City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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7 November 2006

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CONFIDENTIAL ATTACHMENT INDEX

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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS OF THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 7 NOVEMBER 2006, COMMENCING AT 7.00PM.

PRESENT

Cr G Godfrey, Mayor	East Ward
Cr P Marks, (Deputy Mayor)	East Ward
Cr M Bass	East Ward
Cr R Rossi	West Ward
Cr P Hitt	West Ward
Cr B Whiteley	South Ward
Cr J Powell	South Ward
Cr t Teasdale	South Ward

IN ATTENDANCE

Mr R Lutey	A/Chief Executive Officer
Mr N Deague	Director-Community & Statutory Services
Mr S Cole	Director Corporate & Governance
Mr J Christie	A/Director Technical Services
Mr J Olynyk	Manager Governance
Mr J Hardison	Manager Property & Economic Development
Mr J Blanchard	Principal Legal & Compliance Adviser
Ms S Johnson	Agenda & Minutes Officer

MEMBERS OF THE GALLERY

There were three attendees in the gallery and one press representative.

1. OFFICIAL OPENING

The Mayor will cause the Affirmation of Civic Duty and Responsibility to be read aloud by a Councillor.

The Mayor opened the meeting at 7.00pm, welcomed those in attendance, and invited Cr Rossi to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Rossi read aloud the affirmation.

2. APOLOGIES & LEAVE OF ABSENCE

2.1 APOLOGIES

Cr G Dornford	Central Ward
Cr B Martin	West Ward

2.2 LEAVE OF ABSENCE

Record Councillor Leave of Absence where previously endorsed for this meeting.

Nil.

3. DECLARATIONS OF INTEREST

Councillors / Staff are reminded of the requirements of s5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the City's Code of Conduct.

3.1 FINANCIAL INTERESTS

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

Name	Item No. & Name
Nil.	

3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.

Name	Item No. & Name
Nil.	

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

4.1 ANNOUNCEMENTS

Written announcements by the Presiding Member or important forthcoming functions to be tabled at this point. The Presiding Member may, at their discretion, wish to make verbal announcements.

4.1.1 Worksafe Plan Gold Certificate of Achievement

The City has recently received formal notification from the Commissioner Nina Lyhne of Worksafe Western Australia that the City of Belmont has received the Worksafe Plan Gold Certificate of Achievement.

The official presentation of the Award will be conducted shortly at a time to be mutually agreed and presented either by the Director General or the Minister.

For the information of Councillors this adds to the previous Acknowledgements in Occupational Health and Safety for 2006 of:

- Quality Assured in AS/NZS ISO 4801/2001 OH&S 28 Aug 2006
- Local Government Insurance Scheme Gold Diligence in Safety and Health 27 July 2006

4.1.2 Award to local journalist Beatrice Thomas

The Mayor congratulated Belmont's local journalist Beatrice Thomas who won the Australian Journalist Association's Suburban Prize (WA) at the media awards on Saturday night. Beatrice is here tonight and covers City of Belmont stories for the Southern Gazette. Council and I congratulate you on this great achievement .

4.2 DISCLAIMER

****7.04pm The Mayor drew the public gallery's attention to the Disclaimer and the Manager Governance read the Disclaimer aloud.**

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of a written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or any thing sought to be relied upon as a representation by the City should be sought in writing and should make clear the purpose of the request.

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

Councillors who have not read the business papers make a declaration at this point.

Nil.

4.4 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE 'COUNCILLORS INFORMATION BULLETINS' AS DETAILED IN ITEM 12.1

Councillors who have received and not read the 'Councillor Information Bulletins' as detailed in Item 12.1 of this agenda, to make declarations at this point.

Nil.

5. PUBLIC QUESTION TIME

****7.05pm The Mayor 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 she had registered two members of the public who had given prior notice to ask questions, these being Mr Wolff and Mr Harris.**

The Mayor invited the public gallery members, who had yet to register their interest to ask a question, to do so. One further registration was forthcoming from Mr Greenwood.

5.1 MR S WOLFF, 191 KEW STREET, KEWDALE

1. Mr Wolff stated that according to Council minutes, Cityscape is to engage a public relations firm to prepare and implement a strategy plan to properly engage the community so that Cityscape may gain approval to shift an existing building envelope on Hardey Park closer to the river. His question was whether Council would view the following as proper public consultation: After three changes of meeting date and venue, two BRRAG members eventually met Beth Dungey of SMR (Strategic Marketing and Research) at 12 noon on a Friday (27 October) to discuss the Cityscape proposals. With no agenda or information sent to us prior to the meeting, upon commencing the meeting they were then asked to read a detailed four page document on the spot, view a number of maps and plans, and then asked to answer a series of questions about the Cityscape proposal on the spot. Basic questions that they asked about the maps and documents were unable to be answered and a request for copies of the documents and maps so that they could study them further were denied. A request that copies of the documents be sent and another meeting be arranged, has so far not been responded to. Does Council consider that this is a fair and reasonable process or that by this process Cityscape is properly engaging with the community?

The Director Community & Statutory Services replied that he wished to clarify that the City had not yet commenced the public consultation process. SMR were asked to produce a strategy which needed to be endorsed by Council. SMR are attempting to ascertain attitudes and feelings of key stakeholders and based on this feedback come up with a strategy. Once SMR provide the City with a strategy, then the public will be given an opportunity to make submissions.

2. Mr Wolff added that during the meeting, the SMR consultant mentioned excision of a further portion of Hardey Park from what she referred to as urban land. When asked to clarify this, she could not, but she seemed to be saying that a portion of what remains of the public land on the Hardey Park A Class reserve is now classified as urban land. She suggested that we clarify the definition of urban land with the City of Belmont. My question is then: in relation to Hardey Park, what is this so called urban land?

The Director Community & Statutory Services stated that all the land that formerly comprised Hardey Park Reserve is zoned under the urban metro region scheme. The same land was classed as Parks and Recreation under the City scheme. .

5.2 MR R HARRIS, 481 ABERNETHY ROAD, CLOVERDALE

1. Mr Harris spoke on behalf of a resident and stated that the resident was deeply upset over the death of a pet and questioned the City's spraying of toxic pesticides.

The Acting Chief Executive Officer replied that he was not aware of any animals being affected by any of the sprays the City uses and added that the City does not use toxic sprays.

The Acting Technical Services Director reiterated that there were no unsafe chemicals for animals applied to parks and verges in the City. Spraying was conducted at suitable times of the year only and manufacturers guidelines were also followed, including using biodegradable chemicals for waterways.

2. Mr Harris asked if Council would consider the proposal by Cityscape to proceed to a land swap with Council?

The Mayor replied that Council would consider a decision once the public consultation process had ended.

5.3 MR R GREENWOOD, 151 COOLGARDIE ROAD, REDCLIFFE

1. Mr Greenwood submitted a copy of Hansard of the Standing Committee on Rural and Regional Affairs and Transport Estimates held on 30 October 2006 and asked if Council could consider the content of the document?

The Mayor requested the Mr Greenwood email the document to the City.

2. Mr Greenwood asked if Council would consider the community amenity provided by mature trees and stopping the destruction of trees on existing blocks under development?

The Mayor replied that Council supported keeping as many trees as possible when land was under development, however, the Council was limited in their involvement if the land was privately owned.

The Director Community & Strategic Services reiterated that it was the City's objective to keep as many trees remaining in the area as possible. State Government would like local governments to increase residential densities within the suburbs which causes a problem in retaining trees on privately owned developments. He added that the City tries to retain as many trees as possible in its parks and recreation reserves but was limited in its powers on private land.

5.4 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

5.5 QUESTIONS FROM MEMBERS OF THE PUBLIC

Nil.

****7.30pm As there were no further questions, the Presiding Member declared Public Question Time closed.**

6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 17 OCTOBER 2006

POWELL MOVED, HITT SECONDED, that the minutes of the Ordinary Council Meeting held on 17 October 2006 as printed and circulated to all Councillors, be confirmed as a true and accurate record with a correction to the date of the Volunteer Function being 2007 not 2006 as quoted in the Officer Recommendation at Item 11.2.2.

CARRIED 8 VOTES TO 0

6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 31 OCTOBER 2006**

****Council Attachment 1 – Item 6.2 refers**

WHITELEY MOVED, MARKS SECONDED, that the Information Matrix for the Agenda Briefing Forum held on 31 October 2006 as circulated in the attachment, be received and noted.

CARRIED 8 VOTES TO 0

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

DISCLAIMER: Where the City's Administration has provided any assistance to a Councillor, with the framing and / or wording of any motion / amendment / question to the Council, who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion / amendment is solely that of the intended mover and not that of the officer / officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by the City's administration to the Council meeting considering the motion.

Nil.

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

Nil.

9. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

10. REPORTS OF COMMITTEES

NOTE: Regulation 11(da) of the Local Government (Administration) Regulations 1996 requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in the Local Government Act 1995 s5.70 (but not a decision to only note the matter or to return the recommendation for further consideration).

NOTE: Council in receiving and noting the Minutes of Standing Committee are not adopting or in anyway endorsing the recommendations or comments contained therein. Committee Recommendations will be the subject of separate reports to Council at this or a future Council Meeting, at which time Council will consider the matter.

Nil.

11. REPORTS OF ADMINISTRATION

NOTE: Regulation 11(da) of the Local Government (Administration) Regulations 1996 requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration).

11.1 BUILT BELMONT

WITHDRAWN ITEMS

Item 11.1.4 was withdrawn at the request of Cr Rossi.

WHITELEY MOVED, MARKS SECONDED, that with the exception of Item 11.1.4 which is to be considered separately, the Officer Recommendations in the Built Belmont Key Result Area Reports, specifically Items 11.1.1 to 11.1.3 and 11.1.5 be adopted en bloc.

CARRIED 8 VOTES TO 0

11.1.1 Lot 88 (142) Epsom Avenue, Belmont – Liquor Store

Report by Community & Statutory Services Division

DATE

10 October 2006.

PURPOSE OF REPORT

To consider an application for internal modifications to an existing liquor store.

COUNCIL ROLE

Quasi-Judicial

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

SUMMARY AND KEY ISSUES

Summary and Key Issues

- A liquor store and deli currently operate from the subject site.

Item 11.1.1 Continued

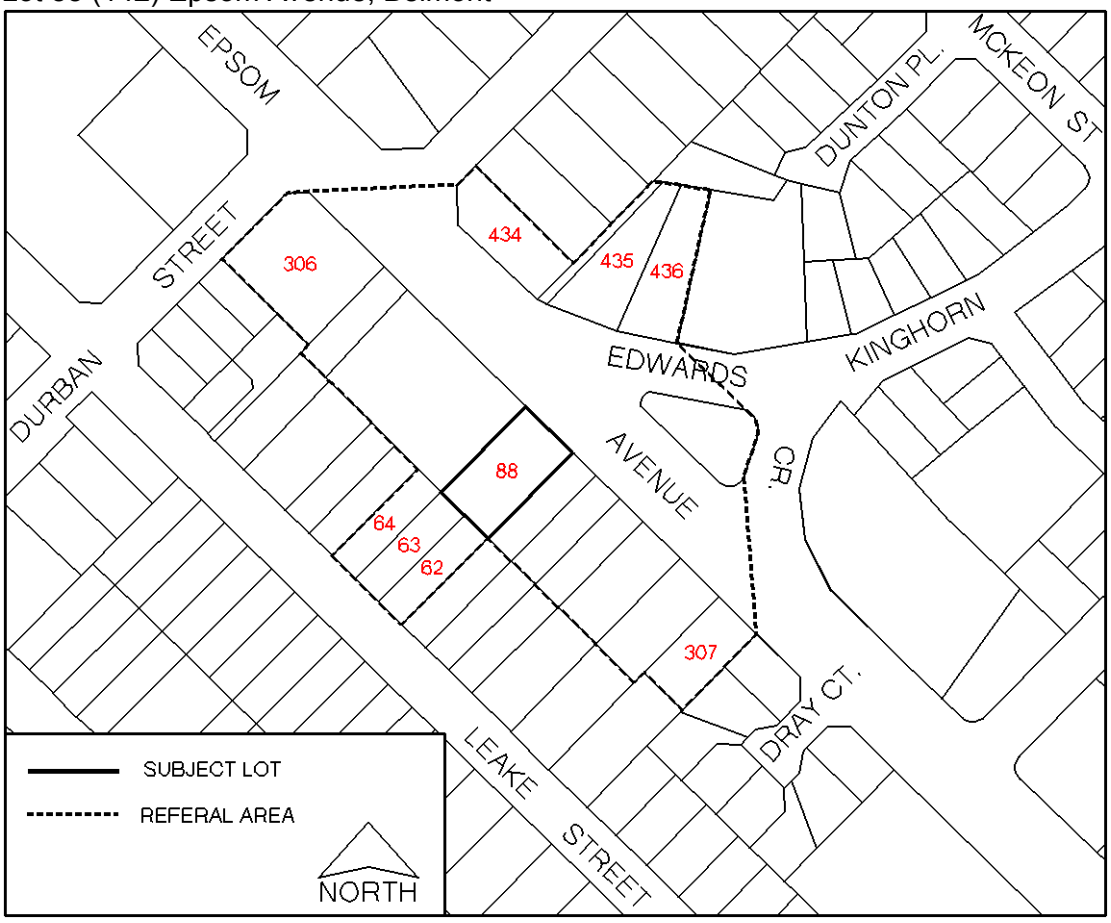
- The applicant wishes to modify the existing internal layout for liquor store purposes only.
- A 'Liquor Store' is a Use Not Listed under Town Planning Scheme No. 14. There is no delegation of authority to Council Officers in regard to such issues.
- In accordance with scheme provisions, the application was referred to surrounding residential properties. No comments/objections were received.

Officer Recommendation Summation

The subject site is zoned 'Commercial' under Town Planning Scheme No 14. The proposed modifications to the liquor store accord with scheme provisions for this zone. It is recommended that the application be approved.

LOCATION

Lot 88 (142) Epsom Avenue, Belmont



APPLICANT

Scribe Design Group.

FILE REFERENCE

339/2006/DA Application file

Item 11.1.1 Continued

P/EPS.142 Property file

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

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

The application was advertised to surrounding residential land owners for 21 days. At the end of the submission period no comments or submissions were received.

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT - *"Achieve a planned City that is safe and meets the needs of the community."*

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14

The proposed landuse of 'liquor store' is defined under the Scheme as meaning '*any land or building the subject of or proposed to be the subject of, a Store Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended)*".

The use of 'liquor store' is not listed under the use class table. Clause 4.2.3 of TPS14 provides a number of options in dealing with '*uses not listed'*, as follows:

- Determine the use is consistent with the objectives and purposes and proceed the application as a permitted use;
- Determine that the use is consistent with the objectives of the zone and proceed with advertising the proposal as per Clause 5.7 of TPS14; or
- Determine use is not consistent with the objectives of the zone and is therefore not permitted.

Item 11.1.1 Continued

Clause 10.4 contains the relevant development requirements for Town Centre and Commercial Zone. The intention of the Commercial zone is "*to provide for the retail commercial function and entertainment".*

Deemed Refusal
Clause 5.5.2 of the City of Belmont Town Planning Scheme No. 14 applies where a landuse is classified as a 'D' or 'S' use under the City of Belmont Town Planning Scheme No. 14 Zoning Table and is subject to advertising requirements detailed in Clause 5.7 of the Scheme. As such the application is 'deemed to be refused' if it is not determined within a 90 day period.

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

The deemed refusal date for this application will pass on 2 November 2006 and the applicant already has deemed refusal rights.

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

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

BACKGROUND

Owner:	E & R Ienco	**Ward:**	East
Lodgement Date:	4 August 2006	**Use Class:**	Liquor Store – Use Not Listed
Lot Area:	1108m^2	**TPS Zoning:**	Commercial
Estimated Value:	$90,000	**MRS:**	Urban

Application
An application to modify the existing convenience store and liquor store to liquor store only at Lot 88 (142) Epsom Avenue, Belmont was lodged on 4 August 2006.

The proposed internal modifications include:

- New sliding glass doors;
- New liquor store area;
- New cool room with glass doors;
- Wine tasting area;
- New office;
- New service area; and
- New entry to store room (staff only).

The alterations also include new internal ramps to cater for change in floor levels, with existing staff amenities to remain.

Item 11.1.1 Continued

OFFICER COMMENT

In accordance with TPS14 Clause 4.2.3(b), the application was referred to surrounding residential landowners for comment. No submissions were received.

The proposal to upgrade the facility to a liquor store only, accords with the 'Commercial' zoning. No additional floor space or external alterations are proposed. Therefore, parking provisions which are based on nett leasable area, remain the same as existing.

