



# Ordinary Council Meeting

# Minutes

23 April 2024



City of  
**Belmont**

# CITY OF BELMONT

## Ordinary Council Meeting

### Minutes

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## **Alternative Formats**

This document is available on the City of Belmont website and can be requested in alternative formats including electronic format by email, in hardcopy both in large and standard print and in other formats as requested. For further information please contact the Community Development team on (08) 9477 7219. For language assistance please contact TIS (Translating and Interpreting Service) on 131 450.

**Councillors are reminded to retain any confidential papers for discussion with the minutes.**

**Minutes of the Ordinary Council Meeting held in the Council Chamber,  
City of Belmont Civic Centre, 215 Wright Street, Cloverdale on Tuesday  
23 April 2024 commencing at 6.30pm.**

# Minutes

## Present

Mayor R Rossi, JP (Presiding Member)	Mayor
Cr D Sessions (Deputy Mayor)	West Ward
Cr G Sekulla, JP	Central Ward
Cr B Ryan	East Ward
Cr P Marks	East Ward
Cr J Davis	South Ward
Cr C Kulczycki	West Ward

## In attendance

Mr J Christie	Chief Executive Officer
Mr S Downing	Director Corporate and Governance
Mr W Loh	Director Development and Communities
Mr M Murphy	Director Infrastructure Services
Ms D Dabala	Manager Governance and Legal
Ms S Jessop	Manager Finance
Ms L Chaplyn	Coordinator Media and Communications
Mrs J Cherry-Murphy	Senior Governance Officer
Ms M Phillips	Governance Officer
Mr J Vidal	IT Support Officer

## Members of the gallery

There were 18 members of the public in the gallery and no press representatives.

# 1 Official Opening

**6.30pm The Presiding Member welcomed all those in attendance and declared the meeting open.**

The Presiding Member read aloud the Acknowledgement of Country.

## **Acknowledgement of Country**

Before I begin, I would like to acknowledge the Whadjuk Noongar people as the Traditional Owners of this land and pay my respects to Elders past, present and emerging.

I further acknowledge their cultural heritage, beliefs, connection and relationship with this land which continues today.

The Presiding Member invited Cr Sessions to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Sessions 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 efficient, effective and orderly decision making within this forum.

# 2 Apologies and leave of absence

Cr Vijay (Apology)

Central Ward

### 3 Declarations of interest that might cause a conflict

#### 3.1 Financial Interests

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Mayor R Rossi	12.7 - Council Policy - Legal Representation for Elected Members and Employees	I may benefit from the Council Policy.
Cr J Davis	12.7 - Council Policy - Legal Representation for Elected Members and Employees	Could potentially be a beneficiary.
Cr C Kulczycki	12.7 - Council Policy - Legal Representation for Elected Members and Employees	There could be a possible financial interest should I seek to utilise the Legal Representation for Elected Members and Employees Policy.
Cr P Marks	12.7 - Council Policy - Legal Representation for Elected Members and Employees	Member of Council who may receive future money for representation.
Cr B Ryan	12.7 - Council Policy - Legal Representation for Elected	Financial Interest.



	Members and Employees	
Cr G Sekulla	12.7 - Council Policy - Legal Representation for Elected Members and Employees	May be beneficiary of Council Policy.
Cr D Sessions	12.7 - Council Policy - Legal Representation for Elected Members and Employees	The policy changes the access to legal representation and financial support in legal matters.
Mr J Christie	12.7 - Council Policy - Legal Representation for Elected Members and Employees	As an employee I will have access to the Policy should the need arise and have a direct financial interest.
Mr W Loh	12.7 - Council Policy - Legal Representation for Elected Members and Employees	I may be the beneficiary of the Council Policy.
Mr S Downing	12.7 - Council Policy - Legal Representation for Elected Members and Employees	I may the beneficiary of the policy at some future time.
Mr M Murphy	12.7 - Council Policy - Legal Representation for Elected	I may a beneficiary of this Policy.

	Members and Employees	
Ms D Dabala	12.7 - Council Policy - Legal Representation for Elected Members and Employees	Financial (indemnification).
Ms S Jessop	12.7 - Council Policy - Legal Representation for Elected Members and Employees	I may be a beneficiary of the Council Policy.
Ms J Cherry-Murphy	12.7 - Council Policy - Legal Representation for Elected Members and Employees	Should I ever need financial help for a legal matter.
Ms M Phillips	12.7 - Council Policy - Legal Representation for Elected Members and Employees	I am an employee of the City of Belmont and could utilise the Legal Representation for Elected Members and Employees Policy.

### 3.2 Disclosure of interest that may affect impartiality

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Mayor R Rossi	12.1 – Council Policy – Tree	I am a Councillor on the National Trust of WA and its significant tree

	Preservation Order	protection criteria was revised to create this policy.
Cr C Kulczycki	12.2 - Draft Local Planning Policy No. 11 - Public Art Contribution	I am proxy to the Public Art Advisory Panel, and currently serving upon the Panel.
Cr D Sessions	12.2 - Draft Local Planning Policy No. 11 - Public Art Contribution	I am Chair of the Public Art Advisory Board.
Cr D Sessions	12.6 – LG Reform – Standardised Meeting Procedures Consultation	This reform could affect all future Council meetings, procedures and decision making and I am elected to attend them until October 2025.

## **4 Announcements by the Presiding Member (without discussion) and declarations by Members**

### **4.1 Announcements**

Nil.

### **4.2 Disclaimer**

**6.34pm 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 L Hollands, Redcliffe

The following questions were taken on notice at the 26 March 2024 Ordinary Council Meeting. Ms Hollands was provided with a response on 10 April 2024. The response from the City is recorded accordingly:

2. In what section of the Act or Regulations does it state that if you do not give consent you have to leave the meeting?

#### Response

**Whilst not directly legislated, Council provides notice to the gallery of something that may be adverse to a gallery attendee's interests (namely being accidentally video/audio captured), the opportunity to leave if attendees don't agree to the possibility of being captured and the resulting position being that those who remain have agreed (consented) to the possibility of being captured under a number of other legal principles – including deemed consent, Council's privacy obligations and its common law duty of care - and as a courtesy to gallery attendees.**

**The Presiding Member gives notice to the gallery that the meeting is being livestreamed and recorded and that there is a chance that the gallery may be accidentally video/audio captured and livestreamed and recorded. The Presiding Member then goes on to say that if a gallery attendee does not agree to their voice and image being recorded, they then have the opportunity to leave, and those who stay are therefore deemed to agree to the possibility that they may be livestreamed. Those who stay are then deemed to have agreed or consented to the possibility of being livestreamed.**

5. On the City's website in respect to attending the quiz, it states there will be residents attending and there will be cameras and video and to notify the City if you do not want to be photographed. Why is that option available for a quiz night but not for a Council Meeting?

#### Response

**The livestreaming of a Council meeting is required under the Local Government Act and associated regulations. This legislated requirement does not apply to quiz nights.**

### **5.1.2 Ms L Hollands on behalf of Belmont Resident and Ratepayer Action Group**

The following question was taken on notice at the 26 March 2024 Ordinary Council Meeting. Ms Hollands was provided with a response on 11 April 2024. The response from the City is recorded accordingly:

1. With reference to item 12.2, what is the normal practice for notifying surrounding residents when there is a development application for a five-storey building or anything that affects them, is this attitude of 100m the norm?

#### **Response**

**Consultation requirements are dependent on whether a specific land use is subject to mandatory advertising in Local Planning Scheme No. 15, or if there are development variations that require discretion. In respect to Local Planning Scheme No. 15, consultation is not mandatory for the 'Community Home' land use. However, the Residential Design Codes (R-Codes) have been applied to assess the built form for the use. In line with the R-Codes, the City advertised the proposed variations to adjacent owners and occupiers and directly sought their feedback. Further to this, owners and occupiers within a 100m radius were informed, as they may reasonably seek awareness of the proposal. Consultation is conducted on a case-by-case basis, depending on the specific land use and development of each application.**

### **5.1.3 Ms B Scharfenstein, Redcliffe**

The following questions were taken on notice at the 26 March 2024 Ordinary Council Meeting. Ms Scharfenstein was provided with a response on 11 April 2024. The response from the City is recorded accordingly:

1. Could the City explain the rationale of viewing one area in Belmont in isolation from another, thereby only informing a small number of residents about the Low Cost Urban Road Safety Program decision while excluding the majority of residents who use this road daily and will be negatively impacted by the installation of an excess number of traffic calming devices?

#### **Response**

**A range of engagement media were utilised by the City for the proposed Stanton Road/ Second Street LCURS works. These included:**

- **Direct letter drops**
- **Belmont Connect**

- **Website news item**
- **Belmont Bulletin, which is distributed to 21,500 households in the City of Belmont**

3. What other decisions were considered by Main Roads and the City of Belmont? If none, why not and if none how does the City of Belmont and Main Roads WA know that this LCURS is the best decision?

### **Response**

**There are a number of traffic calming treatments possible under the LCURS scheme. The treatments chosen were done so after consultation with Main Roads WA and the Public Transport Authority. The chosen treatments are widely used across metropolitan Perth and are considered to provide the best balance of safety and amenity.**

### **5.1.4 Mr P Van Der Kooij, Redcliffe**

The following question was taken on notice at the 26 March 2024 Ordinary Council Meeting. Mr Van Der Kooij was provided with a response on 11 April 2024. The response from the City is recorded accordingly:

1. My house backs onto Stanton Road, why wasn't I or any other residents around the area notified? Are the Council going to take any responsibility or liability when I have a traffic accident due to a lack of sleep or anyone who stays at my house and structure damage to my property?

### **Response**

**A letter box drop was completed for all residents living immediately adjacent to the proposed works along Stanton Rd and Second St. As your primary access is not from Stanton Road your property was not included. The traffic calming treatments i.e. speed cushions and raised plateaus are widely used across metropolitan Perth and are extremely unlikely to result in structural damage to property. The question of establishing responsibility or liability for any traffic accident or third-party structural (property) damage is a matter for the police, insurers and courts to determine on a case-by-case basis.**

### 5.1.5 Mr A Bell, Redcliffe

The following questions were taken on notice at the 26 March 2024 Ordinary Council Meeting. Mr Bell was provided with a response on 11 April 2024. The response from the City is recorded accordingly:

1. Recently the City of Stirling Council approved raised pedestrian crossings on a section of West Coast Highway. I regularly walk along Stanton Road and often find it difficult to cross the road. Why didn't the City take the opportunity to install raised pedestrian crossings near our schools and bus stops as part of the significant traffic calming being implemented on Stanton Road?

#### **Response**

**The City has engaged with St Maria Goretti school who are supportive of the City's LCURS project.**

**The City is aware that the principal of Saint Maria Goretti school is considering an application to the Department of Transport for a signalised pedestrian crossing on Stanton Road.**

3. Why didn't the residents of Moreing Street get any say on what type of speed calming device and how many would be installed on their street?

#### **Response**

**The traffic calming devices installed on Moreing Street were the Watts profile speed humps in response to a high average speed recorded of 57.6 km/hr. The frequency and location of the speed humps was based on consistent spacing to promote an overall reduction in speed.**

**A letter was issued to all adjacent residents along Moreing Street in January 2021 prior to implementation of these works**

4. Why doesn't the City have a public traffic calming policy?

#### **Response**

**The City's approach to traffic management is to adopt strategic transportation planning using traffic modelling as a primary planning method with use of the City's warrant system as a secondary mechanism.**

**In addition, the City will develop a Road Safety Management Plan adopting the template provided by Main Roads WA.**



### **5.1.6 Mr M Cardozo, Redcliffe**

The following questions were taken on notice at the 26 March 2024 Ordinary Council Meeting. Mr Cardozo was provided with a response on 11 April 2024. The response from the City is recorded accordingly:

1. Connect Belmont shows 21 coloured dots, four of them are coloured blue, they are called asphalt speed humps with shark teeth marking.

#### **Response**

**There are no speed humps planned for the Stanton Road/Second St LCURS works. There was an error on the Belmont Connect interactive webpage that has since been rectified.**

2. Why was there no community engagement prior to the approval of the Stanton Road calming?

#### **Response**

**Council resolved at its 28 February 2023 Ordinary Council Meeting to implement traffic calming. Prior to the implementation of this resolution, those property owners directly affected by Council's decision were notified of the proposed traffic treatments.**

4. In March 2023 the City entered into discussions with Main Roads WA and the project went from temporary to permanent and went from a 300m section of road to the entire 1.5km. Why didn't the City come to Council formally to advise of the two significant changes to the formal Council direction, and why didn't the City follow their own recommendation to wait for the Tonkin Gap Alliance project to be finalised?

#### **Response**

**The implementation of the LCURS traffic treatment is consistent with the February 2023 Council resolutions**

### **5.1.7 Ms D Ransome, Ascot**

The following questions were taken on notice at the 26 March 2024 Ordinary Council Meeting. Ms Ransome was provided with a response on 11 April 2024. The response from the City is recorded accordingly:

1. The City of Belmont Annual Report 2022-23, Urban Forest Strategy states that during the winter months 2,629 trees were planted, can the Council provide an average cost per tree?

#### **Response**

**The average cost to supply and install per tree is \$140.50 based on a sizing of 35 litres.**

4. How do we get a copy of that?

#### **Response**

**A party can apply to the City for the information stating the reasons why they seek the information, and the City will consider the application, noting the information may be subject to Freedom of Information.**

### **5.1.8 Mr V Barker, Rivervale**

The following question was taken on notice at the 26 March 2024 Ordinary Council Meeting. Mr Barker was provided with a response on 11 April 2024. The response from the City is recorded accordingly:

2. As a duty of care, does the City of Belmont have a drug and alcohol policy for senior members of Council and councillors?

#### **Response**

**There is no specific policy covering Elected Members other than Division 3 – Behaviour of the Code of Conduct for Elected Members, Committee Members and Candidates.**

### **5.1.9 Mr P Hitt, Belmont**

The following questions were taken on notice at the 26 March 2024 Ordinary Council Meeting. Mr Hitt was provided with a response on 10 April 2024. The response from the City is recorded accordingly:

3. The City of Belmont is currently reviewing its view on external advertising, is that correct?

#### **Response**

**The City of Belmont is reviewing and has put out for advertising the Local Planning Policy – No.12 Advertising Signs about signage in relation to third parties. There is no other review of external advertising.**

4. Is it appropriate for a City councillor to have their face or advertising on rubbish bin holders?

#### **Response**

**The City makes no comment as to the appropriateness of a City councillor to have their face or advertising on rubbish bin holders. The City's position is that such advertising does not breach the current election regulations.**

5. Has the City met or greatly exceeded its urban density requirements?

#### **Response**

**The State's Perth and Peel @3.5million document sets minimum housing targets for each local government within the Perth and Peel region.**

**For the 2011-2016 period 2,346 additional dwellings were delivered within the City. This exceeded the State's target by 486 dwellings. Between 2016 and 2021 an additional 1,899 dwellings were delivered which meant the State's target was exceeded by 489 dwellings.**

**While the City has previously met the State's dwelling targets, a total of 6,100 dwellings need to be delivered by 2031 and 10,410 by 2050.**

### **5.1.10 Mr J Harris, Cloverdale**

The following question was taken on notice at the 26 March 2024 Ordinary Council Meeting. Mr Harris was provided with a response on 11 April 2024. The response from the City is recorded accordingly:

4. The what, when and where of the Stanton Road motion is clearly different to what the City is doing. Can the City provide guidance on the implementation of Council motions, is this the only circumstance where a council motion can be so loosely interpreted or do all motions of Council have this much leeway?

#### **Response**

**The City disagrees that the motion has been loosely interpreted. The City is implementing the resolutions adopted by Council at its February Ordinary Council Meeting.**

## **5.2 Questions from members of the public**

**6.36pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Public Question Time Form.**

**In accordance with rule (I), the Mayor advised that he had registered 10 members of the public who had given prior notice to ask questions.**

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

### **5.2.1 Ms L Hollands on behalf of the Belmont Resident and Ratepayer Action Group**

1. What is Cr Vijay's legal name, Vijay Vijay or Tamak Vijay and who allowed him to change his name?

#### **Response**

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

2. In regard to the Legal Representation policy, amounts under \$10,000 can be approved by the CEO and where appropriate the CEO will report to the Council. This means when the unelected CEO thinks it's necessary. As the policy is written by the administration for approval by Council how would this be transparent with the Council, not to mention the residents, and is the administration trying to control what the councillors can say, how the councillors find out and what they find out?

**Response**

**The Chief Executive Officer stated no. The Chief Executive Officer stated that he is disappointed with Ms Hollands statement that the CEO would be influencing the Council in their decision making. The reality is that Council will determine this policy this evening and the content of that policy. The Chief Executive Officer will wait for the outcome of the meeting.**

3. Why is the Mayor refusing deputations from residents on a policy that allows unlimited ratepayer money to be used for legal representation. The policy allows the use of ratepayer money to be used to sue the same residents for defamation. If this was ever to occur, how does this not mean that a resident would be directly affected?

**Response**

**The Mayor stated that Ms Hollands was not directly affected.**

4. Given there is no legislative requirement for residents to be on the camera at a Council meeting and the quiz is not legislated, why are those attending the quiz given the option to not be on camera but those at the meeting are not given the same option?

**Response**

**The Chief Executive Officer stated that with the recent Local Government reforms all band one and band two Council must livestream their Council Meetings. It is quite clear that if you are participating in a Council Meeting, then that will be livestreamed.**

5. What section of the legislation specifically says that residents need to be on camera?

**Response**

**The Chief Executive Officer stated that he believes that question was answered last month and the response is contained in the minutes. The State Government were quite clear that band one and band two local governments are to livestream their Council Meetings. You are participating in this meeting and that is livestreamed.**

## 5.2.2 Ms L Hollands, Redcliffe

1. Due to the hot summer, will the City consider planting additional trees?

### **Response**

**The Chief Executive Officer stated that yes the City are considering planting additional trees as a result of this hot summer and some deaths that have occurred throughout the City.**

2. Has any discussion taken place regarding increasing watering to three days from the existing two days for newly planted trees and if requested would Council consider increasing the watering budget?

### **Response**

**The Director Infrastructure Services stated that the City are increasing the watering of trees due to heat stress that occurred during the Summer.**

3. Can I please have an update on whether the \$10,000 for legal representation at the Standards Panel has been paid back to the City and if not what steps has the City undertaken to recover the costs?

### **Response**

**The Chief Executive Officer stated that a response had been provided previously. The City will implement the policy as required.**

4. Has the money been repaid?

### **Response**

**The Chief Executive Officer stated that the City do not disclose debtors to individuals.**

5. Item 12.4 is the First Nations Strategy, do we have a similar strategy for seniors and those with disabilities? If so, what is the policy called, and if not is there any plan to do a policy for the significant amount of people in our community?

### **Response**

**The Director Development and Communities stated that the City has a host of strategies to address the needs of each segment of the community. The Director Development and Communities stated that the question would be taken on notice.**

### 5.2.3 Mr A Bell, Redcliffe

1. Lyall Street has hundreds of out of area cars using our street to avoid the Epsom Avenue lights from 4am. Speed was the only criteria to approve traffic calming on Moreing Street. Given the position of the counters on Lyall Street, mathematically it's impossible for any speeding issue to be flagged. As residents and families, we have sent many emails to the City and we have progressed two petitions to ask the City and Council to help us. Can Council authorise the City to use some other method other than just speed to assist the families of Lyall Street and surrounding streets?

#### Response

**The Director Infrastructure Services stated that the City recently appointed a consultant to commence the traffic modelling exercise across Redcliffe as was discussed at the Information Forum further to the November Council Meeting. That is the approach the City will be taking moving forward, to work on the Strategic Transportation Planning approach with modelling and various scenarios while looking into the future. It will look at changes in the area and increased population.**

2. There are multiple precedents of traffic calming devices being removed within 12 months of installation due to complaints, including excessive noise. The likelihood of removal especially near homes due to noise complaints is a realistic expectation. Can Council authorise the City to provide an indicative cost to reinstate Stanton Road?

#### Response

**The Director Infrastructure Services stated that question was asked and answered a few months ago. The Director Infrastructure Services stated that the question would be taken on notice to provide the response previously given.**

3. There is clearly strong resident interest in finding a solution to the out of area traffic from Perth Airport using Stanton Road and the side streets. Can Council authorise the City to call a community meeting on the topic?

#### Response

**The Chief Executive Officer stated that Council could but would need to move that as a Notice of Motion to instruct the CEO to undertake that action.**

4. At the March Council meeting, the City stated that the current permanent Stanton Road calming proposal was discussed at the May 2023 Information

Forum. What evidence from this Information Forum can the City supply to confirm that Council approved the variation to the alternate motion?

**Response**

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

**5.2.4 Mr B O’Hara, Redcliffe**

1. Since the opening of Boorn Street at Bulong Avenue, Bulong is now being used as an accessway to and from the Redcliffe Train Station by buses from the Redcliffe depot. Would the City be willing to contact the management of the Redcliffe bus depot to ensure that drivers cease the practice of rat running their buses up and down Bulong avenue?

**Response**

**The Chief Executive Officer stated that he would be happy to contact the Public Transport Authority to ensure that they are following the route that was agreed. The Chief Executive Officer stated that the question would be taken on notice.**

2. With the possibility of works commencing later this year on the Stanton Road traffic calming devices, I assume the City will have prepared a plan for a diversion of the 15,000 vehicles that are using this road. Can the City share the planned diversion routes and modelling, which will indicate which streets are expected to bear the brunt of this increased traffic flow?

**Response**

**The Director Infrastructure Services stated that the question would be taken on notice.**

3. After completion of the works on Stanton Road, what measurements or tools will the City be using to measure the success of the project, would the assessment involve the adoption of the 2016 Aus Roads Warrant System or now the new 2008 version?

**Response**

**The Director Infrastructure Services stated that the question has been answered previously in relation to LCURS scheme, as this is a Main Roads scheme they have an approach for assessing the success of the works that have been completed. The Director Infrastructure Services stated that the question would be taken on notice.**

4. I understand that Main Roads will be undertaking an assessment, my question related to the City undertaking the assessment.



## **Response**

**The Director Infrastructure Services stated that the City will be doing a modelling exercise of the whole of Redcliffe which will take into account the traffic calming on Stanton Road. The City will also be undertaking traffic counts subsequent to that which will feed into the model. This will inform future decision making for the Council in relation to future traffic calming in Redcliffe if it is required.**

### **5.2.5 Mr M Cardozo, Redcliffe**

1. Many residents remain perplexed about the Moreing Street traffic calming. I recently requested under FOI the program. In a nutshell, I wanted to see the business case that resulted in the March 2021 City approval. When I received the heavily redacted documents back, I discovered virtually no evidence of any rationale behind the decision other than speed. The business case is not confidential nor is it sensitive information. Expenditure of public money requires a process and a business case leading to the approval. In case I'm wrong and for the record, can the City publish the full business case that resulted in \$218,000 of ratepayer money being expended?

## **Response**

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

2. The City could have installed just two speed humps mathematically to bring Moreing Street speed under 50. Via FOI, the initial project sought four speed humps over the entire street. Bear in mind, no other street in the City has speed humps on its entire length. Via FOI from a City Officer and I quote "thoughts are to introduce another hump just before Miller Avenue to make sure they are a regular inconvenience to through traffic and hopefully deter rat running. As we are reasonably flush with money on this project so we could afford the additional device". So we are flush with money to deter rat running, the City installed five speed humps instead of four. There is absolutely no transparency in the current operational system of applying ratepayer money to traffic calming. What can Council do to restore confidence that our ratepayer money is not being spent subjectively, without a system or under duress?

## **Response**

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

3. In February last year, I first came to Council to ask if there was a matrix or weighting system that is used to install traffic calming. The City took the

question on notice. Subsequently, the response was No. Notwithstanding, a few months later the Cities' warrant system emerged – a matrix point scoring system, but its use is discretionary. Of the long list of criteria listed by the City only speed was cited as the reason for the Moreing Street traffic calming. If speed alone is the only criteria to support traffic calming, half the City would have speed humps. That was the inference of the Lyall Street petition rejection.

From months of questions, sadly I can confirm no warrant system assessment was completed because Moreing would not have met the threshold for action. Further, the intersection of Moreing Street and Victoria Street had a crash ranking of nearly 2,000 that, by the City's own subjective assessment, is classed as a very low ranking for action. The City or ratepayer budget for Moreing Street was \$330,000, nearly as much as the entire LCURS project. A total of \$218,000 was spent. That money could have been used to fund the entire wider Redcliffe traffic plan. Is Council willing to call an investigation into how and why \$218,000 of ratepayer money was spent on just one road?

#### **Response**

**The Chief Executive Officer stated that he suggests that would have been endorsed as part of the capital program and part of the budget that this Council actually endorsed.**

4. The Council did not endorse the spend.

#### **Response**

**The Chief Executive Officer stated that the budget would have been adopted by this Council, which would have been accompanied by a Capital Program. If there was any additional expenditure incurred above what Council endorsed, it would have been addressed at either the October or March budget review. In each case, the Council would have endorsed the Capital Program and the budget for this project.**

5. The City has confirmed that no noise study was completed for the Stanton Road project. Nedlands residents recently reminded their City Administration and Council that speed humps were removed within 12 months of installation due to noise complaints. It is abundantly clear that Stanton Road and Second Street residents will bear the brunt and lose substantially in terms of amenity and liveability as a direct result of the raised speed devices. I don't believe that Council actively intended for one section of residents to benefit from the suffering of others. When, not if noise complaints emerge following the installation of the Stanton Road calming, will Council be responsive to a significant petition in favour of removal of the Stanton Road calming?

### **Response**

**The Chief Executive Officer stated that once the traffic calming has been installed, the City will monitor the impact of that traffic calming to determine how effective it is and what impact it has. Further modelling will be done to ensure it is successful in reducing the number of vehicles on Stanton Road that are rat running from Great Eastern Highway to Perth Airport. The City will continue to monitor and if there are changes or modifications that need to be made to that area, the City will consider that.**

### **5.2.6 Ms J Cardozo, Redcliffe**

1. Can the report for the \$60,000 traffic modelling please be made public once complete?

### **Response**

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

2. If that traffic modelling suggests that the Stanton Road LCURS will push traffic on to small side streets or not move traffic to Tonkin Highway, will the City back away from the project?

### **Response**

**The Chief Executive Officer stated that the City will continue to monitor the impact of the installation, and post installation the City will consider any improvements if needed.**

3. What undertaking from Council do residents have that the wider Redcliffe plan will include resident consultation prior to approval and/or implementation?

### **Response**

**The Chief Executive Officer stated that the City will ensure that once the modelling is done, any future projects or implementation of that is communicated to residents of the Redcliffe area.**

4. At Belmont, application of the warrant system is optional. The Council at Victoria Park have formally endorsed their Warrant System as the best system to rank priority for expenditure of ratepayer money. Has Belmont Council endorsed our Warrant System? and if not, why?

### **Response**

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

## 5.2.7 Mr J Harris, Cloverdale

1. Can an assessment of previous plans' success be included in reports when strategies, policies and plans are presented to Council and the public?

### **Response**

**The Director Development and Communities stated that the question would be taken on notice.**

2. The February 2023 resolution on Stanton Road traffic calming, instructed the City to install temporary traffic calming devices in 2023 between Lyall and Epsom, it was the only instruction Council has given to implement traffic calming. The City says it is implementing this instruction through the Stanton Road LCURS which is permanent instead of temporary and this year instead of last year and much more extensive. Permanent is not necessarily an upgrade from temporary. Does the City consider permanent infrastructure to be substantively different from temporary infrastructure?

### **Response**

**The Director Infrastructure Services stated that the question had been answered by the Chief Executive Officer previously. In relation to the Stanton Road traffic calming, it is considered permanent but could be removed at a later date if required.**

**The Chief Executive Officer stated that there has been a number of questions on that resolution. There were five parts to that resolution, one part referred to a more permanent treatment once the Tonkin Gap has been concluded. The Tonkin Gap project has been completed. Once the City has the results of the modelling, the City will be in a position to see if that was effective or if any changes need to be made in the Redcliffe area.**

3. Are temporary and permanent considered substantively different?

### **Response**

**The Chief Executive Officer stated there was five parts to that resolution. One part was to consider a permanent solution once the Tonkin Gap Project had concluded. That project has concluded, there has been significant delays to this project due to lighting and approvals from Western Power. The City will continue to monitor the implementation and once the City have the modelling and the results the City will be in a better position to decide whether or not anything needs to be improved or whether further traffic calming is required in the Redcliffe area.**

4. The discussion in the February 2023 meeting recorded why 2023 was chosen as the timeframe, which was to provide temporary relief for

residents during the Tonkin Gap roadworks. The instructed timeframe has passed and the installation is no longer for that reason. Does the City accept that the change in installation time is a substantive departure from the original resolution?

**Response**

**The Chief Executive Officer stated that he has responded to this previously. The Chief Executive Officer does not believe there is a significant departure from the original resolution. The City will monitor the installation and monitor the traffic post installation and if there is any modification to Stanton Road, Lyall Street, Morrison Street or any other road in the Redcliffe area that will be taken into consideration.**

5. As the what, when and where of this instruction are not the same as the City's Stanton Road plan, why were these changes not returned to Council for approval?

**Response**

**The Chief Executive Officer stated that he does not believe there has been a dramatic shift away from the original intent of the previous resolution.**

**7.06pm Sessions moved, Marks seconded, that Public Question Time be extended.**

**Carried 7 votes to 0**

For: Davis, Kulczycki, Marks, Rossi, Ryan, Sekulla and Sessions

Against: Nil

**5.2.8 Mr L Rosolin, Belmont**

1. 270-272 Hardey Road is State Housing, I have reported issues to the Department several times and have given feedback. What actions are the Council undertaking to deal with the rubbish bins being left out and litter going everywhere?

**Response**

**The Chief Executive Officer stated that where the City is informed of issues with State Government Housing, officers will contact the Department of Housing and deal with that matter as appropriately as possible. This is a State Government housing property, and officers will**

**contact the Department of Housing and try to resolve the issues as quickly as they can, but usually these things do take time.**

2. What action can the City do about the litter and bins at this property?

**Response**

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

3. In regard to the Hub, a company usually retains some money in case the builder goes bankrupt or there are problems, has the City done this?

**Response**

**The Chief Executive Officer stated that when it comes to contractual matters, there are funds that are held pending defects and liability. This is an ongoing contractual issue, and the City is in consultation with the builder to try and resolve this matter.**

4. Did the Council retain money?

**Response**

**The Chief Executive Officer stated that it is standard practice on substantial contracts of that nature to retain funds in case there are defects liability clauses. This is normal for contracts of that nature.**

5. How much money did the City retain?

**Response**

**The Chief Executive Officer stated that it depends on the size of contract and it depends on the percentage.**

### **5.2.9 Ms N Brown, Belmont**

1. Down Hardey Road, near Great Eastern Highway we have parking signs stating four hour limited parking, there are cars parking there all day. Is there something the Rangers could do about the parking issue?

**Response**

**The Director Development and Communities stated that the Rangers would respond to any complaints from members of the community. Ms Brown should contact the Rangers directly. The Director Development and Communities stated that the question would be taken on notice.**

## 5.2.10 Ms B Scharfenstein, Redcliffe

1. I refer to item 13.2.1 Notice of Motion at 23 February 2023 Ordinary Council Meeting and the Officers Recommendation that indicated that while there were no issues with vehicle speed on Stanton Road and Second Street, there had been a rise in traffic volumes and concerns raised in relation to this. The report stated that Stanton Road and Second Street should be treated in insolation as a separate project. Given these recommendations, why did the City go against the Officer Recommendations and treat Stanton Road and Second Street as a separate project before the completion of the holistic traffic study that was not to be completed until mid 2025. Contrary to the motion moved by Cr Sessions, and seconded by Mayor Rossi, has the City not investigated the temporary or permanent closure of Central Avenue as was part of the motion before proceeding with the permanent installation of the LCURS nor implemented temporary traffic calming devices between Lyall Street and Epsom Avenue?

### Response

**The Chief Executive Officer stated that his recollection of that report was that the Officer Recommendation was that it should not proceed at the time as a wider network study was required. At that time there was substantial complaints and concerns raised by the public about the volumes of traffic on Stanton Road. Stanton Road is a local distributor road with a desired volume of 6,000 vehicles per day. At that time there was 12,000 vehicles per day on that road. There were a number of people raising concerns with the volumes and asking what the City was going to do to stop the rat running along Epsom Avenue and Stanton Road to the airport. Council, in their wisdom, moved an alternative recommendation based on the traffic volumes on Stanton Road and the number of complaints that the City and Councillors had received.**

2. In March 2018 the City stated that Stanton Road is currently a local distributor road under Main Roads WA hierarchy and recognises that many local distributors carry in excess of their destination as the physical geometry can cater for much larger traffic volumes. Stanton Road can physically carry in excess of 12,000 vehicles per day. The City was more concerned with overall traffic speeds and driver behaviours rather than solely looking at traffic volumes. Why has the City reversed its previous position and now is acting contrary to its officer recommendation as outlined in 2018 and why is it pushing ahead with the LCURS project?

### Response

**The Chief Executive Officer stated that the challenge that the City faced was there was substantial rat running. The Council was trying to prevent that rat running from continuing. At its peak in December 2023, there was 16,000 vehicles per day on Stanton Road. The Council**

**in good faith were trying to resolve the rat running issue that has persisted on Stanton Road since the closure of Brearley Avenue. The Chief Executive Officer believes that is why Council made that decision. The City will continue to monitor traffic volumes and traffic flow post installation once the City have the overview modelling of that area. The modelling also includes if Central Avenue is closed.**

3. Was there an Officer Recommendation and concurrent motion at the Information Forum held on 30 May 2023 for the City of Belmont to budget the \$354,407 to install the permanent LCURS on Stanton Road and Second Street that the majority of elected members voted to approve at the Information Forum?

#### **Response**

**The Mayor stated that Councillors do not vote at Information Forums.**

**The Chief Executive Officer stated that Information Forums are not decision making forums and there would be no resolution on motions passed at an Information Forum.**

4. In regard to the proposed capital budget for 2021, I draw your attention to the comment "the project is to reduce speeding traffic from Great Eastern Highway data shows its particular locations are of concerns, this has been promoted by Cr Ryan, BRRAG and DA6 dissenters." That comment was made in relation to the \$350,000 allocated to the municipal spending, can the Council please explain the term DA6 dissenters and who they believe these dissenters to be?

#### **Response**

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

### **5.2.11 Ms J Gee, Cloverdale**

1. Do Councillors not understand the separation of power, Councillors collectively employ the CEO to run the organisation, the Councillors do not run the organisation. To be paid superannuation, which is paid by an employer, you have to be employed. How would it work if Councillors were employed by the Council, because the CEO you employ would then be your boss. Your position as a Councillor is not, and never has been, an employable position, you are elected by the people. Your remuneration is paid by the ratepayer so why would you ask the ratepayer to pay your super. Do you realise that if you go down this path, those that are employed outside of Council, you will have Council position listed as a second job and



the tax is far more than the super you would get? Do you know that you can put \$27,500 each year taxed at 15% into your super which would reduce Councillors money which would reduce tax? As Councillors how many of you have looked at this?

**Response**

**The Chief Executive Officer stated that it is a State Government proposal that has not yet been legislated. The Chief Executive Officer stated that he assumes that everyone in this room is aware of the tax that must be paid and the requirements under the Australian Tax Office.**

2. Why can't Belmont do rates over twelve months?

**Response**

**The Director Corporate and Governance stated that the City has chosen to do it over 10 months from the date the rate notice is sent out to when the final installment is due. That does not prevent ratepayers from making ad hoc payments for the other two months, so they are ahead of the curve when the next rates notice comes out. The City have chosen the name "Smoothrates" because it is smoothing out ratepayer payments to the Council. The City have chosen 10 months as it works with the City's systems.**

## **5.2.12 Mr L Rosolin, Belmont**

6. How is the information from speed counts collected?

**Response**

**The Director Infrastructure Services stated that the system collects all the information which is then downloaded onto a spreadsheet for the City.**

**The Chief Executive Officer stated that the traffic data and counts that the City collect are generally used in ongoing asset management plans and programs for road networks. The City has a traffic count plan across the City to monitor traffic to determine whether or not and when road resurfacing programmes are required and whether road reconstruction is required. The road traffic counters that go out monitor the speed of traffic, number of traffic, volume of traffic and the different types of traffic so the City knows whether it is a large wheel vehicle or a normal car. It is used to inform the City's asset management and road resurfacing program, it does not come to Council.**

7. Has anyone reported the bitumen issues on First Street, is it going to be inspected?

**Response**

**The Director Infrastructure Services stated that the question would be taken on notice.**

### **5.2.13 Mr R Padua, Redcliffe**

1. The Moreing Street traffic calming questionnaire said and I quote "The City has received numerous complaints regarding the use of Moreing Street as a through road for traffic entering or exiting the domestic airport terminals from Great Eastern Highway." This statement doesn't seem to make any sense. Airport and City bound, Lyall Street is the first road in from Great Eastern Highway and the first Road out from Stanton Road. Why didn't the City apply a coordinated approach that included Lyall Street and Morrison Street before spending ratepayer money on just one road?

**Response**

**The Director Infrastructure Services stated that the question would be taken on notice.**

2. The Engagement, Community and Stakeholders Policy objective is to foster and encourage the participation of community and stakeholders in the decision-making process. The decision to install traffic calming on the entire length of Stanton Road affects thousands of local residents. What's the point of having a Community engagement policy when that policy doesn't trigger community engagement on a main local road and for such a substantial project?

**Response**

**The Chief Executive Officer stated that Council moved an alternate recommendation and that is why the CEO has to implement that recommendation. That recommendation did not make reference to wider consultation in regard to installation.**

3. Can the City publish the total number of homes that received direct mail advising them of the Stanton Road project last year and can this number be broken into Stanton, Second and adjacent corner homes?

**Response**

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

4. With reference to the key goal of reducing traffic volume on Stanton Road the City has stated that the most objective measure to assess the degree of success will be the traffic volumes prior and the traffic volumes after the traffic calming. Given Stanton Road will be permanently altered, can the City publish the target or success post traffic calming volume number? If no post objective measurement number has been set, can we ask why?

**Response**

**The Director Infrastructure Services stated that question has been answered previously. It is a Main Roads WA program, and they have their own criteria for assessment after works are done. The Director stated that the question would be taken on notice to provide the previous response.**

### **5.2.14 Ms C Padua, Redcliffe**

1. The traffic on Lyall Street has become unbearable since the speed humps were installed on Moreing Street. How long do we have to wait until Council addresses all the rat running on the other side streets that lead to Great Eastern Highway?

**Response**

**The Director Infrastructure Services stated that the City have started a modelling exercise to look at all of the Redcliffe area. The City anticipates having a report on that in late September, early October.**

2. Unlike Moreing Street, Stanton Road is a local distributor road that thousands of local residents use and rely on daily. The extensive traffic calming devices will affect smooth and effective access for emergency vehicles where seconds count. Did the City consult emergency services, in particular St John Ambulance, and what was their response?

**Response**

**The Director Infrastructure Services stated that the question would be taken on notice.**

3. For safety purposes, residents have a right to know how many seconds the traffic calming devices on Stanton Road and Second Street add to the journey from Epsom Avenue to Central Avenue. Can the City please publish this time figure?

**Response**

**The Director Infrastructure Services stated that the question would be taken on notice.**

4. The Activity Centre Planning Strategy adopted at the February Council Meeting showed traffic calming around the Redcliffe Station neighbourhood. Multiple traffic calming devices were plotted on Kanowna, Boulder, First and Bulong. This is a coordinated approach by the planning department to increase resident amenity, safety and reduce rat running. What role will planning play in the wider Redcliffe plan proposed and when will residents see the plan?

**Response**

**The Director Infrastructure Services stated that there will be a wide consultation with stakeholders and also a community engagement process on the planning exercise. The report will be made available.**

**7.37pm As there were no further questions, the Presiding Member declared Public Question Time closed.**

## **6 Confirmation of Minutes/receipt of Matrix**

### **6.1 Ordinary Council Meeting held 26 March 2024**

#### **Officer Recommendation**

**Sekulla moved, Davis seconded**

That the Minutes of the Ordinary Council Meeting held on 26 March 2024, as printed and circulated to all Councillors, be confirmed as a true and accurate record.

**Carried Unanimously 7 votes to 0**

For: Davis, Kulczycki, Marks, Rossi, Ryan, Sekulla and Sessions

Against: Nil

## 6.2 Matrix for the Agenda Briefing Forum held 16 April 2024

### Officer Recommendation

#### **Davis moved, Sessions seconded**

That the Matrix of the Agenda Briefing Forum held on 16 April 2024, as printed and circulated to all Councillors, be received and noted.

#### **Carried Unanimously 7 votes to 0**

For: Davis, Kulczycki, Marks, Rossi, Ryan, Sekulla and Sessions

Against: Nil

## 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

#### 8.1.1 Cr Ryan

1. When will The Esplanade and jetty works in Ascot commence?

#### **Response**

**The Department of Biodiversity, Conservation and Attractions requested the City to wait until the Spring before commencing works on site. Works are scheduled to commence in October 2024.**

## **8.2 Questions by members without notice**

Nil

## **9 New business of an urgent nature approved by the person presiding or by decision**

Nil.

## **10 Business adjourned from a previous meeting**

Nil.

## **11 Reports of committees**

Nil.

## **12 Reports of administration**

### **Officer Recommendation**

#### **Sekulla moved, Sessions seconded**

The Officer Recommendations for Items 12.4, 12.5, 12.8, 12.9, 12.10 and 12.11 be adopted en bloc by an Absolute Majority decision.

#### **Carried by Absolute Majority 7 votes to 0**

For: Davis, Kulczycki, Marks, Rossi, Ryan, Sekulla and Sessions

Against: Nil

Mayor Rossi disclosed at Item 3 of the Agenda "Disclosure of Interest" an Impartiality Interest in the following item in accordance with Regulation 22 of the *Local Government (Model Code of Conduct) Regulations 2021*.

## 12.1 Council Policy - Tree Preservation Orders

Voting Requirement	:	Simple Majority
Subject Index	:	110/006
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	25 August 2020 Ordinary Council Meeting Item 12.2: Request for Tree Preservation Order at Lot 22 (78) Armadale Road, Rivervale
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Development and Communities

### Council role

#### Legislative

Includes adopting local laws, local planning schemes and policies.

### Purpose of report

For Council to consider adopting a Council Policy relating to Tree Preservation Orders (Attachment 12.1.1).

### Summary and key issues

- Local Planning Scheme No. 15 (LPS 15) provides for a Tree Preservation Order (TPO) to be served upon a landowner for the preservation of a tree growing wholly or partly on their land.
- This is consistent with the WAPC's preferred and targeted approach to tree protection.

- Local Planning Scheme No. 15 does not contain any assessment criteria to determine the suitability of a tree to be protected through a TPO. This leads to there being:
  - No established process for TPO requests; and
  - No risk mitigation measures.
- At the 25 August 2020 Ordinary Council Meeting (OCM), Council considered a request for a TPO at 78 Armadale Road, Rivervale. At this meeting, Council resolved to defer the matter until guidelines were prepared in relation to serving a TPO.
- To guide the assessment and determination of a TPO, a Council and Operational Policy have been prepared.
- It is recommended that Council adopt the Council Policy relating to Tree Preservation Orders.

### **Officer Recommendation**

That Council adopt the Tree Preservation Order Council Policy contained as Attachment 12.1.1.

### **Note:**

**Cr Davis put forward the following Alternative Motion.**

### **Alternative Councillor Motion**

#### **Davis moved, Sekulla seconded**

That Council adopt the Tree Preservation Order Council Policy contained as Attachment 12.1.1 subject to the following changes:

- A. Inserting the following as clause 1:
  - 1. Eligibility Criteria for application and serving of a Tree Preservation Order
    - a. A landowner may apply for a Tree Preservation Order to protect a tree on their land.
    - b. A neighbouring landowner may apply for a Tree Preservation Order to protect a tree on the adjacent property if the canopy of that tree overhangs into their property.



c. The City of Belmont may serve a Tree Preservation Order upon a landowner for the protection of a tree on their land or a tree that overhangs their land.

B. The policy being amended to include that the future yearly arboricultural inspections will be at the cost of the City.

C. Renumbering provisions within the Council Policy accordingly.

### **Carried Unanimously 7 votes to 0**

For: Davis, Kulczycki, Marks, Rossi, Ryan, Sekulla and Sessions

Against: Nil

#### Reason

1. A clear connection/relationship must be formed between the significant tree. Therefore the owner of the tree, the owner of adjoining property of the canopy or the City of Belmont are eligible to request a Tree Preservation Order.
2. Owners of significant trees within the City of Belmont may potentially prematurely remove significant trees knowing that any member of the public may request a Tree Preservation Order preventing the owner of the significant tree from being able to act on future development plans.
3. Including the eligibility section in the assessment criteria requesting a Tree Preservation Order is in accordance with the Local Planning Scheme No.15.

## **Location**

The Council Policy is proposed to apply City-wide.

## **Consultation**

There are no external consultation requirements for Council Policies.

In developing the draft Council Policy, other local government policies and the National Trust Significant Tree Protection document were reviewed. Several local governments including the Cities of Bayswater, Fremantle and Vincent have significant tree registers. The table below outlines the number of trees

within private property which are listed on each local government’s significant tree register.

Local Government	Fremantle	Bayswater	Vincent
Number of private property trees on register	7	2	9

The limited number of trees within private property on each local government’s significant tree register highlights a targeted approach to tree retention. This also reflects the high bar of significance that trees need to meet in order to be protected. This approach ensures that only the most significant trees which meet the relevant criteria are afforded protection.

Officers also engaged with LGIS (Local Government Insurance Scheme) who advised that the primary requirements relating to a TPO include having a:

- Robust criteria or an assessment framework for determining the appropriateness of a TPO; and
- Clear process for risk management, including circumstances that threaten safety to persons or damage to property.

It is considered that the draft Council Policy adequately addresses these requirements.

### Strategic Community Plan implications

In accordance with the 2020–2040 Strategic Community Plan:

**Goal 3: Natural Belmont**

**Strategy:** 3.1 Protect and enhance our natural environment

### Policy implications

Council Policy

The draft Council Policy has been structured to include the following information:

- Assessment criteria.
- The frequency of inspections for trees protected by a TPO to mitigate risks.

- The process for reviewing, modifying or revoking a TPO.
- Instances where a TPO may not be considered.

Should Council adopt the subject Policy, it will form the basis for the issuing, review and modification of a TPO under the provisions of LPS 15.

## **Operational Policy**

An Operational Policy has also been prepared (Attachment 12.1.2) which contains details that underpin City administrative tasks and considerations. This includes:

- Details required to request a TPO.
- Criteria for reconsideration of a TPO.
- When a TPO is required to be reviewed to mitigate risk of damage or injury.
- Tree pruning or removal works which are exempt from approval should a TPO be issued (e.g. works undertaken to mitigate risk of damage or injury).
- Considerations for assessing ongoing development on a property containing a TPO.

The intent of the Operational Policy is to ensure the City has a consistent system in place for the receipt, processing and ongoing protection of trees subject to a TPO, whilst addressing risk of damage to property and personal injury.

## **Statutory environment**

*Local Government Act 1995 (WA)*

Section 2.7(2)(b) of the *Local Government Act 1995 (WA)* states that the role of Council is to determine the local government's policies.

## **Local Planning Scheme No. 15**

- Schedule A, Clause 13A(1)(a): The City may serve a TPO upon a landowner for the preservation of a tree growing wholly or partly on that land.

- Schedule A, Clause 13A(1)(b): A TPO may be served upon the owner of an adjoining property if the canopy of a tree subject to a TPO overhangs into their property.
- Schedule A, Clause 13A(1)(c): If the landowner is not also the occupier, the City can also serve a copy of the TPO to the occupier.
- Schedule A, Clause 13A(1)(d): Once a landowner/occupier has been served with a TPO, they cannot remove, cut, break or damage the subject tree, except with prior approval in writing from the City.
- Schedule A, Clause 13A(1)(d): Once a TPO has been served, the City may deliver a copy to the Registrar of Titles at Landgate for registration.
- Schedule A, Clause 13A(2): Within 28 days of a TPO being served a landowner may request in writing that the City reconsider, revoke or modify the Order. If within 60 days the City fails or refuses to revoke or modify the Order as requested, the landowner may apply for review of the decision by the State Administrative Tribunal.
- Schedule A, Clause 13A(3)(a): At any time, the City may reconsider, revoke or modify a TPO and notify the landowner, occupier and Registrar of Titles at Landgate accordingly.

## **Background**

A TPO issued under LPS 15, serves as a mechanism to preserve trees on land. The TPO provisions have formed part of the City's Local Planning Scheme since 1994. There is currently one entry on the City's TPO Register which relates to the preservation of two Port Jackson Fig Trees, within common property, at 57 Frederick Street, Belmont. The TPO was implemented to ensure the retention of the trees during significant redevelopment to construct 65 Grouped Dwellings on the site.

At the 25 August 2020 Ordinary Council Meeting, Council considered a request for a TPO to protect a Jacaranda tree at 78 Armadale Road, Rivervale. At this meeting, Council resolved to defer consideration of the matter until guidelines were prepared. Following Council's resolution, a Council and supporting Operational Policy have been prepared. Further information regarding the Council Policy is detailed in the following section of this report.

## **Report**

The draft Council Policy sets out the criteria for the issuing, modification and revocation of a TPO under LPS 15. An overview of the draft Council Policy is

provided below, in addition to information regarding who can apply for a TPO and the associated fees.

### Tree Preservation Order Assessment Criteria

In establishing the assessment criteria, the National Trust and other local government's significant tree protection criteria were reviewed. This informed the preparation of three key measures to evaluate whether a tree is significant and should be considered for protection through a TPO. These measures are a) scientific, environmental or biological; b) cultural or historical; and c) landscape or amenity. Further information regarding these measures is outlined below:

- a) Scientific, environmental or biological:** A tree that has a scientific, environmental or biological value or quality that in itself requires preservation. For example, if a tree is a rare or endangered species, globally recognised as significant, is required to be retained for ecological or genetic history or provides an ecological service that needs to be protected.
- b) Cultural or historical:** If not already protected under another form of legislation, a tree could be protected by a TPO for its cultural or historical values. This could apply to trees which are within an Aboriginal Heritage Site, located on the City of Belmont Local Heritage Survey or Heritage List or are associated with a site contained within these documents.
- c) Landscape or amenity:** A tree could be evaluated for its contribution to and beautification of the immediate landscape or the local environment. An example of this would be where a tree is regarded iconic or prominent within the landscape, becoming a local attraction or contributing to the local area's appeal.

In addition to the above, the tree's condition and locational attributes will be assessed to determine whether a TPO may be supported. The assessment criteria provide a baseline for evaluating a tree's significance and ensure that only healthy, structurally sound trees are considered for protection by a TPO, minimising the potential for property damage or personal injury.

### Review of Trees Protected by a Tree Preservation Order

The draft Council Policy outlines the review process for trees subject to a TPO. Trees will be reviewed by the City's arborist a minimum of every year, or where emergency works have been undertaken, or the tree could result in damage to property or personal injury.

This assessment aims to either confirm that the tree continues to meet the necessary criteria for protection or no longer satisfies the criteria, necessitating a modification or revocation of the TPO. This process ensures that unsuitable trees which may result in damage to property or personal injury are not protected by a TPO. These provisions also assist the City in meeting LGIS's suggested criteria.

### **Modifying or Revoking a Tree Preservation Order**

Local Planning Scheme No. 15 provides for a TPO to be revoked or modified at any time by the City or at the request of a landowner. To provide further clarity, the draft Policy outlines the instances where a TPO may be modified or revoked.

The Policy proposes to provide for a TPO to be modified where a tree or boundary change results in the Order needing to be added or removed from a particular property. It is proposed that Council revoke an Order where a tree is dangerous, deceased, may result in damage to property or personal injury or no longer meets the criteria for which it was originally protected.

### **Instances where a Tree Preservation Order may not be considered**

The Council Policy outlines instances where a TPO may not be issued. It is necessary to capture this through the Policy as certain trees may already be protected or subject to management requirements under State or Federal legislation. In addition, it is not considered appropriate for a tree to be protected with a TPO where it is structurally unsound or a noxious or declared weed.

### **Application Process**

Tree Preservation Orders can be applied for by landowners and members of the community. When requesting a TPO, a nomination form and supporting documentation (site plan, qualified arborist report compliant with Australian Standards and photos of the tree) must be provided to the City.

### **Fees**

There are three fees associated with a TPO which include the:

1. Application fee – \$147
2. Initial Arborist inspection fee – \$924 inc. GST
3. Yearly Arborist inspection fee – \$924 inc. GST

Whilst there are various payment responsibility options which could be implemented, it is considered that a shared arrangement between a

landowner/applicant and the City represents the most equitable approach to TPO related fees. It is recommended that the applicant pay the application fee (\$147) and initial arborist inspection fee (\$924 inc. GST). The City would then cover the yearly arborist inspection fee through the Operational Budget.

Requiring the applicant to cover the application fee and initial arborist inspection fee is considered to encourage genuine requests for the protection of significant trees with a TPO. If the City were to cover all fees associated with a TPO, it is likely that a considerable number of trees might be nominated - including those with limited significance - which could generate a significant financial and time burden for the City. Proceeding with the recommended fee responsibility option would alleviate any ongoing financial burden on a landowner, particularly as the yearly inspection stems from the City's risk management responsibilities. It is important to note that the landowner of the property in which the tree is situated will still be responsible for any maintenance of the tree.

### **Implications of Not Adopting Policy**

The TPO provisions have formed part of LPS 15 since 1994. The Council Policy will guide the application of these existing scheme provisions. Without such guidance in place, there would continue to be ambiguity regarding fees, procedural steps and assessment criteria for determining a tree's eligibility for protection. Importantly, there would be no defined risk management process in place, which is a key LGIS requirement for TPOs. Individuals could also nominate an unlimited number of trees for protection without having to provide any supporting information and documentation. The Council Policy provides clear guidance on the assessment, management and modification/revocation of TPOs and provides a risk management framework to address this.

### **Conclusion**

The Council Policy effectively lays out the criteria for evaluating applications for TPOs. Therefore, it is recommended that the Council Policy be adopted by Council.

Following adoption of the Policy, officers will contact the landowner of 78 Armadale Road, Rivervale to outline the next steps for their TPO request.

### **Financial implications**

The following tasks associated with considering and administering TPOs could have financial implications for the City:

- Notifying affected owners/occupiers of a TPO;
- Engaging a lawyer/attending the State Administrative Tribunal if a TPO is appealed;
- Obtaining a warrant under the *Local Government Act* if a landowner is not willing to provide access to a tree protected by a TPO.
- Officer time associated with considering/assessing TPO requests and undertaking inspections of the trees.

There are also financial implications associated with the TPO fees (application and arborist inspection) as outlined earlier in this report.

## Environmental implications

The implementation of the Policy would not result in an environmentally unacceptable tree being preserved. For example, noxious or declared weed species or introduced species that do not contribute positively to the natural environment will not be considered for preservation. It is the objective of the Policy to provide some assessment criteria which would demonstrate a tree’s contribution to local environmental values and qualities.

## Social implications

There are no direct social implications associated with this report item.

## Attachment details

Attachment No and title	
1.	Council Policy Tree Preservation Orders [ <b>12.1.1</b> - 5 pages]
2.	Operational Policy Tree Preservation Orders [ <b>12.1.2</b> - 4 pages]



## Tree Preservation Orders

### Policy Objective

To provide for the protection of significant trees through Tree Preservation Orders.

### Policy Detail

#### 1. Assessment criteria for significant trees

For a tree to be considered significant and worthy of protection through a Tree Preservation Order, it must meet one or more of the following criteria:

- a) Scientific, Environmental or Biological Significance and;
  - i. Is remnant native vegetation, was not planted or propagated and is of a local native species; or
  - ii. Is recognised by relevant State or Federal legislation as rare or endangered but may be exempt from requiring a clearing permit; or
  - iii. Is connected with native fauna assemblages that are recognised as at risk by relevant State or Federal legislation; or
  - iv. Has significant horticultural value.
  
- b) Cultural or Historical Significance and;
  - i. Is located on the City of Belmont Local Heritage Survey or Local Heritage List; or
  - ii. Is associated with or attached to a listed heritage site and directly relates to the heritage value of the site; or
  - iii. Is connected to or within an Aboriginal Heritage Site but is not protected under law.
  
- c) Landscape or Amenity Significance and;
  - i. Represents a curious growth form that significantly contributes to the landscape and has become a unique and widely renowned specimen; or

- ii. Occurs in a unique and prominent location and acts as a landmark to the local area.

## **2. Tree condition, impacts and locational attributes**

The tree's condition and locational attributes will also be assessed to determine whether a Tree Preservation Order may be supported. The following information will be taken into consideration as part of this assessment:

- a) The tree's current useful life expectancy (in years) and age class (maturity/life cycle).
- b) Description of current and future growth habit, including root structure, and any existing or future risk of structural damage or encroachment to buildings, property boundaries, or other structures.
- c) Existing health and structural integrity or known risks associated with the tree (i.e. presence of any growth or physical defects, pest or disease).
- d) Current and expected (at maturity) height, canopy and crown width (in metres) and trunk diameter at 1m above ground level (in millimetres).
- e) Works required and ongoing management requirements if evident.
- f) Assessment of potential risk of harm as assessed using a Quantified Tree Risk Assessment (QTRA) or International Society of Arboriculture Hazard Rating.

## **3. Review of trees protected by a Tree Preservation Order**

- a) A tree protected through a Tree Preservation Order will be reviewed by the City's Arborist:
  - i. A minimum of every year, against this Policy; or
  - ii. Where emergency works have been undertaken; or
  - iii. Where the tree may result in damage to property or personal injury.
- b) A Tree Preservation Order shall include requirements for:
  - i. The owner/occupant of the property on which the tree is situated providing City officers with reasonable and adequate access to the property to undertake an inspection of a tree.

- ii. A landowner/occupant notifying the City of any issues associated with a tree which may result in damage to property or injury to persons.
- iii. The applicant/landowner/occupant bearing all costs associated with maintenance, and inspections of the tree undertaken by the City's Arborist.
- c) A review of the tree may result in the modification or revocation of a Tree Preservation Order as per Section 4 of Council Policy Manual – Tree Preservation Orders.
- d) The City's Parks section will maintain a publicly available register for inspection.

#### **4. Modifying or revoking of a Tree Preservation Order**

Council can determine to modify or revoke a Tree Preservation Order and request that the Registrar of Titles remove or amend the memorandum from a property title(s).

- a) Council will consider modifying a Tree Preservation Order where:
  - i. Natural changes in the trees structure results in the Tree Preservation Order needing to be added or removed from property titles; or
  - ii. A boundary line and property title, through subdivision, amalgamation or otherwise, has changed requiring the addition or removal of the Tree Preservation Order to property titles.
- b) Council will consider revoking a Tree Preservation Order where the tree:
  - i. Is or will be deemed dangerous and requires removal; or
  - ii. Is deceased and requires removal; or
  - iii. May result in damage to property or personal injury; or
  - iv. No longer meets the criteria for which it was originally protected (Section 1 and 2).

#### **5. Instances where Tree Preservation Orders may not be considered**

A Tree Preservation Order may not be applied to trees in the following instances:

- a) Trees that are currently protected or subject to management requirements under local, state or federal legislation, may not be considered. This includes, but is not limited to;
  - i. *Energy Operators (Powers) Act 1979;*
  - ii. *Bush Fires Act 1954;*
  - iii. *Environmental Protection (Environmentally Sensitive Areas) Notice 2005; or the Main Roads Act 1930.*
- b) Trees which are:
  - i. Dead or considered non-viable;
  - ii. Structurally unsound and present an unacceptable risk to property or life that cannot be mitigated without removing the tree; or
  - iii. A noxious or declared weed.

### **Reference/Associated Documents**

City of Belmont Local Planning Scheme No. 15.

### **Reference to Internal Procedure**

Process Map – Tree Preservation Orders – To be developed.

### **Definitions**

**'Certified Arborist'** means an Arborist who is certified by a professional organization like the International Society of Arboriculture (ISA).

**'Owner'** has the same meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**'Tree'** means a woody plant inclusive of its roots, canopy, stems and trunk(s) that is capable of growing taller than 4m in height at maturity.

**'Trees Structure'** means its physical stature, including trunk, branches, roots, and foliage and growth habit, including direction of growth.

<b>This Policy is supported by:</b>		
Policy No:	CP64	
Strategic Community Plan:	Goal 3: Natural Belmont Strategy: 3.1 Protect and enhance our natural environment.	
Register of Delegations:	n/a	
Service Area:	Planning Services/Parks, Leisure and Environment	
Policy Owner:	Manager Planning Services/ Manager Parks, Leisure and Environment	
Policy Stakeholder:	Coordinator Planning Projects/ Coordinator Environment	
<b>Amendment Status:</b>		
Date of Amendment	Status of Amendment	Minute Item Reference
26 April 2024	New Policy	12.1

### **TREE PRESERVATION ORDERS (OPERATIONAL)**

#### **Policy objective**

To establish criteria which apply to trees protected through a Tree Preservation Order under Local Planning Scheme No.15.

#### **Policy statement**

This Policy outlines procedures for the application and review of Tree Preservation Orders issued under Local Planning Scheme No. 15. The Policy also contains criteria for arboriculture works and future development on lots subject to a Tree Preservation Order.

#### **Policy detail**

##### **1. Requesting a Tree Preservation Order**

Applications for a Tree Preservation Order shall include the following information:

1. A completed nomination form; and
2. Supporting documentation
  - 2.1 A scaled site plan illustrating:
    - i. The location of the tree's trunk; and
    - ii. The tree's proximity to dwellings, other trees, structures and services.
  - 2.2 Photos of the tree.
  - 2.3 An arborist report prepared by a certified arborist compliant with Australian Standards which addresses:
    - i. The assessment criteria in Section 1 of the Council Policy Manual – Tree Preservation Orders; and
    - ii. Tree Condition, Impacts and Locational Attributes criteria in Section 2 of the Council Policy Manual – Tree Preservation Orders.

\*Any costs associated with preparing these documents shall be borne by the applicant.

##### **2. Reconsideration**

In accordance with the provisions of the Local Planning Scheme, affected landowners of a property the subject of a Tree Preservation Order or amendment or revocation to an existing Tree Preservation Order may within 28 days of the serving of the order on that owner, request that the Tree Preservation Order is reconsidered and revoked or modified.

Where a landowner objects to a Tree Preservation Order or an amendment or revocation to an existing Tree Preservation Order, evidence must be presented to the City to demonstrate an unreasonable impact that would result from the Tree Preservation Order.

### **3. Review of trees protected by a Tree Preservation Order**

1. A tree protected through a Tree Preservation Order will be reviewed by the City's Arborist:
  - a) A minimum of every year, against this Policy; or
  - b) Where emergency works under Section 4 of this Policy have been undertaken; or
  - c) Where the tree may result in damage to property or personal injury.
2. A review of the tree may result in the modification or revocation of a Tree Preservation Order as per Section 4 of Council Policy Manual – Tree Preservation Orders.
3. The City's Parks section will maintain a publicly available register for inspection.

### **4. Arboriculture works**

As per LPS 15, no person who has knowledge of a Tree Preservation Order may remove, destroy, cut, break or damage any part of a tree the subject of a Tree Preservation Order except with the written approval of the City. However, approval is not required in the following instances:

- a) Where works are urgently required and necessary to remove an immediate risk of personal injury or damage to property; or
- b) During a declared emergency for works being carried out by authorised emergency workers.

### **5. Future development on sites subject to a Tree Preservation Order**

- a) Development<sup>1</sup> on a property subject to a Tree Preservation Order does not require an arboricultural method statement (AMS) unless it occurs within the tree protection zone (TPZ) of the tree.
- b) Where development occurs within the tree protection zone (TPZ), the landowner must:
  - i. Submit an Arboricultural Method Statement (AMS) to the City for approval; and
  - ii. Implement tree protection measures in accordance with the approved AMS and as per AS 4970 – 2009 - Protection of trees on development sites.
- c) The AMS must be developed by a Certified Arborist and demonstrate appropriate methodology for the protection and retention of the tree during and after development.

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<sup>1</sup> Development includes any works that result in excavation, trenching compaction or the altering of natural soil levels.

**6. Definitions**

- ‘Owner’** – Has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- ‘Certified Arborist’** – An Arborist who is certified by a professional organisation like the International Society of Arboriculture (ISA).
- ‘Tree’** – A woody plant inclusive of its roots, canopy, stems and trunk(s) that is capable of growing taller than 4m in height at maturity.
- ‘Trees Structure’** Means its physical stature, including trunk, branches, roots and foliage and growth habit, including direction of growth.

