



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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23 February 2021

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MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 23 FEBRUARY 2021 COMMENCING AT 7.01PM.

MINUTES

PRESENT

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

IN ATTENDANCE

Mr J Christie	Chief Executive Officer
Ms M Bell	Director Corporate and Governance
Ms J Gillan	Director Development and Communities
Ms M Reid	Director Infrastructure Services
Mrs M Lymon	Acting Manager Governance
Ms K Spalding	Coordinator Marketing and Communications
Ms D Morton	Media and Communications Adviser
Mrs J Cherry-Murphy	Senior Governance Officer
Mrs H Mark	Governance Officer

MEMBERS OF THE GALLERY

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

1. OFFICIAL OPENING

7.01pm The Presiding Member welcomed all those in attendance and declared the meeting open.

The Presiding Member read aloud the Acknowledgement of Country.

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

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

Affirmation of Civic Duty and Responsibility

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

2. APOLOGIES AND LEAVE OF ABSENCE

Cr M Bass (Apology)
Mr J Olynyk, JP (Apology)

East Ward
Manager Governance

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Cr Ryan	12.3 Belmont Business and Enterprise Centre Funding Request Support for 2021 Belmont and Western Australian Small Business Awards	Recipient of an award.

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

4.1 ANNOUNCEMENTS

Nil.

4.2 DISCLAIMER

7.03pm 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 MR L ROSOLIN, 355 SYDENHAM STREET, BELMONT

The following question was taken on notice at the 15 December 2020 Ordinary Council Meeting. Mr Rosolin was provided with a response on 8 January 2021. The response from the City is recorded accordingly:

1. I asked questions at a previous Ordinary Council Meeting. The responses were not adequate and I request these responses are clarified in writing.

Response

Responses to questions provided at previous Ordinary Council Meetings have been accurate in that they have addressed the issues presented.

5.1.2 MR W CHILDS, 122 SYDENHAM STREET, KEWDALE

The following questions were taken on notice at the 15 December 2020 Ordinary Council Meeting. Mr Childs was provided with a response on 8 January 2021. The response from the City is recorded accordingly:

1. Has any tenancy been taken up in the Hub by Commercial Enterprise or not-for-profit organisations?

Response

Negotiations are in progress, however at this stage no lease agreements have been entered into for any of the tenancies at the Belmont Hub.

2. I responded to a direction and contacted Joel Warner to seek more information about the Base and Domestic Violence initiative; I suggested that Joel clarify the conditions of which our discussions take place. Can we expect a response and can we get clarification on how we can relate, what we can talk about, what is the responsibility of the information I have and can we continue?

Response

On 25 November 2020, the day after November's Ordinary Council Meeting, Mr Joel Warner, Coordinator Community Projects spoke to you on the telephone about the City's Family and Domestic Violence service and the Base @ Belmont, the City's youth centre. A follow up email was sent on 9 December 2020 to clarify the most appropriate way to engage with him to seek information on the City's Family and Domestic Violence initiative and the Base @ Belmont.

You are welcome to continue discussions with Joel directly. This can occur via telephone or through a meeting at the City of Belmont offices. You are also welcome to meet with Mr Luke Willcock, Manager Economic and Community Development about these initiatives should you wish. This information was contained in the email sent on 9 December 2020.

3. Why has the CEO's response identified last month's question about the Base, the same as last Novembers?

Response

The CEO's recent response is consistent with November's. As previously explained, the City of Belmont uses the services of YMCA, who are required to achieve and report on a series of Key Performance Indicators (KPI's) on a monthly basis. It is not possible to provide performance reports regarding how the YMCA, the City's contracted youth services provider, achieves set Key Performance Indicators.

I understand that in a previous conversation with the City's Coordinator Community Projects – Mr Joel Warner, he explained the matter to you as a follow up to the CEO's response. If you would like to discuss any specific matters relating to youth services or the City's youth strategy, you are encouraged to speak with Mr Joel Warner who is responsible for managing the contract between the YMCA and the City of Belmont.

5.1.3 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

The following questions were taken on notice at the 15 December 2020 Ordinary Council Meeting. Ms Hollands was provided with a response on 18 January 2021. The response from the City is recorded accordingly:

1. I have been consulting with the City regarding a problematic verge tree where there is an issue with the falling tree nuts. The City carried out a partial prune and suggested they would come back in a years' time to finish off the pruning. A new arborist has reviewed the tree and has written to me stating the pruning could wait another five years to complete. This is causing a problem, because there is currently a risk of injury caused by the falling tree nuts. Why will the City not allow the tree to be trimmed to minimise the problem?

Response

In late October/ early November 2018, a property line prune was undertaken following an assessment by the City's Parks Technical Assistant. The notes associated with the work order indicate that the full extent of the intended pruning was undertaken at that time. The Technical Assistant has advised previously that pruning the tree heavily will not entirely prevent nuts from entering the adjacent property.

The more recent assessment of the tree was undertaken by the City's Arborist on 1 December 2020, who provided written advice that the tree had been sufficiently pruned back in recent years, such that no further pruning is warranted at this time. The Arborist also advised that a review in 3 to 5 years is justified. Based on this timeframe, this matter can be reviewed in late 2023.

As per the City's Urban Forest Policy (Council Policy NB 3.2) Clause 3 iii, the City does not prune City Trees "to reduce leaf litter, nut drop or for any other nuisance factors".

With regards to falling tree nuts, as the tree is a Queensland Box Tree it has small nuts which are not to be considered to have a high risk of causing injury. The City acknowledges there has been interest in recent years in relation to the Queensland Box Tree in the Perth metropolitan area, therefore the City will undertake a review of the suitability of this species as a street tree and provide you with an update in the future.

5.1.4 Ms L HOLLANDS ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG)

The following questions were taken on notice at the 15 December 2020 Ordinary Council Meeting. Ms Hollands was provided with responses on 6 and 25 January 2021. The response from the City is recorded accordingly:

1. The original Enterprise Bargaining Agreement (EBA) was certified by the Fair Work Commission on 25 November 2004. How many new staff were employed by the City of Belmont between 31 March 2005 and the time of Mr Christie's commencement of tenure of CEO around the end of 2017?

Response

Although it is not clear what exactly is being asked, we have assumed that you are requesting the number Full Time Equivalent (FTE) staff that were employed at the dates requested.

Our records for the information requested goes back to July 2007 and the information has been provided below:

- **On the 31 July 2007 the City had 187 FTE staff employed**
- **On 31 October 2017 the City had 239 FTE staff employed.**

2. How many staff have been employed since Mr Christie started employment as the CEO?

Response

As present the City has 213 FTE staff employed.

3. Was the CEO aware, when reports were prepared for Councillors, that the maximum amounts for gratuity payments allowed in the policy are more than permitted under the Regulation and if not, why not? Has the Council been advised that gratuity payments under the EBA can be removed or amended under Section 2.10 of the *Fair Work Act 2009*?

Response

The CEO and Council have been advised of the relevant industrial parameters and implications associated with these payments.

4. How much money has the City of Belmont paid out in gratuity since 31 March 2005?

Response

\$1,745,717 gross.

5. Last week we had the Pioneers Luncheon, how many Pioneer residents attended and what was the total number of attendees?

Response

134 Pioneers attended the Pioneers Luncheon. The total number of attendees for the Function was 276 people.

Item 5.1.4 Continued

6. Was the Belmont Trust formerly known as Grove Farm Trust Land, and if so, what was the area of land when it was Grove Trust?

Response

There is no indication of the land ever formally being known as “Grove Farm Trust Land” on the City’s record. This appears to have been confirmed at a Special Meeting of Electors held on 28 April 2004. However, there is evidence in the Minutes of a Trust Meeting held in November 2004 where it was resolved:

TEASDALE MOVED, POWELL SECONDED that the title “Belmont Trust” be adopted as the formal name for the Trust land in question, and also for the title of this group of Trustees.

CARRIED

The area of land occupied by the Belmont Trust at that time was approximately 15.81ha

7. What is the area of the Belmont Trust land as stands now?

Response

The City’s Intramaps mapping system indicates the area at approximately 15.37ha after land taken by the State Government for road widening purposes of Great Eastern Highway.

8. Why did the name get changed from Grove Farm Trust to Belmont Trust, did it relate to a division of the land?

Response

There is no indication of the land ever formally being known as “Grove Farm Trust Land” on the City’s record. This appears to have been confirmed at a Special Meeting of Electors held on 28 April 2004. However, there is evidence in the Minutes of a Trust Meeting held in November 2004 where it was resolved:

TEASDALE MOVED, POWELL SECONDED that the title “Belmont Trust” be adopted as the formal name for the Trust land in question, and also for the title of this group of Trustees.

CARRIED

5.1.5 Ms S CARTER, 3/10 MARINA DRIVE, ASCOT

The following questions were taken on notice at the 15 December 2020 Ordinary Council Meeting. Ms Carter was provided with a response on 8 January 2021. The response from the City is recorded accordingly:

1. With regard to amendment to Local Planning Scheme Amendment No. 14, could Councillors please scrutinise the Scheme with respect to the “understated” environmental impact of the reports when they receive the next stage documents to inform of the outcome of the public consultation?

Response

Councillors must give due regard for documents and supporting information in making a decision.

It is noted that the Environmental Protection Authority (EPA) considered that the proposed Amendment did not need to be assessed under the Environmental Protection Act 1986 and it was therefore not necessary for them to provide any advice or recommendations with respect to the environmental impact of the proposed amendment.

Amendment No. 14 relates to land that is currently zoned ‘Residential’ with an associated density coding of R20 under the City’s Local Planning Scheme No. 15. As development, in accordance with this zoning and density coding, can already occur on the lots the subject of this Amendment, it is not considered necessary for further environmental assessment to be undertaken at this stage. Notwithstanding this, as part of the assessment of future development applications on the land, due consideration would be given to the environmental and landscape implications of the specific development. On this basis, a basic environmental assessment was undertaken to supplement the Development Area 9 Local Structure Plan. The Local Structure Plan outlines that should comprehensive environmental data be required, further work should be undertaken.

2. Could you explain what the difference is between basic and standard assessment in layman’s terms?

Response

The Scheme Amendment No. 14 to Local Planning Scheme No. 15 officer report, considered by Council at the 25 August 2020 Ordinary Council Meeting, outlined the three different types of amendments that can be undertaken to a local planning scheme (basic, standard and complex). It was determined appropriate that the subject Amendment be progressed as a ‘standard’ amendment.

A key difference between a ‘basic’ amendment and a ‘standard’ amendment is the advertising requirements. A ‘basic’ amendment has no advertising requirements, whereas a ‘standard’ amendment is required to be advertised. Further information regarding the different amendment classifications is contained within the Planning and Development (Local Planning Schemes) Regulations 2015.

As opposed to a ‘standard amendment’, the Local Structure Plan for the Development Area 9 precinct stipulates that the environmental advice provided within the report should be considered as a ‘basic assessment’. The ‘standard Scheme amendment’ and ‘basic environmental assessment’ are unrelated processes. It appears that the similar terminology in the documents may have caused some confusion.

Item 5.1.5 Continued

3. There is no evidence of a marketing presence on the internet of the company that commissioned the two reports on the land that the City has relied upon. With respect to accountability and transparency of the proposed Scheme Amendment No. 14, who is PHB01 Pty Ltd, what experience do they have in development, does the City not ordinarily conduct financial investigations into companies they deal with, do they not include it in the Stakeholder Report and do any of the Councillors or officers need to declare an interest in this company?

Response

PHB01 Pty Ltd is a landowner within the Development Area 9 precinct and is entitled to request an amendment to the Local Planning Scheme. They have engaged CLE Town Planning and Design to submit Amendment No. 14 to Local Planning Scheme No. 15 for the City's assessment. There is no requirement for the City to conduct financial investigations into companies in relation to a Scheme amendment application.

Councillors and City officers are required to declare any interest they may have in accordance with the Local Government Act 1995 and associated legislation. No declarations of interests from Councillors or officers were registered in relation to this item.

5.1.6 MR P HITT, 14 MCLACHLAN WAY, BELMONT

The following questions were taken on notice at the 15 December 2020 Ordinary Council Meeting. Mr Hitt was provided with a response on 19 January 2021. The response from the City is recorded accordingly:

1. Can you please inform me as to the date of Council's last valuation of the Belmont Trust Land?

Response

June 30, 2019.

2. What was the official figure given at the valuation?

Response

\$31.725 million.

3. What is the current valuation of the Belmont Trust Land?

Response

The current valuation is as mentioned in response to Questions one and two.

Item 5.1.6 Continued

4. If the Belmont Trust Land has not had an official valuation in the last two years, I am sure that Councillors and the ratepayers of Belmont would like an official valuation from a qualified person, to be instigated as soon as possible. Will the City undertake this action?

Response

The *Local Government (Financial Management) Amendment Regulations 2020* came into effect on the 7th November 2020. This provided for changes in classes of non-financial assets to be valued at intervals of up to five (5) years on the premise that the fair value is not materially different to the carrying amount. The Belmont Trust land will be re-valued to meet the legislation unless required otherwise.

5.1.7 Ms S CARTER, 3/10 MARINA DRIVE, ASCOT

The following question was taken on notice at the 16 December 2020 Annual Electors' Meeting. Ms Carter was provided with a response on 11 January 2021. The response from the City is recorded accordingly:

1. Is the City of Belmont head lessor of Ascot Marina?

Response

Yes, the City of Belmont is the lessor of 'the Marina' as contained in the lease granted to the lessee for the 'Marina Boating Facility'.

5.1.8 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

The following questions were taken on notice at the 16 December 2020 Annual Electors' Meeting. Ms Hollands was provided with responses on 6 and 25 January 2021. The responses from the City are recorded accordingly:

1. What was the cost to the City for payments to employees?

Response

The Annual Report provides details of the Employee Costs at pages 39 and 43. In addition, page 90 of the Annual Report provides details of remuneration paid to Key Management Personnel (KMP) excluding Elected Members.

2. Was the land that is now Ascot Racecourse part of the Grove Farm Trust and how was the land acquired?

Response

The Ascot Racecourse is situated on Lot 9002 PL 60342 and Lot 7705 PL 209359 and is in the ownership of Perth Racing. Questions regarding the acquisition of this land should be directed to Perth Racing.

Item 5.1.8 Continued

3. There is 4,000 acres between Belmont and Grove Farm, how much of this was Trust Land?

Response

The City is unable to determine the context of this question. The Belmont Trust land consists of Lot 5 DIA 64041 and Lot 642 PL 66341 an area of approximately 15.37ha.

4. What percentage of contractors are local companies and what percentage are WALGA contractors?

Response

91.67% of contractors used are in Western Australia, with 10.19% located in City of Belmont. 33.33% of contractors are WALGA preferred suppliers.

5.1.9 MR P HITT, 14 MCLACHLAN WAY, BELMONT

The following question was taken on notice at the 16 December 2020 Annual Electors' Meeting. Mr Hitt was provided with a response on 6 January 2021. The response from the City is recorded accordingly:

1. The Belmont Trust area was utilised in the past as a venue for basketball and baseball. Has monies the City of Belmont raised from the rent been placed in the Trust Account, or was this classed as general revenue?

Response

From the records available, it does not appear income or expenditure attributed to those activities has been recorded against the Belmont Trust, although given the length of time that has since transpired, it is difficult to confirm.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

- 7.05pm 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 five members of the public who had given prior notice to ask questions.**

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

5.2.1 MS D RANSOME, 62 HAY ROAD, ASCOT

1. Does the Belmont Council seek to protect local native wildlife?

Since the extension of Hay Road to Ivy Street, there have been a number of bandicoots killed by cars. With a predicted increase in traffic to 550 cars per day (as per traffic report) can Council outline how they will protect these creatures and other local wildlife.

Item 5.2.1 Continued

Response

The Chief Executive Officer stated the City undertakes a number of local wildlife protection measures, including:

- Controlling feral animals such as foxes and rabbits, that threaten or compete with local wildlife
- Installing nest boxes for birds and microbats
- Promoting wildlife friendly gardens
- Undertaking water quality improvement initiatives for lakes and wetlands.

Amendment No. 14 was referred to the Environmental Protection Authority prior to being advertised. The Environmental Protection Authority determined that the Amendment could proceed after having regard to:

- The values, sensitivity and quality of the environment
- The extent or likely impacts of the amendment on the environment
- The resilience of the environment to cope with the impacts or change.

If residents become aware of wildlife in the area being hit by passing vehicles, this should be reported to the City's Parks, Leisure and Environment Section, for investigation. If it is considered necessary, suitable temporary moveable 'wildlife crossing' signage can be placed along Hay Road to alert drivers. It should be noted that based on previous experience Main Roads Western Australia (MRWA) has not supported the installation of permanent 'wildlife crossing' signage, however the City can approach MRWA to request that signage be considered.

2. Are Council aware of the caveat on the rear of all blocks fronting Hay Road, which will reduce the lot size to 1295m?

Response

The City is aware of the Caveats registered by the Commissioner of MRWA.

The caveats relate to MRWA's Strategic Access Plan for Great Eastern Highway, between Tonkin Highway and Great Eastern Highway, which requires an Easement in Gross along the rear of the subject properties.

The intent of the Easement in Gross is to facilitate a connection between Fautleroy Avenue and Ivy Street.

As Hay Road has been extended in recent years and now provides a connection between Fautleroy Avenue and Ivy Street, the City is currently in discussions with MRWA to consider if the requirement for this Easement in Gross is now redundant.

5.2.2 MR B RALPH, 60 HAY ROAD, ASCOT

1. Given that R60 density coding is the maximum coding that could be applied to these seven lots, would it not be more prudent and appropriate to apply a lower coding rather than the maximum?

Response

The Director Development and Communities stated the officer recommendation is that the amendment is re-advertised with a lower density coding of R40 to ascertain whether a lower density coding would be more appropriate.

2. Could the proposed R60 density coding be rejected and the more palatable R30 or R40 coding be re-advertised, as Mr Wilmot Loh suggested at the Agenda Meeting last Tuesday?

Response

The Director Development and Communities stated the recommendation is for the amendment to be re-advertised and it is now up to Council to determine whether they adopt the officer recommendation and proceed with re-advertising.

5.2.3 MS L HOLLANDS ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG)

1. I asked questions at the December 2020 Ordinary Council Meeting with regard to gratuity payments. The response I received did not answer my question. How many staff have signed contracts in accordance with the existing Enterprise Bargaining Agreement (EBA) from 31 March 2005 until the current CEO, John Christie commenced at the City of Belmont in late 2017?

Response

The Chief Executive Officer stated the City has responded a number of times to that particular question. It would appear that Ms Hollands does not agree with the response that has been given and there is nothing further to add to the responses that have been provided to date. This will again be taken on notice to reconsider the content of the question and try to provide a response.

2. How many signed contracts in accordance with the existing EBA were signed since Mr Christie arrived in late 2017 and the December 2020 meeting when the questions were asked?

Response

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

3. Was the CEO aware when reports were prepared for Council regarding the gratuity payments, that the maximum gratuity in the existing policy is more than is allowed under the Regulations and if not, why not?

Item 5.2.3 Continued

Response

The Chief Executive Officer stated that he is fully aware of the Regulations and what has been paid in relation to gratuities which have been in accordance with the City's EBAs and legislation.

4. Has Council been advised by Officers that the gratuity payments under the EBA can be removed or amended under Section 2.10 of the *Fair Work Act 2009* and if not, why not?

Response

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

5. At last week's Agenda Briefing Forum (ABF), the Mayor did not allow a Deputation on the DA9 item as neither Susanne Carter nor myself were directly affected. What rule in what policy or Standing Order is referred to when stating "*directly affected*"?