With respect to the existing signage (both roof and wall signs), a check of the City's records did not reveal any approvals for signage. Local Planning Policy No. 12 – Advertising signs (LPP12), permits one 'roof' sign and one 'wall' sign both limited to an aggregate of 8m^2, unless a signage strategy for the whole site is submitted. LPP12 seeks to ensure that the display of advertisements within the City do not adversely impact on the surrounding amenity whilst providing appropriate exposure for businesses and services. All proposed upgrades and future developments therefore, must comply with signage requirements in an effort to improve the environment, enhance the social and economic well being of the City and ensure there is no impact on visual amenity of the locality. It is therefore recommended that the proposal to modify the existing convenience store and liquor store to liquor store only, be supported subject to a separate signage application being submitted in accordance with LPP12.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That Council approve the application for internal modifications to an existing liquor store submitted by Scribe Design Group at Lot 88 (142) Epsom Avenue, Belmont subject to the following conditions:

1. ***The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect to the application referred to in this approval.***

2. ***Separate sign strategy is to be submitted within two months of the date of this approval, to the satisfaction of the Manager Planning Services.***

OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 11.1

11.1.2 Request for Disabled Parking Restrictions – Belmont Child Care Centre, Lot 6 (1) Grand Parade (Corner Epsom Avenue), Redcliffe

Report by Community & Statutory Services Division

DATE

6 October 2006

PURPOSE OF REPORT

To approve Disabled Parking restrictions at Belmont Child Care Centre.

COUNCIL ROLE

Quasi-Judicial

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

SUMMARY AND KEY ISSUES

Summary and Key Issues

Council Officers have reviewed the disabled parking restriction for the Belmont Child Care Centre situated at Lot 6 (1) Grand Parade near the intersection of Epsom Avenue, Redcliffe.

It has been noted that there is no provision for disabled parking associated with the Centre.

Approval is sought to install disabled parking bay marking and signage.

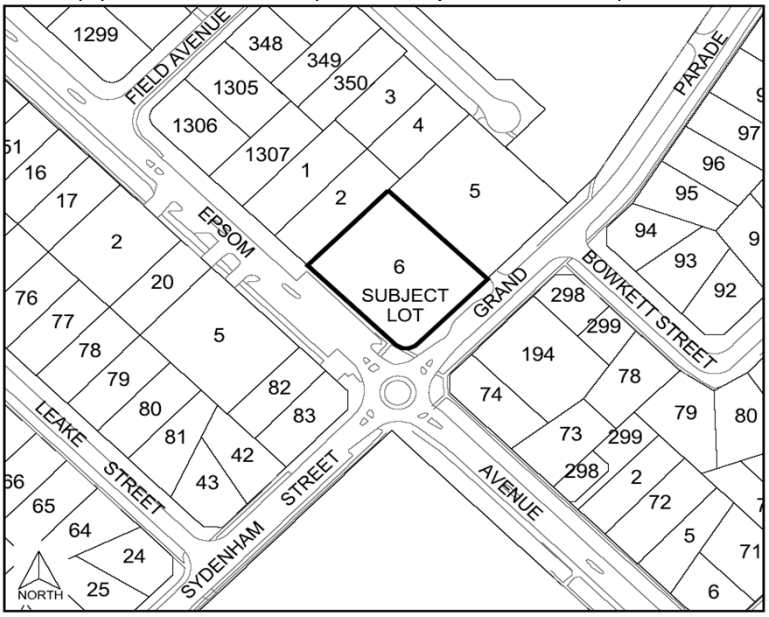
Officer Recommendation Summation

That disabled parking restriction be approved at the Belmont Child Care Centre Redcliffe.

Item 11.1.2 Continued

LOCATION

Lot 6 (1) Grand Parade (Corner Epsom Avenue), Redcliffe



APPLICANT

Not applicable.

FILE REFERENCE

92/005 Parking Complaints

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

Comments from owners and occupiers surrounding Lot 6 (1) Grand Parade (Corner Epsom Avenue) were invited.

Item 11.1.2 Continued

The following properties were requested to comment:

Property Addresses

- Lot 951 (228) Epsom Avenue Belmont
- Lot 950 (226) Epsom Avenue Belmont
- Lot 1298 (229) Epsom Avenue Redcliffe
- Lot 1299 (231) Epsom Avenue Redcliffe
- Lot 1307 (241) Epsom Avenue Redcliffe
- Lot 1305 (6) Field Avenue Redcliffe
- Lot 1306 (4) Field Avenue Redcliffe
- Lot 1 (243) Epsom Avenue Redcliffe
- Lot 2 (245) Epsom Avenue Redcliffe
- Lot 5 (240-242) Epsom Avenue Belmont
- Lot 82 (246) Epsom Avenue Belmont
- Lot 83 (248) Epsom Avenue Belmont
- Lot 17 (232) Epsom Avenue Belmont
- Lot 16 (230) Epsom Avenue Belmont
- Lot 2, Strata Lot 1 (236) Epsom Avenue Belmont
- Lot 2, Strata Lot 2 234B Epsom Avenue Belmont
- Lot 2, Strata Lot 3 234A Epsom Avenue Belmont
- Lot 20 (238) Epsom Avenue Belmont
- Lot 74 (2) Grand Parade Redcliffe
- Lot 194 (4-6) Grand Parade Redcliffe
- Lot 298 (8) Grand Parade Redcliffe

No objections were received.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan impacts are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The City of Belmont Parking Local Laws would apply should Council establish parking restrictions in this area.

BACKGROUND

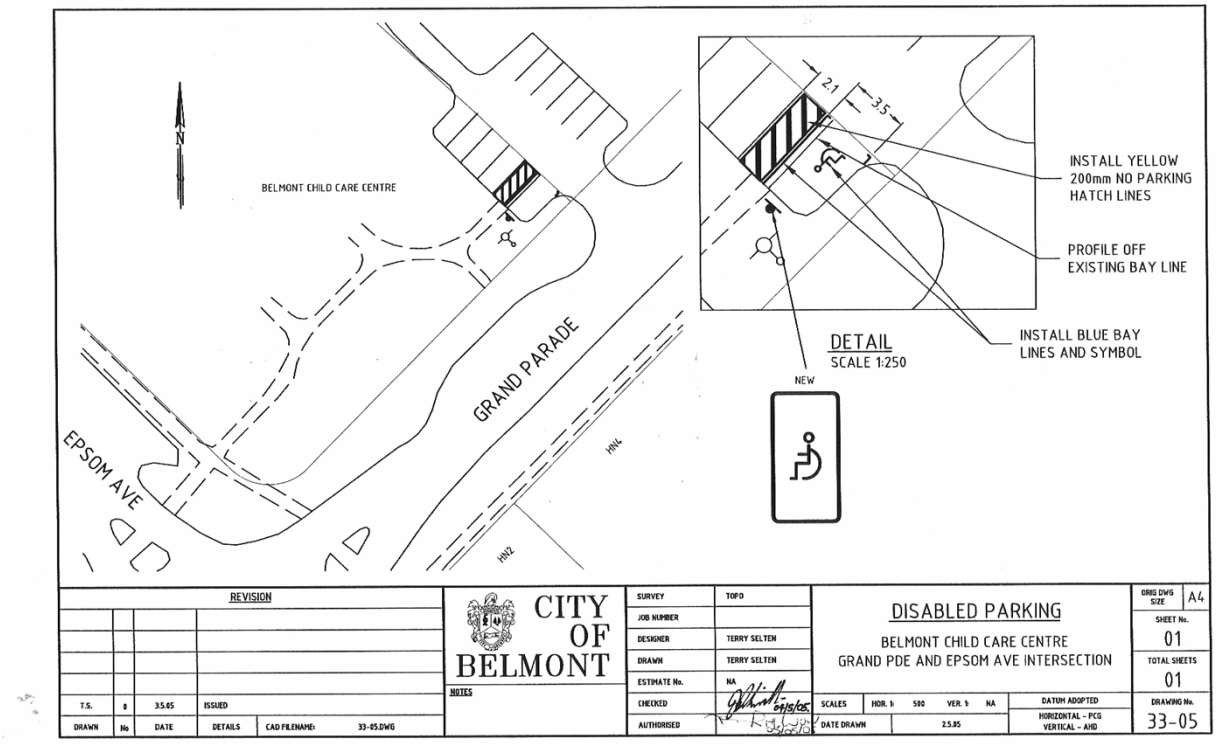
Councils Officers have identified the need to install line marking and signage at the Belmont Child Care Centre which currently has none.

There is not a disabled parking bay in the near vicinity and the inclusion will benefit those people that attend the Child Care Centre.

OFFICER COMMENT

It is recommended that Disabled Parking bay markings and signage be approved at the Northern end of the Belmont Child Care Centre situated on Grand Parade in Redcliffe.

Item 11.1.2 Continued



FINANCIAL IMPLICATIONS

One post and one sign are required to complete this at a cost of approximately $100 including installation.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

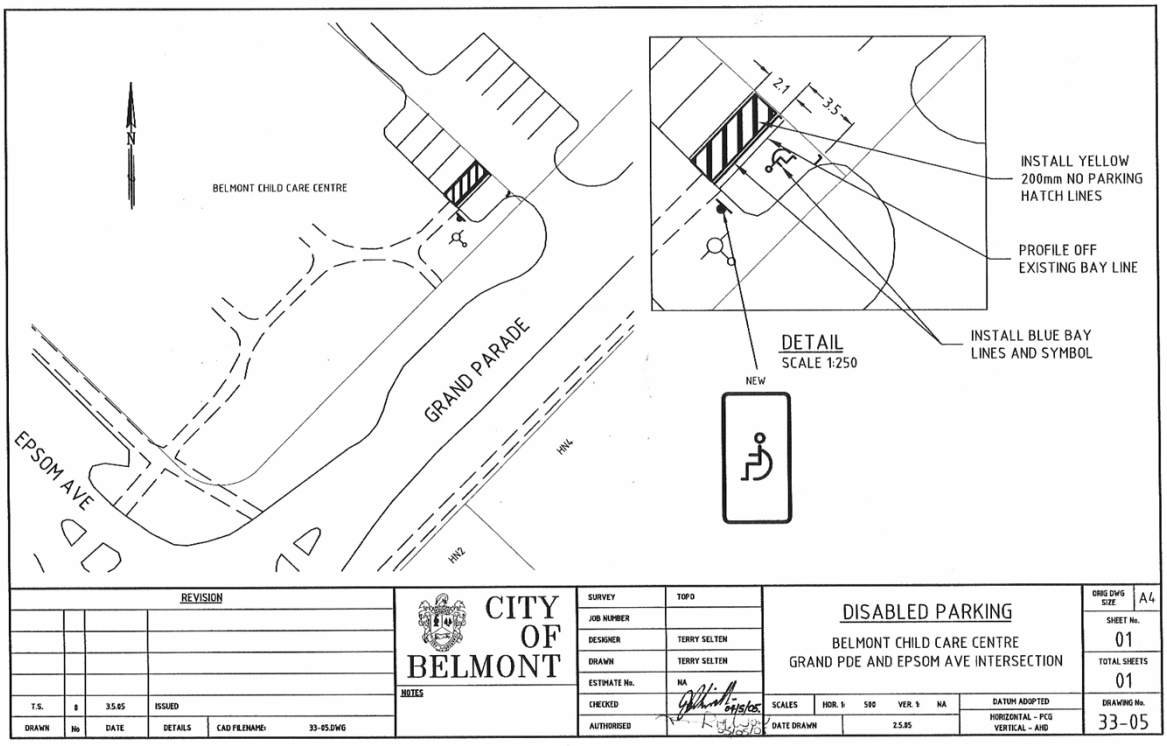
ATTACHMENT DETAILS

Nil.

Item 11.1.2 Continued

OFFICER RECOMMENDATION

That one disabled parking sign and bay marking be approved on the northern end of the Belmont Child Care Centre at Lot 6 (1) Grand Parade (Corner Epsom Avenue), Redcliffe as shown in engineering drawing 33-05 below:



OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 11.1

11.1.3 Response to the Review of the Department for Community Development**

****BB Attachment 2 – Item 11.1.3 refers**
****BB Attachment 3 – Item 11.1.3 refers**

Report by Community & Statutory Services Division

DATE

17 October 2006

PURPOSE OF REPORT

Council to lodge a submission on the review of the Department for Community Development and its role, responsibilities and funding models.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

Summary and Key Issues

There is a proportion of residents in the City of Belmont who require assistance from Government and the Department for Community Development (DCD) needs to be better funded to be in a position to redress the problems. There needs to be improved interagency cooperation and increased funding to assist local government, as it is being required increasingly to have greater community responsibilities.

Currently the Youth and Family Services receives funding from the Department.

Officer Recommendation Summation

That Council officers lodge a submission to the Department for Community Development based on the comments within the report and to address the following:

1. The need for a whole of Government approach for the efficient and effective delivery of programmes.

2. The targeted funding of programmes to local government and increased funding.

Item 11.1.3 Continued

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

52/002

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

No public consultation was considered to be required in respect to this matter.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan impacts are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

BACKGROUND

A review of the Department for Community Development (DCD) is being undertaken by Ms Prudence Ford who has been appointed by the Premier. The purpose of the review is to consider the most appropriate roles, responsibilities, organisational structure and funding models to ensure effective delivery of services for the Department, whilst ensuring that child protection remains the Department's primary focus.

Item 11.1.3 Continued

The DCD funds Council services through the Youth and Family Services programmes.

An invitation has been extended to the City of Belmont to make a submission to the review because it has a funded DCD service.

The Terms of Reference for the review are as follows:

1. How best to achieve a clear and better focus on child protection.

2. Whether the current functions, activities and structure of the Department ensure the delivery of effective services consistent with Government policy and priorities.

3. Whether alternative organisational arrangements would be more effective and efficient in delivering services.

4. Whether resources are properly allocated to achieve the Government's objectives for improved child protection.

5. Opportunities for, and barriers to, improve coordination, collaborative planning and monitoring of service delivery across the State.

6. Progress towards the achievement of recommendations pertinent to the Department arising from any recent reviews.

7. Any other specific matter you may wish to comment on.

Submissions will be accepted up until the close of business Friday, 10 November 2006.

OFFICER COMMENT

The roles and responsibilities of the Department for Community Development are far reaching and increasingly complex with the pressures on families, which it is considered results from the erosion of our egalitarian society, once the hallmark of Australian society.

There are many in our community who struggle physically, emotionally and financially and this manifests itself in a range of behaviours and some of the anti-social kind.

The policies of Federal and State governments have a key role in family crises. Essential changes in policy and initiatives seem to be prone to dilution through political correctness or a reluctance to pursue interventionist strategies.

The reality for the City of Belmont is that our community has the second highest concentration of public housing in the Perth metropolitan region of 10.4%, only surpassed by Fremantle with 12%.

Item 11.1.3 Continued

The proportion of residents of Aboriginal or Torres Strait Islander descent has doubled over the past 10 years, rising from 1.7% in 1991 to 3.4% in 2001. It would appear that the number of Aboriginal families is increasing in the City with an estimated 1200 families.

In 2001, the median weekly family income for the suburbs of Belmont, Cloverdale, Kewdale, Redcliffe and Rivervale ranged from $600 to $999 with only Ascot in the range of $1000 to $1199. Overall, households in the City of Belmont have a lower median weekly family income than the Perth average.

There should rightfully be a focus on child protection as our children are the future parents and exemplars of behaviour. The strategies to achieve that must be carefully reviewed because there appears to be a presumption that a child remaining with a parent(s) is the best option, with little regard being given to past or current dysfunctional parental behaviour.

The Police Department can cite many examples of young children less than 10 years old who continue with criminal offences but are returned to drug addict parent(s). A child being expelled from school for misbehaviour is of benefit to the educational objectives of other children, but the resultant problem(s) becomes one for the community.

The issues have been of concern for some time. Provided under the first attachment to this report is a copy of a Media Statement dated 21 April 2004 from the then Mayor, Peter Passeri on the issue of anti-social behaviour and crime prevention.

Provided under the second attachment to this report are copies of correspondence arising from questions by the Member for Belmont, Eric Ripper, MLA.

It is essential there be a whole of government approach, because the Department for Community Development, Police Department, Department of Housing and Works, Department of Education and Training, Justice Department and local government all have complementary roles. The efficient and effective delivery of programmes can only be achieved by involving all the above agencies and avoids duplication of financial and human resources.

There needs to be a system for identifying potential ‘at risk’ children and households, so that all agencies are aware at the same time. The funding to local government for specific programmes for children and youth can yield worthwhile results, as shown by the successful ‘Finding My Place’ programme and the services provided for young people in the Belmont community by the City of Belmont Youth & Family Services.

