016 OCM – Item 13.3 24 February 2003 OCM – Item 11.2.1 18 February 2003 REPOL – Item 9.1.1 13 August 2001 OCM – Item 12.2.4 7 August 2001 ACS – Item 8.5.4
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider a Notice of Motion prepared by Councillor Cayoun regarding the method of filling the office of Mayor for the City of Belmont.

Item 13.2 Continued

SUMMARY AND KEY ISSUES

Cr Cayoun has submitted a Notice of Motion to be presented to the 28 November 2017 Ordinary Council Meeting for Council to consider that as per section 2.11(2) of the *Local Government Act 1995*, the Belmont Council agrees to change the method of filling the office of Mayor from election by Council, to election by electors.

LOCATION

N/A

CONSULTATION

Councillors had the opportunity to discuss the matter at the Information Forum conducted on 14 November 2017. There has been no other specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Strategy: Ensure community requirements drive internal policies and processes.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Part 2, Division 3 of the *Local Government Act 1995* states:

2.8. Role of mayor or president

(1) The mayor or president —

- *(a) presides at meetings in accordance with this Act; and*
- *(b) provides leadership and guidance to the community in the district; and*
- *(c) carries out civic and ceremonial duties on behalf of the local government; and*
- *(d) speaks on behalf of the local government; and*
- *(e) performs such other functions as are given to the mayor or president by this Act or any other written law; and*
- *(f) liaises with the CEO on the local government's affairs and the performance of its functions.*

Item 13.2 Continued

(2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

2.9. Role of deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

2.10. Role of Councillors

A councillor —

(a) represents the interests of electors, ratepayers and residents of the district; and
(b) provides leadership and guidance to the community in the district; and
(c) facilitates communication between the community and the council; and
(d) participates in the local government's decision-making processes at council and committee meetings; and
(e) performs such other functions as are given to a councillor by this Act or any other written law.

2.11 Alternative methods of filling office of mayor or president

(1) When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be —

(a) elected by electors of the district under Part 4; or
(b) elected by the council from amongst the councillors under Schedule 2.3, Division 1.

(2) A local government may change the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.*

** Special majority required.*

NB: See Part 1, s1.10 below for explanation of special majority

(3) A local government may exercise the power conferred by subsection (2) whether or not a proposal has been made under section 2.12.

(4) The method of filling the office of mayor or president used by a local government is changed from the election by the electors method to the election by the council method if the result of a poll declared under section 2.12A(4) is that a majority of electors of the district who voted at the poll voted in favour of the change.

[Section 2.11 amended by No. 49 of 2004 s. 17(1) and (2).]

Item 13.2 Continued

2.12. Electors may propose change of method

(1) A proposal to change the method of filling the office of mayor or president used by a local government to the other method mentioned in section 2.11(1)(a) or (b) may be made to the local government by electors of the district who —

- *(a) are at least 250 in number; or*
- *(b) are at least 10% of the total number of electors of the district.*

(2) The proposal is to comply with any regulations about such proposals.

(3) If the proposal is to change the method of filling the office of mayor or president from the election by the council method to the election by the electors method, consideration is to be given to the proposal by such means as the council thinks fit after which a motion to change the method of filling the office of mayor or president is to be put to the council for decision under section 2.11(2).

[Section 2.12 amended by No. 49 of 2004 s. 17(3).]

**Part 1 of the *Local Government Act 1995* states:

1.10. Decisions by special majority

The footnote Special majority required *applying to a power conferred in this Act on a local government, means that —*

(a) if there are more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of a 75% majority of the council; or

(b) if there are not more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of an absolute majority of the council.

BACKGROUND

A Notice of Motion by Councillor Cayoun reads as follows:

> *"Motion:*
>
> *That as per section 2.11(2) of the Local Government Act 1995, the Belmont Council agrees to change the method of filling the office of Mayor from election by council, to election by electors.*
>
> *Reason:*
>
> *To allow electors to directly elect their Mayor, from the next Council election in 2019.*

Item 13.2 Continued

This matter has been discussed by Council on previous occasions as outlined below.