**Reference/Associated Documents**

- Council Policy Manual – Tree Preservation Orders
- City of Belmont Local Planning Scheme No. 15

**Reference to Internal Procedure**

- Process Map – Tree Preservation Orders – To be developed

**Monitoring, Evaluation and Review**

The policy will be reviewed every two years.

<b>THIS POLICY IS SUPPORTED BY:</b>	
REGISTER OF DELEGATIONS	N/A
SERVICE AREA:	PARKS, LEISURE AND ENVIRONMENT/PLANNING SERVICES
POLICY OWNER:	MANAGER PARKS, LEISURE AND ENVIRONMENT/MANAGER PLANNING SERVICES
<u>AMENDMENT STATUS</u>	



## Attachment 12.1.2 Operational Policy Tree Preservation Orders

DATE OF AMENDMENT	STATUS OF AMENDMENT	MINUTE ITEM REFERENCE
DD/MM/YY		##
NEXT REVIEW DATE	YYYY	

Cr Kulczycki and Cr Sessions disclosed at Item 3 of the Agenda "Disclosure of Interest" an Impartiality Interest in the following item in accordance with Regulation 22 of the *Local Government (Model Code of Conduct) Regulations 2021*.

## 12.2 Draft Local Planning Policy No. 11 - Public Art Contribution

Voting Requirement	:	Simple Majority
Subject Index	:	LPP15/011 – LPP11 – Public Art Contribution
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	14 February 2011 Special Council Meeting Item 10.1 (Policy Adopted)
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Development and Communities

### Council Role

**Legislative** Includes adopting local laws, local planning schemes and policies.

### Purpose Of Report

For Council to consider adopting a revised Local Planning Policy No. 11 – Public Art Contribution (LPP 11) (refer Attachment 12.2.1) for the purpose of public advertising.

### Summary And Key Issues

- Local Planning Policy No. 11 establishes a requirement that development proposals within specified precincts, with a development value exceeding \$4.5 million, contribute a minimum of 1% of the total construction value towards public art.

While the Policy has operated satisfactorily over time, it has not been reviewed since it was originally adopted in 2011. A review of LPP 11 has

been undertaken and several changes are proposed. The key changes relate to:

- Revised policy objectives;
  - Modified precinct areas;
  - Clarification on cash contributions in lieu of onsite public art; and
  - Clarification on the value of public art for significant developments.
- The revised LPP 11 provides a contemporary framework for the provision of public art within the City. In addition, the revised policy offers greater guidance for developers seeking to fulfill their public art obligations.
  - It is recommended that Council adopt the revised LPP 11 for the purpose of public advertising.

**8.07pm Cr Marks departed the meeting.**

**8.10pm Cr Marks returned to the meeting.**

#### **Officer Recommendation**

That Council adopt and advertise the revised Local Planning Policy No. 11 – ‘Public Art Contribution’ as detailed in Attachment 1, in accordance with the provisions of Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, by way of:

- Publishing a notice in the Perth Now newspaper.
- Displaying a notice and information on the City’s website and at the City’s Civic Centre.

**Note:**

**Cr Kulczycki put forward the following Alternative Motion.**

**Alternative Councillor Motion**

**Kulczycki moved, Sessions seconded**

That Council:

1. Adopt the revised Local Planning Policy No. 11 – ‘Public Art Contribution’ as detailed in Attachment 12.2.1 for public advertising, subject to the following amendments:
  - A. Removing the following text from Clause 3 – Policy Area:

“\*Cash in lieu payments will be expended within the activity centre from which they were received, subject to suitable locations for public art being available.”
  - B. Inserting the following as Clause 6.3.6:

“Cash in lieu payments will be expended within the activity centre or the public art precinct from which they were received, subject to suitable locations for public art being available.”
  - C. Inserting the following as Clause 6.3.5:

“Cash in lieu payments eligible for the 10% discount will be accepted for developments with a cost up to a maximum of \$10 million; the maximum discount for eligible cash in lieu contributions is limited to \$10,000.”
  - D. Including the following additional point under Clause 5 - Policy Definitions relating to the Public Art definition to specify that public art does not include:

“Architectural features located on a building.”
2. Advertise the amended Local Planning Policy No. 11 – ‘Public Art Contribution’, in accordance with the provisions of Schedule 2, Part 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, by way of:
  - Publishing a notice in the Perth Now newspaper.
  - Displaying a notice and information on the City’s website and at the City’s Civic Centre.

**Carried Unanimously 7 votes to 0**

For: Davis, Kulczycki, Marks, Rossi, Ryan, Sekulla and Sessions

Against: Nil

## Reason

1. To ensure cash in lieu expenditure is safeguarded to the activity centre or locality where the developer's investment has occurred, clarifications have been proposed to the relevant clauses in the revised policy.
2. Acknowledge the efficiency gains and orderly planning outcomes that can be achieved from accepting cash in lieu contributions to deliver high-quality public art outcomes. At the same time establish suitable controls by means of an upper threshold to cash in lieu contributions set to a maximum development value of \$10 million to discourage a developer from attempting to reduce their outlays and shift the administrative burden of commissioning public art upon the City for higher value developments.
3. Clarify that as a principle, architectural features should not be classified as public art to prevent potential examples of ancillary building features being presented to the City by a proponent as qualifying public art.

## **Location**

The revised LPP 11 identifies various precincts for public art provision, illustrated in Figure 1 below. These precincts generally represent significant redevelopment areas, activity centres and business precincts.



Figure 1: Revised LPP 11 public art precincts

## Consultation

Consultation for making or amending a local planning policy is a statutory process required under Clause 4 of the Deemed Provisions of the Local Planning Scheme Regulations.

Clause 4(1)(a) of the Deemed Provisions requires the Policy and a notice to be published on the City’s website. If the local government considers it appropriate, a notice shall also be published in a local newspaper circulating within the Scheme area and the Policy made available for viewing at a location in the district. The notice shall advise the public as to the location of where the local planning policy may be inspected, the subject and nature of the local planning policy and in what form and during what period (being not less than 21 days) submissions may be made.

After the conclusion of the advertising period, Council is required to review the Policy considering any submissions received and may either adopt the Policy with or without modifications.

## **Strategic Community Plan Implications**

In accordance with the 2020–2040 Strategic Community Plan:

### **Goal 1: Liveable Belmont**

**Strategy:** 1.2 Plan and deliver vibrant, attractive, safe and economically sustainable activity centres

**Strategy:** 1.4 Attract public and private investment and businesses to our City and support the retention, growth and prosperity of our local businesses

### **Goal 2: Connected Belmont**

**Strategy:** 2.2 Make our City more enjoyable, connected and safe for walking and cycling

### **Goal 4: Creative Belmont**

**Strategy:** 4.1 Promote the growth of arts and culture

### **Goal 5: Responsible Belmont**

**Strategy:** 5.1 Support collaboration and partnerships to deliver key outcomes for our City

**Strategy:** 5.5 Engage and consult the community in decision-making.

## **Policy Implications**

### **Local Planning Policy No. 11 – Public Art Contribution**

Local Planning Policy No 11 establishes a basis for developers to provide and/or contribute towards public art through the development approval process. The Policy outlines the objectives and standards which the City will use to evaluate public art proposals and the approval process.

Should Council ultimately adopt the revised LPP 11 it will supersede the existing policy.

## **Public Art Directions and Masterplan 2011**

The Masterplan provides guidance on the delivery of public art throughout the City. Specifically, the Masterplan outlines the process that private developers shall follow when required to provide public art in accordance with LPP 11. The Masterplan is currently being reviewed to further support the revised LPP 11, particularly regarding the process for collecting and spending cash contributions.

## **Statutory Environment**

### ***Planning and Development (Local Planning Schemes) Regulations 2015 (WA)***

The procedure for making and amending a Local Planning Policy is outlined under Schedule 2, Part 2, Clause 4 and 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.

## **Background**

The inclusion of 'percent for art' requirements is a long standing and accepted element of the Western Australian planning framework.

In 2011, Council adopted the City's first public art planning policy (LPP 11). Local Planning Policy No. 11 requires developers to contribute towards public art as a condition of development approval where; the cost of their development exceeds \$4.5 million and the development is located within one of the identified precinct areas. The contribution, which amounts to 1% of the estimated development cost can be fulfilled by providing public art on the development site or making a monetary contribution to the City's Public Art Reserve.

Whilst LPP 11 has operated satisfactorily over time, it has not been reviewed since it was originally adopted in 2011. Therefore, a review of LPP 11 has been initiated to ensure it remains contemporary and operates in a manner that reflects best-practice.

## **Report**

The revised LPP 11 draws upon elements of the existing Policy but proposes the following key changes:

- Additional Policy Objectives and amendments to the existing ones.
- Revised precinct areas.



- Additional details regarding cash-in-lieu contributions.
- Inclusion of a provision which provides guidance on public art contribution expected for developments of significant value (exceeding \$100 million).

A copy of the revised LPP 11 is contained as Attachment 12.2.1. A marked up version of the key changes between the existing LPP 11 and revised LPP 11 is contained as Attachment 12.2.2.

The key changes proposed by the revised LPP 11 will be discussed in further detail below.

### **Policy Objectives**

The objectives of the existing LPP 11 have been refined and new objectives added. The new objectives (4.2, 4.3, 4.6 and 4.7) relate to:

- Encouraging innovation and creativity.
- Creating landmarks and focal points.
- Enhancing public enjoyment and understanding of places.
- Ensuring equitable access to public art by all members of the community.

The changes to the objectives further support the intent of the Policy and clearly outline the desired outcomes it aims to achieve.

### **Public Art Precincts**

The existing LPP 11 identifies various precinct areas for the provision of public art (Figure 2). These general represent significant redevelopment areas, major recreational spaces and activity and business precincts. Several modifications are proposed to the precinct areas as illustrated in Figure 3.

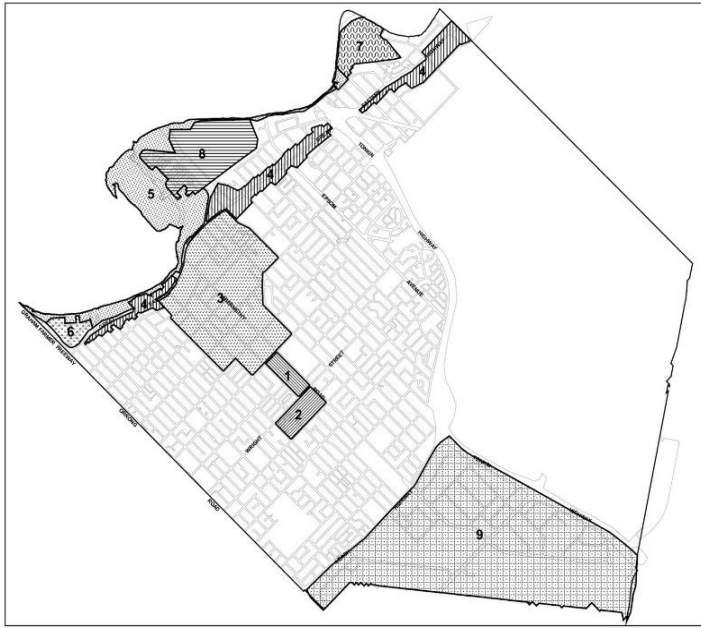


Figure 2: Current Public Art Precincts



Figure 3: Proposed Public Art Precinct

The modifications to the precinct areas have resulted in the following key changes:

- The amalgamation of smaller precincts into larger, more logically defined public art precincts. For example, in the revised policy, precincts 1-3 of the existing policy have been combined. Areas within Rivervale, Ascot and Redcliffe have also been consolidated into larger precincts.
- The inclusion of the following within various public art precincts; Activity Centres, the Development Area 6 precinct (Redcliffe Station), Development Area 7 precinct (adjacent to Garvey Park), the Ascot Inn Hotel and the Redcliffe Industrial area.

These adjustments result in more logically defined public art precincts. By consolidating some existing precincts, cash contributions can also be pooled from a wider area, which has the potential to facilitate larger-scale public art projects. In addition, the inclusion of activity centres and key Development Areas (6 and 7) provides further opportunities for public art to be delivered within the City of Belmont.

### Cash Contributions

Local Planning Policy No. 11 provides for public art to be delivered on-site or for an equivalent cash contribution to be made. Upon review, the Policy has been revised to include further details on the payment and expenditure of cash-in-lieu funds.

The Policy has also been amended to encourage and incentivise cash contributions and outline the instances where a cash contribution may be refunded. These matters will be discussed further below.

### **Incentivising Cash Contributions**

The revised LPP 11 includes a new provision stating that developers opting to make a full cash contribution to the City will qualify for a 10% reduction in their contribution obligations. This is consistent with the approach taken by other local governments, including the City of Melville, City of South Perth, and Town of Victoria Park. This provision seeks to incentivise cash contributions provided to the City, to support implementation of the Public Art Plan which is currently being prepared. These cash contributions can facilitate the delivery of more comprehensive, high-quality, large-scale projects such as iconic landmark pieces, as opposed to smaller, fragmented outcomes.

### **Encouraging Cash Contributions in Certain Instances**

The draft LPP 11 includes a new provision encouraging contributions totaling \$50,000 or less to be paid into the City's Art Reserve, rather than art being delivered on-site. This provision stems from the various expenses tied to implementing public art projects including; artist fees, design, fabrication, installation and maintenance. For smaller-scale development projects, these costs may compromise the quality of the public art outcome. Therefore, it is considered appropriate to encourage cash contributions in these instances. As outlined above, these contributions can be pooled and used to execute more significant and impactful projects.

### **Refund of Cash Contributions**

The draft LPP 11 identifies the instances where a cash-in-lieu contribution will be refunded. This includes situations where a development is no longer proceeding, or an amendment results in the development becoming less than the required contribution value. In both instances, the landowner or developer must provide the City with a statutory declaration affirming these circumstances. This provision establishes clear circumstances in which a refund will be provided and also establishes a fair process for developers.

### **Public Art Contribution for Significant Developments**

The revised LPP 11 provides additional guidance regarding contribution requirements for developments of a significant value (greater than

\$100 million). It is acknowledged that the contribution requirements for these forms of developments are substantial, for example a \$100 million development is subject to a \$1 million contribution.

For projects with a significant development value, relying solely on the project cost to determine the public art requirements can lead to contributions that exceed what is reasonably necessary to achieve the necessary public art outcomes. Accordingly, using the standard 1% contribution approach for such projects can potentially raise issues with reasonableness. To address this, there are merits in considering a more strategic and outcomes-based approach for significant projects.

To address this potential issue, draft LPP 11 introduces a provision to provide the City the flexibility to adjust the standard art contribution requirement. This flexibility is contingent upon significant proposals being supported by a Public Art Strategy demonstrating that the outcomes align with the Policy objectives and are commensurate with the scale of the development.

## **Conclusion**

It is recommended that Council adopt the revised LPP 11 contained as Attachment 12.2.1 for the purpose of public advertising.

## **Financial Implications**

The draft LPP 11 allows for developers to provide a cash contribution to the City in lieu of delivering public art on their development site. Any contributions are paid into the City's Public Art Reserve and are then expended in accordance with the City's Public Art Plan. The Public Art Plan is currently being revised to further support the operation of LPP 11 and clearly outline how any contributions will be spent.

## **Environmental Implications**

There are no environmental implications associated with this report.

## **Social Implications**

The provision of public art within the City can positively contribute to enhancing a sense of community and wellbeing, improving the overall vibrancy of the City of Belmont.

## Attachment Details

### Attachment No and title

1. Draft LPP 11 [**12.2.1** - 5 pages]
2. LPP 11 Track Changes Version [**12.2.2** - 7 pages]

# CITY OF BELMONT

## Public Art Contribution

### **Local Planning Policy No. 11**

*Pursuant to Schedule 2, Part 2, Clause 4 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015*

#### **1. Policy Basis**

The City of Belmont recognises that public art enhances the utility, amenity and identity of the municipality.

This Policy establishes a basis for developers to provide and/or contribute towards public art through the development approval process. The Policy outlines the objectives and standards which the City will use to evaluate public art proposals and the approval process.

#### **2. Policy Application**

This Policy requires landowners to make a 1% public art contribution where:

- (i) The estimated construction value of their development exceeds \$4.5 million; and
- (ii) The development proposal is located within a Public Art Precinct identified in Figure 1 of this Policy.

#### **3. Policy Area**

The Policy Area consists of the following Public Art Precincts which are illustrated in Figure 1:

1. Civic, Town Centre and Mixed Business Precinct
2. Kewdale Industrial Precinct
3. The Springs Special Development Precinct and surrounding areas along Great Eastern Highway
4. Golden Gateway, Ascot Waters and Ascot Racecourse Precinct
5. Great Eastern Highway and Ascot Inn Precinct
6. Garvey Park, Redcliffe Station (DA6) and Redcliffe Industrial Precinct
7. Local and Neighbourhood Centres\*

\*Cash in lieu payments will be expended within the activity centre from which they were received, subject to suitable locations for public art being available.





Figure 1: Public Art Precincts

The Public Art Precincts encompass key areas and future landmark locations within the City which accommodate or are proposed to accommodate increased levels of residents, employees or visitors. Contributions will increase the amenity, quality and appearance of these precincts and the surrounding environment.

**4. Policy Objectives**

- 4.1 To enhance a sense of place by encouraging public art forms which provide an interpretation and expression of the local area’s culture, environment and built heritage.
- 4.2 To encourage innovation and creativity, and the community to interact with their environment and local cultural identity.
- 4.3 To improve legibility by introducing public art which assists in making streets, open spaces and buildings more identifiable.
- 4.4 To improve visual amenity through the use of public art to screen unattractive views and improve the appearance of the public realm.
- 4.5 To create local landmarks acting as focal points for the City, enhancing public enjoyment, and understanding of places through the public’s exposure to and understanding of public art.

4.6 To ensure that there is equitable access to public art by placing it in locations that are accessible to all members of the community.

4.7 To enhance the functionality and utility of public spaces by incorporating public art into the urban landscape.

4.8 To require or impose a levy for contributions for the placement of public artwork in accordance with the Public Art Management Plan.

## **5. Policy Definitions**

The meaning of specific words and expressions used in this Policy are given below.

### Public Art

The artistic expression and integration of a professional artist's concepts into areas which are capable of being viewed and appreciated by the public.

Public art is generally site specific and can include:

- Sculptures.
- Artwork features or enhancements.
- Murals or mosaic-covered floors, walls or walkways.

Public art does not include:

- Business or advertising logos and signage
- Supergraphics or colour coding;
- Mass produced objects such as fountains, statues or playground equipment.
- Art reproductions or mass-produced art.
- Landscaping or generic hardscaping elements which would normally be associated with the development.
- Services or utilities necessary to operate or maintain artworks.

### Public Realm

The public realm refers to outdoor spaces accessible to the wider public, including parks, road reserves, and other publicly accessible outdoor areas.

### Professional Artist

A practicing visual artist who:

- Has completed a university degree or minimum 3-year full time TAFE diploma in fine art, visual art or multimedia forms of art;
- Has a track record of exhibition artwork at reputable art galleries selling the work of professional artists;
- Has had work purchased by major public collections, university collections or Artbank; or
- Earns more than 50% of their income from teaching art, selling art or undertaking public art commissions.

\*This definition can be varied at the discretion of the City in instances where it may be appropriate for an Indigenous or emerging artist to be engaged on a project.

### Cash Contributions



Refers to cash-in-lieu funds contributed from developers to provide public art as part of development requirements. These funds are accepted by the City to then deliver public art projects within the Public Art Precincts.

Construction Value

The total estimated cost of carrying out a development. This is generally the estimated cost of development as stated on a building permit application.

**6. Policy Statement**

**6.1 Contribution Requirements**

6.1.1 The City of Belmont requires all development proposals within the precincts identified in Figure 1 of a value greater than \$4.5 million to contribute no less than one percent of the total construction value towards public art. This contribution can be fulfilled by:

- (i) Providing public art on the development site commissioned by a professional artist. Other locations will only be contemplated when approved by the City's planning department on advice from the relevant advisory panel; or
- (ii) Making a cash contribution towards public art in lieu of (i) above and in accordance with the City's Public Art Management Plan; or
- (iii) A combination of both (i) and (ii).

6.1.2 For developments of significant value (greater than \$100 million), the City may apply a flexible approach to the standard artwork contribution requirement, subject to a proposal being supported by a Public Art Strategy and demonstrating that public art outcomes on the site meet the Policy objectives.

6.1.3 Where the Building Permit value is higher than the Development Application value, the higher of the two shall apply when calculating the public art contribution.

**6.2 Public Art on development site**

6.2.1 Prior to submission of a Building Permit, details of the public art proposal shall be provided to the City for approval in accordance with this Policy and thereafter installed prior to the occupation or use of the development.

6.2.2 Where public art is located on a private development site, this shall be maintained by the owners of the land for the life of the development.

6.2.3 Where art is proposed to be delivered on a site where the development is proposed to be completed in stages, a public art strategy shall be submitted to demonstrate how art can be delivered equitably across the relevant stages.

**6.3 Cash Contributions**

6.3.1 Cash contributions from private developers will be accepted into the City's Public Art Reserve in accordance with the procedures detailed in the City of Belmont Public Art Management Plan.

- 6.3.2 Funds will be used to deliver art projects or to maintain art installations within the relevant precincts from which the contributions were collected.
- 6.3.3 Developers providing an entire cash contribution to the City's Public Art Reserve are eligible for a 10% reduction on the Policy requirement.
- 6.3.4 Contributions amounting to \$50,000 or less are encouraged to be paid as a cash contribution to the Public Art Reserve.

**6.4 Circumstances for Refunds of Cash-in-lieu Contributions**

- 6.4.1 Cash-in-lieu contributions will only be refunded where it has been paid prior to the commencement of the development in the following circumstances:
  - (i) The development is no longer proceeding; and
  - (ii) The landowner/developer provides the City with a statutory declaration stating that the development will not be proceeding.
  - (iii) An amendment to a development application results in the value of the development becoming less than the required contribution value. The City may require verification of this via an independent quantity surveyor report, or building contracts; and
  - (iv) The landowner/developer provides the City with a statutory declaration confirming the amended cost of the development.

**7. Separate Approval Generally Not Required for Public Art**

- 7.1 Public Art, where provided on a development site in fulfilment of a condition of development approval, shall not require a further development approval.

**GOVERNANCE REFERENCES**

<b>Statutory Compliance</b>	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Local Planning Scheme No. 15
<b>Industry Compliance</b>	
<b>Organisational Compliance</b>	
<b>Process Links</b>	

**LOCAL PLANNING POLICY ADMINISTRATION**

Directorate	Officer Title	Contact	
Development & Communities	Manager Planning Services	9477 7222	
<b>Version Date</b>	13/10/2020	<b>Review Cycle</b> Triennial	
		<b>Next Due</b> 13/10/2023	
Version	Decision to Advertise	Decision to Adopt	Synopsis
1	25/11/2008 Special Council Meeting (Item 6.1)	14/02/2011 Special Council Meeting (Item 10.1)	

## Local Planning Policy No. 11

*Pursuant to Schedule 2, Part 2, Clause 4 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015*

### **1. Policy Basis**

The City of Belmont ~~considers there is a need to protect and recognises that public art enhances~~ the utility, amenity and identity of the ~~public domain of places such as centres, main streets, squares and parks within its~~ municipality.

~~Public art is the artistic expression of a contemporary art practitioner presented within the public arena. The public arena refers to both indoor and outdoor spaces that are accessible to the wider public and includes parks, open plazas, road reserves, civic centres and library foyers.~~

~~Public art and design projects are generally site specific and can include:~~

- ~~• stand-alone sculptural works of art.~~
- ~~• the involvement of artists working on integrated elements within urban infrastructure or the fabric of a building.~~
- ~~• artworks that may be integrated within landscaping projects or may be the landscaping or earthworks themselves □ temporary works.~~

~~For the purpose of the City's Masterplan, public art does not include:~~

- ~~• Business logos.~~
- ~~• Directional elements such as supergraphics, signage or colour coding.~~
- ~~• 'Art objects' which are mass produced such as fountains, statuary or playground equipment.~~
- ~~• most art reproductions.~~
- ~~• landscaping or generic hardscaping elements which would normally be associated with the project.~~
- ~~• services or utilities necessary to operate or maintain artworks.~~

~~This Policy establishes a basis for developers to provide and/or contribute towards public art through the development approval process. The Policy outlines the objectives and standards which the City will use to evaluate public art proposals and the approval process.~~

### **2. Policy Application**

~~This Policy requires landowners to make a 1% public art contribution where:~~

- ~~(i) The estimated construction value of their development exceeds \$4.5 million; and~~
- ~~(ii) The development proposal is located within a Public Art Precinct identified in Figure 1 of this Policy.~~

### **3. Policy Area**

~~The Policy Area consists of the following Public Art Precincts which are illustrated in Figure 1: is defined on the following Policy Plan.~~

- ~~1. Civic, Town Centre and Mixed Business and Cultural Precinct~~
- ~~2. Kewdale Industrial Precinct~~

## Attachment 12.2.2 LPP 11 Track Changes Version

3. The Springs Special Development Precinct and surrounding areas along Great Eastern Highway
4. Golden Gateway, Ascot Waters and Ascot Racecourse Precinct
5. Great Eastern Highway and Ascot Inn Precinct
6. Garvey Park, Redcliffe Station (DA6) and Redcliffe Industrial Precinct
7. Local and Neighbourhood Centres\*

~~Town Centre Precinct~~  
~~Mixed Business Precinct~~  
~~Swan River Foreshore Precinct~~  
~~Garvey Park Precinct~~

\*Cash in lieu payments will be expended within the activity centre from which they were received, subject to suitable locations for public art being available.





**Figure 1: Public Art Precincts**

The Public Art Precincts encompass key areas and future landmark locations within the City which accommodate or are proposed to accommodate increased levels of residents, employees or visitors. Contributions will increase the amenity, quality and appearance of these precincts and the surrounding environment.

**4. Policy Objectives**

- 4.1 To enhance a sense of place by encouraging public art forms which provide an interpretation and expression of the local area's ~~natural physical characteristics and social values~~ culture, environment and built heritage.
- 4.2 To encourage innovation and creativity, and the community to interact with their environment and local cultural identity.
- 4.3 To improve legibility by introducing public art which assists in making streets, open spaces and buildings more identifiable.
- 4.4 To improve visual amenity ~~by~~ through the use of public art to screen unattractive views and improve the appearance of places the public realm.

4.5 To create local landmarks acting as focal points for the City, enhancing public enjoyment, and understanding of places through the public's exposure to and understanding of public art.

4.6 To ensure that there is equitable access to public art by placing it in locations that are accessible to all members of the community.

4.7 To enhance the functionality and utility of public spaces by incorporating public art into the urban landscape.

4.8 To require or impose a levy for contributions for the placement of public artwork in accordance with the Public Art Management Plan.

- ~~• To improve interpretation of cultural, environmental and built heritage.~~
- ~~• To improve visual amenity by use of public art to screen unattractive views and improve the appearance of places.~~
- ~~• To improve the functionality of the public domain through the use of public art to provide appropriate street furniture functions.~~

## 5. Policy Definitions

The meaning of specific words and expressions used in this Policy are given below.

### Public Art

The artistic expression and integration of a professional artist's concepts into areas which are capable of being viewed and appreciated by the public.

Public art is generally site specific and can include:

- Sculptures.
- Artwork features or enhancements.
- Murals or mosaic-covered floors, walls or walkways.

Public art does not include:

- Business or advertising logos and signage
- Supergraphics or colour coding;
- Mass produced objects such as fountains, statues or playground equipment.
- Art reproductions or mass-produced art.
- Landscaping or generic hardscaping elements which would normally be associated with the development.
- Services or utilities necessary to operate or maintain artworks.

### Public Realm

The public realm refers to outdoor spaces accessible to the wider public, including parks, road reserves, and other publicly accessible outdoor areas.

### Professional Artist

A practicing visual artist who:

- Has completed a university degree or minimum 3-year full time TAFE diploma in fine art, visual art or multimedia forms of art;
- Has a track record of exhibition artwork at reputable art galleries selling the work of professional artists;
- Has had work purchased by major public collections, university collections or Artbank; or
- Earns more than 50% of their income from teaching art, selling art or undertaking public art commissions.

\*This definition can be varied at the discretion of the City in instances where it may be appropriate for an Indigenous or emerging artist to be engaged on a project.

#### Cash Contributions

Refers to cash-in-lieu funds contributed from developers to provide public art as part of development requirements. These funds are accepted by the City to then deliver public art projects within the Public Art Precincts.

#### Construction Value

The total estimated cost of carrying out a development. This is generally the estimated cost of development as stated on a building permit application.

## **6. Policy Statement**

### **6.1 Contribution Requirements Public Art to be Required**

6.1.1 The City of Belmont requires all development proposals within the precincts identified in Figure 1 Policy Area of a value greater than \$4.5 million (four and a half million dollars) to provide public art in accordance with the described method for determining Public Art contributions. contribute no less than one percent of the total construction value towards public art. This contribution can be fulfilled by:

- Providing public art on the development site commissioned by a professional artist. Other locations will only be contemplated when approved by the City's planning department on advice from the relevant advisory panel; or
- Making a cash contribution towards public art in lieu of (i) above and in accordance with the City's Public Art Management Plan; or
- A combination of both (i) and (ii).

6.1.2 For developments of significant value (greater than \$100 million), the City may apply a flexible approach to the standard artwork contribution requirement, subject to a proposal being supported by a Public Art Strategy and demonstrating that public art outcomes on the site meet the Policy objectives.

6.1.3 Where the Building Permit value is higher than the Development Application value, the higher of the two shall apply when calculating the public art contribution.

~~This Policy shall apply to all proponents, with the exception of those exempt from obtaining Local Authority planning approval under other legislation.~~

~~Those proponents/projects so exempted should utilise this Policy and the Public Art Masterplan as a guide for the implementation of their respective Percent for Art Policy obligations where applicable.~~

## ~~2. Method of determining Public Art Contribution~~

~~The cost of any Public Art provided under this Policy shall be no less than one percent of the value of the eligible proposal.~~

## ~~3. Form of Public Art Contribution~~

~~Public Art required pursuant to this Policy shall be provided in kind. Where requested by the proponent, the Council may alternatively accept a cash-in-lieu payment in accordance with the procedures detailed in the City of Belmont Public Art Masterplan.~~

## ~~4. Location of Public Art Contribution~~

~~Public Art provided in kind pursuant to this Policy shall be provided on-site, or on crown land immediately adjacent to the site.~~

### 6.2 Public Art on development site

6.2.1 Prior to submission of a Building Permit, details of the public art proposal shall be provided to the City for approval in accordance with this Policy and thereafter installed prior to the occupation or use of the development.

6.2.2 Where public art is located on a private development site, this shall be maintained by the owners of the land for the life of the development.

6.2.3 Where art is proposed to be delivered on a site where the development is proposed to be completed in stages, a public art strategy shall be submitted to demonstrate how art can be delivered equitably across the relevant stages.

### 6.3 Cash Contributions

6.3.1 Cash contributions from private developers will be accepted into the City's Public Art Reserve in accordance with the procedures detailed in the City of Belmont Public Art Management Plan.

6.3.2 Funds will be used to deliver art projects or to maintain art installations within the relevant precincts from which the contributions were collected.

6.3.3 Developers providing an entire cash contribution to the City's Public Art Reserve are eligible for a 10% reduction on the Policy requirement.

6.3.4 Contributions amounting to \$50,000 or less are encouraged to be paid as a cash contribution to the Public Art Reserve.



**6.4 Circumstances for Refunds of Cash-in-lieu Contributions**

6.4.1 Cash-in-lieu contributions will only be refunded where it has been paid prior to the commencement of the development in the following circumstances:

- (i) The development is no longer proceeding; and
- (ii) The landowner/developer provides the City with a statutory declaration stating that the development will not be proceeding.
- (iii) An amendment to a development application results in the value of the development becoming less than the required contribution value. The City may require verification of this via an independent quantity surveyor report, or building contracts; and
- (iv) The landowner/developer provides the City with a statutory declaration confirming the amended cost of the development.

**5.7. Separate Approval Generally Not Required for Public Art**

7.1 Public Art, where provided on a development site in fulfilment of a condition of development approval, shall not require a further development approval.

**GOVERNANCE REFERENCES**

<b>Statutory Compliance</b>	<i>Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Local Planning Scheme No. 15</i>
<b>Industry Compliance</b>	
<b>Organisational Compliance</b>	
<b>Process Links</b>	

**LOCAL PLANNING POLICY ADMINISTRATION**

Directorate	Officer Title	Contact			
Development & Communities	Manager Planning Services	9477 7222			
Version Date	13/10/2020	Review Cycle	Triennial	Next Due	13/10/2023
Version	Decision to Advertise	Decision to Adopt	Synopsis		
1	25/11/2008 Special Council Meeting (Item 6.1)	14/02/2011 Special Council Meeting (Item 10.1)			

## 12.3 Consideration of the name Simone McMahon for inclusion on the City's Schedule of Names for Council Facilities, Roads, Parks and Reserves

Voting Requirement	:	Simple Majority
Subject Index	:	20/004
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	Jennifer and Patrick McMahon
Owner	:	N/A
Responsible Division	:	Development and Communities

### Council role

**Legislative** Includes adopting local laws, local planning schemes and policies

### Purpose of report

For Council to consider including the name 'Simone McMahon' on the City's Schedule of Names for both Council Facilities and Roads, Parks and Reserves.

### Summary and key issues

- Jennifer and Patrick McMahon have submitted the name of their late daughter Simone McMahon for inclusion on the City's Schedule of Names Reserved for Streets and Parks and the Schedule of Names Reserved for Council Facilities.
- Simone McMahon was a City of Belmont resident who was recognised for several awards for her advocacy and philanthropic work, before passing away in 2023.
- The request has been reviewed in accordance with the City's policies on the Naming or Renaming of Roads, Parks, and Reserves, as well as the separate policy concerning Council Facilities.

- It is recommended that the name 'Simone McMahon' be included on the City's Schedule of Names relating to Council Facilities and Parks, Roads and Reserves.

### **Officer Recommendation**

#### **Davis moved, Sessions seconded**

That Council:

1. Endorse the inclusion of the name 'Simone McMahon' in the Schedule of Names contained within Council Policy 'Naming or Renaming of Roads, Parks and Reserves'.
2. Endorse the inclusion of the name 'Simone McMahon' in the Schedule of Names contained within Council Policy 'Council Facilities – Naming'.

#### **Carried Unanimously 7 votes to 0**

For: Davis, Kulczycki, Marks, Rossi, Ryan, Sekulla and Sessions

Against: Nil

### **Location**

Not applicable.

### **Consultation**

No external consultation is required for amending Council Policies. On receipt of a request to name a road, park, reserve or Council facility, consultation will be undertaken in accordance with the relevant Council Policy and Landgate's Policies and Standards for Geographical Naming in Western Australia.

### **Strategic Community Plan implications**

In accordance with the 2020–2040 Strategic Community Plan:

### **Goal 5: Responsible Belmont**

**Strategy:** 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

## **Policy implications**

### **Landgate's Policies and Standards for Geographical Naming in Western Australia**

These policies and standards have been developed to guide the naming of places, features, administrative boundaries and roads across Western Australia. The policies and standards contain information and requirements relating to the aspects detailed below:

#### **Roads**

With the exception of Aboriginal words, names should be short, easy to pronounce, spell and write. Spelling of names should conform to Australian English where possible. New road names shall not include the following:

- The definite article 'The', for example, The Avenue.
- Prepositions.
- The use of name extensions, prefixes or suffixes.
- The words 'city', 'town' or 'shire'.
- Possessive apostrophe.
- Punctuation marks including hyphens.
- Numerical digits or roman numerals.
- Abbreviations.

Road names must only consist of a single name element followed by a road type (i.e. Jones Street). Road types must be selected from the Australian/New Zealand Standards AS/NZS 4819:2011 and reflect the function and characteristics of the road.

Duplicated names may lead to confusion for the public and to emergency service responders. Duplications therefore cannot be supported less than 10 km from an existing name. Duplicated names are road names that, regardless of road type are:

- Spelt or sound similar to an existing road name.
- Located in the same or an adjoining locality as an existing road name.

## **Parks**

In terms of the naming of parks, Landgate:

- Discourages changing an existing approved name unless it is for safety reasons i.e. two similar names causing confusion with emergency services.
- Expects new parks to be named after an adjoining road name (e.g. Middleton Park).

However, if naming a new park after the adjoining road was to create a naming duplication, then other suitable sources for names can include:

- Names from Aboriginal languages formerly identified with the general area.
- Names of pioneers who were relevant to the area.
- Names of persons who died during war services.
- Names associated with historical events connected with the immediate area.

## **Naming Buildings, Infrastructure and Facilities**

The naming of buildings, infrastructure and facilities of significance to the community provides an opportunity to honour individuals and groups who deserve recognition in a visible and enduring way. Suitable names for such features will be assessed against the following criteria:

- Whether the name has geographical, historical, cultural or local significance.
- If a living person is nominated, they must have contributed time, money or services to the community that were not part of their work, for at least 10 years.
- Named after people who have been recognised in their field of expertise at a state, national or higher level, for at least 10 years.
- Names shall not include persons who have been convicted of criminal offences.
- Family names that have already been used are not to be considered even though it refers to a different family. Consideration may be given to using the person's full name for example Joe Smith Library.
- Buildings, infrastructure and facilities named after a person may include an appended functional title where this would serve to clarify the location of the building or assist in identification.

## **Commemorative Names**

Landgate encourages recognition of outstanding achievements, contributions to the community and significant events through commemorative naming. A commemorative naming request can only be considered:

- Posthumously.
- If permission of the immediate family has been obtained.
- Based on a demonstrated record of achievement.
- If the person had a direct and long-term association with the location and made a significant contribution to the area.
- If the person had a direct association with the area in the case that the proposal seeks to commemorate an individual with an outstanding national or international reputation.
- If the application is in the public interest.
- If there is evidence of broad community support for the proposal.

The following will not be considered as appropriate grounds for a commemorative naming request:

Current or past ownership of the land.

Precedence of existing names.

- Past or ongoing public service within all levels of government.
- A person who has sponsored the development of the area, or who was a commercial developer.

Only the surname of a person should be used for commemorative naming. However, if the surname isn't suitable, consideration may be given to using the first name or both the first name and surname. In this instance, it is considered appropriate to include the full name of 'Simone McMahon' on the City's Schedule of Names to provide scope for either name to be considered.

### **Council Policy – Naming or Renaming of Roads, Parks and Reserves**

This Policy seeks to ensure the naming or renaming of roads, parks and reserves conforms to accepted criteria. The Policy outlines the City's preferred sources of names and the process for naming of roads, parks and reserves within the City of Belmont. The Policy is to be read in conjunction with the requirements listed in Landgate's Policies and Standards for Geographical Naming in WA.

The Policy states that names can be drawn from the Schedule of Names which has been endorsed by Council. However, if a name is proposed which is not

included on the Schedule of Names, it shall be drawn from the following sources, unless determined by resolution of Council:

- i. Surnames of people, who in the opinion of the Council, made an outstanding contribution to the community of the City of Belmont by extensive time volunteering, participation in service organisations, or by their philanthropy.
- ii. Australian Indigenous (Noongar) and common names of places, flora and fauna that has been or is currently existing in the City of Belmont.
- iii. Horses that have won two or more major racing events.

If the name 'Simone McMahon' is proposed for future use in naming a road, park, or reserve, community advertising will assess public interest and evidence of community support.

### **Council Policy – Council Facilities – Naming**

This Policy has been prepared to establish guidelines for the naming of Council facilities. It also seeks to recognise persons who have given notable service to the Belmont Community. The Policy states that a person whose name is being considered for naming of a facility must have either:

- i. Delivered outstanding service to the Belmont community over an extended period; and
- ii. made exceptional contributions to user groups of the nominated facility; or
- iii. a significant connection with the facility proposed for naming.

If the name 'Simone McMahon' is proposed for future use in naming a Council facility and there are organisations that lease or hire that facility, those organisations will be advised and requested to make a submission on the proposal.

### **Statutory environment**

*Land Administration Act 1997 (WA)*

Landgate acts on behalf of the Minister of Lands. It has delegated authority under the *Land Administration Act 1997 (WA)* to undertake the administrative responsibilities required for the formal approval of naming submissions.

## Background

Jennifer and Patrick McMahon have written to submit the name of their late daughter Simone McMahon for inclusion on the City's Schedule of Names Reserved for Streets and Parks and the Schedule of Names Reserved for Council Facilities. A brief summary of Simone's life is provided below:

Simone was born and lived in the City of Belmont and attended Notre Dame Primary School. At the age of 11, she received a kidney transplant, but in her late 20s, her health deteriorated. Some of her achievements include the following:

Member of the Order of Australia 2013: For long term contribution to the field of Organ and Tissue Donation Advocacy in Australia.

Lions Club Exemplary Service Award 2008: Nominated by Victoria Park Lions Club for contribution to the Western Australian community to the field of Organ and Tissue Donation.

Winston Churchill Fellowship 2007: A fellowship to travel to the United States, United Kingdom and Spain to study the International Models of Organ and Tissue Donation.

Browns Western Australian Woman of the Year 2007: In recognition of outstanding achievement as a Western Australian woman.

Western Australian Young Australian of the Year – 2006/08: A national award recognising outstanding achievement in providing voluntary services to the community in the field of organ and tissue donation.

Prime Minister's Centenary Medal — 2003 —An Australian commemorative medal, for her voluntary work in organ and tissue donation promotion.

Western Australian Youth Awards Finalist 2002 — In recognition of outstanding achievement as a young West Australian.

Principal's Medallion 1999 — St Norbert College.

In addition to the abovementioned accomplishments, Simone was involved in several organisations as State president and national director of Transplant Australia, a volunteer with the Kidney Health Foundation, and a wish granter with the Starlight Foundation. Simone was passionate about helping children and on one occasion organised a wheelchair for a young Belmont resident whose greatest wish was to play basketball at a professional level.

Simone passed away in 2023 at the age of 40 while waiting for a kidney transplant.

In late 2023, the City received a letter from the Member for Belmont, the Hon Cassandra Rowe, supporting the naming submission.



## **Report**

Acknowledging Simone's significant contributions to the community, it is considered appropriate to include the name 'Simone McMahon' in both the City's Schedule of Names for Roads, Parks, and Reserves and the Schedule of Names Reserved for Council Facilities. The appropriateness of the name 'Simone McMahon' has been evaluated against Landgate's requirements for commemorative names and is considered compliant with the relevant criteria for the following reasons:

Simone McMahon has passed away, fulfilling the requirement for posthumous recognition.

Consent has been given from the immediate family.

As outlined in the Background section of this report, Simone McMahon has been the recipient of numerous national and state awards for her advocacy and philanthropic work.

As an individual of outstanding national repute, Simone McMahon had a direct association with the City of Belmont as a resident and active member of the community.

Whilst the use of the name for a park or reserve is unlikely to achieve compliance with Landgate's requirements (which generally require parks and reserves to be named after an adjoining road), it may meet the requirements for a road or Council facility. Specific proposals wishing to use the name 'Simone McMahon' will be assessed on a case-by-case basis against the relevant Council Policy and Landgate's Policies and Standards for naming.

## **Conclusion**

The request has been considered against the relevant policies and is considered to meet the criteria for inclusion. Accordingly, it is recommended that the name 'Simone McMahon' be included on the Schedule of Names for Roads, Parks, and Reserves and the Schedule of Names Reserved for Council Facilities.

## **Financial implications**

There are no financial implications evident at this time.

## **Environmental implications**

There are no environmental implications associated with this report.

## **Social implications**

The inclusion of the name 'Simone McMahon' in the schedule of Names Reserved for Streets and Parks and the Schedule of Names Reserved for Council Facilities may provide for its future use in commemorating the life of Simone McMahon.

## **Attachment details**

<b>Attachment No and title</b>
Nil

## 12.4 First Nations Strategy Draft

Voting Requirement	:	Simple Majority
Subject Index	:	84/014
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	24 March 2015 Ordinary Council Meeting Item 12.5: Reconciliation Action Plan 2015-2017
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Development and Communities

### Council role

**Executive** The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### Purpose of report

To seek Council's endorsement to undertake public advertising of the draft City of Belmont Koort Karnajil Mya (Heart Truth Voice) First Nations Strategy 2024 for a period of 28 days.

### Summary and key issues

- A draft City of Belmont Koort Karnajil Mya (Heart Truth Voice) First Nations Strategy First Nations Strategy 2024 (FNS) has been prepared (Attachment 12.4.1).
- The draft FNS has been developed in line with the 2021 Western Australian Aboriginal Empowerment Strategy, the 2022 National Agreement on Closing the Gap and aligns with the City's Strategic Community
- Plan 2020-2040. It articulates how the City will focus on a

- community-centered approach that is linked directly to the empowerment of the First Nations community and building positive and effective intercultural relationships within the local government area.
- The draft FNS has been developed based on a robust co-design process with the City's First Nations community, including representation from Whadjuk Traditional Owners. The development of the FNS also included research on current trends from local, state and federal government and sector-specific stakeholders.
- The next step is to seek feedback on the draft FNS via public advertising.
- Feedback received from public advertising will be reviewed and appropriate revisions will be considered prior to finalising the FNS document for final endorsement by Council.
- The FNS is identified as a key action in the Corporate Business Plan for 2022-2026.

### **Officer Recommendation**

That Council endorse the draft City of Belmont Koort Karnajil Mya (Heart Truth Voice) First Nations Strategy as contained in Attachment 12.4.1 for the purpose of advertising for public comment for a minimum period of 28 days.

**Officer Recommendation adopted en bloc by Absolute Majority - Refer to Resolution appearing at Item 12.**

### **Location**

The draft First Nations Strategy applies City-wide.

### **Consultation**

Engagement activities included an online and paper-based survey, pop-up engagement booths at community events and the Belmont Forum, Aboriginal Advisory Group meetings, interviews with community members, businesses, service providers and Aboriginal Community Controlled Organisations, and presentations to the Department of Premier and Cabinet, Reconciliation Australia WA and the Western Australian Local Government Association (WALGA).

This was followed by a six-week co-design workshop series facilitated by First Nations company, IPS Management Consultants, as well as an additional workshop to review the draft.

Should Council endorse the draft strategy for advertising, it will be advertised for a period of 28 days. Submissions received during the advertising period will be considered and appropriate modifications may be made. The draft document will then be presented in light of the submissions for Council to consider.

## **Strategic Community Plan implications**

In accordance with the 2020–2040 Strategic Community Plan:

### **Goal 1: Liveable Belmont**

**Strategy:** 1.1 Respect, protect and celebrate our shared living histories and embrace our heritage

### **Goal 4: Creative Belmont**

**Strategy:** 4.1 Promote the growth of arts and culture

### **Goal 5: Responsible Belmont**

**Strategy:** 5.1 Support collaboration and partnerships to deliver key outcomes for our City

**Strategy:** 5.5 Engage and consult the community in decision-making

**Strategy:** 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations

## **Policy implications**

There are no policy implications associated with this report.

## **Statutory environment**

All local governments are required to produce a plan for the future under Section 5.56(1) of the *Local Government Act 1995 (WA)*. The Integrated Planning and Reporting Framework facilitates compliance with this requirement.

The FNS is an 'informing document' within the City's Integrated Planning and Reporting Framework. Guided by the higher-level, longer-term vision, goals and strategies in the Local Planning Strategy and Strategic Community Plan (SCP), informing documents like the FNS provide more detail into the medium term about specific issues. These in turn guide specific activities captured in the Corporate Business Plan (CBP) and shorter-term documents like the Annual Plan and Annual Budget.

## **Background**

The City has a long history of working collaboratively and successfully with the First Nations community of Belmont. In 2015, Council and Reconciliation Australia endorsed the City's inaugural Reconciliation Action Plan 2015-2017 (RAP). Although the RAP officially ended in 2017, the City has maintained several areas of action and successfully achieved 71% (56) of the 78 goals outlined in the plan.

To support the City's activities with the First Nations community, the Corporate Business Plan for 2022-2026 identified the development of a new strategy as an action that will help achieve the goals identified in the City's SCP 2020-2040. Following a period of reflection that included feedback from the Aboriginal Advisory Group, the wider community and consideration of the changes to the social and political context in Australia since the development of the RAP, it was agreed that an outcomes-based strategy aligning with the City's other community-focused strategies would be the most appropriate way forward in this area.

Desired outcomes for the City of Belmont's First Nations and broader community identified through the engagement process include:

- Leveraging the strong and unique First Nations heritage, culture and peoples to enhance an overall cultural identity of the local government area;
- The need to recognise that First Nations peoples are best placed to provide expertise in the decision-making that affects them;
- Acknowledgement of the vital role that collaboration plays in addressing the needs of First Nations peoples and the City's role in supporting empowerment through advocacy and partnerships;
- Increased focus on capacity building activities with Aboriginal Community Controlled Organisations and community members in order to support the empowerment of First Nations peoples; and

- Increasing the levels of cultural safety across the City as a whole to effectively achieve the goals of the strategy.

## Report

The co-design group identified that it was important for them that the Koort Karnadjil Mya (Heart Truth Voice) First Nations Strategy has a dual-named title with Noongar language. *Koort* is the Noongar word for Heart and it represents healing and recovery for First Nations peoples. *Karnadjil* is the Noongar word for Truth and it represents the community working with the City to move forward in a genuine manner to create tangible change based on the concerns and cultural knowledge of First Nations peoples. *Mya* is the Noongar word for Voice representing the desire for local First Nations people to work with the City to strengthen and empower the First Nations people of Belmont.

The draft strategy outlines the City's profile and steps taken to tailor the document so that it can achieve outcomes for our community.

Considering the consultation, co-design activities and changes to the sector, the draft FNS focuses on four priority areas:

**Priority Area 1:** Respecting and Celebrating

**Priority Area 2:** Empowerment, Advocacy and Partnerships

**Priority Area 3:** Capacity Building

**Priority Area 4:** Cultural Safety.

Under each of these priority areas, the strategy articulates more specific activities to meet its objectives. Specific tasks and projects under each activity will be planned and captured at the operational level through the associated operational FNS Implementation Plan, a dynamic document revised annually and used to inform the annual CBP and Budget.

The purpose of public advertising is to seek input on the content of the draft FNS text. The graphics and presentation format, including relevant photographic imagery and infographics will be finalised following advertising, prior to final endorsement by Council.

## Financial implications

The FNS is identified as a key target for 2024-25. Once the strategy is adopted by Council, operational funding to implement and achieve the proposed actions will be presented through the budget process for the 2024-25 Financial Year.

## Environmental implications

There are no environmental implications associated with this report.

## Social implications

The draft FNS holds the opportunity for far-reaching positive social implications for residents and the community, including:

- Ensuring that the community has access to the services and facilities it needs.
- Assisting in the development of community capacity.
- Supporting community groups.
- Enhancing a sense of community and the image of Belmont.
- Contributing to an environment where residents are safe and feel safe.

## Attachment details

Attachment No and title
1. First Nations Strategy Draft V1 [ <b>12.4.1</b> - 12 pages]





# **Koort Karnadjil Mya – Heart Truth Voice – First Nations Strategy**



Publication date: [00/00/00]

# Acknowledgement of Whadjuk Noongar Peoples

The City of Belmont acknowledges the Whadjuk Noongar peoples as the Traditional Owners of this land and we pay our respects to Elders past, present and emerging. We further acknowledge their cultural heritages, beliefs, connection and relationship with this land which continues today. We acknowledge all Aboriginal and Torres Strait Islander peoples living within the City of Belmont.

## Mayor's message

[Insert content]

**Mayor Robert Rossi**

## Codesign group's message

The codesign group members have been engaged to codesign the City of Belmont Koort Karnadjil Mya (Heart Truth Voice) First Nations Strategy. The forum provided an opportunity for Aboriginal and/or Torres Strait Islander community members, organisations or businesses to inform, support and codesign a strategy with the City. It is important to note that this group has been engaged for this specific project but does not replace the City's Aboriginal Advisory Group (AAG).

We are developing an authentically codesigned First Nations Strategy, to capture the community's current needs, priorities and future aspirations. For six weeks we have worked to brainstorm and share information on community needs and aspirations for First Nations people in the City of Belmont, resulting in 4 key priority areas for actioning.

As representatives of and direct community members with a diversity of voices, we have undertaken this work following the principles of sharing culture, collaboration, accountability, and partnership. We seek to use our voice to advocate and lobby for change, build relationships together, and develop inclusive and transparent initiatives.

We thank the Council for affording this empowering opportunity and demonstrating national leadership in their codesign approach.

**First Nations Strategy Codesign Group**

## About the Strategy

The City of Belmont Koort Karnadjil Mya First Nations Strategy (the Strategy) reflects the City of Belmont's journey to this point and our learnings with the City's First Nations community.

It outlines the City's commitment to create an inclusive environment in which First Nations cultures are key focus areas. It aims to ensure First Nations people remain at the heart of conversations in all relevant initiatives and programs and that their aspirations, needs, and stories are heard, acknowledged, and prioritised.

This Strategy captures what First Nations people have told the City during engagement activities, whilst also incorporating the extensive community feedback and information captured in the 'National Agreement on Closing The Gap 2020', the WA State Government's 'A Path Forward', the 'Uluru Statement from the Heart', Reconciliation Australia's 'Reconciliation Action Plan' (RAP) core pillars and the City's overarching 2020-2040 Strategic Community Plan. The information from these rich bodies of work and the feedback that informed them has been collected and formulated into four Priority Areas.

The Priority Areas and associated Strategies are elevated at a strategic level to provide a broad focus to developing actions to achieve them, through further consultation with community and stakeholders, particularly First Nations people. This allows us to be flexible in determining specific actions and their timing to best respond to dynamic community opportunities, resourcing, and collaboration potential. City strategies have associated Implementation Plans that capture these dynamic priority actions and are regularly reviewed, informing our annual Corporate Business Plan and Budget.

### Strategy Title – Koort Karnadjil Mya (Heart Truth Voice)

In the initial workshops the codesign group identified that it was important for them that the First Nations Strategy had a title that was dual-named with the Noongar language and reflected a vision for a way forward with the City and First Nations peoples.

**Koort** is the Noongar word for Heart and it represents healing and recovery for First Nations peoples. It is used here to acknowledge the collective trauma experienced by the First Nations community alongside the will to build authentic and inclusive relationships that empower this community through self-determination.

**Karnadjil** is the Noongar word for Truth and it represents the community working with the City to move forward in a genuine manner to create tangible change based on the concerns and cultural knowledge of First Nations peoples.

**Mya** is the Noongar word for Voice representing the desire for local First Nations people to work with the City to strengthen and empower the First Nations people of Belmont to be further included and represented.

We commit to meaningful two-way listening and partnerships with First Nations people, particularly through our Aboriginal Advisory Group, to inform the Implementation Plan and detailed project planning and collaborative delivery where possible.

## Strategic alignment

Koort Karnadjil Mya – Heart Truth Voice – First Nations Strategy aligns to the City’s Strategic Community Plan 2020–2040.

### **Goal 1: Liveable Belmont**

Strategy: 1.1 Respect, protect and celebrate our shared living histories and embrace our heritage.

Strategy: 1.2 Plan and deliver vibrant, attractive, safe and economically sustainable activity centres.

### **Goal 4: Creative Belmont**

Strategy: 4.1 Promote the growth of arts and culture.

### **Goal 5: Responsible Belmont**

Strategy: 5.1 Support collaboration and partnerships to deliver key outcomes for our City.

Strategy: 5.5 Engage and consult the community in decision-making.

Strategy: 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations

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## City of Belmont profile

The City of Belmont is a metropolitan Local Government Area situated six kilometers from the Perth CBD. It comprises six suburbs including Ascot, Belmont, Cloverdale, Kewdale, Rivervale, Redcliffe plus the Perth Airport precinct.

Through our role as a Local Government Authority, the City identifies the needs of our diverse community by working in partnership with First Nations people to achieve their full potential through advocacy, building and strengthening partnerships, facilitating culturally appropriate initiatives and ongoing engagement.

The City of Belmont's First Nations local history has been summarised by respected Noongar Elder, Dr Noel Nannup:

### Nganya Kalleep – My land Goorgyp

Goorgyp is the Whadjuk Noongar word for the Belmont area where the river runs through the land. The name may be derived from goorgeeba, the reeds on the riverbed, or koordjikotji, the reed warbler birds that live in them.

This area was part of a territory held by a family group of Noongar people known as the Beeloo. In 1829, at the time of colonisation, the family was headed by Munday. He is remembered locally through the naming of Munday Swamp, an ancient turtle fishing ground at the edge of Perth Airport.

The Swan River and local waterways such as Tomato Lake were ideal for hunting and fishing. The Wargyl, the creation serpent, was said to have formed the Swan River as he moved towards the sea. The deep part of the river where the banks dropped off sharply was said to be patrolled by the Wargyl, and swimming in that area was forbidden. The original route of Great Eastern Highway was based on traditional Aboriginal Dreaming trails, leading Noongar communities to the coast and the hills.

First Nations people continue to live and work in the City making a valuable contribution to its economy and culture.

At the 2021 Census, there were 42,257 residents living in the City, with 2.7% of the community (1,129 people) living in 549 households identifying as Aboriginal or Torres Strait Islander, higher than the Greater Perth Metropolitan average of 2.0%.

The median age of First Nations community members is 27 years of age with the highest proportion of the community aged 0-24 years (45.7%) and 6.6% of the population being over the age of 65.

Celebrating and respecting the significant First Nations cultures, histories and ongoing contributions to the community of Belmont will remain an ongoing focus for the City.

Analysis of 2021 Census data shows that in the City of Belmont, 46% of First Nations households earned \$999 or less per week in comparison to 36% of First Nations people earning this amount in the rest of WA.

The Socio-Economic Indexes for Areas (SEIFA) is an index that scores relative disadvantage for local government areas. Belmont's 2021 SEIFA score of 987 (greater Perth metro average

is 1,040) is the third lowest score amongst all other Perth metropolitan local government areas, with pockets of greater disadvantage in some suburbs.

In line with research including that captured in the National Agreement on Closing the Gap, First Nations people remain overrepresented in indicators of wellbeing disadvantage including life expectancy, health, education and housing security, and ongoing activity to support efforts to Close the Gap will remain a priority for the City.

Particularly with regard to employment and enterprise, economic empowerment will be a key focus for the City. With a strong business sector with 4,240 local businesses providing 52,692 local jobs, the highest proportion of First Nations people are employed as Professionals at 17.3%, which is greater than the WA average of 13.9%. Clerical and Administrative Workers (16.1% Belmont vs 11.4% WA), Machinery Operators and Drivers (15.1% Belmont vs 13.6% WA), Technicians and Trades Workers (13.6% Belmont vs 14.7% WA) and Community and Personal Service Workers (11.9% Belmont vs 15.3% WA) are the next highest proportion of First Nations employment types. The industry in which the highest proportion of First Nations community members work is Iron Ore Mining at 9.9% (WA 9.2%).

There are a small number of Aboriginal Community Controlled Organisations (ACCOs) and other First Nations focused service providers within Belmont, though those that are based here are very active and valued.

Understanding of employment, training, and other economic data, along with ongoing engagement and research, will inform future priority economic actions focused on First Nations people. With a strong business sector in Belmont and potential for further growth, there is opportunity to attract more ACCOs and First Nations businesses and to broadly advance local First Nations peoples' economic opportunities and empowerment.

## The journey to a strategy

The City of Belmont has worked for many years with First Nations peoples with early discussions documented in the 2010 'Listening – Current Status and Project Scope of Aboriginal Engagement Plan' report. The City continued to consult with internal and external stakeholders and the community which led to the development of our first Reconciliation Action Plan (RAP) 2015 – 2017, which was endorsed by Reconciliation Australia. We continued to progress our RAP actions beyond 2017, whilst also undergoing a reflection period on our role in supporting and empowering First Nations peoples whilst listening to community feedback to determine our way forward in this area.

The City has achieved a number of key actions over the past six years including the:

- Establishment of an Aboriginal Advisory Group operating since 2014.
- Launch of a First Nations Service Persons memorial plaque permanently displayed on the City's War Memorial, the first of its kind in WA.
- Recognition of Close the Gap Day, National Reconciliation and NAIDOC Weeks annually with events growing each year.
- Provision of regular Cultural Awareness Training for both staff and community members.
- Engagement of Noongar Outreach Services to provide advice, support and outreach services to the vulnerable and street present First Nations people.
- Welcome To Country and other cultural ceremonies performed at City events including at each Citizenship ceremony.
- Interactive First Nations history displayed at the City's Museum.
- On-going collaboration with a range of partners to deliver programs and activities with First Nations people.

Following these achievements, the City undertook a period of reflection that included feedback from the Aboriginal Advisory Group and wider community. Officers also completed a literature review from which the Community and Cultural Respect Plan was developed to inform our next steps and provide the guiding principles, stakeholder mapping, draft focus areas, and research influences for our engagement with Aboriginal Peoples at the heart of the process. The Plan featured the below diagram to help visualise these relationships and influence centred around First Nations peoples.

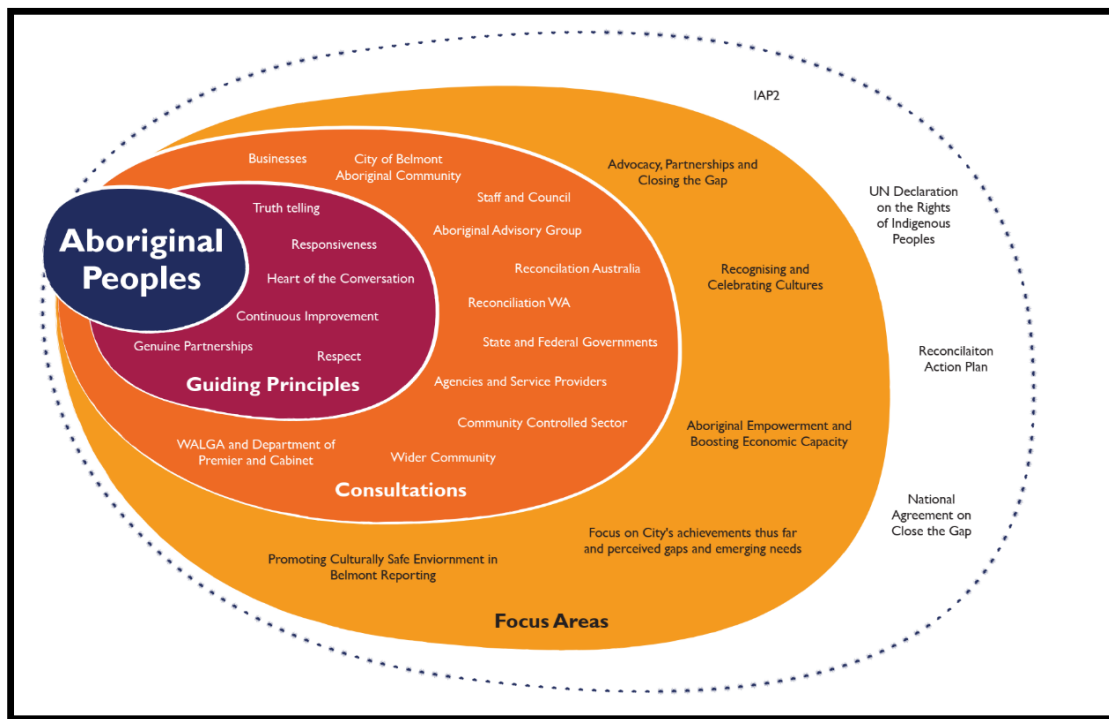


Figure 1 Insert Caption

## Consultation and development

By 2020, based on these learnings and the changes in the social and political context since the beginning of our reconciliation journey, it was agreed that development of a Strategy should be explored as opposed to a new RAP.

This was consistent with our other community-based strategies, and also allows us to extend our First Nations roles and objectives outside of the organization, whereas a RAP framework principally looks inward on an organisation’s internal Reconciliation efforts. Local government has a strong outward facing community leadership role that is considered to be better captured in a Strategy. We will continue to explore how the RAP framework might be aligned as part of implementation planning.

It was important to the City that best practice methods of engagement were used when developing the strategy, and that the document is codesigned with Traditional Owners and local First Nations community members.

The Aboriginal Advisory Group was informed of the City’s intentions and formed a working group to establish ideas and identify categories, develop the Strategy survey, and agree on a codesign process.