The funding provided by DCD helps fund the well attended programs such as Drop In and holiday activities as well as the provision of Youth Worker time to follow up young people who are facing challenging life issues. DCD funding contributes less than 10% of the overall working budget for the City of Belmont’s Youth & Family Services.

Item 11.1.3 Continued

The Youth & Family Service is consistently under pressure to provide services and programmes to meet the community demands and gaps in services not provided by Government organisations. We have found due to the immense work load of our local DCD agency cases involving young people who are 12 years and older (high school) are not a priority unless at extreme risk.

The amount of DCD funding City of Belmont receives has not increased in over five years and does not reflect the increase in services and programs needed for adolescents in this community. Hence local government has had to find the funds to continue the services provided by the Youth & Family Service.

FINANCIAL IMPLICATIONS

The funding the Youth and Family Services receives is as follows:

- Services for Young People – Belmont $42 000 (annually until 2007)
- Youth Development Holiday Program $400-500 (per holiday period)

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
BB Attach 2	Media Statement dated 21 April 2004 from the then Mayor, Peter Passeri on the issue of anti-social behaviour and crime prevention
BB Attach 3	Correspondence arising from questions by the Member for Belmont, Eric Ripper, MLA

OFFICER RECOMMENDATION

That Council officers lodge a submission to the Department for Community Development based on the comments within the report and to address the following:

1. ***The need for a whole of Government approach for the efficient and effective delivery of programmes.***

2. ***The targeted funding of programmes to local government and increased funding.***

3. ***The need to work with Homeswest for a reduction in the amount and concentrations of public housing where some tenants have special needs that require additional demands on the services provided by the Council.***

OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 11.1

11.1.4 City of Belmont Streetscape Policy – New Policy **
****BB Attachment 4 – Item 11.1.4 refers**

Report by Technical Services Division / Parks, Leisure and Environment Department

DATE

17 October 2006

PURPOSE OF REPORT

To seek Council endorsement of the Streetscape Policy for the City of Belmont and inclusion in the City's Policy Manual.

COUNCIL ROLE

Legislative

The legislative role includes the adoption of local laws, town planning schemes and policies.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The City of Belmont has a demonstrated ongoing commitment to enhancing the quality of life for the Community by creating a streetscape environment that is attractive, functional and vibrant and creates a sense of place that is uniquely Belmont.

As noted in the City's Streetscape Strategy (adopted by Council on 13 June 2006), statistics show that 80% of people who undertake physical activity do so in a streetscape environment. It is seen as a responsibility of local authorities to provide a streetscape that is conducive to, and encourages physical activity and community interaction in an attractive and pleasant setting.

A key early action of the Streetscape Strategy was the review of existing policy documents relating to streetscape elements and the development of an overarching policy for streetscapes management. The Policy is to include street tree management, infrastructure components (bus shelters / bins etc), street lighting, underground power, public art, verge maintenance, banners and signage and environmental enhancement. This was to be completed prior to the end of October 2006.

This Policy has been formulated as a result of the adopted Streetscape Strategy.

Officer Recommendation Summation

That the City of Belmont Streetscape Policy as attached be adopted.

Item 11.1.4 Continued

LOCATION

All streetscapes within the City of Belmont.

APPLICANT

Not applicable.

FILE REFERENCE

32/005 – Internal Policy and Procedure Documents

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest
Nil			

VOTING REQUIREMENT

Simple majority required

CONSULTATION

There has been no specific Community consultation in respect of this matter. However, the Policy has been based on the Streetscape Strategy (as adopted by Council at the Ordinary Council Meeting of 13 June 2006), and has been developed by various Officers within the City of Belmont.

Feedback from Councillors following a presentation on broad streetscape issues at the 18 April 2006 Information Strategy Concept Forum was considered and incorporated into the Streetscape Strategy.

STRATEGIC PLAN IMPLICATIONS

The adoption of the Streetscape Policy will assist with the achievement of a number of strategies and key actions contained within the City's Strategic Plan 2006 – 2010, in particular Social and Built Belmont, with the objectives and strategies shown below:

Social Belmont

Objective – Ensure the community has access to the services and facilities it needs.
Strategy - Promote the development of public art to enhance the culture of the district

Built Belmont

Objective – Maintain public infrastructure in accordance with sound economic practices, taking into consideration the community's needs & expectations.
Strategy - Develop a strategy to improve the general aesthetics and streetscapes of all roads within the City of Belmont.

Item 11.1.4 Continued

Objective – Provide and maintain safe transport infrastructure at lowest whole-of-life costs.
Strategy – Provide non-vehicular transport routes.

POLICY IMPLICATIONS

The development of this overarching policy for streetscapes management is consistent with Council's adopted Streetscape Strategy.

This is a new policy to be included in the City's Policy Manual, and will affect some existing policies, due a review and inclusion of existing policy documents relating to streetscape elements.

It is considered that the Streetscape Policy will negate the requirement for the following existing policies:

C4.1.3 Street Tree Care
C4.3.1 Verge Filling and Mowing
C6.2.1 Directional; Signs on Road Reserves

The Streetscape Policy is to be read in conjunction with the following existing policies:

C3.5.3 Environmental Purchasing Policy
C3.8.1 Asset Management
C4.1.1 Bus Shelters Installation
C4.1.2 Street Lighting
C4.1.4 Underground Power
C4.2 Crossovers
C4.8.1 Environmental Enhancement

STATUTORY ENVIRONMENT

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

BACKGROUND

The Streetscape Strategy adopted by Council on 13 June 2006 included the need for a review of existing policy documents relating to streetscape elements and the development of an overarching policy for streetscapes management.

This Streetscape Policy is to include street tree management, infrastructure components (bus shelters / bins etc), street lighting, underground power, public art, verge maintenance, banners and signage and environmental enhancement.

A phased implementation of the Streetscape Strategy was recommended to ensure a structured approach was achieved. Stage 2 is the development of an overarching Streetscape Management Policy, which this report is presenting to Council for consideration and adoption.

Item 11.1.4 Continued

OFFICER COMMENT

This Streetscape Policy is an overall guide which, in conjunction with the previously adopted Streetscape Strategy, will set the future direction for the City's Streetscape environment.

The adoption of this Policy will then lead to Stage 3 of the phased implementation of the Streetscape Strategy, being the development of street infrastructure components, which would include design standards and themes for all components, such as street furniture, bins, bus shelters, light poles etc.

FINANCIAL IMPLICATIONS

There will be financial implications and an obligation on the City to support the enhancement and maintenance works as proposed as a result of the Streetscape Policy and Streetscape Strategy. As works under these are progressed the impact will become evident, however the Policy states that ongoing maintenance requirements (labour and financial cost) will be calculated and considered through a rigorous assessment prior to the instigation of any enhancement works.

Streetscape enhancement works will form part of the Streetscape Capital Improvement Programme in future years which will be considered by Council when adopting the annual budget.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time. It is expected that as the Streetscape Policy and Streetscape Strategy is progressed the impact on the environment will be positive.

The Streetscape Policy details that "all streetscape works shall be developed in consideration to the natural environment and long term sustainability".

ATTACHMENT DETAILS

Attach. No.	Details
BB Attach 4	City of Belmont Streetscape Policy

OFFICER RECOMMENDATION

That the City of Belmont Streetscape Policy as shown in BB Attachment 4 be adopted with the following policies to be deleted:

C4.1.3 Street Tree Care
C4.3.1 Verge Filling and Mowing
C6.2.1 Directional; Signs on Road Reserves

Item 11.1.4 Continued

Councillor Comment

Cr Rossi moved an alternative motion and submitted copies of photos of unkempt verges in various streets in the City and asked for certain key routes within the City to be subject to the City's verge treatment program.

ROSSI MOVED, MARKS SECONDED, that Council

1. Adopt the City of Belmont Streetscape Strategy as shown in BB Attachment 4 subject to the paragraph headed 'Mowing' under the section heading 'Verge Maintenance' being amended to read:

Mowing of verges is generally to be undertaken by the householder. Council staff will carry out verge mowing in some circumstances, taking into consideration safety and where a hazard exists. A hazard is identified as being a fire hazard under the Bush Fires Act 1954 or where the height of the verge covering may be a sight obstruction by exceeding 500mm (height as nominated by the City's Local Law on Verge Treatments).

Focus will be given by Council to the following key routes into the City:

- ***Primary Distributor Roads (Great Eastern Highway, Orrong Road and Brearley Avenue)***
- ***District Distributor A Roads (Belgravia Street/Fairbrother Street/Abernethy Road, Kewdale Road, Alexander Road, Stoneham Street, Grandstand Road and Resolution Drive)***
- ***District Distributor B Roads (Hardey Road, Alexander Road, Belmont Avenue and Oats Street)***
- ***Selected Local Distributor Roads (Francisco Street, Kooyong Road and Epsom Avenue)***

Consideration will also be given to:

- ***Other Local Distributor Roads particularly those leading to the Airport, the City Centre and Local Shopping Areas.***

2. Delete the following current Policies:

C4.1.3 Street Tree Care
C4.3.1 Verge Filling and Mowing
C6.2.1 Directional Signs on Road Reserves

CARRIED 8 VOTES TO 0

11.1.5 Road Closures – Resolution Drive, Raconteur Drive and Harold Street, Ascot **

****BB Attachment 5 – Item 11.1.5 refers**
****BB Attachment 6 – Item 11.1.5 refers**

Report by Technical Services Division

DATE

25 October 2006

PURPOSE OF REPORT

To seek Council approval for the closure of portions of Resolution Drive, Raconteur Drive and Harold Street to facilitate the upgrading of Grandstand Road.

COUNCIL ROLE

Executive

The Executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

Summary and Key Issues

- The partial closure of Resolution Drive was last considered on 24 May 2005 (item 11.2.2).
- To facilitate closures in the most efficient manner Department of Planning and Infrastructure (DPI) has suggested the closures as per the attached plans.
- At the time of these closures come into effect, new road reserves will be created in line with the agreed development plan for the area.
- The road closure needs to be advertised for a period of 35 days prior to the closure taking effect.

Officer Recommendation Summation

That Council approves the road closures as set out in the attached drawings numbers 99-06-01 and 99-06-02 as prepared by McMullen Nolan (planning and survey consultants) and institute formal closure proceedings (subject to no objections being received) once the upgrade of Grandstand Road has been completed and the portions of Resolution Drive / Raconteur Drive and Harold Street are no longer required.

Item 11.1.5 Continued

LOCATION

Resolution Drive, Raconteur Drive and Harold Street as set out in the attached plans.

APPLICANT

Not Applicable

FILE REFERENCE

102/018 : Grandstand Road / Resolution Drive Realignment

DISCLOSURE OF INTEREST

Name	Item No. & Name	Nature / Extent of Interest
Nil		

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

In developing these plans, consultation has taken place with the West Australian Turf Club, Ascot Fields Nominees and the Department of Planning and Infrastructure.

The proposed closure will require advertising (in the paper circulating within this district) for a period of 35 days prior to instituting formal closure proceedings with the Department of Planning and Infrastructure.

STRATEGIC PLAN IMPLICATIONS

One of the Key Actions in the Strategic Plan under the strategy "To redevelop major transport routes to enhance the economic viability of the City" includes securing a commitment from the State Government for the upgrading of major roads one of which includes Grandstand Road. The works is subject of this report relate to Grandstand Road.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

This matter is governed by Section 58 of the Land Administration Act 1997 – Closure of Roads.

BACKGROUND

This matter was last referred to Council on 24 May 2005 at which time Council resolved:-

Item 11.1.5 Continued

That in accordance with Section 58 of the Land Administration Act 1997, Council:-

1. Advertise the closure of the portion of Resolution Drive between Tidewater Way and Harold Street, as shown on the attached plan, for a 35 day period.

2 Subject to no objections being lodged, progress the closure once the duplication of Grandstand Road is completed and the subject section of Resolution Drive is no longer required.

3. Indemnify the Department for Land Information against all costs associated with the road closure of Resolution Drive.

OFFICER COMMENT

Since this resolution of Council, ongoing discussions have taken place with the WA Turf Club, Ascot Fields Nominees and the Dept of Planning and Infrastructure regarding the Grandstand Road project and the road closures / land exchanges necessary for this to progress. Progress updates on the Grandstand Road project have been discussed with Councillors at the Information Strategy Concept Forum and updates have been provided in the Elected Members Bulletins.

The difference between the plans previously endorsed by the City for advertising and the new plans is evident from observation of these plans as attached. In short, the old plans were to close only sections of Resolution Drive and Harold Street that were not required for future road reserves whereas the new plans propose closures of all of the Resolution Drive road reserve over the section to be subject to the land exchange. This closure will be followed by the re-creation of road reserves as necessary to fill the requirements of the subdivision plan and land swap arrangements between the City, WA Turf Club and DPI. The closure of sections of Harold Street and Raconteur Drive are also required to fulfil requirements of the final plan of the area. DPI favours this road closure process as the most efficient way to meet the land exchange requirements of the project.

While it is accepted that the closure will not physically occur until the upgrade of Grandstand Road is completed, action is necessary to enable Council to finalise negotiations with WA Turf Club and DPI in order to secure the necessary land for the Grandstand Road alignment.

FINANCIAL IMPLICATIONS

The City will incur administrative costs for the closure, including advertising.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
BB Attach 5	Plan No. 99-06-01 : Proposed Road Closure – Resolution Drive and Harold Street, Ascot and Plan No. 99-06-02 : Proposed Road Closure – Raconteur Drive, Ascot
BB Attach 6	Plan No. 116/04 – Resolution Drive

Item 11.1.5 Continued

OFFICER RECOMMENDATION

That in accordance with Section 58 of the Land Administration Act 1997, Council:-

1. ***Advertise the closure of portion of Resolution Drive, Raconteur Drive and Harold Street as shown on the attached plans 99-06-01 and 99-06-02 for a period of 35 days.***

2. ***Subject to no objections being lodged, progress the closure process to facilitate the land exchange and the upgrading of Grandstand Road.***

3. ***Indemnify the Department for Planning and Infrastructure against all costs associated with these road closures.***

OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 11.1

11.2 SOCIAL BELMONT

WITHDRAWN ITEMS

Item 11.2.1 was withdrawn at the request of Cr Whiteley.

MARKS MOVED, POWELL SECONDED, that with the exception of Item 11.2.1 which is to be considered separately, the Officer Recommendation in the Social Belmont Key Result Area Reports, specifically Item 11.2.2 be adopted en bloc.

CARRIED 8 VOTES TO 0

11.2.1 Lot 805 (144) Fitzroy Road, Rivervale - Family Day Care **

****SB Attachment 7 – Item 11.2.1 refers**
****SB Attachment 8 – Item 11.2.1 refers**

Report by Community & Statutory Services Division

DATE

13 October 2006

PURPOSE OF REPORT

To consider an application for Family Day Care at Lot 805 (144) Fitzroy Road, Rivervale.

COUNCIL ROLE

Quasi-Judicial

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

SUMMARY AND KEY ISSUES

Summary and Key Issues

An application for a Family Day Care has been lodged for Lot 805 (144) Fitzroy Road, Rivervale. It is proposed to care for a maximum of 7 children.

Item 11.2.1 Continued

The application was advertised for two weeks to adjoining landowners. One objection was received raising concerns regarding noise.

Officer Recommendation Summation

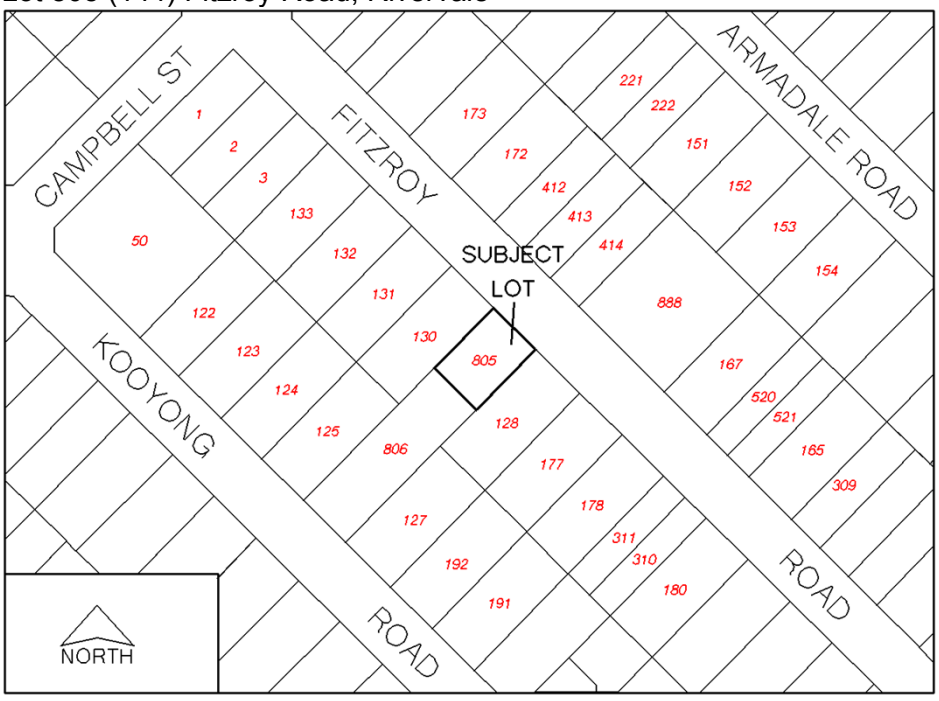
The applicant has advised that they are prepared to address the concerns of the adjacent land owner relating to noise.