In August 2001 the Administration and Community Services Committee meeting considered a report requesting a change to the method of electing the Mayor in response to a petition signed by approximately 775 electors. It was noted that this issue was discussed at length at informal briefing sessions with strong support by Councillors for retaining the existing method of electing a Mayor and subsequently the Committee endorsed the following recommendation:

COMMITTEE AND OFFICER RECOMMENDATION

***GODFREY MOVED, POWELL SECONDED,* THAT IT BE RECOMMENDED TO COUNCIL THAT THE CURRENT PRACTICE OF ELECTING THE MAYOR (I.E. BY THE COUNCIL) BE RETAINED.**

CARRIED 4 VOTES TO 1

For: Passeri, Doney, Godfrey, Powell
Against: Dornford

This decision was endorsed by Council at the 13 August 2001 Ordinary Council Meeting.

12.2.4 Withdrawn Item 8.5.4 – Method of Electing Mayor

***BASS MOVED, DONEY SECONDED*, THAT THE COMMITTEE RECOMMENDATION BE ADOPTED WITHOUT AMENDMENT OR MODIFICATION.**

CARRIED 8 VOTES TO 2

For: Passeri, Richardson, Marks, Blair, Doney, Godfrey, Teasdale, Powell
Against: Bass, Dornford

At the 16 December 2002 Ordinary Council Meeting, Councillor Bass lodged a Notice of Motion as follows:

"That the method of filling the office of Mayor in the City of Belmont be changed to elected by the electors of the district under Part 4 of the Local Government Act.

That this motion be placed on the agenda of the first Resources and Policy Committee meeting held in 2003 for serious discussion and debate."

The Resources and Policy Committee considered a report on the method of electing the Mayor at its 18 February 2003 meeting. The Committee endorsed the following recommendation:

COMMITTEE RECOMMENDATION

***DORNFORD MOVED*, THAT IT BE RECOMMENDED TO COUNCIL –**

That the method of filling the office of Mayor in the City of Belmont be changed to elected by the electors of the district under Part 4 of the Local Government Act.

The motion lapsed for want of a seconder.

Item 13.2 Continued

<u>RICHARDSON MOVED, PASSERI SECONDED,</u> THAT IT BE RECOMMENDED TO COUNCIL THAT THE CURRENT PRACTICE OF ELECTING THE MAYOR AT THE CITY OF BELMONT (I.E. BY THE COUNCIL) BE RETAINED.

<u>CARRIED</u>

For: Godfrey, Blair, Teasdale, Richardson
Against: Dornford

At the 24 February 2003 Ordinary Council Meeting, further discussion and debate on the issue occurred and the following recommendation was endorsed:

11.2.1 Withdrawn Item 9.1.1 – Policy Amendment – Method of Electing Mayor

<u>DORNFORD MOVED, BASS SECONDED</u>, that in order to provide an improved Mayoral election system, the Committee recommendation not be adopted and that the Mayor be elected by the ratepayers and electors of the City of Belmont.

During debate on the above proposal, Cr Bass foreshadowed a motion if the above resolution was lost, namely –

"That a referendum be held in conjunction with the upcoming Council election, allowing the voters of the City to decide whether they support direct elections of the Mayor in 2003 as an alternative to the Councillors electing the Mayor"

Cr Dornford departed the Chamber and did not return.

Cr Teasdale foreshadowed a motion should the above motion and foreshadowed motion be lost, namely –

"That the Committee recommendation not be adopted and the possibility be put to the Western Australian Local Government Association of having an item dealing with the 'Election of Mayors State wide' placed on the agenda (preferably through an exhaustive workshop format) at the next State Conference and further, that the matter be referred to the Resources and Policy Committee for investigation.

<u>MURFIN MOVED, RICHARDSON SECONDED</u>, that the motion now be put.

<u>CARRIED 10 VOTES TO 1</u>

For: Godfrey, Teasdale, Passeri, Blair, Godsell, Doney, Marks, Murfin, Powell, Richardson
Against: Bass

The substantive motion was then put, namely –

"That in order to provide an improved Mayoral election system, the Committee recommendation not be adopted and that the Mayor be elected by the ratepayers and electors of the City of Belmont"

<u>and was LOST 1 VOTE TO 10</u>

For: Bass
Against: Godfrey, Teasdale, Passeri, Blair, Godsell, Doney, Marks, Murfin, Powell, Richardson

Item 13.2 Continued

Cr Bass' foreshadowed motion, namely –

"That a referendum be held in conjunction with the upcoming Council election, allowing the voters of the City to decide whether they support direct elections of the Mayor in 2003 as an alternative to the Councillors electing the Mayor"

was brought forward and lapsed for want of a seconder.

Cr Teasdale's foreshadowed motion was brought forward.

