



# City of Belmont

## ORDINARY COUNCIL MEETING

### MINUTES

### TABLE OF CONTENTS

19 November 2019

<b>ITEM</b>	<b>SUBJECT HEADING</b>	<b>PAGE</b>
<b>1.</b>	<b>OFFICIAL OPENING .....</b>	<b>2</b>
<b>2.</b>	<b>APOLOGIES AND LEAVE OF ABSENCE .....</b>	<b>2</b>
<b>3.</b>	<b>DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT .....</b>	<b>2</b>
3.1	FINANCIAL INTERESTS .....	2
3.2	DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY.....	2
<b>4.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS .....</b>	<b>2</b>
4.1	ANNOUNCEMENTS.....	2
4.2	DISCLAIMER.....	3
4.3	DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING .....	3
<b>5.</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>3</b>
5.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE .....	3
5.1.1	MS B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE .....	3
5.1.2	MR R FOSTER, 140 COOLGARDIE AVENUE, REDCLIFFE .....	4
5.1.3	MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE.....	5
5.1.4	MS J GEE, 97 GABRIEL STREET, CLOVERDALE .....	6
5.1.5	MR P HITT, 14 MCLACHLAN WAY, BELMONT .....	7
5.2	QUESTIONS FROM MEMBERS OF THE PUBLIC.....	7
5.2.1	MR B CHILDS, 122 SYDENHAM STREET, KEWDALE .....	7
5.2.2	MS L HOLLANDS, 2 MILLER AVE, REDCLIFFE ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP INC. (BRRAG) .....	8
5.2.3	MS J GEE, 97 GABRIEL ST CLOVERDALE.....	10
<b>6.</b>	<b>CONFIRMATION OF MINUTES/RECEIPT OF MATRIX.....</b>	<b>11</b>
6.1	SPECIAL ELECTORS' MEETING HELD 16 SEPTEMBER 2019.....	11
6.2	SPECIAL COUNCIL MEETING HELD 21 OCTOBER 2019 .....	11
6.3	ORDINARY COUNCIL MEETING HELD 29 OCTOBER 2019 .....	11
6.4	MATRIX FOR THE AGENDA BRIEFING FORUM HELD 12 NOVEMBER 2019.....	11
<b>7.</b>	<b>QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION).....</b>	<b>12</b>

<b>ITEM</b>	<b>SUBJECT HEADING</b>	<b>PAGE</b>
<b>8.</b>	<b>QUESTIONS BY MEMBERS WITHOUT NOTICE .....</b>	<b>12</b>
8.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE .....	12
8.2	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	12
<b>9.</b>	<b>NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION .....</b>	<b>12</b>
<b>10.</b>	<b>BUSINESS ADJOURNED FROM A PREVIOUS MEETING .....</b>	<b>12</b>
<b>11.</b>	<b>REPORTS OF COMMITTEES .....</b>	<b>12</b>
11.1	STANDING COMMITTEE (AUDIT AND RISK) HELD 28 OCTOBER 2019.....	12
<b>12.</b>	<b>REPORTS OF ADMINISTRATION .....</b>	<b>13</b>
12.1	TENDER 12/2019 – FORSTER PARK PUMP TRACK AND PLAY SPACE FACILITY ....	14
12.2	CITY OF BELMONT SUBMISSION – CLIMATE CHANGE IN WESTERN AUSTRALIA ISSUES PAPER.....	19
12.3	FORMAL ADOPTION OF THE ANNUAL REPORT 2018-2019.....	24
12.4	LOCAL GOVERNMENT INSURANCE SCHEME 2019 SURPLUS DISTRIBUTION .....	28
12.5	AUDIT PLAN 2020 .....	32
12.6	OFFICE OF THE AUDITOR GENERAL INFORMATION SYSTEMS AUDIT REPORT .....	35
12.7	OPERATIONAL COMPARISON – DEPARTMENT OF LOCAL GOVERNMENT SPORT AND CULTURAL INDUSTRIES: REPORT OF THE INQUIRY INTO THE CITY OF MELVILLE .....	39
12.8	OPERATIONAL COMPARISON – DEPARTMENT OF LOCAL GOVERNMENT SPORT AND CULTURAL INDUSTRIES: REPORT OF THE INQUIRY INTO THE SHIRE OF PERENJORI.....	47
12.9	OPERATIONAL COMPARISON – WESTERN AUSTRALIAN AUDITOR GENERAL’S REPORT – VERIFYING EMPLOYEE IDENTITY AND CREDENTIALS.....	58
12.10	OPERATIONAL COMPARISON – WESTERN AUSTRALIAN AUDITOR GENERAL’S REPORT – LOCAL GOVERNMENT BUILDING APPROVALS .....	64
12.11	TENDER 11/2019 – COMMUNITY CENTRE AUDIO VISUAL SYSTEM.....	72
12.12	ACCOUNTS FOR PAYMENT – OCTOBER 2019 .....	76
12.13	MONTHLY ACTIVITY STATEMENT – OCTOBER 2019 .....	79
<b>13.</b>	<b>REPORTS BY THE CHIEF EXECUTIVE OFFICER.....</b>	<b>84</b>
13.1	REQUESTS FOR LEAVE OF ABSENCE .....	84
13.2	NOTICE OF MOTION (CR DAVIS) – REVIEW THE USE OF GLYPHOSATE IN THE CITY OF BELMONT.....	85
<b>14.</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....</b>	<b>88</b>
<b>15.</b>	<b>CLOSURE .....</b>	<b>88</b>

**ATTACHMENTS INDEX**

- Attachment 1 – Item 12.2 refers**
- Attachment 2 – Item 12.2 refers**
- Attachment 3 – Item 12.2 refers**
- Attachment 4 – Item 12.3 refers**
- Attachment 5 – Item 12.5 refers**
- Attachment 6 – Item 12.7 refers**
- Attachment 7 – Item 12.8 refers**
- Attachment 8 – Item 12.9 refers**
- Attachment 9 – Item 12.10 refers**
- Attachment 10 – Item 12.12 refers**
- Attachment 11 – Item 12.13 refers**

**CONFIDENTIAL ATTACHMENTS INDEX**

- Confidential Attachment 1 – Item 12.1 refers**
- Confidential Attachment 2 – Item 12.1 refers**
- Confidential Attachment 3 – Item 12.6 refers**
- Confidential Attachment 4 – Item 12.11 refers**
- Confidential Attachment 5 – Item 12.11 refers**
- Confidential Attachment 6 – Item 12.11 refers**

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

## MINUTES

### PRESENT

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

### IN ATTENDANCE

Mr R Garrett	Director Corporate and Governance
Ms J Gillan	Director Development and Communities
Mr M Ralph	A/Director Infrastructure Services
Mr J Olynyk, JP	Manager Governance
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms D Morton	A/Coordinator Marketing and Communications
Mrs J Barnes	Senior Governance Officer

### MEMBERS OF THE GALLERY

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

## 1. OFFICIAL OPENING

7.00pm The Presiding Member welcomed all those in attendance and declared the meeting open.

The Presiding Member read the Acknowledgement of Country.

*Before I begin I would like to acknowledge the traditional owners of the land on which we are meeting today, the Noongar Whadjuk people, and pay respect to Elders past, present and future leaders.*

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

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

## 2. APOLOGIES AND LEAVE OF ABSENCE

Cr L Cayoun (Leave of Absence)  
Mr J Christie (Apology)

West Ward  
Chief Executive Officer

## 3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

### 3.1 FINANCIAL INTERESTS

Nil.

### 3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

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

### 4.1 ANNOUNCEMENTS

The Presiding Member welcomed Mayor Kevin Bailey and Councillor Cate McCullough from the City of Swan.

## 4.2 DISCLAIMER

**7.02pm The Presiding Member drew the public gallery's attention to the Disclaimer.**

The Presiding Member advised the following:

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

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

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

Nil.

## 5. PUBLIC QUESTION TIME

### 5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

#### 5.1.1 Ms B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE

The following questions were taken on notice at the 29 October 2019 Ordinary Council Meeting. Ms Scharfenstein was provided with a response on 6 November 2019. The response from the City is recorded accordingly:

1. The Epsom Avenue shops streetscape has recently undergone considerable upgrade to infrastructure and landscaping – with excellent results. Did the City of Belmont initiate and undertake these upgrade works, what was the total cost of the complete upgrade and did the City receive any financial assistance or contributions to fund the upgrade and if so from what agency or agencies?

#### **Response**

**The City of Belmont initiated and undertook these works. The total civil and landscaping cost was \$579,963.00 over two years; 2018/19 and 2019/20 (no street lighting upgrades were undertaken as part of these works). The City did not receive any financial contributions from any external agencies.**

2. What is preventing the City of Belmont installing better street lighting in Belvidere Street, and in the cross streets of Keymer, Leake and Gardiner Streets? I note this matter was raised a few years ago when a City representative proffered that residents of side streets liked the darkness and didn't want better lighting, does the City still hold this view?

#### **Response**

**The City investigated the level of street lighting in Belvidere Street between Keymer Street and Leake Street in September 2019 and it was reported by the City's consulting electrical engineers, that the existing level of street lighting far exceeded the required level for road and pedestrian lighting.**

*Item 5.1.1 Continued*

**The main finding from this investigation was that even if the City designed and installed any additional street lighting, it would have no impact on improving the overall look of the street lighting as it is the shop awnings that are preventing the delivery of the already more than satisfactory lighting, to the shop fronts. If shop owners were to illuminate under their own awnings, there would be an even spread of light across the whole street removing dark or shadowy areas.**

**Current lighting levels in the side streets of Keymer Street, Leake Street and Gardiner Street are running at the Western Power standards of a street light approximately every 80m using an 80w mercury vapour luminaire. This standard has not changed within older areas of Perth where development was undertaken on a grid basis road network. As the current lighting is to standard, there is no need for the City to upgrade a State Government owned asset at its expense.**

3. Why did upgrade of Epsom Avenue street lighting take precedence over the Belvidere shopping precinct when business proprietors of Belvidere Street have for some time requested the City install better street lighting as this would assist to address the antisocial behaviour problems?

**Response**

**The recent works on Epsom Avenue did not include any changes or upgrades to the existing lighting. The original upgrade of street lighting in Epsom Avenue was as a result of the State Government redeveloping the vacant land at the eastern end of Redcliffe in conjunction with the subdivision of the Monier roof tiling factory and government school site in the mid 1990's.**

**5.1.2 MR R FOSTER, 140 COOLGARDIE AVENUE, REDCLIFFE**

The following question was taken on notice at the 29 October 2019 Ordinary Council Meeting. Mr Foster was provided with a response on 6 November 2019. The response from the City is recorded accordingly:

1. While I am impressed with the 3.1% increase in tree canopy within the City of Belmont, 331 saplings have been planted and will add to the canopy over the next 15-20 years, would someone be able to tell me where the mature trees have been planted to make up this 3.1% increase in tree canopy?

**Response**

**During the Winter 2019 Street Tree Planting Programme, the final number of trees planted was 1260 trees. Due to the size of these trees, they add very little to total canopy cover in their early years. The 3.1% increase in canopy cover comes from the existing trees in our urban forest increasing in size. This measurement is carried by an independent body called 2020 Vision.**

### **5.1.3 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE**

The following questions were taken on notice at the 29 October 2019 Ordinary Council Meeting. Ms Hollands was provided with a response on 6 November 2019. The response from the City is recorded accordingly:

1. Recently BRRAG lodged an application to be a third party in the State Administrative Tribunal matter for the Youth Centre at 49 Hardy Road. They discovered the adjacent property, which now has the Comfort Inn Motel on it, is under investigation for potential contamination from PFAS, the site previously had the Belmont Fire Station on it. When was the City of Belmont first notified by the department regarding the potential PFAS?

#### **Response**

**The City was first notified in June 2017 that the property at 47 Hardey Road, Belmont (Comfort Inn Motel) was being investigated as potentially contaminated.**

2. Is the City of Belmont going to ask for an environmental report given this or are they going to do anything such as a Form 1 Contamination Site?

#### **Response**

**As 49 Hardey Road has not been classified as a site known or suspected to be contaminated, there are no reasonable grounds to require an environmental report for the purposes of assessing the development application.**

**The responsibility lies with the polluter to report known or suspected contamination; in this case, the Department of Fire and Emergency Services (DFES) is the responsible State Government agency.**

3. Is there going to be something done about it because the Councillors have to vote if there is going to be environmental impact?

#### **Response**

**The application for 49 Hardey Road will be presented for Council to determine at the December 2019 Ordinary Council Meeting. The report will include information on environmental implications for Council to consider in making its decision.**



#### **5.1.4 Ms J GEE, 97 GABRIEL STREET, CLOVERDALE**

The following questions were taken on notice at the 29 October 2019 Ordinary Council Meeting. Ms Gee was provided with a response on 5 November 2019. The response from the City is recorded accordingly:

1. During the last election some posters, some 30 odd posters belonging to one candidate were taken away. Why was the candidate not told to remove them themselves in the first instance?

##### **Response**

**On 1 October 2019 the City received a complaint regarding the inappropriate placement of election signage on roundabouts and verges at a number of locations throughout the City. City Rangers responded to the complaint and over the next few days impounded 11 and 13 posters and signs from two candidates.**

**When City Rangers receive complaints regarding inappropriately placed posters and signs of any kind (e.g. offering commercial services and products, as well as election signs), they firstly investigate and when the sign is confirmed as being non-compliant will then impound the sign. The person or organisation responsible for the sign is then contacted and the potential issuing of infringements and return of the impounded signs is discussed.**

**This process removes the potential hazard and eliminates the need for Rangers to undertake follow up visits to ensure signs have been removed.**

2. Why was the rate payer's money wasted in this way when you could have just contacted the candidate and just asked to remove them himself, or herself?

