



# City of Belmont

## ORDINARY COUNCIL MEETING

### MINUTES

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23 July 2019

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### **ATTACHMENTS INDEX**

- Attachment 1 – Item 12.5 refers**
- Attachment 2 – Item 12.6 refers**
- Attachment 3 – Item 12.7 refers**
- Attachment 4 – Item 12.8 refers**
- Attachment 5 – Item 12.9 refers**
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### **CONFIDENTIAL ATTACHMENTS INDEX**

- Confidential Attachment 1 – Item 12.2 refers**
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- Confidential Attachment 3 – Item 14.1 refers**
- Confidential Attachment 4 – Item 14.1 refers**
- Confidential Attachment 5 – Item 14.1 refers**

## MINUTES

### PRESENT

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

### IN ATTENDANCE

Mr J Christie	Chief Executive Officer
Mr R Garrett	Director Corporate and Governance
Mrs J Hammah	Director Community and Statutory Services
Mr S Morrison	A/Director Infrastructure Services
Ms AM Forte	Executive Manager People and Organisational Development
Mr J Olynyk, JP	Manager Governance
Mr J Hardison ( <i>dep 7.06pm</i> )	Manager Property and Economic Development
Mr J Warner	A/Manager Community Development
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms M Taylor	Coordinator Community Services
Ms D Morton	A/Coordinator Marketing and Communications
Ms S D'Agnone	Governance Officer

### MEMBERS OF THE GALLERY

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

## 1. OFFICIAL OPENING

7.05pm The Presiding Member welcomed all those in attendance and declared the meeting open.

The Presiding Member read the Acknowledgement of Country.

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

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

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

## 2. APOLOGIES AND LEAVE OF ABSENCE

Cr S Wolff (Apology)

South Ward

## 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
Cr J Davis	Item 12.4 Belmont Sports and Recreation Club Inc. – Financial Arrangements Cr Davis is Secretary of the Belmont Sports and Recreation Club.

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

##### **4.1 ANNOUNCEMENTS**

The Presiding Member made the following announcement:

*'It is with regret that I advise the Manager Property and Economic Development, Mr Jay Hardison, is retiring after just under 14 years with the City.*

*Jay has contributed greatly to the City through his role and approach to Property and Economic Development and I wish Jay and his family the very best for the future and a long and happy retirement.*

*Mr Hardison is not officially retiring until 28 August, however today was Jay's last day at the City as he is taking leave in the lead-up to his retirement.'*

**7.06pm      The Manager Property and Economic Development departed the meeting and did not return.**

##### **4.2 DISCLAIMER**

**7.06pm      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 P HITT, 14 MCLACHLAN WAY, BELMONT

The following questions were taken on notice at the 25 June 2019 Ordinary Council Meeting. Mr Hitt was provided with a response on 5 July 2019. The response from the City is recorded accordingly:

3. On site, from the car bike rack and car bays, can Council advise what is the width of the pedestrian footpath between the building and driveway to ensure that children, disabled and able bodied adults can access the only ground floor entrance safely? Is the width of this pedestrian footpath compliant for Disabled car bay?

#### Response

**The development plans indicate a 1.55 metre wide setback adjacent to the entry lobby, and a six metre wide shared access way for both vehicles and pedestrians.**

**The standards for access and disabled car parking bays are outlined under AS/NZ2890.6-2009. This is addressed in the response to your subsequent question below.**

4. Does the disabled car bay comply with AS/NZS2890.6 – 2009 Parking Facilities Part6: Off-street parking for people with disability?

Key Points: Bays to be located near the accessible entrance to the facility that they service. A flat surface must be provided Dimensions of the bay must allow access to all doors of a car.

A clear continuous path of travel must be provided to the adjacent footpath.

Location: Furthermore it states once again, under the AS/NZS2890.6 - 2009 Parking Facilities Part 6: Wheelchair Accessible bays are to be located as close as possible to the accessible entrance to the facility that they service.

Safety: If the position is considered unsafe, other locations should be considered. Any position may be considered unsafe if a driver or carer is required to transfer or unload a wheelchair into potentially dangerous traffic flows. Dimensions are to comply with Off-street parking for people with disability. Has this been done?

#### Response

**The disabled bay dimensions comply with the requirements of the Australian Standards. The proposed location of the disabled car bay is the closest bay to the entrance of the building.**

**The accessibility requirements under the Building Code of Australia are to be certified by a qualified Building Surveyor as part of a Building Permit Application.**

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

The following question was taken on notice at the 25 June 2019 Ordinary Council Meeting. Ms Gee was provided with a response on 2 July 2019. The response from the City is recorded accordingly:

6. Can Council confirm in writing the cost of pruning the tree at 18 Oakland Avenue please?

#### **Response**

**The cost to prune the street tree at 18 Oakland Avenue, Cloverdale was \$161.70 (inc. GST).**

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

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

- 7.08pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that he had registered one member of the public who had given prior notice to ask questions.

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

#### **5.2.1 MR R BIRCH, 195 KNUTSFORD AVENUE, KEWDALE**

My questions relate to Belmont Sports and Recreation Club (BSRC). Item 12.4 on the agenda for tonight 23 July 2019. On checking back on some of the history of this matter, I have found:

OCM 22 March 2016 – A loan of \$50,000 (interest free) repayable over five years was granted to BSRC. Certain conditions to be in the agreement:

1. Who carried out the financial review?
2. Were the debts authenticated?
3. Was a written agreement acceptable to the then Chief Executive Officer of the City drawn up and signed by both parties? If not, why not?

#### **Response**

**The Director Corporate and Governance advised that the financial review was undertaken by local government consultant Megan Shirt. Debts relating to the loan were authenticated and also evidence of payment of those debts was received by the City. A written agreement was compiled and signed by both parties.**

4. Have and are quarterly profit and loss statements, quarterly balance sheets and quarterly financial membership numbers been supplied to the City of Belmont? If not, why not?

*Item 5.2.1 Continued*

**Response**

**The Director Corporate and Governance advised that the information is not provided on a quarterly basis but is however provided on request.**

5. OCM 28 February 2017 – Item 14.1. Did the City make the five monthly payments of \$5,000 each to BSRC to support the ongoing employment of an Acting Manager until a permanent Manager could be recruited? Seems to be a grant of \$25,000 to BSRC, that's a grant not a loan. Were they made?

**Response**

**The Director Corporate and Governance advised that there were a number of payments made to BSRC relating to the Acting Manager, three for \$5,500 and one for \$11,000 inclusive of GST.**

6. Was the building maintenance audit conducted and in turn was a clear maintenance agreement drawn up with BSRC? If not, why not?

**Response**

**The Director Corporate and Governance advised that a building maintenance audit was conducted. Details of the level of maintenance required were prepared, however these have not been agreed to at this stage as it is a part of the negotiations relating to the lease.**

7. Was a lease agreement drawn up? If not, why not? This was to be done after the OCM 28 February 2017.

**Response**

**The Director Corporate and Governance advised that a lease agreement was drawn up. There were a number of iterations to the agreement in an attempt to get it correct and relevant to the circumstances. The lease document was provided to BSRC late last year.**

8. Has the lease been signed?

**Response**

**The Director Corporate and Governance advised that the lease has not been signed.**

9. OCM 23 October 2018 – Item 14.1. Audited accounts of BSRC to 30 June 2018 were to the best of my knowledge submitted sometime before the OCM 23 October 2018. At that time, \$5,400 or \$5,390 of the loan of \$50,000 had been repaid. The repayment of the balance of the loan \$44,610 was deferred until July 2019. Have any repayments been made since 23 October 2018?

**Response**

**The Director Corporate and Governance advised that repayments have recommenced. The \$770 July repayment was received on 17 July 2019, which is twice the agreed fortnightly repayment amount.**

*Item 5.2.1 Continued*

10. Has a short term lease been drawn up between City of Belmont and BSRC? If not, why not? This was to be done following the OCM 23 October 2018 and it is now nine months later.

**Response**

**The Chief Executive Officer advised that a short term lease has been drawn up and was forwarded to BSRC on 22 May 2019, accompanied by a letter inviting BSRC to contact the City if they had any concerns with the agreement, as it was significantly different to the Club's previous one which was on a rollover. To date the City has not received any contact from the Club in regards to the lease. The CEO was informed verbally from the Secretary that the Club were not interested in discussing the terms of the lease. The City consequently wrote back to BSRC on 17 June 2019 asking for a follow-up meeting to discuss the terms of the lease. To date the City has not had any follow-up correspondence from the Club in relation to the lease.**

11. So I take it there is no lease in force at the moment if the one going back to 2017 hasn't been signed. Was there an existing lease before that and when did that expire? Looks as though there is no lease at all on a property owned by City of Belmont.

**Response**

**The Chief Executive Officer advised that there is a lease. The existing lease, which expired in 2010, has been rolled over on a monthly basis since that time. The existing lease is still in place.**

12. Why defer the loan repayment to until 31 December 2019, when Council will likely be in recess until February 2020? Surely BSRC audited accounts for the year ended 30 June 2019 should feasibly be available by 30 September 2019 and make it possible for any reviews etc. to be completed by end of October 2019 and in turn be discussed and resolved at the November 2019 OCM.

**Response**

**The Chief Executive Officer advised that through informal discussions with the Club Secretary it was clear that the BSRC financial situation remained tenuous. As such, the City considered it prudent to allow the Club a number of months with the current lease so the status quo could remain, and to defer the repayments until December 2019 to allow time for the City to obtain and review the audited financial statements, and then enter into further discussions with the BSRC on what that lease or maintenance agreement may entail. It was felt that December 2019 was sufficient time for all of that to occur. As the Club have now recommenced repayment of the loan in accordance with the repayment schedule, there is an Alternative Officer Recommendation tonight which recommends that it is now not necessary to defer the repayments until December 2019.**

13. The fact that it is still going and the original lease is still current, is it down to lack of follow up by the City of Belmont or stalling by the BSRC? If BSRC are trading whilst insolvent, the Officers of BSRC are breaking the law.

*Item 5.2.1 Continued*

**Response**

The Chief Executive Officer advised that as the City has received a profit and loss statement from BSRC to the end of May 2019 which shows the Club have made a profit. This would indicate that the Club are not trading whilst insolvent.

The City wrote to BSRC in May 2019 and again in June 2019, however to date the Club has not responded to either request to meet and discuss their lease.