Response

The Chief Executive Officer referred to the rules of Public Submission Time and Deputation Rule (a) refers to "*Only those persons, who can demonstrate to the Presiding Member's satisfaction that they are affected by the matter on the agenda, will be entitled to make a submission. Those persons that can demonstrate that they are directly affected may make a deputation*" and it is up to the Presiding Member to make the determination.

6. Where is the reference in the Standing Orders to the document just referred to?

Response

The Presiding Member stated that Section 6.6 of the *Standing Orders Local Law 2017* refers to when a person wishes to make a Deputation.

7. Whereabouts in rules, Standing Orders or anything else, does it say that Submissions and Deputations must be done at an Agenda Briefing Forum and cannot be done at an OCM and vice versa (other than the document just referred to)?

Response

The Chief Executive Officer stated that it is contained within the Agenda papers for the Agenda Briefing Forum, Item 5 Public Submission time. There is a definition of Submissions and Deputations and both refer to "*as a presentation made to an Agenda Briefing Forum*".

8. Can Councillors reconsider the R40 development application tonight and request that this is re-submitted to the Environmental Protection Authority (EPA) as a complex assessment to ensure all environmental concerns and community expectations are properly addressed?

Item 5.2.3 Continued

Response

The Director Development and Communities stated Amendment No. 14 had been referred to the EPA. If the EPA had determined there were major environmental concerns, they could have looked at the amendment in greater detail. It was determined the amendment could proceed to advertising, having regard to the points listed earlier. Even if the nature of the amendment was changed from simple to more complex, it would not impact on the environmental assessment that the EPA have already carried out. City Officers would be happy to talk to Ms Hollands to explain that part of the amendment process further. It is the officer recommendation that the amendment is re-advertised and if approved tonight, there will be ample opportunity for any group to make a further submission on the amendment, which the City is more than happy to have a look at.

5.2.4 MR L ROSOLIN, 355 SYDENHAM STREET, BELMONT

1. What is the Council doing about the number of bins given to residents and why is the ratepayer paying for bad behaviour in relation to residents taking extra bins and not even using them? I find the response received from the City misleading.

Response

The Chief Executive Officer stated that the Manager Works, Steve Morrison has met with Mr Rosolin to try to resolve issues experienced with regard to bins being left out, going missing and blocking vehicle access. Stolen bins should be reported to the police. The City would make a decision as to whether a replacement bin could be provided at no cost or at a reduced cost to the resident. This is something Mr Morrison would determine, based on individual circumstances. Mr Morrison will be asked to make contact with you again this week to try to resolve issues you believe have not been addressed since the December meeting.

2. There are other issues besides rubbish bins where the police are in attendance every night. Can the City write to Homeswest regarding issues experience with tenants?

Response

The Chief Executive Officer stated that when Mr Morrison gets in touch, if there are any outstanding issues that do not directly relate to his area of responsibility, they will be passed on to other areas within the City. If there are any issues associated with behaviour in any of the Department of Communities homes, the City can certainly make contact with them as well.

5.2.5 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

1. I have used an App called Snap Send Solve. Who monitors this app and is there any information on the ratings available to the public?

Response

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

Item 5.2.5 Continued

2. I have made reports about trees that were growing through power lines, however I have not received any acknowledgement of receipt of these complaints. If we are going to have this app, why is it not being monitored and why isn't the tree department doing their job by getting on top of issues with power lines and trees?

Response

The Chief Executive Officer stated that the City refutes claims that departments are not doing what they are expected to do, the question will be taken on notice to investigate who is responsible for those areas and if there has been a delay with service provision, the Parks team will respond appropriately.

3. In terms of the City's senior staff (Directors), do they have any sort of assessment as to their work performance?

Response

The Chief Executive Officer stated all staff go through an annual review process with their direct report, this applies to every member of staff within the City.

5.2.6 MR P HITT, 14 MCLACHLAN WAY, BELMONT

1. With reference to my question at the 16 December 2020 Annual Electors' Meeting and the response provided, how can the present Councillors make informed decisions regarding the Belmont Trust when all the information pertaining to this Trust is not available? All records concerning this Trust land should be available to the Trustees and the residents and ratepayers of the City of Belmont.

Response

The Chief Executive Officer stated it is difficult to confirm when there are no records of what transpired during that time. It may have been the case that there was a peppercorn lease for the site and the baseball club were responsible for all maintenance where there was no need for them to pay a lease fee and there was no need for the City to maintain any of the reserve area associated with the land. That is often what can happen with a number of leases at the City where the lessee is responsible for all maintenance and perhaps the City never incurred any costs and therefore the Trust did not incur any costs at all.

2. Do the residents of Belmont have to vote in another Local Government Election, being kept in the dark regarding the present and future plans for the Belmont Trust Land?

Response

The Chief Executive Officer stated Councillors are aware of the status of the Belmont Trust as they are Trustees. Every Councillor is aware of the issues surrounding the Trust and will be kept up to date as things progress.

7.39pm **SEKULLA MOVED, POWELL SECONDED** that Public Question Time be extended.

CARRIED 8 VOTES TO 0

5.2.7 Ms J GEE, 2/97 GABRIEL STREET, CLOVERDALE

1. Will Councillors pull out the Motions passed by the Residents at the Annual Electors' Meeting 2020 and vote on them as individual items? This will allow residents to see how the individual Councillors stand on the individual items passed at the meeting. This is a Local Government election year and it is important that residents and ratepayers know where individual Councillors stand on these issues in our community.

Response

The Presiding Member stated that it would be up to the individual Councillors when the meeting reaches that item on the Agenda.

7.40pm 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 15 DECEMBER 2020
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, WOLFF SECONDED

That the Minutes of the Ordinary Council Meeting held on 15 December 2020 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 8 VOTES TO 0

- 6.2 SPECIAL COUNCIL MEETING HELD 22 DECEMBER 2020
(Circulated under separate cover)

OFFICER RECOMMENDATION

SEKULLA MOVED, POWELL SECONDED

That the Minutes of the Special Council Meeting held on 22 December 2020 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 8 VOTES TO 0

**6.3 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 16 FEBRUARY 2021
(Circulated under separate cover)**

OFFICER RECOMMENDATION

WOLFF MOVED, RYAN SECONDED

That the Matrix for the Agenda Briefing Forum held on 16 February 2021 as printed and circulated to all Councillors, be received and noted.

CARRIED 8 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

Nil.

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Davis

Item 12.3 was withdrawn at the request of Cr Wolff

Item 12.5 was withdrawn at the request of Cr Rossi

Item 12.14 was withdrawn at the request of Cr Powell

POWELL MOVED, DAVIS SECONDED

That with the exception of Items 12.1, 12.3, 12.5 and 12.14, which are to be considered separately, the Officer or Committee Recommendations for Items 12.2, 12.4, 12.6, 12.7, 12.8, 12.9, 12.10, 12.11, 12.12 and 12.13 be adopted en bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 8 VOTES TO 0

12.1 AMENDMENT No. 14 TO LOCAL PLANNING SCHEME No. 15 – RE-CODING A PORTION OF THE DEVELOPMENT AREA 9 PRECINCT FROM R20 TO R60 AND MODIFICATIONS TO SCHEDULE No. 9

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.1 refers	Schedule of Submissions
Attachment 2 – Item 12.1 refers	Plan of Amendment No. 14
Attachment 3 – Item 12.1 refers	Development Area 9 Endorsed Local Structure Plan Map
Attachment 4 – Item 12.1 refers	Transport Impact Statement

Voting Requirement	:	Simple Majority
Subject Index	:	LPS15/014 – Scheme Amendment 14 – To Amend the Zoning of a Portion of Properties within Development Area 9
Location / Property Index	:	Various
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	25 August 2020 Ordinary Council Meeting – Item 12.3
Applicant	:	CLE Town Planning + Design
Owner	:	Various
Responsible Division	:	Development and Communities

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <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"/> | Executive | <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 checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <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

For Council to consider how to progress Scheme Amendment No. 14 to Local Planning Scheme No. 15 (LPS 15) post advertising.

Item 12.1 Continued

SUMMARY AND KEY ISSUES

- A Local Structure Plan (LSP) was endorsed by the Western Australian Planning Commission (WAPC) for the Development Area 9 (DA9) precinct in 2013.
- The lots the subject of this amendment were reflected in the LSP as being zoned 'Residential' with an R20/60 density coding, however this was never 'normalised' into the Local Planning Scheme and the existing R20 coding has continued to apply.
- Council initiated Amendment No. 14 to LPS 15 as a 'standard' amendment for the purposes of advertising at the 25 August 2020 Ordinary Council meeting (Item 12.3), which proposes to:
 1. Amend the Scheme Map to modify the density coding over properties bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway (GEH), located within the DA9 precinct, from R20 to R60.
 2. Introduce development provisions in to Schedule No. 9 of the Scheme Text relating to the DA9 precinct which:
 - (i) Require a Local Development Plan (LDP) to be prepared to guide any vacant lot subdivision in the precinct in the absence of a development approval; and
 - (ii) Outline development standards for grouped dwellings proposed on lot sizes less than 350m².
- The Amendment was subsequently advertised from 29 October 2020 to 9 December 2020 (42 days), and a total of 18 submissions were received.
- The key concerns raised by the submissions relate to:
 - The proposed density coding;
 - Traffic;
 - Future development of the land; and
 - Impacts on the environment and wildlife.
- Upon reviewing the Amendment, modifications are recommended. These include:
 - Applying an R40 density coding to the subject lots in lieu of an R60 coding; and
 - Including an additional provision in Schedule No. 9 of the Scheme Text in relation to trees.

Item 12.1 Continued

- It is recommended that Council resolves to modify the Amendment and then advertise the modifications in accordance with the Regulations. For consistency, it is also recommended that Council resolve to concurrently advertise the LSP, reflecting an R40 density coding over the lots the subject of this Amendment.

LOCATION

The subject amendment relates to a portion of the DA9 precinct, comprising seven properties with a combined area of 1.1972ha, bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and Mixed Use zoned properties fronting Great Eastern Highway (GEH). Each property is 1,497m² in area, with the exception of Lot 1 Hay Road which is 2,990m². The lots have a frontage of approximately 20m and a depth of 74m. Two lots are currently vacant, with the remaining lots each being occupied by single houses.

The site at its nearest points is located approximately 70m to GEH and approximately 1km to the future Redcliffe Train Station. Land to the south of the precinct, adjacent to GEH, is zoned 'Mixed Use' under LPS 15 and contains commercial and light industrial uses. Land to the east and north-east of the precinct is reserved for 'Parks and Recreation' under the Metropolitan Region Scheme (MRS). To the north and north-west of the precinct, land is coded R20 and contains single houses. The Invercloy Estate Special Development Precinct is located to the west of the subject site, with properties fronting Fauntleroy Avenue being approximately 400m² in area.

The location of the subject site is shown in Figure 1 and the existing zoning of the subject lots and surrounding zoning and reservation of land is illustrated in Figure 2.

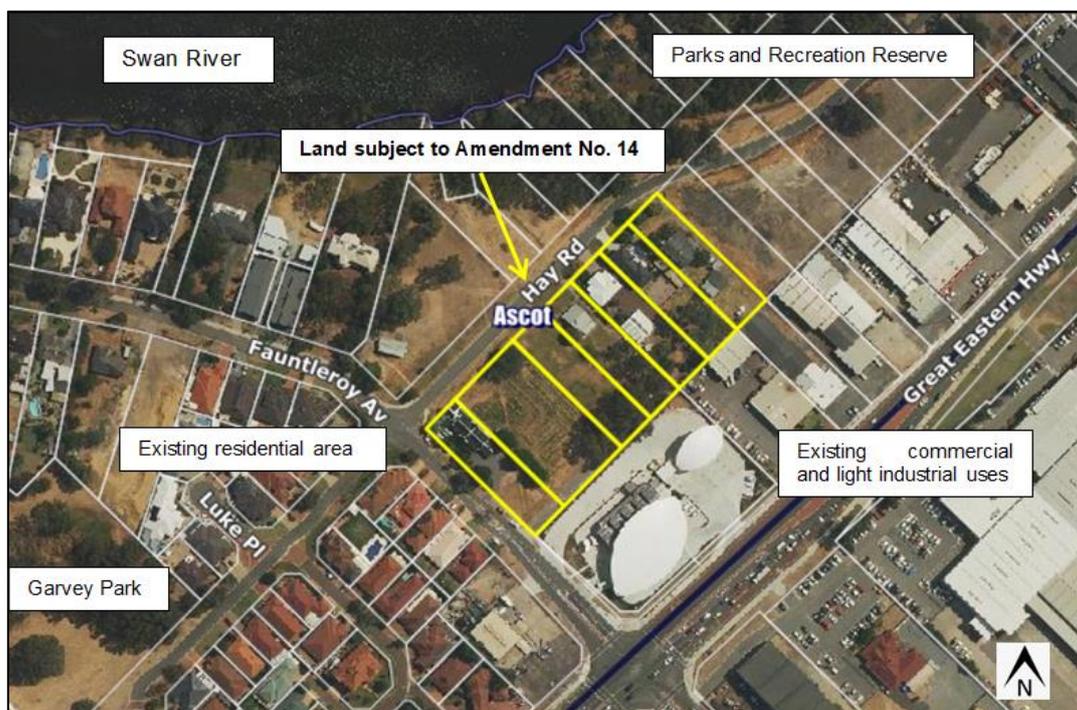


Figure 1: Location plan (Source: IntraMaps)

Item 12.1 Continued

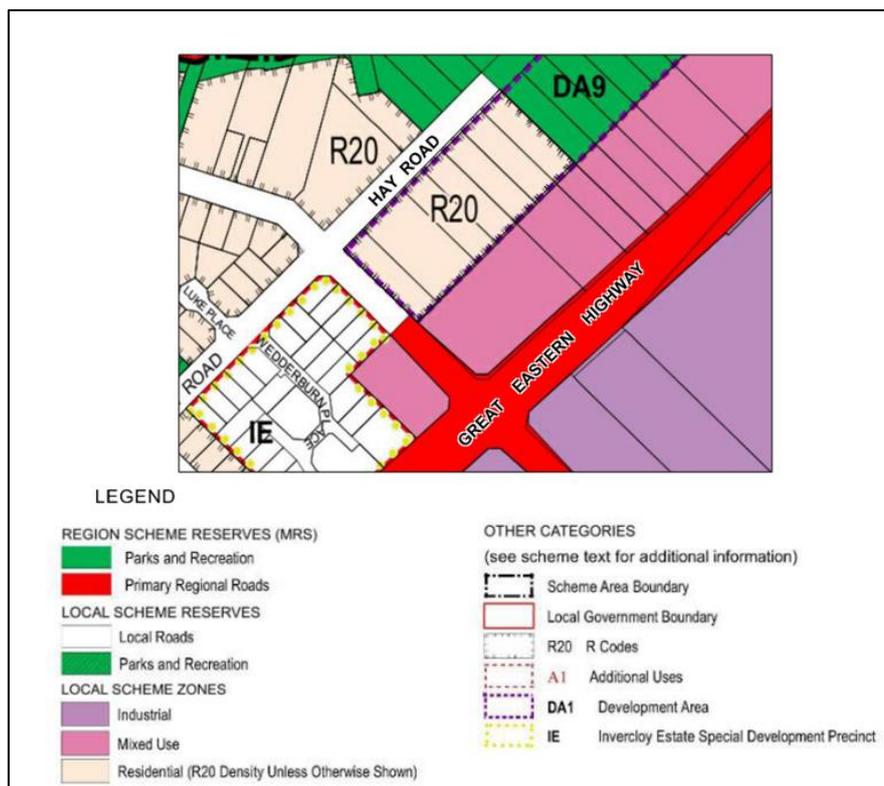


Figure 2: Existing zoning and reservation of land (Source: IntraMaps)

CONSULTATION

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), Amendment No. 14 was advertised for a period of 42 days (from 29 October 2020 to 9 December 2020), by way of:

- Letters being sent to landowners and occupiers within and surrounding the amendment area.
- Letters being sent to government agencies and public authorities.
- Placing a public notice in the 29 October 2020 edition of the Southern Gazette newspaper.
- Displaying a public notice at the City's Civic Centre and on the City's website.

At the conclusion of the advertising period, a total of 18 submissions were received, with eight being received from government agencies/public authorities (including Perth Airport who are also a landowner within the precinct) and 10 from landowners and/or occupiers (excluding Perth Airport).

A map identifying the extent of the consultation area and the origin of submissions received from the referral area follows (Figure 3). It should be noted however that two of the submissions received were from landowners/occupiers located outside of the referral area. A summary of the submissions received and comments thereon are included in the Schedule of Submissions contained as [Attachment 1](#).

Item 12.1 Continued



Figure 3: Referral area and origin of submissions

The key concerns raised in the submissions relate to:

- The proposed density coding and whether this is appropriate for the area;
- Future development outcomes and the potential impact on the amenity of the area;
- Traffic; and
- Impacts on wildlife and the environment.

The abovementioned concerns are further discussed in the Officer Comment section of this report.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal: Responsible Belmont

Strategy:

- 5.4 Advocate and provide for affordable and diverse housing choices.
- 5.5 Engage and consult the community in decision-making.
- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

Item 12.1 Continued

- 5.7 Engage in strategic planning and implement innovative solutions to manage growth in our City.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Local Planning Scheme Amendments

Section 75 of the *Planning and Development Act 2005* provides for an amendment to be made to a local planning scheme. The procedures for amending a local planning scheme are set out within Part 5 of the Regulations.

Where a responsible authority (being the Local Government) has resolved to amend a Scheme, it shall be forwarded to the Environmental Protection Authority (EPA) to determine whether the amendment requires an environmental assessment. Where no environmental assessment is required, the responsible authority shall advertise the amendment for a period of 42 days, by:

- Publishing a notice in a newspaper circulating in the Scheme area.
- Displaying a copy of the notice in the offices of the Local Government for the period of making submissions set out in the notice.
- Giving a copy of the notice to each public authority that the Local Government considers is likely to be affected by the amendment.
- Publishing a copy of the notice and the amendment on the website of the Local Government.
- Advertising the amendment as directed by the WAPC and in any other way the Local Government considers appropriate.

After the conclusion of the advertising period, Council is required to consider the submissions and determine how to progress the amendment. As part of this process, Council can decide to advertise a modification to a standard amendment if:

- The change is proposed to address issues raised in the submissions; and
- Council is of the opinion that the proposed modification to the amendment is significant.

After advertising the amendment, Council is to pass a resolution to either support the amendment, with or without modification, or not support the amendment, and forward it to the WAPC to review and provide a recommendation to the Minister for Planning.

Item 12.1 Continued

Local Structure Plan Amendments

Part 4, Schedule 2 – Deemed Provisions of the Regulations outlines the procedure for the preparation, advertising, consideration, amendment and revocation of a structure plan. Once a structure plan has been approved, it can be amended at any time by the WAPC, at the request of the local government. If the amendment is considered to be minor in nature, the Local Government can decide not to advertise an amendment to a structure plan.