##### **Response**

**Until City Rangers have investigated a complaint they do not know if it is legitimate or not. Once they have confirmed the offence they take immediate action and impound the sign.**

**This is efficient as it immediately removes the potential hazard, the unauthorised advertising and negates the need for follow up visits.**

3. One would like to know why it seems like one candidate was singled out more than others?

##### **Response**

**City Rangers impounded signage inappropriately erected by two candidates. A complaint about a third candidate's signs was also investigated however they were found to have been erected compliantly.**

**As such no particular candidate was singled out.**

4. BRAGG has sent a letter regarding this issue to the CEO and I was just wondering when Council intends to send its response?

##### **Response**

**A response has been issued on 5 November 2019.**

### **5.1.5 MR P HITT, 14 MCLACHLAN WAY, BELMONT**

The following question was taken on notice at the 29 October 2019 Ordinary Council Meeting. Mr Hitt was provided with a response on 6 November 2019. The response from the City is recorded accordingly:

1. Has the current CEO been interviewed by Government officials in relation to this Facebook post and what was/is the outcome?

#### **Response**

**The CEO was contacted by the Western Australian Electoral Commission by email on 08/10/19 following receipt of two complaints regarding a Facebook post 'Like' on a councillor's Facebook page during the local government election period.**

**As a result of advice provided by the CEO, the Western Australian Electoral Commission closed the matter.**

### **5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

**The Presiding Member advised that Public Question Time during Council meetings is audio recorded for minute verification purposes and requested the Senior Governance Officer to commence recording.**

**7.04pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda and on the public question form. In accordance with rule (I), the Mayor advised that he had registered one member of the public who had given prior notice to ask questions.**

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

#### **5.2.1 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE**

1. Now we can see the new building in all its glory, are you, Mr Mayor surprised at the grandiose vision it provides and is it what you expected, it doesn't seem to fit the Belmont precinct character?

#### **Response**

**The building is what the Council expected and conforms with accepted designs and the development approval, so we are going the way we thought we were going to go. The design brief for the building asked for a "state of the art facility with integrated amenities", "all in a landmark multipurpose cultural and community hub in the heart of Belmont" and that is exactly what we are getting.**

**The precinct has a range of design styles with structures dating back to the 1970s. The range of styles and characters reflects the changing nature of Belmont and shows an evolution in design maturity.**

*Item 5.2.1 Continued*

2. Is the façade a sustainable and energy saving feature of the new building or is it an Architect's attempt to win international awards at the expense of the Belmont rate payers?

**Response**

**The building design is completely integrated including the façade. The building is anticipated to have a 5 star Green Star rating. The landmark design of the building was approved by Council and the emphasis on environmental sustainability was one of the criteria Council insisted on in the design.**

**Should our Building win awards that would be a nice bonus for the City, however, it is a design for the community to:**

- **Provide the City of Belmont community with a central community and cultural hub;**
- **Increase economic activity in the area;**
- **Provide essential upgraded community facilities;**
- **Increase much needed community services to the City of Belmont population; and**
- **Strengthen partnerships between the City of Belmont and community organisations.**

**Good design and the above objectives are not mutually exclusive.**

3. Can you, Mr Mayor, confirm that Belmont City Council is the only Council in Australia that has contracted YMCA to solely run their youth programmes?

**Response**

**The Mayor advised that the question would be taken on notice.**

4. After the expense of \$750k per year on a free after school minding service for high school students providing food and activities, is there any evidence of gratitude from those who receive the service?

**Response**

**The Mayor replied that the City has ample evidence as a matter of fact. The Director Development and Communities will have the Coordinator Community Projects contact you directly to detail our successes in this area.**

**5.2.2 Ms L HOLLANDS, 2 MILLER AVE, REDCLIFFE ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP INC. (BRRAG)**

1. BRRAG have lodged a Form 1 Suspect Contamination on 49 Hardey Road. Will any steps be taken with respect to the development application in terms of the environmental impact prior to coming back to Council on 10 December?

**Response**

**The Director Development and Communities replied that that particular item would be considered by Council in December and environmental impacts of the application will be included in the report.**

*Item 5.2.2 Continued*

2. Do the Officers intend including the notification to the Councillors of the Form 1 or would it be best to ensure that they receive it by BRAGG giving it to them?

**Response**

**The Director Development and Communities advised that if the Planning Department had a copy of the notification, they would not necessarily supply a copy to the Councillors but it would be noted and included within the report.**

3. On the subject of PFAS it was noted that there is a report tonight on climate change and it suggests that underground waters and bores for gardens should be encouraged. With it being known that PFAS is in the underground water near the airport and Redcliffe area, if this is implemented would the City of Belmont be paying to have the bores regularly tested?

**Response**

**The Acting Director Infrastructure Services stated that the City currently monitors and tests those bores where there has been previous advice of possible PFAS implications. The City relies on underground water for our reserves in general; however with regard to health issues and the watering of veggie patches etc., the advice comes directly from agencies such as Department of Health and Department of Water.**

4. How often would you get the water tested?

**Response**

**The Acting Director Infrastructure Services advised that there may be a statutory level of testing required and the question would be taken on notice.**

5. How many complaints from residents have been received by the City of Belmont regarding staff, including Directors and the Chief Executive Officer, in the last two years and how many of these were known to have any substance?

**Response**

**The Mayor advised that the question would be taken on notice.**

6. At the last Council meeting, one of the members of the gallery made false statements regarding people that attended the Electors Meeting, I have been corresponding with you Mr Mayor, when will I expect a response? I refer to Melville and the inquiry.

**Response**

**The Mayor advised that the response has already been provided and that no false statements were made at the previous Ordinary Council Meeting. With regard to the Melville Inquiry, the question would be taken on notice.**

**5.2.3 Ms J GEE, 97 GABRIEL ST CLOVERDALE**

1. I like that the Ascot Kilns have been prominent in the shopping centre. Does the Council have an update as to what is happening with the kilns and that area?

**Response**

**The Mayor advised that the question would be taken on notice.**

2. The Town of Victoria Park give a statutory amount to people who put closed-circuit television (CCTV) in their own houses with view to the street with a condition that the police have access to the recordings. Would Council consider this as part of reducing crime?

**Response**

**The Mayor thanked Ms Gee for bringing this forward and advised that the City had previously looked into CCTV, but would certainly look into this again.**

3. Two years ago Cr Powell when running for election mentioned having a solution for the parking, has there been any progress on this issue?

**Response**

**The Mayor thanked Ms Gee for bringing this up and advised that all Councillors are doing well with parking and doing their best. Parking is one of those things in the City of Belmont where we have been comparatively ahead of the game.**

4. What is the Council doing, going forward, about high rise developments considering a lot of people are up in arms about what is being suggested for the Golden Gateway?

**Response**

**The Mayor advised that the question would be taken on notice.**

- 7.18pm As there were no further questions, the Presiding Member declared Public Question Time closed and requested that the Senior Governance Officer cease audio recording.**

**6. CONFIRMATION OF MINUTES/RECEIPT OF MATRIX**

**6.1 SPECIAL ELECTORS' MEETING HELD 16 SEPTEMBER 2019**

**OFFICER RECOMMENDATION**

**SEKULLA MOVED, POWELL SECONDED**

*That the Minutes of the Special Elector's Meeting held on 16 September 2019 as printed and circulated to all Councillors, be confirmed as a true and accurate record.*

**CARRIED 8 VOTES TO 0**

**6.2 SPECIAL COUNCIL MEETING HELD 21 OCTOBER 2019**

**OFFICER RECOMMENDATION**

**BASS MOVED, WOLFF SECONDED**

*That the Minutes of the Special Council Meeting held on 21 October 2019 as printed and circulated to all Councillors, be confirmed as a true and accurate record.*

**CARRIED 8 VOTES TO 0**

**6.3 ORDINARY COUNCIL MEETING HELD 29 OCTOBER 2019  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**SEKULLA MOVED, POWELL SECONDED**

*That the Minutes of the Ordinary Council Meeting held on 29 October 2019 as printed and circulated to all Councillors, be confirmed as a true and accurate record.*

**CARRIED 8 VOTES TO 0**

**6.4 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 12 NOVEMBER 2019  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**BASS MOVED, DAVIS SECONDED**

*That the Matrix for the Agenda Briefing Forum held on 12 November 2019 as printed and circulated to all Councillors, be received and noted.*

**CARRIED 8 VOTES TO 0**

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

Nil.

**8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

Nil.

**8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE**

Nil.

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

Nil.

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

Nil.

**11. REPORTS OF COMMITTEES**

**11.1 STANDING COMMITTEE (AUDIT AND RISK) HELD 28 OCTOBER 2019  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**BASS MOVED, POWELL SECONDED**

That the Minutes for the Standing Committee (Audit and Risk) meeting held on 28 October 2019 as previously circulated to all Councillors, be received and noted.

**CARRIED 8 VOTES TO 0**

**12. REPORTS OF ADMINISTRATION**

**WITHDRAWN ITEMS**

Item 12.1 was withdrawn at the request of Cr Rossi  
Item 12.2 was withdrawn at the request of Cr Davis  
Item 12.3 was withdrawn at the request of Cr Sekulla  
Item 12.4 was withdrawn at the request of Cr Davis  
Item 12.5 was withdrawn at the request of Cr Davis  
Item 12.10 was withdrawn at the request of Cr Sekulla

**DAVIS MOVED, BASS SECONDED,**

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

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



## 12.1 TENDER 12/2019 – FORSTER PARK PUMP TRACK AND PLAY SPACE FACILITY

### BUILT BELMONT

<b>Attachment No</b>	<b>Details</b>
<b>Confidential Attachment 1 – Item 12.1 refers</b>	<a href="#">Tender 12/2019 Evaluation Matrix</a>
<b>Confidential Attachment 2 – Item 12.1 refers</b>	<a href="#">Tender 12/2019 Price Schedule</a>

Voting Requirement : Simple Majority  
Subject Index : 114/2019-12  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil  
Previous Items : N/A  
Applicant : N/A  
Owner : N/A  
Responsible Division : Infrastructure Services

#### **COUNCIL ROLE**

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

#### **PURPOSE OF REPORT**

To seek Council approval to award Tender 12/2019 – Forster Park Pump Track and Play Space Facility.

#### **SUMMARY AND KEY ISSUES**

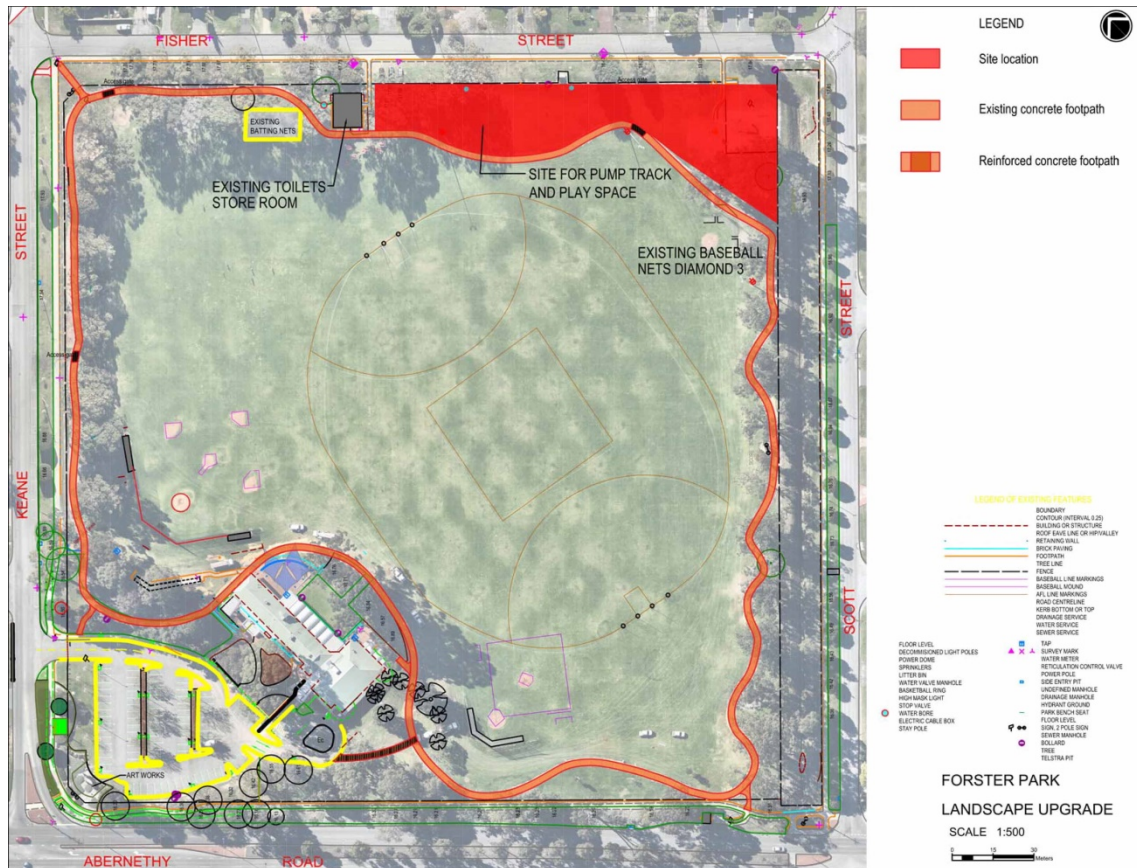
This report outlines the process undertaken to invite and evaluate the tenders received and includes a recommendation to award Tender 12/2019 to Gecko Contracting in accordance with the requirements of the *Local Government Act 1995*.

Item 12.1 Continued

The scope of works includes the design and construction of a pump track and nature-based playscape as well as soft landscaping to blend in with the existing park.

**LOCATION**

Forster Park, corner of Fisher and Scott Streets, Cloverdale.



**CONSULTATION**

Public consultation was undertaken in August 2017 to inform the final design of the Forster Park Landscape Concept Plan, of which the pump track and nature play area at the Fisher Street end was a major feature. This encompassed a letter to the Water Corporation, as well as a further 1498 letters sent to surrounding residents; in addition, 12 emails were sent to the Sporting Clubs and regular hirers of Forster Park.

