



**City of Belmont**  
**ORDINARY COUNCIL MEETING**  
**MINUTES**  
**TABLE OF CONTENTS**

24 March 2020

<b>ITEM</b>	<b>SUBJECT HEADING</b>	<b>PAGE</b>
<b>1.</b>	<b>OFFICIAL OPENING .....</b>	<b>2</b>
<b>2.</b>	<b>APOLOGIES AND LEAVE OF ABSENCE .....</b>	<b>2</b>
<b>3.</b>	<b>DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT .....</b>	<b>2</b>
3.1	FINANCIAL INTERESTS .....	2
3.2	DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY .....	3
<b>4.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS .....</b>	<b>3</b>
4.1	ANNOUNCEMENTS.....	3
4.2	DISCLAIMER.....	4
4.3	DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING .....	4
<b>5.</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>4</b>
5.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE .....	4
5.1.1	MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE .....	4
5.1.2	MR P HITT, 14 MACLACHLAN WAY, BELMONT .....	5
5.1.3	MS J GEE, 97 GABRIEL STREET, CLOVERDALE .....	7
5.1.4	MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE, ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG) .....	7
5.2	QUESTIONS FROM MEMBERS OF THE PUBLIC.....	10
5.2.1	MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG) .....	10
5.2.2	MS J GEE, 97 GABRIEL STREET, CLOVERDALE .....	12
<b>6.</b>	<b>CONFIRMATION OF MINUTES/RECEIPT OF MATRIX.....</b>	<b>13</b>
6.1	ORDINARY COUNCIL MEETING HELD 25 FEBRUARY 2020 .....	13
6.2	MATRIX FOR THE AGENDA BRIEFING FORUM HELD 17 MARCH 2020 .....	13
<b>7.</b>	<b>QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION).....</b>	<b>13</b>

ITEM	SUBJECT HEADING	PAGE
<b>8.</b>	<b>QUESTIONS BY MEMBERS WITHOUT NOTICE .....</b>	<b>13</b>
8.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE .....	13
8.2	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	13
<b>9.</b>	<b>NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION .....</b>	<b>14</b>
<b>10.</b>	<b>BUSINESS ADJOURNED FROM A PREVIOUS MEETING .....</b>	<b>14</b>
<b>11.</b>	<b>REPORTS OF COMMITTEES .....</b>	<b>14</b>
11.1	STANDING COMMITTEE (AUDIT AND RISK) HELD 24 FEBRUARY 2020 .....	14
<b>12.</b>	<b>REPORTS OF ADMINISTRATION .....</b>	<b>15</b>
12.1	CONSOLIDATED LOCAL LAW 2020 – PURPOSE AND EFFECT .....	15
12.2	STATUTORY COMPLIANCE AUDIT RETURN 2019.....	20
12.3	2019-2020 MARCH BUDGET REVIEW .....	26
12.4	REQUEST FOR RATE EXEMPTION – ACCESS HOUSING AUSTRALIA LTD – VARIOUS PROPERTIES .....	32
12.5	REQUEST FOR RATE EXEMPTION – THE MULTIPLE SCLEROSIS SOCIETY OF WESTERN AUSTRALIA INC – 154 ABERNETHY ROAD, BELMONT .....	38
12.6	Q01/2020 - ELECTRICAL ENERGY SUPPLY FOR CONTESTABLE SITES .....	43
12.7	OPERATIONAL COMPARISON – WESTERN AUSTRALIAN AUDITOR GENERAL’S REPORT – LOCAL GOVERNMENT BUILDING APPROVALS .....	48
12.8	OPERATIONAL COMPARISON – WESTERN AUSTRALIAN AUDITOR GENERAL’S REPORT – FRAUD PREVENTION IN LOCAL GOVERNMENT .....	56
12.9	ACCOUNTS FOR PAYMENT – FEBRUARY 2020.....	64
12.10	MONTHLY ACTIVITY STATEMENT AS AT 29 FEBRUARY 2020.....	67
<b>13.</b>	<b>REPORTS BY THE CHIEF EXECUTIVE OFFICER.....</b>	<b>74</b>
13.1	REQUESTS FOR LEAVE OF ABSENCE .....	74
13.2	NOTICE OF MOTION (CR ROSSI) – REQUEST STATE GOVERNMENT TO RESTORE ASCOT KILNS AND REVIEW LAND USE.....	74
<b>14.</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....</b>	<b>80</b>
<b>15.</b>	<b>CLOSURE .....</b>	<b>80</b>

### **ATTACHMENTS INDEX**

- Attachment 1 – Item 12.1 refers**
- Attachment 2 – Item 12.2 refers**
- Attachment 3 – Item 12.3 refers**
- Attachment 4 – Item 12.3 refers**
- Attachment 5 – Item 12.3 refers**
- Attachment 6 – Item 12.7 refers**
- Attachment 7 – Item 12.8 refers**
- Attachment 8 – Item 12.9 refers**
- Attachment 9 – Item 12.10 refers**

### **CONFIDENTIAL ATTACHMENTS INDEX**

- Confidential Attachment 1 – Item 12.6 refers**

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 24 MARCH 2020 COMMENCING AT 7.00PM.**

---

**PRESENT**

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

**IN ATTENDANCE**

Mr R Garrett	Director Corporate and Governance
Ms M Reid	Director Infrastructure Services
Ms N Griggs	Acting Director Development and Communities
Mr J Olynyk, JP	Manager Governance
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms K Spalding	Coordinator Marketing and Communications
Ms D Morton	Media and Communications Adviser
Ms C McLean	Legal and Compliance Adviser
Ms H Mark	Governance Officer

**MEMBERS OF THE GALLERY**

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

**1. OFFICIAL OPENING**

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

The Presiding Member read the Acknowledgement of Country.

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

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

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

**2. APOLOGIES AND LEAVE OF ABSENCE**

Cr J Powell (Apology)  
Mr J Christie (Apology)  
Ms J Gillan (Apology)

South Ward  
Chief Executive Officer  
Acting Chief Executive Officer

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

**3.1 FINANCIAL INTERESTS**

Nil.

**3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY**

<b>Name</b>	<b>Item No and Title</b>	<b>Nature of Interest (and extent, where appropriate)</b>
Cr Cayoun	Item 13.2 Notice of Motion (Cr Rossi) – Request State Government to Restore Ascot Kilns and Review Land Use	Works for the State Government

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

**4.1 ANNOUNCEMENTS**

The COVID-19 (Coronavirus) is a fast-evolving situation and we are taking every step required to protect our community by following the latest directives from the State and Federal Government.

The health of the Community, the Elected Members and staff at the City of Belmont remain the priority.

Council Meetings will proceed as normal with social distancing procedures in place. For the safety of the community, I ask that members of the public who do not have urgent items, to consider the need to attend the meetings. Audio recordings of the meetings are available on the City's website when the Minutes are published.

Questions can be submitted to the City at any time and dealt with as correspondence. His Excellency the Governor, in Executive Council has approved regulation amendments to allow some flexibility to the way meetings can be held during emergency situations like that we are currently facing, including to allow the meetings to be held electronically. These amendments will be gazetted tomorrow and the City will assess the amendments to make appropriate changes to the way Council Meetings are conducted.

Tonight I would like to announce, that after consultation with nearly all the Councillors, we will be attempting to hold the rates at a nil increase for next year's budget.

I have refrained from having an emergency motion, although two have been proposed, because the feedback from the Councillors has stressed the importance of how we put this in place operationally. A Special Information Forum will be held in a few days to discuss all aspects of the Coronavirus and our continued response to the situation, from an operational viewpoint.

This is the first time in over twenty years that we have contemplated moving from our business case, of always taking as close as possible to CPI in our rate formulation, to maintain a steady, reasonable position for the people of Belmont. In fact this has led to us having one of the lowest rating values in the State.

The Coronavirus pandemic is potentially the worst catastrophe to hit our City in our time and we wish the people of Belmont to know that we are behind them in their hour of need.

#### 4.2 DISCLAIMER

7.05pm 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, 2 MILLER AVENUE, REDCLIFFE

The following questions were taken on notice at the 25 February 2020 Ordinary Council Meeting. Ms Hollands was provided with a response on 5 March 2020. The response from the City is recorded accordingly:

1. What is the cost annually to the City of Belmont for maintaining our parks, specifically for the picking up of any rubbish and how often and what day/s is this done? Additionally, if available, a specific breakdown of Tomato Lake and Centenary Park.

#### Response

The City's Annual Budget for park maintenance in 2019-2020 is approximately \$4.8 million.

Breakdowns for the budget for Tomato Lake and Centenary Park and expenditure for rubbish collection (as of 19 February 2020) are provided in the following table:

Park Location	2019-2020 Annual Budget for Park Maintenance	2019-2020 YTD Rubbish Collection (wages/overheads/fleet etc.)
Tomato Lake	\$259,706	\$5,765
Centenary Park	\$189,261	\$3,184

*Item 5.1.1 Continued*

**Maintenance (including rubbish collection) is undertaken as scheduled below:**

<b>Park Location</b>	<b>Frequency</b> (No set day of the week)
<b>Premier Passive Sites</b> (including Tomato Lake & Centenary Park) <ul style="list-style-type: none"><li>• Passive Turf Areas</li><li>• Garden maintenance</li><li>• Natural areas - Litter removal</li><li>• Natural areas - Maintenance</li><li>• Playing Field</li></ul>	Every 3 weeks Monthly Fortnightly Every 6 weeks Weekly
<b>Active Sites (Playing Fields)</b>	Weekly
<b>Passive Turf Areas</b>	Every 3 weeks
<b>Garden Maintenance</b>	Monthly
<b>Natural Areas</b>	Every 6 weeks
<b>Faulkner Park</b>	Daily (work days)

2. How many children go to Adachi and do they get funding from the City of Belmont?

**Response**

**Each year approximately nine students attend the Sister City Delegation to Adachi. The City of Belmont subsidises 50% of the students' airfares.**

**5.1.2 MR P HITT, 14 MACLACHLAN WAY, BELMONT**

The following questions were taken on notice at the 25 February 2020 Ordinary Council Meeting (OCM). Mr Hitt was provided with a response on 5 March 2020. The response from the City is recorded accordingly:

1. Whilst I was attending Council as a Councillor, I voted in the affirmative to proceed with the implementation of the construction of the new Community Centre. From memory the costing at this time was approximately \$28 million. I have been informed by a member of the community that the current costing of this building is in the vicinity of \$40 million plus. Can the Mayor please inform the gallery what the current costing of this building now stands at?

**Response**

**During the course of the design phase of the Community Centre project (May 2016 to March 2017), the estimated cost of construction was reviewed and updated on several occasions. At OCM 17 March 2017 (Item 12.6) the estimated cost of construction was reported via a confidential attachment due to the project approaching the procurement phase. The estimated construction cost was above \$28m.**

*Item 5.1.2 Continued*

**Tender 09/2017 – Construction of Faulkner Civic Precinct Community Centre was presented at Special Council Meeting (SCM) 22 November 2017 (Item 6.2), which included related budgeting information. Council resolved to consider the tender submitted by PACT Construction Pty Ltd (PACT), to the value of \$38,998,421 plus GST, as the most advantageous and authorised the Chief Executive Officer to undertake negotiations with PACT to price construction alternatives; and delegated authority to the Chief Executive Officer to accept the tender subject to satisfactory negotiations. Following negotiations, on 22 December 2017, the City accepted PACT’s revised tender submission in the amount of \$37,734,520 plus GST.**

**Currently, the contract sum still stands at the accepted tender amount, though it is anticipated to be adjusted to account for variations undertaken during construction. The adjustment to the contract sum is yet to be finalised by the Superintendent, however the amount is anticipated to be within the contingencies identified for construction of the building.**

2. In the initial overview of the funding of the Community Centre, it was stated in this Chamber that the costs for the Community Centre could be fully funded by the Council without any need to raise money from extra rates or charges. Is this still the case?

**Response**

**Funding to construct the Community Centre was sourced through grant funds, reserve funds and new borrowings and did not require additional monies to be raised through rates or charges.**

3. If the blow-out in construction costs are approximately correct, can the Council/Councillors please inform the Chamber the reason for this extremely bad financial situation the ratepayers of Belmont find themselves in?