BACKGROUND

Proposed Amendment

Amendment No. 14 to LPS 15 proposes to:

1. Recode existing lots coded R20 within the DA9 precinct, comprising land bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned 'Mixed Use' under LPS 15 fronting GEH, to an R60 coding.
2. Introduce development provisions into Schedule No. 9 – Development Areas, relating to DA9 as follows:

Ref. No.	Area	Provisions
DA9	Land bounded by Fauntleroy Avenue, Hay Road, Lot 185 Hay Road and the rear of the Mixed Use zoned lots fronting GEH.	<ol style="list-style-type: none">3. A LDP shall be submitted and approved as a requirement of any subdivision approval involving the creation of vacant lots. The LDP shall address transport noise management, bushfire management, waste collection, access, crossover minimisation, interface to non-residential development, drainage requirements, site constraints and flood risk mitigation, unless otherwise determined by the local government.4. Where a grouped dwelling development application proposes a minimum lot size of less than 350m², the following development standards are applicable:<ol style="list-style-type: none">a. Development comprising of two or more dwellings in a front to rear arrangement are to achieve a minimum side setback of 6m between the side wall of the first dwelling fronting the public street and the side boundary of the parent lot.b. Rear dwellings are designed so that significant sections of the front elevations have an outlook to, and are visible from, the public street.

Item 12.1 Continued

Ref. No.	Area	Provisions
		<p>c. A minimum of 50% of the total number of dwellings in the development are to be two-storey where the lot size is 260m² or less.</p> <p>d. Solid external or internal fencing is not permitted where, in the opinion of the City, views from the dwellings to the public street will be limited.</p> <p>e. Dwellings located adjacent to public open space, right of ways, pedestrian access ways and other public spaces are orientated and designed to provide views and surveillance of those public areas.</p> <p>f. Solar design principles are incorporated in the design and orientation of each dwelling.</p> <p>g. Carports and garages visible from the street are incorporated into the dwelling design so that they are not the dominant feature of the appearance of the dwelling and the streetscape.</p>

A copy of the draft Amendment No. 14 map is contained as [Attachment 2](#).

Local Planning Scheme No. 15

The subject site is zoned 'Residential' with a density code of 'R20' under LPS 15 and is located within the DA9 Special Control Area.

Part 5 of LPS 15 sets out particular provisions that apply to land, referred to as a 'Special Control Area', that are in addition to any usual zoning and/or development requirements. Part 5 and Schedule No. 9 of LPS 15 establish a type of Special Control Area, referred to as a 'Development Area', which requires a local structure plan to be approved to guide subdivision and development.

The subject site is located in DA9, which is one of eight Development Area precincts identified in Schedule No. 9 of LPS 15, and is subject to the following provisions:

- "1. An approved Structure Plan together with all approved amendments shall apply to land in order to guide subdivision and development.
2. To provide for residential development."

An LSP, to guide future subdivision and development within DA9, was endorsed by the WAPC on 4 April 2013 ([Attachment 3](#)). Further information in relation to the LSP is provided in the following section of this report.

Item 12.1 Continued

Development Area 9

The WAPC approved an LSP for the DA9 precinct in April 2013 to guide future subdivision and development of the precinct. The key elements of the LSP include:

- The extension of Hay Road to connect between Fauntleroy Avenue and Ivy Street.
- Applying an 'R20/60' density coding to lots within the south-western portion of DA9, comprising land bound by Hay Road, Fauntleroy Avenue, land reserved for 'Parks and Recreation' under the MRS and properties zoned 'Mixed Use' under LPS 15, fronting GEH.
- Identifying lots within the north-eastern portion of DA9, comprising Lots 185-196 Hay Road, that are currently reserved for 'Parks and Recreation' under the MRS as requiring further investigation and planning. This is on the basis of their reservation under the MRS as well as the need to resolve issues pertaining to the Swan River Trust Management Area.
- The requirement for the preparation of a Local Planning Policy to guide future development and to facilitate a desirable built form outcome within the precinct.

It should be noted that Hay Road has since been extended as per the first point above. In terms of the third point above, the reservation on the north-eastern portion of DA9 remains unresolved and is still reserved for 'Parks and Recreation' under the MRS and is located within the Swan River Trust Development Control Area.

OFFICER COMMENT

The subject amendment is seeking to recode existing R20 coded lots within the DA9 precinct to R60 and introduce provisions to guide future subdivision and development within the area. A number of submissions received during the advertising period raised concerns in relation to the proposed R60 density coding, in particular potential impacts on the amenity of the locality, traffic and the environment. These concerns are discussed further below.

Proposed Residential Density and Urban Form

As outlined above, the amendment seeks to recode existing R20 coded lots within the DA9 precinct to R60, to align with the maximum density prescribed by the adopted LSP. Submissions raised concerns in relation to the proposed R60 density coding, and considered that this would impact on the amenity of the locality and was not based on sound planning practice. Two submissions suggested that an R30 or R40 density coding could be more appropriate in this location.

In considering the appropriateness of the R60 density coding, consideration should be given to:

- The vision and objectives of the endorsed LSP for the DA9 precinct;
- The locational context of the precinct; and
- Built form outcomes.

Item 12.1 Continued

These points are discussed in further detail below.

Endorsed Local Structure Plan

An LSP was endorsed for the DA9 precinct in 2013 which reflected an R20/60 density coding over the lots subject to this amendment. Prior to 2015, an LSP was classified as a statutory planning instrument and landowners within the precinct were eligible to develop in accordance with the LSP, including the R20/60 density coding.

The Regulations were gazetted in 2015, which resulted in local structure plans being considered 'due regard' documents as opposed to a statutory planning instrument, meaning that the R20 coding under LPS 15 prevailed. In light of this, in order for development to occur in excess of the existing R20 density coding, an amendment to LPS 15 is required to change the density coding of the subject properties.

Whilst it is acknowledged that the LSP reflected an R20/60 density coding over the subject lots, it should be noted that:

- A scheme amendment is required to be assessed on its planning merits at the time of lodgement and cannot always simply be viewed as an administrative process.
- No development, in accordance with the LSP, had been undertaken within the precinct prior to the gazettal of the Regulations in 2015.
- Since the LSP was endorsed in 2013, there has been limited interest in redevelopment within the precinct.
- Concerns were raised by landowners within the precinct in relation to the R60 density coding proposed by the subject amendment.
- An LSP can be amended once they have been endorsed by the Commission.
- A key aim of the LSP is to provide for a variety of densities, lot sizes and dwellings to deliver flexible living options and facilitate community diversity, which can be achieved through a lower density coding.

Irrespective of the endorsed LSP, Council may review the density coding of the land in considering this amendment. Should Council determine that a lower density coding than R60 is appropriate for the precinct, it will be recommended that the LSP should be concurrently amended to provide consistency between LPS 15 and the LSP.

Locational Context

In determining the appropriateness of the proposed R60 density coding, consideration should be given to the precincts locational context. In this regard the following points are relevant:

- Contemporary planning practice supports housing diversity and higher density residential development within walkable distances to local convenience amenities, high frequency public transport and public open space.

Item 12.1 Continued

- The land (at its closest point) is approximately 250m from Garvey Park, which provides opportunities for passive and active recreation and access to the Swan River foreshore.
- Whilst the land is located opposite and adjacent to land reserved for 'Parks and Recreation' under the MRS, it is largely inaccessible/unusable due to the presence of fences and dense vegetation, and no plan currently exists to upgrade this section of the foreshore.
- The site, at its closest point, is located approximately 70m from GEH which is a high frequency public transit corridor.
- The Redcliffe Train Station and future neighbourhood activity centre will be approximately 1km from the subject site, and therefore exceeds the 10 minute walkable catchment. Access to these amenities from the precinct is also restricted by GEH which carries significant traffic volumes and offers minimal pedestrian crossing points, thereby forming a barrier for access.
- The closest activity centre to the site is the Ascot Local Centre which is located approximately 700m away. The Ascot Local Centre does not however contain local convenience amenities and has taken the form of a 'specialised centre', containing offices and consulting rooms.
- The precinct abuts land fronting GEH which is currently zoned 'Mixed Use' under LPS 15, and contains low intensity highway commercial and light industrial development. This land does not contain or have the ability to contain local convenience amenities (i.e. shops) under LPS 15 and it is anticipated that this land will continue to be used for highway commercial and light industrial uses in the short to medium term.
- The 'Mixed Use' zoned land fronting GEH can currently accommodate residential development in accordance with an R20 density coding, however there is currently no residential development in this location.
- The draft GEH Urban Corridor Strategy envisages 'medium scale' built form intensity along GEH immediately abutting the precinct, transitioning down to adjacent low scale development. Whilst this requires further analysis, it is possible that the adjacent 'Mixed Use' zoned land could accommodate development in excess of three storeys in the future.
- The precinct is surrounded by predominantly low density residential development on lot sizes ranging between 370m² and 3,893m² in area, which is equivalent to densities ranging from R5 through to R25. There are currently no multiple dwellings within this section of Ascot, and limited grouped dwelling development has been undertaken in close proximity to the site.
- An R60 density provides for an average lot size of 150m² and a minimum lot size of 120m², which varies substantially from the prevailing development pattern in the area. It is however acknowledged that Fauntleroy Avenue and Hay Road provide a logical separation between the precinct and existing residential development.

Item 12.1 Continued

In light of the above, it is considered that there is merit in increasing the density of the subject lots to a medium density coding above the existing R20 coding. In this regard, medium density typically reflects densities between R30 and R60 and can deliver single houses and grouped dwellings on smaller lots, and multiple dwellings at the higher R40, R50 and R60 codings, which is not prevalent in this area. It is acknowledged however, that the precinct is not located within walking distance of local convenience amenities, and surrounding residential and commercial/industrial development is of a low scale/intensity, which is unlikely to substantially change in the short to medium term. As such, whilst a medium density coding is supported, it is considered that a density coding lower than R60 should be explored for the precinct.

Urban Form

In considering the impact that the proposed R60 density may have on the urban form of an area, consideration should be given to the surrounding streetscape characteristics and existing and potential urban form. The following table summarises the main streetscape differences of built form for the R20, R30, R40 and R60 density codings as per the Residential Design Codes (R-Codes):

R-Code Provision	R20	R30	R40	R60
Lot Size				
Single House and Grouped Dwelling Average	450m ²	300m ²	220m ²	150m ²
Single House and Grouped Dwelling Minimum	350m ²	260m ²	180m ²	120m ²
Multiple Dwelling	450m ²	300m ²	0.6	0.8
Minimum Lot Width	10m	-	-	-
Primary Street Setback				
Single House and Grouped Dwelling Average	6m	4m	4m	2m
Single House and Grouped Dwelling Minimum	3m	2m	2m	1m
Multiple Dwelling Average	6m	4m	-	-
Multiple Dwelling Minimum	3m	2m	4m	2m
Maximum Building Height				
Single House and Grouped Dwelling	2 storeys	2 storeys	2 storeys	2 storeys
Multiple Dwelling	2 storeys	2 storeys	2 storeys	3 storeys

It is evident that there are some similarities in the development requirements associated with the various density codings. This means that some density codings provide for a more consistent urban form than others. In considering the existing and potential urban form of the precinct and surrounding land, the following is relevant:

- Development within and surrounding the precinct consists of both single and two storey, single houses and grouped dwellings. These heights are consistent with the maximum building height provided for in accordance with an R20, R30 and R40 density. It is noted however that an R60 density provides for multiple dwellings to be constructed to a maximum height of three storeys. As there are no three storey developments within the area, it is noted that this form of development would differ from the existing urban form of the area.

Item 12.1 Continued

- Existing residential development in the area is on lot sizes greater than 370m², which is equivalent to a residential density of R25 and lower. A density coding in excess of R25 will therefore provide for lot sizes that vary from the prevailing lot pattern in the area, but nonetheless will assist with delivering housing diversity in the area.
- The minimum primary street setback of single houses and grouped dwellings within and surrounding the precinct ranges from 2.2m through to approximately 15m. This is consistent with the primary street setback requirements associated with densities ranging from R20 through to R40. It should be noted that an R60 density however provides for a minimum primary street setback of 1m for single houses and grouped dwellings, which is less than the existing minimum primary street setbacks.
- The R40 and R60 density codings are more conducive to small lot single houses and grouped dwellings and multiple dwelling developments which would facilitate a higher level of dwelling diversity being achieved across Ascot, which is consistent with the aims of the City's Local Housing Strategy.

In considering the above, it is acknowledged that any density in excess of R25 will facilitate a development outcome which would differ from the prevailing development pattern of the area, but nonetheless there are some indistinguishable differences between the lower and medium density code built form standards. In light of this and a desire to achieve housing diversity, it is considered reasonable to expect some built form variation. In this regard, it is considered that Fauntleroy Avenue and Hay Road serve as a logical separation from adjacent lower density residential development.

Recommended Modification

In light of the above, whilst it is recognised that the precinct is suitable for medium density development, it is considered appropriate to explore a density coding which is more consistent with the prevailing built form of the area. In this regard, it is considered that the proposed amendment should be modified to an R40 density coding and further consultation undertaken, on the basis that:

- An R40 density is a form of medium density, and medium density is considered appropriate in the precinct on the basis that it will facilitate in achieving the minimum infill housing targets set by the WAPC and increase housing diversity in the area.
- An R40 density coding may represent a balance between the surrounding lower density development and the R60 coding as an upper limit for medium density.
- The built form (height and setbacks) associated with an R40 density coding is more consistent with that of surrounding residential development.
- There is the ability under an R40 density coding for a variety of dwellings, including single houses, grouped dwellings and multiple dwellings, to be provided within the precinct, thereby increasing housing diversity in the area.
- Several community members have expressed a desire for lower intensity development in this precinct.

Item 12.1 Continued

It is therefore recommended that the amendment be modified to reflect an R40 density coding over the precinct for the purposes of undertaking further consultation with the community. For consistency, it is recommended that the LSP, for the DA9 precinct, be concurrently advertised reflecting an R40 density coding over the lots the subject of this amendment.

Given that there was varied support in the submissions for an R60 density coding within the precinct and given that the applicant applied for an R60 density coding, it is considered that seeking additional feedback from the community would facilitate more informed decision making. Nonetheless, it should be recognised that irrespective of the adopted approach, there is no obligation for landowners to develop and/or subdivide to the maximum density prescribed. In addition, it should be acknowledged both the R40 and R60 density codings are conducive to multiple dwelling developments; would likely provide an appropriate transition between commercial and light industrial land uses fronting GEH and lower intensity surrounding residential development; and align with the objectives of the City's Local Housing Strategy.

Traffic

Submissions raised concerns in relation to the amendment resulting in increased traffic volumes within the area. In considering these concerns it should be noted that a Transport Impact Statement (TIS) has been submitted as part of the proposed amendment ([Attachment 4](#)). The TIS outlines that development in accordance with an R60 density coding could generate a potential 550 vehicles per day, 64 vehicles per hour and 38 vehicles per hour in the AM and PM peak hours respectively.

Whilst it is acknowledged that development in accordance with an R60 density coding may result in increased traffic volumes within the area, the WAPC Transport Impact Assessment Guidelines (2016) stipulate that:

“As a general guide, an increase in traffic of less than 10 percent of capacity would not normally be likely to have a material impact on any particular section of road. For ease of assessment, an increase of 100 vehicles per hour for any lane can be considered as equating to around 10 percent of capacity.”

The TIS outlines that the proposed density coding of R60 will not increase traffic flows on any roads adjacent to the site by more than 100 vehicles per hour. It can therefore be assumed that an R40 density coding would similarly not increase traffic flows by more than 100 vehicles per hour. Therefore, irrespective of either an R40 or R60 density coding, the impact on the surrounding road network is considered to be minor and will not result in an increase in the number of vehicle movements beyond what could reasonably be expected in a residential area and accommodated on the local road network.

Environment

Submissions raised concerns in relation to the impact that future development of the subject land may have on the environment, in particular existing trees, the river and local wildlife. In considering these concerns the following should be noted:

- Whilst land within the precinct has been predominantly cleared, a number of sites contain several mature trees along their rear and side boundaries. These trees were not assessed as part of the LSP, and therefore the species, condition, age and vitality of these trees is unknown.

Item 12.1 Continued

- The site does not contain any wetlands or threatened ecological communities, and is located outside of the Swan River Trust Development Control Area.
- Prior to the subject amendment being advertised, it was referred to the EPA. The EPA considered that the proposed scheme amendment should not be assessed under the *Environmental Protection Act 1986* and that it was not necessary to provide any advice or recommendations.
- The land the subject of this amendment can currently be developed without the need, in some instances, for development approval to be sought. This may result in the removal of mature trees.
- Landowners within the precinct may choose not to develop/further develop their landholdings.
- State planning legislation has been and is in the process of being amended to support tree retention where associated with residential development.
- As part of the assessment of any future development application, consideration will be given to any environmental impacts associated with the development and how these can be mitigated.

It is therefore considered that the subject amendment and future development will not have a detrimental impact on the environment. In terms of the existing mature trees that were not assessed as part of the LSP, it is considered that these trees should be further investigated, and where deemed appropriate, opportunities for their retention be explored through the subdivision and/or development approval process. It is therefore recommended that the following additional provision be inserted into Schedule No. 9 of LPS 15:

“h. Prior to any site works being undertaken on a property, an arborist report shall be prepared, to the satisfaction of the City, in relation to any trees on the property, addressing:

- *Species type*
- *Life expectancy*
- *Current and future growth habits*
- *Health condition and structural integrity*
- *Tree, trunk and canopy size*
- *Works and ongoing management requirements*
- *Safety risks or risk of harm*
- *Retention value*
- *Recommendation as to whether tree(s) should be retained.*

The arborist report shall be prepared by an appropriately certified arborist at the landowner and/or applicant's expense, and submitted to the City for assessment and endorsement. In considering the findings of the arborist report, the City may require the ongoing protection of a tree deemed worthy of retention.”

Item 12.1 Continued

This provision will ensure that any existing trees located on the subject land are assessed by a certified arborist prior to any site works being undertaken. Where the arborist report outlines that the trees should be retained or where the City's officers are of the opinion that the trees should be retained, the applicant/owner will be notified accordingly and the tree may be protected through a condition of development approval, a restrictive covenant or a Tree Preservation Order.

Conclusion

Amendment No. 14 to LPS 15 proposes to recode existing R20 coded land within the DA9 precinct to a density coding of R60 so as to align with the maximum density provided for by the adopted LSP. On reviewing the amendment post advertising and in light of several concerns raised by submitters, it is recommended that Amendment No. 14 be modified as follows:

1. The precinct is recoded from R20 to R40, in lieu of the R20/R60 coding identified by the LSP.
2. An additional provision is included in the Scheme Text to require the assessment of several existing mature trees within the precinct and explore their retention.

Modification 1 is in response to concerns raised by the community about the proposed R60 density and is seeking to explore an R40 density which still maintains a medium density but is more consistent with the prevailing built form of the area. Modification 2 will respond to a community desire to see mature trees retained in the area through the subdivision and/or development approval process.

In accordance with the Regulations, the local government can decide to advertise a modification to a standard amendment, if it is proposed to address issues raised in the submissions and the local government is of the opinion that the proposed modification to the amendment is significant. As there was varied support in the submissions for an R60 density coding within the precinct and given that the applicant applied for an R60 density coding, it is considered appropriate for the recommended modifications to be advertised to the original referral area, in accordance with the Regulations. For consistency, it is recommended that the LSP, for the DA9 precinct, be concurrently advertised reflecting an R40 density coding over the lots the subject of this amendment.

Following advertising, a report will be prepared for Council to determine how to proceed with the Amendment.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

Any environmental implications associated with subdivision and development within the DA9 precinct, such as bushfire hazard and site conditions, will be addressed through the subsequent stages of planning.