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Encourage a high standard of community health and wellbeing.

**Strategy:** Identify and support initiatives that promote healthier and more active lifestyles.

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

*Item 12.1 Continued*

**Strategy:** Activate public spaces as a means to improving community spirit and sense of belonging.

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

**Objective:** Maintain Public Infrastructure in accordance with sound Asset Management practices

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

### **POLICY IMPLICATIONS**

BEXB28–Purchasing

#### **POLICY OBJECTIVE**

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

### **STATUTORY ENVIRONMENT**

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

### **BACKGROUND**

An invitation to tender for the design and construction of Forster Park Pump Track and Play Space Facility was advertised in the West Australian on Saturday, 7 September 2019, closing on Tuesday, 8 October 2019 at 2pm.

The tender documents from the City's eTendering portal were downloaded by 45 prospective tenderers, and four responses were received from:

- Common Ground Trails Pty Ltd
- CONVIC Pty Ltd
- LD Total
- Gecko Contracting Turf & Landscape Maintenance (Gecko Contracting)

### **OFFICER COMMENT**

The Evaluation Panel consisted of Manager Parks and Environment, Manager City Projects and Coordinator Parks. Each panel member has signed a Declaration of Confidentiality & Impartiality Form confirming that they have no known conflict of interest to disclose.

*Item 12.1 Continued*

The responses received were assessed on the same selection criteria included with the invitation to tender, being:

	<b>CRITERIA</b>	<b>WEIGHTING</b>
1	Company Profile	10%
2	Experience	25%
3	Company Capacity	25%
4	Methodology	30%
5	Safety	10%
6	Price	Unweighted
	<b>TOTAL</b>	<b>100%</b>

Gecko Contracting tendered a submission as head contractor and included specialised sub-contractors that in combination made an experienced consortium of design, construction and project management suitable to a design and construct approach.

This project has three key elements being pump track design and construction, nature play design and construction and landscape integration and installation. The Gecko Contracting submission offered experienced pump track design and installation from Three Chillies Design, experienced nature play design and landscape design from Ecoscape Australia Pty Ltd and overall project management and landscape installation from Gecko Contracting.

Gecko Contracting demonstrated sufficient experience, capacity and company profile relevant to the scope of work and a methodology that demonstrated their knowledge and experience of design and construct projects.

[Confidential Attachment 1](#) – Evaluation Matrix outlines the scores awarded by the Evaluation Panel and identifies Gecko Contracting as the recommended supplier.

### **FINANCIAL IMPLICATIONS**

The City's current 2019-2020 financial year's budget for capital works specifically for this project is \$420,000.

The tender specifications stipulated that the City's budget for the complete design and construction of the pump track and play space, including all fees, licenses and the like is \$350,000 exclusive of GST. This was to assist tenderers in understanding the City's requirements and also provided the City a suitable project contingency within the budget allocation. [Confidential Attachment 2](#) – Price Schedule shows that all tenders submitted were within the specified budget.

### **ENVIRONMENTAL IMPLICATIONS**

The successful contractor will be required to submit an Acid Sulfate Soils Self-Assessment Form to the City of Belmont and, if required, an Acid Sulfate Soils Investigation Report and an Acid Sulfate Soils Management Plan and/or a Dewatering Management Plan to the Department Of Water and Environmental Regulation.

*Item 12.1 Continued*

**SOCIAL IMPLICATIONS**

The proposal supports the City of Belmont's community health and wellbeing objectives by providing facilities that encourage a more active lifestyle.

**OFFICER RECOMMENDATION**

**ROSSI MOVED, WOLFF SECONDED**

*That Council:*

1. ***Accepts the response submitted by Gecko Contracting Turf & Landscape Maintenance for Tender 12/2019 – Forster Pump Track and Play Space Facility as specified for the lump sum of \$350,000 excluding GST as the most advantageous; and***
2. ***Awards the contract to Gecko Contracting Turf & Landscape Maintenance.***

**CARRIED 8 VOTES TO 0**

**12.2 CITY OF BELMONT SUBMISSION – CLIMATE CHANGE IN WESTERN AUSTRALIA ISSUES PAPER**

**NATURAL BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 1 – Item 12.2 refers	<a href="#">Climate Change in Western Australia Issues Paper</a>
Attachment 2 – Item 12.2 refers	<a href="#">Draft City of Belmont Submission - Climate Change in Western Australia Issues Paper</a>
Attachment 3 – Item 12.2 refers	<a href="#">WALGA Local Government Climate Change Declaration</a>

Voting Requirement : Simple Majority  
Subject Index : File Reference and Title Reference  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil  
Previous Items : Ordinary Council Meeting 20/12/2011 - Item 12.9 - Local Government Climate Change Declaration  
Applicant : N/A  
Owner : N/A  
Responsible Division : Infrastructure Services

**COUNCIL ROLE**

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

*Item 12.2 Continued*

## **PURPOSE OF REPORT**

To seek Council endorsement of a submission on the Western Australian Government's Climate Change in Western Australia Issues Paper.

## **SUMMARY AND KEY ISSUES**

- The Western Australian Government has released a 'Climate Change in Western Australia Issues Paper' ([Attachment 1](#)) outlining the key issues facing Western Australia in the transition to a resilient, low-carbon economy.
- Feedback on the Issues Paper will inform the State Government's development of its Climate Change Policy, which will be released in early 2020.
- A draft City of Belmont submission has been prepared incorporating feedback from a range of internal Departments, responding to questions asked in the Issues Paper.
- Submissions on the Issues Paper close on 29 November 2019 and are to be entered online.

## **LOCATION**

Not applicable.

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Ensure future resilience to a changing climate

**Strategy:** Plan for the predicted impacts of a changing climate to "future proof" City operations

**Corporate Key Action:** 217 Manage and review "Climate Change" risks to City operations

## **POLICY IMPLICATIONS**

The City of Belmont Environment and Sustainability Policy (Council Policy NB3) includes the following commitments of relevance:

- IV. Efficient use of energy, water, paper and other resources, reducing waste generated and implementing renewable energy technologies to minimise the City's corporate carbon footprint.
- VI Planning for and implementing measures to 'future proof' City operations against the predicted impacts of climate change.

*Item 12.2 Continued*

## **STATUTORY ENVIRONMENT**

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

## **BACKGROUND**

The Western Australian Government has released a Climate Change in Western Australia Issues Paper (refer [Attachment 1](#)), outlining the key issues facing Western Australia in the transition to a resilient, low-carbon economy and is seeking the views of the community and key stakeholders, including Local Government, about how to best address the risks and seize the opportunities that climate change poses.

Feedback on the Issues Paper will inform the State Government's development of its Climate Change Policy, which will be released in early 2020.

Submissions can include responses to a series of questions asked in the Issues Paper relating to:

- Transforming energy generation
- Industry innovation
- Future mobility
- Regional prosperity
- Waste reduction
- Safe and healthy communities
- Water security
- Liveable towns and cities
- Resilient infrastructure and businesses
- Protecting biodiversity
- Strengthening adaptive capacity

Additional feedback can be provided and is not limited to the questions asked. A 500 word limit applies to the response to each question, and responses (or parts thereof) can be requested to be kept confidential and excluded from publication.

The City's Coordinator Environment attended a Local Government consultation session on 23 October 2019, to which Councillors were invited to attend. This involved group identification of key issues for local government related to each theme, and actions to address them.

A draft submission on the Issues Paper has been prepared with input from a range of internal Departments ([Attachment 2](#)).

## **OFFICER COMMENT**

Human-induced climate change is recognised as a key environmental issue facing the City of Belmont now and into the future, with Council a signatory to the WALGA Local Government Climate Change Declaration [Attachment 3](#). Scientific modelling indicates that the south west of Western Australia, including the City of Belmont will continue to be hard hit by forecast reductions in rainfall, increased temperatures and further reductions in surface and groundwater resources.



*Item 12.2 Continued*

The City of Belmont is currently involved in the following activities and projects to progress toward achieving our climate change adaptation objectives:

- Identify, evaluate and mitigate risks of climate change through the City's risk management framework.
- Keep informed of new information on climate change research, modelling and predictions through the WALGA Sustainability Officers Network Group.
- Review climate change risks in the City's Risk Management and Safety System (RMSS) annually, considering updated science on future climate projections.
- The City's Executive Leadership Team to review all climate change risks with a "high" or "extreme" residual risk rating to determine tolerability.
- Participate in the EMRC's "Understanding and Managing Flood Risk in Perth's Eastern Region" project Stage 4: Flood Intelligence and Adaptation Planning.

Additional actions are also implemented through the Resource Use, Waste and Greenhouse Gas Emissions chapter of the City of Belmont Environment and Sustainability Strategy 2016-2021, to achieve the Strategic Community Plan Natural Belmont Objective to: *'enhance the City's environmental sustainability through the efficient use of natural resources and minimise the City's carbon footprint'*.

Providing a submission on the Issues Paper is consistent with Natural Belmont objectives of the Strategic Community Plan, and will demonstrate the City's commitment to emissions reduction and ensuring future resilience to a changing climate.

In addition, it will also communicate the City's insights and suggestions for consideration in formulation of the Western Australian Government's Climate Change Policy.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

The City's draft submission addresses the following topics of the Issues Paper that aim to improve environmental outcomes:

- Industry innovation
- Future mobility
- Waste reduction
- Water security
- Protecting biodiversity

### **SOCIAL IMPLICATIONS**

The City's draft submission addresses the following topics of the Issues Paper that aim to improve social outcomes:

- Safe and healthy communities
- Liveable towns and cities
- Resilient infrastructure and businesses
- Strengthening adaptive capacity

*Item 12.2 Continued*

**OFFICER RECOMMENDATION**

That Council endorse the City of Belmont submission on the Western Australian Government's Climate Change in Western Australia Issues Paper, as presented in [Attachment 2](#).

**Note: Cr Davis put forward the following Alternative Councillor Motion.**

**ALTERNATIVE COUNCILLOR MOTION**

**DAVIS MOVED, BASS SECONDED**

***That Council endorse the City of Belmont submission on the Western Australian Government's Climate Change in Western Australia Issues Paper, as presented in [Attachment 2](#) with unaddressed questions to be addressed by Officers by 29 November 2019.***

**CARRIED 8 VOTES TO 0**

**Reason:**

The City of Belmont's submission appeared incomplete as a number of questions had no response proposed. Officers should include responses to these questions prior to submission to WALGA by 29 November 2019.

**12.3 FORMAL ADOPTION OF THE ANNUAL REPORT 2018-2019**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 4 – Item 12.3 refers</b>	<a href="#"><b>City of Belmont Annual Report 2018-2019</b></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To adopt the City of Belmont Annual Report for 2018-2019.

**SUMMARY AND KEY ISSUES**

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

*Item 12.3 Continued*

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

There is no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

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

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

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

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

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

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

### **BACKGROUND**

The local government is required to prepare, adopt and advertise its Annual Report, prior to the Elector's Meeting. The Annual General Meeting of Electors is scheduled to take place at 7.00pm on Wednesday, 11 December 2019.

*Item 12.3 Continued*

### **OFFICER COMMENT**

The Annual Report contains:

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

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

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

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

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

### **FINANCIAL IMPLICATIONS**

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

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

*Item 12.3 Continued*

**OFFICER RECOMMENDATION**

That:

1. Council accept the 2018-2019 Annual Report, including the Annual Financial Report and Independent Auditors Report, as included in Attachment 4.
2. The availability of the Annual Report is advertised in accordance with Section 5.55 of the *Local Government Act 1995*.
3. The Annual Report be available for distribution to members of the public at the Annual Meeting of Electors on Wednesday, 11 December 2019 and a copy be available for inspection by the public as soon as practicable after this meeting.

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

**AMENDED OFFICER RECOMMENDATION**

**SEKULLA MOVED, POWELL SECONDED**

That:

1. ***Council accept the 2018-2019 Annual Report, including the Annual Financial Report and Independent Auditors Report, as included in amended Attachment 4.***
2. ***The availability of the Annual Report is advertised in accordance with Section 5.55 of the Local Government Act 1995.***
3. ***The Annual Report be available for distribution to members of the public at the Annual Meeting of Electors on Wednesday, 11 December 2019 and a copy be available for inspection by the public as soon as practicable after this meeting.***

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

## 12.4 LOCAL GOVERNMENT INSURANCE SCHEME 2019 SURPLUS DISTRIBUTION

### BUSINESS EXCELLENCE BELMONT

#### ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority			
Subject Index	:	62/002 Insurance Cover Arrangements	–	Administrative	
Location/Property Index	:	N/A			
Application Index	:	N/A			
Disclosure of any Interest	:	Nil			
Previous Items	:	N/A			
Applicant	:	N/A			
Owner	:	N/A			
Responsible Division	:	Corporate and Governance			

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

For Council to consider and determine how the Local Government Insurance Services (LGIS) surplus distribution is to be applied.

#### SUMMARY AND KEY ISSUES

The LGIS 2018-2019 results have been finalised and a surplus distribution is available to Member Local Governments. The City of Belmont's share of the surplus is \$78,294.

*Item 12.4 Continued*

The Western Australian Local Government Association (WALGA) have notified the City that the following options are available for Council to consider and determine how the surplus distribution is to be received:

1. As an immediate refund via Electronic Fund Transfer (EFT);
2. Opt for LGIS to retain the funds to offset the City's contribution for the following year;  
or
3. For LGIS to hold the amounts in trust for risk mitigation activities.

**LOCATION**

Not applicable.

**CONSULTATION**

The City's LGIS Account Manager – Member Services, has been consulted.

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

**STATUTORY ENVIRONMENT**

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

**BACKGROUND**

LGIS is a WALGA service. Partnered with Jardine Lloyd Thompson (JLT), one of the world's leading providers of insurance, reinsurance and employee benefits, related advice, brokerage and associated services, LGIS manage a suite of insurance, health and risk management services for Local Government across Western Australia. LGIS provide assistance with OSH, injury prevention, injury management, health assessments, stress and organisational wellbeing, workplace training, business continuity, employee benefits and general risk management.