BSRC have stated their position to the Member for Belmont, Ms Cassie Rowe, who has, in turn, written to the City requesting that the CEO intervene in the matter and that she be informed on the matter. Ms Rowe copied the Minister for Local Government, the Hon David Templeman, into her letter. The CEO has subsequently written back to Ms Rowe explaining the circumstances.

BSRC President, Mr Barrie Rowe, has today posted on the Club's website concerns about the lease, concerns about rates, and is seeking intervention by the MLA and the Hon David Templeman. It is unfortunate that the matter has come to this when all that is necessary is that the Club make contact with the City to negotiate the terms of the lease, and that can all happen if the Club contacts the City this week.

The Chief Executive Officer advised that the \$50,000 grant is not related to the City. It was an election pledge made in the lead up to the federal election for CCTV and security cameras around the Club and the installation of an external power supply. The City's understanding, via the correspondence from Ms Rowe, is that the Club are not in a position to implement the project and are intending to return the grant funds to the State Government.

The Presiding Member advised it is difficult to understand why the Club will not meet with the City. There are three facilities in Belmont that are now required to be rated.

A motion put forward by Cr Wolff that will be going to the August Ordinary Council Meeting. Cr Wolff's motion reads: *'That the City of Belmont contributes to each of the Belmont Sports and Recreation Club, the Ascot Kayak Club and the Belmont Tennis Club, an amount equivalent to their annual property rates and their Emergency Services Levy'*.

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

1. I bring to Council's attention a second letter which states the cost of pruning a tree in Oakland Avenue cost the ratepayers \$160+. This is the second letter saying that the tree has been pruned. Is Council aware that they have been charged for work that has not been done?
2. How does Council plan to monitor this going forward, and will a refund be sought for the job as it was not done?

**Response**

The Chief Executive Officer advised that the question would be taken on notice, however he advised that all work undertaken by contractors of the City is inspected and audited by City Officers to ensure work has been completed satisfactorily before they sign off on approval for payment.

The Chief Executive Officer further advised that a member of the public may not necessarily notice which areas of a tree have been pruned, however, it is his understanding that the particular tree in question was pruned. He is, however, happy to investigate further and respond.

*Item 5.2.2 Continued*

3. Hardey Road Planning – can I please have in writing what the planning process is, from what documents are submitted to planning to what needs to be submitted, for a building licence process and any differences between a big build and normal house development?

**Response**

**The Director Community and Statutory Services advised that it is very clear what is required for a planning permit application and a building permit application, however she was happy to provide a copy of what is contained in the regulations to Ms Gee.**

4. How can the Council expect Councillors to vote on an application with no detailed plans? This refers to the Hardey Road item.
5. Why is Planning saying that this development meets the regulations when the traffic report is two years old, the acoustic report does intimate noise issues and the foot traffic and disabled have not been considered at all?

**Response**

**The Director Community and Statutory Services advised that these questions were answered at the June 2019 Ordinary Council Meeting in relation to that particular item, which is likely to come back to Council in August 2019.**

6. Are Councillors happy to vote on this application knowing full well that things have not been addressed and changes are likely to occur?
7. So will this then have to come back to Council and under what legislation or regulation allows for Councillors to vote on applications that are incomplete or are amended afterwards?

**Response**

**The Presiding Member advised that he did not consider that applications presented to Council for consideration are incomplete.**

8. Can I clarify that if this was voted on what we saw at the last Council meeting but then required further changes, because this is a development that affects the whole neighbourhood, would that then have to come back to Council with amendments?

**Response**

**The Director Community and Statutory Services advised that at the June 2019 Council meeting this item was deferred to provide an opportunity for Officers to discuss a number of issues that had been highlighted. Initial discussions have occurred with the applicant who is considering the options, however to date the City has not received amended plans.**

**5.2.3 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE, ON BEHALF OF BELMONT RESIDENTS AND RATEPAYERS ACTION GROUP**

1. The road traffic report for the proposed proposal at Hardey Road has the engineer saying that the driveway is half a metre short. At the last meeting the Director of Planning I believe it was stated it was six metres and had been re-measured. Could this be confirmed?

**Response**

**The Director Community and Statutory Services advised that it was not re-measured; a copy of the Certificate of Title was obtained which clarified it was six metres with an eight metre width on Hardey Road at the truncation.**

2. If it was re-measured was this done by the City of Belmont or by the engineer responsible for the traffic report?

**Response**

**The Director Community and Statutory Services advised that there are a number of different references to the width. The engineers report referred to a lesser amount, the Officers report referred to the actual plans submitted by the applicant. Because of the inconsistencies between a number of different sources, a copy of the Certificate of Title was obtained for clarification.**

3. If the engineer for the application measured this wrong to start with how can we be assured that there are no other mistakes in the report the Councillors need to rely on to make their decision?

**Response**

**The Director Community and Statutory Services advised that the traffic report was not prepared by the City but by a third party, however the information in the report was vetted by the City's Infrastructure Services Officers.**

4. At the last meeting Cr Ryan rightly stated that 'it was an accident waiting to happen'. Obviously Cr Ryan with his experience in the real estate industry which entails more than just selling houses, he would have quite a good idea one would expect. What steps will the City of Belmont be taking to ensure the safety of road users if this goes ahead?

**Response**

**The Director Community and Statutory Services advised that the recommendation in the last Officer report to Council was that there were no concerns about traffic or pedestrian safety, however where a development might go ahead, and this one has not been approved to date, it is standard practice that the City would consider any potential impacts that a development or developments within an area might have and then ascertain whether any remedial action needs to be taken. It cannot be assumed that something would need to occur from the outset.**

5. Would that be once it's passed when the Councillors vote on it or is that after the event?

**Response**

**The Director Community and Statutory Services advised that the assessment at the time is that there would not need to be further modifications done, so no, not at the time, if the development does go ahead in its current form.**

*Item 5.2.3 Continued*

6. Based on that assessment and the fact that it's based on a two year old traffic report, Costco opening in January and the train station following that, which will create more rat running traffic down Hardey Road because the Costco is going to be right next door to DFO. Would there be, in the event of a fatality, any liability on the Councillors if that occurred if they pass it through?

**Response**

**The Director Corporate and Governance advised that generally in terms of liability incidents of that nature, there would have to be negligence evidenced on behalf of the City for it to be considered liable for any incidents, which is far different from simply having vehicles travel along its roads.**

7. If the report is two years old and hasn't been taken into consideration, the possibilities with the other road, could there be any reason to think that the City of Belmont had been negligent or the Councillors for not having updated information?

**Response**

**The Director Corporate and Governance advised that the question is getting into some significant hypotheticals which are not relevant to the current situation.**

8. However Cr Ryan has made a public statement so that may impact the liability.

**Response**

**The Presiding Member stated that Cr Ryan was talking about on the property itself where there was a possibility of cars travelling up and down. He thought the inlet road was less than six metres, but the road is six metres.**

9. Cr Ryan stated that the whole thing was an accident waiting to happen.

**Response**

**The Chief Executive Officer advised that the people who have assessed the application and the traffic plan that has come in are traffic engineers. It is their opinion that the information provided is relevant and does not pose any risk as far as the City is concerned and that is why the item was presented as is.**

10. Are they the same engineers that got the width of the driveway wrong?

**Response**

**The Chief Executive Officer advised that the engineers did not get the width of the driveway wrong. As the Director Community and Statutory Services has already pointed out, those were the measurements provided in the traffic report and to confirm the width they sought the title.**

11. Section 67 requires the Councillors to take consideration of the adequacy of waste disposal when making their decision. The application said the waste vehicle paths were assessed. Is there a report on this as I couldn't find it and if so has it been given to Councillors? The turning circle of a large waste removal truck is going to be more than that of a passenger vehicle and it is already tight for that.

*Item 5.2.3 Continued*

**Response**

**The Director Community and Statutory Services advised that waste pick up to that area would be from a private waste collector. At the time, the application was likely assessed by the Manager Health and Community Safety, as his title was at the time, who certainly looks very carefully at any waste systems that operate on private property, however the question will be taken on notice.**

12. What likely impact is the entering, moving and turning of this rubbish truck likely to have on the vehicles and traffic already on Hardey Road? If you've got two vehicles which is already a tight squeeze for two cars how is that going to impact when there is a truck coming along and a passenger vehicle, for instance?

**Response**

**The Chief Executive Officer advised the City is not in a position to determine what constraints will be on a vehicle used by a private contractor, however there are different sizes of waste trucks depending on the location and that is something the applicant will have to consider when engaging a commercial contractor to remove his waste.**

13. So you will have all this information for the Councillors to make a proper decision on that? As to whether it complies with section 67?

**Response**

**The Chief Executive Officer advised that, as the Director has already stated, this information was in the report that came to Council and Council will have to reassess it when it comes back to Council.**

**7.42pm ROSSI MOVED, SEKULLA SECONDED that question time be extended.**

**CARRIED 8 VOTES TO 0**

**5.2.4 MR P HITT, 14 MCLACHLAN WAY, BELMONT**

1. I have spoken to a Councillor who was under the impression that Council meetings were recorded from beginning to end. Could I have clarification please?

**Response**

**The Chief Executive Officer advised that the audio recording is turned on at the commencement of Public Question Time and turned off at the conclusion of Public Question Time.**

2. The formal title given to this Council meeting this evening is Ordinary Council Meeting and the ratepayers of Belmont are encouraged to come to view the proceedings and ask questions if they wish to do so. Am I correct?

**Response**

**The Presiding Member advised that was correct.**

*Item 5.2.4 Continued*

3. Am I correct in stating that you would agree that this meeting is open to the general public and any person or persons who may have an interest in Council's agenda and operational decision making?

**Response**

**The Presiding Member advised that was correct.**

4. Are the City of Belmont staff, the CEO, Mayor and Councillors, remunerated by funds raised from Council rates and charges which originate from the ratepayers of the City of Belmont?

**Response**

**The Presiding Member advised that was correct.**

5. Since you have agreed to the previous questions, can you please explain why ratepayers have to apply for a Freedom of Information application at the cost of \$30 when they wish to access an audio recording of questions and answers given in a meeting that is fully accessible to the general public and paid for by the ratepayers of the City of Belmont?