**Response**

**There is no blow-out in construction costs (i.e. \$28m to \$40m).**



**5.1.3 Ms J GEE, 97 GABRIEL STREET, CLOVERDALE**

The following questions were taken on notice at the 25 February 2020 Ordinary Council Meeting. Ms Gee was provided with a response on 10 March 2020. The response from the City is recorded accordingly:

1. Can Council please provide a rough estimate of the cost of a crash barrier?

**Response**

**As advised in correspondence dated 21 February 2020, based on advice from an independent and qualified safety auditor, the City is not supportive of your request to install a crash barrier on the corner of Abernethy Road and Gabriel Street (adjacent to 97 Gabriel Street), therefore a design and the resulting cost estimate will not be prepared at this time.**

2. The footpath on the letter is supposed to not warrant a crash barrier because there is a footpath crossing. What effect does that have?

**Response**

**As noted in the City's email of 21 February 2020, the "auditor was of the opinion that a crash barrier would not be recommended for this location, primarily due to the presence of crossovers in close proximity to the intersection".**

**For the purposes of clarity, crossovers refers to crossovers used by vehicles (versus a crossing, which is used to refer to pedestrian movements). There are a number of elements to be considered when assessing the suitability of a crash barrier for a location, including minimum continuous length, speed, sight lines etc. In its report, the consultant has gone so far as to state that a crash barrier could have the potential to introduce risks in the road reserve, rather than provide protection.**

**5.1.4 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE, ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG)**

The following questions were taken on notice at the 25 February 2020 Ordinary Council Meeting. Ms Hollands was provided with a response on 9 March 2020. The response from the City is recorded accordingly:

1. The Town of Vic Park has two programmes running to assist residents; one is subsidy for CCTV. Part of the arrangement is that the use of the footage for the police when needed is an arrangement with the residents and the second subsidy is security such as alarm systems, sensor lights and security screens.

Will the City of Belmont consider assisting residents as BRRAG believes there is room in the budget and BRRAG would be happy to assist with suggestions if the saving of money will benefit residents with programmes such as these two?

*Item 5.1.4 Continued*

**Response**

The City is currently investigating the viability of a similar subsidy based scheme for the installation of security equipment. If such a scheme is approved, there will be appropriate budget allocated for the upcoming 2020-2021 financial year.

2. Are we able to increase the budget with some cost saving measures?

**Response (*Street Lighting*)**

The City, as with most other municipalities in Western Australia, is not responsible for the majority of street lighting assets within our boundaries. They are predominantly owned and maintained by the state power utility Western Power. Any large scale improvement to the lighting network would need to be coordinated, designed, constructed and funded through this agency.

**Response (*Tree Planting*)**

The City of Belmont is committed to making our suburbs a more enjoyable place to live and work. Through the City's Urban Forest Strategy, we aim to increase shade and reduce the urban heat island effect by planting more trees. Sufficient funds are allocated in the City's budget for planting of street trees, with approximately \$200,000 allocated in the 2019/2020 Annual Budget. Additional funds are available for replacement of trees approved to be removed, as per Council Policy NB 3.2 Urban Forest Policy (Clause 5. Tree Offset and Cost Recovery).

Since 2016 the City has planted approximately 1,000 trees per year in streetscapes and reserves. Each year the City audits a nominated geographic area, to identify available verge spaces for street tree planting. The City then writes to the adjacent property owner to seek their support for a tree to be planted the following winter (May to September).

3. In July 2019 the City of Belmont Council made the decision to not have Home and Community Care (HACC) services for the seniors. The Item in question was closed to the public. Specifically under what clause of Section 5.23(2) was the matter deemed confidential?

**Response**

The item in question was deemed confidential in accordance with the *Local Government Act 1995 Section 5.23(2) Sections (a) and (e)*.

4. How many residents are currently registered with HACC services?

**Response**

There are currently 393 residents registered with the City's Community Services section as receiving support via the Commonwealth Home Support Programme (350), Western Australian Home and Community Care programme (23), brokerage agreements with Home Care Package providers (18) or via privately funded arrangements (2).

*Item 5.1.4 Continued*

5. How many staff are under HACC and how many of these will be redeployed into positions within the City or made redundant and what will the cost to the City be?

**Response**

**There are 18 Community Services employees affected by the City's decision to cease the direct delivery of Commonwealth Home Support Programme, WA Home and Community Care programme and other related aged care services. These employees will have access to appropriate support and services along with having their industrial relations entitlements (as outlined in Section 22 of the Certified Agreement 2004) met.**

**Fourteen Community Services employees have the potential for redundancy as a result of the City's decision to cease the direct delivery services. At this stage a final decision has not been made on the number of redeployments and redundancies therefore we are unable to provide information regarding final numbers and costings.**

6. Presumably other HACC providers do not do this as a charity and they make money. If the City is given a grant the same as any other provider who takes over these HACC services, how can they make money and the City does not? Does this mean the City is not as efficient as other providers?

**Response**

**Approximately 24 organisations are funded to provide Commonwealth Home Support Programme (CHSP) services within the South East Metropolitan Aged Care Planning Region. The Commonwealth Government provides grant funding to CHSP providers that is designed to cover only the cost of service delivery. Unspent grant funding is therefore required to be returned to the Commonwealth. Historically, the City's Community Services section has operated in a cost neutral manner.**

**As a result of the nationwide aged and disability care reform, a more competitive market for the delivery of aged and disability services has been established. This is resulting in residents having a much wider range of service providers available to them. These specialist providers are able to offer quality services across the continuum of aged care and disability care.**

**As a result of increasing competition in the aged care sector, there are currently in excess of 50 service providers operating in the Home Care Package market within the City of Belmont catchment area. These specialist aged care providers often work across the continuum of care (i.e. entry level CHSP services, Home Care Packages and residential care), are more innovative and agile in adapting their business models and service provision to what is a rapidly changing and growing sector, are better positioned to market and promote their service and can achieve better economies of scale.**

## 5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

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

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

### 5.2.1 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG)

1. Due to the coronavirus, the City of Belmont has closed down all of their events to comply with State and Federal rules. It would probably be fair to assume this is likely to continue until at least the end of the financial year.

a) How much at this stage is expected to be surplus funds in the current budget until the end of this financial year with the cancellation of events?

#### Response

**The Director Corporate and Governance advised the anticipated savings with the cancellation of events to the end of June 2020 is approximately \$120k.**

b) Is the City willing to look at using any of these surplus funds for the purpose of funding subsidies for security measures for residents for things like CCTV, security screens, sensor light that can make them feel safer?

#### Response

**The Director Corporate and Governance advised that in the current circumstances of a state of emergency, the City is not in a position to commit to any allocation of savings to particular projects until the full impact of the action and any unintended consequences are identified and considered.**

c) Is the City willing to use any surplus funds from events to increase the budget for planning more trees in the next budget?

#### Response

**The Director Corporate and Governance advised that in the current circumstances of a state of emergency, the City is not in a position to commit to any allocation of savings to particular projects until the full impact of the action and any unintended consequences are identified and considered.**

2. Ordinarily when residents do petitions on issues at the City of Belmont, they have to be in a specific form and signed on the same hard copy.

a) Is the City of Belmont prepared during the course of the current health crisis to accept online petitions provided they keep to the same format and requirements as those which are done on paper?

*Item 5.2.1 Continued*

**Response**

**The Director Corporate and Governance advised that the City will accept a properly signed Petition that has been electronically submitted via email if all requirements of the *City of Belmont Standing Orders Local Law 2017 (Section 6.8)* and Petition Fact Sheet are met. The form is available on the City's website along with a Petition Fact Sheet.**

3. We are all heading into unknown times. Fortunately with the internet, it allows us all to keep life going on a lot better than prior to the internet. As things are changing quickly;
- a) Has the City looked at how future Council meetings might have to be run and how the residents can be included with attendance as they are now?

**Response**

**The Director Corporate and Governance advised that Local Government is currently restricted in its ability to vary the format of meetings in the context of electronic participation and the City is awaiting clarity through proposed amendments to relevant legislation by the State Government expected this week.**

- b) Whilst the City of Belmont does have to comply with State and Federal rules, can the City ensure residents that the Councillors will be running the City of Belmont and not the Administration in so far as determining the decisions that the Councillors already have to make now?

**Response**

**The Director Corporate and Governance advised there is no reason currently that any decision making obligations or approach will change, subject however to State Government determinations.**

4. At the last meeting, I asked for a costing on the removal of rubbish at our parks, specifically Tomato Lake and Centenary Park. I was also given a breakdown of days as to when things are done and how often.
- a) Can you confirm if the rubbish was costing for the Garbage collection or if it was the litter such as bottles, paper, cans left around the park?

**Response**

**The Director Corporate and Governance advised that the cost stated is for litter collection only and does not include the cost of emptying garbage bins on site.**

- b) We have all been in receipt of correspondence from one resident who has sent photos and been very specific where this litter can be found and how long it has been there. This clean-up is costing ratepayer significant money. Has the Director Melanie Reid, CEO John Christie who's responsibility is the staff, or any other Executive or senior staff member ever attended either of these parks on the day this clean-up is done and walked the park and seen for themselves if the job has been done properly given you have all been alerted to the problem? If not, why not and when do you intend to see if we are paying for a service that is not being done properly?

*Item 5.2.1 Continued*

**Response**

The Director Corporate and Governance advised that supervisory staff within the Parks, Leisure and Environment team are responsible for monitoring staff performance, the CEO, Director Infrastructure Services and the Manager responsible for parks regularly visit the City's parks, which can include during, after and in-between scheduled maintenance. During these visits levels of service are reviewed and feedback provided to relevant staff.

- c) How can these items be photographed when the crews are in there doing the clean-up? Does that mean the Manager and Supervisors have blinkers on?

**Response**

The Director Corporate and Governance advised that a number of these photos are of particularly small pieces of paper and similar items, therefore it is not about an attention to detail that is perhaps a little obsessive in its approach in terms of the people sending the photos in.

- d) What is the Manager doing about this? Why has the Director not gone down to look at this area after the clean-up has been done?

**Response**

The Director Infrastructure Services advised that on a number of days each week visits are undertaken to various parks throughout the City and as noted in the response by the Director Corporate and Governance, this occurs at various times of the day, often after maintenance has been carried out. As noted, we do make observations around levels of service and at times have observed litter in the park and that feedback is given to relevant staff.

**5.2.2 Ms J GEE, 97 GABRIEL STREET, CLOVERDALE**

1. At a previous Council Meeting I asked, can council provide a rough estimate of the cost of an average crash barrier? I would like to ask this question again and ask that it be answered.

**Response**

The Director Infrastructure Services advised that the cost is variable based on the site. Considering that site and bearing in mind that this is just an estimate as no design has been done, it would be in the region of \$13,000.

- 7.16 pm 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 25 FEBRUARY 2020  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**DAVIS MOVED, SEKULLA SECONDED**

That the Minutes of the Ordinary Council Meeting held on 25 February 2020 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

**CARRIED 8 VOTES TO 0**

**6.2 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 17 MARCH 2020  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**BASS MOVED, DAVIS SECONDED**

That the Matrix for the Agenda Briefing Forum held on 17 March 2020 as printed and circulated to all Councillors, be received and noted.

**CARRIED 8 VOTES TO 0**

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

Nil.

**8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

Nil.

**8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE**

Nil.

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

Cr Cayoun raised a matter for discussion in relation to considering an urgent motion for a zero percent rate increase for the coming budget due to the impacts of Coronavirus. The Mayor declined this as a matter of urgent business as feedback from Councillors stressed the importance of proposing the motion in a well-structured manner including input from an operational perspective.

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

Nil.

**11. REPORTS OF COMMITTEES**

**11.1 STANDING COMMITTEE (AUDIT AND RISK) HELD 24 FEBRUARY 2020  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**DAVIS MOVED, SEKULLA SECONDED**

That the Minutes for the Standing Committee (Audit and Risk) meeting held on 24 February 2020 as previously circulated to all Councillors, be received and noted.

**CARRIED 8 VOTES TO 0**



**12. REPORTS OF ADMINISTRATION**

**DAVIS MOVED, RYAN SECONDED,**

*That the Officer or Committee Recommendations for Items 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 12.9 and 12.10 be adopted en bloc by an Absolute Majority decision.*

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

**12.1 CONSOLIDATED LOCAL LAW 2020 – PURPOSE AND EFFECT**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 1 – Item 12.1 refers	<a href="#"><u>City of Belmont Consolidated Local Law 2020</u></a>

Voting Requirement : Simple Majority  
Subject Index : 76/018 Local Laws – Consolidated Local Laws  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil  
Previous Items : N/A  
Applicant : N/A  
Owner : N/A  
Responsible Division : Corporate and Governance

**COUNCIL ROLE**

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

*Item 12.1 Continued*

## **PURPOSE OF REPORT**

To give notice of the purpose and effect of the proposed *City of Belmont Consolidated Local Law 2020*.