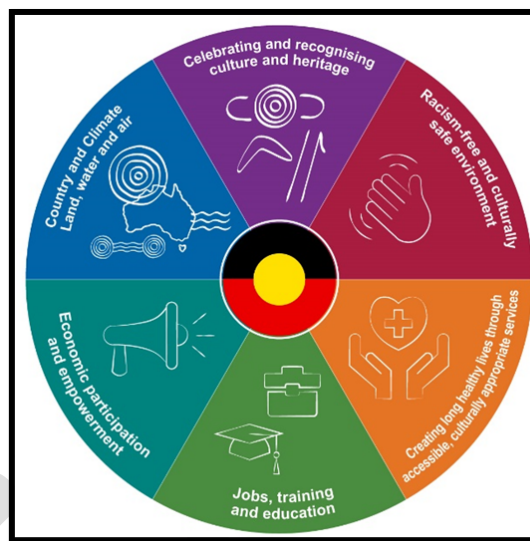
A codesign process means that instead of consulting with First Nations people and then City officers interpreting feedback and identifying themes and strategies, First Nations People participate in meetings to work alongside officers to consider the consultation feedback together, agree common themes together, identify priority strategies together, and even contribute to some of the format and text of the Strategy. The City still refines the document to align to our templates for Strategies, include relevant references to research and process, and incorporate input from senior management before a final draft goes back to the codesign group for support and ultimately to the Council for formal endorsement.



From these early discussions with the working group, a conceptual 'Priority Wheel' reflecting the Noongar Six Seasons was developed and used within the survey to prompt thematic discussion. This survey was the first of its kind for the City and relied more on pictorial cues rather than the written word reflective of feedback received from the Aboriginal Advisory Group and broader community.

The City then engaged and consulted with First Nations community members, wider community, stakeholders, businesses and staff through online and written surveys. The consultation took place during Advisory Group meetings, pop-up consultation booths, City events, one-on-one interviews, and consultation workshops.

An Expression of Interest process was undertaken to seek members of a Codesign Group as well as a culturally appropriate consultant appointed through a tender process to facilitate the workshops. The codesign workshops took place over six weeks and consisted of eleven members including Whadjuk Noongar Traditional Owners, First Nations community members, and service providers.



Insert caption

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## Priority areas and strategies

The below Priority Areas and associated Strategies were determined from the codesign process:



### Priority Area 1: Respecting and celebrating

The City acknowledges the ongoing significance of Whadjuk Noongar and other First Nations peoples' cultures and the importance of increasing the awareness, sustainability and celebration of heritage, language and cultural expression. We recognize and respect that First Nations people are best placed to provide expertise in decision making that affects them.

Strategies:

- 1.1. Acknowledge the expertise of First Nations people in their own lives, needs, families, communities and cultures, and that their unique worldviews and voices should be at the heart of decision making that directly affects them.
- 1.2. Establish engagement practices that appropriately facilitate and elevate First Nations voices in City decision making and provide timely and relevant information.
- 1.3. Promote & celebrate local First Nations people's achievements, contributions, cultures and heritage.
- 1.4. Investigate opportunities for the development of cultural spaces.
- 1.5. Research and document local First Nations peoples' cultures, heritage, connection to land and histories.

## **Priority Area 2: Empowerment, advocacy, and partnerships**

The City will support advocacy efforts and the empowerment of First Nations peoples to lead and self-manage actions in their own interests with an emphasis on collaboration.

Strategies:

- 2.1 Facilitate partnerships with and between relevant ACCOs that seek to increase opportunities for self-determination and empowerment within the First Nations community, providing leadership and governance support where appropriate.
- 2.2 Foster and participate in partnerships with ACCOs, community groups, agencies and other stakeholders to advance collaboration in actioning the Strategy.
- 2.3 Support First Nations peoples' capacity and efforts to advocate in their own interests, and where appropriate consider requests to the City to act as strong advocates alongside them.

## **Priority Area 3: Capacity building**

The City will pursue opportunities to support building the capacity of individuals and groups to help address persistent and emerging needs, particularly those within the *Closing the Gap - Priority Areas and Targets*.

Strategies:

- 3.1 Work with relevant ACCOs, agencies and other stakeholders to develop initiatives to meet *Closing the Gap - Priority Areas and Targets*.
- 3.2 Develop capacity building pathways that specifically target the areas of education, employment and training, leveraging the City's business connections to increase the participation of First Nations peoples in economic development.
- 3.3 Seek to improve access to essential services within the City.

## **Priority Area 4: Cultural safety**

The City will strengthen cultural safety within our organisation and promote its benefits throughout the community through effective protocols, training and leadership.

Strategies:

- 4.1 Enhance cultural awareness training programs for Council, staff and the community.
- 4.2 Adopt First Nations Cultural Protocols and relevant policies to improve culturally safe practices.
- 4.3 Ensure an inclusive and culturally safe working environment.
- 4.4 Actively promote cultural safety and racial justice in the community.

## **Delivering on the Strategy and measuring success**

The City of Belmont Koort Karnadjil Mya First Nations Strategy will guide the City into the future, however we understand that there may be changes in community needs and priorities. To ensure we can respond to these changes, a dynamic rolling three-year Implementation Plan is used to detail actions on the strategies whilst allowing flexibility to adapt as required.

This Implementation Plan will also record the alignment of all actions to Reconciliation Australia's RAP pillars, and we will explore future opportunities to liaise with Reconciliation Australia on how the Implementation Plan might formalise as a RAP.

This dynamic plan then translates to endorsed annual actions through the City's Corporate Business Planning process, where management and Council endorse annual actions and budget.

Reporting back to community on progress against the Strategy and the Implementation Plan will be critical, and we commit to establishing a reporting framework and being open and transparent in recording and communicating outcomes and progress to the community.

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## 12.5 Dedication of Land - Part Lot 510 Great Eastern Highway

Voting Requirement	:	Simple Majority
Subject Index	:	47/001; 68/004
Location/Property Index	:	Part Lot 510 Great Eastern Highway, Rivervale
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	Main Roads WA
Owner	:	Krisdan Holdings Pty Ltd
Responsible Division	:	Infrastructure Services

### Council role

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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

### Quasi-Judicial

### Purpose of report

Council to consider the dedication of the land, subject of Main Roads WA Land Dealing Plans 2260-063, as a road, pursuant to Section 56 of the *Land Administration Act 1997 (WA)*, to enable the Great Eastern Highway/Kooyong Road Intersection Upgrade project to proceed.

### Summary and key issues

- In February 2023 a request was issued to the City by Main Roads Western Australia (MRWA) requesting the dedication of Part Lot 510 Great Eastern Highway, Rivervale as a road reserve to enable the Great Eastern Highway/Kooyong Road Intersection Upgrade project to proceed.

- To enable land to be dedicated as road reserve, it is a requirement of the *Land Administration Act 1997 (WA)* that Council dedicate the subject land as a road through a Council resolution.
- MRWA has been in contact with the private landowners and has finalised land settlement with a caveat registered on the certificate of title for acquisition upon Landgate issuing the new title.

### **Officer Recommendation**

That Council

1. Approves the dedication of the land, subject of Main Roads WA Land Dealing Plans 2260-063, as a road pursuant to Section 56 of the *Land Administration Act 1997 (WA)*, to enable completion of the land administration process for the Great Eastern Highway/Kooyong project.
2. Direct the Chief Executive Officer to write to Main Roads WA to advise of Council's resolution.

**Officer Recommendation adopted en bloc by Absolute Majority - Refer to Resolution appearing at Item 12.**

## Location



Figure 1: Part Lot 510 Great Eastern Highway, Rivvale (Corner of Kooyong Road)

## Consultation

MRWA has approached the landowner (Krisdan Holdings Pty Ltd) and entered into an agreement for acquisition of the subject land.

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

## Strategic Community Plan implications

In accordance with the 2020 – 2040 Strategic Community Plan:

### Goal 5: Responsible Belmont

**Strategy:** 5.3 Invest in services and facilities for our growing community.

## **Policy implications**

There are no policy implications associated with this report.

## **Statutory environment**

*Land Administration Act 1997 (WA) Section 56 Dedication of Land (1).*

## **Background**

Great Eastern Highway is a key route for road vehicles linking Perth with the Goldfields. The Highway is a 6-lane carriageway, acting as a primary distributor to support heavy and light traffic. Kooyong Road (south-east of the intersection) acts as a local distributor. Brighton Road (north-west of the intersection) acts as an access road to a primarily residential zone.

MRWA has identified that the Great Eastern Highway and Kooyong Road intersection is currently experiencing congestion which leads to unpredictable journey times. The design of the upgraded intersection requires the dedication of private land as road reserve to enable the works to proceed.

## **Report**

On 23 February 2023 a request was issued to the City by MRWA requesting that Part Lot 510 Great Eastern Highway, Rivervale be dedicated as a road reserve to enable the Great Eastern Highway/Kooyong Road Intersection Upgrade project to proceed.

The upgrade project scope includes a traffic signal phase change and addition of a right-turn pocket on the east approach of Kooyong Road, replacing the existing crossing with a staggered pedestrian crossing on the northern side of Great Eastern Highway and replacing the walk/don't walk lanterns with pedestrian countdown timers.

These aspects will be facilitated through the removal of split-phasing on side-roads, removal of U-turn facilities on the southbound movement of Great Eastern Highway, modification of traffic signals, relocation of the utilities and land acquisition in the south-east quadrant of the intersection.

A plan of the upgrade project is provided as Attachment 12.5.1.

MRWA has provided a copy of the Lot Plan and advised that it has approached all landowners and other affected parties, with arrangements for acquisition being finalised.



MRWA has now confirmed that land settlement has been finalised with a caveat registered on the certificate of title for acquisition upon Landgate issuing the new title.

A copy of the Certificate of Title with the Main Roads caveat for acquisition of the subject land portion is provided as Attachment 12.5.2.

To enable the land to be dedicated as road reserve it is a requirement of the *Land Administration Act 1997 (WA)* that Council approves the dedication of the subject land as a road through a Council resolution.

City officers have made an assessment and have no objection to the dedication of the subject land as road reserve. Following a resolution of Council, the City will issue a letter to MRWA advising of the resolution outcomes, including the attached minute.

This will satisfy the requirements for Regional and Metro Services at the Department of Planning, Lands and Heritage who will arrange dedication when the land has been acquired by MRWA.

The dedication of the subject land as road reserve will facilitate the Great Eastern Highway/Kooyong Road Intersection Upgrade project.

## **Financial implications**

MRWA will be responsible for any costs and claims that may arise due to the dedication.

Upon completion of the project, the City will assume maintenance responsibilities for the new island, kerb and drainage infrastructure on Kooyong Road, in accordance with MRWA Operational Procedure 112, Operational Boundaries and Asset Responsibilities for the Perth Metropolitan Region. The additional maintenance costs will be modest and can be accommodated in current and future budget provisions.

## **Environmental implications**

There are no environmental implications associated with this report.

## **Social implications**

There are no social implications associated with this report.

## Attachment details

### Attachment No and title

1. Plan of GEH Kooyong Rd Upgrade project. [**12.5.1** - 1 page]
2. Certificate of Title 2887-267 Unit 11, 49 Great Eastern Highway, RIVERVALE 6103 [**12.5.2** - 2 pages]



PLAN  
1:500

AMENDMENTS		
No.	DESCRIPTION	APPROVED & DATE
0	ISSUED FOR CONSTRUCTION	Y.S. 30.01.2023

**NOTES**

- ALL VERGES, MEDIANS, FENCES AND WALLS WITHIN THE EXTENTS OF COLOURED BORDERS ON THE DRAWING SHALL BE MAINTAINED BY THE AUTHORITY SHOWN IN THE LEGEND. DETAILED DRAWINGS FOR THESE LOCATIONS HAVE NOT BEEN INCLUDED AS PART OF THIS SET.

**LEGEND**

- REFERENCE LINE
- CADASTRAL
- MAIN ROADS WA
- CITY OF BELMONT
- GREAT EASTERN HIGHWAY LOT 510

THE ORIGINAL OF THIS DRAWING WAS PRODUCED USING COLOUR SEPARATION FOR GREATER CLARITY. WORKING WITH BLACK AND WHITE COPY MAY CAUSE ERRORS.

**METADATA**

GROUND SURVEY STANDARD: 67-08-43  
 DATE OF CAPTURE: APRIL 2020  
 MAPPING SURVEY STANDARD:  
 DATE OF CAPTURE:  
 MAIN ROADS PROJECT ZONE: PCG94  
 HEIGHT DATUM: AHD71

**wsp**  
 Level 3  
 Mia Yellagonga Tower 2  
 5 Spring Street  
 Perth 6000  
 Australia  
 Telephone +61 8 9489 9700  
 Email: perth@wsp.com

WSP DRAWING No. PS127814-CIV-0072		
DRAWN	M. YVON	JAN '23
DESIGNED	R. ALI	JAN '23
VERIFIED	S. PATTENDEN	JAN '23
DIRECTOR	J. LLOYD	JAN '23

**mainroads**  
 WESTERN AUSTRALIA  
 METRO AND SOUTHERN REGIONS DIRECTORATE  
 METROPOLITAN REGION  
 WATERLOO CRESCENT  
 Telephone 138 138 EAST PERTH 6004

CLIENT FILE NO. 21/8966  
 RECOMMENDED:  
 APPROVED:

G.E.H. KOOYONG RD INTERSECTION  
 INTERSECTION IMPROVEMENTS  
 SLK 2.30  
 ASSET RESPONSIBILITY PLAN  
 VERGES AND MEDIANS

LOCAL AUTHORITY: CITY OF BELMONT (113)  
 MRWA DRAWING NUMBER  
**202248-0081**

SCALES: 1:500  
 A 1



TITLE NUMBER	
Volume	Folio
<b>2887</b>	<b>267</b>

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

*BG Roberts*  
REGISTRAR OF TITLES 

**LAND DESCRIPTION:**

LOT 510 ON DEPOSITED PLAN 400672

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

KRISDAN HOLDINGS PTY LTD OF LEVEL 2 180 SCARBOROUGH BEACH ROAD MOUNT HAWTHORN WA 6016  
(AF N150530) REGISTERED 16/10/2015

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

1. G716629 LEASE TO AMALGAMATED FOOD & POULTRY PTY LTD OF 800 TOORAK ROAD, TOORONGA, VICTORIA EXPIRES: SEE LEASE. AS TO PORTION ONLY. REGISTERED 18/2/1998.
  - K406463 EXTENSION OF LEASE G716629. REGISTERED 9/11/2007.
  - L853863 CHANGE OF NAME AFFECTING LEASE G716629. LESSEE NOW RED ROOSTER FOODS PTY LTD OF 1 WHIPPLE STREET, BALCATT A REGISTERED 9/2/2012.
  - L804066 EXTENSION OF LEASE G716629. REGISTERED 9/2/2012.
  - O762887 EXTENSION OF LEASE. REGISTERED 9/6/2021.
  - O762887 CHANGE OF ADDRESS. THE PROPRIETORSHIP IS NOW RED ROOSTER FOODS PTY LTD OF LEVEL 12 12 HELP STREET CHATSWOOD NSW 2067 REGISTERED 9/6/2021.
2. G764052 CAVEAT BY AMALGAMATED FOOD & POULTRY PTY LTD AS TO PORTION ONLY. LODGED 6/5/1998.
3. K947166 LEASE TO JETTS FITNESS PTY LTD OF SUITE 21, 155 VARSITY PARADE, VARSITY LAKES, QUEENSLAND AS TO PORTION ONLY. EXPIRES: SEE LEASE. REGISTERED 20/5/2009.
  - N052884 TRANSFER OF LEASE K947166, LESSEE NOW RIV2T PTY LTD OF CARE OF BLUE INK ACCOUNTING PO BOX 1055 SUBIACO REGISTERED 3/7/2015.
  - N052883 EXTENSION OF LEASE K947166. REGISTERED 3/7/2015.
4. M912710 MORTGAGE TO WESTPAC BANKING CORPORATION REGISTERED 13/2/2015.
5. COVENANT BURDEN CREATED UNDER SECTION 150 P&D ACT TO TO MAIN ROADS WESTERN AUSTRALIA SEE DEPOSITED PLAN 400672
6. P879923 CAVEAT BY COMMISSIONER OF MAIN ROADS AS TO PORTION ONLY LODGED 8/2/2024.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**END OF PAGE 1 - CONTINUED OVER**

RECORD OF CERTIFICATE OF TITLE

REGISTER NUMBER: 510/DP400672

VOLUME/FOLIO: 2887-267

PAGE 2

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP400672  
PREVIOUS TITLE: 2862-800  
PROPERTY STREET ADDRESS: UNIT 11 49 GREAT EASTERN HWY, RIVERVALE.  
LOCAL GOVERNMENT AUTHORITY: CITY OF BELMONT

NOTE 1: N710232 SECTION 138D TLA APPLIES TO CAVEAT J478025  
NOTE 2: N710233 SECTION 138D TLA APPLIES TO CAVEAT I615710  
NOTE 3: N710234 SECTION 138D TLA APPLIES TO CAVEAT L863995  
NOTE 4: N710235 SECTION 138D TLA APPLIES TO CAVEAT J856290  
NOTE 5: P510787 DEPOSITED PLAN 425509 LODGED

Cr Sessions disclosed at Item 3 of the Agenda "Disclosure of Interest" an Impartiality Interest in the following item in accordance with Regulation 22 of the *Local Government (Model Code of Conduct) Regulations 2021*.

## 12.6 Local Government Reform - Standardised Meeting Procedures Consultation - City of Belmont Responses

Voting Requirement	:	Simple Majority
Subject Index	:	39/002 DLGSC
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.

### Purpose of report

To seek Council's endorsement of the City of Belmont's responses to the Department of Local Government, Sport and Cultural Industries (DLGSC) consultation paper and the Western Australian Local Government Association (WALGA) discussion paper on Standardised Meeting Procedures.

### Summary and key issues

As part of the State's Local Government Reform processes, the DLGSC is inviting responses from local governments and the wider community to a consultation paper regarding proposed Standardised Meeting Procedures that could be made under section 5.33A of the *Local Government Act 1995 (WA)*. DLGSC has circulated the proposed Regulations or model provisions to establish standard meeting procedures (Standing Orders) throughout the State (refer Attachment 12.6.1).

WALGA also circulated its discussion paper on the proposed Standardised Meeting Procedures, requesting the City's formal response (refer Attachment 12.6.3). The questions asked by both DLGSC and WALGA are similar.

### **Officer Recommendation**

That Council:

1. Endorse the City of Belmont's submission to the Department of Local Government, Sport and Cultural Industries in response to the Department's consultation paper on Standardised Meeting Procedures (Attachment 12.6.2).
2. Endorse the City of Belmont's submission to the Western Australian Local Government Association in response to the Association's discussion paper on Standardised Meeting Procedures (Attachment 12.6.4).

### **Note:**

**Cr Sessions put forward an Alternative Motion.**

**The Mover and Seconder agreed to vote on the amendments individually.**

### **Alternative Councillor Motion**

#### **Sessions moved, Marks seconded**

That Council:

1. Endorse the City of Belmont's submission to the Department of Local Government, Sport and Cultural Industries in response to the Department's consultation paper on Standardised Meeting Procedures, with the following amendments:
  - 1) Part 2.6 (Public Question Time) Question 1 – Amend the City of Belmont's response from Yes to No;

#### **Carried 6 votes to 1**

For: Davis, Kulczycki, Marks, Rossi, Ryan and Sessions

Against: Sekulla

## Alternative Councillor Motion

### Sessions moved, Marks seconded

That Council:

1. Endorse the City of Belmont's submission to the Department of Local Government, Sport and Cultural Industries in response to the Department's consultation paper on Standardised Meeting Procedures, with the following amendments:
  - 2) Part 2.6 (Public Question Time) Question 2 – Amend the City of Belmont's response to read Yes with a 2 minute time per question;

### Carried Unanimously 7 votes to 0

For: Davis, Kulczycki, Marks, Rossi, Ryan, Sekulla and Sessions

Against: Nil

## Alternative Councillor Motion

### Sessions moved, Marks seconded

That Council:

1. Endorse the City of Belmont's submission to the Department of Local Government, Sport and Cultural Industries in response to the Department's consultation paper on Standardised Meeting Procedures, with the following amendments:
  - 3) Part 2.6 (Public Question Time) Question 3 – Amend the City of Belmont's response from Yes to No;

### Carried 6 votes to 1

For: Davis, Kulczycki, Marks, Rossi, Ryan and Sessions

Against: Sekulla



## Alternative Councillor Motion

### Sessions moved, Marks seconded

That Council:

1. Endorse the City of Belmont's submission to the Department of Local Government, Sport and Cultural Industries in response to the Department's consultation paper on Standardised Meeting Procedures, with the following amendments:
  - 4) Part 3.9 (Orderly Conduct of Meetings) Question 1 – Amend the City of Belmont's response to include only if the relevant Local Government Act and Regulations are amended to permit such action.

### Carried Unanimously 7 votes to 0

For: Davis, Kulczycki, Marks, Rossi, Ryan, Sekulla and Sessions

Against: Nil

## Alternative Councillor Motion

### Sessions moved, Marks seconded

2. Endorse the City of Belmont's submission to the Western Australian Local Government Association in response to the Association's consultation paper on Standardised Meeting Procedures, with the following amendments:
  - 1) Part 1.5 (Adjourning a meeting) Question 1 – Amend the City of Belmont's response from Yes to Yes but with an adjournment time of 10.00pm;

### Carried Unanimously 7 votes to 0

For: Davis, Kulczycki, Marks, Rossi, Ryan, Sekulla and Sessions

Against: Nil

## Alternative Councillor Motion

### Sessions moved, Marks seconded

2. Endorse the City of Belmont's submission to the Western Australian Local Government Association in response to the Association's consultation paper on Standardised Meeting Procedures, with the following amendments:
  - 2) Part 2.6 (Public Question Time) Question 1 – Amend the City of Belmont's response to remove the comment "...and questions to be provided in writing prior to the meeting...";

### Carried 6 votes to 1

For: Davis, Kulczycki, Marks, Rossi, Ryan and Sessions

Against: Sekulla

## Alternative Councillor Motion

### Sessions moved, Marks seconded

2. Endorse the City of Belmont's submission to the Western Australian Local Government Association in response to the Association's consultation paper on Standardised Meeting Procedures, with the following amendments:
  - 3) Part 3.9 (Public Question Time) Question 1 – Amend the City of Belmont's response to include only if the relevant Local Government Act and Regulations are amended to permit such action.

### Carried Unanimously 7 votes to 0

For: Davis, Kulczycki, Marks, Rossi, Ryan, Sekulla and Sessions

Against: Nil

## Alternative Councillor Motion

### Sessions moved, Marks seconded

1. Endorse the City of Belmont's submission to the Department of Local Government, Sport and Cultural Industries in response to the Department's consultation paper on Standardised Meeting Procedures, with the following amendments:
  - 1) Part 2.6 (Public Question Time) Question 1 – Amend the City of Belmont's response from Yes to No;
  - 2) Part 2.6 (Public Question Time) Question 2 – Amend the City of Belmont's response to read Yes with a 2 minute time per question;
  - 3) Part 2.6 (Public Question Time) Question 3 – Amend the City of Belmont's response from Yes to No;
  - 4) Part 3.9 (Orderly Conduct of Meetings) Question 1 – Amend the City of Belmont's response to include only if the relevant Local Government Act and Regulations are amended to permit such action.
2. Endorse the City of Belmont's submission to the Western Australian Local Government Association in response to the Association's consultation paper on Standardised Meeting Procedures, with the following amendments:
  - 1) Part 1.5 (Adjourning a meeting) Question 1 – Amend the City of Belmont's response from Yes to Yes but with an adjournment time of 10.00pm;
  - 2) Part 2.6 (Public Question Time) Question 1 – Amend the City of Belmont's response to remove the comment "...and questions to be provided in writing prior to the meeting...";
  - 3) Part 3.9 (Public Question Time) Question 1 – Amend the City of Belmont's response to include only if the relevant Local Government Act and Regulations are amended to permit such action.
3. Direct the Chief Executive Officer to make the endorsed changes to the City's responses prior to submitting to the Department LGSCI and WALGA.

### Carried Unanimously 7 votes to 0

For: Davis, Kulczycki, Marks, Rossi, Ryan, Sekulla and Sessions

Against: Nil

## Reason

- 1) 15 minutes is not sufficient for public question time and this should be set at 30 minutes. At 15 mins only, we could potentially be having to stop question time, and vote to extend it 2-4 times per meeting.
- 2) Initial item was unclear at the ABF.
- 3) Although questions submitted in writing is preferred, it should not be necessary.
- 4) Currently we allow 15 minutes per deputation, and I believe 5 minutes is not enough.
- 5) -

### **RE: City responses to WALGA consultation paper**

- 6) To be consistent with our response to DLGSC
- 7) As per item 3.
- 8) -

## **Location**

Not applicable.

## **Consultation**

Elected members and key officers have been consulted on the matter.

## **Strategic Community Plan implications**

In accordance with the 2020–2040 Strategic Community Plan:

### **Goal 5: Responsible Belmont**

**Strategy:** 5.1 Support collaboration and partnerships to deliver key outcomes for our City.

**Strategy:** 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

## Policy implications

There are no policy implications associated with this report.

## Statutory environment

Section 5.33A of the *Local Government Amendment Act 2023 (WA)* states:

5.33A. Regulations about meetings of councils, committees or electors

- (1) Regulations may make provision in relation to meetings of councils, committees or electors.
- (2) Without limiting subsection (1), regulations made for the purposes of that subsection may make provision in relation to any of the following —
  - (a) the matters to be dealt with at meetings;
  - (b) the procedure to be followed at, or in respect of, meetings;
  - (c) the holding of meetings by telephone, video conference or other electronic means;
  - (d) methods of voting at meetings;
  - (e) the circumstances and manner in which a decision made at a meeting may be revoked or changed (which may differ from the manner in which the decision was made);
  - (f) the content and confirmation of minutes of meetings;
  - (g) the keeping and preserving of documents that relate to meetings;
  - (h) the publication or otherwise making available for inspection by the public (including in advance of meetings) of documents that relate to meetings;
  - (i) the giving of public notice of the date and agenda for meetings;
  - (j) the giving of directions, by the person presiding at a meeting, to a council or committee member or to any other person;
  - (k) the exclusion from a meeting of a council or committee member or any other person —
    - (i) who fails to comply with a direction given by the person presiding at the meeting; or
    - (ii) whose conduct at the meeting is offensive or disruptive or otherwise not conducive to the proper conduct of the meeting;

- (l) the steps to be taken if a council or committee member, or any other person, refuses to leave a meeting after having been excluded as referred to in paragraph (k).
- (3) If regulations made for the purposes of subsection (1) provide for meetings to be held by telephone, video conference or other electronic means, regulations may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.
- (4) In subsection (2)(g) and (h), references to documents that relate to meetings include (without limitation) the following –
  - (a) minutes of meetings (confirmed or unconfirmed);
  - (b) notice papers or agendas for meetings;
  - (c) reports or other documents that are tabled, produced or presented at meetings;
  - (d) reports or other documents that are intended to be tabled, produced or presented at meetings.
- (5) Regulations made for the purposes of subsection (1) may, in relation to a member of the public who raises a question at a meeting under section 5.24, make provision about how the member is to be referred to in a document that is made available for inspection under section 5.94(n) or (p) or is published under section 5.96A(1)(f) or (h).
- (6) Regulations made for the purposes of subsection (1) may prescribe model provisions that must or may be adopted by a local government.

## **Background**

In 2017 the State Government announced a review of the *Local Government Act 1995 (WA)* (the Act).

The *Local Government Amendment Act 2023* inserted section 5.33A, to allow standardised meeting procedures for all local governments to be made in the form of Regulations or model provisions.

The State Government intends under section 5.33A to make Regulations that apply to all local governments and an order of the Governor under section 3.17 of the Act to repeal all existing local government meetings procedures, standing orders or council meeting local laws.

## **Report**

The City of Belmont's Standing Orders Local Law 2017 currently provides rules for the conduct of Council's meetings. It is intended to ensure better decision making and orderly and efficient conduct at Council meetings, and community understanding of Council business.

The intent of the State Government's proposed regulations to standardise meeting procedures is to simplify the conduct of local government meetings, improve transparency and public involvement, and promote uniformity.

Following consultation with key internal stakeholders and the Council, the City has attached proposed responses to the requests by both the DLGSC and WALGA for feedback on the proposed standardised Standing Orders (refer Attachments 12.6.2 and 12.6.4).

The City is not adverse to the idea of standardised meeting procedures and the proposed responses to questions posed by each of DLGSC and WALGA reflect this, including specific recommendations for provisions that be included in any standardised meeting procedures. In addition to its specific feedback, the City has requested that the standardised meeting procedures provide a minimum standard/range of provisions which local governments can then supplement to tailor to specific needs.

## **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.

## Attachment details

### Attachment No and title

1. Standardised Meeting Procedures Consultation Paper [**12.6.1** - 14 pages]
2. DLGSC Standardised Meeting Procedures Consultation City of Belmont Submission [**12.6.2** - 32 pages]
3. Standardised Meetings Discussion Paper March 2024 WALGA [**12.6.3** - 23 pages]
4. WALGA Standardised Meeting Discussion Paper City of Belmont Submission [**12.6.4** - 30 pages]





Department of  
**Local Government, Sport  
and Cultural Industries**

# Local Government Reform

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## Consultation Paper

### Standardised Meeting Procedures

February 2024



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### Privacy statement

Submissions will be treated as public documents unless explicitly requested otherwise.

If you do not consent to your submission being treated as a public document, you should mark it as confidential or specifically identify the confidential information, and include an explanation.

Even if your submission is treated as confidential, it may still be required to be disclosed in accordance with the requirements of the [Freedom of Information Act 1992](#) (WA) or any other applicable written law.

The Department of Local Government, Sport and Cultural Industries reserves the right to redact any content that could be regarded as racially vilifying, derogatory or defamatory to an individual or an organisation.

### Introduction

The State Government is implementing a number of reforms to the [Local Government Act 1995](#) (the Act) to improve transparency and accountability in local government in Western Australia and deliver benefits to ratepayers and residents.

Standardising council and committee procedures is part of these reforms. Establishing a consistent approach to all local government council and committee meetings will make it easier and simpler for people to participate in and observe council meetings, wherever they are held.

Establishing one standard is expected to simplify and improve training for council members and local government staff. It can also strengthen the enforcement of breaches of meeting procedures (for instance, if a person repeatedly and unreasonably disrupts a meeting).

Currently, it is usual practice for local governments to have local laws and policies in place to govern the conduct of council meetings. However, this approach means that there can be variation in how members of the public can engage with council meetings.

The [Local Government Amendment Act 2023](#) inserts section 5.33A, to allow standardised meeting procedures for all local governments to be made in the form of Regulations or model provisions.

The State Government intends under section 5.33A to make Regulations that apply to all local governments and an order of the Governor under section 3.17 of the Act to repeal all existing local government meetings procedures, standing orders or council meeting local laws.

It is intended that the new standard meeting procedures (also known as “standing orders”) apply to all council and committee meetings held by local governments. It is also intended that Regulations will contain consistent rules for how meetings are held.

It is envisaged that relevant elements of Parts 2 and 3 of the [Local Government \(Administration\) Regulations 1996](#) (the Regulations) would be incorporated into the new standardised meeting procedures.

The Department of Local Government, Sport and Cultural Industries (DLGSC) will also develop reference materials for council members, local government staff and communities to assist in ensuring consistency throughout the sector.

Note: Unless otherwise specified in this paper, the word **meeting** refers to both a council or a committee meeting and the word **member** refers to both a council and a committee member.

### Consultation process

You may choose to answer all or some of the questions in the consultation paper, and/or provide a submission that raises related matters not included in this consultation paper.

The DLGSC invites local governments, council members, Chief Executive Officers (CEOs), local government employees, groups and associations, and members of the community to consider the proposals and provide feedback.

Our preferred method for providing a submission is our [online feedback form](#).

Specific questions have been targeted to certain meeting procedure topics to better understand the variety of existing approaches currently used by the sector. The DLGSC is interested in learning more about how existing approaches work well in practice; and how reforms can be structured to improve transparency and public involvement, simplify the way meetings are conducted, and promote uniformity throughout the sector.

Although it is preferred that the feedback form is used to guide responses, general submissions and suggestions on any relevant topic can be provided via email to [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au)

## Part 1: General meeting process

### 1. Calling meetings

The calling of council meetings is outlined in sections 5.5 to 5.7 of the Act, and in existing regulations 12 to 14. Amendments are proposed to add new requirements for the oversight of special council meetings that are held at short notice and prevent any meeting from being held at an unreasonable time of day. It is important that special meetings are only convened in appropriate circumstances. Regulations are proposed to require:

- a minimum of 24 hours' notice to convene a special council meeting
- that notice to convene a special council meeting may be done with less than 24 hours' notice if an absolute majority of council members call the meeting
- that a meeting cannot commence any earlier than 8 am or later than 8 pm.

**1. Is it suitable to allow for a special council meeting to be convened with less than 24 hours' notice if an absolute majority of council members call the meeting? Yes / No**

(a) If no, please provide a suggested alternative.

**2. Are there any circumstances where meetings must start earlier than 8 am or later than 8 pm? Yes / No**

(a) If yes, please provide examples and the suggested alternative.

### 2. Agendas and order of business

It is proposed to broadly retain existing requirements for local governments to publish meeting agendas.

It is proposed that the general order of meetings be outlined in the Regulations for consistency across the local government sector. However, a council or committee may decide to consider business in a different order, provided that the other requirements of the Regulations (such as public question time being held before any decisions are made) are still met.

Regulations are proposed to outline the following order of business:

- opening (local governments will still be able to continue their own practices for opening meetings, such as making acknowledgements, prayers, opening statements, etc.)
- recording attendance
- public question time (see section 6)
- public presentations and petitions (see sections 7 and 8)
- members' question time (see section 12)
- confirmation of previous minutes (see section 15)
- reports from committees and the CEO
- motions from members
- urgent business
- matters for which the meeting may be closed
- closure.

**3. Is the proposed order of business suitable? Yes / No**

(a) If no, please provide a suggested alternative.

### 3. Urgent business

Currently, individual local governments' meeting local laws and policies may vary in how urgent business is raised at a meeting. Existing local laws and policies provide various procedures for urgent business to be considered at a council meeting. Broadly, these procedures seek to limit the use of urgent business to only the most exceptional circumstances.

Regulations are proposed to allow the CEO to introduce an item without notice in cases of urgency if:

- an absolute majority of the council resolve to hear the matter at the meeting, and
- the item is clearly marked as urgent business.

It is proposed that DLGSC must be notified each time this occurs, within 7 calendar days, to ensure this process is only used in exceptional circumstances.

Urgent business may only be heard after public question time (see section 6).

#### 4. Are the proposed requirements for urgent business suitable? Yes / No

- (a) If no, please provide a suggested alternative.

### 4. Quorum

Existing regulation 8 addresses the process for when there isn't a quorum at a meeting.

Amendments are proposed to provide for the following where a quorum is lost or not present:

- if no quorum is present within 30 minutes of the time set for the meeting, the meeting lapses
- where quorum is lost during a meeting:
  - the meeting proceeds to the next item of business if it is due to members leaving because of a financial or proximity interest
  - the meeting is adjourned for 15 minutes for any other reason and if quorum cannot be reformed, the meeting is closed
- where quorum is lost, the names of the members then present are to be recorded in the minutes.

#### 5. Are the proposed requirements for when a quorum is not present or lost suitable? Yes / No

- (a) If no, please explain why and the suggested alternative, if any.

### 5. Adjourning a meeting

Currently, individual local governments' meeting local laws or policies may contain processes for adjourning a meeting. It is intended to adopt similar rules, while also addressing concerns regarding meetings of council that run late. Regulations are proposed to provide that:

- council may decide to adjourn a meeting to another day, time and place to resume from the point it adjourned
- a presiding member may adjourn a meeting for 15 minutes to regain order of a meeting that has been disrupted
- if a meeting is adjourned for a second time due to disruption, a presiding member must adjourn the meeting to another day, time or place (not on the same day), with notice being published on the local government's website.

It is also proposed that if a meeting is continuing and it reaches 10:45 pm:

- the council or committee may decide to either extend the meeting for a further 15 minutes to allow for any remaining business to be concluded or determine to adjourn the meeting

- if any business remains at 11 pm, the meeting must adjourn to a day and time which is at least 10 hours later to deal with any outstanding agenda items and a notice must be published on the local government's website listing when the meeting will resume.

**6. Is 11 pm an appropriate time for when a meeting must be adjourned? Yes / No**

(a) If no, what is the suggested alternative?

## Part 2: Public participation

### 6. Public question time

Currently, the Act and Regulations require that public question time is to be made available at every council meeting and certain committee meetings.

Regulation 6 requires that at least 15 minutes is to be made available for public questions at those meetings. However, question time may be extended if there are further questions; the time may also be used for other business if there are no further questions.

Regulation 7 also provides that question time must be held before substantive decisions are made at that meeting.

Currently, the practice at many local governments is that a person who wishes to ask a question attends the meeting (either physically in-person or by electronic means) to ask their question. However, it is proposed that regulations allow for a personal representative of a person to ask a question. This provides an alternative avenue for someone who may be unable to attend a meeting to have their question raised.

Currently, individual local governments meeting local laws and policies may contain processes for members of the public to raise questions. Some requirements, such as rules requiring a person to lodge a question in writing before a meeting, may prevent a person who is not familiar with those requirements from being able to ask a question.

New standardised requirements are proposed to expand the existing Regulations to require that:

- a member of the public only needs to provide their name and suburb/locality (and not any other information) before asking a question
- a person is not required to lodge a question in writing in advance of a meeting (although a person may choose to do so, for instance if they have a very specific or technical question)
- a local government may still require a person, or their personal representative, to attend a meeting to ask a question lodged in writing in advance of the meeting for it to be addressed at that meeting
- questions must not take more than 2 minutes to ask, including a relevant preamble, unless the presiding member grants an extension of time
- if other people are waiting to ask questions, the presiding member will seek to provide equal opportunity for people to ask questions (for instance, by moving to the next person waiting after someone has asked 3 questions, and returning to the first person if time allows)
- any questions are to be answered by the presiding member, or a relevant member (nominated by the presiding member), the CEO, or an employee nominated by the CEO
- if a question, or a question of a similar nature, was asked and answered in the previous 6 months, the presiding member may direct the member of the public to the minutes of the meeting that contains the question and answer
- no debate of a question or answer is to take place
- questions may be taken on notice by the person who is answering the question
- when a question is taken on notice, a response is to be given to the member of the public in writing and a copy of the answer is to be included in the agenda of the next ordinary meeting
- the presiding member may reject questions that contain offensive language or reflect adversely on others but must provide opportunities for the question to be rephrased.

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- 7. Is the existing minimum allocation of 15 minutes for public question time sufficient? Yes / No**  
(a) If no, what minimum time limit do you suggest?
- 8. Is 2 minutes enough time for a member of the public to ask a question? Yes / No**  
(a) If no, what time limit or other method of allocating questions do you suggest?
- 9. Should any other standard requirements for public question time be established? Yes / No**  
(a) If yes, please provide details.
- 10. Should a personal representative be able to ask a question on behalf of another person? Yes / No**  
(a) If no, please provide your reasons.

## 7. Presentations at council

Local governments commonly allow for presentations (also known as deputations) to be made to inform council decisions. Councils may set a policy for whether they hear presentations at council meetings and/or committee meetings, or at other meetings, and the circumstances in which a presentation may be heard.

It is proposed that local governments will continue to have discretion to choose whether and when to hear presentations.

To allow for a decision to be made in advance of the meeting, it is proposed that either the presiding member or CEO will make the decision on whether a presentation is heard at a meeting, based on any policy established by the council.

Accordingly, it is proposed that a council may establish a policy that determines:

- the types of meetings at which presentations may be heard
- whether the responsibility for making decisions on presentation requests sits with either the presiding member or CEO
- any other matters to guide the presiding member or CEO's decision making towards requests.

New Regulations are also proposed to:

- allow a person, or group of people, to lodge a request in accordance with the council's policy to provide a presentation at least 48 hours before the meeting
- require the presiding member or CEO to decide and provide a response to the person requesting the presentation by 12 noon the day of the meeting
- provide that if the presiding member or CEO refuses an application, they are to provide their reasons to the applicant and advise of the refusal at the meeting
- limit presentations to 5 minutes (not including questions) unless there is a resolution to extend the time limit
- allow council and committee members to ask questions of presenters.

- 11. Should the Regulations specify that a request to make a presentation must relate to an item on the agenda for the relevant meeting? Yes / No**  
(a) If no, please provide reasons.
- 12. Is 48 hours of notice sufficient to administer an application from a member of the public to present to a meeting? Yes / No**  
(a) If no, please provide reasons and suggest an alternative.

**13. Should a standard time limit be set for public presentations? Yes / No**

(a) If no, please provide reasons.

**14. Would 5 minutes be a suitable time limit for public presentations? Yes / No**

(a) If no, please provide reasons and suggest an alternative.

## **8. Petitions**

Many local governments have a tradition of accepting petitions, mirroring the practice of Parliament.

Regulations are proposed to:

- enable any person to petition a local government by lodging a petition to the council on any matter, including petitions which may be critical of actions or decisions of the local government
- require the lead petitioner to provide their contact details
- require any person signing a petition to state their suburb/town, and declare whether they are residents and/or electors of the district
- require the petitioner to tally the number of signatories
- limit rejection of a petition to only when it is not in the prescribed form
- require that the council is to consider each petition and must determine how it is to respond, such as by seeking a report from the CEO
- allow local governments to establish an electronic petitioning system if they wish
- require all petitions received and outcomes from petitions to be summarised in a report to the annual meeting of electors.

**15. Do the proposed regulations provide an effective system for managing petitions? Yes / No**

(a) If no, please provide reasons and suggested alternatives.

## **Part 3: Conduct of debate**

### **9. Orderly conduct of meetings**

New Regulations are proposed to create a duty for all people present at a meeting to:

- ensure that the business of the meeting is attended to efficiently and without delay
- conduct themselves courteously at all times
- allow opinions to be heard within the requirements of the meetings procedures.

It is also proposed that the Regulations:

- allow members to raise points of order to bring the presiding member's attention to a departure from procedure
- provide that it is a minor breach for a presiding member to preside in a manner which is unreasonable or contravenes the requirements of the Act or Regulations
- empower the presiding member to call a person to order and:
  - should a member not comply with a third call to order, the presiding member may direct them to speak no further (but they may continue to cast their vote) for the remainder of the meeting, with failure to adhere to the direction being a minor breach



- if any other person does not comply with one call to order, the presiding member may direct them to leave the meeting, with failure to do so being an offence
- provide that a council may vote to rescind a direction made by a presiding member for a member to not speak further during a meeting
- provide that a member who has had a direction made against them to not speak further cannot move or second a motion that attempts to rescind the decision.

**16. Do these measures provide a suitable framework to maintain order in meetings? Yes / No**

(a) If no, what are the suggested changes?

## 10. Motions and amendments

Existing meeting procedures address many matters relating to the processes of decision making. This includes motions and amendments (including foreshadowed and alternate motions), notices of motion by members, reasons for changes to the CEO's recommended motion, passing motions "en bloc", and how voting occurs. The existing system of motions (including foreshadowed, amendment, alternate and revocation motions) are proposed to be broadly maintained.

Council members may raise motions that are not part of the agenda of a meeting to recommend a proposal for consideration. For instance, a motion might propose a new policy or decision.

Local governments commonly require notice of a motion to be provided in advance of a council meeting. This is to allow council members time to review the motion and for the CEO and administration to provide advice needed to assist council members with making a decision on a motion.

Providing notice to other council members, the CEO and administration can support a more fulsome consideration of the motion.

Regulations are proposed to require council members to provide written notice of motions at least 1 calendar week before the council meeting commences. This would generally allow those motions to be included in the meeting agenda, which must be published 72 hours before the commencement of the meeting.

It is proposed that council members will still be able to move amendments and alternative motions during debate on agenda items without providing written notice in advance of the meeting. This provides for members to be able to consider all options and suggestions for an item included in the agenda of a meeting.

It is proposed that reasons for notices of motion, amendments and other decisions that are changed at a meeting would still be required.

**17. Is a period of 1 calendar week an appropriate notice period for motions? Yes / No**

(a) If no, what is your suggested alternative?

**18. Are these proposals for motions suitable? Yes / No**

(a) If no, please provide reasons.

## 11. Debate on a motion

The practice of motions being moved and seconded and debate alternating between speakers for and against the motion is used in meeting procedures statewide.

Some local governments have a further requirement where if a motion is not opposed, no debate occurs, and the motion is recorded as passing unanimously.

Regulations are proposed to provide for the following rules for formal debate on a motion or amendment:

- any motion must be seconded before it may be debated (or carried without debate)
- a motion is carried without debate if no member is opposed to the motion

- if a member is opposed, the mover and seconder may speak and are followed by alternating speakers against and for the motion, with a final right of reply for the mover
- speeches must be relevant to the motion under debate and no member must speak twice – except for the mover’s right of reply, or if the council decides to allow further debate
- no member can speak for longer than 5 minutes without the approval of the meeting.

**19. Do you support these rules for formal debate on a motion or amendment? Yes / No**

(a) If no, what is your suggested alternative?

**20. Is 5 minutes a suitable maximum speaking time during debate? Yes / No**

(a) If no, what should be the default maximum speaking time?

**21. Is a general principle against speaking twice on the same motion suitable? Yes / No**

(a) If no, please provide reasons.

### 12. Questions by members

The current practices for members asking formal questions at meetings varies throughout the sector. Some local governments have a “questions from council members” period; other local governments allow members to place questions on notice for future meetings.

Regulations are proposed to provide that:

- council members can ask the CEO questions related to any item on an agenda by providing the question in writing by 12 noon the day before the meeting
- council member questions are to be answered during the “questions from council members” agenda item
- council members must seek permission from the presiding member to ask the CEO clarifying questions during debate.

**22. Should the new standardised provisions include a maximum time limit for the “questions from council members” agenda item? Yes / No**

(a) If no, please provide details.

**23. Is 1 day of notice for a question from a council member sufficient? Yes / No**

(a) If no, what is your suggested alternative and why?

**24. Is it appropriate for the presiding member to consider whether to allow a member to ask clarifying questions during debate? Yes / No**

(a) If no, what is your suggested alternative and why?

### 13. Procedural motions

Various procedural motions are provided for in each local governments’ meeting procedures. They help with managing a meeting effectively and democratically.

Regulations are proposed to provide for the following procedural motions to be put without debate:

- a motion to vary the order of business (e.g. to move a report in the order of business so it is considered earlier)
- a motion to adjourn debate to another time
- a motion to adjourn the meeting
- a motion to put the question (close debate)

- a motion to extend a member's speaking time
- a motion to extend public question time
- a motion to extend the time for a public presentation
- a motion to refer a motion to a committee or for the CEO to provide a new or updated report to a future meeting
- a motion of dissent in the presiding member's ruling (for example, to overturn the presiding member's direction that a member does not speak further)
- a motion to close a meeting to the public in accordance with the Act.

**25. Should any of these procedural motions not be included? Yes / No**

(a) If yes, please identify which motions and why they should not be included.

**26. Are any additional procedural motions needed? Yes / No**

(a) If yes, please provide suggestions and explain why.

## 14. Adverse reflection

In addition to aspects of the model code of conduct, existing meeting procedures seek to prevent inappropriate language and adverse reflections from occurring at meetings.

Regulations are proposed to provide that:

- a person, including a member, cannot reflect adversely on the character of members, employees or other persons – if they do so they must withdraw their remark
- members cannot adversely reflect on the decisions of the council, except in making a motion to revoke or change a decision
- failure to withdraw adverse reflection is to be dealt with as disorderly conduct (including as a potential minor breach)
- a member who is concerned about a remark that may be an adverse reflection may raise a point of order with the presiding member.

**27. Are there any circumstances where a person should be able to adversely reflect on another council member, an employee or a decision of the local government? Yes / No**

(a) If yes, please provide more information to explain the circumstances.

## Part 4: Other matters

### 15. Meeting minutes and confirmation

Existing meeting procedures provide for the method of confirmation of the minutes. It is proposed to amend the Regulations to provide a clear process for correcting minutes by:

- allowing a member who identifies errors with unconfirmed minutes to provide a CEO with any proposed corrections by 12 noon the day before a meeting at which the minutes are to be confirmed
- requiring any proposed corrections to the minutes to be presented to council for a decision with a recommendation from the CEO
- Requiring DLGSC to be notified if a local government fails to adopt or defers confirmation of the minutes of a meeting.

**28. Is 1 day sufficient notice for a proposed correction to the minutes? Yes / No**

(a) If no, how much notice should be required and why?

## 16. Electronic meetings and attendance

In 2020, Regulations were introduced in response to the COVID-19 pandemic to enable councils to hold meetings electronically and for council members to attend using electronic means. This allowed councils to continue making critical decisions during the pandemic. The use of videoconferencing and the adoption of livestreaming has also encouraged public access and participation in local government.

On 9 November 2022, the [Local Government \(Administration\) Amendment Regulations 2022](#) took effect, meaning local governments could conduct council and committee meetings electronically outside of emergency situations and that council and committee members could attend in-person meetings using electronic means, such as videoconferencing.

The State Government committed to a public consultation process to gain feedback on the effect of these changes following 12 months of operation.

**29. Has the change to enable electronic meetings to occur outside of emergency situations been helpful? Yes / No / Unsure or unable to comment**

(a) If no, please explain why.

**30. Has the ability for individual members to attend meetings electronically been beneficial? Yes / No / Unsure or unable to comment**

(a) If no, please explain why.

**31. Do you think any changes to electronic meetings or electronic attendance are required? Yes / No / Unsure or unable to comment**

(a) If yes, please provide details of the changes and explain why they are needed.

## 17. Council committees

Sections 5.8 to 5.18 of the Act provide for the establishment of committees that may assist with decision-making. Section 7.1A provides for the establishment of an audit committee. The standardised meeting procedures will only apply to those committees established under sections 5.8 and 7.1A.

It is proposed that provisions for committees be similar to requirements for council meetings. Committees may need to provide a more flexible meeting environment, in terms of time limitations and procedure, to facilitate the consideration of issues in detail. This is reflected in meeting procedures across the State.

Regulations are proposed to provide that:

- a committee meeting is to be called when requested by the presiding member of the committee, the mayor or president, or a third of the committee's members
- certain meeting procedures such as the order of debate, speaking twice and time limits do not apply to a committee
- a committee is answerable to the council and must provide at least 1 report to council on its activities each year.

**32. Are any other modifications needed for committee meetings? Yes / No**

(a) If yes, please provide details of the modifications and explain why.

## 18. Meetings of electors

The Act establishes that the mayor or president is to preside at electors' meetings, and any resolutions passed by an electors' meeting are considered at a following council meeting.

As electors' meetings are quite different to council meetings, comment is sought about whether parts of the proposed standard should apply for electors' meetings.

### 33. Should parts of the proposed standard apply at electors' meetings? Yes / No

(a) If yes, please explain what may be required.

## 19. Any other matters

Feedback is welcome on any other element of local government meetings for consideration in the further development of the new Regulations.

### 34. Do you have any other comments or suggestions for the proposed new Regulations?

(a) If yes, please explain what may be required.

## Appendix: Example timeline for an ordinary council meeting

For this example, the local government holds its ordinary council meetings on the second Tuesday of every month. March 2024 has been used as an example.

Day/time	Task	Requirements
<b>Tue 5 March 6 pm</b>	Deadline for council members to provide written notice of motions.	<ul style="list-style-type: none"> <li>Council members must provide written notice of motions at least 1 calendar week before the day of an ordinary council meeting.</li> </ul>
<b>Sat 9 March 6 pm</b>	Deadline for publishing ordinary council meeting agenda. In practice, the local government publishes the agenda prior to close of business Friday.	<ul style="list-style-type: none"> <li>An ordinary council meeting agenda must be published at least 72 hours before the commencement of a meeting.</li> </ul>
<b>Sun 10 March 6 pm</b>	Deadline for member of the public to lodge a request to present on an agenda item.	<ul style="list-style-type: none"> <li>A person or group of people can lodge a request with the CEO to provide a presentation on an agenda item but must do so at least 48 hours before the meeting.</li> </ul>
<b>Mon 11 March 12 noon</b>	Deadline for council members to provide written notice of questions that will be asked about agenda items at the ordinary council meeting.	<ul style="list-style-type: none"> <li>Council members must submit questions about agenda items to the CEO in writing by 12 noon the day before the meeting.</li> </ul>
<b>Tue 12 March 12 noon</b>	Presiding member or CEO (in accordance with policy) to decide whether members of the public can present on agenda items and provide a response to people making requests.	<ul style="list-style-type: none"> <li>The presiding member or CEO must decide and provide a response to a person requesting to make a presentation on an agenda item by 12 noon the day of the meeting.</li> <li>If an application is refused, the presiding member or CEO must provide their reasons and advise of the refusal at the meeting.</li> </ul>
<b>Tue 12 March 6 pm</b>	Ordinary council meeting.	<ul style="list-style-type: none"> <li>Meeting must finish by 11 pm.</li> </ul>
<b>Wed 13 March 9 am</b>	Adjourned meeting can begin if scheduled meeting was adjourned due to reaching 11 pm.	<ul style="list-style-type: none"> <li>If a meeting needs to be adjourned because it reaches 11 pm, the meeting to deal with outstanding items must be at least 10 hours after the original meeting was adjourned.</li> </ul>
<b>Tue 19 March 6 pm</b>	Deadline for notifying DLGSC of any urgent business considered at the ordinary council meeting.	<ul style="list-style-type: none"> <li>The DLGSC must be notified within 7 calendar days each time urgent business is considered at an ordinary council meeting.</li> </ul>
<b>Sat 6 April 6 pm</b>	Responses to questions on notice included in agenda for next ordinary council meeting.	<ul style="list-style-type: none"> <li>When a question is taken on notice, a response is to be given to members of the public in writing and the answer is to be included in the agenda of the next ordinary council meeting.</li> <li>An ordinary council meeting agenda must be published at least 72 hours before the commencement of a meeting.</li> </ul>
<b>Mon 8 April 12 noon</b>	Deadline for council members dissatisfied with unconfirmed minutes to provide the CEO with corrected wording.	<ul style="list-style-type: none"> <li>A council member dissatisfied with unconfirmed minutes can provide a CEO with corrected wording by 12 noon the day before a meeting at which the minutes are to be confirmed.</li> </ul>
<b>Tue 9 April 6 pm</b>	Ordinary council meeting	<ul style="list-style-type: none"> <li>Meeting must finish by 11 pm.</li> </ul>

## Local Government Reform – Standardised Meeting Procedures Consultation

### Overview

The State Government is implementing a number of reforms to the [Local Government Act 1995](#) (the Act) to improve transparency and accountability in local government in Western Australia and deliver benefits to ratepayers and residents.

Standardising council and committee procedures is part of these reforms. Establishing a consistent approach to all local government council and committee meetings will make it easier and simpler for people to participate in and observe council meetings, wherever they are held.

Currently, it is usual practice for local governments to have local laws and policies in place to govern the conduct of council meetings. However, this approach means that there can be variation in how members of the public can engage with council meetings. [City of Belmont Standing Orders Local Law 2017](#)

The [Local Government Amendment Act 2023](#) inserts section 5.33A, to allow standardised meeting procedures for all local governments to be made in the form of Regulations or model provisions.

The State Government intends under section 5.33A to make Regulations that apply to all local governments and an order of the Governor under section 3.17 of the Act to repeal all existing local government meetings procedures, standing orders or council meeting local laws.

It is intended that the new standard meeting procedures (also known as “standing orders”) apply to all council and committee meetings held by local governments. It is also intended that Regulations will contain consistent rules for how meetings are held.

The DLGSC invites local governments, council members, Chief Executive Officers (CEOs), local government employees, groups and associations, and members of the community to consider the proposals and provide feedback.

Specific questions have been targeted to certain meeting procedure topics to better understand the variety of existing approaches currently used by the sector. The DLGSC is interested in learning more about how existing approaches work well in practice; and how reforms can be structured to improve transparency and public involvement, simplify the way meetings are conducted, and promote uniformity throughout the sector.

Below is a list of the questions contained in the consultation survey.





## Local Government Reform – Standardised Meeting Procedures Consultation

### 2. Agendas and order of business

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>It is proposed to broadly retain existing requirements for local governments to publish meeting agendas.</p> <p>It is proposed that the general order of meetings be outlined in the Regulations for consistency across the local government sector. However, a council or committee may decide to consider business in a different order, provided that the other requirements of the Regulations (such as public question time being held before any decisions are made) are still met. Regulations are proposed to outline the following order of business:</p> <ul style="list-style-type: none"> <li>• opening (local governments will still be able to continue their own practices for opening meetings, such as making acknowledgements, prayers, opening statements, etc.)</li> <li>• recording attendance</li> <li>• public question time (see section 6)</li> <li>• public presentations and petitions (see sections 7 and 8)</li> <li>• members’ question time (see section 12)</li> </ul>	<p>Is the proposed order of business suitable?</p>	<p>Yes/No                      (If no, please provide a suggested alternative)</p>	<p>Yes                      Order of business is important to clearly define the contents of the Agenda, but flexibility should be given to allow local governments to determine the order of business.</p>

## Local Government Reform – Standardised Meeting Procedures Consultation

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<ul style="list-style-type: none"><li>• confirmation of previous minutes (see section 15)</li><li>• reports from committees and the CEO</li><li>• motions from members</li><li>• urgent business</li><li>• matters for which the meeting may be closed</li><li>• closure.</li></ul>			

## Local Government Reform – Standardised Meeting Procedures Consultation

### 3. Urgent business

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>Currently, individual local governments’ meeting local laws and policies may vary in how urgent business is raised at a meeting. Existing local laws and policies provide various procedures for urgent business to be considered at a council meeting. Broadly, these procedures seek to limit the use of urgent business to only the most exceptional circumstances.</p> <p>Regulations are proposed to allow the CEO to introduce an item without notice in cases of urgency if:</p> <ul style="list-style-type: none"> <li>• an absolute majority of the council resolve to hear the matter at the meeting, and</li> <li>• the item is clearly marked as urgent business.</li> </ul> <p>It is proposed that DLGSC must be notified each time this occurs, within 7 calendar days, to ensure this process is only used in exceptional circumstances.</p> <p>Urgent business may only be heard after public question time (see section 6). <b>Error! Reference source not found.</b></p>	<p>Are the proposed requirements for urgent business suitable?</p>	<p>Yes/No                      (If no, please explain why and the suggested alternative, if any.)</p>	<p>No                      There is no need to notify the Department, this adds an unnecessary administration burden. An absolute majority of Council at the meeting should be sufficient.</p>

## Local Government Reform – Standardised Meeting Procedures Consultation

### 4. Quorum

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>Existing regulation 8 addresses the process for when there isn't a quorum at a meeting.</p> <p>Amendments are proposed to provide for the following where a quorum is lost or not present:</p> <ul style="list-style-type: none"> <li>• if no quorum is present within 30 minutes of the time set for the meeting, the meeting lapses.</li> <li>• where quorum is lost during a meeting:                             <ul style="list-style-type: none"> <li>- the meeting proceeds to the next item of business if it is due to members leaving because of a financial or proximity interest</li> <li>- the meeting is adjourned for 15 minutes for any other reason and if quorum cannot be reformed, the meeting is closed</li> </ul> </li> <li>• where quorum is lost, the names of the members then present are to be recorded in the minutes.</li> </ul>	<p>Are the proposed requirements for when a quorum is not present or lost suitable?</p>	<p>Yes/No                      (If no, please explain why and the suggested alternative, if any.)</p>	<p>Yes                      However one would assume this would be known prior to the meeting and Ministerial approval should be sought.</p>

## Local Government Reform – Standardised Meeting Procedures Consultation

### 5. Adjourning a meeting

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>Currently, individual local governments’ meeting local laws or policies may contain processes for adjourning a meeting. It is intended to adopt similar rules, while also addressing concerns regarding meetings of council that run late. Regulations are proposed to provide that:</p> <ul style="list-style-type: none"> <li>• council may decide to adjourn a meeting to another day, time and place to resume from the point it adjourned</li> <li>• a presiding member may adjourn a meeting for 15 minutes to regain order of a meeting that has been disrupted</li> <li>• if a meeting is adjourned for a second time due to disruption, a presiding member must adjourn the meeting to another day, time or place (not on the same day), with notice being published on the local government’s website.</li> </ul> <p>It is also proposed that if a meeting is continuing and it reaches 10:45 pm:</p> <ul style="list-style-type: none"> <li>• the council or committee may decide to either extend the</li> </ul>	<p>Is 11 pm an appropriate time for when a meeting must be adjourned?</p>	<p>Yes/No                      (If no, what is the suggested alternative?)</p>	<p>No                      It should be 22:00. The meeting is not just about Councillors, it is also about staff and duty of care for hours worked. The CEO should have the right to have an active role in determining when the meeting reconvenes.</p>

## Local Government Reform – Standardised Meeting Procedures Consultation

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>meeting for a further 15 minutes to allow for any remaining business to be concluded or determine to adjourn the meeting</p> <ul style="list-style-type: none"> <li>if any business remains at 11 pm, the meeting must adjourn to a day and time which is at least 10 hours later to deal with any outstanding agenda items and a notice must be published on the local government’s website listing when the meeting will resume.</li> </ul>			

## Local Government Reform – Standardised Meeting Procedures Consultation

### Part 2: Public participation

#### 6. Public question time

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
Currently, the Act and Regulations require that public question time is to be made available at every council meeting and certain committee meetings.	Is the existing minimum allocation of 15 minutes for public question time sufficient?	Yes / No (If no, what minimum time limit do you suggest?)	Yes
Regulation 6 requires that at least 15 minutes is to be made available for public questions at those meetings. However, question time may be extended if there are further questions; the time may also be used for other business if there are no further questions.	Is 2 minutes enough time for a member of the public to ask a question?	Yes/No (If no, what time limit or other method of allocating questions do you suggest?)	Yes
Regulation 7 also provides that question time must be held before substantive decisions are made at that meeting.	Should any other standard requirements for public question time be established?	Yes / No (If yes, please provide details.)	Yes
Currently, the practice at many local governments is that a person who wishes to ask a question attends the meeting (either physically in-person or by electronic means) to ask their question. However, it is proposed that regulations allow for a personal representative of a person to ask a question. This provides an alternative avenue for someone who may be			Questions should and must be submitted in writing prior to the meeting. This will allow the administration to provide a suitable response at the meeting and will reduce the number of questions taken on notice. If they are going to ask a question they should familiarize themselves with the process well in advance of attending the meeting.