***TEASDALE MOVED, POWELL SECONDED,** that the Committee Recommendation not be adopted and the possibility be put to the Western Australian Local Government Association of having an item dealing with the 'Election of Mayors State wide' placed on the agenda (preferably through an exhaustive workshop format) at the next State Conference and further, that the matter be referred to the Resources and Policy Committee for investigation.*

CARRIED 7 VOTES TO 4

For: Teasdale, Bass, Marks, Godsell, Powell, Richardson, Murfin
Against: Passeri, Blair, Godfrey, Doney

At the 23 February 2016 Ordinary Council Meeting, a Notice of Motion was submitted by Cr Gardner. The motion was lost as follows:

COUNCILLOR RECOMMENDATION

GARDNER MOVED, CAYOUN SECONDED,

That Council resolve to allow for the direct election for the office of Mayor by local electors, by the electors method in accordance with s2.11(2) of the Local Government Act 1995:

> ***A local government may change* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.***
>
> ****Special majority required***

Reason

To allow electors in the City of Belmont to directly elect a candidate to the office of Mayor.

LOST 4 VOTES TO 5

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

Item 13.2 Continued

OFFICER COMMENT

Section 2.11 of the *Local Government Act 1995* provides local governments with two methods for the election of the office of Mayor. The Mayor can be elected by the electors of the district, or elected by Council from amongst the elected members.

Council has historically chosen to elect its Mayor from amongst its elected members.

Of the 30 metropolitan local governments in Western Australia, 17 of the Mayors are elected by the electors and 13 are elected by the Council.

Local Government	Method of Electing Mayor
City of Armadale	Council
Town of Bassendean	Council
City of Bayswater	Council
City of Belmont	Council
Town of Cambridge	Electors
City of Canning	Electors
Town of Claremont	Electors
City of Cockburn	Electors
Town of Cottesloe	Electors
Town of East Fremantle	Electors
City of Fremantle	Electors
City of Gosnells	Council
City of Joondalup	Electors
City of Kalamunda	Council
City of Kwinana	Council
City of Melville	Electors
Town of Mosman Park	Electors
Shire of Mundaring*	Council
City of Nedlands	Electors
Shire of Peppermint Grove*	Council
City of Perth**	Electors
City of Rockingham	Council
Shire of Serpentine-Jarrahdale*	Council
City of South Perth	Electors
City of Stirling	Council
City of Subiaco	Electors
City of Swan	Council
Town of Victoria Park	Electors
City of Vincent	Electors
City of Wanneroo	Electors

**The Shires of Mundaring, Peppermint Grove and Serpentine-Jarrahdale elect a President of Council from amongst the Councillors. There is no provision for Shires to directly elect a President.*

***The Lord Mayor of Perth must be elected by the electors of the district.*

Item 13.2 Continued

City of Stirling – Method of Electing Mayor Referendum – 21 October 2017

The City of Stirling held a referendum in conjunction with the 2017 Local Government Election to ask electors "Do you support changing the method of electing the City of Stirling Mayor from 'by the Councillors' to 'by the electors'?

Of the 142,565 electors in the City of Stirling only **27.04%** responded to the referendum. From the responses received the outcome was:

Responses	Votes	Percentage
Yes	27,465	71.62%
No	10,884	28.38%

There are arguments for and against the popular election of Mayors within the local government industry.

Arguments for Popular Election of Mayors

- The position of Mayor, as the leader of Council should be determined directly by the electors with the Mayor accountable to residents and ratepayers.
- Popular election of the Mayor is for a period of four years.
- Election of the Mayor by the electors would remove the internal politics of Councillors during the time leading up to the election of the Mayor.

Arguments for Election of Mayor by Councillors

- The elected Council (Councillors) should determine the leader of the Council and not have a leader imposed upon them with whom they could be at variance or unable to work cooperatively or constructively.
- The positions of Prime Minister and Premier are not elected by popular vote; they are elected by the Cabinet as should Council elect its Mayor.
- Councillors should retain the option of assessing the performance of their leader on a biennial basis and be able to change that person if conflict develops or if the leader does not perform to expectation.
- A popularly elected Mayor and their planning and policy directions, views and actions may not have the support of a majority of the other Councillors, as these are set by the Council.
- Electors would not be able to change an unsatisfactory Mayor before the next election.
- The financial costs of running a Mayoral campaign.
- A double selection process, with the person being elected to Council prior to being eligible for election as Mayor, gives more rigour to the selection process.
- Councillors may have better knowledge of a candidate's experience, capacity and capability.
- A two (2) year cycle enables change at more frequent intervals if appropriate.