It is recommended that:

- The application be conditionally approved; and
- Draft Local Planning Policy No. 30 – Family Day Care be adopted for advertising.

LOCATION

Lot 805 (144) Fitzroy Road, Rivervale



APPLICANT

L Kazmer

FILE REFERENCE

115/001	Subject
365/2006	Application
FIT.144	Property

Item 11.2.1 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

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

The application for family day care was advertised to adjoining land owners (including land owners to rear) for two weeks. At the end of the submission period one objection was received.

STRATEGIC PLAN IMPLICATIONS

SOCIAL BELMONT - *"Ensure that the Community has access to the services and facilities that it needs."*

POLICY IMPLICATIONS

Council does not have a Policy relating to Family Day Care. This report proposes Council adopt Draft Local Planning Policy No. 30 – Family Day Care.

STATUTORY ENVIRONMENT

City of Belmont Town Planning Scheme No. 14 contains no specific provisions for Family Day Care within the Residential Zone.

Definitions
Family Day Care and Child Care Centre are defined under Town Planning Scheme No. 14 as having the same meaning given to the terms in the Community Services (Child Care) Regulations 1988. This legislation has been superseded by the Children and Community Services (Family Day Care) Regulations 2006 and the Children and Community Services (Child Care) Regulations 2006. The new legislation does not include specific definitions for Family Day Care of Child Care.

Item 11.2.1 Continued

The Department for Community Development describes the uses as:

- Family Day Care: Family day care for children of predominately below school are (maximum 7 children including applicant's own children).
- Child Care: Centre based for children of predominately below school age.

Discretionary Land Use
A Family Day Care is a 'D' discretionary land use within the Residential zone. Town Planning Scheme No. 14 – Clause 5.6.2 "D" Uses applies. In exercising its discretion as to the approval or refusal of an application for Planning Approval, Council shall have regard to the provisions of subclause 5.8 Matters to Be Considered When Council Exercises Discretion.

Deemed Refusal
Under Clause 5.5.1 of the City of Belmont Town Planning Scheme No. 14 an application is 'deemed to be refused' if it is not determined within a 60 day period.

The deemed refusal date for this application is 16 October 2006. Should Council defer this item then the deemed refusal rights will arise before the matter is referred back to Council.

Right of Appeal
Is there a right of appeal? ☒ Yes ☐ No

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

Licensing
The Children and Community Services (Family Day Care) Act 2006 sets out the requirements for the operation of a Family Day Care. A licence is issued by the Department of Family and Community Services.

Noise Regulations
The Environmental Protection (Noise) Regulations sets out maximum noise levels allowed for residential and other land uses.

BACKGROUND

Owner:	K Kazmer	**Ward:**	West
Lodgement Date:	17 August 2006	**Use Class:**	Family Day Care – D
Lot Area:	551m2	**TPS Zoning:**	Residential R20/40
Estimated Value:	N/A	**MRS:**	Urban

An application to operate a Family Day Care at Lot 805 (144) Fitzroy Road, Rivervale was lodged with Council on 17 August 2006. The applicant has provided the following information:

Item 11.2.1 Continued

- It is proposed to operate the Family Day Care from the existing dwelling. It is proposed that the Family Day Care will be restricted to the use of the living areas of the dwelling as shown on the floor plan included in the first attachment to this report.
- It is proposed to use the grassed area in the backyard as the supervised play area;
- Two car parking bays are accommodated within the existing driveway;
- The family day care will cater for a maximum of seven children. This includes a maximum of five children of pre-school age;
- The Department of Family and Community Services has issued a licence for the Family Day Care to operate at the property.

The application was advertised to adjoining land owners for a two week submission period. At the end of the submission period, one objection had been lodged.

OFFICER COMMENT

Submission
The submission lodged in respect of the application raises concerns that the land use will be noisy and too close to their property.

The external areas licensed for the day care include the 1.5m wide walkway along the side of the house and the 6m wide rear yard, both of which abut the objector's property.

To address these concerns the applicant is prepared to limit child access to the walkway by erecting a barrier between the rear of the dwelling and the side boundary. The applicant is also prepared to install pot plants along the rear 6m of the side boundary to enhance the privacy for the neighbours. This can be imposed as a condition of any approval issued. Similar conditions have been successfully imposed for other family day care services where adjacent neighbours, at home during the day, have had noise concerns.

It is considered that Council should approve the application subject to conditions requiring screening landscaping along the rear 6m exposed portion of the boundary fence and a barrier to prevent access down the side of the dwelling.

Draft Policy

- *Land Use*
  Family Day Care is a 'D' use within the Residential zone. There are a number of Family Day Care services throughout the City's Residential zone. There have not been any valid land use or noise issue conflicts associated with the use, however a number of applications have been referred to Council due to objections being lodged. Such applications have ultimately been approved subject to conditions.

Item 11.2.1 Continued

There is a shortage of child care facilities within the metropolitan area, and Family Day Care operations provide a valuable community resource. Family Day Care operations are more appropriate within the Residential zone than larger scale Child Care Centres which can cater for a much larger number of children and have a much greater impact on residential amenity. The City's Strategic Plan has a specific strategy to 'assist families in child care and development', and as such Family Day Care should be encouraged.

A draft Family Day Care Policy has been prepared in order to protect the amenity of adjoining landowners by ensuring adequate development standards and notification. A copy of the draft policy is provided under the second attachment to this report.

- *Noise Concerns*
  The main concern raised by objectors is that a Family Day Care will have a noise impact on the amenity of their property. In many instances these concerns can be readily addressed by creating separation between children's outdoor play areas and neighbouring properties. The Draft Policy requires applications for Family Day Care to demonstrate a minimum 1.5m buffer between play areas and adjacent properties.

- *Neighbour Notification*
  The current practice is all applications for Family Day Care be referred to adjoining land owners for comment. The Draft Policy proposes that applications not be referred to neighbours where they comply with the development standards of the policy, including car parking, maximum number of children and 1.5m buffer. Applications would only be referred to adjacent land owners for comment in instances where they do not comply with the Policy's development standards, or it was considered that the proposed Family Day Care may have an adverse impact on residential amenity.

  By limiting referrals to only applications that are considered to have an impact on adjacent properties, Council will facilitate the development of a valuable community resource whilst still maintaining residential amenity.

  Council's Local Planning Policy No. 23 - Notification Procedures for Multi-Storey Residential Development sets out similar parameters, where applications are only advertised if they are considered to have an impact on adjacent properties. This Policy has been operating without complaint since its adoption by Council in October 2003.

It is recommended that the Draft Policy be adopted for advertising.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

Item 11.2.1 Continued

ATTACHMENT DETAILS

Attach. No.	Details
SB Attach 7	Site plan
SB Attach 8	Draft Local Planning Policy No. 30 – Family Day Care

Councillor Comment

Cr Whiteley withdrew the item to ask for clarification of Point 4 of the recommendation.

OFFICER RECOMMENDATION

(A). The application for a Family Day Care submitted by L Kazmer for Lot 805 (144) Fitzroy Road, Rivervale be approved subject to the following conditions:

1. A maximum of five (5) children of pre-school age, with a total maximum of seven (7) children, shall be cared for at any one time.

2. The premises shall be operated, and any necessary noise attenuation measures put in place, so as to ensure that noise emanating from the premises does not exceed assigned levels under the Environmental Protection (Noise) Regulations.

3. Semi-mature landscaping shall be installed along the property boundary with Lot 130 between the dwelling and the rear boundary prior to commencement of the family day care service to the satisfaction of the Manager-Parks, Leisure and Environment and the Manager-Planning Services.

4. A barrier shall be erected between the rear of the dwelling and the side boundary with Lot 130.

5. The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.

6. No signage to advertise the Family Day Care will be permitted from the premises.

(B). The writers of the submission be advised of the Council decision.

(C). Council adopt and advertise City of Belmont Draft Local Planning Policy No. 30 Family Day Care for public comment in accordance with the provisions of clause 2.5 of Town Planning Scheme No. 14.

Item 11.2.1 Continued

WHITELEY MOVED, MARKS SECONDED, that:

(A). The application for a Family Day Care submitted by L Kazmer for Lot 805 (144) Fitzroy Road, Rivervale be approved subject to the following conditions:

1. A maximum of five (5) children of pre-school age, with a total maximum of seven (7) children, shall be cared for at any one time.

2. The premises shall be operated, and any necessary noise attenuation measures put in place, so as to ensure that noise emanating from the premises does not exceed assigned levels under the Environmental Protection (Noise) Regulations.

3. Semi-mature landscaping shall be installed along the property boundary with Lot 130 between the dwelling and the rear boundary prior to commencement of the family day care service to the satisfaction of the Manager-Parks, Leisure and Environment and the Manager-Planning Services.

4. A barrier shall be erected between the rear of the dwelling and the side boundary with Lot 130.

5. The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.

6. No signage to advertise the Family Day Care will be permitted from the premises.

(B). The writers of the submission be advised of the Council decision.

(C). Council adopt and advertise City of Belmont Draft Local Planning Policy No. 30 Family Day Care for public comment in accordance with the provisions of clause 2.5 of Town Planning Scheme No. 14.

CARRIED 6 VOTES TO 2

For: Whiteley, Teasdale, Powell, Marks, Godfrey, Bass

Against: Hitt Rossi

11.2.2 Community Sport and Recreation Facility Fund (CSRFF) Applications **
****ABSOLUTE MAJORITY REQUIRED**

****SB Attachment 9 – Item 11.2.2 refers**
****SB Attachment 10 – Item 11.2.2 refers**

Report by Technical Services Division / Leisure Services

DATE

16 October 2006

PURPOSE OF REPORT

To provide Council with background on the proposed projects at Gerry Archer Reserve and the Belmont City Bowling Club and to seek Council support for the upgrade of these facilities and an approval to proceed with applications for funding from Department of Sport and Recreation (DSR) in the 2007/2008 financial year.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

Summary and Key Issues

In November 2003 the City submitted applications to the DSR requesting CSRFF funding for the upgrade of the Gerry Archer facilities. In 2004 the City re – submitted a revised application for CSRFF funding as required by DSR. When the project went to tender, the cost was well above that budgeted for the project, and a decision was made (in consultation with DSR) to withdraw the application. As the project is still a priority for the City, a new application for the 2007/2008 round of CSRFF funding using the most up – to – date figures is being prepared.

The Belmont City Bowling Club wishes to upgrade their facilities and convert an existing turf green to a synthetic surface. The Club has prepared an application with the support of City of Belmont officers and will submit the application in the 2007/2008 round of CSRFF funding.

Applications must be lodged with DSR before 31 October 2006 and as a decision by Council cannot be made until OCM 7 November 2006, it has been agreed with DSR to lodge the applications ahead of Council resolution, with the option to either withdraw the application or provide DSR with confirmation of Council support as required.

Item 11.2.2 Continued

Officer Recommendation Summation

1 (a) That Council submits a Community Sport and Recreation Facility Fund application for the project.

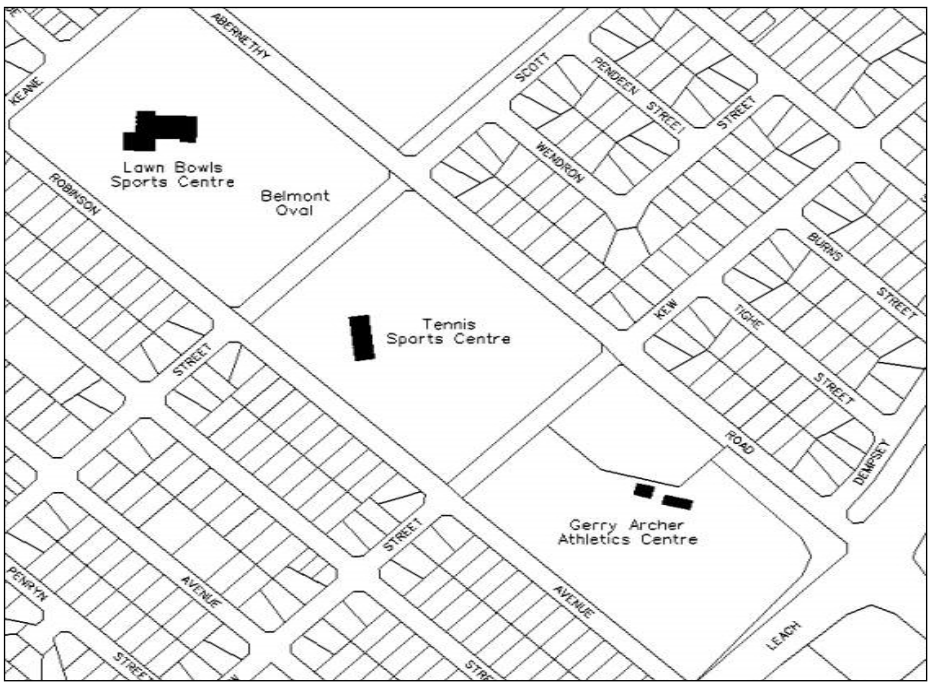
(b) Allocate $500,197 in the 2007/2008 Council budget process for the upgrade of Gerry Archer facilities and budget for income of $166,731 from the successful CSRFF application.

2. a) That Council support the submission of a Community Sport and Recreation Facility Fund application by the Belmont City Bowling Club for the upgrade of their facilities.

b) Allocate $76,285 for consideration in the 2007/2008 Council budget for the upgrade of the facilities at the Belmont City Bowling Club subject to reserve account for the eventual replacement of the synthetic turf green being set up in Council and fully funded by the Belmont Sport and Recreation Club.

LOCATION

Gerry Archer Reserve – 400 Abernethy Rd, Cloverdale
Belmont City Bowling Club – Cr Abernethy Rd. and Keane Street



Item 11.2.2 Continued

APPLICANT

City of Belmont

FILE REFERENCE

57/003 – Community Sporting and Recreation Grants

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest
Nil			

VOTING REQUIREMENT

Absolute Majority required.

CONSULTATION

Consultation has been undertaken with sporting groups that will be affected by the abovementioned developments as well as the Department of Sport and Recreation.

STRATEGIC PLAN IMPLICATIONS

Social Belmont

Assist clubs and community groups to provide services and facilities.

Provide and facilitate leisure and recreation programmes and facilities that meet the needs of the community.

Provide equitable access and inclusion for all people in city activities and infrastructure

POLICY IMPLICATIONS

There are no significant policy implications at this time.

STATUTORY ENVIRONMENT

The facility at Gerry Archer has received planning approval from WAPC.

BACKGROUND

Gerry Archer

The Gerry Archer project will involve the upgrade/extension of the clubrooms and toilet facilities at Gerry Archer Reserve ($500,197). The project will include a 70sqm area of clubroom, as currently no such area exists within the building.

Item 11.2.2 Continued

The City will be responsible for the upgrade and will therefore be meeting two thirds of the total cost of the project. One third of the total project cost will be sought via the CSRFF application ($166,731).

Belmont City Bowling Club (BCBC)

The BCBC are hoping to upgrade their facilities by converting one of their bowling greens to a synthetic surface. In addition, the club wish to have a security fence installed around the facility to combat an ongoing vandalism problem and to ensure the new surface has adequate protection. The club have sought and received support from the Belmont Sport and Recreation Club for the project.

The club will be responsible for meeting one third of the cost of the project, with the City meeting one third and the final third being sought in funding from CSRFF.

The upgrade of the facility will ensure that existing members can enjoy a quality playing surface for the entire year and the club can attract new members by providing access to top quality facilities.

The total project cost is $228,854 and the City will be asked to contribute one third of the cost, being $76,285.

The ongoing provision for replacement of the synthetic surface needs to be funded via a reserve account at the City and funded entirely by the Belmont Sport and Recreation Club.

OFFICER COMMENT

The facilities at Gerry Archer are in serious need of upgrade. The facilities are used extensively by Little Athletics and Belmont Villa Soccer Club. Escalating building costs have resulted in previous plans for an upgrade being postponed, and DSR have advised the City to resubmit an application in this round of funding.