## Local Government Reform – Standardised Meeting Procedures Consultation

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>unable to attend a meeting to have their question raised.</p> <p>Currently, individual local governments meeting local laws and policies may contain processes for members of the public to raise questions. Some requirements, such as rules requiring a person to lodge a question in writing before a meeting, may prevent a person who is not familiar with those requirements from being able to ask a question.</p> <p>New standardised requirements are proposed to expand the existing Regulations to require that:</p> <p>a member of the public only needs to provide their name and suburb/locality (and not any other information) before asking a question</p> <p>a person is not required to lodge a question in writing in advance of a meeting (although a person may choose to do so, for instance if they have a very specific or technical</p>	<p>Should a personal representative be able to ask a question on behalf of another person?</p>	<p>Yes/No                      (If no, please provide your reasons.)</p>	<p>No.                      The person must be in attendance at the meeting. Alternatively the question could be emailed to the CEO or Staff Member to respond as part of general correspondence.</p>



## Local Government Reform – Standardised Meeting Procedures Consultation

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>question)</p> <p>a local government may still require a person, or their personal representative, to attend a meeting to ask a question lodged in writing in advance of the meeting for it to be addressed at that meeting</p> <p>questions must not take more than 2 minutes to ask, including a relevant preamble, unless the presiding member grants an extension of time</p> <p>if other people are waiting to ask questions, the presiding member will seek to provide equal opportunity for people to ask questions (for instance, by moving to the next person waiting after someone has asked 3 questions, and returning to the first person if time allows)</p> <p>any questions are to be answered by the presiding member, or a relevant member (nominated by the presiding member), the CEO, or an employee nominated by the CEO</p> <p>if a question, or a question of a similar nature, was asked and answered in the previous 6 months, the presiding member may direct the member of the public to the minutes of the meeting that contains the question and answer</p>			

## Local Government Reform – Standardised Meeting Procedures Consultation

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>no debate of a question or answer is to take place</p> <p>questions may be taken on notice by the person who is answering the question</p> <p>when a question is taken on notice, a response is to be given to the member of the public in writing and a copy of the answer is to be included in the agenda of the next ordinary meeting</p> <p>the presiding member may reject questions that contain offensive language or reflect adversely on others but must provide opportunities for the question to be rephrased.</p>			

## Local Government Reform – Standardised Meeting Procedures Consultation

### 7. Presentations at Council

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>Local governments commonly allow for presentations (also known as deputations) to be made to inform council decisions. Councils may set a policy for whether they hear presentations at council meetings and/or committee meetings, or at other meetings, and the circumstances in which a presentation may be heard.</p> <p>It is proposed that local governments will continue to have discretion to choose whether and when to hear presentations.</p> <p>To allow for a decision to be made in advance of the meeting, it is proposed that either the presiding member or CEO will make the decision on whether a presentation is heard at a meeting, based on any policy established by the council.</p> <p>Accordingly, it is proposed that a council may establish a policy that determines:</p> <ul style="list-style-type: none"> <li>the types of meetings at which presentations may be heard</li> <li>whether the responsibility for making decisions on presentation requests sits with either the</li> </ul>	Should the Regulations specify that a request to make a presentation must relate to an item on the agenda for the relevant meeting?	Yes/No (If no, please provide reasons)	Yes
	Is 48 hours of notice sufficient to administer an application from a member of the public to present to a meeting?	Yes/No (If no, please provide reasons and suggest an alternative.)	Yes
	Should a standard time limit be set for public presentations?	Yes/No (If no, please provide reasons)	Yes
	Would 5 minutes be a suitable time limit for public presentations?	Yes/No (If no, please provide reasons and suggest an alternative)	Yes

## Local Government Reform – Standardised Meeting Procedures Consultation

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>presiding member or CEO</p> <ul style="list-style-type: none"> <li>any other matters to guide the presiding member or CEO’s decision making towards requests.</li> </ul> <p>New Regulations are also proposed to:</p> <ul style="list-style-type: none"> <li>allow a person, or group of people, to lodge a request in accordance with the council’s policy to provide a presentation at least 48 hours before the meeting</li> <li>require the presiding member or CEO to decide and provide a response to the person requesting the presentation by 12 noon the day of the meeting</li> <li>provide that if the presiding member or CEO refuses an application, they are to provide their reasons to the applicant and advise of the refusal at the meeting</li> <li>limit presentations to 5 minutes (not including questions) unless there is a resolution to extend the time limit</li> <li>allow council and committee members to ask questions of presenters.</li> </ul>			

## Local Government Reform – Standardised Meeting Procedures Consultation

### 8. Petitions

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>Many local governments have a tradition of accepting petitions, mirroring the practice of Parliament.</p> <p>Regulations are proposed to:</p> <ul style="list-style-type: none"> <li>enable any person to petition a local government by lodging a petition to the council on any matter, including petitions which may be critical of actions or decisions of the local government</li> <li>require the lead petitioner to provide their contact details</li> <li>require any person signing a petition to state their suburb/town, and declare whether they are residents and/or electors of the district</li> <li>require the petitioner to tally the number of signatories</li> <li>limit rejection of a petition to only when it is not in the prescribed form</li> <li>require that the council is to consider each petition and must determine how it is to respond, such as by seeking a report from the CEO</li> <li>allow local governments to establish an electronic petitioning system if they wish</li> <li>require all petitions received and outcomes from petitions to be summarised in a report to the annual meeting of electors.</li> </ul>	<p>Do the proposed regulations provide an effective system for managing petitions?</p>	<p>Yes/No                      (If no, please provide reasons and suggested alternatives)</p>	<p>Yes.                      However, there should be a threshold requirement e.g. a minimum number of valid signatures or a percentage of electors for a Petition to be referred to Council.                      Petitions received that do not reach that figure should be dealt with by Officers.</p>

## Local Government Reform – Standardised Meeting Procedures Consultation

### Part 3: Conduct of debate

#### 9. Orderly conduct of meetings

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>New Regulations are proposed to create a duty for all people present at a meeting to:</p> <ul style="list-style-type: none"> <li>• ensure that the business of the meeting is attended to efficiently and without delay</li> <li>• conduct themselves courteously at all times</li> <li>• allow opinions to be heard within the requirements of the meetings procedures.</li> </ul> <p>It is also proposed that the Regulations:</p> <ul style="list-style-type: none"> <li>• allow members to raise points of order to bring the presiding member’s attention to a departure from procedure</li> <li>• provide that it is a minor breach for a presiding member to preside in a manner which is unreasonable or contravenes the requirements of the Act or Regulations</li> <li>• empower the presiding member to call a person to order and:                             <ul style="list-style-type: none"> <li>– should a member not comply with a third call to order, the presiding member may direct them to speak no further (but they may continue</li> </ul> </li> </ul>	<p>Do these measures provide a suitable framework to maintain order in meetings?</p>	<p>Yes/No                      (If no, what are the suggested changes?)</p>	<p>Yes, however the minor breach should relate to the Act, Regulations and the Code of Conduct. It should also apply to members of the public.</p>

## Local Government Reform – Standardised Meeting Procedures Consultation

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>to cast their vote) for the remainder of the meeting, with failure to adhere to the direction being a minor breach</p> <ul style="list-style-type: none"> <li>- if any other person does not comply with one call to order, the presiding member may direct them to leave the meeting, with failure to do so being an offence</li> <li>• provide that a council may vote to rescind a direction made by a presiding member for a member to not speak further during a meeting</li> <li>• provide that a member who has had a direction made against them to not speak further cannot move or second a motion that attempts to rescind the decision.</li> </ul>			

## Local Government Reform – Standardised Meeting Procedures Consultation

### 10. Motions and amendments

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>Existing meeting procedures address many matters relating to the processes of decision making.</p> <p>This includes motions and amendments (including foreshadowed and alternate motions), notices of motion by members, reasons for changes to the CEO’s recommended motion, passing motions “en bloc”, and how voting occurs. The existing system of motions (including foreshadowed, amendment, alternate and revocation motions) are proposed to be broadly maintained.</p> <p>Council members may raise motions that are not part of the agenda of a meeting to recommend a proposal for consideration. For instance, a motion might propose a new policy or decision.</p> <p>Local governments commonly require notice of a motion to be provided in advance of a council meeting. This is to allow council members time to review the motion and for the CEO and administration to provide advice needed to assist council members with making a decision on a motion.</p>	<p>Is a period of 1 calendar week an appropriate notice period for motions?</p> <p>Are these proposals for motions suitable?</p>	<p>Yes/No (If no, what is your suggested alternative?)</p> <p>Yes/No (If no, please provide reasons)</p>	<p>No. A period of 2 weeks – 10 clear business days prior to the agenda being published.</p> <p>Yes</p>



## Local Government Reform – Standardised Meeting Procedures Consultation

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>Providing notice to other council members, the CEO and administration can support a more fulsome consideration of the motion. Regulations are proposed to require council members to provide written notice of motions at least 1 calendar week before the council meeting commences. This would generally allow those motions to be included in the meeting agenda, which must be published 72 hours before the commencement of the meeting.</p> <p>It is proposed that council members will still be able to move amendments and alternative motions during debate on agenda items without providing written notice in advance of the meeting. This provides for members to be able to consider all options and suggestions for an item included in the agenda of a meeting. It is proposed that reasons for notices of motion, amendments and other decisions that are changed at a meeting would still be required.</p>			

## Local Government Reform – Standardised Meeting Procedures Consultation

### 11. Debate on a motion

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>The practice of motions being moved and seconded and debate alternating between speakers for and against the motion is used in meeting procedures statewide.</p> <p>Some local governments have a further requirement where if a motion is not opposed, no debate occurs, and the motion is recorded as passing unanimously.</p> <p>Regulations are proposed to provide for the following rules for formal debate on a motion or amendment:</p> <p>any motion must be seconded before it may be debated (or carried without debate)</p> <p>a motion is carried without debate if no member is opposed to the motion</p> <p>if a member is opposed, the mover and seconder may speak and are followed by alternating speakers against and for the motion, with a final right of reply for the mover</p> <p>speeches must be relevant to the motion under debate and no member must speak twice – except for the mover’s right of reply, or if the</p>	<p>Do you support these rules for formal debate on a motion or amendment?</p> <p>Is 5 minutes a suitable maximum speaking time during debate?</p> <p>Is a general principle against speaking twice on the same motion suitable?</p>	<p>Yes/No (If no, what is your suggested alternative?)</p> <p>Yes/No (If no, what should be the default maximum speaking time?)</p> <p>Yes/No (If no, please provide reasons.)</p>	<p>Yes Provision should be made for Council to suspend formal debate rules if required.</p> <p>Yes</p> <p>Yes</p>

## Local Government Reform – Standardised Meeting Procedures Consultation

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
council decides to allow further debate  no member can speak for longer than 5 minutes without the approval of the meeting.			

## Local Government Reform – Standardised Meeting Procedures Consultation

### 12. Questions by members

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>The current practices for members asking formal questions at meetings varies throughout the sector. Some local governments have a “questions from council members” period; other local governments allow members to place questions on notice for future meetings.</p> <p>Regulations are proposed to provide that:</p> <p>council members can ask the CEO questions related to any item on an agenda by providing the question in writing by 12 noon the day before the meeting</p> <p>council member questions are to be answered during the “questions from council members” agenda item</p> <p>council members must seek permission from the presiding member to ask the CEO clarifying questions during debate.</p>	<p>Should the new standardised provisions include a maximum time limit for the “questions from council members” agenda item?</p>	<p>Yes/No (If no, please provide details)</p>	<p>No Councillors should be allowed to ask as many questions as required to seek clarification to ensure they are informed before making a decision, this should not be limited by time.</p>
	<p>Is 1 day of notice for a question from a council member sufficient?</p>	<p>Yes/No (If no, what is your suggested alternative and why?)</p>	<p>Yes</p>
	<p>Is it appropriate for the presiding member to consider whether to allow a member to ask clarifying questions during debate?</p>	<p>Yes/No (If no, what is your suggested alternative and why?)</p>	<p>Yes</p>

## Local Government Reform – Standardised Meeting Procedures Consultation

### 13. Procedural motions

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>Various procedural motions are provided for in each local governments’ meeting procedures. They help with managing a meeting effectively and democratically.</p> <p>Regulations are proposed to provide for the following procedural motions to be put without debate:</p> <ul style="list-style-type: none"> <li>• a motion to vary the order of business (e.g. to move a report in the order of business so it is considered earlier)</li> <li>• a motion to adjourn debate to another time</li> <li>• a motion to adjourn the meeting</li> <li>• a motion to put the question (close debate)</li> <li>• a motion to extend a member’s speaking time</li> <li>• a motion to extend public question time</li> <li>• a motion to extend the time for a public presentation</li> <li>• a motion to refer a motion to a committee or for the CEO to provide a new or updated report to a future meeting</li> </ul>	<p>Should any of these procedural motions not be included?</p> <p>Are any additional procedural motions needed?</p>	<p>Yes/No (If yes, please identify which motions and why they should not be included)</p> <p>Yes/No (If yes, please provide suggestions and explain why)</p>	<p>No</p> <p>Yes The procedural motion that a “member no longer be heard” should be included. Where debate is going round in circles or the member is being unruly and it is clear there needs to be a decision to ensure the orderly and timely running of the meeting.</p> <p>The proposed procedural motion “a motion to refer a motion to a committee ...” should also include an information session. This will enable further information to be presented/discussed in an informal setting. A new or updated report would then be presented to a future meeting.</p>

## Local Government Reform – Standardised Meeting Procedures Consultation

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<ul style="list-style-type: none"><li>• a motion of dissent in the presiding member’s ruling (for example, to overturn the presiding member’s direction that a member does not speak further)</li><li>• a motion to close a meeting to the public in accordance with the Act.</li></ul>			

## Local Government Reform – Standardised Meeting Procedures Consultation

### 14. Adverse reflection

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>In addition to aspects of the model code of conduct, existing meeting procedures seek to prevent inappropriate language and adverse reflections from occurring at meetings.</p> <p>Regulations are proposed to provide that:</p> <p>a person, including a member, cannot reflect adversely on the character of members, employees or other persons – if they do so they must withdraw their remark</p> <p>members cannot adversely reflect on the decisions of the council, except in making a motion to revoke or change a decision</p> <p>failure to withdraw adverse reflection is to be dealt with as disorderly conduct (including as a potential minor breach)</p> <p>a member who is concerned about a remark that may be an adverse reflection may raise a point of order with the presiding member.</p>	<p>Are there any circumstances where a person should be able to adversely reflect on another council member, an employee or a decision of the local government?</p>	<p>Yes/No                      (If yes, please provide more information to explain the circumstances)</p>	<p>No                      Adverse reflection is a serious matter and should not be tolerated under any circumstances, this has the potential to result in defamation and serious WHS issues pertaining to staff and Elected Members</p>

## Local Government Reform – Standardised Meeting Procedures Consultation

### Part 4: Other matters

#### 15. Meeting minutes and confirmation

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>Existing meeting procedures provide for the method of confirmation of the minutes. It is proposed to amend the Regulations to provide a clear process for correcting minutes by:</p> <p>allowing a member who identifies errors with unconfirmed minutes to provide a CEO with any proposed corrections by 12 noon the day before a meeting at which the minutes are to be confirmed</p> <p>requiring any proposed corrections to the minutes to be presented to council for a decision with a recommendation from the CEO</p> <p>Requiring DLGSC to be notified if a local government fails to adopt or defers confirmation of the minutes of a meeting.</p>	<p>Is 1 day sufficient notice for a proposed correction to the minutes?</p>	<p>Yes/No (If no, how much notice should be required and why?)</p>	<p>Yes</p>



## Local Government Reform – Standardised Meeting Procedures Consultation

### 16. Electronic meetings and attendance

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>In 2020, Regulations were introduced in response to the COVID-19 pandemic to enable councils to hold meetings electronically and for council members to attend using electronic means. This allowed councils to continue making critical decisions during the pandemic. The use of videoconferencing and the adoption of livestreaming has also encouraged public access and participation in local government.</p> <p>On 9 November 2022, the <a href="#">Local Government (Administration) Amendment Regulations 2022</a> took effect, meaning local governments could conduct council and committee meetings electronically outside of emergency situations and that council and committee members could attend in-person meetings using electronic means, such as videoconferencing.</p> <p>The State Government committed to a public consultation process to gain feedback on the effect of these changes following 12 months of operation.</p>	<p>Has the change to enable electronic meetings to occur outside of emergency situations been helpful?</p>	<p>Yes / No / Unsure or unable to comment (If no, please explain why)</p>	<p>Yes</p>
	<p>Has the ability for individual members to attend meetings electronically been beneficial?</p>	<p>Yes / No / Unsure or unable to comment (If no, please explain why)</p>	<p>Yes</p>
	<p>Do you think any changes to electronic meetings or electronic attendance are required?</p>	<p>Yes / No / Unsure or unable to comment</p>	<p>No</p>

## Local Government Reform – Standardised Meeting Procedures Consultation

### 17. Council committees

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>Sections 5.8 to 5.18 of the Act provide for the establishment of committees that may assist with decision-making. Section 7.1A provides for the establishment of an audit committee. The standardised meeting procedures will only apply to those committees established under sections 5.8 and 7.1A.</p> <p>It is proposed that provisions for committees be similar to requirements for council meetings. Committees may need to provide a more flexible meeting environment, in terms of time limitations and procedure, to facilitate the consideration of issues in detail. This is reflected in meeting procedures across the State.</p> <p>Regulations are proposed to provide that:</p> <ul style="list-style-type: none"> <li>• a committee meeting is to be called when requested by the presiding member of the committee, the mayor or president, or a third of the committee’s members</li> <li>• certain meeting procedures such as the order of debate, speaking</li> </ul>	<p>Are any other modifications needed for committee meetings?</p>	<p>Yes/No                      (If yes, please provide details of the modifications and explain why.)</p>	<p>No</p>

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Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>twice and time limits do not apply to a committee.</p> <ul style="list-style-type: none"><li>• a committee is answerable to the council and must provide at least 1 report to council on its activities each year.</li></ul>			

## Local Government Reform – Standardised Meeting Procedures Consultation

### 18. Meetings of electors

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>The Act establishes that the mayor or president is to preside at electors' meetings, and any resolutions passed by an electors' meeting are considered at a following council meeting.</p> <p>As electors' meetings are quite different to council meetings, comment is sought about whether parts of the proposed standard should apply for electors' meetings.</p>	<p>Should parts of the proposed standards apply at electors' meetings?</p>	<p>Yes/No                      (If yes, please explain what may be required.)</p>	<p>Yes                      To maintain order and ensure the effective management of the meeting.</p>

## Local Government Reform – Standardised Meeting Procedures Consultation

### 19. Any other matters

Proposed Reforms	Questions	Requested Response requirements	City of Belmont Response
<p>Feedback is welcome on any other element of local government meetings for consideration in the further development of the new Regulations.</p>	<p>Do you have any other comments or suggestions for the proposed new Regulations?</p>	<p>If yes, please explain what may be required.</p>	<p>The City of Belmont Standing Orders include a range of other matters not dealt with by the proposals, e.g.</p> <ul style="list-style-type: none"> <li>• Part 8 – Conduct of Members</li> <li>• Part 12 – Voting</li> <li>• Part 15 – Making, revoking or changing decisions</li> <li>• Part 20 – Common Seal</li> </ul> <p><a href="#">City of Belmont Standing Orders Local Law 2017</a></p> <p>Therefore, the City of Belmont requests that any regulated standardised meeting procedures not be exhaustive and allow Local Government Authorities (LGAs) flexibility and scope to add provisions over and above the regulated standardised meeting procedures. In other words, the regulated standardised meeting procedures become the minimum requirement for meetings, with LGAs afforded the authority to</p>

**Local Government Reform – Standardised Meeting Procedures Consultation**

			pass additional provisions to supplement the regulated standardised meeting procedures.
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# Standardised Meeting Procedures

## WALGA DISCUSSION PAPER



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## PURPOSE OF WALGA DISCUSSION PAPER

WALGA is conscious that Local Government consultation leading to the development of the *Local Government Amendment Act 2023* evidenced broad sector support for standardisation of meeting procedures.

WALGA is equally aware that while many current Meeting Procedures / Standing Orders Local Laws include a solid core of common provisions, there is also some diversity across a range of Local Laws content.

We therefore recognise the challenge inherent in developing standardised meeting procedures and the potential they may differ significantly from, or even exclude, well-entrenched Local Law practices and procedures applied at Council and Committee meetings. Participating in the consultation process is therefore crucial to developing workable standardised meeting procedures.

The WALGA Discussion Paper is developed with a view to being read in conjunction with the Department of Local Government, Sport and Cultural Industries Standardised Meeting Procedures Consultation Paper, released in February 2024.

Our Discussion Paper melds the Consultation Paper content with WALGA Comment that is intended to provoke thought and lead to a considered response to the 34 questions posed by the Department. It is WALGA's recommendation that Local Government administrators and Council Members work collaboratively in determining a response to the Consultation Paper. This can be facilitated through informal workshops or a more formal approach at a Council meeting.

**WALGA would greatly appreciate receiving your formal response by close of business Monday 29 April 2024.** This is a different timeframe to the Department's Consultation Paper closing date of 29 May 2024, however it is necessary to facilitate development of a consolidated advocacy position that reflects the aggregated views of the sector on standardised meeting procedures.

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## PART 1 – GENERAL MEETING PROCESS

### DLGSCI Consultation Paper

#### 1. Calling meetings

The calling of council meetings is outlined in sections 5.5 to 5.7 of the Act, and in existing regulations 12 to 14. Amendments are proposed to add new requirements for the oversight of special council meetings that are held at short notice and prevent any meeting from being held at an unreasonable time of day. It is important that special meetings are only convened in appropriate circumstances. Regulations are proposed to require:

- a minimum of 24 hours' notice to convene a special council meeting
- that notice to convene a special council meeting may be done with less than 24 hours' notice if an absolute majority of council members call the meeting
- that a meeting cannot commence any earlier than 8 am or later than 8 pm.

#### WALGA Comment

**Currently there is no time-based provision relating to calling a Special Council Meeting, with start times based on availability of attendees, identified urgency of a matter and adopting a common-sense approach. In recognition of exceptional circumstances, consider:**

- **Will an absolute majority of Council Members always be available/contactable if an emergency situation necessitates a special meeting?**
- **Should the Mayor or President be empowered to call a Special Council Meeting during an emergency, public health emergency or state of emergency, similar to emergency powers under section 6.8(1)(c) of the Act?**

**1. Is it suitable to allow for a special council meeting to be convened with less than 24 hours' notice if an absolute majority of council members call the meeting? Yes / No**

**(a) If no, please provide a suggested alternative.**

**2. Are there any circumstances where meetings must start earlier than 8 am or later than 8 pm? Yes / No**

**(a) If yes, please provide examples and the suggested alternative.**



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## DLGSCI Consultation Paper

### 2. Agendas and order of business

It is proposed to broadly retain existing requirements for local governments to publish meeting agendas.

It is proposed that the general order of meetings be outlined in the Regulations for consistency across the local government sector. However, a council or committee may decide to consider business in a different order, provided that the other requirements of the Regulations (such as public question time being held before any decisions are made) are still met.

Regulations are proposed to outline the following order of business:

- opening (local governments will still be able to continue their own practices for opening meetings, such as making acknowledgements, prayers, opening statements, etc.)
- recording attendance
- public question time (see section 6)
- public presentations and petitions (see sections 7 and 8)
- members' question time (see section 12)
- confirmation of previous minutes (see section 15)
- reports from committees and the CEO
- motions from members
- urgent business
- matters for which the meeting may be closed
- closure.

### WALGA Comment

**Some Meeting Procedures / Standing Orders Local Laws have dispensed with the Order of Business; is it necessary to regulate an Order of Business?**

**If the Order of Business is to be regulated, should the Regulations provide some flexibility for Local Governments to change their Order of Business; for example, bringing forward a matter of public interest is current common practice.**

**3. Is the proposed order of business suitable? Yes / No**

**(a) If no, please provide a suggested alternative**



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## DLGSCI Consultation Paper

### 3. Urgent business

Currently, individual local governments' meeting local laws and policies may vary in how urgent business is raised at a meeting. Existing local laws and policies provide various procedures for urgent business to be considered at a council meeting. Broadly, these procedures seek to limit the use of urgent business to only the most exceptional circumstances.

Regulations are proposed to allow the CEO to introduce an item without notice in cases of urgency if:

- an absolute majority of the council resolve to hear the matter at the meeting, and
- the item is clearly marked as urgent business.

It is proposed that DLGSC must be notified each time this occurs, within 7 calendar days, to ensure this process is only used in exceptional circumstances.

Urgent business may only be heard after public question time (see section 6).

### WALGA Comment

**If the CEO determines items of urgent business, is it appropriate to involve the Department in monitoring the CEO's performance given this is the role of Council?**

**Should a Council Member be permitted to introduce an urgent matter for consideration under a Notice of Motion?**

**Should a definition of 'urgent business' be included in standardised regulations, or should this be a matter of Policy?**

**4. Are the proposed requirements for urgent business suitable? Yes / No**

**(a) If no, please provide a suggested alternative.**



## DLGSCI Consultation Paper

### 4. Quorum

Existing regulation 8 addresses the process for when there isn't a quorum at a meeting.

Amendments are proposed to provide for the following where a quorum is lost or not present:

- if no quorum is present within 30 minutes of the time set for the meeting, the meeting lapses
- where quorum is lost during a meeting:
  - the meeting proceeds to the next item of business if it is due to members leaving because of a financial or proximity interest
  - the meeting is adjourned for 15 minutes for any other reason and if quorum cannot be reformed, the meeting is closed
- where quorum is lost, the names of the members then present are to be recorded in the minutes.

### WALGA Comment

**Is there potential for proposed standardised regulations to replicate existing regulation 8?**

**Should the presiding member be empowered to set the date and time to reconvene a meeting adjourned due to lack of quorum?**

**5. Are the proposed requirements for when a quorum is not present or lost suitable? Yes / No**

**(a) If no, please explain why and the suggested alternative, if any.**

## DLGSCI Consultation Paper

### 5. Adjourning a meeting

Currently, individual local governments' meeting local laws or policies may contain processes for adjourning a meeting. It is intended to adopt similar rules, while also addressing concerns regarding meetings of council that run late. Regulations are proposed to provide that:

- council may decide to adjourn a meeting to another day, time and place to resume from the point it adjourned
- a presiding member may adjourn a meeting for 15 minutes to regain order of a meeting that has been disrupted



- if a meeting is adjourned for a second time due to disruption, a presiding member must adjourn the meeting to another day, time or place (not on the same day), with notice being published on the local government's website.

It is also proposed that if a meeting is continuing and it reaches 10:45 pm:

- the council or committee may decide to either extend the meeting for a further 15 minutes to allow for any remaining business to be concluded or determine to adjourn the meeting
- if any business remains at 11 pm, the meeting must adjourn to a day and time which is at least 10 hours later to deal with any outstanding agenda items and a notice must be published on the local government's website listing when the meeting will resume.

### **WALGA Comment**

**There are a variety of meeting starting times, therefore is the proposal to regulate that meetings must always adjourn at 11pm appropriate? Could the meeting closure time be based on a standard number of hours commencing from the opening of a meeting?**

**Is a procedural motion to extend time, by absolute majority, a valid option?**

**Is employee work, health and safety an equal consideration when determining the earliest a meeting can reconvene? If so, should the CEO have an active role in determining the time the meeting reconvenes?**

- |  |
|--|
| <p><b>6. Is 11 pm an appropriate time for when a meeting must be adjourned? Yes / No</b></p> <p><b>(a) If no, what is the suggested alternative?</b></p> |
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## PART 2 – PUBLIC PARTICIPATION

### DLGSCI Consultation Paper

#### 6. Public question time

Currently, the Act and Regulations require that public question time is to be made available at every council meeting and certain committee meetings.

Regulation 6 requires that at least 15 minutes is to be made available for public questions at those meetings. However, question time may be extended if there are further questions; the time may also be used for other business if there are no further questions.

Regulation 7 also provides that question time must be held before substantive decisions are made at that meeting.

Currently, the practice at many local governments is that a person who wishes to ask a question attends the meeting (either physically in-person or by electronic means) to ask their question. However, it is proposed that regulations allow for a personal representative of a person to ask a question. This provides an alternative avenue for someone who may be unable to attend a meeting to have their question raised.

Currently, individual local governments meeting local laws and policies may contain processes for members of the public to raise questions. Some requirements, such as rules requiring a person to lodge a question in writing before a meeting, may prevent a person who is not familiar with those requirements from being able to ask a question.

New standardised requirements are proposed to expand the existing Regulations to require that:

- a member of the public only needs to provide their name and suburb/locality (and not any other information) before asking a question
- a person is not required to lodge a question in writing in advance of a meeting (although a person may choose to do so, for instance if they have a very specific or technical question)
- a local government may still require a person, or their personal representative, to attend a meeting to ask a question lodged in writing in advance of the meeting for it to be addressed at that meeting
- questions must not take more than 2 minutes to ask, including a relevant preamble, unless the presiding member grants an extension of time
- if other people are waiting to ask questions, the presiding member will seek to provide equal opportunity for people to ask questions (for instance, by moving to the next person waiting after someone has asked 3 questions, and returning to the first person if time allows)
- any questions are to be answered by the presiding member, or a relevant member (nominated by the presiding member), the CEO, or an employee nominated by the CEO



- if a question, or a question of a similar nature, was asked and answered in the previous 6 months, the presiding member may direct the member of the public to the minutes of the meeting that contains the question and answer
- no debate of a question or answer is to take place
- questions may be taken on notice by the person who is answering the question
- when a question is taken on notice, a response is to be given to the member of the public in writing and a copy of the answer is to be included in the agenda of the next ordinary meeting
- the presiding member may reject questions that contain offensive language or reflect adversely on others but must provide opportunities for the question to be rephrased

### **WALGA Comment**

**Do the proposals provide appropriate balance between the right of the public to ask questions and the community expectation that Councils efficiently transact meeting business and make decisions?**

**The public question time provisions under section 5.24 of the Act and the Local Government (Administration) Regulations do not specify that a member of the public must identify themselves. Is it appropriate that a person will be required to identify themselves, or should this be discretionary to permit a right to privacy?**

**Should a Council Member be permitted to act as a personal representative and ask a question on behalf of an absent member of the public? Should members of the public always be present to ask their question?**

- |   |
|---|
| <p><b>7. Is the existing minimum allocation of 15 minutes for public question time sufficient? Yes / No</b></p> <p>(a) If no, what minimum time limit do you suggest?</p> <p><b>8. Is 2 minutes enough time for a member of the public to ask a question? Yes / No</b></p> <p>(a) If no, what time limit or other method of allocating questions do you suggest?</p> <p><b>9. Should any other standard requirements for public question time be established? Yes / No</b></p> <p>(a) If yes, please provide details.</p> <p><b>10. Should a personal representative be able to ask a question on behalf of another person? Yes / No</b></p> <p>(a) If no, please provide your reasons.</p> |
|---|





## DLGSCI Consultation Paper

### 7. Presentations at council

Local governments commonly allow for presentations (also known as deputations) to be made to inform council decisions. Councils may set a policy for whether they hear presentations at council meetings and/or committee meetings, or at other meetings, and the circumstances in which a presentation may be heard.

It is proposed that local governments will continue to have discretion to choose whether and when to hear presentations.

To allow for a decision to be made in advance of the meeting, it is proposed that either the presiding member or CEO will make the decision on whether a presentation is heard at a meeting, based on any policy established by the council.

Accordingly, it is proposed that a council may establish a policy that determines:

- the types of meetings at which presentations may be heard
- whether the responsibility for making decisions on presentation requests sits with either the presiding member or CEO
- any other matters to guide the presiding member or CEO's decision making towards requests.

New Regulations are also proposed to:

- allow a person, or group of people, to lodge a request in accordance with the council's policy to provide a presentation at least 48 hours before the meeting
- require the presiding member or CEO to decide and provide a response to the person requesting the presentation by 12 noon the day of the meeting
- provide that if the presiding member or CEO refuses an application, they are to provide their reasons to the applicant and advise of the refusal at the meeting
- limit presentations to 5 minutes (not including questions) unless there is a resolution to extend the time limit
- allow council and committee members to ask questions of presenters.

### WALGA Comment

**Should an applicant provide details of their proposed topic and context when making a request to provide a presentation, to permit the CEO to advise Council on relevant legal, financial or other implications?**

**Should the decision to allow a presentation be made by the presiding member in consultation with the CEO, rather than being made by one or the other?**



- 11. Should the Regulations specify that a request to make a presentation must relate to an item on the agenda for the relevant meeting? Yes / No**
  - (a) If no, please provide reasons.
- 12. Is 48 hours of notice sufficient to administer an application from a member of the public to present to a meeting? Yes / No**
  - (a) If no, please provide reasons and suggest an alternative.
- 13. Should a standard time limit be set for public presentations? Yes / No**
  - (a) If no, please provide reasons.
- 14. Would 5 minutes be a suitable time limit for public presentations? Yes / No**
  - (a) If no, please provide reasons and suggest an alternative.

## DLGSCI Consultation Paper

### 8. Petitions

Many local governments have a tradition of accepting petitions, mirroring the practice of Parliament.

Regulations are proposed to:

- enable any person to petition a local government by lodging a petition to the council on any matter, including petitions which may be critical of actions or decisions of the local government
- require the lead petitioner to provide their contact details
- require any person signing a petition to state their suburb/town, and declare whether they are residents and/or electors of the district
- require the petitioner to tally the number of signatories
- limit rejection of a petition to only when it is not in the prescribed form
- require that the council is to consider each petition and must determine how it is to respond, such as by seeking a report from the CEO
- allow local governments to establish an electronic petitioning system if they wish
- require all petitions received and outcomes from petitions to be summarised in a report to the annual meeting of electors.



## WALGA Comment

**Should rejection of a petition extend to cases where the petitioned action will breach a written law and related imperatives, such as a public health emergency declaration?**

**15. Do the proposed regulations provide an effective system for managing petitions? Yes / No**

(a) If no, please provide reasons and suggested alternatives.

## PART 3 – CONDUCT OF DEBATE

### DLGSCI Consultation Paper

#### 9. Orderly conduct of meetings

New Regulations are proposed to create a duty for all people present at a meeting to:

- ensure that the business of the meeting is attended to efficiently and without delay
- conduct themselves courteously at all times
- allow opinions to be heard within the requirements of the meetings procedures.

It is also proposed that the Regulations:

- allow members to raise points of order to bring the presiding member's attention to a departure from procedure
- provide that it is a minor breach for a presiding member to preside in a manner which is unreasonable or contravenes the requirements of the Act or Regulations
- empower the presiding member to call a person to order and:
  - should a member not comply with a third call to order, the presiding member may direct them to speak no further (but they may continue to cast their vote) for the remainder of the meeting, with failure to adhere to the direction being a minor breach
  - if any other person does not comply with one call to order, the presiding member may direct them to leave the meeting, with failure to do so being an offence
- provide that a council may vote to rescind a direction made by a presiding member for a member to not speak further during a meeting
- provide that a member who has had a direction made against them to not speak further cannot move or second a motion that attempts to rescind the decision.



## WALGA Comment

**Are the proposed presiding member powers sufficient to maintain order at meetings?  
Are additional powers required?**

**Clause 10 of the Model Code of Conduct includes matters that must be observed by Council and Committee Members attending Council meetings, enforceable through the behavioural complaints process. Are the proposed new duties of persons present at meetings similar to the expected behaviours expressed in the Model Code?**

**The proposed minor breach of the presiding member includes 'unreasonable' conduct; should the regulations be limited to actual contraventions of the Act, Regulations or Code of Conduct?**

**16. Do these measures provide a suitable framework to maintain order in meetings?  
Yes / No**

(a) If no, what are the suggested changes?

## DLGSCI Consultation Paper

### 10. Motions and amendments

Existing meeting procedures address many matters relating to the processes of decision making. This includes motions and amendments (including foreshadowed and alternate motions), notices of motion by members, reasons for changes to the CEO's recommended motion, passing motions "en bloc", and how voting occurs. The existing system of motions (including foreshadowed, amendment, alternate and revocation motions) are proposed to be broadly maintained.

Council members may raise motions that are not part of the agenda of a meeting to recommend a proposal for consideration. For instance, a motion might propose a new policy or decision.

Local governments commonly require notice of a motion to be provided in advance of a council meeting. This is to allow council members time to review the motion and for the CEO and administration to provide advice needed to assist council members with making a decision on a motion.

Providing notice to other council members, the CEO and administration can support a more fulsome consideration of the motion.

Regulations are proposed to require council members to provide written notice of motions at least 1 calendar week before the council meeting commences. This would generally allow those motions to be included in the meeting agenda, which must be published 72 hours before the commencement of the meeting.

It is proposed that council members will still be able to move amendments and alternative motions during debate on agenda items without providing written notice in advance of the



meeting. This provides for members to be able to consider all options and suggestions for an item included in the agenda of a meeting.

It is proposed that reasons for notices of motion, amendments and other decisions that are changed at a meeting would still be required.

### **WALGA Comment**

**It is relatively common for Agendas to be prepared well in advance of the Council meeting so that Agenda Briefing sessions can be held. Should a notice of motion be provided within the established Agenda preparation timeframe of each Local Government?**

**Should a notice of motion be received by Council resolution to indicate support prior to the Administration preparing a detailed report?**

**Should a CEO be empowered to reject any notice of censure motion from a Council member, given this equates to adverse reflection?**

**17. Is a period of 1 calendar week an appropriate notice period for motions? Yes / No**

(a) If no, what is your suggested alternative?

**18. Are these proposals for motions suitable? Yes / No**

(a) If no, please provide reasons

### **DLGSCI Consultation Paper**

#### **11. Debate on a motion**

The practice of motions being moved and seconded and debate alternating between speakers for and against the motion is used in meeting procedures statewide.

Some local governments have a further requirement where if a motion is not opposed, no debate occurs, and the motion is recorded as passing unanimously.

Regulations are proposed to provide for the following rules for formal debate on a motion or amendment:

- any motion must be seconded before it may be debated (or carried without debate)
- a motion is carried without debate if no member is opposed to the motion
- if a member is opposed, the mover and seconder may speak and are followed by alternating speakers against and for the motion, with a final right of reply for the mover
- speeches must be relevant to the motion under debate and no member must speak twice –



except for the mover's right of reply, or if the council decides to allow further debate

- no member can speak for longer than 5 minutes without the approval of the meeting.

### WALGA Comment

**Should regulations provide for Council to suspend formal debate rules to enable members to speak more than once on a specific item?**

- |  |
|--|
| <p><b>19. Do you support these rules for formal debate on a motion or amendment? Yes / No</b><br/>(a) If no, what is your suggested alternative?</p> <p><b>20. Is 5 minutes a suitable maximum speaking time during debate? Yes / No</b><br/>(a) If no, what should be the default maximum speaking time?</p> <p><b>21. Is a general principle against speaking twice on the same motion suitable? Yes / No</b><br/>(a) If no, please provide reasons.</p> |
|--|

### DLGSCI Consultation Paper

#### 12. Questions by members

The current practices for members asking formal questions at meetings varies throughout the sector. Some local governments have a "questions from council members" period; other local governments allow members to place questions on notice for future meetings.

Regulations are proposed to provide that:

- council members can ask the CEO questions related to any item on an agenda by providing the question in writing by 12 noon the day before the meeting
- council member questions are to be answered during the "questions from council members" agenda item
- council members must seek permission from the presiding member to ask the CEO 0.0.0. clarifying questions during debate.

### WALGA Comment

**Questions from Council Members are an important part of the meeting, especially if a Local Government does not conduct Agenda Briefings in advance of ordinary Council meetings.**

**Should questions from Council Members only be asked at one particular part of the meeting or be asked prior to debate on the agenda item to which the question relates?**



**Could limiting questions to those provided the day before the meeting be counter productive to good decision making if the question relates to a matter on the Agenda?**

**With proposed new rules for public question time in mind, should questions by members also be limited by time and number in the interests of conducting efficient and effective meetings? Should the presiding member be empowered to rule on the relevance of a question?**

**22. Should the new standardised provisions include a maximum time limit for the “questions from council members” agenda item? Yes / No**

(a) If no, please provide details.

**23. Is 1 day of notice for a question from a council member sufficient? Yes / No**

(a) If no, what is your suggested alternative and why?

**24. Is it appropriate for the presiding member to consider whether to allow a member to ask clarifying questions during debate? Yes / No**

(a) If no, what is your suggested alternative and why?

## **DLGSCI Consultation Paper**

### **13. Procedural motions**

Various procedural motions are provided for in each local governments' meeting procedures. They help with managing a meeting effectively and democratically.

Regulations are proposed to provide for the following procedural motions to be put without debate:

- a motion to vary the order of business (e.g. to move a report in the order of business so it is considered earlier)
- a motion to adjourn debate to another time
- a motion to adjourn the meeting
- a motion to put the question (close debate)
- a motion to extend a member's speaking time
- a motion to extend public question time
- a motion to extend the time for a public presentation
- a motion to refer a motion to a committee or for the CEO to provide a new or updated report to a future meeting



- a motion of dissent in the presiding member's ruling (for example, to overturn the presiding member's direction that a member does not speak further)
- a motion to close a meeting to the public in accordance with the Act.

### **WALGA Comment**

**Procedural motions in current Local Laws are accompanied by qualifying provisions explaining their effect; for example, a person who has spoken on a motion cannot move to close a debate on the motion; and the mover of some procedural motions can speak to the motion but cannot speak to some others.**

**Are some qualifying provisions still necessary to ensure fair and equal participation in the meeting? Or should all procedural motions be put without debate?**

**25. Should any of these procedural motions not be included? Yes / No**

(a) If yes, please identify which motions and why they should not be included.

**26. Are any additional procedural motions needed? Yes / No**

(a) If yes, please provide suggestions and explain why.

### **DLGSCI Consultation Paper**

#### **14. Adverse reflection**

In addition to aspects of the model code of conduct, existing meeting procedures seek to prevent inappropriate language and adverse reflections from occurring at meetings.

Regulations are proposed to provide that:

- a person, including a member, cannot reflect adversely on the character of members, employees or other persons – if they do so they must withdraw their remark
- members cannot adversely reflect on the decisions of the council, except in making a motion to revoke or change a decision
- failure to withdraw adverse reflection is to be dealt with as disorderly conduct (including as a potential minor breach)
- a member who is concerned about a remark that may be an adverse reflection may raise a point of order with the presiding member.





## WALGA Comment

**With compulsory public broadcasting and audio recording of ordinary Council meetings imminent, should adverse reflection be elevated from a behavioural or minor breach to a serious breach of the Act?**

**27. Are there any circumstances where a person should be able to adversely reflect on another council member, an employee or a decision of the local government? Yes / No**

(a) If yes, please provide more information to explain the circumstances.

## PART 4 – OTHER MATTERS

### DLGSCI Consultation Paper

#### 15. Meeting minutes and confirmation

Existing meeting procedures provide for the method of confirmation of the minutes. It is proposed to amend the Regulations to provide a clear process for correcting minutes by:

- allowing a member who identifies errors with unconfirmed minutes to provide a CEO with any proposed corrections by 12 noon the day before a meeting at which the minutes are to be confirmed
- requiring any proposed corrections to the minutes to be presented to council for a decision with a recommendation from the CEO
- Requiring DLGSC to be notified if a local government fails to adopt or defers confirmation of the minutes of a meeting

## WALGA Comment

**The confirmation of minutes ensures that a true and correct record of a meeting is kept. Currently, a simple majority of Council Members must agree to any proposed amendments. Are additional rules required?**

**28. Is 1 day sufficient notice for a proposed correction to the minutes? Yes / No**

(a) If no, how much notice should be required and why?



## DLGSCI Consultation Paper

### 16. Electronic meetings and attendance

In 2020, Regulations were introduced in response to the COVID-19 pandemic to enable councils to hold meetings electronically and for council members to attend using electronic means. This allowed councils to continue making critical decisions during the pandemic. The use of videoconferencing and the adoption of livestreaming has also encouraged public access and participation in local government.

On 9 November 2022, the [Local Government \(Administration\) Amendment Regulations 2022](#) took effect, meaning local governments could conduct council and committee meetings electronically outside of emergency situations and that council and committee members could attend in-person meetings using electronic means, such as videoconferencing.

The State Government committed to a public consultation process to gain feedback on the effect of these changes following 12 months of operation.

### WALGA Comment

**Is the '50% rule' (refer: regulations 14C(3) and 14D(2A) of the *Local Government (Administration) Regulations*) for electronic attendance at in-person meetings and holding electronic meetings clearly understood? Is it proving to be easily applied?**

**Should the definition of 'meeting' (refer: regulation 14C(1) of the *Local Government (Administration) Regulations*) be amended to permit electronic attendance at electors' meetings?**

**29. Has the change to enable electronic meetings to occur outside of emergency situations been helpful? Yes / No / Unsure or unable to comment**

(a) If no, please explain why.

**30. Has the ability for individual members to attend meetings electronically been beneficial? Yes / No / Unsure or unable to comment**

(a) If no, please explain why.

**31. Do you think any changes to electronic meetings or electronic attendance are required? Yes / No / Unsure or unable to comment**

(a) If yes, please provide details of the changes and explain why they are needed.



## DLGSCI Consultation Paper

### 17. Council committees

Sections 5.8 to 5.18 of the Act provide for the establishment of committees that may assist with decision making. Section 7.1A provides for the establishment of an audit committee. The standardised meeting procedures will only apply to those committees established under sections 5.8 and 7.1A.

It is proposed that provisions for committees be similar to requirements for council meetings. Committees may need to provide a more flexible meeting environment, in terms of time limitations and procedure, to facilitate the consideration of issues in detail. This is reflected in meeting procedures across the State.

Regulations are proposed to provide that:

- a committee meeting is to be called when requested by the presiding member of the committee, the mayor or president, or a third of the committee's members
- certain meeting procedures such as the order of debate, speaking twice and time limits do not apply to a committee
- a committee is answerable to the council and must provide at least 1 report to council on its activities each year.

### WALGA Comment

**Many current Local Laws include requirements additional to sections 5.8 to 5.18 of the Act for establishing committees, that include assigning terms of reference and requirements for reporting to Council. Are similar establishment provisions required in standardised regulations?**

**If a committee has delegated authority to make decisions, should it follow that the standardised regulations must apply as they do at the ordinary council meeting?**

**32. Are any other modifications needed for committee meetings? Yes / No**

(a) If yes, please provide details of the modifications and explain why



## DLGSCI Consultation Paper

### 18. Meetings of electors

The Act establishes that the mayor or president is to preside at electors' meetings, and any resolutions passed by an electors' meeting are considered at a following council meeting.

As electors' meetings are quite different to council meetings, comment is sought about whether parts of the proposed standard should apply for electors' meetings.

### WALGA Comment

**Should the presiding member powers for effective control of meetings always apply to electors' meetings?**

**33. Should parts of the proposed standard apply at electors' meetings? Yes / No**

(a) If yes, please explain what may be required.

## DLGSCI Consultation Paper

### 19. Any other matters

Feedback is welcome on any other element of local government meetings for consideration in the further development of the new Regulations.

### WALGA Comment

**There are additional matters common to current Standing Orders / Meeting Procedures Local Law that may feature in standardised regulations but not discussed in detail to date, including:**

- **Revoking or changing decisions / implementing decisions: Many current Local Laws feature rules that clarify how revoking or changing decisions under Administration Regulation 10 is applied; does this content remain relevant for inclusion in standardised regulations?**
- **Suspension of standardised regulations: Many current Local Laws include a provision permitting Council by resolution, to suspend one or more Local Law provision; does this content remain relevant for inclusion in standardised regulations?**
- **Matters not included in standardised regulations: Many current Local Laws include a provision empowering the presiding member to decide matters not set out in the Local Law; does this power remain relevant for inclusion in standardised regulations?**



- **Enforcement:** Many current Local Laws include a specific enforcement provision; does this content remain relevant for inclusion in standardised regulations?
- **Powers of presiding member:** Some powers have been referred to in the Consultation Paper under orderly conduct of meetings – Part 3, Item 9. Would additional details of the presiding member powers be helpful?
- **Review of Standardised Regulations:** The Model Local Law (Standing Orders) 1998 (No 73, 3/4/98) were developed by the Department of Local Government to assist Local Governments transition from Bylaws created under the *Local Government Act 1960* to appropriate meeting provisions compliant with the current Act. This Model formed the basis of early Local Laws but due to lack of review, arguably fell out of favour as a suitable template. Should standardised regulations be reviewed every 5 years, to ensure they remain current with contemporary meeting practices?

**34. Do you have any other comments or suggestions for the proposed new Regulations?**

(a) If yes, please explain what may be required

#### **SUBMITTING FEEDBACK TO WALGA**

Please submit feedback on this Discussion Paper by close of business **Monday 29 April 2024** to:

James McGovern  
Manager Governance and Procurement  
[jmcgovern@walga.asn.au](mailto:jmcgovern@walga.asn.au)  
(08) 9213 2093

## **WALGA Discussion Paper – Standardised Meeting Procedures Consultation**

### **Overview**

The State Government is implementing a number of reforms to the [Local Government Act 1995](#) (the Act) to improve transparency and accountability in local government in Western Australia and deliver benefits to ratepayers and residents.

Standardising council and committee procedures is part of these reforms. Establishing a consistent approach to all local government council and committee meetings will make it easier and simpler for people to participate in and observe council meetings, wherever they are held.

Currently, it is usual practice for local governments to have local laws and policies in place to govern the conduct of council meetings. However, this approach means that there can be variation in how members of the public can engage with council meetings. [City of Belmont Standing Orders Local Law 2017](#)

The [Local Government Amendment Act 2023](#) inserts section 5.33A, to allow standardised meeting procedures for all local governments to be made in the form of Regulations or model provisions.

The State Government intends under section 5.33A to make Regulations that apply to all local governments and an order of the Governor under section 3.17 of the Act to repeal all existing local government meetings procedures, standing orders or council meeting local laws.

It is intended that the new standard meeting procedures (also known as “standing orders”) apply to all council and committee meetings held by local governments. It is also intended that Regulations will contain consistent rules for how meetings are held.

The DLGSC invites local governments, council members, Chief Executive Officers (CEOs), local government employees, groups and associations, and members of the community to consider the proposals and provide feedback.

Specific questions have been targeted to certain meeting procedure topics to better understand the variety of existing approaches currently used by the sector. The DLGSC is interested in learning more about how existing approaches work well in practice; and how reforms can be structured to improve transparency and public involvement, simplify the way meetings are conducted, and promote uniformity throughout the sector.

### **WALGA Discussion Paper**

On 19 March 2024 the City received a discussion paper from WALGA with regard to the Department’s consultation. WALGA have requested a formal response to their discussion paper by close of business Monday 29 April 2024. WALGA’s questions have been incorporated in the table below.

## WALGA Discussion Paper – Standardised Meeting Procedures Consultation

### Part 1: General Meeting Process

#### 1. Calling Meetings

Proposed Reforms	WALGA Questions	City of Belmont Response
<p>The calling of council meetings is outlined in sections 5.5 to 5.7 of the Act, and in existing regulations 12 to 14. Amendments are proposed to add new requirements for the oversight of special council meetings that are held at short notice and prevent any meeting from being held at an unreasonable time of day. It is important that special meetings are only convened in appropriate circumstances. Regulations are proposed to require:</p> <ul style="list-style-type: none"> <li>a minimum of 24 hours’ notice to convene a special council meeting</li> <li>that notice to convene a special council meeting may be done with less than 24 hours’ notice if an absolute majority of council members call the meeting</li> <li>that a meeting cannot commence any earlier than 8 am or later than 8 pm</li> </ul>	<p>Currently there is no time-based provision relating to calling a Special Council Meeting, with start times based on availability of attendees, identified urgency of a matter and adopting a common-sense approach. In recognition of exceptional circumstances, consider:</p> <p>Will an absolute majority of Council Members always be available/contactable if an emergency situation necessitates a special meeting?</p> <p>Should the Mayor or President be empowered to call a Special Council Meeting during an emergency, public health emergency or state of emergency, similar to emergency powers under section 6.8(1)(c) of the Act?</p>	<p>Cannot comment – this question requires a prediction that the City is not able to provide.</p> <p>No, it should be in consultation with the CEO.</p>





## WALGA Discussion Paper – Standardised Meeting Procedures Consultation

### 3. Urgent business

Proposed Reforms	WALGA Questions	City of Belmont response
<p>Currently, individual local governments’ meeting local laws and policies may vary in how urgent business is raised at a meeting. Existing local laws and policies provide various procedures for urgent business to be considered at a council meeting. Broadly, these procedures seek to limit the use of urgent business to only the most exceptional circumstances.</p> <p>Regulations are proposed to allow the CEO to introduce an item without notice in cases of urgency if:</p> <ul style="list-style-type: none"> <li>• an absolute majority of the council resolve to hear the matter at the meeting, and</li> <li>• the item is clearly marked as urgent business.</li> </ul> <p>It is proposed that DLGSC must be notified each time this occurs, within 7 calendar days, to ensure this process is only used in exceptional circumstances.</p> <p>Urgent business may only be heard after public question time (see section <b>Error! Reference source not found.</b>).</p>	<p>If the CEO determines items of urgent business, is it appropriate to involve the Department in monitoring the CEO’s performance given this is the role of Council?</p> <p>Should a Council Member be permitted to introduce an urgent matter for consideration under a Notice of Motion?</p> <p>Should a definition of ‘urgent business’ be included in standardised regulations, or should this be a matter of Policy?</p>	<p>No.</p> <p>Assuming that CEOs will be permitted to introduce a matter of urgent business, then, the answer here is No. By enabling CEOs to table urgent business, then this will provide an additional means by which urgent business can be tabled.</p> <p>A definition could be useful as long as the definition is not exhaustive.</p>

## WALGA Discussion Paper – Standardised Meeting Procedures Consultation

### 4. Quorum

Proposed Reforms	WALGA Questions	City of Belmont response
<p>Existing regulation 8 addresses the process for when there isn't a quorum at a meeting.</p> <p>Amendments are proposed to provide for the following where a quorum is lost or not present:</p> <ul style="list-style-type: none"> <li>• if no quorum is present within 30 minutes of the time set for the meeting, the meeting lapses</li> <li>• where quorum is lost during a meeting:                             <ul style="list-style-type: none"> <li>- the meeting proceeds to the next item of business if it is due to members leaving because of a financial or proximity interest</li> <li>- the meeting is adjourned for 15 minutes for any other reason and if quorum cannot be reformed, the meeting is closed</li> </ul> </li> <li>• where quorum is lost, the names of the members then present are to be recorded in the minutes.</li> </ul>	<p>Is there potential for proposed standardised regulations to replicate existing regulation 8?</p> <p>Should the presiding member be empowered to set the date and time to reconvene a meeting adjourned due to lack of quorum?</p>	<p>Not sure what question is asking. Regulation 8 addresses the matter.</p> <p>The CEO should have the authority to have an active role in determining when the meeting reconvenes</p>

## WALGA Discussion Paper – Standardised Meeting Procedures Consultation

### 5. Adjourning a meeting

Proposed Reforms	WALGA Questions	City of Belmont response
<p>Currently, individual local governments’ meeting local laws or policies may contain processes for adjourning a meeting. It is intended to adopt similar rules, while also addressing concerns regarding meetings of council that run late. Regulations are proposed to provide that:</p> <ul style="list-style-type: none"> <li>• council may decide to adjourn a meeting to another day, time and place to resume from the point it adjourned</li> <li>• a presiding member may adjourn a meeting for 15 minutes to regain order of a meeting that has been disrupted</li> <li>• if a meeting is adjourned for a second time due to disruption, a presiding member must adjourn the meeting to another day, time or place (not on the same day), with notice being published on the local government’s website.</li> </ul> <p>It is also proposed that if a meeting is continuing and it reaches 10:45 pm:</p> <ul style="list-style-type: none"> <li>• the council or committee may decide to either extend the meeting for a further 15 minutes to allow for any remaining business to be concluded or determine to adjourn the meeting</li> </ul> <p>if any business remains at 11 pm, the meeting must adjourn to a day and time which is at least 10 hours later to deal with any outstanding agenda items and a notice must</p>	<p>There are a variety of meeting starting times, therefore is the proposal to regulate that meetings must always adjourn at 11pm appropriate? Could the meeting closure time be based on a standard number of hours commencing from the opening of a meeting?</p> <p>Is a procedural motion to extend time, by absolute majority, a valid option?</p> <p>Is employee work, health and safety an equal consideration when determining the earliest a meeting can reconvene? If so, should the CEO have an active role in determining the time the meeting reconvenes?</p>	<p>Yes</p> <p>Simple majority?</p> <p>Yes, and yes.</p>

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Proposed Reforms	WALGA Questions	City of Belmont response
be published on the local government’s website listing when the meeting will resume.		

## WALGA Discussion Paper – Standardised Meeting Procedures Consultation

### Part 2: Public participation

#### 6. Public question time

Proposed Reforms	WALGA Questions	City of Belmont response
<p>Currently, the Act and Regulations require that public question time is to be made available at every council meeting and certain committee meetings.</p> <p>Regulation 6 requires that at least 15 minutes is to be made available for public questions at those meetings. However, question time may be extended if there are further questions; the time may also be used for other business if there are no further questions.</p> <p>Regulation 7 also provides that question time must be held before substantive decisions are made at that meeting.</p> <p>Currently, the practice at many local governments is that a person who wishes to ask a question attends the meeting (either physically in-person or by electronic means) to ask their question. However, it is proposed that regulations allow for a personal representative of a person to ask a question. This provides an alternative avenue for someone who may be unable to attend a meeting to have their question raised.</p> <p>Currently, individual local governments meeting local laws and policies may contain processes for members of the public to raise questions. Some requirements, such as rules requiring a person to lodge a question in writing before a meeting, may</p>	<p>Do the proposals provide appropriate balance between the right of the public to ask questions and the community expectation that Councils efficiently transact meeting business and make decisions?</p> <p>The public question time provisions under section 5.24 of the Act and the Local Government (Administration) Regulations do not specify that a member of the public must identify themselves. Is it appropriate that a person will be required to identify themselves, or should this be discretionary to permit a right to privacy?</p> <p>Should a Council Member be permitted to act as a personal representative and ask a question on behalf of an absent member of the public? Should members of the public always be present to ask their question?</p>	<p>No. No personal representatives permitted and questions to be provided in writing prior to the meeting to enable Council to efficiently transact meeting business and make decisions.</p> <p>Yes, should identify themselves. They are in a public forum. If a questioner is concerned about privacy, they can submit a question in writing to the CEO or staff as a matter of general correspondence.</p> <p>No, and yes.</p>

## WALGA Discussion Paper – Standardised Meeting Procedures Consultation

Proposed Reforms	WALGA Questions	City of Belmont response
<p>prevent a person who is not familiar with those requirements from being able to ask a question.</p> <p>New standardised requirements are proposed to expand the existing Regulations to require that:</p> <ul style="list-style-type: none"> <li>• a member of the public only needs to provide their name and suburb/locality (and not any other information) before asking a question</li> <li>• a person is not required to lodge a question in writing in advance of a meeting (although a person may choose to do so, for instance if they have a very specific or technical question)</li> <li>• a local government may still require a person, or their personal representative, to attend a meeting to ask a question lodged in writing in advance of the meeting for it to be addressed at that meeting</li> <li>• questions must not take more than 2 minutes to ask, including a relevant preamble, unless the presiding member grants an extension of time</li> <li>• if other people are waiting to ask questions, the presiding member will seek to provide equal opportunity for people to ask questions (for instance, by moving to the next person waiting after someone has asked 3 questions, and returning to the first person if time allows)</li> <li>• any questions are to be answered by the presiding member, or a relevant member (nominated by the presiding member), the CEO, or an employee nominated by the CEO</li> </ul>		

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Proposed Reforms	WALGA Questions	City of Belmont response
<ul style="list-style-type: none"> <li>• if a question, or a question of a similar nature, was asked and answered in the previous 6 months, the presiding member may direct the member of the public to the minutes of the meeting that contains the question and answer</li> <li>• no debate of a question or answer is to take place</li> <li>• questions may be taken on notice by the person who is answering the question</li> <li>• when a question is taken on notice, a response is to be given to the member of the public in writing and a copy of the answer is to be included in the agenda of the next ordinary meeting</li> <li>• the presiding member may reject questions that contain offensive language or reflect adversely on others but must provide opportunities for the question to be rephrased.</li> </ul>		

## WALGA Discussion Paper – Standardised Meeting Procedures Consultation

### 7. Presentations at Council

Proposed Reforms	Questions	City of Belmont response
<p>Local governments commonly allow for presentations (also known as deputations) to be made to inform council decisions. Councils may set a policy for whether they hear presentations at council meetings and/or committee meetings, or at other meetings, and the circumstances in which a presentation may be heard.</p> <p>It is proposed that local governments will continue to have discretion to choose whether and when to hear presentations.</p> <p>To allow for a decision to be made in advance of the meeting, it is proposed that either the presiding member or CEO will make the decision on whether a presentation is heard at a meeting, based on any policy established by the council.</p> <p>Accordingly, it is proposed that a council may establish a policy that</p>	<p>Should an applicant provide details of their proposed topic and context when making a request to provide a presentation, to permit the CEO to advise Council on relevant legal, financial or other implications?</p> <p>Should the decision to allow a presentation be made by the presiding member in consultation with the CEO, rather than being made by one or the other?</p>	<p>Yes</p> <p>Yes</p>



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Proposed Reforms	Questions	City of Belmont response
<p>determines:</p> <ul style="list-style-type: none"> <li>• the types of meetings at which presentations may be heard</li> <li>• whether the responsibility for making decisions on presentation requests sits with either the presiding member or CEO</li> <li>• any other matters to guide the presiding member or CEO’s decision making towards requests.</li> </ul> <p>New Regulations are also proposed to:</p> <ul style="list-style-type: none"> <li>• allow a person, or group of people, to lodge a request in accordance with the council’s policy to provide a presentation at least 48 hours before the meeting</li> <li>• require the presiding member or CEO to decide and provide a response to the person requesting the presentation by 12 noon the day of the meeting</li> <li>• provide that if the presiding member or CEO refuses an application, they are to provide their reasons to the applicant and advise of the refusal at the meeting</li> <li>• limit presentations to 5 minutes</li> </ul>		

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Proposed Reforms	Questions	City of Belmont response
<p>(not including questions) unless there is a resolution to extend the time limit</p> <ul style="list-style-type: none"><li>allow council and committee members to ask questions of presenters.</li></ul>		

## WALGA Discussion Paper – Standardised Meeting Procedures Consultation

### 8. Petitions

Proposed Reforms	WALGA Questions	City of Belmont response
<p>Many local governments have a tradition of accepting petitions, mirroring the practice of Parliament.</p> <p>Regulations are proposed to:</p> <ul style="list-style-type: none"> <li>enable any person to petition a local government by lodging a petition to the council on any matter, including petitions which may be critical of actions or decisions of the local government</li> <li>require the lead petitioner to provide their contact details</li> <li>require any person signing a petition to state their suburb/town, and declare whether they are residents and/or electors of the district</li> <li>require the petitioner to tally the number of signatories</li> <li>limit rejection of a petition to only when it is not in the prescribed form</li> <li>require that the council is to consider each petition and must determine how it is to respond, such as by seeking a report from the CEO</li> <li>allow local governments to establish an electronic petitioning system if they wish</li> </ul> <p>require all petitions received and outcomes from petitions to be summarised in a report to the annual meeting of electors.</p>	<p>Should rejection of a petition extend to cases where the petitioned action will breach a written law and related imperatives, such as a public health emergency declaration?</p>	<p>Yes</p>

## WALGA Discussion Paper – Standardised Meeting Procedures Consultation

### Part 3: Conduct of debate

#### 9. Orderly conduct of meetings

Proposed Reforms	WALGA Questions	City of Belmont response
<p>New Regulations are proposed to create a duty for all people present at a meeting to:</p> <ul style="list-style-type: none"> <li>• ensure that the business of the meeting is attended to efficiently and without delay</li> <li>• conduct themselves courteously at all times</li> <li>• allow opinions to be heard within the requirements of the meetings procedures.</li> </ul> <p>It is also proposed that the Regulations:</p> <ul style="list-style-type: none"> <li>• allow members to raise points of order to bring the presiding member’s attention to a departure from procedure</li> <li>• provide that it is a minor breach for a presiding member to preside in a manner which is unreasonable or contravenes the requirements of the Act or Regulations</li> <li>• empower the presiding member to call a person to order and: <ul style="list-style-type: none"> <li>- should a member not comply with a third call to order, the presiding member may direct them to speak no further (but they may continue to cast their vote) for the remainder of the meeting, with failure to adhere to the direction being a minor breach</li> <li>- if any other person does not comply with one call to order, the presiding member may direct them to leave the meeting, with failure to do so being an offence</li> </ul> </li> </ul>	<p>Are the proposed presiding member powers sufficient to maintain order at meetings? Are additional powers required?</p> <p>Clause 10 of the Model Code of Conduct includes matters that must be observed by Council and Committee Members attending Council meetings, enforceable through the behavioural complaints process. Are the proposed new duties of persons present at meetings similar to the expected behaviours expressed in the Model Code?</p> <p>The proposed minor breach of the presiding member includes ‘unreasonable’ conduct; should the regulations be limited to actual contraventions of the Act, Regulations or Code of Conduct?</p>	<p>Yes, however the minor breach should relate to the Act, Regulations and the Code of Conduct. It should also apply to members of the public.</p>

## WALGA Discussion Paper – Standardised Meeting Procedures Consultation

Proposed Reforms	WALGA Questions	City of Belmont response
<ul style="list-style-type: none"><li>• provide that a council may vote to rescind a direction made by a presiding member for a member to not speak further during a meeting</li><li>• provide that a member who has had a direction made against them to not speak further cannot move or second a motion that attempts to rescind the decision.</li></ul>		

## WALGA Discussion Paper – Standardised Meeting Procedures Consultation

### 10. Motions and amendments

Proposed Reforms	WALGA Questions	City of Belmont response
<p>Existing meeting procedures address many matters relating to the processes of decision making.</p> <p>This includes motions and amendments (including foreshadowed and alternate motions), notices of motion by members, reasons for changes to the CEO’s recommended motion, passing motions “en bloc”, and how voting occurs. The existing system of motions (including foreshadowed, amendment, alternate and revocation motions) are proposed to be broadly maintained.</p> <p>Council members may raise motions that are not part of the agenda of a meeting to recommend a proposal for consideration. For instance, a motion might propose a new policy or decision.</p> <p>Local governments commonly require notice of a motion to be provided in advance of a council meeting. This is to allow council members time to review the motion and for the CEO and administration to provide advice needed to assist council members with making a decision on a motion.</p> <p>Providing notice to other council members, the CEO and administration can support a more fulsome consideration of the motion. Regulations are proposed to require council members to provide written notice of motions at least 1 calendar week before the council meeting</p>	<p>It is relatively common for Agendas to be prepared well in advance of the Council meeting so that Agenda Briefing sessions can be held. Should a notice of motion be provided within the established Agenda preparation timeframe of each Local Government?</p> <p>Should a notice of motion be received by Council resolution to indicate support prior to the Administration preparing a detailed report?</p> <p>Should a CEO be empowered to reject any notice of censure motion from a Council member, given this equates to adverse reflection?</p>	<p>Yes</p> <p>No, Presiding Member in consultation with CEO should decide if the matter should be considered by Council. The subject matter may be better dealt with at an informal session.</p> <p>Should always be done in consultation with the Mayor.</p>