Item 12.1 Continued

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

DAVIS MOVED, SEKULLA SECONDED

That Council:

1. ***Pursuant to Regulation 50(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 note the submissions received in respect of Amendment No. 14 to Local Planning Scheme No. 15 and endorse the responses to those submissions in [Attachment 1](#) – Schedule of Submissions.***
2. ***Pursuant to Regulation 51(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 support Amendment No. 14 being advertised in accordance with Regulation 51(4) and 51(5) of the Planning and Development (Local Planning Schemes) Regulations 2015, with the following modifications:***
 - (a) ***Amend the Scheme Map to reflect an R40 coding over properties bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway.***
 - (b) ***Inserting the following provision under point 4 of the amendment:***
 - h. ***Prior to any site works being undertaken on a property, an arborist report shall be prepared, to the satisfaction of the City, in relation to any trees on the property, addressing:***
 - ***Species type***
 - ***Life expectancy***
 - ***Current and future growth habits***
 - ***Health condition and structural integrity***
 - ***Tree, trunk and canopy size***
 - ***Works and ongoing management requirements***
 - ***Safety risks or risk of harm***
 - ***Retention value***
 - ***Recommendation as to whether tree(s) should be retained.***

The arborist report shall be prepared by an appropriately certified arborist at the landowner and/or applicant's expense, and submitted to the City for assessment and endorsement. In considering the findings of the arborist report, the City may require the ongoing protection of a tree deemed worthy of retention.

Item 12.1 Continued

- 3. Pursuant to Clauses 18 and 29 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed Provisions, advertise the Development Area 9 Local Structure Plan with an R40 density reflected over land bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway.**
- 4. Advise those who made a submission on Amendment No. 14 to Local Planning Scheme No. 15 of Council’s decision.**

CARRIED 8 VOTES TO 0

12.2 AMENDMENT NO. 16 TO LOCAL PLANNING SCHEME NO. 15 – PROHIBITING THIRD PARTY SIGNAGE

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	LPS15/016 – Scheme Amendment 16 – Third Party Signage
Location / Property Index	:	Various
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	N/A
Owner	:	Various
Responsible Division	:	Development and Communities

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <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"/> | Executive | <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 checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <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

For Council to consider initiating Amendment No. 16 to Local Planning Scheme No. 15 (LPS 15) for the purposes of prohibiting third party signage.

SUMMARY AND KEY ISSUES

- Third party signage is a distinct form of advertising, in that it advertises services and products unrelated to a site. There are a number of issues that are associated with third party signage, including amenity, economic and safety issues.

Item 12.2 Continued

- In recent years there has been increasing pressure for third party signage within the City of Belmont, particularly along major arterial roads such as Great Eastern Highway (GEH).
- Local Planning Policy No. 12 – Advertisement Signs (LPP 12) contains a provision which prohibits third party signage.
- While this policy position towards third party signage is longstanding, local planning policies are only required to be given ‘due regard’ by decision makers, meaning that third party signage can potentially be approved.
- In order to bolster this policy position, it is proposed to amend LPS 15 to specifically prohibit third party signage.
- It is recommended that Council initiate Amendment No. 16 to LPS 15 as a ‘standard’ amendment.

LOCATION

Amendment No. 16 to LPS 15 applies to the entire Scheme area.

CONSULTATION

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

The *Planning and Development Act 2005* requires scheme amendments to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). The details of the statutory consultation process and outlined in the ‘Statutory Environment’ section of this report.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 1: Liveable Belmont

Strategy:

- 1.2 Plan and deliver vibrant, attractive, safe and economically sustainable activity centres.
- 1.4 Attract public and private investment and businesses to our City and support the retention, growth and prosperity of our local businesses.

Item 12.2 Continued

POLICY IMPLICATIONS

Local Planning Policy No. 12 – Advertisement Signs

LPP 12 provides guidance for the assessment of advertisement signs within the City of Belmont. The Policy outlines the acceptable criteria for different signage types and the objectives and standards against which the City assesses applications for advertisement signs. The policy defines third party signage as:

“Means any advertisement sign advertising services and products unrelated to the subject site.”

It is also important to note the following policy position for third party signage:

“6.1.1 Advertisement signs shall only advertise services and products available on the premises to which it relates. Third party advertising is not permitted.”

On the basis of the above, the proposed scheme amendment is consistent with the City’s existing policy position.

STATUTORY ENVIRONMENT

Section 75 of the *Planning and Development Act 2005* provides for an amendment to be made to a local planning scheme. The procedures for amending a local planning scheme are set out within Part 5 of the Regulations.

The Regulations specify three different types of Scheme amendments, being ‘basic’, ‘standard’ and ‘complex’. The main differences between the amendment classifications are the differing advertising requirements, with a ‘basic’ amendment not having any advertising requirement unless otherwise required by the Western Australian Planning Commission (WAPC). Clause 35(2) of the Regulations requires a resolution of the local government specifying the type of amendment and the reasons for the classification.

Irrespective of the classification of the amendment, where a responsible authority (being the Local Government) has resolved to amend a Scheme, it shall be forwarded to the Environmental Protection Authority (EPA) to determine whether the amendment requires an environmental assessment. Where no environmental assessment is required, the responsible authority shall advertise the amendment for a period of 42 days, by way of:

- Publishing a copy of the notice and the amendment on the website of the local government.
- Displaying a copy of the notice in the offices of the Local Government for the period of making submissions set out in the notice.
- Giving a copy of the notice to each public authority that the Local Government considers is likely to be affected by the amendment.
- Advertising the amendment as directed by the WAPC and in any other way the local government considers appropriate.

Item 12.2 Continued

After the conclusion of the advertising period, Council is required to consider the submissions and pass a resolution to either support the amendment, with or without modification, or not support the amendment. After passing a resolution, the amendment is to be forwarded to the WAPC to review and provide a recommendation to the Minister for Planning.

BACKGROUND

Proposed Amendment

Amendment No. 16 to LPS 15 proposes to:

1. Modify Table 1 – Zoning Table in the Scheme Text, as follows:
 - Inserting ‘Third Party Signage’ as a land use
 - Designating ‘Third Party Signage’ as an ‘X’ land use (not permitted) in all zones.
2. Insert the following definition into Schedule 1 – Land Use Definitions of the Scheme Text:

“Third Party Signage: Means any advertisement sign advertising services and products unrelated to the subject site.”
3. Insert the following provision in Clause 4.21 – Prohibited Signage of the Scheme Text as follows:

“(c) Any sign, hoarding or advertisement device advertising services and products unrelated to the subject site.”

Clause 4.21 of LPS 15 sets out the types of signage which are prohibited the City of Belmont. Currently roof signs and signs that do not comply with the City’s Local Laws are prohibited. It is noted that Clause 4.21 is not confined to a specific location or zone, and applies to the entire Scheme area.

Third Party Signage

A consistent policy position against third party signage has been applied since LPP 12 was originally adopted by Council in 2002. Despite this, there has been an increasing demand for third party signage, particularly large format digital billboards on major arterial roads such as Orrong Road, Leach Highway and GEH, serving as a lucrative revenue stream for landowners. This has given rise to concerns about the appropriateness of this form of signage and the ability for LPP 12 to adequately respond to and control the demand.

Item 12.2 Continued

There have been several recent examples of third party large format digital signs being proposed in 'Residential' zones and/or being incorporated or attached as a key feature of buildings. In all instances, the signs were considered incompatible with the applicable zoning and the surrounding development context; undermined the existing and future amenity of the area; and were proposed purely on the basis of commercial gain of a landowner. Whilst these proposals have not been supported, the status of LPP 12 as a 'due regard' planning document allows for third party signage to be approved, giving rise to the need to consider statutory control through LPS 15.

OFFICER COMMENT

The subject amendment is seeking to prohibit third party signage within LPS 15 to align with the long-standing policy position against this form of advertisement. The key elements in considering this amendment are as follows:

- The appropriateness and ability for LPP 12 to adequately control third party signage.
- The position of the WAPC in relation to third party signage.
- The relationship between third party signage and businesses and its consistency with the zone objectives listed under LPS 15.
- The potential for third party signage to disincentive redevelopment, particularly in strategic locations.
- Risks associated with the proliferation of third party signage.
- The impact that third party signage can have on desired built form and the amenity of an area.
- The potential for third party signage to impact on traffic safety.

These points are discussed below.

Statutory Considerations

The subject amendment is proposing to establish third party signage as a distinct land use in LPS 15, and prohibit its approval in all zones so as to align with the existing position of LPP 12. The prohibition of third party signage by LPS 15 will carry far more statutory weight in the decision making process than the existing provision in LPP 12. This is on the basis that local planning policies are simply given 'due regard' in the decision making process, and therefore are not binding to decision makers. As such, there is the possibility that third party signage could be approved if a decision maker was satisfied that departing from the policy would represent proper and orderly planning.

Item 12.2 Continued

It should be noted that a Supreme Court of Western Australia decision in 1985 (Claude Neon Ltd v City of Perth) found that third party signage is a separate and distinct land use that cannot be categorised in the same manner as signage which advertises goods and services from a premise. The basis for this decision is that as third party signage can exist on its own and as such cannot be considered incidental or subsidiary to the land use of the building or site that it is situated on. It should be noted that the State Administrative Tribunal has continued to follow this approach in classifying proposals for third party signage, however despite this, it has never been formalised as a model land use definition in the Regulations.

In light of the above, it is considered entirely appropriate for third party signage to be defined and controlled by LPS 15, which will also ensure that the intent of the LPP 12 policy position is upheld.

State Planning Guidance

The WAPC has limited policies or guidance relating to signage or advertising, with the exception of Development Control Policy 5.1 - Advertising on Reserved Land (DCP 5.1). Development Control Policy 5.1 outlines the general principles that the WAPC will use to assess signage applications on land reserved under the Metropolitan Region Scheme (MRS). Whilst this policy does not specifically address third party signage, it is considered that a number of the key principles of this policy such as the potential impacts signage can have on amenity, the cumulative impacts of signage and the potential traffic safety issues with signage, all align with the issues that arise from third party signage.

On the basis of the above, whilst DCP 5.1 has identified a number of key considerations for assessing signage on MRS reserved land, it is considered that the control of local signage has been left as a matter to be dealt with by local governments. This approach is considered reasonable as it allows for consideration of existing and future desired local character and enables a response to local issues as they arise. In the case of the City of Belmont, the recent demand for third party signage on major arterial roads represents a unique local issue that has given rise to the need to appropriately control its development through LPS 15.

Zone Objectives and Local Economic Growth

The demand for third party signage is particularly prevalent along major transport routes that offer high levels of exposure to passing vehicles, such as GEH and are typically zoned to facilitate commercial and mixed use development. A broad objective for a number of zones along the key transport routes is to promote high employment and residential densities and to facilitate the development of a variety of businesses that benefit from high levels of accessibility and exposure. As third party signage is a separate and distinct land use that is not considered incidental to the business for which it is attached, it cannot be said to support existing businesses that may be operating on a site. Unlike a business or service, third party signage does not have any meaningful returns to the local economy in the form of job creation or local multiplier effect (businesses using other businesses within a local economy). This is considered undesirable for the City of Belmont and rather development and land uses should have a positive impact on local economic growth.

Item 12.2 Continued

In the case of third party signage being proposed on residential development and/or within 'Residential' zoned land, it is considered that the introduction of third party signage as a commercial enterprise ultimately undermines the intent of the zone and the development itself and should therefore not be supported.

Impact on Redevelopment

The location of third party signage on arterial roads is highly lucrative due to the significant number of passing vehicles. There is a risk that properties along key transport routes will not be redeveloped, as landowners will simply choose to place third party signage on land as an income source rather than redeveloping. This can have follow on issues, such as buildings falling into disrepair and businesses moving out of the area. This risk is magnified within the City of Belmont, as there are a significant number of properties on key arterial routes which are in need of redevelopment. It is considered that if third party signage was to become an established land use within the City of Belmont, that there would be significant impacts on the redevelopment rate of these properties. Due to these impacts and the lack of any apparent benefits, it is considered that third party signage is not an appropriate signage type within the City of Belmont.

Proliferation Risk

The City of Belmont contains a number of key arterial roads that carry a significant number of vehicles each day, including GEH, which is the primary road connection between the Perth Central Business District and Perth Airport. The combination vehicle numbers and the central location of these roads make the City of Belmont a lucrative location for third party signage, meaning that it is highly susceptible to proliferation. This in turn will have implications for amenity and traffic safety, as outlined below.

Amenity Impacts

Strong demand for third party signage would naturally lead to a proliferation along key transport routes, and in turn change the character of the area and have amenity impacts for both residents and motorists. Third party signage further exacerbates amenity issues, causing visual clutter and detracting from the surrounding environment and built form, as due to its very nature, it is only effective if it is prominent and distracting. It is also noted that the City's longer term planning has the intention of implementing increased residential development along key arterial routes such as GEH, which would be especially susceptible to the detrimental amenity impacts that a proliferation of third party signage would create.

The City of Belmont is accessed via a number of key arterial routes which function as gateways into the area. As these gateways form a distinct entrance into the City, there is an objective for these areas to be attractive and of a high visual standard. This objective is reflected in one of the key visions of the draft GEH Urban Corridor Strategy, which is to enhance the corridor as one of Perth's key urban boulevards and a gateway between the central business district (CBD) and the Airport. The risk of third party signage proliferation on key transport routes, coupled with the associated negative amenity impacts, would undermine the objective of developing attractive gateways on key arterial routes into the City of Belmont.

Item 12.2 Continued

The City also has an obligation to ensure that visual amenity to residents and road users in the form of natural scenic vistas, prominent city skylines and architecture are not unduly compromised by roadside advertising. The proliferation of signage which is both prominent and distracting can have significant impact on the aesthetics of an area for both residents and motorists. In addition to these impacts, proliferation of third party signage would result in normal business signage becoming ineffective in its operation. This leads a cycle of increasing visual impact, where there is competition for visual attention.

Impact of Third Party Signage on Desired Built Form

There have been recent examples where applicants have sought to incorporate third party signage into new building proposals to justify their construction. This design approach is concerning, as it can significantly impact on the desired built form and design outcomes. There have also been examples where buildings have essentially been designed around the third party signage, with a view of maximising advertising space. This approach can lead to situations where proposals request design concessions to facilitate maximised signage, which comes at the expense of achieving design excellence and good planning outcomes.

Traffic Safety Impacts

The proliferation of third party signage can also have traffic safety impacts for motorists. Often the sought after roads for third party signage are already complicated driver environments that require drivers to be on high alert and making numerous decisions. The addition of signage which is prominent and distracting in such an environment can lead to the creation of an unsafe driving situation. When commenting on this matter, it is necessary to consider the cumulative impacts of third party signage on road safety. Often when proposals are lodged, the traffic safety impact of the proposed sign is assessed in isolation. What these traffic safety assessments often overlook is the cumulative impact that a proliferation of the third party signage type would have on driver attention.

Whilst Main Roads Western Australia (MRWA) considers that signage control should primarily be a local government matter, they do need to be satisfied that such road signs on State roads does not pose a potential safety hazard to road users who may be distracted or confused by the display of the advertising. Main Roads Western Australia provides comments on the matter of signage road safety in accordance with the Policy and Application Guidelines for Advertising Signs. As a number of the key arterial roads which are at risk from third party signage are State roads, if initiated, the proposed amendment will be sent to MRWA for comment.

Amendment Type

The Regulations specify three different types of Scheme amendments, being 'basic', 'standard' and 'complex'. Clause 35(2) of the Regulations requires a resolution of the local government specifying the type of amendment and the reasons for the classification.

A standard amendment is identified by the Regulations as meaning:

- “(a) An amendment relating to a zone or reserve that is consistent with the objectives identified in the Scheme for that zone or reserve.*

Item 12.2 Continued

- (b) *An amendment that is consistent with a local planning strategy for the Scheme that has been endorsed by the Commission.*
- (c) *An amendment to the Scheme so that it is consistent with a Region Planning Scheme that applies to the Scheme area, other than an amendment that is a basic amendment.*
- (d) *An amendment to the Scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the Scheme for the land to which the amendment relates if the Scheme does not currently include zones of all the types that are outlined in the plan.*
- (e) *An amendment that would have minimal impact on land in the Scheme area that is not the subject of the amendment.*
- (f) *An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area;*
- (g) *Any other amendment that is not a complex or basic amendment.”*

The proposed amendment is considered to be a ‘standard’ amendment for the following reasons:

- The amendment will ensure that third party signage does not get approved in an incompatible zone.
- The amendment would be consistent with the City’s adopted Local Planning Strategy’s desire to encourage high quality development.
- The amendment is consistent with, and does not have any implications for the MRS.
- The amendment does not relate to any structure plan or local development plan.
- The proposed amendment will not negatively impact on any land within the Scheme area as it is consistent with a pre-existing policy position.
- The proposed amendment will not result in any significant negative environmental, social or economic impacts on land within the Scheme area as it seeks to protect visual amenity and support local economic growth.
- The amendment is not a complex or basic amendment.

Item 12.2 Continued

Conclusion

Third party signage has been legally recognised as a distinct land use, and therefore it is considered entirely appropriate that it be defined by LPS 15 in the absence of it being formally recognised by the Regulations. The prohibition of third party signage through LPS 15 will align with the long-standing policy position against this form of advertisement. It has been identified that third party signage has negative impacts for economic growth, existing and desired amenity and traffic safety, and is ultimately inconsistent with all the zone objectives under LPS 15. As LPP 12 is a 'due regard' planning document, it will not offer sufficient protection against third party signage from being approved within the City of Belmont, and therefore its prohibition under LPS 15 is considered logical and appropriate. It will be recommended that Council initiate Amendment No. 16 to LPS 15 for the purposes of advertising.

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.

OFFICER RECOMMENDATION

That Council:

A. Pursuant to Section 75 of the Planning and Development Act 2005, adopts for advertising the following amendment to Local Planning Scheme No. 15:

(i) Modifying Table 1 – Zoning Table in the Scheme Text, as follows:

- **Inserting 'Third Party Signage' as a land use**
- **Designating 'Third Party Signage' as an 'X' land use (not permitted) in all zones.**

(ii) Inserting the following definition into Schedule 1 – Land Use Definitions of the Scheme Text

“Third Party Signage: Means any advertisement sign advertising services and products unrelated to the subject site.”

(iii) Inserting the following provision in Clause 4.21 – Prohibited Signage of the Scheme Text as follows:

Item 12.2 Continued

“(c) Any sign, hoarding or advertisement device advertising services and products unrelated to the subject site.”

B. Pursuant to Clause 35(2) of the Planning and Development (Local Planning Scheme) Regulations 2015, determines that Amendment No. 16 to Local Planning Scheme No 15 is a ‘standard’ amendment for the following reasons:

- a. The amendment will ensure that third party signage does not get approved in an incompatible zone.***
- b. The amendment would be consistent with the City’s adopted Local Planning Strategy’s desire to encourage high quality development.***
- c. The amendment is consistent with, and does not have any implications for the Metropolitan Region Scheme.***
- d. The amendment does not relate to any structure plan or local development plan.***
- e. The proposed amendment will not negatively impact on any land within the Scheme area as it is consistent with a pre-existing policy position.***
- f. The proposed amendment will not result in any significant negative environmental, social or economic impacts on land within the Scheme area as it seeks to protect visual amenity and support local economic growth.***
- g. The amendment is not a complex or basic amendment.***

C. Forwards Amendment No. 16 to Local Planning Scheme No. 15 to the Environmental Protection Agency for comment, pursuant to Section 81 the Planning and Development Act 2005, and subject to no objection being received from the Environmental Protection Agency, advertise the amendment for public comment for a period of 42 days in accordance with Clause 47 of the Planning and Development (Local Planning Scheme) Regulations 2015.