## **SUMMARY AND KEY ISSUES**

The City of Belmont (the City) in conjunction with McLeods Barristers & Solicitors has drafted a proposed *City of Belmont Consolidated Local Law 2020* ([Attachment 1 – Consolidated Local Law 2020](#)) to replace the City's current package of local laws. The following local laws would be repealed and replaced with a singular document:

- *Dogs 2001*
- *Dust and Liquid Waste 2007*
- *Fencing 2001*
- *Parking and Parking Facilities 2002*
- *Property 2001*
- *Stable Premises 2015*
- *Thoroughfares and Trading in Public Places 2001*
- *Urban Environment and Nuisance 2001*.

In addition to replacing these existing local laws the Consolidated Local Law addresses new subject matter (including waste) and modernises the current suite of local law. The document consists of theme based chapters and allows for coverage of the majority of the City's local laws in one comprehensive version.

## **LOCATION**

Not applicable.

## **CONSULTATION**

Significant and substantial engagement across internal stakeholders has occurred to ensure the legal requirement of the drafting matched the technical requirements and needs of the City's various departments. Managers and key departmental officers have provided commentary, recommendation and advice to create the current draft. This has occurred in two primary stages, one involving a thorough internal review of the City's current local laws to identify legal / operational issues and identification of local law errors. The second internal review involved consultation and communication on the actual draft wording in order to create the proposed Consolidated Local Law.

A thorough and detailed process of engagement was also undertaken with McLeods to ensure that the draft meets not only the legal standards of drafting, but also addresses the legal needs of the City. Considerable legal review and consultation was required to identify any complications created by the process of consolidation and to ensure that current legal flaws in the City's local law were addressed.

*Item 12.1 Continued*

Public consultation on the draft is a legislative requirement for the making of local law and can proceed, following Council resolution of the purpose and effect. A period of six weeks will be required to allow the public to make submissions on the proposed local law including an opportunity for submissions from the Department of Local Government, Sport and Cultural Industries.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

**Strategy:** Ensure that community requirements drive internal policies and processes through the engagement components

### **POLICY IMPLICATIONS**

Streetscape Policy BB2.2 will require amendment to the title name of the referenced local law. Urban Forest Policy NB3.2 will require amendment from regulation reference to local law reference.

### **STATUTORY ENVIRONMENT**

Legislation for making local law is set out in Part 3 - Division 2 of the *Local Government Act 1995*. The statutory procedure for adopting a local law is prescribed under section 3.12 and initially requires a process involving the giving of public notice, provision of a six week public submission period, and providing the Minister with copies of the proposed law.

Furthermore in accordance with Regulation 3 of the *Local Government (Functions and General) Regulations 1996* the process of making a local law commences with the requirement that the Presiding Member must give notice of the purpose and effect of a local law at a Council meeting, and for the agenda and minutes to reflect the local law purpose and effect.

Please also be advised that if during the procedure for making a proposed local law the local government decides to make a local law that would be “significantly different” from what it first proposed, the local government is to recommence the procedure. This is a legislative requirement in accordance with s. 3.16 of the *Local Government Act 1995*.

### **BACKGROUND**

The City currently has ten separate documents covering local law ranging in a variety of topics. These were originally created across varying periods of time and ultimately by different authors or historically drafted around WALGA model local law.

*Item 12.1 Continued*

Some years ago, a discussion was made with regards to the idea of reviewing the entire suite of local laws and replacing multiple documents with one consolidated version. A consolidated document provides greater ease of readership, reduces ambiguity when selecting an appropriate local law for enforcement purposes and allows for general ease of administration. McLeods were consulted on the original idea and were also of the opinion that there is great benefit to be gained (both for the public and the City) from the consolidation of local law including convenience and legal credibility.

The proposed Consolidated Local Law has combined all but two of the City's current local laws. The *Standing Orders Local Law 2017* has been kept aside as a standalone document as it is the only subject matter that does not apply directly to community requirements but rather regulates the process of meetings. The *Health Local Laws 2002* has also been intentionally kept aside but only on a temporary basis. Health legislation is currently undergoing an enormous legislative transformation. Once the City is aware of exactly what health topics will and won't be incorporated into regulations it can then commence a review of the health local laws with the aim of integrating the various health topics into the Consolidated Local Law.

### **OFFICER COMMENT**

Significant redrafting of a substantial number of provisions of the current local laws occurred in order to modernise, clarify and align the language of the Consolidated Local Law. Clauses were rearranged and provisions made to create subject themed parts and headings. The Consolidated Local Law introduces consistent and simple numbering to clauses and generally seeks to improve readability and comprehension.

### **Purpose and Effect**

The purpose of the proposed *City of Belmont Consolidated Local Law 2020*, is to regulate the care, control and management of various matters for the District.

The effect of the proposed *City of Belmont Consolidated Local Law 2020* is to provide for the regulation, control and management of:

- Activities on Local Government property
- Animals (Cats, Dogs, Horses)
- Fencing
- Nuisances
- Plants, trees and verge treatments
- Signs on local government property and public places
- Trading in public places, stallholders, public performers and outdoor eating facilities
- Permits
- Vehicles and parking
- Waste
- Determinations
- Enforcement of local law.

*Item 12.1 Continued*

### **Risk Management Implications**

The current draft underwent a clause by clause review by McLeods and the City's Legal Advisor in an attempt to contemplate legal complications and minimise any risk. However, the actual process of consolidation is not without risk of legal fault. When combining definitions or making changes to one area of law there is real risk of unintended consequences or knock on effects occurring in other areas. Some of these unintended consequences may not be fully realised until after real life situations and application of the law occur. Unintended interpretation in unique contexts is an additional risk with any legal drafting.

With the making of any local law, there is also the risk that following Government Gazettal the Joint Standing Committee on Delegated Legislation disallows the delegated legislation.

### **FINANCIAL IMPLICATIONS**

Amendment changes to drafting in the future may require further legal costs and / or the final draft version may require further legal review. The process of making local law in general incurs costs throughout the requisite process of advertising, public consultation and Government Gazettal publication.

### **ENVIRONMENTAL IMPLICATIONS**

Several environmental related requests and recommendations have been addressed through a variety of clauses contained within the draft. Part 7 in particular deals with plants, trees and verge treatments.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **OFFICER RECOMMENDATION**

**That in accordance with the provisions of the *Local Government Act 1995*, Council gives notice of the purpose and effect of the proposed *City of Belmont Consolidated Local Law 2020* as detailed in the Officer Report.**

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

**12.2 STATUTORY COMPLIANCE AUDIT RETURN 2019**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 2 – Item 12.2 refers</b>	<a href="#"><b>2019 Compliance Audit Return</b></a>

Voting Requirement	:	Simple Majority
Subject Index	:	39/005 Statutory Compliance Return
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	26 March 2019 OCM Item 12.6
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To provide Council with the outcomes of the Statutory Compliance Audit Return for the period 1 January 2019 to 31 December 2019 as provided in [Attachment 2](#).

*Item 12.2 Continued*

### **SUMMARY AND KEY ISSUES**

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

The Department of Local Government, Sport and Cultural Industries provided a set of questions via the Departmental Portal in January 2020. This year the audit questions focussed on key areas of potential non-compliance as in previous years

The City of Belmont's 2019 compliance score is 100%, continuing the ongoing 100% compliance from the previous years.

### **LOCATION**

Not applicable.

### **CONSULTATION**

In completing the 2019 Statutory Compliance Audit Return, internal consultation has occurred with relevant officers of each department.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

*Item 12.2 Continued*

## **STATUTORY ENVIRONMENT**

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

Regulation 15 of the *Local Government (Audit) Regulations 1996* requires that after the adoption by Council of the Compliance Audit Return, a certified copy (signed by both the Mayor and Chief Executive Officer) of the return, together with a copy of the minutes of the meeting in which the return was adopted and any additional information is required to be submitted to the Executive Director of the Department of Local Government, Sport and Cultural Industries by 31 March 2020.

## **BACKGROUND**

The compliance audit period is 1 January to 31 December 2019 and once the audit is completed the City is required to:

1. Present the Compliance Audit Return to the Standing Committee (Audit and Risk)
2. Present the Compliance Audit Return to Council
3. Seek Council's endorsement of the completed Compliance Audit Return
4. Return the endorsed and certified Compliance Audit Return, along with a copy of the Council Minutes, to the Department of Local Government, Sport and Cultural Industries by no later than 31 March 2020.

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

The audit questions for the 2019 period focussed on key areas of potential non-compliance and were the same as previous years with the exception of election-based questions and areas affected by regulatory change.

The Compliance Audit Return is required to be completed online through the Department of Local Government, Sport and Cultural Industries website. A copy of the completed return is provided as [Attachment 2](#) to this report and is a printout of the City's registered responses.

Once Council has resolved its satisfaction with the contents of the return, it can be jointly certified by the Mayor and Chief Executive Officer and then submitted to the Department of Local Government, Sport and Cultural Industries.

The Standing Committee (Audit and Risk) considered the findings of the Compliance Audit Return 2019 at its meeting of the 24 February 2020.



*Item 12.2 Continued*

**OFFICER COMMENT**

The City of Belmont has achieved the following:

Compliance Area	Full Compliance	Non-Compliance
Commercial Enterprises by Local Government	5	0
Delegation of Power/Duty	13	0
Disclosure of Interest	19	0
Disposal of Property	2	0
Elections	2	0
Finance	14	0
Integrated Planning and Reporting	7	0
Local Government Employees	5	0
Official Conduct	6	0
Optional Questions (Pertains to Financial Management & Audit)	4	0
Tenders for Providing Goods and Services	27	0

**The 2019 Compliance Score is 100%.**

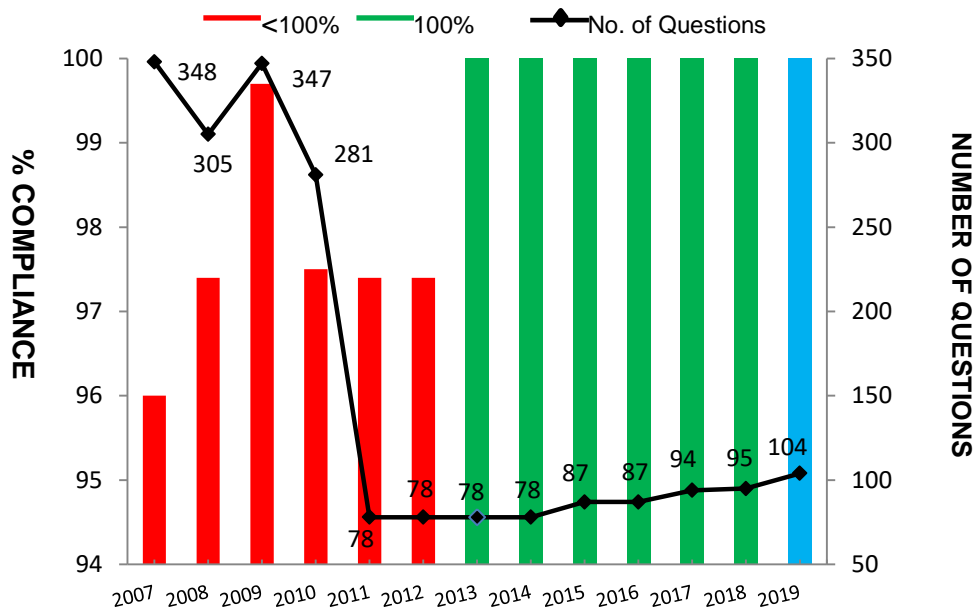
The City of Belmont conducted an internal audit to determine responses to questions in the Compliance Audit Return. To further substantiate its responses, the City has opted to provide evidence through citation of items from the City's Council meetings and documents registered in ECM. Reference is also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

When reading the questions shown in the Compliance Audit Return (refer [Attachment 2](#)) it should be noted that they should be read in conjunction with the relevant extract of the *Local Government Act 1995* and / or associated Regulations.

The 2019 Statutory Compliance Audit Return contains a total of 104 questions. This is an increase of 9 questions from the 2018 return. The new questions are in relation to Elections and recent legislative amendments regarding gifts and disclosure provisions. There has also been rewording of previous questions and inclusion of new optional questions relating to the *Local Government (Financial Management) Regulations 1996* and *Local Government (Audit) Regulations 1996*. The area of Integrated Planning and Reporting has in previous years been optional however is now incorporated into the Compliance Audit Return.