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Proposed Reforms	WALGA Questions	City of Belmont response
<p>commences. This would generally allow those motions to be included in the meeting agenda, which must be published 72 hours before the commencement of the meeting.</p> <p>It is proposed that council members will still be able to move amendments and alternative motions during debate on agenda items without providing written notice in advance of the meeting. This provides for members to be able to consider all options and suggestions for an item included in the agenda of a meeting.</p> <p>It is proposed that reasons for notices of motion, amendments and other decisions that are changed at a meeting would still be required.</p>		

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### 11. Debate on a motion

Proposed Reforms	WALGA Questions	City of Belmont response
<p>The practice of motions being moved and seconded and debate alternating between speakers for and against the motion is used in meeting procedures statewide.</p> <p>Some local governments have a further requirement where if a motion is not opposed, no debate occurs, and the motion is recorded as passing unanimously.</p> <p>Regulations are proposed to provide for the following rules for formal debate on a motion or amendment:</p> <ul style="list-style-type: none"> <li>• any motion must be seconded before it may be debated (or carried without debate)</li> <li>• a motion is carried without debate if no member is opposed to the motion</li> <li>• if a member is opposed, the mover and seconder may speak and are followed by alternating speakers against and for the motion, with a final right of reply for the mover</li> <li>• speeches must be relevant to the motion under debate and no member must speak twice – except for the mover’s right of reply, or if the council decides to allow further debate</li> <li>• no member can speak for longer than 5 minutes without the approval of the meeting.</li> </ul>	<p>Should regulations provide for Council to suspend formal debate rules to enable members to speak more than once on a specific item?</p>	<p>Yes</p>



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### 12. Questions by members

Proposed Reforms	WALGA Questions	City of Belmont response
<p>The current practices for members asking formal questions at meetings varies throughout the sector. Some local governments have a “questions from council members” period; other local governments allow members to place questions on notice for future meetings.</p> <p>Regulations are proposed to provide that:</p> <ul style="list-style-type: none"> <li>• council members can ask the CEO questions related to any item on an agenda by providing the question in writing by 12 noon the day before the meeting</li> <li>• council member questions are to be answered during the “questions from council members” agenda item</li> </ul> <p>council members must seek permission from the presiding member to ask the CEO clarifying questions during debate.</p>	<p>Questions from Council Members are an important part of the meeting, especially if a Local Government does not conduct Agenda Briefings in advance of ordinary Council meetings.</p> <p>Should questions from Council Members only be asked at one particular part of the meeting or be asked prior to debate on the agenda item to which the question relates?</p> <p>Could limiting questions to those provided the day before the meeting be counter productive to good decision making if the question relates to a matter on the Agenda?</p> <p>With proposed new rules for public question time in mind, should questions by members also be limited by time and number in the interests of conducting efficient and effective meetings? Should the presiding member be empowered to rule on the relevance of a question?</p>	<p>Prior to debate</p> <p>Limiting questions would be counterproductive to good decision making</p> <p>No, questions should not be limited.</p> <p>Yes.</p>

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### 13. Procedural motions

Proposed Reforms	WALGA Questions	City of Belmont response
<p>Various procedural motions are provided for in each local governments’ meeting procedures. They help with managing a meeting effectively and democratically.</p> <p>Regulations are proposed to provide for the following procedural motions to be put without debate:</p> <ul style="list-style-type: none"> <li>• a motion to vary the order of business (e.g. to move a report in the order of business so it is considered earlier)</li> <li>• a motion to adjourn debate to another time</li> <li>• a motion to adjourn the meeting</li> <li>• a motion to put the question (close debate)</li> <li>• a motion to extend a member’s speaking time</li> <li>• a motion to extend public question time</li> <li>• a motion to extend the time for a public presentation</li> <li>• a motion to refer a motion to a committee or for the CEO to provide a new or updated report to a future meeting</li> <li>• a motion of dissent in the presiding member’s ruling (for example, to overturn the presiding member’s direction that a member does not speak further)</li> <li>• a motion to close a meeting to the public in accordance with the Act.</li> </ul>	<p>Procedural motions in current Local Laws are accompanied by qualifying provisions explaining their effect; for example, a person who has spoken on a motion cannot move to close a debate on the motion; and the mover of some procedural motions can speak to the motion but cannot speak to some others.</p> <p>Are some qualifying provisions still necessary to ensure fair and equal participation in the meeting? Or should all procedural motions be put without debate?</p>	<p>The City of Belmont’s current Standing Orders allow the following procedural motions to be put without debate:</p> <p>(a) that the meeting proceed to the next item of business;</p> <p>(b) that the debate be adjourned;</p> <p>(c) that the meeting be now adjourned;</p> <p>(d) that the question be now put;</p> <p>(e) that the Member be no longer heard;</p> <p>(f) that the ruling of the Presiding Member be disagreed with;</p> <p>(g) Item be referred back to Standing Committee or Briefing;</p>

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Proposed Reforms	WALGA Questions	City of Belmont response
		<p>(h) that the meeting be closed to the public</p> <p>The City of Belmont would like to see similar “no debate” procedural motions included in the standardised meeting procedures.</p>

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### 14. Adverse reflection

Proposed Reforms	WALGA Questions	City of Belmont response
<p>In addition to aspects of the model code of conduct, existing meeting procedures seek to prevent inappropriate language and adverse reflections from occurring at meetings.</p> <p>Regulations are proposed to provide that:</p> <ul style="list-style-type: none"> <li>• a person, including a member, cannot reflect adversely on the character of members, employees or other persons – if they do so they must withdraw their remark</li> <li>• members cannot adversely reflect on the decisions of the council, except in making a motion to revoke or change a decision</li> <li>• failure to withdraw adverse reflection is to be dealt with as disorderly conduct (including as a potential minor breach)</li> <li>• a member who is concerned about a remark that may be an adverse reflection may raise a point of order with the presiding member.</li> </ul>	<p>With compulsory public broadcasting and audio recording of ordinary Council meetings imminent, should adverse reflection be elevated from a behavioural or minor breach to a serious breach of the Act?</p>	<p>Yes</p>

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### Part 4: Other matters

#### 15. Meeting minutes and confirmation

Proposed Reforms	Questions	City of Belmont response
<p>Existing meeting procedures provide for the method of confirmation of the minutes. It is proposed to amend the Regulations to provide a clear process for correcting minutes by:</p> <ul style="list-style-type: none"> <li>allowing a member who identifies errors with unconfirmed minutes to provide a CEO with any proposed corrections by 12 noon the day before a meeting at which the minutes are to be confirmed</li> <li>requiring any proposed corrections to the minutes to be presented to council for a decision with a recommendation from the CEO</li> </ul> <p>Requiring DLGSC to be notified if a local government fails to adopt or defers confirmation of the minutes of a meeting.</p>	<p>The confirmation of minutes ensures that a true and correct record of a meeting is kept. Currently, a simple majority of Council Members must agree to any proposed amendments. Are additional rules required?</p>	<p>No</p>

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### 16. Electronic meetings and attendance

Proposed Reforms	WALGA Questions	City of Belmont response
<p>In 2020, Regulations were introduced in response to the COVID-19 pandemic to enable councils to hold meetings electronically and for council members to attend using electronic means. This allowed councils to continue making critical decisions during the pandemic. The use of videoconferencing and the adoption of livestreaming has also encouraged public access and participation in local government.</p> <p>On 9 November 2022, the <a href="#">Local Government (Administration) Amendment Regulations 2022</a> took effect, meaning local governments could conduct council and committee meetings electronically outside of emergency situations and that council and committee members could attend in-person meetings using electronic means, such as videoconferencing.</p> <p>The State Government committed to a public consultation process to gain feedback on the effect of these changes following 12 months of operation.</p>	<p>Is the '50% rule' (refer: regulations 14C(3) and 14D(2A) of the <i>Local Government (Administration) Regulations</i>) for electronic attendance at in-person meetings and holding electronic meetings clearly understood? Is it proving to be easily applied?</p> <p>Should the definition of 'meeting' (refer: regulation 14C(1) of the <i>Local Government (Administration) Regulations</i>) be amended to permit electronic attendance at electors' meetings?</p>	<p>Yes</p> <p>No</p>



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### 18. Meetings of electors

Proposed Reforms	Questions	City of Belmont response
<p>The Act establishes that the mayor or president is to preside at electors’ meetings, and any resolutions passed by an electors’ meeting are considered at a following council meeting.</p> <p>As electors’ meetings are quite different to council meetings, comment is sought about whether parts of the proposed standard should apply for electors’ meetings.</p>	<p>Should the presiding member powers for effective control of meetings always apply to electors’ meetings?</p>	<p>Yes</p>



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### 19. Any other matters

Proposed Reforms	Questions	City of Belmont response	
<p>Feedback is welcome on any other element of local government meetings for consideration in the further development of the new Regulations.</p>	<p>There are additional matters common to current Standing Orders / Meeting Procedures Local Law that may feature in standardised regulations but not discussed in detail to date, including:</p>		
	<p>Revoking or changing decisions / implementing decisions: Many current Local Laws feature rules that clarify how revoking or changing decisions under Administration Regulation 10 is applied; does this content remain relevant for inclusion in standardised regulations?</p>		<p>Yes</p>
	<p>Suspension of standardised regulations: Many current Local Laws include a provision permitting Council by resolution, to suspend one or more Local Law provision; does this content remain relevant for inclusion in standardised regulations?</p>		<p>Yes</p>
	<p>Matters not included in standardised regulations: Many current Local Laws include a provision empowering the presiding member to decide matters not set out in the Local</p>	<p>Yes</p>	

## WALGA Discussion Paper – Standardised Meeting Procedures Consultation

Proposed Reforms	Questions	City of Belmont response
	<p>Law; does this power remain relevant for inclusion in standardised regulations?</p> <p>Enforcement: Many current Local Laws include a specific enforcement provision; does this content remain relevant for inclusion in standardised regulations?</p> <p>Powers of presiding member: Some powers have been referred to in the Consultation Paper under orderly conduct of meetings – Part 3, Item 9. Would additional details of the presiding member powers be helpful?</p> <p>Review of Standardised Regulations: The Model Local Law (Standing Orders) 1998 (No 73, 3/4/98) were developed by the Department of Local Government to assist Local Governments transition from Bylaws created under the Local Government Act 1960 to appropriate meeting provisions compliant with the current Act. This Model formed the basis of early Local Laws but due to lack of review, arguably fell out of favour as a suitable template. Should standardised</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

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Proposed Reforms	Questions	City of Belmont response
	regulations be reviewed every 5 years, to ensure they remain current with contemporary meeting practices?	

Mr Christie, Mr Loh, Mr Downing, Mr Murphy, Ms Dabala, Ms Jessop, Mrs Cherry-Murphy and Ms Phillips, being the employees of the City of Belmont in attendance at the Council Meeting, disclosed at Item 3 of the Agenda "Disclosure of Interest" a Direct Financial Interest in the following item in accordance with s.5.60A of the *Local Government Act 1995 WA*.

Disclosures by elected members in relation to this Item were made as follows:

1. At Agenda Item 3, "Disclosure of Interest" it was noted by the Senior Governance Officer that Mayor Rossi and Councillors Davis, Kulczycki, Marks, Ryan, Sekulla and Sessions each disclosed a Direct Financial Interest in Item 12.7 in accordance with Regulation 22 of the *Local Government (Model Code of Conduct) Regulations 2021*; and
2. Prior to the commencement of Agenda Item 12.7, the Mayor and Councillors Davis, Kulczycki, Marks, Ryan, Sekulla and Sessions each stated individually that they had a Financial Interest in Agenda Item 12.7 and as required by Section 5.69(3) of the *Local Government Act 1995 (WA)*, they had received approval from the Minister to fully participate in discussion and decision making in relation to this Item 12.7.

Approval has been granted by the Minister for Local Government to the following councillors to fully participate in the discussion and decision making relating to the following item at the City Ordinary Council Meeting, to be held on 23 April 2024 as follows:

### **12.7 COUNCIL POLICY - LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES**

Mayor Rossi, Deputy Mayor Deborah Sessions, Cr Kulczycki, Cr Sekulla, Cr Marks, Cr Ryan and Cr Davis

Conditions of approval:

1. The approval is only valid for the 23 April 2024 Ordinary Council Meeting when the above-mentioned agenda item is considered;
2. The abovementioned councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;
3. The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC) letter of approval to the abovementioned councillors;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the DLGSC, to allow the DLGSC to verify

compliance with the conditions of this approval; and

6. The approval granted is based solely on the interests disclosed by the abovementioned councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

## 12.7 Council Policy - Legal Representation for Elected Members and Employees

Voting Requirement	:	Absolute Majority
Subject Index	:	NA
Location/Property Index	:	NA
Application Index	:	NA
Disclosure of any Interest	:	NA
Previous Items	:	NA
Applicant	:	NA
Owner	:	NA
Responsible Division	:	Corporate and Governance

### Council role

**Legislative** Includes adopting local laws, local planning schemes and policies.

### Purpose of report

To seek Council endorsement of the reviewed and amended Access to Legal Services for Elected Members and Employees Policy.

### Summary and key issues

In accordance with section 2.7(2)(b) of the *Local Government Act 1995 (WA)* (the Act), Council is to determine this local government's policies. The Access to Legal Services for Elected Members and Employees Policy has been proposed to be reviewed and amended.

## Officer Recommendation

That Council endorses:

1. the Access to Legal Services for Elected Members and Employees Policy be renamed as the Legal Representation for Elected Members and Employees Policy.
2. the amendments made to the Legal Representation for Elected Members and Employees Policy (Attachment 12.7.1).
3. any further minor administrative amendments/formatting changes required for publication on the City's website.

### Note:

**Cr Sessions put forward the following Alternative Motion.**

## Alternative Councillor Motion

### Sessions moved, Kulczycki seconded

That Council endorses:

1. the Access to Legal Services for Elected Member and Employees Policy be renamed as the Legal Representation for Elected Members and Employees Policy
2. the amendments made to the Legal Representation for Elected Members and Employees (attachment 12.7.1) be further amended as follows:

#### Clause 2. Exclusions

- a) Matters where the City is unable to provide financial assistance by any legislation.
- b) The initiation of defamation proceedings by an Employee without approval from the CEO.
- c) The initiation of defamation proceedings by an Elected Member or the CEO without approval from the Council.
- d) A complaint of serious or minor misconduct under the *Corruption, Crime and Misconduct Act 2003*.

#### Clause 5. Assessment and determination of application

g) Where appropriate, and not otherwise subject to court order confidentiality, legal privilege, privacy or any other operational constraints, the CEO will report legal representation costs incurred by Elected Members and Employees and provide a summary of the status of any legal representation provided under this policy on a periodic basis.

3. Any further minor administrative amendments/formatting changes required for publication on the City's website.

### **Carried 4 votes to 3**

For: Davis, Kulczycki, Sekulla and Sessions

Against: Marks, Rossi and Ryan

#### Reason

1. Clause 2 (b) and c) – defamation costs are very high, timeframe can be roughly 2 years, and I believe Council should approve all actions involving Elected Members
2. Clause 5(g) – All costs incurred should be presented to Council, and if the details of the matter are covered by Legal Privilege and other restrictions, that should be stated in the report.

### **Location**

Not applicable.

### **Consultation**

Consultation was undertaken with the relevant Policy Owners, internal stakeholders, the Operational Leadership Team (OLT), the Executive Leadership Team (ELT) and Elected Members.

### **Strategic Community Plan implications**

In accordance with the 2020-2040 Strategic Community Plan:

#### **Goal 5: Responsible Belmont**

**Strategy:** 5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.

**Strategy:** 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

## **Policy implications**

Should Council endorse the amended policy, the City's website will be updated, and the amended policy will be listed and published.

## **Statutory environment**

The Act provides the basis for many of the City's policies, therefore consistency with this legislation has been reflected in the review, assessment and amendments proposed.

Section 2.7 of the Act 1995 outlines the role of Council.

Section 2.7(2)(b) of the Act requires the Council to determine the local government's policies.

## **Background**

The Access to Legal Services for Elected Members and Employees Policy formed part of Stage 1 of the City's Council Policy review adopted by Council at the 22 August 2023 Ordinary Council Meeting.

Stage 2 of the Policy review commenced in July 2023. A presentation was made to Councillors at the 10 October 2023 Information Forum following which Councillors were provided with additional time to provide feedback.

A further presentation was made to Councillors at the 6 November 2023 Information Forum where queries received from Councillors were discussed. The Policy was considered at the Agenda Briefing Forum in December 2023 however the Policy was not put to Council at the December 2023 Ordinary Council Meeting.

## **Report**

The Policy being presented to Council has been amended from the version considered in the Stage 2 Policy Review in 2023.



The policy is proposed to be renamed as Legal Representation for Elected Members and Employees to align with the model policy guidelines from the Department of Local Government, Sports and Cultural Industries.

The following additions to the Policy have been made in the interest of providing rigour to the operative provisions of the Policy:

- A reference to an employee's terms of employment as a criterion against which the performance or conduct of the employee is assessed for the purposes of the Policy;
- A requirement for an elected member or employee to apply in writing to the CEO before or immediately after the legal services commence to minimise unapproved costs, choice of solicitor and reference to insurers for advice on coverage;
- A reference to the payment of monies to an elected member or employee under the Policy being a debt in order to provide to the City the legal rights that attach to a debt to enable the City to recover the money if recovery is required; and
- The provision of a payment arrangement if the money is to be repaid and the requirement for the money to be repaid within 12 months or such other period as determined by the CEO.

Changes to word use and syntax have also been made to improve clarity.

## **Financial implications**

The financial implications for the City are that the Policy will, subject to satisfaction of the conditions within the Policy, commit the City to the payment of money to cover the costs of legal representation for elected members and employees to a maximum of \$10,000 per event subject to CEO approval and subject to Council approval for amounts greater than \$10,000.

## **Environmental implications**

There are no environmental implications associated with this report.

## **Social implications**

There are no social implications associated with this report.

## Attachment details

### Attachment No and title

1. Legal Representation for Elected Members and Employees Policy [**12.7.1**  
- 7 pages]

## **Legal Representation for Elected Members and Employees**

### **Policy Objective**

To provide guidance on circumstances in which the City would consider the provision of financial assistance to Elected Members and employees who require Legal Representation arising out of the performance of their official functions.

In each case it will be necessary for the City to determine whether the provision by the City of financial assistance to an Elected Member or Employee for Legal Representation is justified in the interests of the good government of the City of Belmont.

This policy does not apply to Legal Representation required in the ordinary course of the City's business.

### **Policy Detail**

Where Legal Representation is required by an Elected Member or an Employee of the City arising out of the performance of their official functions, the Elected Member or Employee may apply to the City for financial assistance in accordance with this policy.

#### **1. Criteria**

The City may provide financial assistance for Legal Representation of an Elected Member or Employee based on the following criteria:

- a) the requirement for Legal Representation arises from and/or assists the performance by an Elected Member or Employee of their lawful functions;
- b) the Legal Representation costs must be for Legal Proceedings that are reasonably likely to commence or have commenced;
- c) in performing their functions, the Elected Member or Employee must have acted reasonably, in good faith, and in accordance with the requirements of the Code of Conduct, the Act, any relevant subsidiary legislation, terms of employment (as provided in their contract of employment and/or relevant award and/or implied terms of employment agreed by the City), and other written laws applicable to the Elected Member or Employee; and
- d) the Legal Representation costs do not relate to a matter that is of a personal or private nature.

Matters outside these criteria may be referred to the Chief Executive Officer (CEO) and/or Council for consideration.

#### **2. Exclusions**

The City will not provide financial assistance to an Elected Member or Employee for Legal Representation in relation to:

- a) Matters where the City is unable to provide financial assistance by any legislation;
- b) The initiation of defamation proceedings by an Elected Member or Employee without approval from the CEO; or
- c) A complaint of serious or minor misconduct under the *Corruption, Crime and Misconduct Act 2003 (WA)*.

### 3. Types of costs that may be approved

- a) Without limitation, the City may provide financial assistance for the following types of Legal Representation:
  - (i) Legal Proceedings brought by Elected Members and Employees to enable them to carry out their functions under the Act and subsidiary legislation (e.g., where a Member or Employee seeks a banning order or a misconduct or violence restraining order against a person who has used threatening or inappropriate language or behaviour); or
  - (ii) Legal Proceedings brought against Elected Members or Employees in their individual capacity but by reason of a decision made either by Council or its delegate and which has caused an allegedly aggrieved person to commence legal action (e.g., an action or defamation or negligence); or
  - (iii) Legal Proceedings brought against Elected Members or Employees where their conduct in carrying out their function has been alleged to be detrimental to a third party (e.g., defending defamation actions); or
  - (iv) Statutory or other inquiries where representation or attendance of an Elected Member or Employee is either compulsory or justified; or
  - (v) Attendance at Legal Proceedings as a witness in circumstances like those described above.
- b) Notwithstanding clause 3 a) above, the City in its absolute discretion, may pay or reimburse legal fees for Legal Proceedings taken by Elected Members or Employees in extreme cases for substantial, unwarranted and ongoing comments or criticisms levelled at their conduct in their respective roles. Such Legal Proceedings may include action in defamation and/or steps taken to stop bullying.

Examples include:

- (i) Where a person or organisation is potentially lessening the confidence of the community in the City by publicly making adverse personal comments about Elected Members or Employees; or
- (ii) Where the adverse personal comments by a person or organisation about Elected Members or Employees are resulting in an unsafe workplace.

#### 4. Application for Legal Representation and Payment

- a) As far as is practicable, an application for financial assistance for Legal Representation must be made to the CEO before the Legal Representation has commenced, or as soon as immediately possible after commencement. This is to enable the CEO or Council (as the case may be) to approve or reject the application according to this Policy including by referring to the City's insurer and determining which approved solicitor will act before costs are incurred.
- b) The application to the CEO for financial assistance for Legal Representation ("application") must be in writing and provide the following details:
  - (i) the matter for which Legal Representation is sought; and
  - (ii) how the matter relates to the functions of the Elected Member or Employee making the application; and
  - (iii) the nature of the Legal Representation sought (e.g., advice, preparation of a document or Legal Proceedings); and
  - (iv) the estimated cost of the Legal Representation; and
  - (v) why the City should pay for the Legal Representation.
- c) The application must also contain a declaration by the applicant that he or she has acted according to the legal and contractual requirements of their function, in good faith and has not acted or omitted to act unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.
- d) The application must be accompanied by a signed written statement by the applicant that he or she:
  - (i) Has read, and understands the terms of this policy;
  - (ii) Acknowledges and agrees that the City's payment of money to an Elected Member or Employee as financial assistance for Legal Representation will give rise to a debt owed by the Elected Member or Employee to the City and the City reserves all rights in respect of that debt;
  - (iii) Acknowledges that any approval of Legal Representation costs is conditional upon the repayment provisions in clause 7 and any other conditions to which the approval is subject; and
  - (iv) Undertakes to repay to the City any Legal Representation costs in accordance with clause 7.
- e) If the Legal Representation commences prior to approval being obtained from the CEO or the Council, the City will require the Elected Member or Employee to provide to the City copies of all documents (except for documents subject to client professional privilege) created prior to the approval by the CEO or Council. In the case of Elected Members, the approval of Council will be required for the reimbursement of expenses incurred without prior approval.

- d) The City will determine at its sole discretion the approved solicitor from whom the Legal Representation is to be obtained. Subject to section 6 below, the City's insurer may direct which legal practitioner or law firm is to be used. The City will not fund 'forum shopping' for further Legal Representation in the event the Elected Member or Employee does not accept or agree with the legal advice provided, including legal advice previously sought on the same subject matter.

**5. Assessment and determination of applications**

- a) The payment of Legal Representation costs to an Elected Member or Employee, in respect of each application up to \$10,000 can be approved by the CEO. Any amount over \$10,000 requires approval by Council.
- b) The CEO or Council may approve, refuse or grant subject to conditions an application for payment of Legal Representation.
- c) Conditions under 5(b) may include, but are not restricted to, a financial limit and/or a requirement to enter a formal agreement, including repayment and manner of repayment and/or a security agreement relating to payment of Legal Representation costs.
- d) When considering the request for financial assistance for Legal Representation, the CEO or the Council may consider the following:
  - (i) whether alternate actions/means are available to resolve the matter;
  - (ii) whether prior legal advice has been received on the matter;
  - (iii) the seriousness of the matter; and
  - (iv) any history relevant to the matter.
- e) In the event an Elected Member's request for financial assistance to obtain Legal Representation is rejected by the CEO, the Elected Member may take the request to Council in the form of a notice of motion for it to determine the request for financial assistance for Legal Representation.
- f) Where there is a conflict in respect of an application, the Mayor replaces the CEO for the purposes of assessing and providing any approval of an application.
- g) Where appropriate, the CEO will report Legal Representation costs incurred by Elected Members and Employees including details of the action and payments made under this policy on a periodic basis.

**6. Insured risk**

- a) In assessing an application, the CEO is to have regard to whether the Legal Proceedings are within an insured risk and must be referred to the City's insurer in the first instance.

- b) It will be at the CEO's discretion as to whether to take any action to either grant or decline financial assistance until the matter has been reviewed by the City's insurer.

#### **7. Repayment of costs for Legal Representation**

- a) Assistance to an Elected Member or an Employee will be withdrawn, and that Elected Member or Employee will be required to repay any costs for Legal Representation incurred by the City where the CEO or Council determines, upon legal advice or the decision of a Court, Tribunal or Standards Panel that the Elected Member or Employee has:
  - (i) not acted lawfully, reasonably, in good faith, and in accordance with the Code of Conduct, the Act, any relevant subsidiary legislation, terms of employment, and any other applicable written laws; and/or
  - (ii) given false or misleading information in respect of the application for financial assistance from the City; and/or
  - (iii) failed to comply with the conditions of approval; and/or
  - (iv) not followed advice or direction of the CEO or Council.
- b) If the Elected Member or Employee is successful in Legal Proceedings the costs of which the City has fully or partly paid, and the Elected Member or Employee receives payment of costs, damages or settlement funds, the Elected Member or Employee shall reimburse to the City the costs incurred by the City for the Legal Representation.
- c) Where the City has determined that the financial assistance provided by the City for Legal Representation is to be repaid, the City will set a payment arrangement with the Elected Member or Employee and such payment arrangement shall include (and not be limited to) the following:
  - (i) whether the financial assistance is to be repaid in full or in part; and
  - (ii) whether repayment can be made by instalments;with such matters to be solely determined by the CEO at the CEO's discretion.
- d) The payment arrangement shall also provide that the amount to be repaid is fully repaid to the City within 12 months or such other period as determined by the CEO.

#### **Reference/Associated Documents**

*Local Government Act 1995 (WA)*

#### **Reference to Internal Procedure**

To be advised.

## Definitions

**‘Act’** means the *Local Government Act 1995 (WA)*.

**‘approved solicitor’** means a legal practitioner or legal practice certified under the *Legal Profession Uniform Law (WA)* and on the City’s panel of legal service providers or approved in writing by the CEO or Council.

**‘Code of Conduct’**, in relation to an Elected Member, means the Code of Conduct for Council Members, Committee Members and Candidates and, in relation to an Employee, means the Code of Conduct for Employees.

**‘Elected Member’** means a current or former member of the Council of the City or a Council Committee.

**‘Employee’** means a current or former employee of the City.

**‘Legal Proceedings’** means civil, criminal, or investigative proceedings in a court, tribunal, or authorised body (including a panel of inquiry) in Western Australia.

**‘Legal Representation’** includes the provision by an approved solicitor of legal assistance and representation and includes advice, attendance at Legal Proceedings, preparation of documents, witness fees or other required costs approved under this Policy.

**‘subsidiary legislation’** means any subsidiary legislation made under the Act and as amended from time to time, including but not limited to regulations and Local Laws.

This Policy is supported by:	
Policy No:	CP28
Strategic Community Plan Strategy:	<b>Goal 5: Responsible Belmont Strategy:</b> 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations
Register of Delegations:	1.1.27 Determination of Applications for Legal Representation for Elected Members and Employees
Service Area:	Corporate and Governance
Policy Owner:	Manager Governance, Strategy and Risk
Policy Stakeholder:	N/A
Amendment Status:	



Attachment 12.7.1 Legal Representation for Elected Members and Employees Policy

Date of Amendment	Status of Amendment	Minute Reference Item
23/05/06		12.10
22/11/11		12.9
22/09/15	Review - None	10.7
27/09/16	Minor	12.9
10/12/19	Review – Major	12.8
24/05/22	Review - Minor	12.7
22/08/23	Review – Major	

## 12.8 Statutory Review Delegation Register

Voting Requirement	:	Absolute Majority
Subject Index	:	11/005
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 26 April 2023 Item 12.2
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

### Council role

**Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### Purpose of report

To seek Council endorsement of the Delegation Register 2024-2025 as detailed in Attachment 12.8.1.

### Summary and key issues

In accordance with section 5.46 of the *Local Government Act 1995 (WA)* (the Act), delegations are to be reviewed at least once in every financial year. The Delegated Authority Register is structured to provide for a best practice approach to the City's operations and efficiency in the delivery of strategic outcomes.

## Officer Recommendation

That Council endorse:

1. The Delegation Register 2023-2024 as detailed in Attachment 12.8.1 and
2. Any further minor administrative amendments/layout changes as required prior to publication of the Delegation Register 2023-2024.

**Officer Recommendation adopted en bloc by Absolute Majority - Refer to Resolution appearing at Item 12.**

## Location

Not applicable.

## Consultation

The Executive Leadership Team and all designated employees have been consulted regarding the proposed amendments to the Delegation Register. The proposed Delegation Register was distributed to Councillors for consideration and input.

## Strategic Community Plan implications

In accordance with the 2020–2040 Strategic Community Plan:

### Goal 5: Responsible Belmont

**Strategy:** 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

## Policy implications

There are no policy implications associated with this report.

## Statutory environment

The following sections of the *Local Government Act 1995* (WA) are applicable when considering delegations:

- s5.16 Delegation of some powers and duties to certain committees
- s5.17 Limits on delegation of powers and duties to certain committees
- s5.18 Register of delegations to committees
- s5.42 Delegation of some powers and duties to CEO
- s5.43 Limits on delegations to CEO
- s5.44 CEO may delegate powers and duties to other employees
- s5.45 Other matters relevant to delegations under this division
- s5.46 Register of, and records relevant to, delegations to CEO and employees.

Several other pieces of legislation allow for delegation in Western Australia. Those relevant to the City's Delegation Register in addition to the Local Government Act 1995 (WA) are listed below:

*Building Act (WA) 2011*

*Bush Fires Act (WA) 1954*

*Cat Act 2011 (WA)*

*Dog Act 1976 (WA)*

*Food Act 2008 (WA)*

*Health Act 1911 (WA)*

*Public Health Act 2016 (WA)*

*Main Roads Act 1930 (WA)*

*Planning and Development Act 2005 (WA)*

*Strata Titles Act 1985 (WA)*

*Local Government (Administration) Regulations 1996 (WA)*

*Local Government (Financial Management) Regulations 1996 (WA)*

*Local Government (Functions and General) Regulations 1996 (WA)*

*Local Government Act (Uniform Local Provisions) Regulations 1996 (WA)*

## **Background**

The Delegated Authority Register was last reviewed by Council at the Ordinary Council Meeting on 26 April 2023 Item 12.2.

The delegations have been reviewed to ensure that they support the City's processes and are clearly defined and specific to support a greater level of control and clearly identify decisions that occur under delegated authority.

Safeguards as to when the delegation can be exercised and rights of appeal of an Officer’s decision to Council are provided via the conditions and limitations within each delegation.

It is important to note that Officers are not obliged to use, or exercise, a delegation; where a matter is determined to be of a contentious nature, the matter may be referred to Council.

## Report

This year following the review by officers there are minor amendments only. Administrative changes such as approval dates and version control shall be carried out following Council’s endorsement. The proposed changes are outlined below:

Delegation Number	Affected Section	Amendment	Comment/Reason
V. Standard Conditions of Delegation	N/A	Any exercising of a power and discharging of a duty must be recorded <b>either through the business units software (eg Pathway, Trapeze)</b> or on the Record of Exercise of Power – Delegation of Authority Form and registered at the time of exercising the delegation( <b>ECM Folder 11/005</b> ). <b>Where delegations are recorded outside of ECM a monthly report must be provided to Compliance and recorded in ECM.</b>	Amend to more accurately reflect the change in the City’s business practices (e.g. electronic lodgement.)
1.1.23 <b>Extension for</b> Rate Exemption Applications	Express Power or Duty Delegated  Function	<i>Local Government Act 1995 (WA):</i> <b>S 6.26 Rateable Land</b> s 6.76 Grounds of objection  <b>To <del>Determine</del>-determine:</b> <ul style="list-style-type: none"> <li>an application to extend the time for lodging an objection to the rate record where an objection is to be made relating to a rates exemption in accordance</li> </ul>	Changes to Council to CEO delegation.  Inclusion of reference to s6.26  Amend to include the ability for the CEO to determine applications for residential rates exemption.

		<p>with s 6.26 Rateable Land beyond 42 days from the date of service of the rate notice.</p> <ul style="list-style-type: none"> <li>the outcome of applications for a rates exemption in relation to residential property.</li> </ul>	
	Council Conditions on Delegation	<ol style="list-style-type: none"> <li>Applications for an extension are to be made in writing.</li> <li>Where there has been a change of use of the land during a financial year, an exemption can only be approved to take effect from the date of the change of use.</li> <li>Industry approved guidelines are to be used in assessing applications</li> <li>A recommendation on a rates exemption for commercial use or zoned property is to be referred to Council.</li> <li>Information on exemptions approved to be included as part of annual budget process.</li> </ol>	Additional conditions for the determination of rate exemptions and the reporting to Council. Requirements of the Act still must be met.
9.2.1 Development Applications	Change to Council Conditions on this delegation	A development application proposes a variation to the Deemed-to-Comply provisions (Part 5) or the Element Objectives and/or Acceptable Outcomes (Part 6) of the Residential Design Codes (Part 5 only) and that variation does not satisfy the related Design Principles	Amendments required due to the updating of the Residential Design Codes in April 2024. Further amendments will be required. A link has been included in the document to the residential design codes
Various			Minor administrative changes to reflect changes to position titles & legislation referencing.

The amendment to Delegation 1.1.23 is proposed as the values for these exemptions are relatively low and the timeframe required to process is quite lengthy. The applications must still meet the requirements of the regulations

and any exemptions granted shall be reported to Council as per the table above.

The amendment to Delegation 9.2.1 is to reflect the recent changes to the Residential Design Codes. The State Government has indicated that changes to the planning approvals process from the Residential Design Code changes are expected to commence in July 2024 and the phased implementation of the *Public Health Act 2016 (WA)* commencing in June 2024 respectively.

Any required changes to the affected delegations will be reviewed once the legislative changes have commenced and further implementation guidance is provided by the respective department. Proposed changes will be presented to Council for consideration at that time.

A copy of the Delegation Register 2024-25 with the changes marked is attached at Attachment 12.8.1.

### **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.

### **Attachment details**

<b>Attachment No and title</b>
1. Delegation Register 2024 2025 [ <b>12.8.1</b> - 131 pages]



# Delegation Register 2024-2025



Publication date: [00/00/00]



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## Introduction

Council is responsible for the overall government of the City's functions. The CEO is responsible for the day-to-day management of the administration of the City's functions amongst other functions such as advising Council.

Legislation applicable to local government may reserve specific powers and duties to the Council, the CEO or a defined authorised person or class of persons. Where legislation refers to a power or duty of the "local government" this is generally interpreted to mean the Council unless otherwise specified even if the power or duty is operational in nature.

Delegation of authority, where allowed, allows for efficient and timely decision making by local governments. Conditions or limitations may be incorporated into delegations such as limiting the circumstances in which a delegation can be exercised or imposing financial or other limits to the delegated power.

The delegation of a power or duty does not preclude a delegator from exercising or performing that power or duty itself or by acting through any employee authorised, by job description or otherwise, to carry out a function as the agent of, and on behalf of, the local government in accordance with approved policies.

A person granted a delegation is not obliged to exercise the delegated power and may, if circumstances indicate, refer the decision back to the delegator. Legislation varies in how delegation of authority is provided for, including limitations, conditions and reporting or review requirements. Reviews of delegations, where required by law, are the responsibility of the delegator.

In some instances, it is most appropriate for a function to be exercised by the Council only and as such no delegation is made e.g. consideration of ward reviews and submissions.

Under the *Local Government Act 1995* (WA) (the Act) and some other legislation, persons affected by specified decisions made under delegated authority have a right under Part 9 Division 1 of the Act to lodge an objection to the decision, which must be considered by Council, and/or to seek a review of the decision by the State Administrative Tribunal.

### **I Delegations by Local Government**

The Act allows for the local government (Council) to delegate to the Chief Executive Officer (CEO) the exercise of any of its power or the discharge of any of its duties under the Act in order to effectively manage the day-to-day operations of the City.

The main consideration for a local government when deciding if it should delegate a power or duty is whether the delegation will improve the efficiency of the local government's operations whilst ensuring that its policies are consistently implemented.

Some legislation may restrict the local government to delegating a power or function only to the local government CEO, although some acts provide for the local government to delegate to persons other than the CEO, such as other local government employees or committees. The CEO may further delegate those powers to other officers only if sub-delegation is permitted by the legislation.

Delegations are required to be made in writing, and for Council delegations, this normally takes the form of a resolution that is recorded in the Council Minutes.

Under the Act, *Cat Act 2011 (WA)*, *Dog Act 1976 (WA)*, *Graffiti Vandalism Act 2016 (WA)* and *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*, delegations by Council must be made by absolute majority resolution. Other legislation does not require an absolute majority to grant, amend or revoke a delegation by Council.

The decision to revoke a delegation from the CEO must also be absolute majority.

The Act also allows for the CEO to delegate any powers or discharge of any of the CEO's duties to another employee other than the power of delegation (s 5.44(4)). There is no power other than for the CEO to delegate a power.

All delegations must be in writing and the CEO is able to make the delegation or sub delegation subject to conditions or limitations. When an employee is acting in a position, they are deemed to be able to carry out the functions delegated to that position.

Delegations and authorisations from the Council directly to officers, other than the CEO, will be avoided unless legislation specifically provides that this is the only manner in which the power can be provided.

The ability to delegate a statutory function, power or duty must be described in a piece of legislation and is known as the power of delegation. It may be stated as a duty, function or power depending on the legislation. Delegations or authorisations may occur under legislation other than the Act, its regulations and the local government's local laws including but not limited to:

- *Planning and Development Act 2005 (WA)* including regulations
- *Dog Act 1976 (WA)* and regulations
- *Cat Act 2011 (WA)* and regulations
- *Bush Fires Act 1954 (WA)*, regulations and any local law created under that Act
- *Litter Act 1979 (WA)* and regulations
- *Strata Titles Act 1985 (WA)*
- *Local Government (Miscellaneous Provisions) Act 1960 (WA)* as amended
- *Caravan Parks and Camping Grounds Act 1995 (WA)*
- *Control of Vehicles (Off-Road Areas) Act 1978 (WA)* and regulations
- *Building Act 2011 (WA)* and regulations
- *Food Act 2008 (WA)* and regulations

A Council delegation is not required where the legislation confers a specified function or power directly on the CEO or another defined class of authorised persons.

There also needs to be a specific function or duty that must be carried out under the legislation. The power must be able to be exercised by the person or body wanting to delegate that power and it must be contained in legislation that has an associated power of delegation.

A range of different powers can be delegated. An important aspect of any delegation of power is certainty as to the power being delegated. The person or body delegating authority should clearly specify in the instrument of delegation the statutory power or duty being delegated. This will ensure that the person exercising delegated authority can be certain of the extent of

authority conferred by the delegation. The statutory reference to the power being delegated should be included in the instrument of delegation.

Reviewing the above list, it is clear that there is a limited range of legislation under which powers can be delegated. There is no express provision for a local government to delegate its functions under any other legislation. However, this does not prohibit the local government from "acting through" its officers for the purpose of legislation and the manner in which this can be achieved is detailed below.

The *Interpretation Act 1984* (WA) provides a standard basis on how terms across all Western Australian legislation can be interpreted such as computation of time. It also provides further information on how delegations work and provides a basis for allowing conditions or limitations to be made on the delegation; revocation of the delegation; the continuance of the delegation if a person is acting in the position to which the power is delegated.

## **II Matters which cannot be delegated**

The following cannot be delegated by Council to the CEO under the Act (s 5.43)

- any power or duty that requires a decision of an absolute majority of the council
- accepting a tender which exceeds an amount determined by the local government
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government
- any of the local government's powers under
  - s 5.98 – Fees etc for council members
  - s 5.98A – Allowance for deputy mayor or deputy president
  - s 5.99 Annual fee for council members in lieu of fees for attending meetings
  - s 5.99A Allowances for council members in lieu of reimbursement of expenses
  - s 5.100 Payment for certain committee members
- borrowing money on behalf of the local government
- hearing or determining an objection of a kind referred to in s 9.5
- the power under s 9.49A(4) to authorise a person to sign documents on behalf of the local government
- any power or duty that requires the approval of the Minister or the Governor
- such other powers or duties as may be prescribed.

## **III Acting Through**

Section 5.45 of the Act introduces the concept of "acting through." In relation to delegations, s 5.45 of the Act states that nothing prevents a "local government from performing any of its functions by acting through a person other than the CEO" or "a CEO from performing any of his or her functions by acting through another person."

While the Act does not specifically define the meaning of the term "acting through, it cites a key difference between a delegation and "acting through" in that a delegate exercises the delegated decision-making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken

through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

For administrative purposes, a person may sign a letter in his or her own name on behalf of the CEO while, with delegated powers, the person would sign a letter in his or her own name, in accordance with the delegated authority.

An appropriate method for a council of a local government to make a decision which will be implemented by its officers is for it to make a policy about particular functions that it performs. In that case there is no need for a delegation as it will be the role of the organisation to implement those policy decisions.

#### **IV Register of Delegation**

Section 5.46 of the Act requires the CEO to maintain a register of delegations made to the CEO and to employees. These registers must be reviewed at least once every financial year and the requirement for records to be kept on the exercise of the delegation is also included.

A register of delegations made by the local government to a committee is also required to be kept and reviewed at least once every financial year under s 5.18 of the Act. [Council does not have any delegations to committees.](#)

#### **V Standard Conditions of Delegation**

Individuals are responsible for ensuring that legislated requirements relating to the exercise of delegated power(s) are complied with.

Any person proposing to exercise a power under delegated authority shall comply with the following standard conditions of delegation:

1. Actual decisions relating to the matter delegated shall be made by the person nominated in the delegation. However, it is understood that other staff may carry out administrative and technical work relating to those decisions.
2. Compliance with all relevant legislative requirements, Local Laws, Council Policies, resolutions of Council and the Business Management System Procedures.
3. Delegated authority cannot be exercised where a Financial Interest or an Interest Affecting Impartiality is evident.
4. It is a statutory requirement to maintain a record of each decision made under delegated authority. Documents relating to delegated authority decisions shall, as a minimum, record:
  - a. Date the decision was exercised;
  - b. Name of the Officer/Committee exercising the decision;
  - c. Description of how the person exercised the power or discharged the duty, including where appropriate, any directions to staff to carry out work

associated with the decision unless those directions are included in Policies, Management Procedures or the Delegation Register;

- d. Notation of the people or class of people directly affected by the decision (other than Council or Committee members or employees of the City).

Any exercising of a power and discharging of a duty must be recorded [either through the business units software \(eg Pathway, Trapeze\) or](#) on the Record of Exercise of Power – Delegation of Authority Form and registered ~~in ECM Folder 11/005~~ at the time of exercising the delegation ([ECM Folder 11/005](#)). [Where delegations are recorded outside of ECM a monthly report must be provided to Compliance and recorded in ECM.](#)

- 5. Instruction is provided for each delegation on record keeping requirements. All records relating to an exercise of delegation must be recorded in the main official record keeping system of the City, ECM.

## VI Delegations from other Agencies and Instruments of Delegation or other Acts

Where legislation provides for the direct delegation to a person or a class of persons by other agencies or decision makers, no delegation is required from the local government. The authorisation is dealt with in the relevant legislation. Where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette. The Agencies are listed below and updated from time to time.

Department/Legislation
Department of Environment <i>Environmental Protection Act 1986 (WA) Environmental Protection (Noise) Regulations 1997 (WA)</i> Pursuant to section 20 <i>Environmental Protection Act 1986</i> <a href="#">(WA)</a> to the holder of the offices listed.
Department of Environment <i>Environmental Protection Act 1986</i> <a href="#">(WA)</a> <i>Environmental Protection (Noise) Regulations 1997</i> <a href="#">(WA)</a> Pursuant to section 20 <i>Environmental Protection Act 1986</i> <a href="#">(WA)</a> to the holder of the offices listed.
Western Australian Planning Commission <i>Planning and Development Act 2005 (WA)</i> Pursuant to section 16 of the Act (delegation) WAPC resolved on 26 May 2009
Western Australian Planning Commission <i>Planning and Development Act 2005 (WA)</i> Pursuant to section 16 of the Act (delegation) WAPC Resolved on 15 December 2015
<i>Litter Act 1979 (WA)</i> Pursuant to section 26 – Authorised officers, appointment and jurisdiction of etc.
<i>Main Roads Act 1930 (WA)</i>



## LOCAL GOVERNMENT ACT 1995 [\(WA\)](#) DELEGATIONS

### 1.1 Council to CEO

#### 1.1.1- Compensation – Damage Incurred when Performing Executive Functions

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 <a href="#">(WA)</a>:</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995 <a href="#">(WA)</a>:</i> s 3.22(1) Compensation s 3.23 Arbitration
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	1. In accordance with s 3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of the City's functions and make payment of compensation [s 3.22(1)] if requested.  Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s 3.23.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Condition</b>  Financial Limits to Delegation is limited to settlements which do not exceed a material value of \$5000 per claim.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 <a href="#">(WA)</a>:</i> s 5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s: Appointed by CEO</b>	<b>The CEO has chosen not to subdelegate</b>

<b>Compliance Links:</b>	<p><a href="#"><u>Local Government Act 1995 (WA)</u></a>                  s 3.22_(5) compensation is not payable for damage sustained as a result of certain functions                  s 3.23 Arbitration                  Schedule 3.1 Powers under notices to owners or occupiers of land                  Schedule 3.2 Particular things local governments can do on land even though it is not local government property</p> <p>CP63 – Execution of Documents</p>
<b>Record Keeping:</b>	<p>Records of exercise of delegated authority and associated contracts to be retained in ECM index: 11/005.</p>

**Version Control:**

1	New: Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy reference OCM 12/12/2023

**1.1.2 Powers of Entry**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995 (WA):</i> s 3.28 When the subdivision applies s 3.32 Notice of entry s 3.34 Entry in an Emergency s 3.36 Opening Fences
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Give a notice of entry.</li> <li>2. Determine that an emergency exists for the purposes of performing local government functions.</li> <li>3. Execute an entry in an emergency.</li> <li>4. Give notice and execute the opening of a fence.</li> <li>5. The power of entry conferred, may be used for performing any function that a local government has under this Act if entry is required for the performance of the function or in any other case in which entry is authorised by this Act other than by a local law.</li> </ol> <p><i>Local Government Act 1995 (WA) Part 3 Division 3 Subdivision 3 - Powers of entry</i></p>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>This delegation is not to be exercised unless evidence that the following sections of the Act have been complied with:</p> <p>3.31(1)(a) consent obtained from the owner or occupier; 3.31(1)(b) notice has been given under 3.32 3.34(2) Entry in emergency 3.36 (3) Opening fences</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a> Part 3 Division 3 Subdivision 3 - Powers of entry  CP63 -Execution of Documents
<b>Record Keeping:</b>	Record decisions to enter property.  Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.  Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> reg 19

**Version Control:**

1	Incorporates DA02 Powers of Entry in Emergency in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**1.1.3 Declare Vehicle is Abandoned Vehicle Wreck**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995 (WA):</i> s 3.40A(4) Abandoned vehicle wreck may be taken
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	The Authority to declare that a vehicle is an abandoned vehicle wreck.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA) s3.40A</a> <a href="#">Local Government (Functions and General) Regulations 1996 (WA) Reg 29A</a> CP63 – Execution of Documents
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index. Abandonments (10/002 & 10/004)

**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**1.1.4 Confiscated or Uncollected Goods**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995 (WA):</i> s 3.46 Goods May be withheld until costs paid s 3.47 Confiscated or uncollected goods, disposal of s 3.48 Impounding expenses, recovery of
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under s 3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s 3.46]</li> <li>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s 3.43 [s 3.47].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s 3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA) s3.40A</a> <a href="#">Local Government (Functions and General) Regulations 1996 (WA) Regulation 30</a>  CP63 – Execution of Documents
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index: 11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index. Abandonments (10/002 & 10/004)

**Version Control:**

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Modified 22/23 review additional CEO Conditions on sub-delegation Approved ELT 18/5/22 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023

**1.1.5 Disposal of Sick or Injured Animals**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.42 Delegation of some powers or duties to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 3.47A Dispose of sick or injured animals
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To authorise the humane disposal of an impounded animal where it is determined to be too ill or injured to be treated.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a> CP63 – Execution of Documents
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index. Abandonments (10/002 & 10/004)

**Version Control:**

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023



**1.1.6 Close Thoroughfares to Vehicles**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> Certain provisions about thoroughfares s 3.50 Closing certain thoroughfares to vehicles s 3.50A Partial closure of thoroughfares for repairs or maintenance s 3.51 Affected owners to be notified of certain proposals s 3.52 Public access to be maintained and plans kept
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authorised to close, revoke or vary the closure, of a thoroughfare to vehicles, wholly or partially, to vehicles for a period not exceeding 4 weeks;</li> <li>2. For periods exceeding 4 weeks, after considering any submissions that are received, having given local public notice of the proposed closure of the thoroughfare; and</li> <li>3. Authorised to give notice of the fixing, altering, alignment or draining of a public thoroughfare or other public place.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>This delegation is not to be exercised unless the following are evidenced as being complied with:</p> <ul style="list-style-type: none"> <li>• 3.50A exception to local public notice.</li> <li>• 3.50(4) before it makes an order, wholly or partially closing a thoroughfare, exceeding 4 weeks give local public notice: including location, where, when and why and inviting submissions; and give written notice to each person who is prescribed for the purposes or owns land that is prescribed for the purposes of this section; and allow a reasonable time for submissions to be made; and consider any submissions made.</li> <li>• 3.51(3) affected owners to be notified of certain proposals.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.44 CEO may delegate some powers and duties to other employees.

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a> CP63 – Execution of Documents
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index: 11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.

**Version Control:**

1	Formerly DA03 Road Closures Temporary in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**1.1.7 Control Reserves and Certain Unvested Facilities**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> s 3.53 – Control of certain unvested facilities
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to agree on the control and management of an unvested facility if it lies within two or more Local Government districts.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.44 CEO may delegate some powers and duties to other employees.

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a> CP63 – Execution of Documents
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.

**Version Control:**

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023

**1.1.8 Obstruction of Footpaths and Thoroughfares**

<p><b>Delegator:</b> Power / Duty assigned in legislation to:</p>	<p>Local Government</p>
<p><b>Express Power to Delegate:</b> Power that enables a delegation to be made</p>	<p><i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO</p>
<p><b>Express Power or Duty Delegated:</b></p>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996 (WA) (ULP):</i> r 5(2) Interfering with, or taking from, local government land r 6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r 7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r 7 Encroaching on public thoroughfare – Sch.9.1. s 3(2)</p> <p><i>City of Belmont Consolidated Local Law 2020 Parts 3,6,7,8,9,10, 11 and 12</i></p>
<p><b>Delegate:</b></p>	<p>Chief Executive Officer</p>
<p><b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</p>	<ol style="list-style-type: none"> <li>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:             <ol style="list-style-type: none"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r 5(2)].</li> </ol> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r 6(2) and (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r 6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r 7A].</li> <li>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that</li> </ol>

	<p>is encroaching, without lawful authority on a public thoroughfare [ULP r 7].</p> <p>6. To carry out the powers, functions and duties of the City’s local laws relevant to the obstruction of footpaths and thoroughfares.</p>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ol style="list-style-type: none"> <li>1. Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996 (WA)</i>.</li> <li>2. Permission may only be granted where, the proponent has:             <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, if requested, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995 (WA)</i>: s 5.44 CEO may delegate some powers and duties to other employees</p>

<b>Compliance Links:</b>	<p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996 (WA)</a> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995 (WA)</a></p> <p><a href="#">City of Belmont Consolidated Local Law 2020</a> City of Belmont Policies – Council CP 63 – Execution of Documents City of Belmont Policy Manual – Operational</p>
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<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005.  Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.
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**Version Control:**

1	Incorporates DA21 Verge Permits in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Removal of consolidated local law reference Reviewed ELT 18/5/2022 OCM 28/6/2022 Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023

**1.1.9 Gates Across Public Thoroughfares**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996 (WA) (ULP):</i> r 9 Permission to have gate across public thoroughfare – Sch.9.1 s 5(1)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r 9(1)].</li> <li>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r 9(2)].</li> <li>3. Authority to impose conditions on granting permission [ULP r 9(4)].</li> <li>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r 9(5)].</li> <li>5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r 9(6)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996 (WA)</i>.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996 (WA)</a> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995 (WA)</a></p> <p><a href="#">City of Belmont Consolidated Local Law 2020</a> <a href="#">City of Belmont Policy Manual – Council</a> CP63 – Execution of Documents City of Belmont Policy Manual – Operational</p>
<b>Record Keeping:</b>	<p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index. Record Keeping requirement of <i>Local Government (Uniform Local Provisions) Regulations 1996 (WA)</i> must be met.</p>

**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Removal of consolidated local law reference Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023



**1.1.10 Public Thoroughfare – Dangerous Excavations**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996 (WA) (ULP):</i> r 11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 <i>City of Belmont Consolidated Local Law 2020 Part 3,</i>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r 11(1)].</li> <li>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r 11(4)].</li> <li>3. Authority to impose conditions on granting permission [ULP r 11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r 11(8)].</li> <li>5. To carry out the powers, functions and duties of the City's local laws relevant to thoroughfares.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996 (WA)</i>.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#"><u>Local Government (Uniform Local Provisions) Regulations 1996 (WA)</u></a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#"><u>Local Government Act 1995 (WA)</u></a></p> <p><a href="#"><u>City of Belmont Consolidated Local Law 2020</u></a>  <a href="#"><u>City of Belmont Policy Manual— Council</u></a>                      CP63 – Execution of Documents                      City of Belmont Policy Manual – Operational</p>
<b>Record Keeping:</b>	<p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.</p>

**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Removal of consolidated local law reference Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023

**1.1.11 Crossing from public thoroughfare to private land or private thoroughfare**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996(WA):</i> r 12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 s 7(2) r 13(1) Requirement to construct or repair crossing – Sch.9.1 s 7(3) <i>City of Belmont Consolidated Local Law 2020 Part 3,</i>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Upon application, approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land.</li> <li>2. Authority to determine the specifications for the construction of the crossing to the satisfaction of the Local Government.</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair crossing and if the notice is not complied with initiate works to construct/repair crossing and recover costs in accordance with Regulation 13.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996 (WA)</i>.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996 (WA)</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995 (WA)</a></p>
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	<a href="#"><u>City of Belmont Consolidated Local Law 2020</u></a> CP01 - Asset Management Policy CP63 - Execution of Documents
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005.  Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.

**Version Control:**

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Removal of consolidated local law reference Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	Renumbering of policies/New Policy OCM 12/12/2023

**1.1.12 Requirement to construct and repair crossing**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996 (WA):</i> r 13(1) Requirement to construct or repair crossing – Sch.9.1 s 7(3) <i>City of Belmont Consolidated Local Law 2020</i> Part 3,
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare.</li> <li>2. Construct or repair the crossing and recover 50% of the cost if the person fails to comply with the notice.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ol style="list-style-type: none"> <li>1. <i>Local Government (Uniform Local Provisions) Regulations 1996 (WA)</i> r 14(2)(b) Role of Commissioner of Main Roads must be complied with.</li> <li>2. That due process be followed for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995 (WA)</i> for a notice served under Regulation 14(3).</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996 (WA)</a> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995 (WA)</a></p> <p><a href="#">City of Belmont Consolidated Local Law 2020</a> CP01 - Asset Management Policy CP63 – Execution of Documents</p>
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<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index: 11/005. Associated Documentation to be retained in relevant ECM index.
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**Version Control:**

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Removal of consolidated local law reference Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	Renumbering of policies/ New Policy OCM 12/12/2023

**1.1.13 Private Works on, over or under Public Places**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996 (WA):</i> r 17(4) & (5) Private works on, over, or under public places r 17(5) Imposition of conditions <i>City of Belmont Consolidated Local Law 2020</i> Parts 3,7,8
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Grant permission or conditional permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996 (WA)</a> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995 (WA)</a>  <a href="#">City of Belmont Consolidated Local Law 2020</a> CP01 - Asset Management Policy  CP63 - Execution of Documents
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005.

	Associated Documentation to be retained in relevant ECM index.
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**Version Control:**

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Removal of consolidated local law reference Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	Renumbering of policies / New Policy OCM 12/12/2023



### 1.1.14 Procurement: Tenders; Tender Exemptions; Purchases (\$50,000-\$250,000) & Associated Contract Variations

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> s 3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> <a href="#">(WA)</a> Part 4: r.11 When tenders must be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. To call tenders and set weighted criteria as outlined in the relevant legislation and this delegation.</li> <li>2. To authorise procurement and accept tenders in accordance with the conditions of this delegation.</li> <li>3. To vary a contract prior to entry into a contract with a successful tenderer in accordance with reg 20.</li> <li>4. To vary a contract already entered subject to reg 21A.</li> <li>5. To authorise procurement and accept quotations in accordance with the conditions of this delegation.</li> <li>6. To make, vary or discharge a contract that is formed through a non-tender process subject to reg 11(2).</li> </ol>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> . This delegation must be read

	<p>in conjunction with the Council approved Purchasing Policy and the regulations and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p><b>1. Tenders:</b></p> <p>Calling of tenders may only occur where there is an approved Council budget provision in the current year.</p> <p>The Chief Executive Officer:</p> <ul style="list-style-type: none"> <li>• may accept tenders, where there is a Council budget provision approved in the current year for the following: <ul style="list-style-type: none"> <li>○ Annual supplies of a routine operational nature within budget amount and where the contract is: <ul style="list-style-type: none"> <li>▪ for no greater than 5-years and</li> <li>▪ expenditure is no more than \$250,000 per annum.</li> </ul> </li> <li>○ New capital items where the tender amount for the capital item is less than amount of \$250,000, including changeover costs where relevant and is within the identified budget amount.</li> </ul> </li> <li>• may reject tenders of any amount ((reg 18(5) <i>Local Government (Functions and General) Regulations 1996</i>))</li> <li>• may accept tenders relating to the disposal of impounded perishable and non-perishable goods in accordance with s3.47 of the <i>Local Government Act 1995</i>.</li> </ul> <p><b>2. Exemptions from Tender (Reg 11(2) <i>Local Government (Functions &amp; General) Regulations 1996</i>) (WA) and Purchases (\$50,000-\$250,000)</b></p> <p>The CEO</p> <ul style="list-style-type: none"> <li>• may authorise purchases that are exempt from tendering regulations as outlined in regulation 11.2, excluding 2(d) of the <i>Local Government (Functions and General) Regulations 1996</i>, (i.e. State Government Common User Arrangement (CUA); WALGA preferred Suppliers provided a Council approved budget position applies; and</li> <li>• may approve purchases where there is a Council budget provision approved in the current year for the following: <ul style="list-style-type: none"> <li>○ Annual supplies of a routine operational nature within budget amount and where the contract is:</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>▪ for no greater than 5-years; and</li> <li>▪ expenditure is no more than \$250,000 per annum.</li> </ul> <ul style="list-style-type: none"> <li>○ New capital items where the tender amount for the capital item is less than amount of \$250,000, including changeover costs where relevant and is within the identified budget amount.</li> </ul> <p><b>3. Contract Variations</b></p> <p><b>3.1 Contract Variations - Tender</b></p> <p><u>Pre-Contract:</u></p> <p><i>Note: A minor variation is defined as a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply ((Local Government (Functions and General) Regulations 1996 Reg 20) <a href="#">(WA)</a>), and:</i></p> <ul style="list-style-type: none"> <li>○ Does not alter the nature of the goods and/or services procured; and</li> <li>○ Does not materially alter the specification or structure provided for by the initial tender; and</li> <li>○ Is less than 10% of the original tendered price.</li> </ul> <p>A tender <b>cannot</b> be varied outside the above definition.</p> <p>The CEO may approve minor variations (see definition above) regarding the scope of work specified in a tender, following the receipt of submission, but prior to entering into a contract, provided there are sufficient funds being available within the approved budget for that item ((Reg 20 Local Government (Functions and General) Regulations 1996) <a href="#">(WA)</a>).</p> <p><u>Post Contract:</u></p> <p>The CEO may approve a variation(s) to tender, limited to 10% of the total tender value (cumulative), or the value of their purchasing authority, whichever is the lesser amount after entering into a contract where the variation was unforeseen and is necessary in order for the goods or services to be supplied, and does not significantly change the contract scope in accordance with Reg 21A(a) Local Government (Functions and General) Regulations 1996 <a href="#">(WA)</a>.</p>
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	<p><b>3.2 Contract Variations - Exempt and Procurement (\$50,000 - \$250,000)</b></p> <p><u>Pre-Contract:</u></p> <p>CEO may approve minor variations (see definition below) regarding to the scope of work specified in the quotation, following the receipt of submission, but <b>prior to entering into a contract</b> provided there are sufficient funds being available within the approved budget for that item.</p> <ul style="list-style-type: none"> <li>• A minor variation is defined as a variation that the local government is satisfied, is minor having regard to the total goods or services that were invited to supply and:             <ul style="list-style-type: none"> <li>○ Does not alter the nature of the goods and/or services procured; and</li> <li>○ Does not materially alter the specification or structure provided for by the initial quotation process; and</li> <li>○ Is less than 10% of the original quoted price.</li> </ul> </li> </ul> <p><u>Post Contract:</u></p> <p>CEO may approve minor variations in a contract that has been entered into provided that there are sufficient funds, being available within the approved budget for that item and the variation complies with the definition of a minor variation above.</p> <ul style="list-style-type: none"> <li>• Approve minor variations that were unforeseen and necessary for the supply of the goods or services.</li> </ul> <p>Variations (in total) are limited to a maximum of 10% (cumulative total) of the procurement value for the contract; or the value of the delegated officers' purchasing authority, whichever is the lesser.</p> <p><b>4. Extension of Contracts:</b></p> <ul style="list-style-type: none"> <li>• Contracts formed from tender process:             <ul style="list-style-type: none"> <li>○ Where a tender is accepted that includes an option to extend the contract beyond the initial period, the Chief Executive Officer may exercise or decline that option (Reg 21A(b) <i>Local Government (Functions and General) Regulations 1996</i>) (<a href="#">WA</a>).</li> </ul> </li> <li>• Where any other contract is accepted with an option to extend the contract beyond the initial</li> </ul>
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	<p>period, the Chief Executive Officer may exercise or decline that option.</p> <p><b>5. Expressions of Interest (EOI's) (Reg 21(1) <u>Local Government (Functions &amp; General) Regulations 1996 (WA)</u>):</b></p> <p>To call, accept the short listing and if required reject all Expression of Interests.</p>
<b>Express Power to Sub-Delegate:</b>	<p><u>Local Government Act 1995 (WA)</u>:</p> <p>s 5.44 CEO may delegate some powers and duties to other employees</p>

<b>Compliance Links:</b>	<p><a href="#"><u>Local Government Act 1995 (WA)</u></a></p> <p><a href="#"><u>Local Government (Functions and General) Regulations 1996 (WA)</u></a></p> <p>CP29 - Purchasing Policy CP63 - Execution of Documents Purchase Orders – Authority Limits Policy</p>
<b>Record Keeping:</b>	<p>Maintain Tender Register, recording details of decisions under this delegation and insert ECM-links to relevant evidentiary documents.</p> <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> reg.19 Delegates to keep certain records, are retained in the City's record keeping systems.</p>

**Version Control:**

1	Formerly incorporated as DA04 Tenders in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Amended ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023

**1.1.15 Acquisition of Land**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995 (WA):</i> s 3.59 Commercial enterprises by local government
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Undertake the function of acquiring land, including lease and purchase.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. Acquire 'real property', which is specifically identified within the current approved Budget with a value of up to \$1,000,000. 2. Acquire a leasehold interest in property for a cumulative cost over the life of the lease of up to \$1,000,000
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA):</a> s 3.59 Commercial enterprises by local government <a href="#">Local Government (Functions and General) Regulations 1996 (WA) Part 3</a> CP29 - Purchasing Policy CP63 - Execution of Documents
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation to be retained in relevant ECM index.