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

12.3 BELMONT BUSINESS AND ENTERPRISE CENTRE FUNDING REQUEST SUPPORT FOR 2021 BELMONT AND WESTERN AUSTRALIAN SMALL BUSINESS AWARDS

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5 – Item 12.3 refers	<u>28th Belmont Small Business Awards 2021 Sponsorship Proposal</u>
Attachment 6 – Item 12.3 refers	<u>27th Belmont Small Business Awards 2020 Media Release</u>
Attachment 7 – Item 12.3 refers	<u>2021 Small Business Awards – Category Sponsorship Proposal</u>
Confidential Attachment 1 – Item 12.3 refers	<u>2020 and 2021 Budget Allocation (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(e)(iii))</u>
Confidential Attachment 2 – Item 12.3 refers	<u>2020 Awards Statistics (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(e)(iii))</u>

Voting Requirement : Absolute Majority
 Subject Index : 22/003 – Funding – Donations and Sponsorships
 Location/Property Index : N/A
 Application Index : N/A
 Disclosure of any Interest : Nil
 Previous Items : 28 February 2017 Ordinary Council Meeting Item 12.3
 28 March 2017 Ordinary Council Meeting Item 12.7
 12 December 2017 Ordinary Council Meeting Item 12.8
 11 December 2018 Ordinary Council Meeting Item 12.4
 10 December 2019 Ordinary Council Meeting Item 12.7
 Applicant : Carol Hanlon, Belmont Business Enterprise Centre
 Owner : N/A
 Responsible Division : Development and Communities

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 12.3 Continued

PURPOSE OF REPORT

The report seeks the approval of Council for an allocation of funds in the 2021-2022 Annual Budget for the purpose of supporting the Belmont Business Enterprise Centre (BBEC) in delivering the 2021 Belmont and Western Australian Small Business Awards (Awards).

SUMMARY AND KEY ISSUES

The BBEC has run the Awards since 1994. The City of Belmont has traditionally provided some level of funding support for the Awards and has sponsored an award category.

The BBEC is seeking \$39,000 (excluding GST) funding support to run the Awards in 2021. Half of this funding is requested to be paid under the current budget and a commitment given for the remaining amount in the 2021-2022 budget period. If approved, this activity would be included in the draft 2021-2022 Annual Budget.

A Council resolution of 28 March 2017 set the maximum contribution for the 2021 Belmont and Western Australian Small Business Awards at \$38,893 (Consumer Price Index (CPI) indexed).

It is recommended that \$39,000 be provided on the basis that it is a small difference of \$107 from the latest annual CPI.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 1: Liveable Belmont

Strategy:

- 1.4 Attract public and private investment and businesses to our City and support the retention, growth and prosperity of our local businesses.

Goal 4: Creative Belmont

Strategy:

- 4.3 Support and collaborate with local schools and businesses.

Item 12.3 Continued

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

BACKGROUND

The BBEC is a non-profit community organisation established in 1994. It seeks funding from a range of sources to provide training and mentoring support services to individuals to start or improve their small business and operates from 216 Belmont Avenue, Cloverdale. It also runs the Belmont and Western Australian Small Business Awards.

The Awards attract local media interest and corporate support and seek to recognise businesses that strive for business excellence. The 2020 Awards Presentation Night was held at the Perth Convention and Exhibition Centre. Information on the 2020 Awards Night as well as the request for 2021 funding support, is provided in the attachments to this report (refer [Attachment 5](#), [Attachment 6](#), [Confidential Attachment 1](#) and [Confidential Attachment 2](#)).

The City has provided funding support to the BBEC since 1994 for hosting the annual Awards. The funding and hosting of the event is guided by the following Council Resolution:

28 March 2017 Ordinary Council Meeting Item 12.7 Resolution

“That Council:

- 1. Approve the inclusion of \$37,250 (ex GST) for the 2017 Belmont and Western Australian Small Business Awards within the 2017/2018 Annual Budget for the purpose of sponsoring the Best New Business Award.*
- 2. Agree to immediately prefund \$18,625 (ex GST) of the amount contained in Item 1 for the same event, upon approval of this item, from the 2017/2018 Annual Budget.*
- 3. Approve the application of an annual CPI increase to the amount referred to in Item 1 above (\$37,250) effective from 1 July 2018.*
- 4. As a condition of sponsorship for all future funding approved to the Belmont Business Enterprise Centre for the Belmont and Western Australian Small Business Awards require:*
 - i. The Belmont Business Enterprise Centre, prior to payment of sponsorship, provide information to the City of Belmont detailing:*
 - a. the expected total cost of the Event,*
 - b. details of the judges for the Event,*
 - c. the marketing and advertising that the City will receive at the Event, and as a result of the Event.*

Item 12.3 Continued

- ii. *The Belmont Business Enterprise Centre, following the Awards Night, provides a report to the City of Belmont detailing:*
 - a. *the number of Belmont businesses compared to the total number of finals participants,*
 - b. *the benefits that the Event has provided to the City of Belmont.”*

Prior to 2017, concerns were held that the level of annual contributions requested by the BBEC had been increasing significantly in excess of CPI increases (see graph below). At the 28 March 2017 Ordinary Council Meeting (OCM), Council adopted a recommendation that any increase in annual funding for the Belmont and Western Australian Small Business Awards be consistent with annual increases in the CPI.

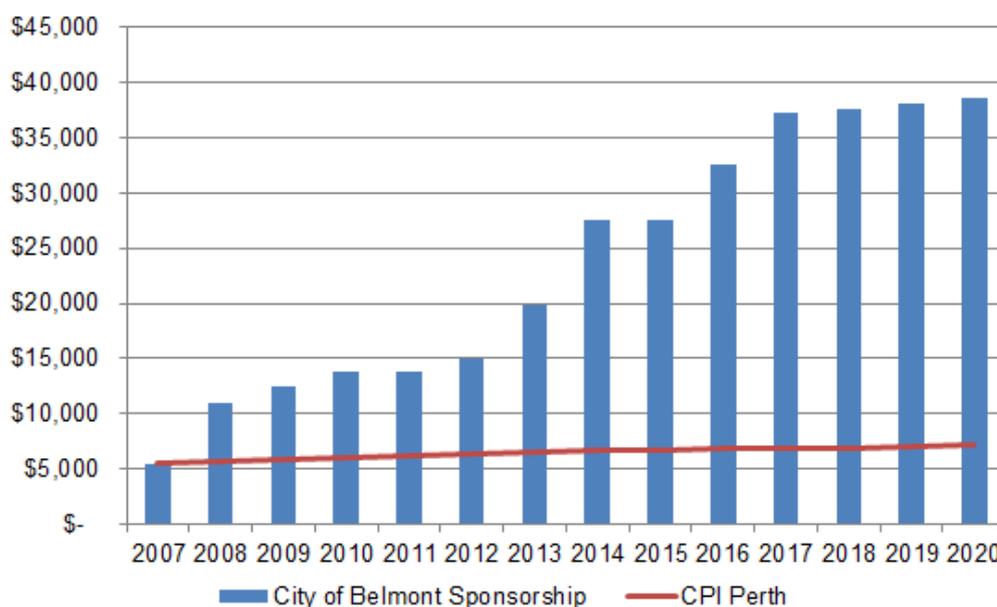


Figure 1 – Belmont Business Awards Contributions by Year

The sponsorship funding paid by the City in 2020 was \$38,623 (excluding GST). Considering the 0.7% Perth CPI for the 12 months to September 2020 the level of funds that should be provided for the 2021 Belmont and Western Australian Small Business Awards should not be higher than \$38,893.

The BBEC is seeking \$39,000 (excluding GST) direct financial support and the use of the Belmont Civic Centre for the official launch of the Awards in April 2021. Based on the CPI this is \$107 more than the Council resolution of the 28 March 2017 OCM (Item 12.7).

The City has also been a venue for the launch of the Awards in the past. This was declined in 2019 and 2020 due to the works associated with the construction of the new Community Centre severely restricting the amount of parking available in the Civic Centre Precinct. The City currently has a limitation on numbers in the Belmont Civic Centre function room due to COVID-19 restrictions and cannot host the launch of the Awards for 2021.

During September 2020, the City entered into a Memorandum of Understanding to monitor and report all payments to the BBEC, including funding for the Awards. Should this report be endorsed, the conditions of sponsorship for the Awards as specified by Council, will be contained within next year's MOU.

Item 12.3 Continued

OFFICER COMMENT

The City of Belmont has traditionally provided funding support for the Awards and has sponsored the Best New Business Award. This event is a well organised and well attended celebration of business achievement. The Awards attract sponsorships from a diverse range of organisations, including Belmont Forum, the Southern Gazette and the Eastern Metropolitan Regional Council. Through sponsorship the City continues to publicly demonstrate its support for business.

It is anticipated that in future, the City will have an Economic Development Strategy to guide the future of the City's Award/Sponsorship approach, however at this point consideration of the request will need to occur without a strategic view point of the value of sponsorship. This will however be revised in the next financial year.

This proposal is considered to be in line with the City's sponsorship guidelines, though the level of funding makes it a very significant contribution.

The City has a number of options in relation to the funding request from the BBEC.

1. Not to support the request for funding. This would have a significant impact on the ability for the BBEC to deliver the 2021 Belmont and Western Australian Business Awards. The City would also not be funding or sponsoring any business awards in 2021 which may have a negative impact on the City's reputation in the business community. This is not recommended as it is inconsistent with Council's previous resolutions.
2. Support the sponsorship package but to the lower level in accordance with the 28 March 2017 Council Resolution being \$38,893. This would be consistent with Council's previous resolutions.
3. Support the sponsorship package as requested for \$39,000. There is a small difference of \$107 to that determined in accordance with the 28 March 2017 Resolution. This is the preferred option.
4. To withdraw as a major sponsor but provide support as a Category Sponsor only. The cost for each category sponsorship is \$4,200 and the details of the sponsorship package are included as [Attachment 7](#). The BBEC has advised that should the City of Belmont not take up major sponsorship, this may result in the Awards being adjusted to remove the word 'Belmont'. This is not recommended as it is inconsistent with Council's previous resolutions particularly given the Economic Development Strategy will address long term sponsorship approaches.

Due to the association of the Awards with the City of Belmont through major sponsorship and in order to maintain 'Belmont' in the naming of the Awards, it is recommended to continue as the major sponsor for 2021. The funding of \$39,000 for 2021 can be paid in two payments. Half of this funding, \$19,500 (excluding GST), is to be paid upon approval of this Council item. The current request means a forward commitment of \$19,500 from the 2021-2022 budget.

The City also promotes the Awards through its business e-news to showcase the Belmont based businesses who win awards at this event. This is neither a direct, nor indirect subsidy for the Awards themselves as the purpose of the e-news is to promote local business excellence to the rest of the business community.

Item 12.3 Continued

FINANCIAL IMPLICATIONS

There is currently sufficient allocation of funds available from within the 2020-2021 budget allocation to fund the request for the first half of the funding as requested. The remaining allocation of funds will need to be included into the upcoming 2021-2022 budget process.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

Note:

Cr Ryan declared an interest that may affect impartiality in Item 12.3 Belmont Business and Enterprise Centre Funding Request Support for 2021 Belmont and Western Australian Small Business Awards.

OFFICER RECOMMENDATION

That Council:

1. Endorse a payment of \$19,500 for the 2021 Belmont and Western Australian Small Business Awards from within the current Economic and Community Development 2020-2021 Annual Budget allocation for the purpose of sponsoring the Best New Business Award.
2. Approve the inclusion of \$19,500 for the 2021 Belmont and Western Australian Small Business Awards within the 2021-2022 Annual Budget for the purpose of sponsoring the Best New Business Award.
3. Advise the Belmont Business Enterprise Centre that the City does not have an available venue for the launch of the Belmont and Western Australian Small Business Awards.

Note:

Cr Wolff proposed the following Alternative Councillor Recommendation.

ALTERNATIVE COUNCILLOR RECOMMENDATION

WOLFF MOVED, ROSSI SECONDED

That Council:

1. ***Endorse a payment of \$19,446 for the 2021 Belmont and Western Australian Small Business Awards from within the current Economic and Community Development 2020-2021 Annual Budget allocation for the purpose of sponsoring the Best New Business Award.***
2. ***Approve the inclusion of \$19,446 for the 2021 Belmont and Western Australian Small Business Awards within the 2021-2022 Annual Budget for the purpose of sponsoring the Best New Business Award.***

Item 12.3 Continued

- 3. Advise the Belmont Business Enterprise Centre that the City does not have an available venue for the launch of the Belmont and Western Australian Small Business Awards.**

CARRIED BY ABSOLUTE MAJORITY 8 VOTES TO 0

Reason

To ensure the payment amount aligns with the CPI increase as resolved by Council in 2017.

12.4 DONATION – WESTERN AUSTRALIAN 2021 WOOROLOO AND HILLS BUSHFIRE

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	41/003 – Charity Appeals
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	23 February 2016 Ordinary Council Meeting Item 12.3 25 February 2020 Ordinary Council Meeting Item 12.7
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Development and Communities

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <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"/> | Executive | <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"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <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

For Council to consider making a financial donation to the Lord Mayor's Distress Relief Fund for recovery assistance towards the Wooroloo and Hills Bushfire Appeal 2021.

SUMMARY AND KEY ISSUES

The Lord Mayor's Distress Relief Fund (LMDRF) has been activated in response to the Wooroloo and Hills Bushfires that commenced on 1 February 2021. The bushfires lasted for a number of days, burned over 10,000 hectares and caused widespread damage, including the destruction of 86 homes.

Item 12.4 Continued

Western Australian communities have expressed a desire to support those affected by these traumatic fires. In accordance with Council Policy SB1.2 Donations and Delegated Authority DA19 Donations – Disaster Relief, Council support is requested for a donation of \$10,000 to the LMDRF for recovery assistance towards the Wooroloo and Hills Bushfire Appeal 2021.

LOCATION

The fires spanned from Wooroloo to Walyunga National Park, in the Shire of Mundaring and City of Swan.

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

Council Policy SB1.2 Donations, details the guidelines and process for making disaster relief contributions. Under Delegated Authority DA19 Donations – Disaster Relief, the Chief Executive Officer (CEO) has delegated authority to make donations up to \$5,000. Any donation above the delegated authority requires Council to determine and approve the amount to be donated.

STATUTORY ENVIRONMENT

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

BACKGROUND

The LMDRF is Western Australia's official State emergency fund and provides relief for personal hardship and distress arising from natural disasters occurring within Western Australia.

The fund has been activated to raise and coordinate donations to financially support the victims of the Wooroloo and Hills Bushfires. Council support is requested for a donation of \$10,000 to the LMDRF to be used in relation to the Wooroloo and Hills Bushfires.

Item 12.4 Continued

OFFICER COMMENT

The Wooroloo and Hills Bushfires that affected residents in the City of Swan and Shire of Mundaring for more than a week was a devastating natural disaster. It is one of Western Australia's worst bushfires recorded and claimed 86 homes. The impact of loss of homes and livelihoods will result in an economic and emotional impact on the victims and surrounding communities.

There has also been significant loss of flora and fauna as a result of the bushfires and impacts on ecological communities. The impact of these fires on the environment and community will be ongoing for years to come.

The City of Belmont CEO has contacted the City of Swan and the Shire of Mundaring to offer any assistance or support the City might be able to provide and this donation would further support and ease the financial burden of those affected.

Due to the scale of the fire, extent of damage and the proximity of the disaster to the City of Belmont it is considered appropriate to donate \$10,000 to the LMDRF.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for General Donations in the 2020-2021 Annual Budget to allow for a donation of \$10,000, and an allocation of \$10,000 for this purpose was included in the 2020-2021 Annual Budget. A review of this budget to ensure sufficient funds remain available for other donation assistance normally provided will be considered in the March 2021 Budget Review.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

- 1. Expresses its sympathies to all communities affected by the Wooroloo and Hills Bushfires.***
- 2. Notes the Chief Executive Officer offer of assistance to the affected Councils of City of Swan and Shire of Mundaring.***
- 3. Donate an amount of \$10,000 to the Lord Mayor's Distress Relief Fund.***

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

12.5 AUTHORITY TO ACCEPT GRANT FUNDING - COMMUNITY SPORT AND RECREATION FACILITIES FUND (CSRFF) - WILSON PARK NETBALL FACILITY

ATTACHMENT DETAILS

Attachment No	Details
Attachment 8 – Item 12.5 refers	<u>Belmont Netball Association Letter Confirming Contribution Funds</u>

Voting Requirement	:	Absolute Majority
Subject Index	:	57/003–Community Sporting and Recreation Grants
Location/Property Index	:	Wilson Park: Lot 5522 (100) Gerring Court and Lot 810 (128) Kooyong Road, Rivervale.
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item 13.3 Ordinary Council Meeting 23 June 2020 Item 12.4 Ordinary Council Meeting 25 August 2020
Applicant	:	N/A
Owner	:	Crown vested in the City of Belmont
Responsible Division	:	Infrastructure Services

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <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"/> | Executive | <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"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

To seek Council approval to accept \$513,000 of Community Sporting and Recreation Facilities Fund (CSRFF) grant funding from the Department of Local Government, Sport and Cultural Industries (DLGSC) for the Wilson Park Netball Facility upgrade, and to allocate \$926,000 (net expenditure) in the 2021-2022 Council budget process for the Wilson Park Netball Facility upgrade.

Item 12.5 Continued

CONSULTATION

Following the 25 August 2020 OCM, the Belmont Netball Association (BNA) was advised in writing that:

- a future report would be presented to Council to consider acceptance of the funds offered by the Department of Local Government Sport and Cultural Industries if the grant application is successful; and that
- the application was being made subject to their financial commitment to contribute a minimum amount of \$100,000 to the cost of the project.

No further consultation has occurred since the 25 August 2020 OCM regarding this matter however the BNA has been advised of the successful CSRFF application.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan 2020-2040:

Goal 1: Liveable Belmont

Strategy:

- 1.2 Plan and deliver vibrant, attractive, safe and economically sustainable activity centres.
- 1.5 Encourage and educate the community to embrace sustainable and healthy lifestyles

Goal 3: Natural Belmont

Strategy:

- 3.4 Provide green spaces for recreation, relaxation and enjoyment
- 3.5 Promote energy and water efficiency, renewable energy sources, and reduce emissions and waste

Goal 5: Responsible Belmont

Strategy:

- 5.1 Support collaboration and partnerships to deliver key outcomes for our City
- 5.3 Invest in services and facilities for our growing community

POLICY IMPLICATIONS

There are no significant policy implications with this report. The report is consistent with Council Policy SB1.1 – Council Authority to Apply for Grants and Policy SB 1.5 – Applications for Council Assistance.

In this case, the requirement under Policy SB 1.5 for the Applicant (BNA) to contribute two-thirds of the total funding does not apply, due to the facilities being City assets and included in asset renewal plans.

Item 12.5 Continued

STATUTORY ENVIRONMENT

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

BACKGROUND

At the 25 August 2020 OCM, Council endorsed the City's CSRFF funding application for the renewal and upgrade of the Wilson Park netball courts and sports lighting.