**Response**

**The Chief Executive Officer advised that \$30 is the application fee applicable to make a request under the *Freedom of Information Act 1992*, which Council applies.**

**7.45pm As there were no further questions, the Presiding Member declared Public Question Time closed and requested that the Governance Officer cease audio recording.**

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

- 6.1 ORDINARY COUNCIL MEETING HELD 25 JUNE 2019  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**SEKULLA MOVED, CAYOUN SECONDED,**

***That the Minutes of the Ordinary Council Meeting held on 25 June 2019 as printed and circulated to all Councillors, be confirmed as a true and accurate record.***

**CARRIED 8 VOTES TO 0**

- 6.2 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 16 JULY 2019  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**POWELL MOVED, CAYOUN SECONDED,**

***That the Matrix for the Agenda Briefing Forum held on 16 July 2019 as printed and circulated to all Councillors, be received and noted.***

**CARRIED 8 VOTES TO 0**

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

Nil.

**8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

Nil.

**8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE**

Nil.

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

Nil.

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

Nil.

**11. REPORTS OF COMMITTEES**

Nil.

**12. REPORTS OF ADMINISTRATION**

**WITHDRAWN ITEMS**

Item 12.4 was withdrawn at the request of Cr Rossi.

**CAYOUN MOVED, BASS SECONDED,**

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

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

**12.1 AMENDMENT NO. 13 TO LOCAL PLANNING SCHEME NO. 15 – AMENDING THE ZONING TABLE FOR TRADE SUPPLIES**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	LPS15/013 – LPS15/013 – Scheme Amentment 13 – To Amend the Zoning Table for Trade Supplies
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	:	Community and Statutory Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To initiate Scheme Amendment No. 13 to the City of Belmont Local Planning Scheme No. 15 (LPS15) to amend the Zoning Table in regard to the 'Trade Supply' land use.

**SUMMARY AND KEY ISSUES**

1. Scheme Amendment No. 7 was initiated and gazetted to introduce several land uses into the Scheme, which included modifying the zoning table in line with the *Planning and Development (Local Planning Scheme) Regulations 2015 (Regulations)*.
2. Scheme Amendment No. 10 was initiated and gazetted to introduce provisions to allow outdoor storage in the 'Mixed Business' Zone.

*Item 12.1 Continued*

3. 'Trade Supplies' is a 'discretionary' land use in the 'Industrial' zone and is not permitted in any other zone.
4. The proposed Scheme Amendment seeks to change the land use permissibility of 'Trade Supplies' in the 'Mixed Business' zone to a 'discretionary' land use.
5. It is recommended that Council adopts the proposed amendment for the purpose of advertising.

**LOCATION**

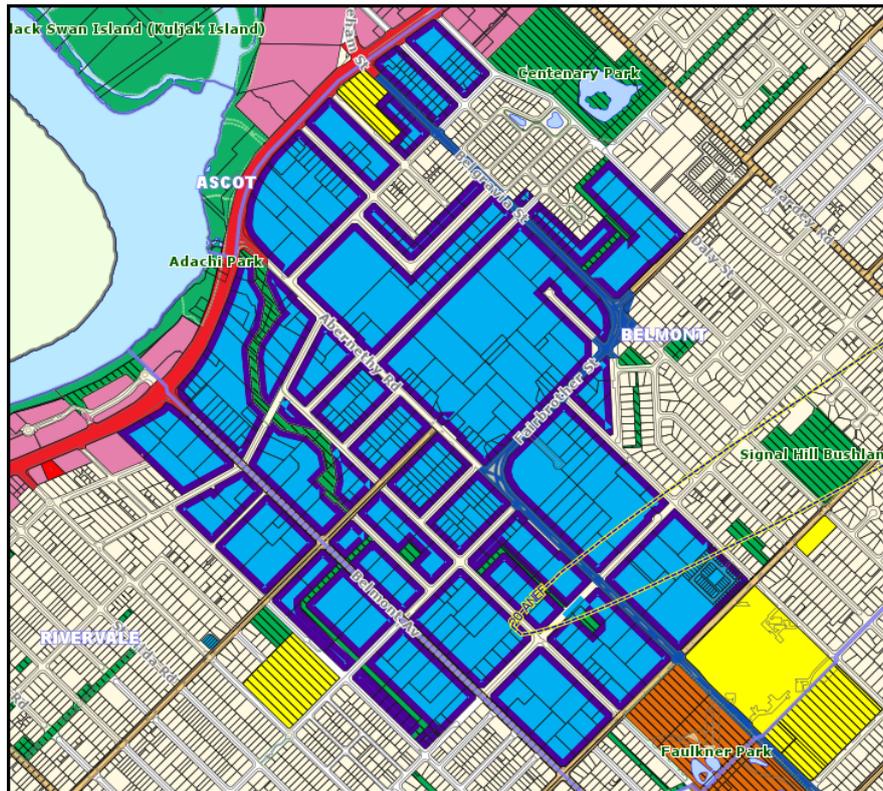


Figure 1 – 'Mixed Business' Zone Outlined in Blue (Source: IntraMaps)

The proposed amendment relates only to the Mixed Business Zone which is generally bounded by Great Eastern Highway, Belgravia and Fisher Streets, Alexander Road, Knutsford Avenue and Belmont Avenue.

**CONSULTATION**

No public consultation has been undertaken at this stage. Public consultation is required under Part 5 Division 3 Section 47(2) and 47(3) of the *Regulations*. The *Regulations* stipulate that the period for submissions set out in the notice of advertisement must be no less than 42 days.

*Item 12.1 Continued*

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Achieve a planned City that is safe and meets the needs of the Community.

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

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

**Objective:** Maximise business development opportunities.

**Strategy:** Promote development opportunities through effective land asset management.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **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.

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 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 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 Transport, Planning and Lands.

Item 12.1 Continued

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

Local Planning Scheme No. 15 sets out the following objective for the Mixed Business Zone:

*'The 'Mixed Business' zone is intended to allow for the development of a mix of varied but compatible business uses such as offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of residents and workforce. Uses can mix on adjacent lots of land or on the same lot and uses may mix horizontally on the same or separate lots and/or vertically in buildings. Buildings should be of a high standard of architectural design set in pleasant garden surrounds with limited vehicular access from properties to primary roads.'*

The proposed amendment supports the objectives of the 'Mixed Business' Zone by allowing Council the discretion to consider a 'Trade Supplies' land use in that zone.

### **BACKGROUND**

Scheme Amendment No. 13 proposes to modify the land use permissibility of 'Trade Supplies' in the 'Mixed Business' zone from 'not permitted' to a 'discretionary' land use.

### **Scheme Amendment No. 7**

Scheme Amendment No. 7 to the LPS 15 (gazetted on 11 November 2016) was an omnibus amendment that sought to address several technical and administrative matters identified in the Scheme as a result of the implementation of the *Regulations*. These matters include modifications/additions to general definitions and land use definitions, as well as subsequent modifications to the zoning table contained within LPS 15.

'Trade Supplies' was introduced into the LPS 15, is a land use definition, and is defined as follows:

*Means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises –*

- (a) *Automotive repairs and servicing*
- (b) *Building including repair and maintenance*
- (c) *Industry*
- (d) *Landscape gardening*
- (e) *Provision of medical services*
- (f) *Primary production*
- (g) *Use by government departments or agencies, including local government.*

Item 12.1 Continued

Scheme Amendment No. 7 modified the zoning table to allow 'Trade Supplies' to be considered as a 'discretionary' land use in the 'Industrial' zone only. This reflected the prohibition on outdoor storage in place at that time in the 'Mixed Business' zone.

ZONES										
USE CLASSES	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Shop	X	D	D	X	X	X	X	X	X	D
Showroom	X	D	D	D	D	D	X	X	X	D
Single House	P	X	D	D	A	X	X	X	D	D
Small Bar	X	A	A	A	X	X	X	X	X	A
Stables	X	X	X	X	X	X	X	X	D	X
Studio	X	X	X	D	D	D	X	X	D	D
Trade Display	X	X	X	X	X	X	X	X	X	X
Tavern	X	D	A	A	D	A	X	X	X	A
Telecommunications Infrastructure	P	P	P	P	P	P	P	P	P	P
Trade Supplies	X	X	X	X	X	D	X	X	X	X
Transport Depot	X	X	X	X	D	D	X	X	X	X
Truck Stop	X	X	X	X	D	D	X	X	X	X

Figure 2 – Extract of the Zoning Table 1 from LPS 15 indicating land use permissibility of 'Trade Supplies' in the 'Industrial' and 'Mixed Business' zone (highlighted)

The symbols used in the cross-reference in the Zoning Table, and where used elsewhere in the Scheme have the following meanings:

- 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- 'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- 'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with the provisions contained in Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2;
- 'X' means a use that is not permitted by the Scheme.

### **Scheme Amendment No. 10**

Scheme Amendment No. 10 to the LPS 15 (gazetted on 15 January 2019) recognised the need to support appropriate industrial land activities that are compatible with other residential, commercial and industrial land uses in the 'Mixed Business' zone. Clause 5.12.1(a) was modified to allow outdoor storage to be considered in the 'Mixed Business' zone and included additional provisions relating to:

- Visual amenity
- Site function
- Natural environment
- Health and safety
- Storage of sea containers.

The Amendment did not seek to modify the zoning table.

*Item 12.1 Continued*

### **OFFICER COMMENT**

Prior to Scheme Amendment No. 7, Equipment Hire businesses (such as Coates Hire and Kennards Hire) were considered a 'Use Not Listed' and were approved in the 'Mixed Business' and 'Industrial' zone. These business types would now be defined as a 'Trade Supplies' land use, which is not permitted in the 'Mixed Business' zone.

Scheme Amendment No. 10 modified Clause 5.12.1(a) to allow for outdoor storage in the 'Mixed Business' zone to support light industrial and commercial land uses that required outdoor storage. Additional planning controls were also included to ensure compatibility of other neighbouring commercial and residential land uses within that zone and protect the amenity of the area.

'Trade Supplies' is considered a type of land use which would likely require the ability to utilise outdoor storage. The proposed amendment would be consistent with the objectives of the Mixed Business zone under LPS 15, the overall vision for the Belmont Business Park, and is not considered to have any detrimental impacts on the function of the Mixed Business zone. A development application for such a use in that zone would need to address the development standards outlined in Clause 5.12 which are currently considered adequate to achieve good development outcomes.