Synthetic bowling surfaces are on the increase within the Western Australia because they are providing year round playing opportunities for club members. Annual maintenance costs associated with turf greens are higher than for synthetic greens. The introduction of a secure synthetic green at the Belmont City Bowling Club will be economical in the long run and at the same time provide a state of the art bowling surface within the City of Belmont that will not only benefit existing and new members of the bowling club, but add value to the overall sporting complex at the Belmont Sport and Recreation Club.

Item 11.2.2 Continued

FINANCIAL IMPLICATIONS

Project	Total Cost	Cost to Council	Cost to Club	CSRFF Funding
Gerry Archer	$500,197	$333,466	N/A	$166,731
BCBC	$228,854	$76,285	$76,285*	$76,285
Total	$729,051	$409,751	$76,285	$243,016

*** Belmont Sport and Recreation Club and Belmont City Bowling Club to contribute $38,142 each.**

Historically, the City has committed funds to successful CSRFF applications that will receive one third of the budget costs towards the project. Council policy encourages community/sporting groups to contribute to projects on a one third basis resulting in Council committing the remaining one-third to the project. However, if the project is of significant size/value and involves the development/upgrade of a Council facility, Council has contributed greater sums due to local clubs being unable to fund all of the remaining one-third contribution from the CSRFF program.

The below mentioned project values are indicative costs and will required detailed confirmation at the time of developing the budgets for the applicable financial year.

Gerry Archer - Extension/upgrade of the clubrooms is budgeted to cost $500,197. As the upgrade is substantial, Council will contribute two thirds of the total cost with a one third contribution being sought from CSRFF funding. If the Council wish to proceed with the project and the CSRFF application is successful, Council's expenditure from municipal funds is expected to be $333,466 in the 2007/2008 budget.

Belmont City Bowling Club - The total project cost for the upgrade of the facilities at the BCBC is $228,854 and the City will be expected to contribute one third of the cost being $76,285. This will budgeted for in the 2007/2008 financial year.

ENVIRONMENTAL IMPLICATIONS

No changes are anticipated to the existing environmental implications of the facilities.

ATTACHMENT DETAILS

Attach. No.	Details
SB Attach 9	Plan of proposed works at Gerry Archer
SB Attach 10	Costing for Gerry Archer Project

Item 11.2.2 Continued

OFFICER RECOMMENDATION

1. (a) That Council submits a Community Sport and Recreation Facility Fund application for the project.

(b) Allocate $500,197 in the 2007/2008 Council budget process for the upgrade of Gerry Archer facilities and budget for income of $166,731 from the successful CSRFF application.

2. a) That Council support the submission of a Community Sport and Recreation Facility Fund application by the Belmont City Bowling Club for the upgrade of their facilities.

b) Allocate $76,285 for consideration in the 2007/2008 Council budget for the upgrade of the facilities at the Belmont City Bowling Club subject to reserve account for the eventual replacement of the synthetic turf green being set up in Council and fully funded by the Belmont Sport and Recreation Club.

**** ABSOLUTE MAJORITY REQUIRED**

OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 11.2

11.3 ECONOMIC BELMONT

Nil.

11.4 NATURAL BELMONT

Nil.

11.5 BUSINESS EXCELLENCE

WITHDRAWN ITEMS

Item 11.5.4 was withdrawn at the request of Cr Marks.
Item 11.5.9 was withdrawn at the request of Cr Hitt.

HITT MOVED, WHITELEY SECONDED, that with the exception of Item 11.5.4 and 11.5.9 which were to be considered separately, the Officer Recommendations in the Business Excellence Belmont Key Result Area Reports, specifically Items 11.5.1 to 11.5.3 and 11.5.5 to 11.5.8 be adopted en bloc.

CARRIED 8VOTES TO 0

11.5.1 Accounts for Payment **

****BEXB Attachment 11 – Item 11.5.1 refers**

Report by Corporate Services Division

DATE

19 October 2006

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

Item 11.5.1 Continued

SUMMARY AND KEY ISSUES

Summary and Key Issues

A list of cheque payments is presented to Council each month for confirmation and endorsement in accordance with the Local Government Finance regulations.

Officer Recommendation Summation

That the Authorised Cheque Listing as included in the Attachment to this item be confirmed and endorsed.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

54/007 – Creditors – Payment Authorisations

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

CONSULTATION

No public consultation was considered to be required in respect to this matter.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan implications are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

Item 11.5.1 Continued

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; and
(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 Cheque Listing are recommended for confirmation and endorsement.

Municipal Fund Cheques	773056-773551	$3,319,315.95
Trust Fund Cheques	905204-905206	$26,689.31
	Total of Cheques for September 2006	$3,346,005.26

A copy of the Authorised Cheque Listing is included as an Attachment to this item.

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	**Details**
BEXB 11	Accounts for payment listing

OFFICER RECOMMENDATION

That the Authorised Cheque Listing as included in Attachment BEXB 11 to this item be confirmed and endorsed.

OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.5

11.5.2 Financial Reports as at 30 September 2006 **
****BEXB Attachment 12 – Item 11.5.2 refers**

Report by Corporate Services Division

DATE

20 October 2006

PURPOSE OF REPORT

To provide Council with information relating to accounting reports and statements.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The Local Government Act 1995 and Local (Financial Management) Regulations 1996 as amended requires a monthly financial activity statement to be presented to Council.

Officer Recommendation Summation

That the Monthly Financial Reports as at 30 September 2006 be received.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

32/009 – Financial Operating Statements

Item 11.5.2 continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

CONSULTATION

No public consultation was considered to be required in respect to this matter.

STRATEGIC PLAN IMPLICATIONS

Key Result Area: Business Excellence.

"Improve knowledge management and ensure organisational compliance to statutory record keeping obligations"

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 Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires monthly financial reports to be presented to Council.

Regulation 34 was amended as at 1 July 2005 to require a Statement of Financial Activity reporting on the sources and applications of funds for that month. A quarterly or tri-annual statement is no longer required under the amended Regulation.

Regulation 34(5) determines the mechanism required to ascertain the definition of material variances which are require 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 Comment section.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 require that financial statements are presented on a monthly basis to Council. In July this year, Council adopted 10 percent of the budgeted closing balance as the materiality threshold.

Item 11.5.2 Continued

OFFICER COMMENT

The statutory monthly financial report is to consist of a Statement of Financial Activity reporting on sources and applications of funds 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.
-

The amendment to the Regulations has fundamentally changed the reporting structure which has been used to 30 June 2005, as it now requires reporting of information consistent with the "cash" component of Council's budget rather than being "accrual" based. The monthly Statement of Financial Activity now ties in more closely with the Management Report provided to Council quarterly.

The monthly financial report is to be accompanied by:-

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

** Revenue unspent but set aside under the annual budget for a specific purpose.*
***Assets which are restricted by way of externally imposed conditions of use eg tied grants.*

As identified above, Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards (AAS) 5.
AAS5 discusses the principles to be applied in determining if a variance is material. AAS5 states that:

"*Information is material if its omission, misstatement or non-disclosure has the potential to adversely affect:*
(a) decisions about the allocation of scarce resources made by users of the financial report; or
(b) the discharge of accountability by the management or governing body of the entity".

AAS5's guidance notes provide for a quantitative determination as to whether an amount is material, this being that if an amount is…

- less than or equal to 5 percent of the appropriate base amount then it is not material
- greater than or equal to 10 percent of the appropriate base amount then it is material.

Item 11.5.2 Continued

In the application of this method, consideration must be given to what appropriate base amount is to be used. The AAS5 guidance notes provide details discussion on this aspect, however one example would seem to be appropriate to the needs of Council in the consideration of its monthly Statement of Financial Activity. The example provided relates to the interpretation of a statement of financial performance. In this case, the appropriate base amount can be determined as operating result(profit or loss)for the reporting period.

In the case of Council's Annual Budget (and related monthly Statement of Financial Activity), it is felt that the potential impact on the estimated closing balance should determine if an item is material or not. For this reason, Council adopted 10 percent of the budgeted closing balance as the materiality threshold

It should also be noted that many of the variances listed in the monthly Statement of Financial Activity would not technically fall within the auspices of AAS5 as they are timing differences only, and would not generally have the potential to adversely affect either the decision making or the discharge of accountability for Council.

Regardless of this, it is proposed that all variances in excess of the specified percentage will have details reported. All variances calculated are a comparison of year to date actual vs year to date budget.

In order to provide more details regarding significant variations in the attached report, the following summary is provided.

Report Section	*YTD Budget*	*YTD Actual*	*Comment*
Applications of Funds – Capital			
Computing	429,200	93,362	Capital acquisitions not yet undertaken.
Belmont Oasis	121,503	12,573	Equipment purchases not yet recognised.
Grounds Operations	557,776	182,025	Capital works not commenced as anticipated.
Road works	1,308,291	810,490	Capital works not commenced as anticipated.
Applications of Funds – Operating			
Computing	707,306	144,947	Licence payments for business applications yet to be finalised.
Governance	626,100	463,612	Expenditure less than anticipated for this time of year.
Grounds Operations	488,109	367,907	Maintenance works expenditure lower than anticipated for this time of year.
Grounds Overheads	378,063	234,955	Insurance premium allocations not processed until October. Will rectify next report.
Public Works Overheads	325,520	213,541	Insurance allocations not processed until October. Will rectify next report.
Technical Services	413,886	303,101	Employee costs, Consulting and ABC allocation low to date.
Sources of Funds – Capital			
No material variance			

Item 11.5.2 Continued

Report Section	*YTD Budget*	*YTD Actual*	*Comment*
Sources of Funds – Operating			
Rates	-21,844,468	-22,243,195	Rates in lieu received, and interim rating commenced earlier than anticipated.
Belmont HACC Services	-331,288	-669,085	Funding amount received earlier than anticipated.

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 30 June 2006	**$**	**Comment**
Cash and investments	30,877,051	Includes municipal, reserves & deposits
- less non rate setting cash	-11,095,552	Reserves and deposits held
Receivables	7,977,527	Mostly rates levied yet to be received
- less non rate setting receivables	-1,247,390	ESL levied and GST payable
Stock on hand	208,689	
Total Current Assets	**$26,720,325**	
Current Liabilities		
Creditors and provisions	-10,872,779	Includes deposits, GST and ESL payable
- less non rate setting creditors & provisions	6,891,846	ESL, GST and deposits held
- less cash backed provisions	-456,497	Long service leave funded by reserve
Total Current Liabilities	**$-4,437,430**	
Nett Current Assets 30 June 2006	**$22,282,895**	
Nett Current Assets as Per Financial Activity Report	$22,282,895	
Less Restricted Assets	-409,739	Unspent grants held for specific purposes (Grandstand Road)
Less Committed Assets	-24,507,969	All other budgeted expenditure
Estimated Closing Balance	**1,000,000**	

In addition to the statutorily required reports, Council is provided quarterly with a complete copy of the Monthly Management Report utilised by officers for daily budget control over the Municipal Fund. This report is accumulated into cost Centres and reports at a detailed level within each of these cost centres.

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 significant environmental implications evident at this time.

Item 11.5.2 Continued

ATTACHMENT DETAILS

Attach. No.	**Details**
BEXB Attach 12	Monthly Financial Activity Statement as at 30 September 2006

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 30 September 2006 be received.

OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.5

11.5.3 Audit Plan and Audit Schedule **

****BEXB Attachment 13 – Item 11.5.3 refers**
****BEXB Attachment 14 – Item 11.5.3 refers**

Report by Corporate and Governance Division

DATE

23 October 2006

PURPOSE OF REPORT

To consider endorsing the City's Audit Plan and Audit Schedule

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The City of Belmont has a range of audit activities.
The City has developed a coordinated approach to these audit activities.
An audit plan is presented to Council for endorsement along with the 2006/7 Audit Schedule.

Officer Recommendation Summation

That Council endorse:

1. the City's Audit Plan; and
2. the City's Audit Schedule.

LOCATION

Nil

Item 11.5.3 Continued

APPLICANT

Nil

FILE REFERENCE

19/003 Audit and Risk Committee

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority

CONSULTATION

No consultation implications are evident at this time. This matter has been considered by the Audit & Risk Committee.

STRATEGIC PLAN IMPLICATIONS

In accordance with Strategic Plan Key Result Area: Business Excellence

POLICY IMPLICATIONS

No policy implications are evident at this time

STATUTORY ENVIRONMENT

Under the Local Government Act 1995 the City is required to conduct annual financial audits and four yearly financial systems audits. The City must also conduct an annual Statutory Compliance Audit.

Under the International Quality Management Standard ISO 9001:2000 the City is required to conduct a programme of internal audits.

BACKGROUND

The Audit and Risk Committee considered the Audit Plan and Audit Schedule at the Audit and Risk Committee meeting held 14 September 2006. At that meeting the Audit and Risk Committee resolved as follows:

"GODFREY MOVED, MARTIN SECONDED, that the Audit Schedule be referred to Council for formal adoption.

CARRIED 4 VOTES TO 0"

Item 11.5.3 Continued

The Audit and Risk Committee previously recommended a comprehensive Audit Plan to Council for adoption. The next stage of the plan was to produce a detailed Audit Schedule that covers all aspects of the City's operations that require auditing.

The plan together with the schedule are included as an attachment and outlines the audit planning approach for the City of Belmont.

OFFICER COMMENT

The audit plan and audit schedule are based on:

- internal audit best practice
- statutory audit requirements
- the integration of the internal audit approach with other management system initiatives being introduced by the City (such as quality assurance, risk management and process mapping)
- the need to support the City's chosen governance approach – in particular the Risk and Audit Committee
- the requirement to provide a comprehensive solution that can be undertaken within existing resources

Further development of the audit schedule in future years will result in a greater integration of audit requirements and more sophisticated scheduling. However, the present audit schedule achieves all statutory and standard based audit requirements and co-ordinates these audits to minimise the impact on City operations.

The audit plan and schedule is presented to Council for endorsement.

FINANCIAL IMPLICATIONS

No financial implications are evident at this time

ENVIRONMENTAL IMPLICATIONS

No environmental implications are evident at this time

ATTACHMENT DETAILS

Attach. No.	Details
BEXB Attach 13	Audit Plan
BEXB Attach 14	Audit Schedule

OFFICER RECOMMENDATION

That Council endorse:

1. the City's Audit Plan shown as BEXB Attachment 13; and
2. the City's Audit Schedule shown as BEXB Attachment 14.

OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 11.5

11.5.4 2006/2007 October Budget Review **[1]

****BEXB Attachment 15 – Item 11.5.4 refers**

Report by Corporate and Governance Division

DATE

9 October 2006

PURPOSE OF REPORT

This report is prepared to conduct the first review of the Budget and recommend adjustments to the 2006-2007 Adopted Budget. (Note: A Summary of Income and Expenditure Variances are included as an attachment to this item.)

SUMMARY AND KEY ISSUES

Summary and Key Issues

In keeping with sound financial management practices, a review of the 2006-2007 Adopted Budget has been conducted. The Budget remains in balance with all carried forward issues from 2005-2006 end of year being addressed and no high priority projects being deleted.

Officer Recommendation Summation

That it be recommended to Council that –

1. The variations to the Budget as detailed in the attached 2006-2007 October Budget Review adjustments document be approved.
2. The Director – Corporate and Governance be authorised to amend the budget in accordance with all resolved variations.

LOCATION

Not applicable

APPLICANT

No applicable

FILE REFERENCE

54/004 – Budget Documentation - Council

[1] Original Report deleted and replaced with correct report as per Memorandum circulated to Councillors on 31 October 2006.

Item 11.5.4 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Absolute Majority required.

CONSULTATION

Consultation has been undertaken with all Managers throughout the organisation.

Community consultation is not required.

STRATEGIC PLAN IMPLICATIONS

Achieve excellence in the management and operation of the local government's activities.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The Local Government (Financial Management) Regulations have been amended to address Budget Reviews. Regulation 33A of the Local Government (Financial Management) Regulations requires a local government to carry out a review of its Budget between 1st January and 31st March each year, report it to Council and then report the outcome of the review to the Department of Local Government. The City of Belmont has for many years now conducted two budget reviews, one in October and one in March. A further review will be conducted and reported to Council and the Department in March 2007.

BACKGROUND

In keeping with Council's ongoing budget control and financial management, a number of adjustments are required to ensure Council's Budget continues to reflect an accurate position. As it is now some six months since the detailed Budget was prepared and the carried forward figure was estimated, many estimates can now be accurately confirmed. For statutory reporting purposes, the adopted Budget is used, however, for sound management purposes, the adjusted Budget will be used on a day to day basis in the Management Reports.