**Version Control:**

1	Formerly incorporated as DA05 Acquisition and Disposal of Land in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy 12/12/2023

**1.1.16 Disposal of Land**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 3.58 Disposal of Property
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Undertake the function of disposing of land including through lease and sale.</li> <li>2. Authority to dispose of property to: <ul style="list-style-type: none"> <li>• the highest bidder at public auction [s 3.58(2)(a)].</li> <li>• the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s 3.58(2)(b)]</li> </ul> </li> <li>3. Authority to dispose of property by private treaty only in accordance with s 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s 3.58(3)].</li> <li>4. Manage lease / licence clauses, including but not limited to terminations, renewal options, assignments, subletting, and the establishment of special conditions or variations to payment schedules.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ol style="list-style-type: none"> <li>1. Dispose of 'real property', which is specifically identified within the current approved Budget with a value of up to \$1,000,000.</li> <li>2. Dispose of a leasehold interest in property for a cumulative value over the life of the lease of up to \$1,000,000.</li> <li>3. Assignment of leases and licences is subject to appropriate Police Clearances and Credit Checks (where unsatisfactory and the officer recommendation is to proceed refer to Council for decision).</li> </ol> <p><b>Conditions for Additional Conditions 1 and 2:</b></p>



	The exercise of this power does not include the power of delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#"><i>Local Government Act 1995 (WA):</i></a> s 3.58 Disposal of Property s 3.59 Commercial enterprises by local government <a href="#"><i>Local Government (Functions and General) Regulations 1996 (WA)</i></a> Part 3  CP29 - Purchasing Policy CP63 - Execution of Documents
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005.  Associated Documentation to be retained in relevant ECM index.

**Version Control:**

1	Formerly incorporated as DA05 Acquisition and Disposal of Land in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering; Changes to DIS subdelegation. Reviewed ELT 18/5/2022 OCM 28/6/2022 Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023

**1.1.17 Disposal of Property (other than land)**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 3.58 Disposal of Property <i>Local Government (Functions and General) Regulations 1996</i> – r 30 (3) Dispositions of property excluded from Act s 3.58
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Dispose (includes to sell, lease, or otherwise dispose of whether absolutely or not) of assets (not including land surplus to the City's operational needs.  <b>Dispose</b> as defined in the Act includes to sell, lease, or otherwise dispose of whether absolutely or not. <b>Property</b> as defined in the Act includes the whole or any part of the interest of a local government in property, but does not include money.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. Limited to the disposal of minor plant or asset with a depreciated value of less than \$20,000 without the requirement for Council approval. 2. Limited to the disposal of a plant item or asset with a depreciated value of no more than \$90,000 in accordance with the requirements of s 3.58. 3. Donation of low value equipment, machinery and other materials in accordance with procedures.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#"><u>Local Government Act 1995 (WA):</u></a> s 3.58 Disposal of Property</p> <p><a href="#"><u>Local Government (Functions and General) Regulations 1996 (WA) Part 3</u></a> CP29 – Purchasing Policy CP63 – Execution of Documents</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Associated Documentation to be retained in relevant ECM index.</p>

**Version Control:**

1	Formerly incorporated as DA06 Disposal of Assets in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	Deletion of Council Policy 51 OCM 22/8/2023; New Policy OCM 12/12/2032

**1.1.18 Municipal or Trust Funds: Payments and Procedures**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995 (WA)</i> s 6.7 Municipal fund s 6.9 (3) Trust fund  <i>Local Government (Financial Management) Regulations 1996 (WA)</i> r 11 Payments, procedures for making etc. r 12 Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Make payments from the Trust and Municipal Fund in accordance with procedures.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a> <a href="#">Local Government (Financial Management) Regulations 1996 (WA)</a> - r 5 CEO's duties as to financial management r 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <a href="#">Local Government (Audit) Regulations 1996 (WA)</a> Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards Department of Local Government, Sport and Cultural Industries: Accounting Manual
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	CP29 – Purchasing Policy CP63 – Execution of Documents
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19</p> <p>Minute details of Council’s resolution to receive the Authorised Cheque Listing and retain Cheque Vouchers, including electronic transfer records as evidence of decisions to make payments.</p> <p>Records of exercise of delegated authority to be retained in ECM index: 11/005. Associated Documentation to be retained in relevant ECM index.</p>

**Version Control:**

1	Formerly DA07 Municipal and Trust Fund/Procedures and Payments in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering. Addition of Directors to sub-delegation. Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	Policy Amendments OCM 22/8/2023 & New Policy OCM 12/12/2023

**1.1.19 Grant Concession, Waive or Write Off Debts**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> s 6.12(1)(b), (c) and (3)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the City of Belmont [s 6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the City of Belmont [s 6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the City of Belmont [s 6.12(1)(c)]</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ol style="list-style-type: none"> <li>1. Authorise a waiver, grant a concession or write off an amount of money owed to the City to a maximum value of \$5,000 per individual sundry debtor per financial year.</li> <li>2. Write offs to be reported to Council on a quarterly basis with the Sundry Debtors Listing.</li> <li>3. Reversals of incorrectly charged debts are not considered to be a write off.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a>  CP63 - Execution of Documents

<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19</p> <p>Records of exercise of delegated authority to be retained in ECM index: 11/005.</p> <p>Associated Documentation to be retained in relevant ECM index.</p>
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**Version Control:**

1	Formerly incorporated as DA08 Waiver or Concessions – Granting in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023

**1.1.20 Investments**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> s 6.14 Power to invest  <i>Local Government (Financial Management) Regulations 1996</i> <a href="#">(WA)</a> : r 19 Investments, control procedures for
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Money held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the <i>Trustees Act 1962</i> <a href="#">(WA)</a> .  Establish and document internal control procedures to ensure control over investments that enable the identification of the nature and location of all investments and the transactions related to each investment.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a> <a href="#">Local Government (Financial Management) Regulations 1996 (WA)</a> -  CP31 - Investment of Funds CP63 – Execution of Documents



<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19 Delegates to keep certain records are retained in the City’s record keeping systems.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly incorporated as DA09 Investments in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy 12/12/2023

**1.1.21 Recovery of Unpaid Rates**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> s 6.55 Recovery of rates and service charges. s 6.56 (1) Rates or service charges recoverable in court. s 6.60 Local government may require lessee to pay rent. s 6.64 Actions to be taken. s 6.69 (2) (3) Right to pay rates, service charges and costs, and stay proceedings. s 6.74 (1) Power to have land retested in the Crown if rates in arrears 3 years. Schedule 6.2(1) [1] Provisions relating to lease of land where rates or service charges unpaid [s 6.65]. Schedule 6.3(1) [4] and (4) [1] Provisions relating to sale or transfer of land where rates or service charges unpaid [s 6.68(3)].
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Undertake recovery of overdue unpaid rates, as well as the costs of proceedings, if any, for that recovery, incurred in a court of competent jurisdiction.  As part of the legal recovery of rates and charges in court, documents such as summonses and warrants are required to be duly authorised.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Legal representation is limited by the <i>Magistrates Court (Civil Proceedings) Act 2004</i> <a href="#">(WA)</a> .
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#"><u>Local Government Act 1995 (WA)</u></a>-</p> <ul style="list-style-type: none"> <li>Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</li> <li>refer s 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s 6.60</li> </ul> <p><a href="#"><u>Local Government (Financial Management) Regulations 1996 (WA)</u></a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p><a href="#"><u>Interpretation Act 1984 (WA)</u></a>  <a href="#"><u>Magistrates Court (Civil Proceedings) Act 2004 (WA)</u></a>-                  Part 4</p> <p>CP32 - Collection of Rates Policy                  CP33 - Pensioner’s Outstanding Refuse Charges Policy                  CP34 - Pensioner/Senior Rates Arrears Policy                  CP35 - Financial Hardship Policy                  CP63 - Execution of Documents Policy</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA10 Recovery of Unpaid Rates in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	Policy Amendments 12/12/2023

**1.1.22 Administration of Local Laws**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	Powers to determine applications, issue and apply conditions to approvals, consents, permits, licences and registrations, undertake enforcement functions and exercise discretion under the following local laws:  Consolidated Local Laws 2020 Health Local Laws 2002
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To administer the City of Belmont Local Laws.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> <ul style="list-style-type: none"> <li>• Infringements may only be issued by persons authorised for the purposes of section 9.16 of the <i>Local Government Act 1995 (WA)</i></li> <li>• Determinations under Part 13 of the Consolidated Local Law 2020 require a Resolution of Council.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a> Part 9 Division 1 Objections and Review Part 9 Division 2 Enforcement and Legal Proceedings  <a href="#">Fines Penalties and Infringement Notices Enforcement Act 1994 (WA)</a>  Council Policies CP44 - Street Numbering Policy CP47 - Dangerous Trees Policy CP48 - Urban Forest Policy
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	<p>CP56 - Naming or Renaming of Roads, Parks And Reserves Policy                  CP58 - Council Facilities - Personalisation by Users Policy                  CP63 – Execution of Documents Policy</p> <p>Operational policies                  BB4 Manholes and Stormwater Connections                  BEXB24 Refuse Charges                  NB2 Storm Water Disposal from Private Properties                  SB12 Sausage Sizzle and Low Risk Food Manufacture and Sale by Charities and Community Groups                  SB13 Community Clothing Collection Bins                  SB14 Temporary Caravan Accommodation                  SB18 Commercially Run Temporary and Mobile Food Business Applying to Operate Within the City                  SB20 Dogs – Keeping of Three Dogs</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor (Removal Local Law delegation reference Change to Council Policy Numbering) Reviewed ELT 18/5/2022 OCM 28/6/2022 Reviewed ELT 15/3/2023 OCM 26/4/2023
3	Policy Renumbering 22/8/2023 and New Policy 12/12/2023

**1.1.23 ~~Extension for~~ Rate Exemption Applications**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995 (WA):</i> <a href="#">s6.26 Rateable Land</a> s 6.76 Grounds of objection
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<del>To Determine-determine:</del> <ul style="list-style-type: none"> <li>• <del>an application to extend the time for lodging an objection to the rate record where an objection is to be made relating to a rates exemption in accordance with s 6.26 Rateable Land beyond 42 days from the date of service of the rate notice.</del></li> <li>• <a href="#">the outcome of applications for a rates exemption in relation to residential property.</a></li> </ul>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  <ol style="list-style-type: none"> <li>1. Applications for an extension are to be made in writing.</li> <li>2. <a href="#">Where there has been a change of use of the land during a financial year, an exemption can only be approved to take effect from the date of the change of use.</a></li> <li><del>3.</del> <a href="#">Industry approved guidelines are to be used in assessing applications</a></li> <li>4. A recommendation on a rates exemption <a href="#">for commercial use or zoned property</a> is to be referred to Council.</li> <li>5. <a href="#">Information on exemptions approved to be included as part of annual budget process.</a></li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#">Local Government Act 1995 (WA)</a> Part 6 Division 6 Subdivision 7 Objections and Review</p> <p>CP32 - Collection of Rates Policy CP63 - Execution of Documents Policy</p> <p><a href="#">WALGA Rates and Charitable Land Use Exemption Applications Best Practice Guideline (2017)</a></p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record decision to approve or not approve the application for extension of time and insert ECM-links to evidentiary documents</p>

**Version Control:**

1	Formerly DA 12 Extension for Rate Exemption Application in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023

**1.1.24 Variation of Meeting Date – Annual Electors Meeting**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> s 5.27 Electors' general meetings
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To vary the Annual Electors Meeting date from the date as outlined in Council Policy 7 Council, Committee and Briefing Meeting Schedule should the need arise.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a> CP7 - Council, Committee and Briefing Schedule Policy CP63 – Execution of Documents Policy
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.

**Version Control:**

1	Formerly DA 13 Authorised Officers – Variation of Meeting Date – Annual Electors Meeting in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023



**1.1.25 Bank Accounts**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> s6.6 Funds to be established  <i>Local Government (Financial Management) Regulations 1996</i> <a href="#">(WA)</a> r 8 Separate bank etc. accounts required for some moneys
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Maintain separate accounts with a bank or other financial institution for money required to be held in: <ul style="list-style-type: none"> <li>• the municipal fund;</li> <li>• the trust fund;</li> <li>• reserve accounts; and</li> </ul> common investment authorised by the Act.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> <ul style="list-style-type: none"> <li>• Nil.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a> Part 6 Division 4  CP31 - Investment of Funds CP63 - Execution of Documents Policy

<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly DA 11 Bank Accounts in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023

**1.1.26 Discretionary Gratuity Payments**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA)</i> : s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995 (WA)</i> s 5.50– Payments to employees in addition to contract or award
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To determine if a discretionary Gratuity payment should be made to a finishing employee, <del>under clause 23.1.1(d) of the City of Belmont Certified Agreement (2004) or clause 21.1.1(d) of the City of Belmont Certified Agreement (Operations) 2006.</del>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Any discretionary payments made through this delegation are to be advertised in accordance with s 5.50 and must comply with the limitations contained in the regulations.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA)</i> : s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a> s5.50. (2) <a href="#">Local Government (Administration) Regulations 1996 (WA)</a> 19A. Payments in addition to contract or award, limits of (Act s 5.50(3))  <del><a href="#">Fair Work Act 2009</a></del>  CP39 - Gifts to Employees Policy <del><a href="#">City of Belmont Certified Agreement (2004)</a></del> <del><a href="#">Inside Staff Certified Agreement (Operations) 2006</a></del> CP63 – Execution of Documents Policy
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<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly DA 14 Discretionary Gratuity Payments in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	Policy Review 22/8/2023 & New policy OCM 12/12/2023

**1.1.27 Determination of Applications for Legal Representation for Elected Members and Employees**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> s 6.7 Municipal fund s 9.56 Certain persons protected from liability for wrongdoing.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To determine an application seeking financial assistance for Legal Representation not exceeding an amount of \$5,000.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. The authority to approval applications for legal representation for Council members and employees is limited to a maximum of \$5,000 as per CP28 - Legal Representation for Elected Members and Employees. Amounts above \$5,000 are to be determined by Council. 2. Council is to be informed of any exercise of this delegation in accordance with Council Policy; 3. The determination must be made pursuant to CP28 - Legal Representation for Council Members and Employees’.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#">Local Government Act 1995 (WA)</a> s6.7 (2) s9.56 Certain persons protected from liability for wrongdoing</p> <p>Local Government Operational Guideline Legal Representation for Council Members and Employees</p> <p>CP28 - Legal Representation for Elected Members and Employees CP63 - Execution of Documents</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> reg.19</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA 15 Determination of Applications for Legal Representation for Council Members and Employees in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	Policy amendments OCM 12/12/2023

**1.1.28 Donations – Disaster Relief**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995 (WA)</i> s 6.7 Municipal Fund <i>Local Government (Financial Management) Regulations 1996 (WA)</i> Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To approve the provisions of funds towards appeals where natural disasters have occurred in accordance with the CP50 – Donations - Financial Assistance Policy.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. Limit on Delegation is \$5,000 as outlined within CP50 – Donations - Financial Assistance Policy 2. The amount to be proposed must be undertaken in liaison with the Mayor. 3. All Elected Members are to be consulted on the proposed donation amount, and if no agreement is reached a decision will then be referred to Council for further determination. 4. All amounts over \$5,000 are to be determined by Council resolution.
<b>Delegator:</b> Power / Duty assigned in legislation to:	Council

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a>  <b>s 6.7 Municipal Fund</b> <a href="#">Local Government (Financial Management) Regulations 1996 (WA):</a> 12. Payments from municipal fund or trust fund, restrictions on making
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	CP50 - Donations - Financial Assistance Policy CP63 – Execution of Documents Policy
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA16 Donations – Disaster Relief in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022 Reviewed ELT 15/3/2023 OCM 26/4/2023
3	Policy Numbering amendments OCM 22/8/2023 & New policy OCM 12/12/2023



**1.1.29 Community Contribution Funds**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995 (WA)</i> s 6.7 Municipal Fund <i>Local Government (Financial Management) Regulations 1996 (WA):</i> 12. Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To approve applications for the release of funds as part of the Community Contribution Fund through requests for financial assistance in accordance with the CP50 - Donations – Financial Assistance Policy
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. Limit on Delegation is \$5,000 as outlined within Council Policy 50 Donations – Financial Assistance. 2. All amounts over \$5,000 are to be determined by Council resolution. 3. Expenditure to be within approved budget and must be in accordance with programs outlined in CP50 - Donations – Financial Assistance Policy. 4. Delegation is only to be exercised where there is a direct benefit to the City of Belmont Residents and communities.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#">Local Government Act 1995(WA)</a> s 6.7 Municipal Fund  <a href="#">Local Government (Financial Management) Regulations 1996 (WA)</a>: 12. Payments from municipal fund or trust fund, restrictions on making</p> <p>CP50 - Donations – Financial Assistance Policy                  CP63 – Execution of Documents Policy.</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA 17 Community Contribution Funds in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	Policy Amendments OCM 22/8/2023 and New policy 12/12/2023

**1.1.30 Belmont Business Innovation Grants**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995 (WA) s 6.7 Municipal Fund Local Government (Financial Management) Regulations 1996 (WA):</i> 12. Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Undertake the function of approving the release of funds as part of the Belmont Business Innovation Grants (BBIG) to a maximum limit of \$10,000 per application.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. Expenditure to be within approved Budget and in accordance with approved guidelines
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA) s 6.7 Municipal Fund Local Government (Financial Management) Regulations 1996 (WA):</a> 12. Payments from municipal fund or trust fund, restrictions on making  CP63 – Execution of Documents Policy

<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)r 19</a>.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly DA 18 Belmont Business Innovation Grants in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023

**1.1.31 Receiving Legal Documents to be Served on the City**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> s 9.51 giving documents to local government
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To receive legal documents served upon the City by another party (i.e. subpoenas), these include documents prepared for compliance with; <ul style="list-style-type: none"> <li>• <i>Magistrates Court Act 2004</i> <a href="#">(WA)</a></li> <li>• <i>District Court of WA Act 1969</i> <a href="#">(WA)</a></li> <li>• <i>Supreme Court Act 1975</i> <a href="#">(WA)</a></li> <li>• <i>High Court of Australia Act 1979</i> <a href="#">(Cth)</a></li> </ul>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. Unless a position title is included in the document this delegation does not extend to documents being served personally on an individual by name.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a>  CP63 – Execution of Documents Policy

<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly DA 19 Receiving of Legal Documents to be served on the City in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New policy OCM 12/12/2023

## 1.3 Council Authorisations

### 1.3. Authorisation for Execution of Documents

<b>Authoriser:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power or Duty being Authorised:</b>	<i>Local Government Act 1995</i> <a href="#">(WA)</a> : s 9.49A (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	The authority to execute various classes of documents on behalf of the local government.
<b>Authorisation</b>	Execution to be in accordance with the City of Belmont Execution of Documents Policy
<b>Council Conditions on this Authorisation</b>	A Council resolution or decision under delegated authority is required prior to executing documents
<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 (WA)</a> CP63 - Execution of Documents Policy
<b>Record Keeping:</b>	All uses of the common seal are to be recorded in a register

## 2. Building Act 2011 [\(WA\)](#)

### 2.1.1 Grant a Building Permit

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Building Act 2011 <a href="#">(WA)</a>:</i> s 127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011 <a href="#">(WA)</a>:</i> s 18 Further Information s 20 Grant of building permit s 22 Further grounds for not granting an application s 27(1) and (3) Impose Conditions on Permit  <i>Building Regulations 2012 <a href="#">(WA)</a>:</i> r 23 Application to extend time during which permit has effect (s 32) r 24 Extension of time during which permit has effect (s 32(3)) r 26 Approval of new responsible person (s 35(c))
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s 18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s 20(1) &amp; (2) and s 22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s 27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r 23].             <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r 24(1)]</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s 27 [r 24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application</li> </ol>



	for a new responsible person for a building permit [r 26].
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ul style="list-style-type: none"> <li>In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied.</li> </ul> <p>Notify Council of all refusals to grant Permits.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Building Act 2011</i> <a href="#">(WA)</a>: s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)</p>

<b>Compliance Links:</b>	<p><a href="#">Building Act 2011 (WA)</a> s 119 Building and demolition permits – application for review by SAT s 23 Time for deciding application for building or demolition permit s 17 Uncertified application to be considered by building surveyor <a href="#">Building Regulations 2012 (WA)</a> – r 25 Review of decision to refuse to extend time during which permit has effect (s 32(3)) – reviewable by SAT <a href="#">Building Services (Registration Act) 2011 (WA)</a> – Section 7 <a href="#">Home Building Contracts Act 1991 (WA)</a> – Part 3A, Division 2 – Part 7, Division 2 <a href="#">Building and Construction Industry Training Levy Act 1990 (WA)</a> <a href="#">Heritage Act 2018 (WA)</a> CP63 – Execution of Documents Policy</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p>

	Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.
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**Version Control:**

1	Formerly part of DA20 Building Act 2011 in the 2020-2021 Delegations Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**2.1.2 Demolition Permits**

<p><b>Delegator:</b> Power / Duty assigned in legislation to:</p>	<p>Permit Authority (Local Government)</p>
<p><b>Express Power to Delegate:</b> Power that enables a delegation to be made</p>	<p><i>Building Act 2011</i> <a href="#">(WA)</a>: s 127(1) &amp; (3) Delegation: special permit authorities and local government</p>
<p><b>Express Power or Duty Delegated:</b></p>	<p><i>Building Act 2011</i> <a href="#">(WA)</a>: s 18 Further Information s 21 Grant of demolition permit s 22 Further grounds for not granting an application s 27(1) and (3) Impose Conditions on Permit</p> <p><i>Building Regulations 2012</i> <a href="#">(WA)</a> r 23 Application to extend time during which permit has effect (s 32) r 24 Extension of time during which permit has effect (s 32(3)) r 26 Approval of new responsible person (s 35(c))</p>
<p><b>Delegate:</b></p>	<p>Chief Executive Officer</p>
<p><b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</p>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s 18(1)].</li> <li>2. Authority to grant or refuse to grant a demolition permit on the basis that all s 21(1) requirements have been satisfied [s 20(1) &amp; (2) and s 22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s 27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r 23].             <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r 24(1)]</li> <li>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s 27 [r 24(2)].</li> </ol> </li> </ol>

	5 Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r 26].
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ul style="list-style-type: none"> <li>In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied.</li> </ul> <p>Notify Council of all refusals to grant Permits.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Building Act 2011</i> <a href="#">(WA)</a>: s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)</p>

<b>Compliance Links:</b>	<p><a href="#">Building Act 2011 (WA)</a> s 119 Building and demolition permits – application for review by SAT s 23 Time for deciding application for building or demolition permit <a href="#">Building Services (Complaint Resolution and Administration) Act 2011 (WA)</a> -- Part 7, Division 2 <a href="#">Building and Construction Industry Training Levy Act 1990 (WA)</a> <a href="#">Heritage Act 2018 (WA)</a> CP63 – Execution of Documents Policy</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly part of DA20 Building Act 2011 in the 2020-2021 Delegations Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**2.1.3 Occupancy Permits or Building Approval Certificates**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Building Act 2011</i> <a href="#">(WA)</a> : s 127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011</i> <a href="#">(WA)</a> : s 55 Further information s 58 Grant of occupancy permit, building approval certificate s 62(1) and (3) Conditions imposed by permit authority s 65(4) Extension of period of duration  <i>Building Regulations 2012</i> <a href="#">(WA)</a> r 40 Extension of period of duration of time limited occupancy permit or building approval certificate (s 65)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s 55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s 58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s 62(1) and (3)].</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s 65(4) and r 40].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> <ul style="list-style-type: none"> <li>• In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied.</li> </ul>

	Notify Council of all refusals.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011</i> <a href="#">(WA)</a> : s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)

<b>Compliance Links:</b>	<a href="#">Building Act 2011 (WA)</a> s 59 time for granting occupancy permit or building approval certificate s 60 Notice of decision not to grant occupancy permit or grant building approval certificate s 121 Occupancy permits and building approval certificates – application for review by SAT <a href="#">Building Services (Complaint Resolution and Administration) Act 2011 (WA)</a> – Part 7, Division 2 <a href="#">Building and Construction Industry Training Levy Act 1990 (WA)</a> <a href="#">Heritage Act 2018 (WA)</a> CP63 – Execution of Documents Policy
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.  Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.

**Version Control:**

1	Formerly part of DA20 Building Act 2011 in the 2020-2021 Delegations Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Building Act 2011</i> <a href="#">(WA)</a> : s 127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011</i> <a href="#">(WA)</a> : s 96(3) authorised persons s 99(3) Limitation on powers of authorised person
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	1. Authority to designate an employee as an authorised person [s 96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s 99(3)]. NOTE: An <i>authorised person</i> for the purposes of s 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of <i>Building Regulations 2012</i> <a href="#">(WA)</a> Reg. 70.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Decisions under this delegated authority should be in accordance with r 5 of the <i>Building Regulations 2012</i> <a href="#">(WA)</a> .
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011</i> <a href="#">(WA)</a> : s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)
<b>Compliance Links:</b>	<a href="#">Building Act 2011 (WA)</a> : s 97 each designated authorised person must have an identity card. r 5A Authorised persons (s 3) – definition



	CP63 – Execution of Documents Policy
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly part of DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**2.1.5 Building Orders**

<p><b>Delegator:</b> Power / Duty assigned in legislation to:</p>	<p>Permit Authority (Local Government)</p>
<p><b>Express Power to Delegate:</b> Power that enables a delegation to be made</p>	<p><i>Building Act 2011</i> <a href="#">(WA)</a>: s 127(1) &amp; (3) Delegation: special permit authorities and local government</p>
<p><b>Express Power or Duty Delegated:</b></p>	<p><i>Building Act 2011</i> <a href="#">(WA)</a>: s 110(1) A permit authority may make a building order s 111(1) Notice of proposed building order other than building order (emergency) s 117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s 118(2) and (3) Permit authority may give effect to building order if non-compliance s 133(1) A permit authority may commence a prosecution for an offence against this Act</p>
<p><b>Delegate:</b></p>	<p>Chief Executive Officer</p>
<p><b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</p>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to:             <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s 110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s 111(1)(c)].</li> <li>3. Authority to revoke a building order [s 117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to:             <ol style="list-style-type: none"> <li>a. take any action specified in the order; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s 118(2)].</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s 118(3)].</li> <li>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to s 110 of the <i>Building Act 2011</i> <a href="#">(WA)</a>.</li> </ol>

<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ul style="list-style-type: none"> <li>In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied.</li> </ul> <p>Notify Council of all Orders issued.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Building Act 2011</i> <a href="#">(WA)</a>: s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)</p>

<b>Compliance Links:</b>	<p><a href="#">Building Act 2011 (WA)</a>: s 111 Notice of proposed building order other than building order (emergency) s 112 Content of building order s 113 Limitation on effect of building order s 114 Service of building order Part 9 Review - s 122 Building orders – application for review by SAT CP63 – Execution of Documents Policy</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly part of DA20 Building Act 2011 in 2020-2021 Delegations Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

Attachment 12.8.1 Delegation Register 2024 2025

	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**2.1.6 Alternative Solutions – Private Pool Barriers and Smoke Alarms**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Building Act 2011</i> <a href="#">(WA)</a> : s 127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012</i> <a href="#">(WA)</a> : r 51 Approvals by permit authority. r 55 Terms used (alternative building solution approval). r 61 Local government approval of battery powered smoke alarms.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to approve requirements for alternatives to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements satisfy the relevant requirements of r 51(2), (3) &amp; (5).</li> <li>2. Authority to approve alternative solutions to meet the requirements of the Building Code relating to fire detection and early warning.</li> <li>3. Authority to approve or refuse to approve battery operated smoke alarms and determine the form of an application for such approval (r 61).</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ul style="list-style-type: none"> <li>• In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied.</li> </ul> <p>Notify Council of all refusals.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011</i> <a href="#">(WA)</a> : s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)

<b>Compliance Links:</b>	<a href="#">Building Act 2011 (WA)</a> <a href="#">Building Regulations 2012 (WA)</a> CP63 – Execution of Documents Policy
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.  Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.

**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**2.1.7 Designate Employees as Approved and Authorised Persons (r70)**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Building Act 2011</i> <a href="#">(WA)</a> : s 127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012</i> <a href="#">(WA)</a> : r 70 Approved officers and authorised officers
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<p>1. Authority to appoint an approved officer for the purposes of s 6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). NOTE: Only employees delegated under s 5.44(1) of the <i>Local Government Act 1995</i> <a href="#">(WA)</a> with power under s 9.19 or 9.20 may be appointed as "approved officers".</p> <p>2. Authority to appoint an authorised officer for the purposes of s 6(b) of the <i>Criminal Procedure Act 2004</i> <a href="#">(WA)</a>, in accordance with Building Regulation 70(2). NOTE: Only employees appointed under s 9.10 of the <i>Local Government Act 1995</i> <a href="#">(WA)</a> and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of <i>Building Regulation 2012</i> <a href="#">(WA) Reg 70(2)</a>.</p>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011</i> <a href="#">(WA)</a> : s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)

<b>Compliance Links:</b>	<p><a href="#">Building Act 2011 (WA):</a></p> <p>s 97 each designated authorised person must have an identity card.</p> <p>r 5A Authorised persons (s 3) – definition</p> <p>CP63 – Execution of Documents Policy</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> reg.19</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly part of DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023



**BUSH FIRES ACT 1954 DELEGATIONS****3.1 Council to CEO and Bush Fire Control Officer**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Bush Fires Act 1954</i> <a href="#">(WA)</a> : s 48 Delegation by local government s59 Prosecutions (3)
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954</i> <a href="#">(WA)</a> :
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	All powers duties and functions of the local government under the <i>Bush Fires Act 1954</i> <a href="#">(WA)</a> including s59 & S59A, and associated Regulations
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil.
<b>Delegation to</b>	Bushfire Control Officers Chief Bushfire Control Officer Manager Safer Communities
<b>Express Power or Duty Delegated:</b>	s 59 Prosecution of Offences s 59A Alternative Procedure – infringement notices
<b>Conditions of Delegation</b>	Standard Conditions as above apply. Withdrawal of Infringements may only be made by the Chief Executive Officer ( <i>r4(a) Bush Fire (Infringement)Regulations 1978</i> <a href="#">(WA)</a> ) Limitation: Bush Fire Control Officers s59A only.
<b>Express Power to Sub-Delegate:</b>	NIL – Sub-delegation is prohibited by s 48(3)

<b>Compliance Links:</b>	<p><a href="#">Bush Fires Act 1954 (WA)</a>  <a href="#">Bush Fire (Infringement) Regulations 1978 (WA)</a>  <a href="#">Bush Fire Regulations 1954 (WA)</a></p> <p>CP63 – Execution of Documents Policy</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA24 Bush Fires Act – Powers and Functions in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
2	Minor Change inclusion Bushfire Control Officers and limitation Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023

## CAT ACT 2011 [\(WA\)](#) DELEGATIONS

### 4.1 Council to CEO

#### 4.1.1 Cat Act 2011 – Administration and Enforcement

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Cat Act 2011 <a href="#">(WA)</a>:</i> s 44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011 <a href="#">(WA)</a>:</i> s 9 Registration s 10 Cancellation of registration s 11 Registration numbers, certificates and tags s 26 Cat control notice may be given to cat owner s 37 Approval to Breed Cats s 38 Cancellation of approval to breed cats s 39 Certificate to be given to approved cat breeder s 49(3) s 73 Prosecutions <i>Cat Regulations 2012 <a href="#">(WA)</a></i> Schedule 3, cl.1(4) Fees Payable Schedule 3, cl1(2) & (3) <i>Cat (Uniform Local Provisions) Regulations 2013 <a href="#">(WA)</a>:</i> r 8 Application to keep additional number of cats. r 9 Grant of approval to keep additional number of cats.  <i>City of Belmont Consolidated Local Law 2020</i> relevant sections pertaining to animals.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and	Authorised to: 1. Exercise any of the City's powers or the discharge of any of its duties under the <i>Cat Act 2011 <a href="#">(WA)</a></i> . 2. Appoint such persons to be Authorised Persons for performing particular functions under this Act.

conditions relevant to this delegation.	
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ul style="list-style-type: none"> <li>• s 48(2) A person who is not an employee of a local government cannot be appointed to be an authorised person for the purposes of s 62 (Infringement notices).</li> <li>• Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011 (WA)</i>.</li> <li>• Reduction or waiver of fees in relation to any class of cat must be a decision of Council and included in the Fees and charges in accordance with s 6.16, 6.17 &amp; 6.18 of <i>Local Government Act 1995 (WA)</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Cat Act 2011 (WA)</i>: s 45 Delegation by CEO of local government</p> <p>Note: s 45(6) A power or duty under s 63, 64 or 65 cannot be delegated to an authorised person.</p>

<b>Compliance Links:</b>	<p><a href="#">Cat Act 2011 (WA)</a> <a href="#">Cat Regulations 2012 (WA)</a></p> <p>r 11 Application for registration (s 8(2)), prescribes the Form of applications for registration.</p> <p>r 12 Period of registration (s 9(7))</p> <p>r 11 Changes in registration</p> <p>r 14 Registration certificate (s 11(1)(b))</p> <p>r 15 Registration tags (s 76(2))</p> <p>r 21 Application for approval to breed cats (s 36(2))</p> <p>r 22 Other circumstances leading to refusal of approval to breed cats (s 37(2)(f))</p> <p>r 23 Person who is not refused approval to breed cats (s 37(5))</p> <p>r 24 Duration of approval to breed cats (s 37(6))</p> <p>r 25 Certificate given to approved cat breeder (s 39(1))</p>
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	<p><a href="#">Cat (Uniform Local Provisions) Regulations 2013 (WA)</a></p> <p>Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> <a href="#">(WA)</a>.</p> <p><a href="#">City of Belmont Consolidated Local Law 2020</a></p> <p>CP63 – Execution of Documents Policy</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA31 Cat Act 2011 in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**DOG ACT 1976 [\(WA\)](#) DELEGATIONS****5.1 Council to CEO****5.1.1 Dog Act 1976 [\(WA\)](#) – Power or duty of the local government under any provision of the Act**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Dog Act 1976 <a href="#">(WA)</a></i> s10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976 <a href="#">(WA)</a></i> s 15(2) & (4A) Registration period and fees s 16(3) Registration procedures s 17A(2) s 17(4) & (6) s 29(5) power to seize dogs s 29(11) s 33E (1) Individual dog may be declared to be dangerous dog (declared) s 33F(6) Owners to be notified of making of declaration s 33G(4) Seizure and destruction s 33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy s 33M(1)(a) Local Government expenses to be recoverable s 44 Enforcement proceedings
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To carry out the functions of the <i>Dog Act 1976 <a href="#">(WA)</a></i> , associated regulations and local laws.  To determine the registration procedures and to <ul style="list-style-type: none"> <li>• determine to refuse a dog registration</li> <li>• determine and provide notice for the non-renewal, cancellation or refusal to register due to reasons in accordance with the Act and associated regulations</li> <li>• discount or waive a registration fee</li> </ul>

	<ul style="list-style-type: none"> <li>• apply for seizure and following seizure dealt with in accordance with s17(6)</li> </ul> <p>Authority to grant, refuse to grant or cancel a kennel licence [s 27(4) and (6)].</p> <p>Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s 29(5)].</p> <p>Authority to dispose of or sell a dog which is liable to be destroyed [s 29(11)]</p> <p>Authority to declare an individual dog to be a dangerous dog [s 33E(1)].</p> <p>Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s 33F(6)].</p> <p>Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s 33G(4)].</p> <p>Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s 33H(1)]</p> <p>Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s 33H(2)].</p> <p>Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s 33H(5)]:</p> <p>(a) a notice declaring a dog to be dangerous; or</p> <p>(b) a notice proposing to cause a dog to be destroyed.</p> <p>Authority to determine the reasonable charge to be paid by an owner at the time of payment of the</p>
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	<p>registration fee under s 15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s 33H(5)].</p>
<p><b>Council Conditions on this Delegation:</b></p>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>The Chief Executive Officer may further delegate (Sub-delegate) to employees with the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this delegation.</p>
<p><b>Express Power to Sub-Delegate:</b></p>	<p>s 10AA (3) Delegation of local government powers and duties (Note: sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</p>

<p><b>Compliance Links:</b></p>	<p><a href="#">Dog Act 1976 (WA)</a></p> <p>Includes recovery of expenses relevant to:</p> <p>s 30A(3) Operator of dog management facility may have dog microchipped at owner’s expense</p> <p>s 33M Local government expenses to be recoverable.</p> <p>s 47 Veterinary service expenses recoverable from local government</p> <p><a href="#">Dog Regulations 2013 (WA)</a></p> <p>r 31 Local government expenses as to dangerous dogs (declare)</p> <p><a href="#">City of Belmont Consolidated Local Law 2020</a></p> <p>Note –Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p>CP63 – Execution of Documents Policy</p>
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<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly DA29 Dogs in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**5.1.2 Keeping of Three Dogs**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Dog Act 1976</i> <a href="#">(WA)</a> s 10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976</i> <a href="#">(WA)</a> s 26 Limitation as to numbers
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To determine applications for keeping of three dogs in accordance with Council Policy.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  The Chief Executive Officer may further delegate (Sub-delegate) to employees with the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this delegation.
<b>Express Power to Sub-Delegate:</b>	s 10AA (3) Delegation of local government powers and duties (Note: sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Compliance Links:</b>	<a href="#">Dog Act 1976 (WA)</a> <a href="#">Dog Regulations 2013 (WA)</a> <a href="#">City of Belmont Consolidated Local Law 2020</a>

	<p>SB20 Dogs – Keeping of Three Dogs</p> <p>CP 63 - Execution of Documents Policy</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA30 Keeping of Three Dogs in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6. .
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**FOOD ACT 2008 [\(WA\)](#) DELEGATIONS****6.1 Council to CEO/ Employees****6.1.1 Determine Compensation**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Food Act 2008 <a href="#">(WA)</a>:</i> s 118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s 119] and guidelines adopted [s 120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008 <a href="#">(WA)</a>:</i> s 56(2) Compensation to be paid in certain circumstances s 70(2) and (3) Compensation
<b>Delegate:</b>	Chief Executive Officer Director Development and Communities
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to determine applications for compensation in relation to any item seized if no contravention has been committed and the item cannot be returned [s 56(2)].</li> <li>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s 70(2) and (3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> <ol style="list-style-type: none"> <li>1. In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> </ol>

	2. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$5000.00. Compensation requests above this value are to be reported to Council.
<b>Express Power to Sub-Delegate:</b>	NIL – <i>Food Regulations 2009</i> <a href="#">(WA)</a> do not provide for sub-delegation.

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <a href="#">Food Act 2008 (WA)</a> CP63 – Execution of Documents Policy Decision Level 3
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.  Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.

**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**6.1.2 Prohibition Orders**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Food Act 2008</i> <a href="#">(WA)</a> s 118 Functions of enforcement agencies and delegation s 119 Conditions on performance of functions by enforcement agencies s 120 Performance of functions by enforcement agencies and authorised officers
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008</i> <a href="#">(WA)</a> s 65 Prohibition order s 66 Certificate of clearance to be given in certain circumstances s 67 Request for re-inspection
<b>Delegate:</b>	Chief Executive Officer Director Development and Communities Manager Safer Communities
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	This delegation provides authority to: - 1. Serve a prohibition order on the proprietor of a food business in accordance with s 65 of the <i>Food Act 2008</i> <a href="#">(WA)</a> ; 2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any improvement notices; 3. Give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil.

<b>Express Power to Sub-Delegate:</b>	NIL – <i>Food Regulations 2009</i> <a href="#">(WA)</a> do not provide for sub-delegation.
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<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <a href="#">Food Act 2008 (WA)</a> <a href="#">City of Belmont Consolidated Local Laws 2020</a> CP63 – Execution of Documents Policy
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<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.  Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.
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**Version Control:**

1	Formerly DA26 Prohibition Orders in 2020-2021 Delegations Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008</i> <a href="#">(WA)</a> s 110 Registration of food business s 112 Variation of conditions or cancellation of registration of food businesses.
<b>Delegate:</b>	Chief Executive Officer Director Development and Communities Manager Safer Communities
<b>Function:</b>  This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	The delegation provides the authority to: - 1. Register a food business in respect of any premises for the purposes of Part 9 of the <i>Food Act 2008</i> <a href="#">(WA)</a> and issue a certificate of registration; 2. After considering an application, determine to grant (with or without conditions) or refuse the application; 3. Vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the <i>Food Act 2008</i> <a href="#">(WA)</a> .
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil.
<b>Express Power to Sub-Delegate:</b>	NIL – <i>Food Regulations 2009</i> <a href="#">(WA)</a> do not provide for sub-delegation.
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <a href="#">Food Act 2008 (WA)</a> <a href="#">City of Belmont Consolidated Local Laws 2020</a> CP63 – Execution of Documents Policy
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.



	Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.
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**Version Control:**

1	Formerly DA27 Registration of Food Business in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New policy OCM 12/12/2023

**6.1.4 Appoint Authorised Officers and Designated Officers**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Food Act 2008-</i> <a href="#">(WA)</a> s 118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s 119] and guidelines adopted [s 120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008</i> <a href="#">(WA)</a> : s 122(1) Appointment of authorised officers s 126(6), (7) and (13) Infringement Officers
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s 122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s 122(2) of this Act or the s 24(1) of the <i>Public Health Act 2016</i> <a href="#">(WA)</a>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> <a href="#">(WA)</a> [s 126(13)].</li> <li>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s 126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s 126(6)] and determining withdrawal of an infringement notice [s 126(7)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil.

<b>Express Power to Sub-Delegate:</b>	NIL – <i>Food Regulations 2009</i> <a href="#">(WA)</a> do not provide for sub-delegation.
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<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal  <a href="#">Food Act 2008 (WA)</a>  CP63 – Execution of Documents Policy
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<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.  Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.
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**Version Control:**

1	Formerly included in DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**6.1.5 Debt Recovery and Prosecutions**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Food Act 2008</i> <a href="#">(WA)</a> s 118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s 119] and guidelines adopted [s 120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008</i> <a href="#">(WA)</a> : s 54 Cost of destruction or disposal of forfeited item s 125 Institution of proceedings
<b>Delegate:</b>	Chief Executive Officer Director Development and Communities Manager Safer Communities
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s 54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s 54(3)]. 2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> <a href="#">(WA)</a> [s 125].
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil.
<b>Express Power to Sub-Delegate:</b>	NIL – <i>Food Regulations 2009</i> <a href="#">(WA)</a> do not provide for sub-delegation.

<b>Compliance Links:</b>	<p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p><a href="#">Food Act 2008 (WA)</a></p> <p>CP63 – Execution of Documents Policy</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly included in DA28 Food Act 2008 Prosecutions in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy

## GRAFFITI VANDALISM ACT 2016 [\(WA\)](#) DELEGATIONS

### 7.1. Council to CEO

#### 7.1.1 Graffiti Vandalism Act – Administration and Enforcement

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Graffiti Vandalism Act 2016 <a href="#">(WA)</a>:</i> s 16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016 <a href="#">(WA)</a>:</i> s 28 Notice of entry s 29 Entry under warrant
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authorised to exercise any of the City's powers or the discharge of any of its duties under the <i>Graffiti Vandalism Act 2016</i> .
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  <i>Graffiti Vandalism Act 2016 <a href="#">(WA)</a></i> <ul style="list-style-type: none"> <li>• s 21 Advice of objection and review rights: Whenever a notice is given under section 18, the person giving it is to ensure that, as soon as practicable after the notice is given, the affected person is given written reasons for being given the notice and is informed of the person's rights under this Division to object against, and apply for a review of, the decision to give the notice.</li> <li>• s 20 Affected person: If the person to whom a local government gives a notice under section 18 is not the owner of the property to which the notice relates, the owner is also an affected person, and a reference in this</li> </ul>

	<p>Division to the affected person includes both the owner and the person to whom the notice was given.</p> <ul style="list-style-type: none"> <li>• s 24 Suspension of effect of notice: Any objection to a notice must be dealt with by the local government as if it were an objection to a decision of the local government under the <i>Local Government Act 1995 (WA)</i> Part 9 and section 9.6 of that Act applies when dealing with that objection.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Graffiti Vandalism Act 2016 (WA)</i>: s 17 Delegation by CEO of local government.</p>

<b>Compliance Links:</b>	<p><a href="#">Graffiti Vandalism Act 2016 (WA)</a> <a href="#">City of Belmont Consolidated Local Laws 2020</a></p> <p>CP63 – Execution of Documents Policy</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**PUBLIC HEALTH ACT 2016 [\(WA\)](#) DELEGATIONS****8.1 Council to CEO****8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Enforcement Agency (defined as Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Health (Asbestos) Regulations 1992 <a href="#">(WA)</a>:</i> r 15D(7) Infringement Notices
<b>Express Power or Duty Delegated:</b>	<i>Health (Asbestos) Regulations 1992 <a href="#">(WA)</a>:</i> r 15D(5) Infringement Notices
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004 <a href="#">(WA)</a></i> Part 2 [r 15D(5)].
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r 15D(6)].
<b>Express Power to Sub-Delegate:</b>	Nil – the <i>Health (Asbestos) Regulations 1992 <a href="#">(WA)</a></i> do not provide a power to sub-delegate.
<b>Compliance Links:</b>	<a href="#">Public Health Act 2016 (WA)</a> <a href="#">Health (Asbestos) Regulations 1992 (WA)</a> <a href="#">Criminal Procedure Act 2004 (WA)</a>



	<p><a href="#">City of Belmont Consolidated Local Laws 2020</a></p> <p><a href="#">City of Belmont Health Local Law 2012</a></p> <p>CP63 – Execution of Documents Policy</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly Incorporated into DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**8.1.2 Enforcement Agency Reports to the Chief Health Officer**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Enforcement Agency (defined as Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Public Health Act 2016</i> <a href="#">(WA)</a> : s 21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> <a href="#">(WA)</a> s 22 Reports by and about enforcement agencies
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to prepare and provide to the Chief Health Officer, the Local Government’s report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the City of Belmont [s 22(1)]</li> <li>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s 22(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ol style="list-style-type: none"> <li>a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r 15D(6)].</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> <a href="#">(WA)</a> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s 21(4)].
<b>Compliance Links:</b>	<p><a href="#">Public Health Act 2016 (WA)</a> s 20 Conditions on performance of functions by enforcement agencies.</p> <p>CP63 – Execution of Documents Policy</p>

<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

**8.1.3 Designate Authorised Officers**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Enforcement Agency (defined as Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Public Health Act 2016</i> <a href="#">(WA)</a> : s 21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> <a href="#">(WA)</a> s 24(1) and (3) Designation of authorised officers
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> <li>i. The <i>Public Health Act 2016</i> <a href="#">(WA)</a> or other specified Act</li> <li>ii. Specified provisions of the <i>Public Health Act 2016</i> <a href="#">(WA)</a> or other specified Act</li> <li>iii. Provisions of the <i>Public Health Act 2016</i> <a href="#">(WA)</a> or another specified Act, other than the specified provisions of that Act.</li> </ol> </li> </ol> <p>Including:</p> <ol style="list-style-type: none"> <li>a. an environmental health officer or environmental health officers as a class; OR</li> <li>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>c. a mixture of the two. [s 24(1) and (3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ol style="list-style-type: none"> <li>1. Subject to each person so appointed being; <ul style="list-style-type: none"> <li>• Appropriately qualified and experienced [s 25(1)(a)]; and</li> <li>• Issued with a certificate, badge or identity card identifying the authorised officer [s 30 and 31].</li> </ul> </li> <li>2. A Register (list) of authorised officers is to be maintained in accordance with s 27.</li> </ol>

<p><b>Express Power to Sub-Delegate:</b></p>	<p>Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> <a href="#">(WA)</a>, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s 21(4)].</p>
<p><b>Compliance Links:</b></p>	<p><a href="#">Public Health Act 2016 (WA)</a></p> <p>s 20 Conditions on performance of functions by enforcement agencies.</p> <p>s 25 Certain authorised officers required to have qualifications and experience.</p> <p>s 26 Further provisions relating to designations</p> <p>s 27 Lists of authorised officers to be maintained</p> <p>s 28 When designation as authorised officer ceases</p> <p>s 29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</p> <p>s 30 Certificates of authority</p> <p>s 31 Issuing and production of certificate of authority for purposes of other written laws</p> <p>s 32 Certificate of authority to be returned.</p> <p>s 136 Authorised officer to produce evidence of authority</p> <p><a href="#">Criminal Investigation Act 2006 (WA)</a>, Parts 6 and 13 – refer s 245 of the <i>Public Health Act 2016</i> <a href="#">(WA)</a></p> <p>The Criminal Code, Chapter XXVI – refer s 252 of the <i>Public Health Act 2016</i> <a href="#">(WA)</a></p> <p><a href="#">Dog Act 1974 (WA)</a></p> <p><a href="#">Cat Act 2011 (WA)</a></p> <p><a href="#">City of Belmont Consolidated Local Law 2020</a></p> <p><a href="#">City of Belmont Health Local Law 2012</a></p> <p>CP63 – Execution of Documents Policy</p>
<p><b>Record Keeping:</b></p>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p>

	<p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly included DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	Execution of Documents Policy

**8.1.4 Determine Compensation of Seized Items**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Enforcement Agency (defined as Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Public Health Act 2016</i> <a href="#">(WA)</a> : s 21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> <a href="#">(WA)</a> s 264 Compensation
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s 264].
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> Compensation is limited to a maximum value of \$5000, with any proposal for compensation above this value to be referred for Council's determination.
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> <a href="#">(WA)</a> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s 21(4)].
<b>Compliance Links:</b>	<a href="#">Public Health Act 2016 (WA)</a> s 20 Conditions on performance of functions by enforcement agencies.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal

	<p><a href="#">City of Belmont Consolidated Local Law 2020</a></p> <p><a href="#">City of Belmont Health Local Law 2012</a></p> <p>CP63 – Execution of Documents Policy</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New policy 12/12/2023



**PLANNING AND DEVELOPMENT ACT 2005 [\(WA\)](#) DELEGATIONS****9.1 Council to CEO****9.1.1 Illegal Development**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995 <a href="#">(WA)</a>:</i> s 5.42(b) Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005 <a href="#">(WA)</a>:</i> Section 214(2), (3) and (5)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>(a) to remove, pull down, take up, or alter the development; and</li> <li>(b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.

	<p><b>Additional Conditions:</b></p> <p>Nil</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995</i> <a href="#">(WA)</a>: s 5.44 CEO may delegate some powers and duties to other employees</p>

<b>Compliance Links:</b>	<p><a href="#">Planning and Development Act 2005 (WA)</a> <a href="#">Planning and Development (Local Planning Schemes) Regulations 2015 (WA)</a> <a href="#">City of Belmont Consolidated Local Law 2020</a></p> <p>Note –Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p>CP63 – Execution of Documents</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
2	New Policy OCM 12/12/2023

## 9.2 Local Planning Scheme 15– Council to CEO

### 9.2.1 Development Applications

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	Planning and Development (Local Planning Schemes) Regulations 2015 <a href="#">(WA)</a> Schedule 2, Part 10, s 82(1) Delegations by local government
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015 <a href="#">(WA)</a>, Schedule 2</i> s 68 Determination of applications s 70 Form and date of determination s 77 Amending or cancelling applications  Planning and Development (Development Assessment Panel) Regulations 2011 17A Amendment or cancellation of development approval by responsible authority.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Interpret and apply the provisions of Local Planning Scheme No. 15 and any relevant statutory planning framework, including Local and State Planning Policies.  To determine development applications by issuing refusals, deemed refusals, approvals with relevant conditions and amendments to development approvals in respect of applications determined under delegated authority.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>

	<p>This delegation must not be exercised by the delegated officer where:</p> <ul style="list-style-type: none"> <li>• The estimated cost of development, excluding any development undertaken by the City, exceeds \$5 million.</li> <li>• The City, or an authorised party acting on behalf of the City, is proposing development, unless the development is on land owned or under the care and control of the City and its estimated cost does not exceed \$2 million.</li> <li>• The development proposal has a strategic impact and as a result involves issues in which Council has a direct interest.</li> <li>• A significant variation to the development standards listed in Local Planning Scheme No. 15 is evident.</li> <li>• A significant variation to a Local Planning Policy is evident and the variation is not consistent with the objectives of the Local Planning Policy.</li> <li>• A development application proposes a use which is a use that is not listed in the Local Planning Scheme No. 15 Zoning Table and the use has not previously been determined by Council.</li> <li>• A formal written objection has been received during the advertising of an application, unless in the opinion of the Chief Executive Officer or his delegate:             <ol style="list-style-type: none"> <li>a. The proposal is consistent with the objectives and intent of Local Planning Scheme No.15, the Residential Design Codes and any relevant Council Policy; and</li> <li>b. The objection can be overcome by imposing a condition on any approval granted, or modifying the design of the development; or</li> <li>c. The objection does not relate to the matter for which it has been referred and/or does not relate to valid planning and development considerations associated with the proposal; or</li> <li>d. The application is refused.</li> </ol> </li> <li>• A development application proposes a variation to the Deemed-to-Comply provisions <del>(Part 5)</del> or the Element Objectives and/or Acceptable Outcomes <del>(Part 6)</del> of the Residential Design Codes and that variation does not satisfy the related Design Principles <del>(Part 5 only)</del>;</li> <li>• The height of a proposed residential development exceeds three storeys or other height specified</li> </ul>
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	by Local Planning Scheme No. 15 or other statutory planning framework.
<b>Specific Delegation to</b>	Director Development and Communities Manager Planning Services Coordinator Planning Coordinator Planning Projects
<b>Function:</b>	<b>Amendments and Cancellations to Previously Approved Development</b>  Authority is granted to determine applications to amend or cancel previously Council approved developments, and Development Assessment Panel Form 2 Applications
<b>Specific Delegation to</b>	Director Development and Communities Manager Planning Services
<b>Function:</b>	<b>Approvals for Development Applications – Use Not Listed – Types Previously Determined by Council</b>  Authority granted to make determinations on development applications for “Use Not Listed” types that have previously been determined by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <a href="#">(WA)</a>  Schedule 2 Part 10 s 83(1) Local government CEO may delegate powers.

<b>Compliance Links:</b>	<a href="#">Planning and Development Act 2005 (WA)</a> <a href="#">Planning and Development (Local Planning Schemes) Regulations 2015 (WA)</a> <a href="#">Residential Design Codes</a> <a href="#">City of Belmont Consolidated Local Law 2020 (WA)</a>
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	<p>Note –Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p>CP63 – Execution of Documents Policy</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA21 Development Applications in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2.	Amended OCM 22/2/22 Change to Officer title
	Reviewed ELT 18/5/2022 OCM 28/6/2022
	Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023

**9.2.2 Preliminary and Final Built Strata Approval**

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Planning and Development Act 2005</i> <a href="#">(WA)</a> s16 (3) (e) Delegation by Commission
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005</i> <a href="#">(WA)</a> s16 (3) (e) Delegation by Commission  <i>Strata Titles Act 1985</i> <a href="#">(WA)</a> s15 s21 s22 s25 Certificate of Commission; and s27 Review of Commission decision
<b>Delegate:</b>	Director Development and Communities Manager Planning Services Coordinator Planning Services Coordinator Planning Projects Senior Planning Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Determine applications for preliminary built strata approval, and final built strata approval and endorse the applicable form after the conditions preliminary strata plan approval have been fulfilled, as delegated by the Western Australian Planning Commission.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> This delegation must not be exercised by the delegated officer for applications that: <ul style="list-style-type: none"> <li>Propose the creation of a vacant lot;</li> </ul>

	<ul style="list-style-type: none"> <li>Propose vacant air stratas in multi-tiered strata scheme developments; and</li> <li>Where, in the opinion of the WAPC as notified to the relevant local government in writing, relate to a type of development and/or land within an area which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil

<b>Compliance Links:</b>	<p><a href="#">Planning and Development Act 2005 (WA)</a> Delegation 2020/01 (Refer Delegation 10.2.3)</p> <p><a href="#">Strata Titles Act 1985 (WA)</a></p> <p>Note –Decisions under this delegation may be referred for review by the State Administration Tribunal</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> <a href="#">(WA)</a> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA22 Preliminary and Final Built Strata in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2.	Amended OCM 22/2/22 Change to Officer title
	Reviewed ELT 18/5/2022 OCM 28/6/2022
3	Minor removal of form and surplus wording from WAPC policy. Reviewed ELT 15/3/2023 OCM 26/4/2023



## **STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT AUTHORITIES**

### **10.1 *Environmental Protection Act 1986* [\(WA\)](#)**

#### **10.1.1 Noise Control – Environmental Protection Notices [Reg 65(1)]**

Delegation 52

#### **10.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events**

Delegation 112

#### **10.1.3 Noise Management Plans – Construction Sites**

Delegation 119 EPA Noise Regulations

### **10.2 *Planning and Development Act 2005* [\(WA\)](#)**

#### **10.2.1 Instrument of Authorisation – Sign Development Applications for Crown Land as Owner**

WAPC\_DEL\_Authorisation\_Instrument\_Minister\_of\_Lands\_(local\_gov\_CEOs).pdf

#### **10.2.2 Development Control Powers – Powers of Local Governments and DOT - Metropolitan Region Scheme (DEL.2017/02)**

Govt Gazette 30/5/17 &

WAPC\_DEL\_Powers\_of\_Local\_Governments\_and\_DoT.pdf

Govt Gazette 2/6/17

WAPC\_DEL\_Powers\_of\_Local\_Governments\_and\_DoT\_correction\_notice\_2Jun2017.pdf

Government Gazette 18/12/18

WAPC\_DEL\_Amendment\_Powers\_of\_local\_governments\_and\_DOT\_MRS\_18Dec2018.pdf

#### **10.2.3 WA Planning Commission – Section 25 of the *Strata Titles Act 1985***

Powers of Local Governments - s 15 of the *Strata Titles Act 1985* (DEL.2020/01)

### **10.3 *Main Roads Act 1930* [\(WA\)](#)**

#### **10.3.1 Traffic Management – Events on Roads & Works on Roads**

**Main Roads /Delegation of Authority For Parking Control on Verges of M... of Au... DSID 2588809**

**Main Roads /Delegation of Authority For Parking Control on Verges of M... ument ...**

**Main Roads /Delegation of Authority For Parking Control on Verges of M...**

#### **10.3.2 Control of Advertisements**

Guidelines-for-advertising-signs-within-and-beyond-state-road-reserves.pdf

**MRWA / Copy original delegation letter 28/05/73 - Control of advertisi...**

**10.4 Road Traffic (Vehicles) Act 2012 [\(WA\)](#)**

**10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles**

EmergencyVehicle\_Yellow\_WarningLights.pdf

## 12.9 Proposed Differential Rates for 2024-25

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

### Council role

**Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### Purpose of report

For Council to consider the proposed differential and minimum rates for the 2024-25 rating year for advertising purposes.

### Summary and key issues

This report covers the proposed rates in the dollar and minimum payments for the 2024-25 rating period including the objectives and reasons for the City to charge each differential rate.

The City is required to advertise the proposed differential rates, receive feedback from the public and take into consideration the feedback prior to adopting the 2024-25 budget at the 25 June 2024 Council Meeting. This report recommends the application of a 3.5% increase, subject to the Perth Metropolitan annualised Consumer Price Index (CPI) for the March 2024 quarter.

## Officer Recommendation

That Council:

1. Endorse the proposed Statement of Objectives and Reasons for each Differential Rates 2024-25 (Attachment 12.9.1).
2. Advertise, in accordance with Section 6.36(1) of the *Local Government Act 1995 (WA)*, its intention to levy the following general rates and minimum payments for Residential, Commercial and Industrial ratepayers rate setting purposes that equate to a 3.5% increase in the total rate levy:

Residential Category	Proposed Cents in the Dollar	Proposed Minimum \$
Residential	6.3232	880
Commercial	7.5878	1,040
Industrial	8.2202	1,060

3. Notes any public submissions received in response to Recommendation 2 above will be presented to Council for consideration and included in the budget adoption process.
4. Offer a 5% discount to ratepayers who pay the full amount owing within 35 days of issuing the rate notice in accordance with Section 6.46 of the *Local Government Act 1995 (WA)*.
5. Endorse the amended Financial Hardship Policy (Attachment 12.9.2) including any further administrative amendments/layout changes as required prior to publication on the City's website.
6. Continue to rate the payments in lieu of rates received by Council at the Commercial Differential Rate in the dollar on Gross Rental Values.

**Officer Recommendation adopted en bloc by Absolute Majority - Refer to Resolution appearing at Item 12.**

## Location

Not applicable.

## Consultation

In accordance with section 6.36 of the *Local Government Act 1995 (WA)*, public comments will be invited through publication of a local public notice, with the consultation period being open for a minimum of 21 days. All submissions received will be submitted to Council for consideration.

According to the regulations gazetted in November 2020 the City is required to advertise the intention to levy differential rates on four media platforms. Once approved by Council, advertising of the City's intention to levy the 2024-25 Differential Rates will be on the following forums which will satisfy the regulation requirements:

1. City's Website
2. The Saturday West newspaper
3. PerthNow Southern newspaper
4. Noticeboard in the City's Ruth Faulkner Library and Civic Centre

The advertising of the City's intention to levy 2024-25 differential rates and the statement of objectives and reasons will commence on 4 May 2024 and will be open for submission for 27 days, closing at 4pm Friday, 31 May 2024.

## Strategic Community Plan implications

In accordance with the 2020 – 2040 Strategic Community Plan:

### Goal 5: Responsible Belmont

**Strategy:** 5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.

## Policy implications

This report incorporates the provisions of the City's Financial Hardship Policy.

## Statutory environment

It is a requirement under Section 6.36 of the *Local Government Act 1995 (WA)* that where a Council elects to use differential rates, then it shall advertise its

intention to do so, and call for submissions for a period of at least 21 days before any further action occurs. Further, the local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification. This will occur during the budget adoption process.

In accordance with Section 6.35 of the *Local Government Act 1995 (WA)*, a local government may impose a minimum payment and is to ensure the minimum payment is not imposed on more than 50% of properties in a category.

## **Background**

This report outlines the proposed rate in the dollar and minimum rate for the purpose of public advertising.

The process of setting the rates to be charged for 2024-25 is essential prior to budget adoption which is proposed to occur at the 25 June 2024 Ordinary Council Meeting.

The City has three categories of differential rates, namely Residential, Commercial and Industrial. Rates are determined by multiplying the Gross Rental Value (GRV) by the cents in the dollar for each rating category. Landgate sets the GRV and the Council determines the cents in the dollars for each rating category. The cents in the dollar differs for each differential rate.

Council must also set a minimum payment for each rating category that cannot be charged on more than 50% of the total properties for each of the three rating categories in accordance with Section 6.35 of the *Local Government Act 1995 (WA)*.

## **Report**

### **Statement of Objectives and Reasons for Differential Rates 2024-25**

The overall objective of the proposed rates in the 2024-25 Budget is to provide for the net funding requirements of the City's various programs, services and facilities. The statement of objectives and reasons for proposing differential rates for 2024-25 is attached (Attachment 12.9.1).

### **Draft Rate Setting Statement for 2024-25**

The budget rate setting statement is a key document in determining the City's ability to be able to maintain amenities and assets, provide services to the

community, deliver projects and deliver key strategies. As shown in Attachment 12.9.3, the total predicted operating expenditure for 2024-25 budget is \$84,984,733 compared to \$75,181,538 for the 2023/24 adopted budget. Total predicted operating revenue is projected to be \$19,406,521 (excluding rates) compared to \$14,794,021 for the 2023/24 adopted budget.

Employee costs are expected to rise in line with the City of Belmont Industrial Agreements and mandatory superannuation payment contribution increase from 11% to 11.5%. Materials and contract expenditure costs are expected to rise in line with the Consumer Price Index (CPI).