Given this, it is considered that this land use could be appropriate in the 'Mixed Business' zone and should be advertised 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.*
- (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.”*

*Item 12.1 Continued*

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

- The proposed amendment relates to a 'Mixed Business' zone and is consistent with the objectives of that zone under LPS 15.
- The proposed amendment is consistent with the objectives for the Mixed Business Zone under the Local Planning Strategy.
- Lots in the 'Mixed Business' zone are zoned 'Industrial' or 'Urban' under the Metropolitan Region Scheme (MRS). The proposed amendment is not considered to be contrary to these zones, as it does not limit the type of land uses which may be approved on lots within the Mixed Business Zone.
- The proposed amendment will not negatively impact on any land of the Scheme area.
- The proposed amendment does not relate to any existing structure plan, activity centre plan or local development plan.
- The proposed amendment will not result in any detrimental environmental, social, economic or governance impacts on land in the Scheme area.

In light of the above, it will be recommended that Council determines that the proposed amendment is a 'standard' amendment.

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

The 'Natural Environment' provisions under proposed Clause 5.12.1(a)(ii)(3) of LPS 15 refer to the management of potential environmental impacts which may result from this type of land use.

**SOCIAL IMPLICATIONS**

The proposed amendment will allow greater flexibility to existing and future businesses in establishing and/or operating in the Mixed Business Zone and will therefore have economic and social benefits to the City.

*Item 12.1 Continued*

**OFFICER RECOMMENDATION**

***That Council:***

1. ***Progress the proposed amendment to Local Planning Scheme No. 15 as a Standard amendment for the following reasons:***

***Under the Planning and Development (Local Planning Scheme) Regulations 2015, the proposal satisfies the following standard amendment criteria:***

- (a) ***The amendment relates to a zone or reserve that is consistent with the objectives identified in the Scheme for that zone or reserve***
  - (b) ***The amendment is consistent with a local planning strategy for the Scheme that has been endorsed by the Commission***
  - (c) ***The amendment to the Scheme is consistent with Metropolitan Region Scheme that applies to the Scheme area***
  - (e) ***An amendment that would have minimal impact on land in the Scheme area that is not the subject of the amendment***
  - (f) ***The amendment does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area***
  - (g) ***The amendment is not a complex or basic amendment.***
2. ***Pursuant to Section 75 of the Planning and Development Act 2005, adopt for the purpose of advertising the amendment to Local Planning Scheme No. 15 by:***
    - A. ***Modifying the Zoning Table in the Scheme Text, as follows:***
      - ***To change the land use classification for 'Trade Supplies' in the 'Mixed Business' zone from an 'X' to a 'D' use classification.***
  3. ***Forward the proposed amendment to the Environmental Protection Authority for assessment in accordance with Section 81 of the Planning and Development Act 2005***
  4. ***Advertise the proposed amendment in accordance with Part 5, Division 3, Section 47 (2), (3) and (4) of Planning and Development (Planning Schemes) Regulations 2015.***

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

**12.2 QUOTATION 08/2019 – SUPPLY OF FOAMED BITUMEN OR BITUMEN STABILISATION FOR LOCATIONS WITHIN CITY OF BELMONT**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Confidential Attachment 1 – Item 12.2 refers</b>	<a href="#"><u>Quotation 08/2019 - Evaluation Matrix</u></a>
<b>Confidential Attachment 2 – Item 12.2 refers</b>	<a href="#"><u>Quotation 08/2019 - Price Schedule</u></a>

Voting Requirement : Simple Majority  
Subject Index : 135/2019-08 - Q08/2019 – Supply of Foamed Bitumen  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil.  
Previous Items : N/A  
Applicant : N/A  
Owner : N/A  
Responsible Division : Infrastructure Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To seek Council approval to award Quotation Q08/2019 – Supply of Foamed Bitumen or Bitumen Emulsion Stabilisation for locations within the City of Belmont.

*Item 12.2 Continued*

## **SUMMARY AND KEY ISSUES**

This report outlines the process undertaken to invite and evaluate the quotations received and includes a recommendation to award Quotation Q08/2019 to Downer Infrastructure-Australia West in accordance with the requirements of the *Local Government Act 1995*.

The scope of work is for the rehabilitation of pavement sections using insitu foamed bitumen or emulsion stabilisation.

The contract period is for three years with the option of two, one year extensions at the sole discretion of the City.

## **LOCATION**

Not applicable.

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

**Corporate Key Action:** Maintain Assets in accordance with Asset Management Strategy and associated Plans.

## **POLICY IMPLICATIONS**

### **BEXB28–Purchasing**

#### **POLICY OBJECTIVE**

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

## **STATUTORY ENVIRONMENT**

This issue is governed in the main by *the Local Government (Functions and General) Regulations 1996*, in particular Regulation 11(2) (b) which states that "Tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA".

*Item 12.2 Continued*

**BACKGROUND**

The scope of work included in this contract is for the rehabilitation of pavement sections using one of the following methods:

- insitu foamed bitumen stabilisation of existing pavements incorporating supplementary binders where specified of either cement or quicklime at the nominated rates of addition; or
- insitu emulsion stabilisation of existing pavements incorporating supplementary binders where specified of either cement or quicklime at the nominated rates of addition.

WALGA has established a panel for Road Building Contractors, Materials and Related Services and the following three members of this panel were invited to submit a quotation:

1. Downer Infrastructure – Australia West
2. Stabilised Pavements of Australia Pty Ltd
3. WA Profiling and WA Stabilising.

Responses were received from all suppliers.

Due to the value of the contract Council approval is required to accept the recommended supplier and award the contract for the services identified within Quotation Q08/2019 – Supply of Foamed Bitumen or Bitumen Emulsion Stabilisation.

**OFFICER COMMENT**

The Evaluation Committee consisted of the Manager Works, Coordinator Works and Supervisor Construction.

The quotations were assessed on the same selection criteria included with the invitations to quote, being:

	<b>CRITERIA</b>	<b>WEIGHTING</b>
1	Company Profile	15%
2	Experience	20%
3	Company Capacity	20%
4	Safety	15%
5	Price	30%
	<b>TOTAL</b>	<b>100%</b>

The Evaluation Matrix (refer [Confidential Attachment 1](#)) identifies Downer Infrastructure – Australia West (Downer) as the recommended supplier. They are a professional organisation with extensive experience in this particular methodology in the Perth metropolitan area. The submission from Downer demonstrated that they have the experience and capacity to undertake the works as required and this is supported by past performance.

Item 12.2 Continued

### **FINANCIAL IMPLICATIONS**

The City has used the foamed bitumen pavement stabilisation method successfully in locations previously using Downer Infrastructure.

This method is used predominantly on roads where there are high traffic volumes carrying heavy loads.

Previously quotations were called on an annual basis however, with the benefits to the motoring public and the adjacent business owners due to the short construction period, this methodology is preferred therefore a three year contract duration is appropriate.

Funds have been allocated within the 2019-2020 budget to complete the projects requiring this method. The total value of the contract is based on the success of grant applications to the Metropolitan Regional Road Group (MRRG) and future budget considerations. To evaluate the quotations the rates as shown in [Confidential Attachment 2](#) were considered.

The table below shows projects within the 2017-2018 financial year and the expenditure for the foamed bitumen process. The table also shows budget figures by location account for the projects listed in the 2018-2019 and 2019-2020 financial years which are yet to be completed. The budget amount is for the whole project with the foamed bitumen process estimated to be 30% of the project cost.

<b>FOAMED BITUMEN PROJECTS 2017 TO 2020</b>				
Location	Street Name	Section	Expenditure Actual figures 2017-2018 \$	Allocated in Budget 2018-2019 (c/fwd) 2019-2020 \$
WR1814	Abernethy Road	Aitken Way to Freight Terminal	118,670	
WR1815	Kewdale Road	Miles Road to City of Canning (Bdy)	61,139	
WR1816	Kewdale Road	City of Canning (Bdy) to Miles Road	39,878	
WR1914	Belgravia Street	Barker Street to Hubert Street		567,336
WR2003	Abernethy Road	Aitken Way to Casella Place		177,588
WR2004	Abernethy Road	Casella Place to McDowell Street		496,799
WR2005	Abernethy Road	McDowell Street to Daddow Road		235,710
WR2006	Belgravia Street	GEH to Hubert Street		537,635

### **ENVIRONMENTAL IMPLICATIONS**

Pavement rehabilitation utilises material from failed pavements to provide a structurally sound surface thereby minimising waste, reducing the amount of imported material needed and conserving aggregate resources.

Each project site will be inspected and assessed to ensure that erosion, run off and dust is managed in an appropriate manner to limit inconvenience to road workers, the motoring public and to adjacent customers.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

*Item 12.2 Continued*

**OFFICER RECOMMENDATION**

***That Council:***

- 1. Accept the response submitted by Downer Infrastructure – Australia West for Quotation Q08/2019 – Supply of Foamed Bitumen or Bitumen Emulsion Stabilisation for locations within the City of Belmont as specified in accordance with the schedule of rates (refer [Confidential Attachment 2](#) – Price Schedule); and***
- 2. Award the contract to Downer Infrastructure – Australia West for a period of three years with the option of two, one year extensions at the sole discretion of the City.***

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

**12.3 REQUEST FOR RATE EXEMPTION – JEMSAM (WA) PTY LTD – 99 ROBINSON AVENUE,  
BELMONT**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

Nil

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 Rate Exemptions
Location/Property Index	:	99 Robinson Avenue, Belmont
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	Workpower
Owner	:	Jemsam (WA) Pty Ltd
Responsible Division	:	Corporate and Governance

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To consider the request for a rate exemption at 99 Robinson Avenue, Belmont.

**SUMMARY AND KEY ISSUES**

An objection to the rate record under Section 6.76 of the *Local Government Act 1995* has been received from Jemsam (WA) Pty Ltd with relevant documentation from Workpower to support their claim for a rate exemption.

Item 12.3 Continued

## **LOCATION**

Lot 12 on Diagram 55477 also known as 99 Robinson Avenue, Belmont



## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

## **POLICY IMPLICATIONS**

There is no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

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

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

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

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

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

*Item 12.3 Continued*

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

“Land becoming or ceasing to be rateable land:

*Where during a financial year -*

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

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

*the owner of that land -*

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

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

*as the case requires”*

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

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

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

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

*(3) An objection under subsection*

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

## **BACKGROUND**

Workpower signed a lease with Jemsam (WA) Pty Ltd effective from 1 April 2019 for a period of three years with an option of a further term of three years from 1 April 2022. The lease also notes the use allowed with the lease as being offices, warehousing and light fabrication.

Whilst the lease was signed effective from 1 April 2019, the business had not relocated until 27 May 2019.