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

Item 11.5.4 continued
‘

- Carried Forward Figure as at 30 June 2006 (now confirmed by Council’s Auditors);
- Results of recent Building Tenders;
- Decisions of Council requiring funding;
- Confirmation of various Government Grants and Insurance Contributions;
- Any major over-expenditures; and
- Building, Grounds and Engineering Carry Forward Works.

OFFICER COMMENT

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

Opening Balance - Surplus	(122,025)
Corporate and Governance Division	(236,736)
Community and Statutory Services Division	176,319
Technical Services Division	182,442
Closing Balance	0
Net Cost	0

As has been the case in previous October Budget Reviews, one of the issues to be addressed relates to the 1 July opening balance. The opening balance is predicted in April/May to enable budget preparation and rate modelling to proceed.

This has always proved to be a challenging task and a more conservative approach has been adopted in recent years with the period ended 30 June 2005 being no exception. The actual opening balance was more favourable than estimated which is pleasing as it has avoided the need to make major changes to the Adopted Budget and has avoided the need to use Reserve funds to fund the completion of the Civic Centre. The better than estimated opening balance has primarily resulted from savings in expenditure items across the whole budget. This Budget Review also has the advantage of not needing to adjust the estimated closing balance as at 30 June 2006 which has remained at $500,000.

Some of the significant matters that have been addressed in this review are included in this report, however, the detailed summary of the budget review includes a lot of comment.

Additional rate income from the airport has provided the avenue to address some of the issues that have arisen in this review. This additional income has come from increased development at the airport with some effect of the revaluation process that is undertaken every three years. Due to a change of staff at the airport and a major change to their systems, a very thorough review of rateable property has been undertaken between the Airport’s property section and Council’s Rates Department. Actual payment of the 2005-2006 rates account will be the next issue. This is not due for payment until the end of November due to the late issue of the rate schedule. Any issues that arise out of this process will obviously be reported to Council.

Item 11.5.4 continued
‘

The Ruth Faulkner Library has received further funding of $80,000 for the “Finding My Place” initiative. This money is for distribution to many programmes throughout the State and further reinforces the value of this programme that was developed at the City’s Library.

The building programme for 2005-2006 has been reviewed to take account of a number of factors. The two tables below list the projects that have been affected by the October Budget Review together with the relevant funding sources. The first table details those projects that have been reviewed as they appear in the 2005-2006 adopted budget. The second table details the recommended adjustments to the building programme to accommodate the latest information relating to the projects. Municipal funds have been allocated to address the completion of the Civic Centre as per a report to Council earlier this year.

The tender for the Oasis has been assessed and an adjustment of $100,000 has been made. The Middleton Park project has been increased by $120,000 following a Quantative Surveyor’s assessment of the project. There was some unfinished works at Redcliffe Park Community Centre Stage 2 that was not budgeted and has been funded from the Communities Amenities Reserve. This is the Reserve that funded the remainder of the project.

The Bristile Park toilet block has been deferred as it has been deemed inappropriate to build the toilet until issues surrounding the possible location of a jetty for ferries in the area have been resolved. Notwithstanding this the process of obtaining Swan River Trust approvals would push the project into 2006-2007.

BUILDING PROJECTS IN 2005-2006 BUDGET REVIEW AS PER ADOPTED BUDGET

PROJECT DESCRIPTION	PROJECT VALUE	FUNDING SOURCES					
	$	MUNICIPAL	GRANTS	RESERVES	LOANS	CONTRIBN'S	TOTAL
Completion on Civic Centre Refurbishment	**0**						**0**
Youth and Family Centre	**800,000**			800,000			**800,000**
Redcliffe Park Community Centre Stage 2	**0**						**0**
	10,000						**10,000**
Rivervale Clinic		10,000					
Bristile Park Toilet Block	**75,000**	75,000					**75,000**
Belmont Child Care Centre Improvements	**25,000**	25,000					**25,000**
Tomato Lake Lighting Upgrade	**25,000**	25,000					**25,000**
Belmont Oasis	**2,200,000**				2,200,000		**2,200,000**

Item 11.5.4 continued

Refurbishment							
Middleton Park Upgrade	**500,000**			500,000			**500,000**
Demolition Ascot Water Playground	**150,000**			150,000			**150,000**
Belmont Tennis Club	**100,000**	33,334	33,333			33,333	**100,000**
	$	**MUNICIPAL**	**GRANTS**	**RESERVES**	**LOANS**	**CONTRIBN'S**	**TOTAL**
Senior Citizens Review	**50,000**	50,000					**50,000**
Community Services Auto Door	**25,000**	25,000					**25,000**
TOTAL	**3,960,000**	**243,334**	**33,333**	**1,450,000**	**2,200,000**	**33,333**	**3,960,000**

BUILDING PROJECTS REVISED IN 2005-2006 BUDGET REVIEW

PROJECT DESCRIPTION	**PROJECT VALUE**	**FUNDING SOURCES**					
	$	**MUNICIPAL**	**GRANTS**	**RESERVES**	**LOANS**	**CONTRIBN'S**	**TOTAL**
Completion on Civic Centre Refurbishment	**145,000**	145,000					**145,000**
Youth and Family Centre	**710,000**			710,000			**710,000**
Redcliffe Park Community Centre Stage 2	**42,000**			42,000			**42,000**
Rivervale Clinic	**0**						**0**
Bristile Park Toilet Block	**0**						**0**
Belmont Child Care Centre Improvements	**15,000**	15,000					**15,000**
Tomato Lake Lighting Upgrade	**20,000**	20,000					**20,000**
Belmont Oasis Refurbishment	**2,300,000**				2,300,000		**2,300,000**
Middleton Park Upgrade	**620,000**			620,000			**620,000**
Demolition Ascot Water Playground	**0**						**0**
Belmont Tennis Club	**105,000**	35,000	35,000			35,000	**105,000**
Senior Citizens Review	**10,000**	10,000					**10,000**
Community Services Auto Door	**17,500**	17,500					**17,500**
TOTAL	**3,984,500**	**242,500**	**35,000**	**1,372,000**	**2,300,000**	**35,000**	**3,984,500**

Item 11.5.4 continued
‘

A number of Road projects have been carried forward and have incurred expenditure in 2005-2006 that was not budgeted. These have all been addressed and are detailed in the summary.

The Sandringham Foreshore Path project remains an issue with the solution proposed in the Review of using Cash in Lieu Funds yet to be confirmed by the Department of Planning and Infrastructure. This may require further consideration at a later date.

The Faulkner Park Playground budget issues are linked to the end of year surplus with expenditure budgets now adjusted to reflect the actual work that needs to be completed in the 2006-2007 financial year.

The remainder of the Budget Review is covered in the Budget Review schedules with comments that explain each line item.

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

As has been the case in the past, Council’s financial position will be closely monitored in the lead up to the March Budget Review and should any significant issues require attention, then they will be raised with Council accordingly.

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
BEXB Attach 15	Summary of Income and Expenditure Variances

OFFICER RECOMMENDATION

That it be recommended to Council that –

1. The variations to the Budget as detailed in the attached 2006-2007 October Budget Review adjustments document be approved.

2. The Director – Corporate and Governance be authorised to amend the budget in accordance with all resolved variations.

Item 11.5.4 continued
‘

MARKS MOVED, TEASDALE SECONDED, that it be recommended to Council that

1. ***The variations to the Budget as detailed in the attached 2006-2007 October Budget Review adjustments document be approved.***

2. ***The Director – Corporate and Governance be authorised to amend the budget in accordance with all resolved variations.***

CARRIED 8 VOTES TO 0

11.5.5 Review: City of Belmont Strategic Plan 2006-2010 **
****BEXB Attachment 16 – Item 11.5.5 refers**

Report by Corporate & Governance Division

DATE

23 October 2006

PURPOSE OF REPORT

To provide the Council with information toward achievements and or required amendments of the City of Belmont Strategic Plan 2006-2010.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The City's Strategic Plan has been reviewed by officers during September and October 2006 with this report presenting to council a summarised review of achievement toward key actions and indicators together with suggested amendments.

The second stage of the review process to be reported to Council during December 2006 will include further input via Elected Member and Community Workshops. The second stage of the review process will focus upon new additional strategic matters for inclusion.

Officer Recommendation Summation

That the review process for the City of Belmont Strategic Plan 2006-2010 be endorsed by Council inclusive of the attachment hi-lighting completed, deleted and amended activities.

LOCATION

Not applicable.

Item 11.5.5 Continued

APPLICANT

Not Applicable

FILE REFERENCE

32/001

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority Required

CONSULTATION

Stage 1 of the review process has been undertaken in consultation with appropriate officers of the organisation. Stage 2 of the review process will include the involvement of Elected Members and Community Stakeholders.

STRATEGIC PLAN IMPLICATIONS

The revised Strategic Plan document will replace the existing Strategic Plan in readiness for the final review to be completed during December 2006 where the plan will be considered inclusive of new strategies and will be presented to Council.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

There are no specific legislative requirements evident in respect to this matter.

BACKGROUND

The City of Belmont Strategic Plan 2006-2010 was adopted by Council in July 2005. This is the first full review of the existing Strategic Plan which will demonstrate achievement toward key result areas together with suggested amendments. The original plan was formulated through various workshops, meetings and presentations. The Strategic Plan sets the direction that Council will take and management will follow at the City of Belmont. The first year of the Strategic Plan has seen a range of more detailed planning activities occur and the establishment of detailed strategies including:

- Asset Management Strategy
- Customer Focus Strategy

Item 11.5.5 Continued

- Streetscape Strategy
- Environmental Strategy
- Safety and Security Strategy
- Business Strategy
- Commercial Strategy
- Local Housing Strategy
- Open Space Strategy
- Heritage Strategy
- Crime Prevention Strategy
- Land Asset Management Plan

Performance benchmarks have been set that would indicate particular achievement toward various strategies within the plan for the community and will provide for efficient and effective Local Government. As required the Chief Executive Officer (CEO) has instigated the review process for the Strategic Plan with the organisation.

The CEO has engaged his Executive and Management teams together with the organisation in its entirety to facilitate the review process. Stage 2 of the review process will encompass Elected Member and Community Stakeholder workshops. This will be enhanced through the utilisation of Strategic Leadership Consulting Pty Ltd (Mr Martyn Healey). The involvement of Strategic Leadership Consulting Pty Ltd is seen as an essential component to the process and for which value can be added on the basis of Mr Healey's previous involvement in the formulation of the current Strategic Plan.

Some of the key dates associated with this review process are as follows:

1. Report on achievements, proposed changes of current plan, by officers to be completed by end of September 2006
2. Councillor workshop to be facilitated by Strategic Leadership Consulting Pty Ltd during October 2006. (This has been delayed pending the review report to Council and feedback from Elector Members as requested).
3. Reviewed and amended plan by officers endorsed by Council 7 November 2006.
4. Public forums and workshops with key Community Stakeholders to be facilitated by Strategic Leadership Consulting Pty Ltd by end of November 2006.
5. Finalise Strategic Plan and review by SMG beginning of December 2006.
6. Facilitate proposed new Strategic Plan through ISCF, ABF and OCM process December 2006.

OFFICER COMMENT

As is stated in the purpose of the plan section of the document, the Strategic Plan sets the direction that Council will take, and management will follow, in the City of Belmont. It establishes goals, strategies to achieve them and measurable performance objectives to enable Council and the Community to review progress.

Item 11.5.5 Continued

The City values of teamwork, leadership, integrity, innovation and people focus are part of the Strategic Plan as they will guide the attitudes and behaviours of the organisation.

The framework of the plan has been built around four cornerstones including Social Belmont, Business Belmont, Natural Belmont and Built Belmont. These four key result areas will be delivered through Business Excellence.

The format of the Strategic Plan incorporates measurable targets for each Key Result Area (KRA). These targets are delivered throughout the document on a year by year basis and incorporated into the plan during each review process. Each KRA is then detailed through strategies, key actions, measures of success etc.

The format presents a clear and accountable direction for Council and the organisation that can be measured. The implementation of GEAC Strategy Manager across the organisation has provided a valuable tool for management to utilise in the control and reporting of the Strategic Plan and although in its initial phases will provide great assistance through the provision of valuable and informative reports to Council and the community. This first review process has enabled further engagement across the organisation and is an opportunity to make the necessary adjustments that ensures the document maintains life and relevance both from a community and organisational perspective. The implementation of Strategy Manager has also focussed officers on performance measures by ensuring indicators and key actions can actually be measured effectively and data is available to measure.

This Strategic Plan will enable Elected Members to be more aware of the progress of KRA's and in turn be better prepared to inform members of the community of the City's progress.

The attached report uses the Strategic Plan as the format with additional columns of recommended action and comments. This report clearly demonstrates the outcome from the review. The following legend has been used to provide a consistent framework for the review.

Delete – When item is deemed irrelevant or impossible to measure
Complete – When a key action related only to 2005-2006 can be dropped off as it has been completed
Amend – When changes are required to the item description or measure
Timeframe – When changes are required to start date, end date or staged completion of target
Target – When changes are required target figures
Retain – When item is to remain as is for the following year.

Within each of these headings a review of the key strategies and indicators have been undertaken and suggestions made toward amendment based upon relevance and measurability, as well as reporting towards the completion of various components.

Strategy Manager is now implemented and is being used to report on the progress of the Strategic Plan. Whilst the development of Strategy Manager still has some way to go as far as reporting and budgeting functionality, the product is now being used on a monthly basis and gives a very good overview of progress in implementing the strategic plan. A demonstration of Strategy Manager will be organised for Council at an ISCF meeting shortly.

Item 11.5.5 Continued

FINANCIAL IMPLICATIONS

The Strategic Plan provides the overall framework for the Council's Budget. The completion of the first review by the end of December 2006 is timely in regard to the budget process commencing for the City of Belmont during January 2007.

There will continue to be strong links developed between the City's Strategic Plan and budget which will result in more accountability in Council's budget process that in turn will result in greater efficiency.

ENVIRONMENTAL IMPLICATIONS

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

ATTACHMENT DETAILS

Attach. No.	Details
BEXB Attach 16	Strategic Plan Review Document

OFFICER RECOMMENDATION

That the review of the City of Belmont 2006-2010 Strategic Plan at BEXB Attachment 16 be adopted in preparation of the final review inclusive of Elected Member and Community Stakeholder input to be presented to Council in December 2006.

OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 11.5

11.5.6 Audit and Risk Committee – Terms of Reference and Appointment of an Independent Member **

****BEXB Attachment 17 – Item 11.5.6 refers**
****BEXB Attachment 18 – Item 11.5.6 refers**

Report by Corporate & Governance Division

DATE

17 October 2006

PURPOSE OF REPORT

For Council to endorse the recommendations of the Audit and Risk Committee to adopt a reviewed terms of reference and appoint Mr Ron Back as an Independent member of the Audit and Risk Committee.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The Audit and Risk Committee met on Thursday 14 September 2006. The minutes of the meeting have been circulated. There are a number of recommendations from the Committee that require Council's endorsement.

The Terms of Reference for the Audit and Risk Committee have been reviewed in line with the Department of Local Government's Audit Committee Guidelines and the Committee has also conducted a process to identify and recommend an independent member of the Audit and Risk Committee.

Officer Recommendation Summation

1. That Council adopts the reviewed Audit and Risk Committee's terms of reference that incorporates the Department of Local Government's Audit Committee Guidelines.
2. Appoint Mr Ron Back to the position of Independent Member of the Audit and Risk Committee

Item 11.5.6 Continued

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

19/003 – Audit and Risk Committee (Internal)

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority Required

CONSULTATION

No public consultation was considered to be required in respect to the terms of reference review, however advertisements were placed in the West Australian and the Southern Gazette inviting expressions of interest. This matter has been considered by the Audit & Risk Committee.

STRATEGIC PLAN IMPLEMENTATIONS

Achieve excellence in the management and operations of the local government activities.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The existence and conduct of the Audit and Risk Committee ensures compliance with the Local Government (Audit) Regulations.

Item 11.5.6 Continued

BACKGROUND

The Department of Local Government and Regional Development issued Local Government Operational Guidelines Number 9 on Audit Committees in Local Government – their appointment, function and responsibilities. The guidelines include model terms of reference for audit committees together with details of membership and minimum standard audit specifications. The Audit and Risk Committee had previously resolved to review Council's current terms of reference having regard for the Department's guidelines. Whilst the Council's current terms of reference do meet most of the suggested items contained within the guidelines, they have been reviewed to cover all issues in the Department's guidelines.