*Item 12.4 Continued*

LGIS is governed by a sub-board to WALGA State Council. WALGA State Council is the decision making representative body of all Member Councils, who are responsible for sector-wide policy making and strategic planning on behalf of Local Government.

It was the decision of the LGIS board (16 May 2019), endorsed by State Council (3 July 2019), that each participating Local Government decide on how they wished to apply their surplus share by determination of Council to ensure that all Elected Members were involved in the process.

The requirement for a Council resolution is a newly introduced process; determination of the process for surplus allocation within the City's accounts in previous years has been carried out administratively by the Chief Executive Officer in consultation with relevant Officers and included in the budget accordingly. ...

The City's surplus for 2017-2018 was \$53,227 and was provided as two credit notes and applied against insurance costs.

### **OFFICER COMMENT**

Following the LGIS Board decision and subsequent endorsement by WALGA's State Council requiring a Council resolution on how the City wishes to apply the surplus share, WALGA have notified that the following options are available for Council to consider and determine how the surplus distribution is to be received:

1. As an immediate refund via Electronic Fund Transfer (EFT);
2. Opt for LGIS to retain the funds to offset the City's contribution for the following year;  
or
3. For LGIS to hold the amounts in trust for risk mitigation activities.

Funds received could be assigned to the Workers Compensation / Insurance Reserve which is available to fund fluctuations in future insurance costs.

The balance of the Workers Compensation / Insurance Reserve as at 31 October 2019 is \$1,575,283.

The City's LGIS Account Manager, has advised that some Councils have resolved to authorise their Chief Executive Officer (CEO) to determine how surplus distribution is applied, whilst others have specifically resolved to allocate surplus funds to reserve accounts or for LGIS to retain the funds and apply them to offset future premium contributions. As this is a new process requested by WALGA, and in its early stages, there is no evident trend of how other local governments are dealing with this matter. As the CEO has carriage of the operational activities of the organisation, Officers consider authorisation of the CEO to be an appropriate and effective method for Council to approach the matter.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

*Item 12.4 Continued*

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

That Council authorise the Chief Executive Officer to determine how the 2018-2019 and any future LGIS surplus distributions are applied.

**Note: Cr Davis put forward the following Alternative Councillor Motion.**

**ALTERNATIVE COUNCILLOR MOTION**

**DAVIS MOVED, BASS SECONDED**

That Council receive the LGIS surplus distribution as an immediate refund via Electronic Fund Transfer.

**LOST 3 VOTES TO 5**

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

Reason: That the funds are better placed with the City rather than being held by LGIS.

**Note: Cr Wolff Foreshadowed the Officer Recommendation.**

**FORESHADOWED OFFICER RECOMMENDATION**

**WOLFF MOVED, POWELL SECONDED**

***That Council authorise the Chief Executive Officer to determine how the 2018-2019 and any future LGIS surplus distributions are applied.***

**CARRIED 5 VOTES TO 3**

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

## 12.5 AUDIT PLAN 2020

### BUSINESS EXCELLENCE BELMONT

#### ATTACHMENT DETAILS

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 5 – Item 12.5 refers</b>	<a href="#"><b>Proposed Audit Plan - 2020</b></a>

Voting Requirement	:	Simple Majority
Subject Index	:	19/003 Audit and Risk Committee
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 20 November 2018
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

To seek Council endorsement of the City's 2020 Audit Plan (refer [Attachment 5](#)).

*Item 12.5 Continued*

## **SUMMARY AND KEY ISSUES**

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

The City has developed a coordinated approach to these audit activities, managed year to year by an Audit Plan. This report is for Council endorsement of the Audit Plan for the forthcoming year – 2020.

## **LOCATION**

Not applicable.

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Apply sound and sustainable business management principles.

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

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

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

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

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

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires that a compliance audit for the period 1 January to 31 December is completed each year in a form approved by the Minister.

Under the International Standard of ISO 9001:2015 Quality Management Systems, the City is required to conduct an annual program of internal and external audits to maintain certification of the ISO Standards.

*Item 12.5 Continued*

## **BACKGROUND**

The 2020 Audit Plan was endorsed by the Standing Committee (Audit and Risk) at its meeting on 28 October 2019 prior to consideration by Council.

## **OFFICER COMMENT**

The 2020 Audit Plan is based on:

- Internal control and legislative compliance.
- Statutory audit requirements.
- The Integrated Management System (IMS) Audits approach of integrating the Quality, Environment and Occupational Health & Safety management systems with other initiatives implemented by the City (such as Risk, Compliance and Records Management).
- The need to support the City's chosen governance approach.
- The requirement to provide a comprehensive solution that can be undertaken with existing resources.

There are a number of focus audits that any area of the City can potentially be subject to each year, these could be conducted as internal audits, operational comparison reports, or by external third parties, the Department of Local Government, Sport and Cultural Industries, the Corruption and Crime Commission, Public Sector Commission or the Western Australian Auditor General.

As these audits are carried out as required, they are not identified on the Audit Plan. An outline of the actual audits undertaken in 2019 will be reported to the February 2020 Standing Committee (Audit and Risk).

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

## **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

## **COMMITTEE RECOMMENDATION**

### **DAVIS MOVED, ROSSI SECONDED**

*That Council endorse the City of Belmont 2020 Audit Plan as outlined in [Attachment 5](#).*

**CARRIED 8 VOTES TO 0**

**12.6 OFFICE OF THE AUDITOR GENERAL INFORMATION SYSTEMS AUDIT REPORT**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b><u>Confidential Attachment 3 – Item 12.6 refers</u></b>	<b><u><a href="#">Information Systems Audit - Interim Audit Results Report</a></u></b>

Voting Requirement : Simple Majority  
Subject Index : 19/005  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil  
Previous Items : N/A  
Applicant : N/A  
Owner : N/A  
Responsible Division : Corporate and Governance

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

This report provides Council feedback from the City's auditors as a result of their information systems audit conducted in June 2019.

*Item 12.6 Continued*

## **SUMMARY AND KEY ISSUES**

The information system audit was performed by the Office of the Auditor General (OAG) to obtain an understanding of the key business processes, risks and internal controls relevant to the audit of the annual financial report. The Information Systems Audit supports the Interim Financial Audit that was presented to the Standing Committee (Audit & Risk) on 22 July 2019 and is a key factor in the audit of the Annual Financial Report.

Results of the OAG Interim Audit can be found in [Confidential Attachment 3](#).

## **LOCATION**

Not applicable.

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY ENVIRONMENT**

Section 7.2 of the *Local Government Act 1995* requires that “the accounts and Annual Financial Report of a local government for each financial year are audited by an auditor appointed by the local government.”

Section 7.3 of the *Local Government Act 1995* only allows for the appointment of an auditor by the local government if the appointment occurs by the commencement date being the day on which the *Local Government Amendment (Auditing) Act 2018* section 10 came into operation.

*Item 12.6 Continued*

## **BACKGROUND**

During May and June 2019, the OAG undertook an information systems audit for the purposes of assessing the key business processes, risks and internal controls and compliance aspects of the City's operations of the information systems. This provides the auditors with an indication of the extent to which they can rely on the City's systems and controls in determining the risks, internal controls and compliances of the City's Annual Financial Report as at 30 June of the year in question.

## **OFFICER COMMENT**

The Information Systems Audit Management Letter from the OAG, dated 5 August 2019 (refers [Confidential Attachment 3](#)) details findings identified during the audit including a Management response to each item. The table below summarises these findings.

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
<b>Findings identified during this audit</b>			
1. Password Controls for Key IT Systems		✓	
2. Database Security		✓	
3. Technical Vulnerability Management		✓	
4. Change Management		✓	
5. Server Room Management		✓	
6. Unauthorised Devices Management		✓	
7. Information Security Governance			✓
8. ICT Vendor Performance Monitoring			✓
9. User Access Management			✓

**Significant** - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.

**Moderate** - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.

**Minor** - Those findings that are not of primary concern but still warrant action being taken.

The management responses to details findings identified during the audit are included in the attached confidential report. The report is confidential as public exposure may compromise security of the City's information systems. The actions to all the findings would be completed by 30 June 2020.



*Item 12.6 Continued*

The results of the Information System Interim Audit Report were noted by the Standing Committee (Audit and Risk) at the meeting held on 28 October 2019.

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**COMMITTEE RECOMMENDATION**

*That Council note the results of the Information System Interim Audit Report for the year ending 30 June 2019 as detailed in [Confidential Attachment 3](#).*

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

**12.7 OPERATIONAL COMPARISON – DEPARTMENT OF LOCAL GOVERNMENT SPORT AND CULTURAL INDUSTRIES: REPORT OF THE INQUIRY INTO THE CITY OF MELVILLE**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 6 – Item 12.7 refers</b>	<a href="#"><b>Report of the Inquiry into the City of Melville</b></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

This report presents an assessment of the City of Belmont's operations in comparison with findings from the recent Authorised Inquiry of the Department of Local Government, Sport and Cultural Industries (DLGSCI) into the City of Melville.

The report seeks the Council to endorse this report and receive the DLGSCI's *Report of the Inquiry into the City of Melville* (the Inquiry Report) ([Attachment 6](#)).

The outcomes of this comparison are used to provide for further strategic planning and operational improvements.

*Item 12.7 Continued*

### **SUMMARY AND KEY ISSUES**

The operational comparison has reinforced the need to be vigilant and proactive in matters regarding how the City and Council interact with members of the public.

The City of Melville Inquiry Report demonstrates the need for awareness of Elected Members and administration staff of their responsibilities in relation to the Code of Conduct, statutory requirements and adherence with written policies.

It also highlights the requirement for local government to be professional, open, transparent and consistent in its dealings with the public and to communicate changes to policies or processes effectively to affected parties.

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

**Strategy:** Ensure decision making is supported by effective information and knowledge management.

### **POLICY IMPLICATIONS**

The following City policies refer to matters raised within the Report

BEXB3 Correspondence from members of the public

BEXB27 Financial Management Major Land Transactions

BEXB32 Decision Making Policy

### **STATUTORY ENVIRONMENT**

The Inquiry Report covers numerous sections of the *Local Government Act 1995*, local laws and associated regulations. The Inquiry Report includes comprehensive extracts of the key sections of legislation (refer section 2 Statutory Framework of the Inquiry Report ([Attachment 6](#))).

In summary, the key elements of this comparison report are governed by the following legislation:

*Item 12.7 Continued*

**Local Government Act 1995**

- *S2.7 Role of Council*
- *S2.8 Role of mayor or president*
- *S2.10 Role of Councillors*
- *S5.41 Functions of CEO*
- *S3.59 Commercial enterprises by local governments*
- *S5.94 Public can inspect certain local government information*
- *S5.95 Limits on right to inspect local government information*
- *S5.96 Copies of information to be available*
- *S5.24 Question time for public*

**Local Government (Administration) Regulations 1996**

- *5 Question time for public, meetings that require prescribed (Acts5.24)*
- *6. Question time for public, minimum time for (Act s5.24(2))*
- *7. Question time for public, procedure for (Act s5.24(2))*

Extracts of the relevant legislation are included in the section of the Inquiry Report 'Statutory framework'.

**City of Belmont Standing Orders Local Law 2017**

6.2 Other Procedures for Question Time for the Public

- (1) *A member of the public who wishes to ask a question during question time is to –*
  - (a) *first state his or her name and address;*
  - (b) *direct the question to the Presiding Member;*
  - (c) *ask the question as briefly and concisely as possible;*
  - (d) *limit any preamble to matters directly relevant to the question;*
  - (e) *ensure that the question is not accompanied by any argument, expression of opinion, statement of fact or other comment, except insofar as it may be necessary to explain the question; and*
  - (f) *where possible provide a written copy of the question prior to question time.*
- (2) *Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.*
- (3) *A member of the public is to have up to 2 minutes to ask his or her question or questions.*
- (4) *A member of the public may give written prior notice to the CEO of the text or substance of the question that he or she wishes to ask at a meeting.*
- (5) *Unless the Presiding Member determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.*
- (6) *Where a member of the public gives written notice of a question, the Presiding Member may determine that the question is to be responded to as normal business correspondence.*

*Item 12.7 Continued*

- (7) *A question may be taken on notice by the Council for later response.*
- (8) *When a question is taken on notice, the CEO is to ensure that –*
  - (a) *a written response is given to the person who asked the question; and*
  - (b) *a summary of the response is included in the agenda of the next meeting of the Council.*
- (9) *Where a question relating to a matter in which a person has an interest is directed to that person, that person is to –*
  - (a) *declare that he or she has an interest in the matter; and*
  - (b) *allow another person to respond to the question.*
- (10) *The Presiding Member may decide that a question is not to be responded to where –*
  - (c) *the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;*
  - (d) *it is in the form of a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to rephrase the statement as a question; or*  
*the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.*
- (11) *The Council, by resolution, may agree to extend public question time.*
- (12) *Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.*
- (13) *Where a question is not provided in writing council minutes will only reflect a precis of what the Presiding Member understands the question to be.*

*[Section 6.2 amended in Gazette 20 March 2018 p.993.]*

## **BACKGROUND**

To stay abreast of industry best practices, it has been standard protocol for the City of Belmont (the City) to conduct internal audits and comparison reports in response to inquiries or audits that may be relevant to the organisation. The reports have been issued by the Department of Local Government, Sport and Cultural Industries, the Corruption and Crime Commission, Public Sector Commission and the Western Australian Auditor General.

In November 2017 the Director General of DLGSCI authorised an inquiry under section 8.3(2) of the *Local Government Act 1995* into aspects of the City of Melville. The findings from the Inquiry are outlined within the DLGSCI's *Report of the Inquiry into the City of Melville* which was released in June 2019 ([Attachment 6](#)).

## **OFFICER COMMENT**

This comparison report represents an assessment of the practices at the City of Belmont against the findings from the Departmental Inquiry as outlined in the *Report of the Inquiry into the City of Melville* which was released in June 2019 ([Attachment 6](#)).