Workpower is a Not for Profit organisation that was established in 1992 and is also the second largest Disability Enterprise in Perth. “Workpower offers a diverse range of commercial businesses, employment programs and innovative community based services. *“When people and business choose us, they choose to open up a world of opportunity for individuals, their families and carers.”*

This property is used as a packing and warehousing facility and provides employment and training for people with disabilities and mental health issues. Workpower at any one given time may have 8-10 staff at the property. Those staff support up to 40 people with disabilities who work on site and receive a wage. Staff, provide training and support to people with disabilities many of whom have high support needs. Most don't have a driver's license and are driven to work by family members or otherwise use public transport or a bus provided by the accommodation provider.

The business at this property includes the packaging of drinks and other items for Healthway for their events. It is also used as a storage site for the Education Department for desks, chairs, etc. and when school is back at the beginning of each year Workpower are responsible for the re-packaging, moving and delivery of the furniture.

*Item 12.3 Continued*

Some of their main objectives written into the Constitution are:

- to provide and assist in the creation of employment opportunities for people with disabilities
- assist in the development of or access to alternatives to work with people with disabilities who choose not to participate in employment
- engage with government for the purpose of fostering good relations, providing advice and influencing policy and its administration in matters affecting people with disabilities
- support and promote to the wider community the contribution of people with disabilities.

**OFFICER COMMENT**

The following documentation has been provided:

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

The site is zoned Mixed Business under the Local Planning Scheme 15. In accordance with Table 1 of that scheme the land use Office, Warehouse and Light Industry are Discretionary uses in the Mixed Business zone. A development approval was granted on 27 January 2011 to allow the change in use to be amended from Office and Warehouse to Office, Warehouse and Light-Industry.

**FINANCIAL IMPLICATIONS**

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

The 2017 revaluation GRV of \$159,232 with a Commercial rate in the dollar would equate to a loss in revenue for the 2018-2019 financial year of \$9,814.90.

However as the property use did not commence until 27 May 2019, the loss of income for the 2018-2019 financial year is \$941.15.

Based on the estimated rate in the dollar the 2019/2020 loss of revenue would equate to approximately \$10,011.

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

*Item 12.3 Continued*

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

Staff attended the property for a site visit as required. The business provides work opportunities to members of the community who may not otherwise be able to find work elsewhere giving them a sense of purpose and valuable work experience and the opportunity to interact with others.

**OFFICER RECOMMENDATION**

***That Council endorse the rate exemption for the property situated at Lot 12 on Diagram 55477, known as 99 Robinson Avenue, Belmont under section 6.26 (2)(g) and section 6.53 of the Local Government Act 1995 effective from 27 May 2019.***

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

## 12.4 BELMONT SPORTS AND RECREATION CLUB INC. – FINANCIAL ARRANGEMENTS

### BUSINESS EXCELLENCE BELMONT

#### ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	40/001 Donations
Location/Property Index	:	400 Abernethy Road, Cloverdale
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	22 March 2016 OCM – Item 14.1 28 February 2017 OCM - Item 14.1 24 April 2018 OCM - Item 14.1 23 October 2018 – Item 14.1
Applicant	:	Belmont Sports and Recreation Club Inc.
Owner	:	City of Belmont
Responsible Division	:	Corporate and Governance

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

To update Council on the current status of the review of the interest free loan to the Belmont Sports and Recreation Club Inc. (BSRC) and request approval to defer further consideration pending receipt and review of the BSRC's audited Annual Financial Report.

#### SUMMARY AND KEY ISSUES

Council resolved at the Ordinary Council Meeting 23 October 2018 to defer repayments on the BSRC interest free loan until July 2019. It has been identified that this timeframe does not provide sufficient time for receipt of the BSRC's audited Annual Financial Report to 30 June 2019 for appropriate review and evaluation. It is therefore considered appropriate to request Council approval to extend the deferral timeframe to enable adequate time for Officers to undertake the required review of the BSRC financial position. This report recommends a further deferral to December pending the outcome of the review.

Item 12.4 Continued

## **LOCATION**

The subject property is 400 Abernethy Road, Cloverdale.



Figure 1: Location plan and aerial photograph

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Develop community capacity and self-reliance

**Strategy:** Assist clubs and community groups to be viable and active

**Corporate Key Action:** Assist new and existing local sporting clubs to be sustainable..

## **POLICY IMPLICATIONS**

SB2 Donations – Financial Assistance

Policy Objective

To direct the process of administering financial assistance to the local community, including not for profit groups, local schools, sporting and recreational clubs and disaster relief appeals. The aim of the financial assistance is to provide a direct benefit to the residents of the City of Belmont and to allow for additional flexibility to respond to the changing needs of the community.

*Item 12.4 Continued*

Policy Statement

The City of Belmont will consider administering financial assistance for donations under one of the following programs:

- Community Contribution Fund
- Specific Donations (through formal Memorandums of Understanding)
- In Kind Donations (use of Council community facilities).

Each program listed above has guidelines, which may be reviewed and modified on an operational level, in order to continuously improve the administration of the funds to meet the changing needs of the community. The Executive Leadership Team has the responsibility of approving or rejecting any proposed changes to the program guidelines.

This policy outlines the process of how all requests for financial support are assessed and administered. Requests for financial assistance will only be considered where it is determined that the financial assistance will provide a direct benefit to the City of Belmont community by service provision that is reflective of community needs.

**STATUTORY ENVIRONMENT**

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

**BACKGROUND**

Item 14.1 of the 23 October 2018 Ordinary Council Meeting considered the financial position of the BSRC and whether repayments of the interest free loan provided in March 2016 should be deferred. The resolution at the meeting was as follows:

*“FORESHADOWED COUNCILLOR MOTION  
SEKULLA MOVED, ROSSI SECONDED,*

*That Council:*

- 1. Note that the Belmont Sports and Recreation Club’s financial position has improved.*
- 2. Defer the repayment of the remaining loan balance of \$44,610 until July 2019.*
- 3. Request the Chief Executive Officer to advise the Belmont Sports and Recreation Club that the repayments have been deferred.*
- 4. Note that the Chief Executive Officer will undertake and finalise short term lease negotiations with the Belmont Sports and Recreation Club.*

*CARRIED BY ABSOLUTE MAJORITY 8 VOTES TO 0*

*Reason:*

*Uncertainty remains about the Club’s future financial sustainability despite positive improvements in the operation of the organisation.*

*Enables the Club to repay other debts and focus thereafter on its financial obligations to the City of Belmont.”*

Actions required have been undertaken, however a chronological anomaly has been identified which limits the effectiveness of any further consideration of this matter as the BSRC audited Annual Financial Report is not likely to be available until mid to late September 2019 at the earliest.

*Item 12.4 Continued*

### **OFFICER COMMENT**

In addition to the consideration of the recommencement of loan repayments, matters relating to the BSRC lease arrangements and rates applicable to the leased area are currently under consideration by the City.

It is considered that the most effective process for dealing with the loan, lease and rating issues is to consider them all in more detail following receipt of the BSRC's audited Annual Financial Report.

As Council has already resolved that loan repayments are deferred only until July 2019, the alignment of these matters for consideration will require a Council resolution to enable the Chief Executive Officer to further defer the repayments of the outstanding loan amount until after the BSRC audit report becomes available. Following the receipt of this report, a more detailed report will be provided to Council recommending actions based on all available information.

### **FINANCIAL IMPLICATIONS**

The only direct cost associated with this matter is the interest opportunity cost of deferring the loan repayments, which equates to approximately \$900 per annum or \$75 per month. Lease payments would not commence until such time as the lease is renegotiated, and is currently unquantifiable. Rates will be levied, however will not be pursued for payment until further considered as one of the matters in the future report to Council.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no specific social implications associated with this report at this time.

### **OFFICER RECOMMENDATION**

That Council defer the repayment of the remaining loan balance of \$44,610 until 31 December 2019 once the analysis of the financial status of the Belmont Sports and Recreation Club Inc. has been reviewed and a report provided to Council by the Chief Executive Officer.

### **ALTERNATIVE OFFICER RECOMMENDATION**

That Council note that the Belmont Sports and Recreation Club Inc. have confirmed that repayment of the outstanding loan balance of \$44,610 will commence immediately in accordance with the City's Loan Repayment Schedule.

*Item 12.4 Continued*

**Note:**

Cr J Davis declared an interest that may affect impartiality in Item 12.4.

Cr R Rossi put forward the following Alternative Councillor Motion.

**ALTERNATIVE COUNCILLOR MOTION**

**ROSSI MOVED, CAYOUN SECONDED,**

1. *That Council note that the Belmont Sports and Recreation Club Inc. have confirmed that repayment of the outstanding loan balance of \$44,610 will commence immediately in accordance with the City's Loan Repayment Schedule.*
2. *That Council request the Chief Executive Officer contact the Belmont Sports and Recreation Club asking to meet, so together we can move forward to resolve any issues and misunderstandings with the proposed lease.*

Reason:

To seek a resolution that is amicable to both sides.

**CARRIED 8 VOTES TO 0**

## 12.5 TERMS OF REFERENCE FOR THE EXECUTIVE COMMITTEE

### BUSINESS EXCELLENCE BELMONT

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.5 refers	<a href="#">Revised Terms of Reference – Executive Committee 2019</a>

Voting Requirement	:	Simple Majority
Subject Index	:	154/007: Standing Committees
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

To present revised Terms of Reference for the Executive Committee (refer [Attachment 1](#)) to Council for endorsement.

#### SUMMARY AND KEY ISSUES

To revise and update the Terms of Reference for the Executive Committee.

#### LOCATION

Not applicable.

*Item 12.5 Continued*

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

The Executive Committee assists Council to undertake its duties in relation to sections 5.38 and 5.39 of the *Local Government Act 1995* and Regulations 18C and 18D of the *Local Government (Administration) Regulations 1996*.

### **Local Government Act 1995**

#### **5.38. Annual review of certain employees' performances**

*The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.*

#### **5.39. Contracts for CEO and senior employees**

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) *Despite subsection (1) —*
  - (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
  - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) *A contract under this section —*
  - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
  - (b) *in every other case, cannot be for a term exceeding 5 years.*

*Item 12.5 Continued*

- (3) *A contract under this section is of no effect unless —*
- (a) *the expiry date is specified in the contract; and*
  - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
  - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.*
- (8) *A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.*

*[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13 (correction to reprint in Gazette 28 Mar 2013 p. 1317).]*

**Local Government (Administration) Regulations 1996**

**18C. Selection and appointment process for CEOs**

*The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.*

*[Regulation 18C inserted in Gazette 31 Mar 2005 p. 1038.]*

**18D. Performance review of CEO, local government's duties as to**

*A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.*

*[Regulation 18D inserted in Gazette 31 Mar 2005 p. 1038.]*

Item 12.5 Continued

## **BACKGROUND**

At the 27 July 2010 Ordinary Council Meeting, Council undertook a review of the City of Belmont Committee structure, including the scope of the Terms of Reference and membership structure of the Executive Committee.