One of the issues that came from previous discussions of the Committee was the appointment of an independent member of the Committee. The guidelines detail the process for the appointment of independent members which includes placing a public advertisement. The addition of an independent member to the Audit and Risk Committee with the appropriate skills as detailed in the guidelines will provide the Council and the Community an increased level of Corporate Governance and ensure a best practice approach.

Advertisements were placed in both the West Australian and the Southern Gazette inviting expressions of interest from suitably qualified and experienced persons. At the time of closing (7-9-06) only one expression of interest had been received. Fortunately the application was of a particularly high standard and offered an extremely well qualified and experienced independent member of the Audit and Risk Committee. Mr Ron Back's detailed profile is included as an attachment.

OFFICER COMMENT

Mr Back's comprehensive experience in both Local Government and Audit together with his continued exposure to the Local Government industry through his consultancy positions him as an ideal candidate to fulfil the role as an independent member of the Audit and Risk Committee. Mr Back's appointment has been recommended to Council by the Audit and Risk Committee.

The appointment of Mr Back will be for a two year period. Remuneration will be in accordance with the terms of reference (agreed hourly rate paid quarterly in arrears). The agreed hourly rate will be subject to an annual review as agreed by the Chief Executive Officer.

This will necessitate some further changes to the Audit and Risk Committee's terms of reference in accordance with the Department's guidelines. The terms of reference have also been attached and amended to include the independent member requirements.

The completion of this process now positions the City of Belmont's Audit and Risk Committee at best practice and ensures the highest possible level of Corporate Governance.

Item 11.5.6 Continued

FINANCIAL IMPLICATIONS

The Terms of Reference state that the Audit and Risk Committee will assist the Council to discharge its responsibilities for the reporting of financial information, the application of accounting policies and the management of the financial affairs of the City.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ATTACHMENT DETAILS

Attach. No.	Details
BEXB Attach 17	Terms of Reference
BEXB Attach 18	Mr Ron Backs Profile

OFFICER RECOMMENDATION

1. That the Audit and Risk Committee's terms of reference as detailed in BEXB Attachment 17, that incorporates the Department of Local Government's Audit Committee Guidelines be adopted.

2. That Mr Ron Back be appointed to the position of Independent Member of the Audit and Risk Committee for a period of two years at an hourly rate of $126.50 (incl of GST) to be paid quarterly in arrears and reviewed annually by the Chief Executive Officer.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.5***

11.5.7 Audit and Risk Committee – Risk Management Policy **
****BEXB Attachment 19 – Item 11.5.7 refers**

Report by Corporate & Governance Division

DATE

17 October 2006

PURPOSE OF REPORT

For Council to endorse the recommendations of the Audit and Risk Committee to adopt a Risk Management Policy.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The Audit and Risk Committee met on Thursday 14 September 2006. The minutes of the meeting have been circulated. There are a number of recommendations from the Committee that require Council's endorsement.

A Risk Management Policy has been developed that sets the basic framework for the City's Risk Management Strategy and is included as an attachment.

Officer Recommendation Summation

That Council adopts the Risk Management Policy.

LOCATION

Not applicable

APPLICANT

Not applicable

Item 11.5.7 Continued

FILE REFERENCE

19/003 – Audit and Risk Committee (Internal)

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority Required

CONSULTATION

No public consultation was considered to be required. This matter has been considered by the Audit & Risk Committee.

STRATEGIC PLAN IMPLEMENTATIONS

Achieve excellence in the management and operations of the local government activities.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The existence and conduct of the Audit and Risk Committee ensures compliance with the Local Government (Audit) Regulations.

BACKGROUND

One of the key organisational strategies being implemented is Enterprise Wide Risk Management. Formalised risk management is seen as an integral part of good business practice that provides improved information for good decision making.

All Directors, Managers and Supervisors have attended workshops on the Risk Management Standard AS/NZS 4360:2004 and all staff have also attended workshops that introduce the concept of Enterprise Wide Risk Management.

An internal Risk Management Committee has been established to provide an organisational reference point for Risk Management matters and as a result of the organisational restructure, a part time Risk and Insurance Officer has been appointed.

One of the key steps is the development of a risk management policy with the Audit and Risk Committee referring the policy that has been developed to Council for adoption.

Item 11.5.7 Continued

OFFICER COMMENT

The development of a risk management policy sets the basic framework for the continual progression of the risk management strategy. The policy objective is best described in the policy objective.

> "To develop a culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects and to reduce the potential costs of risk through the implementation of an organisation wide risk management system."

The policy sets out the various levels of responsibility and provides a framework for assessing risk that will be used to establish the City's risk register. The policy sets out the consequence and risk tolerance levels and when combined with the likelihood factors gives a resultant level of risk that will then drive the treatment and audit of risks.

FINANCIAL IMPLICATIONS

The adoption of a Risk Management Policy gives the organisation and the Council through the Audit and Risk Committee the framework to effectively identify, record and manage risks. Done effectively this will result in better management of the City's resources and exposure to potential financial loss.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ATTACHMENT DETAILS

Attach. No.	Details
BEXB Attach 19	Risk Management Policy

OFFICER RECOMMENDATION

That the Risk Management Policy shown at BEXB Attachment 19 be adopted.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.5***

11.5.8 Enhanced Community Outcomes from Private Sector Partnerships

Report by Corporate & Governance Division

DATE

12 October 2006

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement for the establishment of partnerships with the private sector in the use, development, and/or management of Council owned land and/or facilities.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

Summary and Key Issues

Local Governments throughout Western Australia, Australia and other countries are increasingly entering into arrangements with commercial organisations for the use of Council owned buildings, land and facilities. There are several Council owned buildings and facilities within the City of Belmont that are not returning a full benefit to either the community or Council because they are underutilised. Further, opportunities exist to develop innovative approaches to maintaining, improving or introducing new community facilities through partnerships with commercial organisations.

Individual proposals for partnerships with the private sector will always need to be considered on a range of specific issues. These will include, but not be limited to, the City's requirements under the Local Government Act 1995, probity checks on proponents, cost benefit analyses, the potential for increased revenue from Council owned facilities, a risk assessment, an assessment of the extent to which existing community requirements are met, and an assessment of the level of new community services which may result from the partnership.

Council's consensus on the overarching philosophy of partnering with the private sector in the development, use and management of Council owned land and/or facilities is sought. A key principle is the need to ensure that the primary result of any partnership with the private sector is enhanced outcomes for the community.

Item 11.5.8 Continued

Officer Recommendation Summation

There are many instances where partnerships with the private sector present an opportunity for increased service to the community and/or increased revenue for Council from underutilised facilities. It will be recommended that Council endorse the overarching philosophy underpinning these potential proposals.

LOCATION

None

APPLICANT

None

FILE REFERENCE

70 / 007 Lease of Council Property

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority Vote

CONSULTATION

This matter has not been subject to community consultation as there is no specific proposal under consideration. In some instances, based on the particular aspects of a proposed partnership, it will be beneficial and/or necessary to engage in community consultation.

STRATEGIC PLAN IMPLICATIONS

SOCIAL BELMONT: *"Assist clubs and community groups to provide services and facilities"*

BUSINESS EXCELLENCE: "*Develop a long term financial plan (10 year) linked to appropriate reserve management, maintenance, capital and building works programs."*

BUSINESS EXCELLENCE: "*Operate Council's land and facilities portfolio as a capital efficient investment"*

Item 11.5.8 Continued

POLICY IMPLICATIONS

C3.8.1 – Asset Management *"Provide a framework for implementing Asset Management to enable a consistent, co-ordinated and strategic approach at all levels of Council."*

STATUTORY ENVIRONMENT

Sections 3.58 and 3.59 of the *Local Government Act 1995* both place obligations on Local Government to undertake certain actions when entering into a transaction of this kind.

The obligations under S3.58 relate to the disposal of property. In the context of this Section "dispose" includes to sell, lease, or otherwise dispose of, whether absolutely or not; and "property" includes the whole or any part of the interest of a local government in property, but does not include money. S3.58 describes the circumstances and situations where the City is required to advertise or tender individual dispositions of property. It is important to note that some dispositions are exempt dispositions for the purpose of this section.

The obligations under S3.59 relate to the conduct of major trading undertakings and major land transactions and the requirement to prepare a business plan in certain circumstances. As with S3.58, some major land transactions are exempt from the requirement to prepare a business plan.

There is significant interplay between s3.58 and s3.59. The result of this is that each proposed partnership will need to be assessed separately to establish the precise actions which need to be taken with regards to whether or not the City is required to advertise or tender the partnership and/or treat the partnership as a major trading undertaking or major land transaction.

BACKGROUND

Governments throughout Western Australia, Australia and other countries are increasingly entering into partnership arrangements with the private sector for the use, development and/or management of public ownership land and/or facilities. Arrangements of this nature are often referred to as public-private partnerships.

During this time much has been written about partnership arrangements between Local Government and the private sector.

The Queensland Government's Public Private Partnership (PPP) Policy was released in September 2001. This document summarises the benefits of partnerships in the following manner:

> "Significant private sector involvement in the provision of a public infrastructure need or service should be encouraged in infrastructure projects where it can be shown that the State will achieve better value for money through a relationship contract with the private sector for a project's delivery and/or service, compared with the option of delivering the project and/or service entirely at the public sector's cost and risk.

Item 11.5.8 Continued

> International evidence indicates that through an optimally developed relationship contract with the private sector the Government can secure significant benefits through qualitative risk transfer to the private sector, and by harnessing private sector management skills, innovation and efficiencies, through a long term and output based contractual arrangement."

The Western Australian State Government released its "Policies and Guidelines for Public Private Partnerships in Western Australia" in 2002. With regards to partnering with the private sector in the area of infrastructure provision it is stated that:

> "The requirement for new or replacement infrastructure and ancillary services must be linked to a clearly established business need. In very broad terms the agency should consider:
>
> - future infrastructure and ancillary service requirements with key corporate and strategic planning intentions
> - future infrastructure needs for the achievement of outcomes and delivery of outputs
> - service demand projections
> - the condition and supply of existing infrastructure
> - emerging whole-of-Government and community issues."

In New South Wale the Local Government Amendment (Public Private Partnerships) Act 2004 commenced on 1 September 2005. This amendment to that State's Local Government Act was brought into place to provide guidance and regulatory requirements for Local Governments seeking to enter into partnerships with the private sector. The accompanying guidelines provide a significant amount of information on business plans, probity plans, public interest evaluation and economic appraisals associated with private sector partnerships.

The principles, issues and risks associated with partnering with the private sector are well known and well documented. This information can be used to guide any specific initiatives undertaken by the City of Belmont.

OFFICER COMMENT

There will need to be a considerable amount of research conducted by City staff before any individual partnership agreement is entered into There are many issues which will require further investigation. These include:

- a need to ensure that any proposal meets all planning requirements including zoning compatibility and car parking;
- all requirements under the Local Government Act in respect to land transactions and trading undertakings such as business plans and tendering requirements;
- ensuring that existing community and Council use of buildings and facilities is enhanced rather than limited; and

Item 11.5.8 Continued

- protecting against undue risk or a failure to achieve an acceptable return as a result of the partnership. It is recognized that a return may be in the form of money, investments in community assets and/or improvements to the facility or surrounding land.

In the majority of situations any specific partnership proposal would need to be approved by the Belmont City Council.

FINANCIAL IMPLICATIONS

There are no specific financial implications as there is no specific proposal under consideration. All proposals for private sector partnerships will be carefully evaluated to ensure that all financial implications are known and understood.

ENVIRONMENTAL IMPLICATIONS

None

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That Council

1. Endorse the principle of entering into partnerships with the private sector for the use, management and/or development of Council owned land and facilities subject to:

- ***the partnership resulting in increased service to the community and/or increased revenue for Council from underutilised facilities; and***
- ***officers conducting a thorough evaluation of all proposals.***

OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.5

11.5.9 Proposed New Policy – C1.5.3 Council Delegates - Role and Responsibilities

Report by Corporate and Governance Division

DATE

22 August 2006

PURPOSE OF REPORT

To seek Council's consideration of a new policy that defines the role and responsibilities of delegates appointed to external organisations.

COUNCIL ROLE

Legislative

The legislative role includes the adoption of local laws, town planning schemes and policies.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The proposed new policy supports Council's existing policy C1.5.1 Appointment as Committee Members, Representatives and Delegates by providing guidance to delegates in fulfilling their role.

Officer Recommendation Summation

Recommends for adoption of the proposed new policy.

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

32/015 Council Policy Manuals

Item 11.5.9 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

There is no requirement for external consultation as this is an internal governance matter.

STRATEGIC PLAN IMPLICATIONS

BUSINESS EXCELLENCE:
Optimise Councillor support processes, resources and technologies.
Ensure that the capacity and capability of the organisation meets strategic, customer and operational needs

POLICY IMPLICATIONS

Adoption of this proposed new policy will not impact other existing policies.

Policy C1.5.1 Appointment as Committee Members, Representatives and Delegates, is relevant as it provides for elected members to be appointed to committees other than standing committees as councillor representatives or delegates of Council.

STATUTORY ENVIRONMENT

The Local Government Act 1995 s5.10 provides for appointment of members to committees of Council and s5.11 provides for the tenure of committee membership.

Council is required from time to time to appoint delegate members to external organisations and committees and membership of these bodies may be governed by other legislative or operational rules. It is however important to note that a person appointed as a Delegate of the Council only holds membership for the term of their office with the City in accordance with s5.11 noted above.

BACKGROUND

The City provides delegate representation on a range of external organisations and bodies including but not limited to:

- Ascot Island Steering Committee
- Belmont Community Recreation Association
- Belmont Business Advisory Group
- Belmont Business Enterprise Centre Management Committee
- Belmont Retirement Villages Board of Management (Inc)

Item 11.5.9 Continued

- Belmont Sister City Association (Inc)
- Heritage Council of WA
- Eastern District Planning Committee
- Eastern Metropolitan Regional Council
- Eastern Metropolitan Regional Council – Regional Integrated Transport Strategy Reference Group
- Perth Airport Municipalities Group (PAMG)
- Perth Airport Noise Management Committee
- Swan River Trust
- WA Local Government Association East Metropolitan Zone

Each external organisation determines management protocols to support their purpose and meet applicable governance and statutory requirements. Council's participation is facilitated through its nominated delegate/s and restricted to within the terms of the protocols of the relevant organisation.

OFFICER COMMENT

Council in appointing delegates to external organisations empowers the delegate to engage in the activities of the external organisation as a representative of the Council, in full confidence that the delegate will act in accord with the resolved position of the Council.

The following policy is proposed to assist delegates in fulfilling the role and responsibilities of delegate in a consistent manner, by providing guidance as to the expectations of Council in making the appointment.

FINANCIAL IMPLICATIONS

There are no financial implications evident.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident.

ATTACHMENT DETAILS

Attach. No.	**Details**
Nil.	

Item 11.5.9 Continued

OFFICER RECOMMENDATION

That Council:-

Adopt the following detailed Policy C1.5.3 Council Delegates – Role and Responsibilities:-

C1.5.3 COUNCIL DELEGATES - ROLE AND RESPONSIBILITIES

Policy Objective:

To prescribe the manner by which delegates nominated by Council as members of external committees or organisations may fulfil their representative role.

Policy Statement:

Definition: ***External Organisation*** *- An external organisation, statutory corporation, incorporated association, regional local government, committee, working or special interest group, or governmental advisory group.*

The City provides delegate representation on a range of external organisations and bodies including but not limited to:

- Ascot Island Steering Committee
- Belmont Community Recreation Association
- Belmont Business Advisory Group
- Belmont Business Enterprise Centre Management Committee
- Belmont Retirement Villages Board of Management (Inc)
- Belmont Sister City Association (Inc)
- Heritage Council of WA
- Eastern District Planning Committee
- Eastern Metropolitan Regional Council
- Eastern Metropolitan Regional Council – Regional Integrated Transport Strategy Reference Group
- Perth Airport Municipalities Group (PAMG)
- Perth Airport Noise Management Committee
- Swan River Trust
- WA Local Government Association East Metropolitan Zone

Where an officer or elected member has been endorsed as Council's nominated representative member of an external committee, body or organisation the delegate shall:-

1. Understand that their appointment / membership; is as a representative of the Council and is by right of their position with Council.

2. Ensure their availability to attend scheduled meetings, and where they are unable to do so, provide prior apology to the respective Presiding Member. Apology must also be provided to external meetings for periods where approved leave of absence is granted from Council.

Item 11.5.9 Continued

Where a delegate has failed to attend three successive external organisation meetings, with or without apology, during a period where leave of absence has not been granted, the Council shall consider appointing a replacement delegate at either the Council's determination or at the next Special Council Meeting following the ordinary biennial elections, to ensure that the purpose and integrity of Council's participation in the external organisation is maintained.