The procedure to change the method of filling the office of Mayor requires a decision of Council. The next election for implementation, if the method is changed for the election of the Mayor would be the 19 October 2019 ordinary election.

Item 13.2 Continued

An important consideration is the makeup of Council should the Mayor be elected by the electors of the district, namely the following options:

1. Three wards of three Councillors plus a directly elected Mayor resulting in a ten member Council.

2. An amendment to ward boundaries and representation to retain a nine member Council comprising of eight ward Councillors plus a directly elected Mayor.

3. Dissolution of the ward system to allow for eight district Councillors plus a directly elected Mayor.

4. Any other scenario considered appropriate by Council.

It should be highlighted that should a local government wish to change from the method of electing the mayor by the electors method to election by the council method, the legislative requirement includes a poll of the electors as stated in section 2.11 (4) of the *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

Additional election costs would be charged by the Western Australian Electoral Commission (WAEC) to include a mayoral election ballot paper and envelope with election packages for the ordinary election material. The approximate additional cost would be $4,000 incl. GST every four years.

If a poll is considered to go to the electors to vote for their preferred method of electing the Mayor, it would cost approximately $68,000 incl. GST if conducted independently to an ordinary election.

Other costs to consider are associated with the requirements for advertising to meet statutory obligations for any amendment to the number of Elected Members or a Ward Boundary review, if required.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

8.20pm The Manager Parks and Environment departed the meeting and did not return.

Item 13.2 Continued

COUNCILLOR RECOMMENDATION

CAYOUN MOVED, SEKULLA SECONDED,

That as per section 2.11(2) of the Local Government Act 1995, the Belmont Council agrees to change the method of filling the office of Mayor from election by Council, to election by electors.

Reason:

To allow electors to directly elect their Mayor, from the next Council election in 2019.

*****SPECIAL MAJORITY REQUIRED*****

LOST 4 VOTES TO 5

For: Bass, Cayoun, Davis, Sekulla
Against: Marks, Powell, Rossi, Ryan, Wolff

8.54pm The Manager Property and Economic Development departed the meeting and did not return.

13.3 NOTICE OF MOTION (CR ROSSI) – PARKING AND URBAN GREENING

BUILT BELMONT

<u>ATTACHMENT DETAILS</u>

Nil.

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

<u>COUNCIL ROLE</u>

☒	**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.*

<u>PURPOSE OF REPORT</u>

To consider a Notice of Motion prepared by Councillor Rossi regarding a request to the Western Australian Planning Commission and the Hon. Minister for Transport, Planning and Lands in relation to parking provisions and urban greening, and to request that these features are incorporated into the review of Local Planning Scheme No. 15.

Item 13.3 Continued

SUMMARY AND KEY ISSUES

Cr Rossi has submitted a Notice of Motion to be presented to the 28 November 2017 Ordinary Council Meeting for Council to consider writing to the Western Australian Planning Commission and the Hon. Minister for Transport, Planning and Lands in relation to parking provisions and urban greening and to request that these features are incorporated into the review of Local Planning Scheme No. 15.

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Protect and enhance our natural environment.

Strategy: Ensure the City has policies and practices that safeguard and enhance the natural environment.

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

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

Item 13.3 Continued

BACKGROUND

A Notice of Motion by Councillor Rossi reads as follows:

"Motion:

That Council:

A. *Directs the Chief Executive Officer to engage the Western Australian Planning Commission and the Hon. Minister for Transport, Planning and Lands to request that:*

   1. *The requirement for adequate parking provisions be incorporated into all future planning policies, inclusive of any design related codes and/or guidelines.*

   2. *One (1) visitor bay be provided for every two units as the exclusive dedication of bays to units and the lack of shared (visitor) parking is resulting in a crisis point being reached across the metropolitan area and the City of Belmont.*

   3. *Mandatory provision is made in grouped and multiple unit developments to require urban greening to provide relief against the concrete jungles and the heat sinks that are being built.*

B. *Directs the Chief Executive Officer to provide a copy of any correspondence and/or information to the local Member for Belmont.*

C. *Directs the Chief Executive Officer to commence investigation of incorporation of these features in the review of Local Planning Scheme No. 15 based on an anticipated positive response or otherwise from the WAPC and the Hon. Minister for Transport, Planning and Lands.*

Reason:

Streets across the metropolitan area are being inundated by on street parking and not enough parking is being provided within developments. In most developments visitor parking is under-provided. Streets in Belmont are becoming car parks as a consequence. The increase of service stations on Great Eastern Highway clearly shows that no matter what council tries to do, we are hamstrung by the Planning Commission. The Commission and the minister of the day must take the lead.