Item 12.2 Continued

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



**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

*Item 12.2 Continued*

**COMMITTEE RECOMMENDATION**

**That Council:**

- 1. Receive and adopt the 2019 Compliance Audit Return, as provided in [Attachment 2](#).**
- 2. Authorise the Mayor and Chief Executive Officer to complete the Joint Certification of the 2019 Compliance Audit Return.**
- 3. Request the Chief Executive Officer to forward the certified 2019 Compliance Audit Return and a copy of the minutes relative to this report to the Department of Local Government, Sport and Cultural Industries by 31 March 2020 in accordance with the requirements of the *Local Government (Audit) Regulations 1996*.**

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

12.3 2019-2020 MARCH BUDGET REVIEW

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 3 –Item 12.3 refers	<a href="#">2019-2020 March Budget Review</a>
Attachment 4 –Item 12.3 refers	<a href="#">Rate Setting Statement</a>
Attachment 5 –Item 12.3 refers	<a href="#">Reserve Accounts 30 June 2020</a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

This report is prepared to conduct the second review of the Budget and recommend adjustments to the 2019-2020 Adopted Budget.

*Item 12.3 Continued*

### **SUMMARY AND KEY ISSUES**

In keeping with sound financial management practices, a further review of the 2019-2020 Adopted Budget has been conducted. The Budget remains in balance and a summary of significant adjustments has been included.

The March Budget Review ensures that a sound financial position is maintained for the end of the financial year and a sound base is created to prepare the 2020-2021 Budget.

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

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

*Item 12.3 Continued*

## **BACKGROUND**

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

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

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

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

## **OFFICER COMMENT**

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

*(Brackets indicate increased income / reduced expenditure)*

• Opening Balance-Surplus	0
• Chief Executive Officer Section	(84,374)
• Corporate and Governance Division	1,504,399
• Infrastructure Services Division	(969,175)
• Development and Communities Division	(450,850)
• Closing Balance	0
	<hr/>
	Net Cost (rounded) 0

A detailed listing of all Budget adjustments can be found in [Attachment 3](#). It should be noted that the report includes only those line items that have changed during the review process, all other line items remain as per the Adopted Budget. Those noteworthy adjustments are further explained in the summary that follows.

- There have been many adjustments to employee related accounts, particularly salaries. These generally relate to reductions in Budgets to allow for those positions that have been vacant during the financial year.
- The organisational restructure has also required Budget transfers between various sections including employee costs, although this has a nil net impact.
- The fleet replacement program has been reviewed with a significant reduction in fleet to be replaced during 2019-2020. This has significantly reduced the net capital cost by \$417K.

*Item 12.3 Continued*

- Although there will be a reserve transfer later in the financial year to fund the New Community Centre, having to initially pay through the Municipal account has led to Municipal term deposits being very short-term which incur very low rates of interest. This has also been compounded by interest rates falling significantly during the year with the overall impact being a reduction in investment income of \$228K.
- Some of the more significant adjustments regarding Transfers to Reserve includes:
  - An additional \$119K to the Parks Development Reserve funded from PG2001 (Volcano playground) with the funds to be used to complete that project in 2020-2021.
  - Transfers to the Land Acquisition Reserve have decreased \$933K which is directly offset by a reduction in income from land sales. Given current market conditions those lots earmarked for potential sales will not proceed.
  - An additional \$505K has been allocated to the Property Development Reserve which largely represents available funds identified through the review process.
  - Current works at the Oasis will continue into the 2020-2021 year and funds have been directed from that project (BB1709) to the Building Maintenance Reserve to fund the completion of that project.
- Natural growth within the City's Industrial rates base has been less than expected resulting in a reduction in expected income of \$86K. Following the permanent closure of three large long-term commercial carparks at the airport, the expected income from ex gratia rates has been reduced by \$380K.
- City Facilities and Property have had some significant adjustments due to the organisational restructure, vacancies and land transactions. The Adopted Budget included three potential land sales that will be postponed due to current market conditions. The land expenditure and income accounts have been updated to reflect the expected transactions involving a property acquisition as resolved by Council. It should be noted that the net income / expenditure from land transactions are offset by movements to / from the Land Acquisition Reserve so they have a nil net impact on the Budget.
- City Projects consulting budgets has been reduced by \$104K with some work redirected to be undertaken in-house or deferred and to be undertaken in the proposed 2020-2021 Budget. City Projects is now responsible for the Wilson Park upgrade, a major future project. The current year consulting budget for Wilson Park has been reduced to the anticipated spend.
- Road and Drainage Construction jobs have been reviewed and many adjusted to reflect final costs or revised estimates and others deferred following a re-prioritisation of jobs. Available funds have been re-allocated to road works along Alexander Road and Progress Way.
- Within the Operations Centre, section plant replacement has been deferred which has a nil impact as it is offset by a reduction in sales income and reserve transfers. The changes to fleet replacement have been mentioned above.
- Some of the more significant adjustments regarding Parks Construction includes:
  - Those projects expected to continue into 2020-2021 have had their budgets reduced and transferred to the Parks Development Reserve.
  - Peachey Park budget has increased by more than \$240K to cover the asbestos contamination remediation costs (\$168K) and to complete the bike track and other play elements (\$72K).

*Item 12.3 Continued*

- The budget for Brearley Avenue irrigation (public open space and road reserve) has been adjusted to reflect the updated cost estimates. The income budget has reduced as the income is expected to be received over multiple financial years.
- Building construction budgets have also had some notable adjustments, including:
  - Belmont Oasis works will continue into 2020-2021 with the Budget adjustments offset by the appropriate reserve transfers.
  - As the New Community Centre construction draws to a close an additional \$1.07M has been allocated to ensure all project management, construction and other costs are adequately allowed for. The additional Budget is funded by the Property Development Reserve.
- The Planning Department have also reduced their salaries and consulting budgets although this has been slightly offset by a reduction in expected application fee income.
- There have been a number of Budget adjustments in regards to the new library and museum fit-out with the reduced budgets reflecting recent tenders and quotes.
- Home and Community Care have had their budgets updated in consideration of the transition of the services to occur by the end of the financial year.

Also attached is an updated 'Rate Setting Statement' ([Attachment 4](#)) which compares the proposed March Budget Review to the current Authorised Budget.

[Attachment 5](#) provides an updated estimate of reserve balances for the 2019-2020 year with reserve balances expected to decrease in 2019-2020 to \$46M.

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



*Item 12.3 Continued*

**OFFICER RECOMMENDATION**

**That Council:**

1. In accordance with *Local Government (Financial Management) Regulations 1996 Regulation 33A*, adopt the amendments contained in the 2019-2020 Budget Review ([Attachment 3](#), [Attachment 4](#) and [Attachment 5](#)), including the descriptions of variations and closing fund amendments.
2. Authorise the Director Corporate and Governance to amend the 2019-2020 Budget in accordance with all resolved variations.

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

**12.4 REQUEST FOR RATE EXEMPTION – ACCESS HOUSING AUSTRALIA LTD – VARIOUS PROPERTIES**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 – Rate Exemptions
Location/Property Index	:	Various
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	Access Housing Australia Ltd (AHA)
Owner	:	Access Housing Australia (AHA) & Department of Housing (DoH)
Responsible Division	:	Corporate and Governance

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To consider the request for rate exemptions on the properties listed below.

**SUMMARY AND KEY ISSUES**

An objection under Section 6.76 of the *Local Government Act 1995* to the Rate Book has been received with relevant documentation to support their claim.

*Item 12.4 Continued*

### **LOCATION**

Various property addresses. Details are provided below in the report.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

The relevant sections of the *Local Government Act 1995* that apply are:

1. Section 6.26 of the *Local Government Act 1995* states:

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

*(2) The following land is not rateable land*

*(g) land used exclusively for charitable purposes;”*

2. Section 6.53 of the *Local Government Act 1995* states:

*“Land becoming or ceasing to be rateable land:*

*Where during a financial year -*

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

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

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

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

*as the case requires”*

3. Section 6.76 of the *Local Government Act 1995* states:

*Item 12.4 Continued*

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

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

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

*(3) An objection under subsection (1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.”*

## **BACKGROUND**

In July 2018 Access Housing Australia Ltd (AHA) wrote to all WA Councils where they own or lease properties from Housing Authority to be used for social housing. AHA is a Not for Profit Community Housing Organisation, a registered Charity and are one of WA's largest non-government social housing tenancy / property managers with more than 1800 properties across the Perth metro, Peel and South West regions.

All the residential leased properties in the City of Belmont come under the Community Housing (CH) Head Lease. In the Defined Terms and Interpretation of the Housing Authority Lease, community housing simply means housing for persons on a very low, low or moderate income or for people with additional needs that is provided by non-government organisations in accordance with relevant Policy. The tenants are taken from the Housing Authority Joint Wait List and as required, the current weekly rent being paid at each property is subsidised.

AHA has confirmed that each property is tenanted by either an individual or a family unit regardless of that being a one or two parent family.

Some of their main objectives written into AHA's Constitution are:

- (i) To provide and manage reasonable quality, secure, affordable housing for people on low to moderate incomes
- (ii) To provide housing that is community-based through open, informative and responsive interaction with the local community
- (iii) To help arrange appropriate essential in-home support wherever necessary for tenants with special needs that maximise independence, privacy, safety, community access and assist them to maintain tenancies
- (iv) To ensure that housing is responsive to existing and emerging local needs
- (v) To acknowledge the importance of localised service provision in building sustainable communities.

The Constitution also has mental health specific objectives:

- (i) To offer community housing options to people who have a mental health diagnosis
- (ii) To promote self-sufficiency in people with a mental health diagnosis, their families and the community
- (iii) To offer advice to government and non-government bodies and to promote community living for persons with a mental health diagnosis and the rights of people with a mental health diagnosis to remain in their communities.

*Item 12.4 Continued*

### **OFFICER COMMENT**

The following documentation has been provided:

- An application for Rate exemption from the Best Practices Guidelines (Western Australian Local Government Association approved documentation)
- Statutory Declaration confirming the use of each property whilst also confirming that the City will be advised immediately if the use of the property changes
- Current Constitution
- Two years Audited Financial Statements
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office
- Australian Charities and Not for Profit Commission Certification
- Letter from Government of Western Australia, Department of Communities (previously known as Department of Housing) in support of Access Housing's request for rate exemption.

In relation to the last document listed above, it should be noted that the Department of Communities currently pay rates on properties owned and managed by them, however their strategy of divesting responsibilities for these properties to charitable entities through their Community Housing Agreements directly results in the loss of rates payable to local government for the effective management of their community's facilities and services. The impact of this strategy by the State Government has a significant and growing impact on local government as is demonstrated under the Financial Implications section of this report.

Consideration of this request for rate exemption has been delayed to ensure that initially identified planning compliance matters could be fully investigated. Whilst this matter has now been resolved, any future change in use will require assessment in the context of planning requirements in relation to any continuation of a rate exemption.

### **FINANCIAL IMPLICATIONS**

Section 6.26(2)(g) of the *Local Government Act 1995* states that the property must be used or held exclusively for charitable purposes. Section 6.53 of the *Local Government Act 1995* defines the property as being non-rateable effective from the date of the lease or 1 July of the year the application is being made.

Table 1 below shows a loss of rate revenue for the 2018-2019 financial year of \$45,605.95 and loss of rate revenue for the 2019-2020 financial year of \$46,404.59.

The Emergency Services Levy is still applicable and is required to be paid in full and the payment forwarded to the Department of Fire and Emergency Services (DFES) as per the current legislative requirements.