Specifically, Council resolved to:

1. *"Approve the submission of the Community Sport and Recreation Facilities Fund (CSRFF) grant application for the upgrade of the Wilson Park Netball Facility.*
2. *Receive a future report to consider acceptance of the funding offered by the Department of Local Government Sport and Cultural Industries if the grant application is successful.*
3. *Consider the allocation of approximately \$926,000 (expenditure) in the 2021-2022 Council budget process for the Wilson Park Netball Facility upgrade should Council accept the grant funds.*
4. *Notes the Belmont Netball Association will be advised in writing that the application is being made subject to their financial commitment to contribute a minimum amount of \$100,000 to the cost of the project."*

As a requirement of items 2 and 3 of Council's resolution (noted above), this report seeks endorsement from Council to accept the CSRFF funding offered by the DLGSC and to confirm Council's financial commitment towards the remaining costs of the project for the 2021-2022 financial year.

The City has received the Grant Agreement (Grant Reference: GR-04-00000399) with advice that it is required to be completed, signed by the Chief Executive Officer and returned to the DLGSC as soon as possible.

OFFICER COMMENT

The reports presented to the Ordinary Council Meeting 23 June 2020 (Item 13.3) and Ordinary Council Meeting 25 August 2020 (Item 12.4) outlined issues and options associated with the proposed work on site, an overview of which is provided below:

- Wilson Park Netball Facility was constructed approximately 40 years ago and has been home to the Belmont Netball Association (BNA) since its inception.
- The BNA currently has 465 playing members and is projected to grow to over 600.
- Due to the age and poor condition of the courts and sports lighting, coupled with non-compliance with current design standards, the netball facility is considered no longer fit for purpose.
- Over the past six years the City has undertaken annual inspections and carried out repairs where necessary to extend the life of the courts.
- As part of investigating this project, the City has engaged extensively with the BNA, who has approved the proposed concept design.
- Specialist advice was sought regarding the condition of the courts which confirmed an upgrade/renewal would be required within two years (but ongoing repair and inspection would be required).

Item 12.5 Continued

The scope of this project will comprise of:

- Demolition and removal existing courts surface and materials
- Removal of the sports lighting towers and footings
- Reconstruction of the court sub-base
- Primerseal
- Asphalt overlay
- Non-slip playing surface application for 12 courts including a multi-purpose court and half court.
- New goals (including options for NetSetGo)
- Nine 20m lighting towers with LED lighting fixtures to light all 12 courts.

The Asset Management and Long Term Financial Planning process (2020-2029) identified the court surface and lighting for renewal in 2020-2021, at an estimated cost of \$500,000 and \$375,000 respectively.

The City's Lighting Renewal Plan identified that the sports lighting towers should have been replaced in the last 5 years. However, works were suspended until such time the scope of the netball court renewal project was clarified.

It has since been confirmed that a like for like replacement would not meet current standards, therefore an upgrade is required to both the court layout and lighting to improve the current levels of service.

In the absence of grant funding, the City would be required to renew the courts and lighting as part of renewal programs. In the event the City did not accept the grant funding, funds for the full cost of renewal would need to be allocated within the next two to three years based on the condition assessment.

FINANCIAL IMPLICATIONS

The total estimated project cost of the upgrade prepared by Ralph and Beattie Bosworth Pty Ltd is \$1,539,000 (ex GST). A summary of the various aspects of this estimate is provided below:

Project costs	Quantity Surveyor Estimate
Courts upgrade	\$ 687,922
Sport Lighting	\$ 433,800
General Preliminaries 7.5% <i>(The cost of administering the project e.g. insurances, general plant equipment, site based facilities and services).</i>	\$ 84,000
Design and construction contingency (5 – 7.5%)	\$ 150,000
Building Act Compliance 0.50%	\$ 7,000
Professional fees and disbursements including Aboriginal monitoring allowance (11%)	\$ 140,000
Total	\$ 1,502,722
Cost escalation (2.4% based on projected CPI increases).	\$ 36,065
	\$ 1,538,787
TOTAL FINANCIAL IMPLICATIONS	\$ 1,539,000 (Rounded to nearest '000)

Item 12.5 Continued

A breakdown of the funding arrangements is summarised in the table below. The Belmont Netball Association has confirmed in writing that it will contribute \$100,000 (refer [Attachment 8](#)).

If the project can be undertaken for less than the estimated amount this will result in a smaller contribution by the City.

Contribution Towards Project	Cost (ex GST)
City of Belmont	\$926,000
Belmont Netball Association	\$100,000
CSRFF	\$513,000
Total project cost	\$1,539,000

Potential alternative funding options have been considered. The City has been allocated grant funds through the Local Roads and Community Infrastructure Program (LRCIP) Phase 2. Based on conflicts with funding and project timelines, the use of LRCIP funds is not suitable as the City would not be able to deliver the project within the required timeline. The City enquired about an extension of this timeframe however was advised that this was not possible due to the Program being intended for “short term economic stimulus” as part of the national recovery from COVID-19. Extensions for the completion deadline were only granted in exceptional circumstances, in which case expenditure of funds by 31 December 2021 was still a requirement.

In the event the Officer Recommendation is supported, a forward commitment of expenditure for \$926,000 will be required for the 2021-2022 financial year budget, on this basis an Absolute Majority vote will be required.

ENVIRONMENTAL IMPLICATIONS

At the 25 August 2020 OCM it was noted that a geotechnical report was to be prepared prior to any site works on the properties. Cardno Consultants have since carried out an investigation, which has confirmed there are no environmental concerns that will impact on the project.

SOCIAL IMPLICATIONS

The proposed renewal and upgrade of the Wilson Park Netball facility will:

- Ensure that the community has access to the services and facilities it needs
- Assist in developing community capacity through the provision of improved infrastructure for current and new users that may impact on membership and participation
- Support the Belmont Netball Associations objectives
- Enhance a sense of community and the image of Belmont, in particular Rivervale
- Contribute to an environment where residents are safe and feel safe by activating a community facility.

Item 12.5 Continued

OFFICER RECOMMENDATION

ROSSI MOVED, POWELL SECONDED

That Council:

- 1. Accept the Community Sporting and Recreation Facilities Fund (CSRFF) grant funding of \$513,000 for the Wilson Park Netball Facility upgrade.***
- 2. Authorise the CEO to execute the necessary agreements and documentation through the Community Sporting and Recreation Facilities Fund (CSRFF) to accept and administer the grant funding.***
- 3. Approve the inclusion of \$926,000 (net expenditure) within the 2021-2022 Annual Budget process for the Wilson Park Netball Facility upgrade.***
- 4. Direct the Chief Executive Officer to advise the Belmont Netball Association in writing of the date that their financial contribution of \$100,000 is required.***

CARRIED BY ABSOLUTE MAJORITY 8 VOTES TO 0

12.6 APPOINTMENT OF WESTERN AUSTRALIAN ELECTORAL COMMISSION TO CONDUCT CITY OF BELMONT ELECTIONS BY POSTAL VOTE METHOD

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 9 – Item 12.6 refers	<u>2021 Local Government Election – Statutory Timeframes</u>

Voting Requirement	:	Absolute Majority
Subject Index	:	44/020 Local Government Ordinary Election 2021
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 20 November 2018 – Item 12.5
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <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"/> | Executive | <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"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <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 confirm Council's intention to appoint the Western Australian Electoral Commission (WAEC) to conduct the 2021 Local Government Ordinary Election on behalf of the City of Belmont by way of postal vote.

Item 12.6 Continued

SUMMARY AND KEY ISSUES

City of Belmont local government elections have been conducted by the WAEC since 1997, using the postal voting method. The conduct of postal elections by the WAEC has resulted in higher voter participation than when 'voting in person' elections were conducted. Postal elections allow for greater community participation and an appropriate separation of the roles between the City's administration and election process.

LOCATION

Not applicable.

CONSULTATION

A letter has been received from the Electoral Commissioner notifying of the cost estimate to conduct the 2021 Local Government Elections by the postal method and providing written agreement to be responsible for the conduct of the ordinary elections in 2021, as required by the *Local Government Act 1995*.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Section 4.20(4) of the *Local Government Act 1995* states:

"(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections."

* Absolute majority required.

Section 4.61(2) of the *Local Government Act 1995* states:

"(2) The local government may decide* to conduct the election as a postal election."

* Absolute majority required.

Item 12.6 Continued

BACKGROUND

The City may appoint a person other than the Chief Executive Officer to be the Returning Officer of the Local Government for elections or may, having first obtained the written agreement of the WAEC, declare the Electoral Commissioner to be responsible for elections and the Electoral Commissioner may then appoint a suitable person to be the Returning Officer.

In 2019, the WAEC conducted postal elections on behalf of 86 Western Australian Local Governments. The City of Belmont participation rate for the 2019 election was 28.5%, slightly down from 34.6% in 2017.

OFFICER COMMENT

The City of Belmont received a letter dated 16 December 2020 from the Electoral Commissioner, giving “agreement to be responsible for the conduct of the ordinary elections in 2021 for the City of Belmont in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may be required”.

This agreement is subject to the proviso that the election is undertaken by the Western Australian Electoral Commission by postal vote.

Having obtained written agreement, the City may declare the WAEC responsible for the conduct of the 2021 Local Government Ordinary Election to be held on 16 October 2021. A flowchart outlining the statutory election timeframes is included at [Attachment 9](#).

FINANCIAL IMPLICATIONS

The appointment of the WAEC to conduct local government elections on behalf of the City will result in the City being liable to pay the WAEC’s costs to conduct the election on a full cost recovery basis.

The total paid to the WAEC to conduct the 2019 ordinary elections by postal ballot was \$90,113.07 including GST.

The WAEC has provided an estimated cost for the 2021 election if conducted as a postal ballot to be \$105,000 including GST. This is based on the following assumptions:

- 24,600 electors
- response rate of approximately 35%
- five vacancies
- count to be conducted at the offices of the City of Belmont
- appointment of a local Returning Officer
- regular Australia Post delivery service to apply for the lodgement of the election packages.

Item 12.6 Continued

The City provides for the expenditure annually by allocating funds to its Election Expenses Reserve with the balance at 30 June 2020 being \$75,004.

Subsequent to interest income and end of financial year reserve transfers included in the 2020–2021 Budget, the balance of the Election Expenses Reserve at 30 June 2021 is expected to be approximately \$126,126.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

- 1. In accordance with section 4.20(4) of the Local Government Act 1995, declare the Western Australian Electoral Commissioner to be responsible for the conduct of the 2021 Local Government Ordinary Election together with any other elections or polls which may be required.***
- 2. In accordance with section 4.61(2) of the Local Government Act 1995, declare that the method of conducting all City of Belmont Elections will be by the postal voting method.***

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

12.7 COUNCIL POLICY UPDATES

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 10 – Item 12.7 refers	Policy Updates (with Tracked Changes)
Attachment 11 – Item 12.7 refers	Policy Updates (Clean Copy)
Attachment 12 – Item 12.7 refers	New Policy – Attendance at Events

Voting Requirement	:	Absolute Majority
Subject Index	:	32/015 Council Policy Manuals/Code of Conduct
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item 12.8 – 10 December 2019
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council endorsement of four reviewed and amended policies and one new policy for the City of Belmont (City).

SUMMARY AND KEY ISSUES

In accordance with section 2.7(2)(b) of the *Local Government Act 1995*, Council is to determine the local government's policies.

To consider amendments to four Policies and inclusion of a new Policy in the City's Policy Manual.

Item 12.7 Continued

LOCATION

Not applicable.

CONSULTATION

Consultation was undertaken with the relevant policy owners, the Operational Leadership Team (OLT) and the Executive Leadership Team (ELT). These policies were presented to the 13 October 2020 Information Forum as part of the 2020 Policy Manual review for Councillor review and feedback.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont

Strategy:

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

POLICY IMPLICATIONS

Council endorsement of the reviewed, amended and new policies will necessitate amendment of the current City of Belmont Policy Manual.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* provides the basis for many of the City's policies, therefore consistency with this legislation has been reflected in the review, assessment and amendments proposed.

Section 2.7 of the *Local Government Act 1995* outlines the role of Council.

Section 2.7(2)(b) requires the Council to determine the local government's policies.

BACKGROUND

All policies in the Policy Manual have previously undergone a risk assessment and been allocated a risk rating. A review of the Policy Manual is inclusive of policies requiring review annually, those scheduled for review and the review, amendment and inclusion of any other policies as required by legislative change. A full review of the Policy Manual will take place this year, for Council consideration in November 2021.

At this time, four policies have been amended and one new policy created. These policies require endorsement by Council.

Item 12.7 Continued

OFFICER COMMENT

Endorsement by Council is sought for the policies set out below.

Policy No.	Policy Title	Reason for Amendments
BEXB5.2	Elected Member Professional Development and Authorised Travel (now entitled Elected Member Training, Professional Development and Travel)	Important legislative changes made to include Elected Member Mandatory Training.
BB2.2	Streetscape Policy	Amended to reflect the City's new <i>Consolidated Local Law 2020</i> gazetted in January 2021.
NB2.1	Environment and Sustainability Policy	Under ISO 14001 accreditation, this policy must be reviewed annually.
NB3.2	Urban Forest Policy	Updated so the requirement for a tree replacement ratio of 1 (removed): 3 (replaced) applies to City projects and developments specifically, not all City trees that are removed (i.e. due to storm damage, weeds/ self- sown, dead or dying, unacceptable risk of harm etc). This may have been the original intention of this clause, however it is not clear in the previous wording. Also to include clauses to allow pruning or removal in exceptional circumstances, by approval of CEO.

The tracked change amendments made to the above policies are shown at [Attachment 10](#). Clean versions of the above policies are shown at [Attachment 11](#).

Endorsement by Council is sought for the following new policy (refer [Attachment 12](#)):

Item 12.7 Continued

Policy No.	Policy Title	Reason for Amendments
BEXB3.4	Attendance at Events	Following amendments to the <i>Local Government Act 1995</i> local governments are to prepare and adopt (by Absolute Majority) a policy that deals with matters relating to the attendance of Council Members and the CEO at events (s5.90A). This policy sets out those requirements.

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.

OFFICER RECOMMENDATION

That Council endorse:

- 1. The policy amendments outlined in [Attachment 10](#), in relation to the following policies:**
 - ***BEXB5.2 Elected Member Professional Development and Authorised Travel***
 - ***NB2.1 Environment and Sustainability Policy***
 - ***NB3.2 Urban Forest Policy***
 - ***BB2.2 Streetscape Policy***
- 2. The following new policy for inclusion in the Council Policy Manual:**
 - ***BEXB3.4 Attendance at Events***
- 3. Any further minor administrative amendments/layout changes as required prior to publication of the updated Council Policy Manual.**

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

12.8 AUTHORISATION OF CITY OF BELMONT COMPLAINTS OFFICER AND COMPLAINT – ALLEGED BREACH FORM

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 13 – Item 12.8 refers	<u>City of Belmont - Complaint - Alleged Breach Form</u>

Voting Requirement	:	Simple Majority
Subject Index	:	11/005 – Delegations and 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

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <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"/> | Executive | <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"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

To seek Council authorisation for the Director Corporate and Governance to be the City of Belmont Complaints Officer for the purposes of receiving complaints and withdrawals of complaints, in accordance with cl.11(3) of the *Local Government (Model Code of Conduct) Regulations 2021* (Model Code of Conduct), and approval of the City of Belmont 'Complaint - Alleged Breach Form' (Complaint Form) ([Attachment 13](#)) in accordance with cl.11(2)(a).

Item 12.8 Continued

SUMMARY AND KEY ISSUES

The *Local Government (Model Code of Conduct) Regulations 2021* were gazetted on Tuesday, 2 February 2021 and took effect on 3 February 2021. Council resolution is required to ensure the City of Belmont has an authorised Complaints Officer and an approved form in accordance with the new regulations.

It is recommended that the Director Corporate and Governance be authorised as the City of Belmont Complaints Officer and for approval of the Complaint Form ([Attachment 13](#)).

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

The *Local Government (Model Code of Conduct) Regulations 2021* state that:

‘11. Complaint about alleged breach

- (1) *A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.*
- (2) *A complaint must be made –*
 - (a) *In writing in the form approved by the local government; and*
 - (b) *To a person authorised under subclause (3); and*
 - (c) *Within 1 month after the occurrence of the alleged breach.*

Item 12.8 Continued

- (3) *The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.'*

BACKGROUND

The *Local Government (Model Code of Conduct) Regulations 2021* (Model Code of Conduct) includes general principles and behaviours for Elected Members, Committee Members and Candidates, and repeals and replaces the *Local Government (Rules of Conduct) Regulations 2007*. Complaints of alleged breaches and behavioural requirements must now be dealt with by the local government.

Through a recent submission to the Department of Local Government, Sport and Cultural Industries, the City of Belmont did not support the amendment to require the local government to make judgement on the behaviour of other council members and determine findings on complaints and whether a breach has occurred. This amendment was passed through and is now a requirement set out in the regulations.

It is necessary for each local government to authorise at least one person to receive complaints and withdrawal of complaints, and approve the Complaint Form

OFFICER COMMENT

The Model Code of Conduct came into force on 3 February 2021 and is taken to be the adopted Code of Conduct until a Code of Conduct is adopted by the City of Belmont.

A City of Belmont Code of Conduct for Elected Members, Committee Members and Candidates will be developed to be consistent with the Model Code of Conduct and presented to Council for consideration and adoption prior to 3 May 2021 as required by s.5.104 of the *Local Government Act 1995*.

Authorisation of the Complaints Officer and approval of the Complaint Form ([Attachment 13](#)) will ensure compliance and that any complaints can be formally lodged. A review of the City's complaints management process is underway and an appropriate complaint handling policy and procedure will be developed and presented to Council in the coming months for adoption, to ensure complaints are progressed in line with the adopted policy and procedures.

It is recommended that the Director Corporate and Governance be the authorised Complaints Officer for the City of Belmont to receive any complaints and deal with withdrawals of complaints.

The City of Belmont 'Complaint - Alleged Breach Form' has been developed using the Department of Local Government, Sport and Cultural Industries template.

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.

OFFICER RECOMMENDATION

That Council:

- 1. Authorise the Director Corporate and Governance as the Complaints Officer for the City of Belmont; and***
- 2. Approve the City of Belmont 'Complaint - Alleged Breach Form' ([Attachment 13](#)).***

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

12.9 ANNUAL ELECTORS' MEETING MINUTES – 16 DECEMBER 2020

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 14 – Item 12.9 refers	Annual Electors' Meeting Minutes – 16 December 2020

Voting Requirement	:	Simple Majority
Subject Index	:	154/006 Annual Electors Meeting
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider the outcomes and confirm the Minutes of the Annual Electors' Meeting held on Wednesday, 16 December 2020 (refer [Attachment 14](#)).

SUMMARY AND KEY ISSUES

In accordance with section 5.33 of the *Local Government Act 1995*, Council endorsement and confirmation of the minutes of the Annual Electors' Meeting held on Wednesday, 16 December 2020 is required.

Item 12.9 Continued

Council is also required to consider decisions made at the electors' meeting and record the reason for any decision made at a Council Meeting in response to a decision made at an electors' meeting in the minutes.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Section 5.27 of the *Local Government Act 1995* requires that a general meeting of electors be held once every financial year. The meeting is to occur not more than 56 days after the local government accepts the Annual Report.

'5.27 Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.'

The City of Belmont 2019-2020 Annual Report was formally adopted at the 24 November 2020 Ordinary Council Meeting.

Item 12.9 Continued

Regulation 15 of the *Local Government (Administration) Regulations 1996* outlines the matters to be discussed at the electors' general meeting.

'15. Matters to be discussed at general meeting (Act s5.27(3))

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.'

Section 5.32 of the *Local Government Act 1995* requires that the minutes of the electors' general meeting be kept and made available for public inspection before the Council Meeting at which decisions made at the electors' meeting are first considered.