The methodology used to determine the City's rating against the findings raised was through completion of a review of the City's documented policies and procedures by

*Item 12.7 Continued*

Compliance officers and verification of the following of these documented processes. Random sampling of Council Minutes and documentation contained within the City's record keeping system was undertaken.

The areas of comparison are in line with the Terms of reference of the Inquiry:

- the Management of Public Question Time
- provision of access to information to the public
- complaints management policies and processes
- land acquisition.

The Officers believe that the responses presented are an accurate indication of the City's current practices.

The City of Belmont responses and assessment scores have been compiled as a result of the internal review, reflecting consideration of the findings of the Inquiry Report.

While it is recommended that priority be given to areas scoring below 4, it is considered equally important to consider all matters contained within the report and also address

those scoring a 5 to scope for potential opportunities for improvement and prevent complacency.

<b>Score</b>	<b>Assessment Criterion</b>
5	Fully complies with DLGSCI expectations
4	Mostly complies with DLGSCI expectations – good process in place
3	Partially complies with DLGSCI expectations – reasonable process in place
2	Some compliance with DLGSCI expectations – requires review of process
1	Does not comply with DLGSCI expectations

## **1 Issues arising from the Inquiry Report**

The City of Belmont's current practices were audited against the findings of the Inquiry Panel.

### **1.1. Public Question Time**

The Inquiry looked at the adequacy of the City of Melville's policies and procedures relating to Question Time. It was found that the City's Policy CP-014 relating to Question Time at Committee and Council Meetings was not readily understandable by members of the public, Council and the City.

The timeframe for the Inquiry investigation was from 2015. It was found that the City of Melville's 2003 Standing Orders did not address procedures for question time. This was rectified with the commencement of the City of Melville's Meeting Procedures Local Law 2017 which provided more guidance relating to question time.

The Inquiry also found that as a result of the increased numbers of questions submitted to Council, the City of Melville obtained legal advice and instigated a change in the management of submitted public questions for Council meetings, with a determination

*Item 12.7 Continued*

being made prior to the Council meeting as to whether the question was to Council or administrative in nature. If it was administrative, the question, although answered, did not appear in the relevant Council meeting minutes.

The City of Melville did not update its policy, website or work instructions relating to the change of practice and it was found that the response to the issue when raised directly by a community member was insufficient. The Inquiry also found that the City of Melville was not open and transparent as to the management of Question Time by failing to advise the community of a change to the policy.

The City of Belmont does not have a policy in relation to Public Question Time. The management of public question time is governed by the City of Belmont's *Standing Orders Local Law 2017* (the Standing Orders) and its Rules of Public Question Time which clearly outlines the requirements for public meeting participation. The City also follows the Departmental Operational Guideline '*Managing Public Question Time*' in conjunction with the Standing Orders during meetings.

The Standing Orders are summarised in common language as the Rules of Question Time on the Public Question Time form used by the public wishing to ask a question at a Council meeting. Information is also available on the City's website. Council Policy BEXB3 - Correspondence from Members of the Public provides guidance to the public on how certain types of correspondence shall be dealt with.

As part of the verification process, random sampling of Council minutes was undertaken. It was found that the minutes of Ordinary Council Meetings at Item 5.2 contain reference to the rules of Public Question Time as written in the Agenda. Subsequent referral to the Agenda found no reference to the rules. Further checking found that the last time the Agenda contained the rules was in May 2008. This is being corrected for future meetings.

It was also found that the FAQ section of the website incorrectly stated that no recording of meetings took place. This has since been updated to reflect that public question time is recorded in line with Policy BEXB45 that was endorsed by Council in October 2018. Although the assessment of this area has been scored as a '4' the improvements have already been implemented.

Overall Assessment	4
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## **1.2 Provision of access to information by the Public**

Under the *Local Government Act 1995* (the Act) the City is required to provide access to the public to a number of documents. Since the publication of the Inquiry Report s.5.94 of the Act has been amended. The amendments require the City to make available on the website a number of publications that previously only had to be made available in hardcopy. The City has been proactive in this area and already provides a number of these publications on the website such as the Disclosure of Interests Register, Elected Member Functions and Events Attendance even though there was previously no statutory requirement.

Following the amendments to the Act some information that was previously able to be viewed by the public, is no longer required to be provided.

The City is in the process of updating the information and quality of maps available on the website.

Overall Assessment	4
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*Item 12.7 Continued*

### 1.3 Complaints Management Process

The Inquiry found that although the City of Melville had adequate frameworks in place for managing complaints it was found that Officers need to be mindful of treating all complaints in a professional manner abiding by process regardless of who the complainant is. The Inquiry Report recommends a more robust complaints handling policy including the different avenues a person could take if they are unsatisfied with the Local Governments response.

The City of Belmont has a detailed Customer Complaint Management Procedure which is currently under review as part of normal business practice. Complaints must be acknowledged by the City within 5 days and managed in line with the organisational procedure. Complaints are monitored by the Business Improvement Team external to the relevant Business Unit to ensure that approved processes are followed consistently and professionally. The City provides information through the website and hardcopy on avenues of review of decisions for customers.

<b>Overall Assessment</b>	<b>4</b>
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### 1.4 Land Acquisition

The CEO currently has delegated authority from Council to acquire and dispose of real property on behalf of the City up to the value of \$1,000,000, provided that the property has been identified in the budget process.

A review of the City's records show that acquisition of land has been undertaken with Council approval. Acquisition of property is in the main reactionary in nature as it is dependent on the property becoming available and has been well below the statutory prescribed amount constituting a major land transaction. Some instances have occurred where the Offer and Acceptance has been signed prior to Council approval being given (eg: 232 Fulham Street and 117 Epsom Avenue) as a budget amendment was required. In these instances the offer was conditional on Council approval being given and deposits not being paid until Council had approved the transaction.

<b>Overall Assessment</b>	<b>5</b>
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## 2 Conclusion

Of the areas identified through the Reports, the City of Belmont complies or has substantial compliance with all of the findings. This is being assessed using the compliance rate adopted.

Score	Number Assessed at
5	1
4	3
3	0
2	0
1	0
<b>Total</b>	<b>4</b>

Several areas of the Inquiry Report are based on how Council interact with the public and are key to the way Council is perceived to be open, transparent and accountable to the public. It is recommended that Council consider all the areas as an opportunity for improvement and that the actions noted are currently in hand and being dealt with by relevant process owners.



*Item 12.7 Continued*

The Standing Committee (Audit and Risk) considered the findings of the comparison report at its meeting held on 28 October 2019.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **COMMITTEE RECOMMENDATION**

*That Council:*

1. *Receive the report from the Department of Local Government Sporting and Cultural Industries 'Report of the Inquiry into the City of Melville' ([Attachment 6](#))*
2. *Forward a copy of the 'Operational Comparison – Department of Local Government, Sport and Cultural Industries: Report of the Inquiry into the City of Melville' to the Minister for Local Government.*

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

**12.8 OPERATIONAL COMPARISON – DEPARTMENT OF LOCAL GOVERNMENT SPORT AND CULTURAL INDUSTRIES: REPORT OF THE INQUIRY INTO THE SHIRE OF PERENJORI**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 7 – Item 12.8 refers	<a href="#"><u>Report of the Inquiry into the Shire of Perenjori</u></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

This report presents an assessment of the City of Belmont's (the City's) operations in comparison with findings from the recent authorised Inquiry of the Department of Local Government, Sport and Cultural Industries (DLGSCI) into the Shire of Perenjori.

The report seeks Council's endorsement of the report and for Council to receive the DLGSCI's *Report of the Inquiry into the Shire of Perenjori* (the Inquiry Report) ([Attachment 7](#)).

The outcomes of this comparison are used to provide for further strategic planning and operational improvements.

*Item 12.8 Continued*

### **SUMMARY AND KEY ISSUES**

The operational comparison has reinforced the need to be vigilant and proactive in matters regarding tendering and procurement functions.

The findings also demonstrate the need for awareness of Elected Members and administration staff toward their responsibilities in relation to the Code of Conduct, statutory requirements and compliance with written policies.

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Achieve excellence in the management and operation of the Local Government.

**Strategy:** Ensure decision making is supported by effective information and knowledge management.

### **POLICY IMPLICATIONS**

BEXB28 Purchasing

#### **POLICY OBJECTIVE**

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

*Item 12.8 Continued*

## **STATUTORY ENVIRONMENT**

The key elements of this comparison report are governed by the following legislation:

The *Local Government Act 1995* –

### **2.7 Role of Council**

- (1) *The Council –*
  - (a) *governs the Local Government's affairs; and*
  - (b) *is responsible for the performance of the Local Government's functions.*
- (2) *Without limiting subsection (1), the Council is to –*
  - (a) *oversee the allocation of the Local Government's finances and resources; and*
  - (b) *determine the Local Government's policies.*

### **2.8. Role of Mayor or President**

- (1) *The Mayor or President –*
  - (a) *presides at meetings in accordance with this Act; and*
  - (b) *provides leadership and guidance to the community in the district; and*
  - (c) *carries out civic and ceremonial duties on behalf of the Local Government; and*
  - (d) *speaks on behalf of the Local Government; and*
  - (e) *performs such other functions as are given to the Mayor or President by this Act or any other written law; and*
  - (f) *liaises with the CEO on the Local Government's affairs and the performance of its functions.*
- (2) *Section 2.10 applies to a Councillor who is also the Mayor or President and extends to a Mayor or President who is not a Councillor.*

### **2.10 Role of Councillors**

- (1) *A Councillor –*
  - (a) *represents the interests of electors, ratepayers and residents of the district; and*
  - (b) *provides leadership and guidance to the community in the district; and*
  - (c) *facilitates communication between the community and the Council; and*
  - (d) *participates in the Local Government's decision-making processes at Council and Committee meetings; and*
  - (e) *performs such other functions as are given to a Councillor by this Act or any other written law.*

*Item 12.8 Continued*

**S.5.41 Functions of the CEO**

- (1) *The CEO's functions are to –*
- (a) *advise the Council in relation to the functions of a Local Government under this Act and other written laws; and*
  - (b) *ensure that advice and information is available to the Council so that informed decisions can be made; and*
  - (c) *cause Council decisions to be implemented; and*
  - (d) *manage the day to day operations of the Local Government; and*
  - (e) *liaise with the Mayor or President on the Local Government's affairs and the performance of the Local Government's functions; and*
  - (f) *speak on behalf of the Local Government if the Mayor or President agrees; and*
  - (g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
  - (h) *ensure that records and documents of the Local Government are properly kept for the purposes of this Act and any other written law; and*
  - (i) *perform any other function specified or delegated by the Local Government or imposed under this Act or any other written law as a function to be performed by the CEO.*

**5.60. When Person has an Interest**

*For the purposes of this Subdivision, a relevant person has an interest in a matter if either —*

- (a) *the relevant person; or*
- (b) *a person with whom the relevant person is closely associated, has —*
- (c) *a direct or indirect financial interest in the matter; or*
- (d) *a proximity interest in the matter.*

*[Section 5.60 inserted: No. 64 of 1998 s.30]*

**5.60A Financial Interest**

*For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the Local Government, or an employee or Committee of the Local Government or member of the Council of the Local Government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.*

*[Section 5.60A inserted: No. 64 of 1998 s. 30; amended: No. 49 of 2004 s. 50]*

Item 12.8 Continued

**5.60B Proximity Interest**

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
  - (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
  - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
  - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (the **proposal land**) adjoins a person's land if —
  - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; or
  - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted: No. 64 of 1998 s. 30]

**5.62 Closely Associated Persons**

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
  - (a) the person is in partnership with the relevant person; or
  - (b) the person is an employer of the relevant person; or
  - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
  - (ca) the person belongs to a class of persons that is prescribed; or
  - (d) the person is a body corporate —
    - (i) of which the relevant person is a director, secretary or executive officer; or
    - (ii) in which the relevant person holds shares having a total value exceeding —
      - (1) the prescribed amount; or
      - (2) the prescribed percentage of the total value of the issued share capital of the company, whichever is less;

Or

- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a Council member and the person —
  - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
  - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;

*Item 12.8 Continued*

*or*

*(eb) the relevant person is a Council member and since the relevant person was last elected the person —*

*(i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or*

*(ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;*

*or*

*(a) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.*

**5.68. Councils and Committees may allow members disclosing interests to participate etc. in meetings**

*(1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —*

*(a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and*

*(b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —*

*(i) the disclosing member also discloses the extent of the interest; and*

*(ii) those members decide that the interest —*

*(1) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or*

*(2) is common to a significant number of electors or ratepayers.*

*(2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the Council or committee.*

Local Government (Functions and General) Regulations 1996

**11. When tenders have to be publicly invited**

*(1) Tenders are to be publicly invited according to the requirements of this Division before a Local Government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.*

*(2) Tenders do not have to be publicly invited according to the requirements of this Division if —*

*(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*

*(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or*

*[(ba) deleted]*

*(c) within the last 6 months —*

*Item 12.8 Continued*

- (i) *the Local Government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or*
  - (ii) *the Local Government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*

*or*

- (d) *the contract is to be entered into by auction after being expressly authorised by a resolution of the Council of the Local Government; or*
- (e) *the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a Local Government or a regional Local Government; or*
- (ea) *the goods or services are to be supplied —*
  - (i) *in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and*
  - (ii) *by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the Local Government of the district referred to in that subparagraph;*

*or*

- (f) *the Local Government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or*
- (g) *the goods to be supplied under the contract are —*
  - (i) *petrol or oil; or*
  - (ii) *any other liquid, or any gas, used for internal combustion engines;*

*or*

- (h) *the following apply —*
  - (i) *the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and*
  - (ii) *the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and*
  - (iii) *the Local Government is satisfied that the contract represents value for money;*

*or*

- (i) *the goods or services are to be supplied by an Australian Disability Enterprise; or*
- (j) *the contract is a renewal or extension of the term of a contract (the **original contract**) where —*



*Item 12.8 Continued*

- (i) *the original contract was entered into after the Local Government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and*
- (ii) *the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and*
- (iii) *the original contract contains an option to renew or extend its term; and*
- (iv) *the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;*  
*or*
- (k) *the goods or services are to be supplied by a pre-qualified supplier under Division 3.*

*[Regulation 11 amended: Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6; 18 Sep 2015 p. 3804-6.]*

**12. Anti-Avoidance Provision for r. 11(1)**

- (1) *This regulation applies if a Local Government intends to enter into two or more contracts (the **contracts**) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.*
- (2) *If this regulation applies, tenders are to be publicly invited according to the requirements of this Division before the Local Government enters into any of the contracts regardless of the consideration.*

**Local Government (Administration) Regulations 1996**

**11. Minutes, Content of (Act s. 5.25(1)(f))**

*The content of minutes of a meeting of a Council or a committee is to include —*

- (a) *the names of the members present at the meeting; and*
- (b) *where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and*
- (c) *details of each motion moved at the meeting, the mover and the outcome of the motion; and*
- (d) *details of each decision made at the meeting; and*
- (da) *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); and*
- (e) *a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and*
- (f) *in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.*

*[Regulation 11 amended: Gazette 23 Apr 1999 p. 1717.]*

*Item 12.8 Continued*

## **BACKGROUND**

To stay abreast of industry best practice, it has been standard protocol for the City to conduct internal audits and comparison reports in response to inquiries or audits that may be relevant to the organisation. The reports have been issued by the Department of Local Government, Sport and Cultural Industries, the Crime and Corruption Commission (CCC), Public Sector Commission and the OAG.