Item 12.4 Continued

**Table 1**

<b>Property owner</b>	<b>Property Address</b>	<b>2018-2019 Loss of Rate Revenue</b>	<b>2019-2020 Loss of Rate Revenue</b>
AHA	5 Bellis Place, Belmont	\$940.47	\$956.94
AHA	53 Durban Street, Belmont	\$1,213.07	\$1,234.31
AHA	380 Hardey Road, Belmont (2 units)	\$1,771.90	\$1,802.93
AHA	33 Hutchison Road, Cloverdale (4 units)	\$3,516.53	\$3,578.11
AHA	18-20 Middleton Street, Cloverdale (9 units)	\$8,205.25	\$8,348.93
<b>All Units at these Properties</b>			
DoH	304 Epsom Avenue, Cloverdale (3 units)	\$2,862.30	\$2,912.42
DoH	142 Surrey Road, Rivervale (3 units)	\$2,739.63	\$2,787.60
DoH	34 Orpington Street, Cloverdale (3 units)	\$2,616.96	\$2,662.78
DoH	45 Orpington Street, Cloverdale (2 units)	\$1,731.01	\$1,761.32
DoH	27 Hoskin Street, Cloverdale (2 units)	\$1,962.72	\$1,997.09
DoH	21 Towie Street, Cloverdale (3 units)	\$2,616.96	\$2,662.83
DoH	16 Peacock Street, Cloverdale (3 units)	\$2,698.74	\$2,745.99
DoH	2 Tighe Street, Cloverdale (2 units)	\$1,853.68	\$1,886.14
DoH	4/31 Orpington Street, Cloverdale	\$913.21	\$929.20
DoH	5/31 Orpington Street, Cloverdale	\$940.47	\$956.94
<b>Individual Units at these Properties</b>			
DoH	55 Armadale Rd, Rivervale (Unit 5 only)	\$899.58	\$915.33
DoH	158 Fulham Street, Rivervale (Unit known as 8/289 Acton)	\$708.76	\$721.17
DoH	4-14 Bellis Place, Belmont (Unit 10B)	\$804.17	\$818.25
DoH	347 Daly Street, Cloverdale (Unit 1/347)	\$858.69	\$873.73
DoH	86 Gladstone Road, Rivervale (Unit 1/86)	\$872.32	\$887.59
DoH	3 Gregory Street, Belmont (Unit 2)	\$899.58	\$915.33
DoH	27 Johnson Street, Redcliffe (Unit A only)	\$940.47	\$956.94
DoH	82 Kooyong Road, Rivervale (Unit 1)	\$586.09	\$596.35
DoH	44 McGlenn Way, Cloverdale (Unit 1)	\$885.95	\$901.46
DoH	194 St Kilda Road, Rivervale (Unit known as 5/19 Nanven Place)	\$708.76	\$721.17
DoH	37-31 Towton Street, Redcliffe (Unit 31D)	\$858.69	\$873.73
	<b>Yearly Loss of Revenue</b>	<b>\$45,605.95</b>	<b>\$46,404.59</b>

*Item 12.4 Continued*

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

The City has a legislative obligation to recognise that properties that meet the requirements are not rated. While there is an inherent cost to the Community in doing so, this outcome does respond to changing client and community needs and assist in maintaining high quality housing services within the City and to ensure that tenants have access to the support services they require.

**OFFICER RECOMMENDATION**

**That Council endorse the rate exemptions for all properties listed in Table 1 to be granted rate exemption under section 6.26 (2)(g) and Section 6.53 of the *Local Government Act 1995* effective from 1 July 2018.**

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

**12.5 REQUEST FOR RATE EXEMPTION – THE MULTIPLE SCLEROSIS SOCIETY OF WESTERN AUSTRALIA INC – 154 ABERNETHY ROAD, BELMONT**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 Rate Exemptions
Location/Property Index	:	154 Abernethy Road, Belmont
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	The Multiple Sclerosis Society of Western Australia Inc
Owner	:	The Multiple Sclerosis Society of Western Australia Inc (MSWA)
Responsible Division	:	Corporate and Governance

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To consider the request for a rate exemption at 154 Abernethy Road, Belmont.

**SUMMARY AND KEY ISSUES**

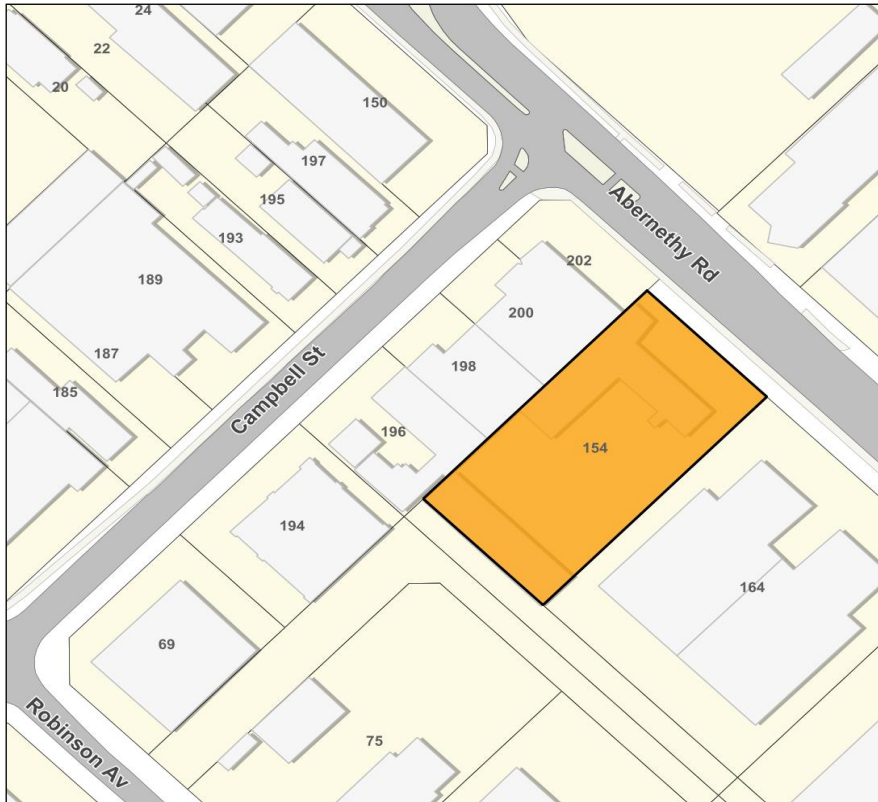
RSM Australia Pty Ltd, on behalf of the property owner Multiple Sclerosis Society of Western Australia Inc. (MSWA), have supplied relevant documentation to support the request for a rate exemption.



*Item 12.5 Continued*

## **LOCATION**

Lot 14 on Diagram 31656 known as 154 Abernethy Road, Belmont.



## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

*Item 12.5 Continued*

### **STATUTORY ENVIRONMENT**

The relevant sections of the *Local Government Act 1995* that apply are:

1. Section 6.26 of the *Local Government Act 1995* states:

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

*(2) The following land is not rateable land*

*(g) land used exclusively for charitable purposes;”*

2. Section 6.53 of the *Local Government Act 1995* states:

*“Land becoming or ceasing to be rateable land:*

*Where during a financial year -*

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

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

*the owner of that land -*

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

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

*as the case requires”*

3. Section 6.76 of the *Local Government Act 1995* states:

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

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

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

*(3) An objection under subsection (1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.”*

### **BACKGROUND**

MSWA provides a wide range of vital support and services for people with neurological conditions in Western Australia. This includes those living with Multiple Sclerosis, strokes, Parkinson’s disease, Huntington’s disease, Motor Neurone disease and brain injury.

The monies raised through fundraising, government grants and other income generating programs goes directly to providing a wide range of support and services to those suffering from the diseases mentioned above in accordance with the National Disability Service Standards including the Department of Health.

MSWA exists with a vision *“To be the leading service organisation for people with MS and the service provider of choice for NDIS participants with both MS and all neurological conditions in WA.”*

*Item 12.5 Continued*

Some of their main objectives written into the Constitution and Rules of the MSWA hereby known as the 'Society' are:

- to meet the needs of members, Provisional Members and Prospective members, from the resources of the Society
- to apply all funds held by the Society towards the welfare of the Society, its members, provisional members, prospective member and non-member clients and its administration and running costs
- to make known to the general public, by any desirable means, the aims and objectives of the Society
- The property and income of the Society must be applied solely towards the promotion of the objects or purposes of the Society and no part of that property or income may be paid or otherwise distributed, directly or indirectly to any member of the Society except in good faith in the promotion of those objects or purpose.

**OFFICER COMMENT**

The following documentation has been provided:

- Letter requesting the rate exemption on behalf of the owner
- An application for Rate exemption from the Best Practices Guidelines (Western Australian Local Government Association approved documentation)
- Statutory Declaration confirming the property use and confirmation that the City will be advised immediately if the use of this part of the property changes
- Current Constitution
- 2018 Audited Financial Report
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office dated June 2005
- Australian Charities and Not for Profit Commission Certification dated 3 December 2012

The property known as Lot 14 (154) Abernethy Road, Belmont was purchased by MSWA in October 2018. The property then underwent a new fitout to meet their organisational requirements which has allowed the property to be used as office space for their administration, finance, human resources, marketing and sales sections helping them to be better connected, serviced and streamlined whilst also allowing office space for the organisation's future needs.

There is also a limited amount of counselling and consulting space so the services can be provided to clients, particularly the newly diagnosed, by appointment. A large area is also assigned for information forums where MSWA can provide updates on the National Disability Insurance Scheme (NDIS) and also staff training events.

The property is zoned under the City of Belmont Local Planning Scheme 15. In accordance with Table 1 of LPS 15, the land uses 'Office', 'Warehouse' and 'Industry – Light' are Discretionary uses in the 'Mixed Business' zone. The Planning Department have confirmed the operations and activities of MSWA accords with the approved use.

*Item 12.5 Continued*

### **FINANCIAL IMPLICATIONS**

Section 6.26(2)(g) of the *Local Government Act 1995* states that the property must be used exclusively for charitable purposes. Section 6.53 of the *Local Government Act 1995* defines when during a financial year the land is rateable compared to non-rateable.

The property is rated Commercial with a GRV of \$368,500. This equates to a loss of revenue for the 2019-2020 rating year of \$23,111.58.

The Emergency Services levy is still applicable and is required to be paid in full and the payment forwarded to the Department of Fire and Emergency Services (DFES) as per the current legislative requirements.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

MSWA provides a wide range of vital support services for people with neurological conditions throughout Western Australia.

### **OFFICER RECOMMENDATION**

**That Council endorse the rate exemption for the property known as 154 Abernethy Road, Belmont under section 6.26 (2)(g) and Section 6.53 of the *Local Government Act 1995* effective from 1 July 2019.**

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

**12.6 Q01/2020 - ELECTRICAL ENERGY SUPPLY FOR CONTESTABLE SITES**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Confidential Attachment 1 – Item 12.6 refers</b>	<a href="#"><u>Cost Comparison - Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)</u></a>

Voting Requirement : Simple Majority  
Subject Index : 135/2020-01  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil  
Previous Items : N/A  
Applicant : N/A  
Owner : N/A  
Responsible Division : Corporate & Governance

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To seek Council approval to award Quotation Q01/2020 – Electrical Energy Supply for Contestable Sites.

**SUMMARY AND KEY ISSUES**

This report outlines the process undertaken to invite quotations, quotations received and includes a recommendation to award Q01/2020 to Alinta Sales Pty Ltd in accordance with the requirements of the *Local Government Act 1995*.

*Item 12.6 Continued*

The contract is for the supply of electricity to sites within the City that consume, or have consumed over 50,000 kWh of electricity per annum.

The contract is for a term of two years commencing 1 May 2020.

**LOCATION**

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

**CONSULTATION**

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

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**POLICY IMPLICATIONS**

BEXB7.1–Purchasing

**POLICY OBJECTIVE**

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

**STATUTORY ENVIRONMENT**

This issue is governed in the main by the *Local Government Act 1995*, in particular Regulation 11(2)(b) which states that “*Tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA*”.

**BACKGROUND**

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

*Item 12.6 Continued*

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

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

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

Ascot Waters Compensating Basin is a new site and in 2018-2019 energy use increased to 56,000 kWh.

As members of the West Australian Local Government Association's (WALGA) Preferred Supplier Panel for Energy Services – Supply of Contestable Electricity the following were invited to provide a price:

- Alinta Sales Pty Ltd
- Change Energy Pty Ltd
- ERM Power Retail Pty Ltd
- Perth Energy Pty Ltd
- Synergy.

ERM Power Retail Pty Ltd did not respond.

The invitation to quote was issued on Monday, 20 January 2020 and closed on Tuesday, 4 February 2020.

### **OFFICER COMMENT**

All respondents offered a two year agreement with Synergy also providing an option for three years. Energy prices quoted are fixed, however all suppliers will pass on any changes to network and regulatory charges which are included in the rates provided.