Some of the significant projects for the 2024-25 budget are:

- Faulkner Civic Precinct Redevelopment \$4.6M
- Wilson Park Precinct Redevelopment Zone 2A \$2M partially funded by Investing in Our Communities
- Streetscape Enhancement program \$720K

### **Rating Strategy and Methodology**

Consistent with the strategy adopted in previous years, the rate setting has been considered in the light of the forecasted Local Government Cost Index (LGCI) and forecasted Consumer Price Index (CPI) for WA, with the necessary reasonable increases to offset any budget deficit.

In March 2024 WALGA's Local Government Cost Index (LGCI) was forecast to fall to 3.1% in 2024-25 and then to 2.8% for 2025/26 and 2026/27.

The Australian Bureau of Statistics released the December 2023 CPI, which revealed the Perth Metropolitan CPI increased in the December 2023 quarter by 1.5% and the annualised CPI was 3.6%, compared to the overall CPI for Australia of 4.1%. The February monthly CPI indicator is 3.4%, with the March 2024 quarter due for release in late April. Following the release of this indicator, the City will adjust the proposed rate increase accordingly.

	Index number(a)	Percentage change (%)	
	Dec Qtr 2023	Sep Qtr 2023 to Dec Qtr 2023	Dec Qtr 2022 to Dec Qtr 2023
Sydney	136.4	0.4	4.2
Melbourne	136.1	0.6	3.8
Brisbane	137.7	0.5	4.2
Adelaide	137.1	0.7	4.8
Perth	134.0	1.5	3.6
Hobart	136.8	0.7	3.3
Darwin	131.5	0.5	3.9
Canberra	134.3	0.4	3.7
Weighted average of eight capital cities	136.1	0.6	4.1

Table A: All Group CPI – December 2023

The following facts were also considered in determining the proposed rates increase for 2024-25:

- Costs for local governments continue to grow at a fast pace. The City has experienced new construction cost increases as much as 40% to 60% higher than estimated;
- Supply constraints in material and labour continue to place upward pressure on prices; and
- The current development in the international markets has increased the price of fuel, transportation, and cost of goods.

Based on the reasons above and the current economic climate, the City has based its rates modelling on 3.5%.

## Rating Modelling

All GRV property valuations are provided by the independent State Government authority Landgate and the Valuer General of WA. The following rate models utilise the GRVs supplied by Landgate including the annual growth to compare various rating scenarios. The proposed budget has been modelled to establish outcomes against revenue scenarios associated with a 3.5% increase, a 4% increase compared with a 4.5% increase in rates.



### Rate Model No 1

Table B below shows the outcome of applying an adjusted rate in the dollar of 3.5% for each differential rate category. This model produces rate revenue of \$46,420,539 and results in a balanced budget.

Differential Category	2024-25 Cents in Dollar	2024-25 Minimum \$	Non-Minimum Levies \$	Minimum Levies \$	Total Rates \$
Residential	6.3232	880	23,101,185	1,374,560	24,475,745
Commercial	7.5878	1,040	11,129,896	146,640	11,276,536
Industrial	8.2202	1,060	10,660,838	7,420	10,668,258
			<b>44,891,919</b>	<b>1,528,620</b>	<b>46,420,539</b>

Table B: 3.5% increase in rates

### Rate Model No 2

Table C below shows the outcome of applying an adjusted rate in the dollar of 4% for each differential rate category. This model produces rate revenue of \$46,652,715 and results in a budget surplus of \$218,785.

Differential Category	2024-25 Cents in Dollar	2024-25 Minimum \$	Non-Minimum Levies \$	Minimum Levies \$	Total Rates \$
Residential	6.3537	890	23,209,068	1,393,740	24,602,808
Commercial	7.6244	1,040	11,183,581	146,640	11,330,221
Industrial	8.2598	1,070	10,712,195	7,490	10,719,685
			<b>45,104,845</b>	<b>1,547,870</b>	<b>46,652,715</b>

Table C: 4% increase in rates

### Rate Model No 3

Table D below shows the outcome of applying current GRVs and an adjusted rate in the dollar of 4.5% for each differential rate category. This model produces rate revenue of \$46,896,112 and results in a budget surplus of \$450,961.

Differential Category	2024-25 Cents in Dollar	2024-25 Minimum \$	Non-Minimum Levies \$	Minimum Levies \$	Total Rates \$
Residential	6.3843	890	23,324,408	1,390,180	24,714,588
Commercial	7.6612	1,050	11,237,560	148,050	11,385,610
Industrial	8.29960	1,070	10,763,812	7,490	10,771,302
			<b>45,325,780</b>	<b>1,545,720</b>	<b>46,871,500</b>

Table D: 4.5% increase in rates

### Other Considerations

In accordance with the *Local Government Act 1995 (WA)*, a local government can only raise a maximum of 50% of its rate revenue from minimum payments. For the 2024-25 financial year 9.78% of Residential properties, 13.74% of Commercial properties and 1.45% of Industrial properties will be rated on the minimum payment. This equates to 24.97% of all rated properties being charged the minimum payment.

The growth of GRVs is another important factor that is considered when formulating a rating strategy. The following table compares the GRV applicable to 2023-24 and the GRV as supplied by Landgate that are applicable for the 2024-25 financial year. The increase in GRV is due to annual growth also known as interim rating. There has been a relatively minor movement because of slowing growth (0.68% in 2023-24 compared to 1.64% in 2024-25).

Rate Category	GRVs 2023-24	GRVs 2024-25	Increase
Residential	315,015,478	383,526,034	-0.73%
Commercial	139,034,073	147,677,437	-0.93%
Industrial	123,977,098	129,758,888	-1.26%
	<b>574,768,909</b>	<b>574,768,909</b>	<b>1.64%</b>

Table E: Growth in GRV Rating

The predicted growth in rates revenue from interim rates for 2024-25 is \$301,541. However, this figure is difficult to accurately estimate in the current challenging economic climate. It will however be monitored and updated during the budget review cycles.

### Waste Charges

Notwithstanding the recommended 3.5% cents in the dollar and minimum rate increase, sanitation charges are proposed to increase in 2024-25, resulting in the (base) sanitation charge increasing from \$320.50 to \$337. This increase equates to 5.1% and includes a CPI increase of 3.4% and an additional increase of \$5. Sanitation charges are a fee for service and aim to cover costs with any surpluses or losses historically offset by transfers through the Waste Management Reserve. The proposed charge reflects the partial offset of increased cost relating to the implementation of Food Organics, Garden Organics (FOGO) utilising the Waste Management Reserve to minimise the impact on ratepayers.

### Rate Payments

It is proposed that the five percent (5%) discount for full payment of rates by the due date will continue to apply, with flexibility for other payment options namely:

- Pay by instalments (four instalments);
- Pay by direct debits (fortnightly and monthly); and
- Pay by alternative payment arrangements.

### Financial Hardship

The Financial Hardship Policy has been amended and is presented to Council herein. The hardship policy aims to assist ratepayers experiencing hardship by removing administrative costs and penalties for outstanding rates.

Although it is very difficult to determine the likely take-up, the budget includes an allowance of \$5,000 to support the hardship policy. Should the take-up be greater than that, an increase would need to be considered as part of the budget review cycles. Details of approved hardship applications approved in the 2022-23 and 2023-24 (to 31 March 2024) years are as follows:

	<b>Applications Approved</b>	<b>Cost to City \$</b>
2022-23	8	163.24
2023-24	8	958.17
		<b>1,121.41</b>

### Financial implications

The advertising of the proposed differential and minimum rates is pivotal in the development of the annual budget. The level of rates generated is linked to the delivery of service and level of funding for capital works and debt servicing.

## Environmental implications

There are no environmental implications associated with this report.

## Social implications

There are no social implications associated with this report.

## Attachment details

Attachment No and title	
1.	City of Belmont Objects and Reasons - Differential Rates 2024-25 [ <b>12.9.1</b> - 6 pages]
2.	Financial Hardship Policy [ <b>12.9.2</b> - 4 pages]
3.	Draft Statement of Financial Activity [ <b>12.9.3</b> - 2 pages]



# Objects and Reasons for Differential Rates

## 2024/25

### Introduction

The City prepares a budget each year which must be adopted by Council. The aim of the budget is to provide sufficient funds for the City to provide the services and key infrastructure that the community wants, while ensuring rates offer value-for-money.

It is a requirement of the *Local Government Act 1995* that the City must advertise its differential rates in a document called 'Objects & Reasons' (this document), a document that explains what the proposed differential rates are, why different properties are charged different rates and what the proposed rate in the dollar is next year. Below, we also explain how rates are calculated and have provided an overview of the proposed capital works expenditure and some key infrastructure projects.

### Proposed Expenditure

#### Draft Capital Works Budget 2024/25

Please note some projects may be subject to further consultation outcomes or consideration and could change.

<p><b>Parks &amp; Environment \$4.4M</b></p> <ul style="list-style-type: none"> <li>• Park irrigation renewals</li> <li>• Playground renewals</li> <li>• Park furniture renewals</li> </ul>	<p><b>Roads \$4.5M</b></p> <ul style="list-style-type: none"> <li>• Asphalt overlay program</li> <li>• Local area traffic management projects</li> <li>• Design and investigation</li> </ul>
<p><b>Path Network \$600K</b></p> <ul style="list-style-type: none"> <li>• New footpath and fencing installations</li> <li>• Upgrades to existing paths</li> <li>• Replacement of damaged sections of footpaths</li> </ul>	<p><b>Buildings and facilities \$1.3M</b></p> <ul style="list-style-type: none"> <li>• Tomato Lake activation</li> <li>• Replacement of pool filters at Belmont Oasis</li> <li>• Change room refurbishments                             <ul style="list-style-type: none"> <li>○ Forster Park</li> <li>○ Gerry Archer Reserve</li> <li>○ Centenary Park</li> <li>○ Miles Park</li> </ul> </li> <li>• Belmont Resource Centre toilet upgrade</li> </ul>
<p><b>City Projects \$8M</b></p> <ul style="list-style-type: none"> <li>• Faulkner Civic Precinct</li> <li>• Wilson Park redevelopment</li> <li>• Abernethy Sporting Precinct</li> <li>• Peet Park revitalisation</li> </ul>	<p><b>Other \$1.5M</b></p> <ul style="list-style-type: none"> <li>• Fleet and plant replacement program</li> <li>• IT network and hardware</li> </ul>

**What are the reasons for the 2024/25 differential rates?**

The City has a net funding shortfall in its Operational and Capital budget for 2024/25 of \$59.5m, required to be made up from rates. This funding pays for infrastructure and services like roads, parks, streetscapes, library, museum, leisure centre and events, to name a few. We are proposing increasing rates by 3.5% for 2024/25 to ensure we can deliver these essential services and projects to our community. This increase is in line with Perth CPI as has been the normal practice for the City in prior years.

**Rates & Minimum Payments for 2024/25**

The table below shows the rate in the dollar which is being proposed to be increased by 3.5%, and the minimum payment required for each rate category in 2024/25.

<b>Rate Category for 2024/25</b>	<b>Cents in the \$</b>	<b>Minimum \$</b>
Residential	6.3232	880
Commercial	7.5878	1,040
Industrial	8.2202	1,060

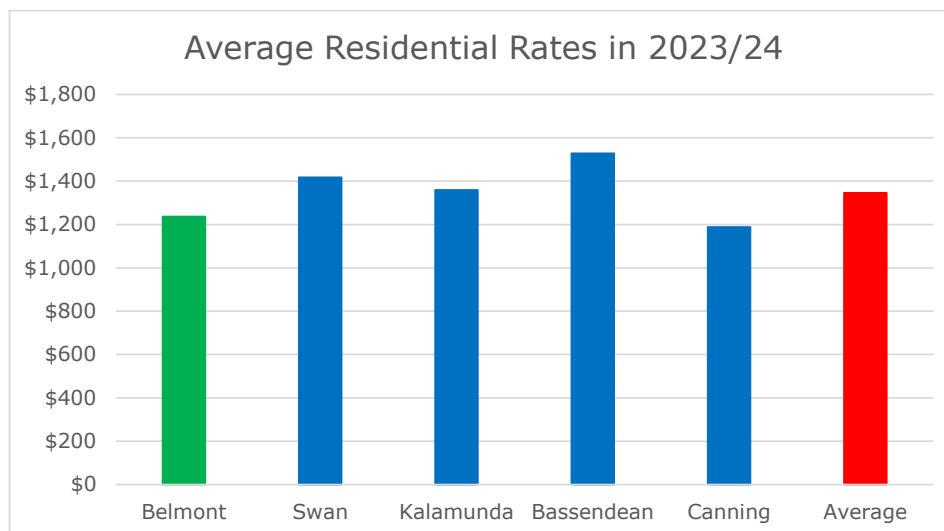
**Key Services being delivered each day**

- Waste collection – Food Organics, Garden Organics (FOGO) and on demand bulk bin services
- Library, Museum and Leisure Centre
- Community Watch security patrols
- Free events for our community
- Community Contribution Fund – Grants and donations for local clubs, individuals, incorporated community groups and not-for-profit organisations to provide projects, programs or activities that benefit the Belmont community.

**How do we compare with our neighbouring Councils?**

The graph below demonstrates how Belmont compares with our neighbouring Councils. The comparison is based on the 2023/24 financial year and the information is sourced from the annual budgets published by the Councils which includes all residential properties.

## Attachment 12.9.1 City of Belmont Objects and Reasons - Differential Rates 2024-25



*Note: Average residential rates have been calculated by dividing the total residential rate income (excluding interim and back rates) by the total number of residential properties.*

### What is the objective for rates in 2024/25?

In accordance with Sections 6.33 and 6.36 of the *Local Government Act 1995* the City is required to publish its Objects and Reasons for implementing differential general rates.

The objective of the proposed rates and charges in the 2024/25 budget is to provide for the net funding shortfall of \$59.5m in Council's Operational and Capital Program for 2024/25.

The table below shows the net funding shortfall of \$59.5m which will be funded via the proposed 3.5% increase in rates for 2024/25.

	<b>Draft Budget 2024/25 \$M</b>
Surplus or deficit at the start of the financial year	0.5
Revenue from operating activities	19.4
<i>(Less)</i> Expenditure from operating activities	(85)
<i>Plus</i> Non-cash amounts excluded from operating activities	12.9
<i>(Less)</i> Payments for property, plant and equipment	(4.2)
<i>(Less)</i> Payments for construction of infrastructure	(20.1)
<i>Plus</i> Capital grants, subsidies & contributions	2.8
<i>Plus</i> Proceeds from disposal of assets	0.7
<i>Plus/(Less)</i> Transfers to/from reserve accounts	13.6
<i>(Less)</i> Repayment of borrowings	(0.6)
<i>(Less)</i> Surplus or deficit at the end of the financial year	0.5
<b>Deficiency to be funded from rates</b>	<b>(59.5)</b>

New capital projects planned for 2024/25 total \$20.3m, with the addition of a number of previously approved projects deferred from last year of \$3.9m resulting in total capital expenditure of \$24.2m.

### **Who undertakes the GRV valuations?**

All GRV property valuations are provided by the independent State Government authority Landgate and the Valuer General of WA. The City pays a fee for this service but has no role in determining the valuation for any property, nor does the City have the ability to appeal a valuation provided by the Valuer General.

### **Why are there different rates for different properties?**

Different properties in Belmont are charged different rates, hence the term 'differential rates'.

Properties are charged differently according to their primary use. The difference is to ensure that a reasonable contribution to the cost of local government services and facilities.

As commercial and industrial sectors generate higher traffic volumes with heavier loads than the residential sector, they should contribute at a higher level for road construction, maintenance and refurbishment. Residential properties typically pay lower rates due to the lower GRV applied and the application of a high GRV concession.

Under the *Local Government Act 1995*, Section 6.33 - Differential General Rates, the Council can introduce differential rates as follows:

*A local government may impose differential general rates according to any, or a combination, of the following characteristics —*

*(a) The purpose for which the land is zoned under a local planning scheme in force under the planning and Development Act 2005;*

*(b) The predominant purpose for which the land is held or used as determined by the local government;*

*(c) Whether or not the land is vacant land; or*

*(d) Any other characteristic or combination of characteristics prescribed.*

### **How are rates calculated?**

Council sets the rate in the dollar every year for each rate category. The independent State government authority, the Valuer General of WA sets the Gross Rental Value (GRV) every three years. The GRV is a property's estimated yearly rental income. Your property's GRV is stated on your annual rates notice.

To calculate your annual rates, multiple your GRV by the rate in the dollar and subtract any rate concessions you may receive if eligible.

Rates (\$) = GRV X Rate Category RID – any rate concessions



## What are the differential rate categories?

### Residential

The objective of the residential rate category is to apply a base differential rate to land used for residential purposes and to act as the City's benchmark differential rate by which all other rated properties are assessed.

This rate assures that all ratepayers make a reasonable contribution towards the ongoing maintenance and provision of works, services and facilities throughout Belmont.

Council is committed to increasing the residential rates base resulting in growth which will evenly distribute the overheads of maintaining the infrastructure of the City. There are continuing positive signs of redevelopment under the current Local Planning Scheme, and this is envisaged to continue to increase into the foreseeable future.

The proposed rate in the dollar for this category is 6.3232¢ with a minimum payment amount of \$880.

### Commercial & Industrial

The location of both the Perth Airport and the Kewdale Freight Terminal has encouraged industry to locate within the City of Belmont. This results in large volumes of heavy traffic within the City and therefore an accelerated deterioration of roads which is a major factor in the differential categories and their respective rates and minimum payments (i.e. with Industrial sectors having a slightly higher rate in the dollar and minimum payment than Commercial sector).

Both the Commercial and Industrial sectors also require greater resourcing and expenditure from Council on services such as Health, Building and Town Planning. The differential rates and minimum payments reflect the levels of costs and resourcing required to service each sector of the community.

Council is also mindful of the employment opportunities generated by both sectors and therefore, keeps the differential as reasonable as possible.

Council also recognises that the Commercial and Industrial sectors form an integral part of the City's rate base and therefore uses the City of Opportunity Marketing Strategy to support and promote both sectors.

The objective of these differential rate categories is to raise sufficient revenue to offset the costs associated with increased maintenance of infrastructure, particularly transport related infrastructure, and higher levels of services associated with properties in this category.

The proposed rate in the dollar for the commercial category is 7.5878¢ with a minimum payment of \$1,040.

The proposed rate in the dollar for the industrial category is 8.2202¢ with a minimum payment amount of \$1,060.

Council will continue to compare its rates in the dollar and minimum payments with other neighbouring local governments for benchmarking purposes.

## Are there other charges?

The Waste Management Service Charge for residential, commercial and industrial properties using the service will be \$332 for 2024/25. This charge reflects the partial offset of the increased cost relating to the implementation of Food Organics, Garden Organics (FOGO) utilising the Waste Management Reserve to minimise the impact on ratepayers.

The Swimming Pool Levy for 2024/25 will remain at \$29.50 per swimming pool. This charge is calculated on a full cost recovery basis. All funds raised by the levy will go towards the inspection of 1,242 swimming pools in Belmont as required by legislation.

Although not a Council related charge, the City collects the Emergency Services Levy (ESL) on behalf of the Department of Fire & Emergency Services (DFES) via the annual rates notice. At the time of preparing this document, DFES had not yet indicated their intentions in relation to ESL charges for 2024/25.

## Payment options

Payment options include payment in full within 35 days from the date of issue as shown on your rate notice or payment over four instalments.

Commencing in 2024/25, the City will be introducing **SmoothRates** which will be shown as an additional payment option on your rate notice. The payment amounts specified will allow payment over approximately a 10 month period where there are no arrears on the account and payments are made by direct debit either fortnightly or monthly. **SmoothRates** will be offered with no administration or instalment interest charges applied. Further information will be provided with your rate notice.

The City also provides the opportunity for ratepayers to make approved alternative payment arrangements for outstanding amounts. This option attracts a once off administration fee of \$20 (registered pensioners & seniors are exempt from this fee).

The City is one of only a few councils to offer a discount where payment is made in full by the due date. This 5% discount applies to the rates portion of your account where rates are paid as one instalment by the due date.

Interest is levied on Council imposed rates and charges where payment in full or instalment payments are not received within their respective due dates. The penalty rate will increase to 11% in accordance with the *Local Government Act 1995*.

## Submissions

Section 6.36 (3)(b)(ii) of the *Local Government Act 1995* requires Council to invite submissions from electors and ratepayers in respect of the rates and minimum payments proposed for the differential general rating categories.

All submissions are required to be made by 4pm on Friday, 31 May 2024.

A report will be prepared on submissions, if any, and present to the Council Meeting on Tuesday, 25 June 2024.

Enquiries by telephone to 08 9477 7222 or email [rates@belmont.wa.gov.au](mailto:rates@belmont.wa.gov.au)

## **Financial Hardship Policy**

### **Policy Objective**

To ensure the City offers fair, equitable, consistent and dignified support to ratepayers experiencing hardship, while treating all members of the community with respect and understanding during financial hardship.

### **Policy Detail**

This Policy applies to all ratepayers of the City experiencing financial hardship and is applicable to outstanding rates and service charges as at the date of adoption of this Policy and as subsequently levied.

The provisions of the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and *Rates and Charges (Rebates and Deferments) Act 1992* apply.

#### **1. Payment difficulties, hardship and vulnerability**

Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person is unable to pay a debt without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The City recognises that people in our community may be experiencing payment difficulties, financial hardship and vulnerability.

This policy is intended to apply to ratepayers experiencing financial hardship.

#### **2. Anticipated Financial Hardship**

We recognise that some ratepayers may experience financial hardship and we respect and anticipate the probability that additional financial difficulties will arise when rates notices are received.

#### **3. Financial Hardship Criteria**

While evidence of financial hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Pandemics
- Impacts of natural disaster

- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers are encouraged to provide information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. In order for the City to assess an application, evidence of income is required. Examples of appropriate evidence required to assess an application are:

- a) Proof of Centrelink payments for at least three consecutive months for individuals
- b) Copy of Business Activity Statements submitted to the Australian Tax Office that show a loss of income of at least 50% over a quarter year for businesses
- c) Other substantive evidence of hardship as required by the City.

The City will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

#### **4. Payment Agreements**

While incurred rates and service charges cannot be waived, the City will work with the applicant to determine an appropriate and affordable payment agreement.

Payment agreements for rates and service charges will only be offered on a primary residence. Investment, commercial or industrial properties will not be eligible.

Payment agreements may be made in accordance with Section 6.49 of the Act and are to include an agreed payment frequency and amount. Rates financial hardship, payment plan applications will be considered in context of:

- The ratepayer has made genuine effort to meet rate and service charge obligations.
- The payment agreement will clear the debt within an agreed end date that is realistic and achievable.
- The ratepayer is responsible for informing the City of any change in circumstance that jeopardises the agreed payment plan.
- Payment agreements are only valid for the financial year in which they are made.

#### **5. Interest Charges**

In the case of severe financial hardship, the City may consider waiving the interest accrued on rates and service charge debts.

#### **6. Pension / Concession / Seniors Cardholders**

Persons who hold a Pension Card, State Concession Card, Seniors Card, or Commonwealth Seniors Health Care Card once registered may be eligible to claim a concession on both the current Rates and Emergency Services.

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates and Emergency Services Levy balance:

- Remains as a debt on the property until paid;
- Becomes payable in full upon the passing of the pensioner if they are the sole owner; if the property is sold or if the pensioner ceases to reside in the property;
- May be paid at any time after a rebate concession has been approved for the current financial year; and
- Does not incur penalty interest charges.

### **7. Rates and Service Charge Debt recovery**

We will suspend our debt recovery processes whilst negotiating a suitable rates and service charge payment agreement with the ratepayer.

Where a ratepayer is unable to make payments in accordance with the agreed payment agreement and the ratepayer advises the City and makes an alternative arrangement before defaulting on the 3rd due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any debts that remain outstanding on 1 July of the current financial year, we may offer the ratepayer one further opportunity of adhering to a payment plan that will clear both the arrears and current debt by the end of the following financial year.

### **8. Communication and Confidentiality**

The City will always maintain confidentiality about any financial hardship matter and we undertake to communicate with a nominated support person or other third party at your request.

We recognise that applicants for financial hardship consideration are experiencing additional stressors and may have complex needs. We will provide additional time to respond to communications and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

### **Reference/Associated Documents**

[Local Government Act 1995](#) Sections 5.51(c), 6.49, 6.51

[Local Government \(Financial Management\) Regulations 1996](#) Part 5

## Reference to Internal Procedure

[Collection of Rates Policy](#)

[Financial Hardship Application Form](#)

[Financial Hardship Application Information](#)

## Definitions

'City' means the City of Belmont

'Emergency Services Levy' means the annual charge paid by all property owned in Western Australia and is charged by the Department of Fire and Emergency Services

This Policy is supported by:		
Policy No:	CP35	
Strategic Community Plan Strategy:	<b>Goal 5: Responsible Belmont Strategy:</b> 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations	
Register of Delegations:	N/A	
Service Area:	Corporate and Governance	
Policy Owner:	Manager Finance	
Policy Stakeholder:	Coordinator Rates	
Amendment Status:		
Date of Amendment	Status of Amendment	Minute Item Reference
26/05/20	New Policy	12.7
22/06/21	Major	12.8
24/05/23	Review - Minor	12.7
22/08/23	Review - Moderate	12.10

## City of Belmont

### Statement of Financial Activity - Draft 2024-25 Budget

#### OPERATING ACTIVITIES

##### Revenue from operating activities

Grants, subsidies and contributions	1,730,280
Fees and charges	10,474,465
Interest revenue	6,765,370
Other revenue	590,153
	<b>19,560,268</b>

##### Expenditure from operating activities

Employee costs	(27,901,945)
Materials and contracts	(39,653,884)
Utility charges	(1,478,280)
Depreciation	(12,935,924)
Finance Costs	(516,281)
Insurance	(944,203)
Other expenditure	(1,554,216)
	<b>(84,984,733)</b>

Non-cash amounts excluded from operating activities	12,935,924
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<b>Amount attributable to operating activities</b>	<b>(52,488,541)</b>
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#### INVESTING ACTIVITIES

##### Inflows from investing activities

Capital grants, subsidies and contributions	2,769,188
Proceeds from disposal of assets	672,141

##### Outflows from investing activities

Purchase of property, plant and equipment	(4,146,970)
Payments for construction of infrastructure	(20,081,645)

<b>Amount attributable to investing activities</b>	<b>(20,787,286)</b>
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## City of Belmont

### Statement of Financial Activity - Draft 2024-25 Budget

**FINANCING ACTIVITIES**

**Inflows from financing activities**

Transfers from reserve accounts	16,372,184
---------------------------------	------------

**Outflows from financing activities**

Repayment of borrowings	(641,884)
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Payments for principal portion of lease facilities	0
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Transfers to reserve accounts	(2,953,439)
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<b>Amount attributable to financing activities</b>	<b>12,776,861</b>
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**MOVEMENT IN SURPLUS OR DEFICIT**

<b>Surplus or deficit at the start of the financial year</b>	500,000
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Amount attributable to operating activities	(52,488,541)
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Amount attributable to investing activities	(20,787,286)
---	--------------

Amount attributable to financing activities	12,776,861
---	------------

<b>Surplus or deficit at the end of the financial year</b>	<b>500,000</b>
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<b>Amount required to be raised from rates</b>	<b>(59,498,966)</b>
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*NB: Activity Based Costing and Overhead allocations not yet included*



## 12.10 Accounts for Payment March 2024

Voting Requirement	:	Simple Majority
Subject Index	:	54/007- Creditors - Payment Authorisation
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

**Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### Purpose of report

To present to Council the list of expenditure paid for the period 1 March 2024 to 31 March 2024 under delegated authority.

### 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 (WA)*.

#### Officer Recommendation

That the Authorised Payment Listing for March 2024 as provided under Attachment 12.10.1 be received.

**Officer Recommendation adopted en bloc by Absolute Majority - Refer to Resolution appearing at Item 12.**

## Location

Not applicable.

## Consultation

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

## Strategic Community Plan implications

In accordance with the 2020–2040 Strategic Community Plan:

### Goal 5: Responsible Belmont

**Strategy:** 5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community

**Strategy:** 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations

## Policy implications

There are no policy implications associated with this report.

## Statutory environment

Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996 (WA)* 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.”

(3) A list prepared under sub regulation (1) is to be presented to Council at the next ordinary meeting of Council after the list is prepared; and recorded in the minutes of that meeting.

Regulation 13A of the *Local Government (Financial Management) Regulations 1996 (WA)* effective from 1 September 2023 states:

- (1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —
  - (a) the payee’s name;
  - (b) the amount of the payment;
  - (c) the date of the payment;
  - (d) sufficient information to identify the payment.
- (2) A list prepared under subregulation (1) must be —
  - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

## Background

Council has delegated to the Chief Executive Officer under Delegation 1.1.18 to make payment from the Municipal and Trust Fund account. In accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996 (WA)*, where this power has been delegated, a list of payments each month is to be compiled and presented to Council.

## Report

The following summary of payments are recommended for confirmation and endorsement.

<b>Payment type</b>	<b>Payment reference</b>	<b>\$</b>
<b>Municipal Fund Cheques</b>	788878-788879	1,696.80
<b>Municipal Fund EFTs</b>	EF089164-EF089644	6,263,048.86
<b>Municipal Fund Payroll</b>	March 2024	1,438,347.43

<b>Trust Fund EFT</b>	EF089162, EF089254- EF089255, EF089348	26,192.35
<b>Total Payments for March 2024</b>		<b>7,729,285.44</b>

A copy of the Authorised Payment Listing is included as Attachment 12.10.1.

### **Financial implications**

All expenditure included in the Authorised Payment Listing is in accordance with Council's Annual budget.

### **Environmental implications**

There are no environmental implications associated with this report.

### **Social implications**

There are no social implications associated with this report.

### **Attachment details**

<b>Attachment No and title</b>
1. March 2024 payments [ <b>12.10.1</b> - 7 pages]

# Attachment 12.10.1 March 2024 payments



City of Belmont

Accounts for Payment - March 2024

Compiled : 27/03/24 16:07

Pmnt Ref	Date	CR Code	Supplier	Pmnt Amnt	Description
<b>Contractors</b>					
EF089170	08/03/24	00346	Action Couriers	35.33	Courier Service
EF089171	08/03/24	00350	Veolia Environmental Services	1,254,550.00	FOGO - Bin Supply and Delivery
EF089175	08/03/24	00707	LoGo Appointments	5,838.53	Labour/Personnel Hire
EF089176	08/03/24	00736	McLeods	228.36	Legal Expenses
EF089180	08/03/24	01507	The Pressure King	15,061.50	Graffiti Removal - Various Location
EF089181	08/03/24	01721	Fulton Hogan Industries	211.09	Asphalt
EF089182	08/03/24	02040	SCAPE-ISM Pty Ltd - Rees Family Trust	5,500.00	Public Art Work Commission
EF089183	08/03/24	02172	Miss Maud	274.50	Catering - Seniors Event
EF089185	08/03/24	02410	System Maintenance T/A Systems By Ballantyne	775.20	Plumbing Maintenance/Supplies
EF089186	08/03/24	02844	Chandler Macleod Group Ltd	3,714.44	Labour/Personnel Hire
EF089191	08/03/24	03400	Chung Wah Association Inc	300.00	Music/Entertainment Expenses - Lion Dance
EF089192	08/03/24	03419	Gott Health	1,430.00	Community Exercise Classes
EF089193	08/03/24	03504	Classic Tree Services	31,586.66	Tree Pruning Within CoB
EF089194	08/03/24	03543	Labyrinth Constructions	25,861.00	Refurbishment of Independent Living Unit
EF089198	08/03/24	03897	Genesis Accounting Pty Ltd	6,710.00	Professional Fees - GST Addin Module Licence
EF089199	08/03/24	04137	Greive Panelbeaters	1,000.00	Plant Parts & Repairs
EF089200	08/03/24	04391	Lifeskills Australia	209.00	Professional Fees - Analysis
EF089204	08/03/24	04579	Mills Recruitment	8,562.27	Labour/Personnel Hire
EF089208	08/03/24	05283	IRP Pty Ltd	10,177.31	Labour/Personnel Hire
EF089213	08/03/24	05642	Steve's Sand Sifting for Playground Services	4,910.40	Sand Sifting - Various Parks
EF089214	08/03/24	05819	Ritz Drycleaners	174.70	Cleaning Services
EF089215	08/03/24	05902	PASES Aqua Pty Ltd	12,498.30	Pest Control
EF089216	08/03/24	05911	Cherished Cherubs Pty Ltd	912.00	Creche Service
EF089217	08/03/24	05944	Delron Cleaning Pty Ltd - Ventia	114.49	Cleaning Services - Various Locations
EF089218	08/03/24	05950	Commercial and Industrial Mowing - DJ and TM Luckin	1,628.00	Mowing - Various Location COB
EF089221	08/03/24	06125	Harbour Software	962.50	Computer Software Maintenance
EF089222	08/03/24	06129	AJJC Hospitality Group - 8 Yolks Cafe	2,238.50	Catering/Catering Supplies - Various Events
EF089223	08/03/24	06130	Amalgam Recruitment	2,245.67	Labour/Personnel Hire
EF089224	08/03/24	06188	Cannington Retravisio	1,582.90	Electrical Goods
EF089225	08/03/24	06203	Ngala Boodja Aboriginal Land Care	7,183.00	Maintenance of Natural Areas COB
EF089226	08/03/24	06276	Efficient Site Services (WA)	2,552.00	Gardening Maintenance
EF089227	08/03/24	06310	Radio Media Pty Ltd	450.00	Interview Recording - IDPwD
EF089228	08/03/24	06362	Marjan Partitions Pty Ltd t/as M & M Interiors	2,286.90	Building Construction - Library Cabinets
EF089230	08/03/24	06414	Complete Glass & Glazing Services	360.00	Road Building Contractor - Repairs Various Locations
EF089233	08/03/24	06528	Diplomatik Pty Ltd	6,859.47	Professional Fees - Recruitment Services
EF089234	08/03/24	06561	Pinyo Fordham	900.00	Professional Fees - Marketing
EF089235	08/03/24	06592	Grosvenor Engineering Group	1,397.30	Electrical Contractor - Various Locations
EF089236	08/03/24	06608	Robert Walters Pty Ltd	2,675.20	Labour/Personnel Hire
EF089237	08/03/24	06674	LG Solutions Pty Ltd	13,557.50	Subscription - Fee & Charges Software
EF089238	08/03/24	06717	Ballbreaker Perth	1,500.00	Music/Entertainment Expenses - Lets Celebrate Belmont
EF089239	08/03/24	06743	East African Coffee	738.50	Catering/Catering Supplies - Activi Tea
EF089241	08/03/24	06773	Evolve Talent	3,199.37	Labour/Personnel Hire
EF089242	08/03/24	06774	Employment Group	10,226.78	Labour/Personnel Hire
EF089244	08/03/24	06780	Carolyn De Ridder	140.00	Library - Entertainment Expense - Authors Talk
EF089257	15/03/24	00118	Australia Post	20,307.52	Postage
EF089259	15/03/24	00221	John Hughes Group	99,364.20	Plant Purchase
EF089262	15/03/24	00390	Landgate	1,260.82	GRV'S Metro & Fesa
EF089268	15/03/24	00707	LoGo Appointments	6,320.01	Labour/Personnel Hire
EF089269	15/03/24	00736	McLeods	799.26	Legal Expenses
EF089274	15/03/24	01243	WARP Pty Ltd	1,905.24	Traffic Control - Various Locations
EF089278	15/03/24	01507	The Pressure King	2,367.37	Graffiti Removal - Various Location
EF089280	15/03/24	01772	Data3 Limited	3,887.40	Computer Software - Monitors and Keyboards
EF089281	15/03/24	02234	Blackwell and Associates Pty Ltd	1,920.00	Professional Fees - Planning
EF089283	15/03/24	02410	System Maintenance T/A Systems By Ballantyne	309.87	Plumbing Maintenance/Supplies
EF089284	15/03/24	02568	Freiberg Office Solutions Pty Ltd	897.95	Op Centre - Security Office Fit out
EF089287	15/03/24	02741	Spare Parts Puppet Theatre Inc	3,327.50	Entertainment Expenses - 125 Years Anniversary
EF089288	15/03/24	02844	Chandler Macleod Group Ltd	7,356.02	Labour/Personnel Hire
EF089290	15/03/24	03419	Gott Health	1,430.00	Community Exercise Classes
EF089291	15/03/24	03537	Mackay Urban Design	600.00	Professional Fees - Planning
EF089292	15/03/24	03593	Philip Swain	588.50	Labour/Personnel Hire
EF089296	15/03/24	04391	Lifeskills Australia	209.00	Professional Fees - Analysis
EF089298	15/03/24	04579	Mills Recruitment	8,602.78	Labour/Personnel Hire
EF089300	15/03/24	04693	Allwest Plant Hire Australia Pty Ltd	3,920.13	Plant/Equipment Hire
EF089303	15/03/24	05190	Mark Foote	4,006.20	Building Maintenance - Civic Centre Design Office Layout
EF089304	15/03/24	05205	N and H Sanders	2,200.00	Floor Coverings - Community Centre
EF089305	15/03/24	05209	Portland Broome Pty Ltd	2,172.50	Professional Fees - Recruitment Services
EF089306	15/03/24	05283	IRP Pty Ltd	4,343.68	Labour/Personnel Hire
EF089307	15/03/24	05323	Oven Delights	800.00	Catering/Catering Supplies - Aboriginal Elders Women's Group
EF089308	15/03/24	05336	West-Sure Group Pty Ltd	546.32	Security Services
EF089309	15/03/24	05375	Urbaqua Ltd	6,076.40	Professional Fees - Irrigation Management Plan
EF089310	15/03/24	05401	Creative Spaces	15,411.00	Professional Fees - Stage Design Harmonious Exhibition
EF089313	15/03/24	05576	NPB Security Australia	755.48	Security Services - Community Markets
EF089314	15/03/24	05589	Merit Consulting Group	544.50	Rubbish Removals
EF089316	15/03/24	05819	Ritz Drycleaners	108.35	Cleaning Services
EF089317	15/03/24	05886	Furnace Technologies	275.00	Building Maintenance
EF089321	15/03/24	06129	AJJC Hospitality Group - 8 Yolks Cafe	1,320.00	Catering/Catering Supplies - Various Events
EF089322	15/03/24	06130	Amalgam Recruitment	1,998.27	Labour/Personnel Hire
EF089323	15/03/24	06143	Bravo Marine Services	617.61	Plant Parts & Repairs
EF089324	15/03/24	06160	SEEK Limited	3,128.40	Advertising
EF089326	15/03/24	06203	Ngala Boodja Aboriginal Land Care	4,917.00	Maintenance of Natural Areas COB
EF089327	15/03/24	06362	Marjan Partitions Pty Ltd t/as M & M Interiors	1,999.75	Building Construction - Kew Street Units
EF089328	15/03/24	06414	Complete Glass & Glazing Services	7,893.80	Road Building Contractor - Repairs Various Locations
EF089330	15/03/24	06556	Onnifer	360.00	Library - Entertainment Expense
EF089331	15/03/24	06608	Robert Walters Pty Ltd	956.27	Labour/Personnel Hire
EF089332	15/03/24	06691	Wood Recruitment Pty Ltd	2,104.74	Labour/Personnel Hire

# Attachment 12.10.1 March 2024 payments

Pmnt Ref	Date	CR Code	Supplier	Pmnt Amt	Description
EF089333	15/03/24	06697	Common Ground Trails Pty Ltd	6,930.88	Professional Fees - Analysis - Garvey Park Trail
EF089335	15/03/24	06726	PJA Holdings (Australia) Pty Ltd	1,100.00	Survey Expenses - Crash Data and Counts
EF089337	15/03/24	06747	Nom Nom Desserts	2,807.50	Library-Entertainment Expense - Activi Tea
EF089338	15/03/24	06764	Built Environment Collective Pty Ltd	550.00	Oasis Expenses
EF089339	15/03/24	06773	Evolve Talent	3,199.37	Labour/Personnel Hire
EF089340	15/03/24	06774	Employment Group	4,826.64	Labour/Personnel Hire
EF089341	15/03/24	06776	Easy Access Lifts	1,054.14	Plant Parts & Repairs
EF089343	15/03/24	06784	Jacaranda Burswood Pty Ltd T/as Jacaranda Lunch Bar & Cafe	104.83	Catering/Catering Supplies - Aboriginal Elders Women's Group
EF089351	22/03/24	00221	John Hughes Group	26,484.05	Plant Purchase
EF089352	22/03/24	00230	Jackson McDonald	194.70	Legal Expenses
EF089353	22/03/24	00346	Action Couriers	35.89	Courier Service
EF089355	22/03/24	00501	Infor Global Solutions (ANZ) Pty Ltd	2,332.00	Computer Software Training
EF089359	22/03/24	00707	LoGo Appointments	1,841.90	Labour/Personnel Hire
EF089360	22/03/24	00736	McLeods	6,334.08	Legal Expenses
EF089361	22/03/24	00760	Alison M Barrett, Art Consultant	357.50	Public Art Project Consultancy
EF089362	22/03/24	00784	Bucher Municipal	2,644.86	Plant Parts & Repairs - Sweeper Repair
EF089363	22/03/24	00847	Piano Magic	1,975.45	Music Expenses - Piano Repair for Exhibition
EF089366	22/03/24	01233	Stihl Shop Redcliffe	250.00	Tools/Tool Repairs
EF089367	22/03/24	01237	Wren Oil	896.50	Rubbish Removals
EF089368	22/03/24	01243	WARP Pty Ltd	2,327.61	Traffic Control - Various Locations
EF089372	22/03/24	01614	Maxwell Robinson & Phelps	207.90	Pest Control
EF089374	22/03/24	02482	McMullen Nolan Group Pty Ltd - MNG	50,325.00	Survey Expenses - Lidar Tree Survey and Terrain Modelling
EF089375	22/03/24	02614	Monsterball Amusements & Hire	889.99	Plant/Equipment Hire - Wiggles n Giggles
EF089376	22/03/24	02672	Ruah Community Services	16,962.73	Preventive Domestic Violence Services
EF089377	22/03/24	02844	Chandler Macleod Group Ltd	6,942.78	Labour/Personnel Hire
EF089378	22/03/24	02863	Civil Survey Solutions Pty Ltd	11,880.00	Computer Software Maintenance - Civil 3D Training
EF089383	22/03/24	03413	Bicycle Network	4,565.00	Community Exercise Classes - Super Sunday Recreation
EF089384	22/03/24	03504	Classic Tree Services	12,644.75	Tree Pruning Within CoB
EF089387	22/03/24	04106	Effects Picture Framing	1,535.00	Photography/Framing Expenses
EF089388	22/03/24	04120	Randstad Pty Ltd	17,994.69	Labour/Personnel Hire
EF089389	22/03/24	04246	Bibliotheca Australia Pty Ltd	984.46	Computer Software Maintenance - RFID Tags
EF089391	22/03/24	04723	Future Logic	6,006.60	Computer Software Maintenance - Subscription
EF089393	22/03/24	04813	Aisha Novakovich	1,050.00	Music/Entertainment Expenses - Harmony Day
EF089395	22/03/24	05016	Cyclius Pty Ltd	413.60	Labour/Personnel Hire
EF089396	22/03/24	05127	Champion Music	605.00	Music/Entertainment Expenses - Harmony Day
EF089397	22/03/24	05427	Horizon West Landscape & Irrigation Pty Ltd	264.00	Gardening Contractor - Assorted Plants
EF089398	22/03/24	05623	Tree Planting and Watering - Baroness Holdings	126,040.68	Street Tree Watering Services for CoB
EF089399	22/03/24	05642	Steve's Sand Sifting for Playground Services	4,671.70	Sand Sifting - Various Parks
EF089400	22/03/24	05726	Pool Robotics Perth	7,604.70	Plant Parts & Repairs - Oasis
EF089401	22/03/24	05758	Branch Arboriculture	490.00	Plants Inspection
EF089402	22/03/24	05783	Emma Williamson	1,595.00	Professional Fees - Planning
EF089404	22/03/24	05950	Commercial and Industrial Mowing - DJ and TM Luckin	528.00	Mowing - Various Location COB
EF089405	22/03/24	06130	Amalgam Recruitment	7,104.94	Labour/Personnel Hire
EF089406	22/03/24	06188	Cannington Retraivision	56.10	Electrical Goods
EF089407	22/03/24	06276	Efficient Site Services (WA)	2,134.00	Gardening Maintenance
EF089409	22/03/24	06358	The Event Mill Pty Ltd	1,568.16	Plant/Equipment Hire - Art Awards
EF089412	22/03/24	06522	Kieran Togher T/as Toppo Digital	742.50	Computer Software Maintenance - GIS Consulting
EF089413	22/03/24	06528	Diplomatik Pty Ltd	9,690.60	Professional Fees - Recruitment Services
EF089414	22/03/24	06564	Jessica Taylor	4,662.69	Library - Entertainment Expense - Bunuru Season Choir
EF089415	22/03/24	06608	Robert Walters Pty Ltd	3,990.51	Labour/Personnel Hire
EF089416	22/03/24	06623	Glen Flood Group Pty Ltd T/as GFG Consulting	8,671.17	FOGO Customer Service Officer
EF089418	22/03/24	06687	SJC Building Group	2,192.58	Building Maintenance - Belgravia Street
EF089419	22/03/24	06691	Wood Recruitment Pty Ltd	4,158.34	Labour/Personnel Hire
EF089420	22/03/24	06711	The Retic and Landscape Shop	1,528.80	Rainbird Decoder
EF089422	22/03/24	06767	Exclusive Photobooths WA	150.00	Music/Entertainment Expenses
EF089423	22/03/24	06774	Employment Group	6,435.52	Labour/Personnel Hire
EF089424	22/03/24	06778	Bilya Booladarlung	4,650.00	Library- Entertainment Expense - Harmony Festival
EF089425	22/03/24	06799	Vicinity Real Estate Licence	2,255.00	Advertising - FOGO
EF089440	27/03/24	00033	ATF Services Pty Ltd - Aust Temporary Fencing	143.00	Fencing
EF089442	27/03/24	00195	Bin Bath Australia Pty Ltd	853.71	Cleaning Services
EF089443	27/03/24	00221	John Hughes Group	449.00	Plant Parts & Repairs
EF089444	27/03/24	00230	Jackson McDonald	7,385.40	Legal Expenses
EF089448	27/03/24	00294	City of Canning	990.00	Rubbish Removals
EF089449	27/03/24	00295	Capital Recycling	13,227.54	Rubbish Removals
EF089451	27/03/24	00358	Hoseco (WA) Pty Ltd	280.20	Plant Parts & Repairs
EF089452	27/03/24	00391	Chemistry Centre (WA) t/as ChemCentre	2,671.28	Professional Fees - Testing
EF089453	27/03/24	00394	Child & Adolescent Health Service - Dept of Health WA	721.86	Immunisation Expenses
EF089454	27/03/24	00412	Dowsing Group Pty Ltd	63,423.30	Concrete Contractor - Profiling and Concrete Various Locations
EF089455	27/03/24	00491	Fujifilm Business Innovation Australia	2,490.71	Photocopy Expenses
EF089456	27/03/24	00557	City Subaru	1,849.05	Plant Parts & Repairs
EF089457	27/03/24	00585	Hydroquip Pumps	10,972.50	Pump Maintenance - Various Parks
EF089459	27/03/24	00699	Marketforce Pty Ltd	682.00	Advertising & Printing
EF089460	27/03/24	00707	LoGo Appointments	3,268.37	Labour/Personnel Hire
EF089461	27/03/24	00717	Main Roads Western Australia	2,090.08	Road Building Contractor - Traffic Loop Reinstatement
EF089462	27/03/24	00726	T-Quip	597.35	Plant Parts & Repairs
EF089463	27/03/24	00734	McIntosh and Son WA	341.79	Plant Parts & Repairs
EF089464	27/03/24	00736	McLeods	12,912.98	Legal Expenses
EF089465	27/03/24	00815	New Town Toyota	3,814.00	Plant Parts & Repairs
EF089466	27/03/24	00830	Canon Production Printing Australia Pty Ltd	430.57	Photocopy Expenses
EF089468	27/03/24	00859	Cannington Mazda (Prev Parkland Mazda)	367.20	Plant Parts & Repairs
EF089469	27/03/24	00917	Positive Auto Electrics	1,975.40	Plant Parts & Repairs
EF089470	27/03/24	00931	Sonic HealthPlus Pty Ltd	1,293.60	Pre Employment Medicals
EF089471	27/03/24	00972	Repro Auto Parts	541.93	Plant Parts & Repairs
EF089473	27/03/24	01090	St John Ambulance Australia Inc	275.00	First Aid Service
EF089474	27/03/24	01110	Downer EDI Works Pty Ltd	840,377.99	Road Building Contractor - FBS Bitumen Albernethy Road
EF089475	27/03/24	01112	Sunny Industrial Brushware	1,405.80	Plant Parts & Repairs
EF089476	27/03/24	01138	E & M J Roshier Pty Ltd	3,022.37	Plant Parts & Repairs
EF089477	27/03/24	01149	The Lifting Company Pty Ltd	649.00	Plant Parts & Repairs
EF089481	27/03/24	01186	ZircDATA Pty Ltd	2,020.39	Records Storage
EF089483	27/03/24	01233	Stihl Shop Redcliffe	3,407.65	Tools/Tool Repairs

# Attachment 12.10.1 March 2024 payments

Pmnt Ref	Date	CR Code	Supplier	Pmnt Amnt	Description
EF089484	27/03/24	01243	WARP Pty Ltd	169,362.72	Traffic Control - Various Locations
EF089486	27/03/24	01317	WA Hino Sales & Service	1,291.85	Plant Parts & Repairs
EF089487	27/03/24	01358	Kevrek Australia Pty Ltd	440.00	Plant Parts & Repairs
EF089490	27/03/24	01507	The Pressure King	5,214.00	Graffiti Removal - Various Location
EF089491	27/03/24	01533	WC Convenience Management	5,462.61	Building Maintenance
EF089495	27/03/24	01712	Donegan Enterprises Pty Ltd	4,719.46	Various Parks Repairs and Maintenance
EF089496	27/03/24	01713	M P Rogers and Associates	1,127.20	Professional Fees - Bilya Kard Boodja
EF089497	27/03/24	01714	Total Eden Pty Ltd - Nutrien Water	1,787.58	Reticulation Parts & Repairs
EF089498	27/03/24	01731	Charter Plumbing and Gas	15,139.62	Plumbing Maintenance/Supplies
EF089499	27/03/24	01772	Data3 Limited	14,919.10	Computer Software Maintenance
EF089501	27/03/24	01976	Ecoscape Australia Pty Ltd	23,289.75	Landscaping - Wilson Park Precinct
EF089502	27/03/24	02023	YMCA of Perth Youth and Community Services Inc	80,752.93	Provision of Youth Services - Feb 2024
EF089503	27/03/24	02050	Austraffic WA	17,177.60	Traffic Control - Surveys
EF089504	27/03/24	02059	Western Resource Recovery Pty Ltd	849.20	Rubbish Removals
EF089508	27/03/24	02172	Miss Maud	305.70	Catering Senior Project
EF089509	27/03/24	02207	Wilson Security	134,378.55	Security Services
EF089510	27/03/24	02298	Pelican Linemarking	1,760.00	Line Marking
EF089511	27/03/24	02303	Ultimo Catering and Events	10,822.30	Catering - Council Dinner
EF089514	27/03/24	02378	C R Kennedy & Co Pty Ltd	63.00	Survey Expenses
EF089515	27/03/24	02387	Triton Electrical Contractors Pty Ltd	7,319.73	Electrical Contractor
EF089516	27/03/24	02393	Zipform Pty Ltd	4,457.19	Postage - Rates Notices
EF089517	27/03/24	02410	System Maintenance T/A Systems By Ballantyne	1,237.15	Plumbing Maintenance/Supplies
EF089518	27/03/24	02411	Allsports Linemarking	2,123.00	Line Marking - Gerry Archer
EF089520	27/03/24	02425	Prestige Alarms	5,007.20	Security Services
EF089522	27/03/24	02458	Technology One Ltd	591.25	Computer Software Maintenance - BPA's
EF089525	27/03/24	02589	Zenien	32,631.80	Security Services
EF089526	27/03/24	02627	Dunbar Services WA Pty Ltd	1,739.10	Cleaning Services
EF089527	27/03/24	02711	CPG Research and Advisory Pty Ltd	1,558.33	Professional Fees - Analysis
EF089529	27/03/24	02779	Natural Area Holdings Pty Ltd	3,608.00	Gardening Contractor
EF089530	27/03/24	02837	GLG Greenlife Group	35,907.69	Verge Mowing - Various Parks
EF089531	27/03/24	02844	Chandler Macleod Group Ltd	5,606.11	Labour/Personnel Hire
EF089534	27/03/24	03197	West Coast Turf	5,861.42	Turf Maintenance - Gerry Archer
EF089537	27/03/24	03464	Bridgestone Australia Ltd	366.74	Plant Parts & Repairs
EF089538	27/03/24	03504	Classic Tree Services	135,175.19	Tree Pruning Within CoB
EF089540	27/03/24	03599	Donald Cant Watts Corke (WA) Pty Ltd	11,806.66	Professional Fees - Building - The Esplanade
EF089542	27/03/24	03810	Kalico Consulting	1,320.00	Professional Fees - Grant Writing Workshop
EF089543	27/03/24	03824	Konica Minolta	26,031.86	Photocopy Expenses
EF089545	27/03/24	03841	Metro Bee Services	330.00	Bee Removal
EF089550	27/03/24	04105	Cleanflow Environmental Solutions	2,274.51	Drainage Maintenance
EF089551	27/03/24	04115	Denada Surveys Pty Ltd	1,314.50	Survey Expenses
EF089552	27/03/24	04211	Triodia Scanning Services	726.00	GPR/EMF Ground Scan - Miles Park
EF089553	27/03/24	04250	TLC Safety Pty Ltd T/As Einsteins Australia	1,191.95	Library - Facilitated Workshop and DIY Kits
EF089554	27/03/24	04302	Southern Cross Housing Ltd	7,297.37	Independent Living Units - Management Fess
EF089555	27/03/24	04320	ABM Landscaping	2,221.52	Bricks/Bricklaying - COB
EF089558	27/03/24	04496	Azure Painting Pty Ltd	7,975.00	Painting Contractor - COB
EF089559	27/03/24	04529	Southern Cross Care (WA) Inc	6,103.01	Independent Living Units - Management Fees
EF089560	27/03/24	04693	Allwest Plant Hire Australia Pty Ltd	9,731.23	Plant/Equipment Hire - February 2024
EF089562	27/03/24	04794	Stiles Electrical Services Pty Ltd	5,692.49	Electrical Contractor - Miles Park
EF089563	27/03/24	04917	Environmental Industries Pty Ltd	18,945.85	Landscape Maintenance - Ascot Waters
EF089564	27/03/24	04963	Centigrade	1,435.37	Airconditioning/Refrigeration Maintenance
EF089565	27/03/24	04967	Cockburn Party Hire	5,953.75	Plant/Equipment Hire - Activi Tea and Community Markets
EF089566	27/03/24	04974	Turf Care WA Pty Ltd	19,423.54	Turf Renovation - Various Parks
EF089567	27/03/24	04976	CEA Air and Power	3,887.05	Plant Parts & Repairs
EF089568	27/03/24	05016	Cyclus Pty Ltd	413.60	Labour/Personnel Hire
EF089570	27/03/24	05083	Dent Dismissal	583.00	Plant Parts & Repairs
EF089573	27/03/24	05159	Nicole La Motte - Extreme Bounce Party Hire	315.00	Music/Entertainment Expenses - Harmony Day
EF089574	27/03/24	05283	IRP Pty Ltd	5,403.20	Labour/Personnel Hire
EF089575	27/03/24	05308	Modern Motor Trimmers	434.50	Plant Parts & Repairs
EF089576	27/03/24	05370	OKMG Pty Ltd	1,100.00	FOGO Campaign
EF089577	27/03/24	05427	Horizon West Landscape & Irrigation Pty Ltd	157,465.00	Gardening Maintenance
EF089578	27/03/24	05493	Daphn	3,080.00	Computer Software Maintenance - ECM
EF089579	27/03/24	05523	Go Doors Pty Ltd	9,029.04	Building Maintenance - Various Locations
EF089581	27/03/24	05612	ASCION Survey and Drafting Pty Ltd	5,992.80	Survey Expenses - COB
EF089582	27/03/24	05623	Tree Planting and Watering - Baroness Holdings	155,722.41	Street Tree Watering Services for CoB
EF089583	27/03/24	05692	Newground Water Services Pty Ltd	12,219.35	Reticulation Installation - Ascot
EF089585	27/03/24	05738	Double G (WA) Pty Ltd t/as Think Water Perth	10,720.05	Irrigation Maintenance
EF089587	27/03/24	05771	AlSCO Pty Ltd	184.26	Cleaning Services
EF089588	27/03/24	05776	Level 5 Design Pty Ltd	1,140.00	Professional Fees - Planning
EF089589	27/03/24	05782	Jane Wetherall	1,980.00	Professional Fees - Planning
EF089590	27/03/24	05819	Ritz Drycleaners	336.05	Cleaning Services
EF089593	27/03/24	05944	Delron Cleaning Pty Ltd - Ventia	91,843.76	Cleaning Services - Various Locations
EF089594	27/03/24	06067	TK Elevator Australia Pty Ltd	1,014.24	Building Maintenance
EF089596	27/03/24	06094	Boyan Electrical Services	9,642.44	Electrical Contractor
EF089597	27/03/24	06142	Medical Edge Australia Pty Ltd	781.18	First Aid Service - Community Market
EF089599	27/03/24	06203	Ngala Boodja Aboriginal Land Care	6,623.32	Maintenance of Natural Areas COB
EF089600	27/03/24	06210	366 Solutions Pty Ltd	19,228.00	Computer Software Maintenance - BelNet
EF089602	27/03/24	06282	Dell Financial Services Pty Ltd	26,745.04	Plant/Equipment Hire - March 2024
EF089603	27/03/24	06293	Freo Fire Maintenance Services Pty Ltd	6,340.34	Fire Equipment/Service
EF089604	27/03/24	06295	Savanna Environmental	5,715.05	Rubbish Removals
EF089605	27/03/24	06304	Prestige Property Maintenance	4,257.00	Landscape Maintenance - Various Locations
EF089606	27/03/24	06337	MowScape Pty Ltd	5,344.16	Gardening Contractor - Turf Maintenance
EF089607	27/03/24	06345	SoCo Studios - Travis Hayto Photography	1,457.50	Photography/Framing Expenses
EF089608	27/03/24	06377	Choiceone Pty Ltd	16,641.02	Labour/Personnel Hire
EF089609	27/03/24	06389	Netstar Australia Pty Ltd	192.50	Security Services
EF089611	27/03/24	06458	ES2 Pty Ltd	19,174.38	Computer Software Maintenance - ES2 Project
EF089612	27/03/24	06528	Diplomatik Pty Ltd	5,987.56	Professional Fees - Recruitment Services
EF089613	27/03/24	06580	Omnicom Media Group	17,487.39	Advertising
EF089615	27/03/24	06592	Grosvenor Engineering Group	80,039.75	Electrical Contractor - Various Locations
EF089616	27/03/24	06608	Robert Walters Pty Ltd	3,182.08	Labour/Personnel Hire
EF089619	27/03/24	06635	West to West Group	1,244.76	Building Maintenance - YMCA Fence

# Attachment 12.10.1 March 2024 payments

Pmnt Ref	Date	CR Code	Supplier	Pmnt Amt	Description
EF089620	27/03/24	06649	Sancar T/A Electrical Consultancy WA	11,000.00	Electrical Consultancy Service
EF089621	27/03/24	06654	Billi Australia Pty Ltd	722.75	Office Equipment Maintenance
EF089622	27/03/24	06662	Tool Kit Depot	1,425.00	Tools/Tool Repairs
EF089623	27/03/24	06672	Waterlink Elements	14,632.75	Reticulation Parts & Repairs - Filters Maintenance
EF089629	27/03/24	06718	Empire Roofing Services	250.00	Building Maintenance - Bird Spikes
EF089631	27/03/24	06750	Access Without Barriers	5,437.08	Building Maintenance - Faulkner Park Retirement Village
EF089632	27/03/24	06766	Caffeination Perth	900.00	Library-Entertainment Expense - Community Event
EF089633	27/03/24	06767	Exclusive Photobooths WA	600.00	Music/Entertainment Expenses
EF089634	27/03/24	06771	Kamalika Andrews- The Nappy Guru	450.00	Modern Cloth Nappy Workshop
EF089635	27/03/24	06773	Evolve Talent	5,767.29	Labour/Personnel Hire
EF089637	27/03/24	06779	Eatalian Deli (WA) Pty Ltd	3,000.00	Library-Entertainment Expense - Activi Tea
EF089638	27/03/24	06795	AMPAC Debt Recovery( WA) Pty Ltd	80,646.66	Professional Fees - Debt Collection
EF089643	27/03/24	99966	MAIA Financial Pty Ltd	19,491.53	Plant/Equipment Hire
<b>Contractors Total</b>				<b>4,765,696.44</b>	
<b>Councillor Payments</b>					
EF089207	08/03/24	05084	Jenny Davis	66.63	Councillor Sitting Fee
EF089403	22/03/24	05828	Deborah Sessions	980.79	ALGWA Conference - Flights and Taxi
EF089488	27/03/24	01369	Philip Marks	9,115.00	Councillor Sitting Fee
EF089506	27/03/24	02145	Robert Rossi	36,582.75	Councillor Sitting Fee
EF089544	27/03/24	03916	Bernard Ryan	9,115.00	Councillor Sitting Fee
EF089571	27/03/24	05084	Jenny Davis	9,115.00	Councillor Sitting Fee
EF089572	27/03/24	05085	George Sekulla	9,115.00	Councillor Sitting Fee
EF089591	27/03/24	05828	Deborah Sessions	14,951.25	Councillor Sitting Fee
EF089598	27/03/24	06162	Natalie Carter	6,107.05	Councillor Sitting Fee
EF089627	27/03/24	06704	Christopher John Kulczycki	9,115.00	Councillor Sitting Fee
EF089630	27/03/24	06738	Tamak Vijay(Vijay Vijay)	9,115.00	Councillor Sitting Fee
<b>Councillor Payments Total</b>				<b>113,378.47</b>	
<b>Credit Card 2310</b>					
EF089435	22/03/24	03526	Google	9.24	Subscription
EF089435	22/03/24	03526	Carmen Jewellers	700.00	Employee Gratuity Gift Card
EF089435	22/03/24	03526	Secure Your World	858.00	Padlocks for Bowling Greens
<b>Credit Card 2310 Total</b>				<b>1,567.24</b>	
<b>Credit Card 4739</b>					
EF089438	22/03/24	06409	Dan Murphy's	324.29	Beverages
EF089438	22/03/24	06409	Asic	20.00	Company Search
EF089438	22/03/24	06409	News Pty Ltd	28.00	Subscription
EF089438	22/03/24	06409	Asic	48.00	Company Search
EF089438	22/03/24	06409	Asic	100.00	Company Search
EF089438	22/03/24	06409	Dept of Justice	171.70	Prosecution Lodgement Costs
EF089438	22/03/24	06409	Mercure	397.30	Conference Expenses
EF089438	22/03/24	06409	Burswood Nominees	40.00	Parking
EF089438	22/03/24	06409	West Gippsland Art Centre	1,890.00	Conference Expenses
EF089438	22/03/24	06409	Australian Local Govt	835.00	Registration Fee
EF089438	22/03/24	06409	Chat GPT	31.70	Membership Fee
EF089438	22/03/24	06409	Chat GPT	31.70	Membership Fee
EF089438	22/03/24	06409	Google	9.24	Subscription
EF089438	22/03/24	06409	Western Power	1,329.50	Application Fee
EF089438	22/03/24	06409	Western Power	1,329.50	Application Fee
EF089438	22/03/24	06409	DWER-Water	200.00	Permit Fee
EF089438	22/03/24	06409	Governance Institute	1,230.00	Registration Fee
EF089438	22/03/24	06409	Western Power	498.91	Application Fee
EF089438	22/03/24	06409	Fairfax	340.00	Subscription
<b>Credit Card 4739 Total</b>				<b>8,854.84</b>	
<b>Credit Card 7996</b>					
EF089436	22/03/24	05121	Wilson Parking	17.00	Parking
<b>Credit Card 7996 Total</b>				<b>17.00</b>	
<b>Credit Card 8380</b>					
EF089437	22/03/24	06342	Event Listing Fee	24.99	Advertising
EF089437	22/03/24	06342	Google	1,000.00	Subscription
EF089437	22/03/24	06342	Event Listing Fee	24.99	Advertising
EF089437	22/03/24	06342	Event Listing Fee	24.99	Advertising
EF089437	22/03/24	06342	Civicplus	4,723.47	Subscription
EF089437	22/03/24	06342	Eventbrite	3.39	Refund
EF089437	22/03/24	06342	Eventbrite	49.99	Subscription
EF089437	22/03/24	06342	Coles Supermarkets Aust Pty Ltd	9.00	Groceries
EF089437	22/03/24	06342	Eventbrite	49.99	Subscription
EF089437	22/03/24	06342	Adobe	39.59	Subscription
EF089437	22/03/24	06342	Microsoft	1,611.50	Subscription
EF089437	22/03/24	06342	Wanewsdti	66.46	Subscription
EF089437	22/03/24	06342	Campaign Monitor	1,373.90	Subscription
EF089437	22/03/24	06342	Facebook	1,250.00	Advertising
EF089437	22/03/24	06342	Eventbrite	24.99	Subscription
EF089437	22/03/24	06342	Twilio	31.62	Subscription
EF089437	22/03/24	06342	Social Status	1,403.74	Subscription
EF089437	22/03/24	06342	Eventbrite	29.00	Subscription
EF089437	22/03/24	06342	Google	778.73	Advertising
EF089437	22/03/24	06342	Facebook	1,101.37	Advertising
EF089437	22/03/24	06342	Eventbrite	49.99	Subscription
<b>Credit Card 8380 Total</b>				<b>13,671.70</b>	
<b>Fuels and Utilities</b>					
EF089165	08/03/24	00042	Alinta Energy	43.60	Light, Power, Gas
EF089178	08/03/24	01252	Water Corporation	34,987.11	Water, Annual & Excess
EF089179	08/03/24	01274	Synergy	13,561.00	Light, Power, Gas
EF089195	08/03/24	03592	Steven Harling	86.29	Airport Parking
EF089276	15/03/24	01274	Synergy	46,645.39	Light, Power, Gas
EF089285	15/03/24	02631	Ampol - Caltex	19,753.27	Fuel, Oil, Additives
EF089329	15/03/24	06424	Telstra Limited	3,938.90	Phone/Internet expenses
EF089334	15/03/24	06713	Powerlyt Group	3,159.64	Light, Power, Gas
EF089349	22/03/24	00042	Alinta Energy	833.30	Light, Power, Gas
EF089369	22/03/24	01252	Water Corporation	2,923.29	Water, Annual & Excess