Section 5.33 of the *Local Government Act 1995* requires all decisions made at electors' meetings be considered at the next available Ordinary Council Meeting, or, if not possible at a Special Council Meeting called for that purpose, whichever happens first. The reasons for a decision made at a Council Meeting in response to a decision made at an electors' meeting are to be recorded in the minutes of the Council Meeting.

BACKGROUND

The Annual Electors' Meeting was held on Wednesday, 16 December 2020 at the City of Belmont Civic Centre, 215 Wright Street, Cloverdale.

OFFICER COMMENT

Public notice of the Annual Electors' Meeting was placed in the Southern Gazette on Thursday, 22 January 2020; Thursday, 29 January 2020; Thursday, 3 December 2020 and Thursday, 10 December 2020.

Public notice was also placed on the notice board in the City of Belmont Civic Centre, the e-Community Board in the Ruth Faulkner Library, advertised on social media and was available on the City of Belmont website.

There were nine electors and three non-electors/members of the public in attendance, being:

Electors

Mr J Bass
Mr R Birch
Ms S Carter
Ms J Gee
Ms H Hawke
Mr P Hitt
Ms D Panzich-Sekulla
Mr R Reakes
Mr T Teasdale

Non-Electors

Mr B Brody
Ms L Hollands
Mr E Purvis

Item 12.9 Continued

The following decision was made at the Annual Electors' Meeting held on Wednesday, 16 December 2020:

- Receipt of the City of Belmont 2019-2020 Annual Report.

Questions and responses in relation to the reports included in the 2019-2020 Annual Report are included in the minutes of the meeting ([Attachment 14](#)).

Under general business, the Mayor invited any further questions. Questions and responses are included in the minutes of the meeting.

Questions Taken on Notice

The following question from Ms S Carter was taken on notice at the 16 December 2020 Annual Electors' Meeting. Ms Carter was provided with a response on 11 January 2021. The response from the City is recorded accordingly:

1. Is the City of Belmont head lessor of Ascot Marina?

Response

Yes, the City of Belmont is the lessor of 'the Marina' as contained in the lease granted to the lessee for the 'Marina Boating Facility'.

The following questions from Ms L Hollands were taken on notice at the 16 December 2020 Annual Electors' Meeting. Ms Hollands was provided with a response on 6 January 2021 and 25 January 2021. The response from the City is recorded accordingly:

1. What was the cost to the City for payments to employees?

Response

The Annual Report provides details of the Employee Costs at pages 39 and 43. In addition, page 90 of the Annual Report provides details of remuneration paid to Key Management Personnel (KMP) excluding Elected Members.

2. Was the land that is now Ascot Racecourse part of the Grove Farm Trust and how was the land acquired?

Response

The Ascot Racecourse is situated on Lot 9002 PL 60342 and Lot 7705 PL 209359 and is in the ownership of Perth Racing. Questions regarding the acquisition of this land should be directed to Perth Racing.

3. There is 4,000 acres between Belmont and Grove Farm, how much of this was Trust Land?

Response

The City is unable to determine the context of this question. The Belmont Trust land consists of Lot 5 DIA 64041 and Lot 642 PL 66341 an area of approximately 15.37ha.

Item 12.9 Continued

4. What percentage of contractors are local companies and what percentage are WALGA contractors?

Response

91.67% of contractors used are in Western Australia, with 10.19% located in City of Belmont. 33.33% of contractors are WALGA preferred suppliers.

The following question from Mr P Hitt was taken on notice at the 16 December 2020 Annual Electors' Meeting. Mr Hitt was provided with a response on 6 January 2021. The response from the City is recorded accordingly:

1. The Belmont Trust area was utilised in the past as a venue for basketball and baseball. Has monies the City of Belmont raised from the rent been placed in the Trust Account, or was this classed as general revenue?

Response

From the records available it does not appear income or expenditure attributed to those activities has been recorded against the Belmont Trust although given the length of time that has since transpired it is difficult to confirm.

Motions

Under general business, the following motions were put forward and are to be considered by Council:

1. **MS S CARTER MOVED, MR P HITT SECONDED**

That the City of Belmont Councillors, Chief Executive Officer and staff adopt the same position as the Environment Protection Authority, by recognising and expressing the view that the portion of the Swan River, in the City of Belmont and the land within 200 metres of the River, is a public trust rather than a resource to be appropriated to the benefit of individuals.

CARRIED 5/2

Officer Comment:

The *Swan and Canning Rivers Management Act 2006* (Act) establishes the Swan River Trust as a body responsible for the planning, protection and management of the Swan-Canning river system. The Act defines a Development Control Area for the land and waters associated with the Swan and Canning rivers and establishes administrative processes for decision-making in respect to the area. The Department of Biodiversity, Conservation and Attractions (under the direction of the Swan River Trust) is responsible for the care and control of the Development Control Area.

Item 12.9 Continued

The City is not aware of any position of the Environmental Protection Authority that land within 200 metres of the river should be subject to the control of the Swan River Trust. There are numerous parcels of privately owned properties within 200m of the river; some of which are wholly or partially within the Development Control Area and subject to development provisions and approval requirements administered by the Department of Biodiversity, Conservation and Attractions.

Given the above, the City of Belmont has no authority or basis to express a position that is different from that prescribed by the Act.

It is considered that no further action is required at this time.

2. MS S CARTER MOVED, MR P HITT SECONDED

The City, in accordance with a broad interpretation of the *Local Government Act 1995* and its subsidiary legislation, provide its Electors with the opportunity to have a representative read out a question at the Ordinary Council Meetings.

CARRIED 6/0

Officer Comment:

Council meetings are held on a monthly basis and as such ample opportunity is provided for a member of the public to attend and ask questions in person. Outside of this process the City's administration is available during normal business hours to assist members of the public with any questions they may have.

The *Local Government Act 1995*, section 5.94 stipulates the requirement that time is to be allocated 'for questions to be raised by members of the public....'

Furthermore the *Local Government (Administration) Regulations 1996*, regulation 7 discusses the determination of procedures for asking and responding to 'questions raised by members of the public at a meeting', for which the City has in place its *Standing Orders Local Law 2017* and the Rules of Public Question Time.

Rule (g) of the Rules of Public Question Time stipulates that 'Where a member of the public submitting a question is not physically present at the meeting, those questions will be treated as an item of correspondence and will be answered in the normal course of business (and not be recorded in the minutes).'

Department of Local Government, Sport and Cultural Industries Operational Guideline Number Three supports this in stating that:

'Questions asked in absentia

Where a person submits a question in writing for public question time but fails to attend the meeting, the presiding member may decide that the question is not to be put to the meeting. In which case, the CEO may reply in writing at a time other than at the meeting.'

Item 12.9 Continued

The City's *Standing Orders Local Law 2017*, section 6.2 states:

- '(1) A member of the public who wishes to ask a question during question time is to –
- (a) first state his or her name and address;
 - (b) direct the question to the Presiding Member;
 - (c) ask the question as briefly and concisely as possible;
 - (d) limit any preamble to matters directly relevant to the question;
 - (e) ensure that the question is not accompanied by any argument, expression of opinion, statement of fact or other comment, except insofar as it may be necessary to explain the question; and
 - (f) where possible provide a written copy of the question prior to question time.'

The apparent intention of the information mentioned above is that it is the member of the public in attendance at the meeting, whose question it is, that is to be presented to the meeting and not by another person on their behalf if in absentia. Officers are of the opinion that there is no need to further expand the provision for another person to read out the question from a member of the public, in absentia, as there is ample opportunity both at Council Meetings and through the City's Administration to deal with these matters.

It is considered that no further action is required at this time.

3. MS S CARTER MOVED, MS L HOLLANDS SECONDED

That the City of Belmont's Development planners consider the future need of owners and occupiers ability to access the City's waste management services for onsite skip bin placement in the development application and approval processes by the adherence to plot ratios defined by the R-Codes and to not allow plot ratios to be varied significantly so as to cause future nuisance to owners and occupiers in obtaining the services they pay for.

CARRIED 4/3

Officer Comment:

The Residential Design Codes - Volume 2 (Apartments) outlines acceptable outcomes, planning guidance, and element objectives for considering the plot ratio of a development. Any proposed variation to the standards prescribed by the Residential Design Codes must be assessed against these provisions. A variation to the permitted plot ratio does not necessarily impact on the ability for residents to obtain bulk bin services from the City.

The City provides a range of bulk waste services on an on-demand basis. In most cases, property owners can request up to four bulk bins per year. These property owners pay the full sanitation fee for the service. Given the infrequent nature and short duration that skip bins are required at a property, it is generally appropriate for the bins to be placed on the verge.

Item 12.9 Continued

In high density developments where the 3 cubic-metre bulk bin service cannot be provided because of a lack of space on the verge, the City generally provides a bi-annual bulk bin service where the caretaker of a complex coordinates with residents and arranges a 15 cubic-metre bulk bin to be available up to twice a year on a Saturday morning. Given the reduced service, these property owners are charged only 70% of the sanitation fee.

It is considered that no further action is required at this time.

4. MS J GEE MOVED, MS L HOLLANDS SECONDED

When preparing a budget for the 2021-2022 Financial Year, the City of Belmont undertakes cost saving measures of 2% or the anticipated amount of CPI across the board, in order to provide a rate freeze for residents for the corresponding period.

CARRIED 6/3

Officer Comment:

The City of Belmont acknowledges the need to keep rate increases to a minimum whilst still providing a high standard of services and amenities for its ratepayers.

Through responsible budgeting, the Council's practice for many years has been to maintain any rate increases generally between Perth Consumer Price Index and the Local Government Cost Index.

For 2020-2021, the Council was able to achieve a 0.00% overall rate revenue increase. The City of Belmont Council also endorsed a package of initiatives to support both local community and economic recovery leading out of the COVID-19 pandemic. This included a contribution to residential rate payers who were suffering financial hardship.

When preparing the 2021-2022 budget, the Council will be mindful of current economic conditions and compile an appropriate budget with minimal increases. It is difficult at this time to commit to specific percentage figures as a number of plans, projects and priorities are yet to be finalised.

It is considered that no further action is required at this time.

5. MS J GEE MOVED, MS L HOLLANDS SECONDED

- 1. That the City of Belmont prepare a report on the trust land known as Parry Field to allow public consultation on how the land could be used in the future.**
- 2. Meetings of the Trust are to be held at least once a year and open to the public.**

CARRIED 7/3

Item 12.9 Continued

Officer Comment:

The matters raised within the Motion require the consideration of the Belmont Trust. These will be presented to the next meeting of the Belmont Trust.

For the record it is necessary to point out that the Motion is incorrect in its reference to 'trust land known as Parry Field'. The correct terminology arises from the Minutes of a Trust Meeting held in November 2004 where it was resolved:

'TEASDALE MOVED, POWELL SECONDED that the title "Belmont Trust" be adopted as the formal name for the Trust land in question, and also for the title of this group of Trustees.'

CARRIED'

It is considered that no further action is required by the Council of the City of Belmont at this time. The matter will be referred to the Belmont Trust for consideration.

6. MS L HOLLANDS MOVED, MR P HITT SECONDED

- 1. That the City of Belmont undertakes a complete review of the Gratuity Policy. The CEO is to provide an itemised report on the previous payments made to leaving staff and likely future payments.**
- 2. That Council acts under Section 210 of the *Fair Work Act 2009* to amend and remove any gratuity payments that are not in compliance with Section 19A of the *Local Government Administration Regulations 1996*.**

CARRIED 6/3

Officer Comment:

It is intended that the Gratuity Policy will be reviewed as part of new Enterprise Agreement discussions that will form part of the transfer to the State industrial system. A review prior to that time is not considered necessary.

As the system has been in operation in excess of twenty six years it is not considered that the allocation of resources required to collate payments made over this timeframe is appropriate.

It is not possible to determine likely future payments as not all staff will become eligible during their time spent at the City. It is also clearly not possible to determine which staff will stay and for how long and whether their performance will be satisfactory and therefore make them eligible for payment. In addition, trying to estimate any payments over an indeterminate future period with no parameters makes the calculation impossible.

Any action to amend the current Enterprise Agreements would necessitate full consultation and negotiation with affected employees and their representatives with approval by employee ballot to be achieved before it can be sent for approval by the Fair Work Commission. The City does not have authority under the Act to amend the Agreements at will.

Item 12.9 Continued

It is considered that no further action is required at this time.

7. MS L HOLLANDS MOVED, MS S CARTER SECONDED

That the City of Belmont replace the existing meals provided with more cost effective sandwich platter.

CARRIED 6/3

Officer Comment:

The consideration of meals standards and costs for various Council Meetings and Forums is determined on an annual basis during Budget deliberations by Council. As such the subject is noted for budgetary purposes.

It is considered that no further action is required at this time.

8. MS L HOLLANDS MOVED, MS J GEE SECONDED

That the City of Belmont commit to live streaming of Council Meetings open to the public by the end of 2021 financial year.

CARRIED 7/3

Officer Comment:

The City has a Policy in place that addresses audio recording of Council Meetings.

As recently as 29 September 2020, at an Information Forum, Councillors were provided with an update on the present Audio Recording Policy as well as information relating to current industry trends associated with live streaming Council Meetings, costs and community take up. Councillors also had an opportunity during the administrative amendment process of policies at the Information Forum in October 2020. No changes were made.

Further information will be provided to Councillors mid 2021 on the community's interest and take up of audio recordings of Council Meetings, currently being collected through the City's recently re-launched website.

It is considered that no further action is required at this time.

Item 12.9 Continued

9. MR P HITT MOVED, MS L HOLLANDS SECONDED

Vote of no confidence in the City of Belmont Council.

Reason¹

My concerns at the present state of affairs as seen from the public gallery include but are not limited to:

- Apparent from questions asked by some Councillors that some of them do not do the necessary reading of important items on an Agenda, to make a well informed decision.
- A very small minority of Councillors look around the Chamber to see how other Councillors have cast their vote before they personally vote on an Item. This hardly projects the image of Councillors making independent decisions and could be seen as some Councillors voting en bloc.

We, the residents and ratepayers, finance this Council and the remuneration of its Councillors and we expect honest, experienced knowledgeable decisions to be made on behalf of the citizens of Belmont.

CARRIED 6/3

Officer Comment:

All Councillors undertake a 'Declaration By Elected Member' when elected as required by Regulation 13 (1) (c) of the *Local Government (Constitution) Regulations 1996* and in the context of declaring that 'I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.'

Regulation 3 states:

General principles to guide the behaviour of council members

- (1) General principles to guide the behaviour of council members include that a person in his or her capacity as a council member should —
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) avoid damage to the reputation of the local government; and
 - (e) be open and accountable to the public; and
 - (f) base decisions on relevant and factually correct information; and
 - (g) treat others with respect and fairness; and
 - (h) not be impaired by mind affecting substances.

¹ Explanation and reasons for Notices of Motion are not normally contained within the Annual Electors' Meeting Minutes – in this instance, as the Motion does not stand alone, additional information provided by the Elector has been included for the Notice of Motion.

Item 12.9 Continued

(2) The general principles referred to in subregulation (1) are for guidance of council members but it is not a rule of conduct that the principles be observed.

Furthermore, Council Meeting agendas at Item 4.3 requires that a Declaration is made by any Elected Member who has not given due consideration to all matters contained in the Business Papers presently before the meeting.

If there is any evidence to support that a Councillor is in breach of any legislative requirement the subject of the Motion or supporting comments then an appropriate Complaint in that context should be lodged with the City.

It is considered that no further action is required at this time.

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.

OFFICER RECOMMENDATION

That Council:

- 1. Note the decision to receive the City of Belmont 2019-2020 Annual Report.***
- 2. Refer Motion 5, carried during General Business at the Annual Electors' Meeting held on Wednesday, 16 December 2020, to the next meeting of the Belmont Trust for consideration.***
- 3. Note that consideration has been given to all remaining motions carried during General Business at the Annual Electors' Meeting held on Wednesday, 16 December 2020, with no further action required.***
- 4. Confirm the Minutes of the Annual Electors' Meeting held on Wednesday, 16 December 2020 (refer [Attachment 14](#)) as a true and accurate record.***

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

12.10 ACCOUNTS FOR PAYMENT – DECEMBER 2020

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 15 – Item 12.10 refers	Accounts for Payment – December 2020

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

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <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"/> | Executive | <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"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

Item 12.10 Continued

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*.

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.

Item 12.10 Continued

OFFICER COMMENT

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

Municipal Fund Cheques	788586 to 788605	\$43,570.34
Municipal Fund EFTs	EF070934 to EF071420	\$5,029,692.06
Municipal Fund Payroll	December 2020	\$1,649,518.93
Trust Fund EFTs	EF071025 to EF071027	<u>\$29,804.13</u>
Total Payments for December 2020		\$6,752,585.46

A copy of the Authorised Payment Listing is included as [Attachment 15](#) 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 December 2020 as provided under [Attachment 15](#) be received.

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

12.11 ACCOUNTS FOR PAYMENT – JANUARY 2021

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 16 – Item 12.11 refers	Accounts for Payment – January 2021

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

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 12.11 Continued

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	788606 to 788615	\$47,213.80
Municipal Fund EFTs	EF071421 to EF071810	\$3,486,680.71
Municipal Fund Payroll	January 2021	\$1,475,513.45
Trust Fund EFTs	EF071435 to EF071437	<u>\$22,538.17</u>
Total Payments for January 2021		\$5,031,946.13

Item 12.11 Continued

A copy of the Authorised Payment Listing is included as [Attachment 16](#) 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 January 2021 as provided under [Attachment 16](#) be received.

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

12.12 MONTHLY ACTIVITY STATEMENT AS AT 31 DECEMBER 2020

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 17 – Item 12.12 refers	<u>Monthly Activity Statement as at 31 December 2020</u>

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"/> | Advocacy | <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"/> | Executive | <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"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <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 12.12 Continued

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

- Annual budget estimates
- Budget estimates to the end of the reporting month
- Actual amounts to the end of the reporting month
- Material variances between comparable amounts

Item 12.12 Continued

- Net current assets as at the end of the reporting month.

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

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 17](#) the following summary is provided.

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Computing	824,252	390,409	Its expected a number of capital purchases won't be required this year and will be adjusted during the next budget review.
Crime Prevention & Community Safety	320,014	528,205	The purchase and installation of CCTV at the Belmont Hub is ahead of schedule.
Environment	131,305	44,677	A number of Environment projects are behind budget although still planned to be completed this financial year.
Ruth Faulkner Library	304,108	188,114	Community Centre - Museum purchase of fixtures are on order. Library Furniture and Equipment for the Shop fitout have not yet occurred.
Grounds Operations	609,285	454,372	Variance mainly relates to Faulkner Park irrigation renewal and Cracknell Park playground renewal which are expected to commence in early 2021.
Road Works	2,120,238	2,177,739	Variance relates to mainly Belmont Ave and Nanven Place projects commencing ahead of schedule.
Footpath Works	286,975	190,233	The variance relates to three completed projects where invoices are yet to be received.