If a delegate is unable to fulfil their commitment to an external organisation then the delegate must advise the Chief Executive Officer so that Council's consideration of appointing a replacement delegate can be facilitated and subsequent formal advice to the external organisation attended to.

3. Ensure that where Council has nominated a proxy or deputy delegate, that the proxy is provided with early advice and adequate information to facilitate their attendance and participation in meetings where the delegate is unable to attend.

4. Ensure that in participating and contributing to decision making of the external organisation the delegate communicates and is cognisant of Council's determined position, if any, determined from:-

   a. firstly, resolutions of Council dealing specifically with the matter at hand;

   b. secondly, resolutions of Council dealing generally with the matter at hand;

   c. thirdly, relevant statements of the Council's position contained in adopted Council policies or the City's Strategic Plan;

   d. lastly, if Council has not previously established a position, the Delegate should give due consideration to the potential sensitivity and / or risk inherent to the matter i.e. potential for negative environmental or social impact, or risk of community conflict.

   Where the delegate evaluates potential for a significant level of sensitivity or risk then, prior to committing to a position, the Chief Executive Officer is to be requested to prepare a report for Council's consideration. The Delegate may provide a position statement for inclusion in the report however; officers must provide professional opinion, advice and a recommendation for Council's determination.

   Delegates must ensure that this occurs where a decision by the external organisation may require a commitment of Council resources.

5. Voting Rights - An officer or elected member appointed as a delegate may have to participate in the decision making process of the external organisation. The delegate may also be entitled to vote on matters coming before the external body.

Item 11.5.9 Continued

The delegate will have a fiduciary duty to the external organisation to participate in decision making processes and vote in accordance with the obligations to act in good faith for the purposes for which the external organisation was established.

The Council recognises that whilst it can require a delegate to communicate the City's position to the external organisation, it is not appropriate to attempt to bind the delegate's vote on any particular matter. The delegate will have the benefit of discussion around the decision making table and must vote in accordance with their good faith obligation to the external organisation.

However, this does not entitle a delegate to substitute their personal beliefs for Council's position. Where it is possible for a delegate aware of their obligations to act in good faith for the purposes of the external body, to vote in accordance with Council's stated position, then Council expects that a delegate will vote accordingly.

Where a delegate votes in good faith, in a manner which is opposed to a Council position, the delegate must provide a Delegates Report to the next Council meeting informing of the decision and the factors which influenced the outcome.

6. Perform the functions and duties of a delegate in accordance with the standards set out in the City's Code of Conduct.

7. Ensure that a copy of minutes is provided to the City for record keeping purposes and that the record keeping responsibilities outlined in the State Records Act 2000 and Policy C3.7.1 Organisational Record Keeping are fulfilled. Where confidentiality requirements exist over either Council or the external organisation's business the delegate must ensure that confidentiality is appropriately maintained and protected.

8. Keep Council informed of the activities and achievements of the external organisation in a timely manner and in any case via a minimum of two reports per annum to an Ordinary Council Meeting – Reports of Delegates.

Officers or elected members, who attend meetings of external organisations where access is not generally available to the public, attend as observers only and remain representatives of the City and therefore shall:-

1. As a matter of courtesy seek the prior consent of the external organisation's presiding member before attending as an observer.

2. Act within the meeting protocols as established by the external organisation.

3. Communicate with the meeting only through Council's nominated delegate or only at the request of the presiding member of that meeting, being mindful of not interfering with due process or the role of Council's nominated delegate.

Item 11.5.9 Continued

4. Act in accordance with the standards set out in the City's Code of Conduct.

5. If access to the meeting is generally available to the public, then the officer or elected member attends only in the capacity of a private person and must make clear to the meeting that opinions or positions stated are their own and not those of the City.

HITT MOVED, MARKS SECONDED, that Council:-

Adopt the following detailed Policy C1.5.3 Council Delegates – Role and Responsibilities:-

C1.5.3 COUNCIL DELEGATES - ROLE AND RESPONSIBILITIES

Policy Objective:

To prescribe the manner by which delegates nominated by Council as members of external committees or organisations may fulfil their representative role.

Policy Statement:

Definition: External Organisation - An external organisation, statutory corporation, incorporated association, regional local government, committee, working or special interest group, or governmental advisory group.

The City provides delegate representation on a range of external organisations and bodies including but not limited to:

- ***Ascot Island Steering Committee***
- ***Belmont Community Recreation Association***
- ***Belmont Business Advisory Group***
- ***Belmont Business Enterprise Centre Management Committee***
- ***Belmont Retirement Villages Board of Management (Inc)***
- ***Belmont Sister City Association (Inc)***
- ***Heritage Council of WA***
- ***Eastern District Planning Committee***
- ***Eastern Metropolitan Regional Council***
- ***Eastern Metropolitan Regional Council – Regional Integrated Transport Strategy Reference Group***
- ***Perth Airport Municipalities Group (PAMG)***
- ***Perth Airport Noise Management Committee***
- ***Swan River Trust***
- ***WA Local Government Association East Metropolitan Zone***

Where an officer or elected member has been endorsed as Council's nominated representative member of an external committee, body or organisation the delegate shall:-

Item 11.5.9 Continued

1. ***Understand that their appointment / membership; is as a representative of the Council and is by right of their position with Council.***

2. ***Ensure their availability to attend scheduled meetings, and where they are unable to do so, provide prior apology to the respective Presiding Member. Apology must also be provided to external meetings for periods where approved leave of absence is granted from Council.***

   Where a delegate has failed to attend three successive external organisation meetings, with or without apology, during a period where leave of absence has not been granted, the Council shall consider appointing a replacement delegate at either the Council's determination or at the next Special Council Meeting following the ordinary biennial elections, to ensure that the purpose and integrity of Council's participation in the external organisation is maintained.

   If a delegate is unable to fulfil their commitment to an external organisation then the delegate must advise the Chief Executive Officer so that Council's consideration of appointing a replacement delegate can be facilitated and subsequent formal advice to the external organisation attended to.

3. ***Ensure that where Council has nominated a proxy or deputy delegate, that the proxy is provided with early advice and adequate information to facilitate their attendance and participation in meetings where the delegate is unable to attend.***

4. ***Ensure that in participating and contributing to decision making of the external organisation the delegate communicates and is cognisant of Council's determined position, if any, determined from:-***

   a. firstly, resolutions of Council dealing specifically with the matter at hand;

   b. secondly, resolutions of Council dealing generally with the matter at hand;

   c. thirdly, relevant statements of the Council's position contained in adopted Council policies or the City's Strategic Plan;

   d. lastly, if Council has not previously established a position, the Delegate should give due consideration to the potential sensitivity and / or risk inherent to the matter i.e. potential for negative environmental or social impact, or risk of community conflict.

   Where the delegate evaluates potential for a significant level of sensitivity or risk then, prior to committing to a position, the Chief Executive Officer is to be requested to prepare a report for Council's

Item 11.5.9 Continued

consideration. The Delegate may provide a position statement for inclusion in the report however; officers must provide professional opinion, advice and a recommendation for Council's determination.

Delegates must ensure that this occurs where a decision by the external organisation may require a commitment of Council resources.

5. ***Voting Rights - An officer or elected member appointed as a delegate may have to participate in the decision making process of the external organisation. The delegate may also be entitled to vote on matters coming before the external body.***

   The delegate will have a fiduciary duty to the external organisation to participate in decision making processes and vote in accordance with the obligations to act in good faith for the purposes for which the external organisation was established.

   The Council recognises that whilst it can require a delegate to communicate the City's position to the external organisation, it is not appropriate to attempt to bind the delegate's vote on any particular matter. The delegate will have the benefit of discussion around the decision making table and must vote in accordance with their good faith obligation to the external organisation.

   However, this does not entitle a delegate to substitute their personal beliefs for Council's position. Where it is possible for a delegate aware of their obligations to act in good faith for the purposes of the external body, to vote in accordance with Council's stated position, then Council expects that a delegate will vote accordingly.

   Where a delegate votes in good faith, in a manner which is opposed to a Council position, the delegate must provide a Delegates Report to the next Council meeting informing of the decision and the factors which influenced the outcome.

6. ***Perform the functions and duties of a delegate in accordance with the standards set out in the City's Code of Conduct.***

7. ***Ensure that a copy of minutes is provided to the City for record keeping purposes and that the record keeping responsibilities outlined in the State Records Act 2000 and Policy C3.7.1 Organisational Record Keeping are fulfilled. Where confidentiality requirements exist over either Council or the external organisation's business the delegate must ensure that confidentiality is appropriately maintained and protected.***

8. ***Keep Council informed of the activities and achievements of the external organisation in a timely manner and in any case via a minimum of two reports per annum to an Ordinary Council Meeting – Reports of Delegates.***

Item 11.5.9 Continued

Officers or elected members, who attend meetings of external organisations where access is not generally available to the public, attend as observers only and remain representatives of the City and therefore shall:-

1. ***As a matter of courtesy seek the prior consent of the external organisation's presiding member before attending as an observer.***

2. ***Act within the meeting protocols as established by the external organisation.***

3. ***Communicate with the meeting only through Council's nominated delegate or only at the request of the presiding member of that meeting, being mindful of not interfering with due process or the role of Council's nominated delegate.***

4. ***Act in accordance with the standards set out in the City's Code of Conduct.***

5. ***If access to the meeting is generally available to the public, then the officer or elected member attends only in the capacity of a private person and must make clear to the meeting that opinions or positions stated are their own and not those of the City.***

CARRIED 7 VOTES TO 1

For: Whiteley, Marks, Hitt, Godfrey, Teasdale, Powell, Rossi

Against: Bass

11.5.10 Annual Meeting of Electors

Report by Corporate and Governance Division

DATE

26 October 2006

PURPOSE OF REPORT

For Council to set the dates for the annual meeting of electors to enable the statutory advertising to take place.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The City must conduct an Annual Electors' Meeting prior to the 31 December 2006. The date proposed for the meeting is Wednesday 13 December 2006. There are a number of statutory advertising requirements that need to be met in relation to the Annual Report and the Annual Electors' Meeting.

Officer Recommendation Summation

That the Annual Electors' Meeting be conducted on Wednesday 13 December 2006 and that all the necessary statutory advertising be undertaken.

LOCATION

Not applicable.

APPLICANT

Not applicable

FILE REFERENCE

32/012 Annual/Special Electors Meetings

Item 11.5.10 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

No public consultation was considered to be required in respect to this matter.

STRATEGIC PLAN IMPLICATIONS

Achieve excellence in the management and operation of the local government activities.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* provides:

s1.7. Local public notice

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be:

(a) published in a newspaper circulating generally throughout the district;

(b exhibited to the public on a notice board at the local government's offices; and

(c) exhibited to the public on a notice board at every local government library in the district.

(2) Unless expressly stated otherwise it is sufficient if the notice is:

(a published under subsection (1)(a) on at least one occasion; and

(b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than:

(i) the time prescribed for the purposes of this paragraph; or

(ii) if no time is prescribed, 7 days.

Item 11.5.10 Continued

s5.27. Electors' general meetings

(1) A general meeting of the electors of a district is to be held once every financial year.

(2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

(3) The matters to be discussed at general electors' meetings are to be those prescribed.

s5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

BACKGROUND

The City is required to hold an annual electors meeting within 56 days of the adoption of the Annual Report. Council will consider the Annual Report at the Council meeting to be held on 28 November 2006.

Section 5.27 of the *Local Government Act 1995* states that the Council must set the date for the Annual Electors Meeting.

The City must give at least 14 days local public notice of the Annual Electors' Meeting. Under the *Interpretation Act 1984* the calculation of days excludes the day on which notice is first given and the day on which the meeting is to be held. This means that there is insufficient time between the 28 November Council meeting and 13 December to give sufficient local public notice of the Annual Electors' Meeting.

Only 7 days notice of the adoption of the Annual Report is required to be given which can be accommodated within the allotted timeframe. Additionally, the CEO is able to give local public notice of the availability of the Annual Report so this does not require a Council decision.

OFFICER COMMENT

The officers have considered the Council timetable and recommend that the Annual Electors' Meeting be held on 13 December 2006.

As there is insufficient time between the 28 November and 13 December to give local public notice of the annual electors meeting, it is recommended that Council sets the date of the annual electors meeting at this Council meeting so that adequate notice can be given.

This decision does not impact on the adoption of the Annual Report which will proceed through normal Council processes including consideration at an Audit and Risk Committee meeting prior to formal consideration by Council on 28 November.

Item 11.5.10 Continued

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
Nil.	

OFFICER RECOMMENDATION

That Council set the date for the 2006 Annual Electors' Meeting at 13 December 2006 and instruct the CEO to give adequate local public notice of the Annual Electors' Meeting.

OFFICER RECOMMENDATION ADOPTED EN BLOC – REFER TO RESOLUTION APPEARING AT ITEM 11.5

12. REPORTS BY THE CHIEF EXECUTIVE OFFICER

12.1 INFORMATION BULLETINS

The following Elected Members Bulletin was distributed to Councillors:

Elected Members Bulletin 20 October 2006.

HITT MOVED, POWELL SECONDED, that the information provided to all Councillors and listed in the following Elected Members Bulletin be noted and received:

Elected Members Bulletin 20 October 2006.

CARRIED 8 VOTES TO 0

12.2 REQUESTS FOR LEAVE OF ABSENCE

Nil.

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

NOTE: Section 5.23(2) of the Local Government Act 1995, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: - matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters, security matters, among others.

NOTE: Section 5.93 of the Local Government Act 1995, details that an elected member or employee may not make improper use of any information acquired in the performance of their function under this Act or any written law. Penalty $10,000. The City of Belmont Standing Orders Local Law Clause 4.2(2) details that an elected member or employee in receipt of Confidential Information may not disclose such information to any person other than another City of Belmont elected member or employee. Penalty $5,000.

(The correct part of the LG Act needs to be stated after the heading - dependant on what the matter relates to, explaining why the meeting needs to go behind closed doors).
e.g. Confidential Matter in accordance with Section 5.23(2)(a)
e.g. Confidential Matter in accordance with Section 5.23(2)(c)&(e)(ii)

The Mayor referred to the Confidential Items for consideration and requested the meeting go behind closed doors.

****7.52pm** ***WHITELEY MOVED, TEASDALE SECONDED, that in accordance with section 5.23(2) of the Local Government Act, Council proceed behind closed doors to discuss the Confidential Items.***

CARRIED 8 VOTES TO 0

****7.53pm The meeting reconvened in the absence of the public gallery.**

13.1 DISPOSAL OF COUNCIL PROPERTY **

****Confidential Attachment 1 – Item 13.1 refers**
****Confidential Attachment 1.1 – Item 13.1 refers**
(Circulated under separate cover)

Officer Comment

The Manager Governance proposed an amendment to the Officer Recommendation to delete the sale price of the sale of land as it was inappropriate to disclose the amount for the sale.

TEASDALE MOVED, MARKS SECONDED that Council:

1. ***endorse the disposal of Lot 18 (387) Belmont Avenue, Cloverdale, for a sale price of no less than that as mentioned in the Officer's Report, with the proceeds of sale being deposited in the City's Land Acquisition Reserve;***
2. ***authorise the CEO to seek submissions from interested real estate agents to conduct the sale on behalf of the City and to appoint the agent who in the CEO's opinion will achieve the most advantageous outcome for the City;***
3. ***delegate responsibility to the CEO to select the most appropriate method for disposing of the property under section 3.58 of the Local Government Act 1995 subject to the condition that the CEO has regard to advice from the agent appointed to conduct the sale on the most appropriate method of disposal;***

Item 13.1 continued

4. ***delegate responsibility to the CEO under s3.58 of the Local Government Act 1995 to dispose of the property in accordance with the requirements of section 3.58; and***
5. ***authorise the Mayor and CEO to place the Common Seal of the City of Belmont on any documentation associated with the disposal of Lot 18 (387) Belmont Avenue.***

CARRIED 8 VOTES TO 0

13.2 2005-2006 ANNUAL INTERIM AUDIT **

****Confidential Attachment 2 – Item 13.2 refers**
****Confidential Attachment 2.1 – Item 13.2 refers**

WHITELEY MOVED, MARKS SECONDED, that the Interim Audit Visit for the Year Ended 30 June 2006 report be received.

CARRIED 8 VOTES TO 0

****7.55pm** ***HITT MOVED, POWELLSECONDED, that the public be invited to return to the meeting and that the resolutions passed behind closed doors be read.***

CARRIED 8 VOTES TO 0

****7.56pm The public did not return to the meeting, therefore the Manager Governance did not read aloud the resolutions passed behind closed doors.**

14. CLOSURE

There being no further business to discuss, the Mayor thanked all those in attendance and declared the meeting closed at 7.57pm.