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

*Item 12.6 Continued*

Electricity use at Ascot Waters Compensating Basin is associated with the following sources:

- Aerator: Operates 6am - 6pm every day
- Irrigation Pumps: 10pm to 7am every night during irrigation season  
(1 September to 31 May)  
Does not operate between 1 June and 31 August

This account is currently on a flat tariff but it is anticipated that 60% of electricity use will be off-peak and a time of use tariff would be financially beneficial. The estimated cost on the Cost Comparison has been calculated on this basis. Actual consumption will only be confirmed once the time of use meter is installed but should actual peak use be higher than predicted there is the option to alter the aerator operating time to off-peak hours, therefore reducing cost.

As can be seen from Table 2 (refer [Confidential Attachment 1](#)), Alinta Sales offers the most favourable solution. The electricity prices quoted includes all network and regulatory charges.

### **FINANCIAL IMPLICATIONS**

The solution offered by Alinta Sales is estimated to be 14% less than the current rates, however this is subject to a minimum annual consumption of 1,472,148 kWh for both peak and off peak electricity (for the combined seven sites), based on 50% of annual agreed consumption. The City's electricity consumption for contestable sites has only once fallen below this figure by approximately 125,000 kWh over the year but this did not include the Ascot Waters Compensating Basin or the new Belmont Hub. It is estimated that electrical power use will increase by between 500,000 and 600,000 kWh per annum as activities commence at the Belmont Hub. As such, it is not envisaged that electricity use will reduce below the minimum annual consumption. There would be no additional cost to the City for replacing the meter for the new site for Ascot Waters Compensating Basin.

### **ENVIRONMENTAL IMPLICATIONS**

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

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

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.



*Item 12.6 Continued*

**OFFICER RECOMMENDATION**

**That Council accept the quotation submitted by Alinta Sales Pty Ltd for the Electrical Energy Supply for Contestable Sites for two years commencing 1 May 2020, in accordance with the Schedule of Rates provided, as the most advantageous.**

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

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

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 6 – Item 12.7 refers	<a href="#"><u>OAG Report 28 - June 2018-2019 - Local Government Building Approvals</u></a>

Voting Requirement : Simple Majority  
Subject Index : 32/001 Operational/Strategic Planning  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil  
Previous Items : OCM 19.11.2019 Item 12.10  
Applicant : N/A  
Owner : N/A  
Responsible Division : Corporate and Governance

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

This report presents an assessment of the City of Belmont’s (the City) operations in comparison with findings from the recent Auditor General’s Report ‘Local Government Building Approvals’ (refer [Attachment 6](#)).

*Item 12.7 Continued*

### **SUMMARY AND KEY ISSUES**

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

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

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the Strategic Community Plan Key Result Area:

#### **Business Excellence Belmont**

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

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

#### **Built Belmont**

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

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

Item 12.7 Continued

## **STATUTORY ENVIRONMENT**

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

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

#### **23. *Time for deciding application for building or demolition permit***

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

*Item 12.7 Continued*

- (b) if the permit authority has referred the application in accordance with the Heritage Act 2018 but the Heritage Council has not provided its advice within the time mentioned in subsection (1) or (2).*
- (6) Despite subsection (3) and section 18(2), the permit authority may decide whether or not to grant the building permit or demolition permit, and may give the applicant written notice of its decision, after the period applicable under subsection (1) or (2), or the time specified under section 18(1), has expired, and the validity of the decision is not affected by the expiry.*

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

Building Regulations 2012

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

- (1) For the purposes of section 23(1)(a), the period for buildings of all classifications is —*
  - (a) if the application relates to development as defined in the Planning and Development Act 2005 section 4 and a planning scheme or interim development order that has effect under that Act provides that the development is not to be commenced or carried out without an approval being obtained upon the making of a development application —*
    - (i) 25 business days, excluding any day that is after the day on which the development application is made and before the day on which that application is determined; or*
    - (ii) such longer period as is agreed in writing between the applicant and the permit authority;*
  - and*
  - (b) otherwise, 25 business days, or such longer period as is agreed in writing between the applicant and the permit authority.*
- (2) For the purposes of section 23(2)(a), the period for buildings of all classifications is 10 business days, or such longer period as is agreed in writing between the applicant and the permit authority.*

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

**BACKGROUND**

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

Four Local Governments and the Building and the Department of Mines, Industry Regulation and Safety's Building and Energy Division were recently the subject of a focus audit by the Office of the Auditor General (OAG). The findings from the audit are outlined within the Western Australian Auditor General's Report 28: June 2018-2019 – Local Government Building Approvals.

*Item 12.7 Continued*

On 28 October 2019 the Standing Committee (Audit and Risk) considered and recommended that the Operational Comparison Report of the Western Australian Auditor General's Report into Building Approvals be received by Council.

Council at its 19 November 2019 Ordinary Council Meeting resolved to defer consideration of the report and refer the item back to the Standing Committee (Audit and Risk) following advice that the original report to the Committee contained incorrect statistical information pertaining to Item 1.2 'Permits Issued on Time'.

The report in October 2019 incorrectly stated that 308 Certified and 211 Uncertified Building Applications had been received by the City with 96% and 90% respectively being determined within the statutory timeframes. The correct number of applications received was 508 in total with 100% determined within the required timeframes.

The information has been updated within the report and was reconsidered by the Standing Committee (Audit and Risk) at the meeting held 24 February 2020.

### **OFFICER COMMENT**

This comparison report represents an assessment of the Building Approvals process at the City against the findings from the recent audit conducted by the OAG as outlined in its report (refer [Attachment 6](#)).

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

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

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

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

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

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

*Item 12.7 Continued*

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

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

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

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

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

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

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

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

**Overall Assessment** 4

**1.2 Permits issued on Time.**

In 2018-2019 there were 508 BA01 Certified and BA02 Uncertified applications determined by the Building section. The breakdown is as follows:

Certified Building Applications (BA01) Received: 300  
Determined within the required 10 days: 300 (100%)

Uncertified Building Applications (BA02) Received: 208  
Determined within the required 25 days: 208 (100%)

*Item 12.7 Continued*

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

**Overall Assessment** 4

### 1.3 Monitoring and Enforcement of Permit Conditions

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

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

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

**Overall Assessment** 3

## 2 Conclusion

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

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

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

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

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

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



*Item 12.7 Continued*

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**COMMITTEE RECOMMENDATION**

That Council receive the Western Australian Auditor General's Report 28: June 2018-2019 – Local Government Building Approvals ([Attachment 6](#)).

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

**12.8 OPERATIONAL COMPARISON – WESTERN AUSTRALIAN AUDITOR GENERAL’S  
REPORT – FRAUD PREVENTION IN LOCAL GOVERNMENT**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 7 – Item 12.8 refers	<a href="#"><u>OAG Report 5 - Fraud Prevention in Local Government - 15 August 2019</u></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

This report presents an assessment of the City of Belmont’s (the City) operations in comparison with findings from the Auditor General’s Report ‘*Fraud Prevention in Local Government*’ (refer [Attachment 7](#)).

*Item 12.8 Continued*

### **SUMMARY AND KEY ISSUES**

As a result of recent high profile fraud investigations in the public sector, the Office of the Auditor General (OAG) conducted an audit into whether local government entities have undertaken appropriate action to reduce and prevent fraud through asking whether:

- The local governments had implemented a coordinated approach to manage fraud risks,
- Controls are adequate for preventing and detecting fraud, and
- The entities respond appropriately to suspected fraud.

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the Strategic Community Plan Key Result Area:

#### **Business Excellence Belmont**

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

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

There are a number of legislated responsibilities that help control fraud risks. The OAG provides an overview in its report at Appendix 1.

*Item 12.8 Continued*

Below are some of the key relevant sections:

**Local Government Act 1995**

- s2.19. *Qualifications for election to council*
- s2.22. *Disqualification because of convictions*
- s2.24. *Disqualification because of misapplication of funds or property*
- s5.36. *Local government employees*
- s5.40. *Principles affecting employment by local governments*
- s5.41. *Functions of CEO*
- s5.43. *Limits on delegations to CEO*
- s5.50. *Payments to employees in addition to contract or award*
- Division 6 — Disclosure of financial interests and gifts*
- s.5.57 – s.5.87B
- s5.89. *Offence to give false or misleading information*
- s5.93. *Improper use of information*
- s7.1A. *Audit committee*
- Division 4 — Misapplication of funds and property*
- s8.35. *Interpretation*
- s8.38. *Liability for misapplication of funds or property*

**Local Government (Rules of Conduct) Regulations 2007**

- 3. *General principles to guide the behaviour of council members*
- 6. *Use of information*
- 7. *Securing personal advantage or disadvantaging others*
- 10. *Relations with local government employees*
- 11. *Disclosure of interest*

**Local Government (Audit) Regulations 1996**

- 16. *Functions of audit committee*
- 17. *CEO to review certain systems and procedures*

**Local Government (Financial Management) Regulations 1996**

- 5. *CEO's duties as to financial management*
- 11. *Payments, procedures for making etc.*

**Local Government (Administration) Regulations 1996**

- 18E. *False information in application for CEO position, offence*
- 34B. *Codes of conduct about gifts, content of (Act s. 5.103(3))*
- 34C. *Codes of conduct about disclosing interests affecting impartiality, content of (Act s. 5.103(3))*

*Item 12.8 Continued*

**Local Government (Functions & General) Regulations 1996**

11A. *Purchasing policies for local governments*

11. *When tenders have to be publicly invited*

**Public Interest Disclosure Act 2003**

23. *Principal executive officer of public authority, duties of*

**BACKGROUND**

To stay abreast of industry best practice, it has been standard protocol for the City to conduct internal audits and comparison reports in response to inquiries or audits that may be relevant to the organisation. These reports are generally issued by the Department of Local Government, Sport and Cultural Industries (DGLSCI), the Corruption and Crime Commission (CCC), Public Sector Commission (PSC) and the Western Australian Auditor General (OAG). The Minister for Local Government has recently commended the City on its proactive response to issues using these comparison reports following the Minister's receipt of the comparison reports into the Shire of Perenjori and City of Melville.

The OAG conducted the audit into fraud prevention within the local government sector following recent Corruption and Crime Commission (CCC) investigations. A whole of sector survey was conducted by the OAG and five local governments were chosen to have their systems and processes in relation to fraud prevention more closely reviewed.

The OAG found that more can be done by local governments to prevent fraud through having good controls and an understanding of the specific fraud risks that the local government has. It was found that many had not undertaken an assessment of fraud risks or created a plan to identify and manage the risks. It was also found that there were gaps in processes and that more can be done to increase staff awareness and improve reporting structures.

The Standing Committee (Audit & Risk) considered the findings of this comparison report at its meeting of the 24 February 2020.

**OFFICER COMMENT**

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

Fraud can appear in many forms in local government through employment, procurement, entitlements and as such responses to fraud are broad and affect different areas of the organisation on different levels.

The methodology used to determine the City's rating against the findings raised was through review of the City's current processes and documentation, sampling of procurement processes and discussions of controls and risk assessments with relevant officers.

*Item 12.8 Continued*

In line with the recommendations of the report and the better practice objectives and principles outlined in Appendix 2 of the report, the questions posed for the operational comparison were:

4. Does the City have a coordinated approach to fraud risk management?
5. Does the City have controls in place and review and strengthen those controls regularly?
6. Does the City have appropriate reporting mechanisms in place?

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

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

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

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

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

The City's current practices were audited against the matters raised by the OAG as outlined below and in line with Appendix 2 of the OAG report: 'Better Practice Principles'.

### **2.1 Does the City have a coordinated approach to fraud risk management.**

This question is designed to compare the City's processes against the Planning Objective and expectations of the OAG in relation to this objective and supporting principles as outlined in Appendix 2 of the OAG report.

The City maintains a Fraud Control Plan (the Plan), which outlines areas of the organisation at risk of fraud. The Plan describes controls in place to mitigate those risks and assist in the prevention and detection of fraud.

The Plan has been in place since 2009 with a review cycle of two years. The Plan was last reviewed in May 2018 and the current review is due for completion in May 2020. This review will reformat the Plan to reflect current processes, Australian Standards, and to enable better reporting on the efficacy of controls. The Plan has assigned responsibilities with some objectives having measureable targets.

*Item 12.8 Continued*

The identified risks and controls are reviewed in line with the Plan review timeframes of every two years. Additionally the risks associated with fraud and corruption are reviewed annually as part of the Council policy review process.

The City has in place an active internal audit and review process as part of its quality assurance processes which ensures that regular review and assessment of fraud risks and associated controls are undertaken. All audit and risk related matters are referred to Council via the Standing Committee (Audit & Risk).