Global warming is a real threat to the City, and the City's tree canopy has been decimated by infill. Verge trees are not enough to counter the loss and we need private land holders to do their bit through urban greening.

Item 13.3 Continued

State Government (WAPC) Parking Standards

Residential parking standards for different dwelling types are mandated by State Government not by Local Government. The parking standards for single dwellings, grouped dwellings and special purpose dwellings are specified under the Residential Design Codes (Clause 5.3.3). The minimum number of on-site car parking spaces for multiple dwellings is specified by Clause 6.3.3 C3.1.

Most of the locations within the City are within 250m of a high frequency bus route and as such parking requirements are as follow:

Type of Dwelling	Car spaces
1 Bedroom dwelling	1
2+ bedroom dwelling	1
Aged persons' dwelling	1
Ancillary dwelling	Nil
Multiple Dwelling less than 110m2 and/or 1 or 2 bedrooms	1
Multiple Dwelling 110m2 or greater and/or 3 or more bedrooms	1.25
Multiple dwelling Visitors car parking spaces (per dwelling)	0.25

Design WA

Design WA is new State Government initiative intended to ensure that good design is at the centre of all development in Western Australia The draft Design WA Guidelines detail new standards for Planting on Structures (Objective 4.15) and Adaptive reuse (Objective 14.17.1). The Design WA stage one policies are expected to be finalised in early 2018.

OFFICER COMMENT

The standards for residential parking are set by the State. The Local Government is required to adhere to these standards. Any change to the parking standard across the board is therefore a State Government requirement. If parking provisions are inadequate, changes must be made to the Residential Design Codes to address community expectations.

Blanket parking standards unfortunately impose a one size fits all approach which is not targeted at differing levels of infill development. There is a vast difference between a high-rise multiple dwelling development and small scale infill. The impacts being experienced by the community and concerns over parking standards are largely being felt as a result of the small scale infill where overflow parking is being pushed onto local streets. As infill needs to be responsive to community demand and expectations, it is considered that there should be some scope for Local Government to set local standards in order to effectively implement the infill agenda. This would ensure communities have appropriate types of housing to respond to intergenerational demand.

The need for good design to incorporate greening and adaptive reuse is addressed in the draft Design WA guidelines. Moreover, these are areas that the City's Planning Department has identified as issues that require further work as part of the review of the Local Planning Scheme.

Item 13.3 Continued

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

Infill needs to be responsive to community demand and expectations if appropriate housing is to be provided within the City.

Item 13.3 Continued

COUNCILLOR RECOMMENDATION

ROSSI MOVED, WOLFF SECONDED,

That Council:

A. Directs the Chief Executive Officer to engage the Western Australian Planning Commission and the Hon. Minister for Transport, Planning and Lands to request that:

1. The requirement for adequate parking provisions be incorporated into all future planning policies, inclusive of any design related codes and/or guidelines.

2. One (1) visitor bay be provided for every two units as the exclusive dedication of bays to units and the lack of shared (visitor) parking is resulting in a crisis point being reached across the metropolitan area and the City of Belmont.

3. Mandatory provision is made in grouped and multiple unit developments to require urban greening to provide relief against the concrete jungles and the heat sinks that are being built.

B. Directs the Chief Executive Officer to provide a copy of any correspondence and/or information to the local Member for Belmont.

C. Directs the Chief Executive Officer to commence investigation of incorporation of these features in the review of Local Planning Scheme No. 15 based on an anticipated positive response or otherwise from the WAPC and the Hon. Minister for Transport, Planning and Lands.

Reason:

Streets across the metropolitan area are being inundated by on street parking and not enough parking is being provided within developments. In most developments visitor parking is under-provided. Streets in Belmont are becoming car parks as a consequence. The increase of service stations on Great Eastern Highway clearly shows that no matter what council tries to do, we are hamstrung by the Planning Commission. The Commission and the minister of the day must take the lead.

Global warming is a real threat to the City, and the City's tree canopy has been decimated by infill. Verge trees are not enough to counter the loss and we need private land holders to do their bit through urban greening.

CARRIED 9 VOTES TO 0

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 9.03pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held on 28 November 2017 were confirmed as a true and accurate record at the Ordinary Council Meeting held 12 December 2017:

Signed by the Person Presiding: ______________________

PRINT name of the Person Presiding: PHILIP MARKS