Council resolved:

### **'MARKS MOVED, ROSSI SECONDED**

2. *That membership of the Executive Committee be amended to include the Mayor as the Presiding Member, the Deputy Mayor as Deputy Presiding Member and also consist of the Presiding Members of each of the three Standing Committees (with their respective Deputy Presiding Members acting as Proxy's).*

3. *That the Terms of Reference be modified to read as follows;*

*Terms of Reference:*

- *The Executive Committee is responsible for making recommendations to Council on Chief Executive Officer appointments/performance reviews.*
- *Assessment and actioning of complaints against the Chief Executive Officer, Councillors and the Mayor as prescribed in Council's Complaints Management Procedure.*

**CARRIED 10 VOTES TO 1**

*Against: Hitt'*

The current Executive Committee Terms of Reference are:

*'The Executive Committee is responsible for making recommendations to Council on Chief Executive Officer (CEO) appointments, contract reviews / renewals, performance and remuneration reviews and assessments and the actioning of complaints against the CEO, Councillors and the Mayor as prescribed in Council's Complaints Management Procedure.*

*The Committee is a formally appointed committee of Council and is responsible to that body. The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated power from Council. The Committee does not have any management functions and cannot involve itself in management processes or procedures.*

*The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.'*

*Item 12.5 Continued*

**OFFICER COMMENT**

The revised Executive Committee Terms of Reference are included in [Attachment 1](#).

Terms of Reference for all City of Belmont Standing Committees are currently being reviewed and updated to ensure consistency.

A revision to the Executive Committee Terms of Reference is pertinent to ensure consistency with the Terms of Reference of all City of Belmont Standing Committees and to provide guidance on the purpose and objectives of the Executive Committee.

The revised Terms of Reference provide clear guidance on the purpose and objectives of the Executive Committee and the duties and responsibilities of Committee members.

The content has been amended from the current Terms of Reference, however it does not substantively change the current role performed by the Committee.

The Executive Committee endorsed the revised Terms of Reference at the meeting held on 29 April 2019.

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**COMMITTEE RECOMMENDATION**

***That Council endorse the revised Terms of Reference for the Executive Committee (refer [Attachment 1](#)).***

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

## 12.6 TERMS OF REFERENCE FOR THE STANDING COMMITTEE (ENVIRONMENTAL)

### BUSINESS EXCELLENCE BELMONT

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2 – Item 12.6 refers	<a href="#">Revised Terms of Reference – Standing Committee (Environmental) 2019</a>

Voting Requirement	:	Simple Majority
Subject Index	:	154/007 – Standing Committees
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

To present revised Terms of Reference for the Standing Committee (Environmental) (refer [Attachment 2](#)) to Council for endorsement.

#### SUMMARY AND KEY ISSUES

To revise and update the Terms of Reference for the Standing Committee (Environmental).

*Item 12.6 Continued*

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

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

### **BACKGROUND**

The City of Belmont's Standing Committee (Environmental) first met on 9 May 2005 and continues today. The original Terms of Reference for the Standing Committee (Environmental) were:

*'The purpose of this Committee is to consider and recommend to Council on matters of strategic importance and relevance to the City of Belmont, in relation to the environment, public land and streetscapes. In particular, monitoring the progress with and undertaking the review of the Environment Plan and ISO14001 - 2004 Environmental Standards Audit reports.'*

The current Standing Committee (Environmental) Terms of Reference are:

*'To consider and recommend to Council on matters of strategic importance and relevance to the City of Belmont in relation to the environment, public land and streetscapes.*

*In particular, monitoring the progress with and undertaking the review of the Environment Plan.'*

*Item 12.6 Continued*

**OFFICER COMMENT**

The revised Standing Committee (Environmental) Terms of Reference are included in [Attachment 2](#).

Terms of Reference for all City of Belmont Standing Committees are currently being reviewed and updated to ensure consistency.

A revision of the Standing Committee (Environmental) Terms of Reference is pertinent to ensure consistency with the Terms of Reference of all City of Belmont Standing Committees.

The Terms of Reference provide clear guidance on the purpose and objectives of the Standing Committee (Environmental) and the duties and responsibilities of Committee members.

The Standing Committee (Environmental) endorsed the revised Terms of Reference at the meeting held on 10 June 2019.

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

The Duties and Responsibilities section of the Terms of Reference reflects the important role of Committee members in communicating Council social policies, strategies and plans to the community

**COMMITTEE RECOMMENDATION**

***That Council endorse the revised Terms of Reference for the Standing Committee (Environmental) (refer [Attachment 2](#)).***

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

## 12.7 TERMS OF REFERENCE FOR THE STANDING COMMITTEE (COMMUNITY VISION)

### BUSINESS EXCELLENCE BELMONT

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3 – Item 12.7 refers	<a href="#">Revised Terms of Reference – Standing Committee (Community Vision) 2019</a>

Voting Requirement	:	Simple Majority
Subject Index	:	154/007 – Standing Committees
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

To present revised Terms of Reference for the Standing Committee (Community Vision) (refer [Attachment 3](#)) to Council for endorsement.

#### SUMMARY AND KEY ISSUES

To revise and update the Terms of Reference for the Standing Committee (Community Vision).

*Item 12.7 Continued*

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

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

### **BACKGROUND**

The City of Belmont's Standing Committee (Community Vision) first met on 27 July 2010, as the Standing Committee (Community Capacity) and continues today. The original Terms of Reference for the Standing Committee (Community Capacity) were:

*'To examine, consider and recommend to Council on matters of strategic importance and relevance to the City of Belmont that relate to Community Development (now referred to as Community Capacity Building).*

*The Committee will act as a catalyst for social change that is driven by the community and designed to foster resilience and sustainability.*

*Through the Community Capacity Committee, Council's Community Development Department works with State Government and community organisations to identify opportunities to assist the community to develop services and structures to produce long term, sustainable improvements to enhance the quality of life of its community, taking into account the following areas:*

*Library Services, Leisure, Arts and Culture, Youth and Family Services, Community Wellbeing Crime Prevention, Seniors Services, Disability Access and Inclusion, Aboriginal Strategies Cultural and Linguistic Diversity (CALD) strategies, Affordable Housing Strategies, Community Capacity Building Strategies.'*

*Item 12.7 Continued*

### **OFFICER COMMENT**

The revised Standing Committee (Community Vision) Terms of Reference are included in [Attachment 3](#).

Terms of Reference for all City of Belmont Standing Committees are currently being reviewed and updated to ensure consistency.

A revision of the Standing Committee (Community Vision) Terms of Reference is pertinent to ensure consistency with the Terms of Reference of all City of Belmont Standing Committees.

The Terms of Reference provide clear guidance on the purpose and objectives of the Standing Committee (Community Vision) and the duties and responsibilities of Committee members.

There has only been one minor amendment to the Membership section of the Terms of Reference.

The Standing Committee (Community Vision) endorsed the amended Terms of Reference at the meeting held on Monday 10 June 2019.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

The primary objective of the Standing Committee (Community Vision) is to act as a catalyst for social change that is driven by the community and designed to foster resilience and sustainability as outlined in the Terms of Reference.

The Duties and Responsibilities section of the Terms of Reference reflects the important role of Committee members in communicating Council social policies, strategies and plans to the community.

### **COMMITTEE RECOMMENDATION**

**That Council endorse the revised Terms of Reference for the Standing Committee (Community Vision) (refer [Attachment 3](#)).**

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

## 12.8 FORMAL ADOPTION OF THE 2019-2020 ANNUAL BUDGET

### BUSINESS EXCELLENCE BELMONT

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4 – Item 12.8 refers	<a href="#">Draft Annual Budget 2019-2020</a>

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

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

To seek Council's formal adoption of the 2019-2020 Budget in the prescribed manner.

To report to Council on any submissions following the advertising of Council's intended differential rates in the dollar.

#### SUMMARY AND KEY ISSUES

The City's Budget must be adopted in the prescribed manner. The attachments accompanying this report are in fact the Budget presented in the prescribed manner. The adoption of the Budget enables the rates to be levied and Budget information to be distributed to the organisation.

*Item 12.8 Continued*

## **LOCATION**

Not applicable.

## **CONSULTATION**

The advertising of Council's intention to levy differential rates and the invitation to make submissions is designed to fulfil the consultation process required by the *Local Government Act 1995*.

## **STRATEGIC PLAN IMPLICATIONS**

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

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

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

The Budget provides the financial framework to enable the objectives and outcomes of the Strategic Plan to be achieved.

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

In accordance with Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996* as amended, the 2019-2020 Budget is presented in the prescribed manner for formal adoption. The Statutory Budget has been prepared incorporating the principles of the Australian Accounting Standards.

## **BACKGROUND**

In accordance with Section 6.2 of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* as amended, the 2019-2020 Budget is presented in the prescribed manner for formal adoption. The Statutory Budget (refer [Attachment 4](#)) has been prepared incorporating the principles of the Australian Accounting Standards and Council's accounting policies.

Council has, in accordance with Section 6.36 of the *Local Government Act 1995*, advertised its intention to levy differential rates and the applicable rates in the dollar, together with minimum payments, in both the West Australian and the Southern Gazette newspapers and invited submissions to be lodged prior to 4.00pm on 22 July 2019. At the time of writing this report no submissions had been received and any that are will be tabled at the meeting.

*Item 12.8 Continued*

**OFFICER COMMENT**

The adoption of the 2019-2020 Budget in the prescribed manner is the culmination of an extensive process that commenced in February 2019. There are a number of statutory processes that are required and have been met ensuring that certain factors of the Budget are put into the public arena.

The Budgets for service delivery and infrastructure maintenance, together with the extensive Capital Works Programme, have been developed within previously adopted strategies and plans. This ensures that Council's assets are improved, maintained and replaced at the appropriate time, thus assisting with the management of long-term financial responsibilities.