The City has a Code of Conduct for Elected Members and Employees which is subject to review pending advice from the Department of Local Government, Sport & Cultural Industries on the model Code of Conduct. Recent changes to the *Local Government Act 1995* require separate Codes of Conduct for the CEO and Elected Members and Employees of the City.

**Overall Assessment**

**4**

**1.3 Does the City have controls in place and review and strengthen those controls regularly?**

The City has a Code of Conduct which outlines the City's integrity policies and which all employees are signatories to on commencement with the City. Staff are not required to confirm they understand the Code of Conduct on an annual basis. The OAG report recommends that this be considered.

Regular reminders of the requirements regarding conflicts of interest, currency of qualifications and disclosures are communicated to staff through Team Brief. A Fraud Awareness training course was available up until July 2019 through the City's previous e-learning provider and the City is currently in the process of developing new modules with the new provider. It is envisioned that the new modules will be available shortly to align with the new staff Code of Conduct when finalised. Audit questions covering these matters have been included as part of the internal audit undertaken by the City on an annual basis as well as other external audits eg financial audit.

Employment processes and the verification of qualifications has been the subject of a separate OAG focus audit. A comparison of the City's processes against the findings of that report has been previously submitted to the Standing Committee (Audit and Risk) and Council in 2019. This comparison report demonstrated that the City has appropriate procedures and controls in place.

Disclosures of conflicts of interest are required through legislation, policy and the City's Code of Conduct. Disclosures for Elected Members and the CEO and staff are currently managed through separate processes at the City. A policy and form have been drafted to provide greater clarity and increase transparency for employee disclosures of interest. The policy and form have been considered by the City's Executive Leadership Team and are currently awaiting implementation to align with the new Code of Conduct for employees.

The City has undertaken recent reviews of the procurement system both by internal staff, external consultants and the OAG with the recommendations of those reviews to further address fraud risks currently being carried out with the implementation of the opportunities for improvement being monitored through the Business Improvement Team where required.

*Item 12.8 Continued*

Financial and company information of prospective suppliers is checked for ownership, ABN status, Director information and financial viability through the procurement process. The level of assessment is dependent on the value of the project being undertaken and associated risk however ABN and bank account information is always checked and verified by independent officers.

The City's Compliance Management Plan provides for further development of induction and information packages to staff on areas of corruption, misconduct and disclosure awareness.

**Overall Assessment** **4**

**1.3 Does the City have appropriate reporting mechanisms in place?**

The City has a mandatory reporting requirement for staff to report possible fraud and corruption and encourages the public and suppliers to also report using the various mechanisms available such as the Corruption and Crime Commission, Public Sector Commission and the City. The City has two Public Interest Disclosure Officers and reporting processes and information are readily available on the website and intranet.

The City also provides anonymous reporting options to staff and the public online, by mail and via telephone through the City's Customer Complaint Management Procedures.

**Overall Assessment** **4**

**2 Conclusion**

The comparison report findings have found that the City has a number of well established procedures relating to the prevention of fraud. These areas mostly comply with the expectations outlined within the OAG report.

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

The management of conflicts of interest is being considered at the organisational level to ensure consistency and transparency across the organisation.

The City continues to monitor developments in fraud and corruption using the findings of investigations and reports of public sector agencies nationally to review and if necessary implement improvements to further tighten processes and mitigate the fraud risk. The current review of the Plan will consider the OAG report and recommendations together with the Australian Standards and industry best practice.

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.



*Item 12.8 Continued*

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**COMMITTEE RECOMMENDATION**

That Council receive the Western Australian Auditor General's Report 5 - Fraud Prevention in Local Government ([Attachment 7](#)).

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

**12.9 ACCOUNTS FOR PAYMENT – FEBRUARY 2020**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 8 – Item 12.9 refers</b>	<b><a href="#">Accounts for Payment – February 2020</a></b>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

Confirmation of accounts paid and authority to pay unpaid accounts.

**SUMMARY AND KEY ISSUES**

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

*Item 12.9 Continued*

**LOCATION**

Not applicable.

**CONSULTATION**

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

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

**STATUTORY ENVIRONMENT**

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

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

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.”*

**BACKGROUND**

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

**OFFICER COMMENT**

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

Municipal Fund Cheques	788400 to 788426	\$190,891.67
Municipal Fund EFTs	EF066299 to EF066757	\$5,295,227.22
Municipal Fund Payroll	February 2020	\$1,436,838.79
Trust Fund EFT	EF066300 to EF066301	<u>\$6,914.32</u>
Total Payments for February 2020		<b>\$6,929,872.00</b>

*Item 12.9 Continued*

A copy of the Authorised Payment Listing is included as [Attachment 8](#) to this report.

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

That the Authorised Payment Listing for February 2020 as provided under [Attachment 8](#) be received.

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

**12.10 MONTHLY ACTIVITY STATEMENT AS AT 29 FEBRUARY 2020**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 9 – Item 12.10 refers	<a href="#"><u>Monthly Activity Statement as at 29 February 2020</u></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To provide Council with relevant monthly financial information.

**SUMMARY AND KEY ISSUES**

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

*Item 12.10 Continued*

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

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

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

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

### **BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* requires that financial statements are presented on a monthly basis to Council. Council has adopted 10% of the budgeted closing balance as the materiality threshold.

### **OFFICER COMMENT**

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

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

*Item 12.10 Continued*

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

The monthly financial report is to be accompanied by:

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

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

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

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

In order to provide more details regarding significant variations as included in [Attachment 9](#) the following summary is provided.

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Expenditure - Capital</b>			
Computing	581,307	317,892	Relates to the purchase of IT equipment for the New Community Centre that is currently on order.
Human Resources	65,939	Nil	Mainly relates to the purchase of fleet that is currently deferred due to usage or as a result of a recent fleet replacement review. It should be noted that the fleet replacement program has been significantly reduced and this has been reflected in the March budget review.
Property and Economic Development	94,875	Nil	Relates to fleet replacement and the purchase of land that has yet to occur.
Crime Prevention and Community Safety	535,696	186,218	Relates to fleet replacement and CCTV for the New Community Centre.
Health	77,622	Nil	Relates to fleet replacement.
Belmont HACC Services	286,767	79,040	Vehicles including buses are currently on order.
Belmont Oasis	92,475	15,402	The replacement of strength equipment will occur later in the financial year.
Ruth Faulkner Library	2,069,440	57,566	Equipment and furniture purchases for the new library are currently on order.
Grounds Operations	1,191,472	740,395	Variance mainly relates to Brearley Avenue Public Open Space Irrigation project being delayed.

Item 12.10 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Road Works	5,518,613	3,307,391	There are a number of large projects underway and projects re-prioritised as part of the budget review with the full year budget expected to be utilised.
Footpath Works	481,274	262,011	Variance relates to a timing issue between budget spread and the delivery of work, remaining work will be completed this financial year.
Drainage Works	380,210	94,721	A number of drainage projects have been reviewed and funds allocated to other works jobs as part of the budget review.
Operations Centre	450,443	19,181	Fleet and plant purchases are currently behind budget.
Building Operations	13,395,329	13,638,433	New Community Centre invoices are variable but budgeted evenly over the year. Fluctuations against monthly budgets are the main reason for this variance although the budget has been increased as part of the review.
<b>Expenditure – Operating</b>			
Finance Department	1,447,167	1,370,373	Variance is a timing issue regarding consultant costs.
Computing	1,898,619	1,711,259	Variance mainly relates to employee costs and costs associated with the New Community Centre.
Marketing and Communications	1,387,466	1,228,631	Variance mainly relates to employee costs including budgeted Long Service Leave not yet taken.
Reimbursements	168,326	324,168	Significant amount of unbudgeted Paid Parental Leave (offset in revenue) and unallocated wages.
Chief Executive Officer	566,761	449,614	Variance mainly relates to employee and consulting costs.
Human Resources	827,813	772,825	Variance mainly relates to budgeted Long Service Leave not yet taken.
Occupational Safety and Health	153,699	95,456	Variance relates to employee costs.
Organisational Development	362,691	286,410	Variance relates to employee costs.
Governance	2,346,642	2,050,937	Activity Based Costing allocations (ABC's) are below budget.
Belmont Trust	90,000	12,963	Variance mainly relates to consulting costs.
Property and Economic Development	976,282	675,931	Section split as a result of Organisational restructure. Budget reallocated as part of the budget review.
Rangers	640,537	581,123	The total variance comprises many minor expenses and no significant items.
Crime Prevention and Community Safety	527,037	470,449	Taskforce costs are currently below budget.



Item 12.10 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Health	1,007,666	859,013	Variance mainly relates to employee costs including budgeted Long Service Leave not yet taken.
Belmont HACC Services	1,851,955	1,657,283	Variance mainly relates to training and In Home services.
Town Planning	2,153,119	1,808,370	Variance mainly relates to employee and consulting costs.
Sanitation Charges	3,824,378	3,445,373	Some outstanding invoices are pending processing and the number of bin services is less than expected.
Marketing and Communications	611,540	555,890	Variance relates to budget spread of the Kidz Fest event.
Public Facilities Operations	13,758	76,797	Contributions in relation to MOU's were paid earlier than anticipated.
Ruth Faulkner Library	1,748,204	1,517,179	Variance mainly relates to employee costs and the New Community Centre.
Community Place Making	195,697	120,031	Variance mainly relates to public art in relation to the New Community Centre.
Building - Active Reserves	531,106	421,846	Although the budgets have been reduced as part of the budget review the variance mainly relates to outstanding costs with contractors paid monthly in arrears.
Grounds Operations	3,788,609	3,656,751	Variance attributable to consulting and environmental services which have been reduced as part of the budget review.
Grounds - Active Reserves	772,782	894,924	Turf Maintenance works are ahead of budgeted schedule.
Grounds Overheads	1,060,934	1,009,929	Variance relates to employee costs and ABC's.
Road Works	789,579	643,225	Maintenance expenditure will be slightly less than originally anticipated which has been reflected in the budget review.
Drainage Works	222,165	132,307	The delivery of capital projects was prioritised, operational works will be delivered in the remainder of this financial year.
Building Control	627,394	566,973	Consulting costs are under budget and have been reduced as part of the budget review.
Building Operations	875,876	637,092	Employee costs are under budget mainly due to staff leave implications and other costs in relation to power, lighting and the New Community Centre are under budget.
Public Works Overheads	1,163,520	1,033,457	Variance mainly relates to employee costs being lower due to staff vacancies.

Item 12.10 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Technical Services	1,747,459	1,475,793	Variance mainly relates to employee costs.
City Projects	271,692	184,905	Consulting costs are under budget.
<b>Revenue - Capital</b>			
Property and Economic Development	(78,720)	(24,666)	A number of budgeted land disposals will not proceed this year which have a nil net impact on the total budget.
Crime Prevention and Community Safety	(661,839)	(89,115)	Timing issue regarding receipt of grant income.
Belmont HACC Services	(319,267)	Nil	Sale of Plant / Fleet and reserve transfers are behind budget due to fleet / bus purchase still on order.
Grounds Operations	(273,839)	(13,000)	Timing issue regarding receipt of grant income.
Road Works	(1,271,667)	(737,119)	Timing issue regarding receipt of grant income.
Operations Centre	(293,852)	(50,884)	Sale of Plant / Fleet is behind budget due to vehicle replacement schedule being reduced.
Building Operations	(5,524,839)	(4,351,620)	Timing issue regarding receipt of grant income.
<b>Revenue - Operating</b>			
Reimbursements	(168,326)	(219,749)	Although above budget this is offset by reimbursement expenditure as explained above.
Human Resources	(1,135,586)	(772,825)	ABC recoveries currently below budget.
Rates	(50,124,281)	(50,032,609)	Interim rates are slightly lower than budget.
Financing Activities	(1,332,174)	(598,196)	Monthly variances are expected due to the timing of term deposits maturing.
Town Planning	(851,500)	(715,395)	ABC recoveries and application fee income are below budget.
Sanitation Charges	(6,582,288)	(6,503,827)	Number of bin services is slightly less than expected.
Building Control	(272,063)	(217,845)	Application fee income is below budget.
Public Works Overheads	(1,147,241)	(583,692)	The budget variance is expected to diminish over the remainder of the year in sync with the progress of works jobs.
Plant Operating Costs	(1,102,017)	(824,075)	Recovery for plant operating costs is lower than anticipated.
Technical Services	(322,084)	(235,231)	ABC recoveries currently below budget.
Other Public Works	(39,333)	(99,634)	Income received for Private Works is higher than expected.