Item 12.12 Continued

Report Section	Budget YTD	Actual YTD	Comment
Drainage Works	240,497	94,775	Drainage improvement projects including entry pit upgrades are behind schedule.
Operations Centre	895,450	548,120	Includes the deferral of various fleet and plant across the organisation.
Building Operations	1,978,792	1,007,214	Variance relates to Belmont Hub which is likely to be under budget.
Expenditure – Operating			
Computing	1,678,138	1,584,312	Variance mainly relates to invoices not yet received for Business Applications.
Marketing & Communications	1,131,100	959,138	Variance relates to employee costs and survey / sponsorship activities that are due to commence in early 2021.
Reimbursements	182,581	233,099	Variance relates to an outstanding allocation of employee costs to jobs.
Chief Executive Officer	406,347	346,002	Variance relates to employee and consultancy costs that are below the budget projection.
Governance	1,768,011	1,631,321	Activity Based Costing (ABC) allocations are below budget.
Belmont Trust	90,000	1,513	Variance relates to legal and consultancy costs that are below the budget projection.
Accommodation Costs	273,822	327,991	Cleaning and other costs are above budget and will be reviewed in March.
Rates	2,083,001	2,202,419	A greater number of residents than had been anticipated paid their rates in full, resulting in a greater take-up of the 5% discount.
City Facilities & Property	579,459	453,241	Employee and consulting costs are below budget.
Crime Prevention & Community Safety	534,326	447,314	A number of programs have been delayed and are due to start in early 2021 including the taskforce video project and the Positive Engagement Program.
Health	729,158	658,269	Employee related costs are below budget.
Economic & Community Services	672,435	604,838	Variance mainly relates to employee related costs.
Faulkner Park Retirement Village	27,000	90,982	Additional contributions required due to vacant units that will be funded from reserve.

Item 12.12 Continued

Report Section	Budget YTD	Actual YTD	Comment
Town Planning	1,709,373	1,423,757	Variance mainly relates to employee costs.
Sanitation Charges	2,618,034	2,541,632	Invoices are processed one month in arrears.
Marketing & Communications	305,700	209,769	Budget spread issue regarding various events.
Donations and Grants	214,500	153,825	Budget spread issue regarding MOU's and the Community Contribution Fund.
Belmont Oasis	441,985	253,330	Combination of outstanding contract management costs and the cost to manage the Oasis is less than expected.
Ruth Faulkner Library	1,653,117	1,459,320	Largely relates to minor fit-out costs regarding Belmont Hub and employee costs.
Community Place Making	126,000	50,695	Variance largely relates to public art projects.
Grounds Operations	2,860,831	2,725,580	Employee and contractor costs are below budget with invoices outstanding for December.
Grounds Overheads	817,311	716,818	Employee costs are below budget.
Streetscapes	742,977	676,550	Street tree maintenance costs are below budget with invoices outstanding for December.
Operations Centre	396,753	457,496	Employee overheads are above budget due to the budget spread. Building Cleaning costs are slightly higher due to the extra cleaning costs for COVID.
Building Operations	959,580	777,328	Although employee and consulting costs are below budget, the most significant items are the cleaning costs and power costs relating to Belmont HUB.
Technical Services	1,414,004	1,266,774	Employee and consulting costs are below budget.
City Projects	261,230	186,428	Variance mainly relates to employee costs.
Revenue - Capital			
Crime Prevention & Community Safety	(540,028)	(2,455)	New Community Centre CCTV Grant funding not yet received.
Road Works	(382,386)	(513,238)	Relates to the timing of road grants.
Operations Centre	(176,400)	(59,364)	Budget timing issue regarding plant replacement.
Revenue - Operating			
Computing	(1,354,391)	(1,544,033)	ABC recoveries are above budget due to budget spread evenly over the year.

Item 12.12 Continued

Report Section	Budget YTD	Actual YTD	Comment
Reimbursements	(182,581)	(96,101)	Miscellaneous and Utilities reimbursements are outstanding.
Accommodation Costs	(268,869)	(320,669)	ABC recoveries are above budget due to budget spread evenly over the year.
Rates	(50,000,843)	(50,073,571)	Interim rates have been slightly better than expected.
Financing Activities	(489,072)	(302,201)	Monthly variances are expected due to the timing of term deposits maturing.
Sanitation Charges	(6,159,345)	(6,273,378)	Number of bin services are slightly more than expected.
Public Facilities Operations	(67,327)	(121,527)	Venue hire is performing better than expected with the impact of COVID not being as extreme as expected.
Streetscapes	Nil	(76,401)	Prepaid road / verge maintenance income.
Plant Operating Costs	(701,615)	(494,831)	Overhead recoveries are below budget.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 December 2020	\$	Comment
Cash and investments	77,743,292	Includes municipal and reserves.
- less non rate setting cash	(48,359,205)	Reserves.
Receivables	11,865,554	Rates levied yet to be received and Sundry Debtors.
ESL Receivable	(2,023,437)	ESL Receivable.
Stock on hand	201,694	
Total Current Assets	39,427,899	
Current Liabilities		
Creditors and provisions	(10,339,727)	Includes ESL and deposits.
- less non rate setting creditors & provisions	5,066,624	Cash Backed LSL, current loans and ESL.
Total Current Liabilities	(5,273,103)	
Nett Current Assets as at 31 December 2020	34,154,796	
Nett Current Assets as Per Financial Activity Report	34,154,796	
Less Committed Assets	(33,654,796)	All other budgeted expenditure.
Estimated Closing Balance	500,000	

Item 12.12 Continued

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 31 December 2020 as included in [Attachment 17](#) be received.

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

12.13 MONTHLY ACTIVITY STATEMENT AS AT 31 JANUARY 2021

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 18 – Item 12.13 refers	<u>Monthly Activity Statement as at 31 January 2021</u>

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"/> | Advocacy | <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"/> | Executive | <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"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <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 12.13 Continued

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

- Annual budget estimates
- Budget estimates to the end of the reporting month
- Actual amounts to the end of the reporting month
- Material variances between comparable amounts

Item 12.13 Continued

- Net current assets as at the end of the reporting month.

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

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 18](#) the following summary is provided.

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Computing	961,627	390,862	It's expected a number of capital purchases won't be required this year and will be adjusted during the next budget review.
City Facilities & Property	100,000	Nil	Budget relates to the purchase of land that will need to be updated as part of the budget review.
Crime Prevention & Community Safety	373,350	528,205	The purchase and installation of CCTV at the Belmont Hub is ahead of schedule.
Environment	153,190	63,146	A number of Environment projects are behind budget although still planned to be completed this financial year.
Ruth Faulkner Library	304,108	198,612	Budget spread issue regarding fitout and equipment at Belmont Hub.
Grounds Operations	804,256	497,297	Variance relates to a number of projects with Faulkner Park irrigation and Volcano Playground, Peachey Park and Cracknell Park playground renewals being the more significant.
Road Works	2,616,269	2,345,580	Variance mainly relates to Abernethy Rd slip lane modifications and Homewood St commencing later than the budgeted timeframe.

Item 12.13 Continued

Report Section	Budget YTD	Actual YTD	Comment
Footpath Works	400,140	221,364	The variance mainly relates to completed projects where invoices are yet to be received. Kooyong Rd has been delayed due to alignment reconsiderations.
Drainage Works	240,497	110,282	Drainage improvement projects including entry pit upgrades are behind schedule however a further \$110,000 is programmed for expenditure within the Abernethy Rd projects in March.
Operations Centre	1,055,206	548,120	Includes the deferral of various fleet and plant across the organisation.
Building Operations	2,408,140	1,522,171	Variance mainly relates to Belmont Hub which is likely to be under budget.
Expenditure – Operating			
Computing	1,837,821	1,756,106	Variance mainly relates to invoices not yet received for Business Applications.
Marketing & Communications	1,300,906	1,070,692	Variance relates to employee / printing costs and survey / sponsorship activities that are due to commence in early 2021.
Reimbursements	201,914	274,139	Variance relates to additional emergency response costs as a result of COVID.
Executive Services	811,164	753,813	Employee costs are below budget.
Chief Executive Officer	468,489	400,779	Variance relates to employee and consultancy costs that are below the budget projection.
Human Resources	765,050	713,385	Relates to a number of items that have minor cost variances.
Governance	2,050,780	1,807,372	Activity Based Costing (ABC) allocations are below budget.
Belmont Trust	90,000	1,513	Variance relates to legal and consultancy costs that are below the budget projection.
Rates	2,157,536	2,262,686	A greater number of residents than had been anticipated paid their rates in full, resulting in a greater take-up of the 5% discount.
City Facilities & Property	646,625	501,392	Employee, consulting and advertising costs are below budget.
Rangers	562,844	510,413	Relates to a number of items that have minor cost variances.
Crime Prevention & Community Safety	614,151	507,568	A number of programs have been delayed and are due to start in early 2021 including the taskforce video project and the Positive Engagement Program.

Item 12.13 Continued

Report Section	Budget YTD	Actual YTD	Comment
Health	837,435	753,481	Employee related costs are below budget.
Aboriginal Strategies	204,451	146,799	Employee related costs are below budget.
Economic & Community Services	828,358	677,152	Variance mainly relates to business related contributions / grants and BBEC accommodation support.
Faulkner Park Retirement Village	31,500	90,982	Additional contributions required due to vacant units that will be funded from reserve.
Town Planning	1,969,564	1,636,063	Variance mainly relates to employee costs.
Sanitation Charges	3,216,259	3,054,239	Invoices are processed one month in arrears.
Marketing & Communications	318,917	233,706	Variance relates to a budget spread issue regarding a number of community events.
Belmont Oasis	486,047	318,654	Combination of outstanding contract management costs and the cost to manage the Oasis is less than expected.
Ruth Faulkner Library	1,852,779	1,653,504	Largely relates to minor fit-out costs regarding Belmont Hub and employee costs.
Community Place Making	143,000	58,499	Variance largely relates to public art projects.
Building - Active Reserves	422,988	360,914	Building maintenance costs are under budget.
Grounds Operations	3,281,752	3,137,984	Employee and contractor costs are below budget with invoices outstanding for December.
Grounds - Active Reserves	892,505	806,422	Turf and other maintenance costs currently below budget.
Footpath Works	153,700	93,807	Expenditure on footpath maintenance is on an as reported or observed basis and currently all requests have been completed.
Operations Centre	445,903	496,453	Relates to a number of items that have minor cost variances including additional cleaning costs.
Building Operations	1,072,843	849,977	The most significant items are the cleaning costs and power costs relating to Belmont HUB.
Plant Operating Costs	557,462	500,416	Employee related costs are below budget.
Technical Services	1,616,566	1,488,029	Employee and consulting costs are below budget.
City Projects	305,714	216,146	Variance mainly relates to employee costs.
Revenue - Capital			

Item 12.13 Continued

Report Section	Budget YTD	Actual YTD	Comment
Crime Prevention & Community Safety	(540,028)	(2,455)	New Community Centre CCTV Grant funding not yet received.
Grounds Operations	(56,583)	Nil	Budget relates Brearley Avenue irrigation works that are also under budget.
Road Works	(382,386)	(489,992)	Relates to the timing of road grants.
Operations Centre	(211,800)	(59,364)	Budget timing issue regarding plant replacement.
Revenue - Operating			
Computing	(1,580,122)	(1,707,264)	ABC recoveries are above budget due to budget spread evenly over the year.
Reimbursements	(213,011)	(118,573)	Miscellaneous and Utility reimbursement income (offset by expenditure) are below budget.
Human Resources	(777,492)	(713,385)	ABC recoveries are below budget.
Rates	(50,047,891)	(50,297,938)	Interim rates have been better than expected.
City Facilities & Property	(343,649)	(291,319)	Variance mainly relates to Belmont Hub rental / tenancy income.
Financing Activities	(570,584)	(311,013)	Monthly variances are expected due to the timing of term deposits maturing.
Sanitation Charges	(6,184,595)	(6,285,328)	Number of bin services is slightly more than expected.
Marketing & Communications	(70,000)	(124,264)	Budget spread issue regarding the receipt of grant income to support community events.
Streetscapes	(3,842)	(80,608)	Prepaid road / verge maintenance income.
Public Works Overheads	(762,084)	(706,436)	Overhead recoveries are slightly under budget.
Plant Operating Costs	(846,422)	(560,083)	Overhead recoveries are below budget.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 January 2021	\$	Comment
Cash and investments	78,979,519	Includes municipal and reserves
- less non rate setting cash	(48,359,205)	Reserves
Receivables	7,474,739	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(1,442,085)	ESL Receivable
Stock on hand	213,884	
Total Current Assets	36,866,853	
Current Liabilities		
Creditors and provisions	(11,634,146)	Includes ESL and deposits

Item 12.13 Continued

- less non rate setting creditors & provisions	4,868,714	Cash Backed LSL, current loans & ESL
Total Current Liabilities	(6,765,432)	
Nett Current Assets 31 January 2021	30,101,421	
Nett Current Assets as Per Financial Activity Report		
Nett Current Assets as Per Financial Activity Report	30,101,421	
Less Committed Assets	(29,601,421)	All other budgeted expenditure
Estimated Closing Balance	500,000	

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 January 2021 as included in [Attachment 18](#) be received.

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

12.14 APPOINTMENT OF COUNCIL MEMBER – EASTERN METROPOLITAN REGIONAL COUNCIL (EMRC)

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 3 – Item 12.14 refers	<u>Letter of Resignation from EMRC Council – Cr Wolff (Confidential Matter in accordance with the Local Government Act 1995 Section 5.23(2)(b))</u>

Voting Requirement : Simple Majority
Subject Index : 35/004 Committee Representation
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council consideration and acceptance of Cr Steve Wolff's resignation as the representative Member of the Eastern Metropolitan Regional Council (EMRC) and appointment of a replacement Member.

SUMMARY AND KEY ISSUES

Following receipt of a resignation letter from Cr Wolff regarding his Membership of the EMRC Council, it is necessary for Council to consider the resignation, Cr Wolff's removal from the EMRC Council as the City's representative Member, and appointment of a replacement Member for the remainder of the term.

Item 12.14 Continued

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* (the Act), Part 3 Functions of local governments, Division 4 sets out the requirements for Regional Local Governments and Regional Subsidiaries. Except where otherwise stated the Act applies to the EMRC as if it were the local government established for that district.

BACKGROUND

The City of Belmont Members on the EMRC are appointed following a nomination and election process (if required) at a Special Council Meeting following each Local Government Election.

At its Special Council Meeting held on 21 October 2019 following the local government elections, Council resolved the following:

'POWELL MOVED, DAVIS SECONDED,

1. *That Cr Powell be elected to the position of Eastern Metropolitan Regional Council Member.*
2. *That Cr Wolff be elected to the position of Eastern Metropolitan Regional Council Member.*
3. *That Cr Marks be elected to the position of Eastern Metropolitan Regional Proxy Council Proxy Member.*

CARRIED 9 VOTES TO 0'

Item 12.14 Continued

On 15 December 2020, Cr Wolff submitted a letter to the Mayor and Chief Executive Officer of his wish to resign from the position of Member on the EMRC Council.

OFFICER COMMENT

The EMRC is established as a regional local government pursuant to an “Establishment Agreement” (EA) signed in 1998 by:

- the Town of Bassendean
- the City of Bayswater
- the City of Belmont
- the City of Kalamunda
- the Shire of Mundaring
- the City of Swan.

Clause 7.2 of the EA, amended subsequently by a Deed of Variation of the EA of the EMRC in 2007, the tenure of the Members of the EMRC Council is set out as follows:

‘7.2 Tenure of Members of the EMRC Council

(1) A member of the EMRC Council shall hold office until;

(a) The Friday prior to the day on which the next biennial ordinary election to elect councillors of the Participant which appointed that member is to be held under the Act;

(b) The member ceases to be a member of the council of the Participant; or

(c) The member is removed by the Participant,

whichever is the earlier.

(2) Subclause (1) also applies to a member of the council a Participant is appointed to under clause 7.1(5).

Footnote:

Sections 2.32 and 2.33 of the Act set out circumstances in which the office of a member of a councillor becomes vacant.’

The current Eastern Metropolitan Regional Council 2019-2021 Membership is:

Membership	Representative	Proxy
Councillor	Cr Powell	Cr Marks
Councillor	Cr Wolff	

Cr Wolff submitted a letter of resignation from his position of Member for the Eastern Metropolitan Regional Council on 15 December 2020.

To facilitate Cr Wolff’s resignation as one of the City’s Members of the EMRC Council in accordance with clause 7.2(1)(c) of the EA, it is necessary for Council to consider and resolve to approve Cr Wolff’s resignation and removal as the City’s Member of the EMRC Council.

Item 12.14 Continued

It will also be necessary to appoint a replacement Member for the remainder of the current term to ensure that there are two Members and a Proxy Member. Should Council resolve to appoint the current Proxy as the EMRC Member, it will be necessary to appoint a new Proxy.

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.

Note:

The Presiding Member called for nominations for the position of Eastern Metropolitan Regional Council Member. Cr Powell nominated Cr Marks, who accepted the nomination.

As there were no further nominations, the Presiding Member closed nominations and declared Cr Marks elected unopposed to the position of Eastern Metropolitan Regional Council Member for the remainder of the current term.

The Presiding Member called for nominations to the position of Eastern Metropolitan Regional Council Proxy Member. Cr Powell nominated Cr Rossi, who accepted the nomination.

As there were no further nominations, the Presiding Member closed nominations and declared Cr Rossi elected unopposed to the position of Eastern Metropolitan Regional Council Proxy Member for the remainder of the current term.

Item 12.14 Continued

OFFICER RECOMMENDATION

POWELL MOVED, SEKULLA SECONDED

That Council:

- 1. Accepts Cr Wolff's resignation as a City representative Member of the Eastern Metropolitan Regional Council.***
- 2. In accordance with Clause 7.2(1)(c) of the Eastern Metropolitan Regional Council Establishment Agreement of 1998, requests Councillor Wolff be removed as the City's representative Member of the Eastern Metropolitan Regional Council and his term of office to cease immediately; and***
- 3. Elects Councillor Marks to the position of Eastern Metropolitan Regional Council Member for the remainder of the current term.***
- 4. Elects Councillor Rossi as Proxy of Eastern Metropolitan Regional Council Member for the remainder of the current term.***
- 5. Directs the Chief Executive Officer to notify the Eastern Metropolitan Regional Council of the resignation of Councillor Wolff and the appointment of Councillors Marks and Rossi to the Eastern Metropolitan Regional Council.***

CARRIED 8 VOTES TO 0

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

13.2 NOTICE OF MOTION

Nil.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Note:

The Presiding Member advised that in accordance with Section 5.23(2)(c)(d) of the *Local Government Act 1995* in order to discuss Confidential Item 14.1 Legal Matter (FID 855639) Council will need to go behind closed doors.

8.09pm ***ROSSI MOVED, SEKULLA SECONDED*** that in accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting proceed behind closed doors to discuss Confidential Item 14.1 – Legal Matter (FID 855639).

CARRIED 8 VOTES TO 0

14.1 LEGAL MATTER (FID 855639) (CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 5.23(2)(C)(D))

ATTACHMENT DETAILS

Attachment No.	Details
Confidential Attachment 4 - Item 14.1 refers	Report Item – Legal Matter (FID 855639) (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)(d))

OFFICER RECOMMENDATION

WOLFF MOVED, RYAN SECONDED

That Council authorises the Chief Executive Officer to undertake the actions recommended, outlined within the Confidential Report regarding Legal Matter FID855639.

CARRIED 8 VOTES TO 0

8.31pm ***POWELL MOVED, DAVIS SECONDED*** that the meeting again be open to the public.

CARRIED 8 VOTES TO 0

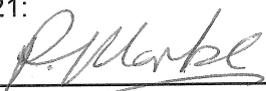
8.31pm The meeting came out from behind closed doors. No members of the public returned to the meeting.

15. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 8.32pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these Minutes of the Ordinary Council Meeting held on 23 February 2021 were confirmed as a true and accurate record at the Ordinary Council Meeting held 23 March 2021:

Signed by the Person Presiding: 

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