The DLGSCI authorised the Inquiry into the Shire of Perenjori following a number of complaints received from electors and as a result of a departmental Probity Audit in 2017.

The terms of reference for the inquiry were quite broad covering the operations and affairs of the Shire of Perenjori for potential regulatory breaches together with the procurement and tendering processes of the Shire.

As a result of the Inquiry a total of 30 findings were made with:

- Multiple breaches by Council of the *Local Government (Administration) Regulations 1996* relating to the content of minutes.
- Multiple possible breaches of the *Local Government Act 1995* by Council members regarding non-declaration of interests.
- Multiple breaches of the *Local Government (Functions and General) Regulations 1996* by the CEO, Council and the Shire in relation to the procurement, tendering and contract obligations of the regulations.
- Breaches by the CEO in relation to keeping of records and misuse of confidential information.

During the finalisation of the report a Show Cause notice was issued to the Shire of Perenjori by the Minister for Local Government resulting in the resignation of a number of Councillors. As a consequence a Commissioner was appointed to the Shire of Perenjori until elections are held in 2020. The appointment of a Commissioner effectively made the recommendations of the report redundant apart from those addressing the record keeping practices.

## **OFFICER COMMENT**

This comparison report represents an assessment of the Council minute process and content, and procurement practices by the City of Belmont. It should be noted that a number of areas in the Inquiry Report have been the subject of recent operational comparison reports into audits conducted by the Office of the Auditor General (OAG) (eg: record keeping), or CCC reports into tendering practices.

The City of Belmont has also been the subject of direct OAG financial audits and an independent review of procurement practices. Changes to purchasing policies and processes have been undertaken as a result to further strengthen the City's practices.

These areas have not been compared as part of this operational assessment.

The methodology used to determine the City's rating against the findings raised was through verification of the Minute contents in line with regulatory requirements and cross referencing of disclosure information.

*Item 12.8 Continued*

The City of Belmont responses and assessment scores have been compiled as a result of the internal review.

While it is recommended that priority be given to areas scoring below 4, it is considered equally important to consider all matters contained within the report and also address those scoring a 5 to scope for potential opportunities for improvement and prevent complacency.

Score	Assessment Criterion
5	Fully complies with DLGSCI expectations
4	Mostly complies with DLGSCI expectations – good process in place
3	Partially complies with DLGSCI expectations – reasonable process in place
2	Some compliance with DGLSCI expectations – requires review of process
1	Does not comply with DGLSCI expectations

**1. Issues arising from the Inquiry Report**

The City of Belmont’s current practices were audited against the matters raised by the Inquiry Report as outlined below.

**1.2. Procurement and Tendering**

The Inquiry Report found that the Shire of Perenjori CEO and Council failed to comply with the requirements of the *Local Government (Functions and General) Regulations 1996* in relation to the maintenance and content of the tenders register, the calling of tenders and confidentiality provisions for the tender process. It was also found that the Shire of Perenjori did not comply with the provisions of its purchasing policy.

A review of the City’s Tender register found that it was current and contained all required information as per the regulations. The City has recently amended procurement procedures to ensure that the purchasing policy is adhered to following an internal review which indicated some potential areas of weakness. The recommendations from the internal review are currently being implemented.

<b>Overall Assessment</b>	<b>4</b>
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**1.2 Content of Minutes**

The regulatory requirements pertaining to the content and structure of Council Meetings and minutes are very clear. A random sampling of various Council Meetings over a five year period found that the content of the minutes was as per the regulatory requirements and departmental guidelines.

Further a cross reference of disclosures contained in Annual Returns and the Disclosure Register found that appropriate disclosures had been made by members and recorded in the Minutes.

<b>Overall Assessment</b>	<b>5</b>
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*Item 12.8 Continued*

## **2. Conclusion**

Of the areas identified above through the Inquiry Report, the City of Belmont complies with all of the findings. This is being assessed using the compliance rate adopted.

<b>Score</b>	<b>Number Assessed at</b>
<b>5</b>	<b>1</b>
<b>4</b>	<b>1</b>
<b>3</b>	<b>0</b>
<b>2</b>	<b>0</b>
<b>1</b>	<b>0</b>
<b>Total</b>	<b>2</b>

Previous recent comparison reports have also indicated compliance with the other areas contained in the report such as record keeping, tendering and conflict of interest.

Given that these areas of tendering, procurement, conflict of interest and recordkeeping are consistently being identified as areas of risk of misconduct in local government by the CCC and the DLGSCI, it is recommended that Council continue to consider these areas where identified, as an opportunity for improvement.

There are no actions requiring remediation as a result of this comparison report.

The Standing Committee (Audit and Risk) considered the findings of the comparison report at its meeting on 28 October 2019.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **COMMITTEE RECOMMENDATION**

***That Council:***

- 1. Receive the report from the Department of Local Government Sporting and Cultural Industries 'Report of the Inquiry into the Shire of Perenjori' ([Attachment 7](#)), and***
- 2. Forward a copy of the 'Operational Comparison – Department of Local Government, Sport and Cultural Industries: Report of the Inquiry into the Shire of Perenjori' to the Minister for Local Government.***

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

**12.9 OPERATIONAL COMPARISON – WESTERN AUSTRALIAN AUDITOR GENERAL’S REPORT –  
VERIFYING EMPLOYEE IDENTITY AND CREDENTIALS**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 8 – Item 12.9 refers	<a href="#"><u>OAG Report 24: June 2018-19 - Verifying Employee Identity and Credentials</u></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

This report presents an assessment of the City of Belmont’s operations in comparison with findings from the recent Auditor General’s Report 24: ‘*Verifying Employee Identity and Credentials*’ (refer [Attachment 8](#)).

The report seeks Council’s endorsement of the report and Council to receive the Auditor General’s Report 24: ‘*Verifying Employee Identity and Credentials*’.

The outcomes of this comparison are used to provide for further strategic planning and operational improvements.

*Item 12.9 Continued*

## **SUMMARY AND KEY ISSUES**

The operational comparison has highlighted some areas where the City needs to continue to be vigilant and proactive in reviewing recruitment procedures together with the ongoing monitoring of employee credentials.

## **LOCATION**

Not applicable.

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

**Strategy:** Ensure decision making is supported by effective information and knowledge management.

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

### ***Local Government Act 1995***

#### ***s5.37 Local government employees***

*(3) A person is not to be employed by a local government in any other position unless the CEO –*

*(a) believes that the person is suitably qualified for the position, and*

*(b) is satisfied with the proposed arrangements relating to the person's employment.*

## **BACKGROUND**

To stay abreast of industry best practices, it has been standard protocol for the City to conduct internal audits and comparison reports in response to inquiries or audits that may be relevant to the organisation. The reports have been issued by the Department of Local Government, Sport and Cultural Industries, the Corruption and Crime Commission, Public Sector Commission and the Western Australian Auditor General (OAG).

*Item 12.9 Continued*

The OAG have been conducting a number of focus audits across Local Government to check management controls, policies and practices on various areas of administration. Eight Local Governments were chosen for the focus audits both metropolitan and regionally based and of varying sizes. A similar audit was conducted on State Government entities in 2015.

**OFFICER COMMENT**

This comparison report represents an assessment of the practices at the City of Belmont (the City) against the recommendations from the OAG as outlined in its report '*Verifying Employee Identity and Credentials*'.

The methodology used to determine the City's rating against the findings raised was through completion of a review of the City's documented policies and procedures by Compliance Officers and verification of process from the Human Resources Section. Independent verification was not possible due to confidentiality provisions applied to personnel files.

The following areas were the subject of internal review questions:

- The City's policies and practices regarding recruitment and associated human resource processes.
- Qualification verification process.
- Proof of right to work.
- How are recruitment records maintained on personnel files?
- Processes in place to verify continuing validity of qualifications and licences.

The Officers believe that the responses presented by the Human Resources Department are an accurate indication of the City's current practices, though the inability to verify the responses provided have resulted in the indicative, unqualified scores against the areas below.

The City of Belmont responses and assessment scores have been compiled as a result of the internal review, reflecting consideration of the findings of the OAG's Report.

While it is recommended that priority be given to areas scoring below 4, it is considered equally important to consider all matters contained within the report and also address those scoring a 5 to scope for potential opportunities for improvement and prevent complacency.

<b>Score</b>	<b>Assessment Criterion</b>
5	Fully complies with OAG expectations
4	Mostly complies with OAG expectations – good process in place
3	Partially complies with OAG expectations – reasonable process in place
2	Some compliance with OAG expectations – requires review of process
1	Does not comply with OAG expectations

*Item 12.9 Continued*

### **3 Issues arising from the OAG Report**

The City of Belmont's current practices were reviewed against the report.

The OAG found that:

- Only three of the eight entities subject to the focus audit had policies in place for verifying employee identity and credentials.
- In the sample of 306 employee files that in a number of instances, across all entities, there was no evidence of identity being checked (81 instances) or not meeting the requirements for the 100 point identity check (196).
- 89% of the files indicated that the eligibility of the applicant to work in Australia was not checked.
- 54 instances at major metropolitan Councils where qualifications were not checked.
- Referee checks were not undertaken.
- Only two of the eight entities had procedures in place to monitor existing employees for change in status.

#### **1.3. City Policies and Practices**

The City has a Human Resources Policy (policy) in place with supporting documented procedures regarding the recruitment and selection process. Recruitment at the City is managed electronically through the human resource software programme, My Aurion.

The policy also outlines the requirement for pre-employment checks to be undertaken. All staff are required to provide a National Police clearance prior to appointment being confirmed. For those staff working in high risk areas such as aged care, production of an ongoing satisfactory police clearance is a requirement. Similarly, those working with children must have a valid Working with Children clearance.

Procedures are detailed with Human Resources managing recruitment to ensure that referee checks are undertaken and documented. Originals of submitted qualifications and licences must be provided prior to confirmation of appointment.

There is a Work Instruction and Process Map in place as part of the City's process detailing identity and credential requirements including:

- At application stage the applicant must acknowledge the identity and credential requirements and confirm they comply.
- Interviewed applicants verbally acknowledge they can comply.
- Follow up email sent to preferred applicants regarding identity and credential requirements.
- Offer letter confirms original documentation must be produced. Requirement for a National Police clearance, qualification/s, licence/s and Working with Children clearance are listed in the relevant Job Description Form. Also acknowledged as part of the application process and then confirmed at interview as noted above.

Without the ability to verify that the above practices are being adhered to, this has been assessed with a score of 4.

<b>Overall Assessment</b>	<b>4</b>
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*Item 12.9 Continued*

## **1.2 Qualification Verification**

All qualifications, if an essential requirement of the position, are verified prior to an offer being made. A copy is made and placed on the personnel file upon commencement.

Without the ability to verify that the above practices are being adhered to, this has been assessed with a score of 4.

Overall Assessment	4
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## **1.3 Proof of Right to Work**

As part of the recruitment process the preferred applicants are required to provide evidence of their right to work in Australia such as an Australian or New Zealand passport, Australian Birth Certificate, Certificate of Australian Citizenship, evidence of permanent residency or Visa Grant Letter and current foreign passport. Again, all appointments are subject to the provision of original documentation to the Human Resources Section on commencement and copies placed on the personal file.

Without the ability to verify that the above practices are being adhered to, this has been assessed with a score of 4.

Overall Assessment	4
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## **1.4 Monitoring of employees validity of qualifications and licences**

It was found on reviewing the processes that there was a minor gap in this process.

The Code of Conduct, Human Resources Policy and the Offer Letter require the employee to advise of any change of status to their employment, any required licences and National Police clearance.

Human Resources follow up on any position that requires a National Police clearance to be produced every three (3) years and Working with Children clearances to ensure these are renewed and kept up to date.

Occupational Safety and Health follow up on expired licences and endorsements for identified high risk positions.

All employees at the City are subject to an annual performance review in which the reviewer verifies the ongoing validity of any licences or qualifications listed as an essential requirement of the position. To enhance this process further a change will be implemented in the 2020 Annual Staff Development Review cycle where an employee will declare there is no significant change in their circumstances in regards to their qualification/s, licence/s and/or clearances as listed in their job description form.

With the improvement identified and the inability to verify that the above practices are being adhered to, this has been assessed with a score of 4.

Overall Assessment	4
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*Item 12.9 Continued*

#### **4 Conclusion**

Of the areas identified through the report, the City of Belmont complies or has substantial compliance with all of the findings. This is being assessed using the compliance rate adopted.