*Item 12.10 Continued*

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

<b>Reconciliation of Nett Current Assets to Statement of Financial Activity</b>		
<b>Current Assets as at 29 February 2020</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	77,321,198	Includes municipal and reserves
- less non rate setting cash	(58,574,632)	Reserves
Receivables	5,899,297	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(1,000,426)	ESL Receivable
Stock on hand	206,123	
<b>Total Current Assets</b>	<b>23,851,561</b>	
<b>Current Liabilities</b>		
Creditors and provisions	(10,002,570)	Includes ESL and deposits
- less non rate setting creditors & provisions	4,053,392	Cash Backed LSL, current loans & ESL
<b>Total Current Liabilities</b>	<b>(5,949,179)</b>	
<b>Nett Current Assets 29 February 2020</b>	<b>17,902,382</b>	
<b>Nett Current Assets as Per Financial Activity Report</b>		
Nett Current Assets as Per Financial Activity Report	17,902,382	
Less Restricted Assets	(283,566)	Unspent grants held for specific purposes
Less Committed Assets	<b>(17,118,816)</b>	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

That the Monthly Financial Reports as at 29 February 2020 as included in [Attachment 9](#) be received.

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

### 13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

#### 13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

#### 13.2 NOTICE OF MOTION (Cr Rossi) – REQUEST STATE GOVERNMENT TO RESTORE ASCOT KILNS AND REVIEW LAND USE

### BUILT BELMONT

#### ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	35/002–Notices of Motion
Location / Property Index	:	Lot 713 DIA 93557; Lots 236, 237 and 197 PL 2635 (80) Grandstand Road, Ascot
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	12 December 2017 Ordinary Council Meeting Item 12.2
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Development and Communities

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

To consider a Notice of Motion prepared by Councillor (Cr) Rossi proposing the City requests the State Government restore the Ascot kilns and stacks at 80 Grandstand Road, Ascot.

Item 13.2 Continued

## **SUMMARY AND KEY ISSUES**

Councillor Rossi has submitted a Notice of Motion proposing that the City requests the State Government to restore the Ascot kilns and stacks, and review the land use with a view to make the historic structures the centrepiece of a park and tourist hub.

## **LOCATION**

The Ascot Kilns site is located at the intersection of Grandstand Road and Resolution Drive in Ascot. The kilns and stacks are prominent structures at the entry point to the Ascot Waters estate. The property comprises four lots with a combined area of approximately 18,590m<sup>2</sup>. Part of the lot area is taken up by the Grandstand Road carriageway as reflected in Figure 1 below.

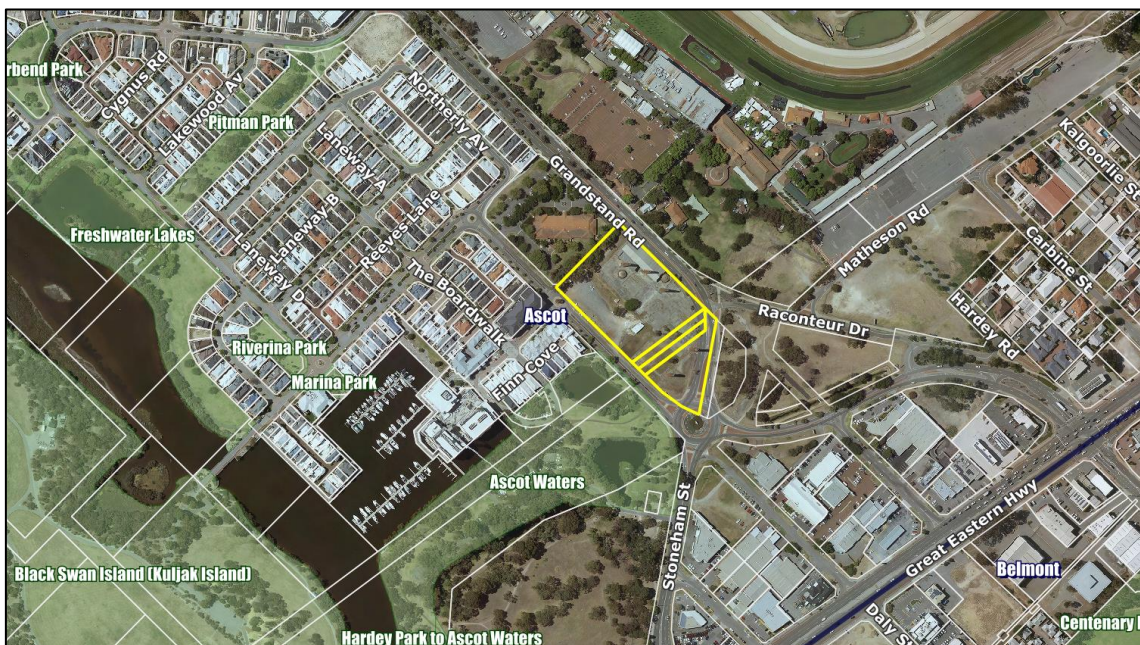


Figure 1 – Aerial Photo – Location and Context of the Ascot Kilns Site

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Ensure that the cultural and historical significance of the City is identified and captured.

**Strategy:** Recognise all aspects of historical significance within the City.

**Corporate Key Action:** To ensure that the history of Belmont is retained.

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

*Item 13.2 Continued*

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

**Strategy:** Promote the City as the “City of Opportunity”.

**Corporate Key Action:** Position, promote and market the City of Belmont as a great place to live, work, recreate and invest in, with strong emphasis on attracting families and businesses to develop a strong sense of community.

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

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

Schedule 2, Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the provisions for heritage protection.

Part 6 outlines the provisions for preparation of Local Development Plans. In particular, Clause 47(d) provides that a Local Development Plan may be prepared if the Commission or local government considers that it is required for the purposes of orderly and proper planning.

Part 7, Clause 61 provides exemptions for certain types of development from requiring development approval. The provisions exclude structures, properties or places that are listed on the local government’s heritage list.

### **City of Belmont (Heritage) Inventory 2016**

The Ascot Kilns is listed on the City of Belmont (Heritage) Inventory 2016 and has an ‘A’– Exceptional Significance classification. This means that the structures are considered to be essential to the heritage of the locality, and is a rare or outstanding example that should be retained and conserved unless there is no feasible and prudent alternative. Any alterations or extensions should be sympathetic to the heritage values of the place and in accordance with a Conservation Plan (if one exists for the place).

### **Mixed Use Zone**

The site is predominantly zoned Mixed Use under Local Planning Scheme No. 15 (LPS 15). The Mixed Use zone is intended to allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents. Buildings should be of a high standard of architectural design set in pleasant garden surrounds with limited vehicular access from properties to primary roads.

The Grandstand Road carriageway traverses a portion of the site. An administrative amendment to the Scheme map is required to rationalise the boundary of the zoned land parcel encompassing the historic kilns and stack, and the boundary for road reserve purposes.

*Item 13.2 Continued*

## **BACKGROUND**

The subject site has remained unused since the closure of the Bristile Kilns factory in 1982. The land was purchased by the Western Australian Planning Commission (WAPC) in 1985.

The remaining structures (kilns and stacks) were included on the State Register of Heritage Places in 1992 (Place No. 00868). The site has State level heritage significance as the location of the first pottery works in Western Australia. The site is also the largest known assemblage of beehive kilns remaining in Australia and forms a landmark entry point to the City of Belmont.

In recent years, the Department of Planning, Lands and Heritage (on behalf of the WAPC) have been exploring options to fund restoration of the kilns, including development to integrate the historic structures, adapt and reuse the site. On this basis, the Department sought approval from the City of Belmont for a Local Development Plan (LDP) over the site in 2017. The aim of an LDP is to specify the essential built form controls including lot configuration, setbacks, building heights, location of active edges, location of vehicle entries and the view corridors for the site. In particular, the LDP and associated design guidelines outlined building heights ranging from two to eight storeys stepped across the site.

At the 12 December 2017 Ordinary Council Meeting, Council resolved to require the Department to modify the LDP and associated design guidelines to restrict the height of any development on the site to no more than five storeys. In response, the Department indicated that limiting development on the site to five storeys makes development unviable given the prevailing market conditions. The draft LDP has been left in abeyance since.

While the Department are not pursuing the LDP at this point, they have acknowledged that works to stabilise the kilns and stacks are required in the interim. In January 2020, they indicated that the WAPC was unsuccessful in obtaining additional funds through the 2019/2020 mid-year review of the budget. Nonetheless, they continue to seek funds to undertake the essential rectification works to structures that may pose a risk of collapse.

A Notice of Motion by Cr Rossi reads as follows:

*“Council requests that the CEO write to the State Government asking that they review the land use around the iconic kilns and stacks at 80 Grandstand Road, Ascot with a view to restoring them as the centrepiece of a park and tourist hub which is in close proximity to the airport and city.*

*Reason:*

*Discussions around the future of the Ascot Kilns site have stalled following Council's motion of December 2017 to seek modifications to the proposed Local Development Plan for 80 Grandstand Road, Ascot. Council is keen to continue discussions with the State Government with a view for the State Government to restore the kilns and establish a plan for local tourism at the site. This is an opportune time to discuss the matter with the State Government.”*

*Item 13.2 Continued*

### **OFFICER COMMENT**

The Ascot Kilns is an iconic site that presents significant heritage value for the community. The site has been owned by the WAPC since 1985, but has deteriorated over the years.

It is understood that a number of complex issues in relation to works and funding need to be resolved in order to firstly remediate the site, restore the kilns and stacks, and ensure their ongoing maintenance into the future. While the WAPC has explored the option of funding restoration of the kilns through adaptively reusing the site by integrating development with the historic structures, members of the community have expressed the view that development of large scale buildings on the site is inappropriate, and space should be provided for the general public to visit and appreciate the significance of the site's heritage. This was affirmed by the resolution at the December 2017 Ordinary Council Meeting that development on the site should be limited to five storeys.

The WAPC has indicated that smaller scale development undermines the viability of the project to fund remediation of the site, as well as restoration of the kilns and stacks. Whilst some have expressed the view that the City should intervene, the site is a private landholding, and it is inappropriate for the City to commit funds to assist with the site. This is on the basis that although the WAPC is an instrumentality of the State Government, they are in essence a private landowner and prospective developer of the Ascot Kilns site. It is by no means the City's position to fund the restoration or development of privately owned land. This responsibility lies with the WAPC as the owner of the site.

### **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 site and structures are considered to be of exceptional significance, and essential to the heritage of the locality. The kilns are the largest known assemblage of beehive kilns remaining in Australia, and therefore a rare example that should be retained and conserved.

The conservation of the site will enable future generations to appreciate the heritage of the area.



*Item 13.2 Continued*

**COUNCILLOR RECOMMENDATION**

That Council requests that the Chief Executive Officer write to the State Government asking that they review the land use around the iconic kilns and stacks at 80 Grandstand Road, Ascot with a view to restoring them as the centrepiece of a park and tourist hub which is in close proximity to the airport and city.

**Reason:**

Discussions around the future of the Ascot Kilns site have stalled following Council's motion of December 2017 to seek modifications to the proposed Local Development Plan for 80 Grandstand Road, Ascot. Council is keen to continue discussions with the State Government with a view for the State Government to restore the kilns and establish a plan for local tourism at the site. This is an opportune time to discuss the matter with the State Government.

**Note:**

**Cr Cayoun declared an interest that may affect impartiality as she works for the State Government.**

**Cr Cayoun suggested an amendment to the Councillor Recommendation which was agreed to by Cr Rossi and Cr Wolff.**

**AMENDED COUNCILLOR RECOMMENDATION**

**ROSSI MOVED, WOLFF SECONDED,**

**That Council requests that the Chief Executive Officer write to the State Government and while acknowledging that the priorities of Government have changed in the Coronavirus climate, request that when circumstances allow, they review the land use around the iconic kilns and stacks at 80 Grandstand Road, Ascot with a view to restoring them as the centrepiece of a park and tourist hub which is in close proximity to the airport and city.**

**CARRIED 5 VOTES TO 3**

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

**Reason:**

Due to the current State Government priorities in the Coronavirus climate, discussions around the future of the Ascot Kilns site should continue when circumstances allow.

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

**15. CLOSURE**

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 7.50pm.

---

---

**MINUTES CONFIRMATION CERTIFICATION**

The undersigned certifies that these minutes of the Ordinary Council Meeting held on 24 March 2020 were confirmed as a true and accurate record at the Ordinary Council Meeting held 28 April 2020:

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

PRINT name of the Person Presiding: **PHILIP MARKS**

---

---