Attachment 12.10.1 March 2024 payments

Pmnt Ref	Date	CR Code	Supplier	Pmnt Amt	Description
EF089371	22/03/24	01274	Synergy	93,245.10	Light, Power, Gas
EF089385	22/03/24	03592	Steven Harling	71.48	Airport Parking
EF089410	22/03/24	06424	Telstra Limited	12,942.47	Phone/Internet expenses
EF089485	27/03/24	01252	Water Corporation	7,962.58	Water, Annual & Excess
EF089519	27/03/24	02422	Connect Call Centre Services	1,750.93	Phone/Internet expenses
EF089523	27/03/24	02471	Western Power	2,188.49	Light, Power, Gas
EF089524	27/03/24	02474	Digital Marketing Australia - Captivate Connect	1,320.00	Phone/Internet expenses
EF089610	27/03/24	06424	Telstra Limited	6,149.09	Phone/Internet expenses
EF089618	27/03/24	06614	Oracle Customer Management Solutions	9,033.03	Phone/Internet expenses
EF089628	27/03/24	06707	Motorpass-1617-WEX Card Fee	3.00	Fuel, Oil, Additives
			<b>Fuels and Utilities Total</b>	<b>276,901.07</b>	
			<b>Materials</b>		
EF089164	8/03/2024	00009	Cafe Corporate	760.00	Groceries
EF089166	8/03/2024	00132	Bolinda Publishing Pty Ltd	277.11	Books/CDs/DVDs
EF089167	8/03/2024	00203	BOC Gases Australia Ltd	19.80	Welding Equipment/Supplies
EF089168	8/03/2024	00220	Burswood Trophies	709.50	Badges & Pendants
EF089169	8/03/2024	00317	Coles Supermarkets Aust Pty Ltd	630.27	Groceries
EF089174	8/03/2024	00664	Kmart Australia Limited	380.50	Stationery & Printing
EF089184	8/03/2024	02201	Neverfall Springwater Limited	63.01	Beverages
EF089187	8/03/2024	02862	James Bennett Pty Ltd	599.32	Books/CDs/DVDs
EF089188	8/03/2024	03144	COS Complete Office Supplies Pty Ltd	125.15	Stationery & Printing
EF089196	8/03/2024	03660	Safe T Card Australia Pty Ltd	107.80	Safety Clothing/Equipment
EF089197	8/03/2024	03856	SEM Distribution - newspaper delivery	291.52	Publications/Newspapers
EF089201	8/03/2024	04394	JB Hi-Fi Belmont Forum - Library purchases	4,201.44	Mobile Phones and Aeroshields - Manager and Marketing
EF089202	8/03/2024	04491	Woolworths Group - Functions/Catering only	341.00	Groceries
EF089203	8/03/2024	04537	Cameron Aitkenhead t/as Head Office Studio	22,000.00	Book Illustration
EF089206	8/03/2024	05011	Bullet Produce (was WA Fresh)	1,317.00	Groceries
EF089211	8/03/2024	05432	Bloomin Boxes	225.00	Flowers
EF089229	8/03/2024	06385	Belmont Liquor Store (Cellarbrations at Belmont)	256.00	Beverages
EF089258	15/03/2024	00203	BOC Gases Australia Ltd	133.58	Welding Equipment/Supplies
EF089260	15/03/2024	00317	Coles Supermarkets Aust Pty Ltd	409.06	Groceries
EF089263	15/03/2024	00422	Elizabeth Richards Pty Ltd	49.28	Books/CDs/DVDs
EF089264	15/03/2024	00475	Saferight Pty Ltd	299.00	Workshop - Work Safety at Heights
EF089271	15/03/2024	01040	Sheridans Badges & Engraving	893.20	Badges & Flags - Citizenship Ceremony
EF089275	15/03/2024	01265	Westbooks	780.42	Books/CDs/DVDs
EF089277	15/03/2024	01430	Raeco - CEI Pty Ltd	175.01	Stationery & Printing
EF089279	15/03/2024	01547	Big W	300.00	Gift Vouchers - Event Stories that Unite Us
EF089289	15/03/2024	02862	James Bennett Pty Ltd	451.85	Books/CDs/DVDs
EF089294	15/03/2024	03660	Safe T Card Australia Pty Ltd	46.20	Safety Clothing/Equipment
EF089297	15/03/2024	04491	Woolworths Group - Functions/Catering only	413.87	Groceries
EF089301	15/03/2024	04759	StrataGreen	530.98	Gardening - Plants/Supplies
EF089302	15/03/2024	05055	Statewide Cleaning Supplies	356.46	Cleaning Products
EF089311	15/03/2024	05432	Bloomin Boxes	75.00	Flowers
EF089312	15/03/2024	05465	QBD Books	1,392.72	Books/CDs/DVDs
EF089318	15/03/2024	05966	Light Application Pty Ltd	176.00	Lights & Light Fittings
EF089319	15/03/2024	05980	Finishing WA	605.00	Stationery & Printing
EF089320	15/03/2024	06005	MDM Entertainment Pty Ltd	1,617.00	Books/CDs/DVDs
EF089325	15/03/2024	06201	C-Wise	3,713.60	Gardening - Plants/Supplies
EF089342	15/03/2024	06781	Wholesale Promotions Warehouse	19,508.50	Stationery & Printing - 125 Years Anniversary
EF089350	22/03/2024	00220	Burswood Trophies	44.00	Badges & Pendants
EF089358	22/03/2024	00664	Kmart Australia Limited	147.00	Stationery & Printing
EF089365	22/03/2024	00976	Richgro Garden Products & Amazon Soils	109.73	Gardening - Plants/Supplies
EF089373	22/03/2024	01906	Frazzcon Enterprises	2,662.48	Signs
EF089380	22/03/2024	03362	L E D Signs Pty Ltd	165.00	Signs
EF089386	22/03/2024	03660	Safe T Card Australia Pty Ltd	42.00	Safety Clothing/Equipment
EF089390	22/03/2024	04471	Booktopia	147.63	Books/CDs/DVDs
EF089394	22/03/2024	05011	Bullet Produce (was WA Fresh)	439.00	Groceries
EF089411	22/03/2024	06427	Balshaws Florist	428.00	Flowers
EF089441	27/03/2024	00131	Dsatco Pty Ltd	740.25	Gardening - Plants/Supplies
EF089445	27/03/2024	00231	Bunnings Group Ltd	2,413.76	Hardware
EF089446	27/03/2024	00233	Bunzl Limited	2,731.44	Cleaning Products
EF089447	27/03/2024	00285	City of Armadale	1,581.70	Printing Services
EF089450	27/03/2024	00317	Coles Supermarkets Aust Pty Ltd	384.15	Groceries
EF089458	27/03/2024	00627	Jason Signmakers	652.00	Signs
EF089467	27/03/2024	00850	Pacific Safety Wear Malaga	787.79	Safety Clothing/Equipment
EF089472	27/03/2024	01083	SERCUL South East Regional Centre for Urban Landcare	4,042.03	Gardening Maintenance
EF089478	27/03/2024	01173	Global Spill Control	332.20	Cleaning Products
EF089480	27/03/2024	01183	Total Packaging (WA) Pty Ltd	1,716.00	Cleaning Products
EF089482	27/03/2024	01206	Access Icon Pty Ltd t/a Cascada	3,731.20	Concrete Products
EF089489	27/03/2024	01398	Winc Australia Pty Ltd	2,420.83	Stationery & Printing
EF089492	27/03/2024	01547	Big W	415.90	Craft/Display Materials
EF089493	27/03/2024	01570	Blackwoods	1,213.09	Hardware
EF089500	27/03/2024	01955	Image Extra - Starmix Holdings Pty Ltd	687.50	Building Material - Bollards
EF089505	27/03/2024	02088	Lock Stock & Farrell Locksmith	7,624.80	Hardware
EF089507	27/03/2024	02168	Ergolink	2,511.00	Electric Standing Desk
EF089512	27/03/2024	02320	Ambius Indoor Plants	563.82	Gardening - Assorted Plants
EF089521	27/03/2024	02431	ASB Branded Merchandise - ASB Marketing Pty Ltd	2,552.00	Promotional Items - FOGO
EF089528	27/03/2024	02733	Allwood Timber Supplies	359.88	Hardware
EF089532	27/03/2024	02862	James Bennett Pty Ltd	832.67	Books/CDs/DVDs
EF089533	27/03/2024	03144	COS Complete Office Supplies Pty Ltd	199.94	Stationery & Printing
EF089536	27/03/2024	03438	Wavesound Pty Ltd	316.80	Books/CDs/DVDs
EF089539	27/03/2024	03552	Yungatha	18,892.50	Safety Clothing/Equipment - Speed Cushions
EF089541	27/03/2024	03630	Direct Trades Supply Pty Ltd	738.00	Hardware
EF089546	27/03/2024	03956	Sunhawk Pty Ltd	1,493.65	Gardening Maintenance
EF089547	27/03/2024	04036	CleverPatch Pty Ltd	199.62	Craft/Display Materials
EF089548	27/03/2024	04047	Amazing Mosaics	2,500.00	Signs
EF089549	27/03/2024	04053	Totally Workwear TWW	2,182.86	Safety Clothing/Equipment
EF089556	27/03/2024	04394	JB Hi-Fi Belmont Forum - Library purchases	4,167.85	Mobile Phones - Health Inspectors
EF089557	27/03/2024	04491	Woolworths Group - Functions/Catering only	106.62	Groceries
EF089561	27/03/2024	04752	Abacus Educational Suppliers	290.35	Toys

Attachment 12.10.1 March 2024 payments

Pmnt Ref	Date	CR Code	Supplier	Pmnt Amt	Description
EF089569	27/03/2024	05055	Statewide Cleaning Supplies	913.44	Cleaning Products
EF089580	27/03/2024	05527	Sunshine Multimedia	973.30	Books/CDs/DVDs
EF089586	27/03/2024	05770	Kwik Kopy Perth CBD	1,129.22	Stationery & Printing
EF089592	27/03/2024	05890	Living Turf	149.60	Gardening - Plants/Supplies
EF089595	27/03/2024	06084	Asphalttech Pty Ltd	383,950.05	Asphalt - Various Locations
EF089601	27/03/2024	06234	Brandworx Australia	1,423.76	Uniforms
EF089614	27/03/2024	06589	OverDrive Australia Pty Ltd	287.13	Books/CDs/DVDs
EF089624	27/03/2024	06681	Prefet Pty Ltd T/A Minuteman Press Perth	2,178.88	Stationery & Printing - Corflute Various Events
EF089625	27/03/2024	06682	Total Project Solutions	27,193.95	Lights & Light Fittings - Security Office Fit out
EF089626	27/03/2024	06694	Grasstrees Australia (WA) Pty Ltd	847.00	Gardening Maintenance - Various Parks
		<b>Materials Total</b>		<b>556,844.52</b>	
		<b>Other</b>			
EF089173	8/03/2024	00656	Kewdale Primary School	2,000.00	Pastoral Care Support
EF089189	8/03/2024	03377	City of Belmont RSL Sub Branch	6,020.00	Donation - Australia Day Contribution
EF089190	8/03/2024	03378	Belmont Junior Football Club Inc	150.00	Community Contribution Fund - Kids Winter Sports
EF089205	8/03/2024	04901	Perth Irish Rugby Football Club Inc	150.00	Community Contribution Fund - Winter Multisport
EF089209	8/03/2024	05348	Belmont Cricket Club	3,125.50	CCF Grant Payment
EF089210	8/03/2024	05400	Lisa Bretnell	103.98	Photography/Framing Expenses
EF089220	8/03/2024	06003	National Association for the Visual Arts Ltd	370.00	Membership Fee
EF089240	8/03/2024	06745	Alex Bott	2,285.88	Planning Institute Conference - Membership Fee, Flight & Accommodation
EF089248	8/03/2024	99998	Finbar Group	147.00	Application Fee Refund
EF089249	8/03/2024	99998	Aslyn Penny	800.00	Sports Donation
EF089250	8/03/2024	99998	Maddison Fenwick	400.00	Sports Donation
EF089251	8/03/2024	99998	Samantha Mcmanus	100.00	Cloth Nappy Rebate
EF089252	8/03/2024	99998	Dusty Le Gresley	88.90	Cloth Nappy Rebate
EF089261	15/03/2024	00388	Department of Communities - Housing	738.83	Rate Refund
EF089270	15/03/2024	00793	LGIS Insurance Broking - JLT	21,405.99	OSH Contracts - Strategic OSH Contract
EF089286	15/03/2024	02730	Ross Scarfone Real Estate	1,889.60	Rate Refund
EF089293	15/03/2024	03602	Carlisle Rivervale Little Athletics Club	350.00	Turf Line Marking
EF089295	15/03/2024	04079	Belmont Men's Shed Inc	535.00	Stationery & Printing
EF089344	15/03/2024	99998	Tamara Outram-Baggs	960.00	Rates Refund
EF089345	15/03/2024	99998	Veronica Honey	585.37	Pensioner Rebate Refund
EF089346	15/03/2024	99998	Devon Conveyancing Trust	436.05	Rates Refund
EF089347	19/03/2024	01236	Department of Fire and Emergency Services	278,541.81	Emergency Services Levy
EF089370	22/03/2024	01270	Perth Racing - WA Turf Club	2,520.84	Line Marking Sponsorship Reimbursements
EF089379	22/03/2024	03071	Department of Transport - Vehicle Owner Searches	57.20	Vehicle Ownership Searches
EF089381	22/03/2024	03380	Belmont Netball Association Inc	150.00	Community Contribution Fund - Netball Winter Program
EF089382	22/03/2024	03393	Cloverdale Comets Diamond Sports Association	350.00	Turf Line Marking Reimbursement
EF089392	22/03/2024	04726	Helen O'Sullivan	449.76	Staff Reimbursement
EF089417	22/03/2024	06686	Joel Warner	204.33	Training
EF089426	22/03/2024	06806	Marwa Wasige	91.68	Staff Reimbursement
EF089427	22/03/2024	99998	Jeshua Williams	400.00	Sports Donation
EF089428	22/03/2024	99998	Alia Williams	400.00	Sports Donation
EF089429	22/03/2024	99998	Charise Rond	400.00	Sports Donation
EF089430	22/03/2024	99998	Aitaua Enari	400.00	Sports Donation
EF089431	22/03/2024	99998	Agency 296	330.00	Artist Talk
EF089432	22/03/2024	99998	Samantha Ayre	218.87	Neighbour Grant
EF089433	22/03/2024	99998	Australian Executor Trustees Ltd	2,218.22	Rates Refund
EF089434	22/03/2024	99998	Gumala Investments	2,358.21	Rates Refund
788878	26/03/2024	00889	Petty Cash - Finance	1,621.70	Petty Cash Recoup
788879	26/03/2024	00894	Petty Cash - Operations Centre Stores	75.10	Petty Cash Recoup
EF089513	27/03/2024	02377	Faulkner Park Board Management	14,842.39	Faulkner Park Board Management Monthly Contribution
EF089617	27/03/2024	06613	Host Tel	115.00	State Emergency Services Expense
EF089639	27/03/2024	06809	Tegan Hort	65.85	Staff Reimbursement
EF089644	27/03/2024	99998	Miscellaneous EFT payments	2,428.31	Rates Refund
		<b>Other Total</b>		<b>350,881.37</b>	
		<b>Property, Plant &amp; Equipment</b>			
EF089219	8/03/2024	05962	Active Discovery	69,935.80	Playground Equipment - Arlunya Park Playground
EF089231	8/03/2024	06449	Civic Settlements	880.00	Civic Settlement Fee
EF089282	15/03/2024	02310	Exteria Pty Ltd - Landmark Engineering	10,998.90	Street Furniture - Parkway
EF089315	15/03/2024	05621	Grillex	60,513.20	Street Furniture - BBQ Units
EF089336	15/03/2024	06734	CMO Trading T/A Acromat	284.90	HUB - Seat Cover Replacement
EF089354	22/03/2024	00377	Dell Australia Pty Ltd	3,828.00	Computer Hardware
EF089408	22/03/2024	06332	New Eagle International Pty Ltd T/A UMart	1,317.75	Computer Hardware
EF089421	22/03/2024	06758	Stylefurn	3,982.00	Office Furniture - Reupholster Ottomans
EF089584	27/03/2024	05728	Access Office Industries	190.30	Office Furniture
EF089636	27/03/2024	06777	Reeds Prospecting Supplies	239.00	Plant Purchase
		<b>Property, Plant &amp; Equipment Total</b>		<b>152,169.85</b>	
		<b>Salaries/Wages</b>			
WA070324	7/03/2024	COB	City of Belmont Payroll	152,359.16	Salaries/Wages
EF089163	8/03/2024	99971	SuperChoice	142,379.67	Superannuation Contribution
EF089245	8/03/2024	99952	Child Support Agency	1,484.67	Salaries/Wages
EF089246	8/03/2024	99954	City of Belmont Social Club	380.00	Salaries/Wages
EF089247	8/03/2024	99962	LGRCEU - WA Shire Councils Union	132.00	Salaries/Wages
EF089253	8/03/2024	99971	SuperChoice	142,285.70	Superannuation Contribution
SL140324	14/03/2024	COB	City of Belmont Payroll	696,429.79	Salaries/Wages
SW002103	21/03/2024	COB	City of Belmont Payroll	157,809.10	Salaries/Wages
EF089439	22/03/2024	99971	SuperChoice	143,063.67	Superannuation Contribution
EF089640	27/03/2024	99952	Child Support Agency	1,484.67	Salaries/Wages
EF089641	27/03/2024	99954	City of Belmont Social Club	385.00	Salaries/Wages
EF089642	27/03/2024	99962	LGRCEU - WA Shire Councils Union	154.00	Salaries/Wages
		<b>Salaries/Wages Total</b>		<b>1,438,347.43</b>	
		<b>Training and Conferences</b>			
EF089256	15/03/2024	00108	Australian Institute of Building Surveyors	77.00	Training
EF089172	8/03/2024	00602	Local Government Professionals Australia WA	1,700.00	Conference Expenses
EF089177	8/03/2024	00953	Planning Institute of Australia Limited	2,485.00	Training
EF089212	8/03/2024	05526	International Association for Public Participation	1,280.00	Training
EF089232	8/03/2024	06517	Clarity Communications	2,761.00	Training
EF089243	8/03/2024	06775	ACS Distance Education	781.66	Training
EF089265	15/03/2024	00530	Natasha Griggs	755.00	Flight - Australian Placemaking Summit 24

# Attachment 12.10.1 March 2024 payments

Pmnt Ref	Date	CR Code	Supplier	Pmnt Amnt	Description
EF089266	15/03/2024	00595	Work Health & Safety Foundation (Previously IFAP)	990.00	Training
EF089267	15/03/2024	00602	Local Government Professionals Australia WA	945.00	Training
EF089272	15/03/2024	01178	Kelyn Training Services	350.00	Training
EF089273	15/03/2024	01240	WA Local Government Association	190.00	Training
EF089299	15/03/2024	04588	Wizard Training Solutions	3,795.00	Training
EF089356	22/03/2024	00600	Institute of Public Works Engineering WA	1,144.00	Training
EF089357	22/03/2024	00602	Local Government Professionals Australia WA	1,890.00	Training
EF089364	22/03/2024	00953	Planning Institute of Australia Limited	490.00	Training
EF089479	27/03/2024	01178	Kelyn Training Services	900.00	Training
EF089494	27/03/2024	01609	First 5 Minutes Pty Ltd	1,155.00	Training
EF089535	27/03/2024	03329	Intrepid Minds Pty Ltd	3,074.50	Registration and Workshop Fee
			<b>Training and Conferences Total</b>	<b>24,763.16</b>	
<b>MUNI Total</b>				<b>7,703,093.09</b>	
<b>Trust Funds</b>					
EF089162	06/03/24	154102	Building and Energy - Building Services Levy	2,130.35	Building and Energy - Building Services Levy
EF089254	12/03/24	150748	Building and Construction Industry Training Fund	304.50	Building and Construction Industry Training Fund
EF089255	12/03/24	154102	Building and Energy - Building Services Levy	14,489.50	Building and Energy - Building Services Levy
EF089348	19/03/24	164040	Department of Planning DAP fees	9,268.00	Department of Planning DAP fees
			<b>Trust Funds Total</b>	<b>26,192.35</b>	
<b>TRUST Total</b>				<b>26,192.35</b>	
<b>Grand Total</b>				<b>7,729,285.44</b>	
				7,729,285.44	
			Breakdown - Cheques :	1,696.80	
			EFT :	7,727,588.64	

## 12.11 Monthly Financial Report for March 2024

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

### Council role

**Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### Purpose of report

To provide Council with relevant monthly financial information for the 2023-24 financial year.

### Summary and key issues

The following report includes a concise list of material variances for the month ending March 2024.

## Officer Recommendation

That Council:

1. Receives the Monthly Financial Reports as at 31 March 2024 as included in Attachment 12.11.1.
2. Adopts the following amendment to the 2023-24 budget relating to the road resurfacing program:

Account	Account Desc.	Current Budget	Proposed Budget	Movement
WR2519-30-1279	Brennan Way	0	223,392	223,392
999800-00-1997	Closing Balance	(460,000)	(236,608)	(223,392)
TOTAL				0

**Officer Recommendation adopted en bloc by Absolute Majority - Refer to Resolution appearing at Item 12.**

## Location

Not applicable.

## Consultation

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

## Strategic Community Plan implications

In accordance with the 2020–2040 Strategic Community Plan:

### Goal 5: Responsible Belmont

**Strategy:** 5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.

## **Policy implications**

There are no policy implications associated with this report.

## **Statutory environment**

Section 6.4 of the *Local Government Act 1995 (WA)* 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.

## **Background**

*Local Government (Financial Management) Regulations 1996 (WA)* prescribe that a Local Government is to prepare each month a Statement of Financial Activity.

Regulation 34(2) requires the Statement of Financial Activity to be accompanied by documents containing:

1. Explanation for each material variance identified between year-to-date budgets and actuals
2. Any other supporting information considered relevant by the Local Government.

*Local Government (Financial Management) Regulations 1996 (WA)* - Regulation 34 (5) states "Each financial year, a Local Government is to adopt a percentage or value, calculated in accordance with the Australian Accounting Standards, to be used in statements of financial activity for reporting material variances."

This regulation requires Council to annually set a materiality threshold for the purpose of disclosing budget variances within monthly financial reporting.

The materiality threshold has been set by Council at \$100,000 for the 2023-24 financial year.

## Report

The below table provides a summary of significant variances based on this materiality threshold. The detailed financial activity report is included at Attachment 12.11.1.

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Report Comments</b>
<b>Operating Activities</b>			
<b>Revenue from operating activities</b>			
<b>Fees and charges</b>			
Finance	182,109	290,922	Legal fees in relation to debt recovery incurred earlier than budgeted.
Planning Services	424,875	526,213	Several high value development applications have been submitted, with their fees based off these values.
<b>Interest earnings</b>			
Finance	5,253,690	4,854,019	Timing variance associated with investment maturities.
<b>Other revenue</b>			
Governance, Strategy & Risk	338,429	102,894	Insurance reimbursement relating to the Belmont Hub fire not yet received.
<b>Expenditure from operating activities</b>			
<b>Employee costs</b>			
City Projects	(326,218)	(454,929)	Salaries are above budget due to project management costs to be allocated to capital projects at

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Report Comments</b>
			the end of financial year.
Governance, Strategy & Risk	(1,723,582)	(1,449,063)	Salaries are below budget due to vacancies which are currently being recruited by the City.
Parks, Leisure & Environment	(2,725,528)	(2,524,042)	
Planning Services	(1,578,263)	(1,477,333)	
Safer Communities	(2,417,624)	(2,313,688)	
Library, Culture & Place	(2,161,180)	(2,061,119)	
<b>Materials and contracts</b>			
Governance, Strategy & Risk	(647,061)	(347,920)	Consulting and legal fees budgeted but not utilised.
Information Technology	(1,922,927)	(2,084,055)	Cyber security projects completed and invoiced ahead of expectation.
Public Relations & Stakeholder Engagement	(693,706)	(578,742)	Projects in progress with some timing variances on expenditure, including brand strategy costs delayed until May 2024.
Works	(6,786,051)	(6,224,175)	Rubbish disposal invoices for February yet to be received.
Design, Assets & Development	(377,234)	(276,853)	Award of traffic related consultancy and survey contracts later than budgeted.
Parks, Leisure & Environment	(4,280,320)	(4,532,342)	Projects are in progress with some timing variances, where spend is ahead of forecast budget.



<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Report Comments</b>
City Facilities & Property	(2,355,010)	(1,888,107)	Hub fire insurance recovery income not yet received.
Planning Services	(273,141)	(141,547)	Aspects of some projects have been managed in house, and some consultant's costs have not yet been incurred.
Safer Communities	(1,957,184)	(1,765,041)	Variance due to Community Watch invoice not yet received and ranger vehicles on backorder.
Economic & Community Development	(1,620,388)	(1,479,080)	Youth Services monthly invoice yet to be received.
Library, Culture & Place	(1,862,370)	(1,718,061)	Underspend in relation to combining of Carols and Let's Celebrate, Wright St art project yet to commence.
<b>Insurance Expenses</b>			
Governance, Strategy & Risk	(268,571)	(117,381)	Actual insurance premium lower than estimated amount.
<b>Investing Activities</b>			
<b>Proceeds from disposal of assets</b>			
Design, Assets & Development	259,535	154,385	Fleet to be sold at auction when new orders are delivered.
<b>Outflows from investing activities</b>			
<b>Payments for property, plant and equipment</b>			

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Report Comments</b>
Information Technology	(482,199)	(348,083)	Delay in the renewal of network switching hardware.
City Facilities & Property	(1,010,087)	(622,015)	Delays in receiving plant and equipment to conclude scheduled work.
Safer Communities	(202,775)	(62,591)	Underspend in CCTV projects due to hardware supply delays.
<b>Payments for construction of infrastructure</b>			
Works	(3,895,968)	(3,369,315)	Belgravia Street, Towie Street and Fisher Street projects have all been completed and are awaiting final invoices.
City Projects	(651,062)	(471,361)	The projects are progressing toward important milestones, but there have been delays in receiving invoice for the work completed so far.
Parks, Leisure & Environment	(3,675,894)	(1,972,052)	Expenditure reflects delays within supply chain however works program indicates completion within this budget cycle.

## **Budget Amendment**

This report contains a budget amendment relating to the addition of one road resurfacing project. The inclusion of this project is to ensure that the City meets

Own Source Expenditure (OSE) requirements in line with the funded Roads to Recovery program.

Information relating to the City's OSE was not made available prior to the finalisation of the March budget review. As a result, additional expenditure will be required to be funded from municipal funds, reducing the overall budgeted surplus for the 2023-24 budget to \$236,608.

## **Financial implications**

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

## **Environmental implications**

There are no environmental implications associated with this report.

## **Social implications**

There are no social implications associated with this report.

## **Attachment details**

<b>Attachment No and title</b>
1. Monthly Financial Report - March [ <b>12.11.1</b> - 11 pages]

**CITY OF BELMONT**  
**MONTHLY FINANCIAL REPORT**  
**For the period ended 31 March 2024**

***LOCAL GOVERNMENT ACT 1995***  
***LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996***

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# Attachment 12.11.1 Monthly Financial Report - March

## CITY OF BELMONT STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 MARCH 2024

	Supplementary Information	Amended Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance* \$ (c) - (b)	Variance* % ((c) - (b))/(b)	Var.
<b>OPERATING ACTIVITIES</b>							
<b>Revenue from operating activities</b>							
Rates		56,645,769	56,565,769	56,490,720	(75,049)	(0.13%)	
Grants, subsidies and contributions		2,682,554	698,374	577,138	(121,236)	(17.36%)	▼
Fees and charges		10,102,849	9,312,047	9,743,375	431,328	4.63%	▲
Interest revenue		6,875,655	5,264,418	4,864,748	(399,670)	(7.59%)	▼
Other revenue		1,080,981	918,939	736,124	(182,815)	(19.89%)	▼
Profit on asset disposals		76,289	38,144	27,368	(10,776)	(28.25%)	
		<b>77,464,097</b>	<b>72,797,691</b>	<b>72,439,473</b>	<b>(358,218)</b>	<b>(0.49%)</b>	
<b>Expenditure from operating activities</b>							
Employee costs		(26,479,778)	(20,053,141)	(19,380,535)	672,606	3.35%	▲
Materials and contracts		(33,864,076)	(23,686,277)	(21,859,740)	1,826,537	7.71%	▲
Utility charges		(1,745,786)	(1,240,026)	(1,070,747)	169,279	13.65%	▲
Depreciation		(12,855,614)	(9,641,713)	(9,273,491)	368,222	3.82%	▲
Finance costs		(544,195)	(275,200)	(275,924)	(724)	(0.26%)	
Insurance		(855,454)	(855,159)	(710,453)	144,706	16.92%	▲
Other expenditure		(1,750,763)	(1,452,634)	(1,442,407)	10,227	0.70%	
Loss on asset disposals		0	0	(13,407)	(13,407)	0.00%	
		<b>(78,095,666)</b>	<b>(57,204,150)</b>	<b>(54,026,704)</b>	<b>3,177,446</b>	<b>5.55%</b>	
Non-cash amounts excluded from operating activities	Note 2(b)	12,844,147	9,603,569	9,861,878	258,309	2.69%	▲
<b>Amount attributable to operating activities</b>		<b>12,212,578</b>	<b>25,197,110</b>	<b>28,274,647</b>	<b>3,077,537</b>	<b>12.21%</b>	
<b>INVESTING ACTIVITIES</b>							
<b>Inflows from investing activities</b>							
Proceeds from capital grants, subsidies and contributions		3,254,438	1,872,574	1,933,847	61,273	3.27%	
Proceeds from disposal of assets		1,201,962	0	13,961	13,961	0.00%	
		<b>4,456,400</b>	<b>1,872,574</b>	<b>1,947,808</b>	<b>75,234</b>	<b>4.02%</b>	
<b>Outflows from investing activities</b>							
Payments for property, plant and equipment	2	(4,153,953)	(2,454,538)	(1,741,037)	713,501	29.07%	▲
Payments for construction of infrastructure	2	(11,458,868)	(8,110,520)	(5,710,150)	2,400,370	29.60%	▲
<b>Amount attributable to investing activities</b>		<b>(11,156,421)</b>	<b>(8,692,484)</b>	<b>(5,503,379)</b>	<b>3,189,105</b>	<b>36.69%</b>	
<b>FINANCING ACTIVITIES</b>							
<b>Inflows from financing activities</b>							
Transfer from reserves	1	5,012,906	1,046,192	1,046,192	0	0.00%	
		<b>5,012,906</b>	<b>1,046,192</b>	<b>1,046,192</b>	<b>0</b>	<b>0.00%</b>	
<b>Outflows from financing activities</b>							
Repayment of borrowings		(618,110)	(306,139)	(306,139)	0	0.00%	
Payments for principal portion of lease liabilities		(67,308)	0	0	0	0.00%	
Transfer to reserves	1	(16,876,287)	0	0	0	0.00%	
		<b>(17,561,705)</b>	<b>(306,139)</b>	<b>(306,139)</b>	<b>0</b>	<b>0.00%</b>	
<b>Amount attributable to financing activities</b>		<b>(12,548,799)</b>	<b>740,053</b>	<b>740,053</b>	<b>0</b>	<b>0.00%</b>	
<b>MOVEMENT IN SURPLUS OR DEFICIT</b>							
<b>Surplus or deficit at the start of the financial year</b>		11,952,642	11,952,642	11,952,647	5	0.00%	
Amount attributable to operating activities		12,212,578	25,197,110	28,274,647	3,077,537	12.21%	▲
Amount attributable to investing activities		(11,156,421)	(8,692,484)	(5,503,379)	3,189,105	36.69%	▲
Amount attributable to financing activities		(12,548,799)	740,053	740,053	0	0.00%	
<b>Surplus or deficit after imposition of general rates</b>		<b>460,000</b>	<b>29,197,321</b>	<b>35,463,968</b>	<b>6,266,647</b>	<b>21.46%</b>	▲

### KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

\* Refer to Note 3 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

**CITY OF BELMONT**  
**STATEMENT OF FINANCIAL POSITION**  
**FOR THE PERIOD ENDED 31 MARCH 2024**

	Supplementary	30 June 2024	31 March 2024
	Information	\$	\$
<b>CURRENT ASSETS</b>			
Cash and cash equivalents		12,671,468	8,987,036
Trade and other receivables		24,316,211	25,613,744
Other financial assets		33,253,360	54,118,043
Inventories		246,770	276,212
Other assets		2,533,328	3,289,109
<b>TOTAL CURRENT ASSETS</b>		<b>73,021,137</b>	<b>92,284,144</b>
<b>NON-CURRENT ASSETS</b>			
Trade and other receivables		457,172	429,391
Other financial assets		31,226,126	31,230,329
Property, plant and equipment		343,596,968	341,677,639
Infrastructure		291,645,811	291,146,995
Right-of-use assets		275,308	275,308
Intangible assets		145,828	112,307
<b>TOTAL NON-CURRENT ASSETS</b>		<b>667,347,213</b>	<b>664,871,969</b>
<b>TOTAL ASSETS</b>		<b>740,368,350</b>	<b>757,156,113</b>
<b>CURRENT LIABILITIES</b>			
Trade and other payables		5,743,434	2,389,359
Other liabilities		1,400,503	1,808,113
Lease liabilities		118,561	118,561
Borrowings		618,110	311,971
Employee related provisions		4,428,402	4,223,584
<b>TOTAL CURRENT LIABILITIES</b>		<b>12,309,010</b>	<b>8,851,588</b>
<b>NON-CURRENT LIABILITIES</b>			
Other liabilities		165,134	62,747
Lease liabilities		162,469	162,469
Borrowings		11,618,252	11,618,252
Employee related provisions		366,690	366,690
<b>TOTAL NON-CURRENT LIABILITIES</b>		<b>12,312,545</b>	<b>12,210,158</b>
<b>TOTAL LIABILITIES</b>		<b>24,621,555</b>	<b>21,061,746</b>
<b>NET ASSETS</b>		<b>715,746,795</b>	<b>736,094,367</b>
<b>EQUITY</b>			
Retained surplus		202,240,917	223,634,681
Reserve accounts	1	61,681,383	60,635,191
Revaluation surplus		451,824,495	451,824,495
<b>TOTAL EQUITY</b>		<b>715,746,795</b>	<b>736,094,367</b>

This statement is to be read in conjunction with the accompanying notes.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 MARCH 2024**

**1 BASIS OF PREPARATION AND SIGNIFICANT ACCOUNTING POLICIES**

**BASIS OF PREPARATION**

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

**Local Government Act 1995 requirements**

Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the City to measure any vested improvements at zero cost.

*Local Government (Financial Management) Regulations 1996*, regulation 34 prescribes contents of the financial report. Supporting information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

**THE LOCAL GOVERNMENT REPORTING ENTITY**

All funds through which the City controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements.

**Judgements and estimates**

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land and buildings, infrastructure and investment property
- estimation uncertainties made in relation to lease accounting
- estimated useful life of intangible assets

**SIGNIFICANT ACCOUNTING POLICES**

Significant accounting policies utilised in the preparation of these statements are as described within the 2023-24 Annual Budget. Please refer to the adopted budget document for details of these policies.

**PREPARATION TIMING AND REVIEW**

Date prepared: All known transactions up to 31 March 2024

# Attachment 12.11.1 Monthly Financial Report - March

## CITY OF BELMONT NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 MARCH 2024

### 2 STATEMENT OF FINANCIAL ACTIVITY INFORMATION

	Amended Budget Opening	Last Year Closing	Year to Date
(a) Net current assets used in the Statement of Financial Activity	30 June 2023	30 June 2023	31 March 2024
Note	\$	\$	\$
<b>Current assets</b>			
Cash and cash equivalents	11,451,932	12,671,468	8,987,036
Trade and other receivables	1,717,407	24,316,211	25,613,744
Other financial assets	39,012,440	33,253,360	54,118,043
Inventories	177,335	246,770	276,212
Other assets	336,836	2,533,328	3,289,109
	52,695,950	73,021,137	92,284,144
<b>Less: current liabilities</b>			
Trade and other payables	(5,539,964)	(5,743,434)	(2,389,359)
Other liabilities	(969,598)	(1,400,503)	(1,808,113)
Lease liabilities	(58,056)	(118,561)	(118,561)
Borrowings	(641,884)	(618,110)	(311,971)
Employee related provisions	(4,542,090)	(4,428,402)	(4,223,584)
Other provisions	(102,912)	0	0
	(11,854,504)	(12,309,010)	(8,851,588)
<b>Net current assets</b>	<b>40,841,446</b>	<b>60,712,127</b>	<b>83,432,556</b>
<b>Less: Total adjustments to net current assets</b>			
Closing funding surplus / (deficit)	2(c) (40,341,446)	(48,759,480)	(47,968,588)
	<b>500,000</b>	<b>11,952,647</b>	<b>35,463,968</b>

#### (b) Non-cash amounts excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

Non-cash amounts excluded from operating activities	Amended Budget	YTD Budget (a)	YTD Actual (b)
	\$	\$	\$
<b>Adjustments to operating activities</b>			
Less: Profit on asset disposals	(76,289)	(38,144)	(27,368)
Add: Loss on asset disposals	0	0	13,407
Add: Depreciation	12,855,614	9,641,713	9,273,491
Movement in non-current employee provisions	64,822	0	0
- Pensioner deferred rates	0	0	(27,781)
- Employee provisions	0	0	630,129
<b>Total non-cash amounts excluded from operating activities</b>	<b>12,844,147</b>	<b>9,603,569</b>	<b>9,861,878</b>

#### (c) Current assets and liabilities excluded from budgeted deficiency

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates.

Adjustments to net current assets	Amended Budget Opening	Last Year Closing	Year to Date
	30 June 2023	30 June 2023	31 March 2024
	\$	\$	\$
Less: Reserve accounts	(44,568,885)	(61,681,383)	(60,635,191)
Add: Financial assets at amortised cost	0	31,022,402	31,022,402
- EMRC receivable	0	(20,927,619)	(20,927,619)
Add: Current liabilities not expected to be cleared at the end of the year:			
- Current portion of borrowings	641,884	618,110	311,971
- Current portion of lease liabilities	58,056	118,561	118,561
- Current portion of employee benefit provisions held in reserve	3,527,499	2,090,449	2,141,288
<b>Total adjustments to net current assets</b>	2(a) (40,341,446)	(48,759,480)	(47,968,588)

#### CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the City's operational cycle.



# Attachment 12.11.1 Monthly Financial Report - March

**CITY OF BELMONT**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 31 MARCH 2024**

### 3 EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materiality.  
 The material variance adopted by Council for the 2023-24 year is \$100,000.

Description	Var. \$	Var. %	
	\$	%	
<b>Revenue from operating activities</b>			
<b>Grants, subsidies and contributions</b>	(121,236)	(17.36%)	▼
Various Grants, Subsidies and Contributions below budget dues by amounts below material variance threshold		Timing	
<b>Fees and charges</b>	431,328	4.63%	▲
Finance - Legal Fees in relation to debt recovery incurred earlier than budgeted - \$108,813		Timing	
Planning Services - Several high-value development applications have been submitted with their fees based on these values - \$101,338		Timing	
<b>Interest revenue</b>	(399,670)	(7.59%)	▼
Finance - Timing variance associated with investment maturities		Timing	
<b>Other revenue</b>	(182,815)	(19.89%)	▼
Various activity based costing variances above budget by amounts below material variance threshold		Timing	
<b>Expenditure from operating activities</b>			
<b>Employee costs</b>	672,606	3.35%	▲
Salaries are below budget due to vacancies currently being recruited by the City		Permanent	
<b>Materials and contracts</b>	1,826,537	7.71%	▲
Governance, Strategy & Risk - Consulting and legal fees budgeted but not utilised - \$299,141		Timing	
Information Technology - Cyber security projects completed and invoiced ahead of expectation - (\$161,128)		Timing	
Public Relations & Stakeholder Engagement - Projects in progress with some timing variance on expenditure, including brand strategy costs delayed until February - May 2024 - \$114,964		Timing	
Design, Assets & Development - Award of traffic related consultancy and survey contracts later than budgeted for - \$100,380		Timing	
Parks, Leisure & Environment - Projects are in progress with some timing variances where spend is ahead of forecasted budget - (\$252,021)		Timing	
City Facilities & Property - Hub insurance recovery income not yet received - \$466,903		Timing	
Planning Services - Aspects of some projects have been managed in house and consultant costs have not yet been incurred - \$131,594		Timing	
Safer Communities - Variance due to BCW invoice not yet received, ranger vehicle expenses not yet incurred as vehicles are still on back order and agency staff costs higher than budgeted in line with employee costs underspend - \$192,143		Timing	
Economic & Community Development - Youth Services monthly invoice yet to be received - \$141,309		Timing	
Library, Culture & Place - Underspend in relation to combining of Carols and Lets Celebrate, Wright St art project also yet to commence - \$368,221		Timing	
<b>Utility charges</b>	169,279	13.65%	▲
Various Utility Charges below budget due to amounts below material variance threshold		Timing	
<b>Depreciation</b>	368,222	3.82%	▲
Accrual entry for January to March yet to be reversed		Timing	
<b>Insurance</b>	144,706	16.92%	▲
Governance, Strategy & Risk - The actual insurance premium is lower than estimated amount		Timing	
<b>Non-cash amounts excluded from operating activities</b>	258,309	2.69%	▲
Reduced depreciation in line with reduced capital spend.		Timing	
<b>Outflows from investing activities</b>			
<b>Payments for property, plant and equipment</b>	713,501	29.07%	▲
Information Technology - Delay in the renewal of network switching hardware - \$134,116		Timing	
City Facilities & Property - Delays in receiving plant and equipment to conclude scheduled work - \$388,072		Timing	
Safer Communities - Underspend in CCTV projects due to hardware supply delays - \$140,184		Timing	
<b>Payments for construction of infrastructure</b>	2,400,370	29.60%	▲
Works - Belgravia Street, Towie Street and Fisher Street projects complete just awaiting final invoices - \$526,653		Timing	
City Projects - projects are progressing towards important milestones, delays in receiving invoices for work completed so far - \$179,701		Timing	
Parks, Leisure & Environment - Expenditure reflects delays within supply chain however works program indicates completion within this budget cycle - \$1,703,842		Timing	
<b>Surplus or deficit after imposition of general rates</b>	6,266,647	21.46%	▲
Due to variances described above			

**CITY OF BELMONT**  
**SUPPLEMENTARY INFORMATION**

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# Attachment 12.11.1 Monthly Financial Report - March

**CITY OF BELMONT**  
**SUPPLEMENTARY INFORMATION**  
**FOR THE PERIOD ENDED 31 MARCH 2024**

**1 RESERVE ACCOUNTS**

Reserve name	Budget	Budget	Budget	Budget	Budget	Actual	Actual	Actual	Actual	Actual
	Opening	Interest	Transfers In	Transfers	Closing	Opening	Interest	Transfers In	Transfers	YTD
	Balance	Earned	(+)	Out (-)	Balance	Balance	Earned	(+)	Out (-)	Closing
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Restricted by Council</b>										
Administration building Reserve	245,980	11,627	0	0	257,607	246,141	2,359	(2,359)	0	246,141
Aged Accommodation - Homewest Reserve	908,719	43,871	7,469	0	960,059	928,711	8,904	(8,904)	0	928,711
Aged Community Care Reserve	228,170	10,786	0	0	238,956	228,321	2,188	(2,188)	0	228,321
Aged persons housing Reserve	849,246	33,670	6,915	(286,096)	603,735	712,757	6,800	(6,800)	0	712,757
Aged Services Reserve	1,109,943	52,467	0	0	1,162,410	1,110,671	10,643	(10,643)	0	1,110,671
Ascot Waters Marina Maintenance & Restoration	1,006,902	49,959	0	(50,000)	1,006,861	1,057,596	10,135	(10,135)	0	1,057,596
Belmont District Band Reserve	48,952	2,314	0	0	51,266	48,983	469	(469)	0	48,983
Belmont Oasis Refurbishment Reserve	4,314,360	203,938	0	0	4,518,298	4,317,189	41,370	(41,370)	0	4,317,189
Belmont Trust Reserve	1,471,352	77,026	0	0	1,548,378	1,630,571	15,619	(15,619)	0	1,630,571
Building maintenance Reserve	6,279,107	241,068	0	(321,450)	6,198,725	5,103,194	48,963	(48,963)	0	5,103,194
Capital Projects Reserve	0	0	4,178,263	0	4,178,263	0	0	0	0	0
Car Parking Reserve	64,553	3,051	0	0	67,604	64,594	619	(619)	0	64,594
Carry Forward Projects Reserve	0	0	3,008,977	0	3,008,977	0	0	0	0	0
District valuation Reserve	132,287	1,083	85,000	0	218,370	22,916	158	(158)	0	22,916
Election expenses Reserve	139,567	6,618	35,000	(138,000)	43,185	140,105	1,356	(1,356)	0	140,105
Environment Reserve	1,513,342	71,515	0	(656,965)	927,892	1,513,903	14,654	(14,654)	0	1,513,903
Faulkner Park Retirement Village Buy Back Reserve	2,452,738	115,940	20,000	0	2,588,678	2,454,347	23,519	(23,519)	0	2,454,347
Faulkner Park Retirement Village Owners Maintenance Reserve	586,200	32,633	61,000	(180,000)	499,833	690,804	6,643	(6,643)	0	690,804
History Reserve	173,315	8,193	0	0	181,508	173,429	1,662	(1,662)	0	173,429
Information Technology Reserve	1,309,262	68,033	0	(60,000)	1,317,295	1,440,206	13,801	(13,801)	0	1,440,206
Land acquisition Reserve	10,020,640	482,989	340,000	0	10,843,629	10,224,436	98,116	(98,116)	0	10,224,436
Long Service Leave Reserve - Salaries	1,453,419	89,655	0	(381,587)	1,161,487	1,897,921	18,175	(18,175)	0	1,897,921
Long Service Leave Reserve - Wages	229,306	11,496	0	(19,969)	220,833	243,367	2,323	(2,323)	0	243,367
Miscellaneous Entitlements Reserve	1,216,695	37,101	553,603	(20,000)	1,787,399	785,400	7,598	(7,598)	0	785,400
Plant replacement Reserve	1,284,971	77,795	0	(242,250)	1,120,516	1,646,845	15,823	(15,823)	0	1,646,845
Property development Reserve	15,888,740	725,920	5,662,007	0	22,276,667	15,367,065	147,992	(147,992)	0	15,367,065
Public Art Reserve	412,077	19,479	0	(14,000)	417,556	412,347	3,951	(3,951)	0	412,347
Ruth Faulkner library Reserve	47,859	2,262	0	0	50,121	47,892	459	(459)	0	47,892
Streetscapes Reserve	512,770	24,238	0	0	537,008	513,107	4,917	(4,917)	0	513,107
Urban Forest Strategy Management Reserve	121,087	5,724	0	0	126,811	121,168	1,161	(1,161)	0	121,168
Waste Management Reserve	6,503,125	340,542	4,307	(2,552,589)	4,295,385	7,208,970	69,327	(69,327)	(1,046,192)	6,162,778
Workers Compensation/Insurance Reserve	1,438,947	62,753	0	(90,000)	1,411,700	1,328,427	12,705	(12,705)	0	1,328,427
	<b>61,963,631</b>	<b>2,913,746</b>	<b>13,962,541</b>	<b>(5,012,906)</b>	<b>73,827,012</b>	<b>61,681,383</b>	<b>592,409</b>	<b>(592,409)</b>	<b>(1,046,192)</b>	<b>60,635,191</b>

**CITY OF BELMONT  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 MARCH 2024**

**INVESTING ACTIVITIES**

**2 CAPITAL ACQUISITIONS**

Capital acquisitions	Amended		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Buildings - non-specialised	2,126,346	1,048,337	706,103	(342,234)
Furniture and equipment	816,628	703,724	410,674	(293,050)
Plant and equipment	1,160,979	689,977	624,260	(65,717)
Other property, plant and equipment	50,000	12,500	0	(12,500)
<b>Acquisition of property, plant and equipment</b>	<b>4,153,953</b>	<b>2,454,538</b>	<b>1,741,037</b>	<b>(713,501)</b>
Infrastructure - Roads	4,109,225	3,273,319	2,892,762	(380,557)
Infrastructure - Reserves Improvements	6,401,669	4,214,552	2,340,818	(1,873,734)
Infrastructure - Footpath Network	314,437	151,304	115,476	(35,828)
Infrastructure - Drainage Network	633,537	471,345	361,094	(110,251)
<b>Acquisition of infrastructure</b>	<b>11,458,868</b>	<b>8,110,520</b>	<b>5,710,150</b>	<b>(2,400,370)</b>
<b>Total capital acquisitions</b>	<b>15,612,821</b>	<b>10,565,058</b>	<b>7,451,187</b>	<b>(3,113,871)</b>
<b>Capital Acquisitions Funded By:</b>				
Capital grants and contributions	3,254,438	1,872,574	0	(1,872,574)
Other (disposals & C/Fwd)	1,201,962	0	13,961	13,961

**SIGNIFICANT ACCOUNTING POLICIES**

Each class of fixed assets within either plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

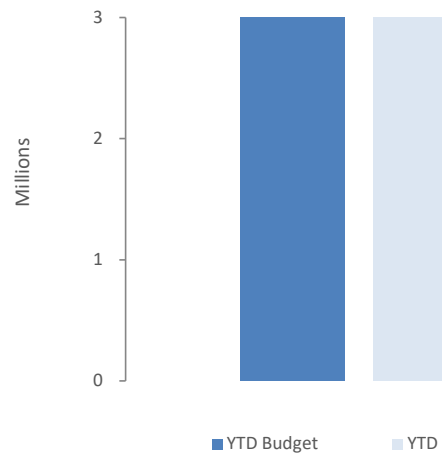
**Initial recognition and measurement for assets held at cost**

Plant and equipment including furniture and equipment is recognised at cost on acquisition in accordance with *Financial Management Regulation 17A*. Where acquired at no cost the asset is initially recognise at fair value. Assets held at cost are depreciated and assessed for impairment annually.

**Initial recognition and measurement between mandatory revaluation dates for assets held at fair value**

In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the City includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

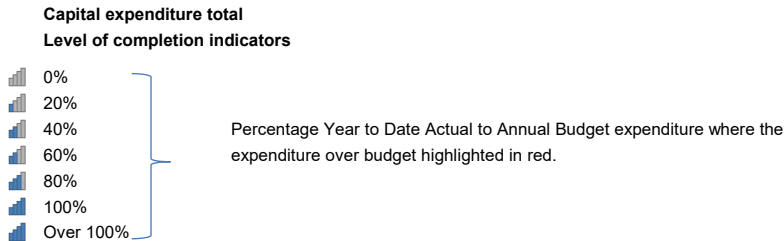
**Payments for Capital Acquisitions**



**CITY OF BELMONT  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 MARCH 2024**

**INVESTING ACTIVITIES**

**2 CAPITAL ACQUISITIONS - DETAILED**



*Level of completion indicator, please see table at the end of this note for further detail.*

Account Description	Amended			Variance (Under)/Over
	Budget	YTD Budget	YTD Actual	
	\$	\$	\$	\$
City Projects	2,229,464	651,062	471,362	(179,700)
Parks and Environment	4,455,955	3,675,894	1,972,054	(1,703,840)
Buildings and facilities	1,842,596	991,337	622,015	(369,322)
Infrastructure Capital Works	5,057,199	3,895,968	3,369,332	(526,636)
Furniture and equipment	816,628	703,724	410,674	(293,050)
Plant and equipment	1,160,979	689,977	624,260	(65,717)
Other	50,000	12,500	0	(12,500)
	<b>15,612,821</b>	<b>10,620,462</b>	<b>7,469,697</b>	<b>(3,150,765)</b>

# Attachment 12.11.1 Monthly Financial Report - March

## CITY OF BELMONT SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 MARCH 2024

### 3 BUDGET AMENDMENTS

Amendments to original budget since budget adoption. Surplus/(Deficit)

Description	Council Resolution	Classification	Non Cash	Increase in	Decrease in	Amended Budget Running Balance
			Adjustment	Available Cash	Available Cash	
			\$	\$	\$	\$
<b>Budget adoption</b>						500,000
T04/2023 Civic Centre Chiller Unit Replacement	June OCM #12.10	Capital expenses	0	0	(74,300)	425,700
Independent Living Units	August OCM #12.12	Capital expenses	0	0	(137,000)	288,700
Independent Living Units	August OCM #12.12	Capital revenue	0	137,000	0	425,700
October Budget Review	October OCM #12.5	Opening surplus(deficit)	0	4,554,448	0	4,980,148
October Budget Review	October OCM #12.5	Operating revenue	0	2,935,023	0	7,915,171
October Budget Review	October OCM #12.5	Operating expenses	0	0	(1,662,615)	6,252,556
October Budget Review	October OCM #12.5	Capital revenue	0	2,372,673	0	8,625,229
October Budget Review	October OCM #12.5	Capital expenses	0	0	(8,194,238)	430,991
October Budget Review	October OCM #12.5	Non cash item	0	69,009	0	500,000
T07/2023 Esplanade Foreshore Works	November OCM #12.5	Capital expenses	0	0	(255,000)	245,000
T07/2023 Esplanade Foreshore Works	November OCM #12.5	Capital expenses	0	255,000	0	500,000
Sister City Delegation	December OCM #12.12	Operating expenses	0	0	(10,000)	490,000
March Budget Review	March OCM #12.5	Opening surplus(deficit)	0	0	(161,298)	328,702
March Budget Review	March OCM #12.5	Operating revenue	0	3,211,424	0	3,540,126
March Budget Review	March OCM #12.5	Operating expenses	0	0	(1,201,514)	2,338,612
March Budget Review	March OCM #12.5	Non cash item	1,455,616	0	0	3,794,228
March Budget Review	March OCM #12.5	Capital expenses	0	0	(3,118,152)	676,076
March Budget Review	March OCM #12.5	Capital revenue	0	0	(176,076)	500,000
Extraordinary Election South Ward	March OCM #12.8	Operating expenses	0	0	(40,000)	460,000
				<b>13,534,577</b>	<b>(15,030,193)</b>	<b>(1,495,616)</b>

## 13 Reports by the Chief Executive Officer

### 13.1 Request for leave of absence

Cr Vijay requested a leave of absence for the period 23 April 2024 to 31 July 2024

#### Recommendation

**Davis moved, Sekulla seconded**

That Cr Vijay be granted a leave of absence for the period 23 April 2024 to 31 July 2024.

**Carried 7 votes to 0**

For: Davis, Kulczycki, Marks, Rossi, Ryan, Sekulla and Sessions

Against: Nil

### 13.2 Notice of motion

#### 13.2.1 Notice of Motion (Cr Sessions) Policy Amendment - Elected Members Fees, Allowances and Support

Voting Requirement	:	Simple Majority
Subject Index	:	32/024 BelNet - Current Documentation
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

### Legislative

Includes adopting local laws, local planning schemes and policies.

## Purpose of report

To consider the Notice of Motion received from Councillor (Cr) Sessions for Council to consider an amendment to Council Policy 20 - Elected Members Fees, Allowances and Support.

## Summary and key issues

A request has been received from Cr Sessions for Council to consider amending Council Policy 20 – Elected Member Fees, Allowances and Support so that Elected Members allowances and fees are paid monthly in arrears via electronic funds transferred to their nominated bank account.

### Officer Recommendation

#### Sessions moved, Davis seconded

That Council endorse the amendment of Council Policy 20 – Elected Member Fees, Allowances and Support so that Elected Members allowances and fees are paid monthly in arrears via electronic funds transferred to their nominated bank account.

#### Carried 6 votes to 1

For: Davis, Kulczycki, Marks, Ryan, Sekulla and Sessions

Against: Rossi

## Location

Not applicable.

## Consultation

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



## Strategic Community Plan implications

In accordance with the 2020–2040 Strategic Community Plan:

### Goal 5: Responsible Belmont

**Strategy:** 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

## Policy implications

The amendment to the policy is the only implication to the policy.

## Statutory environment

The declaration of an interest by Elected Members for this report is exempted under Section 5.63 (c) (i) of the *Local Government Act 1995 (WA)* (the Act):

5.63 (c) an interest relating to —

- (i) a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;

Note:

These are the relevant sections of the Act as included in (i) above:

5.98. Fees etc. for council members

5.98A. Allowance for deputy mayor or deputy president

5.99. Annual fee for council members in lieu of fees for attending meetings

5.99A. Allowances for council members in lieu of reimbursement of expenses

## Background

A Notice of Motion received from Cr Sessions reads as follows:

Elected Members Fees, Allowances and Support policy part 1 is amended to read:

'Annual allowances and fees are to be paid to Elected Members monthly in arrears via electronic funds transfer to their nominated bank account.'

Reasons:

To bring the City of Belmont policy in line with other Councils such as Rockingham, Cockburn, Gosnells and other tier one Councils. Payment of Elected Member sitting fees and allowances will not have any effect financially on the City nor negative impact on cash flow of the City.

## Report

The amendment to Elected Members Fees, Allowances and Support policy by changing the payment frequency from quarterly in arrears to monthly in arrears is the only effect Cr Session's Notice of Motion will have on the policy.

The payment of sitting fees and allowances on a monthly basis aligns with the practices of several other councils across the metropolitan area. Of the sixteen tier one local governments reviewed in metropolitan Perth, 11 pay monthly, three pay quarterly (including Belmont), one pays fortnightly and one offers a mixed payment option.

## 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.

## Attachment details

Attachment No and title
1. Elected Members Fees Allowances and Support [ <b>13.2.1.1</b> - 5 pages]

## {item-title}

### Policy Objective

To provide clear guidelines and transparency regarding the allowances, fees and entitlements provided to Elected Members for the discharge of their role as elected representatives of the City, in accordance with the *Local Government Act 1995* and determinations of the Salaries and Allowance Tribunal.

### Policy Detail

#### 1. Annual fees and allowances

Annual allowances and fees are to be paid to Elected Members ~~quarterly~~ monthly in arrears via electronic funds transfer to their nominated bank account.

The following allowances are to be the maximum amount set for the appointed band allocation of the City of Belmont, as determined by the Salaries and Allowance Tribunal;

- a) Mayoral allowance
- b) Deputy allowance
- c) Elected Member meeting attendance fee
- d) ICT expenses allowance

The cost of any ICT related items provided to Elected Members by the City will be deducted from the ICT expenses allowance until the cost is recovered in full. ICT expenses are as defined in the current Local Government determination of the Salaries and Allowances Tribunal.

The annual increase in allowances determined by the Salaries and Allowances Tribunal will be applied from 1 July of the relevant year.

#### 2. Carer expenses

Elected Members are entitled to be reimbursed for carer expenses when the Elected Member is the primary carer for a person who has a disability, mental illness, chronic condition or who is frail and aged. The City will cover the costs of a replacement carer incurred by the Elected Member to attend an authorised meeting and any training or professional development approved per policy 15 Elected Member Professional Development and Authorised Travel.

#### 3. Sundry expenses

The following sundry expenses may be claimed by an Elected Member to a maximum value of \$1,500 (excluding GST) per annum.

- a) Clothing, footwear and suit hire\*;
- b) Personal grooming\*;
- c) Dry cleaning\*;

- d) Cost of attending **Official Functions** of the City; and
- e) Protocol gifts.

\*These sundry expenses may only be claimed by an Elected Member in receipt of a pension.

#### **4. Mayoral vehicle**

A City of Belmont owned and maintained vehicle will be available to the Mayor for the purpose of undertaking official duties. No private use of the vehicle is permitted, nor is the vehicle to be used for electioneering purposes.

A log book will be required to be completed for all travel in the provided vehicle in a manner prescribed by the CEO.

The Mayoral vehicle may be replaced with approval from the Council. The class and cost of any replacement vehicle is to be approved by Council.

When the Mayor is on leave of absence, the Deputy Mayor may use the vehicle in accordance with this policy.

This section of the policy applies from the date of the Local Government elections to be held in October 2023.

#### **5. Business cards**

Each Elected Member will be allocated a maximum of 1,000 business cards after each local government ordinary election, subject to a restricted amount of 250 cards per Elected Member during the lead up period (six months) to local government elections. The business cards will be printed in accordance with the City's Corporate Style Guide. Business cards must be used for Council business only and must not be used for electioneering purposes.

#### **6. Additional support**

Any request for additional support by an Elected Member under this or any other policy must be submitted to the CEO who will refer the request to Council.

### **Reference/Associated Documents**

[Local Government Act 1995](#)

[Local Government \(Administration\) Regulations 1996](#)

Salaries and Allowances Act 1975

Policy 15 Elected Member Professional Development and Authorised Travel.

### **Reference to Internal Procedure**

Nil

### **Definitions**

'**CEO**' means the Chief Executive Officer of the City.

'**City**' means the City of Belmont.

'**Official function**' means the City's Mayoral Dinner, Civic Dinner and other functions approved by Council.

<b>This Policy is supported by:</b>		
Policy No:	CP20	
Strategic Community Plan:	<b>Goal 5: Responsible Belmont</b> <b>Strategy:</b> 5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community <b>Strategy:</b> 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations	
Delegation Register:	n/a	
Service Area:	Corporate and Governance	
Policy Owner:	Manager Governance Strategy and Risk	
Policy Stakeholder:	n/a	
<b>Amendment Status:</b>		
Date of Amendment	Status of Amendment	Minute Item Reference
08/02/05		11.3.4
03/04/07		12.5.7
28/04/09		12.10
24/08/10		12.9
22/11/11		12.9
24/07/12		12.6
25/06/13		12.8
23/07/13		12.7
28/10/14	Review - Minor	12.4
22/09/15	Review - None	10.7
23/02/16	Minor	12.7
27/09/16	Review - Minor	12.9
22/08/17		12.2
25/09/18	Review – Minor	12.5
10/12/19	Review – Minor	12.8

Attachment 13.2.1.1 Elected Members Fees Allowances and Support

24/05/22	Review - Minor	12.7
22/08/23	Review - Moderate	12.10

## 14 Matters for which the meeting may be closed

Nil.

## 15 Closure

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 9.06pm.

### Minutes confirmation certification

The undersigned certifies that these Minutes of the Ordinary Council Meeting held on 23 April 2024 were confirmed as a true and accurate record at the Ordinary Council Meeting held on 28 May 2024.

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

PRINT name of the Person Presiding: \_\_\_\_\_



**ROBERT ROSSI**