<b>Score</b>	<b>Number Assessed at</b>
<b>5</b>	<b>0</b>
<b>4</b>	<b>4</b>
<b>3</b>	<b>0</b>
<b>2</b>	<b>0</b>
<b>1</b>	<b>0</b>
<b>Total</b>	<b>4</b>

Recruitment requirements are an area of ongoing change in response to changes in industry practice. The Human Resources and OSH areas of the City therefore have explained that review mechanisms are in place to ensure that the City remains up to date and compliant with legislative and legal expectations. As a result the recommendations outlined in the OAG report will continue to be considered and acted on as appropriate.

Any actions requiring further remediation will be undertaken in consultation with relevant process owners and recorded in the Business Management System. The Standing Committee (Audit and Risk) considered the findings of the comparison report at the meeting held on 28 October 2019.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

#### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

#### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

#### **COMMITTEE RECOMMENDATION**

***That Council receive the report from the Office of the Auditor General Report 24: Verifying Employee Identity and Credentials ([Attachment 8](#)).***

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

**12.10 OPERATIONAL COMPARISON – WESTERN AUSTRALIAN AUDITOR GENERAL’S REPORT –  
LOCAL GOVERNMENT BUILDING APPROVALS**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 9 – Item 12.10 refers	<a href="#"><u>OAG Report 28: June 2018-19 Local Government Building Approvals</u></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

This report presents an assessment of the City of Belmont’s (the City) operations in comparison with findings from the recent Auditor General’s Report ‘*Local Government Building Approvals*’ (refer [Attachment 9](#)).

The report seeks Council to endorse the report and receive the Auditor General’s Report ‘*Local Government Building Approvals*’.

The outcomes of this comparison are used to provide for further strategic planning and operational improvements.

*Item 12.10 Continued*

### **SUMMARY AND KEY ISSUES**

The Office of the Auditor General found that although Local Government permit authorities followed processes and only issued permits when applications contained the required documentation, there was evidence of control weaknesses which may result in preferential treatment, bias or permits not being properly authorised.

The City has detailed procedures relating to the Building Approvals process. Although, the City allows both electronic and hard copy (either over the counter or via mail) lodgement of building applications, the process used to assess is consistent with all applications being lodged into the City's Pathway system.

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the Strategic Community Plan Key Result Area:

#### **Business Excellence Belmont**

**Objective:** Achieve excellence in the management and operation of the Local Government.

**Strategy:** Ensure decision making is supported by effective information and knowledge management.

#### **Built Belmont**

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

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

*Item 12.10 Continued*

## **STATUTORY ENVIRONMENT**

The key elements of this comparison report are governed by the following legislation:

### ***Building Act 2011***

23. Time for deciding application for building or demolition permit
- (1) *The permit authority to which an uncertified application is made must decide whether or not to grant the building permit —*
    - (a) *if there is no requirement under section 18(1), before the expiration of the period —*
      - (i) *that is prescribed for the purposes of this subsection for the classification of the building that is the subject of the application; and*
      - (ii) *starting on the day after the application is made;*
    - or
    - (b) *if there is a requirement under section 18(1) that is complied with within the specified time, before the expiration of the balance of the period mentioned in paragraph (a)(i) starting on the day after the compliance.*
  - (2) *The permit authority to which a certified application or an application for a demolition permit is made must decide whether or not to grant the building permit or demolition permit —*
    - (a) *if there is no requirement under section 18(1), before the expiration of the period —*
      - (i) *that is prescribed for the purposes of this subsection for the classification of the building that is the subject of the application; and*
      - (ii) *starting on the day after the application is made;*
    - or
    - (b) *if there is a requirement under section 18(1) that is complied with within the specified time, before the expiration of the balance of the period mentioned in paragraph (a)(i) starting on the day after the compliance.*
  - (3) *If the permit authority has not made a decision in the time mentioned in subsection (1) or (2) the permit authority is to be taken to have refused to grant the building permit or demolition permit.*
  - (4) *If the permit authority has not made a decision within the time mentioned in subsection (1) or (2) —*
    - (a) *the permit authority must refund to the applicant the fee mentioned in section 16(l) that accompanied the application; and*
    - (b) *the amount of the fee paid is recoverable in any court of competent jurisdiction as a debt due to the applicant.*
  - (5) *Subsection (4) does not apply —*
    - (a) *if the permit authority refuses to consider the application because the applicant has not complied with a requirement under section 18(1) within the specified time; or*
    - (b) *if the permit authority has referred the application in accordance with the Heritage Act 2018 but the Heritage Council has not provided its advice within the time mentioned in subsection (1) or (2).*

*Item 12.10 Continued*

- (6) *Despite subsection (3) and section 18(2), the permit authority may decide whether or not to grant the building permit or demolition permit, and may give the applicant written notice of its decision, after the period applicable under subsection (1) or (2), or the time specified under section 18(1), has expired, and the validity of the decision is not affected by the expiry.*

*[Section 23 amended: No. 37 of 2012 s. 8; No. 22 of 2018 s. 183(4).]*

***Building Regulations 2012***

20. Time for deciding application for building or demolition permit (s. 23)

- (1) *For the purposes of section 23(1)(a), the period for buildings of all classifications is —*

(a) *if the application relates to development as defined in the Planning and Development Act 2005 section 4 and a planning scheme or interim development order that has effect under that Act provides that the development is not to be commenced or carried out without an approval being obtained upon the making of a development application —*

(i) *25 business days, excluding any day that is after the day on which the development application is made and before the day on which that application is determined; or*

(ii) *such longer period as is agreed in writing between the applicant and the permit authority;*

*and*

(b) *otherwise, 25 business days, or such longer period as is agreed in writing between the applicant and the permit authority.*

- (2) *For the purposes of section 23(2)(a), the period for buildings of all classifications is 10 business days, or such longer period as is agreed in writing between the applicant and the permit authority.*

*[Regulation 20 amended: Gazette 15 Jun 2012 p. 2514-15.]*

**BACKGROUND**

To stay abreast of industry best practices, it has been standard protocol for the City to conduct internal audits and comparison reports in response to inquiries or audits that may be relevant to the organisation. The reports have been issued by the Department of Local Government, Sport and Cultural Industries, the Corruption and Crime Commission, Public Sector Commission and the Western Australian Auditor General.

Four Local Governments and the Building and the Department of Mines, Industry Regulation and Safety's Building and Energy Division were recently the subject of a focus audit by the Office of the Auditor General (OAG). The findings from the audit are outlined within the Western Australian Auditor General's Report 28: June 2018-19 – Local Government Building Approvals.

**OFFICER COMMENT**

This comparison report represents an assessment of the Building Approvals process at the City of Belmont (the City) against the findings from the recent audit conducted by the OAG as outlined in its report.

*Item 12.10 Continued*

The methodology used to determine the City's rating against the findings raised was through completion of an interview with the relevant City officer based on the OAG report. Verification of the information provided was then carried out by Compliance officers in conjunction with the relevant officers. The issuance of building permits is heavily regulated in relation to the processes undertaken and the information that is to be contained within the building application. The City has a number of documented procedures covering the various types of building applications and approvals processes.

The questions posed were in line with the findings of the report focusing on:

1. Does the City have procedures and key controls to promote accountable decision making?
2. Were permits issued on time?
3. Monitoring and enforcement of compliance with permits.

The Officers believe that the responses presented are an accurate indication of the City's current practices.

The City of Belmont responses and assessment scores have been compiled as a result of the internal review and verification, reflecting consideration of the recommendations of the Auditor General's report.

While it is recommended that priority be given to areas scoring below 4, it is considered equally important to consider all matters contained within the report and also address those scoring a 5 to scope for potential opportunities for improvement and prevent complacency.

<b>Score</b>	<b>Assessment Criterion</b>
<b>5</b>	Fully complies with OAG expectations
<b>4</b>	Mostly complies with OAG expectations – good process in place
<b>3</b>	Partially complies with OAG expectations – reasonable process in place
<b>2</b>	Some compliance with OAG expectations – requires review of process
<b>1</b>	Does not comply with OAG expectations

## **1. Issues arising from the OAG Report**

The City of Belmont's current practices were audited against the matters raised by the OAG as outlined below.

### **1.1 Does the City have procedures and key controls to promote accountable decision making?**

The City has clearly documented procedures for the issuance of building permits. Only officers with the required qualifications and with the appropriate delegation are designated to issue permits.

*Item 12.10 Continued*

It is standard process that if further information is required in relation to an application, a request is formally made in writing to the applicant. The letter advises that the timeframe for processing the application has been stopped pending the receipt of the required information. The request also advises of the statutory timeframe that the information must be received in and the process flowing from that point should the information not be received. Applicants are then contacted during this period to again remind them of the information required and the timeframe.

Conflicts of interest are managed at the Business Unit level at this point in time. The process of the management of conflicts of interest is being reviewed at an organisational level at the time of writing of this report.

The City provides detailed information on the building applications process and associated planning processes on the City's website and fact sheets. The website links directly to the Building and Energy Divisions website for required forms and other key information.

<b>Overall Assessment</b>	<b>4</b>
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### **1.2 Permits issued on Time.**

In 2018-2019 there were 519 BA01 Certified and BA02 Uncertified applications determined by the Building section. The breakdown is as follows:

Certified Building Applications (BA01) Received:	308
Determined within the required 10 days:	298 (96%)

Uncertified Building Applications (BA02) Received:	211
Determined within the required 25 days:	191 (90%)

Of the 519 applications received, 190 applications were the subject of further information requests.

The City at present is looking to improve the level of reporting of permit information to stakeholders and the community and working on reporting methods to implement this improvement.

<b>Overall Assessment</b>	<b>4</b>
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### **1.3 Monitoring and Enforcement of Permit Conditions**

At present the City does not have a formalised inspection or monitoring process in place regarding building permits. There is currently no inspection requirement under legislation. Staff actively monitor the Business and Energy Division's website in relation to compliance proceedings undertaken by the regulator.

The Business Unit does carry out site inspections when information is received from the public or if, in the professional opinion of the Business Unit staff, an inspection regime is deemed appropriate for a development. If required, the City carries out enforcement procedures. Officers who carry out the required inspections are suitably qualified in accordance with the regulatory framework.

Current resourcing of the Business Unit does not allow for the implementation of a full scale formal monitoring and inspection programme.



Item 12.10 Continued

## 5 Conclusion

<b>Overall Assessment</b>	<b>3</b>
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The comparison report findings have found that the City has a number of well established procedures relating to management of building permits. These areas mostly comply with the expectations outlined within the OAG report.

Score	Number Assessed at
5	0
4	2
3	1
2	0
1	0
<b>Total</b>	<b>3</b>

As mentioned previously the management of conflicts of interest is being looked at the organisational level to ensure consistency and transparency across the organisation.

The City continues to provide over the counter assistance and a variety of means through which applicants are able to lodge building applications.

The City is in the process of adapting the reporting framework to suit the Department of Mines, Industry Regulation and Safety's Building and Energy Division requirements for the online permit database.

The Building and Energy Division has released a Consultation Regulatory Impact Statement regarding reforms to the building approvals process for single residential buildings which includes the introduction of mandatory inspections during construction. This is in line with other States. The City will consider and contribute to the consultation. Any changes to the current process will be from a regulatory perspective and the City may need to undertake a further review at that time.

The Standing Committee (Audit and Risk) considered this report at its meeting on 28 October 2019. The Committee considered that the current regulatory review together with the existing resourcing constraints throughout the building industry may constitute an area of risk and requested consideration for further investigation in relation to possible inclusion on the City's risk registers.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

*Item 12.10 Continued*

**COMMITTEE RECOMMENDATION**

That Council:

1. Receive the Western Australian Auditor General's Report 28: June 2018-19 – Local Government Building Approvals ([Attachment 9](#)); and
2. Request the Chief Executive Officer to consider the inclusion of the Building Compliance process on the City's risk registers.

**ALTERNATIVE OFFICER RECOMMENDATION**

**SEKULLA MOVED, POWELL SECONDED**

***That Council defer consideration of the report at this time and to refer the item to the Standing Committee (Audit and Risk) for reconsideration.***

**CARRIED 8 VOTES TO 0**

*Reason:*

*To enable the incorrect statistical information presented in the report considered by the Standing Committee (Audit and Risk) to be corrected and for the Committee to reconsider the amended report.*

**12.11 TENDER 11/2019 – COMMUNITY CENTRE AUDIO VISUAL SYSTEM**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Confidential Attachment 4 – Item 12.11 refers</b>	<a href="#"><u>Tender 11/2019 Evaluation Matrix</u></a>
<b>Confidential Attachment 5 – Item 12.11 refers</b>	<a href="#"><u>Tender 11/2019 Cost Comparison</u></a>
<b>Confidential Attachment 6 – Item 12.11 refers</b>	<a href="#"><u>Tender 11/2019 Price Schedule</u></a>

Voting Requirement : Simple Majority  
Subject Index : 114/2019-11  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil  
Previous Items : N/A  
Applicant : N/A  
Owner : N/A  
Responsible Division : Corporate and Governance

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To seek Council approval to award Tender 11/2019 – Community Centre Audio Visual System.

*Item 12.11 Continued*

## **SUMMARY AND KEY ISSUES**

This report outlines the process undertaken to invite and evaluate the tenders received and includes a recommendation to award Tender 11/2019 to Pro AV Solutions in accordance with the requirements of the *Local Government Act 1995*.

The scope of works includes provision of appropriate audio visual services for the Faulkner Civic Precinct Community Centre, ensuring that the building is equipped with state of the art audio visual systems that will serve the need of the City's customers well into the future.

## **LOCATION**

Not applicable.

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

**Strategy:** Ensure information systems and technology support knowledge management in order to meet community and organisational requirements.

**Corporate Key Action:** To provide efficient, effective and high performing information technology solutions to ensure that the City's strategic objectives and key actions are achieved.