The preparation of the 2019-2020 Budget has again highlighted the challenges faced in meeting the community's expectations, containing compliance costs and keeping the rate increases at a reasonable level. The 2019-2020 Budget has however, achieved all of these factors due to prudent budgeting and continued growth in the City's rate base.

The Fees and Charges Schedule has undergone a final review to ensure the Council's fees and charges are reviewed and reported through the Budget process.

Landgate sets the Gross Rental Values (GRV) and Council determines the rate in the dollar. The GRV is multiplied by the rate in the dollar, to give the total rates payable.

Council has three differential rates being Residential, Commercial and Industrial. Council must also set a minimum payment for each rating category that cannot be charged on more than 50% of the total properties for any rate category i.e. Residential, Commercial or Industrial.

As was reported during the rate setting budget process, a balanced budget has been achieved with a 1.76% increase in the rate yield. As reported in the (June OCM) Rate Calculations report, the Consumer Price Index (CPI) for Perth is forecasted to be 1.75% during 2019-2020. The WALGA Local Government Cost Index (LGCI) is forecasted to be 1.80% during 2019-2020. Based on information currently available, this results in the City maintaining its Residential rate in the dollar as the third lowest in the Perth Metropolitan Area.

The budget allows for rubbish charges/fees to increase in line with CPI (i.e. 1.75% increase) in 2019-2020 resulting in the (base) rubbish charge increasing from \$313.32 to \$318.81. Rubbish charges are a fee for service and aim to cover costs although there is a small surplus expected in 2019-2020 that is to be transferred to the Waste Management Reserve that will be available for future waste Food Organics, Garden Organics (FOGO) implementation purposes.

It is important for Council to adopt a budget that takes account of any inflationary factors. The draft budget has been prepared adopting a responsible approach to rate increases and operating expenditures, but still delivering some major projects. This Budget is based on an average growth factor of approximately 2% depending on the nature of the income or expense. Salary related costs have allowed for a budget increase of 2.6% based on third party advice.

*Item 12.8 Continued*

A balanced budget has been achieved with only a minor increase in the rate yield. This continues the strategy of increasing rates in line with relative forecasted price indices and sufficiently to offset the budget deficit. This strategy is supported by a thorough review of expenditure budgets with a zero based budget being the starting point. The budget is a key component in the Integrated Planning Reporting process and enables Council to financially resource key actions as identified in the Corporate Business Plan. This ensures budgets remain focused on the community's needs. Expenditure efficiency measures as supported by Councils Purchasing Policy are also considered and factored into the budget process.

The adoption of the Budget in the prescribed manner ends the 2019-2020 Budget process and enables Council to issue the 2019-2020 rate notices in mid-August.

The whole Budget process has been an organisational team effort, involving a large number of officers throughout the organisation to ensure the City's strategic direction is maintained. Councillors have also participated through the Information Forum and Briefing process together with direct contact with all Senior Managers, resulting in a sound and responsible Budget for the 2019-2020 financial year.

It is also pleasing to note that Council has again been able to maintain its Budget timetable as was adopted in February, ensuring that all its statutory obligations are adhered to and a sound budget is adopted in a timely manner.

The draft document has been included for Council's information however, it should be treated as a draft, as final checking and formatting is still required to ensure a professionally printed final document. Financial information contained within the document is not subject to any change.

### **FINANCIAL IMPLICATIONS**

The Annual Budget provides the financial framework for the Council to provide the necessary resources to fulfil its strategic objectives, fulfil its statutory and compliance obligations and enhance the Community and its assets in accordance with Council's Vision for the City of Belmont.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

Item 12.8 Continued

**OFFICER RECOMMENDATION**

***That Council***

1. ***Adopt the 2019-2020 Statutory Budget as contained in [Attachment 4](#) which includes:***
  - ***Statement of Comprehensive Income by Program***
  - ***Statement of Comprehensive Income by Nature and Type***
  - ***Statement of Financial Position***
  - ***Statement of Cash Flows***
  - ***Rate Setting Statement***
  - ***Supporting notes, tables and other information.***
2. ***That the following general rates be endorsed for rate setting purposes that equate to a 1.75% increase in the total rate levy.***

<b>Rate</b>	<b>Cents in the Dollar</b>
<b>Residential</b>	<b>5.3341</b>
<b>Commercial</b>	<b>6.2718</b>
<b>Industrial</b>	<b>6.2889</b>

3. ***That the following minimum payments that result in a 1.8%, 1.5% and 1.5% increase for Residential, Commercial and Industrial respectively be endorsed.***

<b>Rate</b>	<b>\$</b>
<b>Residential</b>	<b>840</b>
<b>Commercial</b>	<b>990</b>
<b>Industrial</b>	<b>1,010</b>

4. ***That in accordance with Section 6.46 of the Local Government Act 1995, Council offers a 5% discount to ratepayers who pay the full amount owing within 35 days of issuing the rate notice.***
5. ***That Council offer the following instalments for payment of Council Rates:***
  - a) ***Single payment (all charges);***
  - b) ***Two equal instalments (all charges); or***
  - c) ***Four equal instalments (all charges),***  
***in accordance with Section 6.45 of the Local Government Act 1995.***
6. ***That in accordance with Section 6.45 of the Local Government Act 1995, Council imposes a \$20.00 Administration Fee for all instalment options (excluding registered pensioners / seniors).***
7. ***That in accordance with Section 6.45 of the Local Government Act 1995, Council imposes the maximum instalment interest rate allowable. This is currently 5.5% and is applicable to the four instalment option.***
8. ***That in accordance with Section 6.51 of the Local Government Act 1995, Council imposes the maximum penalty interest rate allowable. This is 11% and is applicable to overdue rates (including alternate arrangements).***

*Item 12.8 Continued*

9. ***That Council continue to offer arrangements to Ratepayers suffering hardship in accordance with Council's Policy relating to the payment of rates and in accordance with Section 6.49 of the Local Government Act 1995.***
10. ***That the payments in lieu of rates received by Council continue to be rated at the Commercial Differential Rate in the dollar on Gross Rental Values.***
11. ***That the following Rubbish Charges be endorsed that equate to a 1.75% increase:***
  - a) ***\$318.81 per annum for one full service which includes a 240 litre cart removed weekly, 240 litre cart for recyclables removed fortnightly and up to 4 bulk bins per annum;***
    - ***additional full service = \$318.81;***
    - ***additional service rubbish = \$223.16;***
    - ***additional service recycling = \$111.58;***
  - b) ***\$430.39 per annum for non-rateable properties for one full service which includes a 240 litre cart removed weekly, 240 litre cart for recyclables removed fortnightly and up to 4 bulk bins per annum (\$318.81 for additional services);***
  - c) ***Exempted Commercial and Industrial properties = \$111.58;***
  - d) ***Apartments – shared service = \$223.16 per unit.***
12. ***That a Swimming Pool Levy for mandatory inspections is set at \$14.60 per annum.***
13. ***Note that in accordance with Section 6.36 of the Local Government Act 1995, the Director Corporate and Governance has advertised the proposed differential rates in the dollar for the statutory 21 day period.***

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

## 12.9 ACCOUNTS FOR PAYMENT – JUNE 2019

### BUSINESS EXCELLENCE BELMONT

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5 – Item 12.9 refers	<a href="#">Accounts for Payment – June 2019</a>

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

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

#### SUMMARY AND KEY ISSUES

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

*Item 12.9 Continued*

**LOCATION**

Not applicable.

**CONSULTATION**

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

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

**STATUTORY ENVIRONMENT**

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

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

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

**BACKGROUND**

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

**OFFICER COMMENT**

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

Municipal Fund Cheques	788160 to 788185	\$209,735.78
Municipal Fund EFTs	EF062170 to EF062650	\$7,640,543.01
Municipal Fund Payroll	June 2019	\$1,494,579.06
Trust Fund EFT	EF062182 to EF062183	<u>\$26,122.47</u>
Total Payments for June 2019		<b>\$9,370,980.32</b>

A copy of the Authorised Payment Listing is included as [Attachment 5](#) to this report.

*Item 12.9 Continued*

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

*That the Authorised Payment Listing for June 2019 as provided under [Attachment 5](#) be received.*

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

## 12.10 MONTHLY ACTIVITY STATEMENT AS AT 30 JUNE 2019

### BUSINESS EXCELLENCE BELMONT

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 6 – Item 12.10 refers	<a href="#">Monthly Activity Statement as at 30 June 2019</a>

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

#### COUNCIL ROLE

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

#### SUMMARY AND KEY ISSUES

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

*Item 12.10 Continued*

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

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

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

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

### **BACKGROUND**

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

### **OFFICER COMMENT**

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

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

*Item 12.10 Continued*

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

The monthly financial report is to be accompanied by:

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

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

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

*\*\*\*Based on a materiality threshold of 10 percent of the July authorised budgeted closing balance as previously adopted by Council.*

In order to provide more details regarding significant variations as included in [Attachment 6](#) the following summary is provided.

**Please note that the 30 June 2019 Financial Report is still to be updated for end of year accounting adjustments. The main adjustments include June Activity Based Costing allocations, reserve transfers, expenditure accruals, salary accruals and leave accruals.**

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Expenditure - Capital</b>			
Marketing and Communications	257,875	71,678	Variance largely relates to deferring the purchase of banner poles.
Transfer To Reserve	8,234,577	Nil	Reserve transfers will occur once all 2018-2019 accounting adjustments are finalised.
Human Resources	144,125	40,963	Purchase of fleet has been delayed due to usage / mileage.
Property and Economic Development	44,875	680,000	Purchase of land as adopted at June OCM.
Community Services	161,308	52,582	Purchase of fleet has been delayed due to usage / mileage.
Belmont HACC Services	77,696	Nil	Purchase of fleet has been delayed due to usage / mileage plus reserve transfers are outstanding.
Town Planning	395,814	312,576	Receipt and payment of development contribution (Springs) budgeted in June.
Ruth Faulkner Library	211,100	38,831	Relates to both the library automated returns sorter which is expected to be less than budget and the purchase of fleet that has been delayed.
Grounds Operations	2,591,185	1,712,673	Expected to be under budget due to the carry forward of certain projects including Peachey Park and Forster Park upgrades and Brearley Avenue irrigation.