**Strategy:** Ensure decision making is supported by effective information and knowledge management.

**Corporate Key Action:** Establish efficient and effective systems and processes to acquire, store, interpret, use and review information and knowledge.

## **POLICY IMPLICATIONS**

BEXB28–Purchasing

### **POLICY OBJECTIVE**

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

*Item 12.11 Continued*

## **STATUTORY ENVIRONMENT**

This process is aligned with Section 3.57 of the *Local Government Act 1995* which states that “a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services”.

## **BACKGROUND**

An invitation to tender for the provision of a Community Centre Audio Visual System was advertised in the West Australian on Saturday, 31 August 2019, closing on Tuesday, 24 September 2019 at 2pm.

Twenty five (25) prospective tenderers downloaded the tender documents from the City’s eTendering portal and five responses were received from:

- Focus Audio Visual
- Pro AV Solutions
- Rutledge AV
- Signs & Lines
- Wesco AV Solutions.

There were no non-compliant Tenders.

## **OFFICER COMMENT**

The Evaluation Panel consisted of Coordinator Web & Office Applications, Manager Information Technology, IT Support Officer, Manager Community Placemaking and Coordinator Library & Heritage. Each panel member has signed a Declaration of Confidentiality and Impartiality Form confirming that they have no known conflict of interest to disclose.

The responses received were assessed on the selection criteria included within the invitation to tender, being:

	<b>CRITERIA</b>	<b>WEIGHTING</b>
1	Company Profile	5%
2	Experience	10%
3	Company Capacity	10%
4	Methodology	20%
5	Suitability	30%
6	Value Adding	5%
7	Safety	5%
8	Price	15%
	<b>TOTAL</b>	<b>100%</b>

*Item 12.11 Continued*

The evaluation panel has determined that Pro AV's submission is the most advantageous solution for the City of Belmont as they have the experience and capacity to meet all the requirements, including project management, design, training and ongoing support. This was confirmed when reference checks were undertaken.

[Confidential Attachment 4](#) – Evaluation Matrix outlines the scores awarded by the Evaluation Panel and identifies Pro AV Solutions as the recommended supplier.

[Confidential Attachment 5](#) – Cost Comparison compares the overall cost to the City over five years.

### **FINANCIAL IMPLICATIONS**

Current year's 2019-2020 expenditure and capital works budget is \$886,000 and the tender is well within the budget.

[Confidential Attachment 6](#) – Price Schedule confirms that variation to current rates is not required.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

The proposed state of the art audio visual system will allow the City to:

- Provide and maintain electronic interactive services which enable community engagement
- Ensure that the community has access to the services and facilities it needs
- Assist in developing community capacity
- Enhance a sense of community and the image of Belmont
- Enhance electronic modes of dealing with community.

### **OFFICER RECOMMENDATION**

*That Council:*

1. ***Accepts the response submitted by Pro AV Solutions for Tender 11/2019 – Community Centre Audio Visual System as specified for the lump sum of \$676,830 excluding GST as the most advantageous; and***
2. ***Award the contract to Pro AV Solutions.***

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

**12.12 ACCOUNTS FOR PAYMENT – OCTOBER 2019**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 10 – Item 12.12 refers</b>	<a href="#"><b>Accounts for Payment – October 2019</b></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

Confirmation of accounts paid and authority to pay unpaid accounts.

**SUMMARY AND KEY ISSUES**

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

*Item 12.12 Continued*

**LOCATION**

Not applicable.

**CONSULTATION**

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

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

**STATUTORY ENVIRONMENT**

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

*“If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:*

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; 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 Payment Listing are recommended for confirmation and endorsement.

Municipal Fund Cheques	788281 to 788318	\$166,618.19
Municipal Fund EFTs	EF064289 to EF064801	\$11,275,005.65
Municipal Fund Payroll	October 2019	\$2,198,610.14
Trust Fund EFT	EF064363 to EF064364	<u>\$77,310.78</u>
Total Payments for October 2019		<b>\$13,717,544.76</b>

A copy of the Authorised Payment Listing is included as [Attachment 10](#) to this report.



*Item 12.12 Continued*

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

*That the Authorised Payment Listing for October 2019 as provided under [Attachment 10](#) be received.*

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

**12.13 MONTHLY ACTIVITY STATEMENT – OCTOBER 2019**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 11 – Item 12.13 refers	<a href="#"><u>Monthly Activity Statement as at 31 October 2019</u></a>

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

**COUNCIL ROLE**

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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**PURPOSE OF REPORT**

To provide Council with relevant monthly financial information.

**SUMMARY AND KEY ISSUES**

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

*Item 12.13 Continued*

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

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

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

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

### **BACKGROUND**

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

### **OFFICER COMMENT**

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

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

*Item 12.13 Continued*

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

The monthly financial report is to be accompanied by:

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

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

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

*\*\*\*Based on a materiality threshold of 10 percent.*

In order to provide more details regarding significant variations as included in [Attachment 11](#) the following summary is provided.

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Expenditure - Capital</b>			
Computing	28,408	157,124	Variance relates to the budget spread of the website design and development project.
Belmont HACC Services	68,620	10,999	Vehicle replacement will occur in November.
Ruth Faulkner Library	316,667	57,566	Equipment purchases for the new library are currently on order.
Road Works	1,601,818	1,284,249	Work has now begun on the Belmont Ave project and will continue through to April. Belgravia St project has not yet commenced.
Drainage Works	126,507	45,081	The conversion program will begin later in the year following progress on major projects. Minor drainage project rescheduled to December.
Operations Centre	287,653	1,723	Equipment and Fleet purchases are currently behind budget.
Building Operations	7,088,474	7,000,335	Variance mainly relates to the new Community Centre.
<b>Expenditure – Operating</b>			
Marketing and Communications	737,684	640,023	Variance mainly relates to employee and printing costs.
Reimbursements	84,163	155,393	Significant amount of unbudgeted Paid Parental Leave (offset in revenue).
Insurance	515,434	730,697	Workers Compensation Premiums paid ahead of budget schedule.
Chief Executive Officer	299,658	242,624	Variance mainly relates to employee and consulting costs.
Occupational Safety and Health	80,156	19,534	Variance mainly relates to employee costs.
Organisational Development	187,737	122,014	Variance mainly relates to employee costs.

Item 12.13 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Governance	1,164,242	1,035,435	Activity Based Costing allocations (ABC's) are below budget.
Health	520,874	459,424	Variance mainly relates to employee costs.
Community Services	375,429	270,666	Variance mainly relates to employee costs.
Belmont HACC Services	956,438	814,350	Variance mainly relates to employee and agency costs.
Town Planning	1,135,041	918,729	Variance mainly relates to employee and consulting costs.
Sanitation Charges	1,712,189	1,542,609	Outstanding invoices have yet to be processed.
Public Facilities Operations	6,879	70,477	Contributions in relation to MOU's were paid earlier than anticipated.
Ruth Faulkner Library	912,118	801,930	Variance mainly relates to employee and consulting costs.
Community Place Making	97,849	47,220	Public art projects are currently under budget.
Building - Active Reserves	242,998	192,170	Outstanding invoices have yet to be processed.
Grounds Operations	1,966,670	1,907,182	Variance mainly relates to consulting costs.
Grounds - Active Reserves	292,094	396,774	Turf renovation jobs have started earlier than anticipated.
Grounds Overheads	592,670	526,639	Variance mainly relates to employee costs.
Building Operations	439,165	329,763	Employee costs are under budget mainly due to staff leave implications.
Public Works Overheads	661,538	598,813	Variance mainly relates to employee costs.
Technical Services	899,923	821,026	Variance mainly relates to employee costs.
<b>Revenue - Capital</b>			
Crime Prevention and Community Safety	(97,000)	Nil	Timing issue regarding receipt of grant income.
Road Works	(958,533)	(418,999)	Timing issue regarding receipt of grant income.
Operations Centre	(168,244)	(39,500)	Sale of Plant / Fleet is behind budget due to vehicle replacement schedule being extended.
Building Operations	(1,924,839)	(1,551,262)	Timing issue regarding receipt of grant income.
<b>Revenue - Operating</b>			
Computing	(851,036)	(950,910)	ABC recoveries currently below budget.
Reimbursements	(84,163)	(142,183)	Significant amount of unbudgeted recouped Parental Leave (offset in expenditure).
Insurance	(299,310)	(745,073)	Budget spread issue regarding insurance allocation journals.
Human Resources	(567,793)	(434,809)	ABC recoveries currently below budget.
Rates	(49,690,293)	(49,795,486)	Residential and Commercial rates slightly ahead of budget.

Item 12.13 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Financing Activities	(666,087)	(175,053)	Budget spread does not match the timing of Term Deposit maturities.
Town Planning	(437,404)	(358,662)	ABC recoveries currently below budget.
Sanitation Charges	(1,333)	(6,475,461)	Sanitation charges are budgeted in June. Requires adjustment to budget spread.
Public Facilities Operations	Nil	(106,997)	Hire Fees are budgeted in June. Requires adjustment to budget spread.
Public Works Overheads	(427,937)	(311,794)	Overhead recovery lower than anticipated.
Plant Operating Costs	(484,568)	(430,379)	Recovery for plant operating costs are lower 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.

<b>Reconciliation of Nett Current Assets to Statement of Financial Activity</b>		
<b>Current Assets as at 31 October 2019</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	85,746,777	Includes municipal and reserves
- less non rate setting cash	(58,574,632)	Reserves
Receivables	17,863,359	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(3,083,989)	ESL Receivable
Stock on hand	203,994	
<b>Total Current Assets</b>	<b>42,155,509</b>	
<b>Current Liabilities</b>		
Creditors and provisions	(11,014,446)	Includes ESL and deposits
- less non rate setting creditors & provisions	6,529,310	Cash Backed LSL, current loans & ESL
<b>Total Current Liabilities</b>	<b>(4,485,136)</b>	
<b>Nett Current Assets 31 October 2019</b>	<b>37,670,373</b>	
Nett Current Assets as Per Financial Activity Report	37,670,373	
Less Restricted Assets	(214,369)	Unspent grants held for specific purposes
Less Committed Assets	<b>(36,956,004)</b>	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

### **FINANCIAL IMPLICATIONS**

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

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

*Item 12.13 Continued*

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

1. *That the Monthly Financial Reports as at 31 October 2019 as included in [Attachment 11](#) be received.*
2. *Authorise the Chief Executive Officer to amend the budget spread in relation to Revenue – Operating items: Insurance, Sanitation Charges and Public Facilities Operations.*

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

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

**13.1 REQUESTS FOR LEAVE OF ABSENCE**

Nil.

**13.2 NOTICE OF MOTION (CR DAVIS) – REVIEW THE USE OF GLYPHOSATE IN THE CITY OF BELMONT**

**NATURAL BELMONT**

**ATTACHMENT DETAILS**

Nil.

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

Council to consider a Notice of Motion prepared by Councillor (Cr) Davis proposing a review of the use of glyphosate in the City of Belmont.

**SUMMARY AND KEY ISSUES**

Cr Davis is requesting that the City's administration carry out a review of its use of glyphosate and present review findings to Elected Members prior to April 2020.



*Item 13.2 Continued*

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Protect and enhance our natural environment.

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

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

### **BACKGROUND**

A Notice of Motion by Cr Davis reads as follows:

*'That Council requests administration to review the use of glyphosate in the City of Belmont and presents the review findings including alternative options to Elected Members for discussion by April 2020.'*

**Reason:**

*It is acknowledged that the continued use of glyphosate in the City is causing concern in the community and recent media coverage shows that this is likely to increase. To address community's concerns, the City should look at reviewing the use of glyphosate and identify alternatives to its use for ongoing weed control. The review to be completed as a priority within the next six months and presented to Elected Members for discussion by April 2020.*

*The use and safety of glyphosate has been questioned due to a number of publications including the World Health Organisation (WHO), the International Agency Research Cancer (IARC) and most recently through several legal cases in the USA against the glyphosate manufacturer Monsanto and Bayer Crop Science. Recent media reports have also highlighted concerns in regards to the use of glyphosate. In recent times, community has raised these concerns with Council. Administration currently uses the policy provisions, notifies community and undertakes pesticides application to implement weed control programs.*

*Item 13.2 Continued*

*I have read community concerns and debate on the use of glyphosate as a weed control herbicide and am of the view that the City needs to review the use of this product.*

**OFFICER COMMENT**

Subject to Council approval, the City will undertake a review of alternative practices and associated cost implications, prior to presenting findings to Elected Members by April 2020. It is noted that the City continually reviews alternative herbicides and has previously carried out trials of “steam weeding” in comparison to glyphosate and currently uses Roundup Biactive in some natural areas within the City.

**FINANCIAL IMPLICATIONS**

To be determined through the review process.

**ENVIRONMENTAL IMPLICATIONS**

To be determined through the review process.

**SOCIAL IMPLICATIONS**

To be determined through the review process.

**COUNCILLOR RECOMMENDATION**

**DAVIS MOVED, ROSSI SECONDED**

***That Council requests the Chief Executive Officer to review the use of glyphosate in the City of Belmont and present the review findings, including alternative options, to Elected Members for discussion by April 2020.***

**CARRIED 8 VOTES TO 0**

**Reason:**

It is acknowledged that the continued use of glyphosate in the City is causing concern in the community and recent media coverage shows that this is likely to increase. To address community’s concerns, the City should look at reviewing the use of glyphosate and identify alternatives to its use for ongoing weed control. The review into the use of glyphosate be completed as a priority within the next six months and presented to the Elected Members for discussion by April 2020.

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

Nil.

**15. CLOSURE**

**There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 8.08pm.**

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**MINUTES CONFIRMATION CERTIFICATION**

The undersigned certifies that these minutes of the Ordinary Council Meeting held on 19 November 2019 were confirmed as a true and accurate record at the Ordinary Council Meeting held 10 December 2019:

Signed by the Person Presiding: \_\_\_\_\_



PRINT name of the Person Presiding:

**PHILIP MARKS**

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