Item 12.10 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Road Works	9,054,344	8,025,083	Variance expected to be \$0.4M less than budget mainly due to the carry forward of Belgravia Street renewal works.
Streetscapes	591,993	232,036	Variance relates to Belmont Business Park signage design project with \$0.4M to be carried forward.
Footpath Works	732,152	607,146	Variance relates both to contractor costs yet to be invoiced and some projects have been delayed as they require third party approval.
Drainage Works	847,272	796,165	Drainage construction program is complete and is expected to be slightly less than budget.
Operations Centre	691,288	344,995	Purchase of Plant has been delayed.
Building Operations	22,417,467	18,521,983	Variance relates to the New Community Centre.
<b>Expenditure – Operating</b>			
Finance Department	2,025,811	1,935,563	Variance primarily due to ABC's allocations for June that are outstanding and will be updated once all operating costs for the 2018-2019 financial year are finalised.
Computing	2,487,221	2,046,355	It is anticipated that IT expenditure will be approx. \$170K under budget mainly due to Business Applications and Communication expenses.
Marketing and Communications	1,215,885	1,075,048	Marketing have a number of minor variances which are expected to reduce by the end of the financial year.
Insurance	754,813	701,798	Budget allowed for year-end workers compensation claim.
Governance	3,805,488	3,295,906	ABC allocations are the primary reason for the variance.
Accommodation Costs	580,539	515,620	Utility costs, particularly power, are under budget.
Property and Economic Development	930,435	841,433	Minor variances across a number of items including ABC's.
Belmont Community Watch	1,304,380	1,099,917	Timing issue regarding the receipt and payment of invoices.
Rangers	927,872	840,965	Minor variances across a number of items including ABC's.
Crime Prevention and Community Safety	674,392	554,851	Primary reason for the variance relates to the Community Safety Taskforce.
Health	1,351,977	1,229,441	Minor variances across a number of items including ABC's.
Aboriginal Strategies	278,613	211,594	Minor variances across a number of items including ABC's.

Item 12.10 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Community Lifestyle and Learning	647,317	553,795	Some costs including consulting, project management and legal are expected to be less than budget.
Belmont HACC Services	2,431,320	2,238,987	Variance predominantly relates to employee costs and ABC allocations.
Youth Services General	713,566	649,014	Timing issue regarding the payment of the June invoice.
Town Planning	2,932,605	2,559,902	Some costs including employee related, consulting and legal are expected to be less than budget.
Sanitation Charges	6,470,333	5,613,409	Variance relates to both the timing of invoices being received and the volumes of bin services are less than expected.
Donations and Grants	389,859	305,212	Community Contribution Fund donations are expected to be \$33K less than budget otherwise the final variance will be reduced following year-end accruals.
Ruth Faulkner Library	2,383,386	2,184,506	Variance predominantly relates to consultants, employee costs and ABC allocations.
Community Wellbeing	794,668	689,248	Variance predominantly relates to consultants, employee costs and ABC allocations.
Building - Active Reserves	897,605	802,064	Mainly relates to contractor costs that are paid one month in arrears.
Grounds Operations	5,574,567	5,185,144	It is expected that employee and consulting costs will be under budget.
Grounds Overheads	1,484,057	1,343,643	It is expected total costs will be approx. \$120K under budget mainly due to employee and consulting costs.
Road Works	1,090,814	1,014,534	Timing issue regarding the receipt and payment of invoices.
Streetscapes	1,787,463	1,602,295	Mainly relates to contractor costs that are paid in arrears.
Building Control	1,322,099	1,208,444	Variance predominantly relates to consultants, employee costs and ABC allocations.
Building Operations	1,039,271	925,307	Variance predominantly relates to utilities, consultants, employee costs and ABC allocations.
Building Overheads	94,051	157,318	Variance predominantly relates to an unbudgeted Eligible Termination Payment which will be funded by reserve funds.
Plant Operating Costs	1,084,267	953,789	Employee and agency costs are below budget.
Technical Services	2,582,183	2,301,728	Variance relates to employee costs and ABC allocations.

Item 12.10 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Revenue – Capital</b>			
Computing	(375,330)	(25,409)	Reserve transfers will occur once all 2018-2019 accounting adjustments are finalised.
Marketing and Communications	(75,837)	Nil	Disposal of fleet has been delayed due to usage / mileage and reserve transfers are outstanding.
Human Resources	(94,251)	(25,545)	Disposal of fleet has been delayed due to usage / mileage.
Property and Economic Development	(37,067)	20,000	Transactions are to be reallocated to correct account.
Financing Activities	(747,263)	(59,700)	Outstanding reserve transfers.
Crime Prevention and Community Safety	Nil	(98,368)	Prepaid grant income.
Health	(100,509)	(27,364)	Mainly relates to outstanding reserve transfers.
Ascot Close Housing	(61,996)	Nil	Outstanding reserve transfers.
Wahroonga Housing	(109,211)	Nil	Outstanding reserve transfers.
Ruth Faulkner Library	(71,305)	Nil	Mainly relates to outstanding reserve transfers.
Community Wellbeing	(7,070)	(93,000)	Income to be transferred to reserve.
Grounds Operations	(663,303)	(66,615)	Relates to outstanding grant income and reserve transfers.
Road Works	(4,324,045)	(4,068,605)	Relates to outstanding road grants that are expected to be received in 2019-2020.
Operations Centre	(633,520)	(121,500)	Replacement of Plant has been delayed.
Building Operations	(8,730,029)	(4,415,367)	Relates to outstanding grant income and reserve transfers.
Technical Services	(271,217)	(120,724)	Disposal of fleet has been delayed due to usage / mileage and reserve transfers are outstanding.
<b>Revenue - Operating</b>			
Finance Department	(2,040,014)	(1,810,625)	ABC recoveries currently below budget.
Computing	(2,422,601)	(1,939,607)	ABC recoveries currently below budget.
Reimbursements	(267,336)	(211,391)	Reimbursement income is offset by expenditure and will balance at the conclusion of the financial year.
Insurance	(776,478)	(842,732)	Income received as a result of a prior year workers compensation adjustment.
Records Management	(797,536)	(689,131)	ABC recoveries currently below budget.
Human Resources	(1,365,836)	(1,267,235)	ABC recoveries currently below budget.
Accommodation Costs	(599,583)	(457,410)	ABC recoveries currently below budget.
Rates	(50,021,264)	(49,596,045)	Growth in rates income, particularly ex gratia rates, was less than expected.

Item 12.10 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
General Purpose Income	(435,639)	(903,321)	Financial Assistance Grant for 2019-2020 was 50% prepaid in June.
Financing Activities	(2,148,214)	(1,556,252)	Variance will diminish significantly once outstanding interest income is accrued.
Health	(449,869)	(388,933)	ABC recoveries currently below budget.
Orana Aged Housing	(105,000)	(0)	Outstanding net rent income yet to be accrued.
Gabriel Gardens	(94,000)	Nil	Outstanding net rent income yet to be accrued.
Faulkner Park Retirement Village	(200,000)	(94,211)	Unit sales less than expected.
Town Planning	(1,338,228)	(1,122,001)	ABC recoveries currently below budget.
Sanitation Charges	(6,460,661)	(6,344,825)	Additional bin services were slightly less than anticipated.
Road Works	(266,571)	(556,135)	Financial Assistance Grant for 2019-2020 was 50% prepaid in June.
Public Works Overheads	(1,520,297)	(966,026)	There has been a higher than expected use of contractors and the recoveries will be reviewed and updated as part of the year-end process
Plant Operating Costs	(1,710,437)	(1,385,733)	Overhead recoveries are below budget and will be updated as part of the year-end process.
Technical Services	(479,714)	(355,000)	ABC recoveries currently below budget.
Other Public Works	(69,000)	(165,361)	More Private Works jobs than anticipated.

*Item 12.10 Continued*

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

<b>Reconciliation of Nett Current Assets to Statement of Financial Activity</b>		
<b>Current Assets as at 30 June 2019</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	68,960,958	Includes municipal and reserves
- less non rate setting cash	(54,048,839)	Reserves
Receivables	2,740,851	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(175,076)	ESL Receivable
Stock on hand	213,459	
<b>Total Current Assets</b>	<b>17,691,354</b>	
<b>Current Liabilities</b>		
Creditors and provisions	(8,877,288)	Includes ESL and deposits
- less non rate setting creditors and provisions	2,416,542	Cash Backed LSL, current loans and ESL
<b>Total Current Liabilities</b>	<b>(6,460,745)</b>	
<b>Nett Current Assets 30 June 2019</b>	<b>11,230,608</b>	
<b>Nett Current Assets as Per Financial Activity Report</b>		
Nett Current Assets as Per Financial Activity Report	11,230,608	
Less Restricted Assets	(244,033)	Unspent grants held for specific purposes
Less Committed Assets	<b>(10,486,575)</b>	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

***That the Monthly Financial Reports as at 30 June 2019 as included in [Attachment 6](#) be received.***

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

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

**13.1 REQUESTS FOR LEAVE OF ABSENCE**

Nil.

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

Note:

The Presiding Member advised that in accordance with Section 5.23(2) of the *Local Government Act 1995* if there were any questions on Confidential Item 14.1, then Council will need to go behind closed doors.

8.09pm ***SEKULLA MOVED, DAVIS 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 – Aged and Community Care Reform.***

**CARRIED 8 VOTES TO 0**

8.09pm Members of the public gallery departed the meeting.

**14.1 AGED AND COMMUNITY CARE REFORM**

**SOCIAL BELMONT**

<b>Attachment No.</b>	<b>Details</b>
Confidential Attachment 3 - Item 14.1 refers	<a href="#"><u>Report Item – Aged and Community Care Reform</u></a>

**OFFICER RECOMMENDATION**

**SEKULLA MOVED, BASS SECONDED,**

***That Council:***

- 1. Endorse Option 4 as outlined within the Officer Comment section of this report.***
- 2. Endorse the proposed implementation strategy as outlined within the Officer Comment section of this report.***
- 3. Directs the Chief Executive Officer to:***
  - (a) Continue to monitor the impacts of the changes in the aged care system for both the community and the City and advocate to the State and Federal Governments to address any emerging issues.***
  - (b) Ensure identified gaps and emerging issues are suitably addressed through modifications and realignment of the strategic direction within the City's Age-Friendly Belmont Plan.***

**CARRIED 8 VOTES TO 0**

8.14pm **POWELL MOVED, RYAN SECONDED**, that the meeting again be open to the public.

**CARRIED 8 VOTES TO 0**

8.14pm 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 8.14pm.

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### MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 31 July 2019 were confirmed as a true and accurate record at the Ordinary Council Meeting held 27 August 2019:

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



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